

STATEMENT OF HERITAGE IMPACT

Planning Proposal



253 - 267 Pacific Highway, North Sydney

6 SEPTEMBER 2018

NBR&PARTNERS PTY LTD

Level 3, 4 Glen Street,
Milsons Point NSW 2061 Australia
nbsarchitecture.com

ABN 16 002 247 565

Sydney: +61 2 9922 2344
Melbourne: +61 3 8676 0427
architects@nbsarchitecture.com

DIRECTORS

Geoffrey Deane NSW reg. 3766, Rodney Drayton NSW reg. 8632,
Andrew Duffin NSW reg. 5602, Garry Hoddinett NSW reg. 5286,
Andrew Leuchars LA reg. 035, James Ward

ASSOCIATE DIRECTORS

Trevor Eveleigh, Samantha Polkinghorne, Brett Sherson, Andrew Tripet,
Jonathan West **SENIOR ASSOCIATES** Barry Flack
ASSOCIATES Derek Mah, Hung-Ying Foong Gill, Sophie Orrock,

NBRS & PARTNERS Pty Ltd
Level 3, 4 Glen Street
Milsons Point
NSW 2061 Australia

Telephone +61 2 9922 2344 - Facsimile +61 2 9922 1308

ABN: 16 002 247 565

Nominated Architects
Geoffrey Deane: Reg No. 3766; Andrew Duffin: Reg No. 5602; Garry Hoddinett: Reg No 5286

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STATEMENT OF HERITAGE IMPACT FOR 253-267 PACIFIC HIGHWAY, NORTH SYDNEY

1.0 INTRODUCTION

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of the NSW Heritage Division to accompany a planning proposal for amendments to the *North Sydney Local Environmental Plan (LEP) 2013* insofar as it applies to numbers 253 through 267 Pacific Highway, North Sydney (the site). Changing planning rules or development standards that apply to a specific property is a formal planning process under *Part 3* of the *Environmental Planning and Assessment Act 1979*. The planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The Planning Proposal seeks to amend the planning controls of the North Sydney Local Environmental Plan 2013 to enable the mixed-use redevelopment of the site for commercial and residential uses.

The intended outcome of this Planning Proposal is to amend the *North Sydney Local Environmental Plan 2013 (LEP 2013)* as follows:

- Establish a site -specific height control; and
- Establish a site -specific FSR control.

The proposal does not seek to amend the current B4 Mixed Use zone under the LEP 2013.

The envisaged future redevelopment of the site will supply residential and commercial floor space in a highly accessible location, benefiting from public transport and growing employment centres. A reference design based on the intent of the planning proposal has been prepared by PTW Architects.

One of the properties within the site, 265 Pacific Highway, is listed as an item of local heritage significance on Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013*, known as The Cloisters, Item I0959. The site is also located adjacent the McLaren Street Conservation Area and is in the vicinity of a number of other listed items.

Accordingly, this Heritage Impact Statement reviews the proposal in terms of the relevant heritage provisions of the *North Sydney Local Environmental Plan (LEP) 2013* and the requirements of the *North Sydney Development Control Plan (DCP) 2013*, and the Impact Assessment Criteria guidelines endorsed by the NSW Heritage Council.

1.1 METHODOLOGY

This report adopts the standard methodology of the NSW Heritage Division for assessing potential heritage impact on the heritage item and the surrounding heritage conservation areas.

This Heritage Impact Statement has been prepared in accordance with the guidelines set out in the *Australia ICOMOS Charter for Places of Cultural Significance*, 2013, known as The

Burra Charter, and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) publication, NSW Heritage Manual.

The Burra Charter provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*, is as defined in Article 1 of The Burra Charter. The NSW Heritage Manual explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

1.2 SITE LOCATION

The site is located on the western side of the Pacific Highway, between West Street and McLaren Street, North Sydney. Church Lane forms the western boundary of the site.

The site is comprised of the following parcels of land: Lot 10 DP749576, Lot B DP 321904, Lot 51 DP 714323, SP 22870 and SP 16134, all identified by the NSW Land Registry Services (LRS) (see Figure 1 below).



Figure 1- Aerial map with the subject site identified in red. (Source: NSW LRS, SIX Maps, maps.six.nsw.gov.au)

1.3 HERITAGE MANAGEMENT FRAMEWORK

Of the several buildings comprising the study site, only one is identified on Schedule 5 Environmental heritage in the *North Sydney Local Environmental Plan (LEP) 2013*.

- Item I0959 – Shop (The Cloisters)
265 Pacific Highway, North Sydney

The subject site is located adjacent the CA 19 - McLaren Street Conservation Area and is in the close vicinity of a number of other listed items and conservation areas, including:

- Item I0960 - Union Hotel
271 Pacific Highway, North Sydney
- Item I0957 - Gates and fence of former Crows Nest House
182 Pacific Highway, North Sydney
- CA23 – Crows Nest Road Conservation Area

The following individually listed items fall within CA19 – McLaren Street Conservation Area:

- Items I0885, I0886, I0887 and I0888 – St Thomas' Church, St Thomas' Church Rectory, St Thomas' Kindergarten Hall and the Memorial Hall of St Thomas.
34 McLaren Street, North Sydney
- Item I0879 – House, 12 McLaren Street, North Sydney
- Item I0902 and I0903 – North Sydney Council Chambers (including fountain) and Wyllie Wing, 200 Miller Street, North Sydney
- Item I0876 – 'Torwood', 3 McLaren Street, North Sydney
- Item I0877 – 'Grahwey', 9 McLaren Street, North Sydney
- Item I0878 – 'Kelvin', 11 McLaren Street, North Sydney
- Item I0880 – House, 21-23 McLaren Street, North Sydney
- Item I0881 – 'Tara', 25 McLaren Street, North Sydney
- Item I0882 – 'Stormanston', 27 McLaren Street, North Sydney
- Item I0883 – 'Fairhaven', 29 McLaren Street, North Sydney
- Item I0884 – House, 31 McLaren Street, North Sydney
- Item I0900 – Restaurant, 196 Miller Street, North Sydney

There are no items of State significance in the vicinity of the subject site.

Other heritage listed items in the vicinity of the subject site are visually and physically separated from the site by intervening development and roadways and as such do not warrant assessment as part of this report.

1.4 AUTHORSHIP

This report was prepared by Samantha Polkinghorne, Studio Principal - Heritage, using research and a history written by Léonie Masson, Historian, all of **NBRS**ARCHITECTURE.

1.5 LIMITATIONS

This report is limited to the assessment of potential impacts on the European cultural heritage values of the site and does not include Aboriginal and Archaeological assessment. This report only addresses the relevant planning provisions that relate to heritage.

1.6 COPYRIGHT

Copyright of this report remains with the author, **NBRS**ARCHITECTURE. Unless otherwise noted, all images are by the author.

2.0 DOCUMENTARY EVIDENCE

2.1 PRE-EUROPEAN HISTORY

When the First Fleet arrived in Sydney Cove in 1788, the North Shore of Sydney was inhabited by two Aboriginal Bands or Clans, the Cammeraygal and Wallumedegal, who were part of the larger Kuringgai Tribe. As their tribal boundaries were never clearly defined, only approximate locations are known. In 1790 Governor Phillip reported:

... About the north-west part of this harbour there is a tribe which is mentioned as being very powerful, either from their numbers or the abilities of their chief. This district is called Cammerra, the head of the tribe is named Cammerragal, by which name the men of that tribe are distinguished the opposite shore is called Wallumetta, and the tribe, Wallumedegal ...

The Cammeraygals were well documented in written and pictorial observations by the early colonists who remarked that they were 'robust and muscular' people. It was also noted that the men presided over the initiation of young males from other Sydney area groups.

By the early 1800s dispersal and disease had a dramatic impact on Aboriginal social structures and on Aboriginal clans living close to Sydney Harbour. Portions of Cammeraygal land were being appropriated by Europeans as early as 1794 when Samuel Lightfoot was 'granted' 30 acres at Kirribilli. According to historian Ian Hoskins:

By the 1860s the Aborigines were only occasional visitors to the North Shore. At Christmas time groups of natives would come from country districts and camp in the caves in Cremorne Reserve and near Kurraba Road at Neutral Bay. There they waited to receive the annual gift of a blanket each, given by the Government. During the visit of Prince Alfred, Duke of Edinburgh in 1868, the Aborigines were collected from various country areas to perform a large corroboree at Kirribilli to entertain the Royal visitor.¹

Few, if any, Aboriginal people living in the northern suburbs can trace their ancestry to the Cammeraygal though the physical evidence of their occupation of the land around North Sydney can be found in fire charred caves, stencilled hands painted on stone, engravings of animals and weapons on rocks, middens of whitened seashells from ancient meals, particularly at Balls Head and Berry Island Reserve.

2.2 TOWNSHIP OF ST LEONARDS

In 1828, Sir Thomas Mitchell had been asked to provide a report on James Milson's claim for land on the north shore after a fire destroyed deeds to his property. In preparing this report Mitchell also identified an eligible site for a township, land which had not yet been disposed of in various land grants. The recommendations included in Mitchell's 1828 plan (Figure 2) included suggestions for streets and subdivisions, a reserve and a great road towards the north of the Colony and Broken Bay.

Mitchell's plan was discarded and in 1836 the entire area was re-surveyed in response to demands from several petitioners to purchase land in the area. By 1838, the basic road structure of the town centre was established on a traditional 10-chain grid with Berry, Mount, Blue and Lavender Streets running east-west and Miller and Walker Streets running north-south. This initial site for the Township (nowadays the commercial centre of North Sydney)

¹ North Sydney Heritage Leaflet 1, North Sydney's Aboriginal Past, http://www.northsydney.nsw.gov.au/resources/documents/01_aboriginal1.pdf, viewed 11 September 2014.

was a small rectangle of Crown land north of Hulk Bay (Lavender Bay). It was the southern tip of a reserve for the extension of Sydney. Initially forty-eight ½ acre-building allotments in three sections were offered for purchase application in 1838.

The Township of St. Leonards was formally gazetted in 1838. It is thought to have been named after St Leonards (near Hastings in Britain) by Major Thomas Mitchell when he surveyed the district in 1828.

After 1843, there were occasional sales of Crown lots, with substantial sales, especially to the north and north-east of the St. Leonards Reserve, in total 35 sections, during the 1850s, enlarging the developing St. Leonards Township.

