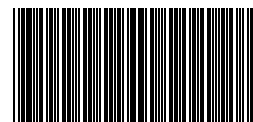




Filed: 24 October 2021 3:00 PM



D0001HG9WE

Expert Report

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2021/00101973

TITLE OF PROCEEDINGS

First Applicant	Dreric Pty Limited
First Respondent	North Sydney Council ABN 32353260317

FILING DETAILS

Filed for	Dreric Pty Limited, Applicant 1
Legal representative	ANTHONY DOYLE SATTLER
Legal representative reference	
Telephone	0424545861

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Expert Report (169-21 - A Conservation Management Strategy.pdf)

[attach.]

Conservation Management Strategy (CMS)
No 101 Blues Point Road,
McMahons Point NSW 2060
WITH AMENDMENTS 15-10-2021

NOTE: EXPERT WITNESS GUIDELINES

This report has been prepared under the guidance of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the NSW Land & Environment Court Practice Directions relating to the provision of evidence by expert witnesses. The opinions in the report represent the professional opinions of the author based on an assessment of the available information cited in the report.



dated 30/09/2021

Colin Israel,

BSc; BArch UNSW & M Herit Cons USYD

Principal Heritage Consultant – Heritage Advice

This Report relates to Case number 2021/00101973 in
Court Land and Environment Court of NSW - Division Class 1

TITLE OF PROCEEDINGS

First Applicant Dreric Pty Limited

First Respondent North Sydney Council

Conservation Management Strategy (CMS)
No 101 Blues Point Road,
McMahons Point NSW 2060

EXECUTIVE SUMMARY

(Extracted from Part 2 Items 1 & 2 of this CMS)

1. General Statement of Conservation Approach

As a remnant, the significance of the sandstone house has been eroded by past demolition of its neighbouring semi-detached house c 1973.

It has been obscured by the addition in 1922 of a rendered brick shop which conceals its front door and original frontage to Blues Point Road. Its 'front door' is now the former rear entry from East Crescent Street with the shop entry being at the corner of Blues Point Road and East Crescent Street.

Its curtilage has been reduced further by subdivision of its front garden to the benefit of the neighbouring property to the north, No 103 Blues Point Road. Consequently, the heritage significance of No 101 is reduced to the following fabric and characteristics:

- a) Its characteristic FORM as a Victorian Georgian House, including its main hipped corrugated metal roof and the roof hierarchy of main roof & lower connected secondary roofs to the east wing, the original rear of the house.
- b) Its original surviving sandstone masonry including the single remaining sandstone chimney with its carved semi-circular sandstone cowl.
- c) Its general plan form with a dividing central corridor serving rooms to the north & south.
- d) Its remaining window and external door openings with recent sympathetic joinery.
- e) Reinstatement of its use as a private residence would be a desirable 'compatible use' under Burra Charter - The Australia ICOMOS Charter for Places of Cultural Significance – 2013.

Article 1.11 states:

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

- f) Such use would provide a 'commonsense' interpretation of its historical significance within the McMahons Point North Conservation Area – requiring minimal explanation.

2. Owner's or steward's requirements

The owner is a Medical Practitioner with interests in a number of Medical Practices. This requires him to have at least one medical consulting room for his private practice, preferably attached to his family residence. Each part must have its own entry and the consulting room must be designed to operate within current (pandemic) guidelines as may be applicable for and in the foreseeable future.

His Medical business interests also require an administrative office co-located but physically separate from his personal medical practice.

A previous DA was approved and modified for a suite of Medical Consulting Rooms. (DA 271/19/2 – APPROVED 21/1/2021)

The present DA seeks to reinstate the original use of the house as a residence, retain the shop as a sole practice medical consulting room and provide a small office for administration of the other practices in which he has interests.

This involves a variation to North Sydney Council's planning provisions and this DA seeks application of the 'Heritage Incentives' contained in North Sydney LEP Clause 5.10 (10).

This report has been prepared to satisfy the requirements for a 'Conservation Management Document' under North Sydney LEP 2013 Section 5.10 (10) (b).

(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.*

Conservation Management Strategy (CMS)

Part 1: Investigation and Assessment sections

ITEM DETAILS			
Name of Item	ITEM: Remnant Victorian Georgian semi-detached house – Excluding Shop.		
Other Name/s Former Name/s	"Keith"		
Item type (if known)			
Item group (if known)	<p>Blues Point Road Group NSHS0602</p> <p>(NOTE: Blues Point Road Group comprises Nos 42-52, 60-68, 74, 82-86, 94-114, 118-148, 178-180, 206-208, 33-43, 57-65, 71-89, Rear of 110, 115-135, 139, 163, 167-171 Blues Point Road, McMahons Point.</p> <p>These are generally contributory within the McMahons Point North Conservation Area – Some are also listed individually as items)</p>		
Item category (if known)			
Area, Group, or Collection Name	Residential buildings (private)		
Street number	101		
Street name	Blues Point Road		
Suburb/town	McMahons Point	Postcode	2060
Local Government Area/s	North Sydney		
Property description	Lot No.1, DP: 216475		
Owner	Dr Eric Lim		
Current use	Approved Use as Medical Suite under DA 271/19/2		
Former Use	<p>.Residence 1869-1922; Owners' Residence 1869-1910</p> <p>Butchers Shop & Residence 1924-1976;</p> <p>Lighting Shop (& Possibly Residence) 1976-1989</p> <p>Hairdressing Shop 'Sessions' & commercial offices 1989-2011.</p> <p><i>(NBR&P Heritage Impact Statement Sept 2011 p 13-15)</i></p>		
Statement of significance (Using SHR assessment criteria 1999)	<p>Built c 1868, No 101 Blues Point Road is a remnant of a pair of sandstone semi-detached houses in McMahons Point, one of the earliest surviving houses in the area.</p> <p>Its distinctive sandstone chimney and carved cowl compliment the remaining sandstone walls and hipped, originally shingled, roof - now clad in corrugated metal roofing.</p> <p>Its curtilage is compromised by the c 1922 shop which conceals it from view from Blues Point Road but retains a presence in the East Crescent Street streetscape by virtue of its chimney, sandstone walls and hipped roof.</p> <p>The shop is not listed as part of the Item.</p> <p>It has lost all original joinery and plaster internally. Externally it retains features of Victorian Georgian form and detail, though in a much degraded state.</p>		

Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>
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DESCRIPTION	
Designer	Not Known
Builder/ maker	Not Known
Physical Description	<p>The present inventory sheet states: <i>This building is in the Victorian Georgian style.</i> <i>Single storey sandstone house with a hipped, corrugated iron roof and a prominent sandstone chimney featuring a semicircular cowl.</i></p> <p>The original front facing Blues Point Road is obscured by the c1922 shop addition. Both the shop and house have been altered internally.</p> <p>The house retains its sandstone expression externally together with two fireplaces and a single sandstone chimney on the southern façade facing East Crescent Street. This is capped with an unusual sandstone cowl, the stones being carved and arched.</p> <p>No plasterwork or original joinery survives internally, replaced in part with sympathetic joinery including some 4 panel doors, moulded skirtings & architraves in the hall and main rooms. There are no original floor boards remaining in the house.</p> <p>The walls have been stripped of plaster. Externally the sandstone walls of the house are evident both in the main body of the house and in the eastern service wing.</p> <p>The house retains its hipped roof form to the limited extent possible with its companion semi demolished.</p> <p>The original plan form with a central corridor is retained with several modifications. Particularly in the adaptation of the original entry as a tea service room which is intrusive in distorting the original layout, giving no sense that this was originally the front door of the house. A section of sandstone wall has been removed from Room 4 and replaced with a glazed screen which is intrusive.</p>
Physical condition and Archaeological potential	<p>There has been extensive disturbance over the whole of the site, both for the original construction and from later alterations and additions. It is unlikely that any meaningful archaeological deposits remain that would assist in the understanding of the original context of the house or its use.</p> <p>Obligations under the Heritage Act in the event of any discovery should be observed and advice to that effect incorporated into Management Policies and approvals.</p>

Construction years	Start year	c.1868	Finish year	c.1869 (house)	Circa	X
Modifications and dates	<ul style="list-style-type: none"> • 1910 – Subdivision of 2 Lots to form third property. (<i>COT Vol 3351 Fol 163</i>) • 1922 - Addition of Shops to 101 & 103 – Blues Point Road Frontage. • 1924 – C L Davis in occupation of 101 as Butcher's Shop & Residence • 1927 – Fire Damaged Roofs, Fittings & Furniture of Shops & Houses at 101 & 103. • 1932; 1934 – Brickwork, Plumbing, Painting & Repairs – Tenders Called. SMH: 22-2-1932 Advertising p1 SMH: 15-11-1934 Advertising p9 • Re-subdivided 1962 to present configuration (<i>CT Vol 3308 Fol 58</i>). In the process the remaining front garden of No 101 became part of No 103. • No 103 Demolished c 1971 for a service station. • The Butcher's Shop ceased business and was sold to be used for a lighting shop in 1986. (<i>Certificate of Title Vol 9384 Fol 61</i>) • Present awning erected prior to 1986. • 					
Further comments	<p>Within the McMahons Point North Conservation Area, No 101 displays the following contributory characteristics:</p> <ul style="list-style-type: none"> • Is a Remnant of a 'semi-detached dwelling house' (<i>NSDCP-C 9.7.5 – P1 part</i>) • Is Single storey (elevated) – formerly attached dwelling. (<i>NSDCP C 9.7.6 - P3</i>) • Has Roof 'pitched between 30 and 45 degrees' (<i>NSDCP C 9.7.6 – P6</i>) • Uses Materials – Walls: sandstone / Roofs: corrugated metal (<i>NSDCP C 9.7.6 – P7 & 8</i>) <p>No 101 has the following uncharacteristic elements:</p> <ul style="list-style-type: none"> • Circa 1922 Shop - 'Infill Development with rendered & painted masonry' detracts by obscuring views of the house from Blues Point Road. 					

