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Urbis Pty Ltd

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6 December 2024

Heritage Assessment Officer  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655

To whom it may concern,

## **DA 2024/0946- RFI RESPONSE - HERITAGE IMPACT STATEMENT - PILU AT FRESHWATER**

### **1. INTRODUCTION AND BACKGROUND**

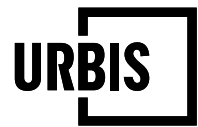
Urbis has been engaged by Marilyn Anecchini to prepare the following Heritage Impact Statement (HIS) for the building known as 'Pilu at Freshwater' located at 80 Undercliff Road Freshwater (subject site). The following HIS has been prepared in response to the Request for Further Information from Northern Beaches Council dated 27 November 2024, in association with Development Application DA2024/0946.

The site is currently occupied by a two-storey weatherboard building that was constructed in the early twentieth century during the Federation period and is currently occupied by the award-winning restaurant 'Pilu at Freshwater' which has been operating on the site since 2004. The building is identified as a local heritage item, being 'Freshwater Restaurant' under *Schedule 5 of the Warringah Local Environmental Plan (LEP) 2011* (Item No. 176).

The purpose of the development application submitted to Council is to supersede the existing 40-year-old consents under 1980/311 and 1983/177 which currently govern the building and are no longer fit for purpose. The Application is seeking to effectively authorise the use of the site as a restaurant, and to formalise the detailed operations of the existing venue under an accompanying Plan of Management. The purpose of the application is to allow for the continued operation of the whole site as a restaurant but to also achieve the following:

- To update the operating hours (in accordance with the liquor licence) 10am – 12pm (midnight) Monday – Saturday, and 10am – 10pm Sundays.; and
- Increase the maximum indoor capacity to have 50 patrons in the Pavilion, 100 patrons in the Main Building, and 130 patrons maximum may be hosted on the site (at any given time).

This HIS has been prepared to assess the heritage impact of the formalisation of the use of subject site as described above, the installation of Portable Fire Extinguishers, the use of existing three garden structures (Garden Room, Pavilion and Wedding Ceremony Umbrella), the upgrades to the female bathrooms and minor works to paving on Undercliff Road, as well as the heritage impact that the use of the garden area for restaurant related purposes will have on the overall heritage significance of the principle heritage building.



## **2. SITE LOCATION AND CONTEXT**

The subject site is located at 80 Undercliff Road, Freshwater and is legally described as Lot B Deposited Plan 329073.



Figure 1 Location of the subject site shown highlighted.

Source: SixMaps, 2023.

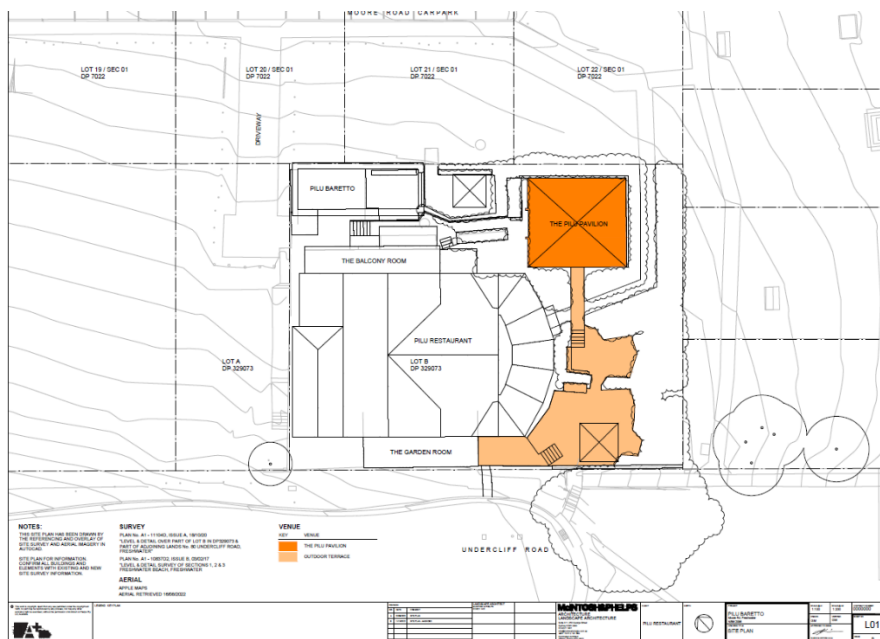


Figure 2 Architectural plan of the subject site, with Pilu Pavilion and Outdoor Terrace highlighted

Source: McIntosh Phelps 2022, sheet no L01

### 3. PHYSICAL DESCRIPTION

The subject site is occupied by a two-storey residential style weatherboard building that was constructed during the Federation period and features a multi-gabled tile roof. The site has a long history as a food and drink premises and is currently occupied by the award-winning restaurant, 'Pilu at Freshwater' Restaurant and Kiosk.