In 1838, the township of St Leonards was officially gazetted and those with large parcels of land nearby began thinking of subdivision. Very few of the original purchasers of allotments in the Township of St Leonards retained and developed their land. Subdivisions in the late 1850s and 1860s anticipated a boom period and provided allotments of various sizes encouraging the building of cottages and terraces as well as villas and mansions. By the 1880s, the North Shore of the harbour had become a desirable living area, attracting professionals and businessmen who worked in the city and commuted by the steamers.

Local government began in the area with the formation of the Borough of St Leonards (1869) to administer the township, beginning the provision of utilities such as gas, water, roads, garbage collection, sewerage and sanitation.

Over the next thirty years the population that settled in the township was a conglomerate of professional and commercial people, skilled tradesmen and labourers. In 1890, the three local boroughs (East St Leonards, St Leonards and Victoria) amalgamated to form the present council and the Town Hall was located in Miller Street near McLaren Street



Figure 2 – Map of that part of the North Shore of Port Jackson which is opposite to Sydney 1828 / [John Thompson]. (Source: State Library of New South Wales, Digital Order No a1528237)

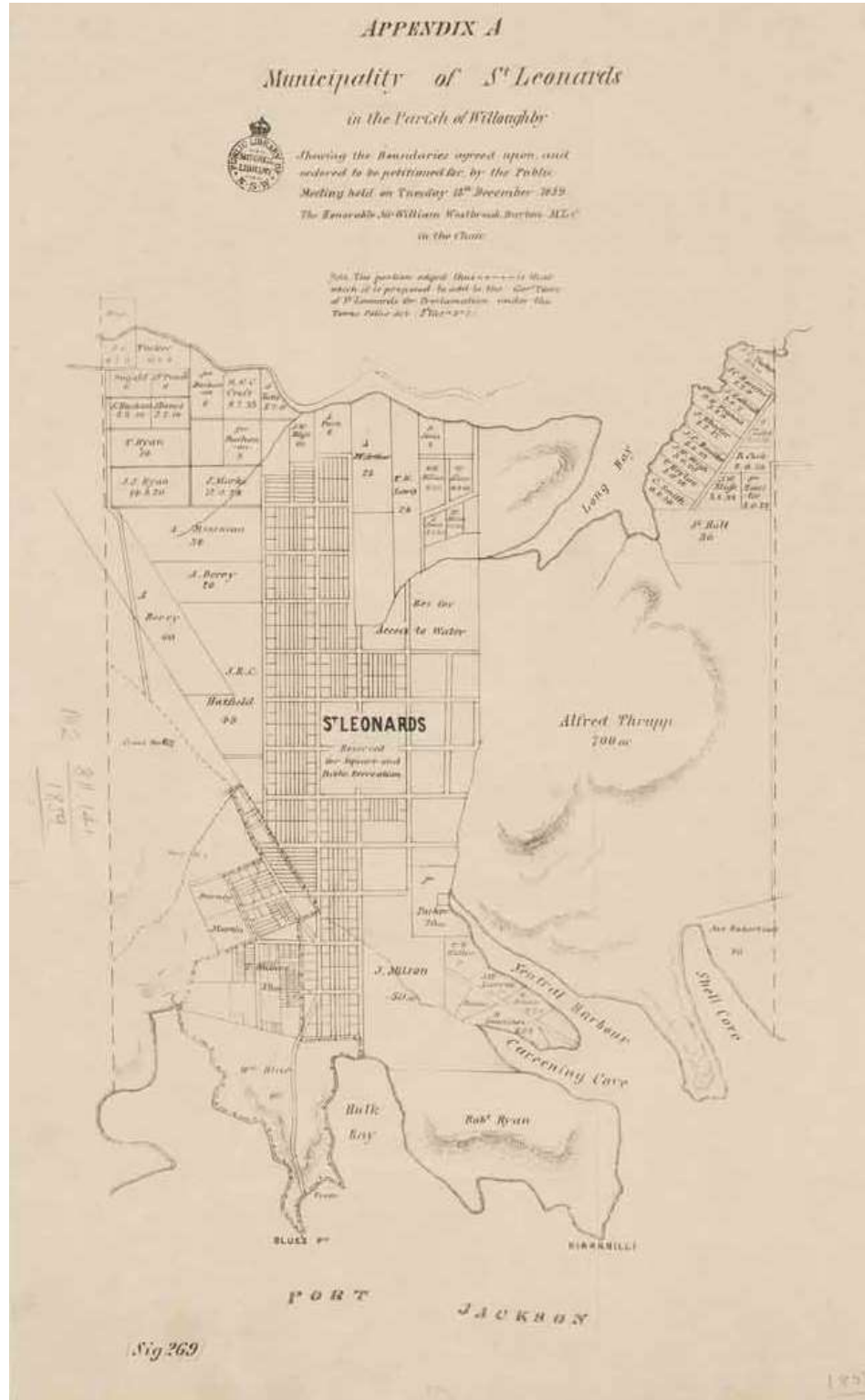


Figure 3 – The Municipality of St Leonards, showing the boundaries agreed upon at a public meeting chaired by Sir William Burton, MLC on 13 December 1859. (Source: State Library of New South Wales, Digital Order No, c012670001h)



Figure 4 - Map of St. Leonards on the North Shore Parish of Willoughby, 1887 / Higginbotham & Robinson. Study site shaded yellow and purple respectively opposite Crows Nest House. (Source: National Library of Australia, MAP RM 4458)

2.3 BERRY ESTATE

The vast Berry estate was one of the first and the largest land grants on the North Shore. Its gradual subdivision over a century from the 1830s to the 1930s has profoundly influenced the character of North Sydney and its suburbs. As each area was opened for development it took on the dominant architectural and planning characteristics of the day. Today the names Berry, Alexander, Edward and Wollstonecraft are memorialised in street and suburb names.

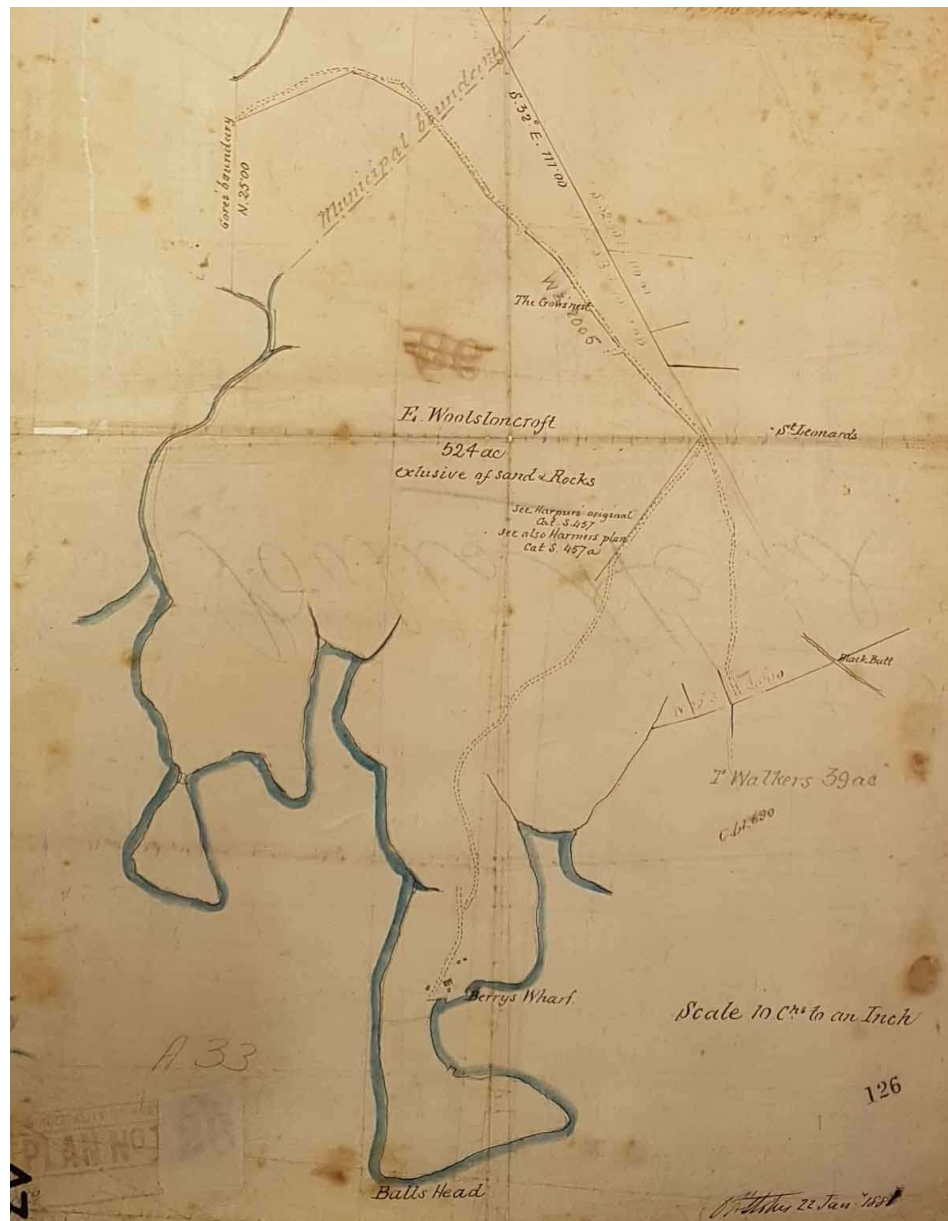


Figure 5 – Extract from survey of land grant of 524 acres to Edward Wollstonecraft, 1881. (Source: North Sydney Sydney Municipal Council Archives)

Wollstonecraft and his partner Alexander Berry had applied for land after delivering several profitable cargoes of merchandise to the colony. Berry secured several thousand acres on

the south coast at Coolangatta near present day Berry. In 1821, Wollstonecraft received 524 acres "exclusive of rocks and sand" on the North Shore as a means of establishing a farm, locating a warehouse to receive timber and agricultural produce from the ever-increasing holdings at Coolangatta and escaping the unhealthy environment of Sydney town. By the late 1820s the partners owned more than 30,000 acres between them.

Despite the relatively salubrious environment at his Crows Nest Cottage, Wollstonecraft died in 1832 of a 'long and severe illness' and his estate passed to his sister Elizabeth – wife of Alexander Berry. The Berrys lived on the Crows Nest Farm while Alexander's brothers and sisters managed the south coast property. In 1838, the township of St Leonards was officially gazetted and those with large parcels of land nearby began thinking of subdivision.