HISTORY	
<p>Historical notes (to be written using NSW Historical Themes as section headings)</p>	<p>The site forms part of 80 acres originally granted to William Blue in 1817. Blue was an early grantee in Milsons Point and established a ferry service across the harbour. Originally the site comprised Lots 20 and 21 in Section K of the Blues Point Estate.</p> <p>The following Historical Notes are summarized from <i>NBRS&P – Heritage Impact Statement December 2011 pages 6-14.</i></p> <p>In 1866 William Williams and William Day purchased these Lots (<i>LPI Transfer 1220</i>) and two years later sold them to Henry Mohrman of St Leonards. The pair of houses at 101-103 Blues Point Road were built by Mohrman in 1868 and listed in the <i>1869 Borough of Victoria Rate Book</i>.</p> <p>Mohrman died in 1886 and the properties were transferred to his widow Elizabeth in 1910. (<i>Certificate of Title Vol 63 Fol 69, NSW Land & Property Information</i>). She subdivided the two allotments forming a third parcel of land fronting East Crescent Street on which she built a new residence. (<i>NSMCA 91/5.26 Folder 'M' 1910, North Sydney Heritage Centre, Stanton Library</i>)</p> <p>Elizabeth Mohrman let the pair of buildings at 101 & 103 Blues Point Road, until 1922 when she sold the property to Raymond Arthur Gale and Robin Gordon Gale (<i>Certificate of Title Vol 3351 Fol 163, NSW Land & Property Information</i>)</p> <p>(Also See: <i>NBRS&P – HIS December 2011 Appendix 1 - North Sydney Rate and Valuation Book Search Form</i>).</p> <p>She soon onsold to Cecil Lewis Davis of Sydney, master butcher, in late 1922 (<i>Certificate of Title Vol 3351 Fol 163, NSW Land & Property Information</i>)</p> <p>North Sydney Rate and Valuation Books, describe 101 & 103 as houses known as 'Keith' and 'Viti' respectively until 1922 and afterwards as "shop and dwelling". The shopfronts were added by Davis who occupied it from 1924. (<i>NBRS&P- HIS p 11</i>) The adjoining shop (103 Blues Point Road) was leased to a succession of shop proprietors.</p> <p>The Pair of Shops & Semis were damaged by fire which caught alight in the shingles beneath the later corrugated iron roofing. (<i>SMH 1927 p 14</i>).</p> <p>The pair of Lots were re-subdivided in 1962 to present configuration (<i>CT Vol 3308 Fol 58</i>).</p> <p>In the process the remaining front garden of No 101 became part of No 103. The semi-detached house and shop at No 103 were demolished in 1971 for a service station.</p> <p>The houses at the rear continued to be occupied as residences in association with the shops (based on <i>Rates Books Listing NBRS & P 2011 – Appendix 1</i>).</p> <p>No 103 was demolished c 1973 for construction of a Motor Service Station. (<i>PHOTO 1</i>) It was further modified in the 1970s and 1980s.</p> <p>The building was the subject of an approval (DA13/11) for major alterations and a rear addition, and the conversion of the building back into a single dwelling.</p>

Australian historical theme(s)	4. Settlement - Building settlements, towns and cities	Accommodation - Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.
-ditto-		Towns, suburbs and villages - Activities associated with creating, planning and managing urban functions, landscapes <u>and lifestyles in towns, suburbs and villages</u>
NSW Themes	Land Tenure Accommodation	Ref: “Historical Research for Heritage” NSW Heritage Office Guideline 2000 – Appendix B ‘Historical Themes’ (D/L 2021)
Local historical theme(s)	4. Activities and processes for identifying forms of ownership and occupancy of land and water, both Aboriginal and non-Aboriginal	<ul style="list-style-type: none"> • Evolution of subdivision pattern, • Common boundaries • Stone wall fabric evidence Ref: “Investigating Heritage Significance” NSW Heritage Office Draft Guideline 2004/2021
	4.Accommodation	<ul style="list-style-type: none"> • semi-detached house • housing associated with shops. Ref: As Above

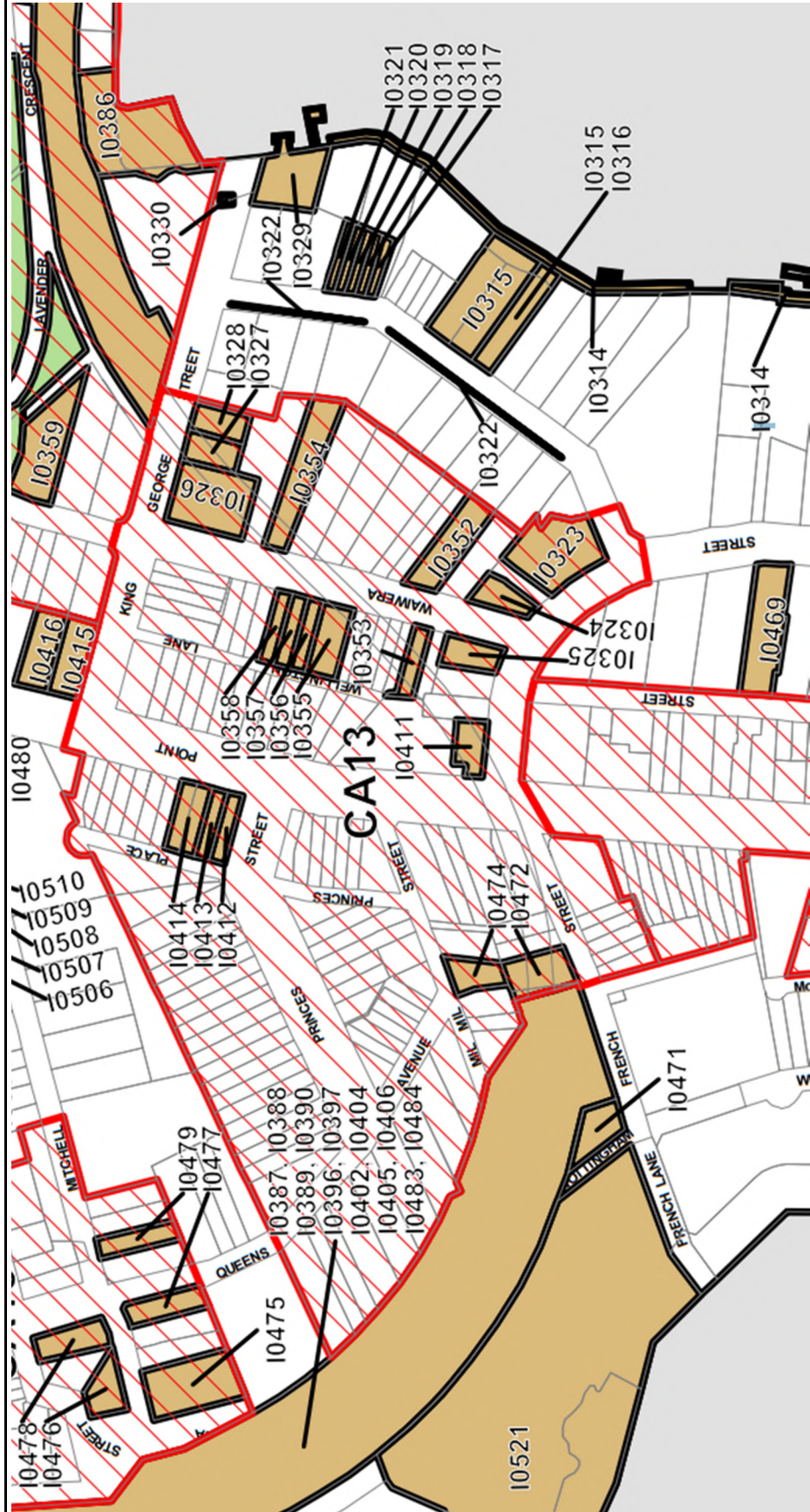
COMPARABLE ITEMS

Location and description, stating why they are comparable	<p>“Preston House” 163 Blues Point Road McMahons Point NSW 2060 – Sandstone House C1875 – “One Remaining Chimney” SHI Item ID 2180636</p> <p>NOTES:</p> <p>The Berry’s Bay Precinct to the west and the Victoria Precinct to the North “contain(s) a large number of vernacular cottages and buildings from the mid to late nineteenth century which are in general relics of the development of the area as the industrial and labouring area of the municipality”. SHI Item ID 2180712.</p> <p>This contrasts with the more substantial early development along Blues Point Road; Middle and East Crescent Streets of the Blues Point Road Precinct.</p> <p>The pair of semi-detached houses at Nos 101 & 103 Blues Point Road are evident as substantial buildings in c1870-1875 early photo (Figure 1 / Figure 2 Detail). Holterman Collection SLNSW.</p>
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ASSOCIATED ITEMS

Location and description, stating what the association is with the subject item

NORTH
←



CURTILAGE

Describe the physical curtilage of the item

The heritage curtilage should contain all elements contributing to the heritage significance, conservation and interpretation of a heritage item .

The curtilage is defined by a line on a map, which will not necessarily coincide with the property boundary.

