



STATEMENT OF HERITAGE IMPACT

AVON ROAD MAJOR DEVELOPMENT
REVISED CONCEPT APPLICATION ISSUE 'T'

SEPTEMBER 2015

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Issued: September 2015

STATEMENT OF HERITAGE IMPACT

AVON ROAD RE DEVELOPMENT

REVISED MAJOR PROJECT CONCEPT PLAN APPLICATION

1.0 INTRODUCTION

This report has been prepared on behalf of Ausbao Pty Ltd (The Applicant). The Report forms part of the Land and Environment Court of NSW (L&E Court) Proceedings No.10834 of 2013. The proceedings relate to the refusal by the Planning Assessment Commission (PAC), as delegate of the Minister for Planning (Minister), of the Major Project Application (MP 10_0219) for a multi-unit residential development at 1, 1A & 5 Avon Road and 4 & 8 Beechworth Road, Pymble (Site).

On 5 December 2014, the Land and Environment Court ordered that a Concept Plan approval be issued in respect of the development of the Site, and the PAC issued the Concept Plan Approval on 19 December 2014. The proceedings No.10834 of 2013 relating to the Major Project Application were stood over following the Court's order regarding the Concept Plan and the PAC's subsequent issue of the Concept Plan Approval.

This Statement of Heritage Impact has been prepared in accordance with the standard guidelines of the NSW Heritage Branch to address issues relating to the potential impact of the development on No. 1 Avon Road which is identified as a Local heritage item in the Ku ring gai LEP.

The current condition of the building fabric of the heritage item is highly deteriorated and vandalised. It is proposed to conserve the heritage item which is to be located on a separate lot within the larger development to ensure its identified cultural significance is retained and enhanced as part of the current application..

Previous discussions with Council have addressed the issues of setting and curtilage for the heritage item and the potential future uses to which it is to be put within the development. These discussions have also addressed the landscaping of the site and its integration with the wider development.

The report addresses the revisions to the Major Project Application as a consequence of the terms of the Concept Plan Approval.

1.1 Requirements for this Report

The Project Application is subject to the Part 3A transition provisions of the EP&A Act 1979 and therefore the provisions of the local environmental planning instruments do not apply nevertheless the changes have been assessed against the provisions of the KLEP 2012 and associated development controls in accordance with standard procedures.

Portions of the redevelopment site comprise a heritage listed item, No. 1 Avon Road. Clause 5.10 of the KLEP requires Council to take into consideration the impact that development will have on the identified cultural significance of a heritage item and provides for the preparation and

submission of a Statement of Heritage Impact to accompany the Development Application.

Several previous Statements have been prepared and submitted in regard to No. 1 Avon Road and the current statement deals primarily with the changes to the previous development application as it relates to the use and setting of the heritage item.

1.2 Methodology

The methodology adopted is that recommended by the NSW Heritage Office in their Guidelines for assessing heritage impact. The existing historical analysis of the site has been adopted as being sufficient to assess any additional impacts arising from the current modified application.

1.3 Site Location

The site is located off a small section of roadway leading off the top of Avon Road adjacent to the North Shore Railway at Pymble and is shown in the aerial photograph at Figure 1



Figure 1 - The Redevelopment site showing the location of the heritage item at 1 Avon Road circled.

1.4 Heritage Listings

The site is identified on the following statutory lists:

- Ku Ring Gai Local Centres LEP
Pymble – Dwelling House – 1 Avon Road – Lot 1 DP 583803 – I1098



Figure 2 - Extract from Local Centres Heritage Pam for Pymble showing the subject site and surrounding heritage items.



Figure 3 - No 1 Avon Road as it appeared in 2002 before the site was abandoned due to indecision regarding development options and zoning changes.



Figure 4 - Current condition of the subject site following many years of disuse

1.5 Heritage Significance

The Ku ring gai Heritage study does not contain any Statement of Significance for this site. The Reasons for listing are given as being, *architectural, municipal, state (?) significance*. Subsequent assessments have questioned the significance of the place however at the current time it remains a Local heritage item with a defined site curtilage.

The Statement of Significance prepared by Rappaport Heritage Consultants Pty Ltd for the earlier submissions and adopted for the current application is:

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 20th 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 20th century. The building has retained its essential Inter War period character despite later additions and alterations, 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 assessment stated that:

“While there has been substantial modifications and the replacement of original interior fabric to bring the dwelling in line with various 20th 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 20th century streetscape of its environs.”

1.6 Authorship

This report was prepared by ,Robert Staas Associate Director of NBRS+PARTNERS, using research and history information researched by OCP Architects Pty Ltd and Rappaport Heritage Consultants Pty Ltd for previous submissions.

2.0 DOCUMENTARY EVIDENCE

The subject site is located on Lot 1 in DP583803 being formerly Lot 16 in DP8602, originally part of 100 acres granted to William Wright by Crown Grant on 5 April 1821. The following year Wright conveyed his land to Thomas Hyndes. Thomas and Charlotte Hyndes retained ownership of the land until January 1840 when it was conveyed by lease and release to John Terry Hughes and his Trustees. Simultaneously Hughes and George Rogers took out a mortgage over the property from AW Young. Young conveyed the property to Richard Porter in 1865 following a possible default on the mortgage.

In March 1872 Richard Porter senior conveyed the land to Richard Porter junior. Richard Porters lands were subdivided to form the Avon Estate prior to 1900. The estates of TR Porter and WJ Porter “sat opposite one another, on each side of Avon Road. The estates were vast, reaching as far as today’s Avondale Golf Course”.¹

The real estate poster for WJ Porter’s Estate at Pymble (**Figure 5**) shows the subdivision of part of William Wright’s land grant. A subdivision of a further portion of the grant adjoining the new unnamed road (Avon Road), being T Porters land, is indicated thereon. The subject land in the ownership of Richard Porter junior is not shown on this plan.

