

STATEMENT OF HERITAGE IMPACT

20 Berry Street, North Sydney

Issue B, March 2021



20 BERRY STREET, NORTH SYDNEY

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1.0

INTRODUCTION

1.1 REPORT OVERVIEW

This report has been prepared to accompany a Planning Proposal related to possible future development at 20 Berry Street, North Sydney. It is proposed to amend the building height controls and land use zoning in the *North Sydney Local Environmental Plan (LEP) 2013*, and to allow additional overshadowing in an existing Special Area and compensate by creating a new Special Area. The proposal is described further in Section 5.0.

This report evaluates the potential heritage impacts of the planning proposal and possible future development as represented in drawings by Turner Architects, and concludes that these will be acceptable.

1.2 REPORT OBJECTIVES

The main objective of this Statement of Heritage Impact is to review the Planning Proposal and consider its implications, from a heritage perspective, and to assess the suitability and heritage impact of the proposed design, in relation to the provisions established by North Sydney Council and the Heritage Council of NSW.

1.3 METHODOLOGY AND STRUCTURE

This Statement of Heritage Impact has been prepared in accordance with guidelines outlined in the *Australia ICOMOS Charter for Places of Cultural Significance, 2013*, known as *The Burra Charter*, and the Heritage NSW (in the NSW Department of Premier and Cabinet) 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.

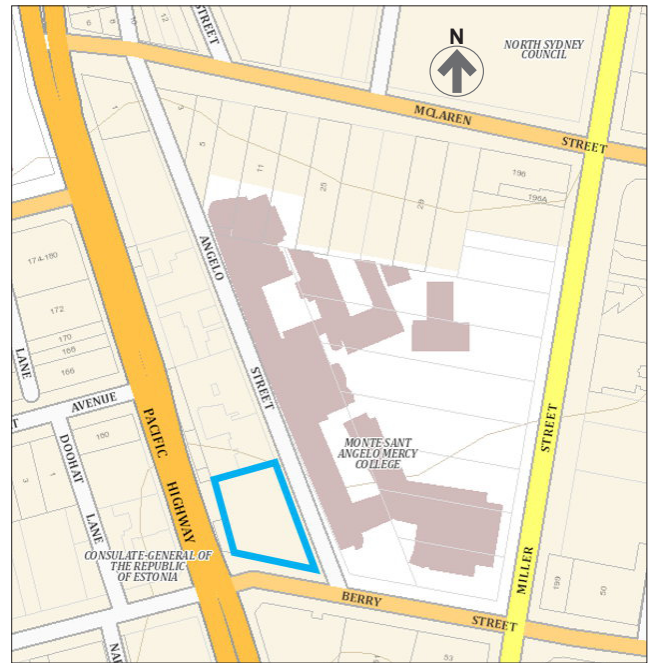


Figure 1.1
Location map with subject site outlined in blue.
Base image: NSW Spatial Services, SIX Maps

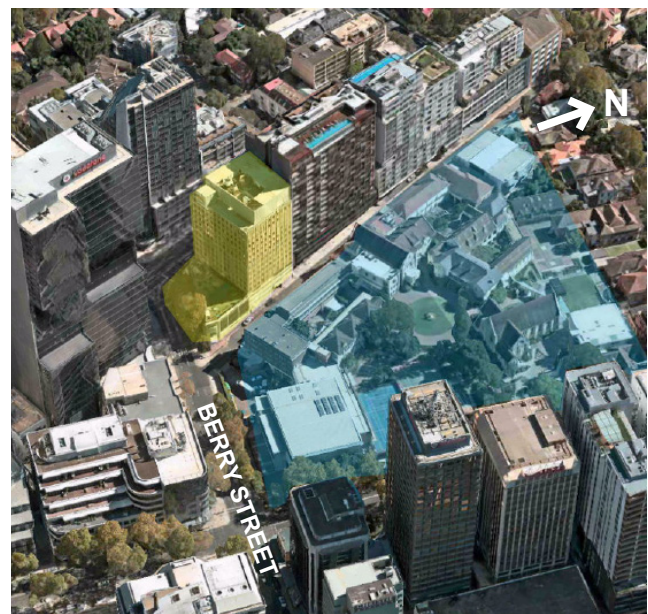


Figure 1.2
Aerial view from east, with subject site shaded in yellow and the heritage item 'Monte Sant Angelo Group' shaded in blue.
Base image: Apple Maps

1.4 SITE IDENTIFICATION

The subject site is located on the north-east corner of the intersection of Berry Street and Pacific Highway, North Sydney. It is described by NSW Land Registry Services (LRS) as Lot 1, DP 550167.

