
Sent: 11/03/2021 8:34:35 PM

Subject: Submission regarding DA2020/1480 - 8 Forest Road, Warriewood

Attachments: Submission for DA2020-1480 8 Forest Road, Warriewood - K Zindel & A Burns.pdf; Examples of History to 8 Forest Road.pdf; Submission for DA2020-1489 8 Forest Road, Warriewood - K Zindel & A Burns.pdf;

Hello,

I attach submission regarding the above DA for the attention of Ms Anne-Marie Young. Please note there are three attachments.

Thank you
Kristin Zindel

11 March 2021

Attn: Anne-Maree Young
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

By email

Dear Mrs Young,

RE: DEVELOPMENT APPLICATION FOR 8 FOREST ROAD, WARRIEWOOD
Application Number: DA2020/1480

We are writing with concerns regarding the new Development Application for 8 Forest Road, Warriewood, otherwise known as Lot 1 Jubilee Avenue, Warriewood which has recently been lodged with Council and opened for comment, alongside the Development Application **DA2020/1489**, also for this property.

We request that Council take into consideration the submission made under DA2020/1489 previously, and all the attachments. It is entirely applicable to this DA2020/1480. Our main objection is to the intended demolishing of the existing house on the property, which we believe should be retained and was ordered such under the consent given by the Land & Environment Court to the original DA in 2017. We have enclosed a copy of this letter, and understand that Council are in possession of the attachments from the associated Development Application and ask that they be considered hereunder. This also includes the petition lodged with Council of 810 signatures regarding the retaining of the house.

We would add further that we have now come in contact with several past residents of the house known as Oaklands; and more importantly, the descendants of the original builders and occupants, the Wilsons. We have established some detail as to the history of the house, including its importance as one of the last remaining associations with market gardening in Warriewood Valley, and believe that it is important information retaining to its heritage value. Once this information is collated we intend to lodge a request with Council that the house be considered for urgent heritage listing. Therefore, no demolition of the house should take place until this information is considered by Council. Brief examples are attached to this letter to indicate some of these areas of interest, which together with other information will establish a rich history to this house.

