Report to General Manager

Attachments:
1. Meeting Notes – 6 May 2019
2. LP01: Current Appeals and Results – May 2019
3. LP02: Heritage Assessment – 6 Hayes Street, Neutral Bay

SUBJECT: Legal & Planning Committee – 6 May 2019

AUTHOR: Melissa Dunlop, Governance Co-ordinator

ENDORSED BY: Margaret Palmer, Director Corporate Services

EXECUTIVE SUMMARY:

A meeting of the Legal & Planning Committee was scheduled for Monday, 6 May 2019 and attended by four (4) Councillors – the Mayor and Councillors Drummond, Keen and Mutton. Apologies were received from Councillors Baker, Beregi, Brodie and Carr.

The quorum for Legal & Planning Committee meetings is five (5) Councillors so the meeting was not able to proceed formally. While the Committee proceeded inquorate, the reports are therefore submitted to Council in full for consideration. The report recommendations were supported by those Councillors present and are provided in a consolidated list below for Council's determination.

FINANCIAL IMPLICATIONS:

Refer to individual reports.

RECOMMENDATION:

1. THAT the Current Appeals and Results – May 2019 report be received. *(LP01)*
2. THAT the detailed heritage assessment prepared by GML Heritage for 6 Hayes Street, Neutral Bay be received. *(LP02)*
3. THAT Council resolve to refer the Planning Proposal for 6 Hayes Street, Neutral Bay to the North Sydney Local Planning Panel for their advice in accordance with the Ministerial Direction of 27 September 2018, under s.9.1 of the Environmental Planning and Assessment Act. *(LP02)*
4. THAT after Resolution No. 3 is complete, the matter be reported back to Council for its determination as to whether the Planning Proposal should proceed to obtain a Gateway Determination. *(LP02)*

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction:	5. Our Civic Leadership
Outcome:	5.1 Council leads the strategic direction of North Sydney 5.2 Council is well governed and customer focused

BACKGROUND

In accordance with Council's Code of Meeting Principles and Practices:

Clause 51.6 - the minutes of a Committee meeting can only be confirmed and adopted by resolution of that Committee, passed at a subsequent meeting of that Committee.

Clause 51.7 - the recommendations arising at Committee meetings are to be submitted to the next available Council meeting for adoption.

As there was no quorum for the 6 May 2019 meeting, the reports were discussed by the Councillors present and are referred to Council for determination.

CONSULTATION REQUIREMENTS

Community engagement is not required.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

While the meeting was inquorate, the Councillors present at the meeting discussed the agenda items and supported all recommendations contained in the reports. The attached Minutes are therefore a record of the inquorate meeting.

NORTH SYDNEY COUNCIL

REPORT OF LEGAL AND PLANNING COMMITTEE

SUBJECT: PROCEEDINGS OF COMMITTEE AT MEETING HELD IN THE SUPPER ROOM AT THE COUNCIL CHAMBERS, NORTH SYDNEY, ON MONDAY, 6 MAY 2019 AT 6.30PM.

PRESENT

Councillor Gibson in the Chair, Councillors Drummond, Keen and Mutton.

Staff: Ken Gouldthorp, General Manager
Craig Winn, Solicitor
Joseph Hill, Director City Strategy
David Hoy, Acting Manager Development Services
Marcelo Occhiuzzi, Manager Strategic Planning
Ben Boyd, Executive Strategic Planner
George Youhanna, Executive Assessment Planner
Marise van der Walt, Manager Environment & Building Compliance
Long Huynh, Team Leader Building Compliance
Melissa Dunlop, Governance Co-ordinator (Minutes)

Visitors: Nil

Apologies were received from Councillors Baker, Beregi, Brodie and Carr.

At the commencement of business (6.30pm) Councillors present were:
Councillor Gibson in the Chair, Councillors Drummond, Keen and Mutton.

Declarations of Interest

Nil.

7. Lack of Quorum

With only four Councillors present, it was noted that there is not a quorum for the meeting of 6 May 2019. It was decided by all present that the meeting would proceed inquorate. The Minutes for this meeting will be a record of the meeting, however the matters presented will need to be re-presented in full at the next Council meeting.

8. Minutes

The Minutes of the previous meeting held on 6 March 2019, copies of which had been previously circulated, were noted.

9. LP01: Current Appeals and Results – May 2019

Report of Craig Winn, Solicitor
Attached is a list of current appeal and prosecution matters as at 18 April 2019 for Council's information.
As at 18 April 2019, Council has incurred $1,328,416.53 on legal fees for the 2019 financial year and recovered legal costs in the amount of $77,483.20. The legal budget for 2019 financial year is $ 1,510,408.00.
Recommending:
1. THAT the Current Appeals and Results – May 2019 report be received.

All Councillors present recommend that the report be received at the next Council meeting on 27 May 2019.

10. LP02: Heritage Assessment - 6 Hayes Street, Neutral Bay

Report of Ben Boyd, Executive Strategic Planner
On 29 January 2019, Council resolved to request that the NSW Minister for Heritage impose an Interim Heritage Order (IHO) under the NSW Heritage Act 1977 over 6 Hayes Street, Neutral Bay. The objective of this was to provide temporary protection to the existing dwelling on the site until a detailed heritage assessment of the property had been undertaken. In response to Council's request, the Minister for Heritage imposed an IHO over the subject site on 27 February 2019, which was published in the NSW Government Gazette on 28 February 2019.
The imposition of an IHO arose from community concern during the assessment of a Development Application (DA 299/18) which sought to demolish the dwellings at 6 & 8 Hayes Street and construct a 4-storey residential flat building containing 9 apartments above basement parking. This application is currently subject to an Appeal to the Land and Environment Court and has yet to be determined.
In response to the imposition of the IHO, Council re-engaged GML Heritage to undertake a comprehensive independent heritage assessment of the subject property to determine if it satisfies the relevant State Heritage Inventory criteria for heritage listing and thereby warrants its listing as a heritage item under North Sydney Local Environmental Plan (NSLEP) 2013.
On 11 April 2019, Council received a completed Heritage Assessment from GML Heritage which concludes that 6 Hayes Street, Neutral Bay satisfies the relevant State Heritage Inventory criteria for heritage listing and recommends that it be identified as an item of local heritage significance within Schedule 5 – *Environmental Heritage* and on the Heritage Map to NSLEP 2013.
This report seeks Council's endorsement to commence the Planning Proposal process to list the subject site as a heritage item under NSLEP 2013 consistent with the recommendations of the independent heritage assessment. A Planning Proposal has been prepared (refer to Attachment 3) seeking to list 6 Hayes Street, Neutral Bay as a heritage item under NSLEP 2013 in accordance with this recommendation.
The preparation of the independent heritage assessment has been previously budgeted for and the preparation and processing of the subsequent Planning Proposal can be funded through existing budget lines.
Recommending:
1. THAT the detailed heritage assessment prepared by GML Heritage be received.
2. THAT Council resolve to refer the Planning Proposal (Attachment 3) to the North Sydney Local Planning Panel for their advice in accordance with the Ministerial Direction of 27 September 2018, under s.9.1 of the Environmental Planning and Assessment Act.
3. THAT after Resolution No. 2 is complete, the matter be reported back to Council

for its determination as to whether the Planning Proposal should proceed to obtain a Gateway Determination.

All Councillors present recommend that Council adopt the Officer's recommendations at the next Council meeting on 27 May 2019.

The meeting concluded at 6.35pm.

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CHAIRPERSON **GENERAL MANAGER**

Report to General Manager

Attachments:
1. Current Appeal Matters List - LEC
2. Current Appeal Matters List – Others
3. Local Court Matters List

SUBJECT: Current Appeals and Results – May 2019

AUTHOR: Craig Winn, Solicitor

EXECUTIVE SUMMARY:

Attached is a list of current appeal and prosecution matters as at 18 April 2019 for Council's information.

As at 18 April 2019, Council has incurred $1,328,416.53 on legal fees for the 2019 financial year and recovered legal costs in the amount of $77,483.20. The legal budget for 2019 financial year is $ 1,510,408.00.

RECOMMENDATION:
1. THAT the report be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.2 Council is well governed and customer focused

BACKGROUND

The Current Appeals and Prosecutions list was last reported to the Legal and Planning Committee meeting of 11 March 2019.

SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported during the assessment of each particular application.

DETAIL

The defence of Land and Environment Court appeals and the prosecution of regulatory matters represents a major ongoing expense for Council. The attached list provides a summary of each current appeal(s) and prosecution(s) (including fees incurred) as at 18 April 2019.

CRAIG WINN
SOLICITOR

CURRENT MATTERS LIST – LAND & ENVIRONMENT COURT
As at 18 April 2019

Property **DA No.** **Appeal No.** **Date of Appeal (DOA)**	**Applicant/ Other party**	**Nature of Appeal**	**Council Officer responsible**	**Status**	**Fees Estimate ($)** **Fees Billed ($)** **Disb. ($)** **Officer Recommendation** **Council decision**	**Result**
80 Arthur Street North Sydney LEC 247263/17 DOA 14/08/17 HDO	Karimbla Properties (No.37) Pty Limited (Meriton)	Class 3 Appeal to change rating categories of land	Sharon Mills	Class 3 Appeal commenced with matter listed for mention on 12 September 2017. Listed for conciliation conference on 9 November 2017. Conference terminated. Matter adjourned to 16 February 2018, 20 April 2018, 19 October 2018, 26 April 2019 and now 10 May 2019.	Fee Estimate: $150,000 Fees: $12,210	Pending Likely to be discontinued
275 Alfred Street, North Sydney DA59/07(LEC10791/07) LEC 227590/18 DOA 25/07/18 HWL	Benmill Pty Ltd	Class 4 Summons seeking judicial review of previous Class 1 Appeal approval	David Hoy	Council served with Class 4 Summons with matter listed for second direction hearing on 15 March 2019. Defence and evidence in chief served. Proceedings to be listed for hearing.	Fee Estimate: $70,000 Fees: $34,775.13 Recommendation: N/A Decision: N/A	Pending
8 Queens Avenue, McMahons Point DA 162/18 LEC 26941/19 DOA 25/01/19 H&W	Marion Nicklin	Class 1 Appeal against refusal of proposed double carport	Michael Doyle	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 9 and 10 September 2019.	Fee Estimate: $12,000 Fees: $0 Recommendation: Refusal Decision: Refusal	Pending
3 Amherst Street, Cammeray DA 382/14/2 LEC 236368/18 DOA 02/08/18 MF	Brenham Pty Limited	Class 1 Appeal against Council refusal of a secondary fence (height)	Luke Donovan	Council served with Class 1 Appeal with matter listed for hearing on 10 May 2019.	Fee Estimate: $25,500 Fees: $21,117.80 Recommendation: Refusal Decision: Refusal	Pending
177-199 Pacific Hwy, North Sydney DA 142/16/2 LEC 236147/18 DOA 02/08/18 HWL	Vodafone Hutchinson Australia Pty Limited	Class 1 Appeal against refusal to modify a consent concerning lighting of signage	Geoff Mossmenear	Council served with Class 1 Appeal with the matter listed for hearing on 30 January 2019. On 5 March 2019 the Court dismissed the appeal. Matter closed.	Fee Estimate: $ 70,000 Fees: $65,573.77 Recommendation: Refusal Decision: Refusal	Appeal dismissed

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate ($) Fees Billed ($) Disb. ($) Officer Recommendation Council decision	Result
18 Illiliwa Street, Cremorne DA 460/16/4 LEC 277470/18 DOA 12/09/18 HDO	Connoisseur Property Holdings Pty Limited	Class 1 Appeal against refusal to modify a consent.	George Youhanna	Council served with Class 1 Appeal with matter listed for hearing on 12 April 2019. Judgment reserved.	Fee Estimate: $20,000 Fees: $10,634 Recommendation: Refusal Decision: Refusal	Judgment reserved
29 Myrtle Street, North Sydney DA 80/18 LEC 320228/18 DOA 25/10/18 MF	Modog Pty Limited	Class 1 Appeal against the deemed refusal for a proposed 3 lot Torrens title subdivision.	George Youhanna	Council served with Class 1 Appeal with matter listed for hearing on 6 and 7 June 2019.	Fee Estimate: $ 25,000 Fees: $14,171.85 Recommendation: N/A Decision: N/A	Pending
29 Myrtle Street, North Sydney DA 168/18 LEC 320239/18 DOA 25/10/18 MF	Modog Pty Limited	Class 1 Appeal against the deemed refusal for the proposed change of use of business/retail premises to seniors housing dwellings.	George Youhanna	Council served with Class 1 Appeal with matter listed for hearing on 6 and 7 June 2019. On 5 April 2019 the Applicant discontinued the proceedings.	Fee Estimate: $ 30,000 Fees: $27,809.91 Recommendation: N/A Decision: N/A	Proceedings discontinued
2A Henry Lawson Avenue, McMahons Point TPO LEC 319938/18 DOA 25/10/18 HDO	East Crescent 3 Pty Ltd	Class 1 Appeal against the deemed refusal of Tree Removal / Pruning Application	Melanie Hamilton/Rob Emerson	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 4 July 2019.	Fee Estimate: $22,000 Fees: $16,224.01 Recommendation: N/A Decision: N/A	Pending
30 Glen Street, Milsons Point DA 588/01/2 LEC 325991/18 DOA 26/10/18 SH	The Bunker 2017 Pty Ltd	Class 1 Appeal against the deemed refusal to modify a consent.	George Youhanna	Council served with Class 1 Appeal with matter listed for hearing on 4 and 5 June 2019. The Owners Corporation are likely to file an application for joinder.	Fee Estimate: $15,000 Fees: $9,539.04 Recommendation: N/A Decision: N/A	Pending
30 Glen Street, Milsons Point DA 294/18 LEC 326024/18 DOA 26/10/18 SH	The Bunker 2017 Pty Ltd	Class 1 Appeal against the deemed refusal for the use of 2 lots for office premises.	George Youhanna	Council served with Class 1 Appeal with matter listed for hearing on 4 and 5 June 2019. To be heard concurrently with LEC326020/18 (The Bunker). The Owners Corporation are likely to file an application for joinder.	Fee Estimate: $15,000 Fees: $9,539.04 Recommendation: N/A Decision: N/A	Pending

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate ($) Fees Billed ($) Disb. ($) Officer Recommendation Council decision	Result
30 Glen Street, Milsons Point BC 30/18 LEC 326020/18 DOA 26/10/18 SH	The Bunker 2017 Pty Ltd	Class 1 Appeal against the refusal of a Building Certificate for works within the cubic space of Lot 148.	Dane Johnson	Council served with Class 1 Appeal with matter listed for hearing on 4 and 5 June 2019. To be heard concurrently with LEC 326024/18 (The Bunker). The Owners Corporation are likely to file an application for joinder.	Fee Estimate: $15,000 Fees: $9,539.04 Recommendation: N/A Decision: N/A	Pending
25A Reynolds Street, Cremorne DA 199/18 LEC 339285/18 DOA 05/11/18 HWL	Playoust Churcher Architects	Class 1 Appeal against the deemed refusal for the alterations and additions including an additional storey.	Luke Donovan	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 9 and 10 July 2019.	Fee Estimate: $22,000 Fees: $16,278.86 Recommendation: N/A Decision: N/A	Pending
6 Hayes Street. Neutral Bay DA 299/18 LEC 346804/18 DOA 15/11/18 MF	Platform Project Services	Class 1 Appeal against the deemed refusal in respect of the demolition of existing dwellings and the construction of a four storey residential flat building with basement parking.	Robin Tse	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 12 August 2019.	Fee Estimate: $ 60,000 Fees: $46,530.74 Recommendation: N/A Decision: N/A	Pending
58 Aubin Street. Neutral Bay DA 176/18 LEC 351210/18 DOA 15/11/18 H&W	Highbury Group Pty Ltd	Class 1 Appeal against the refusal of the demolition of existing dwellings and the construction of a residential flat building with basement parking.	Luke Donovan	Council served with Class 1 Appeal with matter listed for hearing on 9 and 10 October 2019.	Fee Estimate: $20,000 Fees: $8,927.36 Recommendation: Refusal Decision: Refusal	Pending
12 Raymond Road, Neutral Bay DA 266/17 LEC 358115/18 DOA 22/11/18 SH	William and Olivia Northcott	Class 4 Summons seeking judicial review of certain conditions imposed in determining DA 266/17.	Hugh Shouldice	Council served with Class 4 Summons with parties directed to attend mediation on 22 January 2019. Agreement in principal reached. Despite the in principle agreement, the Applicants continue to press the Summons, with the proceedings now listed for hearing on 27, 28 and 29 August 2019.	Fee Estimate: $45,000 Fees: $20,993.28 Recommendation: Approved Decision: Approved	Pending

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate ($) Fees Billed ($) Disb. ($) Officer Recommendation Council decision	Result
7 Penshurst Avenue, Kurraba Point DA 155/18 LEC 363684/18 DOA 30/11/18 HWL	Michael McCarthy	Class 1 Appeal against the refusal of alterations and additions to existing dwelling, including new second floor and roof.	Luke Donovan	Council served with Class 1 Appeal with matter listed for hearing on 25 and 26 July 2019.	Fee Estimate: $20,000 Fees: $11,618.20 Recommendation: Refusal Decision: Refusal	Pending
5-7 Doohat Avenue, North Sydney DA 227/18 LEC 377147/18 DOA 10/12/18 HDO	Mackenzie Architects International Pty Ltd	Class 1 Appeal against the deemed refusal of the demolition of existing buildings and the construction of a residential flat building with basement parking	Kim Rothe	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 7 August 2019.	Fee Estimate: $27,500 Fees: $2,767.90 Recommendation: Refusal Decision: Refusal	Pending
8 Wonga Road, Cremorne DA 252/09/8 LEC 385659/18 DOA 12/12/18 HWL	Michelle Jie Wang	Class 4 Summons seeking declaration development has been carried out in accordance with DA 252/09 as modified	Kim Rothe	Council served with Class 4 Summons with matter listed for directions on 29 March 2019. Submitting appearance filed, save as to costs, as no orders are being sought against Council.	Fee Estimate: $4,000 Fees: $2,087.80 Recommendation: N/A Decision: N/A	Pending
287 Military Road, Cremorne DA 193/18 LEC 393238/18 DOA 04/01/19 MF	Captive Vision Pty Limited	Class 1 Appeal against the refusal of the replacement of signage with a new digital advertising screen.	Robin Tse	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 4 September 2019.	Fee Estimate: $ 25,000 Fees: $4,522.76 Recommendation: Refusal Decision: Refusal	Pending
24 Milner Crescent, Wollstonecraft DA 74/18 LEC 393609/18 DOA 07/01/19 SH	Grafton Property Group Pty Ltd	Class 1 Appeal against the deemed refusal of the demolition of existing structures and the construction of a dual occupancy with single garage.	Michael Doyle	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 18 and 19 September 2019.	Fee Estimate: $20,000 Fees: $16,876.30 Recommendation: Refusal Decision: Refusal	Pending
28 Brook Street, Crows Nest DA 474/10 LEC 387659/18 DOA 17/12/18 HDO	Jetsking Round Pty Ltd	Class 4 Summons seeking Orders that premises be used only for the purpose of a boarding house and that the current use as tourist and visitor accommodation cease.	Brett Maina	Council served with Class 4 Summons with matter directed to Mediation on 16 April 2019 and 13 June 2019.	Fee Estimate: $33,000 Fees: $6,186.80	Pending

Property **DA No.** **Appeal No.** **Date of Appeal (DOA)**	**Applicant/** **Other party**	**Nature of Appeal**	**Council Officer responsible**	**Status**	**Fees Estimate ($)** **Fees Billed ($)** **Disb. ($)** **Officer Recommendation** **Council decision**	**Result**
6 The Boulevarde, Cammeray DA 334/18 LEC 39238/19 DOA 12/02/19 H&W	Platino Properties Pty Ltd	Class 1 Appeal against the deemed refusal of the construction of car parking and lobbies for an approved dual occupancy development.	Lara Huckstepp	Council served with Class 1 Appeal with matter listed for hearing on 3 and 4 October 2019.	Fee Estimate: $15,000 Fees: $0 Recommendation: N/Al Decision: N/A	Pending
63 Carter Street, Cammeray DA 443/18 LEC 94274/19 DOA 02/04/19 MDK	63 Carter St Cammeray Pty Ltd	Class 1 Appeal against the deemed refusal of the demolition of flat buildings and the construction of a residential flat building with 20 apartments.	George Youhanna	Council served with Class 1 Appeal with matter listed for a Conciliation Conference on 28 August 2019 and hearing on 5 and 6 November 2019.	Fee Estimate: $30,000 Fees: $0 Recommendation: N/A Decision: N/A	Pending
141 Carabella Street, Kirribilli DA 40/18 LEC 102445/19 DOA 05/04/19 H&W	Nicholas Kougellis	Class 1 Appeal against the refusal of alterations and additions including new upper level.	Lisa Kamali	Council served with Class 1 Appeal with matter listed for mention on 3 May 2019.	Fee Estimate: $ 15,000 Fees: $0 Recommendation: Approval Decision: Refusal	Pending
55-61 Chandos Street, St Leonards DA 32/19 LEC 100913/19 DOA 05/04/19 MDK	Tasktea Pty Ltd	Class 1 Appeal against the deemed refusal of alterations and additions with including new shop top housing.	George Youhanna	Council served with Class 1 Appeal with matter listed for mention on 2 May 2019.	Fee Estimate: $10,000 Fees: $0 Recommendation: N/A Decision: N/A	Pending

CURRENT MATTERS LIST – OTHER (SUPREME COURT/DISTRICT COURT)
As at 18 April 2019

Property **DA No.** **Appeal No.** **Date of Appeal (DOA)**	**Applicant/ Other party**	**Nature of Appeal**	**Council Officer responsible**	**Status**	**Fees Estimate ($)** **Fees Billed ($)** **Disb. ($)** **Officer Recommendation** **Council decision**	**Result**
High Court Application **225 Miller Street North Sydney** S 321/18 DOA 11/12/18 HDO	Karimbla Properties (No.7) Pty Limited (Meriton)	High Court Application for special leave to appeal.	General Manager	Council served with a High Court application on 11 December 2018 for special leave to appeal the Supreme Court of NSW, Court of Appeal judgment (SC 72569/18). Written submissions filed. Proceedings adjourned to 26 April 2019. On 17 April 2019 the High Court dismissed the special leave application(s).	Fee Estimate: $50,000 Fees: $26,372.28	Application dismissed, with costs in favour of Council
Supreme Court of NSW, Court of Appeal **14,16,16A & 16B Thrupp Street, Neutral Bay** Supreme Court DA 177/17 (LEC 262685/17) SC 388014/18 DOA 20/12/18 HWL	RebelMH Neutral Bay Pty Limited	Court of Appeal Notice of Appeal against Land & Environment judgment. L&E Proceedings	Luke Donovan	Notice of Appeal filed and matter listed for hearing on 15 and 16 May 2019.	Fee Estimate: $45,000 Fees: $20,612.48	Pending

LOCAL COURT MATTERS LIST
As at 18 April 2019

Property **DA No.** **Appeal No.** **Date of Appeal (DOA)**	**Applicant/ Other party**	**Nature of Appeal**	**Council Officer responsible**	**Status**	**Fees Estimate ($)** **Fees Billed ($)** **Disb. ($)** **Officer Recommendation** **Council decision**	**Result**
221 Miller Street, North Sydney DOA 06/09/18 SG	Richard Crookes Construction Pty Limited	Local Court prosecution in respect of construction work out of hours.	Brad Calleia	Court Attendance Notice issued. Matter listed for hearing on 11 March 2019. Hearing date vacated. The parties are negotiating an enforceable undertaking.	Fee Estimate: $20,000 Fees: $16,714.90	Pending
101-111 Willoughby Road, Crows Nest DOA 04/10/18 SG	Paynter Dixon Constructions Pty Limited	Local Court prosecution in respect of construction works breaching conditions of consent.	Brett Maina	Court Attendance Notice issued. Matter listed for hearing on 19 June 2019. The parties are negotiating an enforceable undertaking.	Fee Estimate: $17,000 Fees: $15,097.87	Pending
50 Ridge Street, North Sydney DOA TBA SG	North Sydney Leagues Club Limited	Local Court prosecution in respect to development without consent	Brad Calleia	Court Attendance Notice issued. The parties are negotiating a resolution to the proceedings.	Fee Estimate: $5,000 Fees: $2,927.00	Pending
Shop 18, 166-174 Military Road, Neutral Bay DOA: TBA SG	LN Enterprises (t/as Daily Delicious Bakery)	Local Court prosecution in respect of a food premises.	Gareth Munro	CAN's to be filed and served.	Fee Estimate: $6,000 Fees: $5,351.70	Pending
563-565 Pacific Highway, St Leonards DOA: 06/02/19 MDK	Pyramid Consulting Pty Ltd	Local Court prosecution in respect to development without consent.	Brett Maina	Court Attendance Notice issued. Matter listed for mention on 14 May 2019.	Fee Estimate: $8,000 Fees: $0	Pending

Report to General Manager

Attachments:
1. Interim Heritage Order
2. Heritage Assessment prepared by GML Heritage
3. Planning Proposal

SUBJECT: Heritage Assessment - 6 Hayes Street, Neutral Bay

AUTHOR: Ben Boyd, Executive Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

On 29 January 2019, Council resolved to request that the NSW Minister for Heritage impose an Interim Heritage Order (IHO) under the NSW Heritage Act 1977 over 6 Hayes Street, Neutral Bay. The objective of this was to provide temporary protection to the existing dwelling on the site until a detailed heritage assessment of the property had been undertaken. In response to Council's request, the Minister for Heritage imposed an IHO over the subject site on 27 February 2019, which was published in the NSW Government Gazette on 28 February 2019.

The imposition of an IHO arose from community concern during the assessment of a Development Application (DA 299/18) which sought to demolish the dwellings at 6 & 8 Hayes Street and construct a 4-storey residential flat building containing 9 apartments above basement parking. This application is currently subject to an Appeal to the Land and Environment Court and has yet to be determined.

In response to the imposition of the IHO, Council re-engaged GML Heritage to undertake a comprehensive independent heritage assessment of the subject property to determine if it satisfies the relevant State Heritage Inventory criteria for heritage listing and thereby warrants its listing as a heritage item under North Sydney Local Environmental Plan (NSLEP) 2013.

On 11 April 2019, Council received a completed Heritage Assessment from GML Heritage which concludes that 6 Hayes Street, Neutral Bay satisfies the relevant State Heritage Inventory criteria for heritage listing and recommends that it be identified as an item of local heritage significance within Schedule 5 – *Environmental Heritage* and on the Heritage Map to NSLEP 2013.

This report seeks Council's endorsement to commence the Planning Proposal process to list the subject site as a heritage item under NSLEP 2013 consistent with the recommendations of the independent heritage assessment. A Planning Proposal has been prepared (refer to Attachment 3) seeking to list 6 Hayes Street, Neutral Bay as a heritage item under NSLEP 2013 in accordance with this recommendation.

FINANCIAL IMPLICATIONS:

The preparation of the independent heritage assessment has been previously budgeted for and the preparation and processing of the subsequent Planning Proposal can be funded through existing budget lines.

RECOMMENDATION:

1. THAT the detailed heritage assessment prepared by GML Heritage be received.

2. THAT Council resolve to refer the Planning Proposal (Attachment 3) to the North Sydney Local Planning Panel for their advice in accordance with the Ministerial Direction of 27 September 2018, under s.9.1 of the Environmental Planning and Assessment Act.

3. THAT after Resolution No. 2 is complete, the matter be reported back to Council for its determination as to whether the Planning Proposal should proceed to obtain a Gateway Determination.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction:	2. Our Built Infrastructure
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

On 7 March 2018, a development application (DA 299/18) was lodged with Council for the demolition of the existing 2-storey dwelling houses at 6 and 8 Hayes Street, Neutral Bay and construction of a 4-storey residential flat building containing 9 apartments and basement parking across both properties. Both properties are located within the Kurraba Point Heritage Conservation Area under NSLEP 2013 and identified as "neutral" items under North Sydney Development Control Plan (NSDCP) 2013. During the assessment of the DA, a number of residents raised concerns with the loss of the two dwellings on heritage grounds.

On 29 October 2018, Council considered a Mayoral Minute and a Notice of Motion in response to these community concerns. Council subsequently resolved:

> *1. THAT Council urgently applies for Interim Heritage Orders on 6 and 8 Hayes Street, Neutral Bay.*
> *2. THAT Councillors and the Neutral Precinct receive regular updates on the progression of the Development Application DA 299/18.*

In accordance with this resolution, Council engaged GML Heritage to undertake an independent preliminary heritage assessment to determine whether an Interim Heritage Order (IHO) should be placed over one or both properties, to provide temporary protection until a comprehensive heritage assessment can be completed to determine if the subject properties should be heritage listed.

On 12 November 2018, the applicant of the DA lodged a Class 1 Appeal to the Land and Environment Court for the "deemed refusal" of the DA (i.e. Council had not determined the DA within 40 days). The Appeal is subject to a s.34 Conference scheduled for the 12 August 2019.

On 29 January 2019, Council considered a report which addressed the recommendations to the preliminary heritage assessment prepared by GML Heritage, in relation to 6 Hayes Street. The preliminary heritage assessment recommended:

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.*

Council subsequently resolved:

1. THAT Council request the Minister for Heritage to urgently impose an Interim Heritage Order over 6 Hayes Street, Neutral Bay, to enable Council to undertake the appropriate comprehensive research to determine whether the property should be identified as a heritage item under North Sydney Local Environmental Plan 2013.
2. THAT the dwelling at 8 Hayes Street be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area. Should it be determined that the dwelling at 6 Hayes Street not be identified as a heritage item under NSLEP 2013, it should be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area.

In accordance with this resolution, Council wrote to the Minster for Heritage on 8 February 2019 requesting that they impose an IHO over 6 Hayes Street, Neutral Bay.

On the 27 February 2019, the Minister for Heritage imposed an IHO on 6 Hayes Street, with the IHO subsequently being published in the Government Gazette on 28 February 2019 (refer to Attachment 1). The IHO ceases to take effect within 12 months of its publication within the government gazette, so will no longer be in affect from the 28 February 2020.

Following the imposition of the IHO, Council re-engaged GML Heritage to prepare a detailed heritage assessment to determine if 6 Hayes Street, Neutral Bay warranted listing as a heritage item under NSLEP 2013.

On 11 April 2019, Council received a detailed heritage assessment report (refer to Attachment 2) from GML Heritage in relation to 6 Hayes Street, Neutral Bay. This report seeks to outline the recommendations of the detailed heritage assessment and the next steps that Council should take in relation to those recommendations.

CONSULTATION REQUIREMENTS

Community engagement is not required.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

1. Heritage Assessment

On 11 April 2019, Council received a detailed heritage assessment report (refer to Attachment 2) from GML Heritage in relation to the subject property. The report concluded:

> *This report has assessed the heritage significance of the dwelling at 6 Hayes Street, Neutral Bay, based on historical research, investigation of the subject site, and an assessment of its local context. It includes a detailed assessment of the site against the SHR standard evaluation criteria to determine the significance of the place to the Neutral Bay area and North Sydney LGA.*
>
> *The report concludes that 6 Hayes Street demonstrates heritage significance at the local level for the following reasons:*
>
> - *The house is one of the last detached Federation Arts and Crafts style houses built in Kurraba Point. It represents the end of an important era of Neutral Bay's development, which began with the Neutral Bay Land Company in 1888 and continued until the mid-1920s. This era was defined by detached Federation/Edwardian style houses which characterise much of the Neutral Bay area.*
> - *No. 6 Hayes Street is a good example of a detached Federation Arts and Crafts style house which demonstrates they style's key characteristics in a restrained and simple design. The building shows the English Revival variation of the Arts and Crafts style that is characteristic to the Neutral Bay area, demonstrating a more domestic, scaled down and restrained take.*
>
> *No. 6 Hayes Street has been assessed as meeting the threshold of local significance for criteria (a) (c) and (g) of the standard assessment criteria.*
>
> *It is recommended that 6 Hayes Street, Neutral Bay, is listed under Schedule 5 (Heritage Items) of the North Sydney Local Environmental Plan 2013 (NSLEP).*

Based on the above, the heritage assessment recommends that the site be identified as an item of local heritage significance within Schedule 5 - *Environmental Heritage* and on the Heritage Map to NSLEP 2013.

A Planning Proposal has been prepared (refer to Attachment 3) seeking to list 6 Hayes Street, Neutral Bay as a heritage item under NSLEP 2013 in accordance with this recommendation.

2. Planning Proposal Process

Recent changes to the plan making process requires all Planning Proposals to be referred to a council's Local Planning Panel for its advice before the council determines to progress a Planning Proposal for purposes of obtaining a Gateway Determination.

However, in some limited instances, the referral of a Planning Proposal to a council's Local Planning Panel may be dispensed with. In particular, a Planning Proposal's referral may be dispensed with if a council's General Manager determines the Planning Proposal relates to:

(a) The correction of an obvious error in a local environmental plan,
(b) Matters that are of consequential, transitional, machinery or other minor nature, or
(c) Matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.

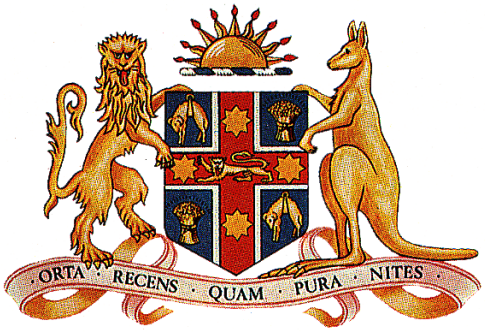
The Planning Proposal to list the property as a heritage item could be considered to satisfy matter (c) above as it will not have an adverse impact upon the environment. However, the Planning Proposal may have an adverse impact upon adjoining land at 8 Hayes Street. In particular, the future heritage listing of 6 Hayes Street could prevent the approval of DA 299/18 which seeks to demolish all buildings across 6 & 8 Hayes Street and construction of a 4 storey residential flat building across both sites. For this reason, it is recommended that the Planning Proposal be referred to Council's Local Planning Panel for its advice, prior to seeking Council's determination as to whether the planning proposal should proceed to Gateway Determination.

3. Conclusion

Following the imposition of an IHO over 6 Hayes Street, Neutral Bay, a detailed heritage assessment of the subject property has been completed, which recommends that the subject property be identified as a local heritage item under NSLEP 2013.

A Planning Proposal has been prepared to implement the recommendations of the detailed heritage assessment.