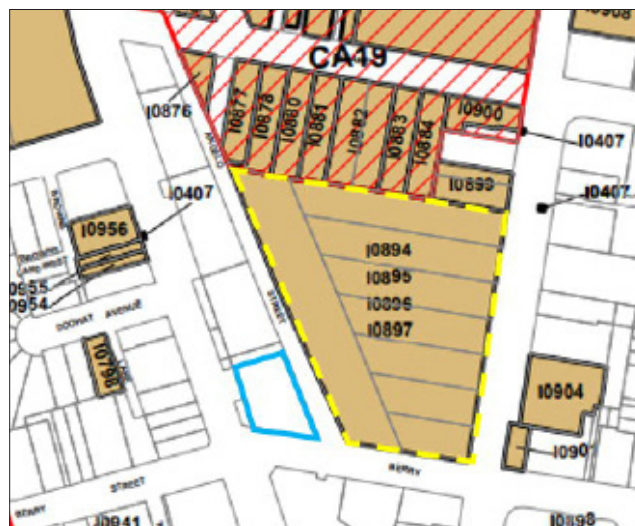
1.5 HERITAGE MANAGEMENT FRAMEWORK

The subject site is not listed as a heritage item in any statutory instrument, or within any Heritage Conservation Area. It is within the North Sydney Planning Area as described in Section 2.0, and the Central Business District as described in Section 2.1, of Part C of the *North Sydney Development Control Plan (DCP) 2013*. It is also in the vicinity of several listed heritage items, the closest and most relevant being:

- The Monte Sant Angelo Group at 128 Miller Street, listed as an item (no. I0894) of Local heritage significance in Schedule 5 of the *North Sydney LEP 2013* (but shown as four items, nos. I0894 to I0897, in the LEP Heritage Map);
- 'Masalou', former residence within the Monte Sant Angelo Group (listed in NSW Heritage Inventory but not in the LEP);
- Mercy Hall, within the Monte Sant Angelo Group (listed in NSW Heritage Inventory but not in the LEP);
- 'O'Regan', former residence within Monte Sant Angelo Group at 192 Miller Street, (item I0899 in the LEP); and
- The McLaren Street Heritage Conservation Area (item C19 in the LEP).

Other listed items in the vicinity are separated from the subject site by distance, roadways or development and are not considered to be within the primary visual catchment area of the subject site. Potential heritage impact on these items is not addressed in this report.

The property is subject to the heritage provisions of the *North Sydney LEP 2013* and the *North Sydney Development Control Plan (DCP) 2013* under the *Environmental Planning and Assessment Act 1979*. North Sydney Council must take into consideration the potential impact of any proposed development on the heritage significance of the heritage items in the vicinity.



2.0

HISTORICAL SUMMARY

The North Shore's rugged terrain and disconnection from Sydney initially deterred settlers while attracting timber-getters, escaped convicts and illegal rum-makers. With the gradual development of roads, orchards and other small scale agriculture began to appear, and the area's clean air and scenic views began attracting middle class escapees from bustling Sydney.

In the 1860s the vicinity of the subject site was still relatively undeveloped, with orchards, harbour views, rudimentary streets, a sprinkling of residences both elegant and humble, and a small commercial area.

In the mid-1880s, the intersection of Miller and Mount streets and Lane Cove Road (present day Victoria Cross) was the commercial and civic centre of the township. The development of a town centre was boosted by the construction [c.1898] of the cable tramway from Ridge Street to the ferry wharf at Milsons Point, via Miller and Alfred Streets... Business flourished in this area and banks, public buildings and shops were built in Miller, Mount and Walker streets...

*Over the next 30 years, the population that settled in the township was a conglomerate of professional and commercial people, skilled tradesmen and labourers. The middle class built grand homes on the heights of North Sydney in the vicinity of the St Leonards Reserve. The medical fraternity established itself in and around Miller Street between Berry and Ridge streets, and this area became known as the 'Macquarie Street of the North Shore'...*¹

A parish map c.1887 shows the east side of Pacific Highway (then Lane Cove Road) subdivided into small lots. The *Sands Directory of Sydney & Suburbs* indicates that these were occupied by commercial premises including coach builders, fencers, builders, bootmakers and several grocers or fruiterers, attesting to the residential development of the area. Only two occupants are shown on the north side of Berry Street between Miller Street and Lane Cove Road: Mrs Lucy Piggott and Mr John Stevens, a timber merchant.²

¹ Masson
² *Sands Directory*, 1887, part 4, City of Sydney Archives



Figure 2.1

Looking east along Berry Street from Lane Cove Road (Pacific Highway), c.1860.

Source: Stanton Library, call no. LH REF PF540



Figure 2.2

Berry Street near Lane Cove Road, 1860s.

