

**Report to General Manager**

Attachments:

1. Draft Amendment to NSDCP 2013
2. Preliminary Heritage Assessment – GML Heritage

SUBJECT: 8 Hayes Street, Neutral Bay – Draft Amendment to NSDCP 2013 – “Contributory Item” – Post Exhibition Report

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ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

At its meeting on 22 July 2019, Council considered a draft amendment to the *North Sydney Development Control Plan 2013* (NSDCP 2013) to include 8 Hayes Street, Neutral Bay as a “contributory item” to recognise its contribution to the Kurraba Point Conservation Area. The draft amendment to NSDCP 2013 was placed on exhibition from Thursday 10 October 2019 to Wednesday 6 November 2019 concurrently with a Planning Proposal to identify 6 Hayes Street, Neutral Bay as a heritage item under NSLEP 2013.

A total of fifteen (15) submissions were received during the public exhibition period, of which thirteen (13) offered general or specific support for the draft amendment; one (1), supported the proposal but raised concerns around the development potential of 8 Hayes Street; and one (1) objected to the proposal.

Having undertaken a detailed assessment of all the issues raised in the submissions, it is recommended that the proposed amendment to NSDCP 2013 to identify 8 Hayes Street as a contributory item proceeds unamended.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

1. **THAT** Council note the submissions made during the public exhibition of the Draft Amendment to North Sydney Development Control Plan 2013.
2. **THAT** Council adopt the amendment to North Sydney Development Control Plan 2013 as attached to this report (Attachment 1).
3. **THAT** public notice of the amendment to North Sydney Development Control Plan 2013 be given.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction:	2. Our Built Infrastructure
Outcome:	2.1 Infrastructure and assets meet community needs
Outcome:	2.2 Vibrant centres, public domain, villages and streetscapes
Direction:	4. Our Social Vitality
Outcome:	4.4 North Sydney’s history is preserved and recognised

BACKGROUND

The following outlines the chronology and milestones of the draft NSDCP 2013 amendment process to date:

29 October 2018 – Council considered a Notice of Motion that arose in response to community concerns made in relation to DA 299/18. This DA sought to demolish the dwellings at 6 and 8 Hayes Street, Neutral Bay and construct a 4-storey residential flat building containing 9 apartments. Council resolved to urgently apply for the imposition of Interim Heritage Orders (IHOs) over 6 and 8 Hayes Street, Neutral Bay.

12 November 2018 – The applicant of DA 299/18 lodged a Class 1 Appeal to the Land and Environment Court for the “deemed refusal” of the DA.

29 January 2019 – Council considered the outcomes of a preliminary heritage assessment of both properties prepared by consultants, GML Heritage. The preliminary assessment concluded that both properties provided a strong contribution to the character of Hayes Street and the Kurraba Point Conservation Area. In particular, the assessment concluded that 6 Hayes Street had the potential to meet one or more of the NSW Heritage Significance criteria and thereby qualify to be identified as a heritage item under NSLEP 2013. In addition, it was recommended that 8 Hayes Street, Neutral Bay be identified as a “contributory item” under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area.

22 July 2019 – Council resolves to adopt the Planning Proposal to identify 6 Hayes Street as a heritage item under NSLEP 2013 and to forward the Planning Proposal to DPIE in order to receive a Gateway Determination. Council also resolved to endorse the draft amendment to NSDCP 2013 to identify 8 Hayes Street as a contributory item. Council further resolved to publicly exhibit the Planning Proposal and draft DCP amendment concurrently.

26 September 2019 – A Gateway Determination is issued enabling Council to publicly exhibit the Planning Proposal.

26 September 2019 – The applicant of DA 299/18 filed a notice of discontinuance for the Class 1 Appeal to the Land and Environment Court.

10 October 2019 – The draft amendment to NSDCP 2013 is placed on public exhibition for 28 days concurrently with the Planning Proposal for the heritage listing of 6 Hayes Street, Neutral Bay.

25 November 2019 – Council considered a post exhibition report in relation to the Planning Proposal and draft DCP amendment and resolved to forward the Planning Proposal in relation to 6 Hayes Street to DPIE with a request that a Local Environmental Plan be made. Council further resolved to defer consideration of the draft amendment to NSDCP 2013, to allow the owner of 8 Hayes Street sufficient time within which to comment on the draft DCP amendment due to being absent from the country during the exhibition period.

At the time of writing this report, the Planning Proposal for 6 Hayes Street has yet to be gazetted. As Council was not granted delegation to make the LEP, Council is waiting to be consulted by Parliamentary Counsel on a draft instrument.

CONSULTATION REQUIREMENTS

Community engagement has been undertaken in accordance with Council’s Community Engagement Protocol and the relevant conditions of the Gateway Determination.

SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported on during the initiation phase of this project.

DETAIL

1 Public Exhibition

The draft amendment to NSDCP 2013 was placed on exhibition concurrently with a Planning Proposal to identify 6 Hayes Street, Neutral Bay as a heritage item under NSLEP 2013, from Thursday 10 October 2019 to Wednesday 6 November 2019.

On 31 October 2019, Council received a request from the owner of 8 Hayes Street, Neutral Bay for an extension to the public exhibition period as it relates to the draft amendment to NSDCP 2013. This request arose due to the owners being absent both at the time of notification and during most of the exhibition period. Council staff granted an extension until 27 November 2019 which effectively gave the owners 28 days within which to comment, consistent with the minimum statutory timeframe.

2 Summary of Submissions

A total of fifteen (15) submissions were received in response to the public exhibition of the draft amendment to NSDCP 2013, fourteen (14) of which were received during the formal public exhibition period and one (1) additional submission was received from the owner of 8 Hayes Street after the exhibition period had ended. Of these submissions:

- One (1) objected to the proposed DCP amendment;
- Thirteen (13) specifically supported the identification of 8 Hayes Street as a contributory item to the Kurraba Point Conservation Area; and
- One (1) submission offered general support for the identification and assessment of items that contribute to significant local landscapes.

Copies of all submissions have been made available to Councillors via the Hub.

3 Issues Raised in Submissions

All but one of the submissions supported the draft amendment to NSDCP 2013. Several submitters commented on the property’s similarity to other contributory items in Hayes Street and the Kurraba Point Conservation Area. Most submissions stated the subject property, along with 6 Hayes Street, Neutral Bay, make an important contribution towards the character of the area and form part of a cohesive, historic streetscape.

Most submissions expressed support for the Preliminary Heritage Assessment prepared by GML Heritage (Attachment 2), which concluded that:

“No. 8 Hayes Street is a good example of the style of dwelling that is characteristic of the conservation area. Although it has been altered, it displays typical characteristics of the area through its scale, form, materiality and style, and makes a clear contribution to the Hayes Street streetscape. The property, as part of a collection of similar buildings from the same era and with the same style and character, makes an important contribution to the understanding of the historic development of the area and the evolution of the significant streetscape. However, an inspection of the property and review of initial research indicates that it is unlikely to meet the criteria for listing as an individual heritage item on historic or aesthetic grounds.”

Despite the majority of submissions being supportive of the proposed DCP amendment, several issues were raised. These concerns are centred on the following themes:

- The adequacy of the Preliminary Heritage Assessment prepared by GML Heritage;
- The proposal’s consistency with the R4 Zoning of the property;
- The ability to undertake extensions and modifications to contributory properties;
- The nature of the amendment itself; and
- The redevelopment potential of the property. Each of these concerns are discussed in detail in the following sections.

3.1 Adequacy of the Preliminary Heritage Assessment by GML Heritage

One submission rejected the findings of the Preliminary Heritage Assessment prepared by GML Heritage. They claimed this assessment did not adequately support the proposed DCP amendment as the report concluded that 8 Hayes Street did not meet any of the NSW Heritage Office listing criteria. They also highlighted that the more detailed Heritage Assessment only related to 6 Hayes Street, and not the subject property.

The submission disagrees with GML’s assessment of the property’s contribution to the Kurraba Point Conservation Area. In particular, this submission identifies three conclusions of the Preliminary Assessment to which it disagrees:

- That the property demonstrates “*some qualities characteristic of the conservation area*”;
- That the property’s “*materiality, form, scale and design are consistent with the streetscape*”; and
- That “*the building contributes to the overall character of the area*”.

The submission disputes the first conclusion, stating that the property has undergone extensive internal and external alterations. The submitter claims that large sections of flat metal roofing and façade changes detract from the heritage value of the property.

The submission is also critical of the second conclusion, claiming that the street-facing enclosed verandas and chain-link fence detract from the streetscape and are inconsistent with the DCP guidelines for the Kurraba Point Conservation Area.

The submission also disputes the third conclusion but does not discuss it in detail.

