

# Weir Phillips Heritage and Planning

12<sup>th</sup> July 2023

J4746\_02

**Attention:** **The Trustees of the Roman Catholic Church for the Diocese of Broken Bay on behalf of the Lower North Shore Parish**

c/ Christine Wearne

Per email: max.symonds@metroprop.com.au

**Re:** **Peer Review Heritage Assessment  
St Leonards Catholic Church,  
No. 43 Donnelly Road, Naremburn**

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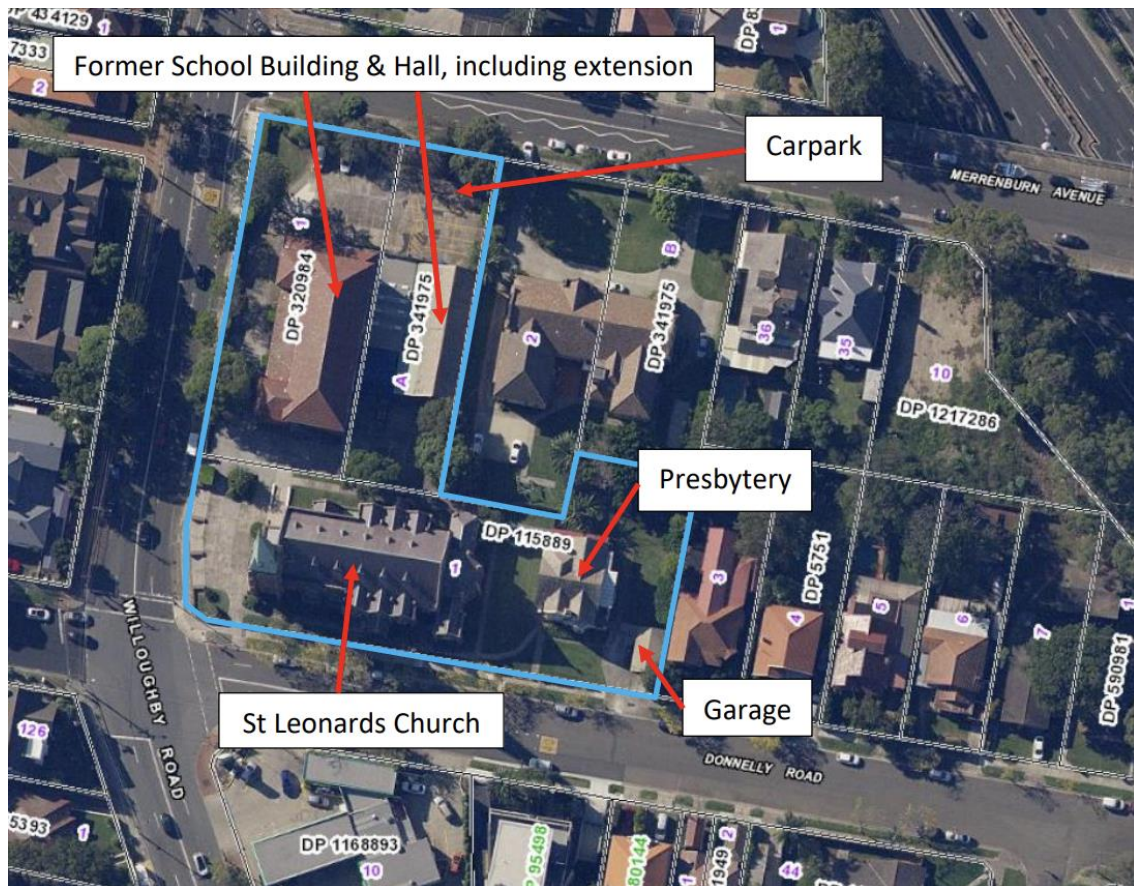
This letter provides a peer review of the heritage assessment prepared by Heritage 21 which has been prepared in response to the Interim Heritage Order (IHO) in conjunction with Development Application (DA 2021/340) for the site at St Leonards Catholic Church, No. 43 Donnelly Road, Naremburn. The land parcels are identified as Lot 1 in DP 115889, Lot 1 in DP 320984 and Lot A in DP 341975. This Peer Review focusses on the assessment of significance relating to the Former School Building and Annex.