In accordance with the plan making process under the Environmental Planning and Assessment Act, 1979, it is recommended that Council endorse the attached Planning Proposal to be referred to Council's Local Planning Panel for their advice, before reporting the matter back to Council for its determination as to whether the proposal should proceed to Gateway Determination.



Government Gazette

of the State of

New South Wales

Number 20
Thursday, 28 February 2019

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

From 1 January 2019, each notice in the Government Gazette has a unique identifier that appears in round brackets at the end of the notice and that can be used as a reference for that notice (for example, (n2019-14)).

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Other Government Notices

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that HEART ON MY SLEEVE MOVEMENT INCORPORATED (INC1701248) became registered under the *Corporations Act 2001* as HEART ON MY SLEEVE MOVEMENT LIMITED (ACN 627 697 401), a company limited by guarantee on 24 July 2018, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Emma Day
Delegate of the Commissioner,
NSW Fair Trading

28 February 2019

(n2019-618)

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that DIVERSE AUSTRALASIAN WOMEN'S NETWORK INCORPORATED (INC1301244) became registered under the *Corporations Act 2001*as DAWN FOUNDATION LIMITED (ACN 630 328 979), a company limited by guarantee, on 30 November 2018, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Emma Day
Delegate of the Commissioner,
NSW Fair Trading

28 February 2019

(n2019-619)

HERITAGE ACT 1977

INTERIM HERITAGE ORDER NO. 148

6 Hayes Street Neutral Bay

In pursuance of Section 24 of the *Heritage Act 1977* (NSW), I, the Minister for Heritage, do, by this my order:

(i) make an interim heritage order in respect of the item 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 item, being the land described in Schedule 'B'.

The Hon Gabrielle Upton MP
Minister for Heritage

Sydney, 27th Day of February 2019

SCHEDULE "A"

The property known as 6 Hayes Street, Neutral Bay, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 5 DP 192932 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3233 in the office of the Heritage Council of New South Wales.

(n2019-620)

GML HERITAGE

6 Hayes Street, Neutral Bay

Heritage Assessment

Report prepared for North Sydney Council

April 2019

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GML Heritage Pty Ltd ABN 60 001 179 362
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Report Register

The following report register documents the development and issue of the report entitled 6 Hayes Street, Neutral Bay—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	1	Draft Report	9 April 2019
18-0695	2	Final Report	11 April 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:	Minna Muhlen-Schulte	**Project Director & Reviewer:**	Lisa Trueman
Issue No.	2	**Issue No.**	2
Signature		**Signature**	
Position:	Senior Heritage Consultant, Historian	**Position:**	Associate
Date:	11 April 2019	**Date:**	11 April 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 heritage assessment of 6 Hayes Street, Neutral Bay, in order to determine if it reaches the threshold for listing as a heritage item within the *North Sydney Local Environmental Plan 2013* (NSLEP).

Council has received a development application (DA 299/18) that involves the demolition of 6 and 8 Hayes Street 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 Interim Heritage Order (IHO) on both properties.

In December 2018, GML provided Council with 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 IHO. The preliminary report was a high-level preliminary assessment undertaken to determine if an IHO should proceed. That report 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 the NSLEP.*
2. *The dwellings at 6 and 8 Hayes Street should be included as contributory items and Appendix 1 of the NSDCP 2013 should be updated to reflect their contribution.*
3. *The assessment of the current development application should have consideration for these recommendations.*

In response to the recommendations of the preliminary report, an IHO was imposed on 6 Hayes Street by the NSW Minister for Heritage on 27 February 2019 (IHO No. 148). The IHO is attached to this report at Appendix C.

This report includes a detailed assessment of the heritage significance of 6 Hayes Street in order to determine if the property should be listed as a heritage item within the NSLEP.

No. 6 Hayes Street is not currently listed as a heritage item. However, it is located within the Kurraba Point Conservation Area, which is listed within Schedule 5 (Heritage Items) of the NSLEP. The existing detached house on the property dates from 1923/1924, and was erected by the builder, HE Edwards. The property displays distinctive qualities characteristic of Hayes Street and the Kurraba Point Heritage Conservation Area.

1.2 Site Identification

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

The subject site fronts Hayes Street and is bounded by Manns Avenue to the south and 8 Hayes Street to the north. The rear boundary of the site 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. The property is a characteristic element in the Hayes Street streetscape, which forms the historic entry to Neutral Bay from the ferry wharf.

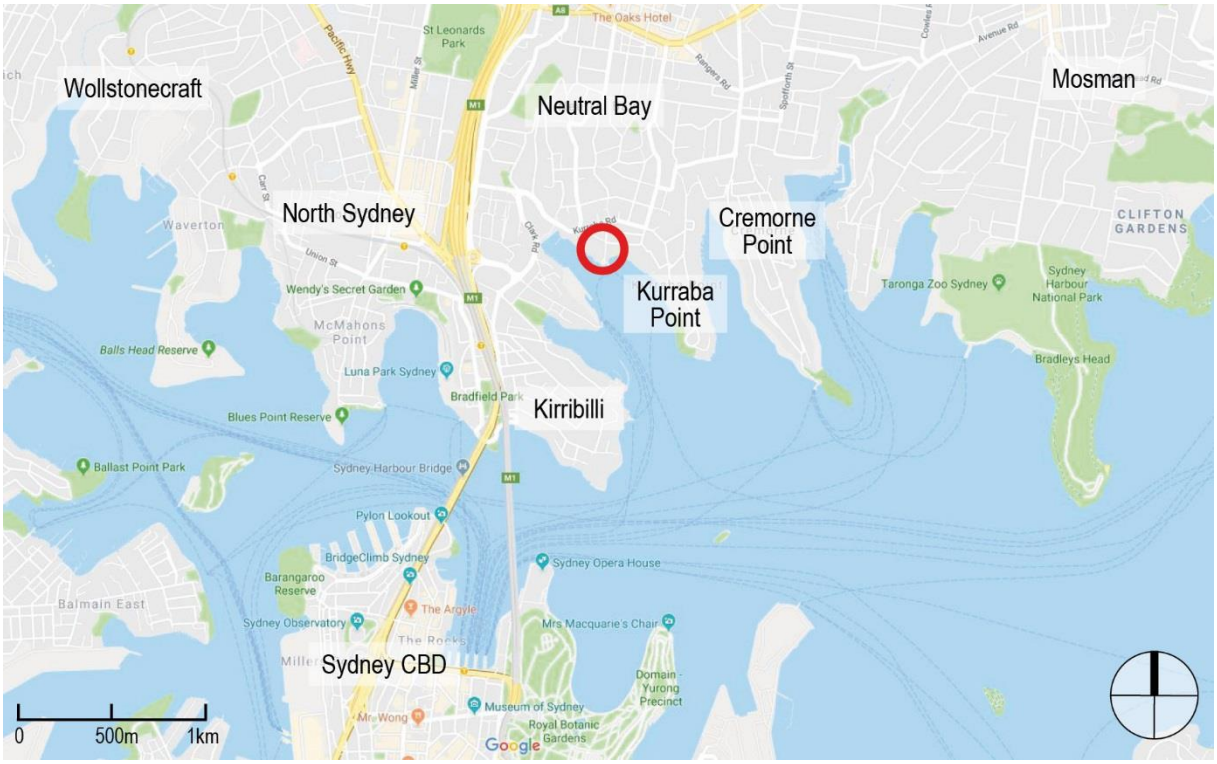

Figure 1.1 Location of the subject site within the wider Sydney context. (Source: Google Maps with GML overlay)

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

1.3 Heritage Context

The site is located within the Kurraba Point Heritage Conservation Area, as listed in Schedule 5 of the NSLEP. The subject site is identified as a 'neutral' item under Appendix A of the *North Sydney Development Control Plan 2013* (NSDCP). The property is located within the vicinity of a number of local heritage items and contributory buildings. Detailed information on the heritage context of the subject site is provided in Section 5.0 of this report.

1.4 Limitations

Although GML inspected the interior of the property on 7 December 2018, at the request of the property owner photographs were not taken. As such, it was not possible to provide interior photographs in this 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 development application DA 299/18, information provided by North Sydney Council Historian Ian Hoskins, and GML's own detailed research.

1.5.1 Literature Review

The following sources were consulted in the preparation of this report. A bibliography is also included as an appendix to this document.

- URBIS, Heritage Impact Statement: 6–8 Hayes Street, Neutral Bay, 2008;
- Conybeare Morrison & Partners, 17–19 Wycombe Road, Neutral Bay, 'Valetta', 2001;
- City Plan Heritage, 2 Hayes Street, Neutral Bay, 2014;
- Debbie Shilkin, Inside Out Design, Unit 1, 2 Lower Wycombe Road, Neutral Bay, 2006;
- NRBS, Statement of Heritage Impact: 'Kcot-Sedar', 4 Hayes Street, Neutral Bay, 2008;
- John Oultram Heritage & Design, 7, 9–11 Manns Avenue, Neutral Bay, Proposed Conversion to Aged Care Accommodation: Heritage Assessment, Conservation Strategy and Impact Statement, 2006;
- Graham Hall and Partners, Statement of Heritage Impact, 7–11 Manns Avenue, Neutral Bay, 2008;
- Wong + Simmonds Architects, Heritage Impact Statement for 55 Kurraba Road, Neutral Bay, 2012;
- Sue Rosen Associates, Heritage Impact Statement for 57 Kurraba Road, Neutral Bay, 2014;
- Jyoti Somerville Pty Ltd, Heritage Report for Proposed Alterations and Additions to 59 Kurraba Road, Neutral Bay, 2000; and

- Memorandum, 'Proposed Demolition of 6 and 8 Hayes Street', from Dr Ian Hoskins, North Sydney Council Historian, 2018.

In addition, the Office of Environment and Heritage State Heritage Inventory datasheets for the following items were consulted:

- 9–11 Manns Avenue (Lansdowne);
- 2 Hayes Street (The Hastings);
- 4 Hayes Street (Kcot-Sedar);
- 7 Manns Avenue;
- 2 Lower Wycombe Road;
- 18 Lower Wycombe Road;
- 19 Lower Wycombe Road (Wallaringa Estate);
- 28 Lower Wycombe Road (Wycombe Private Hotel); and
- 47, 51, 53, 55, 57, 59 & 65 Kurraba Road (Kurraba Road Townhouses Group).

1.6 Author Identification

This report has been prepared by Lisa Trueman (Associate), Minna Muhlen-Schulte (Senior Heritage Consultant), Isabelle Rowlatt (Heritage Consultant) and Patrick Atkinson (Graduate Heritage Consultant). Claire Nunez (Senior Associate) has provided strategic input.

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.*

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 site is not listed on the State Heritage Register (SHR). There is one item listed on the SHR in the vicinity, located at 2 Hayes Street.

Part 3 of the Heritage Act allows the Minister to make an interim heritage order on a place that the Minster considers may, on further investigation, be found to be of State or local heritage significance. The NSW Minister for Heritage imposed an IHO on 6 Hayes Street on 27 February 2019 (IHO No. 148). The IHO is attached to this report at Appendix C.

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 site is 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 Historical Overview

3.1 Introduction

This section is an overview of the historical background of the subject site. It is based upon secondary sources, supplemented with additional primary research from Stanton Library, North Sydney, the National Library of Australia (NLA) and the State Library of NSW.

3.2 Aboriginal Country

Aboriginal people have occupied Sydney's North Shore for thousands of years. Radiometric dating of archaeological materials found in Cammeray shows that Aboriginal people occupied the North Sydney area at least 5800 years ago. The Cammeraygal (Gammeraigal) occupied the northwest of the harbour at the time of the First Fleet's arrival in 1788, an area which encompassed the North Shore and Neutral Bay. Another group, the Wallumedegal, occupied the opposite shore on the western side of the North Shore. The boundaries between the groups is blurred, but it is probable that the Wallumedegal's boundaries did not extend into the North Sydney area.[1]

The Aboriginal people who occupied the North Sydney area readily used the resources around them at their disposal, developing a complex knowledge of the land and a unique spirituality. The sea was an important source of food, as the amount of shell middens found in North Sydney attests. European observers in the eighteenth century noted the skill and speed with which women crafted fishing hooks from shells, their well-practised craft demonstrating this importance. Rock paintings and carvings found in the area also often depict sea creatures, usually being located on the foreshore close to the water. Fire was another important tool used by the Cammeraygal, with regular burning being used to improve accessibility and flush out animals for food. During colonisation the displacement of the Cammeraygal prevented them from engaging in this vital activity, resulting in disastrous fires in the early and mid nineteenth century.[2]

As Europeans continued to arrive and colonise Sydney and areas further afield the Cammeraygal and other Aboriginal groups were progressively dispossessed of their land and lifestyle. Land grants, which gave swathes of Aboriginal land to European colonists without recourse, encroached on their territory and eventually stripped them of their ownership of the land. Despite mounting resistance, the Aboriginal groups in and around North Sydney were forcibly removed from their land and subjected to acts of violence. So thorough was this displacement and dispossession that by 1891, the Aboriginal Protection Board did not record any Aboriginal people in the North Sydney area. Whether this was true is unknown. Recent work by Paul Irish has shown even though the impacts of colonisation had a devastating impact on Aboriginal life in coastal Sydney, survivors regrouped drawing on 'existing familial connections and other relationships'[3] forging relationships and economic connections with Europeans. Camps of Aboriginal people in North Sydney, some travelling from Shoalhaven, were reported into the late nineteenth century—outposts in a rapidly growing colonial city.[4]

3.3 Early Land Grants and European Occupation

European occupation of the Neutral Bay area began with a 700-acre grant to Captain John Piper in 1814. The grant encompassed the entirety of Kurraba Point area. Piper gave his grant as a wedding gift to Alfred Thrupp and his daughter, Sarah, when they married in 1814. In 1826 Thrupp built a cottage, the first European building in the area, on the land at the waterfront of Hayes Street.

The land gifted to Thrupp and his wife was not formalised and was discharged when Piper declared bankruptcy in 1828. It was acquired by the merchant Daniel Cooper, who held onto the land until 1854 before giving it over to his nephew John Cooper. In 1831 a house called Craignathan was built on the land adjacent to Thrupps Cottage.

Scottish businessman Benjamin Boyd leased Craignathan and the surrounding land after his arrival in 1842. He began to farm sheep on the estate, building a woolshed and two large boilers that were used to process wool. Boyd remained at Craignathan only a short time before leaving abruptly for California in 1849.

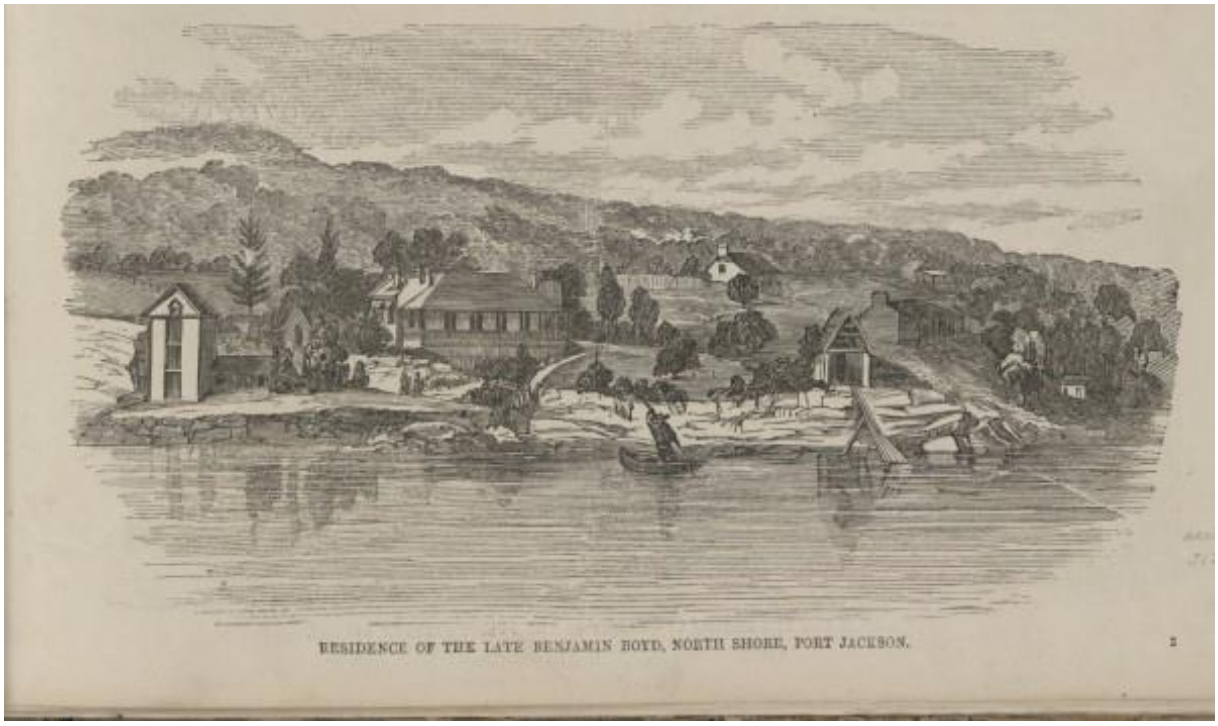

Figure 3.1 1857 Wood engraving of Craignathan house and lands. (Source: NLA)

During the 1840s Kurraba Point began to be quarried for stone, which was used as ballast for ships leaving the colony. The Kurraba Point quarry also supplied the stone for the construction of the Martello tower of Fort Denison.

In the decades following Boyd's departure John Cooper began the process of subdividing the estate. Leaseholds were given throughout the 1850s and 1860s, resulting in the creation of smaller estates which had prominent new residences built upon them or already contained one. Examples of these new estates and residences were Craignathan, Clee Villa, Wallaringa, Kurraba and Shellcote. A soap and oil factory was also built in this period by Patrick Hayes, who had acquired the (then closed) quarry. Craignathan Estate was sold to John F. Mann in 1863.

3.4 Development of Kurraba Point

When Craignathan was sold to John F. Mann in 1863 there were a total of eight residences in the area, situated on the subdivided plots of Cooper's estate. For the next decade this would remain relatively unchanged. In the 1870s a regular ferry service began to operate to the Hayes Street wharf. This vastly improved the quality of transport to and from Kurraba Point, opening the area to the prospect of residential development.

During this time Patrick Hayes' soap and oil factory continued to operate but failed to find a firm footing. Following its closure, the factory was acquired by the Port Jackson and Manly Steam Ship Company in 1883, cementing the ferry services to and from the area.

3.4.1 Walter Liberty Vernon and the Neutral Bay Land Company

Neutral Bay was still an elite suburb at the time Hayes' soap and oil factory was acquired, having eight large waterfront estate residences and little else. With the arrival of reliable transport services to the area, Neutral Bay was opened to entrepreneurial residential development. Walter Liberty Vernon, a prominent architect who had recently arrived from England, recognised the opportunity to develop the area after having chosen Neutral Bay to build his home in 1884. He established the Neutral Bay Land Company in partnership with department store owner Edward Jones the following year, with the view of subdividing the estates and creating a residential suburb.

His company secured land on 90-year leases from John Cooper and Patrick Hayes. Several houses, designed by Vernon, were built on subdivided plots of the land to entice buyers (Figure 3.2). This meant the Neutral Bay Land Company venture became one of the first planned suburban developments in Sydney. The company's advertising emphasised the quality of Vernon's house designs and the beauty of the area. The unique architectural character of Kurraba Point was first established during this time, with Vernon's English Revival designs becoming a recognisably unique feature of the area.

Following the initial offering, Vernon partnered with Howard Joseland in 1889 to design more houses, which eventually totalled 33. The next year Vernon was appointed Government Architect, leaving the venture. The Company folded soon after during the depression of the 1890s, having succeeded in beginning the process of single-dwelling residential apartment buildings in Neutral Bay.

Figure 3.2 1889 map of the Neutral Bay Land Company Estate and the houses designed by Walter Liberty Vernon (arrow indicates approximate location of subject site). (Source: North Sydney Council with GML overlay)

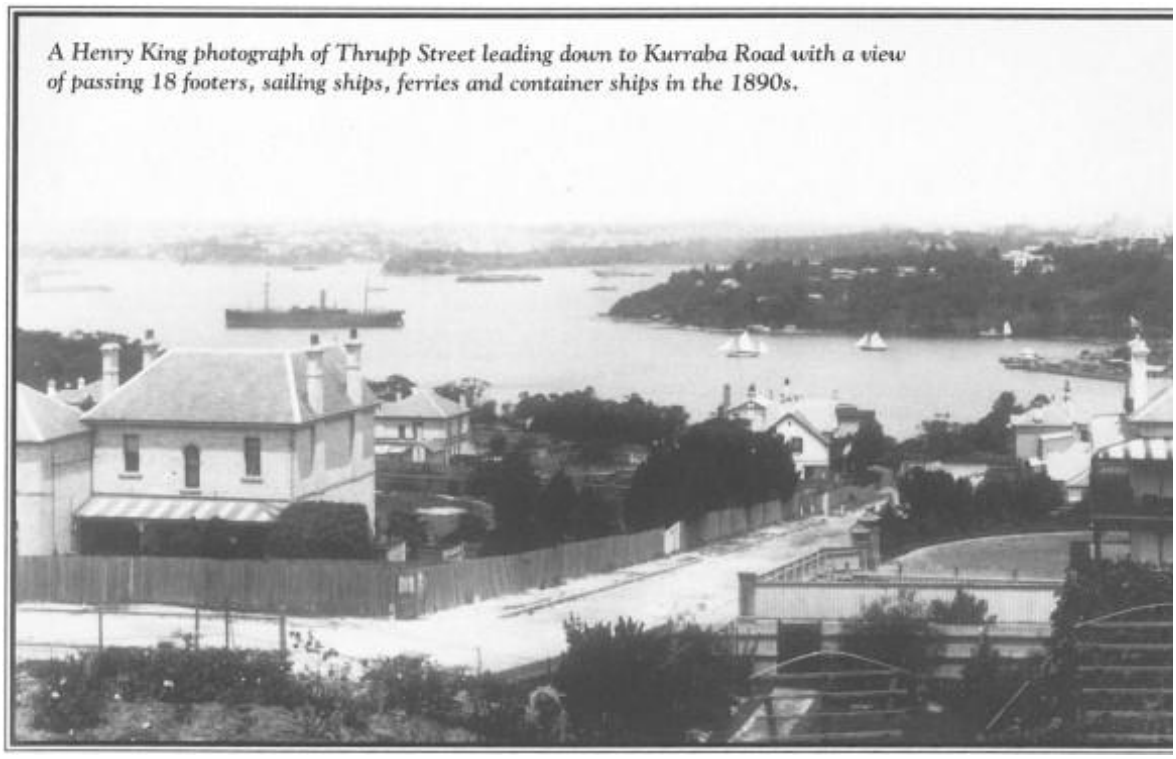

Figure 3.3 View down Thrupps Street showing one of Walter Liberty Vernon's designs (left). (Source: Joan Lawrence)

3.4.2 Continued Subdivision and Development

The impetus towards subdivision and large to medium single-dwelling residences continued after the dissolution of the Neutral Bay Land Company. Once the economic downturn had subsided, more estates began the process of breaking up into residential subdivisions. This was further spurred by the construction of a tram line running from Neutral Bay Junction to Hayes street wharf in 1900, which provided even greater access to and from Kurraba Point.

By this time, Kurraba Point was considered to be a popular suburb 'featuring attractive homes of the well-to do'. It as described in the residential guide of *Sydney and Suburbs* (1915) as:

> *a delightful watering suburb situated on the northern foreshore of Sydney Harbour, it is surrounded by undulating grassy lawns and gardens, connected with the City by excellent ferry services from Circular Quay.*[5]

Clee Villa Estate, on Lower Wycombe Road, underwent subdivision in the late 1890s, as did parcels of the Coopers' estate farther north. The area became defined by the English Revival character of the new houses built on the subdivided plots, which were typically built in the Federation or Arts and Crafts styles.

Craignathan Estate underwent subdivision in 1903/1904. Before this, a flurry of building activity had begun on the land. The Hastings (Figure 3.5)—a prominent architectural feature of Hayes Street to this day—was built that year on the site of the former Thrupps Cottage, which was demolished in 1890. Manns Avenue was formally established as well, separating Craignathan Estate from Elevera Estate, which had split off from Craignathan in the 1870s (see Figure 3.4). The Lansdowne, 11 Manns Avenue, was built. This period saw the establishment of Hayes Street's character and did much to inform construction on the street in the following decades.

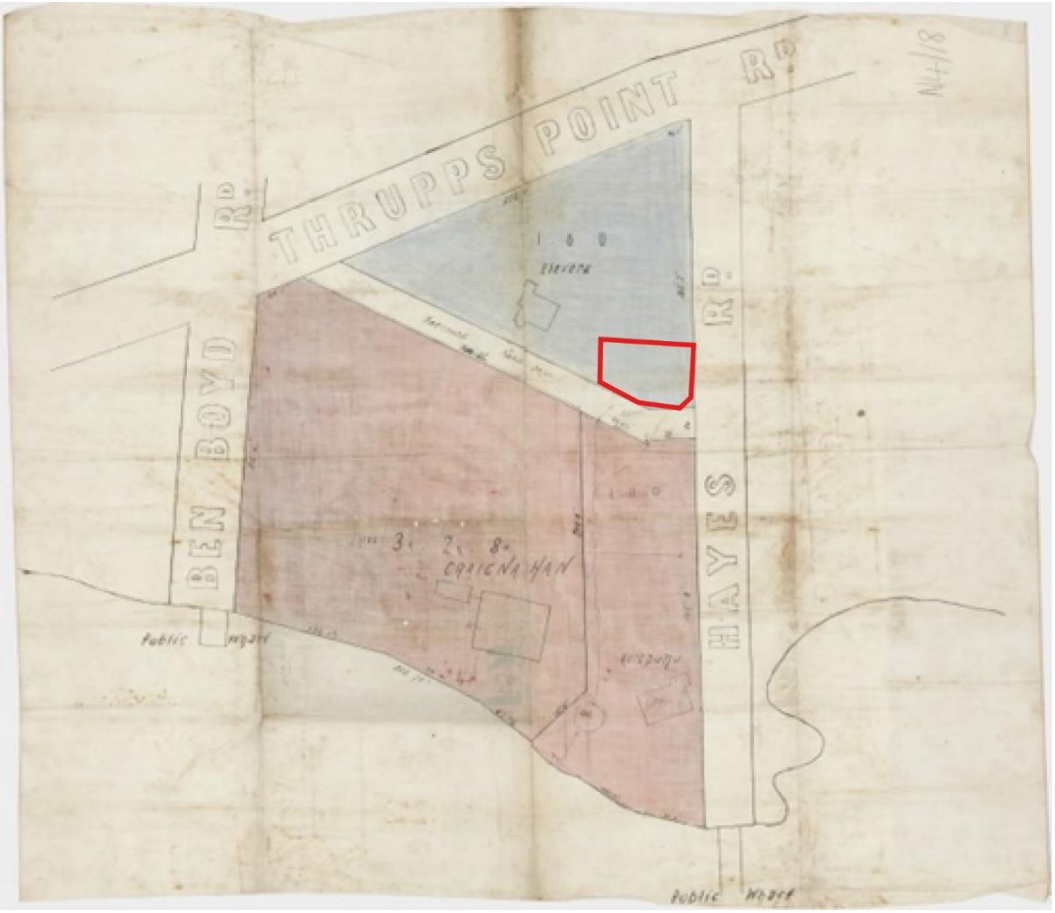

Figure 3.4 Subdivision of Craignathan Estate and Elevera Estate c1870s. Approximate boundary of subject site is outlined in red (Source: State Library of NSW with GML overlay)

Figure 3.5 c1904 view of Hayes Street Wharf and Kurraba Point. The Hastings is in the foreground on the left. (Source: North Sydney Council Heritage Centre)

3.5 6 Hayes Street

By the 1920s Hayes Street had become an important thoroughfare owing to the presence of the ferry wharf and tram line. Much of the land around the area had been divided by then and most had single-dwelling residences built on them. Among the last of the estates to be subdivided was Elevera Estate in 1921, which occupied the block between Kurraba Road, Hayes Street and Manns Avenue. Figure 3.7 shows the planned subdivision of the land. Lot 5, on the corner of Hayes Street and Manns Avenue, was the plot of land on which 6 Hayes Street currently stands.

Lots 3, 4 and 5 were purchased by Rose Ana Philipson, who assumed ownership in April 1922. Lots 4 and 5 were then quickly on-sold to Kenneth Teasdale Austin the following year, while Philipson kept lot 3 for herself. Figure 3.8 shows how a fence divided lot 3 from 4 and 5, which remained undeveloped at the time. Around this time HE Edwards was hired to build two houses on lots 4 and 5, now known as 6 and 8 Hayes Street.

No documentary evidence has been found to identify whether HE Edwards worked with an architect in the design of the houses at 6 and 8 Hayes Street. Edwards may have designed the houses himself using skills he acquired through the construction of architect-designed houses with a similar style. The design of the houses demonstrates the skill of HE Edwards as a builder, particularly for 6 Hayes Street. Its design indicates the detailed knowledge of and respect given to the characteristic built form and architectural typology of the area, and a detailed knowledge of the work of prominent architects that worked in the Neutral Bay area. The dramatic roof angle, roughcast hung shingles, expressed chimneys and large dormer window reflects the character of the buildings in the area, as demonstrated in houses such as The Hastings, designed by E Jeaffreson Jackson; Nutcote, designed by BJ Waterhouse; Bengallala, designed by Donald Esplin; and Lansdowne, which is attributed to E Jeaffreson Jackson.[6]

No. 6 Hayes Street, on lot 5, was sold in 1925 to Margaret Winifred Dodds. The following table[7] shows the ownership of the property from 1816 to the present.

Table 3.1 Timeline of Ownership of 6 Hayes Street.

Date	Owner
1816	Alfred Thrupp
1854	Daniel Cooper
1876	Lease to John F Mann (BK 406 No. 732)
1889	Underlease to Livingstone F Mann (BK 406 No. 732A)
1890	Underlease to Livingstone F Mann (BK 433 No. 819)
September 1897	Assignment—National Mutual Life Association of Australasia Ltd to JA Brown and GWH Lukin (BK 607 No. 479)
October 1897	Declaration of Trust—JA Brown and GWH Lukin
April 1904	Assignment lease—JA Brown and GWH Lukin as trustees (BK 759 No. 905)
June 1904	Declaration of Trust—GWH Lukin
1911	Leasehold—Margaret W Dodds (BK 1008 No. 3528)
1916	T Raine and CG Philips as trustees of Cooper Estate
1918	Margaret W Dodds (BK 1143 No. 336)
1922	Rose A Philipson—Lots 3, 4 and 5 Elevera Estate (BK 1258 No. 329)
1923	Kenneth T Austin—Lots 4 and 5 Elevera Estate (BK 1291 No. 976)

Date	Owner
1925	Maurice Fitzgerald—Lot 5 (6 Hayes Street) (BK 1411 No. 240)
1945	Leofric C and Hilda Alford—6 and 8 Hayes Street (BK 1961 No. 425)
1964	Gowan Brae Investments Pty Ltd—6 and 8 Hayes Street (BK 2714 No. 742)
1987	Michael and Pamela Cannon (BK 3720 No. 739)

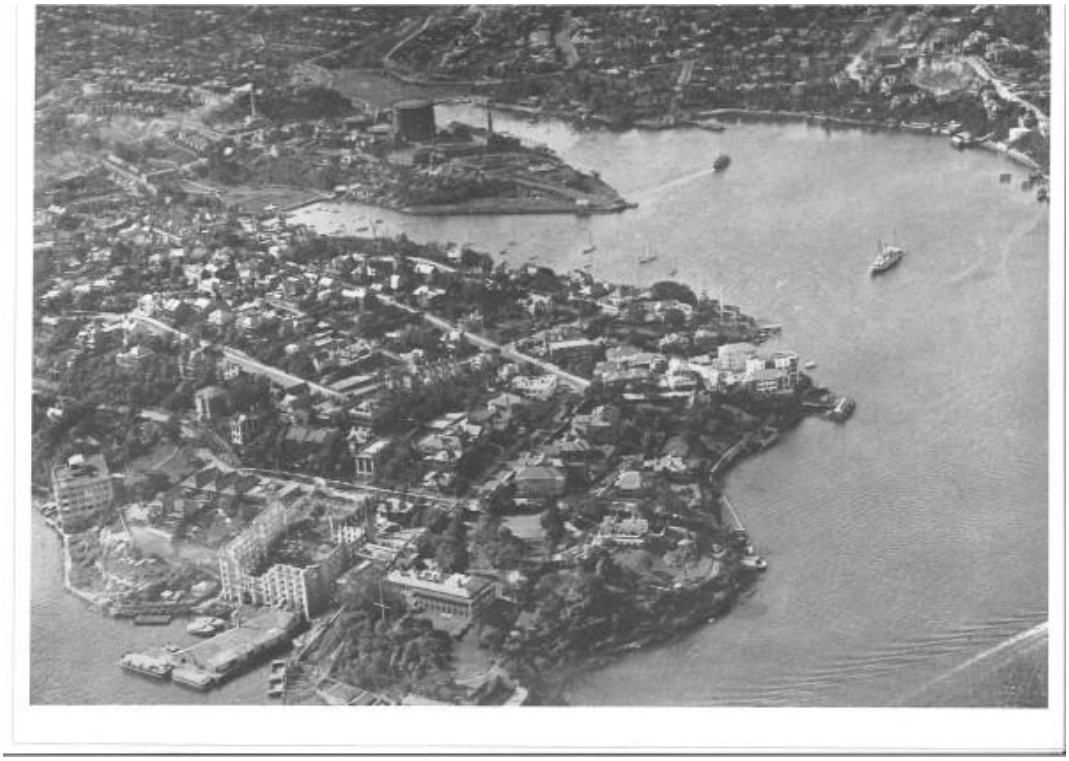

Figure 3.6 c1920 aerial view of Kirribilli (foreground) and Neutral Bay (background) showing the residential development of the area. Hayes Street can be seen at the top centre-right of the image, showing the undeveloped Elevera Estate land. (Source: Stanton Library Archives)

Figure 3.7 Elevera Estate subdivision auction poster showing subject site outlined in red. (Source: Stanton Library with GML overlay)

Figure 3.8 1922/1923 view of the subject site shortly before the construction of houses, with Lansdowne (11 Manns Avenue) at left. (Source: NLA)

3.6 Transition to Residential Flats

The construction of 6 Hayes Street in 1923/1924 marked the end of the first phase of residential development in Kurraba Point, characterised by medium to large Federation or Arts and Crafts houses. The high quality of transport and beauty of the area attracted more and more residents. To meet the increasing demand, large residential flats became the development focus in the area. Beginning in the mid to late 1920s, residential flat buildings like 2 Lower Wycombe Road (1925) and Kcot-Sedar (4 Hayes Street, built 1927) were constructed. Existing buildings were often converted into multiple flats, and private hotels, boarding houses and guesthouses flourished in the area.[8] No. 6 Hayes Street was converted into two flats in 1925 in response to demand. It was divided once again in 1978 and converted into four flats. Throughout this time, it retained its exterior form as a Federation/Arts and Crafts style house.