In July 1853, Alexander Berry released 41 allotments "*forming an extension of the township of St Leonard's with frontages to Miller-street, West-street, Church-street, Burton-street, Edward-street, Berry-street, McLaren-street, Ridge-street, Lane Cove Road and Bay Road.*" It might not have been the best time to sell, for the population north of the harbour was declining in the wake of the discovery of gold in 1851. Interestingly the sales notice made a virtue of the fact that the land was still 'well timbered' – not so much because the wood could be used for construction, but that it could be burnt as fuel. Figure 7 comprises part of a survey of the Crows Nest Estate, with the boundary with the Township of North Sydney delineated thereon. This map shows by red shading all of the land alienated (or otherwise sold or leased) by Alexander Berry prior to the 1870s.

The Berry's began building a large mansion, Crows Nest House, in the 1840s. Elizabeth died before its completion and Alexander lived there with his servants from 1850 until his death in 1873. As the sole owner of the estate with the death of his wife, Alexander had begun the systematic subdivision of his land near Lane Cove Road. With his death, ownership of the still largely undeveloped estate passed to Berry's brother David who lived at Coolangatta. He died in 1889 with no direct heirs and a surviving cousin, John Hay, inherited the property. A considerable amount of land was given to the Government for the construction of the Milsons Point to Hornsby railway completed in 1893. Hay put several large subdivisions on the market following this. Amidst economic depression little was sold. Further subdivisions were created with wide streets in 1904.

Sir John Hay died in 1909 and Lady Hay approved further subdivisions in 1911 and 1913. She approved another in 1921 before her death in 1931. There were three more subdivisions around Crows Nest House, subsequently called the Lady Hay estate, in 1931, 1932 and 1934. Subdivisions of the earlier excised properties 'The Priory', 'Rockleigh Grange' and 'Waverton House' began from the late 19th century.

Finally, in 1933, 'Crows Nest House' itself was demolished and the site covered with tar as part of the extension of Crows Nest Road to the Pacific Highway. This road was quickly lined with new large homes. Berry's original iron gates and a substantial section of iron and stone fencing survive as part of North Sydney Demonstration School.

2.3.1 255-263 PACIFIC HIGHWAY

255-263 Pacific Highway is located on Lots 4 - 9 of Smiths Subdivision (1881) of Lots 33 and 34 of part of Alexander Berry's 1853 subdivision of part of Edward Wollstonecraft's 524-acre land grant. That land is illustrated in the plan reproduced at Figure 8.



Figure 7 – Detail from Survey of the Crows Nest Estate being the original grant of 524 acres to Edward Wollstonecraft and of Alexander Berry's 20 and 60 acres, ca1871. Former Lots 33 and 34 (circled in purple) annotated with primary application and deed information. (Source: Stanton Library, North Sydney Heritage Centre)

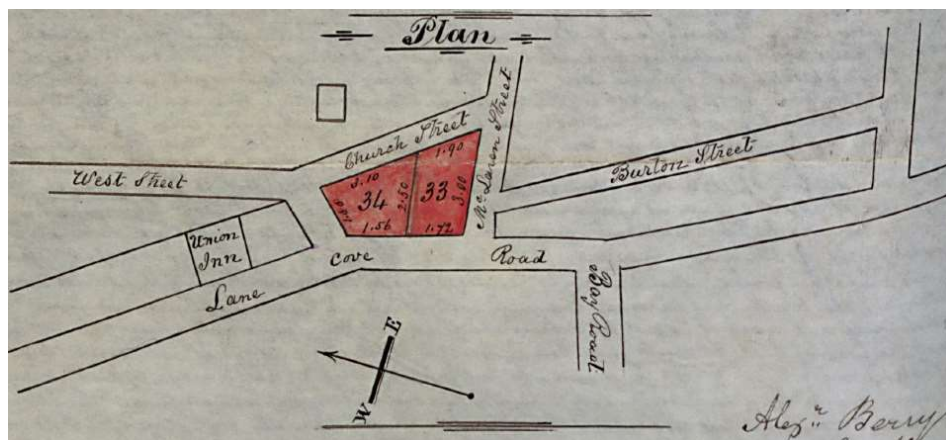


Figure 8 – Block plan accompanying OST Bk 32 NO 448, 1854. North at left of page. (Source: NSW Land & Property Information)

Alexander Berry sold the pair of allotments (bounded by Church Street, McLaren Street, Lane Cove Road and West Street) at the auction on 29 July 1853 to John Algar, the highest bidder. He subsequently conveyed same to Edith Jane Sheppard (daughter of Jane Algar and James Sheppard) with the land entrusted to her father.²

Edith Jane Sheppard married Joseph Edward Street in London in 1868. In 1881, she sold the land to Frederick Smith. Later the same year, Smith re-subdivided the two lots into 22 allotments which were advertised for auction sale on 29 October as "22 elevated sites fronting

² OST Bk 32 No 448, NSW Land & Property Information

the Lane Cove Road, West's-Street, McLarin-Street and Church-Street [sic].³ The real estate poster for the subdivision is shown at Figure 9.

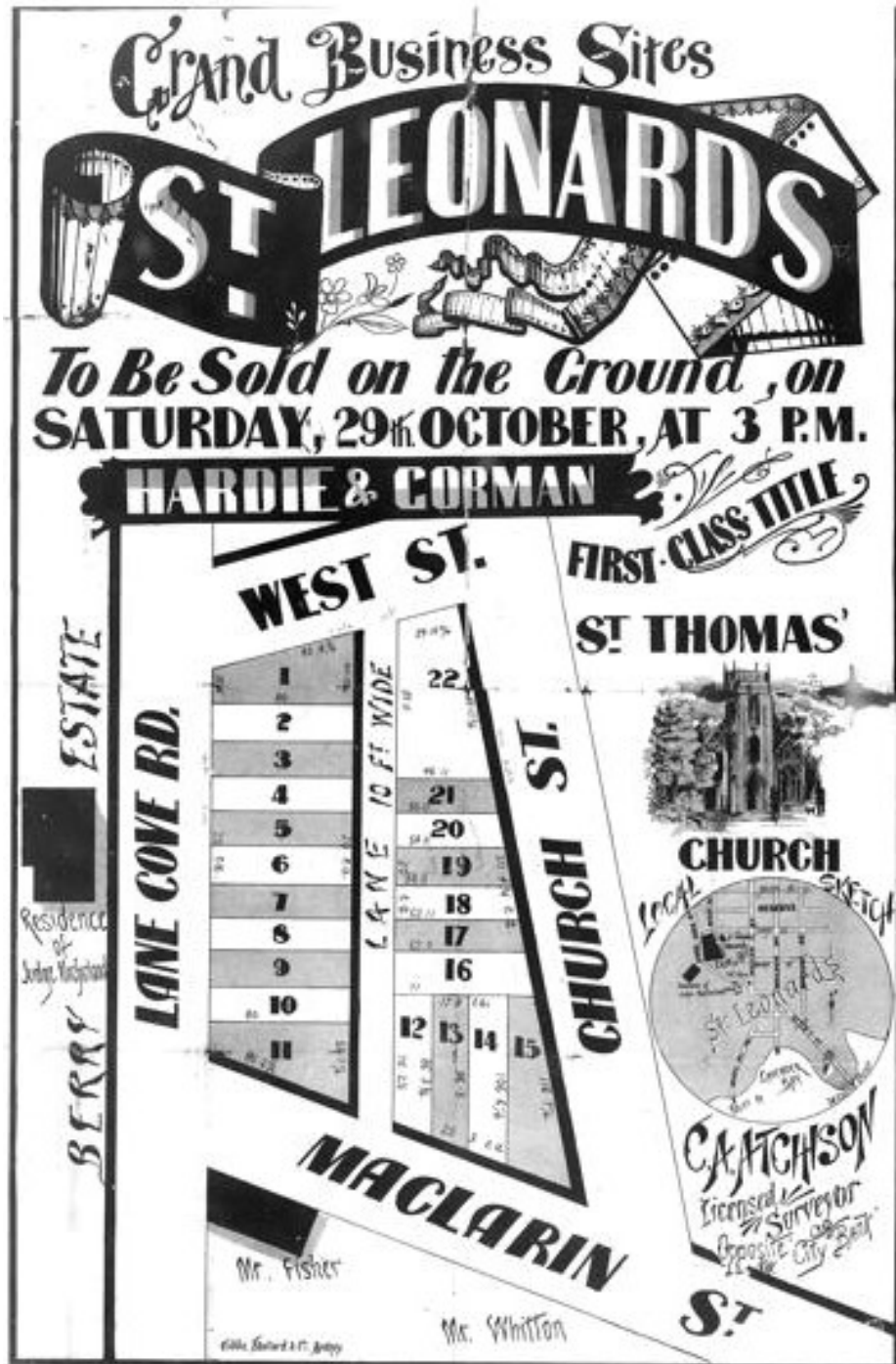


Figure 9 – Real estate poster, 29 October 1881. (Source: North Sydney Heritage Centre, Stanton Library)

³ Sydney Morning Herald, 29 October 1881, p17

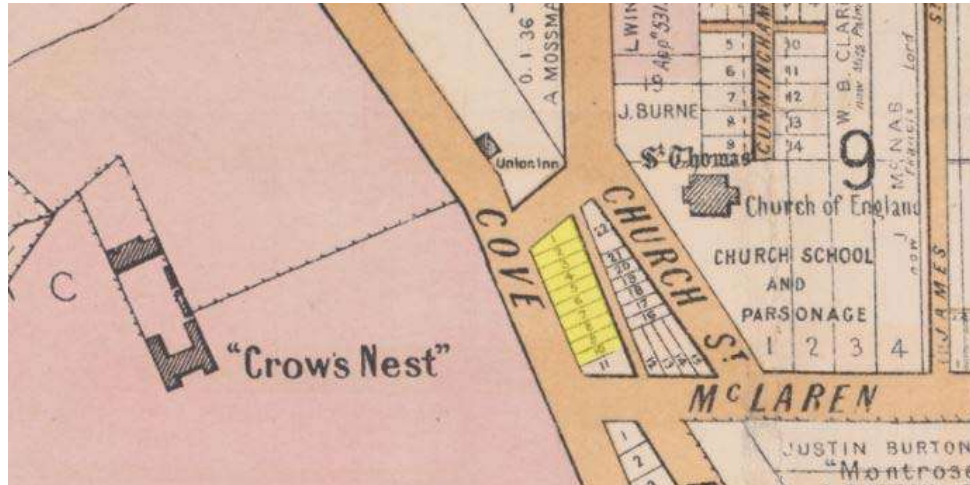


Figure 10 – Detail from Map of St. Leonards on the North Shore Parish of Willoughby, 1887 / Higginbotham & Robinson. 253-267 Pacific Highway is shaded yellow. 6-8 McLaren Street is located on Lot 11. (Source: National Library of Australia, MAP RM 4458)



Figure 11 -Detail from 1943 aerial survey of Sydney showing the site at 253-267 Pacific Highway shaded yellow. (Source: NSW Land & Property Information, SIXMaps)

2.3.2 261 PACIFIC HIGHWAY

In 1881, Lots 4 and 5 of Smiths subdivision were sold at the auction sale to Thomas Brown. In 1905, he conveyed same to Thomas Edwin Brown. Sarah Lucy Brown and Jemima Teresa Brown were appointed trustees for his estate. The land changed hands in 1936 to Janet Elizabeth Aitkenhead. Less than one month later, she conveyed same to Kents Limited.

