



**NSLPP MEETING HELD ON 05/11/2025
SECTION 4.56 APPLICATION REPORT**

Attachments:

1. Site Plan
2. Architectural Plans

ADDRESS: 1 Eden Street, North Sydney

APPLICATION No: D274/21/4

PROPOSAL: To modify a consent granted by the NSW Land and Environment Court for a boarding house and associated works

PLANS REF:

Plan Nos.	Rev. No.	Description	Prepared by	Dated
DA-001	A	Cover Page	Ntarch Architects	24 06 2025
DA-101		Basement		
DA-102		Ground Floor		
DA-103		First Floor		
DA-104		Second Floor		
DA-105		Third Floor		
DA-106		Roof Plan		
DA-201		Elevations 01		
DA-202		Elevations 02		
DA-203		Elevations 03		
DA-301		Sections 01		
DA-302		Sections 02		
DA-03		Sections		

OWNER: The Trustee for JS Property Holdings Trust

APPLICANT: Chun Jiang

AUTHOR: Jim Davies, Executive Planner

DATE OF REPORT: 14 October 2025

DATE LODGED: 08 September 2024

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application, made under section 4.56 of the *Environmental Planning and Assessment Act 1979* seeks approval to modify the Land and Environment Court's consent granted 14 February 2023, for:

"... demolition of existing structures and construction of a five-storey mixed use development containing two commercial tenancies and one motorcycle parking space at ground level, with a boarding house on levels 1–4 containing 12 rooms (including one manager's room) accommodating a total of 17 occupants, with communal living room and open space, above one basement level for waste and six bicycle parking spaces, "

at 1 Eden Street North Sydney.

The application is reported to the North Sydney Local Planning Panel as 23 "unique objections" have been received, thus requiring determination by the Panel. 30 submissions were received in total, one in support, another related to the original application and 5 non-unique submissions. The application was notified between 26 September 2025 and 10 October 2025. Key issues of objection included:

- Replacing the approved common room and terrace at the eastern end of level 3 of the approved building with two additional boarding rooms, resulting in the two balconies to these rooms breaching the rear building envelope/setback control of the DCP.
- Consequently, the additional building bulk having negative impacts on neighbours' visual privacy, potential solar access loss and impinging on the curtilage of a heritage item (44 West Street) and other buildings in adjacent heritage conservation areas.
- Relocation of the common room from level 3 to the rear section of the ground floor, causing removal of the office space approved in the original consent.
- Removal of this approved office space at the rear of the ground floor causes a significant reduction of non-residential floor area resulting in non-compliance with the minimum 0.5:1 Non-Residential Floor Space Ratio development standard.
- Traffic impacts on the local road network.
- Inadequate area for waste management.
- Potential health impacts on neighbours, associated with the use of the rear courtyard of the site for smoking.

The assessment of proposed modifications presented in this report concurs with and substantiates several of these grounds of objection. The proposed modifications, as examined herein, differ substantially when compared with the development approved by the Court. They are in stark contrast with the design amendments made and agreed to during the conciliation conference presided over by the Court and which formed the basis of the Court's approval.

As consent may only be granted in accordance with s. 4.56 (1) if the consent authority is satisfied that the modifications result in the development being the same or substantially the same as the development approved by the Land & Environment Court, and for other reasons detailed herein, refusal is recommended.

[illegible]

Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The proposal involves modification of the approved development to accommodate the following amendments as described by the submitted statement of environmental effects:

1. *Relocated communal space from Level 3 to the ground floor to allow for two additional units.*
2. *Remove the commercial space on the ground floor to accommodate the relocated communal space.*
3. *Services cupboards shown*
4. *Redesigned kitchen layout & dining area efficient flow on each room refer to floor plans*
5. *Redesigned bathroom layout to be obtainable (accessible?).*
6. *Replaced Window with sliding door for the commercial space ~~with a side~~ with a side servery window.*
7. *Increase number of lodgers to 20, with amended layout*

The application seeks to amend several conditions, including:

- To amend condition A1 to refer to revised plans,
- To alter the description of the approved development, consistent with the number of rooms, 12, including a manager's room, the number of occupants and a reduction in the number of commercial premises, from two to one.
- To increase the approved number of boarders to 20, from 17.

STATUTORY CONTROLS

North Sydney LEP 2013

- Zone - MU1 Mixed Use
- Building Height Maximum – 13m
- Non-Residential Floor Space Ratio – 0.5:1
- Item of Heritage – No
- In Vicinity of Item of Heritage: Yes, 44 West Street North Sydney (Vera Loblay House I1002)
- Conservation Area – No, although adjacent to Holtermann Estates C & D Conservation Areas
- Foreshore Building Line –No

SEPP (Biodiversity and Conservation) 2021

SEPP (Resilience and Hazards) 2021

SEPP (Sustainable Buildings) 2022

SEPP (Housing) 2021

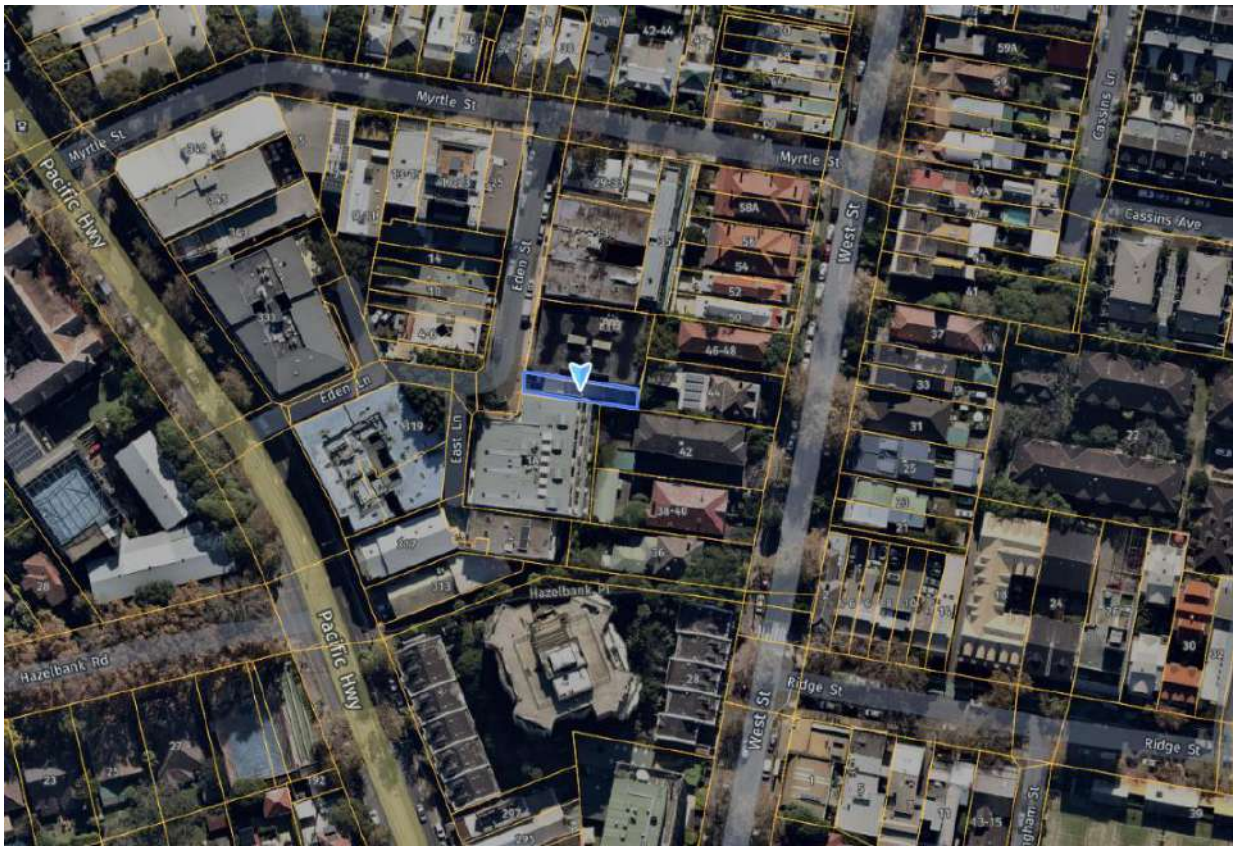
POLICY CONTROLS

North Sydney Development Control Plan 2013

North Sydney Local Infrastructure Plan 2020

THE SITE

The site is legally known as Lot A DP 105757 with a street address of 1 Eden Street, North Sydney. Its location is shown in the aerial image below.



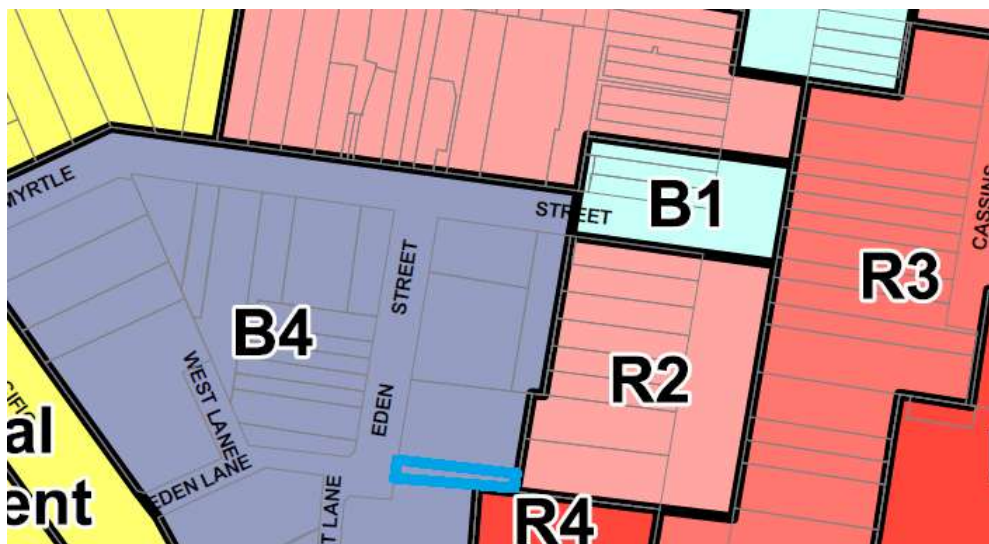
Aerial photograph of site, outlined in blue.

The site is a generally rectangular shaped and level allotment with an area of 182.8m², a frontage of 5.955m to Eden Street, a northern side boundary of 30.375m, a southern side boundary of 33.395m and a rear boundary of 5.18m. A part 1, part 2 storey commercial building is situated on the site with an office use currently occupying the building. The site contains one tree at the rear which is proposed to be retained.

THE LOCALITY

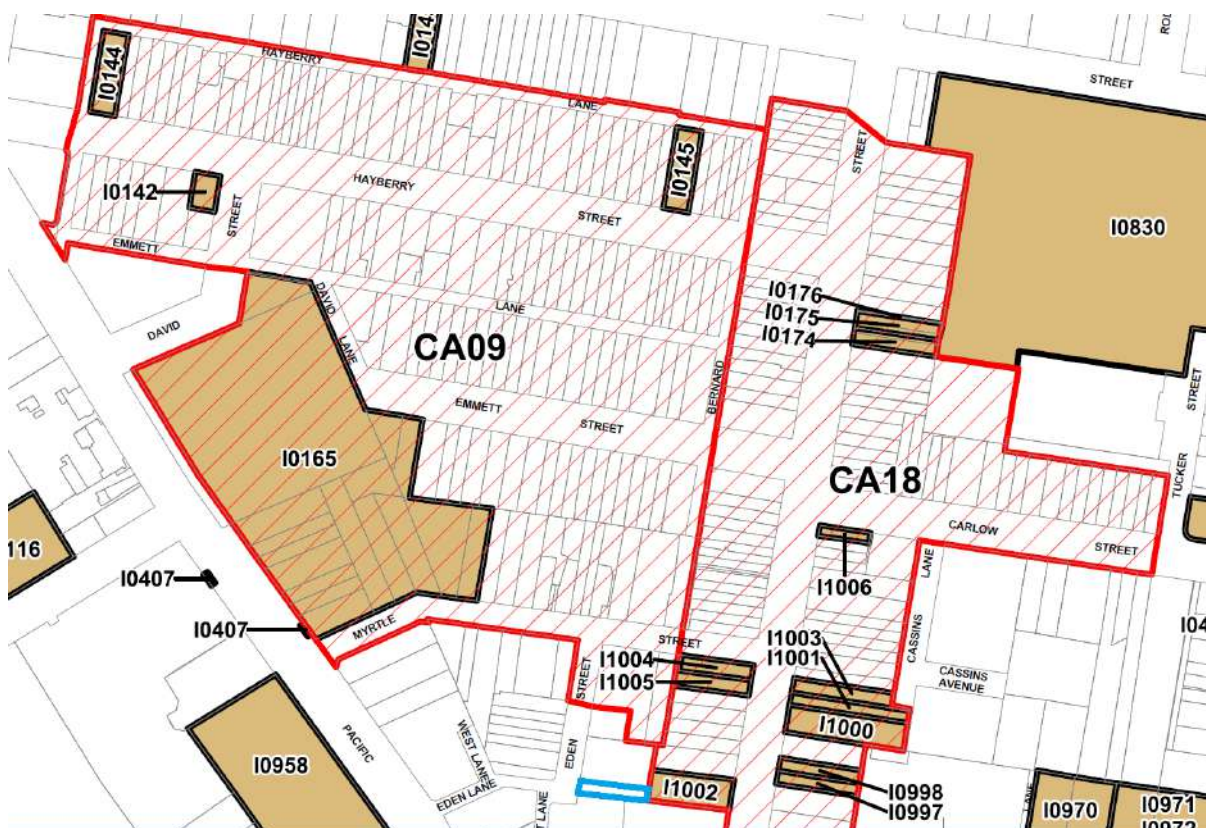
The site is on northern edge of the North Sydney CBD, approximately equidistant from the Crows Nest 'village' centre.

The locality is mixed in use, architectural styles and character, and served by buses on the nearby Pacific Highway that connect with rail services and other urban centres on the North Shore and the Sydney CBD. Land to the east of the site is located within Zone R2 Low Density Residential, and land to the south-west of the site is located within Zone R4 High Density Residential. An extract of the Land Zoning Map is shown below:



Extract of Land Zoning Map LZN_001, site outlined in blue.

Adjoining the site to the north is a three-storey commercial building with basement and ground level parking. To the south is a four-storey residential flat building and to the southeast, a three-storey residential flat building with ground floor parking. East of the site is a two storey Heritage Item known as Vera Loblay House (formerly Clifton Lodge), a late Victorian/Federation residence (C1892) currently operating as a boutique hotel/guest house called 'Dalziel Lodge'. The site is also adjacent to Heritage Conservation Area 18 known as 'Holtermann Estate D'. Heritage Conservation Area 09, known as 'Holtermann Estate C' is also located one lot to the north of the site.



Extract of LEP Map HER_001, site outlined in blue.

CHECKING OF PLANS

This application has been checked to ensure that the changes being sought are the only changes included in the submitted plans.

RELEVANT HISTORY

Previous Applications

Date	Action
08 09 2021	Application lodged
17 06 2022	Appeal lodged – deemed refused
14 02 2023	Appeal upheld – consent granted by NSW Land & Environment Court

Current application

Date	Action
08 09 2025	Subject modification application lodged
26 09 25 – 10 10 2025	Application notified for 14 days and 23 “unique” objections from 30 submissions received

REFERRALS

Heritage

The conservation planner’s report is provided in relation to clause 5.10 of the LEP, later in this report.

Building

Council’s building surveyor has reviewed the application, and no objection is raised subject to existing conditions remaining in the development consent.

No other referrals were necessary.

CONSIDERATION

Council is required to assess the s4.56 application having regard to the following matters (***emphasis added***):

4.56 Modification by consent authorities of consents granted by the Court

- (1) *A **consent authority may**, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, **modify the development consent if—***
 - (a) *it is **satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted** and before that consent as originally granted was modified (if at all), and*

- (b) *it has **notified the application in accordance with—***
 - (i) ***the regulations, if the regulations so require, and***
 - (ii) ***a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and***
 - (c) *it has **notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and***
 - (d) *it **has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.***
- (1A) *In **determining an application for modification of a consent** under this section, the consent authority must **take into consideration such of the matters referred to in section 4.15(1) as are of relevance** to the development the subject of the application. The consent authority **must also take into consideration the reasons given by the consent authority for the grant of the consent** that is sought to be modified.*
- (1B)...
- (1C)...
- (2)...
- (3) ...
- (4) ...

Evaluation against these requirements follows.

PROPOSED MODIFICATIONS TO THE DEVELOPMENT

Below is a description of the proposed modifications, quoted from the submitted planning report. Approved plans and those illustrating the proposed modifications accompany the description.

