

ANNEXURE 2



STATEMENT OF HERITAGE IMPACT

MIXED USE DEVELOPMENT
1112-1118 BARRENJOEY ROAD
PALM BEACH
NSW 2108

5 FEBRUARY 2010

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This report has been prepared under the guidance of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the NSW Land & Environment Court Practice Directions relating to the provision of evidence by expert witnesses. The opinions in the report represent the professional opinions of the author based on an assessment of the available information cited in the report.

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STATEMENT OF HERITAGE IMPACT FOR THE ANASTASOPOULOS FAMILY

1.0 INTRODUCTION

This Statement of Heritage Impact has been prepared in accordance with the standard guidelines of the NSW Heritage Office to accompany an application for proposed works to 1112 -1118 Barrenjoey Road Palm Beach (Lot 21, DP571298). The subject site is located on the eastern side of Barrenjoey Road and immediately to the north of historic Barrenjoey House. The site is also opposite Pittwater Park, Snapperman's Beach and the Palm Beach ferry wharf. The site is currently occupied by commercial premises which include retail outlets and a cafe. The current condition of the building fabric is fair. The proposal will comprise a basement car park, commercial units and a kiosk at ground floor level and three levels of residential units above.

The assessment of potential heritage impact has been undertaken by Jennifer Castaldi, Heritage Architect, under the direction of Robert Staas, Director / Heritage Consultant of NBRS+PARTNERS Architects. The history was written by Michelle Richmond, historian. Details of the development proposal and works to the heritage building have been prepared by Lesuik Architects.

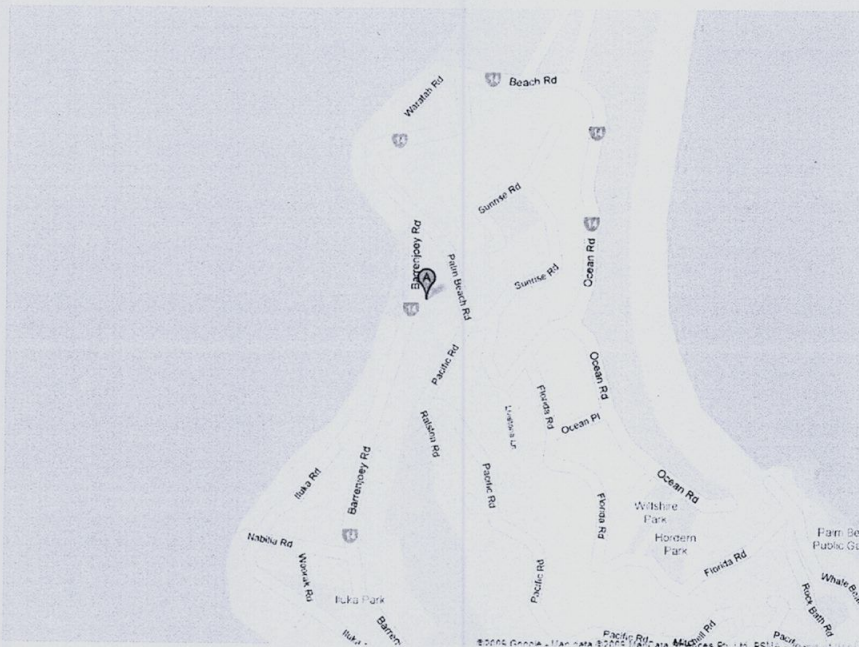


Figure 1: Location Plan 1112-1118 Barrenjoey Road Palm Beach

Source: Google Maps



Figure 2: Aerial View 1112-1118 Barrenjoey Road Palm Beach

Source: Google Earth

1.1 Heritage Listings

The site is not a heritage item but is in the vicinity of heritage items recognised on the following lists:

Pittwater Local Environmental Plan 1993

SCHEDULE 9 – HERITAGE ITEMS

A. BUILT ITEMS

- *Barrenjoey House* (Lot 1 & 2, DP 1004105, N1106 1108 Barrenjoey Road, Lots 1 and 2, DP 304661
"Association with holiday and recreational development and in continuous use as a restaurant and guest house"
- *Winten – House*, 21 Palm Beach Road
 A typical dwelling of the 1920's/30's "beach bungalow" style consisting of timber, fibro cladding and sandstone foundations.

B. LANDSCAPE ITEMS

- Norfolk Island Pines (*Araucaria heterophylla*) –Pittwater Park – Reserve No, R60988 opposite Barrenjoey House, Barrenjoey Road

1.2 Heritage Significance

The subject site is not a heritage item but is in the vicinity of heritage items in the Palm Beach area.

The Pittwater Development Control Plan No.15 – Heritage Conservation Describes the Main Principles for Infill or Adjacent Development

- Respect the architectural character of the heritage item/s or the important character of the conservation area
- Design in a similar scale and proportion so as to be sympathetic to the heritage item or character of the area and to ensure that new buildings do not dominate or overwhelm the item/s of importance
- Don't replicate or mimic design features of the heritage item/s. New development should be clearly distinguishable from older development.
- Use experienced practitioners where possible, who have heritage conservation experience or are aware of the issues involved
- Talk to council early in the design exercise. Council planners can assist and provide guidance in relation to the design of new buildings.

2.0 HISTORY AND DEVELOPMENT OF THE SUBJECT SITE

2.1 History and Development of the Area

The site now known as 1112-1118 Barrenjoey Road Palm Beach was originally part of 400 acres granted to surgeon James Napper by Governor Macquarie in 1816.

