

## 9.9. Planning Proposal 1/26 - 27-37 Bydown Street, Neutral Bay

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<b>ENDORSED BY</b>	Beth Morris, Acting Director Planning and Environment
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. NSLPP Report and Planning Proposal 11 March 2026 [9.9.1 - 107 pages]</li> <li>2. NSLPP Meeting Minutes 11 March 2026 [9.9.2 - 5 pages]</li> </ol>
<b>CSP LINK</b>	<p><b>Outcome 6 – A vibrant LGA where culture and creativity is enjoyed by all</b> C2. Preserve and celebrate North Sydney’s heritage</p> <p><b>Outcome 7 – Housing that meets the needs of a growing population</b> H1. Support the delivery of affordable and diverse housing</p> <p><b>Outcome 8 – An effective, accountable and sustainable Council that serves the community</b> G2. Put community needs at the core of everything we do and deliver excellent customer service G3. Make it easy for our community to engage and participate in decision-making G4. Manage risks and maintain independent oversight in business operations and decision-making G5. Exercise regulatory compliance responsibilities diligently to protect the environment and support our community</p>

### PURPOSE:

The purpose of this report is to present to Council the recommendations of the North Sydney Local Planning Panel (NSLPP) on Planning Proposal No. 1/26, which seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) to identify the properties at 27 – 37 Bydown Street Neutral Bay as heritage items of local significance, and to seek a resolution to forward the Planning Proposal to the Department of Planning, Housing, and Infrastructure (DPHI) for a Gateway Determination.

### EXECUTIVE SUMMARY:

- Planning Proposal No. 1/26 seeks to amend the NSLEP 2013 to identify six properties - 27, 29, 31, 33, 35, and 37 Bydown Street Neutral Bay as heritage items of local significance under Schedule 5 – Environmental Heritage and on the Heritage Map.
- The Planning Proposal is supported by a comprehensive heritage assessment of the subject properties undertaken by an independent heritage consultant, Vanessa Holtham Heritage & Architecture.

- The independent heritage assessment concluded that, based on the available historical and physical evidence, as well as a comparative analysis of similar properties, that the properties meet the threshold for local heritage listing and recommended that the group of cottages at 27-37 Bydown Street Neutral Bay be listed as items of local heritage significance under the NSLEP 2013.
- In accordance with the recommendations of the heritage assessment, the subject Planning Proposal was prepared and referred to the NSLPP for advice on 11 March 2026.
- Contrary to the recommendations of the independent heritage assessment report and the Council officer's report to the NSLPP, the NSLPP recommended the Planning Proposal not be supported to proceed to a Gateway Determination. The Panel formed the view that the Planning Proposal did not have strategic and sufficient site-specific merit.
- The Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and Local Environmental Plan Making Guidelines (DPHI 2023). Council officers are satisfied that the Planning Proposal is consistent with applicable State and local plans and policies and is supported by a comprehensive heritage assessment undertaken by a suitably qualified heritage consultant, which recommends the properties meet the threshold for local heritage listing. Further community consultation will occur following Gateway Determination.
- This report recommends the Planning Proposal to heritage list the properties at 27-37 Bydown Street Neutral Bay, be supported to proceed to a Gateway Determination.

**RECOMMENDATION:**

- 1. THAT** Council note the recommendations of the North Sydney Local Planning Panel Meeting of 11 March 2026 on the Planning Proposal (PP1/26).
- 2. THAT** Council endorse the Planning Proposal (included within Attachment 1 to this report) to amend the North Sydney Local Environmental Plan 2013 such that the properties at 27, 29, 31, 33, 35, and 37 Bydown Street Neutral Bay be identified as local heritage items through their listing within Schedule 5 – Environmental Heritage and identification on the Heritage Map.
- 3. THAT** Council resolve to forward the Planning Proposal (PP1/26) to the Department of Planning, Housing and Infrastructure, seeking a Gateway Determination.
- 4. THAT,** upon receipt of a Gateway Determination, the Planning Proposal be publicly exhibited.
- 5. THAT** the outcomes of any public exhibition be reported to Council.

## Background

On 10 September 2025, a Development Application (DA 310/25) was lodged with Council for the demolition of the existing six single storey residential cottages at 27-37 Bydown Street Neutral Bay and construction of an eight-storey residential flat building comprising 25 apartments, including six affordable housing units above three levels of basement car-parking.

During the assessment of the DA, elected Councillors received a request by local residents seeking Council's support to urgently impose an Interim Heritage Order (IHO) over 27, 29, 31, 33, 35, and 37 Bydown Street Neutral Bay.

Several Precinct Committees have previously recommended a comprehensive heritage review of the North Sydney Local Government Area (LGA), including the Bydown Street cottages. However, the implementation of this review has been delayed due to NSW Government reforms and mandates on housing, which has placed pressure on Council resources. Following the lodgement of the DA 310/25, there was significant community concern that unless urgent action was taken, the cottages would be irreversibly lost, erasing a tangible and culturally valuable piece of Neutral Bay's heritage.

On 13 October 2025, Council resolved:

1. *THAT Council seek urgent independent advice on whether an Interim Heritage Order can be supported for the group of dwellings located at 27-37 Bydown Street, Neutral Bay.*

### Interim Heritage Order (IHO)

In accordance with the above resolution, Council engaged Vanessa Holtham Heritage & Architecture to undertake an independent preliminary heritage assessment to determine whether an IHO should be placed over the properties.

The preliminary assessment identified that the group of cottages at 27-37 Bydown Street Neutral Bay may be found, on further inquiry or investigation, to be of local heritage significance sufficient to warrant a local listing in Schedule 5 - Environmental Heritage of the NSLEP 2013. The properties were also identified as being under threat of harm due to the active DA seeking complete demolition of the buildings and structures on the sites. On this basis, it was recommended that Council place an IHO over the cottages to enable further research to be undertaken in relation to their heritage significance.

On 6 November 2025, Council's Chief Executive Officer under delegation imposed an IHO under Section 25 of the *Heritage Act 1977* on 27, 29, 31, 33, 35, and 37 Bydown Street Neutral Bay. The authorisation to make an IHO was delegated to Council's General Manager by Council resolution on 17 March 2014. The IHO was published in the NSW Government Gazette on 7 November 2025.

The IHO provides temporary protection to the existing dwellings to enable a further detailed heritage assessment of the properties to be undertaken, to determine whether they satisfy the criteria required by the Heritage Council of NSW for heritage listing under the NSLEP 2013.

#### Detailed Heritage Assessment Report

Council engaged Vanessa Holtham Heritage & Architecture to undertake a detailed heritage assessment of the subject properties. This assessment report was received by Council on 16 February 2026.

The assessment was undertaken in accordance with the Heritage Council of NSW's guidelines for Assessing Heritage Significance and based on available historical evidence, physical inspection of the properties (externals and internals), and a comparative analysis of similar heritage items listed in Schedule 5 to the NSLEP 2013.

The detailed assessment concluded that the properties at 27-37 Bydown Street Neutral Bay meet the threshold for heritage listing at a local level and should be recognised for their significance to the North Sydney LGA for the following reasons:

***NSW Heritage Criterion a) Historical Significance. An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)***

*The six cottages located at Nos. 27-37 Bydown Street, Neutral Bay have local historical significance for their association with the early development of modest housing groups in the early 20th Century in North Sydney, an area more typically associated with larger estates. This is reflected in the subdivision of the land into small allotments, a pattern which remains extant despite surrounding larger scale development. Proximate to the historic tram depot, and like the listed group in Byrnes Avenue, the Bydown group reflects the expansion of transport to and within the lower north shore, which brought a significant period of growth and higher density living.*

***NSW Heritage Criterion c) Aesthetic and/or Technical Significance. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).***

*The six cottages located at Nos. 27-37 Bydown Street have aesthetic significance as an intact group of Federation Filigree style workers' cottages with a high degree of integrity through their external form and fenestration, and intact internal arrangements. There also remains evidence of extant original internal details. Their current homogeneity and integrity as a group is indicative of the fact that they remained in single ownership for a substantial portion of their existence, like the consistency that is seen in historic public housing. The modest cottages are recognisable as an obvious but unique group for their simplicity. Through their homogeneity, the cottages make a positive contribution to the character of the area somewhat contrasting to some of the modern and less desirable development that has occurred in the vicinity, such as the adjacent car park.*

**NSW Heritage Criterion f) Rarity. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).**

*The cottages at 27-37 Bydown Street retain rarity value for their internal and external homogeneity, located near the transport corridor established at the turn of the 20<sup>th</sup> Century. Their integrity, even following their 1979 alteration, is likely due to their extended, collective ownership, which is more akin to inner city and public housing in areas like Glebe, rather than the lower north shore, where affluence and gentrification had been more prevalent. Built as a cohesive a group of six, they appear more homogenous in the round, than several of the other already heritage-listed dwelling groups in the North Sydney Local Government Area.*

**NSW Heritage Criterion g) Representativeness. An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).**

*27-37 Bydown Street have representative value as a good example of a group of modest but intact purpose-built workers' cottages constructed in the Federation Filigree style. They are a largely intact and unique representation of early 20th Century workers' housing in the area, close to major road transport routes like Military Road and the former tram depot, symbolic of increased development locally at the turn of the 20th Century.*

Based on this assessment, Council has prepared the Planning Proposal which seeks to list the subject sites as local heritage items, to ensure that the heritage significance of the buildings and site are adequately protected.

#### Land and Environment Court Proceedings

On 1 December 2025, Council was served with a Class 1 Appeal against the making of the IHO. The application seeks to revoke the IHO in relation to 27-37 Bydown Street Neutral Bay. On the same day, Council was also served with a Class 1 Appeal against the Deemed Refusal of DA 310/25. The application seeks the determination of DA 310/25 by the granting consent.

The appeal against the IHO was heard on 19 and 20 March 2026. At the time this report was prepared, a decision was yet to be made by the Court with respect to the IHO.

#### Statutory Timeframes

The IHO provides temporary protection against demolition for a maximum of 12 months, until 7 November 2026 in this case. Upon the expiry of the IHO, if the subject sites are not listed as heritage items via a Planning Proposal, the subject items would no longer have legal protection against demolition. Council has no delegation to re-issue a second IHO on these properties.

However, the IHO will also lapse six months from the date the IHO was made, 6 May 2026 in this case, unless Council has passed a resolution before this date seeking to place the item on the heritage schedule of a LEP with appropriate provisions for protecting and managing them.

Lapsing of the IHO would enable the property owners to obtain a Complying Development Certificate (CDC) to demolish these dwellings.

## Report

### 1. Planning Proposal

#### 1.1. Proponent

The Planning Proposal (PP1/26) has been prepared by North Sydney Council.

#### 1.2. Site Description

The subject sites formally comprise Lots 1-6 in Deposited Plan 260274, and are commonly known as 27, 29, 31, 33, 35, and 37 Bydown Street, Neutral Bay (refer to Figures 1 And 2, below).

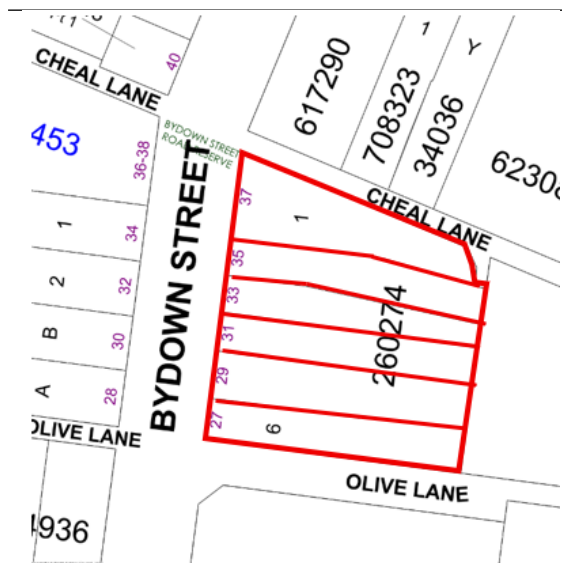


FIGURE 1: Subject sites  
Source – North Sydney Council Mapping System



FIGURE 2: Subject sites – Aerial  
Source – North Sydney Council Mapping System overlaid with Nearmap – Image 2005

#### 1.3. Proposed Amendment to NSLEP 2013

The principal purpose of the Planning Proposal is to identify the properties at 27, 29, 31, 33, 35, and 37 Bydown Street Neutral Bay as heritage items of local significance under the NSLEP 2013. The proposed amendment affects both the written instrument of the LEP and the accompanying maps, the extent of which is outlined below.

## Schedule 5 – Environmental Heritage

The intent of the Planning Proposal is proposed to be achieved by inserting the following six items within Schedule 5, Part 1 – Heritage items ([blue underline](#)) represents an insertion):

Locality	Item name	Address	Property description	Significance	Item no
<a href="#">Neutral Bay</a>	<a href="#">Bydown Street group - house</a>	<a href="#">27 Bydown Street</a>	<a href="#">Lot 6, DP 260274</a>	<a href="#">Local</a>	<a href="#">I1147</a>
<a href="#">Neutral Bay</a>	<a href="#">Bydown Street group - house</a>	<a href="#">29 Bydown Street</a>	<a href="#">Lot 5, DP 260274</a>	<a href="#">Local</a>	<a href="#">I1148</a>
<a href="#">Neutral Bay</a>	<a href="#">Bydown Street group - house</a>	<a href="#">31 Bydown Street</a>	<a href="#">Lot 4, DP 260274</a>	<a href="#">Local</a>	<a href="#">I1149</a>
<a href="#">Neutral Bay</a>	<a href="#">Bydown Street group - house</a>	<a href="#">33 Bydown Street</a>	<a href="#">Lot 3, DP 260274</a>	<a href="#">Local</a>	<a href="#">I1150</a>
<a href="#">Neutral Bay</a>	<a href="#">Bydown Street group - house</a>	<a href="#">35 Bydown Street</a>	<a href="#">Lot 2, DP 260274</a>	<a href="#">Local</a>	<a href="#">I1151</a>
<a href="#">Neutral Bay</a>	<a href="#">Bydown Street group - house</a>	<a href="#">37 Bydown Street</a>	<a href="#">Lot 1, DP 260274</a>	<a href="#">Local</a>	<a href="#">I1152</a>

## LEP Mapping

An amendment to the Heritage Map of the NSLEP 2013 is also required to identify the properties at 27, 29, 31, 33, 35, and 37 Bydown Street, Neutral Bay as local heritage items.



FIGURE 3: NSLEP 2013 Heritage Map extract (Current)

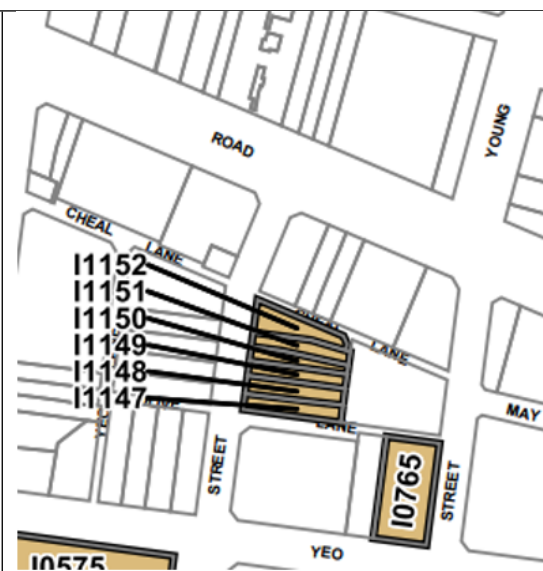


FIGURE 4: NSLEP 2013 Heritage Map extract (Proposed)

## 2. Assessment

The Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the EP&A Act 1979 and Local Environmental Plan Making Guidelines (DPHI 2024).

A copy of the Council officer's report to the North Sydney Local Planning Panel and Planning Proposal is forms Attachment 1 to this report and is also available at: <https://www.northsydney.nsw.gov.au/downloads/file/4709/pp02-pp01-26-27-37-bydown-street-neutral-bay-11-march-2026>.

## 3. Local Planning Panel

By Ministerial Direction, all Planning Proposals are required to be referred to the Local Planning Panel for advice prior to council determining whether the planning proposal should be forwarded to the DPHI for the purposes of seeking a Gateway Determination.

The Planning Proposal was considered by the NSLPP on 11 March 2026. Contrary to the recommendations of the independent heritage assessment and the Council officer's report, the NSLPP recommended that the Planning Proposal to identify the properties at Nos. 27-37 Bydown Street, Neutral Bay as local heritage items under the NSLEP 2013, not be supported to proceed to a Gateway Determination.

The Panel's recommendations and reasons were as follows:

*The Panel advises Council that it was of the view that the Planning Proposal, having regard to the NSW Local Environmental Plan Making Guideline 2023 did not demonstrate strategic and sufficient site-specific merit.*

*In relation to strategic merit the Panel were of the view the Planning Proposal did not demonstrate alignment with the NSW Strategic Planning framework or current government priorities.*

*The Panel was of the view that these cottages are well represented types of buildings listed in the NSLEP 2013 with many different examples across the LGA that are listed as heritage items or within a conservation area. After representations to the panel, it was considered that the properties will not satisfy the requirements to meet the NSW Heritage Guidelines for heritage listing.*

*The Panel were also of the view that the Planning Proposal did not demonstrate consistency with the following object of the Environmental Planning & Assessment Act, 1979:*

- *(k) to promote the orderly and economic use and development of land.*

*Accordingly, the Panel does not recommend the Planning Proposal be forwarded for Gateway determination.*

A copy of the NSLPP recommendations is provided (**ATTACHMENT 2**) and is available at: <https://www.northsydney.nsw.gov.au/downloads/file/4728/nslpp-planning-proposal-minutes-11-march-2026>.

## **4. Key Issues**

### **4.1 Strategic Merit**

The NSLPP formed the view that the Planning Proposal did not demonstrate alignment with the NSW strategic planning framework nor current government priorities.

The Planning Proposal considers the priorities of the State Government's draft 'Sydney Plan, Greater Sydney Region Plan – A Metropolis of Three Cities', North District Plan, North Sydney Local Strategic Planning Statement, and North Sydney Local Housing Strategy. It considers the relevant planning priorities, in particular the priorities relating to the delivery of more housing supply and greater diversity of housing choice, and the preservation of heritage values and the local character of places.

It is acknowledged that, as part of this Planning Proposal, a careful evaluation of (in this case) somewhat conflicting strategic objectives relating to the conservation of built heritage on one hand and pursuing redevelopment opportunities to increase housing supply on the other, is required.

The Planning Proposal acknowledges that the proposed heritage listing would preclude the sites from height and density bonuses under Part 6 - Low and Mid-Rise Housing (LMRH), and Part 2 - Infill Affordable Housing of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). The current Development Application for the site (DA 310/25) proposes to utilise the LMRH and Infill Affordable Housing bonus provisions to demolish the existing six single-storey detached and semi-detached cottages and construct an eight-storey residential flat building comprising a total of 25 apartments, including six allocated as affordable housing for a period of 15 years.

Part 6 - Low and Mid-Rise Housing (LMRH) of the Housing SEPP does not apply to 'land that is a heritage item or on which a heritage item is located' (Clause 164). The Planning Proposal, which is supported by an independent heritage assessment concluding that the subject properties meet the threshold for local heritage listing and warrant protection for their historic, aesthetic, rarity, and representativeness to the North Sydney LGA, is not in itself inconsistent with the provisions of the LMRH provisions of the Housing SEPP.

The contribution of DA 310/2025 to North Sydney's housing target (net additional 19 dwellings) is modest and not consequential to the implementation of the State Government's five-year housing target for the North Sydney LGA. As demonstrated in Table 1 below, there are nine active proposals in the Neutral Bay and Cremorne LMRH catchment areas seeking significant uplift beyond existing LEP controls. These proposals seek to deliver 510 new dwellings, including 28 affordable housing dwellings.

<b>TABLE 1: Active Proposals in Neutral Bay</b>			
<b>Property</b>	<b>Application</b>	<b>Application Status</b>	<b>Proposed No. of dwellings</b>
1-7 Rangers Road & 50 Yeo Street, Neutral Bay	HDA/SSD-82875708 8-12 storey Mixed Use	Under Assessment	97 dwellings (including 10 affordable housing)
183-185 Military Road, Neutral Bay	PP-2023-699 12-storey Mixed Use	Gateway Determination Issued	43 dwellings (including 2 affordable housing)
166-188 & 198-214 Military Road, Neutral Bay	PP-2024-1241 9-12 storeys Mixed-Use	Rezoning Review – supported subject to amendment by Sydney North Planning Panel	144 dwellings
41-53 Grosvenor Street, Neutral Bay	PP-2025-713 8-storey Mixed-Use	Under Assessment	83 dwellings
16, 18 & 18A Watson Street, Neutral Bay	DA456/2025 9-storey RFB (LMR & Infill AH)	Appeal	14 dwellings (including 3 affordable housing)
54-64 Barry Street, Neutral Bay	DA12/2026 8-storey RFB (LMR & Infill AH) bonus)	Under assessment	45 dwellings (including 8 affordable housing)
19-21 Barry Street, Neutral Bay	DA75/2026 6-storey RFB (LMR)	Under Assessment	20 dwellings
45-49 Murdoch Street, Cremorne	DA417/2025 6-storey RFB (LMR)	Under Assessment	32 dwellings
57-61 Reynolds Street, Cremorne	DA464/2025 8-storey RFB (LMR & Infill AH)	Appeal	32 dwellings (including 5 affordable housing)
<b>TOTAL</b>			<b>510 dwellings (including 28 affordable housing)</b>

Table 1: Active Proposals in Neutral Bay

Of the set five-year target of 5,900 dwelling completions for the North Sydney LGA, 1,997 dwellings have been approved since the commencement of the Housing Accord period in July 2024 to February 2026. On an approvals basis, this exceeds the 1,866 dwellings

pro rata target, noting that Council has limited influence over the timing of physical delivery of approved dwellings.

The *North Sydney Local Housing Strategy* identifies the potential to deliver an additional 11,870 dwellings across the North Sydney LGA by 2036, and this excludes the additional capacity provided by the State Government's recent housing reforms, including the rezoning of the Crows Nest TOD precinct in November 2024.

The existing semi-detached and attached dwellings are reflective of their existing R3 – Medium density residential zoning under the NSLEP 2013 and provide a dwelling form that is less prevalent in the North Sydney LGA. The 2021 Australian Bureau of Statistics (ABS) Census indicates that approximately 76% of the housing stock within the North Sydney LGA comprises apartments, 11% comprises dwelling houses, and the remaining 13% comprises semi-detached and multi-dwelling housing (duplexes, terraces etc.). Since this time, the quantum of additional dwellings approved have predominantly comprised apartments, further reducing housing diversity and choice in the North Sydney LGA.

Having regard to the above, the Planning Proposal is not considered to be inconsistent with the overarching NSW strategic planning framework nor undermines current government planning priorities.

#### **4.2 Site-Specific Merit**

The Panel were of the view that the Planning Proposal did not demonstrate sufficient site-specific merit. The reasons cited by the Panel were that the subject cottages are well-represented types of buildings listed in the NSLEP 2013, with many different examples across the LGA that are listed as heritage items or within a conservation area. The Panel was also of the view that the properties will not satisfy the requirements to meet the NSW Heritage Guidelines for heritage listing.

The heritage assessment supporting the Planning Proposal has been undertaken by an independent and suitably qualified heritage expert. The assessment follows the guidelines for *Assessing Heritage Significance* published by the Heritage Council of NSW (2023) and concludes, based on the available historical and physical evidence collated, as well as a comparative analysis of similar properties, that the six cottages meet the threshold for listing as a local heritage item.

To meet the threshold for local heritage listing, the item must satisfy one or more of the seven established assessment criteria. The independent assessment report concludes that the properties satisfy four of the seven criteria, including historical significance, aesthetic and/or technical significance, rarity, and representativeness. This is detailed in Section 2.7 of the Planning Proposal.

The Panel's contention that the Bydown Street workers' cottages are a well-represented type of building in the NSLEP 2013 is contrary to the findings of the comparative analysis undertaken by Vanessa Holtham & Architecture. The comparative analysis indicates that the group of Federation Filigree style worker's cottages at Bydown Street, which retain a

high degree of integrity through their external form and fenestration and intact internal arrangements, *retain a high degree of homogeneity when compared to others with an unusual level of modesty in scale and lack of detailing, consistent with traditional workers' cottages, probably only matched in both senses by the Victorian group of terraces in Chuter Street, McMahons Point* (p. 37).