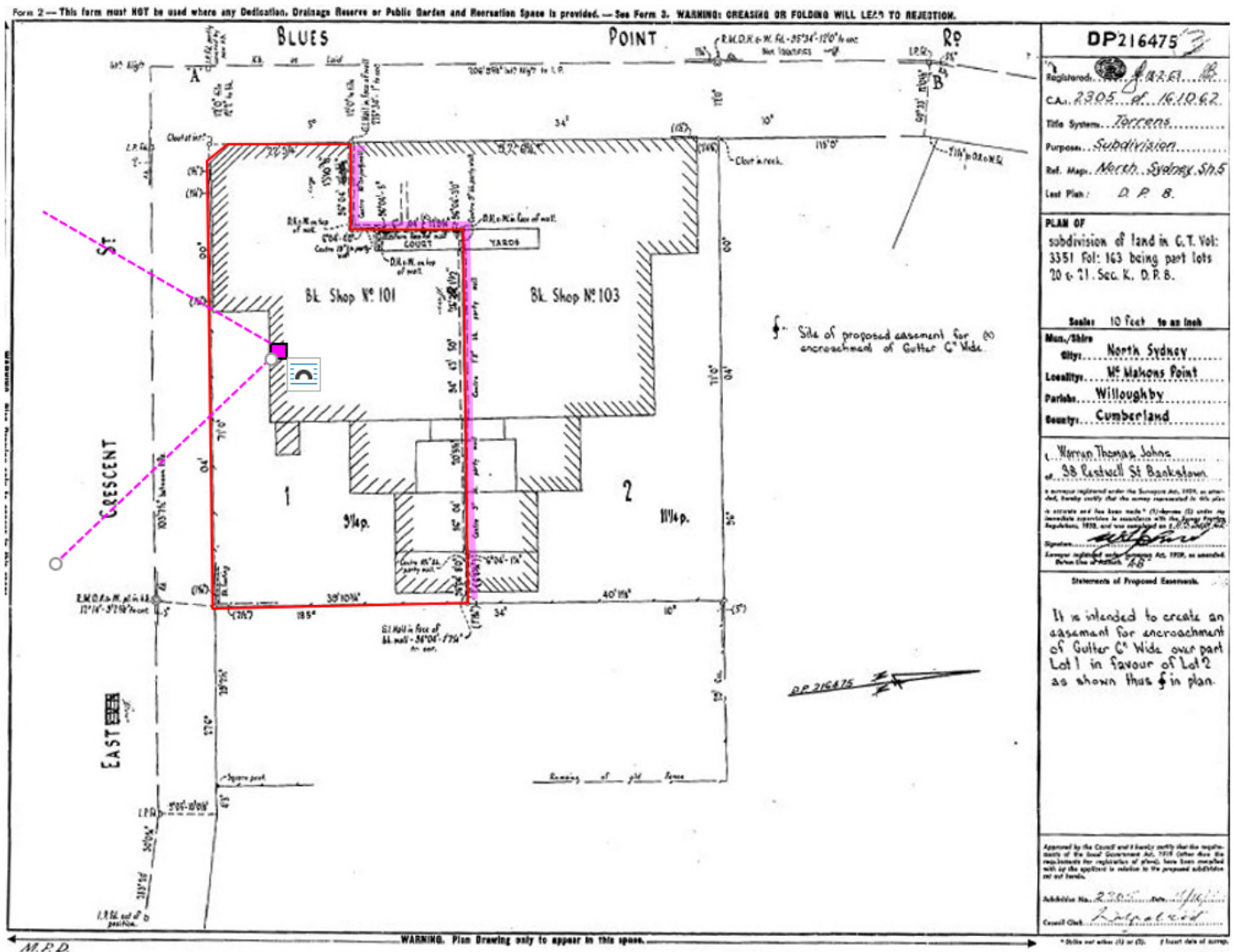
(Warwick Mayne-Wilson / NSW Heritage – 'Heritage Curtilages' 1996)

The curtilage can be classified as a "Reduced Plot Boundary Curtilage" (Red Outline on Curtilage Diagram) with limited "Extended Curtilage" features comprising:

- Fabric of shared common walls on boundary (Magenta Tint)
- View Lines to sandstone cowl & chimney from East Crescent Street (Dotted Magenta view lines / angle)

Source of Base Drawing is DP 216475 CA 2305 of 16-10-1962

See 'Attachment 1 for 'Evolution of Curtilage'



CURTILAGE DIAGRAM

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<p>Constructed in c1868 as one of a pair of sandstone semi-detached house, the house is significant historically as a surviving remnant of a Victorian period house in McMahon's Point.</p> <p>It has suffered the loss of its matching semi-detached house at No 103 Blues Point Road and successive reductions in its curtilage by subdivision, reflecting the evolution of McMaho ns Point into a mixed residential/commercial area.</p> <p>It is significant historically as a remnant of early Victorian dwellings built during the subdivision of the larger estates in the area.</p>
Historical association significance SHR criteria (b)	There are no specific historical associations. The original owners were respectable but not prominent members of the McMaho ns Point community.
Aesthetic significance SHR criteria (c)	<p>Constructed in c1869 as one of a pair of sandstone semi-detached house, the remnant house has local aesthetic significance from its use of local sandstone and its surviving stone cowl and chimney. Despite having lost its principal address and being obscured by the intrusion of the c 1922 Butcher's Shop Building, it remains legible as a Victorian Georgian house form from its secondary address in East Crescent Street.</p> <p>It is marked in the streetscape by the retained sandstone chimney and carved sandstone cowl.</p>
Social significance SHR criteria (d)	<p>The visible sandstone of the house is appreciated as an early house in the area. Its long standing use of the Butcher's shop contributes to the identity of the McMaho ns Point North Conservation Area.</p> <p>Neither is sufficient to meet the definition of the "Social Significance" criterion as set out in the assessment guidelines of Heritage NSW.</p>
Technical / Research significance SHR criteria (e)	<p>There is little or no research potential, given the disturbance of any archaeological deposits on the site over its lifetime. No plaster or joinery survives that would demonstrate traditional trades. Roof carpentry has been extensively modified in repairs following the fire of 1927 and the shingles likely removed.</p> <p>The house does not have Technical / Research significance.</p>
Rarity SHR criteria (f)	The single rare element – the carved sandstone chimney cowl is not sufficient in my opinion to justify listing for the criterion of "Rarity".
Representative- ness SHR criteria (g)	The house has lost most of its detail and curtilage. While it retains some characteristic features in its hipped Roof Form and sandstone materials, it lacks the ability to interpret the Victorian Georgian style with any authenticity.
Integrity	It has been modified internally and externally, reflecting the evolution of McMaho ns Point into a mixed residential/commercial area. It is significant historically as one of the few remaining early Victorian dwellings built during the subdivision of the larger

HERITAGE LISTINGS				
LEP Schedule 5 - Item	Local Environmental Plan 8/2/2013 12:00:00 AM North Sydney Local Environmental Plan 2013 - I0472			
LEP Schedule 5 - Conservation Area	Local Environmental Plan 8/2/2013 12:00:00 AM North Sydney Local Environmental Plan 2013 - I0472			
INFORMATION SOURCES				
TYPE	Author/Client	Title	Year	Repository
Heritage Impact Statement	Noel Bell Ridley Smith & Partners Pty Limited	Statement Of Heritage Impact For Proposed Additions & Alterations 101 Blues Point Road	December 2011	Owner / North Sydney Council
Heritage Impact Statement	Bruce Lay Architect (Heritage Consultant)	HIS: 101 Blues Point Road McMahons Point	October 2020	Owner / North Sydney Council
Heritage Impact Statement	Colin Israel	Heritage Impact Statement for Proposed Amendments of Refused DA 8/21	July 15 2021	Heritage Advice /
Photo Archival Recording	Alexander Mayes Photography Pty Ltd: Alexander Mayes	"DA519/11 101 Blues Point Rd, Milsons Point Archival Recording	May 2017	North Sydney Stanton Library LH REF 728.37/ALE
RECOMMENDATIONS				
<p>Recommendation s</p> <p>This document should be consulted prior to any development.</p> <p>It should form part of the disclosure to any prospective purchaser and issued as part of any Contract for the sale of the Property.</p> <p>It should be reviewed revised every 10 years by an independent heritage consultant.</p>				
SOURCE OF THIS INFORMATION				
Name of study or report	North Sydney Heritage Study Review TB May 1992 Yes		Year of study or report	1993
Item number in study or report	2180672			
Author of study or report	Tony Brassil, Robert Irving, Chris Pratten, Conybeare Morrison			
Inspected by	TB			
NSW Heritage Manual guidelines used?			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by Colin Israel – Heritage Advice			Date	30-09-2021

IMAGES

Image caption	Figure 1: "Dawes Point and Observatory Hill from McMahons Point (with Town Hall and St. Andrew's Cathedral in the background), undated. SEE DETAIL Photo 3 below. Source: ON 4 Box 83 No 42 – SLNSW – (Holtermann Collection)"				
Image year	1870-1875	Image by	American and Australasian Photographic Company.	Image copyright holder	State Library of NSW – Out of Copyright



Image caption	<p><i>Figure 2: DETAIL OF PHOTO 1 – as framed above.</i> <i>“Dawes Point and Observatory Hill from McMahons Point (with Town Hall and St. Andrew's Cathedral in the background), undated.</i> <i>Source: ON 4 Box 83 No 42 -IE1250698 - SLNSW</i></p>				
Image year	1870-1875	Image by	American and Australasian Photographic Company.	Image copyright holder	State Library of NSW – Out of Copyright



Image caption	<p><i>Figure 3:</i> <i>Rear Figure 12 - Rear view of the subject property still occupied as a butcher's shop, about 1981.</i> <i>Source: LH REF PF 1521/4 -Figure 12 in NBRSP HIS 2011</i></p>				
Image year	c 1981	Image by	Unknown	Image copyright holder	North Sydney Heritage Centre, Stanton Library



Image caption	Figure 4: Blues Point Butchery LH REF CT 18/28				
Image year	August 1987	Image by	Mary Vinter	Image copyright holder	Stanton Library



Image caption	Figure 5: "Southern Elevation of Blues Point Butchery behind Blues Point Butchery" (sic) Should Read " Western Elevation" LH REF CT 3/29				
Image year	25 May 1973	Image by	Unknown – Donated by North Shore Historical Society	Image copyright holder	Stanton Library



Image caption	Figure 6: "Front view of 101 Blues Point Road, McMahon's Point" (sic) LH REF PF1520/1				
Image year	c. 1981	Image by	Unknown	Image copyright holder	Stanton Library



Amendment 15-10-2021 – IMAGE ADDED AT REQUEST OF SB.

