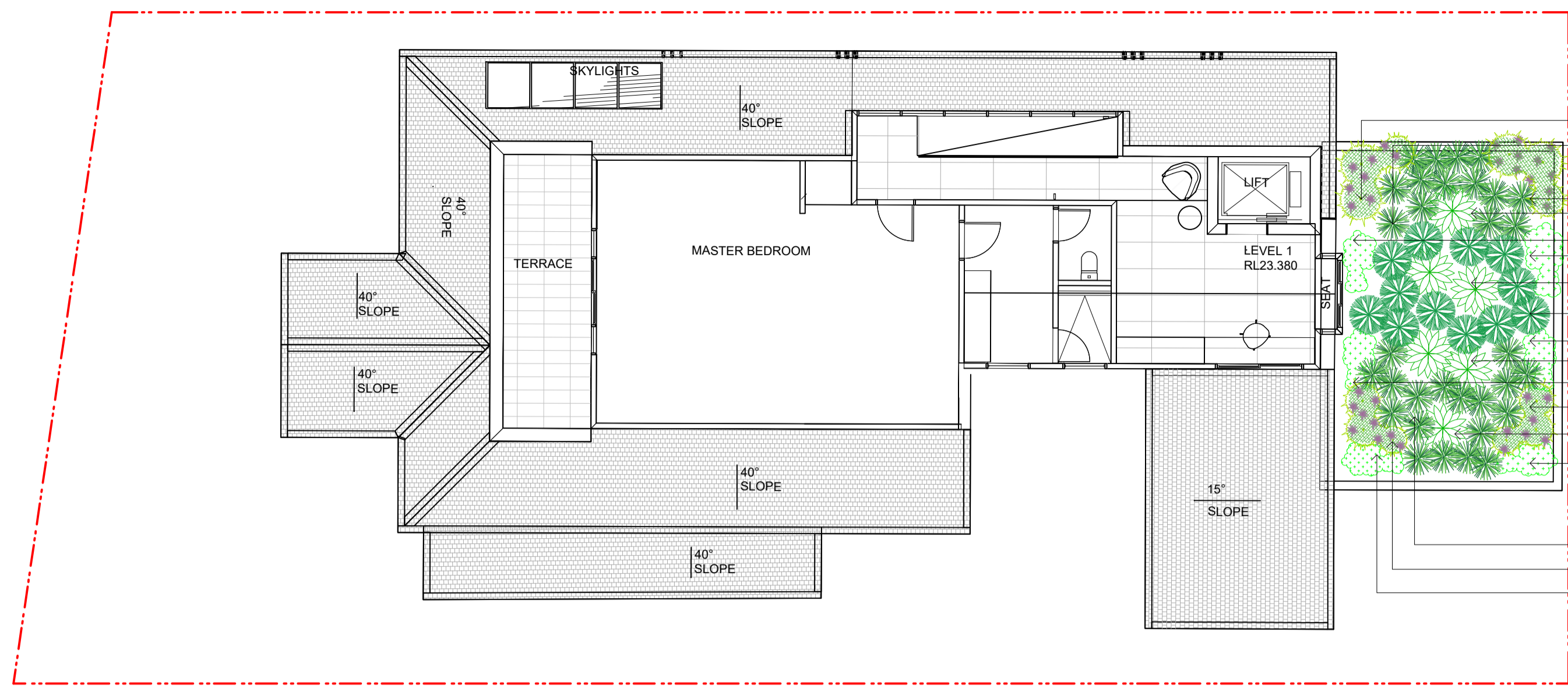
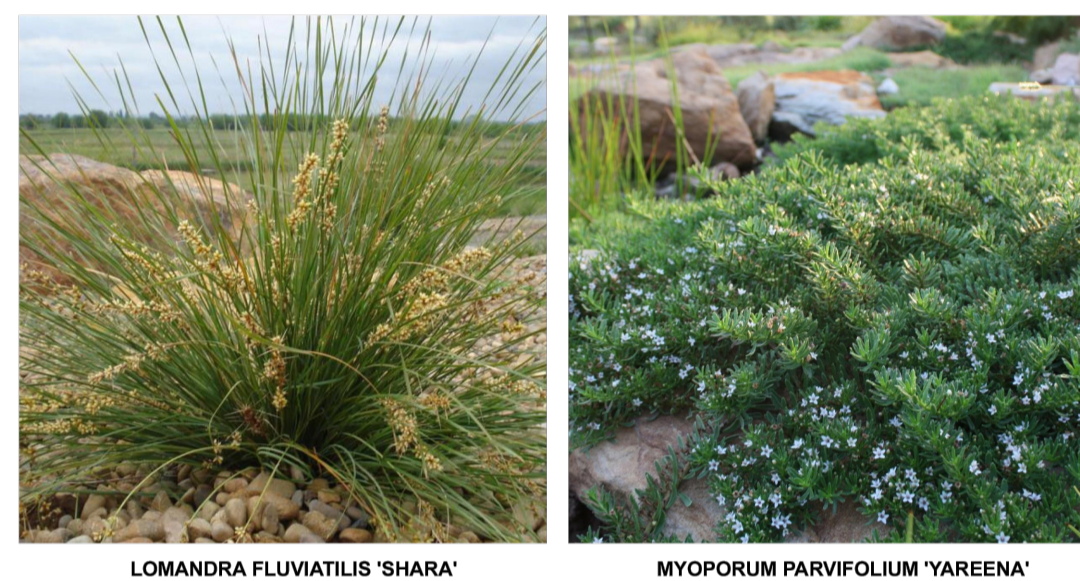


	BOUNDARY
	SEWER
	EXISTING SPOT LEVELS
	ALUMINIUM EDGE
	CONCRETE
	STEEPERS IN PEBBLES
	TURF
	MULCH
	EXISTING TREE TO BE RETAINED



PROPOSED PLANT SCHEDULE - ROOFTOP GARDEN					
KEY	BOTANICAL NAME	COMMON NAME	QTY	MATURE HGT	POT SIZE
AD	AGAVE DESMETTIANA 'EL MIRADORE GOLD'	SMOOTH CENTURY PLANT	6	0.7m	140mm
CG	CARPOBROTUS GLAUDESCENS 'AUSSIE RAMBLER'	PIG FACE	1	0.2m	140mm
CU	CRASSULA UNDLATA 'MAX COOK'	MAX COOK CRASSULA	12	0.5m	140mm
LF	LOMANDRA FLUVIATILIS 'SHARA'	SHARA	22	0.5m	140mm
MP	MYOPORUM PARVIFOLIUM 'YAREENA'	YAREENA	22	0.1m	140mm

### PLANTING PALETTE



PROPOSED LEVEL 1 ROOF TOP GARDEN PLAN  
SCALE 1:100.

### LANDSCAPE SPECIFICATION NOTES

**SITE PREPARATION**  
Locate any underground and overground services & ensure no damage occurs. Levels on plan are nominal only & all dimensions to be checked on site prior to commencement. Final structural integrity of all items shall be the sole responsibility of landscape contractor.

**WORKMANSHIP AND MATERIAL QUALITY**  
Materials and workmanship are to conform to the current applicable Australian Standard Specifications and Codes. Any work or materials, which, in the opinion of the Site Manager do not meet appropriate industry standards should be rejected. Where works are adjacent to existing works, make proper junctions between new and existing works and make good any damage caused to adjoining existing and retained works.

**ELIMINATE WEEDS**  
Remove all existing weeds by hand, wiping or spraying with a glyphosate based herbicide. Weed control shall never be performed by mechanical cultivation or by scraping. Herbicide spraying is to be used to eliminate all existing weeds 30 days prior to planting.

**IMPORTED TOPSOIL**  
All construction must comply with AS 4419:2018 Soils for Landscaping and Garden Use. Spread the topsoil on the prepared subsoil and grade evenly, making allowances, if appropriate, for the following:  
- Required finished levels and contours after light compaction.

- Compact lightly and uniformly in 150 mm layers. Avoid differential subsidence and excess compaction and produce a finished topsoil surface which has the following characteristics:  
- Finished to design levels, smooth and free from stones or lumps of soil. Graded to drain freely, without ponding, to catchment points. Grade evenly into adjoining ground surfaces ready for planting.

**PLANTING AREA**  
Remove weeds, rubbish, mulch and other debris. Do not disturb tree roots or services and if necessary cultivate these areas by hand. Spread topsoil on the prepared subsoil and grade evenly, making the necessary allowance to permit the required finished levels and contours after a light compaction. Spread topsoil to the typical depth of 300mm. Feather edges into adjoining undisturbed ground.

**PLANT STOCK**  
Plant stock to be supplied by production nurseries in accordance with AS 2303:2018 Tree Stock for Landscape Use. Health & Vigour: Supply plants with foliage size, texture & colour consistent with that shown in healthy specimens of the species. Balance of Crown: Supply plants with max. variation in crown bulk on opposite sides of stem axis, +/- 20%. Stock selection should also be based on NATSPEC Guide Specifying Trees: a Guide to Assessment of Tree Quality.

**TREE PLACEMENT AND ALIGNMENT**  
When the tree pit is excavated and the hole is the correct size, place the rootball in its final position. Ensure the trees are centred and plumb and the top of the rootball level with the finished surface of the surrounding soil mix. Do not use the trunk of the tree as a lever in positioning or moving the tree in the planting hole. Position the tree at the set out distances as indicated in the details. Ensure trunks are set vertically and aligned with other new or existing trees. Orientate the trees trunk north where indicated by supplied markings where applicable.

**ROOT TRIMMING**  
All trees shall have the outer 10-25mm of the external root ball faces pruned or sliced away using secateurs or a sharp and clean spade. Avoid excessive disturbance to the remaining root ball during this trimming and discontinue if excessive root ball soil begins to fall away. Do not leave the root balls exposed for extended periods. Cover the root ball with moist hessian if backfilling cannot occur immediately.

**STAKING**  
Install 3 x 2100mm (H) x 50mm x 50mm hardwood timber stakes with hessian ties to all trees. Provide appropriate support considering exposure to prevailing winds. Stakes and hessian ties to be removed as soon as the tree is self supporting.

**BACKFILLING**  
Backfill with soil mix as specified in soil mixes and in accordance with the details and specification. Lightly compact the soil to ensure all voids around root balls are filled and that no air pockets are retained. Ensure that the backfill soil is not paced over the top of the potted root ball. The top of the root ball and plant stem must be kept level with the top of the backfill.

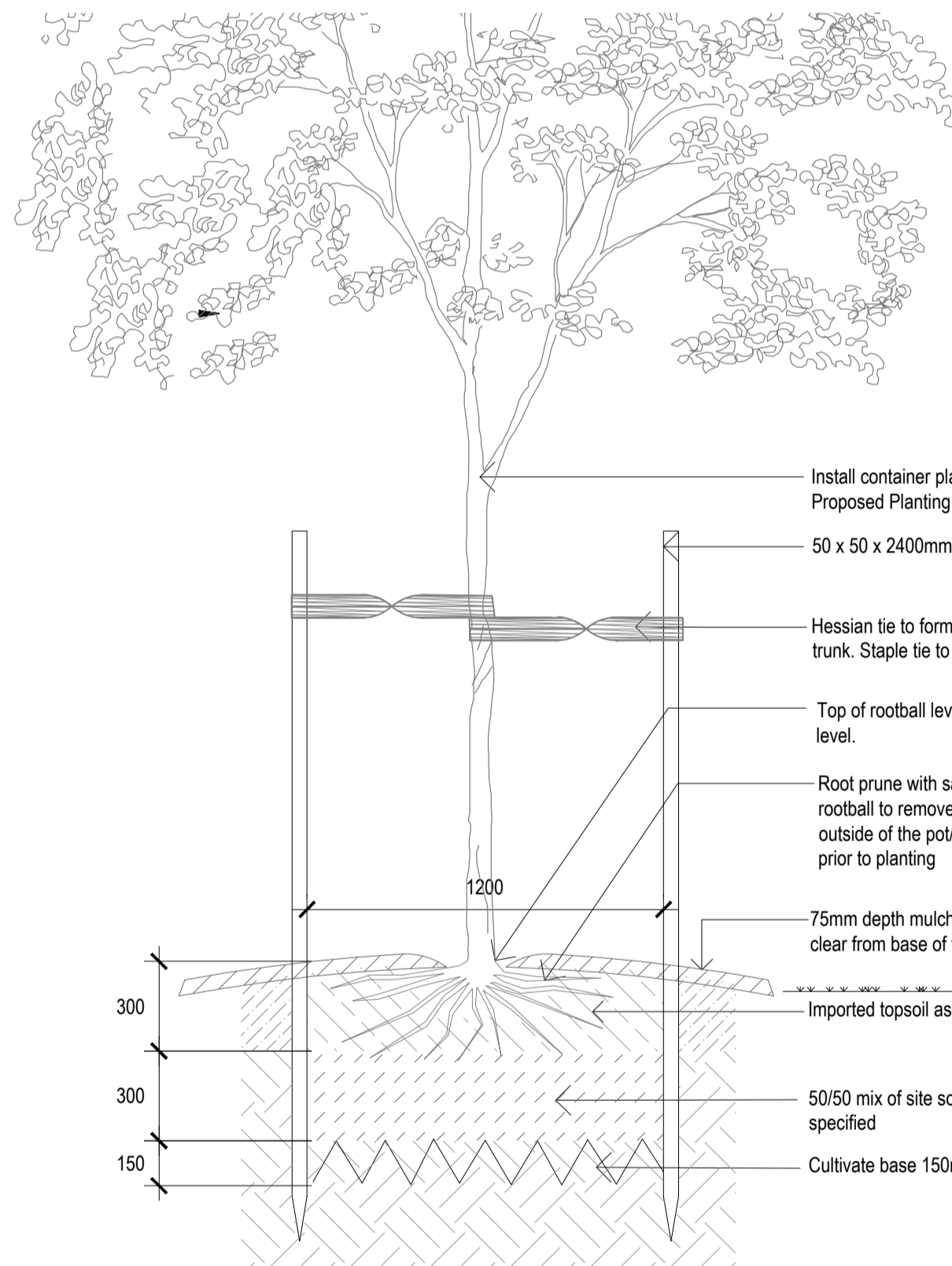
**FERTILISING**  
Fertiliser to be applied at time of planting. Slow release landscape fertiliser suitable for trees and shrubs, 9 to 12 months release time. Osmocote or approved equivalent applied according to manufacturers directions.

**MULCHING**  
All landscaping must comply with AS 4454:2012 Compost, soil conditioners and mulches. All planting areas to receive 50-75mm of garden Mulch, Droughtmaster, ANL p: 02 9450 1444 or approved alternative. Keep mulch 100mm away from plant stem & form a well to stop excessive water runoff. Finish flush with adjacent surfaces.

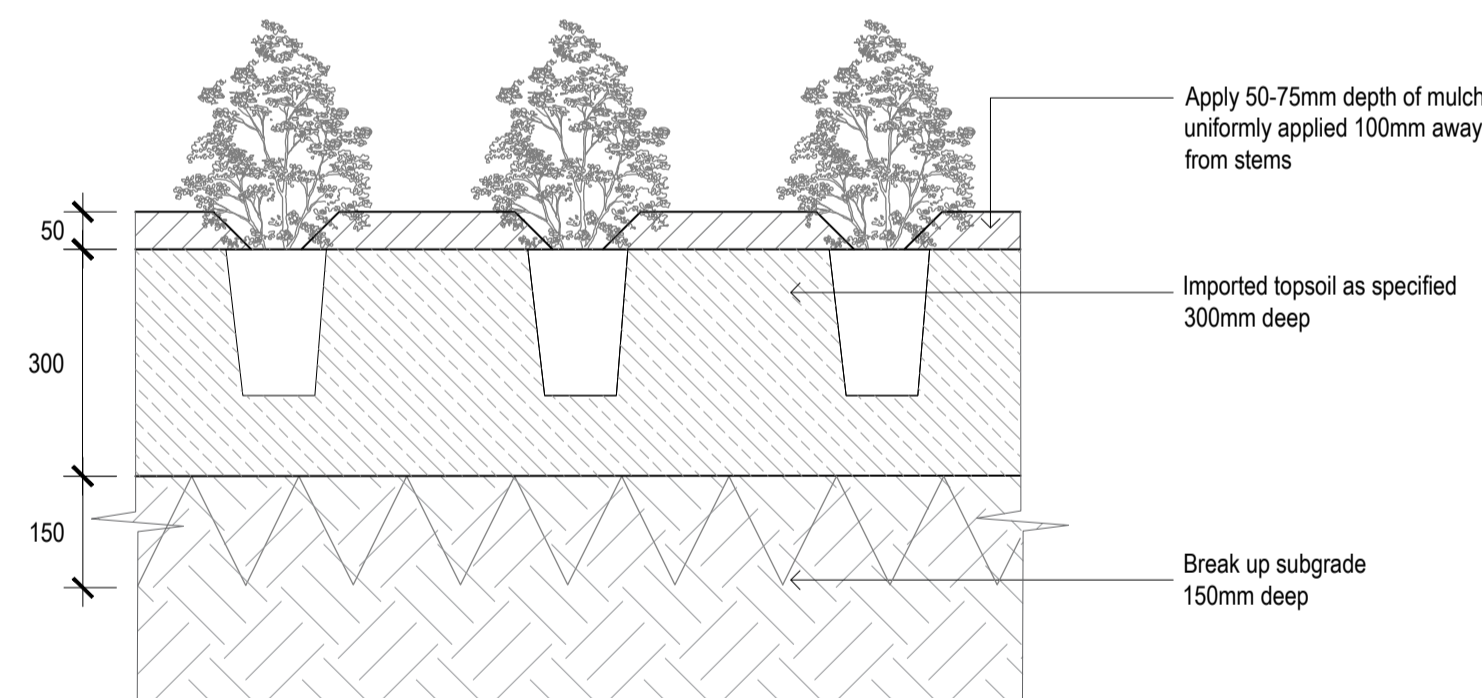
**WATERING**  
Water in immediately after plant installation & allow for soil settlement. Watering program: Minimum 3 complete waterings, soaking to a depth of 150 mm at fortnightly intervals for the first 6 weeks of plant establishment irrespective of natural rainfall. Manually water all lawn and planting areas in absence of an irrigation system or until the proposed irrigation system is fully operational. Avoid frequent dampening of the surface. Allow the surface of the soil to partially dry out between waterings.

**PAVING OVER SAND BASE**  
Excavated sub-base to be compacted. Provide and install 75mm depth of Fine Crushed Rock (FCR) to be compacted after installation. Provide and install 25mm depth of Sydney Sand to be compacted after installation. Pavers to be installed in pattern as indicated on plan. Ensure 2mm gap between pavers and sweep Sydney Sand between gaps upon completion and then compact with protection under compacting plate to ensure no damage to the pavers. Repeat sweeping sand and compaction Provide concrete strip edge restraint between pavement and soft areas. Ensure top of restraint is lower than top of paver.

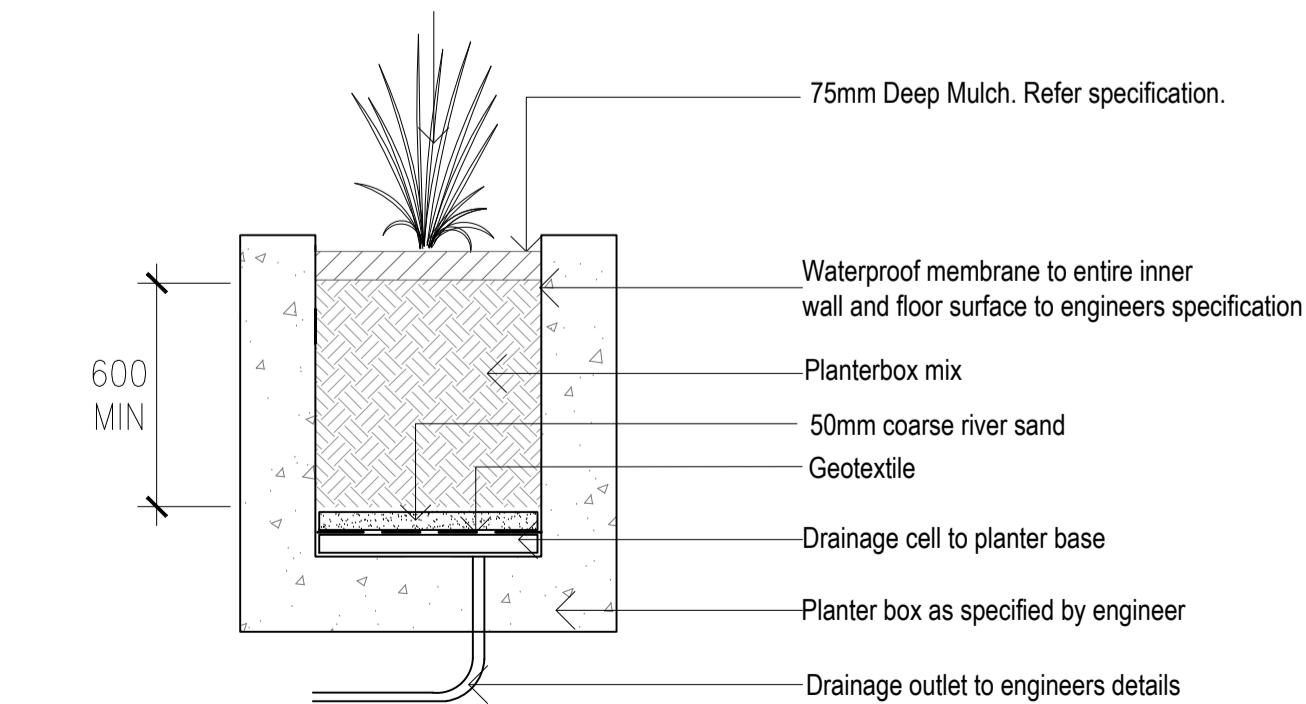
**RETAINING WALLS & PLANTER BOXES**  
All retaining walls & planter boxes to be constructed to Engineer's details. Ensure all internal surfaces are waterproofed. Geotextile wrapped aggregate drainage line backfilled with aggregate is to be installed behind all retaining walls & connected to stormwater in accordance with Sydney Water regulations. All planter boxes are to have Atlantis drainage cell (or approved alternative) installed & connected to stormwater in accordance with Sydney Water regulations.