The assessment report by Vanessa Holtham & Architecture further states (p. 49) that:

*The cottages at 27-37 Bydown Street retain rarity value for their internal and external homogeneity, located near the transport corridor established at the turn of the 20th Century. Their integrity, even following their 1979 alteration, is likely due to their extended, collective ownership, which is more akin to inner city and public housing in areas like Glebe, rather than the lower north shore, where affluence and gentrification had been more prevalent. Built as a cohesive a group of six, they appear more homogenous in the round, than several of the other already heritage listed dwelling groups in the North Sydney Local Government Area.*

The Panel also expressed the view that the Planning Proposal did not demonstrate consistency with the objects of the EP&A Act, 1979 specifically object (k) *'to promote the orderly and economic use and development of land.'* However, the Panel did not in their reasons have regard to other relevant objects of the EP&A Act, notably object (f) *'to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage.'*

## **5. Submissions**

There are no statutory requirements to publicly exhibit a planning proposal before the issuance of a Gateway Determination. However, Council sometimes receives submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination.

At the time of reporting, no submissions had been received, as the planning proposal had not been made publicly available until release of the NSLPP meeting agenda and report. As mentioned, Council has previously received written requests from the local community to investigate the potential heritage value of these sites.

The intent of the Planning Proposal to list the properties as heritage items would satisfy the concerns of the local community to protect these locally significant properties from demolition. The public exhibition of the Planning Proposal will provide additional opportunity for the owners of the property and the wider community to provide feedback.

## 6. Options

Council has the following options in relation to this matter:

1. Not endorse the Planning Proposal.
2. Delay the endorsement of the Planning Proposal.
3. Support the Planning Proposal (recommended option).

These options are assessed in the table below.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	Not endorsing the Planning Proposal will have a negligible resourcing impact. However, Council has incurred a financial cost to prepare and make the IHO, including heritage assessment and legal costs, due to the two concurrent appeals lodged in response to the making of the IHO.	<p>Not endorsing/abandoning the Planning Proposal would result in the temporary protection of the properties provided by the IHO lapsing on 6 May 2026.</p> <p>The lapsing of the IHO would enable the property owners to lodge a Complying Development Certificate (CDC) to seek demolition of these potential heritage items.</p> <p>Council does not have delegation to re-issue a second IHO on these properties.</p>	Should the Planning Proposal not be supported, community consultation beyond this report would not be required.
2.	Delaying the endorsement of the Planning Proposal will have a minor financial and resourcing impact to progress the Planning Proposal. Finance and resourcing will be required to oversee the administration of the LEP making process, including public exhibition, post-exhibition reporting and LEP mapping.	<p>The IHO will lapse on 6 May 2026 unless Council passes a resolution before this date seeking to place the item on the heritage schedule of the NSLEP 2013.</p> <p>Delaying the endorsement of the Planning Proposal until after a Court decision is made may result in the IHO lapsing in the interim. The lapsing of the IHO would enable the property owners to lodge a CDC to seek demolition of</p>	Should the endorsement of the Planning Proposal be delayed after 6 May 2026, the IHO will lapse and the property owners could lodge a CDC to seek demolition of these potential heritage items. Community consultation beyond this report

Option	Finance/Resourcing	Risk/Opportunity	Consultation
		<p>these potential heritage items.</p> <p>Council does not have delegation to re-issue a second IHO on these properties.</p>	<p>would not be required.</p>
3.	<p>Endorsement of the Planning Proposal will have a minor financial and resourcing impact to progress the Planning Proposal. Resourcing will be required to oversee the administration of the LEP making process, including public exhibition, post-exhibition reporting and LEP mapping.</p>	<p>Should the Planning Proposal be supported to proceed to a Gateway Determination, Council has until 7 November 2026 (the date the IHO expires) to finalise the amendment to the NSLEP 2013 to permanently heritage list the properties.</p> <p>The decision on whether the properties receive a permanent heritage listing ultimately rests with the DPHI. There is potential that the DPHI will issue a Gateway Determination for the Planning Proposal not to proceed. If this were to occur Council would need to consider whether to remove the IHO.</p>	<p>If supported, community engagement would be required to be undertaken in accordance with Council's Community Engagement Strategy and the conditions of any Gateway Determination issued by the DPHI.</p>

**Option 3** is recommended for the following reasons:

- The Planning Proposal has been prepared in accordance with the *requirements of Section 3.33 of the EP&A Act 1979 and the NSW Government's LEP Making Guidelines (DPHI 2024)*.
- The Planning Proposal is consistent with applicable State and local plans and policies, and is supported by a comprehensive heritage assessment undertaken by a suitably qualified, independent heritage consultant, who concluded the properties at 27-37 Bydown Street Neutral Bay meet the threshold for local heritage listing and should be recognised for their historical, aesthetic, rarity, and representative value to the North Sydney LGA.
- The proposed LEP amendment, which seeks to permanently heritage list the properties and impose provisions on the subject sites to ensure that the heritage significance of the

buildings is adequately protected, is the best means of protecting and managing built heritage.

### **Consultation Requirements**

Should the Planning Proposal be supported, community engagement will be undertaken in accordance with Council's *Community Engagement Strategy* and the conditions of any Gateway Determination issued by the DPHI.

### **Financial/Resource Implications**

This report recommends the Planning Proposal be supported to proceed to a Gateway Determination. Resourcing will be required to oversee the administration of the LEP-making process, including public exhibition, post-exhibition reporting, and preparation of LEP mapping amendments.

### **Legislation**

The proposal's compliance with the relevant provisions of the Heritage Act 1977, Environmental Planning and Assessment Act 1979, and accompanying Regulations (2021) have been addressed throughout this report.

Item PP02 - REPORTS - 11/03/2026

N O R T H S Y D N E Y C O U N C I L R E P O R T S

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**NSLPP MEETING HELD ON 11/03/2026**

**Attachments:**

1. Planning Proposal

**ADDRESS/WARD:** Nos. 27 – 37 Bydown Street, Neutral Bay

**PROPOSAL No:** 1/26

**PROPOSAL:** To amend the *North Sydney Local Environmental Plan (NSLEP) 2013* to identify six (6) properties at Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay as heritage items of local significance:

- within schedule 5 – Environmental Heritage; and
- on the Heritage Map

**OWNERS:** Mathers & Fairfax Pty Ltd; Preston; Hamill Nominees Co Pty Ltd; Revilena Pty Ltd; Russell; Whitman

**APPLICANT:** North Sydney Council

**AUTHOR:** Katerina Papas, Senior Strategic Planner

**DATE OF REPORT:** 24 February 2026

**DATE LODGED:** 16 February 2026

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## EXECUTIVE SUMMARY

On 6 November 2025, Council's Chief Executive Officer (CEO) under delegation made an Interim Heritage Order (IHO) under section 25 of the *Heritage Act 1977* over Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay. This authorisation to make an IHO was delegated to Council's General Manager by Council resolution on 17 March 2014.

The objective of this was to provide temporary protection to the existing dwellings on the site until a detailed heritage assessment of the properties had been undertaken to determine whether the properties should be heritage listed under a local environmental plan. The IHO over the properties was published in the NSW Government Gazette on 7 November 2025 and will expire on 6 November 2026.

The imposition of an IHO arose from community concern during the assessment of a Development Application (DA 310/25) which sought to demolish the existing six (6) single-storey residential cottages and construct an eight-storey residential flat building comprising twenty-five (25) apartments, including six (6) affordable housing units above three levels of basement car parking. This application is currently subject to an Appeal in the Land and Environment Court and has yet to be determined.

Council engaged Vanessa Holtham Heritage & Architecture to undertake a comprehensive independent heritage assessment of the subject properties to determine if they satisfy the criteria required by Heritage NSW to reach the threshold for heritage listing under the *North Sydney Local Environmental Plan 2013* (NSLEP 2013).

The comprehensive heritage assessment was received by Council on 16 February 2026, which concluded that based on the available historical and physical evidence, as well as a comparative analysis of similar properties, that all six (6) properties meet the relevant criteria for listing at a local. Accordingly, the assessment recommends the group of cottages at Nos. 27-37 Bydown Street, Neutral Bay be listed as items of local heritage significance under Schedule 5 – *Environmental Heritage* and on the Heritage Map to NSLEP 2013.

In accordance with the recommendations of the heritage assessment, a Planning Proposal (refer to **Attachment 1**) has been prepared seeking to amend NSLEP 2013 by including the properties at Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay as heritage items under Schedule 5 – *Environmental Heritage*, and appropriately identified on the Heritage Map.

It is recommended that the Planning Proposal (PP1/26) be supported as it:

- complies with the relevant Local Environment Plan making provisions under the *Environmental Planning & Assessment Act 1979*;
- complies with the NSW Government's '*Local Environmental Plan Making Guideline*' (August 2023);
- is consistent with relevant state and local strategies/policies; and
- is unlikely to result in any adverse impacts on the environment or wider community.

For these reasons, the Planning Proposal is considered to be satisfactory and it is recommended that the Local Planning Panel provide advice regarding the progression of the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) seeking a Gateway Determination.



## DESCRIPTION OF PROPOSAL

Planning Proposal No. 1/26 seeks to amend the NSLEP 2013 by identifying the six (6) properties at Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay as local heritage items within Schedule 5 – *Environmental Heritage* and on the Heritage Map.

## PANEL REFERRAL

On 27 September 2018, the then Minister for Planning issued a Section 9.1 Direction outlining the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the then Department of Planning and Environment (DPE) for the purposes of seeking a Gateway Determination.

All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- (a) the correction of an obvious error in a local environmental plan;
- (b) matters that are of a consequential, transitional, machinery or other minor nature; or
- (c) matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal to list the property as a heritage item could be considered to satisfy matter (c) above as it will not have an adverse impact upon the environment. However, a future heritage listing of the properties could prevent the approval of DA 310/25 which seeks to demolish the existing six (6) single-storey residential cottages at Nos. 27-37 Bydown Street to construct an eight-storey residential flat building comprising twenty-five (25) apartments, including six (6) affordable housing units above three levels of basement car parking. For this reason, the Planning Proposal has been referred to the Local Planning Panel for its advice, prior to seeking Council's determination as to whether the Planning Proposal should proceed to Gateway Determination.

## BACKGROUND

On 10 September 2025, a development application (DA 310/25) was lodged with Council for the demolition of the existing six (6) single storey residential cottages at Nos. 27–37 Bydown Street, Neutral Bay, and construction of an eight-storey residential flat building comprising 25 apartments, including six (6) affordable units above three levels of basement car parking.

During the assessment of the DA, elected Councillors received a request by local residents seeking Council's support to urgently impose an IHO over Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay.

On 13 October 2025, Council considered a Notion of Motion in response to the community's concerns. Council subsequently resolved:

1. ***THAT*** Council seek urgent independent advice on whether an Interim Heritage Order can be supported for the group of dwellings located at 27-37 Bydown Street, Neutral Bay.

In accordance with Council's resolution, Council engaged Vanessa Holtham Heritage & Architecture to undertake an independent preliminary heritage assessment to determine whether an IHO should be placed over the properties.

The Preliminary Assessment identified that the group of cottages at Nos. 27-37 Bydown Street, Neutral Bay may be found, on further inquiry or investigation, to be of local heritage significance sufficient to warrant a local listing in Schedule 5 - *Environmental Heritage* of the NSLEP 2013. The properties were also identified as being under threat of harm due to the active DA seeking complete demolition of the buildings and structures on the sites. On this basis, it was recommended that Council place an IHO over the cottages to enable further research to be undertaken in relation to their heritage significance.

On 6 November 2025, Council's Chief Executive Officer under delegation imposed an IHO on Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay with the IHO being published in the NSW Government Gazette on 7 November 2025.

On 1 December 2025, Council was served with a Class 1 Appeal against the making of the IHO. The application seeks to revoke the IHO in relation to Nos. 27-37 Bydown Street, Neutral Bay. On the same day, Council was also served with a Class 1 Appeal against the Deemed Refusal of DA 310/25. The application seeks the determination of DA 310/25 by the granting consent. At the time this Planning Proposal was prepared the Court was yet to hear the matters. The appeal against the IHO is listed for hearing on 19 and 20 March 2026.

On 16 February 2026, a detailed Heritage Assessment report was produced by Vanessa Holtham Heritage & Architecture. The assessment was undertaken in accordance with the Heritage Council of NSW's guidelines for *Assessing Heritage Significance* and based on available historical evidence, physical inspection of the properties (externals and internals) and a comparative analysis of similar heritage items listed in Schedule 5 to the NSLEP 2013.

The detailed assessment concluded that the properties at Nos. 27-37 Bydown Street, Neutral Bay meet the threshold for heritage listing at a local level and should be recognised for their significance to the North Sydney LGA for the following reasons:

**a) *Historical Significance. An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)***

*The six cottages located at Nos. 27-37 Bydown Street, Neutral Bay have local historical significance for their association with the early development of modest housing groups in the early 20th Century in North Sydney, an area more typically associated with larger estates. This is reflected in the subdivision of the land into small allotments, a pattern which remains extant despite surrounding larger scale development. Proximate to the historic tram depot, and like the listed group in Byrnes Avenue, the Bydown group reflects the expansion of transport to and within the lower north shore, which brought a significant period of growth and higher density living.*

- b) Aesthetic and/or Technical Significance. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).**

*The six cottages located at Nos. 27-37 Bydown Street have aesthetic significance as an intact group of Federation Filigree style workers' cottages with a high degree of integrity through their external form and fenestration, and intact internal arrangements. There also remains evidence of extant original internal details. Their current homogeneity and integrity as a group is indicative of the fact that they remained in single ownership for a substantial portion of their existence, like the consistency that is seen in historic public housing. The modest cottages are recognisable as an obvious but unique group for their simplicity. Through their homogeneity, the cottages make a positive contribution to the character of the area somewhat contrasting to some of the modern and less desirable development that has occurred in the vicinity, such as the adjacent car park.*

- f) Rarity. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).**

*The cottages at 27-37 Bydown Street retain rarity value for their internal and external homogeneity, located near the transport corridor established at the turn of the 20<sup>th</sup> Century. Their integrity, even following their 1979 alteration, is likely due to their extended, collective ownership, which is more akin to inner city and public housing in areas like Glebe, rather than the lower north shore, where affluence and gentrification had been more prevalent. Built as a cohesive a group of six, they appear more homogenous in the round, than several of the other already heritage-listed dwelling groups in the North Sydney Local Government Area.*

- g) Representativeness. An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).**

*27-37 Bydown Street have representative value as a good example of a group of modest but intact purpose-built workers' cottages constructed in the Federation Filigree style. They are a largely intact and unique representation of early 20th Century workers' housing in the area, close to major road transport routes like Military Road and the former tram depot, symbolic of increased development locally at the turn of the 20th Century.*

Based on this recommendation, Council has prepared this Planning Proposal to identify the properties as local heritage items under the NSLEP 2013.

## DETAIL

### 1. Applicant

The applicant for the proposal is North Sydney Council.

**2. Site Description**

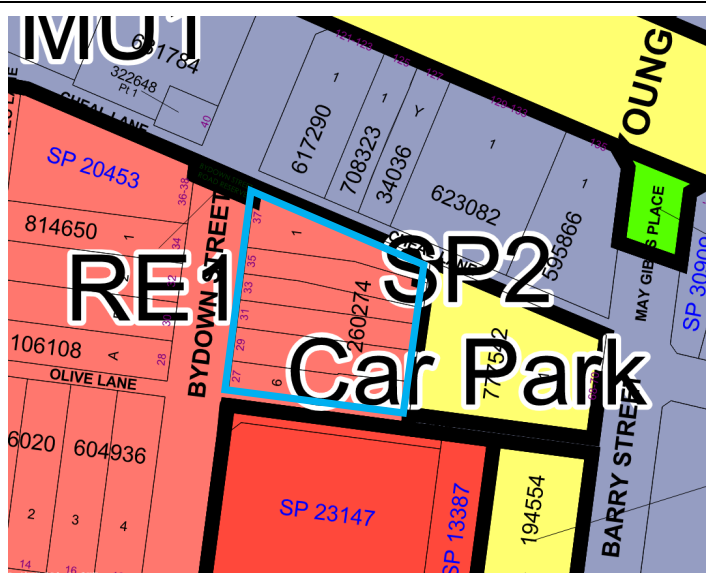
The subject sites formally comprise Lots 1-6 in Deposited Plan 260274, and are commonly known as Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay.

Details of the physical attributes of the site and its surroundings are described in the attached Planning Proposal.

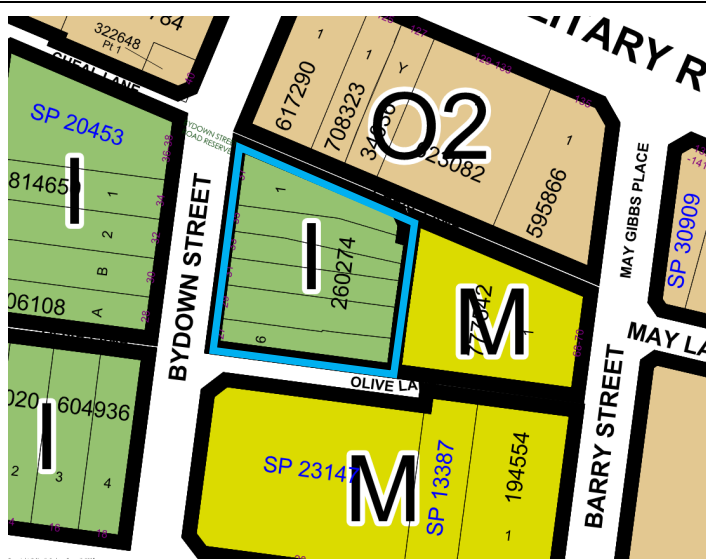
**3. Current Planning Provisions**

The NSLEP 2013 applies to the subject site. The NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013.

The subject site is zoned *R3 Medium Density Residential* under the NSLEP 2013 (refer to **FIGURE 1**) and has a maximum building height of 8.5m (refer to **FIGURE 2**).



**FIGURE 1:**  
 NSLEP 2013 Zoning Map extract  
 The subject site is zoned R3 Medium Density Residential



**FIGURE 2:**  
 NSLEP 2013 Height of Buildings Map extract  
 The subject site has a maximum building height of 8.5m

### 3.1 Proposed Amendment to NSLEP 2013

The principle purpose of the Planning Proposal (refer to **Attachment 1**) is to amend the NSLEP 2013 such that Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay are identified as a local heritage items through their listing within Schedule 5 - *Environmental Heritage* and identification on the Heritage Map.

## 4. ASSESSMENT

### 4.1 Planning Proposal Structure

The Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment (EP&A) Act 1979* and *Local Environmental Plan Making Guidelines* (DPHI 2024).

In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification of the proposal's strategic and site specific merit;
- Identification of associated mapping amendments;
- Details of the community consultation that is to be undertaken in relation to the Planning Proposal;
- A project timeline identifying how the planning proposal is to be implemented, should it progress.

### 4.2 Justification of the Planning Proposal

In response to the imposition of an IHO over Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay, Vanessa Holtham Heritage & Architecture undertook a detailed heritage assessment (refer to **Appendix 2 of Attachment 1**) of the subject sites and determined that the subject site and buildings and structures thereon meet the criteria for heritage listing, in relation to the following criteria:

- Criteria (a) – Historical Significance;
- Criteria (c) – Aesthetic and/or Technical Significance
- Criteria (f) – Rarity
- Criteria (g) – Representativeness

Based on this assessment, the consultant recommends that the properties identified as Nos. 27-37 Bydown Street, Neutral Bay be listed as heritage items of local significance under the NSLEP 2013.

Accordingly, the proposed LEP amendment, seeks to impose provisions on the subject site to ensure that the heritage significance of the buildings and site are adequately protected in accordance with the recommendations of the heritage assessment.

### **Strategic Merit**

The Planning Proposal is consistent with the Directions, Objectives and Priorities of the Region Plan (draft *Sydney Plan* and *Metropolis of Three Cities*), *North District Plan* and *North Sydney Local Strategic Planning Statement*. The Planning Proposal is consistent with all relevant SEPPs and s9.1 Ministerial Directions.

The proposed heritage listing of the properties is not considered to unreasonably limit the development potential of the sites as envisaged under the NSLEP 2013 controls, nor unduly restrict the development potential of surrounding sites. Any future Development Application on the site would need to have regard to Clause 5.10 to the NSLEP 2013.

Whilst the heritage listing would exclude the subject sites from uplift beyond existing NSLEP 2013 controls, specifically the Low and Mid-Rise Housing (LMRH) bonus height and floorspace provisions under Part 6 of *State Environmental Planning Policy (Housing) 2021*, the uplift achievable under these provisions is not considered to be consequential to the implementation or delivery of set 5-year housing targets for the North Sydney LGA.

The current DA for the site (DA 310/25), which relies on the LMRH and Infill Affordable Housing bonus provisions, would result in a modest contribution (net additional 19 dwellings) to North Sydney's overall housing delivery targets and further reduce housing diversity and choice in the North Sydney LGA.

The Planning Proposal is specific to the subject properties in Neutral Bay, which warrant protection for their historic, aesthetic, rarity and representative value to the North Sydney LGA. It will also not unduly restrict surrounding sites from uplift beyond the existing NSLEP 2013 controls. There are currently nine (9) proposals in the vicinity of the sites in Neutral Bay seeking significant uplift beyond existing controls to deliver 510 new dwellings, including 28 affordable housing dwellings.

### **Site-Specific Merit**

The Planning Proposal is unlikely to result in any adverse environmental impacts.

## **5. SUBMISSIONS**

There are no statutory requirements to publicly exhibit a Planning Proposal before the issuance of a Gateway Determination.

However, Council sometimes receives submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process, arise from the community becoming aware of their lodgement through Council's application tracking webpage.

These submissions are normally considered as part of Council's assessment report for a Planning Proposal, to illustrate the level of public interest in the matter before Council makes its determination.

At the time of reporting, no submissions had been received as the draft planning proposal has not been made publicly available until release of this report. As mentioned, Council has previously received written requests to investigate the potential heritage value of these sites.

## 6. CONCLUSION

As a result of issuing an IHO over Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay a detailed heritage assessment has been undertaken of the subject properties which assesses the properties against the criteria for heritage listing a property outlined by the Heritage Council of NSW. The heritage assessment concluded that the properties identified as Nos. 27-37 Bydown Street meet four (4) of the criteria for heritage listing a property at the local level and subsequently recommends that the site be listed as heritage items under the NSLEP 2013.

In accordance with the recommendations of the independent heritage assessment, Council officers have prepared a Planning Proposal to amend the NSLEP 2013 such that Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay are listed as local heritage items under the NSLEP 2013.

The relevant requirements under s.3.33 of the EP&A Act and the matters identified in the NSW Government's '*LEP Making Guideline*' (August 2023) have been adequately addressed in the Planning Proposal. The proposal is considered appropriate and adequately justified.

It is therefore requested that the North Sydney Local Planning Panel provide its advice to Council regarding the Planning Proposal.

## 7. RECOMMENDATION

THAT the Planning Proposal (PP1/26) be supported to proceed to a Gateway Determination.

**KATERINA PAPAS**  
**SENIOR STRATEGIC PLANNER**

**NEAL McCARRY**  
**MANAGER STRATEGIC PLANNING**

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# **PLANNING PROPOSAL**

***Nos. 27-37 Bydown Street, Neutral Bay***

**February 2026**

## 1 INTRODUCTION

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North Sydney Council (Council) has prepared a Planning Proposal to amend the *North Sydney Local Environmental Plan (NSLEP) 2013*.

The primary intent of the Planning Proposal is to list six (6) properties at Bydown Street, Neutral Bay as heritage items of local significance under the NSLEP 2013. These properties are Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay.

The need for the Planning Proposal has arisen from the recommendations of a detailed heritage assessment undertaken by Vanessa Holtham Heritage & Architecture on the subject properties following the issuance of an Interim Heritage Order (IHO) over the properties by Council under delegated authority on 6 November 2025.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and the NSW Government's *Local Environmental Plan Making Guideline* (August 2023).

## 2 BACKGROUND

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### 2.1 Previous Heritage Studies

There have been five (5) previous major heritage studies undertaken on behalf of North Sydney Council since 1981 as follows:

- *North Sydney Heritage Study (1981). Latona Masterman Associates.*
- *North Sydney Heritage Study Review (1993). Godden Mackay Logan Pty Ltd.*
- *Heritage and Cultural Resources Study (1998). Australia Street Company in association with Paul Davies Architects and Spackman and Mossop.*
- *North Sydney Conservation Area Review (2004). City Plan Heritage.*
- *North Sydney Heritage Review (2007). Architectus in association with John Oultram Heritage and Design.*

The subject properties were identified in the *North Sydney Heritage Study (1981)* as “buildings and structures contributing to the predominant character of an area.” However, the subject properties were not listed as heritage items under the *North Sydney LEP 1989* nor recommended within subsequent studies for identification as a heritage item or for inclusion within a heritage conservation area.

