

19<sup>th</sup> December 2013

Corrs Chambers Westgarth Lawyers  
1 Farrer Place  
SYDNEY NSW 2000  
GPO Box 9925 NSW 2001

Attention: Tim Poisel

Dear Sir,

**Re: STAGE 1 APPLICATION FOR RESIDENTIAL DEVELOPMENT AT AVON ROAD  
AND BEECHWORTH ROAD PYMBLE – HERITAGE PEER REVIEW**

In response to your request to undertake a review of heritage aspects of the proposed development at Avon Road Pymble and to address in particular the Statement of Facts & Contentions raised by the Respondent in proceedings before the NSW Land & Environment Court, Class 1 Application (No.10648 of 2013), I offer the following for your consideration.

- In making these comments I am aware of the Court's directions set out in following procedural guidelines:
  - *Class One Development Appeals - Usual Directions;*
  - Division 2 of Pt 31 of the *Uniform Civil Procedure Rules 2005;*
  - *The Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules 2005.*

I confirm receipt of three bundles of documents (Volumes 1 -3) filed in the matter of Brett Stephen Lord and Marcus William Ayres as Joint and Several Receivers and Managers of the Site –v- The Minister for Planning and Infrastructure. I have an existing knowledge of the heritage items in Avon Road and have revisited them for the purposes of this review.

**DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REPORT**

In regard to the Director – General's Major Project assessment, Environmental Assessment Report dated June 2013, I make the following comments:

I note that the Minister was capable of approving a development of the site based on a Concept Plan in 5 stages, notwithstanding that the multi unit residential development was not permissible under the existing zoning of the land, and that such an approval would be based on a full merit assessment of the application undertaken by the NSW Government

Department of Planning under the provisions of Part 3A of the Environmental Protection and Assessment Act which applied at the time of the original application.

Between the original Concept Plan and the issuing of the Major Project Assessment, the Applicant made significant changes to the application to address matters raised by the Department and these were presented in a Preferred Project Report (PPR) for assessment and a further Revised PPR which was submitted in May 2013. This document included options for the potential retention and adaptation of the heritage item at No.1 Avon Road.

Heritage issues are dealt with in the assessment portion of the report at Clause 5.6 (p66)

In regard to the demolition of 1 Avon Road, the Department considered the Statement of Heritage Impact prepared by OCP which assessed the significance of the site and the state of the building fabric. The Department also considered the additional material supplied with the application providing options for the possible retention and adaptation of No. 1 Avon Road.

The Department did not however consider that the retention of this building was necessary or appropriate for the following reasons:

- *the building has been significantly altered and much of the interior and exterior fabric has been modified or replaced.*
- *the level of renovation and refurbishment required for the adaptive re-use of the building (given its current configuration, extent of previous alterations and the general state of disrepair) would be so substantial that a significant amount of the original building fabric would no longer be present.*
- *the building is not readily visible from the public domain and as such does not contribute to the residential character or streetscape of Avon Road.*

In addition the Department noted that the heritage items on the site were included in 'Site 2' under the provisions of SEPP53 which contemplated their demolition and that this was the expectation for any future development of the site.

In recommending the demolition of the heritage items, the department adopted the conditions recommended in the Statement of Heritage Impact for the retention and or reuse of certain built and landscape elements of the site and the necessity for appropriate levels of archival recording and site interpretation.

The Department also responded to concerns raised by Ku ring gai Council in regard to potential impacts on the setting and curtilage of a number of other heritage items in the vicinity including No.6 Beechworth Road, No.11 Avon Road, No.1190 Pacific Highway and No.1202 Pacific Highway which were not specifically addressed in the Statement of Heritage Impact.

In response to the concerns relating to No. 6 Beechworth Road, the Applicant moved the closest proposed building envelope to improve the view corridors and impacts on the setting of the heritage item. The Department having analysed the potential impacts considered that they were not material and in the suburban context were acceptable.

Following a further assessment by the Applicant in response to the Council regarding potential impacts on the heritage items at No.11 Avon Road, No.1190 Pacific Highway and No. 1202 Pacific Highway, the Department came to the conclusion that given the degree of physical and visual separation, the topography and the mature vegetation, any substantive impacts on the visual curtilage or integrity of these items resulting from the proposed development would be minimal.

