

8.5. Interim Heritage Order - 15 Allister Street Cremorne

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ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. Attachment 1 - Heritage Assessment Report (Preliminary Assessment) - 15 Allister Street Cremorne - [8.5.1 - 44 pages]
2. Attachment 2 - Gazette 2022 2022-241 - IHO - 15 Allister Street, Cremorne [8.5.2 - 3 pages]
3. Attachment 3 - Signed Delegated Report to GM - 15 Allister Street, Cremorne [8.5.3 - 12 pages]

PURPOSE:

The purpose of this report is to advise Council of the progress in the issuing of an Interim Heritage Order (IHO) for 15 Allister Street, Cremorne, in response to Council's resolution at its meeting on 28 March 2022.

EXECUTIVE SUMMARY:

In response to concerns raised in submissions and a petition signed by over 100 individuals relating to DA 375/21 at 15 Allister Street, Cremorne, Council considered a Notice of Motion at its meeting on 28 March 2022, and resolved:

- 1. THAT Council obtain urgent advice as to an Interim Heritage Order being supported on 15 Allister Street, Cremorne.*
- 2. THAT Council receive the tabled petition in this matter.*

Council engaged heritage consultants Kemp & Johnson Heritage Consultants to prepare a preliminary heritage assessment (Preliminary Assessment) to determine if the property may potentially satisfy the criteria for heritage listing under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

Council received the Consultant's finalised Preliminary Assessment in May 2022, which identified that the site has potential heritage significance and indicated that it is worthy of further investigation.

Under section s.25 of the Heritage Act 1977, local Councils have the authorisation to make Interim Heritage Orders (IHOs). Furthermore, this authorisation to make an IHO was delegated to Council's General Manager by Council resolution on 17 March 2014.

The issue of an IHO will grant Council adequate time to fully investigate the properties and to prepare a Planning Proposal for listing as a heritage item under NSLEP 2013, if warranted by further investigation and analysis.

The General Manager, under delegation, authorised Council on Tuesday 31 May 2022 to make an IHO at 15 Allister Street, Cremorne. The IHO was gazetted on Friday 3 June 2022.

Council will receive a further report in coming months as to whether to endorse a Planning Proposal that seeks to list the site as a heritage item in the NSLEP 2013. Were Council to endorse a Planning Proposal, it would be referred to the Department of Planning and Environment (DPE) for a Gateway Determination to allow a formal public exhibition. If this occurs, Council would then consider the outcomes of any public exhibition before final endorsement and referral to DPE for potential gazettal.

FINANCIAL IMPLICATIONS:

The cost of engaging a Heritage Specialist to provide advice and prepare an assessment of significance for both the issue of the Interim Heritage Order and the potential future heritage listing of the site was approximately \$8,000. If the matter proceeds to a formal public exhibition process, further heritage specialist services may be required to assist in the review of any detailed submissions. These costs could be in the order of an additional \$2-3000 and are covered by existing budget allocations.

RECOMMENDATION:

- 1. THAT** the report be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

4. Our Social Vitality

4.3 North Sydney's history is preserved and recognised

5. Our Civic Leadership

5.1 Lead North Sydney's strategic direction

BACKGROUND

On 12 July 2013, a Ministerial Order was gazetted which granted authorisation to all local Councils in NSW to make Interim Heritage Orders (IHOs) in accordance with s.25 of the Heritage Act 1977 and subject to meeting the conditions listed in Schedule 2 of the Order. An IHO is a temporary measure that prohibits demolition of a building or structure, to enable a detailed heritage assessment to be made as to whether or not the building or place should be listed under a local environmental plan. This authorisation to make an IHO was delegated to Council's General Manager by Council resolution on 17 March 2014.

During the assessment of DA 375/2021 at 15 Allister Street, Cremorne for the demolition of an existing residential flat building and a multi-dwelling housing development and the construction of a new four storey residential flat building and associated works, a petition was provided to Council signed by over 100 individuals requesting that North Sydney Council urgently impose an IHO on the property. The petition notes:

"15 Allister Street, built in 1913, was designed by prominent architect, Clifford Finch. From 1927-30, Finch was in partnership with renowned architect, John Burcham Clamp, and jointly designed many significant buildings including Sydney's Tattersall's Club, Lawson House (212-218 Cumberland Street), Canberra Grammar School and the Ainslie Hotel, Canberra. Finch also practiced as an independent architect. Several of his designs are listed as local heritage items in the Ku-Ring-Gai LGA.

Art-Deco residential flat buildings need to be acknowledged and protected as part of North Sydney's heritage. The Art-Deco era is Cremorne's theme as acknowledged in North Sydney Council's urban design branding."

In response to these concerns, Council considered a Notice of Motion at its meeting on 28 March 2022, and resolved:

1. *THAT Council obtain urgent advice as to an Interim Heritage Order being supported on 15 Allister Street, Cremorne.*
2. *THAT Council receive the tabled petition in this matter.*

In accordance with this resolution, Council engaged Kemp & Johnson Heritage Consultants to prepare a preliminary heritage assessment (Preliminary Assessment) to determine if the

properties may potentially satisfy the criteria for heritage listing under North Sydney Local Environmental Plan 2013 (NSLEP 2013) and if there was sufficient basis to issue an IHO.

The General Manager, under delegation authorised by Council, on Tuesday 31 May 2022 made an IHO for the property known as 15 Allister Street, Cremorne. The IHO was published in the Government Gazette on Friday 3 June 2022.

Council has recently received notification of the lodgement of an appeal against the issuance of the IHO in the NSW Land and Environment Court. Hearing dates have yet to be set.

A further report to Council will be presented in coming months where Council will consider whether to endorse a Planning Proposal seeking to formally list the site as a local heritage Item. If this occurs, the matter will be referred to the Department of Planning and Environment (DPE) for a Gateway Determination, which if issued, will enable the formal public exhibition of the amendment. Following any future public exhibition Council would then consider the potential final endorsement of an amendment. If endorsed, it would be referred to the DPE for its review, approval and ultimate gazettal.

CONSULTATION REQUIREMENTS

The issuing of an IHO carries obligations with respect to notification of property owners and placement of notices on Council's website and newspaper. Any future wider community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

DETAIL

Council received Kemp & Johnson Heritage Consultants finalised Preliminary Assessment in early May 2022, which identified that the development at 15 Allister Street, Cremorne, has potential heritage significance and indicated that it is worthy of further investigation.

The Preliminary Assessment identified that the site may be eligible for heritage listing as:

"The residential flat building at 15 Allister Street Cremorne is of local historical significance as a fine example of inter-war period architectural design philosophies. The building has historical association with its' designer, well-known Sydney Inter-war period architect Clifford H. Finch.

The building is of local aesthetic significance as a fine example of an architect-designed Interwar Functionalist style residential flat building and a fine example of the residential work of architect Clifford H. Finch. Features include use of curved balconies, fine tapestry brickwork, curved glass, stained glass window to stairwell, and staircase with curved cast iron balustrade and timber handrail.

The building is a locally rare example of an Inter-war Functionalist style residential flat building (only three other known examples in North Sydney LGA). The building is a fine,

intact, representative example of the residential work of architect Clifford H. Finch and of Inter-war Functionalist style residential flat buildings generally”.

It is noted that the Preliminary Assessment identified that the building at 15 Allister Street was constructed in the later end of the interwar period. This differs from the petition considered by Council which notes the building was constructed in 1913. This inconsistency is not considered to be consequential with regards to the progression of the IHO.

The property is not located within a conservation area and is not currently listed as a heritage item under NSLEP 2013. However, the property is in the vicinity of other listed heritage items, which are listed in Table 3 of Delegated Report (attachment 1). Two of these items are of State heritage significance. The property is also within close proximity to the Cremorne Heritage Conservation Area (identified as “CA03” under the NSLEP 2013).

It is evident from the Preliminary Assessment undertaken as part of the Preliminary Report prepared by the consultant, that the property at 15 Allister Street, Cremorne has potential heritage significance and is worthy of further investigation as to whether it should be listed as a heritage item under NSLEP 2013.

Broadly speaking, a Council must not make an Interim Heritage Order unless it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the council and considers that:

- the item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;
- the item is being or is likely to be harmed;
- the IHO is confined to the item determined as being under threat

It is noted that DA 375/2021 is currently under assessment. The application seeks consent to demolish all structures currently on the site. The property at 15 Allister Street, Cremorne, was therefore considered to be under threat of being demolished which satisfied this pre-requisite for the issuing of an IHO. The issue of an IHO provides Council adequate time to fully investigate the matter further and to prepare a Planning Proposal for listing as heritage items under NSLEP 2013, if warranted.

The General Manager, under the delegation authorised by Council, on Tuesday 31 May 2022 made an IHO for the property at 15 Allister Street, Cremorne. The IHO was published in the Government Gazette on Friday 3 June 2022.

If an IHO is unwarranted, then Council would need to consider revoking the IHO under this course of action. Further advice will be provided to Council in due course.

Heritage Assessment Report 15 Allister Street, Cremorne NSW (SP19383)

May 2022



prepared by Kemp & Johnson Heritage Consultants
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Revision	Date	Issued By
1- Preliminary	2 May 2022	Chery Kemp, Principal Partner/Heritage Specialist
2-IHO version	26 May 2022	Chery Kemp, Principal Partner/Heritage Specialist

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1.0 INTRODUCTION/BACKGROUND

1.1. THE BRIEF

This heritage assessment report has been prepared on behalf of North Sydney Council to assess the heritage significance of the property at 15 Allister Street, Cremorne.

1.2. APPROACH AND METHODOLOGY

The methodology used in this report is in accordance with the guidelines of the NSW Heritage Manual and in accordance with the latest version of Heritage NSW *Assessing Heritage Significance* guidelines. This report is also in accordance with the principles and definitions set out in the Australia ICOMOS Burra Charter 2013 and its Practice Notes.

1.3. LIMITATIONS

The historical background in this report has been thoroughly researched by professional historian Dr. Charles Pickett from a mix of primary (e.g., *Sand's Directory*, Lands Titles) and secondary sources, and is a detailed history sufficient to provide the basis for heritage significance analysis of the place.

1.4. AUTHOR IDENTIFICATION

This report was prepared by Kemp & Johnson Heritage Consultants, Architects and Heritage Consultants, 180 Darling St Balmain NSW 2041.

This report was authored by Chery Kemp, Heritage Specialist, with historical research undertaken and history written by Dr. Charles Pickett, Historian sub-consultant.

1.5. ACKNOWLEDGEMENTS

The assistance of Stanton Library Heritage Centre in undertaking the historical research for this report is gratefully acknowledged.

1.6. DEFINITIONS

For the purposes of this report

Local	Refers to North Sydney Council area
State	refers to New South Wales

The following definitions used in this report and are from *Article 1: Definitions* of The Burra Charter 2013, the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance.

Place	means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
Cultural significance	means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the <i>place</i> itself, its <i>fabric</i> , <i>setting</i> , <i>use</i> , <i>associations</i> , <i>meanings</i> , records, <i>related places</i> and <i>related objects</i> . Places may have a range of values for different individuals or groups.
Fabric	means all the physical material of the <i>place</i> including elements, fixtures, contents and objects.