Source: Stanton Library, call no. LH REF PF540

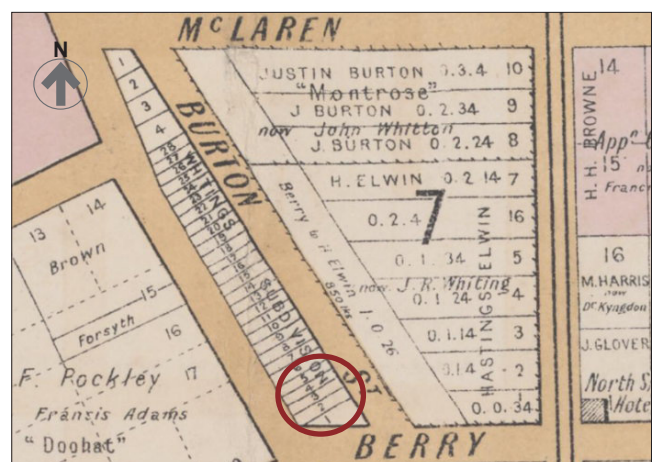


Figure 2.3

Excerpt from Willoughby Parish map, c.1887, with location of subject site indicated by circle. Burton Street is now Angelo Street.

Source: National Library of Australia, call no. MAP RM 4458

A small pub, the Unity Hotel, was built on the subject site c.1908. The suburb remained a quiet village, however, into the 1920s, a primarily residential area highly influenced by the 'garden suburb' concept, but not an economic centre. Expectations were raised by the construction of the Sydney Harbour Bridge: 'Every new rivet rammed home in that colossal arch brings a step closer to the progressive centre new life, new activities, new possibilities', declared a news article in the early 1930s.³ Yet change did not arrive overnight.

Development after the Depression mainly consisted of rebuilding. New Art Deco style hotels, garages and public buildings replaced earlier buildings. Large Federation and Victorian houses were converted into boarding houses, with verandahs and balconies enclosed to provide additional bed-sitting accommodation and servants' quarters turned into flats. Despite this, the population declined across the suburb and municipality after World War II.⁴

By the 1930s the Unity Hotel had disappeared, leaving the site vacant but for a small structure or two: aerial views suggest the layout of a small public park, with formally arranged pathways.

It was only in the 1950s, with the relaxation of wartime restrictions on the availability of materials, that development began in earnest, resulting on the one hand in the spectacular 1957 MLC building on Miller Street, but on the other hand largely erasing a layer of local history.

The building boom [of the 1960s and 1980s] resulted in the wholesale demolition of the nineteenth-century township – Victorian and Federation shops, terraces, houses and public buildings disappeared from the streetscape.⁵

In recent years central North Sydney has again been the subject of intensive urban planning specifically aimed at economic growth and sustainability, including planning around the construction of the Sydney Metro and the new Victoria Cross Station. Among other regulatory changes, permissible building heights have been increased in many locations. Several new tall buildings have been completed, including the 32 storey 'Skyscraper Centre' directly across Berry Street from the subject site, and the 24 storey 'Polaris' directly across Pacific Highway.

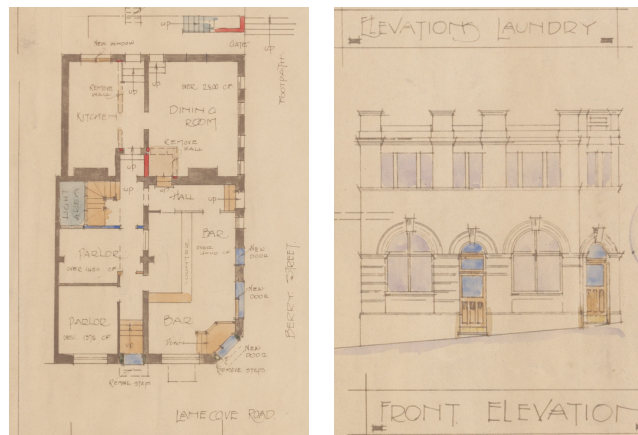


Figure 2.4

1914 plan and west elevation of Unity Hotel, cnr Berry Street and Lane Cove Road (Pacific Highway), designed by E Lindsay-Thompson, constructed c.1908.

Source: State Archives & Records, Digital ID 9590_62932



Figure 2.5

Excerpt from 1932 aerial view from north, with largely vacant subject site indicated by ellipse.

Source: Stanton Library, call no. LH REF PF117



Figure 2.6

Excerpt from 1943 aerial view from south, with largely vacant subject site indicated by circle. Note the apparent formal pathways.

Source: NSW Spatial Services, SIX Maps

³ *Daily Guardian*, quoted in Warne, p.90

⁴ Masson, *op cit*

⁵ *Ibid*

3.0

SITE DESCRIPTION

The subject site is located in the North Sydney Centre as defined in the *North Sydney LEP 2013*. Generally the Centre occupies an area bounded by the Pacific Highway, Warringah Freeway and Berry Street, with extensions that include the subject site and its vicinity along Pacific Highway (see Figure 3.2).

The subject site is in a prominent, highly urban corner location on busy Pacific Highway, with Berry Street to the south, Angelo Street to the east and a row of approximately 15-storey buildings to the north.