Based on this critical investigation of potential heritage issues undertaken by the Department with the assistance of information from Ku ring gai Council and the Applicant's heritage consultants, there were no outstanding issues that would prevent recommendation of the proposal in heritage terms.

Accordingly the summary recommendations for the site included the following statements:

- *"The Department considers that the impacts of the proposal are generally reasonable, subject to residual impacts being appropriately managed through modifications to the design and the inclusion of future assessment requirements. On this basis the Department is satisfied that the site is suitable for the proposed development and the Concept plan would provide environmental, social and economic benefits to the locality.*
- *The Concept Plan and Stage 1 Project Application are accordingly recommended for approval. The application is referred to the Planning Assessment Commission for determination under Ministerial delegation as Council object to the proposal and more than 25 submissions in the nature of an objection were received."*

In my professional opinion, the additional information provided to the Department of Planning and the rigour of the assessment process led to a logical conclusion that in regard to any potential heritage issues the proposal was acceptable and met appropriate planning outcomes for the provision of additional housing stock in areas close to major transport corridors. The Application also demonstrated positive outcome in regard to enhancing and conserving the existing endangered Ecological Community (Blue Gum High Forest)

## **PLANNING ASSESSMENT COMMISSION DETERMINATION**

In respect to the heritage issues contained in the determination made by the Planning Assessment Commission on 30<sup>th</sup> July 2013, I make the following comments:

The Commissioners identified that in their assessment they considered representations from Ku ring gai Council on a number of matters of local concern including,

*"Impact on heritage item (No.6 Beechworth Road) and demolition of heritage item (1 Avon Road) have not been sufficiently justified"*

At a public meeting, objectors to the development also raised 'heritage' issues which were largely outside the established heritage values for the site and the immediate area and were of a more subjective nature relating to perceived heritage character in the wider context.

The Commissioners in making a finding in regard to the referral identified the heritage issues associated with the development as relating to the visual impact on the heritage item at No. 6 Beechworth Road and the demolition of the heritage item at No.1 Avon Road. In response to these two matters the Commissioners made the following assessment:

*“The Commission shares the Council’s concern that the view loss of 26% from the central portion of the view cone to No.6 Beechworth Road is a significant impact. It also agrees with the Council and the community that additional information and assessment is required to justify the proposed demolition of No.1 Avon Road as its heritage value does not solely rely on whether it can be seen from the street.”*

I am of the professional opinion that the Commissions assessment of these matters was somewhat superficial and did not examine the substantial amount of material provided to support the application or the logic provided by the assessment made by the Department of Planning but relied heavily on the local objector’s concerns which were highly subjective.

The affected heritage item at No.6 Beechworth Road is one of local heritage value which has undergone a degree of modification from its original form. The retained view outlook from the item to the south is in my opinion an appropriate level of related association with any heritage values ascribed to the heritage item and its setting.

I note that the 3 grounds for refusal of the Stage 1 Project Application (MP 10-0219) contain no reference to the heritage issues raised in the findings of the Commissioners.

#### **DEMOLITION REPORT BY RAPPOPORT PTY LTD December 2009**

I have reviewed the Statement of Heritage Impact prepared by Rappoport Pty Limited in December 2009 for the demolition of 1 Avon Road and 5 Avon Road for the earlier part 3A Application for redevelopment of the site.

The Statement adopts the standard guidelines of the NSW Heritage Office for the assessment of heritage significance and includes a well researched and documented history of the site including the identification of the site as one of those proposed for re-zoning by the Minister for planning under Part 4 of SEPP 53 in 2002.

Using the inclusion and exclusion criteria adopted by the Heritage Office, The Rappoport assessment adopted the following Statement of Significance for No. 1 Avon Road:

*“The dwelling at 1 Avon Road, Pymble is a representative example of an Inter War Californian bungalow which is associated with James Fraser, a former NSW Commissioner for Railways and Transport Commissioner. The subject property demonstrates historical and aesthetic significance at a local level. As part of an early subdivision adjacent to the North Shore Railway line the modified dwelling demonstrates 20<sup>th</sup> century town planning ideals in the Ku ring gai area and so documents both the increasing suburban expansion as well as prosperity of the middle class in Pymble during the course of the 20<sup>th</sup> century. The building has retained its essential Inter War period character and in its setting is an integral part of the streetscape in the Avon Road environs.”*

In making this statement the author indicated that the place had no social or technical values and was not rare in the area.