The subject building is located within Undercliff Reserve on the foreshore of Freshwater Beach. There are no adjoining neighbouring buildings. To the south of the site is Undercliff Road which is defined by a high timber paling fence with a pedestrian entry. To the north of the site is a Council carpark. Vehicle access to the building is via a driveway from the Council carpark. To the south and west of the subject site are detached residential dwellings. The subject building is orientated to the south and east towards the reserve. There is a natural fall across the subject site from west to east.

The subject building sits on top of a timber skirt foundation and features a variety of timber details including shingles, fretwork and timber verandah balustrades. The original balcony located on the south and east of the building has been infilled by glazing. The boundary of the site is defined by a timber picket fence and hedging. The garden setting of the subject building is landscaped with a combination of hedging and paved zones that are currently utilised as outdoor spaces for the restaurant and events. A contemporary detached building is located on the northwest corner of the site which is currently operated as a kiosk.

The 'Pilu Pavilion' is located on the northeast corner of the site and the "Wedding Ceremony Umbrella" is located within the garden to the east of the primary building. They are both located within the garden setting below the level of the principal house and its verandah. The 'Pilu Pavilion' is a lightweight structure that features a low hipped roof form. Large picture windows provide protection from the elements, whilst allowing it to be read as an open marquee-like structure. The "Wedding Ceremony Umbrella" is a canvas umbrella shade structure with a central pole. The 'Garden Room' is a covered deck area that adjoins the primary building



Picture 1 View towards the subject site from Undercliff Road.

Source: Urbis 2023



Picture 2 View towards the subject site from the Undercliff Reserve.

Source: Urbis 2023





Picture 3 View towards the subject site from the Undercliff Reserve showing the 'Pilu Pavilion' in the indicated.

*Source: Urbis 2023, annotated by Urbis*



Picture 4 View towards the 'Pilu Pavilion' in its garden setting.

*Source: Urbis 2023*



Picture 5 View towards the subject site from the Undercliff Reserve showing the 'Pilu Pavilion' in the indicated.

*Source: Urbis 2023, annotated by Urbis*

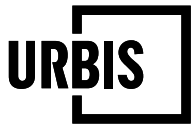


Picture 6 Internal view of the 'Pilu Pavilion'.

*Source: Urbis 2023*

## 4. HISTORICAL OVERVIEW

The subject building was originally part of the 50 acres granted to Thomas Bruin by Crown Grant on the 25 July 1818. The building was constructed in 1908 by Mr Lewers and originally known as 'Lewers Kiosk', it was used as a venue to cater afternoon tea parties, dances and other events for local residents and visitors, as well as providing weekend accommodation. In 1912, an advertisement for the building's sale described it as 'a substantial structure of rusticated weatherboard, with six apartments and wide sleeping out verandahs. Subsequently it was purchased by Annie and Herman



Loebell and later it became the property of their daughter Mrs Frances Kerr.<sup>1</sup> Historical land titles records document that in 1981 the building was leased to Bangkok Jewellery Pty Ltd and in 1982 it was leased to Harbord Beach Restaurant. In 2004, the fine dining restaurant 'Pilu at Freshwater' started operating on the site.

Historical aerial photographs (refer to Figure 5 to Figure 12) document the historical development of the site from 1943 to 2023. The 1943 aerial indicates that there were structures, most likely dwellings adjacent to the subject site closer to the foreshore. By 1978, these early structures had been demolished. The reserve and existing carpark to the north of the subject site was formalised by 1982, prior to this there appears to have been informal carparking adjacent to the beach foreshore. The historical aerals indicate that the 'Pilu Pavilion' structure was constructed between 1982 and 1991. The 2005 aerial photograph first indicates that the shade structure known as the 'Wedding Ceremony Umbrella' was first installed.

