

SIGNED
ORIGINAL

PITTWATER COUNCIL

AND

**THE TRUSTEES OF THE "BIBLE GARDEN" MEMORIAL TRUST
6 MITCHELL ROAD, PALM BEACH**

HEADS OF AGREEMENT

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THESE HEADS OF AGREEMENTS are made on 9th February 2004
2004

BETWEEN PITTWATER COUNCIL of Unit 11, 5 Vuko Place, Warriewood,
New South Wales ("Council")

AND THE TRUSTEES OF THE BIBLE GARDEN MEMORIAL TRUST
C/- 48 Nelson Street Gordon NSW 2072 ("Trustees")

1. Summary

These Heads of Agreement relate to the future land use of 6 Mitchell Road, Palm Beach. The improvements on the land comprise a 'Bible Garden' (on the southern half) and a cottage and access corridor (on the northern half).

The 'Bible Garden' is a garden containing a Bible and plants mentioned in the Bible. It offers a superb view of Palm Beach, Barrenjoey and Pittwater. The Bible Garden has been open to the public for weddings, baptisms and informal visits since GH Robinson established it in the 1960s. Robinson settled the land in a charitable trust. Two of the founder's sons, GL and DL Robinson, are the current trustees.

The trustees of the Bible Garden propose to subdivide 6 Mitchell Road so as to create separate lots for the existing Bible Garden and residential uses of the land:

- The Bible Garden area (lot 2) would be vested in Pittwater Council as community land, being zoned 'Public Reserve (Bible Garden)', included as a heritage item in Pittwater Local Environmental Plan and managed by the incorporated association 'Friends of the Bible Garden Memorial'. Council would recognise the committee of the Friends as a committee of Council.
- The remainder of 6 Mitchell Road (lot 1) would continue to be used for residential purposes, and subject to development parameters consistent with protection of the view from the Bible Garden.

Subject to the proper exercise of its functions as a planning authority, Pittwater Council supports the proposals. The Bible Garden is a significant item of social and aesthetic heritage. The proposals would secure the long-term retention of the Bible Garden for public enjoyment.

Details of the proposed conservation and subdivision are contained in the Heads of Agreement and annexures.

2. Background

- a. The 'Bible Garden' is situated on the southern half of Lot 2 DP 213975, being land at 6 Mitchell Road Palm Beach ('6 Mitchell Road') (see Annexure A: Aerial Photograph).
- b. Gerald Lacey Robinson and Derek Lacey Robinson own 6 Mitchell Road as trustees of the Bible Garden Memorial Trust.
- c. The land at 6 Mitchell Road is naturally subdivided by a cliff. The northern half is traversed diagonally by a right of way. Over the cliff section, the right of way is provided by an elevated concrete driveway. The driveway provides residences to the east with access to Mitchell Road. A cottage exists under the elevated section of driveway.
- d. The Bible Garden was established by Gerald Hercules Robinson and officially opened on 23 June 1966.
- e. In an interview with Australian Women's Weekly (10 May 1967), GH Robinson declared 'The Garden and the view behind it provide a perfect example of the glory of God's creation' (see Annexure B: 'Palm Beach from the Bible Garden').
- f. By trust deed dated 5 April 1972 GH Robinson settled the Bible Garden in a charitable trust 'for the construction use and maintenance of Bible Gardens for all Christians particularly young Christians and for the teaching of and the creation of an expanding interest in the Holy Bible through the cultivation and study of all the plants mentioned in the Holy Bible and in any other way thereby practicable to support the teaching of the Holy Testament'.
- g. In 1972 the founder's daughter and a trustee of the Bible Garden Memorial Trust, Deaconess Beatrice Violet Robinson, became the curator of the Bible Garden, living in the cottage under the driveway and maintaining the Bible Garden for public enjoyment.
- h. In 1974 6 Mitchell Road was granted exemption from local council rates.
- i. Since the death of Beatrice in 1994, the Trustees, other members of the family of GH Robinson and like-minded members of the community have continued to maintain the Bible Garden for public enjoyment.
- j. In July 2000 6 Mitchell Road was assessed for land tax for \$214,481.40. Upon appeal the assessment was withdrawn, however the Trustees consider that the possibility of future land tax liability, and the burden of maintaining the elevated driveway and cottage pose intolerable problems for the continuation of the dual Bible Garden and residential uses of 6 Mitchell Road.
- k. The Trustees wish to subdivide the land and to fund other Trust projects from the proceeds of sale of the residential portion of 6 Mitchell Road.
- l. In March 2001 Pittwater Council received a draft proposal for subdivision of 6 Mitchell Road to enable conservation of the Bible Garden. The proposal included a Heritage Assessment and Heritage Impact Statement (Annexure C).
- m. On 30 April 2001 Pittwater Council resolved 'That Council authorise the General Manager to enter into negotiations with the owner/owner's representatives of 6 Mitchell Road, Palm Beach - 'Bible Garden' to develop a draft 'Heads of Agreement' document for the proposed subdivision and dedication of land to the Council and report back to Council with a draft Agreement once a document has been prepared.'
- n. Since 30 April 2001 Pittwater Council has received and commented upon the following documents:
 - (i) Landscape Concept Plan (Annexure D)
 - (ii) Draft Plan of Subdivision (Annexure E)
 - (iii) Draft Plan of Management for the Bible Garden as Community Land (Local Government Act 1993, section 36) (Annexure F)

- (iv) Proposed Residence – Concept Sketches (Annexure H)
 - (v) Proposed Residence – Compliance with Council Requirements (Annexure I)
 - (vi) Draft Statement of Effect (Annexure J)
 - (vii) Proposed Procedure for Subdivision of 6 Mitchell Road and Conservation of the Bible Garden (Annexure K)
 - (viii) Responsibilities for Ongoing Maintenance and Improvement of the Bible Garden (Annexure L)
- o. The Proposed Residence – Concept Sketches (Annexure H) illustrate a possible future residential development of proposed lot 1. They have been prepared for the purpose of identifying suitable development control parameters for incorporation in the Development Control Plan/Locality Plan at the time of subdivision. A development application to build any particular residence, in accordance with the Development Control Plan/Locality Plan (as amended), would be lodged subsequently.
- (i) The boundary between the two lots has been chosen so as to provide space for an eventual two-car garage on lot 1.
 - (ii) A restrictive covenant would restrict the height of such garage and require the roof to be of load-bearing capacity suitable for use as a viewing platform from the Bible Garden area, to be finished in sandstone flagging, and to include a balustrade.
 - (iii) A stratum easement would enable use of the garage roof by visitors to the Bible Garden as a viewing platform and for the placement of landscaping improvements such as interpretation signage, planter boxes and seating.
- p. In September 2003 supporters of the Bible Garden lodged application for the incorporation of 'Friends of the Bible Garden Memorial'. The association was duly incorporated under the Associations Incorporation Act 1984 on 26 September 2003. The objects and activities of the Friends of the Bible Garden Memorial are set out in Annexure G.

3. Statement of Intent

Subject to Feasible Subdivision, as defined in the following paragraph, the Trustees propose to vest the Bible Garden in Pittwater Council, and Pittwater Council proposes to classify the Bible Garden as 'community land (area of cultural significance)' under the Local Government Act 1993 and to maintain the Bible Garden with assistance from the incorporated association 'Friends of the Bible Garden Memorial', as described in the proposed plan of management (Annexure F), the statement of objects and activities of the Friends (Annexure G), and the responsibilities for ongoing management and improvement of the Bible Garden (Annexure L).

'Feasible Subdivision' means the granting of development consent to subdivision of 6 Mitchell Road within a reasonable period as follows:

- a) lot 1 to be approximately 706.5m², subject to final survey, as indicated in the draft plan of subdivision (Annexure E);
- b) lot 1 to be subject to the development parameters which would enable the construction of a residence of the scale indicated in the concept sketches (Annexure H) and discussion of Council requirements (Annexure I);
- c) lot 2, being an area of approximately 490.7 m², to be dedicated as a public reserve (Bible Garden) as community land and rezoned accordingly (including status as a heritage item) in Pittwater Local Environmental Plan (or given corresponding status under any subsequent plan); and

- d) The Trustees will not have to fund any physical work upon 6 Mitchell Road apart from what may be required by Sydney Water in relation to a compliance certificate (Sydney Water Act 1994, section 73). (The undertaking of landscaping, car parking, retention wall or any other improvements will not be prerequisites for subdivision.)

4. Nothing to fetter Council's statutory functions

Nothing in these Heads of Agreement will be deemed to or construed so as to fetter the exercise of Council's statutory discretion as a consent authority under the Environmental Planning and Assessment Act 1979, prohibit Council from carrying out any of its statutory obligations or bind Council to perform an obligation in these Heads of Agreement. All rights and obligations of the Council in these Heads of Agreement are deemed to be expressed to be subject to this clause, and the Trust agrees that the Council is not liable to the Trust in respect of any loss of damage suffered by the Trust as a result.

5. Negotiations

The Parties acknowledge that these Heads of Agreement have been entered into after negotiations. The general principles upon which these Heads of Agreement have been negotiated include:

- a) the transactions referred to in these Heads of Agreement will benefit residents of the Pittwater Council area, as well as Australian and overseas visitors, through the protection, conservation and securing into Pittwater Council ownership of the part of the land at 6 Mitchell Road Palm Beach known as the "Bible Garden";
- b) the Parties will cooperate with each other in connection with the matters set out in these Heads of Agreement; and
- c) the Council shall keep the Trust informed on the progress of all processes resulting from these Heads of Agreement.

6. Planning Process

In order to achieve Feasible Subdivision and conservation of the Bible Garden, the parties anticipate a planning process described in Annexure K. Council will use its reasonable endeavours to achieve the indicated time frames.

7. Applications

- a) *Assessment of Applications.* Council must diligently progress the assessment of the applications and the preparation of the plans described in the Statement of Intent (clause 3).
- b) *Trustees' Acknowledgment.* The Trustees acknowledge that nothing in clause 7(a) constitutes an approval or obliges the Council to approve the applications described in the Statement of Intent (clause 3).
- c) *Cost of Applications:*
 - i. The Trust will bear the cost of preparing the applications; and
 - ii. Council will waive any lodgment and advertising fees and developer contribution in recognition of the intended gift of the Bible Garden to Council.

8. Abandoning Factors

- a) 'Abandoning Factors' means any one or more circumstances arising after the date of this Agreement which in the reasonably held opinion of a Party would make the subdivision of 6 Mitchell Road and the conservation of the Bible Garden impractical, financially burdensome, onerous, unviable, imprudent or contrary to the public interest, and includes unreasonable delay in meeting the timeframes in the planning process (Annexure K).
- b) At any time after the date of this Agreement until the granting of development consent for subdivision and the public reservation of the Bible Garden, either party may give written notice to the other party of Abandoning Factors.
- c) On giving notice of Abandoning Factors, the party giving the notice must consult with the party receiving the notice, and both parties must use all reasonable endeavours to jointly identify any opportunities which exist for resolving the Abandoning Factors and to cause to be implemented any such resolution in a way which is reasonably acceptable to the party giving the notice.

If, after one month from the date of giving the notice of Abandoning Factors, the party giving the notice has acted in accordance with clause 7(c), and the Abandoning Factors have not been resolved, either Party may give a notice of rescission to the other party and these Heads of Agreement are deemed to be rescinded.

d) On rescission of these Heads of Agreement, neither of the parties has any claim against the other party in connection with the rescission of these Heads of Agreement or the existence of Abandoning Factors.

EXECUTED as an Agreement.

SIGNED BY PITTWATER COUNCIL

Under delegated authority in accordance with
a resolution of the Council on 9 February 2004:

)
)
)



.....
Angus Gordon, General Manager

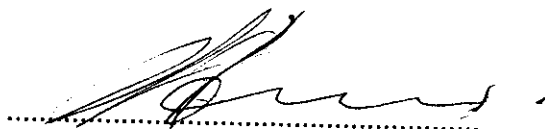


S. Rawe

.....
Witness (Public Officer)

SIGNED BY THE TRUSTEES of
THE BIBLE GARDEN MEMORIAL TRUST:

)
)



.....
Derek Lacey Robinson



.....
Gerald Lacey Robinson

ANNEXURE B "PALM BEACH FROM THE BIBLE GARDEN"



PITTSWATER COUNCIL

Palm Beach from the Bible Garden

ANNEXURE A



ANNEXURE C
HERITAGE ASSESSMENT AND HERITAGE IMPACT STATEMENT

'THE BIBLE GARDEN', MITCHELL ROAD, PALM BEACH

PROPOSED SUBDIVISION

HERITAGE ASSESSMENT AND HERITAGE IMPACT STATEMENT



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for

Mr Gerald L. Robinson, a Trustee of
The Bible Garden Memorial Trust

March 2001

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- 3 AUG 2001
PITTSWATER COUNCIL