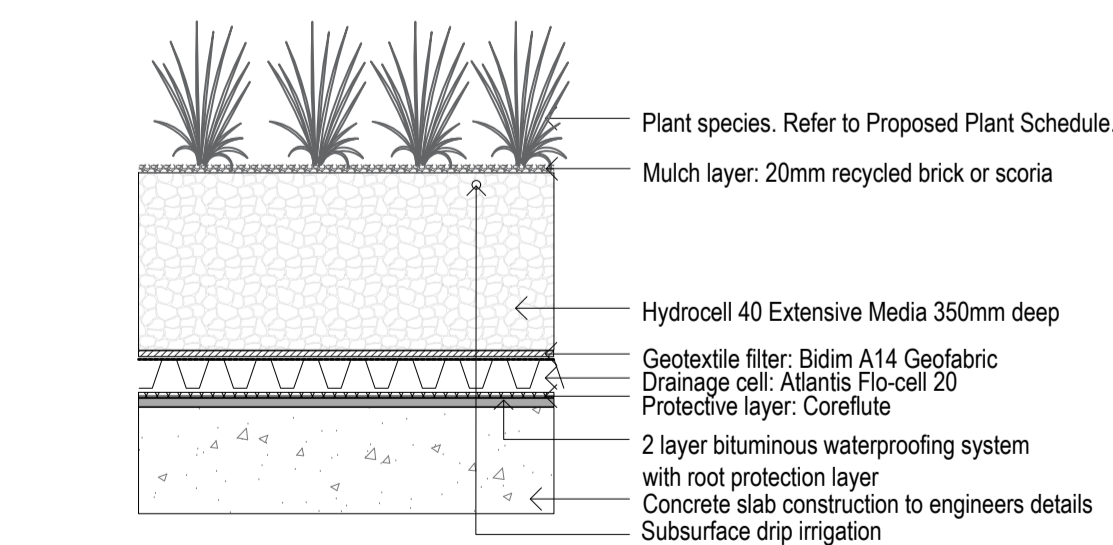
1 TYPICAL TREE PLANTING  
SCALE 1:20.



2 TYPICAL SHRUB IN GARDEN PLANTING  
SCALE 1:10.



3 TYPICAL RAISED PLANTER DETAIL  
SCALE 1:20.



4 TYPICAL INTENSIVE ROOF GARDEN  
SCALE NTS.

### GREEN ROOF MAINTENANCE STRATEGY

For the successful establishment of green roofs it is essential that adequate maintenance on a regular basis be provided. As a general rule, all types of green roofs require a higher level of maintenance in their first 2 years until colonization has occurred and the vegetation has stabilized. The planters are to be consistently maintained to a high standard for maximum visual benefits, functions and uses. Establishment maintenance is typically 6 to 12 months with irrigation, weed control and pruning critical to promote suitable plant form and growth. All maintenance activities are to be conducted in accordance with applicable Australian and workplace safety regulations. All 'Working at Heights' requirements are to be met and recorded for all maintenance personnel including evidence of relevant certification. Safety systems are to be maintained as per AS/NZS 1891.4:2009. All work shall be carried out with regard to standard horticultural and arboricultural practices.

For the successful establishment of plants it is essential that adequate maintenance on a regular basis be provided. Regular visual inspection ensures problems can be readily identified and fixed. This regular maintenance will encourage quick development of the plants and reduce the cost of replacing dying plants.

### VISUAL INSPECTION CHECKLIST

Use a visual inspection checklist to monitor the planters and identifying any problems. Additional visual inspections are recommended after extreme weather events such as heavy rain, strong winds and prolonged drought.

**PLANT COVERAGE:** Note any bare patches  
**PLANT HEALTH:** Assess plant health and condition, noting signs of possible nutrient deficiencies, pests and diseases, damaged plants, pruning needs and any declines / deaths.  
**WEEDS:** Assess the weeds present, noting the dominant species and if particular areas are more impacted than others.  
**PLANTERS:** Check the planters, noting any roots emerging from the bottom of planters, particularly at drainage points, or any surface damage of the planter profile.  
**IRRIGATION:** Check any damage/deterioration of irrigation components and any visual signs of over/under watering.  
**DRAINAGE:** Check for blockages, standing water.

### HORTICULTURAL MAINTENANCE

**Weeding:**  
Uncontrolled weeds compete with planted species and can alter the aesthetic and functional outcomes of the planters. Weed control measures should aim to eliminate weed germination and establishment. Weeds are to be controlled while young and before seed set.

Physical control of weeds in planters rely on hand removal with early weeding of small weeds the most effective approach. Weeds to be removed carefully by hand to minimize spread. Chemicals are generally not recommended. Maintenance staff should observe good hygiene practices to ensure weeds do not spread from one site to another.

**Pruning:**  
Pruning is undertaken to manage plant form and shape of climbers and small trees. Begin from the top of the green wall and head down towards the bottom. Prune specimens that lower above others. Ensure plants do not attach to windows or walls. Prune climbers to encourage attachment to wire cables and ensure they do not grow over planter edges and trail along the ground. Prune climbers to ensure they do not attached to the small trees. Pruning as required to small trees to maintain plant density, shape, encourage flowering and improve appearance. After pruning, plants should have no dead wood evident and retain an appropriate form or shape. Pruning frequency will be dependent on growth rates and seasonality.

**Plant Health:**  
Plant health issues may relate to nutrition or from abiotic stresses such as elevated heat, drought and wind exposure. Pests can cause physical damage to plants while pathogens such as viruses, fungi and bacteria can introduce disease and damage plant growth. Integrated pest management approaches will be the most effective to ensure plant health. Vegetation should be healthy with even growth and no evidence of pest and disease infestation. Scheduling of control measures will depend on the plant species and season.

**Soil Testing:**  
If growth of plants is poor a soil pH test should be performed. Follow the instructions as per the pH colourimetric kit to check the soil pH is at an acceptable level.

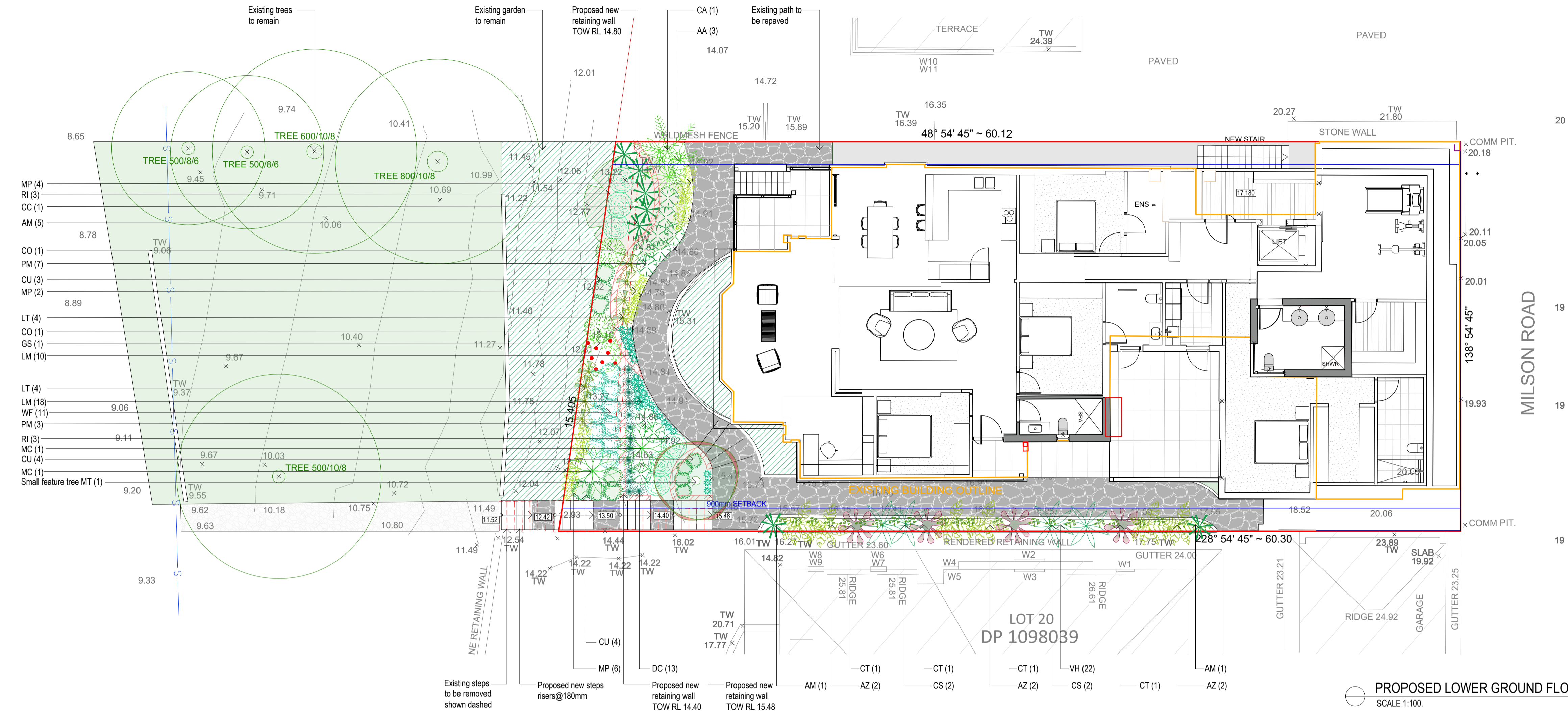
**Fertilisers:**  
Managing plant nutrition should be based on regular monitoring of plant growth. Visual symptoms such as low vigour, stunting, leaf yellowing or chlorosis may indicate nutrient deficiency. Assessing the soil pH helps identify problems. Fertilising will only be required if the plant is indicating signs of poor condition and slow growth due to nutrient deficiencies. If fertilising is deemed to be necessary it will be carried out after the second seasons growth at the end of the second growing season in late summer to autumn. Fertilisers are to be used carefully to avoid dumping of nutrients and/or leaching of nutrients into the stormwater. Synthetic, controlled-release fertiliser or organic slow-release fertilisers should be used. N:P:K ratios and application rates vary greatly depending on conditions of use. Consult manufacturers for application rates suitable for individual plantings.

**Irrigation:**  
Check individual components of the irrigation system included drip heads, irrigation lines and drainage gutters.

**Mulches:**  
Every 6 months all garden beds are to be checked to ensure there is sufficient mulch. Mulch to be spread evenly and uniformly at a consistent depth. No ponding of water should be evident or in perimeter drains and no leaks observed from planters externally or internally. Mulching materials must be sourced from a certified fully licensed Australian Standard producer.

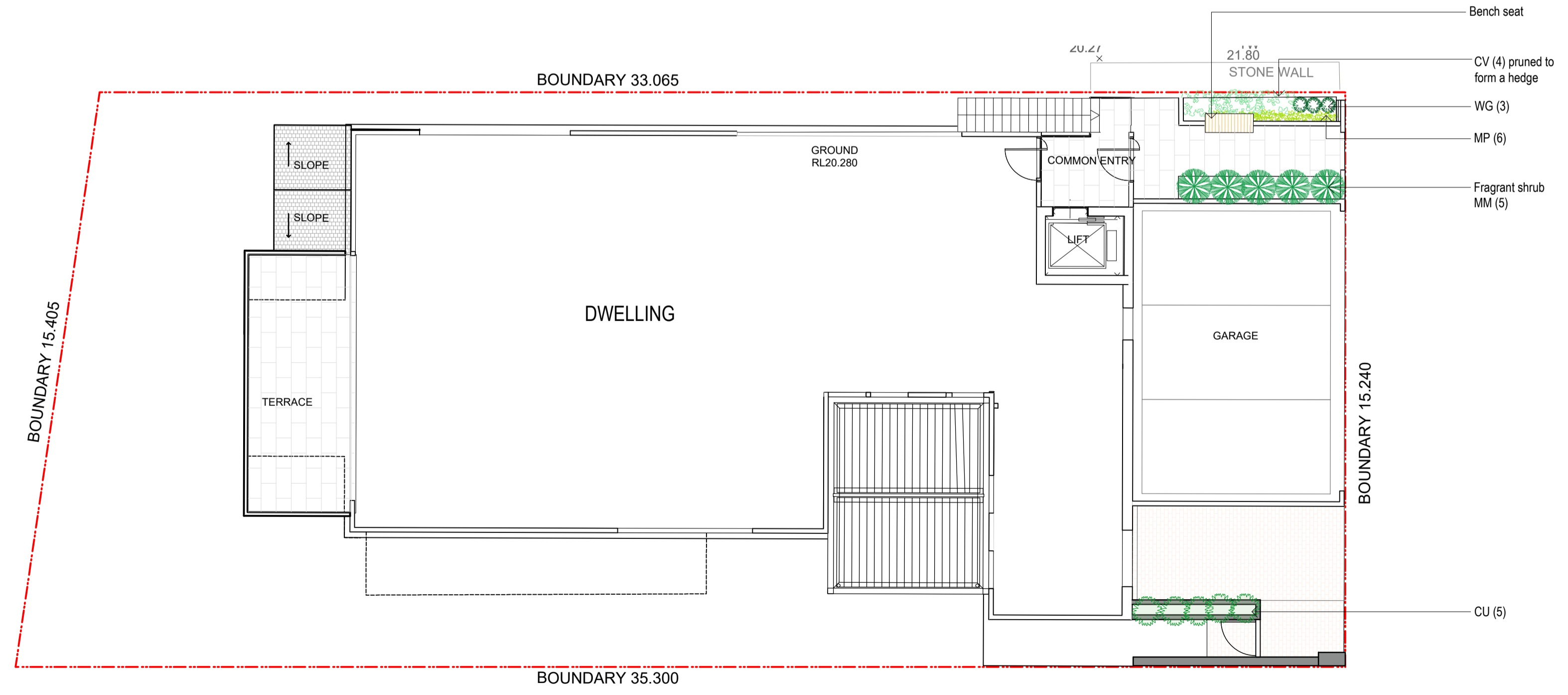
Rev.	Date	Issue	Checked
A	12/07/23	Preliminary Issue	TB
B	15/08/23	QA Issue	TB

- LEGEND**
- BOUNDARY
  - SEWER
  - EXISTING GARDEN TO REMAIN
  - EXISTING SPOT LEVELS
  - PROPOSED LEVELS
  - PROPOSED RETAINING WALL
  - PROPOSED PAVING
  - TO BE REMOVED
  - EXISTING TURF
  - EXISTING TREE TO BE RETAINED



**PROPOSED LOWER GROUND FLOOR PLAN**  
SCALE 1:100.

PROPOSED PLANT SCHEDULE					
KEY	BOTANICAL NAME	COMMON NAME	QTY	MATURE HGT	POT SIZE
<b>TREES / PALMS</b>					
CS	CHAMAEDOREA SEIFRIZII	BAMBOO PALM	4	3m	250mm
MT	MAGNOLIA GRANDIFLORA 'TEDDY BEAR'	TEDDY BEAR MAGNOLIA	1	3m	45Ltr
<b>SHRUBS / FERNS</b>					
AA	ASPLENIUM AUSTRALASICUM	BIRDS NEST FERN	3	1m	200mm
AZ	ALPINIA ZERUMBET 'VARIEGATA'	VARIEGATED SHELL GINGER	6	2m	200mm
CA	CYATHEA AUSTRALIS	ROUGH TREE FERN	1	4m	250mm
CC	CALLISTEMON CITRINUS	CRIMSON BOTTLEBRUSH	1	3m	200mm
CO	CORREA ALBA	WHITE CORREA	2	1.2m	250mm
CT	CORDYLINE FRUTICOSA 'PINK DIAMOND'	PINK DIAMOND	4	2m	250mm
CU	CRASSULA OVATA 'UNDULATA'	CRASSULA	16	0.5m	200mm
CV	CALLISTEMON VIMINALIS 'RED ALERT'	RED ALERT BOTTLEBRUSH	4	2m	200mm
GS	GREVILLEA SPECIOSA	RED SPIDER FLOWER	1	1.5m	200mm
MC	MACROZAMIA COMMUNIS	BURRAWANG	2	1.0m	200mm
MM	MURRAYA 'MIN A MIN'	DWARF ORANGE JESSAMINE	5	1m	200mm
PM	PITOSPORUM TOBIRA 'MISS MUFFET'	MISS MUFFET PITOSPORUM	10	0.7m	200mm
RI	RHAPHIOLEPIS INDICA 'ORIENTAL PEARL'	ORIENTAL PEARL	6	1m	250mm
WF	WESTRINGIA FRUTICOSA 'AUSSIE BOX'	AUSSIE BOX WESTRINGIA	11	0.9m	200mm
WG	WESTRINGIA FRUTICOSA 'GREY BOX'	GREY BOX WESTRINGIA	3	0.4m	200mm
<b>GRASSES / GROUND COVERS</b>					
AM	ARTHOPODIUM 'MATAPOURI BAY'	RENGA RENGALILY	7	0.9m	200mm
DC	DIANELLA CAERULEA	BLUE FLAX LILY	13	0.6m	140mm
LM	LIRIOPE MUSCARI 'PINK PEARL'	PINK PEARL	31	0.3m	140mm
LT	LOMANDRA LONGIFOLIA 'TANIKA'	TANIKA	8	0.6m	140mm
MP	MYOPORUM PARVIFOLIUM 'YAREENA'	YAREENA	18	0.1m	140mm
VH	VIOLA HEDERACEA	NATIVE VIOLET	22	0.1m	140mm



**PROPOSED GROUND FLOOR PLAN**  
SCALE 1:100.

**NOTES:**  
 1. Consider to check and verify all dimensions and all levels on site prior to any works.  
 2. Any alterations should be immediately referred to Space Landscape Design.  
 3. All work to comply with all CA, State, Territory and relevant Australian Standards.  
 4. Dimensions designed from existing. All measurements are in millimetres.