The site is located within Willoughby City Council LGA. The principal planning instrument for the site is the *Willoughby Local Environmental Plan 2012* (LEP 2012). Part of the site is listed as a heritage item of local significance as "St Leonards Church (including original interiors) Item No. I160, which includes the Church. The non-listed portion of the site contains the Presbytery, School Buildings and landscape.

There is currently a Class 1 appeal in the NSW Land and Environment Court over the Willoughby Local Planning Panel's refusal of a development application (DA 2021/340) applying to the land located at 43 Donnelly Road, Naremburn. The application sought to demolish buildings associated with a former school, including the annex (School Buildings) and construct a parish hall and multi-dwelling housing, together with alterations to the existing presbytery building (Presbytery) including the construction of a car port within its front setback, subdivision to alter existing lot boundaries (such that, inter alia, the Church and Presbytery be located on separate allotments) and construction of new dwelling adjacent to it. Following the filing of the DA appeal in the NSW Land and Environment in September 2022, a section 34 conciliation conference was held between Metro Donnelly Road Pty Ltd (the developer, in conjunction with the Roman Catholic Church) and Willoughby City Council on the 6<sup>th</sup> of February 2023. Following the termination of the conciliation conference on the 21<sup>st</sup> March 2023, Council imposed an Interim Heritage Order over the entire site at 43 Donnelly Rd, Naremburn except for the land associated with already listed item I160. The Interim Heritage Order was made under the auspices of the *NSW Heritage Act 1977* on the 26<sup>th</sup> May 2023 (NSW Government Gazette No. 227 Planning and Heritage). This is because Council considers that, on further investigation, the portion of the Property that is not presently listed as an item of environmental heritage under the *Willoughby LEP 2012* may be found to have local heritage significance, and that the Council considers that it is being, or is likely to be, harmed.

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The site at 43 Donnelly Road Naremburn, comprising Lot 1 DP 115889, Lot A DP 341975 and Lot 1 DP 320984. Figure 1 below, extracted from the Heritage 21, illustrates the site and the site components.



**Figure 1: The subject site and allotments.**  
*Heritage 21 -Heritage Impact Statement 2021.*

## 1 Peer Review Responsibilities

I have inspected the site externally and internally and have reviewed:

- The Statement of Heritage Impact by Heritage 21 (dated September 2021),
- Original DA Architectural plans by Marchese Partners (dated October 2021)
- The Schedule of Conservation Works by Heritage 21 (dated October 2021)
- Heritage Letter in Response to Council's Request for Additional Information by Heritage 21 (dated 25<sup>th</sup> March 2022)
- Conservation Management Plan by Heritage 21 (dated March 2023)
- Interpretation Strategy by Heritage 21 (dated March 2023)
- Written submission by Heritage 21 (dated 22<sup>nd</sup> May 2023)

I am a heritage consultant and town planner with degrees in architecture, town planning and building conservation. I have been involved in a wide variety of developments, ranging from small scale residential and large-scale commercial, to major state significant development projects for government agencies and local councils throughout Australia. I am recognised as an Expert Witness in the NSW Land and Environment Court.

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## 2 Peer review structure

The following peer review has been prepared in accordance with the NSW Department of Planning and Environment *Peer Review Policy* (July 2022), and includes review of Heritage 21 reports and architectural plans:

- Structure
- Content
- Use of documentary evidence
- Use of physical evidence
- Assessment of significance
- Assessment of proposal

## 3 Peer Review of the Heritage Assessment

The comments below will follow the order of the *Peer Review Policy* (July 2022) Checklist and respond to the findings and recommendations in relation to the heritage significance and proposed development assessment. The column titled as 'Comments' provides both explanation on the respective checklist consideration and component and my views.

