

# STATEMENT OF HERITAGE IMPACT

Toronto Investments No. 1 Pty Ltd

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## TORONTO MIXED USE AT 118 CARY STREET, TORONTO

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Prepared by:

John Carr Heritage Design  
Final Report - Rev B  
8 November, 2021



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**Cover:** View of the proposed building from the northeast looking down Arnott Ave. (Mark Lawler Architects)

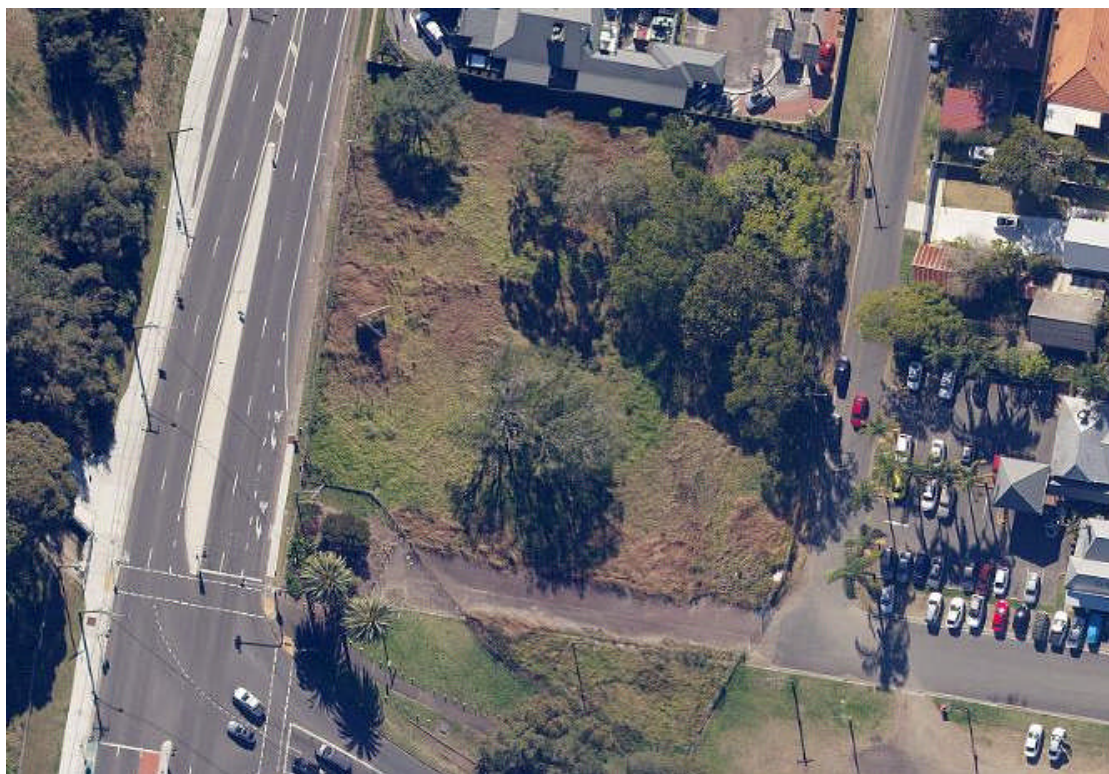
(Photographs in this report are by John Carr unless otherwise noted.)

## 1.0 INTRODUCTION

The following report comprises a Statement of Heritage Impact (SoHI) for the proposed Toronto Mixed Use development at 118 Cary Street, Toronto. Guidelines published by the NSW Office of Environment & Heritage have been used to produce the Statement of Heritage Impact. John Carr Heritage Design has been engaged by Toronto Investments No. 1 Pty Ltd to prepare the Statement of Heritage Impact to accompany their submission of a Development Application for the overall project.

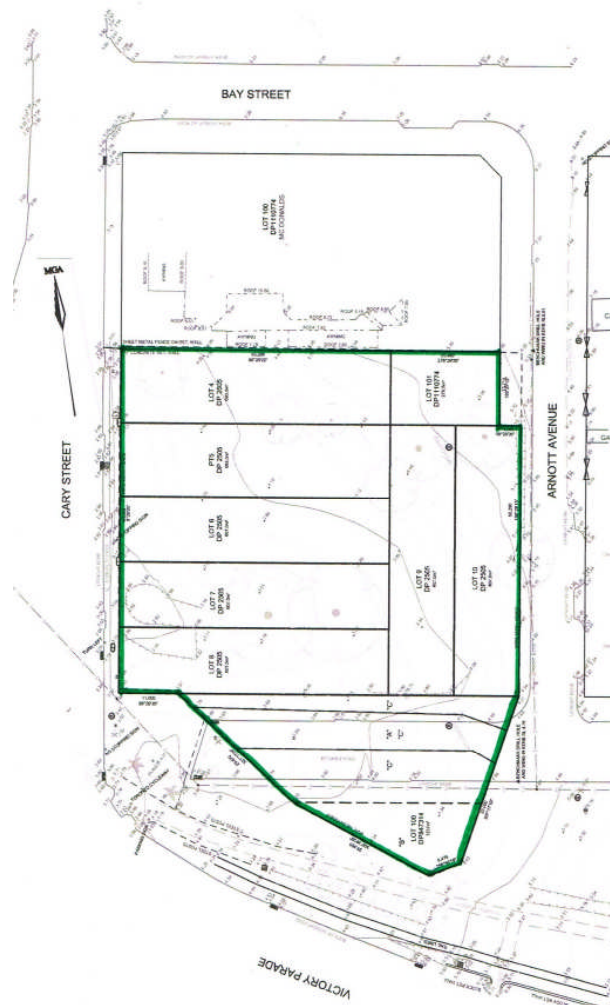


**Plate 1:** Aerial view locating the site in Toronto. (Six Maps accessed 10/10/17)



**Plate 2:** Detail aerial view of the site above which consists of 9 allotments. (Six Maps accessed 14/10/21)





**Plate 3:** Survey of the site above showing the various allotments. (Six Maps accessed 10/09/17)

The site has three nearby heritage items opposite to it on Arnott Ave. Other heritage items such as the Convent of Mercy and "Burnbrae", the Toronto Hotel and the Railway Station are all, some distance away and reasonably screened from the site by buildings and landscaping.

#### **Limitations:**

This SoHI has been prepared without the input from a specialist historian. Reasonably available information on Toronto and its development from the early days by the Excelsior Land & Development Co. has been used.

#### **References:**

- Statements of Heritage Impact - Office of Environment & Heritage.
- Assessing Heritage Significance - NSW Heritage Manual 2001.
- Lake Macquarie City Council LEP 2014
- LMCC DCP - Town Centre Area Plans - Toronto Rev 27 9 August 2021
- LMCC - Heritage Guidelines 2013
- Dulcie Hartley - Lake Macquarie Memories - 1998
- Henly Cox HIS for 161 Brighton Ave Toronto May 2011
- Carr - Aquablue Peer Review 2007
- Lake Macquarie District & Historical Society - Toronto, The Pictorial Story - 1979
- Turner & Sullivan - Photos of Lake Macquarie
- Identifying Australian Architecture Apperly Irving Reynolds

## 2.0 STATEMENT OF HERITAGE IMPACT

### Statement of Heritage Impact for:

The development of a site within a heritage precinct and nearby to other heritage items.

### Date:

This Report was completed on 18<sup>th</sup> November 2021.

### Reference:

The subject site is opposite to three buildings listed on the Lake Macquarie LEP 2014 as having Local heritage significance (items 171, 172 & 173) and adjacent to the former railway corridor (item 21).

### Address & Property Description

The site is located at 118 Cary Street, Toronto NSW 2283.

The property description is currently:

- Lots 4, 5, 6, 7, 8, 9 & 10 in DP 2505,
- Lot 100 in DP 847314,
- Lot 101 in DP 1110774

### Prepared by:

John Carr, a Heritage Consultant trading as John Carr Heritage Design, compiled this report.