Conservation	means all the processes of looking after a <i>place</i> so as to retain its <i>cultural significance</i> .
Maintenance	means the continuous protective care of a <i>place</i> , and its <i>setting</i> . Maintenance is to be distinguished from repair which involves <i>restoration</i> or <i>reconstruction</i> .
Preservation	means maintaining a <i>place</i> in its existing state and retarding deterioration.
Restoration	means returning a <i>place</i> to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
Reconstruction	means returning a <i>place</i> to a known earlier state and is distinguished from <i>restoration</i> by the introduction of new material.
Adaptation	means changing a <i>place</i> to suit the existing <i>use</i> or a proposed use.
Use	means the functions of a <i>place</i> , including the activities and traditional and customary practices that may occur at the place or are dependent on the place.
Compatible use	means a <i>use</i> which respects the <i>cultural significance</i> of a <i>place</i> . Such a use involves no, or minimal, impact on cultural significance.
Setting	means the immediate and extended environment of a <i>place</i> that is part of or contributes to its <i>cultural significance</i> and distinctive character.
Related Place	means a <i>place</i> that contributes to the <i>cultural significance</i> of another place.
Related object	means an object that contributes to the <i>cultural significance</i> of a <i>place</i> but is not at the place.
Associations	mean the connections that exist between people and a place.
Meanings	denote what a place signifies, indicates, evokes or expresses to people.
Interpretation	means all the ways of presenting the cultural significance of a place.

1.7. SITE LOCATION

The subject site at 15 Allister Street, Cremorne is located on the eastern side of Allister Street opposite Sceggs Redlands Murdoch Campus. The real property details are outlined in Table 1 below. Figures 1-3 show the location of the site.

Table 1: Real Property Details for the site

Street address	Real property description
15 Allister Street, Cremorne	SP19383



Figure 3: 1943 aerial photo of the site (shaded yellow, outlined in red) Source: NSW Land Registry Services Six maps

1.8. STATUTORY LISTINGS AND CONTROLS

NSW HERITAGE ACT 1977 (AS AMENDED)

The site is not included on the State Heritage Register (SHR).

NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The site is not listed as a heritage item and is not within a heritage conservation area listed in the LEP. However, the property is in the vicinity of other listed heritage items, which are listed in Table 2 below. Two of these items, are of State heritage significance. Figure 4 below shows the heritage context of the site.

Table 2: NSLEP 2013 listing details for Heritage items in the vicinity of the site (in order of proximity to the site)

Locality	Item name	Address	Property description	Significance	Item No.
Cremorne	"Egglemont"	11 Cranbrook Avenue	Lots 27 and 28, DP8862	State	I0046
Cremorne	"Belvedere"	7 Cranbrook Avenue	Lot A, DP 329662	State	I0045
Cremorne	Sceggs Redlands	53-57 Murdoch Street	Lot 1, DP 731455	Local	I0067
Cremorne	Former Cremorne Hall	57 Murdoch Street (2 Allister Street)	Lot 1, DP 731455	Local	I0068

2.0 HISTORY

2.1. CREMORNE

Cremorne forms one of the prominent peninsulas of the north shore of Sydney Harbour. The area gained its present name in 1856, when an amusement park and pleasure gardens opened at Cremorne Point, borrowing the name of a similar London attraction. The amusement park was short-lived, but the gardens remained a popular picnic and camping spot for some decades.

The Cammeraygal people named the area Wulworra-Jeung, its sandstone outcrops and foreshore perfect for fishing and sheltering. Unlike the neighbouring locales of North Sydney and Mosman, the peninsula saw little residential development during the 1800s, despite Thomas Brisbane's 1833 grant of 35 hectares to government clock maker James Robertson.

Subdivision plans were delayed by a series of unsuccessful legal challenges to the 100 feet (30 metre) foreshore reserve, a condition of most harbour foreshore land grants. The last of these challenges was dismissed in 1891, at which time the newly formed North Sydney Council was also opposing a proposal to mine coal on the peninsular.

Cremorne Reserve was gazetted during 1905, finally protecting the foreshore from industrial and residential development.

2.2. CREMORNE HEIGHTS ESTATE

Meanwhile 700 acres (283 hectares) of land running south from Military Road became the property of Alfred Thrupp, an early free settler who met Sarah Piper, daughter of naval officer John Piper, while sailing to Sydney during 1814. Purchased by Thrupp's new father-in-law following his 1816 wedding to Sarah Piper, this large estate covered most of Neutral Bay, Kurraba Point and the northern part of Cremorne.

The Thrupps did not reside on their estate, much of which was purchased by the emancipist merchant and landowner Daniel Cooper. From 1879 Richard Hayes Harnett began to aggregate parts of Cooper's land south from Military Road, Cremorne. Harnett was a land speculator who was also significant in promoting the North Shore Railway and ferry services to Mosman; his son Richard junior became Mosman's first Mayor in 1883.

The Depression of the 1890s saw the Harnetts sell parts of their estate including land between Spofforth and Murdoch Streets and Military Road¹. 4.13 hectares was purchased by Sydney accountant Daniel McAllister who in 1917 had the land subdivided into 52 lots and auctioned as the Cremorne Heights Estate². Allister Street and Cranbrook Avenue were created at this time³ :

WITHIN 20 MINUTES OF THE CITY. Cremorne Heights Estate, SITUATE IN THE PREMIER POSITION of this Popular Residential Locality, commanding a wide range of UNRIVALLED AND BEAUTIFUL VIEWS OVER SYDNEY HARBOR AND EXTENDING TO THE PACIFIC OCEAN OVER BONDI...Lots to be offered are of very liberal dimensions, and from everyone DELIGHTFUL PEEPS OF THE HARBOR ARE OBTAINED.⁴

¹ Primary Application 14399, 1907

² Deposited Plan 8862

³ Vol.1819, Folio 200, 1907

⁴ The Sun, 25 May 1917, p.8

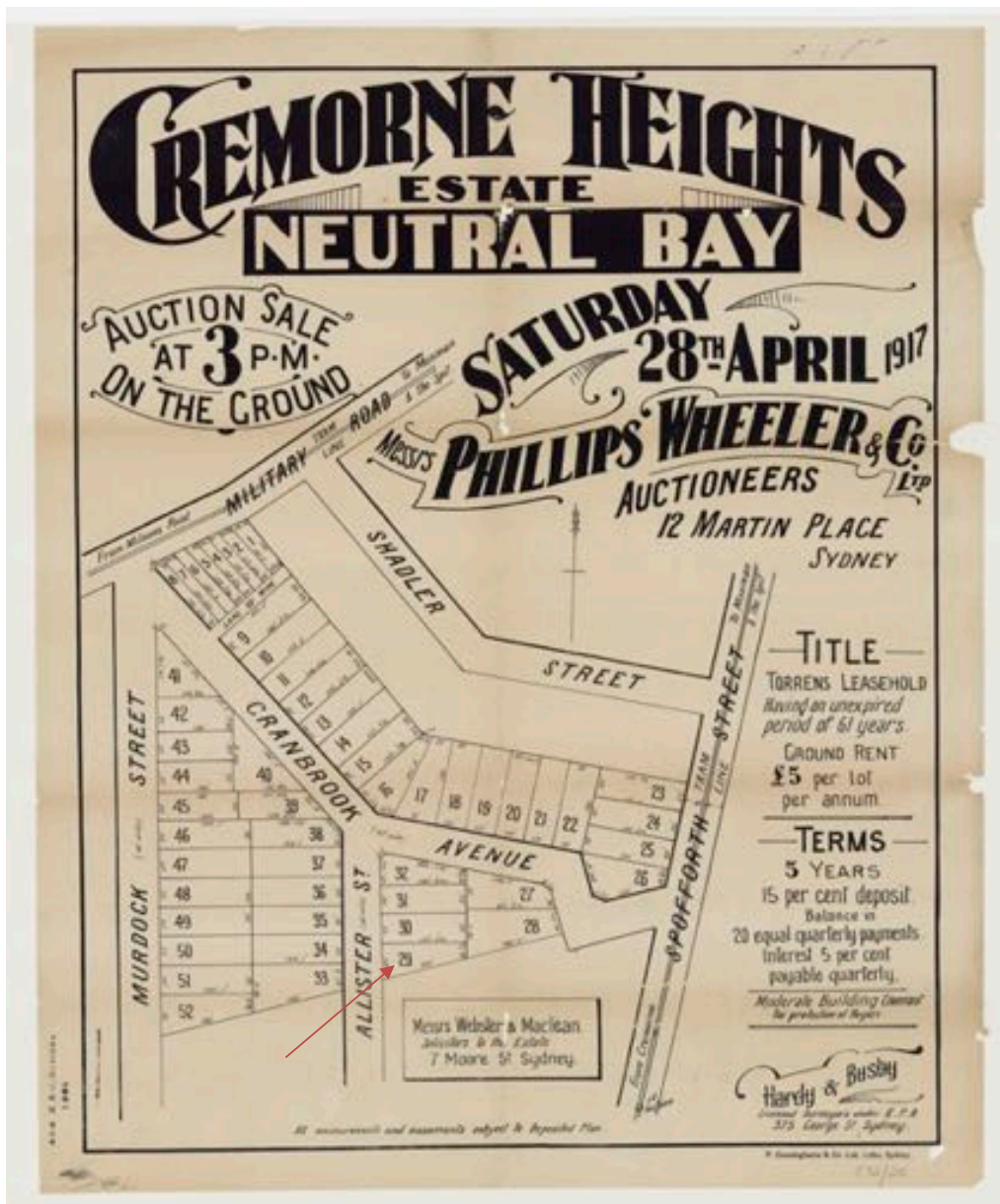


Figure 5: Cremorne Heights Estate, 1917. Lot 29 (arrowed) is the subject site at 15 Allister Street. Source: State Library of NSW

Lot 29 was at the then southern extent of Allister Street; it changed hands three times between 1917 and 1925 when it was sold with four other lots to Petersham builder James Leckie⁵.

By 1932 the other Allister Street lots were occupied but number 15 remained vacant until July 1937 when it was purchased by Ford Reynolds, a grazier at Capertee, south of Mudgee.

⁵ Vol. 3743 Folio 193, 1925

Reynolds also conducted a busy social and business life in Sydney and in September 1937 sold the 556 square metre lot to Augusta Clementina Frances Boulton, wife of Joseph Francis Boulton⁶. Boulton had managed the Sydney factory of Henry Jones and Company, makers of IXL jam, before moving to similar positions in other food manufacturers.

2.3. CLIFFORD H. FINCH

During August 1937 requests for building tenders appeared in the building press:

'Cremorne – Erection of a block of 4 flats – C.H. Finch, 28 Martin Place, Sydney'⁷

'Clifford H Finch tenders for residence in Garnet Street Killara and for a block of four flats Cremorne'⁸.