Checklist	Component	Comments	Status
Structure	<i>Has the document under review been structured in accordance with the foundational documents to which it refers?</i>	There are several documents produced by Heritage 21. The reports follow the established guidelines set by Heritage NSW.	Sufficient
	<i>Have the report authors been clearly identified, along with their qualifications and expertise to provide the advice contained within the document (including a short CV)?</i>	The author of the reports is noted towards the front of each report.	Sufficient
	<i>Has the location of the item been clearly identified (on plan as well as its real property description), together with any pertinent curtilage?</i>	Location of the site has been clearly identified and supported by cadastral mapping and real property description of the site based on the NSW Land Registry Services in the form of Lot and DP numbers.	Sufficient
	<i>Has the surrounding context been illustrated with plans/maps and photographs?</i>	The initial HIS, ammendedHIS, and Conservation Management Plan provide a detailed description of the site and in particular the former school buildings in the form of site description externally as well as its context supported with relevant photographs and aerial maps showing the areas critical in understanding the existing	Sufficient

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Checklist	Component	Comments	Status
		conditions and fabric of buildings and its relationship with the surrounding buildings.	
<b>Content</b>	<i>Has the research of the documentary and physical evidence been undertaken by the appropriately qualified experts?</i>	The research of the documentary and physical evidence has been undertaken by the Heritage 21 who are qualified experts in both architectural field and heritage conservation.	Sufficient
	<i>Is the authorship limited? If so, those limitations must be identified.</i>	The authorship is not limited.	Sufficient
<b>Documentary Evidence</b>	<i>Are all sources of information used cited? If not, the material in the report cannot be verified and therefore does not pass. Material used in the investigation of documentary evidence must be able to be scrutinized by a peer review process to ascertain that the information quoted has not been misconstrued or taken out of context.</i>	<p>The report is thorough and comprehensive in terms of documentary evidence providing adequate citing for all primary and secondary resources. Heritage 21 has sourced documentary evidence from the Church Archives to provide a more complete history of the site.</p> <p>Additional documentary evidence is based on primary sources including certificates of land title, subdivision plans, rate and assessment books, aerial maps, original drawings and newspaper articles.</p> <p>The analysis of the school buildings contained in the amended HIS and CMP provide for a detailed historical analysis of the School buildings development over time. This analysis provides the basis for a detailed assessment of integrity in terms of remnant fabric associated with the 1936/1937 School Buildings. This analysis indicates that the school buildings are in poor condition and is of low integrity as an Inter-war era School building.</p>	Sufficient
	<i>Have all the appropriate sources been used?</i>	The ownership history and construction dates of the buildings are well documented. The amended HIS outlines the evolution of the St Leonards School from its inception on Market Street site in 1894 to its closure on the current site on Donnelly Road in 1966 provides a detailed breakdown of	Sufficient

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Checklist	Component	Comments	Status
		<p>detailed analysis of the building changes over time.</p> <p>Photographs of the interior and exterior of the dwelling have been included in all reports.</p>	
	<i>Are all the sources secondary sources?</i>	No. There are use of both primary and secondary sources in the production of the reports.	Sufficient
	<i>Have primary sources been used (e.g., land title records)? Primary sources should take precedence over secondary sources as the basis for factual information.</i>	Primary sources have been consulted in the preparation of the report. These include, Church Archives, Land title records, other government documents, maps etc	Sufficient
	<i>Have relevant aerial and contemporary photographs been sourced, examined and their evidence explained in the report?</i>	Section 2.2.4 of the CMP provides a detailed analysis of the site of historic aerial photographs between 1943 to 2005. An additional graphic analysis of the site development over time (prior to aerial photography) is provided in Section 3.2 of the amended HIS which provides a detailed overview of the site, and illustrates that there is no association of the school with the 1894 shop.	Sufficient.
	<i>Have the current statutory planning controls (LEP) and non-statutory controls (DCPs, Area Character Statements, etc.) been examined and their constraints/opportunities been cited and assessed?</i>	The report examines all statutory and non-statutory instruments applicable to the site and its wider context then establishes the heritage listings and planning areas applicable to the surrounding area.	Sufficient.
	<i>Have all statutory and non-statutory Registers and lists been consulted and the results of that consultation stated (i.e. is the place on the list or not on the list)? If these elements are missing, the peer review would</i>	A summary of all existing statutory and non-statutory heritage is contained in Section 1.3 of the HIS 2021.	Sufficient