Yours sincerely,

Kristin Zindel and Anthony Burns

Ph: 0410 687 109

Email: kristin_zindel@hotmail.com



Florence and Daisy Wilson at Oaklands

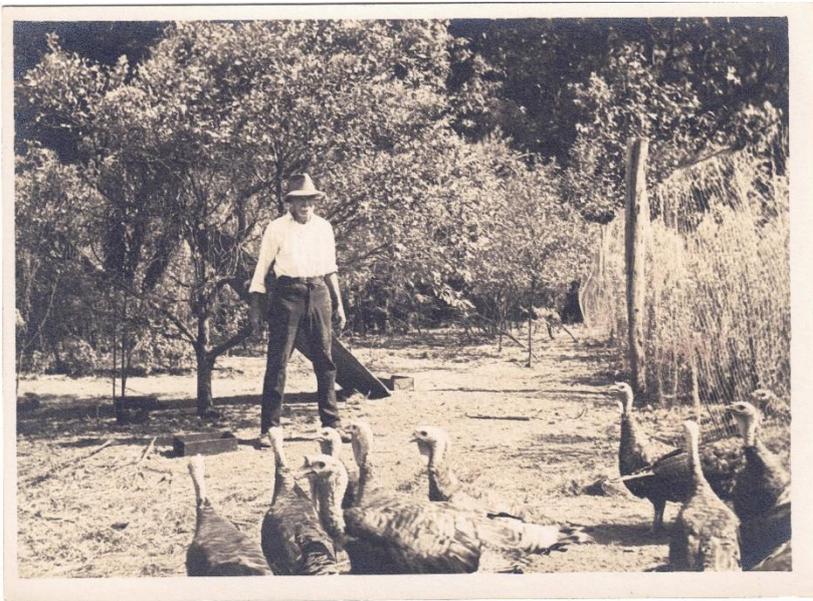


Daisy Wilson at Oaklands

Ernest Wilson at Oaklands



Harold Wilson at Oaklands



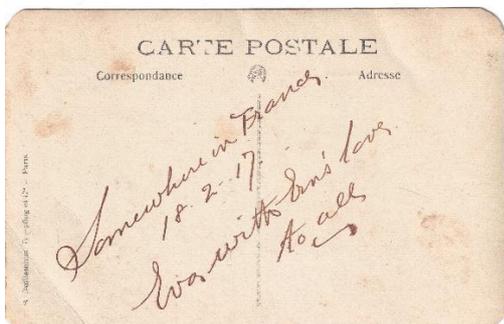
Ernest Wilson the turkey farmer



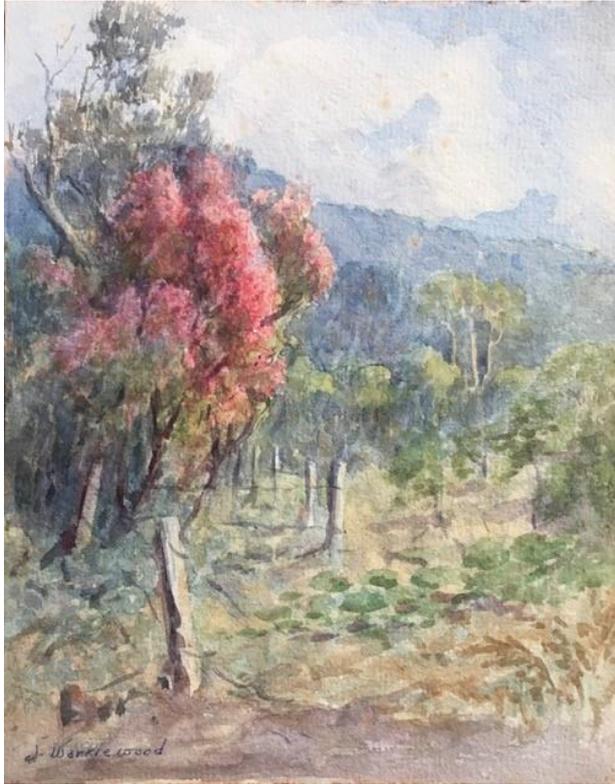
Cutting wood at Oaklands



Ernest in First World War



Daisy Wilson was a prolific water colour painter. Many of her paintings still exist.



'At Warriewood'



'Spring at Oaklands'

Oaklands in the early 1950s



Also numerous events, such as the below murder victim being found by a previous tenant of Oaklands on the property in 1971:

PEEP INTO SPRING LAY-BY NOW FOR SUMMER at NURSERY NOOK Baby & Children's Wear Specialists 30 The Manly Mall 74 The Corso, Manly

The Manly Daily 237,000 COPIES HOME-DELIVERED WEEKLY

26 Sydney Road, Manly, 2095. 97 0321 and 97 0351 (15 lines)

THURSDAY, AUGUST 12, 1971. PRICE: 5c

Mainly sunny. Est. temp. range, 48-64 degrees.

Detectives search for skeleton clues



Collaroy detectives have not ruled out the possibility that a 43-year-old man, whose skeleton was found at Warriewood on Tuesday, was the victim of a gangland murder.

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Gangland murder possible

However, they have been told that a method of strangulation — apparently similar to that used on the body — had been used in several suicides in the Far West of the state.

The condition of the body and the height of the grass around it indicated it had lain there for several months.

The skeleton was found by Mr. John King on the property he rents.

It had 18 inches of casing wire looped twice in a position apparently around the neck.

A government medical officer identified a number of bones found in the area on Tuesday as skull and jaw bones.

Detectives went back yesterday and found dozens of pieces of skull bone, fingernails, vertebrae, and pieces of hand bones.

These will be pieced together by police experts in an attempt to positively identify the body. Police believe the man is Arthur Fred-

eric Savill, 43, of Compsie.

They said that a wallet found on the body contained a licence and army

discharge papers in that name.

