



Caro Estate Flats, 2-4 Blue Street and 1-5 William Street, North Sydney

DA 47/2020: Demolition of all structures, bulk excavation, tree removal and construction of a 10-storey commercial building with basement parking.

HERITAGE REFERRAL

Prepared for: North Sydney Council

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1. Introduction

North Sydney Council has engaged this firm to undertake a review of the current Development Application DA 47/2020 for the demolition of all structures, bulk excavation, tree removal and the construction of a 10-storey commercial building with basement parking at Nos. 2-4 Blue Street and 1-5 William Street, North Sydney.

The subject site currently contains five, three storey, residential flat buildings with car parking facilities and landscaping, referred to collectively as the Caro Estate Flats.

This report addresses only matters in relation to the potential heritage impacts of the proposal and the heritage provisions of the *North Sydney Local Environmental Plan 2013* and *North Sydney Development Control Plan 2013*.

The Caro Estate Flats are not listed as heritage items in Schedule 5 of the *North Sydney Local Environment Plan 2013* and are not located within a Heritage Conservation Area.

The site was inspected by Sean Johnson and Kate Denny on the 27th May, 2020. This report was prepared by Kate Denny, Jessica Kroese and Sean Johnson of this office.

1.1. Description of the Site and the Locality

The Locality

The Caro Estate Flats are located on the northern corner of the intersection between Blue Street and William Street, at south-western corner of the North Sydney CBD, adjacent to an educational precinct to the west and residential areas to the south (refer to Figure 1).

The subject property is located on land that slopes steeply down to the south and east. Existing development to the west and north is at a slightly higher level, while development to the east and south is located at substantially lower levels.

To the north, northeast and east northeast of the subject property are high-rise contemporary commercial and residential buildings, directly to the west and southwest on the opposite side of William Street is the Shore School (Sydney Church of England Grammar School) complex and directly south on the opposite side of Blue Street is the St. Peter's Presbyterian Church complex. Further to the south of the church complex, along William and Miller Streets, the area generally consists of Inter war residential flat buildings and late Victorian terrace housing.

The Subject Property

The Caro Estate Flats, located at Nos. 2-4 Blue Street and 1-5 William Street is located across five separate allotments, within which each one flat building is located. The real property definitions of the allotments are: Lot 4 DP 18103, Lot 5 DP 18103, Lot 6 DP 18103, SP 16506 and SP12328 (refer to Figure 2).

The four flat buildings located Nos. 2-4 Blue Street and Nos. 1-3 William Street were constructed between 1938 and 1939, designed by architects J.E. and E.R. Justelius and N.D. Frederick. The northern-most flat building at No. 5 William Street was a later addition constructed in 1941 by a different designer (unknown at this time). Although built in successive years on separate allotments, the two pairs of 3-storey brick flat buildings at Nos. 2-4 Blue Street and Nos. 1-3 William Street were obviously designed as a group.

Fronting Blue Street to the south, the complex is accessed via a double archway between Nos. 2 and 4 Blue Street, leading into a central shared courtyard area. The name "Conway Court" is located above the arched entries. The front doors to these two buildings face each other across the courtyard. No. 1 William Street forms the northern enclosure to the courtyard and is sited at a higher ground level, accessed via steps in a stone clad retaining wall. The shared open spaces between the southern three blocks has been consolidated and made as usable as possible by means of retaining walls, brick planter beds, stone crazy paving and restrained landscaping.

No.3 William Street is located to the rear (north) of No. 1 William Street and is not accessible from the central courtyard. The front entry to No. 3 William Street is on its northern façade, and when originally constructed, the entry would have been visible looking south down William Street.

Car parking is provided within three garages located at street level under No. 4 Blue Street and additional on-site parking is available via William Street on the western side of No. 3 William Street.

The group of four residential flat buildings are constructed of brown brick with concrete floors and flat roofs. Their massing was carefully broken up in a complex composition of steps, bays, rounded corners parapets and chimneys.

Stylistically the buildings are a mixture of Moderne, Modernist and Art Deco motifs. The rounded corners, horizontal streamlining and ocean liner railings are Moderne motifs, while the asymmetrical side elevations, large areas of glass blocks and corner windows of the northern pair (William Street flat buildings) are Modernist. The symmetrical Blue Street elevations with their rounded corners and stepped vertical fins show more old fashioned (for the day) Art Deco influences.