Simultaneously, Edward Thomas Kent of Crows Nest, carpenter, attorney for Kents Limited, lodged an application to convert the vacant land to Torrens title. The land was registered in 1937 in the name of Kents Limited. The following year, North Sydney Council approved the application by the Company to erect a workshop building designed by Rupert V Minnett,

architect (Figure 12). This building is visible in the 1943 aerial (Figure 11) and in the streetscape views at Figure 16 and Figure 17.

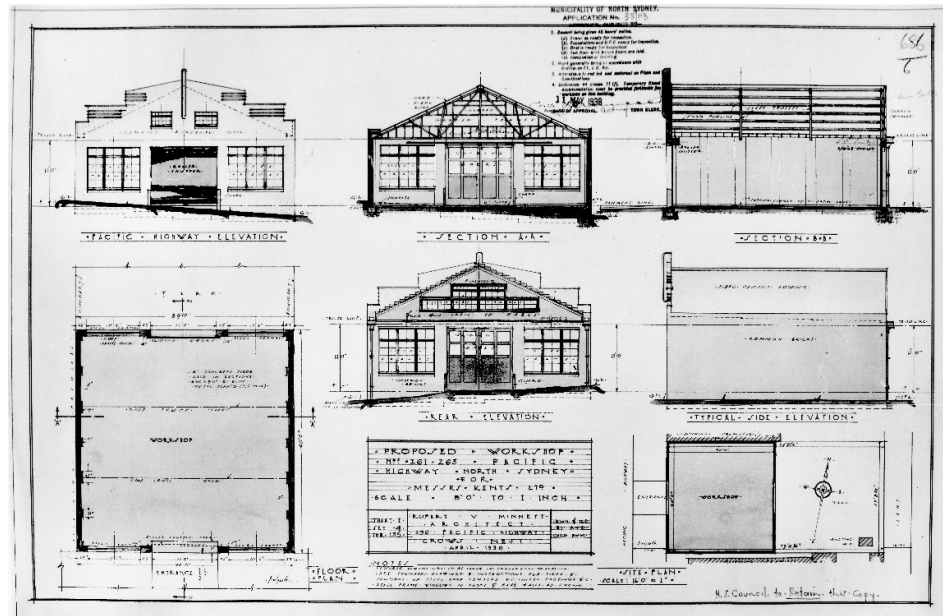


Figure 12 – Proposed workshop, 261-263 Pacific Highway North Sydney for Messrs Kents Ltd / Rupert V Minnett, April 1938. (Source: North Sydney Municipal Council Archives, Building North Sydney Collection 38/113)

The property changed ownership in 1951 to Edward Howard Vaughan, thence in 1965 to North Sydney Municipal Council.⁴ In the 1980s, the workshop building was demolished to make way for the present commercial premises designed in sympathy with the adjoining heritage item, 265 Pacific Highway.

2.3.3 255-259 PACIFIC HIGHWAY

This portion of the study site is located on Lots 6-9 of Smiths Subdivision of Lots 33 and 34 of a part of Edward Wollstonecraft's 524-acre land grant. In 1853, Alexander Berry (now the owner of Wollstonecraft's land grant) subdivided part of the estate, and sold Lots 33 and 34 thereof to John Algar. He in turn conveyed same the following year to Edith Jane Sheppard (her mother was Jane Algar). Edith Jane Sheppard married Joseph Edward Street in London in 1868. In 1881, she sold the land to Frederick Smith. He re-subdivided Lots 33 and 34 into 22 allotments as shown in Figure 9.

Lots 6 - 9 of Smiths subdivision does not appear to have sold as in 1904, Frederick Smith conveyed the land to Frances Smith. Harold T Howard was appointed trustee for her estate. Following their respective deaths, probate of her estate was granted to AEJ Smith and AJ Symons.

The land remained undeveloped until 1946 when the present trustees of Smith's estate, conveyed the allotments to Bayer Pharma Pty Limited. Two years later, Bayer lodged an application to convert the unoccupied land to Torrens title.⁵

⁴ CT Vol 4884 Fol 186, NSW Land & Property Information

⁵ Primary Application 36860, NSW Land & Property Information

By the 1970s the site was occupied by a caryard. The present commercial building was erected in the 1980s.

2.4 265 PACIFIC HIGHWAY

The Cloisters Antiques, is located on Lot B of a re-subdivision of part of Lots 1, 2, 3 and part 4 of Smith's Subdivision.

Lots 1-3 was conveyed at the auction sale to John Brown. Three years later the land changed hands to EA Phipson. 265 Pacific Highway was built shortly thereafter and is accordingly delineated on the 1890 detail survey (Figure 13). It was variously occupied thereafter.

In 1907, Phipson conveyed his land to CA Treacy. In 1914, Treacy conveyed Lots 1, 2, 3 and part 4 of Smith's Subdivision to John Torpy of Mosman, retired bootmaker. In December the same year, Torpy lodged an application to convert same to Torrens title, at which date the property was in the occupation of Ingram as a weekly tenant. The land was registered on CT Vol 2657 Fol 91.

Following Torpy's death, the property passed by transmission in 1927 to Hannah Bermingham Brooks. The following year she subdivision same into two allotments (A and B). Lot A (site of 267 Pacific Highway) was conveyed to Assurance and Thrift Association Limited – a service station was subsequently erected on this land. Brooks retained ownership of Lot B (265 Pacific Highway).⁶ This property has changed hands on several occasions since that date. The building has been occupied as the Cloisters Antiques store for many years (Figure 16, Figure 17, Figure 18 and Figure 19).

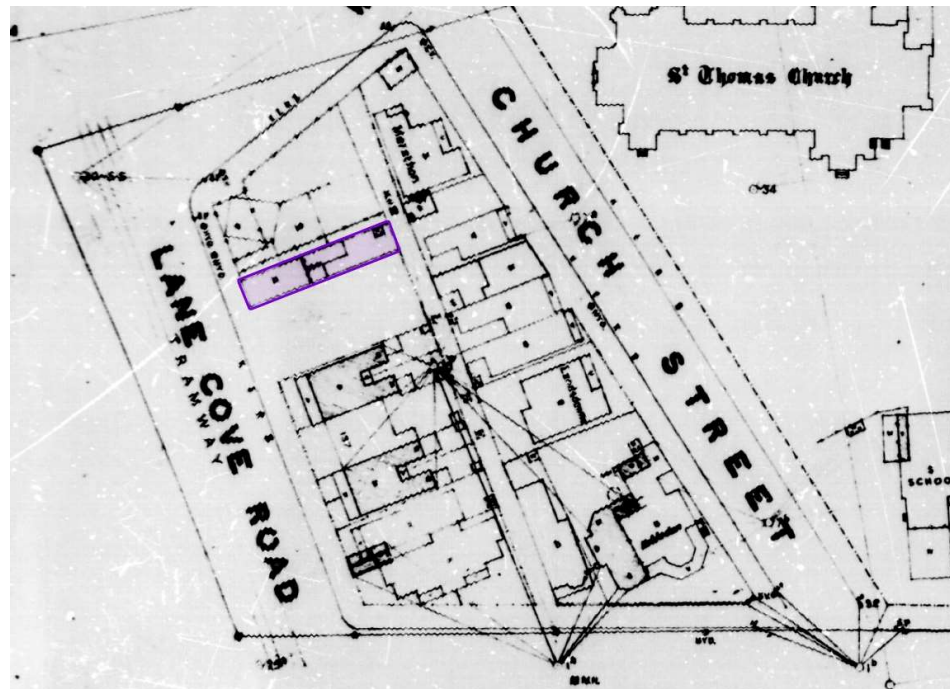


Figure 13 – Extract from Detail Survey St Leonards Sheet 30, 1890 (with later annotations) showing the subject building outlined and shaded purple. (Source: Stanton Library, North Sydney Heritage Centre, <http://www.photosau.com.au/StantonMaps/scripts/Navigate.asp?mode=half&start=1&pDocs=1&pSrch=1>, viewed 16 August 2017)

⁶ CT Vol 4228 Fol 53, NSW Land & Property Information



Figure 14 – Block plan accompanying Certificate of Title Vol 2657 Fol 91, being the land converted to Torrens title by John Torpy, 1916. The Cloisters Antiques building is shown on Lot 3. (Source: NSW Land & Property Information)



Figure 15 – R car on Pacific Highway at West Street / Leon Manny, 1958. Service station visible at West Street corner with Cloisters building adjoining. (Source: Stanton Library, North Sydney Heritage Centre, LH REF TRAM 698)



Figure 16 – Front view of BP service station and The Cloisters Antique Store, Pacific Highway, North Sydney, February 1974. (Source: Stanton Library, North Sydney Heritage Centre, LH REF CT 7/23)



Figure 17 - Front view of The Cloisters and 261-263 Pacific Highway, North Sydney, 1976. (Source: Stanton Library, North Sydney Heritage Centre, LH REF PF 880/12)



Figure 18 - Front view of The Cloisters antique store and adjoining development, Pacific Highway, North Sydney, November 1988. (Source: Stanton Library, North Sydney Heritage Centre, LH REF CT 25/20)



Figure 19 - Front view of the Cloisters Antique Store and adjacent offices, Pacific Highway, North Sydney, 1994. (Source: Stanton Library, North Sydney Heritage Centre, LH REF CPF 1462)

2.4.1 6-8 MCLAREN STREET

This portion of the adjacent site is located on Lot 11 of Smith's Subdivision of Lots 33 and 34 in the 1853 subdivision of Edward Wollstonecraft's land grant. Lot 11 was conveyed at the auction sale on 29 October 1881 to John Brown. The site remained vacant land until 1898 when Mary Brown and Gertrude Brown converted same to Torrens title. At this date, the land was valued at £150.⁷

The subject pair of semi-detached houses was erected on the land in 1900. The two houses were variously occupied thereafter. In August 1905, the Misses Brown advertised the auction sale of the *"two attractive brick houses, 'Holwell' and 'Cardiff', tile roof, each verandah, balcony, hall, 6 rooms, bathroom, kitchen, etc"*. The property did not sell as this date as the sisters remained owners of the building thereafter. The year before, Gertrude Brown had married John Ormiston. The Ormiston family retained ownership of the property thereafter.

