

# HERITAGE IMPACT STATEMENT



*Planning Proposal*

No. 6 Mitchell Road, Palm Beach

July 2022 | J3744

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Phillips**  
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and Planning

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## EXECUTIVE SUMMARY

This Heritage Impact Statement (HIS) accompanies a Planning Proposal to amend the Pittwater Local Environmental Plan (LEP) 2014 to add an additional permitted use of a dwelling house within the current land zoning of RE1 – Public Recreation at 6 Mitchell Road, Palm Beach. It should be noted that the entire site is zoned both C4 Environmental Living and RE1 Public Recreation.

The main portion of the site that is subject to the proposed development is No. 6 Mitchell Road, Palm Beach (Lot 1 D.P. 108658), which is a steeply sloping battleaxe lot accessed via Mitchell Road. The site mostly adjoins the locally listed heritage item “The Bible Garden” by Schedule 5 Part 1 of *Pittwater Local Environment Plan (LEP) 2014*, Item No. 2270075. A small portion of the site on the northern boundary is located within this heritage listing of this item. A section in the southern part of the subject site is also contained within the listing which is zoned RE1.

Weir Phillips Heritage and Planning previously prepared a heritage impact statement to accompany original Development Application (DA2020/1596) to the design of Steve Lesuik Architect. During this DA assessment Northern Beaches Council became concerned that the land zoning was inconsistent with the proposed development. As such, a new Planning Proposed is required to be lodged to permit the proposed new dwelling. This heritage impact statement is the appropriate heritage management document in accordance with 5.10.5(a) owing to the portion of the site listed within “Bible Garden” heritage listing. This report has been prepared in consideration of *Section 9.1 Ministerial Direction for Planning Proposals – 2.3 Heritage Conservation*

The Bible Garden at Palm Beach was founded by Gerald H. Robinson in 1962. Mr Robinson purchased the Bible Garden block in 1957, with no particular purpose in mind, but soon decided that ‘this glorious view of creation was too lovely for a house’. He then heard about a Bible garden in the grounds of Bangor Cathedral in North Wales established by Professor Tatum Whitehead. After visiting Bangor Cathedral in 1963 he was inspired to create one on his land at Palm Beach.

From the 1970s, Mr Robinson established the garden by using plants in the Bible’s Old and New Testaments. Mr Robinson created much terracing the steep site and also creating garden beds himself. 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’.

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 “Tree Tops” (the subject site) under the driveway and maintaining the Bible Garden for public enjoyment. This house was occupied until her death in 1994 by Beatrice Robinson.

Following the death of Beatrice Robinson, the trustees of the Bible Garden sought to subdivide the site to form two allotments, with the sale of the residential portion of the land to fund other trust projects and the ongoing conservation of the Bible Garden.’ As part of the proposed subdivision submitted to the then Pittwater Council (now Northern Beaches Council) a feasible subdivision plan which included the provision for a new garage for the residence at 6 Mitchell Road which included a provision for a viewing deck, accessible from the Bible Garden on the roof of the new garage.

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The proposed additional permitted use within the small portion of the land from RE1 – Public Recreation at 6 Mitchell Road, Palm Beach will have no impact on the significance of the Bible Garden. The additional permitted use for a dwelling house is compatible with the concept schemes envisaged when the site was subdivided and sold as part of the Heads of Agreement Contract with The Trustees of the Bible Garden.

The steeply topography of the existing lot, particularly the northern portion which adjoins the subject site, is not usable by patrons of the Bible Garden. Through the permitting of an additional use on this portion of the site (within the RE1 zoning) , it will allow for the construction of a dwelling with a flat top structure (potential garage). This structure when constructed will provide additional area as part of the garden which will enhance the user experience of the Garden and offer an opportunity to expand the significant plantings on site.

The character of the Bible Garden, as a site enjoyed for quiet contemplation and appreciation of the magnificent outward towards Palm Beach will be unaffected by the proposed additional permitted use within the current RE1 zoning.

The proposal complies with the provisions contained in *Section 9.1 Ministerial Direction for Planning Proposals – 3.2 Heritage Conservation*.

<b>Report Preparation</b>	
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Final Issue Minor amendment following update of Ministerial Directions.	21.07.22	AM	AM

**Cover Image:** Looking north along across the Bible Gardens down to Palm Beach.

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## 1 INTRODUCTION

### 1.1 Background

This Heritage Impact Statement (HIS) accompanies a Planning Proposal to amend the *Pittwater Local Environmental Plan (LEP) 2014* to add an additional permitted use of a dwelling house to the current land zoning of RE1 – Public Recreation at 6 Mitchell Road, Palm Beach. It should be noted that the entire site is zoned both C4 Environmental Living and RE1 Public Recreation.

The main portion of the site that is subject to the proposed development is No. 6 Mitchell Road, Palm Beach (Lot 1 D.P. 108658), which is a steeply sloping battleaxe lot accessed via Mitchell Road. The site mostly adjoins the locally listed heritage item “The Bible Garden” by Schedule 5 Part 1 of *Pittwater LEP 2014*, Item No. 2270075. A small portion of the site on the northern boundary is located within this heritage listing of this item. A section in the southern part of the subject site is also contained within the listing which is zoned RE1.

Under Part 5.10 of the *LEP 2014*:

*(4) Effect of proposed development on heritage significance*

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

*(5) Heritage assessment*

*The consent authority may, before granting consent to any development:*

*(a) on land on which a heritage item is located, or*

*(b) on land that is within a heritage conservation area, or*

*(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

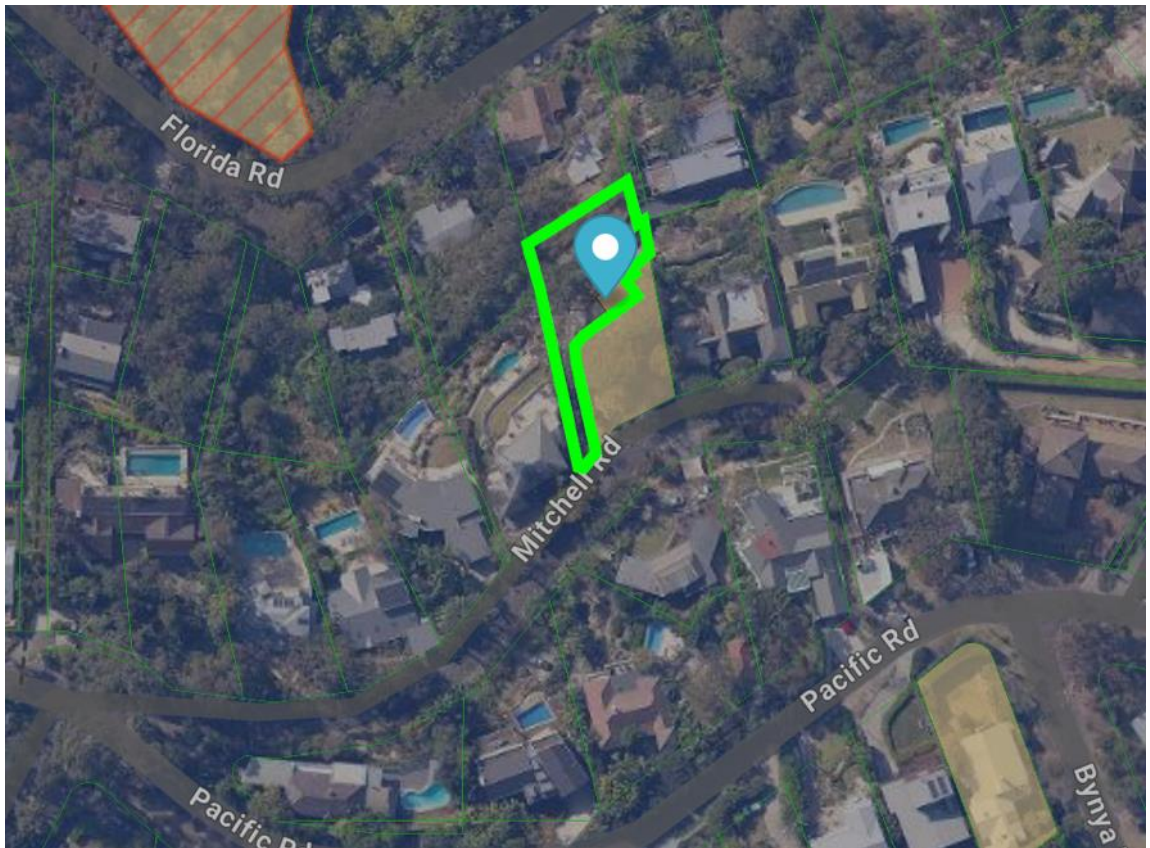
Weir Phillips Heritage and Planning previously prepared a heritage impact statement to accompany original Development Application (DA2020/1596) to the design of Steve Lesuik Architect. During this DA assessment Northern Beaches Council became concerned that the land zoning was inconsistent with the proposed development. As such, a new Planning Proposed is required to be lodged to allow for an additional permitted use for a new dwelling within the portion of the site subject to the RE1 zoning. This report has been prepared in consideration of *Section 9.1 Ministerial Direction for Planning Proposals – 3.2 Heritage Conservation*. This heritage impact statement is the appropriate heritage management document in accordance with 5.10.5(a) owing to the portion of the site listed within “Bible Garden” heritage listing.

### 1.2 Site Location

The subject site is 6 Mitchell Road, Palm Beach, New South Wales within the Northern Beaches Local Government Area. The site is a battleaxe shaped lot accessed via a shared driveway off the northern side of Mitchell Road which is a cul-de-sac. The site is identified as



Lot 1 D.P. 108658. See Figure 1 below.



**Figure 1 Location of the site within the wider area.**

Mecone Mosaic 2022

### 1.3 Heritage Listings

6 Mitchel Road, Palm Beach is subject to the following statutory heritage listing, identified below:

- Part of the site is listed as “The Bible Garden” by Schedule 5 Part 1 of the *Pittwater Local Environment Plan (LEP) 2014* (Item No. 2270075). However, the primary curtilage of this listing is contained within 6a Mitchell Road, Palm Beach Lot 2 D.P. 1086858. .

### 1.4 Methodology

Site inspections have been carried out by Weir Phillips Heritage and Planning in 2019. The photographs contained in this HIS were taken by the authors.

This HIS has been prepared with reference to the NSW Heritage Office’s (now Heritage NSW) publications *Assessing Heritage Significance* (2001 update) and *Statements of Heritage Impact* (2002 update) and with reference to the planning documents listed under Section 1.7.

The previous DA has been presented and endorsed by the Trustees of the “Bible Garden” Memorial Trust in a letter dated 17<sup>th</sup> August 2020.

### 1.5 Limitations

A detailed history of the site and a full assessment of significance to NSW Heritage Division standards were not provided for.

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## 1.6 Author Identification

This HIS has been prepared by Anna McLaurin B.Envs.; (Arch.), M.Herit.Cons. M.U.R.P.; and James Phillips B.Sc. (Arch.), B.Arch., M.Herit.Cons.(Hons) of Weir Phillips Heritage and Planning and Planning.

The historical information and assessments of significance contained in this HIS rely on existing studies (refer to Section 1.7 below). Acknowledgment of the authors of these studies is duly given.

## 1.7 Documentary Evidence

### 1.7.1 Principal Reference

Attenbrow, Val (2002) Sydney Aboriginal Past: investigating the archaeological and historical records; University of New South Wales Press Ltd.; 2002; p. 17.

Friends of the Palm Beach Bible Garden NSW (2020) History. Retrieved 1 September 2020, from <https://palmbeachbiblegarden.org/history/>

Kohen, James cited in 'Pre-Contact' in Diana Plater (ed.); (1993) Other Boundaries: Inner City Aboriginal Stories; NSW; Leichhardt Council; p. 25.

Musecape Pty Ltd (March 2001) Bible Garden, 6 Mitchell Road, Palm Beach – Proposed subdivision, Heritage Assessment and Heritage Impact Statement

Pittwater Council and Trustees of the Bible Garden Memorial Trust 6 Mitchell Road, Palm Beach (February 2004) Heads of Agreement, 6 Mitchell Road Subdivision.