### For:

The report has been prepared for Mark Lawler Architects on behalf of Toronto Investment No.1 Pty Ltd.

### Documentation:

This Statement of Heritage Impact assesses the impact of the proposed development on the Toronto Heritage Precinct and individual listed items. The Statement summarises the development proposal as described on the following Development Application drawings prepared by Mark Lawler Architects, Project No 1588 dated December 2021:

# Mixed Use Development

## 114-120 Cary St Ave Toronto

### DEVELOPMENT APPLICATION

### DECEMBER 2021

#### A3 DRAWINGS

1588A - 0-01/AA  
1588A - 0-02/AA  
1588A - 0-03/AA  
1588A - 0-04/AA  
1588A - 0-05/AA  
1588A - 0-06/AA  
1588A - 7-01/AA  
1588A - 7-02/AA  
1588A - 7-03/AA  
1588A - 7-04/AA  
1588A - 7-05/AA  
1588A - 7-06/AA  
1588A - 7-07/AA  
1588A - 7-08/AA  
1588A - 7-09/AA  
1588A - 7-13/AA  
1588A - 7-14/AA  
1588A - 7-15/AA  
1588A - 7-17/AA

CONTEXT MAP  
1:1000 SITE PLAN  
SITE ANALYSIS  
SITE PHOTOS  
SITE PHOTOS  
CONTEXT SECTIONS  
PERSPECTIVE MAP  
3D CONTEXT VIEW - 500m SOUTH OF THE SITE  
3D CONTEXT VIEW - WEST VIEW  
3D CONTEXT VIEW - CARY ST AND VICTORY PDE  
3D CONTEXT VIEW - 100M NORTH OF SITE  
3D CONTEXT VIEW - VICTORY PDE  
3D CONTEXT VIEW - NORTH EAST VIEW  
3D CONTEXT VIEW - MARINA VIEW  
3D CONTEXT VIEW - VIEW FROM BOLTON POINT PARK  
OTHER BUILDINGS IN LMCC  
OTHER BUILDINGS IN LMCC  
OTHER BUILDINGS IN LMCC  
ADAPTABLE UNIT PLAN

#### A2 DRAWINGS

1588A - 1-01/AA  
1588A - 1-02/AA  
1588A - 1-03/AA  
1588A - 1-04/AA  
1588A - 1-05/AA  
1588A - 1-06/AA  
1588A - 1-07/AA  
1588A - 1-08/AA  
1588A - 1-09/AA  
1588A - 2-01/AA  
1588A - 2-02/AA  
1588A - 3-01/AA  
1588A - 3-02/AA  
1588A - 7-10/AA  
1588A - 7-11/AA  
1588A - 7-12/AA  
1588A - 7-16/AA

SITE PLAN - LEVEL 01 (GROUND)  
BASEMENT 2 PLAN/-02  
BASEMENT 1 PLAN/-01  
GROUND PLAN - LEVEL 01  
PODIUM PLAN - LEVEL 02  
LEVEL 03 PLAN  
LEVEL 04 PLAN  
LEVEL 05 PLAN  
ROOF GARDENS  
ELEVATIONS  
ELEVATIONS  
SECTIONS  
SECTIONS  
SHADOW DIAGRAMS - AUTUMN  
SHADOW DIAGRAMS - WINTER  
SHADOW DIAGRAMS - SUMMER  
PRECEDENTS

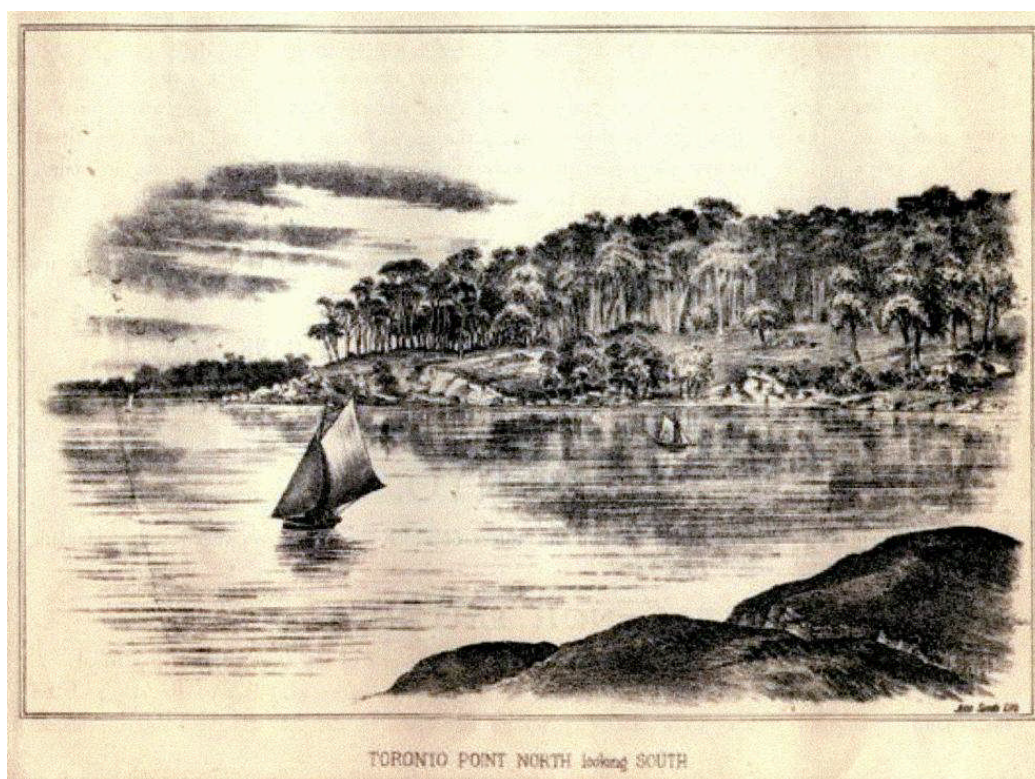
## 2.1 HISTORICAL BACKGROUND:

The Excelsior Land, Investment and Building Company and Bank Ltd. planning to establish a tourist resort on its new estate, the Excelsior Land and Investment Company wasted no time in constructing a hotel to attract holidaymakers. Plans were then drawn up for a town. In selecting a name for its new estate, the Company capitalised on the current Australian visit of a champion Canadian sculler, Edward Hamilton whose home town was Toronto.<sup>1</sup>

The development was promoted as 'The Australian Sanatorium', where residents could enjoy the benefits of the lake and parks within the estate. Business and town allotments were available, as well as large, waterfront 'villa blocks' of up to five acres. In a promotional booklet produced in conjunction with release of the estate, the Company claimed that:

*Never, perhaps, in the history of our sunny land have the merchants, squatters, professional men, and other well-to-do classes had such a favourable opportunity of securing perfect retreats from the cares and worries of life on such remarkably easy terms. Business and cottage sites have also been laid out suited to the means of tradesmen and artisans, and every effort will be made by the Vendors to make Toronto the most popular marine township in the southern hemisphere.*<sup>2</sup>

Many of Newcastle's prominent citizens bought land at Toronto where they built holiday homes, some of them eventually becoming permanent homes.



**Plate 4:** 'Toronto Point North, looking South' From sales brochure produced by Toronto Land Building and Investment Company and Bank. (University of Newcastle Cultural Collections)

The following is an overview of the development of Toronto:

- 1888 - Toronto Hotel constructed;
- 1889 - first Post Office established;
- 1890 - Toronto Public School opened;
- 1893 - Toronto School of Arts established;
- 1919 - Town water arrived;
- 1923 - Electric lighting from the colliery at West Wallsend arrived;
- 1945 - Toronto connected to the sewer.<sup>3</sup>

<sup>1</sup> Hunter History Consultants - from EW Clack, Early History of Toronto 1990 (p. 13)

<sup>2</sup> Plans, View and Particulars of the Toronto Estate, Lake Macquarie, c.1886, John Carr Collection.

