

**SUBJECT: Pittwater Community Based Heritage Study Review (2015)**

**Meeting:** Sustainable Towns & Villages Committee      **Date:** 20 April 2015

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**COMMUNITY STRATEGIC PLAN STRATEGY:** Land Use & Development

**COMMUNITY STRATEGIC PLAN OBJECTIVE:** To identify and conserve Pittwater's heritage

**DELIVERY PROGRAM ACTION:** Implement recommendations from the Community Based Heritage Study

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**1.0 EXECUTIVE SUMMARY**

**1.1 SUMMARY**

On 20 February 2012, Council was informed that Pittwater had been successful in its application for funding from the NSW Heritage Branch (under the Office of Environment & Heritage) who had called for expressions of interest for funding grants to undertake a 'Community Based Heritage Study'.

The Pittwater Community Based Heritage Study Review (2015) has been prepared by Heritage Consultants, City Plan Heritage, with assistance from a Heritage Study Working Group, which included members of the Pittwater community.

The Pittwater Community Based Heritage Study Review (2015) provides an updated and contemporary Heritage Study for Pittwater, including an updated Thematic History and list of heritage items.

The draft Pittwater Community Based Heritage Study Review was publicly exhibited between Saturday 2 August and Saturday 13 September 2014 (43 days inclusive). During the public exhibition, a total of 57 submissions were received. City Plan Heritage considered all submissions received, and updated and revised the draft Pittwater Community Based Heritage Study Review as necessary.

One of the intentions of this report is to present to Council the final Pittwater Community Based Heritage Study Review (2015) (**Tabled Document**).

Should Council endorse the recommendation contained in this report, the following key actions will result:

- The Pittwater Community Based Heritage Review (2015) will become the most up to date and contemporary Heritage Study for Pittwater
- Schedule 5 (Environmental heritage) of the Pittwater Local Environmental Plan (LEP) 2014 will be amended (dependant on the outcome of the public exhibition) to include the updated list of heritage items
- The heritage controls in the Pittwater 21 Development Control Plan (DCP) will be amended (dependant on the outcome of the public exhibition)

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## 2.0 RECOMMENDATION

1. That Council adopt the Pittwater Community Based Heritage Study Review (2015) (Tabled Document).
2. That Council endorse the Planning Proposal at Attachment 1 for forwarding to the Department of Planning & Environment (DP&E) with a request for a Gateway Determination to certify the commencement of a public exhibition to amend Schedule 5 (Environmental heritage) of the Pittwater Local Environmental Plan (LEP) 2014.
3. That Council endorse making a request to the DP&E that Council's delegate (the General Manager) exercise delegation to finalise the proposed amendments to Schedule 5 (Environmental heritage) of the Pittwater LEP 2014.
4. That Council endorse the draft Pittwater 21 Development Control Plan (DCP) heritage controls at Attachment 2 for public exhibition.
5. That the significant contribution made by the Study Team, including the Heritage Study Working Group and City Plan Heritage, towards the preparation of the Pittwater Community Based Heritage Study Review (2015) be acknowledged.

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## 3.0 BACKGROUND

### 3.1 PURPOSE

The purpose of this report is:

- To present to Council the final Pittwater Community Based Heritage Study Review (2015) (**Tabled Document**).
- To seek Council's endorsement to forward the Planning Proposal (**Attachment 1**) to amend Schedule 5 (Environmental heritage) of the Pittwater LEP 2014 to the DP&E for a Gateway Determination to certify the commencement of a public exhibition.
- To seek Council's endorsement to request to the DP&E that Council's delegate (the General Manager) exercise delegation to finalise the proposed amendments to Schedule 5 (Environmental heritage) of the Pittwater LEP 2014.
- To seek Council's endorsement of the draft Pittwater 21 DCP heritage controls at **Attachment 2** for public exhibition.
- To acknowledge the significant contribution made by the Study Team, including the Heritage Study Working Group and City Plan Heritage, towards the preparation of the Pittwater Community Based Heritage Study Review (2015).

### 3.2 BACKGROUND

On 20 February 2012, Council was informed that Pittwater had been successful in its application for funding from the NSW Heritage Branch (under the Office of Environment & Heritage) who had called for expressions of interest for funding grants to undertake a 'Community Based Heritage Study'.

Subject to compliance with standard conditions and timeframes, Council received confirmation that a grant of up to \$50,000 had been approved to assist Council in undertaking a Community Based Heritage Study Review for Pittwater.

The guide for undertaking a Community Based Heritage Study – *Community-based heritage studies: A guide* (NSW Heritage Branch 2013) – states that a Heritage Study investigates the history of a Local Government Area (LGA), and identifies and assesses items and places of local heritage significance that demonstrate this history.



A Heritage Study explains why the items or places are significant and recommends ways to manage and conserve such significance.

A Community Based Heritage Study is undertaken utilising a community-based approach. It gives the community the opportunity to make a valuable contribution to a Heritage Study, with appropriate guidance from a Heritage Consultant.

The Pittwater LEP 2014 currently lists 130 individual items of local heritage significance and six heritage conservation areas within the Pittwater LGA.

The items currently listed in Schedule 5 (Environmental heritage) of the Pittwater LEP 2014 have been drawn from existing Heritage Studies that collectively apply to the Pittwater LGA. These are:

- *Barrenjoey Peninsula and Pittwater Heritage Study*, Volumes 1-4, McDonald McPhee Pty Ltd and Craig Burton, January 1989,
- *Ingleside/Warriewood Urban Release Area Heritage Study*, Tropman & Tropman Architects, July 1993, and
- *Warringah Heritage Study*, Hughes Trueman Ludlow, April 1994. This study applies to the area of Pittwater generally south of Mona Vale Road that was not included in the Barrenjoey Peninsula and Pittwater Heritage Study.

The Pittwater Community Based Heritage Study Review incorporates a review of these studies and provides an updated and contemporary Heritage Study for Pittwater.

On 20 February 2012, Council resolved:

1. *That the information provided in the report be noted.*
2. *That Council engage a suitably qualified consultant to undertake the Community Based Heritage Study review.*
3. *That a 'Heritage Study Working Group' be established through a process of expressions of interest, with a selection panel to determine the composition of the Group.*
4. *That Cr White be nominated to be a member of the 'Heritage Study Working Group' and this Councillor participate in the selection of community participants in the Group.*
5. *That the community be invited to nominate items of heritage significance for consideration by the heritage consultant and the 'Heritage Study Working Group' during the review process.*
6. *That the draft heritage study and progress reports be submitted to the NSW Heritage Branch as required by the conditions of the funding grant (by 15 May 2012 and 15 May 2013).*
7. *That the draft heritage study prepared during the review process be reported back to Council prior to public exhibition.*

## **Consultant commissioned to undertake the Pittwater Community Based Heritage Study Review**

On 2 March 2012, Council engaged City Plan Heritage to undertake the Pittwater Community Based Heritage Study Review, with Musecape as a sub-consultant on landscape issues.

The role of City Plan Heritage was as follows:

- Review and update Pittwater's existing Heritage Studies, including the thematic local history as necessary
- Complete the relevant steps set out in *Community-based heritage studies: A guide* (NSW Heritage Branch 2013)
- Work with a Heritage Study Working Group
- Consult with the community regarding potential new heritage items and the significance and relevance of current items
- Review submissions received regarding potential new heritage items and the significance and relevance of current items
- Review submissions received during the public exhibition of the draft Pittwater Community Based Heritage Study Review and make further recommendations or amendments based on the community response
- Deliver a consolidated Heritage Study for Pittwater, including an assessment of any recommended items and an update of the significance and relevance of current items

### **The Heritage Study Working Group**

In February 2012, expressions of interest were sought for the Heritage Study Working Group (the Working Group). The Working Group comprised:

- The Heritage Consultant and Landscape Heritage Consultant
- One councillor
- Three members of Council's Strategic Planning Team
- One staff member from the library
- 13 volunteers from the community

The role of the Working Group was to undertake research, nominate and consider the local heritage significance of items and make recommendations for the future management and promotion of local heritage items.

The Working Group had a total of four meetings. At the first meeting, which was held on 29 March 2012, City Plan Heritage were introduced and the Working Group were invited to make nominations for potential heritage items. It was advised that nominations were also invited from the wider community.

The second meeting, which was held on 20 April 2012, involved discussion of the nominations received and arranging necessary site visits.

The third meeting, which was held on 17 May 2012, involved discussion around the assessment of the nominated items and the outcomes of the site visits. City Plan Heritage also outlined the list of potential recommended nominated heritage items and invited questions and comments from the Working Group.

On 28 February 2013, the Working Group met for the fourth and final time. At this meeting, City Plan Heritage briefed the Working Group on the draft Pittwater Community Based Heritage Study Review, including the recommended nominated heritage items.

## **Nominations for potential heritage items**

On 15 March 2012, Council sent letters to all registered community groups in Pittwater inviting nominations for potential heritage items, including any information on local history or known heritage items. An advertisement was also placed in the Manly Daily on 17 March 2012 and a Council media release was issued on 19 March 2012.

The timeframe for nominations closed on 13 April 2012. Over 130 nominations were received from members of the Working Group, the community, community groups, and the Australian Institute of Architects.

## **Heritage Branch Funding**

Council has received payment for the full grant (i.e. \$50,000) from the NSW Heritage Branch.

On 21 July 2014, Council was informed of the background to the draft Pittwater Community Based Heritage Study Review with a recommendation that it be placed on public exhibition. Council subsequently resolved:

1. *That the information provided in this report be noted.*
2. *That the draft Pittwater Community Based Heritage Study Review (2014) as tabled, be placed on public exhibition for 42 days.*
3. *That a report on the outcome of the public exhibition be included in consideration of a future Planning Proposal and be reported to Council.*
4. *That the valuable contribution made by the volunteer members of the Heritage Study Working Group be acknowledged.*

### **3.3 POLICY IMPLICATIONS**

Should Council endorse the recommendation contained in this report, the following policy implications will result:

- The Pittwater Community Based Heritage Review (2015) will become the most up to date and contemporary Heritage Study for Pittwater, superseding the following Heritage Studies:
  - *Barrenjoey Peninsula and Pittwater Heritage Study*, Volumes 1-4, McDonald McPhee Pty Ltd and Craig Burton, January 1989,
  - *Ingleside/Warriewood Urban Release Area Heritage Study*, Tropman & Tropman Architects, July 1993, and
  - *Warringah Heritage Study*, Hughes Trueman Ludlow, April 1994. This study applies to that part of Pittwater generally south of Mona Vale Road, being that area not included in the Barrenjoey Peninsula and Pittwater Heritage Study.
- The following heritage controls in the Pittwater 21 DCP will be amended (dependant on the outcome of the public exhibition):
  - B1.1 Heritage Conservation – Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014
  - B1.2 Heritage Conservation – Development in the vicinity of a heritage item, heritage conservation areas, archaeological sites or potential archaeological sites
  - B1.3 Heritage Conservation – General

### 3.4 RELATED LEGISLATION

Should Council endorse the recommendation contained in this report, Schedule 5 (Environmental heritage) of the Pittwater LEP 2014 will be amended (dependant on the outcome of the public exhibition).

### 3.5 FINANCIAL ISSUES

#### 3.5.1 Budget

As the Delivery Program incorporates the action to 'Implement recommendations from the Community Based Heritage Study', a budget has been allocated to facilitate the recommended amendments to the Pittwater LEP 2014 and Pittwater 21 DCP.

#### 3.5.2 Resources Implications

- This report includes a recommendation to list a number of sites owned and/or managed by Council as local heritage items. A local heritage listing may affect the ongoing future costs of managing these sites and could affect the future disposal of them.

Any future development or works to these sites would require consideration of potential impacts to the heritage significance of the item. If a Development Application (DA) is required for proposed works to an item of local heritage significance, heritage controls are triggered under the Pittwater LEP 2014 and the Pittwater 21 DCP, which require the consideration of heritage matters. Subsequently, the consent authority may require a heritage management document to be prepared (e.g. a Heritage Impact Statement or a Conservation Management Plan). The requirement for a heritage management document imposes an additional cost on land owners, however a heritage management document is usually necessary for the Assessment Officer, in conjunction with Council's Heritage Advisor, to make a recommendation as to whether the proposed works will have an acceptable impact on the heritage significance of the item.

The sites owned and/or managed by Council are listed in the following table:

<b>Recommended item</b>	<b>Address/location</b>	<b>Suburb</b>
Sandstone road remnants and associated landscape	Road surface of unnamed section of North Avalon Road, immediately adjacent to 640, 642 and 644 Barrenjoey Road, extending approximately 10 metres to a culvert and its retaining wall	Avalon Beach
Sandstone kerb and gutter	Palmgrove Road (portion) below Stella James House (32 Plateau Road) and extending up to 61 Palmgrove Road	Avalon Beach
Sea Scout Hall	Bayview Park, 1672 and 1678 Pittwater Road	Bayview
Bayview Yacht Racing Association Boatshed	1836 and 1852 Pittwater Road	Bayview
Laterite site	Mona Vale Road next to the public cycleway, south from the Baha'i Temple grounds, parallel to 173 Mona Vale Road	Ingleside
Carving – Survey mark	Opposite 158 Mona Vale Road (southern side)	Ingleside

Mona Vale Bowling Club	1598 Pittwater Road	Mona Vale
Stone wall	Adjacent to Betty Morrison Reserve (north boundary of Lot 2 DP 230883 in road reserve)	Newport
Newport War Memorial in Trafalgar Park	16 Queens Parade	Newport
Newport Wharf	1A Queens Parade	Newport
Newport Bowling Club	6 Palm Road	Newport
German rock carvings and associated landscape	Deep Creek Reserve (140 Wakehurst Parkway, Lot 1 DP 188050)	North Narrabeen
Palm Beach Kindergarten	1053 Barrenjoey Road	Palm Beach
Palm Beach Wharf	1149 and 1149A Barrenjoey Road	Palm Beach
Warriewood Wetland	14 Jacksons Road	Warriewood
Pittwater Trigonometrical Stations	Bangally Head Reserve (80A Binburra Avenue) Bushrangers Hill Reserve (26 Karloo Parade, Lot 1 DP 600462) 173A Mona Vale Road	Avalon Beach Newport Ingleside

- The Pittwater Community Based Heritage Study Review (2015) recommends the listing of a number of sites that relate to Council infrastructure (see above table). The relevant Council Business Units were consulted during the public exhibition period and it is considered that the listing of these sites as items of local heritage significance will be manageable.

## 4.0 KEY ISSUES

### Consultation

*Consultation with owners of the recommended nominated heritage items (prior to the public exhibition of the draft Pittwater Community Based Heritage Study Review)*

Following the initial preparation of the draft Pittwater Community Based Heritage Study Review, including the list of recommended nominated heritage items, as presented to the Working Group on 28 February 2013, owners of the recommended nominated heritage items were notified and invited to contribute additional information and comment on the potential heritage significance of the relevant item. Owners were also offered the opportunity to meet with Council staff and City Plan Heritage.

Meetings were held on 8, 14 and 19 August 2013 with 27 owners, with an additional six meetings being held on alternative days via phone conference. On 22 August 2013, a meeting was held with representatives from Pittwater Council to discuss the potential heritage significance of items in Council's ownership or care, control and management.

A total of 32 written submissions were received:

- 31 were from owners of recommended nominated heritage items – six indicated their support, 20 indicated their objection and the remaining five raised particular matters/concerns but did not specifically state their support for or objection to the recommended listing.
- One was from the owner of an existing heritage item. The submission suggested that the item does not meet the criteria for heritage listing but did not specifically state their support for or objection to the existing listing.

Following consultation with the owners of the recommended nominated heritage items, City Plan Heritage considered all submissions received and any additional information provided, and updated and revised the draft Pittwater Community Based Heritage

Study Review as necessary. City Plan's response to all submissions received was reported to the Council meeting held on 21 July 2014.

*Public exhibition of the draft Pittwater Community Based Heritage Study Review*

The public exhibition of the draft Pittwater Community Based Heritage Study Review was held between Saturday 2 August and Saturday 13 September 2014 (43 days inclusive).

For the purpose of the public exhibition, the following was undertaken:

- Letters advising of the public exhibition and inviting comments on the draft Pittwater Community Based Heritage Study Review were sent to the following:
  - Owners of recommended nominated heritage items
  - Owners of existing heritage items
  - Those that nominated heritage items
  - Members of the Heritage Study Working Group
  - Registered Pittwater community groups and Chambers of Commerce
- Owners of recommended nominated heritage items were invited in writing to attend a one-on-one meeting to speak to City Plan Heritage and Council staff (a member of Council's Strategic Planning Team) about why their property is recommended for heritage listing. Owners of existing heritage items were invited to attend a one-on-one meeting upon request. Meetings were held on 11 and 19 August 2014, and a further meeting was scheduled for 11 September 2014 for those who were unavailable to attend the initial meeting dates. A total of 14 owners of recommended nominated heritage items and existing heritage items attended a one-on-one meeting.
- Two notices were published in the Manly Daily to advertise the public exhibition period and to invite comments on the draft Pittwater Community Based Heritage Study Review.
- A media release was issued.
- Hardcopies of the draft Pittwater Community Based Heritage Study Review were made available for viewing at Mona Vale and Avalon Customer Service Centres and libraries.
- Relevant documentation was also made available online at [www.pittwater.nsw.gov.au/heritagestudy](http://www.pittwater.nsw.gov.au/heritagestudy)
- Members of Council's Strategic Planning Team were made available to respond to enquiries (i.e. phone calls, emails and face-to-face)

During the public exhibition, a total of 57 submissions were received – 11 indicated their support, 27 indicated their objection and the remaining 19 were neutral or raised particular matters/concerns but did not specifically state support for or objection to the recommended listing.

Following the public exhibition, City Plan Heritage considered all submissions received, and updated and revised the draft Pittwater Community Based Heritage Study Review as necessary. City Plan's response to all submissions received is at **Attachment 3**.



## Final Pittwater Community Based Heritage Study Review (2015)

The Pittwater Community Based Heritage Study Review (2015) (**Tabled Document**) makes a number of recommendations in relation to:

- Items of local heritage significance,
- The future management of heritage in Pittwater,
- The management of items not considered to be of local heritage significance, and
- Late nominations.

### *Items of local heritage significance*

The Pittwater Community Based Heritage Study Review (2015) recommends amending the Pittwater LEP 2014 as follows:

- Include an additional 49 items of local heritage significance to Schedule 5 (Environmental Heritage) (refer to the list of items in the first and second tables in Part 2 of **Attachment 1**), and
- Update the list of existing items of local heritage significance in Schedule 5 (Environmental Heritage) (refer to the list of items in the third and fourth tables in Part 2 of **Attachment 1**).

The draft Pittwater Community Based Heritage Study Review that was publicly exhibited proposed a new Heritage Conservation Area in Bilgola. During the public exhibition period, City Plan Heritage undertook further investigations into the proposed Bilgola Heritage Conservation Area, involving a survey of the surviving garden and landscape remnants of the Bilgola Estate and discussions with the Heritage Officers at the NSW Heritage Branch. As a result, at this time it is not recommended that a Heritage Conservation Area be established for the area in Bilgola. Rather, the Pittwater Community Based Heritage Study Review (2015) recommends that 'a thorough investigation and assessment of the heritage significance of the remnant garden and landscape elements of the former Bilgola House in any future heritage study within 24 months following the completion of this Heritage Study Review' be considered.

To facilitate the recommended amendments to Schedule 5 (Environmental heritage) of the Pittwater LEP 2014, a Planning Proposal has been prepared (**Attachment 1**). Council's endorsement is sought to forward the Planning Proposal at **Attachment 1** to the DP&E for a Gateway Determination to certify the commencement of a public exhibition.

Further, in line with the DP&E's '*A guide to preparing local environmental plans*', an amendment to Schedule 5 (Environmental heritage) of an LEP, including adding or removing a heritage item or items, supported by an Office of Environment & Heritage-endorsed local strategy or where the Office of Environment & Heritage provides preliminary support to the proposal, is an amendment that may be delegated to Council for finalisation. Accordingly, it is recommended that a request be sought for Council's delegate (the General Manager) to exercise delegation to finalise the proposed amendments to Schedule 5 (Environmental heritage) of the Pittwater LEP 2014.

On receipt of a Gateway Determination from the DP&E, a statutory public exhibition of the Planning Proposal would be undertaken.

As part of the statutory public exhibition of the Planning Proposal, the following is proposed to be undertaken:

- A 28-day public exhibition period,
- Notification in writing to all affected owners, registered Pittwater community groups and Chambers of Commerce, and relevant public authorities and State agencies at the commencement of the public exhibition period,
- Notification in the Manly Daily at the commencement of the public exhibition period,
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition period,
- Relevant documentation on Council's website for the duration of the public exhibition period, and
- Council staff will be available to respond to any enquiries.

All submissions received during the public exhibition will be reviewed and considered before presenting the outcome to Council.

#### *The future management of heritage in Pittwater*

The draft Community Based Heritage Study Review also makes a number of recommendations for the future management of heritage in Pittwater, including amending the current heritage controls (listed below) in the Pittwater 21 DCP:

- B1.1 Heritage Conservation – Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014
- B1.2 Heritage Conservation – Development in the vicinity of a heritage item, heritage conservation areas, archaeological sites or potential archaeological sites
- B1.3 Heritage Conservation – General

To facilitate the recommended amendments to the heritage controls in the Pittwater 21 DCP, draft controls have been prepared (**Attachment 2**) based on controls drafted by City Plan Heritage and contained in Chapter 5 of the Pittwater Community Based Heritage Study Review (2015) report. Council's endorsement of the draft Pittwater 21 DCP heritage controls at **Attachment 2** for public exhibition is sought. The timing of the public exhibition of the draft heritage controls would coincide with the statutory public exhibition of the Planning Proposal to amend Schedule 5 (Environmental heritage) of the Pittwater LEP 2014.

#### *Management of items not considered to be of local heritage significance*

The Pittwater Community Based Heritage Study Review (2015) also makes a number of recommendations for the management of items not considered to be of local heritage significance. Such recommendations include:

- Add streets to Pittwater's Most Scenic Streets Register,
- Continue management under the relevant Plan of Management,
- Prepare a register of all memorials and monuments, and
- Archival recording of certain items.

#### *Late nominations*

A number of late nominations were received. The Pittwater Community Based Heritage Study Review (2015) recommends that the late nominations are kept confidential and an assessment of the potential heritage significance be undertaken within 24 months of the adoption of the Pittwater Community Based Heritage Study Review (2015).

## **Thematic History**

One of the tasks required of City Plan Heritage was to review and update Pittwater's existing Heritage Studies, including the thematic local history as necessary. Subsequently, the Pittwater Community Based Heritage Study Review (2015) incorporates an updated Thematic History for Pittwater (contained in Chapter 3 of the Pittwater Community Based Heritage Study Review (2015) report).

The Working Group were given the opportunity to review and provide comments on the draft Thematic History, and the final draft Thematic History was reviewed and reworked by Historian, Sue Rosen.

It is noted that the Thematic History will continue to evolve, and future Heritage Studies and/or reviews will update it as necessary, in consultation with the community.

## **Implications of heritage listing for private land owners**

### *Proposed works to an item of local heritage significance*

If a Development Application (DA) is required for proposed works to an item of local heritage significance, heritage controls are triggered under the Pittwater LEP 2014 and the Pittwater 21 DCP, which require the consideration of heritage matters.

Under the Pittwater LEP 2014 (Clause 5.10(2)), a DA would be required for the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
  - (i) *a heritage item*
  - (ii) *an Aboriginal object, and*
  - (iii) *a building, work, relic or tree within a heritage conservation area.*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item.*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed.*
- (d) *disturbing or excavating an Aboriginal place of heritage significance.*
- (e) *erecting a building on land:*
  - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*
- (f) *subdividing land:*
  - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

If a DA is required, the consent authority may require a heritage management document to be prepared (e.g. a Heritage Impact Statement) that assesses the extent to which the proposed works would affect the heritage significance of the relevant item (Clause 5.10(5) of the Pittwater LEP 2014). The assessment of a DA involves the consideration of any relevant heritage management document and the Assessment Officer, in conjunction with Council's Heritage Advisor, makes a recommendation as to whether the proposed works will have an acceptable impact on the heritage significance the place.

In relation to proposed works to an item of local heritage significance, the following are available:

- Conservation incentives (Clause 5.10(10) of the Pittwater LEP 2014) which provides for '...development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by [the Pittwater LEP 2014], if the consent authority is satisfied that...' the proposed development meets certain criteria, including that the '...proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance'.
- Pre-lodgement advice from Council's Heritage Advisor.

The NSW Heritage Branch publication *Heritage listing explained (What it means for you)* (refer **Attachment 4**) states that the framework for managing proposed works to items of local heritage significance is undertaken to keep heritage places authentic, alive and useful. Heritage places are not inflexibly bound by listing. Listing will not prevent any future proposed change to a heritage place. Listing permits sympathetic development of heritage places through the development assessment process. The process to gain approval ensures changes retain the significance of a heritage place.

Under the Pittwater LEP 2014, consent is not required if (Clause 5.10(3) of the Pittwater LEP 2014):

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
  - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
  - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area.*
- (b) the development is in a cemetery or burial ground and the proposed development:*
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance.*
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property.*
- (d) the development is exempt development.*

Under the Pittwater LEP 2014, exempt development is listed in Schedule 2. Under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, exempt development may be undertaken to an item of local heritage significance unless expressly stated.

#### *Other factors relevant to an item of local heritage significance*

*Heritage listing explained (What it means for you)* (NSW Heritage Branch) (**Attachment 4**) suggests that for individuals, ‘...the benefits [of heritage listing] extend beyond the timeless character often found in heritage places’. Such benefits may include higher resale values, which has been demonstrated in particular studies, and, if appropriately maintained, heritage items keep their appeal in the long-term and grow in rarity with age.

The publication also clarifies a number of myths commonly associated with local heritage listing, including:

- It does not alter ownership.
- Minor works, such as day-to-day repairs and maintenance, rarely need approval because they are likely to fulfil criteria for exempt development.
- There is no obligation to restore a listed place.
- It does not oblige owners to open their place to the public.
- No approval is needed to sell or lease a listed place.
- Owners can apply for heritage grants.

Heritage listing can reduce council rates and land tax when owners apply for a ‘heritage valuation’ from the NSW Valuer General’s Office. An existing heritage valuation will be shown in the ‘Notice of Valuation’ issued for council rating purposes.

For the wider Pittwater community, listing gives certainty that the heritage qualities of the area will be protected. By identifying our heritage places, listing gives the community (and owners) certainty about what is a heritage place and provides confidence that future changes to listed places and surrounds will be sympathetic.

### **Funding from NSW Heritage Branch to establish a Local Heritage Fund**

At the Council meeting held on 21 July 2014, it was suggested that funding from the NSW Heritage Branch be sought to establish a Local Heritage Fund for Pittwater.

The NSW Heritage Branch runs the NSW Heritage Grants Program to provide funding to councils to assist with the management of heritage items in their LGA. A requirement of the Heritage Grants Program is that Councils prepare, adopt and implement a three year Heritage Strategy.

Pittwater Council’s ‘Heritage Strategy 2014-2017’ (also reported to Council on 21 July 2014) builds upon Council’s ‘Heritage Strategy 2011-2014’ and incorporates appropriate recommendations from the Pittwater Community Based Heritage Study Review (2015), including the establishment of a Local Heritage Fund for Pittwater to encourage and support the protection of local heritage.

The ‘Heritage Strategy 2014-2017’ was submitted to the NSW Heritage Branch in August 2014. Recent discussions with the NSW Heritage Branch indicate that the next opportunity to apply for funding to establish a Local Heritage Fund for Pittwater is likely to be October 2015.

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## 5.0 ATTACHMENTS / TABLED DOCUMENTS

- **ATTACHMENT 1** – Planning Proposal to amend Schedule 5 (Environmental heritage) of the Pittwater LEP 2014
- **ATTACHMENT 2** – Draft Pittwater 21 Development Control Plan (DCP) heritage controls
- **ATTACHMENT 3** – Summary of submission received during the public exhibition of the draft Pittwater Community Based Heritage Study Review
- **ATTACHMENT 4** – *Heritage listing explained (What it means for you)* (NSW Heritage Branch)
  
- **TABLED DOCUMENT** – Pittwater Community Based Heritage Study Review (2015)

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## 6.0 SUSTAINABILITY ASSESSMENT

### 6.1 GOVERNANCE & RISK

#### 6.1.1 Community Engagement

This report outlines the outcome of the consultation undertaken with owners of the recommended nominated heritage items (prior to the public exhibition of the draft Pittwater Community Based Heritage Study Review) and the public exhibition of the draft Pittwater Community Based Heritage Study Review, which was held between Saturday 2 August and Saturday 13 September 2014 (43 days inclusive). More detailed information about the consultation undertaken is in Section 4 of this report.