### 2.2 Development Application

On 10 September 2025, a development application (DA 310/25) was lodged with Council for demolition of six (6) single storey residential cottages at Nos. 27-37 Bydown Street, Neutral Bay, and construction of an eight-storey residential flat building comprising 25 apartments, including six (6) affordable housing units above three levels of basement car parking.

During the assessment of DA 310/25, elected Councillors received a request from local residents for Council’s support to urgently impose an IHO over Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay. The request was based on:

*These cottages are believed to be original tram workers’ dwellings and, as a group, represent an important chapter in the history of Neutral Bay. Despite their historic value, they are not currently heritage-listed, nor are they located within a designated Heritage Conservation Area under the North Sydney Local Environmental Plan 2013.*

*In the past, Council has responded to similar situations by pursuing Interim Heritage Orders where heritage controls had not yet recognised significant items—for example, at 8 Hayes Street and 115-119 Holt Avenue.*

*Several Precinct Committees have previously recommended a comprehensive heritage review of the North Sydney LGA, including the Bydown Street cottages. However, the implementation of this review was delayed due to NSW Government mandates on affordable housing, which placed pressure on Council resources.*

*There is now significant community concern that unless urgent action is taken, the cottages will be irreversibly lost, erasing a tangible and culturally valuable piece of Neutral Bay’s heritage.*

### 2.3 Notice of Motion

In response to the concerns raised during the assessment of DA 310/25, Council considered a Notice of Motion on the Bydown cottages at its meeting on 13 October 2025 and resolved:

1. **THAT** Council seek urgent, independent advice on whether an Interim Heritage Order can be supported for the group of dwellings located at 27-37 Bydown Street, Neutral Bay.

### 2.4 Preliminary Heritage Assessment Report

In accordance with Council's resolution, in October 2025, Council procured the services of independent heritage consultants Vanessa Holtham Heritage & Architecture to undertake a review of the subject properties and prepare a Preliminary Assessment to determine if the properties have the potential to satisfy the criteria for heritage listing under the NSLEP 2013.

The Preliminary Assessment identified that the group of cottages at Nos. 27-37 Bydown Street, Neutral Bay may be found, on further inquiry or investigation, to be of local heritage significance sufficient to warrant a local listing in Schedule 5 (Environmental Heritage) of the NSLEP 2013, as each dwelling has the potential to meet five of the criteria required for heritage listing outlined by the Heritage Council of NSW, including;

- (a) Historical significance;
- (b) Historical associational significance;
- (c) Aesthetic and/or technical significance;
- (f) Rarity; and
- (g) Representativeness.

In addition, the dwellings are identified as consistent with the quality and degree of integrity of other heritage items located with the North Sydney LGA.

The properties were also identified as being under threat of harm due to the active development application (DA 310/25) seeking the complete demolition of the existing buildings and structures on the sites, which is one of the mandatory criteria before an IHO can be imposed.

As the subject properties are not listed as heritage items, nor located within a heritage conservation area, the potential heritage items could, prior to the IHO, be lawfully demolished as complying development under the Demolition Code of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. On this basis and considering the imminent harm likely to be caused by the proposed DA, the Preliminary Assessment recommended that Council place an IHO over the cottages under Section 25 (2) of the *Heritage Act 1977* (NSW) to enable further necessary research to be undertaken in relation to their heritage significance.

### 2.5 Interim Heritage Order

On 12 July 2013, a Ministerial Order was gazetted which granted authorisation to all local councils in NSW to make IHOs in accordance with Section 25 of the *Heritage Act 1977* subject to meeting the conditions listed in Schedule 2 of the Order. This authorisation to make an IHO was delegated to Council's General Manager by Council resolution on 17 March 2014.

On 6 November 2025, Council's General Manager (Chief Executive Officer) under delegation imposed an IHO on Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay with the IHO being published in the NSW Government Gazette on 7 November 2025 (**Appendix 1**).

## 2.6 Court Proceedings

On 1 December 2025, Council was served with a Class 1 Appeal (No. 2025/00458209) against the making of IHO No. 1/2025 on 6 November 2025 (published in the NSW Gazette No 461 on 7 November 2025). The application seeks to revoke the IHO in relation to Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay.

On the same day, Council was also served with a Class 1 Appeal (No. 2025/00458395) against the Deemed Refusal of DA 310/25. The application seeks the determination of DA310/25 by granting consent.

These matters are ongoing. At the time this Planning Proposal was prepared the Court was yet to hear the matter.

## 2.7 Detailed Heritage Assessment Report

A final detailed Heritage Assessment report was produced by Vanessa Holtham Heritage & Architecture in February 2026 (**Appendix 2**).

The report included an assessment of the significance of the properties in accordance with the guidelines for *Assessing Heritage Significance* published by the Heritage Council of NSW (2023). The assessment is based on available historical evidence, physical inspection of the properties (externals and internals) and a comparative analysis of similar heritage items listed in Schedule 5 of the NSLEP 2013. The detailed assessment against the criteria can be found on pages 48-49 of the detailed Heritage Assessment report (**Appendix 2**).

The detailed assessment concluded that the properties at Nos. 27-37 Bydown Street, Neutral Bay meet the threshold for heritage listing at a local level and should be recognised for their significance to the North Sydney LGA for the following reasons:

- a) Historical Significance. An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).**

*The six cottages located at Nos. 27-37 Bydown Street, Neutral Bay have local historical significance for their association with the early development of modest housing groups in the early 20th Century in North Sydney, an area more typically associated with larger estates. This is reflected in the subdivision of the land into small allotments, a pattern which remains extant despite surrounding larger scale development. Proximate to the historic tram depot, and like the listed group in Byrnes Avenue, the Bydown group reflects the expansion of transport to and within the lower north shore, which brought a significant period of growth and higher density living.*

- c) Aesthetic and/or Technical Significance. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).**

*The six cottages located at Nos. 27-37 Bydown Street have aesthetic significance as an intact group of Federation Filigree style workers' cottages with a high degree of integrity through their external form and fenestration, and intact internal arrangements. There also remains evidence of extant original internal details. Their current homogeneity and integrity as a group is indicative of the fact that they remained in single ownership for a substantial portion of their existence, like the consistency that is seen in historic public housing. The modest cottages are recognisable as an obvious but unique group for their simplicity. Through their homogeneity, the cottages make a positive contribution to the character of the area somewhat contrasting to some of the modern and less desirable development that has occurred in the vicinity, such as the adjacent car park.*

**f) *Rarity. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).***

*The cottages at 27-37 Bydown Street retain rarity value for their internal and external homogeneity, located near the transport corridor established at the turn of the 20<sup>th</sup> Century. Their integrity, even following their 1979 alteration, is likely due to their extended, collective ownership, which is more akin to inner city and public housing in areas like Glebe, rather than the lower north shore, where affluence and gentrification had been more prevalent. Built as a cohesive a group of six, they appear more homogenous in the round, than several of the other already heritage-listed dwelling groups in the North Sydney Local Government Area.*

**g) *Representativeness. An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).***

*27-37 Bydown Street have representative value as a good example of a group of modest but intact purpose-built workers' cottages constructed in the Federation Filigree style. They are a largely intact and unique representation of early 20th Century workers' housing in the area, close to major road transport routes like Military Road and the former tram depot, symbolic of increased development locally at the turn of the 20th Century.*

The final detailed Heritage Assessment report recommended that Schedule 5 and the Heritage Map of the NSLEP 2013 be amended to include Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay as heritage items of local significance.

Based on this recommendation, Council has prepared this Planning Proposal to identify the properties as a heritage item under the NSLEP 2013.

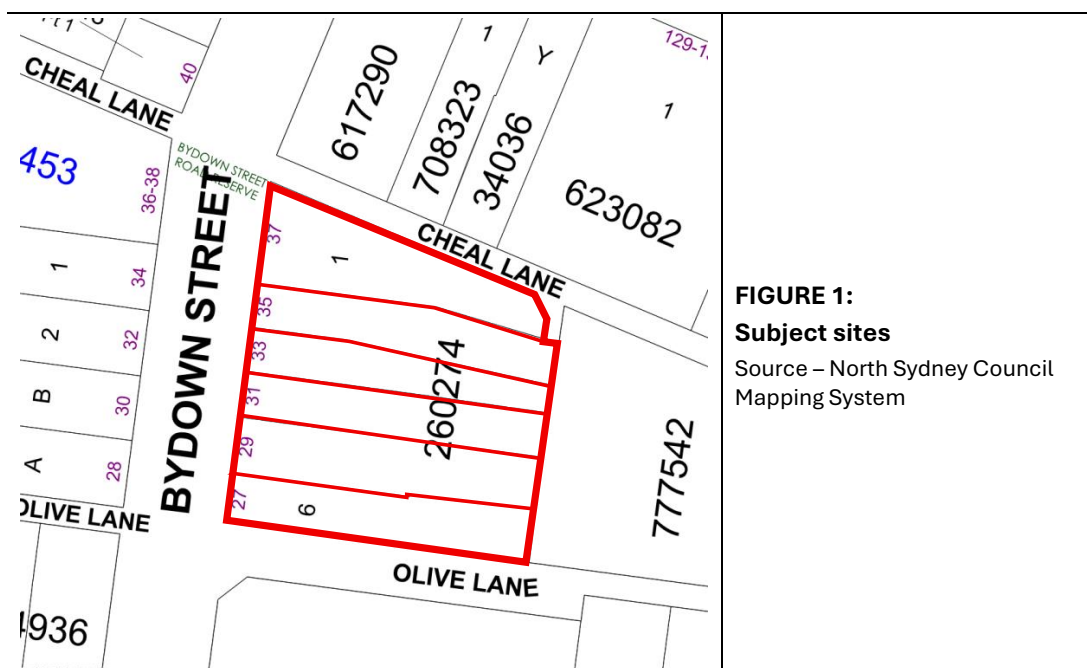
## 2.8 Site Description

The subject sites formally comprise Lots 1-6 in Deposited Plan 260274, and are commonly known as Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay.

The sites are located on the eastern side of Bydown Street, between the intersections with Cheal and Olive Lanes. The six (6) adjoining allotments have a combined area of 1,211.2 sqm. The consolidated site is irregular in shape with frontages of 39.5m to Bydown Street to the west, 33.3m to Cheal Lane to the north, a 25.1m rear boundary to the east and 35.2m to Olive Lane to the south.

Nos. 27-37 Bydown Street, Neutral Bay contains six (6) single-storey Federation period dwellings. Nos. 27-29 are in the form of two semi-detached dwellings, and Nos. 31-37 Bydown Street are in the form of four attached dwellings.

The houses were constructed circa 1907-08 and present as a cohesive set of single storey terrace houses with symmetrical front facades, roofs and veranda forms and chimneys and a rear service wing. There is a vehicular right of way along the eastern rear of the site, providing individual parking and site access to each dwelling, connecting north-south to Cheal Lane and Olive Lane, respectively.






**FIGURE 2:**  
**Subject sites – Aerial**  
Source – North Sydney Council Mapping System overlaid with Nearmap – Image 2005



**FIGURE 3:**  
**37 & 35 Bydown Street**  
Source – Google Street View 2024 image



**FIGURE 4:**  
**33 & 31 Bydown Street**  
Source – Google Street View 2024 image

	<p><b>FIGURE 5:</b>  <b>29 &amp; 27 Bydown Street</b>          Source – Google Street View 2024 image</p>
	<p><b>FIGURE 6:</b>  <b>Historic image (circa 1980) of sites, with 37 Bydown Street in the foreground</b>          Source – Stanton Library</p>

## 2.9 Local Context

The subject properties are located within the Forsyth Neighbourhood of the Neutral Bay Planning Area, within a pocket of Federation style dwellings on uncharacteristically small lots. The properties are within close proximity to several local heritage items under the NSLEP 2013 (refer to **TABLE 1**) and the Cremorne Conservation Area (CA03).

The immediate context of the subject sites comprise a highly mixed character of commercial and residential developments of varying types and styles but is dominated by the 5-storey residential flat building to the south at 20-24 Yeo Street (built 1980), the two-storey Council car park to the east at 68-70 Barry Street (built 1979) and two-storey commercial properties to the north fronting onto Military Road. The dwellings to the west, on the opposite side of Bydown Street, are single-storey federation style dwellings.

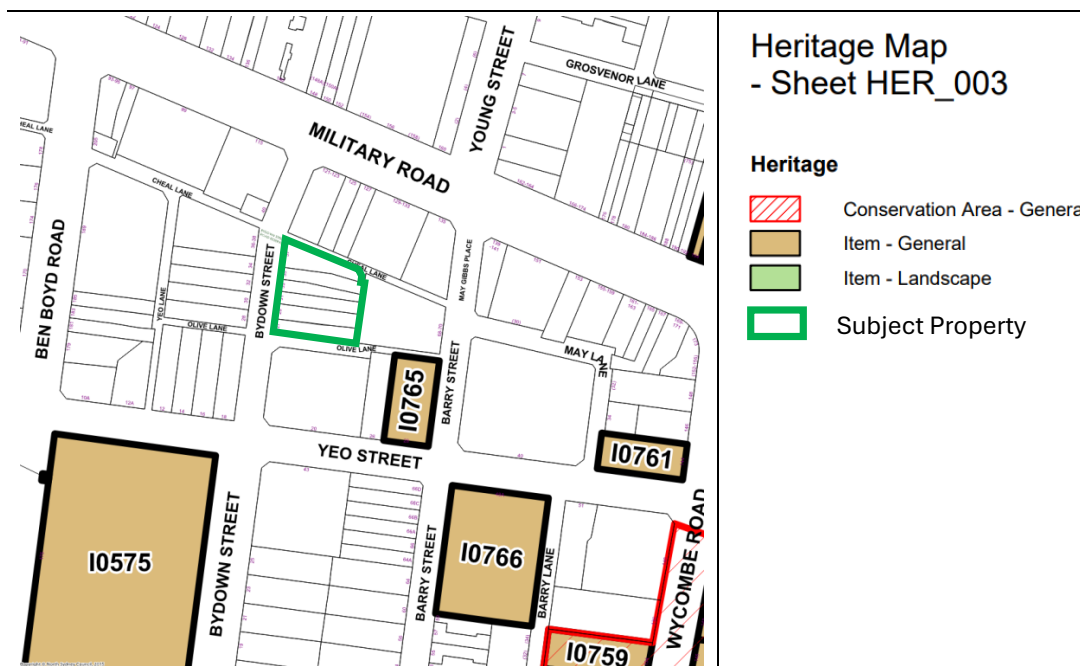


FIGURE 7: Extract from the NSLEP 2013 Heritage Map

TABLE 1: Surrounding Heritage Items as identified under the NSLEP 2013					
Locality	Item name	Address	Property Description	Significance	Item No
<b>Immediate Vicinity</b>					
Neutral Bay	Neutral Bay Public School	175 Ben Boyd Road	Lots 1-3, DP 794832	Local	10575
Neutral Bay	Neutral Bay Fire Station	28 Yeo Street	Lot 1, DP 194554	Local	10765
<b>Physical Vicinity, but not visually</b>					
	North Sydney Bus Shelters	Various	Various	Local	10407
Neutral Bay	House	134 Wycombe Road	Lot O, DP 406484	Local	10759
Neutral Bay	House	144 Wycombe Road	Lot 13, DP 67323	Local	10761
Neutral Bay	St John's Uniting Church (including pipe organ)	49 Yeo Street	Lot 1, DP 836680	Local	10766

### 3 STATUTORY CONTEXT

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The NSLEP 2013 is the principal planning instrument that applies to the land subject to this Planning Proposal. The relevant provisions of the NSLEP 2013 are discussed in the following subsections.

#### 3.1 Aims of Plan

Clause 1.2 of the NSLEP 2013 outlines the aims of the LEP and states:

##### 1.2 Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
  - (aa) *...*
  - (f) *to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,...*

#### 3.2 Heritage Conservation

Clause 5.10 of the NSLEP 2013 contains specific provisions relating to heritage conservation and states:

##### 5.10 Heritage conservation

*Note.*

*Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

- (1) *Objectives. The objectives of this clause are as follows—*
  - (a) *to conserve the environmental heritage of North Sydney,*
  - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
  - (c) *to conserve archaeological sites,*
  - (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- (2) *Requirement for consent Development consent is required for any of the following—*
  - (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
    - (i) *a heritage item,*
    - (ii) *an Aboriginal object,*
    - (iii) *a building, work, relic or tree within a heritage conservation area,*
  - (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
  - (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
  - (d) *disturbing or excavating an Aboriginal place of heritage significance,*
  - (e) *erecting a building on land—*
    - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
    - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
  - (f) *subdividing land—*

- (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) When consent not required However, development consent under this clause is not required if—
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development—
    - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
    - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) *Effect of proposed development on heritage significance* The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) *Heritage assessment* The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) *Heritage conservation management plans* The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) *Archaeological sites* The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
  - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) *Aboriginal places of heritage significance* The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at

- the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) *notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*
- (9) *Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—*
- (a) *notify the Heritage Council about the application, and*
- (b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- (10) *Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—*
- (a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

### 3.3 Schedule 5 – Environmental Heritage

All heritage items are identified within Part 1 of Schedule 5 of the NSLEP 2013. The listing comprises, if any:

- Locality (suburb)
- Item name
- Address (street address)
- Property description (legal description)
- Significance
- Item No.

### 3.4 Heritage Map

Heritage items are shown on the Heritage Map of the NSLEP 2013 as well as being described in Schedule 5.

## 4 THE PLANNING PROPOSAL

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### 4.1 PART 1: OBJECTIVES AND INTENDED OUTCOMES

The primary purpose of this Planning Proposal is to identify the properties at Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay as heritage items of local significance under the NSLEP 2013. This is consistent with the recommendations of the detailed heritage assessment report undertaken by Vanessa Holtham Heritage & Architecture which identify the properties as having local historical significance, aesthetic significance, rarity value and representative value (refer to **Appendix 2**).

### 4.2 PART 2: EXPLANATION OF PROVISIONS

The proposed amendments affect both the written instrument of the LEP and the accompanying maps, the extent of which is identified in the following subsections.

#### 4.2.1 Schedule 5 – Environmental Heritage

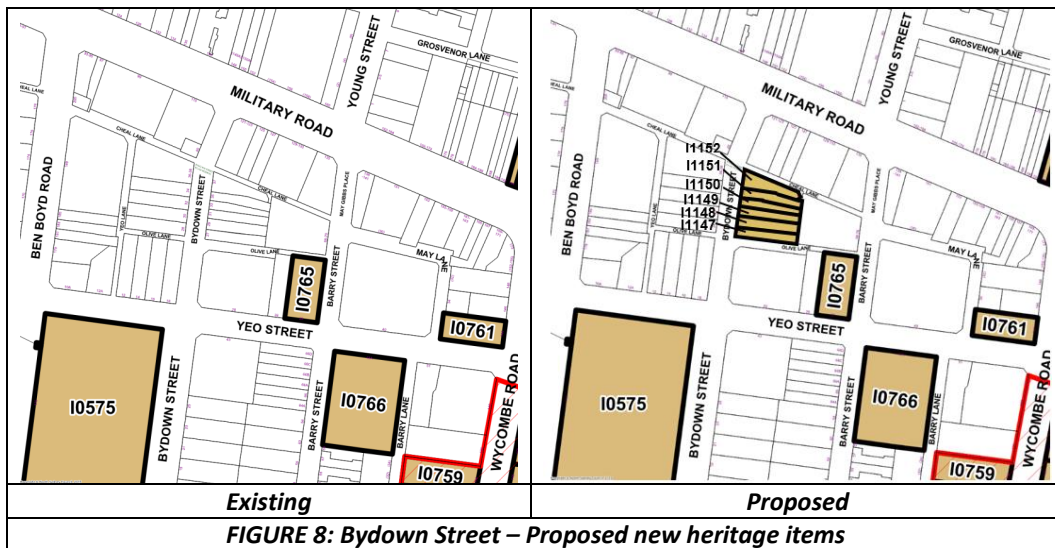
The intent of the Planning Proposal is proposed to be achieved by inserting the following six (6) items within Schedule 5, Part 1 – Heritage items (blue underline represents an insertion):

<b>Locality</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
<u>Neutral Bay</u>	<u>Bydown Street group - house</u>	<u>27 Bydown Street</u>	<u>Lot 6, DP 260274</u>	<u>Local</u>	<u>I1147</u>
<u>Neutral Bay</u>	<u>Bydown Street group - house</u>	<u>29 Bydown Street</u>	<u>Lot 5, DP 260274</u>	<u>Local</u>	<u>I1148</u>
<u>Neutral Bay</u>	<u>Bydown Street group - house</u>	<u>31 Bydown Street</u>	<u>Lot 4, DP 260274</u>	<u>Local</u>	<u>I1149</u>
<u>Neutral Bay</u>	<u>Bydown Street group - house</u>	<u>33 Bydown Street</u>	<u>Lot 3, DP 260274</u>	<u>Local</u>	<u>I1150</u>
<u>Neutral Bay</u>	<u>Bydown Street group - house</u>	<u>35 Bydown Street</u>	<u>Lot 2, DP 260274</u>	<u>Local</u>	<u>I1151</u>
<u>Neutral Bay</u>	<u>Bydown Street group - house</u>	<u>37 Bydown Street</u>	<u>Lot 1, DP 260274</u>	<u>Local</u>	<u>I1152</u>

#### 4.2.2 Heritage Map

An amendment to the Heritage Map of the NSLEP 2013 is also required to identify the properties at Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay as local heritage items.

It is proposed that the existing Heritage Map (5950\_COM\_HER\_003\_010\_20240523) will be replaced with an amended Heritage Map (5950\_COM\_HER\_003\_010\_20260213).



Existing

Proposed

FIGURE 8: Bydown Street – Proposed new heritage items

### 4.3 PART 3: JUSTIFICATION

#### 4.3.1 Section A – Need for the planning proposal

1. **Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

YES.

Heritage Assessment Report, February 2026

Heritage consultants Vanessa Holtham Heritage & Architecture were engaged by Council for the purposes of undertaking a preliminary and further detailed Heritage Assessment in response to Council's resolution of 13 October 2025.

In February 2026, Council was provided with the final Heritage Report. The Heritage Report has considered the history of the properties, the historical development of the area and physical evidence. In addition, a comparative analysis of similar heritage listed properties and an assessment of significance was undertaken in accordance with the guidelines for *Assessing Heritage Significance* originally published by the Heritage Council of NSW in June 2023.

The Report made the following key recommendations:

*The six cottages located at Nos. 27-37 Bydown Street, Neutral Bay have local historical significance for their association with the early development of modest housing groups in the early 20th Century in North Sydney, an area more typically associated with larger estates. This is reflected in the subdivision of the land into small allotments, a pattern which remains extant despite surrounding larger scale development. Proximate to the historic tram depot, and like the listed group in Byrnes Avenue, the Bydown group reflects the expansion of transport to and within the lower north shore, which brought a significant period of growth and higher density living.*

*The cottages have aesthetic significance as an intact group of Federation Filigree style workers' cottages with a high degree of integrity through their external form and fenestration, and intact internal arrangements. There also remains evidence of extant original internal details. Their current homogeneity and integrity as a group is indicative of the fact that they remained in single ownership for a substantial portion of their existence, like the consistency that is seen in historic public housing.*

*The modest cottages are recognisable as an obvious but unique group for their simplicity. Through their homogeneity, the cottages make a positive contribution to the character of the area somewhat contrasting to some of the modern and less desirable development that has occurred in the vicinity, such as the adjacent car park.*

*No. 27-37 Bydown Street retain rarity value for their internal and external homogeneity, located near the transport corridor established at the turn of the 20th Century. Their integrity, even following their 1979 alteration, is likely due to their extended, collective ownership, which is more akin to inner city and public housing in areas like Glebe, rather than the lower north shore, where affluence and gentrification had been more prevalent. Built as a cohesive group of six, they appear more homogenous in the round, than several of the other already heritage-listed dwelling groups in the North Sydney Local Government Area.*

*The cottages have representative value as a good example of a group of modest but intact purpose-built workers' cottages constructed in the Federation Filigree style. They are a largely intact and unique representation of early 20th Century workers' housing in the area, close to major road transport routes like Military Road and the former tram depot, symbolic of increased development locally at the turn of the 20th Century.*

*Based on the available historical and physical evidence, as well as a comparative analysis of similar properties, it is evident that the properties identified as 27-37 Bydown Street, Neutral Bay meet the threshold for heritage listing at a local level and should be recognised for their significance to the North Sydney Local Government Area.*

*Whilst the internal integrity and condition of the cottages is not the focus of the suggested local heritage listing, the inspections undertaken revealed that internally the cottages remain intact in terms of their original layout, largely intact in terms of standard internal features like architraves, doors, fanlights and skirting and evidence remains in relation to additional features such as cornices, ceiling roses and fireplaces.*

*It is therefore suggested that Schedule 5 of NSLEP be amended to include:*

Suburb	Item Name	Address	Property Description	Significance	Item No.
Neutral Bay	Bydown Street Cottages (including interiors).	27, 29, 31, 33, 35 & 37 Bydown Street	Lot 1, DP 260274. Lot 2, DP 260274. Lot 3, DP 260274. Lot 4, DP 260274. Lot 5, DP 260274. Lot 6, DP 260274.	Local	Item No. TBA

The NSLEP heritage map should also be amended to include the entirety of these lots as part of the heritage item.