The man, as William Arthur Savill, had a criminal record for offences ranging from assault and robbery to having an unlicensed pistol.

He is at present wanted on warrant.

Det. Sgt. M. Schloeffel is in charge of inquiries. He is being assisted by Det. Sgt. R. Brown, of the Scientific Squad, Det. G. O'Brien, and Det. B. Heinke, of Collaroy.

At left detectives search for skeleton fragments. The position the body was found is indicated. Above — some of the results of their search.

PLEA TO UP-DATE SCHOOL USE

The N.S.W. Department of Education plans to establish a new high school for French's Forest—but not fast enough for district parents.

The parents are seeking occupancy of the new school, Davidson High School, next year.

However the Minister

Minister says no

for Education, Mr. Cutler, has refused to up-date plans.

He says that first-year

pupils will be "billeted out" at Killarney Heights High School — as originally proposed.

They will remain there until the Davidson is complete.

The new school will be built on the same site as the Mimosa Primary School.

Mr. Cutler outlined his position in a letter to Mr. R. O. Healey, M.L.A. for Davidson, who has been trying to have work on the new school speeded up.

Mr. Healey has asked to have the building

Mr. Cutler claimed that such an arrangement would not be feasible.

He said in his letter to Mr. Healey:

"There are several practical difficulties weighing against the housing of the school's intake on the site next year.

"The construction project itself will require maximum use of the area. With the necessary distribution of earth and rock fill, no safe playground space will be available at first.

"On the other hand, at Killarney Heights pupils will have available all the facilities of a completed school-playing area, library and fully-equipped laboratories."

Mr. Cutler said funds had been allocated to complete the third stage of Killarney Heights High School partly to provide for the "boarding" situation.

FOR HOMES NOT PARK

Warringah Shire Council wants Crown land added to a Newport reserve.

But the Department of Lands has decided that it will subdivide the land and sell it for housing blocks.

The department, apart from its real estate activities, is also the State Government instrumentally responsible for preserving and creating parkland.

The department told the council of its

On Monday night, the Minister for Local Government, Mr. P. H. Morton, acting for the Minister for Lands, Mr. T. L. Lewis, said the Lands Department decision to proceed with a residential subdivision could not be altered. He refused to receive a council deputation.

Cr. P. W. Dawson moved that the council express its concern and ask the State Premier, Mr. Askin, to bring the matter

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- 404 SYDNEY ROAD

2 February 2021

Attn: Anne-Maree Young
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

By hand

Dear Mrs Young,

RE: DEVELOPMENT APPLICATION FOR 8 FOREST ROAD, WARRIEWOOD
Application Number: DA2020/1489

We are writing with concerns regarding the proposed amended Development Application for 8 Forest Road, Warriewood, otherwise known as Lot 1 Jubilee Avenue, Warriewood.

Mrs Young may recall previous correspondence with Kristin Zindel in particular and Council regarding the existing house on the property and its heritage status and protection stretching back to 2015. We ourselves lived in the house for 6.5 years up until July 2017. It has significant history attached to it which can be seen from the enclosed documents.

Now, as a result of neglect and non-compliance with the original DA by the current owners of 8 Forest Road and non-enforcement by Council of original DA conditions, the house on the property is in extreme danger of being demolished.

I enclose for your attention the following:

- A. Original request to Council for heritage protection dated 15 June 2015 and attachments.
- B. Email chain between Kristin Zindel and various relevant members of Council from October 2015 to June 2019.
- C. Summary of said emails.
- D. Letter from Council dated 13 February 2018 to Kristin Zindel.
- E. Figure 1 of Anderson report dated August 2020 (with handwritten additions).
- F. 2017 Court approved plans.
- G. Masterplan from proposed DA.
- H. Site plan from proposed DA.
- I. 1978 view of house from distance.
- J. Petition with comments.
- K. Comments made from Facebook pages where petition was posted.
- L. History of house.

