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**Sent:** 27/01/2022 3:52:48 PM  
**Subject:** DA2021/2478 Objection 44 Kooloora Ave Freshwater  
**Attachments:** 44 Kooloora Ave Freshwater Objection to DA 2021 2478.pdf;

Dear Sirs

I have just lodged a formal Objection submission to the above Development Application, in accordance with the DA Objection submission protocol.

Unfortunately, I could not find any way of attaching a letter of Objection to that protocol. Today is identified as the last day of the public exhibition.

Accordingly, would you kindly accept the attached letter as part of my Objection to the DA.

Please acknowledge this email.

Kind regards  
Graham

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**Graham Brooks**

BArch (Hons), MBEnv (B Cons) M.ICOMOS

Director

**GBA**

**Heritage**

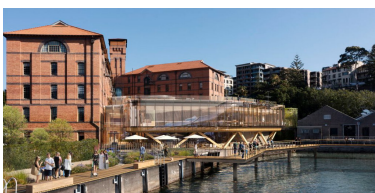
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Royal Edward Victualling Yard (REVY), Pyrmont

A GBA Heritage project with Warren & Mahoney Architects

Nominated Architect Graham Leslie Brooks

NSW Architects Registration 3836

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27 January 2022

The General Manager  
Northern Beaches Council  
725 Pittwater Road  
DEE WHY NSW 2099



Dear Sir

## **OBJECTION TO DA 2021/2478 PROPOSED ADDITIONS 44 KOOLOORA AVE, FRESHWATER**

This Objection to the proposed forward extension of 44 Kooloora Ave (DA 2021/2478) has been prepared on behalf of Mr Greg Bowman and Ms Kim Henshaw, owners and residents of the immediately adjoining heritage listed house at 46 Kooloora Ave, Freshwater.

46 Kooloora Ave, Freshwater is individually listed as a heritage item (no 70) in Schedule 5 of Warringah LEP 2011. In addition, the road reserve across the frontage of these houses is heritage listed (Item 69) as a landscaped road with trees.

Clause 5.10 of Warringah LEP 2011 establishes Objectives and Provisions, which Council must take into account when considering the subject Development Application.

### **THE PRIMARY ISSUE**

In essence, the primary issue in this Objection is that the proposed two storey addition (approximately 6m in length) to the front of the existing house, will adversely impact on the remnant setting of the heritage item when viewed from the street.

The setting has already been significantly reduced following the erection, in 2016, of the front house on the adjoining lot to the east, which extends forward by about the same as is now proposed for No 44.

As a result of this cumulative development, the original expansive setting of the house will be reduced to a narrow viewing slot from the street frontage.

**This reduction in the setting and public visibility of the heritage listed street by the proposed forward extension will have a major and unacceptable negative impact on the heritage significance of the heritage item.**

The Statement of Heritage Significance for the heritage listed house states:

*A rare example of a post-war functionalist dwelling in the Harbord area. Displays high integrity with much original fabric and detailing. Historically indicates the variety of post-war beach development*

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Nominated Architect  
Graham Leslie Brooks  
NSW Architects  
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GBA Heritage Pty Ltd  
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## OBJECTION

The proposed two storey extension of the front of the existing house, bringing the building mass much closer to the street will reduce and restrict the current wide cone of visibility to the heritage listed house, when viewed from the street.

This impact is in direct contravention of one of the Objectives of the heritage provisions of the LEP, Clause 5.10 (1) (b) **to protect and conserve the setting of heritage items.**

1. There is no evidence in the DA submission, by way of a formal Statement of Heritage Impact to indicate that the applicant has given any formal or rigorous consideration of the potential impact of the proposed forward extension of the massing of the house on the heritage significance of the adjoining heritage item.
2. The Statement of Environmental Effects, submitted with the application, was prepared by Vaughan Milligan Development Consulting Pty Ltd. The authorship of the document is not revealed but there is no claim in the document that the author has any relevant qualifications or experience in heritage impact assessment. The SEE report (p3) does recognise that the subject site adjoins a heritage item and has a heritage listed streetscape across the frontage.
3. The photos set out on pages 5 and 6 do not show any clear imagery of the heritage listed house and its current setting between two, more modern, two storey houses. This critical information is obscured by the street front vegetation and street trees. No attempt was made to photograph the heritage house from the footpath.
4. There is no extract from the relevant LEP Heritage Map to indicate a serious consideration of the potential heritage impact.
5. The discussion in the SEE (p10) related to the heritage provisions of the LEP (Clause 5.10) contains a total of three sentences. It states *the development maintains separation from the street and is well separated from the heritage listed Norfolk Island Pines*. It also states *that the new works are well set back (from the side boundary) and the new works will maintain a modest bulk and scale, (that) will not detract from the significance of the nearby heritage item*. These conclusions are irrelevant in terms of the most undesirable aspect of the proposal, bringing a two storey massing much closer to the street, which will cause the most impact on the setting and therefore the significance of the adjoining house.
6. With regard to clause D9 of the WDCP (p17) regarding the requirement to avoid visually dominating the street or surrounding spaces, the SEE analysis is inadequate as it does not specifically consider the effect on the adjoining heritage listed house.
7. At section 7.1 on p22, the SEE inadequately and incorrectly claims that the proposal satisfactorily addresses all the environmental planning provisions of the Warringah LEP 2011. As noted above, it does not.
8. The top two paragraphs on p 23 of the SEE also inadequately and incorrectly conclude that the proposed design respects the desired character objectives of the DCP by reinforcing the existing residential character and respects the streetscape character objectives by providing a cohesive and sympathetic addition to the site. Clearly, by completely ignoring the established and protected setting of the subject house, the project fails these tests.
9. At section 7.6 on p23m, the SEE claims there will be no built environmental impacts arising from the development as the additions have been located and designed to minimise impacts on the amenity of adjoining properties and will complement the character of the area. The design may have considered the amenity impacts on the adjoining house but not the impacts on its established remnant historic setting.