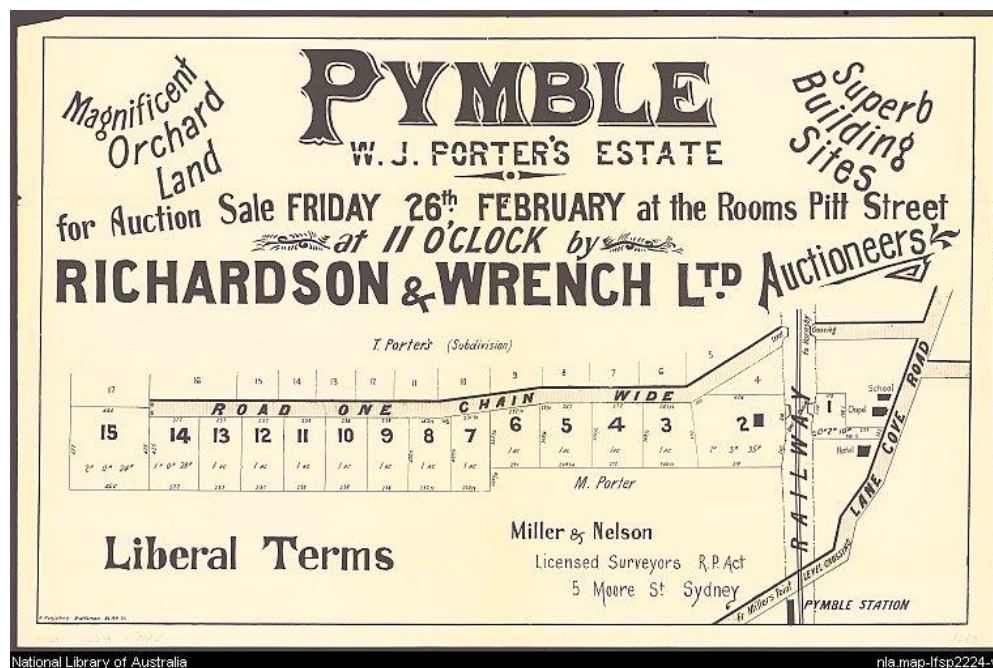


Figure 5 — Richardson and Wrench, Pymble, W.J. Porter's Estate: magnificent orchard land : superb building sites, [1894?]. (Source: National Library of Australia, MAP Folder 139, LFSP 2224)

Richard Joseph Porter apparently defaulted on his mortgage over the portion of property containing the subject land. Consequently the Bank of New South Wales exercised their power of sale of the eighteen acres two roods and twelve perches of land to Edmund James Lamb in 1904. He subsequently converted this land to Torrens title by Primary Application 13272.

¹ OCP Architects Pty Ltd, 1, 1A & 5 Avon Road and 4 Beechworth Road Pymble, Sydney Proposed Development, Statement of Heritage Impact, November 2012, p6.

Lamb subdivided this land as DP8602 and sold Lot 16 thereof to Albert Ernest Alexander Newlands in March 1920. In July 1923, Newlands sold this allotment, comprising three acres two roods and five perches of land, to James Fraser of Neutral Bay, Chief Commissioner for Railways. This allotment is illustrated in **Figure 8**.