<sup>3</sup> Henly Cox HIS for 161 Brighton Ave Toronto May 2011

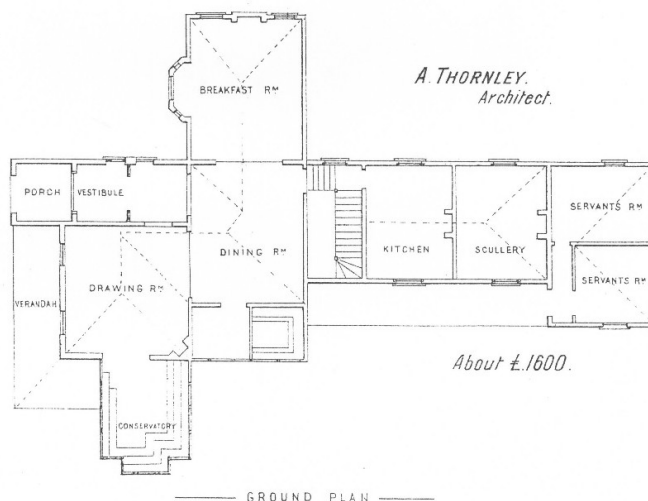
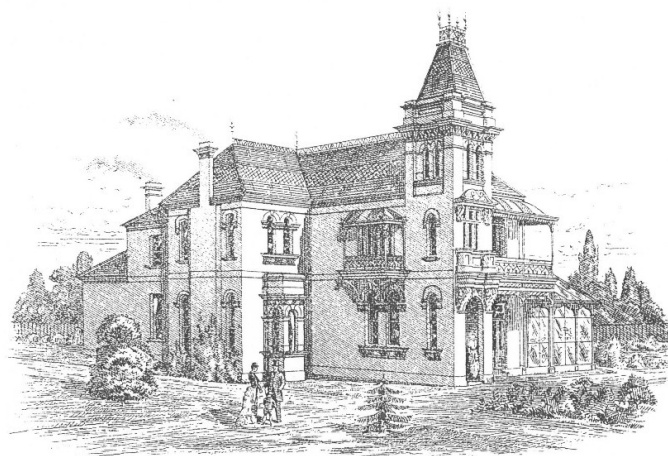
The population grew as a result of the above milestones:

1911 - 153 homes and 629 persons. 1921 - 280 homes and 1291 persons. 1933 - 345 homes and 1274 persons. 1947 - 528 homes and 1962 persons. 1954-639 homes and 2252 persons. 1961 - 2353 homes and 8515 persons.

4

The development of Toronto by was begun by The Excelsior Land Investment & Building Company & Bank Ltd in 1885, following their purchase of land from GR Whiting for £13,722 for 1280 acres. By 1887 the land had been subdivided and streets formed.<sup>5</sup> This was followed by subsequent re-subdivision of the various allotments associated with the subject development site and its near surrounds.

A point to note is that The Excelsior Land Investment & Building Company & Bank Ltd had grand plans for Toronto, which is exhibited in their sales brochure of some 43 pages, which included suggested building styles from small ornate cottages to larger mansion (Villa) styles.



**Plate 5:** The largest of the proposed villas suggested by the company in its brochure. (Carr Collection)

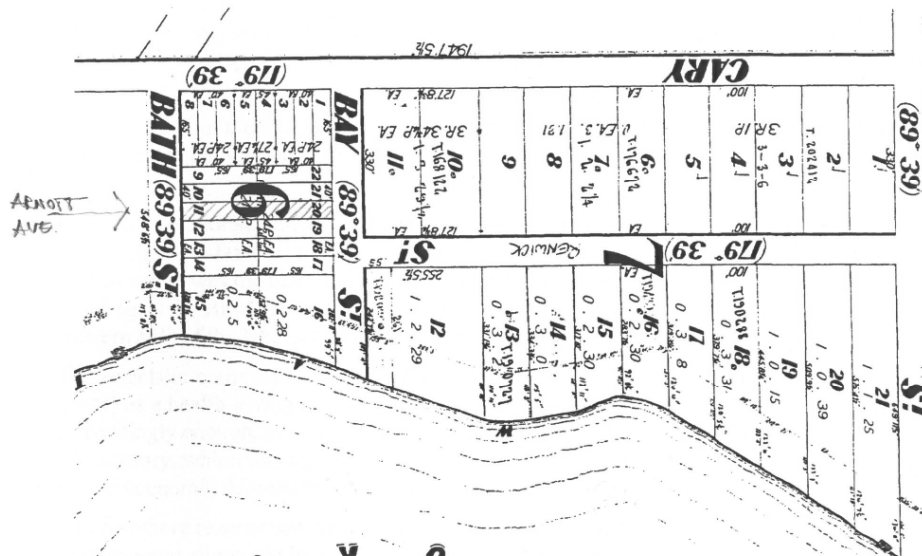
<sup>4</sup> Henly Cox HIS for 161 Brighton Ave Toronto May 2011 (p 10)

<sup>5</sup> Dulcie Hartley - Lake Macquarie Memoirs (p 9)



The Company encouraged development by offering “loans free of interest” and additionally “allotments given away” to “persons who erect cottages or villas from plans to be approved of by the Company.”

These grand plans were never fully realised as may be concluded from historical research that the larger allotments did not readily sell. For example Lot 12 in Section 7 on the corner of Renwick and Bay Streets appears to be sized for the Villa design, with commanding views to the south, east and northeast. Indeed, when they did finally sell, each was quickly subdivided into smaller lots for development. This is particularly evident in Renwick Street where each allotment on the western side of the street was subdivided by their various owners into four allotments each, two on Renwick Street and two on Cary Street.



**Plate 6:** The area showing Section 6 and part of Section 7 of DP 2505 (Note: Section 6 has 22 allotments).

The re-subdivision of lots 12, 13, 14, 15, 16, 17, 18 and 19 in Section 6 to form three allotments perpendicular to the original layout of the subdivision. The withholding of lots 11 and 20 was probably part of this negotiation for access purposes.

Allotments 3 to 10 acquired by members of the Bower family were on the low side of the natural rise of the land on Renwick Street, with no views of the lake. The land remains low today and is marginally lower than the surrounding roads. The use of the land as an orchard would indicate the value of the land was considerably less than the land in the surrounding areas, however it was of potential use for farming activity similar to the land around Stoney Creek. The development of housing on the individual allotments contained within the Bower farm did not occur until well into the Twentieth Century.

The conversion of Lots 11 and 22 to Arnott Avenue was a consequence of the re-subdivision of the combined waterfront allotments into three larger allotments running perpendicular to the waterfront. Arnott Avenue is more attributed to the business dealings of Messer's Ingall, Arnott and Witherspoon than The Excelsior Land Investment & Building Company & Bank Ltd.

There have been two previous applications to develop this site, the first in 2006 and a second variation in 2008. While the development was approved, lack of financial backing failed to have either of the designs approved for construction.