Pittwater Online News. (2020). Retrieved 1 September 2020, from <http://www.pittwateronlinenews.com/pittwater-roads-ii-street-names-whale-beach.php>

### 1.7.2 Planning Documents

- *Environmental Planning and Assessment Act 1979 (EP&A Act)*
- *NSW Heritage Act 1977.*
- *Pittwater 21 Development Control Plan*
- *Pittwater Local Environmental Plan 2011.*



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## 2 HISTORICAL ANALYSIS

### 2.1 Original Occupation

No. 6 Mitchell Road, Palm Beach is located on land once occupied by the Garigal people. The wider Sydney region at the time of the arrival of the First Fleet in 1788 is thought to have been comparatively sparsely settled. Estimates of the population at this time between Botany Bay, the Hawkesbury River and the Blue Mountains range from 3,000 to 30,000 people.<sup>1</sup> Although such estimates can be made based on archaeological studies, the actual size of the population that lived in the Sydney region before 1788 will never be known.<sup>2</sup> Members of Lieutenant James Cook's 1770 journey of exploration made the earliest known written descriptions of Sydney's original inhabitants. The first European colonists, however, recorded few details about the kinship structures of the Aboriginal people. Recent research suggests the existence of networks of bands, as opposed to the tribal structures implied by colonial records. These bands were themselves subgroups of much larger groups bound by complex rights of language, marriage and ceremony. What were once defined as 'tribal areas' are thus more accurately described as localities where different languages were spoken.<sup>3</sup>

The people of the Guringai language group occupied the territory on the north side of Sydney Harbour, east of the Lane Cove River to the coast, and as far north as Tuggerah Lake. Pittwater and the Northern Beaches were home to the Garigal people.

The Aboriginal people within reach of Port Jackson and Botany Bay absorbed the full impact of the European invasion of 1788. With no resistance to European diseases, they were decimated by an outbreak of smallpox in 1789-90. Traditional lifestyle was further disrupted by the loss of lands and exposure to new technologies. Conflict followed from the meeting of two fundamentally different cultures. Within 40 years the pre-colonial way of life had all but disappeared from the Sydney region.<sup>4</sup> The development in the district has destroyed much of the evidence of aboriginal settlement.

### 2.2 The Early European Development of Pittwater

On 7 May 1770, Lieutenant James Cook noted a "broken bay" 32 miles (51 kilometres) north of Botany Bay. On 2 March 1788, less than two months after the settlement was founded at Sydney Cove, Governor Arthur Phillip took a longboat and a cutter and led the first expedition to explore Broken Bay, looking for arable land. He investigated the southern arm of Broken Bay and declared it to be "the finest piece of enclosed water I have seen anywhere in the world." On this occasion, Phillip proceeded as far up the river as Dangar Island, naming the river Hawkesbury in honour of Baron Hawkesbury, the Earl of Liverpool. Pitt Water was named after William Pitt, the Younger, the Prime Minister of England at the time.

From January 1793, in order to open up the country and augment the colony's food supplies, successive governors granted land outside the Sydney township boundaries to military and government officials, civilians and emancipated convicts. Although there were few distinct geographical features to impede the exploration of the area around Sydney Cove, Sydney

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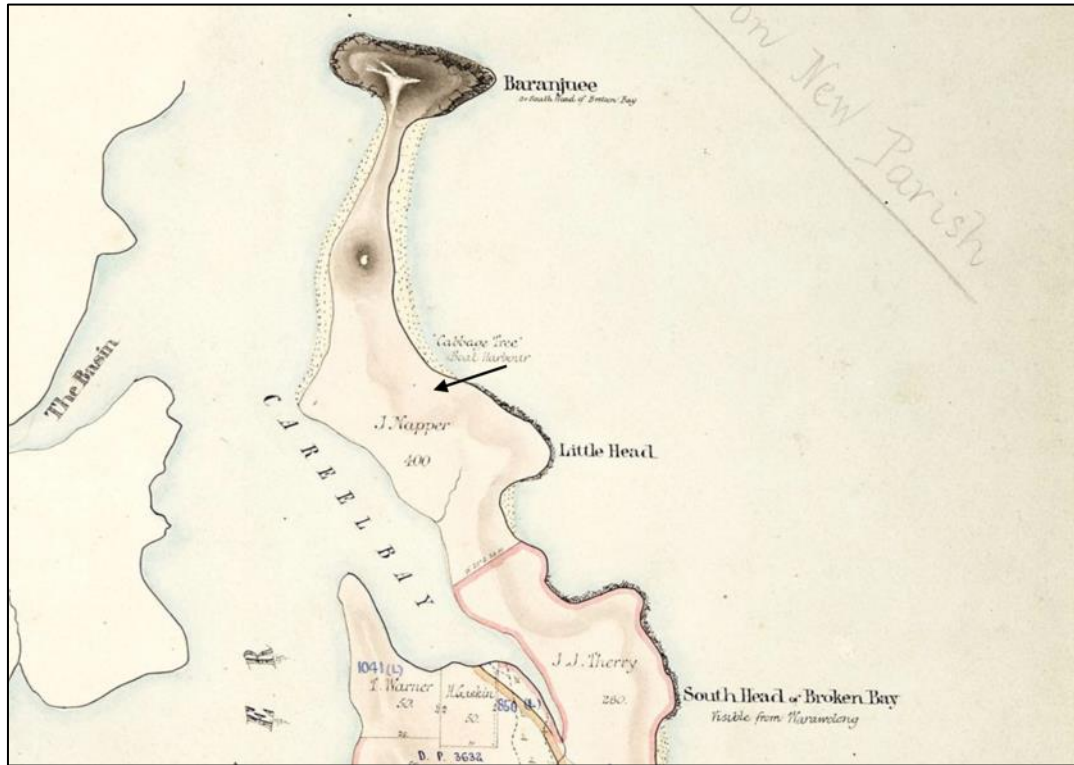
<sup>1</sup> James Kohen cited in 'Pre-Contact' in Diana Plater (ed.); *Other Boundaries: Inner City Aboriginal Stories*; NSW; Leichhardt Council; 1993; p. 25.