**The SEE conclusions, that there will be no detrimental or significant impact on the adjoining properties, on the environment, scenic qualities or amenity of the adjoining allotments, are patently insupportable.**

## HERITAGE MANAGEMENT FRAMEWORK

Clause 5.10 (1) of Warringah LEP 2011 sets out the following Heritage Conservation Objectives:

- (a) *To conserve the environmental heritage of Warringah (now Northern Beaches)*
- (b) *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, **settings** and views.*

Clause 5.10 (4) refers to **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).*



Fig 1 The heritage listed is a very distinctive and creative example of post war architecture, identified as being very rare in the locality



Fig 2 the long narrow nature of the site reflects the original setbacks of pre-war houses

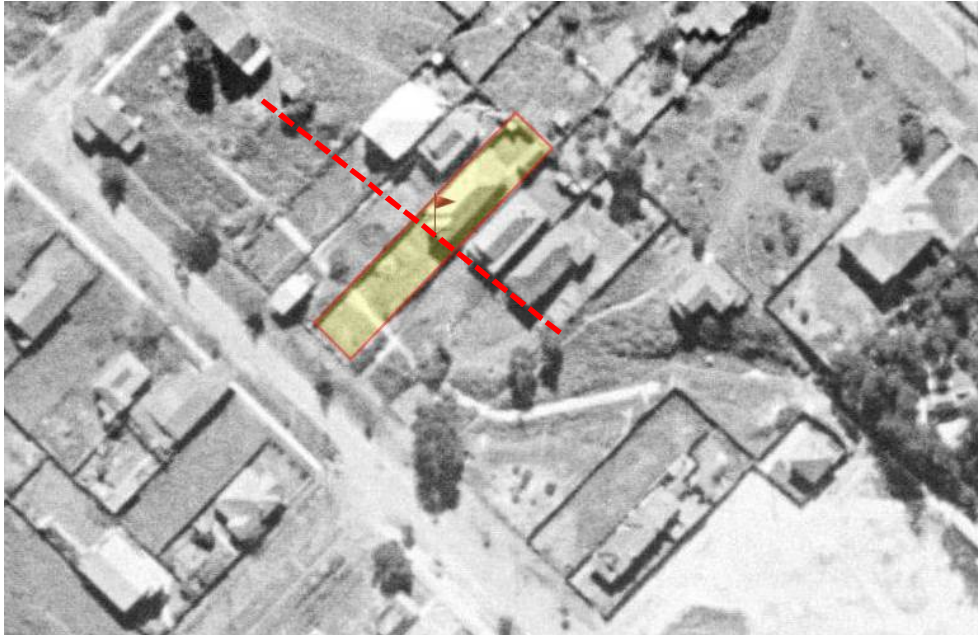


Fig 2 The original generation of houses in Kooloora Ave were set well back from the street frontage (SIX 1943)



Fig 4 The site that adjoins the heritage listed house on the east was vacant until 2016 (Nearamap)



Fig 5 The second house erected on the property to the east of the heritage item was erected in 2019 (nearmap)