[G:\HERITAGE\HO_LISTINGS\CMPs\New Approaches\CMS_investigation & assessment section_18Jan02.doc](#)

Image caption	Figure 7: EXISTING FLOOR PLAN : Blues Point Butchery				
Image year	2021?	Image by	Peter Princi Architect	Image copyright holder	PPA

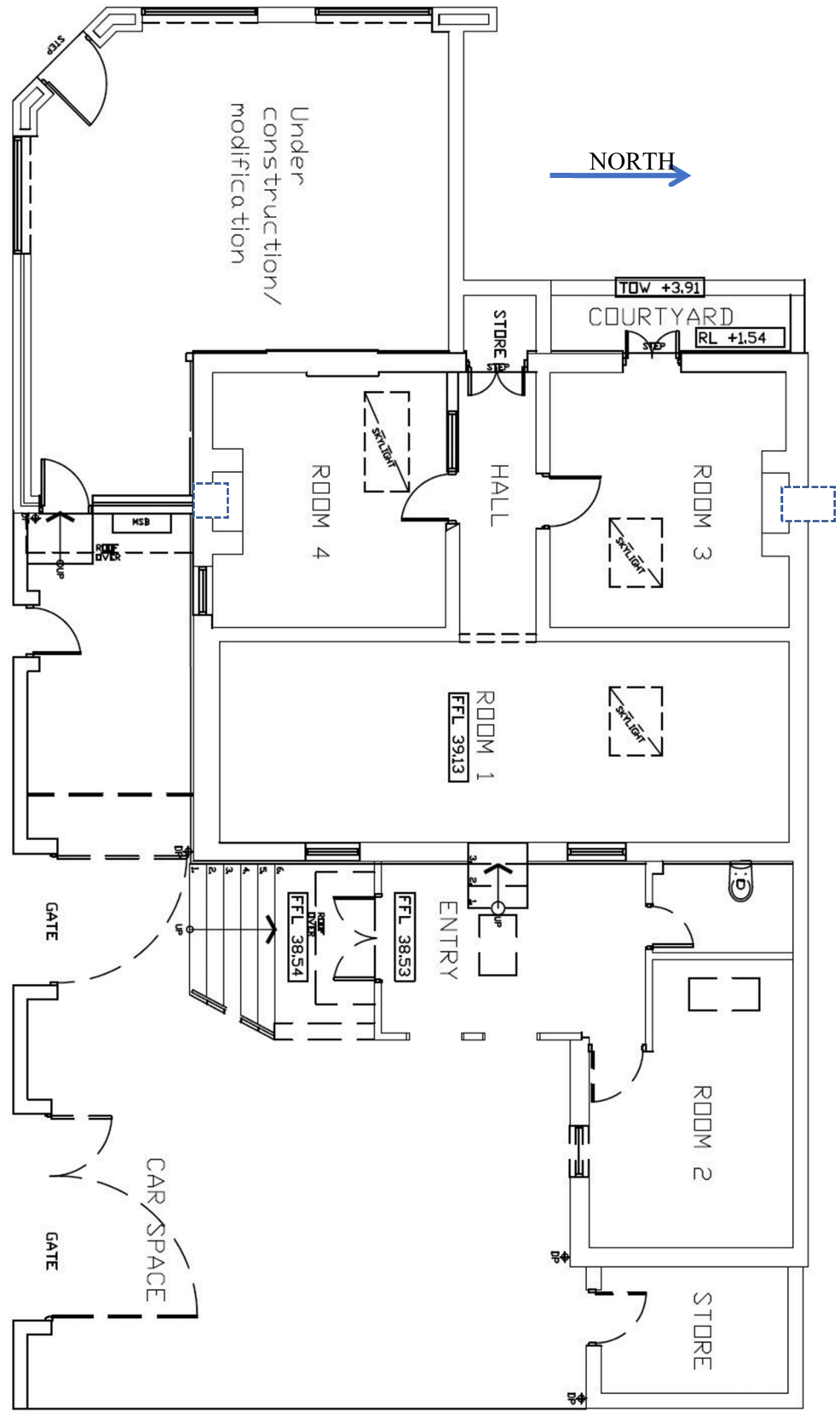


Image caption	Figure 8a:Key to" Analysis of Significant Fabric & Outline Schedule of Conservation Works"				
Image year	29-9-2021	Image by	Colin Israel – Heritage Advice on Base Drawing by Peter Princi Architect	Image copyright holder	Heritage Advice

- A Conserve sandstone chimney & cowl/
Conserve, Repair & Stabilize remnant chimney on boundary.
Amendment 15-10-2021
- B Reinstate unauthorised sandstone opening (MOD)
- C Remove Brickwork in disused doorway /
Reinstate Stone Walling
- D Repair friable stone / Remove Cement / Repoint in Traditional Lime Mortar /
Reconstruct stone wall to Bed 4 in lieu of glazed screen.
- E Retain original window & door openings &
sympathetic joinery / **New window & opening to match existing – south wall.** Amendment 15-10-2021
- F Retain soot-stained stone — evidence of past kitchen flue
- G Retain original roof form & corrugated metal main roof
- H Permissible new development with subordinate / sympathetic roof form/s
- I Retain existing sandstone walls to east wing / **New door opening permitted to adapt existing Store as Pantry.** Amendment 15-10-2021
- J Retain / Adapt existing sandstone fencing

The Conservation Management Strategy (CMS)

Part 2: conservation policy and management sections

WITH AMENDMENTS 15-10-2021

1. General Statement of Conservation Approach

(identify a general approach to conservation of physical fabric: e.g. fabric must be reused where possible, or Continue with existing approaches to fabric maintenance).

As a remnant, the significance of the sandstone house has been eroded by demolition c 1973 of its companion semi-detached house.

It has been obscured by the addition in 1922 of a rendered brick shop which conceals its front door and original frontage to Blues Point Road. Its 'front door' is now the former rear entry from East Crescent Street with the shop entry being at the corner of Blues Point Road and East Crescent Street.

Its curtilage has been reduced further by subdivision of its front garden to the benefit of the neighbouring property to the north, No 103 Blues Point Road. Consequently, the heritage significance of No 101 is reduced to the following fabric and characteristics:

- a) Its characteristic FORM as a Victorian Georgian House, including its main hipped corrugated metal roof and the roof hierarchy of main roof & lower connected secondary roofs to the east wing, the original rear of the house.
- b) Its original surviving sandstone masonry including the single remaining sandstone chimney with its carved semi-circular sandstone cowl.
- c) Its general plan form with a dividing central corridor serving rooms to the north & south.
- d) Its remaining window and external door openings with recent sympathetic joinery.
- e) Reinstatement of its use as a private residence would be a desirable 'compatible use' under Burra Charter xxx.
- f) Such use would provide a 'commonsense' interpretation of its historical significance within the McMahons Point North Conservation Area – requiring minimal explanation.

2. Owner's or steward's requirements

(e.g owner wishes to remain living in the item and maintain it as a private residence, with limited public access on one day during Heritage Week in each year)

The owner is a Medical Practitioner with interests in a number of Medical Practices. This requires him to have at least one medical consulting room for his private practice, preferably attached to his family residence. Each part must have its own entry and the consulting room must be designed to operate within current (pandemic) guidelines and public health orders as may be applicable in the foreseeable future. His Medical business interests also require an administrative office co-located but physically separate from his personal medical practice.

A previous DA was approved and modified for a suite of Medical Consulting Rooms. (DA 271/19/2 – APPROVED 21/1/2021)

The present DA seeks to reinstate the original use of the house as a residence, retain the shop as a sole practice medical consulting room and provide a small office for administration of the other practices in which he has interests.

As this involves a variation to North Sydney Council's zoning provisions, this DA seeks application of the 'Heritage Incentives' contained in North Sydney LEP Clause 5.10 (10).

This report has been prepared to satisfy the requirements for a 'Conservation Management Document' under North Sydney LEP 2013 Section 5.10 (10) (b).

3. What are the items/fabric that must be conserved?

(e.g. all of the original external 1925 weatherboard walls, door and window surrounds, brick chimneys and fireplaces, the fibro sleepout on the south verandah, Jacaranda trees in front yard, route of driveway around to the back door, the old shed and the rubbish tip – all shown on Plan A).

NOTES:

This list corresponds to the locations indicated on the plan at Figure 7.

The Labels on Figure 7a have been expanded with additional notes related to significance and condition.