Should Council endorse the recommendation of this report, a statutory public exhibition would be undertaken of the Planning Proposal (**Attachment 1**) to facilitate the recommended amendments to Schedule 5 (Environmental heritage) of the Pittwater LEP 2014 and the recommended amendments to the heritage controls in the Pittwater 21 DCP.

#### 6.1.2 Risk Management

This report recommends adopting the Pittwater Community Based Heritage Study Review (2015) and facilitating/implementing its recommendations.

As identified in Section 3.5.2 of this report, the Pittwater Community Based Heritage Study Review (2015) includes a recommendation to list a number of sites owned and/or managed by Council as local heritage items. A local heritage listing may affect the ongoing future costs of managing these sites and could affect the future disposal of them.

### 6.2 ENVIRONMENT

#### 6.2.1 Environmental Impact

- The subject proposal will not impact on flora and fauna.
- The subject proposal will not impact levels of pollution.



### 6.2.2 Mitigation Measures

- The subject proposal will not change the effect of climate change impacts.
- The subject proposal will not impact water use and management.
- The subject proposal will not impact energy use and green-house gas emissions.
- The subject proposal will not impact resource and waste management.

## 6.3 SOCIAL

### 6.3.1 Address Community Need & Aspirations

- The subject proposal will not affect the quality of cultural, community or recreational services available to the community.
- The subject proposal will not affect the health, safety and well-being of residents.
- The subject proposal will not affect the services of our community.
- The subject proposal will not affect the mobility of residents.

### 6.3.2 Strengthening local community

- The subject proposal will not affect the community feeling of connectedness.
- The subject proposal will not affect the liveability of our villages.
- A recommendation of the Pittwater Community Based Heritage Study Review (2015) relates to promoting education and knowledge generation by ensuring that Council and the local community have adequate access to heritage focussed education, management and promotion through information sessions such as through Council's website and yearly workshops for the owners of the heritage items and properties within the conservation areas.

## 6.4 ECONOMIC

### 6.4.1 Economic Development

- The subject proposal will not create or support opportunities for local economic growth.

Report prepared by  
Kelly Wilkinson, Executive Planner (Strategic)

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**



# PLANNING PROPOSAL PP0001/15

To implement the recommendations of the Pittwater  
Community Based Heritage Study Review (2015)

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## **PART 1: OBJECTIVES OR INTENDED OUTCOMES**

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This Planning Proposal aims to amend the Pittwater Local Environmental Plan (LEP) 2014 to incorporate the most up to date information in relation to items of local heritage significance in Pittwater.

The proposal is to amend the Pittwater LEP 2014 in accordance with the recommendations of the Pittwater Community Based Heritage Study Review (2015), which involve:

- Inserting additional items of local heritage significance
- Removing items that have been demolished or merged with another item, and
- Updating the information (including details and descriptions) of current items of local heritage significance where necessary.

Council's General Manager (Council's sub-delegate) seeks to exercise the LEP making powers delegated under Section 59 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) in regard to this Planning Proposal. Council's General Manager requests that a Written Authorisation to Exercise Delegation be issued in regard to this Planning Proposal.

## PART 2: EXPLANATION OF PROVISIONS

The intended outcome will be achieved by amending Schedule 5 of the Pittwater LEP 2014 and the associated Heritage Map.

The amendments required to Schedule 5 of the Pittwater LEP 2014 are as follows:

Inserting the following heritage items into Part 1 of Schedule 5:

Suburb	Address	Property description	Item	Significance	SHI No.
Avalon Beach	524 Barrenjoey Road	Lot 26 DP 15295	House	Local	2270456
Avalon Beach	2 Elouera Road	Lot 107 DP 9151	Adnam House	Local	2270490
Avalon Beach	16 Elouera Road	Lot 114 DP 9151	House	Local	2270371
Avalon Beach	7 Gunjulla Place and 125 and 127 Avalon Parade	Lot 8 DP 209780, Part Lot A DP 397304 and Part Lot 1 DP 212992 (within one metre of gate posts)	Gunjulla (including stone gate foundations)	Local	2270457
Avalon Beach	30 Hilltop Road	Lot 2 DP 546182	House	Local	2270461
Avalon Beach	43 Hilltop Road	Lot 2 DP 212320	Log Cabin	Local	2270455
Avalon Beach	Palmgrove Road (portion)	Below Stella James House (32 Plateau Road, Avalon Beach) and extending up to 61 Palmgrove Road	Sandstone kerb and gutter	Local	2270460
Avalon Beach	3 Riverview Road	Lot 6 DP 3632	Little House (Yoorami)	Local	2270480
Avalon Beach	99 Riverview Road	Lot 1 DP 207313	Lochhead House	Local	2270430
Bayview	90 Cabbage Tree Road	Lot 22 DP 602041	Waterfall Cottage and garden	Local	2270402
Bayview	3 Pindari Place	Lot 57 DP 30648	Hamilton House	Local	2270164
Bayview	5 Pindari Place	Lot 59 DP 30648	Curry House 2	Local	2270412
Bayview	Bayview Park, 1672 and 1678 Pittwater Road	Lot 23 DP 4010 and Lot 7047 DP 93802	Sea Scout Hall	Local	2270406
Bayview	1825 Pittwater Road	Part Lot 300 DP 1139238 (two metres around the statues)	Concrete statues at Bayview Golf Course	Local	2270484
Bayview	1836 and 1852 Pittwater Road	Lot 8A, 9A and 10A DP 9606	Bayview Yacht Racing Association Boatshed	Local	2270407
Bayview	1945 Pittwater Road	Lot 2 DP 562280	Maybanke House and plaque	Local	2270340
Bilgola Beach	4 The Serpentine	Lot 52 DP 517038	Palm House and garden	Local	2270464
Bilgola Plateau	36 and 34 Plateau Road	Lot 493 DP 16902 and Lot 492 DP 16902	House called Trees	Local	2270497

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Suburb	Address	Property description	Item	Significance	SHI No.
Clareville	53 Hudson Parade	Lot B DP 417677	The Lodge	Local	2270368
Ingleside	5 Chiltern Road	Lot 1 DP 808703 (two metres around the gates)	Smoky Dawson's Ranch gates	Local	2270422
Ingleside	84 Lane Cove Road	Lot 1 DP 520130; Lot 2 DP 520130; Lot 1 DP 594488; Lot 288 DP 752046; Lot 7083 DP 93803; Lot 216 DP 752046	Katandra Bushland Sanctuary	Local	2270158
Ingleside	Mona Vale Road	Next to the public cycleway, south from the Baha'i Temple grounds, parallel to 173 Mona Vale Road	Laterite site	Local	2270513
Ku-ring-gai Chase National Park	West Head Road and McCarrs Creek Road	All parcels within Ku-ring-gai Chase National Park that are within the Pittwater LGA	Ku-ring-gai Chase National Park	Local	2270510
Mona Vale	66 Elimatta Road	Lot 2 DP 733655	House	Local	2270501
Mona Vale	1598 Pittwater Road	Lot 1 DP 251053	Mona Vale Bowling Club	Local	2270482
Mona Vale	1667 Pittwater Road	Lot 20 Section A DP 5464 (statue itself)	Concrete statue – Peter and the Bullock	Local	2270485
Mona Vale	25 Waterview Street	Lot 2 DP 831267	Andriess House	Local	2270470
Newport	33 Foamcrest Avenue	Lots 20, 21 and 22 Section 3 DP 6248	St Michaels Anglican Church	Local	2270471
Newport	1 Kalinya Street	Lot 1 DP 72587 and Lot 1 DP 527172	Newport Arms Hotel	Local	2270476
Newport	6 Palm Road	Lot 1 DP 1066239 And Lot 2 DP 1066239	Newport Bowling Club	Local	2270489
Newport	16 Queens Parade	Part Lot 1 DP 1031155 (two metres around the War Memorial)	Newport War Memorial in Trafalgar Park	Local	2270507
Newport	25 Queens Parade	Lots 1 and 2 DP 794943	Newport Public School – Bell and foundation stone	Local	2270486
Newport	153 Queens Parade East	Lot 5 DP 20319	Fink House	Local	2270328
Newport	3 The Avenue	Lot 18 DP 14176	Currie House	Local	2270366
Palm Beach	949 Barrenjoey Road	Lot 6 DP541797	Kumale	Local	2270165
Palm Beach	1053 Barrenjoey Road	Lots 83 and 84 DP 14682	Palm Beach Kindergarten	Local	2270166
Palm Beach	19-21 Cynthea Road	Lot 1 DP 831829	Cohen House	Local	2270384
Palm Beach	23 Cynthea Road	Lot 77 DP 14630	Treetops	Local	2270385
Palm Beach	356 Whale Beach Road	Lot 332 DP 16362	Cox House	Local	2270014



Suburb	Address	Property description	Item	Significance	SHI No.
Various	Various	Addison: Lat: -33 41 12, Long: 151 15 31 Arden: Lat: -33 38 02, Long: 151 15 03 Bairne: Lat: -33 36 51, Long: 151 17 10 Barrenjoey: Lat: -33 34 46, Long: 151 19 43 Bushranger: Lat: -33 39 49, Long: 151 19 04 Euro: Lat: -33 36 00, Long: 151 17 17 McCarr: Lat: -33 39 08, Long: 151 15 41 South Head (Bangalley): Lat: -33 37 25, Long: 151 20 28 Topham: Lat: -33 36 30, Long: 151 15 49 Wallaroo: Lat: -33 36 42, Long: 151 14 34 Waratah : Lat: -33 37 46, Long: 151 13 48 Willunga: Lat: -33 37 05, Long: 151 15 31	Pittwater trigonometrical stations	Local	2270504
Warriewood	14 Jacksons Road	Lot 100 DP 1127710	Warriewood Wetland	Local	2270516
Whale Beach	20-24 Beauty Drive	Lots 31, 32 and 33 DP 26718	Ronchi House	Local	2270473

**Inserting the following archaeological sites into Part 3 of Schedule 5:**

Suburb	Address	Property description	Item	Significance	ASHI No.
Avalon Beach	Near 640, 642 and 644 Barrenjoey Road	Road surface of unnamed section of North Avalon Road, immediately adjacent to 640, 642 and 644 Barrenjoey Road, extending approximately 10 metres to a culvert and its retaining wall	Sandstone road remnants and associated landscape	Local	2270494

Suburb	Address	Property description	Item	Significance	ASHI No.
Church Point	Opposite 2143 Pittwater Road	Two metres in each direction around the structure	Boatshed	Local	2270465
Ingleside	Opposite 158 Mona Vale Road (southern side)	Two metres in each direction from the carving	Carving – Survey mark	Local	2270487
Newport	Adjacent to Betty Morrison Reserve	Adjacent to the north boundary of Lot 2 DP 230883 in road reserve	Stone wall	Local	2270488
Newport	1A Queens Parade	Lot 7303 DP 1126560	Newport Wharf	Local	2270350
North Narrabeen	Deep Creek Reserve (opposite footbridge)	Lot 1 DP 188050	German rock carvings and associated landscape	Local	2270495
Palm Beach	1149 and 1149A Barrenjoey Road	Lot 1 DP 114133 and Lot 7304 DP 1126564	Palm Beach Wharf	Local	2270496

**Removing the following heritage items or archaeological sites from Schedule 5:**

Suburb	Address	Property description	Item	Significance	SHI No.
Avalon Beach	32 Old Barrenjoey Road	Lot 1, DP 511908	Avalon Golf Club—former kiosk	Local	2270012
Avalon Beach	32 Old Barrenjoey Road	Lot 1, DP 511908	Avalon Golf Club—green keeper's house	Local	2270013
Avalon Beach	3 and 5–9 Palmgrove Road (frontage also to Plateau Road)	Lots 341–345, DP 16902	Reserve surrounding house known as "Stella James House"	Local	2270103
Clareville	28B Hudson Parade (adjacent to and to the south of Avalon Sailing Club)	Lot 1, DP 260209	Wharf remnant	Local	2270062
Mona Vale	28 Mona Street	Lot B, DP 404336	House	Local	2270022
Mona Vale	107 Mona Vale Road	Lot 2, DP 1124862	Mona Vale Cemetery gateposts	Local	2270327
Mona Vale	1624 Pittwater Road	Lot 2, DP 709457	Gravestones (St John's Church)	Local	2270019
Newport	174 Prince Alfred Parade	Lot 74, DP 737370	"Jacaranda Cottage" (formerly known as "Peck's Cottage")	Local	2270113
Palm Beach	Barrenjoey Headland	Barrenjoey Headland	Barrenjoey Head Lightstation	State	5014096
Palm Beach	Adjoining 899 Barrenjoey Road	-	Bus shelter	Local	2270077

**Amending information in Schedule 5 in relation to the following heritage items or archaeological sites:**

Suburb	Address	Property description	Item	Significance	SHI No.
Avalon Beach	Avalon Beach (adjacent to 558A Barrenjoey Road)	-	Ocean rock pool	Local	2270118
Avalon Beach	60 and 62 Chisholm Avenue	Lots 1 and 2, DP 1104192	"Hy Brasil" (house)	State	2270157
Avalon Beach	32 Old Barrenjoey Road	Lot 1, DP 511908	Golf club house, the former kiosk and the Green Keeper's cottage	Local	2270055
Avalon Beach	3 and 5-9 Palmgrove Road	Lots 341-345, DP 16902	"Stella James House" and reserve	State	2270124
Bayview	Pittwater Road and Fermoy Avenue (within road reserve)	-	Street trees— <i>Araucaria species</i>	Local	2270029
Bayview	Pittwater Road and Fermoy Avenue (within road reserve at junction of roads)	-	Sandstone retaining wall	Local	2270057
Bayview	Adjacent to 1734 Pittwater Road (below mean high water mark)	-	World War II Tank Traps	Local	2270357
Bilgola Beach	The Serpentine (western side near Barrenjoey Road)	-	Sandstone retaining wall	Local	2270032
Bilgola Beach	Bilgola Avenue and Allen Avenue	Road reserve	Street trees—Norfolk Island Pines ( <i>Araucaria heterophylla</i> ) and Canary Island Date Palms ( <i>Phoenix canariensis</i> )	Local	2270030
Bilgola Beach	3 Bilgola Avenue	Lot 53, DP 517038; Lot 133, DP 752046	"The Palms" (house)	Local	2270016
Bilgola Beach	15-21 Bilgola Avenue	Lots 8 and 9, DP 19497; Lots 10A and 11A, DP 401408	Drainage and bridge structures	Local	2270009
Bilgola Beach	The Serpentine and Barrenjoey Road (Bilgola Valley)	Lots 139-144, 336-338, 547-557, 566 and 569, DP 16902; Lots 1-4, DP 232164; Lot 2, DP 395158; Lot 3, DP 511677; Lot 4C, DP 413781; Lot 300, DP 1035587; Lot 7328, DP 1164236; Part Lot 7327, DP 1164236	Grove of Cabbage Tree Palms ( <i>Livistona australis</i> )	Local	2270031
Church Point	19 McCarrs Creek Road	Lot 1, DP 1181629	"Homesdale" (house)	Local	2270070
Coasters Retreat	56A Coasters Retreat	Lot 7022, DP 1110389	"Bonnie Doon" Wharf	Local	2270041

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Suburb	Address	Property description	Item	Significance	SHI No.
Currawong Beach	-	Lot 10, DP 1092275; Lot 1, DP 166328; Lot 1, DP 337208; Lot 4, DP 978424	Currawong Workers' Holiday Camp	State	2270517
Ingleside	1 Chiltern Road	Lot A, DP 325195	Cicada Glen Nursery	Local	2270339
Lovett Bay	8 Portions Lovett Bay	Lot 2, DP 228812	"Tarrangaua" (House)	Local	2270044
Lovett Bay	Site of former causeway (north side)	Adjacent to Lots 2 and 3, DP 584315; Lots 4 and 5, DP 590990; Lot 6, DP 545717	Stone retaining wall	Local	2270049
Lovett Bay	38 Sturdee Lane	Lot 6, DP 552628	"Myuna" (house)	Local	2270082
McCarrs Creek	Below mean high water mark, adjoining 59 Douglass Estate	Below mean high water mark, adjoining Lot 17, DP 10002	Stone bath remnants	Local	2270426
Mona Vale	Mona Vale Beach (north)	-	Ocean rock pool	Local	2270136
Mona Vale	107 Mona Vale Road	Lot 2, DP 1124862	Mona Vale (formerly Turimetta) Cemetery	Local	2270088
Mona Vale	1624 Pittwater Road	Lot 2, DP 709457	St John's Anglican Church and gravestones	Local	2270168
Mona Vale	Surfview Road, Ocean Beach Reserve	Part Lot 104, DP 1066371	Norfolk Island Pines ( <i>Araucaria heterophylla</i> )	Local	2270059
Morning Bay	60A Bona Crescent	Lot 7317, DP 1187840	Store, jetty and shed	Local	2270042
Newport	Newport Beach	-	Ocean rock pool	Local	2270138
North Narrabeen	Narrabeen Beach	-	Ocean rock pool	Local	2270137
Palm Beach	Barrenjoey Headland	Lots 1-4, DP 849249	Barrenjoey Headland lightstation and two cottages	State	2270104
Palm Beach	Barrenjoey Headland (near lighthouse)	Lot 1, DP 849249	Memorial cairn	Local	2270093
Palm Beach	Governor Phillip Park	Lot 7006 DP 1117454	Picnic shelter sheds	Local	2270097
Palm Beach	1108 Barrenjoey Road	Lot 2, DP 1004105	"Barrenjoey House" (restaurant and accommodation)	Local	2270076
Palm Beach	In road reserve (adjacent to 69 Florida Road and 407 Whale Beach Road)	Adjacent to Lot 283 DP 16362 and Lot 105 DP 1033853	Old street lamps	Local	2270092
Palm Beach	2A Iluka Road	Lot 7010 DP 93683 (adjacent to Lot 42 DP 14682)	"Sandy Beach Jetty" (timber jetty)	Local	2270344

<b>Suburb</b>	<b>Address</b>	<b>Property description</b>	<b>Item</b>	<b>Significance</b>	<b>SHI No.</b>
Palm Beach	117 Pacific Road	Lot 1, DP 650029	Sydney Red Gums ( <i>Angophora costata</i> )	Local	2270027
Palm Beach	Station Beach	Lot 5, DP 849249	Site of former customs house	Local	2270102
Palm Beach	309–311 Whale Beach Road	Lots 234–235, DP 16362	“Orcades” (house)	Local	2270087
Warriewood	Macpherson Street (adjacent to 163 Macpherson Street)	-	Memorial in bus shelter	Local	2270429
Whale Beach	Whale Beach Ocean Reserve (adjacent to The Strand)	Lot 1, DP 234079	Norfolk Island Pines ( <i>Araucaria heterophylla</i> )	Local	2270035

The proposed Heritage Map (map sheets 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, and 019) is at **Appendix 3**.

## **PART 3: JUSTIFICATION**

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### **Section A Need for the Planning Proposal**

**1. Is the planning proposal a result of any strategic study or report?**

Yes. The Planning Proposal is the result of the Pittwater Community Based Heritage Study Review (2015).

Following a six week public exhibition (2 August to 13 September 2014) of the draft Pittwater Community Based Heritage Study Review, Council adopted the Pittwater Community Based Heritage Study Review (2015) on 20 April 2015.

The Planning Proposal is the mechanism for implementing recommendations of the Pittwater Community Based Heritage Study Review (2015).

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. Items of local heritage significance are required to be listed in an LEP. As such, the Planning Proposal is the only means of achieving the recommendations of the Pittwater Community Based Heritage Study Review (2015).



## **Section B Relationship to Strategic Planning Framework**

- 3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Planning Proposal is considered to be consistent with *A Plan for Growing Sydney* (Sydney's Metropolitan Strategy) and the draft North East Subregional Strategy.

- 4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?**

The Planning Proposal is considered to be consistent with the *Pittwater Local Planning Strategy* (2011), in particular with the following recommendation:

*'Update the Barrenjoey Peninsula and Pittwater Heritage Study dated January 1989 with a new heritage study that identifies new heritage items within Pittwater, and evaluates the contemporary significance of existing listed items;'*

The Planning Proposal is also considered to be consistent with the Land Use & Development Strategy within Pittwater's 2025 Community Strategic Plan, specifically the objective '*to identify and conserve Pittwater's heritage*'.

- 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (see **Appendix 1**).

- 6. Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?**

The Planning Proposal is considered to be consistent with the applicable Ministerial Directions (see **Appendix 2**).

## **Section C Environmental, social and economic impact**

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

It is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of amending the Pittwater LEP 2014 in accordance with the recommendations of the Pittwater Community Based Heritage Study Review (2015).

- 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

It is unlikely that other environmental effects will result from amending the Pittwater LEP 2014 in accordance with the recommendations of the Pittwater Community Based Heritage Study Review (2015). The proposed amendments aim to protect the heritage significance of additional sites within Pittwater; as such any environmental effects are likely to be positive.

- 9. How has the planning proposal adequately addressed any social and economic effects?**

Following the initial preparation of the draft Pittwater Community Based Heritage Study Review (prior to the six week public exhibition), land owners of the recommended nominated items of local heritage significance were notified and invited to contribute additional information and comment on the potential heritage significance of the relevant item. Land owners were also offered the opportunity to meet with Council staff and the Heritage Consultant commissioned to prepare the Pittwater Community Based Heritage Study Review.

Further, during the six week public exhibition, land owners of existing and recommended nominated items of local heritage significance were directly notified.

A 'Summary of submissions' table has been prepared following the public exhibition to demonstrate how all submissions received were considered and subsequent amendments were made to the draft Pittwater Community Based Heritage Study Review where necessary and appropriate.

### *Economic Effects*

With regard to the economic effects of the Planning Proposal, submissions received from owners of some items recommended to be listed, raise concern regarding potential increased costs associated with doing works to their properties.

If a Development Application (DA) is required for proposed works to an item of local heritage significance, heritage controls are triggered under the Pittwater LEP 2014 and the Pittwater 21 Development Control Plan (DCP), which require the consideration of heritage matters. Subsequently, the consent authority may require a heritage management document to be prepared (e.g. a Heritage Impact Statement or a Conservation Management Plan). The requirement for a heritage management document imposes an additional cost on land owners of existing and recommended nominated items of local heritage significance, however a heritage management document is usually necessary for the Assessment Officer, in conjunction with Council's Heritage Advisor, to make a recommendation as to whether the proposed works will have an acceptable impact on the heritage significance of the item.

It is noted that under the Pittwater LEP 2014, consent is not required for certain works proposed on land that contains an item of local heritage significance. Further, under the *State*

*Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, exempt development may be undertaken to an item of local heritage significance unless expressly stated.

Submissions received from owners of some items recommended to be listed, raise concern regarding potential reduction in property value. In their review of submissions City Plan Heritage quote the NSW Heritage Council publication *Heritage listing explained - What it means for you*, which states that "studies show listing has no effect on property value in most cases, and sometimes improves resale value. Listed residences with well maintained heritage features have been found to attract a price premium compared to equivalent non-listed places in independent studies. Period features and other heritage attributes often feature prominently in property advertisements because of this appeal". However, it is recognised that the NSW Heritage Council publication is not definitive and that not all items may be able to realise an economic advantage.

#### *Social Effects*

An issue raised during public exhibition was that of privacy, and the experience of living in a property listed on a public register of heritage items, which draws attention to a property as a potential place of interest. Although heritage listing of a property may draw the attention of some select groups (e.g. local historians, students etc.) it is considered that in Pittwater this is unlikely to be a significant burden. Additionally the listing of the property as an item of heritage significance does not change or extinguish rights afforded to all privately owned land.

On balance the identification of new items of local heritage significance is generally considered to offer social benefits by facilitating the conservation of items having significance for the local community.

### **Section D State and Commonwealth interests**

#### **10. Is there adequate public infrastructure for the planning proposal?**

No additional public infrastructure is required to support the implementation of the Planning Proposal.

#### **11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

Pittwater's Community Based Heritage Study Review (2015) was supported by the NSW Heritage Branch who provided funding.

The following public authorities were notified of the public exhibition of the draft Pittwater Community Based Heritage Study Review:

- Department of Lands
- Roads & Maritime Services
- Department of Education
- National Parks & Wildlife Services

No other consultation with State or Commonwealth public authorities has been undertaken at this stage. Council notes that this response will be amended following the receipt of a Gateway Determination.

#### **PART 4: MAPPING**

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The proposed Heritage Map (map sheets 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, and 019) is at **Appendix 3**.

## **PART 5: COMMUNITY CONSULTATION**

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In keeping with '*A guide to preparing local environmental plans*' (Department of Planning & Infrastructure, 2012), the following is proposed:

- A 28-day public exhibition
- Notification in writing to affected land owners, registered Pittwater community groups and Chambers of Commerce, and relevant public authorities and State agencies at the commencement of the public exhibition
- Notification in the Manly Daily at the commencement of the public exhibition
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition
- Relevant documentation on Council's website for the duration of the public exhibition period
- Council staff will be available to respond to any enquiries

## PART 6: PROJECT TIMELINE

Planning Proposal Milestone	Timeframe	Anticipated Completion Date
Date of Gateway determination	4 weeks from Council decision to forward Planning Proposal to Gateway	Week commencing 18 May 2015
Completion of required technical information	<i>Due to the nature of the Planning Proposal it is not anticipated that additional technical information will be required</i>	-
Government agency consultation	Formal consultation, as required by the Gateway Determination, will be undertaken concurrent to the public exhibition	June 2015
Public exhibition	28 days	June 2015
Consideration of submissions and Planning Proposal post-exhibition	8 weeks following the public exhibition	July-August 2015
Report to Council	-	September 2015
Submission to Department of Planning & Environment	Following Council decision to finalise draft Pittwater LEP	September 2015
RPA to make plan (if delegated)	2 weeks from receipt of final draft Heritage Map and/or final draft instrument	October 2015
Notification of LEP/LEP comes into force	1 week from RPA making the plan	October 2015

## Appendix 1: Consideration of SEPPS

The following SEPP's are relevant to the Pittwater LGA. The table below identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and, if applicable, whether the Planning Proposal is consistent with the provisions of the SEPP.

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 14 – Coastal Wetlands	NO	-	-
SEPP No 21 – Caravan Parks	NO	-	-
SEPP No 26 – Littoral Rainforests	NO	-	-
SEPP No 30 – Intensive Agriculture	NO	-	-
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	-	-
SEPP No 33 – Hazardous and Offensive Development	NO	-	-
SEPP No 44 – Koala Habitat Protection	NO	-	-
SEPP No 50 – Canal Estate Development	NO	-	-
SEPP No 55 – Remediation of Land	NO	-	-
SEPP No 62 – Sustainable Aquaculture	NO	-	-
SEPP No 64 – Advertising and Signage	NO	-	-
SEPP No 65 – Design Quality of Residential Flat Development	NO	-	-
SEPP No 70 – Affordable Housing (Revised Schemes)	NO	-	-
SEPP 71 – Coastal Protection	NO	-	-
SEPP (Affordable Rental Housing) 2009	NO	-	-
SEPP (Building Sustainability Index: BASIX) 2004	NO	-	-
SEPP (Exempt and Complying Development Codes) 2008	YES	-	-
SEPP (Housing for Seniors or People with a Disability) 2004	NO	-	-
SEPP (Infrastructure) 2007	NO	-	-

SEPP (Major Development) 2005	NO	-	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	-	-
SEPP (Miscellaneous Consent Provisions) 2007	NO	-	-
SEPP (State and Regional Development) 2011	NO	-	-

If there are any inconsistencies with any applicable SEPP, it is noted that the SEPP will prevail to the extent of the inconsistency.

The following is a list of the deemed SEPPs (formerly Sydney Regional Environmental Plans) relevant to the Pittwater LGA. The table below identifies which of the relevant deemed SEPPs apply to the Planning Proposal (or not) and, if applicable, whether the Planning Proposal is consistent with the provisions of the deemed SEPP.

<b>Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP)</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Reason for inconsistency</b>
SREP No 20 – Hawkesbury-Nepean River (No 2 -1997)	NO	-	-



## Appendix 2: Consideration of Section 117 Directions

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### 1 Employment and Resources

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	Direction	Applicable	Consistent
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	YES	YES
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A

#### Justification for inconsistency

Nil.

### 2 Environment and Heritage

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	Direction	Applicable	Consistent
2.1	Environment Protection Zones	YES	YES
2.2	Coastal Protection	YES	YES
2.3	Heritage Conservation	YES	YES
2.4	Recreation Vehicle Areas	YES	YES

#### Justification for inconsistency

The Planning Proposal does not include provisions that meet the requirements of:

- 2.1(4)
- 2.2(4)

However, it does not include provisions that are inconsistent with such requirements.