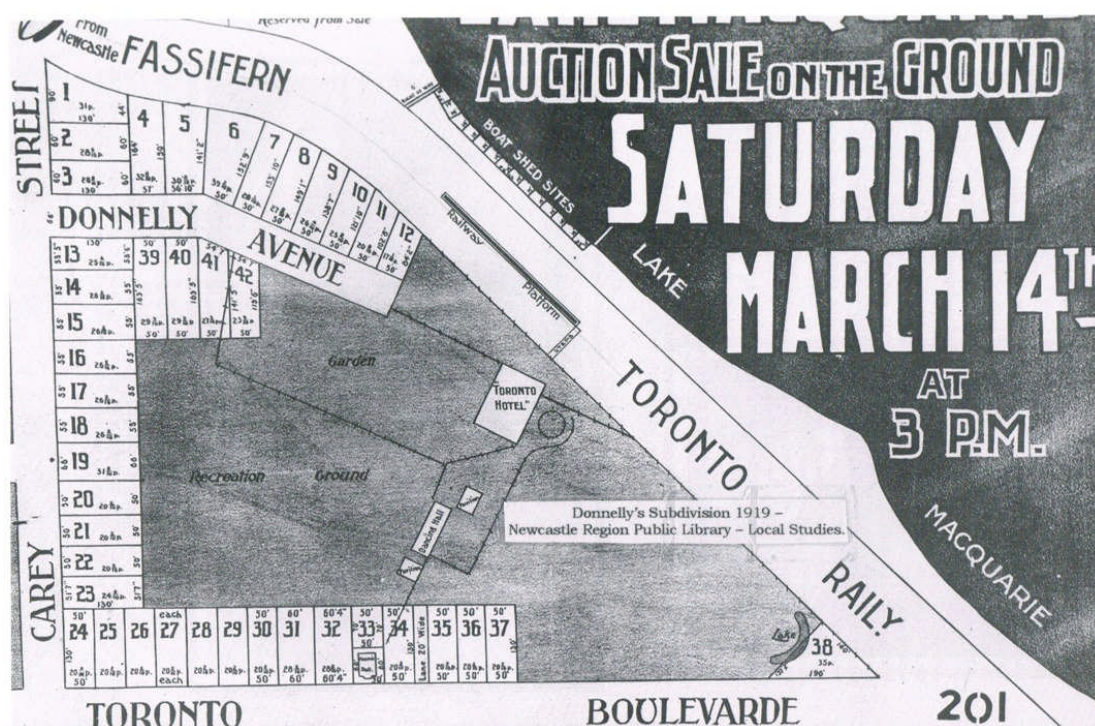
## 2.2 ASSESSMENT OF THE RAILWAY CORRIDOR:

Construction of the Great Northern Railway Line was completed from Sydney to Newcastle in 1889. This motivated the Excelsior Company to buy up large tracts of land adjacent to the line in anticipation of demand for residential blocks.

At this time access to Toronto was by steam launch from the wharf at Cockle Creek railway station ferrying prospective buyers to the new subdivision. Access was limited and while the Excelsior Company planned for a steam tramway from Fassifern to the Toronto Hotel, the slow sale of land delayed to construction of the railway for some years. The Company had erected the Hotel in 1887 to promote land sales, building a brick kiln on the site.

Finally, on Saturday 7 March 1891, the Chairman of the Excelsior Company opened the new Toronto railway line. The rail service saw increased patronage to the Toronto Hotel and associated picnic grounds. In 1892, 2000 people attended the sailing races.

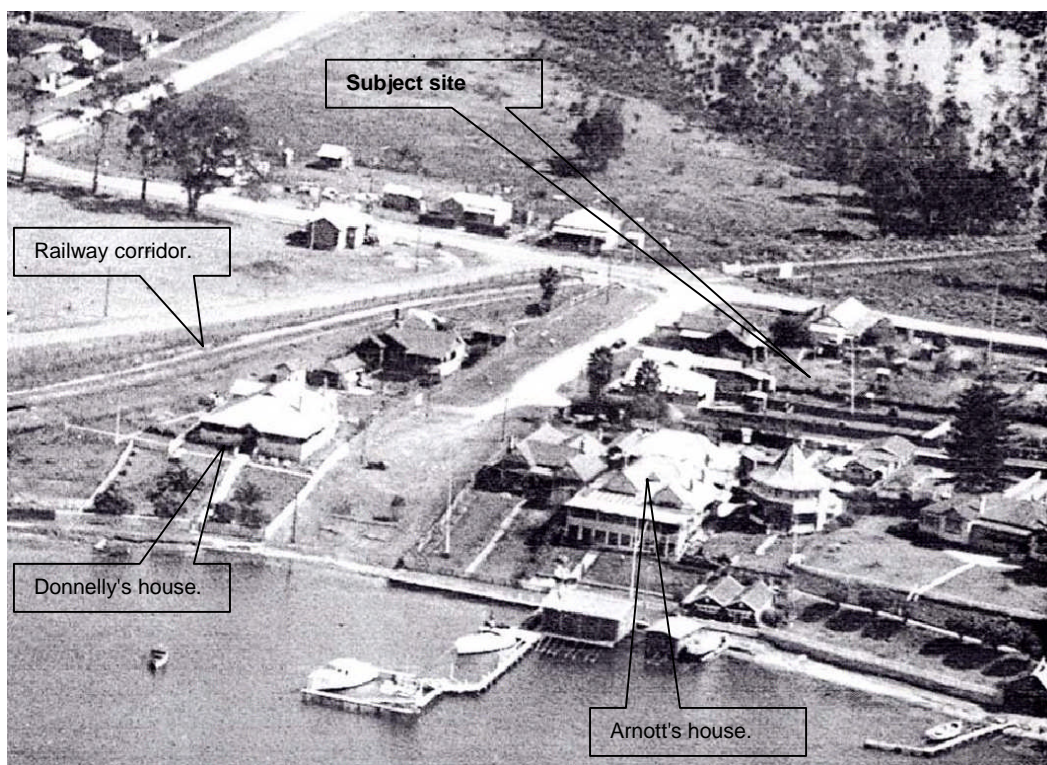
In 1905 Water Donnelly purchased the hotel and pleasure grounds which he retained until 1922. During his ownership some of the area was subdivided and sold. Donnelly also sold the hotel and remaining grounds to Tooheys Limited.



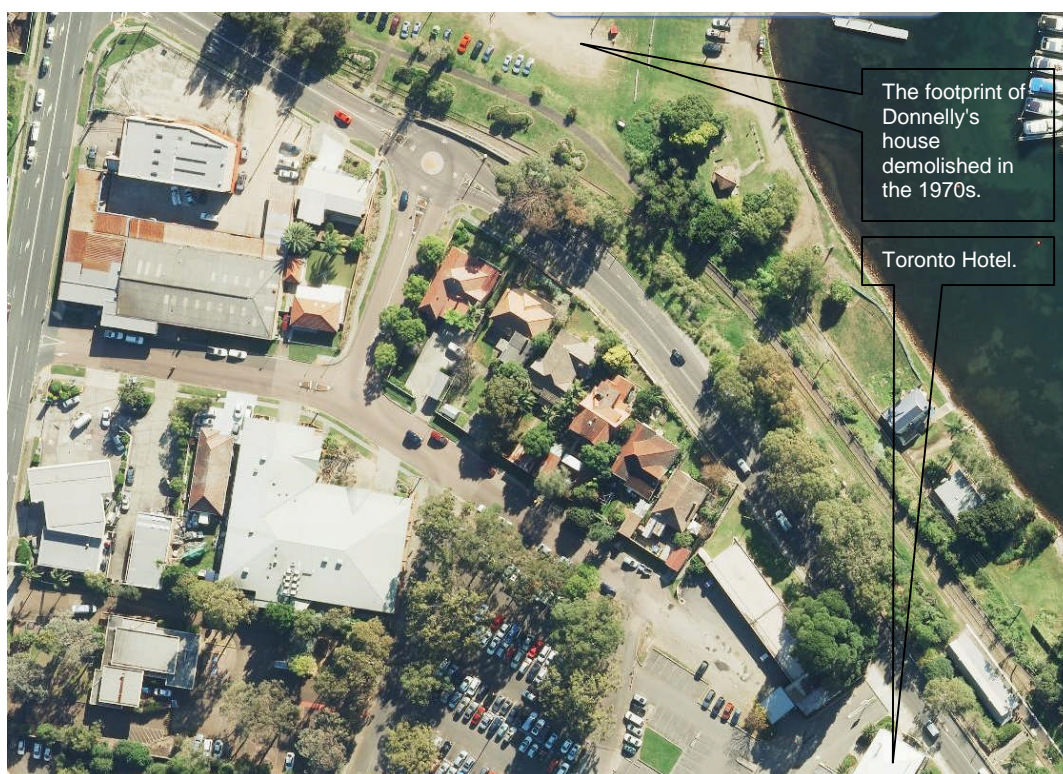
**Plate 7:** The 1919 Donnelly subdivision of some of the hotel land. (Hartley p 20)

Subdivisions continued around the railway corridor and below it on the foreshore as Toronto's population grew and the land became more valuable.