Clifford Horace Finch (1894-1967) studied at Sydney Technical College, before being articled to John Burcham Clamp, one of Sydney's most prominent architects. Shortly after completing his articles in 1915, he enlisted in the Australian Imperial Force, serving as an engineer in Egypt and France. Returning to Sydney Finch practiced independently before becoming partner to Burcham Clamp in 1924⁹. Burcham Clamp & Finch designed numerous church and school buildings for the Anglican Church (Clamp was surveyor for the Sydney Diocese) notably the Church of England Grammar School Chapel, North Sydney, and the Church of England Boys Home at Carlingford. The practice also designed the Richard Johnson obelisk at Bligh Street, marking Sydney's first Christian service. Among numerous commercial and residential structures, Burcham Clamp & Finch designed the Tattersall's Club, Castlereagh Street, Lawson House, Cumberland Street and the Ainslie Hotel, Canberra.

Finch returned to individual practice during 1930, designing primarily residential buildings with some exceptions including Woy Woy Council Chambers and Roseville Golf Club. His son, Barry Clifford Finch also became a successful architect, in 1963 forming the high-profile practice Kann Finch with Czech émigré Alexander Kann.

2.4. 15 ALLISTER STREET

The completed block contains four flats containing two bedrooms, living room, kitchen and bathroom. The front flats occupy 82 square metres of floor space; the larger rear flats also include a dining room; the lower rear flat (Flat 3) also includes a veranda taking its floor area to 95 square metres. Two garages formed the ground floor on the street side.

The flats were available for rent by April 1938:

'CREMORNE HEIGHTS 15 ALLISTER STREET. Only two of these new Unfurnished Flats now available, spacious lounge-rooms, 2 bedrooms, balconies, breakfast room, tiled kitchen and bathroom, hot water, sunny. Representative on premises 2 p.m. to 4 p.m. today'¹⁰.

The Boultons had previously lived nearby in Mosman, their four children having reached adulthood they now resided in Flat 3 and rented the other flats, a common arrangement in the decades prior to the advent of strata title during the 1960s. At that time apartments were most common in affluent municipalities including Waverley, Woollahra, Randwick, North Sydney and Manly.

⁶ Vol.4881 Folio160

⁷ Construction, 18 August 1937, p.7

⁸ Sydney Morning Herald, 17 August 1937, p.6

⁹ Building, 7 January 1924, p.2

¹⁰ Sydney Morning Herald, 9 April 1938, p.22

Jean Rosamond Boulton took the title from her parents in 1957, while Nancy Muriel Knaster became owner in 1962; she was still owner when the block was strata titled in 1982 (see Attachment 1 of this report).

2.5. DOCUMENTATION AND ANALYSIS

Although Clifford Finch requested builders' tenders for 15 Allister Street during August 1937, his design for the new apartment block was not approved until an amended plan was submitted to North Sydney Council during October that year. The main alteration to the design was the addition of curved balconies to flats 1 and 3, facing Allister Street (see Figure below).

Sydney's building and land tenure rules were designed for detached houses; hence walk-ups on single lots became the dominant format, allowing apartments to be accommodated to existing subdivision patterns but limiting their architectural and urban potential. 15 Allister Street follows a well-established template, although its well-placed balconies, verandas and corner windows gave its component flats superior access to light, breezes and views when compared to most walk-ups of the time.

A patterned texture brick exterior was generic to Sydney cottages and apartments during the 1930s, the latest expression of affluent Sydney's love affair with brick and tile.

2.6. REFERENCES USED FOR THIS HISTORY

Reference: Old Form Torrens Registers, Old System Deeds, Plan Lodgment Books, Old System purchasers and vendors indexes, 1825-1982.

Source: NSW Land Registry Services, Historical Land Records viewer:

<https://hlrv.nswlrs.com.au/>

Reference: Trove: Digitised newspapers and more

Source: National Library of Australia

<https://trove.nla.gov.au>

Reference: Sands Directory

Source: City of Sydney Archives

<https://archives.cityofsydney.nsw.gov.au>

Reference: North Sydney Council building plans, 1929-1949

Source: Stanton Library Heritage Centre

https://www.northsydney.nsw.gov.au/Library_Databases/Heritage_Centre/Digital_Collections

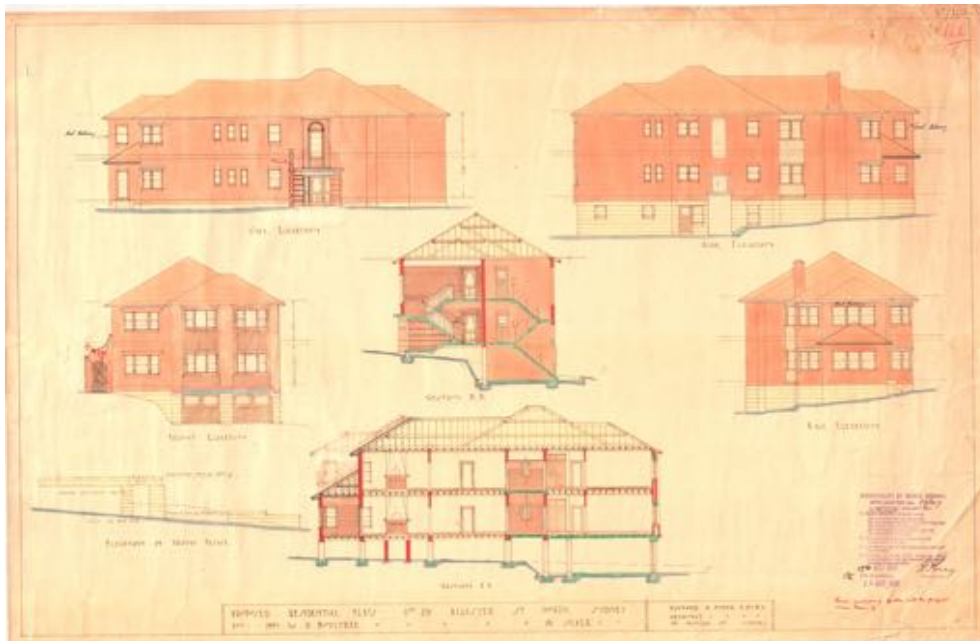


Figure 6: Elevations by architect Clifford Finch dated 12 October 1937. Source: Stanton Library Heritage Centre

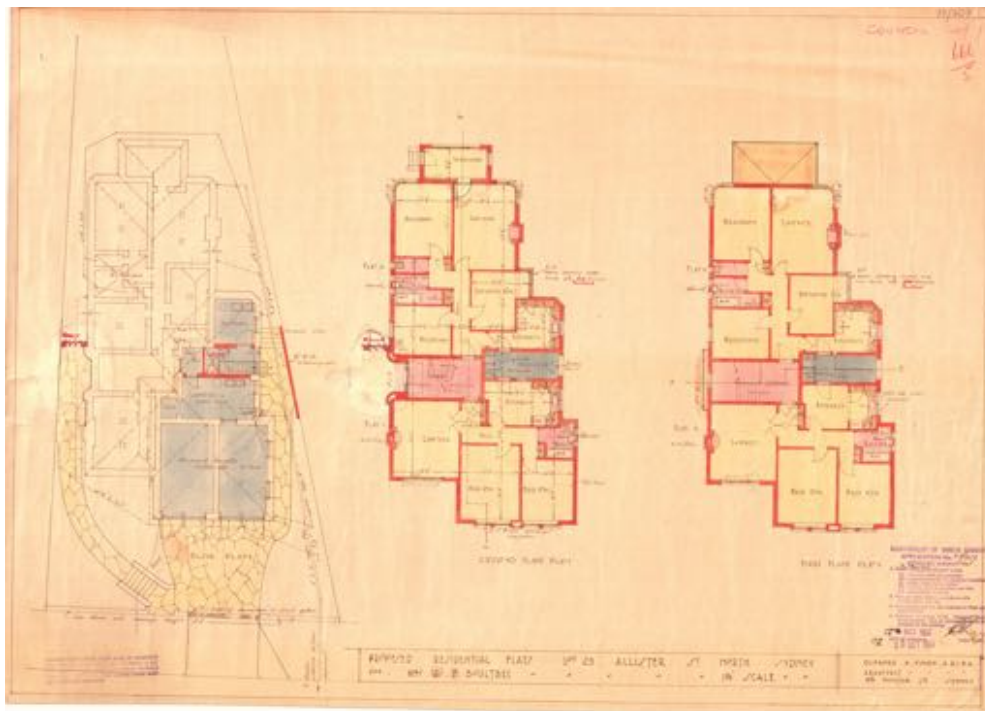


Figure 7: Plans by architect Clifford Finch dated 12/10/1937. Source: Stanton Library Heritage Centre

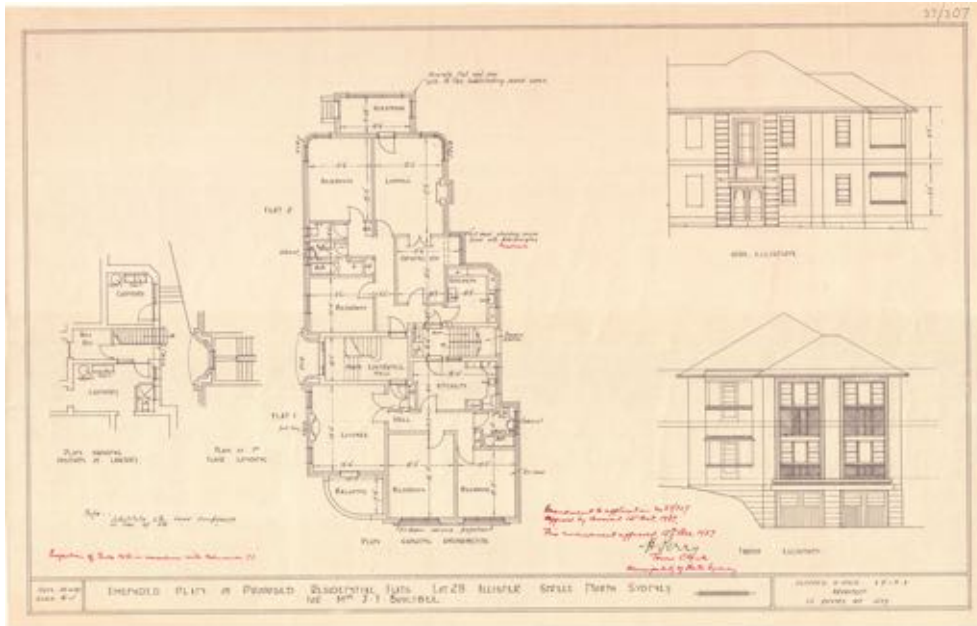


Figure 8: Amended plans by architect Clifford Finch dated 25/10/1937. The flats were built to this final set of plans. Source: Stanton Library Heritage Centre

3.0 PHYSICAL DESCRIPTION

The building at 15 Allister Street, Cremorne is a 2-storey brick residential flat building with a sandstone undercroft. The undercroft includes two garages accessed from Allister Street. The building is constructed of red texture brick with distinctive tapestry brick panels to the façade, (western elevation) and has a complex terracotta tiled hipped roof form, with curved balconies to the north-western corner of the building featuring brick balustrades and a brick parapet above the 1st floor level balcony.

