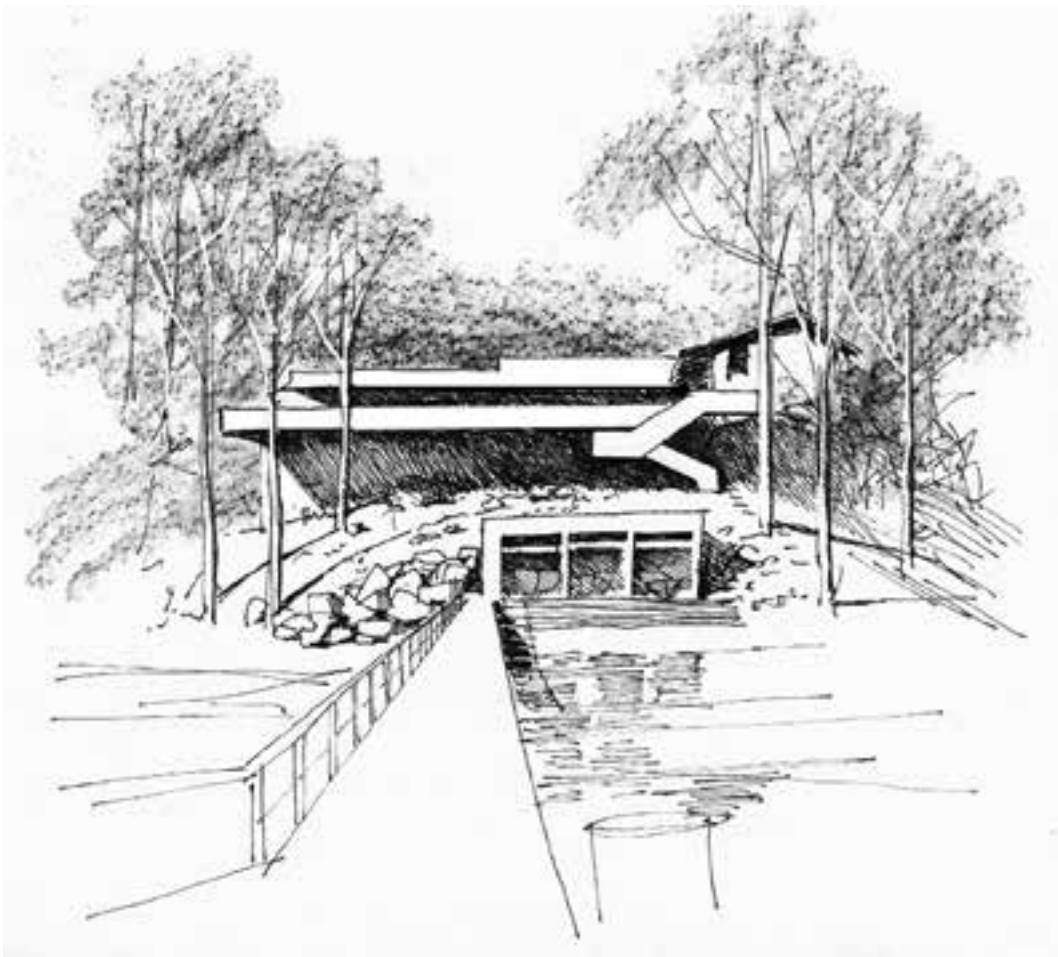


# Heritage Impact Assessment Report

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PROPOSED DEVELOPMENT | 3 RIVERVIEW ROAD | AVALON BEACH



June 2021

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# 1 Introduction

## 1.1 BACKGROUND

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The owners of the property located at 3 Riverview Road, Avalon Beach have engaged the author to assess the heritage impact of the proposed tennis court associated with their residence, which is a heritage item of local significance designed by the noted mid 20th Century architect, Douglas Snelling. The proposed development consists of construction of a new tennis court, associated change room and a new front fence. The place is not in a heritage conservation area and it is not in the vicinity of other heritage items.

The heritage listed house on the site was the recent subject of restoration and alterations (DA2018/1616) approved by Northern Beaches Council.

This report sets out to review the history of the place, briefly examine its fabric, state the cultural significance of the item, assess the heritage impact of the proposed development and propose appropriate actions, if necessary.

## 1.2 METHODOLOGY

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The methodology and terminology used in the preparation of this report has been drawn from the *Australian ICOMOS Burra Charter*, the *NSW Heritage Manual 2001 Update*, and J. S Kerr's *Conservation Plan* (rev. edn National Trust of Australia [NSW], Sydney, 1996). References to architectural styles are based on the identifications used by Apperly, R.; Irving, R. and Reynolds, P *A Pictorial Guide to Identifying Australian Architecture* (Sydney, 1989)

This Heritage Impact Assessment has been prepared in accordance with the requirements of the *Pittwater Local Environmental Plan 2014*, the NSW Heritage Manual '*Assessing Heritage Significance (2001)*' and '*Statements of Heritage Impact (2002)*' guidelines. The philosophy and process was guided by the *Australian ICOMOS Burra Charter*.

## 1.3 AUTHORSHIP

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This report has been prepared by Zoltan Kovacs, Architect with all the photographs, unless otherwise identified, taken by the author, who has thirty years of experience as a conservation architect with a wide range of projects for private and public clients including the Heritage Branch of Public Works, the Defence Housing Authority and Department of Housing at the Rocks. The author has extensive experience in conservation planning and appearing as expert witness in many Land and Environment Court matters. He was Heritage Officer at Woollahra Council for seven years.

## 1.4 SITE IDENTIFICATION

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The study area is located in Avalon on the west side of Riverview Road near the Hudson Parade intersection. Its address listed as 3 Riverview Road, Avalon Beach and its title reference is Lot 6 DP 3632.

## 2 Historical Outline

### 2.1 HISTORICAL CONTEXT

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#### 2.1.1 Aboriginal history

The peninsula forming the northern beaches is uniquely rich in its Aboriginal heritage with most of the surviving evidence concentrated along the coast. The land was inhabited by people speaking Guringal, which was the coastal dialect of Darug, whose territory extended west to Parramatta and north to Brisbane Water. The local Aboriginal people were divided into a number of clans, whose affiliations and territories are difficult to reconstruct now, but generally the Carigal were the most prominent in the upper peninsula.

Unable to withstand the effects of the changes brought about by European settlement, the local Aboriginal people retreated to deep bushland around Cowans Creek. The smallpox epidemic of 1789 led to extensive mortality with a death rate estimated between 50 to 90% and the Aboriginal population disappeared from the area by the mid 19th Century.