<sup>2</sup> Val Attenbrow; *Sydney Aboriginal Past: investigating the archaeological and historical records*; University of New South Wales Press Ltd.; 2002; p. 17.

<sup>3</sup> Peter Turbet; *The Aborigines of the Sydney District Before 1788*; NSW; Kangaroo Press; 2001;p. 18.

<sup>4</sup> Val Attenbrow; op. cit.; p. 24.

operated substantially within its own boundaries during the earliest period of settlement. The first land grant in the present-day municipality was made under the hand of Governor Lachlan Macquarie in 1816 to James Napper, a Surgeon who had served on board the “Kangaroo” and the “Emu”. The grant was of 400 acres and comprised Barrenjoey Headland, Palm Beach and most of Whale Beach.

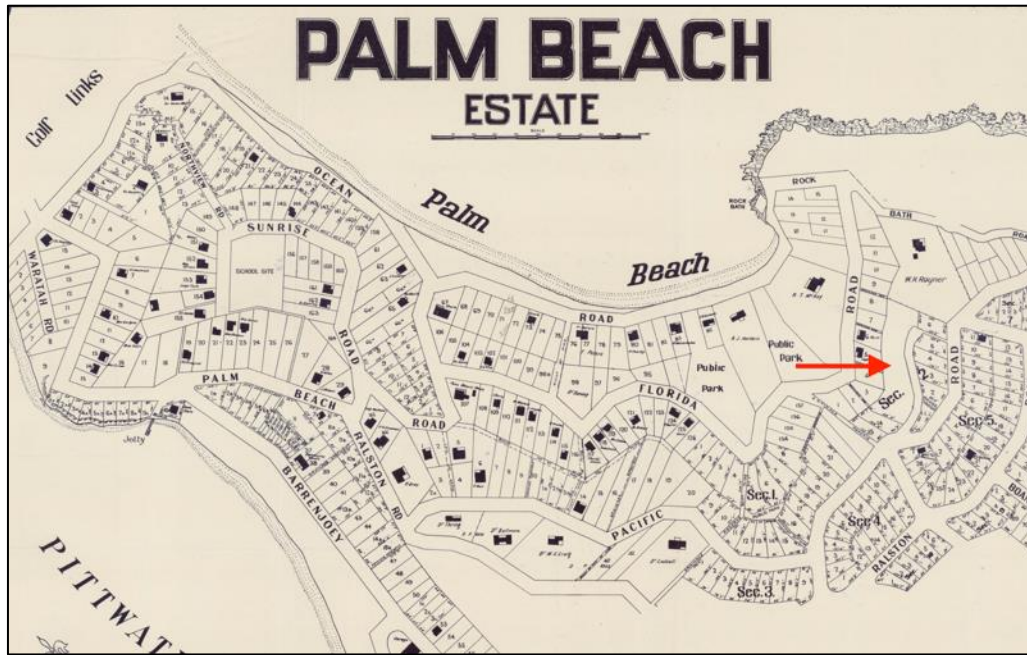


**Figure 2** Portion of an undated Parish Map that shows the 400-acre grant to James Napper, extending from “Baranjoee” (Barrenjoey Headland) to just north of the present-day Rock Baths on Whale Beach. The black arrow points to the approximate location of the subject site.

Source: NSW LPI Parish Map Preservation Project, Map 14073201, Parish of Narrabeen.

During the nineteenth century, most access to Pittwater was by boat and Barrenjoey, the headland that commands the entrance to Broken Bay, became a focal point during this period. In 1843, to control the port of Broken Bay and to combat smuggling, a Customs House and wharf were established on the Pittwater shore at the base of the headland. As an aid to shipping, a signal lamp was first displayed on top of the headland in 1855. In September 1881, the Government purchased the Barrenjoey Headland; the present stone lighthouse, which was designed by James Barnet, Colonial Architect, began operating on 1 August 1881.

In the 1800s, the area was inhabited by a few fishermen who lived at Snapperman Beach and a number of farmers working isolated farms. In 1900, the owners of the Napper land grant subdivided the balance of the grant into 18 large blocks and offered them for sale as good grazing land. Not one block was sold. In 1912, the land around palm was subdivided into smaller residential blocks and, at an auction held on Anniversary Day (Australia Day) every block was sold. The subject site was located immediately to the south of the Barrenjoey Estate Subdivision on Section 2 of the Palm Beach Estate subdivision of 1930. The subject allotment. At this time the site was under the ownership of W.H. Rayner, who owned the nearby Florida House.



**Figure 3: Palm Beach Estate of 1930.**

SLNSW FL9050696

## 2.3 The Bible Garden

The following historical of the Bible Garden has been summarised from the Friends of the Bible Garden website.

The Bible Garden at Palm Beach was founded by Gerald H. Robinson in 1962. Mr. Robinson was born in Dundee, Natal, South Africa in 1893. In 1908 Robinson emigrated to Australia, where he initially worked as a jackaroo on variation stations throughout NSW. At the outbreak of WWI Mr. Robinson enlisted as a private to fight on the Western Front. In 1917 he was award the Military Medal for bravery in Ypres.

Following his return from war, Mr Robinson purchased the Bible Garden block in 1957, with no particular purpose in mind, but soon decided that 'this glorious view of creation was too lovely for a house'. He then heard about a Bible garden in the grounds of Bangor Cathedral in North Wales established by Professor Tatum Whitehead. After visiting Bangor Cathedral in 1963 he was inspired to create one on his land at Palm Beach.

From the 1970s, Mr Robinson established the garden by using plants in the Bible's Old and New Testaments. Mr Robinson created much terracing the steep site and also creating garden beds himself.

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'.

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 "Tree Tops" (the subject site) under the driveway and maintaining the Bible Garden for public

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enjoyment. This house was occupied until her death in 1994 by Beatrice Robinson. Following the death of Beatrice Robinson, the trustees of the Bible Garden sought to subdivide the site to form two allotments, with the sale of the residential portion of the land to fund other trust projects and the ongoing conservation of the Bible Garden.'