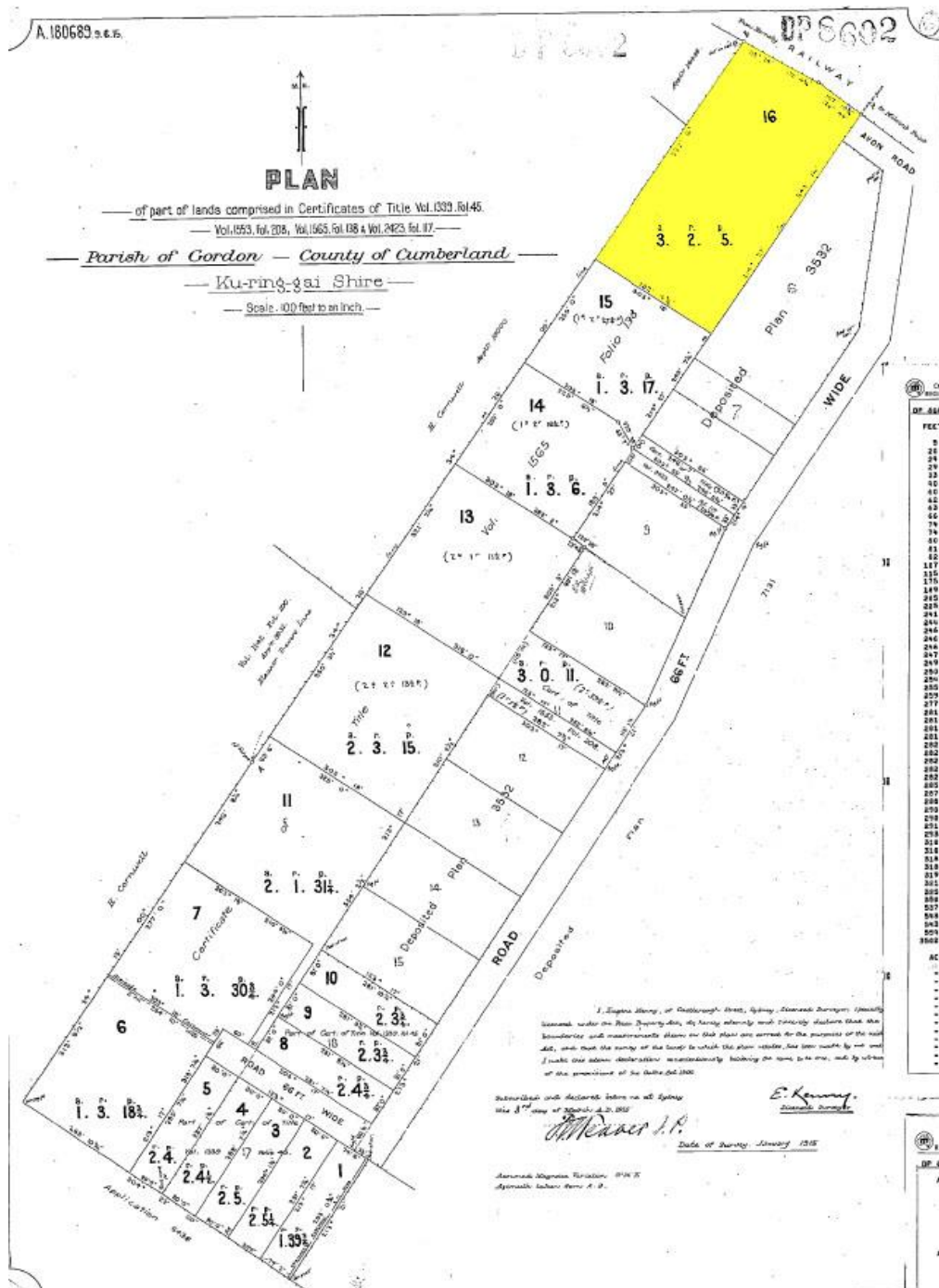


Figure 6 — DP 8602, Plan of part of lands comprised in Certificates of Title Vol 1399 Fol 45, Vol 1553 Fol 203, Vol 1565 Fol 138 & Vol 2423 Fol 17, 1915. Subject site shaded yellow thereon. (Source: NSW Land & Property Information)

The subject building was erected soon after. It is not known if the residence was designed by an architect. The name of the builder is also not known. The completed house was named "Arnprior", probably after the village of that name in the Stirling Council area of Scotland. The house is first listed in the Sands Directory in 1925 in the occupancy of James Fraser.

James Fraser was born in Braidwood in 1861. He attended Sydney Grammar School and joined the railway services in 1878 as a cadet. Four years later, in April of 1882, he was appointed assistant engineer. He went on to become resident and district engineer. Numerous advancements in his career led him to become Chief Commissioner in 1917. This gave him the responsibility of the biggest business enterprise in the Commonwealth.

He was the Chief Commissioner of the New South Wales Railways from 1917 to 1929. He was known as an authority and administrator on railway matters. He supervised the construction of many railway lines and was in charge when the metropolitan service was electrified. One month after his wife Elizabeth's death in August 1929, he asked the Premier, for permission to retire as soon as possible because of ill-health.

The following month he commenced to advertise the auction sale of the subject property on 31 October the same year (Figure 7 and Figure 8).

PTMELR

ARNPRIOR, AVON-ROAD.

Within 3 minutes of station, close to Presbyterian Ladies' College and Avondale Golf Club; elevated position, commanding extensive **VIEWS** Towards Mountains.

A CHARMING and COMMODIOUS RESIDENCE. built of brick, on stone foundations, with roof of slate, containing large **VESTIBULE HALL**, with Fireplace, a particularly large **DRAWING-ROOM**, large **DINING-ROOM**, 5 **BEDROOMS**, **MAID'S ROOM**, and complete domestic offices.

THE VERANDAH ACCOMMODATION, which is mostly enclosed, is a very special feature. **THE GROUNDS** are particularly attractive, comprising an area of about 3 acres 3 rods 3 perches, and are highly improved, with **TERRACE LAWNS**, **FLOWER GARDEN**, **ORCHARD**, **KITCHEN GARDEN**, etc.

Sketch plan at Office of Auctioneers.

TORRENS TITLE.

Vendor's Solicitors: John Williamson and Sons,
RAINE and HORNE LIMITED.

R will offer the above at **PUBLIC AUCTION**, in **THE ROOMS, 70 PITT-STREET**, on **THURSDAY**, 1st **APRIL, 1937**, at 11 A.M. (350)

Figure 7 — Auction sale advertisement. (Source: Sydney Morning Herald, 3 September 1929, p16)

PYMBLE

ARNPRIOR, AVON-ROAD,
 3 minutes from station, and close to Avondale
 Golf Club.

A CHARMING AND EXTENSIVE RESIDENCE,
 built of brick, on stone foundations, with roof
 of slate.

THE RESIDENCE contains large **VESTIBULE HALL**,
 with Fireplace, particularly large **DRAWING**
 and **DINING ROOMS**, **FIVE BEDROOMS**, and
 Maid's Room, and complete **Domestic Offices**.

THE VERANDAH ACCOMMODATION (mostly en-
 closed) is a very special feature.

THE GROUNDS are particularly attractive, com-
 prising an area of about 3 acres 2 rods 3
 perches, and are highly improved, including
 Terraced Lawns, Flower Garden, Orchard, Kit-
 chen Garden, etc.

TERMS can be arranged.

TORRENS TITLE.

**Vender's Solicitors: Messrs. John Williamson and
 Sola.**

RAINE and HORNE, LTD., will offer the above at
PUBLIC AUCTION, in the **ROOMS, 70 PITT-
 STREET**, on **THURSDAY, 31st OCTOBER, 1929**, at
 11 a.m.