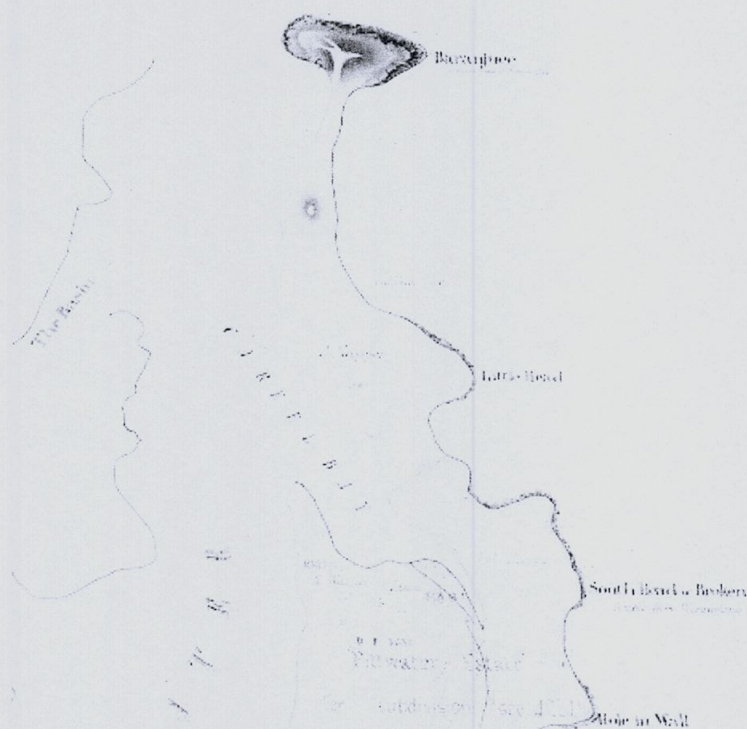


Figure 3 – Parish Map No. 14073201
Source: Department of Lands

Napper's grant was named "Larkfield" and conditions of the grant stipulated that at least 45 acres had to be cleared for cultivation within five years. The grant adjoined that of the Catholic priest, J.J. Therry to the south and had no direct access by road.

Transport to the peninsular in general, and to Palm Beach in particular was difficult prior to 1910. A day's return journey commenced with a horse drawn

streetcar ride, which went as far as Narrabeen where a ferry crossed the lake. A sully continued the journey to Church Point and a rowboat ferry took you to Palm Beach or Pittwater. In 1912 a ferry service was established from Newport to various destinations in Pittwater. This ferry and a launch service from Church Point were the only practical methods of reaching Palm Beach at that time. Although the track to Palm Beach (Barrenjoey Road) was surveyed in 1877 it was not until the 1920's that it was sealed.

The original Napper grant of 400 acres, passed into the ownership and later the estate of Darcy Wentworth and apart from the sand peninsula leading to Barrenjoey Head acquired by the Government in 1881, this land remained intact until 1900. At this time, following several court orders, a group of Sydney businessmen purchased the majority of the land now known as Palm Beach for £500 in the name of the Barrenjoey Land Company Ltd. The company divided the Palm Beach Estate into eighteen large blocks, some extending upwards of 74 acres. The blocks were put up for auction on 5th June 1900, but few attracted a buyer.

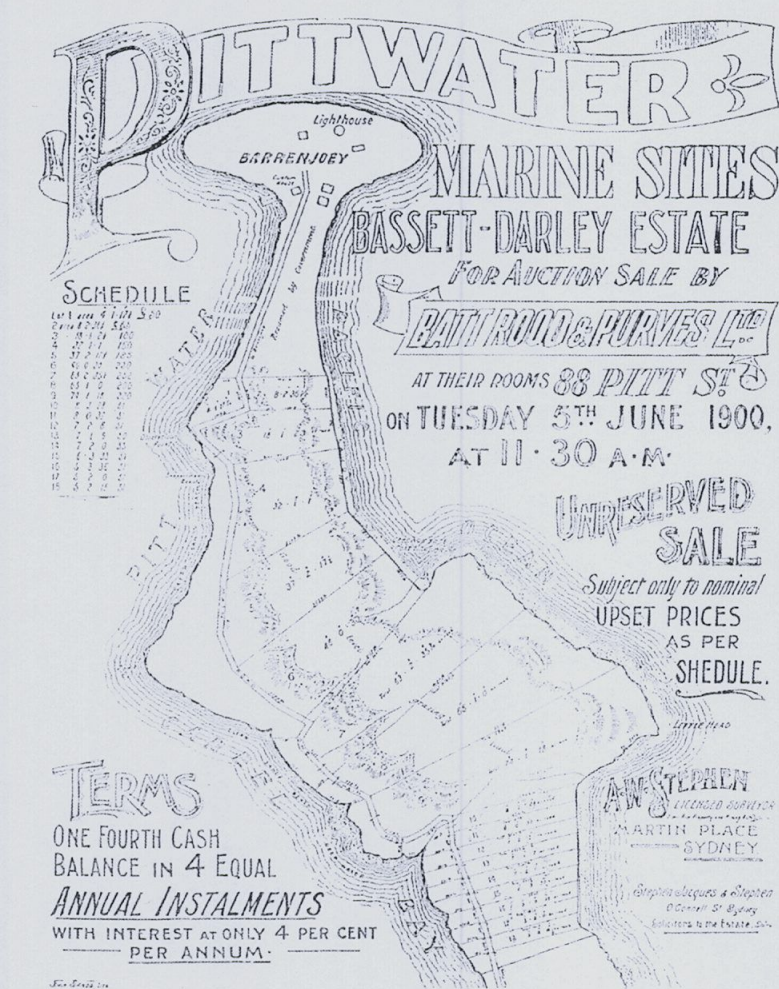


Figure 4 - The Basset-darley subdivision map of 1900, showing the main road, one chain wide and the Custom's House.
Source: SLNSW

In 1912 part of the land in the original lots 2,3 & 4, comprised the First Subdivision of the Barenjoey Estate. This consisted of 88 residential allotments along Barrenjoey Road, Palm Beach Road, Ocean Road and Sunrise Road.



Figure 5 - DP 6746 dated 1912 showing shaded the lots which relate to this study
Source: Department of Lands



Figure 6 - 1909 image of car on Barrenjoey track looking back over Snapperman's Beach. This is prior to the 1912 subdivision and no development is shown at this time.

Source: Pittwater Local Studies Library

By this time a wharf had been built at Snapperman's Beach and the area was being promoted more as a holiday/recreation area. The surf bathing rules had changed in 1902 permitting daytime bathing and this became a popular summer pastime.

The area soon became a popular holiday spot evidenced by the growth of guesthouses and holiday cottages in the 1920s including Barrenjoey House which was constructed in 1923 as a guest house and restaurant. (See Figure 6)

Along the route to Palm Beach there also developed two village/commercial areas. The first was near Illuka Road and the second was the Snapperman Beach shops opposite the ferry wharf and park, which relate to this study.