The proposed modification consists of:

- 1) *Relocated communal space from Level 3 to the ground floor to allow for two additional units.*
- 2) *Remove the commercial space on the ground floor to accommodate the relocated communal space.*
- 3) *Services cupboards shown*

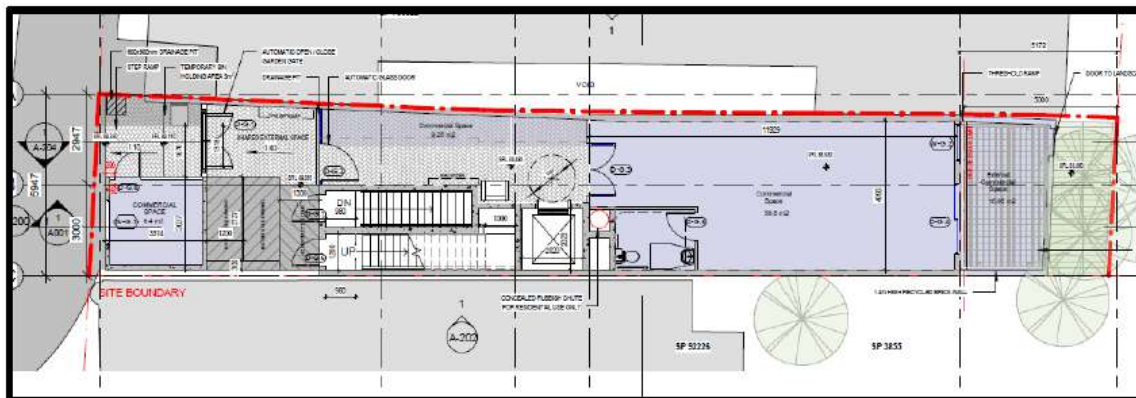


Figure 5: Approved Ground Floor Plan

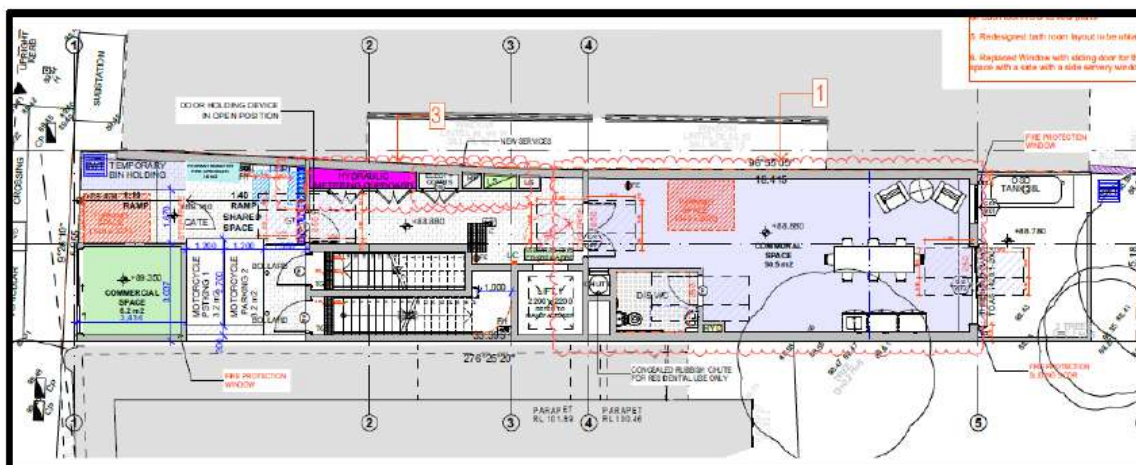


Figure 6: Proposed Ground Floor Plan

- 4) Redesigned kitchen layout & dining area for efficient flow on each room refer to floor plans.
- 5) Redesigned bath room layout to be obtainable.

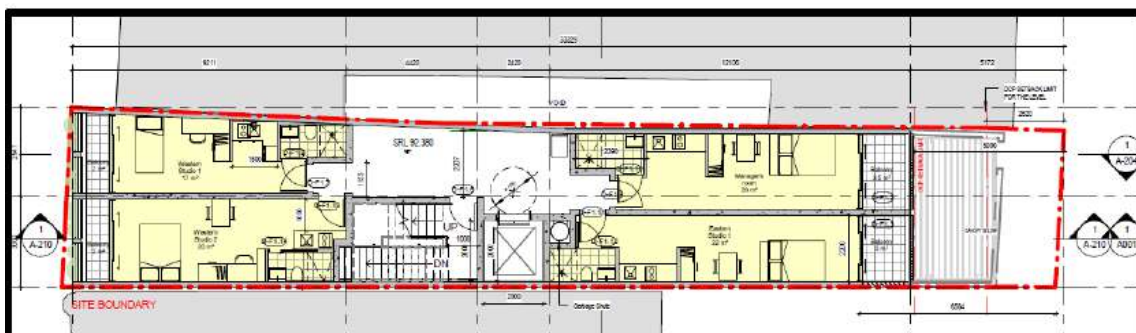


Figure 7: Approved 1st Floor Plan – Indicating approved layout

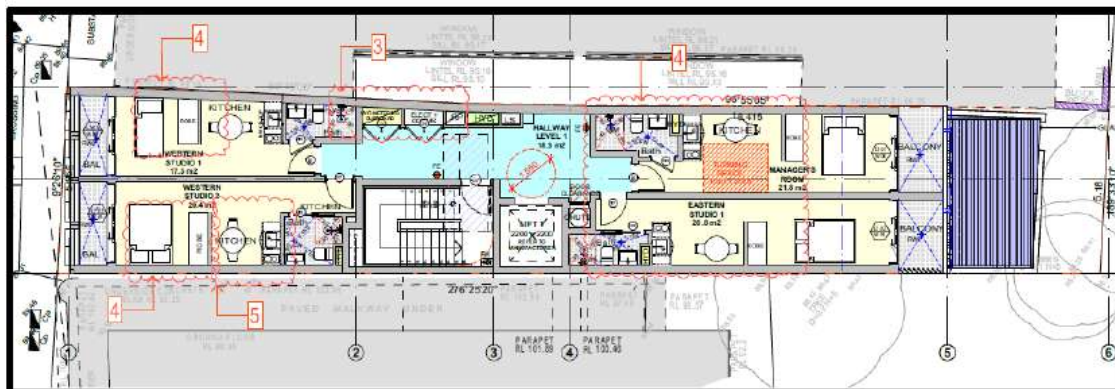


Figure 8: Proposed 1st Floor Plan – Indicating approved layout

Note: The above plans of the first floor are the indicative changes to minor layout modifications undertaken throughout all residential levels.

- 6) Replaced Window with sliding door for the commercial space with a side with a side serving window.
- 7) Amendment to façade materials and finishes, with introduction of louvered screening.



Figure 9: Approved East/West Elevations

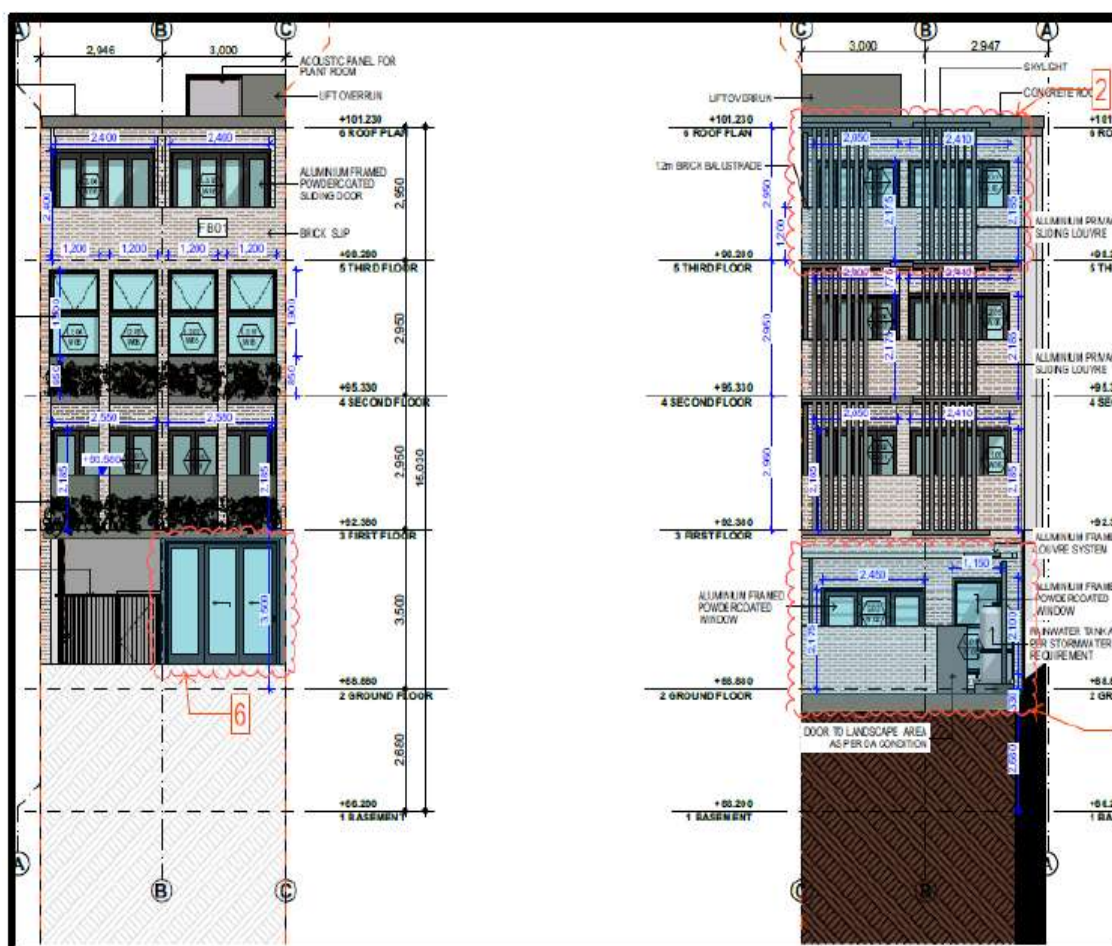


Figure 10: Proposed East/West Elevations

PROPOSED AMENDMENT TO DESCRIPTION OF DEVELOPMENT & CONDITIONS

The application proposes amendment to the approved description of the development and conditions as described below.

Description of development

The Court's consent orders describe the approved development as:

"...demolition of existing structures and construction of a five storey mixed use development containing two commercial tenancies and one motorcycle parking space at ground level, with a boarding house on levels 1–4 containing 12 rooms (including one manager's room) accommodating a total of 17 occupants, with communal living room and open space, above one basement level for waste and six bicycle parking spaces."

The applicant's proposed amendment reads:

*"Demolition of existing structures and construction of a **five 5-storey** mixed use development containing ~~two~~ **One** commercial ~~tenancies~~ **tenancy** and one motorcycle parking space at ground level, with a boarding house on levels 1 – 4 containing 12 rooms (including one manager's room) accommodating a total of ~~17~~ **20 (twenty) twenty (20)** occupants, with communal living room and open space, above one basement level for waste and 6 bicycle parking spaces."*

Comment

Regarding the amendment to the description of the development for which consent has been granted, a review of the approved and proposed plans indicates that corrections to both are required, as follows (in red):

Approved description

“...demolition of existing structures and construction of a ~~five~~ four storey mixed use development containing two commercial tenancies and one motorcycle parking space at ground level, with a boarding house on levels 1 – 4 3 containing ~~12~~ 10 rooms (including one manager’s room) accommodating a total of ~~17~~ 15 ~~occupants~~ boarders, with communal living room and open space, above one basement level for waste and six bicycle parking spaces.”

Proposed description

“Demolition of existing structures and construction of a ~~5~~ four storey mixed use development containing ~~two~~ One commercial ~~tenancies~~ tenancy and one motorcycle parking space at ground level, with a boarding house on levels 1 – 4 containing 12 rooms (including one manager’s room) accommodating a total of ~~17~~ 20 ~~(twenty)~~ ~~occupants~~ 18 boarders ~~lodgers~~, with communal living room and open space, above one basement level for waste and 6 bicycle parking spaces.”

These corrections are necessary to acknowledge the amendments made by the Court’s approval, in accordance with the approved plans, for these reasons:

1. The fifth level, which consisted of a centrally located common room and west-facing garden terrace, effectively on the roof of the level below, was removed, resulting from the conciliation conference and amended plans being submitted and approved by the Court.
2. Each description includes the occupants of the whole building, including 2 occupants of the Manager’s Rooms, which have capacity for two people in each set of plans. A manager’s room cannot accommodate boarders, hence the reduction in the number of boarders, by two, in approved and proposed designs.

Later, this report describes (as did the Court’s decision in the appeal regarding the subject application) that the approved development was, and the proposed modification application must be, assessed against the Boarding House provisions of the now repealed *State Environmental Planning Policy (Affordable Rental Housing) 2009*, due to savings provisions in the current 2021 Housing SEPP, which replaced the 2009 policy, amongst others. When there are 20 or more boarders, not occupants, the ‘saved’ provisions require an on-site manager, and axiomatically the manager’s room cannot accommodate any lodgers.

Amendment of conditions

Condition A1 - Development in Accordance with Plans/Documentation

Were the application recommended for approval, the table to Condition A1 requires amendment, to refer to the amended plan set, not those presently referred to by the consent, as follows:

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 in the tables to this condition, except where amended by other conditions of this consent.

Plan Nos.	Rev. No.	Description	Prepared by	Dated
A-001	I	Site Plan	Dreamscapes Architects	4/11/2022
A-003	I	GFA Calculation	Dreamscapes Architects	4/11/2022
A-100	I	Basement Floor Plan	Dreamscapes Architects	4/11/2022
A-101	J	Ground Floor Plan	Dreamscapes Architects	4/11/2022
A-102	J	First Floor Plan	Dreamscapes Architects	4/11/2022
A-103	J	Second Floor Plan	Dreamscapes Architects	4/11/2022
A-104	J	Third Floor Plan	Dreamscapes Architects	4/11/2022
A-105	I	Roof Plan	Dreamscapes Architects	4/11/2022
A-200	H	Elevations	Dreamscapes Architects	4/11/2022
A-201	I	Elevations	Dreamscapes Architects	4/11/2022
A-202	G	Elevations	Dreamscapes Architects	4/11/2022
A-203	H	Elevations	Dreamscapes Architects	4/11/2022
A-204	I	Long Section	Dreamscapes Architects	4/11/2022
A-205	I	Short Section	Dreamscapes Architects	4/11/2022
A-206	H	Material Finish Schedule	Dreamscapes Architects	04/11/22
A-207	F	3D Renders	Dreamscapes Architects	04/11/22
A-208	A	Detailed Section	Dreamscapes Architects	04/11/22
A-701	I	Window Schedule	Dreamscapes Architects	04/11/22
LA-00 LA-01 LA-02	C	Landscape Document Set	Studio IZ	03/11/22

Documents

		Plan of Management	Think Planners	17/11/22
2021-2018	4	Acoustic Report	Acoustic Noise and Vibration Solutions Pty Ltd	21/09/22
1198853M_04		BASIX Certificate	Studio Evergreen Energy Consultants Pty Ltd	14/12/22

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

Amendment of Condition 15 - Maximum Occupancy of Boarding House

The application proposes amendment of condition 15, to correspond with the increased number of rooms and hence boarders.

The Approved Condition reads:

15. *Accommodation for a maximum of thirteen (17) persons is to be provided. No more than one (1) person per single room and two (2) persons per nominated double room are permitted to occupy rooms. A sign is to be erected adjacent to the main entry/entries to the building detailing the maximum capacity of the boarding house.*

The Proposed Condition reads, having been corrected to be compliant with the applicable SEPP boarding house provisions:

15. *Accommodation for a maximum of ~~thirteen (17)~~ **eighteen (18)** persons is to be provided. No more than one (1) person per single room and two (2) persons per nominated double room are permitted to occupy rooms. A sign is to be erected adjacent to the main entry/entries to the building detailing the maximum capacity of the boarding house.*

THE "SAME OR SUBSTANTIALLY THE SAME" TEST

Method

Preston CJ (Chief Judge) of the NSW Land & Environment Court in *Canterbury-Bankstown Council v Realize Architecture Pty Ltd [2024] NSWLEC 31*, provided the following commentary in arriving at whether a development as proposed to be modified is substantially the same as, or substantially different from, the approved development, in that paragraph (1) (a) requires the consent authority to be satisfied the modified development will be "the same" (words added following this decision) or "substantially the same" as the approved development.

In paragraph 26:

"The test in s 4.55(2)(a) requires a simple comparison of the two developments, the development as modified and the development as originally approved.

This comparison can involve "an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper context.

The opinion of satisfaction that s 4.55(2)(a) requires is that the two developments being compared are substantially the same development, not that either the quantitative features or the qualitative features of the two developments are substantially the same."

In paragraph 29:

"...a decision-maker...undertakes three tasks: finding the primary facts, interpreting the precondition in s 4.55(2)(a), and categorising the facts found in the statutory description of the precondition in s 4.55(2)(a).