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<sup>1</sup> NSW Heritage Inventory, "Freshwater Restaurant" (Item No. 176),  
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2610064>



Figure 3 – Lewers' Subdivision, 1910. Note that the subject site is indicated as having been constructed at this time and is named 'The Kiosk' and marked as the location of the Post Office.

Source: Northern Beaches Council, Library – History Hub,  
<<https://northernbeaches.recollect.net.au/nodes/view/50281>>



Figure 4 – Kiosk, the Restaurant Harbord, c1918.

Source: Northern Beaches Council, Library – History Hub,  
<<https://northernbeaches.recollect.net.au/nodes/view/16505>>



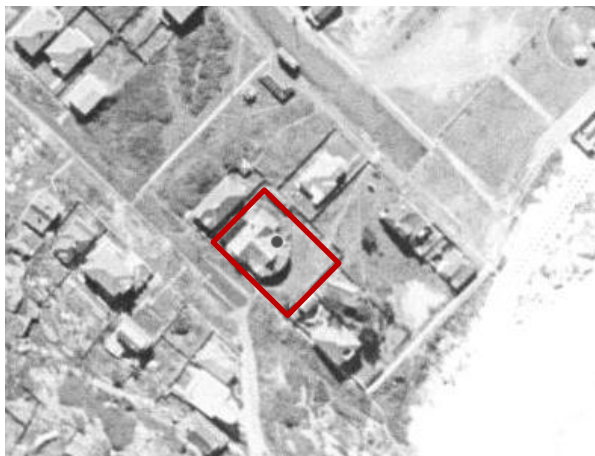


Figure 5: Aerial photograph, 1943.

Source: NSW Spatial, Historical Imagery.



Figure 6: Aerial photograph, 1955.

Source: NSW Spatial, Historical Imagery.



Figure 7: Aerial photograph, 1965.

Source: NSW Spatial, Historical Imagery.



Figure 8: Aerial photograph, 1978.

Source: NSW Spatial, Historical Imagery.



Figure 9: Aerial photograph, 1982.

Source: NSW Spatial, Historical Imagery.



Figure 10: Aerial photograph, 1991. Note: first evidence of the 'Pilu Pavilion' being constructed on the subject site in the eastern corner of the site. The Garden room also legible

Source: NSW Spatial, Historical Imagery.





Figure 11: Aerial photograph, 2005. Note: first evidence that the 'Wedding Ceremony Umbrella' structure had been installed.

Source: NSW Spatial, Historical Imagery.



Figure 12: Aerial photograph, 2023.

Source: NSW Spatial, Historical Imagery.

## 5. ESTABLISHED HERITAGE CONTEXT

The subject site is identified as a local heritage item under Part A Schedule 5 of the *Warringah Local Environmental Plan (LEP) 2011*, being “*Freshwater Restaurant*” (Item No. 176). The heritage record for the subject site included on the NSW State Heritage Inventory includes the following established statement of significance:

*A building with great social & historical significance as an early meeting place & recreation venue for the first settlers in Freshwater. Representative of the federation style, with high integrity. Prominent local landmark located above Freshwater Beach.<sup>2</sup>*



Figure 13 – Extract of heritage map with the subject site outlined in red.

Source: Warringah LEP 2011, Heritage Map – Sheet HER\_010

<sup>2</sup> NSW Heritage Inventory, “Freshwater Restaurant” (Item No. 176), <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2610064>

## 6. BUILDING CODE OF AUSTRALIA (BCA) REPORT

As part of the first DA lodged for the subject site dated 23 April 2023 (DA2022/2281) a BCA Compliance Capability Statement was prepared by City Plan that was updated 15 March 2024. The purpose of the report was for the following:

- To formalise the use of the site and its existing improvements as a restaurant with ancillary event services being permitted.
  - To update the site's operating hours for consistency with the existing liquor licence to 10am – 12am (midnight, Monday to Saturday and 10am – 10pm Sundays).
  - To increase the maximum occupancy of the restaurant with a maximum of 50 patrons in the pavilion and a maximum of 100 patrons indoors but must not cumulatively exceed 130 patrons.