2.2 History and Development of the Subject Site

In 1918 Edith Muriel Maitland Swain of Wollstonecraft purchased Lot 36 DP6746 from the Barrenjoey Company Limited above subdivision and in 1925 also purchased Lots 34 and 35. She then re-subdivided the three lots as DP 14538 in 1927 into 10 "Business Sites" fronting Barrenjoey Road. These allotments had a proposed rear access lane from Palm Beach Road. There was also one large allotment behind the access road with an entry from Palm Beach Road. (See Figure 5)

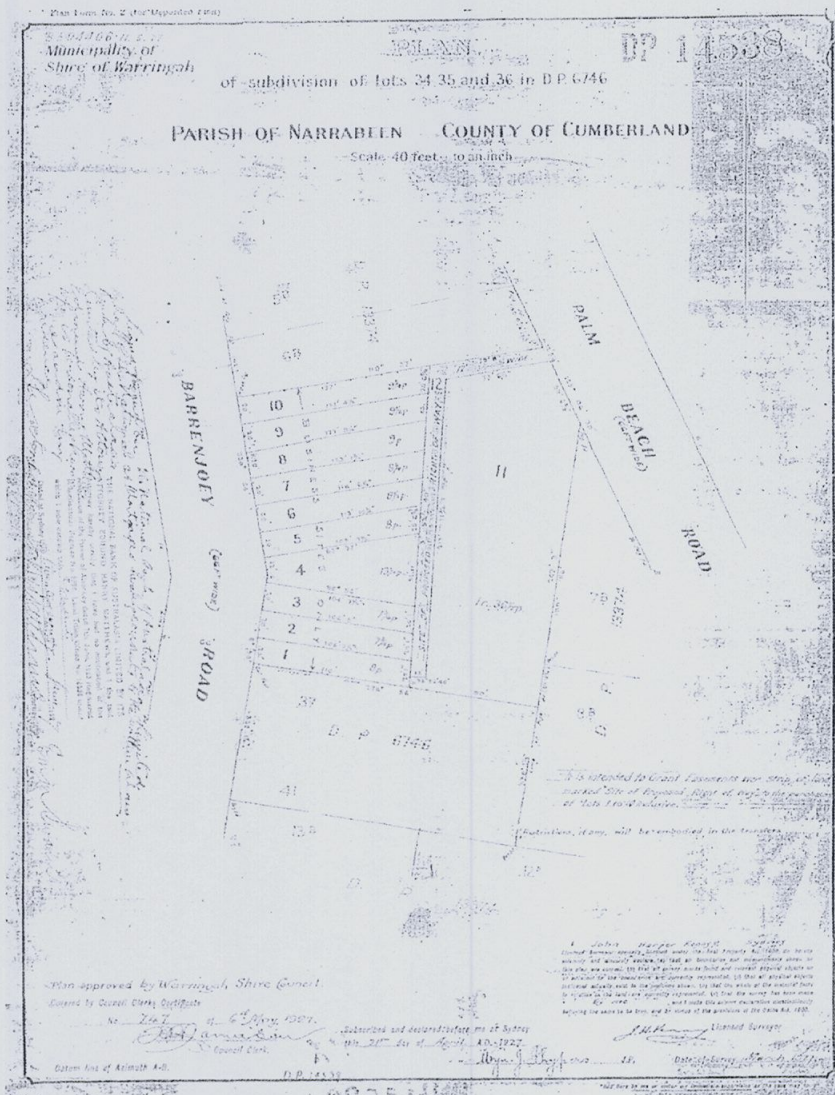


Figure 7 - DP 14538 dated 1927
Source: Department of Lands

Lots 5 & 6 DP 14538 were purchased by Estrella McKechnie wife of Archibald McKechnie in 1927 and 1928.¹ The Sands Sydney and Suburban Directory records A.J. McKechnie's Refreshment Rooms on the site from 1930.² Mrs Swain is also recorded as living next door at this time. Local knowledge indicates that the structures initially on Lots 5 & 6 consisted of two simple buildings to the front of the site that operated both as a general store and refreshment rooms and a simple timber and fibro cottage to the rear of the site. Today some remnants of the early commercial development remain on the site in the form of a sandstone wall at the corner of the front entry to the rear building and some remnant dry stone garden terraces.³

¹ Transfer No. B266414 dated 1927 and Transfer No. B687671 dated 1928
² Sands Sydney and Suburban Directory lists occupants of buildings in Sydney from 1858 to 1932.
³ Fraser Rose Heritage Consultants *Statement of Heritage Impact for 1112-1118 Barrenjoey Road, Palm Beach* dated March 2003

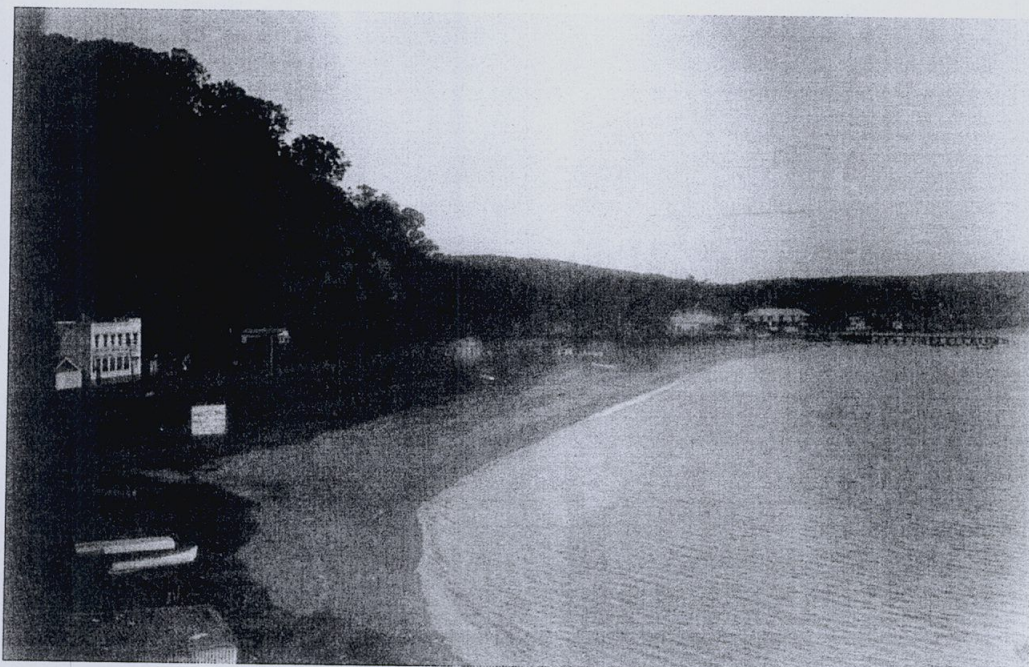


Figure 8 - 1925 view of Snapperman's beach showing Barrenjoey House
Source: Pittwater Local Studies Library



