

**NSLPP MEETING HELD ON 07/05/2025****Attachments:**

1. Site Plan
2. Architectural Plans & Landscape Plans
3. Arborist Report & Structural Engineers Footing Plan
4. Heritage Impact Statement

ADDRESS: 11 King George Street, Lavender Bay**APPLICATION No:** DA 270/2024**PROPOSAL:** Alterations and additions to existing dwelling house including partial demolition of dwelling including garage, addition of a pavilion and garage, new pool and alterations to landscaping**PLANS REF:**

Plan No.	Rev	Description	Prepared by	Dated
DA.204	D	Demolition Ground Floor Plan	Madeleine Blanchfield Architects	05/03/2025
DA.205	D	Demolition First Floor Plan	Madeleine Blanchfield Architects	05/03/2025
DA.206	D	Demolition Roof Plan	Madeleine Blanchfield Architects	05/03/2025
DA.301	D	Proposed Ground Floor Plan	Madeleine Blanchfield Architects	05/03/2025
DA.302	D	Proposed First Floor Plan	Madeleine Blanchfield Architects	05/03/2025
DA.303	D	Proposed Roof Plan	Madeleine Blanchfield Architects	05/03/2025
DA.401	D	Proposed Front (West) Elevation	Madeleine Blanchfield Architects	05/03/2025
DA.402	D	Proposed East Elevation	Madeleine Blanchfield Architects	05/03/2025
DA.403	D	Proposed North Elevation	Madeleine Blanchfield Architects	05/03/2025
DA.404	D	Proposed South Elevation	Madeleine Blanchfield Architects	05/03/2025
DA.501	D	Proposed Longitudinal Section	Madeleine Blanchfield Architects	05/03/2025
DA.502	D	Proposed Cross Section	Madeleine Blanchfield Architects	05/03/2025
DA.503	D	Proposed Cross Section	Madeleine Blanchfield Architects	05/03/2025

OWNER: Martin Ulrich Kronberg & Lauren Patricia Gilbert**APPLICANT:** Madelaine Blanchfield Architects Pty Ltd**AUTHOR:** Thomas Holman, Senior Assessment Officer**DATE OF REPORT:** 03 April 2025**DATE LODGED:** 23 October 2024**AMENDED:** 20 March 2025**RECOMMENDATION:** Approval

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to a heritage listed dwelling house at 11 King George Street, Lavender Bay. The proposed work includes demolition of an existing two storey side wing and construction of a new two storey side / rear pavilion with garage, new living area and kitchen, with master bedroom suite above. Alterations are also proposed to the dwelling fenestration, amendments to landscaping and a replacement swimming pool.

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

The dwelling is significant as a good example of a substantial Victorian house in the Italianate style located on a picturesque corner location with mature trees. The two storey addition replaces a later addition to the main dwelling and is designed to be submissive in scale below the eaves of the main dwelling. The proposed elevations comprise predominantly pale brick complementary to the appearance of the dwelling. The addition is setback from the principal elevation facing Waiwera Street to provide a separation and interpretation between the addition and the heritage item. Council's Conservation Planner has assessed the design and has confirmed that it would conserve the heritage significance of the heritage item and conservation area subject to minor changes by condition.

A condition of consent is recommended to retain the ground and first floor windows either side of the chimney breast on the east elevation to reduce the extent of glazing and assist in the interpretation of the heritage significance of the building.

The existing landscaping for the site includes large areas of paving, a large swimming pool and a mature tree canopy including three mature native trees in the south western corner of the site and a semi-mature Leyland Cypress on the rear and side boundaries of the site.

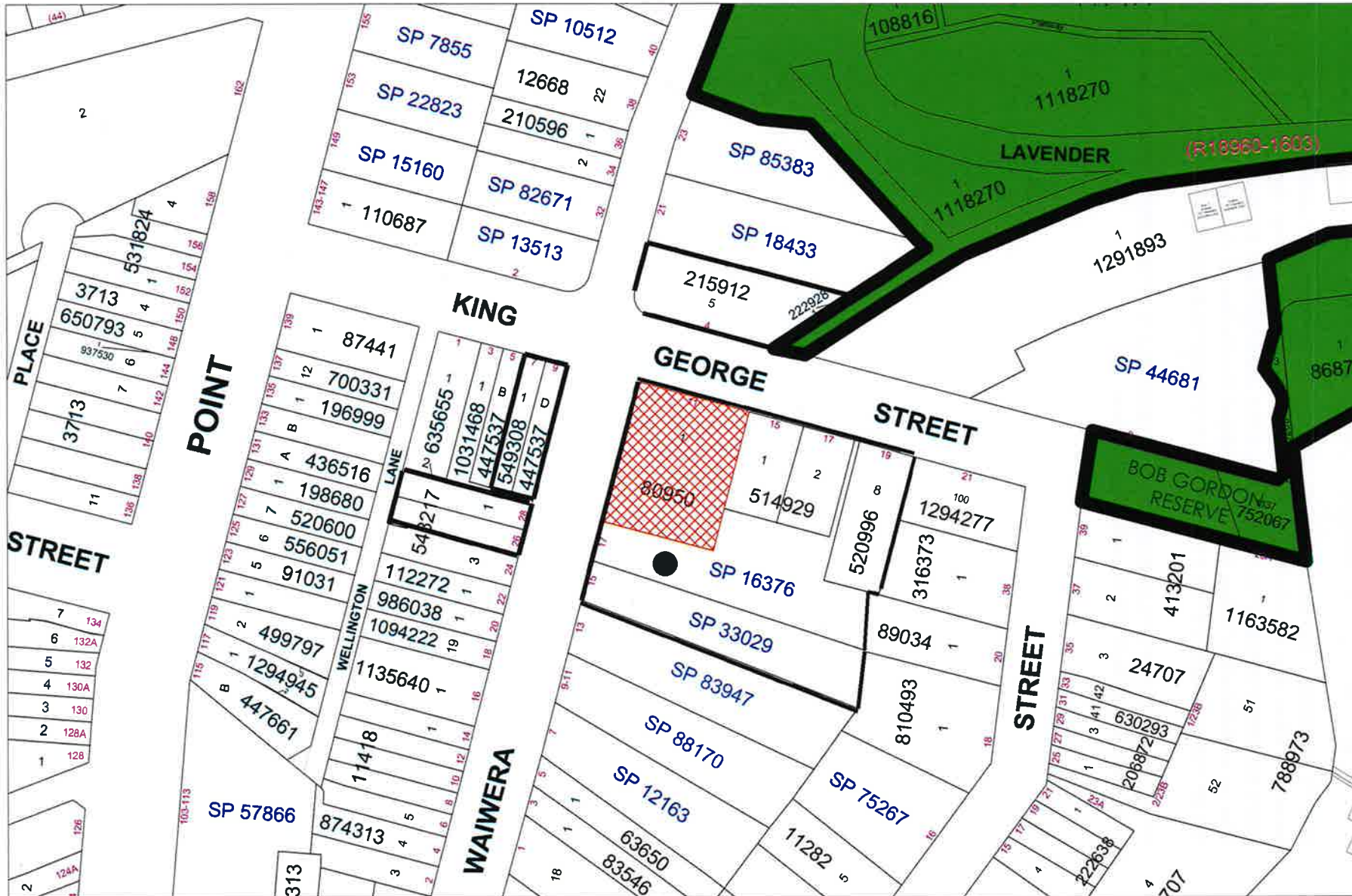
The application includes an arborist report and addendum plus a detailed structural methodology to construct the new addition which is within the tree protection zone of three mature native trees (*T1 Eucalyptus microcorys*, *T2 Eucalyptus microcorys* & *T3 Lophostemon confertus*). The methodology to construct the addition being a suspended slab above grade supported by piers is assessed as supportable subject to detailed construction design and subject to on-site monitoring by a qualified arborist. Conditions are recommended concerning tree protection, supervision of construction by a Project Arborist and sensitive construction techniques.

The development inclusive of the new addition has a proposed site coverage of 42% which exceeds the maximum 35% stipulated in Section 1.5.5 of NSDCP 2013. However, there is sufficient merit for the proposed site coverage most notably if the site area were 2m² less the site would be subject to a lesser maximum of 40% as stipulated in Table B-1.6, s1.5.5 of NSDCP 2013. It is also notable the development proposes a positive outcome removing paved areas and artificial lawn for new landscaping and compliance with the minimum 45% landscaped area.

One (1) submission has been received raising concerns regarding overlooking of units and communal areas plus overshadowing. Neighbouring amenity including visual privacy and solar access has been considered in detail as part of the assessment and the development would not have an unreasonable shadow impact and subject to retention of the tree canopy and mature rear boundary hedging there is no direct or close views to neighbouring properties.

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

LOCATION MAP



☐ Property/Applicant
 ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal seeks to demolish the existing two storey side wing and construct a new two storey side / rear pavilion with garage, new living area and kitchen, with master bedroom suite above. The proposed alterations and additions will also comprise of amendments to existing landscaping and a replacement swimming pool. Below is a more detailed description of the proposed works:

Ground Floor

- Demolition works – Demolition of existing garage, demolition of existing driveway, vehicular entry including gate and columns. Demolition of internal partitions including laundry/storage and pantry. Demolition works within the curtilage of the site including removal of pavers and demolition of existing pool.
- Alterations to existing fenestration including increasing the size/height of the window and door openings on the eastern rear elevation.
- Construction of a new two storey addition to the southern side of the dwelling comprising a two bay garage, kitchen and living area. New landscaping is proposed within the northern and eastern setbacks of the site inclusive of lawn areas and planting of shrubs, ground covers and small tree planting.

First Floor

- Demolition works – Demolition of internal elements such as a door within an existing hallway, creation of an opening on the southern elevation to provide access between the dwelling first floor of the addition.
- The first floor of the addition on the southern side of the dwelling comprises a master bedroom and terrace.
- Alterations to existing fenestration including increasing the size/height of the window openings on the eastern rear elevation. An existing frosted glass window on the western elevation is to be replaced with clear glass.

Roof

- The two storey addition will comprise of a flat roof.

Landscaping

- The development proposes the retention of three (3) trees and one (1) hedge, and the removal of trees/hedges within the site. Below are a list of trees/hedges sought for removal:
 - *Mangifera indica* (Mango) 6m in height.
 - *Plumeria acutifolia* (Frangipanni) 3m in height.
 - 24 x *Pyrus calleryana* (Vallery Pear) 2-4m in height.
- New lawn areas within the northern and eastern setbacks of the site.
- New groundcovers and shrubs within the curtilage of the site as per the Landscape Plan prepared by Dangar Barin Smith.
- New Tree Planting – 2 x *Olea europaea*, 1 x *Acer palmatum* and 1 x *Gleditsia triacanthos*.

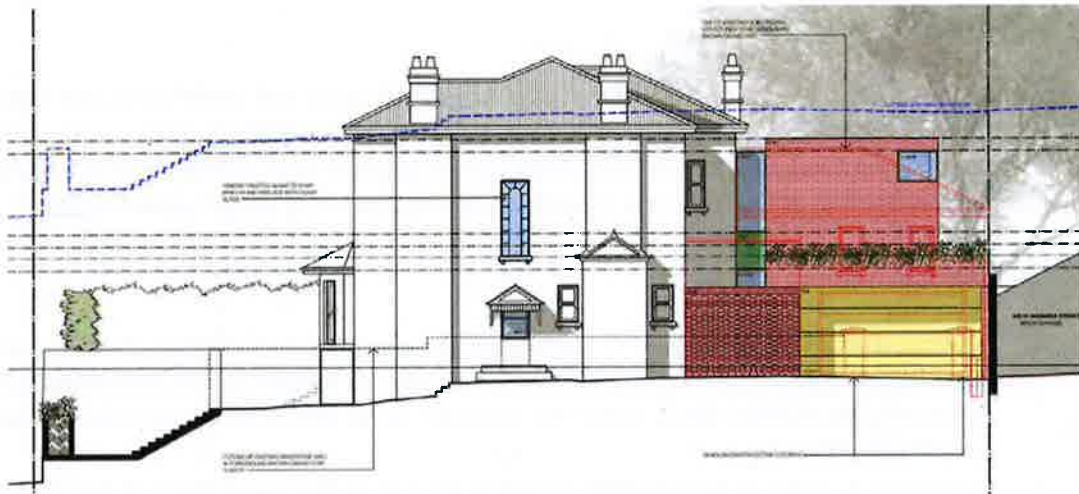


Figure 1 – Proposed Front (West) Elevation



Figure 2 – Proposed Rear (East) Elevation



Figure 3 – Proposed Side (North) Elevation

STATUTORY CONTROLS

North Sydney LEP 2013

- Zoning – R3 Medium Density Residential Zone
- Item of Heritage – Yes 'I0326 Local Heritage Item – 11 King George Street'
- In Vicinity of Item of Heritage – Yes Local Items 'I0327 15 King George Street, I0328 17 King George Street'
- Conservation Area – CA13 'McMahons Point North'
- FSBL - No

Environmental Planning & Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

SEPP (Biodiversity and Conservation) 2021

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

SEPP (Resilience and Hazards) 2021

- Chapter 4 Remediation of Land

SEPP (Transport & Infrastructure) 2021

- Chapter 2 Infrastructure

SEPP (Sustainable Buildings) 2022

POLICY CONTROLS

NORTH SYDNEY DCP 2013

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site is located on the south-eastern corner of King George and Waiwera Street and is known as No. 11 King George Street, Lavender Bay described as Lot 1 in DP80950.

The site is a rectangular parcel of land, with a northern boundary of 24.36m, an eastern boundary of 30.67m, a southern boundary of 24.435m and a western boundary of 30.745m and a total site area of 751m².

The site is a local heritage item 'I0326' which is a building designed in the Victorian Italianate Style. It is a two storey rendered brick house painted white with a hipped corrugated iron roof. The northern elevation of the dwelling has a ground level verandah and first floor balcony covered by hipped bell-cast roof supported by timber posts.



Figures 4 & 5 – Photos of the property from Waiwera Street



Figures 6 & 7 – Photos of the garage and first floor above the garage sought for demolition



Figures 8 & 9 – Photo of the covered patio subject to demolition (left) and new landscaping and existing eastern elevation subject to alterations to existing door and windows (right)



Figures 10 & 11 – Photo of the windows on the eastern elevation subject to alterations (left) and existing pool and paved surrounds subject to demolition and construction with a new pool and landscaping (right)

The site is zoned R3 Medium Density Residential and is located within the McMahons Point North Conservation Area. The site is subject to a maximum 8.5m height of building.

The site has a rail corridor (SP2 Railway) which transits below the subject site. The rail tunnel known as the Lavender Bay Tunnel is still in use reserved as a siding.



Figures 12 & 13 – Land Zoning Map (left) and Heritage Map (right) with site hatched in red

RELEVANT HISTORY

Previous Applications

Date	Action
08/12/2016	Development Application No. 268/16 proposing alterations and additions including removal of an existing pergola and replacement with a conservatory was approved on 08 December 2016. However, it is noted the works have not been completed and the conservatory has not been constructed.



Figure 14 – Approved East Elevation with Conservatory, DA 268/16

15/10/2012

Development Application No. 297/12 proposing a hand rail to existing stairs that encroaches the public footpath was approved on 15/10/2012.

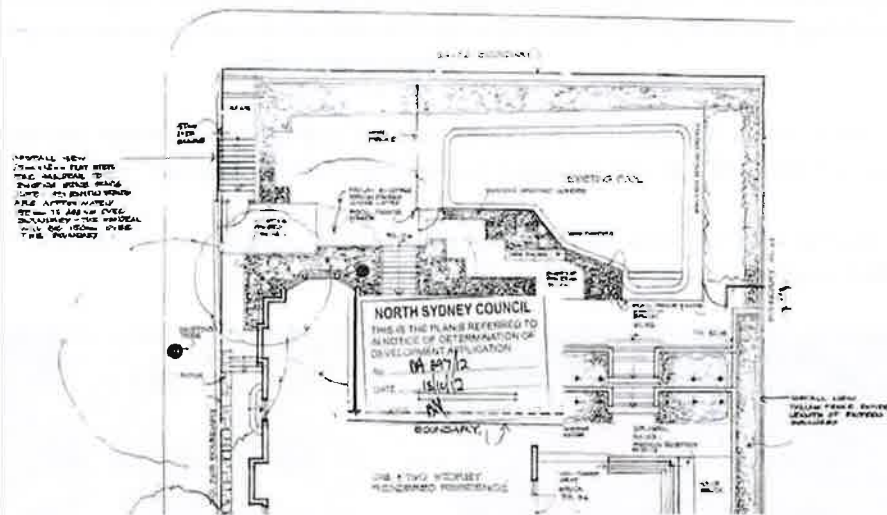
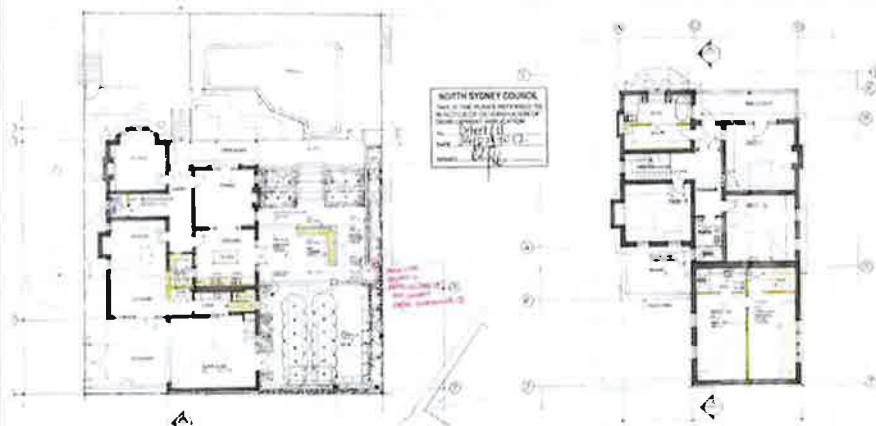


Figure 15 – Approved Landscape Concept Plan, DA 297/12

24/02/2012

Development Application No. 469/11 proposing internal alterations and landscaping works was approved on 24/02/2012. Below are plans to identify the scope of works.



Figures 16 & 17 – Approved Ground and First Floor Plan, DA 469/11

19/10/2006

Development Application No. 418/06 proposing landscaping works including retaining walls, paved area and covered barbeque area was approved on 19/10/06. Below are plans that identify the scope of works.

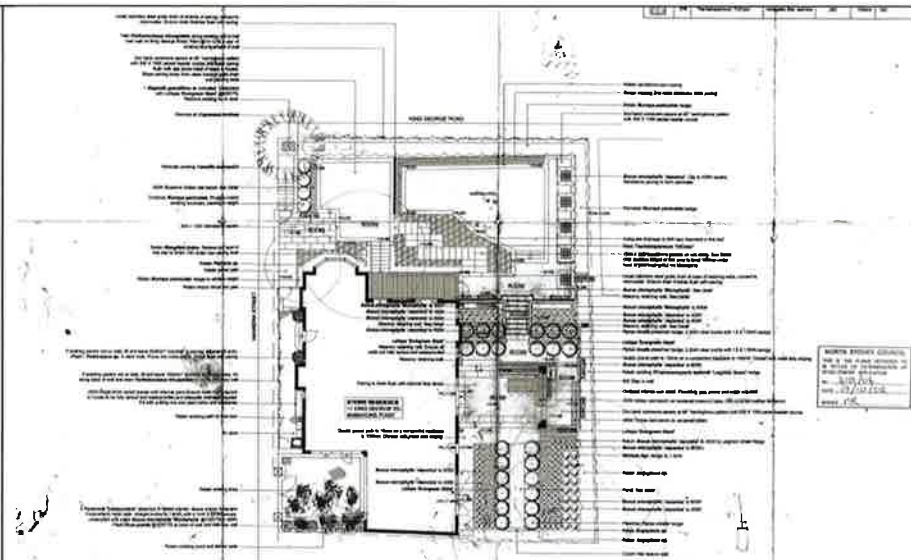
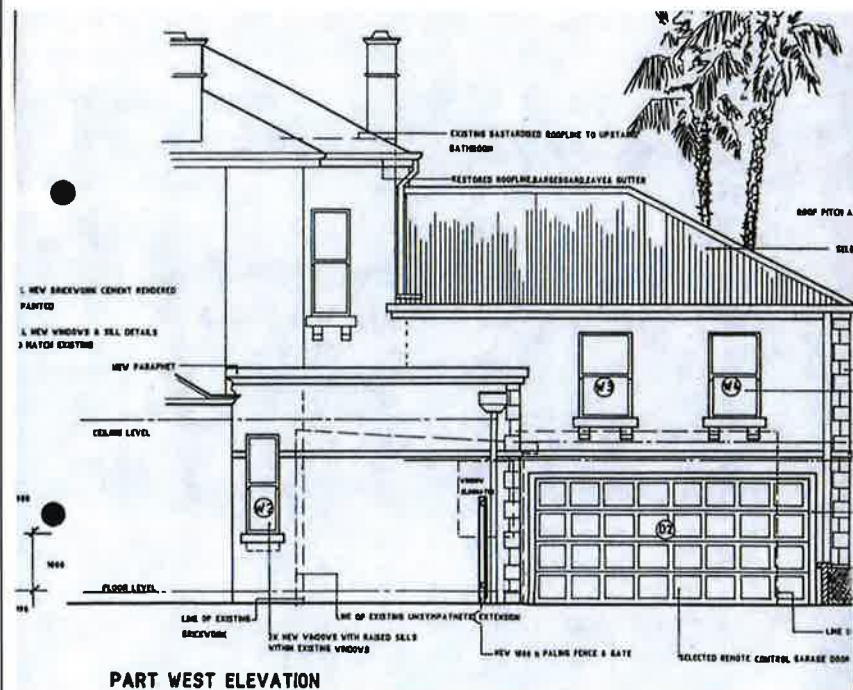


Figure 18 – Approved Landscape Plan, DA 418/06

20/05/1993

Development Application No. 1070/93 proposing to demolish the existing single garage and replace with a double garage, laundry and bathroom, and first floor addition was approved on 20 May 1993.



PART WEST ELEVATION

Figure 19 – Approved West Elevation detailing Garage and First Floor Addition DA 1070/93



Date	Action
23/10/2024	Development Application No. 270/2024 was lodged.
29/11/2024	The application was notified to Lavender Bay and adjoining properties between 15 and 29 November 2024.
17/12/2024	A site visit was completed by the Assessment Officer and Heritage Officer.
10/02/2025	<p>Following a preliminary review a letter was issued to the Applicant via the Portal detailing issues and concerns with the application. Below is a summary of the issues:</p> <p>Heritage – the existing chimney in the existing kitchen to be converted into a formal dining room is to remain and windows plus the French doors on the eastern elevation are to remain.</p>

	<p>Site Coverage – 348.9m² or 46% is not supportable being a substantial departure from the maximum 35% stipulated in Table B-1.6, P1, s1.5.5 of NSDCP 2013.</p> <p>Landscaping – an updated arborist report is required that addresses the likely impact from the two storey addition within the TPZ of 3 x trees (<i>T1 Eucalyptus microcorys</i>, <i>T2 Eucalyptus microcorys</i> & <i>T3 Lophostemon confertus</i>).</p> <p>Transport for NSW – TfNSW requires a Geotechnical and Structural Impact Assessment to address potential impact to rail infrastructure.</p> <p>Visual Privacy & Neighbouring Amenity – part removal of a rear boundary hedge allows direct views of the western façade of 17 Waiwera Street from the first floor terrace.</p>
20/03/2025	<p>Amended plans including Landscape Plans and an Arborist Report plus cover letter was submitted to Council via the Portal. Notable changes are as follows:</p> <p>Heritage – chimney breast in the kitchen is to remain. The Applicant contends the four windows on the eastern elevation are not original and therefore alterations to these openings will not affect the heritage integrity of the dwelling. The lintel height of the door has been amended to match that of the existing opening and the lintel height of the two ground floor windows either side of the chimney breast are to match.</p> <p>Site Coverage – additional supporting evidence was provided for the proposed site coverage of 42.3%.</p> <p>Landscaping – the arborist has made recommendations to recess the first floor roof and terrace balustrade to address proximity to tree limbs of <i>T1 Eucalyptus microcorys</i>. The structural engineer has designed a thick slab to eliminate excavation other than for supporting piers.</p> <p>Transport for NSW – a Geotechnical report was sent to TfNSW who raised no further objection subject to TfNSW recommended conditions of consent.</p> <p>Neighbouring Amenity – the <i>XCupressocyparis leylandii</i> (Leyland Cypress) is to be retained providing screening between the first floor addition and 17 Waiwera Street.</p>

INTERNAL REFERRALS

BUILDING

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

HERITAGE

The application has been referred to Council's Heritage Team who provided the following comments upon review of the originally lodged development application (*in italics*):

It is noted that the fireplace surround was removed to enable the conversion of the former dining room to a kitchen on the ground floor. However, the existing chimney are to remain in situ. Openings either side of the chimney can be supported subject to retentions of bulkheads. These requirements are in accordance with Provision P2, s13.5.5 of the NSDCP 2013.

Original windows either side of the fireplace on the eastern elevation on the ground and first floor levels are to remain in situ. Similarly, the French doors on the eastern elevation are to remain or be replaced to match the original opening and joinery of the doors. Retention of the original windows is important to retain significant features or parts of the heritage item and minimise change from the core built element of the heritage item consistent with Provision P1 and P5, s13.5.1 of NSDCP 2013.

Following the receipt of amended plans and documentation the final referral by Council's Heritage Officer was provided (*in italics*):

Heritage Status and Significance

These comments are to be read in conjunction with the earlier comments provided (above) for the proposed development dated 20 January 2025.

In summary, 11 King George Street LAVENDER BAY 2060 is identified as a locally significant heritage item [I 0326] within the McMahons Point conservation area [CA 13]. The dwelling is significant as a good example of a Victorian house of substantial size in the Italianate style. Picturesque corner location with mature trees. An important streetscape element.

The site is in the immediate vicinity of the heritage items at 15 and 17 King George Street, situated to the east of the subject site. The proposal will not adversely impact on the setting nor views to and from these heritage items.

Heritage Impact Assessment

The following responses reference the modifications outlined in the GSA letter addressing 'Amended Plans Request' dated 19 March 2025, with respect to each of the issues raised in the heritage memo dated 20 January 2025:

- 1. That prior to the issue of any CC details are to be submitted to Council relating to:**
 - ***the laundry and/or the powder room on the ground floor level are to be relocated to within the garage/kitchen area of the new addition to retain the layout of the earlier floor plan***

Response

The layout as proposed in the modified plans is acceptable.

- ***the chimney and associated architecture within the western wall of the current kitchen are to remain in situ. Openings either side of this element are to retain an appropriate bulkhead above. All other fireplaces and chimneys and associated elements are also to be remain insitu***

Response

The amendments relating to the fireplace and chimney breast are satisfactorily indicated to be retained in situ as per the modified plans [revision D]. It is noted that the fireplace surround was lost to accommodate the current kitchen cabinetry but all other architectural elements relating to the fireplace and chimney remained in situ. The opening to the eastern side of the fire is to retain a bulkhead.

- ***the original windows either side of the fireplaces to the front rooms in the southern elevation on the ground and first floor levels are to remain in situ***

Response

The photographic evidence c1917-1920 provided by the National Library of Australia image in the updated the GSA letter addressing 'Amended Plans Request' and reproduced below, confirms that the set of smaller windows near the north-western elevation are later additions. However, no evidence as to the likely timeframe of their installation is provided by the heritage consultant –[reference NSDCP 2013 Part B: s13.5.1 Protecting heritage significance O8 – Acknowledge changes over time to heritage items, as subsequent layers may also be or significance.]



As per the Heritage Impact Assessment Report prepared by Zoltan Kovacs Architect dated September 2024



Description: Panorama of Lavender Bay, Sydney, 2 (picture) / EB Studios

Source: National Library of Australia

(<https://nla.gov.au/nla.obj-162349730/view>)

Photograph 1: Excerpt of Historical Photo (c. 1917- 1923)



11 King George Street LAVENDER BAY c1979 – NB simple side elevation

The composition of the original window openings in the northern and southern elevations is of fewer and smaller scale windows that expressed a subdued elevation as compared with the harbour facing southern elevation. This approach explains why the later windows in the northern elevation are of a smaller scale. Their window sills are sensitively aligned with the height of the balustrades and their height is contained within the void area of the balcony and verandah areas (see markings on the image above).

A reduced scale is recommended as the larger window openings will alter the character of the secondary elevation in relation to the primary harbour facing elevation [ref NSDCP 2013 Part B: s13.5.1 Protecting heritage significance O1/ O2 and in particular 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.]

- ***all original joinery is to be retained and made good***

Response

Still applicable

- ***the reconstructed French doors in the ground floor of the southern wall are to be retained.***

Response

The use of non-original fabric is noted and speaks to the fact that the dwelling has, over time, undergone change and restoration/reconstructive works. With reference to the GSA letter addressing 'Amended Plans Request', the notes under the heading 'Existing Kitchen French Doors', it is noted that the existing opening size will be unchanged.

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

Non-Standard Conditions

1. *That prior to the issue of any CC details are to be submitted to Council relating to:*
 - *the opening to the eastern side of the fire place is to retain an appropriately proportioned bulk head.*

REASON: *To ensure the legibility of original interior room configuration and detailing so that the evolution of the building remains discernible.*

- *That the new windows in the northern elevation shall retain a subservient scale in line with the existing windows so that they retain a secondary expression within the northern elevation.*

REASON: *To retain the character of the heritage item and ensure the balcony and verandah elements remain the prominent elements of the dwelling as viewed from the north-western corner of the dwelling.*

2. *Provide a set of existing elevations which have not been provided in the DA submission as part of the historic recording of the dwelling.*

Standard Conditions

1. A3. No Demolition of Extra Fabric
2. C10 External Finishes and Materials
3. E7 Removal of extra fabric
4. C7 – Heritage Architect to be commissioned

REASON: To protect the significance and character of the heritage item and the significance and character of the McMahons Point North conservation area.

Planning Comment: amended plans have been submitted to retain the chimney breast in the ground floor adjacent to the kitchen. A heritage condition can be applied to retain the bulkhead on the eastern side of the chimney breast on the ground floor.

The Applicant has submitted additional information including a historic photo of the property (c1917-1923) confirming the existing windows to be altered and enlarged are not original window openings. Despite receipt of the photo the Heritage comments are agreed with being that later additions or alterations can contribute to the heritage significance of the dwelling and the windows sought to be replaced are reflective of appropriate changes over time designed with a suitable proportion and size of windows to retain the predominance of the façade of the rear elevation with windows very much secondary in proportion to the rear wall of the dwelling. A condition of consent is therefore recommended to retain the existing windows either side of the chimney breast. The retention of these modest windows either side of the chimney breast is also appropriate as they sensitively align with the height of the balustrades and their height is contained within the void area of the balcony and verandah areas.



Figure 21 – Proposed East Elevation – DA.402 Rev D

Following a detailed Heritage referral the following non-standard heritage condition is recommended:

Heritage Requirements

C1 The following changes must be made to the plans prior to the issue of the construction certificate and submitted to the principal certifier. The building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate must fully satisfy the requirements of this condition.

a) Ground Floor Fire Place

- i) the opening to the eastern side of the fire place clouded in red on the approved Ground Floor Plan is to retain an appropriately proportioned bulk head.

(Reason: To ensure the legibility of original interior room configuration and detailing so that the evolution of the building remains discernible)

b) East Elevation Windows

- i) The existing windows clouded red on the Proposed East Elevation which are either side of the chimney breast on both the Ground Floor and First Floor are to remain. No approval is granted for an increase to the size and proportion of the windows.

(Reason: To retain the character of the heritage item and ensure the balcony and verandah elements remain the prominent elements of the dwelling as viewed from the north western corner of the dwelling)

ENGINEERING

The application has been referred to Council's Development Engineers Team who recommended appropriate conditions to be imposed to achieve compliance with stormwater, parking and access, sedimental control and earthworks. Conditions of consent include requirements for dilapidation reports of public infrastructure, a structural adequacy report, the requirement to obtain a driveway cross permit and preparation of site drainage plans.

LANDSCAPING

The application has been referred to Council's Landscape Development Officer who provided the following comments based on the original plans submitted:

'This proposal cannot be supported in its current form. The major encroachment into SRZ/TPZ of T1, T2, & T3 - 3 x mature native trees to 20x14m is not supportable. The arborist has failed to provide evidence that such encroachment could be supported, seemingly suggesting that a layer of geotextile fabric under slab will adequately resolve any issue posed by the proposed works within the SE corner of the subject site. The arborist has also failed to consider any pruning to these trees, likely to be considerable given proposed works, Proposed replacement canopy planting is considered inadequate. Any amended proposal shall be required to address the above issues, and will likely require a substantially reduced or realigned structure within the SE cr. It is also noted that the lodged survey is over 13 years old.'

Planning Comment: The Applicant in response has submitted additional information including an updated Arborist Report plus root mapping. To date no further comment has been received on the amended plans and additional information provided, however, upon receipt of the additional information there is sufficient reason to support the proposal for the following reasons.

The pavilion extension is to be designed with a suspended slab above grade and supported by piers. Root mapping where possible has established suitable locations for the piers with only minor root pruning required (3 x 25-30mm diameter roots) which the Arborist asserts would not impact the health or stability of the trees.

Additional recommendations are proposed by the Arborist including supervision of construction by a Project Arborist, hand excavation and piers are to be adjusted where roots >25mm are encountered. Appropriate conditions of consent concerning tree protections during construction can be applied.

It is also noted the design of the first floor has been amended to provide improved clearance between the addition and a Tree T1 allowing future growth of the tree and trunk/crown movement.

EXTERNAL REFERRALS

TRANSPORT for NSW

- **Sydney Trains**

The application was referred to Transport for NSW requesting concurrence in accordance with Section 2.99 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

TfNSW undertook an initial assessment of the relevant documentation, and stated it was not in a position to make a decision on the granting of concurrence in accordance with Section 2.99 until additional information is submitted that meets Sydney Trains requirements. The following information was requested by TfNSW:

1. Engineering & Technical Documentation

"in compliance with the relevant TfNSW AMB Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):"

a. Geotechnical and Structural Impact Assessment including any rail specific potential impacts.

Upon request the Applicant submitted a Geotechnical Report to TfNSW who granted concurrence in accordance with Section 2.99 of SEPP (Transport and Infrastructure) 2021 subject to compliance with recommended conditions of consent.

SUBMISSIONS

On 28 October 2024, Council notified adjoining properties and the Lavender Bay Precinct of the proposed development seeking comment between 15 November to 29 November 2024. Council received one (1) submission. The matters raised in the submissions are listed below:

The issues raised in the submissions are summarised below and addressed later in this report. The original submissions may be viewed by way of DA tracking on Council's website https://www.northsydney.nsw.gov.au/Building_Development/Current_DAs and are available for review by NSLPP members.

Basis of Submissions

- The windows and terrace of the extension will facilitate someone looking directly over the garden and entrance to 17 Waiwera Street.
- Being on the northern boundary there are sun shading issues from the extension.
- The extension terrace will overlook the rear of 17 Waiwera units 1 & 2, which are their bedroom areas.

Amended Proposal

The applicant submitted amended plans that were not renotified to adjoining properties because the amendments would not have a greater adverse effect or a different adverse effect on adjoining or neighbouring land. This is in accordance with directions in 's3.6 Advertisement and Notification requirements for Amended Plans' of the North Sydney Council Community Engagement Protocol.

CONSIDERATION

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

Environmental Planning and Assessment Act 1979 (as amended) Environmental Planning and Assessment Regulation 2000

SEPP (Biodiversity and Conservation) 2021 Chapter 2 – Vegetation in Non-Rural Areas

The proposal meets the objectives in Chapter 2 of the SEPP by protecting the biodiversity value of trees within the site principally by retaining 3 x mature trees within the south eastern corner of the site (*T1 Eucalyptus microcorys*, *T2 Eucalyptus microcorys* & *T3 Lophostemon confertus*) and although trees are sought to be removed replacement tree planting is proposed contributing to the amenity value provided by vegetation.

Chapter 6 - Water Catchments

Having regard to Chapter 6 of the SEPP (Biodiversity and Conservation) 2021, the subject site is located within the Sydney Harbour Catchment Area. However, due to the location of the proposed works inland and not located along the foreshore, it can be deemed that the proposal will have no detrimental impacts on the surrounding waterways and its quality and quantity. The development will have no impact on aquatic ecology, recreational areas, public access and the characteristic of the foreshore. The application satisfies the requirements of this Policy.

SEPP (Resilience and Hazards) 2021

The provisions of SEPP (Resilience and Hazards) require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for residential purposes and as such is unlikely to contain any contamination; therefore, the requirements of the above SEPP have been satisfactorily addressed.

SEPP (Transport & Infrastructure) 2021

Council has referred the development application to TfNSW requesting concurrence in accordance with Section 2.99 of SEPP (Transport and Infrastructure) 2021.

TfNSW have advised that the proposed development has been assessed in accordance with the relevant TfNSW Asset Management Branch standards and Sydney Trains' requirements and confirm that Sydney Trains have no comment on the proposed works associated with the above Development Application.

SEPP (Sustainable Buildings) 2022

A valid BASIX Certificate (*No. A1765396 dated 20 September 2024*) for alterations and additions has been submitted with the application to satisfy the Aims of the SEPP.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Permissibility

The proposed works being alterations and additions to a dwelling house are permissible in the R3 Medium Density Residential Zone with development consent.

2. Objectives of the zone

The objectives for a R3 Medium Density Residential Zone are stated below (*in italics*):

- *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.*

The proposal is consistent with the relevant objectives of the zone because the development would be commensurate with its medium density residential setting and a high level of residential amenity is maintained.

COMPLIANCE TABLE Principal Development Standards North Sydney Local Environmental Plan 2013			
Site Area - 751m ²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	7.75m	8.5m	YES

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

- The proposed works being the two storey addition and internal alterations plus alterations to existing window openings will be below the maximum height of building. Below is an annotated longitudinal section and cross section confirming the various height of the proposed works being below the maximum height of building in accordance with clause 4.3 in NSLEP 2013.



Figure 22 – Proposed Longitudinal Section, DA 501 Rev D

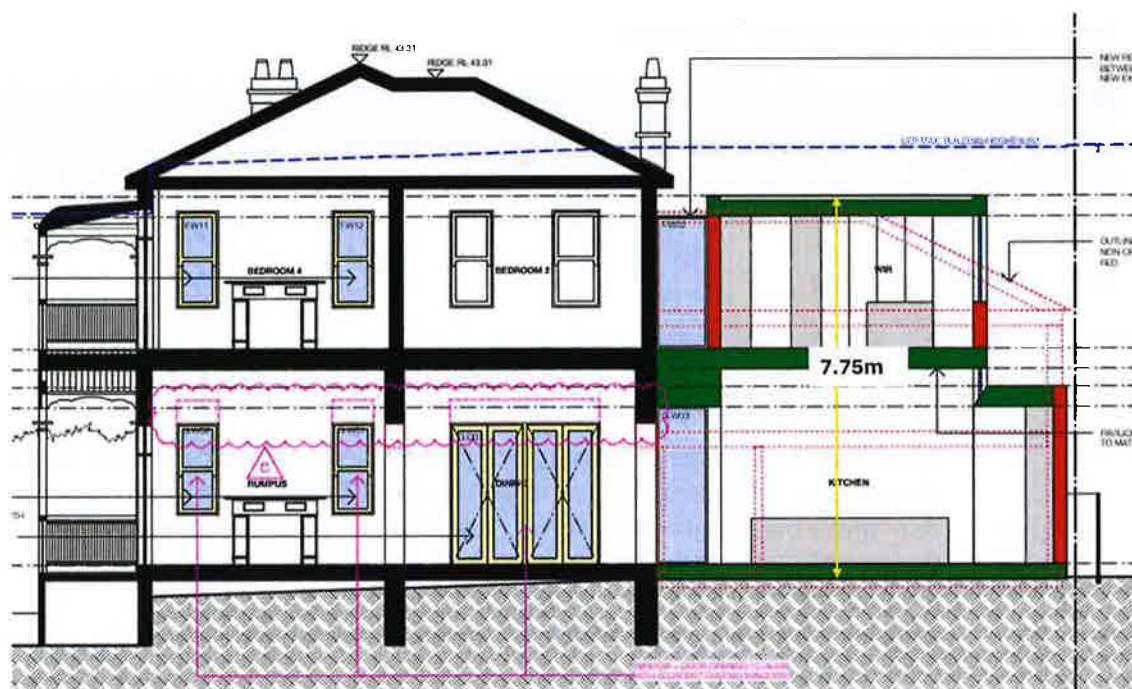


Figure 23 – Annotated Proposed Cross Section, DA 502 Rev D

4. Heritage Conservation

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

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

The two storey addition replaces a modern addition and is designed to be submissive in scale below the eaves of the main dwelling and its elevations comprising predominantly pale brick is complementary to the appearance of the dwelling. The glazing is minimised to the public realm and the two storey is setback from the principal elevation facing Waiwera Street to provide a separation and interpretation between the addition and the heritage item. The design of the addition therefore conserves the heritage significance of the heritage item and heritage conservation area.

However, it is sought for the windows either side of the chimney breast on the East Elevation are to remain to reduce the extent of glazing and retention of these windows assist in the interpretation of the heritage significance of the building being appropriate proportionately appropriate in size and scale with the balcony on the first floor northern elevation.

5. Earthworks

The application involves a new addition which will require earthworks although the extent of excavation is minimised because the structural engineer has proposed an above ground slab supported by piers.

Also, the new swimming pool is located within the footprint of the existing swimming pool minimising earthworks. The development therefore minimises earthworks and is unlikely to have a detrimental impact on environmental functions and processes, neighbouring uses, or features of surrounding land satisfying Objective 1 of Cl. 6.10 in NSLEP 2013.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

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

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 1 - Residential Development		
	<i>complies</i>	<i>Comments</i>
1.3 Environmental Criteria		
1.3.1 Topography	Yes	<p>The development seeks to retain the following trees:</p> <p><i>T1 Eucalyptus microcorys</i> (20m in height) <i>T2 Eucalyptus microcorys</i> (20m in height) <i>T3 Lophostemon confertus</i> (15m in height)</p> <p>To minimise impact to the tree roots of the above trees it is proposed to construct the floor slab of the extension above existing grade supported by piers.</p> <p>The application is supported by an addendum to the Arborist Report plus Structural drawings by the project structural engineer to inform the slab design and construction and minimise the impact to roots of the trees.</p> <p>The development as proposed is supportable based on the information and design approach provided by the Applicant satisfying Objective O2 of s1.3.1 in NSDCP 2013 which requires the retention of existing vegetation and allow for new substantial vegetation and trees.</p>
1.3.2 Bushland	N/A	The site is not within bushland or in a bushland buffer.
1.3.3 Bush Fire Prone Land	N/A	The site is not bush fire prone land.
1.3.4 Foreshore Frontage	N/A	The site is not foreshore land.
1.3.6 Views	Yes	<p>The site is a corner site and although the site and surrounds have the potential for views including Harbour Views the scope of works would not have a view impact to adjoining properties.</p> <p>It is noted the residential properties on the western side of Waiwera Street are on higher land affording views across the subject site and views for properties adjacent or to the rear of the site will remain unaffected.</p>
1.3.7 Solar Access	Yes	<p>The shadow diagrams for mid-winter confirm additional shadow will impact the existing car parking area and setbacks of the adjoining 17 Waiwera Street. 17 Waiwera Street is a two storey apartment building comprising of four units.</p> <p>9am</p>

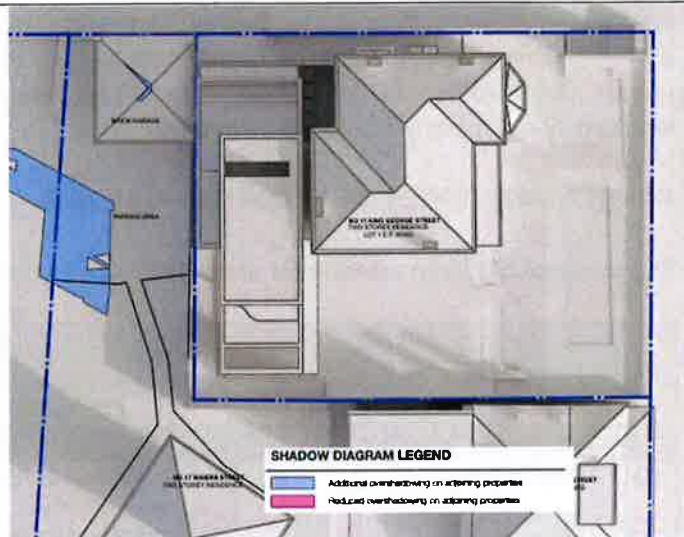


Figure 24 – Proposed Shadow Diagram 21 June 9am



Figure 25 – Existing communal parking area at 17 Waiwera Street

12pm

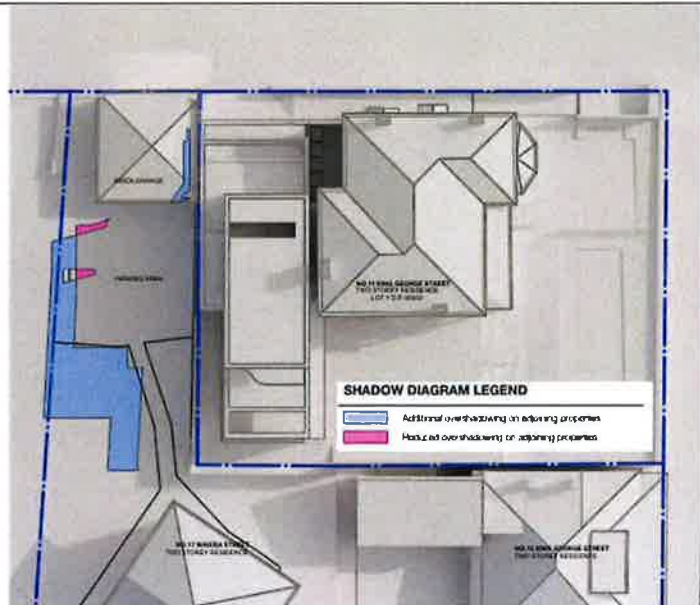


Figure 26 – Proposed Shadow Diagram 21 June 12pm



Figure 27 – Existing common open space at 17 Waiwera Street

3pm

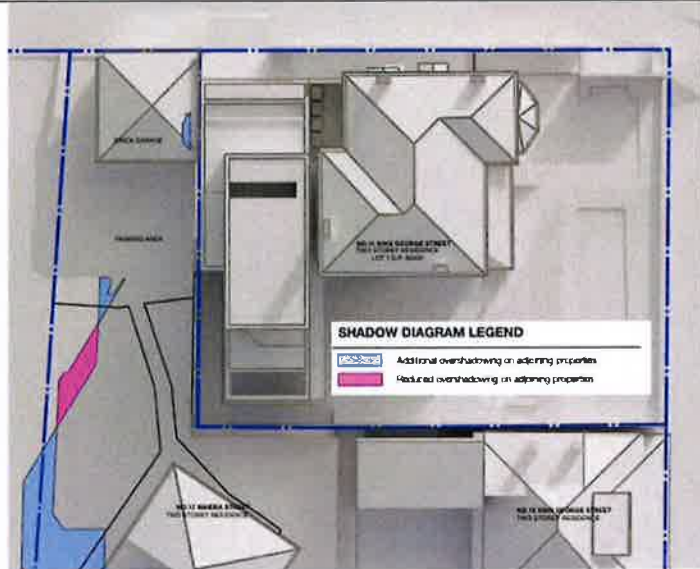


Figure 28 – Proposed Shadow Diagram 21 June 3pm



Figure 29 – 11 King George Street outlined in yellow, 17 Waiwera Street outlined in red and the common open space outlined in purple

Consideration

The shadows cast from the addition would impact a hard surfaced parking area and the greatest impact is at midday to an informal landscaped open space area with no impact to windows that serve habitable rooms of the apartment building at 17 Waiwera Street.

The two storey addition will cast an acceptable additional shadow to the common open space at 17 Waiwera Street at mid-winter (21st June). It is also notable the common open space area primarily serves as a coincidental landscaped space cast in shadow from substantial landscaping and mature tree canopy. In the circumstances and noting an improved outcome at 3pm in mid-winter the development is considered to satisfy Objective O1, s1.3.7 'Solar Access of NSDCP 2013.

1.3.8 Acoustic Privacy

Yes

The existing rear eastern boundary of the site comprises of mature hedge screen planting (*Xcupressocyparis leylandii*) providing visual screening and acoustic screening between the subject site and the neighbouring properties 15 King George Street and 17 Waiwera Street.

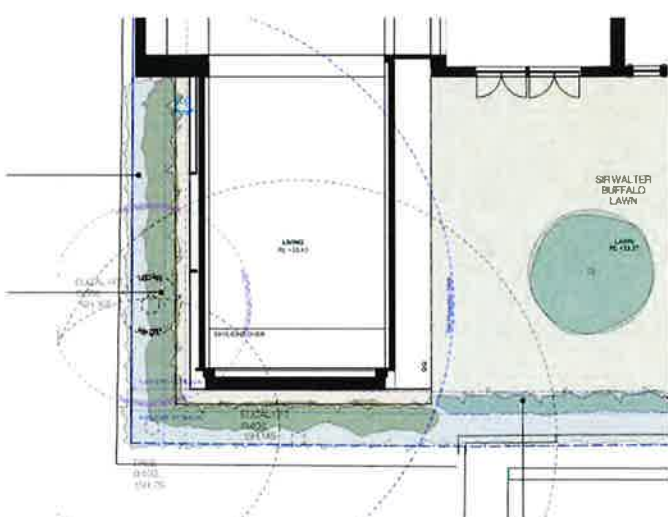

		<p>The development would retain the existing screen boundary planting as shown in the Ground Floor Landscape Plan.</p> <p>The retention of screen planting combined with the setback of the first floor terrace provides sufficient separation and privacy mitigation for the residents at 17 Waiwera Street mitigating the acoustic privacy of the residents satisfying Objective O1, s1.3.8 'Acoustic Privacy' of NSDCP 2013.</p>
1.3.9 Vibration	Yes	<p>The site is sited above a rail corridor being the Lavender Bay rail line. The Lavender Bay line is used for stabling electric trains during off peak periods.</p> <p>Consideration has been given to Section 2.100 Impact of rail noise or vibration on non-rail development as well as the Planning Circular (PS 21-018) 'Development near rail corridors and busy roads – interim guideline' plus the NSW Government Development Near Rail Corridors and Busy Roads – Interim Guideline.</p> <p>The SEE supporting evidence provided under Part 4.5 SEPP (Transport and Infrastructure) 2021 is also noted particularly with regards to the rail line being for stabling of trains and not functioning as a regular line and also the dwelling is sited on sandstone therefore the dwelling and addition is to be far less affected by rail vibration.</p> <p>There is sufficient reasoning for no further measures being necessary for mitigation of rail noise or vibration.</p>
1.3.10 Visual Privacy	Yes	<p>The existing rear eastern boundary of the site comprises of mature hedge planting (<i>XCupressocyparis leylandii</i>) providing screen planting between the subject site and adjoining properties.</p> <p>The Landscape Plan seeks to retain the existing hedge preventing an outlook from the rear first floor bedroom and terrace of the new addition to the adjoining 17 Waiwera Street.</p>  <p>The diagram is a ground floor landscape plan. It shows a rectangular building footprint with a central courtyard labeled 'LIVING NO. 102A'. To the right of the building is a large area labeled 'SIR WALTER BUFFALO LAWN'. Below the lawn is a circular area labeled 'LAWN NO. 102A'. The plan includes various landscaping elements like trees, shrubs, and paths. A dashed line indicates the 'EXISTING HEDGING' along the rear boundary. Other labels include 'PLANTING', 'STAIRS', 'TERRACE', and 'DRIVEWAY'.</p>

Figure 30 – Ground Floor Landscape Plan with area of existing hedging on rear boundary

		 <p>Figure 31 – Existing mature hedging and tree canopy on rear boundary of subject site with 17 Waiwera Street in the background</p> <p>The development including the views from the first floor of the addition is satisfactory in ensuring adjoining residents are provided with a reasonable level of visual privacy satisfying Objective O1, s1.3.10 of NSDCP 2013.</p>
1.4 Quality built form		
1.4.1 Context	Yes	The proposed addition is acceptable in the context of the site and its opportunities and constraints demolishing a modern addition approved under DA No. 1070/93 and the addition is designed so as to retain significant features of the heritage item and is subordinate in scale clearly identifiable as a later addition.
1.4.2 Subdivision Pattern	Yes	The lot size, shape and orientation will remain.
1.4.3 Streetscape	Yes	<p>Works are proposed which would impact upon the footpath and street due to the removal of existing stone columns to have a slightly wider vehicular entry.</p> <p>Council's Development Engineer has recommended appropriate conditions including the requirement to prepare a Dilapidation Report for Damage to Public Infrastructure and the requirement to Obtain a Driveway Crossing Permit.</p>
1.4.5 Siting	Yes	The siting of the dwelling would generally remain and the addition in part replaces an existing addition approved in 1993.
1.4.6 Setback – Front	Yes	The front (west) setback of the main dwelling would remain and the proposal seeks to replace an existing garage with first floor addition plus partial demolition of the ground floor living room/laundry and storage. The built elements to be demolished are to be replaced with a two storey side addition which aligns with the principal front elevation of the dwelling.

1.4.6 Setback – Side

Supported on merit

Control	Existing Two Storey Side Addition	Proposed Two Storey Side Addition	Compliance
Zone R3 (Medium Density Residential)			
1 st storey (Up to 4m) 900mm	Nil setback to Southern Boundary	Nil setback to Southern Boundary	No (Merit Assessment Considered Below)
2 nd storey (up to 7m) 1.5m	Nil setback to Southern Boundary	1.6m setback to Southern Boundary	Yes

Side Setbacks to the southern side boundary

The subject site is a detached dwelling on a corner lot. The works propose to demolish an existing two storey addition comprising a ground floor garage and first floor bedroom and living room. The existing addition has a nil side setback to the southern side boundary. It is to be replaced with two storey garage with garage and kitchen on the ground floor and a master bedroom above. The master bedroom elevation will have a 1.6m side setback.

The ground floor addition will have a nil side setback to the southern boundary abutting 17 Waiwera Street (SP 16376) therefore the questions identified in the Land and Environment Court Planning Principle “Building to the side boundary in residential areas” in *Galea v Marrickville Council* [2003] must be considered.

Is the street characterised by terrace housing?

The surrounds comprise of a variety of properties with differing setbacks and there are examples of semi-detached and terraced properties in Waiwera Street particularly on the western side. Properties on the eastern side of Waiwera Street comprise of Strata residential apartments with modest or limited side setbacks. It is also noted that ancillary buildings such as garages have nil side setbacks such as 13 – 17 Waiwera Street. It is therefore not uncharacteristic for properties in the street and the greater R3 Medium Density Residential Zone therefore properties with nil side setbacks are potentially appropriate in the street/locality.

Figure 32 – Annotated Aerial Map showing the site and properties in vicinity of the site



Figure 33 – Garages with nil side setback for 15 & 17 Waiwera Street

What is the height and length of the wall on the boundary?

The addition comprising of a nil side setback would have a height of 3.5m and a length of 11.5m. Below is an annotation detailing the approximate location of the addition with a nil setback and relationship to the adjoining 17 Waiwera Street.



Figure 34 – Annotation showing the area of the addition with a nil side setback and the immediate surrounds.

The element of the addition with a nil side setback is not necessarily a short length and is quite large in height for a single storey element, however it is noted that the addition with a nil side setback would adjoin the garage of 17 Waiwera Street and a hard surfaced parking area therefore acceptable in the circumstances.

Has the applicant control over the adjoining site(s) or the agreement of their owners?

The proposal is to be built from within the site and the proposal will include low maintenance finishes (face brick) to the side boundary thereby minimising the need for future access requirements.

What are the impacts on the amenity and/or development potential of adjoining sites?