Rev.	Date	Issue	Checked
A	12/07/23	Preliminary Issue	TB
B	08/08/23	Preliminary Issue	TB
C	15/08/23	DA Issue	TB

**SPACE**  
LANDSCAPE DESIGNS

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PROJECT:  
 Alterations and Additions  
 42 & 42A Milson Road,  
 Cremorne Point NSW 2090

CLIENT: A & H Singh  
 DRN: A.Elboz (LD1 625)  
 SCALE: 1:100@A1  
 PROJECT NO: 232104

DRAWING TITLE:  
**LANDSCAPE PLAN**  
 DRAWING NO:  
 L-01

Rev: **C**



**CHAMAEDOREA SEIFRIZII**



**MAGNOLIA GRANDIFLORA 'TEDDY BEAR'**



**ASPENIUM AUSTRALASICUM**



**ALPINIA ZERUMBET VARIEGATA**



**CYATHEA AUSTRALIS**



**CALLISTEMON CITRINUS**



**CORREA ALBA**



**CORDYLINE FRUTICOSA 'PINK DIAMOND'**



**CRASSULA OVATA 'UNDULATA'**



**CALLISTEMON VIMINALIS 'RED ALERT'**



**GREVILLEA SPECIOSA**



**MACROZAMIA COMMUNIS**



**MURRAYA MIN A MIN**



**PITTOSPORUM TOBIRA 'MISS MUFFET'**



**RAPHIOLEPIS INDICA 'ORIENTAL PEARL'**



**WESTRINGIA FRUTICOSA 'AUSSIE BOX'**



**WESTRINGIA FRUTICOSA 'GREY BOX'**



**ARTHROPODIUM CIRRATUM 'MATAPOURI BAY'**



**DIANELLA CAERULEA**



**LIRIOPE MUSCARI 'PINK PEARL'**



**LOMANDRA LONGIFOLIA 'TANIKA'**



**MYOPORUM PARVIFOLIUM 'YAREENA'**



**VIOLA HEDERACEA**

# HERITAGE IMPACT STATEMENT

42 Milson Road, Cremorne Point



27 September 2023

Cover Image: Proposed elevation - 42 Milson Road, Cremorne (Source: Quattro Architecture)

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<b>ISSUED</b>	<b>REVIEW</b>	<b>ISSUED BY</b>
4 September 2023	Draft for Review	Samantha Polkinghorne
18 September 2023	Revised Draft for Review	Samantha Polkinghorne
27 September 2023	Final issue	Samantha Polkinghorne

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## HERITAGE IMPACT STATEMENT FOR 42 MILSON ROAD, CREMORNE POINT

### 1.0 INTRODUCTION

#### 1.1 BACKGROUND

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of the NSW Heritage Division to accompany an application for proposed works at 42 Milson Road, Cremorne Point. The site comprises a highly altered inter-war detached dwelling with its primary frontage facing Sydney Harbour.

The subject property is not listed as an item of local heritage significance; however, it is in the vicinity of a number of heritage listed items and is located within the Cremorne Point Conservation Area, identified in Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013*. The building is graded as neutral within the HCA.

The building has been converted into two apartments, which occasioned a high degree of internal alteration. The proposal includes retention of the two-apartment arrangement, with extensive alterations and building upgrade works to this Class 2 residential flat building. It is proposed to re-clad the existing roof and remove later additions visible from Sydney Harbour and reconstruct a more sympathetic primary façade, including sympathetic materials and reconstruction of traditional details. The rear garage is also proposed to be rebuilt and will incorporate additional landscaping and an improved presentation to Milson Road.

Details of the development proposal have been prepared by Quattro Architects.

The proposal has been informed by feedback provided following a Pre DA meeting with North Sydney Council.

#### 1.2 METHODOLOGY

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.

#### 1.3 SITE LOCATION

The site is located on the western side of Milson Road, between Sirius Street and Rialto Avenue. The site abuts the harbour foreshore at the rear. It is identified as SP32457 by the NSW Land Registry Services (LRS) (see Figure 1 and Figure 2 below).



Figure 1: Street map with the subject site highlighted in yellow. (Source: NSW LRS, SIX Maps, maps.six.nsw.gov.au).

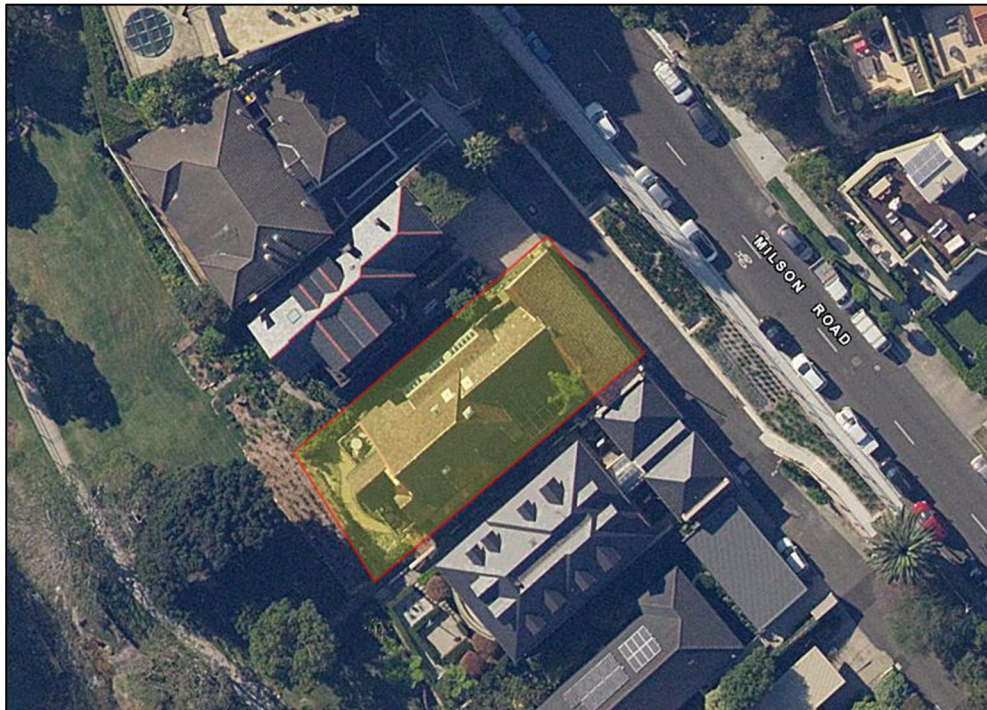


Figure 2: Aerial photograph showing the subject site in the centre highlighted in yellow.. (Source: NSW LRS, SIX Maps, maps.six.nsw.gov.au).

## 1.4 HERITAGE MANAGEMENT FRAMEWORK

The subject property is not listed as an item of local heritage significance; however, it is located within the Cremorne Point Conservation Area and has been identified as contributory in the North Sydney Development Control Plan (DCP) 2013. It is also in the vicinity of a number of heritage listed items, as identified in Schedule 5 of the North Sydney Local Environmental Plan (LEP) 2013. The closest of these include:

- 32 Milson Road, Cremorne Point (House) – Item No: I0116; and
- 33 Milson Road, Cremorne Point (House) – Item No: I0117.

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

## 1.5 AUTHORSHIP

This report was prepared by Daniel Nabb, Heritage Consultant using research and a history written by Mel Marland, Historian, and reviewed by Samantha Polkinghorne, all of **NBRS**.

## 1.6 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.

## 1.7 COPYRIGHT

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

## 2.0 DOCUMENTARY EVIDENCE

### 2.1 THE CAMMERAYGAL PEOPLE

The Cammeraygal (or Gammerraigal) people are the traditional custodians of the North Sydney local government area, and one of the 29 clan groups of the Eora Nation. Historian, Dr Ian Hoskins, notes their territory 'is now thought to extend from Cremorne in the east, to Woodford Bay in the west, and probably to Middle Harbour'.<sup>1</sup> The Wallumedegal clan was also found on Sydney's north shore; their territory likely extending from Lane Cove to Parramatta.<sup>2</sup> One of the earliest mentions of the Cammeraygal clan appears in Governor Arthur Phillip's writings in 1790, in which he incorrectly characterises the clan as containing a 'chief'<sup>3</sup>:

*About the north-west of this harbour there is a tribe which is mentioned as being very powerful, either from their numbers or the abilities of their chief. The district is called Cammerra; the head of the tribe is named Cammerragal....*<sup>4</sup>

David Collins, the colony's deputy judge advocate, also described them in 1798:

*Of this last family or tribe we have heard Ben-nil-long [Woolbarawarre Bennelong] and other natives speak (before we knew them ourselves) as of a very powerful people.... We afterwards found them to be by far the most numerous tribe of any within our knowledge. It so happened, that they were also the most robust and muscular, and that among them were several of the people styled Car-rah-dy and Car-rah-di-gang [clever men] ....*<sup>5</sup>

The earliest radiocarbon dated material, discovered in today's Cammeray, provides evidence of Aboriginal presence in the area dating 5,800 years. The local government areas of Warringah, Willoughby, Lane Cove and North Sydney contain a combined 1,000 Aboriginal sites including middens, rock engravings, axe grinding grooves, carved trees and stone arrangements.<sup>6</sup> On Berry Island a sea creature, possibly a fish or whale, has been engraved. At Balls Head an engraving on a sandstone platform depicts a whale with a human figure, while rock paintings and hand stencils can also be found in some rock shelters in the area.<sup>7</sup>

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<sup>1</sup> Ian Hoskins, *Aboriginal North Sydney*, Revised edition (North Sydney, NSW: North Sydney Council, 2019), 3.

<sup>2</sup> Hoskins, 3; Arthur Phillip, 'Governor Phillip to Lord Sydney, 13 February 1790', in *Historical Records of New South Wales*, ed. Alexander Britton, vol. 1, Phillip 1783-1792 (Sydney, NSW: Charles Potter, Government Printer, 1892), 309.

<sup>3</sup> Hoskins, *Aboriginal North Sydney*, 3.

<sup>4</sup> Phillip, 'Governor Phillip to Lord Sydney, 13 February 1790', 309.

<sup>5</sup> David Collins, *An Account of the English Colony in New South Wales: With Remarks on the Dispositions, Customs, Manners, &c. of the Native Inhabitants of That Country*, vol. 1 (London, UK: Printed for T. Cadell Jun. and W. Davies, 1798), 546.

<sup>6</sup> Hoskins, *Aboriginal North Sydney*, 2 and 6.

<sup>7</sup> Hoskins, 6; Sandra Bowdler, 'Balls Head: The Excavation of a Port Jackson Rock Shelter', *Records of the Australian Museum* 28, no. 7 (4 October 1971): 117–28.





Figure 3: Engraving at Balls Head, c1900 (Source: Stanton Library Historical Services, LH REF PF149)

These sites provide evidence of Aboriginal customs and use of the land over time. Midden deposits, of which over half in the Port Jackson catchment are found in the foreshore, offer clues as to ps.<sup>8</sup> Traditionally the women fished the harbour aboard *nowie* (bark canoes) using lines (*carr-e-jun*) and *burra* (hooks), and the men used *callarr* and *mooting* (multi-pronged spears or fish-gigs) from the shore.<sup>9</sup> Artworks produced by colonial observers illustrate a harbour which continued to serve Aboriginal people throughout the 19th century.

Aboriginal presence continued in Sydney well after the smallpox epidemic of 1789, known to Aboriginal people as *gal-gal-la*, killed an estimated half of the Aboriginal population.<sup>10</sup> As historian, Paul Irish, notes in *Hidden in Plain View*, throughout the 19<sup>th</sup> century Aboriginal settlements formed along Sydney's coastal fringes. From the 1860s Aboriginal people used wooded areas between Lavender Bay and Neutral Bay to camp.<sup>11</sup> Livingston Mann, whose family resided in Neutral Bay from 1863, described how Aboriginal people would 'forage for miles around and pretty well clean out all the opossums and other matter fit for digestion.'<sup>12</sup>

Today local place names reflect the area's Aboriginal past such as *Cammeray* and *Kirribilli* (meaning 'good fishing spot'). Other place names in the Sydney language, though not widely known, have survived in the records and include *Warrungarea* (Blues Point), *Gooerrbahree* (Lavender Bay) and *Weeyuh Weeyuh* (Careening Cove).<sup>13</sup>

<sup>8</sup> Valerie Attenbrow, 'Archaeological Evidence of Aboriginal Life in Sydney', *The Dictionary of Sydney*, 2012, [https://dictionaryofsydney.org/entry/archaeological\\_evidence\\_of\\_aboriginal\\_life\\_in\\_sydney](https://dictionaryofsydney.org/entry/archaeological_evidence_of_aboriginal_life_in_sydney).

<sup>9</sup> Grace Karskens, 'Barangaroo and the Eora Fisherwomen', *The Dictionary of Sydney*, 2014, [https://dictionaryofsydney.org/entry/barangaroo\\_and\\_the\\_eora\\_fisherwomen](https://dictionaryofsydney.org/entry/barangaroo_and_the_eora_fisherwomen); Grace Karskens, *The Colony: A History of Early Sydney* (Crows Nest, NSW: Allen & Unwin, 2010), 40.

<sup>10</sup> Karskens, *The Colony*, 374.

<sup>11</sup> Paul Irish, *Hidden in Plain View: The Aboriginal People of Coastal Sydney* (Sydney, NSW: NewSouth Publishing, 2017), 109.

<sup>12</sup> Livingston F Mann, 'Early Neutral Bay', *Journal and Proceedings of the Royal Australian Historical Society* 18, no. 4 (1932): 196.

<sup>13</sup> North Sydney Heritage Centre, 'North Sydney's Aboriginal Past', North Sydney Heritage Leaflet 1 (North Sydney, NSW: North Sydney Council, 2016), [https://www.northsydney.nsw.gov.au/Library\\_Databases/Heritage\\_Centre/Leaflets\\_Walks\\_Publications/Heritage\\_Leaflets](https://www.northsydney.nsw.gov.au/Library_Databases/Heritage_Centre/Leaflets_Walks_Publications/Heritage_Leaflets); Ian Hoskins, *Sydney Harbour: A History* (Sydney, NSW: UNSW Press, 2009), 4; Valerie Attenbrow, 'Aboriginal Placenames around Port Jackson and Botany Bay, New South Wales, Australia', in *Aboriginal Placenames: Naming and Re-Naming the Australian Landscape*, ed. Luise Hercus and Harold Koch, Aboriginal History Monograph 19 (Canberra, ACT: ANU Press and Aboriginal History Inc, 2009), 33.



Figure 4: Fish hooks of New South Wales and a feather of the cassowary, c1789, from *Journal of a voyage to New South Wales: with sixty-five plates of non-descript animals, birds, lizards, serpents, curious cones of trees and other natural productions by John White* London: Printed for J Debrett, 1790 (Source: State Library of NSW, MRB/ Q991/ 2A2)



Figure 5: Sydney from the North Shore, 1827, Joseph Lycett (Source: Dixon Galleries, State Library of New South Wales, DG SV1 / 13)

## 2.2 THE SUBURB OF CREMORNE POINT

The subject site once formed part of an 86-acre grant (portion 352 of the Parish of Willoughby, County of Cumberland) promised to the Scottish clockmaker James Robertson (Figure 6).<sup>14</sup> On 8 January 1822, Robertson arrived in Sydney on the *Providence*<sup>15</sup>. Soon after arrival, Robertson's close friend Governor Thomas Brisbane was said to have promised him land of his own. However, it wasn't until many years later in 1833 that he was given what known became known as the 'J. Robertson Grant' by Governor Richard Bourke. The 86 acres contained 'all lands within 100 feet of high-water mark of the peninsula overlooking both Shell Cove and Great Sirius Cove in Sydney's North' (Figure 7).<sup>16</sup> In 1839 Robertson was appointed Keeper of Government clocks and watches, replacing the noted clockmaker, John Oatley.<sup>17</sup>

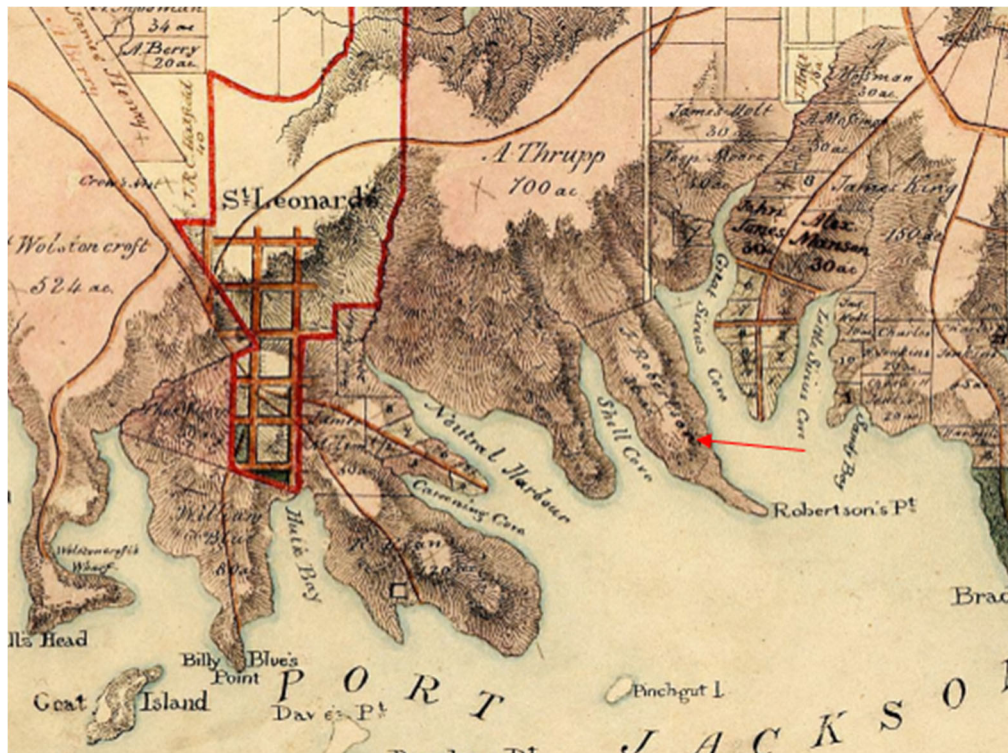


Figure 6: 'Parish of Willoughby in the country of Cumberland', Historical map of the parish of Willoughby showing James Robertson's 86-acre grant. N.d. (Source: NSW Land Registry Services, AO Map no. 6205).

<sup>14</sup> North Sydney Council, 'Cremorne Point History Walk', North Sydney Council, harbourside, lower north shore, Sydney north shore, New South Wales, Australia, accessed 22 May 2023, <https://www.northsydney.nsw.gov.au/directory-record/1549/cremorne-point-history-walk>.

<sup>15</sup> 'Tasmania - Passenger and Crew Lists, 1834-1837, 1841-1887', *CUS36 Cargo, Passenger and Crew Lists* (Source: Ancestry.com accessed 30 May 2023)

<sup>16</sup> Bede Nairn, 'Robertson, Sir John (1816–1891)', in *Australian Dictionary of Biography*, 18 vols (Canberra: National Centre of Biography, Australian National University), accessed 30 May 2023, <https://adb.anu.edu.au/biography/robertson-sir-john-4490>.

<sup>17</sup> Unknown, 'Seven Hills & Districts: A History: James Robertson - Jeweller, Watchmaker and Gentleman Farmer', *Seven Hills & Districts* (blog), 23 December 2015, <http://sevenhillshistory.blogspot.com/2015/12/james-robertson-jeweller-watchmaker-and.html>; '21 Jan 1879 - OBITUARY.', *The Sydney Morning Herald*, p.8

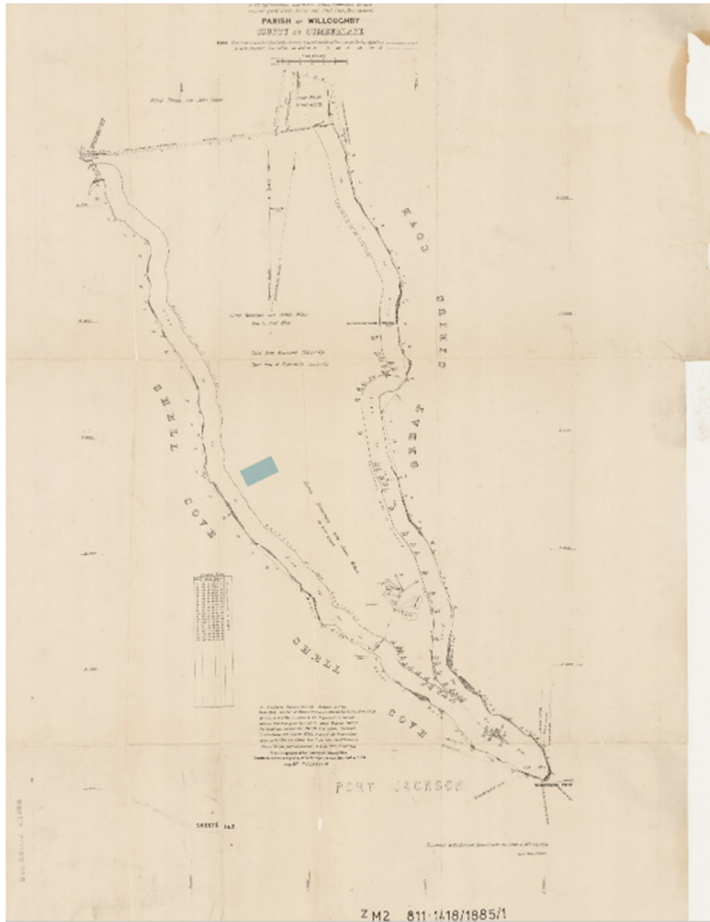


Figure 7: 'Tracing of plan of recission of 100 feet reservation contained in James Robertson's 86-acre original grant, Great Sirius and Shell Cove (Port Jackson), Parish of Willoughby, County of Cumberland/transmitted to the Surveyor General 30<sup>th</sup> July 85/15 (signed) Walter A Harper; photolithograph at the Government Printing Office (Source: SLNSW. FL9190058). Approximate location of subject site shaded blue.