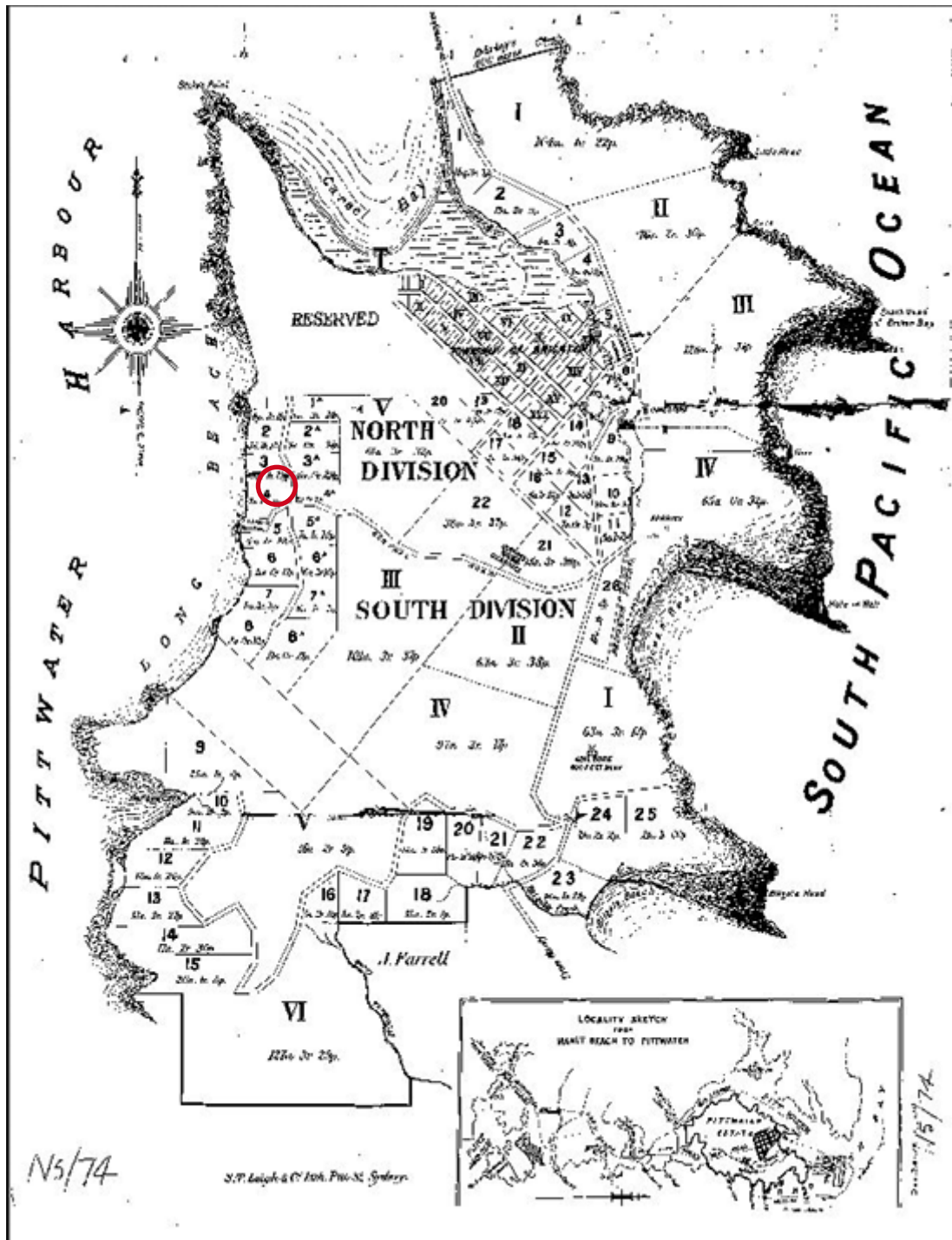
#### 2.1.2 European history of the area

The local waterways were surveyed by the crew of *HM Sirius* in 1788, but due to the remote location the area attracted little activity until 1827, when the first crown grant was issued to John Farrell. The next land grant was on 31 August 1833 to Father John Joseph Therry with 1200 acres. Therry was a Catholic priest who had grand plans to establish a Catholic community in the area, but little came of his plans despite being able to build a small church, the first in the area. Nevertheless his zeal and energy was appreciated long after his departure and the nearby plateau was known as the *Priest's Flat* until the 1920s. Therry's estate was subdivided by Arthur J. Small in 1921 and it was Small, who thought of naming the locality *Avalon* to attract attention.

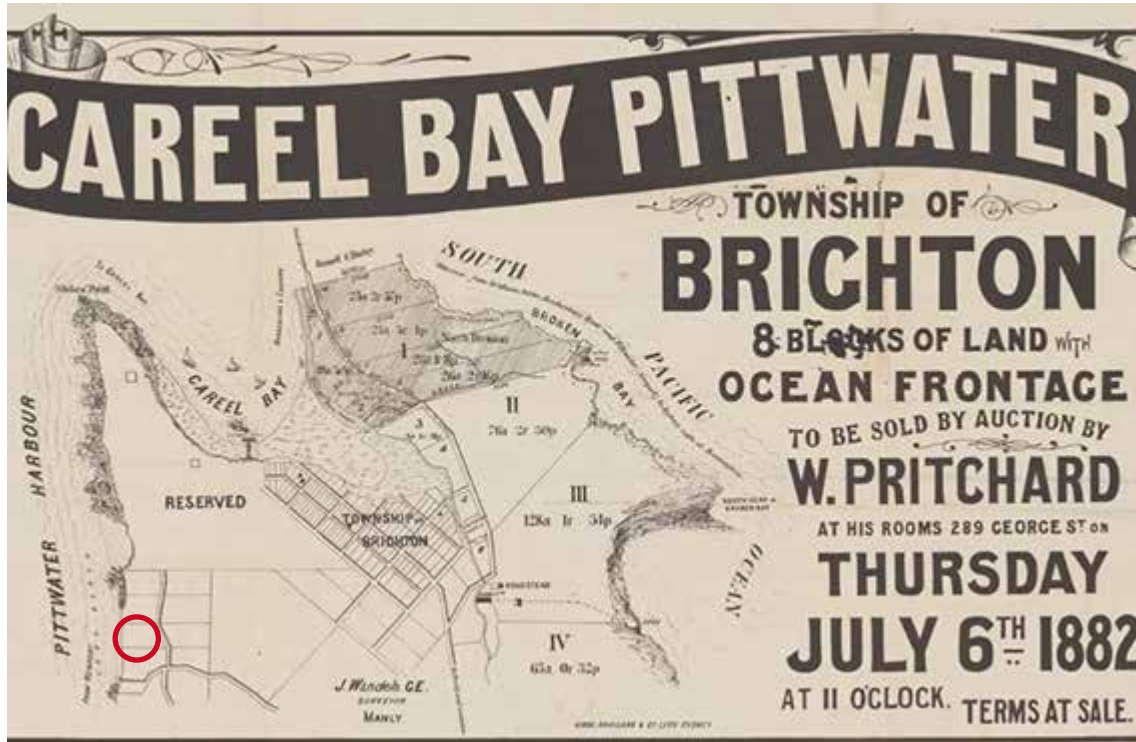
*Avalon* was the mystical island of Celtic legend, where hidden in the mist King Arthur waits for his return. The island, ruled by the fairy, Morgan La Fay, was also known as the Fortunate Isle associated with fertility and apples.

Between 1840-1880, the Collins family had a dairy farm at Careel Bay, which they leased from Father John Therry. The farm, consisting of only intermittently cleared land, occupied most of North Avalon. John Collins dammed the creek just south of the present North Avalon Road to ensure a supply of freshwater. It had an earth wall with a spillway on the western side.

Distance from Sydney continued to hamper suburban style development and the first houses in the area were built for the adventurous, the artistic or the eccentric. During the 1920s the architect, Alexander Stewart Jolly, designed a number of houses that were built in the Avalon area, the best known among them was *Loggan Rock*, a flamboyant log cabin attached to a stone tower; the name was a pun on the materials used: logs and rocks. *Careel House* is a bungalow built of locally quarried stone. *Hy Brasil* (named after another legendary island) was built in 1936, it was bought by Ted Herman, son of the painter Sali Herman. *Wickham* was a sandstone cottage designed by Walter Burley Griffin, unfortunately now demolished.



