

22 February 2024

Mr Steve Findlay  
Northern Beaches Council  
725 Pittwater Road  
DEE WHY NSW 2099

**DA2023.1107 for alterations and additions plus associated works to Office C and use as a child care centre at 4-8 Inman Road, Cromer | Response to request for information dated 6 February 2024**

I act for ID Fitouts Pty Limited in response to your request for information. Responses are:

That the use of heritage incentives under clause 5.10 to achieve an otherwise prohibited land use is not supported in this case

The use of the property for an “early education and care facility” became prohibited on 26 April 2023, when the property was rezoned from IN1 General Industrial to E4 General Industrial. The use of the premises for a prohibited use, being as office premises, already forms part of the overall redevelopment of the site and the present proposal changes that to a different prohibited use (albeit one that was not prohibited at the time that the overall redevelopment was approved).

Clause 5.10(10) allows the use of a heritage item for a prohibited use if the conservation of the heritage item is facilitated by the granting of consent to such use. Consent to the proposed use will ensure that the heritage item is actively used, rather than sitting vacant, and will ensure that there is cleaning, proper ventilation, drainage and maintenance of the building, as well as getting the building into a good state of repair as part of the proposed scope of works. If it was not made possible for a prohibited use to take place, then there would be no feasible, suitable permitted uses – clearly the premises are not suitable for industrial or warehousing uses.

The use of the landscaped setback area is unsuitable because the setback provides a buffer between the industrial complex and the public domain. A solid wall would be required to the front boundary, degrading the intent of the area.

That matter is discussed in the context of the heritage item further below. This matter otherwise relates to general streetscape and amenity concerns. However, the site is in an industrial zone and typically only limited screening is acceptable. Figure 1 shows 21 Orlando Road from Google Street View –90 metres from the site. It is of recent construction. There are plenty of other nearby examples. It is also recognised that there is no need for a solid front wall to the play area – the existing open palisade fence is suitable and will be added to only by enclosing elements to the sides of the play area.



Figure 1: Google Street View image taken September 2019 of 21 Orlando Road

The Eucalyptus trees in the setback area may present a future hazard and their removal would further degrade the landscaped character of the area.

The proponent has asked their arborist to further comment on the safety aspects of the trees. The proponent is also investigating the suitability of a netting system to assist with the safety aspect. Once those aspects have been resolved we will present a further design, and you are requested to withhold determination for a reasonable period to allow that to occur. However, even if the resolution of that matter will lead to the need to removal of existing Eucalypts (which I understand is not at all likely), it will be possible for those to be replaced with non-native trees that are at an advanced stage and that will be suitable in terms of safety. In the unlikely event that that approach does become necessary, that will not render the proposal unacceptable. Whether Eucalypts are retained and managed, or replaced, the setback area will still retain a landscaped character and will still be suitable for the E4 zoned area.

There is insufficient information about colours and finishes. Childcare centres are notorious for the use of bright colours, which should be avoided.

The proponent is open to liaising with Council about their colour preferences and the level of information that is to still be provided. Additional time for that to occur is requested. It is recognised that an objection to the use of bright primary colours is a subjective position and it is unclear what that is based upon – does it simply reflect the preferences, demographic status and social values of Council’s heritage advisor? In any case, the existing colours of the heritage building would be retained and maintained. More information from Council is requested regarding what surfaces Council is concerned about.

Formatting of the front page of the Statement of Environmental Effects

The reference to “Heritage Office” is part of the identification of the premises, rather than any description of the proposed use. We are happy to update the cover for any revised statement.

Concerns raised about whether the setback area works will impact on tree root zones.  
Additional information required in Arborist’s report

The proponent has requested that the arborist undertake further work to address those concerns. As part of that further work, the proponent will closely re-examine, with the assistance of the project arborist, whether the retention of Eucalypt trees is appropriate, taking on board the concern you have earlier raised.