Cremorne Point's first European name, Robertson Point, relates to the Robertson land grant. Although the suburb no longer bears his name, today Robertson's Point, situated at the tip of the Cremorne Point headland, and the Robertson Point Lighthouse remain as a reminder of his connection with the location.<sup>18</sup>

In 1853 James Robertson sold his estate for £2,000 to James Milson, who unsuccessfully attempted to run cattle on the land.<sup>19</sup> Three years later Milson leased a portion of the land, 22 acres located at the harbourside edge of the peninsula, to Jacob Clarke and W P Woolcott.<sup>20</sup> Clarke and Robertson built an English-style pleasure garden featuring a carousel, rifle-shooting gallery and a themed walk through the surrounding bush and headland.<sup>21</sup> While initially a success, the garden closed six years after opening, leaving behind what became a well-known picnic spot (Figure 8).<sup>22</sup>

<sup>18</sup> Stanton Library, 'North Sydney History Walks - Cremorne Point', p.3

<sup>19</sup> Trevor Harrison, *Changing Faces of Cremorne Point* (North Shore Historical Society, 2008), 16.

<sup>20</sup> 'Cremorne Point | The Dictionary of Sydney', accessed 30 May 2023, [https://dictionaryofsydney.org/entry/cremorne\\_point](https://dictionaryofsydney.org/entry/cremorne_point).

<sup>21</sup> 'Cremorne Gardens | The Dictionary of Sydney', accessed 31 May 2023, [https://dictionaryofsydney.org/place/cremorne\\_gardens](https://dictionaryofsydney.org/place/cremorne_gardens).

<sup>22</sup> 'Cremorne Point | The Dictionary of Sydney'.



Figure 8: 'Cremorne Point, ca.1893/published copy by J. Paine' (Source: SLNSW SPF/3272)

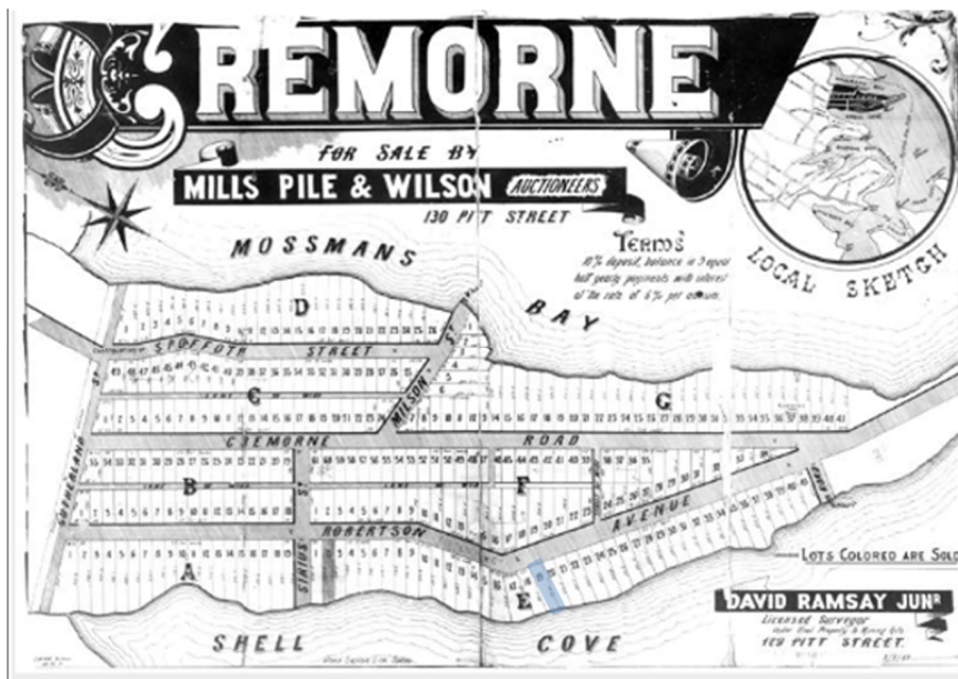


Figure 9: Auction poster from the early federation period produced as part of an effort to sell the land on Cremorne Point for residential development. Subject site shaded blue. Note that allotment sizes presume land on the shoreline could be held privately (Source: North Sydney Council Stanton Library).

During the 1880s James Milson's son, James Milson Jr, planned for residential development around the peninsula (Figure 9). However, following many years of negotiations the New South Wales Government commenced legal action against him, successfully acquiring a 100-foot foreshore reservation for public recreation, setting a precedent for the development

of valuable waterfront land to the detriment of the wider community.<sup>23</sup> Between 1891 and 1893 the New South Wales Department of Mines bored for coal at two separate sites on the peninsula on behalf of the Sydney and Port Hacking Coal Company Ltd. When a rich coal seam was discovered, the company immediately sought a licence to mine.<sup>24</sup> The plan was strongly opposed by North Sydney Council and the local community, which eventually resulted in the company shifting their operations from Cremorne Point to Sydney Harbour.<sup>25</sup> In 1905 'Cremorne Reserve' was gazetted, preventing any further commercial speculation by private enterprise (Figure 10).<sup>26</sup>

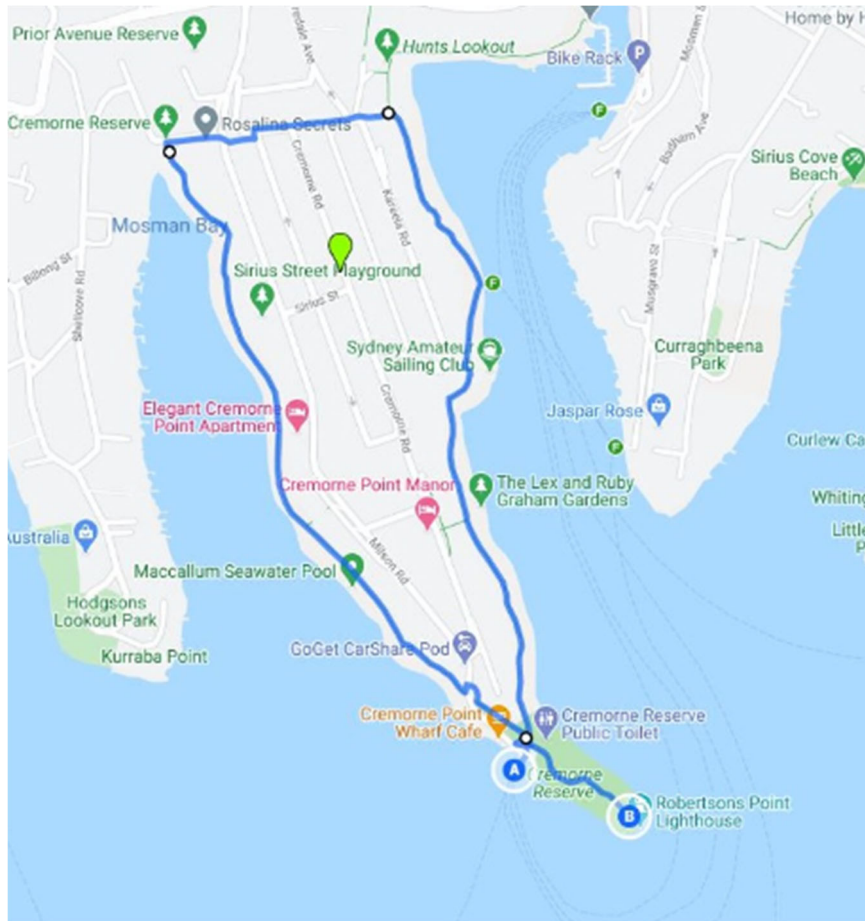


Figure 10: 'Cremorne Reserve' marked in blue (Source: 'Sydney Uncovered' <https://sydneyuncovered.com/cremorne-point-circuit-walk-mosman-bay/>)

<sup>23</sup> North Sydney Council/Stanton Library, 'North Sydney Development Control Plan 2013, Area Character Statements - South Cremorne Planning Area', 2013, Part C; 'Cremorne Point | The Dictionary of Sydney'.

<sup>24</sup> 'The Coal Bore at Cremorne.', *Australian Town and Country Journal*, 20 February 1892, <http://nla.gov.au/nla.news-article71234319>; 'Cremorne Point | The Dictionary of Sydney'.

<sup>25</sup> 'Cremorne Point | The Dictionary of Sydney'; Harrison, *Changing Faces of Cremorne Point*.

<sup>26</sup> North Sydney Council, 'Cremorne Reserve Plan of Management 2022', 2022, p.14; 'NORTH SYDNEY.', *Sydney Morning Herald*, 1 August 1906, <http://nla.gov.au/nla.news-article14790142>.

## 2.3 CONSTRUCTION OF THE SUBJECT SITE: 'KURANDA' AND 'WANDEEN FLATS'

In the 1900s an increase in transport infrastructure prompted a surge in residential development in Cremorne Point, with the first subdivision sale of the 20th century occurring in 1903 and continuing into the 1920s.<sup>27</sup> The subject site is contained within Lot 19, Section E of the 'Cremorne Estate' and was conveyed to the Milson family.

On 1 May 1908 the allotment was transferred to Ada Mary Southouse, wife of the paper merchant Robert Southouse, who became proprietor of the allotment which totalled 36 and one-quarter perches.<sup>28</sup> The purchase was not her first acquisition within the 'Cremorne Estate', as she already owned Lots 22 and 23, Section F, upon which a residence known as 'Holyoak' was built.<sup>29</sup>

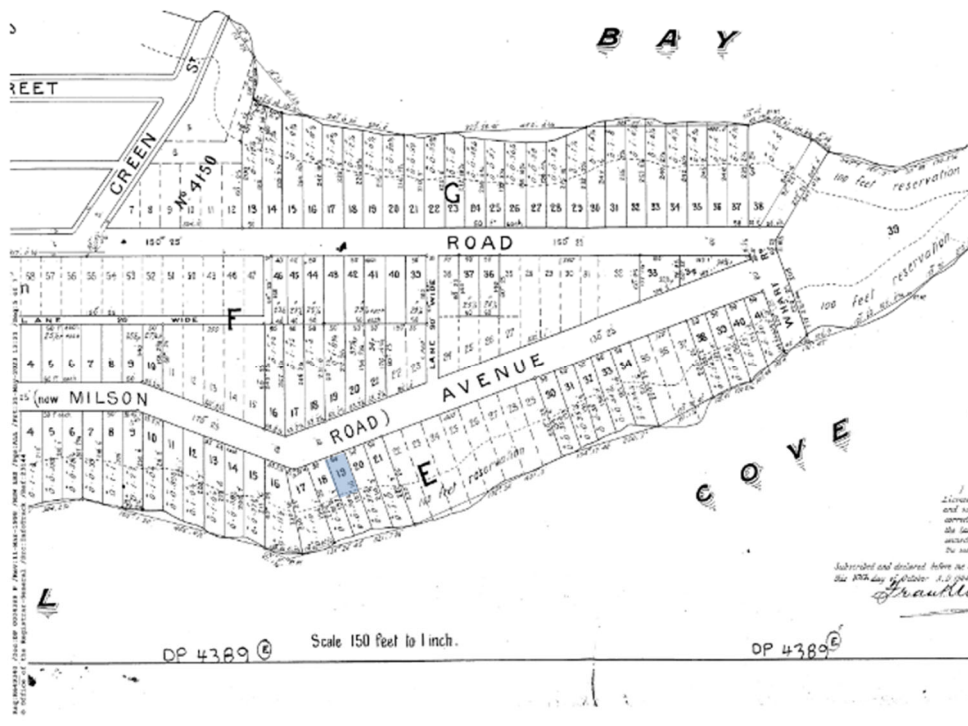


Figure 11: DP 4389 'Section A and parts of B, E, F, G of the Cremorne Estate' Surveyed by B. North, September 1904, Image 4 of 7. Subject Site (Lot 19, Section E) highlighted. (Source: NSW LRS, DP 0004389 via Infotrak).

<sup>27</sup> Harrison, *Changing Faces of Cremorne Point*; North Sydney Council/Stanton Library, 'North Sydney Development Control Plan 2013, Area Character Statements - South Cremorne Planning Area'; 'Our History The Early Years', accessed 30 May 2023, <https://www.rasnw.com.au/heritage/virtual-museum/our-history-the-early-years/#>.

<sup>28</sup> 'NSW Land Registry Services, Certificate of Title, Vol-Fol 1869-225', 1908.

<sup>29</sup> 'Sands Sydney, Suburban and Country Commercial Directory, 1910', City of Sydney Archives, p.528, accessed 19 June 2023, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898949>; 'NSW Land Registry Services, Certificate of Title, Vol-Fol 1516-148', 1904.

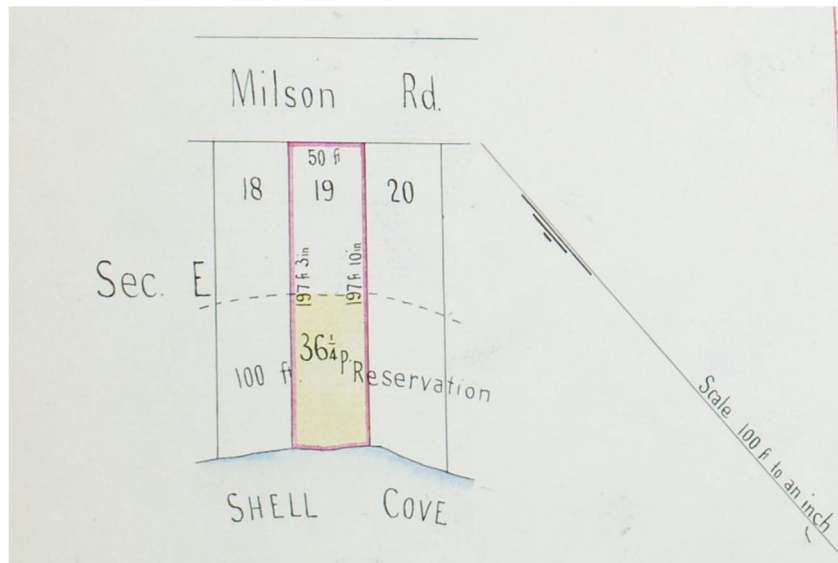


Figure 12: Lot 19, Section E of the Cremorne Estate, 1904 with public reservation shaded yellow (Source: NSW Land Registry Services, Certificate of Title, Vol-Fol 1516-148)

A Rate and Valuation search conducted by Peck Huan at Stanton Library shows a significant increase in capital value of Lot 19 between 1908 and 1910, indicating that a house was erected at this time (Appendix 9.2).<sup>30</sup>

In the 1912 edition of the Sands Directory, the subject site was first mentioned and named 'Wandeen' and occupied by Walter B Crawhurst.<sup>31</sup> Between 1911 and 1916 the subject site was tenanted twice, firstly to the carpenter Andrew Osman, and then to the importer Andrew MacDougall; during this time it was leased and known by the name 'Kuranda'.<sup>32</sup> In 1916 ownership of the site was transferred to the printer Hugh MacCallum, a noted local figure who was best known for being instrumental in raising funds for the nearby harbourside pool, which in 1930 was named in his honour.<sup>33</sup> At that point the building then acquired the name 'Wandeen Flats' and remained with the MacCallum family until 2014.<sup>34</sup>

On 12 July 1919, a description and photograph featuring the subject site was published in *Building* magazine (Figure 13). The home was described as having a 'fine appearance' with colours and materials that avoided 'monotony'.

<sup>30</sup> Peck Huan, '42 Milson Road Cremorne Point', Rate and Valuation Search', Records, 1908-1966.

<sup>31</sup> Sands Sydney, Suburban and Country Commercial Directory, 1912', City of Sydney Archives, p.581, accessed 4 September 2023 <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898949>;

<sup>32</sup> 'NSW Land Registry Services, Certificate of Title, Vol-Fol 1869-225', 1908; Peck Huan, '42 Milson Road Cremorne Point', Rate and Valuation Search', 1908-1966. Sands Sydney, Suburban and Country Commercial Directory, 1912-1916', City of Sydney Archives..

<sup>33</sup> 'NSW Land Registry Services, Certificate of Title, Vol-Fol 1869-225'; North Sydney Council, 'Cremorne Point History Walk', p.9, <https://www.northsydney.nsw.gov.au/directory-record/1549/cremore-point-history-walk>

<sup>34</sup> 'NSW Land Registry Services, Certificate of Title, Vol-Fol 1869-225', 1908; '42A Milson Road, Cremorne Point, NSW 2090', realestate.com.au; Sands Sydney, Suburban and Country Commercial Directory, 1916', City of Sydney Archives, p.681, accessed 4 September 2023 <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898949>;





Figure 13: 'A Cremorne Residence' picture, photographer unknown, from 'Building' magazine, 2 July 1919 (Source: Trove <http://nla.gov.au/nla.obj-266448013>)

## 2.4 ALTERATIONS TO THE SUBJECT SITE

For much of its history, 42 Milson Road Cremorne Point was divided into two separate dwellings: the upper level belonging to the MacCallum family (42A) and the lower level to tenants. In 1918, 42 Milson Road was first described in rental advertisements as 'Flats', and in 1919 a Building Application submitted by Hugh MacCallum for two additional rooms on the subject site, was approved by North Sydney Council.<sup>35</sup> From 1930 onwards, Rate and Valuation records kept by the council designate 42 Milson Road as 'Flats + Garage'.<sup>36</sup> In 1937 plans for a garage and laundry were approved by North Sydney council (Figure 14).<sup>37</sup> The only other alterations occurred in 2006 when plans for remediation work to the existing carport and the renovation of and extension of a bathroom were approved.<sup>38</sup>

<sup>35</sup> Peck Huan, '42 Milson Road Cremorne Point' Rate and Valuation Search' Advertising', *Sydney Morning Herald*, 16 November 1918, <http://nla.gov.au/nla.news-article15811160>; 'Advertising'.

<sup>36</sup> Huan, "42 Milson Road Cremorne Point", Rate and Valuation Search'.

<sup>37</sup> 'BA 597, 42 Milson Road Cremorne Point' submitted by Hugh MacCallum 14 April 1937, Approved 27 April 1937. (Source: Stanton Library's Digital Image Collections)

<sup>38</sup> Janet Hall and Colin Warne, 'DA 285/06 Development Application - Internal Extension of Existing Bathroom and Associated Structural Remediation Works, 42 Milson Road Cremorne Point', 21 June 2016.

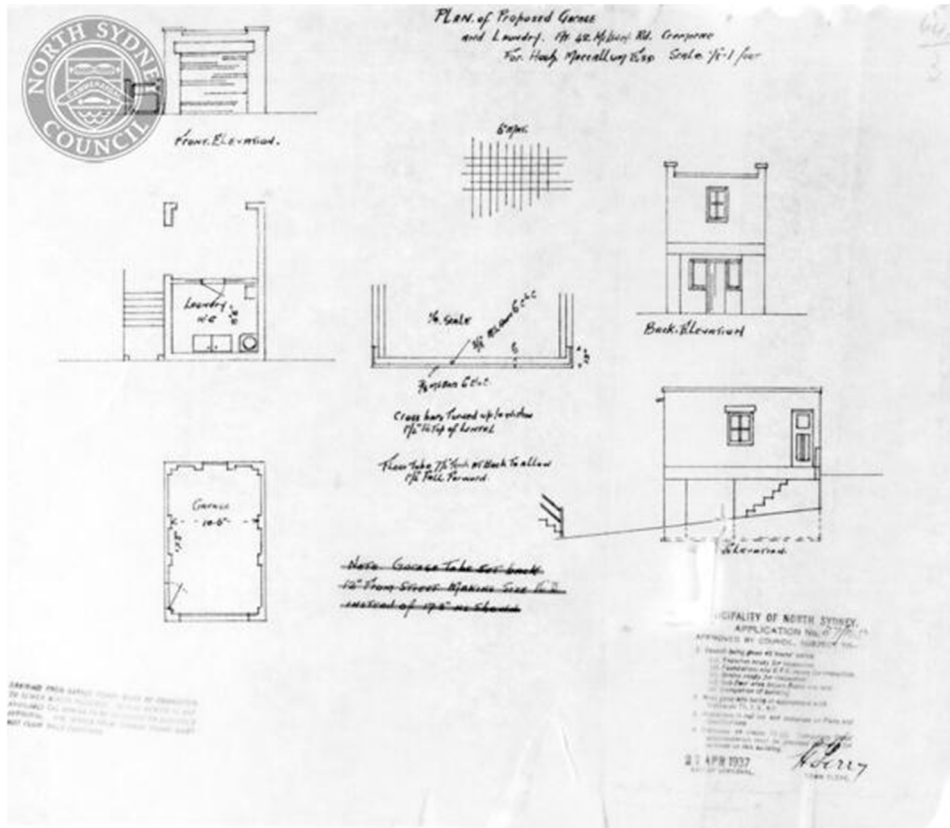


Figure 14: Building Application 37/105, 42 Milson Road Cremorne (Source: Stanton Library). Staircase marked with arrow.