(281)

Figure 8 — Auction sale advertisement. (Source: Sydney Morning Herald, 19 October 1929, p25)

For unknown reasons the property was not sold at this date. It is possible that the timing of the sale, coinciding with the beginning of the Great Depression, was a factor. He continued to live at 1 Avon Road until his death in July 1936. In the intervening period, in 1931, Fraser was selected as a member of the Transport (Co-ordination) Commission by the Lang Government. He was survived by three sons, Keith, Noel and Ian Fraser.²

² Sydney Morning Herald, 29 July 1936, p 10.

The property passed by transmission on 5 July 1937 to Keith Aird Fraser and Noel Galvin Fraser. Oddly, a public notice in the name of James Fraser appeared in the Sydney Morning Herald on 17th March as follows: “*my property, Arnprior...is hereby withdrawn from the hands of all agents*”. This notice was odd in that James Fraser died the previous year. Notwithstanding this notice, the subject site was advertised for auction sale on 1 April 1937.

The property did not sell at this date and was advertised for auction sale the following year. K Fraser placed a public notice in the *Sydney Morning Herald* on 25 May 1938 stating that “*the property known as Arnprior, Avon Road, Pymble, is hereby withdrawn from sale for a short period*”. The subject site was eventually conveyed in August that year to Arthur Ernest Dent of Wahroonga, chartered accountant.

Coinciding with the change of ownership, Dent lodged a successful building application to Ku-ring-gai Council for “alterations/additions” to the property (BA38/528). There are no further details regarding the building works in Council records. Rappaport Pty Ltd however indicate in their 2009 report that the front porch was part of the 1938 works, as too was the flat roofed additions to the south west of the front elevation.



Figure 9 - 1943 Aerial photograph of the subject site showing the earlier landscape treatment of No. 1 Avon Road and the relationship of the land with No. 11 Avon Road. The shaded and outlined area is the currently listed heritage lot curtilage for the heritage item which is proposed to be modified as part of the current application by a Planning Proposal to reflect an area agreed during the conciliation process.

Dent owned the property until early 1959 when it was sold to Victa Consolidated Industries Pty Limited. Within twelve months the subject site was conveyed to Carnegie Richmond Hallett Fieldhouse of North Sydney, company director. He and his wife are subsequently listed at 1 Avon Road, Pymble in electoral rolls.

The Fieldhouse family lived at 1 Avon Road until late 1968 when the property was sold to Anthony Nigel Finlay of Northbridge, managing director and Dorothy Elwyn Finlay, his wife. The property changed hands in 1976 to Industrial Acceptance Corporation Limited. Three years later Carol Joan Neale and James Woodward Neale purchased the subject site. At an unspecified date in the 1970s building works were carried out on the residence. Rappaport Pty Ltd note in their report that these works included the addition of extra living space and a billiards room in the downstairs area plus an uncovered balcony area that occupied the area of the earlier western verandah.

James Woodward Neale is listed at 1 Avon Road in the 1980 electoral roll. According to Rappaport Pty Ltd, circa 1988 the Neale's carried out various works to the residence including enclosing the upper verandah area to create a music room; the addition of an extra bathroom, additional bedroom, and upgrading the bathroom; also on the upper level upgrading the bathroom, enclosing the verandahs with windows, a new kitchen and modifications to the fireplace.

Following an unsuccessful attempt to redevelop the land for high rise development the house remained vacant after about 2002 and was severely vandalised while the original garden was also degraded and remains in an overgrown and damaged state.

Following action by Mr Neale's creditors, an appeal to the NSW Land & Environment Court resulted in the approval of a Concept Plan for the site.

While the legal curtilage of the item has not changed and includes the land identified as Lot 1 DP 583803 the discussions in the Court process included general agreement for the retention and adaptation of the house on a reduced curtilage forming a strata in the proposed development which is indicated in the current application. A Planning Proposal to have the extent of the heritage listing modified will form part of the process of approvals for the site.

3.0 PHYSICAL DESCRIPTION

The existing house at No. 1 Avon Road consists of a part one and part two storey structure where the south western portion of the house is a later series of additions including a panelled Billiard Room, a raised terrace area, service rooms and a pool house associated with an elevated swimming pool.

The original portion of the house is Arts & Crafts style in inspiration with a multi gabled slate roof and half timbering in the gable ends. The original face brick walls have been painted while the stone trimmed window openings remain in their original form

A flat roofed corner porch provides the entry to the house from what was once a formal cottage style garden.

A driveway to the north of the house is a separate Right of Way to No.1a and contains a later sympathetic garage structure. Both the ROW and the garage are outside the existing Council heritage listing but in the current proposal are intended to be included as part of a new strata lot covering the heritage item. Demolition of the garage forms part of the revised concept plan to allow for an appropriate setting to the item and access to the far side of the site.

A stone boundary wall containing a damaged water feature extends along part of the Right of Way adjoining the railway land to the north and is also outside of the existing Council heritage listing. The wall falls outside the area required for fire access and would be retained and conserved as part of the landscape works proposed for the site in this application.

The east frontage of the house is bounded by a low stone wall with wrought iron gates which require substantial repair.

Public presentation of the house from the approach road shows the entry front of the house framed by low planting with tall eucalypts at the rear visible over the roof.



Figure 10 - Principal view of the heritage item as viewed from the gateway entry to the Right of Way and garage which do not form part of the existing Council heritage listing but are proposed to be included in the strata to be created within the development that includes the heritage item. The earlier landscape setting of the house has been substantially lost due to neglect.