Inconsistencies between submitted details and Arborist’s report in relation to the number of trees to be removed.

That is being addressed by the project arborist and design team.

New fencing should be installed along the inside of plantings that have been recently carried out along the street boundary.

That is an appropriate suggestion and the project landscaped architect will reflect that in their plans.

Further details required regarding retained and new tree species, pot sizes and other specified characteristics

The project landscape architect will address that in amended plans and additional information.

The Eucalypt trees proposed to be removed have been assessed as important to retain as part of the Biodiversity Development Assessment Report submitted with the application for the redevelopment of the whole site. If those trees cannot be retained, suitable replacement tree plantings are to be identified elsewhere on the site.

The project landscape architect has been requested to address that matter. The extent of retention of Eucalypts within the proposed children’s play area is under review. Following the completion of that

review, the extent of required compensatory plantings will be identified and the project landscape architect will identify a suitable location on the whole site to maintain consistency with the biodiversity offsets identified as part of the original application.

Council's advising heritage architect states that the proposed treatment of external spaces and fencing conflicts with the core character of the heritage item because the item is a group of modernist buildings in a considered landscape setting. The sequestering of a major part of the garden cannot occur. The shade structure, intensive landscaping and enveloping fencing all go against the core idea of the heritage item. The modernist expression of rigorous, minimalist and consistent buildings in an open bushland setting would be overwhelmed by the proposal.

The applicant's heritage architect has prepared a response to that contention, which accompanies this letter. I would mention that the proposed shade structure has a low profile and does not interfere with the presentation of the building's modernist upper level. The proposed fence is to be of an open palisade type and is suitable. It is unclear in what way the proposed landscaping is intense. It is also unclear that the current setting, whereby vegetation has become profuse and has to some extent a bushland character, is part of the core significance of the item. The conservation management plan for the site demonstrates photos from the late 1960s to the late 1970s that indicate expansive areas of mown lawn and well managed vegetation. Even if it is necessary to replace Eucalypts with alternative species, that does not demonstrate that such landscaping will be contrary to the core idea of the complex. It is recognised that suitable screen planting will be provided along the road boundary so that the perception from the street will be of a screen of vegetation with a filtered view of the children's play area behind it, and with there being some shade trees in the area. It is not at all clear that that does not produce an outcome that is consistent with the core idea of the complex. Additionally, it is recognised that part of the significance of the complex is that it exemplifies a progressive approach to the design of industrial workplaces, with amenities for workers provided in a landscaped setting. The proposed children's play area is consistent with that aspect of the significance of the heritage item. The notion that a children's play area somehow represents an intrusion of unwanted clutter into an otherwise sterile landscaped setting does not sit well with the item's true social heritage significance.

The proposed internal works should be reviewed to have more of a reversible character and to have less of an impact on the significance of the heritage item.

I will not comment on that matter as that matter is entirely addressed in the accompanying heritage advice. That advice demonstrates that this concern is entirely misplaced.

Questions raised about documentation about remediation of land.

That matter is being discussed with the contaminated land consultant for the project. If further documentation is required, that should be capable of being addressed by condition of consent, given that consent has already been given to the use of the premises as an office.

Traffic and parking issues are raised.

The proponent has engaged their traffic and parking consultant to respond to those matters. It would appear that there are sufficient parking resources within the complex to accommodate the relevant pick-up and drop-off requirements and sufficient staff parking is provided.

I understand that the applicant has sought a meeting with the officers to further discuss some of these issues. The design team is undertaking a further review and further design work relating to the design of the children's play area and associated landscaping. It would be beneficial for the applicant to be able to present that work to the assessing officer and to Council's technical officers.