Windows are mainly double hung timber sashes with horizontal glazing bars but the rounded corners of the Blue Street blocks had steel framed windows. These still remain in the northern elevations but have been replaced in aluminium on the Blue Street façade. Over the common entrances there are semi-circular concrete awnings and full height vertical bands of continuous glass blocks.

Apart from the insertion of unsympathetic aluminium framed windows in less than half the original openings, the buildings are mainly intact externally.

Interiors of two flats were inspected: the south-eastern first floor flat of No. 2 Blue Street and the corresponding flat in No.4 Blue Street. In both, the original layout was intact. Kitchens and bathrooms were modernised but otherwise original features remained including moulded timber architraves and skirtings, decorative brick fireplaces, built-in shelving and cupboards. Cornices consist of picture rails set with a shadow groove just below the ceiling.

The common stairways and halls in each flat building have terrazzo floors and stylish steel railings. Entrance doors to the units have been replaced with veneered fire-resisting flush doors. Incinerator hatches remain in the stairwell.

The flat building at No.5 William Street was built in 1941, two years after the complex of four residential flat buildings directly to the south. It is of textured brick with a pitched tiled roof and by an unknown designer (probably the builder). There are some superficial similarities between this block and the earlier flats but the later building lacks the design sophistication and interest of the earlier buildings.

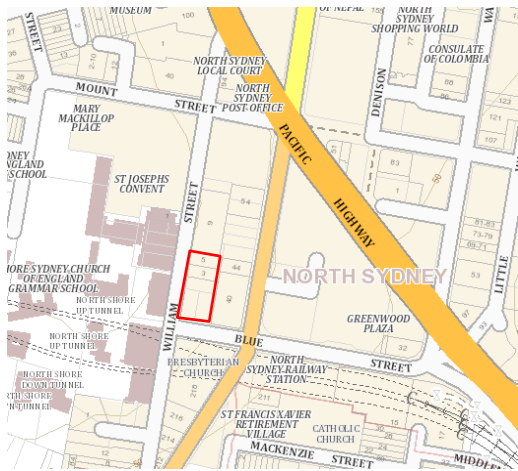


Figure 1: Street map showing location of subject property (outlined in red). Source: NSW Spatial Services, SixMaps

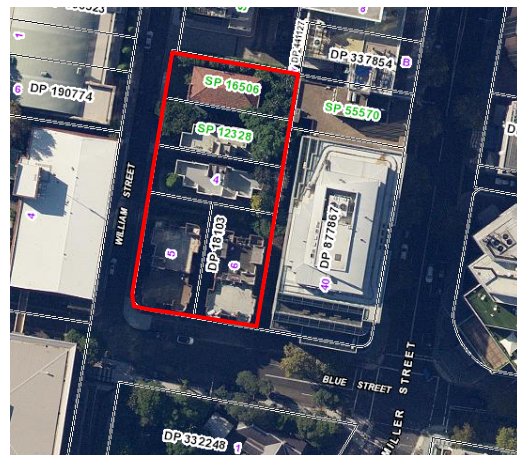


Figure 2: Aerial view of the subject property showing the cadastral boundaries of the allotments (outlined in red). Source: NSW Spatial Services, SixMaps



Figure 3: Nos. 2-4 Blue Street, North Sydney



Figure 4: No. 1 William Street, North Sydney

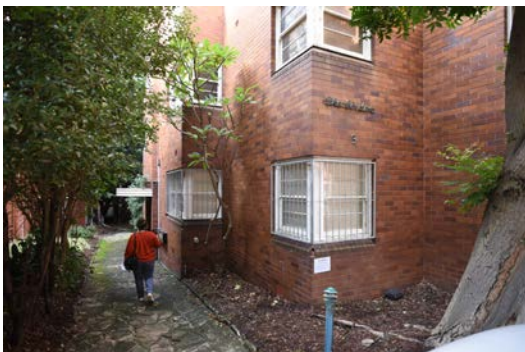


Figure 5: No. 3 William Street, North Sydney



Figure 6: No. 5 William Street, North Sydney

1.2. Heritage Status and Significance

The Caro Estate Flats at Nos. 2-4 Blue Street and Nos. 1-5 William Street, North Sydney are not listed as a heritage item. It is noted however, that the properties are featured on the North Sydney Council website: <http://www.athomeinnorthsydney.com.au/blue-street-flats.html>.

The properties are not located within a statutory Heritage Conservation Area and are not identified as being Contributory Items.

The property is not an identified Archaeological site and is not a recognised Aboriginal place of heritage significance.

