

## Heritage Referral Response

<b>Application Number:</b>	DA2023/1107
<b>Proposed Development:</b>	Change of use and alterations and additions to Office C for the purpose of a centre-based child care facility and associated landscaping and signage
<b>Date:</b>	01/08/2024
<b>To:</b>	Nick Keeler
<b>Land to be developed (Address):</b>	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099

### Officer comments

HERITAGE COMMENTS		
Discussion of reason for referral		
This application has been referred as the site contains a heritage item, being <b>Item I52 - Roche Building</b> and is within the vicinity of 2 other heritage items being <b>Item I53 - Givaudan-Roure Offices</b> and <b>Item I38 Trees - Campbell Avenue</b> , which are all listed within Schedule 5 of Warringah LEP2011.		
Details of heritage items affected		
<p>Details of heritage item on site, as contained within the Heritage Inventory, are:</p> <p><b>Item I52 - Roche building</b></p> <p><u>Statement of Significance</u></p> <p>A substantial &amp; excellent example of an industrial complex in the late 20th Century international style. Displays high degree of integrity. One of first industrial complexes set in substantial landscaped grounds. Socially significant due to landmark nature</p> <p><u>Physical Description</u></p> <p>Industrial/office building of off-form concrete with glass curtain walling. Assymetrical arrangement with hexagonal tower of off-form concrete with squatter glass-walled tower to east. Strong horizontal element provided by 3 storey office wing to west.</p>		
Other relevant heritage listings		
SEPP (Biodiversity and Conservation) 2021	No	Comment if applicable
Australian Heritage Register	No	
NSW State Heritage Register	No	
National Trust of Aust (NSW) Register	No	
RAIA Register of 20th Century Buildings of Significance	No	However, Roche building was previously on RAIA Register
Other	No	
Consideration of Application		
<p><b>Revised comment - 31 July 2024 - Amended Plans</b></p> <p>Amended plans were submitted in April 2024 and further amended information provided in July 2024, in response to a number of heritage concerns with the application.</p>		

### Permissibility

The application no longer relies on Clause 5.10(10) of Warringah LEP 2011, for the permissibility of the child care centre use. *Schedule 1, Part 2, Clause 5 of Standard Instrument (Local Environmental Plans) Order 2006* allows for the continuation of development that was previously permitted with consent before 26 April 2023, and this savings clause has an end date of 26 April 2025. Therefore, the child care centre is a permissible use with consent and heritage grounds are no longer needed to be used to approve the use.

### Amended plans

There were several concerns with the amended plans, including:

- The white *Vergola* shade structures, when closed, will be dense and dominate the heritage building. From a heritage point of view, the preferred option would be a dark lightweight structure covered by climbing vegetation to provide the required shade. However, it is recognised that shade provision would be dependent upon the health of the climbing vegetation and this type of structure would not provide rain protection. On this basis the *Vergola* structure can be supported, as long as it is not white, as shown on the plans. It should be a darker colour which integrates the structure better with the vegetation, while also not dominating the building facade. (but not black or other very dark colours such as Monument);
- The proposed timber decking area in front of Activity areas 01/02 should be replaced by a paved area, if necessary with a soft fall cover system;
- The use of netting as a safety device for the trees is not supported as it will have an adverse visual impact upon the appearance of the heritage building. Insufficient details were provided to fully assess the impact.

In response to these comments, further amended plans and information were submitted by the applicant in July 2024. The amended proposal deletes any netting of the tree canopy, removes the timber decking outside Activity area 01/02 and clarifies the ground treatment of the area outside Activity area 03/04.

The latest amended plans have been reviewed and can be considered acceptable on heritage grounds, subject to the *Vergola* being in a darker colour to minimise its visual impact upon the heritage item. A condition will be imposed to this effect.

Additionally, as this proposal will result in changes to the interior of a heritage building and its exterior setting, a comprehensive Photographic Archival Record is required to record the heritage item prior to any change. A condition will be imposed to this effect.

**Therefore, taking all matters into consideration, no objections are raised on heritage grounds, subject to the imposition of a number of conditions.**

### Original comment - 12 February 2024

This application proposes use of one the heritage listed building on-site for the purposes of a child care centre (Building 6), relying on the use of clause 5.10(10) of Warringah LEP 2011, to facilitate the change of use. This clause allows Council to approve a use otherwise prohibited by the zoning, if it is satisfied that the requirements of all of the five criteria in this clause are met. Essentially, the proposed use must facilitate the conservation of the heritage item and must not have an adverse impact upon the identified heritage significance of the item.

The application was supported by a Heritage Impact Statement by Heritage 21 (June 2023), which concludes that the proposal is acceptable on heritage terms, in relation to the works proposed and also in relation to the use as a child care centre, using the conservation incentives clause. This conclusion is not agreed with.

Heritage comments were received from Council's external heritage advisor, Robert Moore, who assessed the impact of the proposal on the significance of the heritage item:

#### Contextual works (landscaping)

It is in this aspect of the proposal that significant impact appears entailed by the development. The specific needs of the proposal for treatment of the associated external spaces and fencing gives rise to pronounced conflicts of character which would impact the core significance of the former Roche complex as a related group of Modernist buildings sited in a considered landscape setting. A major section of the garden around the building cannot be sequestered in the way proposed.