Certain areas in the Centre are designated as Special Areas, primarily in order to ensure sufficient solar access to public space. The south side of Berry Street opposite the subject site is such an area: this is not a public park or plaza, but a footpath with frontages of a cafe, medical centre, commercial building and underground carpark.

The north half of the site is occupied by a 15-storey 1970s office building with a rooftop addition, and the south half by a later three storey addition with retail outlets fronting onto Berry Street.

The existing building's south and west facades are highly visible when approached from the south along Pacific Highway, but far less so when seen from further south or when approached from the north, when it blends into the 'wall' of high-rise buildings along Pacific Highway.

There are few distant views of the existing building from the west, north or south due to the generally high-rise nature of development in the vicinity. From the east, however, the low scale and large area of the Monte Sant'Angelo Mercy College permits a range of partial views to the subject site from Miller Street and from within the College grounds. Glimpses to the site are also available between the houses along the higher ground on McLaren Street.

*

Photographs on the following pages indicate the nature of the site and views to it. (Photographs taken by GBA Heritage in December 2020).

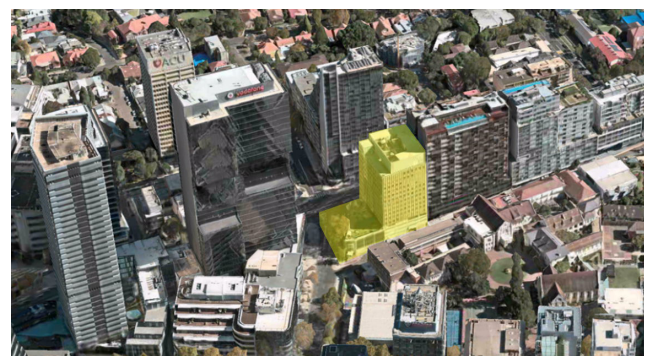
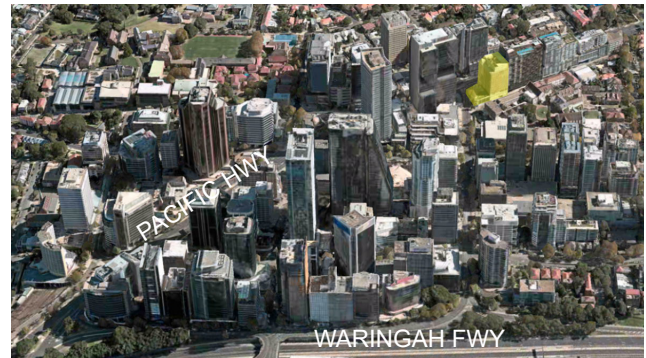


Figure 3.1
Aerial views from east, showing the North Sydney Centre, with the subject site shaded in yellow.
Base image: Apple Maps

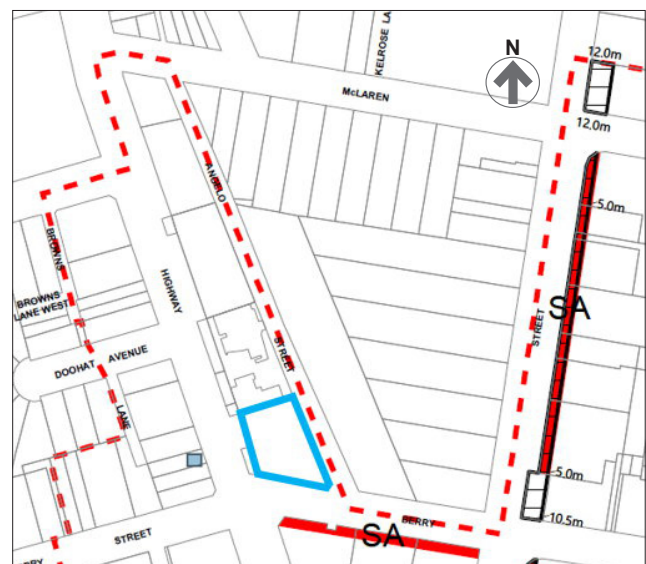


Figure 3.2
Excerpt from Foreshore Building Line Map showing North Sydney Centre boundary as red dashed line, Special Areas shaded red and subject site outlined in blue.
Source: *North Sydney LEP 2013, Foreshore Building Line Map; North Sydney Centre Map; Exceptions to Development Standards, sheet CL1_002A*



Figure 3.3
View north along Pacific Highway, with subject site at centre.:



Figure 3.4
View north along Pacific Highway at corner of Berry Street, with subject site at centre right.



Figure 3.5
View south along Pacific Highway, with subject site indicated by arrow.



Figure 3.6
View south along Pacific Highway, with subject site indicated by arrow.