		<p>The ground floor addition with the nil side setback has limited shadow impact with shadows cast to the affected 17 Waiwera Street associated with the first floor addition. The addition which has a nil side setback would not adversely affect the amenity of adjoining sites.</p> <p>The development which in part has a nil side setback is not likely to affect the development potential of adjoining properties.</p> <p>Are there arrangements in place for the maintenance of the wall or gutters?</p> <p>The addition is to be contained within the boundary of the subject site allowing maintenance from the subject site. The Box gutters are proposed allowing gutter maintenance from within the site.</p> <p>The addition with a nil ground floor setback and compliant first floor is an acceptable design response in context with the street, surrounding properties and controls bulk and scale. The development satisfies Objectives 01 to 04 in s1.4.6 of NSDCP 2013.</p>
1.4.6 Setback – Rear	Yes	<p>Provision P5 in s1.4.6 of NSDCP 2013 states rear building setbacks should match those of adjoining properties or if adjoining properties are not characteristic then setbacks as identified in the relevant character statement.</p> <p>The site has a differing lot configuration to adjoining properties being rectangular differing from longer narrow lots of adjoining properties. Adjoining properties are sited deeper within respective lots not sharing a matching rear setback.</p> <p>A characteristic built element for the McMahons Point North Conservation Area is properties forward on the lot with larger rear garden and consistent setbacks.</p> <p>The subject site due to a differing lot size and shape does not have any consistency in setbacks with adjoining properties.</p> <p>The addition and proposed setback to the rear boundary preserves the amenity of adjoining sites in terms of overshadowing and privacy.</p>
1.4.7 Form Massing Scale	Yes	<p>Referring to the relevant provisions in S1.4.7 the development generally complies complying with the maximum height of building stipulated in cl. 4.3 of NSLEP 2013, the floor to ceiling height comply with the minimum 2.7m and the façades of the two storey addition visible from the street does not have large expanses of glass.</p> <p>Provision P6 requires ancillary buildings such as garages to be much smaller than the residential building. The garage is a small part of the addition with the addition scale predominantly dictated by additional habitable areas.</p>
1.4.8 Built Form Character	Yes	<p>The objectives for s1.4.8 'Built Form Character' of the DCP refers to new buildings or alterations and additions relying on existing use rights. The dwelling is not a new building or reliant on existing use rights.</p> <p>The dwelling is a standalone building with a differing architectural character to that of adjoining properties not sharing a uniformity or consistency of façade therefore Provisions P1 and P2 are not applicable.</p>
1.4.9 Dwelling Entry	Yes	<p>The development would retain the property sense of address and provides safe access.</p>
1.4.10 Roofs	Yes	<p>The roof form of the addition is flat with a parapet brick wall. The flat roof form is visible from the street and contrary to the generally preferred pitched roof form stipulated in Provision P1 and the character statement for the McMahons Point Conservation Area.</p>

		The departure in roof form from pitched to flat is acceptable noting it allows the addition to be clearly discernible from the dwelling of heritage significance and by having a flat roof the two storey addition is set lower than the existing primary roof ridge and eaves designed to be secondary in form and scale. This is an appropriate design response as per directions in Provision P4, s13.5.4 'Roofs' in Section 13 Heritage & Conservation of NSDCP 2013.
1.4.12 Colours and Materials	Yes	<p>A materials board is included with the development application detailing pale bricks for the elevations of the addition. The pavilion windows are to be aluminium framed and part of the addition parapet not visible from the street would comprise of smooth grey concrete.</p> <p>The pale bricks which is the predominant visible element in context with the street is an acceptable outcome identifying the addition from the heritage item but also complementary in comparison.</p>
1.4.14 Front Fences	Yes	<p>The existing front sandstone wall is to remain apart from the deletion of the stone columns which would slightly increase the width of the driveway.</p> <p>The retention of the stone front wall is important being a characteristic element of the streetscape in the McMahon's Point North Conservation Area.</p>
1.5 Quality Urban Environment		
1.5.4 Vehicle Access and Parking	Yes	<p>The new garage would provide parking for two vehicles which is the maximum stipulated in Section 10 of the DCP.</p> <p>A separate pedestrian entry is available satisfying P7 in s1.5.4 of NSDCP 2013.</p>
1.5.5 Site Coverage	Merit Assessment	<p>An Area Calculation Diagram is included within the development application. The site has an area of 751m² therefore subject to a 35% site coverage pursuant to Table B-1.6, s1.5.5 of NSDCP 2013.</p> <p>The existing area calculations diagram identifies the existing site coverage inclusive of the house and pool equates to 292.7m² (39%) which is an exceedance of 4%. Please note the steps within the curtilage of the site are best defined as un-built upon area and not site coverage.</p> <p>The proposed site coverage is 317.8m² (42%) inclusive of the dwelling, the two storey addition and new pool.</p> <p>Reasoning containing within the supporting SEE has been considered and the development is considered acceptable despite the variation for the following reasons:</p> <ul style="list-style-type: none"> The site area is 751m² and only just falls into the lot size which requires a site coverage of 35%. Lots with a lot size between 500 - 749m² is subject to a site coverage of 40%. If a maximum site coverage of 40% applied the variation would be 2% which is not a significant exceedance. The dwelling is a local heritage item, therefore due to the heritage significance of the site the addition has separation to the dwelling which partially increases the building footprint rather than significantly altering the existing building. The objectives in s1.5.5 of NSDCP 2013 have been considered and are upheld because the addition largely replaces an existing addition, is located in not a highly visible location and the development achieves sufficient private open space and a compliant provision in landscaped area.

The development given the site constraints is considered an acceptable outcome not considering overdevelopment of the site and is supportable for the reasons mentioned above.

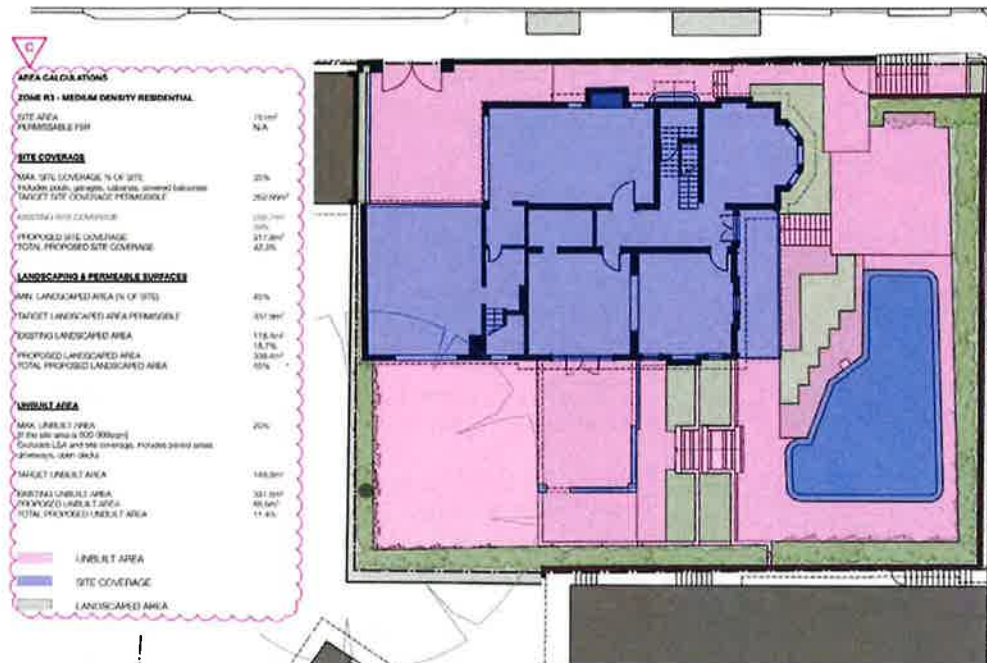


Figure 35 – Existing Area Calculations, DA.601B Rev B

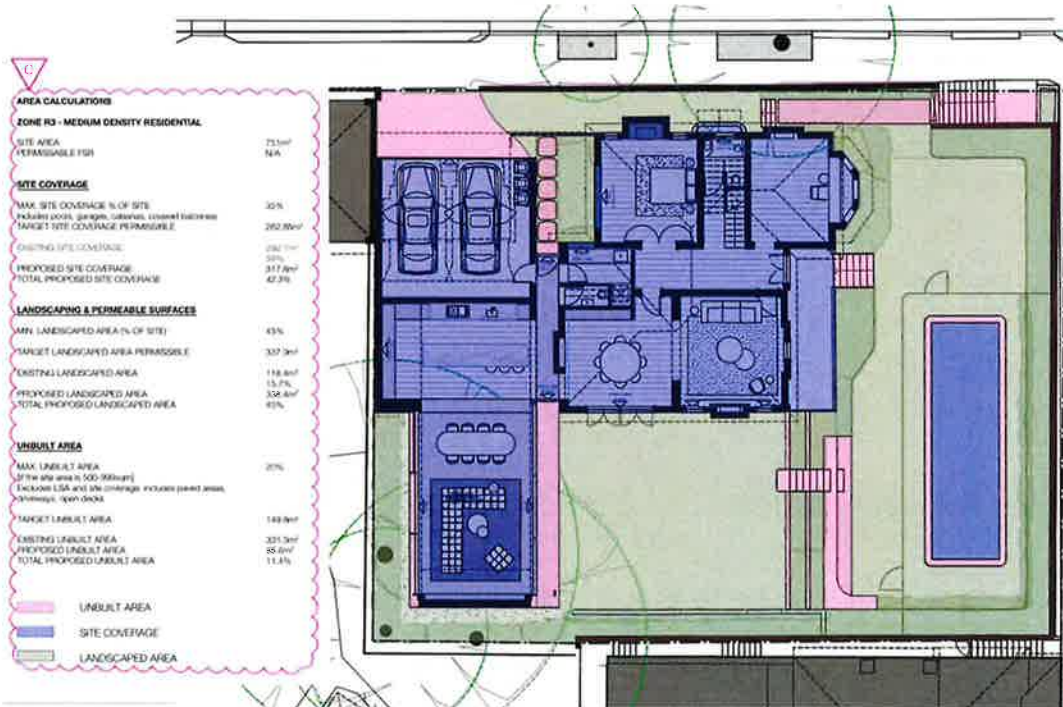


Figure 36 – Proposed Area Calculations, DA.601 Rev D

1.5.6	Landscape Area	Yes		Control	Existing	Proposed	Compliance
				Site coverage Max 35%	292.7m ² 39%	317.8m ² 42%	No – merit assessment
				Landscaped area Min 45%	118.4m ² 16%	338.4m ² 45%	Yes
				Unbuilt-upon area Max 20%	339.9m ² 45%	94.8m ² 13%	Yes
				The development has a positive outcome removing large areas of paving and artificial grass for a grass lawn and other plantings substantially improving the landscaped area and achieving compliance with the un-built upon area.			
1.5.7	Landscaping	Yes		The proposed addition subject to a design solution prepared by the Arborist and Structural Engineer would mitigate against the potential adverse impact to the 3 mature native trees (<i>T1 Eucalyptus microcorys</i> , <i>T2 Eucalyptus microcorys</i> and <i>T3 Lophostemon confertus</i>) within the south eastern corner of the site. Although trees are to be removed such as 1 x <i>Mangifera indica</i> and 24 x small <i>Pyrus calleryana</i> replacement tree planting is proposed which would achieve sufficient canopy cover over landscaped areas (refer to Canopy Coverage Plan). The landscaping proposed as per the Landscape Plans prepared by Dangar Barin Smith is acceptable to satisfy the Objectives and Provisions of s1.5.7 of NSDCP 2013.			
1.5.8	Front Gardens	Yes		There is limited change to the front of the site with the predominant landscaping within the rear and northern side setback of the site.			
1.5.9	Private and Communal Open Space	Yes		The subject site would have a high level of outdoor amenity with provision of a rear landscaped garden and swimming pool. The private open space exceeds the minimum 50m ² stipulated in Table B-1.8, P1, s1.5.9 of NSDCP 2013.			
1.5.10	Swimming Pools	Yes		The new pool is designed to be an inground pool not sited above ground level. The pool will be site greater than 1.2m from the boundaries of the site and the existing dense boundary hedging will be retained assisting in minimising an acoustic impact to adjoining properties. The new pool generally satisfies the Objectives and Provisions in s1.5.10 of NSDCP 2013.			
1.5.12	Garbage Storage	Yes		The garage and recycling bins are shown within the proposed garage. The garage provides sufficient space for the storage of waste bins and ease of transfer for kerbside collection.			
1.6 Efficient Use of Resources							
1.6.1	Energy Efficiency	Yes		A valid BASIX Certificate is included within the application.			

Lavender Bay Planning Area (McMahons Point North Conservation Area) – Part C of NSDCP 2013

The description for McMahons Point North Conservation Area as the character statement in Part C of the DCP is:

An area characterised by Victorian, Federation and Inter-war period residential and retail development. Buildings are characteristically small to moderate sized group developments of attached dwellings and semi-detached dwellings.

The site comprises a large and prominent detached two storey dwelling and it is a local heritage item of significance for its example of a Victorian house of substantial size in the Italianate Style.

The site and heritage item does not fully conform with the characteristics identified for the surrounding conservation area, however the works are designed to be primarily to the rear of the site and not detracting from the streetscape.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

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

Applicable Contribution Type		
S7.12 contribution detail	Development cost:	\$ 2,661,458.00
(payment amount subject to indexing at time of payment)	Contribution:	\$ 26,615.00

Conditions requiring the payment of contributions at the appropriate time are included in the attached conditions.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

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

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | |
|---|-----|
| 1. Statutory Controls | Yes |
| 2. Policy Controls | Yes |
| 3. Design in relation to existing building and natural environment | Yes |
| 4. Landscaping/Open Space Provision | Yes |
| 5. Traffic generation and Carparking provision | Yes |
| 6. Loading and Servicing facilities | 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 |

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Lavender Bay Precinct. Council received one (1) submission where the following matters were raised:-

- ***The windows and terrace of the extension will facilitate someone looking directly over the garden and entrance to 17 Waiwera Street. The extension terrace will overlook the rear of 17 Waiwera units 1 & 2, which are their bedroom areas.***

Comment: a detailed review of visual privacy within the assessment report confirmed due to the retention of mature landscaping and hedging on the rear boundary coupled with the rear setback of the first floor addition there would be no direct overlooking to affecting habitable rooms or common open space of 17 Waiwera Street.

- ***Being on the northern boundary there are sun shading issues from the extension.***

Comment: a detailed review of solar access within the assessment report which includes physical inspection of the curtilage of 17 Waiwera Street confirmed the addition will cast an acceptable level additional shadow to the common open space at 17 Waiwera Street at mid-winter (21st June) not having an adverse impact to the amenity of the adjoining residents.

PUBLIC INTEREST

The proposal is considered to be in the public interest for the reasons stated throughout this report.

SUITABILITY OF THE SITE

The proposal would be located in a R3 Medium Density Residential Zone where dwelling houses are a permissible form of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

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

CONCLUSION

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

The two storey addition replaces a modern addition and is designed to be submissive in scale below the eaves of the main dwelling and its elevations comprising predominantly pale brick is complementary to the appearance of the dwelling. The glazing is minimised to the public realm and the two storey is setback from the principal elevation facing Waiwera Street to provide a separation and interpretation between the addition and the heritage item. The design of the addition therefore conserves the heritage significance of the heritage item and heritage conservation area.

However, it is sought for the windows either side of the chimney breast on the East Elevation to remain to reduce the extent of glazing and retention of these windows assist in the interpretation of the heritage significance of the building being proportionately appropriate in size and scale with the balcony on the first floor northern elevation. A condition of consent is therefore recommended to retain the ground and first floor windows site of the chimney breast on the east elevation.

The application includes an arborist report inclusive of addendum report plus structural methodology to construct the new addition which is within the tree protection zone of three mature native trees (*T1 Eucalyptus microcorys*, *T2 Eucalyptus microcorys* & *T3 Lophostemon confertus*).

The methodology to construct the addition being a suspended slab above grade supported by piers is supportable upon receipt of sufficient supporting Arboricultural and structural evidence that the addition inclusive of piers would not impact the health and stability of the trees and amendments to the first floor accounts for an adequate clearance from tree trunks of the three trees. Appropriate conditions of consent are recommended concerning tree protection, supervision of construction by a Project Arborist and sensitive construction techniques.

The development inclusive of the new addition has a proposed site coverage of 42% which exceeds the maximum 35% stipulated in Section 1.5.5 of NSDCP 2013. However, there is sufficient merit for the proposed site coverage most notably if the site area were 2m² less the site would be subject to a lesser maximum of 40% as stipulated in Table B-1.6, s1.5.5 of NSDCP 2013. It is also notable the development proposes a positive outcome removing paved areas and artificial lawn for new landscaping and compliance with the minimum 45% landscaped area.

A total of one (1) unique submission was received raising concerns regarding overlooking of units and communal areas plus overshadowing. Neighbouring amenity including visual privacy and solar access has been considered in detail as part of the assessment and the development would not have an unreasonable shadow impact and subject to retention of the tree canopy and mature rear boundary hedging there is no direct or close views to neighbouring properties.

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

RECOMMENDATION

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

THAT the North Sydney Local Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 270/2024 for alterations and additions to a dwelling which is a local heritage item on land at 11 King George Street, Lavender Bay subject to following site specific and attached standard conditions of consent.

Heritage Requirements

- C1. The following changes must be made to the plans prior to the issue of the construction certificate and submitted to the principal certifier. The building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate must fully satisfy the requirements of this condition.

a) Ground Floor Fire Place

- ii) the opening to the eastern side of the fire place clouded in red on the approved Ground Floor Plan is to retain an appropriately proportioned bulk head.

(Reason: To ensure the legibility of original interior room configuration and detailing so that the evolution of the building remains discernible)

b) East Elevation Windows

- ii) The existing windows clouded red on the Proposed East Elevation which are either side of the chimney breast on both the Ground Floor and First Floor are to remain. No approval is granted for an increase to the size and proportion of the windows.

(Reason: To retain the character of the heritage item and ensure the balcony and verandah elements remain the prominent elements of the dwelling as viewed from the north western corner of the dwelling)

Transport for NSW

- C2. The development, including but not limited to any structural support elements, temporary structures or the like, must not involve any ground penetration of 2m or below existing ground level on land within 25m (measured horizontally) of a rail corridor. Prior to the issue of a Construction Certificate for the development, the Certifier is to be satisfied that no such works are proposed on detailed design plans and information accompanying the Construction Certificate. If the Certifier is not so satisfied, a modification application will be required.

Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAM (Transport Asset Manager of NSW) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

(Reason: Transport for NSW requirement)

Transport for NSW

- E1. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

(Reason: Transport for NSW requirement)

Thomas Holman
SENIOR ASSESSMENT OFFICER

David Hoy
TEAM LEADER

Date: 09 April 2025

STEPHEN BEATTIE
MANAGER DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
11 KING GEORGE STREET, LAVENDER BAY
DEVELOPMENT APPLICATION NO. 270/24

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the tables to this condition, or cited by other conditions, and as amended by other conditions of this consent.

Plan No.	Rev	Title	Drawn by	Dated
DA.204	D	Demolition Ground Floor Plan	Madeleine Blanchfield Architects	05/03/2025
DA.205	D	Demolition First Floor Plan	Madeleine Blanchfield Architects	05/03/2025
DA.206	D	Demolition Roof Plan	Madeleine Blanchfield Architects	05/03/2025
DA.301	D	Proposed Ground Floor Plan	Madeleine Blanchfield Architects	05/03/2025
DA.302	D	Proposed First Floor Plan	Madeleine Blanchfield Architects	05/03/2025
DA.303	D	Proposed Roof Plan	Madeleine Blanchfield Architects	05/03/2025
DA.401	D	Proposed Front (West) Elevation	Madeleine Blanchfield Architects	05/03/2025
DA.402	D	Proposed East Elevation	Madeleine Blanchfield Architects	05/03/2025
DA.403	D	Proposed North Elevation	Madeleine Blanchfield Architects	05/03/2025
DA.404	D	Proposed South Elevation	Madeleine Blanchfield Architects	05/03/2025
DA.501	D	Proposed Longitudinal Section	Madeleine Blanchfield Architects	05/03/2025
DA.502	D	Proposed Cross Section	Madeleine Blanchfield Architects	05/03/2025
DA.503	D	Proposed Cross Section	Madeleine Blanchfield Architects	05/03/2025
DA.602	C	Materials Board	Madeleine Blanchfield Architects	05/03/2025
DA00-D5024	C	Da Cover Page	Dangar Barin Smith	24.02.2025
DA01-D5024	C	Ground Floor Landscape Plan	Dangar Barin Smith	24.02.2025

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DA02-5024	C	Level 1 Landscape Plan	Dangar Barin Smith	24.02.2025
DA03-D5024	C	DA Details	Dangar Barin Smith	24.02.2025
DA04-D5024	C	Canopy Coverage Plan	Dangar Barin Smith	24.02.2025

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

Plans on Site

- A2. A copy of all plans endorsed with Council's approval stamp, specifications and documents (including the plans, specifications and documents submitted and approved with all Construction Certificates) must be always kept on site and be readily available for perusal by an officer of Council or the Principal Certifier.

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

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

No Demolition of Extra Fabric

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

(Reason: To ensure compliance with the approved development)

External Finishes and Materials

- A4. External finishes and materials must be in accordance with the submitted schedule prepared by Madeleine Blanchfield Architects and dated 05/03/2025 unless otherwise modified by Council in writing. Substitution of materials must not be undertaken, except where otherwise approved in writing by Council.

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

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C. Prior to the Issue of a Construction Certificate (and ongoing, where indicated)

Heritage Requirements

- C1. The following changes must be made to the plans prior to the issue of the construction certificate and submitted to the principal certifier. The building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate must fully satisfy the requirements of this condition.

a) Ground Floor Fire Place

- i) the opening to the eastern side of the fire place clouded in red on the approved Ground Floor Plan is to retain an appropriately proportioned bulk head.

(Reason: To ensure the legibility of original interior room configuration and detailing so that the evolution of the building remains discernible)

b) East Elevation Windows

- i) The existing windows clouded red on the Proposed East Elevation which are either side of the chimney breast on both the Ground Floor and First Floor are to remain. No approval is granted for an increase to the size and proportion of the windows.

(Reason: To retain the character of the heritage item and ensure the balcony and verandah elements remain the prominent elements of the dwelling as viewed from the north western corner of the dwelling)

Transport for NSW

- C2. The development, including but not limited to any structural support elements, temporary structures or the like, must not involve any ground penetration of 2m or below existing ground level on land within 25m (measured horizontally) of a rail corridor. Prior to the issue of a Construction Certificate for the development, the Certifier is to be satisfied that no such works are proposed on detailed design plans and information accompanying the Construction Certificate. If the Certifier is not so satisfied, a modification application will be required.

Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAM (Transport Asset Manager of NSW) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

(Reason: Transport for NSW requirement)

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Dilapidation Report Damage to Public Infrastructure

- C3. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the predeveloped condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any infrastructure damaged before development commences, so 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 the relevant Construction Certificate.

The Applicant 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 Applicant shall be responsible for the cost of repairing any public infrastructure damaged during the course of the development. No occupancy of the development shall be permitted until all such damage has been rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Principal Certifier with submission of the relevant Construction Certificate documentation.

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

Structural Adequacy of Existing Building

- C4. 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 the relevant 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

- C5. 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:

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- 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 relevant 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

C6. 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)

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Heritage Architect to be Commissioned

- C7. An appropriately qualified and experienced heritage architect must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters.

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

Note: If advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require a Modification under s4.55 of the *Environmental Planning and Assessment Act 1979*, or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying out of development with/otherwise than in accordance with the development consent.

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

Skylight(s)

- C8. Skylight flashing(s) and frame(s) to be coloured to match the roof material. Skylight(s) to sit no higher than 100mm above roof plane when in a closed position. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To minimise the visual impact of the skylight(s) on the roof plane)

External Finishes and Materials

- C9. The external colours and finishes must be in accordance with the approved schedule of finishes and materials, prepared by Madeleine Blanchfield Architects and dated 05/03/2025. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the relevant issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure quality built form of development)

Work Zone

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

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

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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. Work 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 Work 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 relevant Construction Certificate.

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

(Reason: Amenity and convenience during construction)

Maintain Property Boundary Alignment Levels

- C11. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Street Sign Relocation

- C12. If required, all costs associated with relocating the street sign must be paid in full to North Sydney Council prior to issue of any Construction Certificate.

The Principal Certifier must ensure that the specifications submitted, accompanying the issued Construction Certificate, fully satisfy this condition.

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

Obtain Driveway Crossing Permit under S.138 Roads Act 1993

- C13. A driveway crossing and roads infrastructure works permit to suit the approved off-street parking facilities must be granted by the Council prior to the issue of the relevant Construction Certificate. In order to obtain a permit under s.138 of *the Roads Act 1993*, an application must be made to Council on the 'Vehicular Access Application' form with payment of the adopted assessment/inspection fees. Council will require civil design construction drawings and certification from the Applicant's Civil Engineer to verify design details and enable issue of the permit. The requirements of the permit must be complied with at all times.

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The civil design drawings must include the following at a minimum:

- a) the vehicular accessway must comply with AS 2890.1 and Council's current *Vehicular Access Application Guidelines and Specification* (gutter bridges not permitted) to ensure that a B85 vehicle will not scrape/strike the surface of the carriageway, layback, vehicular crossing or parking floor;
- b) the width of the vehicular layback must be 4.415 metres (including the wings);
- c) the vehicular layback must be set square to the kerb;
- d) the crossing (between the layback and the property boundary) must be placed on a single straight grade of approximately 4.5%, falling to the back of the layback;
- e) the gutter levels and boundary footpath levels must match the existing levels and shall not be altered;
- f) transitioning works of one footpath panel to north of the driveway crossing are required to ensure uniformity in the footpath;
- g) the footpath, kerb gutter, and road shoulder must be transitioned 1m to north of the crossing to ensure uniformity in the road reserve;
- h) the road shoulder must be reconstructed 1.2 m wide to gutter lip, adjacent to all new gutter works;
- i) any twisting of driveway access must occur entirely within the subject property;
- j) all inspection openings, utility services must be adjusted to match the proposed driveway levels;
- k) sections along centreline and extremities are required at a scale of 1:50 to be taken from the centreline of the roadway through to the parking area itself and must include all changes of grade and levels both existing and proposed;
- l) a longitudinal section along the gutter line at a scale of 1:50 showing how it is intended to blend the vehicular crossing with the existing kerb and gutter;
- m) a longitudinal section along the footpath property boundary at a scale of 1:50 is required;
- n) the sections must show the calculated clearance to the underside of any overhead structure; and
- o) a swept path analysis is required demonstrating that an 85th percentile vehicle can manoeuvre in and out of the garage spaces in accordance with AS 2890.1 2004 "Off Street Parking."

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The permit must be granted by Council prior to the issue of the relevant Construction Certificate.

All driveway and infrastructure work on the road reserve must be undertaken in accordance with the terms of the permit issued by Council. Inspections by Council will be required as specified. The Principal Certifier issuing the relevant Construction Certificate must ensure that the permit issued by Council is obtained and referenced on and accompanies the relevant Construction Certificate issued.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic)

Stormwater Disposal - Drainage Plan

C14. Prior to the issue of the relevant Construction Certificate, site drainage plans must be prepared by a licensed plumber or drainage engineer. The site drainage plans must be designed in accordance with the following criteria:

- a) compliance with NCC drainage requirements and current Australian Standards and guidelines;
- b) stormwater runoff and subsoil drainage generated by the approved development must be conveyed to existing site disposal system;
- c) If required, new pipelines within council land shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
- d) the design and installation of the Rainwater Tanks shall comply with BASIX and Sydney Water requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system; and
- e) prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.

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

(Reason: Proper disposal of stormwater)

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

C15. Prior to the issue of the relevant Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$26,000.00 to be held by Council for the payment of the cost for the following relevant matters:

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- 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.

The security will be refundable following the expiration of six months from the issue of the relevant 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 the relevant Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Tree Bond for Public Trees

- C16. Prior to any works authorised by this consent commencing, security in the sum of \$10,000.00 must be provided to Council for the protection of trees in public places, including the making good of any damage caused to such trees. The security is to be provided in accordance with the Schedule below.

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

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

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

In the case of any tree, which cannot be replaced with a similar specimen, the security for that tree will be forfeited to Council and used to provide replacement trees in streets and other public places.

SCHEDULE

Tree Number and Species	Location	Bond
Schinus molle	Opposite site on Waiwera Street footpath	\$5,000.00
Jacaranda mimosifolia	Opposite site on Waiwera Street footpath	\$5,000.00

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

Tree Protection Measures to be shown on Construction Drawings

- C17. The tree protection measures contained in the arborist report and addendum prepared by Martin Peacock Tree Care, dated 26 September 2024 and 19 March 2025, shall be shown clearly on the relevant Construction Certificate drawings, and other relevant plans for works authorised by this consent. Plans and specifications showing the said tree protection measures must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Protection of Trees

- C18. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 - Protection of trees on development sites:

Tree	Location	Height
Eucalyptus microcorys	South Eastern Rear Corner of 11 King George Street	20m
Eucalyptus microcorys	South Eastern Rear Corner of 11 King George Street	20m
Lophostemon confertus	South Eastern Rear Corner of 11 King George Street	15m
XCupressocyparis leylandii	Eastern Rear Boundary of 11 King George Street	3m
Schinus molle	Opposite site on Waiwera Street footpath	10m
Jacaranda mimosifolia	Opposite site on Waiwera Street footpath	7m

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

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

(Reason: Protection of existing environmental and community assets)

Approval for Removal of Trees

- C19. The following tree(s) are approved for removal in accordance with the development consent:

Tree No/Species	Location	Height
Mangifera indica	Adjacent to North Elevation of dwelling	6m
Plumeria acutifolia	Adjacent to North Elevation of dwelling	3m
12 x Pyrus calleryana	South Eastern Rear Corner of 11 King George Street	4m
12 x Pyrus calleryana	Eastern Rear Setback of 11 King George Street	2m

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

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

(Reason: Protection of existing environmental and community assets)

Asbestos and Hazardous Material Survey

- C20. A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos contamination and, if asbestos contamination is present, making recommendations as to the work required to safely address the contamination.

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

- a) the removal of asbestos must be undertaken by a SafeWork NSW licensed contractor;
- b) all removal must be in strict accordance with the requirements of the SafeWork NSW in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.

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- c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; and
- d) Waste disposal receipts must be provided to the Principal Certifier as proof of correct disposal of asbestos laden waste.

The report must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

Swimming Pool Pumps on Residential Premises

C21. The Principal Certifier must be satisfied that the swimming pool pump to be installed on the premises must not:

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

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

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

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

Details demonstrating compliance with the requirements of this condition must be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

(Reason: To maintain residential amenity)

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Pool Access

- C22. Access to the pool must be restricted by a child resistant barrier in accordance with the regulations prescribed in *the Swimming Pools Act 1992*, and the barrier is to conform to the requirements of the applicable Australian Standard. 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.

(Reason: To ensure the safety of children and make the Applicant aware of the need to comply with applicable pool fencing legislation)

Swimming Pool Water to Sewer

- C23. The swimming pool, including overflow water, must be drained to the sewer. The consent of Sydney Water to dispose of wastewater must be obtained prior to the issue of the relevant Construction Certificate. Plans and specifications complying with this condition and any conditions/requirements of Sydney Water must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system)

Pool Filter

- C24. The pool filtering equipment must be encased by a soundproof cover and must be located six (6) metres from any habitable room in a dwelling on a neighbouring property. 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.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

Local Infrastructure Contributions

- C25. A monetary contribution pursuant to the provisions of section 7.12 of *the Environmental Planning and Assessment Act 1979* is to be paid to Council, in accordance with the North Sydney Council's Local Infrastructure Contributions Plan, to provide for local infrastructure improvements.

Based on the cost of development \$2,661,485.00 at the date of determination, the total contribution payable to Council is \$26,615.00

Indexation

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

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Timing of Payment

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

A copy of the *North Sydney Local Infrastructure Contribution Plan 2020* can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, NORTH SYDNEY, or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: To provide for local infrastructure identified in the *North Sydney Council Local Infrastructure Contributions Plan 2020*)

Security Deposit/Guarantee Schedule

- C26. All fees and security deposits/guarantees in accordance with the schedule below must be provided to Council prior to the issue of the relevant Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Street Tree Bond (on Council Property)	\$10,000.00
Footpath Damage Bond	\$26,000.00
TOTAL BONDS	\$36,000.00

Note: The following fees applicable

Fees	
Local Infrastructure Contributions	\$26,615.00
TOTAL FEES	\$26,615.00

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)

BASIX Certificate

- C27. Under section 75 of the *Environmental Planning and Assessment Regulation 2021*, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A1765396 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

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

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Arborist to be Commissioned

- C28. An experienced AQF Level 5 consulting arborist ("the project arborist") must be commissioned to assist the design development, contract documentation, and overseeing of all works on the site for their duration by undertaking regular inspections of the works in progress and providing advice on tree-related matters.

The project arborist must hold a minimum Australian Qualification Framework Level 5 in Arboriculture, be a registered consulting member of a nationally recognised arboricultural organisation or association, not remove or prune trees in the North Sydney local government area and be engaged before work commences for the duration of site preparation, demolition, construction and landscaping.

The project arborist shall inspect, monitor, supervise, provide recommendations and written reports and certification relating to protection of the trees and compliance with the conditions of consent.

The contact details of the project arborist shall be advised to council before work commences and maintained up to date for the duration of works. If a new project arborist is appointed details of the new project arborist shall be notified to council within seven days.

Written details of the engagement of the project arborist must be submitted to Council for works prior to issue of the relevant construction certificate and the Principal Certifier prior to the issue of the relevant Construction Certificate.

This condition, and any advice given by the project arborist, do not authorise the carrying out of development or works not in accordance with the development consent.

(Reason: To ensure that all matters relating to trees and the proposed development are properly managed using best practice)

Root Mapping

- C29. Non-invasive/non-destructive root mapping is to be undertaken within the tree protection zone (TPZ) (identified as per AS4970-2009) of the 2 x Eucalyptus microcorys and 1 x Lophostemon confertus to determine the size and depth of the tree roots prior to the design of the required footings for addition.

Root mapping is to be undertaken under the direct supervision of an AQF Level 5 arborist. The arborist is to prepare a written report, with images, addressing the following:

- a) describing the results of the root mapping;
- b) providing an assessment of potential tree impacts of the excavation; and
- c) making recommendations of protection measures to be implemented for the duration of excavation and construction activity to ensure the ongoing health and viability of the tree.

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The report is to be provided to Council and the Principal Certifier for approval prior to any works commencing. Submitted plans and specifications must comply with the recommendations of the arborist report referred to in this consent, and the development must be carried out in accordance with this report.

(Reason: To ensure the protection of significant trees)

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

- D1. All trees that are specifically nominated to be retained by notation on plans or by condition as a requirement of this consent must be maintained and protected during demolition, excavation, and construction on the site, in accordance with AS4970-2009 (Protection of trees on development sites).

The tree protection measures detailed in the approved Tree Protection and Management Plan, and as directed by the project arboriculturist must be established before work commences and be maintained at all times during construction activity.

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

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

Temporary Fences and Tree Protection

- D2. All protected trees on-site that are specifically nominated to be retained by notation on plans or by a condition of this consent must be tagged with luminous tape or the like, for purposes of identification prior to demolition, excavation, or construction works, and must remain so for the duration of works on the site. No materials or builder's waste are to be stored in the vicinity of the nominated tree/trees at any time.

Appropriate fencing or barricades in accordance with AS4970-2009 (Protection of trees on development sites) must be installed to the satisfaction of the Project Arborist prior to commencement of any works and must be maintained for the duration of the works.

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

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Public Liability Insurance - Works on Public Land

- D3. 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)

Notification of New Addresses

- D4. Prior to the commencement of any building works, an application must be made, and written confirmation received from North Sydney Council, of the allocated street address (house number) and/or unit numbers of the completed project.

A plan for the proposed dwelling and unit numbering must be submitted to Council for approval with the application for new addresses. Applications for numbering will be considered in accordance with the *NSW Geographical Names Board* requirements outlined in the document titled '*NSW Addressing User Manual*.'

The approved numbering will be recorded in Council's *Land and Property Information* database and must be clearly displayed at the property at all times. Council will also notify relevant public authorities and some service providers of the approved addresses (including Australia Post). A list of current authorities and service providers notified by Council will be included in the address approval notice.

These details will be recorded in Council records and must be displayed at the property in accordance with the provisions of the applicable Australian Standard relating to rural and urban addressing. A copy of the allocation confirmation must be submitted to the Principal Certifier with the application for the relevant Construction Certificate.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of the NSW Geographical Names Board and Council's *Property Addressing Policy*)

Sydney Water Approvals

- D5. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

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

(Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works' Notice

- D6. Works in accordance with this development consent must not be commenced until the Applicant 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**Transport for NSW**

- E1. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

(Reason: Transport for NSW requirement)

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Parking Restrictions

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

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

Road Reserve Safety

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

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

(Reason: Public Safety)

Temporary Disposal of Stormwater Runoff

- E4. During construction, stormwater runoff must be disposed of 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)

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Geotechnical Stability during Works

- E5. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

Geotechnical aspects of the development work, namely appropriate excavation method and vibration control, support and retention of excavated faces, and hydrogeological considerations must be undertaken in accordance with the recommendations of the Geotechnical Report prepared by **Crozier Geotechnical Consultants**, dated February 2025 and all subsequent geotechnical inspections carried out during the excavation and construction phase.

Approval must be obtained from all affected property owners, including North Sydney Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

(Reason: Ensure appropriate professional are engaged at appropriate stages during construction)

Council Inspection of Public Infrastructure Works

- E6. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points:

- a) Formwork for layback, kerb/gutter, footpaths.

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

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

Removal of Extra Fabric

- E7. Should any portion of the existing building, trees, or curtilage of the site, which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification of the damage is to be given to Council forthwith. No work is to resume until the written approval of Council to do so is obtained. Failure to comply with the provisions of this condition may result in the Council taking further action including legal proceedings if necessary.

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

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Dust Emission and Air Quality

E8. The following must be complied with at all times:

- a) Materials must not be burnt on the site.
- b) Vehicles entering and leaving the site with soil or fill material must be covered.
- c) Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with *the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction*.
- d) Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

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

Noise and Vibration

E9. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

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

No Work on Public Open Space

E10. No work can be undertaken within adjoining public lands (i.e., parks, reserves, roads, etc.,) without the prior written consent of Council. In this regard the Applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land, and to ensure public safety and proper management of public land)

Applicant's Cost of Work on Council Property

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

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

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No Removal of Trees on Public Property

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

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

Protection of Trees

- E13. All trees required to be retained, as part of this consent must be protected from any damage during construction works in accordance with AS4970-2009. All recommendations contained within the arborist's report and addendum report prepared by Martin Peacock Tree Care dated 26 September 2024 and 19 March 2025 must be implemented for the duration of the works and as amended by other conditions of this consent.

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

Notes:

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

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

Trees to be Removed

- E14. All trees on the site must be protected and retained save for those expressly identified below as being approved for removal:

Tree No./Species	Location	Height (m)
Mangifera indica	Adjacent to North Elevation of dwelling	6m
Plumeria acutifolia	Adjacent to North Elevation of dwelling	3m
12 x Pyrus calleryana	South Eastern Rear Corner of 11 King George Street	4m
12 x Pyrus calleryana	Eastern Rear Setback of 11 King George Street	2m

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

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Special Permits

- E15. 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 Applicant, 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)

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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)

Construction Hours (All Other Zones)

- E16. 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 - 5.00pm
Saturday	8.00am - 1.00pm
Sunday Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above, *the EPA Noise Policy for Industry 2017* and any Construction Noise Management Plan required under this consent. In the event of breach to the approved hours of construction, Council take may take enforcement action under Part 9 of *the 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)

Installation and Maintenance of Erosion and Sediment Controls

- E17. 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 relevant 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)

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Sediment and Erosion Control Signage

- E18. 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)

Site Amenities and Facilities

- E19. Where work involved in the erection and/or 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 workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au

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

Health and Safety

- E20. 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

- E21. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

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

Plant and Equipment Kept Within Site

- E22. All plant and equipment used in the undertaking of the development/works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc., must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

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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)

Imported Fill Material

E23. The only waste derived fill material that may be received at the development site is:

- a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); and
- b) Any other waste-derived material the subject of a resource recovery exemption under section 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site, must be accompanied by documentation as the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

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

Waste Disposal

E24. All records demonstrating the lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as North Sydney Council and the Environment Protection Authority.

(Reason: To ensure the lawful disposal of construction and demolition waste)

Asbestos Removal

E25. All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence," and a current SafeWork NSW "Class 2 (Restricted) Asbestos Licence" (or equivalent). Removal must be carried out in accordance with National Occupational Health and Safety Commission requirements.

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

Service Adjustments

E26. The adjustment or inclusion of any new utility service or facilities must be carried out by an appropriately qualified contractor in accordance with the requirements of the relevant utility authority.

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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)

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

National Construction Code

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

(Reason: Prescribed - Statutory)

Home Building Act

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

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

(Reason: Prescribed - Statutory)

Appointment of a Principal Certifier

- F3. Building or excavation works in accordance with the development consent must not be commenced until the Applicant 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 or excavation works)

Construction Certificate

- F4. Building or excavation works in accordance with the development consent must not be commenced until the Construction Certificate for the relevant part of the work has been issued.

Note: For clarity, this condition does not apply to demolition of whole buildings and works. A Construction Certificate is not required for these works. Demolition is controlled by AS 2601-2001 - Demolition of Structures. This Australian Standard requires safeguards to be in place before demolition commences, including traffic control and management, which may form part of the Construction Traffic Management Plan. Vegetation may also be removed or cleared unless the development consent requires that specified vegetation must not be removed.

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

Occupation Certificates

- F5. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless the relevant 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)

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Critical Stage Inspections

- F6. 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)

Excavation/Demolition

- F7. Excavation and demolition shall be carried out as follows:

- a) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) All excavation 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.
- c) Demolition work must be undertaken in accordance with the provisions of AS2601 - Demolition of Structures.

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

Protection of Public Places

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

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

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

Site Sign

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

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Pool Access

- G2. Access to the pool must be restricted by a child-resistant barrier in accordance with the regulations prescribed in *the Swimming Pools Act 1992*, and the requirements of the applicable Australian Standard. The pool must not be filled with water or be allowed to collect stormwater until the installation of the child-resistant barrier is completed. Certification from an appropriately qualified person confirming compliance with these requirements must be provided prior to the issuing of the relevant Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of *the Swimming Pools Act 1992*)

Pool Safety Requirements

- G3. A notice must be displayed in a prominent position in the immediate vicinity of the pool at all times showing:
- a) Appropriate instructions for artificial resuscitation methods.
 - b) A warning stating:
 - (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL," and
 - (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES."

Details demonstrating compliance are to be provided with the relevant Occupation Certificate issued for the pool.

This notice must be kept in a legible condition and at the poolside.

(Reason: To ensure an adequate level of safety for young pool users)

Damage to Adjoining Properties

- G4. 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)

**11 KING GEORGE STREET, LAVENDER BAY
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Utility Services

- G5. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of the relevant Occupation Certificate. This shall be at no cost to Council.

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

Asbestos Clearance Certificate

- G6. For building works where asbestos-based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Principal Certifier (and a copy forwarded to Council if it is not the Principal Certifier) for the building work prior to the issue of the relevant Occupation Certificate. The asbestos clearance certificate must certify the following:

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

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

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au.

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

Certification of Tree Condition

- G7. Prior to the issue of the relevant Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Principal Certifier, describing the health of the tree(s) specifically nominated below:

Tree	Location	Height
Eucalyptus microcorys	South Eastern Rear Corner of 11 King George Street	20m
Eucalyptus microcorys	South Eastern Rear Corner of 11 King George Street	20m
Lophostemon confertus	South Eastern Rear Corner of 11 King George Street	15m
XCupressocyparis leylandii	Eastern Rear Boundary of 11 King George Street	3m
Schinus molle	Opposite site on Waiwera Street footpath	10m
Jacaranda mimosifolia	Opposite site on Waiwera Street footpath	7m

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

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

BASIX Completion Certificate

- G8. In accordance with section 45 *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, prior to issuing the relevant Occupation Certificate the Principal Certifier must provide a BASIX completion receipt.

(Reason: To ensure compliance with the Regulations)

Landscaping

- G9. The landscaping shown in the approved landscape documentation cited in condition A1 and as amended by this consent, must be completed prior to the issue of the relevant Occupation Certificate.

(Reason: To ensure compliance)

I. Ongoing/Operational Conditions

Pool Filter

- I1. The swimming pool pump installed at the premises must not operate so as to:
- a) emit a noise that is audible within a habitable room in any affected residence (regardless of whether any door or window to that room is open);
 - i) before 8.00am and after 8.00pm on any Sunday or Public Holiday; or
 - ii) before 7.00am or after 8.00pm on any other day
 - b) cause an LAeq(15min) which exceeds the RBL background noise level by more than 5dB when measured at the boundary of any affected residence. The modifying factor adjustments in Section 4 *NSW Environment Protection Authority Noise Policy for Industry 2017* shall be applied.

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

“boundary” includes any window or elevated window of an affected residence.

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

(Reason: To ensure noise generated by equipment does not result in offensive noise)

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Single Occupancy

12. Nothing in this consent authorises the use of the premises other than for a single <specify what type of occupancy as necessary> occupancy.

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

Minimum Headroom for Car Parking

13. Minimum headroom of 2.2m must be provided over all car parking areas.

(Reason: To ensure compliance with relevant standards and provide appropriate headroom)

Maintenance of Approved Landscaping

14. The owner of the premises at 11 King George Street is to maintain the landscaping approved by this consent generally in accordance with the approved Landscape Plans in condition A1 of this consent.

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

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

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



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Scale: 1:1200 approx.



BASIX and Thermal Comfort Item	Minimum Specifications for Proposed Design
External Walls 1 - new	Lightweight, with ≥R1.3 added (R1.7 total)
External Walls 2 – new	Brick/block, with ≥R1.2 added (R1.7 total)
External Walls 3 – new (if relevant)	Concrete wall, with ≥R1.3 added (R1.7 total)
External Walls 4 – new (if relevant)	Brick double, with optional insulation
Internal wall (between rooms)	Plasterboard or masonry (optional insulation)
Internal wall (next to garage)	Plasterboard or masonry (optional insulation)
Roofs new/repaired 1 – concrete	Medium colour + R3 + plasterboard (also foil or sarking)
Ceilings new	See roof description above: need R3 + sarking in ceiling space
External Floors new 1 – slab on ground	Slab on ground – optional insulation
External Floors new 2 – slab over subfloor	Slab-floor over subfloor +R0.7 added under slab = total R1.3 minimum
External Floors new 3 – over garage	Slab-floor over garage -optional insulation but very strongly suggested
Slab edge insulation	Mandatory for slabs with in-slab heating, R1 or more
1. Windows (minimum perform. values except type 2/3 below, 8 hot windows)	Single-glazed, clear + metal frames (or any double-glazing is OK)
Windows - U-value	≤ 7.63
Windows – SHGC	≤ 0.75
2. Windows – 5 hotter windows (fw04 west and gw01, gw02, fw11, fw12 east)	Same glass as above with external shutters/blinds/venetians added
2b. option 3 for 5 window above – not used	Double-glazed, low-E = U ≤ 2.3 and SHGC ≤ 0.19 and no shutters
3. Windows (fw01,g002,gw06 for west)	Single-glazed, low-E = U ≤ 5.7, SHGC ≤ 0.47 (or virtually any double-glazing will be OK to meet these specs)
Window Shading	Eaves and devices modelled as shown.
Skylights (3 new large skylights)	Double-glaze and tint - U ≤ 2.5 and SHGC ≤ 0.456
Pools	New pool < 53 kL (mandatory cover and pump with timer)
Pool covers	New pool needs a cover (but optional if no heating is used)
Water Tank (needed due to pool)	Tank = 1.663 kL or more to collect >50 m2
New showers	≤9 litres per minute (3 star WELS or better)
New toilets	≤4 litres per average flush (3 star WELS or better)
New taps	≤9 litres per minute (3 star WELS or better)
New PV for solar power	Optional
New hot water system	No new hot water proposed
New light fixtures	>40% of new/altered fittings are LED, fluoro or compact fluoro

DEVELOPMENT APPLICATION
11 KING GEORGE ST, LAVENDER BAY 2060

PREPARED ON BEHALF OF
LAUREN GILBERT & MARC KRONBORG

DRAWING SCHEDULE :		SCALE :
DA 101	Cover Sheet	NTS
DA 102	Site + Site Analysis Plan	1:200
DA 201	Existing Site + Roof Plan	1:200
DA 202	Existing Ground Floor Plan	1:100
DA 203	Existing First Floor Plan	1:100
DA 204	Demolition Ground Floor Plan	1:100
DA 205	Demolition First Floor Plan	1:100
DA 206	Demolition Roof Plan	1:100
DA 301	Proposed Ground Floor Plan	1:100
DA 302	Proposed First Floor Plan	1:100
DA 303	Proposed Roof Plan	1:100
DA 401	Proposed Front (West) Elevation	1:100
DA 402	Proposed East Elevation	1:100
DA 402 B	East Elevation Diagram with tree setback	N/A
DA 403	Proposed North Elevation	1:100
DA 404	Proposed South Elevation	1:100
DA 501	Proposed Longitudinal Section	1:100
DA 502	Proposed Cross Section	1:100
DA 503	Proposed Cross Section	1:100
DA 601	Area Calculations	1:200
DA 601 B	Existing Area Calculations	1:200
DA 602	Materials Board	NTS
DA 603	Site Waste & Recycling Management Plan	1:100
DA 604	Stormwater Plan	1:200
DA 605	Notification Plan	As noted
DA 610	Shadow Diagrams - 21st June	NTS
DA 611	Shadow Diagrams - 21st September	NTS
DA 612	Shadow Diagrams - 21st December	NTS
DA 613	Shadow Diagrams - Elevations	1:100
DA 614	Shadow Diagrams - Elevations	1:100

LOCATION PLAN
NTS



FOR DEVELOPMENT APPLICATION

madeleine
blanchfield
architects

Document Set ID: 10364520
Version: 1, Version Date: 20/03/2025

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FOR COUNCIL REVIEW
ISSUED FOR DEVELOPMENT APPLICATION
ISSUED FOR CONSULTANTS REVIEW
REV. FOR

CDD
CDD
CDD
CDD
DRAWN

05/03/25
25/02/25
20/09/24
19/08/24
DATE

Project
GILBERT KRONBORG RESIDENCE
11 King George Street
Lavender Bay

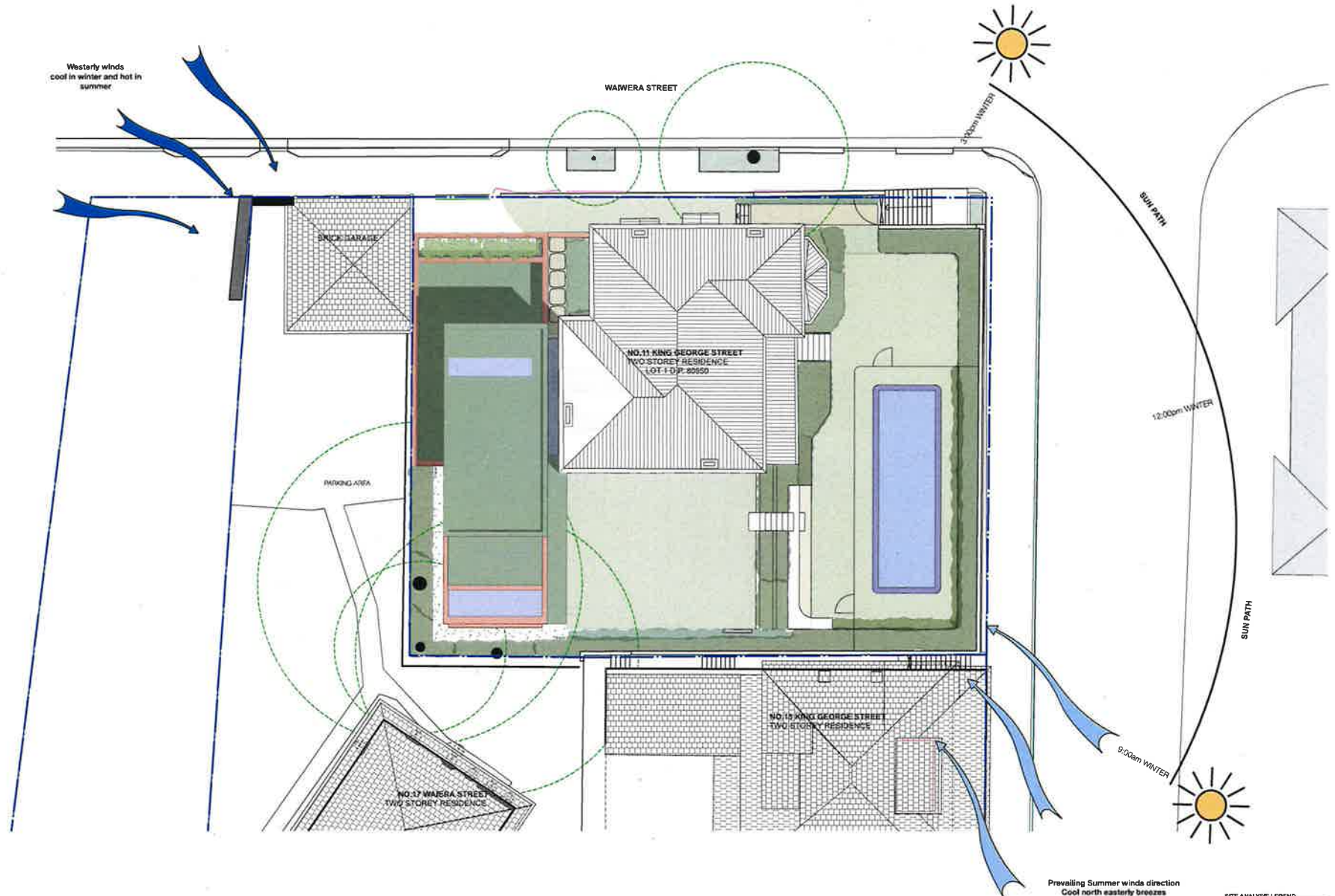
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19.08.24

Drawing
DA.101

Rev.
D



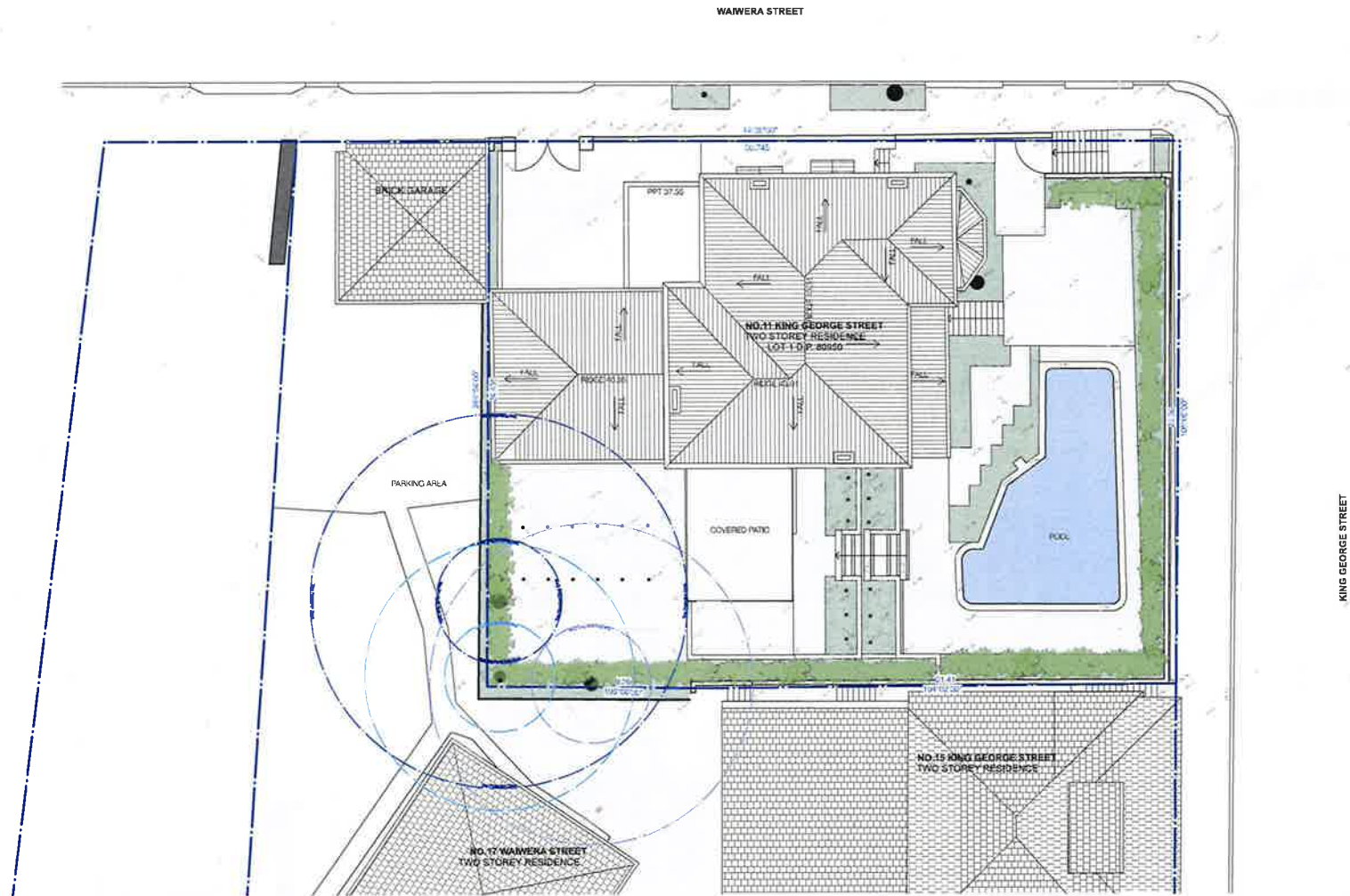
WALL TYPE, AREAS & MATERIALS LEGEND

New concrete out/extension	New stone of tile out/extension
New glazing out/extension	New sandstone cur/extension
New lightwood cl/extension	Existing wall retained
New masonry out/extension	Existing wall to be reused
New steel out/extension	Demolished out/extension