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Checklist	Component	Comments	Status
	<i>note such omissions, misinterpretations or misconstructions.</i>		
<b>Physical Evidence</b>	<i>Does the document include an analysis of important views to, from and within the site or landscape?</i>	Section 3.3 of the CMP provides and analysis of the view corridors towards the site. This analysis indicates that the site is most visible from Willoughby Road.	Sufficient
	<p><i>Have accurate documents been prepared to inform the inspection and recording of the physical evidence?</i></p> <ul style="list-style-type: none"> <li>• <i>Such documents may include measured drawings for built structures or sketches of the site showing significant vegetation, site hard works, and other site features.</i></li> <li>• <i>Are all rooms shown accurately in terms of size and placement?</i></li> <li>• <i>Are there elevations of the exterior of the building and relevant cross-sections through the building?</i></li> <li>• <i>Are all building elements shown accurately (e.g. window and door openings, wall thicknesses, roof and floor construction and sizes, joinery details such as architraves, skirtings and cornices, materials of construction – where visible)?</i></li> </ul>	<p>The authors of the report consulted the Church Archives to source early photographs and sketches of the site. While no original plans for the Church have been sourced, historic photographs and maps provides enough detail to understand the historical development of the site.</p> <ul style="list-style-type: none"> <li>• Plans of the St Leonards Church, St Leonards School and the Presbytery with a detailed analysis of each site and surroundings in Section 3 of the CMP.</li> <li>• The majority of rooms are shown accurately in size and placement.</li> <li>• Section 5.7 of the CMP provides floors plans and elevations of the buildings. There are no sectional drawings in the reports as the detailed photographs of the buildings provides enough information to form an assessment of historic fabric.</li> <li>• The CMP provides an analysis internal and external elements architraves, skirtings and cornices, materials of construction.</li> </ul>	Sufficient

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Checklist	Component	Comments	Status
	<i>Is there a site plan that shows the buildings in relation to the boundaries of the site, the main trees and shrubs as well as any garden beds, paths, retaining walls, etc?</i>	There is no site survey contained within the report, however, the cartographic map and extensive site photographs provide for an understanding of the site conditions	Sufficient
	<ul style="list-style-type: none"> <li><i>Are there current, comprehensive photographs of the site and its important elements?</i></li> <li><i>Have these photographs been appropriately cited with regard to photographer and date as well as being indexed to the site and floor plans in terms of their location?</i></li> </ul>	The report contains a comprehensive set of photographs of both the interior and exterior. Photographs are appropriately cited. The photographs are not indexed on floor plans but the caption descriptions give an indication of their location within the building.	Sufficient
	<i>Is there an analysis of critical relationships within the broader setting, particularly in a conservation area?</i>	Section 3.0 of the original HIS provides an analysis of the broader context of the site in the surrounding area. The site is not located within a HCA.	Sufficient.
	<i>If these elements are missing, the peer review would note such omissions, misinterpretations, or misconstructions.</i>	See above.	See above.
<b>Assessment of significance</b>	<p><i>Have the recommended processes and procedures to assess significance been followed? These are:</i></p> <ul style="list-style-type: none"> <li><i>based on an impartial assessment of the documentary and physical evidence of a place or item, the synthesis of that evidence; and</i></li> </ul>	<p>The amended HIS and CMP provides for a detailed heritage assessment of the site. The amended HIS provides for a more details analysis of the remnant original fabric of the former School buildings and grades the fabric from “exceptional to intrusive” using the following factors to determine this ranking:</p> <ul style="list-style-type: none"> <li><i>Relative age</i></li> <li><i>Original design quality</i></li> <li><i>Degree of intactness and general condition</i></li> <li><i>Extent of subsequent alterations</i></li> </ul>	Sufficient.