ANNEXURE A

ANNEXURE B

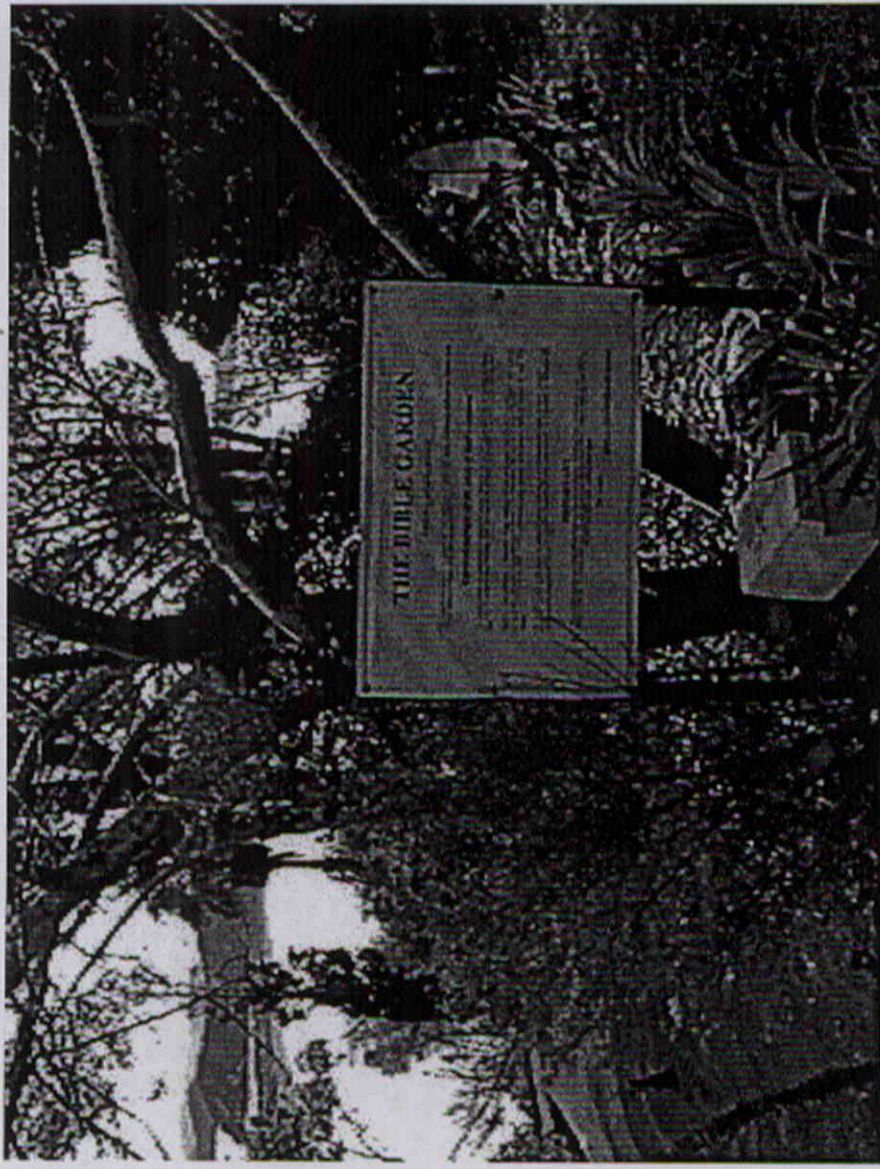


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1.0 INTRODUCTION

1.1 Background

This report has been commissioned by Mr Gerald L Robinson, a Trustee of the Bible Garden, 6 Mitchell Road, Palm Beach to provide an assessment of the heritage significance of the garden and an assessment of the likely impact on that significance of a proposed subdivision to separate the garden area from the residential development below it.

1.2 The Brief

The Brief agreed between the author and the client comprised the following:

- Review of existing documentary evidence relating to the 'The Bible Garden' and its landscape setting;
- Liaison with relevant stakeholders including Pittwater Council.
- Site investigations including assessment of the heritage values of the 'The Bible Garden'
- Assessment of the likely impact of the proposed subdivision on the heritage significance of the 'The Bible Garden' area in the form of a Statement of Heritage Impact (SOHI) prepared in accordance with the guidelines in the *NSW Heritage Manual* (DUAP/Heritage Council, 1996). The SOHI addresses the following:
 - why the item is of heritage significance
 - what impact the proposed works will have on that significance
 - what measures are proposed to mitigate negative impacts

1.3 Author Identification

This report has been prepared by Chris Betteridge BSc, MSc (Museum Studies), AMA, Director of Musecape Pty Ltd, Heritage Consultants. The author specialises in the identification, assessment and management of natural and cultural landscapes. He has more than 30 years experience in this field, including 10 years as environmental and landscape advisor to the Heritage Council of New South Wales and the former NSW Department of Environment and Planning and ten years in private practice as a heritage conservation practitioner. The author is a foundation member of the Australian Garden History Society, co-author of the publication *Historic Gardens: Guidelines for the preparation of conservation plans* and author of the study *Designed Landscapes in New South Wales*.

1.4 Methodology

This report has been prepared in accordance with the guidelines in the *NSW Heritage Manual* and its companion volume *Heritage Curtilages* (Heritage Council of NSW / Department of Urban Affairs and Planning, 1996).

Analysis of documentary evidence involved review of relevant literature reports on the the Bible Garden and development plans for the site previously prepared by others. Analysis of physical evidence involved a site inspection by the author on 5 January 2001.

Consultations were held with relevant stakeholders.

1.5 Acknowledgments

The assistance of the following organisations and individuals in the preparation of this report is gratefully acknowledged:

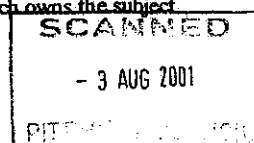
Bibleinfo.com;

Ms Sheridan Burke, Australia ICOMOS (International Council on Monuments and Sites);

Mr Gordon A Frase, USA;

Ms Carolyn Kades, Pittwater Council;

Mr David Robinson, on behalf of Mr Gerald L Robinson, a trustee of the charitable trust which owns the subject land.



2.0 ANALYSIS OF DOCUMENTARY EVIDENCE

2.1 The Concept of Bible Gardens

In their book *Sacred Gardens* (Piatkus, 2000), authors Martin Palmer and David Manning categorise Christian gardens into three main types – symbolic, thematic and pragmatic. Symbolic gardens are exemplified by the monastic gardens developed by monks of the Benedictine and other religious orders in Britain from the 6th century AD onwards. These gardens for quiet reflection were created through a fusion of “space and place, plants and symbolism, usefulness and beauty, all caught up in a vision of nature, humanity and God as being in a unity of purpose and intention”. Thematic Christian gardens tell a story and are exemplified by Easter gardens, celebrating the death and Resurrection of Christ and by Marian gardens, gardens of flowers associated with the Virgin Mary. Pragmatic Christian gardens are exemplified by the monastic gardens in which healing and economic plants were grown, and by churchyards in which the dead lie buried or are commemorated in what is often referred to as ‘God’s acre’. The recent popularity of gardens of Biblical plants or the creation of Biblically-themed gardens demonstrate the long and continuing relationship between Christianity and the garden. The Bible Garden at Palm Beach is both symbolic and thematic – its location and magnificent views symbolise the wonders of God’s creation while the plantings illustrate many of the themes in the Bible.

2.2 Historical Summary of the Bible Garden at Palm Beach

The following summary history of the Bible Garden at Palm Beach has been derived from an article about its founder Gerald H Robinson published in *The Australian Women’s Weekly* on 10 May 1967, from a brochure produced in February 1977 by his daughter, Church of England Deaconess Beatrice V Robinson, and from information provided by one of his sons, Gerald L Robinson.

Gerald H Robinson, the managing director of a car distributing firm, purchased a block of land in Mitchell Road, Palm Beach in about 1957. He read about a bible garden established by a Professor Tatum Whitehead in the grounds of Bangor Cathedral in North Wales. Robinson visited the Welsh bible garden and was impressed with what he saw. On his return to Sydney in 1963, he commenced work on developing a garden devoted to the plants in the Bible on his Palm Beach land. Already in his seventies, Gerald H Robinson did most of the work himself, laying out the garden in biblical chronological order, commencing with the plants mentioned in the book of Genesis and ending with a plant to represent immortality. Of the 148 plants mentioned in the Old and New Testaments, 143 were planted in the Bible Garden.

Plantings in the Bible Garden were based on research findings available at the time and on Mr Robinson’s choice of plants similar to those mentioned in the Bible if the exact species were not available or were unlikely to survive in the humid coastal environment of Palm Beach. (The bible garden at Bangor Cathedral displays only those biblical plants that can cope with the harsh North Wales climate). Plant beds were laid out in similar fashion to those at Bangor and were given numbered markers, keyed to a 15-page brochure compiled by Mr Robinson.

The Bible Garden at Palm Beach was officially opened on Saturday 26 March 1966 by Mr Justice Richardson. Gerald Robinson declared “the garden and the view behind it [to] provide a perfect example of the glory of God’s creation”. The garden was open to the public free of charge, with a box at the entrance for “thank-offerings” which continue to be given to the Sunday School of St David’s Church at Palm Beach.

Gerald H Robinson wished that the Bible Garden should continue after his death and he gave it to the Bible Garden Memorial Trust, an ecumenical trust established to continue the garden and/or others in the future, in such a way as to further the teachings of Jesus Christ in the Scriptures. The Trustees in February 1977 were the Right Reverend F O Hulme-Moir, a son Gerald L Robinson and daughter Beatrice V Robinson.

Between the date of the garden’s opening and 1977, a house called “Tree Tops” was constructed under a concrete driveway which provided access from the Bible Garden to the adjoining properties to the east. This house was occupied until her death in 1994 by Beatrice Robinson. During Beatrice’s occupation, the house included a display room in which visitors could study bible plant illustrations and books, material describing the Bible Garden and other items of Christian literature. In recent years the garden has been carefully maintained. Over the years some of the original plants have died and labels have disappeared.

Some visitors to the Garden and associations have indicated willingness to support some restoration of plantings and maintenance.

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of plantings
- 3 AUG 2001

PITTWATER COUNCIL

‘The Bible Garden’, 6 Mitchell Road, Palm Beach - Proposed Subdivision
Heritage Assessment & Heritage Impact Statement by Chris Betteridge, Muscape Pty Ltd March 2001

3.0 ANALYSIS OF PHYSICAL EVIDENCE

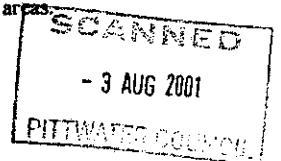
3.1 Site Location and Description

3.1.1 Site Location

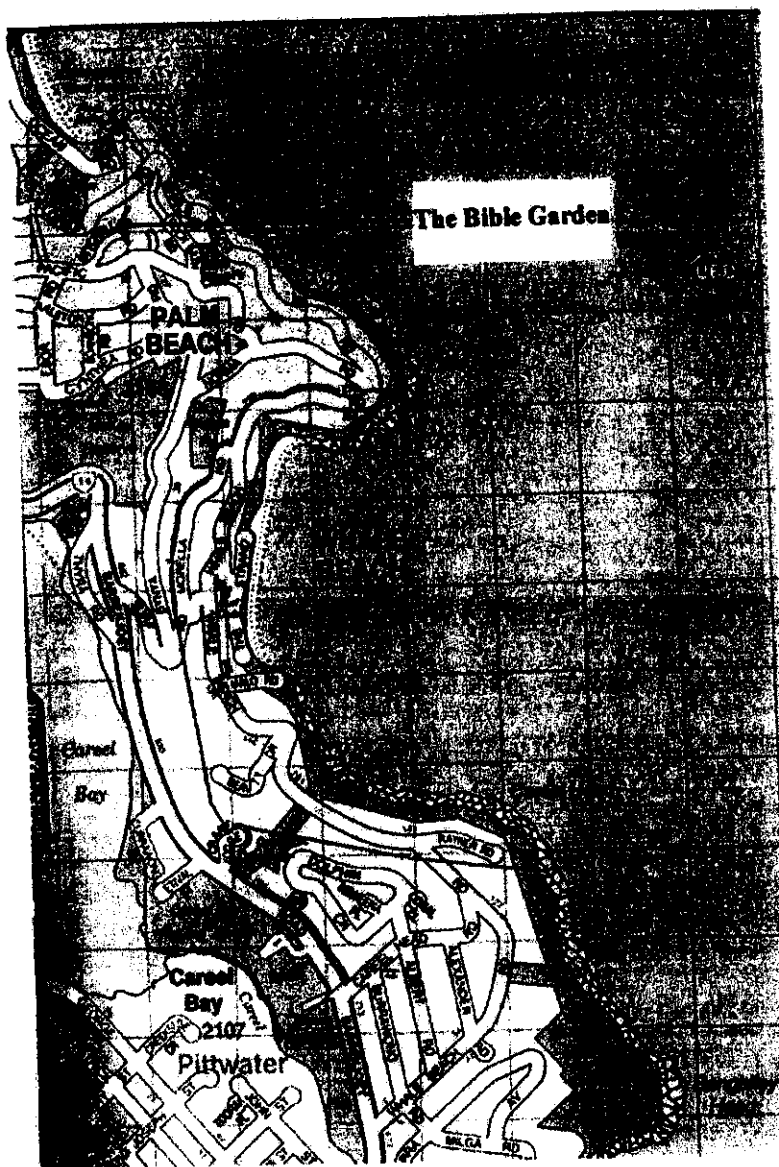
The subject land is located on Mitchell Road at Palm Beach, in Sydney's northern beaches, as shown on Maps 1 and 2 below.



Map 1 Location of the Bible Garden at Palm Beach in relation to surrounding areas



'The Bible Garden', 6 Mitchell Road, Palm Beach - Proposed Subdivision
Heritage Assessment & Heritage Impact Statement by Chris Betteridge, Musecape Pty Ltd March 2001



Map 2 Street location of the Bible Garden in Mitchell Road, Palm Beach.

3.1.2 Site Description

The subject land, 1195 square metres in area, is located on the upper level of the sandstone escarpment to the south of Cabbage Tree Boat Harbour, at the southern end of Palm Beach. The land has a frontage of approximately 28 metres to Mitchell Road, a cul-de-sac off Pacific Road. The site has a northwesterly aspect and slopes steeply down from the road, with a fall of approximately 22 metres from the highest point at the Mitchell Road frontage to the lowest level. Residential properties border the site to the east and west.

To the right of the entrance is an interpretive sign and to the left is a commemorative bronze plaque and a donation box for 'thank offerings'. A driveway of two concrete tyre tracks with turf between extends down the

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'The Bible Garden', 6 Mitchell Road, Palm Beach - Proposed Subdivision
Heritage Assessment & Heritage Impact Statement by Chris Betteridge, Musecape Pty Ltd

March 2001

western side of the lot, then sweeps towards the north across a reinforced concrete elevated causeway, providing a right of way to the adjoining properties to the east. A single carport with metal deck roof is located to the south of the drive just west of the causeway.