FOR DEVELOPMENT APPLICATION

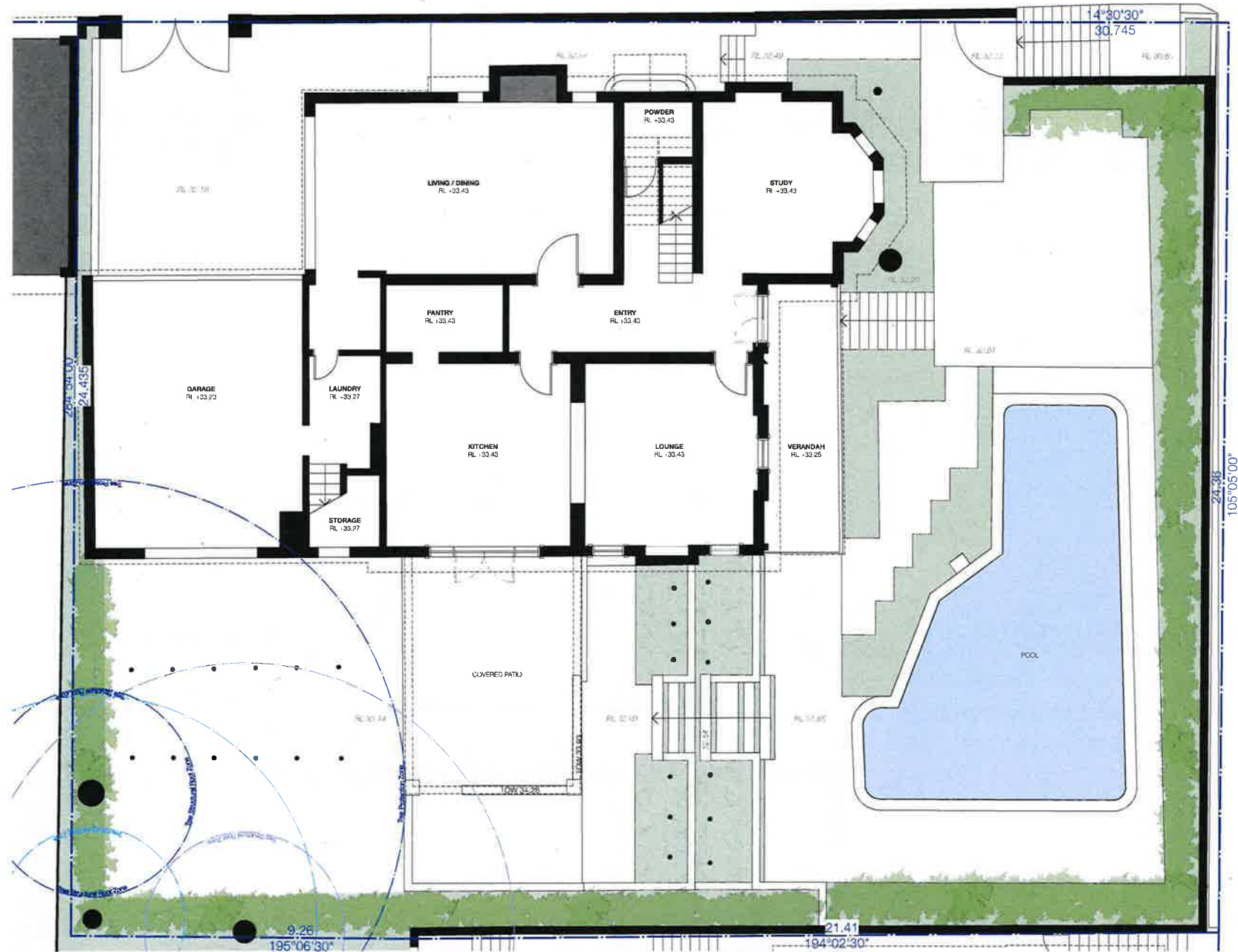


**Drawing
SITE ANALYSIS**



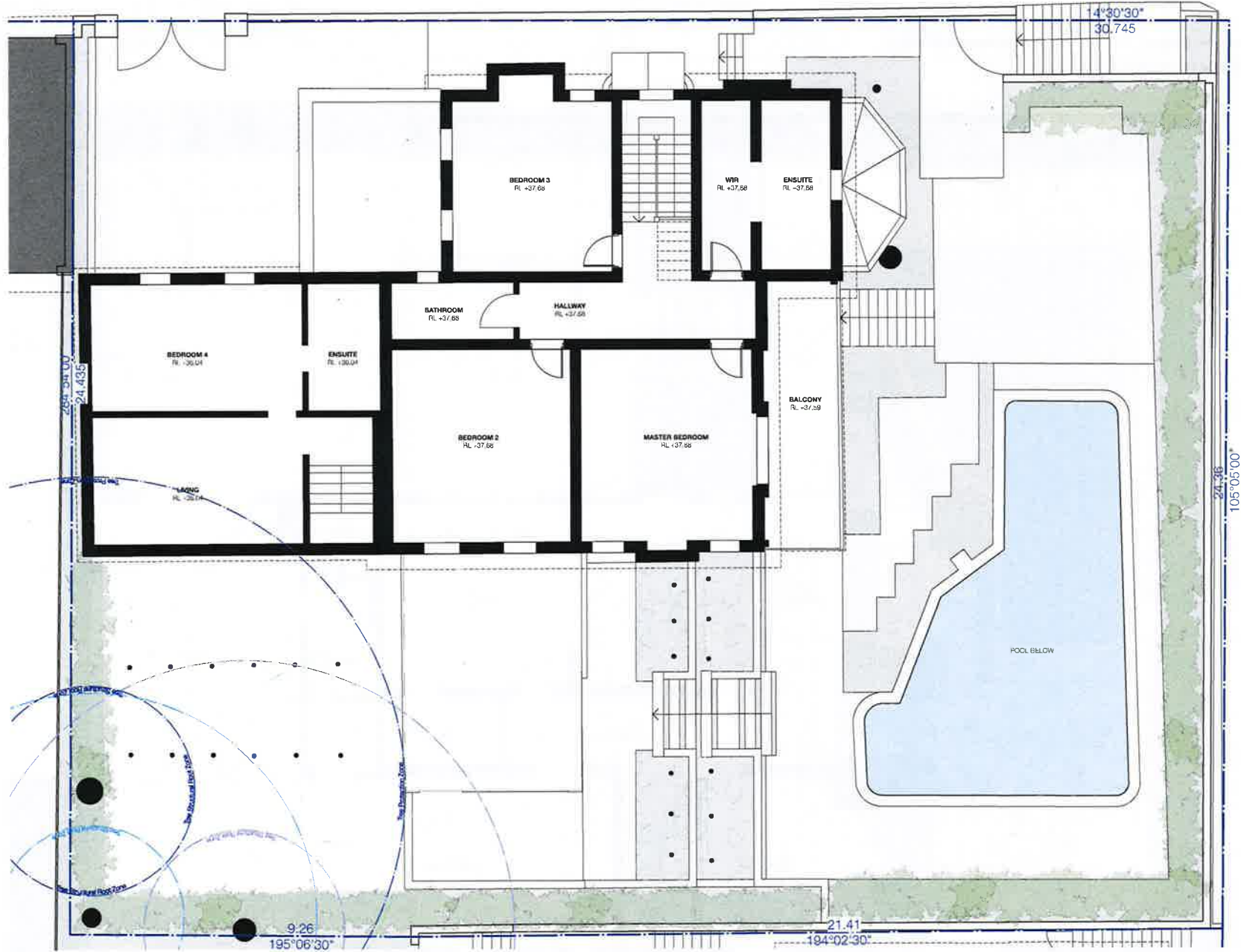
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1	AMENDED DEVELOPMENT APPLICATION FOR COUNCIL REVIEW	05/03/25														
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3	ISSUED FOR CONSULTANTS REVIEW	20/09/24														
4	FOR	19/08/24														



FOR DEVELOPMENT APPLICATION

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FOR DEVELOPMENT APPLICATION

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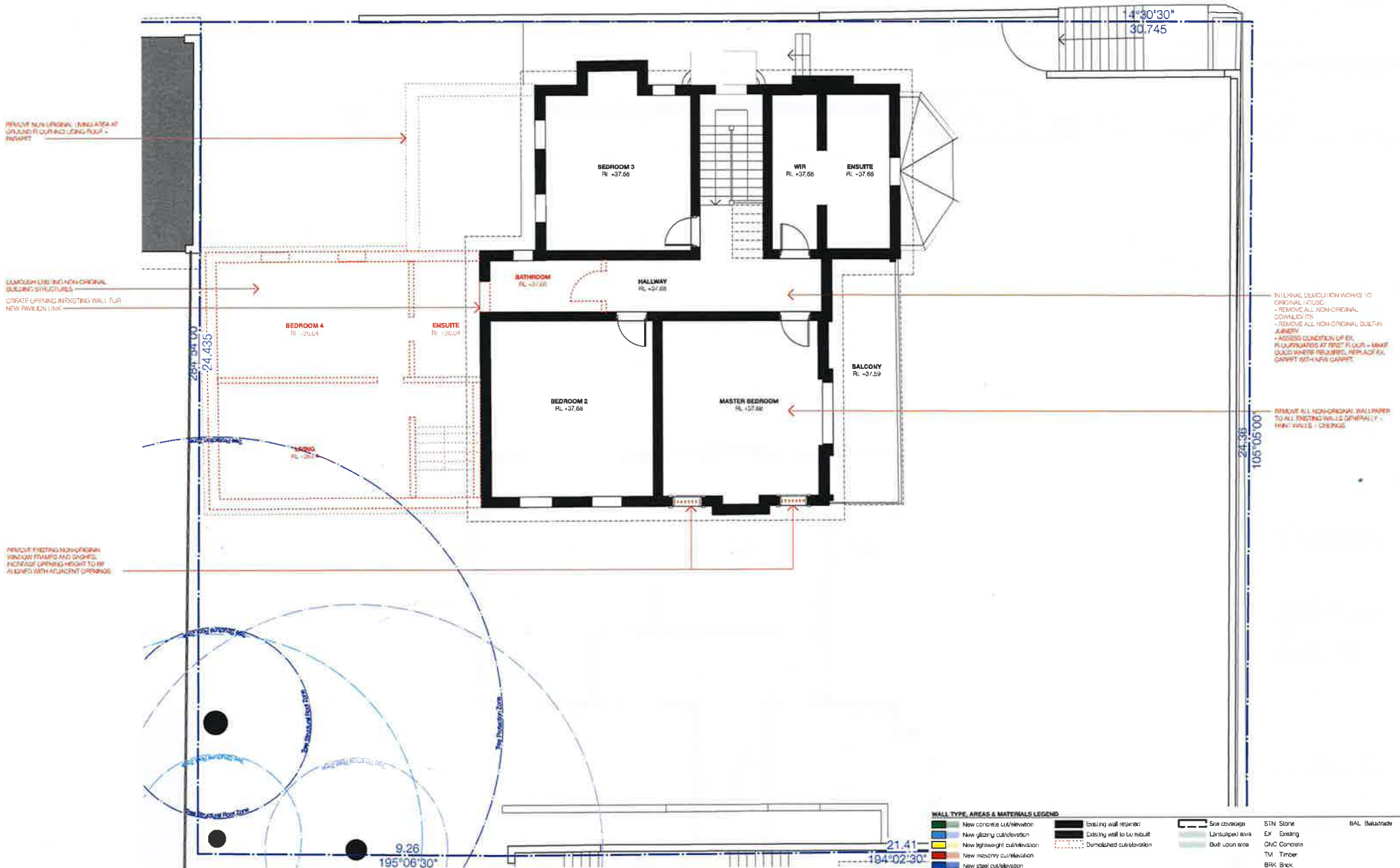
Project:
GILBERT KRONBURG RESIDENCE
11 Longview Street
Paddington NSW

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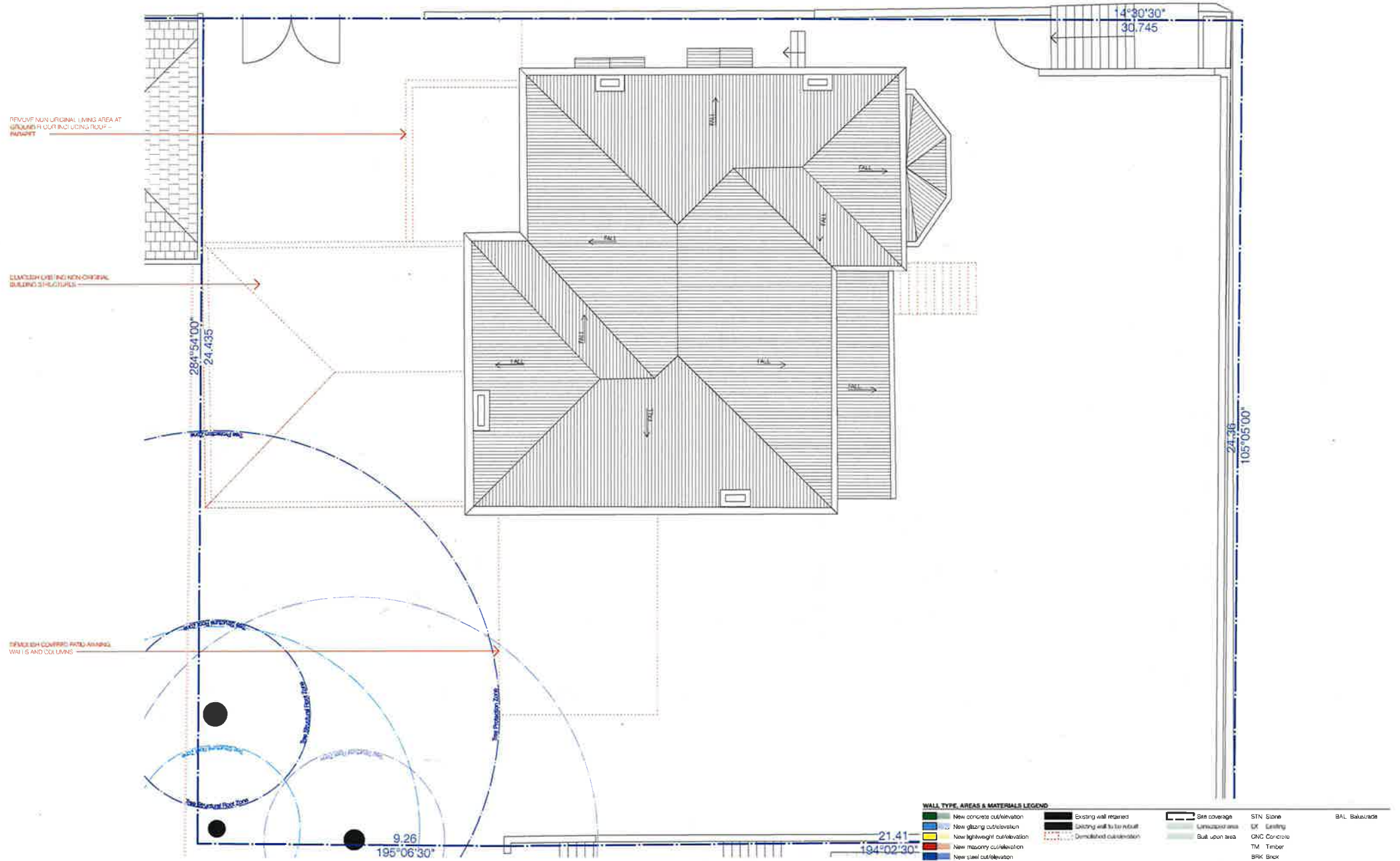
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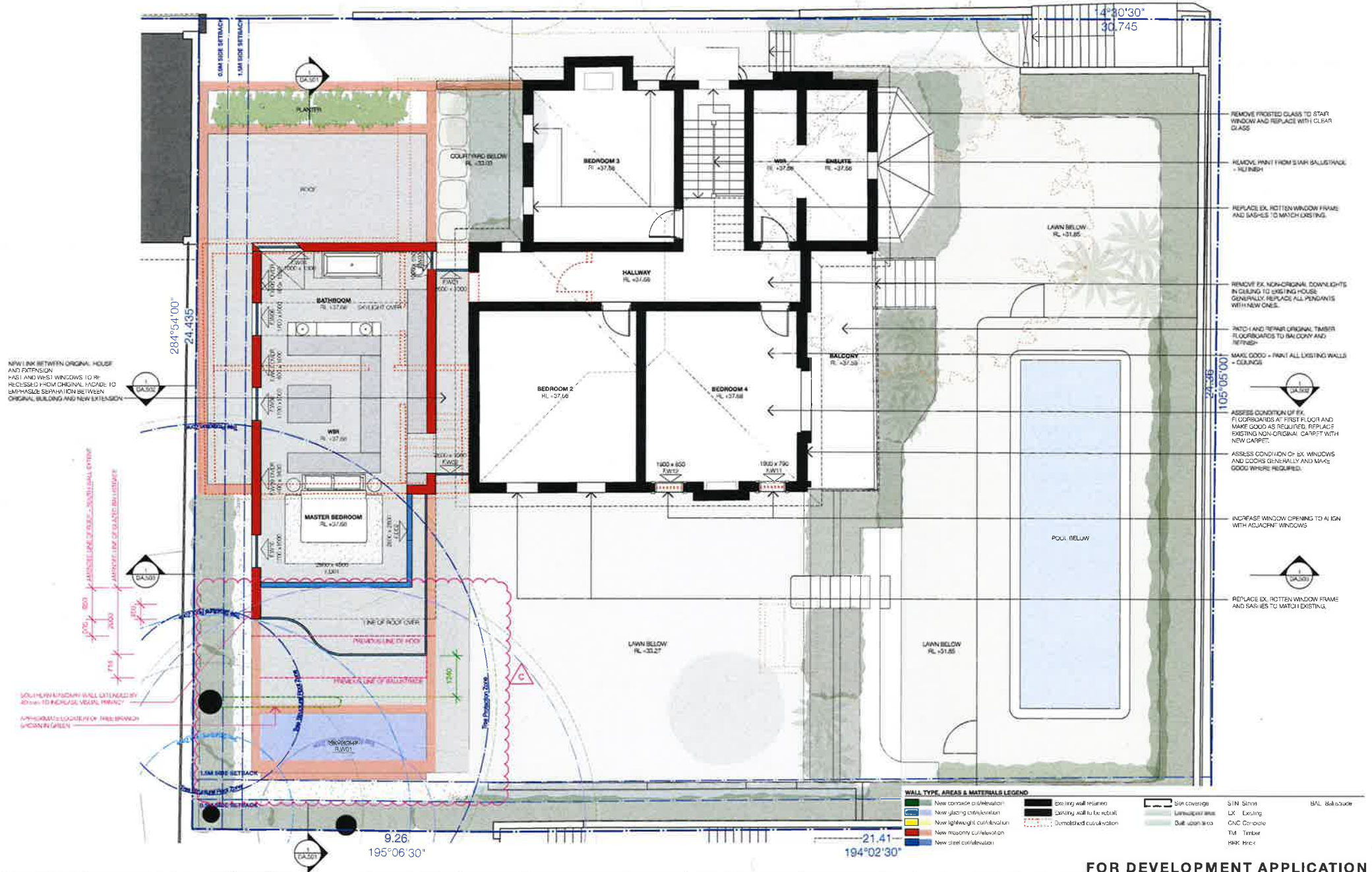


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FOR DEVELOPMENT APPLICATION

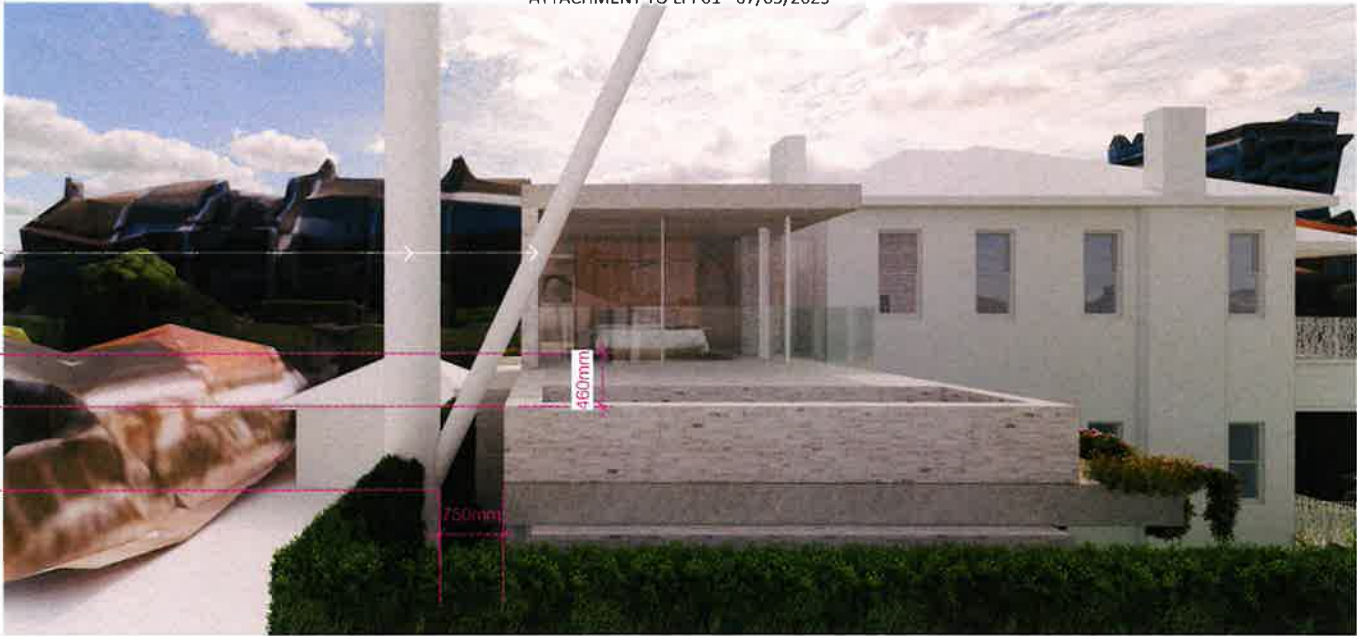
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Tree trunk + 300mm diameter first order branch as measured by arborist consultant

Bottom of branch - 5000mm over ex. ground (RL 33,14) at 750mm from trunk base

FF terrace - 4540mm from ex. ground level (RL 33,14)

Bottom of branch - 3400mm over ex. ground (RL 33,14) at trunk base



Tree trunk + 300mm diameter first order branch as measured by arborist consultant



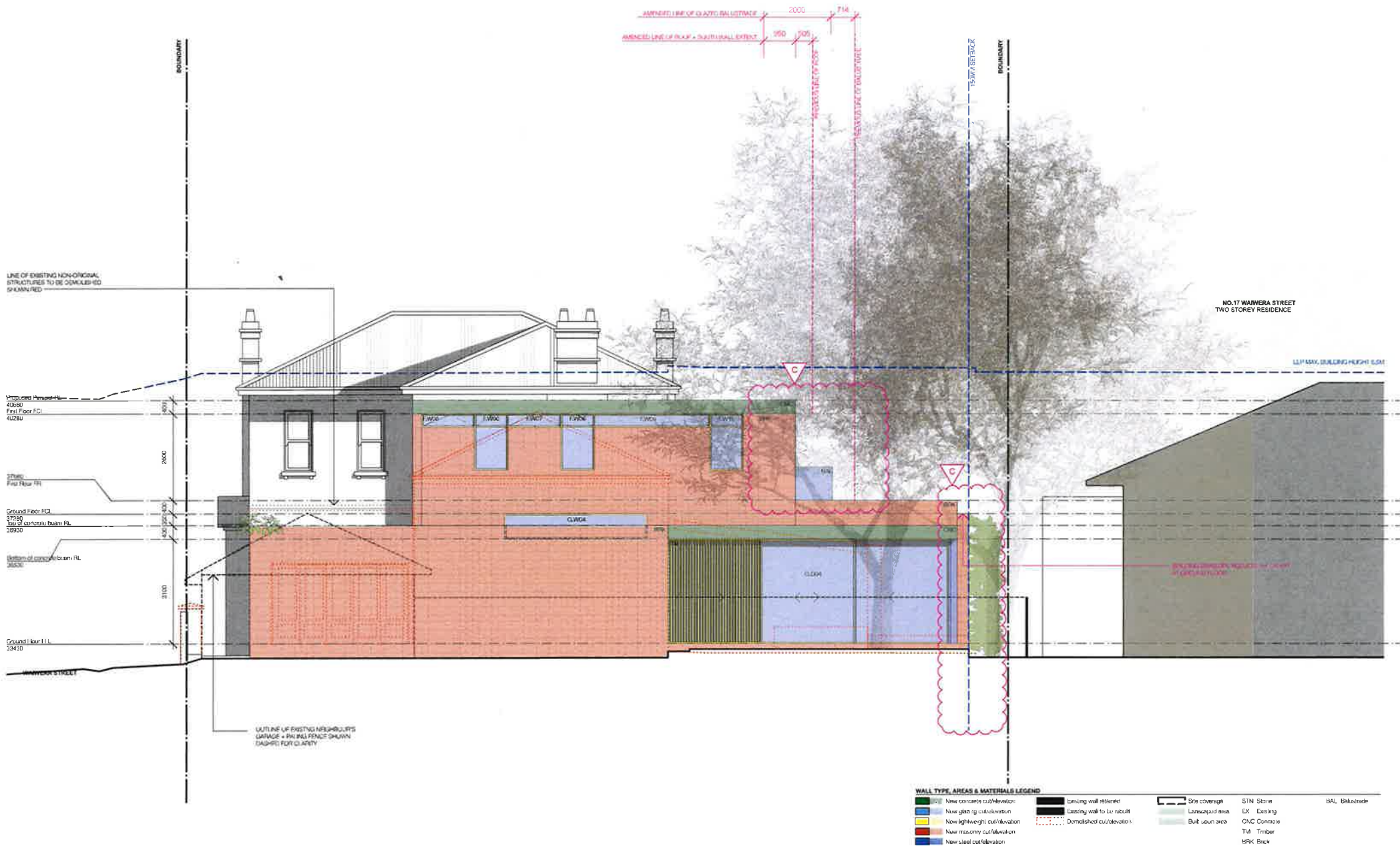
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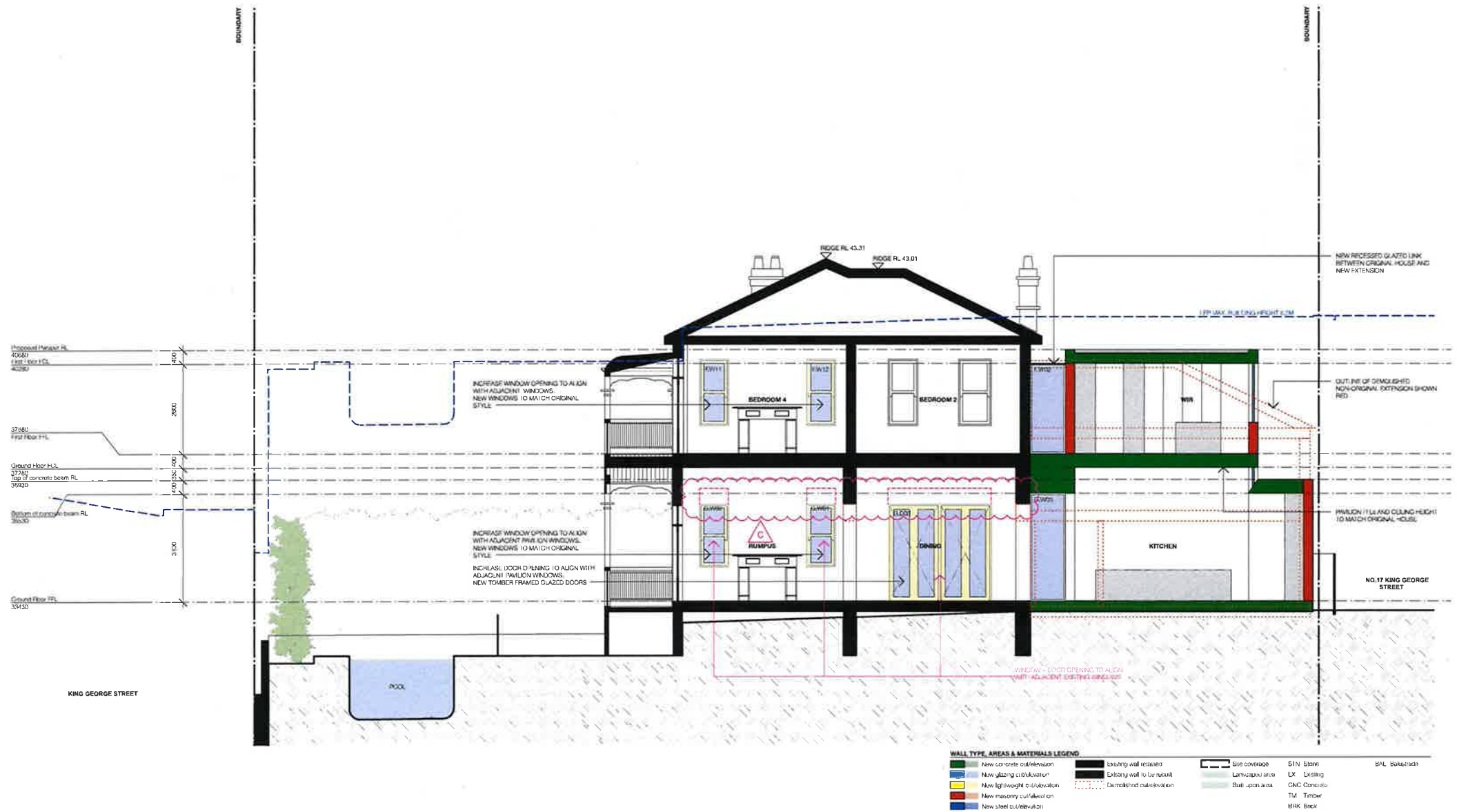
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FOR DEVELOPMENT APPLICATION

<p>madeleine blanchfield architects</p> <p>Madeline Blanchfield Architects Pty Ltd Registered Architect 1926 ABN 51 140 461 516 194/70th St Parramatta NSW 2021 office@madeleineblanchfield.com www.madeleineblanchfield.com +61 2 9912 0949</p>	<p>General Notes</p> <p>All Works To Be In Accordance With Australian Standards, The Building Code Of Australia, Other Relevant Codes And With Manufacturer Instructions.</p> <p>This Drawing Is Copyright And May Not Be Used Without Written Consent.</p> <p>Do Not Scale Off Drawings. Verify All Dimensions On Site Prior To Construction.</p> <p>To Be Used In Conjunction With All Other Consultancy Drawings.</p> <p>The Architect To Be Immediately Notified Of Any Discrepancies.</p>	<p>Project</p> <p>GILBERT KRONBURG RESIDENCE 11 King George Street Lavender Bay</p> <table><tr><td>D</td><td>AMENDED DEVELOPMENT APPLICATION</td><td>CDD</td><td>05/03/25</td></tr><tr><td>C</td><td>FOR CLIENT REVIEW</td><td>CDD</td><td>25/02/25</td></tr><tr><td>B</td><td>ISSUED FOR DEVELOPMENT APPLICATION</td><td>CDD</td><td>10/09/24</td></tr><tr><td>A</td><td>ISSUED FOR CONSULTANTS REVIEW</td><td>CDD</td><td>19/06/24</td></tr><tr><td>REV</td><td>FOR</td><td>DRAWN</td><td>DATE</td></tr></table>	D	AMENDED DEVELOPMENT APPLICATION	CDD	05/03/25	C	FOR CLIENT REVIEW	CDD	25/02/25	B	ISSUED FOR DEVELOPMENT APPLICATION	CDD	10/09/24	A	ISSUED FOR CONSULTANTS REVIEW	CDD	19/06/24	REV	FOR	DRAWN	DATE	<p>Drawing</p> <p>PROPOSED SOUTH ELEVATION</p> <p>Scale 1:150 @ A3</p> <p>Date 18.06.24</p> <p>Drawing DA-04</p> <p>Rev. D</p>
D	AMENDED DEVELOPMENT APPLICATION	CDD	05/03/25																				
C	FOR CLIENT REVIEW	CDD	25/02/25																				
B	ISSUED FOR DEVELOPMENT APPLICATION	CDD	10/09/24																				
A	ISSUED FOR CONSULTANTS REVIEW	CDD	19/06/24																				
REV	FOR	DRAWN	DATE																				

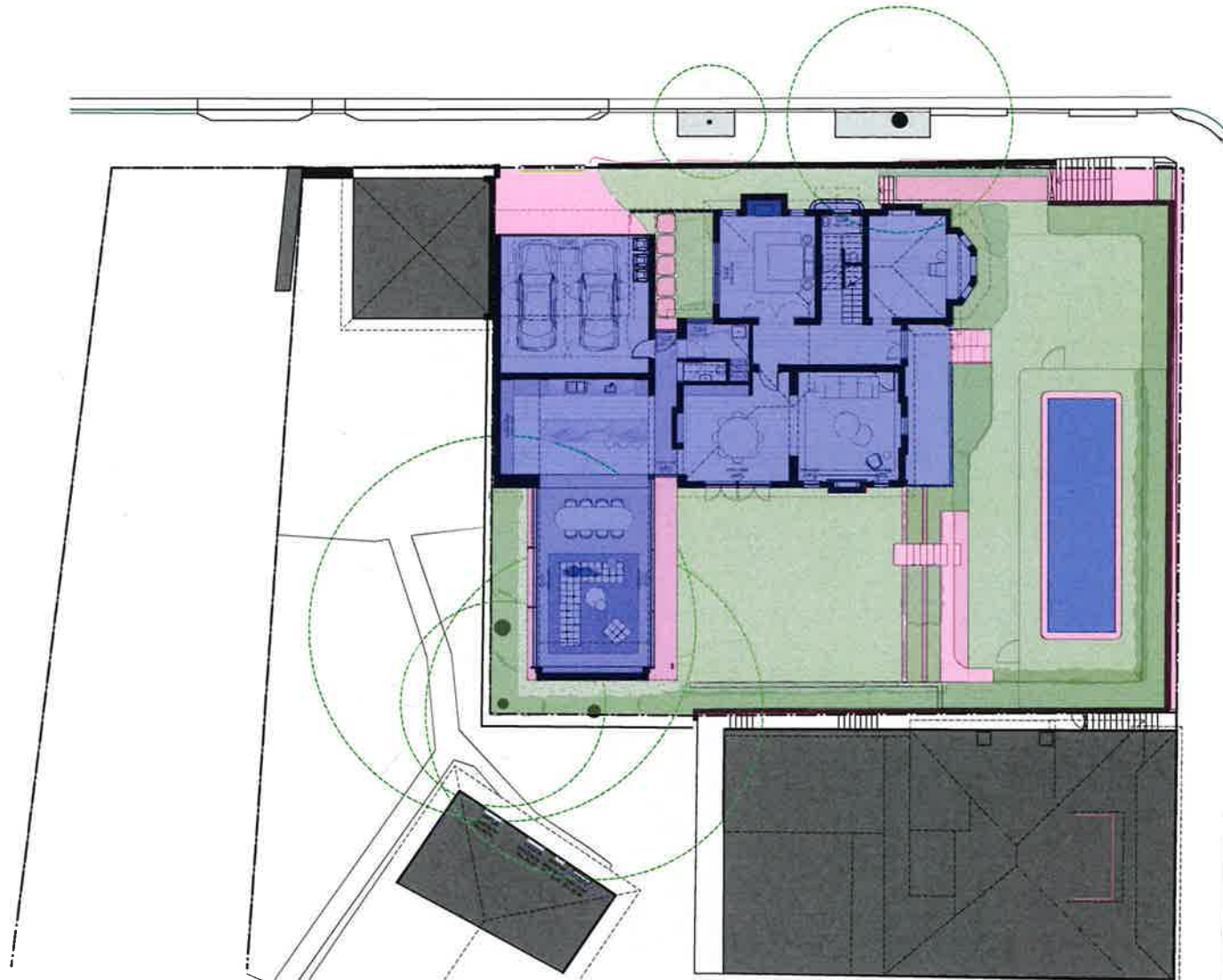




FOR DEVELOPMENT APPLICATION

<p>madeleine blanchfield architects</p> <p>Macquarie (Blanchfield) Architects Pty Ltd Registered Architect 7208 ABN 51 140 481 516 11 Ferguson St Paddington NSW 2004 office@madeleineblanchfield.com www.madeleineblanchfield.com +61 2 8017 3563</p>	<p>General Notes:</p> <p>All Works To Be In Accordance With Australian Standards, The Building Code Of Australia, Other Relevant Codes And With Manufacturer's Instructions.</p> <p>This Drawing Is Copyright And May Not Be Used Without Written Consent.</p> <p>Do Not Scale Off Drawing. Verify All Dimensions On Site Prior To Construction.</p> <p>To Be Read In Conjunction With All Other Consultant's Drawings.</p> <p>The Architect To Be Immediately Notified Of Any Discrepancies.</p>	<p>D AMENDMENT DEVELOPMENT APPLICATION C FOR COUNCIL REVIEW R ISSUED FOR DEVELOPMENT APPLICATION A ISSUED FOR CONSULTANTS REVIEW REV FOR</p>	<p>DD 05/03/25 CDD 25/01/25 CDD 20/04/24 CDD 19/08/24 DRAWN DATE</p>	<p>Project: GILBERT KRONBURG RESIDENCE 11 King George Street 1 Boulder Bay</p>	<p>Drawing PROPOSED CROSS SECTION</p> <p>Scale: 1:100 @ A3 Date: 19.04.24 Drawing: DA-502 Rev: D</p>
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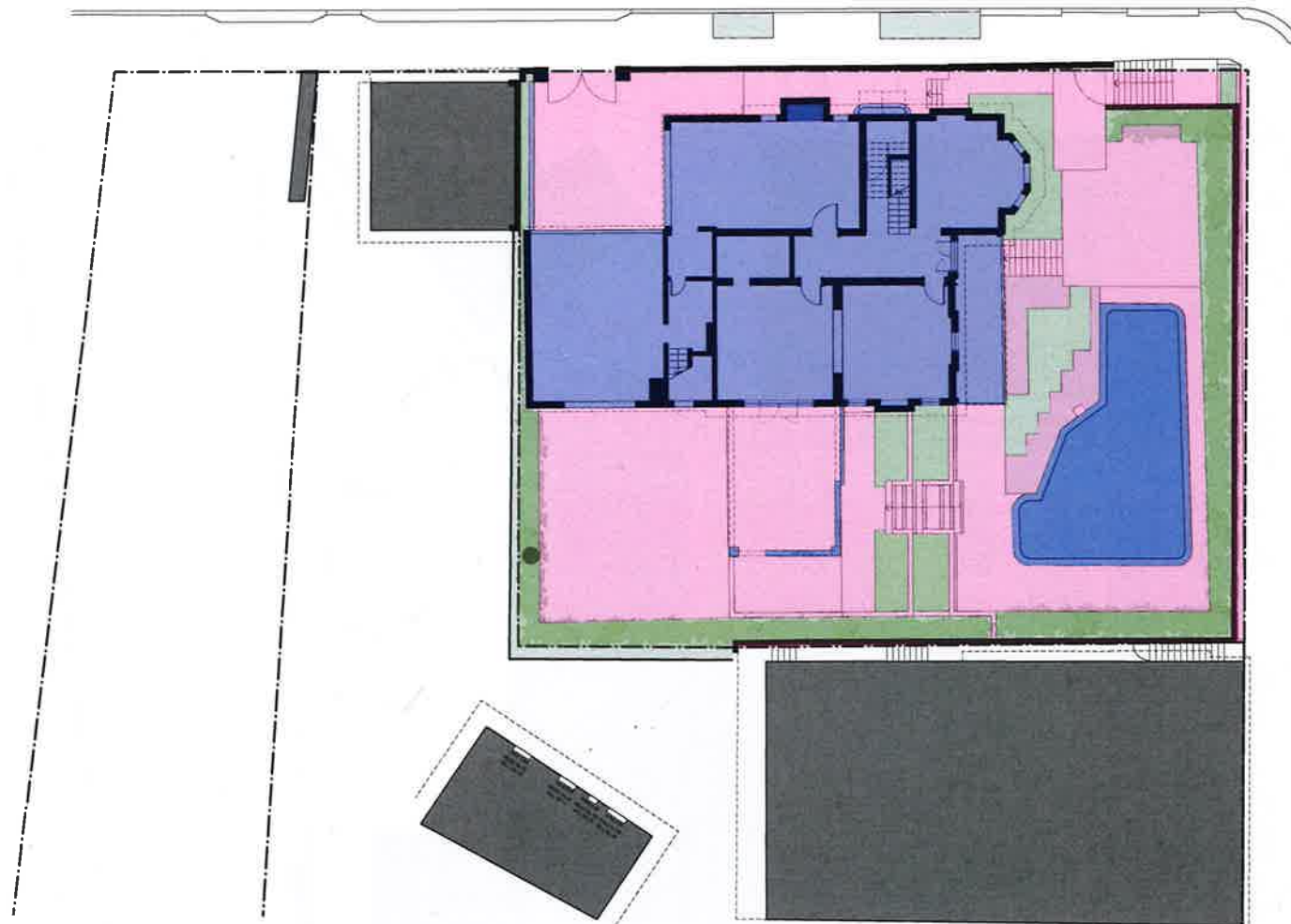




AREA CALCULATIONS	
ZONE R3 - MEDIUM DENSITY RESIDENTIAL	
SITE AREA (PERMISABLE LSI)	751m ² N/A
SITE COVERAGE	
MAX. SITE COVERAGE % OF SITE (Includes paths, garages, courtyards, covered balconies)	35%
TARGET SITE COVERAGE PERMISSIBLE (IC REF: M1.07A UNCL)	259.35m ² 34%
PROPOSED SITE COVERAGE	217.8m ² 29%
TOTAL PROPOSED SITE COVERAGE	47.2%
LANDSCAPING & PERMEABLE SURFACES	
MIN. LANDSCAPED AREA (% OF SITE)	45%
TARGET LANDSCAPED AREA PERMISSIBLE	337.9m ²
EXISTING LANDSCAPED AREA	118.4m ² 15.7%
PROPOSED LANDSCAPED AREA	338.4m ² 45%
TOTAL PROPOSED LANDSCAPED AREA	
UNBUILT AREA	
MAX. UNBUILT AREA (If the lot area is 500-999sqm) (Excludes LSA and site coverage, includes paved areas, generous open decks)	20%
TARGET UNBUILT AREA	149.8m ²
EXISTING UNBUILT AREA	259.9m ²
PROPOSED UNBUILT AREA	94.8m ² 12.2%
TOTAL PROPOSED UNBUILT AREA	
<div> <div></div> UNBUILT AREA </div> <div> <div></div> SITE COVERAGE </div> <div> <div></div> LANDSCAPED AREA </div>	

FOR DEVELOPMENT APPLICATION

madeleine blanchfield architects Madeleine Blanchfield Architects Pty Ltd Registered Architect / 208 ABN 51 140 461 516 11 Hagrove St Paddington NSW 2021 office@madeleineblanchfield.com www.madeleineblanchfield.com +61 7 9212 3543	General Note: All Works To Be In Accordance With Australian Standards, The Building Code Of Australia, Other Relevant Codes And With Manufacturer's Instructions. This Drawing Is Copyright And May Not Be Used Without Written Consent. Do Not Scale Off Drawing - Verify All Dimensions On Site Prior To Construction. To Be Read In Conjunction With All Other Consultant's Drawings. The Architect To Be Immediately Notified Of Any Discrepancies.	E UNBUILT UPON AREA UPDATED D AMENDED DEVELOPMENT APPLICATION C FOR COUNCIL REVIEW B ISSUED FOR DEVELOPMENT APPLICATION A ISSUED FOR CONSULTANTS REVIEW REV FOR	CDD 04/04/25 CDD 02/03/25 CDD 25/03/25 CDD 20/06/24 CDD 19/06/24 DRAWN DATE	Project GILBERT KRONBURG RESIDENCE 11 King George Street Lavender Bay	Drawing AREA CALCULATIONS Scale: 1:2000 Date: 19/08/24 Drawing DA-501 Rev. E



AREA CALCULATIONS	
ZONE PD - MEDIUM DENSITY RESIDENTIAL	
SITE AREA	751m ²
PERMISSIBLE FSR	N/A
SITE COVERAGE	
MAX. SITE COVERAGE % OF SITE	35%
INCLUDES: paths, garages, courtyards, covered balconies	
TARGET SITE COVERAGE PERMISSIBLE	262.85m ²
PROPOSED SITE COVERAGE	311.8m ²
TOTAL PROPOSED SITE COVERAGE	42.3%
LANDSCAPING & PERMEABLE SURFACES	
MIN. LANDSCAPED AREA (% OF SITE)	45%
TARGET LANDSCAPED AREA PERMISSIBLE	337.9m ²
EXISTING LANDSCAPED AREA	118.4m ²
PROPOSED LANDSCAPED AREA	338.4m ²
TOTAL PROPOSED LANDSCAPED AREA	45%
UNBUILT AREA	
MAX. UNBUILT AREA	75%
IF THE SITE AREA IS 500-999m ²	
INCLUDES: CSA and site coverage, includes paved areas, driveways, open areas	
TARGET UNBUILT AREA	148.8m ²
EXISTING UNBUILT AREA	209.9m ²
PROPOSED UNBUILT AREA	34.8m ²
TOTAL PROPOSED UNBUILT AREA	12.3%
<div> <div></div> UNBUILT AREA </div> <div> <div></div> SITE COVERAGE </div> <div> <div></div> LANDSCAPED AREA </div>	

FOR DEVELOPMENT APPLICATION

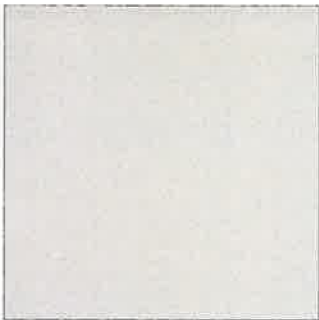
madeleine blanchfield architects Madeleine Blanchfield Architects Pty Ltd Registered Architect (306) ABN 51 143 461 516 110 Lavender St Pudding Mill NSW 2221 ph@madeleineblanchfield.com www.madeleineblanchfield.com.au +61 2 9712 3373	General Notes: All Works To Be In Accordance With Australian Standards, The Building Code Of Australia, Other Relevant Codes And With Manufacturer's Instructions. This Drawing Is Copyright And May Not Be Used Without Written Consent. Do Not Scale Off Drawings. Verify All Dimensions On Site Prior To Construction. To Be Read In Conjunction With All Other Consultant's Drawings. The Architect To Be Immediately Notified Of Any Discrepancies.	Project: QILBERT KRONBURG RESIDENCE 11 King George Street Lavender Bay	Drawing: EXISTING AREA CALCULATIONS
Document Set ID: 10384314 Version: 1, Version Date: 04/04/2025	C UNBUILT UPON AREA UPDATED B EXISTING AREA CALCULATION A FOR COUNCIL REVIEW REV FOR	DATE 04/04/25 CDD 05/04/25 CDD 27/02/25 DRAWN DATE	Scale 1:200/6/3 Date 19.08.24 Drawing Rev. DA.601B C



BRK - pale bricks



STN - Natural Sandstone used for external stairs + hand landscaping



MTL - light grey / white metal for stud columns



CNC - Smooth grey concrete




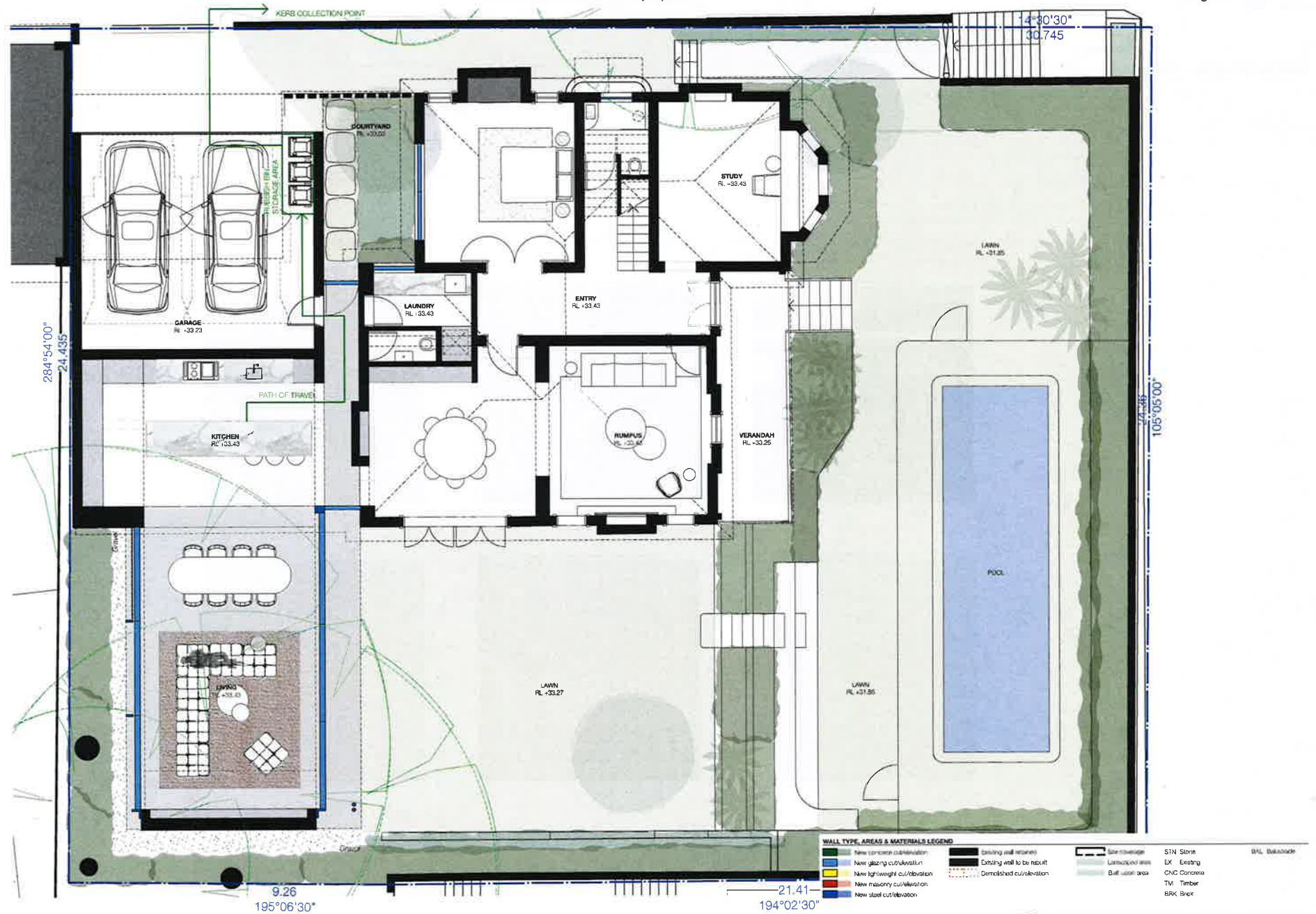
W - Proposed Windows - to original house - timber framed to match existing



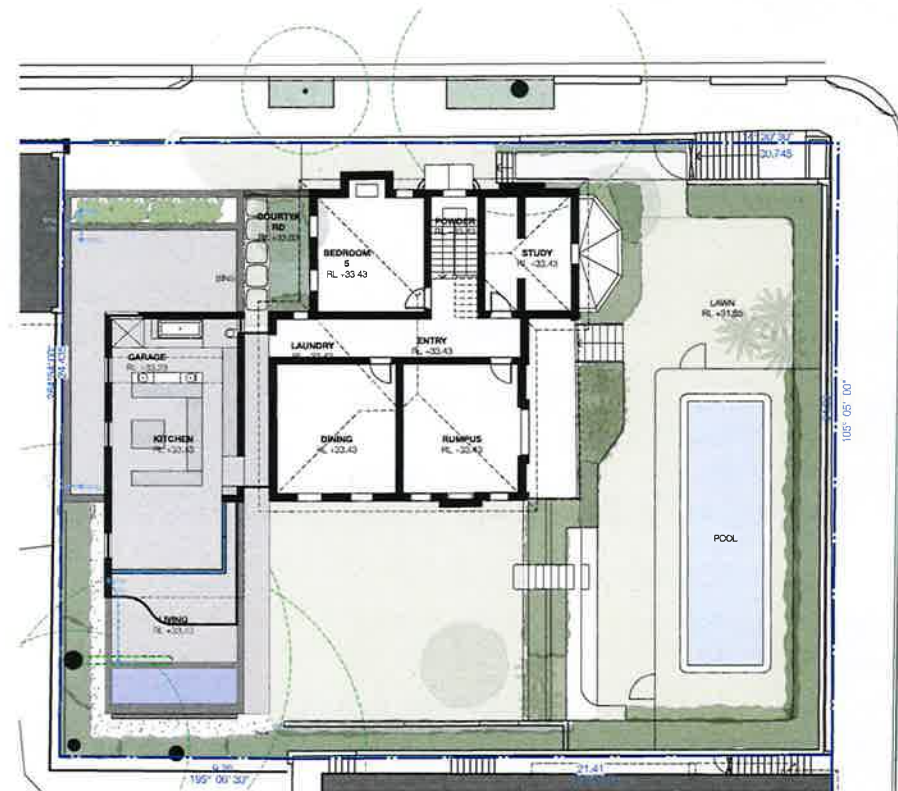
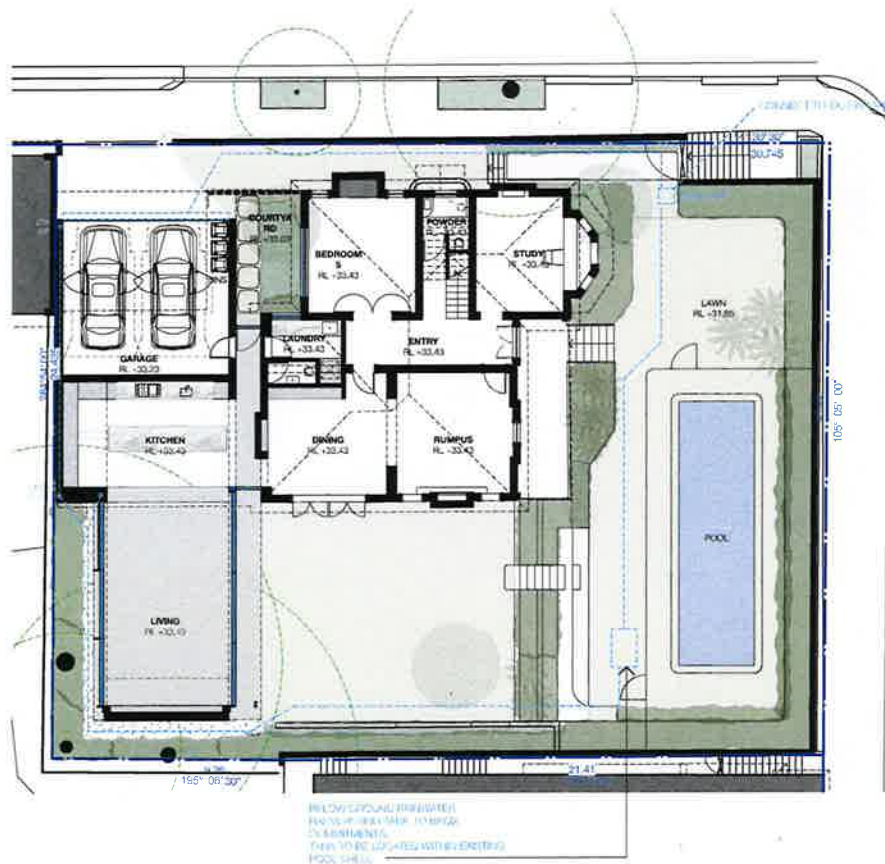
D - Proposed Hallway Doors - Aluminium framed white

FOR DEVELOPMENT APPLICATION

 <p>Document Set ID: 10364520 Version: 1, Version Date: 20/03/2025</p>	<p>Madeleine Blanchfield Architects Pty Ltd Registered Architect 7509 ABN 51 140 481 518 11 Kingsway St Paddington NSW 2021 0438246184 / madeleine@madeleineblanchfield.com 451 2 9212 3343</p>	<p>General Notes : All Works To Be In Accordance With Australian Standards, The Building Code Of Australia, Other Relevant Codes And With Manufacturers Instructions. This Drawing Is Copyright And May Not Be Used Without Written Consent. Do Not Scale Off Drawings - Verify All Dimensions On Site Prior To Construction. To Be Read In Conjunction With All Other Consultancy Drawings. The Architect To Be Immediately Notified Of Any Discrepancies.</p>	<p>C AMENDED DEVELOPMENT APPLICATION B ISSUED FOR DEVELOPMENT APPLICATION A ISSUED FOR CONSULTANTS REVIEW REV. FOR</p>	<p>CDD 05/03/25 CDD 20/08/24 DRAWN 19/03/24 DATE</p>	<p>Project: GILBERT KRONBURG RESIDENCE 11 King George Street Lavender Bay</p>	<p>Drawing: MATERIALS BOARD</p>	<p>Scale: NTS</p>	<p>Date: 19.08.24</p>	<p>Drawing: DA.502</p>	<p>Rev. G</p>
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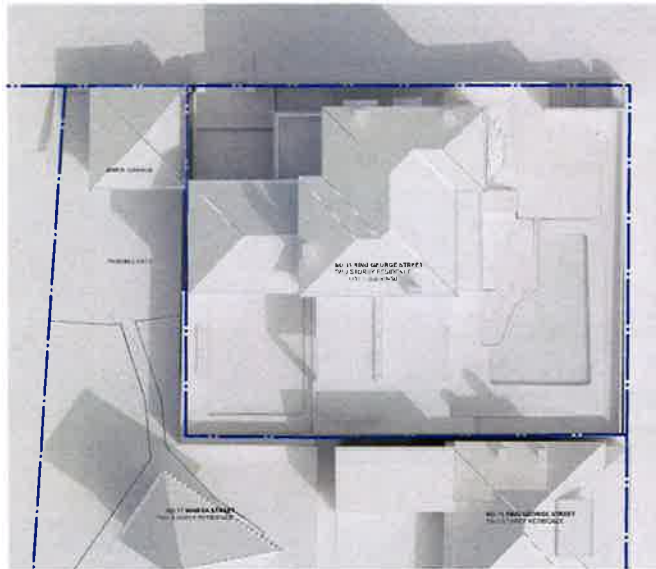
**FOR DEVELOPMENT APPLICATION**

<p>madeleine blanchfield architects</p> <p>Madeleine Blanchfield Architects Pty Ltd Registered Architect / 2008 ABN 51 153 481 516 1 Regent St Paddington NSW 2021 office@madeleineblanchfield.com www.madeleineblanchfield.com +61 2 9912 3343</p>	<p>General Notes:</p> <p>All Works To Be In Accordance With Australian Standards, The Building Code Of Australia, Other Relevant Codes And With Manufacturers Instructions.</p> <p>This Drawing Is Copyright And May Not Be Used Without Written Consent.</p> <p>Do Not Scale Off Drawing. Verify All Dimensions On Site Prior To Construction.</p> <p>To Be Read In Connection With All Other Consultant's Drawings.</p> <p>The Architect To Be Immediately Notified Of Any Discrepancies.</p>	<p>Project: GILBERT KRONBURG RESIDENCE 11 King George Street Lavender Bay</p> <p>AMENDED DEVELOPMENT APPLICATION ISSUED FOR DEVELOPMENT APPLICATION ISSUED FOR CONSULTANTS REVIEW</p> <p>CD 05/03/25 CD 22/06/24 REV 18/06/24 FUR</p> <p>DRAWN DATE</p>	<p>Scale: 1:100 @ A3</p> <p>Date: 19/08/24</p> <p>Drawing: DA.803</p> <p>Rev: C</p>	<p>FOR DEVELOPMENT APPLICATION</p> <p>Drawing: SITE WASTE & RECYCLING MANAGEMENT PLAN</p> <p>Scale: 1:100 @ A3</p> <p>Date: 19/08/24</p> <p>Drawing: DA.803</p> <p>Rev: C</p>
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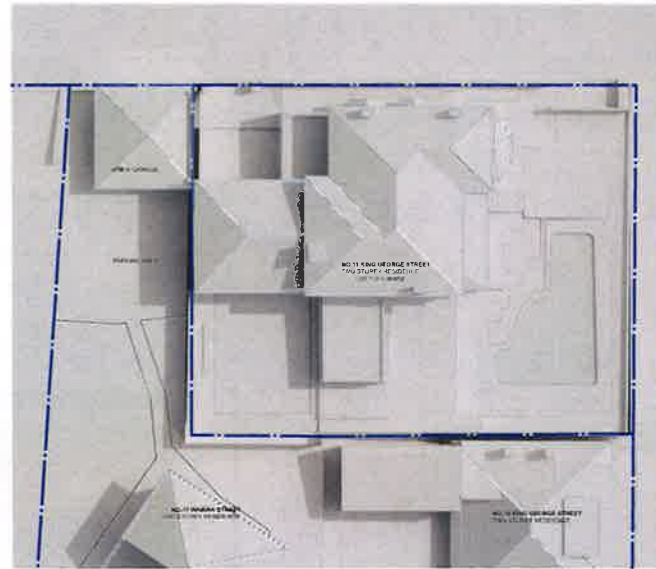