**Plate 8:** This 1938 picture shows the slow progress of house construction near the railway line. There are no substantial trees on the subject site except two palms on the corner of Bath and Arnott Avenue and a Norfolk Island pine on the eastern side of Arnott Avenue. (Carr - Aquablue Peer Review 2007)



**Plate 9:** The railway corridor today. (Six Maps accessed 10/10/17)

Eight houses survive from the period and after of the 1919 Donnelly subdivision, one being demolished to provide the road link between Donnelly Ave and Victory Parade. The construction of Victory Parade and Victory Row below the corridor and station reduced the width of the Permanent Way to a single line, despite the bridge installations designed to carry a two lines.





**Plate 10:** The surviving houses from the Donnelly subdivision. (JCHD 2963)



**Plate 11:** The Toronto station platform has lost \ number of railway artefacts such as a corrugated iron storage shed, but has gained additional trees. (JCHD 2964)



**Plate 12:** The Toronto railway line has been broken by the widening of Cary Street. (JCHD 2965)

The final day of the two car diesel service was 10 March 1990, when the State Government through its Transport Minister the Hon. Bruce Baird closed a number of spur lines across NSW. Interestingly it failed to close the Newcastle spur line due to strong lobbying and the numbers of people using the railway service to access the city. In addition, it required an act of Parliament to close a permanent way.





**Plate 12:** The Toronto railway line continues through the wetlands to Fassifern Station beside the present cycleway. (JCHD 2971)

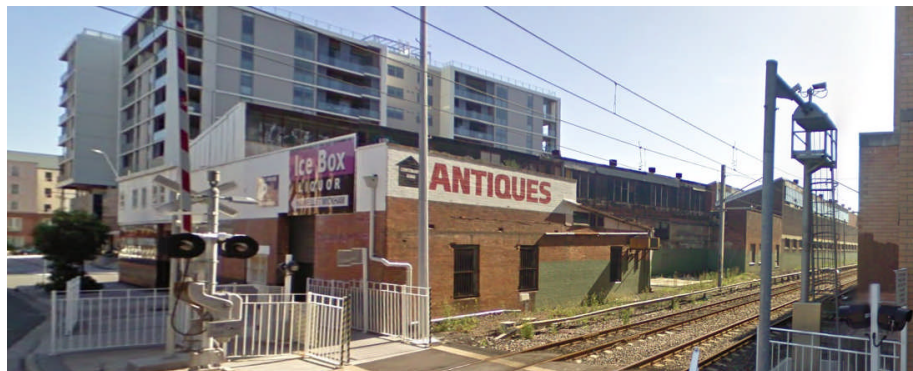


**Plate 12:** Since the 1990 closure of the line, landscaping planted with the cycleway has matured. (2968)

### **Comparative Analysis:**

The former railway corridor can now be compared to the Fernleigh Track which survives in a similar form with remnants of the track surviving for interpretive purposes and other railway paraphernalia such as signs, milestones and general iron mongery used to delineate the track/cycleway.

Similarly the former Newcastle railway corridor survives in a form that can still be negotiated despite losing its entire railway track and some railway stations to date. The potential redevelopment of this corridor may block or destroy in part the original permanent way and its links to the Civic Railway Workshops and Newcastle Station.



**Plate 13:** The Newcastle railway corridor at the Merewether St crossing. (Google Streetview)



**Plate 16:** A similar view of the former railway corridor in October 2016. (Doma Group)

Total removal of all railway relics has sanitised the corridor and the introduction of landscaping and cycleway will completely hide its use as a major transport corridor since 1857.

### **Heritage Value of the Toronto to Fassifern Railway Corridor:**

The assessment is based on criteria developed by the NSW Office of Environment & Heritage using the following values:

- Historical significance
- Aesthetic significance
- Research/technical significance
- Social significance

The following analysis of significance uses the criteria identified in the Heritage Act:

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

- *The corridor is associated with the development of Toronto as a tourist area for weekend visits, picnic days and longer holidays. As Toronto became more popular as a recreation stop as well as a place to holiday and live, the train access became more important and regular.*

**Criterion (b): Association of Life or Works.** An item has strong or special association with the life or works of a person or group of persons, of importance in the cultural or natural history of the local area (Local Significance).

- *The railway corridor is strongly linked to the Excelsior Company and Walter Donnelly who became the Publican and subdivided land between the hotel and the railway.*

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

- *The railway corridor provides a good engineering example of transport construction from the main Great Northern Railway to Toronto, including railway bridges and cuttings through steep topography.*

**Criterion (d): Cultural, Social or Spiritual.** An item has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons (Local Significance).

- *The railway corridor provided transportation initially for groups looking for rest and relaxation and eventually providing regular transport for workers to Newcastle.*

**Criterion (e): Understanding.** An item has the potential to yield information that will contribute to an understanding of the area's cultural or natural history (Local Significance).

- *The railway corridor does not satisfy these criteria as it is not unique and its construction techniques are well documented. It is unlikely to reveal any earlier archaeology or unknown information.*



**Criterion (f): Endangered Item.** An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (Local Significance).

- The railway corridor does not satisfy these criteria.

**Criterion (g): Demonstrating Principal Characteristics.** An item is important in demonstrating the principal characteristics of a class of the area's cultural or natural places, or, cultural or natural environments (Local Significance).

- The railway corridor is typical of a spur line off the main line into a small town. The railway station at Fassifern is designed to allow a train to wait on the Toronto line and provides level access to the main line to change trains. Additionally the train on the spur line had access to the main line into Newcastle.

#### **Statement of Heritage Significance:**

The railway corridor and its associated bridges and railway station satisfies the threshold for individual listing as an item of Local heritage significance for the following reasons:

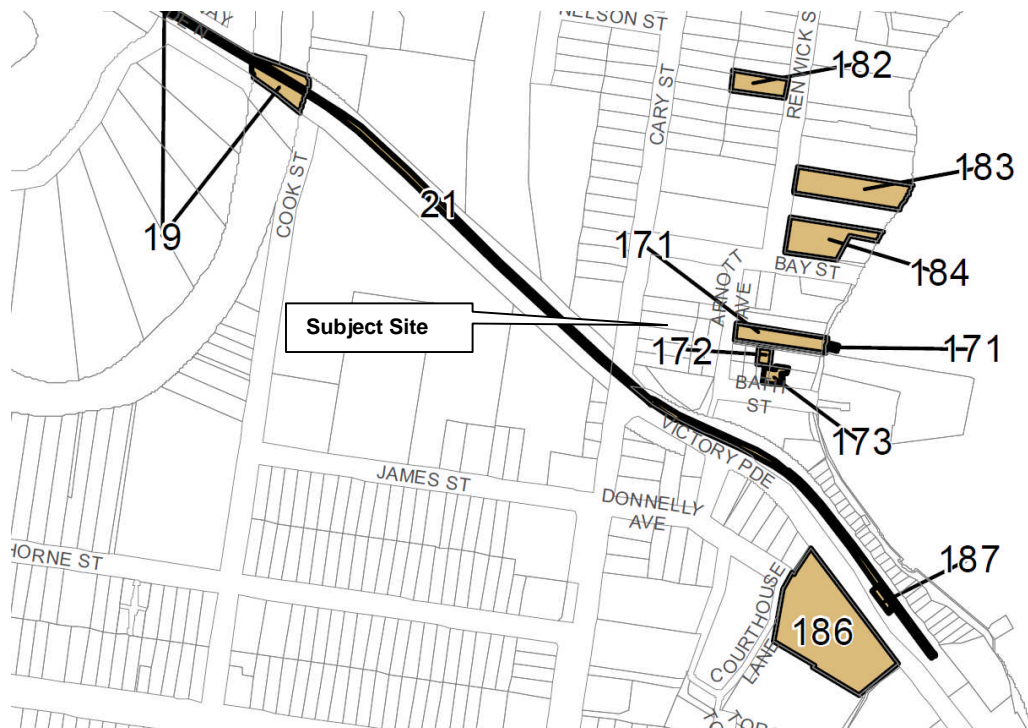
- The corridor is associated with the development of Toronto as a tourist area for weekend visits, picnic days and longer holidays. As Toronto became more popular as a recreation stop as well as a place to holiday and live, the train access became more important and regular. **(a)**
- The railway corridor is strongly linked to the Excelsior Company and Walter Donnelly who became the Publican and subdivided land between the hotel and the railway. **(b)**
- The railway corridor provides a good engineering example of transport construction from the main Great Northern Railway to Toronto, including railway bridges and cuttings through steep topography. **(c)**
- The railway corridor provided transportation initially for groups looking for rest and relaxation and eventually providing regular transport for workers to Newcastle. **(d)**
- The railway corridor is typical of a spur line off the main line into a small town. The railway station at Fassifern is designed to allow a train to wait on the Toronto line and provides level access to the main line to change trains. Additionally the train on the spur line had access to the main line into Newcastle. **(g)**