The submission supports the assessment from the Heritage Impact Statement prepared by Urbis, which accompanied the discontinued DA (299/18). This assessment analysed 8 Hayes Street against the DCP criteria (Part C Section 6) for heritage significance in the Kurraba Point Conservation Area and concluded that the property met only four (4) of the DCP criteria: Views, Siting, External Materials and Car accommodation. As a result, the assessment claimed that the property was not representative of the built form of the Conservation Area and argued that this justified the demolition of the subject property.

Based on the above the submission concluded that the identification of the property as a “contributory item” was not warranted.

Comment:

Many of the heritage concerns in this submission have been addressed in the Preliminary Heritage Assessment prepared by GML Heritage. The principle purpose of the Preliminary Heritage Assessment was to determine if there were sufficient grounds to proceed with the identification of 6 and 8 Hayes Street as heritage item under NSLEP 2013. This is done by assessing the properties against the State Heritage listing criteria. While it is true that a later and more detailed Heritage Assessment was undertaken for 6 Hayes Street only, this detailed assessment was undertaken to justify the listing of the property as a heritage item under NSLEP 2013, which represents a higher heritage threshold than a contributory item.

The Preliminary Heritage Assessment concluded that despite 8 Hayes Street being unlikely to meet any of the criteria for listing as a heritage item under an LEP, it provided a strong enough contribution to the Kurraba Point Conservation Area to warrant identification as a contributory item.

Whilst 8 Hayes Street has been altered, it still retains several significant heritage elements, which justify identification as a “contributory item”. The Preliminary Heritage Assessment identifies several significant elements that the property shares with 6 Hayes Street, such as similar triple-paned hung windows and the timber lattice detailing on the eastern gable. The

Preliminary Assessment points to the bay windows on the Hayes Street façade as well as the entry porch with timber columns and double doors as further elements of heritage significance. The Preliminary Heritage assessment also states that alterations to the veranda do not detract from the property’s contribution to the streetscape, as the key characteristics of the dwelling can still be readily perceived.

In relation to the Heritage Impact Statement prepared by Urbis, GML Heritage was critical of the historical analysis and heritage assessment undertaken by Urbis. In particular, they concluded that:

- The report did not consider the construction of the property within the wider suburb and social context;
- The report did not interpret the historical documentation provided, only providing a list of owners and identifying the site on historical maps, without considering the significance of the properties in the broader context of Neutral Bay’s development;
- There was a need to conduct further research to determine if there was an association with a specific architect; and
- The report did not properly assess the significance of the properties against the appropriate guidelines for the assessment of heritage significance. In doing so the report did not acknowledge the representativeness of the property within the conservation area and the contribution it makes to the streetscape, given the property’s origin in a significant era of the conservation area’s development.

Since the submitter did not provide an additional assessment of the issues by a suitably qualified consultant, the matter was referred to Council’s internal conservation planner for comment, rather than back to GML Heritage. They have advised:

“The Urbis report does not undertake an assessment using the NSW Heritage guidelines for Assessment of Significance. The process may be viewed at (<https://www.environment.nsw.gov.au/research-and-publications/publications-search/assessing-heritage-significance>).

There are seven criteria that a property should be assessed against and it only needs to meet one of these to be worthy of heritage listing [under an LEP]. The purpose of undertaking this assessment is to confirm that Council’s assessment is correct. Often the property has been modified as a result of works over many decades. Properties previously assessed as Neutral items may, for example, have been conserved by the removal of unsympathetic architectural features, such that on re-assessment, meet the heritage listing criteria. The applicant has unfortunately accepted Council’s description of the properties as being a Contributory item [6 Hayes Street] and a Neutral item [8 Hayes Street] at the time of lodgement and has not undertaken the assessment process. By not undertaking the assessment process, the Heritage Impact Statement is invalid.

The GML report however, includes a complete Assessment of Significance. It therefore complies with the NSW Heritage guidelines and identifies that Council’s older previous assessment [circa 1993] of the properties is incorrect. This report also considers the contribution of the two properties in terms of form, massing, scale and materiality to the conservation area and that they were constructed during the conservation area’s core period

of development.”

The heritage assessment undertaken by Urbis in the HIS does not assess the properties according to appropriate guidelines, and thereby does not adequately consider the heritage significance of 6 and 8 Hayes Street. Although the Preliminary Heritage Assessment prepared by GML Heritage concluded that 8 Hayes Street would be unlikely to meet any of the NSW Heritage Criteria for listing the property as a heritage item under an LEP, it did recognise the contribution the property makes to the Kurraba Point Conservation Area. This is a result of the more thorough method of assessment utilised by GML Heritage

The recommendation of the Preliminary Heritage Assessment that the subject property be identified as a contributory item is therefore valid. The decision to pursue this amendment to NSDCP 2013 is adequately justified by the comprehensive assessment carried out by GML Heritage in accordance with NSW Heritage Guidelines.

3.2 Zoning Consideration

One submission argued that because the property is in the R4 High Density Residential zone, regard must be given to its redevelopment potential. Though the submitter recognised that development on the property must have regard to the controls applying to land within the Kurraba Point Conservation Area. The submitter claimed that property owners have a right to develop their property, and that this right should not be impeded unreasonably. It was further claimed that the proposed amendment to would make the success of future development applications on the subject property much less likely, and thereby financially disadvantage the owner.

Comment:

The proposed amendment to NSDCP 2013 would not necessarily increase the probability that a development application in relation to the property would be rejected or refused. The proposed amendment would require the consideration of additional matters in the development assessment process. These additional provisions would aim to ensure that any development on the property retains or incorporates features which contribute to the heritage significance of the Kurraba Point Conservation Area and the character of the streetscape. Many of the heritage provisions contained in the NSDCP 2013 already apply to the property as a result of its location within a conservation area. The purpose of re-categorising the property from a “neutral” to “contributory” item is to reflect the property’s greater contribution to the significance of the Conservation Area, as identified in GML’s Preliminary Heritage Assessment.

The objectives of the R4 zone are to provide a variety of housing types within a high density residential environment, and to encourage the development of sites “*if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area*”. The draft amendment to NSDCP 2013 aims to protect the cultural heritage of the area by ensuring that future development of this property maintains its general form, scale and detailing. This does not preclude the current or future property owner from lodging a development application for higher density housing types on the site, so long as the characteristic features of the conservation area are retained. The site currently contains a large 2 storey dwelling house. Potential exists to undertake modest alterations and additions to

convert it to a residential flat building, whilst allowing the property to continue to contribute to the heritage significance of the streetscape and the Kurraba Point Conservation Area. It should be noted that the property was previously used as a residential flat building, before being converted into a single dwelling. The proposed DCP amendment therefore aligns with the objectives of the R4 Zone in the NSLEP 2013.

3.3 Extensions and Modifications to the Property

Concern was raised over the possibility that the proposed amendment would obstruct future extensions and modifications to the property, arguing that the current status of the property as a “neutral” item allows opportunities for extension and modification, such as undercover garaging. The submission claims that identifying the property as a contributory item would impede the ability of the current and future property owner to make extensions to the property.

Comment:

The DCP provisions for contributory items do not preclude modification or extension to a property. The general objectives for Heritage Conservation Areas state that “...*contributory items are retained and where practical improved, with a focus to locate new work to the rear or away from publicly visible elevations of building*” (Part B 13.6.1). These controls recognise the need for property owners to be able to modify, alter or extend their property in order to meet changing needs and ensure household amenity.

As discussed in the previous section, the proposed amendment to NSDCP 2013 would require the consideration of additional matters in the development assessment process. These additional controls aim to ensure that new development retains characteristic features where reasonable, and that new work is located away from the public domain. The proposed amendment will therefore not impede the current or future property owner from making additions, modifications or alterations to the property in future, provided the heritage significance of the property is maintained.

3.4 Nature of the Amendment

A submission claimed that NSDCP 2013 has never been amended in this way since it came into effect. Despite having been amended 18 times since 2013, none of these amendments relate to the addition of “contributory items”.

Comment:

Though NSDCP 2013 has not been amended in this particular way before, it is entirely reasonable for Council to make alterations to its DCP when new information comes to light or new concerns emerge within the community. Amendments of this type have typically been undertaken as part of LGA-wide heritage reviews, with the last review undertaken in 2009 prior to the enactment of NSDCP 2013. In this case, heritage concerns arose in response to a development application involving the subject property. In response to these concerns a heritage assessment of the property was undertaken, and this assessment concluded that the

property should be identified as a “contributory item”. Council has sought to amend its DCP in line with the conclusions of this assessment.

3.5 Redevelopment of 8 Hayes Street and Potential Impacts on Neighbourhood

One submission raised concern with respect to the redevelopment potential of 8 Hayes Street if it is not identified as a contributory item. In particular, concern was raised that their property would be adversely affected by any redevelopment of 8 Hayes Street. Another submission noted that the redevelopment of the subject property is no longer possible given the finalising of the heritage listing for 6 Hayes Street and the opposition of the owners of 10 Hayes Street to the previous development application (DA 299/18).