In regard to Aesthetic Values the assessments stated that:

*“While there has been substantial modifications and the replacement of original interior fabric to bring the dwelling in line with various 20<sup>th</sup> century lifestyle expectations, the subject*

*dwelling at 1 Avon Road, Pymble is a partly intact example of a house built largely in the Inter War Californian bungalow style of architecture. The significance of the dwelling is enhanced by the elements of that style which it has retained, namely: visually prominent roofs with street facing gables; taper cut bargeboards; wide eaves overhang; exposed roof timbers; gables with ventilators; rough cast and battening; tall flat topped chimneys; rough cast rendered walls; geometric pattern leadlight glazing; turned timber handrail, balusters and mule(sic) posts; tongue and groove ceilings to the enclosed verandah space; timber skirtings, architraves, picture rails and panelled doors; and timber framed fenestration.*

*There have been many additions and alterations to the house. Some of the modifications have been sympathetic to the Inter War character of the building while others, such as the addition of the cabana and the reconfiguration of the entrance level, have not and have somewhat confused a clear interpretation of the early floor plan. Nevertheless the dwelling has retained its essential period character and is set on a generous, well landscaped section well set back from the street. Accordingly the dwelling..... contributes to the homogenous, early to mid 20<sup>th</sup> century streetscape of its environs."*

Using the inclusion and exclusion criteria adopted by the Heritage Office, The Rappoport assessment adopted the following Statement of Significance for No. 5 Avon Road:

*" The dwelling at 5 Avon Road Pymble demonstrates historical and aesthetic significance at local level. The dwelling is part of an early subdivision adjacent to the North Shore Railway line which demonstrates 20<sup>th</sup> century town planning ideals in the Ku ring gai area and also documents not only the increasing suburban expansion but also the prosperity of the middle class in Pymble during the course of the 20<sup>th</sup> century. While the interior of the house has been largely destroyed, the exterior facade retains key elements of the Federation bungalow style of architecture. in its setting the dwelling remains an integral part of the streetscape in the Avon Road environs."*

At the time that the Rappoport Statement was prepared it was proposed to remove the heritage listings on the subject site as part of the proposed re-zoning. On this basis Rappoport conceded the demolition on the basis that the regulatory authorities who identified the development potential of the site for major redevelopment had taken the heritage issues into consideration and come to the position that demolition was acceptable to achieve the other planning and conservation outcomes desired for the area.

The recommendations of the assessment are for archival recording, retention and re use of some building fabric and an appropriate interpretation of the site as part of any approved development.

I am of the opinion that the assessment of significance unreasonably weights the aesthetic values of both houses without any comparative analysis of similar houses or in the case of No. 5 Avon Road any reasonable consideration of the severely deteriorated state of the surviving building fabric and its potential for possible conservation.

Given the timeframe over which the matter has extended and the further deterioration to both buildings that has occurred, I am more inclined to accept an updated assessment of the state of the buildings and their heritage values than to rely on the Rappoport Statement of Heritage Impact which does not adequately address the impacts of demolition for the reasons stated above.

## **STATEMENT OF HERITAGE IMPACT**

Prepared November 2012 by OCP Architects Pty Ltd

The Statement of Heritage Impact deals with a Concept Plan (MP08-0207) and Project Application (MP10-0219) which were lodged with the NSW Department of Planning and Infrastructure. It specifically identifies the planning background to the application and the prevailing planning legislation at the time.

The Statement follows the guidelines set down by the NSW Heritage Office for assessing heritage impacts associated with development affecting heritage items or conservation areas. The assessment deals only with Cultural and built heritage and not with Natural landscape issues.

The Statement adopts policies contained in the Australian ICOMOS Charter for the Conservation of Places of cultural Significance (The Burra Charter) 1999.