The following works could further enhance the integrity of proposed heritage item:

- Removal of the paint from the brickwork using a Peel-Away style product.
- Reinstatement of missing Filigree details, which appear to be original and could be the subject of further investigation.
- Replacement of the existing roofing with a metal corrugated roof to match that is watertight and visually consistent across all properties.
- Removal of the existing brick front fences from the front of the property and instatement of a timber picket or wrought iron palisade-style fence.
- Reinstalment of recently removed internal features such as fireplaces.

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

YES

Listing the properties as local heritage items is the preferred way of achieving Council's stated objectives for this Planning Proposal.

Other options that have been considered are discussed below:

**Option 1 – Apply an Interim Heritage Order to protect the subject items on a temporary basis**

Council issued an IHO on the properties as a temporary measure to protect the subject sites against the threat/harm of demolition as proposed under DA 310/25 and to enable further necessary research to be undertaken in relation to their heritage significance.

The IHO provides temporary protection against demolition for a maximum of 12 months, until 7 November 2026 in this case. Upon the expiry of the IHO, if the subject sites are not listed as heritage items via a Planning Proposal, the subject items would no longer have legal protection against demolition. Council has no delegation to re-issue a second IHO on these properties.

Lapsing of the IHO would enable the property owners to lodge a Complying Development Certificate (CDC) to seek demolition of these potential heritage items.

**Option 2 – Create a schedule of prohibited uses within the NSLEP 2013 to limit the redevelopment potential of the sites and protect the subject buildings from demolition**

Potential inclusion of a 'Schedule of Prohibited Uses' within the NSLEP 2013 to limit the redevelopment potential of the sites and protect the properties subject of the proposed heritage listing would result in overcomplication of the planning legislation and would not prevent the properties from demolition or recognise the heritage value of the sites.

This option was therefore considered not appropriate.

**Option 3 – Do nothing and rely on existing controls**

The third option for consideration would be to do nothing and rely on existing planning controls. This option would mean relying on the development assessment process to ensure the sites are protected from harm. However, under the existing NSLEP provisions it would be difficult to justify the refusal of an application for demolition. Furthermore, a CDC could, in the absence of any IHO or heritage listing, be lodged legally at any time to demolish the buildings without the approval of Council.

As such, it was considered that this option would not adequately protect the properties and was not considered to be a viable option to achieve the intended outcomes of this proposal.

**4.3.2 Section B – Relationship to strategic planning framework**

**3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

YES

*Draft Sydney Plan*

In December 2025, the State Government released the *draft Sydney Plan* for public comment. It provides a 20-year vision for growth and development in the Sydney region and sets a housing target of 263,400 new dwellings for the Sydney region between 2024-2029.

The Priorities in the *draft Sydney Plan* of relevance to the Planning Proposal are as follows:

**Priority 2 (Housed): Delivering affordable diverse housing in accessible locations**

- *More housing supply*
- *Greater housing diversity and more choice*
- *People living near jobs, services and amenities*
- *More affordable and secure housing*

The Planning Proposal is not inconsistent with the Priorities of the *draft Sydney Plan*. The proposed heritage listing of the subject properties is not considered consequential to the implementation and delivery of the draft Sydney Plan's proposed 5-year housing targets for the North Sydney LGA. The existing semi-detached and attached dwellings provide a dwelling form that is less prevalent in the North Sydney LGA, thereby contributing to the LGA's housing diversity and choice.

It is acknowledged that the proposed heritage listing would exclude the sites from being eligible for the height and density bonuses under Part 6 - *Low and Mid-Rise Housing (LMRH)* and Part 2 - *Infill Affordable Housing of State Environmental Planning Policy (Housing) 2021*. The current Development Application for the site (DA310/25) proposes to rely on the LMRH and Infill Affordable Housing bonus provisions to demolish the existing six (6) single-storey detached and semi-detached cottages and construct an eight-storey residential flat building comprising a total of twenty-five (25) apartments, including six (6) allocated as affordable housing for a period of 15 years. This is overall a modest contribution (net 19 additional dwellings) to North Sydney's housing target.

Of the set 5-year target of 5,900 dwelling completions for the North Sydney LGA, 1,997 dwellings have been approved since the commencement of the Housing Accord period in July 2024 to February 2026. This exceeds the 1,866 dwellings pro rata target.

The proposed amendment would only apply to the subject properties and will not unduly restrict the development potential of surrounding sites or the application of LMRH and Infill Affordable Housing bonus provisions to surrounding sites. As demonstrated in **TABLE 2** below, there are nine (9) active proposals in the Neutral Bay and Cremorne LMR catchment areas seeking significant uplift beyond existing LEP controls. These proposals seek to deliver 510 new dwellings including 28 affordable housing dwellings.

<b>Property</b>	<b>Application</b>	<b>Application Status</b>	<b>Proposed No. of dwellings</b>
1-7 Rangers Road & 50 Yeo Street, Neutral Bay	HDA/SSD-82875708 8-12 storey Mixed Use	Under Assessment	97 dwellings (including 10 affordable housing)
183-185 Military Road, Neutral Bay	PP-2023-699 12-storey Mixed Use	Gateway Determination Issued	43 dwellings (including 2 affordable housing)
166-188 & 198-214 Military Road, Neutral Bay	PP-2024-1241 9-12 storeys Mixed-Use	Rezoning Review – supported subject to amendment by Sydney North Planning Panel	144 dwellings
41-53 Grosvenor Street, Neutral Bay	PP-2025-713 8-storey Mixed-Use	Under Assessment	83 dwellings

16, 18 & 18A Watson Street, Neutral Bay	DA456/2025 9-storey RFB (LMR & Infill AH)	Appeal	14 dwellings (including 3 affordable housing)
54-64 Barry Street, Neutral Bay	DA12/2026 8-storey RFB (LMR & Infill AH) bonus)	Under assessment	45 dwellings (including 8 affordable housing)
19-21 Barry Street, Neutral Bay	DA75/2026 6-storey RFB (LMR)	Under Assessment	20 dwellings
45-49 Murdoch Street, Cremorne	DA417/2025 6-storey RFB (LMR)	Under Assessment	32 dwellings
57-61 Reynolds Street, Cremorne	DA464/2025 8-storey RFB (LMR & Infill AH)	Appeal	32 dwellings (including 5 affordable housing)
<b>TOTAL</b>			<b>510 dwellings (including 28 affordable housing)</b>

The *North Sydney LHS* identifies the potential to deliver an additional 11,870 dwellings across the North Sydney LGA by 2036. This dwelling capacity is provided by the NSLEP 2013 which implements a long-standing Council policy of facilitating increased densities in and around centres. It also includes the dwelling capacity provided by the *St Leonards and Crows Nest 2036 Plan* and Council studies (*Civic Precinct Planning Study*). North Sydney's LHS is due to be reviewed in 2026-27 to include the additional dwelling capacity provided by the State Government's housing reforms. The NSW Government's rezoning of the Crows Nest TOD precinct in November 2024 alone provides capacity to deliver 5,900 new homes in the precinct, an increase to the 3,200 previously identified under the *St Leonards and Crows Nest 2036 Plan*.

The 2021 Australian Bureau of Statistics (ABS) Census indicates that approximately 76% of the housing stock within the North Sydney LGA comprises apartments, 11% comprises dwelling houses and the remaining 13% comprises semi-detached and multi-dwelling housing (duplexes, terraces etc). Since this time, the quantum of additional dwellings approved have predominantly comprised apartments, further reducing housing diversity and choice in the North Sydney LGA.

The proposed heritage listing of the six (6) semi-detached and attached dwellings would protect a type and form of housing that not only warrants protection for its historic, aesthetic, rarity and representative value to the North Sydney LGA, but provides for greater housing diversity and choice in the North Sydney LGA.

#### *Greater Sydney Region Plan - A Metropolis of Three Cities*

In March 2018, the State Government released *A Metropolis of Three Cities – Greater Sydney Region Plan* (Region Plan). It provides a 40-year vision for Sydney to be a city where people will live within 30 minutes of jobs, education and health facilities, services and great places. The Region Plan seeks to provide an additional 725,000 homes and 817,000 new jobs by 2036.

The Directions, Objectives and Actions identified in the Region Plan which are relevant to the Planning Proposal are as follows:

**Direction 4: Housing the city****Objective 10** - Greater housing supply**Action 3** - Prepare housing strategies**Action 4** - Develop 6–10 year housing targets**Objective 11** - Housing is more diverse and affordable**Objective 13** - Environmental heritage is identified, conserved and enhanced

The Planning Proposal is not inconsistent with the Directions, Objectives or Actions of the Region Plan. The heritage value of the subject properties is supported by a detailed heritage assessment report prepared by an independent and suitably qualified heritage consultant (**Appendix 2**). Listing the subject properties as local heritage items under the NSLEP 2013 will achieve the following outcomes:

- Protect and preserve the built form heritage of Neutral Bay and the historic, aesthetic, rarity and representative value of the properties within the North Sydney LGA; and
- Retain items that contribute to the place and character of the Neutral Bay area.

As discussed above, the proposed heritage listing of the properties will not impact the implementation or delivery of North Sydney's LHS or achievement of Council's housing targets and would provide for greater housing choice in the North Sydney LGA.

Compliance with Council's adopted LHS is addressed at section 4.3.2 (4).

North District Plan

In March 2018, the NSW Government released the *North District Plan* (NDP). The North Sydney LGA is located within the North District along with the LGAs of Hornsby, Ku-ring-gai, Ryde, Hunters Hill, Lane Cove, Willoughby, Mosman and Northern Beaches. The NDP sets the following housing targets:

- an additional 3,000 dwellings by 2021 for the North Sydney LGA;
- an additional 25,950 dwellings by 2021 for the North District; and
- an additional 92,000 dwellings by 2036 for the North District.

The planning priorities and objectives identified in the NDP which are relevant to the Planning Proposal are as follows:

**Planning Priority N5** - Providing housing supply, choice and affordability, with access to jobs, services and public transport.

**Planning Priority N6** - Creating and renewing great places and local centres, and respecting the District's heritage

The Planning Proposal is not inconsistent with the Planning Priorities of the NDP.

Listing the subject properties as local heritage items under the NSLEP 2013 is the primary step towards recognising the heritage values of these items. The Planning

Proposal will ensure the ongoing future protection of the dwellings from potential demolition. The protection of these items will not hinder Council's ability to meet the LGA's housing targets or impact the implementation or delivery of North Sydney's LHS and will provide opportunities for greater housing choice in the North Sydney LGA.

Compliance with Council's adopted LHS is addressed at section 4.3.2 (4).

**4. *Is the planning proposal consistent with a council's local strategic planning statement that has been endorsed by the Planning Secretary or Greater Sydney Commission, or another endorsed local strategy or strategic plan?***

YES

*North Sydney Local Strategic Planning Statement*

On 25 November 2019, Council resolved to adopt a Local Strategic Planning Statement (LSPS) for the LGA. The LSPS expresses the desired future direction for housing, employment, transport, recreation, environment and infrastructure for the LGA as a whole and reflects the outcomes sought by the Metropolitan Plan and NDP. The Greater Sydney Commission gave its assurance to the LSPS on 20 March 2020, supporting Council's LSPS as it is consistent with the Region Plan and NDP.

The Planning Priorities identified in the North Sydney LSPS which are relevant to the Planning Proposal are as follows:

***Local Planning Priority L1 – Diverse housing options that meet the needs of the North Sydney Community***

***Local Planning Priority L3 - Create great places that recognise and preserve North Sydney's distinct local character and heritage.***

The Planning Proposal is not inconsistent with the planning priorities of the North Sydney LSPS.

The heritage value of the subject properties is supported by a detailed heritage assessment report prepared by an independent and suitably qualified heritage consultant (**Appendix 2**). The proposed heritage listing of the six (6) semi-detached and attached dwellings would not only protect a type and form of housing that warrants protection for its historic, aesthetic, rarity and representative value to the North Sydney LGA, but provides for greater housing diversity and choice in the North Sydney LGA.

The proposed heritage listing will not unreasonably limit the development potential of the sites envisaged for additional housing capacity under the NSLEP 2013 nor impact the implementation or delivery of the North Sydney LHS.

As such, the proposal is considered to be generally consistent with the priorities of the North Sydney LSPS.

North Sydney Local Housing Strategy

The North Sydney LHS establishes Council's vision for housing in the North Sydney LGA and responds to the targets set out in the NDP. It details how and where housing will be provided in the North Sydney LGA over the next 20 years, with consideration of demographic trends, local housing demand and supply, and local land-use opportunities and constraints.

The North Sydney LHS identifies the potential to deliver an additional 11,870 dwellings by 2036. The North Sydney LHS outlines that it will continue to rely on the existing capacity within residential zoned land LGA-wide under the NSLEP 2013 and the additional capacity provided by the *St Leonards and Crows Nest 2036 Plan* and Council studies (Civic Precinct Planning Study) to meet the dwelling targets of the NDP, which is approximately 3,000 dwellings every 5 years.

The subject sites are zoned R3 Medium Density Residential and benefit from a Maximum Building Height of 8.5m under the NSLEP 2013. Existing on site are six (6) single-storey dwellings in the form of two semi-detached dwellings (Nos. 27 and 29 Bydown Street) and four attached dwellings (Nos. 31-37 Bydown Street). The heritage listing of the properties is not considered to unreasonably limit the development potential of these sites envisaged under the NSLEP 2013 controls.

The Planning Proposal is specific to the subject properties in Neutral Bay, and it is not considered to be consequential for the provision of housing within the North Sydney LGA, nor will the proposal unduly restrict development on surrounding sites or areas for which there are several proposals seeking significant uplift beyond existing controls (as outlined in **TABLE 2** above).

As such, the proposal is considered consistent with the North Sydney LHS.

**5. *Is the planning proposal consistent with any other applicable State and regional studies or strategies?***

Future Transport Strategy 2056

The *Future Transport Strategy 2056* (2018) (the Strategy) sets six (6) State-wide outcomes to guide investment, policy and reform. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

The Strategy outlines the vision for the Greater Sydney mass transit network, detailing North Sydney as a 'strategic centre' linked directly to the 'Harbour City' (the Sydney CBD).

The subject properties are located in an area of high accessibility to public transport, with the nearest bus stop providing direct services to major rail stations being located approximately 300m walk. The nearest Metro Station (Victoria Cross) is located approximately 1.7km walk and the nearest rail station approximately 1.9km walk (North Sydney rail station).

The proposed heritage listing is likely to have a negligible impact on the surrounding road system.

NSW State Infrastructure Strategy 2022-2042

Infrastructure NSW published the *Staying Ahead: State Infrastructure Strategy 2022-2042* (SIS). It is a 20-year infrastructure investment plan that sets out the infrastructure needs and priorities up to 2042.

It establishes nine (9) objectives which each contain strategic directions and recommendations. The SIS includes the objective of “*integrate infrastructure, land use and service planning*”, which contains a strategic direction of “*coordinate infrastructure, land use and service planning to meet future housing, employment, industry and community needs*” and a recommendation of “*deliver more housing, jobs, amenities and services in locations where there is spare capacity in existing and planned infrastructure*”.

The intent of the Planning Proposal will not lead to an increase in the demand for existing infrastructure and services.

**6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney LGA, as demonstrated in **TABLE 3**.

TABLE 3: Consistency with SEPPs		
SEPPs	Consistency	Comment
<b>SEPP (Biodiversity and Conservation) 2021</b>		
2 – Vegetation in Non-Rural Areas	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not propose to remove any trees or vegetation and will not impact on biodiversity values.
3 – Koala Habitat Protection 2020	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
4 – Koala Habitat Protection 2021	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
5 – River Murray Lands	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
6 - Water Catchments	YES	The Planning Proposal is consistent with the SEPP as it will not impact on water catchments and will not impede the attainment of the aims and objectives of this SEPP.
7-12	N/A	Repealed
13 – Strategic Conservation Planning	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.

<b>TABLE 3: Consistency with SEPPs</b>		
<b>SEPPs</b>	<b>Consistency</b>	<b>Comment</b>
<b>SEPP (Exempt and Complying Development Codes) 2008</b>	YES	The proposed heritage listing of the subject sites under the Planning Proposal would render the sites ineligible for complying development and some forms of exempt development. However, the Planning Proposal is consistent with this aspect of the SEPP as any future exempt and complying development on the site would need to be undertaken in accordance with the SEPP, thereby not affecting the attainment of the SEPP's aims and objectives.
<b>SEPP (Housing) 2021</b>		
2 - Affordable housing	YES	The proposed heritage listing of the subject sites under the Planning Proposal may limit this aspect of the SEPP from applying to the subject sites but it will not limit its application to surrounding sites. As demonstrated in <b>TABLE 2</b> above, there are five (5) active proposals to deliver 28 affordable housing dwellings within the Neutral Bay and Cremorne town centre LMR catchment areas.
3 – Diverse housing	YES	The proposed heritage listing of the subject sites under the Planning Proposal may limit this aspect of the SEPP applying to the site. However, protection of the existing semi-detached and attached dwellings from demolition ensures the retention of a type and form of housing that is less prevalent in the North Sydney LGA. Therefore, providing a greater variety and choice of housing types within close proximity to the Neutral Bay Town Centre.
4 – Design of residential apartment development	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
5 – Transit oriented development	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.

<b>TABLE 3: Consistency with SEPPs</b>		
<b>SEPPs</b>	<b>Consistency</b>	<b>Comment</b>
6 – Low and mid rise housing	Justification provided	<p>The proposed heritage listing of the subject sites under the Planning Proposal will limit this aspect of the SEPP from applying to the subject sites but it will not limit its application to surrounding sites. As demonstrated in <b>TABLE 2</b> above, there are nine (9) active proposals to deliver 510 new dwellings within the Neutral Bay and Cremorne town centre LMR catchment areas.</p> <p>Protection of the existing semi-detached and attached dwellings from demolition ensures the retention of a type and form of housing that is in decline in the North Sydney LGA. Therefore, providing a greater variety and choice of housing types within close proximity to the Neutral Bay Town Centre.</p> <p>Further justification is provided in section 4.3.2 of this report.</p>
7 – Pattern Book development	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
<b>SEPP (Industry and Employment) 2021</b>		
2 – Western Sydney employment area	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
3 - Advertising and Signage	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
<b>SEPP (Planning Systems) 2021</b>		
2 - State and Regional Development	N/A	This aspect of the SEPP does not apply as the Planning Proposal does not relate to State or regional development nor the operation of planning panels.
3 – Aboriginal Land	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
4 - Concurrences and Consents	YES	The Planning Proposal is consistent with this aspect of the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
<b>SEPP (Precincts-Eastern Harbour City) 2021</b>		
2 – State Significant Precincts	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

<b>TABLE 3: Consistency with SEPPs</b>		
<b>SEPPs</b>	<b>Consistency</b>	<b>Comment</b>
3 - Darling Harbour	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
4 – City West	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
5 – Walsh Bay	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
6 – Cooks Cove	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
7 – Moore Park Showground	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
<b>SEPP (Primary Production) 2021</b>		
2 – Primary Production and Rural Development	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
3 – Central Coast Plateau	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
<b>SEPP (Resilience and Hazards) 2021</b>		
2 - Coastal Management	N/A	The Planning Proposal does not apply to land within the coastal zone and therefore is not affected by this aspect of the SEPP.
3 - Hazardous and offensive development	N/A	This aspect of the SEPP does not apply as the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.
4 - Remediation of land	YES	The Planning Proposal does not seek to amend the permissibility of land use within any zone nor introduce a site-specific use which may be sensitive to contamination issues (e.g. rezoning land zoned for commercial or industrial purposes to residential or recreational uses).
<b>SEPP (Resources and Energy) 2021</b>		
2 - Mining, petroleum production and extractive industries	YES	The Planning Proposal does not impact mining, petroleum production and extractive industries and is consistent with this aspect of the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
3 – Extractive industries in Sydney area	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
<b>SEPP (Sustainable Buildings) 2022</b>		
	N/A	The Planning Proposal does not relate to building sustainability.
<b>SEPP (Transport and Infrastructure) 2021</b>		
2 – Infrastructure	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

TABLE 3: Consistency with SEPPs		
SEPPs	Consistency	Comment
3 – Educational Establishments and Child Care Facilities	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
4 – Major Infrastructure Corridors	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
5 – Three Ports	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.
6 – Moorebank Freight Intermodal Precinct	N/A	The Planning Proposal does not apply to land affected by this aspect of the SEPP.

**7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The Planning Proposal is consistent with the relevant Directions issued under Section 9.1 of the EP&A Act by the Minister to councils, as demonstrated in **TABLE 4**.

TABLE 4: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
<b>1. Planning Systems</b>		
1.1 Implementation of Regional Plans	YES	The Planning Proposal is consistent with relevant objectives and actions of the Greater Sydney Region Plan and the North District Plan. Refer to Section 4.3.2 of the Planning Proposal.
1.2 Development of Aboriginal Land Council land	N/A	This Direction does not apply as the Planning Proposal does not relate to any land identified under Chapter 3 (Aboriginal land) of <i>State Environmental Planning Policy (Planning Systems) 2021</i> .
1.3 Approval & Referral Requirements	YES	The Planning Proposal does not seek to introduce new concurrence, consultation or referral requirements, nor identify development types for the purpose of designated development. Therefore, the proposal is consistent with the Direction.
1.4 Site Specific Provisions	N/A	This Direction does not apply as the Planning Proposal does not relate to any site specific land use controls, nor introduce new development standards not already contained in the LEP.
1.4A Exclusion of Development Standards from Variation	N/A	This Direction does not apply as the Planning Proposal does not seek to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.
1.5 Parramatta Road Corridor Transformation Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.

<b>TABLE 4: Consistency with s.9.1 Directions</b>		
<b>Direction</b>	<b>Consistency</b>	<b>Comment</b>
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the North West Priority Growth Area.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the Greater Parramatta Priority Growth Area.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the Wilton Priority Growth Area.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	This Direction does not apply as the Planning Proposal does not relate to any land in the Campbelltown LGA.
1.10 Implementation of Western Sydney Aerotropolis Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land in the Bayside LGA.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	This Direction does not apply as the Planning Proposal does not relate to any land in the Bayside LGA.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land within the St Leonards and Crows Nest 2036 Plan area.
1.14 Implementation of Greater Macarthur 2040	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the Greater Macarthur Growth Area.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any land in the City of Sydney LGA.
1.16 North West Rail Link Corridor Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
1.17 Implementation of the Bays West Place Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any land in the Inner West Council LGA.
1.18 Implementation of the Macquarie Park Innovation Precinct	N/A	This Direction does not apply as the Planning Proposal does not relate to any land in the City of Ryde LGA.
1.19 Implementation of the Westmead Place Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any land in the City of Parramatta and Cumberland LGAs.
1.20 Implementation of the Camellia-Rosehill Place Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any land in the City of Parramatta LGA.