The subject property is located within the vicinity of a number of heritage items, including:

- I0782: Shore Sydney Church of England Grammar School.
- I091: St Joseph's Convent School and Chapel
- I0792: St Peter's Presbyterian Church Manse
- I0793: St Peter's Presbyterian Church and grounds
- I0892: Greenwood (former North Sydney Technical High School).
- I0953: North Sydney Post Office and court house (former police station).
- I0349: St Francis Xavier Church
- I0350: St Francis Xavier School Hall.

2. The Proposal

Development Application DA 47/2020 seeks to demolish the existing five residential flat buildings at Nos. 2-4 Blue Street and Nos. 1-5 William Street, North Sydney and construct a new ten storey commercial building with basement car parking.

In preparing this Heritage Referral, the following documents have been reviewed:

- Statement of Heritage Impact, prepared by Urbis, dated 2nd March 2020;
- Statement of Environmental Effects, prepared by Ethos Urban, dated 10th March 2020;
- Concept Design Report and View Impact Analysis, prepared by Woods Bagot, dated March 2020;
- Statement of Environmental Effects, prepared by Ethos Urban, dated 10th March 2020;
- Architectural Drawings, prepared by Woods Bagot, date 4th March.

3. Heritage Impact Assessment

The following heritage related provisions under the *Environmental Planning and Assessment Act 1979* apply to the subject properties.

3.1. North Sydney Local Environmental Plan 2013

An assessment of the proposal with reference to the following clauses of the *North Sydney Local Environmental Plan* (NSLEP) 2013 has been made as follows:

Clause 5.10 Heritage Conservation

The relevant clauses for consideration in relation to the proposal are as follows:

Clause 5.10 (1) Objectives

The objectives of this clause are as follows:

- a) to conserve the environmental heritage of North Sydney,*
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- c) to conserve archaeological sites,*
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Clause 5.10(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

In considering the effect of the proposal on the heritage significance of heritage items within the vicinity of the subject property, the demolition of the four original flat buildings at Nos. 2-4 Blue Street and Nos. 1-3 William Street will have a negative impact on the setting of nearby heritage items and will diminish the historic character of the locality directly to the south of the subject properties.

Numerous local heritage items are located within the immediate vicinity of the subject properties and the Lavender Bay Heritage Conservation Area (C12) envelopes the site to the south and east. The “Education Precinct” of the Lavender Bay Heritage Conservation Area, defined by Shore School is located directly to the west on the opposite side of William Street.

The location of the subject properties at the intersection between the North Sydney CBD and the Lavender Bay Heritage Conservation Area has resulted in the subject properties being enveloped on their northern and eastern sides by contemporary, high-rise mixed development.

The residential flat buildings at Nos. 2-4 Blue Street and Nos. 1-3 William Street are of historic character and are notable remnants of the Inter-war development of the south-western portion of the central business district (CBD) of North Sydney, that has been eroded throughout the latter half of the 20th century by the gradual encroachment of large scale, commercial development to the east and north.

Currently, the subject properties provide a physical and visual buffer or transition between the lower scale, historic character of the Lavender Bay Conservation Area and the contemporary commercial development of the North Sydney CBD.

The role that the Caro Estate Flats plays in the broader urban-scape of the southwest corner of the North Sydney CBD is considered to be important for providing a “softer” transition between the conservation area and the CBD, ensuring that contemporary development does not encroach further to the south into the conservation area and as the last vestige of Inter-war development that was once the defining character in this area of the North Sydney CBD. The demolition of the Caro Estate Flats will remove the buffer that they provide between large scale contemporary development and the lower scale historical development of the conservation area and local heritage items to the south, and this will result in a negative impact on the significance of the adjacent Lavender Bay Conservation Area and the surviving historic character of the immediate locality to the south.

The proposed development will result in a negative effect on the heritage significance of the adjacent Lavender Bay Heritage Conservation Area.

The construction of a 10 storey commercial building at the subject site has the potential to have a negative impact on the heritage values, amenity and setting of heritage items in the vicinity, most particularly St. Peter's Presbyterian Church and Manse, located directly to the south.

As discussed above, the Caro Estate Flats are currently a buffer or transition between the large scale commercial development of the CBD and the lower scale historical character of the adjacent conservation area. Their proposed demolition and the construction of a new high rise commercial development will result in visual encroachments into the setting of the St. Peter's Church complex of buildings, as well as potential increases in overshadowing over the church and manse.