The proposal is not fundamentally unacceptable. The main issue would appear to relate to whether it is appropriate to use the setback area for a children's play area. The main comments I would make are:

- There is no core idea about the landscaping from the time that the original modernist design work was carried out that should mandate a continuance of the current type of landscaping in the setback area. So long as there is well maintained landscaping in that area, with some trees (either native or non-native), the available evidence indicates that that is acceptable.
- The retention of Eucalypts vs their replacement with other species is being investigated, but in either case a suitable landscaped outcome will be produced.
- Sufficient time should be given to the applicant to respond to the matters you have raised. Furthermore, Council officers should be willing to discuss those matters further with the design team so that an optimal outcome can be reached.
- It will be possible to find alternative ways of achieving the required biodiversity offsets associated with the redevelopment of the whole site. Council is requested to provide sufficient time for that to be addressed and should be willing to discuss and review that matter prior to determination.
- The project heritage architect has provided the accompanying advice addressing the heritage issues raised, including the internal heritage concerns, and those concerns are demonstrated to be without foundation.
- Parking and contamination issues will be addressed and are likely to be able to be resolved.

Please provide additional time for these matters to be resolved. Please also make the assessing officer and technical officers available to discuss these matters once we have made progress on the revised documentation that is currently in progress.

We will await your consideration of these matters and are happy to respond to your further questions.

Yours sincerely,

Matthew Bartinel  
Senior Town Planner  
Concise Planning Pty Limited

21 February 2024

Attention:  
Steve Findlay  
Manager Development Assessment  
725 Pittwater Road  
Dee Why NSW 2099

## HERITAGE RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION

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### REF NO. DA2023/1107 FOR CHANGE OF USE AND ALTERATIONS AND ADDITIONS TO "OFFICE C" FOR THE PURPOSE OF A CHILDCARE CENTRE AND LANDSCAPING AT 4-8 INMAN ROAD, CROMER

#### 1. Background

The following letter has been prepared by Heritage 21 on behalf of ID Fitout to address the request for additional information received from the Northern Beaches Council pertaining to the alterations and additions at 'Office C' for a childcare centre and associated landscaping at 4-8 Inman Road, Cromer ("the site"). The subject site is listed as an item of environmental heritage under Schedule 5 of the *Warringah Local Environmental Plan 2011* ("WLEP") as the Roche Building – Item I52.

#### 2. Heritage Response to the Issues Raised

The following issues were raised by the Heritage Office at Northern Beaches Council pertaining to the proposed childcare development at "Office C" at 4-8 Inman Road, Cromer:

##### **Contextual works (landscaping)**

*It is in this aspect of the proposal that significant impact appears entailed by the development. The specific needs of the proposal for treatment of the associated external spaces and fencing gives rise to pronounced conflicts of character which would impact the core significance of the former Roche complex as a related group of Modernist buildings sited in a considered landscape setting. A major section of the garden around the building cannot be sequestered in the way proposed.*

*The shade structure, highly detailed and intense landscape treatment, and enveloping fencing all promise conflict with the "core idea" of the complex and would inappropriately distinguish the part of it to be occupied by this use.*

*The Modernist expression of rigorous, minimalist and consistent buildings set in an open bushland garden would be overwhelmed by what is proposed. The fencing in particular is at odds with the open setting and would inhibit the intended visibility of the buildings in the original design.*

*I note the issues raised in the internal landscape referral regarding safety in a play area under mature indigenous tree cover.*

### **Heritage 21 response:**

The subject site currently includes fencing along Inman Road. The stamped plans of the development application DA 2019/1346 also approved fencing along Inman Road. The only alteration to this fencing as a part of the childcare development would include the introduction of new fencing to the north and south of the subject tenancy. The fencing to the southern end would aid in blocking access to the driveway located from the street leading to the subject site. The new fencing installed at the site along Inman Road would suffice for the proposed childcare development. The initial design did not aim to install a solid fence at the subject site, ensuring that views to the landscaping and the heritage building would be retained from the public domain.