Resistance towards the construction of residential flats grew among residents, who believed that the character of Kurraba Point was being eroded. By 1941, residents had grown concerned enough to present a petition to the Council banning the continued construction of flats in the area. Aware of their anger and the effect the buildings would have on the area, the Building Surveyor and the Council acceded to their concerns and a stop on new flats was put in place. Population pressures resulted in this being ignored in 1963, when a block of 64 flats was approved for construction on Kurraba Road.[9] The unique character and heritage significance of Kurraba Point was later recognised by North Sydney Council and the area was gazetted as a local heritage conservation area.

In 1988, No. 6 Hayes Street was converted back into a single dwelling.

3.7 Endnotes

1 Hoskins, I 2008, *Aboriginal North Sydney: An Outline of Indigenous History,* North Sydney Council, North Sydney.

2 Hoskins, I 2008, *Aboriginal North Sydney: An Outline of Indigenous History,* North Sydney Council.

3 Irish, P 2017, *Hidden in Plain View: The Aboriginal People of Coastal Sydney*, New South Press, p 22.

4 Hoskins, I 2008, *Aboriginal North Sydney: An Outline of Indigenous History,* North Sydney Council, North Sydney.

5 North Sydney Council, Historical Services, 'Gem of the Harbour: A Walking Tour of Kurraba Point', North Sydney Council.

6 John Oultram Heritage & Design 2006, 7, 9–11 Manns Avenue, Neutral Bay, Proposed Conversion to Aged Care Accommodation: Heritage Assessment, Conservation Strategy and Impact Statement, John Oultram Heritage & Design, p 39.

7 URBIS 2018, Heritage Impact Statement: 6–8 Hayes Street Neutral Bay, URBIS.

8 Lawrence, J 1999, *Pictorial History: Lavender Bay to the Spite: Blues Point – McMahons Point – Lavender Bay – Milsons Point – Kirribilli – Neutral Bay – Cremorne – Clifton Gardens – Balmoral – Mosman – The Spit – Beauty Point,* Kingsclear Books, Alexandria, NSW

9 Masson, L 2008, 'Kurraba Point', Dictionary of Sydney, viewed 25 February 2019 <https://dictionaryofsydney.org/entry/kurraba_point>.

4.0 Site Analysis

4.1 Local Context

The main approaches to the subject site 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 site is 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.

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.

Figure 4.1 Hayes Street streetscape, looking north. (Source: GML, 2018)

Figure 4.2 Hayes Street streetscape, looking north. (Source: GML, 2018)

Figure 4.3 Group of shops on Hayes Street by the wharf. (Source: GML, 2018)

Figure 4.4 Neutral Bay Wharf at the bottom of Hayes Street. (Source: GML, 2018)

Figure 4.5 Lower Wycombe Road as viewed from Hayes Street. (Source: GML, 2018)

Figure 4.6 Corner of Hayes Street and Lower Wycombe Road. The former post office is on the left. (Source: GML, 2018)

Figure 4.7 View down Manns Avenue from the west. (Source: GML, 2018)

Figure 4.8 Elevera Private Hotel as viewed from Manns Avenue. (Source: GML, 2018)

Figure 4.9 Example of a building on Wallaringa Avenue. (Source: GML, 2018)

Figure 4.10 Example of a building on Lower Wycombe Road. (Source: GML, 2018)

Figure 4.11 Example of building on Lower Wycombe Road. (Source: GML, 2018)

Figure 4.12 Example of buildings on Lower Wycombe Road. (Source: GML, 2018)

4.2 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.

Figure 4.13 View of the subject site within its immediate context, looking south down Hayes Street. (Source: GML, 2018)

Figure 4.14 View of the subject site, looking north up Hayes Street. No. 6 is in the foreground on the corner of Hayes Street and Manns Avenue. (Source: GML, 2018)

Figure 4.15 6 Hayes Street, east elevation from across Hayes Street. (Source: GML, 2018)

Figure 4.16 6 Hayes Street, detail of east elevation. (Source: GML, 2018)

Figure 4.17 6 Hayes Street, south elevation viewed from Manns Avenue. (Source: GML, 2018)

Figure 4.18 Rear of 6 Hayes Street from Manns Avenue, showing driveway entry. (Source: GML, 2018)

Figure 4.19 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 4.20 Detail view of the chimney at 6 Hayes Street. (Source: GML, 2018)

Figure 4.21 View of the rear of 6 Hayes Street, from the neighbouring property at 2 Manns Avenue. (Source: GML, 2018)

Figure 4.22 View of 6 Hayes Street showing the north and west elevations, taken from a neighbouring property. (Source: GML, 2018)

5.0 Heritage Context

5.1 Heritage Listings

The subject site is located within the Kurraba Point Heritage Conservation Area, as listed in Schedule 5 of NSLEP and shown in Figure 4.1. The property is identified within the NSDCP Appendix A as a 'neutral' building. It is located in the vicinity of a number of heritage items and contributory buildings, as shown in Figures 5.1 and 5.2, and Tables 5.1 and 5.2.

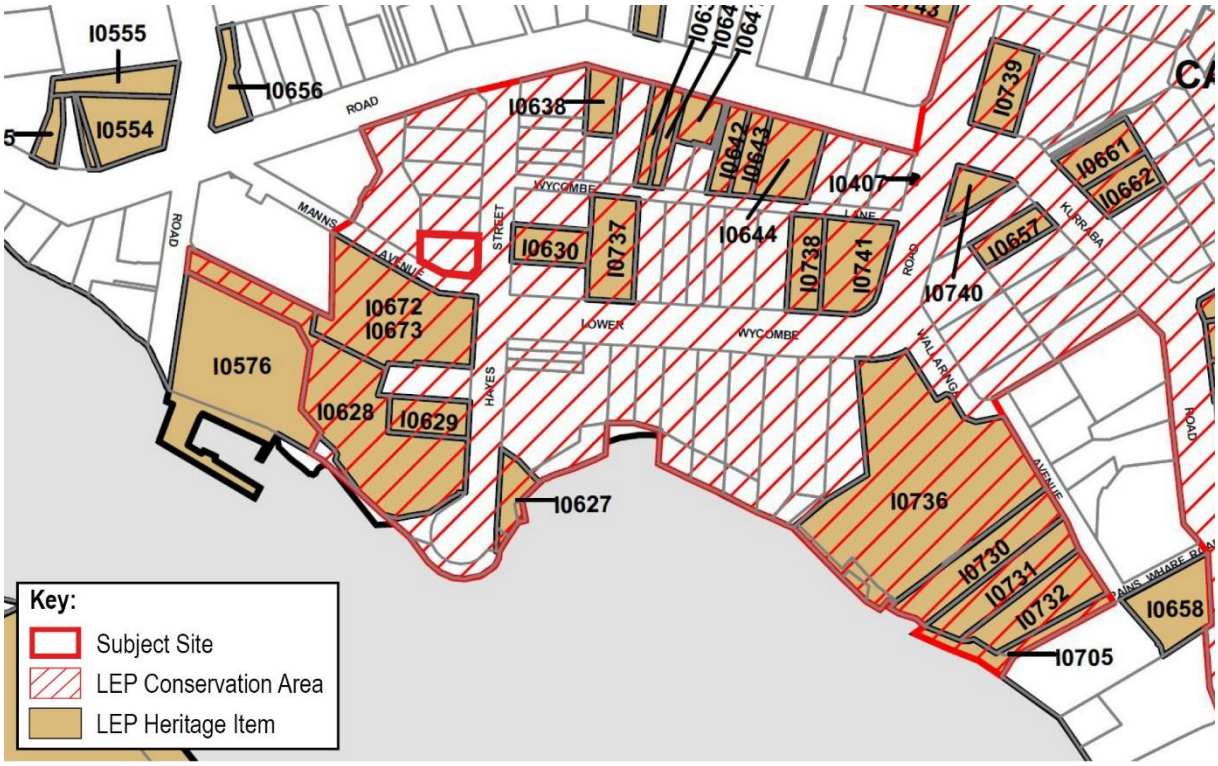

Figure 5.1 NSLEP Heritage Map indicating the subject site within its heritage context. (Source: NSLEP with GML overlay)

5.1.1 Heritage Items in the Vicinity

Table 5.1 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	I0627
The Hastings	2 Hayes Street	State	SHR NSLEP	00567 I0628
Kcot-Sedar	4 Hayes Street	Local	NSLEP	I0629
Former Neutral Bay Post Office	19 Hayes Street	Local	NSLEP	I0630
Customs Marine Centre	Ben Boyd Road	Local	NSLEP	I0576

Item Name	Address	Significance	Listing	Item No.
House	7 Manns Avenue	Local	NSLEP	I0672
House	9–11 Manns Avenue	Local	NSLEP	I0673
Wallaringa Mansions	1 Wallaringa Avenue	Local	NSLEP	I0736
House	2 Lower Wycombe Road	Local	NSLEP	I0737
Flat Building	18 Lower Wycombe Road	Local	NSLEP	I0738
Wycombe Private Hotel	28 Lower Wycombe Road	Local	NSLEP	I0741
House	47 Kurraba Road	Local	NSLEP	I0638
House	51 Kurraba Road	Local	NSLEP	I0639
House	53 Kurraba Road	Local	NSLEP	I0640
House	55 Kurraba Road	Local	NSLEP	I0641
House	57 Kurraba Road	Local	NSLEP	I0642
House	59 Kurraba Road	Local	NSLEP	I0643
Wavertree	65 Kurraba Road	Local	NSLEP	I0644

5.1.2 Kurraba Point Heritage Conservation Area

The subject site and surrounding heritage items 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, Jeaffreson 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.*

Figure 5.2 Map of Kurraba Point Conservation Area. (Source: NSDCP 2013)

Figure 5.3 The subject site, with surrounding heritage and contributory items marked. (Source: Google Maps with GML overlay)

5.1.3 Contributory Items in the Vicinity

Appendix 1 of the NSDCP identifies whether buildings are contributory, neutral or uncharacteristic according to their contribution to the conservation area. Contributory buildings in the vicinity of the site are listed in Table 5.2 below and identified in Figure 5.3.

Table 5.2 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 Lower Wycombe Road
Contributory Item	6A Lower Wycombe Road
Contributory Item	8 Lower Wycombe Road
Contributory Item	10 Lower Wycombe Road
Contributory Item	11 Lower Wycombe Road
Contributory Item	12 Lower Wycombe Road
Contributory Item	14 Lower Wycombe Road
Contributory Item	15 Lower Wycombe Road
Contributory Item	2 Manns Avenue

5.1.4 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 Hayes Street, particularly the high-pitched gabled roofs, window detailing, colour and material palettes, and chimneys.

Heritage Items

Figure 5.4 The Hastings, 2 Hayes Street. (Source: GML, 2018)

Figure 5.5 Neutral Bay Ferry Wharf **(heritage item). (Source: GML, 2018)**

Figure 5.6 9 Manns Avenue, now part of an aged care facility. (Source: GML, 2019)

Figure 5.7 7 Manns Avenue, farther west along the street. (Source: GML, 2018)

Figure 5.8 11 Manns Avenue (corner of Hayes Street and Manns Avenue). (Source: GML, 2018)

Figure 5.9 Kcot Sedar, 4 Hayes Street. (Source: GML, 2018)

Figure 5.10 17 Hayes Street—the former Neutral Bay post office (in centre). (Source: GML, 2018)

Figure 5.11 Wallaringa Mansions from Wallaringa Avenue. (Source: GML, 2018)

Figure 5.12 Wallaringa Mansions, facing Lower Wycombe Road. (Source: GML, 2018)

Figure 5.13 Wycombe Private Hospital, 28 Lower Wycombe Road. (Source: GML, 2018)

Figure 5.14 2 Lower Wycombe Road—the Clee Court townhouse group. (Source: GML, 2019)

Figure 5.15 18 Lower Wycombe Road. (Source: GML, 2019)

Figure 5.16 47 Kurraba Road. (Source: GML, 2019)

Figure 5.17 51 and 53 Kurraba Road. (Source: GML, 2019)

Figure 5.18 55 Kurraba Road. (Source: GML, 2019)

Figure 5.19 57 Kurraba Road. (Source: GML, 2019)

Figure 5.20 59 Kurraba Road. (Source: GML, 2019)

Figure 5.21 Wavertree, 65 Kurraba Road. (Source: GML, 2019)

Contributory Items

Figure 5.22 11–15 Hayes Street. (Source: GML, 2018)

Figure 5.23 17 Hayes Street. (Source: GML, 2018)

Figure 5.24 2 Manns Avenue. (Source: GML, 2018)

Figure 5.25 Contributory items in Lower Wycombe Road. (Source: GML, 2018)

Figure 5.26 Contributory items in Lower Wycombe Road. (Source: GML, 2018)

Figure 5.27 Contributory items in Lower Wycombe Road. (Source: GML, 2018)

Figure 5.**28** Contributory items in Lower Wycombe Road. (Source: GML, 2018)

Figure 5.29 11 Lower Wycombe Road (contributory). (Source: GML, 2018)

6.0 Assessment of Significance

The following section contains an assessment of the significance of the property at 6 Hayes Street, Neutral Bay, based on the NSW Heritage Office Heritage Assessment Criteria. The assessment is informed by the detailed historical background in Section 3.0 of this report and the State Heritage Inventory database sheets for nearby heritage items.

6.1 Integrity

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.

The building has undergone some modification since its construction, including internal modifications, enclosure of the dormer, an addition at the rear, a garage door and hardstand car space access from Manns Avenue, and high front fence. However, the building remains largely intact and its original form and features are largely unaltered and remain visible from the public domain. The dormer enclosure and rear addition have been sympathetically designed with materials, roofing and form that match the rest of the building. Internally, original features—including fireplaces, decorative ceilings and joinery features including the main stair—remain intact.

6.2 Comparative Analysis

This section provides a comparison with other heritage listed properties of local and state significance located within the Kurraba Point Conservation Area and in the vicinity of the site, in order to determine if the property has similar features and significance.

The following properties are located within the vicinity of 6 Hayes Street and are listed as heritage items within the NSLEP:

- 9–11 Manns Avenue (Lansdowne);
- 2 Hayes Street (The Hastings);
- 4 Hayes Street (Kcot-Sedar);
- 7 Manns Avenue;
- 2 Lower Wycombe Road;

- 18 Lower Wycombe Road;
- 19 Lower Wycombe Road (Wallaringa Estate);
- 28 Lower Wycombe Road (Wycombe Private Hotel); and
- 45–69 Kurraba Road (Kurraba Road Townhouses Group).

The following table presents a comparison of the key features of these heritage items. Statements of significance are taken from the State Heritage Register's inventory sheet for each item

Table 6.1 Comparative Analysis of Heritage Items in the Vicinity of 6 Hayes Street.

9 and 11 Manns Avenue, 'Lansdowne'

9 Manns Avenue as viewed from Manns Avenue. (Source: GML, 2019)	11 Manns Avenue as viewed from Hayes Street. (Source: GML, 2018)

Date of Construction	1904/1905	**Architect**	Attributed to E Jeaffreson Jackson
Heritage Significance	Local		

Historical Summary

Lansdowne, built 1904/1905, is part of the former Craignathan estate, which was part of an early land sale from the Coopers Estate. During the late nineteenth and early twentieth century the Kurraba Point area underwent a sustained period of subdivision and development. Craignathan estate was subdivided in 1903, the same year Manns Avenue was dedicated. Lansdowne was built in 1904/1905, with 9 Manns Avenue being the first of the two buildings erected. This was shortly followed by the larger 11 Manns Avenue. The building's design has been attributed to E Jeaffreson Jackson.[1] The buildings were used as a private boarding house from the 1920s. The historic curtilage of the buildings has changed over time, being reduced in 1959 when a parcel south of 11 Manns Avenue was sold. Recently both buildings were converted for use as a boarding house. The rear of No. 9 underwent significant modification to connect it with a new building constructed as part of the facility.

9 and 11 Manns Avenue, 'Lansdowne'

Key Features

The key features of 9 Manns Avenue are:

- Single-storey Federation Arts and Crafts style house. Originally detached but is now connected to No. 11 at the rear.
- High pitched gable roof tiled in terracotta with timber shingled gabled ends with a roughcast chimney.
- Large overhanging eaves with exposed rafters.
- Dormer with skillion roof.
- Brick building with roughcast render walls.
- Projecting bays with skillion coverings.
- Windows have timber frames and simple decorative patterning.
- Inset verandah with decorative timber posts and bracketing and curved, roughcast rendered brickwork.
- Modern addition at rear which connects the building to the aged care facility.

The key features of 11 Manns Avenue are:

- Three-storey Federation Arts and Crafts style former house. Originally detached, now connected to No. 9 at the rear.
- High pitched gable roof tiled in terracotta with timber shingled gable ends and a roughcast chimney.
- Large overhanging eaves with exposed rafters.
- Brick walls on sandstone base. Face brickwork at the ground floor and a roughcast render on additional storeys.
- Projecting bays and oriels with skillion coverings.
- Windows have timber frames with simple decorative patterning.
- Inset verandahs on first and second floor with decorative timber posts and bracketing as well as curved, roughcast rendered brickwork.
- Modern addition at rear which connected the building to the aged care facility.

Statement of Significance

An excellent and characteristic example of a large, private house of the Federation period, neatly executed in a conservative Arts and Crafts style. It occupies an important corner site for streetscape vistas. It is a part of a collection of similar houses in the vicinity which together characterised the area. (Office of Environment and Heritage State Heritage Inventory, 9–11 Manns Avenue)

9 Manns Avenue is an example *of a single storey Edwardians Arts and Craft house built in 1904 on a site that formed part of an early land sale from the Cooper Estate that was part of Thrupp's grant. The house is reasonably intact but has been considerably altered internally and its verandahs enclosed. (*John Oultram Heritage & Design 2006, 7–11 Manns Avenue Statement of Heritage Impact, p 41*)*

11 Manns Avenue is a very good example a three storey Edwardians Arts and crafts house built in 1905, possibly as a boarding house complete with Dining *Room, Billiard Room croquet lawn and tennis courts. Its site formed part of an early land sale from the Cooper Estate that had formed part of Thrupp's grant. The house has high quality detailing, retains in part its original layout including its front garden and is reasonably intact. It has been altered internally with some original fabric removed, rooms subdivided and verandahs enclosed. It has a prominent setting on a raise site and is and important local landmark.* (John Oultram Heritage & Design 2006, 7–11 Manns Avenue Statement of Heritage Impact, p 42)

The Hastings, 2 Hayes Street

The Hastings viewed from Hayes Street near Neutral Bay wharf. Crenellation of parapet is visible. (Source: GML, 2018)

The Hastings viewed from Hayes Street. (Source: GML, 2018)

Date of Construction	1903/1904	**Architect**	E Jeaffreson Jackson
Heritage Significance	State		

Historical Summary

The Hastings, built in 1903/1904, is a large Federation Arts and Crafts style house which occupies a prominent harbourside site in North Sydney. Located adjacent to the Hayes Street ferry wharf, The Hastings sets the architectural tone of the Kurraba Point area and acts as a gateway into the suburb.

The Hastings has important historical associations with maritime industries and prominent individuals. It is built on the land of the former Craignathan Estate. Craignathan Estate was the site of Thrupps Cottage (1826), possibly the first colonial building on the North Shore. Another important cottage, Craignathan, was built adjacent to Thrupps. The site is associated with businessman Ben Boyd, who lived there in the mid-nineteenth century and used the site to farm sheep. It is also associated with Alfred Thrupp and John McLaren, who owned the estate at different times. The site has notable archaeological remains associated with its agricultural and maritime history and the two prior residences.

The arrival of regular ferry services to Hayes Street ferry wharf opened the area to subdivision and development. Craignathan was subdivided in 1903/1904 and architect Edward Jeafferson Jackson was commissioned to build The Hastings.

Key Features

- Three-storey large Federation Arts and Crafts detached house.
- High pitched multilevel gable terracotta tiled roof with decorative ridge capping. The gable ends are clad with timber shingles. Also has a roughcast chimney.
- Square tower with crenellated parapet.
- Large overhanging eaves with exposed rafters.
- Multiple dormers with skillion and gable roofs.
- Brick building on a sandstone base with a roughcast render.
- Projecting bays and oriels with skillion coverings.
- Informal fenestration with a variety of styles, including round window accents. All with simple patterning.
- Inset verandahs on first and second floor with decorative timber posts and bracketing as well as curved, roughcast rendered brickwork.
- Some modern additions towards rear of building.

The Hastings, 2 Hayes Street

Statement of Significance

A fine example of Federation Arts and Crafts style, with asymmetrical composition and a steep roof with deep gables. The brick render and shingle facade treatment of the different levels provide textures and colour to the elevations. The bay windows and intricate joinery provide further interest and also relief to the formal facades. Occupying a prominent position on the northern foreshores of Sydney Harbour, Hastings is a conspicuous building, greeting ferry passengers arriving at Hayes Street Wharf and providing a pleasant backdrop to the harbourside reserve, shopping centre and ferry wharf. The Hastings boarding house is indicative of the building boom of the early 1900s, which resulted in the creation of a coherent architectural styled suburb, the Federation Neutral Bay, for which, to this date, the suburb is well known. Being on the waterfront, Hastings formed a gateway to this important suburb and it would appear that it was probably one of the first large Federation period houses to have been erected on the northern foreshores of Sydney Harbour. (Office of Environment and Heritage State Heritage Register, The Hastings)

Kcot-Sedar, 4 Hayes Street

Kcot-Sedar viewed from Hayes Street. (Source: GML, 2018)

View of Kcot-Sedar further up Hayes Street showing the frontage. (Source: GML, 2018)

Date of Construction	1927	**Architect**	No architect/unknown
Heritage Significance	Local		

Historical Summary

Kcot-Sedar is a large residential flat building designed in the Federation Free Style. It was built in 1927 for Adeline G. MacDougall. In the 1920s, following initial subdivision and development, there was a trend of constructing residential flats near Sydney's foreshore. Kcot-Sedar represents the beginning of the 'residential flats' phase of development for Kurraba Point. The building was designed sympathetically for the area and reflects much of its architectural character.

Kcot-Sedar, 4 Hayes Street

Key Features

- Three-storey Federation Free Style residential flat building.
- High pitched hipped and gabled terracotta tiled roof. Gable ends are clad with timber shingles.
- Large, prominent overhanging eaves.
- Exposed brick building with geometric decorative motif in central recess.
- Projecting bays on projected wings which run the height of the building's façade. The bays have timber shingles between floors.
- Simple timber framed windows with multi-paned sashes.
- Covered vestibule set into the recess.
- Two street facing garages with rooftop courtyards fronting the street.

Statement of Significance

Imposing and dramatic early twentieth century residential flats building and garages of the Federation Free style displaying competent design. Intact interiors across the whole building are of significance. Combination of various stylistic motifs. Demonstrates the trend towards residential flats in harbourside locations occurring at time. (Office of Environment and Heritage, State Heritage Inventory, Kcot-Sedar)

7 Manns Avenue

7 Manns Avenue as viewed from the property opposite. (Source: GML, 2018)

Detail of building showing the detailing and timber shingled gable end. (Source: GML, 2018)

Date of Construction	1904	**Architect**	Attributed to E Jeaffreson Jackson
Heritage Significance	Local		

Historical Summary

No. 7 Manns Avenue is an early twentieth-century single-storey house designed in the Federation Arts and Crafts style. It was built on the land of the former Craignathan estate, which itself was an early land sale of the historic Coopers Estate. No. 7 Manns Avenue was built in 1904, the year after the Craignathan estate was subdivided. Its design is attributed to E Jeaffreson Jackson.[2] Historically 7 Manns Avenue was on its own lease, but it has been grouped with 9–11 Manns Avenue since the 1970s. In 2008 it was modified to become part of a retirement village, with the rear of the building now attached to a modern development.

7 Manns Avenue

Key Features

- Single-storey Federation Arts and Crafts house.
- High pitched gable terracotta tiled roof. The gable ends have a timber shingle infill with a modest decorative timber band.
- Large overhanging eaves with exposed rafters.
- Painted brick building on a sandstone base.
- Informal fenestration including round accented window near entrance. Windows are timber framed and have simple decorative patterning.
- Inset verandah with decorative timber posts and brackets as well as curved face brickwork. A verandah on the eastern side has been infilled but retains the curved brickwork.
- The rear of the building has undergone extensive alterations to incorporate it with the aged care facility.

Statement of Significance

The building is a very good example of a well designed and detailed Arts and Crafts residence in a streetscape that contains another adjacent building that complements its setting. The building demonstrates the main attributes of the style in a well composed form. The building demonstrates the range of styles and forms developed along the Harbour edge in the early years of the Twentieth Century. (Office of Environment and Heritage, State Heritage Inventory, 7 Manns Avenue)

7 Manns Avenue is a good example of a single storey Edwardian Arts and Crafts house build in 1904 on a site that formed part of an early land sale from the Cooper Estate that was part of Thrupp's grant. The house has good quality external detailing and is reasonably intact though it has been considerably altered internally and its verandahs enclosed. (John Oultram Heritage & Design 2006, 7–11 Manns Avenue Statement of Heritage Impact, p 40)

Clee Court, 2 Lower Wycombe Road

Clee Court's street entrance, showing the landscaped garden. (Source: GML, 2019)

Clee Court viewed from the opposite side of Lower Wycombe Road. The gable ends of the wings can be seen beside the cypress trees. (Source: GML, 2019)

Date of Construction	c1934	**Architect**	No architect/unknown
Heritage Significance	Local		

Clee Court, 2 Lower Wycombe Road

Historical Summary

Clee Court is a group of townhouses built around 1934 in the interwar Old English style. Clee Court is located on the site of Clee Villa, which was one of the first houses built in Neutral Bay and part of the Clee Villa estate. The site is associated with John F Mann, who briefly lived there with his family before purchasing and living in Craignathan after 1868. The estate was subdivided during the first period of intensive residential development in the Kurraba Point area.

The house group maintains its original 1930s layout and form, as all are single-storey houses. Its landscape setting is original and is of some significance, including a cypress pine which may be part of the earlier estate. No. 2 Lower Wycombe Road is representative of early townhouse development in the area.

Key Features

- Single-storey interwar Old English style townhouse group formed roughly into a 'U' shape.
- Hip and gable roof tiled in terracotta. Street facing gable ends have Tudoresque decorative timber detailing.
- Face brickwork with some corbelled detailing.
- Projecting bays.
- Two street facing garages with gable parapet design.
- Significant landscaped garden.

Statement of Significance

An interesting and attractive group of associated houses which represents an early form of villa or townhouse development in the area. The dwellings are located within an original landscape setting containing mature cypress trees and palms with clipped formal hedges. The interiors are also of significance. An example of the Inter-War Old English style. (Office of Environment and Heritage, State Heritage Inventory, Clee Court)

Wycombe Private Hotel, 28 Lower Wycombe Road

Wycombe Private Hotel, as viewed from the bend in Lower Wycombe Road. (Source: GML, 2018)

View of the building from Lower Wycombe Road. (Source: GML, 2018)

Wycombe Private Hotel, 28 Lower Wycombe Road			
Date Of Construction	1930s	**Architect**	No architect/unknown
Heritage Significance	Local		

Historical Summary

No. 28 Lower Wycombe road is built on a subdivision of the historic Clee Villa estate. As Neutral Bay became increasingly residential in the late nineteenth century, estates that were connected to prominent mansions were progressively broken up. Federation and English Revival style houses began to be built. Later, in the 1920s, residential flat buildings began to be the dominant construction in the area, part of a trend of such buildings being constructed on the harbourside in Sydney. No. 28 Lower Wycombe Road, the Wycombe Private Hotel, was built during this period and reflects the trend, but in a commercial capacity. The building also demonstrates the seamless mix of commercial and residential properties in the area nearby Hayes Street wharf.

Key Features

- Three-storey large Federation Arts and Crafts apartment building.
- High pitched hipped-gable roof tiled in terracotta with asymmetrical massing. The gable ends have a timber shingle infill.
- Prominent chimney.
- Large overhanging eaves with exposed rafters.
- Multiple dormers with skillion, gabled and hipped-gable.
- Brick building on sandstone base with a roughcast render.
- Projecting bays and oriels, especially on gable ends.
- Windows of a range of styles, notably series of semi-circular windows on the ground floor. Windows are timber framed and are very plainly designed.
- Verandah and balcony with decorative timber posts, balustrades and friezes.

Statement of Significance

A large, elaborate residential hotel which is a good example of the Arts and Crafts style and is a major streetscape item on an important corner site. An impressive and attractive building which is characteristic in style and arrangement of the building stock of this part of Neutral Bay. (Office of Environment and Heritage, State Heritage Inventory, Wycombe Private Hotel)

18 Lower Wycombe Road

18 Lower Wycombe Road as viewed from the street. (Source: GML, 2019)

Date of Construction	Early twentieth century	**Architect**	No architect/unknown
Heritage Significance	Local		

Historical Summary

No. 18 Lower Wycombe Road is built on a subdivision of the former Clee Villa estate. Clee Villa estate was subdivided as part of the residential development of Neutral Bay. The first phase of this development was typically detached houses. No. 18 Lower Wycombe Road is an early example of a residential flat building which predates the period when such buildings were the dominant form of construction in the area. The building is in the Federation Queen Anne style.

Key Features

- Two-storey Federation Queen Anne residential flat building.
- Pitched hip roof with a street facing gable section. The gable end has a half timbered effect over a rendered brick infill.
- Inset faceted tower with a faceted hip roof on street facing façade.
- Large overhanging eaves with exposed rafters.
- Predominantly face brickwork with sandstone foundations.
- Projecting faceted bay on one side of the building.
- Windows have some decorative designs including coloured glass panes at the top of bay windows.
- Inset verandah underneath faceted tower next to recessed entryway.

18 Lower Wycombe Road

Statement of Significance

A large and attractive residential flats building which is a good example of a restrained Federation Queen Anne style and which, in style and arrangement, as a characteristic building of this part of Neutral Bay. (Office of Environment and Heritage, State Heritage Inventory, *18 Lower Wycombe Road*)

Wallaringa Mansions, 1 Wallaringa Avenue (19 Lower Wycombe Road)

View of Wallaringa Mansion from Lower Wycombe Road. (Source: GML, 2018)

View of Wallaringa Mansions from Wallaringa Avenue. (Source: GML, 2018)

Date of Construction	Late nineteenth–mid twentieth century	**Architect**	No architect/unknown
Heritage Significance	Local		

Historical Summary

Wallaringa Mansions, built on the site of a former stone cottage Wallaringa (1850s), is an early two-storey Federation Arts and Crafts building. The property was owned by the Spain family from 1863 until well into the twentieth century. In that time the stone cottage was mostly demolished and two new buildings were erected. Originally a mansion, the building was converted into a large guest house.

Wallaringa Mansions, 1 Wallaringa Avenue (19 Lower Wycombe Road)

Key Features

Nos 19 Lower Wycombe Road and 1 Wallaringa Avenue are separated here for legibility.

19 Lower Wycombe Road:

- Three storey large Federation Arts and Craft detached building. Part of a group of large mansions which are now divided into units.
- High pitched gable roof tiled in terracotta. The gable ends have a half timbered effect and decorative banding.
- Regularly placed roughcast rendered chimneys.
- Large overhanging eaves with some regular bracketing on sections at the gable ends.
- Dormers with skillion and gable roofs with irregular, asymmetrical placement.
- The ground floor is face brickwork with roughcast render to upper storeys.
- Regular fenestration pattern with decorative exposed brick trim. Timber frames with simple decoration.
- Balconies on every floor at the rear of the building. There is a single street facing balcony. All have decorative timber posts and balustrades.

1 Wallaringa Avenue:

- Large Federation Arts and Crafts mansion complex.
- High pitched predominantly gable roof tiled in terracotta. The gable ends either have a roughcast render or have a timber shingle infill.
- Projecting faceted corner tower with candle-snuffer roof.
- Large overhanging eaves.
- Dormers with gable roof around entire mansion complex.
- Face brickwork on ground floor with roughcast rendered on upper storeys.
- Windows are timber framed with simple designs.
- Irregular balconies and verandahs around entire building. They typically have simple timber posts and balustrades.

Statement of Significance

An early local mansion which is now incorporated into a large guest house of Federation style and materials. Large and locally significant guest house on a prominent site. (Office of Environment and Heritage, State Heritage Inventory, 19 Lower Wycombe Road)

An interesting and attractive group of associated houses which represents an early form of villa or townhouse development in the area. The dwellings are located within an original landscape setting containing mature cypress trees and palms with clipped formal hedges. The interiors are also of significance. An example of the Inter-War Old English style. (Office of Environment and Heritage, State Heritage Inventory, Wallaringa Mansions)

GML Heritage

Kurraba Road Townhouses Group (47, 51, 53, 55, 57, 59 & 65 Kurraba Road)

NB: Each building is individually listed in addition to being part of the Kurraba Road Townhouses Group

47 Kurraba Road. (Source: GML, 2019)

51 and 53 Kurraba Road showing decorated gable ends. (Source: GML, 2019)

55 Kurraba Road. (Source: GML, 2019)

57 and 59 Kurraba Road. (Source: GML, 2019)

59 Kurraba Road showing high fence and prominent tree. (Source: GML, 2019)

Wavertree, 65 Kurraba Road. (Source: GML, 2019)

Date of Construction	1886–1906	**Architect**	No. 65—Wilson, Neave & Berry Others—no architect/unknown

Kurraba Road Townhouses Group (47, 51, 53, 55, 57, 59 & 65 Kurraba Road) **NB: Each building is individually listed in addition to being part of the Kurraba Road Townhouses Group**	
Heritage Significance	Local

Historical Summary

Kurraba Road Townhouses Group is a collection of early Federation houses erected between 1885 and 1906. The group is built on subdivisions of the former Clee Villa estate, which was split up in the 1890s. A building covenant applied as part of the subdivision, resulting in the consistency and coherence of the townhouses of the group.