As outlined in Table 3 of Section 5.2 Environmental Planning Instruments of the Statement of Environmental Effects accompanying the application, the proposed development seeks approval for a built form which exceeds the maximum building heights as per Clause 4.3 of the *North Sydney Local Environmental Plan 2013*.

The proposed height of the new building will result in the reduction of blue sky views of the church and manse currently available from Blues Point Road and the adjacent Saint Peter's Park will be reduced. Within the context of a dense urban environment, blue sky (or open air) above and behind a heritage item should be considered as being part of the historical setting of the place. The absence of contemporary, tall buildings encroaching into views of a heritage item provides a number of benefits to the understanding and appreciation of that heritage item, including:

- Imparts a sense of respect. The building and its immediate setting have been retained despite increased development within the vicinity of the item.
- Reinforces the historic character of the place by clearly not relating to the scale of surrounding contemporary development. This difference is an indicator that the item was built before modern standards, styles and requirements for city buildings developed.
- Introduces a sense of space into a locality that may be densely developed by tall tower blocks.
- Can serve to maintain the landmark nature of an historic building within the broader city scape.

As demonstrated in the figures below (refer to Figures 7 and 8), St. Peter's Church complex benefits from the absence of large scale development directly to the north and northwest, however the proposed construction of a 10 storey building will substantially decrease the open sky views currently available from the southeast and thereby will diminish the significance of the setting of the place.



Figure 7: Current street view of St. Peter's Presbyterian Church and Manse as seen from Blues Point Road looking northwest with open sky behind. Source: GoogleMaps, Streetview (June 2020)



Figure 8: Photomontage provided for in the Design Concept Report, prepared by prepared by Woods Bagot, dated March 2020, pg. 18 showing loss of open sky behind St. Peter's Church manse as a result of the proposed development.

Based on the shadow diagrams provided within Section 4.22 Solar Access of the Concept Design Report accompanying the application, during the winter solstice, substantial additional overshadowing will occur as a result of the proposed development to the north and western elevation of both St. Peter's Church building and the adjacent manse.

Overshadowing of a heritage place impacts on the amenity of a property and diminishes the appeal and sometimes the practicality of a place to continue to be used. The follow-on negative impact of this situation is that once the use of a place of cultural significance is considered to be no longer viable, the ongoing care, maintenance and conservation of the place is less likely to occur.

No elevational shadow diagrams have been provided to identify what windows or openings or usable areas of these buildings or the church site itself will be impacted on by additional overshadowing as a result of the proposal.

Based on the shadow diagrams provided, it is considered that the proposed will result in an unacceptable level of overshadowing during the winter solstice, with additional overshadowing impacting on the church building from 12.00 midday to 1.30 pm and on the manse from 12.00 midday to 2.00pm.

Due to the height of the commercial development located to the northeast of the St. Peter's Church complex, and the height of the development along the eastern boundary of Shore School to the west, solar access appears to be only available to the church complex between the hours of midday and 2.00pm in winter and the current proposal will result in the removal of all available sunlight to this adjacent heritage item.

The proposed development will result in negative effects on the significance of the adjacent local heritage item of St. Peter's Presbyterian Church and Manse.

3.2. Applicant's Statement of Heritage Impact

Clause 5.10(5) Heritage Assessment

Under subclause (5) the consent authority may, before granting consent to any development—

- a) on land on which a heritage item is located, or*
- b) on land that is within a heritage conservation area, or*
- c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The applicant's heritage consultant, Urbis, prepared the Statement of Heritage Impact (SoHI) dated 2nd March 2020, accompanying the development application.

The SoHI seeks to justify the demolition of the existing flat buildings located on the allotments by undertaking a significance assessment establishing that the existing properties do not possess heritage value. These justifications are based on the following contentions:

1. Criterion (a) Historical Significance:

"The wider Caro Estate has since been heavily developed due to being located within the boundaries of North Sydney's CBD and the context of the site has been eroded, such that the subject site presents as an isolated pocket of mid-twentieth century development."

The SoHI contends that the subject properties do not meet the threshold for Criterion a) Historical Significance on the basis that their setting has been so altered that it can no longer provide evidence of a particular historical period. The report does not, however, explain what the earlier setting consisted of. An (undated) aerial photograph is included (Figure 64 p.34) which shows the subject properties with a vacant site to the east, indicating perhaps that this enclave of flats was always somewhat isolated.