The AM#(number) references are to photographs in the Photo Archival Recording prepared by Alexander Mayes Photography Pty Ltd:

"DA519/11 101 Blues Point Rd, Milsons Point Archival Recording – May 2017"
(Stanton LH REF 728.37/ALE)

a) **Conserve sandstone chimney & cowl / Remnant Northern Chimney**

The sandstone cowl is carved to a semi-circular barrel shape in sandstone & is a rare feature demonstrating the Item's c 1868 origins. Its condition is precarious and immediate stabilization in the form of an external prop, scaffold or bracing straps is warranted to brace the chimney in position. The precise method of conservation to retain its character & fabric requires the input of a skilled conservation stonemason with advice from a Structural Engineer. The work may entail:

- Cleaning & Repointing
- 'Plastic' Minor Repairs
- Cutting in stone 'indents' or facings for areas of surface deterioration
- Replacement of a limited number of whole stones, perhaps 3 in number.
- Structural stabilization with Stainless Steel 'Helicoil' or similar reinforcing &/OR internal bracing with a stainless steel armature – where indicated by Structural Engineering Advice regarding the slenderness of the chimney under lateral load, earthquake or otherwise to current codes.

Similarly, the remnant chimney on the northern boundary was identified in a recent inspection (15-10-2021) as having structural issues. The chimney is to be conserved in accordance with the methodology outlined above. – Amendment 15-10-2021

b) **Reinstate unauthorised sandstone opening (MOD)**

The reinstatement of the original sandstone to the opening cut between the shop and residence is subject of a Section 4.55 application lodged with Council.

c) **Remove Brickwork in disused doorway / Reinstate Stone Walling**

The bricked up opening is evidence of past interconnection between the c1922 butcher's shop and the c 1868 semi-detached house. It was previously covered by surface mounted panels on both sides as a cosmetic 'fix'. Despite its usefulness as evidence of past changes, the brick infill detracts from the aesthetic character of the original stone wall. The opening was likely formed by removal of a window facing onto the long lost front verandah of the house. It would be a curious anomaly to seek to reinstate a window or window opening where fire separation between the shop and house would be breached. Nor is it appropriate to install window joinery.

The recommended treatment would be to remove the brickwork and reinstate stone walling both to the shop and to the room. The infill stonework should be recessed, say 25mm on the shop side to represent the former door opening. Within Room 4 of the House, the infill should be recessed 25mm to represent a window.

Rm 4: AM #61; #63; #64

Differentiation in this manner will permit accurate interpretation.

d) Repair friable stone / Remove Cement / Repoint in Traditional Lime Mortar

Shop & External below Chimney AM# 72; #76; #77; Remove Cement mortar joints – repoint compatible lime mortar.

Rm 1: AM #50; #51; Repair deeply eroded stones selectively with 'plastic' repairs or stone indents

Rm 3: -ditto- south west corner of the room and either side of fire place.

Rm 4: Reconstruct sandstone wall in lieu of glazed screen. Amendment 15-10-2021

e) Retain original window & door openings & sympathetic joinery

The entirety of the internal joinery finishes have been lost. Some have been replaced in past renovations with reasonable sympathetic stained & clear finished timber windows and doors. Though anomalous in part, these should be retained as providing a reasonable representation of the original joinery. Reconstruction of the original joinery to authentic period patterns is no longer possible as there are no examples on which to base such work – it would be conjectural.

Changes to external openings or addition of new external **wall** openings to the main house would not be permissible, **apart from the proposed addition of a new window on the southern elevation to Room 1 this should match the window in Room 4 in size and detail. Amendment 15-10-2021**

The two windows in Room 1, one of which has become fully internal should be retained as sympathetic in character.

Modification of the window to Room 2 should be permissible as an adaptation for the original use of Room 2 as a kitchen, perhaps by increasing its size as a servery.

Removal of this window would be acceptable after photo recording.

None of the windows are original but they are sympathetic to the character of the house in general terms.

The clear finish to the replacement windows externally is failing and proper protection with a traditional enamel paint system to a sympathetic period colour scheme is recommended. AM #77

f) Retain soot stained stone – evidence of past kitchen flue

The soot stained markings on the stonework in Room 2 should be retained and clear sealed or transparent covered with Perspex or glass panels to preserve evidence of the past use and configuration of the original kitchen, while providing a hygienic surface within the new kitchen.

It should not be covered or concealed.

Room 2: AM#44; #48;

g) Retain original roof form & corrugated metal main roof

Reroofing in corrugated metal roofing in sympathetic mid tone grey colour would be appropriate, together with renewal of guttering, flashings & downpipes (round).

AM #8; 11

h) Permissible new development with subordinate roof form/s

REFER DA DRAWINGS AS AMENDED & LODGED IN THESE PROCEEDINGS.

(Peter Princi Architects 19.08.21 In Particular SK-07 East Crescent Street Elevation)

These have been prepared with input from Colin Israel – Heritage Advice to ensure new additions proposed are subservient in scale to the main roof form of the Item. They comprise a lower hipped roof integrated with a modified skillion over the east service wing.

From the evidence in Figure 3, it is clear this skillion has been previously modified. This is confirmed by examination of AM #44 & #45 (Room 2) with plaster lined upper panel indicating the boundary party wall was raised in the past.

As this element has been previously modified, re-pitching the skillion to integrate it with the proposed extension roof would be acceptable.

The use of a traditional but lower hipped corrugated metal roof is a more appropriate form than the flat roof version contained in the previously approved DA 519/11.

The low flat connecting roof over the proposed entry hall allows the original main roof form and roof of the new addition to be recognizable as such.

The Shop is not included as part of the Item but is contributory within the Conservation Area. Addition of an attic space would be acceptable, subject to a heritage impact statement demonstrating minimal impacts to the sandstone fabric and roof form of the Residence Item and compatibility within the conservation area.

Amendment 15-10-2021

i) Retain existing sandstone walls to east wing

As a previously modified secondary element, the east wing would be capable of sympathetic adaptation, noting its original use as a kitchen / services area would be reinstated in modified form. The sandstone walls should be retained and the soot-stained section retained & treated as at item (f) above or covered with a reversible false lining. Amendment 15-10-2021

A new doorway opening is permissible between the Rm 2 (Kitchen) and the existing Store to adapt the Store as a Pantry. Amendment 15-10-2021

AM #34 Exterior View; #45 & #47 Interior Room 2

j) Retain / Adapt existing sandstone fencing

The sandstone fencing is sympathetic in terms of its material. The stonework is of different finish and lower quality compared with the original stonework of the house but is nevertheless contributory within the McMahons Point Conservation Area. For that contribution it should be retained as the preferred form of boundary fencing. It is permissible to alter and adapt it as proposed in the DA as it is not original fabric. It may be refinished with a more even sparrow picked texture by current or future owners but the finish should maintain its differentiation from the finer ashlar blocks of the main house form.

AM #8 & #26

4. What are the items/fabric that can be altered?

(e.g. the recent steel roofing, the 1950s concrete flooring on the verandahs, all recent electrical fittings, all plantings in the gardens except as noted above, the new shed and the chicken run, and the fibro sleepout on the west verandah – all shown in plan A; areas where new development can occur are shown in plan C)

Refer to notes in Items (a) to (j) above.

5. What are the exemptions from the Heritage Act?

Schedule Of Standard Exemptions to Subsection 57(1) of the *Heritage Act 1977*
Made Under Subsection 57(2)

(SEE APPENDIX 1 FOR FULL TEXT)

The following exemptions shall apply to the Item

General Conditions

Standard Exemptions:

- 1: *Maintenance and Cleaning*
- 2: *Repairs to Non-Significant Fabric*
- 3: *Alteration to Non-Significant Fabric*
- 4: *Alteration to Interiors of Non-Significant Buildings*
- 5: *Repair or Replacement of Non-Significant Services*
(Mechanical, Electrical and Plumbing)
- 6: *Non-Significant Telecommunications Infrastructure*
- 7: *Fire Safety Detection and Alarm Systems*
- 8: *Excavation*
- 9: *Painting*
- 10: *Restoration of Fabric That Forms Part of The Significance of The Item*
(Significant Fabric)
- 13: *Vegetation*
- 15: *Signs*
- 18: *Compliance with Minimum Standards And Orders*
- 19: *Safety and Security*
- 20: *Emergency Situations and Lifesaving*

The following exemptions Shall Not Apply to the Item

Standard Exemption 11: Subdivision of Non-Significant Buildings

Standard Exemption 14: Burial Sites and Cemeteries

Standard Exemption 16: Filming

Standard Exemption 17: Temporary Relocation of Moveable Heritage Items

6. What to do with archaeological material?

(e.g. discuss with Heritage Adviser before excavating in any of the areas with potential, as shown on plan B)

The Site is not identified or assessed as having any archaeological potential.

If relics are discovered, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the *Heritage Act 1977*.

Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area.

7. What are the gaps in existing knowledge about the item?

(e.g. don't know what the original roofing was, don't know exact location of old mud brick house, although general location is shown on plan B, don't know if this was the farm where Ben Hall hid in 1861, as rumoured))

There are sufficient records, photographic evidence & previous heritage reports to reliably inform the analysis and policies in this report.

Photo recording should be undertaken of those parts of the building subject to alteration or partial demolition. **Who should receive copies of this document?**

(e.g. one copy with owner, one with Heritage Adviser, one with Heritage Office library – confidential appendix ‘Y’ with owner and local land council only, ‘Z’ with owner and owner’s insurer only – see policy 11 below)

8. If the item is to be open to the public, what are the risks to public safety and how can they be mitigated?

(e.g. the timber lined well, shown on the plan, will have a cover placed over it and a wire netting and star-picket fence erected around it).