The shade structure, highly detailed and intense landscape treatment, and enveloping fencing all promise conflict with the "core idea" of the complex and would inappropriately distinguish the part of it to be occupied by this use.

The Modernist expression of rigorous, minimalist and consistent buildings set in an open bushland garden would be overwhelmed by what is proposed. The fencing in particular is at odds with the open setting, and would inhibit the intended visibility of the buildings in the original design.

I note the issues raised in the internal landscape referral regarding safety in a play area under mature indigenous tree cover.

#### External works

To the extent that the details and impact of these are clear, the substitution of opening door elements for existing glazing elements may be within the tolerable extent of changes that the building could sustain. Again the shade structure, intruding into the setting and differentiating this part of the complex, is difficult and adverse in its impact, in my opinion. Other changes to masonry may be avoidable with further discussion or capable of execution in acceptable ways.

#### Internal Works

While some form of lightweight, reversible partitioning might be anticipated in an open plan environment such as this part of the complex, the drawings suggest a complex permanent subdivision of the space with the creation of hallways, offices, service areas and bathrooms. The extensive wet areas must raise complex servicing issues, and would require invasive works for plumbing. Alternative approaches to that shown in the drawings might be possible, allowing for a genuinely reversible fit out of the space, more in tune with the management of the significance of such a complex.

Robert Moore concludes that as currently submitted, the proposal could not be supported in heritage terms, due to its clear and substantial impact upon the reasons why the complex is heritage listed.

In relation as to whether Clause 5.10(10) can be used to approve the use, the following comment is provided:

#### *Is the conservation of the heritage item facilitated by the granting of consent - cl 5.10(a)*

Conservation of the heritage item is not facilitated by the proposed use of the building as a child care centre, as the changes and adaptations proposed for that specific use are considered

detrimental to the fabric and significance of the heritage item. In particular the treatment and use of the outdoor play space is at odds with the identified significance of this heritage item.

Development in accordance with an approved heritage management document – cl 5.10(10)(b).

The application asserts that the proposed use as a child care centre is in accordance with an approved heritage management document. There is a CMP approved for the site, however this proposal is not in accordance with this document. The CMP lists the external walls, fenestration, internal structure and openings, along with the landscaping as having a High level of significance. A specific SHI was submitted with the DA, however, the conclusions of the SHI are not agreed with.

What is the necessary conservation work? - cl. 5.10(10)(c).

The proposed use as a child care centre does not propose any conservation works to the building, in fact it alters fabric and changes the landscaped setting, which is an essential part of the heritage significance of this item.

Will the Proposed Development adversely affect the heritage significance of the heritage item, including its setting? – cl 5.10(10)(d).

The proposed development will adversely impact upon the heritage significance of the building and its landscaped setting (as outlined above in the detailed DA comments above).

Any significant adverse effect on the amenity of the surrounding area – cl 5.10(10)(e).

The amenity of the surrounding area is affected by the proposed changes to the landscaped setting, which is a significant component of the heritage significance of the site.

Therefore, it is considered that this application does not meet the criteria outlined in Clause 5.10(10) of Warringah LEP 2011, to allow the approval of a child care centre use for this heritage building and its setting, contrary to the zoning provisions. The conservation of the item is not facilitated by its use as a child care centre and in fact, the proposal has an adverse impact upon the item's significance, in particular on the landscaped setting. In addition, it is considered that the proposal is inconsistent with Part 3.3 of State Environmental Planning Policy (Transport and Infrastructure) 2021, specifically Clause 3.23.

Therefore this application cannot be supported on heritage grounds.

Consider against the provisions of CL5.10 of WLEP 2011:

Is a Conservation Management Plan (CMP) Required? No

Has a CMP been provided? Existing CMP for site.

Is a Heritage Impact Statement required? Yes

Has a Heritage Impact Statement been provided? Yes

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

**Recommended Heritage Advisor Conditions:**

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION  
CERTIFICATE**

**Vergola structures - Colour**

The Vergola structures are not to be white. They need to be in a darker recessive colour (not black)

which blends with the landscape setting and does not dominate the heritage building facade. Details of the colour are to be submitted to Council's Heritage Officer for approval, prior to the issue of a construction certificate.

Reason: To ensure the Vergola structures do not detract from the heritage significance of the building and its landscaped setting.

### **Photographic Archival Record**

A photographic archival record of the site is to be made of all existing buildings and structures (including interiors and exteriors and their setting), generally in accordance with the guidelines issued by Heritage NSW.

This record must be submitted to Council's Heritage Officer for approval, prior to the issue of a construction certificate.

The photographic record should be made using digital technology and should include:

- Location of property, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Floor plans of any buildings at a scale of 1:100;
- Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. The extent of documentation will depend on the nature of the item.

Reason: To provide an archival photographic record of the site, including buildings and landscape elements, prior to any works.