FOR DEVELOPMENT APPLICATION

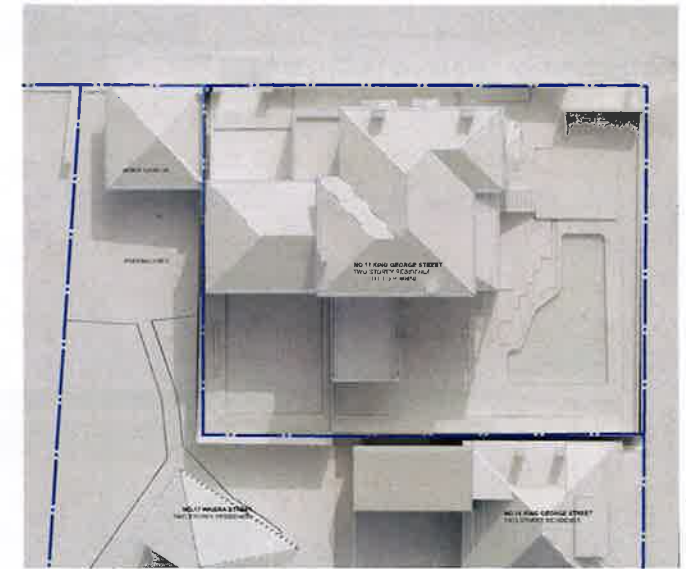
<p>madeleine blanchfield architects</p> <p>Madeline Blanchfield Architects Pty Ltd Registered Architect 7008 ABN 51 140 481 516 11 Hargrave St Paddington NSW 2021 info@madeleineblanchfield.com www.madeleineblanchfield.com +61 2 9212 3543</p>	<p>General Notes:</p> <p>All Works To Be In Accordance With Australian Standards, The Building Code Of Australia, Other Relevant Codes And With Manufacturers Instructions.</p> <p>This Drawing Is Copyright And May Not Be Used Without Written Consent.</p> <p>Do Not Scale Off Drawing. Verify All Dimensions On Site Prior To Construction.</p> <p>To Be Read In Conjunction With All Other Consultants Drawings.</p> <p>The Architect To Be Immediately Notified Of Any Discrepancies.</p>	<p>AMENDED DEVELOPMENT APPLICATION REQUIRED FOR DEVELOPMENT APPLICATION REQUIRED FOR CLASSTANTS REVIEW</p> <p>REV. FOR</p>	<p>CD0 05/03/25 CD0 20/09/24 DRAWN DATE</p>	<p>Project: GILBERT KRONBURG RESIDENCE 11 King George Street Lavender Bay</p>	<p>Drawing: PROPOSED STORMWATER PLAN</p> <p>Scale: 1:100 @ A3</p> <p>Date: 19/06/24</p> <p>Drawing: DA-804</p> <p>Rev: C</p>
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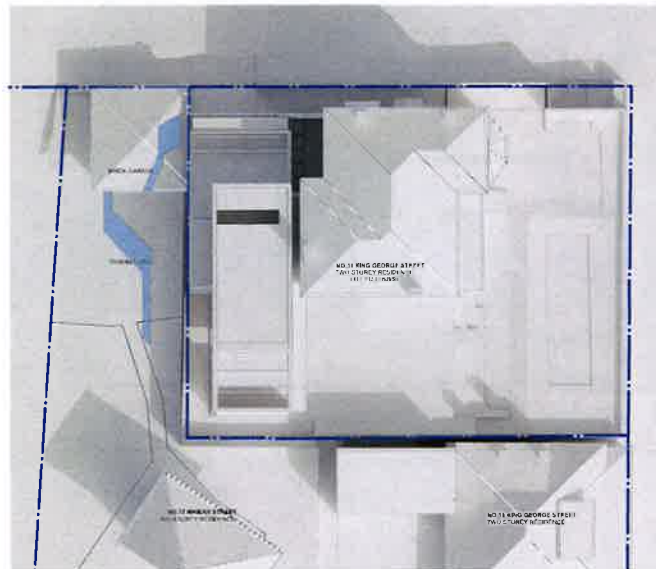
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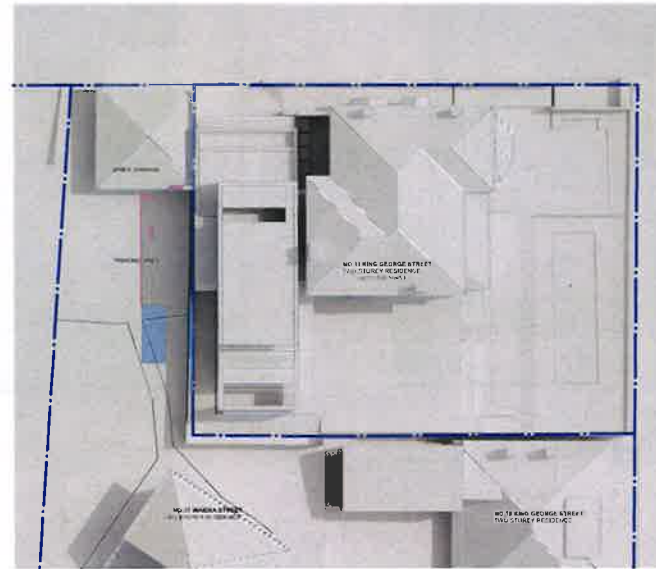
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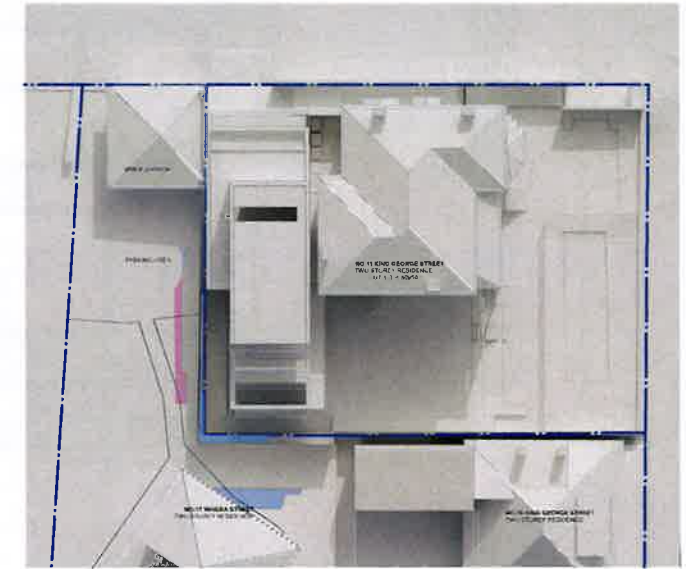
3 Existing Shadow Diagram - 21st March 3pm



4 Proposed Shadow Diagram - 21st March 9am



5 Proposed Shadow Diagram - 21st March 12pm



6 Proposed Shadow Diagram - 21st March 3pm

FOR DEVELOPMENT APPLICATION

madeleine
blanchfield
architects

Madeleine Blanchfield Architects Pty Ltd
Registered Architect 1200
Appl 21/12/2014
11 King George St
Sydney NSW 2011
02 9231 4444
www.madeleineblanchfield.com.au
02 9231 4444

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SHADOW DIAGRAM LEGEND

- Any lateral overhanging on adjoining properties
- Reduced overhanging on adjoining properties

FOR AMENDED DEVELOPMENT APPLICATION
FOR DEVELOPMENT APPLICATION
FOR CONSULTANT REVIEW
FOR CONSULTANT REVIEW

DATE: 05/03/25
DRAWN: 19/03/24
DATE: 19/03/24

Project:
GILBERT KRONBURG RESIDENCE
11 King George Street
Sydney NSW

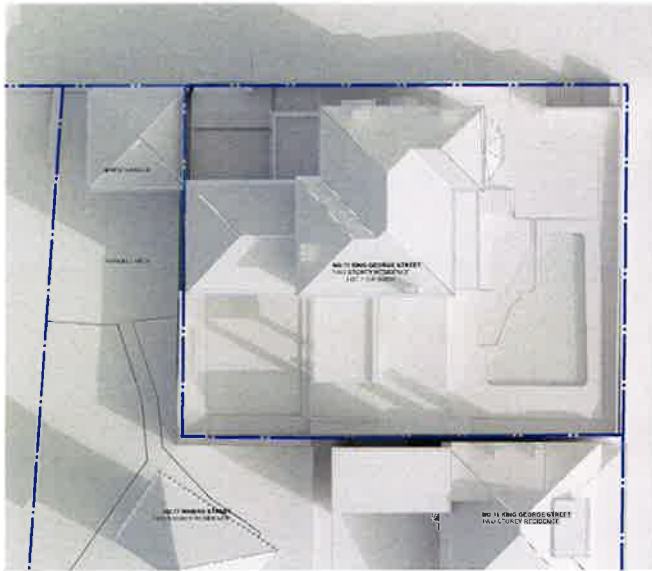


Drawing:
SHADOW DIAGRAMS - 21ST MARCH

Scale:
1:1000 or A3

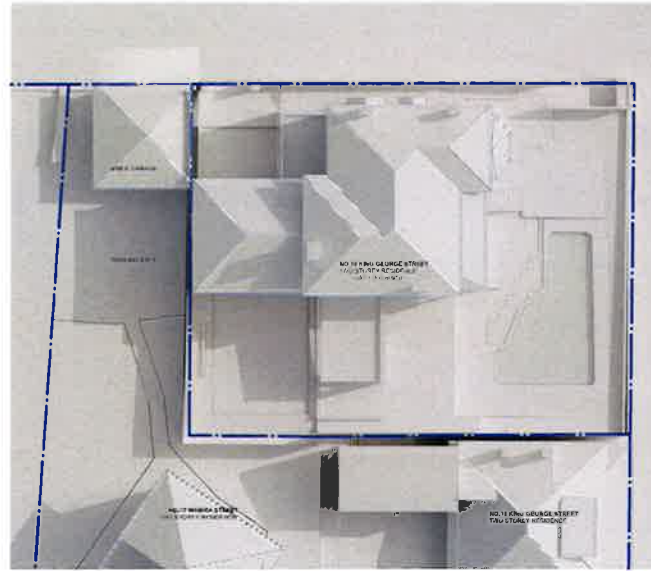
Date:
19/03/24

Drawing:
DA.610 Rev. D



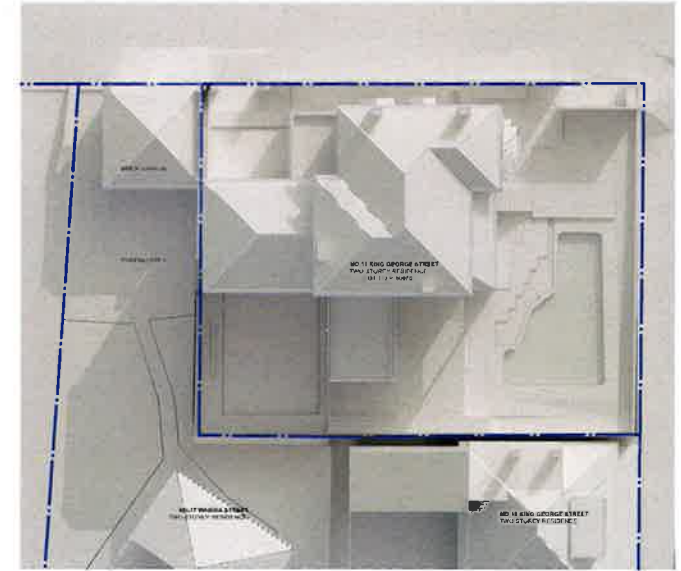
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Existing Shadow Diagram - 21st June 9am



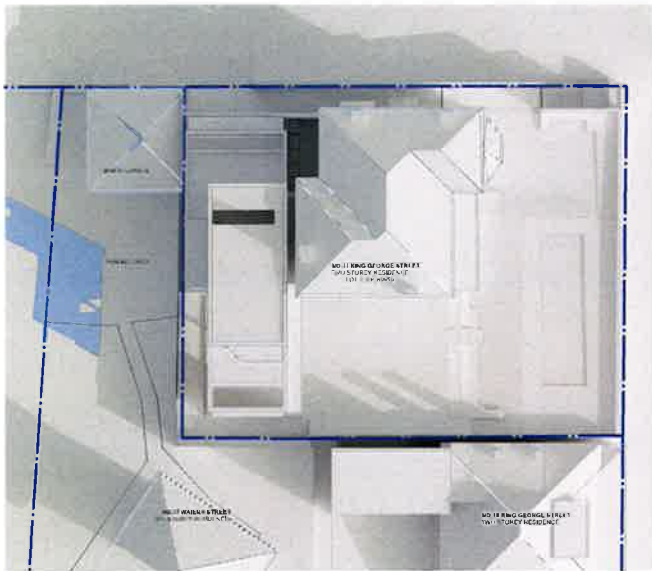
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Existing Shadow Diagram - 21st June 12pm



3

Existing Shadow Diagram - 21st June 3pm



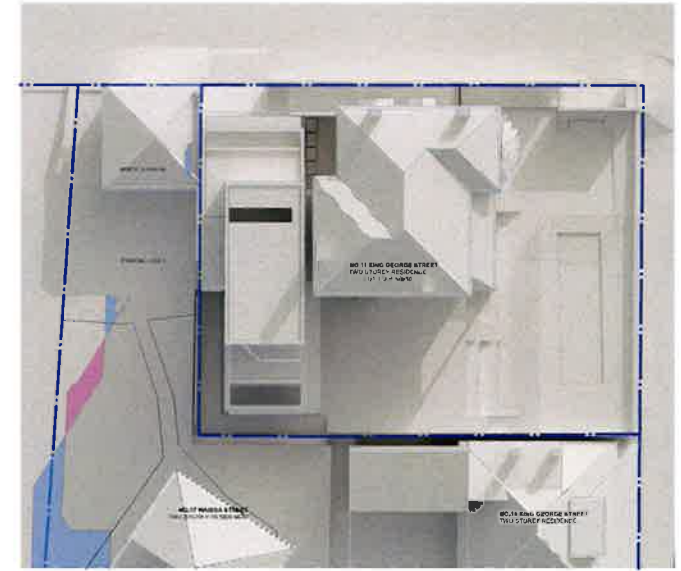
4

Proposed Shadow Diagram - 21st June 9am



5

Proposed Shadow Diagram - 21st June 12pm



6

Proposed Shadow Diagram - 21st June 3pm

FOR DEVELOPMENT APPLICATION

madeleine
blanchfield
architects

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Registered Architect 7020
ABN 51 154 481 515
1 Kingsley St
Paddington NSW 1521
ph: 02 9550 0000
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401 2 9712 2345

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This Architect To Be Immediately Notified Of Any Discrepancies.

SHADOW DIAGRAM LEGEND

- Additional overshadowing on adjoining properties
- Reduced overshadowing on adjoining properties

1. IMPROVED DEVELOPMENT APPLICATION
2. ISSUED FOR ENVIRONMENTAL ACTION
3. ISSUED FOR CONSULTANT REVIEW
4. ISSUED FOR CONSULTANT REVIEW
REV. FOR

DATE: 20/03/25
DRAWN: 20/03/25
DATE: 19/03/24

Project:
GILBERT KRONBERG RESIDENCE
11 King George Street
Carrington Bay

SHADOW DIAGRAMS - 21ST JUNE

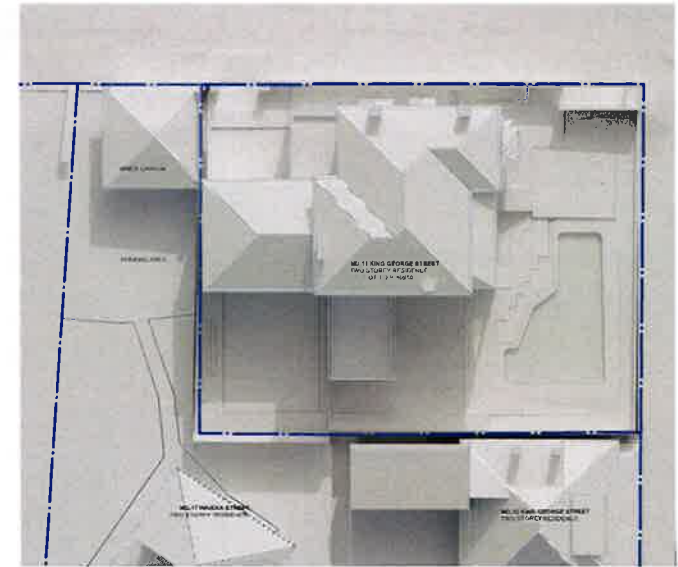
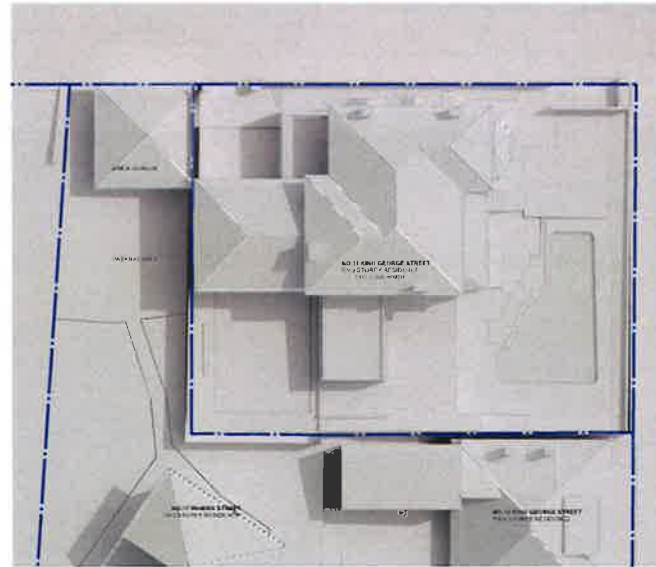
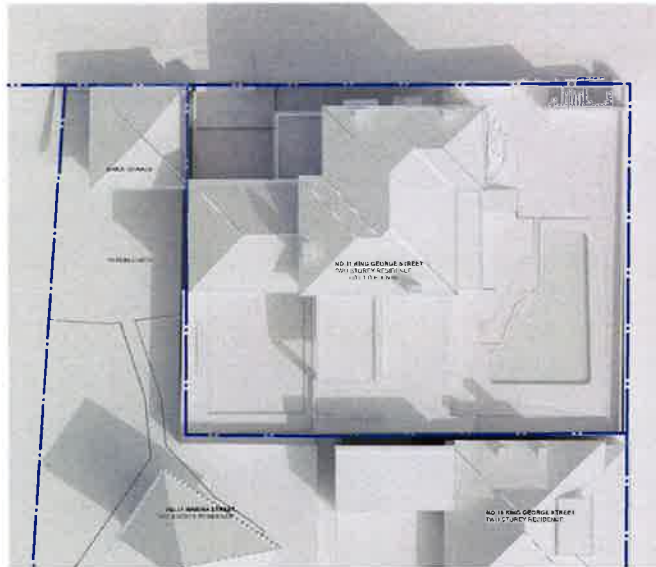


Scale:
1:100 in AS

Date:
19/03/24

Drawn:
DA511

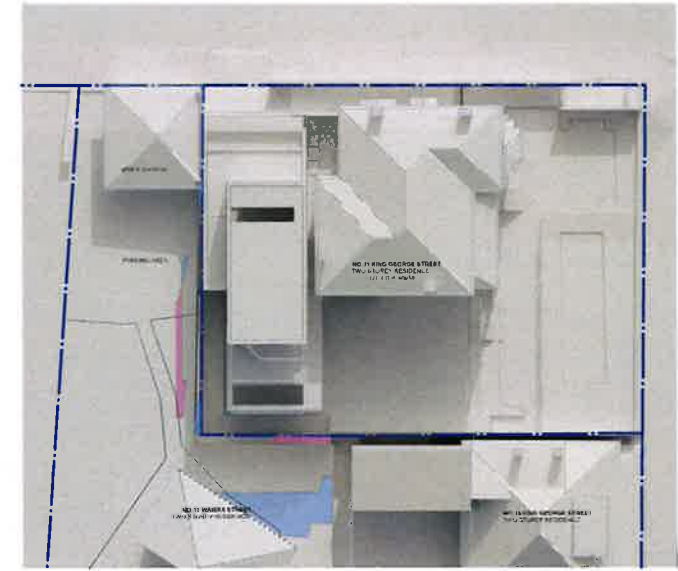
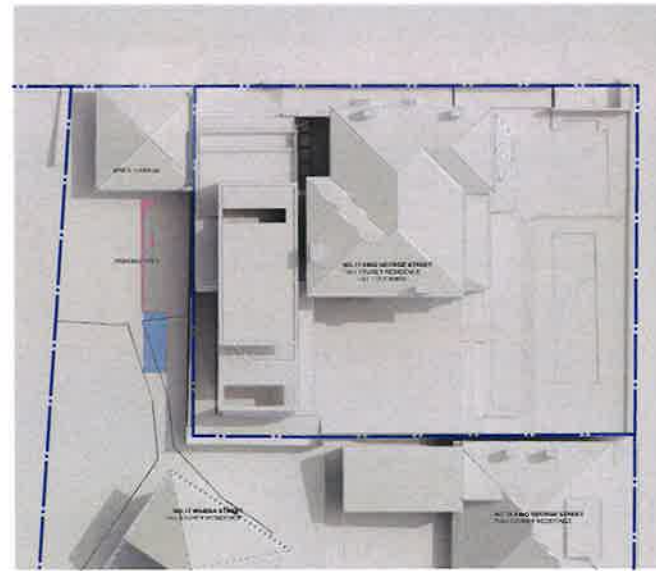
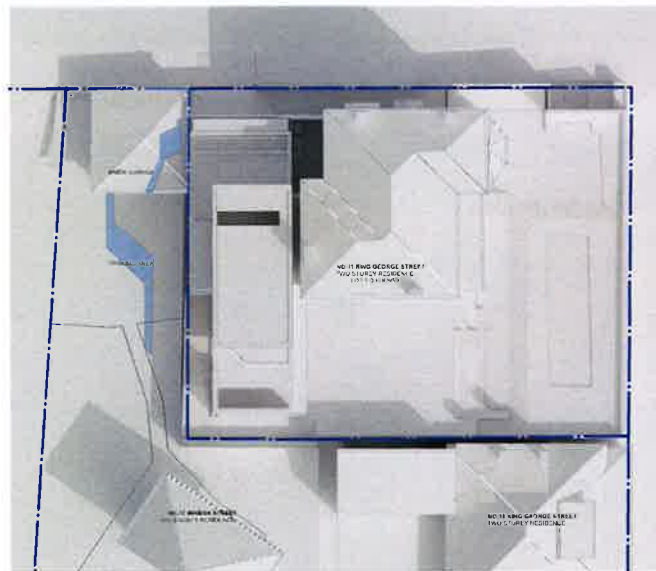
Rev:
D



1 Existing Shadow Diagram - 21st September 9am

2 Existing Shadow Diagram - 21st September 12pm

3 Existing Shadow Diagram - 21st September 3pm



4 Proposed Shadow Diagram - 21st September 9am

5 Proposed Shadow Diagram - 21st September 12pm

6 Proposed Shadow Diagram - 21st September 3pm

FOR DEVELOPMENT APPLICATION

SHADOW DIAGRAM LEGEND

- Area of new building on existing properties
- Reduced overshadowing on adjoining properties

1. AMENDMENT DEVELOPMENT APPLICATION
 2. ISSUED FOR DEVELOPMENT APPLICATION
 3. ISSUED FOR CONSULTANT REVIEW
 4. ISSUED FOR CONSULTANT REVIEW

DATE
 05/03/25
 25/09/24
 19/09/24

Project:
 GILBERT KRONBURG RESIDENCE
 11 King George Street
 Adelaide SA



Drawing:
 SHADOW DIAGRAMS - 21ST SEPTEMBER

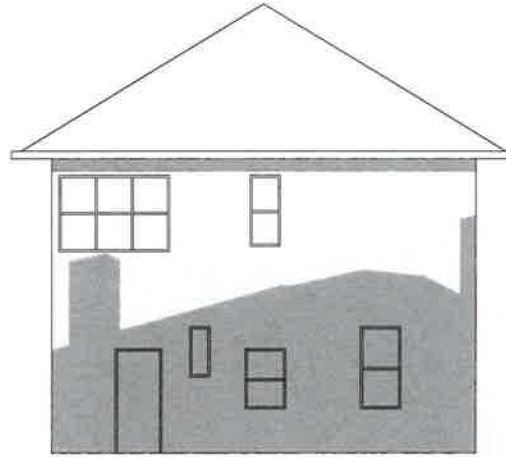
Scale:
 1:1000 W.P.S.

Date:
 19/09/24

Drawn:
 DA612
 Rev:
 D



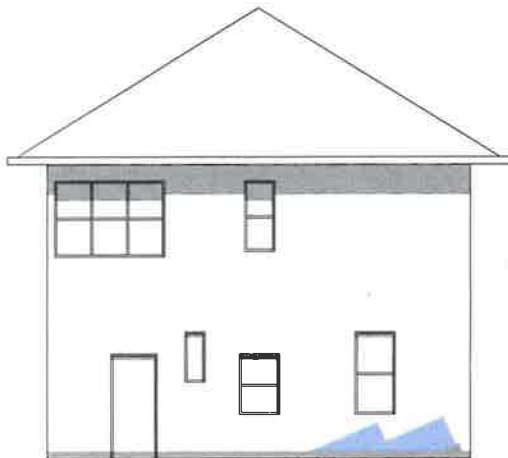
1 Existing Shadow Diagram 17 Waiwera Street - 21st March 3pm
SCALE - 1:100



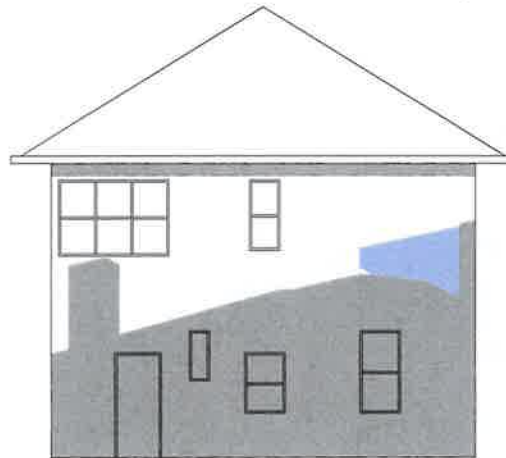
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SCALE - 1:100



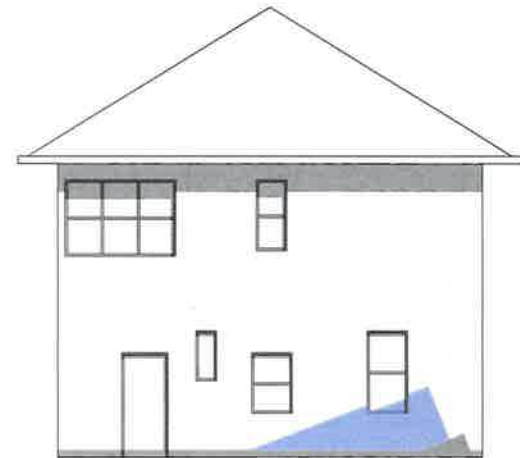
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SCALE - 1:100



2 Proposed Shadow Diagram 17 Waiwera Street - 21st March 3pm
SCALE - 1:100





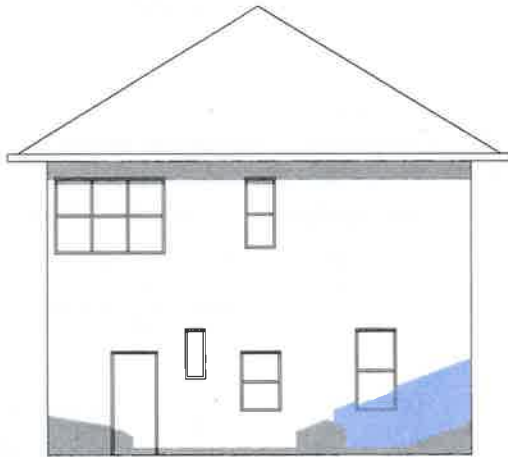
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SCALE - 1:100



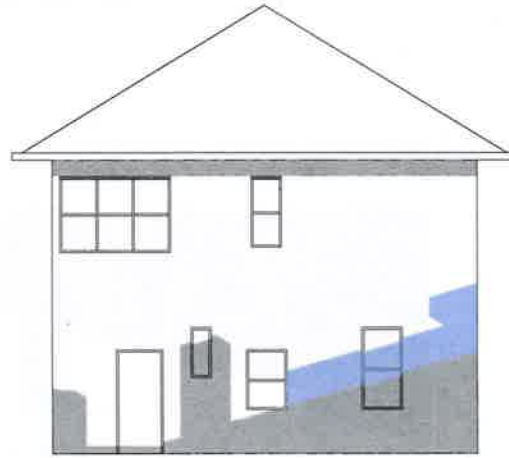
6 Proposed Shadow Diagram 17 Waiwera Street - 21st Sept 3pm
SCALE - 1:100

FOR DEVELOPMENT APPLICATION

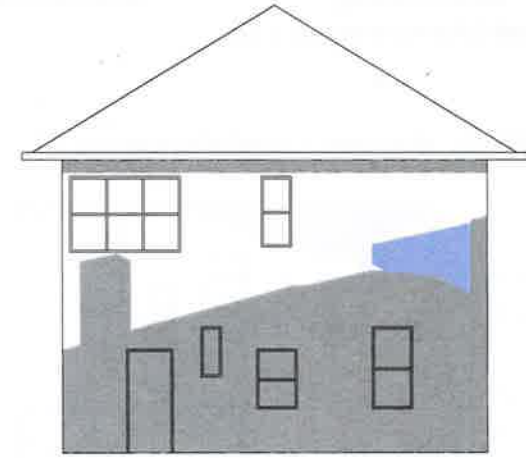
<p>madeleine blanchfield architects</p> <p>Medelaine Blanchfield Architects Pty Ltd Registered Architect 7308 ABN 51 140 481 516 1 Hargrave St Poddington NSW 2021 info@madeleineblanchfield.com www.madeleineblanchfield.com +61 2 9012 3243</p> <p>Document Set ID: 10364520 Version: 1, Version Date: 20/03/2025</p>	<p>General Notes:</p> <p>All Works To Be In Accordance With Australian Standards, The Building Code Of Australia, Other Relevant Codes And With Manufacturers Instructions.</p> <p>This Drawing Is Copyright And May Not Be Used Without Written Consent.</p> <p>Do Not Scale Off Drawing - Verify All Dimensions On Site Prior To Construction.</p> <p>To Be Read In Conjunction With All Other Consultant Drawings.</p> <p>The Architect To Be Immediately Notified Of Any Discrepancies.</p>	<p>SHADOW DIAGRAM LEGEND</p> <p> Additional overshadowing on adjoining properties</p> <p> Reduced overshadowing on adjoining properties</p>	<p>C - AMENDED DEVELOPMENT APPLICATION B - ISSUED FOR DEVELOPMENT APPLICATION A - ISSUED FOR CONSULTANT REVIEW REV. FOR</p> <p>CDD 05/03/25 CDD 20/09/24 CDD 16/09/24 DRAWN DATE</p>	<p>Project GILBERT KRONBURG RESIDENCE 11 King George Street Lavender Bay</p>	<p>Drawing SHADOW DIAGRAMS - ELEVATIONS</p> <p>Scale: 1:100 W/A2</p> <p>Date: 19.08.24</p> <p>Drawn: DAJ13 Rev: C</p>
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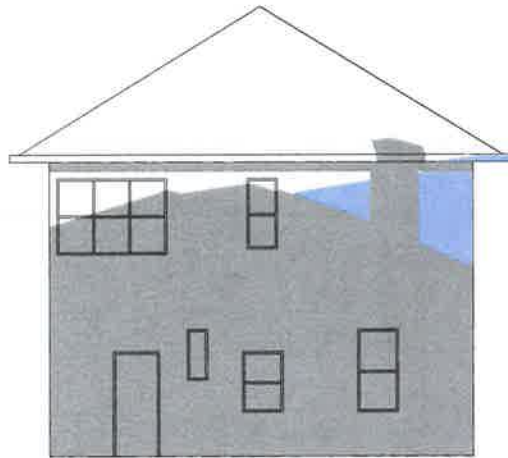
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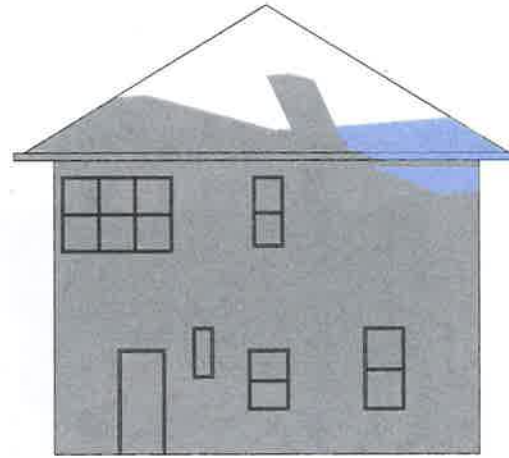
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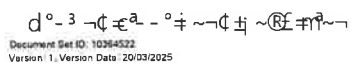
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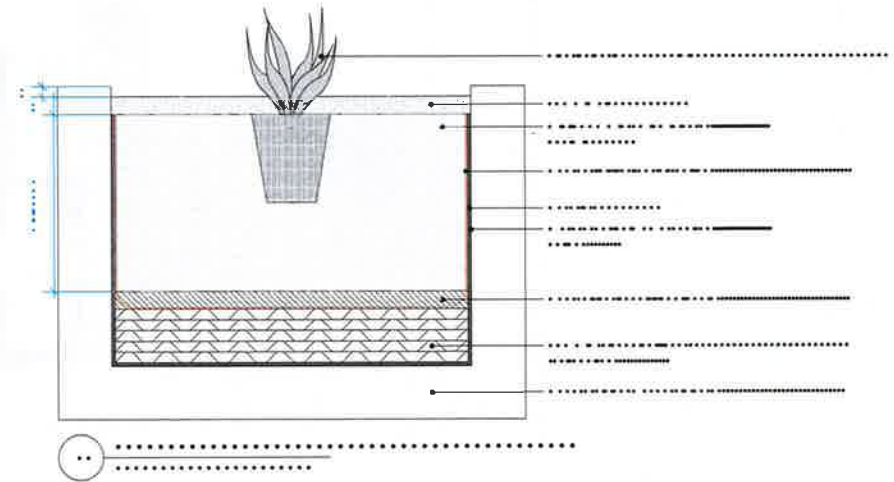


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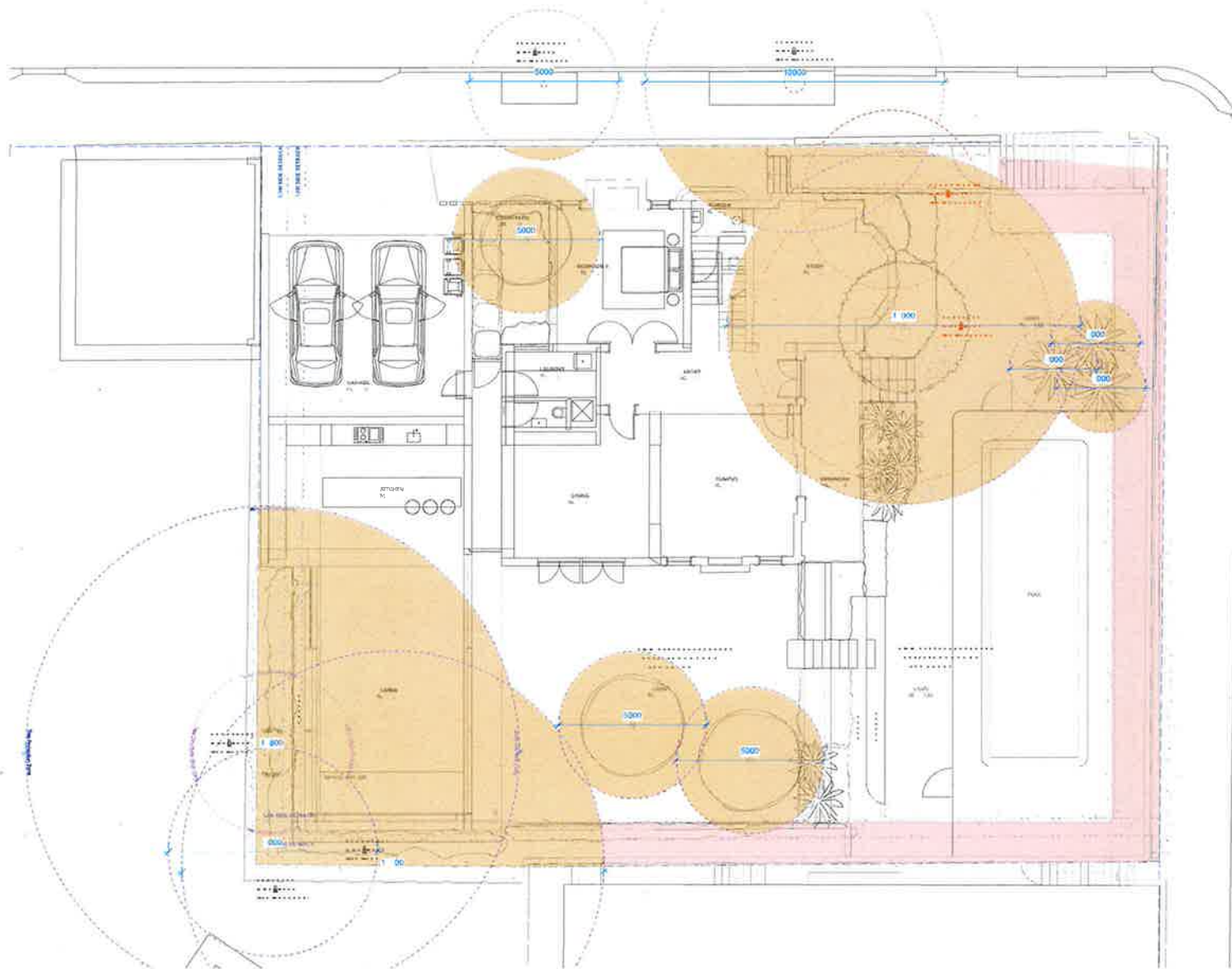
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Martin Peacock Tree Care
Arboricultural & Horticultural Consultancy

Arboricultural Impact Assessment Report

**11 King George Street
Lavender Bay
NSW**

Prepared by: Martin Peacock Tree Care

Date: 26th September 2024

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1.0 Summary

- 1.1 This Report provides an assessment of eight (8) trees/hedges growing at 11 King George Street, Lavender Bay, NSW (the site); and two (2) street trees fronting the site on Waiwere Street.
- 1.2 The development proposal for the site includes alterations and additions to the existing dwelling, construction of a swimming pool and associated landscaping works.
- 1.3 The development proposal includes the retention of three (3) trees and one (1) hedge, and the removal of four (4) trees/hedges growing within the site. The trees/hedges proposed for removal are low value specimens.
- 1.4 To maintain the canopy cover at the site the proposed landscaping treatment for the site includes the planting of two (2) advanced size trees.
- 1.5 The recommendations of this report are subject to approval by North Sydney Council.

2.0 Introduction

- 2.1 This Arboricultural Impact Assessment Report has been prepared on behalf of the Owners of 11 King George Street, Lavender Bay, NSW (the site) and forms part of the Development Application documentation for the site.
- 2.2 This report provides an assessment of eight (8) trees/hedges growing at the site; and two (2) street trees fronting the site on Waiwere Street.
- 2.3 The development proposal for the site includes alterations and additions to the existing dwelling, construction of a swimming pool and associated landscaping works.
- 2.4 Martin Peacock (Martin Peacock Tree Care) visited the site on the 22nd of February 2024 and assessed the trees and their growing environment. Selected images showing a number of the trees are contained within Appendix B – Photographs.

3.0 Scope of The Report

- 3.1 This report has been prepared to meet the following objectives:
- Conduct at ground level, a visual inspection of the subject tree(s) and their growing environment.
 - Assess the physiological and structural condition of the subject tree(s).
 - Determine the useful life expectancy, quality and value(s) of the subject tree(s).
 - Award a retention category for the subject tree(s).
 - Assess relevant plans and documentation to determine the potential impacts of the proposed development upon the subject tree(s).
 - Make recommendations for retention, removal or remedial works to the subject tree(s), and/or implementation of tree protection measures as appropriate.
- 3.2 The following plans/documentation were referenced in the preparation of this report:
- Architectural Plans DA101 – DA612 (Rev A), dated 19.08.24 – prepared by Madeleine Blanchfield Architects
 - Landscape Plans DA00-DA03 (Rev B), dated 19.08.24 – prepared by Dangar Barin Smith

4.0 Caveats & Limitations

- 4.1 The subject trees were inspected from the ground only, using the methodology provided within this report (refer 5.0 Methodology). The findings of this report are based on the observations made at the time of inspection (22/02/24), and on information contained within the supplied plans/documentation.
- 4.2 This report reflects the subject trees as found on the day of inspection. There is no warranty or guarantee, expressed or implied, that problems or deficiencies with the site or the subject tree may not arise in the future. Any changes to development proposals or tree management works beyond those recommended in this report may alter the findings of the report.

5.0 Methodology

5.1 Data Collection:

The methodology used in this report follows the procedures detailed in *Australian Standard: AS 4970—2009. Protection of Trees on Development Sites*. This report also references the *British Standard BS: 5837 (2005) Trees in Relation to Construction – Recommendations*.

The methodology used in this report provides the following information:

1. Tree species - botanical and common name.
2. Age class - Juvenile, semi-mature, mature, senescent.
3. DBH – Diameter at breast height (mm)*
4. Height – estimated total height (m)
5. Crown spread – estimated, average radial crown spread in meters (m)
6. Physiological condition - good, fair, poor
7. Structural condition - good, fair, poor
8. Useful Life Expectancy - <5, 5–15, 15–40, >40 (years)**
9. Quality & Value – A, B, C, D ***
10. Retention Category - Priority for Retention, Consider for Retention, Consider for Removal, Priority for Removal****
11. SRZ – Structural Root Zone radius (m)
12. TPZ – Tree protection Zone radius (m)
13. Comments / Preliminary Management Recommendations

- 5.2 *DBH (Diameter at Breast Height) - Stem /trunk diameter measured at 1.4m above ground level. On sloping ground, measurements will be taken at the mid slope point at the base of the tree. Where a tree stem / trunk begins to branch at a point that is less than 1.4m above ground, a combined stem diameter is calculated using the formula:

$$\text{Total DBH} = \sqrt{\text{DBH}_1^2 + \text{DBH}_2^2 + \text{DBH}_3^2}$$

- 5.3 **Useful Life Expectancy – The estimated lifespan of the tree over which it will positively contribute to the amenity of the area and to the local environment, in a safe, healthy condition.

- 5.4 ***Quality & Value – The quality of the tree when compared to an idealised example of the species and the values which the tree provides to the site and local area (see Appendix D – Cascade Chart for Assessment of Tree Quality & Value).

- 5.5 ****Retention Category – The subject tree is allocated one of four categories based on a combination of its Quality and Value and Useful Life Expectancy. A certain amount of flexibility may be allowed when allocating a Retention Category, to take into account tree species, significance and site/environmental conditions.

- 5.6 An assessment of the trees condition is made using the Visual Tree Assessment (VTA) method (Mattheck & Breoler, 1994).

- 5.7 Tree assessment results are recorded in the Tree Assessment Schedule (see section 6.0 Results). Note: for trees outside of the site only the species and DBH is recorded for the purposes of calculating the SRZ/TPZ.

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6.0 Results

6.1 Tree Assessment Schedule

Site: 11 King George Street, Lavender Bay, NSW

Date of survey: 22.02.24

Tree ref. no.	Species	Age Class	DBH (mm)	Height (m)	Crown Spread (m) r.	Physiological Condition	Structural Condition	Useful Life Expectancy (years)	Quality & Value	Retention Category	TPZ (m)	SRZ (m)
T1	<i>Eucalyptus microcorys</i> (Tallowwood)	Mature	700	20	7	Good	Good	15-40	A	Priority for Retention	8.4	2.8
T2	<i>Eucalyptus microcorys</i> (Tallowwood)	Mature	700	20	7	Good	Good	15-40	A	Priority for Retention	8.4	2.8
T3	<i>Lophostemon confertus</i> (Brushbox)	Mature	600	15	5	Good	Good	15-40	B	Consider for Retention	7.2	2.7
T4	<i>Mangifera indica</i> (Mango)	Mature	400	6	4	Good	Fair	5-15	C	Consider for Removal	4.8	2.3
T5	<i>Plumeria acutifolia</i> (Frangipanni)	Mature	250 @ grade	3	2	Fair	Fair	15-40	C	Consider for Removal	3.0	1.8
Comments / Preliminary Management Recommendations												
T1	Mature specimen with high landscape value. Partially suppressed by adjacent trees. Proposed for retention											
T2	Mature specimen with high landscape value. Partially suppressed by adjacent trees. Proposed for retention											
T3	Mature specimen with moderate landscape value. Partially suppressed by adjacent trees. Proposed for retention											
T4	Mature specimen with low landscape value. Growing at base of wall. Slight phototropic trunk lean. Crown contact with façade of dwelling. Proposed for removal											
T5	Mature specimen with low landscape value. Moderate phototropic trunk lean. Proposed for removal											

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Tree ref. no.	Species	Age Class	DBH (mm)	Height (m)	Crown Spread (m) r.	Physiological Condition	Structural Condition	Useful Life Expectancy (years)	Quality & Value	Retention Category	TPZ (m)	SRZ (m)
G6	<i>Pyrus calleryana</i> (Callery Pear) x12	Semi Mature	125 av.	4	1	Good	Good	15-40	C	Consider for Removal	2.0	1.5
G7	<i>Pyrus calleryana</i> (Callery Pear) x12	Semi Mature	100 av.	2	1	Good	Good	15-40	C	Consider for Removal	2.0	1.5
G8	<i>X Cupressocyparis leylandii</i> (Leyland Cypress) >50	Semi Mature	150 av.	3	1	Good	Good	5-15	C	Consider for Removal	2.0	1.5
A	<i>Schinus molle</i> (Peppercorn Tree)	Mature	500	10	6	Good	Fair	5-15	B	Consider for Retention	6.0	2.5
B	<i>Jacaranda mimosifolia</i> (Jacaranda)	Mature	300	7	6	Good	Good	15-40	B	Consider for Retention	3.6	2.0
	Comments / Preliminary Management Recommendations											
G6	Semi mature specimens with low landscape value. Maintained as a pleached hedge. Proposed for removal											
G7	Semi mature specimens with low landscape value. Maintained as a pleached hedge. Proposed for removal											
G8	Semi mature specimens with low landscape value. Maintained as a hedge. Proposed for retention											
A	Street tree with moderate landscape value. Crown density 50-75%. Trunk cavity.											
B	Street tree with moderate landscape value. High sided vehicle damage to underside of branches over road.											

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7.0 Observations

7.1 The trees have been assessed in accordance with *Australian Standard AS4970 (2009) Protection of trees on development sites* (AS4970) to determine their: condition, quality and value(s), Useful Life Expectancy and to allocate a Retention Category. Full details of the assessment are listed in 6.1 Tree Assessment Schedule.

7.2 **The allocation of a Retention Category is a requirement of AS4970** and provides and overview of the quality and value of trees on site. Retention Categories are a guide only and do not take into account design considerations/constraints relating to the development proposal. Where possible, moderate to high value trees should be retained and provided from within the development proposal. **It should be noted that Retention Categories are not a schedule for tree removal or retention.**

7.3 Trees T1, T2 *Eucalyptus microcorys* (Tallowwood), and T3 *Lophostemon confertus* (Brushbox) are proposed for retention. These are good quality specimens with moderate to high landscape value.

The Architectural Plans show all of these trees will be subject to a Major Encroachment within their TPZ areas from the proposed Living Room. However, the Living Room is to be constructed above existing grade and therefore, should not significantly impact the trees.

7.4 Trees T4 *Mangifera indica* (Mango) and T5 *Plumeria acutifolia* (Frangipanni), and pleached hedges G6 and G7 *Pyrus calleryana* (Callery Pear) are proposed for removal. These are relatively small specimens with low landscape value.

The Architectural Plans show that trees G6 fall within the proposed Living Room footprint and trees T4, T5 and G7 are to be removed as part of the landscaping treatment for the site.

7.5 Hedge G8 *Xcupressocyparis leylandii* (Leyland Cypress) is proposed for retention. The hedge comprises of small semi mature specimens and has low landscape value.

The Architectural Plans show that sections of the hedge will be subject to a Major Encroachment within the TPZ area from construction of the proposed swimming pool, and installation of the seating bench and pool fence. However, the new pool is located within the footprint of the existing pool, and the seating bench and pool fence can be installed using tree sensitive methods. Based on the above the proposed works should not significantly impact the trees.

7.6 Street trees A *Schinus molle* (Peppercorn Tree) and B *Jacaranda mimosifolia* (Jacaranda) are growing in tree pits in the footpath on Waiwere Street. These trees will not be subject to encroachment within their TPZ areas from the proposed development works.

8.0 Discussion

8.1 The proposed living room has been designed to minimise the impact of construction upon Trees T1-T3, with the floor slab to be installed above existing grade (ex. RL 33.14 – prop. RL 33.43). In addition, the building has been set back by a minimum of 750mm from the trunk of each tree to allow for future growth.

The existing covered patio, paving, terraced garden beds and stairs to the north of the trees are to be removed, with a new lawn to be installed to the north of the trees. Although most of the works fall outside of the TPZ areas of Trees T1-T3, the majority of the rear garden is likely to be occupied by the tree roots and installation of the proposed lawn should improve the growing environment within the trees' root zones. The proposed lawn will be installed at or above existing grade, which will allow for the retention of roots and minimise tree impacts. In addition, the lawn will increase permeable surfaces within the trees' root zones for the infiltration of rainfall, and gaseous diffusion through the soil profile.

- 8.2 The proposed kitchen footprint falls within the TPZ area of Tree T1. However, the kitchen is located within the existing building footprint and therefore should not impact roots.
- 8.3 Tree T4 has been planted in very close proximity to the base of the northern wall of the dwelling. As a result, the tree has developed a slight phototropic lean and a highly asymmetric crown form. In addition, the crown contacts the façade of the dwelling and pruning for building clearance is required.

Mangifera indica are a medium sized species with a broad spreading crown. Tree T4 has been planted in an unsuitable location, as the requirement for pruning to provide, and maintain building clearance will further impact the crown form and amenity value of the tree.

Tree T4 is a relatively small specimen; therefore, tree removal will have limited impact on the canopy cover at the site.

- 8.4 Tree T5 and pleached hedges G6 and G7 comprise of small specimens with low landscape value. The removal of these trees can be easily offset with the planting of advanced size, new trees.
- 8.5 The impact of bench seat and pool fence installation on adjacent trees within hedge G8 can be minimised through the use of isolated, piered footings. Based on the species and semi mature status of the trees, their root systems will comprise of high volumes of small diameter and fibrous roots. Therefore, excavation of isolated pier holes should not significantly impact either the health or stability of the trees.
- 8.6 To maintain canopy cover at the site the Landscape Plans include the installation of two (2) advanced size trees.
- 8.7 Street trees A and B will not be subject to encroachment within their TPZ areas from development works. However, the installation of trunk protection will be required to protect the trees from accidental damage during the demolition and construction stage of the project

9.0 Recommendations

- 9.1 Trees T4, T5, G6 and G7 are proposed for removal. Approved tree removals shall be undertaken by a qualified Arborist (minimum AQF level 3) covered by adequate third party, public liability insurance. Arborists and ground staff shall comply with the *Work Cover Code of Practice for the Amenity Tree Industry*.

To minimise root disturbance within the TPZ areas of Trees T1-T3, when removing hedge G6 the stumps shall be left at a height of 1m and pulled over with a compact excavator rather than excavated or ground out.

- 9.2 Prior to the commencement of demolition works, fenced TPZ areas shall be established for Trees T1, T2, T3 and G8, and trunk protection shall be installed on Trees A and B. To provide for demolition and construction access TPZ fencing shall be set back to the edge of the garden beds, with ground protection required in unfenced sections of the TPZ's.

Existing paving within the TPZ areas shall be retained as ground protection until the new lawn/soft landscaping is to be installed. The paving and sub base layer shall be removed by hand/hand tools and existing sub grade levels maintained. Existing footings and services shall be either left in situ (where possible), or carefully demolished to avoid disturbance of the surrounding soil profile. The use of compact machinery within TPZ areas is permissible only where working from areas of existing paving or ground protection. Refer: **Appendix C – Establishment of TPZ Areas**

- 9.3 The Living Room slab shall be installed above existing grade. Compaction of the sub grade prior to slab installation shall be avoided. A geotextile separation layer shall be installed below the subbase layer to prevent migration of aggregate into the underlying soil profile.

- 9.4 The bench seat and pool fencing within the TPZ area of hedge G8 shall be installed on isolated piered footings. To minimise excavation requirements, pier diameters shall be limited to 200mm.

- 9.5 Underground services within the TPZ area shall be installed using tree sensitive methods and retain all roots >25mm diameter (or as specified by the Project Arborist and/or Conditions of Development Approval). Tree sensitive methods include the following:

- Hand excavation – trenches shall be excavated using hand tools only.
- Hydrovac excavation - trenches shall be excavated using low water pressures and the lance shall not be pointed directly at roots to avoid bark damage.
- A combination of compact excavator/hand excavation – trenches shall be excavated using a compact excavator (<2T) fitted with a flat bladed bucket. Soil levels shall be lowered in small increments. The excavator operator shall be guided by a spotter at all times to identify and carefully expose all roots >25mm diameter using hand tools.

Pipework/conduits shall be installed under or around significant roots (as determined by the Project Arborist), unless root pruning is approved by the Project Arborist.

- 9.6 When installing the lawn and preparing garden beds, ripping or mechanical cultivation of the soil profile shall be avoided. Imported soil for levelling of the lawn area shall be an 80/20 washed river sand/screened topsoil blend.

- 9.7 New trees shall be grown and supplied in accordance with *AS:2303 2018 Tree stock for landscape use*. To promote successful establishment the planting and aftercare of the trees shall be undertaken by a qualified horticulturalist (minimum AQF level 3).

Within TPZ areas, tree and shrub planting pits shall be excavated by hand and where roots >25mm diameter are encountered the planting location shall be adjusted to allow for the

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retention of roots. Alternatively, at the time of planting, tree/shrub root balls may be pruned or mounded (where appropriate).

9.8 The recommendations of this report are subject to approval by North Sydney Council.



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(Consultant Arborist – AQF level 8)

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Diploma Horticulture (Landscape Design) (AUS)



References

Australian Standard: *AS 4970 - 2009 Protection of trees on development sites*. Standards Australia GPO Box 476, Sydney, NSW, 2001.

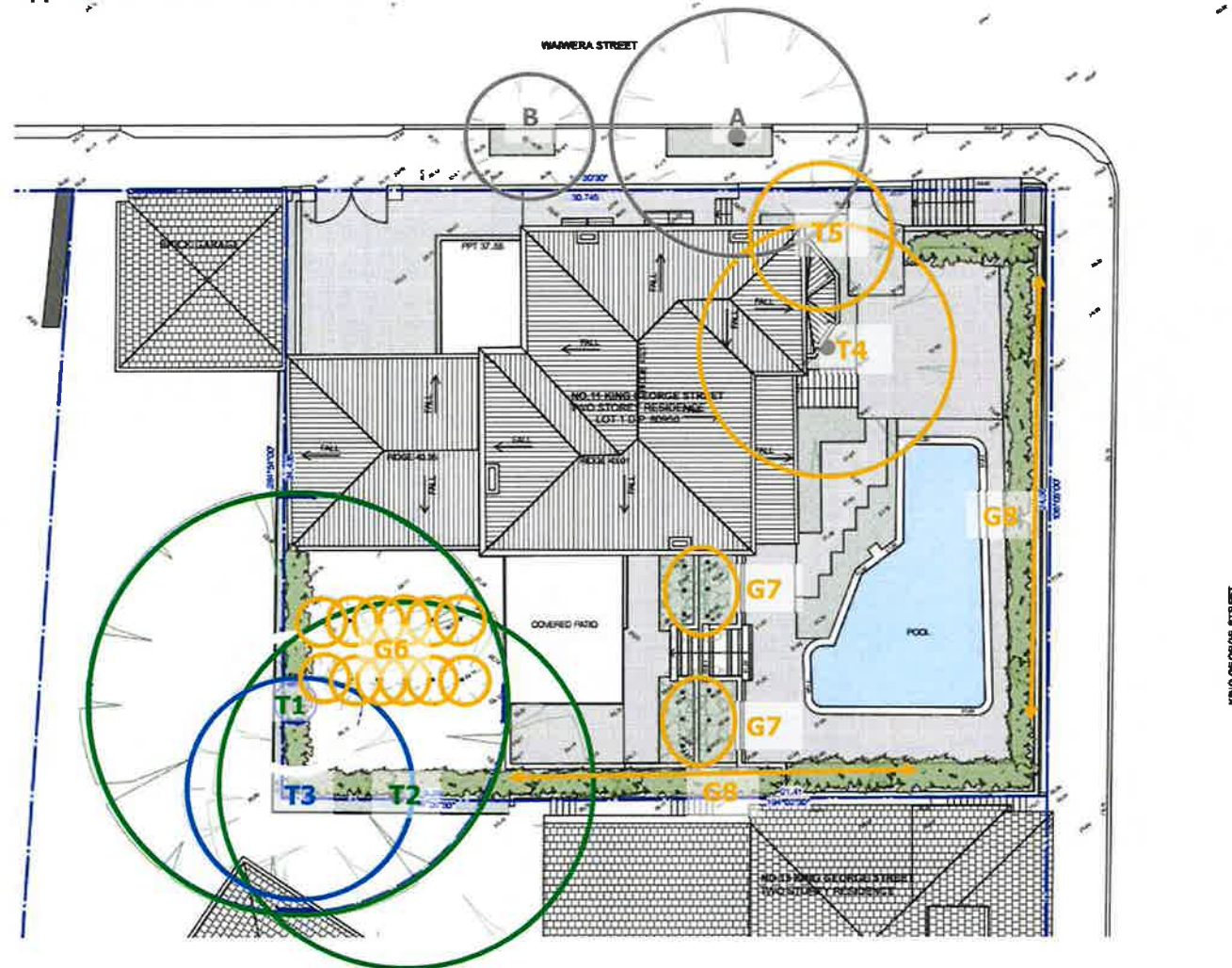
British Standard Institution (2005). *Guide for Trees in relation to construction*. BSI, 2 Park Street, London W1A 2BS.