9. What are the item’s conservation needs and interpretation requirements?

(e.g. Obtain funding to mitigate dampness in lower weatherboards of southern wall of cottage. Prepare a photocopied brochure about the history of the place, and obtain a Heritage Council ‘SHR’ plaque to attach to front wall next to front door.)

10. Are there any confidential matters to be included in an appendix?

(e.g. ‘Y’ the story and location of a Wiradjuri site near the old shed; and ‘Z’ the owner’s collection of local tokens and promissory notes).

11. Review

(e.g. this plan should be reviewed every five years, in consultation with the local Heritage Adviser, or This plan should be replaced by a formal CMP within the next five years, subject to availability of Heritage Office funding during that period)

Plans attached

(e.g. There are three plans that form part of this document:

Figure 6: Existing Floor Plan

Figure 7: Analysis of Significant Fabric & Outline Schedule of Conservation Works

NOTE

The CMS is recommended for use

- with items of local significance,
- with items of State significance for which no major changes or interventions are planned, in the short to medium term, that have the potential to materially affect the item, and
- as an interim planning document for SHR items pending the preparation of a standard conservation management plan.

A type-specific CMS can be developed for groups of similar types or categories of items – this should be done in consultation with the NSW Heritage Office. Examples might be farm outbuildings, baby health centres, street trees or water supply lines.

APPENDIX 1 to Conservation Management Strategy - 101 Blues Point Road

ORDER UNDER SECTION 57(2) OF THE HERITAGE ACT 1977

Standard exemptions for engaging in or carrying out activities/ works otherwise prohibited by section 57(1) of the *Heritage Act 1977*.

I, Donald Harwin, the Special Minister of State pursuant to subsection 57(2) of the *Heritage Act 1977*, on the recommendation of the Heritage Council of New South Wales do by this Order, effective 1 December 2020:

1. revoke the order made on 11 July 2008 and published on pages 91177 to 9182 of Government Gazette Number 110 of 5 September 2008 and varied by notice published in the Government Gazette on 5 March 2015; and
2. grant the exemptions from subsection 57(1) of the *Heritage Act 1977* that are described in the attached Schedule.

Donald Harwin
Special Minister of State
Signed this 9th Day of November 2020.

SCHEDULE OF STANDARD EXEMPTIONS TO SUBSECTION 57(1) OF THE *HERITAGE ACT 1977* MADE UNDER SUBSECTION 57(2)

General Conditions:

1. These general conditions apply to **all** of the following standard exemptions.
2. These standard exemptions apply to **all** items of **all** values listed on the NSW State Heritage Register or subject to an Interim Heritage Order (termed 'item' or 'items' for the purpose of these standard exemptions), including Aboriginal cultural heritage.
3. These standard exemptions are available to the owner of a listed item or item subject to an Interim Heritage Order, or any person with the consent in writing of that owner, or if the item is situated on Crown Land, as defined in the *Crown Land Management Act 2016*, the lawful occupier.
4. Anything done under the standard exemptions must be carried out by people with knowledge, skills and experience appropriate to the work (some exemptions require suitably qualified and experienced professional advice/ work).
5. The standard exemptions do not permit the removal of any significant fabric. Significant fabric means all the physical material of the place/item including elements, fixtures, landscape features, contents, relics and objects which contributes to the item's heritage significance.

6. The standard exemptions do not permit the removal of relics or Aboriginal objects.

If relics are discovered, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area.

If any Aboriginal objects are discovered, excavation or disturbance is to cease, and Heritage NSW notified in accordance with section 89A of the *National Parks and Wildlife Act 1974*. More information is available at <http://www.environment.nsw.gov.au/licences/ACHregulation.htm>

Aboriginal object has the same meaning as in the *National Parks and Wildlife Act 1974*.

7. Activities/ works that do not fit strictly within the exemptions described below require approval by way of an application under section 60 of the *Heritage Act 1977*.
8. The standard exemptions are self-assessed. It is the responsibility of a proponent to ensure that the proposed activities/ works fall within the standard exemptions.
9. The proponent is responsible for ensuring that any activities/ works undertaken by them meet all Relevant standards and have all necessary approvals.
10. Proponents must keep records of any activities/ works for auditing and compliance purposes by the Heritage Council. Where advice of a suitably qualified and experienced professional has been sought, a record of that advice must be kept. Records must be kept in a current readable electronic file or hard copy for a reasonable time.
11. It is an offence to do any of the things listed in section 57(1) of the *Heritage Act 1977* without a valid exemption or approval.
12. A person guilty of an offence against the *Heritage Act 1977* shall be liable to a penalty or imprisonment, or both under Section 157 of the *Heritage Act 1977*.
13. Authorised persons under the *Heritage Act 1977* carry out inspections for compliance.
14. The standard exemptions under the *Heritage Act 1977* are not authorisations, approvals or exemptions for the activities/ works under any other legislation, Local Government and State Government requirements (including, but not limited to, the *Environmental Planning and Assessment Act 1979* and the *National Parks and Wildlife Act 1974*).
15. The standard exemptions under the *Heritage Act 1977* do not constitute satisfaction of the relevant provisions of the Building Code of Australia for ancillary works.
16. Activities or work undertaken pursuant to a standard exemption must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*.
17. In these exemptions, words have the same meaning as in the *Heritage Act 1977* or the relevant guidelines, unless otherwise indicated. Where there is an inconsistency between relevant guidelines and these exemptions, these exemptions prevail to the extent of the

inconsistency. Where there is an inconsistency between either relevant guidelines or these exemptions and the *Heritage Act 1977*, the Act will prevail.

18. The *Heritage Manual* (1996, Heritage Office and Department of Urban Affairs & Planning) and *The Maintenance Series* (1996 republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) guidelines must be complied with when undertaking any activities/ works on an item. These guidelines are available on the Heritage NSW website.

STANDARD EXEMPTION 1: MAINTENANCE AND CLEANING

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The maintenance of an item to retain its condition or operation.
- b) Application of protection coatings such as limewash, polish, oils and waxes to an item.
- c) Cleaning to remove surface deposits, organic growths or graffiti from an item.

Relevant standards:

- d) Specified activities/ works must not involve removal of or damage to significant fabric.
- e) New materials or finishes may only be introduced to non-significant fabric where this does not impact the significance of the item, uses a colour sympathetic to the item, does not detract from the item and does not reduce the ability to appreciate the item.
- f) Protective coatings may only be applied to surfaces which have previously had these coatings. Existing finishes such as oils and waxes for timber must continue to be used rather than modern alternative protective coatings.
- g) Surface patina important to the item's heritage significance must be preserved during maintenance and cleaning.
- h) Cleaning of significant fabric may only use low-pressure water less than 100 psi and neutral detergents.

STANDARD EXEMPTION 2: REPAIRS TO NON-SIGNIFICANT FABRIC

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Repair (such as refixing and patching) of damaged or deteriorated non-significant fabric.
- b) Replacement of missing, damaged or deteriorated non-significant fabric that is beyond further maintenance.

Relevant standards:

- c) Specified activities/ works must not involve alteration to, damage to, or the removal of, significant fabric.
- d) Only missing, damaged or deteriorated non-significant fabric that is beyond further repair or maintenance may be replaced.
- e) Any new materials must not exacerbate the decay of significant fabric due to chemical incompatibility, obscure existing significant fabric or limit access to significant fabric for future maintenance.

STANDARD EXEMPTION 3: ALTERATION TO NON-SIGNIFICANT FABRIC

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The alteration of an item involving the introduction of new fabric and/or the removal of non-significant fabric.

Relevant standards:

- b) The specified activities/ works must not impact the heritage significance of the item.
- c) Significant fabric of the item must not be impacted.
- d) Relics must not be impacted.
- e) Work must not involve construction of extensions or additions where these may impact the item's setting, views to or from the item, obscure existing significant fabric, impact relics and/or impact significant landscape layout, landscape elements or vegetation.
- f) The positioning and size of walls, windows and doors is not altered.
- g) Significant finishes, surfaces (including flooring) and fixtures must not be impacted.
- h) Any new fabric must be sympathetic to but can be distinguished from the appearance, composition, detailing, size, position and finish of existing fabric.
- i) Non-significant fabric must be identified as non-significant fabric in the listing on the State Heritage Register or the gazetted Interim Heritage Order, or a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or identified as non-significant fabric in written advice prepared by a suitably qualified and experienced heritage professional before it can be removed.

- j) Installation of new fabric must be in accordance with the policies of a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or in written advice prepared by a suitably qualified and experienced heritage professional before installation.
- k) Any new fabric must not impact setting or views to or from the item, obscure existing significant fabric or limit access to existing fabric for future maintenance.
- l) Any new penetrations must be:
 - i. limited in number; and
 - ii. made through non-significant fabric or mortar joints only.
- m) Any excavation must comply with Standard Exemption 8: Excavation.
- n) Any new fabric must not exacerbate the decay of existing fabric or risk the destruction of existing significant fabric due to chemical incompatibility, vibration, percussion or explosive flammability.

STANDARD EXEMPTION 4: ALTERATION TO INTERIORS OF NON-SIGNIFICANT BUILDINGS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Alteration to the interior of a non-significant building.