The building contains four residential flats, and the internal stairwell features original tiling, and an original staircase with curved cast iron balustrade and timber handrail, original ceiling and an original stained-glass window. The photos below illustrate the building.



Figure 9: The residential flat building at 15 Allister Street, Cremorne, from Allister Street. Source: Google streetview



Figure 10: Sandstone entry steps Source: photo supplied by North Sydney Council



Figure 11: (Left) View from entry area showing tapestry brick panels to the façade and (at left) curved balconies with brick balustrades.



Figure 12: (Left) Internal entry door to Flat 4 Source: photo supplied by North Sydney Council



Figure 13: (Left) Stairwell showing original staircase, original tiling and brick and plaster wall finish Source: photo supplied by North Sydney Council



Figure 14: (Left) stairwell, showing more detail of original tiling
Source: photo supplied by North Sydney Council

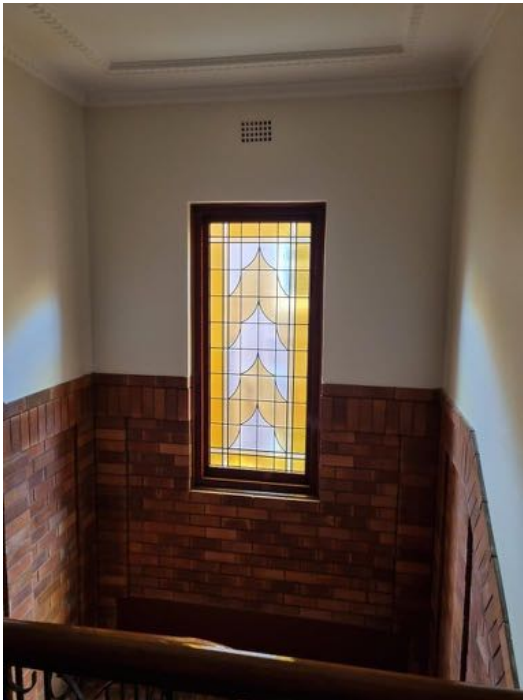


Figure 15: (Left) Stairwell, showing original stained-glass window and original plaster ceiling with decorative cornices. Source: photo supplied by North Sydney Council



Figure 16: Curved glass to corner, with typical timber framed double hung windows with horizontal glazing bars to either side. Source: photo supplied by North Sydney Council

4.0 COMPARATIVE ANALYSIS DISCUSSION

A comparative analysis search of heritage listed inter-war residential flat buildings constructed 1920-1940 within the North Sydney LGA reveals 23 other residential flat buildings listed in the North Sydney LEP. The Comparative Analysis table is Attachment 2 to this report.

Only one of these heritage listed flat buildings - at 68 Kurraba Road, Neutral Bay - is described as an Inter-war Functionalist style building (the same architectural style as the subject building), however there are also two other buildings, at 3 Wulworra Avenue Cremorne Point and 5 Wulworra Avenue Cremorne Point, which, while described as "Art Deco" on their SHI forms, could also be considered Inter-war Functionalist style. Therefore, it can be considered that there are 3 comparative flat buildings of the same architectural style to the subject building in the North Sydney LEP. None of these buildings are by a known architect, unlike the subject building, and all differ in detail to the subject building. For example, the subject building features curved balconies which is a distinctive feature. The detailing of the subject building is also very fine, including leadlight windows to stairwell, curved glass, tapestry brickwork, and the building appears very original in its external and stairwell fabric.

It should also be noted that only one of the heritage listed flat buildings in the North Sydney LGA – 14 Harrison Road, Cremorne – has an identified architect, however this may be the result of a lack of research.

The subject residential flat building at 15 Allister Street, Cremorne is therefore considered locally rare in the North Sydney LGA as one of only four known residential flat buildings of the Inter-war Functionalist style, and one of only two known residential flat buildings with an identified architect.

The building is also considered to be an intact fine example of the style and a fine example of the residential work of the well-known Sydney Inter-war period architect Clifford H. Finch.

5.0 ASSESSMENT OF HERITAGE SIGNIFICANCE

5.1. CRITERIA FOR ASSESSING CULTURAL HERITAGE SIGNIFICANCE

The NSW Heritage Manual (1996, amended 2001) in the *Assessing heritage significance* section sets out the basis for assessment of the heritage significance of an item, place or site by evaluating its significance in reference to specific criteria. These criteria can be applied at national, state or local levels of significance.

Below is an analysis of the significance of the subject building in relation to these criterion:

Criterion (a) Historical significance

The item is important in the course of, or pattern of New South Wales' cultural or natural history (State significance) OR An item is important in the course, or pattern, of the local area's cultural or natural history.

Guidelines for Inclusion:

- Shows evidence of a significant human activity

Applicable. The building is evidence of the architectural design philosophy of a well-known Sydney architect of the inter-war period.

- Is associated with a significant activity or cultural phase

Applicable. The building is associated with inter-war period architectural design in Sydney.

- Maintains or shows the continuity of a historical process or activity

Not applicable

Guidelines for Exclusion:

- Has incidental or unsubstantiated connections with historically important activities or processes

This exclusion guideline is not applicable. The historical research in this report has established that the building was designed by architect Clifford H. Finch and includes biographical information on the architect which indicates he was a well-known architect of the inter-war period. When in partnership as Burcham Clamp & Finch, Clifford Finch designed numerous church and school buildings for the Anglican Church (Clamp was surveyor for the Sydney Diocese) notably the Church of England Grammar School Chapel, North Sydney, and the Church of England Boys Home at Carlingford. The practice also designed the Richard Johnson obelisk at Bligh Street, marking Sydney's first Christian service. Among numerous commercial and residential structures, Burcham Clamp & Finch designed the Tattersall's Club, Castlereagh Street, Lawson House, Cumberland Street and the Ainslie Hotel, Canberra.

In his own architectural practice after 1930 Finch undertook numerous residential projects, however also designed the Roseville Golf Club and the Woy Woy Council Chambers.

- Provides evidence of activities or processes that are of dubious historical importance

Not relevant (see above).

- Has been so altered that it can no longer provide evidence of a particular association

Not relevant. The building is very original in its exterior and stairwell detailing and therefore reflects the original design of the architect very well.

Types of items which meet criterion (a) include:

- Items which demonstrate strong associations to past customs, cultural practices, philosophies or systems of government, regardless of the intactness of the item or any structure on the place;

Applicable. The building demonstrates the architectural design philosophy of a well-known Sydney architect of the inter-war period.

Items associated with significant historical events, regardless of the intactness of the item or any structure on the place.

Not Applicable.

- Significant cultural landscapes and other items demonstrating overlays of the continual pattern of human use and occupation; and/or

Not Applicable.

- Items where the physical fabric (above or below ground) demonstrates any of the points described above.

Applicable. The physical fabric of the building demonstrates the original architect's design philosophy and the design philosophy of architects of the inter-war period in Sydney.

Criterion (b) Historical Association

An item has strong or special association with the life or works of a person, or group of persons, of importance in New South Wales' cultural or natural history (State significance) OR

An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area (Local significance).

Guidelines for Inclusion:

- Shows evidence of a significant human occupation

Not Applicable.

- Is associated with a significant event, person or group of persons

Applicable. The building is an example of a design by architect Clifford Finch, a well-known architect of the inter-war period in Sydney.

Guidelines for Exclusion:

- Has incidental or unsubstantiated connections with historically important people or events

Not Applicable.

- Provides evidence of people or events that are of dubious historical importance

Not relevant.

- Has been so altered that it can no longer provide evidence of a particular association.

Not relevant.

Types of items which meet this criterion include:

- Items which demonstrate strong associations to a particular event, historical theme, people or philosophies, regardless of the intactness of the item or any of its structures;

The building's design by architect Clifford Finch has been established through historical research in this report.

- Items associated with significant historical events, regardless of the intactness of the item or any structure on the place; and/or

Not Applicable.

- Items where the physical fabric (above or below ground) demonstrates any of the points described above.

Applicable. The building is a relatively intact example of the architect Clifford Finch's design work.

Criterion (c) Aesthetic/Technical significance

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in New South Wales (State significance); OR

An item is important is demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area (Local significance).

Guidelines for Inclusion:

- Shows or is associated with, creative or technical innovation or achievement

Applicable. The building is a fine example of an Inter-war Functionalist style residential flat building designed by well-known Sydney inter-war period architect Clifford H. Finch.

Is the inspiration for a creative or technical innovation or achievement

Not Applicable.

- Is aesthetically distinctive

Applicable. The building is distinctive in its design including features such as curved balconies with parapet, use of fine tapestry brickwork, stained glass windows to stairwell, cast iron balustrade and curved timber handrail to staircase.

- Has landmark qualities.

Not Applicable.

- Exemplifies a particular taste, style or technology.

Applicable. The building is a fine example of the Inter-war Functionalist style.

Guidelines for Exclusion:

- Is not a major work by an important designer or artist

Not Applicable. The building is a good example of the work of the well-known Sydney architect Clifford H. Finch.

- Has lost its design or technical integrity

Not Applicable. The building is intact externally and in relation to the common area stairwell.

- Its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded

Not Applicable (see above).

- Has only a loose association with a creative or technical achievement.

Not Applicable.

Types of items which meet this criterion include:

- Items which demonstrate creative or technical excellence, innovation or achievement.

Applicable. The building is a fine example of an Inter-war Functionalist style residential flat building designed by well-known Sydney architect of the period Clifford H. Finch.

- Items which have been the inspiration for creative or technical achievement.

Applicable/Not Applicable.

- Items which demonstrate a highly original and influential style, such as an important early (seminal) work of a major architect; and/or

Not Applicable.

- Items which demonstrate the culmination of a particular architectural style (known as climactic).

Not Applicable.

Criterion (d) Social significance

An item has strong or special association with a particular community or cultural group in New South Wales for social, cultural or spiritual reasons (State significance) OR

An item has strong or special association with a particular community or cultural group in the area for social, cultural, or spiritual reasons (Local significance).

Guidelines for Inclusion:

- Is important for its associations with an identifiable group

Not applicable.

- Is important to a community's sense of place.

Applicable. The building is a fine example of its period and type in the North Sydney LGA.

Guidelines for Exclusion:

- Is only important to the community for amenity reasons

Not applicable.

- Is retained only in preference to a proposed alternative.

Not applicable.

Types of items which meet this criterion include:

- Items which are esteemed by the community for their cultural values;

Not applicable

- Items which if damaged or destroyed would cause a community a sense of loss.

Applicable.

and/or

- Items which contribute to a community's sense of identity.

Not applicable.

Items are excluded if:

- They are valued only for their amenity (service convenience); and/or

Not applicable.

- The community seeks their retention only in preference to a proposed alternative.

Not applicable.

Criterion (e) Research potential

An item has potential to yield information that will contribute to the understanding of New South Wales' cultural or natural history (State significance) OR

An item has potential to yield information that will contribute to an understanding of the area's cultural or natural history (Local significance).