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Checklist	Component	Comments	Status
	<ul style="list-style-type: none"> <li><i>the production of a succinct statement of significance from which policies for the management of the place flow.</i></li> <li><i>If the assessment has not demonstrated use of NSW criteria or has not demonstrated them in the Statement of Significance, the peer review would note this.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Association with important people or events</i></li> <li><i>Ability to demonstrate a rare quality, craft or construction process</i></li> </ul> <p>The report is based on an impartial assessment of the documentary evidence of the item and forms a succinct statement of significance for the item and other site items.</p>	
	<i>Is the assessment of significance a dispassionate assessment of significance having been undertaken without being prejudiced by supporting a particular development?</i>	As outlined above, the report has not reproduced the assessment of the item. The assessment of remnant fabric is a dispassionate assessment of the site significance.	Sufficient
	<i>Has the document thoroughly synthesized the documentary and physical evidence into an understanding of the significance and functioning of the place?</i>	The original HIS, amended and CMP have thoroughly synthesised the available documentary evidence to understand the significance of the site.	Sufficient.
	<i>Has the evidence enabled an understanding of the growth and development of the place?</i>	The evidence presented provides an understanding of the site and its development from Merrenburn House to a Church with School and Presbytery. A detailed analysis of the school's building fabric and the alterations and additions have reduced integrity of the site as a result.	Sufficient.
	<i>Does the analysis follow the method in the NSW Heritage Manual with respect to assessment against the standard NSW assessment criteria?</i>	The CMP provides an updates significance assessment for each element of the site. The analysis follows the NSW Heritage Manual Assessment.	Sufficient



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Checklist	Component	Comments	Status
	<i>Have the assessment criteria been aggregated to form a succinct Statement of Significance?</i>	The criteria have been aggregated to form a succinct statement of significance for the site concluding that Church, Presbytery and grounds have significance at a local level. The school buildings are not considered to meet the criteria for listing as the simplicity of construction, the lack of rarity and various alterations and additions over time have reduced its significance has part of a church group.	Sufficient
	<i>Has the physical fabric of the place been examined in order to assess its level of significance and to determine its condition?</i>	The information included in the CMP provides a detailed analysis of both condition and significance of both external and internal integrity.	Sufficient
<b>Curtilage</b>	<i>Has a curtilage review been undertaken, which considers the existing curtilage and determines whether it is appropriate and includes all of the significant elements?</i>	The report acknowledges that each aspect of the site contributes to the curtilage of the site. The significant assessment provided indicates that due to a variety of factors, the Church and Presbytery are of higher significance than the former school buildings. As such, the curtilage of the listing should be expanded to cover the Presbytery as part of the local heritage listing.	Sufficient

## 4 Summary

### *St Leonards Catholic Church and Presbytery*

In summary, the reports by Heritage 21 provide a thorough historical assessment of the proposal at St Leonards Catholic Church 43 Donnelly Street, Naremburn. The reports follow Australia ICOMOS Charter for Places of Cultural Significance, 2013, known as The Burra Charter, and the Heritage NSW (formerly the Heritage Office in the Heritage Division) publication, NSW Heritage Manual the *NSW Heritage Manual with respect to assessment against the standard NSW assessment criteria* and Heritage NSW CMP guidelines.

Weir Phillips Heritage and Planning concurs with the assessment that the Church should maintain its listed status. The further research has determined that the Presbytery also possesses historical significance, as supported by the supplementary report provided by Heritage 21, which includes additional historic research, a detailed fabric survey, and a revised assessment of its significance for this building. The conclusion from this research is quoted below:

*The presbytery located to the east of the St Leonards Church as constructed in 1918-1919 and has largely retained its original form and features intact architectural features like the slate tiled roof, roughcast rendered masonry walls, timber doors and windows with leadlight glazing and pointed arched openings which are representative of the Gothic*

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*architectural style. The presbytery is a fine example of its type and demonstrates representative qualities. The presbytery however does not have potential to yield new or further information regarding its architectural style.*

The recognition that the St Leonard Catholic Church maintains its listing on the LEP 2012, and that the Presbytery reaches the threshold for local listing is therefore supported. The LEP should be amended accordingly to accommodate this the expansion of the heritage listed curtilage of the site.