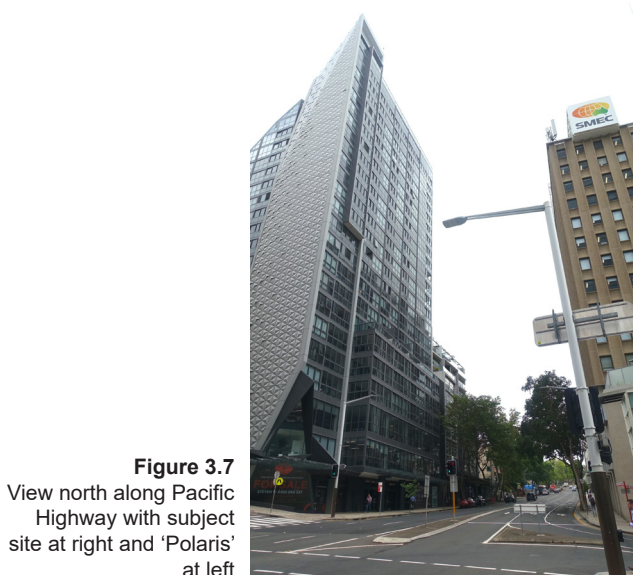


Figure 3.7
View north along Pacific Highway with subject site at right and 'Polaris' at left



Figure 3.8
View south along Pacific Highway with subject site at left and 'Skyscraper Centre' at centre



Figure 3.9
View north from Berry Street with subject site at centre and Angelo Street at right.



Figure 3.10
View north from Berry Street showing south-east corner of subject site including area proposed as new Special Area.



Figure 3.11
View west along Berry Street showing Berry Street Special Area (footpath) and subject site beyond.

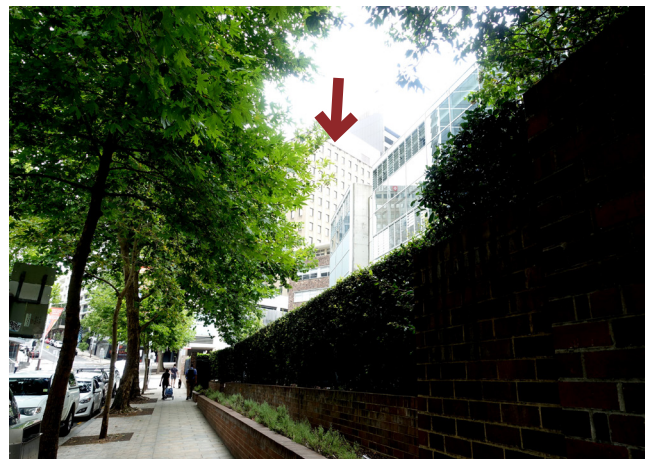


Figure 3.12
View west along north side of Berry Street with Monte Sant'Angelo Mercy College at right and subject site indicated by arrow.



Figure 3.13
View north along Angelo Street with subject site at left and centre, and Monte Sant'Angelo Mercy College at right.



Figure 3.14
View north-east from corner of Angelo and Berry Streets showing Monte Sant'Angelo Mercy College buildings, with awning of subject building visible at left.



Figure 3.15
View south along Angleo Street with Monte Sant'Angelo Mercy College at left and subject site indicated by arrow.



Figure 3.16
View south from north end of Angleo Street with subject site indicated by arrow



Figure 3.17
View south from McLaren Street with listed houses in McLaren Street HCA in foreground and subject site indicated by arrow.



Figure 3.18
View south from McLaren Street with listed buildings in McLaren Street HCA in foreground and subject site indicated by arrow.



Figure 3.19
View west from Miller Street with main entrance to Monte Sant'Angelo Mercy College at centre and subject site indicated by arrow.



Figure 3.20
View west from Miller Street, looking across south section of Monte Sant'Angelo Mercy College, with subject site indicated by arrow.



Figure 3.21
Mercy Hall, an individually listed item within the Monte Sant Angelo Group, as seen from main courtyard of Monte Sant'Angelo Mercy College



Figure 3.22
'Masalou', an individually listed item within the group.



Figure 3.23
The Chapel, part of the Monte Sant Angelo Group.



Figure 3.24
'O'Regan', an individually listed item within the group.



Figure 3.25
View to south-west from main courtyard, with Mercy House at centre right, 'Masalou' at right and subject site indicated by arrow.



Figure 3.26
View west from main College courtyard, with Mercy Hall at centre right and subject site at left.



Figure 3.27
View west from College courtyard, with Mercy hall at centre, 'Masalou' at right, subject site at left and recent buildings behind.



Figure 3.28
View to south-west with 'Masalou' and its rear extension at centre and subject site indicated by arrow



Figure 3.29
View to south-west from internal courtyard of 'Masalou', with approximate location of subject site indicated by arrow (existing building not visible).