Figure 15: 42 Milson Road, Cremorne Point, photograph by Shannon Haritos, 29 April 2013 (Source: Stanton Library, North Sydney Council, LH REF PF3841/6)

## 3.0 PHYSICAL EVIDENCE

### 3.1 SITE CONTEXT

The subject site lies on the southwestern side of Milson Road, fronting onto the foreshore Cremorne Reserve. The surrounding neighbourhood context is characterised by substantial 20<sup>th</sup> century residential dwellings, including small apartment blocks.



Figure 16 - Aerial view of the site, showing the scale and character of the surrounding development (Source: Google maps)

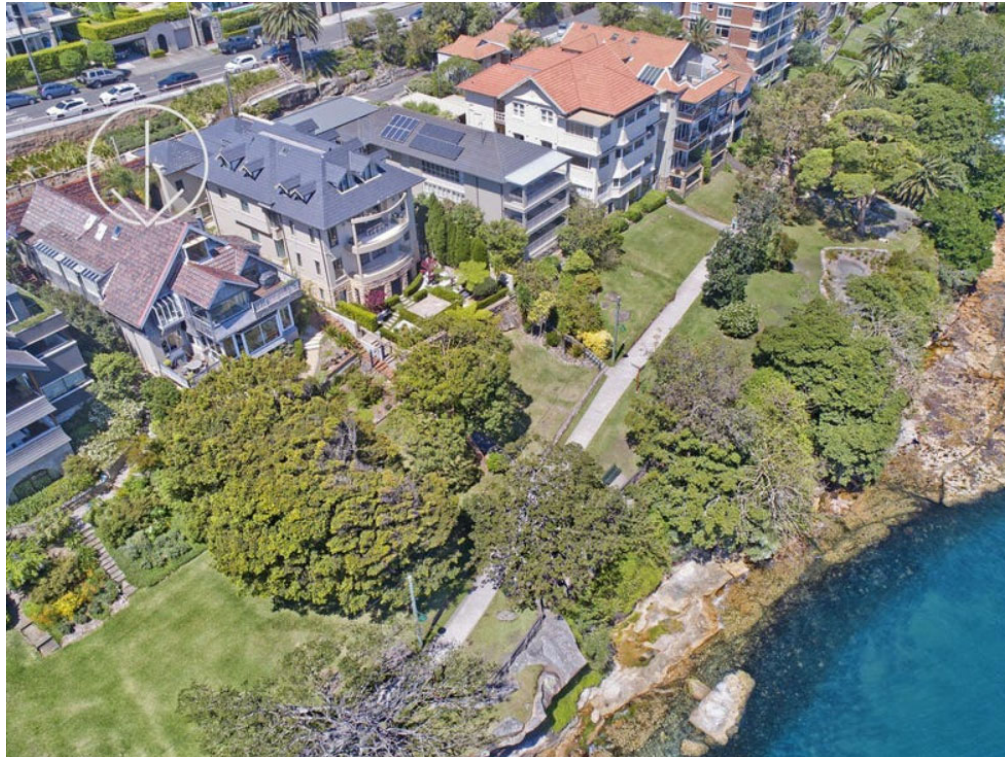


Figure 17 - Aerial view showing the relationship of the subject site, the reserve and the buildings either side. This image also presents an opportunity compare the relative bulk and scale of the buildings which line the foreshore. (Source: [http://house.speakingsame.com/house\\_img.php?t=0&sta=nsw&id=1882054&seq=8&price=&imgurl=&width=0&height=0&total=10&addr=42A+Milson+Road&region=Cremorne+Point&img=11](http://house.speakingsame.com/house_img.php?t=0&sta=nsw&id=1882054&seq=8&price=&imgurl=&width=0&height=0&total=10&addr=42A+Milson+Road&region=Cremorne+Point&img=11) )



Figure 18 - View southwest across the subject site from the upper portion of Milson Road. There will be no change to the height of the main ridge line, and the width of the garage roof will be reduced to accommodate a dedicated entry feature.. (Source: Google Streetview)



Figure 19 - View southeast along the lower residential access road that runs behind the subject site. The skillion roofed garage to the subject site is shown. (Source: Google Streetview)



Figure 20 - View south along the foreshore reserve footpath.



Figure 21 - Looking back towards the house from the foreshore reserve footpath. The stone stairs do not form part of the subject site.



Figure 22 - Typical views at the edge of the foreshore reserve.



Figure 23 - View demonstrating the typical character of the surrounding urban context on Milson Road looking north. The subject site is to the left of the photographers location..

### 3.2 DESCRIPTION OF THE EXTERIOR

The subject site contains a single building comprised of two apartments. The address is Milson Road; however the primary presentation is to the Cremorne Foreshore Reserve and Sydney harbour generally. An open garage sits across the rear of the site with a skillion roofed in terracotta tiles. Access to the dwellings is via a door at the rear of the garage leading to an entry portico off the side of the house.

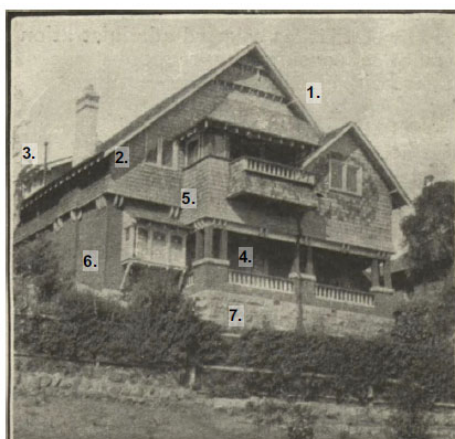


Figure 24 - View of the rear presentation of the building. The garage extends across the site, providing for three car spaces and the entry. The structure is open, with a later timber shingled clad wall below a terracotta tile roof. The roof, with later terracotta tile cladding, can be seen beyond the garage roof.

The primary façade has been altered, refer to Figure 25 below, however the original architectural character and materiality of the c1910 dwelling is clearly discernible. The overall proportions however have been unsympathetically altered by the addition of the uppermost protruding gable and extended balcony on the upper level. The oversized bay with picture windows combined with a further timber deck to the north at the lower level further alter an appreciation of the original character of the building.



Figure 25 - Southern elevation - showing the early character of the architecture, as well as the later additions. It is worth noting that the original face brickwork has been painted.



#### Changes to the façade:

1. Addition of a projecting room under a new pitched roof, extension of a balcony across the front of the upper gable. Removal of original balcony and roof.
2. Addition of a full height 'bay' window, involving removal of shingled wall and brackets.
3. Flat roofed dormer retained, chimney removed.
4. Open balcony enclosed and replaced with a bay window.
5. Changes to the timber shingled return wall and windows. across the face of the upper level façade.
6. Windows converted to doors leading onto later balcony.
7. Sandstone base wall retained, with access to sub floor space.



Figure 26 - View of the front entry with painted brickwork, joinery and later door joinery just visible. The original joinery, shown in figure 24 is out of site.



Figure 27 - original timber joinery door and framing. The threshold and original tiling has been lost.



Figure 28 - Sandstone base course below the later timber verandah. Early door providing access to the sub floor space.



Figure 29 - Traditional 'bell bottom' or 'cat slide' detail to the edge of the wall shingles.



Figure 30 - Detail image showing the addition of the timber verandah, along with the upper later 'glass box' view window in the timber shingled wall.



Figure 31 - View at the rear of the house, below the later garage. The stairs lead to the covered car parking area facing Milson Road. The sandstone to the left of the image appears to be located on the adjacent property.

### 3.3 DESCRIPTION OF THE INTERIOR

#### 3.3.1 LOWER GROUND FLOOR

The configuration of the ground floor has been significantly and substantially altered to support various refurbishments of the place. The existing plan, below, shows the existing layout, including the later substantial rear additions.

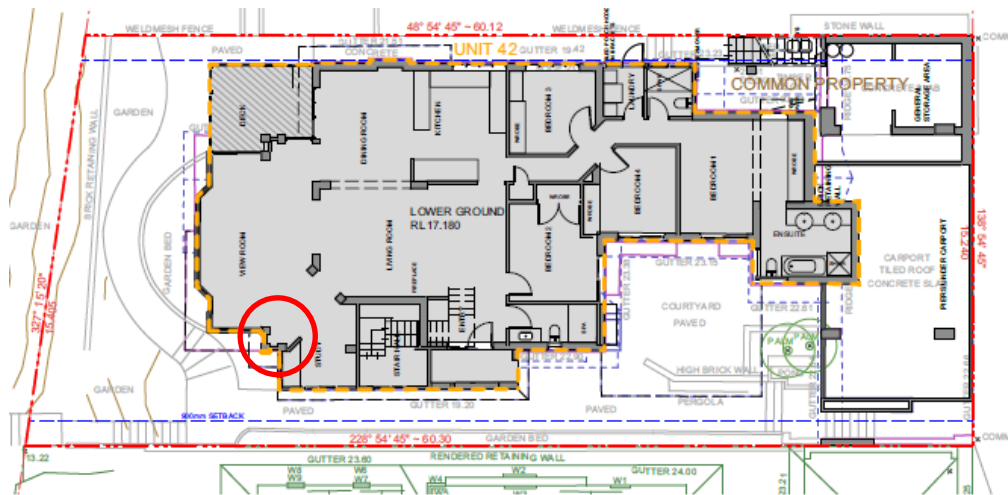


Figure 32 – Existing Lower Ground Floor Plan. (Source: Quattro Architects)

The internal spaces have all been refurbished, with bathrooms and kitchens having been upgraded. The one exception is a small alcove, which has retained its arched opening and stained glass casement windows – refer Figure 33 below.





Figure 33 - Retained original alcove, including arched opening and decorative leadlight windows and timber joinery.



Figure 34 - Interior view of the later oversized bay window, later ceiling and floors.

### 3.3.2 GROUND FLOOR

The ground floor, as elsewhere has undergone extensive alterations, additions, and internal refurbishment.

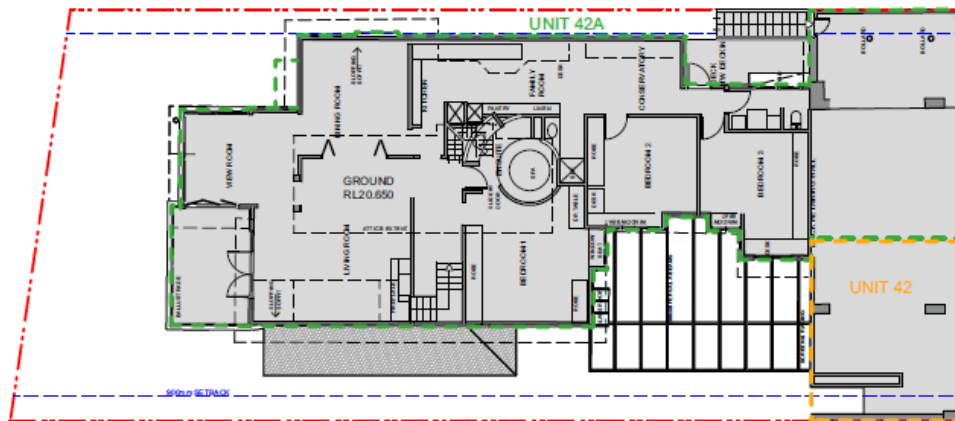


Figure 35 – Existing Ground Floor Plan. (Source: Quattro Architects)



Figure 36 - View from the interior of the later oversized dormer facing Sydney Harbour.

### 3.3.1 ATTIC

The upper most attic space has retained a high degree of its original internal fitout. This includes timber linings, joinery, storage cupboard and access stair. Th



Figure 37 - View towards the harbour from the Attic space.



Figure 38 - View back towards the entry landing at the top of the stair leading to the Attic.



Figure 39 - Detail image of the stair and balustrade to the Attic space.



Figure 40 - Image of a built in cupboard on the stair landing.

## 3.4 VIEWS

Views of the subject site are available from the Cremorne Point foreshore reserve and from Sydney Harbour.

Views from the residence to the harbour and the city beyond are notable.

There are no notable views of the house from Milson Road due to the later rear additions and the close proximity of the garage structure across the rear of the site combined with the impact of the steep topography.

## 4.0 ESTABLISHED HERITAGE SIGNIFICANCE

### 4.1 HERITAGE STATUS

The site is **NOT** listed as an individual heritage item.

The subject house is located within the CA06 South Cremorne Conservation Area, listed in Schedule 5 of the *North Sydney LEP 2013*. It is identified as a **Neutral** item within the conservation area in Appendix 1 of the *North Sydney DCP 2013*.

It is also located within the Cremorne Point Conservation Area and is in the vicinity of the following items listed on Schedule 5 of the *North Sydney LEP 2013*:

- 32 Milson Road, Cremorne Point (House) – Item No: I0116; and
- 33 Milson Road, Cremorne Point (House) – Item No: I0117.

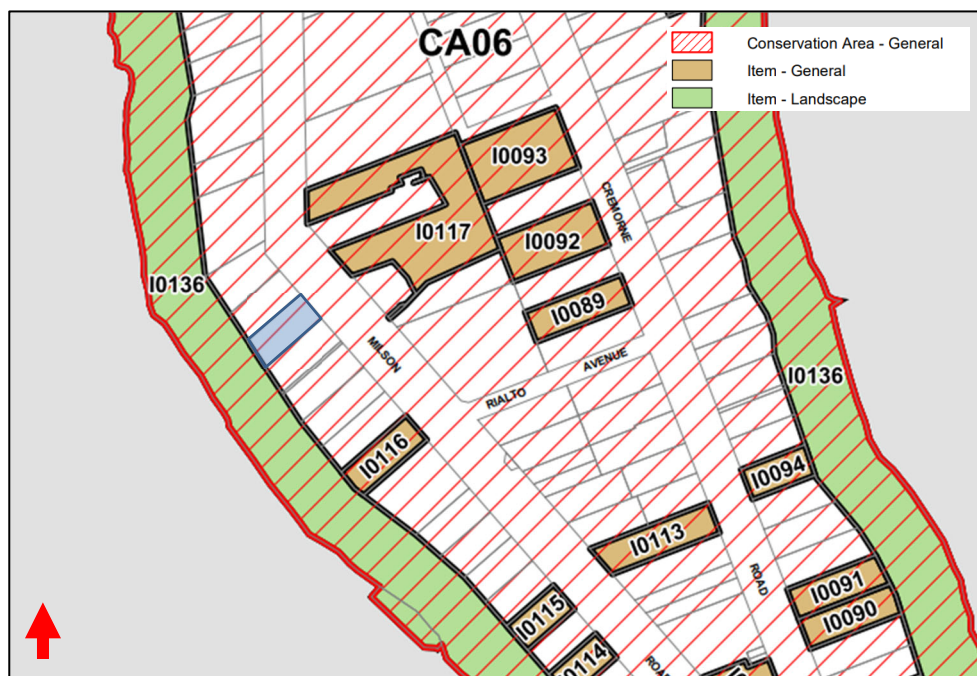


Figure 41: Excerpt from the North Sydney LEP 2013 heritage map. The subject site is highlighted in blue and shown within the CA06 South Cremorne Conservation Area. (Source: North Sydney LEP 2013, Heritage Map HER\_004)

### 4.2 SIGNIFICANCE FOR THE CREMORNE POINT CONSERVATION AREA

The North Sydney DCP 2013 states that the Cremorne Point Conservation Area is significant for:

- Consistent early 20th Century residential area with a mix of Federation and 1920s one and two storey housing mixed with inter-war residential flat buildings of two to three storeys, all built on large allotments with a strong orientation to the water.*
- Unique foreshore reserve that predates the residential subdivision, which demonstrates the concern for recreation, public access and suburban amenity, and the importance of headlands in the visual character of Sydney Harbour.*
- The visual unity derived from its subdivision history that is still apparent.*

#### 4.3 CHARACTER STATEMENT OF THE SOUTH CREMORNE PLANNING AREA

The following Character Statement for the South Cremorne Planning Area, is sourced from the North Sydney Development Control Plan 2013, Area Character Statements – South Cremorne Planning Area:

*South Cremorne is a green, leafy area sympathetic to its harbourside setting. The design of new buildings is to be sympathetic to the landscape and character of buildings within the locality, complementing existing building forms in respect to massing, composition, materials, colours and maintaining the original subdivision pattern.*

*Development within the Planning Area should result in:*

- *no substantial change to residential densities.*
- *no significant change in intensity of development.*
- *a wide range of single household residential types being distributed in a number of distinctive built form/landscape areas.*
- *the conservation of features which contribute to the local identity.*

#### 4.4 SIGNIFICANCE OF ITEMS IN THE VICINITY

The following Statement of Significance for item I10116, 'House' is sourced from the NSW Heritage Database, reference number 2181184:

*Excellent Federation Arts and Crafts style house despite the unsympathetic upper verandah balustrade and valence. It relates well to its site adjacent to the Reserve and its harbour aspect. One of a number of similarly large and well designed houses which taken together characterise Cremorne Point and showcase their styles.*

The following Statement of Significance for item I10117 'House' is sourced from the NSW Heritage Database, reference number 2181152:

*The house is a substantial and impressively sited Federation residence and a characteristic building in the vicinity. The exterior includes many details typical of Arts and Crafts house. The sandstone terracing at the front of the property is a good surviving example of the domestic landscaping of the period. The interior retains some significance.*

## 5.0 THE PROPOSAL

The proposed development, designed by Quattro Architects, includes the following:

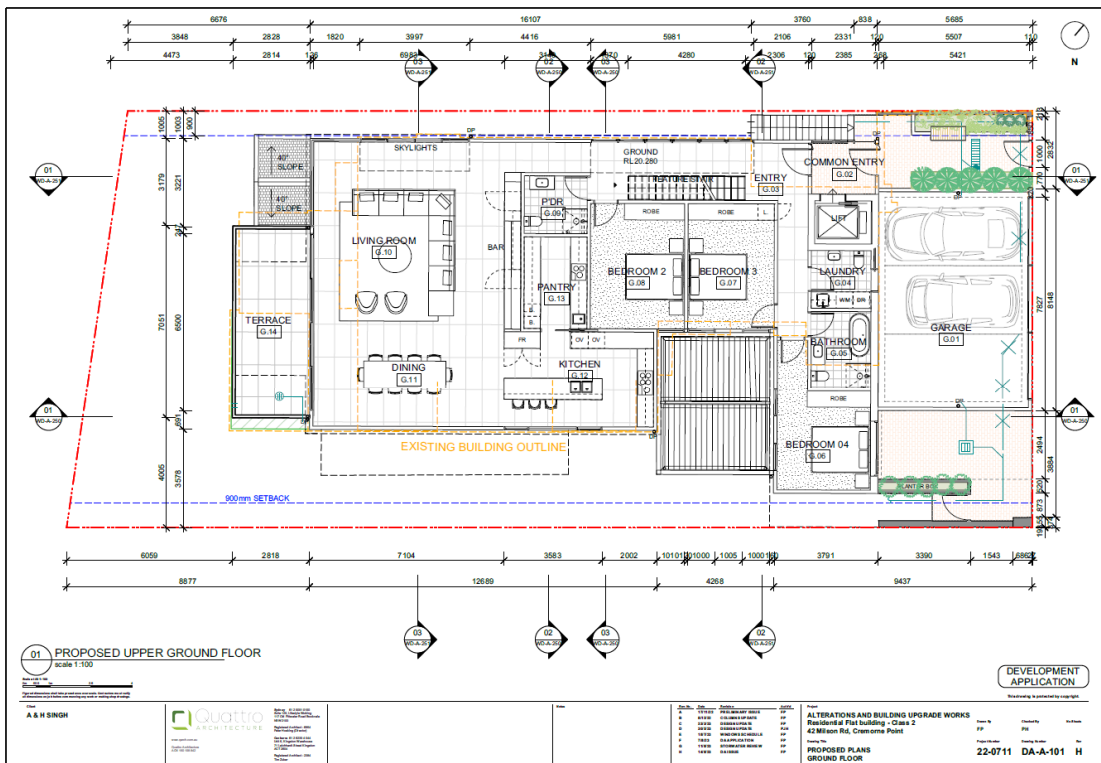
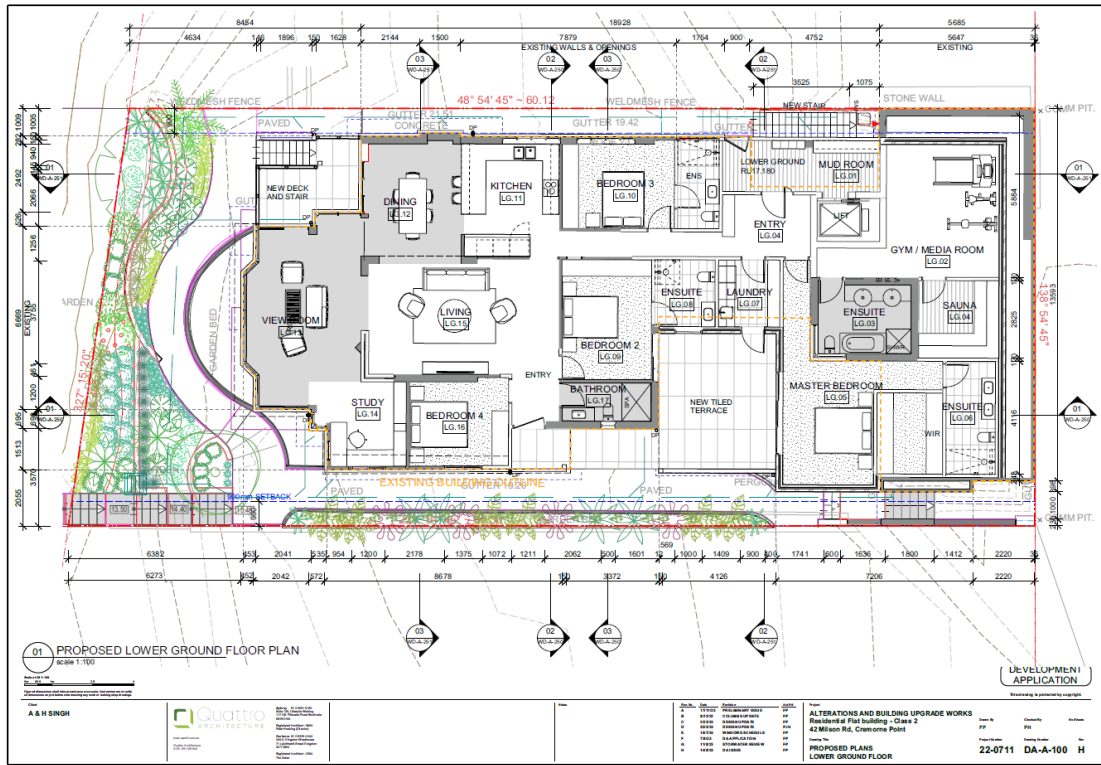
- Demolition of later unsympathetic additions to the building, specifically those that protrude towards Sydney Harbour.
- Reconfigure façade elements towards the foreshore reserve to provide a greater setback and reinstate a more proportionally balanced presentation.
- Infill the space between the garage and the house, to utilise a space not visible from the public domain.
- Replace the existing roof with new, increasing the front setback line to the Harbour and extending it towards Milson Road, whilst maintaining the existing ridge height with a 40 degree pitch.
- Provide a new slate roof throughout.
- Retain the Lower Ground sandstone and brickwork structure and primary walls.
- Remove and reconstruct a high degree of the Ground Floor wall and floor structure to meet fire code compliance and to suit a reconfigured interior.
- Reconstruct upper-level structure to revised layout, including attic level.
- Conserve original sandstone and brickwork elements, including replacement, and introduction of, new timber shingles.

The aim of the proposal is to provide an upgraded level of amenity through the replacement of layers of alteration and additions combined with extensive internal works to satisfy the requisite provisions of the BCA and repair structural faults identified by the structural engineer. Details of the structural condition of the building and associated recommendations are addressed in the report accompanying this submission, prepared by Bekka Engineers Design Buro Pty Limited, dated 21 August 2023.

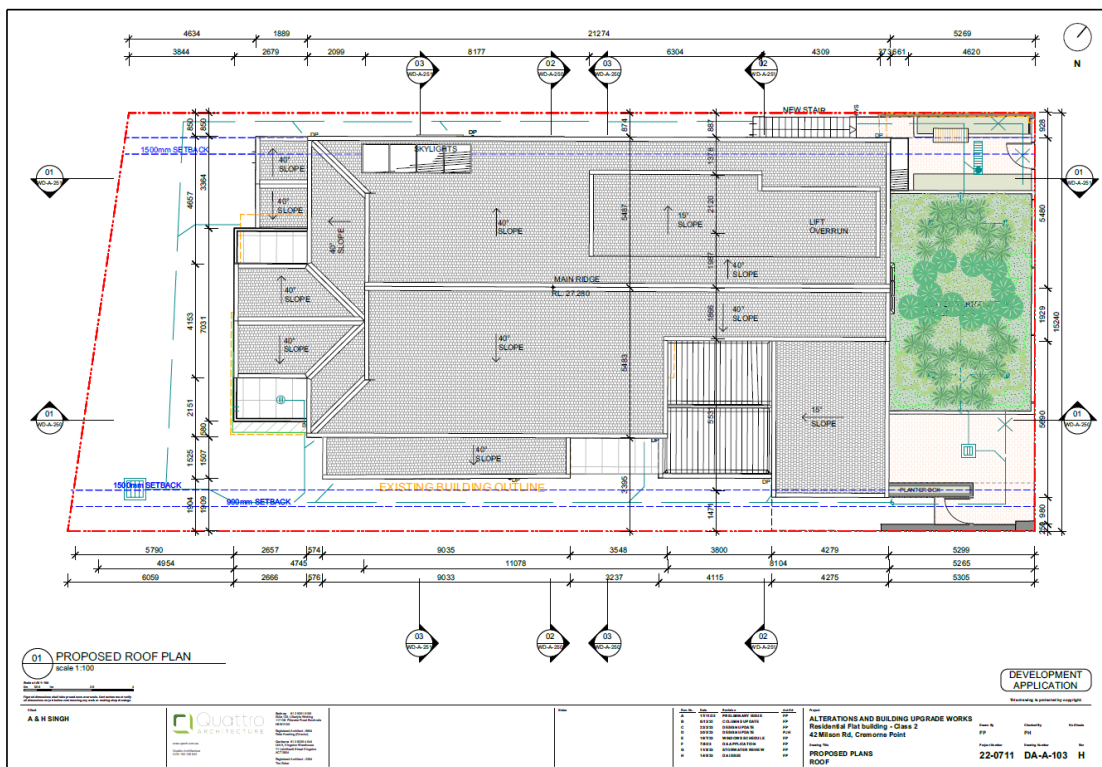
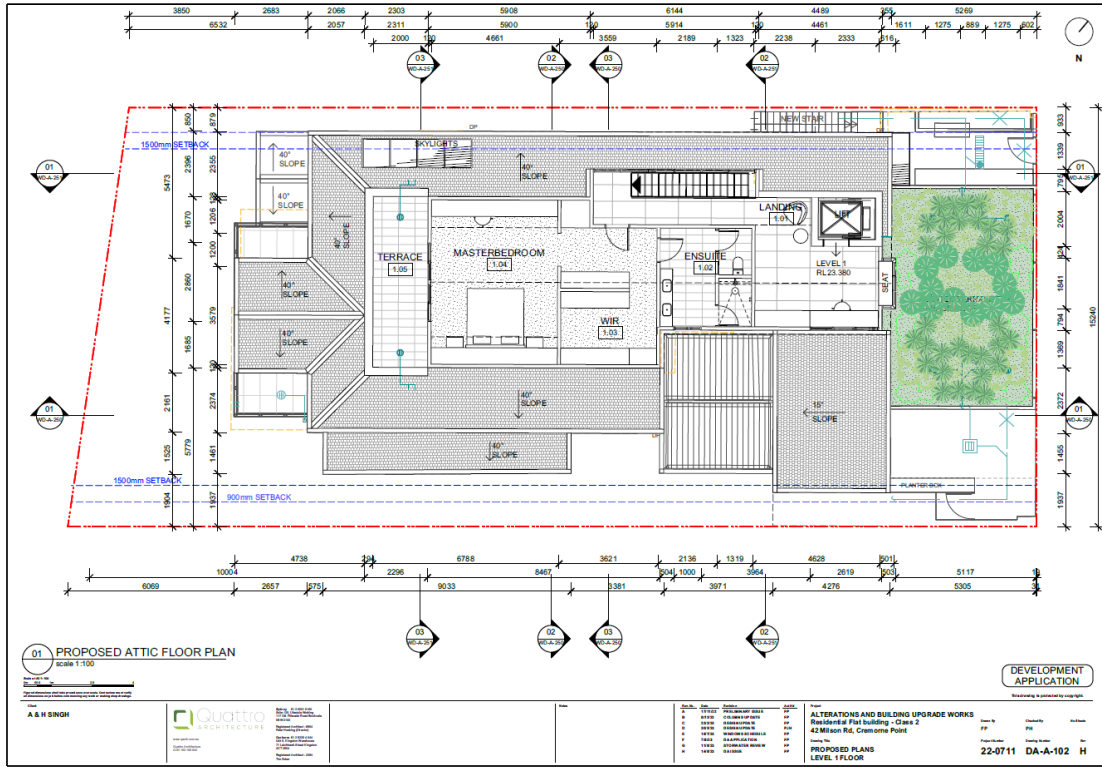
The building is graded as Neutral within the Cremorne Point Conservation Area, and to that end, the proposed changes will remove unsympathetic additions to the front of the building and reduce the visual bulk and scale of the garage building facing onto the rear access lane off Milson Road. The proposed changes, whilst meeting the code requirements for a Class 2 Residential building, will recapture the form and scale of the original presentation of the building facing the harbour. The upper structure will be new, however details and the architectural character has been resolved in such a way that the Neutral grading of the site will be retained, and may, through the removal of over scaled and unsympathetic additions allow the building to make a positive contribution to the HCA. It is acknowledged that the proposal involves substantial reconstruction of the dwelling, however, as a heavily altered building the proposal provides an overall scale, form and materiality that is not only sympathetic to its context, it provides an improved presentation to the Cremorne Reserve. Reasons for this position are addressed in detail in the following analysis of the proposal.



Figure 42 - These drawings identify those elements of the existing building proposed to be demolished (red hatch) and those areas to be replaced (green hatch). Those areas in grey are to be retained.







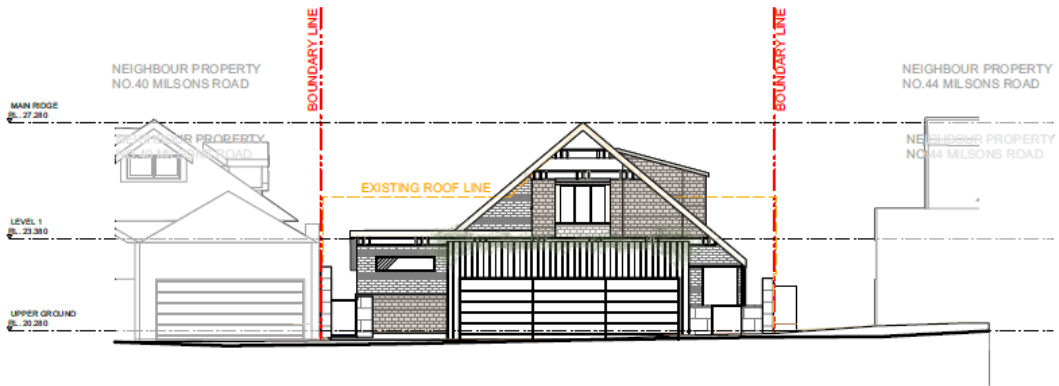


Figure 43 - Proposed North elevation.

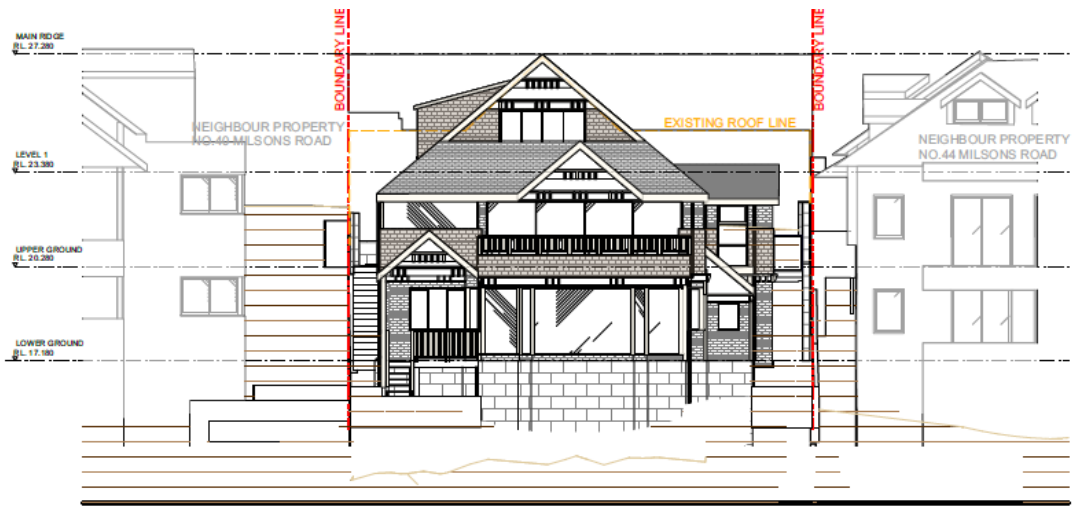


Figure 44 - Proposed South elevation

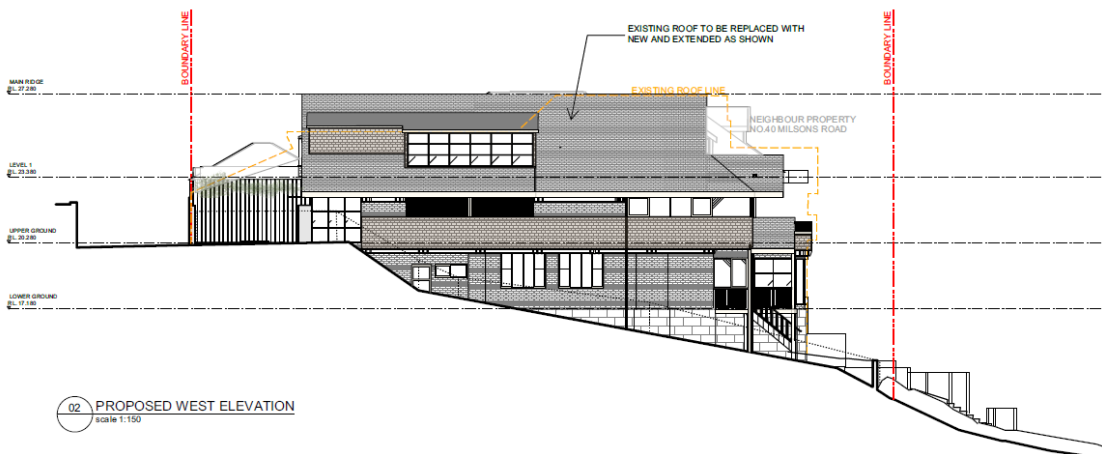


Figure 45 - Proposed west elevation

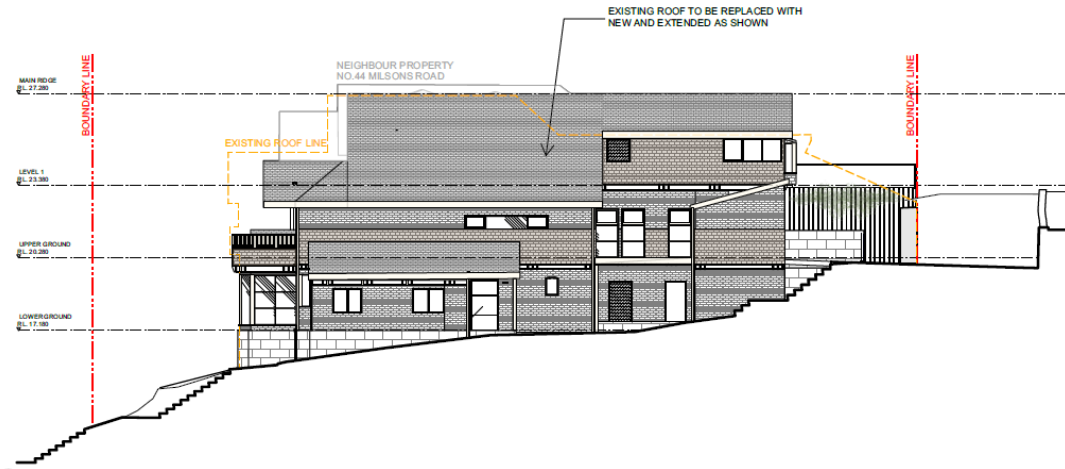


Figure 46 - Proposed east elevation.

01 EXISTING IMAGE OF THE BUILDING FROM 1919 SCALE 1:100	02 CURRENT PHOTO OF THE BUILDING - 2023 SCALE 1:100	03 PROPOSED RENDERERS FROM CREMORNE RESERVE SCALE 1:100
DEFINED ASYMMETRY	1. MESSY FACADE MIX OF ORIGINAL AND MODERN ELEMENTS	1. ASYMMETRY REINTRODUCED, WITH THREE HIGH PITCH GABLE ROOF DISTRIBUTED OVER THE LEVELS
HIGH PITCHED ROOF, DEFINED ROOF LINE WITH OVERHANG AND EXPOSED RAFTERS	2. LOSS OF EXPOSED RAFTERS DETAILS MISSING CHARACTER	2. DEFINED ROOF LINE WITH OVERHANG, BLACK FASCIA, AND EXPOSED RAFTERS
DORMER WINDOW ON WESTERN ELEVATION, PROPORTION OF OPENINGS	3. NO COHERENCE BETWEEN MODERN WINDOWS, DORMER, BOW WINDOWS, CORNER OPENINGS	3. RE-PROPORTIONED OPENINGS, HORIZONTAL WINDOWS, DORMER WINDOW ABOVE STAIRCASE REDUCING VIS A VIS WHILE ADDING LIGHT. BIGGER BALCONY OPENINGS SETBACK FROM FACADE - LESS VISIBLE FROM RESERVE
BALLUSTRADE AND COLUMN DETAILS	4. SPECIFIC FEDERATION ARTS AND CRAFTS DETAILS MISSING	4. BALLUSTRADE AND COLUMN DETAILS REINTRODUCED, BLACK CONTRASTING COLOUR
FACADE SHINGLES FROM UPPER GROUND LEVEL, BELL EDGE	5. USED AND GREYED FACADE SHINGLES ALL AROUND, BELL EDGE	5. BLACK SQUARED FACADE SHINGLES REINTRODUCED TO DEFINE FACADE ELEMENTS, BELL EDGE
RENDERED WALLS	6. YELLOW RENDERED WALLS	6. BRICK INTRODUCED TO CONTRAST WITH FACADE SHINGLES, AND TIMBER HORIZONTAL DETAIL ELEMENTS
FOUNDATION SANDSTONE	7. FOUNDATION SANDSTONE	7. FOUNDATION SANDSTONE, LANDSCAPING RETAINING WALLS

**DEVELOPMENT APPLICATION**

Working to planning code of practice

ALTERATIONS AND BUILDING UPGRADE WORKS  
 Residential Fire building - Class 2  
 42 Milson Rd, Cremorne Point  
 THE BUILDING THROUGH THE YEARS  
 22-0711 DA-A-403 D

Figure 47 - Architects comparative analysis of the stages of the changes in the building, original, current and proposed.