### 3 Housing, Infrastructure and Urban Development

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	Direction	Applicable	Consistent
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	YES	YES
3.3	Home Occupations	YES	YES
3.4	Integrating Land Use and Transport	YES	YES
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A

#### Justification for inconsistency

The Planning Proposal does not include provisions that meet the requirements of:

- 3.1(4) or (5)
- 3.2(4) or (5)
- 3.3(4)
- 3.4(4)

However, it does not include provisions that are inconsistent with such requirements.

#### 4 Hazard and Risk

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	Direction	Applicable	Consistent
4.1	Acid Sulphate Soils	YES	YES
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	YES	YES
4.4	Planning For Bushfire Protection	YES	YES

##### Justification for inconsistency

The Planning Proposal does not include provisions that meet the requirements of:

- 4.1(4), (5), (6), or (7)
- 4.3(4), (5), (6), (7), or (8)
- 4.4(4), (5) or (6)

However, it does not include provisions that are inconsistent with such requirements.

#### 5 Regional Planning

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	Direction	Applicable	Consistent
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchment	NO	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	-	-
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008)	-	-
5.7	Central Coast (Revoked 10 July 2008)	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A

##### Justification for inconsistency

N/A

#### 6 Local Plan Making

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	Direction	Applicable	Consistent
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	YES	YES
6.3	Site Specific Provisions	NO	N/A

##### Justification for inconsistency

Nil.

#### 7 Metropolitan Planning

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	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Plan for Sydney	YES	YES

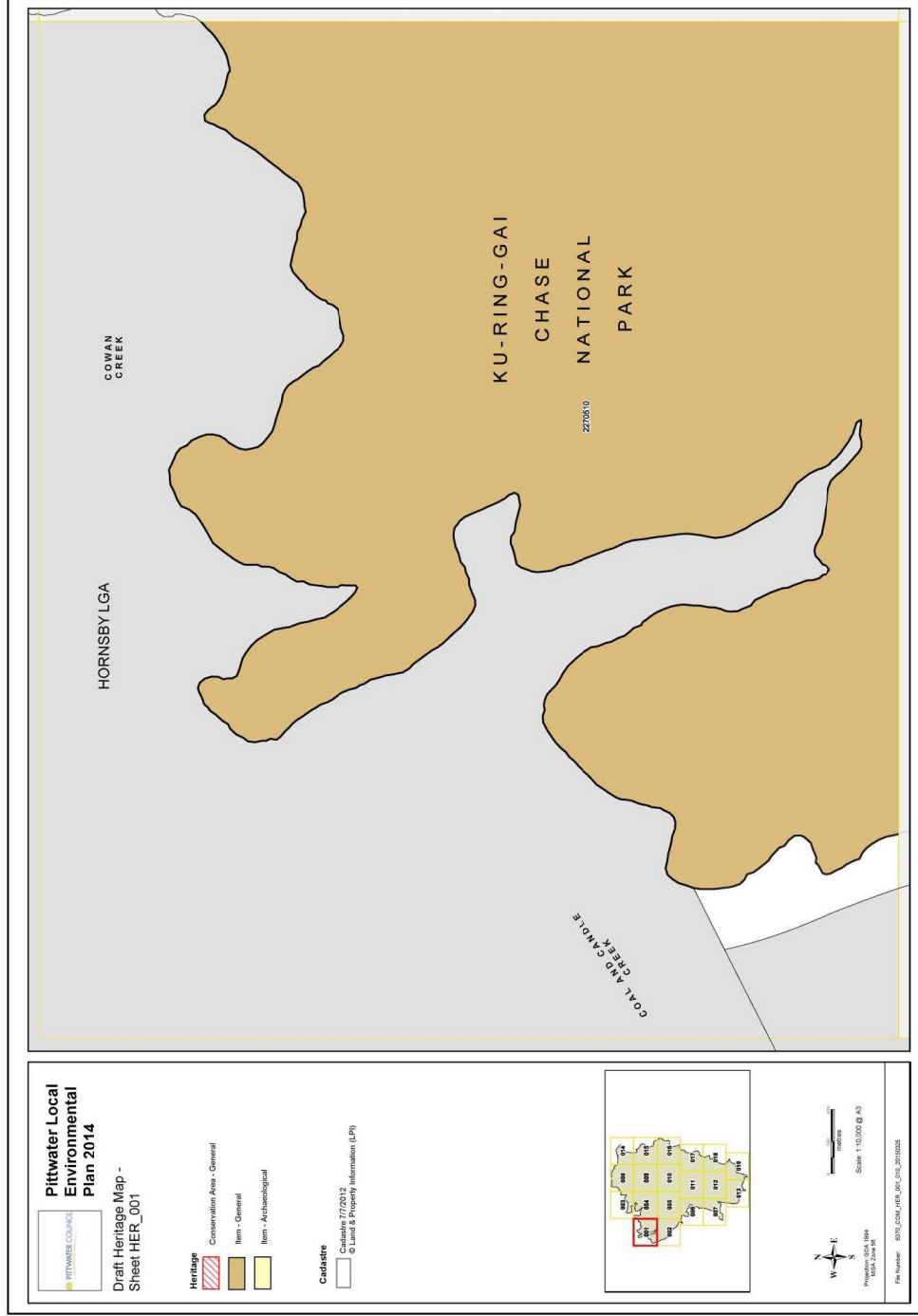
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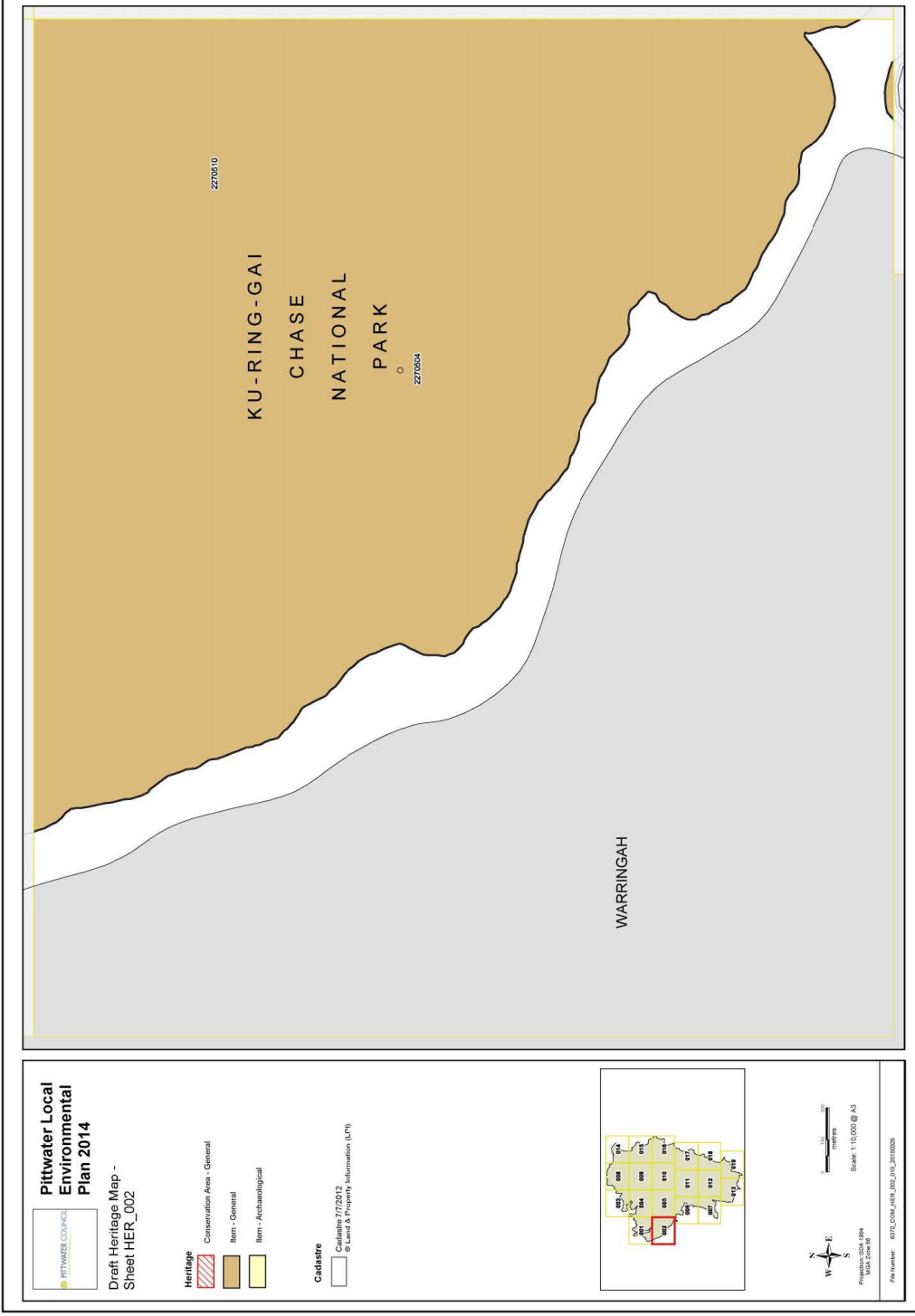
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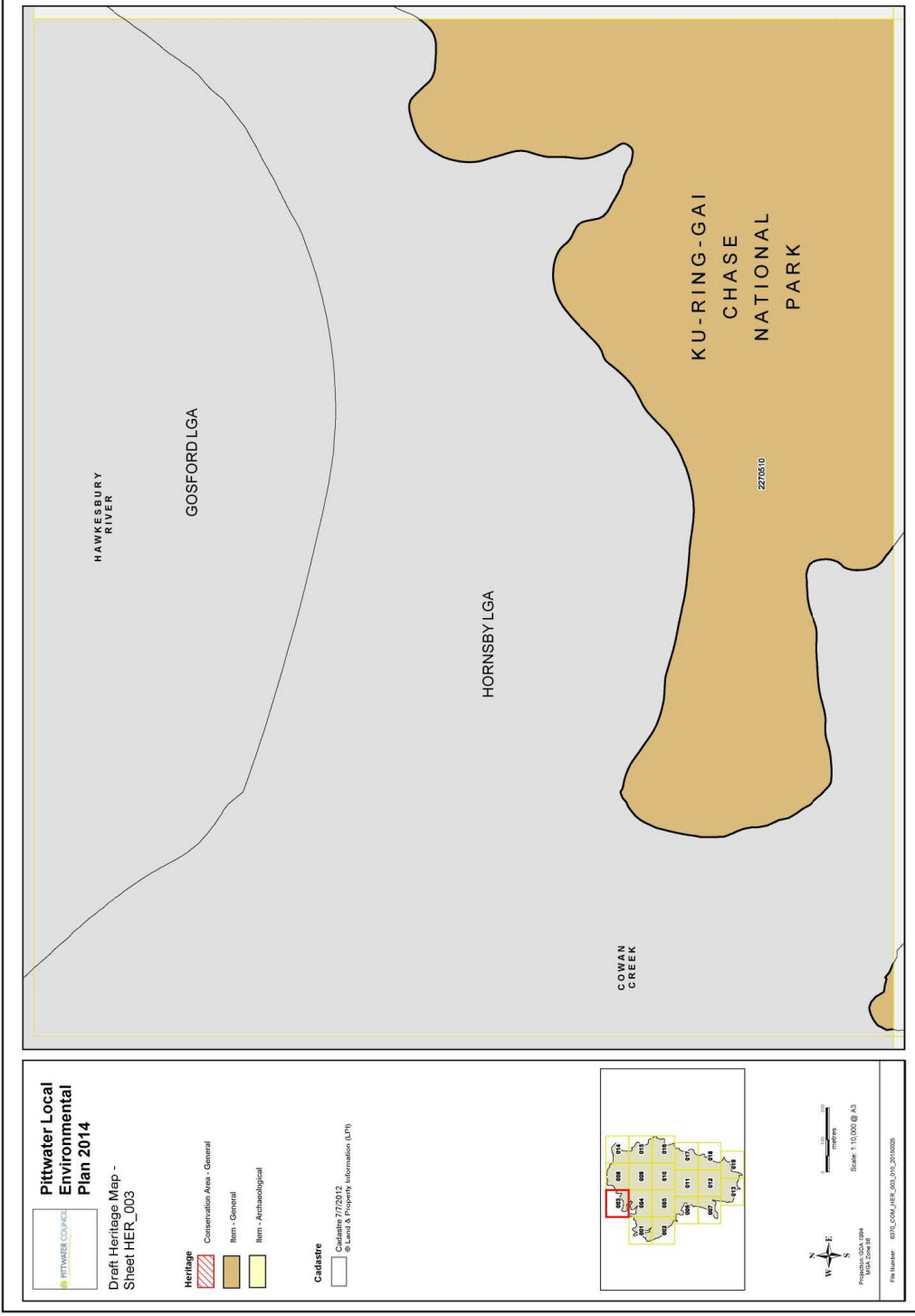
**Justification for inconsistency**

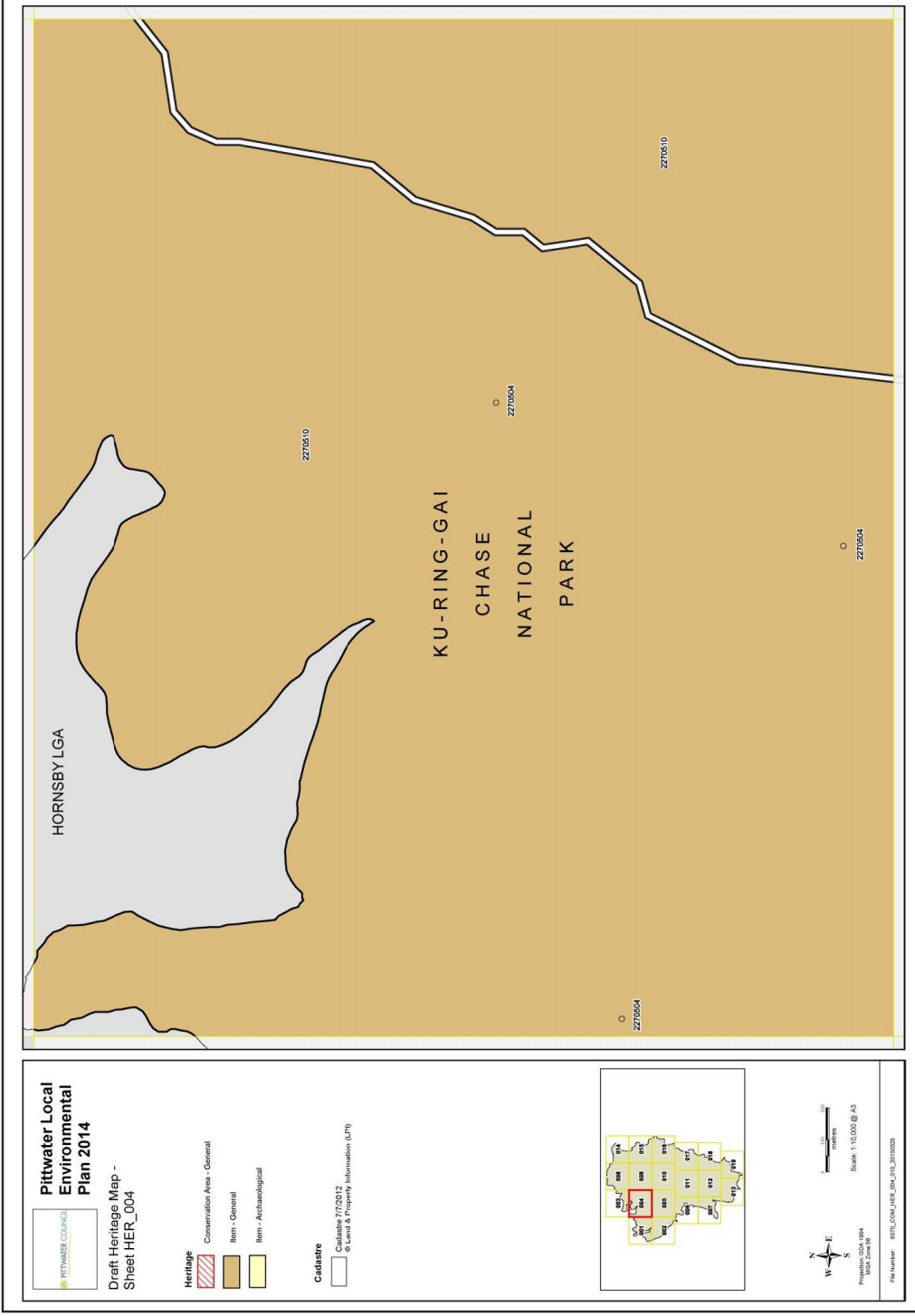
Nil.