The BCA Compliance report concluded that the proposed use is 'capable of complying with the Building Code Australia 2019 Amendment 1'. The pavilion, café/kiosk and restaurant buildings were deemed to be 'suitable for the proposed use'. Other aspects of the relating to the building and fire safety hazard were deemed as 'compliant' or 'suitable for the proposed use'. However, under clause E1.6 Portable Fire Extinguishers (PFE) – *'each building is required to be provided with portable fire extinguishes in accordance with this provision'* (City Plan 2024). It was noted that the pavilion building did not have PFE's installed.

City Plan concluded that PFE's are required to be installed into the pavilion building. The overall the findings and recommendations showed that the buildings are capable of complying with the Building Code of Australia suitable for the intended use.

## 7. PHYSICAL WORKS

The following section addresses the physical works at the subject site. The physical works are necessary to make the subject site BCA compliant. Further the works are part of the ongoing use of the subject site as a restaurant and contribute to the formalisation of the subject site. The intended purpose of the DA is to have the site formalised including all the 'unauthorised' works that have occurred on the site over the last few decades.

The formalisation of the subject site allows it to continue operating as a restaurant which is compatible with the historical use of the place. Formalising the long established use of subject site will allow the site to have a maximum capacity (130 patrons across the whole site), as part of the increased capacity upgrading the female bathrooms is a necessity for the restaurant space. The refurbishments of the female bathroom in the primary building includes updating the current facilities to include an accessible bathroom. The existing accessible bathrooms is located on the outside of the primary building and adjoins the 'Blue Room', is only accessible from the outside. Figure 14, is the upper ground floor plan of the primary building illustrating the proposed refurbished layout to include an accessible bathroom next to the female bathroom in the primary building. The area is entirely contemporary with modern fixtures, tiles and basins.



Picture 7 Sink basin in the female bathrooms

Source: Planning Lab 2024



Picture 8 Toilet cubicles inside the female

Source: Planning Lab 2024

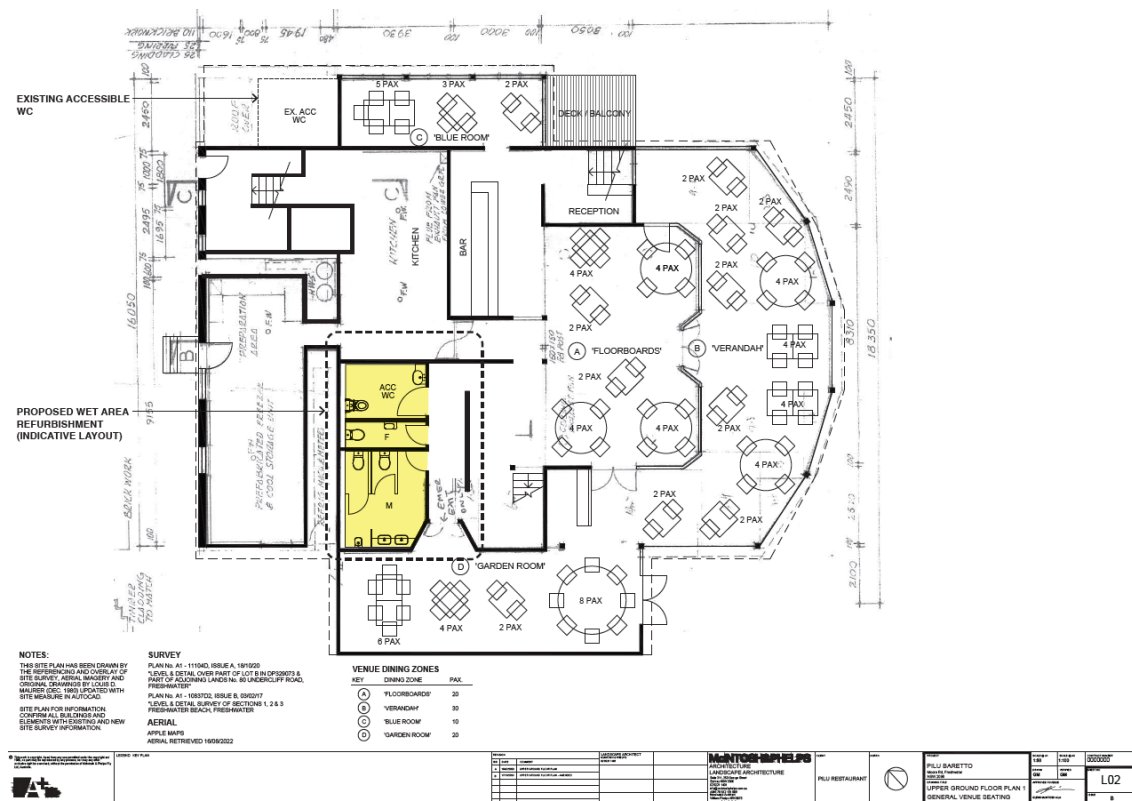


Figure 14 Architectural plan showing the proposed refurbishment of the 'wet area'