Draper B.D. and Richards P.A. (2009), *Dictionary for Managing Trees in Urban Environments*, Institute of Australian Consulting Arboriculturists (IACA), CSIRO Publishing, Collingwood, Victoria, Australia.

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Appendix A - Tree Location Plan



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Appendix B – Photographs



1: Trees T1, T2 & T3



2: Tree T4



Tree T5

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4: Pleached hedge G6



5: Pleached hedge G7



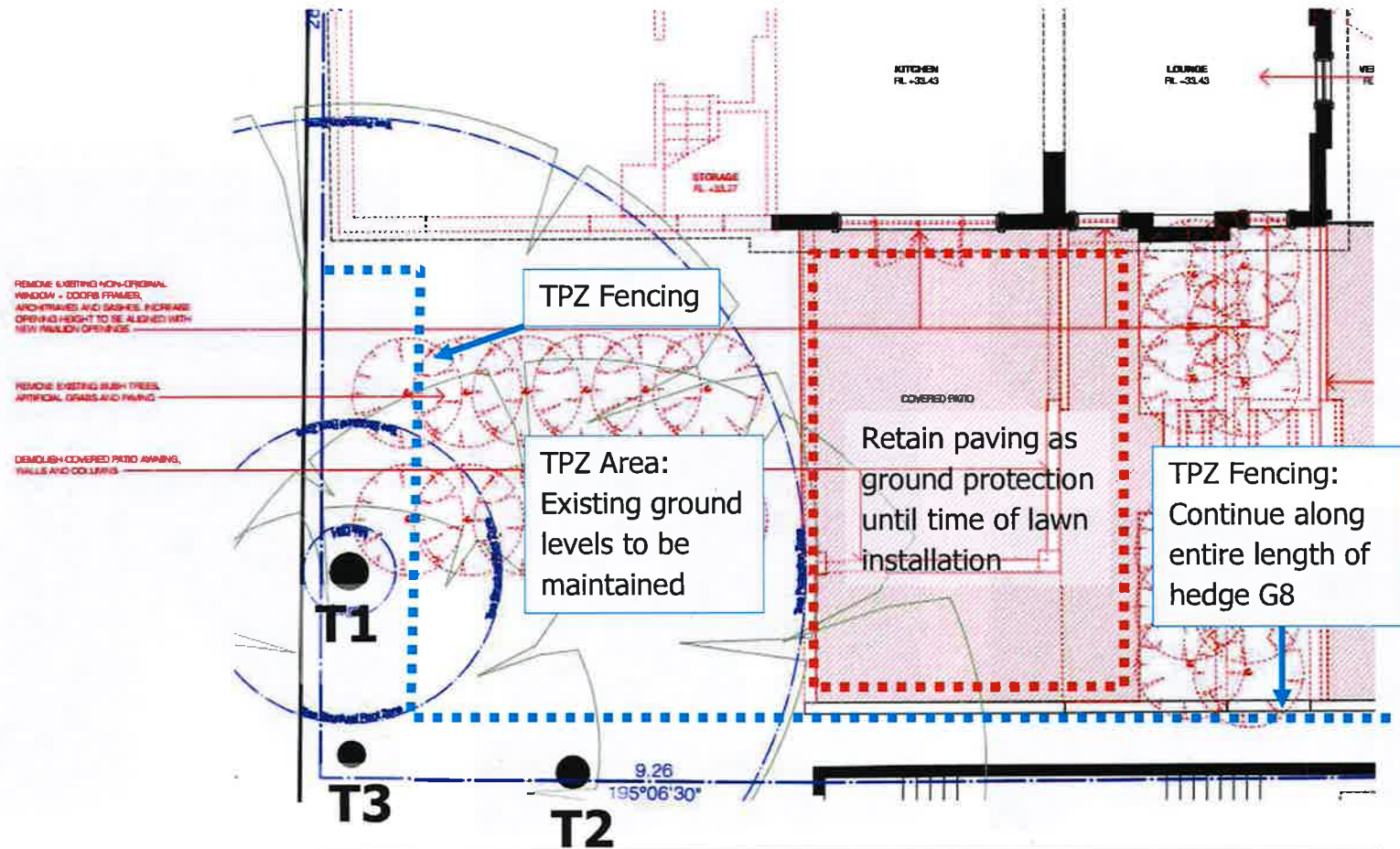
6: Hedge G8

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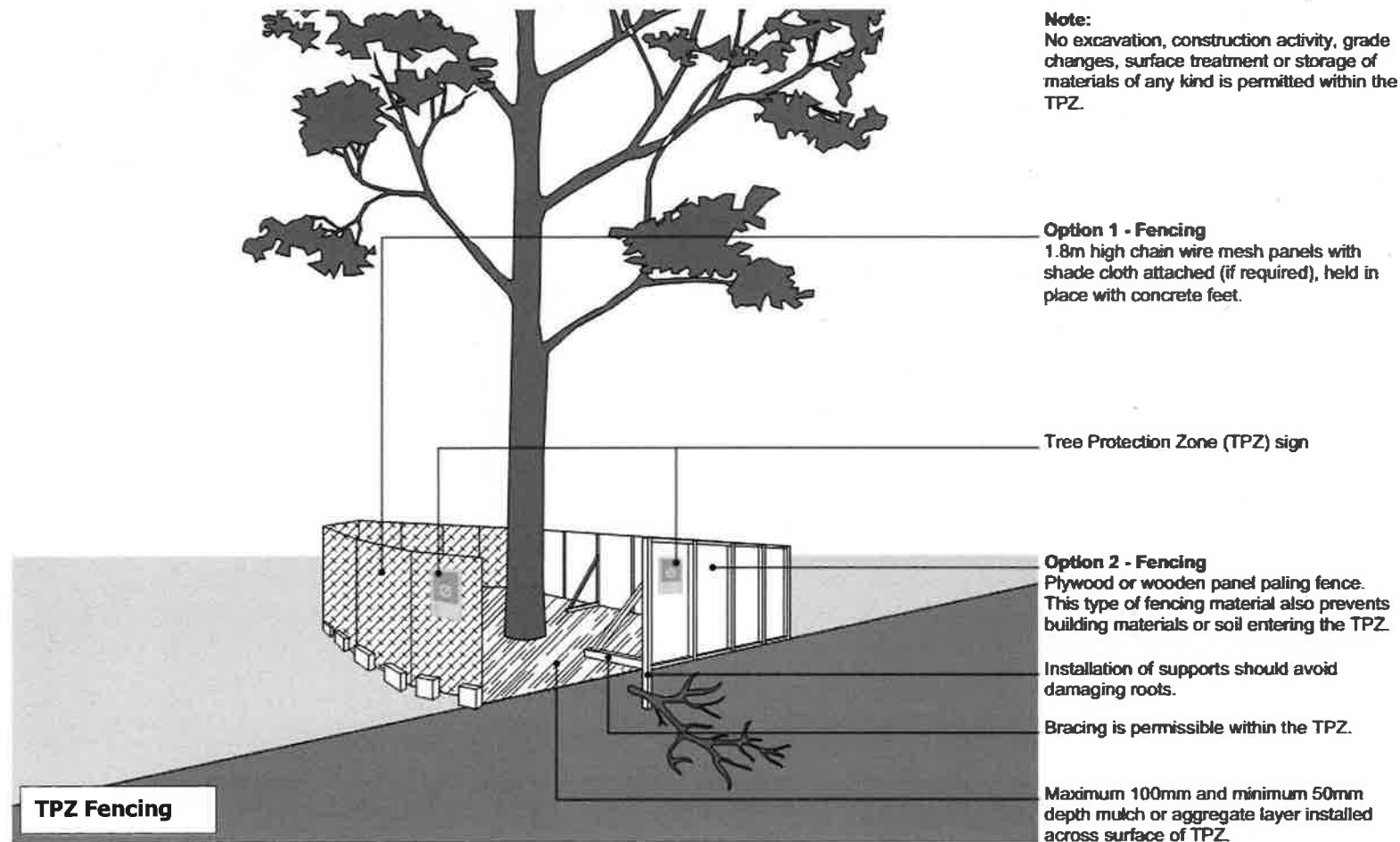
Appendix C – Establishment of TPZ Areas



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11 King George Street, Lavender Bay, NSW

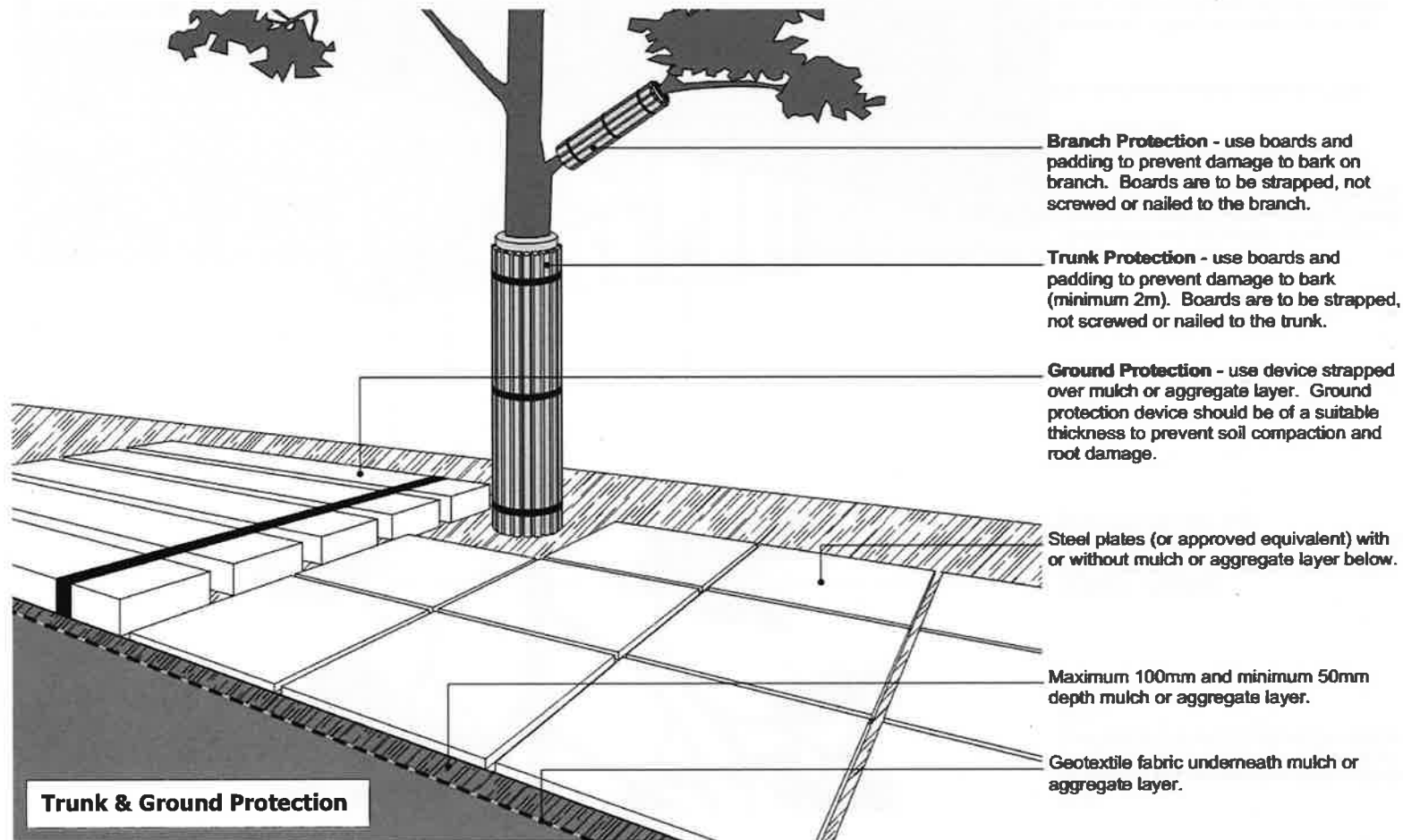
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Appendix D - Cascade Chart for Assessment of Tree Quality & Value

(Adapted from British Standard Institution (2005). Guide for Trees in Relation to Construction)

RETENTION CATEGORY & DEFINITION	CRITERIA - SUBCATEGORIES			IDENTIFICATION IF SHOWN ON A PLAN
	1. Mainly arboricultural values	2. Mainly landscape values	3. Mainly cultural values, including conservation	
Category A High Quality & Value: Those in such a condition as to be able to make a substantial contribution for a minimum of 40 years. Highly significant trees or trees listed on a significant tree register regardless of life expectancy (excluding hazardous trees). Priority for retention.	Trees that are particularly good examples of their species, especially if rare or unusual or essential components of groups or of formal or semi-formal Arboricultural features (e.g. The dominant and / or principal trees within an avenue). Trees that provide a definite contribution to the amenity of the locality.	Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular visual importance (e.g. Avenues or other Arboricultural features assessed as groups).	Trees, groups, remnant bushland or forest of significant conservation, historical, Aboriginal, commemorative or other value. Note: independent ecological/aboriginal/heritage assessment may be required.	GREEN
Category B Moderate Quality & Value: Those in such a condition as to make a significant contribution for a minimum of 15 years. Consider for retention.	Trees that might be included in the high category, but are downgraded because of impaired condition (e.g. presence of remediable defects including unsympathetic past management and minor storm damage).	Trees situated mainly internally to the site, therefore individually having little visual impact on the wider locality or, trees present in numbers, usually as groups or woodlands, such that they from distinct landscape features, thereby attracting higher collective rating than they might as individuals but which are not, individually essential components of formal or semi formal Arboricultural features (e.g. trees or moderate quality within an avenue that includes better A category specimens).	Trees with clearly identifiable conservation or other cultural benefits.	BLUE
Category C Low Quality & Value: Those in such a condition as to make a contribution for a minimum of 5 years. Consider for removal.	Trees not qualifying in higher categories. Juvenile, semi mature or small tree species which are considered easily replaceable.	Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value, and / or trees offering low or only temporary screening benefit.	Trees with very limited conservation or other cultural benefits.	ORANGE
Category D Not suitable for retention: Those in such a condition that any existing value would be lost within 5 years, and which should in current context, be removed for reasons of sound Arboricultural management. Priority for removal.	Trees that have a serious, irremediable structural defect, such that their early loss is expected due to failure, including those that will become unviable after removal of other trees (i.e. where, for whatever reason the loss of companion shelter cannot be mitigated by pruning). Trees that are dead or are showing signs of significant, immediate and irreversible overall decline. Trees infected with a pathogen of significance to the health and/or safety of other trees nearby, or very low-quality trees suppressing adjacent trees of better quality. Trees causing significant damage to structures, where no viable alternatives exist for remedial tree management / modification of structures to enable tree retention. Trees considered a weed species or those listed as noxious weeds. NOTE: Dead or dying trees with hollows or cavities may be of ecological importance. These trees are to be identified and assessed independently of the criteria in this cascade chart. Where category D trees are removed habitat reinstatement may be appropriate.			RED

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Madeleine Blanchfield Architects Pty Ltd
1 Hargrave Street
PADDINGTON
NSW 2021

19th March 2025

Addendum to Arboricultural Impact Assessment Report – 11 King George Street, Lavender Bay

Background

This Addendum to the Arboricultural Impact Assessment (AIA) Report (Martin Peacock Tree Care, 26.09.24) has been prepared in response to Council's request for further information relating to the potential impact of the proposed development upon three (3) trees growing at the site. The AIA Report should be read in conjunction with this Addendum.

Council's Landscape Development Officer does not support the proposal in its current form due to the Major Encroachment into the Tree Protection Zone (TPZ) areas of three (3) mature trees identified within the AIA Report as: T1 - *Eucalyptus microcorys*, T2 - *Eucalyptus microcorys* and T3 - *Lophostemon confertus*. Council considers '*insufficient reasoning, or evidence is provided to adequately mitigate any adverse impact to the trees*'. In addition, Council highlights that the AIA Report does not consider the '*likely pruning works and the impact to the health of the trees*'. To address the areas of concern identified above, further investigations were undertaken. Details of the further investigations are provided in this addendum.

Based on the results of the further investigations the development proposal has been amended to address the areas of concern raised by Council. The following plans should be referenced in conjunction with this Addendum:

- Architectural Plans DA.101 – DA.614 (Rev D), dated 05.03.25 – prepared by Madeleine Blanchfield Architects
- Footing Plans (Option 2) – SK01 – SK02, dated 10.03.25 – prepared by SDA Structures

TPZ Encroachment

Australian Standard AS4970 (2009) Protection of trees on development sites (point 3.3.4 (h) Design Factors) recommends that the impact of a Major Encroachment can be minimised through the use of pier and beam, suspended slabs, cantilevered building sections etc. This has been considered when designing the proposed building addition, which will be constructed above existing grade and supported on piers. A 400x400mm downturned footing beam will be installed within the TPZ area of Tree T1; however, this beam sits within the location of the footing of the existing building.

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To inform the slab design process, Martin Peacock Tree Care has undertaken root mapping investigations (refer Appendix A – Root Mapping). Based on the presence of existing pavements and landscape elements, it was not possible to root map every proposed pier location. However, pier locations within the Structural Root Zone (SRZ) areas of Trees T1 and T3, plus an additional pier location within the TPZ area of Tree 1 have been assessed. Root mapping results indicate only minor root pruning (3x 25-30mm dia. roots) will be required within the SRZ/TPZ areas of Trees T1 and T3. The pruning of three roots no greater than 30mm diameter should not impact either the health or stability of the trees.

The initial slab option (Option 1) included a central footing beam. The location of the beam and a central pier were root mapped. The results indicate the existing synthetic lawn is installed on a 75mm layer of compacted subbase, with only low volumes of fibrous roots identified in the underlying 125mm of the soil profile. However, to provide for greater flexibility when locating piers, the slab design has been revised to the current option (Option 2) that replaces the central footing beam with an overall thicker slab, which will eliminate the need for any excavation (other than for the supporting piers).

Where proposed pier locations were not root mapped, the slab has been designed with flexibility in the location of piers, which will allow for the retention of any significant roots (as determined by the Project Arborist) identified at the time of construction. Where required, additional piers can be installed to achieve the required support for the slab whilst allowing for the retention of roots. The proposed slab/pier design is considered a standard, tree sensitive approach to building within a trees TPZ/SRZ area.

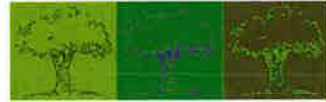
At the time of slab construction, the following tree sensitive construction methods will be utilised:

- All works in the TPZ areas of Trees T1-T3 shall be supervised by the Project Arborist
- Each pier location shall be excavated by hand to a minimum depth of 600mm (or rock)
- Where roots >25mm diameter are encountered the pier location will be adjusted (unless root pruning is approved by the Project Arborist)
- Mechanical augering of confirmed pier locations is permissible at depths >600mm
- Where required, pier holes shall be sleeved to prevent contact between roots and freshly poured concrete

Based on the root mapping investigations and through the implementation of the tree sensitive design and construction methods detailed above, construction of the proposed dwelling addition will not adversely impact Trees T1-T3.

Pruning Impacts

To determine the requirement for, and extent of any pruning of Tree T1, a detailed assessment of the crown was undertaken. The assessment was based on the current design, which was amended to reduce the proposed building footprint in response to Council's comments. The amendments also include a curved balustrade which provides additional clearance from the crown of the tree.

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The building footprint was marked out on site and a height pole was used to measure the tree's branches and clearances from the proposed dwelling addition (refer Appendix B - Pruning Assessment).

Investigations show that the amended design provides adequate clearance between the proposed dwelling addition and Tree T1, which allows for the future growth of the tree and trunk/crown movement in high winds. Therefore, no pruning is required to accommodate the proposed dwelling addition.

At the time of the pruning assessment, it was noted that low volumes of deadwood are present throughout the trees crown. The removal of all dead wood >25mm diameter should be considered as part of the general maintenance of the tree. The removal of dead wood does not require Council approval.

Please do not hesitate to contact me if you have any questions.

Yours faithfully

Martin Peacock
(Consultant Arborist – AQF level 8)

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Higher National Diploma Arboriculture (UK)
National Diploma Horticulture (Arb.) (UK)
Diploma Horticulture (Landscape Design) (AUS)

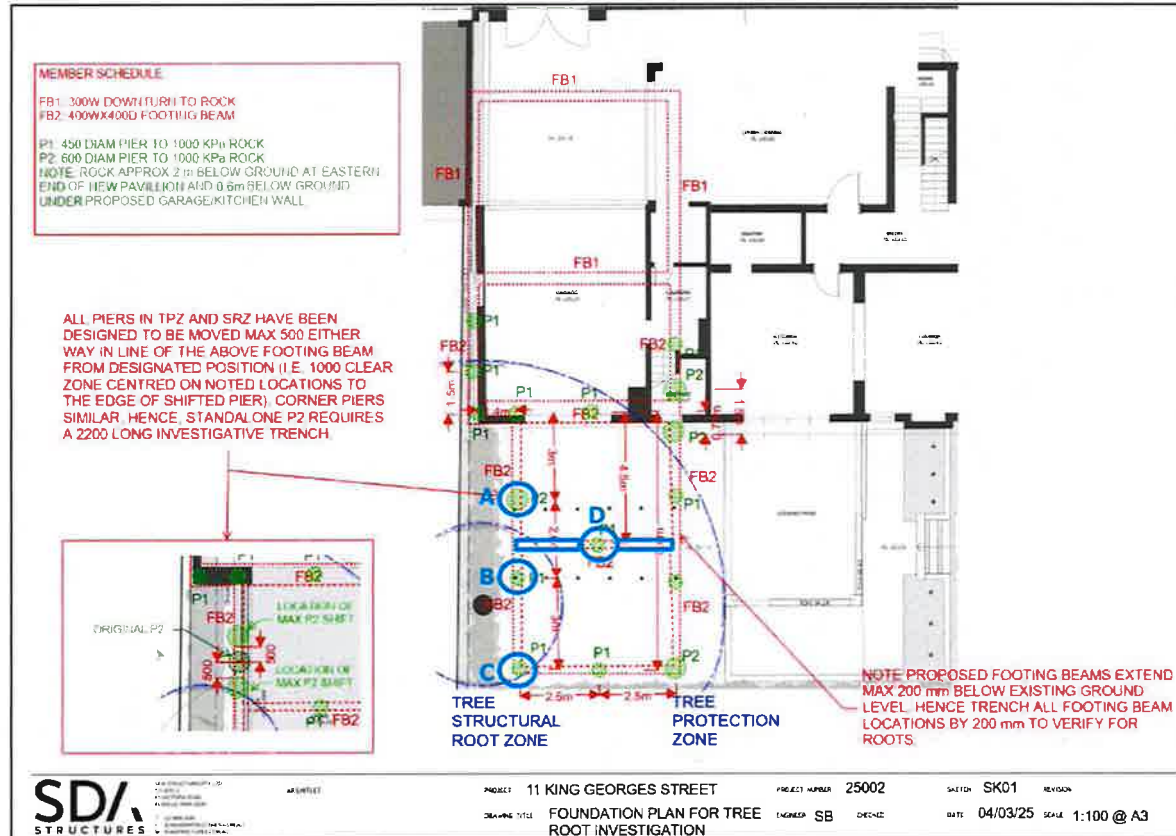


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Appendix A – Root Mapping



Root Mapping Results – Option 1 (Footing Beams)

Pier A:
Depth 600mm. No roots >10mm dia. identified

Pier B:
Depth 500mm (to rock). 1x 25mm and 1x 30mm dia. roots

Pier C:
Depth 600mm. 1x 25mm dia. root

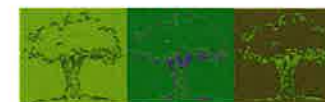
Pier D:
Depth 600mm. No roots >10mm dia. identified

Central Footing Beam:
Depth 200mm. No roots >10mm dia. identified

Refer photographs overleaf

Note: based on root mapping investigations and design considerations, the Option 2 (Flat Slab) footing design has been selected as the most appropriate option.

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1: Pier A



2: Pier B - 1x25mm + 1x 30mm dia. roots



3: Pier C - 1x25mm dia. root

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4: Pier D



5: Central footing beam and Pier D

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Appendix B - Pruning Assessment



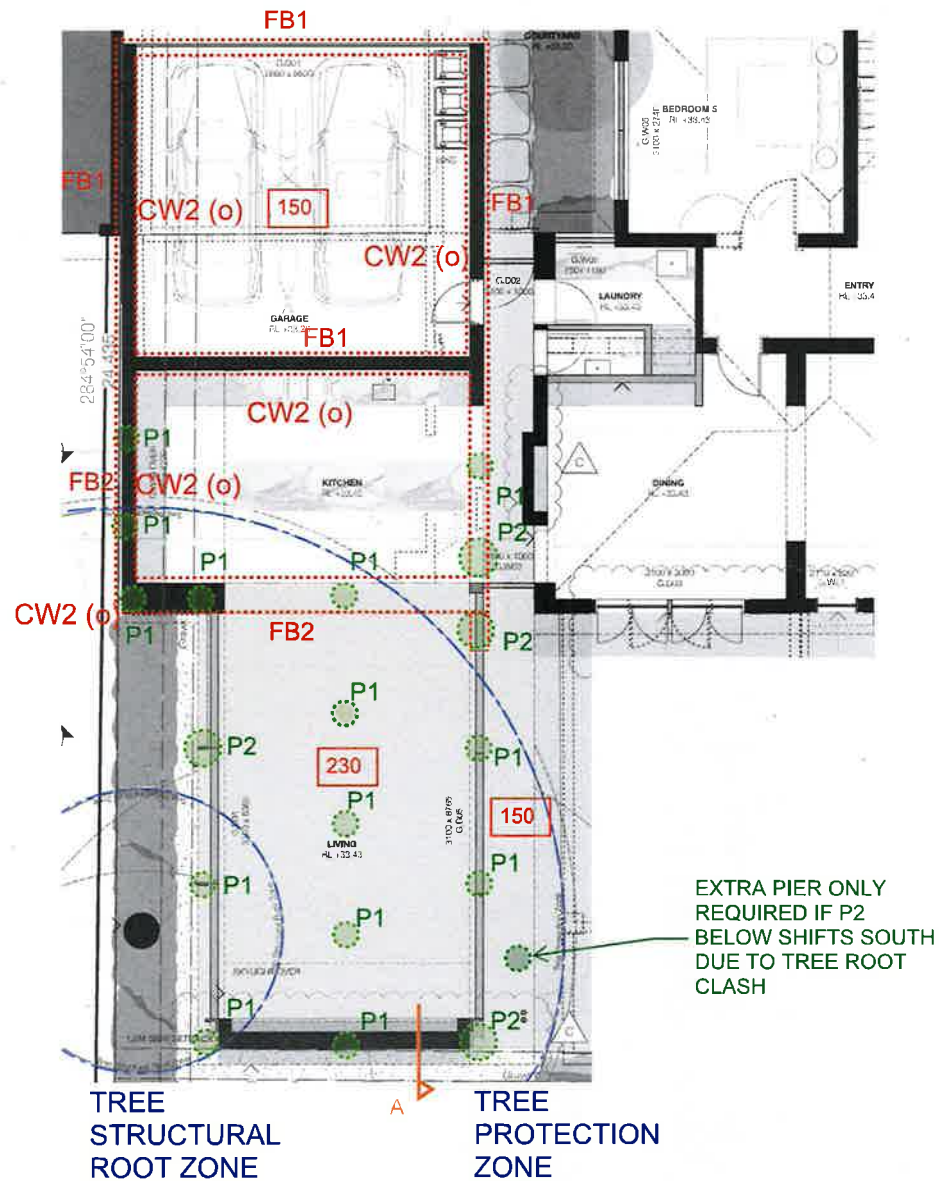
1: Tree T1 – building footprint marked out on site

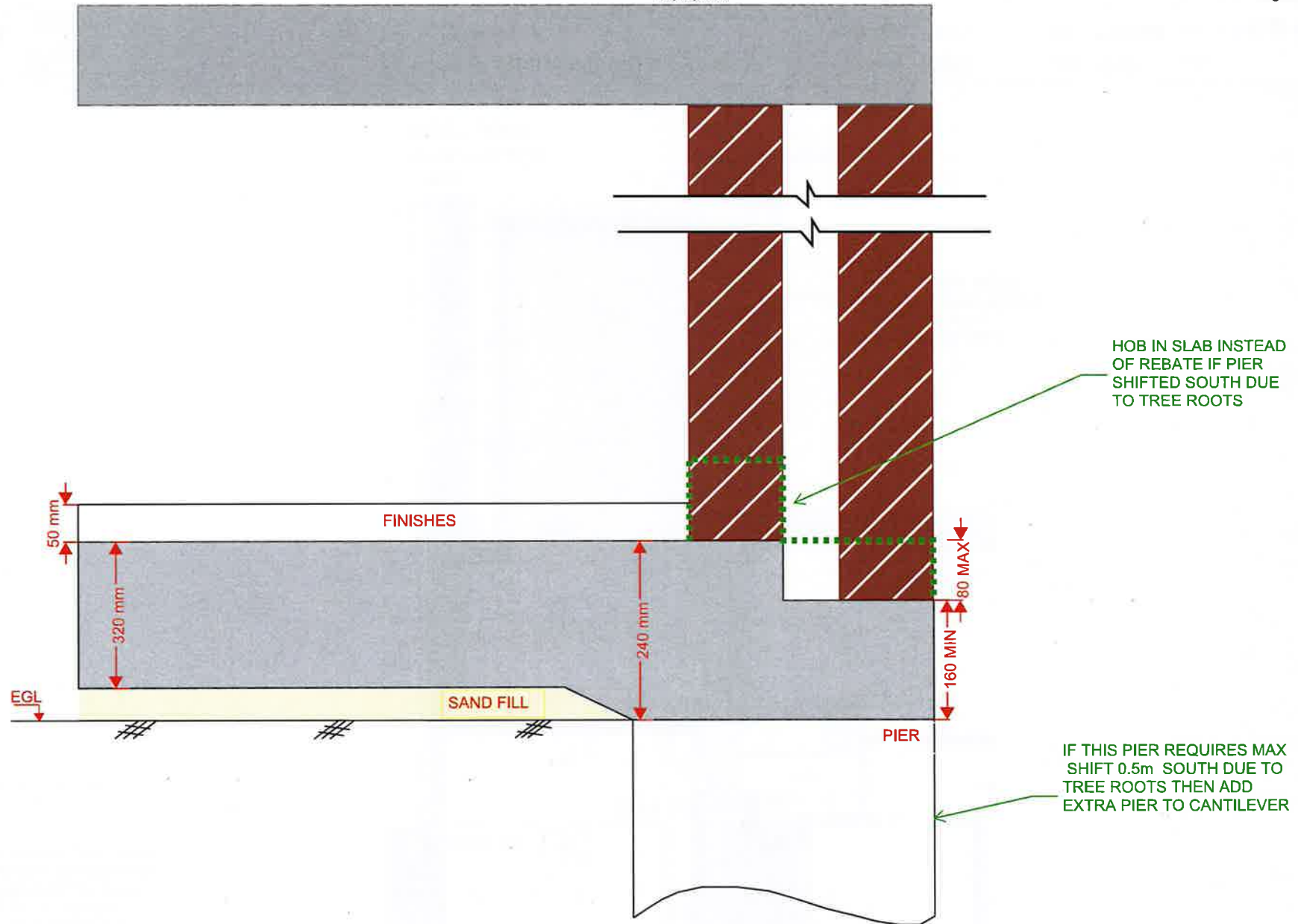


2: Bottom of lowest northern branch confirmed at 5m above grade – 750mm (approx.) of clearance from proposed dwelling addition at closest point

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FB1: 300W DOWNTURN TO ROCK
FB2: 400WX400D FOOTING BEAM
P1: 450 DIAM PIER TO 1000 KPa ROCK
P2: 600 DIAM PIER TO 1000 KPa ROCK
NOTE: ROCK APPROX 2 m BELOW
GROUND AT EASTERN END OF NEW
PAVILLION AND 0.6m BELOW GROUND
UNDER PROPOSED GARAGE/KITCHEN
WALL.





Heritage Impact Assessment Report

PROPOSED DEVELOPMENT | 11 KING GEORGE STREET | LAVENDER BAY



September 2024

Prepared by Zoltan Kovacs Architect

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1 Introduction

1.1 BACKGROUND

The owners of the property - 'Altamura' - located at 11 King George Street, Lavender Bay have engaged the author to assess the heritage impact of the proposed development which affects a heritage item located within a heritage conservation area. The development consists of alterations and additions.

This report sets out to review the history of the place, briefly examine its fabric, state its cultural significance in the context of the local area, assess the heritage impact of the proposed development on the heritage conservation area and propose appropriate actions, if necessary.

1.2 METHODOLOGY

The methodology and terminology used in the preparation of this report has been drawn from the *Australian ICOMOS Burra Charter*, the *NSW Heritage Manual 2001 Update*, and J. S Kerr's *Conservation Plan* (rev. edn National Trust of Australia [NSW], Sydney, 1996). References to architectural styles are based on the identifications used by Apperly, R.; Irving, R. and Reynolds, P *A Pictorial Guide to Identifying Australian Architecture* (Sydney, 1989)

This Heritage Impact Assessment has been prepared in accordance with the requirements of the *North Sydney Local Environmental Plan 2013* and the NSW Heritage Manual 'Assessing Heritage Significance (2001)' and 'Statements of Heritage Impact (2002)' guidelines. The philosophy and process was guided by the Australian ICOMOS *Burra Charter*.

1.3 AUTHORSHIP

This report has been prepared by Zoltan Kovacs, Architect with all the photographs, unless otherwise identified, taken by the author, who has thirty years of experience as a conservation architect with a wide range of projects for private and public clients including the Heritage Branch of Public Works, the Defence Housing Authority and Department of Housing at the Rocks. He was Heritage Officer at Woollahra Council for seven years.

1.4 SITE IDENTIFICATION

The subject site is located in Lavender Bay on the south side of King George Street on the corner of Waiwera Street.

Its address listed as 11 King George Street, Lavender Bay and its title reference is Lot 1 in Plan DP 80950.

2 Historical Outline

2.1 HISTORICAL CONTEXT

2.1.1 Aboriginal history

North Sydney is uniquely rich in its Aboriginal heritage with most of the surviving evidence concentrated along the coast. The land was inhabited by people speaking Guringal, which was the coastal dialect of Darug, whose territory extended west to Parramatta and north to the Hawkesbury River. The local Aboriginal people were divided into a number of clans, whose affiliations and territories are difficult to reconstruct now, but generally the Cammeragal (or Cammaragal) occupied most of the lower North Shore with the Booregagal confined to the coastal area around Bradley Heads. The local area was known as *Gooweelahree*. Captain Phillip also referred to a group called *Wallumedegal* occupying the two peninsulas opposite the first settlement.

Unable to withstand the effects of the changes brought about by European settlement, the local Aboriginal people retreated to deep bushland around Middle Head. The last sizeable group of Cammeragals appeared before the Duke of Edinburgh in 1868, but they largely disappeared from the area by the late 19th century with the last man known as 'Jaspot' dying in a cave near Mosman Bay in the early 1890's.¹

2.1.2 Early history of the area

Lavender Bay was named after the boatswain, George Lavender, of the prison hulk '*Phoenix*', which was moored in the bay for many years. As a result, the bay was known as called Hulk Bay, and sometimes Phoenix Bay, for much of the 19th Century.

The first land grant on the northern shore of Sydney Harbour was 30 acres granted to an emancipated convict, Samuel Lightfoot, with the aim of keeping freed felons from returning to Britain, but Lightfoot never lived on his grant and at the first opportunity he returned to England. His grant was sold to Robert Ryan and then James Milson.

In 1814 Captain John Piper acquired 700 acres extending from Neutral Bay to Middle Harbour. Free settler Edward Wollstonecraft received 524 acres in 1821, just north of the 1817 grant of Cammeragal land given to ex-convict Billy (William) Blue. This grant, which extended back from the point Aborigines had called *Warungareeyuh*, and Europeans came to know as Blues Point, consisted of 80 acres, and covered all of McMahon's Point west of Lavender Bay. George Lavender lived on 14 acres adjacent to the property of Billy Blue, who became a boatman on Sydney Harbour after completing his seven year sentence for stealing raw sugar. Blue was popular and became the only person licenced to ferry people across the harbour with his ferry service growing to a fleet of 11 vessels.

As settlement gradually expanded on the north side of the harbour, railway services were established and the North Shore Line was opened on 1 January 1890 as a single track between Hornsby and St Leonards. The line was extended to the Sydney Harbour foreshore at Milsons Point on 1 May 1893. On 30 May 1915 Lavender Bay railway station was opened to take the place of Milsons Point railway station. This only lasted for seven weeks, as passengers refused to alight here and demanded that trains stop at Milsons Point.

¹ from Hoskins, i 'Aboriginal North Sydney' (Sydney 2008)



Figure 1 | Detail from a map by John Thompson c. 1855 showing the progress of public works and roads. Lavender Bay was first known as Hulk Bay. (Source: Mitchell Library A 3318)



Figure 2 | Lavender Bay in the 1890's (Source: National Library of Australia, pic -vn 4409751 -s13-v)



Figure 3 | Plan of the suburb of Victoria c. 1890 by Higginbotham & Robertson. The immediate area was still undeveloped. (Source: Australian National Library)

During the harbour bridge construction, Lavender Bay Station was the terminus for the North Shore Line. The defunct station area is now used as railway storage sidings.

After Billy Blue's death there were a number of attempts at establishing ferry companies and formalising ferry services from the 1830's, but it wasn't until 1860 that The North Shore Ferry Company formed providing services, which included wharves at Lavender Bay, to a burgeoning population requiring travel to and from the city. The company was purchased by Sydney Ferries in 1899.

On 3 November 1932 N.D. Hegarty and Son took over the Circular Quay to McMahon's Point route from Sydney Ferries, a mere seven months after the opening of the Sydney Harbour Bridge. Undertaking to provide a quarter hour service, he was commended by the McMahon's Point-Lavender Bay Progress Association in a 1933 letter expressing their appreciation and thanks to N. D. Hegarty for coming to the rescue of the residents of the area. Captain Hegarty sold the business in 1949 in order to concentrate on the family's Victorian interests.

From 1850, when the north side of the harbour had 500 residents, to 1890 when North Sydney became incorporated as a municipality, the population grew to 17,000. From Milson's Point to Berrys Bay most people lived close to the water, not for the sake of the views, but for the convenience of access to ferries and to work, as many were involved in boat building. This was Henry Lawson's North Sydney, as he followed the supportive Isabella Byers from one rented house to another. These were the folk he called '*the Harbour people*'. At Lavender Bay boatbuilders shared the water with swimmers, who did laps at Professor Cavill's baths.

The construction of the Sydney Harbour Bridge had a defining and profound impact on the local area. It shifted commercial activity back up the new Highway to Crows Nest and devastated those businesses that survived along lower Alfred Street in the process. It emptied the harbour of much of the ferry trade and destroyed business in the local boatyards. And it started to turn North Sydney from a transport hub, where ferries, trams and trains met at the waterfront, into a corridor along which people passed on their way to somewhere else. It also arrested development in the Lavender Bay area, which saw frenetic growth in the Inter-war period with numerous Inter-war flat buildings rising in the remaining vacant spots.

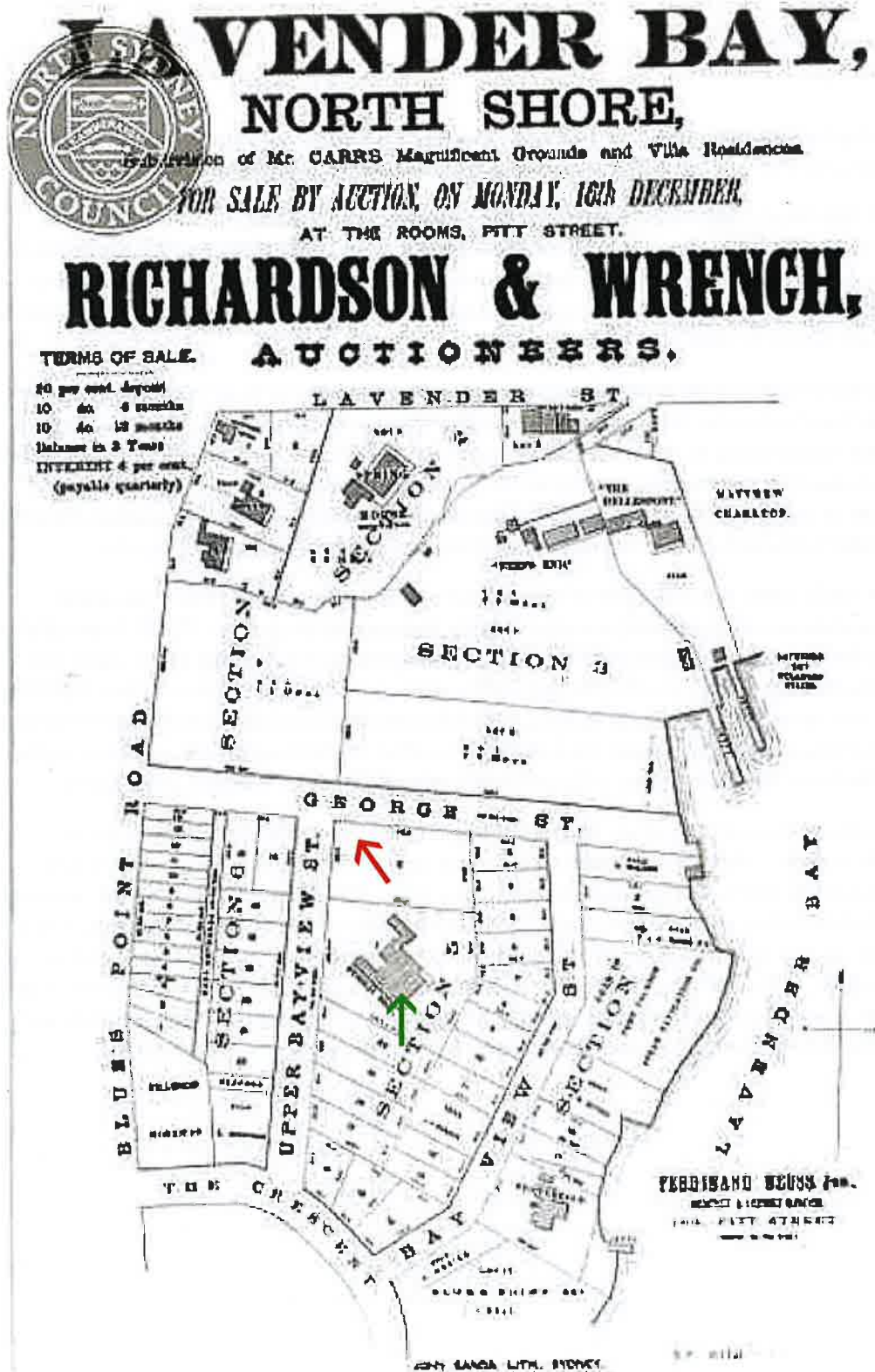


Figure 4 | Advertisement for the sale of Mr Carr's lands, c. 1878. The subject site forms an as yet undistinguished part of Section 5. 'Brenchley' is marked with a green arrow.

(Source: Stanton Library LH REF SP/180)

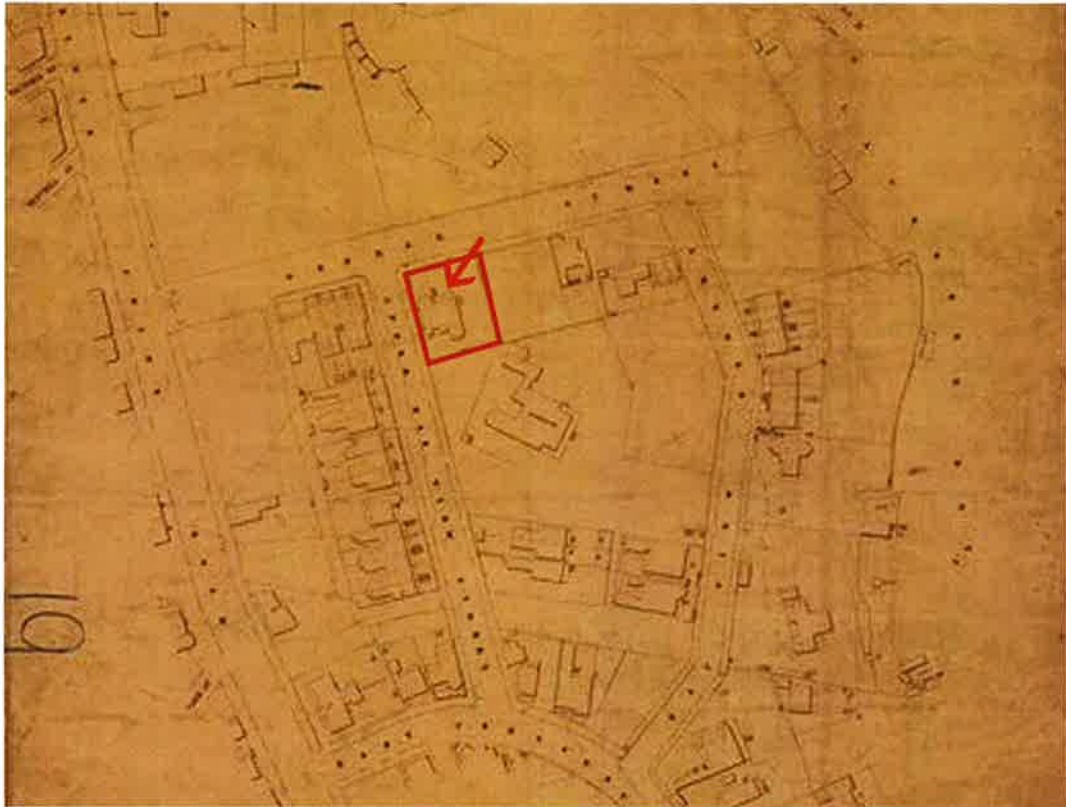


Figure 5 | Extract from North Sydney Block Plan, Sheet 19; c. 1891. 'Altamura' was already built.
(Source: Stanton Library LH REF MF299/19)

2.2 OUTLINE HISTORY OF THE PLACE

- 1817** Crown grant of 80 acres to William (Billy) Blue, emancipated convict. The subject land forms an undistinguished part of Blue's holdings.
- 1834** William Blue dies. His estate is inherited by his son, William Jnr. Blue.
- 1830s** The unidentified land is part of the estate of Police Magistrate, Henry Croasdaile Wilson, who builds a stone villa - *Brenchley* - near the future site.
- 1839** Wilson, who is being investigated for corruption, sells the estate to Captain Hutchinson Hothersall Browne.
- 1867** Sale to John Carr, a ship chandler. Carr builds his home, 'Wai Wera' on his 'Neepsend' estate, he later moves to 'Hellespont' at the head of the bay.
- 1887** Subdivision and partial sale of John Carr's holdings. George Street (later renamed as King George Street) is created in this subdivision.
- 1888-89** The most likely date for the construction of the house, named 'Altamura'.

The following table is a sample of occupants taken at approximately 5 yearly intervals from the Sands Sydney Directories. (Sands can reflect details that occurred the previous year).

Year	Name	Occupation	House No./Name
<i>no listings were found before 1890</i>			
1890	Davis, J. S.		-*/Altamura
1895	Hamburger, M.		-*/Altamura
1900	Hamburger, M.		11*/Altamura
1905	Hamburger, M.		11*/Altamura
1910	Hamburger, Mathias		11*/Altamura
1915	Hamburger, Mathias		11*/Altamura
1920	Hamburger, Mathias		11*
1925	Smith, Campbell		11*
1930	Miller, Archibald		11
1932-33	Miller, Archibald		11

*# as George Street in Victoria (prior to North Sydney)

* as George Street in North Sydney

More recently the house was sold in June 2011, then in February 2016 followed by some alterations carried out by Annabelle Chapman, architect. It was sold to the current owners in October 2023.



Figure 6 | A 1905 postcard of Lavender Bay. The location of the site is marked with an arrow.

(Source: Stanton Library LH REF PC/177)

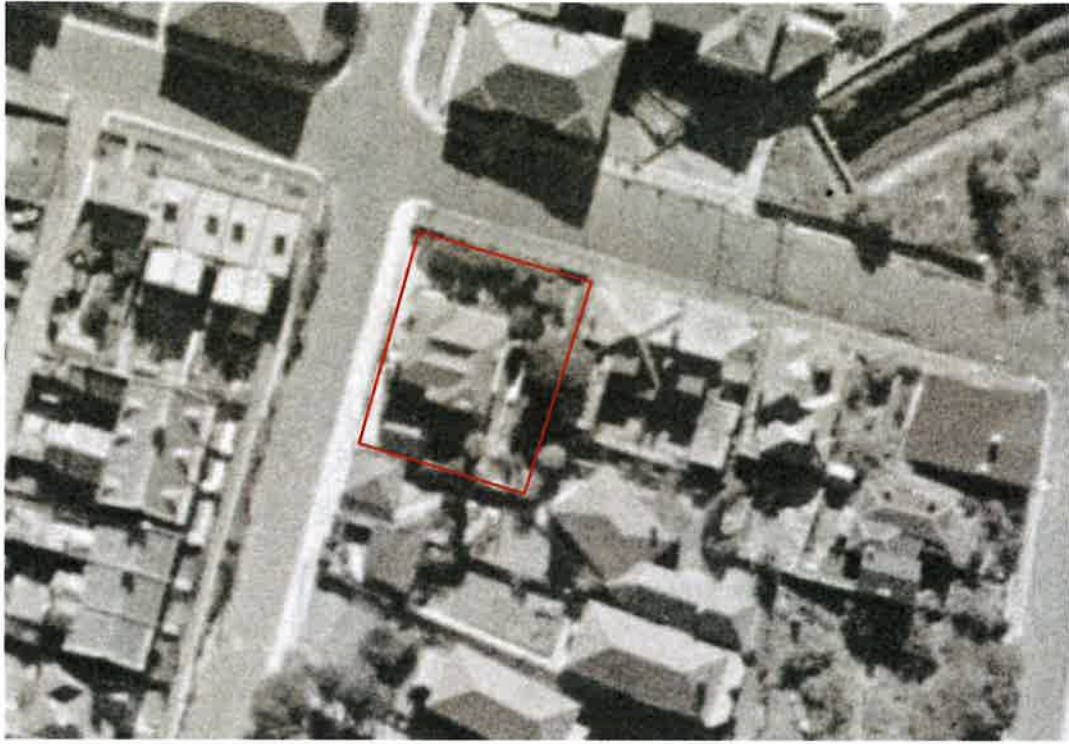


Figure 7 | Aerial view of the site in 1943 marked in red. (Source: NSW SixMaps)



Figure 8 | 11 King George Street in 1979. Note the enclosed front veranda. There was no rear extension to the living room yet. (Source: Stanton Library LH REF CPF7/3)

3 Physical Description

3.1 SITE CONTEXT

Lavender Bay is situated on the east side of a low sandstone ridge, which forms the McMahons Point peninsula jutting out into the harbour. The ridge is relatively broad and defined by two valleys which open into Berrys Bay and Lavender Bay. The subject site is on the eastern escarpment of the plateau, located above the head of the bay of which Watt Park forms the termination. The open forest which once covered the plateau is now completely gone, replaced by suburban residential development, and the foreshore is also intensively developed for the railway line, boatsheds and wharves.

The built environment of Lavender Bay consists of twisting suburban streets, determined by the topography, in steep verdant setting consisting of varied allotments with rows of Victorian terraces interspersed with detached Federation and Inter-war houses and groups of mostly Inter-war flat buildings. The undulating hillside setting of houses and streets also affords views and vistas from a multitude of locations.

King George Street is characterised by its extreme steepness resulting in houses erected over substantial stone retaining walls. Houses in the same block as the subject site consist of a group of Federation houses with Lavender Bay Park across the street. Further up the street past the Waiwera Street corner the street is defined by groups of Victorian terraces interspersed with a few small Inter-war flat buildings. Waiwera Street is also characterised by groups of Victorian terraces on the west side of the street, while garages dominate the east side where the subject site is.

3.2 SITE

The subject site is on the east side of the Waiwera Street corner on the south side of King George Street. It is a regular rectangular allotment reflecting the subdivision pattern of John Carr's estate. The land faces King George Street with one of its short sides and it is an artificially levelled, elevated site built up over a substantial sandstone podium, which is high over King George Street and then tapers off in Waiwera Street, allowing for a garage entrance accessible on grade in the south-west corner.

Within the raised sandstone retaining walls, which define street boundary, the land appears nearly flat. The walls are topped by dense hedges enclosing the front yard. Pedestrian entry is in the north-west corner of the front yard with steps leading up to a roughly square patch of lawn set beside a swimming pool which occupies more than half of the front yard. None of the original garden layout survives: the existing garden was laid out in 2011.

The house - located in the western half of the site - backs onto the rear boundary with a double garage. There is a narrow side passage on the Waiwera Street side connecting the front yard and the driveway in front of the garage. The house is oriented to address King George Street but because of the garage there is no rear yard. Instead the eastern half of the site forms a side garden consisting of a number of terraces ascending towards the rear. The middle of the side garden is occupied by an open paved terrace. Again, the whole formal garden layout dates from around 2011.

3.3 BUILDING

General Description

The house on the site is a free standing two storey Victorian villa, built around 1889, and named '*Altamura*' (why the house is named after a small Apulian town is not known). High walls and dense vegetation screen the front of the house from the street.

When built the house was smaller than it is today: it had smaller rear wings and the house did not extend to the rear boundary. The existing rear wings do not reflect the original layout.

The front elevation consists of a two storey projection on the west side with a two storey cast iron lace veranda set beside the projection on the east side. The veranda has been reconstructed (it was enclosed for decades) and while sympathetic, it is not original fabric. Entry to the house is through the front veranda. The front elevation also features a single storey, original faceted bay window, whose roof has been replaced.

Despite extensive changes and later additions, the original layout is still discernible with rooms arranged around a central hallway. The original dog-leg timber staircase is set at right angle to the central hall and it separates the projecting front rooms from the rest.

Roof

The principal roof is formed by a large hip with smaller frontal and rear projecting hips. While the roof form is original its corrugated steel cladding is recent. The veranda has a separate skillion roof, also clad with corrugated steel. The extension to the two storey rear wing has a smaller hip roof which is lower than the principal roof. The single storey extension to the living room has a flat roof enclosed by parapets. The four original chimneys of the principal roof survive.

Walls

The house was constructed in solid brickwork erected over a rendered stone base. The exterior is cement rendered and painted. The internal walls were once set in plaster and painted, but the principal rooms were recently wallpapered.

Floors

The original floors within the principal form are timber framed and the original joist framing may have survived, although the floor lining all appears to be recently laid. The timber decking of the veranda floors are not original.

Joinery

The veranda features stop-chamfered timber posts with capital moulds and cast iron lace balustrades and fringes. None of this is original. Clearly, the veranda has been fully reconstructed in the last two decades. The deep fascia lined with vertical boarding is particularly crude; originally this must have included a cast iron frieze panel, now lost.

Some of the double hung windows are original within the principal form. The doors with sidelights and fanlights opening onto the two storey veranda appear to be later additions, as is the French door set of the kitchen. Interestingly, the small window awning on the west side may be original.