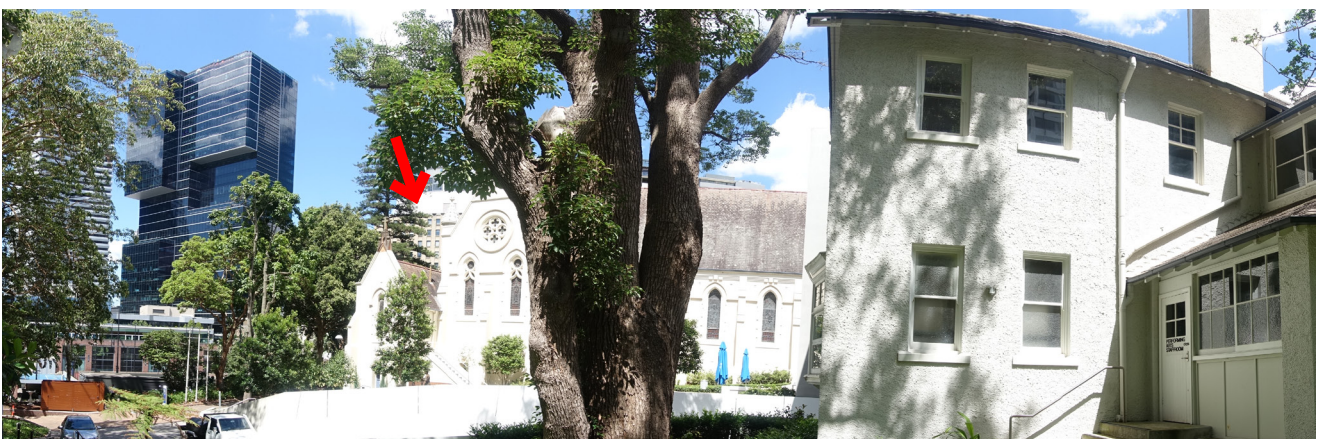


Figure 3.30
View to south-west from Miller Street boundary, with 'O'Regan' at right, the Chapel at centre and subject site indicated by arrow

4.0

ESTABLISHED HERITAGE SIGNIFICANCE

As noted in Section 1.5, the subject site is not a listed heritage item or within a Heritage Conservation Area. However, it is in the vicinity of several listed heritage items, the closest and most relevant being:

- The Monte Sant Angelo Group at 128 Miller Street;
- 'Masalou', former residence within the Monte Sant Angelo Group;
- Mercy Hall, within the Monte Sant Angelo Group;
- 'O'Regan', former residence within Monte Sant Angelo Group; and
- The McLaren Street Heritage Conservation Area.

The following Statements of Significance are sourced from the NSW Heritage Inventory.

Monte Sant Angelo Group

Database no. 2180844

Important regional private school since the 1880s. Contains a significant early mansion, Masalou, as its central building with the Chapel and Mercy Hall, both fine buildings from the turn of the century. O'Regan House is a complementary building to the rest. The group, all in sight of each other, form an impressive precinct within a landscape setting with tall prominent trees and a strong relationship to the Sacred Lawn. The face brick wall and gates along Miller and Berry Streets enclose the site and are a strong streetscape element, enclosing the site.

Monte Sant Angelo Group - Masalou

Database nos. 2180845 and 2186297

Important mansion from mid-nineteenth century which was built by Francis Lord, prominent local landowner, businessman and son of Simeon Lord, prominent colonial businessman. It is relatively intact and has been the central building for an important and prominent North Shore school, Monte Sant' Angelo College since the late nineteenth century. It retains, as a school, much of its original property. The interior of Masalou and exterior are of significance, with the building contributing to the overall group of heritage buildings that surround the lawn, the enclosing brick wall on the Berry and Miller Street frontages and the statue of St Joseph on the Sacred Lawn.

Monte Sant Angelo Group – Mercy Hall

Database no. 2180847

A Victorian Free Gothic style building. Designed by Joseph I Sherrin (notable for St Patricks, Manly), Mercy Hall is significant as a Victorian Free Gothic style building that was used as a school building, hall and dormitory then adapted to a Library. It has a strong relationship with Masalou, O'Regan, the Chapel, the Sacred Lawn and the brick wall on Berry and Miller Streets that encloses the site. The interior of the building is also of significance, including the galleries, staircase, joinery and other detailing.

O'Regan

Database no. 2180848

A two-storey dwelling in the Federation Academic Classical style that forms part of the Group of Monte Sant Angelo. The building sits in dialogue with the Chapel, Masalou and Mercy Hall as well as the Sacred Lawn. The site is enclosed on its southern and eastern boundaries by a high masonry wall. The interior and setting are also of significance.

The following Statement of Significance is sourced from Section 2.6.3 of Part C of the North Sydney DCP 2013.