Figure 9 - 1940 view of Snapperman's Beach showing development on subject site at this time
Source: Pittwater Local Studies Library

From the 1940s to the 1970s little changed on the subject site and the property changed hands numerous times.⁴ In 1944 Lots 5 & 6 were sold to Veremant John McCarthy of Sydney, Hotel proprietor then in 1948 both lots

⁴ See Appendix 1 for a full Land Titles Search

were sold to Joseph and Isobel Wilson. Oral history also reveals that the Wilson's managed Barrenjoey guesthouse at this time. In 1950 these lots were sold to Craven and Ada Benn and then transferred to Elna Rogers of Newport in 1952. John Power and Norma Cullen purchased the allotments in 1956 and they were sold in 1960 to Patricia Thompson. The next owners were Edward and Valerie Wallman in 1963 and they sold the property to Aztec Limited in 1969.

In 1970 ownership was transferred to Cantec Pty Limited (a company owned by John Andrews architect). The company also purchased Lots 4,3,2 and 1 DP 14538. It appears that little development had taken place on these lots up until this time. In 1974 Lots 1 to 6 were brought together and re-subdivided as Lot 21 in DP 571298.

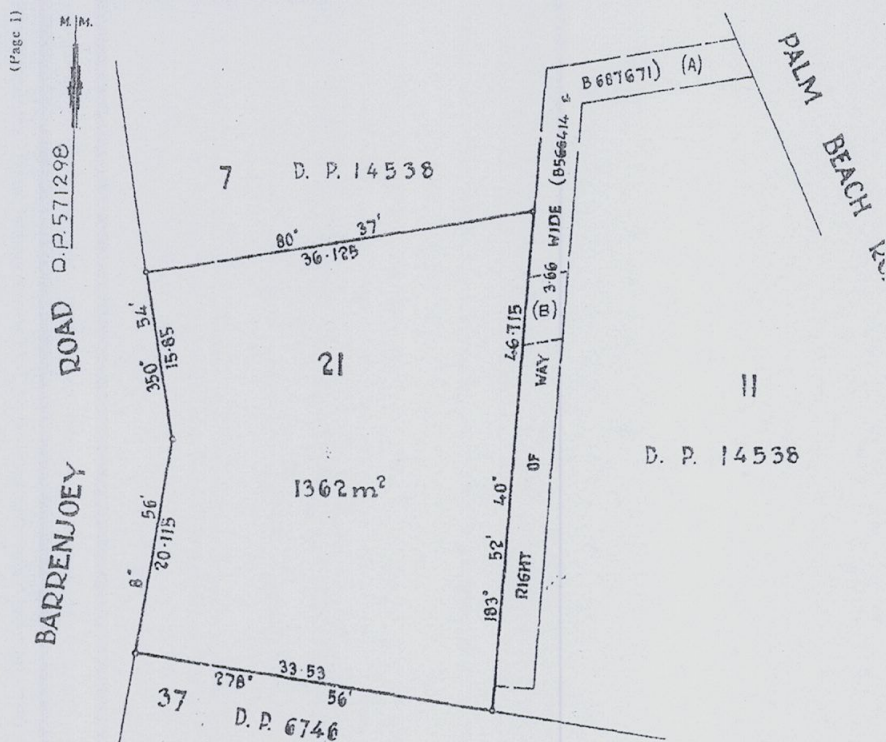


Figure 10 - Lot 21 in DP 571298
Source: Department of Lands Certificate of Title Volume 12527 Folio3

Cantec Pty Limited demolished the existing commercial buildings on the site and soon after built two shops, currently occupied by Palm Beach General Store and Soshu's Gallery (originally called Swaggs). John Andrew's wife ran the gallery, which originally sold Australian designed and made products. After this the shop operated as a hair salon and is now a retail shop selling Indian clothing and goods.

The timber and fibro cottage at the rear of the site was substantially altered in the early 1970s to house John Andrew's architectural practice. Alterations reflected Andrew's design philosophy, which included openness, light and space for communication. In 1974 Andrew's expanded his practice, moving the office to Palm Beach Marine. The cottage was then leased to Shree Media, publishers.

John Andrew was born in Sydney in 1933 and graduated from the University of Sydney in 1956. In 1957 he entered the Masters of Architecture program at Harvard University. After graduating Andrews worked in Toronto until 1962, when he established John Andrews Architects in Toronto. He returned to Sydney in c1970, renaming the company John Andrews International. John Andrews is a key practitioner of the late twentieth century brutalist and late twentieth century late modern styles. His key buildings in Australia are the Cameron Offices and the American Express Tower, Sydney (1976). John Andrews designed other student residences in North America and two in Canberra: these and Toad Hall at the Australian National University.⁵

The Palm Beach property was sold in 1981 to Harry Anastasopoulos and Tony Anastasopoulos as tenants in common. They added to the development on the site with the construction of a restaurant, Ancora Café, on the southern end of the block adjacent to the existing retail outlets. The café also included an outdoor eating area attached. In 1998 the properties were transferred into the names of Anastasios Anastasopoulos (1/2 share) and Harry and Maria Anastasopoulos (1/2 share), who remain the current owners

⁵ Royal Australian Institute of Architects RSTCA Citation No. R59

3.0 PHYSICAL DESCRIPTION

The subject site is located on the eastern side of Barrenjoey Road and immediately to the north of historic Barrenjoey House, which is listed as a heritage item on the Pittwater Council LEP1993 (Schedule 9). The site is located at the base of a steep hillside and surrounded by residential dwelling houses to the east (above) and to the north. The house immediately to the east of the subject site, *Winten*, at 21 Palm Beach Road is also listed as a heritage item on the Pittwater Council LEP1993 (Schedule 9).

Currently on the site is a single storey building containing three retail activities including a general store, clothing/gift shop and cafe with an outdoor eating area. To the rear of the site is a two storey office building and the remainder of the site contains vegetation and car parking.

The site is a transition point where landuse zoning changes from business 3(c) Neighbourhood Business to low density residential 2(a) Residential."A".