Guidelines for Inclusion:

- Has the potential to yield new or further substantial scientific and/or archaeological information

Not applicable.

- Is an important benchmark or reference site or type.

Not applicable.

- Provides evidence of past human cultures that is unavailable elsewhere.

Not applicable.

Guidelines for Exclusion:

- The knowledge gained would be irrelevant to research on science, human history or culture

Applicable

- Has little archaeological or research potential

Applicable.

- Only contains information that is readily available from other resources or archaeological sites.

Applicable.

Criterion (f) Rarity

An item possesses uncommon, rare or endangered aspects of New South Wales' cultural or natural history (State significance); OR

An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (Local significance).

Guidelines for Inclusion:

- Provides evidence of a defunct custom, way of life or process

Not applicable.

- Demonstrates a process, custom or other human activity that is in danger of being lost

Not applicable.

- Shows unusually accurate evidence of a significant human activity

Not applicable.

- Is the only example of its type

Not applicable.

- Demonstrates designs or techniques of exceptional interest

Applicable. The building is a fine example of the Inter-war Functionalist architectural style.

- Shows rare evidence of a significant human activity important to a community.

Not applicable.

Guidelines for Exclusion:

- Is not rare

Not applicable. The building is one of only four identified Inter-war Functionalist style flat buildings in the North Sydney LGA, and the only one of these identified as architect designed.

- Is numerous but under threat

Not applicable.

Criterion (g) Representativeness

An item is important in demonstrating the principal characteristics of a class of New South Wales' cultural or natural places; or cultural or natural environments (State significance) OR

An item is important in demonstrating the principal characteristics of a class of the area's cultural or natural places; or cultural or natural environments (Local significance).

Guidelines for Inclusion:

- Is a fine example of its type

Applicable. The building is a fine example of an Inter-war Functionalist style residential flat building.

- Has the principal characteristics of a particular way of life, philosophy, custom, significant process, design, technique or activity

Applicable. The building is an example of an Inter-war functionalist residential flat building which represents the architectural design philosophies of the period.

- Is a significant variation to a class of items.

Applicable. The building has distinctive design features.

- Is part of a group which collectively illustrates a representative type

Not applicable.

- Is outstanding because of its setting, condition or size

Not applicable.

- Is outstanding because of its integrity or the esteem in which it is held.

Applicable. The building is very intact externally and in relation to the common area stairwell.

Guidelines for Exclusion:

- Is a poor example of its type.

Not applicable.

- Does not include or has lost the range of characteristics of a type

Not applicable.

- Does not represent well the characteristics that make up a significant variation of a type.

Not applicable.

5.2. ANALYSIS OF HERITAGE SIGNIFICANCE

CRITERION (A) HISTORICAL SIGNIFICANCE

The building is of local historical significance as a fine example of inter-war period architectural design philosophies.

CRITERION (B) HISTORICAL SIGNIFICANCE (ASSOCIATION)

The building has historical association with its' designer, well-known Sydney Inter-war period architect Clifford H. Finch.

CRITERION (C) AESTHETIC/TECHNICAL SIGNIFICANCE

The building is of local aesthetic significance as a fine example of an architect-designed Inter-war Functionalist style residential flat building and a fine example of the residential work of architect Clifford H. Finch. Features include use of curved balconies, fine tapestry brickwork, curved glass, stained glass window to stairwell, and staircase with curved cast iron balustrade and timber handrail.

CRITERION (D) SOCIAL SIGNIFICANCE

Not relevant.

CRITERION (E) RESEARCH POTENTIAL

Not relevant.

CRITERION (F) RARITY

The building is a locally rare example of an Inter-war Functionalist style residential flat building (only three other known examples in North Sydney LGA).

CRITERION (G) REPRESENTATIVENESS

The building is a fine, intact representative example of the residential work of architect Clifford H. Finch and of Inter-war Functionalist style residential flat buildings generally.

5.3. SUMMARY STATEMENT OF HERITAGE SIGNIFICANCE

The residential flat building at 15 Allister Street Cremorne is of local historical significance as a fine example of inter-war period architectural design philosophies. The building has historical association with its' designer, well-known Sydney Inter-war period architect Clifford H. Finch. The building is of local aesthetic significance as a fine example of an architect-designed Inter-war Functionalist style residential flat building and a fine example of the residential work of architect Clifford H. Finch. Features include use of curved balconies, fine tapestry brickwork,

curved glass, stained glass window to stairwell, and staircase with curved cast iron balustrade and timber handrail. The building is a locally rare example of an Inter-war Functionalist style residential flat building (only three other known examples in North Sydney LGA). The building is a fine, intact, representative example of the residential work of architect Clifford H. Finch and of Inter-war Functionalist style residential flat buildings generally.

6.0 CONCLUSION/RECOMMENDATIONS

The residential flat building at 15 Allister Street Cremorne is recommended for an Interim Heritage Order initially followed by LEP heritage listing as a locally significant heritage item, as the significance analysis above establishes that the building passes the significance threshold for local heritage listing.

It should also be noted that, in relation to the current Development Application involving demolition of the building, the heritage impact of demolition also needs to be assessed in relation to potential adverse impact on the adjacent State Heritage Register listed property at 11 Cranbrook Avenue.

7.0 ATTACHMENTS

7.1. ATTACHMENT 1: 1982 STRATA PLAN

7.2. ATTACHMENT 2: COMPARATIVE ANALYSIS TABLE

ATTACHMENT 1: 1982 STRATA PLAN

ATTACHMENT 2: COMPARATIVE ANALYSIS TABLE

COMPARATIVE ANALYSIS FOR 15 ALLISTER STREET, CREMORNE

The following comparative analysis is undertaken by comparing the subject building at 15 Allister Street, Cremorne, with Inter-war residential flat buildings constructed circa 1920-1940, within the North Sydney LGA which are heritage listed in the NSLEP 2013. Information in the table below has been sourced from NSW State Heritage Inventory (SHI) forms. Photos are either from SHI forms or Google streetview.

Note that the following have been excluded from the comparative analysis: earlier buildings which have been converted to residential flats; flat buildings of earlier construction periods/styles generally (for example Federation free classical style flat buildings in Cremorne Point and McMahons Point); flat buildings of later construction periods generally (for example the 1954 Greenway Flats in Kirribilli).

Building	Heritage listing	Date of construction & brief description/notes
15 Allister Street, Cremorne	None (subject site under assessment)	Constructed 1938, designed by architect Clifford Finch; 2-storey tapestry brick Inter-war Functionalist style flat building with sandstone base with base level including two garages. Timber framed windows with horizontal glazing bars, hipped terracotta tiled main roof, curved balconies with brick balustrades and flat balcony roofs concealed by brick parapet.



15 Allister Street, Cremorne Source: Google streetview

Flat building, 6 Hampden Avenue, Cremorne	Local significance, Item No. 10057, NSLEP 2013	Inter-war Old English style 3-storey flat building
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6 Hampden Avenue, Cremorne

Building	Heritage listing	Date of construction & brief description/notes
Alcombe Flats, 14 Harrison Street, Cremorne	Local significance, Item No. 10061, within CA02 HCA, NSLEP 2013	Inter-war, architect William Hardy Wilson, Georgian Revival flat building
		
<p>14 Harrison Avenue, Cremorne Source: Heritage NSW SHI form</p>		
Flat building, 83 Cremorne Road, Cremorne Point	Local significance, Item No. 10098, within a HCA, NSLEP 2013	Inter-war Georgian Revival style flat building, 3-storeys
		
<p>83 Cremorne Road, Cremorne Point Source: Heritage NSW SHI form</p>		

Building	Heritage listing	Date of construction & brief description/notes
Flat building, 18-20 Cremorne Road, Cremorne Point	Local significance, Item No. I00092, within a HCA, NSLEP 2013	4-storey Inter-war Georgian Revival flat building with sandstone base level and dark brickwork
 <p data-bbox="264 943 608 965">18-20 Cremorne Road, Cremorne Point</p>		
Warrigal Flats, 13 Milson Road, Cremorne Point	Local significance, Item No. I0113, within a HCA, NSLEP 2013	4-storey Inter-war Free Classical style flat building
 <p data-bbox="264 1850 831 1872">13 Milson Road, Cremorne Point Source: Heritage NSW SHI form</p>		

Building	Heritage listing	Date of construction & brief description/notes
Riviera Flats, 73 Milson Road, Cremorne Point	Local significance, Item No. I0122, within a HCA, NSLEP 2013	4-storey Inter-war Free Classical style flat building
 <p data-bbox="263 1153 829 1187">73 Milson Road, Cremorne Point Source: Heritage NSW SHI form</p>		
Mayfair Court, 86 Milson Road, Cremorne Point	Local significance, Item No. I0123, within a HCA, NSLEP 2013	Inter-war Free Classical style 3-storey flat building
		

Building	Heritage listing	Date of construction & brief description/notes
86 Milson Road, Cremorne Point Source: Heritage NSW SHI form		
Gloucester Flats, 3 Wulworra Avenue, Cremorne Point	Local significance, Item No. I0133, NSLEP 2013	3-storey Inter-war Art Deco style flat building
		
3 Wulworra Avenue, Cremorne Point Source: Google streetview		
Windsor Flats, 5 Wulworra Avenue, Cremorne Point	Local significance, Item No. I0134, within a HCA, NSLEP 2013	3-storey Inter-war Art Deco style flat building
		
3 Wulworra Avenue, Cremorne Point Source: Heritage NSW SHI form		

Building	Heritage listing	Date of construction & brief description/notes
Huntingdon Apartments, 6 Holbrook Avenue, Kirribilli	Local significance, Item No. I0236, within a HCA NSLEP 2013	Inter-war Classical style 3-storey flat building



6 Holbrook Avenue, Kirribilli Source: Heritage NSW SHI form

Mayfair Apartments, 21 Holbrook Avenue, Kirribilli	Local significance, Item No. I0240, within a HCA, NSLEP 2013	Inter-war Free Classical style flat building
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21 Holbrook Avenue, Kirribilli Source: Heritage NSW SHI form

Building	Heritage listing	Date of construction & brief description/notes
Regent Apartments, 29 Waruda Street, Kirribilli	Local significance, Item No. I0294, within a HCA, NSLEP 2013	3-4 storey Inter-war Georgian Revival style flat building designed by John P. Tate and Young, post 1921.
 <p data-bbox="268 1064 774 1086">29 Waruda Street, Kirribilli Source: Heritage NSW SHI form</p>		
Flat building, 15 Waiwera Street, Lavender Bay	Local significance, Item No. I0354, NSLEP 2013	Inter-war Free Classical style flat building, since converted to a single residence.
 <p data-bbox="268 1848 949 1870">15 Waiwera Street, Lavender Bay (Centre left) Source: Heritage NSW SHI form</p>		

Building	Heritage listing	Date of construction & brief description/notes
Bellarion Court, 23 Waiwera Street, Lavender Bay	Local significance, Item No. I0359, within a HCA, NSLEP 2013	Inter-war Spanish Mission style 2-3 storey flat building. Constructed 1928.
 <p data-bbox="264 931 791 958">23 Waiwera Street, Lavender Bay Source: Google Streetview</p>		
Clifton Flats, 176 Blues Point Road, McMahons Point	Local significance, Item No. I0420, within a HCA, NSLEP 2013	Modest inter-war Georgian Revival style flats.
 <p data-bbox="264 1400 903 1426">176 Blues Point Road, McMahons Point Source: Heritage NSW SHI Form</p>		
ADEA Court apartment building, 7 East Crescent Street, McMahons Point	Local significance, Item No. I0463, within a HCA, NSLEP 2013	3-5 storey Inter-war Free Classical style flat building
 <p data-bbox="264 1870 898 1897">7 East Crescent Street, McMahons Point Source: Heritage NSW SHI form</p>		

Building	Heritage listing	Date of construction & brief description/notes
Flat building, 11 East Crescent Street, McMahons Point	Local significance, Item No. I0464, NSLEP 2013	2-3 storey Inter-war Mediterranean style flat building.