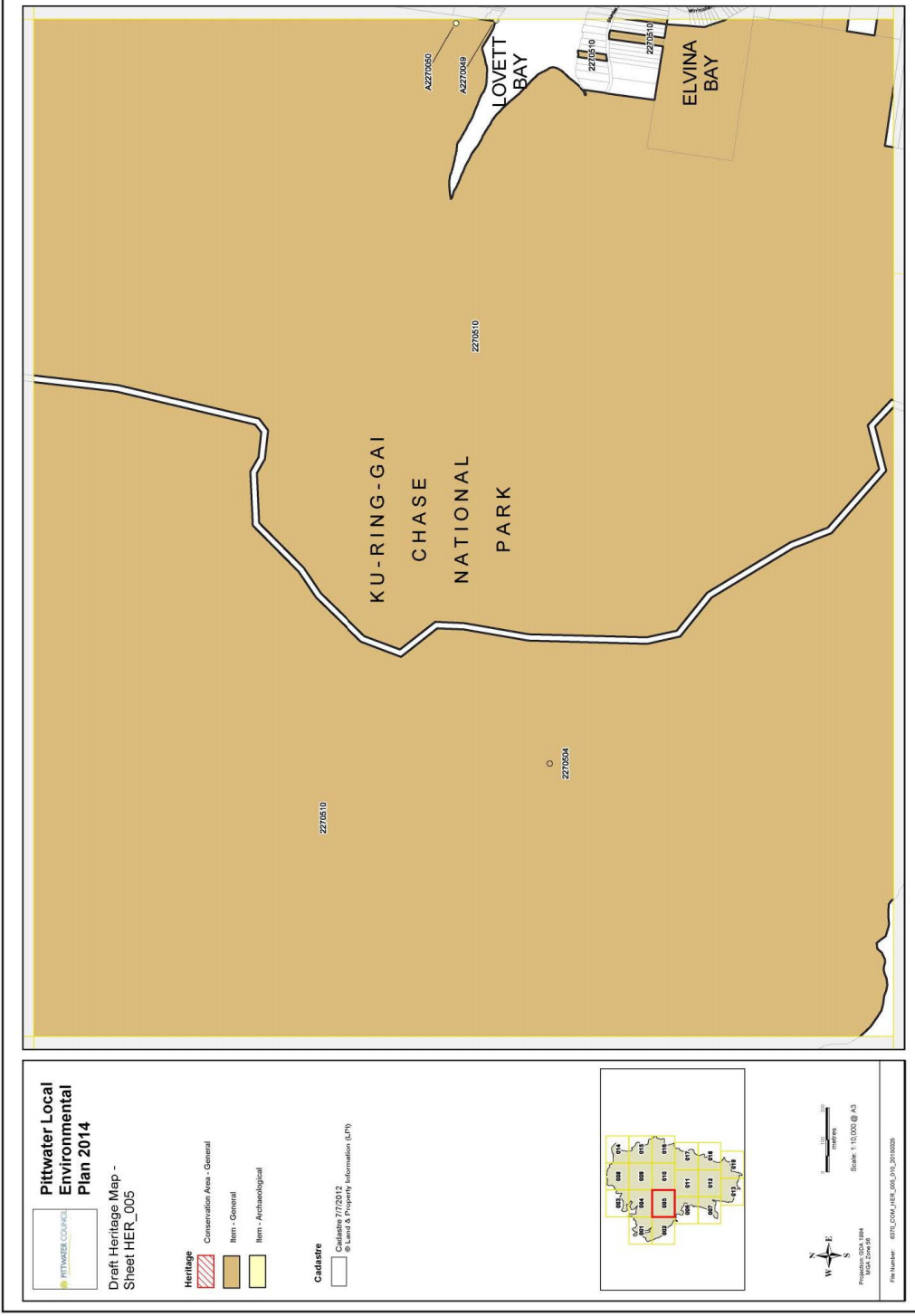
### Appendix 3: Proposed Heritage Map



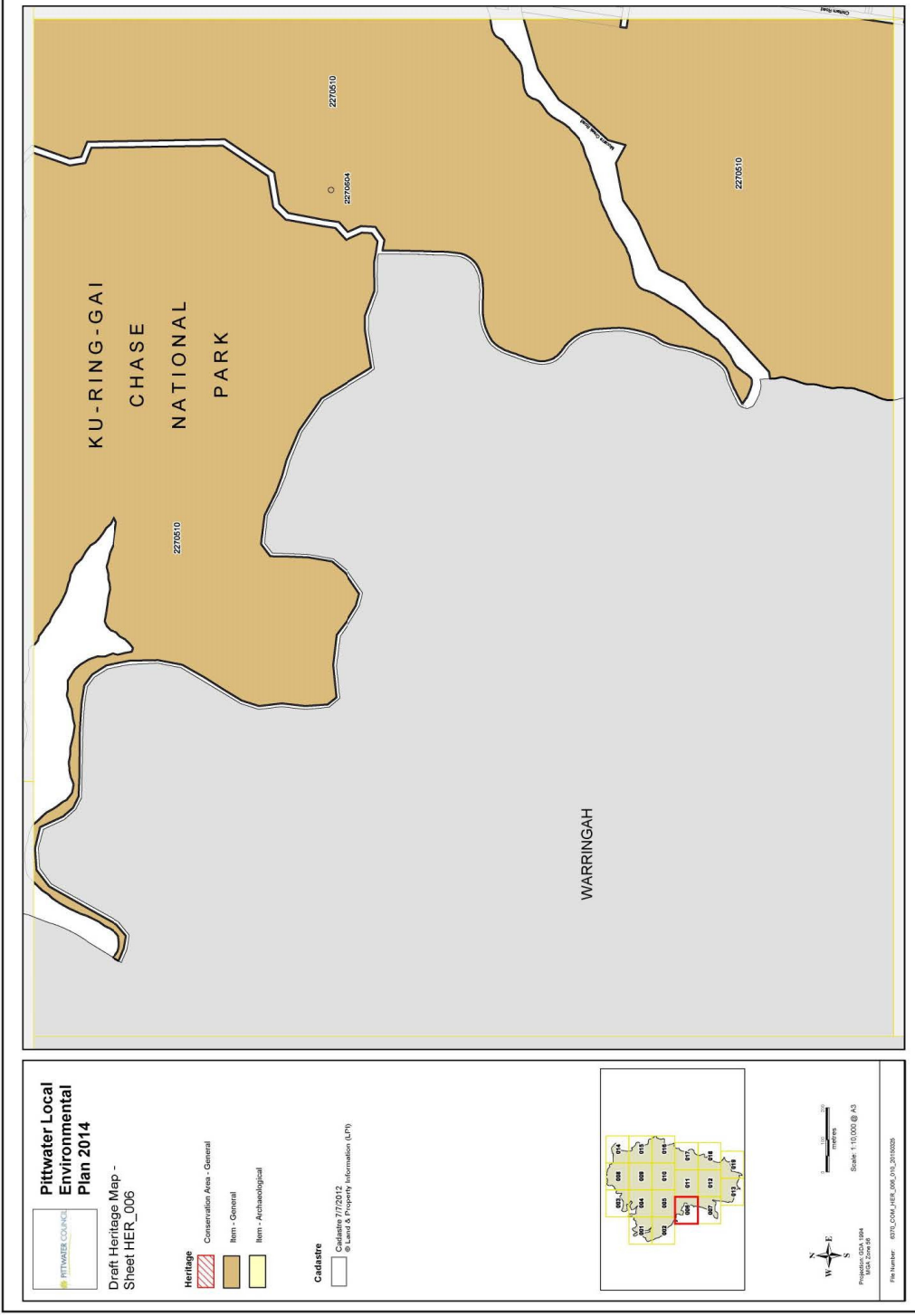


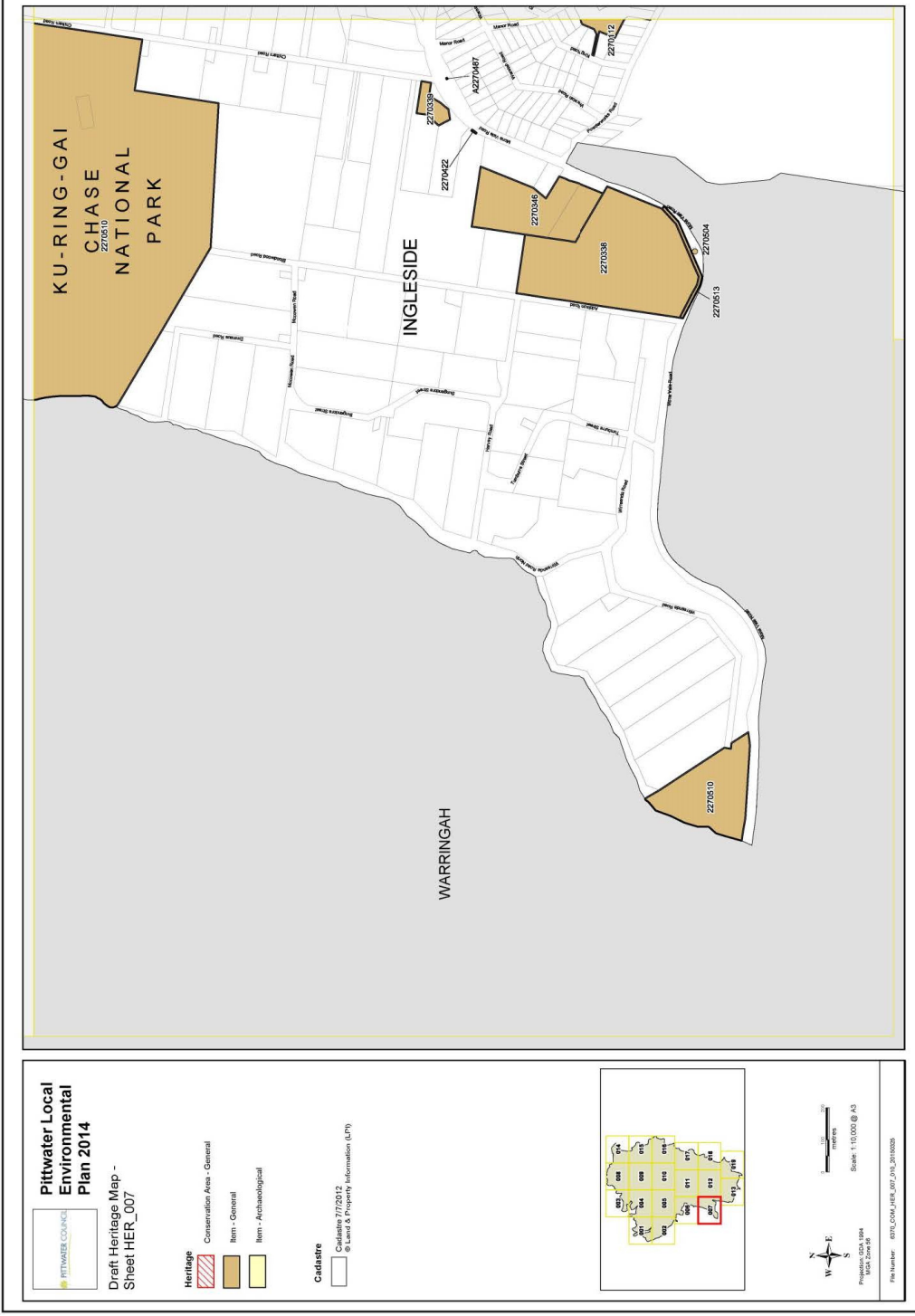


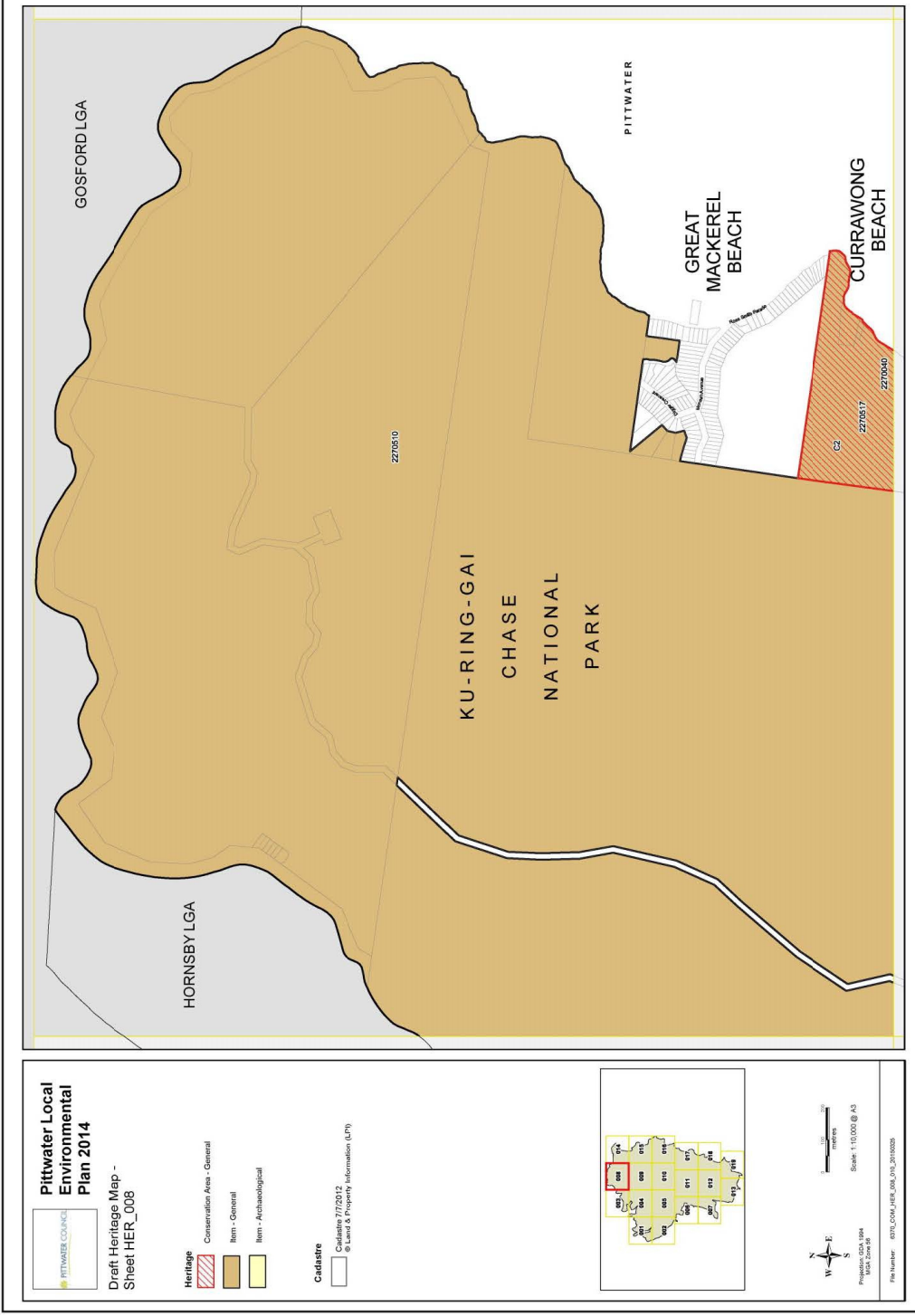


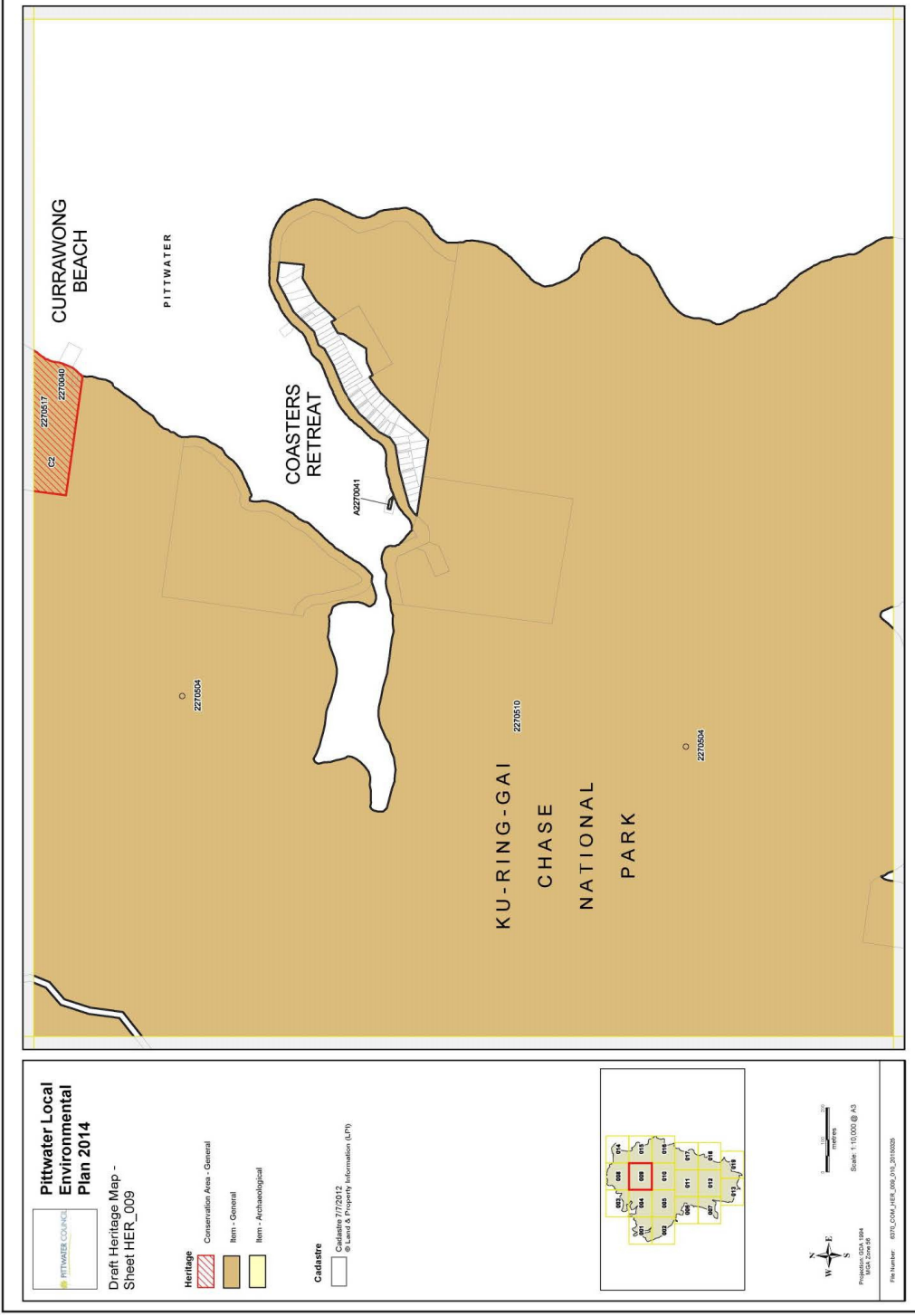


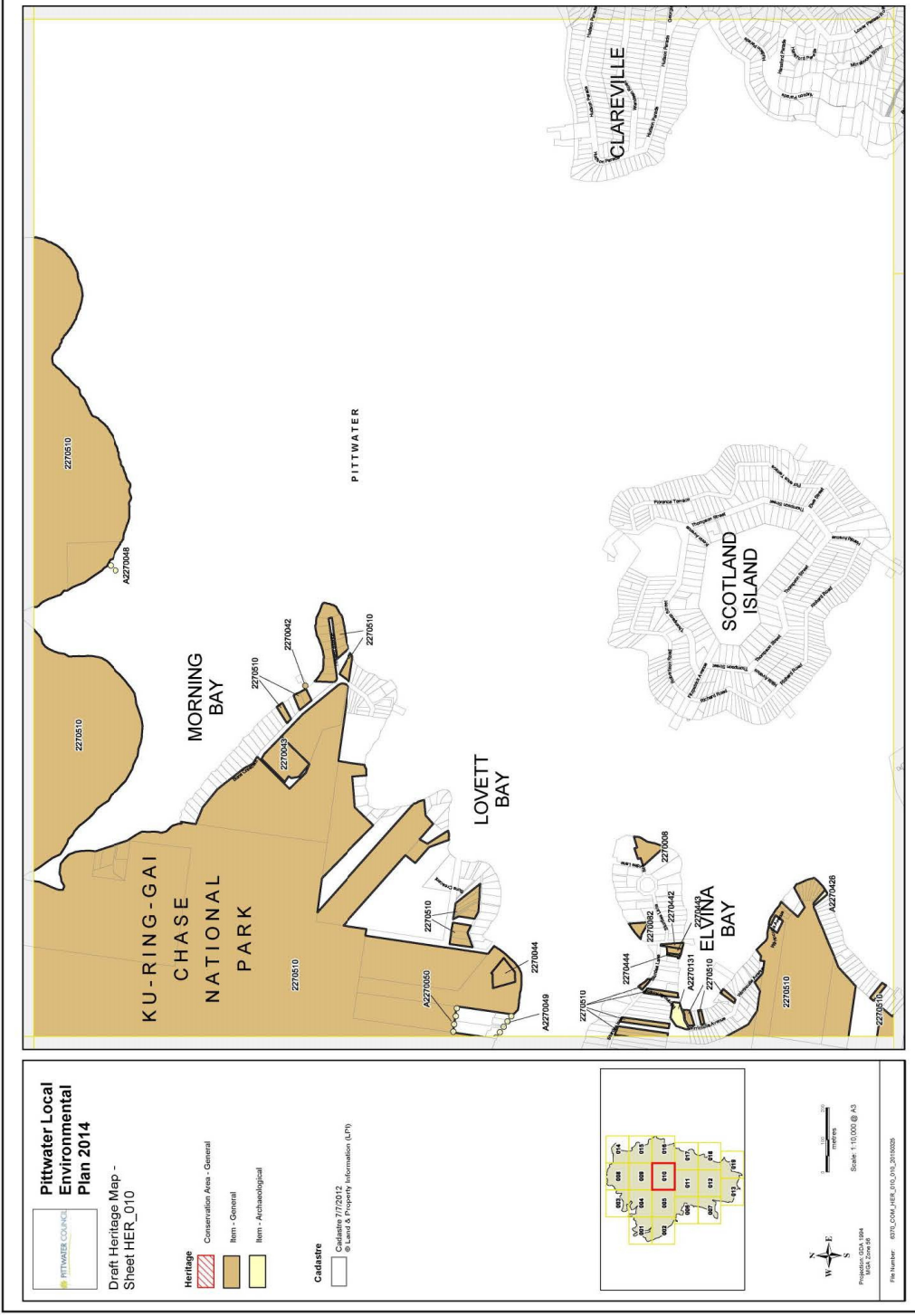


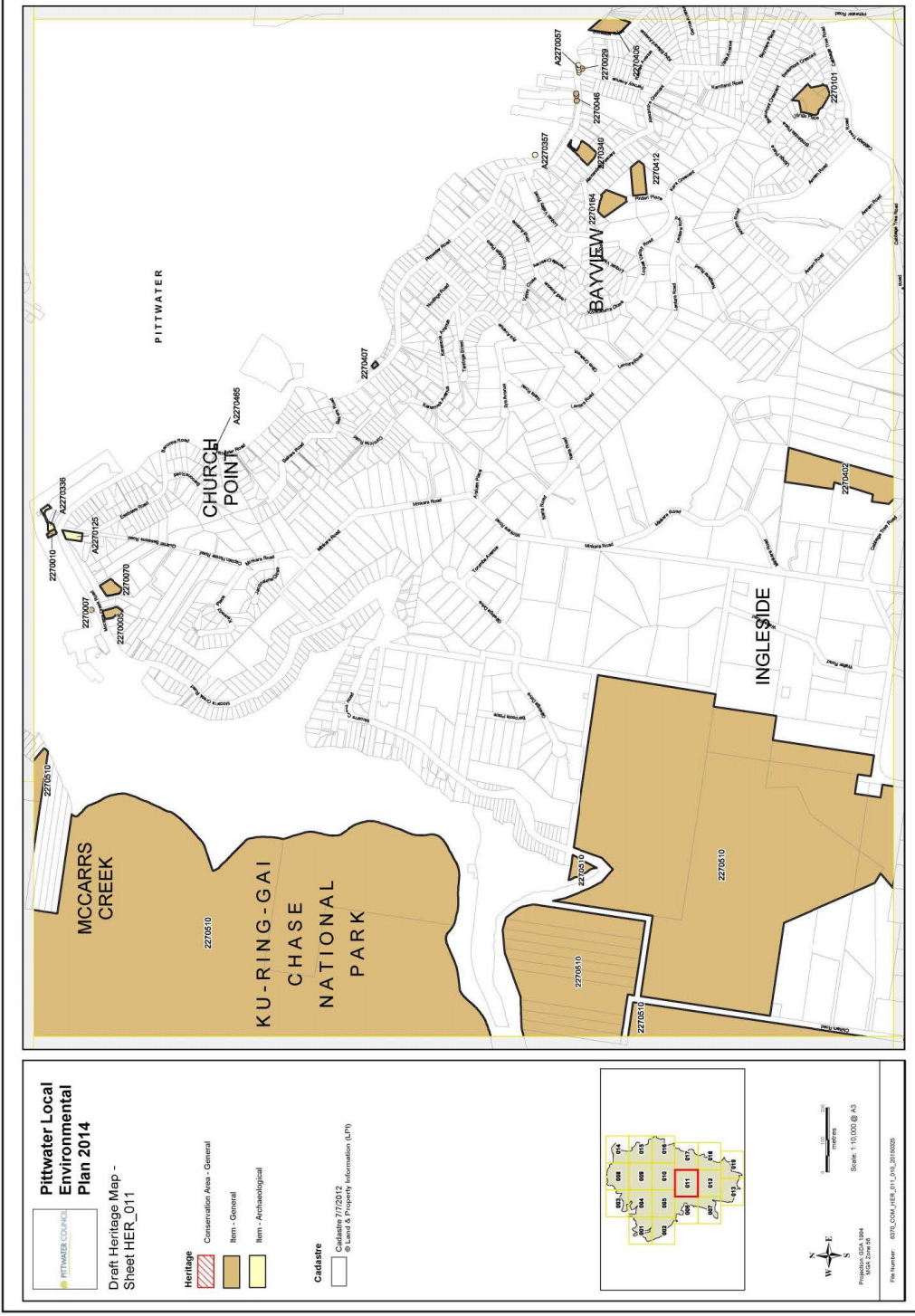




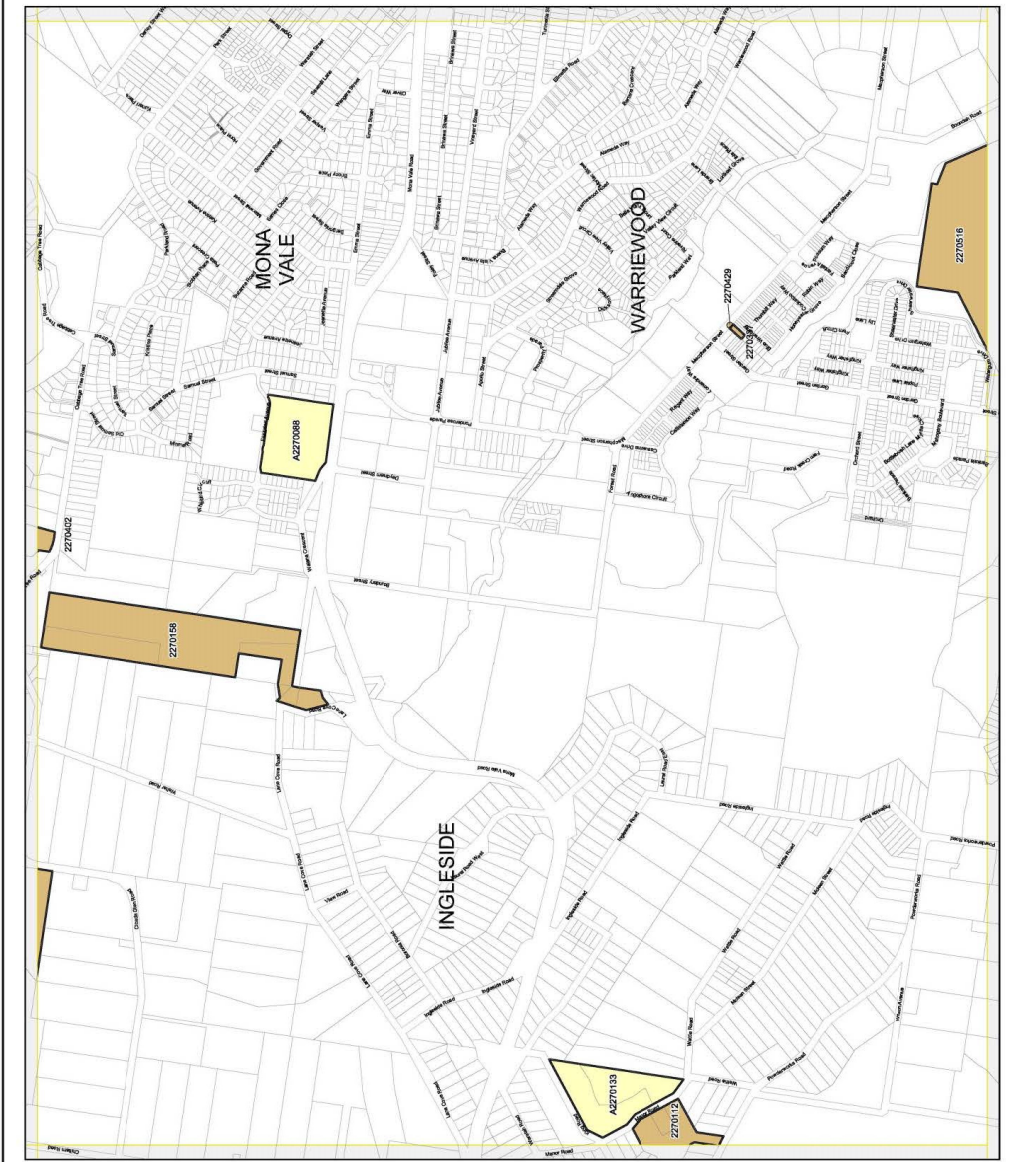












**Pittwater Local Environmental Plan 2014**  
 Draft Heritage Map - Sheet HER\_012

**Heritage**

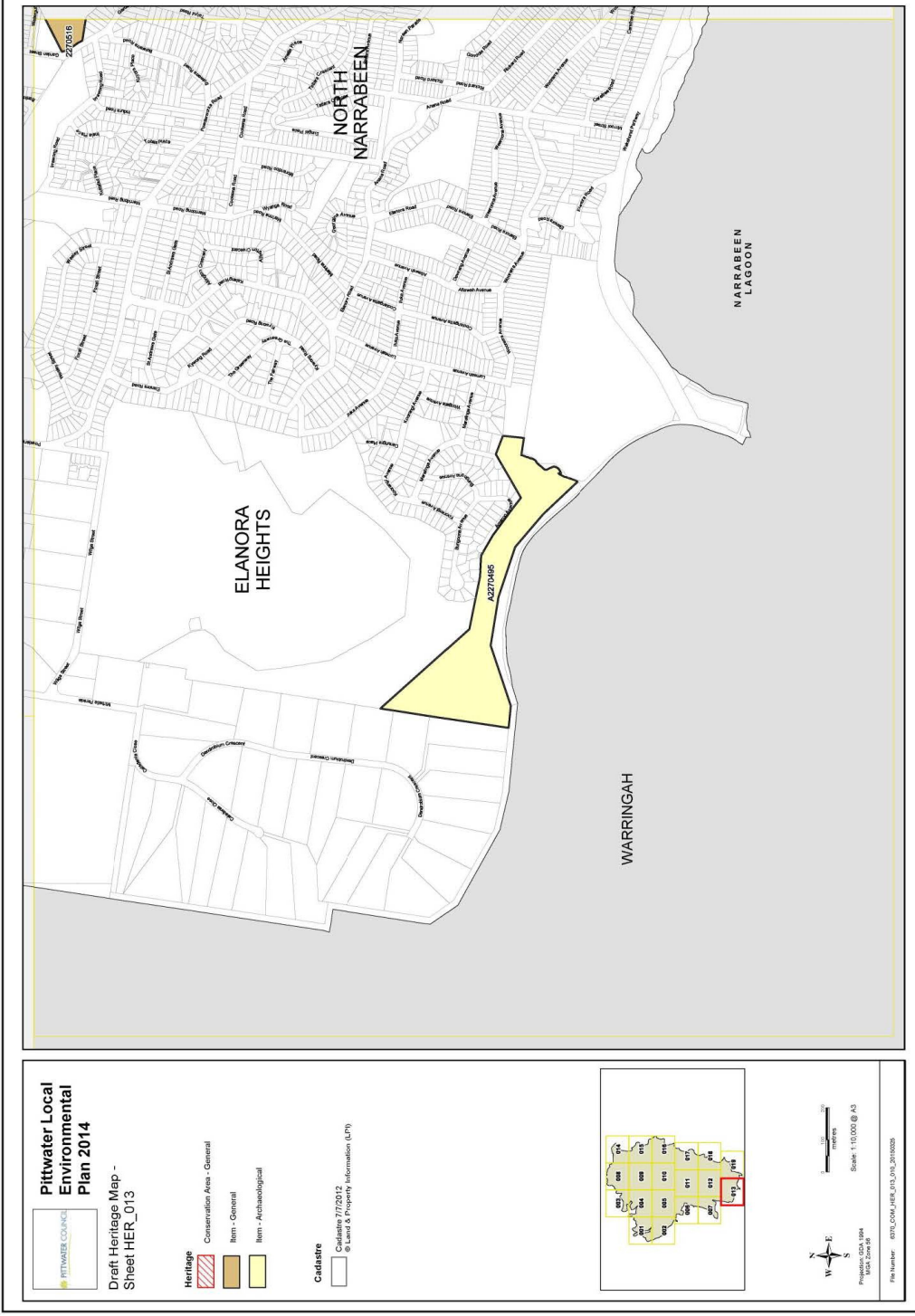
- Conservation Area - General
- Item - General
- Item - Archaeological

**Cadastral**

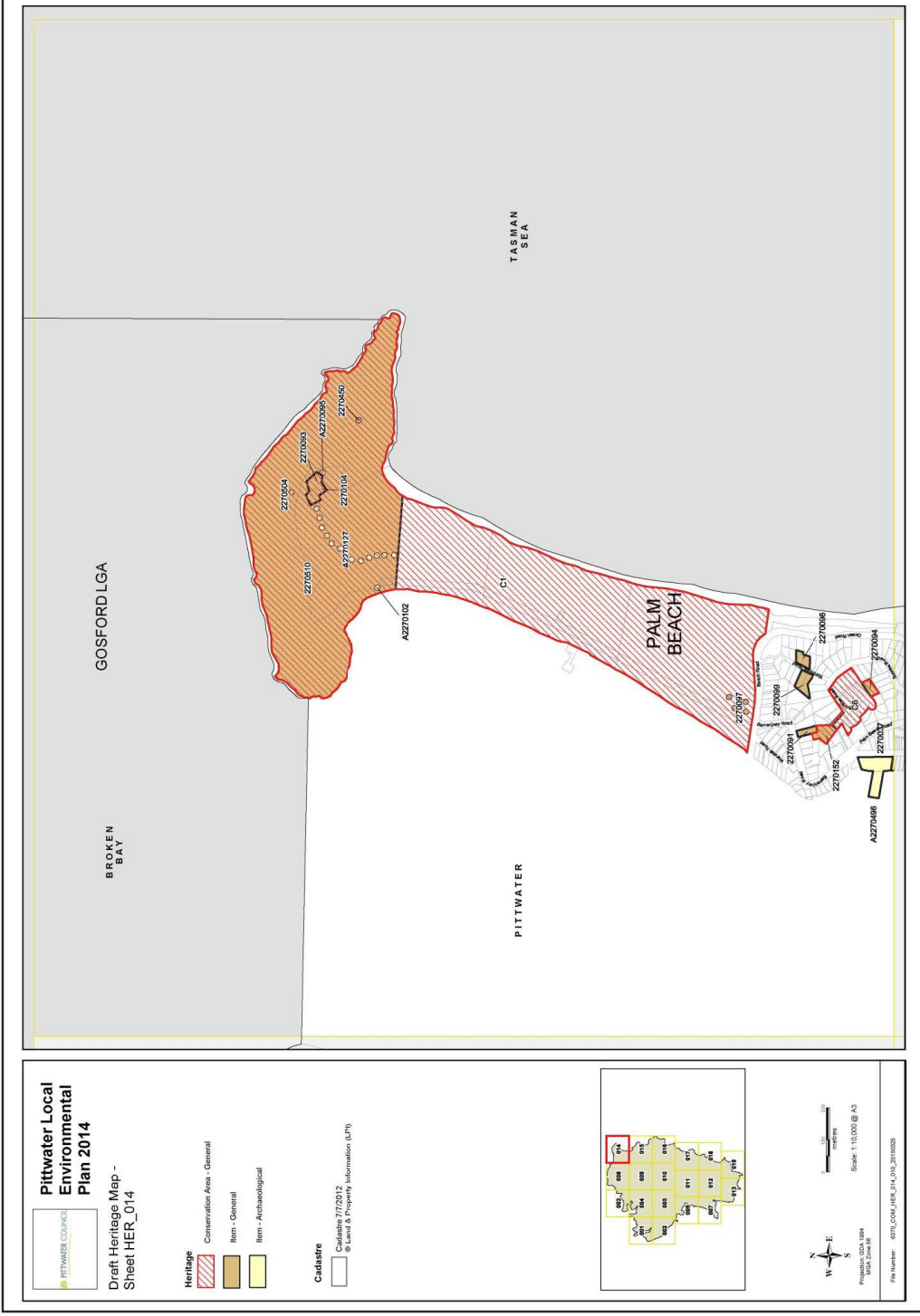
- Cadastral 7/7/2012
- © Land & Property Information (LPI)

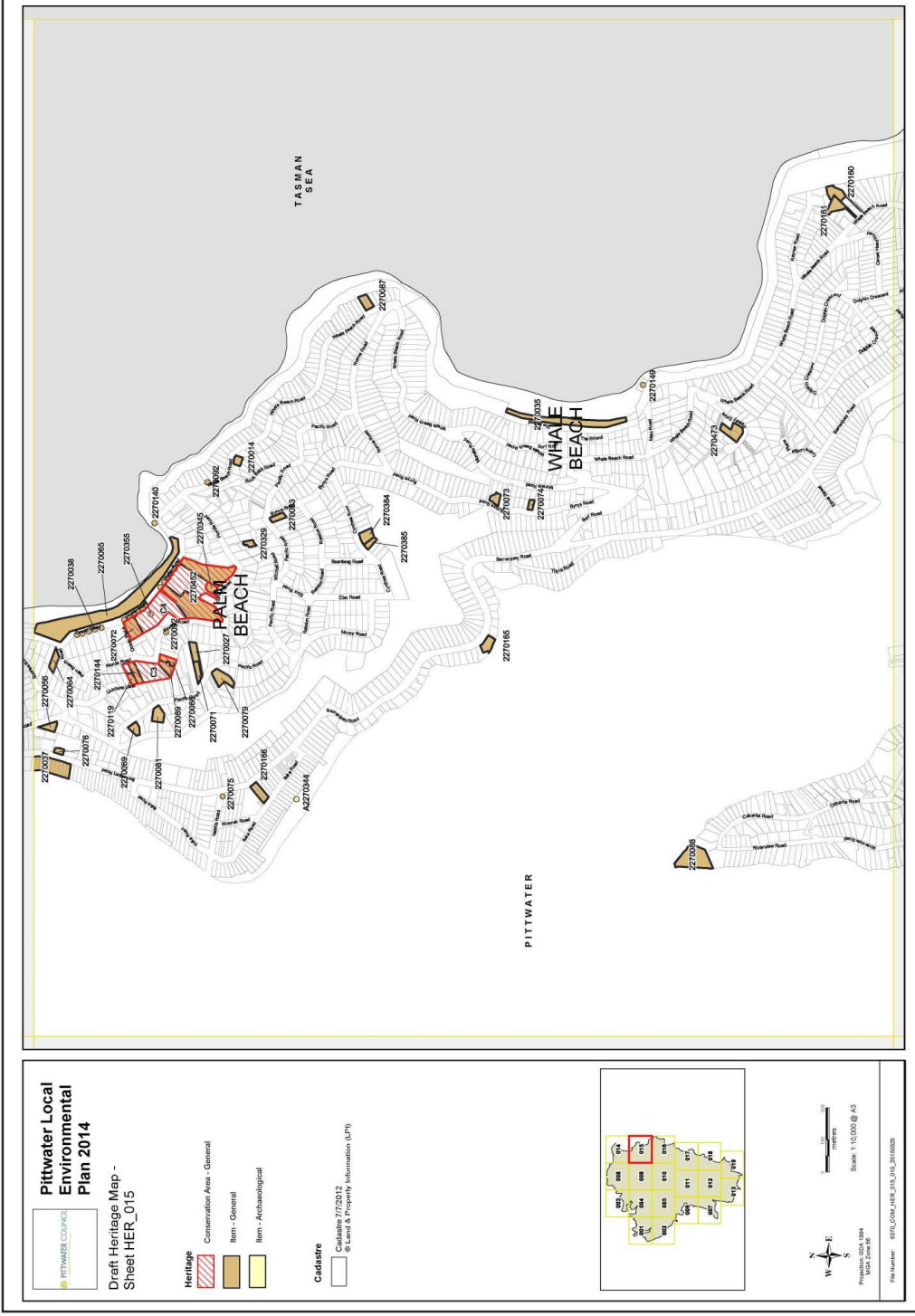
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 Projection: GDA 1994  
 Map Date: 08