The first task includes finding what are the differences, including quantitative and qualitative differences, between the developments. These might include that the modified development is higher or bulkier, has greater floor space or less open space, or has different uses, than the originally approved development.

By themselves, those findings of fact are uninformative of whether the modified development is or is not substantially the same development as the originally approved development. That question can only be answered by undertaking the third task of categorising the facts."

And at paragraphs 30 and 31:

30. This third task of categorising the facts in the statutory description is an evaluative one. It involves assigning relative significance or weight to the different facts and a balancing of the facts, as weighted. This categorisation can be an instinctive synthesis and need not be articulated expressly.

31. A decision-maker could, for example, give greater significance or weight to quantitative differences than to qualitative differences between the two developments, or the reverse, or give greater significance or weight to some quantitative differences than other quantitative difference or to some qualitative differences than other qualitative differences.

Regarding the second test, interpreting the precondition in s 4.55(2)(a), the decision notes:

36. Secondly, undertaking the comparison of developments required by the precondition in s 4.55(2)(a) does not demand an identification and comparison of the "critical elements" of the two developments. The precondition in s 4.55(2)(a) does not refer to "critical elements", or even "elements", of the two developments.

As noted in the judgment, the correct interpretation of the "substantially the same" prerequisite, does not involve concluding that individual parts of the quantitative or qualitative features or elements, in themselves, result in the development being substantially* the same, or not.

Rather, it is in the analysis of quantitative and/or qualitative differences, when higher or lower degrees of importance or significance are given to them, that influence the conclusion as to whether the modified development is fundamentally or materially the same, or substantially the same, as the approved development.

*(Substantial: of a corporeal or material nature, basic or essential; fundamental, relating to the substance, matter, or material of a thing – Dictionary.com)

IS THE "SUBSTANTIALLY THE SAME" TEST SATISFIED?

Described above is the most recent interpretation of this concept, which has been examined often by the Court. Three steps are recommended to ensure proper satisfaction of ss. 4.55 (2) (a) and by extension, s. 4.56 (1) (a) of the Act.

The three steps:

1. Finding the facts, by conducting a quantitative and qualitative comparison of the development as proposed to be modified and as approved.
2. Interpreting the provisions, or identifying the differences, in this case, of s. 4.56 (1) (a), which states:

(1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—*

(a) *it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all),*

3. “Categorising”, or evaluating the differences, by analysing the relative importance of the differences and similarities between the modified and approved developments, in deciding if they are substantially the same.

Step 1. Finding the facts

For building elements of the development, proposed modifications of the approved development are identified.

Building elements	Differences
Basement	The basement in each form of the development is the same.
Ground Floor	Service and utility cupboards replace 9.25m ² of commercial floor space in hallway. Commercial floor area replaced by common room for boarding house. On-site detention tank located in semi-enclosed commercial area at rear (eastern) end of the building side. Although not specified, the approved enclosed commercial space appears to be made accessible from the common room for the use of boarders. Commercial floor area reduced from a compliant 91.4m ² (minimum 0.5:1 non-residential FSR) to 8.2m ² (0.04:1 non-residential FSR), only the retail space at the front (western) end of building remains.
Level 1	Service and utility cupboards are introduced to the hallway. Solid wall being removed from northern balcony on the eastern end of building. Three boarding rooms and Manager’s room are the same, except for minor alterations to kitchenette and bathroom layouts. Due to the Manager’s room being located on this level, the approved and proposed number of boarders on this level is reduced from 7 to 5, the Manager’s room being a double room.
Level 2	Service and utility cupboards introduced to hallway. Solid wall removed from northern balcony on eastern end of the building. Four boarders’ rooms are the same except for minor alterations to bathroom and kitchenette layouts.
Level 3	Service and utility cupboards introduced to hallway. Solid wall removed from northern balcony on eastern end of building. Two boarders’ rooms at western end of building are the same except for minor alterations to bathroom and kitchenette layouts. The communal room is replaced by two additional boarders’ rooms. The depth of these rooms is increased by about 1.5m, except for a 1.2m ² alcove in the hall for separate doorways to each room.

Building elements	Differences
	Increasing the rooms' depth relocates the former communal balcony, now divided in two for the private use of the boarders of the two extra rooms, further eastwards to the edge of the building. In the approved development the balcony was setback about 1.5m from the eastern edge of the building, and had an obscure-glazed, acoustical barrier around the top of a solid masonry balustrade.
Roof	At the eastern end of the building a 1.0m deep louvered awning is provided to shade the balcony and the sliding doors to the former common room. The remaining balcony area was open to the sky. The proposed balconies retain the louvered awning, and the remaining parts are roofed in.
Northern Elevation	Although the plans are not clear, they appear to indicate a glass or solid screen about 1.8m high, no structure is proposed as the balcony abuts a solid wall of the building next door.
Southern Elevation	At the eastern end of the building vertical floor to roof louvres extend about 1.5m westwards from the eastern edge wall of the balcony, with the remaining part of the space being enclosed by what appears to be a glass panel, or window. This has the effect of increasing the bulk and scale of the eastern end of the building. The submitted plans also indicate the rear setback/building envelope controls have been measured from the ground floor level instead of the existing ground level at the boundary. This has the effect of reducing the apparent degree of non-compliance with the DCP's rear setback control. This was a key change negotiated during the conciliation process as part of the appeal, enabling the roof top common room (effectively level 5) and balcony on the western end of the building to be relocated to the eastern end of the building on level 4. This design change reduced the amount of height exceedance and provided improved amenity for the common room and adjacent balcony. An acoustic screen was introduced with the aim of reducing potential noise impacts on neighbours. The setback of level 4 was also reduced in this amendment, to effectively satisfy the DCP's setback objectives, for amenity and providing adequate curtilage for and separation from the adjacent heritage item immediately east of the site and to units and their balconies of a neighbouring residential building to the south.
Eastern Elevation	To divide the approved common balcony into two, to provide balconies on level 3, the elevation shows that sliding louvres are proposed outside the balcony edge-walls, and the obscured glass screen has been removed from the top of the balustrade wall. The design amendments on level 3 as indicated in the plans and elevations cause the building's bulk and scale to increase, as detailed above in relation to the level 3 plans.
Western Elevation	A servery window to the retail area on the ground floor facing onto Eden Street is proposed to be replaced by sliding aluminium framed glazed doors.

Step 2. The "same or substantially the same" prerequisite – identifying the changes

For each element of the building, the differences between the proposed and approved development are identified, allowing comparison of the changes (differences) in quantitative and qualitative terms.

Building elements	Differences	Quantitative and qualitative changes
Basement	The basement in each form of the development is the same.	This has no bearing on whether the modified development is the same or substantially the same as that approved.
Ground Floor	Service and utility cupboards replace 9.25m ² of commercial floor space in hallway. Commercial floor area replaced by common room for boarding house. On-site detention tank located in semi-enclosed commercial area at rear (eastern) end of the building side. Although not specified, the approved enclosed commercial space appears to be made accessible from the common room for the use of boarders.	See comments below table.
Level 1	Service and utility cupboards introduced to hallway. Solid wall removed from northern balcony on eastern end of building. Three boarding rooms and Manager's room are the same except minor alterations to kitchenette and bathroom layouts. Due to the Manager's room being located on this level, the approved and proposed number of boarders on this level is reduced from 7 to 5, the Manager's room being a double room.	Proposed changes are not substantive and do not warrant quantitative and qualitative analyses. However, due to the manager's room not being capable of accommodating boarders, the impact is the same in proposed and approved developments, removing two boarders from the total capacity of each scheme.
Level 2	Service and utility cupboards introduced to hallway. Solid wall removed from northern balcony on eastern end of building. Four boarders' rooms are the same except for minor alterations to bathroom and kitchenette layouts.	As above, these amendments are not substantive.

Building elements	Differences	Quantitative and qualitative changes
Level 3	Service and utility cupboards introduced to hallway. Solid wall removed from northern balcony on eastern end of building. Two boarders' rooms at western end of building are the same except for minor alterations to bathroom and kitchenette layouts. The communal room is replaced by two additional boarders' rooms. The depth of these rooms is increased by about 1.5m, except for a 1.2m² alcove in the hall for separate doorways to each room. Increasing the rooms' depth pushes the former communal balcony, now divided in two for the private use of the boarders of the two extra rooms, to the edge of the building. In the approved development the balcony was setback about 1.5m from the eastern edge of the building and had an acoustical obscure-glazed barrier around on the top of its edge-wall.	The increased floor space of the two eastern boarding rooms proposed to replace the approved common room (relocated to the ground floor) and pushing the previously setback balcony on the top level to the eastern edge of the building by 1.5m has the effect of increasing the bulk of the building, with other proposed design changes, discussed below in relation to the southern and eastern elevations. The two additional rooms are doubles, the number of boarders rising from 15 to 18, a 20% increase.
Roof	At the eastern end of the building a 1.0m deep louvered awning is provided to shade over the balcony and the sliding doors to the former common room. The remaining balcony remained open to the sky. The proposed balconies retain the louvered awning, and the remaining parts are roofed in. The lift over-run height is proposed to be increased 50mm.	Qualitatively, these changes will reduce sunlight into the boarding rooms proposed. Roofing will also add to the bulk and scale of the eastern, rear end of the building. The effect of raising the lift overrun is insignificant.

Building elements	Differences	Quantitative and qualitative changes
Northern Elevation	Although the plans are not clear, they appear to indicate a glass or solid screen about 1.8m high is to be built on the northern side of the balcony, abutting a solid wall of the building next door (probably BCA non-compliant).	This modification does not substantively impact the substantially the same test, being quantitatively and qualitatively insignificant.
Southern Elevation	At the eastern end of the building vertical floor to roof Louvres extend about 1.5m westwards from the eastern edge wall of the balcony, with the remaining part of the space being enclosed by what appears to be a glass panel, or window. This has the effect of increasing the bulk and scale of the eastern end of the building.	The submitted plans indicate the rear setback/building envelope control has been measured from the ground floor level instead of the existing ground level at the boundary. This has the effect of reducing the apparent degree of non-compliance with the DCP's rear setback control.
Eastern Elevation	To divide the approved common balcony into two private balconies on level 3, the elevation shows that sliding louvres are proposed outside the balcony edge-walls, and the obscured glass screen has been removed from the top of the balustrade wall.	The design amendments on level 3 as indicated in the plans and elevations increase the bulk and scale of the building, as detailed above in relation to the level 3 plans.
Western Elevation	A servery window to the retail area on the ground floor facing onto Eden Street is proposed to be replaced by sliding aluminium framed glazed doors.	This modification is not germane to this comparative analysis.

Quantitative and Qualitative Changes Identified (from third column)

Ground Floor

Removal of commercial floor space as proposed results in a previously compliant scheme practically having no commercial floor area. Comparatively, lettable non-residential space has been eliminated from the building, except for the 8.2m² 'kiosk' or shop, facing Eden Street. The approved scheme has 91.4m² (minimum 0.5:1 non-residential FSR), proposed to be reduced to 8.2m² (0.04:1 non-residential FSR), thus removing 83.2m² (91%) of commercial floor area.

Qualitatively, this change reduces the amount of available commercial floor space in a mixed-use area on the edge of the North Sydney CBD. Due to design and a relatively balanced mix of land uses, the Eden Street locality operates compatibly as a discreet urban village, yet integrated and accessible from surrounding areas.

Relocating the common room from the third floor to the ground floor also reduces amenity for boarders, as the indoor and outdoor spaces in the approved scheme were well-positioned in relation to one another and offered superior amenity, being open and elevated, rather than being enclosed and without outlook, as is the small yard at the rear of the building, an enclosed space approved to be used for commercial purposes.

Quantitatively, removal of some 80m² of commercial floor area would be a reduction in employment offered by the development. Being located at the back of the building without street frontage, the premises would be best for office-use. Several sources indicate the typical office-based business requires 12-14m² per person, or up to 20m², although the NCC permits a minimum 10m². Based on a range between 12 and 20m², the premises would be capable of accommodating 4 to 7 people. The premises opening onto Eden Street, being effectively a 'kiosk' may only provide space for one or possibly two people as a part time food and beverage outlet, for example.

Despite the Government's current emphasis on housing delivery, over time, spaces for working are and will become more important.

Step 3. Categorising or evaluating the facts

Each of the changes are now categorised in terms of their importance or significance, concluding whether they impact the development as proposed to be modified being substantially the same as, or different from, the approved development.

Based on the foregoing identification of quantifiable and qualitative changes by comparing the proposed and approved developments, below is an evaluation of these facts, concluding with the rationale for deciding whether the development, as proposed to be modified is the same or substantially the same as the development to which the Court granted development consent.

1. Loss of commercial floor space

Reducing the commercial floor area has impacts on employment generation potential of the premises, reducing the potential number of workers accommodated by the building from between 4 and 7 people. As discussed below in relation to zone objectives the quantum of employment floor area in mixed use areas is important to generate economic and social exchange in the locality, on the edge of the North Sydney CBD. The site is equally well-located for residents and workers. It has been well established for decades, that a suitably balanced supply of both residential and non-residential land uses can and do support each other.

Maintaining, not reducing, the quantum of commercial floor space is of considerable significance, so the development contributes to a balanced mix of uses in the Eden Street locality. This aspect of the proposal supports a conclusion that the modified development substantially differs from the approved development.

2. Relocating communal spaces

For the reasons outlined above, the communal space being positioned on the ground floor reduces amenity for boarders. As noted, positioning of the communal space as approved was a product of the conciliation conference under the Court's aegis, for the benefit of boarders and to improve the environmental performance of the proposed building by reducing its height and repositioning of the common areas to improve neighbour-amenity.

In this context, relocating the communal spaces has negative impacts and is considered to contribute to a finding that this modification materially differs from the approved development.

3. *Increasing the number of rooms and number of boarders*

Quantitatively, the increase in the total number boarders is relatively small. Qualitatively however, some members of the community perceive this as potentially negative.

This change is comparatively less significant than other items considered in this evaluation. Although difficult to establish, an increase in boarders may contribute to perceptions of socially detrimental impacts for some people.

4. *Roofing over the balconies*

In the above comparison, the proposed development will reduce the amount of sunlight into the units and contribute to the increasing the bulk and scale of the building, by adding a building element (roof over the level 3 boarding room-balconies), that will be inconsistent with setback requirements, as discussed below in relation to the DCP.

Accordingly, this modification is attributed weight in this analysis, in its contribution to the proposed development not being substantially the same as that approved.

5. *Extending the units and eastern balconies to the eastern building edge on level 3*

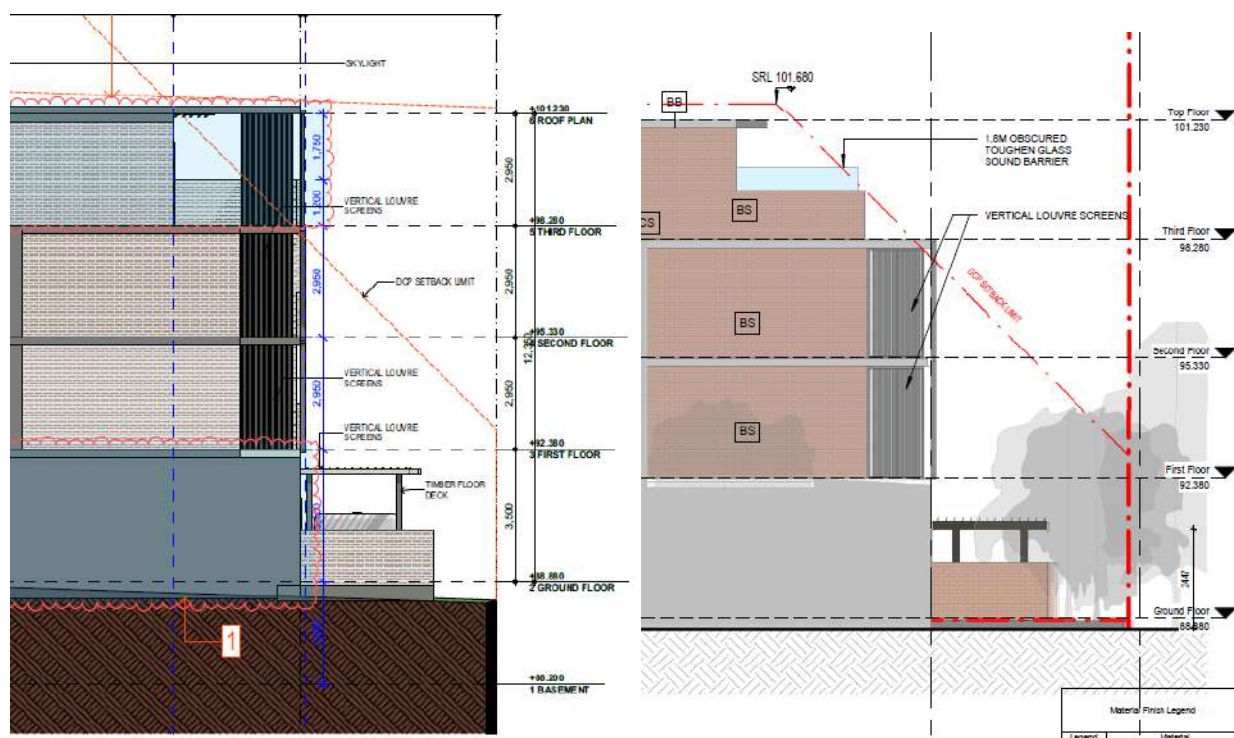
This change directly conflicts with amendments made during the conciliation process of the appeal, enabling the level 4 (roof top) common room (effectively the fifth level) and balcony on the western end of the building to be relocated to the eastern end of the building on level 3.