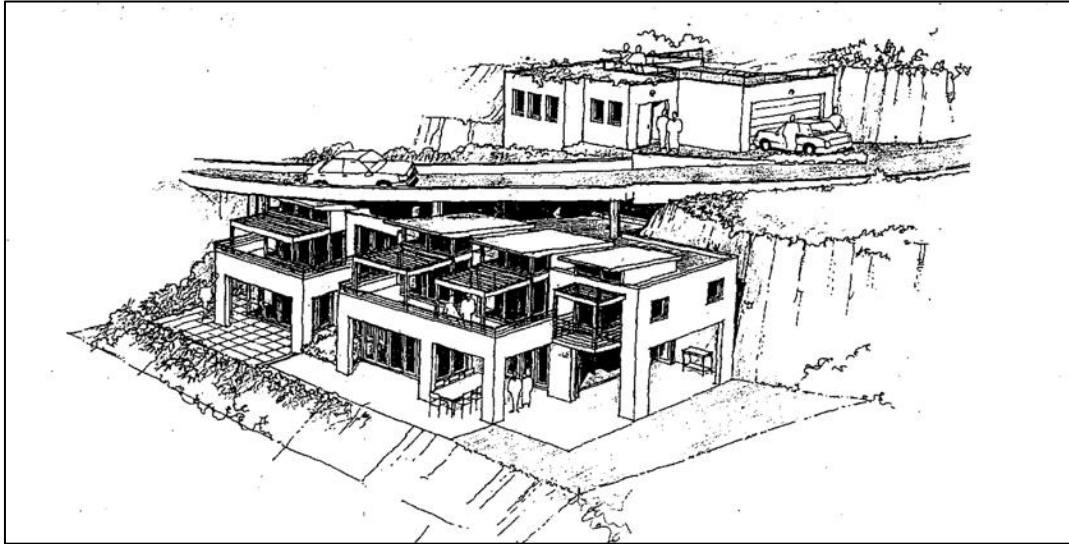
**Figure 4: The Bible Garden prior to the commencement of plantings.**  
Friends of the Palm Beach Bible Garden NSW. (2020). Retrieved 31 August 2020, from <https://palmbeachbiblegarden.org/history>



**Figure 5: Mr Robinson tending to the garden in the 1970s.**  
Friends of the Palm Beach Bible Garden NSW. (2020). Retrieved 31 August 2020, from <https://palmbeachbiblegarden.org/history>

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As part of the proposed subdivision submitted to the then Pittwater Council (now Northern Beaches Council) a feasible subdivision plan which included the provision for a new garage for the residence at 6 Mitchell Road which included a provision for a viewing deck, accessible from the Bible Garden on the roof of the new garage. See Figure 6 below for concept drawings by Playoust Churcher Architects developed on behalf of the Bible Gardens Memorial Trust to facilitate the subdivision of the Bible Gardens Site.



**Figure 6 Indicative concept sketch showing a potential dwelling constructed as part of the proposed subdivision.**

Pittwater Council and Trustees of the Bible Garden Memorial Trust 6 Mitchell Road, Palm Beach (February 2004) Heads of Agreement, 6 Mitchell Road Subdivision. P.36