The site is located opposite Pittwater Park, Snappermans Beach and the Palm Beach ferry wharf. The Norfolk Island Pine Trees along the waterfront in Pittwater Park are also listed as heritage items on the Pittwater Council LEP1993 (Schedule 9).



Figure 11: 1112-1118 Barrenjoey Road viewed from the West

Source: NBRSP Architects



Figure 12: Barrenjoey House adjacent to the subject site on the southern side
Source: NBRSP Architects



Figure 13: Neighbouring house on the northern side of the subject site.
Source: Source: NBRSP Architects



Figure 14: Neighbouring houses further north along Barrenjoey Road and showing houses uphill (to the east) of the subject site

Source: NBRSP Architects

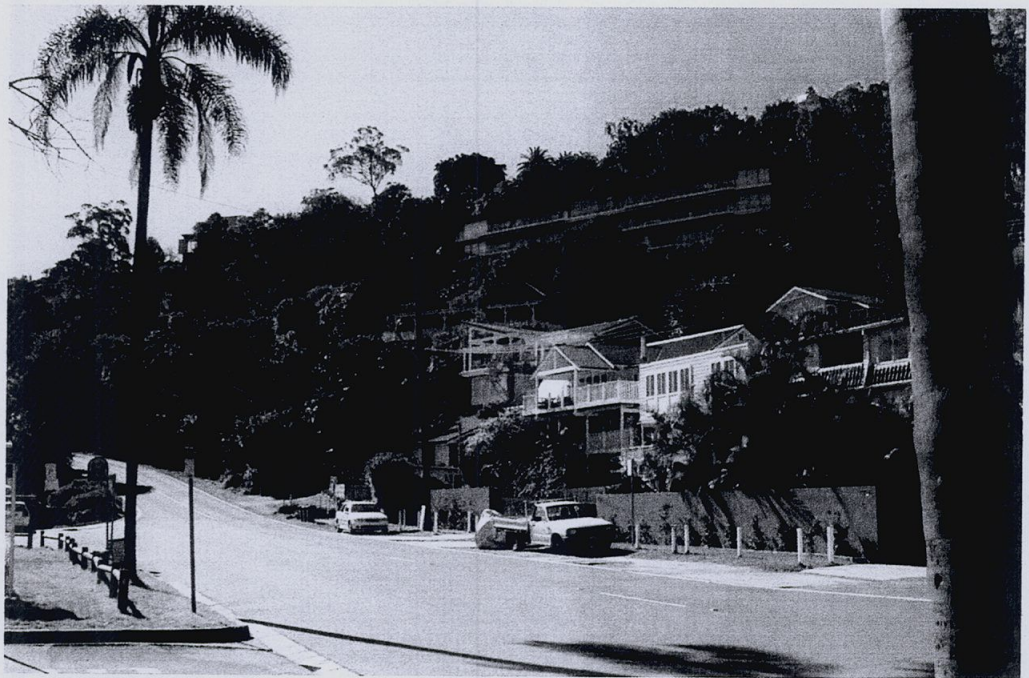


Figure 15: View looking north along Barrenjoey Road showing development along Palm Beach Road, uphill from the subject site

Source: NBRSP Architects



Figure 16: View north through Pittwater Park to Boat yard and entry to Palm Beach ferry wharf

Source: NBRS+P Architects

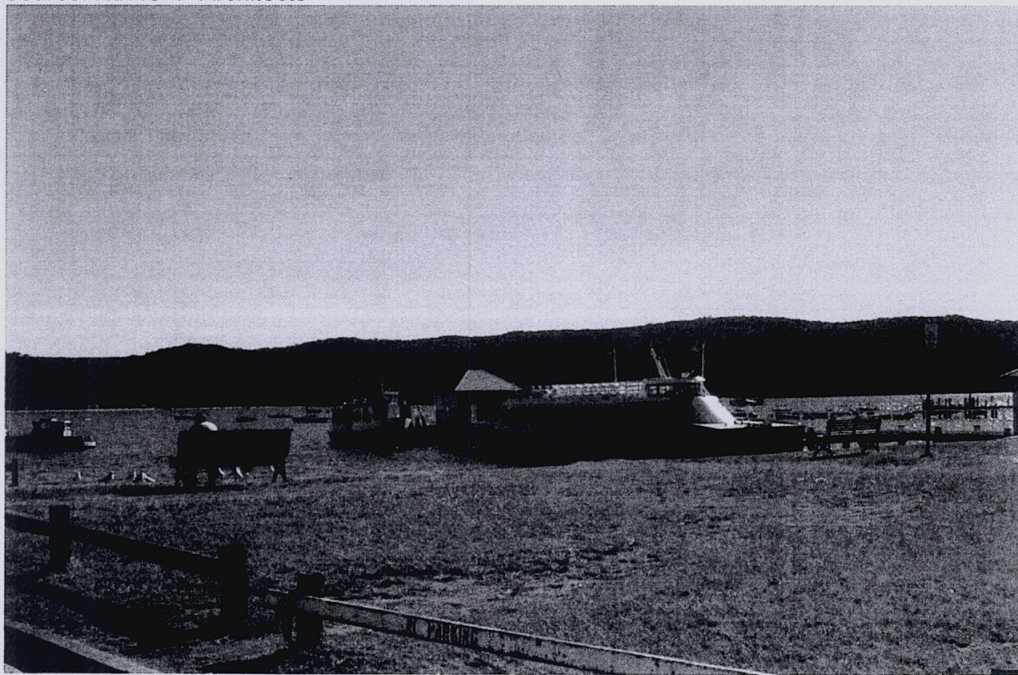


Figure 17: View west to Palm Beach ferry and Mackerel Beach across Pittwater

Source: NBRS+P Architects



Figure 18: View west from Palm Beach Road above the subject site looking across Pittwater and over the roof and chimney of "Winten", a heritage item to the east of the subject site

Source: NBRSP Architects

4.0 THE PROPOSAL

The proposal is for

- the demolition of the existing buildings on site
- the construction of a new mixed use (*shop top housing*) development comprising a basement carpark, commercial units and a kiosk at ground floor level and three levels of residential units above.
- A new driveway crossing
- Side boundary fences