It was agreed to as a means of reducing the adverse impacts of the proposed height and rear setback breaches, and consequent reduction of amenity (privacy and to a lesser degree, solar access) and overbearing presence when considered from the perspective of the adjacent heritage item and its use as a guesthouse or hotel and adjacent residential properties.

An acoustic screen was introduced with the aim of reducing potential noise impacts on neighbours. The setback of level 3 was also reduced in this amendment, to be almost compliant and more importantly effectively satisfying the DCP's setback objectives, for amenity and providing adequate curtilage for and separation from the adjacent heritage item immediately east of the site and to units and balconies of the neighbouring residential building to the south, at 1A Eden Street.

Further, maintaining privacy to the south and east is proposed to rely on physical screening, which is less effective than the approved setbacks (especially to the east) and as previously stated, adds bulk where there is none in the approved plans.

In this context, these modifications are significant in causing the development to differ substantially from the Court-approved development.



Extracts of elevations showing proposed level 3 balconies (left) and those approved by the Court (right).

NOTIFICATION

The application was notified from 26 September 2025 until 10 October 2025, in accordance with Council's Community Participation Plan.

At the time of writing, 30 submissions had been received, one in support and the remainder objecting to the subject application, except for one submission which addressed the original DA that was resubmitted by the owners of 1A Eden Street. Of the remaining 28 objections, 23 of these satisfy the definition of "unique submission" from the Minister's Local Planning Panel Direction of 2024.

As there are more than 10 (23) "unique submissions", the application must be determined by the Panel in accordance with the Minister's Direction.

NOTIFICATION OF OBJECTORS

People who objected to the original application were notified in writing, notification being sent to the most recent address of those persons, according to Council's records, this satisfying s. 4.56 (1) (c) EP& A Act.

CONSIDERATION OF SUBMISSIONS

Matters raised in the submissions received are considered in the following table.

Submission issue	Consideration
A submission supported the proposal, mainly due to the shortage of housing in the area.	Noted.
Proposed building envelope amendments breach DCP setback controls at the site's rear, to the east.	Considered elsewhere in this report.
Neighbours' amenity is affected, causing additional overshadowing, overlooking and loss of privacy.	As above.
The number of apartments (boarding rooms) and population of the building is increased by at least 20% or 30%. The number of rooms increase from 10 to 12 (including manager's room) and the number of occupants from 11 to 20 (assuming the manager's room is occupied by two people).	As above.
Increased traffic congestion and increased parking demand, access is difficult due to narrow streets.	The likelihood of boarders having cars is low, part of the attraction for boarders (the accommodation being aimed at people on low to moderate incomes) is the high level of accessibility the location offers. Vehicle access and parking were considered in the application's assessment prior to and during the appeal and was not raised as an item of contention that required resolution during the latter.
Removal of the commercial area breaches the 0.5:1 non-residential floor space ration standard that applies to the site	Noted, addressed later in the report.
The proposal does not address or ignores SEPP (Housing) 2021.	Considered later in this report. Due to 'savings' provisions in the 2021 SEPP, boarding house controls from the 2009 Affordable Housing SEPP apply to the subject application.
Reduced landscaping diminishes local amenity and will not reduce visual impact of the proposal on the adjacent heritage item and conservation area.	As landscaping plans are not included in the subject application, the Court's consent includes landscaping plans that would still apply, including planting two trees in the rear yard, which would continue to assist in amelioration of the development's visual impact, albeit without the complementary setback of the balcony and the additional bulk of the roof and privacy screens, as proposed.
The impact of the building envelope breach on the adjacent heritage item (44 West St) and the Holtermann Estates C & D Conservation Areas, should be revisited.	Considered in the report, by the conservation planner's assessment.
Enlarged balconies and reduced privacy screening for east-facing rooms on level 3, decreasing privacy for 44 West St (hotel/guesthouse), 42 West St and 1A Eden St (residential buildings).	Considered in the report.
Matter of interpretation in the planning report that accompanied the subject application not agreed with, regarding "substantially the same" test of s. 4.56 EP&A Act.	As above.

Submission issue	Consideration
An erroneous statement of fact in the planning report that accompanied the subject application was noted, regarding a street name.	Noted.
Relocation of communal space from the third level to ground level will have adverse amenity impacts on the neighbouring hotel/guest house, due to increased intensity of activity at ground level, and intended use as a smoking area.	Submitters' concerns regarding increased intensity of activity particularly relate to reduced amenity and potential adverse health impacts for users of the rear yard of the adjacent hotel, and short-stay accommodation at 1A Eden Street. These effects may likely result, when compared to the commercial use of this area, as approved. Use of the rear yard if accessed from a common room would be by more people, more often and during a longer period each day – depending on rules established by the plan of management.
The small yard at the rear of the building, being 3.0m away from 44 West Street's rear courtyard being a non-smoking area, should not be used as a smoking area and should only be used for maintenance/storage, not as an outdoor space for boarders. Smoking areas should be clearly designated on plans, as part of the management plan.	Control of smoking and vaping in public areas is a matter addressed by other legislation. It is a matter for the property's owner/management to control. For reasons outlined, providing an outdoor area on level 3 as approved, for the benefit of boarders, is a preferred, higher amenity outcome.
No acoustical barriers are proposed, and no acoustic report has been provided.	The applicant would have been required to address these matters, were approval recommended.
The planning report's statement does not support its contention that the ground floor commercial area would not be viable. It has been removed for an additional two units (boarding rooms) to increase profits.	The commercial space at the rear of the ground floor as approved, would suit a small, office-based business that would not require frontage to a street. The area at the front would suit a small 'hole-in-the-wall' type food and drink outlet, or similar.
There is no room for bin pick-up/waste collection.	In this regard, the modified development generally maintains the waste management arrangements of the approved scheme.
The construction hours set (by condition) are for mixed use and commercial zones, which is inappropriate due to the high number of residences in the locality.	The subject modification application does not seek or necessitate amending the condition of consent controlling construction hours, therefore the consent authority is not empowered to amend the condition.
Concerns regarding plan of management complying with relevant legislation and being inadequate.	Matters raised by submissions regarding legislative compliance by the Plan of Management are generally not germane to the modifications. Those relevant are addressed elsewhere in this report.
Fire safety and emergency egress are of concern, the building being non-compliant with the BCA.	These matters must be addressed in the consideration and issue of construction certificates. Council's building surveyor has reviewed the application and has raised no concerns; confirming existing conditions effectively control and require NCC/BCA compliance.

Submission issue	Consideration
There are inaccuracies in the description of the approved and proposed development.	These have been discussed by the report.
Motorcycle parking should be relocated.	The motor bike parking is not proposed to be modified from the approved location.
Matters of buildability are not addressed, no construction or traffic management plans have been submitted.	Conditions of the consent already require construction and traffic management plans to be prepared before construction certificates are applied for and issued.
Regarding traffic management, Eden Street should be a one-way street.	This matter is beyond the scope of assessment for this application. The scale of the proposed modifications is unlikely to require changes to local traffic management.
The modification application appears to circumvent the Court's conditions to mitigate impacts and undermine the consent and the planning system.	These matters have been considered in this report.
Two additional rooms would cause overcrowding, and the rooms are only large-enough for short-stay accommodation, not permanent living.	The proposed density would increase if approved, and room size is limited by the SEPP to 25m ² (excluding kitchen and bathroom areas) to ensure boarding houses do not provide spaces suitable for permanent or long-term accommodation.

MATTERS FOR CONSIDERATION – s. 4.15 (1) EP&A Act

SEPP (Biodiversity & Conservation) 2021

Part 6.2 Development in regulated catchments

Sydney Harbour is defined as a regulated catchment for the purposes of the SEPP. The whole North Sydney Council area is in the harbour's catchment.

Division 2 Controls on development generally

The following provisions apply and are considered below.

Provision	Consistency
6.6 Water quality and quantity	Erosion and stormwater controls are included for the approved works and are addressed by existing conditions of consent.
6.7 Aquatic ecology	With water quantity and quality controls required per existing conditions, aquatic ecology will likely be unaffected.
6.8 Flooding	The site is not flood prone.
6.9 Recreation and public access	Proposed development will not impact recreation and public access in the catchment.
6.10 Total Catchment Management	This provision only relates to large-scaled development that could affect a catchment, which requires consultation with other Councils in the same catchment.
6.11 Land within 100m of a natural waterbody	The site is more than 100m from the harbour.

Part 6.3 Foreshores and Waterways Area

The site is not in the Foreshores and Waterways Area.

SEPP (Resilience and Hazards) 2021

Remediation of land provisions of the SEPP were considered and requirements incorporated into the consent to manage potential contamination. These provisions will remain in the consent, being equally relevant to the subject application to modify the approved development.

SEPP (Building Sustainability) 2021

An updated BASIX certificate was not submitted. Neither has the applicant stated that an updated certificate is unnecessary.

SEPP (Housing) 2021

In accordance with the policy's Schedule 7A Cl. 2 (1) (da) & (2) - General savings provisions, the repealed *SEPP (Affordable Rental Housing) 2009* (repealed by cl. 10 of the Housing SEPP), applies to the modification application, as it also applied to the original development application:

2 General savings provision

(1) *This Policy does not apply to the following matters—*

(a) ...

(b) ...

(c) *(Repealed)*

(d) ...

(da) *an application to modify a development consent granted after the commencement date, if it relates to a development application made, but not determined, on or before the commencement date,*

(e) ...

(2) *The provisions of a repealed instrument, as in force immediately before the repeal of the repealed instrument, continue to apply to a matter referred to in subsection (1).*

In relation to the subject application the repealed instrument is the 2009 Affordable Rental Housing SEPP, specifically Division 3 Boarding Houses, which was in force before the 2021 Housing SEPP repealed the former, and is considered below.

SEPP (Affordable Rental Housing) 2009

26 Land to which the Division applies

The site is in the MU1 Mixed Use zone, formerly identified by the SEPP as the B4 Mixed Use zone, to which the division applies. Zone objectives are considered later, in relation the LEP.

27 Development to which Division applies.

The subject modified development for a boarding house to which the division applies, remains consistent with the definition that applied when the original DA was approved.

28 *Development may be carried out with consent*

Consent has been granted for development of a boarding house on the site.

29 *Standards that cannot be used to refuse consent*

As an application for approval to modify development consent is not the same as an application for development consent, this clause does not apply to a modification application.

30 *Standards for boarding houses*

The submitted SEE erroneously addresses the 2021 Housing SEPP. Despite this, the application is considered having regard to the standards established for boarding houses by the 2009 SEPP.

The now-repealed SEPP states consent must not be granted unless:

- A communal living room is provided for a facility of over 5 boarding rooms.
- Boarding house rooms being less than 25 m² (excluding private kitchen or bathroom facilities).
- No room being capable of accommodating more than two boarders.
- Each room having or having access to adequate kitchen and bathroom facilities.
- A manager's residence being provided, if the facility can accommodate 20 or more boarders.
- Accommodation is proposed to be provided on the part of the ground floor that does not front a street (being a mixed-use building on land zone MU1).
- For every 5 boarding rooms, storage for at least one bicycle and parking for one motorcycle is to be provided.

These matters were considered when the Court determined the original development application.

For the reason given in relation to clause 29, satisfaction of these standards to approve a modification application is not necessary.

30A *Character of local area*

Development consent was granted to the development, having been deemed compatible with local character. This assessment remains valid for the development as proposed to be modified, as the building's street-façade is similar to that approved. The only material change is the small window on the southern side of the ground floor being changed to three aluminium framed, sliding glass doors, which is acceptable.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

Permissibility

Development for the purpose of a boarding house is permitted with consent in the MU1 Mixed Use zone.

Objectives of the zone

The objectives for the MU1 Mixed Use zone are stated below:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To create interesting and vibrant mixed-use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.*

The modifications proposed are considered in respect of each objective, below.

First objective: employment generating opportunities

The proposal is inconsistent with this objective.

Compared with the approved development there is a 91% reduction in non-residential floor area, with the approved area of 91.4m² proposed to be reduced to 8.2m². An area suitable for a small office-based business is being removed, making way for two additional boarding rooms, with only the small, street-facing, non-residential area remaining.

Consequently, the development as proposed to be modified would unacceptably reduce the development's employment generating potential.

Second objective: new and diverse active street frontages

The development as proposed to be modified remains consistent with this objective.

Third objective: minimise land-use conflict

The development as proposed to be modified remains consistent with this objective.

Fourth objective: encourage non-residential development on the ground floor

The revised ground level has had its capacity for non-residential use reduced significantly and the proposal is inconsistent with this objective.

Fifth objective: creating interesting and vibrant mixed-use centres

The approved development is more consistent with this objective, promoting greater diversity in uses in the locality, compared to the development as proposed to be modified.

Sixth objective: maintaining commercial floor space with residential development above non-residential development

If approved commercial floor space can be considered as maintainable, as physically extant commercial floor space can be maintained, the modified development is inconsistent with this objective.

Principal development standards

Principal Development Standards – North Sydney Local Environmental Plan 2013			
	Proposed	Control	Complies
Clause 4.3 – Height of Building	RL 13.475	13m	No*
Clause 4.4a – Non-residential FSR	0.04:1	0.5:1	No

*The proposed modification to the lift over run increases its by 50mm, from 102.33m to 102.38m (i.e. from 13.475m to 13.525m).

Height of Buildings

The following objectives for the permissible height limit are stated below:

- (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- (b) *to promote the retention and, if appropriate, sharing of existing views,*
- (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- (e) *to ensure compatibility between development, particularly at zone boundaries,*
- (f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*

As the approved maximum height is increased by 50mm for the lift overrun, which is in the centre of the roof and abutting the southern boundary. The lift overrun will not be readily visible if at all, from the public domain or neighbouring residences. It would be unlikely to impact local amenity, by reducing access to views or by increasing overshadowing.

Accordingly, the development's maximum height (of the lift over run), despite the minor increase in variation of the standard proposed, is consistent with the above objectives.

Non-residential Floor Space Ratio

A minimum non-residential floor space ratio of 0.5:1 applies to the site, complied with by the originally approved development.

The approved non-residential gross floor area is 94.1m² and the site area is 182.8m². Therefore, the approved NRGFA equates to 0.5:1.

Removal of 83.2m² commercial floor area from the approved plans only leaves the commercial area adjacent to Eden Street of 8.2m², resulting in a NRFSR of 0.04:1, an 80% variation.

The variation and the remaining proposed non-residential floor space are considered below, with regard to the objectives of the standard.

The standard's objectives are:

- (a) *to provide for development with continuous and active street frontages on certain land in Zone E1 Local Centre, Zone MU1 Mixed Use and Zone SP2 Infrastructure,*
- (b) *to encourage an appropriate mix of residential and non-residential uses,*
- (c) *to provide a level of flexibility in the mix of land uses to cater for market demands,*
- (d) *to ensure that a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of commercial centres.*

In considering whether the development is consistent with these objectives:

- (a) The proposal is consistent with objective (a).
- (b) The approved mix of residential and non-residential land uses are preferred, in that the ground floor, apart from circulation areas, is allocated for non-residential use, which will be more compatible with the site's location and conditions, than use for residential purposes at the rear of the approved building, as proposed.
- (c) Either proposal, modified or approved, is arguably capable of catering for market conditions, which are dynamic and subject to several factors.
- (d) Given the mixed-use character of the Eden Neighbourhood a higher proportion of floor area used for non-residential use, thus promoting local employment, is more consistent with this objective than the proposed development. The approved ground level commercial space has been proven as suitable by the granting of consent to the original application. The extent to which non-residential use is proposed to be reduced is unacceptable, significantly reducing employment potential of the premises. The site is entirely appropriate for a mixed-use development, including small-scale commercial premises, being compatible with local residential amenity, with other small businesses optimising use of local conditions, without unreasonably affected this amenity.

Heritage

Below is Council's assessment of the application by Council's conservation planner.