The statement has an appropriate and full documentation of the historic evolution of the site and its component elements including reference to earlier assessments and published documentary evidence.

The statement appropriately identifies the Statutory controls, policies and guidelines associated with development of the site including proposed changes to the existing planning regime that were under consideration at the time of the application. This identified the local heritage status of No. 1 & 5 Avon Road in the Ku ring gai Planning Scheme Ordinance and the proximity of local heritage items at No.s 11 & 19 Avon Road and at No.11 Arilla Road which might have been affected by any future development.

Using the standard assessment criteria and inclusion and exclusion guidelines set down by the NSW Heritage office, the statement makes an assessment of potential heritage values of the site.

The findings of the heritage assessment are as follows:

### **No.1 Avon Road**

*"No.1 Avon Road, Pymble has historical significance for its association with the subdivision of a rural Pymble Area and developed over a century as a suburban ideal that embraced well landscaped gardens with substantial houses adjacent to the main North Shore Railway Line.*

*Its most noted resident was James Fraser, who developed No.1 Avon Road as a residence with substantial gardens for his wife Elizabeth's retirement. Fraser owned the property from 1924 and after his wife died in 1929, he put the site up for auction in 1929. Fraser was highly regarded within NSW Railways and is well remembered as the Chief Commissioner from 1917 to 1929.*

*Being set back from Avon Road it contributes less to the rest of Avon Road street landscape. Nevertheless the building has some aesthetic significance, at a local level, as an item that retains some of its Inter War characteristics."*

In regard to the assessment of Aesthetic significance of the site the statement found that:

*“The building has undergone considerable changes during its history. The Inter War bungalow characteristics have been considerably modified with a later front porch structure and considerable changes to its exterior on the south west, west and northern elevations. While the interiors have been substantially altered and added to through many ownerships.”*

The assessment found that while the place had some historical values it was neither rare nor representative in its local heritage value and had no social or technical significance.

The identification of significance for one or more values indicates that a place may have heritage significance however in my opinion the statement by Ku ring gai Council that the place has ‘considerable local heritage significance and should be retained in any future development of the site’ is not well founded or supported by any additional information provided by the Council in this process.

I note that under the Ku ring gai LREP (Local Centres) that the interiors of Local Heritage Items are not protected by the existing heritage listing. and that demolition of Heritage Items is permissible with consent.

#### **No.5 Avon Road**

*“No. 5 Avon Road, Pymble has historical significance for its association with the subdivision of a rural Pymble area and developed over a century as a suburban ideal that embraced well landscaped gardens with substantial houses adjacent to the main North Shore Railway Line.*

*Aesthetically, while the building is unsound and severely deteriorated both internally and externally, it’s surviving mature trees, such as the two mature palms in the front garden, contribute to the Avon Road landscape qualities.”*

In regard to the assessment of aesthetic significance of the site the statement found that:

*“The buildings at No. 5 Avon Road have been severely damaged by a series of fires, severe vandalism and are structurally unsound. The whole top floor has been burnt out and its roof is missing. Considerable ground floor fabric both internally and externally has been damaged, deteriorated by the elements and vandalised. Consequently, the remains of this Federation Bungalow are so deteriorated that normal conservation measures are not possible.*

*The two large palm trees in the front garden are surviving in the front garden and contribute to the Avon Road streetscape.”*

The assessment found that there were no significant historical associations, no social or technological values and was neither rare or representative in the locality.

The assessment of Heritage Impact of the proposed development in the Statement of Heritage Impact indicates a good understanding of the proposal and the potential impacts on the heritage items located within the immediate vicinity. It addresses the demolition of the two local items on the site in regard to their limited heritage values, their current condition and the zoning of the site for redevelopment which reflects an expectation of their removal. It

also indicated a degree of consultation with regard to the final design to ensure that the development had insignificant adverse impact in relation to any identified heritage concerns.

The recommendations arising from the assessment indicate that demolition of the existing structures was acceptable in the context and circumstances of the desired future character of the site and that appropriate archival records on the surviving fabric be carried out together with an integrated interpretation strategy. Certain built and landscape elements and materials from the site were recommended for protection and or recovery and incorporation in the new works.