**Plate 17:** The former railway corridor with a more recent retaining wall. (JCHD 2962)

## 2.3 THE SETTING:

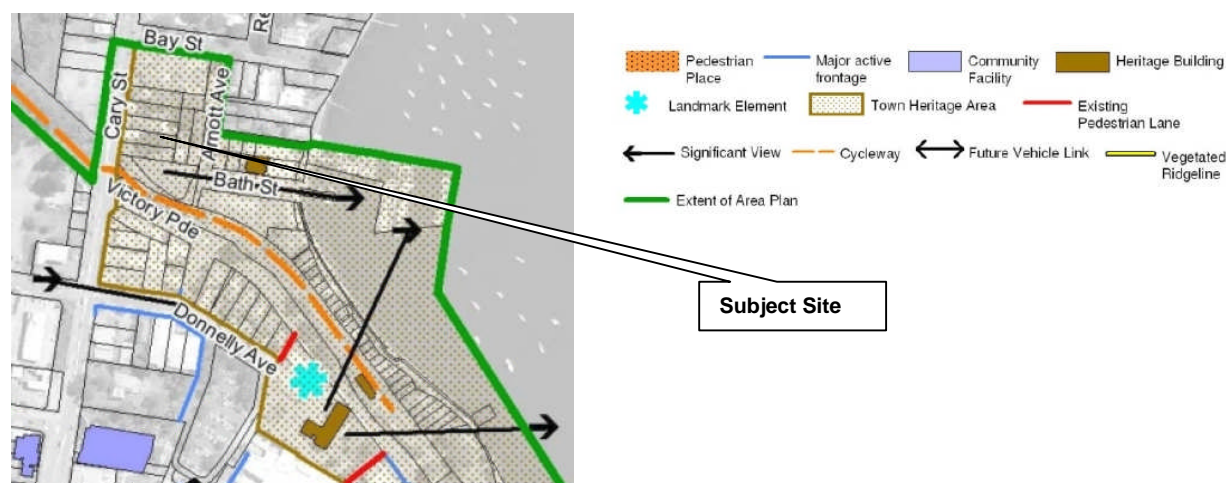
The site is located on the western side of Arnott Ave with the McDonalds Australia fast food outlet as its northern neighbour.



### HER 9B

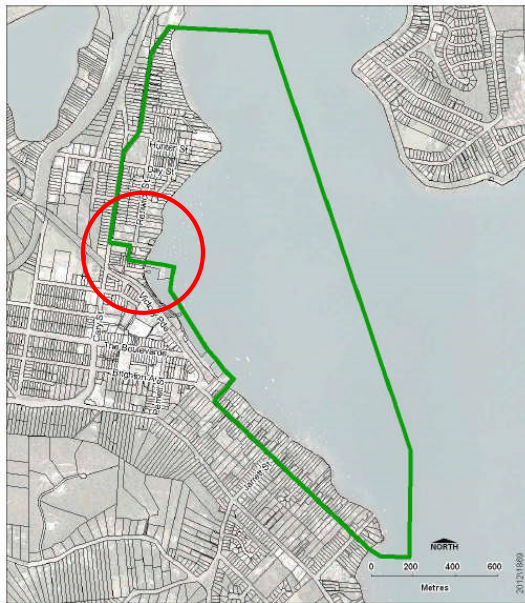
Item name	Address	Property description	Significance	Item no
Railway bridges	1c Reynolds Street	Lot 1181, DP 1176049	Local	19
Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	Lot 1181, DP 1176049	Local	21
Boatman's cottage, lakefront boathouse and 4 Arnott Avenue winches, lakefront and house		Lot 1, DP 950464	Local	171
Restaurant	6 Arnott Avenue	Lots 12-15, DP 456286	Local	172
Royal Motor Yacht Club annexe	6 Arnott Avenue	Lots 1-4, DP 1113453	Local	173
House	23 Renwick Street	Lot 2, DP 350492	Local	182
Convent of Mercy	26 Renwick Street	Lot 2122, DP 1116609	Local	183
House "Burnbrae"	32 Renwick Street	Lot 1, DP 122786	Local	184
Toronto Hotel	74 Victory Parade	Lot 201, DP 549239	Local	186
Former railway station	16 Victory Row	Lot 220, DP 1021925	Local	187

**Plate 18:** The Heritage Map from the LEP showing nearby heritage items. (LMCC LEP 2014 HER 9B)



**Plate 19:** The area around the site on Bay St & Arnott Ave within the Heritage Precinct. (LMCC DCP 2014 Pt 10)





**Plate 20:** The general Toronto Heritage Precinct.



**Plate 21:** Detail adjacent to the subject site.

The subject site is within the heritage precinct of the Toronto Town Centre and is also next to the general Toronto heritage precinct. There are three individually listed heritage items opposite the subject site on Arnott Ave. The 1892 Toronto Public School Residence, while not an individually listed item, is a contributory item within the heritage precinct and is opposite the subject site on Bay Street.

#### **Streetscape Analysis:**

The Heritage Precinct on Arnott Ave has been marginally changed since the late twentieth century with the removal of houses constructed on the former farm that made up the subject site and the construction of McDonalds and associates car parking. There has been gradual change in the nearby areas over the decades, particularly to areas with views to the lake.



**Plate 22:** Arnott Ave from Bath Street looking toward the school residence. (JCHD 2958)



**Plate 23:** View from the former school residence toward the subject site and McDonalds. (JCHD 2952)





**Plate 24:** The northern half of Arnott Ave consists of much later buildings and fences. (JCHD 2952)



**Plate 25:** Item 171 is generally screened by the large garage constructed in the 1950s. (JCHD 2954)



**Plate 26:** The rear of Items 172 & 173 and their open car park. (JCHD 2956)



**Plate 27:** The rear of Items 172 & 173 and their open car park from Bath St. (JCHD 2959)





**Plate 28:** The junction of Items 172 & 173 with contemporary additions to their eastern side. (JCHD 2966)



**Plate 29:** View from the closed portion of Bath St now part of the subject site heritage toward items. (JCHD 2969)

The subject site faces the rear or western side of the group of listed buildings on the eastern side of Arnott Ave. Alterations and additions together with unsympathetic development over the years has left these listed items with intrusive elements and materials affecting their overall heritage significance. Only item 171 has remained relatively intact requiring only the removal of the large garage sited between Arnott Ave and the house to return the site to an intact early twentieth century development. In the event this was possible, the new development would still be looking at a relatively blank brick wall and ground floor weatherboard clad skillion addition.