McLaren Street Conservation Area

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.*

5.0

DESCRIPTION OF THE PROPOSAL

The planning proposal is detailed in the documentation that accompanies this application. It includes:

- Amendment of the maximum building height applying to the site, from RL 145 to RL 171, dropping to RL 70 in the south-eastern corner;
- Inclusion of a site-specific provision in the *North Sydney LEP 2013* to allow future development at 20 Berry Street to result in additional overshadowing to the Berry Street (West) Special Area;
- Creation of a new Special Area on the south-eastern corner of 20 Berry Street, no less than 115 sqm in area; and
- Amendment of the zone from B4 Mixed Use to B3 Commercial Core.

The aim of the proposal is to allow for best economic use of a landmark site within a fast-growing, fast-changing town centre, while protecting the cultural significance of heritage items in the vicinity.

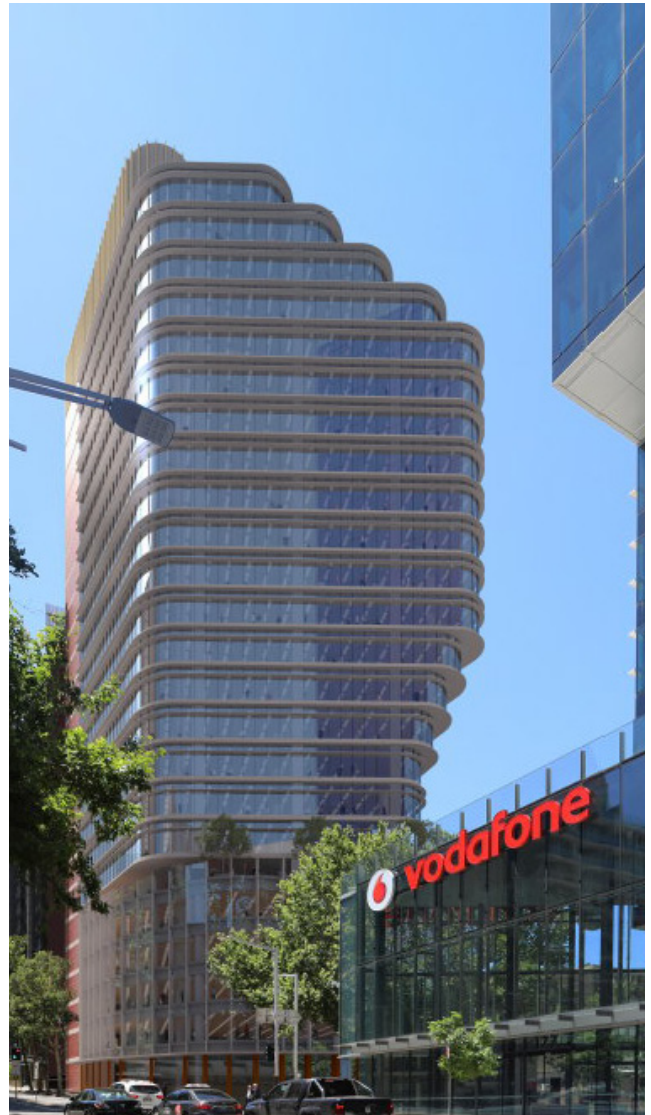
A building envelope has been developed to indicate the possible form and scale of a future structure allowed for by the planning proposal.

Figure 5.1

Architect's render of proposed new Special Area, corner of Berry and Angelo Streets
Source: Turner Architects

Figure 5.2

Architect's render of possible building as seen from south
Source: Turner Architects



6.0

ASSESSMENT OF HERITAGE IMPACT

6.1 INTRODUCTION

This section assesses the potential impact of the planning proposal against the requirements of the *North Sydney LEP 2013* and the *North Sydney DCP 2013*, and the guidelines established by the Heritage Council of NSW.

6.2 POTENTIAL OVERALL IMPACT

The subject site is located within the North Sydney Centre. Statutory planning provisions including building height controls in the Centre have been significantly amended in recent years, resulting in the construction of several new tall buildings in the vicinity, including the 32 storey 'Skyscraper Centre' directly south of the subject site, while to the north and west of the site several other new buildings, of approximately 15-20 storeys, are now located. One alteration sought by the planning proposal is rezoning of the site to include it in the Commercial Core.

The potentially most impacted heritage items in the vicinity are the Monte Sant Angelo Group east of the site, and the McLaren Street Heritage Conservation Area (HCA) to its north-east.

The potential impact on the HCA is minimal, given the intervening distance and the extant tall buildings already visible, notably the Skyscraper Centre. A building within the proposed site envelope would have an acceptable additional visual impact on the HCA.

Similarly, several tall buildings are already visible from within and as a backdrop to the Monte Sant Angelo Group and its individually listed buildings. As shown in Section 4.0, these tall buildings include the Skyscraper Centre, the existing building on the subject site, its northern neighbours on Pacific Highway and other high-rise buildings to the Group's south and east. A building within the proposed envelope on the subject site would be visible from within and as a backdrop to the Group, but would be one of several such existing buildings, would not obstruct any views to the Group or any building within it and would allow the Group and its components to continue to be appreciated by users and the public. It would thus have an acceptable visual impact on the Monte Sant Angelo Group and its individually listed buildings.