### **3 PHYSICAL ANALYSIS: GENERAL SITE DESCRIPTION**

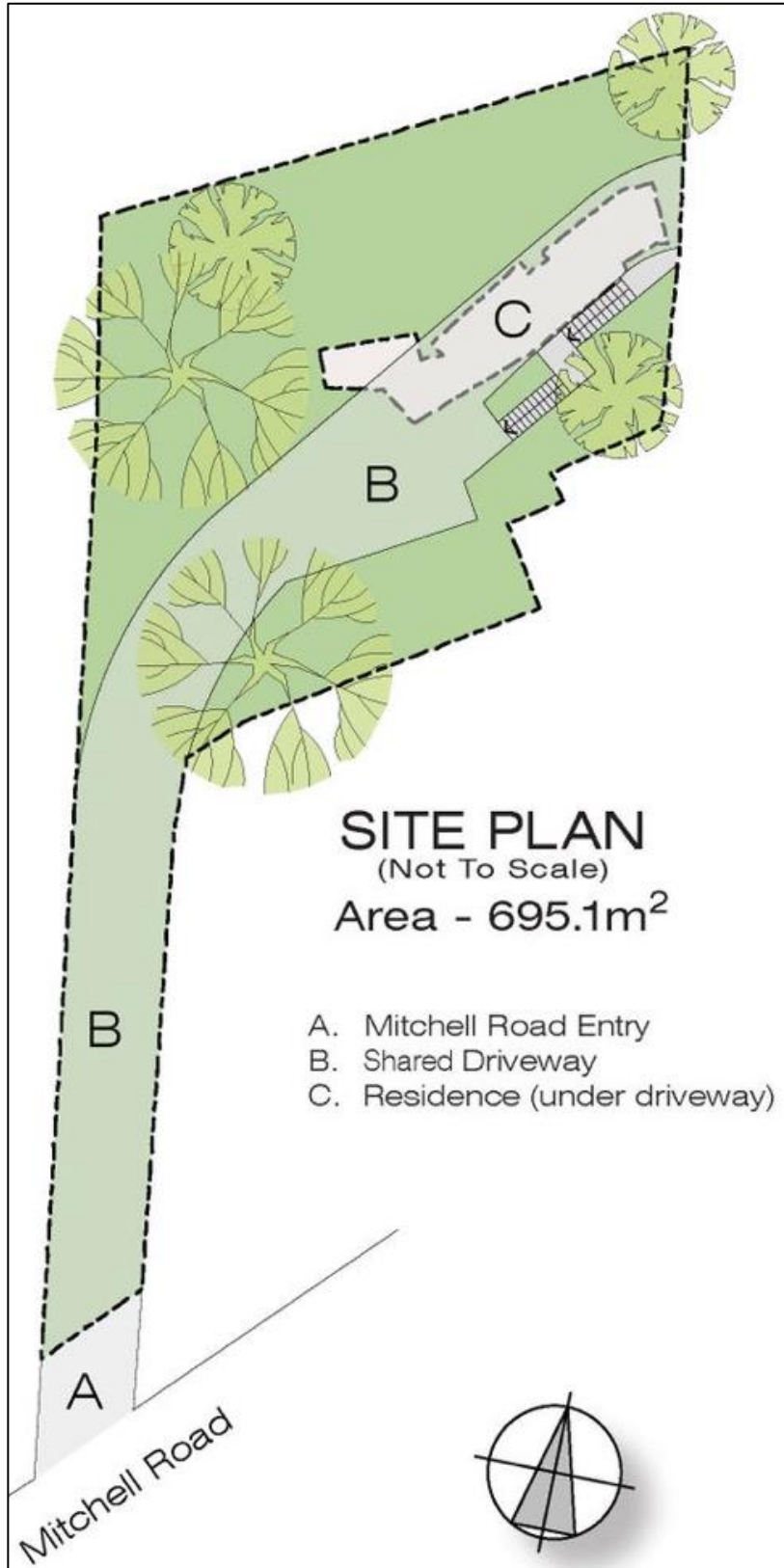
#### **3.1 The Site**

The layout of the site is best understood with reference to Figure 7.

The subject site is a battle-axe shaped lot with access from Florida Road. The site is steeply sloping towards Palm Beach to the north. Across the site is an elevated shared driveway which gives access to No. 15 Florida Road, Palm Beach. The existing dwelling on site is located underneath the shared driveway.

The site has a sheer sandstone cliff faced on the southern boundary and a terraced cliff edge on the northern boundary. There is an open lawned area on the northern side of the lot.





**Figure 7: The layout of the subject site from the most recent Real Estate advertisement.**



**Figure 8: The shared driveway leading to No. 15 Florida Road. The subject cottage is situated below the driveway.**

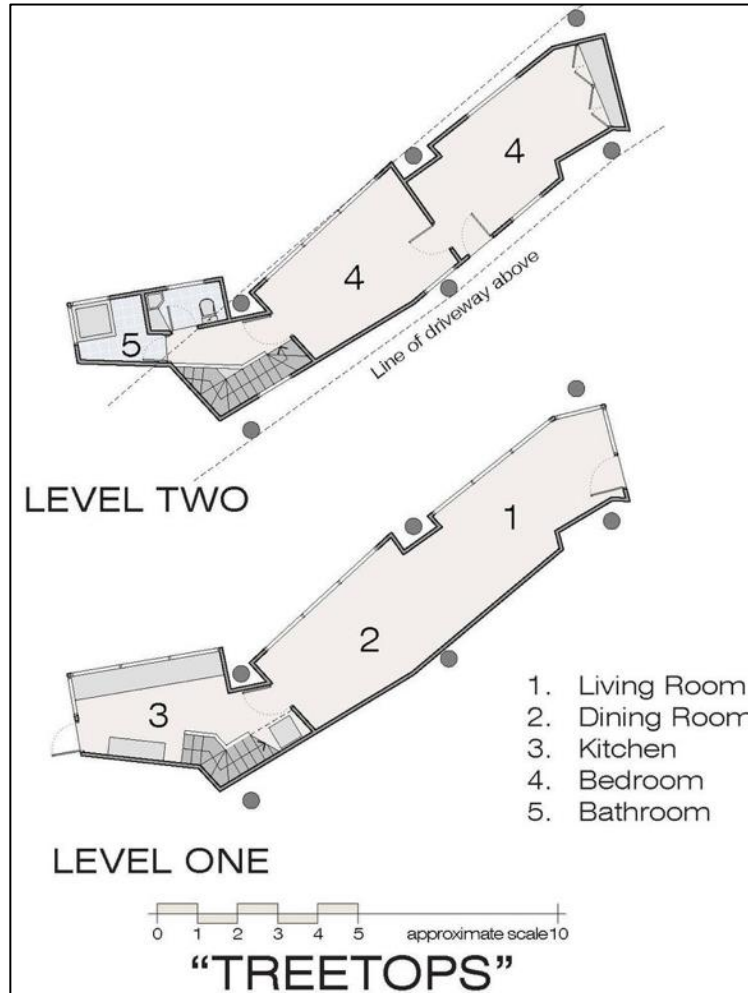


**Figure 9: The landscape terrace on the northern side of the site.**



### 3.2 Dwelling

The subject dwelling “Treetops” is a c.1972 double storey cottage set below the existing shared driveway. The dwelling shape is long and thin where it mirrors the shape of the rocky outcrop to the rear. See Figure 10. The dwelling does not contain any hallways with the bedrooms on the upper level and the living areas on the lower level. See Figure 11 and Figure 12.



**Figure 10: The layout of the subject cottage from the most recent Real Estate advertisement.**



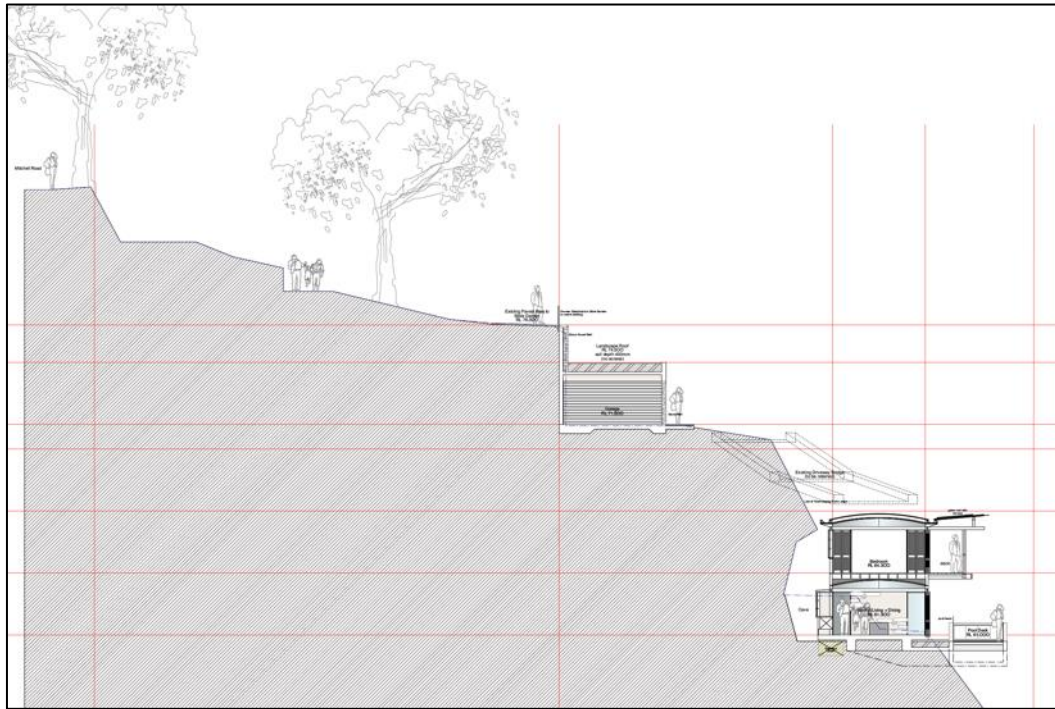
**Figure 11: The single roomed living area on the lower level.**