**Figure 1** | Map of the Pittwater area c. 1882; as it appeared in an advertisement in the Sydney Morning Herald for an early subdivision of the Pittwater Estate, Father John Joseph Therry's holdings. His estate was also known as 'Josephtown'. The future site is marked with a red circle. The outlines of Riverview Road and Central Road - merely bush tracks at this stage - are already legible. (Source: Sydney Morning Herald, 6 July 1882)



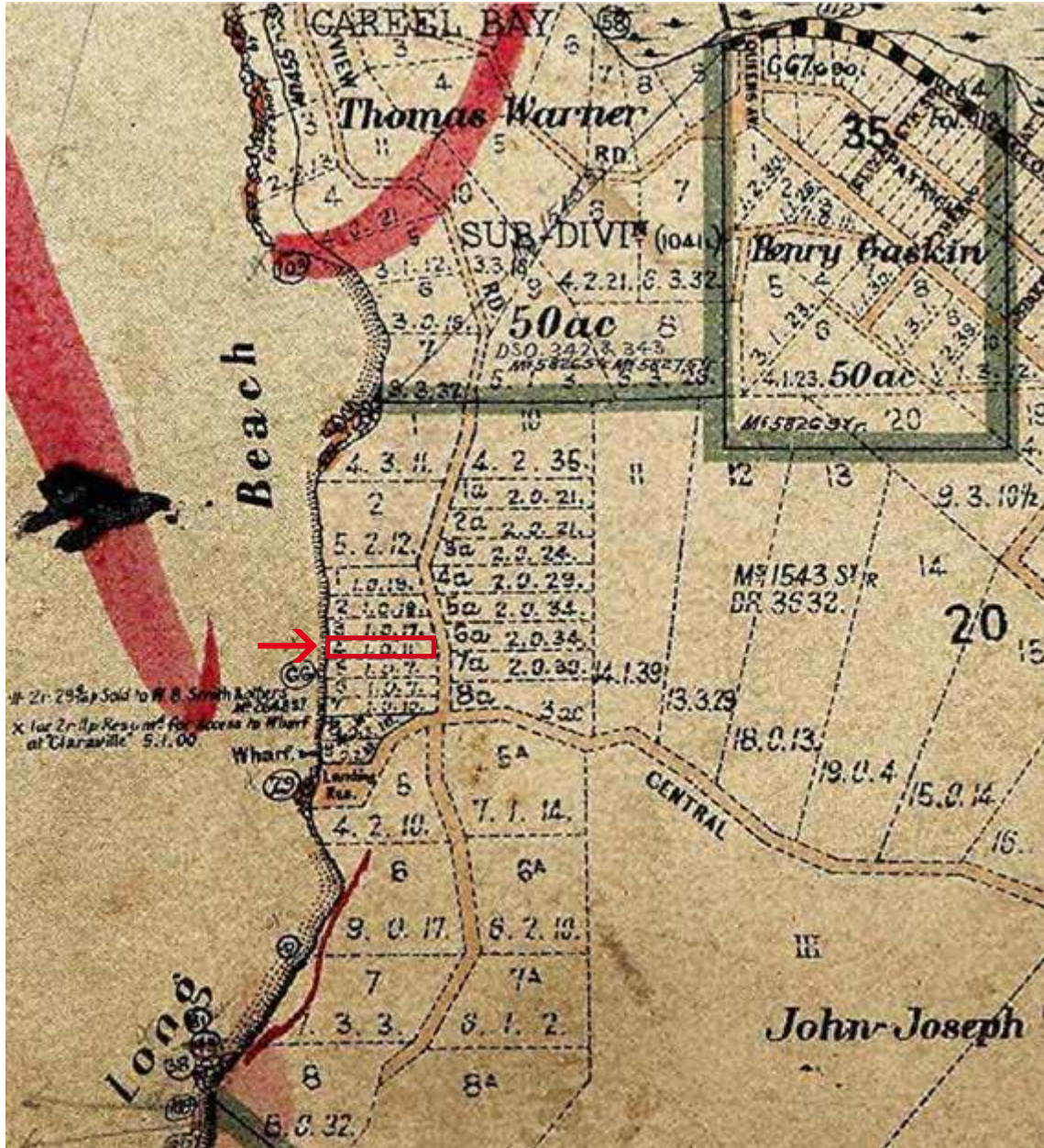
**Figure 2** | Map of the 'Township of Brighton' subdivision c. 1882; the approximate location of the future site is marked with a red circle.

(Source: National Library of Australia, Map Folder 135, LFSP2160)

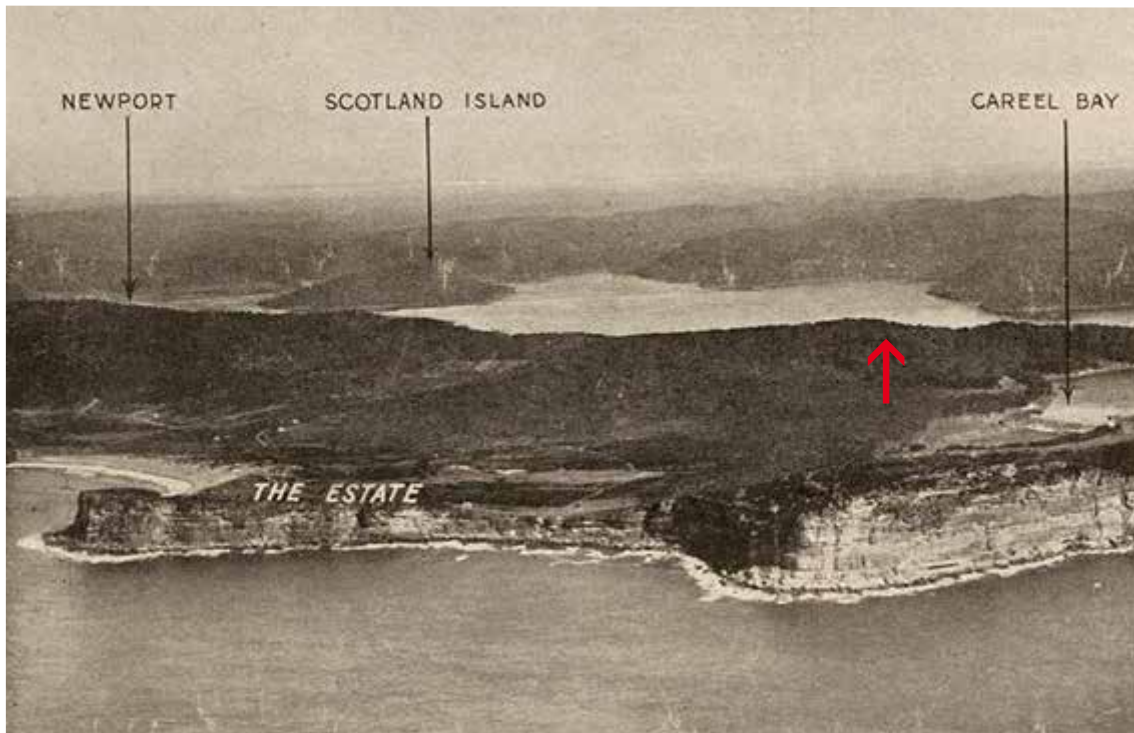
In 1935 some local families, who were all keen sailors on Pittwater, banded together to create a sailing club, led by J. G. Vaughan, an engineer with the Wakefield Oil Co., who had a weekender south-west of Clareville Park. They laid out a course between Taylors Point, Paradise Beach and Long Nose Point for handicap sailing races with an entry fee of two shillings. The prize money was divided proportionally between the first three boats. These races became very popular and in 1938 the Avalon Sailing Club was established near the study area. At the time the price for beachfront land averaged £150 for a 50 foot wide block.