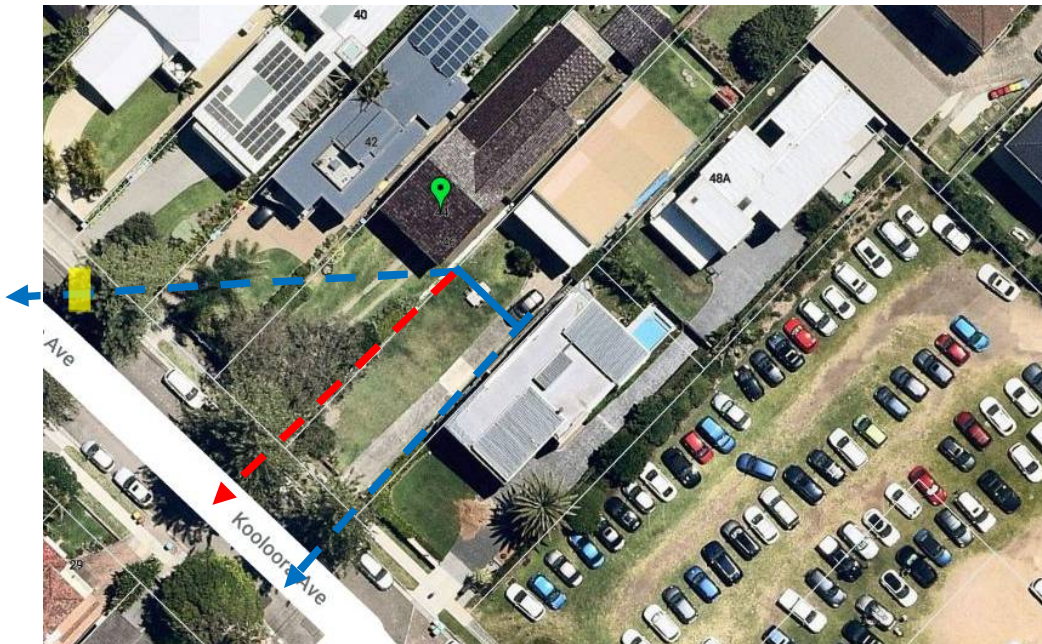


Fig 6 The red dashed line demonstrates the most likely reduction in the existing visual setting of the house (shown in blue dashed line) exacerbating the cumulative impacts of the two houses erected to the east of the heritage house in 2016 and 2019, on its setting and visibility from the street.

## RECOMMENDATION

Based on the unacceptable, cumulative impact on the setting and significance of the heritage listed house, Council should not hesitate to refuse the current application, in particular, the proposed two storey front addition.

Should you have any issues you would like to discuss further, please do not hesitate to call.

Yours faithfully  
GBA HERITAGE PTY LTD

A handwritten signature in black ink, appearing to read 'G. Brooks', written in a cursive style.

Graham Brooks  
Director  
grahambrooks@gbaheritage.com





## **GRAHAM BROOKS**

**Managing Director, GBA Heritage Pty Ltd**

### **Positions Held**

Managing Director, GBA Heritage Pty Ltd, 2015 -  
Managing Director, Graham Brooks & Associates Pty Ltd, 1996 – 2015  
Director, Schwager Brooks and Associates Pty Ltd, 1984 – 1996  
Associate Director, Travis Partners, 1977 – 1984  
Architect, Pollard Thomas & Edwards, London, 1975 – 1977  
Architect, Commonwealth Department of Works, 1972 – 1975

### **Professional Qualifications**

Bachelor of Architecture (Hons), Sydney University, 1972  
Master of the Built Environment (B Cons) UNSW 1984  
Australian Institute of Architects, 1974  
Associate Royal Institute of British Architects, 1975  
Registered Architect, New South Wales  
Member, Australia ICOMOS

### **Professional Associations**

President ICOMOS International Committee on Cultural Tourism, 2001 – 2011  
Chairman, AusHeritage Ltd, 1999-2001  
Chairman, National Trust (NSW) Historic Buildings Committee, 1996-1999  
Former Heritage Adviser, Liverpool City Council c1995-2005  
Member, Senior Advisory Panel, Global Heritage Fund 2010-  
Member, National Trust of Australia (NSW) 1973-  
Member Australia ICOMOS, 1980-  
UNESCO Monitoring Mission to World Heritage Site of Borobudur, 2003, 2006, 2007  
World Heritage Centre Monitoring Mission to Ajanta & Ellora Caves, India, 2004-2010  
Visiting Professor, Institute of Tourism Studies, Macao, 2006  
Former Executive Committee Member, Australia ICOMOS, 1990-1992  
Former Member Heritage Council Technical Advisory Committee on Materials Conservation, RAlA Heritage Committee & RAHS Historic Buildings Committee

### **CAREER SUMMARY**

I have worked in the fields of Architectural Design, Heritage Conservation and Cultural Tourism Management for some 40 years, in Australia, the United Kingdom and more recently for UNESCO in Asia. During that period I have conducted heritage assessments and developed heritage management protocols for hundreds of historic buildings and places. My office has conducted hundreds more under my supervision.

I have lectured widely to business, heritage, professional and student groups on heritage assessments, heritage management, conservation practice, preparing heritage sites for cultural tourism and the methodologies of heritage asset management. I have participated in many appeals before the Land & Environment Court, acting on behalf of both Respondents and Applicants, and have also acted as a Court Appointed Heritage Expert.