It is unclear when the two residences were combined and used as commercial premises, but is likely to date to 1980 when the property changed hands from Gladys Ormiston to Brian Walter Ahearn.⁸ From then until early 2013, the property was used as offices for health practitioners under the name "McLaren Street Clinic". In the intervening period, David Kennedy purchased the property in 1989.⁹

In 1981, Latona Masterman undertook the pioneer North Sydney Heritage Study at which date "8 McLaren Street" was identified as one of several items in McLaren Street *"considered to be representative of the pre-highrise character of the Sector"* (Item 7.36 as shown on Figure 20). Two years later, North Sydney Council prepared a map showing Schedule II Buildings which was exhibited to the public in February 1983. On this map (**Error! Reference source not found.**) the subject site is shaded black, indicating it is a proposed heritage item. This status did not eventuate as according to the North Sydney DCP No. 1 1988, the subject building was outlined within a heritage conservation area (see map at Figure 21) but not shown as a heritage item. At various times, 6-8 McLaren Street was considered a single building, while on other occasions, each of the semi-detached house was listed individually, possibly reflecting how the houses were rated/valued.

When the Draft North Sydney Local Environmental Plan 1989 was exhibited, 6-8 McLaren Street was located within the proposed McLaren Street Conservation Area, but not identified as a heritage item. When same was gazetted, the site was included in the McLaren Street Conservation Area.

Following a review of the North Sydney Heritage Study in 1997, the McLaren Street Conservation Area boundary was amended and the adjoining item, 253 Pacific Highway, was one of several properties deleted from the LEP (Figure 22). Presently, 6-8 McLaren Street is not identified as an individual heritage item in Schedule 5 North Sydney LEP 2013, but is included within CA19 – McLaren Street Conservation Area on the heritage maps accompanying the LEP.

In 2013, Christo Architects prepared a Statement of Heritage Impact to accompany a development application for change of use from commercial to residential, minor internal alterations and subdivision of the land into two allotments.

⁷ Primary Application 11077, NSW Land & Property Information

⁸ OST Bk 3440 No 804, NSW Land & Property Information

⁹ OST Bk 3777 No 367, NSW Land & Property Information



Figure 20 – Detail from North Sydney Heritage Study / Latona Masterman, 1981. Subject site circled purple comprised in Sector 7.36 McLaren Street Group listing. It is however not identified as an individual heritage item which are shaded black thereon. 265 Pacific Highway numbered 14 on this plan. (Source: Stanton Library, North Sydney Heritage Study, LH REF 720.9944/LAT)

Figure 21 – Detail from Municipality of North Sydney DCP No 1 1988 showing conservation area with 6-8 McLaren Street circled purple therein. Footprint of heritage items coloured black, while contributory items are cross hatched. (Source: Stanton Library, North Sydney Heritage Centre)

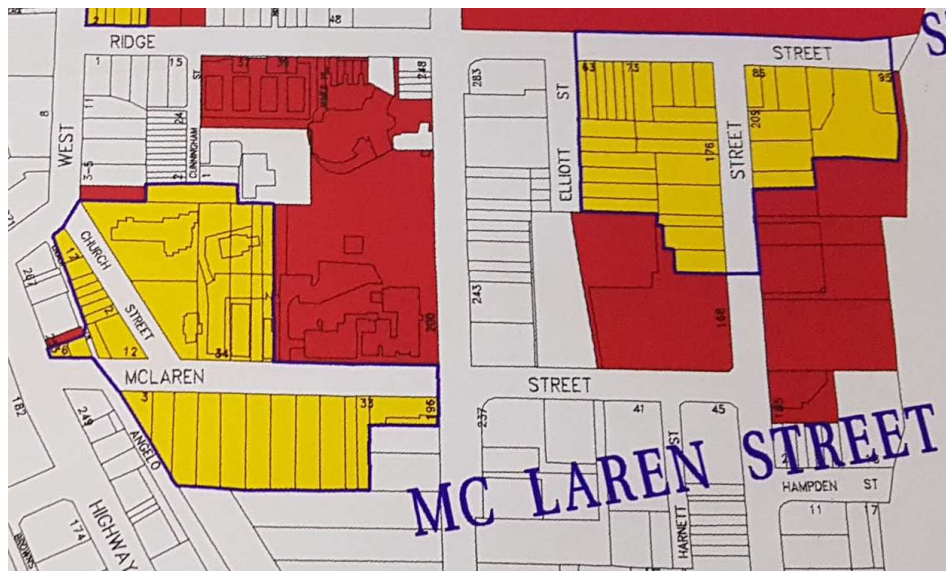


Figure 22 – Detail from Proposed Conservation Areas, May 1997. Areas shaded yellow are proposed Conservation Areas outlined in blue. Red shading indicates properties currently within conservation areas under NSLEP 1989 which are proposed to be deleted by the Draft Heritage LEP. (Source: Stanton Library, North Sydney Heritage Centre)

3.0 PHYSICAL EVIDENCE

3.1 SITE CONTEXT AND VIEWS

The eastern side of the Pacific Highway, containing the subject site, is characterised by a mix of two and three storey commercial development dating from the late 19th century through to the late 1980's. Church Lane runs behind the site and is primarily used for garage access to the properties either side. With the exception of the heritage item, the built components of the site do not exhibit any notable architectural character.

The character of the built form along the Pacific Highway from the Victoria Cross area reflects the changing desired future character of North Sydney and comprises a wall of tower buildings stepping up the Pacific Highway. The existing development on the subject site represents an earlier phase of commercial development, as evidenced by the three storey buildings either side of The Cloisters from the 1980's.



Figure 23 - Image showing the street frontage of a large portion of the site, including the heritage item. The c1980 development either side of the heritage item does not interpret earlier built form around the building; historically it has been visible as a single three storey building.

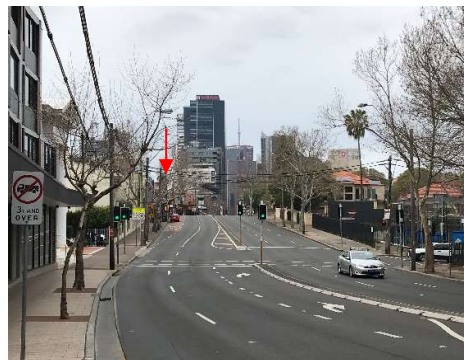


Figure 24 – Further view south towards North Sydney; the subject site is marked by the red arrow.



Figure 25 - View directly across West Street, the site is indicated by the red arrow.



Figure 26 - Looking south from West Street towards Church Lane; the site is on the right hand side of the laneway.



Figure 27 - View from the Pacific Highway with the northern end of the site facing West Street visible.



Figure 28 - Looking north along Church Lane from McLaren Street towards West Street.



Figure 29 - View along Church Lane, with the rear fence of the heritage item protruding out into the laneway, indicated by the red arrow.



Figure 30 - View west towards McHatton Street from outside The Union Hotel; this is a view into the Crows Nest Conservation Area, which remains predominantly residential.

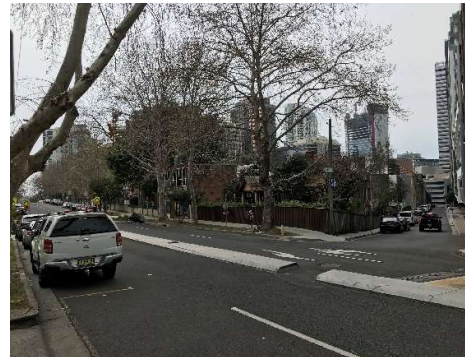


Figure 31 - View along McLaren Street with Angelo Street to the far right of the image. The former residences fronting onto McLaren Street are now typically used for commercial or educational uses.



Figure 32 - View of St Thomas' Church from West Street.



Figure 33 - Looking south along Church Street with St Thomas's to the left of the image. To the west of Church Street is two storey residential dwellings which fall within the McLaren Street Conservation Area.

3.2 THE CLOISTERS

The following description for heritage item 10959 – Shop (The Cloisters), at 265 Pacific Highway, North Sydney has been sourced from the NSW Heritage Inventory listing for the place, reference 2180766:

This is a three-storey gothic style shop built of decorative two-colour brickwork, probably in the 1880s. It has a cantilevered awning, but at ground level it appears to be unaltered with gothic style arches over an original timber shop front window and door. Two pointed arched openings to the ground floor with timber framed glazing and glazed door. Suspended metal awning with a pressed metal soffit and an ornate brick façade above. Pointed arched headed timber casement with rubbed brick arches. Upper floor separated by a diagonal brick string course. Painted brick above with diagonal brick decoration. Jerkin head roof is covered in dark, terracotta shingles that form a decorative pattern.

The following comments regarding the condition of the building is limited to what is visible from the exterior of the building; despite numerous attempts to visit the building the team was unable to gain access. The shop space is visible from the footpath; however the rear yard and upper levels have not been inspected, and as such their condition cannot be verified.

What can be seen of the exterior of the building shows a great deal of decay, with few signs of recent maintenance. Stormwater in particular has damaged the brickwork with weathering and extensive moisture penetration evident; the awning soffit is in particularly deteriorated condition.



Figure 34 - Shopfront façade showing the two colour brickwork, pointed arches, sandstone base and timber shopfront.



Figure 35 - An alternative view of the facade which includes the soffit of the awning.



Figure 36 - Detail of the pointed brick arch and highlight window over the shop entry door.



Figure 37 - The pointed arch over the timber framed shopfront window. The transom, framing and infill panel appear to be original.



Figure 38 - The slate door threshold, with damage to the timber door frame evident. Note the tuckpointing the brickwork.



Figure 39 - Sandstone basecourse with timber bull nosed sill and mouldings and stall board. The terracotta vent appears to have been added later.



Figure 40 - View through the glazed front door towards the door at the rear of the shop. It is not known what is behind the door.



Figure 41 - View through the shopfront window at floor mounted glass display cases and polished timber arched head display cases.