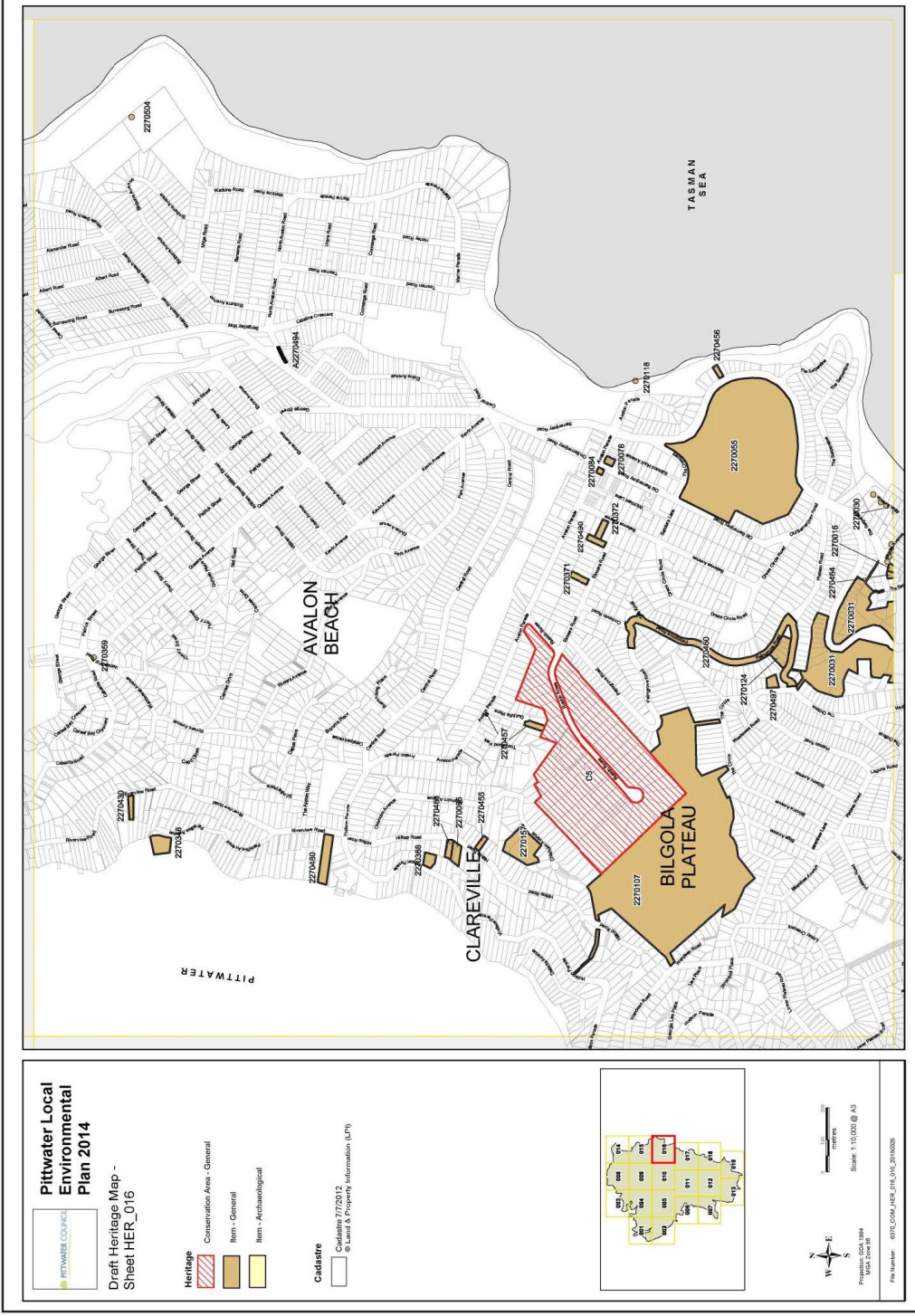
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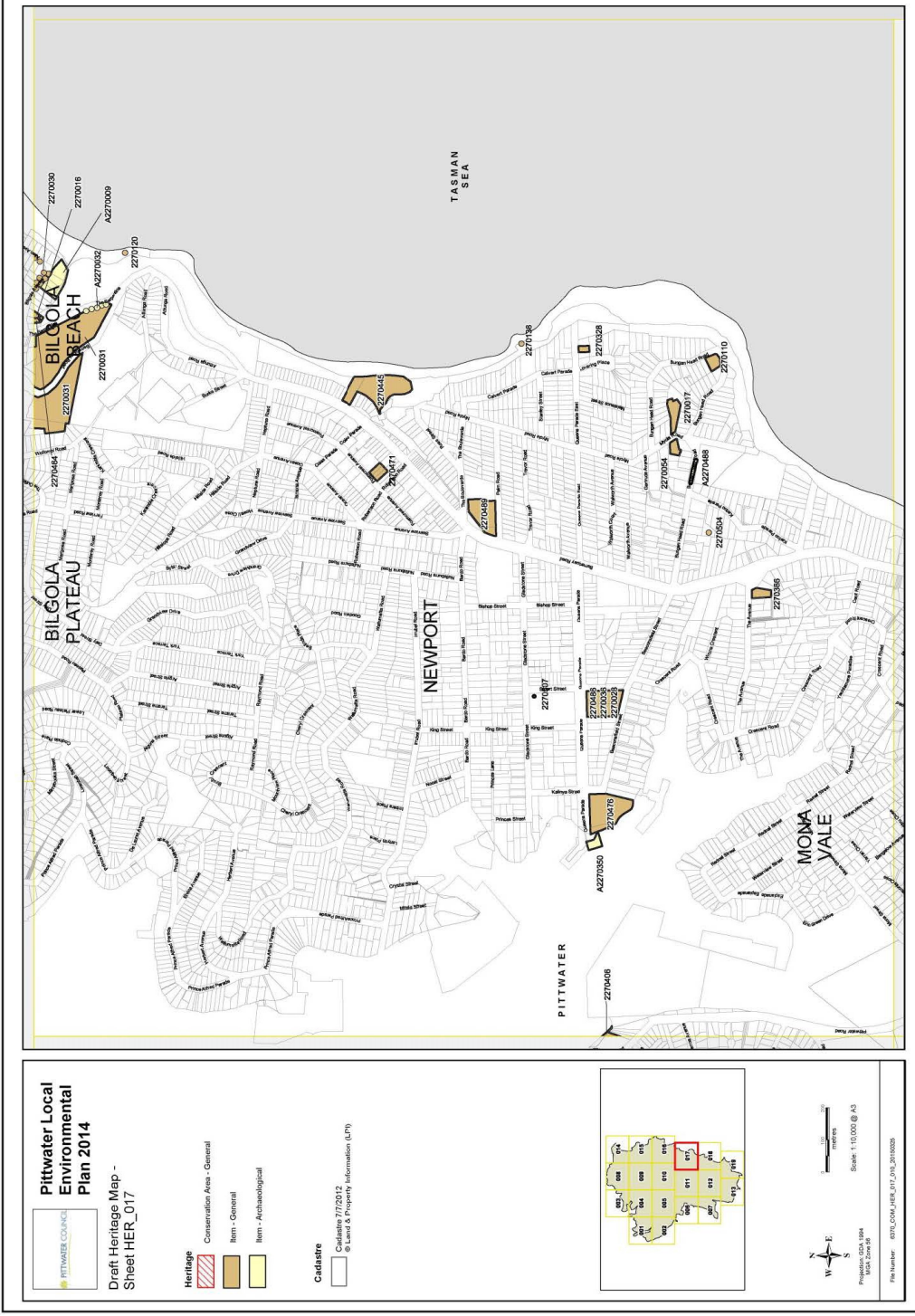




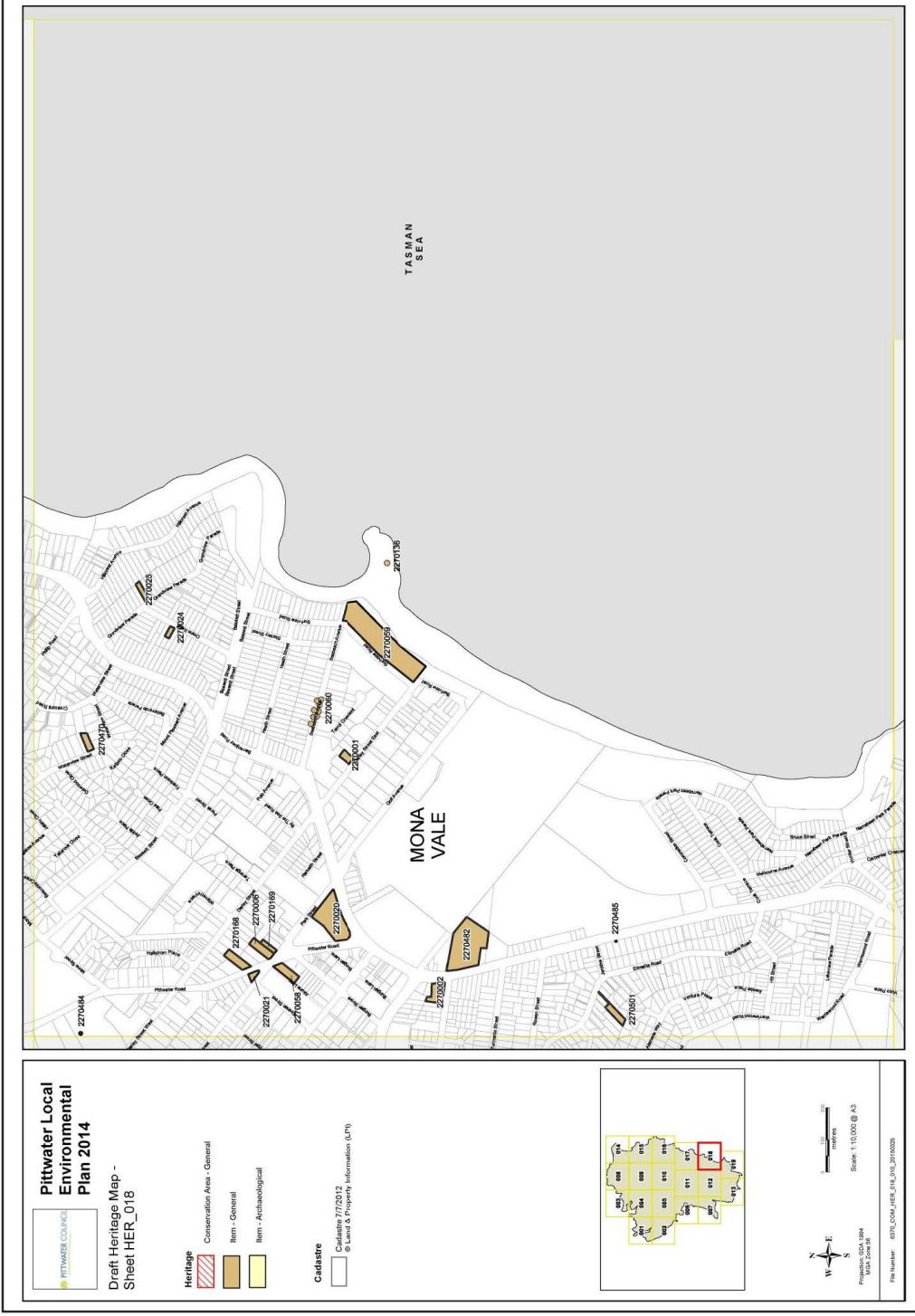


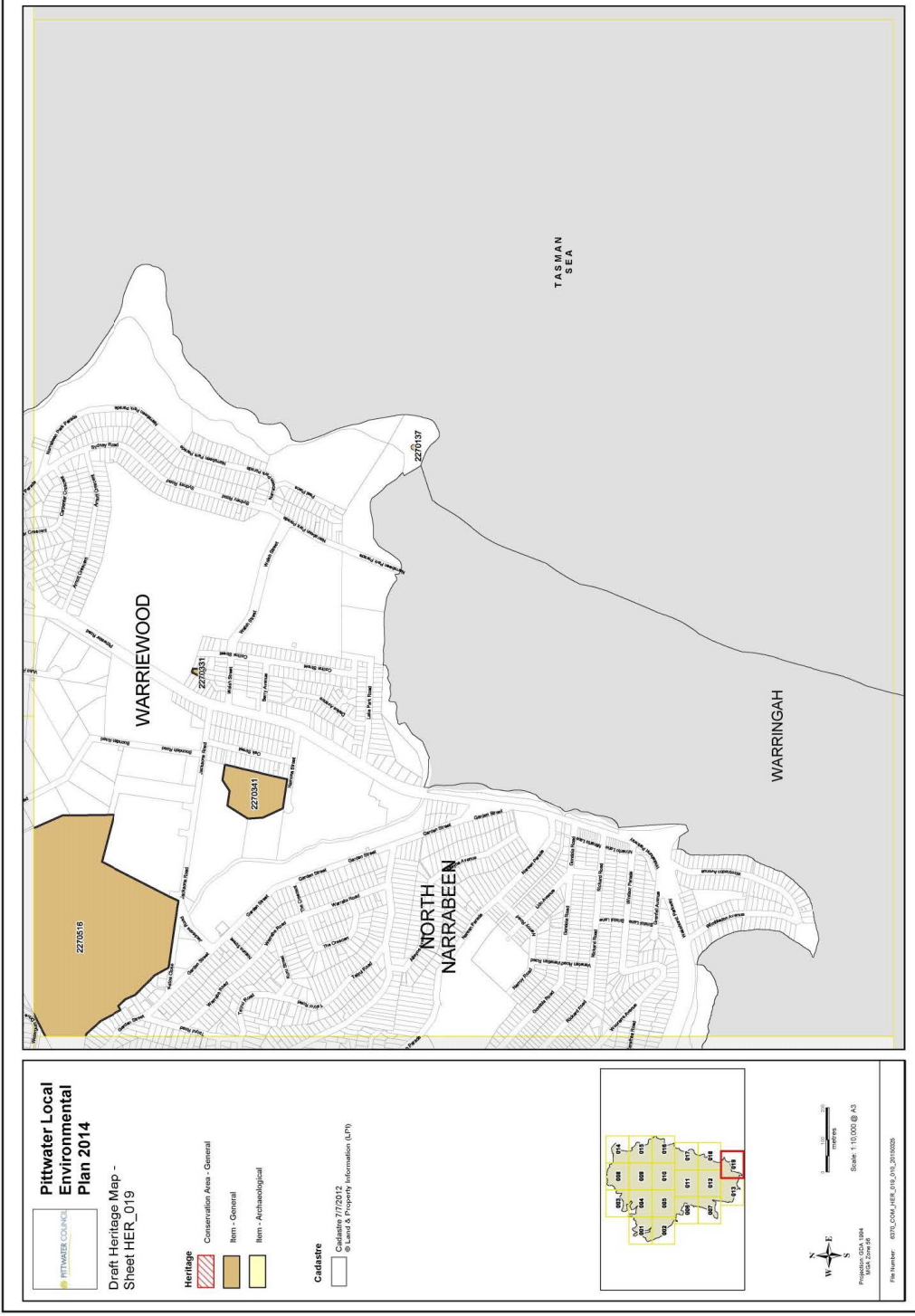












**Draft Pittwater 21 Development Control Plan (DCP) heritage controls****B1.1 Heritage Conservation – Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014****Land to which this control applies**

- Land on which a heritage item, heritage conservation area or archaeological site is located, and that is listed in Schedule 5 and shown on the Heritage Map in the Pittwater Local Environmental Plan 2014

**Uses to which this control applies**

- All Uses

**Outcomes**

Conservation of the environmental heritage of Pittwater in accordance with the principles contained in the *Burra Charter*.

Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage design that responds appropriately to their character.

Development that is respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract unnecessarily from, any identified heritage significance.

Recording of identified cultural heritage throughout the development process.

**Controls****Heritage Items or Archaeological Sites**

Any development application involving work likely to impact the heritage significance of a heritage item or archaeological site is to be accompanied by a Heritage Impact Statement, prepared by an appropriately qualified heritage professional. A Statement of Heritage Significance, establishing and assessing how the heritage significance will be affected by the development, must be included as a component of the heritage impact statement.

Alterations and additions to buildings and structures, and new development of sites containing a heritage item or archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.

Development on land containing a heritage item or archaeological site is to minimise the impact on the setting of the item or site by providing an adequate buffer zone where appropriate, and maintaining and respecting significant views to and from the heritage item or archaeological site.

Fencing and gates that are complementary to a heritage item should be retained, particularly those constructed from sandstone and are significant or represent important character elements for a locality.

New fencing and gates to a heritage item are to be compatible with the style and scale of the heritage item.

Original face brick or stone surfaces are not to be painted nor rendered.

Garages and carports are to be located as far behind the front building alignment of a heritage item as possible, if the site conditions allow. Garages and carports ideally should not be attached or integrated with heritage items, but set carefully next to them. Where possible they should not entail alteration of the heritage item to accommodate them, so that the heritage item is not distorted.

The scale and form of any alterations and additions are not to dominate the existing building, especially when viewed from the most significant elevations. New alterations and additions should be consistent with the existing building form with respect to roof shape and pitch, façade articulation, fenestrations, proportions and position of windows and door openings.

Alterations and additions to heritage items should not necessarily attempt to replicate the architectural or decorative detail of the original but be sympathetic and compatible so as to maintain a distinction between old and new in a subtle manner. Alterations and additions should complement a heritage item's existing period style and character. Reconstruction or reinstatement of the original details and finishes is encouraged.

Original roofing materials should be retained wherever possible. New roofing material should match the original as closely as possible in terms of colour, texture and profile.

The materials, finishes and colours used in alterations and additions should complement the heritage item. Modern materials can be used if their proportions and details are harmonious within the surrounding heritage context or with the heritage item.

Colour schemes for heritage buildings should generally be compatible with the particular architectural style and period of the building.

If work associated with a development approval is likely to adversely impact the heritage item, Council requires an archival recording of a heritage item to be prepared by an appropriately qualified heritage professional.

### Heritage Conservation Areas

Development applications in heritage conservation areas, involving work likely to impact the heritage significance of the conservation area, must be accompanied by a Statement of Heritage Impact, establishing and assessing how the significance of the heritage conservation area will be affected by the development.

The existing street pattern that reflects the original subdivision pattern of the estates is to be retained. Development is to respond to the established development patterns of the area as displayed by the subdivision layout, and front and side setbacks.

Distinctive characteristics of the streetscapes including fitting into the unique topography, leafy quality and garden settings is to be retained.

No new intrusive changes or elements will be permitted in the heritage conservation areas, including high, visually impenetrable front fences, painting of face brick façades, removal of original detailing, or unsympathetic alterations and additions, such as a first floor.

Development must minimise the visual impact on the surroundings, in particular the landscaped setting.

Development in heritage conservation areas is to be carefully designed to respond to the heritage significance of the heritage conservation area, and to complement the existing character of buildings within the heritage conservation area, particularly the nearby heritage item(s) in terms of height, massing, form, bulk, setbacks, scale and detailing. Solid to void ratios of elevations are to be similar to those of nearby buildings with heritage significance.



Where there are uniform levels or setbacks within the streetscape, development is to be consistent with the levels and setbacks of the adjoining buildings.

Development is not to obscure existing significant views to and from heritage items.

Contemporary design for new houses and for alterations and additions is acceptable and encouraged as long as it respects its context and achieves a cohesive relationship with historically and architecturally significant existing fabric.

The materials and finishes of new houses are to be compatible with the materials and finishes of adjoining buildings of heritage significance. They must be similar to, but should not copy, the characteristic materials, finishes, textures and colours of the buildings of heritage significance within the streetscape. Contemporary materials may be used where their proportions, detailing and quantities are consistent with the existing and desired future character of the heritage conservation area.

### **Variations**

To help preserve environmental heritage in Pittwater, Council may consider varying other controls within this DCP to help preserve the significance of heritage items and heritage conservation areas.

### **Advisory Notes**

Section 5.10(3) of Pittwater LEP 2014 includes provisions for minor work or maintenance work to proceed without receiving development consent.

[Refer to Appendix 2](#) for additional information on heritage in Pittwater.

The *Burra Charter* provides guidance for the conservation and management of places of cultural significance and is published by Australia ICOMOS Incorporated.

## **B1.2 Heritage Conservation – Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites**

### **Land to which this control applies**

- Land within the vicinity of a heritage item, heritage conservation area or archaeological site that is listed in Schedule 5 and shown on the Heritage Map in the Pittwater Local Environmental Plan 2014

### **Uses to which this control applies**

- All Uses

### **Outcomes**

Conservation of the environmental heritage of Pittwater LGA in accordance with the principles contained in the *Burra Charter*.

Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage contemporary design that responds appropriately to their character.

Development respectful of environmental heritage undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

### **Controls**

Any development application involving work likely to impact the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site is to be accompanied by a Statement of Heritage Impact prepared by an appropriately qualified heritage professional. A Statement of Heritage Significance, establishing and assessing how the heritage significance will be affected by the development, must be included.

Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.

Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to minimise the impact on the heritage significance by providing an adequate buffer zone, and maintaining and respecting significant views to and from the heritage item, heritage conservation area, archaeological site or potential archaeological site.

### **Variations**

Nil.

### **Advisory Notes**

[Refer to Appendix 2](#) for additional information on heritage in Pittwater.

The *Burra Charter* provides guidance for the conservation and management of places of cultural significance and is published by Australia ICOMOS Incorporated.

## **B1.3 Heritage Conservation – General**

### **Land to which this control applies**

- Land on which there are no heritage items, heritage conservation areas or archaeological sites and is not in the vicinity of a heritage item, heritage conservation area or archaeological site.

### **Uses to which this control applies**

- All Uses

### **Outcomes**

Conservation of the environmental heritage across Pittwater LGA in accordance with the principles contained in the *Burra Charter*.

Enhancement of the existing heritage values and encouragement of contemporary design that responds appropriately to their context.

Development respectful of environmental heritage undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

### **Controls**

If a property, the subject of a development application, is identified as possibly meeting any of the criteria for heritage listing (encompassing the four values of the *Burra Charter*, being historical, aesthetic, scientific and social significance) then additional independent information on the potential heritage significance may be requested. If the property meets the criteria for heritage listing then development control B1.1 of this DCP will apply.

### **Variations**

Nil.

### **Advisory Notes**

[Refer to Appendix 2](#) for additional information on heritage in Pittwater.

The Burra Charter provides guidance for the conservation and management of places of cultural significance and is published by Australia ICOMOS Incorporated.

**Summary of submission received during the public exhibition of the draft Pittwater Community Based Heritage Study Review**



**Pittwater Community Based Heritage Study Review Consultation – Response to Submissions Received During the Exhibition Period**

Sub. no	Property Address	Date of Submission	Summary of issues	Response	Recommendation
<b>SUPPORT SUBMISSIONS</b>					
<i>(Where parts of a submission are quoted they are indicated in italics)</i>					
8	Bilgola Heritage Conservation Area	7 <sup>th</sup> August 2014	<ul style="list-style-type: none"> <li>• Applauds Pittwater Council for undertaking the Heritage Study and proposing the listing of the Conservation Area.</li> <li>• <i>Some points in the description of the Proposed Heritage Conservation Area for Bilgola need clarification so that this Heritage Conservation Area is transparent to Council staff, Bilgola residents/owners to the Pittwater community and thus fully describes what is to be protected.</i></li> <li>• The boundary of the Conservation Area is clear on the map but not in the written description.</li> <li>• Recommendation of several actions for changes to the description of the Conservation Area:             <ul style="list-style-type: none"> <li>- 2 and 4 The Serpentine need to be included in the written notes covering the conservation area. They are on the Map</li> <li>- The cabbage tree palms must be written upfront in all descriptions mentioning what should be protected.</li> <li>- This is not obvious at the moment although it exists later in the text.</li> <li>- Bridges, wells, paths, archaic stone garden ornaments need to be listed quickly as an audit suggested by the Consultant, before they disappear. Numerous features from the Bilgola Estate remain in various gardens – see submission for more detailed description.</li> <li>- The Heritage Conservation Area should capture what is left of the gardens that reflect the Bilgola Estate.</li> <li>- Bilgola House was demolished in 1989 not 1987</li> <li>- Why is a photograph of Allen Ave included in the Review? 1 Allen Ave does have an old well on it. 2 The Serpentine has old stone /shell gate posts. Are these already listed? No mention of them anywhere.</li> <li>- The drystone creek wall running thru [sic] all blocks</li> </ul> </li> </ul>	<p>Recommendations have been noted.</p> <p>Due to limitations on the detailed analysis and comparison with the historical evidence of the remnant garden and landscape elements of the former Bilgola Estate/House under the current Community Based Heritage Study Review, it is considered a further analysis and assessment of the nominated elements of the Bilgola Estate/House be undertaken to inform the decision making on their heritage values.</p>	<p>Consider a thorough investigation and assessment of the heritage significance of the remnant garden and landscape elements of the former Bilgola House in any future heritage study within 24 months following the completion of this Heritage Study Review.</p>

Pittwater Community Based Heritage Study Review / March 2015  
 RESPONSE TO THE SUBMISSIONS RECEIVED DURING THE EXHIBITION PERIOD

Sub. no	Property Address	Date of Submission	Summary of issues	Response	Recommendation
15	Biggala Heritage Conservation Area	21 <sup>st</sup> August 2014	<p><i>needs to be upfront in the description and all of the garden ornamentation, including those precious archaic urns, need to be itemised and mentioned</i></p> <p>The bibliography should reflect the article written by Tony Dawson and Anne Spencer. It is currently only quoted only as research notes. (<i>Biggala- The Story of a Politician, a Pilot and an Epicure</i> by Tony Dawson and Anne Spencer. Published in the Peninsular Historian-Newsletter of the Manly, Warringah and Pittwater Historical Society Inc., Part 1 August 2010 and Part 2 September 2010)</p> <p><i>Because of the research resulting from this effort I would like to see more text given to these 3 important owners of Biggala House Watt, Maclurcan and Dalley in the history summary-- the three responsible for much of the heritage we see today [sic]</i></p> <ul style="list-style-type: none"> <li>Submission notes the following: <ul style="list-style-type: none"> <li>Their house was built in 1960s and renovated in 2007, and that the DA has not been completed in respect to the carport, and as such submit that they retain the right to complete that construction or in the alternative provide an application for a different carport/garage construction at a later date.</li> <li>Their property does not have any heritage items with respect to the channel, bridge or specific heritage items.</li> <li>The property has a continuous brush wood fence outside of their property boundary bordering the channel noting that those owners who also own and maintain the brush wood fence were offered to purchase the land on the reserve side of the channel and include that allotment in their respective certificates of title. The submission notes that as they are new owners of the said title they missed the opportunity, and as such request that they be allowed the opportunity to acquire such land from Council at a reasonable value.</li> <li>Although they are not objecting to the conservation area and their property being included as part of the</li> </ul> </li> </ul>	<p>Information on the property's age and subsequent renovations is noted. Retaining the right to complete construction of the carport is a matter for Council's consideration whenever such inquiry or application is made by the owners.</p> <p>It is known that the property does not have any heritage items currently listed under the Pittwater LEP 2014.</p> <p>Opportunity to acquire the land on the reserve side of the channel is a matter for Council's consideration whenever such request is made by the owners.</p> <p>Due to limitations on the</p>	<p>Council note the comments in this submission.</p> <p>Consider a thorough investigation and assessment of the heritage significance of the remnant garden and the landscape elements of the former Biggala House in any future heritage study within 24 months following the completion of this Heritage Study Review.</p>

Pittwater Community Based Heritage Study Review / March 2015  
RESPONSE TO THE SUBMISSIONS RECEIVED DURING THE EXHIBITION PERIOD



Sub. no	Property Address	Date of Submission	Summary of issues	Response	Recommendation
9	7 Gunjulla Place, Avalon	8 <sup>th</sup> August 2014	<p>conservation area, they object for inclusion in any heritage listed items including bridges, cabbage tree palms etc.</p> <p>The wording as to what constitutes a heritage item and what constitutes a conservation item should be clearly defined within the report and LEP 2014.</p> <ul style="list-style-type: none"> <li>-</li> </ul> <ul style="list-style-type: none"> <li>• Agree with the listing of their property, however: <ul style="list-style-type: none"> <li>- Submission points out many elements of the house which will be preserved as <i>outstanding examples of what not to do.</i></li> <li>- The interior of the house was significantly altered prior to mid 2014 when the property was purchased by the current owners.</li> <li>- Do not want any onerous conditions as a result of the heritage listing of the property. The owners are elderly, semi retired and wish to continue living a quiet and</li> </ul> </li> </ul>	<p>detailed analysis and comparison with the historical evidence of the remnant garden and landscape elements of the former Bilgola Estate/House under the current Community Based Heritage Study Review, it is considered a further analysis and assessment of the nominated elements of the Bilgola Estate/House be undertaken to inform the decision making on their heritage values.</p> <p>Section 2.7 of the Pittwater Community Based Heritage Study Review report explains the rationale for assessing heritage significance and listing criteria. Definitions of heritage related matters are included in the Dictionary section of the Pittwater LEP 2014.</p> <p>Amendments have been made to the inventory form of this potential item to include the changes noted in the submission and update the integrity of the interiors.</p> <p>The heritage listing will not significantly restrict the flexibility of making</p>	<p>Retain on the potential heritage items list.</p>

Pittwater Community Based Heritage Study Review / March 2015  
RESPONSE TO THE SUBMISSIONS RECEIVED DURING THE EXHIBITION PERIOD

Sub. no	Property Address	Date of Submission	Summary of issues	Response	Recommendation
			private life.	changes to the interiors of the house due to its altered nature. The property will not be open to public views as a result of its heritage listing. There will be no requirement to open the property for public viewing hence no impact would occur to the privacy of the owners.	
13	Draft Pittwater Community Based Heritage Study Review (in general) and Ruskin Rowe	19 <sup>th</sup> August 2014	<ul style="list-style-type: none"> <li>Applaud Pittwater Council for undertaking the Study and would like Council to enforce 'Heritage Conservation Area's Conditions' and take a more firm stance regarding Development Applications in the Ruskin Rowe Heritage Conservation Area.</li> </ul>	The submission is in relation to inappropriate recent developments and protection of an existing heritage item (Ruskin Rowe Heritage Conservation Area "C5"). Section 5.0 of the Pittwater Community Based Heritage Study Review report provides recommended heritage management guidelines and controls for the DCP with a specific recommendation for amendments to the DCP (Recommendation 2).	Implement recommendations of the Community Based Heritage Study Review report and enforce controls for Heritage Conservation Areas.
28	59 Douglas Estate, McCarrs Creek	4 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>Owners strongly in favour of keeping the heritage listed stone groyne on their property</li> <li>Points out some potential inaccuracies in terms of the age of the groyne in that they may be significantly older than suggested</li> <li>Notes that the photo provided in the SHI form is not of the subject property but of another property on the Elvina Bay to Lovett Bay headland. Photos of the subject groyne have been included in the submission.</li> </ul>	Amendments have been made to the existing heritage item's inventory form (2270426) accordingly.	Maintain on Schedule 5 of the Pittwater LEP 2014.