Source: McIntosh & Phelps 2024, Sheet no. L02



The Garden Room has existed and been used at the subject site for over a two decades. No consent records exist that relate to these works. Even though the Garden Room was enclosed apparently without consent by former occupants of the site, it has been an integral part of the restaurant operation by allowing for additional seating and a private dining room. The Garden Room has been added as an extension on the primary building it has been painted white with large glass bifold doors that open up to a patio, the room has been painted white similar to the restaurant (Picture 9 & Picture 10). The Garden Room does not detract from the heritage significance of the primary building (Figure 15).



Picture 9 Internal view of the Garden Room, featuring glass panel bifold doors

Source: Planning Lab 2024



Picture 10 Internal view of the Garden Room. Note the use of the timber roof and columns

Source: Planning Lab 2024

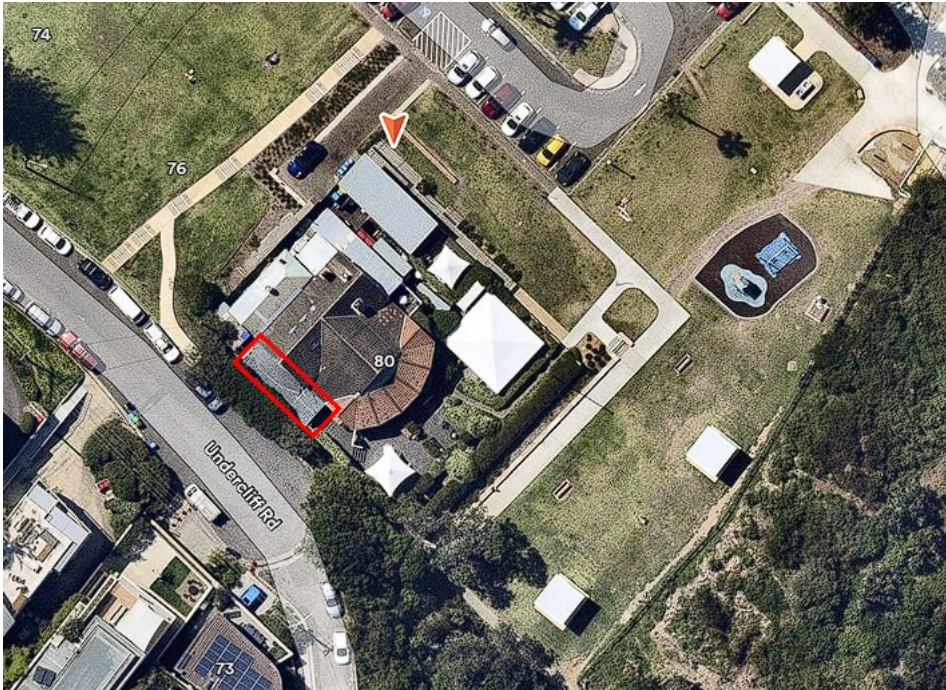


Figure 15 The Garden Room (red outline) adjoins the primary building of the subject site

Source: Nearmap 2024, annotated by Urbis 2024



The minor footpath paving to Undercliff Street is outside the heritage curtilage but is adjacent to the subject site. The paving will allow disability access from Undercliff Road to the main restaurant dining room (Figure 16 & Figure 17). The minor footpath paving along Undercliff Road proposed location is along a narrow verge at the rear of the subject site (Picture 11). The area is all modern fabric and plantings.