The Vaughan family was also well known for staging mock pirate landings and sword fights at Clareville on Sundays to delight local residents. The informal, pioneering character of the area, which lasted until the end of the Second World War, can also be illustrated by an anecdote about Bill McDonald, a prominent citizen of early Avalon, who used to paddle his surf ski up to the shops along Careel Creek, when the tide was high or after a heavy downpour.

A more sober aspect of local history was the tent city that grew up around Avalon Beach during the Depression with jobless living in their cars or tents. Whole families subsisted here under dire circumstances for years and the locals were divided whether to help or evict the campers. As it often happens the local council vacillated and issued half-hearted eviction notices. The problem was only solved by the war economy when people were able to afford better, more permanent accommodation.



**Figure 3** | Detail taken from a 1905 Land Titles Map showing 'Claraville' (sic) and 'Long Beach'. The study area forms part of a 1902 subdivision by E. L. Scott and W. J.s Scott, already shown here. (Source: NSW Land Registry Services, Historic Records Collection)



**Figure 4** | Aerial view of Avalon c. 1922. Land around the study area was still mostly bushland. (Source: National Library of Australia, Map Folder 37, LFSP 499)



**Figure 5** | Barrenjoey Road near Avalon Beach in 1928, before improvements. The area is still rural. (Source: [www.pittwateronlinenes.com/avalon-beach-slsc-the-first-clubhouse-history.php](http://www.pittwateronlinenes.com/avalon-beach-slsc-the-first-clubhouse-history.php))



After the war development followed the widening of Barrenjoey Road with more weekenders and permanent homes. Slowly the suburban character started to emerge. A significant development was the creation of *Ruskin Rowe* in 1950. This street was designed as an estate by the architect Harry Ruskin Rowe, son of the architect Thomas Rowe. Rowe even created a covenant to preserve the character of the estate, but as it often happens the covenant was eroded and ignored over the years.

## 2.2 OUTLINE HISTORY OF THE PLACE

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### 2.2.1 Owners and occupants

- 1833** Crown grant to John Joseph Therry, a Catholic priest, of one thousand two hundred acres in Pittwater.
- 1840-80** Land is leased by John Collins and his family for a dairy farm. The study area forms an undistinguished part of this lease.
- 1899** Jeremiah Crowley becomes proprietor of nine acres and thirty perches through primary application near Careel Bay. The subject land is an undistinguished parcel of his holdings.
- 1902** Transfer of Lot 4 to Elizabeth Louisa Scott, wife of William James Scott, a North Sydney tailor. The Scotts subdivide their purchases further and Lot 6 includes the subject land.
- 1950** Transfer to William Frederick Scott; carpenter, Crawford Percival Scott, tailor; and Elizabeth Frances Jean Reid, married woman; as joint tenants.
- 1952** Transfer to Elizabeth Frances Jean Reid.
- early 1960s** Transfer to Arthur F. Little, building contractor and developer. (The document for the transfer is missing from the NSW Land Registry Services Archives)
- 1964** The house '*Yoorami*' is designed by Douglas Burrage Snelling for Arthur Little as his holiday home.
- 1965** The project is documented by Vivian Fraser under Snelling's direction. The house is built in the same year by A. F. Little.
- 1993** Transfer I 860885.
- 2006** Transfer AC155855.
- 2018** Transfer to the current owner in May.

**2.2.2 The architect - Douglas Burrage Snelling (1916-1985)**

The following extract is taken from the Australian Institute of Architects biographical notes:

*Snelling was one of Asia-Pacific’s most significant interpreters of California modern design and architecture innovations from the 1930s to the 1970s -- particularly luxury lifestyle themes popular in Beverly Hills and Palm Springs.*

*Inspired by a stream of apprentices from Frank Lloyd Wright – notably Richard Neutra, Harwell Hamilton Harris and Gordon Drake – he was briefly employed by Beverly Hills architect Douglas Honnold and received technical instructions from John Lautner on how to build the southern hemisphere’s first ‘infinity’ (spill-edge) swimming pool.*

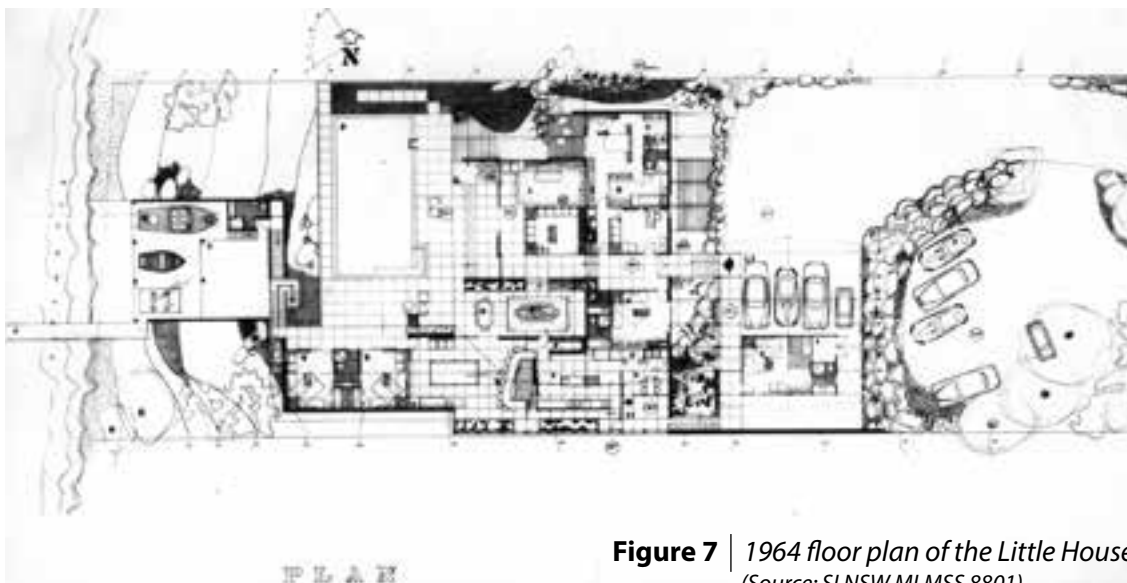
*Snelling was a forerunner (from the mid 1960s to the mid 1970s) of the ‘indigenous modern’ thrust in luxury Asia-Pacific resorts and residences.*

*Snelling can be regarded as ‘the missing link’ practising architecture and multi-disciplinary design in Sydney between the departure of Wright’s former students Walter and Marion Griffin in 1935 and the 1950s career beginnings of a new generation of organic modernist architects and designers who later became known as ‘The Sydney School’.*