The setting around the subject properties has no doubt much changed from a residential area to a more commercial one, with mid- to high-rise contemporary commercial buildings and amalgamation of previously subdivided allotments. However, of the 12 sites offered as part of the Estate, the subject 6 (half) still remain, forming a substantial part of the 1937 subdivision. It could be argued that, since the subject allotments are the only remaining evidence of the Caro Estate subdivision, with each building occupying one allotment, this makes them of greater importance.

The visual setting of the place has been altered by the dominance and proximity of a number of large scale contemporary commercial buildings in the vicinity. However, the prominent location of the Caro Estate Flats on the corner of Blue Street and William Street, opposite St Peter's Presbyterian Church complex, means that the subject properties Nos. 2-4 Blue Street remain highly visible from the south from William Street and from the east from Blue Street.

The existing setting of the place does not diminish from the historical significance of the place as the substantial remnant of the Caro Estate subdivision evidenced in the cadastral boundaries and the age, form and style of the four principal residential flat buildings in the group, being Nos. 2-4 Blue Street and Nos. 1-3 William Street.

The inclusion of the Caro Estate Flats as an example of 'apartment living being "democratised"' in the website *At Home in North Sydney: An Architectural History of a Locality* is further evidence that the subject properties do in fact possess sufficient historical significance to meet the threshold as they are evidence of a historical phase in the history of North Sydney.¹

2. Criterion (b) Historical Associations:

"The subject has no known significant associations. Whilst (the association with the Justelius') exists, it is not demonstrated to be a significant association."

The SoHI notes the comments of North Sydney Council Historian, Ian Hoskins in regards to the Functionalist style of the flats, designed by architects James Edward (father) and Edward Rueben (son) Justelius who, "were well practised in this idiom as they worked regularly for the brewer Tooheys Ltd designing similarly-styled pubs such as the Blues Point Hotel, built at this time just a short distance away in Blues Point Road, and the Kirribilli Hotel which is also contemporary. Both of these hotels survive."

The SoHI also acknowledges that, while the Justelius' were known for the Inter War Functionalist Style, "they were better known for their design of pubs, not residential flat buildings."

Criterion b) Historical Associations as defined in the publication *Assessing Heritage Significance*, NSW Heritage Office, 2001, notes that an item is considered to be of Historical Associational significance if it has a strong or special association with the life or works of a person of importance in the cultural history of the local area. It should be noted that there is no requirement for the item itself to be considered a representative example of the architects' work.

The question therefore is whether or not the architectural firm of J.E. and E.R. Justelius and N.D. Frederick is of importance.

¹ <http://www.athomeinnorthsydney.com.au/blue-street-flats.html>.

Further information regarding J.E. and E.R. Justelius is provided for in the State Heritage Inventory listing for the commercial building “Minton House”, 78-80 Darlinghurst Road, Potts Point (database no. 2431094). The inventory notes that an entry for J.E. Justelius in the *Cyclopaedia of New South Wales* was responsible for the design of 12 churches, a refuge home in Kent Street and hotel, with domestic architecture forming the largest part of their work. It is further noted that the work by Justelius and Fredericks architects indicate a competency in the architectural vernacular of the 1920s and 1930s in Sydney, from loosely Free-Classical style ornamented commercial buildings in the 1920s, to streamlined Functionalist style buildings in the later 1930s.

An article in *Building* magazine (December 12th, 1913, pg. 122-123) outlines the principal work of J.E. Justelius, which at this time was almost exclusively residential, including a number of “villas” in Eastwood.

J.E. Justelius died in 1924 and the architectural practice was taken over by his son E.R. Justelius, eventually partnering with N.D. Frederick. E.R Justelius concentrated, in the main, on hotel work, while Frederick was responsible for domestic, residential flats, commercial, factory and hotel work.² Frederick served his articles with Mr. Burchamp Clamp and went on to be employed by Messrs. Joseland & Gilling.³

A search of the NSW State Heritage Inventory reveals that of the five buildings heritage listed by architects J E and E R Justelius, four are hotels and one is a commercial building. Similarly, the Australian Institute of Architects “Register of Significant Buildings in NSW” includes only three buildings by Justelius and Frederick, the Kirribilli Hotel, Kirribilli, the Alpine Hotel, Cooma and a substantial Inter-war Functionalist style villa with prominent curved bays and windows, known as the E. Warren House, 16 Morella Road, Clifton Gardens.

Based on the above, the Caro Estate Flats by Justelius and Frederick should be given further consideration in relation to their potential heritage value as surviving, relatively intact examples of the domestic work of this architectural firm. Certainly further research is warranted into the domestic work of E.R. Justelius and N.D Frederick.