The rear of the site encroaches onto Church Lane, and is fenced in with corrugated iron. Views of the rear yard were not available.

The interior of the shop appears to have retained a high degree of original finishes, including door and cabinet joinery. Timber joists supporting the floor above are evident. As noted above, this assessment is based on what is visible from the footpath.

4.0 ESTABLISHED HERITAGE SIGNIFICANCE

The following diagram is an excerpt from the heritage map of the subject area that identifies heritage items and heritage conservation areas in the vicinity of the subject site.

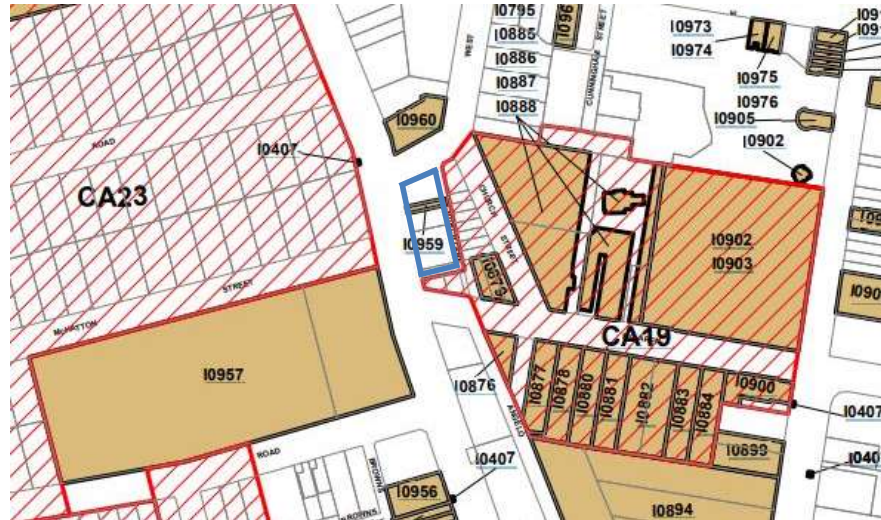


Figure 42 - North Sydney LEP 2013, Heritage, Sheet 2A showing heritage items (coloured brown), conservation areas (outlined in red) and cross hatched. The site is outlined in the blue line. (Source: <https://www.legislation.nsw.gov.au/maps/e63b6797-4d6c-4bf5-9>)

4.1 SIGNIFICANCE OF 265 PACIFIC HIGHWAY, NORTH SYDNEY

The following Statement of Significance for the Item 10959 – Shop (The Cloisters), at 265 Pacific Highway, North Sydney has been sourced from the NSW Heritage Inventory listing for the place, reference 2180766:

Statement of Significance

A very unusual example of a three storey brick commercial in the Victorian Free Gothic style with decorative coloured brickwork and decoration. Unique in the Municipality and prominent in the local streetscape.

Interesting design and rare commercial example of Victorian Free Gothic style in the area. Prominent on highway and relic of commercial history of this roadway. Influential design on present streetscape.



Figure 43 - The facade of The Cloisters, with the later c 1980s development either side.

4.2 HERITAGE CONSERVATION AREAS

4.2.1 Relationship Between the Conservation Areas

The site is located between two separate conservation areas, C19 - McLaren Street conservation area immediately to the east, and C23 - Crows Nest conservation area to the west across the Pacific Highway, as shown in Figure 42 above.

As described in the following statements of significance these two conservation areas, whilst in close proximity, are important for very different reasons. The Crows Nest Conservation area is made up of one and two storey residential development, primarily designed and constructed in the period between the wars. The building stock is notable as displaying a consistent range of residential architectural styles, with gardens and street tree plantings contributing to the quality of the area. The topography falls away from the Pacific Highway, with the conservation area generally located to the north east of the subject site.

The built character of the McLaren Street conservation area however is more diverse, and is made up of three primary components, the St Thomas' Church Group and park area, the McLaren Street Group of former residences to the eastern side of McLaren Street and a combination of residences and Council buildings. The topography is again falling away from the Pacific Highway, with views of recent tower development forming a backdrop to views across the conservation area to the south, south west and south east.

Views in both directions along McLaren Street are characterised by mature trees and the form and scale of the identified heritage items. Where McLaren Street meets the Pacific Highway a two-storey pair of residences on the northern corner, 6 and 8 McLaren Street, is categorised as being Contributory to the conservation area. These residences lie adjacent the southern boundary of the development site and are opposite the northern end of the tower development that follows the Pacific Highway down to Victoria Cross.



Figure 44 - 6 and 8 McLaren Street, with the site behind.



Figure 45 - McLaren Street meeting the Pacific Highway, with more recent development across McLaren Street. Nos 6 and 8 are circled in blue. Note the commercial building immediately to the north is the southern boundary of the site.

4.2.2 Significance of the Crows Nest Conservation Area

The subject site is located in the vicinity of the CA 23 - Crows Nest Conservation Area which is listed in Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013*.

The following Statement of Significance for the Crows Nest Conservation Area is sourced from the North Sydney Development Control Plan (DCP) 2013 section 10.11.3;

The Crows Nest Road Conservation Area is significant:

- (a) *As an excellent example of Inter-war garden suburb planning and subdivision for non-speculative residential development.*
- (b) *For its rarity in the locality as a largely intact and consistent residential area from the 1920 – 1930 eras that retains a fine range of Inter-war houses of one and two storeys, built on large lots with intact gardens and single garages.*
- (c) *For its strong landscape qualities that combine from the established trees, grassed verges and large open front gardens that provide unity to the streetscape.*
- (d) *For its association with Crows Nest House, and potential for evidence of the site of the historic house.*



Figure 46 - The Crows Nest Conservation Area, as identified in Figure C10.5 of the North Sydney DCP 2013. The north western corner of the site is identified by the blue lines at the right of the image

4.2.3 Significance of the McLaren Street Conservation Area

The subject site is located adjacent the CA19 - McLaren Street Conservation Area which is listed in Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013*.

The following Statement of Significance and Description for the McLaren Street Conservation Area is sourced from the North Sydney Development Control Plan (DCP) 2013 section 2.6.3;

The McLaren Street Conservation Area is significant:

- (a) *As an area that is close to the centre of North Sydney that retains representative details from its development from the late 19th and early 20th centuries, including street formation, buildings, gardens and fencing.*
- (b) *For its landmark qualities and associations with St Thomas' Church, North Sydney Council buildings, park and public court*

Description:

The McLaren Street Conservation Area is made up of two areas either side of McLaren Street and Church Street including the park to the north of the North Sydney Council Chambers.

The topography slopes down from Ridge Street towards McLaren Street with Church Street following the slope. The park is modelled with small rises and a terraced area towards Miller Street. The subdivision pattern relates only to McLaren Street and Church Street and the Victorian pattern has been lost in the Civic precinct.

The characteristic buildings in the area are typically Federation and Edwardian Queen Anne with pockets of Victorian dwelling houses along Church Street. The area contains several public buildings including St Thomas's Church and Hall and the North Sydney Council Chambers, a Federation building with modern extension. The buildings are typically:

- (a) *Single and two storey, freestanding buildings with materials relating to the age of construction,*
- (b) *Victorian rendered dwelling houses with verandahs and slate and corrugated metal roofs, and*
- (c) *Federation face brick dwelling houses with verandahs and terracotta tile roofs.*

The church is a prominent, stone building with associated vestry building and halls.

The former dwellings along the southern side of McLaren Street are recognised as a group within the conservation area. Originally one and two storey Federation residences these buildings are now almost exclusively used for commercial and educational support uses.



Figure 47 - The McLaren Street Conservation Area, as identified in Figure C2.6 of the North Sydney DCP 2013. The site is identified by the blue lines at the left of the image.

4.3 SIGNIFICANCE OF HERITAGE ITEMS IN THE VICINITY

The subject site is located in the vicinity of a number of other locally listed items, including:

- **Item I0960 - Union Hotel**
271 Pacific Highway, North Sydney

The following Statement of Significance is sourced from the NSW Heritage Inventory database, reference number 2181938:

The Union Hotel extensively rebuilt in 1938 is an early example of the International style, streamlined with stylised decoration and extensive use of vertical and horizontal lines. Designed by Prevost and Ancher it is aesthetically and historically significant as a relatively intact Interwar period hotel in North Sydney retaining many features of the period. The building has local social significance as a physical reminder of a site which has continuously housed a hotel since the 1870s, which continued to contribute to and serve the public.



Figure 48 - The Union Hotel, on the corner of the Pacific Highway and West Street.

- **Item I0957 - Gates and fence of former Crows Nest House**
182 Pacific Highway, North Sydney

The following individually listed items fall within CA19 – McLaren Street Conservation Area:

- **Items I0885 – St Thomas' Church.**
34 McLaren Street, North Sydney

The following Statement of Significance is sourced from the NSW Heritage Inventory database, reference number 2180809:

Excellent example of a Victorian Gothic church, designed by Edmund Blacket. Important regional church and probably the most important historically on the North Shore. Imposing building on prominent hill with associations to surrounding buildings. Associated with a number of important historical figures, such as Rev. Clarke and Conrad Martens and with many prominent attendees. The interior is also of significance.

- **Items I0886 – St Thomas' Church Rectory**
34 McLaren Street, North Sydney

The following Statement of Significance is sourced from the NSW Heritage Inventory database, reference number 2180807:

Excellent example of early Arts and crafts style house and example of work of prominent local architect. Associated with adjacent important church and with complementary design features. Part of a group of important ecclesiastic buildings.

- **Items I0887 – St Thomas' Kindergarten Hall.**
34 McLaren Street, North Sydney

The following Statement of Significance is sourced from the NSW Heritage Inventory database, reference number 2180808:

The oldest standing school house on the North Shore and the second established, predating National Schools and public education. It forms a historic link with the original St. Thomas Church and remains part of the St. Thomas Church precinct. Has a long history of school usage and has associations with other significant local schools.

- **Items I0888 – The Memorial Hall of St Thomas.**
34 McLaren Street, North Sydney

The following Statement of Significance is sourced from the NSW Heritage Inventory database, reference number 2181938:

See under McLaren Street Group NSHS0856

- **Item I0902 and I0903 – North Sydney Council Chambers (including fountain) and Wyllie Wing**
200 Miller Street, North Sydney

The following Statement of Significance is sourced from the NSW Heritage Inventory database, reference number 2180851:

Important example of it's style in a prominent corner location. Associated with early medical practice and was significant local hospital at one stage. Later associations as Council Chambers and generally an important local public building. Work of significant local architect. (see also form 1422 for details on the Wyllie Wing).