Heritage Status and Significance

1 Eden Street NORTH SYDNEY 2060 is not identified as a scheduled heritage item nor is it located within a conservation area. The site is, however, located directly adjacent to the rear property boundary of the heritage item at 44 West Street [1 0///] and is directly adjacent to the western boundary of the Holtermann Estate D conservation area and located close to the southern boundary of the Holtermann Estate C conservation area. These items are significant as follows:

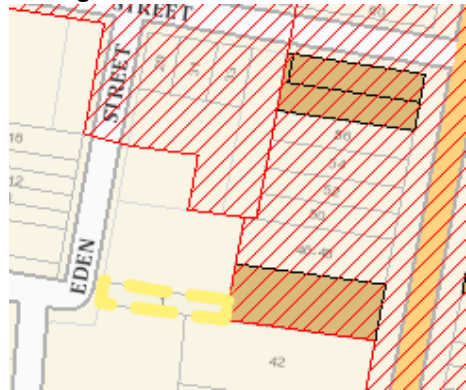
- 44 West Street is significant as:
a good example of Federation Filigree/Queen Anne style of residence. Interesting house which graphically illustrates the stylistic transition underway around the turn of the century. Fine example of late ornate cast-iron lace. One of a group of substantial houses on the border of North Sydney and Crows Nest and indicative of the local character of the period. The front garden landscape setting and the interior are also of significance.
- Holtermann Estate C conservation area (CA 09) is significant
 - (a) *For its late 19th and early 20th century residential character that is characterised by single storey, detached and semi-detached dwelling houses of modest scale in a mixture of late Victorian and early Federation styles.*
 - (b) *As an area that represents the working-class residential development of North Sydney at the turn of the century.*
- Holtermann Estate D conservation area (CA 18) is significant
 - (a) *for its consistent late 19th and early 20th century residential character that is characterised by single storey dwelling houses of modest scale and two storey attached dwellings in a mixture of late Victorian and early Federation styles.*
 - (b) *for its regular grid subdivision pattern, the level landform and development over a single main development period.*

The proposal is the subject of LEC approval.

Heritage Impact Assessment

The proposal has been assessed in relation to *Part 5 Clause 5.10 Heritage Conservation of the North Sydney LEP 2013* and relevant provisions of *Section 13 Heritage and Conservation of the North Sydney DCP 2013* as follows:

Compliance Table – B13.4 – Development in the Vicinity of Heritage Items

Compliance Table		
Heritage and Conservation	Complies	Comments
B13.4 Development in the Vicinity of Heritage Items		
13.4 Development in the Vicinity of Heritage Items 	No	The proposal is located in the vicinity of a heritage items at 44 West Street and the <i>Holtermann Estate C</i> and <i>D</i> heritage conservations areas. The changes proposed in the s4.56 application will erode the heritage benefits arising from the Court approved proposal, namely the rear setback of the upper most level and the two-metre-wide landscape strip planted with two large trees, which would serve to: • provide an appropriate landscaped transition between the back-to-back arrangement of the heritage item at 44 West Street and the proposed subject in-fill development, as well as • Improve the visual setting and interpretive qualities of the heritage item as seen from the gap views from West Street, and

Compliance Table		
Heritage and Conservation	Complies	Comments
B13.4 Development in the Vicinity of Heritage Items		
		• improve the impact from the increased scale of the new development on the heritage item

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 not acceptable on heritage grounds and should be refused for the following reasons:

1. The development does not provide an appropriate or sympathetic response to the heritage setting and views to and from the heritage item from the public domain and therefore does not conserve the environmental heritage of North Sydney.
2. The development would be contrary to the objectives of Clause 5.10 of the *NSLEP 2013* and the Development Controls for development in the vicinity of a heritage item.

Earthworks

Earthworks are restricted to the building envelope which occupies most of the site. Notwithstanding, the modified development remains subject to the conditions of the original consent regarding geotechnical investigations and maintaining stability and erosion and sediment control measures during works authorised by the consent.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

Only those provisions of the DCP's Part B Section 2 Commercial & mixed-use development, pertinent to the modification application, are considered. Local character provisions for the Eden Neighbourhood of Part C are also addressed.

Section 2 – Commercial and missed-use development

2.2.1 Diversity of activities facilities and opportunities

P1 – The proposed reduction of commercial area results in the premises offering smaller sized commercial premises, deemed to be compatible the local nature and small size of the commercial area in the Eden Street neighbourhood.

2.3.7 Solar access

O4 – seeks to ensure all dwellings have reasonable access to sunlight and daylight. The proposed balcony extension at the eastern end of the building is likely to reduce access to sunlight and daylight, to the balconies, adjacent rooms and other open space on the same side of the residential building at 1A Eden Street, directly south of the proposal. Whether this impact is reasonable cannot be ascertained as no shadow or sun-view diagrams have been submitted. These have not been requested as the application fails for other reasons, as discussed.

P2 – the application has not demonstrated whether solar access on the winter solstice between 9am and 2pm, to windows of main internal living areas, principal private open space and communal open space of adjoining properties is affected by the proposed modifications.

2.3.9 Acoustic Privacy

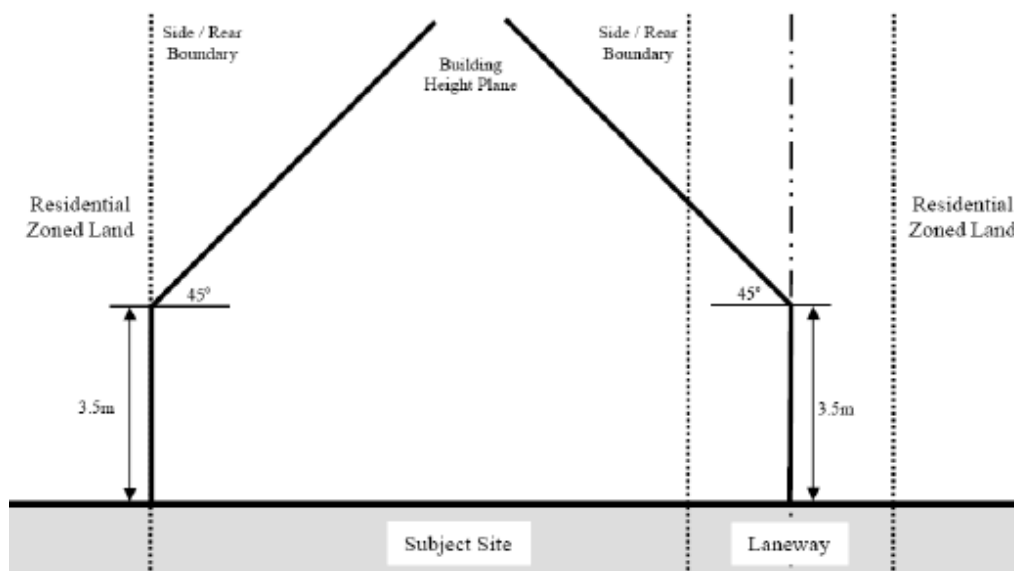
The application has not considered whether the two additional boarding rooms will have reasonable protection from noise, including potential noise sources within the same development.

2.4.3 Setbacks side and rear

In relation to the proposed extension of balconies on level 3 at the building's eastern end, the modifications are inconsistent with the following setback objectives:

- 01 To enable a reduction in the impact of scale.
- 02 To ensure adequate ventilation, solar access, privacy, view sharing and a reduction of adverse wind effects.

P7 This provision requires rear setbacks to be designed as shown in the diagram below. Comparison of the proposed and approved development demonstrates that the proposed development unacceptably causes the development to be inconsistent with these objectives.



CHARACTER STATEMENTS – PART C

North Sydney Planning Area, Eden Neighbourhood

The Court's decision concluded the proposed development was compatible with local character, being compliant with relevant provisions of the LEP and SEPPs and consistent with applicable DCP provisions.

By introducing breaches to the rear setback, with associated negative effects on neighbourhood amenity, and the NRFSR, the modified proposal is less compatible with local character than the approved development.

REASONS THE DEVELOPMENT APPLICATION WAS APPROVED

Set out below are the reasons the Court approved the development (in *ID Fitouts Pty Ltd v North Sydney Council* [2023] NSWLEC 1062) and are now considered in relation to the proposed modifications:

- Several jurisdictional matters were considered as satisfied, being prerequisites for enabling the Court to grant consent, concluding that:
 - o The application was consistent with B4 Mixed Use (now MU1) zone objectives.
 - o Demolition impacts have been properly considered.
 - o The request for an exception to the maximum building height standard had satisfied the necessary tests to justify non-compliance, including an assessment against zone and development standard objectives, that the height breach would not cause additional impact and that the request had identified environmental planning grounds to justify exception to the standard.
 - o That amended plans submitted to (and approved by) the Court complied with the maximum floor space ratio standard of cl. 4.4 of the LEP* and the minimum non-residential floor space ratio standard of 4.4A.
*cl. 4.4 (2) does not apply a floor space ratio to the site.
 - o With the site abutting a heritage item and two conservation areas, the submitted heritage assessment was found to have adequately considered heritage requirements of the LEP, with the proposal's "...simple form, conforming scale and setbacks, will not generate any adverse impacts..." on the adjacent heritage item and conservation areas.
 - o Proposed earthworks were considered satisfactory.
 - o The proposed development being consistent with applicable provisions of the North Sydney DCP 2013.
 - o The proposed development complied with applicable provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, including the provisions of Cl. 29 standards unable to be used to refuse an application, and the relevant development standards of Cl. 30 and the amended plans being concluded as compatible with local character.
 - o The savings provisions of s. 2 (1) (a) of Schedule 7A *SEPP (Housing) 2021* required assessment against provision of the *SEPP (Affordable Rental Housing) 2009*.
 - o That provisions of *SEPP (Resilience and Hazards) 2021*, and *SEPP (BASIX) 2004* had been satisfied.
- Accordingly, the Court disposed of the matter in accordance with the agreement reached during the conciliation conference, per s. 34(3) of the Land and Environment Court Act.
- In giving effect to the parties' agreement, the Court was not required to make any merit assessment of the issues originally in dispute between them.

In summary, the modification is inconsistent with these reasons why the Court upheld the appeal and approved the development application, as:

- The plans approved by the Court, being those referred to above, formed the basis of comparison with the proposed modifications, to arrive at the conclusion the modified development, as proposed, is not substantially the same as the Court-approved development.

- The minimum non-residential floor space ratio as approved has been breached by the modified design. As assessed in this report, the modified development is inconsistent with objectives of the development standard and relevant objectives of the MU1 Mixed zone. Neither is the subject application satisfactory regarding the LEP's heritage provisions.
- The modified development does not satisfy objectives and provisions of the North Sydney DCP 2013, pertaining to neighbourhood amenity and heritage, as examined in this report.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

With refusal recommended, adjustment of the contribution payable per the original consent is not required.

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 parking provision	Yes
6. Loading and Servicing facilities	Yes
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	Yes
8. Site Management Issues	N/A
9. All relevant s. 4.15 (1) considerations of <i>Environmental Planning and Assessment Act 1979</i>	Yes

PUBLIC INTEREST

The proposal is not in the public interest for reason it is not substantially the same as the approved development, the modified development would not satisfy provisions of the North Sydney LEP and DCP, and the impacts of the development as proposed to be modified on local amenity and heritage are unsatisfactory.

SUITABILITY OF THE SITE

For the same reasons as above, the site is unsuitable for the modified proposal.

CONCLUSION & REASONS

The subject application is inconsistent with the originally approved development application having been assessed in accordance with s.4.56 of the *EP&A Act 1979*, the proposed modifications resulting in a development which could not be deemed the same, or substantially the same as that approved.

Proposed modifications result in unreasonably detrimental amenity impacts to adjoining properties and in the surrounding area and are also inconsistent with the reasons for development consent being granted to the original development application.

Having regard to the provisions of section 4.56 & 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the development as proposed to be modified is not substantially the same development as originally consented to. The application is therefore recommended for **refusal**.

RECOMMENDATION

PURSUANT TO SECTION 4.56 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Planning Panel exercising the functions of Council refuse the modification of development consent DA 274/22021/4 to modify the consent *for demolition of existing structures and construction of a five storey mixed use development containing two commercial tenancies and one motorcycle parking space at ground level, with a boarding house on levels 1–4 containing 12 rooms (including one manager’s room) accommodating a total of 17 occupants, with communal living room and open space, above one basement level for waste and six bicycle parking spaces*, at 1 Eden Street North Sydney the provisions of Section 4.56 of the Environmental Planning and Assessment Act 1979, for the reasons detailed in the attached Schedule.

JIM DAVIES
EXECUTIVE PLANNER

ISOBELLA LUCIC
A/MANAGER DEVELOPMENT SERVICES

SCHEDULE

REASONS FOR REFUSAL

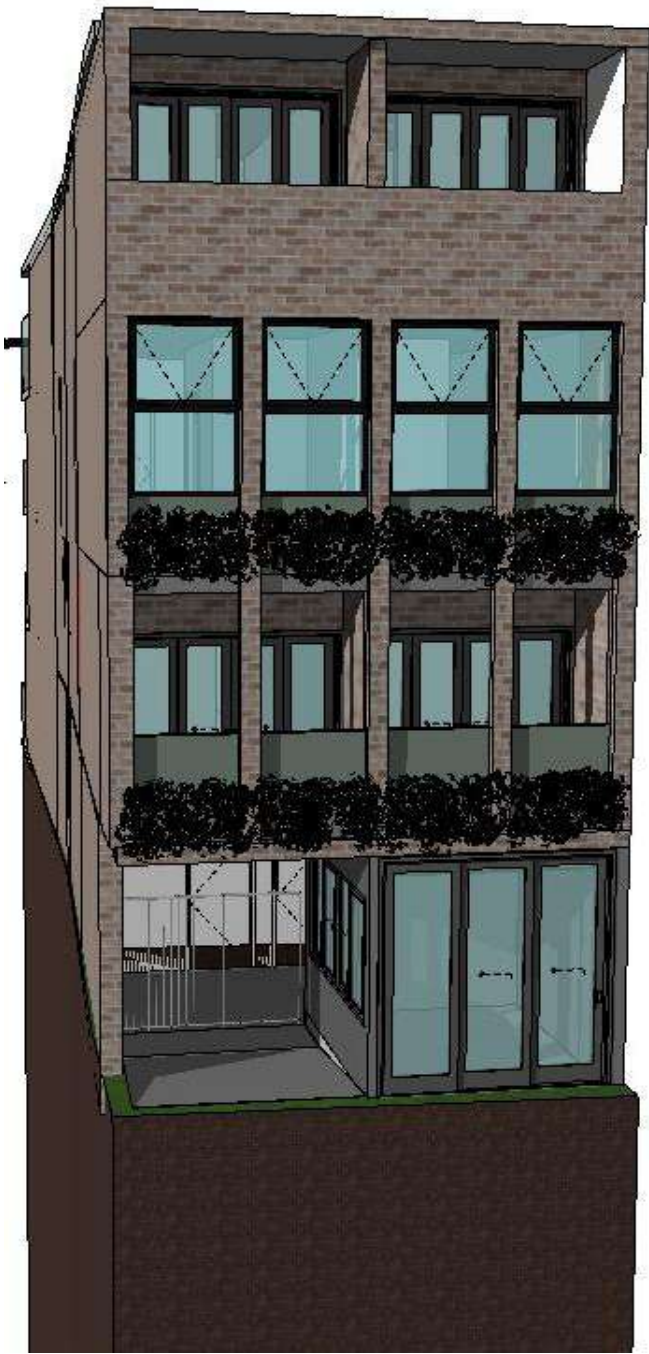
1. In accordance with section 4.56 (1) (a), *Environmental Planning and Assessment Act, 1979*, the consent authority is not satisfied that the development as proposed to be modified is substantially the same as the approved development. Accordingly, consent is unable to be granted.
2. In accordance with section 4.56 (1A), *Environmental Planning and Assessment Act, 1979*, the consent authority, having considered the application in respect of matters relevant to the development as specified by section 4.15 (1), and the reasons the consent authority granted the consent to the development the subject of the modification application, the proposed modifications are unacceptable, as follows:
 - a. In respect of the *North Sydney Local Environmental Plan 2013*, the application:
 - i. Is inconsistent with 1st, 4th, 5th and 6th objectives of the MU1 Mixed Use zone,
 - ii. Does not comply with the non-residential floor space ratio development standard prescribed by clause 4.4A (2),
 - iii. Is inconsistent with the objectives of the non-residential floor space ratio development standard prescribed by clause 4.4A (1),
 - iv. does not provide an appropriate or sympathetic response to the heritage setting and views to and from the heritage item from the public domain and therefore does not conserve the environmental heritage of North Sydney and is contrary to the objectives of Clause 5.10 of the NSLEP 2013.
 - b. In respect of the *North Sydney Development Control Plan 2013*, Part B, the application does satisfy:
 - i. Section 2.2.1 – Diversity of activities, facilities, opportunities and services, in that the development no longer provides an appropriate variety of different sized spaces suited to the mixed-use character of the Eden Street locality, on the North Sydney CBD fringe,
 - ii. Section 2.3.7 - Solar Access, for reason the application has not demonstrated the overshadowing impact of the proposed modifications on neighbouring property,
 - iii. Section 2.3.9 - Acoustic privacy, for reason the application has not considered the acoustic privacy for occupants of the proposed two additional boarding rooms, including from other premises within the building, and
 - iv. Section 2.4.3 - Setbacks side and rear, for reason that the modifications to the eastern end of level 3 in the building does not reduce the impact of scale (Objective 1), fails to consider and ensure adequate solar access and visual privacy (Objective 2) and comply with rear setback controls as expressed in Provision 7.
 - v. Section 13.4 - Development in the vicinity of heritage items, for reason that the application does not provide an appropriate or sympathetic response to the heritage setting and views to and from the heritage item (44 West Street North Sydney) from the public domain and therefore does not conserve the environmental heritage of North Sydney.