Pittwater Community Based Heritage Study Review / March 2015  
RESPONSE TO THE SUBMISSIONS RECEIVED DURING THE EXHIBITION PERIOD

Sub. no	Property Address	Date of Submission	Summary of issues	Response	Recommendation
39	43 Hilltop Road, Avalon Beach (Log Cabin)	11 <sup>th</sup> September, 2014	<ul style="list-style-type: none"> <li>Very happy that the Log Cabin is being considered for listing.</li> <li>Could the photograph of the bathroom please be removed?</li> </ul>	<p>The photograph has been removed from the inventory form of the potential heritage item.</p> <p>Comments are noted and amendments have been made to the inventory form accordingly.</p>	<p>Retain on the potential heritage items list.</p>
43	Ocean Road Heritage Conservation Area	12 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>Happy that the Ocean Road Heritage Conservation Area will not be changed. Suggests some corrections before the Heritage Conservation Area is adopted as one of the houses, "Wllooroo", was demolished in 2000 after Council consent.</li> <li><i>We purchased the land at auction in 2002 and completed a new house in December 2003 which we called "Bellona". There have been many positive comments about "Bellona" from the local community because of the way it has blended with the other houses in the conservation area.... You may be interested to know that the ship, Bellona, brought the Rose family to Australia in 1793. The family was in fact the first Free Settlers who came primarily as farmers to help the colony become self-sustainable.</i></li> </ul>	<p>Comments are noted and amendments have been made to the inventory form accordingly.</p>	<p>Maintain on Schedule 5 of the Pittwater LEP 2014.</p>
50	1598 Pittwater Road, Mona Vale (Mona Vale Bowling Club)	13 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>Submission thanks Pittwater Council for undertaking the Study.</li> <li>Has a couple of comments regarding the study: <ul style="list-style-type: none"> <li>Mona Vale Bowling club has been recognised for its social significance.</li> <li>The Historical notes suggest that the large image on the western wall of the club is a large photograph of an Aboriginal painting. <i>This in [sic] in fact an early, large format photograph of a sacred ceremony outside of Alice Springs. The image was taken by a member of the club. The Australian Museum has verified this as being a large format original photo. It is important that this detail be changed within the report.</i></li> <li>While it is understood that not all the contents of the room can be listed, the Mona Vale Residents Association would like council to consider thoroughly documenting all of the artwork and tribal items in a</li> </ul> </li> </ul>	<p>Amendments have been made to note the large original format of the photograph on the wall of the Namatjira Lounge.</p> <p>Recommendation has been made in the inventory form to prepare a register of artworks and tribal items in the Club including a photographic archival recording.</p> <p>Lot 3 has been recognised as woodland and recommended to be managed under the existing Kitchener Park Plan of</p>	<p>Retain on the potential heritage items list.</p>

Pittwater Community Based Heritage Study Review / March 2015

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Sub. no	Property Address	Date of Submission	Summary of issues	Response	Recommendation
			<p><i>visual way for future reference use</i></p> <ul style="list-style-type: none"> <li>- Pleased to see that Lot 3 is recognised as Woodland and a part of Kitchener Park. Our [sic] we correct in believing that council will keep this unique piece of Woodland for the future recreational needs of our community, as specified by the state planning authority in 1976, when it was acquired by Warringah Council? If our assumption is correct council should be congratulated for including this in the study....</li> </ul>	Management.	
51	General	15 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>• Congratulations to you and all the team on the heritage study and well done on getting it through to this point. I'm delighted to see many of the nominated items listed in the draft.</li> </ul>	Comments are appreciated.	N/A
54	Concrete statues at Bayview Golf Course	22 <sup>nd</sup> September 2014	<ul style="list-style-type: none"> <li>• Supports the inclusion of the statues on the heritage listing.</li> <li>• However, they cannot guarantee unchanging the current location of the statues and asks for flexibility.</li> </ul>	Amendments have been made to the inventory form for flexibility on their relocation within the golf course.	Retain on the potential heritage items list.

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<b>QUESTIONS/COMMENTS</b> (Where parts of a submission are quoted they are indicated in <i>italics</i> )					
11	Newport Public School	18 <sup>th</sup> August 2014	<ul style="list-style-type: none"> <li>Council proposes to have the flag included in the listing. The SHI form recommends that it shouldn't be listed. <i>What is Council's intent, remembering that the School has no knowledge of such flag?</i></li> </ul>	The flag is a movable item therefore it has been excluded from the listing.	Retain on the potential heritage items list under the name of Newport Public School – School Bell and Foundation Stone.
12	Bungan Castle	Undated	<ul style="list-style-type: none"> <li>Submission made in order to correct information in the SHI form in regards to the former use of the building, the Historical Notes, Criteria B and G.</li> </ul>	Comments are noted and amendments have been made accordingly on the SHI form of this existing heritage item.	Maintain on Schedule 5 of the Pittwater LEP 2014.
17	General	19 <sup>th</sup> August 2014	<ul style="list-style-type: none"> <li>Submission stating the need for a brochure on the implications of heritage listing for private land owners in the Pittwater council area.</li> <li><i>If heritage listing results in the loss of a property's market value what can Pittwater council do to compensate listed heritage property owners?</i></li> <li>Will there be funds made available for the maintenance and repairs of heritage properties?</li> </ul>	Comments and issues raised are noted. The Community Based Heritage Study Review report contains recommendations for educational publications, sessions and exploration of funding opportunities to assist the owners of the heritage items for conservation works.	Refer to the recommendations of the Community Based Heritage Study Review report.
20	50 Sunrise Road, Palm Beach (Windyridge)	26 <sup>th</sup> August 2014	<ul style="list-style-type: none"> <li>Submission points out some inaccuracies in the SHI form: <ul style="list-style-type: none"> <li><i>Windyridge was designed by Wilshire &amp; Day. The builder, Charles Verrills adapted the plan to suit the site. Also the back verandah was enclosed. That was in 1919. Over a period of time the dead load of the terracotta tiles required the roof structure to be reinforced. This was done by Frederick Verrills, the son of the builder. Due to excessive leakage, the terracotta tiles were replaced by much lighter decramastic roof tiles.</i></li> </ul> </li> </ul>	Comments are noted and amendments have been made accordingly to this existing heritage item's inventory form.	Maintain on Schedule 5 of the Pittwater LEP 2014.

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22	Church Point	29 <sup>th</sup> August 2014	<ul style="list-style-type: none"> <li>Notes a body of work, which has been established on the history of Church Point and available at <a href="http://www.pittwaterhistory.wordpress.com">www.pittwaterhistory.wordpress.com</a></li> <li>A copy of the Conservation Management Strategy (CMS) for Church Point has been provided as part of the submission for consideration.</li> <li>Additional article supplied by Church Point Friends (<i>Church Point (NSW) History: Places, People and Activities</i>) to be considered.</li> </ul>	The considerable information contained in the CMS and the additional article have been noted. Information has been incorporated into the Community Based Heritage Study Review report where applicable. The website was consulted during the preparation of the Community Based Heritage Study Review.	N/A
22 (2)					
26	16 Elouera Road, Avalon Beach	3 <sup>rd</sup> September 2014	<ul style="list-style-type: none"> <li>Submission made in order to provide additional notes and correct information in the SHI form with measured drawings of the house after the extensions were undertaken. <ul style="list-style-type: none"> <li><i>The drawings of the house are dated 1934, suggesting that it was designed about this time. Construction would probably have been completed c1935. (i.e. not 1929).</i></li> <li>See additional notes for Physical Description and Alterations and Additions to be included in the SHI form.</li> </ul> </li> </ul>	Information has been incorporated into the SHI form where applicable.	Retain on the potential heritage items list.
16	Bayview Baths and Church Point	11 <sup>th</sup> August 2014	<ul style="list-style-type: none"> <li>Notes misinterpreted historical information in the book by Alan Corbett "Church Point and McCarr's Creek".</li> <li>Concern raised about <i>complete omission of any mention of Bayview Baths</i> and puzzled on the heritage listings of Paradise Beach Baths, tidal private pool in Walker Estate and remnant wharf near the Avalon Sailing Club.</li> </ul>	Comments have been noted and amendments have been made accordingly. The Thematic History has been reviewed and rewritten by the Historian, Sue Rosen. Removal of Bayview Baths from the potential items list was recommended following the first	The recommendation for removal of Bayview Baths from the potential heritage items list is still valid. It is strongly emphasised that Pittwater Council ensures protection under the existing <i>Pittwater Public Space and Recreation Strategy 2014</i> until an appropriate option

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27	Bayview Baths and Church Point	4 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>Concern expressed about complete omission of any mention of Bayview Baths and associated Groynes/Wharf, and Numerous errors of fact, incorrect attribution of source.</li> <li>Submission includes comments and corrections for both the SHI form of Bayview Baths and the Report on Pittwater Community Based Heritage Study Review June 2014 FINAL</li> </ul>	<p>community consultation process in July 2013 due to the significant deterioration, public health and safety risk and required extensive fabric replacement. The 'Tidal swimming pool' at 40C Paradise Avenue, Paradise Beach (2270348) and the 'Wharf remnant' at 28B Hudson Parade Clareville (2270062) are existing heritage items under Schedule 5 of the Pittwater LEP 2014 and pose no public health and safety risk or require extensive fabric replacement for their protection.</p> <p>Refer to the response below for further details on Bayview Baths.</p>	<p>for the site is implemented.</p> <p>A Heritage Interpretation Strategy incorporating photographic archival recording of the structure both above and under water should be prepared to ensure the historic and social values of the Bayview Baths are told to the future generations. Physical interpretive representation should be implemented.</p>
				<p>Removal of Bayview Baths from the potential items list was recommended following the first community consultation process in July 2013 due to the significant deterioration, public health and safety risk and required extensive fabric replacement. Further consideration was given in line with the information provided in the submission; however, the feasibility study (provided by Pittwater</p>	<p>The recommendation for removal of Bayview Baths from the potential heritage items list is still valid.</p> <p>Consider implementation of the recommendations made above.</p>

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31	Bayview Baths	5 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>Notes that the Bayview Baths have already been brought to Council's attention over the past 5 years by the Bayview Church Point Residents Association.</li> </ul>	<p>Council staff clearly itemised the options for removal, retention and restoration, and construction of a new pool. The issues related to the public health and safety risk as well as the close location of storm and sewer outlets reducing the possibility of maintaining a suitable and safe public space within Bayview Baths while maintaining the existing original/early fabric of the item. The historical importance and social heritage value of the Baths are acknowledged but given consideration to relevant constraints and condition of the fabric comprising the Bayview Baths the listing is not warranted in this case. Recommendations have been made to mitigate the removal of the Baths in the future.</p> <p>Submission has been noted. Refer to the response above.</p>	As above.
32	117 Pacific Road, Palm Beach	8 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>Submission provides information on the status of the trees on the property:               <ul style="list-style-type: none"> <li>The large Angophora lost a large limb in a storm early 2013. The smaller tree was hit by the falling limb and</li> </ul> </li> </ul>	<p>This is an existing heritage item listed under the name of "Cabbage Tree Palms (<i>Livistona australis</i>) and</p>	The relevant inventory form and listing in Schedule 5 of the Pittwater LEP 2014

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			<p>subsequently fell down causing damage to the larger tree that was considered so unstable that Council authorised its removal. The owners believe that there are no Cabbage Tree Palms on their property (nor have there been since 2000)</p> <p>- The owners suggest that there is still one <i>beautiful tree</i> on the property - possibly a spotted gum - and invites Council to go and inspect it.</p>	<p>Sydney Red Gums (<i>Angophora costata</i>) on Schedule 5 of the Pittwater LEP 2014 (Item No. 2270027). No Cabbage Tree Palms exist within the property but a Sydney Red Gum (<i>Angophora costata</i>) remains.</p>	<p>(2270027) is to be amended to reflect this.</p>
33	1 Sturdee Lane, Lovett Bay (Trincomalee)	8 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>The house has a red tin roof (replaced in the 1970s), not a terracotta tile roof.</li> <li>The small pane windows were installed in the 1970s.</li> </ul>	<p>The SHI form has been amended to reflect these changes.</p>	<p>N/A</p>
35	173 Mona Vale Road and 20 Addison Road, Ingleside	9 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>The property at 20 Addison Road, Ingleside is not a heritage listed building and we assume the reference made to this property in your cover letter was an error.</li> <li>Notes on the listing of 173 Mona Vale Road: The interior of the property has never been listed and we seek clarification as to why reference has been made to the interiors of the building.</li> <li>Need clarification of what elements of the interior are listed i.e. the interior structure carpets, chairs, pots and vases, light fittings, interior paint, lantern etc. (see submission)</li> <li>See track changes made to inventory form.</li> </ul>	<p>The property at 20 Addison Road, Ingleside is not part of the listing of the Bahá'í House of Worship at 173 Mona Vale Road, Ingleside. It is assumed to be an error.</p> <p>The existing listing of the Temple does not exclude the interiors of the heritage item. In general, listing of heritage item includes all aspects of the property within the identified listing curtilage. Schedule 5 of Pittwater LEP 2014 indicates the curtilage for this heritage item as being Lot 52 DP 1152609. Therefore, all fabric and landscape (including the interiors of the Temple) within this allotment would</p>	<p>Council should send an electronic copy of the 'Heritage Listing Explained - What it means for you' publication to the owners for their information on the implications of heritage listing. The publication can be found at <a href="http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/heritagelistng2010final.pdf">http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/heritagelistng2010final.pdf</a></p>

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36	4 Pindari Place, Bayview	10 <sup>th</sup> September 2014	<p>The submission notes the importance of the house as follows:</p> <ul style="list-style-type: none"> <li>The draft list of additional heritage items includes the houses at No. 3 and No. 5 Pindari place Designed by Peter Muller and Bruce Rickard but not the Russell Slade House at No. 4 designed by Ian McKay. This house is one of McKay's most significant works and features in the Institute of Architects (NSW Chapter) Architectural Guide 444 buildings published in 1971.</li> <li>Pindari Place contains a very important group of houses designed by three of Sydney's leading architects who worked in the 'Organic' manner.</li> </ul>	<p>be considered as part of the heritage significance of the place and will need to be assessed whenever major works are proposed to the heritage item.</p> <p>The SHI form has been amended in accordance with the track changes provided.</p> <p>4 Pindari Place was removed from the potential heritage items list following the first consultation process due to the loss of its integrity through replacement of most of its internal fabric and modifications. It was understood that only the roof form was intact but the roof is in a very poor condition and will require replacement as a whole.</p> <p>The architectural value of 4 Pindari Place and the works of Russell Slade have been acknowledged. It is recommended to Council to note the architectural value of the property and the interest of the community, and to ensure appropriate mitigation measures being undertaken as part of any future development</p>	<p>No further consideration is required under the current Heritage Study. However, Council should request an archival recording of the place for inclusion in the local history collections of the Council's library. This is a common heritage practice for documentation of properties with architectural and community interest for future research purposes.</p>

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37	General	10 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>A number of important sites appear to have been omitted from the Pittwater Community Based Heritage Study Review, including: Waterfall Cottage and Garden, the Warriewood Wetlands or Katandra Bushland Sanctuary. Comment on Tony Dawson's submission on Waterfalls – no waterfalls appear to have been included in the Study.</li> <li>None of the reserves in Church Point were considered to be of heritage value but appear to meet some of the significance assessment.</li> <li>There are more significant trees in Church Point than what made it on the list. None of Church Point's Spotted Gums are listed. <i>Church Point appears to be the orphan of Pittwater in relation to heritage.</i></li> <li>KU-ring-gai inventory very general.</li> <li><i>I hope that a review of the items on the Pittwater Heritage List in the future will be carried out at regular intervals giving sufficient time for organisations and residents to make constructive recommendations.</i></li> <li>Appreciates inclusion of the Trigonometric Stations in the heritage listing.</li> </ul>	<p>application to the place.</p> <p>Waterfall Cottage and Garden, the Warriewood Wetlands and Katandra Bushland Sanctuary have been recommended for heritage listing under the LEP 2014 (see Table 6 in the Community Based Heritage Study Review report).</p> <p>The Study Team included Chris Betteridge of Musecape as an expert to assess the heritage values of the nominated landscape and natural places. Most of the noted reserves were found to have some values for amenity and recreational reasons rather than for their historical, aesthetic, rarity, or archaeological values.</p> <p>Inclusion of a place that has numerous of its kind in the LGA for amenities and recreational values is not warranted under the NSW Significance Assessment criteria. The existing protection under the Plan of Management is considered sufficient for these reserves.</p> <p>Preparation of a Plan of Management for waterfalls</p>	<p>Council note the comments in this submission for regular review of heritage items and community involvement.</p>

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				<p>located within public land is recommended to the Council. Refer to Recommendation 14 for details.</p> <p>Similarly, preparation of a register for all memorials and monuments within the Pittwater LGA is recommended to Council. Refer to Recommendation 12. Some of the memorials and monuments are already part of listing or nominated for listing.</p> <p>Movable items, although they could be listed under the NSW Heritage Act, 1977, there are no provisions under the Local Environmental Plans for their listing. Therefore, a recommendation has also been made for the preparation of a register of movable items that are held by Council (see Recommendation 11).</p> <p>The current study is Community Based Heritage Study, and as such all items considered had to be nominated by the community. There was no nominations for the Church Point significant trees including the Spotted Gum</p>	

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40	356 Whale Beach Road, Palm Beach	11 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>Changes incorporated into the revised SHI form from Louise Cox to be used for the Pittwater Heritage Inventory.</li> <li>The house should be referred to as Cox House Palm Beach not Ocean House.</li> </ul>	<p>trees.</p> <p>Comments on review of the heritage items in regular intervals with community's involvement has been brought to Council's attention accordingly.</p> <p>Comments have been incorporated into the SHI form.</p>	<p>Retain on the potential heritage items list.</p>
41	Report	9 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>The Statement of Historical Themes (Section 3 of the report) is not an adequate statement for the public to appreciate the link between history and heritage in Pittwater... At the very least, the Historic Themes section should have been scanned for mistakes by the Local Studies unit of Pittwater Council....</li> <li>See Thematic History recommendations.</li> </ul>	<p>Comments have been noted and amendments have been made accordingly.</p> <p>The Thematic History has been reviewed and rewritten in a narrative manner by the Historian, Sue Rosen. It includes thematic comments to guide the reader when assessing how a potential heritage item demonstrates elements of Pittwater's history.</p>	<p>Council notes the revised Thematic History in Section 3 of the Community Based Heritage Study Review final report.</p>
55	Statement of Historical Themes	Undated.	<ul style="list-style-type: none"> <li>Recommends creating a Heritage Committee for the preparation of Statement of Historical Themes for Council's approval noting that the history is constantly evolving and collaboration between the Council staff and the community specialists will ensure the Statement of Historic Themes is dynamic and relevant. The submission states that the current Statement of Historical Themes is neither dynamic nor relevant. It also recommends that the Committee meets every 6 months for 8 years (2 council terms) with their role including reviewing:</li> </ul>	<p>As noted above, the Thematic History has been reviewed and rewritten in a narrative manner by the Historian, Sue Rosen.</p>	<p>Following review, the Thematic History more adequately reflects Pittwater's relevant historical themes. It is noted that this history will continue to evolve. Future Heritage Studies and reviews will continue to update this element as</p>

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			<ul style="list-style-type: none"> <li>- Plaques and memorials</li> <li>- Movable heritage</li> <li>- History related events</li> <li>- Outdoor/indoor exhibitions and history</li> <li>- Marine history and heritage</li> <li>- History and heritage promotion</li> </ul> <p>The submission also notes that such Heritage Committee could assist in the implementation of the recommendations made by City Plan in the 'Heritage Review'.</p>		necessary, in consultation with the community.
56	Smoky Dawson's Range Gates	9 <sup>th</sup> October 2014	<ul style="list-style-type: none"> <li>• Concerns on the limitations of the heritage listing on the whole lot of the property rather than only the curtilage of the Gates, which is established as 2 metres around the Gates.</li> <li>• Recommends the listing boundary to be part lot of DP 808703 and the heritage map to indicate only the Gates as listed not the whole lot.</li> </ul>	The listing is for part of the allotment rather than the whole allotment. Further clarification has been made in the SHI form.	Retain on the potential heritage items list. Ensure the relevant updated heritage map of the Pittwater LEP 2014 indicates only the gates, not the whole allotment.
57	62 Chisholm Avenue, Avalon Beach (Hy Brasil)	10 <sup>th</sup> October 2014	<ul style="list-style-type: none"> <li>• Notes the replacement of the log cabin within the property with a new house and provides a photo of the new house for inclusion in the SHI form.</li> </ul>	Comments are noted and amendment have been made to the SHI form accordingly.	N/A

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<b>OBJECTION SUBMISSIONS</b> (Where parts of a submission are quoted they are indicated in <i>italics</i> )					
1	19-21 Cynthia Road, Palm Beach	20 <sup>th</sup> July 2014	<ul style="list-style-type: none"> <li>Insufficient time provided in order to write a submission prior to the Council meeting on 21st July 2014 given the date the letter was received and would like more time in the public comment period for an open review of the Report and the surrounding law and circumstances. The owners have previously expressed their objection to the listing of the property and feels that the Council should treat owners with respect and fairness and give due and serious weight to the objections of the owner</li> <li>The owner objects to the listing based on the adverse effect of heritage listing on the property value and the rights of the occupier to use the land in question.</li> </ul>	<p>The letter referred to advised the owner that the draft Pittwater Community Based Heritage Study Review was being reported to Council on 21 July 2014 with a recommendation that it be placed on public exhibition. It is noted that the owner of 19-21 Cynthia Road, Palm Beach was originally informed of the potential listing in July 2013 and of the public exhibition (held 2 August to 13 September 2014) on 31 July 2014, during which times the opportunity to provide comments was invited.</p> <p>Cohen House has been recommended for listing as it demonstrates Harry Seidler's approach to residential design in the early 1990s 40 years apart from its neighbour 'Treetops', at 23 Cynthia Road, Palm Beach, which was designed in 1952. Many of Seidler's works have been nominated for the State Heritage Register and are listed on the Register. Cohen House meets five of the seven NSW Significance Assessment criteria</p>	Retain on the potential heritage items list.