Comment:

8 Hayes Street, Neutral Bay, it is currently identified as a “neutral item” within the Kurraba Point Conservation Area. There are already provisions in place under Part B, Section 13 of NSDCP 2013 in relation to neutral items maintaining characteristic features, removing unsympathetic elements and minimising changes to original fabric. This is in addition to the considerations for all development within the heritage conservation area under NSLEP 2013. This limits potential adverse impacts of development on the site on the character of the conservation area.

Contributory items under NSDCP 2013 are required to be assessed against even more criteria during the development assessment process in order to avoid or minimise any potential adverse impacts. These matters include a stronger focus on the appearance of the building from the public domain, retaining original and characteristic features and the preservation of the significance of the streetscape. This means that there is still potential for some forms development on the site, as discussed in previous sections. It is important to note however, that Council does not support the demolition of contributory items.

Although the previous development application in relation to the subject property has been withdrawn, the current planning controls do not provide full assurance that another such application may not be pursued in the future. In undertaking the proposed amendment to NSDCP 2013, Council seeks to provide current and future property owners, as well as the community more broadly, with certainty around the types of development permitted on the site, and to further protect the heritage significance of the Kurraba Point Conservation Area in the long term.

4 Conclusion

The Draft Amendment to NSDCP 2013 seeks to identify 8 Hayes Street, Neutral Bay as a “contributory item” within the Kurraba Point Conservation Area. The draft amendment has been informed by the Preliminary Heritage Assessment prepared by GML Heritage in January 2019. All but one of the submissions received were supportive of the proposed amendment. One submission strongly opposed to the proposed identification of the property as a contributory item. However, the objections raised in this submission were not sufficiently justified. Therefore, despite these concerns, the draft amendment to NSDCP 2013 should

proceed, as it has been undertaken in accordance with the recommendations of a comprehensive heritage assessment process.

It is therefore recommended that Council adopt the draft amendment to NSDCP 2013 as attached and notify its endorsement in accordance with the EP&A Act.



APPENDIX 1 HERITAGE – CONTRIBUTORY, NEUTRAL & UNCHARACTERISTIC ITEMS

1.1 INTRODUCTION

Heritage conservation areas have a cohesive sense of place. Their significance is often a function of the subdivision and street pattern, combined with buildings that share common periods of development, historical associations, materials, form and scale.

Buildings that are not heritage items are identified as contributory, neutral or uncharacteristic. The contribution of any building to the conservation area should guide the approach to development.

1.2 GENERAL OBJECTIVES

The general objectives of this Appendix to the DCP is to identify those properties within an heritage conservation area which comprise a "contributory", "neutral" or "uncharacteristic" item.

1.3 RELATIONSHIP TO OTHER SECTIONS

This Appendix should be read in conjunction with Part B: Section 13 - *Heritage and Conservation*.

1.4 ITEM IDENTIFICATION

- A1 Table App-1.1 lists all contributory items.
- A2 Table App-1.2 lists all uncharacteristic items.
- A3 Those properties not listed in Tables App-1.1 or App-1.2 or identified as a heritage item under NSLEP 2013 are deemed to be neutral items.



Draft Amendment - North Sydney Development Control Plan 2013

Heritage – Contributory, Neutral & Uncharacteristic Items

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TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
90	Albany Street	Crows Nest	Holtermann Estate A
92	Albany Street	Crows Nest	Holtermann Estate A
94	Albany Street	Crows Nest	Holtermann Estate A
96	Albany Street	Crows Nest	Holtermann Estate A
120	Alexander Street	Crows Nest	Holtermann Estate A
122	Alexander Street	Crows Nest	Holtermann Estate A
126	Alexander Street	Crows Nest	Holtermann Estate A
130	Alexander Street	Crows Nest	Holtermann Estate A
132	Alexander Street	Crows Nest	Holtermann Estate A
134	Alexander Street	Crows Nest	Holtermann Estate A
136	Alexander Street	Crows Nest	Holtermann Estate A
141	Alexander Street	Crows Nest	Holtermann Estate A
143	Alexander Street	Crows Nest	Holtermann Estate A
145	Alexander Street	Crows Nest	Holtermann Estate A
159	Alexander Street	Crows Nest	Holtermann Estate A
161	Alexander Street	Crows Nest	Holtermann Estate A
163	Alexander Street	Crows Nest	Holtermann Estate A
165	Alexander Street	Crows Nest	Holtermann Estate A
167	Alexander Street	Crows Nest	Holtermann Estate A
59	Amherst Street	Cammeray	Cammeray
61	Amherst Street	Cammeray	Cammeray
63	Amherst Street	Cammeray	Cammeray
65	Amherst Street	Cammeray	Cammeray
67	Amherst Street	Cammeray	Cammeray
72	Amherst Street	Cammeray	Cammeray
73	Amherst Street	Cammeray	Cammeray
74	Amherst Street	Cammeray	Cammeray
75	Amherst Street	Cammeray	Cammeray
76	Amherst Street	Cammeray	Cammeray
77	Amherst Street	Cammeray	Cammeray
78	Amherst Street	Cammeray	Cammeray
79	Amherst Street	Cammeray	Cammeray

TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
80	Amherst Street	Cammeray	Cammeray
81	Amherst Street	Cammeray	Cammeray
83	Amherst Street	Cammeray	Cammeray
84	Amherst Street	Cammeray	Cammeray
86	Amherst Street	Cammeray	Cammeray
98	Amherst Street	Cammeray	Cammeray
100	Amherst Street	Cammeray	Cammeray
102	Amherst Street	Cammeray	Cammeray
2	Ancrum Street	Waverton	Union / Bank / Thomas Streets
7	Ancrum Street	Waverton	Union / Bank / Thomas Streets
8	Ancrum Street	Waverton	Union / Bank / Thomas Streets
9	Ancrum Street	Waverton	Union / Bank / Thomas Streets
10	Ancrum Street	Waverton	Union / Bank / Thomas Streets
23	Ancrum Street	Waverton	Union / Bank / Thomas Streets
25	Ancrum Street	Waverton	Union / Bank / Thomas Streets
27-29	Ancrum Street	Waverton	Union / Bank / Thomas Streets
34	Ancrum Street	Waverton	Union / Bank / Thomas Streets
36	Ancrum Street	Waverton	Union / Bank / Thomas Streets
37	Ancrum Street	Waverton	Union / Bank / Thomas Streets
38	Ancrum Street	Waverton	Union / Bank / Thomas Streets
39	Ancrum Street	Waverton	Union / Bank / Thomas Streets
41	Ancrum Street	Waverton	Union / Bank / Thomas Streets
58	Ancrum Street	Waverton	Union / Bank / Thomas Streets
59	Ancrum Street	Waverton	Union / Bank / Thomas Streets
25	Arthur Street	Lavender Bay	Lavender Bay
63	Atchison Street	Crows Nest	Holtermann Estate A
65	Atchison Street	Crows Nest	Holtermann Estate A
67	Atchison Street	Crows Nest	Holtermann Estate A
73	Atchison Street	Crows Nest	Holtermann Estate A
75	Atchison Street	Crows Nest	Holtermann Estate A
77	Atchison Street	Crows Nest	Holtermann Estate A
79	Atchison Street	Crows Nest	Holtermann Estate A



TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
75	Hayberry Street	Crows Nest	Holtermann Estate C
76	Hayberry Street	Crows Nest	Holtermann Estate C
77	Hayberry Street	Crows Nest	Holtermann Estate C
78	Hayberry Street	Crows Nest	Holtermann Estate C
79	Hayberry Street	Crows Nest	Holtermann Estate C
80	Hayberry Street	Crows Nest	Holtermann Estate C
81	Hayberry Street	Crows Nest	Holtermann Estate C
82	Hayberry Street	Crows Nest	Holtermann Estate C
83	Hayberry Street	Crows Nest	Holtermann Estate C
84	Hayberry Street	Crows Nest	Holtermann Estate C
86	Hayberry Street	Crows Nest	Holtermann Estate C
90	Hayberry Street	Crows Nest	Holtermann Estate C
92	Hayberry Street	Crows Nest	Holtermann Estate C
94	Hayberry Street	Crows Nest	Holtermann Estate C
96	Hayberry Street	Crows Nest	Holtermann Estate C
98	Hayberry Street	Crows Nest	Holtermann Estate C
100	Hayberry Street	Crows Nest	Holtermann Estate C
110	Hayberry Street	Crows Nest	Holtermann Estate C
112	Hayberry Street	Crows Nest	Holtermann Estate C
114	Hayberry Street	Crows Nest	Holtermann Estate C
8	Hayes Street	Neutral Bay	Kurraba Point
11	Hayes Street	Neutral Bay	Kurraba Point
13	Hayes Street	Neutral Bay	Kurraba Point
14	Hayes Street	Neutral Bay	Kurraba Point
15	Hayes Street	Neutral Bay	Kurraba Point
17	Hayes Street	Neutral Bay	Kurraba Point
31	Hayes Street	Neutral Bay	Kurraba Point
33	Hayes Street	Neutral Bay	Kurraba Point
3	Hazelbank Road	Wollstonecraft	Crows Nest
9	Hazelbank Road	Wollstonecraft	Crows Nest
11	Hazelbank Road	Wollstonecraft	Crows Nest
11A	Hazelbank Road	Wollstonecraft	Crows Nest
15	Hazelbank Road	Wollstonecraft	Crows Nest