## 5.1 DOCUMENTATION EVALUATED

The following drawings, prepared by Quattro Architects, were reviewed as part of the preparation of this report:

DRAWING NO.	DRAWING TILE	ISSUE	DATE
DA-A-000	Cover Sheet	G	14.08.23
DA-A-020	Survey and Existing Site Plan	G	14.08.23
DA-A-021	Proposed Site Plan	G	14.08.23
DA-A-022	Proposed Landscape Area	G	14.08.23
DA-A-050	Existing Plans	G	14.08.23
DA-A-711	Existing Elevations	G	14.08.23
DA-A-052	Demolition Plans	G	14.08.23
DA-A-053	Demolition Elevations	G	14.08.23
DA-A-070	Shadow Diagrams – 21 <sup>st</sup> March - plans	G	14.08.23
DA-A-071	Shadow Diagrams – 21 <sup>st</sup> March - elevations	G	14.08.23
DA-A-072	Shadow Diagrams – 21 <sup>st</sup> June - plans	G	14.08.23
DA-A-073	Shadow Diagrams – 21 <sup>st</sup> June - elevations	G	14.08.23
DA-A-074	Shadow Diagrams – 21 <sup>st</sup> September plans	G	14.08.23
DA-A-075	Shadow Diagrams – 21 <sup>st</sup> September - elevations	G	14.08.23
DA-A-100	Proposed Plans – Lower Ground Floor	H	14.08.23
DA-A-101	Proposed Plans –Ground Floor	H	14.08.23
DA-A-102	Proposed Plans –Level 1 Floor	H	14.08.23
DA-A-103	Proposed Plans –Roof	H	14.08.23
DA-A-200	Proposed North Elevation	H	14.08.23
DA-A-201	Proposed South Elevation	H	14.08.23
DA-A-202	Proposed West Elevation	H	14.08.23
DA-A-203	Proposed East Elevation	H	14.08.23
DA-A-250	Proposed Sections – Sheet 1	G	14.08.23
DA-A-400	View Corridor	G	14.08.23
DA-A-401	Bulk and Scale Photomontages	D	14.08.23
DA-A-402	Proposed Renders	E	14.08.23
DA-A-403	The building through the years	D	14.08.23
DA-A-404	Exterior Finishes	D	14.08.23

The following landscape design drawings, prepared by Space Landscape Design, were reviewed as part of the preparation of this report:

DRAWING NO.	DRAWING TILE	ISSUE	DATE
L-01	Landscape Plan 1	C	15-08-23
L-02	Landscape Plan 1	B	15-08-23
---	Plant Selection	---	---

## 6.0 ASSESSMENT OF HERITAGE IMPACT

### 6.1 INTRODUCTION

This Heritage Impact Statement has been prepared in relation to the following impact assessment criteria: the *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.

The site is not listed as an individual heritage item, it is however located within the Cremorne Point Conservation Area. Within the HCA the site is graded as making a Neutral contribution to the area. The relationship with the Cremorne Reserve, and in turn Sydney Harbour, is identified as a key visual relationship. The role of the rear of the building and garage form contribute to a limited appreciation of the Milson Road streetscape due to the height disparity between the road and the access laneway, and also in views available from higher vantage points towards and across the harbour.

The existing or proposed interiors of the building do not contribute to the HCA. Of interest is the retained fit out to the attic space, and it is a recommendation of this report that this space is archivally recorded prior to the works commencing.

### 6.2 OVERVIEW OF POTENTIAL HERITAGE IMPACTS

The following commentary addresses specific aspects of the proposal and discusses the potential for heritage impacts.

#### 6.2.1 CONDITION OF THE EXISTING BUILDING

The current building has been subject to repeated alteration and additions, to the internal layout as well as at the rear of the property to provide off street car parking, and to the Harbour facing façade to take advantage of the notable views.

Bekker engineers have inspected the property and make the following key observations:

- Walls lack fire rating compliance.
- The attic walls have warped and twisted.
- Current brick piers are too slender and are non-compliant.
- There are subfloor damp issues, including internal leaking at Ground level and resulting timber rot.
- The existing floor structure has no fire rating capacity.

Refer to full engineers reports for complete condition survey and recommendations.

The proposed reconstruction works to the upper level of the building will substantially address these, and other, identified issues. The existing lower sandstone base course and brickwork will be conserved and retained. The proposal will provide the building with an extended design life that includes meeting the requirements for a NCC Class 2 Residential building.

#### 6.2.2 CHANGES TO THE PRIMARY FAÇADE

The key façade changes to the presentation of the primary façade involve removing the later disproportionately large projecting forms, both the later additions as well as extended balconies, and providing more sympathetic balconies and viewing locations. The dashed red

line in Figure Error! Unknown switch argument. below illustrates the extent to which the building façade elements are proposed to be set back, alleviating the 'looming' effect evident from the public domain, particularly in the vicinity of the building.

The removal of these over scaled elements will ensure the main roof will read as the primary component in views from both the harbourside and from Milson Road. The use of a darker colour palette introduces a more contemporary character to the building, whilst retaining traditional forms and detailing. For example, the dark wall shingles paired with the slate roof.



Figure Error! Unknown switch argument. - View from Reserve walkway, looking generally south.



Figure Error! Unknown switch argument. - Existing situation



Figure Error! Unknown switch argument. - Proposed design, with the line of the existing dashed in red.

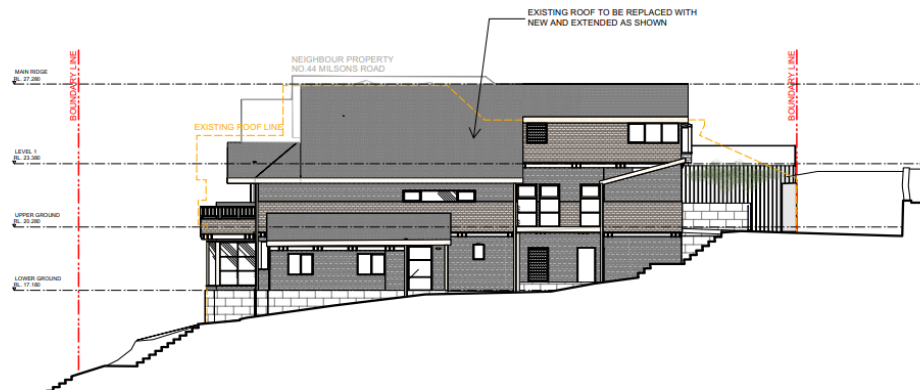


Figure 51 – East elevation. The yellow dashed line shows where the building has been set back further (closer to the original profile of the building), and where the roof has been extended at the rear, an area which does not impact on the primary presentation of the building.

### 6.2.3 CHANGES TO THE ROOF

The key change to the overall building form that have the potential to impact the appreciation of the conservation area relate to the roof form. The following renders have been included to demonstrate the impact of the proposed changes on the surrounding context.

The rear roof is proposed to be extended so as to enable the unsympathetic elements facing the harbour to be set back, and at the same time recapturing a sense of the original façade composition and form. The render below provides a view of the roof in the wider context of surrounding development and the further harbourside development across the bay.



Figure 52: High level view showing the proposal in the wider context of nearby development. Note, the ridge height will remain the same.



*Figure 53 - View from the top of Milson Road. The dormer form includes enclosing the lift overrun; this retains a familiar roof form from the streetscape, one that is characteristic to the HCA, and avoids introducing a block form. The reduced width of the garage, and the additional landscaping introduced to the rooftop supports views through the site from Milson Road.*

The roof of the dwelling retains its pitched form with discrete dormers set below the ridge, a contemporary version of a traditional building form. The pitched roof and dormers are typical elements found in the surrounding historical and contemporary developments and so support the retention of the existing contextual character.

The rear of the dormer form also encapsulates a lift overrun, thereby avoiding the intrusion of an unsympathetic and additional roof element in the streetscape.

An appropriate selection of slate as a roofing material re-introduces a traditional element, employing a naturally recessive colour to further sympathetically incorporate the proposed changes into the surrounding conservation area.

#### **6.2.4 GARAGE BUILDING**

The render below illustrates the positive impact from the reduced width of the garage structure on the access laneway and on further views from the upper level of Milson Road.

In reducing the width of the garage structure, the presentation to the access laneway now also includes a clear pedestrian entry to the house, as well as opportunities to view the form of the building beyond, rather than simply presenting a blank 'wall' to the street.

The addition of a landscaped roof further supports the softening and more sympathetic presentation of the garage to the conservation area.





Figure 54 - Northern elevation of the site.



Figure 55 - View from the top of Milson Road showing the relationship of the garage and the house.

## 6.2.5 MATERIALS AND COLOUR PALETTE

The intention of the proposal, as noted earlier, is to upgrade and refurbish the existing building to provide a contemporary level of amenity in a manner which supports the retention of the surrounding Cremorne Point conservation area. The finishes and colour palette included below incorporates a contemporary aesthetic using sympathetic materials, finishes and colour selections based on the character of the Federation building.

The proposed colour palette and materiality will support the Neutral grading of the building in the HCA, and whilst the upper portion of the building is essentially new, the proportions, form, materiality and details of the building have been designed to be sympathetic to the character of the surrounding context. It is worth noting that the immediate vicinity of Milson Road includes a high proportion of contemporary and later dwellings; the strength of the proposed design is that the design is based the original building character, form and detailing.



ROOFS : SLATE GREY TO MATCH WITH NEIGHBOURING PROPERTY  
 TIMBER GABLES WITH EXPOSED RAFTERS DETAILS.  
 WALLS : FACE RED BRICK AND BLACK SQUARED SHINGLES.  
 FOUNDATIONS AND RETAINING WALLS : SANSTONE.







- 
EF.R.01  
 SLATE ROOF
- 
EF.CB.01  
 OFF WHITE FASCIA,  
 GUTTERS, BALLUSTRADES,  
 WINDOWS
- 
EF.TM.01  
 TIMBER LOOK FACADE ELEMENT  
 WITH BLACK DETAILS
- 
EF.SH.01  
 FACADE SHINGLES
- 
EF.BR.01  
 RED BRICK TO WALLS
- 
EF.SS.01  
 SANDSTONE FOUNDATIONS

Figure 56 - Schedule of external finishes. Note the timber detailing to the balustrade as well as the timber brackets to the gable and verandahs. These details have been reconstructed based on existing building elements, see below.



## 6.2.6 LANDSCAPING CONTRIBUTION

The two primary, and quite separate, elements of the landscaping are firstly, the interface between the house and the foreshore reserve and, secondly, the roof top landscaping to the rear access laneway.

The landscape scheme onto the reserve includes a curved form roughly centred on the building, with a curved pathway edging the building and then relatively low-level planting transitioning down to the shared boundary with the reserve. The steep topography of the site requires a series of short retaining walls, which have been arranged to form a series of beds.

The landscaping to the garage roof, is naturally contained by the garage form with low level species plantings that have been selected to be successful in this roof top location.



Figure 57 - Front Garden landscape design

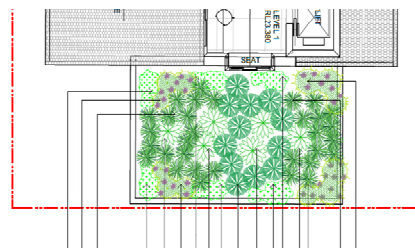


Figure 58 - garage roof top landscape design

## 6.3 EVALUATION OF THE GUIDELINES OF THE NSW HERITAGE DIVISION

The following assessment is based on the assessment criteria set out in the NSW Heritage Office (now Heritage Division) publication 'Statements of Heritage Impact', contained within the NSW Heritage Manual. The standard format has been adapted to suit the circumstances of this application.

To clarify, the site is not an individually listed heritage item, however the following evaluation has been undertaken in the context of potential heritage impacts on the surrounding Cremorne Point Conservation Area.

### 6.3.1 MAJOR PARTIAL DEMOLITION (INCLUDING INTERNAL ELEMENTS)

- *Is the demolition essential for the heritage item to function?*
- *Are important features of the item affected by the demolition (eg fireplaces in buildings)?*
- *Is the resolution to partially demolish sympathetic to the heritage significance of the item (eg creating large square openings in internal walls rather than removing the wall altogether)?*
- *If the partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired?*

#### Comment:

The proposed demolition involves the upper portion of the building, and essentially the later interiors of the dwelling. The works primarily remove the later unsympathetic additions and altered portions of the building to allow for the upgrade of services, required building separations alongside the implementation of a new layout for each of the apartments. The information below provides the requirements that need to be taken into consideration in the upgrading of the dwellings to meet National Construction Code (NCC) compliance.

#### *NCC 2023 Class 2 – Required Building Upgrade Works*

- 1. The following building elements and their components must be non-combustible:  
(a) External walls and common walls, including all components incorporated in them including the façade covering, framing and insulation.*
- 2. Spandrel separation. As the building would be deemed to have a rise in storey of 3 Type A construction requirements would apply.*
- 3. Fire separation. The floor separating the respective SOU's are constructed in timber in part. The minimum fire separation (floor) to be achieved and demonstrated between SOU's is an FRL of 90/90/90/.*
- 4. Protection of openings. Windows and doors located less than 3.0 meters from the side boundary are deemed to be exposed and need to be protected – ie. either by way of fire shutter, fire rated windows, wall wetting sprinkler/drenchers etc.*
- 5. Acoustics – consideration will need to be given to acoustic compliance in terms of floor and services stacks etc.*
- 6. Accessibility: For a Class 2 building, common areas are to be accessible as follows:  
(a) From a pedestrian entrance required to be accessible to at least one floor containing a sole occupancy units and to the entrance doorway of each sole-occupancy unit located on that level.*

The intention is to reconstruct the roof, strengthened to accept the new slate cladding as well slightly altering the pitch to sympathetically accommodate the attic level. The pitched roof, including the retention of gable and dormer details, whilst not original details will ensure the original overall character of the building is interpreted.

As the building is not an individually listed item, it is the architectural character of the building which makes its greatest contribution to the surrounding HCA. The proposed changes to the fabric of the building will provide a contemporary, and sympathetic response to upgrading

the building. It will remove the out of proportion forms facing the Harbour and replace them with a façade that is set further back, designed with an appropriate hierarchy of forms to the façade and incorporates sympathetic and appropriate external materials and colour palette.

### 6.3.2 MINOR ADDITIONS

- *How is the impact of the addition on the heritage significance of the item to be minimised?*
- *Can the additional area be located within an existing structure? If not, why not?*
- *Will the additions tend to visually dominate the heritage item?*
- *Are the additions sited on any known, or potentially significant archaeological deposits? If so, have alternative positions for the additions been considered?*
- *Are the additions sympathetic to the heritage item? In what way (eg form, proportions, design)?*

#### **Comment:**

The additions to the building are located at the rear of the site, between the existing building and the garage wall.

The additional roof and extended dormer to the northern roof plane are located well away from the primary façade of the house and views from the harbour and foreshore area. Whilst they can be seen from the upper reaches of Milson Road, they are a common feature found throughout the conservation area and as such are not out of place, nor will they be visually prominent in views from the public domain.

These works are located on an area which has already been the subject of building works, and as such the land has been disturbed, so the likelihood of uncovering any unexpected archaeological deposit is very low.

For these reasons the proposed alterations and additions will have an acceptable heritage impact on the surrounding conservation area.

### 6.3.3 NEW LANDSCAPE WORKS AND FEATURES (INCLUDING CARPARKS AND FENCES)

- *How has the impact of the new work on the heritage significance of the existing landscape been minimised?*
- *Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?*
- *Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?*
- *Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?*
- *How does the work impact on views to, and from, adjacent heritage items?*

#### **Comment:**

The proposed landscaping adjacent the foreshore area responds to the adjacent park area by creating a landscaped transition between the residence and the public domain of the reserve. No intrusive fences or overlarge landscaped elements have been included.

The reduced scale and form of the rear garage, including the landscaped roof, supports more sympathetic contemporary insertions into the conservation area.

For these reasons the proposed landscape works will have a positive heritage impact on the surrounding conservation area.

## 6.4 HERITAGE OBJECTIVES OF THE NORTH SYDNEY LEP 2013

North Sydney Council makes local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 33A of the Environmental Planning and Assessment Act. These provisions are set out in the *North Sydney LEP 2013*. Clause 5.10 of the *North Sydney LEP 2013* describes the provisions which relate to Heritage Conservation. The relevant sections of this Clause are discussed below.

*(1) Objectives* The objectives of this clause are as follows:

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

This report has been prepared to address the potential heritage impacts, in accordance with Clause 5.10 of the *North Sydney LEP 2013*. The proposal is consistent with the heritage objectives of this clause.

## 6.5 HERITAGE GUIDELINES OF THE NORTH SYDNEY DCP 2013

The North Sydney DCP 2013 supports the *North Sydney LEP 2013* by providing additional objectives and development standards for heritage conservation in North Sydney. Controls relating to development which affects heritage items in the vicinity of a site are contained in contained within Section 13.4 of the DCP.

### 6.5.1 HERITAGE CONSERVATION AREAS

The subject property is located within the Cremorne Heritage Conservation Area, for which the *North Sydney DCP 2012* contains the following guidelines:

#### **3.6 Heritage Conservation Areas**

*Neutral items* are not defining, but do not detract from the overall character of the conservation area. They often represent the original era of development and may display the predominant architectural style.

*The focus for neutral items is how the building appears in the street and public domain. The intention is to achieve a neutral or improved built outcome by removing previous unsympathetic alterations, or adding features that are characteristic of an area*<sup>39</sup>.

#### **Section 6.4 Cremorne Point Conservation Area**

The following table sets out responses to the relevant provisions required to be taken into account for properties within the Cremorne Point HCA.

---

<sup>39</sup> NSDCP 2013 Part B 13.6 Heritage Conservation Areas Definition of a Neutral item.

Provision:		Response:
<b>Siting</b>		
<b>P1</b>	<i>To the middle of the Lot with gardens to the front and rear</i>	<p><b>Complies</b></p> <p>No change proposed to the site arrangement of built up area and landscaped area.</p> <p>The garden addressing the foreshore reserve will be retained.</p> <p>Due to the steeply sloping nature of the site there is no rear yard as such, however it is proposed to landscape the roof of the rear garage, thereby introducing an additional landscaped element to the access way.</p>
<b>P2</b>	<i>Building sited to retain slot views above and to the side of the harbour</i>	<p><b>Complies</b></p> <p>The retention of the existing footprint of the building across the site as well as the pitched roof will together retain the limited slot views to the harbour from pedestrian level.</p> <p>It should be noted that the key 'slot' views across this property are those available from above the site. (refer Figure Error! <b>Unknown switch argument.</b> and Figure 52)</p>
<b>P3</b>	<i>Front set back 7-9m; 10-15, east of Kareela Road and west side of Cremorne Rd between Sirius Street and Hodgson Ave.</i>	<p><b>Complies (existing setback retained)</b></p> <p>The existing setback from the foreshore reserve is set by the sandstone basecourse of the original building; further, this setback generally aligns with the adjacent building lines.</p>
<b>P4</b>	<i>Side setbacks of 1.5m or 5m where lots are amalgamated.</i>	<p><b>Complies</b></p> <p>The existing side setbacks are retained.</p>
<b>Form, massing and scale</b>		
<b>P5</b>	<i>Single and two storey detached dwellings. Double elevations to waterfront properties. Reduced scale to the rear on non waterfront properties. Multi-storey residential flat buildings.</i>	<p><b>Complies</b></p> <p>The existing overall form, scale and massing addressing the foreshore reserve have been retained, and, with the removal of unsympathetic additions, improved.</p> <p>The steep topography of the site results in the car parking area being retained on the high portion of the site with the laneway access.</p>
<b>Roofs</b>		
<b>P6</b>	<i>Hipped and gables roofs pitched between 30 and 45 degrees without dormer windows or openings that can be seen from the street. Brick and rendered chimneys.</i>	<p><b>Complies</b></p> <p>The proposed roof pitch is set at 40 degrees.</p> <p><b>Mitigating Measure</b></p> <p>The dormer located at the rear of the building, on the northern roof plane, replaces an existing roof dormer in this location. Whilst this dormer</p>

		<p>can be seen in limited views from the street, it is set sufficiently at the rear so as to not be seen as a major roof element in views from Sydney Harbour.</p> <p>Dormers are also a characteristic element in the conservation area on both historic as well as contemporary development.</p> <p>The dormer also encompasses a lift overrun, thereby avoiding introducing and uncharacteristic element on the roof scape, and therefore into views from the street.</p> <p>For these reasons this dormer is acceptable.</p>
<b>P7</b>	<i>Flat or pitched roofs; parapet walls to Inter-War residential flat buildings.</i>	Not applicable.
<b>Materials</b>		
<b>P8</b>	<i>Walls: Face and rendered brick on sandstone foundations; shingle spandrels and gables; fibre cement sheeting, batted gables and rough cast render;</i>	<p><b>Complies</b></p> <p>Original sandstone and brickwork will be retained. Where brickwork has been painted over it will be returned to face brickwork.</p> <p>New materials include face brickwork, timber shingles.</p>
<b>P9</b>	<i>Roofs: Slate; terracotta tile and corrugated metal; flat roofs to some residential flat buildings.</i>	<p><b>Complies</b></p> <p>The new roof will be clad in slate.</p>
<b>P10</b>	<i>Timber verandahs and Federation and Arts and Crafts detailing.</i>	<p><b>Complies</b></p> <p>Balcony and balustrades will be constructed in timber; interpreting the proportions and character of Federation joinery detailing.</p>
<b>Windows and Doors</b>		
<b>P11</b>	<i>Consistent with building period and style. Timber</i>	<p><b>Complies</b></p> <p>The windows and doors to the residence form part of the suite of contemporary works associated with the overall upgrading of the building.</p>
<b>Fences</b>		
<b>P12</b>	<i>Low scale to 900 mm height. Up to 1.2 m for large Federation residences.</i>	<p><b>Complies</b></p> <p>The fencing at the rear of the car port area at the entry gates is set well back from the public domain, and so not being located on the property boundary responds to the security needs of the residence.</p>
<b>P13</b>	<i>Sandstone walls; timber pickets</i>	<p><b>Complies</b></p> <p>The existing sandstone base course wall will be retained and conserved.</p>



		No timber pickets are proposed.
<b>Car Accommodation</b>		
<b>P14</b>	<i>Parking provided off rear lanes.</i>	<b>Complies</b> Existing and improved presentation.