## *Former School Building and Annex*

The CMP of March 2023 offers a detailed analysis of the former School Building complex, presenting an updated history and heritage assessment. The assessment indicates that there is no historical evidence linking the school building to a shop dating back to approximately 1900, which was believed to have existed on the site. Construction of the school building and its annex took place between 1936 and 1937. A thorough examination of the site and a comprehensive analysis of alterations and additions reveal adaptations made to both the interior and exterior of the building to accommodate changing requirements in the field of education. Consequently, the buildings currently demonstrate a diminished level of integrity in comparison to similar school halls in the district.

The reports also outline several reasons behind the cessation of operations at St Leonards Primary School in 1996. Although not a specific assessment criterion, understanding this information helps determine the heritage significance of the site. These factors include a decline in student enrolment, reaching a level that was no longer conducive to effective learning. Additionally, the school encountered difficulties in attracting high-quality staff due to the low student population. Furthermore, the physical structures of the school were in a deteriorated and outdated state, necessitating substantial renovations and redevelopment. Since that time, the building has been used intermittently, with its condition deteriorating, as indicated in the CMP's condition assessment.

Considering the information presented above, Heritage 21's Statement of Significance provides a concise summary of the significance of the previous school structure and its annex. The statement asserts that these former school buildings possess minimal historical value, lack aesthetic significance, are not uncommon, and fail to demonstrate noteworthy creative or technical accomplishments. Consequently, they do not meet the criteria established by Heritage NSW for inclusion as heritage items. Weir Phillips Heritage and Planning concurs with this evaluation, affirming that the former School Building and its annex do not meet the requirements for heritage listing.

## *General Discussion*

The Church currently has the opportunity to address its current and future requirements in a comprehensive manner with a planning scheme which would enable them to meaningfully address and fund their accommodation requirements for its growing congregations, ministry and outreach. It is important to consider the Church's place within the broader urban context of Naremburn/Crows Nest. This context will undergo a radical transformation in the following the completion of the new Crows Nest Metro Station in 2024 which will see increase the density of development around the train station and town centre.

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This projected growth has the potential to have impacts on the Church that are physical, spiritual, and service based. The setting of the Church is also set to change. The Church is looking to the future in terms of how it caters for the growth of its diverse congregations. This includes the active consideration of providing a range of spaces suited to the worship requirements of the various congregations and the ability for those spaces to serve them. The Church must consider how these communities will evolve over time and whether new communities will emerge who will also require space for their services and for important religious, cultural and community events. The introduction of new housing and jobs has the potential to further swell the congregation of the Church. While new worshippers may be able to join the existing congregations, the influx of people also has the potential to create completely new congregations. New service requirements will arise from the increase in pastoral care that the Church offers to the community. Increased space and new office facilities will be required to fulfil these services.

The most significant element of a church is not its buildings, but its congregation. If a building associated with the Church is not of high historic or architectural merit, as is the case on this site, then a strong argument can be made for its removal and replacement with a building fit for purpose and provide for additional funds to support the Church's ongoing function. The mitigation measures expressed in the sympathetic design of the new townhouses and comprehensive Heritage Interpretation Strategy by Heritage 21 adequately address any impacts associated with the demolition of the former School and annexe.

I consider that the amended Heritage Impact Assessment and updated Heritage Assessment of the former School Buildings and annexe in CMP by Heritage 21 follow the required methodology, and the assessment of the existing site conditions are in line with the considerations outlined in the NSW Peer Review Policy, and provides reasonable conclusions, which are supported for the reasons explained above.

Please do not hesitate to contact me on 02 8076 5317 if you have any questions.

Yours faithfully,



**Anna McLaurin** | Senior Associate