Regardless, the firm was well known for their hotel work which was of a high quality and their architectural drawings for hotels were frequently included in *Building* magazine and therefore are considered to be important contributing architects in the Inter-war period.

As such, the Caro Estate Flats is considered to meet Criterion b) Historical Associations, as the place has a strong association with the work of architect firm J.E. and E.R. Justelius and N.D. Frederick who were noted Inter-war architects working in the Moderne, Functionalist style.

3. Criterion (c) Aesthetic Significance:

“The four flat buildings are restrained examples of their type and the details are common for their style. They are not individually or collectively considered to be fine or outstanding examples of the period and style.”

Under the assessment of Aesthetic Significance provided in the SoHI, the heritage consultant argues that the four flat buildings form a “modest cohesive group” and feature characteristics of the period and style.

The publication *Assessing Heritage Significance* (2001) notes that one of the guidelines for inclusion under Criterion c) is that an item ‘Exemplifies a particular taste, style or technology.’

² “Who’s Who”, cited in *Decoration and Glass*, Vol. 4 No. 1 (1st May 1938), p. 52-53

³ Ibid.

To exemplify a particular style is to be a typical example of the style, and since Nos. 2-4 Blue Street and Nos. 1-3 William Street incorporate a large number of distinct characteristic elements of their period, they can be considered a good example of a modest, Inter-war, architect-designed flat building, hence their inclusion in the website *At Home in North Sydney: An Architectural History of a Locality*.

The fact that they were designed as a group makes them a particularly interesting example of their type.

The siting of the buildings within the complex, with its central entry archway off Blue Street, framed to the east and west by Nos. 2-4 Blue Street and bookended by No. 1 William Street to the north, elevated above the southern approach, contributes to a dramatic spatial quality that continues to communicate the design intent of the architect.

The four residential flat buildings are also aesthetically distinctive in their architectural detailing, with their massing carefully broken up in a complex composition of steps, bays, rounded corners parapets and chimneys.

Stylistically the buildings are a mixture of Moderne, Modernist and Art Deco motifs demonstrated in the rounded corners, horizontal streamlining and ocean liner railings which are Moderne motifs; while the asymmetrical side elevations, large areas of glass blocks and corner windows of the northern pair (William Street flat buildings) are Modernist. The symmetrical Blue Street elevations with their rounded corners and stepped vertical fins show more old fashioned (for the day) Art Deco influences.

The later construction of No. 5 William Street has resulted in the detracting somewhat of the aesthetic value of No. 3 William Street. The entry to No. 3 William Street faces north and it is likely to have been defined by an open space to the north. Clearer views south down William Street to the complex of flats would have been available, however have now been spatially and visually intruded upon by No. 5 William Street. As a result, No. 4 appears more as an add-on than part of the designed whole complex, which would have once been able to be viewed from three sides as a complete unit.

Regardless of the above, the original group of four residential flat buildings at Nos. 2-4 Blue Street and Nos. 1-3 William Street are considered to meet the threshold for Criterion c) Aesthetic Significance.

4. Criterion (f): Rarity

“Throughout the North Sydney LGA and the Sydney Metropolitan area, there are numerous examples of Inter War apartments both listed as heritage items and located within heritage conservation areas, including finer examples than the subject apartment buildings. The subject flat buildings individually are modest examples of their type within the North Sydney LGA, and cannot be considered rare or endangered within this context.”

The SoHI asserts that the subject properties are not of heritage significance by virtue of their rarity as numerous, better examples of interwar apartments may be found within the North Sydney LGA and the Sydney metropolitan area more broadly. However, no evidence is presented to support this view.

A review of listed Inter-war flat buildings within the North Sydney LGA revealed that, while many Inter-war flat buildings were listed, the majority of these were characterised as Federation or Georgian style flats and could not be considered comparable to the subject properties. There are a small number of comparable residential flat buildings that have been identified as being similar to the Caro Estate Flats (approximately 16 in total), on the basis that they exhibit Art Deco or Moderne architectural details. In addition, an even smaller number of listed flat buildings are identified as being designed as a group (approximately 10 in total).

However, it was noted that while some of the listed Inter-war flat buildings possessed comparable characteristics, none could be said to collectively demonstrate the characteristics evident at Nos. 2-4 Blue Street and Nos. 1-3 William Street.

In particular, Nos. 2-4 Blue Street and Nos. 1-3 William Street are notable for their incorporation of distinct Moderne details not commonly found in the other listed flat buildings, including rounded corner windows, as well as other functional elements including corner windows and a flat, parapeted roof.