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2	153 Queens Parade East, Newport Beach	21 <sup>st</sup> July 2014	<ul style="list-style-type: none"> <li>Comments requested to be kept confidential and not to be published.</li> <li>The owner objects to the proposed heritage listing of the property.</li> </ul>	<p>for heritage listing. The house is the first example of Seidler's use of a 'wave roof' and retains a high level of aesthetic and technical significance. Economics of the heritage listing as noted in the NSW Heritage Council's publication '<i>Heritage listing explained – What it means for you</i>' as "has no effect on property value in most cases, and sometimes improves resale value." The same publication provides a list of recent Australian studies, study evaluations, and case law which conclude listing has a positive or no effect on property values and economic viability. This publication can be accessed at <a href="http://www.environment.nsw.gov.au/resources/heritagebranch/the_ritage/HeritageListing2010final.pdf">http://www.environment.nsw.gov.au/resources/heritagebranch/the_ritage/HeritageListing2010final.pdf</a></p>	<p>Retain on the potential heritage items list.                      Council notes the owner's suggestion for the preparation of a brochure to better inform owners of heritage listed properties "similar to the one used by Willoughby Council".</p>

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14		31 <sup>st</sup> July 2014	<ul style="list-style-type: none"> <li>Submission expresses concern that some errors have been repeated in this draft document.</li> <li>Proposed suggestions at the Newport Residents Association on how Pittwater Council could better inform owners of heritage listed properties in a brochure similar to the one used by Willoughby Council.</li> </ul>	<p>The house is one of few remaining modest residential houses that maintains the coloured facades designed by Seidler in the early stages of his career.</p> <p>The SHI form has been amended accordingly.</p> <p>Recommendation for the preparation of such brochures and educational workshops have been made in the Community Based Heritage Study Review report for Council's consideration.</p>	
3	7 Gunjulla Place, Avalon	22 <sup>nd</sup> July 2014	<ul style="list-style-type: none"> <li>Owners recently purchased the property and only found out about the potential heritage listing of their property from their neighbours and wish to be kept updated on the status of the situation</li> <li>The owners draw attention to the alterations and additions which have taken place: <i>all the walls and ceilings are now plaster board, two en suite bathrooms have been added, the verandas were enclosed and re floored, heated travertine flooring was laid in the sitting area, two large skylights were installed and the kitchen was re floored, given new sliding glass doors and fitted out in an amateurish fashion. The only feature left more or less intact was the kitchen fireplace, which at least from the outside is in original condition. In addition there are three outside structures, a large conservatory, a sauna and an artists studio. The net effect is an odd mish-mash of unsympathetic additions almost completely obliterating the original interior character of the dwelling.</i></li> <li>Request from the owners to be directly consulted and</li> </ul>	<p>Refer to Submission 9 (dated 8<sup>th</sup> August 2014), which notes the support of the owners for heritage listing.</p> <p>Amendments have been made to the SHI form to include the changes noted in the submission.</p>	<p>Retain on the potential heritage items list.</p>

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4	34 and 36 Plateau Road, Bligola	21 <sup>st</sup> July 2014	<p>kept up to date on all developments that affect them.</p> <p>The owners note the following:</p> <ul style="list-style-type: none"> <li>The Gardener's Cottage does not have any remaining architectural merit and the (Draft Heritage Study) Review's recommendation is that the cottage be excluded from the Heritage Listing... The Draft Review further recommends that a curtilage be set around that part of the main house that sits on 34 Plateau Road.</li> <li>Request that 34 Plateau Road not be listed because no heritage items would occupy this property</li> <li>The 1930s house on number 36 Plateau Road is readily identifiable as 40% of the current footprint. 60% of the current footprint is comprised of extensions to the building undertaken after 1993. The owners request that the heritage listing should cover only the 1930s original building and not the later extensions.</li> <li>Request an opportunity to discuss these matters in person prior to the finalisation of the decision to list the properties.</li> </ul>	<p>The SHI form of this potential heritage item has been further amended to clarify the significant aspects that relate to the 1930s original building. However, 34 Plateau Road could not be excluded from listing at this stage as the allotment boundary for the original house crosses over the house. Without the realignment of this boundary line to maintain the house in one allotment (as recommended in the SHI form) the listing will have to be over the two allotments.</p>	<p>Retain on the potential heritage items list.</p> <p>It is noted that City Plan Heritage and Council's Executive Strategic Planner met with the owner of 34 and 36 Plateau Road, Bligola on 11<sup>th</sup> September 2014 to discuss matters raised as requested.</p>
5	127 Avalon Parade, Avalon Beach	21 <sup>st</sup> July 2014	<ul style="list-style-type: none"> <li>Owner objects to any heritage listing of the property for reasons stated in previous consultation and correspondence.</li> </ul>	<p>As noted in the previous response to the submission, the gateposts are the only surviving element of the property known as Gunjulla House therefore it is important in demonstrating the changes to the original subdivision pattern. Listing the gateposts with a one metre curtilage around them will not reduce the potential future development of the site. The houses within the lots are not part of the proposed listing and this has been clearly defined on</p>	<p>Retain on the potential heritage items list with clear definition of the listing to show only a one metre curtilage around each gatepost not the whole allotment.</p>



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6	42 Bynya Road, Palm Beach	23 <sup>rd</sup> July 2014	<ul style="list-style-type: none"> <li>Objects to the heritage listing of the property due to the extensive modifications that have taken place prior to them purchasing the property in 2013. The property no longer retains the integrity or design intent of Peter Muller's work.</li> <li>The images in the draft Heritage Study review are very old and do not reflect the current interiors of the house.</li> <li>Peter Muller has publicly listed 36 Bynya Road and 42 Bynya Road as 'disowned projects' as they have been dramatically altered.</li> <li>Request a 1-on-1 meeting with Council.</li> <li>Same as above.</li> <li>Attached correspondence from Peter Muller: <i>There is absolutely no point in considering my two houses at 42 and 36 Bynya Road for Heritage Listing. They have both been so dramatically altered that I have catalogued them in my official website as being "Disowned Projects: as they do not represent or retain the true integrity my work [sic]</i></li> </ul>	<p>the SHI form.</p> <p>Following a meeting with the owners and review of the comments from Peter Muller, it is noted that the house no longer represents his design intent and integrity of his work due to the extensive changes undertaken.</p>	<p>Remove from the potential heritage items list.</p> <p>No further consideration is required.</p>
6 (2)		23 <sup>rd</sup> July 2014	<ul style="list-style-type: none"> <li>Same as above.</li> <li>Attached correspondence from Peter Muller: <i>There is absolutely no point in considering my two houses at 42 and 36 Bynya Road for Heritage Listing. They have both been so dramatically altered that I have catalogued them in my official website as being "Disowned Projects: as they do not represent or retain the true integrity my work [sic]</i></li> </ul>		As above.
24		1 <sup>st</sup> September 2014	<ul style="list-style-type: none"> <li>Submission made in order to provide recent photos of the house to show how it has lost the integrity of Muller's work which is the reason why he placed the house on his "Disowned Projects" list.</li> </ul>		
7	21 Bilgola Avenue, Bilgola	20 <sup>th</sup> July 2014	<ul style="list-style-type: none"> <li>Objection to the listing of the property as well as the short notice for the Council meeting: <i>The short notice of the meeting denies me my democratic right to voice my opinion as I cannot attend. The meeting should be deferred for at least 21 days until my return.</i></li> <li>Will be contesting Council's actions through all legal channels available to me.</li> <li>Wishes for absence to be recorded at the Council meeting.</li> </ul>	<p>The letter referred to advised the owner that the draft Pittwater Community Based Heritage Study Review was being reported to Council on 21 July 2014 with a recommendation that it be placed on public exhibition. It is noted that the owner of 21 Bilgola Avenue, Bilgola was originally informed of the potential listing in July 2013 and of the public exhibition (held 2 August to 13 September 2014) on 31 July 2014, during</p>	<p>Council note the request for recording their absence at the Council meeting held on 21 July 2014.</p> <p>Consider a thorough investigation and assessment of the heritage significance of the remnant garden and</p>

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23	21 Bilgola Avenue, Bilgola Beach	1 <sup>st</sup> September, 2014	<ul style="list-style-type: none"> <li>The submission notes that the Heritage Review is a very thorough study in every respect except for the proposed Bilgola Heritage Conservation Area and this section needs more time for investigation to ensure that what is represented is true. There has been no consultation with the general membership by the Bilgola Preservation Society during the two year "Review" and therefore many inaccuracies have been put forward.</li> <li>The submission states that <ul style="list-style-type: none"> <li>The property contains no urns or stone piers, stone fences and street cairns or any bridge structures;</li> <li>The Bilgola Creek running through the property is Crown Land according to a 1941 survey, therefore, listing the rest of the property is absurd;</li> <li>The Cabbage Tree palms are protected by tree preservation orders. Not all existing Cabbage Tree palms where [sic] planted historically as can be seen from the photo of Mrs MacLurcan's house attached [see submission]. There are now many more Cabbage Tree palms in Bilgola Beach and Bilgola Beach valley;</li> <li>individual items should be heritage listed not a blanket cover all properties in the old subdivision as some parcels of land have no heritage items on them at all;</li> </ul> </li> </ul>	<p>which times the opportunity to provide comments was invited.</p> <p>Request for recording of owner's absence from the Council meeting on 21 July 2014 is a matter for Council's consideration.</p> <p>Comments on the Community Based Heritage Study Review are noted.</p> <p>Due to limitations on the detailed analysis and comparison with the historical evidence of the remnant garden and landscape elements of the former Bilgola Estate/House under the current Community Based Heritage Study Review, it is considered a further analysis and assessment of the nominated elements of the Bilgola Estate/House be undertaken to inform the decision making on their heritage values.</p>	<p>landscape elements of the former Bilgola House in any future heritage study within 24 months following the completion of this Heritage Study Review.</p>

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34	15 Biggola Avenue and the Biggola Heritage Conservation Area between 3 and 21 Biggola Avenue	5 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>o In regard to lot 5A and lot 7A: <i>The adjoining owners at 5 and 7 Biggola Avenue have erected a small fence around these two lots and planted Cabbage Tree palms. These actions will result in ratepayers deprived of any future entitlement parcels of land should Council wish to increase the beach parking area.</i></li> <li>• Objects to the listing of 15 Biggola Avenue and the Biggola Heritage Conservation Area between 3 and 21 Biggola Avenue.</li> <li>• Objects to the listing of the remnants in some of the properties until <i>an accurate, detailed, serious study has been made. Now it is simply supposition with not much historical fact finding</i> (in regards to garden remnants, boundaries and original rainforest areas)</li> <li>• Submission highlights some inaccuracies in terms of the age of the stone fence and gate posts.</li> <li>• The creek running through the properties in the Heritage Conservation Area are Crown Land and some of the owners were never aware that this was heritage listed.</li> <li>• Why have some properties in Allen Ave which have Cabbage Tree Palm's been excluded?</li> <li>• Questions raised as to what element of the Biggola Cottage and later Biggola House is significant? Socially significant but not architecturally significant?</li> <li>• Strongly opposed to the Biggola Heritage Conservation Area and notes that               <ul style="list-style-type: none"> <li>o <i>City Plan Heritage has only surveyed 2 properties on Biggola Avenue and this is an insufficient data set to form a conclusion</i></li> </ul> </li> <li>• Submission requests <i>Pittwater Council survey the entire Biggola Estate Subdivision ... encompassing Allen Avenue, part of The Serpentine and the northern AND southern sides of Biggola Avenue for any potential heritage inventory;</i></li> </ul> <p>OR <i>Defer the acceptance of the recommendation of a Biggola</i></p>	<p>Refer to above response.</p> <p>The properties 15-21 Biggola Avenue, Biggola Beach were listed in the Pittwater LEP 1993 under 'Drainage and bridge structures' with the respective allotments marked as heritage items on the heritage map. This heritage listing was also transferred to the LEP 2014.</p>	As above.
38	Biggola Heritage Conservation Area	11 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>• Strongly opposed to the Biggola Heritage Conservation Area and notes that               <ul style="list-style-type: none"> <li>o <i>City Plan Heritage has only surveyed 2 properties on Biggola Avenue and this is an insufficient data set to form a conclusion</i></li> </ul> </li> <li>• Submission requests <i>Pittwater Council survey the entire Biggola Estate Subdivision ... encompassing Allen Avenue, part of The Serpentine and the northern AND southern sides of Biggola Avenue for any potential heritage inventory;</i></li> </ul> <p>OR <i>Defer the acceptance of the recommendation of a Biggola</i></p>	<p>Refer to above response.</p>	As above.

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			<p><i>Beach Heritage Conservation Area until sufficient funds are available to perform the survey and further test the authenticity of any individual discovery. Pittwater Council cannot apply the Heritage Conservation Area criteria unless it is fully informed, that is, it CANNOT accept this recommendation on what is NOT known.</i></p> <ul style="list-style-type: none"> <li>Submission contains link to article on Bilgola.</li> </ul>		
18	1667 Pittwater Road, Mona Vale (Concrete Statute - Peter & the Bullock)	21 <sup>st</sup> August 2014	<p>Submission objects to the listing for the following reasons:</p> <ul style="list-style-type: none"> <li>The work was commissioned by Rundle who gave the Statue to a neighbour on the demise of his business. The statue was then moved to the current location and then became the corporate logo associated with EJ Shaw Landscape and Building Materials yard which was taken over by MK Segedin approx. 35 years ago. There is no association between the statue and the current site other than its commercial identification. The statue is not associated with the earlier development of Pittwater and has no association with the local area.</li> <li>The sculpture is not a significant example of Harold and Mabel Squires work. The statement fails to address other publicly available pieces of the Squires work and does not assess the artistic significance. The sculpture is constructed of ferro-cement and has no creative or technical achievement.</li> <li>The significance of the piece is not dependent on any association with the site.</li> <li>That the assessment criteria should be revised and that the statue does not contain local heritage significance.</li> </ul>	<p>The sculpture is a landmark that is well-known to the local community who has nominated it for recognition as a rare remnant of the 1930s artworks representing the working conditions, transport of local produce and ways of commercial advertisement at the time.</p> <p>Harold and Mabel Squires are also valued by the local community as Pittwater artists who were active in the early 20<sup>th</sup> century.</p> <p>The sculpture meets five of the seven NSW Significance Assessment criteria, therefore it qualifies for listing on the heritage schedule.</p>	<p>Retain on the potential heritage items list.</p>
19	17 Palm Beach Road, Palm Beach	21 <sup>st</sup> August 2014	<p>Submission objects to the heritage listing of the property for the following reasons:</p> <ul style="list-style-type: none"> <li>The dwelling is subject of approved DA N0256/12 for alterations and additions that involve replacement of the roof, new highlight windows, an attic space with new master bedroom, ensuite, circulation space, changes to the balcony and internal changes. Works have commenced and the statement of significance fails to address the current state of the property.</li> <li>As a result of the works, approved by Council, the</li> </ul>	<p>Review of the submitted documentation and extent of the construction work (in particular demolition) undertaken in accordance with the approved DA N0256/12 it is clear that the house has lost its integrity since the original survey for the Community Based Heritage Study Review and preparation of</p>	<p>Remove from the potential heritage items list. No further consideration is required.</p>

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21	Newport Public School, Ingleside High School and Nairraheen North Public School	27 <sup>th</sup> August 2014	<p>dwelling is considered to be non-representative of the original structure.</p> <ul style="list-style-type: none"> <li>The DA was subject to a LEC hearing in which B McDonald noted that the house had not been included in the 1989 Barrenjoey Peninsula and Pittwater Heritage Study because it had already been significantly altered by this time.</li> <li>The Statement of Significance fails to address the prior assessments of the site and Council's previous considerations of applications involving the site.</li> <li>The historical notes fail to address Herbert Maitland's minimal connection with the site (see submission for further information) and this has implications for the significance of the site.</li> <li>The house should not be considered an item of local heritage significance due to incomplete and inaccurate information.</li> </ul> <ul style="list-style-type: none"> <li>There is no objection to the listing of the bronze bell or foundation stone, however the submission objects to the listing of the Union Jack flag as the School has no knowledge of such flag and the Department of Education has no record of its current location.</li> <li>The Department opposes the heritage listing of various trees at Ingleside High School and Newport Public School for issues relating to the age of specimens, instability and associated safety concerns.</li> </ul>	<p>the SHI form for this potential heritage item. The item has lost its ability in demonstrating the characteristics of a Californian bungalow.</p> <p>Union Jack flag is not part of the heritage nomination as noted in the Statement of Significance. Further amendments have been made to the SHI form to remove references to the flag.</p> <p>Group of Monterey Pines within the grounds of Ingleside High School is an existing heritage item on Schedule 5 of Pittwater LEP 2014 (No. 2270346) and assessment by Musecape concludes that the trees are significant cultural landscape features and, as such, recommends retention on the heritage list.</p> <p>Similarly, the Hoop Pine (No. 2270036) and Port Jackson Fig (No. 2270028) trees within the</p>	<p>Retain the bronze bell and foundation stone on the potential heritage items list.</p> <p>Retain heritage items 2270346, 2270036 and 2270028 on Schedule 5 of the Pittwater LEP 2014.</p>

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25	10 Manor Road, Ingleside	2 <sup>nd</sup> September, 2014	<ul style="list-style-type: none"> <li>• Objection to the listing of the Bini Domes at Narrabeen North Public School because the Bini Domes have some structural flaws resulting in increased maintenance costs. The Bini Domes have <i>surpassed their serviceable cycle and require replacement.</i></li> <li>• Requesting a review of the listing of the property on the basis that: <ul style="list-style-type: none"> <li>- The home is not part of the Powder Works.</li> <li>- There is no (to the knowledge of the owner) cobble stone road in the property.</li> <li>- Loose stones near the house are not part of the Powder Works.</li> </ul> </li> </ul>	<p>ground of Newport Public School are two existing heritage items listed on Schedule 5 of the Pittwater LEP 2014. The condition and age of the heritage trees were taken into consideration during the survey for the Community Based Heritage Study Review and recommendations have been made in the SHI forms accordingly.</p> <p>Concrete geodesic domes are also existing heritage item (No. 2270341) under Schedule 5 of the Pittwater LEP 2014. They still retain their integrity and, as such, are recommended for retention on the heritage list.</p> <p>A site inspection was carried out to clarify further the information of the submission. Although no visible remnants of the Powder Works Ruins could be seen, two detailed Non-Indigenous Heritage Assessment and Landscape Visual Analysis studies undertaken by GML Heritage and Richard Lamb &amp; Associates respectively, in relation to the Ingleside Precinct Planning Process consider both 10 Manor Road and 2 Manor Road as a whole. This is because the ruins of the Powder Works are scattered within several parts of the allotments of these properties along the</p>	<p><b>Retain heritage item 2270341 on Schedule 5 of the Pittwater LEP 2014.</b></p> <p><b>Retain on Schedule 5 of the Pittwater LEP 2014.</b></p>

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29	1 Kalinya Street, Newport (Newport Arms Hotel)	4 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>• Objects to the heritage listing of the property.</li> <li>• Submission agrees that the <i>Hotel site is of high local historic and social significance...</i> but believes there are some inaccuracies in the inventory form for the site, including: <ul style="list-style-type: none"> <li>- The form refers to the significant modifications of the building. The submission wishes this paragraph to be replaced with: <i>The Newport Arms Hotel was rebuilt following extensive damage by fire in 1971 and the hotel building has undergone extensive alterations and additions, particularly over the past 25 years and, accordingly, the physical fabric including the exterior and interiors of the hotel building are not included in the listing.</i>"</li> <li>- Incorrect date in first sentence of Physical Description</li> <li>- Argues that the site is significant <i>due to its continuous operation as a Pub in the Pittwater area since 1880 and as it is the oldest Pub in the area, however the building itself has no heritage significance... as it has been rebuilt and significantly modified over the years</i></li> <li>- Submission also proposes changes to Recommended Management and Integrity/Intactness sections.</li> </ul> </li> </ul>	<p>creek.</p> <p>The SHI form has been amended to include the information obtained from the owner and to clarify that the house is not part of the listing.</p> <p>The SHI form has been amended to incorporate some facts provided in the submission where applicable.</p>	<p>Retain on the potential heritage items list.</p>
30	Ku-ring-gai Chase National Park	3 <sup>rd</sup> September 2014	<ul style="list-style-type: none"> <li>• Submission agrees that the Ku-ring-gai Chase National Park is an area of significance, however feels that the <i>National Parks and Wildlife Act 1967</i> is an adequate protective measure. The park spans across three local government areas.</li> <li>• Recommendation that if Pittwater Council chooses to proceed with the listing, then the listing should only apply to the parts of the Ku-ring-gai Chase National Park within the Pittwater LGA.</li> </ul>	<p>The recommended listing for the Park includes only the parts that are within the Pittwater LGA for additional protection under the local statutory instrument (Pittwater LEP 2014).</p>	<p>Retain on the potential heritage items list.</p>

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42	307 Whale Beach Road, Palm Beach	11 <sup>th</sup> September 2014	<p>The submission notes that:</p> <ul style="list-style-type: none"> <li>Following recent advice and meetings with Council representatives, I would like to make a request to have the above property [307 Whale Beach Road] removed from the heritage register. The block was purchased separately from 309-311 (which contains the property 'Orcares') approximately one year ago.</li> </ul>	<p>The SHI form has been amended and 307 Whale Beach Road (Lot 233 DP 16362) has been removed from the listing.</p>	<p>Amend address and property description of the existing heritage listing of item 2270087 on Schedule 5 of the Pittwater LEP 2014 as below:</p> <p>309-311 Lots Whale Beach DP Road 16362</p> <p>Amend Heritage Map to remove 307 Whale Beach Road (Lot 233, DP 16362).</p>
44	6 & 6A Mitchell Road, Palm Beach	12 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>No. 6 Mitchell Road was subdivided following the Council meeting of 5 April 2005, forming Lot 2 DP213975, now 6A Mitchell Road known as "The Bible Garden". Lot 1 remained 6 Mitchell Road known as Treetops.</li> <li>We have no hesitation in supporting the Heritage Listing of 6A The Bible Garden (Lot 2, DP213975).</li> <li>We object strongly to the proposed Heritage Listing of 6 Mitchell Road Treetops (Lot 1 DP213975) being a 2-storey fibro dwelling of no heritage value... The owner Coocoo will suffer an economic loss as a result if Council proceeds. Council approved the subdivision on the basis that No.6 could be redeveloped which included a Master plan (see attached Sketches 1-5) which provided for Treetops to be demolished and a new house built (see master plan attached to submission).</li> <li>The driveway above Treetops is on the title of no. 6 Mitchell Road and is an important private right of way not only for 6 Mitchell but also 7, 9, 11, 13 &amp; 15 Florida Road</li> </ul>	<p>Lot boundary information of the SHI form has been adjusted accordingly to reflect the Pittwater LEP 2014 listing curtilage boundaries for the Bible Garden, which is for 6A Mitchell Road, Palm Beach.</p>	<p>No action is required. Maintain existing listing information for the Bible Garden (2270329).</p>
45	3 Pindari Place, Bayview	12 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>The study used to justify the listing is fundamentally flawed.</li> <li>The subject property was not visited by the author of the</li> </ul>	<p>As outlined previously, all nominated properties were inspected from the public</p>	<p>Retain on the potential heritage</p>

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			<p>study and fails to take into account the extensive changes made to the property since 1962.</p> <ul style="list-style-type: none"> <li>Information in the SHI form seems like a direct copy of the profile of Peter Muller by Philip Drew.</li> <li>The report states that the property was first entered on the Pittwater Heritage Inventory on 24th May 2000 yet 149 Certificates issued by Pittwater Council in 2010 and 2014 makes no reference to the listing. This fact raises a seriously unjust and potentially unlawful situation where Pittwater Council knew that the property in question was listed on the heritage register but failed to notify our clients prior to their purchase of the property.</li> <li>A Complying Development Certificate has been issued to carry out extensive additions and alterations to the property. This has not been considered in the report to Council recommending the listing.</li> <li>Council is aware that construction has commenced on the property for alterations and additions.</li> </ul>	<p>domain for the initial assessment. Access to the property was requested during two consultation periods but could not be arranged. However, internal and external photographs of the house (taken in March 2009) have been provided by the Australian Institute of Architects.</p> <p>It is common a practice to obtain historical background information from readily available resources including PHD theses and architect biographies, which were obtained from the Heritage Officer of the Australian Institute of Architects and the website of Peter Muller. These studies and resources are considered to be reliable and the most appropriate resources for such architecturally renowned houses.</p> <p>An Interim Heritage Order (No. 125) in respect to Hamilton House was made under the <i>NSW Heritage Act 1977</i> by the Minister for Heritage, which was gazetted on 10<sup>th</sup> December 2014 (Government Gazette, Number 118). This is indication of the property's heritage significance for architectural works of Peter Muller.</p> <p>As previously outlined, use of</p>	<p>items list.</p>

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47	3 Pindari Place, Bayview and 21 Rock Bath Road, Palm Beach	18 <sup>th</sup> July 2014	<ul style="list-style-type: none"> <li>3 Pindari Place submission notes the notice of commencement of building work involving renovation to existing first floor including new garage roof and replacement of existing doors and windows.</li> <li>21 Rock Bath Road – owner objects to the property being listed and requests that the property be removed from the Heritage Study Review. A Complying Development Certificate for demolition of the subject house and swimming pool has been issued and assessment by two heritage architects have concluded that Merson House does not warrant heritage listing. See Complying Development Certificate and heritage assessment attached.</li> </ul>	<p>redundant and duplicate numbers in the SHI database is a common practice and is recommended by the NSW Heritage Division, Office of Environment and Heritage. The subject site has not been considered for listing prior to the Pittwater Community Based Heritage Study Review. Accordingly, the Section 149 Certificate would not yet incorporate details of the listing. Section 149 Certificates are only required to specify heritage listings once an item is a draft heritage item i.e. once an amendment to the Local Environmental Plan (LEP) to incorporate the property as a heritage item has been publicly exhibited.</p> <p>3 Pindari Place – refer to the above response.</p> <p>21 Rock Bath Road – the submission and the associated heritage reports were considered as part of the previous consultation process and it was concluded that Merson House meets three of the seven NSW Significance Assessment criteria therefore it is considered to be eligible for nomination for heritage listing. However, the house has since</p>	<p><b>Retain 3 Pindari</b> <b>Place on the potential heritage items list.</b></p> <p><b>Remove 21 Rock Bath Road from the potential heritage items list.</b></p>

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46	25 Waterview Street, Mona Vale	8 <sup>th</sup> September 2014	<p>The submission objects to the listing for the following reasons:</p> <ul style="list-style-type: none"> <li>The key architectural components that define Baldwinson's residential works were not achieved on the property at 25 Waterview Street. The Council, at the time of the initial application, rejected the plan for a flat roof, requiring a fully pitched, hip or gable roof. A flat roof was considered by Baldwinson to be essential to the harmony and style of this design. Baldwinson was known to never be satisfied with the final design. In addition, the owners constructed a studio built in the open space beneath the building which had an effect on the design intent of Baldwinson for the dwelling to appear as a floating form.</li> <li>The current inventory still refers to a 5 inch pitch roof which is incorrect – the roof is 2ft 10" at its highest point.</li> <li>In addition, the owner, whilst appreciating the property's appealing design and style, objects to the heritage listing of the property because of the associated financial burden. The owner would like to undertake significant maintenance, repairs and upgrading works and feels that these works would not be achievable with the added expense of the property being listed.</li> </ul>	<p>been demolished.</p> <p>As previously outlined, a recent study commissioned by the Heritage Council of NSW (<i>The Modern Movement in NSW - A Thematic Study and Survey of Places</i>) notes Baldwinson as one of the key practitioners of the Modern Movement. The Andriese House at 25 Waterview Street, Mona Vale has similarities with the Baldwinson's own family home of 1953 including a suspended upper floor and large glazing along the façade.</p> <p>Amendment has been made to the SHI form in respect to the roof pitch.</p> <p>Most of the repair and maintenance works may be undertaken without a full DA provided that they meet the relevant exemption provisions of the Pittwater LEP 2014.</p> <p>Consultation with Council's Heritage Advisor is recommended when the scope of works are known.</p>	<p>Retain on the potential heritage items list.</p>
48	20-24 Beauty Drive, Whale Beach	11 <sup>th</sup> September 2014	<ul style="list-style-type: none"> <li>Owner disputes the heritage merit of the property. Report attached to submission by Brian McDonald of CCG Architects.</li> </ul> <p>The submission further notes that:</p> <ul style="list-style-type: none"> <li>The SHI form says the house and garden need restoration. This is considered to be an understatement. The concrete toughed beam roof structure has</li> </ul>	<p>Ronchi House reflects the Italian Tuscan style architecture experience of its designer, John Harcourt, for whom it was built as a family residence in 1959. The House appears to have been partially stripped of its</p>	<p>Retain on the potential heritage items list.</p>

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			<p>experienced spalling due to insufficient cover to reinforcing steel throughout the building. Also notes that the currently visible corrosion is likely to be just the tip of the iceberg.</p> <ul style="list-style-type: none"> <li>The submission states that as an example of post-World War 2 domestic architecture, 'Ronchi' House does not represent well any aspect of the architectural philosophies or contemporary design approaches of the time.</li> <li>The submission concludes that the house does not meet most of the listing criteria.</li> </ul>	<p>landscape elements since the Study Team's survey on 1st September 2012. Its condition most likely has also been further deteriorated and, as such, its architectural and aesthetic values may appear less. In many aspects the design of the house show careful consideration into detailing such as the exposed decorative rafters to the principal portion, balustrades to the terraced roof including the stair overrun, Tuscan style colonnaded veranda to the courtyard, simple rectangular fenestration to the façades, pockets of garden beds featuring matching balustrades, and finishes that reflect the Tuscan style architecture. The house is unusual for the Pittwater area giving consideration to the large number of modernist contemporary houses of its time. It shows a continuous residential use since 1959 and represents the influx of various types of residential designs that were mostly the work of the architects active on the Northern Beaches in the 1950s and 1960s. The issues associated with its poor condition does not reduce its ability in meeting the NSW Significance Assessment criteria.</p>	

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No	Property Address	Date of Submission	Summary of issues	Response	Recommendation
49	35 Foamcrest Avenue, Newport Beach	12 <sup>th</sup> September 2014	<p>Objection to the listing on the basis that:</p> <ul style="list-style-type: none"> <li>The Church is no longer used for Church services and due to its small size, does not meet the needs of the Anglican community or the various other uses of the Church. The Church is fast outliving its usefulness. Further, there are many maintenance issues with the building, including aged timber.</li> <li>The owners may be forced to spend money on an ageing timber building which, in all likelihood, will not suit their purposes for much longer.</li> <li>Any new listing should be made concurrently with the provision of funding to heritage item owners.</li> </ul>	<p>As previously outlined, the church building is important in demonstrating the early timber church construction in the locality as well as expansion of the St Michael's congregation. Change in its use from church to multi-purpose hall does not reduce its ability in demonstrating the above noted values.</p> <p>Due to the nature of the building, being moved from elsewhere to the current site, relocation of the building will be possible to a suitable location within the site as well as sympathetic additions to the building to increase its capacity. Consultation with Council's Heritage Advisor is recommended to discuss appropriate design options.</p>	<p>Retain on the potential heritage items list.</p>
52	99 Riverview Road, Avalon Beach	15 <sup>th</sup> September, 2014	<ul style="list-style-type: none"> <li>Owners do not believe that the listing of the house is appropriate considering the extent to which it has been altered internally and externally. They request that <i>before any recommendation is made that Council review its own files and attend the property.</i></li> </ul>	<p>As previously outlined, the Lochhead House is considered to be a good example of the early residential works by Keith Cottier of Allen Jack + Cottier (AJ+C) designed in 1965. The architectural value of the house is recognised by the Australian Institute of Architects through listing on the Register of Significant Architecture in NSW (item # 4703057).</p> <p>The house was also included in the architectural book on the 50 years work of AJ+C's written by</p>	<p>Retain on the potential heritage items list.</p>

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No	Property Address	Date of Submission	Summary of issues	Response	Recommendation
53	7A The Serpentine, Bilgola Beach	19 <sup>th</sup> September, 2014	<ul style="list-style-type: none"> <li>The owners of the property object to the heritage listing of the site and the grove of Cabbage Tree Palms because the site is currently not practical for its desired use by the organisation who intend to subdivide and sell the site to finance ongoing Church and charitable works programs and to purchase a more appropriate apartment facility which is more accessible to older members of the organisation.</li> <li>Heritage Report prepared by Rappoport Heritage states that <i>the site is subject to a number of restrictive controls that may negatively impact the potential for future appropriate development.</i></li> <li>Rappoport also note that due to the land zoning of the site as SP2 and E4, only 32% of the total land area can be considered as usable land.</li> <li>Rappoport propose that a <i>modification of the heritage listing boundary be considered by the committee to rectify the inequity existing between the listed and unlisted residential allotments on The Serpentine... The purpose of the proposed boundary amendment is not to recommend or allow removal of trees without due cause but is to remove bias against the limited number of private land holders affected by the listing.</i></li> <li>Rappoport propose that <i>conditions could be placed by Council on any future development that any Cabbage Tree Palms removed in any such development should be replaced with new specimens in alternative limited areas on the site and that any new landscaping on the site should take into account best management practices for the long term health of remaining specimens.</i></li> </ul>	<p>Trevor Howells and published in 2002 (<i>Allen Jack + Cottier 1952-2002</i>).</p> <p>The original design intent of the house is still evident from its exteriors, which are relatively intact.</p> <p>Review of the Rappoport report and the extent of the Cabbage Tree Palms within the subject property and the adjoining residential properties that are located within the listing boundaries of the heritage item the "Grove of Cabbage Tree Palms (<i>Livistona australis</i>)", clearly show that these properties contain more dense Cabbage Tree Palms than the other residential properties, which are outside the listing boundaries. As noted in the SHI form of the heritage item (2270031), much of the species habitat in the Sydney Metropolitan area has been lost to urban development. However, good stands survive at Bilgola Beach and Palm Beach, with remnants in sheltered coastal gullies elsewhere in the area.</p> <p>The recommendation of Rappoport for the new boundary modification to allow for the full development potential of the residential properties within the curtilage of the heritage item</p>	<p>Maintain existing listing boundaries of the heritage item as defined under Schedule 5 of the Pittwater LEP 2014.</p>

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				<p>excludes most of the existing Cabbage Tree Palms of these properties, in particular the ones within 7A The Serpentine, from the listing curtilage. This is considered a significant adverse impact to the extant grove of Cabbage Tree Palms, which are important and an increasingly uncommon part of the natural and cultural heritage landscape of the Northern Beaches.</p> <p>Difficulties and issues associated with the site's use by the Marist Fathers are acknowledged. However, regardless of the heritage listing any modification to the Cabbage Tree Palms will require a Development Application to Pittwater Council. As such, the recommendation by Rappoport for placement of conditions will still restrict the development options and will require careful design consideration. Any removal or relocation as well as future management of the Cabbage Tree Palms will need to be justified in order to gain consent of the Council.</p> <p>The Grove of the Cabbage Tree Palms is such an important natural and cultural landscape heritage that the amendment to the existing heritage listing boundaries of the heritage item (2270031) is not warranted on</p>	

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				the basis of increasing development potential of the subject residential sites. It is believed that development of the sites will still be achievable under the heritage listing controls, which are not more strict than the Council's tree protection controls.	