Basement

The basement level will accommodate 22 car parking spaces, bin storage, a lift, toilet, and fire stair. A new cross over and associated driveway will be provided at the northern end of the site's Barrenjoey Road frontage that would replace the existing driveway adjacent to the southern boundary

Ground Floor

The ground floor level will comprise

- A public podium which is elevated approximately 0.9m above the footpath level adjacent to Barrenjoey Road
- Two areas for future commercial units
- A kiosk located in the south western corner of the podium level
- Lift foyer and access
- Disabled access ramp
- Shade structure/pergola
- Retaining walls

- Driveway

First Floor

The proposed first floor level will accommodate

- 2x3 bedroom units and associated balconies
- Lift foyer access

Second Floor

- 2x3 bedroom units and associated balconies
- Lift foyer and access

Third floor

- Bedroom unit
- Lift access

The proposed development is illustrated on drawings prepared by Lesuik Architects Pty Ltd comprising

- DA00 A Survey
- DA01 A Site Planning
- DA02 A Existing Conditions
- DA03 A Site Grid
- DA04 A Basement Floor Plan
- DA05 A Ground Floor Plan
- DA06 A Level 1 Floor Plan
- DA07 A Level 2 Floor Plan
- DA08 A Level 3 Floor Plan
- DA09 A Roof Plan
- DA10 A Site Plan
- DA11 A North Elevation
- DA12 A South Elevation
- DA13 A Street Elevation
- DA14 A West Elevation
- DA15 A East Elevation
- DA16 A Section 1
- DA17 A Section 2
- DA18 A Section 3
- DA19 A Section 4
- DA20 A Section 5
- DA21 A Section Driveway
- DA22 A Section Driveway
- DA23 A Commercial Unit 1
- DA24 A Commercial Unit 2
- DA25 A Commercial Unit 3
- DA26 A Commercial Unit 4
- DA27 A Commercial Unit 5
- DA28 A Commercial Unit 6
- DA29 A Commercial Unit 7
- DA30 A Residential Unit 1
- DA31 A Residential Unit 2
- DA32 A Residential Unit 3
- DA33 A Residential Unit 4

NBRS+PARTNERS

- DA34 A Residential Unit 5
- DA35 A Basement Areas

The site has been subject to previous proposals for shop top housing (STH) which have been withdrawn or refused by Pittwater council. This application for development of the subject site addresses the site constraints, Council and residential issues which have previously been raised. The positive amendments to the proposal include:

- A significant reduction in residential density from 8 to 5 units
- A reduction in the buildings height so that it is below the maximum 8.5m limit
- Removal of the proposed retail restaurant use (except for a small kiosk) in favour of a commercially oriented development that would reduce those noise levels and odour concerns previously raised by adjoining residents
- A reduction in the levels of site disturbance
- Relocation of the driveway entry so as to not require removal of the existing bus stop located at the southern end of the site's frontage to Barrenjoey Road
- A reduction in the number of car parking spaces and traffic movements from the site as a result of reducing the residential density and the provision of commercial as opposed to retail/ restaurant floor space
- A significant increase in the amount of deep soil landscaping generally across the site and within all building setback areas
- Compliance with the built form controls, with the exception of a minor variation in the northern boundary to accommodate a fire stair from the car parking area that has no visual or amenity impacts

HERITAGE IMPACT ASSESSMENT

4.1 Introduction

The following assessment is based on the guidelines set out by the NSW Heritage Office publication *Statements of Heritage Impact* 2002.

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

The proposed commercial and retail use of the site on Barrenjoey Road is consistent with the historical use of the site. The generous front setback of the main bulk and scale of the building means that it does not dominate the streetscape and the provision of a generous front building line to Barrenjoey Road that is dominated by deep soil landscaping that will enable canopy tree planting to assist in screening the built form.

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts.

The height of the proposed development is higher than the existing structure on the site, however the proposed development is located at the base of a steep west-facing hillside and the proposal is at or below the maximum height limit of 8.5 metres. Across the length of the hillside are a number of multi-storey developments and structures of varying heights. The roofline of the proposed development on the site is below the floor level of the heritage item behind at

21 Palm Beach Road height does not obscure or overshadow or the adjacent heritage item Barrenjoey House at 1108 Barrenjoey Road

The following sympathetic solutions have been considered and discounted for the following reasons

Previous schemes for mixed use development on the site have been withdrawn or refused by council for noncompliance with front setbacks side setback car parking and excavation

4 2 Demolition of a building or structure

- *Have all options for retention and adaptive reuse been explored?*

It is proposed to demolish all structures on the site. The proposed development is on a site which has a history of commercial use. The existing shops are on the streetfrontage, and the office (cottage) is set back from Barrenjoey Road, on the eastern edge of the site. The site has been developed in stages over the years and the original cottage has been substantially modified. The current configuration of buildings on the site is not cohesive and the Barrenjoey Road frontage is not accessible to all premises. The proposed development allows access to the Barrenjoey Street frontage through a landscaped courtyard for all ground floor units. The predominant commercial use at ground floor level as opposed to a more intensive retail and/or restaurant uses.

- *Has the advice of a heritage consultant/specialist been sought? Have the consultant's recommendations been implemented? If not why not?*

The advice of Noel Bell Ridley Smith + Partners Architects has been sought and the recommendations are the basis of this report.

4 3 New development adjacent to a heritage item (including additional buildings and dual occupancies)

- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*

The maximum height of the new development is lower than the ground floor level of the heritage item on the eastern side (*Winten* 21 Palm Beach Road) allowing full appreciation of the house and maintaining the view corridors. Components of the new development utilise the scale of components of Barrenjoey House, the heritage item on the southern side of the subject site.

- *Why is the new development required to be adjacent to a heritage item?*

The new development is located in close proximity to a number of heritage items including Barrenjoey house to the south, *Winten* at 21 Palm Beach Road to the east and the Norfolk Island Pine trees on the opposite (western) side of Barrenjoey Road. The subject site is located at the interface where land use zoning changes from a business to a business to a low density residential (2(a) Residential A).

The site is zoned 3(c) Neighbourhood Business under the provisions of Pittwater LEP (1993) and the site is specifically identified for the purpose of accommodating STH (Shop top housing) development on councils Multi-unit Housing Map. The proposal is permissible with consent of council. The adjacent heritage item on the southern side Barrenjoey House has been in

use as a restaurant and guest house since it was constructed in 1923 and is also within the neighbourhood Business zone
The adjacent heritage item at 21 Palm Beach Road is within a low density residential (2(a) Residential A zone)

- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*

The curtilage around Barrenjoey House is the Lot boundary. The heritage significance of Barrenjoey house is retained as the existing Lot Boundary is preserved and the new development is separated from the heritage item by an existing driveway to no 1106 Barrenjoey Road.