- c. The modifications sought are inconsistent with the reasons the consent authority, the NSW Land & Environment Court, granted consent to the development application the subject of the proposed modifications.



DA-001 COVER PAGE
DA-001 COVER PAGE
DA-101 BASEMENT
DA-101 BASEMENT
DA-101 BASEMENT
DA-102 GROUND FLOOR
DA-102 GROUND FLOOR
DA-103 FIRST FLOOR
DA-103 FIRST FLOOR
DA-104 SECOND FLOOR
DA-104 SECOND FLOOR
DA-105 THIRD FLOOR
DA-105 THIRD FLOOR
DA-106 ROOF PLAN
DA-106 ROOF PLAN
DA-201 ELEVATIONS 01
DA-202 ELEVATIONS 02
DA-203 ELEVATIONS 03
DA-203 ELEVATIONS 03
DA-301 SECTIONS 01
DA-302 SECTIONS 02
DA-303 SECTIONS

PROPOSED BOARDING HOUSE @ EDEN STREET, NORTH SYDNEY



NOTES

RevID	Issue Comments	Modified by	Date
01	ISSUE FOR S4.55	MB	29/08/2025

1. CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PREPARING SHOP DRAWINGS.
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SECTION 4.55

PROJECT 1 EDEN STREET NORTH SYDNEY	project no24-035
CLIENT DR.CHUN JIANG	scale AS SHOWN @ A3 date 24/06/25
DRAWING COVER PAGE	drawn MB checked NT



drawing no
DA-001

issue A

A logo for 'Member Australian Institute of Architects 2024' featuring a stylized building icon and the text 'Member Australian Institute of Architects 2024'.

A logo for 'Member Australian Institute of Architects 2024' featuring a stylized building icon and the text 'Member Australian Institute of Architects 2024'.

S4.55 MODIFICATIONS SCHEDULE

Page 42

1. Relocated communal space from Level 3 to the ground floor to allow for two additional units.

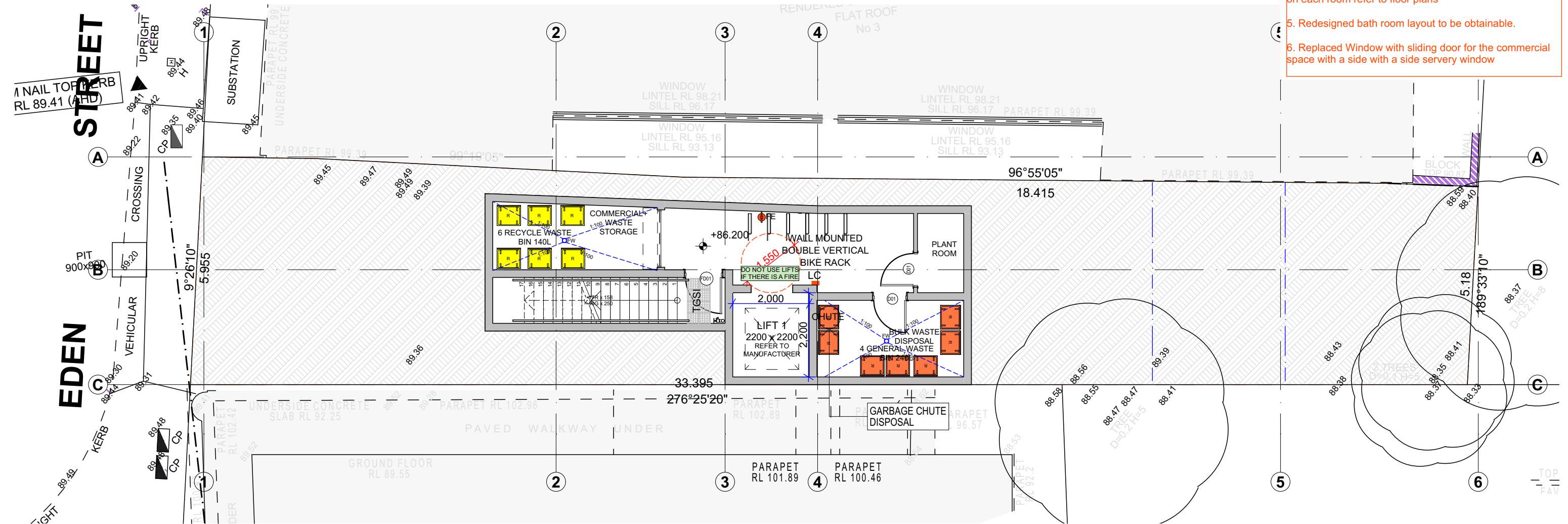
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4. Redesigned kitchen layout & dining area efficient flow. on each room refer to floor plans

5. Redesigned bath room layout to be obtainable.

6. Replaced Window with sliding door for the commercial space with a side with a side servery window



FSR CALCULATION TABLE		
LEVEL	AREA	TOTAL AREA
GROUND FLOOR		
FIRST FLOOR	GROUND FLOOR	117.99
SECOND FLOOR	FIRST FLOOR	107.40
THIRD FLOOR	SECOND FLOOR	113.05
	THIRD FLOOR	107.40
		445.84 m²

FSR

PROPOSED FSR CALCULATIONS

TOTAL FSR : 182.8 DIVIDED BY 445.84 = 0.41

24-035 1 Eden Street, North Sydney 250627 S4.55.pn

SCALE 1:1

GFA Calculation Table	
SITE AREA	182.8 m²
Ground Floor:	141.71 m²
First Floor:	110.41 m²
Second Floor:	116.47 m²
Third Floor:	96.91 m²
TOTAL:	465.5 m²

EXISTING GFA CALCILATION

NOTES

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SECTION 4.55	
PROJECT 1 EDEN STREET NORTH SYDNEY	project no24-035
CLIENT DR.CHUN JIANG	scale AS SHOWN @ A3 date 24/06/25
DRAWING BASEMENT	drawn MB checked NT

N

drawing no DA-101

issue A

Member Australian Institute of Architects 2024

Member Australian Institute of Architects

S4.55 MODIFICATIONS SCHEDULE

Page 43

1. Relocated communal space from Level 3 to the ground floor to allow for two additional units.

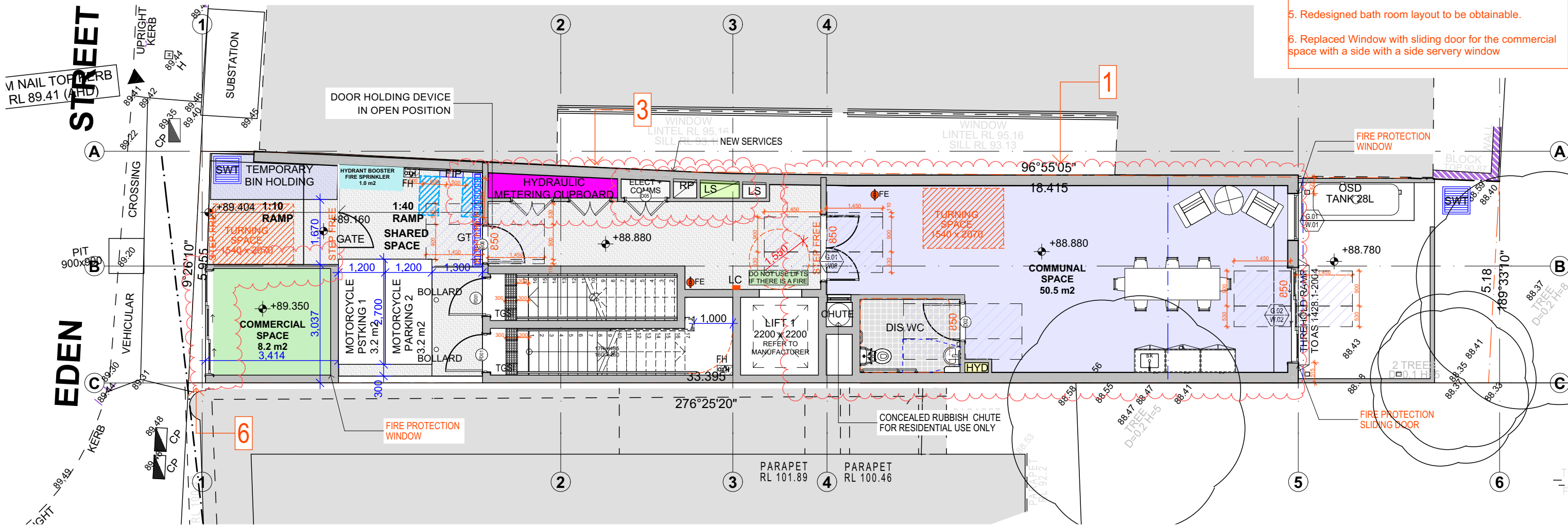
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FSR CALCULATION TABLE		
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GROUND FLOOR		
FIRST FLOOR	GROUND FLOOR	117.99
SECOND FLOOR	FIRST FLOOR	107.40
THIRD FLOOR	SECOND FLOOR	113.05
TOTAL :	THIRD FLOOR	107.40
		445.84 m²

FSR

PROPOSED FSR CALCULATIONS

TOTAL FSR : 182.8 DIVIDED BY 445.84 = 0.41

24-035 1 Eden Street, North Sydney 250627 S4.55.ppt

SCALE 1:1

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EXISTING GFA CALCILATION

RevID	Issue Comments	Modified by	Date
A	ISSUE FOR S4.55	MB	29/08/2025

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SECTION 4.55	
PROJECT 1 EDEN STREET NORTH SYDNEY	project no24-035
CLIENT DR.CHUN JIANG	scale AS SHOWN @ A3 date 24/06/25
DRAWING GROUND FLOOR	drawn MB checked NT



drawing no
DA-102

issue A

S4.55 MODIFICATIONS SCHEDULE

Page 44

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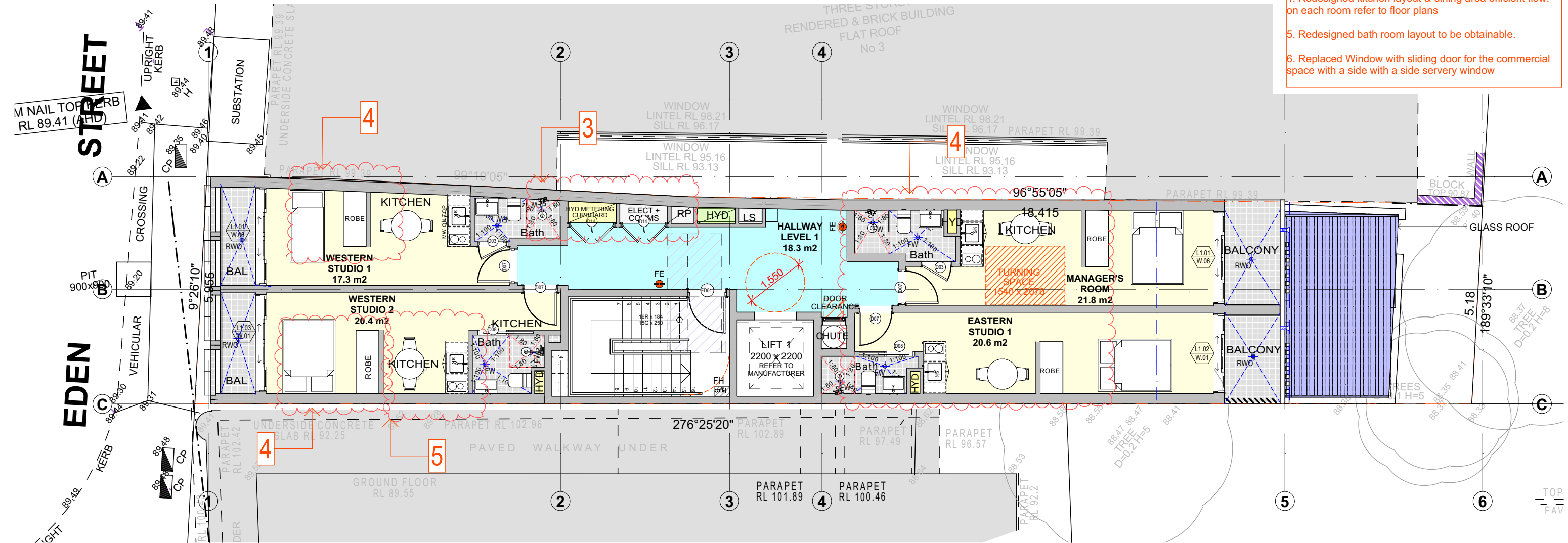
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GROUND FLOOR		
	GROUND FLOOR	117.99
FIRST FLOOR		
	FIRST FLOOR	107.40
SECOND FLOOR		
	SECOND FLOOR	113.05
THIRD FLOOR		
	THIRD FLOOR	107.40
		445.84 m ²

FSR

PROPOSED FSR CALCULATIONS

TOTAL FSR : 182.8 DIVIDED BY 445.84 = 0.41

24-035 1 Eden Street, North Sydney 250627 S4.55.ppt

SCALE 1:1

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Third Floor:	96.91 m ²
TOTAL:	465.5 m ²

EXISTING GFA CALCILATION

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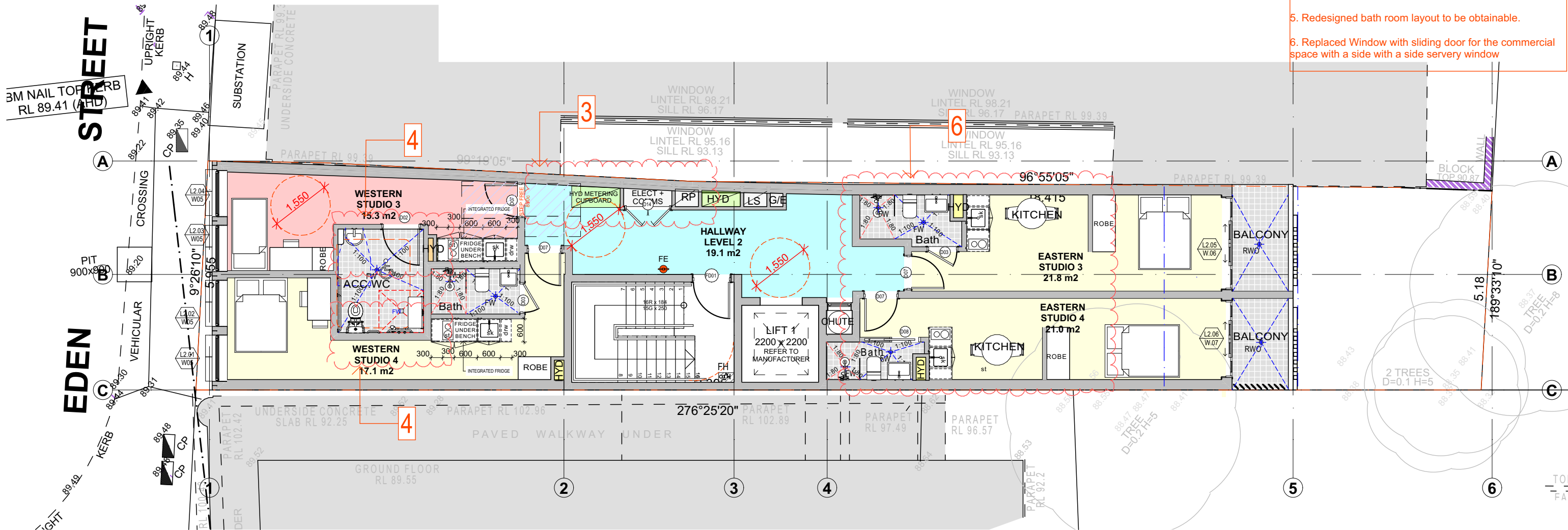
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SECTION 4.55			
PROJECT	1 EDEN STREET NORTH SYDNEY	project no	24-035
CLIENT	DR.CHUN JIANG	scale	AS SHOWN @ A3
		date	24/06/25
DRAWING		drawn	MB
		checked	NT
FIRST FLOOR		issue	A



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	FIRST FLOOR	107.40
SECOND FLOOR		
	SECOND FLOOR	113.05
THIRD FLOOR		
	THIRD FLOOR	107.40
		445.84 m²

PROPOSED FSR CALCULATIONS TOTAL FSR : 182.8 DIVIDED BY 445.84 = 0.41

FSR

24-035 1 Eden Street, North Sydney 250627 S4.55.ppt
SCALE 1:1

GFA Calculation Table

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Ground Floor:	141.71 m²
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SECTION 4.55