**Figure 12: The bedrooms on the upper level.**

### 3.3 Relationship to Bible Garden

The land at 6 Mitchell Road Palm Beach is naturally subdivided by a cliff. The site was originally part of the Bible Garden lot, however, since the subdivision of the site was approved in the mid-2000s the steeply sloped topography of the site means that subject site read interdependently of one another. The below sectional diagram from Lesiuk Architects shows the differentiation in levels of the site.



**Figure 13: A sectional diagram showing the relationship of the dwelling to the Bible Garden which is separated by the steep topography.**

## 4 HERITAGE SIGNIFICANCE

### 4.1 Existing Citations and Listings

No. 6 Mitchell Road, Palm Beach:

- Is not located within a Heritage Conservation Area under Schedule 5, Part 2 of the *Pittwater LEP 2014*.
- Is part listed listed as a heritage item “Bible Garden” under Schedule 5, Part 1 of the *Pittwater LEP 2014*.
- Is not listed on the State Heritage Register under the auspices of the *NSW Heritage Act 1977*.

#### 4.1.1 Statement of Significance

The State Heritage Inventory provides the following Statement of Significance for the Bible

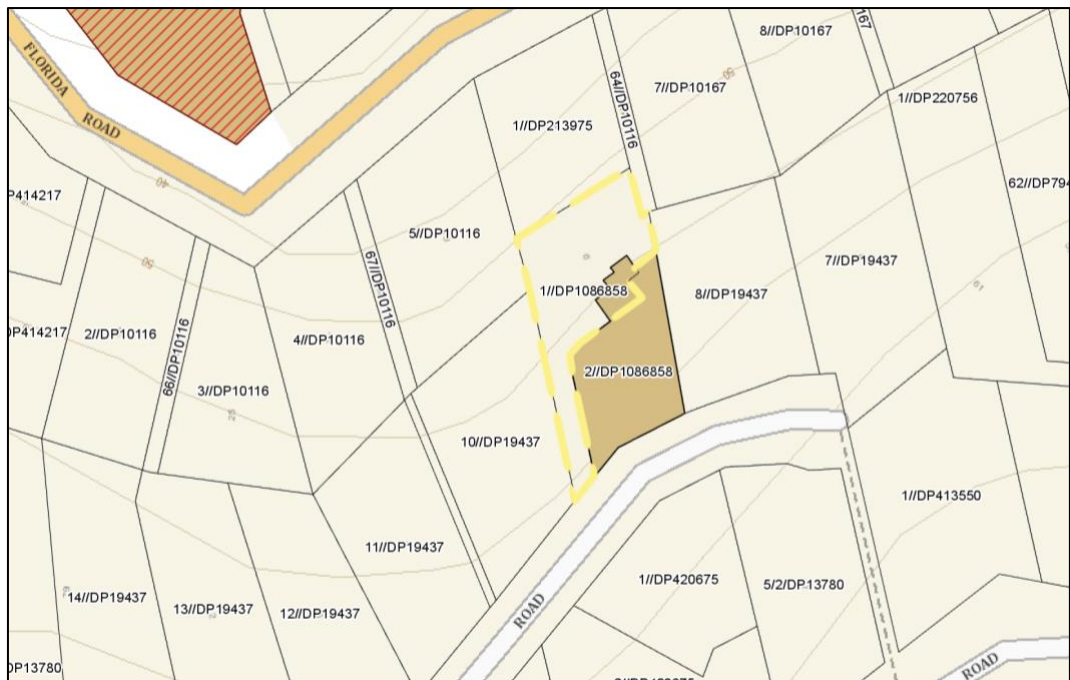


Garden:<sup>5</sup>

*The Bible Garden at Mitchell Road, Palm Beach is an item of local significance for Pittwater and possibly 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 provided 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 social values of the Bible Garden have been enhanced by ongoing efforts by Gerald Robinson's descendants and by interested 'Friends' of the Garden in collaboration with the local government authority to ensure that this special place is protected in perpetuity and that its original philosophy and character are retained. The significance of the Bible Garden warrants appropriate statutory protection at both local and State levels and active management to retain and enhance its value to the community.*

This statement has been adopted for the purposes of this assessment.

Figure 14 below shows the outline of the subject site and the section of the Bible Garden curtilage extending into part of the subject site.



**Figure 14: An extract from the NSW Planning portal showing the Bible Garden (shaded brown) and the extent of the subject site outlined in yellow showing the crossover of the heritage listing. .**

NSW Planning Portal 2022

<sup>5</sup> Heritage NSW. (2019) *Bible Garden, 6a Mitchell Road, Palm Beach*. Retrieved 1 September 2020, from <https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>

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## 4.2 Significant Views and Vistas

Views from Bible Garden are contained by topography and vegetation, extend from Mitchell Road in an arch from the northwest to northeast towards Palm Beach. The land is visible also from nearby privately owned residential properties to the north east. Due to the topography of the site the subject dwelling and Bible Garden are not visible in conjunction with one another.

Figure 15 below illustrates the main viewpoint from the Garden towards Palm Beach, as described above, the subject site is not visible in conjunction with this view corridor.

Figure 16 illustrates the view from the railing directly adjoining the existing garage below. Note it is not visible in this photograph.