They are associated with individuals such as North Sydney Mayor Alexander McKnight, Major Hunt Carew, Hans Quist and Alexander Mayne. No. 65 Kurraba Road, known as Wavertree, was built in 1885 on the site of a smelting works used by jeweller Hans Quist before the house's construction.

Key Features

47 Kurraba Road

- Two storey Federation Arts and Crafts style house.
- Multiple pitched gable roof tiled with concrete tiles. The gable end facing street has a decorative band and is brick with a roughcast render.
- Large overhanging eaves with exposed rafters.
- Bays windows at the street-facing façade.
- Arched brick entryway.

51 and 53 Kurraba Road

- Two storey Federation Filigree style semi-detached house.
- Hip and gable roof tiled in terracotta with some ridge ornaments. The gable ends have a half timbered effect.
- Large overhanging eaves with exposed rafters.
- Predominantly face brickwork.
- Decorative verandah and balcony in filigree style with decorative timber posts, friezes and balustrades.

55 Kurraba Road

- Two storey Federation Filigree style building.
- High pitched gable roof tiled in terracotta.
- Prominent chimney.
- Predominantly face brickwork.
- Window sills are sandstone.
- Single storey addition to rear of building.
- High brick wall to street.

57 and 59 Kurraba Road

- Two storey Federation Filigree/Queen Anne style semi-detached house.
- Hip and gable roof tiled in terracotta. The gable ends have decorative brickwork in the Queen Anne style.
- Regular windows framed in timber with simple detailing.
- Painted brick exterior.
- Verandah and balcony with simple timber detailing.

Wavertree, 65 Kurraba Road

- Two-storey Interwar Georgian Revival/Mediterranean style building, with symmetrical design.

Kurraba Road Townhouses Group (47, 51, 53, 55, 57, 59 & 65 Kurraba Road) NB: Each building is individually listed in addition to being part of the Kurraba Road Townhouses Group
• Hip roof tiled in terracotta. • It has prominent chimneys which form part of the symmetrical design. • Painted brick exterior. • Symmetrical timber framed windows.
Statement of Significance *A cohesive group of Federation townhouses which have similar form, materials, setback and general style and which together form the characteristic streetscape of this part of Neutral Bay.* (Office of Environment and Heritage, State Heritage Inventory Sheet) (Office of Environment and Heritage, State Heritage Inventory, Kurraba Road Townhouses Group) **No. 57 (& 59)** *No. 57 Kurraba Road is a relatively intact example of development in the early 1900s in Neutral Bay and is significant due to its capacity to represent development of this type and from that period. It contributes to the character of the Kurraba Point Conservation Area and to the Kurraba Road Townhouses Group due to the quality and character of the structure. Its height, scale, mass, setback and architectural style contribute to the cohesion of the streetscape. It is also historically significant due to its capacity to demonstrate the NSW historic themes of 'Accommodation' and 'Towns, suburbs and villages' and the national theme of 'Settlement'.* (Sue Rosen Associates 2014, 57 Kurraba Road Heritage Impact Statement, p 20)

6.3 Summary Comparative Analysis

The heritage listed items in this comparative analysis have been assessed as having historic, aesthetic and representative significance, at a local level. The analysis of the heritage listed properties in the vicinity of 6 Hayes Street has demonstrated that these properties have a number of key indicators that are consistent with the subject property, as follows:

- These heritage items and the subject dwelling at 6 Hayes Street all originate from the early twentieth century. The subject dwelling reflects typical stylistic and architectural characteristics of this period, which are shared with the nearby heritage listed properties.
- The subject dwelling was designed in the Federation Arts and Crafts style, as were many of the nearby listed properties including those at 47 Kurraba Road, 28 Lower Wycombe Road, and the Wallaringa Mansions.
- The subject dwelling is an example of the common building typology amongst these heritage items, being large, two- or three-storey detached houses with a strong street presence.
- The subject dwelling shares many architectural features typically attributed to the Federation Arts and Crafts style and common to the heritage items throughout the Kurraba Point Conservation Area, as demonstrated in the tables above. These features include its high pitched gabled terracotta tiled roof, a combined use of face brickwork and roughcast cement render at the exterior walls, prominent chimneys with a roughcast exterior, dormer windows, a deep entry porch with formal landscaping, timber window joinery with multi-paned sash detailing, and mature cultural plantings within a private garden setting.

- The subject dwelling is a good example of the dominant material palette of the group of heritage items and displays the use of face brickwork, roughcast cement render, terracotta roof tiles, timber shingle cladding to its gable ends, and simple timber window joinery.
- Many of the heritage items near to 6 Hayes Street were apparently built without the input of an architect, or the architect is not known. Research conducted for this report indicates that only two of the nearby heritage items are directly associated with an architect, being 2 Hayes Street (The Hastings) and 65 Kurraba Road.
- The subject property sits within its original allotment from the 1920 subdivision of the Elevera Estate. Similar to the heritage items listed above, which have generally retained their original allotments and demonstrate the historic subdivision pattern.

6.4 Endnotes

[1] John Oultram Heritage & Design 2006, 7–11 Manns Avenue Statement of Heritage Impact, p 37.

[2] John Oultram Heritage & Design 2006, 7–11 Manns Avenue Statement of Heritage Impact, p 37.

6.5 Assessment against Criteria

This section sets out an assessment of the heritage significance of 6 Hayes Street in accordance with the standard criteria identified in the NSW Heritage Office guidelines. The evaluation includes consideration of the original and subsequent layering of fabric, uses, associations and meanings of the place, as well as its relationship to both the immediate and wider setting.

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 values 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 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 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.

To apply the assessment criteria, both the nature and degree of significance for the place need to be identified. This is because items vary in the extent to which they embody or reflect key values and in the relative importance of their evidence or associations.

The assessment also needs to relate the item's values to its relevant geographical and social context, usually identified as either local or state contexts. Items may have both local and state significance for similar or different values/criteria.

The criteria for assessment established by the NSW Heritage Council in accordance with the *Heritage Act 1977* (NSW) (Heritage Act) is set out in Appendix A of this report.

6.5.1 Criterion A (Historical Significance)

> *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)*

In the 1890s an intense period of residential development began in Neutral Bay with the Neutral Bay Land Company's subdivision of remaining parts of Cooper's estate. This culminated in the subdivision of Elevera Estate in 1921, being one of the last in the area to be broken up. Three lots were purchased by Rose Ana Philipson, who quickly on-sold two to Kenneth Teasdale Austin in 1923. Builder HE Edwards was hired around the time to build 6 Hayes on the lots Austin had purchased, designing the dwelling in the predominant Federation Arts and Crafts style that characterised the area. The historic subdivision pattern of the Elevera Estate remains intact.

No. 6 Hayes Street was one of the last detached Federation Arts and Crafts houses built in the area around Neutral Bay Wharf. It was built during the first period of residential development in Neutral Bay that began in the late 1880s with the Neutral Bay Land Company. The building's construction date of 1923/1924 is at the very end of this period, as residential flats buildings began to dominate construction afterwards.

No. 6 Hayes Street is significant at the local level under this criterion.

6.5.2 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 the cultural or natural history of NSW (or the cultural or natural history of the local area)

There is no evidence that the property has a strong or special association with a person of importance to the local area. The property is not significant at the local level under Criterion B.

6.5.3 Criterion C (Aesthetic Significance)

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

No. 6 Hayes Street reflects the principal characteristics of the Federation Arts and Crafts style—residential picturesqueness, conspicuous roofing, informality, roughcast walls, prominent eaves—in a simplified, more restrained matter. It incorporates the key aspects of the local aesthetic character and contributes positively to the streetscape, its roofline complementing the form and line of nearby Lansdowne's roof and setting. The key architectural and aesthetic characteristics of 6 Hayes Street are also demonstrated by nearby listed heritage buildings, reflecting a shared typology characteristic of the local area.

No. 6 Hayes Street is significant at the local level under this criterion.

6.5.4 Criterion D (Social Significance)

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

No. 6 Hayes Street contributes to the community's sense of place. Although a detailed social values assessment has not been undertaken, there is no specific indication of strong or special associations with a particular community or cultural group beyond the local area. There is no evidence to support inclusion under this criterion.

6.5.5 Criterion E (Research Potential)

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)

The historical archaeological potential of the site has not been assessed in this report and should be assessed in order to determine if the site has research potential to contribute to a better understanding of the history of the area.

The property is not been assessed under Criterion E.

6.5.6 Criterion F (Rarity)

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)

No. 6 Hayes Street is a good example of an architectural and aesthetic typology evident throughout the local area, particularly on Hayes Street, Manns Avenue, Lower Wycombe Road and Wycombe Avenue. It does not demonstrate uncommon, rare or endangered aspects for the local area.

The dwelling does not meet the threshold for significance under this criterion.

6.5.7 Criterion G (Representativeness)

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*

The building represents the principal characteristics of a typology of early twentieth-century Federation Arts and Crafts houses common throughout Neutral Bay. It is a good example of its type and displays a number of original architectural characteristics shared by nearby listed heritage items, including its high pitched terracotta tiled roof, overhanging eaves, roughcast cement rendered exterior walls, informal massing, and original decorative chimney and joinery. The dwelling complements neighbouring heritage items and contributes to the setting and amenity of the surrounding conservation area.

The dwelling is significant at the local level under this criterion.

6.6 Statement of Significance

No. 6 Hayes Street, built in 1924–1925, is a fine example of a large Federation Arts and Crafts style detached house built at the end of a key period of residential development in Neutral Bay. The house exhibits the dramatic use of shape, angle, planes and aspect that characterised the various English Revival styles that informed the Federation Queen Anne/Arts and Crafts/Bungalow architecture in Sydney from around 1900 to the mid-1920s. It demonstrates simplified and restrained characteristics that complement the heritage setting of the street and other nearby heritage listed dwellings.

No. 6 Hayes Street is one of the last detached buildings constructed in the area designed in the Federation Arts and Crafts style. It was built in 1923/1924 at the very end of the first period of residential development in Neutral Bay, which began with the Neutral Bay Land Company in the late 1880s. Soon after 6 Hayes Street was built, residential flat buildings came to dominate construction, following the trend of flats being constructed on Sydney Harbour's foreshore. The building reflects the end of this significant period of Neutral Bay's history.

The restrained design of the building emphasises domesticity as a counterpoint to the grand scale of other Federation Arts and Crafts buildings in the area. The building reflects the same principal characteristics of these buildings, having a conspicuous high pitched roof, prominent overhanging eaves, a roughcast render, informal and asymmetrical massing, and similar timber detailing as others, but often simplifies them to match its reduced scale. The setting and line of the building complements nearby heritage items, forming a cohesive streetscape that reflects the Federation era character of the area.

7.0 Conclusions and Recommendations

This report has assessed the heritage significance of the dwelling at 6 Hayes Street, Neutral Bay, based on historical research, investigation of the subject site, and an assessment of its local context. It includes a detailed assessment of the site against the SHR standard evaluation criteria to determine the significance of the place to the Neutral Bay area and North Sydney LGA.

The report concludes that 6 Hayes Street demonstrates heritage significance at the local level for the following reasons:

- The house is one of the last detached Federation Arts and Crafts style houses built in Kurraba Point. It represents the end of an important era of Neutral Bay's development, which began with the Neutral Bay Land Company in 1888 and continued until the mid-1920s. This era was defined by detached Federation/Edwardian style houses which characterise much of the Neutral Bay area.
- No. 6 Hayes Street is a good example of a detached Federation Arts and Crafts style house which demonstrates they style's key characteristics in a restrained and simple design. The building shows the English Revival variation of the Arts and Crafts style that is characteristic to the Neutral Bay area, demonstrating a more domestic, scaled down and restrained take.

No. 6 Hayes Street has been assessed as meeting the threshold of local significance for criteria (a) (c) and (g) of the standard assessment criteria.

It is recommended that 6 Hayes Street, Neutral Bay, is listed as a heritage item under Schedule 5 (Heritage Items) of the *North Sydney Local Environmental Plan 2013* (NSLEP).

8.0 Appendices

Appendix A

NSW Heritage Office Heritage Assessment Guidelines

Appendix B

Bibliography

Appendix C

Interim Heritage Order No. 148

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
• **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.**	• **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
• shows evidence of a significant human occupation; or • is associated with a significant event, person, or group of persons.	• 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
• 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.	• 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
• is important for its associations with an identifiable group; or • is important to a community's sense of place.	• 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
• 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.	• 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
• 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.	• is not rare; or • is numerous but under threat.

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
• 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.	• 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.

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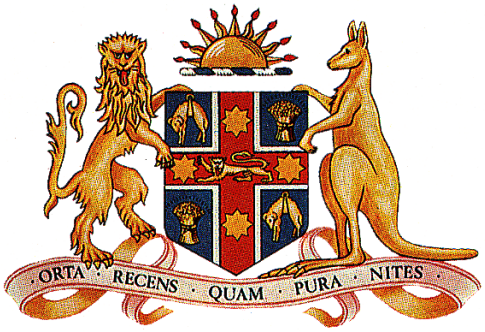
Appendix C

Interim Heritage Order No. 148



Government Gazette

of the State of

New South Wales

Number 20
Thursday, 28 February 2019

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

From 1 January 2019, each notice in the Government Gazette has a unique identifier that appears in round brackets at the end of the notice and that can be used as a reference for that notice (for example, (n2019-14)).

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By Authority
Government Printer

ISSN 2201-7534

Other Government Notices

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that HEART ON MY SLEEVE MOVEMENT INCORPORATED (INC1701248) became registered under the *Corporations Act 2001* as HEART ON MY SLEEVE MOVEMENT LIMITED (ACN 627 697 401), a company limited by guarantee on 24 July 2018, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Emma Day
Delegate of the Commissioner,
NSW Fair Trading

28 February 2019

(n2019-618)

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that DIVERSE AUSTRALASIAN WOMEN'S NETWORK INCORPORATED (INC1301244) became registered under the *Corporations Act 2001*as DAWN FOUNDATION LIMITED (ACN 630 328 979), a company limited by guarantee, on 30 November 2018, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Emma Day
Delegate of the Commissioner,
NSW Fair Trading

28 February 2019

(n2019-619)

HERITAGE ACT 1977

INTERIM HERITAGE ORDER NO. 148

6 Hayes Street Neutral Bay

In pursuance of Section 24 of the *Heritage Act 1977* (NSW), I, the Minister for Heritage, do, by this my order:

(i) make an interim heritage order in respect of the item 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 item, being the land described in Schedule 'B'.

The Hon Gabrielle Upton MP
Minister for Heritage

Sydney, 27th Day of February 2019

SCHEDULE "A"

The property known as 6 Hayes Street, Neutral Bay, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 5 DP 192932 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3233 in the office of the Heritage Council of New South Wales.

(n2019-620)

PLANNING PROPOSAL

- 6 Hayes Street, Neutral Bay

30 April 2019

1 INTRODUCTION

North Sydney Council (Council) has prepared a Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013.

The primary intent of the Planning Proposal is to identify 6 Hayes Street, Neutral Bay as a heritage item under NSLEP 2013. In particular, the proposed amendment seeks to include the subject site as a new local heritage item within Schedule 5 – *Environmental Heritage* and identified as a general heritage item on the Heritage Map to NSLEP 2013.

The need for the Planning Proposal has arisen from the recommendations of a comprehensive heritage assessment of the subject site prepared in response to the issuing of an Interim Heritage Order (IHO) over the property by the Minister for Heritage on 27 February 2019.

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and the Department of Planning and Environment's (DPE) document *"A guide to preparing planning proposals"* (December 2018).

2 BACKGROUND

On 7 March 2018, a development application (DA 299/18) was lodged with Council for the demolition of the existing 2-storey dwelling houses at 6 and 8 Hayes Street, Neutral Bay and construction of a 4-storey residential flat building containing 9 apartments and basement parking across both properties. Both properties are located within the Kurraba Point Heritage Conservation Area under NSLEP 2013 and identified as "neutral" items under North Sydney Development Control Plan (NSDCP) 2013. During the assessment of the DA, a number of residents raised concerns with the loss of the two dwellings on heritage grounds.

On 29 October 2018, Council considered a Mayoral Minute and a Notice of Motion in response to these community concerns. Council subsequently resolved:

1. *THAT Council urgently applies for Interim Heritage Orders on 6 and 8 Hayes Street, Neutral Bay.*
2. *THAT Councillors and the Neutral Precinct receive regular updates on the progression of the Development Application DA 299/*18.

In accordance with this resolution, Council engaged GML Heritage to undertake an independent preliminary heritage assessment to determine whether an IHO should be placed over one or both properties, to provide temporary protection until a comprehensive heritage assessment can be completed to determine if the subject properties should be heritage listed.

On 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 (i.e. Council had not determined the DA within 40 days). The Appeal is subject to a pre s.34 Conference without prejudice meeting scheduled on 30 April 2019 and a formal s.34 Conference meeting scheduled on 12 August 2019.

On 29 January 2019, Council considered a report (refer to Appendix 1) which addressed the recommendations to the preliminary heritage assessment (refer to Appendix 2) prepared by GML Heritage, in relation to 6 Hayes Street. The preliminary heritage assessment recommended:

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.*

Council subsequently resolved:

1. *THAT Council request the Minister for Heritage to urgently impose an Interim Heritage Order over 6 Hayes Street, Neutral Bay, to enable Council to undertake the appropriate comprehensive research to*

determine whether the property should be identified as a heritage item under North Sydney Local Environmental Plan 2013.

2. *THAT the dwelling at 8 Hayes Street be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area. Should it be determined that the dwelling at 6 Hayes Street not be identified as a heritage item under NSLEP 2013, it should be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area*

In accordance with this resolution, Council wrote to the Minster for Heritage on 8 February 2019 requesting that they impose an IHO over the subject property.

On the 27 February 2019, the Minister for Heritage imposed an IHO on 6 Hayes Street, with the IHO subsequently being published in the Government Gazette on 28 February 2019 (refer to Appendix 3).

The IHO ceases to take effect within 12 months of its publication within the government gazette. Should the IHO be revoked, it does not prevent the progression of a planning proposal to list the property as a heritage item under NSLEP 2013.

On 11 April 2019, Council received a detailed heritage assessment report (refer to Appendix 4) from GML Heritage in relation to the subject property. The report concluded:

> *This report has assessed the heritage significance of the dwelling at 6 Hayes Street, Neutral Bay, based on historical research, investigation of the subject site, and an assessment of its local context. It includes a detailed assessment of the site against the SHR standard evaluation criteria to determine the significance of the place to the Neutral Bay area and North Sydney LGA.*
>
> *The report concludes that 6 Hayes Street demonstrates heritage significance at the local level for the following reasons:*
>
> - *The house is one of the last detached Federation Arts and Crafts style houses built in Kurraba Point. It represents the end of an important era of Neutral Bay's development, which began with the Neutral Bay Land Company in 1888 and continued until the mid-1920s. This era was defined by detached Federation/Edwardian style houses which characterise much of the Neutral Bay area.*
> - *No. 6 Hayes Street is a good example of a detached Federation Arts and Crafts style house which demonstrates they style's key characteristics in a restrained and simple design. The building shows the English Revival variation of the Arts and Crafts style that is characteristic to the Neutral Bay area, demonstrating a more domestic, scaled down and restrained take.*
>
> *No. 6 Hayes Street has been assessed as meeting the threshold of local significance for criteria (a) (c) and (g) of the standard assessment criteria.*
>
> *It is recommended that 6 Hayes Street, Neutral Bay, is listed under Schedule 5 (Heritage Items) of the North Sydney Local Environmental Plan 2013 (NSLEP).*

Based on this recommendation a Planning Proposal has been prepared to identify 6 Hayes Street, Neutral Bay as a heritage item under NSLEP 2013.

3 SITE & LOCALITY

3.1 Site Description

The subject site is legally described as Lot 5, DP 192932 and otherwise known as 6 Hayes Street, Neutral Bay. Its location is identified in Figure 1 and Appendix 5.

Figure1: Aerial Photo

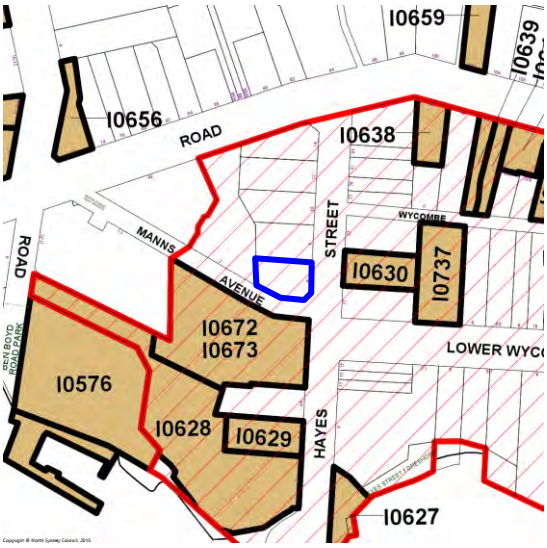


Figure 2: Extract of Heritage Map to NSLEP 2013

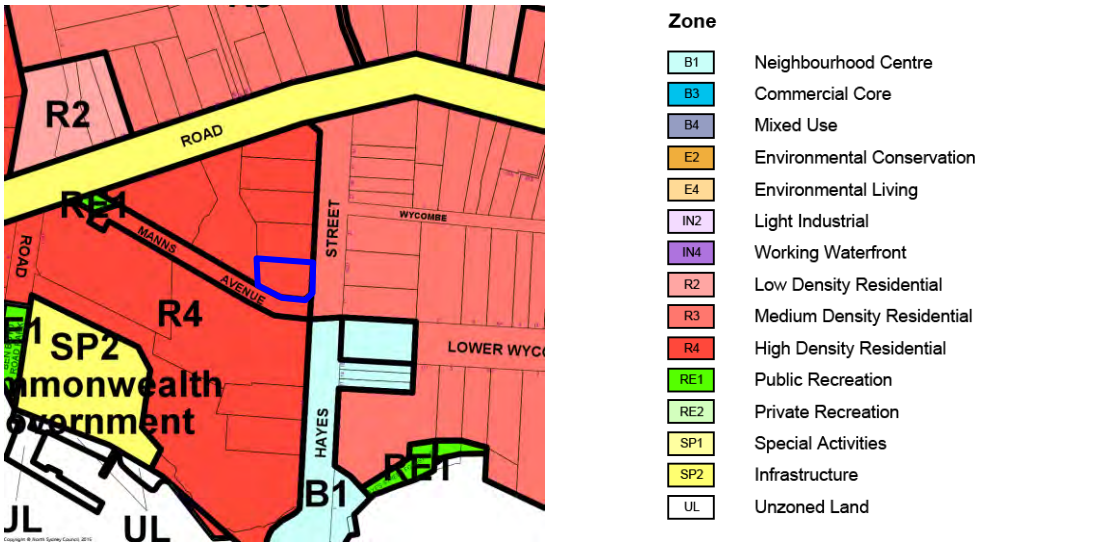


Figure 3: Extract of Land Zoning Map to NSLEP 2013

The subject site is located on the north-western corner of the intersection of Manns Avenue and Hayes Street. It has an area of 430sqm and is irregular in shape, with a 19.4m frontage to the eastern side of Hayes Street, a 26.6m northern side boundary to 8 Hayes Street, a 12.4m western rear boundary to 2 Manns Avenue and a 24m frontage to the northern side of Manns Avenue.

The site currently contains a 2-storey detached dwelling house, with its primary frontage to Hayes Street, however, it is accessed from Manns Avenue. The dwelling, which was originally constructed in circa 1924/1925 is of painted brick veneer

construction with painted roughcast cement render applied to the upper level. Prominent features include a large gable facing Manns Avenue with a detailed timber lattice, a high pitched terracotta roof and timber framed triple pane hung windows. The property is bound by a tall brick fence with various vines and plants covering the Hayes Street boundary.

3.2 Local Context

The subject site is located within a predominantly residential area, comprising a wide range of residential accommodation from 1-2 storey detached dwelling houses to 3-4 storey residential flat buildings. The subject site is located approximately halfway along the length of Hayes Street, which slopes upwards from the Neutral Bay Ferry Wharf to Kurraba Road. Hayes Street is located within the western portion of the Kurraba Point Heritage Conservation Area, which contains a large number of heritage items and contributory items within this part of the Conservation Area.

Immediately to the north of the site, is 8 Hayes Street, containing a 2 storey detached dwelling of brick veneer construction with a pitched tiled roof. Prominent architectural features include a small gable facing east with timber lattice detail, bay windows along the front façade and flat metal roofed sections at front and rear. The masonry exterior has been painted light blue with the architectural features painted navy blue, an extension was constructed to the rear of the property in the 1990s. The front boundary is defined by a metal fence and hedges, and a side gate to the driveway allows vehicle access along the southern side of the property. This site is also subject to DA 299/18. Council has also resolved to upgrade the heritage listing of this property from a “neutral” item to a “contributory” item under NSDCP 2013. The upgrading of its heritage status is being undertaken concurrently with this planning proposal.

To the east of the subject site, on the opposite side of Hayes Street, is 19 Hayes Street. Containing the former Neutral Bay Post Office, the building is of brick construction with a terracotta tiled roof and prominent sandstone doric columns along the front of the building. The building is listed as a local heritage item under the NSLEP 2013 and is currently used as a private residential dwelling. Further to the east predominantly lie 1930’s 2 and 3 storey residential flat buildings of brick veneer and tiled roof construction.

To the south of the subject site, on the opposite side of Manns Avenue, is 11 Manns Avenue, containing three heritage listed buildings from the Federation period. Under DA 442/06, the site was converted into a 61 room residential aged care facility. Further to the south are a mixture of residential flat buildings up to 4 storeys in height of varying styles, two storey mixed residential and retail development adjacent the Ferry Wharf and the waters of Port Jackson.

Immediately to the west of the site, is 2 Manns Avenue, which contains a two storey building of Italianate villa style. The building is listed as a Contributory Item under NSDCP 2013 and is currently used as hotel accommodation. Further to the west lie a mixture of contemporary and 1930s-50s residential flat buildings.

4 STATUTORY CONTEXT

NSLEP 2013 is the principal planning instrument that applies to the land subject to the Planning Proposal. The relevant sections of NSLEP 2013 are discussed in the following subsections.

4.1 Aims of Plan

Clause 1.2 of NSLEP 2013 outlines the aims of the LEP. In particular, it states:

> *(1) This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
>
> *(2) The particular aims of this Plan are as follows:*
>
> *(a) ...*
>
> *(f) to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance, ...*

4.2 Heritage conservation

Clause 5.10 of NSLEP contains specific provisions relating to heritage conservation and states:

> *(1) Objectives*
>
> *The objectives of this clause are as follows:*
>
> *(a) to conserve the environmental heritage of North Sydney,*
>
> *(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
>
> *(c) to conserve archaeological sites,*
>
> *(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*
>
> *(2) Requirement for consent*
>
> *Development consent is required for any of the following:*
>
> *(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
>
> *(i) a heritage item,*
>
> *(ii) an Aboriginal object,*
>
> *(iii) a building, work, relic or tree within a heritage conservation area,*
>
> *(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
>
> *(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
>
> *(d) disturbing or excavating an Aboriginal place of heritage significance,*
>
> *(e) erecting a building on land:*
>
> *(i) on which a heritage item is located or that is within a heritage conservation area, or*
>
> *(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
>
> *(f) subdividing land:*

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance

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

(5) Heritage assessment

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

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

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than

land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

A note is also attached to this clause which states:

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

4.3 Schedule 5 – Environmental Heritage

All heritage items are identified within Schedule 5 to NSLEP 2013. The listing comprises, if any:

- Locality (suburb)
- Item name
- Address (street address)
- Property description (legal description)
- Significance
- Item No.

4.4 Heritage Map

Heritage items are identified on the Heritage Map to NSLEP 2013 and comprise the following sheets:

- HER_001 5950_COM_HER_001_010_20130607
- HER_002 5950_COM_HER_002_010_20161102
- HER_002A 5950_COM_HER_002A_005_20150825
- HER_003 5950_COM_HER_003_010_20170619
- HER_004 5950_COM_HER_004_010_201603608

5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES

The primary purpose of this Planning Proposal is to identify 6 Hayes Street, Neutral Bay as a local heritage item consistent with the outcomes of the comprehensive heritage assessment undertaken by GML Heritage (refer to Appendix 4).

5.2 PART 2: EXPLANATIONS OF PROVISIONS

The intent of the Planning Proposal can be achieved by amending NSLEP 2013 as follows:

- Inserting a new item within Schedule 5 – Environmental Heritage; and
- Including a new item on the Heritage Map.

The specific amendments sought are identified in the following subsections:

5.2.1 Schedule 5 – Environmental Heritage

The intent of the Planning Proposal is proposed to be achieved by including a new item within Schedule 5 as follows (blue underline represents an insertion):

Locality	*Item Name*	*Address*	*Property description*	*Significance*	*Item No.*
Neutral Bay	*House*	*6 Hayes Street*	*Lot 5, DP 192932*	*Local*	*I1137*

The item will be inserted after Item I0629 – 6 Hayes Street, Neutral Bay in accordance with the DPE's guidelines for completing Schedule 5 to the Standard Instrument LEP.

5.2.2 Heritage Map

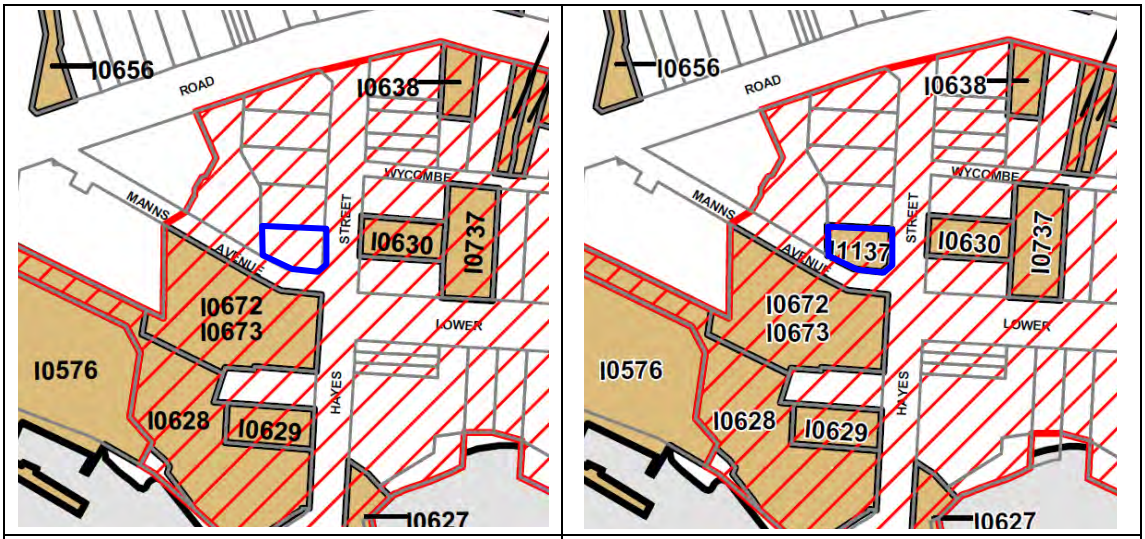
The intent of the Planning Proposal is proposed to be achieved by replacing the following Sheet to the Heritage Map:

- HER_004 5950_COM_HER_004_010_20160308
  (refer to Appendix 6)

with:

- HER_004 5950_COM_HER_004_010_20190411
  (refer to Appendix 7)

An extract of the proposed amendment is illustrated in Figure 4.



Existing	Proposed

FIGURE 4:
6 Hayes Street – Proposed new heritage item

5.3 PART 3: JUSTIFICATION

5.3.1 Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. The need to amend NSLEP 2013 has arisen from the recommendations of independent heritage assessment (refer to Appendix 5) of the subject site.

The heritage assessment concluded that 6 Hayes Street, Neutral Bay satisfactorily meets the following State heritage listing criteria:

- Criterion A (Historical Significance) at the local level
- Criterion C (Aesthetic Significance) at the local level
- Criterion G (Representativeness) at the local level

In particular, the building was identified as having the following level of significance:

> *No. 6 Hayes Street, built in 1924–1925, is a fine example of a large Federation Arts and Crafts style detached house built at the end of a key period of residential development in Neutral Bay. The house exhibits the dramatic use of shape, angle, planes and aspect that characterised the various English Revival styles that informed the Federation Queen Anne/Arts and Crafts/Bungalow architecture in Sydney from around 1900 to the mid-1920s. It demonstrates simplified and restrained characteristics that complement the heritage setting of the street and other nearby heritage listed dwellings.*
>
> *No. 6 Hayes Street is one of the last detached buildings constructed in the area designed in the Federation Arts and Crafts style. It was built in 1923/1924 at the very end of the first period of residential development in Neutral Bay, which began with the Neutral Bay Land Company in the late 1880s. Soon after 6 Hayes Street was built, residential flat buildings came to dominate construction, following the trend of flats being*

constructed on Sydney Harbour's foreshore. The building reflects the end of this significant period of Neutral Bay's history.

The restrained design of the building emphasises domesticity as a counterpoint to the grand scale of other Federation Arts and Crafts buildings in the area. The building reflects the same principal characteristics of these buildings, having a conspicuous high pitched roof, prominent overhanging eaves, a roughcast render, informal and asymmetrical massing, and similar timber detailing as others, but often simplifies them to match its reduced scale. The setting and line of the building complements nearby heritage items, forming a cohesive streetscape that reflects the Federation era character of the area.

On this basis the heritage assessment recommended that the subject site be included as an item of local heritage significance under Schedule 5 – Environmental Heritage of NSLEP 2013.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. There is no other way to provide long term protection to the heritage significance of the building.

5.3.2 Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

A Metropolis of Three Cities
Released by the Greater Sydney Commission (GSC) in March 2018, *A Metropolis of Three Cities* (Metropolitan Plan) sets the planning framework for the growth of the Sydney metropolitan area over the next 40 years. The Metropolitan Plan sets targets of an additional 725,000 homes and 817,000 jobs in Greater Sydney by 2036.

There is one objective identified in the Metropolitan Plan which is relevant to the Planning Proposal:

- **Objective 13:** Environmental heritage is identified, conserved and enhanced

North District Plan
Also in March 2018, the GSC released *North District Plan*. The North Sydney LGA is located in the North District along with other LGAs including Lane Cove, Ryde, Willoughby, Hunters Hill, Mosman, Ku-ring-gai. Hornsby and Northern Beaches. The *North District Plan* sets a target of an additional 3,000 homes by 2021 for the North Sydney LGA.