Figure 11 - The rear of the house showing the later enclosed verandah and the extension and Billiard Room Terrace to the south.



Figure 12 - Northern elevation showing graffiti and boarded up windows.



Figure 13 - The rear (southern) elevation of the former house from the swimming pool area showing the later additions including the elevated decks and Billiards Room.



Figure 14 - The modern elevated pool terrace and swimming pool which is proposed to be demolished in this application.



Figure7 - The modern pool house additions, flat roofed extensions and 1940s Billiard Room addition on the southern side of the house. The Pool House is proposed to be demolished to allow for new landscaping as a setting for the heritage item.

The front presentation of the house does not evidence the substantial 9 metre site fall to the south west which is currently taken up by later built up levels including the pool house and the pool terrace.

The early landscape character of the original setting of the heritage item which is now largely outside the lot which forms the existing listed heritage item's site has overgrown to the point where it is difficult to perceive. The principal aspects of the original design which form the immediate setting of the former house appear to be the entry forecourt, sandstone walls and wrought iron gates, the stone retaining walls to the rear of the house and along the boundary with the railway corridor and the general open lawn area to the south which is bordered by large trees.

4.0 THE REVISED CONCEPT PLAN PROPOSAL MAY 2015

The Amended Concept Proposal for redevelopment of the wider site includes the future use of the heritage item as a private community facility within the development as shown on the plans attached to this statement. This involves conservation of the existing building and the recreation of an appropriate reduced landscape setting within the surrounding development of the site.

The final submission drawings are issue 'T' which include the following changes to the approved concept plan:

The revised Concept Plan for development of the site includes retention, conservation and adaptation of the heritage item, retention and rehabilitation of the forest land, inclusion of the site at No. 3 Avon Road, demolition of the existing houses at 3 & 5 Avon Road and 8 Beechworth Road and the construction of three new residential unit buildings and associated access roads underground parking and landscaping.

The revised concept plan is shown on the issue 'T' drawings prepared by Marchese Partners on behalf of Ausbao Pymble Pty Ltd.

In relation to the heritage item at No. 1 Avon Road the proposed works involve conservation works to repair and reinstate original features including the slate roof and timber window joinery, demolition of the later pool house structure and pool terrace and construction of an external access lift to provide access from the principal frontage to the lower section of the site.

The land to the east of the house is to be reconfigured and landscaped as a stepped accessway through the site adjacent to the new buildings fronting Avon Road, with the provision of a lift to facilitate disability access, while the land to the west of the house at the rear is to be substantially retained in a similar character and configuration as the existing landscaping taking into consideration the necessary levels for new buildings and access etc.

The entry forecourt is to be re-landscaped in a traditional manner with elements of the existing formal sandstone paving and garden layout reconstructed. The stone front fence and gates are to be restored while the area currently occupied by the garage is to be left open as part of the expanded setting of the item to the north.

The general description of changes to the approved concept plan are as follows:

- Additional level of basement under Building 1 & 3
- Extension to basement under Building 4
- 3 units on new lower level RL 126
- increase in deep soil area to 73.2% from 62%
- driveway relocated further north to minimise impact to No.7 Avon Road
- reduction in overall number of units from 187 to 176
- increased set back of building 4 to riparian corridor
- increase in set back of building 1 to No 7 Avon Rd
- removal of snorkel bedrooms
- retention of cross over units
- provision of adaptable units on the ground floor

The only area of change which potentially could impact further on the heritage relates to the relocation of Building 4 which has been reconfigured to address the location of the Riparian Zone. While the separation of parts of Building 4 from the heritage item is less than the desired 12 metres suggested by Council, in my opinion there would be no significant additional impacts arising from the proposed changes or the proximity of Building 4 to the rear of the heritage item.

Issues relating to Urban Design, Town Planning and Landscape Design have been dealt with by other reports submitted with this application.

5.0 HERITAGE IMPACT ASSESSMENT

5.1 Introduction

The following assessment of this application is based on the guidelines set out by the NSW Heritage Office (now Heritage Branch of the Department of Environment and Heritage) publication 'Statements of Heritage Impact', 2002. The standard format has been adapted to suit the circumstances of this application.

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

- The revised proposal maintains the general relationships established in the approved concept plan for the site and the indicative new heritage lot curtilage established following consultation with Council during the Court proceedings for the establishment of a strata lot in the development subject to future changes to the LEP listing.
- Future private community use of the building will activate the heritage building and provide for accommodation of an on-site caretaker. The proposed uses are shown on drawings submitted with the revised application and attached as an appendix to this statement.
- Appropriate landscaped surroundings will enable the visibility of the heritage item from the public domain to be maintained and enhanced as shown in the final landscape plans.
- The development of the adjoining land will provide an impetus and financial incentive for the retention and conservation of the existing house which is severely dilapidated and requires substantial capital investment to be retained.
- The location of new residential buildings on the land adjoining the heritage item allows for the retention of an appropriate physical curtilage as well as providing for substantial degrees of physical separation from the new structures to ensure the item is still capable of recognition as an Edwardian home on a large site.
- Issues of potential privacy for the units in Building 4 from any active public uses proposed for the heritage item are addressed by the use of obscure glazing in the western façade of the item and the appropriate use of internal blinds and curtains in those public spaces to limit any potential adverse issues.
- The original entry forecourt area and associated landscaping is retained to ensure that traditional views to the house are available from the public domain in Avon Road.

- The proposal retains and conserves the later Billiard Room as well as the original portion of the house to show the evolution of its design throughout the 20th century.
- The opening up of a large central landscape area to the south allows views from the house into the areas of the site currently overgrown and visually separated from it.

