

Heritage Referral Response

Application Number:	DA2022/2281
Proposed Development:	Formalisation of the use of premises as a restaurant (Pilu at Freshwater) including ancillary use as a function centre, increased patron numbers and extended hours of operation
Date:	22/03/2023
To:	Phil Lane
Land to be developed (Address):	Lot B DP 329073 , 80 Undercliff Road FRESHWATER NSW 2096

Officer comments

HERITAGE COMMENTS		
Discussion of reason for referral		
This application has been referred as it is a listed heritage item, being Item 176 - "Freshwater" Restaurant, 80 Undercliff Road, Freshwater , listed in Schedule 5 of WLEP 2011.		
Details of heritage items affected		
Details of this heritage item, as contained within the heritage inventory, are: Item 176 - "Freshwater" Restaurant, 80 Undercliff Road, Freshwater		
<u>Statement of Significance</u> A building with great social & historical significance as an early meeting place & recreation venue for the first settlers in Freshwater. Representative of the federation style, with high integrity. Prominent local landmark located above Freshwater Beach.		
<u>Physical Description</u> Two storey building of residential form. Timber weatherboard walls and tiled multi-gabled roof. Gables contain a variety of detail from timber shingles & timber battened trim to a variety of window types. Wide segmented verandah, infilled with glazing.		
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	
Other	No	
Consideration of Application		
This application seeks to formalise use of the site for events ancillary to the restaurant and also seeks approval for structures which have never been approved, namely the "Pilu Pavilion" and the "Wedding Ceremony Umbrella" located within the garden area of the existing heritage building. The application also proposes to update the restaurants operating hours.		
These structures are used for weddings and other events and are located to the east of the main heritage building. The application states that these structures were in existence (without consent) when Pilu began operating from the site in 2004. No physical works are proposed as part of this application.		

As this application is seeking approval for structures within the curtilage of a heritage building, which have never been approved, it is considered that the application should include an assessment of the impact of these structures on the heritage significance of the item. Therefore, a Heritage Impact Statement (HIS) is required.

It is noted that the application includes a statement that a Heritage Impact Assessment (HIS) is not required as the proposal is only to formalise a long standing use of the site and no physical works are proposed. This is not agreed with. As the structures have never been approved, a heritage assessment of impact is required.

Therefore, heritage cannot support this application until a Heritage Impact Statement has been submitted which assesses the impact of the existing garden structures and the use of the garden area for events, on the heritage significance of the main restaurant building. Once a HIS has been submitted, please refer back for heritage comment.

Further Comments

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

Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A

Is a Heritage Impact Statement required? **YES** Has a Heritage Impact Statement been provided?

NO

The proposal is therefore unsupported.

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

Recommended Heritage Advisor Conditions:

Nil.