Failure to Protect the House

The current proposal put forward by the owners to demolish the existing house is the very situation we warned Council of and were attempting to avoid. We requested Council to consider the house for Local Heritage protection; and for an Interim Heritage Order while this decision was finalised. This process extended through 2015, 2016 and 2017 (see attachments **A, B, C**). Neither of these were ever granted, despite Karen Buckingham and an independent Heritage Consultant (engaged by the owner) attending the house in **April 2016** and viewing its many features, and agreeing the house had potential to be retained and even historically protected. This report from the Heritage Consultant is currently the subject of an FOI request and Council should appraise themselves of this report accordingly.

Once the original Development Application was granted by the Land and Environment Court in 2017, we ourselves left the house at the request of the owners. It soon came to our attention that the house was being targeted by vandals and we requested the Council to contact the owners to secure the property. We also went to the Mona Vale Police to try and report the vandalism however they stated they could do nothing unless the owners filed a report. Council was advised of this. We further contacted Mr John Sherwood, the then Project Manager for the construction on the property, to advise people had been seen in the house at night. On each of three occasions he advised that construction was 'just about to start', which of course it never did.

Over this period of time, we have been advised from members of the public that often lights were seen in the house, and police were called multiple times, only for the trespassers to disappear once police arrived. Nearby residents are very concerned something will happen to the house and the surrounding bushland, perhaps causing a fire, which will be a danger to themselves and their properties.

We finally received a letter from Council dated 13 February 2018 (attachment **D**) which stated a number of key points:

*"As per the consent issued by the Land and Environment Court in May 2017, the existing farmhouse known as 'Oaklands' is **required to be retained on site** ... Also the Court ... endorsed the Heritage Assessment & Statement of Heritage Impact ... Therefore the owners have a responsibility to ensure that **this house is not damaged**".*

The letter also stated Council had written to the owners reminding them of their obligations and requested they establish security measures on the property to protect the house. They stated:

"The house is of known local heritage significance and should be protected from further damage, and also because the Court approval requires retention of the house and that the site be fenced during construction".

The owners were and are therefore under obligation to sufficiently protect the house, which they **have not done**, according to the conditions of the Court approval of their Development Application. It is because of their actions (or lack thereof) that the house is in its current state. When we left it, it was liveable and a great example of 1920s architecture in Australia (see photographs in our letter dated 15 July 2015). Had we remained, it would still be in a much better condition than it is now. The owners, therefore, should be responsible for restoring the house to a suitable state to be subdivided and sold as a separate lot as originally planned.

We submit the Northern Beaches Council has also failed to enforce the conditions of the original Development Application and indeed their own directions to the owners to maintain the property and in particular the house. We have not heard from anyone at the Council since our last email dated 11 June 2019.

Current DA2020/1489

Asset Protection Zone

We note the reports provided with the current pending Development Application amendment recommending that the house be demolished due to the necessity to remove significant vegetation around the house itself, recommending an area of 0.2 ha under BAL40, for an 18 to 24 metre buffer. We have included Figure 1 of the Anderson report dated August 2020 (attachment **E**), which shows the area around the house suggested to be cleared. We have imposed the guidelines from Figure 6 of the same report indicating the Asset Protection Zone (APZ) for the entire development on Figure 1; in fact this shows that a significant amount of vegetation will be removed to clear this zone for the intended dwellings, and in fact some of this falls within the house protection zone. What remains is therefore less than 0.2 ha to be cleared.

Further, in the original **Court approved** plans from 2017 (attachment **F**), it can be seen that the APZ was always intended to be the shaded area around the house, to a distance of **20 metres** which is not much more vegetation clearance than that indicated by Figure 1; in fact it is seemingly the boundary for the recommended BAL40 (which is 18 to 24 metres). This then has already been approved.

Additionally, in the Masterplan from the current DA (attachment **G**) and in the site plan by Jackson Teece (attachment **H**), it would appear that the area proposed for the 'recreation site' in place of the house will involve vegetation removal in any event. The Masterplan appears to show large tracts of grassland with only some trees; the site plan shows the white clearance around the recreation area with the green bushland not starting until some way back. Therefore if vegetation must be cleared whether the house is there or not, why not keep the house?