There is one Planning Priority identified in the *North District Plan* which is relevant to the Planning Proposal:

- **Planning Priority N6:** Creating and renewing great places and local centres, and respecting the District's heritage

The proposal to list the subject site as a heritage item is consistent with the Planning Priority in the North District Plan and accompanying objective in the Metropolitan Plan.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

North Sydney Residential Development Strategy

The North Sydney Residential Development Strategy (RDS) identifies the potential for an additional 6,199 dwellings in the North Sydney LGA by 2031 under the provisions of NSLEP 2013. Of that potential it was envisaged that 860 additional dwellings would be located in the locality of Neutral Bay, 272 of which would be within the *R4 High Density Residential* zone.

Despite being located in the *R4 High Density Residential* zone, this property was excluded from the calculations within the RDS, as it was not considered viable for redevelopment due to the site being located in a heritage conservation area. Therefore, the listing of the site as a heritage item under NSLEP 2013 will not have any impact upon the attainment of the dwelling quotas established under the RDS.

Furthermore, the GSC has recently acknowledged in February 2019 that Council is currently on-track to meet its short term housing targets as set under the Metropolitan and District Plans.

North Sydney Local Development Strategy

The North Sydney Local Development Strategy (LDS) reflects the outcomes sought by the Metropolitan Plan and former draft Inner North Subregional Strategy. These issues are addressed in the previous subsection to this report

Community Strategic Plan 2013-2023

The North Sydney Community Strategic Plan 2013–2023 (CSP) outlines the community-wide priorities and aspirations for the LGA, and provides long-term goals, objectives and actions to achieve these visions. The CSP is Council's most important strategic document and is used to guide and inform Council's decision making and planning for the next ten years.

The relevant Directions, Outcomes, and Strategies of the CSP are as follows:

Direction: 2 Our Built Environment
Outcome: 2.4 North Sydney's heritage is preserved and valued
Strategies: 2.4.1 Protect and promote the heritage values of residential amenity including significant architecture, objects, places and landscapes
2.4.2 Encourage the use and adaptation of heritage and other existing buildings

Direction: 4 Our Social Vitality
Outcome: 4.4 North Sydney's history is preserved and recognised
Strategies: 4.4.1 Protect and maintain sacred and historic sites

The Planning Proposal will allow these relevant Directions, Outcomes and Strategies to be pursued in a robust and strategic manner.

North Sydney Council Delivery Program 2013/14-2016/17

The North Sydney Council Delivery Program 2013/14-2016/17 (Delivery Program) was prepared in accordance with NSW State Government's Integrated Planning and Reporting Framework requirements. The Delivery Program outlines Council's priorities and service delivery programs over four years that will contribute to the long-term strategies and desired outcomes of the Plan.

The Planning Proposal directly supports the vision of the Delivery Program as the five Directions mirror those of the CSP.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney Local Government Area, as demonstrated in TABLE 1.

TABLE 1: Consistency with SEPPs

Direction	Consist -ency	Comment
SEPP No. 1 – Development Standards	N/A	This SEPP does not apply pursuant to Clause 1.9 of NSLEP 2013.
SEPP No. 19 - Bushland in urban areas	YES	The Planning Proposal does not seek to reduce any bushland protection standards applying to land or adjacent land containing bushland.
SEPP No. 21 – Caravan Parks	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP No. 33 - Hazardous and offensive development	N/A	This SEPP does not apply, as the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.
SEPP No. 36 – Manufactured Home Estates	N/A	This SEPP does not apply, as the Planning Proposal does not relate to land to manufactured home estates.
SEPP No. 44 – Koala Habitat Protection	N/A	This SEPP does not apply, as the Planning Proposal does not relate to any of the identified LGAs.
SEPP No. 47 – Moore Park Showground	N/A	This SEPP does not apply, as the Planning Proposal does not relate to land in the Moore Park Showground.
SEPP No. 50 - Canal estate development	YES	The Planning Proposal is consistent with the SEPP as it does not seek to permit canal estate development anywhere within the LGA.
SEPP No. 55 - Remediation of land	N/A	This SEPP does not apply as the Planning Proposal does not seek to alter the land use permissibility of any land to which the Planning Proposal relates.

TABLE 1: Consistency with SEPPs		
Direction	**Consist -ency**	**Comment**
SEPP No. 64 - Advertising and signage	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP No. 65 - Design Quality of Residential Flat Development	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP No. 70 – Affordable Housing (Revised Schemes)	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Affordable Rental Housing) 2009	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	This SEPP does not apply, as the Planning Proposal does not relate to building sustainability.
SEPP (Exempt and Complying Development Codes) 2008	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Coastal Management) 2018	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Educational Establishments and Child Care Facilities)	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Housing for Seniors or People with a Disability) 2004 - *formerly SEPP (Seniors Living) 2004*	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Infrastructure) 2007	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Miscellaneous Consent Provisions) 2007 - *formerly SEPP (Temporary Structures) 2007*	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Primary Production and Rural Development) 2019	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

TABLE 1: Consistency with SEPPs		
Direction	**Consist -ency**	**Comment**
SEPP (State and Regional Development) 2011	N/A	This SEPP does not apply as the Planning Proposal does not relate to state or regional development nor the operation of joint regional planning panels.
SEPP (Vegetation in Non-Rural Areas) 2017	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
Sydney REP (Sydney Harbour Catchment) 2005	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

It is considered that the Planning Proposal is consistent with the relevant Directions issued under Section 9.1 of the EP&A Act by the Minister to Councils, as demonstrated in TABLE 2.

TABLE 2: Consistency with s.9.1 Directions		
Direction	**Consist -ency**	**Comment**
1. Employment and Resources		
1.1 Business & Industrial Zones	N/A	This Direction does not apply as the Planning Proposal does not propose any changes that will affect development in a commercial or industrial zone.
1.2 Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under NSLEP 2013 or proposed under the Planning Proposal.
1.3 Mining, Petroleum Production & Extractive Industries	YES	The Planning Proposal does not seek to alter the permissibility of these types of land uses.
1.4 Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal does not propose any changes in land use.
1.5 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not propose any changes that will affect development in a rural or environmental protection zone.
2 Environmental Heritage		
2.1 Environmental Protection Zones	YES	The Planning Proposal does not seek to reduce any environmental protection standards apply to land zoned *E2 Environmental Conservation or E4 Environmental Living* under NSLEP 2013.
2.2 Coastal Protection	N/A	This Direction does not apply as the Planning Proposal does not affect land within a coastal zone.

TABLE 2: Consistency with s.9.1 Directions		
Direction	**Consist -ency**	**Comment**
2.3 Heritage Conservation	YES	The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013 which already satisfy the requirements of the Direction. In addition, the Planning Proposal seeks to undertake minor amendments to the Heritage Map and Schedule 5 to NSLEP 2013 to include an additional item of local heritage significance resulting from the recommendations of a comprehensive heritage assessment of the subject site (refer to Appendix 5).
2.4 Recreation Vehicle Areas	N/A	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction does not apply as the Planning Proposal does not relate to land in E2 or E3 zones in Far North Coast LGAs.
3 Housing, Infrastructure & Urban Development		
3.1 Residential Zones	YES	The Planning Proposal does not seek to reduce any residential zoning under NSLEP 2013, nor does it seek to reduce the residential development potential on the subject site. However, by listing the subject site as a heritage item, it is likely to result in the full development potential of the subject site not being realised under the current controls. Despite this implication, the ability to amalgamate the subject site with adjoining sites for redevelopment is restricted due to the identification of 2 Manns Avenue and the proposed identification of 8 Hayes Street as “contributory” items under NSDCP 2013. Accordingly, its proposed heritage listing will have a limited impact on adjoining sites.
3.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under NSLEP 2013.
3.3 Home Occupations	YES	The Planning Proposal does not alter the existing provisions within NSLEP 2013 that relate to home occupations, which already satisfy the requirements of the Direction.
3.4 Integrating Land Use & Transport	N/A	The Planning Proposal does not alter the zoning or the permissible land uses of any parcel of land to which NSLEP 2013 applies.

TABLE 2: Consistency with s.9.1 Directions		
Direction	**Consist -ency**	**Comment**
3.5 Development Near Licensed Aerodromes	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a licensed aerodrome nor does it propose to amend a height limit that exceeds the Obstacle Limitation Surface level that applies to the North Sydney LGA.
3.6 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.
3.7 Reduction in non-hosted short term rental accommodation period	N/A	This Direction does not apply as the Planning Proposal is not located in the Byron Shire Council LGA.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by Acid Sulfate Soils.
4.2 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by mine subsidence nor has it been identified as being unstable land.
4.3 Flood Prone Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being flood prone land.
4.4 Planning for Bushfire Protection	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being bushfire prone land.
5 Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by one of the identified strategies.
5.2 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
5.9 North West Rail Link Corridor Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.10 Implementation of Regional Plans	YES	Refer to question 3 to Section 5.3.2 of this report.
5.11 Development of Aboriginal Land Council land	N/A	This Direction does not apply, as it does not affect land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019.

TABLE 2: Consistency with s.9.1 Directions		
Direction	**Consist -ency**	**Comment**
6 Local Plan Making		
6.1. Approval & Referral Requirements	YES	The Planning Proposal does not alter any concurrence, consultation or referral requirements under NSLEP 2013, nor does it identify any development as designated development.
6.2 Reserving Land for Public Purposes	YES	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	N/A	This Direction does not apply, as it does not allow a particular type of development to be carried out.
7 Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	YES	Refer to question 4 to Section 5.3.2 of this report.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.

5.3.3 Section C – Environmental, social and economic impact.

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal merely seeks to identify a new item of heritage significance and will not result in an adverse impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The Planning Proposal merely seeks to identify a new item of heritage significance and is unlikely to result in any adverse environmental impacts.

9. How has the planning proposal adequately addressed any social and economic effects?

It was noted that during the assessment of DA 299/18, that a large number of residents raised strong objections to the demolition of the dwelling at No.6 Hayes Street based on heritage grounds.

Following the successful implementation of an IHO over the property, Council subsequently engaged GML Heritage to undertake a comprehensive heritage assessment (refer to Appendix 4) of the subject site. The purpose of the assessment was to determine whether the subject site and any buildings or structures thereon had sufficient significance to warrant listing as a heritage item under NSLEP 2013.

Accordingly, the intent of the Planning Proposal would satisfy the concerns of the local community.

The public exhibition of the Planning Proposal will provide additional opportunity for the owners of the property and the wider community to determine whether heritage listing of the subject site is considered appropriate or not.

5.3.4 Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The Planning Proposal merely seeks to identify a new item of heritage significance and will not impact upon the demand for public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Planning Proposal has not yet been considered by State or Commonwealth public authorities. Views of the State will be gained through the Gateway Determination process, if required.

5.4 PART 4: MAPPING

The Planning Proposal requires amendment of the Heritage Map to NSLEP 2013. In particular, the Planning Proposal would require the replacement of the following Sheet to the Heritage Map:

- HER_004 5950_COM_HER_004_010_20160308 (refer to Appendix 6)

With the following sheet:

- HER_004 5950_COM_HER_004_010_20190411 (refer to Appendix 7)

5.5 PART 5: COMMUNITY CONSULTATION

Consultation will be undertaken in accordance with the requirements made by the Gateway Determination and Council's guidelines.

5.6 PART 6: PROJECT TIMELINE

TABLE 3 provides a project timeline having regard to identified milestones and estimating approximately 6 months from submitting the proposal to the DPE to the amending LEP being made.

TABLE 3 – Project Timeline

Milestone	June 2019	July 2019	Aug 2019	Sept 2019	Oct 2019	Nov 2019
1. Request for Gateway Determination sent to DPE						
2. DPE considers Request						
3. Gateway Determination Issued to Council						
4. Public Exhibition Undertaken						
5. Council considers post exhibition report						
6. Submission to DPE requesting making of LEP						
7. Drafting of LEP and making						

APPENDIX 1

Council Report and Resolution – 29 January 2019

DECISION OF 3713th COUNCIL MEETING HELD ON TUESDAY 29 JANUARY 2019

13. CiS01: Interim Heritage Order – 6 & 8 Hayes Street, Neutral Bay

Report of Ben Boyd, Executive Strategic Planner

On 14 September 2018, Council received a development application (DA 299/18) for the demolition of the existing 2-storey dwelling houses at 6 and 8 Hayes Street, Neutral Bay and construction of a 4-storey residential flat building containing 9 apartments and basement parking across both properties. Both properties are located within the Kurraba Point Heritage Conservation Area under NSLEP 2013 and identified as "neutral items" under NSDCP 2013. During the assessment of the DA, a number of residents raised concerns with the loss of the two dwellings on heritage grounds. In response to these concerns, a Mayoral Minute and Notice of Motion were considered by Council at its meeting of 29 October 2018, where it resolved:

> *1. THAT Council urgently applies for Interim Heritage Orders on 6 and 8 Hayes Street, Neutral Bay.*

In response to the resolution, GML Heritage was engaged by Council to undertake an independent preliminary heritage assessment to determine whether an Interim Heritage Order (IHO) should be placed over one or both properties, to provide temporary protection until a comprehensive heritage assessment can be completed to determine if the subject properties should be heritage listed.

One of the main criteria to be met in imposing an IHO, is the presence of a "threat of harm" (e.g. proposed demolition) to the building or place. As the development application is currently subject to an Appeal to the Land and Environment Court, this criterion is satisfied, as there is still the potential for the properties to be demolished if approval were to be granted. The Appeal is currently subject to a s.34 Conference scheduled for 3 July 2019.

The consultant recommendations are that:

1. An IHO be placed over 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; and
2. The dwelling at 8 Hayes Street be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area. Should it be determined that the dwelling at 6 Hayes Street not be identified as a heritage item under NSLEP 2013, it should be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area.

Only the Minister for Heritage has the authority to impose an IHO over a property located in a heritage conservation area. Based on the above recommendation it is recommended that Council resolves to request the Minister for Heritage to urgently impose an IHO over the property to enable Council to undertake the appropriate comprehensive research to determine whether the property should be heritage listed or not.

To minimise any delays, Council should also consider preparing the comprehensive heritage assessment to determine whether it should resolve to list 6 Hayes Street as a heritage item under NSLEP 2013.

The preparation of the preliminary heritage assessment of the subject sites, which has been completed by the consultants, has cost approximately $5,500 to date. Should the Minister impose an IHO, it is estimated that an additional $10,000 will required to complete a comprehensive heritage assessment for the subject property. There will also be costs associated with the preparation of and processing of a planning proposal. This additional work has not been budgeted for.

Recommending:

1. THAT Council request the Minister for Heritage to urgently impose an Interim Heritage Order over 6 Hayes Street, Neutral Bay, to enable Council to undertake the

appropriate comprehensive research to determine whether the property should be identified as a heritage item under North Sydney Local Environmental Plan 2013.

Mr A Watson, Ms M Bournazos, Ms C Bradley and Ms E Carr addressed Council.

A Motion was moved by Councillor Gibson and seconded by Councillor Beregi,

1. THAT Council request the Minister for Heritage to urgently impose an Interim Heritage Order over 6 Hayes Street, Neutral Bay, to enable Council to undertake the appropriate comprehensive research to determine whether the property should be identified as a heritage item under North Sydney Local Environmental Plan 2013.
2. THAT the dwelling at 8 Hayes Street be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area. Should it be determined that the dwelling at 6 Hayes Street not be identified as a heritage item under NSLEP 2013, it should be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area.

The Motion was put and **carried**.

Voting was as follows: For/Against 9/1

Councillor	Yes	No	Councillor	Yes	No
Gibson	**Y**		Barbour	**Y**	
Beregi	**Y**		Drummond	**Y**	
Keen	**Y**		Gunning		**N**
Brodie	**Y**		Mutton	**Y**	
Carr	**Y**		Baker	**Y**	

RESOLVED:
1. THAT Council request the Minister for Heritage to urgently impose an Interim Heritage Order over 6 Hayes Street, Neutral Bay, to enable Council to undertake the appropriate comprehensive research to determine whether the property should be identified as a heritage item under North Sydney Local Environmental Plan 2013.
2. THAT the dwelling at 8 Hayes Street be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area. Should it be determined that the dwelling at 6 Hayes Street not be identified as a heritage item under NSLEP 2013, it should be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area.

ITEM **CiS01** REPORTS **29/01/19**

N O R T H S Y D N E Y C O U N C I L R E P O R T S

Report to General Manager

Attachments:
Nil

SUBJECT: Interim Heritage Order – 6 & 8 Hayes Street, Neutral Bay

AUTHOR: Ben Boyd, Executive Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

On 14 September 2018, Council received a development application (DA 299/18) for the demolition of the existing 2-storey dwelling houses at 6 and 8 Hayes Street, Neutral Bay and construction of a 4-storey residential flat building containing 9 apartments and basement parking across both properties. Both properties are located within the Kurraba Point Heritage Conservation Area under NSLEP 2013 and identified as "neutral items" under NSDCP 2013. During the assessment of the DA, a number of residents raised concerns with the loss of the two dwellings on heritage grounds. In response to these concerns, a Mayoral Minute and Notice of Motion were considered by Council at its meeting of 29 October 2018, where it resolved:

> *1. THAT Council urgently applies for Interim Heritage Orders on 6 and 8 Hayes Street, Neutral Bay.*

In response to the resolution, GML Heritage was engaged by Council to undertake an independent preliminary heritage assessment to determine whether an Interim Heritage Order (IHO) should be placed over one or both properties, to provide temporary protection until a comprehensive heritage assessment can be completed to determine if the subject properties should be heritage listed.

One of the main criteria to be met in imposing an IHO, is the presence of a "threat of harm" (e.g. proposed demolition) to the building or place. As the development application is currently subject to an Appeal to the Land and Environment Court, this criterion is satisfied, as there is still the potential for the properties to be demolished if approval were to be granted. The Appeal is currently subject to a s.34 Conference scheduled for 3 July 2019.

The consultant recommendations are that:

1. An IHO be placed over 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; and
2. The dwelling at 8 Hayes Street be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area. Should it be determined that the dwelling at 6 Hayes Street not be identified as a heritage item under NSLEP 2013, it should be identified as a "contributory item" under NSDCP 2013 to reflect its contribution to the Kurraba Point Conservation Area.

Only the Minister for Heritage has the authority to impose an IHO over a property located in a heritage conservation area. Based on the above recommendation it is recommended that Council resolves to request the Minister for Heritage to urgently impose an IHO over the property to enable Council to undertake the appropriate comprehensive research to determine whether the property should be heritage listed or not.

To minimise any delays, Council should also consider preparing the comprehensive heritage assessment to determine whether it should resolve to list 6 Hayes Street as a heritage item under NSLEP 2013.

FINANCIAL IMPLICATIONS:

The preparation of the preliminary heritage assessment of the subject sites, which has been completed by the consultants, has cost approximately $5,500 to date. Should the Minister impose an IHO, it is estimated that an additional $10,000 will required to complete a comprehensive heritage assessment for the subject property. There will also be costs associated with the preparation of and processing of a planning proposal. This additional work has not been budgeted for.

RECOMMENDATION:

1. THAT Council request the Minister for Heritage to urgently impose an Interim Heritage Order over 6 Hayes Street, Neutral Bay, to enable Council to undertake the appropriate comprehensive research to determine whether the property should be identified as a heritage item under North Sydney Local Environmental Plan 2013.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction:	2. Our Built Infrastructure
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

On 14 September 2018, Council received a development application (DA 299/18) for the demolition of an existing 2 storey dwelling house at 6 Hayes Street and an existing 2-storey dwelling house at 8 Hayes Street, Neutral Bay and construction of a 4-storey residential flat building containing 9 apartments and basement parking across both properties. Both properties are located within the Kurraba Point Heritage Conservation Area under North Sydney Local Environmental Plan 2013 and identified as "neutral items" under North Sydney Development Control Plan 2013 (NSDCP 2013). During the assessment of the DA, a number of residents raised concerns with the loss of the two buildings on heritage grounds.

In response to these community concerns, a Mayoral Minute and Notice of Motion were considered by Council at its meeting of 29 October 2018, where it resolved:

> *1. THAT Council urgently applies for Interim Heritage Orders on 6 and 8 Hayes Street, Neutral Bay.*

On 12 November 2018, the applicant of the DA lodged a Class 1 Appeal to the Land and Environment Court for the "deemed refusal" of the DA (i.e. Council had not determined the DA within 40 days). A s.34 Conference in relation to the Appeal has been set for 3 July 2019.

This report addresses Council's resolution of 29 October 2018.

CONSULTATION REQUIREMENTS

Community engagement is not required.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

1. Subject Sites

The subject sites comprise two separate and adjoining parcels of land (refer to Figure 1), identified as follows:

- Lot 4 DP 192932, otherwise known as 6 Hayes Street, Neutral Bay; and
- Lot 5 DP 192932, otherwise known as 8 Hayes Street, Neutral Bay.

FIGURE 1: Aerial Photo

The subject site is located on the north-western corner of Hayes Street and Manns Avenue. The site has a total site area of 913.0sqm, with a 32.87m frontage to Hayes Street, a 4,195m splay and 23.945m frontage to Manns Avenue. The rear western boundary is 28.68m and northern side boundary is 28.715m.

No. 6 Hayes Street contains a two storey 4-bedroom dwelling house of rendered brick and tiled roof construction. The building formerly comprised a residential flat building constructed in c.1910 and contained two x 2-bedroom flats, with one flat upstairs and the other downstairs. The building was converted to a single dwelling house in the late 1980's.

No. 8 Hayes Street contains a two storey 4-bedroom residential flat building of painted brick and tiled roof construction. The building formerly comprised a residential flat building originally constructed c.1925 and contained two x 2-bedroom flats, with one flat upstairs and the other downstairs. The building was converted to a single dwelling house sometime post 2000.

The two subject sites are not identified in Schedule 5 – Environmental Heritage to NSLEP 2013. However, it is located within the Kurraba Point Heritage Conservation Area (CA16). The current statutory heritage context is provided in Figure 2. In addition, pursuant to section 13.6 to Part B of North Sydney Development Control Plan 2013, the two sites as identified as "neutral items".

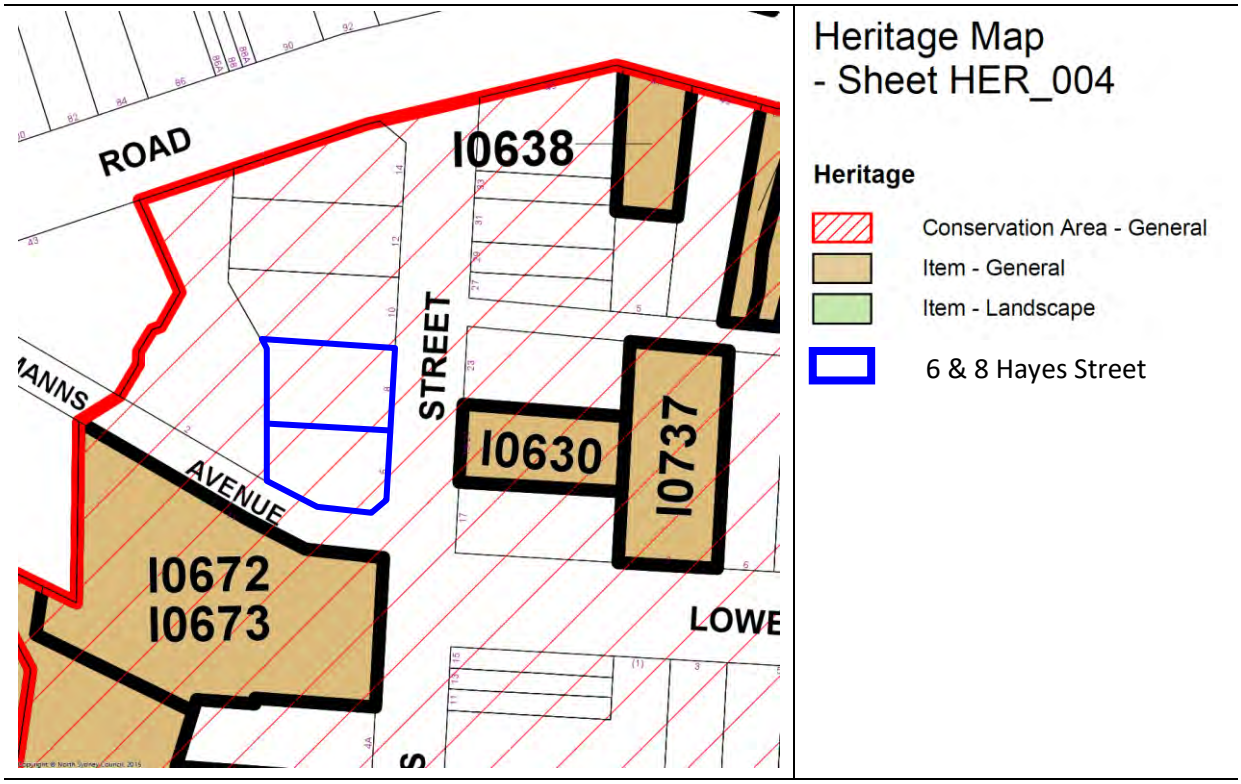


FIGURE 2: Extract from NSLEP 2013 Heritage and Conservation Map

2. Assessment of Significance

In response to the resolution, GML Heritage was engaged by Council to undertake an independent preliminary heritage assessment of the two properties. An assessment was made against the NSW Heritage Assessment Criteria and it was determined that 6 Hayes Street may have potential associative (Criterion B), aesthetic (Criterion C) and cultural (Criterion G) significance and should be subject to further investigation. It was considered that 8 Hayes Street did not demonstrate sufficient potential to meet any of the assessment criteria. Based on this research, the consultants have 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 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 the dwelling at 6 Hayes Street not be identified as a heritage item under 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. Process for Listing as a Heritage Item

There are a number of ways in which Council could identify the property as a heritage item under NSLEP 2013.

The principal way is via the preparation of a Planning Proposal to include the item within the heritage schedule to NSLEP 2013. This process can take 6-9 months for a single listing, if the process runs relatively smoothly.

However, there is a chance that a potential heritage item may be harmed prior to it being formally protected under the LEP. In some instances, it is possible under Part 3 of the NSW Heritage Act 1977 (Heritage Act) to impose an IHO over a property which provides a temporary protection measure against the demolition of a potential heritage item. It also provides time to assess the heritage significance of a potential item and take the appropriate steps to list the item if warranted.

IHOs can be made by the Minister for Heritage under s.24 of the Heritage Act on the recommendation of the Heritage Council, or by local councils under delegation, under s.25 of the Heritage Act. All councils in NSW were granted delegation to make IHOs on 12 July 2013 subject to meeting a number of conditions. In addition, under s.377 of the Local Government Act, 1993 Council has granted its delegation to make IHOs to the General Manager.

If required, a council may make a request to the Minister for Heritage to impose an IHO over a property under s.24 of the Heritage Act, if it is unable to do so under delegation.

Within six (6) months of imposing an IHO, councils are required to resolve to list the property under its LEP, or the IHO is lifted. This timeframe provides councils with time to undertake the required studies on potential heritage places, so that they are able to make more informed decisions on heritage matters.

3.1. Can an Interim Heritage Order be Imposed?

Where a Council seeks to impose an IHO over a property under delegation it must address a number specified criteria. There are no such requirements for the Minister for Heritage in imposing an IHO.

3.1.1. Is There a Threat of Harm?

One of the key requirements for imposing an IHO over a property by a council, is that it must consider if the subject property "*is being or is likely to be harmed*". The NSW Heritage Office's Local Government Heritage Guidelines indicate that a threat of harm can constitute:

- Council's own observation of the item (i.e. actual works to the item);
- Notification under other legislation;

- Pre-development application consultation;
- Lodgement of a development application; or
- Community lobbying.

If the development application is approved, enabling the demolition of the building, the ability to impose an IHO over the property is automatically removed.

If the application is refused, then there is potential for the "threat of harm" to continue after the application's determination to take into account the ability for the applicant to appeal a council's refusal to the Land and Environment Court (6 months). However, the potential for a "threat of harm" is somewhat weakened at this point, as there is no guarantee that an appeal will be made. Once the ability to appeal a council's determination of a development application lapses, there will no longer be a "threat of harm" to the property.

DA 299/18 seeks to demolish the existing buildings on the subject site. The development application has yet to be determined and is currently subject to an Appeal to the Land and Environment Court, with a s.34 conference scheduled to be held on 3 July 2019. Therefore, there is a current "threat of harm" and it will continue to exist until the development application has been determined by the Court.

It should be noted, that pursuant to cl.7.1(1) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2007 (Codes SEPP), an owner of land or any person with the land owner's consent may demolish:

(a) a dwelling,
(b) ancillary development,
(b1) a swimming pool,
(c) an industrial building,
(d) a commercial building that would be complying development under the General Commercial and Industrial Code if it were being constructed.

Further limitations are placed on the demolition of buildings located within heritage conservation areas (i.e. only certain aspects of buildings or ancillary structures may be demolished, not the entire building).

As the subject site is located in a heritage conservation area, and the development application seeks the full demolition of all buildings on the subject site, there is currently no potential in this instance to demolish the buildings as complying development under the Codes SEPP.

However, there is potential under the Codes SEPP to undertake works to the interior of a building located within a heritage conservation area. Should the original interior fabric of a building be removed, it may have the potential of undermining the heritage integrity of building, should that building display elements worthy of heritage protection.

Accordingly, the timeliness of implementing an IHO is crucial.

3.1.2. Delegated Requirements

Section 25 of the Heritage Act sets out all of the instances when Council can or cannot make an IHO. The requirements are as follows:

(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.
(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.
(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,
(b) an item 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.
(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.

All of these requirements are/can be satisfactorily met with the exception of s.25(4). In particular, Condition 2(a)(ii) to the authority states that an IHO cannot be applied to a property which is located within a heritage conservation area. Therefore, Council is not in a position to impose an IHO over the subject property in this instance and must rely on the Minister to do so.

3.2. Options for Heritage Listing

3.2.1. Option 1 – Amendment to NSLEP 2013

This Option involves Council resolving to prepare an amendment to NSLEP 2013 to identify 6 Hayes Street, Neutral Bay as a heritage item.

As part of the Planning Proposal process, a detailed heritage assessment will need to be undertaken, which would include an external and internal inspection of the building and its curtilage. This assessment process could result in the property owner taking actions to diminish the heritage significance of the property, whether lawfully or unlawfully, before there was any additional level of protection being provided to the item through its draft heritage item listing.

The requirement to prepare this heritage assessment and preparation of the Planning Proposal itself could take in the order of 4-6 weeks, with a further 3-6 weeks to have the matter reported to Council and subsequently endorsed.

If Council resolves to proceed with the Planning Proposal based on the outcomes of the comprehensive heritage assessment, it could take up to a further 2-4 months to obtain a Gateway Determination and subsequently place the Planning Proposal on public exhibition.

Once the Planning Proposal is placed on public exhibition, the property would then be deemed to be a "draft heritage item" and would largely prevent works permitted under the Codes SEPP from being undertaken on the subject property that could diminish its heritage significance. Therefore, the period of time within which the heritage significance of the property is left exposed to being diminished is approximately 10-20 weeks.

3.2.2. Option 2 – Request the Minister for Heritage to Impose an IHO (preferred)

This Option involves Council resolving to request the Minister for Heritage to place an IHO over 6 Hayes Street under s.24 of the Heritage Act.

Council is unable to impose an IHO due to the property being located within a heritage conservation area. As there is still a potential threat to harm the building as a result of the development application's Appeal to the Land and Environment Court, the Minister for Heritage has the power to grant temporary protection to the property through the imposition of an IHO. This would provide an appropriate level of protection until such time as a comprehensive heritage analysis could be undertaken to determine if the property should be heritage listed.

Based on previous experience, an IHO could be implemented within 10 weeks. This provides a higher level of protection to the property than Option 1 and could be implemented much faster depending upon the Minister's response.

4. Imposition of an Interim Heritage Order

Should the Minister for Heritage impose an IHO over the subject property, it would grant temporary protection of the property from demolition for 12 months. However, if Council does not determine to forward a Planning Proposal to Minister for Planning to list the property as a heritage item for the purposes of a Gateway Determination within 6 months of the imposition of an IHO, this temporary protection is automatically reduced to 6 months.

To minimise any delays, Council should also consider obtaining the comprehensive heritage assessment to determine whether it should resolve to list 6 Hayes Street as a heritage item under NSLEP 2013, ahead of receiving a response from the Minister of Heritage.

5. Conclusion

During the assessment of development application DA 299/18, it was questioned whether 6 & 8 Hayes Street, Neutral Bay should be identified as a heritage item under NSLEP 2013.

The two properties have been assessed by an independent heritage consultant who has identified that only 6 Hayes Street has potential for satisfying the relevant heritage criteria for heritage listing under NSLEP 2013. Despite not having sufficient potential to meet the criteria for heritage listing, the consultants have recommended that 8 Hayes Street be elevated from a "neutral item" to a "contributory item" under NSDCP 2013.

To ensure that the potential heritage significance property is not diminished it is recommended that Council resolves to urgently request the Minister for Heritage place an IHO over 6 Hayes Street, to enable Council to undertake the appropriate comprehensive research to determine whether the property should be heritage listed or not.

APPENDIX 2

Preliminary Heritage Assessment prepared by GML Heritage

GML HERITAGE

6 and 8 Hayes Street, Neutral Bay

Preliminary Heritage Assessment

Report prepared for North Sydney Council

January 2019

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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.

