
Sent: 2/02/2021 10:47:28 AM
Subject: Att. Anne-Marie Young, Submission re DA2020/1489
Attachments: Submission re DA2020_1489.pdf;

Please find attached,

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2 February, 2021

DA2020/1489, 8 Forest Road, Warriewood

Our interest in this DA is the potential fate of the old farmhouse “Oaklands” on the site. Although the majority of the Northern Beaches has an agricultural history there is very little built record of it.

1. As we understand the facts, this application essentially dates back to 2017 when the Land and Environment Court granted development consent for the construction of 81 dwellings, following an initial rejection by Pittwater Council. At that time the applicant proposed restoring the house. The Court apparently accepted the Heritage Assessment and Statement of Heritage Impact by NBRS and Partners dated May 2016. Therefore we believe that the owners have had a responsibility to protect the house since the date of that consent. It appears that they have not done this and now, under this DA, propose that it be demolished.

We request that this application be rejected. Not only has the applicant not carried out their required duty to protect the house, they are now using its more dilapidated condition - that has occurred through their inaction - as the justification for its demolition.

In our opinion this is a clear and blatant case of demolition by neglect. The applicant should not be allowed to benefit from their failure to carry out their duty. Further, as a clear signal to others, they should not be seen to gain any advantage from their lack of action.

2. We also wish to comment on the Heritage Impact Statement by Weir Phillips, Heritage and Planning, which supports the application. The relevant conclusion it reaches is that:

“Given the level of dilapidation, in conjunction with the restraints outlined below, restoration of the house is not considered viable or desirable.”

The “restraints below” are:

“Anderson Environment and Planning (AEP) have provided expert advice in the form of a letter dated 7 August, 2020 with regard to fire protection, particularly with regard to bushfires. Figure 1 of this report shows the large area of native forest that would need to be removed in order to create an Asset Protection Zone (APZ) around the house. In addition, a further area of ground clearance would be required meaning the removal of the native ground layer. In addition, considerable modification of the house would be required to meet Level 3 construction in accordance with AS 3959.”

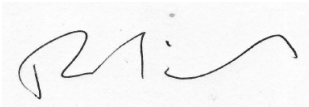
And, in conclusion, “the ecological impacts will outweigh any heritage value of the house”.

The argument apparently is that bushfire presents a risk to the house. To control that risk to an acceptable level it would be necessary to destroy a great deal of native vegetation and irreversibly alter the fabric of the house. This cannot be justified. So the conclusion is that, in order to ensure that the house, as built, is not destroyed by bushfire, it must be destroyed (demolished). This is a recycled version of the Vietnam War era argument – to save the village we had to destroy it.

Although we are not experts in the field we submit that this strange conclusion is reached because the report is flawed. The expert advice from AEP appears to have applied the bushfire protection guidelines - namely The NSW Rural Fire Service's *PLANNING FOR BUSH FIRE PROTECTION A guide for councils, planners, fire authorities and developers NOVEMBER 2019* - in what we will call, the "standard" way. It appears to have taken no account of Clause 8.2.3 in that Guide, namely:

***"8.2.3 Historic buildings** In relation to buildings identified as having heritage significance, the usual requirements for bush fire protection may conflict with the conservation of significant heritage fabric and/or its setting. Development affecting heritage issues and related requirements, should be considered on an individual basis. The application of PBP is to be considered in the context of the conservation principles, processes and practices of the Illustrated Burra Charter (Australia ICOMOS, 2013). The development of a suitable bush fire safety proposal that considers constraints of heritage issues may require a performance based solution and therefore may require a BFDB."*

It appears to us that the authors of the RFS guide were well aware of the possibility of this circular argument arising and provided the way out. We submit that what is needed is "the development of a suitable bush fire safety proposal that considers constraints of heritage issues" and also that "a performance based solution" be found, probably one based on active, automated firefighting measures, given the ready availability of mains pressure water at the location.



Richard Michell, President