The Wyllie Wing is a physical record of the growth and stature of local government in North Sydney. For architectural historians, it also demonstrates an uncompromising modernist approach by one of Australia's most prominent modernist architects - Harry Seidler. It is a representative, rather than exceptional, example of a 1970s modernist style building.

- **The McLaren Street Group**

The following Description and Statement of Significance is sourced from the NSW Heritage Inventory database, reference number 2180856:

A fine group of buildings which contains individually interesting examples of Federation architecture which taken together, form an important period streetscape. The group relates well to the St. Thomas Church and Council Chambers and the majority being large houses with mature gardens, forms an important and attractive air of comfort and prosperity close to the encroaching commercial centre. Relic of nineteenth century character of vicinity.

Description:

The south side of McLaren Street from Angelo Street to Miller Street, excluding No. 5-7. No's 3, 9, 11 and 29 are all single storey brick cottages. No's 21-23, 25, 27, 31-33 and No. 196 Miller Street are all two storey houses or duplexes. On the north side, between the Pacific Highway and Church Street are three similar houses, No 8 and 10 being two storey houses and No 12 a single storey villa. Both No's 10 and 12 are Victorian in form but with details drawn from the Federation period. No 34 is similarly a federation house. At the opposite end, the Council Chambers is a fine building of the period characteristic of the street. It is listed individually on Miller Street, but is an important feature in the total character of McLaren Street. No. 243 Miller Street has a similar reinforcing effect on the McLaren Street Group.

- Item I0879 - House
12 McLaren Street, North Sydney
- Item I0876 – 'Torwood'
3 McLaren Street, North Sydney
- Item I0877 – 'Grahwey'
9 McLaren Street, North Sydney
- Item I0878 – 'Kelvin'
11 McLaren Street, North Sydney
- Item I0880 - House
21-23 McLaren Street, North Sydney
- Item I0881 – 'Tara'
25 McLaren Street, North Sydney
- Item I0882 – 'Stormanston'
27 McLaren Street, North Sydney
- Item I0883 – 'Fairhaven'
29 McLaren Street, North Sydney
- Item I0884 - House
31 McLaren Street, North Sydney

5.0 THE PROPOSAL

The planning proposal for the site proposes an increase to the existing height and density controls and is based on the site assessment and urban design evaluation prepared by GMU Urban Design and is informed by a Building Envelope Study and Reference Design prepared by PTW Architects.

The request for a planning proposal aims to assist the North Sydney Council to amend the maximum height standard that applies to the site pursuant to the provisions of the NSLEP 2013. North Sydney Council is requested to amend NSLEP 2013 in the following manner.

The intended outcome of this Planning Proposal is to amend the *North Sydney Local Environmental Plan 2013 (LEP 2013)* as follows:

- Establish a site -specific height control; and
- Establish a site -specific FSR control.

The proposal does not seek to amend the current B4 Mixed Use zone under the LEP 2013.

Approach to the conservation and adaptive re-use of the heritage item, known as The Cloisters, on the site includes:

- Removal of the surrounding c1980's development that physically abuts the heritage item;
- Conserve the significant fabric, building form, primary shop space and fitout components;
- Identify an appropriate interface between the heritage item and the development to that allows the building to retain its and
- Support the establishment of an appropriate use which allows the conservation of the shop and its fitout.



Figure 49 - Aerial perspective view of the site in the context of the existing and desired future character of the centre of North Sydney. (Source: PTW Architects)



Figure 50 - South west aerial image (Source: PTW)



Figure 51 - North east aerial image (Source: PTW)

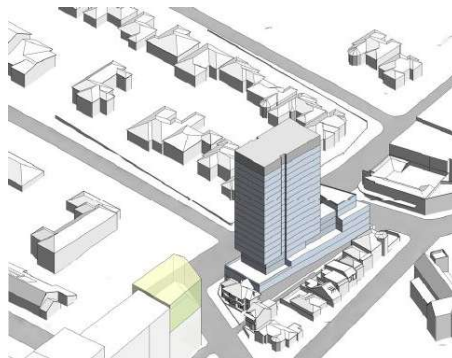


Figure 52 - South east aerial image (Source: PTW)



Figure 53 - North west aerial image (Source: PTW)

6.0 EVALUATION OF HERITAGE CONTROLS

North Sydney Council makes local environmental planning provisions for land in the North Sydney Local Government Area in accordance with the relevant standard planning instrument under Section 33A of the *Environmental Planning and Assessment Act 1979*.

6.1 STATUTORY CONTROLS OF THE NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN (LEP) 2013

Clause 5.10 of the *North Sydney LEP* describes the provisions which relate to Heritage Conservation, the objectives of which are as follows:

Statutory Control:	This proposal relates to the controls as follows:
<p>5.10 Heritage conservation</p> <p><i>(1) Objectives</i></p> <p><i>The objectives of this clause are as follows:</i></p> <p><i>(a) to conserve the environmental heritage of North Sydney,</i></p> <p><i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></p>	<p>This planning proposal seeks to amend the height and FSR development controls of the subject site for the mixed-use development site.</p> <p>The heritage item on the site will be conserved and its identified cultural significance retained and enhanced.</p> <p>The proposal does not unacceptably alter the understanding or appreciation of the heritage conservation areas or individual heritage items in the vicinity of the site.</p>
<p>(2) Requirement for consent</p> <p><i>Development consent is required for any of the following:</i></p> <p><i>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</i></p> <p><i>(i) a heritage item,</i></p> <p><i>(ii) an Aboriginal object,</i></p> <p><i>(iii) a building, work, relic or tree within a heritage conservation area,</i></p> <p><i>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</i></p> <p><i>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</i></p>	<p>Exterior changes to The Cloisters heritage item will involve conservation, reconstruction and repair. Details of these works would be addressed in any future Development Application for the site.</p> <p>At this time, due to limited access to the heritage item, the extent of works to the interior of the building cannot be determined. It should be appreciated that what can be seen of the condition of the building suggests that it is in very poor condition and extensive conservation works will be required. As yet no structural assessment of the place has been able to be undertaken.</p>

- (e) erecting a building on land:
(i) on which a heritage item is located or that is within a heritage conservation area

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

At this time access to the heritage item on the site was not possible. The intention is, once appropriate detailed investigations can be carried out, to prepare an appropriate heritage management document.

This document, be it a Heritage Assessment or a Conservation Management Plan, will identify the significance of the various components of the place so that future decisions are based on an understanding of the place.

(5) Heritage assessment

The consent authority may, before granting consent to any development:
(a) on land on which a heritage item is located, or
(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

In preparing the reference design the assumptions that were made about the heritage item were as follows:

- The building form will be retained, and the façade will retain its current prominence in the street;
- The building fabric will be conserved and restored as required;
- The main shop space and all its fittings and finishes will be retained; and
- A new use for the place which allows the retention of the shop fitout will be established.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

The planning proposal is, therefore, considered to be consistent with the relevant heritage objectives of the *North Sydney Local Environmental Plan (LEP) 2013*.

6.2 HERITAGE GUIDELINES OF THE NORTH SYDNEY DEVELOPMENT CONTROL PLAN (DCP) 2013

The *North Sydney Development Control Plan (DCP) 2013* supports the *North Sydney Local Environmental Plan (LEP) 2013* by providing additional objectives and development standards for heritage listed properties and properties in the vicinity of heritage conservation areas and other heritage items.

6.2.1 GENERAL HERITAGE PROVISIONS

The proposed development is generally consistent with the objectives of the *North Sydney Development Control Plan (DCP) 2013* that relate to heritage and are set out in the following DCP Sections;

Guideline:	This proposal relates to the guidelines as follows:
<p>13.5.1 Protecting heritage significance Objectives</p> <p>01 <i>Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item.</i></p> <p><i>Note: Council does not support demolition of heritage items as a matter of principle.</i></p> <p>02 <i>Allow change to occur to heritage items to meet amenity and contemporary safety, sustainability or technological standards, provided that those changes are sympathetic to and does not detrimentally affect the heritage significance of the heritage item.</i></p> <p><i>Note: Development to heritage items should be sympathetic, and achieve a reasonable balance between contemporary expectations, environmental sustainability and protecting heritage significance.</i></p> <p>03 <i>Ensure significant features of heritage items are retained and that development is sympathetic to these features with particular regard to bulk, form, style, character, scale, setbacks and materials.</i></p> <p>04 <i>Acknowledge changes over time to heritage items, as subsequent layers may also be of significance.</i></p> <p>05 <i>Encourage reinstatement of missing details and the removal of past unsympathetic changes, to improve overall outcomes to the heritage significance of the heritage item.</i></p> <p>06 <i>Allow changes to the rear of heritage items where the new work does not</i></p>	<p>Research has been carried out to understand the history of the heritage item, and the intention is to carry out further physical investigations following access to the site being made available.</p> <p>Any changes contemplated at a later stage of development to The Cloisters will be based on the outcome of detailed physical and documentary investigations into the place.</p> <p>Whilst internal inspections have not been carried out the fabric of the heritage item that is visible from the public domain clearly show intact early form and fabric. The historic use of the place as a shop is still evident and a high degree of the fitout has been retained as evidence of this use.</p> <p>The intention is to retain and conserve those aspects of the place which have contributed to make the place a local landmark.</p>

<p><i>impact the heritage significance of the heritage item.</i></p> <p><i>07 Ensure that new uses of heritage items are compatible with the fabric and heritage significance of the item.</i></p> <p><i>08 Encourage changes to be reversible where possible and appropriate.</i></p> <p>Provisions</p> <p><i>P1 Retain features (including landscape features) that contribute to the significance of the item.</i></p> <p><i>P2 Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.</i></p> <p><i>P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.</i></p> <p><i>P4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.</i></p> <p><i>P5 Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.</i></p> <p><i>P6 All works are to be consistent with an adopted Conservation Management Plan/s where applicable.</i></p>	<p>Proposed future uses of the place will be established that reflect and conserve the historic retail/public nature of the place.</p> <p>A heritage management document will be prepared for the place, which will allow decisions about the place to be made based on an understanding of the significance of the place.</p>
<p>13.6 Heritage Conservation Areas</p> <p>13.6.1 General Objectives</p> <p><i>The objectives to section 13.6 are to:</i></p> <p><i>01 Ensure that new development is designed to retain and complement the character and significance of the conservation area.</i></p> <p><i>02 Ensure that contributory items are retained and where practical improved, with a focus to locate new work to the rear or away from publicly visible elevations of building.</i></p> <p><i>03 Enable neutral items to be improved such that they contribute to the character of the heritage conservation area through the removal of unsympathetic and inappropriate elements, and reinstating missing details where appropriate.</i></p> <p><i>04 Encourage change that will remove uncharacteristic items or reduce the extent of their intrusion.</i></p>	<p>The Building Envelope Study and Reference Design contemplates a podium with two towers, one tall, the other considerably shorter and is located adjacent the McLaren Street conservation area.</p> <p>The adjacent contributory item at 6 and 8 McLaren Street will retain a boundary with a contemporary building form as currently exists; the proposed tower above will be an added element however existing views of the building, and its role in contributing to the character of the McLaren Street conservation area will be retained.</p>