## 7.0 RECOMMENDATION AND CONCLUSION

### 7.1 RECOMMENDATION

It is a recommendation of this report that a photographic archival recording of the attic space be undertaken prior to any works commencing.

The record is to be lodged with North Sydney Public Library – historic records department to enable future research to be undertaken on similar building typologies.

### 7.2 CONCLUSION

The proposed alterations and additions to the property at 42 Milson Road, Cremorne Point, will have an acceptable impact on the heritage significance of the Cremorne Point Conservation Area. There will be no heritage impacts on heritage items in the vicinity.

The design of the proposal retains the overall form and scale of the Federation dwelling, whilst providing upgraded services, compliance with current building codes alongside the provision of a sympathetic landscape scheme. The character of the proposal within the locality, complements existing building forms in respect to massing, composition, materials, colours whilst maintaining the original subdivision pattern.

The design of the alterations has been carefully considered and are in keeping with the form and materials of the original Federation dwelling, albeit it interpreted in a contemporary form. Significantly, the proposed changes to the primary façade will enhance the built interface at the edge of the public reserve and create a more consistent built edge.

All existing views to and from the heritage items in the vicinity, to and from the Cremorne Foreshore Reserve and to and from Sydney Harbour will be retained and conserved.

The proposed alterations are consistent with the heritage objectives of the *North Sydney LEP 2013* and the *North Sydney DCP 2013*. In our view, the consent authority should have no hesitation, from a heritage perspective, in approving this application.



Samantha Polkinghorne  
Director  
NBRS

**CLAUSE 4.6 – VARIATION  
REQUEST  
TO MAXIMUM BUILDING  
HEIGHT  
(CLAUSE 4.3)  
DEVELOPMENT STANDARD –  
NORTH SYDNEY LOCAL  
ENVIRONMENTAL PLAN 2013  
PROPOSED ALTERATIONS AND  
BUILDING UPGRADE WORKS TO  
CLASS 2 DUPLEX AT 42 & 42A  
MILSON ROAD CREMORNE POINT**

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## **CLAUSE 4.6 – EXCEPTION TO A DEVELOPMENT STANDARD IN RELATION TO CLAUSE 4.3(2) – HEIGHT OF BUILDINGS OF THE NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013**

### **1.0 INTRODUCTION**

This written request is made pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (NSLEP 2013). A variation is sought in relation to the Height of Buildings Development Standard of Clause 4.3(2) and associated maps of the NSLEP 2013, in relation to structural repairs and BCA compliance works to the existing Class 2 Duplex at 42 and 42A Milson Road Cremorne Point.

The existing structure on the subject site currently exceeds the 8.5 m maximum building height development standard with the replacement roof structure retaining the roof pitch and ridge height and thereby exceeding the maximum building height control to an identical degree as the current structure.

The following requested variation to Clause 4.3 - Height of Buildings development standard, has taken into consideration the recent judgements contained within *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, *Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*, *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130* and particularly, *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582* which includes establishing that the measurement of building height is to be measured from any existing excavated portion of a site.

## **Objectives of clause 4.6**

Clause 4.6 of the North Sydney Local Environmental Plan contains objectives which seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development.

Of relevance to the decision making process under Clause 4.6 is the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] 236 LGERA 256 (Initial Action)*, wherein Preston CJ notes at [87] and [90]:

*Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development...In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.*

Notwithstanding the above comments from Preston CJ, a preliminary assessment of the proposal against the objectives of the Clause is helpful.

The objectives of Clause 4.6 are addressed as follows:

*Objective (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

*Objective (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

This application seeks flexibility in the application of the height development standard under the NSLEP to the proposed development in the circumstance of this particular case.

The circumstances of the proposal are such that the proposed building height is appropriate, primarily due to the minor extent of the height variation, particularly given the technical nature of non-compliance as the variation to the height development standard.

The breach of the maximum building height development standard is a consequence of the direction by North Sydney Council that the rebuilt roof structure be of a ridge height that is no lower than the existing height to preserve the heritage roof height and pitch.

#### **Clause 4.6 – Exceptions to Development Standards**

*(1)The objectives of this clause are as follows:*

*(a)to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

*(b)to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2)Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

*(3)Development consent must not be granted for development that contravenes a development standard*

*unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development standard unless:*

*(a) the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

*(b) the concurrence of the Secretary has been obtained.*

*(5) In deciding whether to grant concurrence, the Secretary must consider:*

*(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

*(b) the public benefit of maintaining the development standard, and*

*(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

*(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if:*

*(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

*(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

*(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

*(8) This clause does not allow development consent to be granted for development that would contravene any of the following:*

*(a) a development standard for complying development,*

*(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on*



*which such a building is situated,*

## **RESPONSE**

This written application seeks an exception to a development standard as the proposal will exceed, partially, the 8.5metre maximum building height development standard.

## **2.0 THE DEVELOPMENT STANDARD AND THE VARIATION SOUGHT**

The Development Standard, the subject of this request is as follows-

### **4.3 Height of Buildings**

*(1) The objectives of this clause are as follows:*

*(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*

*(b) to promote the retention and, if appropriate, sharing of existing views,*

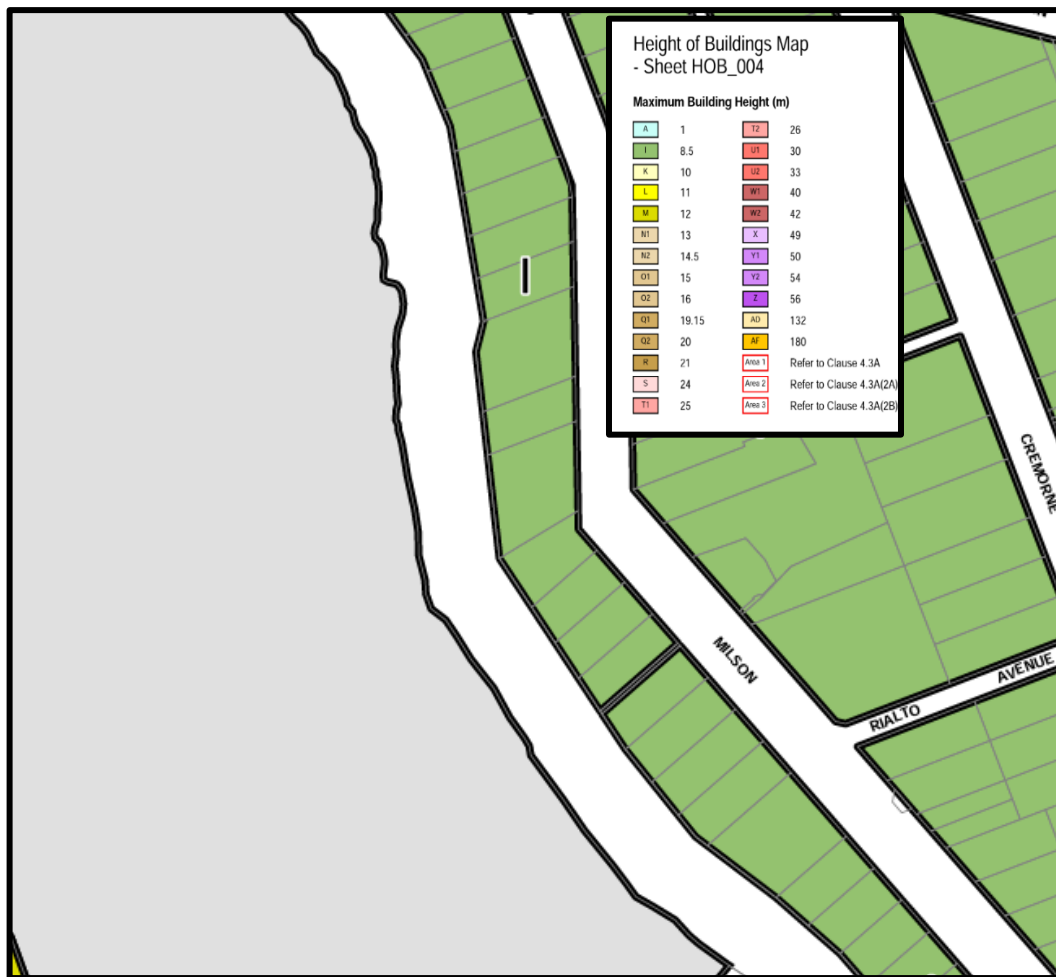
*(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*

*(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*

*(e) to ensure compatibility between development, particularly at zone boundaries,*

*(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

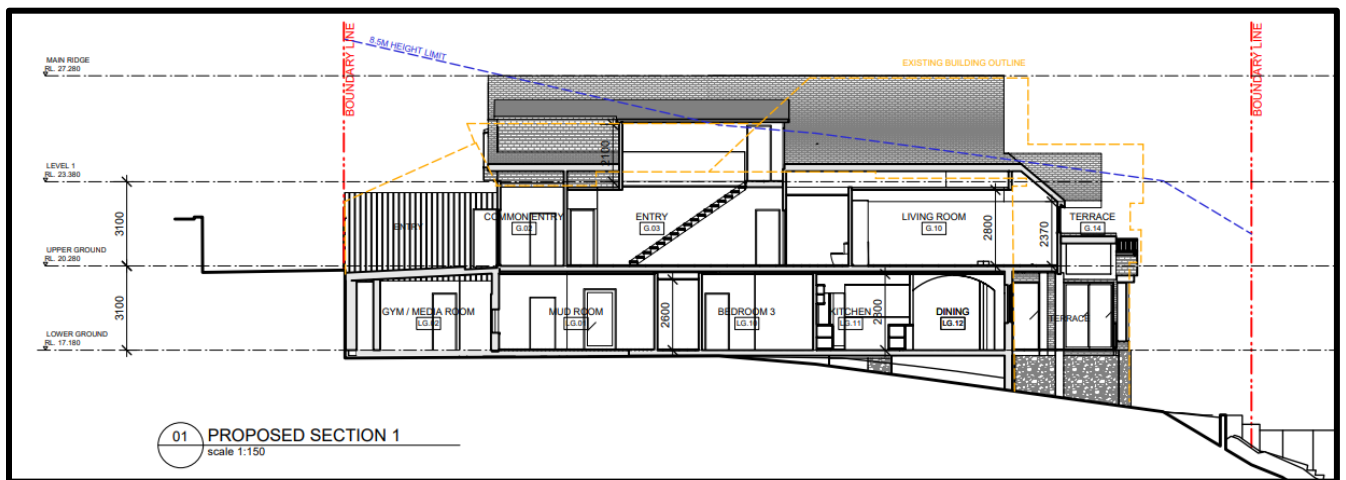


## EXTRACT FROM NSLEP HEIGHT OF BUILDINGS MAP

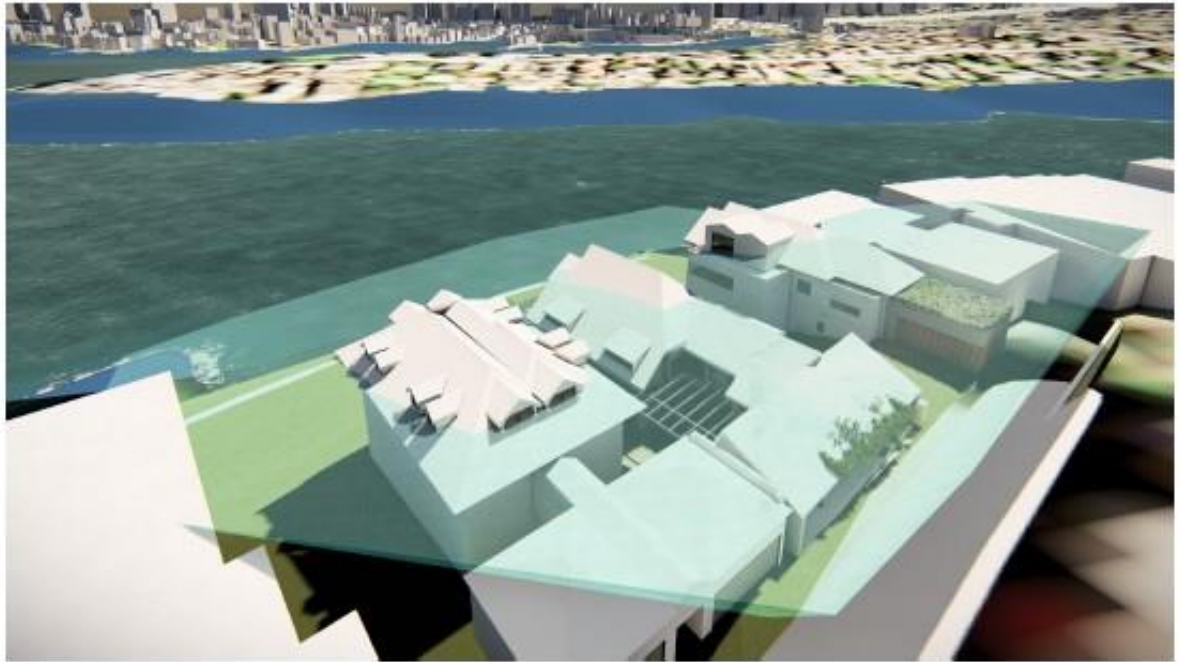
### **RESPONSE**

The following extract from the architectural plans graphically illustrates the proposal with dotted lines outlining the 8.5 m maximum building height and further indications of the removal of the unsympathetic built element projecting further towards the harbour frontage.

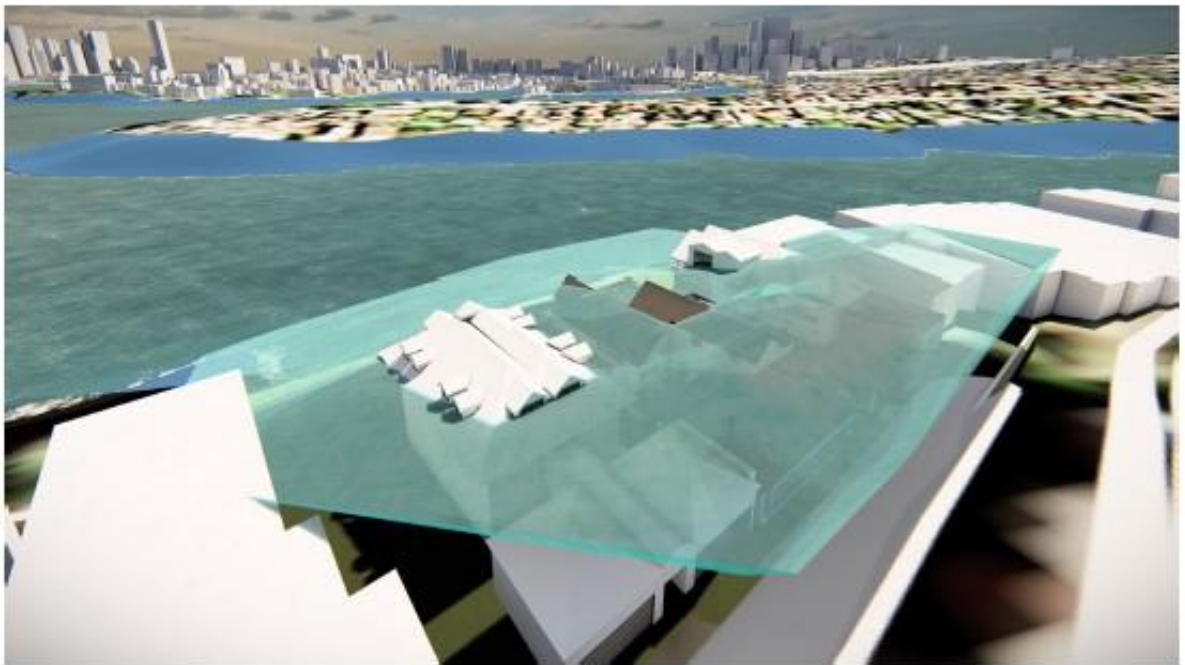
As can be readily ascertained from the following extract, the breaching component is the proposed identical ridge height which will breach the superimposed 8.5 m maximum building height line by approximately 3.9 m.



**SECTION THROUGH PROPOSAL SHOWING MAXIMUM BUILDING HEIGHT LINE AND EXISTING OUTLINE**



02 EXISTING VIEW - HEIGHT CONTROL  
scale 1:-



04 PROPOSED VIEW - HEIGHT CONTROL  
scale 1:-

**EXTRACT FROM ARCHITECTURAL PLANS SHOWING INCURSION INTO  
MAXIMUM BUILDING HEIGHT LINE**

### **3.0 THE OBJECTIVES OF THE DEVELOPMENT STANDARD**

The purpose of the Height of Buildings Development Standard is stated in the objectives in Clause 4.3(1) of the LEP, as follows;

#### **Clause 4.3 – Height of Buildings**

(1) *The objectives of this clause are as follows:*

(a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*

(b) *to control the bulk and scale of buildings,*

(c) *to minimise disruption to the following:*

(i) *views to nearby residential development from public spaces (including the harbour and foreshores),*

(ii) *views from nearby residential development to public spaces (including the harbour and foreshores),*

(iii) *views between public spaces (including the harbour and foreshores),*

(d) *to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*

(e) *to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

#### **COMMENT**

The proposal will not offend the above objectives of Clause 4.3 as the building height and form will not disrupt views or solar access and will be consistent with the provisions of Part 6.4 of the North Sydney DCP (Cremorne Point

Conservation Area) by providing a double elevation to the harbourfront along with a reduced scale to the rear, a steeply pitched hipped and gable roof with finishes and external elements that are consistent with the building. And style.

#### **4.0 IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?**

The breach of the development standard is minimal and is not an unreasonable attempt to gain additional floor space, views or open space for the proposal.

The breach by the ridgeline of the replacement roof structure is a crafter response to councils request for an identical roof ridge height to preserve the heritage characteristics of the existing dwelling.

As can be seen from the preceding extract from the architectural plans showing the Maximum Building Height blanket, the proposal is almost identical to the existing structure and will not impinge upon views, solar access or result in an incongruous element within the conservation area.

#### **5.0 ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?**

The justification for the proposed incursion above the maximum building height control is not only justified by a lack of any environmental harm but is also justified by the necessity for the provision of an identical roof height to the existing roof structure in accordance with Council's directions for a proposal that endorses the outcomes sought by the Heritage Conservation

Area objectives.

Removal of this breaching component would result in an incongruous element in the streetscape as the roof height and pitch would be contradictory to the outcomes sought by councils planning controls.

## **6.0 WILL THE PROPOSAL BE IN THE PUBLIC INTEREST?**

In accordance with Clause 4.6(4)(a), Development Consent must not be granted to a development that contravenes a Development Standard unless Council is satisfied in relation to certain matters as follows;

- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3),*  
*and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained.*

## **RESPONSE**

The matters required to be addressed by subclause (3) are addressed in Parts 4 and 5 of this submission and are consistent with the objectives of the R2 Low Density Residential Zone as follows –.

### **1 Objectives of zone**

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To encourage development of sites for low density housing, including dual occupancies, if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

## **7.0 CLAUSE 4.6 (4)(B) (CONCURRENCE OF THE SECRETARY) ASSESSMENT:**

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument.

In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Maximum Building Height Development Standard is assumed by the applicant.



## **8.0 IS THE OBJECTION TO THE DEVELOPMENT STANDARD WELL FOUNDED?**

I believe that the objection is well founded and the exceedance of the standard resulting in a compatible built form compliant with the outcomes sought by the relevant planning controls and lack of environmental harm is a well-founded outcome.

The proposal does not seek to raise the height of the existing ridge and incorporates the removal or significant elements towards the harbourfront and the Milson Road frontage which result in a significantly reduced bulk of the building and retention of heritage elements when viewed from any public or private locations in the proximity of the subject site.

The proposal is worthy of support and will not result in an undesirable precedent due to the individual merits of the proposal by reflecting the need for built form that seeks to endorse the outcomes prescribed by the relevant provisions of the Heritage Conservation Area.

A handwritten signature in black ink, appearing to read 'Lance Doyle', is centered on the page. The signature is fluid and cursive.

**LANCE DOYLE**

**M. PLAN (UTS) B. APP SC. (UWS) RPIA**

**Dated: OCTOBER 2023**