

## Heritage Referral Response

<b>Application Number:</b>	DA2020/1596
<b>Date:</b>	13/07/2021
<b>To:</b>	Anne-Marie Young
<b>Land to be developed (Address):</b>	Lot 1 DP 1086858 , 6 Mitchell Road PALM BEACH NSW 2108

### Officer comments

<b>HERITAGE COMMENTS</b>
<b>Discussion of reason for referral</b>
<p>The proposal has been referred to Heritage as part of the subject site is heritage listed while the remainder adjoins the heritage item. While the listing only refers to 6A Mitchell Road, the mapping includes the split owned land parcel.</p> <p><b>Bible Garden - 6A Mitchell Road</b></p>
<b>Details of heritage items affected</b>
<p>Details of the item as contained within the Pittwater inventory is as follows:</p> <p><u>Statement of significance:</u>  The Bible Garden at Mitchell Road, Palm Beach is an item of local significance for Pittwater and possibly of State heritage significance for New South Wales. It is the result of the creativity of Gerald Hercules Robinson, a devout Christian who was inspired to construct a garden of biblical plants in a magnificent natural setting. As a rare example of its type of designed landscape it has provided and continues to provide inspiration to visitors of all religions as a place for quiet contemplation of the wonders of creation. The garden has special association with the Christian community for spiritual reasons and has considerable educational potential arising from its special plant collection and the natural environment in which it is located. The social values of the Bible Garden have been enhanced by ongoing efforts by Gerald Robinson's descendants and by interested 'Friends' of the Garden in collaboration with the local government authority to ensure that this special place is protected in perpetuity and that its original philosophy and character are retained</p> <p><u>Physical description:</u>  The subject land is located on the upper level of the sandstone escarpment to the south of Cabbage Tree Boat Harbour, at the southern end of Palm Beach. The land has a frontage of approximately 28 metres to Mitchell Road, a cul-de-sac off Pacific Road. The site has a north-westerly aspect and slopes steeply down from the road, with a fall of approximately 22 metres from the highest point at the Mitchell Road frontage to the lowest level. Residential properties border the site to the east, north and west. To the right of the entrance is an interpretive sign and to the left is a commemorative bronze plaque and a donation box for 'thank offerings'. A driveway of two concrete tyre tracks with turf between extends down the western side of the lot, then sweeps towards the north across a reinforced concrete elevated causeway, providing a right of way to the adjoining properties to the east. A single carport with metal deck roof is located to the south of the drive just west of the causeway. The major lookout from the garden is a terraced area at the top of the cliff. Located in this area is a plaque including biblical excerpts, seating and a copy of the Bible. The Bible Garden is located to the east and south of the driveway, with a series of lawn terraces between slopes and garden beds. Sandstone retaining walls replace the earlier concrete block walls constructed along the northern edges of the terraces. Major trees include a wild stone fruit tree, cypress and evergreen</p>

oak on the Mitchell Road boundary, two large pines, a mulberry and a carob on the flat northern area of the garden and a number of trees along the eastern boundary. An ornamental pond is located on the flat area towards the centre of the flat northern area of the garden and there are two metal garden sheds along the eastern boundary. From the elevated driveway there is a sheer drop of about 8 metres to the lawn in front of the residence below.

#### Other relevant heritage listings

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
Australian Heritage Register	No	
NSW State Heritage Register	No	The Bible Garden is not on the state register.
National Trust of Aust (NSW) Register		
RAIA Register of 20th Century Buildings of Significance	No	
Other		

#### Consideration of Application

The proposal seeks consent for a new dwelling on the subject site at 6 Mitchell Road, below the elevated concrete driveway. This will replace the existing c1970's dwelling known as 'Treetops'. At the rear of the new dwelling a staircase and lift is proposed which will provide access between the garage and the house. The garage and accessway is located within a portion of the site which is split owned between 6 (the dwelling lot) and 6A (the Bible Garden - owned by Northern Beaches Council). This split owned section is also included within the heritage mapping of the Bible Garden.

Both properties and the split owned section were previously one property, but were subdivided to separate the dwelling lot from the garden. The split ownership appears to stem from plans to construct a viewing platform for the garden over the garage, as indicated in the dwelling concept proposal drawings by Playoust Churcher Architects and landscape concept by Judith Fritsche in 2001. As per the subdivision plan, 6 Mitchell Road's ownership of the split owned section is limited to a height of 74.5m AHD, while 6A's ownership is limited to a depth of 74.5m AHD.

A Heritage Impact Statement by Weir Phillips has been provided in support of the proposal. This statement and its conclusions are mostly acceptable to Heritage.