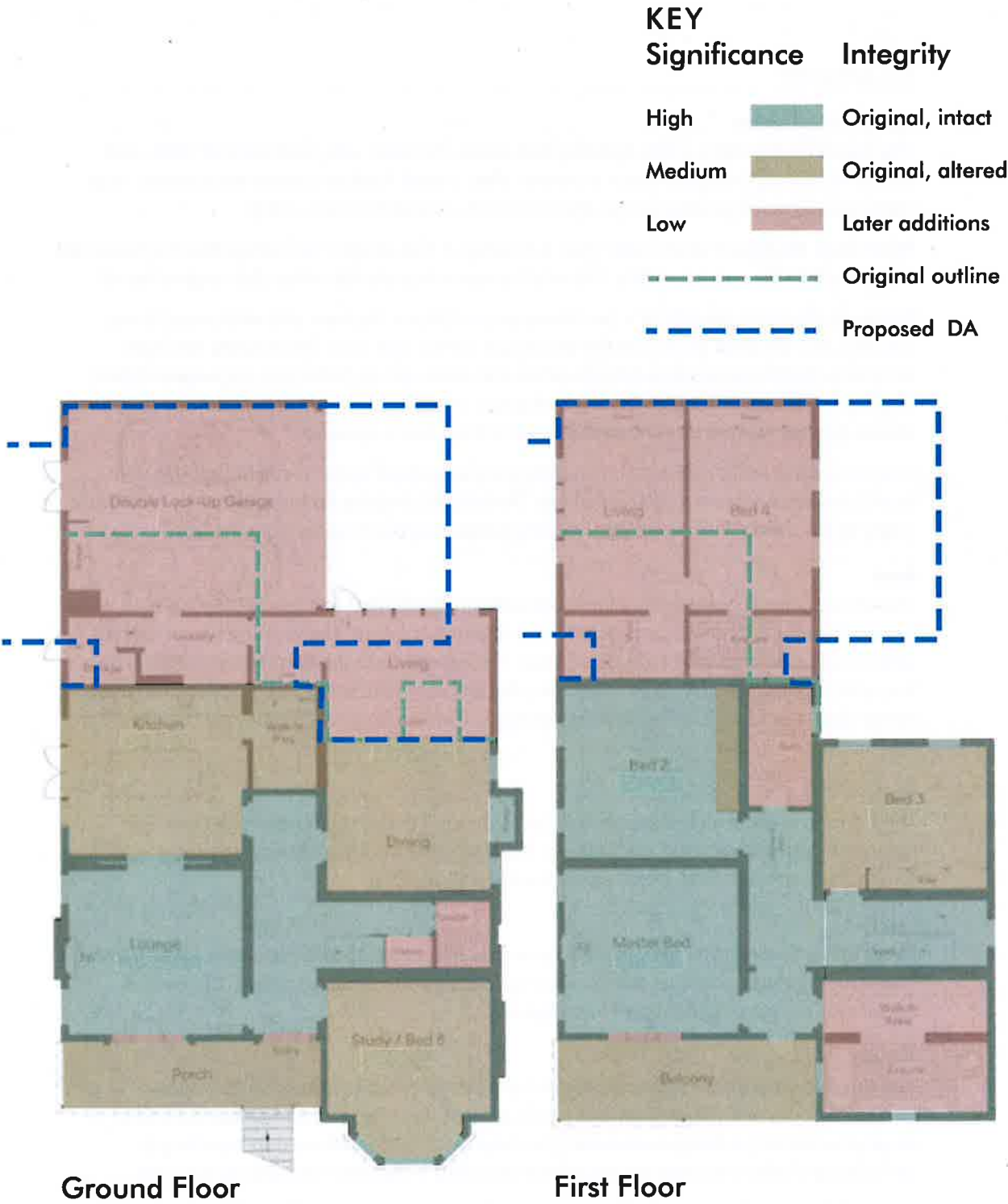


Figure 9 | Fabric Integrity Diagram

Interior

The interior has been extensively altered, although the original layout is still discernible within the principal form. Little of the original fabric - with the exception of two fireplaces and the timber staircase - is original: ceilings, cornices, and trims originate from past renovations, albeit they appear sympathetic and they are executed in a historicist Victorian idiom. The exception to this are the ground floor kitchen area and the bathrooms, as these are contemporary.

3.4 SUMMARY OF CONDITION

'Altamura' retains its original form and much of its external presentation and it appears to be superficially intact, but its actual physical integrity is low due to successive series of past intrusions. The current condition of the fabric is good and stable.

3.5 PHOTOGRAPHS & IMAGES

The photographs on the following pages describe 'Altamura' in its setting and existing condition.



Figure 10 | 'Altamura' today, seen from the front garden. (Source: www.realestate.com.au)



Figure 11 | *The heritage item is largely obscured from the public domain: seen from the corner of King George Street and Waiwera Street.*



Figure 12 | *The front garden is hidden by the dense hedge raised above the sandstone retaining wall. The house is barely visible and the side garden not at all.*



Figure 13 | *View of the rear from Waiwera Street. The double garage in the foreground belongs to No. 15 Waiwera Street.*



Figure 14 | *The single storey wing in the foreground and the two storey wing with the garage are both later additions.*



Figure 15 | *Inter-war period garages line the east side of Waiwera Street.*



Figure 16 | *View of the front garden with the pool. There is no culturally significant fabric here.*



Figure 17 | *Partial view of the front elevation. The veranda has been reconstructed.*



Figure 18 | *The side garden and east side elevation.*



Figure 19 | *The pergola and terrace in the side garden. These are recent additions.*



Figure 20 | *The rear wing is a historicist recent addition with poor proportions.*



Figure 21 | *The ground floor of the reconstructed veranda. None of its fabric is original.*



Figure 22 | *The lounge has been renovated, but the fireplace may be original.*



Figure 23 | *The kitchen occupies the original dining room.*



Figure 24 | *The new living room in the single storey rear wing. All of the fabric is recent.*



Figure 25 | *The first floor living room in the new two storey rear wing.*



Figure 26 | *Bedroom 4 in the new two storey rear wing.*



Figure 27 | *A contemporary bathroom fit-out.*



Figure 28 | *The bathroom at the end of the hall has been renovated.*



Figure 29 | *Another view of the en-suite bathroom.*



Figure 30 | *Another contemporary bathroom fit-out. This is the en-suite bathroom.*



Figure 31 | *The Mater Bedroom has been renovated, but as an original room it will be kept.*



Figure 32 | *The two neighbouring heritage items in King George Street. Located lower down the hill with a strong visual barrier separating them from the site, their setting will not be affected by the development*

4 Significance of the Place

4.1 PRINCIPLES

The concept of 'cultural significance' or 'heritage value' recognizes the value of a place or item, which cannot be expressed in monetary terms. Assessment of cultural significance attempts to establish the foundations on the basis of which a place or an item is valued by the community. Cultural significance is embodied in the fabric of the place, in its setting and its relationship to other items, the records associated with the place and the response that the place evokes in the community.

Both the Burra Charter of Australia ICOMOS and its Guidelines for Assessment of Cultural Significance; and the NSW Heritage Manual prepared by the NSW Heritage Office recommends that significance be assessed in categories such as aesthetic, historic, scientific and social significance. The NSW Heritage Manual includes two additional criteria for assessing the comparative significance of an item.

Since the preparation of the NSW Heritage Manual, the NSW Heritage Act 1977 was amended in 1999, and again in 2000. Under this amendment the NSW Heritage Council has adopted revised criteria for assessment of heritage significance. The evaluation of cultural significance is based on the adopted approach and the results of the assessment are incorporated into a statement of significance, which is usually included in the inventory sheet of a heritage item.

4.2 STATEMENTS OF SIGNIFICANCE

4.2.1 Statement of Significance of 11 King George Street, Lavender Bay

The statement of significance for 11 King George Street, Lavender Bay is as follows:

*Good example of a Victorian house of substantial size in the Italianate style.
Picturesque corner location with mature trees. An important streetscape element¹*

4.2.2 Statement of Significance for the McMahons Point North Heritage Conservation Area

The statement is in Section C of the North Sydney DCP on page C9-25, as follows:

The McMahon's Point North Conservation Area is significant:

- (a) For its consistent character and unity that derives from its dense urban subdivision pattern and history and which is still clearly seen in the development of the area.*
- (b) As a predominantly early 20th century precinct with a mix of Federation and 1920's one and two storey housing and a very fine grouping of early 20th century buildings along Blues Point Road.*
- (c) For the streetscape qualities of the Blues Point Road shops.*
- (d) For its high quality streetscapes, particularly in Princes and Waiwera Streets.*

¹ <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2180559>

5 Planning Context

The development site at 11 King George Street, Lavender Bay is affected by a number of statutory and non-statutory controls, guidelines and lists that are relevant to this assessment of heritage impacts. They are as follows:

- ◆ NSW Heritage Act 1997,
- ◆ North Sydney Local Environmental Plan 2013
- ◆ National Trust of Australia (NSW) Register

5.1 NSW HERITAGE ACT 1977

5.1.1 State Heritage Register

The State Heritage Register is a list of heritage items of particular importance to the people of NSW. It includes items and places of state heritage significance endorsed by the Minister on the recommendation of the Heritage Council. It came into effect on 2 April 1999 and it was created under the Heritage Amendment Act 1998 and replaces the previous system of Permanent Conservation Orders as a means of protecting items of State significance.

Currently the State Heritage register includes all items formerly protected by Permanent Conservation Orders and items identified as having State significance in heritage and conservation registers prepared by State Government agencies received by the NSW Heritage Office prior to 2 April 1999. Items on the State Heritage Register require approval from the Heritage Council of NSW for certain works.

11 King George Street, Lavender Bay is neither included nor proposed for inclusion in the State Heritage Register.

5.1.2 Interim Heritage Orders

Interim Heritage Orders can be made under Part 3 of the Heritage Act either by the Minister or, where authorised, a Local Government Council. Interim Heritage Orders replace the previous Interim Conservation Orders and orders made under Section 130. They are effective for a maximum period of twelve months.

11 King George Street, Lavender Bay is not affected by any Interim Heritage Orders.

5.1.3 Archaeological 'Relics'

Under Division 9 of the Heritage Act, a permit is required for the excavation of relics, unless there is an applicable gazetted exemption. Pursuant to Clause 139 of the Heritage Act, an excavation permit is required where excavation is proposed and there is reasonable knowledge or likelihood that disturbance or excavation of the land will result in a relic being discovered, exposed, moved, damaged or destroyed.

There is no evidence or likelihood that excavation of the land at 11 King George Street, Lavender Bay may disturb relics as defined by the Act.

5.2 NORTH SYDNEY LEP 2013

The North Sydney Local Environmental Plan 2013 is a statutory plan adopted by North Sydney Council. The relevant objectives of this plan are to identify heritage items, heritage conservation areas and to provide measures for their protection, conservation and enhancement; and to ensure that new development is undertaken in a sympathetic manner.

11 King George Street, Lavender Bay is listed as a heritage item under Schedule 5 of the LEP as Item 0326 and it is located within the McMahon's Point North Heritage Conservation Area (CA13).

11 King George Street, Lavender Bay is in the vicinity of two heritage items:

- A house as Item 0327 at 15 King George Street
- A house as Item 0328 at 17 King George Street



Figure 44 | Extract from Sheet 002 of the Heritage Map in the North Sydney LEP 2013. The site is indicated in green in this report.

5.3 NATIONAL TRUST

The National Trust of Australia (NSW) is a community-based conservation organisation. The Trust has assembled a Register of heritage items and conservation areas through the assessment work of its expert committees. While the Trust has no legal status, it is considered to be an authoritative guide to heritage significance, and the Trust acts as a lobby group for heritage conservation.

11 King George Street, Lavender Bay is not identified by the National Trust of Australia (NSW).

6 Proposed Development

6.1 INTRODUCTION

The proposed development was prepared in a manner consistent with the cultural significance of the place to ensure that Lavender Bay's heritage remains undiminished while meeting the reasonable expectations of the property owners.

Advice was sought from a heritage consultant at an early stage and extensive consultation was undertaken with the architects and clients. The development reflects the raised heritage concerns and they are addressed in this development proposal submitted to Council.

6.2 PROPOSED DEVELOPMENT

The proposed development consists of a number of interrelated elements, as follows:

- ◆ demolition of the existing rear wing extensions, minor demolition within the principal form, and demolition of the existing landscaping including the swimming pool;
- ◆ construction of a new two storey pavilion, containing a double garage, kitchen and living room on the ground floor and a master suite above, connected to the original principal form by a glazed, lightweight link;
- ◆ minor internal changes with a new powder room and laundry fit-out;
- ◆ changes to windows in the east side elevation; and
- ◆ new site landscaping with a new swimming pool.

6.3 DOCUMENTS

The proposals are described and documented in detail by architectural drawings prepared by Madeleine Blanchfield Architects. They generally describe the physical aspects of the proposed development and this heritage assessment was based on the architectural set of documents submitted to council.

7 Heritage Impact of Development

7.1 INTRODUCTION

The house at 11 King George Street, Lavender Bay is listed as a heritage item under the existing statutory controls of the North Sydney Local Environmental Plan 2013 and it is located in a heritage conservation area.

7.2 HERITAGE IMPACT ASSESSMENT

The following assessment is based on the NSW Heritage Office guide to the preparation of Statements of Heritage Impacts to help identify issues associated with the proposed development affecting heritage conservation areas and the format follows the set out of the LEP and DCP to assist staff in their interpretation of heritage issues.

North Sydney LEP 2013

5.10 Heritage Conservation

(1) Objectives

The objectives of this clause are as follows:

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

The following will demonstrate that there are no substantial adverse impacts for the heritage conservation area. Alterations and additions are acceptable in their impacts and do not affect culturally significant fabric or the cultural values of the heritage item or the heritage conservation area.

The objective is satisfied.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*

- (e) *erecting a building on land:*
- (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) *subdividing land:*
- (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

The proposed development consists of alterations and additions to an existing Victorian villa. There is no subdivision. This heritage impact assessment report forms part of a detailed development application to satisfy council's requirements.

The requirement is satisfied.

(3) When consent not required

This requirement is not relevant, as consent will be required.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

The proposed development consists of alterations and additions to an Inter-war bungalow, which is in a heritage conservation area. The heritage impacts of the development are outlined below:

- ◆ Demolition of the existing garage and associated rear wings will generate positive conservation impacts, because it enables replacement with a new development, which does not obscure the original form and enables its reading with greater clarity.
- ◆ Demolition of the existing garden will generate neutral conservation impacts, as the garden fabric is not contributory or culturally significant.
- ◆ Construction of the minor internal alterations will have negligible conservation impact as the alterations do not affect significant fabric. As the internal works are not visible to the public domain, there is no impact for the setting of the item or the streetscape of the conservation area.
- ◆ Construction of the new two storey pavilion will generate a number of distinct impacts. Taking a clearly defined and subordinate pavilion form, the new development, does not obscure the original form and enables its reading with greater clarity, generating a positive impact for the legibility and appreciation of the heritage item. The pavilion has a subordinate bulk and as it is located in the rear of the heritage item it will generate neutral impacts for its visual curtilage and setting. As the pavilion is only visible from the public domain by its short side it will generate negligible streetscape impact.

- ◆ The proposed pavilion presents a stepped form with the second storey well set back from the front and side boundary in order to reduce its visual bulk and protect the setting of the adjoining heritage items. The form of the roof reads as a parapet and horizontal parapeted lines are common features of rear wings on Victorian villas. The flat roof in this case is more sympathetic and recessive than if a pitched roof was used.
- ◆ The proposed new garden landscaping works are simple and respectful, and they will enhance the setting of the heritage item with a positive impact.
- ◆ The selected materials and new colour scheme are sympathetic to the character of the heritage item and the general character of the heritage conservation area generating positive impacts.

The requirement is satisfied.

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

This heritage impact assessment report, which is detailed and prepared by a recognised expert in heritage conservation, is to be submitted as part of the development application.

The requirement is satisfied

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Considering the sympathetic nature of the proposed development, which does not affect the surviving significant fabric of the heritage item, requirement of a Conservation Management Plan is not in the public interest as such a requirement would be out of proportion.

The requirement is not relevant.

(7) Archaeological sites

The place is not an archaeological site.

(8) Aboriginal places of heritage significance

The place is not an aboriginal place of heritage significance.

(9) Demolition of nominated State heritage items

The place is not a nominated State heritage item and demolition is not considered.

(10) Conservation incentives

This requirement is discretionary within the powers of Council.

North Sydney DCP**Part B - Section 13 Heritage & Conservation****13.4 Development in the vicinity of heritage items**

The development site is in the vicinity of two federation houses listed as heritage items at 15 and 17 King George Street (Items 0327 and 0328, respectively).

Objectives

O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.

The proposed landscaping works and internal alterations will not generate any impact. The proposed pavilion addition are sympathetic to the existing character of the locality and they are not excessive in scale. The pavilion cannot be seen in the context of the heritage items, which are visually protected by tall fences and strong hedges within their lot boundary curtilages. The pavilion addition does not affect the setting or the curtilage of the heritage items in the vicinity of the site.

The objective is satisfied.

Provisions

P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.

The proposed pavilion is located at the rear of the subject site, well away from the heritage items. The proposal does not affect the curtilage, setbacks, form, scale and style of the heritage items in the vicinity.

P2 Maintain significant public domain views to and from the heritage item.

Public domain views to and from the heritage items are not affected.

P3 Ensure compatibility with the orientation and alignment of the heritage item.

One of the heritage items is a block of flats, while the other heritage item is a public domain open space. Orientation and alignments are not relevant.

P4 Provide an adequate area around the heritage item to allow for its interpretation.

The heritage items face a public road and their visual connection to the development site is negligible. Interpretation of the two heritage items is not affected.

P5 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.

The development does not affect landscape features associated with the heritage items.

P6 Protect and allow interpretation of archaeological features (as appropriate and relevant).

Archaeological features are not affected.

The relevant provisions are satisfied.

13.5 Heritage items

The development site contains a heritage item, which is a large Victorian house executed in the Italianate style, identified as Item 0326.

13.5.1 Protecting heritage significance

Objectives

- O1 *Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item.*

The heritage item was the subject of both historical research and in-depth fabric analysis on site by a conservation professional. The findings are included in this report in Chapters 2 and 3.

- 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.*

Changes to significant elements and fabric of the heritage item are limited. The cultural significance of the item is not affected detrimentally.

- 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.*

All significant features are retained. Negligible work is proposed affecting the original principal form.

- O4 *Acknowledge changes over time to heritage items, as subsequent layers may also be of significance.*

The subsequent layers are not culturally significant.

- 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.*

The recent rear wings are removed. There are no missing details that can be reinstated.

- O6 *Allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.*

New work is located to the rear of the heritage item, confined to degraded areas.

- O7 *Ensure that new uses of heritage items are compatible with the fabric and heritage significance of the item.*

The existing historic residential use is maintained.

- O8 *Encourage changes to be reversible where possible and appropriate.*

All new work within the heritage fabric is designed to be reversible.

The objectives are satisfied.

Provisions

- P1 *Retain features (including natural and cultural landscape features) that contribute to the significance of the item.*

All significant contributory features are retained.

- P2 *Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.*

The recently constructed rear wings are removed.

P3 *New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.*

The new pavilion observes existing and predominant setbacks, presents a subservient mass, and maintains the two storey scale. The simple cubic form of the pavilion is sympathetic to traditional rear wing interpretations which were always simpler than the principal form.

P4 *Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.*

All significant fabric is retained.

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.*

New work is located to the rear of the heritage item, confined to degraded areas.

P6 *All works are to be consistent with an adopted Conservation Management Plan/s where applicable.*

There is no CMP associated with the heritage item.

The relevant provisions are satisfied.

13.5.2 Form, massing, scale

Objectives

O1 *To allow alterations and additions to heritage items, where the new work does not impact on the heritage significance of the heritage item.*

New work is located to the rear of the heritage item, confined to degraded areas: this is demonstrated on Figure 9 (page 12) of this report.

O2 *To maintain and promote the original built form of the heritage item as viewed from the public domain.*

New work is located to the rear of the heritage item and separated from it by a lightweight, transparent linking element.

The objectives are satisfied.

Provisions

P1 *Locate alterations and additions away from principal elevations and primary forms, and behind and below the main ridge line.*

New work is located to the rear of the heritage item - behind the principal form - and entirely confined below the main eaves line.

P2 *Ensure that alterations and additions are smaller in scale, height and massing than the existing building.*

The bulk of the new work is much smaller than the principal form. It is also lower in height and has substantially smaller, stepped massing.

P3 *Locate additions within characteristic setbacks.*

The pavilion is located predominant characteristic setbacks. Note that locally zero setbacks are not uncommon historically.

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.

The pavilion takes a clearly defined and subordinate form with a transparent lightweight link element between the new development and the principal form. The new work does not obscure the original form and enables its reading with great clarity, generating a positive impact for the legibility and appreciation of the heritage item.

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).

The pavilion is smaller in footprint and less in height than the principal form of the heritage item. The bulk of the new work is much smaller than that of the principal form.

The provisions are satisfied.

13.5.3 Additional storeys

Additional storeys are not proposed.

Not relevant.

13.5.4 Roofs

No work is proposed to the original truncated hip roof form of the principal form.

Not relevant.

13.5.5 Interior layouts**Objectives**

O1 To ensure that significant interior elements are retained and preserved.

All significant interior elements, including existing room layouts, are retained and conserved.

Provisions

P1 Applications are to be accompanied by current photographs of interior features, including walls, floors, ceilings, windows and fireplaces etc.

Current photographs of the interior are included in this report on pages 18-22.

P2 Minimise change to the original or significant internal room configuration/layout (as appropriate) so that the evolution of the building remains discernable (sic). This can be achieved by retaining wall nibs, decorative ceilings, joinery and original features such as fire places.

Minimal change is proposed within the retained principal form.

P3 Kitchens or bathrooms must not be located within primary rooms of significance.
[Subclauses a) to e) are not relevant]

No kitchens or bathrooms are proposed within primary rooms.

P4 Retain access and relationship to original building entrances and associated hallways.

No change is proposed affecting the principal entrance and hallway.

P5 Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.

All significant original features are retained.

P6 Locate alterations away from rooms that have intact or significant features.

New work is concentrated within the new pavilion. Minor internal changes within the principal form for a laundry and powder room are located in already altered former kitchen.

P7 Ensure new openings have similar dimensions or are compatible with existing openings, such as width and height of double doors.

New openings are limited to the east side elevation, which is not a principal elevation and it cannot be seen from the public domain, and the new openings maintain traditional proportions, details and materials.

P8 Provide for reversibility of internal changes (where appropriate and reasonable).

New work is designed to be fully reversible.

The provisions are satisfied.

13.5.6 Upgrading for fire safety, BCA and other matters

As a single detached dwelling there is no requirement for a fire safety upgrade

Not relevant.

13.5.7 Group heritage items

Thee subject heritage item is solitary and detached.

Not relevant.

13.6 Heritage conservation areas

The subject Victorian villa is in the *McMahons Point North Heritage Conservation Area*.

13.6.1 General Objectives

O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area (refer to Part C of this DCP for a description of the significance of the heritage conservation area).

The development retains the heritage listed villa, which is contributory within the conservation area and forms a prominent element in the streetscape in a corner location.

O2 Ensure that contributory items are retained and where practical improved, with a focus to locate new work to the rear or away from publicly visible elevations of building.

The development retains the contributory villa and locates new work in the rear of the principal form. Note that the primary orientation of the house is towards King George Street, not to Waiwera Street.

O3 Enable neutral items to be improved such that they contribute to the character of the heritage conservation area through the removal of unsympathetic and inappropriate elements, and reinstating missing details where appropriate.

Not relevant: the heritage listed villa is considered to be contributory by this assessment.

O4 Encourage change that will remove uncharacteristic items or reduce the extent of their intrusion.

The development removes the existing poorly conceived rear wings.

The objectives are satisfied.

13.6.2 Form, massing and scale

Objectives

O1 To ensure new development has a compatible and complementary building form and scale to that which characterises the conservation area.

The development proposes a simple, subservient pavilion at the rear. The simple character of the pavilion is consistent with traditional rear wings.

O2 To maintain and enhance streetscape character as identified within the Area Character Statements.

The development retains and enhances the character of the villa, which in turn has a positive impact for the streetscape character.

The objectives are satisfied.

Provisions

P1 Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.

The pavilion is secondary in terms of bulk, scale, orientation and setbacks when considered in the context of the existing contributory villa on the site.

P2 Development should recognise and complement the predominant architectural scale and form of the area.

The development site is surrounded by predominantly two storey contributory buildings. The new pavilion is also two storey but presents less height.

P3 Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.

Public views with cultural significance are not affected.

P4 Reinstatement characteristic and decorative features to contributory items where alterations and additions are proposed. This could include reinstatement of verandahs and balconies, joinery, chimneys, fences or window detailing.

The development retains the significant external elements and reinstates the original tonal character of the bungalow.

P5 Achieve a neutral outcome to neutral items or improved outcome to neutral items which were constructed in the core period of development.

[Subclauses a) to d) are not relevant]

Not relevant: the villa is considered to be contributory by this assessment; it is not a neutral building.

P6 Achieve an improved outcome to uncharacteristic items by removing the uncharacteristic or intrusive element or incorporating changes to improve the contextual design and visual impact of the site.

Not relevant: the villa is considered to be contributory by this assessment; it is not an uncharacteristic building.

P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.

The development does not affect the front setback: the existing facade and front garden setting are maintained.

P8 Repeat any consistent pattern of side and rear setbacks of heritage and contributory items in the vicinity of the site.

The local setback pattern lacks consistency, but the existing characteristic side setbacks are maintained regardless.

P9 New work may adopt a contemporary character, provided the development is not likely to have a detrimental impact on the characteristic built form of the area, particularly in terms of bulk, scale, height, form or materials.

The pavilion additions exhibit contemporary design excellence and it has been demonstrated that it is not detrimental in terms of bulk, scale, height, form or materials.

The relevant provisions are satisfied.

13.6.3 Roofs

No work is proposed to the original roof of the principal form.

Objectives

O1 To maintain the characteristic roof profiles and roofing materials within a heritage conservation area.

The characteristic pitched roof profiles of the conservation area are recognised by the provision of a simple subordinate parapeted form.

The objective is satisfied.

Provisions

P1 Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant character area statement.

The local roofscape is diverse in character. The historically significant principal roof is retained without change. The new pavilion has a flat roof concealed by parapets: this forms an appropriate subordinate wing to the principal form. The characteristically diverse local roofscape is not affected.

The provision is satisfied.

13.6.4 Additional storeys and levels

Additional storeys are not proposed.

Not relevant.

13.6.5 Internal layouts**Objectives**

O1 To ensure that significant interiors are retained.

The significant interiors are retained.

The objective is satisfied.

Provisions

P1 Consideration is given to the internal layouts of buildings.

The rooms within the principal form are retained without change.

P2 Where interior layouts are determined to be significant, they should be retained.

The existing interior layout within the principal form is significant, retained without change.

The provisions are satisfied.

13.9 CONTROLS FOR SPECIFIC BUILDING ELEMENTS**13.9.1 Skylights, solar panels and satellite dishes****Objectives**

O1 To ensure that skylights, solar panels and satellite dishes do not detrimentally impact upon the significance of heritage items and heritage conservation areas.

The two proposed low profile skylights are on the new pavilion and they cannot be seen from the public domain: they will not detrimentally impact upon the significance of heritage item and the heritage conservation area.

The objective is satisfied.

Provisions

P1 Locate skylights, solar panels and other roof mounted structures away from visually prominent roof planes and front elevations.

The two skylights are on the new pavilion and they cannot be seen from the public domain.

The provision is satisfied.

13.9.2 Dormer windows

Dormer windows are not proposed.

Not relevant.

13.9.3 Verandahs and balconies

No change is proposed to the existing front verandah.

Not relevant.

13.9.4 Materials, colours and finishes**Objectives**

O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas.

The proposed materials - light face brick, sandstone and concrete resembling render finish - are consistent with the Italianate character of the heritage item and nearby terraces.

The objective is satisfied.

Provisions

P1 Retain external face brick or stone walls where they are significant features of a heritage item or identified as part of the characteristic built elements of a heritage conservation area. Rendering of face brickwork will not be permitted unless it comprised a construction method used on the original building.

Not relevant: the Victorian villa has always been rendered and painted.

P2 Retain original rendering on walls and ensure that any new materials required for repairs are consistent with the original render texture.

No change is proposed to the existing wall finishes. New work will improve existing tonal values.

P3 Where new materials are required, ensure that they are easily recognised as new, but are compatible with the key elements of the heritage item.

The proposed new materials are sympathetic, but discernible as new: the light coloured face brick is used on new work to harmonise with the light coloured render of the original principal form. The integrity of the original fabric will remain legible.

P4 Select materials and finishes to reflect their characteristic usage, such as stone at the building base.

The new material selection is appropriate for the function of each building element. Stone is used for podium walls with brickwork above.

P5 Details of proposed colour scheme are to be provided with the development application.
The proposed new colour scheme is included in the development application package.

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).

The development is located in a conservation area and the proposed finishes and colours are recessive and consistent with the character of the contributory Victorian villa.

The relevant provisions are satisfied.

13.9.5 Garages and Carports**Objectives**

O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area.

The existing double garage is located in the rear of the site. The proposal for a double garage ostensibly maintains the fundamentals of the existing arrangement with a more sympathetic garage door. The impact of the change is positive.

O2 To ensure that off street car parking does not dominate the streetscape.

The change generates a marginal visual impact and it does not dominate the streetscape.

The objectives are satisfied.

Provisions

P1 Must comply with the provisions contained within s.1.5.4 to Part B of this DCP.

Provided that the new parking meets planning provisions and traffic requirements under AS 2890.1, which are outside the remit of this heritage assessment, the new parking generates negligible conservation impact.

P2 Rooms/studios located above garages fronting laneways are not supported.

Not relevant.

P3 Do not alter or demolish any part of a building for car parking, carports and garages.

No demolition of any contributory part of the building is proposed for car parking.

P4 Roof form, detailing and materials are to compliment the associated building.

The existing arrangement, which is not visually intrusive, will be ostensibly maintained.

P5 Retain original garages for heritage items and contributory items.

Not relevant: The existing garage is not original.

P6 Any off street parking located within the front setback area is to remain uncovered and be constructed using minimal paving and incorporate soft landscaping.

Not relevant: The existing and proposed garage does not fit this provision.

The relevant provisions are satisfied.

13.9.6 Fences

The front boundary is defined by a substantial stone retaining wall, which will be retained.

Above the retaining wall stone masonry walls form the boundary fences. No work is proposed to these walls.

Not relevant.

13.9.7 Gardens**Objectives**

O1 To ensure that significant landscape features and trees are retained and reflected in new development

The existing garden is heavily modified and of recent provenance. There are no significant trees or landscaping features worthy of protection.

The objectives is not relevant.

Provisions

P1 Retain garden settings and any horticultural features which relate to the heritage significance of the heritage item or conservation area.

The existing garden is heavily modified and of recent provenance. There are no significant trees or landscaping features worthy of protection.

P2 Do not develop front garden areas for carparking or pave extensively.

The front garden is retained for enjoyment and not used for car parking.

P3 Terraced gardens are to retain strong visual relationship to topography.

The proposed terracing reflects the topography.

P4 Retain significant trees.

There are no significant trees worthy of protection.

P5 Retain original pathways which contribute to established garden settings.

There are no original pathways

P6 Maintain traditional driveway widths and settings.

The driveway dates from the recent past.

P7 Do not fully pave side accessways.

Paving is not proposed.

The relevant provisions are satisfied.

13.10 GUIDELINES FOR RESIDENTIAL BUILDING TYPES

Comparing the guidelines for the building types, the villa fits this category better than Section 13.10.4.

13.10.3 Larger scale single dwellings

Objectives

O1 Maintain the scale, form and integrity of the original or main building.

The scale, form and integrity of the principal Victorian Italianate built form is maintained.

O2 Retain original significant details.

Original Victorian Italianate details, which are limited to the principal form, will be maintained.

O3 Retain original outbuildings.

The property has no surviving original outbuilding.

The relevant objectives are satisfied.

Provisions

P1 In addition to the requirements in sections s13.5-s.13.9 to this DCP, the following characteristic features should be incorporated:

- (a) Complex forms with open verandahs to the street;*
- (b) Skillion and pitched roof wings at the rear, sometimes constructed as a service wing;*
- (c) Often originally sited on large lots;*
- (d) Walls: stone bases, brick, rendered masonry, timber shingles, fibro and battens;*
- (e) Roofs: hipped and gabled in slate, terra cotta tile and corrugated metal;*
- (f) Timber joinery.*

The pavilion forms a service wing. Stone is used for podium walls with brickwork above. The foregoing sections have explained the rationale for the flat roof form. Altered windows in the principal form use timber joinery.

P2 New additions should generally comply with the examples illustrated in Figures 13.43 to 13.46.

The pavilion is designed as a service wing complying in principle with Figure B-13.44.

The relevant provisions are satisfied.

7.3 STATUTORY COMPLIANCE

7.3.1 Heritage Act

The provisions of the Heritage Act are not relevant for the proposal.

7.3.2 North Sydney Local Environmental Plan 2013

The foregoing has demonstrated that the proposed development does not generate adverse heritage conservation impacts and it is sympathetic to the cultural significance of the heritage item and the conservation area.

The proposed development complies with the heritage provisions of the LEP.

7.4 CONCLUSION

Having examined the heritage impact of the development on the cultural heritage of the conservation area the following can be concluded:

- ◆ the proposed demolition of the rear wings will generate negligible conservation impact;
- ◆ the sympathetic new pavilion improves the legibility of the heritage item with a positive impact;
- ◆ the pavilion is located behind the heritage item with minimal impact on its setting and visual curtilage;
- ◆ the pavilion is subservient in bulk and scale to the heritage item and represents a sympathetic addition to the Victorian villa;
- ◆ the development exhibits high design quality and will provide a valuable contemporary layer to the heritage item; and
- ◆ the high quality additions will generate positive impacts for the setting and character of the heritage conservation area.

The proposed development does not affect the natural environment and it will have a positive overall impact for the European cultural heritage of Lavender Bay.

8 Recommendations

Having assessed the significance of the place and the heritage impact of the proposed development the following are recommended:

- ◆ that Council should consent to the proposed development in recognition of its lack of adverse heritage conservation impacts and in recognition of its high design quality.

Signed

A handwritten signature in black ink, appearing to read 'Zoltan Kovacs', written over a horizontal line.

ZOLTAN KOVACS B. Arch (Hons)
ARCHITECT

9 Bibliography

Apperly, R.; Irving, R.; and Reynolds, P 'A Pictorial Guide to Identifying Australian Architecture' (Sydney, 1989)

Blue, William (Billy) (1767? - 1834)', Entry in Australian Dictionary of Biography

Currie, J 'Bo-ra-ne Ya-goo-na Par-ry-boo-go, An Aboriginal History of Willoughby' (Sydney 2008)

Godden Mackay, *North Sydney Heritage Study, 1993* (Heritage Collection, Stanton Library)

Kerr, J. S 'Conservation Plan' (rev. edn National Trust of Australia [NSW], Sydney 1996)

North Sydney Local Environmental Plan 2013

North Sydney History Walks: Waverton (North Sydney Council)

'The Australian ICOMOS Burra Charter' (November 1999 update)

'The NSW Heritage Manual 2001 Update' (rev. edn. NSW Heritage Office, Sydney 2001)

'The Sands Directory 1890-1933'

Weir Phillips Heritage 'Altamura' *Heritage Impact Statement*, July 2016



Martin Peacock Tree Care
Arboricultural & Horticultural Consultancy

Madeleine Blanchfield Architects Pty Ltd
1 Hargrave Street
PADDINGTON
NSW 2021

19th March 2025

Addendum to Arboricultural Impact Assessment Report – 11 King George Street, Lavender Bay

Background

This Addendum to the Arboricultural Impact Assessment (AIA) Report (Martin Peacock Tree Care, 26.09.24) has been prepared in response to Council's request for further information relating to the potential impact of the proposed development upon three (3) trees growing at the site. The AIA Report should be read in conjunction with this Addendum.

Council's Landscape Development Officer does not support the proposal in its current form due to the Major Encroachment into the Tree Protection Zone (TPZ) areas of three (3) mature trees identified within the AIA Report as: T1 - *Eucalyptus microcorys*, T2 - *Eucalyptus microcorys* and T3 - *Lophostemon confertus*. Council considers '*insufficient reasoning, or evidence is provided to adequately mitigate any adverse impact to the trees*'. In addition, Council highlights that the AIA Report does not consider the '*likely pruning works and the impact to the health of the trees*'. To address the areas of concern identified above, further investigations were undertaken. Details of the further investigations are provided in this addendum.

Based on the results of the further investigations the development proposal has been amended to address the areas of concern raised by Council. The following plans should be referenced in conjunction with this Addendum:

- Architectural Plans DA.101 – DA.614 (Rev D), dated 05.03.25 – prepared by Madeleine Blanchfield Architects
- Footing Plans (Option 2) – SK01 – SK02, dated 10.03.25 – prepared by SDA Structures

TPZ Encroachment

Australian Standard AS4970 (2009) Protection of trees on development sites (point 3.3.4 (h) Design Factors) recommends that the impact of a Major Encroachment can be minimised through the use of pier and beam, suspended slabs, cantilevered building sections etc. This has been considered when designing the proposed building addition, which will be constructed above existing grade and supported on piers. A 400x400mm downturned footing beam will be installed within the TPZ area of Tree T1; however, this beam sits within the location of the footing of the existing building.

-
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Arboricultural & Horticultural Consultancy

To inform the slab design process, Martin Peacock Tree Care has undertaken root mapping investigations (refer Appendix A – Root Mapping). Based on the presence of existing pavements and landscape elements, it was not possible to root map every proposed pier location. However, pier locations within the Structural Root Zone (SRZ) areas of Trees T1 and T3, plus an additional pier location within the TPZ area of Tree 1 have been assessed. Root mapping results indicate only minor root pruning (3x 25-30mm dia. roots) will be required within the SRZ/TPZ areas of Trees T1 and T3. The pruning of three roots no greater than 30mm diameter should not impact either the health or stability of the trees.

The initial slab option (Option 1) included a central footing beam. The location of the beam and a central pier were root mapped. The results indicate the existing synthetic lawn is installed on a 75mm layer of compacted subbase, with only low volumes of fibrous roots identified in the underlying 125mm of the soil profile. However, to provide for greater flexibility when locating piers, the slab design has been revised to the current option (Option 2) that replaces the central footing beam with an overall thicker slab, which will eliminate the need for any excavation (other than for the supporting piers).

Where proposed pier locations were not root mapped, the slab has been designed with flexibility in the location of piers, which will allow for the retention of any significant roots (as determined by the Project Arborist) identified at the time of construction. Where required, additional piers can be installed to achieve the required support for the slab whilst allowing for the retention of roots. The proposed slab/pier design is considered a standard, tree sensitive approach to building within a trees TPZ/SRZ area.

At the time of slab construction, the following tree sensitive construction methods will be utilised:

- All works in the TPZ areas of Trees T1-T3 shall be supervised by the Project Arborist
- Each pier location shall be excavated by hand to a minimum depth of 600mm (or rock)
- Where roots >25mm diameter are encountered the pier location will be adjusted (unless root pruning is approved by the Project Arborist)
- Mechanical augering of confirmed pier locations is permissible at depths >600mm
- Where required, pier holes shall be sleeved to prevent contact between roots and freshly poured concrete

Based on the root mapping investigations and through the implementation of the tree sensitive design and construction methods detailed above, construction of the proposed dwelling addition will not adversely impact Trees T1-T3.

Pruning Impacts

To determine the requirement for, and extent of any pruning of Tree T1, a detailed assessment of the crown was undertaken. The assessment was based on the current design, which was amended to reduce the proposed building footprint in response to Council's comments. The amendments also include a curved balustrade which provides additional clearance from the crown of the tree.

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The building footprint was marked out on site and a height pole was used to measure the tree's branches and clearances from the proposed dwelling addition (refer Appendix B - Pruning Assessment).

Investigations show that the amended design provides adequate clearance between the proposed dwelling addition and Tree T1, which allows for the future growth of the tree and trunk/crown movement in high winds. Therefore, no pruning is required to accommodate the proposed dwelling addition.

At the time of the pruning assessment, it was noted that low volumes of deadwood are present throughout the trees crown. The removal of all dead wood >25mm diameter should be considered as part of the general maintenance of the tree. The removal of dead wood does not require Council approval.

Please do not hesitate to contact me if you have any questions.

Yours faithfully

Martin Peacock
(Consultant Arborist – AQF level 8)

BSc (hons.) Arboriculture (UK)
Higher National Diploma Arboriculture (UK)
National Diploma Horticulture (Arb.) (UK)
Diploma Horticulture (Landscape Design) (AUS)



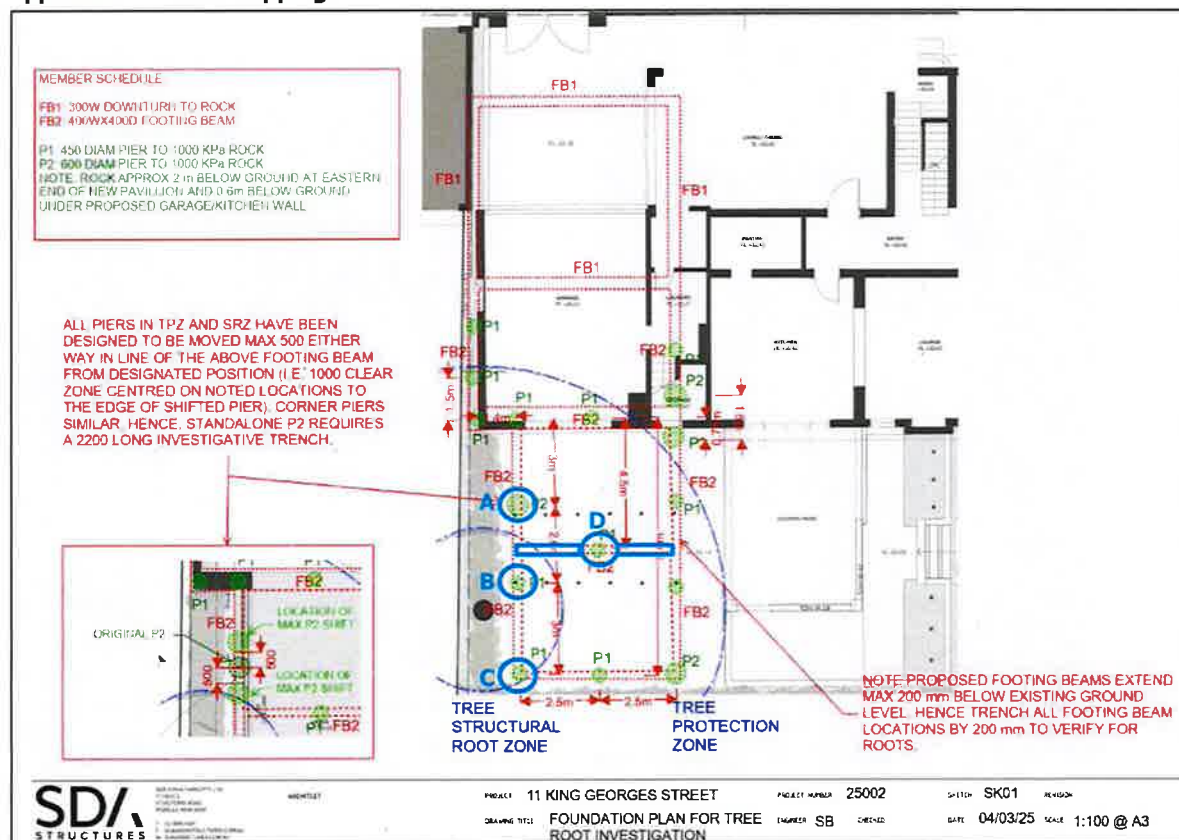
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Appendix A – Root Mapping



Root Mapping Results – Option 1 (Footings Beams)

Pier A:
Depth 600mm. No roots >10mm dia. identified

Pier B:
Depth 500mm (to rock). 1x 25mm and 1x 30mm dia. roots

Pier C:
Depth 600mm. 1x 25mm dia. root

Pier D:
Depth 600mm. No roots >10mm dia. identified

Central Footing Beam:
Depth 200mm. No roots >10mm dia. identified

Refer photographs overleaf

Note: based on root mapping investigations and design considerations, the Option 2 (Flat Slab) footing design has been selected as the most appropriate option.

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1: Pier A

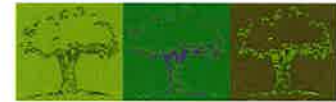


2: Pier B - 1x25mm + 1x 30mm dia. roots



3: Pier C - 1x25mm dia. root

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4: Pier D



5: Central footing beam and Pier D

-
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Appendix B - Pruning Assessment



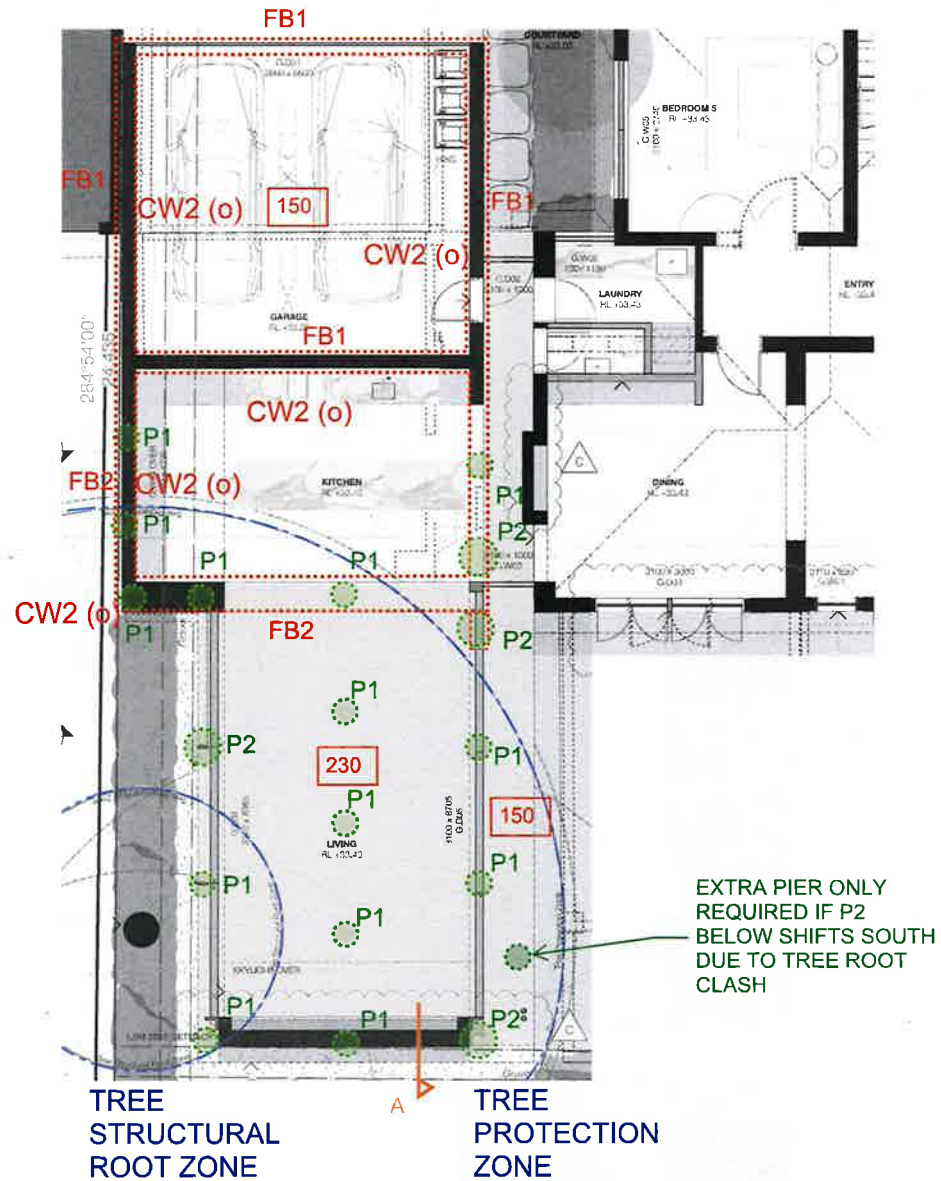
1: Tree T1 – building footprint marked out on site

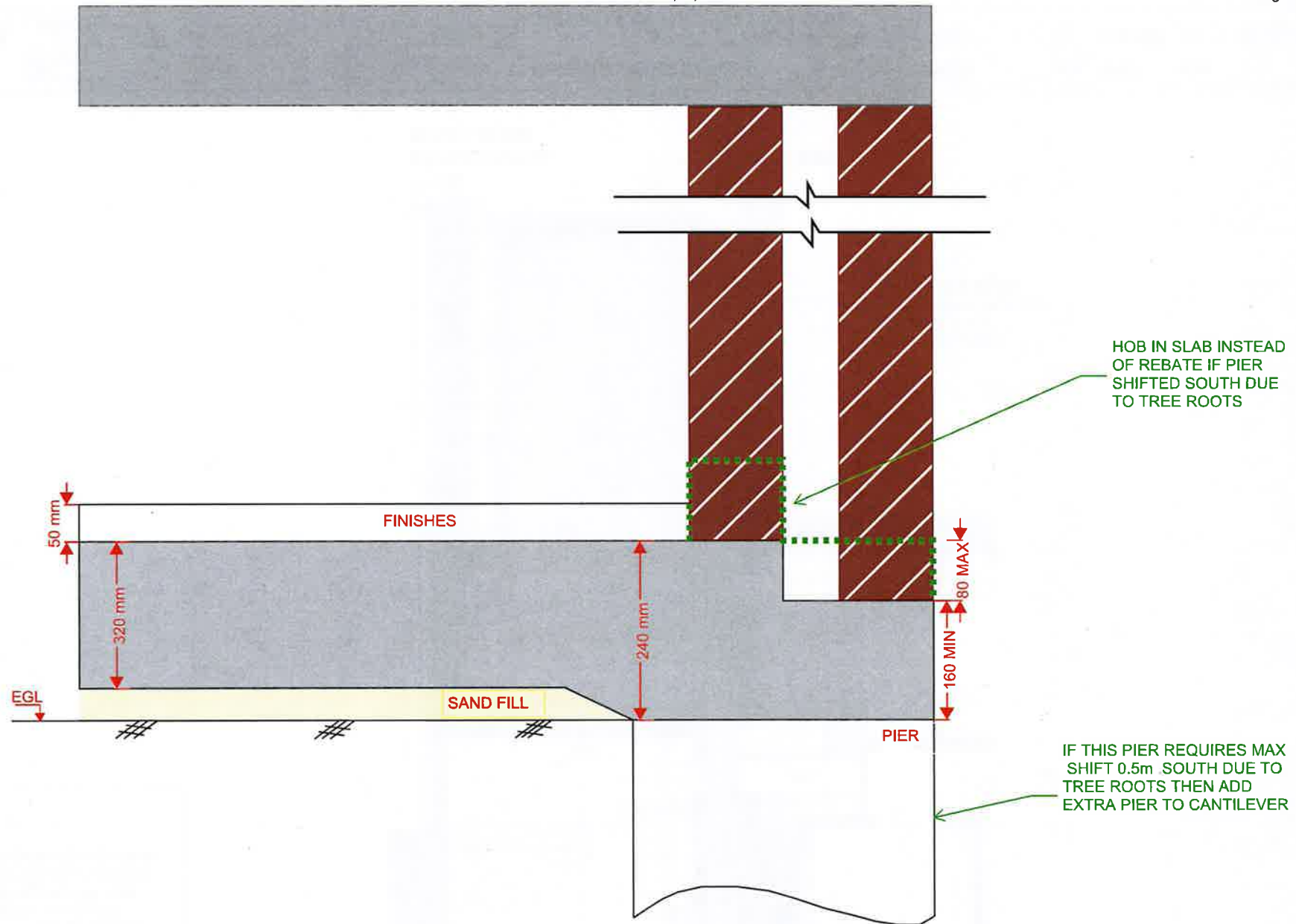


2: Bottom of lowest northern branch confirmed at 5m above grade – 750mm (approx.) of clearance from proposed dwelling addition at closest point

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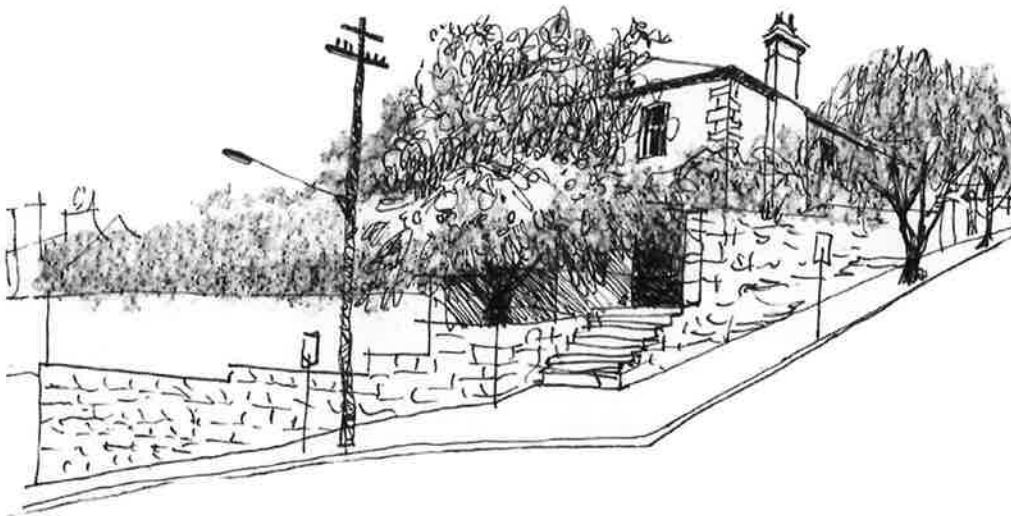
FB1: 300W DOWNTURN TO ROCK
FB2: 400WX400D FOOTING BEAM
P1: 450 DIAM PIER TO 1000 KPa ROCK
P2: 600 DIAM PIER TO 1000 KPa ROCK
NOTE: ROCK APPROX 2 m BELOW
GROUND AT EASTERN END OF NEW
PAVILLION AND 0.6m BELOW GROUND
UNDER PROPOSED GARAGE/KITCHEN
WALL.





Heritage Impact Assessment Report

PROPOSED DEVELOPMENT | 11 KING GEORGE STREET | LAVENDER BAY



September 2024

Prepared by Zoltan Kovacs Architect

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1 Introduction

1.1 BACKGROUND

The owners of the property - 'Altamura' - located at 11 King George Street, Lavender Bay have engaged the author to assess the heritage impact of the proposed development which affects a heritage item located within a heritage conservation area. The development consists of alterations and additions.

This report sets out to review the history of the place, briefly examine its fabric, state its cultural significance in the context of the local area, assess the heritage impact of the proposed development on the heritage conservation area and propose appropriate actions, if necessary.

1.2 METHODOLOGY

The methodology and terminology used in the preparation of this report has been drawn from the *Australian ICOMOS Burra Charter*, the *NSW Heritage Manual 2001 Update*, and J. S Kerr's *Conservation Plan* (rev. edn National Trust of Australia [NSW], Sydney, 1996). References to architectural styles are based on the identifications used by Apperly, R.; Irving, R. and Reynolds, P A *Pictorial Guide to Identifying Australian Architecture* (Sydney, 1989)

This Heritage Impact Assessment has been prepared in accordance with the requirements of the *North Sydney Local Environmental Plan 2013* and the NSW Heritage Manual 'Assessing Heritage Significance (2001)' and 'Statements of Heritage Impact (2002)' guidelines. The philosophy and process was guided by the Australian ICOMOS *Burra Charter*.

1.3 AUTHORSHIP

This report has been prepared by Zoltan Kovacs, Architect with all the photographs, unless otherwise identified, taken by the author, who has thirty years of experience as a conservation architect with a wide range of projects for private and public clients including the Heritage Branch of Public Works, the Defence Housing Authority and Department of Housing at the Rocks. He was Heritage Officer at Woollahra Council for seven years.

1.4 SITE IDENTIFICATION

The subject site is located in Lavender Bay on the south side of King George Street on the corner of Waiwera Street.

Its address listed as 11 King George Street, Lavender Bay and its title reference is Lot 1 in Plan DP 80950.

2 Historical Outline

2.1 HISTORICAL CONTEXT

2.1.1 Aboriginal history

North Sydney is uniquely rich in its Aboriginal heritage with most of the surviving evidence concentrated along the coast. The land was inhabited by people speaking Guringal, which was the coastal dialect of Darug, whose territory extended west to Parramatta and north to the Hawkesbury River. The local Aboriginal people were divided into a number of clans, whose affiliations and territories are difficult to reconstruct now, but generally the Cammeragal (or Cammaragal) occupied most of the lower North Shore with the Booregagal confined to the coastal area around Bradley Heads. The local area was known as *Gooweegahree*. Captain Phillip also referred to a group called *Wallumedegal* occupying the two peninsulas opposite the first settlement.

Unable to withstand the effects of the changes brought about by European settlement, the local Aboriginal people retreated to deep bushland around Middle Head. The last sizeable group of Cammeragals appeared before the Duke of Edinburgh in 1868, but they largely disappeared from the area by the late 19th century with the last man known as '*Jaspot*' dying in a cave near Mosman Bay in the early 1890's.¹

2.1.2 Early history of the area

Lavender Bay was named after the boatswain, George Lavender, of the prison hulk '*Phoenix*', which was moored in the bay for many years. As a result, the bay was known as called Hulk Bay, and sometimes Phoenix Bay, for much of the 19th Century.

The first land grant on the northern shore of Sydney Harbour was 30 acres granted to an emancipated convict, Samuel Lightfoot, with the aim of keeping freed felons from returning to Britain, but Lightfoot never lived on his grant and at the first opportunity he returned to England. His grant was sold to Robert Ryan and then James Milson.

In 1814 Captain John Piper acquired 700 acres extending from Neutral Bay to Middle Harbour. Free settler Edward Wollstonecraft received 524 acres in 1821, just north of the 1817 grant of Cammeragal land given to ex-convict Billy (William) Blue. This grant, which extended back from the point Aborigines had called *Warungareeyuh*, and Europeans came to know as Blues Point, consisted of 80 acres, and covered all of McMahon's Point west of Lavender Bay. George Lavender lived on 14 acres adjacent to the property of Billy Blue, who became a boatman on Sydney Harbour after completing his seven year sentence for stealing raw sugar. Blue was popular and became the only person licenced to ferry people across the harbour with his ferry service growing to a fleet of 11 vessels.

As settlement gradually expanded on the north side of the harbour, railway services were established and the North Shore Line was opened on 1 January 1890 as a single track between Hornsby and St Leonards. The line was extended to the Sydney Harbour foreshore at Milsons Point on 1 May 1893. On 30 May 1915 Lavender Bay railway station was opened to take the place of Milsons Point railway station. This only lasted for seven weeks, as passengers refused to alight here and demanded that trains stop at Milsons Point.