Similarly, while a number were identified as groups or pairs of flats, no other group of flats listed formed a complex or enclave with a central shared courtyard like that evident at Nos. 2-4 Blue Street and Nos. 1-3 William Street.

The above indicates that the subject properties may be rare for their combination of stylistic details, grouped design and (as discussed above) as the only identified flat buildings designed by J.E. and E.R. Justelius and N.D. Frederick in the North Sydney Local Government Area.

Further investigation is recommended in order to establish the relative rarity of the Caro Estate Flat. They are also possibly rare as an example of Surviving Inter-war flats in the North Sydney CBD which is today dominated by later commercial buildings.

5. Criterion (g): Representative

“Each of the flat buildings contain typical characteristics of their type, however neither individually nor collectively are they fine examples of their type. Whilst they are representative of modest apartment buildings of the period, because of their generic design, their aesthetic significance is not considered to meet the threshold for listing and hence to warrant retention.”

The SoHI notes that the properties do not meet the guidelines for inclusion under Criterion g) Representative Significance, as they:

- Do not or have lost the range of characteristics of a type; and
- Do not represent well the characteristics that make up a significant variation of a type.

The publication *Assessing Heritage Significance* (2001) notes that the guidelines for inclusion under Criterion g) Representational Significance are (amongst others) that an item be a fine example of its type; or has the principal characteristics of an important class or group of items; or has attributes typical of a particular design.

As discussed above, the Caro Estate Flats are good examples of their type and could potentially be rare; they are certainly interesting examples of Inter-war residential flat buildings and do not appear to be representative of the typical type of 1930s flat building found throughout the North Sydney LGA.

It is not agreed however that the Caro Estate Flats do not represent well the characteristics that make up a significant variation of a type. Based on the configuration of the group and the mix of Moderne, Modernist and Art Deco stylings of the buildings, it would appear that the Caro Estate Flats are a significant and notable variation to the typical late 1930s Inter war residential flat building type.

3.3. North Sydney Development Control Plan 2013

As the Caro Estate Flats are not listed as a heritage item and are not located within a Heritage Conservation Area, the majority of provisions contained within the *North Sydney DCP 2013* as they related to heritage considerations do not apply.

An assessment of the proposal with reference to the following relevant sections of the *North Sydney Development Control Plan (NSDCP) 2013* has been made as follows:

Section 13.4 Development in the Vicinity of Heritage Items

An assessment of the potential impacts of the proposed development on the setting of heritage items in the vicinity is required. The setting of a heritage item often contributes to its heritage significance and therefore new development within the setting has the potential to impact on the significance of nearby heritage items.

The overall objective for development in the vicinity of heritage items is as follows:

O1 Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.

Within the vicinity of the subject property are a number of heritage items:

- I0782: Shore Sydney Church of England Grammar School.
- I091: St Joseph's Convent School and Chapel
- I0792: St Peter's Presbyterian Church Manse
- I0793: St Peter's Presbyterian Church and grounds
- I0892: Greenwood (former North Sydney Technical High School).
- I0953: North Sydney Post Office and court house (former police station).
- I0349: St Francis Xavier Church
- I0350: St Francis Xavier School Hall.

The Lavender Bay Heritage Conservation Area (C12) is also located directly to the south and west of the subject properties.

The SoHI provides an analysis of the proposal against the provisions of Section 13.4 of the NSDCP 2013.

Provision P1 requires the proposal to: *Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.*

This requirement is overtly contradicted in the SoHI which states that the "proposed development is in keeping with the orientation and alignments of the mixed-use and commercial developments of the CBD, not the vicinity heritage items." The proposal indeed is of a completely different scale to the nearby heritage items. It has a 5-6 storey facade built right up to the Blue Street boundary reaching to a height of 10 storeys behind and exhibits a lack of articulation along William Street façade creating a long unrelieved façade facing the Shore School.

Furthermore, the application does not adequately consider the impact of the proposed development on St Peters Church complex in terms of visual bulk, setting and overshadowing (refer to above discussions).

Section 5.3 of the SoHI notes that “The overall impression of the development, when viewed in the background of St Peter’s Church and Manse, will be a visually submissive façade that does not create visual clutter behind the heritage item.” However, again this contradicted in the photomontage provided in the Concept Design Report (refer to Figure 8 above) which clearly shows that the new building will be visually prominent in views from the south and southeast of the church complex, projecting above the St. Peter’s Church Manse and impacting on blue sky views and the visual setting of the church complex (refer to above discussions).