**Figure 15: One of the main view lines within the Bible Garden.**



**Figure 16: View from the railing where the Bible Garden adjoins the existing garage.**

## **5 SCOPE OF WORKS**

The proposal to submit a Planning Proposal to amend the *Pittwater LEP 2014* to add an additional permitted use of a dwelling house to the current land zoning of RE1 – Public Recreation at 6 Mitchell Road, Palm Beach.

## **6 METHOD OF ASSESSMENT**

The following is a merit-based assessment. It does not consider compliance or otherwise with numerical controls unless non-compliance will result in an adverse heritage impact. Refer to the planning documents that accompany this application.

The following assessment is made with an understanding of the objectives and controls provided by the *Pittwater LEP 2014* and the *Pittwater 21 Development Control Plan*.

## **7 EFFECT OF WORKS**

### **7.1 Effect of Works of the proposed additional permitted use on the Bible Garden**

The proposed additional permitted use in a small portion of the land within the RE1 – Public Recreation zoning at 6 Mitchell Road, Palm Beach will have no impact on the significance of the Bible Garden for the following reasons:

- The proposed additional permitted use is compatible with the concept schemes envisaged when the site was subdivided and sold as part of the Heads of Agreement Contract with The Trustees of the Bible Garden.
- The steeply topography of the existing lot, particularly the northern portion which adjoins the subject site, is not usable by patrons of the Bible Garden. Through an additional permitted use in this portion of the site, it will allow for

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the construction of a dwelling with a flat top structure (potential garage). This structure when constructed will provide additional area as part of the garden which will enhance the user experience of the Garden and offer an opportunity to expand the significant plantings on site.

- The previous residential scheme was by Stephen Lesiuk Architect has been presented and endorsed by the Trustees of the “Bible Garden” Memorial Trust in a letter dated 17<sup>th</sup> August 2020. This demonstrates that the proposed residential use is considered to be acceptable by the Trustees of the Bible Garden.
- Additional permitted use within the RE1 zoning will not result in a built form that when viewed from the most significant points at Mitchell Road and from within the Bible Gardens the dwelling will be concealed by the existing topography. There will no visual impact from this perspective.
- The character of the Bible Garden, as a site enjoyed for quiet contemplation and appreciation of the magnificent outlook towards Palm Beach will be unaffected by the proposed additional permitted use within the RE1 zoning.
- The proposed additional permitted use within the RE1 zoning is unlikely to reduce the user’s ability to interpret the cultural landscape of the Bible Garden within its context.
- From Palm Beach and surrounds, a new dwelling built as a result of the additional permitted use in RE1 would be visible as one of a number of residential developments within the escarpment behind Palm Beach as a result of the proposed additional permitted use. Any new dwelling constructed would be visible in the landscape from these viewpoints but will have a lessened visual impact due to the scale and constrained nature of the site in comparison to other nearby residential developments. The visual impact from this perspective is considered to be minor.
- The proposed additional permitted use of the site will likely facilitate the demolition of the dwelling on site. The existing dwelling on site is not considered to be of heritage significance, either through the assessment of Northern Beaches Council or by the authors of this statement.
- No other heritage items in the vicinity will be affected by future built form constructed as part of the planning proposal owing to the separation of these items from the subject site.

## **7.2 Ministerial Direction for Planning Proposals – 3.2 Heritage Conservation**

A small portion of the site lies partially within the boundaries of the heritage listed “Bible Garden” which is zoned RE1. However, the site is predominantly located on 6a Mitchell Road to the south of the site. The proposed additional permitted use is a response to the subdivision of the original “Bible Garden” site where residential development was envisaged. Development Application (DA2020/1596), which the planning proposal seeks to enable, has been presented and endorsed by the Trustees of the Bible Garden by way of letter dated 17 August 2020. Should any future Development Application significantly depart from Development Application (DA2020/1596), the Applicant must consult with the Trustees of the Bible Garden as to the acceptability of the scheme.



<b><i>Ministerial Direction for Planning Proposals – 3.2 Heritage Conservation.</i></b>	<b>Response</b>
<p><i>A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p><i>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p>	<p>The location of the site lies partially within the boundaries of the heritage listed “Bible Garden”. The proposed additional permitted use is a response to the subdivision of the original “Bible Garden” site where residential development was envisaged. Any future development application lodged for residential development on the subject site must consult with the Trustees of the Bible Garden on the acceptability of the scheme and make any amendments as required to minimise any impacts on the significance of the Bible Garden.</p>
<p><i>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p>	<p>The Aboriginal Heritage Information Management System (AHIMS) did not return any results for the site or any location within a 50m radius of the site. As such no previously identified Aboriginal object or Aboriginal places will be effected by the proposed works. See Appendix 1.</p>
<p><i>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p>	<p>While no survey Aboriginal objects, Aboriginal places or landscapes has been undertaken by the project team or by the Aboriginal Land Council, the AHIMS do not indicate that there are Aboriginal objects, Aboriginal places or landscapes which could be affected if the site was developed for residential use as a result of the approval of the Planning Proposal.</p>

## 8 CONCLUSIONS

This Heritage Impact Statement has outlined the history and heritage significance of The Bible Garden, Mitchell Road, Palm Beach, NSW. The proposed additional permitted use for a dwelling house within the current land zoning of RE1 – Public Recreation will have no impact on the significance of the adjoining Bible Gardens. The proposal complies with the provisions contained in *Section 9.1 Ministerial Direction for Planning Proposals –3.2 Heritage Conservation.*

The proposed additional permitted use is compatible with the concept schemes envisaged when the site was subdivided and sold as part of the Heads of Agreement Contract with The Trustee of the Bible Garden. The steeply topography of the existing lot, particularly the northern portion which adjoins the subject site (within the RE1 zoning), is not usable by patrons of the Bible Garden. Through an additional permitted use in this portion of the site, it will allow for the construction of a dwelling with a flat top structure (potential garage). This

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structure when constructed will provide additional area as part of the garden which will enhance the user experience of the Garden and offer an opportunity to expand the significant plantings on site.

The character of the Bible Garden, as a site enjoyed for quiet contemplation and appreciation of the magnificent outward towards Palm Beach will be unaffected by the proposed additional permitted use.

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**9 APPENDIX 1 – AHMIS Search Result**