TABLE App-1.1: Contributory Items

St. No	Street	Suburb	Conservation Area
17	Hazelbank Road	Wollstonecraft	Crows Nest
19	Hazelbank Road	Wollstonecraft	Crows Nest
21	Hazelbank Road	Wollstonecraft	Crows Nest
23	Hazelbank Road	Wollstonecraft	Crows Nest
27	Hazelbank Road	Wollstonecraft	Crows Nest
114A	High Street	North Sydney	Careening Cove
115	High Street	North Sydney	Careening Cove
127	High Street	North Sydney	Careening Cove
141	High Street	North Sydney	Careening Cove
143	High Street	North Sydney	Careening Cove
147	High Street	North Sydney	Careening Cove
149	High Street	North Sydney	Careening Cove
151	High Street	North Sydney	Careening Cove
2	Hipwood Street	Kirribilli	Careening Cove
4	Hipwood Street	Kirribilli	Careening Cove
6	Hipwood Street	Kirribilli	Careening Cove
8	Hipwood Street	Kirribilli	Careening Cove
10	Hipwood Street	Kirribilli	Careening Cove
12	Hipwood Street	Kirribilli	Careening Cove
12	Hodgson Avenue	Cremorne Point	Cremorne
16	Hodgson Avenue	Cremorne Point	Cremorne
18	Hodgson Avenue	Cremorne Point	Cremorne
20	Hodgson Avenue	Cremorne Point	Cremorne
24	Hodgson Avenue	Cremorne Point	Cremorne
4	Holbrook Avenue	Kirribilli	Kirribilli
23	Holbrook Avenue	Kirribilli	Kirribilli
25	Holbrook Avenue	Kirribilli	Kirribilli
16	Holtermann Street	Crows Nest	Holtermann Estate B
18	Holtermann Street	Crows Nest	Holtermann Estate B
20	Holtermann Street	Crows Nest	Holtermann Estate B
22	Holtermann Street	Crows Nest	Holtermann Estate B
24	Holtermann Street	Crows Nest	Holtermann Estate B
26	Holtermann Street	Crows Nest	Holtermann Estate B

6 and 8 Hayes Street, Neutral Bay

Preliminary Heritage Assessment

Report prepared for North Sydney Council

January 2019



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GML Heritage**Report Register**



The following report register documents the development and issue of the report entitled 6 and 8 Hayes Street, Neutral Bay—Preliminary Heritage Assessment undertaken by GML Heritage Pty Ltd in accordance with its quality management system.

Job No.	Issue No.	Notes/Description	Issue Date
18-0695	3	Final Report	14 January 2019

Quality Assurance

GML Heritage Pty Ltd operates under a quality management system which has been certified as complying with the Australian/New Zealand Standard for quality management systems AS/NZS ISO 9001:2008.

The report has been reviewed and approved for issue in accordance with the GML quality assurance policy and procedures.

Project Manager:	Lisa Trueman	Project Director & Reviewer:	Claire Nunez
Issue No.	3	Issue No.	3
Signature		Signature	
Position:	Senior Consultant	Position:	Associate
Date:	14 January 2019	Date:	14 January 2019

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1.0 Introduction

1.1 Background

GML Heritage Pty Ltd (GML) has been commissioned by North Sydney Council (Council) to provide a preliminary heritage assessment of 6 and 8 Hayes Street, Neutral Bay, in order to determine whether one or both properties are eligible to be the subject of an Interim Heritage Order (IHO). This report is a high-level preliminary assessment undertaken to determine if an IHO should proceed. Should an IHO proceed, a further detailed assessment will be required, and a further report will be provided to Council.

The existing dwellings at 6 and 8 Hayes Street are not currently listed as heritage items. However, they are located within the Kurraba Point Conservation Area, which is listed within Schedule 5 (Heritage Items) of the *North Sydney Local Environmental Plan 2013* (NSLEP). The existing detached houses on the properties both date from 1923/1924, and were erected by the same builder, HE Edwards. Both properties display distinctive qualities characteristic of Hayes Street and the Kurraba Point Heritage Conservation Area.

Council has received a development application (DA 299/18) that involves the demolition of both houses and the construction of a new four-storey residential flat building that extends across both sites. In response to the proposed demolition, Council resolved on 29 October 2018 to apply for an IHO on both properties.

The historical research, site investigation and heritage assessment in Sections 2–5 of this report provide the framework for determining whether an IHO should proceed on one or both of the subject properties.

1.2 Site Identification

The subject sites are located at 6 and 8 Hayes Street, Neutral Bay, within the North Sydney Local Government Area (LGA) and are identified in Figure 1.1 and 1.2 below. The properties are located on the western side of Hayes Street and comprise Lot 5 DP 192932 and Lot 4 DP 192932. The subject sites and surrounding land is zoned R4—High Density Residential.

The subject sites front Hayes Street and are bounded by Manns Avenue to the south and 10 Hayes Street to the north. The rear boundary of both sites abuts the Elevera Private Hotel at 2 Manns Avenue. No. 6 Hayes Street occupies a prominent position on the corner of Hayes Street and Manns Avenue, and both properties are characteristic elements in the Hayes Street streetscape, which forms the historic entry to Neutral Bay from the ferry wharf.

1.3 Heritage Context

The sites are located within the Kurraba Point Heritage Conservation Area, as listed in Schedule 5 of the NSLEP. They have not been identified within Appendix A of the *North Sydney Development Control Plan 2013* (NSDCP), which lists properties that are identified as being contributory or uncharacteristic to the conservation area. As such, both properties are currently considered by the NSDCP to have a neutral contribution to the significance and character of the conservation area.

The properties are located within the vicinity of a number of local heritage items and contributory buildings. Detailed information on the heritage context of the subject sites is provided in Section 4.1 of this report.

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1.4 Limitations

Although GML inspected the interior of both properties, at the request of the property owner photographs were not taken. As such, it was not possible to provide interior photographs in this report.

This report has relied on historical information provided by Council and contained in the applicant's Heritage Impact Statement (HIS) prepared by Urbis in 2018. No additional historic research has been undertaken for this preliminary report.

1.5 Methodology

This report has been prepared in accordance with the *Statements of Heritage Impact* guidelines as published by the Heritage Office and Department of Urban Affairs and Planning 1996, revised 2002. It is also consistent with the relevant principles and guidelines of the *Australia ICOMOS Burra Charter, 2013* (the Burra Charter).

Background historical information has been drawn from the Heritage Impact Statement (Urbis, 2018) submitted with the proponent's development application (DA 299/18), and information provided by North Sydney Council Historian Ian Hoskins.

1.6 Author Identification

This report has been prepared by Lisa Trueman (Senior Heritage Consultant) and Isabelle Rowlatt (Heritage Consultant). Claire Nunez (Associate) has provided input into and reviewed this report.

1.7 Terminology

The terminology used in this report is consistent with the *NSW Heritage Manual*, prepared by the Heritage Office (now Heritage Division), and the Burra Charter.

Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.

Fabric means all the physical material of the place including components, fixtures, contents, and objects.

Conservation means all the processes of looking after a place so to retain its cultural significance.

Maintenance means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.

Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.

Restoration means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Reconstruction means returning the place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.

Adaptation means modifying a place to suit the existing use or a proposed use.

Use means the functions of a place, as well as the activities and practices that may occur at the place.

Compatible use means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.

Curtilage is defined as the area of land surrounding an item that is required to retain its heritage significance. The nature and extent of the curtilage will vary and can include but is not limited to lot boundaries and visual catchments.

Setting means the area around a place, which may include the visual catchment.