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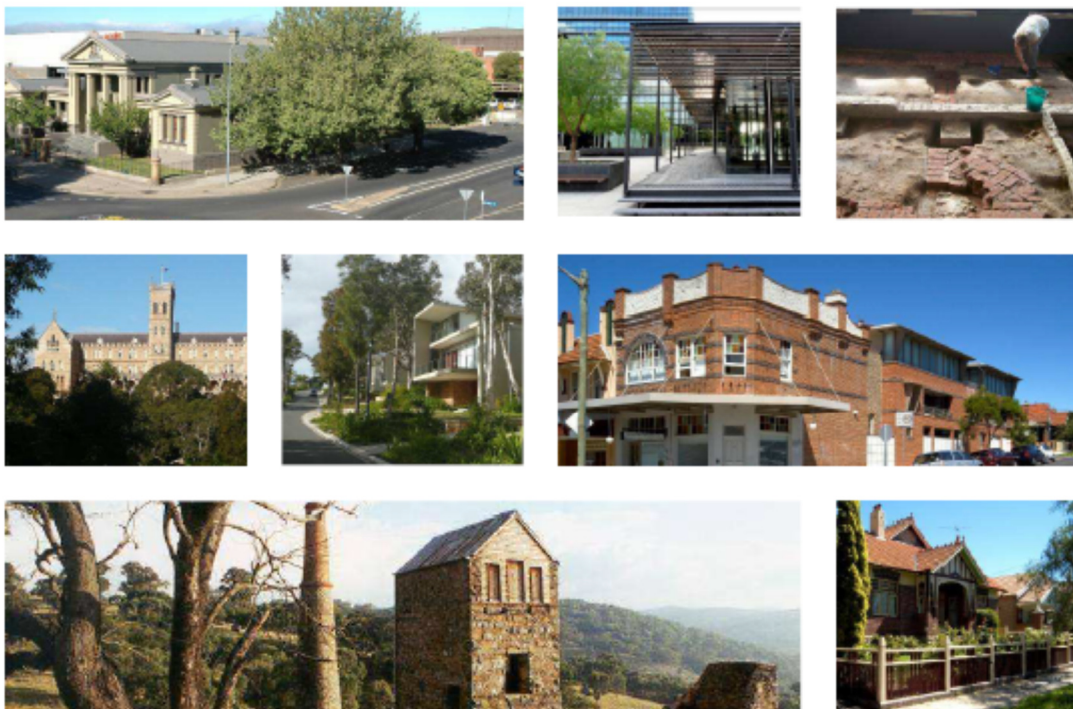
**NSW Heritage Branch publication *Heritage listing explained (What it means for you)***



# Heritage listing explained



## What it means for you







Produced especially for owners of heritage properties, this leaflet answers commonly asked questions about listing. It explains the benefits and effects of listing in New South Wales. It also gives owners a practical insight into how to make sympathetic changes.

**What are heritage listings?**

New South Wales has two main types of heritage listings known as *heritage items* and *conservation areas*. Heritage listings flag that a place or object has heritage significance.

Four main statutory lists contain heritage listings for places that are significant locally, state-wide, Australia-wide and/or world-wide. Locally significant heritage places are listed on local council Local Environmental Plans. The State Heritage Register lists our State's most significant heritage places and objects known as items of state heritage significance. Nationally significant places are listed on the National Heritage List. Places of world-wide significance like the Sydney Opera House are inscribed on the World Heritage List.

Heritage places from all four lists collectively demonstrate the unique history and achievements of the people of NSW and Australia. As physical links to Australia's past, heritage places trace the transition of Australia from its ancient indigenous origins to a penal outpost of Great Britain to the advanced culture of today's developed nation.

**How does heritage benefit you?**

The heritage places of NSW not only reveal the story of Australia's past; they safeguard and enrich our present and future.

**For our environment**, sustainable development begins with recycling—heritage buildings and their embodied energy included. Recycling heritage buildings reduces our consumption of resources and ecological footprint. Re-using instead of demolishing an average 19<sup>th</sup> century terrace is equivalent to saving 15,000 litres of petrol or five car trips around the planet in embodied energy. The Heritage Council's expert committees give free technical advice on sustainably upgrading heritage buildings for contemporary needs. Advice is given



*Retaining our limited heritage resources is green, sustainable, an investment and community building.*



*From top: Cadia copper mine's Engine House near Orange, c.1867; St Patrick's seminary, Manly, 1885, now converted to a college; New houses and subdivision of St Patrick's grounds retain its significant setting and trees; A characteristic Federation residence, c.1910.*



*Listing keeps heritage places authentic, alive and useful.*



*From top: Walsh Bay Wharves, c.1921, once a major shipping port, now a vibrant apartment, theatre and restaurant precinct; Burberry, Sydney, converted from major bank headquarters, c.1925; Burberry interiors re-using bank tellers, seats and desks; The Mint, Sydney, c.1855, where colonial coins were made, now offices.*

on upgrading historic buildings for disabled access, fire safety, building code standards and new services in ways which retain their heritage significance.

**For our economy,** heritage attractions underpin tourism, enhancing long-term growth. Heritage places provide the material to promote our State and neighbourhood profiles. Limited in supply, the rarity and authenticity provided by heritage places are attractions that cannot be built or recreated anywhere else.

Not long ago, areas like the Rocks and Paddington were considered 'slums' slated for demolition. Since listing and conservation, their value has appreciated enormously. The Rocks now supports Sydney's tourism industry, boosting the economy.

**For individuals,** the benefits extend beyond the timeless character often found in heritage places. Studies show heritage properties can attract higher resale values. Price premiums attracted by heritage character and listing can also extend to adjoining properties. Listing gives owners greater certainty the heritage qualities of the area are protected. Sensibly maintained, the old keeps its appeal in the long-term and only grows in rarity with age.

**For communities,** heritage plays a major role in the appeal and life of neighbourhoods. Even heritage places with no current use or in a neglected state can provide the impetus for revitalising a neighbourhood. The adaptive reuse of heritage buildings like Walsh Bay's finger wharves shows how retaining the old as part of a new use creates unique precincts and renews community life and enjoyment of the place.

Heritage places create and support jobs in your community. As well as jobs for specialist repair tradespeople and heritage consultants, heritage places support jobs for architects, planners, builders, building material suppliers, real estate employees, and the many people working in tourism for heritage sites, hotels, food and travel.

In other words, retaining our limited heritage resources is green, sustainable, an investment and community building. Owners, businesses, residents and visitors all benefit as a result.

### **Why list?**

Listing is the way our heritage places are identified and managed. This safeguards the environmental, economic and social benefits of this limited resource for present and future generations.

As with zoning, certainty is the driving reason for listing. By flagging our heritage places, listing gives owners and the community certainty about what is a heritage place. It provides advance knowledge about the approvals process, and confidence that future changes to listed places and surrounds will be



sympathetic ahead of important decisions such as purchasing.

Early listing avoids the uncertainty, delays, unforeseen costs and unnecessary conflict that can result when heritage is identified late in the development process. For example, temporary heritage listing known as Interim Heritage Orders, cannot apply to locally significant places already listed as local heritage items or state significant places already listed on the State Heritage Register.

Listing is the established world-wide method for managing heritage. Before listing existed in NSW, community protests about widespread heritage destruction resulted in the building union 'green bans' of the 1970s. This saved the Rocks and other heritage places from demolition at the time and ultimately led to our State's first contemporary laws for heritage listing in 1977, the *Heritage Act*.

### What does listing mean?

By providing a balanced framework for managing change, listing keeps heritage places authentic, alive and useful. Australian heritage places are not inflexibly bound or 'mothballed' by listing. Listing will not stop all change or freeze a place in time. Listing is a beginning—the first step in protecting our significant places—not the end result. Statutory listing protects our State's heritage places in three basic ways: recognition, approvals and support.

#### 1. Recognition

Listing gives public recognition to heritage places under Australian or State law. Listing as a heritage item or area is a mark of community distinction that can be useful for promoting resale or business. It will not change property ownership or open private property to the public. Listing produces information about the history and significance of a place to help owners understand and manage their property. This information is published on the online heritage database at [www.heritage.nsw.gov.au/shi](http://www.heritage.nsw.gov.au/shi).

For owners who wish to attract visitors, state listing also gives heritage bed and breakfasts, pubs or other heritage attractions free promotion on the heritage tourism website: [www.visit.heritage.nsw.gov.au](http://www.visit.heritage.nsw.gov.au).

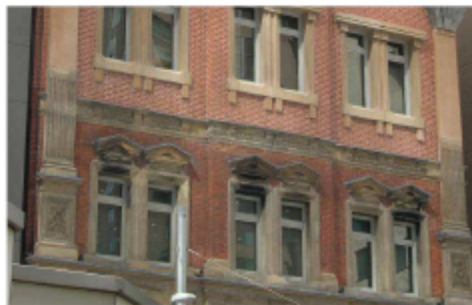
#### 2. Approvals for change

Listing permits sympathetic development of heritage places through an approvals process. The process to gain approval ensures changes retain the significance of heritage places.

State listing normally prevents demolition and neglected maintenance. NSW listings do not otherwise prescribe how a place can or cannot be changed. Any change to a listed place can be assessed for approval.



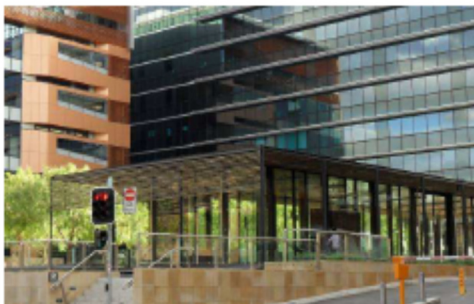
*Listing will not stop all change or freeze a place in time.*



*From top: NSW Parliament House, converted from the 1816 Rum Hospital; Sydney Harbour's Fort Denison, c.1862, once a colonial fort, now an events venue; Restored façade of the partly burnt-down George Patterson House, Sydney, c.1895, showing the old and reconstructed parts; Above interiors converted into a bar using the old ruins as a feature.*



*Listing gives owners improved access to heritage grants.*



*From top: Babworth House, 1915, a mansion converted into five flats; New kitchen/living addition opening onto the rear gardens of above; Convict-era hospital relics, c.1818, at the old Parramatta hospital site now converted into the Parramatta Justice Precinct; Above relics are displayed in a glazed café building in front of the new Justice Precinct buildings.*

Changes are assessed on their merits when owners submit development applications. In this assessment, the relevant government agency decides whether the proposed works will have an acceptable impact on the heritage significance of the place. Owners have an opportunity to submit their own assessment in the 'statement of heritage impact' before this decision is made. Upgrading kitchens, bathrooms and services and rear extensions to meet contemporary standards are commonly approved changes.

Minor works, day-to-day repairs and maintenance rarely need approval because they will normally fulfil criteria for exempt development. There is no obligation to restore a listed place. No approval is needed to sell or lease a listed place.

Tips for sympathetic alterations are shown in the table over the page. Interested owners can also access free best practice guidelines from the Heritage Council to help with these works at [www.heritage.nsw.gov.au/conservation](http://www.heritage.nsw.gov.au/conservation).

For pre-application advice on proposed changes contact the relevant government agency:

- Local: for places listed on the Local Environmental Plan, call the local council's heritage planner.
- State: for places listed on the State Heritage Register, call the NSW Department of Planning's Heritage Branch on (02) 9873 8500.
- Federal: for places listed on the National or Commonwealth Heritage Lists: call the Heritage Division of the Department of Sustainability, Environment, Water, Population and Communities on 1800 803 772.

### 3. Support

Listing gives owners improved access to heritage grants, free advice from local council's heritage planners on how to make sympathetic changes, and often allows a wider range of uses than the current zoning would otherwise permit. NSW grants for conservation works are described further at [www.heritage.nsw.gov.au/funding](http://www.heritage.nsw.gov.au/funding). Some local councils also offer local heritage grants. Find out by contacting the council's heritage planner.

Free technical advice is available to owners of state-listed places for upgrading historic buildings from the Heritage Council's expert technical committees. They provide advice on upgrades for disabled access, fire safety, building code standards and the introduction of new services for contemporary residential or business needs. Advice is also given on conserving historic building materials.

Heritage listing can reduce council rates and land tax when owners apply for a 'heritage valuation' from the NSW Valuer General's Office. An existing heritage valuation will be shown in the 'Notice of Valuation' issued for council rating purposes.



## What is listed?

Places and objects are listed when they have what is known as *heritage significance*. Ancient, old and modern places are all listed. These demonstrate the length and breadth of Australia's rich history.

Heritage significance and listing is not only about buildings. Landscapes, gardens, parks, farms, streets, towns, Aboriginal sites, archaeological relics, bridges, dams, railway stations, shipwrecks and objects are also listed for their heritage significance. This includes both privately and publically owned places and objects.

The heritage significance of a place is measured using seven standard Heritage Council criteria. Local councils survey their areas for listing locally significant places and objects using these same criteria. Any person can also nominate a place for listing to the local council, NSW Heritage Council, and Australian Heritage Council for locally, state or nationally significant places respectively. Consulting owners and the community is a key part of the listing process for all types of statutory listing in NSW.

Desirable areas often feature large numbers of heritage listings—an indicator they have a great deal worth keeping. However, few places are listed overall. Across New South Wales less than one percent of properties are listed heritage items.

To find out how many heritage places you have listed in your local neighbourhood and how these places are significant, search the NSW online heritage database at: [www.heritage.nsw.gov.au/shi](http://www.heritage.nsw.gov.au/shi) or the Australian heritage places inventory at: [www.heritage.gov.au/ahpi/index](http://www.heritage.gov.au/ahpi/index)

### Listing effects in brief:

- Heritage significance is recognised by law.
- Brings greater certainty that future changes will be sympathetic.
- Physical changes may need approval.
- Conversion to new uses can be approved.
- Complete demolition is normally prevented for state-listed items.
- Normal maintenance is required for state items.
- Does not alter ownership.
- Does not oblige owners to restore or open their place to the public.
- No approval needed to sell or lease the place.
- Owners can apply for heritage grants.
- See [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au) for more details.

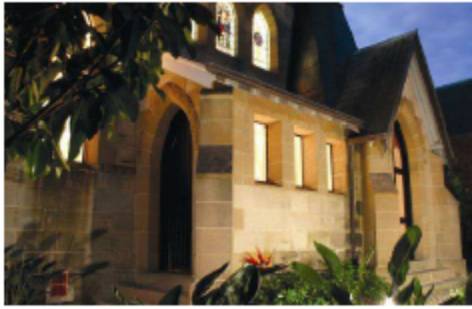
\* Of 3.5 million total land parcels in NSW, less than one percent are listed as statutory heritage items. These include approximately 26,000 local, 1,600 state and 20 national items. Figures are derived from data from the NSW online heritage database as of May 2010.



*Across New South Wales less than one percent of properties are listed heritage items.*



*From top: Canterbury Sugar Mill of c.1841 restored after fire and converted to apartments; The mill before restoration; Another contemporary apartment conversion of the c. 1920 McCafferys Stables at Pyrmont; New mezzanine level, kitchen and living space inserted into the stables building.*



Above: Demonstrating these tips in practice for a church conversion into two homes: Toxteth Church, Glebe. The new internal structure inserted into the old church for new mezzanine levels was built in a way that allows its future removal without damaging heritage fabric (tip 8). The old roof structure is used as a feature in the new design (tip 3). A rear modern pavilion addition is discrete and lightweight (tip 4). Open courtyards separate the church and hall from the new addition, allowing the old building to remain prominent (tip 6).

### Heritage renovating tips<sup>†</sup>:

Some common tips to help you renovate or extend your heritage place sympathetically:

**1. Start with good advice:** from the local council's heritage planner or a heritage consultant. This will help you understand your place, find out about available grants, the approvals process, information required, and how to develop sympathetic renovations.

**2. Find a good fit:** Fit the planned use to the site, building and room – whether the current use or a compatible new use. *Examples:* A bad fit is trying to fit four bedrooms and garage into a single-storey terrace on a small site. A good fit (or compatible use) is placing new kitchens or bathrooms into existing service rooms to limit damage to fine old interiors.

**3. Keep authenticity:** Aim to retain inside and outside heritage features (like fireplaces, decorative ceilings, windows, roofs and fences) as part of new work. Reuse rather than remove or replace sound heritage materials. To maintain the value of your investment and avoid expensive future repairs use maintenance guides at [www.heritage.nsw.gov.au/conservation](http://www.heritage.nsw.gov.au/conservation).

**4. Position discretely:** Place extra living space and changes to the rear or least-conspicuous position to maintain the main public appearance, setting and features of the place. *Examples:* Place additions and parking behind the building facade line. Converting the attic into an extra room may be an option where roof dormers can be fitted discretely at the rear.

**5. Continue patterns:** In modern or traditional additions, reflect forms and patterns of the adjoining old building without imitating its exact details to harmonise new with old. *Examples:* Window sill lines, materials, roof forms, building proportions and fences are typical patterns to follow in new additions.

**6. Separate new forms:** Separate the mass of new buildings from the old so the old remains prominent. *Examples:* Using the main heritage building as the starting point, step-down the height of additions (wall and roof ridge heights), increase building set-backs, or use a pavilion style addition with a separate roof and low link to the old building (see example on left).

**7. Reveal heritage features:** Removing unsympathetic alterations and restoring original features like open verandahs and fences can transform a place's appearance and appeal.

**8. Make change reversible:** meaning new work can be removed later without damaging the old. *Example:* Do not paint unpainted sandstone or face brick walls because paint cannot be removed without scarring. Impervious paints and sealants can also damage older masonry by spreading rising damp.

See more in *New Uses for Heritage Places and Design in Context* at [www.heritage.nsw.gov.au/publications](http://www.heritage.nsw.gov.au/publications).

<sup>†</sup> These tips are not compulsory or inflexible. They do not replace other professional guidelines, planning controls or direct the consent authority's assessment of proposals.



### Listing myths and facts snapshot:

**Myth 1: "Listing stops change or inhibits growth"**

**Facts:** Listing will not stop change. Changes may need approval. Any change can be assessed for approval. The approvals process promotes sympathetic changes to retain the authenticity of heritage places. Listed places can be converted to new uses and upgraded with approval. New bathrooms, kitchens and living space are commonly approved changes. Talk to the local council's heritage planner for advice on these or other changes. You can continue smaller works to listed places without approval like most day-to-day gardening, cleaning, painting interiors and basic maintenance when it fulfils criteria for what is known as *exempt development*. No approval is needed to sell or lease listed places. Managing our limited heritage resources in this way can drive revitalising unique precincts and long-term growth, including improved environments, property values, and visitor numbers.

**Myth 2: "Listing devalues property"**

**Facts:** Studies<sup>1</sup> show listing has no effect on property value in most cases, and sometimes improves resale value. Listed residences with well maintained heritage features have been found to attract a price premium compared to equivalent non-listed places in independent studies<sup>1</sup>. Period features and other heritage attributes often feature prominently in property advertisements because of this appeal.

**Myth 3: "Listing turns my place into a museum"**

**Facts:** Listing does **not** oblige owners to restore or open a place to the public like a museum, dictate the use owners propose or freeze a place in time. More flexible than zoning, listing can actually allow more uses than the zone would otherwise permit. Finding a viable use is a priority for listed places. Only normal day-to-day maintenance is required for state-listed places, safeguarding your property as an investment.

**Myth 4: "Listing penalises me and my property"**

**Facts:** Listing gives you improved access to heritage grants, greater flexibility for uses including uses otherwise prohibited, and often reduced land tax. Listing also gives a local council greater control over preventing inappropriate neighbouring development—all advantages only for listed places.

**Myth 5: "Listing complicates renovations."**

**Facts:** Listing gives you advance notice about the issues and process for gaining development approval, including better access to heritage grants and free advice from local council professionals. Fewer delays and better design outcomes often result. Listing reduces the risk of delays and community protests when heritage values are identified late in the development process. Heritage consultants can help you through this process, however are not needed for all applications. Find out what information and advice you need for your renovations from the council's heritage planner.



From top: New buildings harmonising with the old (tip 5). The first two are a rear addition reflecting the height, building form, window proportions, lines and materials of the Federation corner store; Second steps its height and setbacks down from neighbouring Victorian buildings, uses similar forms to the adjoining, and integrates the garage discretely recessed below a verandah so it does not dominate (tip 6); The final building reflects Colonial forms, roofs, materials, heights and setbacks in the neighbourhood.





From top: Further new buildings harmonising with the old from different periods and purposes. The height of the first new home is single-storey adjacent to single-storey Victorian neighbours (tip 6). Materials and roof forms reflect surrounding buildings used in subtly different ways to distinguish the new buildings from the old (tip 5); The second is a new building adjoining a historic warehouse and Victorian hotel in Surry Hills; Last two are Orange Courthouse's rear additions continuing the old building's materials and building forms (tips 4 & 6).

**Myth 6: "Listing is unfair interference"**

**Facts:** Like zoning, listing is necessary government planning required by law for orderly development. Listing is part of good planning. Everyone gets a say before listing; owners and neighbours included. Listing decisions are made independently by government after considering public comments and using state-wide heritage standards. Professional heritage assessment against standard criteria guides these decisions. In this measured way, the heritage of your area is known and earning the rewards for its owners like greater protection against inappropriate neighbouring development, flexible uses, and tax breaks.

**Myth 7: "I will look after my place better unlisted"**

**Facts:** While you may be the best possible custodian for your heritage property, without listing no-one can guarantee future owners will look after it as well. If not listed, then you are also denied the benefits in 4.

**Myth 8: "Listing reduces development potential"**

**Facts:** While potential varies between sites, independent reviews of some Braidwood property concluded the state listing had **no impact** on development potential. Zoning, physical site constraints, limits on impacting neighbours and the environment, and other controls all mean development potential is not endless to begin with. Heritage concerns can still be raised by the community or council for unlisted places when development is proposed. Prior listing just makes the development process smoother; a known quantity. Illustrations in this guide show considerable development realised for listed places through adaptive re-use. For a typical listed home, a sympathetic modern rear addition for extra living space, sometimes taking advantage of an extra basement level, a second storey in the attic space or a granny flat may be possible.

**Myth 9: "Listed places cannot be bulldozed"**

**Facts:** State listing normally prevents demolition. The Heritage Council cannot approve demolition of a state-listed item. However, in some circumstances listed places can be partly demolished with approval, such as to remove detracting additions. If a listed place has lost its heritage significance or long-term conservation is no longer necessary, the place can be removed from the heritage list or demolished with government approval after assessment and advertising for public comments.

**Myth 10: "Only the old, grand or beautiful is listed"**

**Facts:** Seven different heritage criteria mean places can be significant for reasons other than age and beauty. Criteria such as design quality ('aesthetics') and connection to important people and events ('associations') mean that the fairly recent and old, modest and grand, plain and beautiful alike can form part of our history and heritage.

**Myth 11: "Too much is listed"**

**Facts:** Of 3.5 billion land parcels in NSW, less than one percent are listed heritage items, including less than 30,000 total heritage items.<sup>2</sup>

## Endnotes

1. Some recent Australian studies, study evaluations, and case law which conclude listing has a positive or no effect on property values and economic viability include:
  - Abelson, P. & Dominy, C., *The Economics of Heritage Listing*, 2001 (on benefits, costs and economic viability of development).
  - Australian Government Productivity Commission, *Conservation of Australia's Historic Heritage Places Inquiry Report, Appendix C, Effect of heritage listing: a hedonic study of two local government areas*, 2006 (on property value).
  - Cotteril, D., Sinclair Knight Merz, *Value of Heritage to the City of Ballarat-Case Study*, not dated (on property value).
  - Deodhar, V., *Does the housing market value heritage? Some empirical evidence*, 2004 (on property value).
  - Heritage Victoria, *Heritage listing and property valuations in Victoria*, 2001 (on property value).
  - Moore, T., *Land and Environment Court of New South Wales judgement, Helou v Strathfield Municipal Council [2006] NSWLEC 66*, 2006 (on amenity and costs of heritage compared to knock-down and rebuild).
  - Newell, G., Wills, P., & Eves, C., *Heritage Australia: A Review of Australian Material Regarding the Economic and Social Benefits of Heritage Property*, 2005 (on property value, jobs, other general benefits).
2. Figures are approximate for the purpose of indicating the percentage of NSW property listed, based on data available at the time of publication from the NSW online heritage database as of 2010.



Above: Significant established trees retained by the careful design of a new housing subdivision in the grounds of St Patrick's Estate, Manly—Australia's first national Catholic seminary—here being enjoyed by a member of the next generation.

## Provenance

This is an endorsed publication of the Heritage Council of NSW, written and designed by Claudine Loffi for the Heritage Branch, NSW Department of Planning, in 2010, updated in 2011 for the Office of Environment and Heritage. Photographs are from the collection for publication in *Design in Context* and *New Uses for Heritage Places* co-produced by the Heritage Council of NSW and the Royal Australian Institute of Architects in 2005 and 2008, Burberry 2011, and Heritage Branch staff.

## Acknowledgments

The Heritage Council of NSW and Heritage Branch thank the many heritage planners, Institute of Architects members and Heritage Branch staff who contributed to the examples and photographs illustrated in this work. The vision and support of building owners, designers and developers of photographed examples is also acknowledged.

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ISBN 978-1-921121-23-4

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