Based on my experience in this Local Government Area and a knowledge of both sites and the surrounding development I am of the professional opinion that the methodology, logic and findings of the OCP Heritage Report for the site are sound and that I would have come to the same findings and recommendations based on the available physical and documentary evidence and an understanding of best practice in urban heritage management.

Subsequent to the finalisation of the Statement Council removed No. 5 Avon Road from the heritage schedules of their planning instrument and indicated no objection to its demolition subject to any recording.



**Figure 1 - 1943 aerial view of the current site of No.1 Avon Road Pymble (shaded) showing the substantially cleared area extending to the west of the house behind the adjoining sites fronting Avon Road.**



## **SUPPLEMENTARY STATEMENT OF HERITAGE IMPACT**

Prepared 30<sup>th</sup> April 2013 by OCP Architects Pty Ltd.

This report was specifically prepared to address matters raised by the Department of Planning in relation to potential impact on No. 6 Beechworth Road and those raised by Ku ring gai Council in regard to additional heritage items at 1178 Pacific Highway, 1186 Pacific Highway, 1202 Pacific Highway, 11 Avon Road, 11 Arilla Road, 19 Avon Road 9 Beechworth Road and 1228 Pacific Highway.

Additionally the report assessed the potential for the retention and adaptation of No. 1 Avon Road within the proposed development.

A view assessment clearly established to the satisfaction of the Department of Planning that the degree of separation and the influence of other development resulted in there being no substantial additional impact on all of the identified sites with the exception of impact of proposed building 5 on No. 6 Beechworth Road. This site was investigated in further detail with a view to providing guidance to changes to the proposed development to ensure protection of views and setting for this item.

After a detailed on site and plan based assessment, the views from No. 6 Beechworth Road to the south east were considered to be adequately preserved and also the views to the south west. However it was considered that the views to the south could be improved with the western section of Building 5 being removed to the eastern side, thus allowing a better southerly view of the valley especially over the development site's Landscape Conservation Area. Amended plans to this end were prepared and resubmitted.

I am of the opinion that the identified local heritage significance of No. 6 Beechworth Road is not significantly compromised by the revised proposal which maintains a substantial separation and retains a substantial landscape setting for the item. In this opinion I am in agreement with the Department of Planning and at odds with the Planning Commissioners who I consider to be mixing amenity concerns with heritage values.

In relation to the potential adaptive re use of No. 1 Avon Road, while I consider that it would be possible to retain the house and reconstruct it to an acceptable standard I say this without full understanding of the potential adverse implications that this would have on the layout of potential development on the rest of the site given the significant constraints. Based on the limited heritage values of the place which are predominantly historic rather than aesthetic or technical and the extreme state of dilapidation that would require substantial reconstruction, I would consider this requirement to be an extreme position with regard to any potential public or community benefit that its retention would provide for the people of Ku ring gai.

## **STATEMENT OF FACTS & CONTENTIONS Lodged with the NSW Land & Environment Court 18<sup>th</sup> October 2013**

In regard to Heritage the Minister contends that:

*“The project will have an unacceptable impact on the heritage value of the site and surrounding areas as:*

- a. The project requires the demolition of the heritage item at 1 Avon Road;*
- b. The Applicant has not demonstrated that 1 Avon Road should not and cannot be retained on the site, in the context of appropriate new development;*
- c. Insufficient evidence has been provided to demonstrate that 1 Avon Road cannot appropriately and economically be adapted for continued use as a dwelling or other sympathetic use;*
- d. The proposed development, particularly Building 5, will have a significant impact on the curtilage and amenity of the heritage item at 6 Beechworth Road, by consequence of its proposed access, and through its visual impact on the setting and outlook of the heritage item.*
- e. The Project will have an unacceptable impact on the heritage interest of the area and its established development character, including heritage items at 6 Beechworth Road and 11 Avon Road as well as many houses in the vicinity which are heritage listed or of a period character and its streetscapes which reflect the consistent and enduring development pattern of individual houses set in landscaped gardens.”*