PROJECT 1 EDEN STREET NORTH SYDNEY	project no24-035
CLIENT DR.CHUN JIANG	scale AS SHOWN @ A3 date 24/06/25
DRAWING SECOND FLOOR	drawn MB checked NT

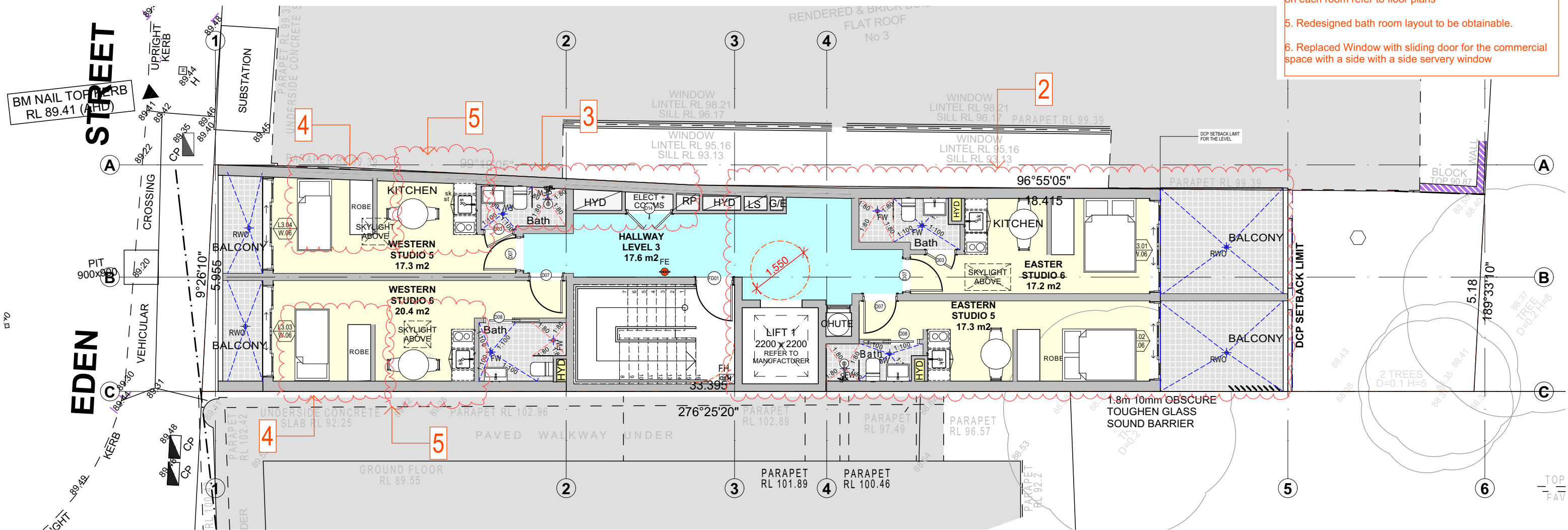


drawing no
DA-104

issue A



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	FIRST FLOOR	107.40
SECOND FLOOR		
	SECOND FLOOR	113.05
THIRD FLOOR		
	THIRD FLOOR	107.40
		445.84 m ²

FSR PROPOSED FSR CALCULATIONS TOTAL FSR : 182.8 DIVIDED BY 445.84 = 0.41

24-035 1 Eden Street, North Sydney 250627 S4.55.pn
SCALE 1:1

GFA Calculation Table

SITE AREA	182.8 m ²
Ground Floor:	141.71 m ²
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EXISTING GFA CALCILATION

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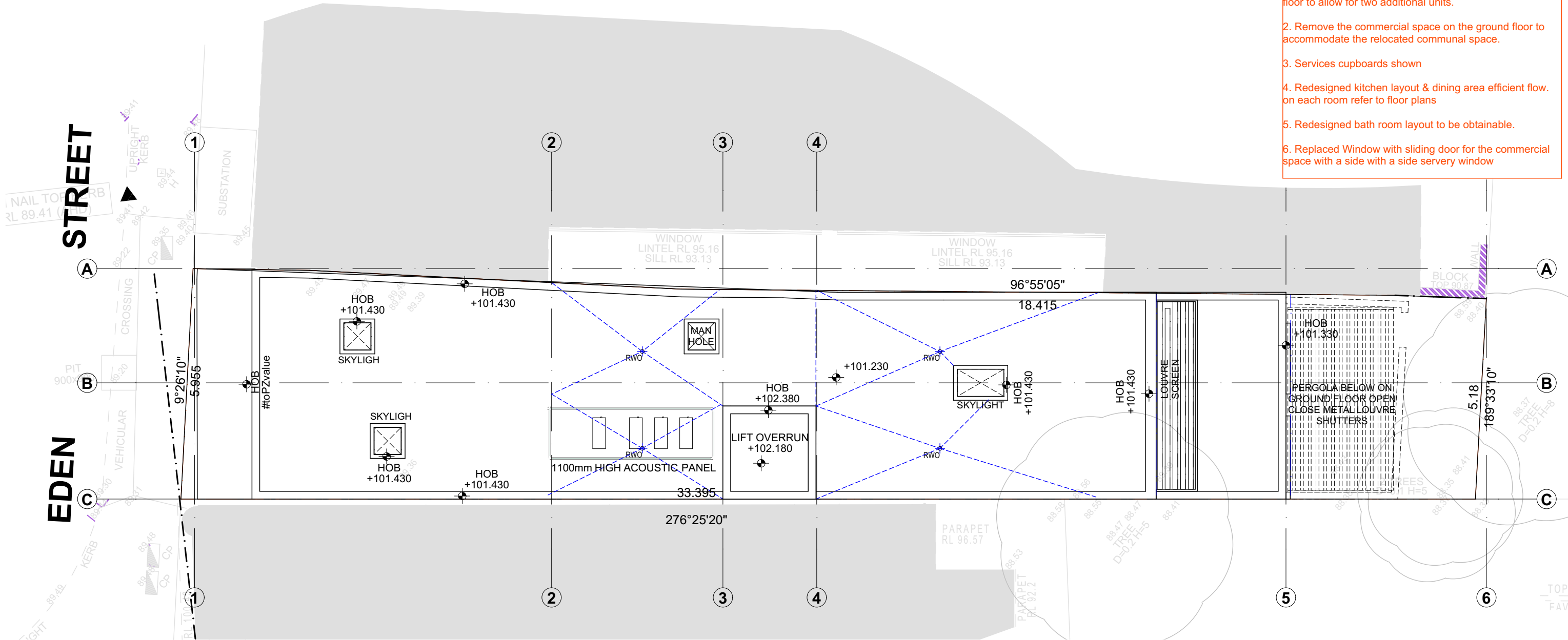
SECTION 4.55

PROJECT 1 EDEN STREET NORTH SYDNEY	project no24-035
CLIENT DR.CHUN JIANG	scale AS SHOWN @ A3 date 24/06/25
DRAWING THIRD FLOOR	drawn MB checked NT issue A



drawing no
DA-105

1. Relocated communal space from Level 3 to the ground floor to allow for two additional units.
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FSR

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24-035 1 Eden Street, North Sydney 250627 S4.55.pn

SCALE 1:1

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EXISTING GFA CALCILATION

RevID	Issue Comments	Modified by	Date
A	ISSUE FOR S4.55	MB	29/08/2025

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SECTION 4.55	
PROJECT 1 EDEN STREET NORTH SYDNEY	project no24-035
CLIENT DR.CHUN JIANG	scale AS SHOWN @ A3 date 24/06/25
DRAWING ROOF PLAN	drawn MB checked NT issue A



S4.55 MODIFICATIONS SCHEDULE

Page 48

1. Relocated communal space from Level 3 to the ground floor to allow for two additional units.

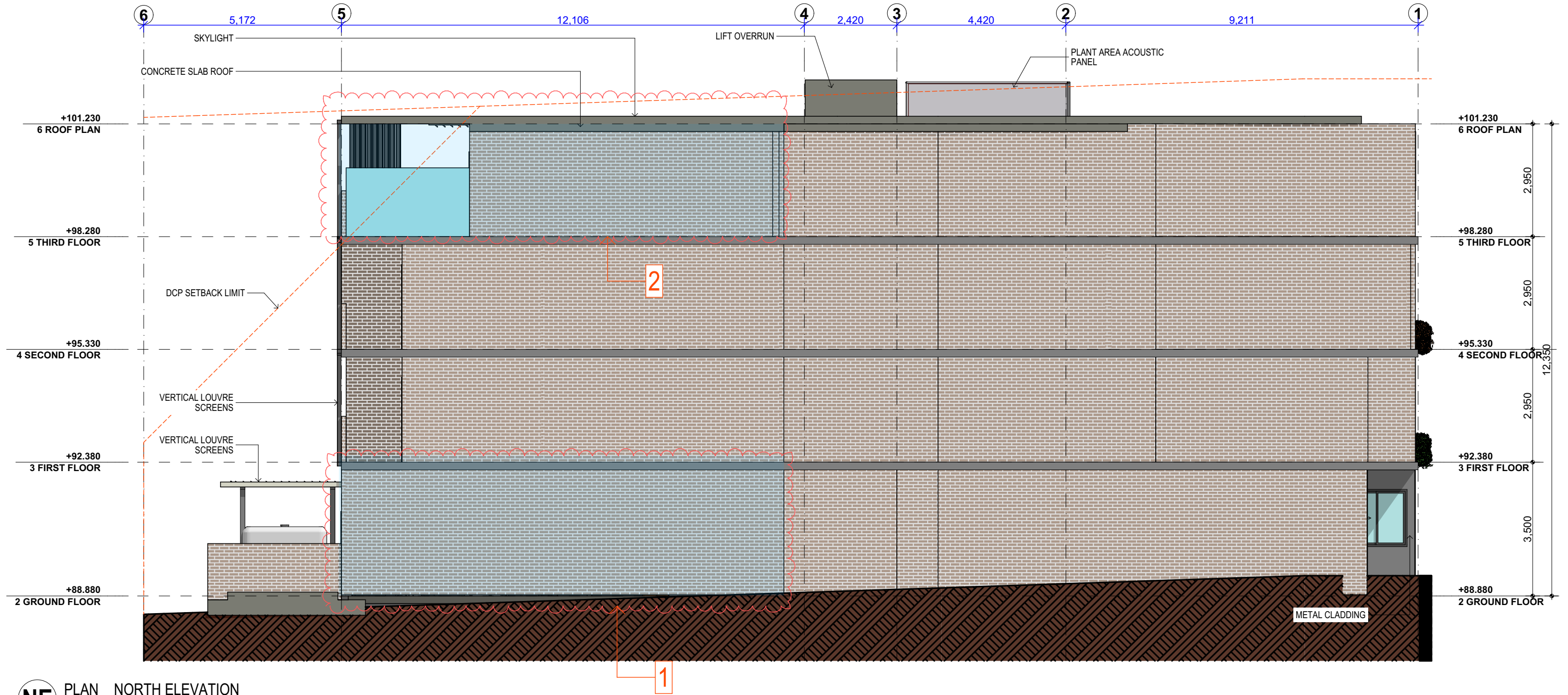
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NE PLAN NORTH ELEVATION
1:100

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SECTION 4.55

PROJECT 1 EDEN STREET NORTH SYDNEY	project no24-035
CLIENT DR.CHUN JIANG	scale AS SHOWN @ A3 date 24/06/25
DRAWING ELEVATIONS 01	drawn MB checked NT

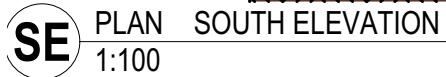


drawing no
DA-201

issue A

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Institute of
Architects

[illegible]

1. CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PREPARING SHOP DRAWINGS.
2. DO NOT SCALE DRAWINGS.
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SECTION 4.55	
PROJECT 1 EDEN STREET NORTH SYDNEY	project no 24-035
CLIENT DR.CHUN JIANG	scale AS SHOWN @ A3
	date 24/06/25
DRAWING ELEVATIONS 02	drawn MB
	checked NT



Issue A



S4.55 MODIFICATIONS SCHEDULE

Page 50

1. Relocated communal space from Level 3 to the ground floor to allow for two additional units.

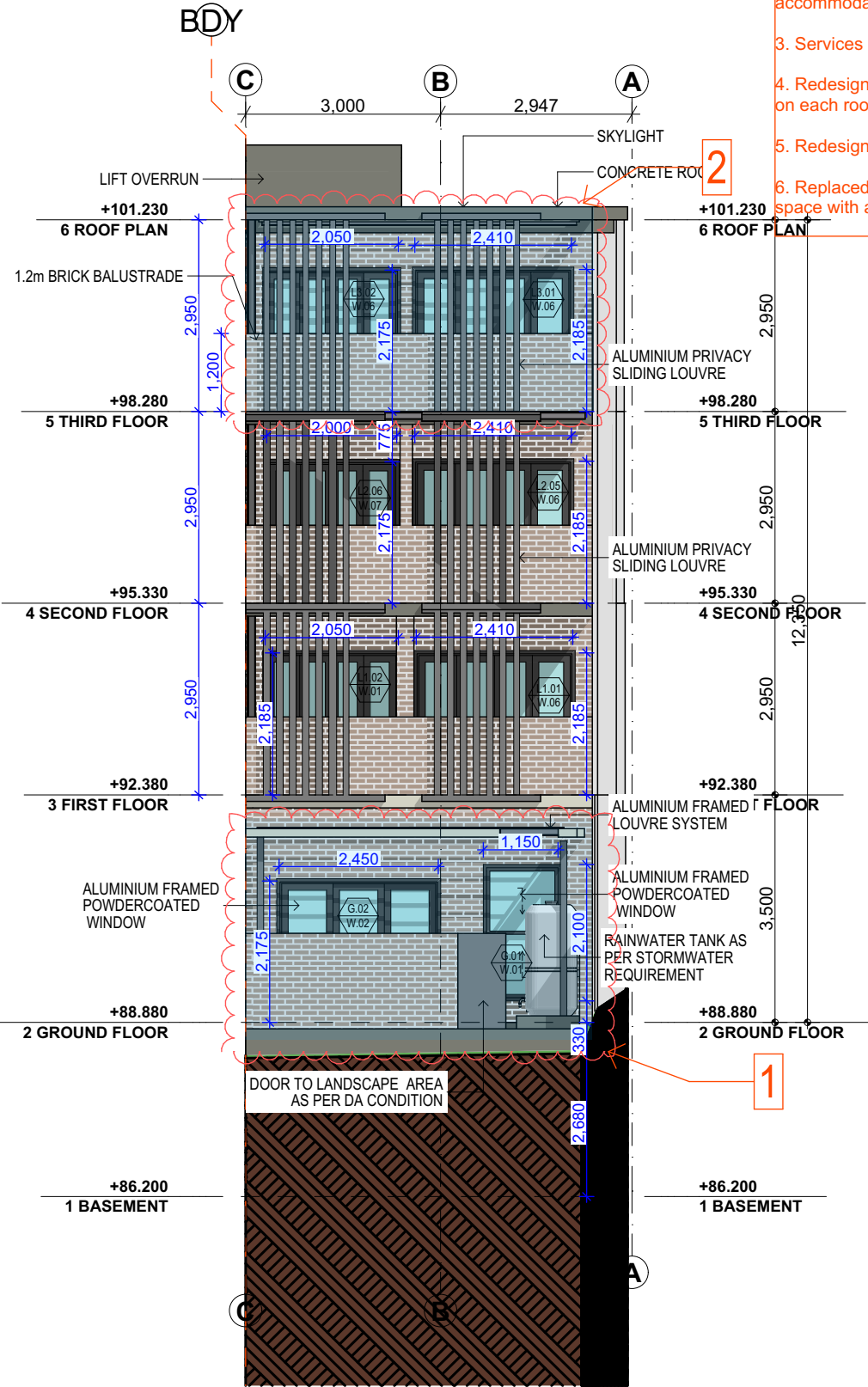
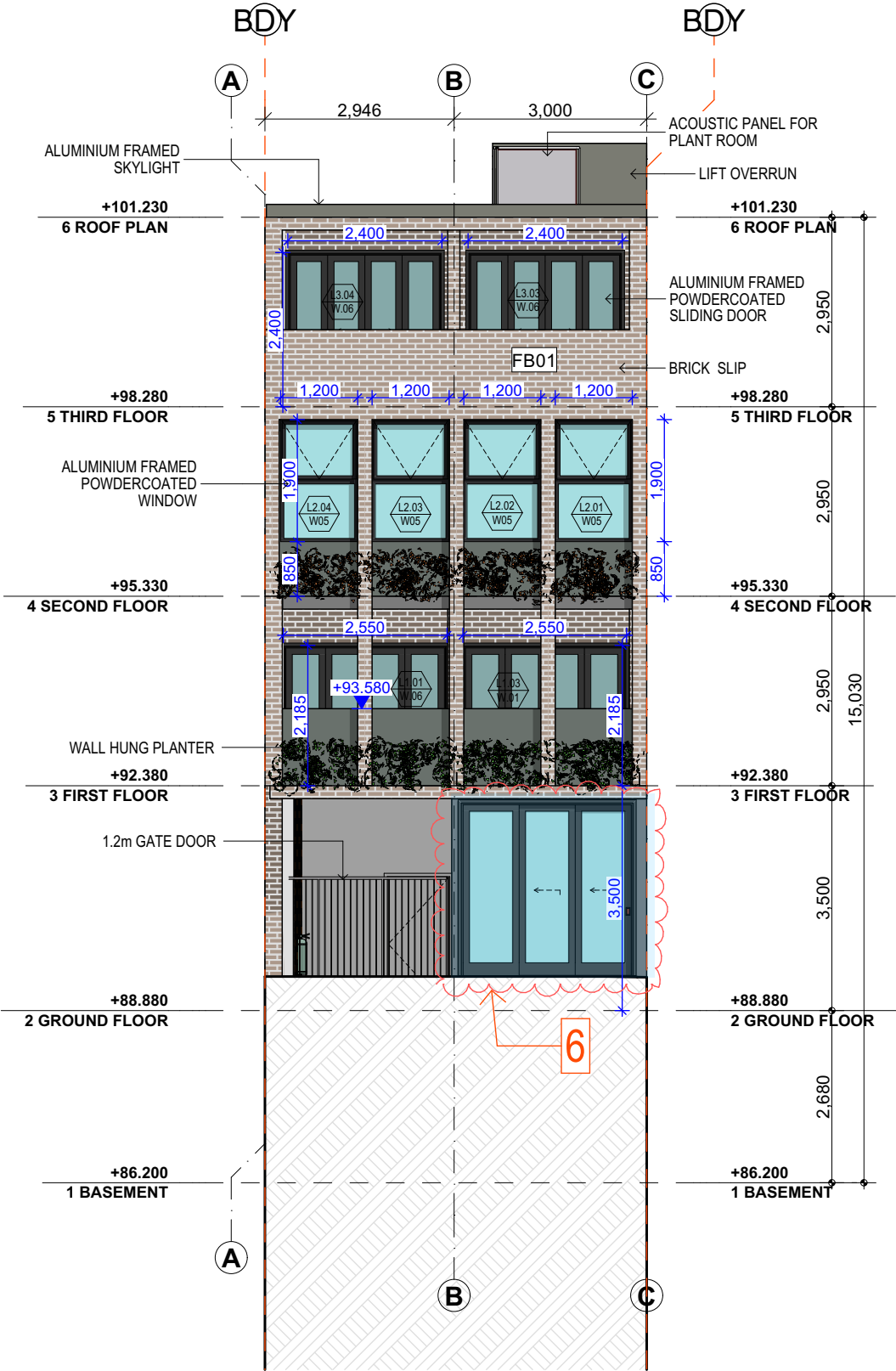
2. Remove the commercial space on the ground floor to accommodate the relocated communal space.