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

- There are no additional impacts arising from the current modifications to the concept plan that would result in any significant additional impacts on the heritage item over those already identified and accepted as being reasonable to the circumstances of this site and its redevelopment in accordance with the concept plan.
- The Council has identified the proximity of Build 4 to the rear of the Heritage Item as a concern, however I consider there is adequate separation and mitigation through the design and the use of obscure glass in the public areas of the item to avoid any privacy concerns. Building 4 which is the largest of the proposed structures is located to the North West of the heritage item with a stepped edge where it faces towards the rear of the item. At the closest point, the corner of the new building which is at an angle to the heritage item is 6.1 metres from the rear verandah. In other locations the new building is 8metres and 11 metres distant to the edge of the heritage item. These points of proximity do not however in my opinion create any significant heritage impact notwithstanding they do not meet the DCP control for physical separation.
- I consider the 12 meter separation requirement of the DCP to be unnecessary in this circumstance for the retention of heritage values associated with the particulars of this site and the level of significance of the item as demonstrated in the numerous assessments made over time by varying heritage consultants.

The following sympathetic solutions have been considered and discounted for the following reasons:

- Given the history that has led to the current development proposal and the desirability for increased density identified for this site, the current development options, including retention, conservation and adaptation of the existing house is the preferred option which is being developed after investigation of other alternatives which would not lead to acceptable conservation outcomes for this site.
- This revised concept plan proposal is the result of substantial reconsideration of the earlier concepts for the site following discussions between the various interested parties to ensure that an acceptable outcome is reached which recognises the development potential and sustainability of the site. This option is the one adopted to pursue from a variety of alternatives to ensure compatibility with the context and protection of the limited identified heritage values.
- Additional solutions for the conservation of the heritage item are not required in the circumstances of this application.

5.2 Partial demolition

It is proposed to demolish sections of the later additions to the original house at No. 1 Avon Road including the pool room and the elevated pool terrace to allow for the creation of an appropriate through site access into the centre of the site. Some internal demolition will also be required to facilitate the proposed new use of the building as a private community facility as shown in the drawings attached to this statement.

- *Is the demolition essential for the heritage item to function?*

The areas of later additions to be demolished are no longer essential to the functioning of the heritage item and have no intrinsic heritage value. They represent late 20th century additions which are of a lower quality and standard and are not entirely sympathetic to the original heritage fabric.

The minor internal demolition works are to be carried out in areas of lower significance and are designed to fit into the 'residential character' of the existing building which will cease with the new use. No significant elements are affected by these proposed works.

- *Are important features of the item affected by the demolition?*

No important elements of the original fabric are affected by the proposed demolition works either internally or externally.

- *Is the resolution to partially demolish sympathetic to the heritage significance of the item (eg creating large square openings in internal walls rather than removing the wall altogether)?*

Demolition of the later additions to the south east will require some partial reconstruction of open areas and will involve the construction of a new terraced access way as part of the landscape treatment designed for the setting of the item. In the revised concept plan no other partial demolition is proposed however in the future adaptation of the building additional minor works will be required for functional and aesthetic reasons. These changes are not likely to affect the appearance or the basic planning of the building. The proposed adaptation is shown in the drawings attached to this statement for reference.

- *If the partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired?*

The building fabric of the heritage item is in poor condition and it is likely that some areas will need to be replaced rather than repaired. In the circumstances of the condition of the place this degree of change will be acceptable. Repair and maintenance of heritage fabric on the basis of like for like details and finishes are exempt from approval subject to notification to the Council. A submission in this regard has already been made to Council to allow for essential repairs to make the structure safe and weatherproof and works to that effect have been carried out.

5.3 Change of use

The concept envisages the adaptation and re-use of the heritage item for private community uses associated with the rest of the site's development and compatible with the remaining heritage values of the place. Residential use of the building has been dismissed as not being compatible with the overall

development of the site however provision for a live –in caretaker in the existing basement flat will be a considered use. Other uses contemplated for the existing spaces include serviced office spaces, postal collection room, owner’s corporation meeting and function rooms, gym and associated facilities. These proposed uses are depicted on the revised plans and a copy of the adaptive re-use drawings are attached to this statement for reference.

The uses are compatible with the existing plan layout and will result in minimal adverse impacts on any identified heritage values associated with this property.

- *Has the advice of a heritage consultant or structural engineer been sought? Has the consultant’s advice been implemented? If not, why not?*

This report provides evidence of the continued heritage advice sought by the Applicant to ensure that heritage matters are appropriately addressed. A series of recognised consultants in the field have provided advice over a number of years which included removal of the listing, retention and conservation and options for the adaptive re-use of the site for a compatible new use. A more detailed submission in regard to the heritage item will form part of the future approvals process.

- *Does the existing use contribute to the significance of the heritage item?*

The building ceased to be a residence some years ago. While it was built as a residence the continuation of that use is not essential to its Local heritage values.

- *What changes to the fabric are required as a result of the change of use?*

A development approval for temporary use of the building as a display centre has been approved by Council and involves some works to less significant parts of the building which will be retained in the final adaptation. In the present concept planning stage no further changes to the fabric apart from the proposed demolition works to the pool house and raised pool terrace. A new lift is proposed to be connected externally to the later additions to allow for access over the large change in level from the forecourt to the rear lawn areas. None of the changes will have any significant adverse impact on the identified values of the local heritage item.