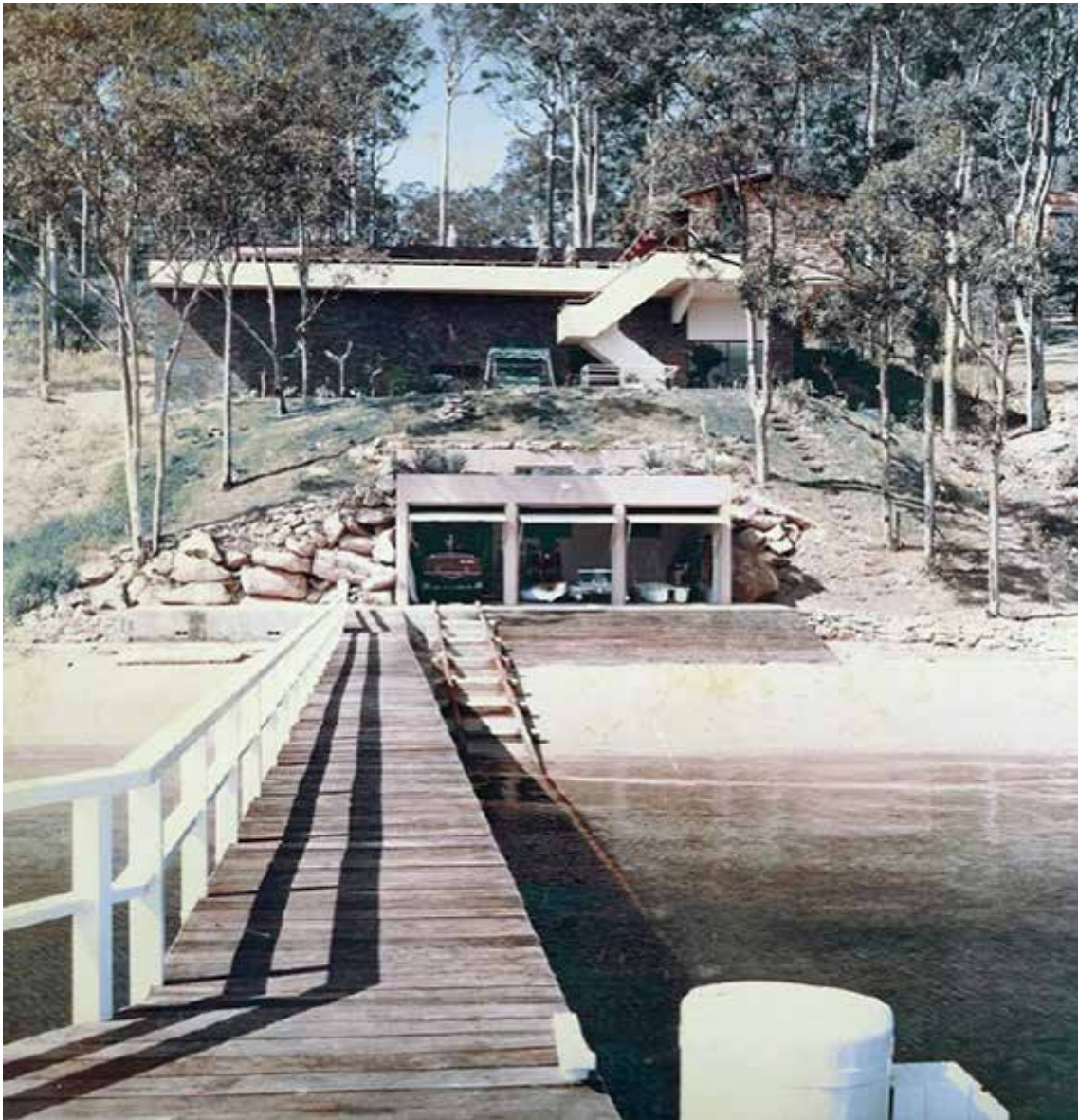
*Born in England and raised in NZ’s lower North Island from 1924 to 1940, Snelling was a popular writer, cartoonist and broadcaster on Hollywood movie culture during the late 1930s. After a six month working holiday sketching Hollywood movie stars in Los Angeles in 1937-38, he became a Wellington-based publicist for Warner Bros films, then moved to Sydney in 1940 and built Sydney’s largest organic modernist houses of the 1950s and 1960s, a range of mid-priced modern furniture, shop fitouts, towers of home units and office buildings.*



**Figure 6** | Douglas Snelling in Hollywood, c. 1937; he could be mistaken for a movie star.



**Figure 7** | 1964 floor plan of the Little House .  
(Source: SLNSW MLMSS 8801)



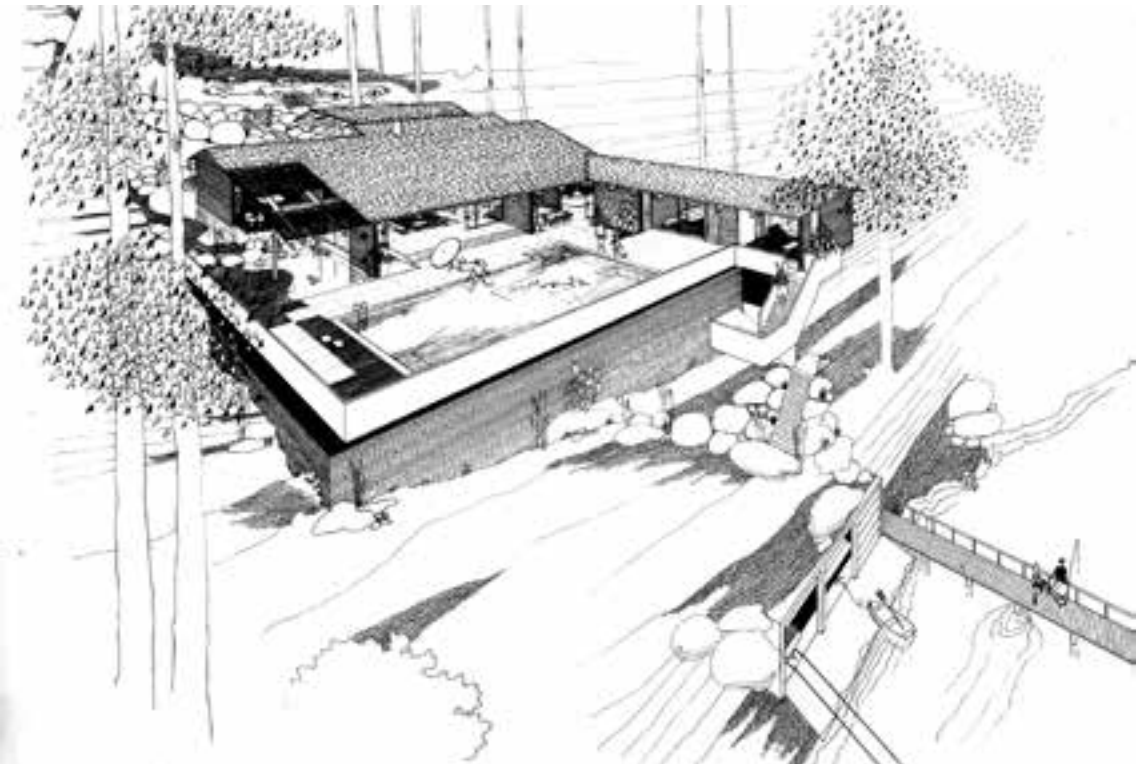
**Figure 8** | *View of the house from the jetty just after completion. Note how different the original setting is to the view today: the horizontal emphasis on the pool podium is now completely lost. (Source: Max Dupain)*