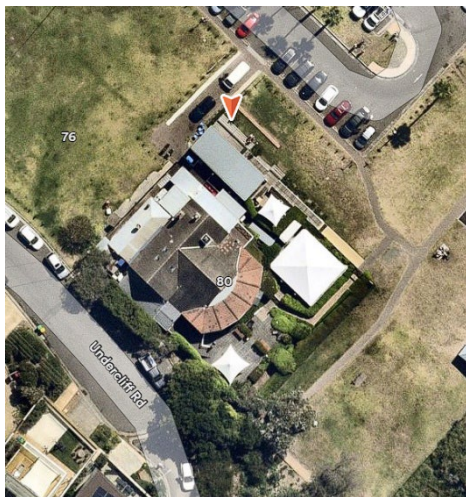


Figure 16 The subject site in October 2023, showing lack of disability access pathways

Source: Nearmap 2024

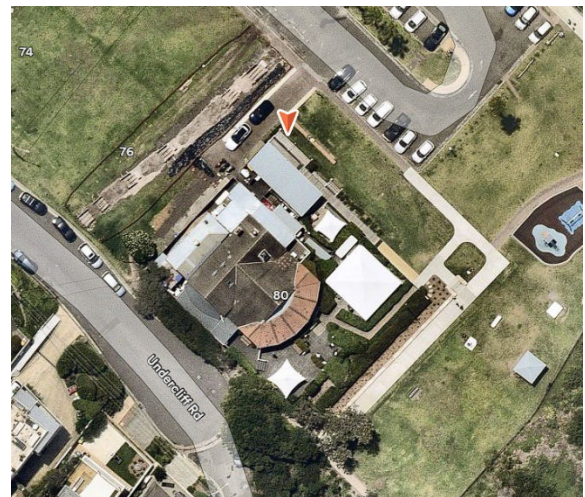


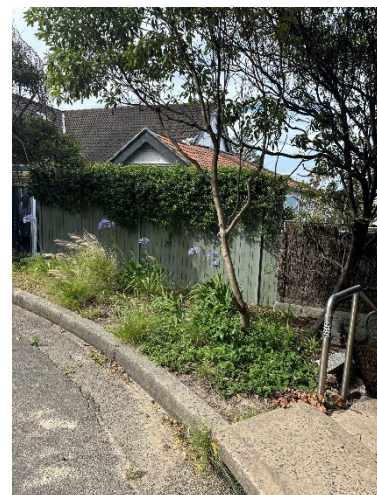
Figure 17 The subject site in December 2023. Note the development of the disability access pathways

Source: Nearmap 2024



Picture 11 Narrow vegetated verge at the rear of the subject site (property fence on the LHS). Note the existing access down to beach level

Source: Planning Lab 2024



Picture 12 The pathway on the RHS, proposed area for the minor footpath paving

Source: Planning Lab 2024



Figure 18 Aerial of the subject site showing the newly established footpaths around the site that connect the carpark to the subject site and connects to Undercliff Road.

Source: Nearmap 2024

The installation of the PFE's is necessary for the building to remain BCA compliant. The installation of PFE's is to reduce the risk of damage, injury and cost to a business in the event of a fire.<sup>3</sup> NSW Fire + Rescue provide a factsheet for PFE mounting heights, locations and the types of display signs. The Pavilion building was the one building that was noted as needing to have PFE's installed. The pavilion building was constructed between 1982 – 1991, and therefore all modern fabric.

## 8. HERITAGE IMPACT ASSESSMENT

The following heritage assessment has been made in consideration of the *Warringah Local Environmental Plan (LEP) 2011* and the guidelines outlined in the NSW Heritage 'Statements of Heritage Impact' assessment guidelines.

The three garden structures known as the 'Pilu Pavilion', 'Wedding Ceremony Umbrella' and 'Garden Room', and the Garden Room have been assessed to have no adverse impact on the heritage significance of the heritage item for the reasons set out below:

- The formalisation of the restaurant and the connected buildings will allow 'Pilu at Freshwater' to continue to operate as a restaurant. The subject site has been used a meeting place for locals and as a food and drink premises since it was built in 1908, when it was called Lewers Kiosk. The continued use of the place as a restaurant is compatible with the subject site's historical use.

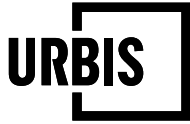
<sup>3</sup> New South Wales Fire + Rescue. Portable Fire Extinguisher Information for Business.  
<https://www.fire.nsw.gov.au/page.php?id=699>.