- *What changes to the site are required as a result of the change of use?*

The site is a confined area immediately surrounding the former house. Within this reduced lot curtilage defined as Lot 1 in the current proposal, the major changes are associated with the demolition works and the creation of a terraced areas and steps to provide pedestrian access from the upper level to the rear central lawn area. The proposed new development impinges on the existing listed heritage curtilage but the setting is to be extended to the northern boundary and substantial open areas to the south are retained that extend the setting beyond the currently listed site area. The proposed reconfiguration of the listed area will need to be established by the creation of a strata lot in the development to simplify future management of the item within the common land associated with the proposed redevelopment. This can only occur once the strata plan for the development is approved. Council will need to vary the existing listing in the LEP in the future to reflect the general agreement established through the Court process for a new curtilage.

5.4 Minor additions

A minor addition to the existing building is proposed by way of an external lift shaft adjacent to the later additions on the south east corner of the heritage item.

- *How is the impact of the addition on the heritage significance of the item to be minimised?*

The proposed addition is not highly visible and will not dominate the principal facade or presentation of the item to the street. The new lift form is located hard against the later side additions to the original house where it will have minimal impact and will blend with the existing fabric.

5.5 New development adjacent to a heritage item

The principal development proposed in this planning concept is for the erection of three tall residential blocks in a large landscape setting. The general location and size of the blocks has resulted from discussions between the architects and the experts of the PAC and Council to achieve an appropriate and acceptable outcome. The current modifications represent the final design outcome following approval of the concept design and no further substantial changes are envisaged.

The approved concept plan envelope of Building 4 has been modified to address planning issues within that building which results in the north east corner of that part of the development being slightly closer in some areas to the curtilage boundary of the heritage item. The impact of this change is minimal and does not affect the established setting adopted for the item within the overall development context.

The proposed new buildings will have some visual impact on the wider setting of the retained heritage item but have been located to minimise adverse impact. The changes in the current revisions will not have any significant further impact in heritage terms and are considered acceptable for the context.

- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*

The retention of an appropriate separation and the creation of a sympathetic landscape setting for the heritage item and its retained curtilage will ensure that the impact of new development is minimised in this situation of adjoining development.

- *Why is the new development required to be adjacent to a heritage item?*

The site is one which has long been identified for increased density of development due to its relatively underdeveloped state and proximity to a major transport hub. Approval for the finalisation of the concept plan has been granted and the current submission represents the finalised submission for this Major Development Application.

- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*

The proposed heritage lot plan shown in the application retains much of the listed lot curtilage of the heritage item and extends the visual curtilage with a sympathetic landscape setting that forms the central space in the concept plan's layout for the site. This curtilage will need to form a separate strata in the

overall development and formalisation of the new curtilage will be sought through a change to the existing LEP entry by Council at a future date.

- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*

The principal view of the heritage item is from Avon Road and the front entry gates. Views of the house from this point will be retained even though there will be some reduction in the treed backdrop of the house as a result of the proposed development. Adequate separation has been provided to maintain an adequate setting for the item in this primary view.

- *Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*

The development is sited on land that has previously been developed to some extent but is unlikely to contain significant archaeological relics or information that would be of any substantial heritage value.

- *Will the public, and users of the item, still be able to view and appreciate its significance?*

Given the potential for limited public access to the site appreciation of the heritage item will be enhanced by the present proposal in a manner that it currently does not enjoy.

5.6 Subdivision

- *How is the proposed curtilage allowed around the heritage item appropriate?*

The existing listed lot curtilage has been modified by the current proposal requiring a realignment of boundaries so that future management of the item is simplified in relation to its location in the common areas of the development. The existing lot boundary is somewhat arbitrary in relation to the historic development of the site and was drawn with the intention of future development. The areas now proposed to surround the item provide for an adequate physical and visual setting of the item in this context. This new lot will be a separate strata in the Strata Plan when it is registered and will require Council to modify the LEP listing for the site which is based on the existing lot boundaries.

The Project Application is subject to the Part 3A Transition provisions of the EP&A Act 1979, therefore the provisions of local environment planning instruments do not apply. Notwithstanding this, changes to a local heritage item and its curtilage are permissible with development consent under Clause 5.10 of the Ku ring gai LEP 2012. There is no requirement in the Act for the Proponent to prepare a planning proposal to subsequently amend the LEP. It should be noted that the current LEP mapping for heritage items in Ku ring gai is not on the basis of a defined footprint or curtilage, as suggested by Council, but rather only designates the Lot and DP the item is located on. Changes to Council's LEP are a matter for Council to consider as part of any future review of its LEP controls and documents.

5.7 Repainting

Opportunities for the repair and redecoration of the heritage item arise from the proposed development in the revised concept plan. These works have been carried out under exempt provisions of the LEP with Council agreement and

enhance the item by restoring part of its original visual presentation. Repainting of the existing painted surfaces is considered repair and maintenance works. Appropriate colour schemes were adopted that complement the early 20th century Arts & Crafts character of the building.

5.8 Re-roofing/re-cladding

The existing slate roof was in severe disrepair and has been replaced with a new slate roof under exempt provisions of the LEP with Council agreement. This work will not only aid in the conservation of the building fabric but will enhance the presentation of the item. The new work matches the original in materials and details and includes new guttering and downpipes.

5.9 New landscape works and features

The revised concept plan includes a comprehensive landscape design for the immediate setting of the heritage item and the wider setting which forms the landscape for the surrounding residential buildings. This design was prepared following an assessment of the proposed revised curtilage of the item, its historical setting and the requirement for access led to the design.

A separate report identifying the landscape works has been prepared by Taylor Brammer Landscape Architects with particular heritage experience.