**Figure 9** | *North elevation of the original design (Source: SLNSW MLMSS 8801)*



**Figure 10** | *View of the house from higher up the slope, taken from the neighbouring land, which was then vacant: This exact viewpoint is no longer available due to building work.*  
(Source: Max Dupain)



**Figure 11** | *Perspective sketch of the original design* (Source: SLNSW MLMSS 8801)



**Figure 12** | *View over the pool towards Long Nose Point. The photograph shows the courtyard before safety fences were installed around the pool; they detract badly from the open setting. (Source: Max Dupain)*



**Figure 13** | *The garden with the pond in front of the master bedroom (Source: Max Dupain)*



**Figure 14** | *Max Dupain's photograph displays the award winning lighting scheme that Snelling designed.*



**Figure 15** | *The house in its original Pittwater setting: the ideal holiday home on the Northern Beaches (Source: Max Dupain)*

## 3 Physical Description

### 3.1 SITE CONTEXT

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The study area is situated on the western slope a sandstone ridge, which forms the long Barrenjoey Peninsula from Newport to Barrenjoey Head separating Pittwater from the Tasman Sea. The ridge varies in width; it is rugged and cloven with deep ravines and rises to a plateau of around 80 metres above sea level near the centre of the peninsula. The coastline is irregular with sandy coves alternating with projecting rocky headlands. In many places the sides of the ridge descend steeply to the water. The study area is located on one of these steep slopes facing west, just north of Clareville Beach looking out towards Longnose Point.

Originally the native vegetation around the study area was open coastal forest with tree cover mainly formed by coast bangalay and banksias with smooth-barked apple further up the slopes. The understorey comprised pittosporum, cheese tree and blueberry ash. Extensive clearance, first for dairy farms then for suburban housing, destroyed most of the native forest communities, although the area maintains a verdant character, albeit consisting mostly of introduced species.

The built environment of Avalon has a simple structure with commercial - shopping village style - development concentrated along, or near, the Barrenjoey Road spine, which follows the ridgeline surrounded by suburban development of mostly large detached houses in verdant setting. The varied hillside setting of houses and streets also afford spectacular water views and vistas from a multitude of locations.

The earliest houses in the area, of which very few examples remain, were simple weatherboard or fibro cottages built as holiday homes, but now beyond the commercial strip the residential area displays great diversity with every style of the late 20th century represented and displayed in ever increasing house sizes, reflecting the desirability of the area, which continues unabated to the present day.

### 3.2 SITE

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The subject site forming the subject site is a west facing lot located on Riverview Road near its intersection with Hudson Parade. The site is roughly rectangular allotment created in 1902 and it appears to be the only allotment surviving unaltered from the original subdivision. The land falls steeply from Riverview Road to the water and the house is so far down the slope that it is not visible from the road.

The Riverview Road frontage gives no indication of the great house on the site: a wide driveway is set beside thick vegetation. The only hint of something unusual to come is the letter box with its tiered, pagoda like roof, probably inspired by the little temples and spirit houses Snelling saw on his trip to Japan. The tennis court proposal is to be located in this area.

The gravel driveway winds around lush planted garden beds giving tantalising glimpses of Pittwater, but still no hint of the house. Then after another turn the driveway widens out into

a generous turning circle in front of an open garage with a low, shingle covered gable roof. The roof of the house becomes visible at this point.

The levelling required for the turning circle created a raised retaining wall in front of the house, which is disguised by rockery and a moat-like pond. The rafters of the house extend over this moat, visually and literally connecting the house to the upper level. Crossing the pond a small timber bridge connects the garage to the front entrance.

Beyond the house, the pond theme is repeated briefly in a small separate garden in front of the master bedroom. This small garden is connected to the large paved terrace courtyard, which forms the focal point of the site. The terrace is protected on its south and east sides by the house whose rooms open onto it. A large swimming pool occupies the western edge of the courtyard and the visual connection of the swimming pool to Pittwater beyond creates a spectacular effect, which even the glass pool safety fence - recently installed - cannot ruin.

The lower levels are accessible from the terrace, down a concrete staircase. The solid white concrete parapets of the free standing staircase create a strong sculptural effect, which was especially captivating when seen from the water, but now planting and buildings have partially concealed it reducing its effect.

The lower garden originally only contained a boathouse, a long jetty and a pile of rocks salvaged from the site excavation and set up to resemble the natural rocky cliffs around the peninsula, but during the last twenty years storerooms, a wine cellar and guest quarters were added. These additions are nondescript and utilitarian standing in stark contrast to the excellence of Snelling's design.

### **3.3 HOUSE**

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The house was essentially conceived and built as a single storey building with a separate garage at a slightly higher level and a boathouse a long way down from the house at the water's edge. The lower level additions between the house and the boathouse are more recent.

Snelling's design conceived an L-shaped house oriented around the open terrace taking advantage of Pittwater views from all major rooms. Despite its size the house is remarkably recessive in its setting and it appears visually less prominent from all angles than what is now customary. This politeness and reserve architects, now practicing, would do well to emulate.

On the high sides the house is surrounded by rocks, ferns and water, while on the low side its level platform formed by the terrace cantilevers with a white concrete edge parapet which transforms into a sculptural free-standing staircase.

As the house is not affected by the proposed development located on the opposite end of the large site, its detailed description is dispensed with.



### 3.4 SUMMARY OF CONDITION

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The house exhibits a high degree of integrity. Recent changes affected bathrooms, the bedroom terrace, the carport studio, the service lobby and the laundry, but the cultural significance of the place was not degraded.

### 3.5 PHOTOGRAPHS

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The photographs on the following pages describe the study area in its setting and existing condition.



**Figure 16** | *View from the jetty today*



**Figure 17** | *The letter box at the entrance; probably inspired by Snelling's trip to Japan*



**Figure 18** | *Looking down the drive, the house is hidden in the distance behind trees*



**Figure 19** | *The front from the street. There is no indication of the house a long way below.*



**Figure 20** | *The existing driveway entrance. The proposed tennis court is to be located in the open area in the background.*

# 4 Significance of the Place

## 4.1 PRINCIPLES

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The concept of 'cultural significance' or 'heritage value' recognizes the value of a place or item, which cannot be expressed in monetary terms. Assessment of cultural significance attempts to establish the foundations on the basis of which a place or an item is valued by the community. Cultural significance is embodied in the fabric of the place, in its setting and its relationship to other items, the records associated with the place and the response that the place evokes in the community.

Both the Burra Charter of Australia ICOMOS and its Guidelines for Assessment of Cultural Significance; and the NSW Heritage Manual prepared by the NSW Heritage Office recommends that significance be assessed in categories such as aesthetic, historic, scientific and social significance. The NSW Heritage Manual includes two additional criteria for assessing the comparative significance of an item.

Since the preparation of the NSW Heritage Manual, the NSW Heritage Act 1977 was amended in 1999, and again in 2000. Under this amendment the NSW Heritage Council has adopted revised criteria for assessment of heritage significance. The evaluation of cultural significance is based on the adopted approach and the results of the assessment are incorporated into a statement of significance, which is usually included in the inventory sheet of a heritage item.