Relevant standards:

- b) The specified activities/ works to the non-significant building must not impact the heritage significance of the item.
- c) Significant fabric of the item must not be impacted.
- d) Relics must not be impacted.
- e) Work must not involve construction of extensions or additions where these may impact the item's setting, views to or from the item, obscure existing significant fabric, impact relics and/or impact landscape values.
- f) Non-significant buildings must be either:
 - i. buildings identified as non-significant in the listing on the State Heritage Register or the gazetted Interim Heritage Order, or a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or identified as non-significant building in written advice prepared by a suitably qualified and experienced heritage professional, and/or

- ii. buildings constructed since the listing of the item on the State Heritage Register or the publication of an interim heritage order in the Gazette, which applies to the land.

STANDARD EXEMPTION 5: REPAIR OR REPLACEMENT OF NON-SIGNIFICANT SERVICES (Mechanical, Electrical and Plumbing)

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Repair or replacement of non-significant services on or in an item, such as cabling, plumbing and wiring (excluding telecommunications and fire safety systems).
- b) Activities/ works necessary to upgrade or replace existing non-significant lighting fixtures and fittings within buildings/structures and or/affixed to buildings/ structures.

Relevant standards:

- c) The specified activities/ works must not involve alteration to, damage to, or the removal of, significant fabric. The specified activities/ works must not impact significant views and landscape values.
- d) Any excavation must comply with Standard Exemption 8: Excavation.
- e) Any new hardware must not be attached to the primary or significant façade(s) and must be discreetly located to reduce negative visual impact.
- f) Replacement fabric must appear the same, be sympathetic to the item's fabric and unobtrusive.
- g) Activities/ works must use existing service routes, cavities or voids or replace existing surface mounted services.
- h) Reuse of existing fixing points in significant fabric is permitted.
- i) Any new fabric must not obscure significant fabric or limit access to significant fabric for future maintenance.
- j) Any new fabric must not exacerbate the decay of existing fabric or risk the destruction of existing significant fabric due to chemical incompatibility, vibration, percussion or explosive flammability.
- k) Replacement surface mounted services must be the same or less intrusive than the surface mounted services they replace.
- l) Existing service routes and/or conduits may be deleted if the installation can be streamlined into one existing service route, cavity or void.

STANDARD EXEMPTION 6: NON-SIGNIFICANT TELECOMMUNICATIONS INFRASTRUCTURE

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Upgrade or installation of telecommunication infrastructure.
- b) Upgrade of existing telecommunication towers.

Relevant standards:

- c) Activities/work must not involve alteration to, damage to, or the removal of, significant fabric.
- d) The specified activities/ works must not impact significant views to or from the item and landscape values, including landscape or archaeological features.
- e) Any excavation must comply with Standard Exemption 8: Excavation.
- f) Any new hardware must not be attached to the primary or significant façade(s) and must be discreetly located to reduce negative visual impact.
- g) Any new fabric must not obscure significant fabric or limit access to significant fabric for future maintenance.
- h) Reuse of existing fixing points in significant fabric is permitted.
- i) Existing service routes and/or conduits may be deleted if the installation can be streamlined into one existing service route, cavity or void.
- j) There is no increase in height of any existing telecommunication towers or vantage point and no more than a 20% increase in the size of the antenna array on the approved tower or fixing point.
- k) Telecommunications infrastructure must be able to be later removed without damage to the significant fabric of the item.

STANDARD EXEMPTION 7: FIRE SAFETY DETECTION AND ALARM SYSTEMS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Upgrade to, or installation of, a fire safety detection and alarm system. Note: this exemption does not apply to fire suppression systems (for example sprinklers).

Relevant standards:

- b) Fire safety system elements must not obscure, affix to, penetrate, remove or otherwise damage significant fabric.

- c) The specified activities/ works must not impact landscape values or obstruct significant views to and from the item.
- d) Fire safety system elements must not unnecessarily obscure significant fabric, limit access to significant fabric for future maintenance, exacerbate the decay of significant fabric or risk the destruction of significant fabric due to chemical incompatibility.
- e) Reuse of existing fixing points in significant fabric is permitted.
- f) Any fire safety system elements must be:
 - i. not attached to primary façade(s);
 - ii. grouped with existing services where possible;
 - iii. consolidated with existing conduits where possible;
 - iv. discreetly located to reduce negative visual impact while maintaining the need for easy identification and access.
- g) Fire safety system elements must be able to be later removed without damage to the significant fabric of the item.

STANDARD EXEMPTION 8: EXCAVATION

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Excavation or disturbance of land that is:
 - i. for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench, or
 - ii. to carry out inspections or emergency maintenance or repair on underground utility services, or
 - iii. to maintain, repair, or replace underground utility services to buildings, or
 - iv. to maintain or repair the foundations of an existing building, or
 - v. to expose survey marks, or
 - vi. associated with feral animal/insect eradication.

Relevant standards:

- b) Activities/ works must not disturb or remove any relics.
- c) Excavation must not compromise the structural integrity of any heritage structure or significant landscape elements.
- d) Activities/ works must not affect archaeological evidence, for example the archaeology of foundation trench deposits from the time of original construction.

STANDARD EXEMPTION 9: PAINTING

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Paint removal, surface preparation and repainting of the already painted fabric of an item.
- b) Painting non-significant fabric.

Relevant standards:

- c) Activities/ works must not involve the disturbance or removal of earlier paint layers other than those which have failed by chalking, flaking, peeling or blistering.
- d) When painting already painted significant fabric, activities/ works must involve application of an isolating layer, to protect significant earlier layers and provide a stable basis for repainting.
- e) Painting significant fabric must use the same colour scheme and paint type as an earlier or existing scheme.
- f) For removal of earlier failed paint layers, the paint removal method/s used must be verified by a suitably qualified and experienced professional to not affect significant fabric. Paint removal must be immediately followed by recoating using the same colour scheme to protect the exposed surface.
- g) New paint must be appropriate to the substrate.
- h) Painting must not endanger the survival of earlier paint layers.
- i) Painting of non-significant fabric must:
 - i. use a colour sympathetic to the item,
 - ii. not detract from the item,
 - iii. not reduce the ability to appreciate the item.

STANDARD EXEMPTION 10: RESTORATION OF FABRIC THAT FORMS PART OF THE SIGNIFICANCE OF THE ITEM (SIGNIFICANT FABRIC)

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Returning significant fabric, which has been removed or dislodged, to a known earlier location.
- b) Revealing a known earlier significant configuration, including reassembling existing elements or removing non-significant accretions and/or obstructions.

Relevant standards:

- c) The specified activities/work must not involve damage to, or the removal of significant fabric.
- d) The specified activities/work must not introduce new material other than fixings and fastenings.
- e) Any new fixings and fastenings must use existing penetrations where possible.
- f) Any new penetrations must be:
 - i. limited in number; and
 - ii. made through non-significant fabric or mortar joints only.
- g) Work to reveal a known earlier configuration must be guided by historical evidence for the earlier configuration of that item.
- h) Significant fabric must be identified as significant fabric in the listing on the State Heritage Register or the gazetted Interim Heritage Order, or a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or identified as significant fabric in written advice prepared by a suitably qualified and experienced heritage professional.
- i) Revealing a known earlier configuration must be in accordance with the policies of a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or identified as significant fabric in written advice prepared by a suitably qualified and experienced heritage professional.
- j) Non-significant accretions and/or obstructions must be identified as non-significant fabric in the listing on the State Heritage Register or the gazetted Interim Heritage Order, or a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or identified as significant fabric in written advice prepared by a suitably qualified and experienced heritage professional, before it can be removed.
- k) Work must be carried out by a suitably qualified person with heritage experience.

STANDARD EXEMPTION 11: SUBDIVISION OF NON-SIGNIFICANT BUILDINGS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Subdivision under the *Strata Schemes Development Act 2015* (termed Strata subdivision) of the interior of a building that is not of heritage significance and which has been constructed since the listing of the item on the State Heritage Register or the publication of an Interim Heritage Order in the *NSW Government Gazette*.
- b) Subdivision under the *Strata Schemes Development Act 2015* (termed Strata subdivision) of the exterior of an item for car spaces.

Relevant standards:

- c) Strata subdivision under this exemption must not subdivide the curtilage of an item other than for car spaces in an existing area identified for carparking.
- d) Strata subdivision must not involve alterations to the external appearance of the building other than that permitted by other exemptions under the *Heritage Act 1977*.

STANDARD EXEMPTION 12: TEMPORARY STRUCTURES

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The construction or installation of a temporary structure or structures.

Relevant standards:

- b) Activities/ works must not involve alteration to (including penetrations), damage to, or the removal of, significant fabric.
- c) Any excavation must comply with Standard Exemption 8: Excavation.
- d) Temporary structure/ structures may be internal or external to items or buildings.
- e) The temporary structure or structures must not be located where it could:
 - i. damage (including through use of the temporary structure) significant fabric or
 - ii. endanger significant fabric, including landscape or archaeological features, or
 - iii. obstruct significant views to and from the item, or
 - iv. detract from the significance of the item, or
 - v. reduce the ability to appreciate the item.
- f) Existing public access to the item must be maintained and not restricted.

- g) The temporary structure or structures must not be erected for more than 30 consecutive calendar days (inclusive of set-up, pack-down and removal).
- h) No further temporary structure or structures may be erected again on the site, under this exemption within a period of 90 calendar days.

STANDARD EXEMPTION 13: VEGETATION

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Weeding (including poisoning of weeds), watering, mowing, manual clearing of paths and drains, top-dressing, pest control and fertilizing.
- b) New planting of species sympathetic to the item.
- c) Pruning to control size, improve shape, condition, flowering or fruiting.
- d) Removal of non-significant diseased, dying, dead and/or dangerous trees and/or plant material.
- e) Tree surgery.