More importantly, however, in the Anderson report dated 7 August 2020 signed by Natalie Black, in the last paragraph on page 9 it is stated:

*“This assessment has determined that if the existing building is to be retained it will require extensive upgrades to comply with current standards **OR** [our emphasis] native vegetation must be removed from the site.”*

Our submission therefore is that the owners must comply with the original Court ordered requirements that the house be retained, and renovated to make it compliant with current standards, even if this requires ‘extensive upgrades’. This will result in less vegetation being required to be removed.

Please also note in the abovementioned letter to Jackson Teece by Natalie Black of AEP pages 6 to 9 set out the building requirements and comments on the state of repair of the house. Nowhere in Natalie Black’s CV does she demonstrate building experience of any description, and therefore there is no expert opinion provided on what repairs are required to the house to ensure its safety from fire.

It is entirely due to the owners’ non-compliance, and lack of enforcement by the Council, that this situation has arisen, and the owners should be held responsible and accountable to the requirements of their original Development Application and restore the house. At the very least the owners should be fined for failure to comply to date.

We also enclose a photo taken of Warriewood Valley showing the house at 8 Forest Road in the background, right at the base of the escarpment (attachment I). It can be seen from the photograph that there is in fact a cleared vegetation section around the house (should this not be visible to you in hard copy, please contact us for the digital copy). We note that since its construction, the house has survived various fires in and around the Escarpment, most notably the major fires in 1994 which took hold in the Escarpment. Sufficiently renovated, it can also withstand future threat from fires.

Microbat Population Under Existing House

At the time Craig Anderson attended the property in 2015 to carry out his ecological report, he was advised by Anthony Burns that we had witnessed the existence of a population of microbats (exact species unknown, but presumed to be a cave dwelling species) living under the house in the stonework foundations. On numerous evenings we would observe bats flying from under the porch near the kitchen (see image next page) for nightly feeding. We would also see often a python hanging from the railing above the opening upside down, waiting for bats to fly out for *its* meal.



Exit and entry of microbats



Railing where python would watch for exiting bats

Therefore the statements by in the AEP in the Ecological Assessment Report of October 2020 in regard to cave-dwelling microbats that:

- *“the Subject Site is foraging habitat only”* – page 35; and
- *“The development zone is largely devoid of any rock outcrop areas, and any such areas of structural note are not proposed to be physically altered by development”* – page 29

are clearly false (and the report author had been advised of the population prior). Thus any removal of the house will destroy the habitat of the microbats living under the house, and with limited suitable habitat in the surrounding bushland they may not be able to re-establish.

Public Disapproval

We wanted to make the Northern Beaches public aware of this situation, as it is not acceptable that it has reached this stage. We have in the past few weeks launched a petition via social media, which has garnered over 600 signatures, and drawn sufficient commentary. We also provided articles to the Pittwater Online News, The Manly Daily, Peninsula Living magazine, and have a story from the ABC which is pending. Many people are rightly upset about the intended destruction of this heritage, and want action by the Council and other authorities to prevent this from happening. The petition and associated comments are enclosed for your perusal (attachment J).

Mitigation Measures

Finally, and in the alternative, should the demolition of the house go ahead despite all of the above and other submissions put to Council by other parties, we note the 'Mitigation Measures' stated at page 3 of the Weir Phillips Heritage and Planning Heritage Impact Statement regarding preparing an archival recording of the house and its surroundings, and its historic context to be recorded. We would request that Council contact us in the event of demolition to provide our input into these records, as we have a wealth of information and visual records which we believe would be invaluable to this archival recording being made. We trust however it will not come to this stage.

We hope you will give sufficient consideration to all these matters raised in regard to this proposed amended Development Application, and please contact us should you require further information.

Yours sincerely,

Kristin Zindel
67 Wesley Street
Elanora Heights NSW 2101

Anthony Burns

Ph: 0410 68 109

E-mail: kristin_zindel@hotmail.com