## 4.2 STATEMENT OF SIGNIFICANCE

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The statement of significance for 3 Riverview Road, Avalon Beach is taken from its Inventory Sheet on NSW Environment & Heritage 'State Heritage Inventory' and it is as follows:

*Little House (Yoorami) at 3 Riverview Road, Clareville, built c1965 to a design by the architect Douglas Snelling, has historic and aesthetic significance as an early example of Late Twentieth-Century Sydney Regional architecture showing direct influences by Frank Lloyd Wright. Typical modernist features include: horizontal emphasis in the structure, free asymmetrical massing, flat roof, clerestory windows, timber deck, exposed structure, retention and adaptation to the natural setting and use of natural materials.*

*The residence portrays the early stages of a significant movement by Sydney architects to adapt the International style and design theory to a local, regional language.*

*The residence is an early example of Snelling's work and retains a substantial proportion of original integrity. The listing includes the interiors of the house; however detailed analysis and assessment should be undertaken at the time of any future changes to the interior in order to ascertain the relative heritage significance.<sup>1</sup>*

<sup>1</sup> <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2270480>

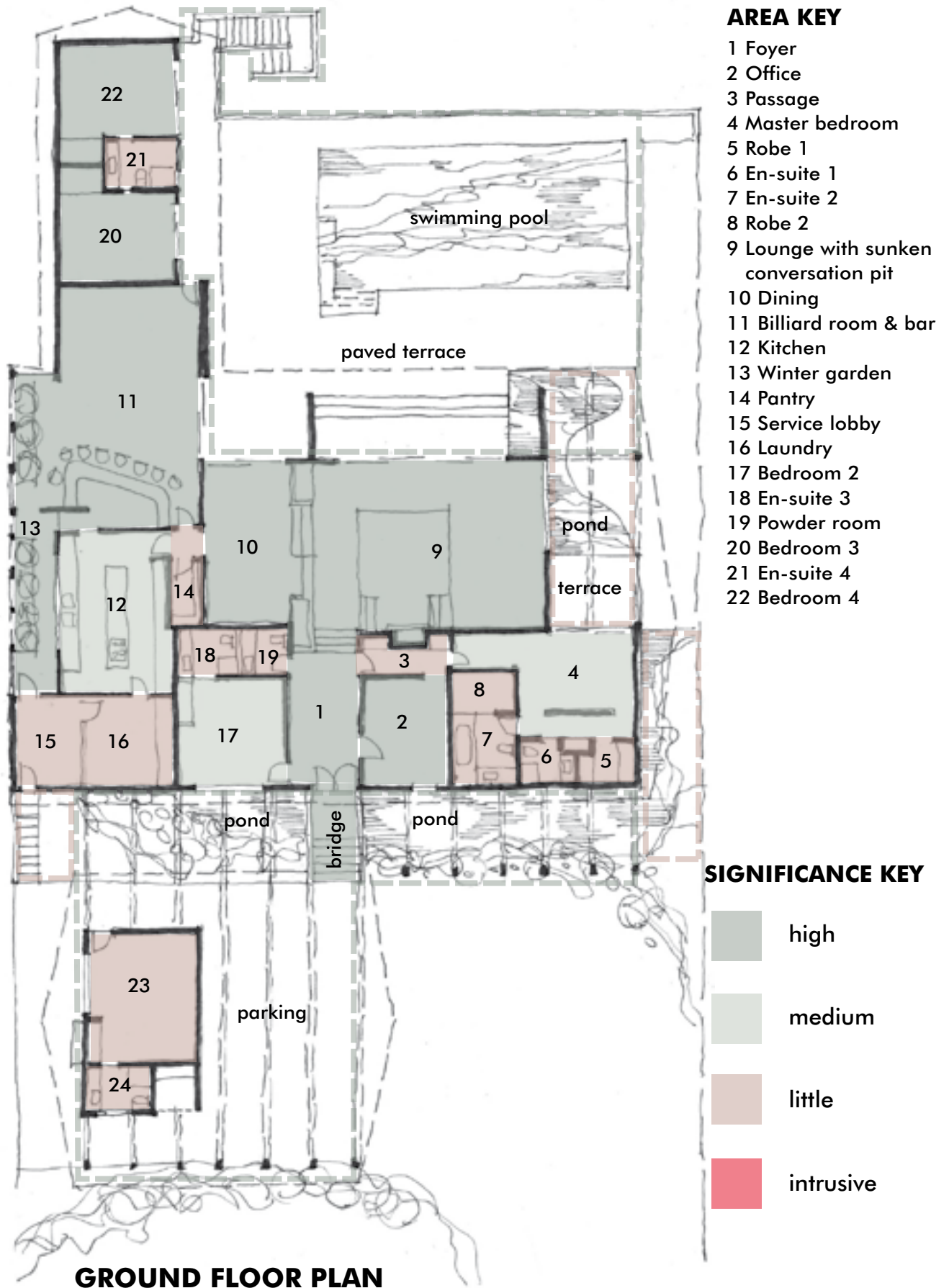


Figure 26 | Spatial Integrity Diagram 1



**AREA KEY**

- 1 Boathouse
- 2 Rumpus room
- 3 Bathroom 1
- 4 Passage
- 5 Guest room
- 6 Alcove
- 7 Bathroom 2
- 8 Dressing room
- 9 Store
- 10 Cellar (not shown)

**SIGNIFICANCE KEY**

- high
- medium
- little
- intrusive

**LOWER FLOOR LEVELS**

Figure 27 | Spatial Integrity Diagram 2

## 5 Planning Context

The heritage item at 3 Riverview Road, Avalon Beach is affected by a number of statutory and non-statutory controls, guidelines and lists that are relevant to this assessment of heritage impacts. They are as follows:

- ◆ NSW Heritage Act 1997,
- ◆ Pittwater Local Environmental Plan 2014
- ◆ National Trust of Australia (NSW) Register

### 5.1 NSW HERITAGE ACT 1977

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#### 5.1.1 State Heritage Register

The State Heritage Register is a list of heritage items of particular importance to the people of NSW. It includes items and places of state heritage significance endorsed by the Minister on the recommendation of the Heritage Council. It came into effect on 2 April 1999 and it was created under the Heritage Amendment Act 1998 and replaces the previous system of Permanent Conservation Orders as a means of protecting items of State significance.

Currently the State Heritage register includes all items formerly protected by Permanent Conservation Orders and items identified as having State significance in heritage and conservation registers prepared by State Government agencies received by the NSW Heritage Office prior to 2 April 1999. Items on the State Heritage Register require approval from the Heritage Council of NSW for certain works.

***3 Riverview Road, Avalon Beach is neither included nor proposed for inclusion in the State Heritage Register.***

#### 5.1.2 Interim Heritage Orders

Interim Heritage Orders can be made under Part 3 of the Heritage Act either by the Minister or, where authorised, a Local Government Council. Interim Heritage Orders replace the previous Interim Conservation Orders and orders made under Section 130. They are effective for a maximum period of twelve months.

***3 Riverview Road, Avalon Beach is not affected by any Interim Heritage Orders.***

#### 5.1.3 Archaeological 'Relics'

Under Division 9 of the Heritage Act, a permit is required for the excavation of relics, unless there is an applicable gazetted exemption. Pursuant to Clause 139 of the Heritage Act, an excavation permit is required where excavation is proposed and there is reasonable knowledge or likelihood that disturbance or excavation of the land will result in a relic being discovered, exposed, moved, damaged or destroyed.