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]

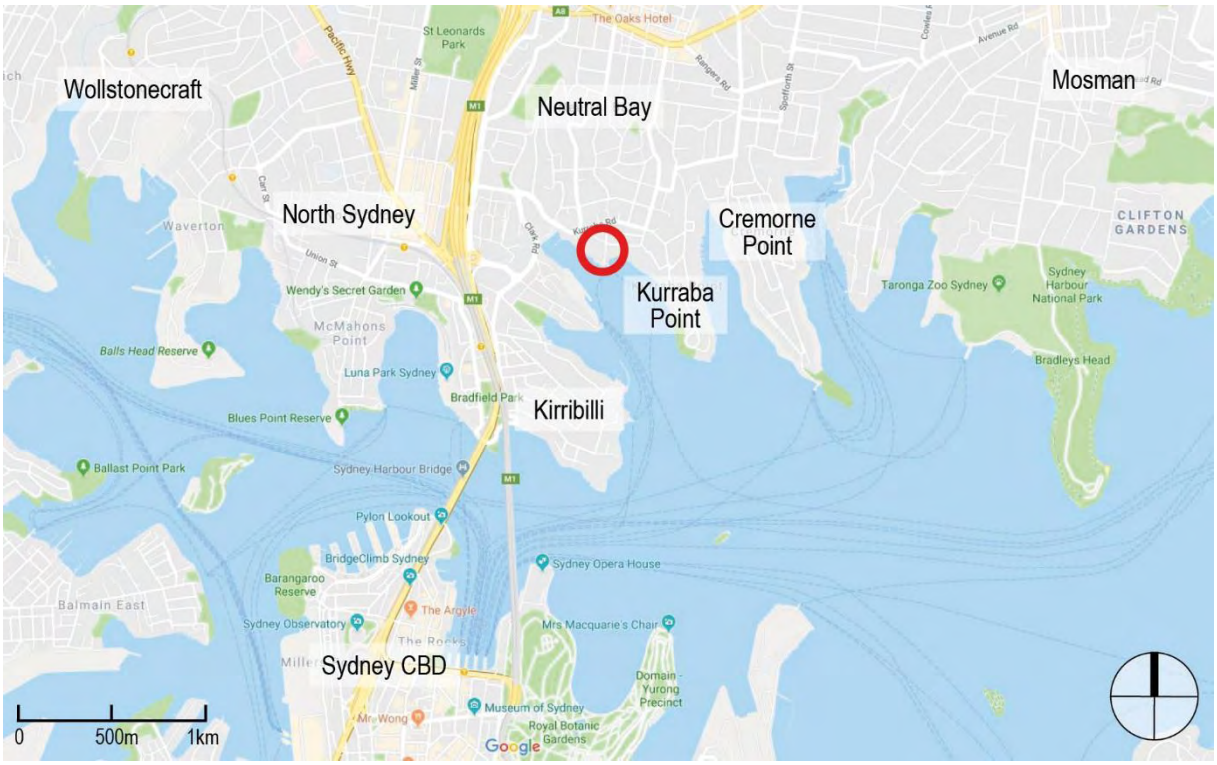

Figure 1.1 Location of the subject properties within the wider Sydney context. (Source: Google Maps with GML overlay)

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)

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 .

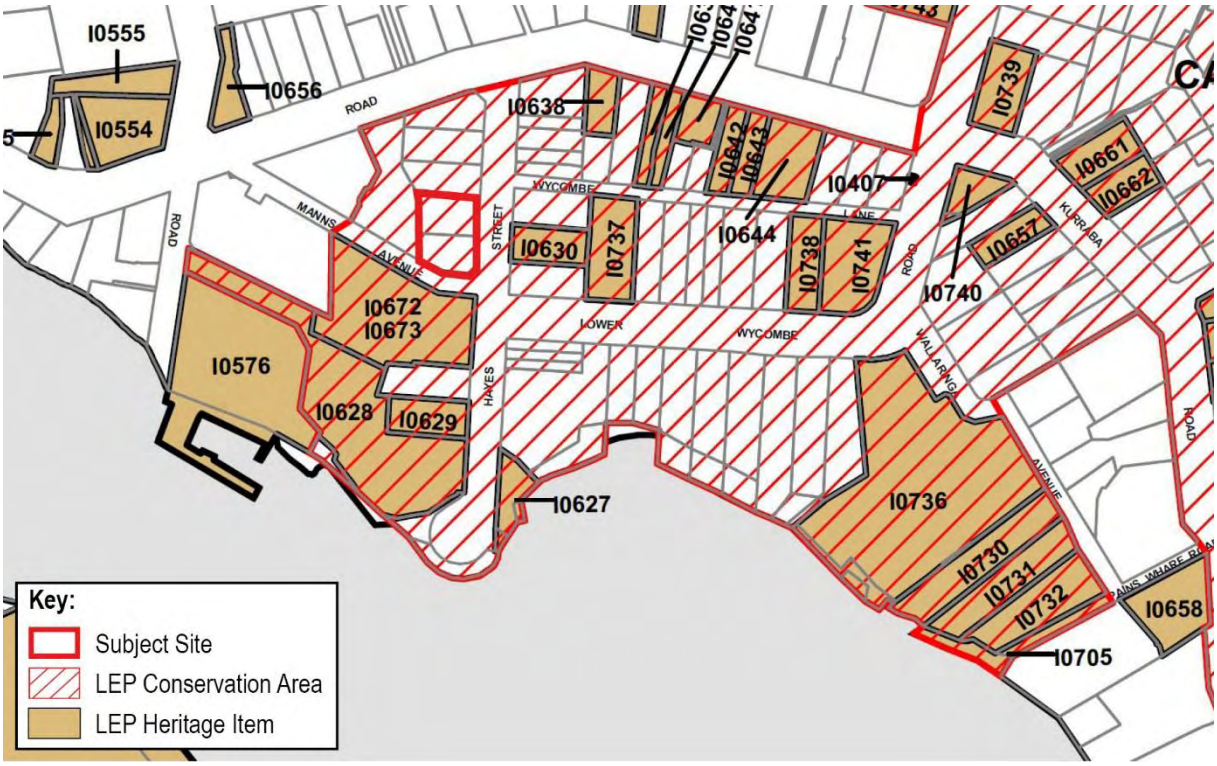

Figure 4.1 NSLEP Heritage Map indicating the subject site within its heritage context. (Source: NSLEP with GML overlay)

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	I0627
'The Hastings'	2 Hayes Street	State and local	SHR NSLEP 2013	00567 I0628
Kcot-Sedar	4 Hayes Street	Local	NSLEP 2013	I0629
Former Neutral Bay Post Office	19 Hayes Street	Local	NSLEP 2013	I0630
Customs Marine Centre	Ben Boyd Road	Local	NSLEP 2013	I0576

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.

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

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)

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
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).	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. **It is unlikely that either property has the potential to meet this criterion.**
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).	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. 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. **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**.

Criterion	Discussion
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).	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.' 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. 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. Both properties should, at a minimum, be considered contributory buildings within the Kurraba Point Conservation Area. No. 6 Hayes Street warrants further investigation in order to determine if it reaches the threshold for individual listing under this criterion. 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. **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.**
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.	**It is unlikely that either property has the potential to meet this criterion.**
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).	**It is unlikely that either property has the potential to meet this criterion.**
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).	**It is unlikely that either property has the potential to meet this criterion.**

Criterion	Discussion
Criterion G—An item is important in demonstrating the principal characteristics of a class of NSW's • Cultural or natural places, or • Cultural or natural environments. (Or a class of the local area's • Cultural or natural places, or • Cultural or natural environments.)	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. **There is potential for No. 6 Hayes Street to meet this criterion. Further investigation is recommended.**

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 ta 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.*

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

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

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
• **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.**	• **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
• shows evidence of a significant human occupation; or • is associated with a significant event, person, or group of persons.	• 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
• 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.	• 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
• is important for its associations with an identifiable group; or • is important to a community's sense of place.	• 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
• 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.	• 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
• 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.	• is not rare; or • is numerous but under threat.

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
• 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.	• 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.

APPENDIX 3

Interim Heritage Order

Notice within the NSW Government Gazette dated 28 February 2019

Government Gazette

of the State of

New South Wales

Number 20
Thursday, 28 February 2019

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

From 1 January 2019, each notice in the Government Gazette has a unique identifier that appears in round brackets at the end of the notice and that can be used as a reference for that notice (for example, (n2019-14)).

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To submit a notice for gazettal – see Gazette Information.

By Authority
Government Printer

ISSN 2201-7534

Other Government Notices

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that HEART ON MY SLEEVE MOVEMENT INCORPORATED (INC1701248) became registered under the *Corporations Act 2001* as HEART ON MY SLEEVE MOVEMENT LIMITED (ACN 627 697 401), a company limited by guarantee on 24 July 2018, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Emma Day
Delegate of the Commissioner,
NSW Fair Trading

28 February 2019

(n2019-618)

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that DIVERSE AUSTRALASIAN WOMEN'S NETWORK INCORPORATED (INC1301244) became registered under the *Corporations Act 2001*as DAWN FOUNDATION LIMITED (ACN 630 328 979), a company limited by guarantee, on 30 November 2018, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Emma Day
Delegate of the Commissioner,
NSW Fair Trading

28 February 2019

(n2019-619)

HERITAGE ACT 1977

INTERIM HERITAGE ORDER NO. 148

6 Hayes Street Neutral Bay

In pursuance of Section 24 of the *Heritage Act 1977* (NSW), I, the Minister for Heritage, do, by this my order:

(i) make an interim heritage order in respect of the item 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 item, being the land described in Schedule 'B'.

The Hon Gabrielle Upton MP
Minister for Heritage

Sydney, 27th Day of February 2019

SCHEDULE "A"

The property known as 6 Hayes Street, Neutral Bay, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 5 DP 192932 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3233 in the office of the Heritage Council of New South Wales.

(n2019-620)

APPENDIX 4

Detailed Heritage Assessment Report prepared by GML Heritage

GML HERITAGE

6 Hayes Street, Neutral Bay

Heritage Assessment

Report prepared for North Sydney Council

April 2019

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Report Register

The following report register documents the development and issue of the report entitled 6 Hayes Street, Neutral Bay—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	1	Draft Report	9 April 2019
18-0695	2	Final Report	11 April 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:	Minna Muhlen-Schulte	**Project Director & Reviewer:**	Lisa Trueman
Issue No.	2	**Issue No.**	2
Signature		**Signature**	
Position:	Senior Heritage Consultant, Historian	**Position:**	Associate
Date:	11 April 2019	**Date:**	11 April 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 heritage assessment of 6 Hayes Street, Neutral Bay, in order to determine if it reaches the threshold for listing as a heritage item within the *North Sydney Local Environmental Plan 2013* (NSLEP).

Council has received a development application (DA 299/18) that involves the demolition of 6 and 8 Hayes Street 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 Interim Heritage Order (IHO) on both properties.

In December 2018, GML provided Council with 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 IHO. The preliminary report was a high-level preliminary assessment undertaken to determine if an IHO should proceed. That report 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 the NSLEP.*
2. *The dwellings at 6 and 8 Hayes Street should be included as contributory items and Appendix 1 of the NSDCP 2013 should be updated to reflect their contribution.*
3. *The assessment of the current development application should have consideration for these recommendations.*

In response to the recommendations of the preliminary report, an IHO was imposed on 6 Hayes Street by the NSW Minister for Heritage on 27 February 2019 (IHO No. 148). The IHO is attached to this report at Appendix C.

This report includes a detailed assessment of the heritage significance of 6 Hayes Street in order to determine if the property should be listed as a heritage item within the NSLEP.

No. 6 Hayes Street is not currently listed as a heritage item. However, it is located within the Kurraba Point Conservation Area, which is listed within Schedule 5 (Heritage Items) of the NSLEP. The existing detached house on the property dates from 1923/1924, and was erected by the builder, HE Edwards. The property displays distinctive qualities characteristic of Hayes Street and the Kurraba Point Heritage Conservation Area.

1.2 Site Identification

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

The subject site fronts Hayes Street and is bounded by Manns Avenue to the south and 8 Hayes Street to the north. The rear boundary of the site 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. The property is a characteristic element in the Hayes Street streetscape, which forms the historic entry to Neutral Bay from the ferry wharf.

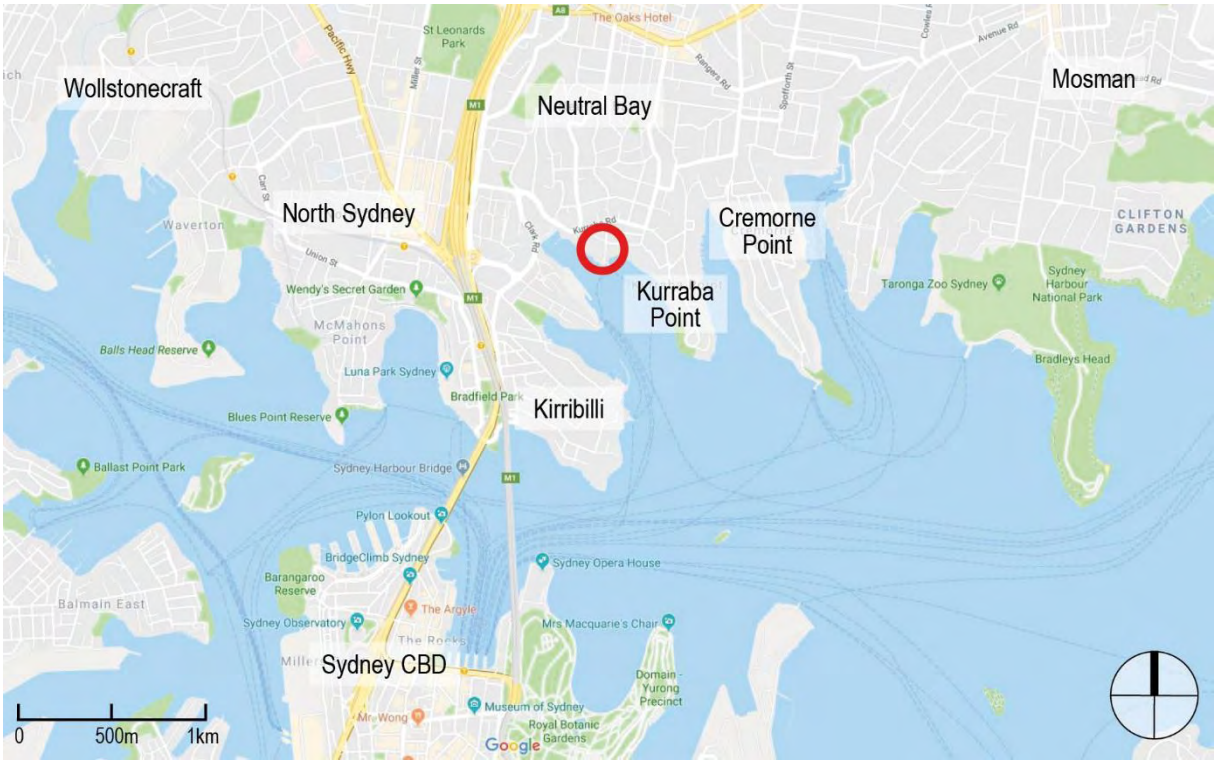

Figure 1.1 Location of the subject site within the wider Sydney context. (Source: Google Maps with GML overlay)

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

1.3 Heritage Context

The site is located within the Kurraba Point Heritage Conservation Area, as listed in Schedule 5 of the NSLEP. The subject site is identified as a 'neutral' item under Appendix A of the *North Sydney Development Control Plan 2013* (NSDCP). The property is located within the vicinity of a number of local heritage items and contributory buildings. Detailed information on the heritage context of the subject site is provided in Section 5.0 of this report.

1.4 Limitations

Although GML inspected the interior of the property on 7 December 2018, at the request of the property owner photographs were not taken. As such, it was not possible to provide interior photographs in this 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 development application DA 299/18, information provided by North Sydney Council Historian Ian Hoskins, and GML's own detailed research.

1.5.1 Literature Review

The following sources were consulted in the preparation of this report. A bibliography is also included as an appendix to this document.

- URBIS, Heritage Impact Statement: 6–8 Hayes Street, Neutral Bay, 2008;
- Conybeare Morrison & Partners, 17–19 Wycombe Road, Neutral Bay, 'Valetta', 2001;
- City Plan Heritage, 2 Hayes Street, Neutral Bay, 2014;
- Debbie Shilkin, Inside Out Design, Unit 1, 2 Lower Wycombe Road, Neutral Bay, 2006;
- NRBS, Statement of Heritage Impact: 'Kcot-Sedar', 4 Hayes Street, Neutral Bay, 2008;
- John Oultram Heritage & Design, 7, 9–11 Manns Avenue, Neutral Bay, Proposed Conversion to Aged Care Accommodation: Heritage Assessment, Conservation Strategy and Impact Statement, 2006;
- Graham Hall and Partners, Statement of Heritage Impact, 7–11 Manns Avenue, Neutral Bay, 2008;
- Wong + Simmonds Architects, Heritage Impact Statement for 55 Kurraba Road, Neutral Bay, 2012;
- Sue Rosen Associates, Heritage Impact Statement for 57 Kurraba Road, Neutral Bay, 2014;
- Jyoti Somerville Pty Ltd, Heritage Report for Proposed Alterations and Additions to 59 Kurraba Road, Neutral Bay, 2000; and

- Memorandum, 'Proposed Demolition of 6 and 8 Hayes Street', from Dr Ian Hoskins, North Sydney Council Historian, 2018.

In addition, the Office of Environment and Heritage State Heritage Inventory datasheets for the following items were consulted:

- 9–11 Manns Avenue (Lansdowne);
- 2 Hayes Street (The Hastings);
- 4 Hayes Street (Kcot-Sedar);
- 7 Manns Avenue;
- 2 Lower Wycombe Road;
- 18 Lower Wycombe Road;
- 19 Lower Wycombe Road (Wallaringa Estate);
- 28 Lower Wycombe Road (Wycombe Private Hotel); and
- 47, 51, 53, 55, 57, 59 & 65 Kurraba Road (Kurraba Road Townhouses Group).

1.6 Author Identification

This report has been prepared by Lisa Trueman (Associate), Minna Muhlen-Schulte (Senior Heritage Consultant), Isabelle Rowlatt (Heritage Consultant) and Patrick Atkinson (Graduate Heritage Consultant). Claire Nunez (Senior Associate) has provided strategic input.

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.*

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 site is not listed on the State Heritage Register (SHR). There is one item listed on the SHR in the vicinity, located at 2 Hayes Street.

Part 3 of the Heritage Act allows the Minister to make an interim heritage order on a place that the Minster considers may, on further investigation, be found to be of State or local heritage significance. The NSW Minister for Heritage imposed an IHO on 6 Hayes Street on 27 February 2019 (IHO No. 148). The IHO is attached to this report at Appendix C.

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 site is 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 Historical Overview

3.1 Introduction

This section is an overview of the historical background of the subject site. It is based upon secondary sources, supplemented with additional primary research from Stanton Library, North Sydney, the National Library of Australia (NLA) and the State Library of NSW.

3.2 Aboriginal Country

Aboriginal people have occupied Sydney's North Shore for thousands of years. Radiometric dating of archaeological materials found in Cammeray shows that Aboriginal people occupied the North Sydney area at least 5800 years ago. The Cammeraygal (Gammeraigal) occupied the northwest of the harbour at the time of the First Fleet's arrival in 1788, an area which encompassed the North Shore and Neutral Bay. Another group, the Wallumedegal, occupied the opposite shore on the western side of the North Shore. The boundaries between the groups is blurred, but it is probable that the Wallumedegal's boundaries did not extend into the North Sydney area.[1]

The Aboriginal people who occupied the North Sydney area readily used the resources around them at their disposal, developing a complex knowledge of the land and a unique spirituality. The sea was an important source of food, as the amount of shell middens found in North Sydney attests. European observers in the eighteenth century noted the skill and speed with which women crafted fishing hooks from shells, their well-practised craft demonstrating this importance. Rock paintings and carvings found in the area also often depict sea creatures, usually being located on the foreshore close to the water. Fire was another important tool used by the Cammeraygal, with regular burning being used to improve accessibility and flush out animals for food. During colonisation the displacement of the Cammeraygal prevented them from engaging in this vital activity, resulting in disastrous fires in the early and mid nineteenth century.[2]

As Europeans continued to arrive and colonise Sydney and areas further afield the Cammeraygal and other Aboriginal groups were progressively dispossessed of their land and lifestyle. Land grants, which gave swathes of Aboriginal land to European colonists without recourse, encroached on their territory and eventually stripped them of their ownership of the land. Despite mounting resistance, the Aboriginal groups in and around North Sydney were forcibly removed from their land and subjected to acts of violence. So thorough was this displacement and dispossession that by 1891, the Aboriginal Protection Board did not record any Aboriginal people in the North Sydney area. Whether this was true is unknown. Recent work by Paul Irish has shown even though the impacts of colonisation had a devastating impact on Aboriginal life in coastal Sydney, survivors regrouped drawing on 'existing familial connections and other relationships'[3] forging relationships and economic connections with Europeans. Camps of Aboriginal people in North Sydney, some travelling from Shoalhaven, were reported into the late nineteenth century—outposts in a rapidly growing colonial city.[4]

3.3 Early Land Grants and European Occupation

European occupation of the Neutral Bay area began with a 700-acre grant to Captain John Piper in 1814. The grant encompassed the entirety of Kurraba Point area. Piper gave his grant as a wedding gift to Alfred Thrupp and his daughter, Sarah, when they married in 1814. In 1826 Thrupp built a cottage, the first European building in the area, on the land at the waterfront of Hayes Street.

The land gifted to Thrupp and his wife was not formalised and was discharged when Piper declared bankruptcy in 1828. It was acquired by the merchant Daniel Cooper, who held onto the land until 1854 before giving it over to his nephew John Cooper. In 1831 a house called Craignathan was built on the land adjacent to Thrupps Cottage.

Scottish businessman Benjamin Boyd leased Craignathan and the surrounding land after his arrival in 1842. He began to farm sheep on the estate, building a woolshed and two large boilers that were used to process wool. Boyd remained at Craignathan only a short time before leaving abruptly for California in 1849.

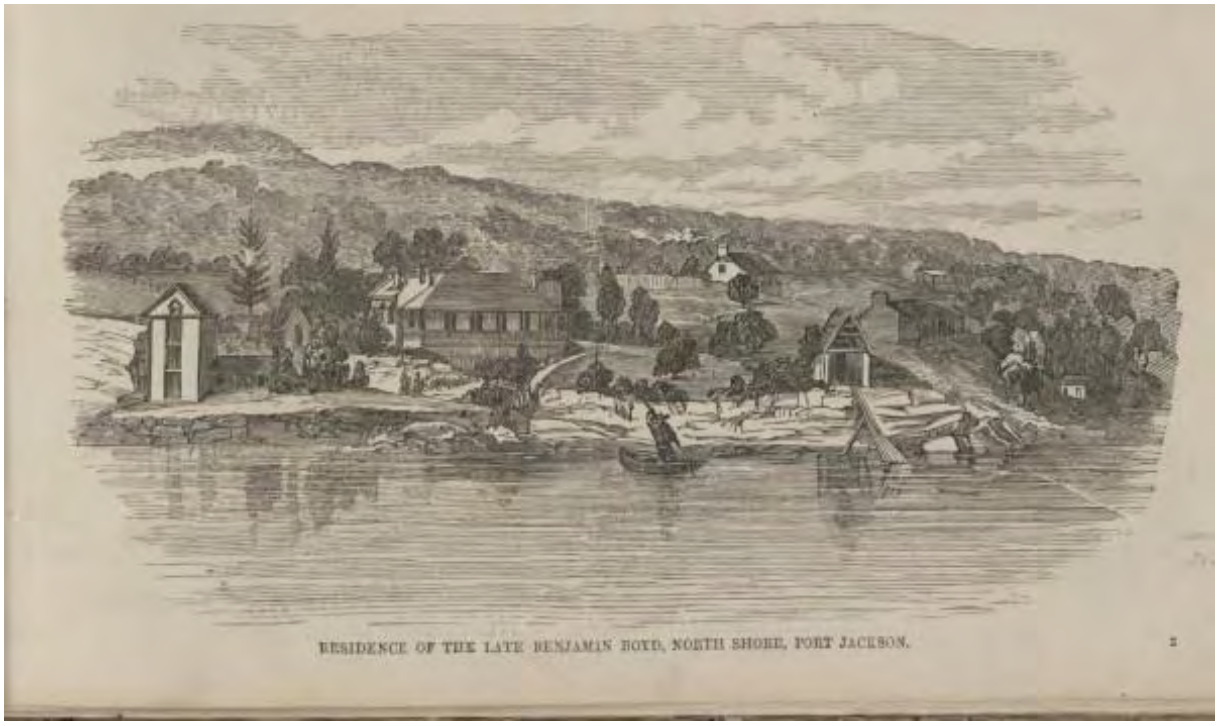

Figure 3.1 1857 Wood engraving of Craignathan house and lands. (Source: NLA)

During the 1840s Kurraba Point began to be quarried for stone, which was used as ballast for ships leaving the colony. The Kurraba Point quarry also supplied the stone for the construction of the Martello tower of Fort Denison.

In the decades following Boyd's departure John Cooper began the process of subdividing the estate. Leaseholds were given throughout the 1850s and 1860s, resulting in the creation of smaller estates which had prominent new residences built upon them or already contained one. Examples of these new estates and residences were Craignathan, Clee Villa, Wallaringa, Kurraba and Shellcote. A soap and oil factory was also built in this period by Patrick Hayes, who had acquired the (then closed) quarry. Craignathan Estate was sold to John F. Mann in 1863.

3.4 Development of Kurraba Point

When Craignathan was sold to John F. Mann in 1863 there were a total of eight residences in the area, situated on the subdivided plots of Cooper's estate. For the next decade this would remain relatively unchanged. In the 1870s a regular ferry service began to operate to the Hayes Street wharf. This vastly improved the quality of transport to and from Kurraba Point, opening the area to the prospect of residential development.

During this time Patrick Hayes' soap and oil factory continued to operate but failed to find a firm footing. Following its closure, the factory was acquired by the Port Jackson and Manly Steam Ship Company in 1883, cementing the ferry services to and from the area.

3.4.1 Walter Liberty Vernon and the Neutral Bay Land Company

Neutral Bay was still an elite suburb at the time Hayes' soap and oil factory was acquired, having eight large waterfront estate residences and little else. With the arrival of reliable transport services to the area, Neutral Bay was opened to entrepreneurial residential development. Walter Liberty Vernon, a prominent architect who had recently arrived from England, recognised the opportunity to develop the area after having chosen Neutral Bay to build his home in 1884. He established the Neutral Bay Land Company in partnership with department store owner Edward Jones the following year, with the view of subdividing the estates and creating a residential suburb.

His company secured land on 90-year leases from John Cooper and Patrick Hayes. Several houses, designed by Vernon, were built on subdivided plots of the land to entice buyers (Figure 3.2). This meant the Neutral Bay Land Company venture became one of the first planned suburban developments in Sydney. The company's advertising emphasised the quality of Vernon's house designs and the beauty of the area. The unique architectural character of Kurraba Point was first established during this time, with Vernon's English Revival designs becoming a recognisably unique feature of the area.

Following the initial offering, Vernon partnered with Howard Joseland in 1889 to design more houses, which eventually totalled 33. The next year Vernon was appointed Government Architect, leaving the venture. The Company folded soon after during the depression of the 1890s, having succeeded in beginning the process of single-dwelling residential apartment buildings in Neutral Bay.

Figure 3.2 1889 map of the Neutral Bay Land Company Estate and the houses designed by Walter Liberty Vernon (arrow indicates approximate location of subject site). (Source: North Sydney Council with GML overlay)

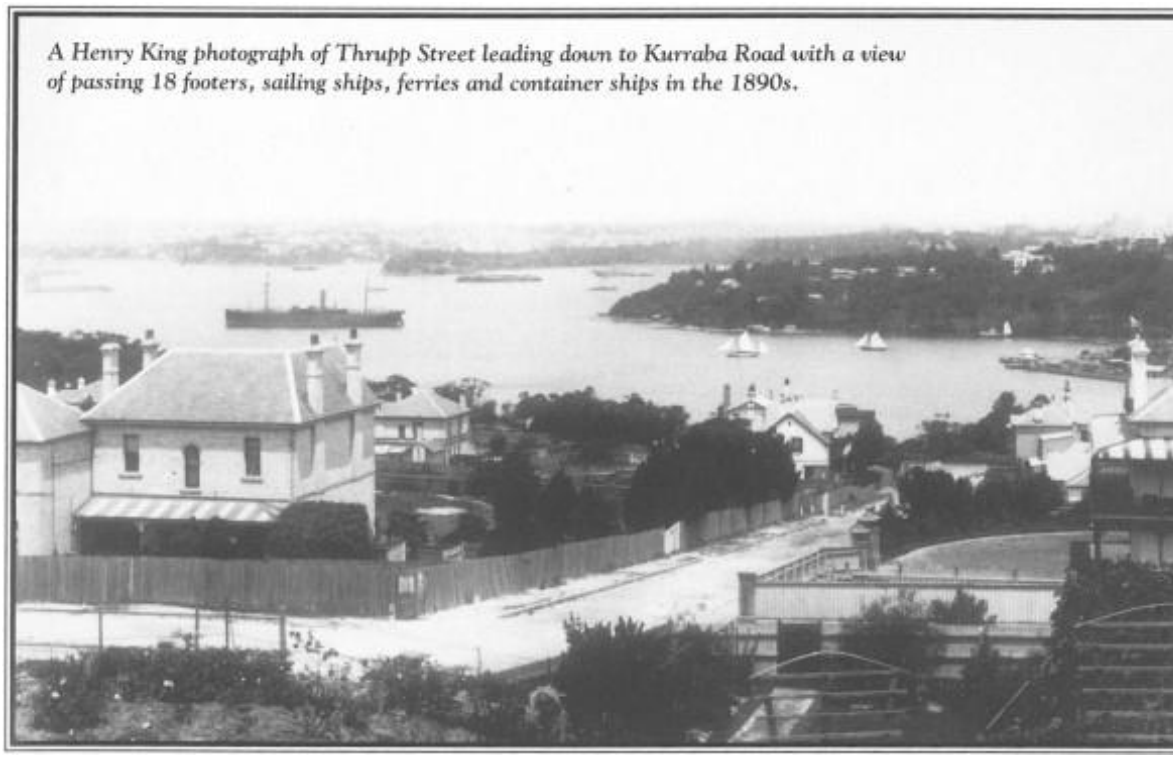

Figure 3.3 View down Thrupps Street showing one of Walter Liberty Vernon's designs (left). (Source: Joan Lawrence)

3.4.2 Continued Subdivision and Development

The impetus towards subdivision and large to medium single-dwelling residences continued after the dissolution of the Neutral Bay Land Company. Once the economic downturn had subsided, more estates began the process of breaking up into residential subdivisions. This was further spurred by the construction of a tram line running from Neutral Bay Junction to Hayes street wharf in 1900, which provided even greater access to and from Kurraba Point.

By this time, Kurraba Point was considered to be a popular suburb 'featuring attractive homes of the well-to do'. It as described in the residential guide of *Sydney and Suburbs* (1915) as:

> *a delightful watering suburb situated on the northern foreshore of Sydney Harbour, it is surrounded by undulating grassy lawns and gardens, connected with the City by excellent ferry services from Circular Quay.*[5]

Clee Villa Estate, on Lower Wycombe Road, underwent subdivision in the late 1890s, as did parcels of the Coopers' estate farther north. The area became defined by the English Revival character of the new houses built on the subdivided plots, which were typically built in the Federation or Arts and Crafts styles.

Craignathan Estate underwent subdivision in 1903/1904. Before this, a flurry of building activity had begun on the land. The Hastings (Figure 3.5)—a prominent architectural feature of Hayes Street to this day—was built that year on the site of the former Thrupps Cottage, which was demolished in 1890. Manns Avenue was formally established as well, separating Craignathan Estate from Elevera Estate, which had split off from Craignathan in the 1870s (see Figure 3.4). The Lansdowne, 11 Manns Avenue, was built. This period saw the establishment of Hayes Street's character and did much to inform construction on the street in the following decades.

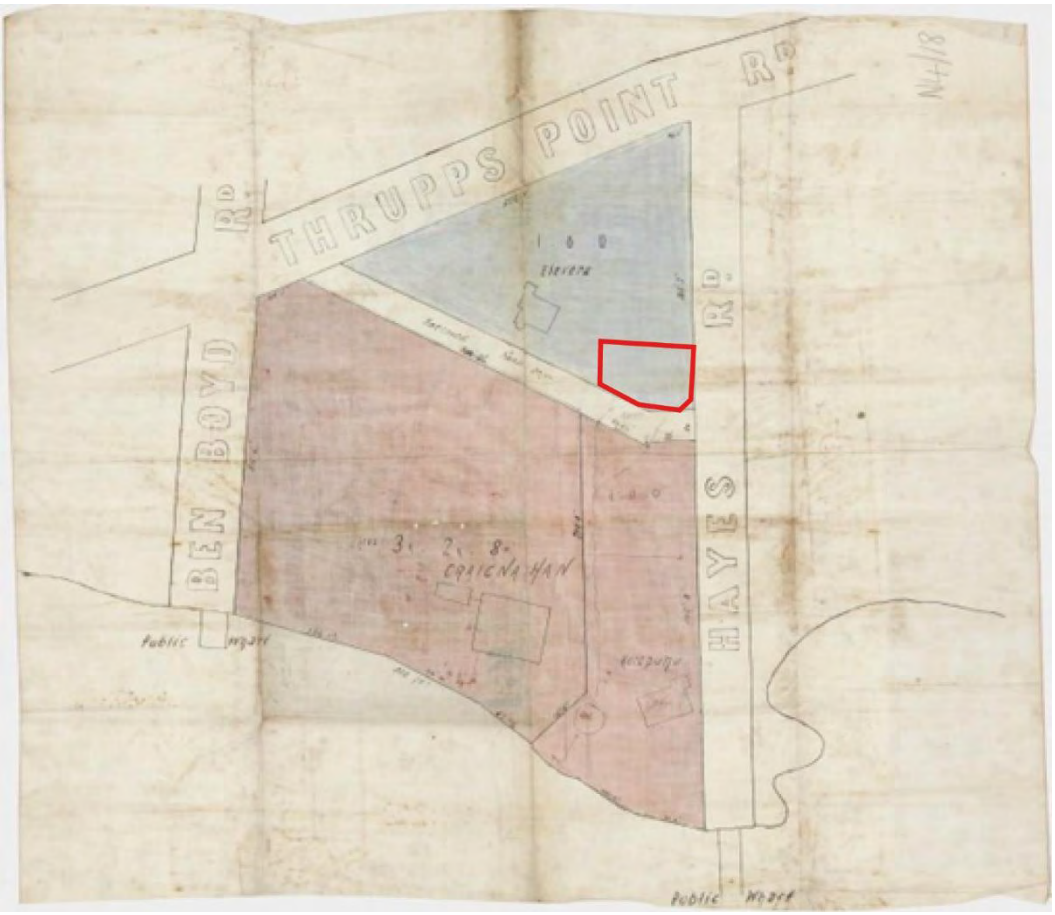

Figure 3.4 Subdivision of Craignathan Estate and Elevera Estate c1870s. Approximate boundary of subject site is outlined in red (Source: State Library of NSW with GML overlay)

Figure 3.5 c1904 view of Hayes Street Wharf and Kurraba Point. The Hastings is in the foreground on the left. (Source: North Sydney Council Heritage Centre)

3.5 6 Hayes Street

By the 1920s Hayes Street had become an important thoroughfare owing to the presence of the ferry wharf and tram line. Much of the land around the area had been divided by then and most had single-dwelling residences built on them. Among the last of the estates to be subdivided was Elevera Estate in 1921, which occupied the block between Kurraba Road, Hayes Street and Manns Avenue. Figure 3.7 shows the planned subdivision of the land. Lot 5, on the corner of Hayes Street and Manns Avenue, was the plot of land on which 6 Hayes Street currently stands.