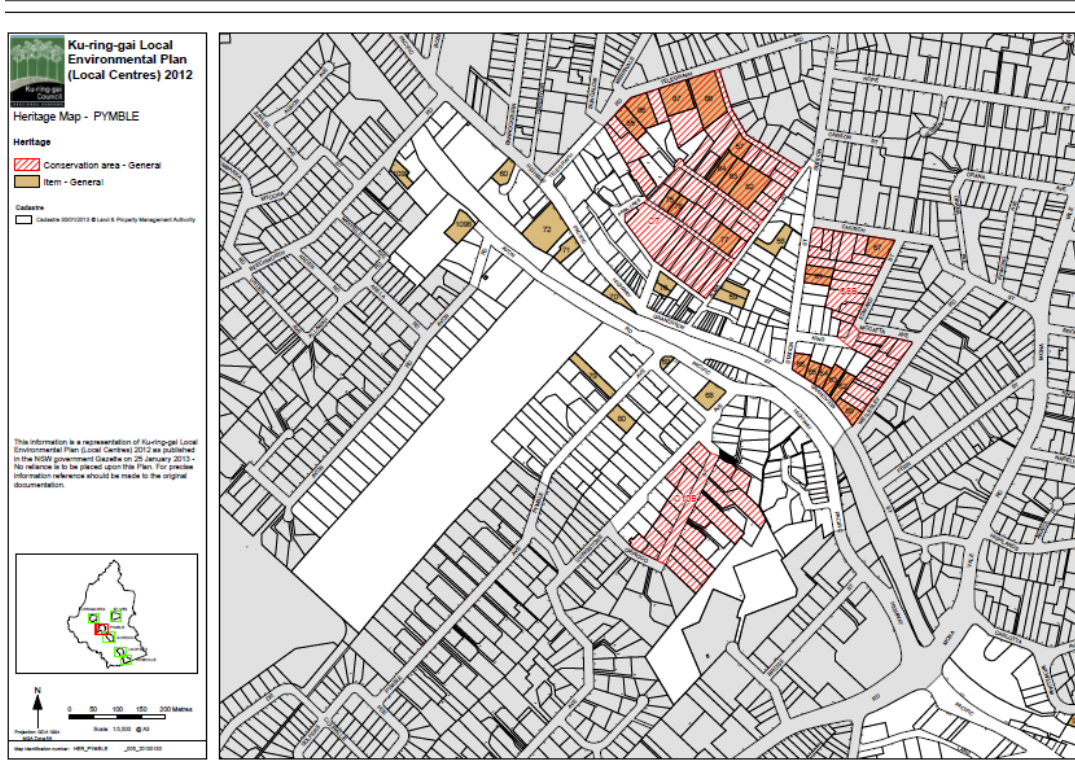
The contentions clearly reflect the assessment of the PAC and were signed off by the Chair of that Commission. These concerns have not been identified in any of the previous professional assessments made in relation to the various applications for the site or by the Applicants consultants or the Department of Planning and its Director General in previous consideration of the site for Major Development.

Part of the wording and logic of the contentions ignores the changing character of the area as a result of high density development along the major transport corridor which meets the strategic objectives for increasing housing in the Sydney Region.