Relevant standards:

- f) Activities/ works must not alter the significant layout, contours, plant species or other significant landscape features or views.
- g) Pruning of significant vegetation must not exceed 30% of the tree canopy within a period of two years.
- h) Tree surgery may only be performed by a qualified arborist, horticulturist or tree surgeon and must be necessary for the health of those plants.
- i) Selective herbicide should be used when poisoning weeds. Herbicide should be applied using:
 - i. Spot application around significant elements of the heritage item (e.g. ornamental or symbolic plants, remnant native vegetation, structures, exposed relics and moveable items) to avoid adverse impacts to these; and
 - ii. Spraying in non-significant areas of the curtilage.
- j) Removal of diseased, dead, dying or dangerous trees and/or plant material must not disturb archaeological relics (for example through stump grinding or removal of tree boles, in such situations stumps and tree boles should be left in place).

STANDARD EXEMPTION 14: BURIAL SITES AND CEMETERIES

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Creation of a new grave or interment of ashes or continued use of existing family vaults.
- b) Erection of monuments or grave markers (excluding above-ground chambers, columbaria or vaults).
- c) Traditional maintenance activities/ works in accordance with Standard Exemptions for maintenance, repairs and cleaning including:
 - i. re-blackening, re-leading or re-gilding of existing inscriptions; or
 - ii. re-application of traditional coatings such as limewash where these were previously applied.
- d) Addition of memorial inscriptions or attachment of memorial plaques to existing monuments or grave furniture (includes grave markers, grave kerbing or grave surrounds).
- e) Excavation or disturbance of land for carrying out conservation or repair of monuments or grave markers.

Relevant standards:

- f) Existing significant fabric must not be disturbed or removed as part of creation of a new grave or interment or use of existing family vault.
- g) New monuments or grave markers must be in keeping with and not conflict with the existing character of the place, including materials, size, colour and form; however, new monuments and grave markers should be distinguishable on close inspection from the existing monuments and markers.
- h) Additional inscriptions or plaques must be in keeping with the existing size, materials, form, colour and lettering of the original monument.
- i) Additional inscriptions or plaques must not overshadow or obscure the original monument.
- j) Relettering of existing inscriptions must only be carried out to maintain appearance and legibility.
- k) Relettering must only be carried out using traditional methods and materials which are the same as the existing lettering on the monument or grave marker.
- l) Relettering of monuments must not involve re-cutting of existing inscriptions.
- m) Conservation, repair or relettering of monuments or grave markers must be directed, supervised and carried out by a suitably qualified and experienced heritage professional.
- n) There must be no disturbance to human remains, relics in the form of grave goods, associated landscape features or Aboriginal cultural heritage values.

STANDARD EXEMPTION 15: SIGNS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The installation of temporary signs located behind or on the glass surface of a commercial tenancy window.

- b) The installation of temporary real estate signs notifying of an auction, sale or letting.
- c) Removal, repairs or replacement of modern non-significant site interpretation and/or waymarking signs.
- d) The installation of new non-illuminated site interpretation and/or waymarking signs.
- e) Relocation of non-illuminated site interpretation and/or waymarking signs.

Relevant standards:

- f) Temporary signs must not be affixed to significant fabric of the item, internally illuminated or flashing.
- g) Temporary commercial tenancy window signs must be removed within 60 calendar days of erection and temporary real estate signs must be removed within 14 calendar days after the auction, sale or letting.
- h) Temporary signs must not conceal or involve the removal of or damage to significant pre-existing signs.
- i) Replacement interpretation and/or waymarking signs must not exceed the size of the original sign area and must be in the same location.
- j) Installation of new interpretation and/or waymarking signs or relocation or interpretive and/or waymarking signs must:
 - i. not obscure, affix to, penetrate or otherwise damage heritage fabric, including landscape or archaeological features, or obstruct significant views to and from the heritage item. Reuse of existing fixing points is permitted,
 - ii. not be in the form of a mural or artwork,
 - iii. be for the sole purpose of providing information to assist in the interpretation of the item's heritage significance or to navigate the item,
 - iv. be able to be later removed without causing damage to the significant fabric of the item,
 - v. not be of a modular or cantilever structure, or over 2 square metres in size,
 - vi. not be commercial in any way unless in the form of a freestanding flag or banner associated with a building used for a purpose which requires such promotion, for example a theatre, gallery or museum.
- k) Any excavation must comply with Standard Exemption 8: Excavation.

STANDARD EXEMPTION 16: FILMING

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The use of an item as a set or backdrop for filming in a manner that may result in the temporary movement and/or alteration of an item.

Relevant standards:

- b) The specified use of the heritage item as a set or backdrop for filming is permitted for up to 60 calendar days in a calendar year.

- c) Any activities/ works must be temporary, reversible and must have no physical impact to significant fabric, landscape elements and/or archaeological relics.
- d) No permanent activities/ works are to be undertaken to the item.
- e) No painting or special effects are to be physically applied to significant fabric.
- f) Significant fabric must be protected from damage by using bumpers, gaskets and/or matting.
- g) No penetrations into significant fabric are permitted. Clamping or bracing to the item's significant fabric may be used.
- h) Consent must be provided by the owner or lawful occupier of the item to the use of the item as a set or backdrop for filming.
- i) The item must not be moved except as permitted by Standard Exemption 17 - Moveable Heritage Items.

STANDARD EXEMPTION 17: TEMPORARY RELOCATION OF MOVEABLE HERITAGE ITEMS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The temporary relocation of moveable heritage items, including contents, fixtures and objects.

Relevant standards:

- b) The item must be identified as a moveable heritage item on the State Heritage Register or gazetted Interim Heritage Order.
- c) Relocation must only be for the purpose of ensuring the moveable heritage items' security, maintenance or preservation, conservation or exhibition of moveable heritage items.
- d) The moveable heritage items must be returned to their location within 180 calendar days of their relocation (inclusive of packing, moving and transit time).
- e) Maintenance, preservation or conservation activities/ works are not permitted under this exemption. These activities may be covered under other exemptions or may require approval.
- f) The moveable heritage items must be safely stored and adequately protected from damage during any temporary relocation.
- g) An inventory (including photos) and information about the items and their permanent location must be retained with the moveable heritage items in their temporary space.

STANDARD EXEMPTION 18: COMPLIANCE WITH MINIMUM STANDARDS AND ORDERS

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Specified actions required for the purposes of compliance with minimum standards set out in:
 - i. Part 3 of the *Heritage Regulation 2012*, or
 - ii. An Order under section 120 of the *Heritage Act 1977*, or
 - iii. An Order under Schedule 5 Part 1 or Part 2 of the *Environmental Planning and Assessment Act 1979* which is consistent with a submission by the Heritage Council under Schedule 5 Part 4 Clause 3 (Orders affecting heritage items) of that Act.

Relevant standards:

- b) Activities/ works required by an order under the *Environmental Planning and Assessment Act 1979* must be consistent with a submission by the Heritage Council under Schedule 5 Part 4 Clauses 3 of that Act.

STANDARD EXEMPTION 19: SAFETY AND SECURITY

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) The erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access, or to secure public safety.
- b) Emergency stabilisation activities/ works necessary to secure safety where a structure or landscape feature (such as a tree) has been irreparably damaged or destabilised and poses a safety risk to its users or the public.

Relevant standards:

- c) Installation and operation of any temporary equipment specified in a) and b) above must not impact on significant fabric (including landscape or archaeological features) and the item's overall heritage significance.
- d) Any temporary security fencing, scaffolding, hoardings or surveillance systems must not be erected for more than 180 calendar days (inclusive of setup and pack down).

- e) No further temporary fencing, scaffolding, hoardings or surveillance may be erected again on the site, under this exemption within a period of 365 calendar days.
- f) Work must not permanently change or alter the structure such as the configuration of the floor space, or any architectural or landscape features.
- g) Any new penetrations must be:
 - i. limited in number; and
 - ii. made through non-significant fabric or mortar joints only.
- h) Work must not result in an increase in the floor space of any building or structure.

STANDARD EXEMPTION 20: EMERGENCY SITUATIONS AND LIFESAVING

The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the Relevant standards prescribed below.

Specified activities/ works:

- a) Any activities/ works that would be in contravention of subsection 57(1) of the *Heritage Act 1977* that is solely for the purpose of:
 - i. Saving or protecting human life under imminent threat in an emergency.
 - ii. Securing the safety of a ship endangered by stress of weather or navigational hazards.
 - iii. Dealing with an emergency involving serious threat to the environment.
 - iv. Preventing imminent serious damage to property or any heritage item in an emergency.

Relevant standards:

- b) The activities/ works must have been immediately necessary for the identified purposes.¹
- c) The activities/ works were reasonable and justifiable in the circumstances.
- d) The activities/ works were proportionate to the damage the item has suffered and to the risk of further damage. The effects of the activities/ works must be adequately mitigated or remedied.

¹ Incidents likely to cause serious damage and require actions necessary to save or protect life could include: an uncontrolled escape, spillage or leakage of a substance, an uncontrolled implosion, explosion or fire, an uncontrolled escape of gas or steam, an uncontrolled escape of a pressurised substance, exposed live electrical parts, fall or release from a height of any plant, substance or thing, the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be designed or registered (for example a collapsing crane), the collapse or partial collapse of a structure, the collapse or failure of an excavation or of any shoring supporting an excavation, the inrush of water, mud or gas. <https://www.safeworkaustralia.gov.au/doc/incident-notification-fact-sheet>