<b>TABLE 4: Consistency with s.9.1 Directions</b>		
<b>Direction</b>	<b>Consistency</b>	<b>Comment</b>
1.21 Implementation of South West Growth Area Structure Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the South West Growth Area.
1.22 Implementation of the Cherrybrook Station Place Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any land in the Hornsby or Hills Shire LGAs.
<b>2 Design and Place</b>		
<b>3 Biodiversity and Conservation</b>		
3.1 Conservation Zones	YES	The Planning Proposal does not alter any existing environmentally sensitive areas.
3.2 Heritage Conservation	YES	The Planning Proposal is consistent with this Direction as it seeks to identify and list six (6) new local heritage items in the NSLEP 2013 to protect and conserve these items of heritage significance within the North Sydney LGA. The Planning Proposal is supported by a heritage assessment undertaken by a suitably qualified heritage consultant.
3.3 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
3.5 Recreation Vehicle Areas	YES	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.
3.6 Strategic Conservation Planning	N/A	This Direction does not apply as the Planning Proposal does not relate to any "avoided land" or a "strategic conservation area" under the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
3.7 Public Bushland	YES	The Planning Proposal does not relate to land containing public bushland, nor is it located in the vicinity of any public bushland and therefore, is unlikely to impact on Council's ability to achieve the objectives of the Direction.
3.8 Willandra Lakes Region	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the Willandra Lakes Region.
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	This Direction does not apply as the Planning Proposal does not relate to any land within the Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
3.10 Water Catchment Protection	N/A	This Direction does not apply as the Planning Proposal does not relate to any land within a regulated catchment.

TABLE 4: Consistency with s.9.1 Directions		
Direction	Consistency	Comment
<b>4 Resilience and Hazards</b>		
4.1 Flooding	N/A	The subject land is not identified as being within a flood planning area as identified under the <i>North Sydney Floodplain Risk Management Study and Plan</i> . The Planning Proposal also does not intend to create, remove or alter a zone or a provision that affects flood prone land.
4.2 Coastal Management	N/A	The Planning Proposal does not affect land that is within the coastal zone, as defined under the <i>Coastal Management Act 2016</i> .
4.3 Planning for Bushfire Protection	N/A	The subject land is not identified as bushfire prone land on Council's Bushfire Prone Land Map.
4.4 Remediation of Contaminated Land	N/A	The Planning Proposal does not seek to amend the permissibility of land uses within any zone nor introduce a site-specific use which may be sensitive to contamination issues (e.g. rezoning land zoned for commercial or industrial purposes to residential or recreational uses).
4.5 Acid Sulfate Soils	N/A	This Direction does not apply as the subject land is not affected by acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the DPHI.
4.6 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the site is not proclaimed as a mine subsidence district in the <i>Coal Mine Subsidence Compensation Regulation 2017</i> nor has it been identified as unstable land.
<b>5 Transport and Infrastructure</b>		
5.1 Integrating Land Use & Transport	YES	The Planning Proposal is consistent with this Direction as it will provide a greater variety and choice of housing types within close proximity to the Neutral Bay Town Centre and within an area of high accessibility to public transport.
5.2 Reserving Land for Public Purposes	YES	The Planning Proposal does not create or alter existing zonings or reservations of land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	YES	Despite not being located in close proximity to Sydney Airport, almost the entire North Sydney LGA is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. The Planning Proposal does not seek to impose a height limit that would exceed the OLS nor enable construction activities to penetrate above the OLS.
5.4 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.

<b>TABLE 4: Consistency with s.9.1 Directions</b>		
<b>Direction</b>	<b>Consistency</b>	<b>Comment</b>
5.5 High Pressure Dangerous Good Pipelines	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a high pressure dangerous goods pipeline.
<b>6 Housing</b>		
6.1 Residential Zones	YES	The Planning Proposal is consistent with this Direction as it does not unduly reduce the permissible residential density of land under the NSLEP 2013 and will provide a greater variety and choice of housing types within close proximity to the Neutral Bay Town Centre.
6.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under the NSLEP 2013.
<b>7 Industry and Employment</b>		
7.1 Employment Zones	N/A	This Direction does not apply as the Planning Proposal does not relate to land within an existing or proposed employment zone.
7.2 Reduction in non-hosted short term rental accommodation period	N/A	This Direction does not apply as the Planning Proposal does not relate to land within the Byron LGA.
7.3 Commercial and retail development along the Pacific Highway, North Coast	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.
<b>8 Resources and Energy</b>		
8.1 Mining, Petroleum Production & Extractive Industries	N/A	This Direction does not apply as the Planning Proposal does not affect the mining or production of coal or other minerals, petroleum or extractive materials.
<b>9 Primary Production</b>		
9.1 Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under the NSLEP 2013 nor proposed under the Planning Proposal.
9.2 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
9.3 Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal is not located in a water catchment area that directly drains to a water body containing a Priority Oyster Aquaculture Area or a current oyster aquaculture lease in the national parks estate.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.

#### 4.3.3 Section C – Environmental, social and economic impact

8. ***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?***

No.

The Planning Proposal seeks to identify six (6) new items of local heritage significance and will not result in an adverse impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

9. ***Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?***

No.

The Planning Proposal seeks to identify six (6) new items of local heritage significance under the NSLEP 2013 and is unlikely to result in any adverse environmental impacts.

10. ***Has the planning proposal adequately addressed any social and economic effects?***

On 10 September 2025, a development application (DA310/25) was lodged with Council seeking the demolition of the six (6) existing single-storey residential cottages and construction of a new eight-storey residential flat building comprising 25 apartments with six (6) affordable units above three levels of basement car parking.

During the assessment of this application, elected Councillors received a request by local residents seeking Council's support to urgently impose an IHO over the properties. The request noted that:

*These cottages are believed to be original tram workers' dwellings and, as a group, represent an important chapter in the history of Neutral Bay. Despite their historic value, they are not currently heritage-listed, nor are they located within a designated Heritage Conservation Area under the North Sydney Local Environmental Plan 2013.*

In response to the community's concerns, Council considered a Notice of Motion on 13 October 2025 and resolved:

1. *THAT Council seek urgent independent advice on whether an Interim Heritage Order can be supported for the group of dwellings located at 27-37 Bydown Street, Neutral Bay.*

In accordance with the recommendations of a preliminary heritage assessment and the identification of a threat of harm, Council imposed an IHO over the subject sites to provide temporary protection of the properties and enable a more detailed heritage assessment to be undertaken.

Following the imposition of the IHO over the properties, Vanessa Holtham & Associates completed a detailed heritage assessment (refer to **Appendix 2**). The purpose of the assessment was to determine whether the group of cottages are of sufficient local heritage significance to warrant local listing under Schedule 5 of the NSLEP 2013.

The landowners of Nos. 27-37 Bydown Street lodged a Class 1 Appeal against the making of the IHO (No. 1/2025) on 6 November 2025 (published on NSW Gazette No. 461 on 7 November 2025). The proceedings are still ongoing with the matter listed for hearing on 19 and 20 March 2026 and a decision still pending at the time this Planning Proposal was prepared.

Accordingly, the intent of the Planning Proposal to list the properties as heritage items would satisfy the concerns of the local community to protect these locally significant properties from demolition. The public exhibition of the Planning Proposal will provide additional opportunity for the owners of the property and the wider community to provide feedback.

#### **4.3.4 Section D – Infrastructure (local, State and Commonwealth)**

##### **11. *Is there adequate public infrastructure for the planning proposal?***

Implementation of the Planning Proposal is likely to have a negligible impact upon the provision of public infrastructure services within the locality as the land affected is already highly serviced.

If required, consultation with relevant public infrastructure agencies during the public exhibition of the Planning Proposal will ensure any concerns are addressed prior to allowing any change in the development potential of the land.

#### **4.3.5 Section E – State and Commonwealth Interests**

##### **12. *What are the views of State and federal public authorities and government agencies consulted in order to inform the Gateway Determination?***

The Planning Proposal has not yet been considered by State or Commonwealth public authorities. Relevant State and Commonwealth public authorities will be consulted in accordance with the Gateway Determination.

#### **4.4 PART 4: MAPPING**

**Table 5** identifies all the maps which are required to be replaced to achieve the intent of the Planning Proposal. Copies of the existing and proposed maps are contained within **Appendix 3**.

TABLE 5 – REPLACEMENT MAPS		
Map Types	Existing Map Sheet Identification No.	Proposed Map Sheet Identification No.
<b>Heritage Map</b>		
HER_003	5950_COM_HER_003_010_20240523	5950_COM_HER_003_010_20260213

#### 4.5 PART 5: COMMUNITY CONSULTATION

Consultation will be undertaken in accordance with the requirements of the Gateway Determination and Council's guidelines. It is anticipated that the Planning Proposal would be considered a Standard planning proposal and subject to public exhibition for a minimum of 20 days.

#### 4.6 PART 6: PROJECT TIMELINE

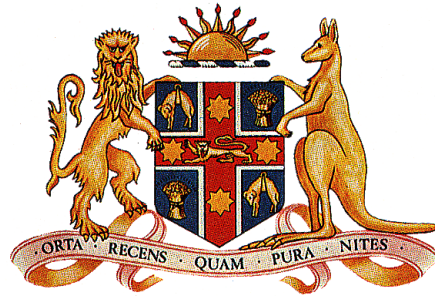
**TABLE 6** provides a project timeline having regard to identified milestones and estimating approximately 7 months from submitting the Planning Proposal to the DPHI for a Gateway Determination to the amending LEP being made. However, timeframes are subject to change based on when the Gateway Determination is issued by the DPHI and the LEP amendment is gazetted.

Milestone	Mar 2026	Apr 2026	May 2026	Jun 2026	Jul 2026	Aug 2026	Sept 2026	Oct 2026	Nov 2026
1. Local Planning Panel considers Planning Proposal									
2. Council determines whether to progress to Gateway Determination									
3. Request for Gateway Determination sent to DPHI									
4. DPHI considers request									
5. Gateway Determination issued to Council									
6. Amendments made to the Planning Proposal in accordance with the Gateway Determination (if required)									
7. Public exhibition undertaken									

Milestone	Mar 2026	Apr 2026	May 2026	Jun 2026	Jul 2026	Aug 2026	Sept 2026	Oct 2026	Nov 2026
8. Council considers submissions									
9. Council considers post exhibition report									
10. Submission to DPHI requesting making of LEP									
11. Drafting of LEP and gazettal of LEP amendment									

## **APPENDIX 1**

*Council imposed Interim Heritage Order, November 2025*



# *Government Gazette*

of the State of

New South Wales

**Number 461 - Planning and Heritage**

**Friday, 07 November 2025**

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It can also contain local council, non-government and other notices.

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**North Sydney Council**

Heritage Act 1977

Interim Heritage Order No. 1/2025

27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay

Under Section 25 of the Heritage Act, 1977, North Sydney Council, do by this notice:

- I. Make an Interim Heritage Order to cover the item of the environmental heritage specified or described in Schedule 'A'; and
- II. Declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'

This Interim Heritage Order will lapse six months from the date that it is made unless the local council has passed a resolution before that date either:

- (1) In the case of an item which, in the council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
- (2) In the case of an item which in the council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.



Therese Cole  
Chief Executive Officer  
North Sydney Council

6/11/25

Dated at North Sydney, 6 November 2025

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SCHEDULE 'A'

The property situated at 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay NSW 2089 on the land described in Schedule 'B'.

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SCHEDULE 'B'

The parcels of land known as Lots 1-6 in DP 260274 with particular reference to the existing single-storey dwellings including their interiors and surrounding gardens.

## **APPENDIX 2**

*Heritage Assessment Report prepared by Vanessa Holtham Heritage & Architecture,  
February 2026*



27-37 BYDOWN STREET  
NEUTRAL BAY

HERITAGE ASSESSMENT

PREPARED FOR  
North Sydney Council

FEBRUARY 2026

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## 1. INTRODUCTION

### 1.1 BRIEF

This heritage assessment has been commissioned by North Sydney Council to consider the significance of the row of single-storey cottages including 27, 29, 31, 33, 35 and 37 Bydown Street (Nos. 27-37), Neutral Bay (Lots 1 to 6, DP 260274).

This heritage assessment has been undertaken following completion of a preliminary heritage assessment by the same authors, which led to the making of an Interim Heritage Order (IHO) on 6 November 2025 in accordance with s.25 of the *Heritage Act 1977*.

### 1.2 STUDY AREA



Figure 1: 27-37 Bydown Street, Neutral Bay (Source: Six Maps, NSW Spatial Services.)

### 1.3 DEFINITIONS

Definitions are based on Australia ICOMOS Burra Charter, 2013 and are as follows:

*Place* means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

*Cultural significance* means aesthetic, historic, scientific or social value for past, present or future generations.

*Fabric* means all the physical material of the place, including components, fixtures, contents, and objects.

*Conservation* means all the processes of looking after a place so as to retain its cultural significance.

*Maintenance* means the continuous protective care of the fabric and setting of a place and is to be distinguished from repair. Repair involves restoration or reconstruction.

*Preservation* means maintaining the fabric of a place in its existing state and retarding deterioration.

*Restoration* means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

*Reconstruction* means returning a place to a known earlier state and is distinguished from restoration by the introduction of materials [new or old] into the fabric.

*Adaptation* means modifying a place to suit the existing use or a proposed use.

*Use* means the functions of a place, as well as the activities and practices that may occur at the place.

*Compatible use* means a use which respects the cultural significance of the place. Such a use involves no, or minimal, impact on cultural significance.

*Setting* means the area around a place, which may include the visual catchment.

*Related place* means a place that contributes to the cultural significance of another place.

*Related object* means an object that contributes to the cultural significance of a place but is not at the place.

*Associations* mean the special connections that exist between people and a place.

*Meanings* denote what a place signifies, indicates, evokes or expresses.

*Interpretation* means all the ways of presenting the cultural significance of a place.



#### 1.4 SITE INSPECTIONS

A preliminary site inspection was undertaken by Vanessa Holtham on 18 October 2025, with further inspections undertaken of the properties as follows:

- External inspection on 29 October 2025 by Neal McCarry and Vanessa Holtham.
- External and internal inspection on 3 December 2025 by Katerina Papas and Vanessa Holtham, including access to No. 29 and No. 37 Bydown Street.
- External and internal inspection on 27 January 2026 by Jack Li and Vanessa Holtham, including access to No. 33 Bydown Street.
- External and internal inspections on 2 February 2026 by Jack Li and Vanessa Holtham including internal access to No. 31 and No. 35.
- Internal inspection on 2 February 2026 of No. 27 Bydown Street by Vanessa Holtham.

#### 1.5 STRUCTURE OF THE REPORT

The report provides a heritage assessment, which generally follows the guidelines for *Assessing Heritage Significance* published by the Heritage Council of NSW in May 2023.

#### 1.6 AUTHOR IDENTIFICATION

This document was prepared and written by Vanessa Holtham, a registered architect, heritage consultant and town planner, with research provided by Dr Kirrily Sullivan, who holds a PhD in Architecture, Master in Heritage Conservation and Bachelor of Arts.

#### 1.7 STATUTE AND STANDARDS

The following were used to inform this heritage assessment:

- *North Sydney Local Environmental Plan 2013* ('NSLEP')
- Australia ICOMOS Burra Charter, 2013
- *Assessing Heritage Significance* published by DPE, May 2023.
- *Heritage Council of NSW - NSW Historical Themes*, 4 October 2001.

#### 1.8 LIMITATIONS

This report does not include an assessment of Aboriginal or archaeological significance.

The reproduction of internal photographs has been limited in this report to avoid any issues with privacy as only one property was vacant at the time of the inspections.

## 2. HISTORICAL ANALYSIS

### 2.1 INTRODUCTION

This section provides an understanding of the historical development of the site. Analysing and understanding historical context is an important consideration in the assessment of cultural significance, informing the assessment of historical significance and historical associations of significance. The main repositories for research documentation were the State Library of New South Wales, North Sydney Council and the Stanton Library including building plans, building and development application files, and valuation and rate records. A local studies history of the property also informed the background information for the site history.

### 2.2 INDIGENOUS HISTORY

Neutral Bay is a suburb on the lower north shore of Sydney originally home to the Cammeraygal people. Prior to the arrival of the British, Neutral Bay and the surrounding areas were rich in natural resources that the Cammeraygal were able to make use of day to day. They engaged in complex customary interactions within their clan and with their neighbours over many centuries.

Forty thousand years ago, the Neutral Bay area was a very different landscape. The tributaries of Middle Harbour and the Lane Cove River supplied fresh clean water with an abundance of marine and freshwater resources that would have been collected along the rocky foreshore. There was also an abundance of fruits, seeds, nuts, grains and nectars, all of which formed an important part of the staple diet. From around 6000 years ago, the Lane Cove River and Middle Harbour were no longer freshwater but brackish tidal estuaries leading to the harbour. Whether Aboriginal people were living in the Neutral Bay area prior to this time is unclear. It is from 6000 years ago that the evidence of occupation in the area becomes strong.

Knowledge about the lives of the Cammeraygal people and their ancestors of the North Shore is revealed in archaeological sites, and the excavation of middens has provided many answers to questions regarding the use of resources in the past. A midden is the name given to a mound of shells that have previously been eaten and discarded by Aboriginal people. Excavations of a midden in a large rock shelter in Cammeray in Middle Harbour have established that Aboriginal people were occupying this area from around 6000 years ago. This is the earliest known occupation date on the North Shore. The midden included Sydney cockle, oyster, mussel and spiny oyster shells, faunal remains



including wallaby, kangaroo, potoroo and mice. Snapper was the only species of fish identified.

The survival of the Cammeraygal clan was severely impacted by the detrimental effects of British settlement. The colonisation of traditional Cammeraygal lands involved heavy land clearing, the culling of native animals, water pollution and the introduction of foreign agricultural practices.<sup>1</sup> The disruption upended the traditional social and cultural practices of the tribe. The displacement of the Cammeraygal people was further intensified by the introduction of foreign diseases, most notably a smallpox epidemic that spread in 1789 that is estimated to have killed half of Sydney's Aboriginal population.<sup>2</sup>

### 2.3 EARLY EUROPEAN HISTORY OF NEUTRAL BAY

Neutral Bay was named by Governor Phillip, when he decreed in 1789 that all non-British 'neutral' ships visiting Port Jackson were to anchor there. A small unnamed creek which ran intermittently into the bay was used by these ships to replenish stores of fresh water. From the beginning on the nineteenth century, ships had to pay for the water. In the latter half of the 1800s the area was generally known as East St Leonards.

The original vegetation. Included *Xanthorrhoeas* (grass trees), *Angophoras* and smaller grevilleas and banksias close to the water, with Sydney blue gums and blackbutts on the ridges. Recalling the place in the 1860s, local historian and resident GVF Mann wrote of the ferns and small waterfalls still evident above the foreshore rocks. He recalled Ben Boyd Road as a track through 'thick bush' to Middle Harbour.<sup>3</sup>

### 2.4 EARLY EUROPEAN SETTLEMENT AND SUBDIVISION OF NEUTRAL BAY

Much of the area was part of the 700 acres of land bought in 1816 for Alfred Thrupp as a wedding gift by his father-in-law Captain John Piper. Thrupp built a cottage near the Hayes Street waterfront, but evidently never occupied it, as he soon moved to Van Dieman's Land (Tasmania) where he settled for the remainder of his life. Piper became bankrupt in 1827 and sold all his land, including the Thrupp Estate, to Daniel Cooper, a wealthy merchant and land speculator. The estate was known as the Cooperville Estate

<sup>1</sup> Alan Birch and David S. Macmillan, *The Sydney Scene: 1788 – 1960*, (Melbourne: Melbourne University Press, 1962), pp. 3-6.

<sup>2</sup> Emery, *Pictorial History: Hunters Hill*, p. 5.

<sup>3</sup> GVF Mann, *North Sydney 1788-1938*, North Sydney Council, North Sydney, 1938.



and Cooper's nephew, John Cooper, was appointed manager of the estate in 1854. The estate remained quiet bushland, with some pastures for a dairy on the ridge.<sup>4</sup>

A large house known as 'Craignathan' was built on the waterfront of the bay in the 1830s. It was a largely self-sufficient homestead with water tanks carved out of the sandstone on which it stood, and five ovens in which to bake the bread. The whaler and slave trader Ben Boyd leased land, including Craignathan, within the Cooperville Estate from 1842-49 on the waterfront and further up the slope, towards the present-day Military Road. There is no record of Boyd ever acquiring the land.<sup>5</sup> Boyd built a dam above the house to catch the water for wool washing.

There was only a handful of buildings in the area prior to the early 1870s. At that time, Military Road was constructed to convey ordnance and cannon to the fortifications at Georges and Middle Heads. Patrick Hayes founded a steam brickworks where the present-day bus depot (prior tram depot) stands. The earlier paddle steamers, which did not travel into Neutral Bay, were then supplemented by a screwed steam yacht, the 'Florence'. With transport by ferries, horse cabs and coaches and a supply of local bricks, the area became ripe for development. The Cooperville Estate was first subdivided in the 1870s. Part was acquired in the 1880s, by George S. Yeo, who built 'Yeolands', now in Ben Boyd Road, near Neutral Bay Public School (1886).

During the 1870s residential development centred on the lower reaches of the suburb, along the waterfront east and west of the present Hayes Street wharf and extending around Kurraba Point. The sandstone home 'Honda' was built on the first parcel of land leased from the Coopers in 1858. Honda had panoramic views of the harbour and was occupied by the Harbour Master EO Moriarty in the 1860s, then WC Bennett, the commissioner for roads and bridges in New South Wales. In the report 'Bridge to the north shore', presented to the New South Wales Legislative Assembly in 1883, Bennett cast doubt on the viability of a high level bridge across the water, in part because of its visual impact upon the waterway – 'such a structure would, I think, be by no means an ornament'.

When the tram network was electrified in 1909, the brickworks site became the Neutral Bay Tram Depot. The tramways extended along Military Road to Mosman and The

<sup>4</sup> Earle, D. (1980) History of the Site of the Ben Boyd Estate Restoration Project, The North Shore Historical Society Journal, Vol. 20, No. 1, p. 7.

<sup>5</sup> Historical records often refer to Ben Boyd as a 'blackbirder', a term which meaning a perpetrator of indentured servitude in the nineteenth and twentieth centuries, often described as a form of slavery, Blackbirders lured, coerced or kidnapped Pacific Islanders to be transported to work on plantations in Australia. This forced labour was typically done under false pretences, and the conditions were often brutal and exploitative.



Spit, and the depot was one of the biggest employers in the area. Many of its employees were Labor-voting Catholic men. The tram workers were also integral to the introduction of the working-class Rugby League football code to the area.

The Oaks Hotel was opened in 1880; named for the adjacent brickworks. The pub that currently occupies the site was built in 1938 by Tooth & Co Ltd.

In 1885 the Cooper family returned to England and the trustees of the estate continued to further subdivide the former Thrupp grant into leaseholds. These were converted to freehold by the 1930s.

Neutral Bay Public School was built in 1886 and Dame Mary Gilmore (then Mary Cameron) taught there in 1890. A post office, churches, fire station and shops were established to serve the growing community, clustered at the Military Road/Wycombe Road hub. Tram services down to Neutral Bay Junction and later to the Hayes Street wharf also encouraged further urban development of the suburb lying south of Military Road towards the waterfront.

By the end of the 1880s, there were approximately 20 leaseholders within Thrupp's grant and these leases were gradually being subdivided into smaller allotments. Roads were beginning to spread out from Military Road and the waterfront. However, the vast majority of the almost 190 houses built in Neutral Bay by 1888 were located on Ben Boyd Road, Wycombe Road (formerly called Cooper Street), Undercliffe Street and Kurraba Road (then named Thrupps Point Road).

In 1884 the architect Walter Liberty Vernon leased land from the Cooper family, with the intention of subdividing and building large villas on sites along Wycombe Road and Hayes Street. He had Cooper Street renamed Wycombe Road after his hometown in England and, with the merchant David Jones, Vernon formed the Neutral Bay Land Company.

Ben Boyd Road became a major thoroughfare after the introduction of regular ferry services to Hayes Street wharf from the 1870s. Following the inauguration of the tram service along Wycombe Road to this wharf, Ben Boyd Road declined in importance but has remained a minor commercial centre. The apparently chaotic arrangement of roads and streets in the area developed in response to the topography, with major roads following ridges and short secondary streets sometimes ending at cliffs and gullies.



In 1889 the borough of East St Leonards attempted to formalise the roads of Neutral Bay by gazetting at least 13 streets which 'it is declared expedient to open and make'. The steep and difficult terrain partly explains why large parts of Neutral Bay remained undeveloped until the twentieth century, especially in the middle and western section of the suburb.

By the 1930s, Neutral Bay had become a popular garden suburb, populated by a largely middle-class community. The shopping centre developed in the vicinity of Neutral Bay Junction, whilst a multitude of boarding houses, guesthouses and private hotels flourished in the lower reaches of the suburb close to ferry services. In the strip between the shopping centre and the waterfront, private homes on individual blocks and small apartment buildings predominated.

## 2.5 THE SUBJECT SITES: 27-37 BYDOWN STREET, NEUTRAL BAY

The subject sites are located within the Thrupp Estate purchased by Captain Piper in 1816. After Piper's bankruptcy, the entirety of the land was purchased by Daniel Cooper in 1827. In 1854, Cooper appointed his nephew John Cooper to manage the estate, and much of the land was made available through leasehold.