11 East Crescent Street, McMahons Point Source: Google streetview

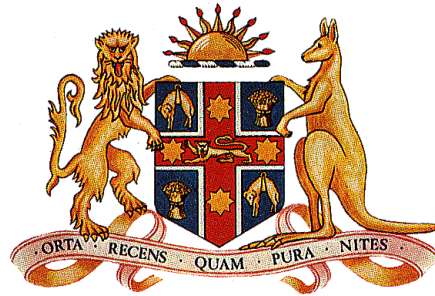
Flat building, 19 East Crescent Street, McMahons Point	Local significance, Item No. I0467, NSLEP 2013	Inter-war Spanish Mission style 3-storey flat building
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19 East Crescent Street, McMahons Point. Source: Heritage NSW SHI form

Building	Heritage listing	Date of construction & brief description/notes
Flat building, 68 Kurraba Road, Neutral Bay	Local significance, Item No. I0655, NSLEP 2013	2-storey Inter-war Functionalist style flat building
 <p data-bbox="263 857 805 880">68 Kurraba Road, Neutral Bay Source: Heritage NSW SHI form</p>		
Flat building, 25 King Street, Waverton	Local significance, Item No. I1070, NSLEP 2013	Inter-war Free Classical style 2-storey brick flat building, brick with sandstone base, matches No. 27 King St
 <p data-bbox="263 1346 678 1368">25 King St Waverton Source: Google streetview</p>		
Flat building, 27 King Street, Waverton	Local significance, Item No. I1071, NSLEP 2013	Inter-war Free Classical style 2-storey brick flat building, brick with sandstone base, matches No. 25 King St
 <p data-bbox="263 1888 678 1910">27 King St Waverton Source: Google streetview</p>		

Building	Heritage listing	Date of construction & brief description/notes
<p>"San Carlos" Flat building, 26 Toongarah Road, Waverton</p>	<p>Local significance, Item No. I1080, within a HCA, NSLEP 2013</p>	<p>2-storey Inter-war Spanish Mission style flat building</p>
<div style="text-align: center;">  </div> <p data-bbox="264 994 738 1021">26 Toongarah Rd Waverton Source: Google streetview</p>		
<p>Kyneton Apartments, 19 Ivy Street, Wollstonecraft</p>	<p>Local significance, Item No. I1090, NSLEP 2013</p>	<p>2 storey brick Inter War Art Deco flat building, builder/designer Claude Coyte, 1935.</p>
<div style="text-align: center;">  </div> <p data-bbox="264 1554 791 1581">19 Ivy Street, Wollstonecraft Source: Heritage NSW SHI form</p>		



Government Gazette

of the State of

New South Wales

Number 241–Planning and Heritage

Friday, 3 June 2022

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

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NSW Government Gazette No 241 of 3 June 2022

North Sydney Council

Heritage Act 1977

Interim Heritage Order No. 2/2022

15 Allister Street, Cremorne

Under Section 25 of the Heritage Act, 1977, North Sydney Council, do by this notice:

- I. Make an Interim Heritage Order to cover the items of the environmental heritage specified or described in Schedule 'A'; and
- II. Declare that the Interim Heritage Order shall apply to the curtilage or site of such items, being the land described in Schedule 'B'

This Interim Heritage Order will lapse six months from the date that it is made unless the local council has passed a resolution before that date either:

- (1) In the case of an item which, in the council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
- (2) In the case of an item which in the council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.



Robert Emerson
Acting General Manager
North Sydney Council

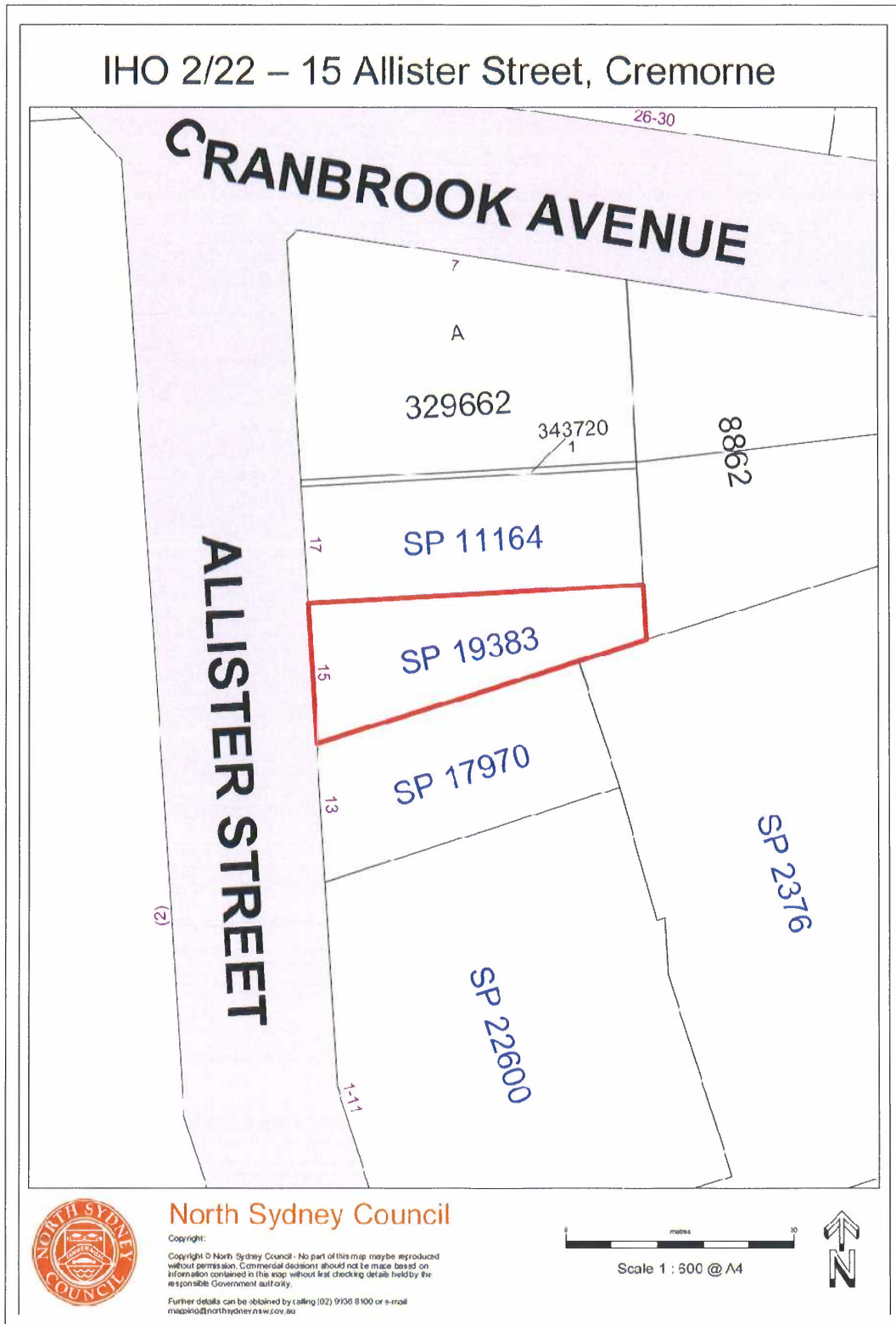
Dated at North Sydney 31st May 2022

SCHEDULE 'A'

The property situated at 15 Allister Street, Cremorne NSW 2090 on the land described in Schedule 'B'.

SCHEDULE 'B'

The parcel of land known as SP 19383, shown edged heavy red on the plan catalogued NSC IHO 2/22.





DELEGATED REPORT

CONFIDENTIAL REPORT TO THE GENERAL MANAGER

Attachments:

1. Preliminary Assessment of Cultural Significance
2. Interim Heritage Order Government Gazette Notice
3. Interim Heritage Order Process
4. Kemp and Johnson Heritage Consultants fee proposal and CV

SUBJECT: Interim Heritage Order Proposal – 15 Allister Street, Cremorne.

AUTHOR: Jayden Perry, Strategic Planner

EXECUTIVE SUMMARY:

On 12 July 2013, a Ministerial Order was gazetted which granted authorisation to all local councils in NSW to make Interim Heritage Orders (IHOs) in accordance with s.25 of the Heritage Act 1977 and subject to meeting the conditions listed in Schedule 2 of the Order. An Interim Heritage Order is a temporary measure that prohibits demolition of a building or structure, to enable a detailed heritage assessment to be made as to whether or not the building or place should be listed under a local environmental plan. This authorisation to make an IHO was delegated to Council's General Manager by Council resolution on 17 March 2014.

During the assessment of:

- DA375/2021 at 15 Allister Street, Cremorne for the Demolition of an existing residential flat building and a multi-dwelling housing development and construction of a new four storey residential flat building over two levels of basement parking, landscaping, fencing and associated works

a petition was provided to Council signed by over 100 individuals requesting that North Sydney Council urgently impose an IHO on the property. The petition notes:

"15 Allister Street, built in 1913, was designed by prominent architect, Clifford Finch. From 1927-30, Finch was in partnership with renowned architect, John Burcham Clamp, and jointly designed many significant buildings including Sydney's Tattersall's Club, Lawson House (212-218 Cumberland Street), Canberra Grammar School and the Ainslie Hotel, Canberra. Finch also practiced as an independent architect. Several of his designs are listed as local heritage items in the Ku-Ring-Gai LGA.

Art-Deco residential flat buildings need to be acknowledged and protected as part of North Sydney's heritage. The Art-Deco era is Cremorne's theme as acknowledged in North Sydney Council's urban design branding."

In response to these concerns, Council considered a Notice of Motion at its meeting on 28 March 2022, and resolved:

1. THAT Council obtain urgent advice as to an Interim Heritage Order being supported on 15 Allister Street, Cremorne.
2. THAT Council receive the tabled petition in this matter.