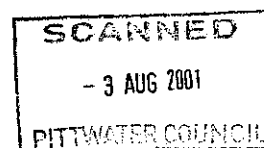
The property is naturally subdivided by a cliff into an upper, Bible Garden section and a lower, residential section. The major lookout from the Garden is a terraced area at the top of the cliff. Located in this area is a plaque including biblical excerpts, seating and a copy of the Bible. The driveway accentuates the subdivision of the lower causeway and residential section.

The Bible Garden is located to the east and south of the driveway, with a series of lawn terraces between slopes and garden beds. Concrete block retaining walls have been constructed along the northern edges of the terraces. Major trees include a wild stone fruit tree, cypress and evergreen oak on the Mitchell Road boundary, two large pines, a mulberry and a carob on the flat northern area of the garden and a number of trees along the eastern boundary.

An ornamental pond is located on the flat area towards the centre of the flat northern area of the garden and there are two metal garden sheds along the eastern boundary.

To the southeast of the elevated driveway a flight of steel stairs provides pedestrian access to a two storey fibro cottage 'Tree Tops' which is located under the elevated driveway. From the elevated driveway is a sheer drop of about 8 metres to the lawn in front of the cottage.

A survey plan of the site is shown as Map 3 on the following page.



4.0 ASSESSMENT OF SIGNIFICANCE

4.1 Principles and Definitions

The concept of 'cultural significance' or 'heritage value' embraces the value of a place or item that cannot be expressed solely in financial terms. Assessment of cultural significance endeavours to establish why a place or item is considered important and is valued by the community. Cultural significance is embodied in the fabric of the place (including its setting and relationship to other items), the records associated with the place and the response that the place evokes in the contemporary community.

The *NSW Heritage Manual* published by the Heritage Council of NSW and the Department of Urban Affairs and Planning, outlines broad criteria for assessing the nature of significance – historical, aesthetic, social and technical/research value. These criteria are considered in addition to two other criteria (rarity and representativeness) that relate to the comparative significance to be considered in assessing the significance of potential heritage items.

Curtilage is defined in the *Macquarie Dictionary* (2nd Edition, 1991) as 'the area of land occupied by a dwelling and its yard and outbuildings, actually enclosed or considered as enclosed.' This definition does not take into account the importance of the landscape setting of a building or building group, which may include a substantial garden and views and vistas to and from buildings. There have been numerous and varied legal determinations of curtilages for heritage buildings and heritage conservation practitioners have grappled with the problem for many years. Many of these opinions and attempts at solving the issue of curtilage are described in the publication *Heritage Curtilages* (Heritage Council/Department of Urban Affairs and Planning, 1996), a companion volume to the *NSW Heritage Manual*.

Essentially, the curtilage of a heritage item is that area of land necessary to enable its significance to be conserved in context and to enable its heritage value to be interpreted adequately. This area is usually but not always the lot or lots on which the item stands and, for statutory purposes, is usually but not always restricted to land in the same ownership as the item. The boundaries for an adequate curtilage may be the historic lot boundaries or a smaller area resulting from previous subdivision(s). They may also include adjoining lands critical to retention of views and vistas, although these values may be conserved through planning controls other than those used to protect the building and its immediate setting.

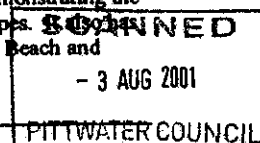
4.2 The Setting and Curtilage of The Bible Garden

The visual catchment of the Bible Garden extends well beyond the land in the ownership of the garden itself. It extends well to the north and northwest and includes areas of national park, Pittwater, Broken Bay and the Central Coast. For statutory purposes, the curtilage has been determined as that area bounded by Mitchell Road, the eastern boundary as far north as the northern edge of the elevated driveway, the northern edge of the driveway across to the western boundary, then along the western boundary to Mitchell Road. The final northern subdivision boundary location will depend on the nature and location of any future carport and/or lookout platform.

4.3 The Significance of The Bible Garden

Given the extraordinary quality of the view from the Bible Garden, its unusual nature and the comparative rarity of this type of designed landscape in an international context, the significance of the item has been assessed in accordance with the criteria adopted by the Heritage Council of New South Wales for listing on the State Heritage Register (SHR). To be assessed for listing on the SHR an item will, in the opinion of the Heritage Council, meet one or more of seven criteria relating to historical, aesthetic, associational or research/educational values and rarity, threat or interpretive potential.

It is considered that the Bible Garden at Palm Beach is important in demonstrating aesthetic characteristics and a high degree of creative achievement in NSW (Criterion c). The garden has strong association with a particular community ie Christians in NSW for spiritual reasons (Criterion d). The Bible Garden possesses uncommon and rare aspects of the cultural history of NSW (Criterion f). The garden is also important in demonstrating the principal characteristics of a class of cultural places in NSW ie special interest designed landscapes. It has the potential to demonstrate the physical and aesthetic attributes of the natural environment of Palm Beach and Broken Bay (Criterion g).



'The Bible Garden', 6 Mitchell Road, Palm Beach - Proposed Subdivision
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4.4 Statement of Significance

The Bible Garden at Mitchell Road, Palm Beach is an item of State heritage significance for New South Wales. It is the result of the creativity of Gerald Hercules Robinson, a devout Christian who was inspired to construct a garden of biblical plants in a magnificent natural setting. As a rare example of its type of designed landscape it has and continues to provide inspiration to visitors of all religions as a place for quiet contemplation of the wonders of creation. The garden has special associations with the Christian community for spiritual reasons and has considerable educational potential arising from its special plant collection and the natural environment in which it is located. The significance of the Bible Garden warrants appropriate statutory protection and active management to retain and enhance its value to the community.

5.0 THE PROPOSAL

In an effort to conserve the Bible Garden for the foreseeable future, the Bible Garden Memorial Trust is considering a proposal that the lot on which the garden has been constructed should be subdivided into two lots. An appropriate curtilage for the Bible Garden would be retained in one lot, while the lower lot would be used for residential purposes.

Architect Luke Playoust and Landscape Architect Judith Fritsche have prepared a Landscape Concept plan, dated February 2001 which provides for visitor car parking, improved access from Mitchell Road, new vehicle accommodation for the residence below the elevated driveway (with viewing platform above) and a new residence that extends further northwest and north than the existing cottage under the elevated driveway. Luke Playoust has prepared a Section through the Site.

If subdivision is approved, The Bible Garden Memorial Trust may wish to donate the Bible Garden to Pittwater Council as a community asset to be managed jointly by Council and the Trust, possibly assisted by 'Friends'.

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6.0 LANDSCAPE AND VISUAL IMPACT ASSESSMENT

6.1 Visibility

6.2.1 Viewing Places

The visual catchment of the subject land, conditioned by topography and vegetation, provides visual access to the site from public places primarily from Mitchell Road and from points extending in an arc from the northwest to the northeast. The land is visible also from nearby privately owned residential properties to its north, east, south and west. The public's visual experience of the subject land is primarily from Mitchell Road, and to a lesser extent from areas to the north, although a detailed visual assessment of the latter has not been carried out.

6.2.2 Views from Specific Locations

The following assessment of the Proposal is based on the assumption that there will be no mitigative measures taken to reduce likely impacts i.e what are the likely visual impacts of the proposed subdivision on the existing landscape, with its existing tree cover. The extent and effectiveness of proposed conditions on development are discussed in Section 6.5.

As viewed from Mitchell Road, the viewer will see no change to the site as result of subdivision per se. There will be minor changes arising from proposed landscaping works but these are not expected to have a negative effect on the heritage significance of the site or the visitor experience.

6.2.3 Position and Sequence of Views

Sequences of views may be possible from the north, interrupted by topographic changes and vegetation. The character of the land would not change from its present state. The site would be seen as one of a number of residential developments on the escarpment behind Palm Beach. Any new house will be visible in the landscape but the nature and scale of development will be such that its impact will be less than for some other recent developments nearby.

6.2.4 View Composition

Most public viewing locations of the Bible Garden will be level with the site (ie within the garden) or above the site (ie on Mitchell Road) in relative elevation. The visibility of elements to be added to the site subsequent to subdivision will vary with viewing position and relative elevation. The intrinsic capability of the site to visually absorb the density and type of development proposed is considered to be high but will be significantly increased by appropriate landscaping.

6.2.5 Change to the intrinsic character of the site

The character of the site is expected to remain essentially the same as at present.

6.3 Assessment of visual absorption capacity

The visual absorption capacity of the landscape for the development is judged to be high, even without mitigative measures, based on the following considerations:

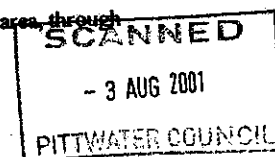
The extent and density of the Proposal is comparable with that on the site at present.

The land has high intrinsic visual absorption capacity because of its topography and natural vegetation cover.

The Proposal will not be highly visible from significant viewing points in the Bible Garden, or from major public viewing points elsewhere.

Within the site itself, the subdivision lots have been designed to reduce visual impacts on the Bible Garden.

The development will seek to emulate better examples of recent residential development in the area, through careful siting, landscaping, building forms and recessive exterior finishes.



6.4 Visual qualities of the proposed development

The proposed subdivision will merely formalise the present arrangement which is based on topographic separation between the Bible Garden and the residential development below. While any new structures will be permanent elements in the landscape, their visual impact will be reduced by careful siting, landscape screening and appropriate design qualities.

The visual evidence of the subdivision is likely to be low and is not considered likely to obscure or materially reduce the significant elements in the landscape of the Bible Garden. The subdivision is unlikely to reduce the viewer's ability to interpret the cultural landscape of the Bible Garden or its context.

The proposed landscape improvements to the garden are not considered likely to have an adverse impact on the design concept or significant elements within the garden. The visual quality of the proposed new house below the elevated driveway will depend on its final design and exterior finishes. It is essential that it should not intrude on the visitor experience of the garden or its views.

6.5 Specific visual impacts

6.5.1 Contrasts

Visual contrasts caused by the development through changes to the intrinsic character of the landscape of the site will be minimised through careful siting, landscaping, building forms and scale and recessive exterior finishes. There will be very little need for changes to landform.

6.5.2 Interruption

The proposed development is considered unlikely to interrupt any major views to or from the Bible Garden. Any new development will be located so that the Bible Garden can still be read as a discrete entity and appreciated for its original purpose.

6.5.3 Prominence

The prominence of the Proposal will be reduced by the lot design and careful controls over the scale, form, design and materials of any new development.

6.6 Extent of and significance of impacts

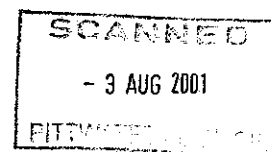
6.6.1 Extent of impacts

The initial extent of impacts will be ameliorated by the mitigative measures recommended and long term impacts will reduce as landscaping matures. Given the location of the Proposal, the present character of the landscape and the nature of the proposed development, the extent of impacts is judged to be low and acceptable.

6.6.2 Significance of impacts

The importance of the impact is judged to be low since subdivision of the lower part of the existing site from the Bible Garden and sensitive redevelopment of the lower lot will have a negligible impact on the garden's significance.

Considered together, the extent and significance of impacts are assessed to be low and acceptable. The recommended mitigative measures are considered likely to be effective.



7.0 STATEMENT OF HERITAGE IMPACT

7.1 Need for reflecting existing land uses in appropriate zonings and subdivision

The residential use of the lower part of the subject land threatens possible land tax burdens on the Trustees, even though the upper part is undeveloped except for the Bible Garden. Subdivision of the lower part of the land for continuing residential use and conservation of the Bible Garden with appropriate zoning and statutory protection would give the garden protection commensurate with its significance. Subdivision would also allow the burden of maintenance of the elevated concrete driveway to lie with the owner of the lower residential allotment, rather than with the owners of the Bible Garden allotment. Active management of the Bible Garden to maintain its design intent and appropriate planning controls over the garden's visual catchment would also be necessary.

7.2 Need for Development adjacent to a Heritage Item

The proposed development is on the land owned by the Applicant. While it is adjacent to the heritage item ie the Bible Garden, it does not affect the original concept or design intent of the garden, nor does it significantly affect important views to or from the Bible Garden.

7.3 Likely Impact on The Bible Garden

The historical significance of the Bible Garden will be retained but can only be understood by the community by way of interpretive media such as signage, local histories, tourist brochures, self-guiding trails. The historic layout of the garden will be retained, but the plantings and hard landscape elements will need to be managed and enhanced if the original concept is to be respected.

The impact on aesthetic significance will be minimal. The major views to the north of the Bible Garden will be unaffected by the Proposal. The view towards the Bible Garden from the public road (Mitchell Road) will be slightly affected by the Proposal. These impacts are considered acceptable and manageable. They will be minimised by careful subdivision design, careful siting of new buildings, additional planting and by controls over the form, scale and exterior finishes of new buildings as recommended in Section 6.5 below.

7.4 Mitigative Measures

The impact of new development adjacent to a heritage item needs to be minimised by the implementation of appropriate mitigative measures. The suggested curtilage for the Bible Garden is recognition of its sphere of influence in the landscape. Many developers are now creating residential developments which include tighter controls over building footprints, setbacks, the design of dwellings, construction materials and landscaping. Impacts of the Proposal will be reduced by implementation of comprehensive and detailed controls over, height, scale, form and exterior finishes of any new structures.

If approved by Pittwater Council, these controls will ensure that new development on the site is of a high quality and that the impacts on the heritage significance of the Bible Garden are minimised. Recommended mitigative measures are listed below.