- Upgrading the sanitary facilities inside the primary building has no impact on significant fabric, the bathrooms have been periodically renovated since the restaurant's beginnings with many upgrades occurring over time. The new proposed upgrades have no detrimental impact on the heritage fabric, and it will be continued to be used as a bathroom that is used by patrons.
- The refurbishment improves WC accessibility in compliance with the relevant BCA requirements in the main dining room.
- The Garden Room has been part of Pilu for over two decades and was in place prior to the current owners taking over the venue in 2004. The Garden Room was reportedly enclosed without approval, but the materiality of the Garden Room is compatible with the internal materials and colour palette of the primary building, with overall design being consistent with the previously approved restaurant.
- The minor paving of the footpath along Undercliff Road is necessary to provide disability accessibility into the restaurant. The footpath is outside the heritage curtilage and has no detrimental impact on the heritage fabric or the significance of the subject site.
- The installation of PFE's in the Pavilion building is necessary, without the installation of the PFE's mean the building is non-compliant and can impact the continued operation of the building as a restaurant. The Pavilion building was added onto the subject site sometime between 1982-1991. The building is completely modern with no significant heritage fabric, therefore installation of PFE's in this building will have no detrimental impact on the heritage place.
- The NSW Government – Heritage Council produced a Fire and Heritage Series factsheets that can be use when installing required fire safety measures into a heritage building. The Heritage Council's Technical Advisory Panel provide advice on installing fire safety measures. The series provides helpful guidelines for installation of fire safety measures and can be utilised by for the installation of PFEs in the subject site.<sup>4</sup>
- The garden structures have been part of the Pilu at Freshwater restaurant operations for several decades and have demonstrated that they have had no adverse heritage impact on the overall heritage significance of the main restaurant building and its understanding as an important heritage building in the locality.
- The 'Pilu Pavilion' has been designed as a lightweight structure that adopts a traditional garden marquee-like style that does not dominate or detract from the aesthetic values of the restaurant building and is sympathetic to the beach setting.
- The use of lightweight building materials and the simple hipped roof form of the 'Pilu Pavilion' is sympathetic to the traditional form and proportions of the main restaurant building, whilst remaining clearly discernible as a contemporary structure, in no way imitating the character and detail of the Federation period architectural style.
- The 'Wedding Ceremony Umbrella' is a lightweight shade structure that is well mannered and respects the heritage item demonstrated by its scale, form and materiality. The continued use of the 'Pilu Pavilion' and 'Wedding Ceremony Umbrella' is sympathetic to the heritage significance of the site and will facilitate the heritage item's ongoing use as a restaurant and meeting place that contributes to the Freshwater foreshore.

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<sup>4</sup> NSW Heritage Council. Heritage Maintenance: Fire Safety Orders and Heritage Buildings.  
<https://www.environment.nsw.gov.au/research-and-publications/publications-search/heritage-maintenance-fire-safety-orders-and-heritage-buildings>.



## 9. CONCLUSION

The formalisation of 'Pilu at Freshwater' is required to ensure the continued operation of the place as a restaurant. The ongoing use of the place used as a restaurant is compatible with the historical use of the site that operated as Lewers Kiosk in 1908. Overtime the subject site has been expanded upon to allow for additional seating and increased capacity. Even though some of the extension to the site were constructed without formal approval they have become integral to the operation of the site for over two decades. The materiality of the Garden Room is compatible and consistent with the other additions such as Pilu Pavillion.

The disability upgrade to the sanitary facilities are necessary works required as part of this application. The current bathroom comprises modern fabric; and the upgrade will have no detrimental impact on any significant fabric. Further, the installation of PFE's is also necessary to allow the building to remain BCA compliant.

The minor footpath paving along Undercliff Road is outside the heritage curtilage of the subject site, however it is adjacent to the curtilage. The footpath paving will have no impact on the heritage fabric of the subject site and will allow for improved disability access to the site.

Overall, the physical works and formalised use as part of the application have no detrimental impact on the heritage significance of the subject site. Pilu at Freshwater will continue to operate as a restaurant and the works ensure the place continues this function, consistent with its historic use.

Yours sincerely,

A handwritten signature in black ink, reading "Allie Cornish". The signature is fluid and cursive, with the first name "Allie" and last name "Cornish" clearly distinguishable.

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