**Plate 30:** The View up Victory Pde from the Cary St intersection. (JCHD 2970)



The intersection of Cary St & Victory Pde is now a busy focal point due to traffic changes as a result of the design of Cary St to handle the through traffic originally "bumper to bumper" during peak hours. Remaining houses have been converted to commercial use and the corner site has been a car sales yard for many decades. Further up the street towards the Toronto Hotel, the housing has retained its original use but many are now investment properties and leased (see also Plate 10 on page 11).



**Plate 31:** The view toward the site from the front of the 1898 former school residence. (JCHD 2973)



**Plate 32:** The view toward the site from the front of the school in Renwick St. (JCHD 2951)

The Heritage Precinct to the north of the site is largely protected from views to the development by the existing mature landscaping on both private and public land.



## 2.4 THE PROPOSED DEVELOPMENT:

The proposed development consists of two basement level car parking areas, the lowest for 108 residential parks at Level B2, the next level up Level B1 is for 100 commercial tenants parking, residential parking and visitor parking. These levels are surmounted by a ground level related podium divided into two separate areas for commercial tenancies and residential.

Above this podium level are two residential blocks rising five levels on Arnott Ave and five levels on Cary Street. A large courtyard area separates the two blocks which rise from the podium level. The southern section of the Arnott Ave block steps back off the podium to provide a visual balance for the former rail corridor where it passes the subject site. This setback when combined with the overall setback from the boundary line provides an adequate and comfortable feeling of space when combined with the existing landscaping and view of the sky as pedestrians and cyclists travel west towards Cary Street.



**Plate 33:** The view toward the site from the former railway crossing. (Mark Lawler Architects)



**Plate 34:** The view toward the site across the former railway corridor. (Mark Lawler Architects)



**Plate 35:** The view toward the site from Bay Street. (Mark Lawler Architects)

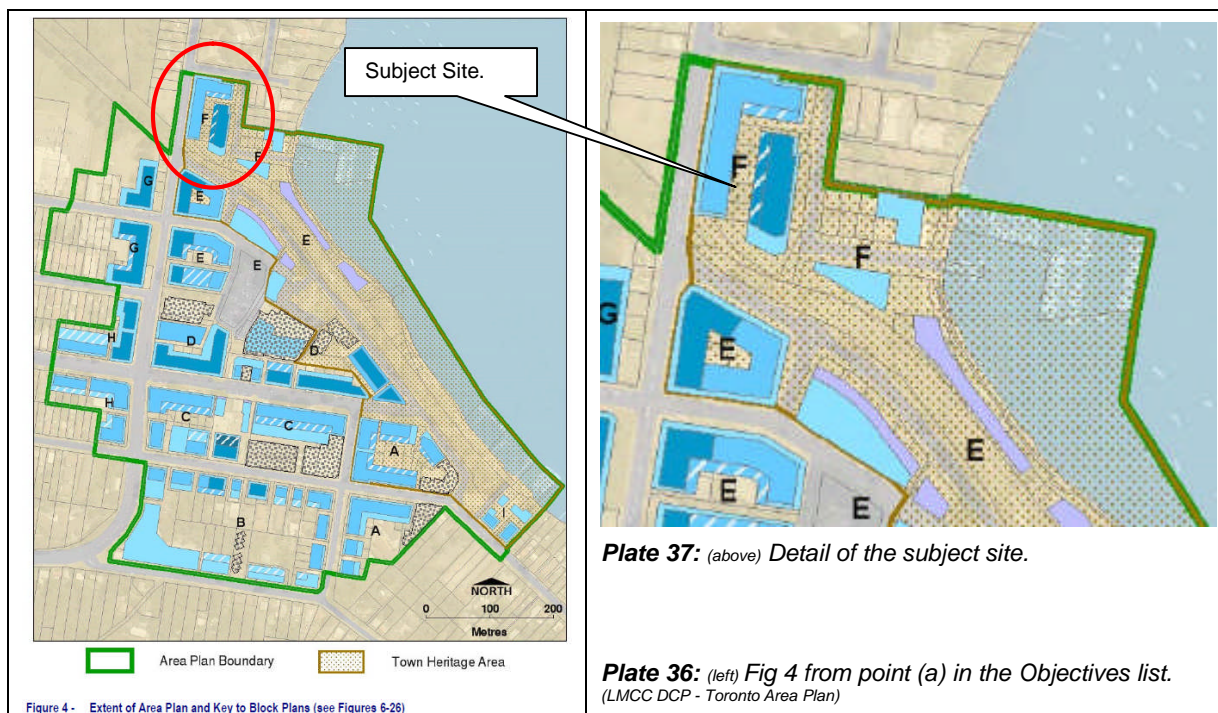
## 2.5 THE DEVELOPMENT CONTROL PLAN:

The Lake Macquarie Development Control Plan 2014, Section 6.5 highlights the considerations when looking at the Toronto Heritage Precinct as follows:

- Historical and aesthetic links with the foreshore should be maintained.
- All new development should be respectful of potential impacts on the foreshore.
- Commercial, residential and community buildings of individual importance should be properly conserved and cared for. The same applies to original boatsheds and worker's or fisherman's cottages.
- Owners or purchasers of older buildings should aim to retain as much of the *original fabric* as possible.
- Ensure that any additions are *sympathetic* and generally out of view of the street and the lake, not dominating the original building.
- The existing *scale and character* of development should be maintained. New buildings should be comparable in size to existing surrounding buildings and should adopt *similar forms and materials*.
- The *appearance* of new work from the foreshore, street and neighbouring properties should be considered.

The proposed development has considered each of these objectives and the initial two dot points have the greatest relevance to the project. The links to the foreshore have historically been via the view east on Bath Street, now no longer linked to Cary Street. The historic and aesthetic link is maintained by the remaining portion of Bath Street offering public views towards the lake. Aesthetically, the proposed design is higher than the height guidelines set by council in the Toronto Town Centre Area Plan. The photomontage of the view from the lake towards the site confirms the retention of the dominance of the heritage items or their sites over the subject site. Most of this is due to the existing topography between the lake and the rise to Arnott Ave before it falls away toward Cary Street. The Statement of Environmental Effects outlines the reasoning behind the height changes on the design compared to the DCP. From a heritage aspect, the additional height is less important on Cary Street as this portion of the site is further away from the precinct. The Arnott Ave portion of the building is one storey higher than the DCP recommended height but within the height allowance of the LEP. The development cannot be clearly seen from the lake and the heritage items in Arnott Ave have their backs to the development. The narrow street does not encourage pedestrians to look upwards so the effect of the additional floor is assessed more from a distance. The southern end of this wing is set back by stepping as the floors increase in level, reducing their aesthetic impact.

### Toronto Town Centre Area Plan:





The site is within the Toronto Town Centre Area Plan located at its northern most point on Bay Street, and adjoins the general Toronto Heritage Precinct at this point. Both precincts have been considered when designing the development.

The site is within the Toronto Town Centre Area Plan which has its own heritage objectives listed under Section 3.3 as follows:

**Objectives:**

- a. To maintain, enhance, manage and interpret the European cultural landscape of the Town Heritage Area, as shown in Figure 4 - Extent of Area Plan and Key to Block Plans.
- b. To maintain the visual prominence of the Toronto Hotel and the bluff, as viewed from the lake and the lake foreshore.
- c. To maintain the physical structures and landform related to the construction and operation of the Fassifern-Toronto rail line.
- d. To maintain the low small-scale built form between the lake and the rail line.
- e. To maintain foreshore setbacks and heights compatible with the residential scale of historical development along the lake foreshore development.