7.4.1 Subdivision Design

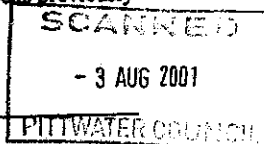
The subdivision boundary should be determined to allow for retention of the significant area of the Bible Garden and planning control over any new garage/carport, access stairs and other improvements to the lower lot.

7.4.2 Landscaping

A large specimen of *Angophora costata* previously grew on the lower section of the existing lot, providing a filtered view from the upper levels. It would be appropriate to replace this tree with a specimen of the same species propagated from local seed, so that the original landscape effect can be regained.

Other landscaping on the lower lot should be designed in such a way that it does not obscure the view from the Bible Garden. Preference on the lower lot should be given to local indigenous species. New plantings in the Bible Garden should include specimens of plants mentioned in the Bible. There is an opportunity to improve hard landscape elements by use of natural materials such as sandstone rather than the concrete blocks previously used.

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7.4.3 Building Envelope

The building envelope for any new dwelling under the elevated driveway should not allow any visual intrusion into the view from the Bible Garden, either from the existing viewing point near the Ten Commandments plaque or from points further to the south.

7.4.4 Entrance Drive

The existing entrance drive from Mitchell Road is two concrete vehicle tracks, with an elevated concrete causeway bridging the gap to the adjoining property downhill to the east. This type of surface should be retained for the driveway. Any new hard surfaces should be coloured to blend with the existing landscape.

7.4.5 Driveways

Any subsidiary driveways should be paved in material and colour chosen to blend with the existing landscape.

7.4.6 Gates and Fences

There are no gates or fences to the street frontage of the site at present and this is considered desirable.

7.4.7 Power and Phone Lines

All power and phone lines should be undergrounded.

7.4.8 Water Supply and Storage Facilities

Any new water storage facilities such as rainwater tanks should be located and finished to minimise visual impact.

7.4.9 Residential Dwellings

Residential buildings should be designed to reduce their visual bulk and to blend with the existing landscape character. Building form, scale and exterior finishes will be compatible with the established character of the region and designed to reduce the impact on views towards the site from surrounding areas. Compatible contemporary design of a high standard is to be preferred to obvious historical reference and simple forms are to be preferred to complex designs.

Materials and exterior finishes which reproduce or complement the natural colours of the landscape will be preferred, such as restricted palettes of tertiary colours which blend naturally with the surrounding landscape. Highly reflective surfaces such as large areas of unshaded glass or untreated metal roofing should be avoided, as should materials which are stridently coloured or strongly contrasted with adjoining materials.

Traditional materials such as stone, earth coloured brickwork, bagged brickwork and painted or pigmented concrete blockwork should be considered for exterior walling. Painted corrugated steel or natural earth-coloured tile or shingle roofing is appropriate.

7.4.10 Ancillary Buildings

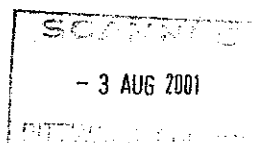
Ancillary buildings such as separate garages or carports should be sited to minimise visual impact and designed and coloured to complement residential dwellings.

7.4.11 Car Parking

The Proposal provides for a double carport for the proposed residential lot and for three car parking spaces for the Bible Garden. This is considered adequate for the nature of use of the Bible Garden. Additional parking demand for special events at the Bible Garden will continue to require visitors to park some distance from the Garden, as has been the case since the Garden was founded in 1966.

7.4.12 Effluent Disposal

Effluent disposal must be to Council's requirements and is unlikely to have a negative impact on the heritage significance of the item.



8.0 CONCLUSION & RECOMMENDATIONS

8.1 Conclusion

It is considered that the Bible Garden at Mitchell Road, Palm Beach is an item of environmental heritage at a State level. It should be afforded statutory protection by listing on the State Heritage Register and in the Schedule of Items of the Environmental Heritage in Pittwater Local Environmental Plan 1993.

It is considered that the Proposal to subdivide the existing lot will have minor and acceptable impacts on the heritage significance of the Bible Garden and that these impacts can be reduced and managed by implementation of the Mitigative Measures recommended in Section 7.4 above.

8.2 Recommendations

It is recommended:

1. that the Bible Garden should be afforded statutory protection by listing on the State Heritage Register and in the Schedule of Items of the Environmental Heritage in Pittwater Local Environmental Plan 1993;
2. that Pittwater Council give favourable consideration to an application to subdivide the existing lot on which the Bible Garden is located into two lots, the lot boundary to be determined in such a way that the significant parts of The Bible Garden are retained;
3. that if subdivision is approved, it should be subject to the mitigative measures in Section 7.4 above and any other conditions imposed by Council to conserve heritage significance;
4. that Pittwater Council consider an appropriate zoning for the Bible Garden such as Special Uses (Bible Garden), with an appropriate residential zoning on the remaining lot;
5. that Pittwater Council give favourable consideration to any proposal by the Bible Garden Memorial Trust to donate the Bible Garden to Council as a rare community asset;
6. that, if Council should acquire the Bible garden by gift, that it be designated Community Land of Cultural Significance and that, in accordance with the requirements of the Local Government Act, a Plan of Management be prepared for the site;
7. that the Bible Garden be managed by a joint body including representation of the existing Trust, Council and relevant community groups with expertise in management of cultural landscapes of heritage significance. (Such expertise may be available from groups such as the Palm Beach Association, the Australian Garden History Society, an eventual 'Friends of the Bible Garden', the Friends of the Royal Botanic Gardens Sydney and the Friends of Rookwood).

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- 3 AUG 2001

11.0 APPENDICES

- 11.1 Article from *The Australian Women's Weekly* 10 May 1967**
- 11.2 Interpretive brochure by Beatrice V Robinson, February 1977**
- 11.3 Information leaflet on The Bible Garden**

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'The Bible Garden', 6 Mitchelli Road, Palm Beach - Proposed Subdivision
Heritage Assessment & Heritage Impact Statement by Chris Betteridge, Musecape Pty Ltd March 2001

On a hill with a view, a Sydney man has devotedly planted out his land

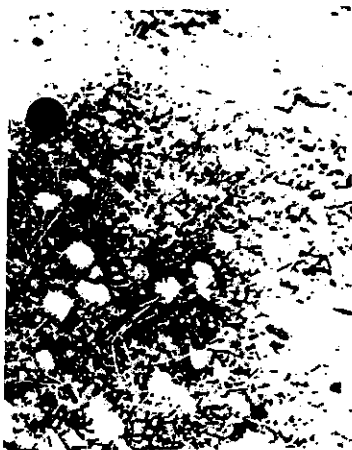
BIBLE GARDEN



Tree of KNOWLEDGE of good and evil, with whose Eve was tempted, is thought to have probably been the apricot ("apple" is a mistranslation).



THE GRAPEVINE. "I am the true vine, and my Father is the husbandman. Every branch in me that does not bear fruit he takes away..." (John 15; 1, 2.)



LILIES OF THE FIELD ("consider... how they grow; they toil not, neither do they spin") are thought by some scholars to be the chamomile (anemone).

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ONE of Australia's most unusual gardens nestles gently on a hillside at Palm Beach, overlooking Pittwater, Barrenjoey Head, and the Pacific Ocean.

At first glance the bright patches of color intermingled with the vivid green of grass and shady trees are just part of an ordinary garden. But walk into it, and you will find that it is a Bible Garden.

In it 143 of the 148 plants, trees, and shrubs mentioned in the Old and New Testaments have been lovingly planted in the last three and a half years by its owner, Mr. Gerald H. Robinson, a Sydney businessman.

With twinkling brown eyes and a salt-and-pepper beard, Mr. Robinson, who looks a little like Santa Claus out of uniform, had the idea of planting a Bible Garden when he read about a similar one next to the Cathedral at Bangor, Wales.

He bought a block of land at Palm Beach about ten years ago, but didn't want to build on it because he already had a home at St. Ives and an apartment in town.

"I couldn't decide what to do," he said.

Then I read about the garden in Wales, planted by Professor Tatum Whitehead, and I thought this would be ideal for my land.

"I went to Wales to see it. I was most impressed and on my return in 1963 I started work on my land."

Married, with two sons and a daughter, Mr. Robinson does most of the gardening himself.

"My sons have their families to look after, and my daughter, a Church of England deaconess, is busy with her parish. I have a man come in now and then to mow the lawns. I'm over 70, you know, but I do prefer to do the gardening myself. Somebody else might pull out one of my special plants thinking it's a weed," he said.

Despite his three and a half years' work on the garden, Mr. Robinson is not satisfied.

"My ambition is to get more plants from the Holy Land. I have already imported some, but they aren't all flourishing as they would in their natural environment," he said.

"At first I wasn't too sure what to name the garden. I was toying with the idea of calling it an 'Ecumenical Garden,' but decided that that was too much of a mouthful, and that 'Bible Garden' was much simpler."

On the day of our visit he was busy making new red plastic markers, which carry the names of the plants and biblical references.

"At first, I used all different colored markers, then I discovered that the birds carried them away — I don't

know what they do with them. But they won't have anything to do with the red ones, fortunately," he said.

Laid out in chronological order, the garden starts with the plants of Genesis and winds around to Helichrysum orientalis, which Mr. Robinson has planted to represent immortality.

As one walks in the gate, the bed on the right contains wheat, oats, and grasses, the plants of the Creation.

"And the earth brought forth grass, and herb yielding seed after his kind, and the tree yielding fruit, whose seed was in itself, after his kind." (Genesis 1; 12.)

In the same bed grows the conjectured tree of knowledge of good and evil, the apricot—not the apple as one might expect.

"The original Hebrew specified no particular fruit, only one 'sweet of smell and taste.' Before the 17th century, almost all fruit was known as an apple.



GARDENER Gerald H. Robinson is managing-director of a large car-distributing firm.

Scholars today believe that the apricot was the only fruit existing at that time which fulfilled the Hebrew description," explained Mr. Robinson.

In the garden is the Mediterranean cypress, believed to be the gopherwood Noah used for his boat.

Beside it is the olive, from Genesis 8; 11. "And the dove came in to him in the evening; and, lo, in her mouth was an olive leaf plucked off: so Noah knew that the waters were abated from off the earth."

After the Flood, Noah became a husbandman and planted a vineyard. So Mr. Robinson has grown a grapevine.

Passing by the oak, under which Abraham built the first recorded altar to God, the visitor comes to the bramble, in which a ram caught its horns and was offered up as a sacrifice instead of Isaac.

"And Abraham lifted up his eyes, and looked, and behold behind him a ram caught in a thicket by his horns: and Abraham went and took the ram,

and offered him up for a burnt offering in the stead of his son." (Genesis 22; 13.)

Isaac later had a son, Esau, who sold his birthright to his brother Jacob for "mess of pottage," probably a soup made of lentils. Lentils are planted next to the bramble.

The corn of Pharaoh's dream, the rushes which sheltered Moses as a baby, the withes of the willow that bound Samson, the holly oak, whose branches caught Abalom, and the Cedars of Lebanon of Solomon's Temple — all these are represented, and many more.

Mr. Robinson has read widely on his subject. Scholars aren't unanimous about the identity of every biblical plant, so the choice is sometimes conjectural.

The herb marjoram is said to be the hyssop which the Israelites dipped in the blood of the Passover Lamb and then painted on their lintels and doorposts to deliver them from the tenth plague, which killed the first-born son in every family.

After their exodus from Egypt the Israelites would have starved in the wilderness if God had not sent manna from Heaven.

Scholars believe that there are at least four possible sources of manna. One of them is the tamarix tree, host to a tiny insect which pricks the leaves and branches, causing a sugary juice to ooze out. This dries and settles on the ground.

"The lilies of the field" (Matthew 6; 28) are believed to be either the multi-colored anemone or the chamomile (anemone). To be on the safe side Mr. Robinson grows both.

Many of Jesus' parables mentioned plants — the mustard seed, tares, a form of rye-grass, and the sycamine (mulberry tree). All these grow freely in the garden.

There are, too, the palm whose branches were thrown before Christ as he made his entry into Jerusalem, the Cercis siliquastrum, on which Judas is said to have hanged himself, and the myrrh and aloes used to anoint Christ's body.

Mr. Robinson has compiled a 15-page brochure which explains the Bible Garden to its many visitors.

Church groups often bring parties and arrange outings there on weekends.

Officially opened in March, 1966, by Mr. Justice Richardson ("I cannot remember the exact date, only that it was the wettest Saturday in March," said Mr. Robinson), the garden is open to the public free of charge. There is a box at the gate for "thank-offerings," which are given to St. David's Church, Palm Beach.

Although a house could be built on the land, Mr. Robinson does not believe that it is wanted. He says, "The garden and the view behind it provide a perfect example of the glory of God's creation."

SCANNED BY JENNY BOYAN
- 3 AUG 2001
PITTSBURGH

THE AUSTRALIAN WOMEN'S WEEKLY - May 10, 1967

"And God called the dry land Earth; and the gathering together of the waters called he Seas; and God saw it was good." (Genesis 1: 10.)



AT WORK in the garden, with its 143 labelled varieties of biblical plants. Mr. Robinson does most of the gardening himself.

PICTURES BY STAFF PHOTOGRAPHER DON BERG



ACALIA, in appearance the nearest available to the Middle East acacia which provided the wood Moses used to house the Commandments.



LEFT: Myrtle ("... instead of the briar shall come up the myrtle tree"—Isaiah).

ABOVE: Gourd, or castor-oil tree. God "prepared a gourd, and made it to come up over Janai".