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In accordance with this resolution, Council engaged Kemp & Johnson Heritage Consultants to prepare a preliminary heritage assessment (Preliminary Assessment) to determine if the properties may potentially satisfy the criteria for heritage listing under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The Preliminary Assessment identified that the site may be eligible for heritage listing as:

The residential flat building at 15 Allister Street Cremorne is of local historical significance as a fine example of inter-war period architectural design philosophies. The building has historical association with its' designer, well-known Sydney Inter-war period architect Clifford H. Finch. The building is of local aesthetic significance as a fine example of an architect-designed Interwar Functionalist style residential flat building and a fine example of the residential work of architect Clifford H. Finch. Features include use of curved balconies, fine tapestry brickwork, curved glass, stained glass window to stairwell, and staircase with curved cast iron balustrade and timber handrail. The building is a locally rare example of an Inter-war Functionalist style residential flat building (only three other known examples in North Sydney LGA). The building is a fine, intact, representative example of the residential work of architect Clifford H. Finch and of Inter-war Functionalist style residential flat buildings generally.

It is noted that the Preliminary Assessment identified that the building at 15 Allister Street was constructed in the later end of the interwar period. This differs from the petition considered by Council which notes the building was constructed in 1913. This inconsistency is not considered to be consequential with regards to the progression of the IHO.

The property is not located within a conservation area and is not currently listed as a heritage item under NSLEP 2013. However, the property is in the vicinity of other listed heritage items, which are listed in Table 3. Two of these items, are of State heritage significance. The property is also within close proximity to the Cremorne Heritage Conservation Area (CA03).

It is evident from the Preliminary Assessment undertaken as part of the preliminary report, that the property at 15 Allister Street, Cremorne has potential heritage significance and is worthy of further investigation as to whether it should be listed as a heritage item under NSLEP 2013.

It is noted that DA375/2021 is currently under assessment, with it likely to be determined in the coming weeks or months. The property at 15 Allister Street, Cremorne is therefore under threat of being demolished and it is recommended that Council pursue the issuing of an IHO over the property to prevent its demolition. The issue of an IHO will grant Council adequate time to fully investigate the properties and to prepare a Planning Proposal for listing as heritage items under NSLEP 2013, if warranted.



RECOMMENDATION:

1. **THAT** the General Manager, under delegation, make an Interim Heritage Order in accordance with Section 25 of the Heritage Act, 1977 for number 15 Allister Street, Cremorne.
2. **THAT** Council forward a copy of this report and notice to the State Government for inclusion in the next Government Gazette. The request is to include a contact name and phone number.
3. **THAT** once the Interim Heritage Order is notified in the Government Gazette:
 - a. Council places a notice in a local newspaper and Councils website within 7 days of the Gazette notifying of the issue of the Interim Heritage Order.

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- b. Council notifies the property owner and issues a copy of the Interim Heritage Order to the property owner.
- c. Council request that the independent heritage consultant proceed with the preparation of a detailed heritage assessment of the subject site.
- d. Council instigate the preparation of a Planning Proposal to amend NSLEP 2013 should the findings and recommendations of the detailed heritage assessment provide the justification for such amendment.

Signed:		<u>27.05.22</u>
	Manager Strategic Planning	Date
Signed:		<u>27. MAY. 2022</u>
	Director City Strategy	Date
Endorsed by:		<u>31 May 2022</u>
	Acting General Manager	Date

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LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: **2. Our Built Environment**

Outcome: 2.2 North Sydney's heritage is preserved and valued

Direction: **4: Our Social Vitality**

Outcome: 4.4 North Sydney's history is preserved and recognized

CONSULTATION REQUIREMENTS

If an Interim Heritage Order (IHO) is made, Council will be required to publish the order in the Government Gazette, provide published notice of the making of the order in a manner that the Minister or the council is satisfied is likely to bring the notice to the attention of members of the public in the area in which the item is situated, and notify the affected property owner(s) in accordance with s.28 of the Heritage Act, 1977. Consultation will occur as the matter proceeds to determination of whether formal heritage listing is warranted.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

TABLE 1: Key Sustainability Implications

QBL Pillar	Implications
Environment	<ul style="list-style-type: none"> No anticipated impacts.
Social	<ul style="list-style-type: none"> Application of an IHO will enable the protection of a potentially important piece of North Sydney Heritage.
Economic	<ul style="list-style-type: none"> No anticipated impacts.
Governance	<ul style="list-style-type: none"> Application of an IHO will enable the protection of a potentially important piece of North Sydney Heritage.

BACKGROUND

A. Development Application

On 11 November 2021, a development application (DA375/2021) was lodged with Council seeking the demolition of an existing residential flat building and a multi-dwelling housing development and construction of a new four storey residential flat building over two levels of basement parking, landscaping, fencing and associated works at 15 Allister Street, Cremorne.

In response to this application, a petition was provided to Council signed by over 100 individuals requesting that North Sydney Council urgently impose an IHO on the property. The petition notes:

"15 Allister Street, built in 1913, was designed by prominent architect, Clifford Finch. From 1927-30, Finch was in partnership with renowned architect, John Burcham Clamp, and jointly designed many significant buildings including Sydney's Tattersall's Club, Lawson House (212-218 Cumberland Street), Canberra Grammar School and the Ainslie Hotel, Canberra. Finch also

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practiced as an independent architect. Several of his designs are listed as local heritage items in the Ku-Ring-Gai LGA.

Art-Deco residential flat buildings need to be acknowledged and protected as part of North Sydney's heritage. The Art-Deco era is Cremorne's theme as acknowledged in North Sydney Council's urban design branding."

B. Notice of Motion

In response to these concerns, Council considered a Notice of Motion at its meeting on 28 March 2022, and resolved:

1. THAT Council obtain urgent advice as to an Interim Heritage Order being supported on 15 Allister Street, Cremorne.
2. THAT Council receive the tabled petition in this matter.

This report has been prepared in response to this Council resolution.

DETAIL

1. Assessment of Heritage significance

1.1. Introduction

The purpose of this section of the report is to determine whether the placing of an IHO under s.25(2) of the Heritage Act 1977 to protect the property at 15 Allister Street, Cremorne is warranted. This assessment does not constitute a comprehensive analysis of heritage significance using the State Heritage Inventory (SHI) criteria developed by the NSW Heritage Office. Since the identification of the threat, there has been insufficient time to prepare such a report. Nevertheless, a preliminary heritage assessment has been prepared to determine whether Council should proceed to place an IHO over the subject site, based on the SHI criteria.

Council engaged Kemp & Johnson Heritage Consultants to undertake an independent preliminary heritage assessment against the State Heritage Inventory, NSLEP 2013 and local heritage records. A copy of this assessment is provided in Attachment 1.

1.2. The subject site

The subject site is comprised of the following:

TABLE 2: Subject Site

Address	Lot and DP
15 Allister, Cremorne	SP 19383

The site is located along the eastern side of Allister Street, between Cranbrook Avenue in the north and Military Road in the south.

The building at 15 Allister Street, Cremorne is a 2-storey brick residential flat building with a sandstone undercroft. The undercroft includes two garages accessed from Allister Street. The building is constructed of red texture brick with distinctive tapestry brick panels to the façade, (western elevation) and has a complex terracotta tiled hipped roof form, with curved balconies to the north-western corner of the building featuring brick balustrades and a brick parapet above the 1st floor level balcony.

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The building contains four residential flats, and the internal stairwell features original tiling, and an original staircase with curved cast iron balustrade and timber handrail, original ceiling and an original stained-glass window.

1.3. Heritage Context

The subject sites are not identified in Schedule 5 – *Environmental Heritage* to NSLEP 2013, nor are they located within a Heritage Conservation Area. The current statutory heritage context is provided in Figure 1.

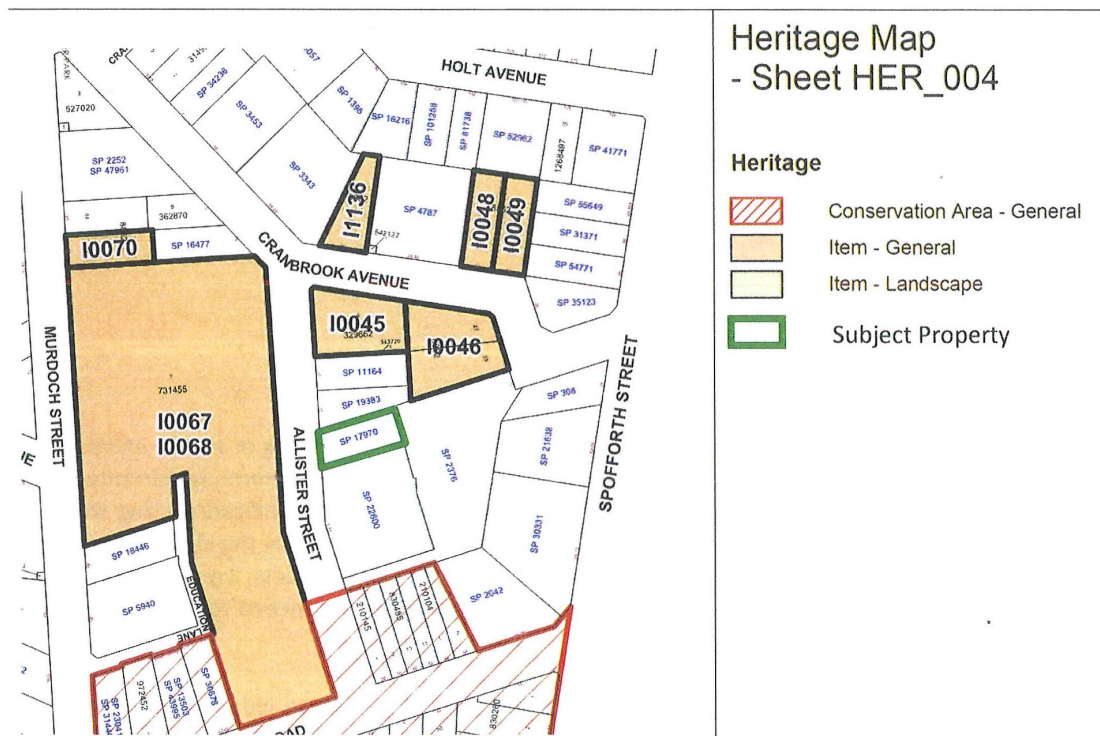


FIGURE 1: Extract from NSLEP 2013 Heritage and Conservation Map

1.4. Similar buildings in the Area

The Preliminary Assessment undertook an analysis of the heritage context of the locality. It identified that the subject property is within the vicinity of other listed heritage items, which are listed in Table 2 below. Two of these items, are of State heritage significance.

TABLE 2: Surrounding Heritage Items

Locality	Item name	Address	Property Description	Significance	Item No
Cremorne	“Egglemont”	11 Cranbrook Avenue	Lots 27 and 28, DP8862	State	10046
Cremorne	“Belvedere”	7 Cranbrook Avenue	Lot A, DP 329662	State	10045
Cremorne	Sceggs Redlands	53-57 Murdoch Street	Lot 1, DP 731455	Local	10067
Cremorne	Former Cremorne	57 Murdoch Street	Lot 1, DP 731455	Local	10068

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	Hall	(2 Allister Street)			
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Furthermore, the property is within close proximity to the Cremorne Heritage Conservation Area (CA03).