Related place means a place that contributes to the cultural significance of another place.¹

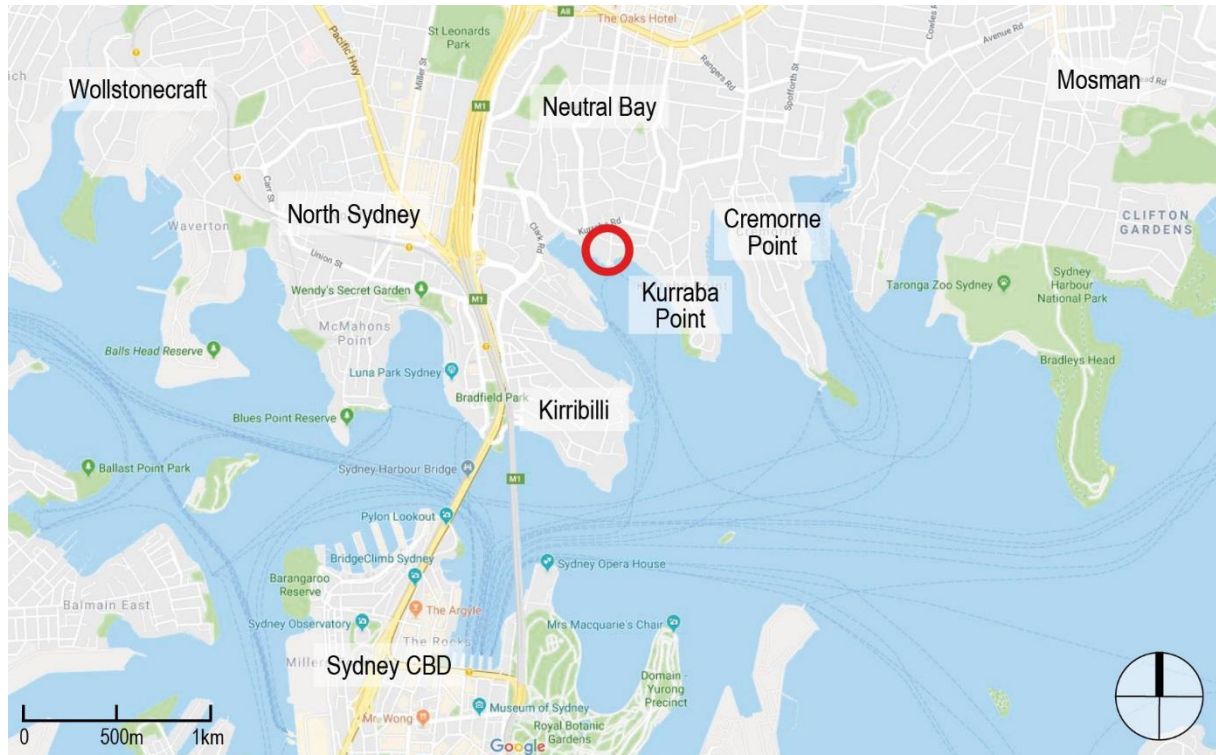


Figure 1.1 Location of the subject properties within the wider Sydney context. (Source: Google Maps with GML overlay)

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Figure 1.2 Immediate context of the subject site. (Source: Google Maps with GML overlay)

2.0 Statutory Context

2.1 Introduction

In NSW, items of heritage significance are afforded statutory protection under the following Acts:

- *Heritage Act 1977* (NSW) (Heritage Act); and
- *Environmental Planning and Assessment Act 1979* (NSW) (EPA Act).

2.2 Heritage Act 1977

The Heritage Act is a statutory tool designed to conserve NSW's environmental heritage. It is used to regulate the impacts of development on the state's heritage assets. The Heritage Act describes a heritage item as 'a place, building, work, relic, moveable object or precinct'.

The subject sites are not listed on the State Heritage Register (SHR). There is one item listed on the SHR in their vicinity, located at 2 Manns Avenue and discussed further in Section 4.1.

2.3 Environmental Planning and Assessment Act 1979

The EPA Act is administered by the NSW Department of Planning and Environment and provides for environmental planning instruments to be made to guide the process of development and land use. The EPA Act also provides for the protection of local heritage items and conservation areas through listing on Local Environmental Plans (LEPs) and State Environmental Planning Policies (SEPPs) which provide local councils with the framework required to make planning decisions.

2.3.1 North Sydney Local Environmental Plan 2013

NSLEP is the principal environmental planning instrument applying to the land. Schedule 5 of the NSLEP identifies heritage items and heritage conservation areas. The subject sites are located within a listed conservation area. The objectives of Clause 5.10 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.*

2.3.2 North Sydney Development Control Plan 2013

NSDCP Part B Section 13 (Heritage and Conservation) provides specific development objectives and controls for conservation areas (including contributory, neutral or uncharacteristic properties), heritage items and development in the vicinity of heritage items.

NSDCP Part C Section 6 (Area Character Statements) contains the Character Statement for the Kurraba Point Conservation Area, including the Statement of Significance and description of significant, characteristic and uncharacteristic elements.

3.0 Site Analysis

3.1 Local Context

The main approaches to the subject properties are from the north down Hayes Street, from the east along Wycombe Lane, or from the south when approaching from the Neutral Bay wharf. The street slopes upwards from the wharf towards Kurraba Road. The subject properties are located approximately halfway up this slope, in the middle of Hayes Street.

The area is characterised by a mix of Federation, Edwardian and Inter-war dwellings, 1930s residential flat buildings, and some earlier Victorian development. There are several particularly notable houses that are excellent examples of their period, including the properties Nutcote, Wallaringa, and The Hastings, which are listed as heritage items.

Prominent views within the context of the properties include views from the top of Hayes Street to the harbour, as well as views within streetscapes of Neutral Bay of architecturally designed homes and large waterfront lots.

Both 6 and 8 Hayes Street are large, two-storey dwellings that display qualities characteristic of the architectural form and pattern of the streetscape—No. 6 in particular, which retains its high gabled roof, rough cast cement render to the exterior walls, painted brickwork and original chimney. Both buildings appear to be in very good condition and have been well maintained.

Hayes Street contains a large number of trees and associated landscape plantings of a variety of sizes and species. Street plantings include a significant number of palm trees along the entire length of Hayes Street. There are several plantings on private property that also contribute to the character of the street, including large trees within front yards and boundary hedging.

Both subject properties have substantial hedging across their street-facing boundaries. No. 6 has several tall cypress trees that are visible from the street.

3.2 No. 6 Hayes Street

No. 6 Hayes Street is a two-storey dwelling on the corner of Hayes Street and Manns Avenue. Its primary frontage is to Hayes Street, with vehicular access off Manns Avenue. The property is bounded by a high rendered wall with substantial hedge plantings facing Hayes Street. The exterior walls of the building are painted masonry with roughcast cement render to the upper level, with a colour palette of buff render with navy trim to the windows, doors and fascia. It has a high pitched terracotta tiled roof consistent with those of the adjacent buildings, with exposed rafter ends typical of many interwar period dwellings. The building features hung timber shingles to its gables, characteristic of the conservation area and seen in other contributory and heritage listed properties in the vicinity.

There is an entry porch on the southern side of the building, accessed via a tall gate. It has private outdoor spaces surrounding the dwelling. Prominent features of the house include the decorative moulded ceiling detail throughout the house, particularly in the upstairs bedrooms; the timber framed triple-pane hung windows; the original roughcast chimney and cast-iron fireplace; and the timber lattice detailing to the gable facing Hayes Street.

3.3 No. 8 Hayes Street

No. 8 Hayes Street is similar in scale, although does not share the same dramatic planes and angled forms as No. 6. The masonry exterior is painted pale blue and features the same navy trim to the window frames and eaves, along with the similar triple-paned windows. Vehicular access is via a driveway on the southern side of the property, accessed from Hayes Street and on the shared boundary with No. 6. No. 8 also has a small front yard with substantial hedge plantings to the Hayes Street boundary.

Prominent elements of the house include the bay windows to the Hayes Street façade with the same timber lattice detail to the eastern gable as No. 6, and similar triple-paned hung windows; its entry porch with square timber columns and 15-pane double doors; the internal stairway details and panelled ceilings.

There is an addition at the rear that dates from the 1990s. The verandah to the front elevation has been enclosed on both levels to form a sunroom; however, this does not inhibit the contribution of the house to the streetscape, and the key characteristics of the dwelling can still be readily perceived.

3.4 Photographs

The following photographs were taken by GML on 7 and 9 December 2018. Internal photographs were not taken at the request of the property owners.