¹ from Hoskins, i '*Aboriginal North Sydney*' (Sydney 2008)



Figure 1 | Detail from a map by John Thompson c. 1855 showing the progress of public works and roads. Lavender Bay was first known as Hulk Bay. (Source: Mitchell Library A 3318)



Figure 2 | Lavender Bay in the 1890's (Source: National Library of Australia, pic-vn 4409751-s13-v)



Figure 3 | Plan of the suburb of Victoria c. 1890 by Higginbotham & Robertson. The immediate area was still undeveloped. (Source: Australian National Library)

During the harbour bridge construction, Lavender Bay Station was the terminus for the North Shore Line. The defunct station area is now used as railway storage sidings.

After Billy Blue's death there were a number of attempts at establishing ferry companies and formalising ferry services from the 1830's, but it wasn't until 1860 that The North Shore Ferry Company formed providing services, which included wharves at Lavender Bay, to a burgeoning population requiring travel to and from the city. The company was purchased by Sydney Ferries in 1899.

On 3 November 1932 N.D. Hegarty and Son took over the Circular Quay to McMahon's Point route from Sydney Ferries, a mere seven months after the opening of the Sydney Harbour Bridge. Undertaking to provide a quarter hour service, he was commended by the McMahon's Point-Lavender Bay Progress Association in a 1933 letter expressing their appreciation and thanks to N. D. Hegarty for coming to the rescue of the residents of the area. Captain Hegarty sold the business in 1949 in order to concentrate on the family's Victorian interests.

From 1850, when the north side of the harbour had 500 residents, to 1890 when North Sydney became incorporated as a municipality, the population grew to 17,000. From Milson's Point to Berrys Bay most people lived close to the water, not for the sake of the views, but for the convenience of access to ferries and to work, as many were involved in boat building. This was Henry Lawson's North Sydney, as he followed the supportive Isabella Byers from one rented house to another. These were the folk he called '*the Harbour people*'. At Lavender Bay boatbuilders shared the water with swimmers, who did laps at Professor Cavill's baths.

The construction of the Sydney Harbour Bridge had a defining and profound impact on the local area. It shifted commercial activity back up the new Highway to Crows Nest and devastated those businesses that survived along lower Alfred Street in the process. It emptied the harbour of much of the ferry trade and destroyed business in the local boatyards. And it started to turn North Sydney from a transport hub, where ferries, trams and trains met at the waterfront, into a corridor along which people passed on their way to somewhere else. It also arrested development in the Lavender Bay area, which saw frenetic growth in the Inter-war period with numerous Inter-war flat buildings rising in the remaining vacant spots.

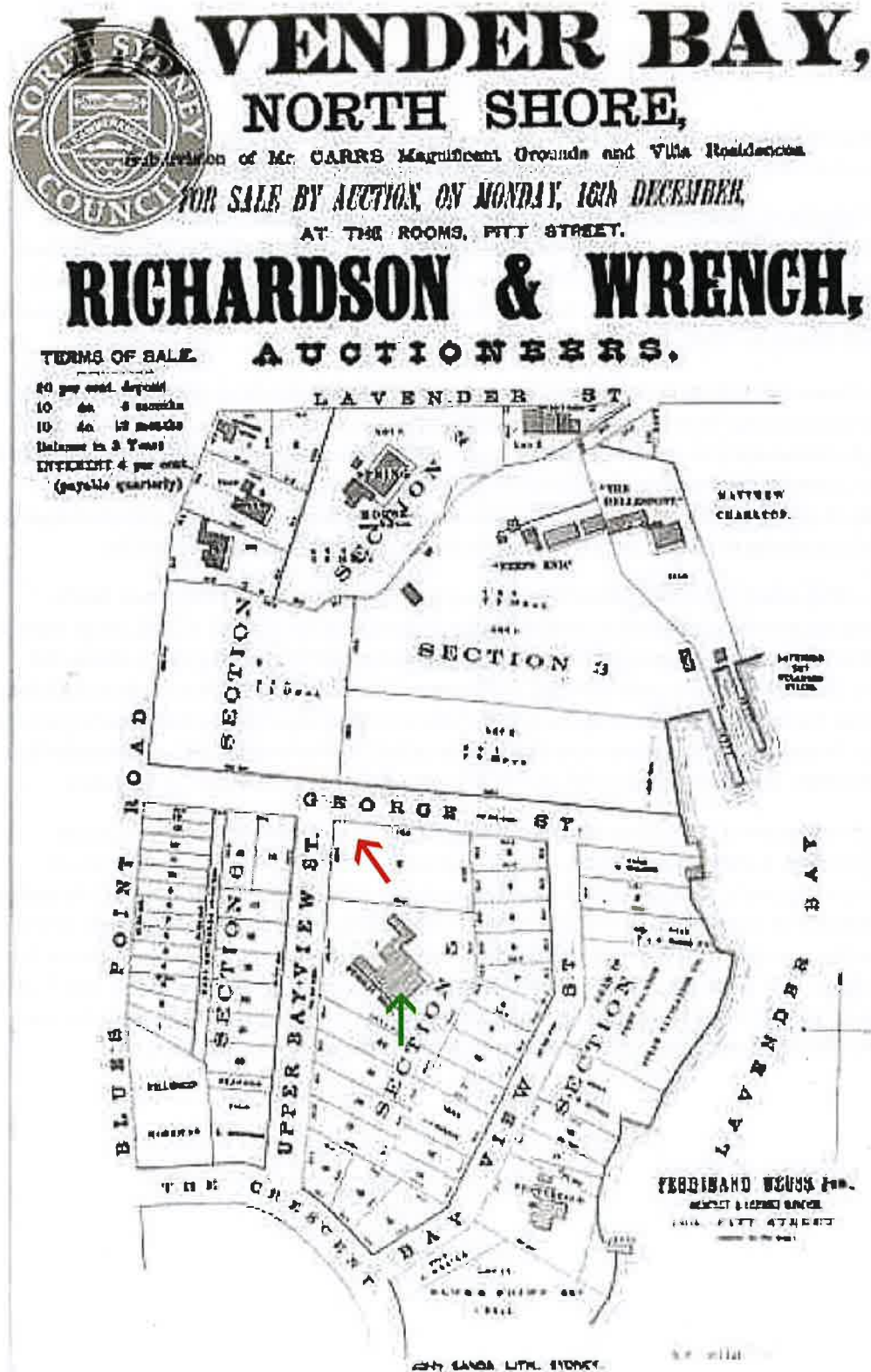


Figure 4 | Advertisement for the sale of Mr Carr's lands, c. 1878. The subject site forms an as yet undistinguished part of Section 5. 'Brenchley' is marked with a green arrow.

(Source: Stanton Library LH REF SP/180)

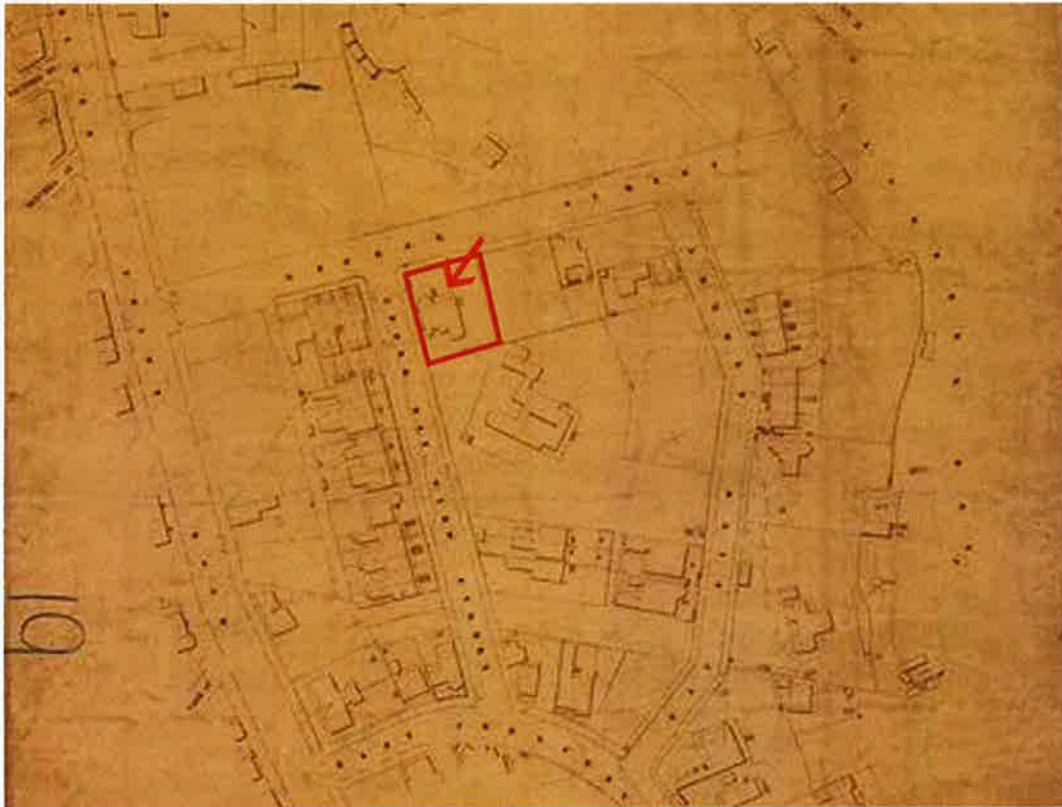


Figure 5 | Extract from North Sydney Block Plan, Sheet 19; c. 1891. 'Altamura' was already built.
(Source: Stanton Library LH REF MF299/19)

2.2 OUTLINE HISTORY OF THE PLACE

- 1817** Crown grant of 80 acres to William (Billy) Blue, emancipated convict. The subject land forms an undistinguished part of Blue's holdings.
- 1834** William Blue dies. His estate is inherited by his son, William Jnr. Blue.
- 1830s** The unidentified land is part of the estate of Police Magistrate, Henry Croasdaile Wilson, who builds a stone villa - *Brenchley* - near the future site.
- 1839** Wilson, who is being investigated for corruption, sells the estate to Captain Hutchinson Hothersall Browne.
- 1867** Sale to John Carr, a ship chandler. Carr builds his home, 'Wai Wera' on his 'Neepsend' estate, he later moves to 'Hellespont' at the head of the bay.
- 1887** Subdivision and partial sale of John Carr's holdings. George Street (later renamed as King George Street) is created in this subdivision.
- 1888-89** The most likely date for the construction of the house, named 'Altamura'.

The following table is a sample of occupants taken at approximately 5 yearly intervals from the Sands Sydney Directories. (Sands can reflect details that occurred the previous year).

Year	Name	Occupation	House No./Name
<i>no listings were found before 1890</i>			
1890	Davis, J. S.		-*/Altamura
1895	Hamburger, M.		-*/Altamura
1900	Hamburger, M.		11*/Altamura
1905	Hamburger, M.		11*/Altamura
1910	Hamburger, Mathias		11*/Altamura
1915	Hamburger, Mathias		11*/Altamura
1920	Hamburger, Mathias		11*
1925	Smith, Campbell		11*
1930	Miller, Archibald		11
1932-33	Miller, Archibald		11

*# as George Street in Victoria (prior to North Sydney)

* as George Street in North Sydney

More recently the house was sold in June 2011, then in February 2016 followed by some alterations carried out by Annabelle Chapman, architect. It was sold to the current owners in October 2023.



Figure 6 | A 1905 postcard of Lavender Bay. The location of the site is marked with an arrow.

(Source: Stanton Library LH REF PC/177)



Figure 7 | Aerial view of the site in 1943 marked in red. (Source: NSW SixMaps)



Figure 8 | 11 King George Street in 1979. Note the enclosed front veranda. There was no rear extension to the living room yet. (Source: Stanton Library LH REF CPF7/3)

3 Physical Description

3.1 SITE CONTEXT

Lavender Bay is situated on the east side of a low sandstone ridge, which forms the McMahons Point peninsula jutting out into the harbour. The ridge is relatively broad and defined by two valleys which open into Berrys Bay and Lavender Bay. The subject site is on the eastern escarpment of the plateau, located above the head of the bay of which Watt Park forms the termination. The open forest which once covered the plateau is now completely gone, replaced by suburban residential development, and the foreshore is also intensively developed for the railway line, boatsheds and wharves.

The built environment of Lavender Bay consists of twisting suburban streets, determined by the topography, in steep verdant setting consisting of varied allotments with rows of Victorian terraces interspersed with detached Federation and Inter-war houses and groups of mostly Inter-war flat buildings. The undulating hillside setting of houses and streets also affords views and vistas from a multitude of locations.

King George Street is characterised by its extreme steepness resulting in houses erected over substantial stone retaining walls. Houses in the same block as the subject site consist of a group of Federation houses with Lavender Bay Park across the street. Further up the street past the Waiwera Street corner the street is defined by groups of Victorian terraces interspersed with a few small Inter-war flat buildings. Waiwera Street is also characterised by groups of Victorian terraces on the west side of the street, while garages dominate the east side where the subject site is.

3.2 SITE

The subject site is on the east side of the Waiwera Street corner on the south side of King George Street. It is a regular rectangular allotment reflecting the subdivision pattern of John Carr's estate. The land faces King George Street with one of its short sides and it is an artificially levelled, elevated site built up over a substantial sandstone podium, which is high over King George Street and then tapers off in Waiwera Street, allowing for a garage entrance accessible on grade in the south-west corner.

Within the raised sandstone retaining walls, which define street boundary, the land appears nearly flat. The walls are topped by dense hedges enclosing the front yard. Pedestrian entry is in the north-west corner of the front yard with steps leading up to a roughly square patch of lawn set beside a swimming pool which occupies more than half of the front yard. None of the original garden layout survives: the existing garden was laid out in 2011.

The house - located in the western half of the site - backs onto the rear boundary with a double garage. There is a narrow side passage on the Waiwera Street side connecting the front yard and the driveway in front of the garage. The house is oriented to address King George Street but because of the garage there is no rear yard. Instead the eastern half of the site forms a side garden consisting of a number of terraces ascending towards the rear. The middle of the side garden is occupied by an open paved terrace. Again, the whole formal garden layout dates from around 2011.

3.3 BUILDING

General Description

The house on the site is a free standing two storey Victorian villa, built around 1889, and named '*Altamura*' (why the house is named after a small Apulian town is not known). High walls and dense vegetation screen the front of the house from the street.

When built the house was smaller than it is today: it had smaller rear wings and the house did not extend to the rear boundary. The existing rear wings do not reflect the original layout.

The front elevation consists of a two storey projection on the west side with a two storey cast iron lace veranda set beside the projection on the east side. The veranda has been reconstructed (it was enclosed for decades) and while sympathetic, it is not original fabric. Entry to the house is through the front veranda. The front elevation also features a single storey, original faceted bay window, whose roof has been replaced.

Despite extensive changes and later additions, the original layout is still discernible with rooms arranged around a central hallway. The original dog-leg timber staircase is set at right angle to the central hall and it separates the projecting front rooms from the rest.

Roof

The principal roof is formed by a large hip with smaller frontal and rear projecting hips. While the roof form is original its corrugated steel cladding is recent. The veranda has a separate skillion roof, also clad with corrugated steel. The extension to the two storey rear wing has a smaller hip roof which is lower than the principal roof. The single storey extension to the living room has a flat roof enclosed by parapets. The four original chimneys of the principal roof survive.

Walls

The house was constructed in solid brickwork erected over a rendered stone base. The exterior is cement rendered and painted. The internal walls were once set in plaster and painted, but the principal rooms were recently wallpapered.

Floors

The original floors within the principal form are timber framed and the original joist framing may have survived, although the floor lining all appears to be recently laid. The timber decking of the veranda floors are not original.

Joinery

The veranda features stop-chamfered timber posts with capital moulds and cast iron lace balustrades and fringes. None of this is original. Clearly, the veranda has been fully reconstructed in the last two decades. The deep fascia lined with vertical boarding is particularly crude; originally this must have included a cast iron frieze panel, now lost.

Some of the double hung windows are original within the principal form. The doors with sidelights and fanlights opening onto the two storey veranda appear to be later additions, as is the French door set of the kitchen. Interestingly, the small window awning on the west side may be original.



Figure 9 | Fabric Integrity Diagram

Interior

The interior has been extensively altered, although the original layout is still discernible within the principal form. Little of the original fabric - with the exception of two fireplaces and the timber staircase - is original: ceilings, cornices, and trims originate from past renovations, albeit they appear sympathetic and they are executed in a historicist Victorian idiom. The exception to this are the ground floor kitchen area and the bathrooms, as these are contemporary.

3.4 SUMMARY OF CONDITION

'Altamura' retains its original form and much of its external presentation and it appears to be superficially intact, but its actual physical integrity is low due to successive series of past intrusions. The current condition of the fabric is good and stable.

3.5 PHOTOGRAPHS & IMAGES

The photographs on the following pages describe 'Altamura' in its setting and existing condition.



Figure 10 | 'Altamura' today, seen from the front garden. (Source: www.realestate.com.au)



Figure 11 | *The heritage item is largely obscured from the public domain: seen from the corner of King George Street and Waiwera Street.*



Figure 12 | *The front garden is hidden by the dense hedge raised above the sandstone retaining wall. The house is barely visible and the side garden not at all.*



Figure 13 | View of the rear from Waiwera Street. The double garage in the foreground belongs to No. 15 Waiwera Street.



Figure 14 | The single storey wing in the foreground and the two storey wing with the garage are both later additions.



Figure 15 | *Inter-war period garages line the east side of Waiwera Street.*



Figure 16 | *View of the front garden with the pool. There is no culturally significant fabric here.*



Figure 17 | *Partial view of the front elevation. The veranda has been reconstructed.*



Figure 18 | *The side garden and east side elevation.*



Figure 19 | *The pergola and terrace in the side garden. These are recent additions.*



Figure 20 | *The rear wing is a historicist recent addition with poor proportions.*



Figure 21 | *The ground floor of the reconstructed veranda. None of its fabric is original.*



Figure 22 | *The lounge has been renovated, but the fireplace may be original.*



Figure 23 | *The kitchen occupies the original dining room.*



Figure 24 | *The new living room in the single storey rear wing. All of the fabric is recent.*



Figure 25 | *The first floor living room in the new two storey rear wing.*



Figure 26 | *Bedroom 4 in the new two storey rear wing.*



Figure 27 | A contemporary bathroom fit-out.



Figure 28 | The bathroom at the end of the hall has been renovated.



Figure 29 | Another view of the en-suite bathroom.



Figure 30 | Another contemporary bathroom fit-out. This is the en-suite bathroom.



Figure 31 | *The Mater Bedroom has been renovated, but as an original room it will be kept.*



Figure 32 | *The two neighbouring heritage items in King George Street. Located lower down the hill with a strong visual barrier separating them from the site, their setting will not be affected by the development*

4 Significance of the Place

4.1 PRINCIPLES

The concept of 'cultural significance' or 'heritage value' recognizes the value of a place or item, which cannot be expressed in monetary terms. Assessment of cultural significance attempts to establish the foundations on the basis of which a place or an item is valued by the community. Cultural significance is embodied in the fabric of the place, in its setting and its relationship to other items, the records associated with the place and the response that the place evokes in the community.

Both the Burra Charter of Australia ICOMOS and its Guidelines for Assessment of Cultural Significance; and the NSW Heritage Manual prepared by the NSW Heritage Office recommends that significance be assessed in categories such as aesthetic, historic, scientific and social significance. The NSW Heritage Manual includes two additional criteria for assessing the comparative significance of an item.

Since the preparation of the NSW Heritage Manual, the NSW Heritage Act 1977 was amended in 1999, and again in 2000. Under this amendment the NSW Heritage Council has adopted revised criteria for assessment of heritage significance. The evaluation of cultural significance is based on the adopted approach and the results of the assessment are incorporated into a statement of significance, which is usually included in the inventory sheet of a heritage item.

4.2 STATEMENTS OF SIGNIFICANCE

4.2.1 Statement of Significance of 11 King George Street, Lavender Bay

The statement of significance for 11 King George Street, Lavender Bay is as follows:

*Good example of a Victorian house of substantial size in the Italianate style.
Picturesque corner location with mature trees. An important streetscape element¹*

4.2.2 Statement of Significance for the McMahons Point North Heritage Conservation Area

The statement is in Section C of the North Sydney DCP on page C9-25, as follows:

The McMahon's Point North Conservation Area is significant:

- (a) For its consistent character and unity that derives from its dense urban subdivision pattern and history and which is still clearly seen in the development of the area.*
- (b) As a predominantly early 20th century precinct with a mix of Federation and 1920's one and two storey housing and a very fine grouping of early 20th century buildings along Blues Point Road.*
- (c) For the streetscape qualities of the Blues Point Road shops.*
- (d) For its high quality streetscapes, particularly in Princes and Waiwera Streets.*

¹ <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2180559>

5 Planning Context

The development site at 11 King George Street, Lavender Bay is affected by a number of statutory and non-statutory controls, guidelines and lists that are relevant to this assessment of heritage impacts. They are as follows:

- ◆ NSW Heritage Act 1997,
- ◆ North Sydney Local Environmental Plan 2013
- ◆ National Trust of Australia (NSW) Register

5.1 NSW HERITAGE ACT 1977

5.1.1 State Heritage Register

The State Heritage Register is a list of heritage items of particular importance to the people of NSW. It includes items and places of state heritage significance endorsed by the Minister on the recommendation of the Heritage Council. It came into effect on 2 April 1999 and it was created under the Heritage Amendment Act 1998 and replaces the previous system of Permanent Conservation Orders as a means of protecting items of State significance.

Currently the State Heritage register includes all items formerly protected by Permanent Conservation Orders and items identified as having State significance in heritage and conservation registers prepared by State Government agencies received by the NSW Heritage Office prior to 2 April 1999. Items on the State Heritage Register require approval from the Heritage Council of NSW for certain works.

11 King George Street, Lavender Bay is neither included nor proposed for inclusion in the State Heritage Register.

5.1.2 Interim Heritage Orders

Interim Heritage Orders can be made under Part 3 of the Heritage Act either by the Minister or, where authorised, a Local Government Council. Interim Heritage Orders replace the previous Interim Conservation Orders and orders made under Section 130. They are effective for a maximum period of twelve months.

11 King George Street, Lavender Bay is not affected by any Interim Heritage Orders.

5.1.3 Archaeological 'Relics'

Under Division 9 of the Heritage Act, a permit is required for the excavation of relics, unless there is an applicable gazetted exemption. Pursuant to Clause 139 of the Heritage Act, an excavation permit is required where excavation is proposed and there is reasonable knowledge or likelihood that disturbance or excavation of the land will result in a relic being discovered, exposed, moved, damaged or destroyed.

There is no evidence or likelihood that excavation of the land at 11 King George Street, Lavender Bay may disturb relics as defined by the Act.

5.2 NORTH SYDNEY LEP 2013

The North Sydney Local Environmental Plan 2013 is a statutory plan adopted by North Sydney Council. The relevant objectives of this plan are to identify heritage items, heritage conservation areas and to provide measures for their protection, conservation and enhancement; and to ensure that new development is undertaken in a sympathetic manner.

11 King George Street, Lavender Bay is listed as a heritage item under Schedule 5 of the LEP as Item 0326 and it is located within the McMahons Point North Heritage Conservation Area (CA13).

11 King George Street, Lavender Bay is in the vicinity of two heritage items:

- A house as Item 0327 at 15 King George Street
- A house as Item 0328 at 17 King George Street

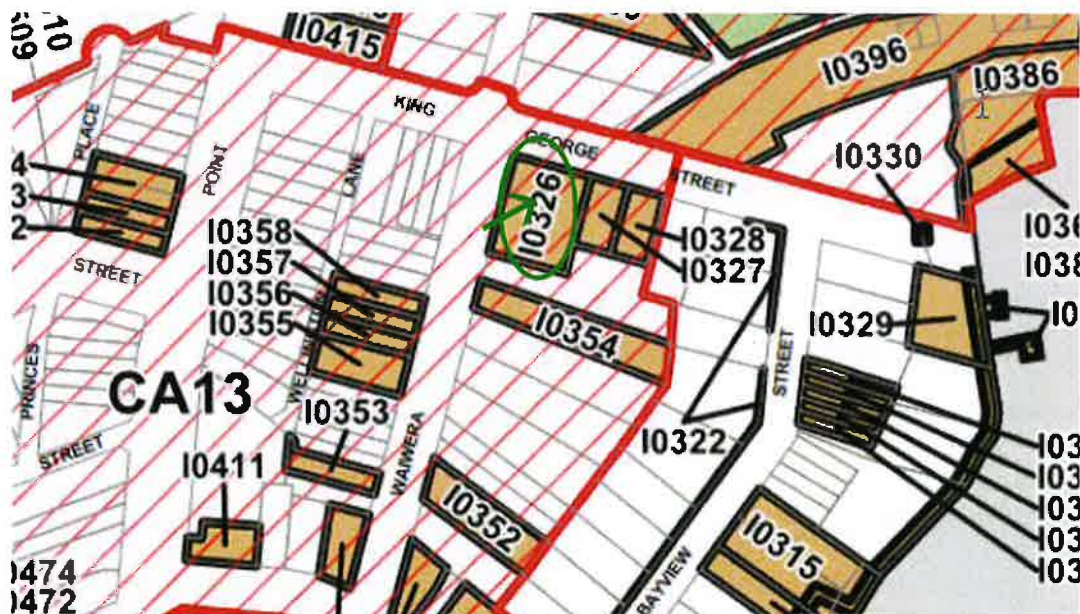


Figure 44 | Extract from Sheet 002 of the Heritage Map in the North Sydney LEP 2013. The site is indicated in green in this report.

5.3 NATIONAL TRUST

The National Trust of Australia (NSW) is a community-based conservation organisation. The Trust has assembled a Register of heritage items and conservation areas through the assessment work of its expert committees. While the Trust has no legal status, it is considered to be an authoritative guide to heritage significance, and the Trust acts as a lobby group for heritage conservation.

11 King George Street, Lavender Bay is not identified by the National Trust of Australia (NSW).

6 Proposed Development

6.1 INTRODUCTION

The proposed development was prepared in a manner consistent with the cultural significance of the place to ensure that Lavender Bay's heritage remains undiminished while meeting the reasonable expectations of the property owners.

Advice was sought from a heritage consultant at an early stage and extensive consultation was undertaken with the architects and clients. The development reflects the raised heritage concerns and they are addressed in this development proposal submitted to Council.

6.2 PROPOSED DEVELOPMENT

The proposed development consists of a number of interrelated elements, as follows:

- ◆ demolition of the existing rear wing extensions, minor demolition within the principal form, and demolition of the existing landscaping including the swimming pool;
- ◆ construction of a new two storey pavilion, containing a double garage, kitchen and living room on the ground floor and a master suite above, connected to the original principal form by a glazed, lightweight link;
- ◆ minor internal changes with a new powder room and laundry fit-out;
- ◆ changes to windows in the east side elevation; and
- ◆ new site landscaping with a new swimming pool.

6.3 DOCUMENTS

The proposals are described and documented in detail by architectural drawings prepared by Madeleine Blanchfield Architects. They generally describe the physical aspects of the proposed development and this heritage assessment was based on the architectural set of documents submitted to council.

7 Heritage Impact of Development

7.1 INTRODUCTION

The house at 11 King George Street, Lavender Bay is listed as a heritage item under the existing statutory controls of the North Sydney Local Environmental Plan 2013 and it is located in a heritage conservation area.

7.2 HERITAGE IMPACT ASSESSMENT

The following assessment is based on the NSW Heritage Office guide to the preparation of Statements of Heritage Impacts to help identify issues associated with the proposed development affecting heritage conservation areas and the format follows the set out of the LEP and DCP to assist staff in their interpretation of heritage issues.

North Sydney LEP 2013

5.10 Heritage Conservation

(1) Objectives

The objectives of this clause are as follows:

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

The following will demonstrate that there are no substantial adverse impacts for the heritage conservation area. Alterations and additions are acceptable in their impacts and do not affect culturally significant fabric or the cultural values of the heritage item or the heritage conservation area.

The objective is satisfied.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*

- (e) *erecting a building on land:*
- (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) *subdividing land:*
- (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

The proposed development consists of alterations and additions to an existing Victorian villa. There is no subdivision. This heritage impact assessment report forms part of a detailed development application to satisfy council's requirements.

The requirement is satisfied.

(3) When consent not required

This requirement is not relevant, as consent will be required.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

The proposed development consists of alterations and additions to an Inter-war bungalow, which is in a heritage conservation area. The heritage impacts of the development are outlined below:

- ◆ Demolition of the existing garage and associated rear wings will generate positive conservation impacts, because it enables replacement with a new development, which does not obscure the original form and enables its reading with greater clarity.
- ◆ Demolition of the existing garden will generate neutral conservation impacts, as the garden fabric is not contributory or culturally significant.
- ◆ Construction of the minor internal alterations will have negligible conservation impact as the alterations do not affect significant fabric. As the internal works are not visible to the public domain, there is no impact for the setting of the item or the streetscape of the conservation area.
- ◆ Construction of the new two storey pavilion will generate a number of distinct impacts. Taking a clearly defined and subordinate pavilion form, the new development, does not obscure the original form and enables its reading with greater clarity, generating a positive impact for the legibility and appreciation of the heritage item. The pavilion has a subordinate bulk and as it is located in the rear of the heritage item it will generate neutral impacts for its visual curtilage and setting. As the pavilion is only visible from the public domain by its short side it will generate negligible streetscape impact.

- ◆ The proposed pavilion presents a stepped form with the second storey well set back from the front and side boundary in order to reduce its visual bulk and protect the setting of the adjoining heritage items. The form of the roof reads as a parapet and horizontal parapeted lines are common features of rear wings on Victorian villas. The flat roof in this case is more sympathetic and recessive than if a pitched roof was used.
- ◆ The proposed new garden landscaping works are simple and respectful, and they will enhance the setting of the heritage item with a positive impact.
- ◆ The selected materials and new colour scheme are sympathetic to the character of the heritage item and the general character of the heritage conservation area generating positive impacts.

The requirement is satisfied.

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

This heritage impact assessment report, which is detailed and prepared by a recognised expert in heritage conservation, is to be submitted as part of the development application.

The requirement is satisfied

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Considering the sympathetic nature of the proposed development, which does not affect the surviving significant fabric of the heritage item, requirement of a Conservation Management Plan is not in the public interest as such a requirement would be out of proportion.

The requirement is not relevant.

(7) Archaeological sites

The place is not an archaeological site.

(8) Aboriginal places of heritage significance

The place is not an aboriginal place of heritage significance.

(9) Demolition of nominated State heritage items

The place is not a nominated State heritage item and demolition is not considered.

(10) Conservation incentives

This requirement is discretionary within the powers of Council.

North Sydney DCP**Part B - Section 13 Heritage & Conservation****13.4 Development in the vicinity of heritage items**

The development site is in the vicinity of two federation houses listed as heritage items at 15 and 17 King George Street (Items 0327 and 0328, respectively).

Objectives

O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.

The proposed landscaping works and internal alterations will not generate any impact. The proposed pavilion addition are sympathetic to the existing character of the locality and they are not excessive in scale. The pavilion cannot be seen in the context of the heritage items, which are visually protected by tall fences and strong hedges within their lot boundary curtilages. The pavilion addition does not affect the setting or the curtilage of the heritage items in the vicinity of the site.

The objective is satisfied.

Provisions

P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.

The proposed pavilion is located at the rear of the subject site, well away from the heritage items. The proposal does not affect the curtilage, setbacks, form, scale and style of the heritage items in the vicinity.

P2 Maintain significant public domain views to and from the heritage item.

Public domain views to and from the heritage items are not affected.

P3 Ensure compatibility with the orientation and alignment of the heritage item.

One of the heritage items is a block of flats, while the other heritage item is a public domain open space. Orientation and alignments are not relevant.

P4 Provide an adequate area around the heritage item to allow for its interpretation.

The heritage items face a public road and their visual connection to the development site is negligible. Interpretation of the two heritage items is not affected.

P5 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.

The development does not affect landscape features associated with the heritage items.

P6 Protect and allow interpretation of archaeological features (as appropriate and relevant).

Archaeological features are not affected.

The relevant provisions are satisfied.

13.5 Heritage items

The development site contains a heritage item, which is a large Victorian house executed in the Italianate style, identified as Item 0326.

13.5.1 Protecting heritage significance

Objectives

- O1 *Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item.*

The heritage item was the subject of both historical research and in-depth fabric analysis on site by a conservation professional. The findings are included in this report in Chapters 2 and 3.

- 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.*

Changes to significant elements and fabric of the heritage item are limited. The cultural significance of the item is not affected detrimentally.

- 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.*

All significant features are retained. Negligible work is proposed affecting the original principal form.

- O4 *Acknowledge changes over time to heritage items, as subsequent layers may also be of significance.*

The subsequent layers are not culturally significant.

- 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.*

The recent rear wings are removed. There are no missing details that can be reinstated.

- O6 *Allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.*

New work is located to the rear of the heritage item, confined to degraded areas.

- O7 *Ensure that new uses of heritage items are compatible with the fabric and heritage significance of the item.*

The existing historic residential use is maintained.

- O8 *Encourage changes to be reversible where possible and appropriate.*

All new work within the heritage fabric is designed to be reversible.

The objectives are satisfied.

Provisions

- P1 *Retain features (including natural and cultural landscape features) that contribute to the significance of the item.*

All significant contributory features are retained.

- P2 *Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.*

The recently constructed rear wings are removed.

P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.

The new pavilion observes existing and predominant setbacks, presents a subservient mass, and maintains the two storey scale. The simple cubic form of the pavilion is sympathetic to traditional rear wing interpretations which were always simpler than the principal form.

P4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.

All significant fabric is retained.

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.

New work is located to the rear of the heritage item, confined to degraded areas.

P6 All works are to be consistent with an adopted Conservation Management Plan/s where applicable.

There is no CMP associated with the heritage item.

The relevant provisions are satisfied.

13.5.2 Form, massing, scale

Objectives

O1 To allow alterations and additions to heritage items, where the new work does not impact on the heritage significance of the heritage item.

New work is located to the rear of the heritage item, confined to degraded areas: this is demonstrated on Figure 9 (page 12) of this report.

O2 To maintain and promote the original built form of the heritage item as viewed from the public domain.

New work is located to the rear of the heritage item and separated from it by a lightweight, transparent linking element.

The objectives are satisfied.

Provisions

P1 Locate alterations and additions away from principal elevations and primary forms, and behind and below the main ridge line.

New work is located to the rear of the heritage item - behind the principal form - and entirely confined below the main eaves line.

P2 Ensure that alterations and additions are smaller in scale, height and massing than the existing building.

The bulk of the new work is much smaller than the principal form. It is also lower in height and has substantially smaller, stepped massing.

P3 Locate additions within characteristic setbacks.

The pavilion is located predominant characteristic setbacks. Note that locally zero setbacks are not uncommon historically.

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.

The pavilion takes a clearly defined and subordinate form with a transparent lightweight link element between the new development and the principal form. The new work does not obscure the original form and enables its reading with great clarity, generating a positive impact for the legibility and appreciation of the heritage item.

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).

The pavilion is smaller in footprint and less in height than the principal form of the heritage item. The bulk of the new work is much smaller than that of the principal form.

The provisions are satisfied.

13.5.3 Additional storeys

Additional storeys are not proposed.

Not relevant.

13.5.4 Roofs

No work is proposed to the original truncated hip roof form of the principal form.

Not relevant.

13.5.5 Interior layouts**Objectives**

O1 To ensure that significant interior elements are retained and preserved.

All significant interior elements, including existing room layouts, are retained and conserved.

Provisions

P1 Applications are to be accompanied by current photographs of interior features, including walls, floors, ceilings, windows and fireplaces etc.

Current photographs of the interior are included in this report on pages 18-22.

P2 Minimise change to the original or significant internal room configuration/layout (as appropriate) so that the evolution of the building remains discernable (sic). This can be achieved by retaining wall nibs, decorative ceilings, joinery and original features such as fire places.

Minimal change is proposed within the retained principal form.

P3 Kitchens or bathrooms must not be located within primary rooms of significance.
[Subclauses a) to e) are not relevant]

No kitchens or bathrooms are proposed within primary rooms.

P4 Retain access and relationship to original building entrances and associated hallways.

No change is proposed affecting the principal entrance and hallway.

P5 Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.

All significant original features are retained.

P6 Locate alterations away from rooms that have intact or significant features.

New work is concentrated within the new pavilion. Minor internal changes within the principal form for a laundry and powder room are located in already altered former kitchen.

P7 Ensure new openings have similar dimensions or are compatible with existing openings, such as width and height of double doors.

New openings are limited to the east side elevation, which is not a principal elevation and it cannot be seen from the public domain, and the new openings maintain traditional proportions, details and materials.

P8 Provide for reversibility of internal changes (where appropriate and reasonable).

New work is designed to be fully reversible.

The provisions are satisfied.

13.5.6 Upgrading for fire safety, BCA and other matters

As a single detached dwelling there is no requirement for a fire safety upgrade

Not relevant.

13.5.7 Group heritage items

Thee subject heritage item is solitary and detached.

Not relevant.

13.6 Heritage conservation areas

The subject Victorian villa is in the *McMahons Point North Heritage Conservation Area*.

13.6.1 General Objectives

O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area (refer to Part C of this DCP for a description of the significance of the heritage conservation area).

The development retains the heritage listed villa, which is contributory within the conservation area and forms a prominent element in the streetscape in a corner location.

O2 Ensure that contributory items are retained and where practical improved, with a focus to locate new work to the rear or away from publicly visible elevations of building.

The development retains the contributory villa and locates new work in the rear of the principal form. Note that the primary orientation of the house is towards King George Street, not to Waiwera Street.

O3 Enable neutral items to be improved such that they contribute to the character of the heritage conservation area through the removal of unsympathetic and inappropriate elements, and reinstating missing details where appropriate.

Not relevant: the heritage listed villa is considered to be contributory by this assessment.

O4 Encourage change that will remove uncharacteristic items or reduce the extent of their intrusion.

The development removes the existing poorly conceived rear wings.

The objectives are satisfied.

13.6.2 Form, massing and scale

Objectives

O1 To ensure new development has a compatible and complementary building form and scale to that which characterises the conservation area.

The development proposes a simple, subservient pavilion at the rear. The simple character of the pavilion is consistent with traditional rear wings.

O2 To maintain and enhance streetscape character as identified within the Area Character Statements.

The development retains and enhances the character of the villa, which in turn has a positive impact for the streetscape character.

The objectives are satisfied.

Provisions

P1 Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.

The pavilion is secondary in terms of bulk, scale, orientation and setbacks when considered in the context of the existing contributory villa on the site.

P2 Development should recognise and complement the predominant architectural scale and form of the area.

The development site is surrounded by predominantly two storey contributory buildings. The new pavilion is also two storey but presents less height.

P3 Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.

Public views with cultural significance are not affected.

P4 Reinstate characteristic and decorative features to contributory items where alterations and additions are proposed. This could include reinstatement of verandahs and balconies, joinery, chimneys, fences or window detailing.

The development retains the significant external elements and reinstates the original tonal character of the bungalow.

P5 Achieve a neutral outcome to neutral items or improved outcome to neutral items which were constructed in the core period of development.

[Subclauses a) to d) are not relevant]

Not relevant: the villa is considered to be contributory by this assessment; it is not a neutral building.

P6 Achieve an improved outcome to uncharacteristic items by removing the uncharacteristic or intrusive element or incorporating changes to improve the contextual design and visual impact of the site.

Not relevant: the villa is considered to be contributory by this assessment; it is not an uncharacteristic building.

P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.

The development does not affect the front setback: the existing facade and front garden setting are maintained.

P8 Repeat any consistent pattern of side and rear setbacks of heritage and contributory items in the vicinity of the site.

The local setback pattern lacks consistency, but the existing characteristic side setbacks are maintained regardless.

P9 New work may adopt a contemporary character, provided the development is not likely to have a detrimental impact on the characteristic built form of the area, particularly in terms of bulk, scale, height, form or materials.

The pavilion additions exhibit contemporary design excellence and it has been demonstrated that it is not detrimental in terms of bulk, scale, height, form or materials.

The relevant provisions are satisfied.

13.6.3 Roofs

No work is proposed to the original roof of the principal form.

Objectives

O1 To maintain the characteristic roof profiles and roofing materials within a heritage conservation area.

The characteristic pitched roof profiles of the conservation area are recognised by the provision of a simple subordinate parapeted form.

The objective is satisfied.

Provisions

P1 Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant character area statement.

The local roofscape is diverse in character. The historically significant principal roof is retained without change. The new pavilion has a flat roof concealed by parapets: this forms an appropriate subordinate wing to the principal form. The characteristically diverse local roofscape is not affected.

The provision is satisfied.

13.6.4 Additional storeys and levels

Additional storeys are not proposed.

Not relevant.

13.6.5 Internal layouts

Objectives

O1 *To ensure that significant interiors are retained.*

The significant interiors are retained.

The objective is satisfied.

Provisions

P1 *Consideration is given to the internal layouts of buildings.*

The rooms within the principal form are retained without change.

P2 *Where interior layouts are determined to be significant, they should be retained.*

The existing interior layout within the principal form is significant, retained without change.

The provisions are satisfied.

13.9 CONTROLS FOR SPECIFIC BUILDING ELEMENTS

13.9.1 Skylights, solar panels and satellite dishes

Objectives

O1 *To ensure that skylights, solar panels and satellite dishes do not detrimentally impact upon the significance of heritage items and heritage conservation areas.*

The two proposed low profile skylights are on the new pavilion and they cannot be seen from the public domain: they will not detrimentally impact upon the significance of heritage item and the heritage conservation area.

The objective is satisfied.

Provisions

P1 *Locate skylights, solar panels and other roof mounted structures away from visually prominent roof planes and front elevations.*

The two skylights are on the new pavilion and they cannot be seen from the public domain.

The provision is satisfied.

13.9.2 Dormer windows

Dormer windows are not proposed.

Not relevant.

13.9.3 Verandahs and balconies

No change is proposed to the existing front verandah.

Not relevant.

13.9.4 Materials, colours and finishes

Objectives

O1 *To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas.*

The proposed materials - light face brick, sandstone and concrete resembling render finish - are consistent with the Italianate character of the heritage item and nearby terraces.

The objective is satisfied.

Provisions

P1 Retain external face brick or stone walls where they are significant features of a heritage item or identified as part of the characteristic built elements of a heritage conservation area. Rendering of face brickwork will not be permitted unless it comprised a construction method used on the original building.

Not relevant: the Victorian villa has always been rendered and painted.

P2 Retain original rendering on walls and ensure that any new materials required for repairs are consistent with the original render texture.

No change is proposed to the existing wall finishes. New work will improve existing tonal values.

P3 Where new materials are required, ensure that they are easily recognised as new, but are compatible with the key elements of the heritage item.

The proposed new materials are sympathetic, but discernible as new: the light coloured face brick is used on new work to harmonise with the light coloured render of the original principal form. The integrity of the original fabric will remain legible.

P4 Select materials and finishes to reflect their characteristic usage, such as stone at the building base.

The new material selection is appropriate for the function of each building element. Stone is used for podium walls with brickwork above.

P5 Details of proposed colour scheme are to be provided with the development application.
The proposed new colour scheme is included in the development application package.

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).

The development is located in a conservation area and the proposed finishes and colours are recessive and consistent with the character of the contributory Victorian villa.

The relevant provisions are satisfied.

13.9.5 Garages and Carports**Objectives**

O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area.

The existing double garage is located in the rear of the site. The proposal for a double garage ostensibly maintains the fundamentals of the existing arrangement with a more sympathetic garage door. The impact of the change is positive.

O2 To ensure that off street car parking does not dominate the streetscape.

The change generates a marginal visual impact and it does not dominate the streetscape.

The objectives are satisfied.

Provisions

P1 Must comply with the provisions contained within s.1.5.4 to Part B of this DCP.

Provided that the new parking meets planning provisions and traffic requirements under AS 2890.1, which are outside the remit of this heritage assessment, the new parking generates negligible conservation impact.

P2 Rooms/studios located above garages fronting laneways are not supported.
Not relevant.

P3 Do not alter or demolish any part of a building for car parking, carports and garages.
No demolition of any contributory part of the building is proposed for car parking.

P4 Roof form, detailing and materials are to compliment the associated building.
The existing arrangement, which is not visually intrusive, will be ostensibly maintained.

P5 Retain original garages for heritage items and contributory items.
Not relevant: The existing garage is not original.

P6 Any off street parking located within the front setback area is to remain uncovered and be constructed using minimal paving and incorporate soft landscaping.

Not relevant: The existing and proposed garage does not fit this provision.

The relevant provisions are satisfied.

13.9.6 Fences

The front boundary is defined by a substantial stone retaining wall, which will be retained. Above the retaining wall stone masonry walls form the boundary fences. No work is proposed to these walls.

Not relevant.

13.9.7 Gardens**Objectives**

O1 To ensure that significant landscape features and trees are retained and reflected in new development

The existing garden is heavily modified and of recent provenance. There are no significant trees or landscaping features worthy of protection.

The objectives is not relevant.

Provisions

P1 Retain garden settings and any horticultural features which relate to the heritage significance of the heritage item or conservation area.

The existing garden is heavily modified and of recent provenance. There are no significant trees or landscaping features worthy of protection.

P2 Do not develop front garden areas for carparking or pave extensively.
The front garden is retained for enjoyment and not used for car parking.

P3 Terraced gardens are to retain strong visual relationship to topography.
The proposed terracing reflects the topography.

P4 Retain significant trees.

There are no significant trees worthy of protection.

P5 Retain original pathways which contribute to established garden settings.

There are no original pathways

P6 Maintain traditional driveway widths and settings.

The driveway dates from the recent past.

P7 Do not fully pave side accessways.

Paving is not proposed.

The relevant provisions are satisfied.

13.10 GUIDELINES FOR RESIDENTIAL BUILDING TYPES

Comparing the guidelines for the building types, the villa fits this category better than Section 13.10.4.

13.10.3 Larger scale single dwellings

Objectives

O1 Maintain the scale, form and integrity of the original or main building.

The scale, form and integrity of the principal Victorian Italianate built form is maintained.

O2 Retain original significant details.

Original Victorian Italianate details, which are limited to the principal form, will be maintained.

O3 Retain original outbuildings.

The property has no surviving original outbuilding.

The relevant objectives are satisfied.

Provisions

P1 In addition to the requirements in sections s13.5-s.13.9 to this DCP, the following characteristic features should be incorporated:

- (a) Complex forms with open verandahs to the street;*
- (b) Skillion and pitched roof wings at the rear, sometimes constructed as a service wing;*
- (c) Often originally sited on large lots;*
- (d) Walls: stone bases, brick, rendered masonry, timber shingles, fibro and battens;*
- (e) Roofs: hipped and gabled in slate, terra cotta tile and corrugated metal;*
- (f) Timber joinery.*

The pavilion forms a service wing. Stone is used for podium walls with brickwork above. The foregoing sections have explained the rationale for the flat roof form. Altered windows in the principal form use timber joinery.

P2 New additions should generally comply with the examples illustrated in Figures 13.43 to 13.46.

The pavilion is designed as a service wing complying in principle with Figure B-13.44.

The relevant provisions are satisfied.

7.3 STATUTORY COMPLIANCE

7.3.1 Heritage Act

The provisions of the Heritage Act are not relevant for the proposal.

7.3.2 North Sydney Local Environmental Plan 2013

The foregoing has demonstrated that the proposed development does not generate adverse heritage conservation impacts and it is sympathetic to the cultural significance of the heritage item and the conservation area.

The proposed development complies with the heritage provisions of the LEP.

7.4 CONCLUSION

Having examined the heritage impact of the development on the cultural heritage of the conservation area the following can be concluded:

- ◆ the proposed demolition of the rear wings will generate negligible conservation impact;
- ◆ the sympathetic new pavilion improves the legibility of the heritage item with a positive impact;
- ◆ the pavilion is located behind the heritage item with minimal impact on its setting and visual curtilage;
- ◆ the pavilion is subservient in bulk and scale to the heritage item and represents a sympathetic addition to the Victorian villa;
- ◆ the development exhibits high design quality and will provide a valuable contemporary layer to the heritage item; and
- ◆ the high quality additions will generate positive impacts for the setting and character of the heritage conservation area.

The proposed development does not affect the natural environment and it will have a positive overall impact for the European cultural heritage of Lavender Bay.

8 Recommendations

Having assessed the significance of the place and the heritage impact of the proposed development the following are recommended:

- ◆ that Council should consent to the proposed development in recognition of its lack of adverse heritage conservation impacts and in recognition of its high design quality.

Signed

A handwritten signature in black ink, appearing to read 'Zoltan Kovacs', written over a horizontal line.

ZOLTAN KOVACS B. Arch (Hons)
ARCHITECT

9 Bibliography

Apperly, R.; Irving, R.; and Reynolds, P 'A Pictorial Guide to Identifying Australian Architecture' (Sydney, 1989)

Blue, William (Billy) (1767? - 1834); Entry in Australian Dictionary of Biography

Currie, J 'Bo-ra-ne Ya-goo-na Par-ry-boo-go, An Aboriginal History of Willoughby' (Sydney 2008)

Godden Mackay, *North Sydney Heritage Study, 1993* (Heritage Collection, Stanton Library)

Kerr, J. S 'Conservation Plan' (rev. edn National Trust of Australia [NSW], Sydney 1996)

North Sydney Local Environmental Plan 2013

North Sydney History Walks: Waverton (North Sydney Council)

'The Australian ICOMOS Burra Charter' (November 1999 update)

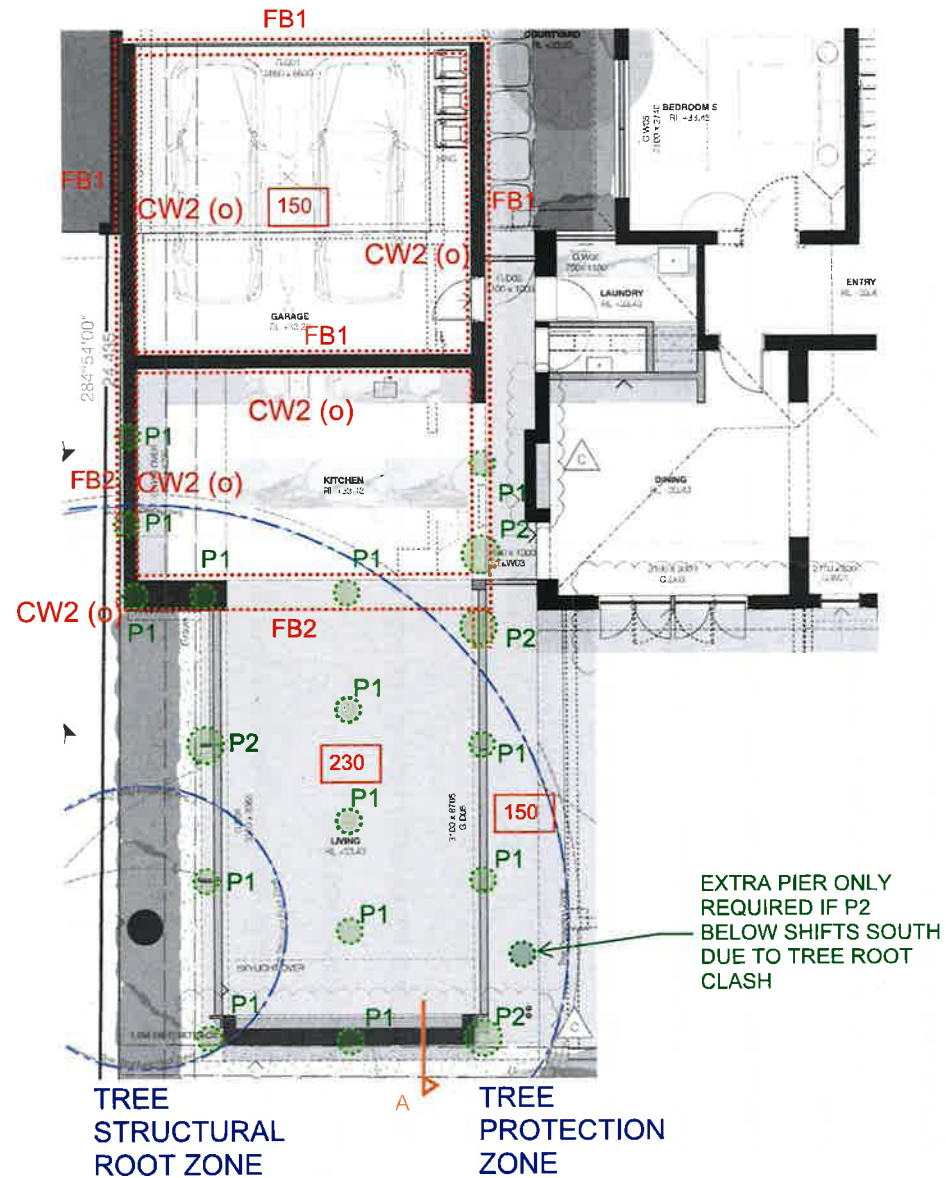
'The NSW Heritage Manual 2001 Update' (rev. edn. NSW Heritage Office, Sydney 2001)

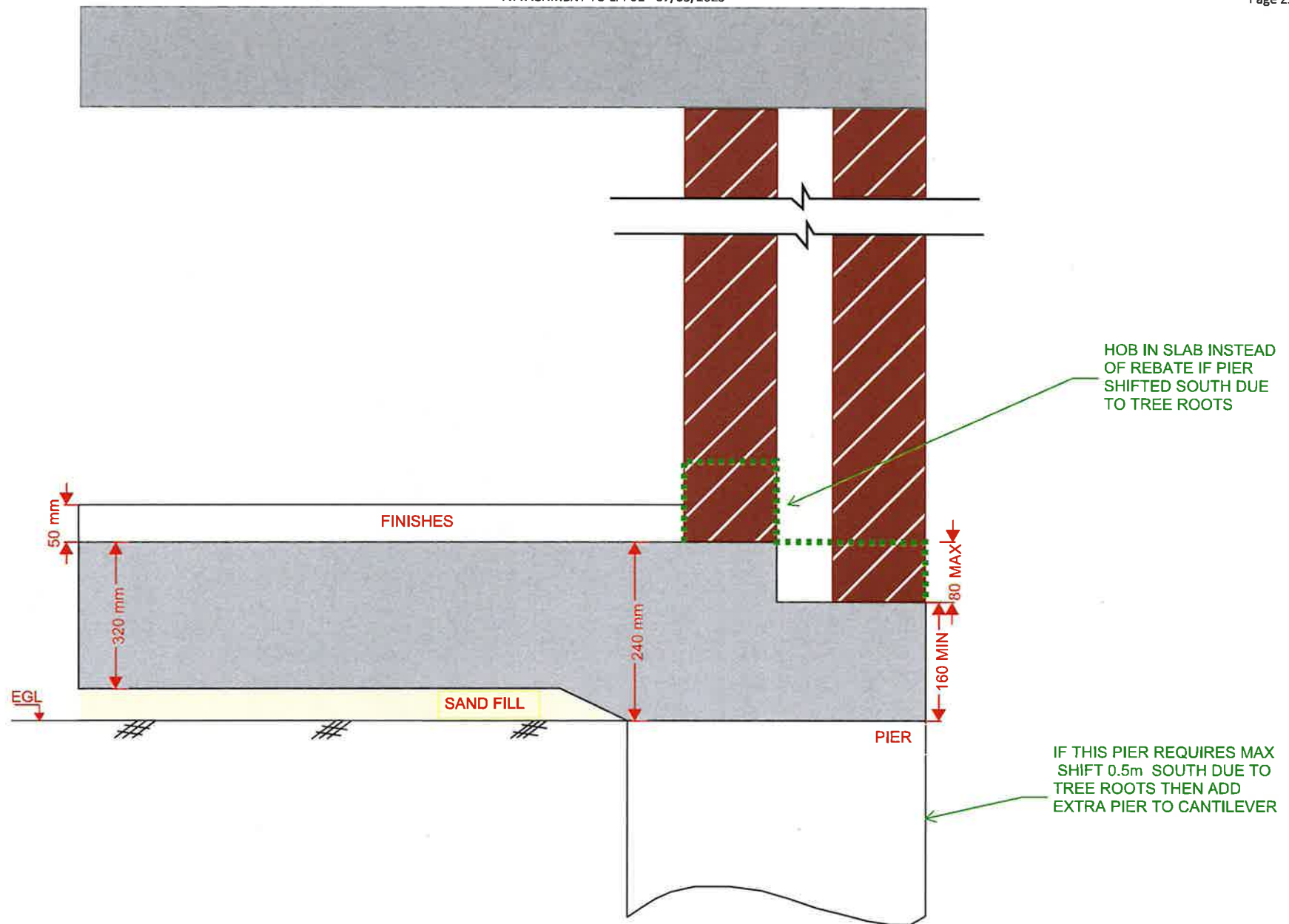
'The Sands Directory 1890-1933'

Weir Phillips Heritage 'Altamura' *Heritage Impact Statement*, July 2016

MEMBER SCHEDULE:**FB1: 300W DOWNTURN TO ROCK****FB2: 400WX400D FOOTING BEAM****P1: 450 DIAM PIER TO 1000 KPa ROCK****P2: 600 DIAM PIER TO 1000 KPa ROCK**

NOTE: ROCK APPROX 2 m BELOW GROUND AT EASTERN END OF NEW PAVILLION AND 0.6m BELOW GROUND UNDER PROPOSED GARAGE/KITCHEN WALL.





Heritage Impact Assessment Report

PROPOSED DEVELOPMENT | 11 KING GEORGE STREET | LAVENDER BAY



September 2024

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1 Introduction

1.1 BACKGROUND

The owners of the property - 'Altamura' - located at 11 King George Street, Lavender Bay have engaged the author to assess the heritage impact of the proposed development which affects a heritage item located within a heritage conservation area. The development consists of alterations and additions.

This report sets out to review the history of the place, briefly examine its fabric, state its cultural significance in the context of the local area, assess the heritage impact of the proposed development on the heritage conservation area and propose appropriate actions, if necessary.

