

Heritage Referral Response

Application Number:	DA2023/1107
Proposed Development:	Change of use and alterations and additions to Office C for the purpose of a child care centre and landscaping
Date:	12/02/2024
To:	Nick Keeler
Land to be developed (Address):	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099

Officer comments

HERITAGE COMMENTS		
Discussion of reason for referral		
<p>This application has been referred as the site contains a heritage item, being Item I52 - Roche Building and is within the vicinity of 2 other heritage items being Item I53 - Givaudan-Roure Offices and Item I38 Trees - Campbell Avenue, which are all listed within Schedule 5 of Warringah LEP2011.</p>		
Details of heritage items affected		
<p>Details of heritage item on site, as contained within the Heritage Inventory, are: Item I52 - Roche building <u>Statement of Significance</u> A substantial & excellent example of an industrial complex in the late 20th Century international style. Displays high degree of integrity. One of first industrial complexes set in substantial landscaped grounds. Socially significant due to landmark nature <u>Physical Description</u> Industrial/office building of off-form concrete with glass curtain walling. Assymetrical arrangement with hexagonal tower of off-form concrete with squatter glass-walled tower to east. Strong horizontal element provided by 3 storey office wing to west.</p>		
Other relevant heritage listings		
SEPP (Biodiversity and Conservation) 2021	No	Comment if applicable
Australian Heritage Register	No	
NSW State Heritage Register	No	
National Trust of Aust (NSW) Register	No	
RAIA Register of 20th Century Buildings of Significance	No	However, Roche building was previously on RAIA Register
Other	No	
Consideration of Application		
<p>This application proposes use of one the heritage listed building on-site for the purposes of a child care centre (Building 6), relying on the use of clause 5.10(10) of Warringah LEP 2011, to facilitate the change of use. This clause allows Council to approve a use otherwise prohibited by the zoning, if it is satisfied that the requirements of all of the five criteria in this clause are met. Essentially, the proposed use must facilitate the conservation of the heritage item and must not have an adverse</p>		

impact upon the identified heritage significance of the item.

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

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

Contextual works (landscaping)

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

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

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

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

External works

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

Internal Works

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

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

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

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

Conservation of the heritage item is not facilitated by the proposed use of the building as a child care centre, as the changes and adaptations proposed for that specific use are considered detrimental to the fabric and significance of the heritage item. In particular the treatment and use of the outdoor play space is at odds with the identified significance of this heritage item.

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

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

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

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

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

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

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

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

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

In addition, it is considered that the proposal is inconsistent with Part 3.3 of State Environmental Planning Policy (Transport and Infrastructure) 2021, specifically Clause 3.23.

Therefore this application can not be supported on heritage grounds.

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

Is a Conservation Management Plan (CMP) Required? No

Has a CMP been provided? Existing CMP for site.

Is a Heritage Impact Statement required? Yes

Has a Heritage Impact Statement been provided? Yes

The proposal is therefore unsupported.

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

Recommended Heritage Advisor Conditions:

Nil.