By 1882, the subject Sites were known as Lots 13, 14 & 15, Section 2 of the Ben Boyd Estate. In 1907, Ebenezer Vickery (jnr) leased Lot 13 from John Cooper. Lots 14 and 15 were leased to William Harpham, a building contractor. North Sydney rate and valuation records indicate the lots were vacant until 1908, by which time two cottages had been constructed on each of the three lots. These six houses were known as Nos 1, 3, 5, 7, 9 and 11 Olive Street, Neutral Bay. While Cooper retained ownership of the Lots, by 1910 they were all leased by William Harpham. Whilst Harpham occupied two of the cottages, Nos. 1 and 3 Olive Street, individual tenants occupied the remainder of the new homes.<sup>6</sup>

It is likely that William Harpham, a builder, was responsible for the design and construction of all six of the homes.

In 1912, Ebenezer Vickery (jnr) purchased No. 1 Olive Street (part Lot 13) from John Cooper. The site was later transferred to his company, E. Vickery and Sons, one of the largest merchant companies in Sydney of the nineteenth and early twentieth centuries.

Ebenezer Vickery (1827-1906) was an Australian businessman, pastoralist and philanthropist. Having arrived in Sydney from London in 1833 with his parents, aged six, Ebenezer took over the family shoe business after his father's retirement in 1851. By the

<sup>6</sup> Family Notices, Mosman, Neutral and Middle Harbour Resident, 30 September 1916, p. 6.



1860s it had diversified into shipping and the pastoral industry, acquiring significant parcels of land near Moree and Narrabri. In the Wollongong area he acquired Keira, Coalcliff and South Bulli mines, and became chairman of the South Great Coal Company and the Mt Kembla Coal Company. Vickery was a devout Wesleyan, and by the time of his death his personal wealth was estimated at over £500,000, making him one of the five wealthiest men in New South Wales at the time.

Ebenezer Vickery's chief interest was the Sydney central Wesleyan Mission, for which he purchased the Lyceum Theatre in Sydney. Vickery was also the principal donor to the construction of the Waverley Methodist Church and funded the Evangelists' Training Institute which sent teams of young evangelists into the slums, hospitals wharves and factories. Vickery also gave extensive financial support to many non-denominational church charities in Sydney, including the YMCA and the City Mission.<sup>7</sup>

In 1863, Vickery was elected to councillor of the Waverley Municipality and was later appointed to the Legislative Council of New South Wales in 1887, where he reportedly confined his speeches to social and mining matters. In 1881 he took two of his sons Ebenezer and Joseph, into partnership and in 1902 his entire business was incorporated as a public company under the name of E. Vickery & Sons Ltd. It became a propriety company in 1937.

Ebenezer Vickery married Jane Begg in 1851, and they had six children: daughters Amy Alfreda Vickery, Elizabeth Newman and Mary Jane Waterhouse, and sons Ebenezer, Joseph and George Begg. Jane Vickery died in 1904 after 50 years of marriage. The home and grounds of the family home, Edina, was donated to the Methodist Church in 1919, and is now known as the War Memorial Hospital in Waverley.

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<sup>7</sup> GP Walsh 'Ebenezer Vickery (1827-1906)', Australian Dictionary of Biography, <https://adb.anu.edu.au/biography/vickery-ebenezer-4779>

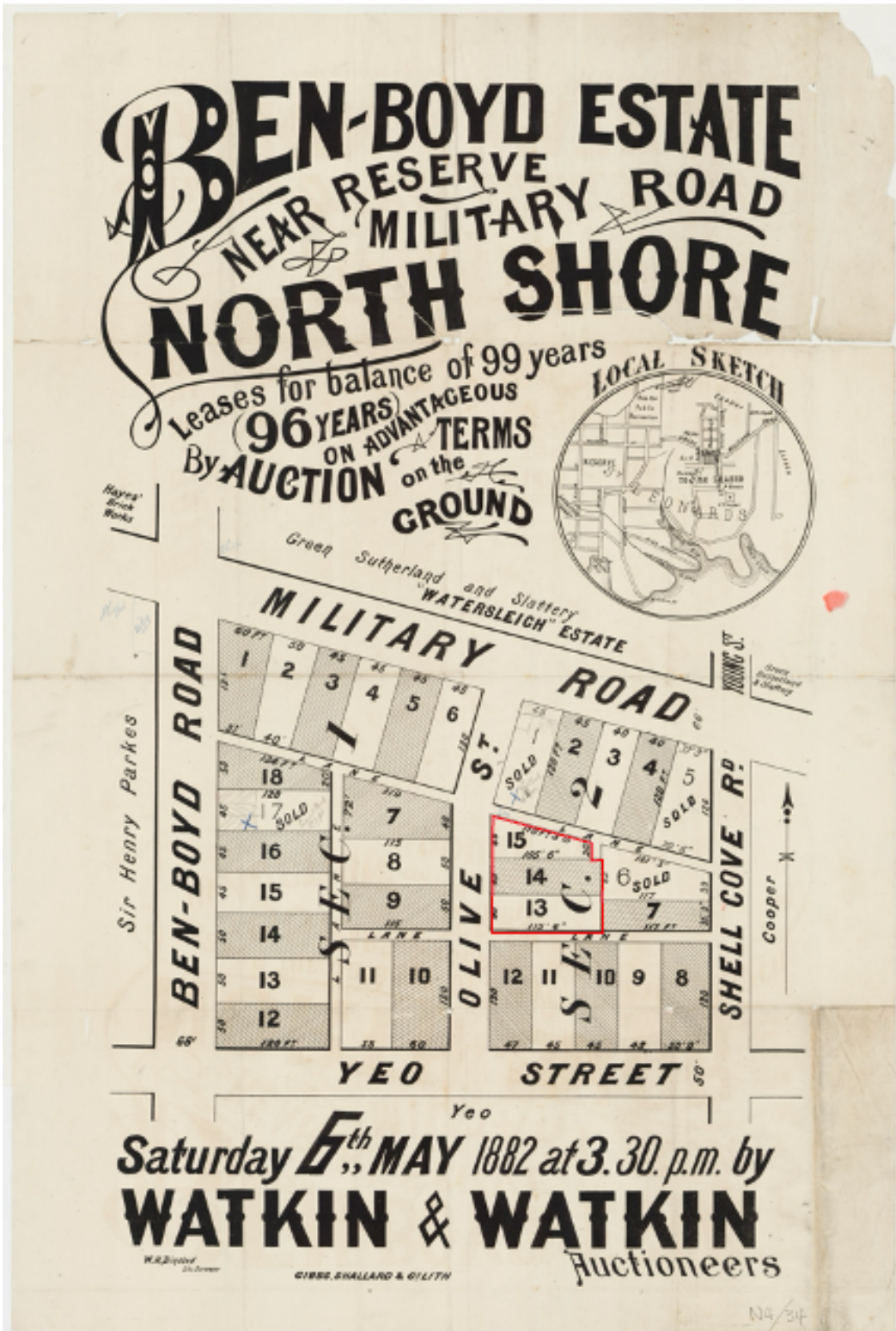


Figure 2: Subdivision poster for the auction of the Ben Boyd Estate, 1882. Subject sites outlined in red, overlay added by author. (Source: State Library of NSW Call No. FL 9053071)



By 1917, Frank and Arthur Harpham, the sons of William Harpham, were the owners of the six cottages. Arthur Harpham lived on Spit Road, Mosman, and Frank lived in Redfern. They were both builders.

In 1917, the occupants of the six cottages included: Hubert William, builder/painter; Albert Cheal, fireman; William Butler, warden; Rewick Walker, warden; George McDonald, tram driver; and Henry Cheal, a carpenter.<sup>8</sup>

In 1933, the name and numbering of the street was altered, changing the Sites from Nos. 1, 3, 5, 7, 9 and 11 Olive Street to Nos. 27, 29, 31, 33, 35 and 37 Bydown Street. Frank and Arthur Harpham retained ownership of all six properties until 1936, when they were purchased by Maria Concetta and Felice Sciacchitano. Following the death of Felice in 1950, the properties transferred to the ownership of Maria, who retained the properties until the late 1970s.

In 1979, the properties were collectively owned by Bulwarra Leaseholds.

In Council's 1981 Heritage Study, noted by Council as the first of its kind in NSW, and following the introduction of the NSW Heritage Act in the late 1970s, the properties were identified as contributing to the predominant character of the locality.

#### SUMMARY OF BUILDING APPLICATIONS

NO.	DA/BA NO.	BA DETAILS	STATUS
27	DA79/731	Renovations incl. addition of a kitchen, bathroom/toilet and laundry	Approved
	Nov 1979	Owners of Nos. 27-37 Bydown Street informed council they were erecting a 1.8m high brick fence on the Bydown Street frontages of all the houses	
	BA81/223	Construction of garage	Withdrwn
29	DA 79/730	Renovations incl. addition of a kitchen, bathroom/toilet and laundry	Approved
	BA96/97	Reconfiguration of kitchen, bathroom, laundry	Approved
	BA96/643	Addition of 1.8m high timber dividing fence with No. 31 Bydown St, with 1m high lattice above	Withdrwn
	DA455/15	Demolition and reconstruction of masonry retaining wall along southern boundary	Rejected

<sup>8</sup> North Sydney rates and valuation records, North Sydney Council.

	CDCZ148/2004	Minor alterations including internal wall removal, addition of 4m wide glazed bifold doors to northern side elevation	Issued
31	DA79/729	Renovations incl. addition of a kitchen, bathroom/toilet and laundry	Approved
	DA201/11	Alterations and additions including demolition of rear addition and reconstruction, bricking up existing windows on southern elevation, replacement with highlight windows, new timber deck to rear accessed via bifold doors	Approved under delegation
33	DA79/728	Renovations incl. addition of a kitchen, bathroom/toilet and laundry	Approved
	BA97/200	Alterations and additions including new kitchen and bathroom, timber deck at rear accessed via bifold doors	Approved
35	DA79/727	Renovations incl. addition of a kitchen, bathroom/toilet and laundry	Approved
37	DA79/726	Renovations incl. addition of a kitchen, bathroom/toilet and laundry	Approved
	Feb 1980	North Sydney Council resolved to acquire No. 37 Bydown St, for the purposes of widening Cheal Lane to the north and improving service access to this laneway. The sale was finalised 2 June 1980. Following expansion works to Cheal Lane undertaken by Council, Council resold the property to the previous owner on 5 February 1982.	
	BA82/103	Addition of rear verandah and boundary wall additions	Approved
	1986	Property was acquired by a chiropractor, and appears to have been in use since that time as part dwelling/part chiropractic consulting rooms	
	DA1059/88	Alterations and additions including sunroom and paving at the rear yard for parking. Approved with condition it be used only for the purposes of 'home occupation'	Conditional Approval

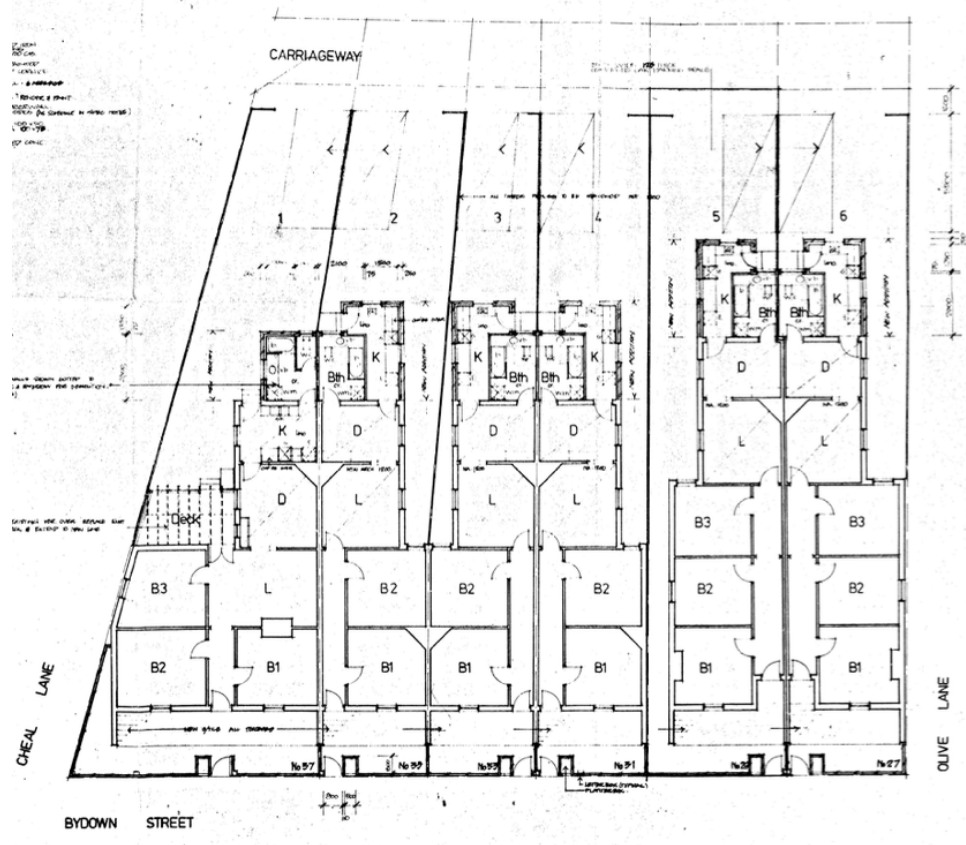
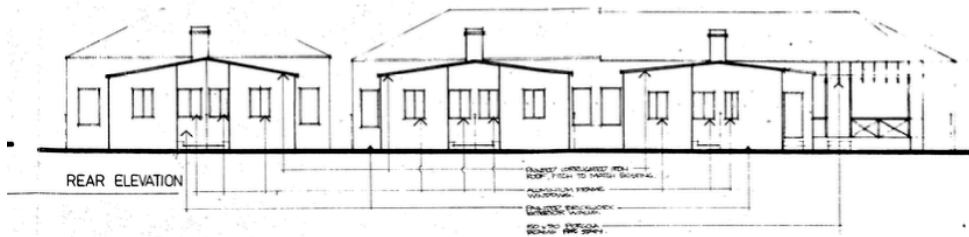
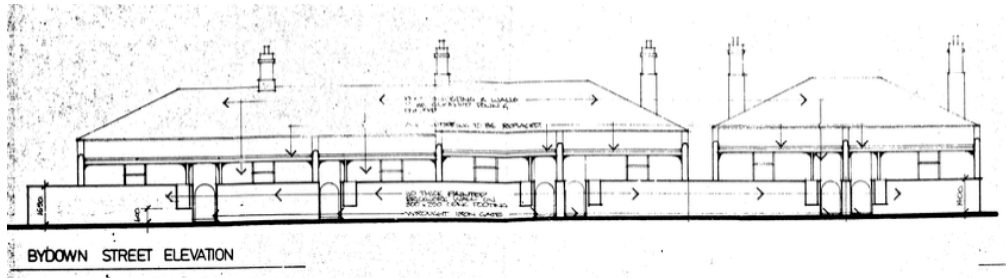


Figure 3: Detail from BA 730/79, for alterations and additions to 29 Bydown Street, October 1979 (Source: North Sydney Council)

### 3. PHYSICAL ANALYSIS

#### 3.1 INTRODUCTION

Nos. 27-37 Bydown Street, Neutral Bay contain six single-storey Federation period dwellings. Nos. 27 and 29 are in the form of two semi-detached dwellings, and Nos. 31 – 37 are in the form of four attached dwellings. Presenting in the Federation Filigree style, the six dwellings read as a cohesive set of modest and homogenous terrace houses.

#### 3.2 SETTING

The dwellings were constructed c.1907-08 and are largely intact externally. With verandahs facing Bydown Street, the group was constructed of brick that has been subsequently painted. They are enclosed by corrugated metal roofing. Their primary form with rear service wing remains legible, despite minor modifications. Historic photos indicate front facades, roofs and verandah forms and chimneys are intact. Identical painted brick front fences were added c.1979 as depicted in Figure 2 below.



Figure 4: 27-37 Bydown Street, Neutral Bay, 1980, showing No. 37 in foreground.

(Source: Stanton Library, Call No. LH REF CPF 12/8)

The single-storey Federation period dwellings on the opposite side of the road provide a sympathetic setting, with a larger and less contributory residential flat building at 20 Yeo Street to the south and a concrete council car park to the east, adjacent to the group. Car access at the northern end of Bydown Street from Military Road has been closed, creating a quiet setting in a once busier thoroughfare from this principal arterial road.

### 3.3 THE COTTAGES

The six cottages appear to have been constructed in the Federation Filigree style, in face brick with a corrugated metal roof. The Filigree elements, which are more typically associated with the late 19<sup>th</sup> Century, reinforce the Victorian style that remains evident through remnant wrought iron lacework and robust chimneys with moulded banding. The evidence provided in the 1980 image at Figure 4 indicates that the Filigree details were not selectively added later but rather existed prior and have been partly removed.

The external visual cohesion of the group is evident from the principal streetscape, Bydown Street, as well as from Olive Lane to the south, Cheal Lane to the north and from the two-storey car park to the west. They provide a stark contrast to the existing residential flat building at 20 Yeo Street as well as some of the modern development to the north.

Externally, the minor and co-ordinated additions that were sympathetically undertaken to all six dwellings in c1979 as indicated in Figure 3 remain the only substantive external changes to the group. These additions have resulted in a minor extension to the original form of the group, but the dwellings retain a single-storey appearance. At this time, an external deck was added to the northernmost dwelling at No. 37 Bydown Street, and this has been subsequently extended. Despite having been constructed to look cohesive in c1979, the masonry front fence and the painted brickwork are probably the most detracting features of the group. However, the impact is lessened by these works having been undertaken together undoubtedly because of their collective ownership.

At the time of completing this final assessment, all six cottages had been individually internally inspected. These inspections indicated that the dwellings retain their internal layouts in the original part of each dwelling, i.e., the formation of rooms accessed by a corridor. In general terms, the alterations that have been undertaken have occurred mostly in the utility areas, i.e., kitchen and bathrooms, at the rear (east) of the dwellings.

The images provided on the following pages in addition to the diagram provided at Figure 3 summarise where the main intervention with the building fabric has occurred. Whilst some original internal detailing has been removed (some relatively recently, such as fireplaces) it could be concluded that a moderate to high level of original internal features remain in the form of floorboards, skirting, architraves, cornices, ceiling roses, mouldings, panelled doors, and fanlights. The kitchen and bathroom areas at the rear have all been upgraded, which would be expected for dwellings constructed near the turn of the century and remaining in modern use.

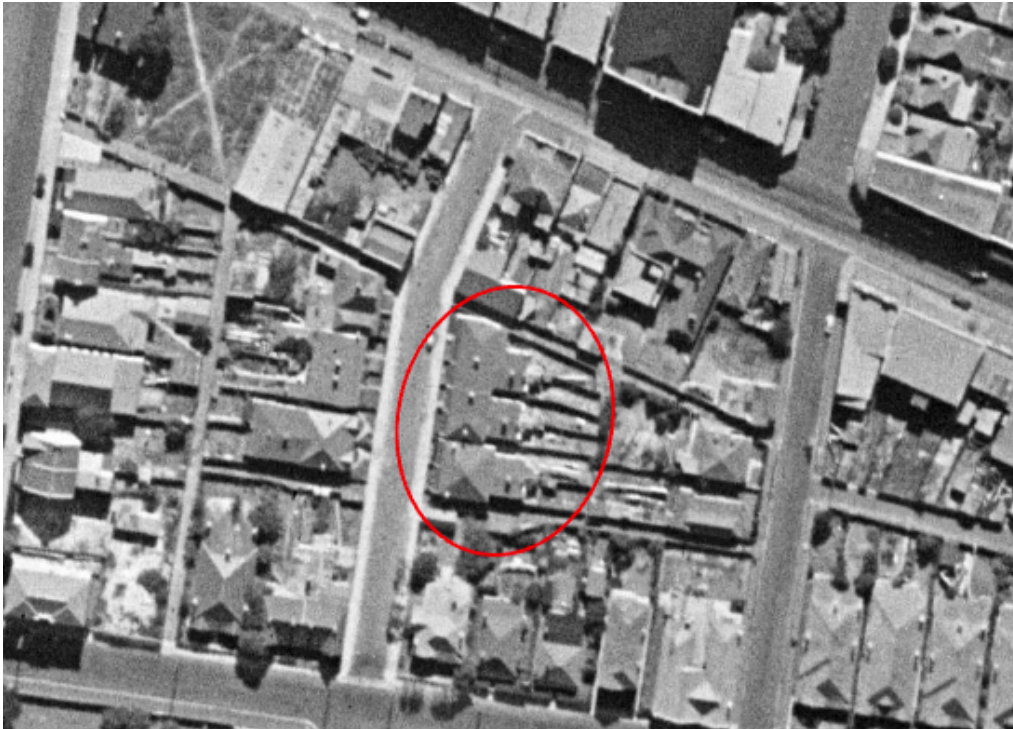


Figure 5: 1943 Aerial photo of the site and surrounds



Figure 6: Current aerial photo of the subject site and surrounds.



Figure 7: View looking north towards the group of cottages showing No. 27 Bydown Street addressing Olive Lane.



Figure 8: View looking South showing No. 37 in the foreground and the RFB at 20 Yeo Street in the background.



Figure 9: Streetscape presentation of No. 37 Bydown Street at the northern end of the group.



Figure 10: Streetscape presentation of No. 35 Bydown Street, second in the row from the north.



Figure 11: Streetscape presentation of No. 33 Bydown Street, third in the row from the north.



Figure 12: Streetscape presentation of No. 31 Bydown Street, fourth in the row from the north.



Figure 13: Streetscape presentation of No. 29 Bydown Street, the northern of the two semi-detached cottages.



Figure 14: Streetscape presentation of No. 29 and No. 27 Bydown Street, the pair of semi-detached dwellings.



Figure 15: View of the rear of the row of four including No. 31-37 inclusive, looking north-west.



Figure 16: View of the rear of the semi-detached pair at No.27 and 29 (LHS) and No. 31 and 33 (RHS), looking west.



Figure 17: Front entrance verandah of No. 27 Bydown Street showing original form and fenestration with shutters.



Figure 18: Front door of No. 27 Bydown Street showing original opening and fanlight and modern screen.



Figure 19: Internal hallway of No. 27 Bydown Street in its original configuration including its relationship to rooms.



Figure 20: Likely original four panelled door, skirtings, and architraves to main hallway in No. 27 Bydown Street.



Figure 21: Hallway arch with removed scroll details in No. 27 Bydown Street.



Figure 22: Front room in No. 27 showing cornice and picture rail, vents and removed ceiling rose.



Figure 23: Front entrance verandah of No. 29 Bydown Street showing original form and fenestration.



Figure 24: Internal hallway of No. 29 Bydown Street in its original configuration including its relationship to rooms and front door fanlight.



Figure 25: Location of former fireplace in No 29 Bydown Street removed c. November 2025.



Figure 26: Rear of No. 29 Bydown Street showing adjacent dwelling at No. 31.



Figure 27: Rear of No. 29 Bydown Street showing adjacent dwelling at No. 37 through vegetation.



Figure 28: Front entrance verandah of No. 31 Bydown Street showing original form and fenestration.



Figure 29: Front door of No. 31 Bydown Street showing original opening and fanlight.



Figure 30: Likely original four panelled door, skirtings, and architraves to main hallway in No.31 Bydown Street and original floors.



Figure 31: Internal hallway of No. 31 Bydown Street in its original configuration including its relationship to rooms and original floors.



Figure 32:: Front room of No. 31 Bydown Street showing original and likely original features including cornice, picture rail, vent, window, and ceiling rose. Modern skylight.



Figure 33: Rear wing of No. 31 Bydown Street, appearing to match the form of its pair at No. 33



Figure 34: Front entrance verandah of No. 33 Bydown Street showing original form and fenestration.



Figure 35: Internal hallway of No. 33 Bydown Street in its original configuration including its relationship to rooms.



Figure 36: Rear wing of No. 33 Bydown Street, appearing to match the form of its pair at No. 31.



Figure 37: Likely original features of No. 33 including moulded plaster arch, ceiling rose, cornices, architraves, and fanlight over the front door.



Figure 38: Likely original fireplace and skirting in No. 33 Bydown Street.



Figure 39: Likely original four panelled door in No. 33 Bydown Street.



Figure 40: Front door of No. 35 Bydown Street showing original fanlight and modern screen. Original four panel front door with gaps (evident through filtered light) in Figure 42.



Figure 41: Front entrance verandah of No. 35 Bydown Street showing original form and fenestration.