The curtilage around *Winten* at 21 Palm Beach Road is the lot boundary. The elevation of the property above the proposed development provides additional separation between the levels of the new development and the heritage item.

- *How does the new development affect views to and from the heritage item? What has been done to minimise negative effects?*

The new development is adjacent to Barrenjoey House on Barrenjoey Road but is set back from the street frontage in plan form as well as in elevation. The stepping back of the building into the hillside ensures that Barrenjoey house retains its prominence on the street and the views from Barrenjoey House are not affected by the proposed development.

The heritage item, *Winten*, at 21 Palm Beach Road is located at an elevation above the proposed development. Views to and from Pittwater and Barrenjoey Road will not be affected by the new development.

Views to the Norfolk Island Pines in Palm Beach Park on the opposite side of Barrenjoey Road are not affected by the proposed development. The trees screen the development from Pittwater primarily from the west and south west.

- *Is the development sited on any known or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*

There are no known archaeological deposits on the site.

- *Is the new development sympathetic to the heritage item? In what way (eg form, siting, proportions, design)?*

The new development uses materials and design elements typically found in traditional beach bungalows of the 1920s/1930s found in Palm Beach. The built form is broken up by the use of a combination of stone, timber and glass elements. This material provides variation of texture, and colour, plus variation in shadows and light on the building. This form and use of materials reduces any perceived bulk or scale.

- *Will the additions visually dominate the heritage item? How has this been minimised?*

The bulk of the new development is set 6.5m back further from Barrenjoey Road than the permitted setback under the Pittwater Council requirements, allowing Barrenjoey house to maintain dominance of the streetscape. The rear setback of the building is 6.5m, which is 3m in excess of the control in the Pittwater DCP. This provides adequate separation from the neighbouring heritage item on the eastern side, 21 Palm Beach Road. The maximum building height is 8.5m.

- *Will the public and users of the item still be able to view and appreciate its significance?*

Public appreciation of the heritage items will be retained as the proposed new development is stepped in plan form and in elevation. This helps reduce the scale of the building on the street. The stepping back of the building into the hillside ensures that Barrenjoey House retains its prominence on the street.

4.4 Roofing/cladding

- *Is a previous material being reinstated?*

The proposed new materials to be used for cladding and roofing are lightweight fixtures including stained timber blinds, timber louvers, metal roofing. These are intended to reflect typical features of coastal houses in the vicinity of the development.

4.5 New Services

- *How has the impact of the new services on the heritage significance of the adjacent heritage items been minimised?*

The site is well served by a public sewer and proposed development will be connected accordingly and any stormwater that is collected and not reused on site will be connected to the public drainage system in Barrenjoey Road. The stormwater drainage system includes on-site stormwater detention and the necessary screening mechanisms to ensure any potential water pollution sources are reduced.

- *Are any of the existing services of heritage significance? In what way? Are they affected by the new work?*

There are no existing services of any heritage significance.

- *Has the advice of a conservation consultant (eg architect) been sought? Has the consultant's advice been implemented?*

The advice of Noel Bell Ridley Smith + Partners Architects has been sought and the advice is set out in this report.

4.6 New landscape works and features (including carparks and fences)

- *How has the impact of the new work on the heritage significance of the existing landscape been minimised?*

The existing landscape on the site is not heritage listed and the new work will not affect the landscaping associated with the adjacent heritage items, Barrenjoey House and *Winten* at 21 Palm Beach Road. The new planting in the setback to Barrenjoey Road will assist in screening the proposed built form from the western side and provide shading for the public domain. New planting along the side and rear setbacks will also assist in screening the built form and assist in retaining visual privacy for adjoining developments.

- *Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?*

There is no evidence of previous landscape work on the site. The proposed new landscape works provide more than 80% native species and two canopy

trees in the deep soil planting The landscape design will enhance the established character of the area

- *Are any known or potential archaeological deposits affected by the landscape works? If so what alternatives have been considered?*

There are no known archaeological deposits on the site The excavation required for the construction of the basement carpark is not expected to reveal any archaeological deposits

- *How does the work impact on views to and from adjacent heritage items?*

The proposed landscaping will not have any effect on the adjacent heritage items The bulk of the proposed landscape works are within the central setback area off Barrenjoey Road which is at podium level (900mm above the ground level)

4 7 Tree removal or replacement

- *Does the tree contribute to the heritage significance of the item or landscape?*

The proposed development requires the removal of some existing trees from the site, none of which are heritage items

The Norfolk Island Pine Trees across the road in Pittwater Park are not affected by the development

- *Why is the tree being removed?*

The trees are being removed to allow for the new configuration of buildings and landscaping which includes paved open area as well as deep soil planting of native species and two canopy trees in the front setback to Barrenjoey Road

- *Is the tree being replaced? Why? With the same or a new species?*

New trees proposed for the subject site are generally locally native species in line with recommendations of the council

4 8 New signage

- *How has the impact of the new signage on the heritage significance of the item been minimised?*

The ground floor units in the new development are proposed to be predominantly commercial as opposed to retail and restaurant The entries to all of the proposed units apart from the kiosk are set well back from the Barrenjoey Road frontage The signage will not dominate the heritage items and should not have any effect on the heritage significance of the adjacent heritage items

Any signage associated with the commercial units is expected to comply with the *Outdoor advertising* provision in the Pittwater LEP 1993

Division 9 – Other land uses and miscellaneous

48 1) The aim of this clause is to ensure that outdoor advertising

- a) Conveys the advertisers message and images while complementing and conforming to both the building on which it is displayed and the character of the surrounding locality
- b) Does not adversely affect the area in which it is located in terms of appearance, size, illumination overshadowing or in any other way

c) Does not lead to visual clutter through proliferation of signs

2) Notwithstanding any provision of this plan, the following advertisements may be erected without consent

b) A business identification sign on land

ii) Within zone No 3(a) 3(b2) 3(b3), 3(c), 3(d) or 3(e), but only if it is not erected on a heritage item and it meets any of the following descriptions

