

Mr Nick England
Planner
Northern Beaches Council
PO Box 82
MANLY NSW 1655

By email: daplanningportal@northernbeaches.nsw.gov.au

Dear Mr England

**HERITAGE COUNCIL OF NSW — AMENDED GENERAL TERMS OF APPROVAL
CLAUSE 55 AMENDMENT TO INTEGRATED DEVELOPMENT APPLICATION**

Address: 62 Chisholm Road CLAREVILLE NSW 2107
SHR Item: Hy Brasil, SHR no. 00079
Proposal: Construction of a driveway, carport and inclinator, including the extinguishment and creation of easements

Clause 55 amendment application no: HMS ID 669, received 8/12/2021
IDA modified: HMS ID 13

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above modification to the integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following amended terms of approval are granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a. Architectural drawings, prepared by Andy Lehman Design as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Alterations and Additions at 60-62 CHISHOLM AVENUE NSW 2107 LOTS 1 & 2 DP 1104192			
SK00	Drawing Schedule / Materials	Feb 2021	-
SK01	Site/Roof/Analysis Plan	8 Nov 2021	A
SK02	Car Parking Floor Plan	8 Nov 2021	A
SK03	South-East (Street) Elevation	8 Nov 2021	A
SK04	South-West Section	8 Nov 2021	A
SK05	North-East Elevation	8 Nov 2021	A
SK06	South-West Elevation	8 Nov 2021	A

SK07	Driveway Section	8 Nov 2021	A
SK08	Sediment Control & Waste Management Plan	8 Nov 2021	A
SK09	Excavation & Fill Plan	Feb 2021	-
SK10	Section Inclinor	6 May 2021	A

- b. DA Landscape Plan prepared by Volker Klemm Landscape Design.

Dwg No	Dwg Title	Date	Rev
Project Name: 60-62 CHISHOLM AVENUE NSW, Clareville			
DA1	Drawing Schedule / Materials	04/21	A

- c. Statement of Heritage Impact, for Development Application for New Carport and Driveway at Hy Brasil, 60 and 62 Chisholm Avenue, Avalon prepared for Ms Nada Herman, Issue D, dated 6 April 2021.
- d. Arboricultural Impact Assessment prepared by Chantalle Brackenridge Hughes (Treeism Arboricultural Services) dated March 2021.

EXCEPT AS AMENDED by the following general terms of approval:

WORK NOT APPROVED

2. Any further tree removal to satisfy the bushfire protection requirements not already included in the scope of works for this application are not approved. If such works are proposed later, the revised proposal will need to be referred to the Heritage Council for approval.
Reason: To avoid/minimise impact on the significant values of the item due to any additional works not documented.

EXOTIC VEGETATION

3. The removal of significant exotic vegetation from the site is not approved.
Reason: To avoid/mitigate impact on the vegetation described as being supplementary to the native plantings in the State heritage listing of the item.

HERITAGE CONSULTANT

4. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.
Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

SPECIALIST TRADESPERSONS

5. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.
Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

SITE PROTECTION

6. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.
Reason: To ensure significant fabric including vegetation is protected during construction.

PHOTOGRAPHIC ARCHIVAL RECORDING

7. A photographic archival recording of the areas that will undergo change as part of the proposed for works must be prepared prior to the commencement of works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.
Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

UNEXPECTED FINDS

8. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric such as works not identified in Statement of Heritage Impact, for Development Application for New Carport and Driveway at Hy Brasil, 60 and 62 Chisholm Avenue, Avalon prepared by Kate Mountstephens architecture+heritage dated 6 April 2021, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.

ABORIGINAL OBJECTS

9. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.
Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

10. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

11. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions about this correspondence, please contact Vibha Upadhyay, Senior Heritage Assessment Officer, at Heritage NSW on 9873 8587 or Vibha.Upadhyay@environment.nsw.gov.au.

Yours sincerely



Tempe Beaven
Senior Team Leader, Regional Heritage Assessments North
Heritage NSW
Department of Premier & Cabinet

As Delegate of the Heritage Council of NSW

14 December 2021