Lots 3, 4 and 5 were purchased by Rose Ana Philipson, who assumed ownership in April 1922. Lots 4 and 5 were then quickly on-sold to Kenneth Teasdale Austin the following year, while Philipson kept lot 3 for herself. Figure 3.8 shows how a fence divided lot 3 from 4 and 5, which remained undeveloped at the time. Around this time HE Edwards was hired to build two houses on lots 4 and 5, now known as 6 and 8 Hayes Street.

No documentary evidence has been found to identify whether HE Edwards worked with an architect in the design of the houses at 6 and 8 Hayes Street. Edwards may have designed the houses himself using skills he acquired through the construction of architect-designed houses with a similar style. The design of the houses demonstrates the skill of HE Edwards as a builder, particularly for 6 Hayes Street. Its design indicates the detailed knowledge of and respect given to the characteristic built form and architectural typology of the area, and a detailed knowledge of the work of prominent architects that worked in the Neutral Bay area. The dramatic roof angle, roughcast hung shingles, expressed chimneys and large dormer window reflects the character of the buildings in the area, as demonstrated in houses such as The Hastings, designed by E Jeaffreson Jackson; Nutcote, designed by BJ Waterhouse; Bengallala, designed by Donald Esplin; and Lansdowne, which is attributed to E Jeaffreson Jackson.[6]

No. 6 Hayes Street, on lot 5, was sold in 1925 to Margaret Winifred Dodds. The following table[7] shows the ownership of the property from 1816 to the present.

Table 3.1 Timeline of Ownership of 6 Hayes Street.

Date	Owner
1816	Alfred Thrupp
1854	Daniel Cooper
1876	Lease to John F Mann (BK 406 No. 732)
1889	Underlease to Livingstone F Mann (BK 406 No. 732A)
1890	Underlease to Livingstone F Mann (BK 433 No. 819)
September 1897	Assignment—National Mutual Life Association of Australasia Ltd to JA Brown and GWH Lukin (BK 607 No. 479)
October 1897	Declaration of Trust—JA Brown and GWH Lukin
April 1904	Assignment lease—JA Brown and GWH Lukin as trustees (BK 759 No. 905)
June 1904	Declaration of Trust—GWH Lukin
1911	Leasehold—Margaret W Dodds (BK 1008 No. 3528)
1916	T Raine and CG Philips as trustees of Cooper Estate
1918	Margaret W Dodds (BK 1143 No. 336)
1922	Rose A Philipson—Lots 3, 4 and 5 Elevera Estate (BK 1258 No. 329)
1923	Kenneth T Austin—Lots 4 and 5 Elevera Estate (BK 1291 No. 976)

Date	Owner
1925	Maurice Fitzgerald—Lot 5 (6 Hayes Street) (BK 1411 No. 240)
1945	Leofric C and Hilda Alford—6 and 8 Hayes Street (BK 1961 No. 425)
1964	Gowan Brae Investments Pty Ltd—6 and 8 Hayes Street (BK 2714 No. 742)
1987	Michael and Pamela Cannon (BK 3720 No. 739)

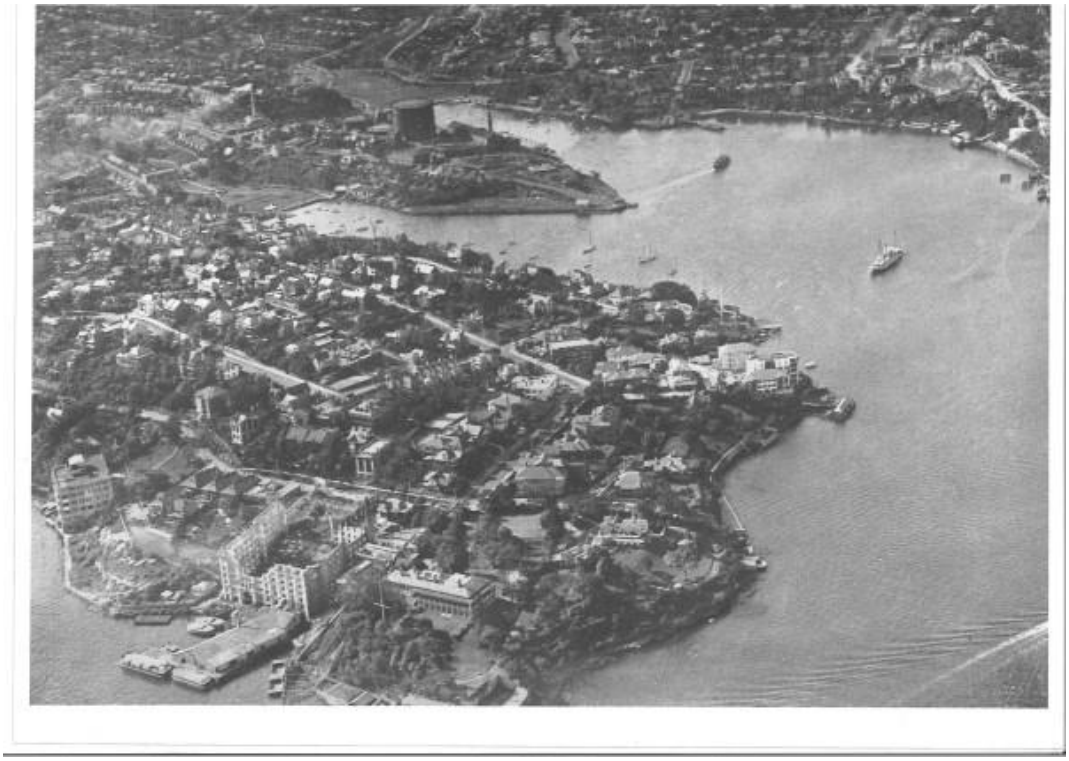

Figure 3.6 c1920 aerial view of Kirribilli (foreground) and Neutral Bay (background) showing the residential development of the area. Hayes Street can be seen at the top centre-right of the image, showing the undeveloped Elevera Estate land. (Source: Stanton Library Archives)

Figure 3.7 Elevera Estate subdivision auction poster showing subject site outlined in red. (Source: Stanton Library with GML overlay)

Figure 3.8 1922/1923 view of the subject site shortly before the construction of houses, with Lansdowne (11 Manns Avenue) at left. (Source: NLA)

3.6 Transition to Residential Flats

The construction of 6 Hayes Street in 1923/1924 marked the end of the first phase of residential development in Kurraba Point, characterised by medium to large Federation or Arts and Crafts houses. The high quality of transport and beauty of the area attracted more and more residents. To meet the increasing demand, large residential flats became the development focus in the area. Beginning in the mid to late 1920s, residential flat buildings like 2 Lower Wycombe Road (1925) and Kcot-Sedar (4 Hayes Street, built 1927) were constructed. Existing buildings were often converted into multiple flats, and private hotels, boarding houses and guesthouses flourished in the area.[8] No. 6 Hayes Street was converted into two flats in 1925 in response to demand. It was divided once again in 1978 and converted into four flats. Throughout this time, it retained its exterior form as a Federation/Arts and Crafts style house.

Resistance towards the construction of residential flats grew among residents, who believed that the character of Kurraba Point was being eroded. By 1941, residents had grown concerned enough to present a petition to the Council banning the continued construction of flats in the area. Aware of their anger and the effect the buildings would have on the area, the Building Surveyor and the Council acceded to their concerns and a stop on new flats was put in place. Population pressures resulted in this being ignored in 1963, when a block of 64 flats was approved for construction on Kurraba Road.[9] The unique character and heritage significance of Kurraba Point was later recognised by North Sydney Council and the area was gazetted as a local heritage conservation area.

In 1988, No. 6 Hayes Street was converted back into a single dwelling.

3.7 Endnotes

1 Hoskins, I 2008, *Aboriginal North Sydney: An Outline of Indigenous History,* North Sydney Council, North Sydney.

2 Hoskins, I 2008, *Aboriginal North Sydney: An Outline of Indigenous History,* North Sydney Council.

3 Irish, P 2017, *Hidden in Plain View: The Aboriginal People of Coastal Sydney*, New South Press, p 22.

4 Hoskins, I 2008, *Aboriginal North Sydney: An Outline of Indigenous History,* North Sydney Council, North Sydney.

5 North Sydney Council, Historical Services, 'Gem of the Harbour: A Walking Tour of Kurraba Point', North Sydney Council.

6 John Oultram Heritage & Design 2006, 7, 9–11 Manns Avenue, Neutral Bay, Proposed Conversion to Aged Care Accommodation: Heritage Assessment, Conservation Strategy and Impact Statement, John Oultram Heritage & Design, p 39.

7 URBIS 2018, Heritage Impact Statement: 6–8 Hayes Street Neutral Bay, URBIS.

8 Lawrence, J 1999, *Pictorial History: Lavender Bay to the Spite: Blues Point – McMahons Point – Lavender Bay – Milsons Point – Kirribilli – Neutral Bay – Cremorne – Clifton Gardens – Balmoral – Mosman – The Spit – Beauty Point,* Kingsclear Books, Alexandria, NSW

9 Masson, L 2008, 'Kurraba Point', Dictionary of Sydney, viewed 25 February 2019 <https://dictionaryofsydney.org/entry/kurraba_point>.

4.0 Site Analysis

4.1 Local Context

The main approaches to the subject site 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 site is 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.

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.

Figure 4.1 Hayes Street streetscape, looking north. (Source: GML, 2018)

Figure 4.2 Hayes Street streetscape, looking north. (Source: GML, 2018)

Figure 4.3 Group of shops on Hayes Street by the wharf. (Source: GML, 2018)

Figure 4.4 Neutral Bay Wharf at the bottom of Hayes Street. (Source: GML, 2018)

Figure 4.5 Lower Wycombe Road as viewed from Hayes Street. (Source: GML, 2018)

Figure 4.6 Corner of Hayes Street and Lower Wycombe Road. The former post office is on the left. (Source: GML, 2018)

Figure 4.7 View down Manns Avenue from the west. (Source: GML, 2018)

Figure 4.8 Elevera Private Hotel as viewed from Manns Avenue. (Source: GML, 2018)

Figure 4.9 Example of a building on Wallaringa Avenue. (Source: GML, 2018)

Figure 4.10 Example of a building on Lower Wycombe Road. (Source: GML, 2018)

Figure 4.11 Example of building on Lower Wycombe Road. (Source: GML, 2018)

Figure 4.12 Example of buildings on Lower Wycombe Road. (Source: GML, 2018)

4.2 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.

Figure 4.13 View of the subject site within its immediate context, looking south down Hayes Street. (Source: GML, 2018)

Figure 4.14 View of the subject site, looking north up Hayes Street. No. 6 is in the foreground on the corner of Hayes Street and Manns Avenue. (Source: GML, 2018)

Figure 4.15 6 Hayes Street, east elevation from across Hayes Street. (Source: GML, 2018)

Figure 4.16 6 Hayes Street, detail of east elevation. (Source: GML, 2018)

Figure 4.17 6 Hayes Street, south elevation viewed from Manns Avenue. (Source: GML, 2018)

Figure 4.18 Rear of 6 Hayes Street from Manns Avenue, showing driveway entry. (Source: GML, 2018)

Figure 4.19 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 4.20 Detail view of the chimney at 6 Hayes Street. (Source: GML, 2018)

Figure 4.21 View of the rear of 6 Hayes Street, from the neighbouring property at 2 Manns Avenue. (Source: GML, 2018)

Figure 4.22 View of 6 Hayes Street showing the north and west elevations, taken from a neighbouring property. (Source: GML, 2018)

5.0 Heritage Context

5.1 Heritage Listings

The subject site is located within the Kurraba Point Heritage Conservation Area, as listed in Schedule 5 of NSLEP and shown in Figure 4.1. The property is identified within the NSDCP Appendix A as a 'neutral' building. It is located in the vicinity of a number of heritage items and contributory buildings, as shown in Figures 5.1 and 5.2, and Tables 5.1 and 5.2.

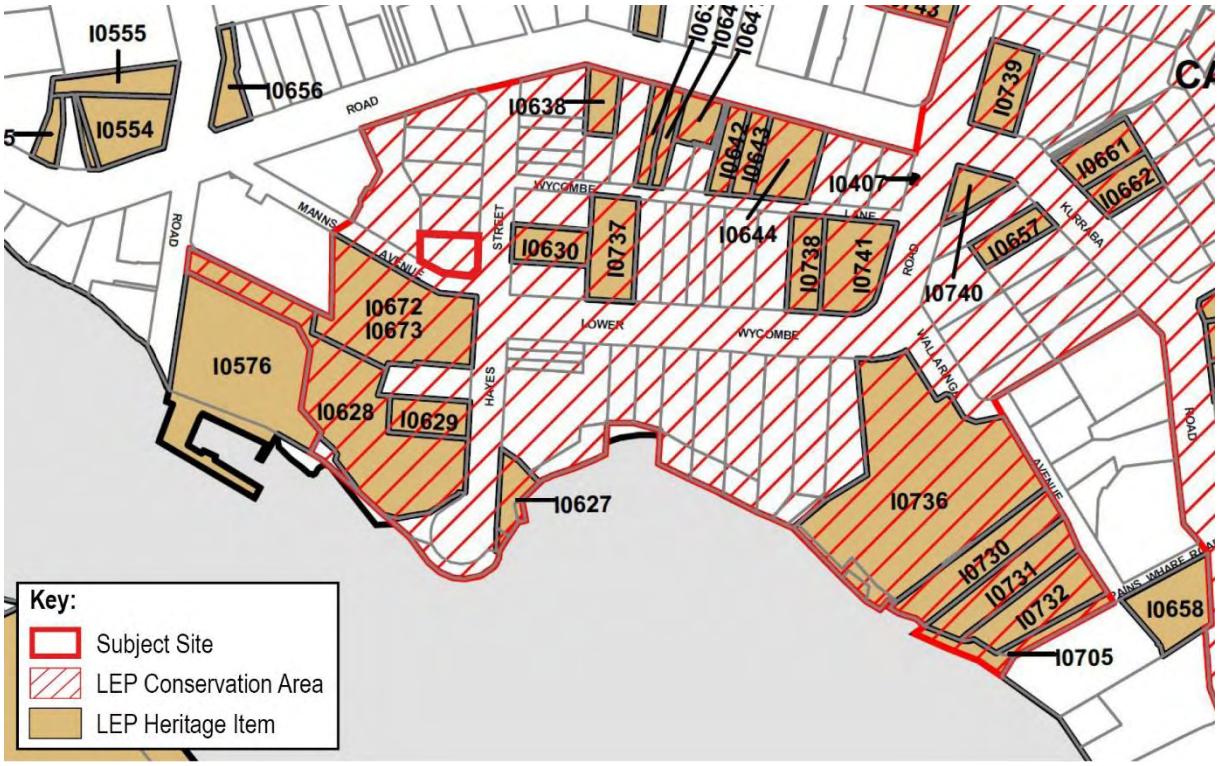

Figure 5.1 NSLEP Heritage Map indicating the subject site within its heritage context. (Source: NSLEP with GML overlay)

5.1.1 Heritage Items in the Vicinity

Table 5.1 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	I0627
The Hastings	2 Hayes Street	State	SHR NSLEP	00567 I0628
Kcot-Sedar	4 Hayes Street	Local	NSLEP	I0629
Former Neutral Bay Post Office	19 Hayes Street	Local	NSLEP	I0630
Customs Marine Centre	Ben Boyd Road	Local	NSLEP	I0576

Item Name	Address	Significance	Listing	Item No.
House	7 Manns Avenue	Local	NSLEP	I0672
House	9–11 Manns Avenue	Local	NSLEP	I0673
Wallaringa Mansions	1 Wallaringa Avenue	Local	NSLEP	I0736
House	2 Lower Wycombe Road	Local	NSLEP	I0737
Flat Building	18 Lower Wycombe Road	Local	NSLEP	I0738
Wycombe Private Hotel	28 Lower Wycombe Road	Local	NSLEP	I0741
House	47 Kurraba Road	Local	NSLEP	I0638
House	51 Kurraba Road	Local	NSLEP	I0639
House	53 Kurraba Road	Local	NSLEP	I0640
House	55 Kurraba Road	Local	NSLEP	I0641
House	57 Kurraba Road	Local	NSLEP	I0642
House	59 Kurraba Road	Local	NSLEP	I0643
Wavertree	65 Kurraba Road	Local	NSLEP	I0644

5.1.2 Kurraba Point Heritage Conservation Area

The subject site and surrounding heritage items 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, Jeaffreson 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.*

Figure 5.2 Map of Kurraba Point Conservation Area. (Source: NSDCP 2013)

Figure 5.3 The subject site, with surrounding heritage and contributory items marked. (Source: Google Maps with GML overlay)

5.1.3 Contributory Items in the Vicinity

Appendix 1 of the NSDCP identifies whether buildings are contributory, neutral or uncharacteristic according to their contribution to the conservation area. Contributory buildings in the vicinity of the site are listed in Table 5.2 below and identified in Figure 5.3.

Table 5.2 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 Lower Wycombe Road
Contributory Item	6A Lower Wycombe Road
Contributory Item	8 Lower Wycombe Road
Contributory Item	10 Lower Wycombe Road
Contributory Item	11 Lower Wycombe Road
Contributory Item	12 Lower Wycombe Road
Contributory Item	14 Lower Wycombe Road
Contributory Item	15 Lower Wycombe Road
Contributory Item	2 Manns Avenue

5.1.4 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 Hayes Street, particularly the high-pitched gabled roofs, window detailing, colour and material palettes, and chimneys.

Heritage Items

Figure 5.4 The Hastings, 2 Hayes Street. (Source: GML, 2018)

Figure 5.5 Neutral Bay Ferry Wharf **(heritage item). (Source: GML, 2018)**

Figure 5.6 9 Manns Avenue, now part of an aged care facility. (Source: GML, 2019)

Figure 5.7 7 Manns Avenue, farther west along the street. (Source: GML, 2018)

Figure 5.8 11 Manns Avenue (corner of Hayes Street and Manns Avenue). (Source: GML, 2018)

Figure 5.9 Kcot Sedar, 4 Hayes Street. (Source: GML, 2018)

Figure 5.10 17 Hayes Street—the former Neutral Bay post office (in centre). (Source: GML, 2018)

Figure 5.11 Wallaringa Mansions from Wallaringa Avenue. (Source: GML, 2018)

Figure 5.12 Wallaringa Mansions, facing Lower Wycombe Road. (Source: GML, 2018)

Figure 5.13 Wycombe Private Hospital, 28 Lower Wycombe Road. (Source: GML, 2018)

Figure 5.14 2 Lower Wycombe Road—the Clee Court townhouse group. (Source: GML, 2019)

Figure 5.15 18 Lower Wycombe Road. (Source: GML, 2019)

Figure 5.16 47 Kurraba Road. (Source: GML, 2019)

Figure 5.17 51 and 53 Kurraba Road. (Source: GML, 2019)

Figure 5.18 55 Kurraba Road. (Source: GML, 2019)

Figure 5.19 57 Kurraba Road. (Source: GML, 2019)

Figure 5.20 59 Kurraba Road. (Source: GML, 2019)

Figure 5.21 Wavertree, 65 Kurraba Road. (Source: GML, 2019)

Contributory Items

Figure 5.22 11–15 Hayes Street. (Source: GML, 2018)

Figure 5.23 17 Hayes Street. (Source: GML, 2018)

Figure 5.24 2 Manns Avenue. (Source: GML, 2018)

Figure 5.25 Contributory items in Lower Wycombe Road. (Source: GML, 2018)

Figure 5.26 Contributory items in Lower Wycombe Road. (Source: GML, 2018)

Figure 5.27 Contributory items in Lower Wycombe Road. (Source: GML, 2018)

Figure 5.**28** Contributory items in Lower Wycombe Road. (Source: GML, 2018)

Figure 5.29 11 Lower Wycombe Road (contributory). (Source: GML, 2018)

6.0 Assessment of Significance

The following section contains an assessment of the significance of the property at 6 Hayes Street, Neutral Bay, based on the NSW Heritage Office Heritage Assessment Criteria. The assessment is informed by the detailed historical background in Section 3.0 of this report and the State Heritage Inventory database sheets for nearby heritage items.

6.1 Integrity

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.

The building has undergone some modification since its construction, including internal modifications, enclosure of the dormer, an addition at the rear, a garage door and hardstand car space access from Manns Avenue, and high front fence. However, the building remains largely intact and its original form and features are largely unaltered and remain visible from the public domain. The dormer enclosure and rear addition have been sympathetically designed with materials, roofing and form that match the rest of the building. Internally, original features—including fireplaces, decorative ceilings and joinery features including the main stair—remain intact.

6.2 Comparative Analysis

This section provides a comparison with other heritage listed properties of local and state significance located within the Kurraba Point Conservation Area and in the vicinity of the site, in order to determine if the property has similar features and significance.

The following properties are located within the vicinity of 6 Hayes Street and are listed as heritage items within the NSLEP:

- 9–11 Manns Avenue (Lansdowne);
- 2 Hayes Street (The Hastings);
- 4 Hayes Street (Kcot-Sedar);
- 7 Manns Avenue;
- 2 Lower Wycombe Road;

- 18 Lower Wycombe Road;
- 19 Lower Wycombe Road (Wallaringa Estate);
- 28 Lower Wycombe Road (Wycombe Private Hotel); and
- 45–69 Kurraba Road (Kurraba Road Townhouses Group).

The following table presents a comparison of the key features of these heritage items. Statements of significance are taken from the State Heritage Register's inventory sheet for each item

Table 6.1 Comparative Analysis of Heritage Items in the Vicinity of 6 Hayes Street.

9 and 11 Manns Avenue, 'Lansdowne'

9 Manns Avenue as viewed from Manns Avenue. (Source: GML, 2019)	11 Manns Avenue as viewed from Hayes Street. (Source: GML, 2018)

Date of Construction	1904/1905	**Architect**	Attributed to E Jeaffreson Jackson
Heritage Significance	Local		

Historical Summary

Lansdowne, built 1904/1905, is part of the former Craignathan estate, which was part of an early land sale from the Coopers Estate. During the late nineteenth and early twentieth century the Kurraba Point area underwent a sustained period of subdivision and development. Craignathan estate was subdivided in 1903, the same year Manns Avenue was dedicated. Lansdowne was built in 1904/1905, with 9 Manns Avenue being the first of the two buildings erected. This was shortly followed by the larger 11 Manns Avenue. The building's design has been attributed to E Jeaffreson Jackson.[1] The buildings were used as a private boarding house from the 1920s. The historic curtilage of the buildings has changed over time, being reduced in 1959 when a parcel south of 11 Manns Avenue was sold. Recently both buildings were converted for use as a boarding house. The rear of No. 9 underwent significant modification to connect it with a new building constructed as part of the facility.

9 and 11 Manns Avenue, 'Lansdowne'

Key Features

The key features of 9 Manns Avenue are:

- Single-storey Federation Arts and Crafts style house. Originally detached but is now connected to No. 11 at the rear.
- High pitched gable roof tiled in terracotta with timber shingled gabled ends with a roughcast chimney.
- Large overhanging eaves with exposed rafters.
- Dormer with skillion roof.
- Brick building with roughcast render walls.
- Projecting bays with skillion coverings.
- Windows have timber frames and simple decorative patterning.
- Inset verandah with decorative timber posts and bracketing and curved, roughcast rendered brickwork.
- Modern addition at rear which connects the building to the aged care facility.

The key features of 11 Manns Avenue are:

- Three-storey Federation Arts and Crafts style former house. Originally detached, now connected to No. 9 at the rear.
- High pitched gable roof tiled in terracotta with timber shingled gable ends and a roughcast chimney.
- Large overhanging eaves with exposed rafters.
- Brick walls on sandstone base. Face brickwork at the ground floor and a roughcast render on additional storeys.
- Projecting bays and oriels with skillion coverings.
- Windows have timber frames with simple decorative patterning.
- Inset verandahs on first and second floor with decorative timber posts and bracketing as well as curved, roughcast rendered brickwork.
- Modern addition at rear which connected the building to the aged care facility.

Statement of Significance

An excellent and characteristic example of a large, private house of the Federation period, neatly executed in a conservative Arts and Crafts style. It occupies an important corner site for streetscape vistas. It is a part of a collection of similar houses in the vicinity which together characterised the area. (Office of Environment and Heritage State Heritage Inventory, 9–11 Manns Avenue)

9 Manns Avenue is an example *of a single storey Edwardians Arts and Craft house built in 1904 on a site that formed part of an early land sale from the Cooper Estate that was part of Thrupp's grant. The house is reasonably intact but has been considerably altered internally and its verandahs enclosed. (*John Oultram Heritage & Design 2006, 7–11 Manns Avenue Statement of Heritage Impact, p 41*)*

11 Manns Avenue is a very good example a three storey Edwardians Arts and crafts house built in 1905, possibly as a boarding house complete with Dining *Room, Billiard Room croquet lawn and tennis courts. Its site formed part of an early land sale from the Cooper Estate that had formed part of Thrupp's grant. The house has high quality detailing, retains in part its original layout including its front garden and is reasonably intact. It has been altered internally with some original fabric removed, rooms subdivided and verandahs enclosed. It has a prominent setting on a raise site and is and important local landmark.* (John Oultram Heritage & Design 2006, 7–11 Manns Avenue Statement of Heritage Impact, p 42)

The Hastings, 2 Hayes Street

The Hastings viewed from Hayes Street near Neutral Bay wharf. Crenellation of parapet is visible. (Source: GML, 2018)

The Hastings viewed from Hayes Street. (Source: GML, 2018)

Date of Construction	1903/1904	**Architect**	E Jeaffreson Jackson
Heritage Significance	State		

Historical Summary

The Hastings, built in 1903/1904, is a large Federation Arts and Crafts style house which occupies a prominent harbourside site in North Sydney. Located adjacent to the Hayes Street ferry wharf, The Hastings sets the architectural tone of the Kurraba Point area and acts as a gateway into the suburb.

The Hastings has important historical associations with maritime industries and prominent individuals. It is built on the land of the former Craignathan Estate. Craignathan Estate was the site of Thrupps Cottage (1826), possibly the first colonial building on the North Shore. Another important cottage, Craignathan, was built adjacent to Thrupps. The site is associated with businessman Ben Boyd, who lived there in the mid-nineteenth century and used the site to farm sheep. It is also associated with Alfred Thrupp and John McLaren, who owned the estate at different times. The site has notable archaeological remains associated with its agricultural and maritime history and the two prior residences.

The arrival of regular ferry services to Hayes Street ferry wharf opened the area to subdivision and development. Craignathan was subdivided in 1903/1904 and architect Edward Jeafferson Jackson was commissioned to build The Hastings.

Key Features

- Three-storey large Federation Arts and Crafts detached house.
- High pitched multilevel gable terracotta tiled roof with decorative ridge capping. The gable ends are clad with timber shingles. Also has a roughcast chimney.
- Square tower with crenellated parapet.
- Large overhanging eaves with exposed rafters.
- Multiple dormers with skillion and gable roofs.
- Brick building on a sandstone base with a roughcast render.
- Projecting bays and oriels with skillion coverings.
- Informal fenestration with a variety of styles, including round window accents. All with simple patterning.
- Inset verandahs on first and second floor with decorative timber posts and bracketing as well as curved, roughcast rendered brickwork.
- Some modern additions towards rear of building.

The Hastings, 2 Hayes Street

Statement of Significance

A fine example of Federation Arts and Crafts style, with asymmetrical composition and a steep roof with deep gables. The brick render and shingle facade treatment of the different levels provide textures and colour to the elevations. The bay windows and intricate joinery provide further interest and also relief to the formal facades. Occupying a prominent position on the northern foreshores of Sydney Harbour, Hastings is a conspicuous building, greeting ferry passengers arriving at Hayes Street Wharf and providing a pleasant backdrop to the harbourside reserve, shopping centre and ferry wharf. The Hastings boarding house is indicative of the building boom of the early 1900s, which resulted in the creation of a coherent architectural styled suburb, the Federation Neutral Bay, for which, to this date, the suburb is well known. Being on the waterfront, Hastings formed a gateway to this important suburb and it would appear that it was probably one of the first large Federation period houses to have been erected on the northern foreshores of Sydney Harbour. (Office of Environment and Heritage State Heritage Register, The Hastings)

Kcot-Sedar, 4 Hayes Street

Kcot-Sedar viewed from Hayes Street. (Source: GML, 2018)

View of Kcot-Sedar further up Hayes Street showing the frontage. (Source: GML, 2018)

Date of Construction	1927	**Architect**	No architect/unknown
Heritage Significance	Local		

Historical Summary

Kcot-Sedar is a large residential flat building designed in the Federation Free Style. It was built in 1927 for Adeline G. MacDougall. In the 1920s, following initial subdivision and development, there was a trend of constructing residential flats near Sydney's foreshore. Kcot-Sedar represents the beginning of the 'residential flats' phase of development for Kurraba Point. The building was designed sympathetically for the area and reflects much of its architectural character.

Kcot-Sedar, 4 Hayes Street

Key Features

- Three-storey Federation Free Style residential flat building.
- High pitched hipped and gabled terracotta tiled roof. Gable ends are clad with timber shingles.
- Large, prominent overhanging eaves.
- Exposed brick building with geometric decorative motif in central recess.
- Projecting bays on projected wings which run the height of the building's façade. The bays have timber shingles between floors.
- Simple timber framed windows with multi-paned sashes.
- Covered vestibule set into the recess.
- Two street facing garages with rooftop courtyards fronting the street.

Statement of Significance

Imposing and dramatic early twentieth century residential flats building and garages of the Federation Free style displaying competent design. Intact interiors across the whole building are of significance. Combination of various stylistic motifs. Demonstrates the trend towards residential flats in harbourside locations occurring at time. (Office of Environment and Heritage, State Heritage Inventory, Kcot-Sedar)

7 Manns Avenue

7 Manns Avenue as viewed from the property opposite. (Source: GML, 2018)

Detail of building showing the detailing and timber shingled gable end. (Source: GML, 2018)

Date of Construction	1904	**Architect**	Attributed to E Jeaffreson Jackson
Heritage Significance	Local		

Historical Summary

No. 7 Manns Avenue is an early twentieth-century single-storey house designed in the Federation Arts and Crafts style. It was built on the land of the former Craignathan estate, which itself was an early land sale of the historic Coopers Estate. No. 7 Manns Avenue was built in 1904, the year after the Craignathan estate was subdivided. Its design is attributed to E Jeaffreson Jackson.[2] Historically 7 Manns Avenue was on its own lease, but it has been grouped with 9–11 Manns Avenue since the 1970s. In 2008 it was modified to become part of a retirement village, with the rear of the building now attached to a modern development.

7 Manns Avenue

Key Features

- Single-storey Federation Arts and Crafts house.
- High pitched gable terracotta tiled roof. The gable ends have a timber shingle infill with a modest decorative timber band.
- Large overhanging eaves with exposed rafters.
- Painted brick building on a sandstone base.
- Informal fenestration including round accented window near entrance. Windows are timber framed and have simple decorative patterning.
- Inset verandah with decorative timber posts and brackets as well as curved face brickwork. A verandah on the eastern side has been infilled but retains the curved brickwork.
- The rear of the building has undergone extensive alterations to incorporate it with the aged care facility.

Statement of Significance

The building is a very good example of a well designed and detailed Arts and Crafts residence in a streetscape that contains another adjacent building that complements its setting. The building demonstrates the main attributes of the style in a well composed form. The building demonstrates the range of styles and forms developed along the Harbour edge in the early years of the Twentieth Century. (Office of Environment and Heritage, State Heritage Inventory, 7 Manns Avenue)

7 Manns Avenue is a good example of a single storey Edwardian Arts and Crafts house build in 1904 on a site that formed part of an early land sale from the Cooper Estate that was part of Thrupp's grant. The house has good quality external detailing and is reasonably intact though it has been considerably altered internally and its verandahs enclosed. (John Oultram Heritage & Design 2006, 7–11 Manns Avenue Statement of Heritage Impact, p 40)

Clee Court, 2 Lower Wycombe Road

Clee Court's street entrance, showing the landscaped garden. (Source: GML, 2019)

Clee Court viewed from the opposite side of Lower Wycombe Road. The gable ends of the wings can be seen beside the cypress trees. (Source: GML, 2019)

Date of Construction	c1934	**Architect**	No architect/unknown
Heritage Significance	Local		

Clee Court, 2 Lower Wycombe Road

Historical Summary

Clee Court is a group of townhouses built around 1934 in the interwar Old English style. Clee Court is located on the site of Clee Villa, which was one of the first houses built in Neutral Bay and part of the Clee Villa estate. The site is associated with John F Mann, who briefly lived there with his family before purchasing and living in Craignathan after 1868. The estate was subdivided during the first period of intensive residential development in the Kurraba Point area.

The house group maintains its original 1930s layout and form, as all are single-storey houses. Its landscape setting is original and is of some significance, including a cypress pine which may be part of the earlier estate. No. 2 Lower Wycombe Road is representative of early townhouse development in the area.

Key Features

- Single-storey interwar Old English style townhouse group formed roughly into a 'U' shape.
- Hip and gable roof tiled in terracotta. Street facing gable ends have Tudoresque decorative timber detailing.
- Face brickwork with some corbelled detailing.
- Projecting bays.
- Two street facing garages with gable parapet design.
- Significant landscaped garden.

Statement of Significance

An interesting and attractive group of associated houses which represents an early form of villa or townhouse development in the area. The dwellings are located within an original landscape setting containing mature cypress trees and palms with clipped formal hedges. The interiors are also of significance. An example of the Inter-War Old English style. (Office of Environment and Heritage, State Heritage Inventory, Clee Court)

Wycombe Private Hotel, 28 Lower Wycombe Road

Wycombe Private Hotel, as viewed from the bend in Lower Wycombe Road. (Source: GML, 2018)

View of the building from Lower Wycombe Road. (Source: GML, 2018)

Wycombe Private Hotel, 28 Lower Wycombe Road			
Date Of Construction	1930s	**Architect**	No architect/unknown
Heritage Significance	Local		

Historical Summary

No. 28 Lower Wycombe road is built on a subdivision of the historic Clee Villa estate. As Neutral Bay became increasingly residential in the late nineteenth century, estates that were connected to prominent mansions were progressively broken up. Federation and English Revival style houses began to be built. Later, in the 1920s, residential flat buildings began to be the dominant construction in the area, part of a trend of such buildings being constructed on the harbourside in Sydney. No. 28 Lower Wycombe Road, the Wycombe Private Hotel, was built during this period and reflects the trend, but in a commercial capacity. The building also demonstrates the seamless mix of commercial and residential properties in the area nearby Hayes Street wharf.