The proposed development satisfies the objectives (a) to (e) using the nominated controls in Section 3.3 as follows:

1. The site is presently vacant and has been for approximately ten years. The public land adjacent to the subject site is to be upgraded as part of this development and the landscaping continued onto the subject site. The benefit to the cultural landscape of the railway corridor and Heritage Precinct is retention and augmentation of the landscaping introduced when the cycleway was formed in the 1990s. The landscape will provide a level of screening as it currently does, separating the development from the public cycleway until you approach the Cary Street lights. Here the paving provides access to the ground floor commercial area of the development to foot traffic. Views from the lake to the subject site have been included in the project drawings which highlight the building forming a backdrop to the existing Yacht Club and adjacent house. The former railway corridor remains dominant and clearly seen from the lake due to the setback of the proposed development and its site from the edge of the lake.
2. The development site maintains the visible prominence of the Toronto Hotel and the bluff, as viewed from the lake and the lake foreshore.
3. This development proposal does not disturb or otherwise alter the landform associated with the Fassifern-Toronto railway line. (see also point 1 above)
4. This is not applicable to this site.
5. This is not applicable to this site.
6. This item is addressed in this SoHI report.

In heritage terms, this development does not affect the existing conditions with respect to the heritage significance of listed heritage items within the Toronto Town Centre Area Plan. The guidelines set by the DCP in this immediate area of the northern portion of the Toronto Town Centre Heritage Precinct have resulted in this development complementing the existing contemporary designed buildings within view of the subject site.



**Plate 38:** The view toward the site from the waterfront of the yacht club. (Mark Lawler Architects)

The four proposed Araucaria trees continue the conifer character of the area.

## 2.6 ASSESSMENT OF HERITAGE IMPACT:

- **How is the impact of the proposed development on the heritage significance of the surrounding precinct & nearby items to be minimised:**

The site is located in near an area of commercial development for Toronto on Cary Street which has recently experienced a major change as a result of road upgrading and new aged care facilities. The proposed development includes two levels of basement car parking, one level of commercial and four & five levels of residential apartment living over. The design has used the various levels to model the building to provide a varied facade as well as some material changes and colour changes to provide an interesting and detailed facade.

The developments affects on the heritage significance of the surrounding individually listed heritage items has been minimised by maintaining most of the objectives of the DCP and the Toronto Town Centre Area Plan heritage section. The individual listed nearby heritage items are principally designed to face the lake, with the rear of the buildings facing Arnott Ave or Renwick Street. In most cases, these backyards have garaging or other outbuildings helping to screen the item from a direct view to and from the proposed development.

Existing landscaping which will be maintained and augmented also benefits the site by providing a filtered screen. Additional landscaping on the site and in the public spaces will benefit the existing treed area, which can be seen in Plate 38 showing four Araucaria trees added to Arnott Ave. The setback of the south eastern corner of the building off the boundary provides a reasonable separation between the railway corridor and the building. The proximity of the south western corner of the building on the Cary & Victory Pde intersection helps close the gap on a very busy through street while providing some noise dampening to the lake foreshore area.

- **How does the proposed development affect views to and from the heritage precinct and adjacent heritage items? What has been done to minimise negative affects:**

The proposed development does not affect the views to or from the various heritage items or the heritage precinct from the public streets as the site development does not impinge on these items which are located on the waterfront. The adjacent former railway corridor is maintained in its current form and additional landscaping used to separate and highlight the corridor. Views to the rear of the heritage items in Arnott Ave remain unaffected by the development.

- **Is the development sited on any known or potentially significant archaeological deposits? If so, have alternative solutions been considered? Why were they rejected?**

The site is not known to have potential archaeological deposits primarily as the previous cottages on the site were believed to have been the first. Prior to this the area was used as a farm. The original earlier buildings were removed with council knowledge and permission.

- **Is the new development sympathetic to the heritage precinct & individual heritage items? In what way (eg form, siting, proportions, design)?**

The development is considered to be sympathetic to the adjacent heritage precinct due to the modelling the building design to incorporate balconies, setbacks and material changes to visually break-up the overall bulk and scale of the development.

- **Will the public still be able to view and appreciate the heritage precinct and nearby listed heritage item's significance?**

The development site is on the extreme northern boundary of the Toronto Town Centre Area Plan and adjacent to the recently widened Cary Street. The adjacent general heritage precinct and individual listed items found around Renwick Street are generally screened from the proposed building by existing trees and buildings. The lower level of the site from the level of Renwick Street provides topography that also suits screening of the subject site.



- **How will the heritage precinct and nearby listed heritage items benefit from this development?**

The development provides an opportunity for re-use of this site by using architecture to compliment other recent contemporary designs that can be seen in the area of the Toronto Town Centre and its few listed heritage items. The heritage precinct is largely located on the waterfront side of the town with very little remaining on Cary Street.



**Plate 39:** A two car diesel set leaving Toronto near the subject site. (Cultural Collections)

#### **STATEMENT OF HERITAGE IMPACT:**

The proposed new mixed development at 118 Cary Street, Toronto will have minimal impact on the heritage significance of the existing surrounding heritage precinct and nearby individual heritage items due to the design as aspects of the building development conforming to most of the requirements of the LMCC DCP 2014 and the Toronto Town Centre Area Plan. The new building is proportioned to address the requirements of the DCP & LEP including the affect on streetscape, bulk and scale together with facade modelling to allow the building to sit comfortably in the heritage precinct complimenting both the surviving period architecture and other infill contemporary designs that can be seen towards The Boulevard despite the height of the development exceeding the recommendations of the DCP. The proposed development is largely screened from the former railway corridor by existing plantings undertaken following the closure of the line in 1990. Additional plantings will help soften the new structure on this presently vacant land and help separate and highlight the importance of the corridor in Toronto's development as a tourist and holiday destination of the 1880's.



**Plate 40:** The view toward the site from Kilpatrick Court on Cary St. (Mark Lawler Architects)

### 3.0 CONCLUSION & RECOMMENDATIONS

The redevelopment of this area for a mixed use residential complex has been on and off for over a decade. The Toronto Town Centre Plan has reinforced the importance of this site when entering the commercial area of the town from the north. The recent roadwork constructed to ease the traffic flow during weekday peak hours is another indication of the town as a growing centre on the western side of Lake Macquarie.

The proposed development varies from the scheduled heights shown in the DCP and this is discussed in detail in the Statement of Environmental Effects. From a heritage aspect, the scheme has been assessed as having minimal effect on both the Heritage Precinct and the nearby individually listed heritage items based on the overall design, the modelling of the facades, the setback off the former railway corridor, the partial screening from existing and proposed landscaping. Additionally the nearby items back onto the subject site and most have some form of building works providing a screen between the sites. These earlier buildings were specifically designed to address the waterfront with the western side as a service access and area for later garaging.

Due to the topography of the site, the proposed development sits low when viewed from the lake and blends in with the overall development on the waterfront, forming an effective backdrop. The former railway corridor will be largely preserved in its current visual format when either travelling east or west between Cary Street and the former railway station and platform.

The site has been referred to in previous DCP's as a "Gateway Site" to Toronto. The development of this site could also be considered in a similar manner as a gateway between the Toronto town centre and the Toronto heritage precinct. It provides a clear delineation on Cary Street between the commercial area and the residential area of the town.

#### **Recommendations:**

The inclusion of further colours, particularly at the lower levels would benefit the surrounding area. *Reason - presently the overall scheme is a combination of white and grey to delineate recessed walls, whereas the surrounding area has a number of colours both in the building stock and the landscaping. Additional subtle colouring would help the structure blend further with its immediate surrounds. The proposed landscaping will also assist as it matures.*

Yours faithfully,



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*B. Sc. (Arch), B. Arch.*

18 November 2021	<b>B</b>	Issue for DA lodgement
8 November 2021	A	Draft for comment
Date	Rev	Description

(End of Report)