Figure 3.1 View of the subject properties within their immediate context, looking south down Hayes Street. No. 8 is in the centre with No. 6 just beyond. (Source: GML, 2018)



Figure 3.2 View of the subject properties looking north up Hayes Street. No. 6 is in the foreground on the corner of Hayes Street and Manns Avenue. (Source: GML, 2018)



Figure 3.3 8 Hayes Street. (Source: GML, 2018)



Figure 3.4 8 Hayes Street. (Source: GML, 2018)

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Figure 3.5 6 Hayes Street, south elevation viewed from Manns Avenue. (Source: GML, 2018)



Figure 3.6 Rear of 6 Hayes Street from Manns Avenue, showing driveway entry. (Source: GML, 2018)



Figure 3.7 Detail view of the northern elevation of 6 Hayes Street. Note the prominent cypress trees, gable detail, chimney and roughcast exterior render. (Source: GML, 2018)



Figure 3.8 Detail view of the chimney at 6 Hayes Street. (Source: GML, 2018)



Figure 3.9 View of the rear of 6 Hayes Street, from the neighbouring property at 2 Manns Avenue. (Source: GML, 2018)



Figure 3.10 Exterior view of 8 Hayes Street. (Source: GML, 2018)



Figure 3.11 Hayes Street Streetscape looking north. (Source: GML, 2018)



Figure 3.12 Hayes Street streetscape looking north. (Source: GML, 2018)

4.0 Heritage Context

4.1 Heritage Listings

The subject properties are located within the Kurraba Point Heritage Conservation Area, as listed in Schedule 5 of NSLEP 2013 and shown in Figure 4.1. The properties are both identified within NSDCP Appendix A as 'neutral' buildings. They are located in the vicinity of a number of heritage items and contributory buildings, as shown in Figures 4.1 and 4.2, and Tables 4.1 and 4.2 .

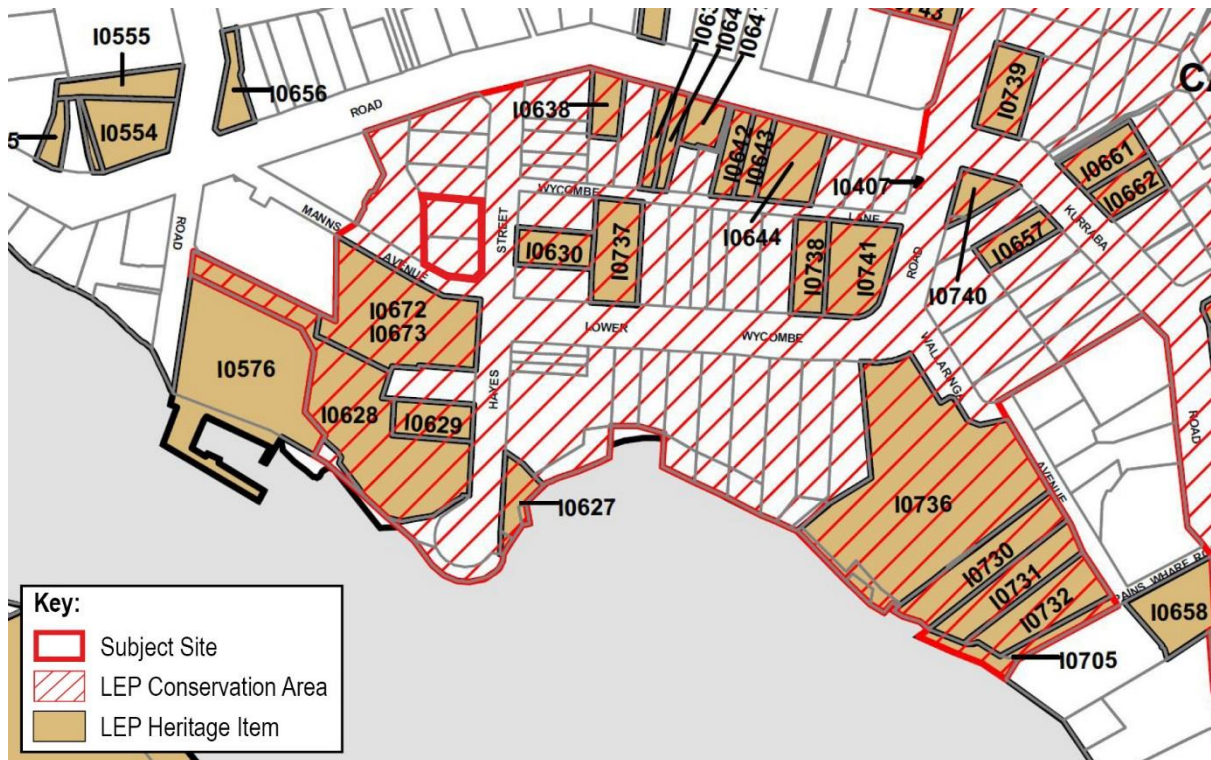


Figure 4.1 NSLEP Heritage Map indicating the subject site within its heritage context. (Source: NSLEP with GML overlay)

4.1.1 Heritage Items in the Vicinity

Table 4.1 Heritage Items in the Vicinity of 6 and 8 Hayes Street.

Item Name	Address	Significance	Listing	Item No.
Neutral Bay Wharf	1–5A Hayes Street	Local	NSLEP 2013	10627
'The Hastings'	2 Hayes Street	State and local	SHR NSLEP 2013	00567 10628
Kcot-Sedar	4 Hayes Street	Local	NSLEP 2013	10629
Former Neutral Bay Post Office	19 Hayes Street	Local	NSLEP 2013	10630
Customs Marine Centre	Ben Boyd Road	Local	NSLEP 2013	10576

Item Name	Address	Significance	Listing	Item No.
House	7 Manns Avenue	Local	NSLEP 2013	I0672
House	9–11 Manns Avenue	Local	NSLEP 2013	I0673
Wallaringa Mansions	1 Wallaringa Avenue	Local	NSLEP 2013	I0736
House	2 Wycombe Road	Local	NSLEP 2013	I0737
Flat Building	18 Wycombe Road	Local	NSLEP 2013	I0738
Wycombe Private Hotel	28 Wycombe Road	Local	NSLEP 2013	I0741

4.1.2 Kurraba Point Heritage Conservation Area

The properties lie within a heritage conservation area identified as Kurraba Point Heritage Conservation Area, one of 25 such conservation areas in the NSLEP. The NSDCP provides the following Statement of Significance for the conservation area:

The Kurraba Point Conservation Area is significant:

- a) *As an early harbourside suburb that has retained significant examples of its major 19th century development phase with good examples of later periods of development including some fine inter war flat buildings;*
- b) *For the large number of architecturally distinguished homes, some that have a strong relationship with the water and include the work of BJ Waterhouse, Jefferson Jackson and Walter Liberty Vernon;*
- c) *For its irregular subdivision pattern with irregular street pattern and widths that allied to the topography and plantings and mature trees add to a high quality luxuriant character.*

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Figure 4.2 Map of Kurraba Point Conservation Area. (Source: NSDCP 2013)



Figure 4.3 The subject site with surrounding heritage and contributory items. (Source: Google Maps with GML overlay)

4.1.3 Contributory Items in the Vicinity

The conservation area is characterised by large Federation, Edwardian-era and Interwar detached houses and Interwar residential flat buildings. Appendix 1 of the NSDCP lists a number of dwellings as contributory or uncharacteristic according to their contribution to the conservation area. Contributory buildings are listed in Table 4.2 below and identified in Figure 4.3.

Table 4.2 Contributory Items in the Vicinity of 6 and 8 Hayes Street.

Item Name	Address
Contributory Item	11 Hayes Street
Contributory Item	13 Hayes Street
Contributory Item	14 Hayes Street
Contributory Item	15 Hayes Street
Contributory Item	17 Hayes Street
Contributory Item	31 Hayes Street
Contributory Item	33 Hayes Street
Contributory Item	6 Wycombe Road
Contributory Item	6A Wycombe Road

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Item Name	Address
Contributory Item	8 Wycombe Road
Contributory Item	10 Wycombe Road
Contributory Item	11 Wycombe Road
Contributory Item	12 Wycombe Road
Contributory Item	14 Wycombe Road
Contributory Item	15 Wycombe Road
Contributory Item	2 Manns Avenue

4.1.4 Photographs of Heritage and Contributory Items in the Hayes Street Area

Heritage and contributory items are shown in the photographs below. Many of these buildings display similar architectural characteristics to the subject dwellings at 6 and 8 Hayes Street, particularly the high pitched gabled roofs, window detailing, colour and material palettes, and chimneys.