- A sign located on a shop at a point below the level of the awning and which covers no more than 33% of the area of the shopfront or
- If it is located on a shop with no awning a sign located at 3 metres or below the level of the bottom of the first floor, and which covers no more than 33% of the area of the shopfront or
- an awning fascia sign or
- A suspended under-awning sign, but not more than one for every 3 meters of shop front length, being a sign not exceeding 2.5 metres in length and 0.5m in height and at no point less than 2.6 metres from the ground level

- *Have alternative signage forms been considered (eg free standing or shingle signs) Why were they rejected?*

All signage is expected to comply with the above conditions in the Pittwater LEP (1993) and would be subject to separate approvals. Any signage on the proposed building would be subject to future development applications at which time advice would be sought to assess and mitigate any potentially adverse heritage impacts

5.0 CONCLUSION

In conclusion, the proposed works described above do not adversely affect the identified heritage significance of the heritage items in the vicinity of the property. The heritage item adjacent to the site on the southern side, Barrenjoey House will retain prominence on Barrenjoey Road. The heritage item to the east, *Wintin* at 21 Palm Beach Road will retain its prominent position on the west facing hillside and will not be obscured when viewed from Pittwater Park and Pittwater. The Norfolk Island Pine trees on the western side of Barrenjoey Road opposite the site will not be affected by the proposal and will act as screening to the development when viewed from Pittwater.

The proposed new development is stepped in plan form and elevation which reduces the scale and bulk of the building on the street frontage, and ensures that Barrenjoey House retains prominence on the street. The form and detail of the design as well as the materials and colours, are highly compatible with the character of the area.

I would recommend the heritage aspects of this application be approved

Robert Staas

Robert Staas
Director / Heritage Consultant
NBRS+PARTNERS ARCHITECTS

4 February 2010

6 0 APPENDIX 1

Land Titles Search

- 1816 CROWN GRANT dated 16th March
 To James Napper of 400 acres
- 1827 Will of Darcy Wentworth late of Homebush Esquire dated 5th July
- 1912 Certificate of Title Volume 2289 Folio 43 dated 5th September
 To The Barrenjoey Company Limited containing 437 acres 2 roods
 being Lots 1 to 18 of a subdivision of the Bassett Darley Estate and
 part of the land granted as 400 acres to James Napper on 16th March
 1816
- 1917 Transfer No A361410 dated 25th July
 To Edith Muriel Maitland Swain of Lots 16 and 36 DP 6747 (To CT
 2823-150)
- 1925 Transfer No A272595 dated 11th March
 To Edith Muriel Maitland Swain of Lots 34 and 53 DP 6746 (To CT
 3792-148)

Lot 36

- 1918 Certificate of Title Volume 2823 Folio 150 dated 16th Feb
 Edith Muriel Maitland Swain of Wollstonecraft of lot 16 and Lot 36 in
 DP 6747

Lots 34 & 35

- 1925 Certificate of Title Volume 3792 Folio 148 dated 28th October
 Edith Muriel Maitland Swain of Mosman, spinster of Lots 34 & 35 DP
 6746

Lots 34 35 36 subdivided as lots 1-11 in DP 14538

- 1927 Transfer No B266414 dated 17th August
 To Estrella McKechnie of Lot 6 in DP 14538
- 1928 Transfer No TB687671 dated 17th June
 To Estrella McKechnie of Lot 5 in DP 14538

Lot 6

- 1927 Certificate of Title Volume 4079 Folio 99 dated 17th November
 Estrella McKechnie wife of Archibold Maxwell McKechnie of Auburn,
 railway employee Of Lot 6 DP 14538 containing 8 ½ perches
- 1944 Transfer No D274603 dated 30th March
 To Veremont John McCarthy of Sydney, hotel proprietor
- 1948 Transfer No D876000 dated 29th July
 To Joseph and Isobel Wilson
- 1948 Certificate of Title Volume 5900 Folio 128,129 dated 3rd November

Joseph and Isobel Wilson of Lot 6 DP 14538

1950 Transfer no F214419 dated 6th April
 To C & A Benn

Lot 5

1928 Certificate of Title Volume 4195 Folio 165
 Estrella McKechnie wife of Archibold Maxwell McKechnie of Auburn,
 railway employee, of Lot 5 DP 14538

1944 Transfer No D274603 dated 20th March
 To V J McCathy of Sydney, hotel proprietor

1948 Transfer No 876000 dated 29th July
 To Joseph and Isobel Wilson

1948 Certificate of Title Volume 5900 Folio 126 127 dated 3rd November
 Joseph and Isobel Wilson of Lot 5 DP 14538

1950 Transfer no F214419 dated 6th April
 To C & A Benn

Lots 5 & 6

1950 Certificate of Title Volume 6186 Folio 141 dated 11th September
 Craven and Ada Benn of Burwood retired

1952 Transfer dated 12th May
 To Elna Rogers wife of John A Rogers, builder of Newport

1956 Transfer No G767730 dated 15th December
 To John Power of Bellevue Hill, business manager and Norma Cullen
 of Bondi spinster

1960 Transfer No H575765 dated 10th August
 To Patricia Thompson of Avalon Beach married woman

1963 Transfer no J452456 dated 10th September
 Edward V K Wallman of North Avalon carpenter and Valerie D
 Wallman his wife

1968 Certificate of Title Volume 10822 Folio 1 dated 20th June
 Edward V K Wallman of North Avalon carpenter and Valerie D
 Wallman his wife of Lots 5 & 6 DP 14538

1969 Transfer No L450356 dated 23rd May
 To Auztec Limited

1970 Transfer No L866754 dated 25th May
 To Cantec Pty Limited
 (To Lot 21 DP 571298 – CT 12527-3)

1974 Certificate of Title Volume 12527 Folio 3
 Cantec Pty Limited of Lot 21 in DP571298

1979 Transfer No R546216 dated 3rd December
 L A Atkinson Pty Limited

1981 Transfer No S561708 dated 7th July
 To Harry and Maria Anastasopoulos in ½ share and Tony
 Anastasopoulos in ½ share

1998 Change of Name No 5268982 dated 16th September
 To Anastasios Anastasopoulos in ½ share and Harry and Maria
 Anastasopoulos in ½ share

 Current Title Lot 21 in DP 571298
 Current Owners Anastasios Anastasopoulos and Harry and
 Maria Anastasopoulos