Neither the overshadowing of a section of the Berry Street Special Area, ie the footpath along the south side of Berry Street, nor the reservation of a portion of the public space on the corner of Berry and Angelo Streets for a new Special Area, which would compensate for the overshadowed area, would have any adverse impact on any heritage item or heritage conservation area.

6.3 HERITAGE NSW GUIDELINES

The NSW Heritage Office (now Heritage NSW) document 'Statements of Heritage Impact' includes criteria for the assessment of heritage impact. The relevant 'questions to be answered' are considered below:

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

The proposed envelope would be entirely within the footprint of the existing building. The only potential impact on heritage items in the vicinity would result from its increased height compared to the existing structure. As noted in Section 6.2, while the taller building would comprise an alteration of the skyline, the building would remain separated from heritage items by distance and development, and would not obstruct any significant views to or from such items.

New development adjacent to a heritage item

- *Why is the new development required to be adjacent to a heritage item?*
- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- *Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*
- *Will the additions visually dominate the heritage item? How has this been minimised?*
- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*
- *How does the new development affect views to, and from, the heritage item? What has been done*

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

The planning proposal applies to a site that is in the vicinity of heritage items and is permitted to be developed.

The proposed building envelope would permit construction of a building that would be separated by distance, roadways and development from nearby heritage items to the same extent as the existing building, and would not 'dominate' them. The potential additional height of a building within the proposed envelope would alter views from some heritage items but would not obstruct any significant views. A new building within the proposed envelope would become one of several tall buildings in the general location that are visible from the Monte Sant Angelo Group in particular.

The proposal does not refer to any particular building design, materiality, detailing or colours, which are subject to later design resolution and are capable of being sympathetic to the heritage items in the vicinity.

There will be no infringement upon the heritage curtilages of any of the heritage items in the vicinity.

The overshadowing of part of an existing Special Area would be compensated for by creation of a new Special Area on the same street. Neither the overshadowing of the existing Special Area nor the creation of a new Special Area would have any adverse heritage impact on any heritage item.

6.4 HERITAGE OBJECTIVES OF THE NORTH SYDNEY LEP 2013

Any new building within the proposed envelope:

- will not obstruct any significant views to or from heritage items;
- would alter existing views from some heritage items but would become one of several tall buildings visible from the Monte Sant Angelo Group; and
- will be sufficiently separated from heritage items by sufficient distance to preclude their 'domination' by it.

Thus there will be no adverse impact on the established heritage significance of the listed heritage items in the vicinity of the site. The proposal is therefore considered to be consistent with the relevant heritage objectives of the *North Sydney LEP 2013*, which are:

5.10 Heritage conservation

(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...*

6.5 HERITAGE GUIDELINES OF THE NORTH SYDNEY DCP 2013

The following guidelines of the *North Sydney DCP 2013* are relevant to the proposal:

Part B, Section 13.4

Development in the Vicinity of Heritage Items

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.

Part C, Section 2.0

North Sydney Planning Area Character Statement

New development within the Planning Area should result in... a high quality built form [where]...

- *The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area*
- *Heritage items are protected, and significant streetscape elements are conserved in the Walker and McLaren Street Conservation Areas*
- *Predominant early 20th Century character of the McLaren Street Conservation Area is maintained and protected*

The analysis in Sections 6.3 to 6.4 demonstrate that, subject to design resolution, a built form within the proposed envelope could meet these criteria.

7.0

CONCLUSIONS AND RECOMMENDATION

7.1 CONCLUSIONS

The subject site is not a listed heritage item or within any heritage conservation area. It is in the vicinity of several heritage items, the most relevant being the Monte Sant Angelo Group and three individually listed buildings within it, and the McLaren Street Conservation Area.

The Planning Proposal seeks to amend the height and zoning controls applicable to the site, allow partial overshadowing of a Special Area and create a new Special Area.

As demonstrated in Sections 6.2 to 6.4, the height and massing of built forms constructed within the proposed envelope will have no adverse heritage impact on any heritage items in the vicinity. No significant views to or from any heritage item will be obstructed by future buildings within the proposed envelope. The design, detailing, materiality, colours, etc, of such buildings would be subject to future design resolution.

The rezoning of the site as part of the Commercial Core, the partial overshadowing of a Special Area and the creation of a new Special Area will have no adverse impact on any heritage item.

The proposal is consistent with the heritage objectives and guidelines of the *North Sydney LEP 2013* and the *North Sydney DCP 2013*, and the heritage assessment criteria established by the NSW Heritage Council.

7.2 RECOMMENDATION

The Planning Proposal is considered acceptable from a heritage perspective and is recommended for approval.

8.0

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