ANNEXURE D

LANDSCAPE CONCEPT PLAN

Key Design Features:

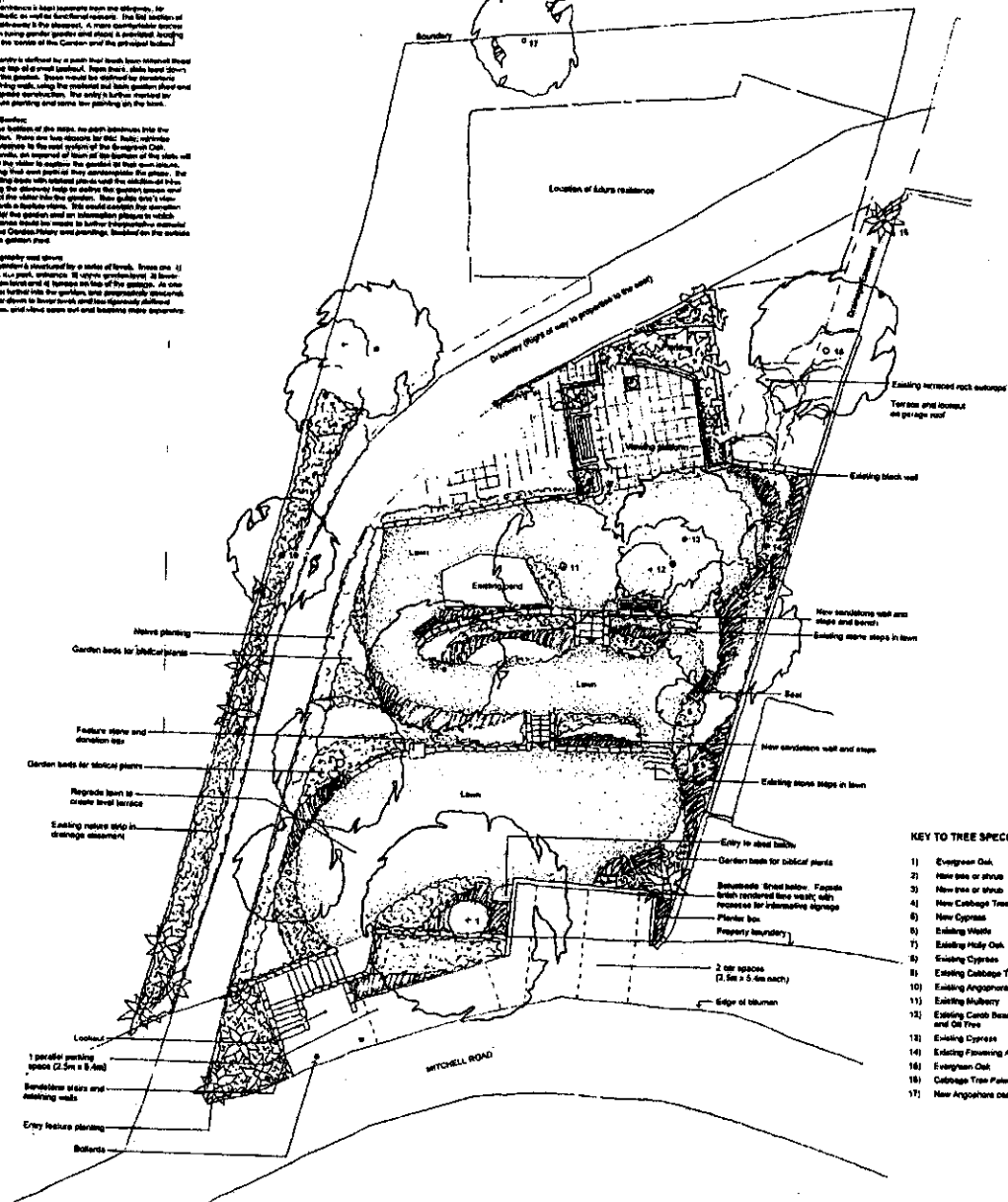
Car parking and garden shed:
Four car spaces are provided on top of a garden shed. They are 2.5m wide and 4.5m long, with an entry on the side to allow for easy loading and unloading and easy servicing of vehicles. A backhoe or soil mucker beyond the shed leading to another parking area. A shed for storage of garden tools and equipment is provided under the driveway (see clause 22.4.4.1). The garden shed is to be built to the same standards as the existing shed in the lot. It is to be constructed of masonry.

Entry:
The entrance is to be located on the side of the shed, to the north of the shed. It is to be a simple concrete slab with a ramp leading to the shed. A concrete ramp leading to the shed is to be provided.

The garden:
The garden is defined by a path that leads from the shed to the top of a small hill. From there, it leads down to the shed. The garden is to be designed for a low-maintenance, drought-tolerant, and easy-to-care-for garden. The garden is to be designed for a low-maintenance, drought-tolerant, and easy-to-care-for garden. The garden is to be designed for a low-maintenance, drought-tolerant, and easy-to-care-for garden.

The shed:
At the bottom of the shed, the path continues into the garden. There are two steps for the shed. The shed is to be designed to the same standards as the existing shed in the lot. It is to be constructed of masonry. The shed is to be designed to the same standards as the existing shed in the lot. It is to be constructed of masonry. The shed is to be designed to the same standards as the existing shed in the lot. It is to be constructed of masonry.

Separately used areas:
The garden is to be divided into a number of areas. There are 1) a main garden area, 2) a courtyard area, 3) a vegetable garden area, and 4) a lawn area. The garden is to be designed for a low-maintenance, drought-tolerant, and easy-to-care-for garden. The garden is to be designed for a low-maintenance, drought-tolerant, and easy-to-care-for garden.



KEY TO TREE SPECIES

- 1) Evergreen Oak
- 2) New pine or shrub
- 3) New tree or shrub
- 4) New Cabbage Tree Palm
- 5) New Cypress
- 6) Existing Mistle
- 7) Existing Holly Oak
- 8) Existing Cypress
- 9) Existing Cabbage Tree Palm
- 10) Existing Angophora
- 11) Existing Mulberry
- 12) Existing Carob Bean and Oil Tree
- 13) Existing Cypress
- 14) Existing flowering Ash
- 15) Existing Oak
- 16) Cabbage Tree Palm
- 17) New Angophora plants

PLAYOUST CHURCHER
41 HAWTHORN STREET, SUITE 101, PALM BEACH, QLD 4217
PH: 5521 1000 FAX: 5521 1001

THE BIBLE GARDEN
Landscape Concept
6 Mitchell Road
Palm Beach
February 2001

JUSTIN FRITHS
Landscape Architect

RECEIVED
17 APR 2001

RCV. 17/04/01
17 APR 2001
CITY OF PALM BEACH

1:100

ANNEXURE E

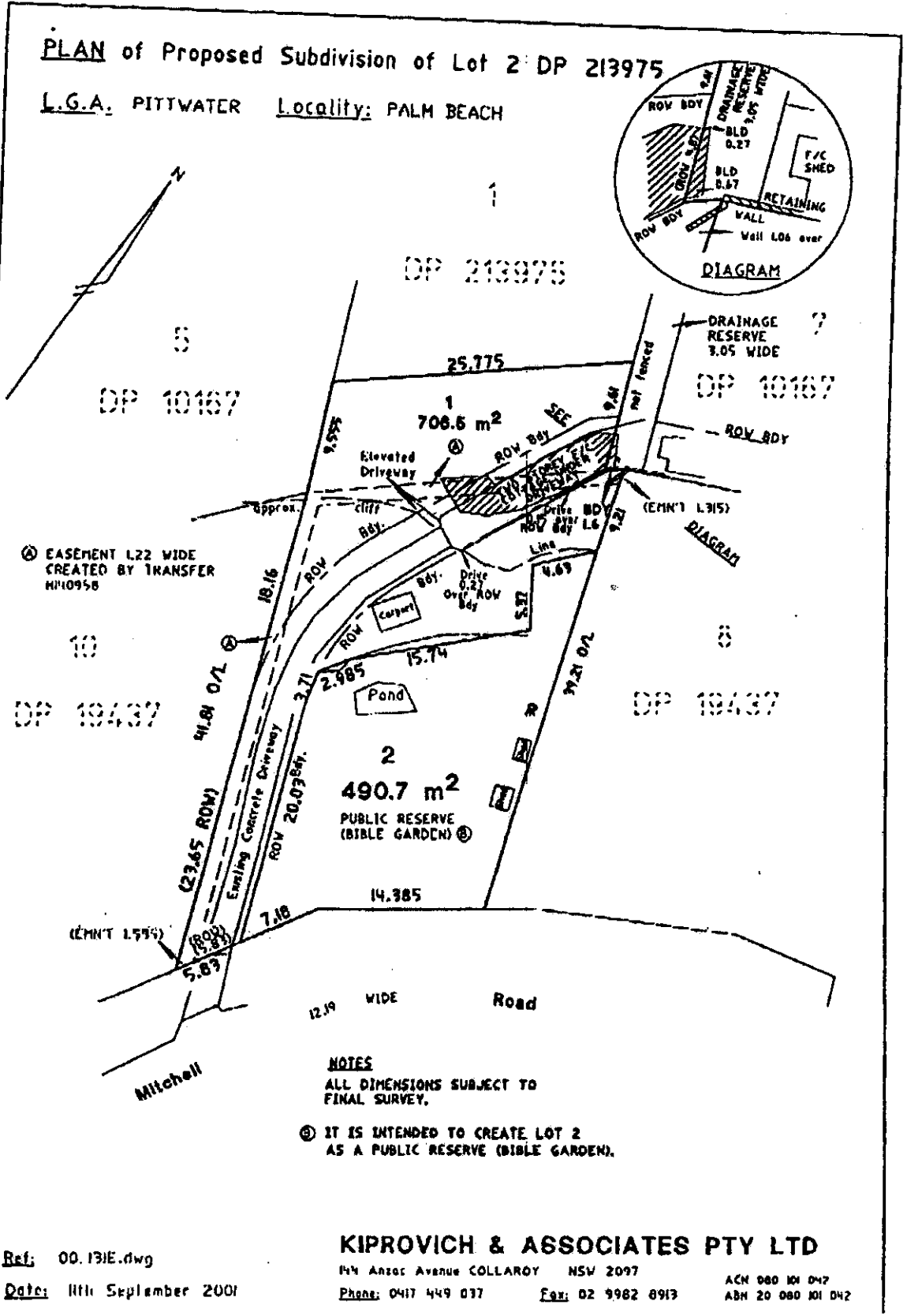
Fax sent by : 612 95682987

ROBINSON+JACOBS

12/89/81 14:59 Pg: 2

PLAN of Proposed Subdivision of Lot 2 DP 213975

L.G.A. PITTWATER Locality: PALM BEACH



⊗ EASEMENT 1.22 WIDE CREATED BY TRANSFER M110956

NOTES
ALL DIMENSIONS SUBJECT TO FINAL SURVEY.

⊗ IT IS INTENDED TO CREATE LOT 2 AS A PUBLIC RESERVE (BIBLE GARDEN).

Ref: 00.131E.dwg
Date: 11th September 2001

KIPROVICH & ASSOCIATES PTY LTD
114 Anzac Avenue COLLAROY NSW 2097
Phone: 0417 449 017 Fax: 02 9982 8913
ACN 080 101 047 ABN 20 080 101 042

**Draft Plan of Management of the 'Bible Garden' as Community Land
(Local Government Act 1993, section 36)**

Land: proposed lot 2 in plan of subdivision of 6 Mitchell Road, Palm Beach (the 'Bible Garden')

Classification of the land as 'community land (area of cultural significance)' (section 36(4)(d) Local Government Act 1993)

Objectives (section 36(3)(b))

Conservation and enhancement of the land as a bible garden, in particular for:

- The cultivation of plants mentioned in the Bible,
- Ecumenical contemplation,
- Admiring the view north, and
- Weddings, baptisms and informal visits

Performance Targets (section 36(3)(b))

- Timely and effective undertaking of routine maintenance
- Maintaining appropriate public liability insurance
- Encouraging active, ongoing assistance from the incorporated association 'Friends of the Bible Garden Memorial' ('Friends')
- Assisting with signage and other means of publicising the Bible Garden, as discussed with the committee of the Friends from time to time

Means by which Council proposes to achieve the plan's objectives and performance targets (section 36(3)(c)):

- Management by a committee of Council the members of which include the committee of the Friends

Assessment. Manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets (section 36(3)(d)):

- Consideration of periodic reports from the Friends, including annual financial and activity reports, and periodic landscaping and planting plans

ANNEXURE G

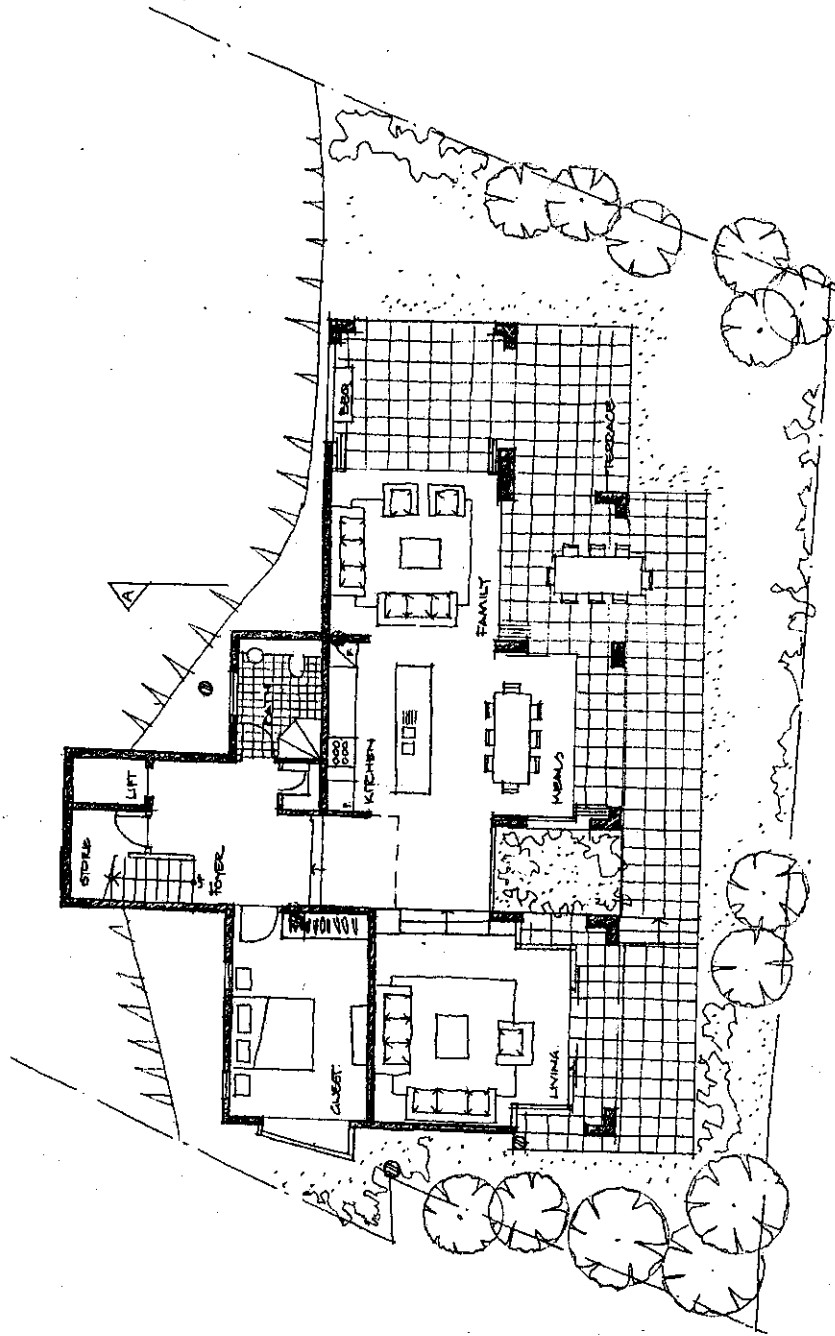
Annexure to Application for Incorporation of 'Friends of the Bible Garden'

The **objects** of the Association will be to support the conservation, maintenance and enhancement of the Bible Garden at Mitchell Road, Palm Beach as a place of ecumenical contemplation and a place that promotes consideration of God's creation, the Bible and the teachings of Jesus Christ.