1.5. Assessment of significance

In relation to the properties at 15 Allister Street, Cremorne, the Preliminary Assessment noted that:

The residential flat building at 15 Allister Street Cremorne is of local historical significance as a fine example of inter-war period architectural design philosophies. The building has historical association with its' designer, well-known Sydney Inter-war period architect Clifford H. Finch. The building is of local aesthetic significance as a fine example of an architect-designed Interwar Functionalist style residential flat building and a fine example of the residential work of architect Clifford H. Finch. Features include use of curved balconies, fine tapestry brickwork, curved glass, stained glass window to stairwell, and staircase with curved cast iron balustrade and timber handrail. The building is a locally rare example of an Inter-war Functionalist style residential flat building (only three other known examples in North Sydney LGA). The building is a fine, intact, representative example of the residential work of architect Clifford H. Finch and of Inter-war Functionalist style residential flat buildings generally.

2. Is there a threat of harm?

As indicated in the Background section of this report, Council received a development application (DA375/2021) on 11 November 2021 seeking the demolition of an existing residential flat building and a multi-dwelling housing development and construction of a new four storey residential flat building over two levels of basement parking, landscaping, fencing and associated works at 15 Allister Street, Cremorne.

The plans illustrate the complete demolition of the buildings and structures at the site to accommodate the proposed development. These plans provide clear intent to harm the potential heritage items through demolition.

As the building at 15 Allister Street is not an identified heritage item nor is it located within a heritage conservation area, there is a chance that the potential heritage item could be lawfully demolished as complying development under the Demolition Code of State Environmental Planning Policy (Exempt and Complying Development Code) 2008 or illegally before an IHO could be imposed under current processes.

3. Can an IHO be applied

IHOs can be made by the Minister for Heritage on the recommendation of the Heritage Council, or by local councils under delegation under Part 3 – *Interim heritage orders for items of State or local heritage significance* of the Heritage Act 1977. On 12 July 2013, a Ministerial Order was gazetted which granted authorisation to all local councils in NSW to make IHOs in accordance with s.25 of the Heritage Act 1977 and subject to meeting the conditions listed in Schedule 2 of the Order.

As the property at 15 Allister Road, Cremorne has been identified as being under threat, the making of an IHO is considered to be in accordance with the relevant provisions of s.25 of the Heritage Act as demonstrated in Table 1.

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TABLE 1: Assessment Against s.25 of the Heritage Act 1977	
Requirement	Comment
(1) The Minister may, by order published in the Gazette, authorise a council to make interim heritage orders for items in the council's area.	Authorisation was granted to North Sydney Council on 12 July 2013.
(2) A council authorised under this section may make an interim heritage order for a place, building, work, relic, moveable object or precinct in the council's area that the council considers may, on further inquiry or investigation, be found to be of local heritage significance, and that the council considers is being or is likely to be harmed.	<p>Local Heritage Significance This issue is addressed in Section 1 to this report. It is considered that the subject site contains potential items of local heritage significance.</p> <p>Threat of harm This issue is addressed in Section 2 to this report. It is considered that there is a threat of demolition to the potential item.</p>
(3) An interim heritage order made by a council is of no effect in so far as it applies to any of the following items:	
(a) an item to which an interim heritage order made by the Minister applies,	No IHO applies to the subject sites which has been issued by the Minister for Heritage
(b) an item listed on the State Heritage Register.	The properties are not listed on the State Heritage Register.
(4) An authorisation under this section can be given subject to conditions and a council cannot act in contravention of the conditions of its authorisation.	Authorisation conditions are addressed in Table 2 to this report.
(5) The Minister may at any time by notice published in the Gazette withdraw a council's authorisation or change the conditions of its authorisation. The withdrawal of a council's authorisation does not of itself affect any interim heritage order made before the authorisation was withdrawn.	An IHO has not yet been placed on the subject property and therefore cannot be withdrawn.

The making of an IHO is considered to be in accordance with the conditions listed in Schedule 2 of the Order issued on 12 July 2013 as demonstrated in Table 2.

TABLE 2: Conditions for Local Councils to make Interim Heritage Orders		
Condition	Comment	Complies?
(1) A council must not make an Interim Heritage Order (IHO) unless:		
(a) an environmental planning instrument containing a schedule of heritage items derived from a heritage study and provisions for the management of those items is in force in the Local Government Area; and	NSLEP 2013 applies to the whole of the North Sydney LGA and contains a list of heritage items which have been derived from numerous comprehensive heritage studies.	YES

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TABLE 2: Conditions for Local Councils to make Interim Heritage Orders		
Condition	Comment	Complies?
(b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the council and considers that:	Refer to Section 1 of this report. The preliminary heritage assessment has been prepared by independent heritage consultants Kemp & Johnson Heritage Consultants* on behalf of North Sydney Council.	YES
(i) the item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;	Refer to Section 1 of this report. The preliminary heritage assessment concludes that the item is of potential local heritage significance, are likely to be harmed, and the IHO will only apply to the item determined as being under threat.	YES
(ii) the item is being or is likely to be harmed;	Refer to Section 2 of this report. The subject site is subject to a current DA which involves the demolition of all buildings upon the subject site, including the potential heritage item. Therefore, there is an intent to harm this potential item of local heritage significance. The building may also be demolished at any time by way of complying development certification.	YES
(iii) the IHO is confined to the item determined as being under threat; and	Refer to Section 1 and Attachment 2 of this report. The IHO will only apply to the item determined as being under threat.	YES
(c) where the IHO is made over land which includes an item which is likely to be found, on further inquiry and investigation, to be of significance to Aboriginal people, a council must refer the proposal to make an IHO to the Office of Environment and Heritage for assessment regarding significance and community consultation, before the IHO is made. Council must comply with the recommendations of the Office of Environment and Heritage made in its assessment prepared pursuant to the referral.	Refer to Section 1 of this report. The subject site is <u>not identified</u> as containing significance to Aboriginal people, therefore referral to the Office of Environment and Heritage is not required before the IHO is made.	YES
(2) A council must not make an IHO where:		
(a) the item is listed on:		

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TABLE 2: Conditions for Local Councils to make Interim Heritage Orders		
Condition	Comment	Complies?
(i) an environmental planning instrument as an item of environmental heritage;	The subject site is <u>not listed</u> as an item of environmental heritage under any environmental planning instrument	YES
(ii) the item is within a heritage conservation area identified in an environmental planning instrument; or	The subject site is <u>not identified</u> as being located within a heritage conservation area under any environmental planning instrument	YES
(b) the item is covered by: (i) an order under s.136 of the Heritage Act, 1977; or	The subject site is <u>not covered</u> by an order under S.136 of the Heritage Act.	YES
(c) the council has previously placed an interim heritage order on the item; or	The subject site has <u>not been subject to an IHO</u> in the past.	YES
(d) a development consent (other than a complying development certificate), has been granted in relation to the item that permits the item to be harmed, and the development consent is still in force; or	<u>No such development consent has been issued.</u>	YES
(e) a complying development certificate has been granted for the demolition of an existing dwelling and the erection of a new single storey or two storey dwelling house, and the complying development certificate is still in force.	<u>No such complying development certificate has been issued.</u>	YES
(3) A council must not make an IHO in relation to item(s) that are located on land:		
(a) that is Crown land; or	The subject site <u>does not comprise</u> Crown Land	YES
(b) which is being developed by or on behalf of the Crown; or	The subject site is <u>not being developed</u> by or on behalf of the Crown	YES
(c) which is subject to a development for which the Minister for Planning and Infrastructure is the consent authority or approval authority under the Environmental Planning & Assessment Act 1979.	The subject site <u>does not have the</u> benefit of Ministerial approval	YES

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TABLE 2: Conditions for Local Councils to make Interim Heritage Orders		
Condition	Comment	Complies?
(4) A council must not make an IHO in respect of an item (which includes a building, work, relic, or place) that is subject to an approval, consent, licence, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Crown, an officer or employee of the Crown or a Minister.	The subject property <u>does not have</u> the benefit of an approval, consent, licence, permit, permission or any other form of authorisation that requires or permits the item to be harmed and that is issued by the Crown, an officer or employee of the Crown or a Minister.	YES
(5) An IHO made by a council must contain the following condition: <i>"This Interim Heritage Order will lapse after six months from the date it is made unless the local council has passed a resolution before that date; and</i> <i>(i) in the case of an item which, in the council's opinion, is of local significance, the resolution seeks to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; or</i> <i>(ii) in the case of an item which in the Council's opinion, is of State heritage significance, the resolution requests the Heritage Council to make a recommendation to the Minister for Heritage under section 32(2) of the Heritage Act to include the item on the State Heritage Register."</i>	Refer to Attachment 3 to this report. This condition is contained.	YES
(6) A council must publish annually in its State of Environment Report or Annual Report a summary of all decisions regarding IHOs for that year and provide a copy to the Office of Environment and Heritage.	This can be complied with once the IHO has been issued.	YES

*The consultants engaged by Council (Kemp and Johnson Heritage Consultants) are considered to possess the appropriate heritage knowledge, skills and experience to undertake the preliminary assessment as detailed in the submitted fee proposal and CV (Attachment 4).

4. What are the next steps?

In order to assist Council in ensuring compliance with the criteria and limitations which apply to the use of IHOs under Section 25 of the Heritage Act, a flow chart has been prepared (refer Attachment 3). It illustrates the relevant steps required in the implementation of an IHO and subsequent steps to have the property listed as a heritage item under NSLEP 2013. The identified process would be applied to 15 Allister Street, Cremorne in the event that an IHO is made by Council.

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It should be noted that an opportunity to appeal the imposition of the IHO through the Land and Environmental Court will become available to the land owner and any other effected party.

Council should note that additional costs, including staff resources, would be incurred by Council when an IHO is applied and an amendment to NSLEP 2013 required. A Planning Proposal would be required to be prepared and publically exhibited for the properties identified in the report to amend Schedule 5 of NSLEP 2013 to add the properties as heritage items.

5. Timing of LEP amendment

If an IHO is imposed over the property, it is anticipated that a Planning Proposal report recommending the listing of the subject site as a heritage item under NSLEP 2013 will be put to Council for its consideration by the November 2022 meeting at the latest if warranted by the further heritage assessment of the property. If the recommendation for listing is adopted by Council, the Planning Proposal will be forwarded to the Department of Planning and Environment seeking a Gateway Determination to publicly exhibit the Planning Proposal.

6. Conclusion

It is clear from the Preliminary Assessment prepared by Kemp & Johnson Heritage Consultants that the property at 15 Allister Street, Cremorne has been assessed as having potential heritage significance and is worthy of further investigation as to whether they it be listed as a heritage item under NSLEP 2013. Furthermore, the property is currently under threat of being demolished and it is recommended that Council pursue the issuing of an IHO over the property to prevent its demolition in the short term. The issue of an IHO will grant Council adequate time to fully investigate the property and to prepare a Planning Proposal for listing as a heritage item under NSLEP 2013 subject to the further assessment to be conducted.