#### Assessment

The proposed dwelling is considered to be largely acceptable to Heritage and mostly in accordance with what was envisioned for the heritage components at the time the site was subdivided. As per that concept, the bulk of the dwelling is located at some height below the Bible Garden and elevated concrete driveway with only the garage and accessway being located near to the garden. The major difference between the subdivision concept and this proposal is that it does not include the viewing platform above the garage. However it is noted that there is a change in elevation between the lower terrace level of the Bible Garden and the proposed roof of the garage which is challenging, but not impossible, to resolve. In the absence of the viewing platform, Heritage considers a landscape roof to be the next best approach. This will have a better relationship to the Bible Garden and its heritage significance than the visual impact of a standard roof. A standard roof would be considered to have a negative impact upon views to and from the garden and thus its significance.

In terms of construction impacts to the Bible Garden, it is noted that construction will involve

rebuilding the retaining wall of the lower terrace and its fence, as well as excavation in close proximity. The application has proposed to undertake a dilapidation survey of the site and garden prior to works commencing, and to reinstate the garden to its previous condition and repair any damage. In this regards, Heritage supports the recommended conditions of Park, Reserves and Foreshores for the dilapidation survey, protection of trees and reinstatement of Council property (Bible Garden). The application has also proposed to place construction fencing part way through this lower terrace during works. This impact is considered tolerable to Heritage on the basis it is temporary, will be removed when works are finished, and the garden and its features will be reinstated.

While not considered significant in its own right, the existing dwelling at 6 Mitchell Road known as 'Treetops' has an important relationship to the site, having been constructed and lived in by a descendant of the garden's founder who took over care of the garden. Heritage will condition that a photographic archival recording of the dwelling, its context and the site be undertaken to Heritage NSW standards. This will be to ensure a record of the dwelling and its site for research and archival purposes.

However where Heritage raises concerns is the proposed solar array and vehicle turning bay. The location of the solar array on the elevated concrete driveway is not supported by Heritage due to its visual impact. The array should be be relocated onto the roof of the dwelling (not the garage). There is also some inconsistency in the plans in regards to the vehicle turning bay and its treatment. This inconsistency should be resolved and presented to Heritage for comment. Any resolution of this issue should include minimising the visual impact of the turning bay.

In summary, Heritage can broadly support the proposed dwelling. However it cannot support the solar array and there is some inconsistency in the vehicle turning bay that needs to be resolved. Heritage does not consider these matters terminal to the application, just matters that need to be addressed before it can support the proposal.

Therefore Heritage recommends amended plans for the solar array and vehicle turning bay.

Consider against the provisions of CL5.10 of PLEP.

Is a Conservation Management Plan (CMP) Required? No

Has a CMP been provided? No

Is a Heritage Impact Statement required? Yes

Has a Heritage Impact Statement been provided? Yes

### **Amended Comments - 13 July 2021**

Amended plans have been received which now include a terrace for the Bible Garden over the garage. This brings the proposal closer in line with the plans envisioned at the time the lots were subdivided. Heritage raises no objections to this amended terrace proposal, other than the detail of the fencing. Currently the proposal includes a rendered concrete wall where as Heritage would prefer a fence that would be less visually imposing and more easily screened via landscaping. A condition requiring the updating of the fence to Heritage's satisfaction prior to the construction certificate will be imposed.

A sandstone wall has also been proposed for the vehicle turning bay which was not indicated on previous plans. However details of the sandstone wall such as its colour and course layering have not been provided. Heritage will condition that details around this sandstone wall be provided to Heritage's satisfaction prior to the issue of the construction certificate. Heritage raises no objections to the proposed grass on 'Atlantis' drain cell treatment.

Lastly, to make it clear that the solar array on the driveway is not approved, Heritage will impose a condition that they be removed from all plans and documents prior to the issue of the construction certificate.

Therefore Heritage raises no objections to the proposal and requires three conditions.

#### Further Comments

COMPLETED BY: Brendan Gavin, Principal Planner

DATE: 1 March 2021, Amend 13 July 2021

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

#### 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 (*Photographic Archival Recording of Items Using Film or Digital Capture*, 2006). This recording must be submitted to Council's Heritage Officer for approval.

Details demonstrating compliance with this condition must be submitted to the Principal Certifying Authority prior to the issuing of the construction certificate.

The photographic record should be made using digital technology, submitted to Council, 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 any buildings and landscape elements, prior to any works.

#### Solar Array Not Approved

The solar array on the elevated driveway is not approved. All plans and documents are to be updated to remove all details and references to the solar array.

Details demonstrating compliance with this condition must be submitted to the Principal Certifying Authority prior to the issuing of the construction certificate.

Reason: Protection of the heritage item and its significance.

### **Terrace Fencing and Turning Bay Wall**

An updated schedule of materials and colours for the terrace fencing and sandstone wall on the vehicle turning bay are to be submitted to Council's Heritage Officer for approval.

Details demonstrating compliance with this condition must be submitted to the Principal Certifying Authority prior to the issuing of the construction certificate.

Reason: Protection of the heritage item and its significance.