The **principal activities** of the association will be:

1. assisting Pittwater Council to conserve and enhance the Bible Garden, and to promote the public enjoyment of the Bible Garden;
2. volunteering gardening and other services, including:
 - a) coordinating bookings of the Bible Garden for wedding and christening ceremonies;
 - b) preparing and implementing periodic landscaping and planting plans;
 - c) planting and labelling of biblical and other plants in accordance with periodic plans; and
 - d) maintaining the garden;
3. fundraising;
4. publishing a newsletter; and
5. any other activities to support the Bible Garden.

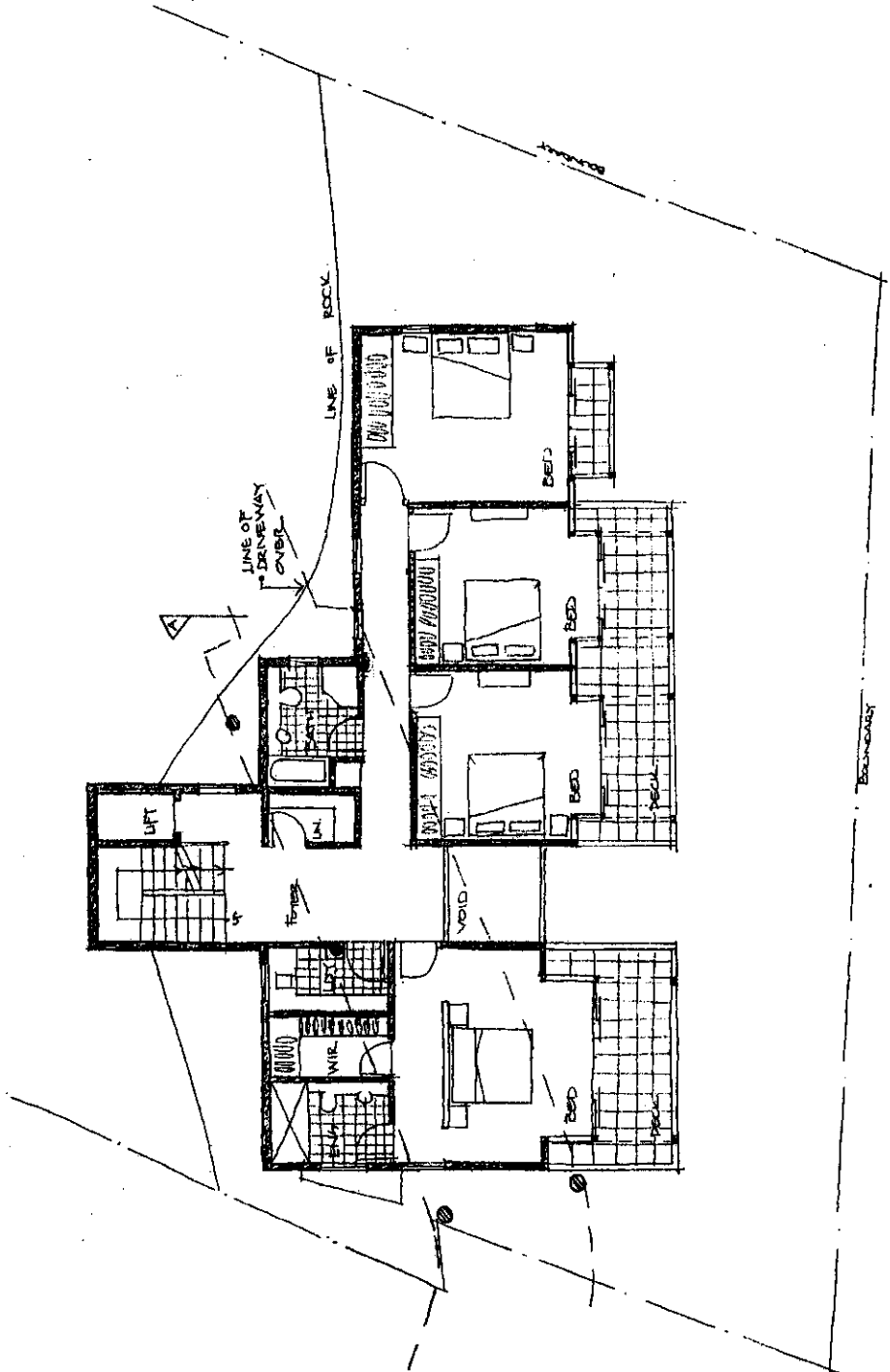
ANNEXURE H PROPOSED RESIDENCE SKETCH



GROUND FLOOR PLAN 1:100

PROPOSED RESIDENCE
THE EBIKUR GARDEN
6 MITCHELL ROAD
PALM BEACH
JULY 2001
SK 01

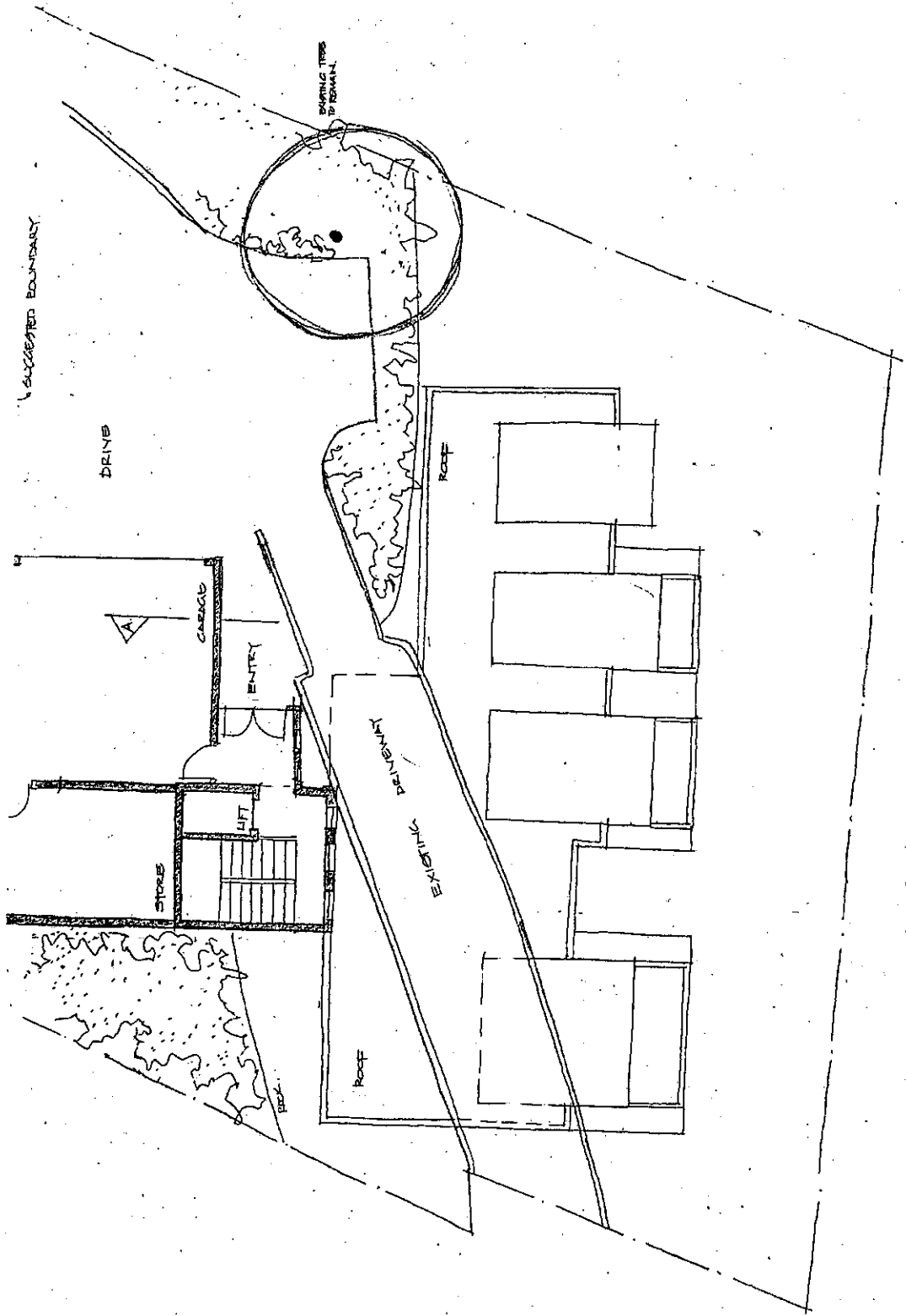
PLAYOUST CHURCHER
 11 LAMAR STREET, SINGAPORE 050137
 ARCHITECTS
 PHONE (65) 338 8811 FAX (65) 338 8790