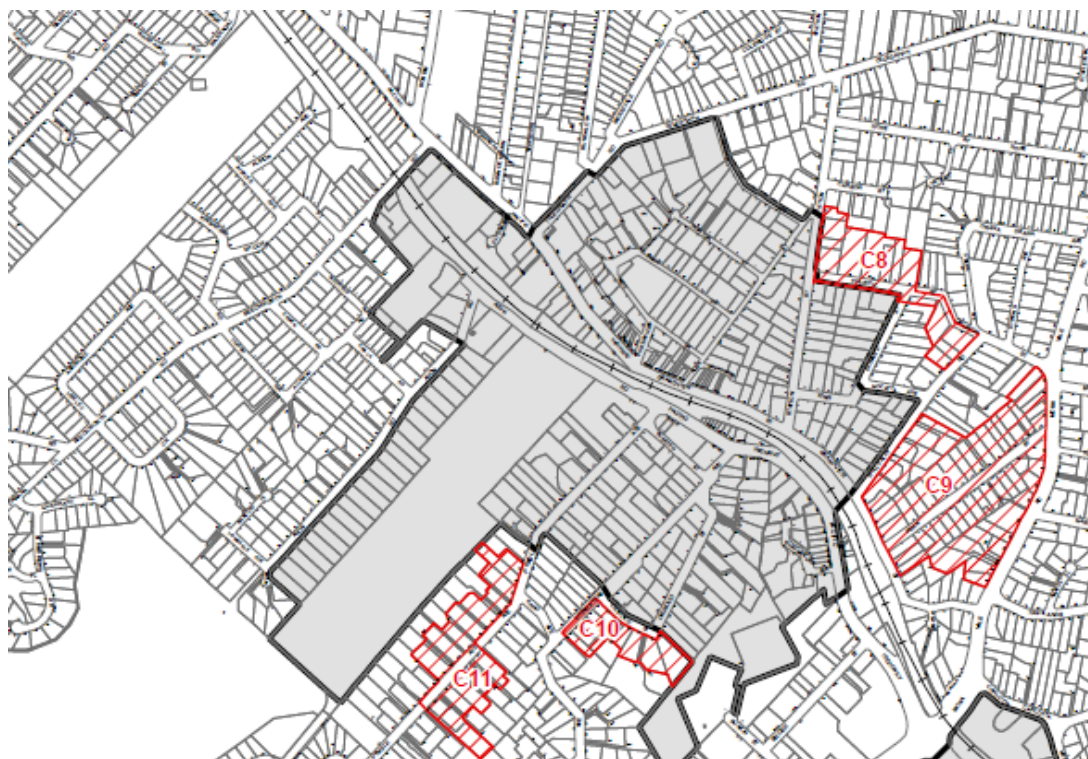
There are established guidelines and controls set out by Council in their planning controls for multi storey development adjoining heritage items and lower density residential zones and these are met by the proposal.

It is likely that this form of development has less physical impact on the area than the now permissible medium density forms of development and provides for the protection and enhancement of the remnant Blue Gum High Forest community in a positive way.

There are no existing or proposed Heritage Conservation Areas in the vicinity of the subject site and the general established mixed residential character of the area has no identified heritage interest. A review of the existing heritage items and conservation areas in the vicinity of the site does not indicate that apart from 6 Beechworth Road and 11 Avon Road that there are “many houses in the area which are heritage listed” or that the streetscapes of the immediate vicinity would be affected by the proposed development in the application.



**Ku ring gai LEP (Local Centres) 2012 Heritage Map – Pymble**



**Heritage Conservation Areas outside of the Local Centres. There are no areas of cohesive heritage conservation value adjoining the subject site.**



**Extract from Draft Ku ring gai LEP 2013 Heritage Map showing heritage items located outside the Local Centres area in the vicinity of the proposed development site.**



**Plan showing visual assessment of existing building stock in the vicinity of the subject site outside the Local Centres area, undertaken by consultants for Ku ring gai Council to identify heritage items and conservation areas. This indicates a mixed character area with residential buildings identified as being 'Neutral' (Blue) Inter War housing (Pale Green) and heritage items (Dark Green). Based on this assessment the area was not considered for further identification as a conservation area.**

No. 1 Avon Road is a Local heritage item which has undergone substantial modification and has limited value for the wider community either in its historic or aesthetic significance. Original listing of the item by consultants in 1987 was undertaken without any detailed investigation of the place and the Council state in their response to the application that they do not have any firsthand experience in regard to the interiors of the building. It is generally understood that the principal concerns in relation to local heritage values are public perception from the public domain. The existing house has very limited visibility from the street and makes no contribution to any perceived residential character of Avon Road or the area generally and would only warrant special attention if its historic values were significant and represented by the site or its built form or fabric was of special value for its workmanship or design. This is not the case as is well evidenced in the reports submitted with the application. I consider that there has been sufficient evidence provided by the Applicant to address the concerns that were raised by Ku ring gai Council in their submission to the PAC.

The Applicant has demonstrated two methods in which the existing building could be retained and adapted however this would have further impact on any surviving original and early fabric limiting the value of the place as a representative example of its kind and would provide significant additional constraints on an already constrained site which would not be warranted by the identified local heritage values of the place.