Key Features

- Three-storey large Federation Arts and Crafts apartment building.
- High pitched hipped-gable roof tiled in terracotta with asymmetrical massing. The gable ends have a timber shingle infill.
- Prominent chimney.
- Large overhanging eaves with exposed rafters.
- Multiple dormers with skillion, gabled and hipped-gable.
- Brick building on sandstone base with a roughcast render.
- Projecting bays and oriels, especially on gable ends.
- Windows of a range of styles, notably series of semi-circular windows on the ground floor. Windows are timber framed and are very plainly designed.
- Verandah and balcony with decorative timber posts, balustrades and friezes.

Statement of Significance

A large, elaborate residential hotel which is a good example of the Arts and Crafts style and is a major streetscape item on an important corner site. An impressive and attractive building which is characteristic in style and arrangement of the building stock of this part of Neutral Bay. (Office of Environment and Heritage, State Heritage Inventory, Wycombe Private Hotel)

18 Lower Wycombe Road

18 Lower Wycombe Road as viewed from the street. (Source: GML, 2019)

Date of Construction	Early twentieth century	**Architect**	No architect/unknown
Heritage Significance	Local		

Historical Summary

No. 18 Lower Wycombe Road is built on a subdivision of the former Clee Villa estate. Clee Villa estate was subdivided as part of the residential development of Neutral Bay. The first phase of this development was typically detached houses. No. 18 Lower Wycombe Road is an early example of a residential flat building which predates the period when such buildings were the dominant form of construction in the area. The building is in the Federation Queen Anne style.

Key Features

- Two-storey Federation Queen Anne residential flat building.
- Pitched hip roof with a street facing gable section. The gable end has a half timbered effect over a rendered brick infill.
- Inset faceted tower with a faceted hip roof on street facing façade.
- Large overhanging eaves with exposed rafters.
- Predominantly face brickwork with sandstone foundations.
- Projecting faceted bay on one side of the building.
- Windows have some decorative designs including coloured glass panes at the top of bay windows.
- Inset verandah underneath faceted tower next to recessed entryway.

18 Lower Wycombe Road

Statement of Significance

A large and attractive residential flats building which is a good example of a restrained Federation Queen Anne style and which, in style and arrangement, as a characteristic building of this part of Neutral Bay. (Office of Environment and Heritage, State Heritage Inventory, *18 Lower Wycombe Road*)

Wallaringa Mansions, 1 Wallaringa Avenue (19 Lower Wycombe Road)

View of Wallaringa Mansion from Lower Wycombe Road. (Source: GML, 2018)

View of Wallaringa Mansions from Wallaringa Avenue. (Source: GML, 2018)

Date of Construction	Late nineteenth–mid twentieth century	**Architect**	No architect/unknown
Heritage Significance	Local		

Historical Summary

Wallaringa Mansions, built on the site of a former stone cottage Wallaringa (1850s), is an early two-storey Federation Arts and Crafts building. The property was owned by the Spain family from 1863 until well into the twentieth century. In that time the stone cottage was mostly demolished and two new buildings were erected. Originally a mansion, the building was converted into a large guest house.

Wallaringa Mansions, 1 Wallaringa Avenue (19 Lower Wycombe Road)

Key Features

Nos 19 Lower Wycombe Road and 1 Wallaringa Avenue are separated here for legibility.

19 Lower Wycombe Road:

- Three storey large Federation Arts and Craft detached building. Part of a group of large mansions which are now divided into units.
- High pitched gable roof tiled in terracotta. The gable ends have a half timbered effect and decorative banding.
- Regularly placed roughcast rendered chimneys.
- Large overhanging eaves with some regular bracketing on sections at the gable ends.
- Dormers with skillion and gable roofs with irregular, asymmetrical placement.
- The ground floor is face brickwork with roughcast render to upper storeys.
- Regular fenestration pattern with decorative exposed brick trim. Timber frames with simple decoration.
- Balconies on every floor at the rear of the building. There is a single street facing balcony. All have decorative timber posts and balustrades.

1 Wallaringa Avenue:

- Large Federation Arts and Crafts mansion complex.
- High pitched predominantly gable roof tiled in terracotta. The gable ends either have a roughcast render or have a timber shingle infill.
- Projecting faceted corner tower with candle-snuffer roof.
- Large overhanging eaves.
- Dormers with gable roof around entire mansion complex.
- Face brickwork on ground floor with roughcast rendered on upper storeys.
- Windows are timber framed with simple designs.
- Irregular balconies and verandahs around entire building. They typically have simple timber posts and balustrades.

Statement of Significance

An early local mansion which is now incorporated into a large guest house of Federation style and materials. Large and locally significant guest house on a prominent site. (Office of Environment and Heritage, State Heritage Inventory, 19 Lower Wycombe Road)

An interesting and attractive group of associated houses which represents an early form of villa or townhouse development in the area. The dwellings are located within an original landscape setting containing mature cypress trees and palms with clipped formal hedges. The interiors are also of significance. An example of the Inter-War Old English style. (Office of Environment and Heritage, State Heritage Inventory, Wallaringa Mansions)

Kurraba Road Townhouses Group (47, 51, 53, 55, 57, 59 & 65 Kurraba Road)

NB: Each building is individually listed in addition to being part of the Kurraba Road Townhouses Group

47 Kurraba Road. (Source: GML, 2019)

51 and 53 Kurraba Road showing decorated gable ends. (Source: GML, 2019)

55 Kurraba Road. (Source: GML, 2019)

57 and 59 Kurraba Road. (Source: GML, 2019)

59 Kurraba Road showing high fence and prominent tree. (Source: GML, 2019)

Wavertree, 65 Kurraba Road. (Source: GML, 2019)

Date of Construction	1886–1906	**Architect**	No. 65—Wilson, Neave & Berry Others—no architect/unknown

Kurraba Road Townhouses Group (47, 51, 53, 55, 57, 59 & 65 Kurraba Road) **NB: Each building is individually listed in addition to being part of the Kurraba Road Townhouses Group**	
Heritage Significance	Local

Historical Summary

Kurraba Road Townhouses Group is a collection of early Federation houses erected between 1885 and 1906. The group is built on subdivisions of the former Clee Villa estate, which was split up in the 1890s. A building covenant applied as part of the subdivision, resulting in the consistency and coherence of the townhouses of the group.

They are associated with individuals such as North Sydney Mayor Alexander McKnight, Major Hunt Carew, Hans Quist and Alexander Mayne. No. 65 Kurraba Road, known as Wavertree, was built in 1885 on the site of a smelting works used by jeweller Hans Quist before the house's construction.

Key Features

47 Kurraba Road

- Two storey Federation Arts and Crafts style house.
- Multiple pitched gable roof tiled with concrete tiles. The gable end facing street has a decorative band and is brick with a roughcast render.
- Large overhanging eaves with exposed rafters.
- Bays windows at the street-facing façade.
- Arched brick entryway.

51 and 53 Kurraba Road

- Two storey Federation Filigree style semi-detached house.
- Hip and gable roof tiled in terracotta with some ridge ornaments. The gable ends have a half timbered effect.
- Large overhanging eaves with exposed rafters.
- Predominantly face brickwork.
- Decorative verandah and balcony in filigree style with decorative timber posts, friezes and balustrades.

55 Kurraba Road

- Two storey Federation Filigree style building.
- High pitched gable roof tiled in terracotta.
- Prominent chimney.
- Predominantly face brickwork.
- Window sills are sandstone.
- Single storey addition to rear of building.
- High brick wall to street.

57 and 59 Kurraba Road

- Two storey Federation Filigree/Queen Anne style semi-detached house.
- Hip and gable roof tiled in terracotta. The gable ends have decorative brickwork in the Queen Anne style.
- Regular windows framed in timber with simple detailing.
- Painted brick exterior.
- Verandah and balcony with simple timber detailing.

Wavertree, 65 Kurraba Road

- Two-storey Interwar Georgian Revival/Mediterranean style building, with symmetrical design.

Kurraba Road Townhouses Group (47, 51, 53, 55, 57, 59 & 65 Kurraba Road) NB: Each building is individually listed in addition to being part of the Kurraba Road Townhouses Group
• Hip roof tiled in terracotta. • It has prominent chimneys which form part of the symmetrical design. • Painted brick exterior. • Symmetrical timber framed windows.
Statement of Significance *A cohesive group of Federation townhouses which have similar form, materials, setback and general style and which together form the characteristic streetscape of this part of Neutral Bay.* (Office of Environment and Heritage, State Heritage Inventory Sheet) (Office of Environment and Heritage, State Heritage Inventory, Kurraba Road Townhouses Group) **No. 57 (& 59)** *No. 57 Kurraba Road is a relatively intact example of development in the early 1900s in Neutral Bay and is significant due to its capacity to represent development of this type and from that period. It contributes to the character of the Kurraba Point Conservation Area and to the Kurraba Road Townhouses Group due to the quality and character of the structure. Its height, scale, mass, setback and architectural style contribute to the cohesion of the streetscape. It is also historically significant due to its capacity to demonstrate the NSW historic themes of 'Accommodation' and 'Towns, suburbs and villages' and the national theme of 'Settlement'.* (Sue Rosen Associates 2014, 57 Kurraba Road Heritage Impact Statement, p 20)

6.3 Summary Comparative Analysis

The heritage listed items in this comparative analysis have been assessed as having historic, aesthetic and representative significance, at a local level. The analysis of the heritage listed properties in the vicinity of 6 Hayes Street has demonstrated that these properties have a number of key indicators that are consistent with the subject property, as follows:

- These heritage items and the subject dwelling at 6 Hayes Street all originate from the early twentieth century. The subject dwelling reflects typical stylistic and architectural characteristics of this period, which are shared with the nearby heritage listed properties.
- The subject dwelling was designed in the Federation Arts and Crafts style, as were many of the nearby listed properties including those at 47 Kurraba Road, 28 Lower Wycombe Road, and the Wallaringa Mansions.
- The subject dwelling is an example of the common building typology amongst these heritage items, being large, two- or three-storey detached houses with a strong street presence.
- The subject dwelling shares many architectural features typically attributed to the Federation Arts and Crafts style and common to the heritage items throughout the Kurraba Point Conservation Area, as demonstrated in the tables above. These features include its high pitched gabled terracotta tiled roof, a combined use of face brickwork and roughcast cement render at the exterior walls, prominent chimneys with a roughcast exterior, dormer windows, a deep entry porch with formal landscaping, timber window joinery with multi-paned sash detailing, and mature cultural plantings within a private garden setting.

- The subject dwelling is a good example of the dominant material palette of the group of heritage items and displays the use of face brickwork, roughcast cement render, terracotta roof tiles, timber shingle cladding to its gable ends, and simple timber window joinery.
- Many of the heritage items near to 6 Hayes Street were apparently built without the input of an architect, or the architect is not known. Research conducted for this report indicates that only two of the nearby heritage items are directly associated with an architect, being 2 Hayes Street (The Hastings) and 65 Kurraba Road.
- The subject property sits within its original allotment from the 1920 subdivision of the Elevera Estate. Similar to the heritage items listed above, which have generally retained their original allotments and demonstrate the historic subdivision pattern.

6.4 Endnotes

[1] John Oultram Heritage & Design 2006, 7–11 Manns Avenue Statement of Heritage Impact, p 37.

[2] John Oultram Heritage & Design 2006, 7–11 Manns Avenue Statement of Heritage Impact, p 37.

6.5 Assessment against Criteria

This section sets out an assessment of the heritage significance of 6 Hayes Street in accordance with the standard criteria identified in the NSW Heritage Office guidelines. The evaluation includes consideration of the original and subsequent layering of fabric, uses, associations and meanings of the place, as well as its relationship to both the immediate and wider setting.

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 values 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 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 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.

To apply the assessment criteria, both the nature and degree of significance for the place need to be identified. This is because items vary in the extent to which they embody or reflect key values and in the relative importance of their evidence or associations.

The assessment also needs to relate the item's values to its relevant geographical and social context, usually identified as either local or state contexts. Items may have both local and state significance for similar or different values/criteria.

The criteria for assessment established by the NSW Heritage Council in accordance with the *Heritage Act 1977* (NSW) (Heritage Act) is set out in Appendix A of this report.

6.5.1 Criterion A (Historical Significance)

> *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)*

In the 1890s an intense period of residential development began in Neutral Bay with the Neutral Bay Land Company's subdivision of remaining parts of Cooper's estate. This culminated in the subdivision of Elevera Estate in 1921, being one of the last in the area to be broken up. Three lots were purchased by Rose Ana Philipson, who quickly on-sold two to Kenneth Teasdale Austin in 1923. Builder HE Edwards was hired around the time to build 6 Hayes on the lots Austin had purchased, designing the dwelling in the predominant Federation Arts and Crafts style that characterised the area. The historic subdivision pattern of the Elevera Estate remains intact.

No. 6 Hayes Street was one of the last detached Federation Arts and Crafts houses built in the area around Neutral Bay Wharf. It was built during the first period of residential development in Neutral Bay that began in the late 1880s with the Neutral Bay Land Company. The building's construction date of 1923/1924 is at the very end of this period, as residential flats buildings began to dominate construction afterwards.

No. 6 Hayes Street is significant at the local level under this criterion.

6.5.2 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 the cultural or natural history of NSW (or the cultural or natural history of the local area)

There is no evidence that the property has a strong or special association with a person of importance to the local area. The property is not significant at the local level under Criterion B.

6.5.3 Criterion C (Aesthetic Significance)

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

No. 6 Hayes Street reflects the principal characteristics of the Federation Arts and Crafts style—residential picturesqueness, conspicuous roofing, informality, roughcast walls, prominent eaves—in a simplified, more restrained matter. It incorporates the key aspects of the local aesthetic character and contributes positively to the streetscape, its roofline complementing the form and line of nearby Lansdowne's roof and setting. The key architectural and aesthetic characteristics of 6 Hayes Street are also demonstrated by nearby listed heritage buildings, reflecting a shared typology characteristic of the local area.

No. 6 Hayes Street is significant at the local level under this criterion.

6.5.4 Criterion D (Social Significance)

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

No. 6 Hayes Street contributes to the community's sense of place. Although a detailed social values assessment has not been undertaken, there is no specific indication of strong or special associations with a particular community or cultural group beyond the local area. There is no evidence to support inclusion under this criterion.

6.5.5 Criterion E (Research Potential)

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)

The historical archaeological potential of the site has not been assessed in this report and should be assessed in order to determine if the site has research potential to contribute to a better understanding of the history of the area.

The property is not been assessed under Criterion E.

6.5.6 Criterion F (Rarity)

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)

No. 6 Hayes Street is a good example of an architectural and aesthetic typology evident throughout the local area, particularly on Hayes Street, Manns Avenue, Lower Wycombe Road and Wycombe Avenue. It does not demonstrate uncommon, rare or endangered aspects for the local area.

The dwelling does not meet the threshold for significance under this criterion.

6.5.7 Criterion G (Representativeness)

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*

The building represents the principal characteristics of a typology of early twentieth-century Federation Arts and Crafts houses common throughout Neutral Bay. It is a good example of its type and displays a number of original architectural characteristics shared by nearby listed heritage items, including its high pitched terracotta tiled roof, overhanging eaves, roughcast cement rendered exterior walls, informal massing, and original decorative chimney and joinery. The dwelling complements neighbouring heritage items and contributes to the setting and amenity of the surrounding conservation area.

The dwelling is significant at the local level under this criterion.

6.6 Statement of Significance

No. 6 Hayes Street, built in 1924–1925, is a fine example of a large Federation Arts and Crafts style detached house built at the end of a key period of residential development in Neutral Bay. The house exhibits the dramatic use of shape, angle, planes and aspect that characterised the various English Revival styles that informed the Federation Queen Anne/Arts and Crafts/Bungalow architecture in Sydney from around 1900 to the mid-1920s. It demonstrates simplified and restrained characteristics that complement the heritage setting of the street and other nearby heritage listed dwellings.

No. 6 Hayes Street is one of the last detached buildings constructed in the area designed in the Federation Arts and Crafts style. It was built in 1923/1924 at the very end of the first period of residential development in Neutral Bay, which began with the Neutral Bay Land Company in the late 1880s. Soon after 6 Hayes Street was built, residential flat buildings came to dominate construction, following the trend of flats being constructed on Sydney Harbour's foreshore. The building reflects the end of this significant period of Neutral Bay's history.

The restrained design of the building emphasises domesticity as a counterpoint to the grand scale of other Federation Arts and Crafts buildings in the area. The building reflects the same principal characteristics of these buildings, having a conspicuous high pitched roof, prominent overhanging eaves, a roughcast render, informal and asymmetrical massing, and similar timber detailing as others, but often simplifies them to match its reduced scale. The setting and line of the building complements nearby heritage items, forming a cohesive streetscape that reflects the Federation era character of the area.

7.0 Conclusions and Recommendations

This report has assessed the heritage significance of the dwelling at 6 Hayes Street, Neutral Bay, based on historical research, investigation of the subject site, and an assessment of its local context. It includes a detailed assessment of the site against the SHR standard evaluation criteria to determine the significance of the place to the Neutral Bay area and North Sydney LGA.

The report concludes that 6 Hayes Street demonstrates heritage significance at the local level for the following reasons:

- The house is one of the last detached Federation Arts and Crafts style houses built in Kurraba Point. It represents the end of an important era of Neutral Bay's development, which began with the Neutral Bay Land Company in 1888 and continued until the mid-1920s. This era was defined by detached Federation/Edwardian style houses which characterise much of the Neutral Bay area.
- No. 6 Hayes Street is a good example of a detached Federation Arts and Crafts style house which demonstrates they style's key characteristics in a restrained and simple design. The building shows the English Revival variation of the Arts and Crafts style that is characteristic to the Neutral Bay area, demonstrating a more domestic, scaled down and restrained take.

No. 6 Hayes Street has been assessed as meeting the threshold of local significance for criteria (a) (c) and (g) of the standard assessment criteria.

It is recommended that 6 Hayes Street, Neutral Bay, is listed as a heritage item under Schedule 5 (Heritage Items) of the *North Sydney Local Environmental Plan 2013* (NSLEP).

8.0 Appendices

Appendix A

NSW Heritage Office Heritage Assessment Guidelines

Appendix B

Bibliography

Appendix C

Interim Heritage Order No. 148

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
• **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.**	• **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
• shows evidence of a significant human occupation; or • is associated with a significant event, person, or group of persons.	• 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
• 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.	• 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
• is important for its associations with an identifiable group; or • is important to a community's sense of place.	• 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
• 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.	• 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
• 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.	• is not rare; or • is numerous but under threat.

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
• 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.	• 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.

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Appendix C

Interim Heritage Order No. 148

Government Gazette

of the State of

New South Wales

Number 20
Thursday, 28 February 2019

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

From 1 January 2019, each notice in the Government Gazette has a unique identifier that appears in round brackets at the end of the notice and that can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal – see Gazette Information.

By Authority
Government Printer

ISSN 2201-7534

Other Government Notices

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that HEART ON MY SLEEVE MOVEMENT INCORPORATED (INC1701248) became registered under the *Corporations Act 2001* as HEART ON MY SLEEVE MOVEMENT LIMITED (ACN 627 697 401), a company limited by guarantee on 24 July 2018, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Emma Day
Delegate of the Commissioner,
NSW Fair Trading

28 February 2019

(n2019-618)

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that DIVERSE AUSTRALASIAN WOMEN'S NETWORK INCORPORATED (INC1301244) became registered under the *Corporations Act 2001*as DAWN FOUNDATION LIMITED (ACN 630 328 979), a company limited by guarantee, on 30 November 2018, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Emma Day
Delegate of the Commissioner,
NSW Fair Trading

28 February 2019

(n2019-619)

HERITAGE ACT 1977

INTERIM HERITAGE ORDER NO. 148

6 Hayes Street Neutral Bay

In pursuance of Section 24 of the *Heritage Act 1977* (NSW), I, the Minister for Heritage, do, by this my order:

(i) make an interim heritage order in respect of the item 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 item, being the land described in Schedule 'B'.

The Hon Gabrielle Upton MP
Minister for Heritage

Sydney, 27th Day of February 2019

SCHEDULE "A"

The property known as 6 Hayes Street, Neutral Bay, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 5 DP 192932 in Parish of Willoughby, County of Cumberland shown on the plan catalogued HC 3233 in the office of the Heritage Council of New South Wales.

(n2019-620)

APPENDIX 5

Site Map

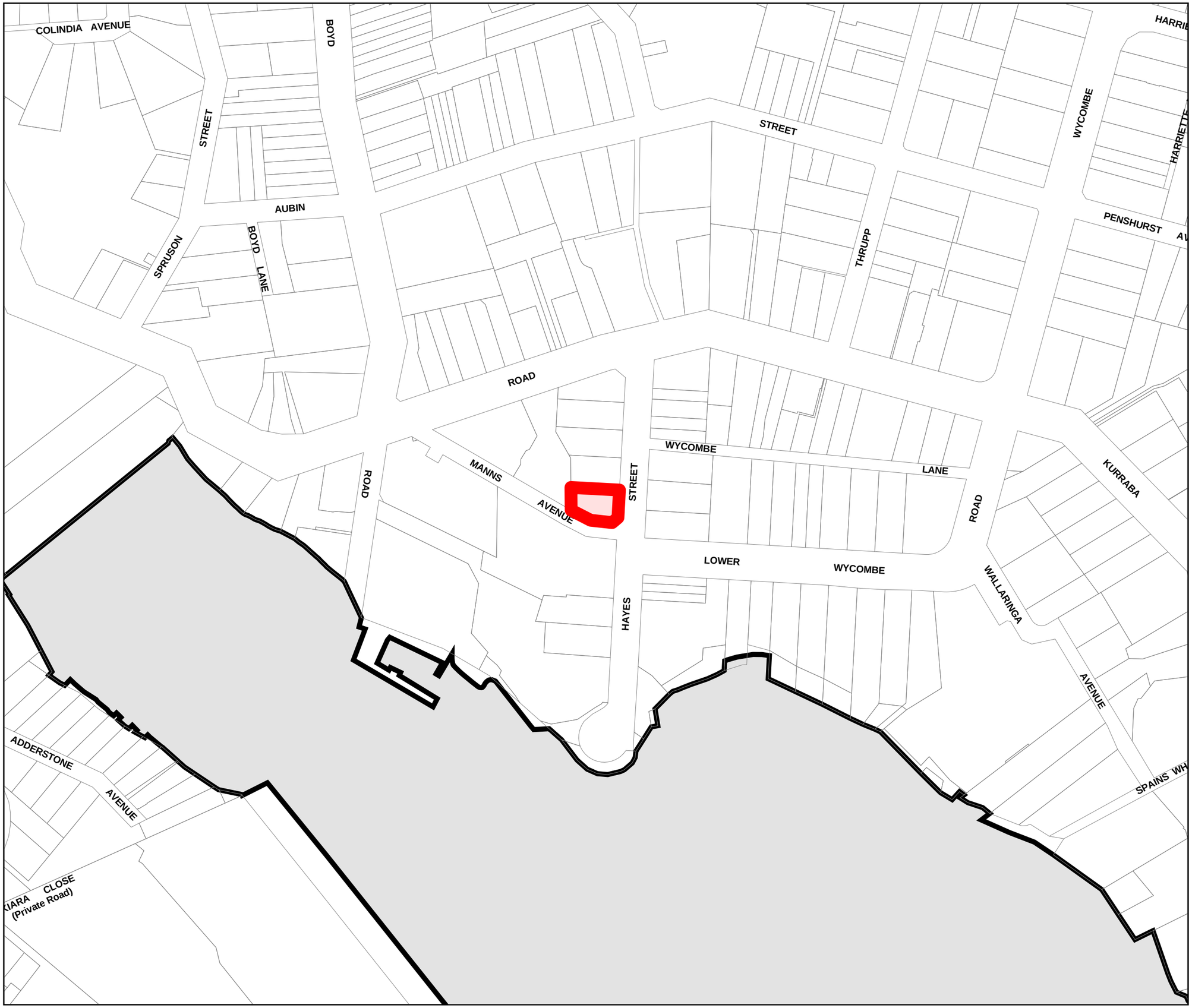
North Sydney Local Environmental Plan 2013

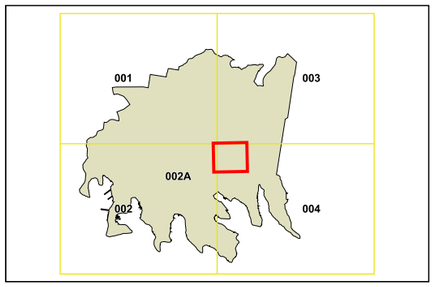
Site Identification Map
Part of map tile:
5950_COM_HER_004_010_20190411

Subject Land

Cadastre

Cadastre 11/04/19 © North Sydney Council





N
W E
S

0 metres 100

Scale: 1:2000 @ A3

Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HER_005_002_20190411

APPENDIX 6

NSLEP 2013 Heritage Map Sheets - Current

North Sydney Local Environmental Plan 2013

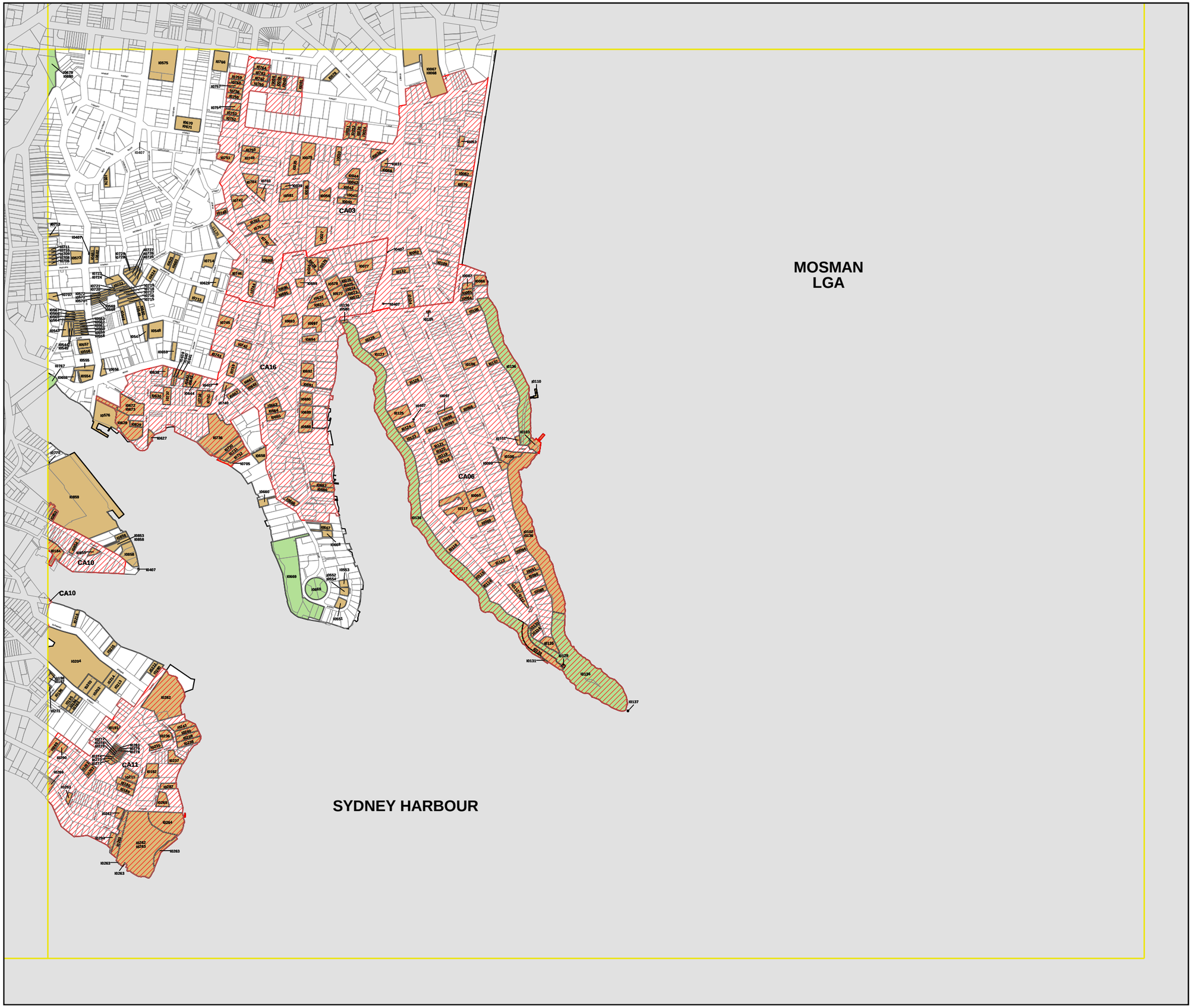
Heritage Map
- Sheet HER_004

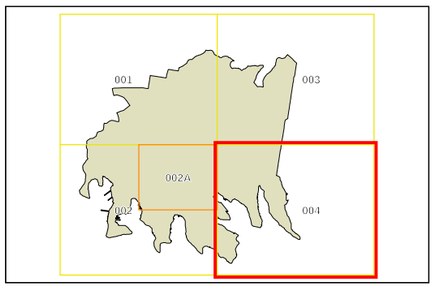
Heritage

- Conservation Area - General
- Item - General
- Item - Landscape

Cadastre

- Cadastre 08/03/16 © North Sydney Council





N W E S

0 metres 500

Scale: 1:10000 @ A3

Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HER_004_010_20160308

APPENDIX 7

NSLEP 2013 Heritage Map Sheets - Proposed

North Sydney Local Environmental Plan 2013

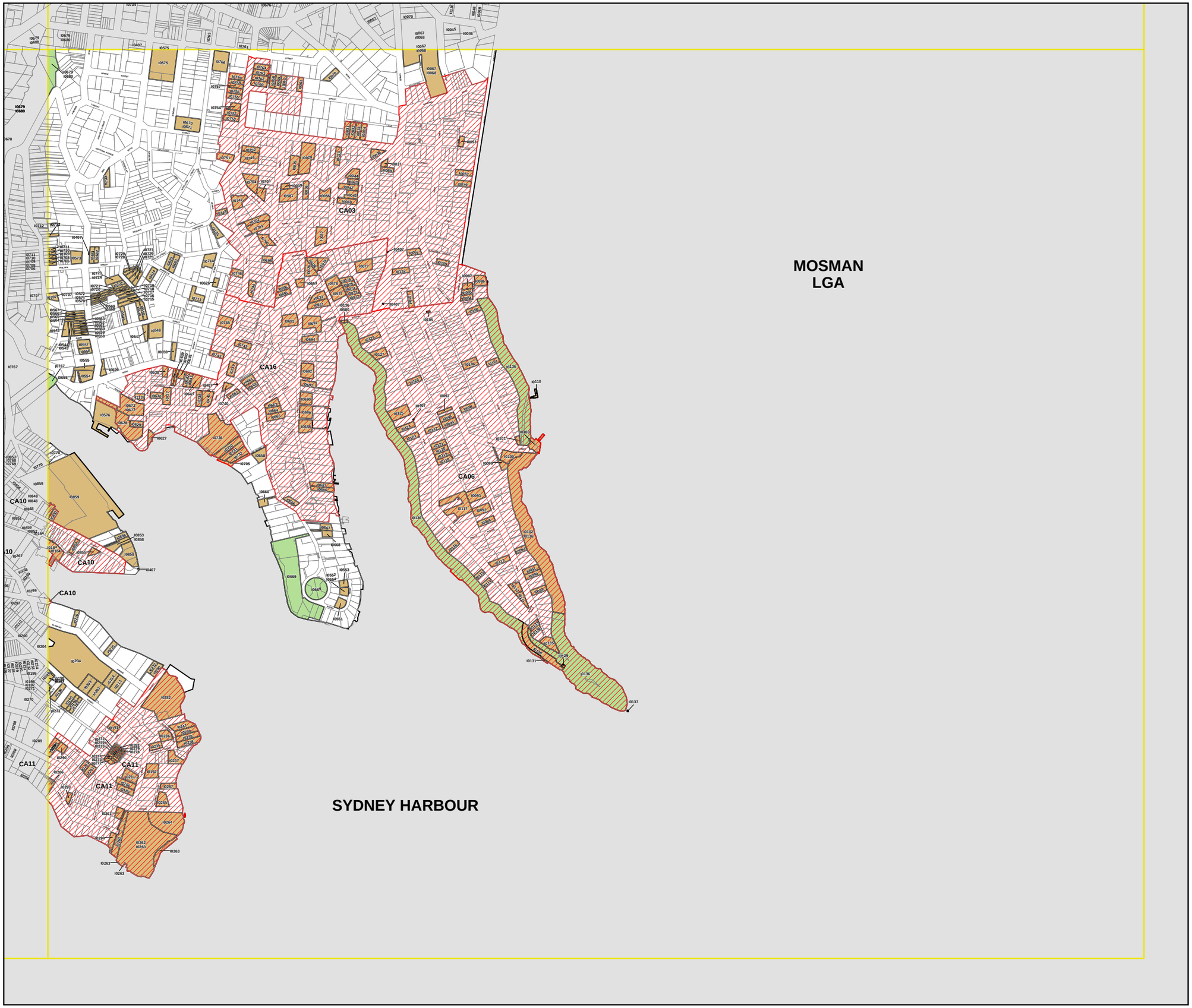
Heritage Map
- Sheet HER_004

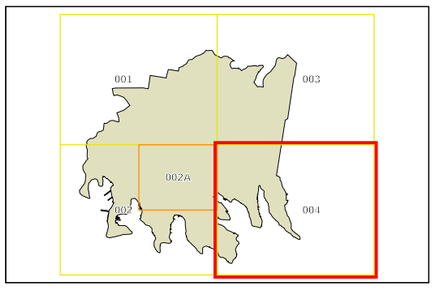
Heritage

- Conservation Area - General
- Item - General
- Item - Landscape

Cadastre

- Cadastre 11/04/19 © North Sydney Council





N W E S

0 metres 500

Scale: 1:10000 @ A3

Projection GDA 1994
MGA Zone 56

Map identification number:
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