Figure 42: Internal hallway of No. 35 Bydown Street in its original configuration including its relationship to rooms. And original front door.



Figure 43: Original six panelled back door, modified to accommodate a glazed panel.



Figure 44: Breezeway between No. 35 and No. 33 Bydown Street with intact form and fenestration



Figure 45: Front entrance verandah of No. 37 Bydown Street showing original form and fenestration and likely filigree wrought iron lacework, which exists at No. 29, 33, 35 and 37.



Figure 46: Likely original four panelled timber door, architraves, and skirtings.



Figure 47: Internal hallway of No. 37 Bydown Street in its original configuration including its relationship to rooms and rear outdoor space.



Figure 48: Evidence of original openings at the rear of No. 37 Bydown Street closed off to suit current purpose.

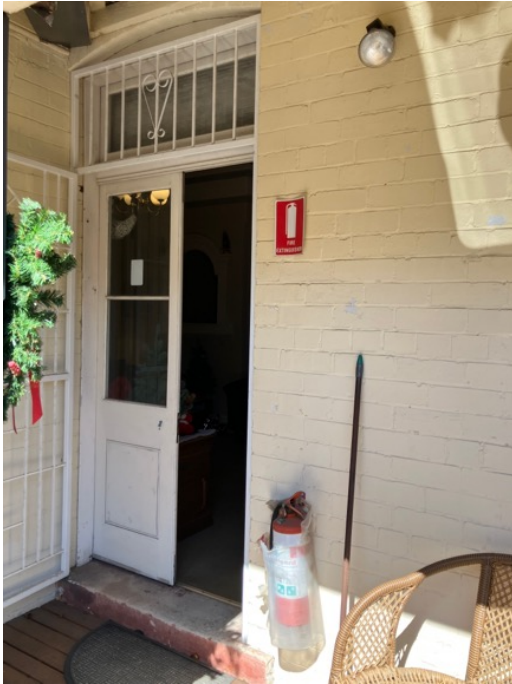


Figure 49: likely original external back door and fanlight to No. 37 Bydown Street.



Figure 50: Rear wing of No. 37 Bydown Street, undertaken as part of the 1979 works.



Figure 51: Presentation of No. 37 Bydown Street to Cheal Lane to the north of the cottages.

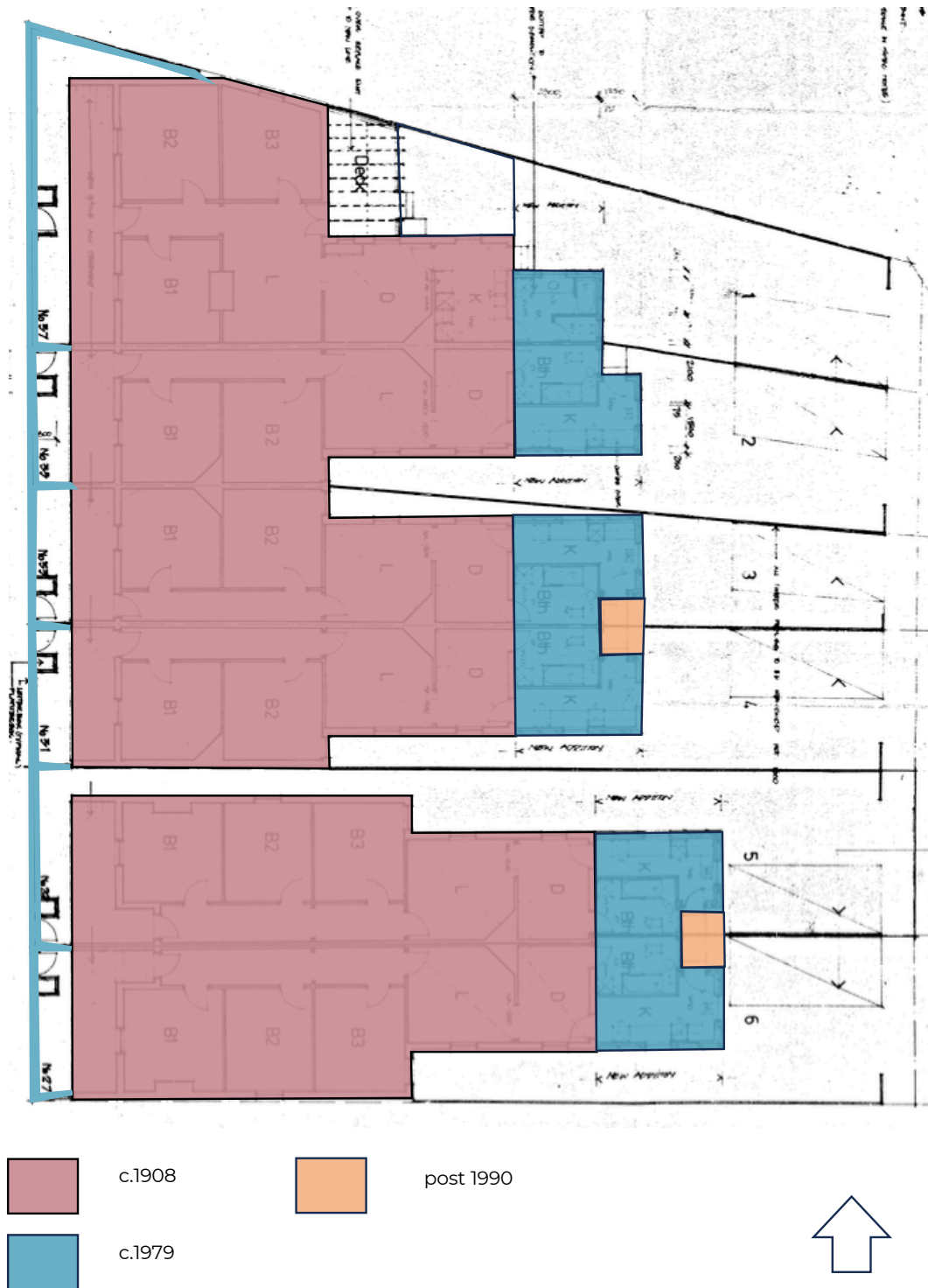


Figure 52: Indicative historic evolution of the footprint of built elements that remain on the site excluding patios and decks and the entrance courtyards, which are part of the original configuration now enclosed by a c1979 brick fence, using the 1979 architectural plans as a base.

#### 4. COMPARATIVE ANALYSIS

##### 4.1 INTRODUCTION


This section provides a brief comparative analysis, which considers other group items, or groups of items, that may be comparable within the Local Government Area to determine the level of integrity that is valued by the community from a heritage perspective. The comparative analysis is not necessarily undertaken to determine any degree of rarity; however, it can indicate situations where this may be the case.

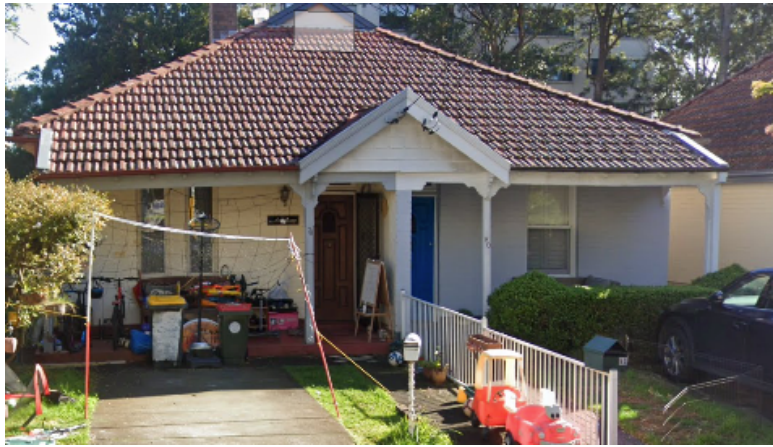
Sydney terrace housing varies immensely in size and opulence, from rows of small single-storey workers' cottages to dwellings of three storeys with wide frontages fitted with elaborate plaster and timberwork. However, the basic idea that unites all terraces is the efficient use of space, time and materials. While grander terrace homes may have had gardens at the front and back, they were not, by definition, surrounded by space. The repetition of design assisted construction and ordering of materials. Shared walls cut-down the cost of brick or stone. And because it was usually laid out to a standard form, terrace housing was often erected by a speculator builder operating without the need of an architect.


North Sydney never had the streetscapes dominated by rows of terrace housing that still characterise suburbs such as Paddington and Glebe. However, there were many terraces built there between the 1870s and the 1910s. Most were constructed close to principal transport routes like Military Road and Pacific Highway, and near the waterfront in Kirribilli, McMahons Point, Milsons Point and Blues Point. Historically, terraces were less typical near the larger estates and away from the busy waterfront.

Terraced dwellings embodied a range of architectural styles, from the Victorian Filigree style of the 1880s to Federation designs in the early 1900s and varied generally between single and two-storey in scale with grander terraces featuring additional levels.


This analysis considers the integrity of most of the other groups (three or more) of attached and semi-detached, single-storey housing listed in Schedule 5 (Environmental Heritage) of North Sydney Local Environmental Plan 2013. The analysis indicates that the properties in Bydown Street clearly retain a high degree of homogeneity when compared to others with an unusual level of modesty in scale and lack of detailing, consistent with traditional workers' cottages, probably only matched in both senses by the Victorian group in Chuter Street, McMahons Point.


ITEM NAME	House(s)
ADDRESS	1-9 (odd numbers) & 2-16 (even numbers) Byrnes Avenue, Neutral Bay.
HERITAGE LISTINGS	NSLEP Items 0582-0594
DESCRIPTION	<p>Includes several groups of terraces:</p> <p>Nos 1, 3, 5 – set of three, brick with attic storey, gabled roofs, bull-nose verandah, iron lace – Federation Filigree</p> <p>Nos 7, 9 – set of two single-storey semi-detached dwellings with gable roof – Victorian Free Classical</p> <p>Nos 2, 4, 6 – set of three brick single-storey attached with projecting bays – Federation Filigree.</p> <p>Nos 8, 10, 12 – set of three brick attached dwellings with full length bull-nose verandahs – Federation Filigree</p> <p>Nos 14, 16 – set of two semi-detached mirror image houses with iron roofs, simple detailing to posts and façade – Victorian Georgian.</p>
PHOTOGRAPH	
COMMENTARY	<p>The association with local development aligned to growth in transport networks, including the historic North Sydney Tram depot, is noted in the significance of some of these dwellings. Byrnes Avenue is located a similar distance to the tram depot as Bydown Street, and the terrace groups date from a similar period, albeit the Byrnes Avenue properties comprise separate groups with less integrity and homogeneity.</p>


ITEM NAME	House(s)
ADDRESS	78-88 (even numbers) Parraween Street, Cremorne
HERITAGE LISTINGS	NSLEP Items 1138-1143
DESCRIPTION	Five pairs of semi-detached mirror image dwellings, tile roofs, full width verandahs with central gabled entry
PHOTOGRAPH	
COMMENTARY	Partly listed following an Interim Heritage Order, this group represents pairs of semi-detached houses rather than a single row. Whilst visibly homogenous, this group has been affected to some extent by car spaces within the front setbacks as a result of larger allotments.


ITEM NAME	House(s)
ADDRESS	2-10 Chuter Street (even numbers), McMahons Point
HERITAGE LISTINGS	NSLEP Items 0454-0459
DESCRIPTION	Set of five sandstone Georgian dwellings, single-storey to the street and two storey to the rear, symmetrical facades, slate roofs, corrugated iron verandah roofs on timber posts, low timber picket fences to street
PHOTOGRAPH	
COMMENTARY	<p>In terms of overall form and integrity, these heritage items are comparable to the Bydown Street group. However, dating from the mid 19<sup>th</sup> Century, they do not appear to represent any changes in transport patterns or corresponding intensification of residential development. Rather their McMahons Point location correlates with their recognised significance to industrial development in the area.</p>


ITEM NAME	House(s)
ADDRESS	18-36 (even numbers) / 45-47 Ben Boyd Rd, Neutral Bay
HERITAGE LISTINGS	NSLEP Items 0558-0567; 0571-0572
DESCRIPTION	<p>Includes several groups of semi-detached dwellings:</p> <p>Nos 18 &amp; 20; 22 &amp; 24; 26 &amp; 28; 30 &amp; 32; 34 &amp; 36 – pairs of single-storey brick semi-detached dwellings with verandahs and slate roof – Federation Bungalow style</p> <p>Nos 45 &amp; 47 – pair of single-story brick semi-detached cottages with hipped gable roofs, bull-nosed verandah – Victorian Georgian</p>
PHOTOGRAPH	
COMMENTARY	<p>Although in close proximity to Bydown Street, this group is a collection of semi-detached pairs rather than a single cohesive row, similar to Parraween Street. The listing notes the unsympathetic, high brick fence to 45 and 47 as shown above, which obviously existed at the time of heritage listing.</p>

ITEM NAME	House(s)
ADDRESS	32-38 (even numbers) Lord St, North Sydney
HERITAGE LISTINGS	NSLEP Items 0860-0863
DESCRIPTION	Set of four identical houses, single-storey rendered brick with corrugated iron roofs, curved verandah roofs on timber posts with cast iron brackets, symmetrical façade with central front door
PHOTOGRAPH	
COMMENTARY	Whilst similar to the Bydown group in terms of its homogenous form, this group dates from the Victorian period and clearly represents development in the 19 <sup>th</sup> Century.

ITEM NAME	House(s)
ADDRESS	19-23 / 31-37 (odd numbers) Neutral St, North Sydney
HERITAGE LISTINGS	NSLEP Items 0930-0937
DESCRIPTION	<p>Includes several groups of attached dwellings:</p> <p>Nos 19, 21, 23 – set of three brick attached houses, cruciform gable roofs of corrugated iron, projecting gabled bays with decorative bargeboards, narrow entry porches, contrasting face brickwork.</p> <p>Nos 31, 33, 35, 37 – set of four attached brick dwellings built in two pairs, single-story with attic dormers, Victorian – Georgian style</p>
PHOTOGRAPH	
COMMENTARY	<p>Whilst similar to the Bydown group in that collective and coherent additions were undertaken to these dwellings, this group dates from the Victorian period.</p>

ITEM NAME	House(s) – Don Bank Group (NSHS0797)
ADDRESS	1-13 (odd numbers) Oak Street, North Sydney
HERITAGE LISTINGS	NSLEP Items 0940-0952
DESCRIPTION	Terrace of seven identical single-storey attached brick houses. Built as two separate buildings linked by a segmented arch. Each pair is symmetrically arranged, with gable corrugated iron roofs and skillion verandah roofs. Unsympathetic alterations to some dwellings.
PHOTOGRAPH	
COMMENTARY	Whilst also a modest row of terraces, this row likely dates from the Victorian period. They are not as homogenous as the Bydown group due to various and inconsistent changes that appear to have occurred over time but were present when they were listed as the listing recognises these accretions through text and inventory images.

ITEM NAME	House(s)
ADDRESS	1 - 7 (odd numbers) Napier Street, North Sydney
HERITAGE LISTINGS	NSLEP Items 0923 - 0927
DESCRIPTION	Row of four modest attached single storey Victorian Georgian workers cottages, rendered brick with gabled roofs, new corrugated metal roofs
PHOTOGRAPH	
COMMENTARY	Whilst similar to the Bydown group in terms of its homogenous form, albeit with a more open-form front fence, this group dates from the Victorian period and clearly represents development in the late 19 <sup>th</sup> Century.

ITEM NAME	House(s)
ADDRESS	17-31 (odd numbers) Whaling Road, North Sydney
HERITAGE LISTINGS	NSLEP Items 1015-1021
DESCRIPTION	Four pairs of Federation mirror image, Semi-detached houses constructed of and presenting face brick with terracotta tiled roofs, central doorways. They provide representative examples of early twentieth century domestic style housing.
PHOTOGRAPH	
COMMENTARY	Aesthetically different to the Bydown group, these dwellings represent early features of the Inter-War period. Whilst visually cohesive, they are not a row but rather listed as semi-detached pairs.

## 5. ASSESSMENT OF SIGNIFICANCE

### 5.1 INTRODUCTION

This section considers the heritage significance of the built elements contained within the properties known as 27-37 Bydown Street, Neutral Bay.

### 5.2 HERITAGE ITEMS IN THE VICINITY

There are three heritage items in the general vicinity of the cottages:

- Neutral Bay Public School, 175 Ben Boyd Road, Neutral Bay (NSLEP Item 0575)
- Neutral Bay Fire Station, 28 Yeo Street, Neutral Bay (NSLEP Item 0765); and
- St John's Uniting Church, Neutral Bay (SHR 00423/NSLEP Item 0766)

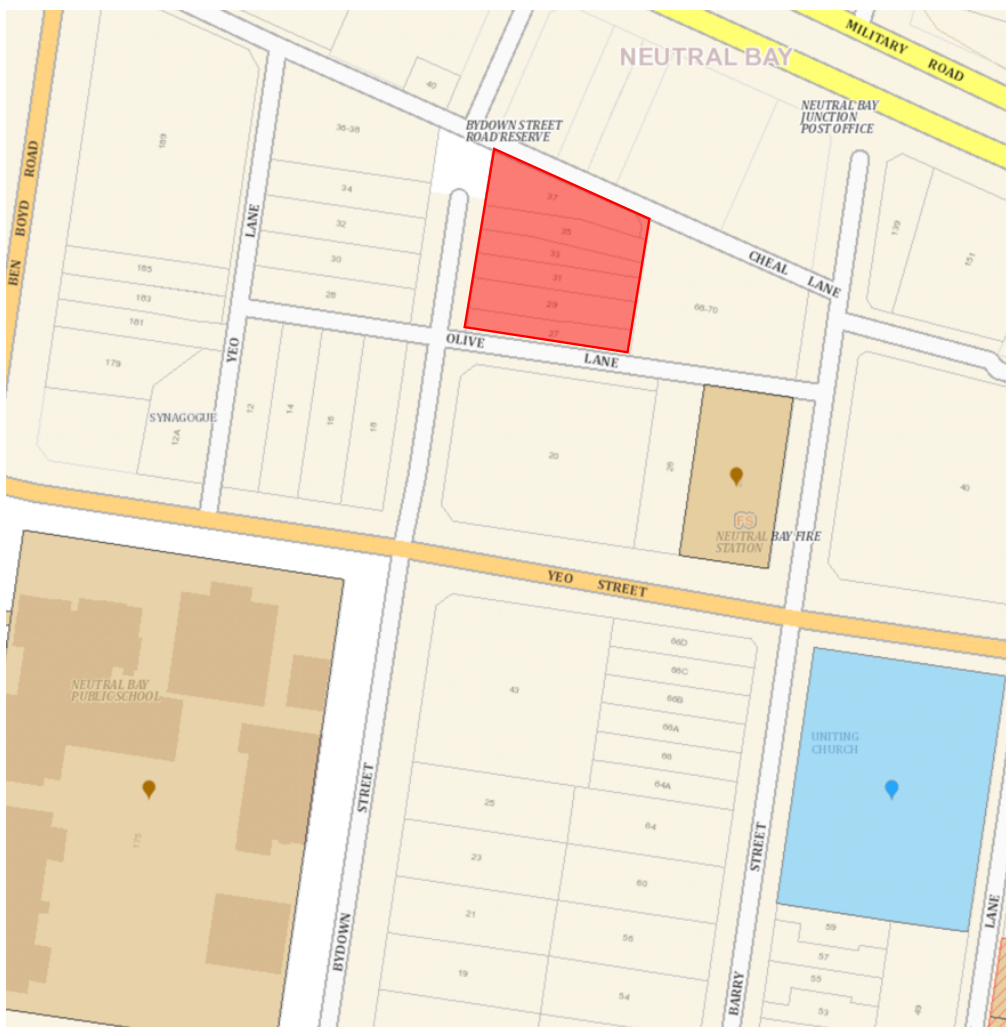


Figure 53: Heritage Map with properties identified in red (Source: Heritage NSW Website)

### 5.3 NSW HERITAGE CRITERIA

An assessment of cultural significance of the properties collectively known as 27-37 Bydown Street, Neutral Bay, has been undertaken below against the seven NSW Heritage Criteria. This assessment is based on the historical information available as well as the physical and comparative analysis that has been undertaken of other heritage items listed in Schedule 5 of North Sydney Local Environmental Plan 2013. The assessment against the criteria below has informed the Statement of Significance.

#### *a) Historical Significance*

*An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)*

The six cottages located at Nos. 27-37 Bydown Street, Neutral Bay have local historical significance for their association with the early development of modest housing groups in the early 20<sup>th</sup> Century in North Sydney, an area more typically associated with larger estates. This is reflected in the subdivision of the land into small allotments, a pattern which remains extant despite surrounding larger scale development. Proximate to the historic tram depot, and like the listed group in Byrnes Avenue, the Bydown group reflects the expansion of transport to and within the lower north shore, which brought a significant period of growth and higher density living.

#### *b) Historic Associational Significance*

*An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).*

Whilst associated with Ebenezer Vickery and the company E. Vickery and Sons, the cottages are unlikely to meet the threshold for historic association for this reason alone.

#### *c) Aesthetic and/or Technical Significance*

*An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)*

The six cottages located at Nos. 27-37 Bydown Street have aesthetic significance as an intact group of Federation Filigree style workers' cottages with a high degree of integrity through their external form and fenestration, and intact internal arrangements. There also remains evidence of extant original internal details. Their current homogeneity and integrity as a group is indicative of the fact that they remained in single ownership for a substantial portion of their existence, like the consistency that is seen in historic public housing. The modest cottages are recognisable as an obvious but unique group for their simplicity. Through their homogeneity, the cottages make a positive contribution to the



character of the area somewhat contrasting to some of the modern and less desirable development that has occurred in the vicinity, such as the adjacent car park.

*d) Social and/or Cultural Significance*

*An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.*

27-37 Bydown Street does not appear to have a strong or special association with an identifiable group.

*e) Research Potential*

*An item has potential to yield information that will contribute to an understanding of NSW's (or the local area's) cultural or natural history*

It is not known whether the cottages at 27-37 Bydown Street have research potential.

*f) Rarity*

*An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).*

The cottages at 27-37 Bydown Street retain rarity value for their internal and external homogeneity, located near the transport corridor established at the turn of the 20<sup>th</sup> Century. Their integrity, even following their 1979 alteration, is likely due to their extended, collective ownership, which is more akin to inner city and public housing in areas like Glebe, rather than the lower north shore, where affluence and gentrification had been more prevalent. Built as a cohesive a group of six, they appear more homogenous in the round, than several of the other already heritage-listed dwelling groups in the North Sydney Local Government Area.

*g) Representativeness*

*An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).*

27-37 Bydown Street have representative value as a good example of a group of modest but intact purpose-built workers' cottages constructed in the Federation Filigree style. They are a largely intact and unique representation of early 20th Century workers' housing in the area, close to major road transport routes like Military Road and the former tram depot, symbolic of increased development locally at the turn of the 20<sup>th</sup> Century..

#### 5.4 INTEGRITY AND CONDITION

The guidelines for assessing heritage significance do not prescribe how to consider the condition of the elements within the heritage curtilage. However, heritage practitioners usually consider the condition of the fabric within four or five categories.

The key to the condition of each building is explained in the first table.

CONDITION	EXPLANATION
Excellent	The fabric appears to have little deterioration.
Good	The fabric appears to be in good condition with limited deterioration. Some maintenance may be required.
Fair	The fabric is generally of sound condition but likely to require maintenance and repair.
Poor	The fabric may have lost its structural integrity and can be seen in an obvious state of deterioration.
Disrepair	The fabric has become dilapidated and may be partly or wholly irreparable.

A high-level assessment of significance of the elements within the site is provided below.

ELEMENT	GENERAL CONDITION
Overall Form	Excellent
External Walls	Excellent
Roof	Fair
Windows/External Doors	Good
Internal Doors	Good
Internal Walls	Excellent
Internal Floors	Good
Architraves/Skirting/Cornices	Fair - Good
Ceiling Roses	Good where remaining
Fireplaces	Good where remaining

## 5.5 GRADING OF BUILT FABRIC

The following tables provide the guiding terminology for, and the high-level and general assessment of, each of the individual built elements within the heritage curtilage.

GRADING	JUSTIFICATION
Exceptional	Rare or outstanding element directly contributing to a place or object's significance.
High	High degree of original fabric.  Demonstrates a key element of the place or object's significance.  Alterations do not detract from its significance.
Moderate	Altered or modified elements.  Elements with little heritage value, but which contribute to the overall significance of the place or object.
Little	Alterations detract from its significance. Difficult to interpret.
Intrusive	Damaging to the place or object's significance.