The Department of Planning having assessed these options for retention of No. 1 Avon Road in the Major Project Assessment rejected them as being appropriate on the basis that:

*The building has been significantly altered and much of the interior and exterior fabric has been modified or replaced.*

*The level of renovation and refurbishment required for the adaptive re-use of the building (given its current configuration, the extent of previous alterations and the general state of disrepair) would be so substantial that a significant amount of the original fabric would no longer be present.*

*The building is not readily visible from the public domain and as such does not contribute to the residential character or streetscape of Avon Road.*

The Department was of the opinion that the demolition of the dwelling at No. 1 Avon Road was reasonable, subject to a full archival recording of the interiors and exteriors of the building.

The Department also noted that the heritage item were previously included in "Site 2" under the provisions of SEPP 53 which contemplated the demolition of the buildings having considered the identified heritage values associated with the site.

Demolition of heritage items is not prohibited by the existing planning controls subject to approval by the consent authority.

The established character of the immediate area is dominated, not by items of the built environment but by the significant natural and manmade landscapes in which buildings are located.

In regard to the impact of Building 5 on the curtilage and amenity of the heritage item at No.6 Beechworth Road, the separation and orientation of the proposed building provides for substantial retention of views from the item and allows a substantial physical curtilage to be maintained. The significance of No.6 Beechworth Road is not related to its relationship to the development site and the majority of potential impacts are restricted to amenity and not heritage.

In this regard the Department of Planning considered that the view loss from No.6 Beechworth Road was moderate and that the substantial views available to the north and east would be largely unaffected, while a substantial view corridor was maintained to preserve views to the south. In light of an assessment of the historical and physical evidence relating to this property, The Department considered that it was unlikely that the proposed siting of the Building 5 envelope would have any substantive impact on the heritage fabric or curtilage of the dwelling. It also noted that any views to the heritage item are restricted by its orientation and location in relation to Beechworth Road.

In conclusion and based on my assessment of the relevant documentation provided in the three bundles, I consider that there appears to be adequate evidence that the demolition of 1 & 5 Avon Road is acceptable given the very limited heritage values that they represent and their compromised condition and that the impacts on No. 6 Beechworth Road relate primarily to a matter of amenity and not to any significant loss of identified local heritage value associated with that site.

I disagree with the findings of the PAC which appears to be based on submissions to them that the area generally has heritage values that relate to the surviving residential development and surviving natural landscape. Notwithstanding the identification of a recommendation for heritage listing of the area, there is no statutory identification of heritage value for this area or any intention that it be identified as a heritage conservation area as represented to the Commission by the community representations and summarised at page 5 of their report.

In this as in other areas of Ku ring gai high density residential development can exist side by side with existing residential areas subject to implementation of the appropriate development controls which have been adopted in the current application to create transitional character.

In regard to the Contentions:

- Demolition of 1 Avon Road is adequately addressed and will not have an unacceptable impact on the site, the surrounding area or the heritage of Ku ring gai.
- The Applicant has demonstrated how retention of 1 Avon Road would unreasonably restrict development of the limited potential of the site and frustrate implementation of an appropriate intensification of housing on a major transport corridor.
- The Applicant has demonstrated that the adaptation of the existing building would not only result in substantial modification of its fabric further reducing any heritage values, but would not be economically viable in the context of the overall development potential of the site.

- The potential amenity impacts on 6 Beechworth Road are adequately addressed and are not specifically related to heritage impact.
- The assertion that the area has intrinsic heritage values is not supported by any statutory listing and the basis of the contention is flawed.

Based on these propositions I am of the opinion that the Application is worthy of approval with conditions that would ensure that adequate protection of the surrounding environment can be put in place.

Yours faithfully,  
NBRS+PARTNERS

A handwritten signature in black ink that reads "Robert Staas". The letters are cursive and somewhat stylized, with a large 'R' and 'S'.

ROBERT STAAS  
Director / Heritage Consultant



View of No. 1 Avon Road from the entry gates showing later porch and gabled form of original building.



View of No. 1 Avon Road from the public domain showing limited visibility and contribution to any public appreciation of residential character in the area.





No. 5 Avon Road as seen from the street with most of the upper level destroyed by fire.