- *How has the impact of the new work on the heritage significance of the existing landscape been minimised?*

The existing landscape is highly degraded with only limited evidence of the earlier character and structure. The proposal maintains an appropriate setting particularly at the frontage of the site off Avon Road and in the terraced treatment of the falling land to the south. The open area creates a focus on the heritage item from within the site and provides for an outlook which was previously available but has subsequently been lost.

- *Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?*

Aerial photographs were used to determine the earlier layout of the site beyond the present heritage lot curtilage of the house and this has informed the approach to the current design without requiring the reconstruction of the earlier layout and detail.

- *Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?*

The design has been prepared using input from a heritage consultant and a well-recognised firm of landscape architects with heritage experience.

- *Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?*

Given the history of the site and the change over the last 50 years, it is unlikely that there will be any significant archaeological relics that would be of any significance in the wider setting of the heritage item.

- *How does the work impact on views to, and from, adjacent heritage items?*

The proposal provides for increased views to and from the item. The landscaping does not affect any significant views or the public appreciation of the item.

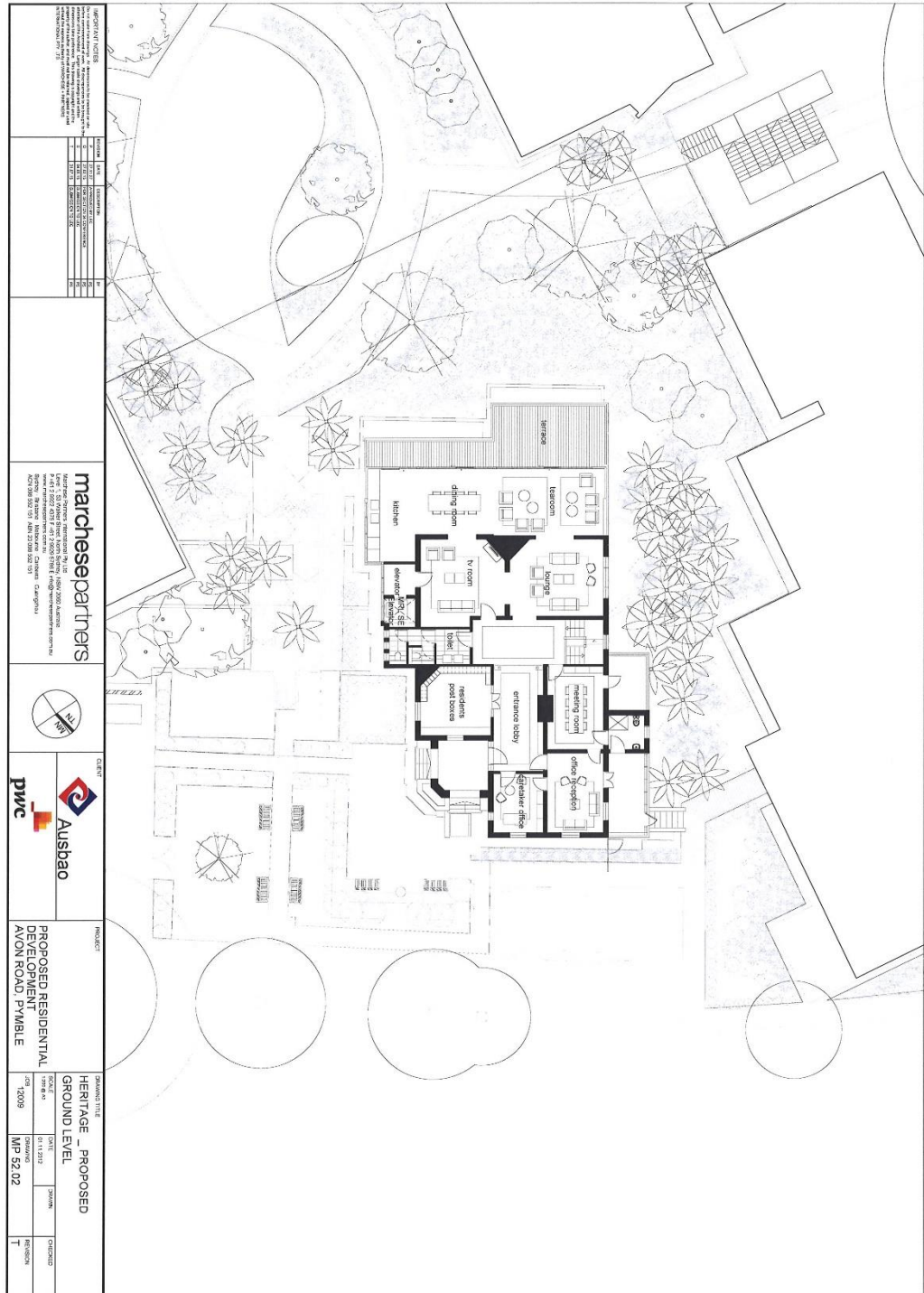
6.0 CONCLUSION

The proposed works in the amended submission described above do not in my opinion, adversely affect the identified local heritage significance of the property or its existing highly compromised setting. The modifications as they relate to the heritage item and its proposed reduced setting make no significant change to the previously approved concept plan. Approval of the application as now submitted will facilitate the ongoing conservation of the heritage item that would otherwise be problematic, I therefore recommend the heritage aspects of this application be approved.



Robert Staas
Director / Heritage Consultant
NBRS+PARTNERS
September 2015

APPENDIX
 Proposed adaptive re-use of the existing building
 As submitted in the Revised Application



Ground Floor Plan showing proposed future adaptive re-use functions of existing spaces.