ELEMENT	LEVEL OF SIGNIFICANCE
c 1908 Form	High
Roof Form	High
Chimneys	High
Front Facade	High
C 1979 Additions	Little
Front Fence/Tiles	Little

## 5.6 STATEMENT OF SIGNIFICANCE

The six cottages located at Nos. 27-37 Bydown Street, Neutral Bay have local historical significance for their association with the early development of modest housing groups in the early 20<sup>th</sup> Century in North Sydney, an area more typically associated with larger estates. This is reflected in the subdivision of the land into small allotments, a pattern which remains extant despite surrounding larger scale development. Proximate to the historic tram depot, and like the listed group in Byrnes Avenue, the Bydown group reflects the expansion of transport to and within the lower north shore, which brought a significant period of growth and higher density living.

The cottages have aesthetic significance as an intact group of Federation Filigree style workers' cottages with a high degree of integrity through their external form and fenestration, and intact internal arrangements. There also remains evidence of extant original internal details. Their current homogeneity and integrity as a group is indicative of the fact that they remained in single ownership for a substantial portion of their existence, like the consistency that is seen in historic public housing.

The modest cottages are recognisable as an obvious but unique group for their simplicity. Through their homogeneity, the cottages make a positive contribution to the character of the area somewhat contrasting to some of the modern and less desirable development that has occurred in the vicinity, such as the adjacent car park.

No. 27-37 Bydown Street retain rarity value for their internal and external homogeneity, located near the transport corridor established at the turn of the 20<sup>th</sup> Century. Their integrity, even following their 1979 alteration, is likely due to their extended, collective ownership, which is more akin to inner city and public housing in areas like Glebe, rather than the lower north shore, where affluence and gentrification had been more prevalent. Built as a cohesive a group of six, they appear more homogenous in the round, than several of the other already heritage-listed dwelling groups in the North Sydney Local Government Area.

The cottages have representative value as a good example of a group of modest but intact purpose-built workers' cottages constructed in the Federation Filigree style. They are a largely intact and unique representation of early 20<sup>th</sup> Century workers' housing in the area, close to major road transport routes like Military Road and the former tram depot, symbolic of increased development locally at the turn of the 20<sup>th</sup> Century..

## 6. CONCLUSION AND RECOMMENDATION

Based on the available historical and physical evidence, as well as a comparative analysis of similar properties, it is evident that the properties identified as 27-37 Bydown Street, Neutral Bay meet the threshold for heritage listing at a local level and should be recognised for their significance to the North Sydney Local Government Area.

Whilst the internal integrity and condition of the cottages is not the focus of the suggested local heritage listing, the inspections undertaken revealed that internally the cottages remain intact in terms of their original layout, largely intact in terms of standard internal features like architraves, doors, fanlights and skirting and evidence remains in relation to additional features such as cornices, ceiling roses and fireplaces.

It is therefore suggested that Schedule 5 of NSLEP be amended to include:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Neutral Bay	Bydown Street Cottages (including interiors).	27, 29, 31, 33, 35 & 37 Bydown Street	Lot 1, DP 260274. Lot 2, DP 260274. Lot 3, DP 260274. Lot 4, DP 260274. Lot 5, DP 260274. Lot 6, DP 260274.	Local	Item No. TBA

The NSLEP heritage map should also be amended to include the entirety of these lots as part of the heritage item.

The following works could further enhance the integrity of proposed heritage item:

- Removal of the paint from the brickwork using a Peel-Away style product.
- Reinstatement of missing Filigree details, which appear to be original and could be the subject of further investigation.
- Replacement of the existing roofing with a metal corrugated roof to match that is watertight and visually consistent across all properties.
- Removal of the existing brick front fences from the front of the property and instatement of a timber picket or wrought iron palisade-style fence.
- Reinstalment of recently removed internal features such as fireplaces.

## **APPENDIX 3**

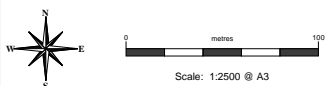
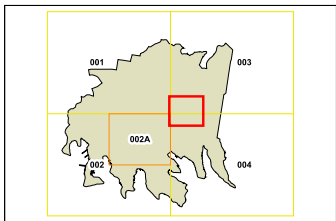
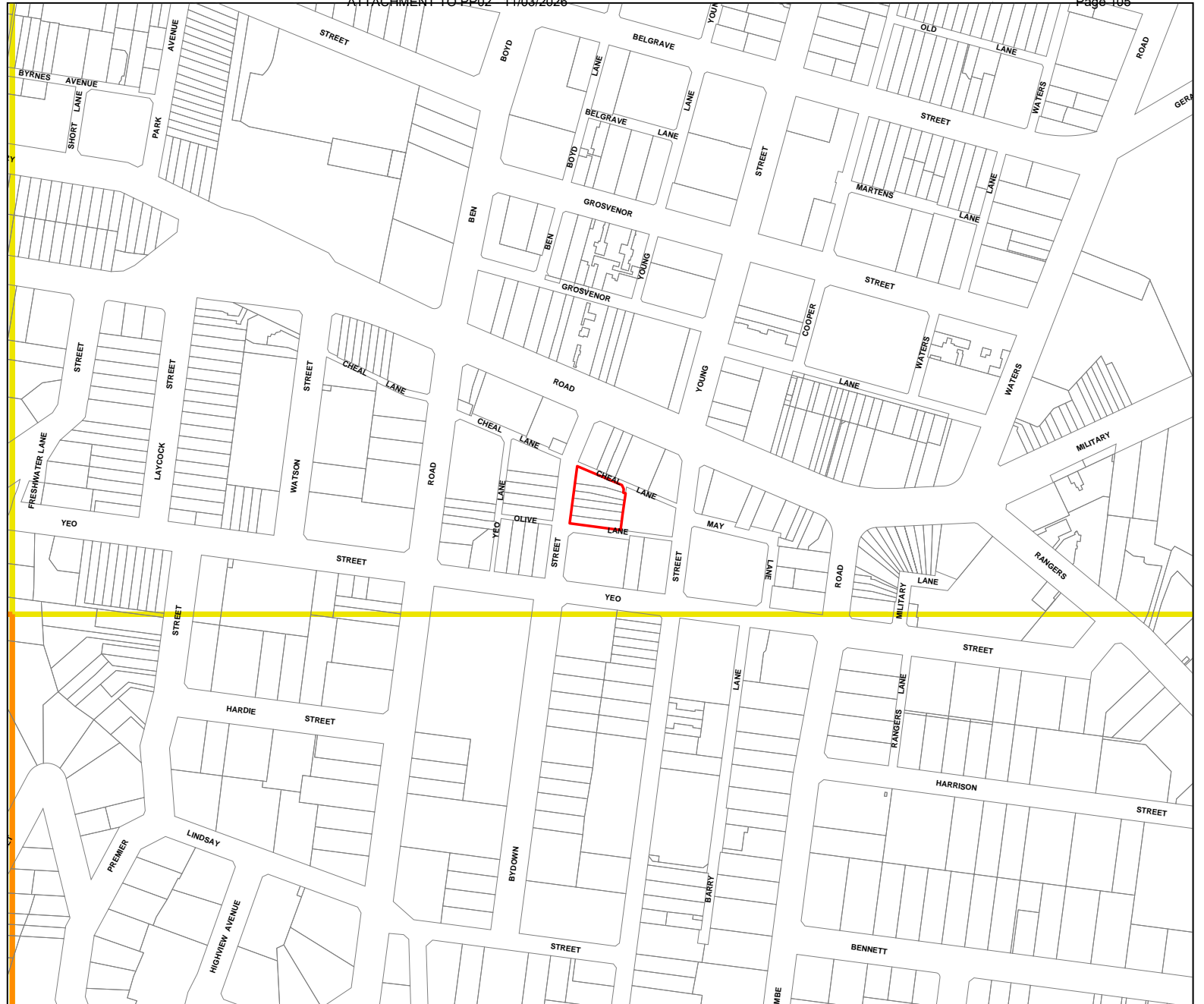
*Site Identification Map*  
*NSLEP 2013 Heritage Map – Sheet 003 (Current)*  
*NSLEP 2013 Heritage Map – Sheet 003 (Proposed)*



# North Sydney Local Environmental Plan 2013

Site Identification Map  
Part of map file:  
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- Subject Land
- Cadastrre**
- Cadastre 13/02/26 © North Sydney Council



Projection: GDA 1984  
MGA Zone 56




Map identification number:  
5950\_COM\_HER\_003\_025\_20260213




**North Sydney Local  
Environmental  
Plan 2013**

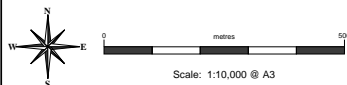
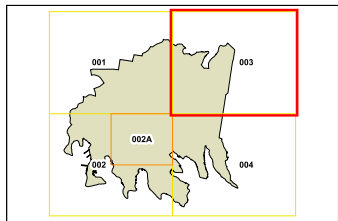
**Heritage Map  
- Sheet HER\_003**

**Heritage**

-  Conservation Area - General
-  Item - General
-  Item - Landscape

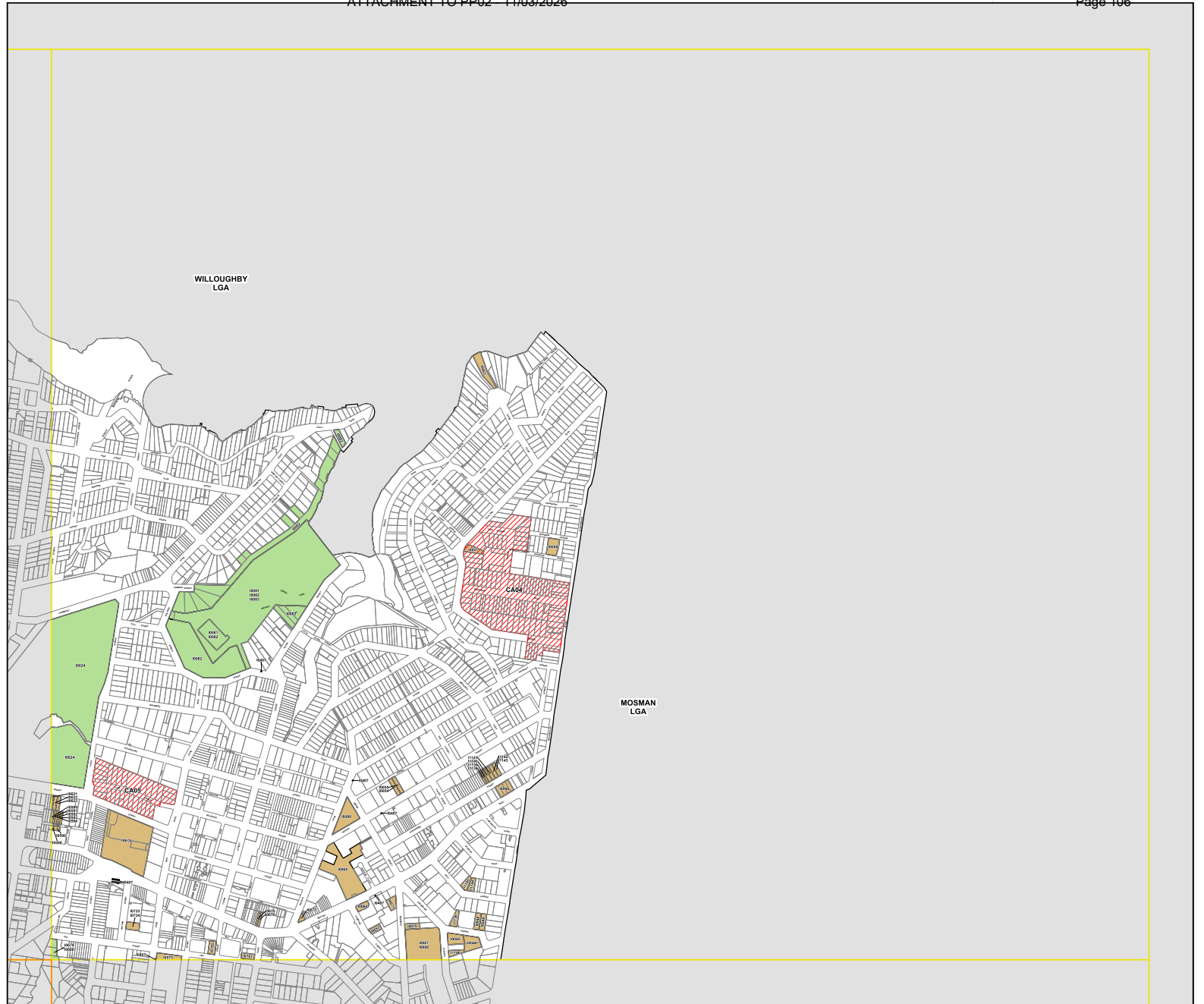
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-  Cadastrate 23/05/24 © North Sydney Council



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**North Sydney Local  
Environmental  
Plan 2013**

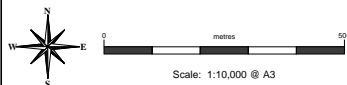
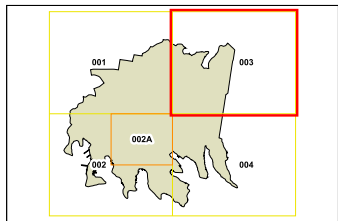
**Heritage Map  
- Sheet HER\_003**

**Heritage**

-  Conservation Area - General
-  Item - General
-  Item - Landscape

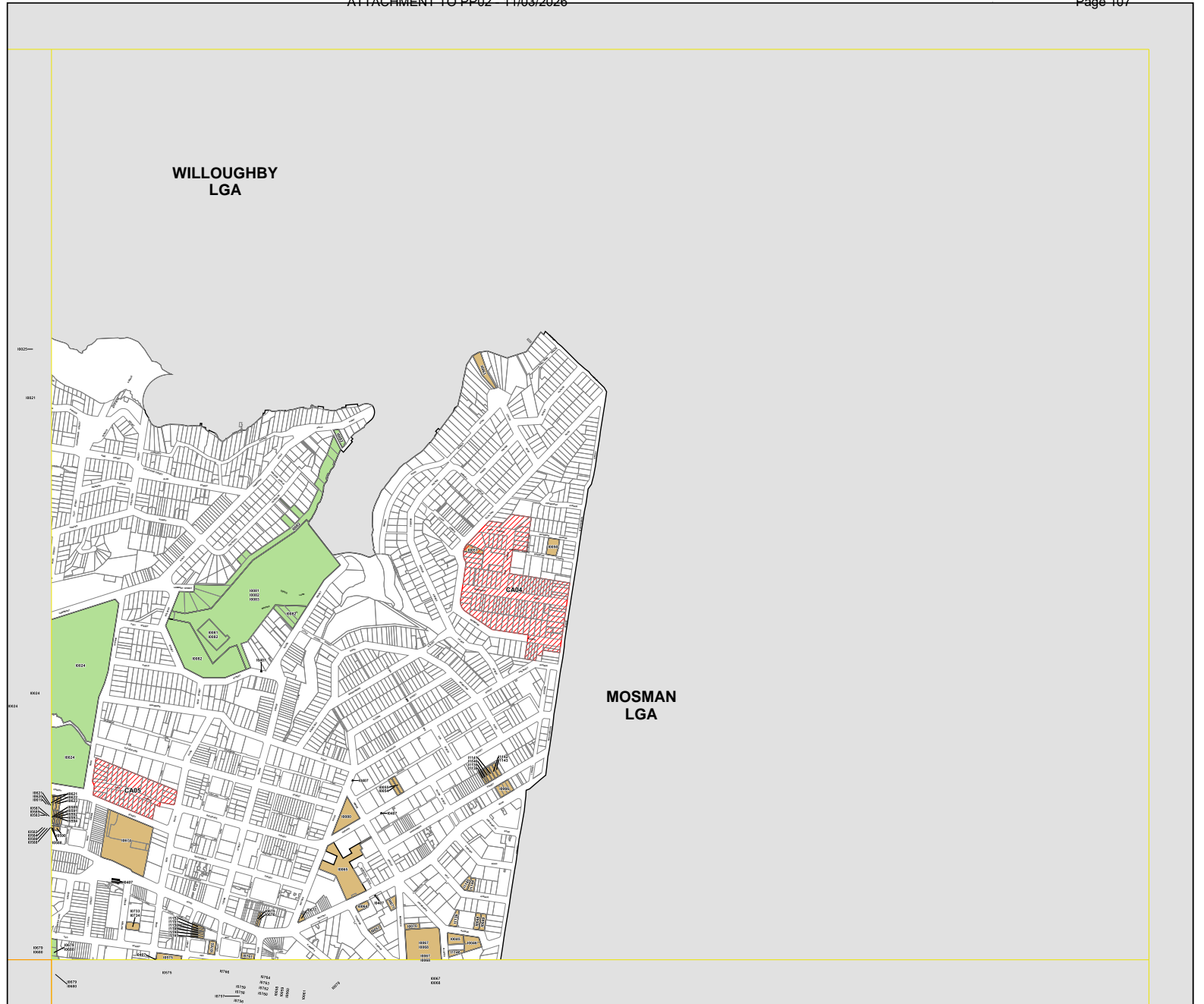
**Cadastral**

-  Cadastral 13/02/26 © North Sydney Council



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MGA Zone 56

Map identification number:  
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**NORTH SYDNEY LOCAL PLANNING PANEL  
PLANNING PROPOSAL**

**RECOMMENDATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN  
THE SUPPER ROOM, NORTH SYDNEY,  
ON TUESDAY 11 MARCH 2026, AT 12.30PM.**

**PRESENT**

**Chair:**

Vince Hardy in the Chair

**Panel Members:**

Mike Ryan, Panel Member

Gerard Turrisi, Panel Member

Lindsey Dey, Community Representative

**Staff:**

Neal McCarry, Service Unit Manager, Strategic Planning

Katerina Papas, Senior Strategic Planner

**Administrative Support**

Peita Rose Governance Officer (Minutes)

This meeting was otherwise conducted by remote (Teams) means.

The Chair acknowledged the Cammeraygal people being the traditional owners of the land on which this meeting is held. The Chair further noted that the proceedings were being recorded and reminded speakers that neither the Panel nor the Council assumed liability for any statements made by speakers.

**1. Declarations of Interest**

Nil.

**2. Business Items**

*The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.*

The Panel has considered the following Business Item and resolves as described within these minutes.

**ITEM 1**

<b>PP No:</b>	1/25
<b>ADDRESS:</b>	41-53 Grosvenor Street, Neutral Bay
<b>PROPOSAL:</b>	<p>To amend the North Sydney Local Environmental Plan (NSLEP) 2013 as it relates to 41-53 Grosvenor Street, Neutral Bay as follows:</p> <ul style="list-style-type: none"> <li>• Increase the maximum building height control from 16m to 31m; Increase the minimum non-residential floor space ratio (FSR) control from 0.5:1 to 1.2:1; and</li> <li>• Introduce a site specific provision requiring a solar access plane to achieve the required solar access to the future Grosvenor public plaza, adjacent to the subject site as envisaged under the Neutral Bay Village Planning Study (NBVPS).</li> </ul> <p>The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver the following public benefits:</p> <ul style="list-style-type: none"> <li>• Design and construct a new public plaza (Grosvenor Lane Plaza) on Council land as envisaged under the (NBVPS);</li> <li>• Design and construct underground public parking beneath the new public plaza, involving relocation of 75 existing at-grade public parking spaces on Council land to the new underground car park and 10 public parking spaces to be retained at-grade adjacent to the Plaza; and</li> <li>• Deliver public domain upgrades along Grosvenor Street, Cooper Lane and Waters Lane.</li> </ul>
<b>REPORT BY NAME:</b>	Annelize Kaalsen, AK Planning (Consultant Town Planner)
<b>APPLICANT:</b>	Coles Group Property Development Ltd

**1 Written Submission****Registered to Speak:**

<b>Submitters</b>	<b>Applicant/Representatives</b>
James Wilmot - Submitter	Debrah Barr - Gyde Consulting - Consultant Planner
	Richard Hamilton - Titanium Property - Consultant Architect
	Frankie Layson - SJB - Consultant Architect
	Observing
	David Ryan - Gyde Consulting
	Himanshi Taneja - SJB
	Tim Atkins - Titanium Property
	Andrew Falson - Titanium Property

The Panel members have undertaken a site inspection prior to the meeting. The Panel also has the benefit of the Independent Planning Consultant's report and considered the written submission as well as the oral representations from the submitter and the applicants during the public meeting.

### Panel Recommendation

The Panel advises Council that the Planning Proposal has both strategic and site-specific merits and will deliver the relevant key public domain and public benefits outlined in the Neutral Bay Village Planning Study, primarily the Grosvenor Lane Plaza.

It is further recommended that the Planning Proposal be supported as recommended in the Independent Planning Consultant's report and proceed to Gateway. This includes the maximum building height limit of 28 metres plus the 3 metre allowance afforded by Clause 4.3A which should achieve the proponents' reference scheme. The Panel was also of the view that the retention of the 4m wide setback to Waters Lane as per the Neutral Bay Village Plaza Study was important to ensure key public domain and public benefit outcomes are achieved.

However, the Panel suggests the following minor changes to the recommendation in the report as referenced below:

- The Planning Proposal being amended to allow for a maximum building height of 28m with an additional 3m buffer for rooftop structures and facilities, consistent with Clause 4.3A of the NSLEP 2013.
- The Planning Proposal being amended to include a "Sun Access Protection" clause under Part 6 of the NSLEP 2013 as well as a 'Sun Access Protection' Map. This clause would operate as a prohibition, preventing variation under Clause 4.6.
- The accompanying reference design being amended to provide for a 4m ground floor whole of building setback to Waters Lane.
- A site specific DCP being developed for concurrent exhibition with the Planning Proposal, incorporating the detailed controls outlined in **Section 11** and measures to ensure an articulated built form that maintains adequate privacy and solar access for surrounding properties.
- The proponent be invited to submit a VPA to address the extent of the public offering.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Vince Hardy	Y		Lindsey Dey	Y	
Mike Ryan	Y				
Gerard Turisi	Y				

**ITEM 2**

<b>PP No:</b>	1/26
<b>ADDRESS:</b>	27-37 Bydown Street, Neutral Bay
<b>PROPOSAL:</b>	To amend the <i>North Sydney Local Environmental Plan (NSLEP) 2013</i> to identify six (6) properties at Nos. 27, 29, 31, 33, 35 and 37 Bydown Street, Neutral Bay as heritage items of local significance: <ul style="list-style-type: none"> <li>• within schedule 5 - Environmental Heritage; and</li> <li>• on the Heritage Map</li> </ul>
<b>REPORT BY NAME:</b>	Katerina Papas, Senior Strategic Planner
<b>APPLICANT:</b>	North Sydney Council

**1 Written Submission****Registered to Speak:**

<b>Submitters</b>	<b>Applicant/Representatives</b>
Richard Mackay - Mackay Strategic Pty Ltd - representing owners of 27-37 Bydown Street	
Tina Christy - Gyde Consulting	
Observing	
Michael Gee - CPDM - Development Manager	
Wayne Zheng - Mills Oakley - Solicitor	

The Panel members have undertaken a site inspection prior to the meeting. The Panel also has the benefit of the Council Officer's report and considered the written submission as well as the oral representations from the submitters during the public meeting.

**Panel Recommendation**

The Panel advises Council that it was of the view that the Planning Proposal, having regard to the *NSW Local Environmental Plan Making Guideline 2023* did not demonstrate strategic and sufficient site-specific merit.

In relation to strategic merit the Panel were of the view the Planning Proposal did not demonstrate alignment with the NSW Strategic Planning framework or current government priorities.

The Panel was of the view that these cottages are well represented types of buildings listed in the NSLEP 2013 with many different examples across the LGA that are listed as heritage items or within a conservation area. After representations to the panel, it was considered that the properties will not satisfy the requirements to meet the NSW Heritage Guidelines for heritage listing.

The Panel were also of the view that the Planning Proposal did not demonstrate consistency with the following object of the *Environmental Planning & Assessment Act, 1979*:

- (k) to promote the orderly and economic use and development of land.

Accordingly, the Panel does not recommend the Planning Proposal be forwarded for Gateway determination.

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Vince Hardy	Y		Lindsey Dey	Y	
Mike Ryan	Y				
Gerard Turisi	Y				

The meeting concluded at 1.15pm.

The Panel Determination session commenced at 1.16pm.

The Panel Determination session concluded at 2.40pm.

Endorsed by Vince Hardy

Chair

North Sydney Local Planning Panel

**11 March 2026**