Heritage Items

Figure 4.4 The Hastings, 2 Hayes Street (Source: GML, 2018)



Figure 4.5 Neutral Bay Ferry Wharf (heritage item). (Source: GML, 2018)



Figure 4.6 7 Manns Avenue (corner Hayes Street and Manns Ave) (Source: GML, 2018)



Figure 4.7 Kcot Sedar, 4 Hayes Street (Source: GML, 2018)



Figure 4.8 17 Hayes St - former Neutral Bay Post Office (in centre). (Source: GML, 2018)



Figure 4.9 Wallaringa Mansions 1 Wallaringa Avenue. (Source: GML, 2018)



Figure 4.10 Wallaringa Mansions. (Source: GML, 2018)



Figure 4.11 Wycombe Private Hospital 28 Wycombe Road Source: GML, 2018)

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Contributory Items



Figure 4.12 11 - 15 Hayes Street. (Source: GML, 2018)



Figure 4.13 17 Hayes Street (Source: GML, 2018)



Figure 4.14 2 Manns Avenue. (Source: GML, 2018)



Figure 4.15 Contributory items in Lower Wycombe Road. (Source: GML, 2018)



Figure 4.16 Contributory items in Lower Wycombe Road. (Source: GML, 2018)



Figure 4.17 Contributory items in Lower Wycombe Road. (Source: GML, 2018)



Figure 4.18 Contributory items in Lower Wycombe Road.
(Source: GML, 2018)



Figure 4.19 11 Lower Wycombe Road (contributory). (Source: GML, 2018)

5.0 Preliminary Heritage Assessment

This report has reviewed the heritage assessment and historic information contained in the applicant's HIS submitted with DA 299/18 and additional information provided by Council. This section provides an analysis of the information provided by the applicant and an independent preliminary heritage assessment of the two properties using the appropriate methodology and guidelines.

5.1 Applicant's Heritage Impact Statement

GML has reviewed the historic information and heritage assessment of the two properties provided in the applicant's HIS to determine if the information is adequate to support the conclusions made in relation to the significance of the properties and their contribution to the Kurraba Point Conservation Area, with the following conclusions.

5.1.1 Historical Analysis

- While the Urbis report has provided 1890s Block Plans from Stanton Library, Land Titles documentation and a Building Register reference to the house's construction in 1923/1924, analysis of the houses within the context of the wider suburb or social context other than early landowners has not been provided.
- The historical documentation provided in the report has not been interpreted, other than as a list of owners and outline of blank blocks on maps before the houses were built, and the significance of the properties within the broader context of the development of the area has not been considered.
- The research undertaken to date has not identified an association with a specific architect (the 1923–24 Building Register only listed a builder HE Edwards), and further research should be undertaken. In addition, detailed research into the broader historic character and development of the area should be undertaken. Aerial photographs and water board plans should be consulted to show the area's development over time.

5.1.2 Heritage Assessment

- The Urbis report does not properly assess the significance of the properties against the appropriate guidelines for the assessment of heritage significance.
- The report has failed to acknowledge the contribution of the properties to the significance and character of the conservation area or their representativeness to the local area. The buildings originate from the significant era of development of the conservation area and provide strong evidence of, and contribute to, the identified historic and aesthetic significance of the conservation area.

In conclusion, the applicant's HIS is inadequate to make an informed assessment of the significance of the existing dwellings at 6 and 8 Hayes Street, Neutral Bay, because:

- a) It does not properly assess the significance of the properties and has not followed the appropriate guidelines for the assessment of heritage significance.

- b) It has failed to acknowledge the contribution of the properties to the significance of the conservation area or their representativeness to the local area. The buildings originate from the significant era of development of the conservation area and provide evidence of, and contribute to, the identified historic and aesthetic significance of the conservation area.
- c) The historic documentation is limited and does not address the role of the properties in relation to the historic character and development of the area.

5.2 Revised Heritage Assessment

Review of the historical background of the subject properties, the lack of information provided in the Urbis HIS, as well as an inspection of the properties and surrounding context, has indicated that further assessment of the significance of both properties is required. A preliminary discussion of both properties with consideration to the NSW Heritage Significance Criteria is provided below to indicate whether one or both could potentially be listed pending further investigation.

The NSW Heritage Office Heritage Assessment Guidelines are included in Appendix A of this report.

Table 5.1 Preliminary Discussion of Significance for 6 and 8 Hayes Street.

Criterion	Discussion
<p>Criterion A—An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).</p>	<p>Both allotments display evidence of the historic development of Neutral Bay, being part of the subdivision of the historic estate Elevera in 1921. Both properties, through their subdivision pattern and era of construction, have a strong contribution to the significance of the Kurraba Point Conservation Area. Although the properties form an important part of the collective understanding of the historic development of the conservation area, they are not likely to reach the threshold for individual listing based on this criterion.</p> <p>It is unlikely that either property has the potential to meet this criterion.</p>
<p>Criterion B—An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).</p>	<p>Historic information about the development of the Neutral Bay area and site investigations indicate that it is possible that No. 6 Hayes Street may have been designed by a known or respected architect. Review of previous historical research undertaken by Urbis and North Sydney Council indicates that the properties were constructed by the same builder, HE Edwards, but have not identified an architect.</p> <p>There is some connection between 8 Hayes Street and the Australian music group INXS, the members of which were listed as the owners of the property between 1984 and 1987. However, the band members purchased the property as an investment and did not live or record music in the house. The association with INXS is not considered to be strong and the property does not reach the threshold for heritage listing for this association.</p> <p>There is potential for No. 6 Hayes Street to meet this criterion. Further investigation is recommended to determine if the house was designed by a significant architect.</p>

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Criterion	Discussion
<p>Criterion C—An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).</p>	<p>Nos 6 and 8 Hayes Streets demonstrate key stylistic elements characteristic of the Kurraba Point Conservation Area and of the various English Revival styles that were typical of many Federation houses in Sydney between 1900 and the 1920s. Council’s historian has noted that No. 6 Hayes Street in particular reflects the wave of the English Revival style of architecture that characterised Sydney from 1900 to the 1920s and the ‘fact it was built so late, and possibly without the input of an architect, is evidence of how intrinsic the style and design language of English Revival was by the 1920s.’</p> <p>No. 6 Hayes Street is a good example of this period, and many of its features—including its dramatic angles, high pitched gabled roof, chimney detail, roughcast cement render, hung shingles and landscaping—are consistent with its neighbouring contributory buildings and listed heritage items. Whilst its large dormer window facing Hayes Street has been modified, it is not considered to detract from the overall contribution of the house to its context.</p> <p>No. 8 Hayes Street also demonstrates some qualities characteristic of the conservation area. Its materiality, form, scale and design are consistent with the streetscape and the building contributes to the overall character of the area.</p> <p>Both 6 and 8 Hayes Street provide a strong contribution to the significance of the Kurraba Point Conservation Area through their built form and architectural features. Both properties should, at a minimum, be considered contributory buildings within the Kurraba Point Conservation Area.</p> <p>No. 6 Hayes Street warrants further investigation in order to determine if it reaches the threshold for individual listing under this criterion.</p> <p>It is unlikely that No. 8 Hayes Street would meet this criterion for listing in its own right, given its simpler architectural form and modifications.</p> <p>There is potential for No. 6 Hayes Street to meet this criterion. Further investigation is recommended. The information provided in the applicant’s HIS is inadequate to make a proper assessment of the significance against this criterion.</p>
<p>Criterion D—An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.</p>	<p>It is unlikely that either property has the potential to meet this criterion.</p>
<p>Criterion E—An item has potential to yield information that will contribute to an understanding of NSW’s cultural or natural history (or the cultural or natural history of the local area).</p>	<p>It is unlikely that either property has the potential to meet this criterion.</p>
<p>Criterion F—An item possesses uncommon, rare or endangered aspects of NSW’s cultural or natural history (or the cultural or natural history of the local area).</p>	<p>It is unlikely that either property has the potential to meet this criterion.</p>

Criterion	Discussion
<p>Criterion G—An item is important in demonstrating the principal characteristics of a class of NSW's</p> <ul style="list-style-type: none"> • Cultural or natural places, or • Cultural or natural environments. <p>(Or a class of the local area's</p> <ul style="list-style-type: none"> • Cultural or natural places, or • Cultural or natural environments.) 	<p>No. 6 Hayes Street is representative of an important period of construction in Sydney, displaying typical characteristics of the British revival styles that were common in Federation houses built between 1900 and the 1920s. It is consistent with the many other contributory and heritage listed buildings in the conservation area that reflect the British sensibility permeating the design and materiality of houses of that era. This style was introduced by immigrant architects such as Jefferson Jackson and Walter Liberty Vernon, who both built houses in the conservation area. The fact that so many houses in this style were built is a tribute to how widely these design principles were adopted in Neutral Bay and have been valued by the community since.</p> <p>There is potential for No. 6 Hayes Street to meet this criterion. Further investigation is recommended.</p>

5.3 Contribution to the Kurraba Point Conservation Area

This section provides an analysis of the buildings' contribution to the significance and character of the Kurraba Point Conservation Area, in order to determine the appropriate ranking of the buildings within the conservation area. Both houses are currently considered as 'neutral' items.

NSDCP Section 13.6 provides a description of the rankings of buildings within conservation areas in the North Sydney LGA.