Heritage 21 understands that the clients are proposing to amend the development application of the childcare development by retaining most of the trees that were initially proposed for removal. Alternative remedial/ safety measures like installation of nets would be implemented at the subject site to ensure that the landscape setting of the subject site is retained. During the previous site visits conducted by Heritage 21, it was noted that the landscaping within the setback area fronting Inman Road has not been maintained and is highly overgrown making it difficult to access the area. The proposed design would ensure that minimal interventions would be made into the existing setting to make it usable as an external playscape for the proposed childcare development. This would in the opinion of Heritage 21, allow for the adaptive use of the heritage building and its landscape setting to meet contemporary uses while retaining its heritage significance.

#### **External works**

*To the extent that the details and impact of these are clear, the substitution of opening door elements for existing glazing elements may be within the tolerable extent of changes that the building could sustain. Again, the shade structure, intruding into the setting and differentiating this part of the complex, is difficult and adverse in its impact, in my opinion. Other changes to masonry may be avoidable with further discussion or capable of execution in acceptable ways.*

### **Heritage 21 response:**

The heritage listed former Roche office building has been extensively altered along the western façade. The original clear glass glazing of the building has been altered with a later addition aluminium framed clear glass glazing. The significant original steel framed glazing along the southern façade would be retained as a part of the proposed development and the alterations have been limited to the introduction of a clear glass door within one of the existing glazing panels. This would ensure that the majority of the original heritage fabric would be maintained at the subject site. The changes to the masonry are minor and have all designed to ensure that most of them have been located in previously altered areas. The small opening within the masonry for doors and windows would not alter the legibility of the original building form and the client is willing to discuss alternative methods for execution of these elements.

The western façade of the former Roche building has been altered and features a contemporary awning/ shading structure which has been retained at the subject site (see Figure 1). The proposal aims to extend this shading structure and would not be fixed to the original heritage fabric and these works would all be reversible. As such in the opinion of Heritage 21, the proposal would engender minimal impact on the heritage significance of the subject building. Alternatively, the client is also willing to meet on site to discuss mitigation measures and design solutions to further minimise the impact of the new shading structures at the subject site.



**Figure 1.** Existing contemporary awning/ shading structure located along the western façade of the heritage building.

### **Internal Works**

*While some form of lightweight, reversible partitioning might be anticipated in an open plan environment such as this part of the complex, the drawings suggest a complex permanent subdivision of the space with the creation of hallways, offices, service areas and bathrooms. The extensive wet areas must raise complex servicing issues and would require invasive works for plumbing. Alternative approaches to that shown in the drawings might be possible, allowing for a genuinely reversible fit out of the space, more in tune with the management of the significance of such a complex.*

*As currently submitted, the proposal could not be supported in heritage terms, due to its clear and substantial impact upon the reasons why the complex is heritage listed.*

### **Heritage 21 response:**

The subject building had undergone extensive alterations and additions when it was used as an office building by Roche. The external glazing which was a significant feature of the Modernist building has been altered and is not original along the western façade. Prior to the development application DA 2019/1346 being approved, the interiors of the office building was divided using light weight partition walls to accommodate the various offices and meeting rooms and accommodated a kitchen and dining area. The open plan of the building was no longer extant and the internal finishes had been altered (see Figure 2).







Heritage 21 understands that the client is seeking to meet the Council officers on site to discuss the issues put forward by Council in the Request for Additional Information. It would be best to meet on site to understand the current condition of the subject site and to understand the proposed interventions. The discussion on site would aid in developing alternative solutions to the issues raised. The design team is working to revise the documentation to address the comments received from Council. The design team would request for assistance and sufficient time with to prepare this revised documentation.

Thank you and please do not hesitate to contact me if you require any further information.

A handwritten signature in black ink, appearing to read 'Ankita Powale', written in a cursive style with a horizontal line underneath.

**Ankita Powale**  
**Senior Heritage Consultant**

Bachelor of Architecture  
Master of Urbanism (Heritage Conservation)