1.2 METHODOLOGY

The methodology and terminology used in the preparation of this report has been drawn from the *Australian ICOMOS Burra Charter*, the *NSW Heritage Manual 2001 Update*, and J. S Kerr's *Conservation Plan* (rev. edn National Trust of Australia [NSW], Sydney, 1996). References to architectural styles are based on the identifications used by Apperly, R.; Irving, R. and Reynolds, P A *Pictorial Guide to Identifying Australian Architecture* (Sydney, 1989)

This Heritage Impact Assessment has been prepared in accordance with the requirements of the *North Sydney Local Environmental Plan 2013* and the NSW Heritage Manual 'Assessing Heritage Significance (2001)' and 'Statements of Heritage Impact (2002)' guidelines. The philosophy and process was guided by the Australian ICOMOS *Burra Charter*.

1.3 AUTHORSHIP

This report has been prepared by Zoltan Kovacs, Architect with all the photographs, unless otherwise identified, taken by the author, who has thirty years of experience as a conservation architect with a wide range of projects for private and public clients including the Heritage Branch of Public Works, the Defence Housing Authority and Department of Housing at the Rocks. He was Heritage Officer at Woollahra Council for seven years.

1.4 SITE IDENTIFICATION

The subject site is located in Lavender Bay on the south side of King George Street on the corner of Waiwera Street.

Its address listed as 11 King George Street, Lavender Bay and its title reference is Lot 1 in Plan DP 80950.

2 Historical Outline

2.1 HISTORICAL CONTEXT

2.1.1 Aboriginal history

North Sydney is uniquely rich in its Aboriginal heritage with most of the surviving evidence concentrated along the coast. The land was inhabited by people speaking Guringal, which was the coastal dialect of Darug, whose territory extended west to Parramatta and north to the Hawkesbury River. The local Aboriginal people were divided into a number of clans, whose affiliations and territories are difficult to reconstruct now, but generally the Cammeragal (or Cammaragal) occupied most of the lower North Shore with the Booregagal confined to the coastal area around Bradley Heads. The local area was known as *Gooweegahree*. Captain Phillip also referred to a group called *Wallumedegal* occupying the two peninsulas opposite the first settlement.

Unable to withstand the effects of the changes brought about by European settlement, the local Aboriginal people retreated to deep bushland around Middle Head. The last sizeable group of Cammeragals appeared before the Duke of Edinburgh in 1868, but they largely disappeared from the area by the late 19th century with the last man known as 'Jaspat' dying in a cave near Mosman Bay in the early 1890's.¹

2.1.2 Early history of the area

Lavender Bay was named after the boatswain, George Lavender, of the prison hulk '*Phoenix*', which was moored in the bay for many years. As a result, the bay was known as called Hulk Bay, and sometimes Phoenix Bay, for much of the 19th Century.

The first land grant on the northern shore of Sydney Harbour was 30 acres granted to an emancipated convict, Samuel Lightfoot, with the aim of keeping freed felons from returning to Britain, but Lightfoot never lived on his grant and at the first opportunity he returned to England. His grant was sold to Robert Ryan and then James Milson.

In 1814 Captain John Piper acquired 700 acres extending from Neutral Bay to Middle Harbour. Free settler Edward Wollstonecraft received 524 acres in 1821, just north of the 1817 grant of Cammeragal land given to ex-convict Billy (William) Blue. This grant, which extended back from the point Aborigines had called *Warungareeyuh*, and Europeans came to know as Blues Point, consisted of 80 acres, and covered all of McMahons Point west of Lavender Bay. George Lavender lived on 14 acres adjacent to the property of Billy Blue, who became a boatman on Sydney Harbour after completing his seven year sentence for stealing raw sugar. Blue was popular and became the only person licenced to ferry people across the harbour with his ferry service growing to a fleet of 11 vessels.

As settlement gradually expanded on the north side of the harbour, railway services were established and the North Shore Line was opened on 1 January 1890 as a single track between Hornsby and St Leonards. The line was extended to the Sydney Harbour foreshore at Milsons Point on 1 May 1893. On 30 May 1915 Lavender Bay railway station was opened to take the place of Milsons Point railway station. This only lasted for seven weeks, as passengers refused to alight here and demanded that trains stop at Milsons Point.

¹ from Hoskins, i. '*Aboriginal North Sydney*' (Sydney 2008)



Figure 1 | Detail from a map by John Thompson c. 1855 showing the progress of public works and roads. Lavender Bay was first known as Hulk Bay. (Source: Mitchell Library A 3318)



Figure 2 | Lavender Bay in the 1890's (Source: National Library of Australia, pic -vn 4409751 -s13-v)



Figure 3 | Plan of the suburb of Victoria c. 1890 by Higginbotham & Robertson. The immediate area was still undeveloped. (Source: Australian National Library)

During the harbour bridge construction, Lavender Bay Station was the terminus for the North Shore Line. The defunct station area is now used as railway storage sidings.

After Billy Blue's death there were a number of attempts at establishing ferry companies and formalising ferry services from the 1830's, but it wasn't until 1860 that The North Shore Ferry Company formed providing services, which included wharves at Lavender Bay, to a burgeoning population requiring travel to and from the city. The company was purchased by Sydney Ferries in 1899.

On 3 November 1932 N.D. Hegarty and Son took over the Circular Quay to McMahons Point route from Sydney Ferries, a mere seven months after the opening of the Sydney Harbour Bridge. Undertaking to provide a quarter hour service, he was commended by the McMahon's Point-Lavender Bay Progress Association in a 1933 letter expressing their appreciation and thanks to N. D. Hegarty for coming to the rescue of the residents of the area. Captain Hegarty sold the business in 1949 in order to concentrate on the family's Victorian interests.

From 1850, when the north side of the harbour had 500 residents, to 1890 when North Sydney became incorporated as a municipality, the population grew to 17,000. From Milsons Point to Berrys Bay most people lived close to the water, not for the sake of the views, but for the convenience of access to ferries and to work, as many were involved in boat building. This was Henry Lawson's North Sydney, as he followed the supportive Isabella Byers from one rented house to another. These were the folk he called '*the Harbour people*'. At Lavender Bay boatbuilders shared the water with swimmers, who did laps at Professor Cavill's baths.

The construction of the Sydney Harbour Bridge had a defining and profound impact on the local area. It shifted commercial activity back up the new Highway to Crows Nest and devastated those businesses that survived along lower Alfred Street in the process. It emptied the harbour of much of the ferry trade and destroyed business in the local boatyards. And it started to turn North Sydney from a transport hub, where ferries, trams and trains met at the waterfront, into a corridor along which people passed on their way to somewhere else. It also arrested development in the Lavender Bay area, which saw frenetic growth in the Inter-war period with numerous Inter-war flat buildings rising in the remaining vacant spots.

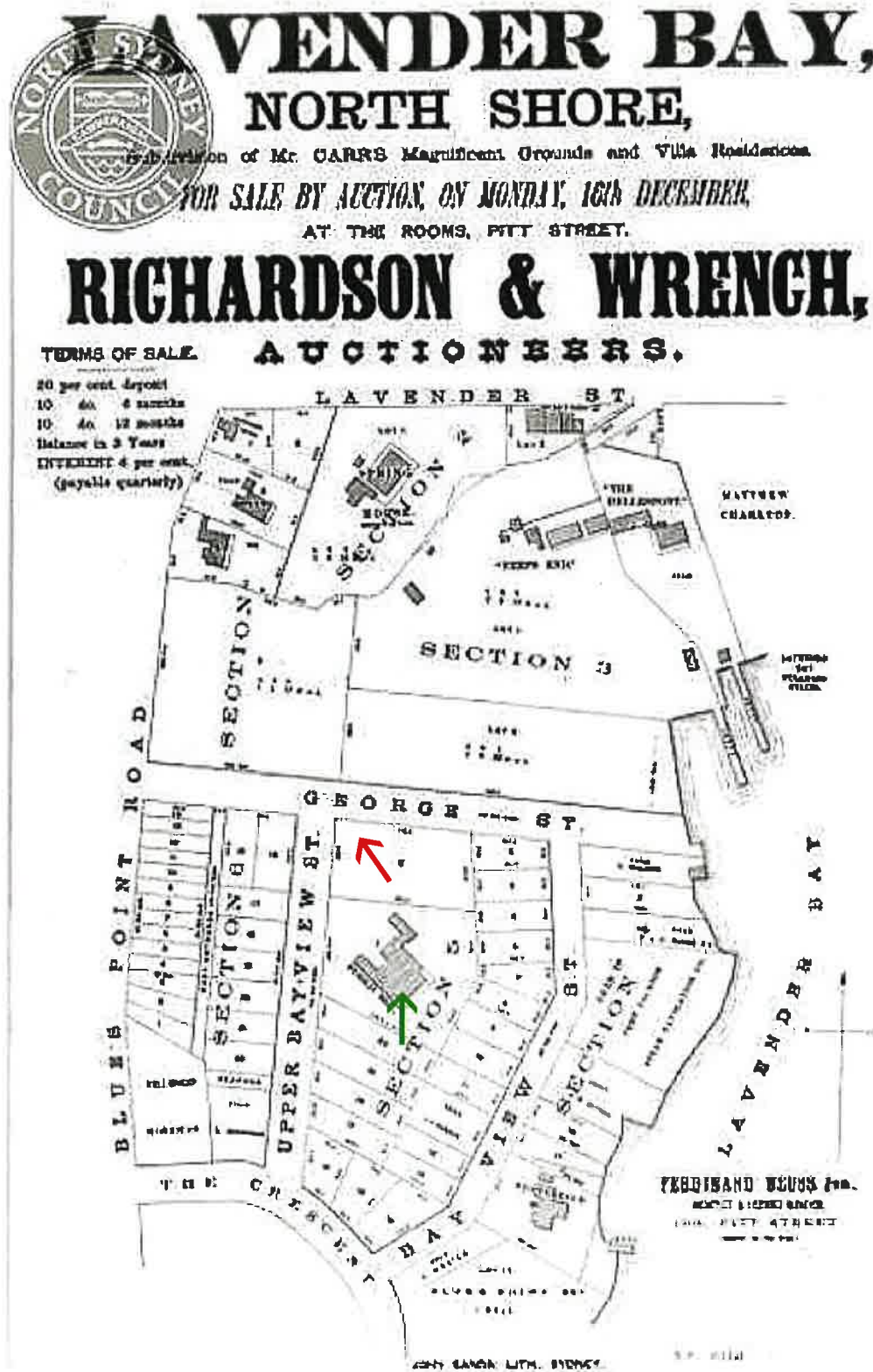


Figure 4 | Advertisement for the sale of Mr Carr's lands, c. 1878. The subject site forms an as yet undistinguished part of Section 5. 'Brenchley' is marked with a green arrow.

(Source: Stanton Library LH REF SP/180)

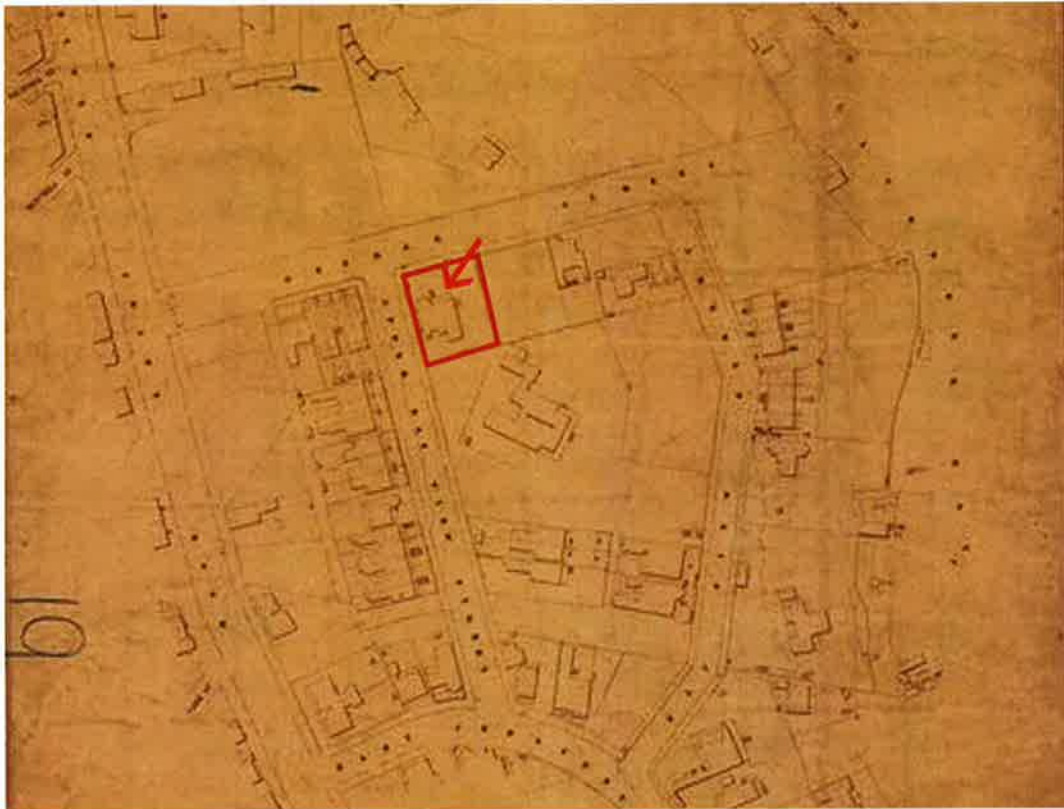


Figure 5 | Extract from North Sydney Block Plan, Sheet 19; c. 1891. 'Altamura' was already built.
(Source: Stanton Library LH REF MF299/19)

2.2 OUTLINE HISTORY OF THE PLACE

- 1817** Crown grant of 80 acres to William (Billy) Blue, emancipated convict. The subject land forms an undistinguished part of Blue's holdings.
- 1834** William Blue dies. His estate is inherited by his son, William Jnr. Blue.
- 1830s** The unidentified land is part of the estate of Police Magistrate, Henry Croasdaile Wilson, who builds a stone villa - *Brenchley* - near the future site.
- 1839** Wilson, who is being investigated for corruption, sells the estate to Captain Hutchinson Hothersall Browne.
- 1867** Sale to John Carr, a ship chandler. Carr builds his home, 'Wai Wera' on his 'Neepsend' estate, he later moves to 'Hellespont' at the head of the bay.
- 1887** Subdivision and partial sale of John Carr's holdings. George Street (later renamed as King George Street) is created in this subdivision.
- 1888-89** The most likely date for the construction of the house, named 'Altamura'.

The following table is a sample of occupants taken at approximately 5 yearly intervals from the Sands Sydney Directories. (Sands can reflect details that occurred the previous year).

Year	Name	Occupation	House No./Name
<i>no listings were found before 1890</i>			
1890	Davis, J. S.		-*/Altamura
1895	Hamburger, M.		-*/Altamura
1900	Hamburger, M.		11*/Altamura
1905	Hamburger, M.		11*/Altamura
1910	Hamburger, Mathias		11*/Altamura
1915	Hamburger, Mathias		11*/Altamura
1920	Hamburger, Mathias		11*
1925	Smith, Campbell		11*
1930	Miller, Archibald		11
1932-33	Miller, Archibald		11

*# as George Street in Victoria (prior to North Sydney)

* as George Street in North Sydney

More recently the house was sold in June 2011, then in February 2016 followed by some alterations carried out by Annabelle Chapman, architect. It was sold to the current owners in October 2023.



Figure 6 | A 1905 postcard of Lavender Bay. The location of the site is marked with an arrow.

(Source: Stanton Library LH REF PC/177)

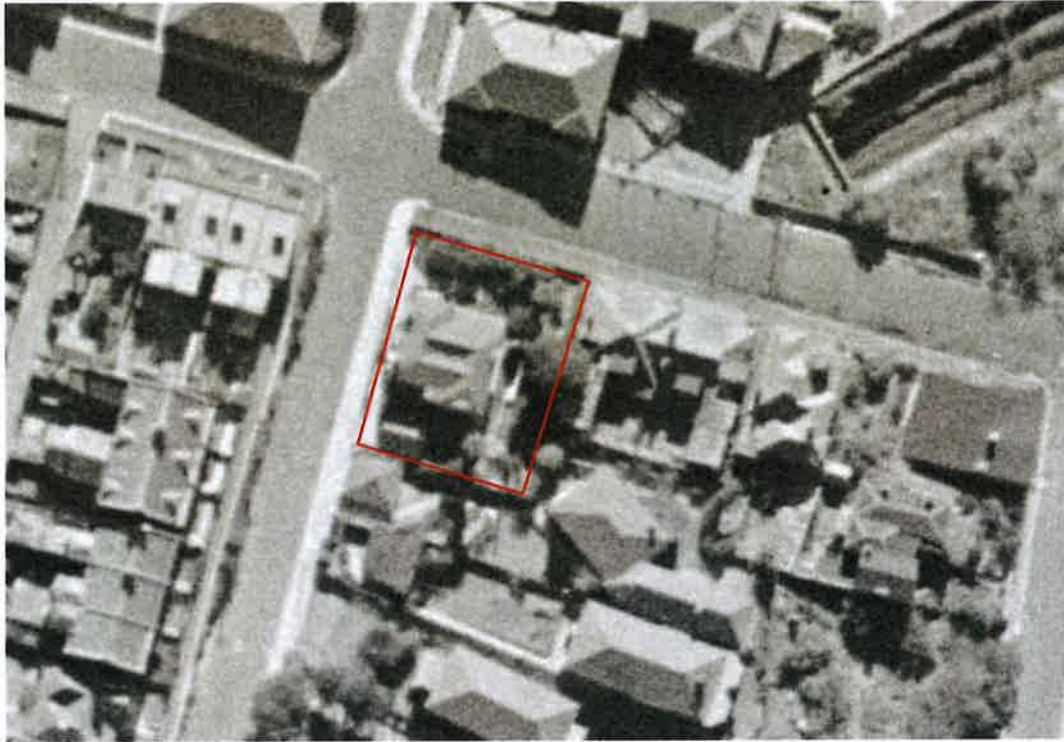


Figure 7 | Aerial view of the site in 1943 marked in red. (Source: NSW SixMaps)



Figure 8 | 11 King George Street in 1979. Note the enclosed front veranda. There was no rear extension to the living room yet. (Source: Stanton Library LH REF CPF7/3)

3 Physical Description

3.1 SITE CONTEXT

Lavender Bay is situated on the east side of a low sandstone ridge, which forms the McMahons Point peninsula jutting out into the harbour. The ridge is relatively broad and defined by two valleys which open into Berrys Bay and Lavender Bay. The subject site is on the eastern escarpment of the plateau, located above the head of the bay of which Watt Park forms the termination. The open forest which once covered the plateau is now completely gone, replaced by suburban residential development, and the foreshore is also intensively developed for the railway line, boatsheds and wharves.

The built environment of Lavender Bay consists of twisting suburban streets, determined by the topography, in steep verdant setting consisting of varied allotments with rows of Victorian terraces interspersed with detached Federation and Inter-war houses and groups of mostly Inter-war flat buildings. The undulating hillside setting of houses and streets also affords views and vistas from a multitude of locations.

King George Street is characterised by its extreme steepness resulting in houses erected over substantial stone retaining walls. Houses in the same block as the subject site consist of a group of Federation houses with Lavender Bay Park across the street. Further up the street past the Waiwera Street corner the street is defined by groups of Victorian terraces interspersed with a few small Inter-war flat buildings. Waiwera Street is also characterised by groups of Victorian terraces on the west side of the street, while garages dominate the east side where the subject site is.

3.2 SITE

The subject site is on the east side of the Waiwera Street corner on the south side of King George Street. It is a regular rectangular allotment reflecting the subdivision pattern of John Carr's estate. The land faces King George Street with one of its short sides and it is an artificially levelled, elevated site built up over a substantial sandstone podium, which is high over King George Street and then tapers off in Waiwera Street, allowing for a garage entrance accessible on grade in the south-west corner.

Within the raised sandstone retaining walls, which define street boundary, the land appears nearly flat. The walls are topped by dense hedges enclosing the front yard. Pedestrian entry is in the north-west corner of the front yard with steps leading up to a roughly square patch of lawn set beside a swimming pool which occupies more than half of the front yard. None of the original garden layout survives: the existing garden was laid out in 2011.

The house - located in the western half of the site - backs onto the rear boundary with a double garage. There is a narrow side passage on the Waiwera Street side connecting the front yard and the driveway in front of the garage. The house is oriented to address King George Street but because of the garage there is no rear yard. Instead the eastern half of the site forms a side garden consisting of a number of terraces ascending towards the rear. The middle of the side garden is occupied by an open paved terrace. Again, the whole formal garden layout dates from around 2011.

3.3 BUILDING

General Description

The house on the site is a free standing two storey Victorian villa, built around 1889, and named 'Altamura' (why the house is named after a small Apulian town is not known). High walls and dense vegetation screen the front of the house from the street.

When built the house was smaller than it is today: it had smaller rear wings and the house did not extend to the rear boundary. The existing rear wings do not reflect the original layout.

The front elevation consists of a two storey projection on the west side with a two storey cast iron lace veranda set beside the projection on the east side. The veranda has been reconstructed (it was enclosed for decades) and while sympathetic, it is not original fabric. Entry to the house is through the front veranda. The front elevation also features a single storey, original faceted bay window, whose roof has been replaced.

Despite extensive changes and later additions, the original layout is still discernible with rooms arranged around a central hallway. The original dog-leg timber staircase is set at right angle to the central hall and it separates the projecting front rooms from the rest.

Roof

The principal roof is formed by a large hip with smaller frontal and rear projecting hips. While the roof form is original its corrugated steel cladding is recent. The veranda has a separate skillion roof, also clad with corrugated steel. The extension to the two storey rear wing has a smaller hip roof which is lower than the principal roof. The single storey extension to the living room has a flat roof enclosed by parapets. The four original chimneys of the principal roof survive.

Walls

The house was constructed in solid brickwork erected over a rendered stone base. The exterior is cement rendered and painted. The internal walls were once set in plaster and painted, but the principal rooms were recently wallpapered.

Floors

The original floors within the principal form are timber framed and the original joist framing may have survived, although the floor lining all appears to be recently laid. The timber decking of the veranda floors are not original.

Joinery

The veranda features stop-chamfered timber posts with capital moulds and cast iron lace balustrades and fringes. None of this is original. Clearly, the veranda has been fully reconstructed in the last two decades. The deep fascia lined with vertical boarding is particularly crude; originally this must have included a cast iron frieze panel, now lost.

Some of the double hung windows are original within the principal form. The doors with sidelights and fanlights opening onto the two storey veranda appear to be later additions, as is the French door set of the kitchen. Interestingly, the small window awning on the west side may be original.

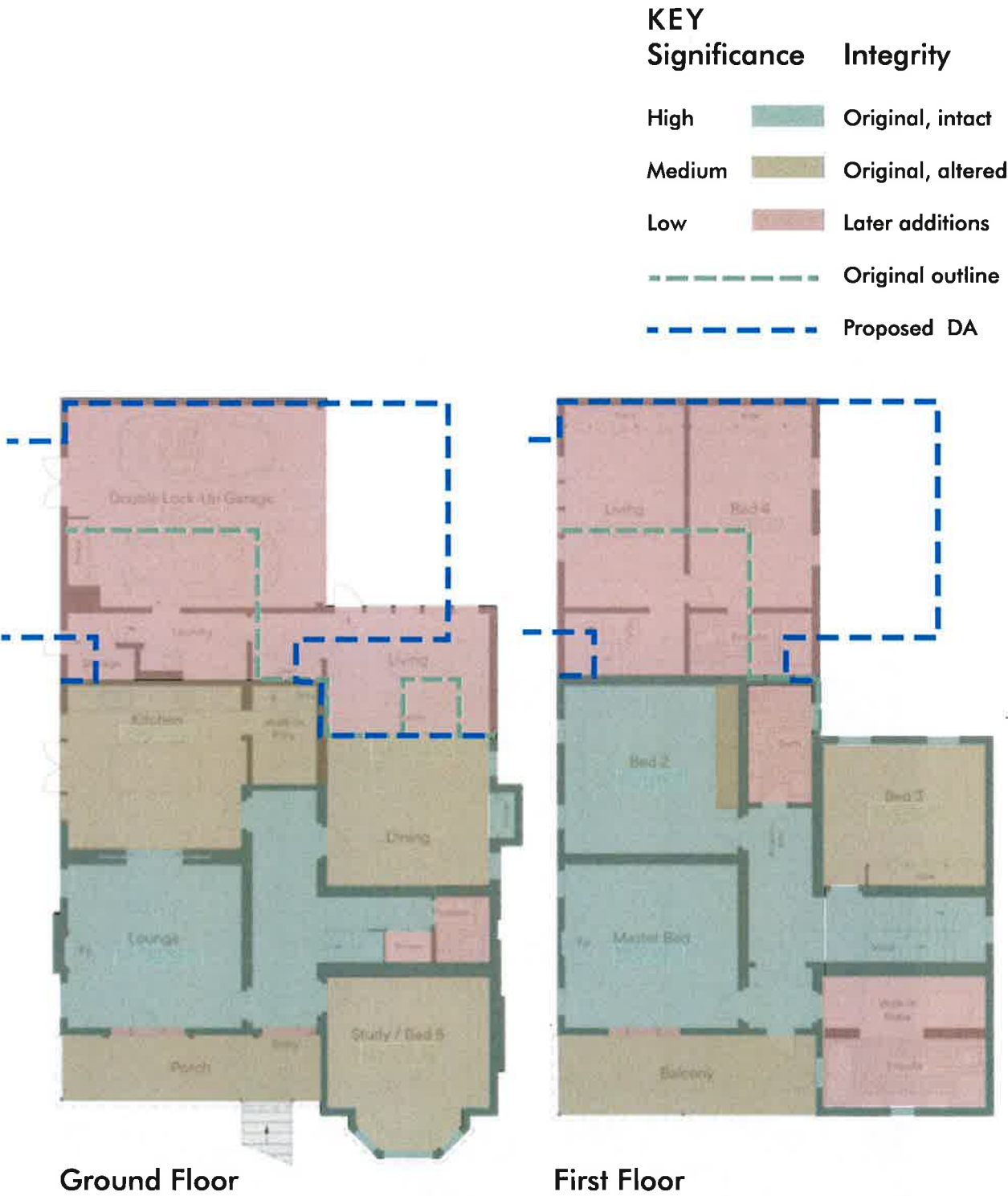


Figure 9 | Fabric Integrity Diagram

Interior

The interior has been extensively altered, although the original layout is still discernible within the principal form. Little of the original fabric - with the exception of two fireplaces and the timber staircase - is original: ceilings, cornices, and trims originate from past renovations, albeit they appear sympathetic and they are executed in a historicist Victorian idiom. The exception to this are the ground floor kitchen area and the bathrooms, as these are contemporary.

3.4 SUMMARY OF CONDITION

'Altamura' retains its original form and much of its external presentation and it appears to be superficially intact, but its actual physical integrity is low due to successive series of past intrusions. The current condition of the fabric is good and stable.

3.5 PHOTOGRAPHS & IMAGES

The photographs on the following pages describe 'Altamura' in its setting and existing condition.



Figure 10 | 'Altamura' today, seen from the front garden. (Source: www.realestate.com.au)



Figure 11 | The heritage item is largely obscured from the public domain: seen from the corner of King George Street and Waiwera Street.



Figure 12 | The front garden is hidden by the dense hedge raised above the sandstone retaining wall. The house is barely visible and the side garden not at all.



Figure 13 | View of the rear from Waiwera Street. The double garage in the foreground belongs to No. 15 Waiwera Street.



Figure 14 | The single storey wing in the foreground and the two storey wing with the garage are both later additions.



Figure 15 | *Inter-war period garages line the east side of Waiwera Street.*



Figure 16 | *View of the front garden with the pool. There is no culturally significant fabric here.*



Figure 17 | *Partial view of the front elevation. The veranda has been reconstructed.*



Figure 18 | *The side garden and east side elevation.*



Figure 19 | *The pergola and terrace in the side garden. These are recent additions.*



Figure 20 | The rear wing is a historicist recent addition with poor proportions.



Figure 21 | The ground floor of the reconstructed veranda. None of its fabric is original.



Figure 22 | The lounge has been renovated, but the fireplace may be original.



Figure 23 | *The kitchen occupies the original dining room.*



Figure 24 | *The new living room in the single storey rear wing. All of the fabric is recent.*



Figure 25 | *The first floor living room in the new two storey rear wing.*



Figure 26 | *Bedroom 4 in the new two storey rear wing.*



Figure 27 | A contemporary bathroom fit-out.



Figure 28 | The bathroom at the end of the hall has been renovated.



Figure 29 | Another view of the en-suite bathroom.



Figure 30 | Another contemporary bathroom fit-out. This is the en-suite bathroom.



Figure 31 | *The Mater Bedroom has been renovated, but as an original room it will be kept.*



Figure 32 | *The two neighbouring heritage items in King George Street. Located lower down the hill with a strong visual barrier separating them from the site, their setting will not be affected by the development*

4 Significance of the Place

4.1 PRINCIPLES

The concept of 'cultural significance' or 'heritage value' recognizes the value of a place or item, which cannot be expressed in monetary terms. Assessment of cultural significance attempts to establish the foundations on the basis of which a place or an item is valued by the community. Cultural significance is embodied in the fabric of the place, in its setting and its relationship to other items, the records associated with the place and the response that the place evokes in the community.

Both the Burra Charter of Australia ICOMOS and its Guidelines for Assessment of Cultural Significance; and the NSW Heritage Manual prepared by the NSW Heritage Office recommends that significance be assessed in categories such as aesthetic, historic, scientific and social significance. The NSW Heritage Manual includes two additional criteria for assessing the comparative significance of an item.

Since the preparation of the NSW Heritage Manual, the NSW Heritage Act 1977 was amended in 1999, and again in 2000. Under this amendment the NSW Heritage Council has adopted revised criteria for assessment of heritage significance. The evaluation of cultural significance is based on the adopted approach and the results of the assessment are incorporated into a statement of significance, which is usually included in the inventory sheet of a heritage item.

4.2 STATEMENTS OF SIGNIFICANCE

4.2.1 Statement of Significance of 11 King George Street, Lavender Bay

The statement of significance for 11 King George Street, Lavender Bay is as follows:

*Good example of a Victorian house of substantial size in the Italianate style.
Picturesque corner location with mature trees. An important streetscape element¹*

4.2.2 Statement of Significance for the McMahons Point North Heritage Conservation Area

The statement is in Section C of the North Sydney DCP on page C9-25, as follows:

The McMahon's Point North Conservation Area is significant:

- (a) For its consistent character and unity that derives from its dense urban subdivision pattern and history and which is still clearly seen in the development of the area.*
- (b) As a predominantly early 20th century precinct with a mix of Federation and 1920's one and two storey housing and a very fine grouping of early 20th century buildings along Blues Point Road.*
- (c) For the streetscape qualities of the Blues Point Road shops.*
- (d) For its high quality streetscapes, particularly in Princes and Waiwera Streets.*

¹ <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2180559>

5 Planning Context

The development site at 11 King George Street, Lavender Bay is affected by a number of statutory and non-statutory controls, guidelines and lists that are relevant to this assessment of heritage impacts. They are as follows:

- ◆ NSW Heritage Act 1997,
- ◆ North Sydney Local Environmental Plan 2013
- ◆ National Trust of Australia (NSW) Register

5.1 NSW HERITAGE ACT 1977

5.1.1 State Heritage Register

The State Heritage Register is a list of heritage items of particular importance to the people of NSW. It includes items and places of state heritage significance endorsed by the Minister on the recommendation of the Heritage Council. It came into effect on 2 April 1999 and it was created under the Heritage Amendment Act 1998 and replaces the previous system of Permanent Conservation Orders as a means of protecting items of State significance.

Currently the State Heritage register includes all items formerly protected by Permanent Conservation Orders and items identified as having State significance in heritage and conservation registers prepared by State Government agencies received by the NSW Heritage Office prior to 2 April 1999. Items on the State Heritage Register require approval from the Heritage Council of NSW for certain works.

11 King George Street, Lavender Bay is neither included nor proposed for inclusion in the State Heritage Register.

5.1.2 Interim Heritage Orders

Interim Heritage Orders can be made under Part 3 of the Heritage Act either by the Minister or, where authorised, a Local Government Council. Interim Heritage Orders replace the previous Interim Conservation Orders and orders made under Section 130. They are effective for a maximum period of twelve months.

11 King George Street, Lavender Bay is not affected by any Interim Heritage Orders.

5.1.3 Archaeological 'Relics'

Under Division 9 of the Heritage Act, a permit is required for the excavation of relics, unless there is an applicable gazetted exemption. Pursuant to Clause 139 of the Heritage Act, an excavation permit is required where excavation is proposed and there is reasonable knowledge or likelihood that disturbance or excavation of the land will result in a relic being discovered, exposed, moved, damaged or destroyed.

There is no evidence or likelihood that excavation of the land at 11 King George Street, Lavender Bay may disturb relics as defined by the Act.

5.2 NORTH SYDNEY LEP 2013

The North Sydney Local Environmental Plan 2013 is a statutory plan adopted by North Sydney Council. The relevant objectives of this plan are to identify heritage items, heritage conservation areas and to provide measures for their protection, conservation and enhancement; and to ensure that new development is undertaken in a sympathetic manner.

11 King George Street, Lavender Bay is listed as a heritage item under Schedule 5 of the LEP as Item 0326 and it is located within the McMahons Point North Heritage Conservation Area (CA13).

11 King George Street, Lavender Bay is in the vicinity of two heritage items:

- A house as Item 0327 at 15 King George Street
- A house as Item 0328 at 17 King George Street



Figure 44 | Extract from Sheet 002 of the Heritage Map in the North Sydney LEP 2013. The site is indicated in green in this report.

5.3 NATIONAL TRUST

The National Trust of Australia (NSW) is a community-based conservation organisation. The Trust has assembled a Register of heritage items and conservation areas through the assessment work of its expert committees. While the Trust has no legal status, it is considered to be an authoritative guide to heritage significance, and the Trust acts as a lobby group for heritage conservation.

11 King George Street, Lavender Bay is not identified by the National Trust of Australia (NSW).

6 Proposed Development

6.1 INTRODUCTION

The proposed development was prepared in a manner consistent with the cultural significance of the place to ensure that Lavender Bay's heritage remains undiminished while meeting the reasonable expectations of the property owners.

Advice was sought from a heritage consultant at an early stage and extensive consultation was undertaken with the architects and clients. The development reflects the raised heritage concerns and they are addressed in this development proposal submitted to Council.

6.2 PROPOSED DEVELOPMENT

The proposed development consists of a number of interrelated elements, as follows:

- ◆ demolition of the existing rear wing extensions, minor demolition within the principal form, and demolition of the existing landscaping including the swimming pool;
- ◆ construction of a new two storey pavilion, containing a double garage, kitchen and living room on the ground floor and a master suite above, connected to the original principal form by a glazed, lightweight link;
- ◆ minor internal changes with a new powder room and laundry fit-out;
- ◆ changes to windows in the east side elevation; and
- ◆ new site landscaping with a new swimming pool.

6.3 DOCUMENTS

The proposals are described and documented in detail by architectural drawings prepared by Madeleine Blanchfield Architects. They generally describe the physical aspects of the proposed development and this heritage assessment was based on the architectural set of documents submitted to council.

7 Heritage Impact of Development

7.1 INTRODUCTION

The house at 11 King George Street, Lavender Bay is listed as a heritage item under the existing statutory controls of the North Sydney Local Environmental Plan 2013 and it is located in a heritage conservation area.

7.2 HERITAGE IMPACT ASSESSMENT

The following assessment is based on the NSW Heritage Office guide to the preparation of Statements of Heritage Impacts to help identify issues associated with the proposed development affecting heritage conservation areas and the format follows the set out of the LEP and DCP to assist staff in their interpretation of heritage issues.

North Sydney LEP 2013

5.10 Heritage Conservation

(1) Objectives

The objectives of this clause are as follows:

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

The following will demonstrate that there are no substantial adverse impacts for the heritage conservation area. Alterations and additions are acceptable in their impacts and do not affect culturally significant fabric or the cultural values of the heritage item or the heritage conservation area.

The objective is satisfied.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*

(e) *erecting a building on land:*

- (i) *on which a heritage item is located or that is within a heritage conservation area, or*
- (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*

(f) *subdividing land:*

- (i) *on which a heritage item is located or that is within a heritage conservation area, or*
- (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

The proposed development consists of alterations and additions to an existing Victorian villa. There is no subdivision. This heritage impact assessment report forms part of a detailed development application to satisfy council's requirements.

The requirement is satisfied.

(3) When consent not required

This requirement is not relevant, as consent will be required.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

The proposed development consists of alterations and additions to an Inter-war bungalow, which is in a heritage conservation area. The heritage impacts of the development are outlined below:

- ◆ Demolition of the existing garage and associated rear wings will generate positive conservation impacts, because it enables replacement with a new development, which does not obscure the original form and enables its reading with greater clarity.
- ◆ Demolition of the existing garden will generate neutral conservation impacts, as the garden fabric is not contributory or culturally significant.
- ◆ Construction of the minor internal alterations will have negligible conservation impact as the alterations do not affect significant fabric. As the internal works are not visible to the public domain, there is no impact for the setting of the item or the streetscape of the conservation area.
- ◆ Construction of the new two storey pavilion will generate a number of distinct impacts. Taking a clearly defined and subordinate pavilion form, the new development, does not obscure the original form and enables its reading with greater clarity, generating a positive impact for the legibility and appreciation of the heritage item. The pavilion has a subordinate bulk and as it is located in the rear of the heritage item it will generate neutral impacts for its visual curtilage and setting. As the pavilion is only visible from the public domain by its short side it will generate negligible streetscape impact.

- ◆ The proposed pavilion presents a stepped form with the second storey well set back from the front and side boundary in order to reduce its visual bulk and protect the setting of the adjoining heritage items. The form of the roof reads as a parapet and horizontal parapeted lines are common features of rear wings on Victorian villas. The flat roof in this case is more sympathetic and recessive than if a pitched roof was used.
- ◆ The proposed new garden landscaping works are simple and respectful, and they will enhance the setting of the heritage item with a positive impact.
- ◆ The selected materials and new colour scheme are sympathetic to the character of the heritage item and the general character of the heritage conservation area generating positive impacts.

The requirement is satisfied.

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) *on land on which a heritage item is located, or*
- (b) *on land that is within a heritage conservation area, or*
- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

This heritage impact assessment report, which is detailed and prepared by a recognised expert in heritage conservation, is to be submitted as part of the development application.

The requirement is satisfied

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Considering the sympathetic nature of the proposed development, which does not affect the surviving significant fabric of the heritage item, requirement of a Conservation Management Plan is not in the public interest as such a requirement would be out of proportion.

The requirement is not relevant.

(7) Archaeological sites

The place is not an archaeological site.

(8) Aboriginal places of heritage significance

The place is not an aboriginal place of heritage significance.

(9) Demolition of nominated State heritage items

The place is not a nominated State heritage item and demolition is not considered.

(10) Conservation incentives

This requirement is discretionary within the powers of Council.

North Sydney DCP**Part B - Section 13 Heritage & Conservation****13.4 Development in the vicinity of heritage items**

The development site is in the vicinity of two federation houses listed as heritage items at 15 and 17 King George Street (Items 0327 and 0328, respectively).

Objectives

O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.

The proposed landscaping works and internal alterations will not generate any impact. The proposed pavilion addition are sympathetic to the existing character of the locality and they are not excessive in scale. The pavilion cannot be seen in the context of the heritage items, which are visually protected by tall fences and strong hedges within their lot boundary curtilages. The pavilion addition does not affect the setting or the curtilage of the heritage items in the vicinity of the site.

The objective is satisfied.

Provisions

P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.

The proposed pavilion is located at the rear of the subject site, well away from the heritage items. The proposal does not affect the curtilage, setbacks, form, scale and style of the heritage items in the vicinity.

P2 Maintain significant public domain views to and from the heritage item.

Public domain views to and from the heritage items are not affected.

P3 Ensure compatibility with the orientation and alignment of the heritage item.

One of the heritage items is a block of flats, while the other heritage item is a public domain open space. Orientation and alignments are not relevant.

P4 Provide an adequate area around the heritage item to allow for its interpretation.

The heritage items face a public road and their visual connection to the development site is negligible. Interpretation of the two heritage items is not affected.

P5 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.

The development does not affect landscape features associated with the heritage items.

P6 Protect and allow interpretation of archaeological features (as appropriate and relevant).

Archaeological features are not affected.

The relevant provisions are satisfied.

13.5 Heritage items

The development site contains a heritage item, which is a large Victorian house executed in the Italianate style, identified as Item 0326.

13.5.1 Protecting heritage significance

Objectives

- O1 Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item.*

The heritage item was the subject of both historical research and in-depth fabric analysis on site by a conservation professional. The findings are included in this report in Chapters 2 and 3.

- 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.*

Changes to significant elements and fabric of the heritage item are limited. The cultural significance of the item is not affected detrimentally.

- 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.*

All significant features are retained. Negligible work is proposed affecting the original principal form.

- O4 Acknowledge changes over time to heritage items, as subsequent layers may also be of significance.*

The subsequent layers are not culturally significant.

- 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.*

The recent rear wings are removed. There are no missing details that can be reinstated.

- O6 Allow changes to the rear of heritage items where the new work does not impact the heritage significance of the heritage item.*

New work is located to the rear of the heritage item, confined to degraded areas.

- O7 Ensure that new uses of heritage items are compatible with the fabric and heritage significance of the item.*

The existing historic residential use is maintained.

- O8 Encourage changes to be reversible where possible and appropriate.*

All new work within the heritage fabric is designed to be reversible.

The objectives are satisfied.

Provisions

- P1 Retain features (including natural and cultural landscape features) that contribute to the significance of the item.*

All significant contributory features are retained.

- P2 Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.*

The recently constructed rear wings are removed.

P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.

The new pavilion observes existing and predominant setbacks, presents a subservient mass, and maintains the two storey scale. The simple cubic form of the pavilion is sympathetic to traditional rear wing interpretations which were always simpler than the principal form.

P4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.

All significant fabric is retained.

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.

New work is located to the rear of the heritage item, confined to degraded areas.

P6 All works are to be consistent with an adopted Conservation Management Plan/s where applicable.

There is no CMP associated with the heritage item.

The relevant provisions are satisfied.

13.5.2 Form, massing, scale

Objectives

O1 To allow alterations and additions to heritage items, where the new work does not impact on the heritage significance of the heritage item.

New work is located to the rear of the heritage item, confined to degraded areas: this is demonstrated on Figure 9 (page 12) of this report.

O2 To maintain and promote the original built form of the heritage item as viewed from the public domain.

New work is located to the rear of the heritage item and separated from it by a lightweight, transparent linking element.

The objectives are satisfied.

Provisions

P1 Locate alterations and additions away from principal elevations and primary forms, and behind and below the main ridge line.

New work is located to the rear of the heritage item - behind the principal form - and entirely confined below the main eaves line.

P2 Ensure that alterations and additions are smaller in scale, height and massing than the existing building.

The bulk of the new work is much smaller than the principal form. It is also lower in height and has substantially smaller, stepped massing.

P3 Locate additions within characteristic setbacks.

The pavilion is located predominant characteristic setbacks. Note that locally zero setbacks are not uncommon historically.

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.

The pavilion takes a clearly defined and subordinate form with a transparent lightweight link element between the new development and the principal form. The new work does not obscure the original form and enables its reading with great clarity, generating a positive impact for the legibility and appreciation of the heritage item.

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).

The pavilion is smaller in footprint and less in height than the principal form of the heritage item. The bulk of the new work is much smaller than that of the principal form.

The provisions are satisfied.

13.5.3 Additional storeys

Additional storeys are not proposed.

Not relevant.

13.5.4 Roofs

No work is proposed to the original truncated hip roof form of the principal form.

Not relevant.

13.5.5 Interior layouts**Objectives**

O1 To ensure that significant interior elements are retained and preserved.

All significant interior elements, including existing room layouts, are retained and conserved.

Provisions

P1 Applications are to be accompanied by current photographs of interior features, including walls, floors, ceilings, windows and fireplaces etc.

Current photographs of the interior are included in this report on pages 18-22.

P2 Minimise change to the original or significant internal room configuration/layout (as appropriate) so that the evolution of the building remains discernable (sic). This can be achieved by retaining wall nibs, decorative ceilings, joinery and original features such as fire places.

Minimal change is proposed within the retained principal form.

P3 Kitchens or bathrooms must not be located within primary rooms of significance.

[Subclauses a) to e) are not relevant]

No kitchens or bathrooms are proposed within primary rooms.

P4 Retain access and relationship to original building entrances and associated hallways.

No change is proposed affecting the principal entrance and hallway.

P5 Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.

All significant original features are retained.

P6 Locate alterations away from rooms that have intact or significant features.

New work is concentrated within the new pavilion. Minor internal changes within the principal form for a laundry and powder room are located in already altered former kitchen.

P7 Ensure new openings have similar dimensions or are compatible with existing openings, such as width and height of double doors.

New openings are limited to the east side elevation, which is not a principal elevation and it cannot be seen from the public domain, and the new openings maintain traditional proportions, details and materials.

P8 Provide for reversibility of internal changes (where appropriate and reasonable).

New work is designed to be fully reversible.

The provisions are satisfied.

13.5.6 Upgrading for fire safety, BCA and other matters

As a single detached dwelling there is no requirement for a fire safety upgrade

Not relevant.

13.5.7 Group heritage items

The subject heritage item is solitary and detached.

Not relevant.

13.6 Heritage conservation areas

The subject Victorian villa is in the *McMahons Point North Heritage Conservation Area*.

13.6.1 General Objectives

O1 Ensure that new development is designed to retain and complement the character and significance of the conservation area (refer to Part C of this DCP for a description of the significance of the heritage conservation area).

The development retains the heritage listed villa, which is contributory within the conservation area and forms a prominent element in the streetscape in a corner location.

O2 Ensure that contributory items are retained and where practical improved, with a focus to locate new work to the rear or away from publicly visible elevations of building.

The development retains the contributory villa and locates new work in the rear of the principal form. Note that the primary orientation of the house is towards King George Street, not to Waiwera Street.

O3 Enable neutral items to be improved such that they contribute to the character of the heritage conservation area through the removal of unsympathetic and inappropriate elements, and reinstating missing details where appropriate.

Not relevant: the heritage listed villa is considered to be contributory by this assessment.

- O4 *Encourage change that will remove uncharacteristic items or reduce the extent of their intrusion.*

The development removes the existing poorly conceived rear wings.

The objectives are satisfied.

13.6.2 Form, massing and scale

Objectives

- O1 *To ensure new development has a compatible and complementary building form and scale to that which characterises the conservation area.*

The development proposes a simple, subservient pavilion at the rear. The simple character of the pavilion is consistent with traditional rear wings.

- O2 *To maintain and enhance streetscape character as identified within the Area Character Statements.*

The development retains and enhances the character of the villa, which in turn has a positive impact for the streetscape character.

The objectives are satisfied.

Provisions

- P1 *Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.*

The pavilion is secondary in terms of bulk, scale, orientation and setbacks when considered in the context of the existing contributory villa on the site.

- P2 *Development should recognise and complement the predominant architectural scale and form of the area.*

The development site is surrounded by predominantly two storey contributory buildings. The new pavilion is also two storey but presents less height.

- P3 *Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.*

Public views with cultural significance are not affected.

- P4 *Reinstate characteristic and decorative features to contributory items where alterations and additions are proposed. This could include reinstatement of verandahs and balconies, joinery, chimneys, fences or window detailing.*

The development retains the significant external elements and reinstates the original tonal character of the bungalow.

- P5 *Achieve a neutral outcome to neutral items or improved outcome to neutral items which were constructed in the core period of development.*

[Subclauses a) to d) are not relevant]

Not relevant: the villa is considered to be contributory by this assessment; it is not a neutral building.

P6 Achieve an improved outcome to uncharacteristic items by removing the uncharacteristic or intrusive element or incorporating changes to improve the contextual design and visual impact of the site.

Not relevant: the villa is considered to be contributory by this assessment; it is not an uncharacteristic building.

P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.

The development does not affect the front setback: the existing facade and front garden setting are maintained.

P8 Repeat any consistent pattern of side and rear setbacks of heritage and contributory items in the vicinity of the site.

The local setback pattern lacks consistency, but the existing characteristic side setbacks are maintained regardless.

P9 New work may adopt a contemporary character, provided the development is not likely to have a detrimental impact on the characteristic built form of the area, particularly in terms of bulk, scale, height, form or materials.

The pavilion additions exhibit contemporary design excellence and it has been demonstrated that it is not detrimental in terms of bulk, scale, height, form or materials.

The relevant provisions are satisfied.

13.6.3 Roofs

No work is proposed to the original roof of the principal form.

Objectives

O1 To maintain the characteristic roof profiles and roofing materials within a heritage conservation area.

The characteristic pitched roof profiles of the conservation area are recognised by the provision of a simple subordinate parapeted form.

The objective is satisfied.

Provisions

P1 Roof form, pitch and materials are to be compatible with heritage and contributory items in the conservation area, as identified in the relevant character area statement.

The local roofscape is diverse in character. The historically significant principal roof is retained without change. The new pavilion has a flat roof concealed by parapets: this forms an appropriate subordinate wing to the principal form. The characteristically diverse local roofscape is not affected.

The provision is satisfied.

13.6.4 Additional storeys and levels

Additional storeys are not proposed.

Not relevant.

13.6.5 Internal layouts

Objectives

O1 To ensure that significant interiors are retained.

The significant interiors are retained.

The objective is satisfied.

Provisions

P1 Consideration is given to the internal layouts of buildings.

The rooms within the principal form are retained without change.

P2 Where interior layouts are determined to be significant, they should be retained.

The existing interior layout within the principal form is significant, retained without change.

The provisions are satisfied.

13.9 CONTROLS FOR SPECIFIC BUILDING ELEMENTS

13.9.1 Skylights, solar panels and satellite dishes

Objectives

O1 To ensure that skylights, solar panels and satellite dishes do not detrimentally impact upon the significance of heritage items and heritage conservation areas.

The two proposed low profile skylights are on the new pavilion and they cannot be seen from the public domain: they will not detrimentally impact upon the significance of heritage item and the heritage conservation area.

The objective is satisfied.

Provisions

P1 Locate skylights, solar panels and other roof mounted structures away from visually prominent roof planes and front elevations.

The two skylights are on the new pavilion and they cannot be seen from the public domain.

The provision is satisfied.

13.9.2 Dormer windows

Dormer windows are not proposed.

Not relevant.

13.9.3 Verandahs and balconies

No change is proposed to the existing front verandah.

Not relevant.

13.9.4 Materials, colours and finishes

Objectives

O1 To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas.

The proposed materials - light face brick, sandstone and concrete resembling render finish - are consistent with the Italianate character of the heritage item and nearby terraces.

The objective is satisfied.

Provisions

P1 Retain external face brick or stone walls where they are significant features of a heritage item or identified as part of the characteristic built elements of a heritage conservation area. Rendering of face brickwork will not be permitted unless it comprised a construction method used on the original building.

Not relevant: the Victorian villa has always been rendered and painted.

P2 Retain original rendering on walls and ensure that any new materials required for repairs are consistent with the original render texture.

No change is proposed to the existing wall finishes. New work will improve existing tonal values.

P3 Where new materials are required, ensure that they are easily recognised as new, but are compatible with the key elements of the heritage item.

The proposed new materials are sympathetic, but discernible as new: the light coloured face brick is used on new work to harmonise with the light coloured render of the original principal form. The integrity of the original fabric will remain legible.

P4 Select materials and finishes to reflect their characteristic usage, such as stone at the building base.

The new material selection is appropriate for the function of each building element. Stone is used for podium walls with brickwork above.

P5 Details of proposed colour scheme are to be provided with the development application.
The proposed new colour scheme is included in the development application package.

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).

The development is located in a conservation area and the proposed finishes and colours are recessive and consistent with the character of the contributory Victorian villa.

The relevant provisions are satisfied.

13.9.5 Garages and Carports**Objectives**

O1 To ensure that vehicular accommodation does not detrimentally impact upon the significance of the heritage item or heritage conservation area.

The existing double garage is located in the rear of the site. The proposal for a double garage ostensibly maintains the fundamentals of the existing arrangement with a more sympathetic garage door. The impact of the change is positive.

O2 To ensure that off street car parking does not dominate the streetscape.

The change generates a marginal visual impact and it does not dominate the streetscape.

The objectives are satisfied.

Provisions

P1 Must comply with the provisions contained within s.1.5.4 to Part B of this DCP.

Provided that the new parking meets planning provisions and traffic requirements under AS 2890.1, which are outside the remit of this heritage assessment, the new parking generates negligible conservation impact.

P2 Rooms/studios located above garages fronting laneways are not supported.

Not relevant.

P3 Do not alter or demolish any part of a building for car parking, carports and garages.

No demolition of any contributory part of the building is proposed for car parking.

P4 Roof form, detailing and materials are to compliment the associated building.

The existing arrangement, which is not visually intrusive, will be ostensibly maintained.

P5 Retain original garages for heritage items and contributory items.

Not relevant: The existing garage is not original.

P6 Any off street parking located within the front setback area is to remain uncovered and be constructed using minimal paving and incorporate soft landscaping.

Not relevant: The existing and proposed garage does not fit this provision.

The relevant provisions are satisfied.

13.9.6 Fences

The front boundary is defined by a substantial stone retaining wall, which will be retained.

Above the retaining wall stone masonry walls form the boundary fences. No work is proposed to these walls.

Not relevant.

13.9.7 Gardens**Objectives**

O1 To ensure that significant landscape features and trees are retained and reflected in new development

The existing garden is heavily modified and of recent provenance. There are no significant trees or landscaping features worthy of protection.

The objectives is not relevant.

Provisions

P1 Retain garden settings and any horticultural features which relate to the heritage significance of the heritage item or conservation area.

The existing garden is heavily modified and of recent provenance. There are no significant trees or landscaping features worthy of protection.

P2 Do not develop front garden areas for carparking or pave extensively.

The front garden is retained for enjoyment and not used for car parking.

P3 Terraced gardens are to retain strong visual relationship to topography.

The proposed terracing reflects the topography.

P4 Retain significant trees.

There are no significant trees worthy of protection.

P5 Retain original pathways which contribute to established garden settings.

There are no original pathways

P6 Maintain traditional driveway widths and settings.

The driveway dates from the recent past.

P7 Do not fully pave side accessways.

Paving is not proposed.

The relevant provisions are satisfied.

13.10 GUIDELINES FOR RESIDENTIAL BUILDING TYPES

Comparing the guidelines for the building types, the villa fits this category better than Section 13.10.4.

13.10.3 Larger scale single dwellings

Objectives

O1 Maintain the scale, form and integrity of the original or main building.

The scale, form and integrity of the principal Victorian Italianate built form is maintained.

O2 Retain original significant details.

Original Victorian Italianate details, which are limited to the principal form, will be maintained.

O3 Retain original outbuildings.

The property has no surviving original outbuilding.

The relevant objectives are satisfied.

Provisions

P1 In addition to the requirements in sections s13.5-s.13.9 to this DCP, the following characteristic features should be incorporated:

- (a) Complex forms with open verandahs to the street;*
- (b) Skillion and pitched roof wings at the rear, sometimes constructed as a service wing;*
- (c) Often originally sited on large lots;*
- (d) Walls: stone bases, brick, rendered masonry, timber shingles, fibro and battens;*
- (e) Roofs: hipped and gabled in slate, terra cotta tile and corrugated metal;*
- (f) Timber joinery.*

The pavilion forms a service wing. Stone is used for podium walls with brickwork above. The foregoing sections have explained the rationale for the flat roof form. Altered windows in the principal form use timber joinery.

P2 New additions should generally comply with the examples illustrated in Figures 13.43 to 13.46.

The pavilion is designed as a service wing complying in principle with Figure B-13.44.

The relevant provisions are satisfied.

7.3 STATUTORY COMPLIANCE

7.3.1 Heritage Act

The provisions of the Heritage Act are not relevant for the proposal.

7.3.2 North Sydney Local Environmental Plan 2013

The foregoing has demonstrated that the proposed development does not generate adverse heritage conservation impacts and it is sympathetic to the cultural significance of the heritage item and the conservation area.

The proposed development complies with the heritage provisions of the LEP.

7.4 CONCLUSION

Having examined the heritage impact of the development on the cultural heritage of the conservation area the following can be concluded:

- ◆ the proposed demolition of the rear wings will generate negligible conservation impact;
- ◆ the sympathetic new pavilion improves the legibility of the heritage item with a positive impact;
- ◆ the pavilion is located behind the heritage item with minimal impact on its setting and visual curtilage;
- ◆ the pavilion is subservient in bulk and scale to the heritage item and represents a sympathetic addition to the Victorian villa;
- ◆ the development exhibits high design quality and will provide a valuable contemporary layer to the heritage item; and
- ◆ the high quality additions will generate positive impacts for the setting and character of the heritage conservation area.

The proposed development does not affect the natural environment and it will have a positive overall impact for the European cultural heritage of Lavender Bay.

8 Recommendations

Having assessed the significance of the place and the heritage impact of the proposed development the following are recommended:

- ◆ that Council should consent to the proposed development in recognition of its lack of adverse heritage conservation impacts and in recognition of its high design quality.

Signed

A handwritten signature in black ink, appearing to read 'Zoltan Kovacs', written over a horizontal line.

ZOLTAN KOVACS B. Arch (Hons)
ARCHITECT

9 Bibliography

Apperly, R.; Irving, R.; and Reynolds, P 'A Pictorial Guide to Identifying Australian Architecture' (Sydney, 1989)

Blue, William (Billy) (1767? - 1834), Entry in Australian Dictionary of Biography

Currie, J 'Bo-ra-ne Ya-goo-na Par-ry-boo-go, An Aboriginal History of Willoughby' (Sydney 2008)

Godden Mackay, *North Sydney Heritage Study, 1993* (Heritage Collection, Stanton Library)

Kerr, J. S 'Conservation Plan' (rev. edn National Trust of Australia [NSW], Sydney 1996)

North Sydney Local Environmental Plan 2013

North Sydney History Walks: Waverton (North Sydney Council)

'The Australian ICOMOS Burra Charter' (November 1999 update)

'The NSW Heritage Manual 2001 Update' (rev. edn. NSW Heritage Office, Sydney 2001)

'The Sands Directory 1890-1933'

Weir Phillips Heritage 'Altamura' *Heritage Impact Statement*, July 2016