FIRST FLOOR PLAN 1:100

PROPOSED RESIDENCE
 THE BLUE GARDEN
 6 MITCHELL ROAD
 PALM BEACH
 JULY 2001
 SK/02

PLAYTOUST CHURCHER
 ARCHITECTS
 11 MARINE STREET, BALVAVA, QUEENSLAND 4011
 PHONE (08) 5432 5411 FAX (08) 5432 4970

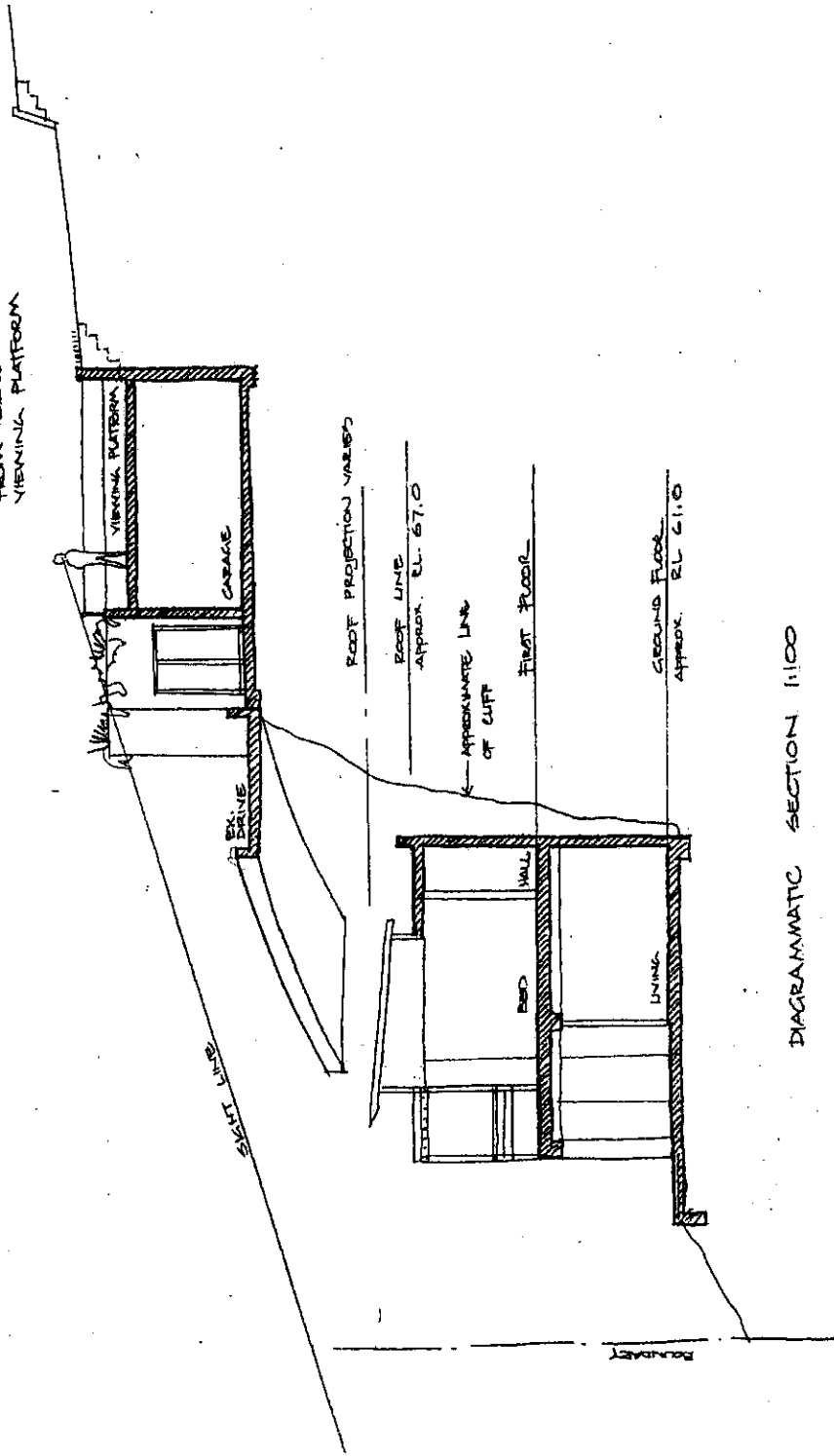


CARAGE FLOOR LEVEL 1100

PROPOSED RESIDENCE
 'THE BLUE GARDEN'
 6 MITCHELL ROAD
 PALM BEACH
 JULY 2001
 SK 03

PLAYOUST CHURCHER ARCHITECTS
 11 LINDEN STREET PALM BEACH 2001
 PHONE (07) 553 8211 FAX (07) 553 8170

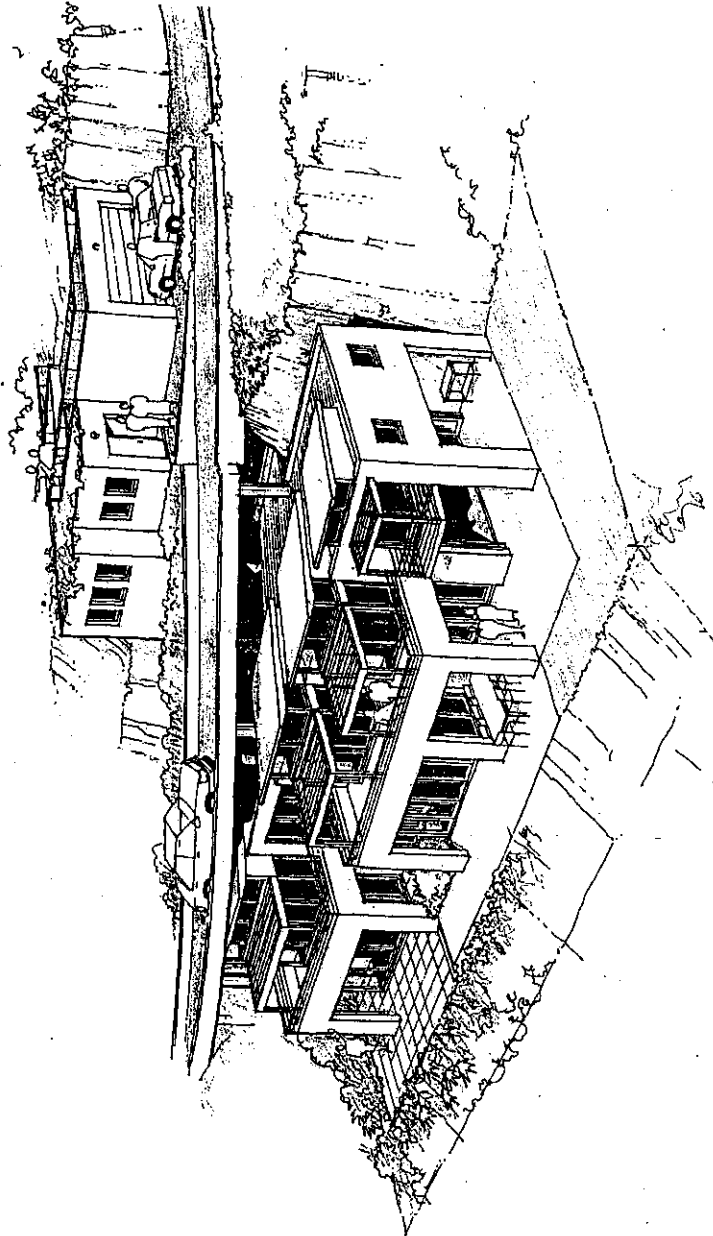
NOTE: PANORAMIC VIEW FROM BIRBE GARDEN VIEWING PLATFORM



DIAGRAMMATIC SECTION 1:100

PROPOSED RESIDENCE
THE BIRBE GARDEN
6 MITCHELL ROAD
PALM BEACH
JULY 2001
JKO4

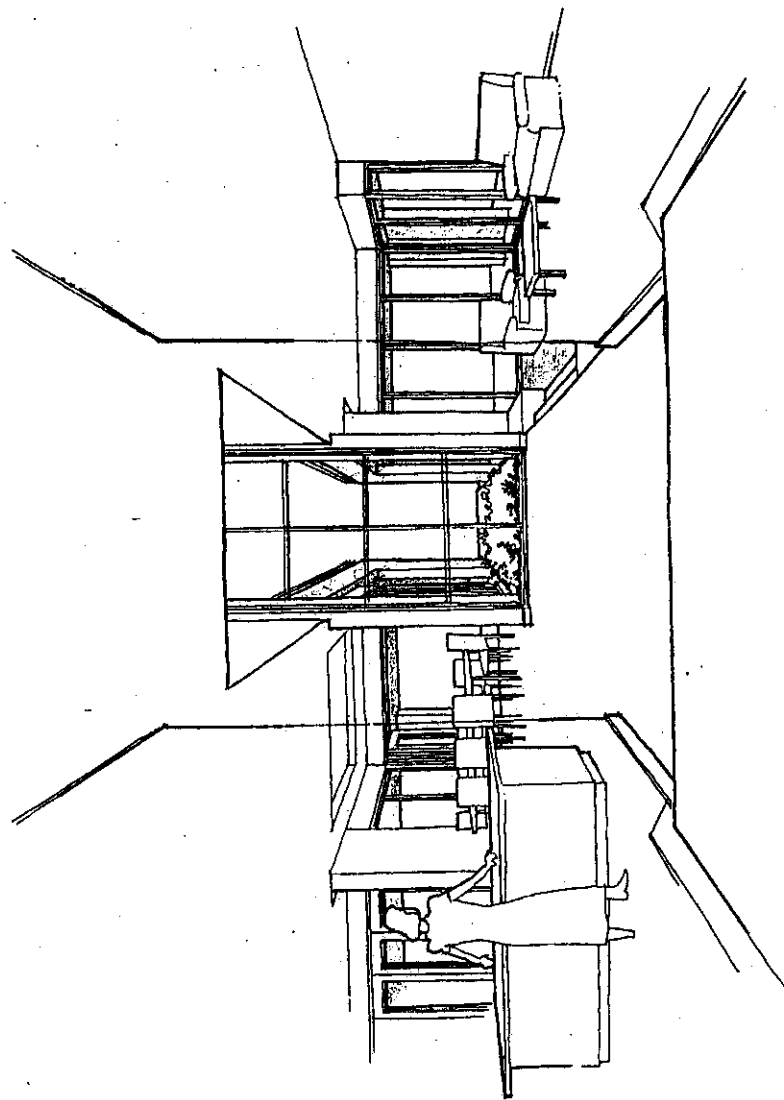
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PHONE (07) 5436 0811 FAX (07) 5436 0876



AERIAL VIEW OF
PROPOSED RESIDENCE AND
BIBUE GARDEN.

PROPOSED RESIDENCE
THE BIBUE GARDEN
6 MITCHELL ROAD
PALM BEACH JUNE 1961
SKO 5

PLAYOUST CHURCHER
ARCHITECTS
11 SANDWICH STREET (BEHIND THE POST OFFICE)
PALM BEACH JUNE 1961 (THE 1957 PLAN 4879)



INTERNAL PERSPECTIVE VIEW. - GROUND FLOOR

PROPOSED RESIDENCE
'THE BIVUE GARDEN'
6 MITCHELL ROAD
PALM BEACH
JULY 2001
SK06

PLAYOUST CHURCHER ARCHITECTS
11 WOODS ROAD, SUITE 101, WOODS
MIRAMBA, QUEENSLAND 4217
TEL: (07) 5591 1111 FAX: (07) 5591 4170

11 MARIAN STREET KILARA NSW 2071 TEL (02) 9428 8611 FAX (02) 9428 4970

PLAYOUST CHURCHER
ARCHITECTS SINCE 1961



13 September 2001

PROPOSED RESIDENCE

6 Mitchell Road, Palm Beach

Introduction

The following concept sketches are intended to illustrate a possible future residential development of proposed Lot 1. They have been prepared for the purpose of identifying suitable development parameters for incorporation in the Development Control Plan/Locality Plan at the time of subdivision. The sketches illustrate the proposed design control parameters, being the envelopes, setbacks and areas that are particular to this site and vary considerably to the DCP.

Development consent is not sought in relation to the residence proposed in the concept sketches. Rather a development application to build any particular residence in accordance with the Development Control Plan/Locality Plan (as amended) will be lodged subsequent to subdivision.

1.0 Compliance with Council Requirements

Under the "Palm Beach Ridgeline" Locality Plan and Building Code, Council sets out various objectives and controls. The following is an explanation of how the proposal responds and complies to each issue.

1.1 Built Form

1.1.1 Designated Slips Areas

The site is located within the designated slip area and a geo-technical report will be required to support a development application. The development control plan states that at no time shall disturbance exceed 40% of the site and the development shall not detrimentally affect the long term stability of the area.

The R.O.W and access road, residence and terraces on lot 1 disturbed in excess of 40% of the natural topography of lot 1 when they were constructed in the 1960s. The design of the new residence has been tailored to the existing landform and features of the site. It is located at the lower end of the site under R.O.W.

The house is situated such that the view lines from the Bible Garden will not be interrupted.



1.1.2 Site Coverage

The following are the site coverage calculations:

Total Site Area by Surveyors Submission		706.6m ²
Area of Rights of Way across the site to be deducted from the site area:		
R.O.W.		<u>164.4 m²</u>
Net Site Area:		<u>542.1m²</u>
Allowable Built Upon Area @ 40% net site area:		216.84m ²
• Area of garage, drive & entry	160.0m ²	
• Less: area of Landscaped Roof Garden	<u>36.0m²</u>	
	124.0m ²	
• Add area of Ground Floor footprint	<u>168.0m²</u>	
Proposed Total Built Upon Area (to be confirmed)		292.0m ² (53.87%)

Proposal would exceed code by approximately 76.16m² (13.9%) depending on the actual subdivision boundary and subject to final survey.

Required Landscaped area @ 60% net site area:		325.26m ²
Proposed Landscaped Area:		250.1m ² (46.1%)

Proposal would be approximately 75.16m² below the minimum required landscaped area.

The aim of the site coverage development controls is to restrict the footprint of development on site, to enable retention of the natural vegetation and facilitate planting of additional landscaping, to minimize the bulk of buildings (Development Control Plan No.LP3 - Palm Beach Ridgeline Locality Plan at 3.1.3)

The proposed developments envelope for lot 1 exceeds the controls in the DCP but is consistent with the stated aim of the controls.

- The alternative of residential redevelopment of the undivided site would result in a larger permissible built upon area than if the proposed development is allowed on lot 1, with lot 2 being excluded from residential development through rezoning.
- The proposal would not have an adverse effect on natural vegetation, which was substantially altered in the 1900's when the elevated concrete driveway was constructed and the remainder of lot 1 was terraced. An *angophora costata* would be planted near the northern boundary to replace the existing dead specimen.
- The bulk of buildings is minimised by their location underneath the existing elevated driveway

1.1.3 Side Boundary Setback and Spatial Separation

The side boundary setback is to be one third of the height of the building, from the highest point to the existing ground line

West Boundary – The proposal would comply with this requirement.

East Boundary – Due to the staggered boundary, the wall complies in part with a setback of 2.3m. However, reduces to a 900m dimension at some points of the building. It is important to note that most of the non-compliance occurs under the existing right of way. The existing dwelling is built onto the boundary.

The proximity of the surrounding residences are sufficiently distant so that Council's spatial separation requirements should not apply. There is no residence adjacent to the West, and the proposed residence to the East will be located partly underneath the elevated concrete access driveway, on the Eastern side of a 3.05 metre wide drainage reserve.

1.1.4 Building Lines

We propose that a 3.5m rear building line (to the North) excluding terraces apply to the site.

1.1.5 Building Height

The slope of the land is greater than 20%, thus the maximum building height shall be 10.0 metres. The proposed residence will be well below the maximum permitted height. The building varies in height and has a height above existing ground level of between 7 and 7.5 metres on both the east and west elevations.

1.1.6 Visibility/Viewlines

The proposed residence has been designed to have no impact or views either to or from the Bible Garden. As per the Heritage Report prepared by Musecape Pty Ltd, the development is located so that the Bible Garden can still be read as a discrete entity and appreciated for its original purpose.

Due to the nature of the site and its topography, the residence is located at the northern end of the site below the existing driveway.

The two-storey residence will have a clearance under the driveway varying from approximately 1.2 metres to 4.5 metres. As a result, of its location, views from the Bible Garden will be maintained.

The location of the garage also allows a viewing platform to be located on the garage roof. Again, the location and design will not allow any visual intrusion into the view from the Bible Garden. Refer Section Drawing SK04.

1.1.7 Building Materials

Proposed building materials will be in sympathy with the surrounding locality. Natural materials such as stone and timber will be used extensively, while painted surfaces will be of natural earthy tones to evoke the character of the Australian bush, and beach.