The proposed commercial building, in conjunction with the existing large scale commercial building at No. 34 Miller Street (corner of Miller Street and Blue Street) and the contemporary infill development along the William Street boundary of Shore School, will form a visual enclosure around the northern portion of the St. Peter’s Church complex and will result in negative visual impacts.

In addition, as also discussed above, since the church is sited at a much lower level than the development, shadows would have an impact on the heritage listed site. Shadow diagrams indicate that overshadowing would extend across the grounds and rectory most of the day in winter. It is not clear from the small-scale shadow diagrams provided exactly how far the shadows would impact on the church grounds.

No elevations are provided to show how far shadows would extend up the walls of the listed buildings and there is no discussion of the effect this overshadowing would have on the church’s users and viability. The retention of sunlit outdoor space around the church would surely be important for the congregation.

More detailed consideration is warranted of the above impacts on nearby heritage items.

3.4. Area Character Statements – North Sydney Planning Area

The subject site is located within the North Sydney Planning Area at the extreme south-west corner of the Central Business District, as identified in the North Sydney DCP p.C2-5. It is also located at the boundary of both the Lavender Bay Heritage Conservation Area and the Education Precinct.

Assessment of heritage impacts is based primarily on a response to the North Sydney CBD. It does not consider in detail the interface with the Lavender Bay Heritage Conservation Area and Education Precinct areas.

Section 5.3 of the SoHI acknowledges this interface and asserts “the proposed development will act as a transition between the CBD to these surrounding contexts.” That “finer details of the proposed development also blends elements which link the site to its wider setting”. This response relies on the use of terracotta cladding elements, a somewhat tenuous reference to local building materials and proposed plantings of dubious viability.

Currently, the existing Caro Estate Flats provide an excellent transition or buffer between the commercial precinct of the North Sydney CBD and the historical character of the Lavender Bay Heritage Conservation Area. Their lesser height and obvious historic architectural style, provides much needed “breathing space” directly to the north of the St. Peter’s Church complex as well as ensuring that contemporary development does not encroach further to the south into the conservation area.

3.5. Conclusion

Based on a site inspection, preliminary investigation into other comparable examples, and a review of the applicant’s Statement of Heritage Impact, it is the opinion of this firm that there may be potential for the group of four buildings, comprising Nos. 2-4 Blue Street and Nos. 1-3 William Street (also known as Conway Court) to be locally listed as a group.

We recommend that a more detailed assessment be undertaken, including comparative analysis of the building type in the North Sydney LGA with particular emphasis on Inter-war residential flat buildings with Art Deco, Moderne and Modernist architectural details. In addition, further research is warranted into the domestic work of the architectural firm of J.E. and E.R. Justelius and N.D. Frederick and whether any other examples of their domestic work survives in the locality.

However, based on the forgoing discussions and the site inspection, it is also clear that No. 5 William Street is of lesser significance and does not warrant heritage listing. Although it was part of the Caro Estate subdivision, it lacks aesthetic value and detracts somewhat from the main Caro Estate Flats group. As such, its demolition may be justified.

In considering the effect of the proposal on the cultural significance of heritage items within the vicinity of the subject property, the demolition of the four 1930s flats buildings at Nos. 2-4 Blue Street and Nos. 1-3 William Street will have a negative impact on the setting of nearby heritage items and will diminish the historic character of the locality directly to the south of the subject properties, most particularly St. Peter's Presbyterian Church and Manse.

The siting, height and bulk of the proposed new development will result in encroachments into significant views of the St. Peter's Church complex and is considered inappropriate given the heritage values of the complex of church buildings and their landscaped setting.

Elevational shadow diagrams should be prepared to demonstrate the extent of potential overshadowing on the church, manse and surrounding garden during winter solstice as a result of the proposed development. The substantial loss of solar access during winter solstice as indicated in the shadow diagrams accompanying application is considered to be unacceptable.

Further examination of the interface between the subject property and the adjacent Lavender Bay Heritage Conservation Area and Education Precinct is also required. The Caro Estate Flats play an important role in the locality as a buffer or transition site between the large scale commercial precinct to the north and east and the lower scale historical precinct to the south and west.

Consideration of not just materials and finishes, but of the bulk, height and scale of the proposed development should be undertaken with respect to how the proposed development will relate to and protect the local heritage items in the immediate vicinity and provide an appropriate transition between the CBD and the adjacent heritage conservation area.



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