3. Services cupboards shown

4. Redesigned kitchen layout & dining area efficient flow. on each room refer to floor plans

5. Redesigned bath room layout to be obtainable.

6. Replaced Window with sliding door for the commercial space with a side with a side servery window



WE PLAN WEST ELEVATION
1:100

EE PLAN EAST ELEVATION
1:100

NOTES

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SECTION 4.55

PROJECT 1 EDEN STREET NORTH SYDNEY	project no24-035
CLIENT DR.CHUN JIANG	scale AS SHOWN @ A3 date 24/06/25
DRAWING ELEVATIONS 03	drawn MB checked NT



drawing no
DA-203

issue A



S4.55 MODIFICATIONS SCHEDULE

Page 51

1. Relocated communal space from Level 3 to the ground floor to allow for two additional units.

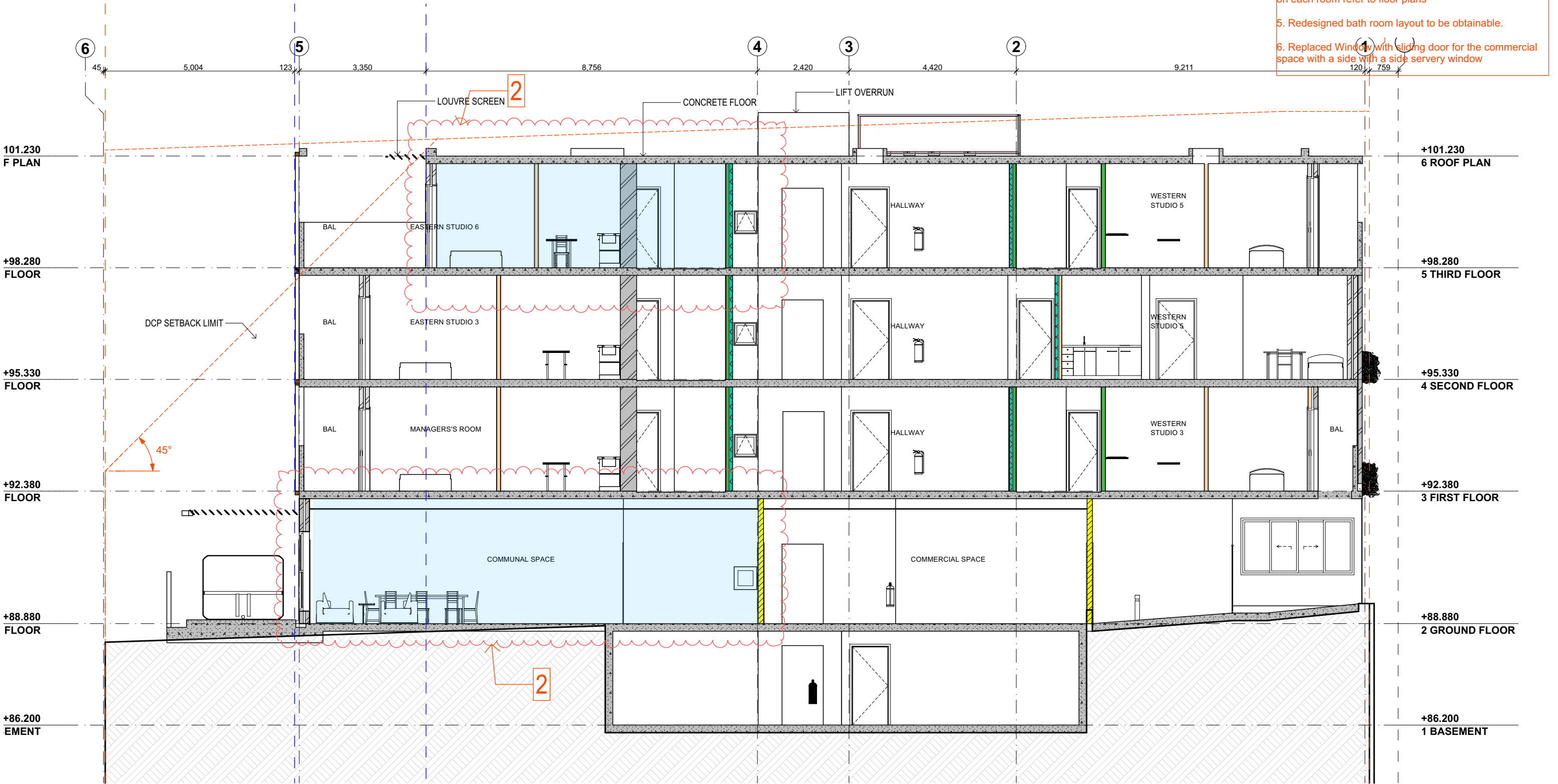
2. Remove the commercial space on the ground floor to accommodate the relocated communal space.

3. Services cupboards shown

4. Redesigned kitchen layout & dining area efficient flow. on each room refer to floor plans

5. Redesigned bath room layout to be obtainable.

6. Replaced Window with sliding door for the commercial space with a side with a side servery window



NOTES

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SECTION 4.55

PROJECT 1 EDEN STREET NORTH SYDNEY	project no24-035
CLIENT DR.CHUN JIANG	scale AS SHOWN @ A3 date 24/06/25
DRAWING SECTIONS 01	drawn MB checked NT issue A



drawing no
DA-301

S4.55 MODIFICATIONS SCHEDULE

Page 52

1. Relocated communal space from Level 3 to the ground floor to allow for two additional units.

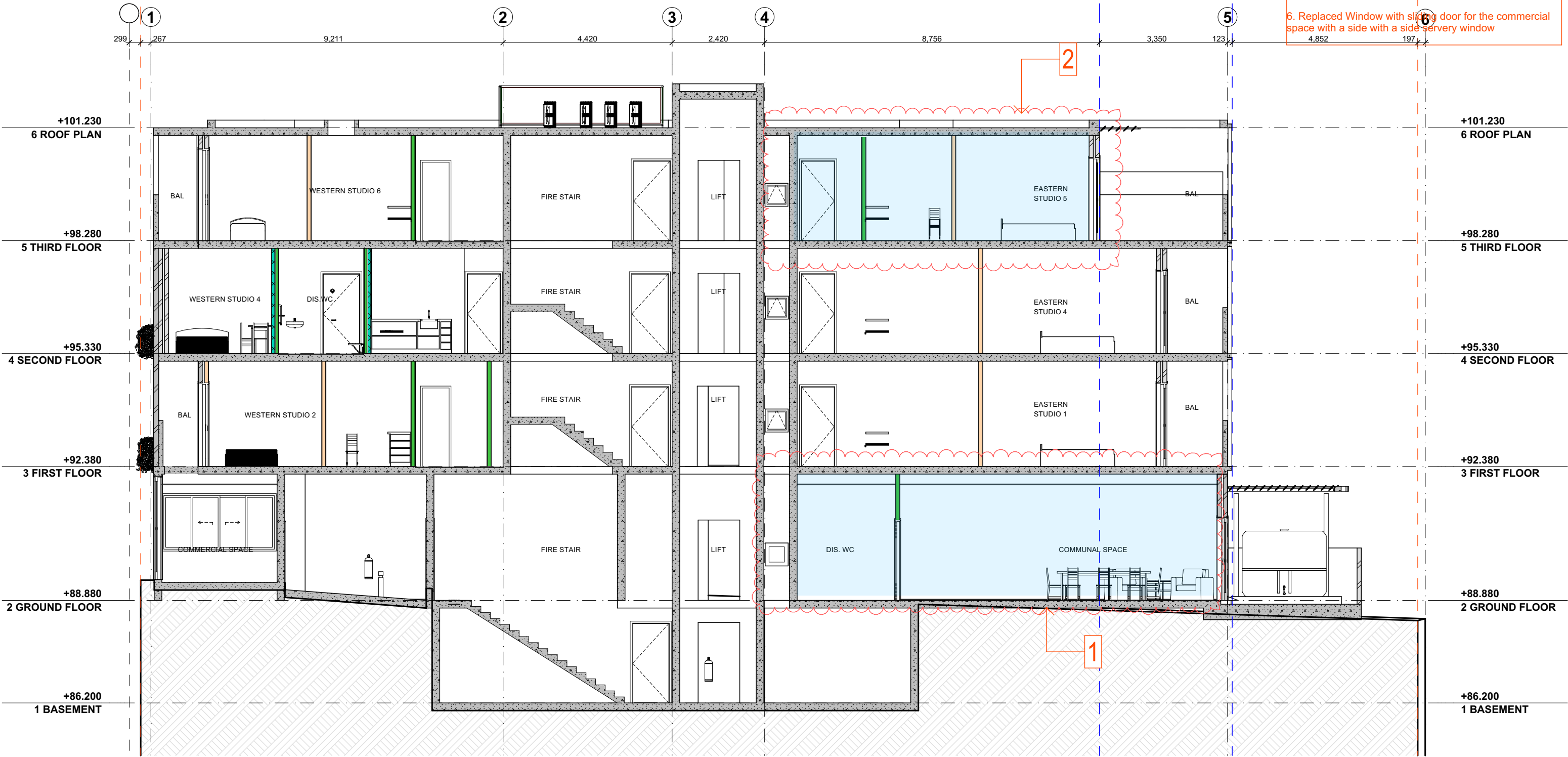
2. Remove the commercial space on the ground floor to accommodate the relocated communal space.

3. Services cupboards shown

4. Redesigned kitchen layout & dining area efficient flow. on each room refer to floor plans

5. Redesigned bath room layout to be obtainable.

6. Replaced Window with sliding door for the commercial space with a side with a side serving window



NOTES

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SECTION 4.55

PROJECT

1 EDEN STREET
NORTH SYDNEY

CLIENT

DR.CHUN JIANG

DRAWING

SECTIONS 02

project no

24-035

scale

AS SHOWN @ A3

date

24/06/25

drawn

MB

checked

NT

drawing no

DA-302

issue

A

S4.55 MODIFICATIONS SCHEDULE

Page 53

1. Relocated communal space from Level 3 to the ground floor to allow for two additional units.

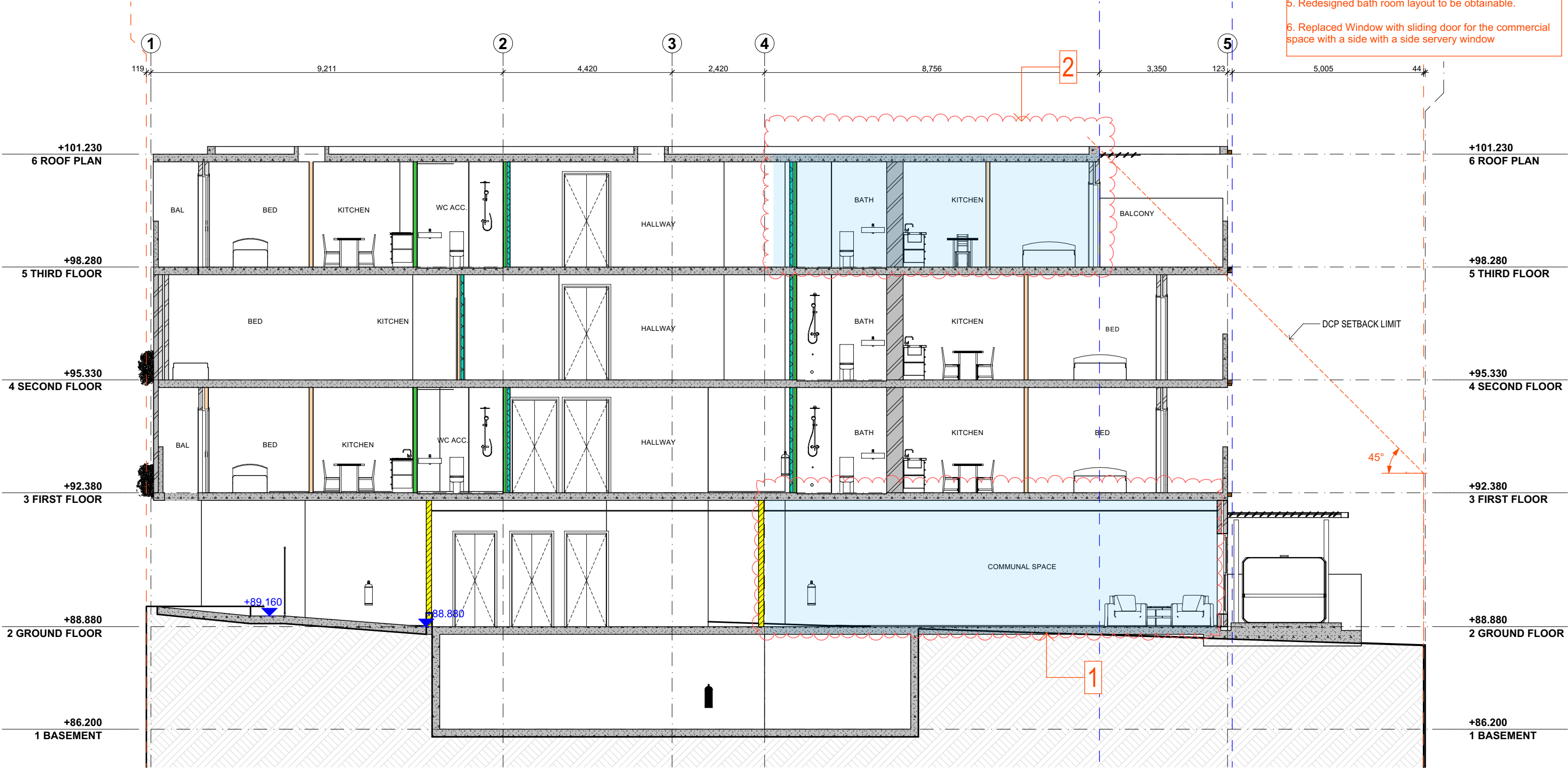
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SECTION 4.55

PROJECT

1 EDEN STREET
NORTH SYDNEY

CLIENT

DR.CHUN JIANG

DRAWING

SECTIONS

project no24-035

scale AS SHOWN @ A3

date 24/06/25

drawn MB

checked NT

drawing no DA-303

issue A