***Contributory items** are part of the collective significance of the particular conservation area in which they are located. They are important for what they offer to the streetscape or character of the heritage conservation area.*

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

As detailed above, both 6 and 8 Hayes Street have a strong contribution to the Hayes Street streetscape and the significance of the Kurraba Point Conservation Area. The buildings originate from the significant era of development of the conservation area and provide evidence of, and contribute to, the identified historic and aesthetic significance of the conservation area through their form and stylistic features, which are consistent with contributory and heritage items in the area.

NSDCP Part C Section 6 provides the following Statement of Significance for the Kurraba Point Conservation Area:

The Kurraba Point Conservation Area is significant:

- a) *As an early harbourside suburb that has retained significant examples of its major 19th century development phase with good examples of later periods of development including some fine inter war flat buildings;*
- b) *For the large number of architecturally distinguished homes, some that have a strong relationship with the water and include the work of BJ Waterhouse, Jefferson Jackson and Walter Liberty Vernon;*
- c) *For its irregular subdivision pattern with irregular street pattern and widths that allied to the topography and plantings and mature trees add to a high quality luxuriant character.*

It also describes characteristic buildings within the conservation area as:

Federation and Edwardian detached dwelling houses. Inter war dwelling houses. Inter war residential flat buildings.

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Both buildings demonstrate key stylistic elements characteristic of the Kurraba Point Conservation Area and of the various English Revival styles that were typical of many Federation houses in Sydney between 1900 and the 1920s. No. 6 Hayes Street is a particularly good example of this period, and many of its features—including its dramatic angles, high pitched gabled roof, chimney detail, roughcast cement render, hung shingles and landscaping—are consistent with its neighbouring contributory buildings and listed heritage items. Whilst its large dormer window facing Hayes Street has been modified, it is not considered to detract from the overall contribution of the house to its context.

No. 8 Hayes Street also demonstrates some qualities characteristic of the conservation area. Its materiality, form, scale and design are consistent with the streetscape and the building contributes to the overall character of the area.

Both 6 and 8 Hayes Street provide a strong contribution to the significance of the Kurraba Point Conservation Area through their built form and architectural features that is not reflected in their current status as neutral elements. Both properties should, at a minimum, be considered as contributory buildings within the Kurraba Point Conservation Area.

6.0 Conclusions and Recommendations

6.1 Conclusion

The preliminary assessment of the heritage significance of the properties at 6 and 8 Hayes Street, Neutral Bay, has concluded that:

- The HIS submitted by the proponent does not properly assess the significance of the properties and has not followed the appropriate guidelines for the assessment of heritage significance.
- The HIS submitted by the proponent has failed to address the existing contribution that both properties make to the character and significance of the Kurraba Point Heritage Conservation Area. The historic documentation is limited and does not address the role of the properties in relation to the historic character and development of the area or investigate associations with noted architects.
- Both 6 and 8 Hayes Street provide a strong contribution to the character of Hayes Street and significance of the Kurraba Point Conservation Area through their subdivision pattern, period of construction, built form and architectural features that is not reflected in their current status as neutral items. They also contribute to the traditional setting of the many heritage items within their vicinity. Both properties should, at a minimum, be considered as contributory items within the Kurraba Point Conservation Area.
- No. 6 Hayes Street is a good example of an interwar dwelling with design elements typical of the English Revival style of architecture seen throughout Neutral Bay and the Kurraba Point Conservation Area. Many of its features are consistent with those expressed in other buildings listed as heritage items or contributory items within the conservation area. Despite some modifications to the property, it retains significant aesthetic qualities and is representative of a distinct period of design in Neutral Bay. It has potential to meet one or more of the NSW Heritage Significance criteria and, pending future assessment, could be considered for listing as an item of local significance under the NSLEP.
- It is also possible that, after detailed historic research, it may be established that No. 6 Hayes Street was designed by a notable architect. The association with one of the many notable architects that designed similar houses in the Neutral Bay area during the same period could affect the significance of the building and further warrant its heritage listing. This should be the subject of additional investigation.
- No. 8 Hayes Street is a good example of the style of dwelling that is characteristic of the conservation area. Although it has been altered, it displays typical characteristics of the area through its scale, form, materiality and style, and makes a clear contribution to the Hayes Street streetscape. The property, as part of a collection of similar buildings from the same era and with the same style and character, makes an important contribution to the understanding of the historic development of the area and the evolution of the significant streetscape. However, an inspection of the property and review of initial research indicates that it is unlikely to meet the criteria for listing as an individual heritage item on historic or aesthetic grounds.
- No. 8 Hayes Street was owned by the members of Australian rock band INXS for a period in the 1980s. However, documentation provided by Council has established that the band purchased

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the property as an investment, along with several other properties. As the group did not live or record music in the property, it does not meet the criteria for listing as an individual heritage item on associative grounds.

6.2 Recommendations

It is recommended that:

1. An Interim Heritage Order be placed on No. 6 Hayes Street in order to protect the building from demolition whilst a detailed assessment of its heritage significance is undertaken to determine if the property qualifies for heritage listing within Schedule 5 of NSLEP 2013.
2. The dwelling at 8 Hayes Street should be identified as a contributory item under Appendix 1 of NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area. Should it be determined that No. 6 Hayes Street not be listed as a heritage item within Schedule 5 of NSLEP 2013, it should be identified as a contributory item under Appendix 1 of NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area.
3. The assessment of the current development application should have consideration for these recommendations.

7.0 Appendices

Appendix A

NSW Heritage Office Heritage Assessment Guidelines

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Appendix A—NSW Heritage Office Heritage Assessment Guidelines

The *NSW Heritage Manual* guidelines, prepared by the NSW Heritage Office and Department of Urban Affairs and Planning (July 2001), provide the framework for the assessment and the statement of significance in this report. These guidelines incorporate the five types of cultural heritage value identified in the Burra Charter into a specially structured framework, which is the format required by heritage authorities in New South Wales.

Under these guidelines, items (or 'places' in Burra Charter terminology) are assessed in accordance with a specific set of criteria, as set out below. An item is significant in terms of the particular criterion if the kinds of attributes listed in the inclusion guidelines help to describe it. Similarly, the item is not significant in terms of that particular criterion if the kinds of attributes listed in the exclusion guidelines help to describe it. The inclusion and exclusion guidelines are checklists only—they do not cancel each other out. The exclusion guidelines should not be applied in isolation from the inclusion guidelines, but should be used to help review and qualify the conclusions reached about the item's significance.

The criteria for assessment established by the NSW Heritage Council in accordance with the *Heritage Act 1977* (NSW) (Heritage Act) are set out below.

Criterion (a)—An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> shows evidence of a significant human activity; is associated with a significant activity or historical phase; or maintains or shows the continuity of a historical process or activity. 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important activities or processes; provides evidence of activities or processes that are of dubious historical importance; or has been so altered that it can no longer provide evidence of a particular association.

Criterion (b)—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 NSW (or the cultural or natural history of the local area)

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> shows evidence of a significant human occupation; or is associated with a significant event, person, or group of persons. 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events; provides evidence of people or events that are of dubious historical importance; or has been so altered that it can no longer provide evidence of a particular association.

Criterion (c)—An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> shows or is associated with creative or technical innovation or achievement; is the inspiration for a creative or technical innovation or achievement; is aesthetically distinctive; has landmark qualities; or exemplifies a particular taste, style or technology. 	<ul style="list-style-type: none"> is not a major work by an important designer or artist; has lost its design or technical integrity; its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded; or has only a loose association with a creative or technical achievement.

Criterion (d)—An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> is important for its associations with an identifiable group; or is important to a community's sense of place. 	<ul style="list-style-type: none"> is only important to the community for amenity reasons; or is retained only in preference to a proposed alternative.

Criterion (e)—An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information; is an important benchmark or reference site or type; or provides evidence of past human cultures that is unavailable elsewhere. 	<ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history or culture; has little archaeological or research potential; or only contains information that is readily available from other resources or archaeological sites.

Criterion (f)—An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process; demonstrates a process, custom or other human activity that is in danger of being lost; shows unusually accurate evidence of a significant human activity; is the only example of its type; demonstrates designs or techniques of exceptional interest; or shows rare evidence of a significant human activity important to a community. 	<ul style="list-style-type: none"> is not rare; or is numerous but under threat.

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Criterion (g)—An item is important in demonstrating the principal characteristics of a class of NSW's (or a class of the local area's) cultural or natural places; or cultural or natural environments

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> • is a fine example of its type; • has the principal characteristics of an important class or group of items; • has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity; • is a significant variation to a class of items; • is part of a group which collectively illustrates a representative type; • is outstanding because of its setting, condition or size; or • is outstanding because of its integrity or the esteem in which it is held. 	<ul style="list-style-type: none"> • is a poor example of its type; • does not include or has lost the range of characteristics of a type; or • does not represent well the characteristics that make up a significant variation of a type.