	Recent tower development is currently included in views from the conservation area to the south and includes the line of substantial buildings stepping up the Pacific Highway to the edge of the subject site. The proposed development would continue this pattern, with the exception being that the northern end will form a stepped transition down to the heritage item, and lower scale development on West Street.
<p>13.6.2 Form, massing and scale</p> <p>Objectives</p> <p><i>O1 To ensure new development has a compatible and complementary building form and scale to that which characterises the conservation area.</i></p> <p><i>O2 To maintain and enhance streetscape character.</i></p> <p>Provisions</p> <p><i>P1 Development should reflect the bulk, mass, scale, orientation, curtilage and setbacks of surrounding heritage and contributory items.</i></p> <p><i>P2 Development should recognise and complement the predominant architectural scale and form of the area.</i></p> <p><i>P3 Do not obstruct existing views in the public domain, including slot views over and between buildings as these provide connection and contribute to the context of the area's location.</i></p> <p><i>P4 Reinstate characteristic and decorative features to contributory items where possible and reasonable where alterations and additions are proposed. This could include reinstatement of verandahs and balconies, joinery, chimneys, fences or window detailing.</i></p> <p><i>P5 Achieve a neutral or improved outcome to neutral items by:</i></p> <p><i>(a) respecting original or characteristic building patterns in terms of bulk, form, scale and height;</i></p> <p><i>(b) minimising changes to original and characteristic features;</i></p> <p><i>(c) removing unsympathetic and uncharacteristic changes and/or;</i></p>	<p>The planning proposal contemplates a contemporary building form, namely a tall tower, a shorter tower on a single podium, that will sit along the western boundary of the conservation area. This form is not characteristic of the conservation area, it will however be read in the context of the substantial tower development existing and contemplated to the south, south east and south west of the conservation area.</p> <p>The existing proportions of the site are narrow, and as such the existing development is built out to the site boundaries; this approach will be maintained in future development. As such there are no landscape components to take into consideration.</p> <p>Detailed design and materiality would be developed and assessed by the consent authority as part of a future detailed Development Application.</p>

<p><i>(d) reinstating characteristic details where there is physical or documentary evidence.</i></p> <p><i>P6 Achieve an improved outcome to uncharacteristic items by removing the uncharacteristic or intrusive element or incorporating changes to improve the contextual design and visual impact of the site.</i></p> <p><i>P7 Respond to characteristic building alignments by not building forward of the established or characteristic front setback.</i></p> <p><i>P8 Repeat any consistent pattern of side and rear setbacks of heritage and contributory items in the vicinity of the site.</i></p> <p><i>P9 New work may adopt a contemporary character, provided the development is not likely to have a detrimental impact on the characteristic built form of the area, particularly in terms of bulk, scale, height, form or materials.</i></p>	
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7.0 ASSESSMENT OF HERITAGE IMPACT

7.1 INTRODUCTION

This Heritage Impact Statement has been prepared in relation to the following impact assessment criteria: *North Sydney Local Environmental Plan (LEP) 2013*, the *North Sydney Development Control Plan (DCP) 2013* and the New South Wales Heritage Office (now NSW Heritage Division) guidelines, *Altering Heritage Assets* and *Statements of Heritage Impact*, contained within the NSW Heritage Manual.

7.2 DISCUSSION OF THE REFERENCE DESIGN

The Building Envelope Study and Reference Design developed to support the planning proposal by PTW Architects has taken into account the heritage item based on historical research and what can be understood of the building from the street. Following full access to the site an appropriate detailed assessment of the place can be undertaken; this document would then inform the decision-making process about the place at any future detailed design phase.

The overall form of the development can be simply understood as a podium which wraps around the site, with a tall tower to the south and a lower tower to the north.

The podium contains the heritage item facing the Pacific Highway, with a visual transition/separation zone either side; this allows the original form and fabric of the heritage item to be conserved and for the building to retain its visual presence from the public domain. In removing the later 1980's interpretive development either side of The Cloisters, this design decision supports the recapturing of the original 'stand alone' character of the building in the streetscape.

The rear of the podium sits behind the residences facing onto Church Street and steps up generally in line with the topography. The upper edge of the podium steps back forming a 'waist' that sits between the podium and the southern tower. The Church Lane elevation of the podium forms a backdrop to the buildings along the western boundary of the McLaren Street conservation area.

On the southern boundary the podium is at its lowest point and maintains a relationship with the contributory item at 6 and 8 McLaren Street that is similar in the scale to the existing commercial development on the site.

The two tower forms sit at either end of the site and respond to the differing built contexts of each. As the podium rounds the northern end of the site it is then addressing the Union Hotel and West Street. In response to the surrounding lower built context the podium rises to form the smaller tower form. Views of the southern end of the building pivot from the intersection of Church Street, West Street and the Pacific Highway.

The shorter built form at the higher end of the site acts as a transition stepping down to the Union Hotel, and with the hotel, bookmarking the entry into West Street. This shorter form, in conjunction with the adjacent residences, provides a stepped transition in views of St Thomas's Church along Church Street.

The tall tower form is articulated with a vertical recess to the east and west to emphasise a slender proportion; this form is read in the context of the tower buildings existing and contemplated along the Pacific Highway and into the heart of North Sydney. The taller tower form is of a similar relationship to the McLaren Street conservation area as the

existing tower buildings backing onto Angelo Street, and continues views of contemporary development that currently edge the conservation area to the south.

7.3 EVALUATION OF THE GUIDELINES OF THE NSW HERITAGE DIVISION

The following assessment of this application is based on the guidelines set out by the NSW Heritage Office (now Heritage Division of the Office of Environment & Heritage) publication 'Statements of Heritage Impact', 2002. The standard format has been adapted to suit the circumstances of this application.

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

- The heritage item, The Cloisters, will be retained and conserved so that existing advanced deterioration will be repaired and managed, ensuring that original heritage fabric won't be lost.
- The heritage item will retain its prominence as a local landmark on the Pacific Highway, with its original 'standalone' character being reinstated.
- The contemporary form of the reference design addresses the existing and contemplated tower forms along the Pacific Highway to the south, as well as providing a stepped transition to the northern end of the site where it meets West Street and the nearby heritage items.
- The higher tower has adopted a slender form with a waist; this approach, whilst adding a built element to the visual context, supports the ongoing appreciation of the character and understanding of the McLaren Street conservation area and associated views and those heritage items within the conservation area.
- Any new development on this site will be read in context with the existing and proposed nearby tower developments. The site will not read as an isolated development.

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

- The addition of a tall building to the west of the McLaren Street conservation area has the potential to alter how the character of the area is appreciated. This impact has been mitigated in the detailed form of the development, such that it responds to the sloping topography and the differing built form at each end of the development.
- Any visual impacts will be further mitigated at the detailed design phase of the project where articulation and materiality can be developed which sits comfortable in the specific context.

7.4 NEW DEVELOPMENT ADJACENT TO A HERITAGE ITEM (INCLUDING ADDITIONAL BUILDINGS AND DUAL OCCUPANCIES)

How is the impact of the new development of the heritage significance of the item or area to be minimised?

- The form of the reference design acknowledges the presence of the heritage item and through a stepping back of the new development around the heritage item demonstrates that it is able to retain its presence in the public domain.

- Future detailed design which addresses articulation and materiality in detail will further support an appropriate treatment of the interfaces of any new development and the existing heritage item.

Why is the new development required to be adjacent to heritage item?

- The heritage item, The Cloisters, is located within the proposed development site.

How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

- Currently a Lot boundary curtilage is associated with the heritage item, with the site being built hard up against on each shared boundary. This same arrangement is proposed in the reference design.

How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?

- There will be no changes to views to and from the heritage item. Primary public domain views are from and to the Pacific Highway.

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

- Research into the potential for archaeological deposits was not carried out for this planning proposal. Based on the research carried out for this report, the likelihood of any archaeological finds is low.

Is the new development sympathetic to the heritage item? In what way (eg form, siting, proportions, design)?

- Yes, the proposal is sympathetic to the heritage item through its massing, specifically around the heritage item and across the site stepping down to the West Street end.

Will the additions visually dominate the heritage item? How has this been minimised?

- The planning proposal does contemplate a significantly larger development around the heritage item than currently exists, however this impact is mitigated in the following ways:
 - The building is returned to its earlier 'stand alone' form;
 - The upper form of the development responds to the heritage item by setting back the bulk of the building and commencing its stepped down to the north at this point;
 - The articulation contemplated in the reference design steps the form around the upper levels at the rear of the heritage item; and
 - The southern tower is read as distinctly separate from the heritage item.

Will the public, and users of the item, still be able to view and appreciate its significance?

- Yes, the public and users of the item will still be able to view and appreciate its significance.

8.0 RECOMMENDATIONS AND CONCLUSION

8.1 RECOMMENDATIONS

To mitigate any potentially adverse impacts from the planning proposal on the heritage item, we make the following recommendations:

- R1 A **Conservation Management Plan** for the site known as The Cloisters, at 265 Pacific Highway, North Sydney, should be prepared to guide decisions about the future use, care and possible changes to the place.
- R2 A **Photographic Archival Recording** of the interiors and exterior should be carried out prior to any proposed works commencing. Note: Should the current owners decide to retain internal fittings and fixtures, it would be a positive outcome to carry out the first phase of the recording prior to removal of the fitout to record the character of the spaces at the time of the shop closure.
- R3 **Measured Drawings** of the building should be carried out and stored with the Photographic Archival Recording.

8.2 CONCLUSION

The amendments to the *North Sydney Local Environmental Plan 2013* proposed in this planning proposal have an acceptable heritage impact on the heritage item at 265 Pacific Highway, and the adjacent McLaren Street conservation area.

Council should have no hesitation, from a heritage perspective, in approving this application.



Samantha Polkinghorne
Studio Principal - Heritage
NBRSARCHITECTURE