Materials used will be:

- Stone facing
- Timber cladding and decking
- Painted rendered walls
- Painted steel framing
- Timber framed glazing
- Colorbond steel roof sheeting

Although reinforced concrete will be used extensively for the structure of the residence, there will be no unpainted concrete exposed externally. Correct overhangs have been provided for the large areas of glass, eliminating the need for reflective tinting to the glass to provide sun protection.

1.1.8 Car parking

Council requires a minimum of two off street carparking areas. It was considered that the most sensitive position for the carparking on this site was under a rooftop viewing terrace which forms part of the Bible Garden. Part of the viewing terrace will also be landscaped by way of planters which are over the store and stair.

Due to the nature of the site, the garages and entry to the residence are located below the Bible Garden viewing lines therefore the garage and entry will not become a dominant element in the landscape.

ANNEXURE J STATEMENT OF ENVIRONMENTAL EFFECT

Statement of Effect

The environmental effects of the proposed subdivision are regarded as minimal, given the purpose of the application, namely to give planning and land title recognition to the existing distinct Bible Garden and residential uses of the land.

The environmental effects of subdivision of 6 Mitchell Road, so as to retain a part of the land as a Bible Garden (lot 2), would be significantly less than if the whole of the land is sold for residential redevelopment.

See also '7.0 Statement of Heritage Impact' in the Heritage Assessment (annexure C) and in 'Proposed Residence – Compliance with Council Requirements' (annexure I).

ANNEXURE K

Proposed Planning Process for Subdivision of 6 Mitchell Road and Conservation of the Bible Garden Portion

1. Public Exhibition - Draft Heads of Agreement

Draft Heads of Agreement exhibited for public comment.

Timeframe: exhibition period commences within 1 month of receipt of draft documents from Trustees

2. Heads of Agreement Signed

Following consideration of public submissions, Council and Trustees sign the Heads of Agreement.

Timeframe: within 1 month of the last day of the exhibition period

3. Lodgment of Applications

Concurrent lodgment of Development Application (DA) for subdivision, SEPP 1 submission, and application for amendment of Development Control Plan / Locality Plan (DCP), including:

- public reservation of Bible Garden area (based on cultural, heritage and environmental attributes)
- development parameters for the residential lot (for incorporation in DCP) as per concept sketches (Annexure H) and discussion of compliance with council requirements (Annexure I)

Timeframe: within 1 month from date of the Heads of Agreement

4. Public exhibition

Public exhibition of DA, draft DCP, draft plan of management of the Bible Garden as community land (Local Government Act 1993, section 36), the objects and activities of the incorporated association Friends of the Bible Garden Memorial Inc, and proposal to establish a standing committee of Council responsible for the management of the Bible Garden and whose members include the committee of the Friends of the Bible Garden Memorial Inc.

Timeframe: within 2 months of lodgment of applications

5. Approvals

Subject to due compliance with Council's statutory role as a planning authority:

- granting of development consent for subdivision
- public reservation of Bible Garden area
- draft DCP adopted
- resolution that the Bible Garden area will be classified as "community land" upon dedication to Council
- obtain Sydney Water certificate
- lodgment with Land and Property Information of subdivision plans endorsed with Council's subdivision certificate

Timeframe: within 5 months from date of lodgment of applications



6. Issuing of separate land titles and vesting

- Issuing of separate certificates of title and vesting of Bible Garden area in Pittwater Council as Public Reserve (Bible Garden)
- Council adopts Plan of Management of the Bible Garden as Community Land (Local Government Act 1993, section 36) and forms a management committee which includes the committee of the Friends of Bible Garden Memorial Inc

Timeframe: within 7 months of date of lodgment of applications

7. Rezoning of Bible Garden portion

Council proceeds to amend Pittwater Local Environmental Plan 1993 (or make corresponding arrangements under any successor plan) so as to rezone Bible Garden in accordance with the dedication of Public Reserve (Bible Garden) stated in the plan of subdivision, and include the Bible Garden as a heritage item. Council submits the draft plan etc to the Director-General of the Department of Infrastructure, Planning and Natural Resources.

Timeframe: within 11 months of date of lodgment of applications

- Various new sandstone walls for garden beds, and sets of stairs within the garden, and bench and seat
- New feature stone and donation box
- Regraded lawn to create a level terrace
- Viewing platform projecting beyond the NW boundary. This improvement would be provided by the eventual owner of the subdivided northern portion of 6 Mitchell Road, who would make the excavation necessary for a two-car garage, and create a load-bearing roof to the garage to serve as a viewing platform for visitors to the Bible Garden. The roof would be flagged in sandstone and include a balustrade.
- Sandstone paving, interpretation signage, planter boxes, seating and pond upgrade to integrate the existing viewing area with the new viewing platform.

The proposal to subdivide 6 Mitchell Road Palm Beach and give the southern half to Council as 'community land' does not provide a budget for funding the above capital improvements to the Bible Garden. Proceeds of sale of the northern (residential) portion of the land are to be used to fund other projects of the Bible Garden Memorial Trust.

The Friends will seek to fundraise for capital works, and Council and the Friends will work together to seek any potential sources of capital works funding over time.

ANNEXURE L

RESPONSIBILITIES FOR ONGOING MANAGEMENT AND IMPROVEMENT OF THE BIBLE GARDEN

Background

While public reserves are an asset for the community, they can be expensive to maintain. In relation to the proposed gift of the Bible Garden to Council, joint Friends of the Bible Garden-Council maintenance and improvement is proposed. The committee of the incorporated association Friends of the Bible Garden Memorial ('Friends') would be recognised as a formal management committee of Council.

Maintenance: Role of Council

- Prepare and periodically update a plan of management for the Bible Garden, in accordance with the 'community land' provisions of the Local Government Act 1993
- Maintain public liability insurance
- Take bookings for weddings or christenings, and/or collect fees, in accordance with arrangements with the Friends. (The committee of the Friends, as a formal committee of Council, could handle reservations and collect fees on behalf of Council, or Council's Reserves Booking Officer could do so. Pittwater Council presently has both models working well in respect of its other reserves and community buildings.)
- Designate a suitable liaison officer from its Parks and Reserves staff and, upon request, provide advice to the Friends
- Assist with publicity, for example:
 - Street signage
 - Council's website
 - By making available to interested persons periodic reports provided by the Friends to Council, such as financial reports, landscape plans and planting reports
- Provide other assistance as may be agreed with the Friends from time-to-time, for example lawn-mowing

Maintenance: Role of Friends

- Assisting Pittwater Council to conserve and enhance the Bible Garden, and to promote the public enjoyment of the Bible Garden;
- Volunteering gardening and other services, including:
 - Coordinating bookings of the Bible Garden for wedding and christening ceremonies;
 - Preparing and implementing periodic landscaping and planting plans;
 - Planting and labelling of biblical and other plants in accordance with periodic plans; and
 - Maintaining the garden;
 - Fundraising;
 - Publishing a newsletter; and
 - Any other activities to support the Bible Garden.

Capital Improvements

The Landscape Concept Plan (Annexure D) (Judith Fritsche, Landscape Architect, February 2001) includes the following capital improvements to the Bible Garden:

- Improved parking at Mitchell Road boundary, including 3 formed car spaces. Two of the spaces would form the roof (with balustrade) of a garden shed. The shed would include recesses for interpretive signage.
- Improved pedestrian access from Mitchell Road, including bollards, sandstone stairs and retaining walls

Key Design Features:

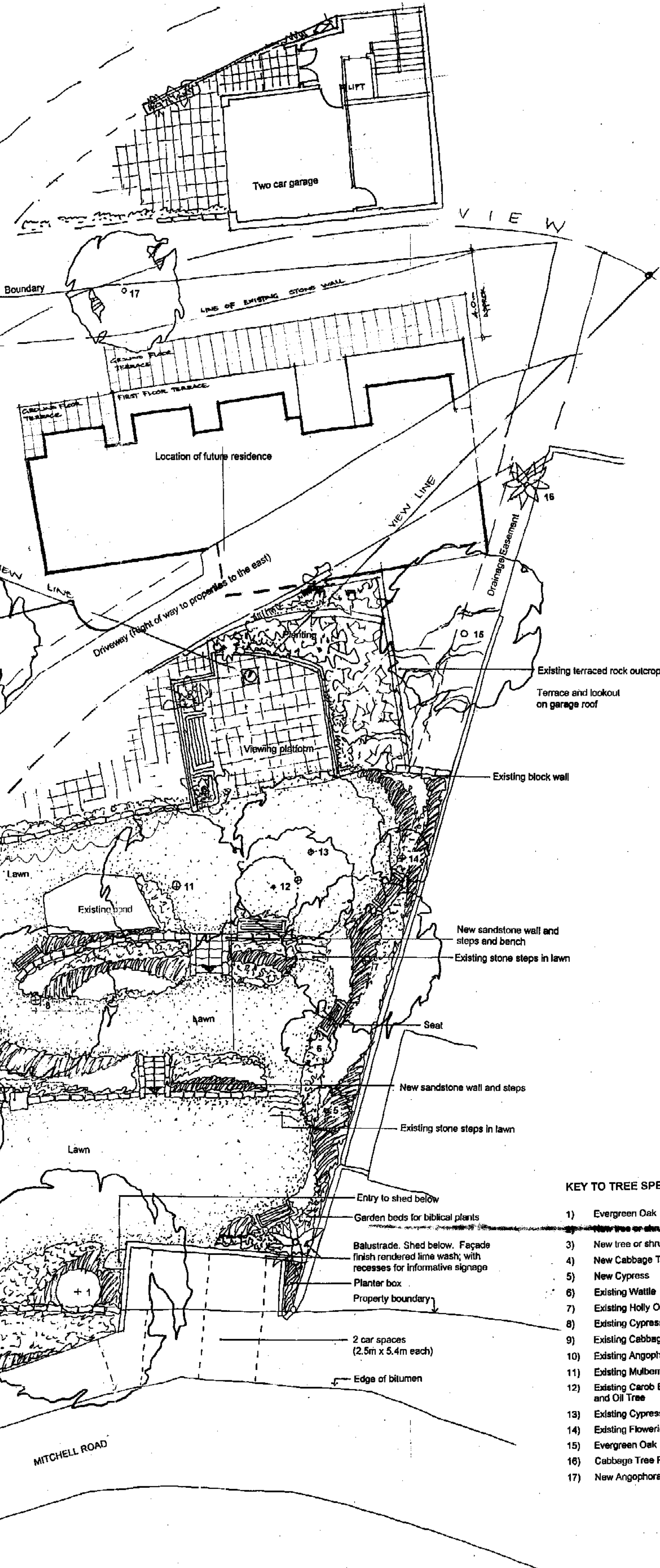
Car parking and garden shed:
Two car spaces are created on top of a garden shed. They are 2.5m wide and 5.4m long, with an extra 1m on the sides to allow for cars turning in and out, and easy opening of doors. A balustrade or rail extends beyond the shed ceiling to define the parking area. A third car space provides for parallel parking under the Evergreen Oak tree (2.5m x 6.4m). The garden shed itself is limited to the area within the current property line, to limit the amount of excavation required.

Entry:
The entrance is kept separate from the driveway, for aesthetic as well as functional reasons. The first section of the driveway is the steepest. A more comfortable access path (using gentler grades and steps) is provided, leading into the centre of the Garden and the principal lookout.

The entry is defined by a path that leads from Mitchell Road to the top of a small Lookout. From there, stairs lead down into the garden. These would be defined by sandstone retaining walls, using the material cut from garden shed and car space construction. The entry is further marked by feature planting and some low planting on the bank.

The Garden:
At the bottom of the steps, no path continues into the garden. There are two reasons for this: firstly, minimise disturbance to the root system of the Evergreen Oak. Secondly, an expanse of lawn at the bottom of the stairs will lead the visitor to explore the garden at their own leisure, finding their own path as they contemplate the place. The planting beds with biblical plants and the additional trees along the driveway help to define the garden space and direct the visitor into the garden. They guide one's view towards a feature stone. This could contain the donation box for the garden and an information plaque in which reference could be made to further interpretative material on the Garden history and plantings, located on the outside of the garden shed.

Topography and views:
The garden is structured by a series of levels. These are 1) road, 2) car park, entrance 2) upper garden level 3) lower garden level and 4) terrace on top of the garage. As one moves further into the garden, one progressively descends further down to lower levels and less clearly defined spaces, and views open out and become more expansive.



- Native planting
- Garden beds for biblical plants
- Feature stone and donation box
- Garden beds for biblical plants
- Regrade lawn to create level terrace
- Existing nature strip in drainage easement
- Lookout
- 1 parallel parking space (2.5m x 6.4m)
- Sandstone stairs and retaining walls
- Entry feature planting
- Bollards

- Viewing platform
- Existing terraced rock outcrops
- Terrace and lookout on garage roof
- Existing block wall
- New sandstone wall and steps and bench
- Existing stone steps in lawn
- New sandstone wall and steps
- Existing stone steps in lawn
- Entry to shed below
- Garden beds for biblical plants
- Balustrade. Shed below. Façade finish rendered lime wash, with recesses for informative signage
- Planter box
- Property boundary
- 2 car spaces (2.5m x 5.4m each)
- Edge of bitumen

KEY TO TREE SPECIES

1)	Evergreen Oak
2)	New tree or shrub
3)	New tree or shrub
4)	New Cabbage Tree Palm
5)	New Cypress
6)	Existing Wattle
7)	Existing Holly Oak
8)	Existing Cypress
9)	Existing Cabbage Tree Palms
10)	Existing Angophora
11)	Existing Mulberry
12)	Existing Carob Bean and Oil Tree
13)	Existing Cypress
14)	Existing Flowering Ash
15)	Evergreen Oak
16)	Cabbage Tree Palm
17)	New Angophora costata

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THE BIBLE GARDEN
Landscape Concept
6 Mitchell Road
Palm Beach
February 2001

Judith Fritsche
Landscape Architect

APPROVED
16 NOV 2004
PITTWATER COUNCIL