***There is no evidence or likelihood that excavation of the land at 3 Riverview Road, Avalon Beach may disturb relics as defined by the Act.***

## 5.2 PITTWATER LEP 2014

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The Pittwater Local Environmental Plan 2014 is a statutory plan adopted by Pittwater Council and it is still in force since amalgamation as part of Northern Beaches Council. The objectives of this plan are to identify heritage items, heritage conservation areas and to provide measures for their protection, conservation and enhancement; and to ensure that new development is undertaken in a sympathetic manner.

***3 Riverview Road, Avalon Beach is listed as a heritage item under Schedule 5 of the LEP as 'Yoorami' (Item 2270480) of 'Local' significance.***

## 5.3 NATIONAL TRUST

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The National Trust of Australia (NSW) is a community-based conservation organisation. The Trust has assembled a Register of heritage items and conservation areas through the assessment work of its expert committees. While the Trust has no legal status, it is considered to be an authoritative guide to heritage significance, and the Trust acts a lobby group for heritage conservation.

***3 Riverview Road, Avalon Beach is not identified by the National Trust of Australia (NSW).***



# 6 Proposed Development

## 6.1 INTRODUCTION

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The proposed development was prepared in a manner consistent with the cultural significance of the place to ensure that the cultural heritage of the municipality remains undiminished, while meeting the reasonable expectations of the property owners.

Advice was sought from a heritage consultant at an early stage and extensive consultation was undertaken with the architect and client. The design development incorporated conservation and planning advice and the proposal before council reflects a satisfactory resolution of raised heritage issues.

## 6.2 PROPOSED DEVELOPMENT

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The proposed development consists of a number of interrelated elements, as follows:

- ◆ partial demolition of the existing forked driveway;
- ◆ construction of a new tennis court near the front boundary;
- ◆ construction of a new timber arbor over the retained driveway;
- ◆ construction of a new front boundary fence;
- ◆ construction of change shed behind the tennis court; and
- ◆ reinstatement of landscaping disturbed by the works.

## 6.3 DOCUMENTS

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The proposals are described and documented in detail by architectural drawings prepared by SJB Architects. They generally describe the physical aspects of the proposed development and this heritage assessment was based on the architectural set of documents submitted to council.

# 7 Heritage Impact of Development

## 7.1 INTRODUCTION

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3 Riverview Road is listed as a heritage item under the existing statutory controls of the Pittwater Local Environmental Plan 2014, but it is not within a heritage conservation area. The foregoing has established that the item is largely intact.

## 7.2 HERITAGE IMPACT ASSESSMENT

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The format follows the set out of the *Pittwater LEP 2014* and the *Pittwater Development Control Plan 2014* to assist staff in their interpretation of heritage issues.

### Pittwater LEP 2014

#### 5.10 Heritage Conservation

##### (1) Objectives

*The objectives of this clause are as follows:*

- (a) *to conserve the environmental heritage of Pittwater,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The following will demonstrate that the heritage item will be retained and its significant fabric conserved and restored. The principal setting of the item is maintained. The heritage significance of the item is not under threat.

***The objective is satisfied.***

##### (2) Requirement for consent

*Development consent is required for any of the following:*

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
  - (i) *a heritage item,*
  - (ii) *an Aboriginal object,*
  - (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*
- (e) *erecting a building on land:*
  - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(f) subdividing land:

- (i) on which a heritage item is located or that is within a heritage conservation area, or
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

The proposed development is for the construction of a new tennis court and associated structures on the land associated with a heritage item. This heritage impact assessment report forms part of a detailed development application to satisfy council's requirements and it will show that the setting and significance of the heritage item is not affected.

**The requirement will be satisfied.**

### **(3) When consent not required**

This requirement is not relevant, as consent will be required.

### **(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).*

The proposed development does not involve any demolition affecting culturally significant fabric and the setting, visual curtilage and fabric of the heritage item are not affected. There is approximately 70 metres between the heritage item and the proposed tennis court and the whole intermediate area is heavily vegetated, providing an effective screen.

The heritage impacts of the development are outlined below:

- ◆ The existing front garden area does not form part of a cultural landscape associated with the heritage item. The affected area is the result of unplanned plantings of insignificant species. The remnant bushland, which fringes the area will remain untouched. The forked driveway is not part of Douglas Snelling's design. The only culturally significant element in the front garden area is the letter box, which is to be retained.

**The demolition generates neutral impact.**

- ◆ The proposed tennis court is culturally appropriate as such garden features are normally associated with large houses. Its presence will not detract from the cultural associations and meaning of the place, instead it will enhance the understanding of the place as a house which was designed to incorporate social entertainment as one of its primary functions.

**The tennis court proposal generates positive impact.**

- ◆ The associated elements - the arbor, the new front fence and the change shed - are sensitively designed recessive elements which will not overwhelm the setting of the place.

**The associated elements of the proposal generate neutral impact.**

**The heritage impact of the development is overwhelmingly positive and under the guidance of the Burra Charter, the conservation requirement posed by the cultural value of the item will be satisfied.**

**(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.

This heritage impact assessment report, which is detailed and prepared by a recognised expert in heritage conservation, is submitted as part of the development application.

**The requirement is satisfied.**

**(6) Heritage conservation management plans**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Considering the cultural significance of the heritage item in the light of its retention and continuous protection and the fact that it is of Local Significance, in my opinion requirement for a Conservation Management Plan is not in the public interest and such a requirement would be out of proportion.

**(7) Archaeological sites**

The place is not an archaeological site.

**(8) Aboriginal places of heritage significance**

The place is not an Aboriginal place of heritage significance.

**(9) Demolition of nominated State heritage items**

The place is not a nominated State heritage item and demolition is not considered.

**(10) Conservation incentives**

This requirement is discretionary and depends on Council.

**Pittwater Development Control Plan 2014**

**6.1 Heritage Conservation**

**Controls**

**Heritage Items or Archaeological Sites**

*Any development application involving work likely to impact the heritage significance of a heritage item or archaeological site is to be accompanied by a Heritage Impact Statement, prepared by an appropriately qualified heritage professional. Guidance on preparing a Heritage Impact Statement (Statement of Heritage Impact) is available at NSW Office of Environment & Heritage in the NSW Heritage Manual or superseding publication.*

This heritage impact assessment report, which is detailed and prepared by a recognised expert in heritage conservation, is submitted as part of the development application.

**Achieved.**

*Alterations and additions to buildings and structures, and new development of sites containing a heritage item or archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.*

The proposal respects the significant components of the house, which are retained intact. The new development is for a tennis court in a landscaped setting. The tennis court generates appropriate cultural associations for the heritage item and its ancillary structures are recessive, which will complement the overall understanding of the place.

**Achieved.**

*Development on land containing a heritage item or archaeological site is to minimise the impact on the setting of the item or site by providing an adequate buffer zone where appropriate, and maintaining and respecting significant views to and from the heritage item or archaeological site.*

The new development is located at the furthest possible distance from the heritage item itself, whose setting and visual curtilage is not affected. The intermediate area retains its dense vegetation providing an adequate buffer.

**Achieved.**

*Fencing and gates that are complementary to a heritage item should be retained, particularly those constructed from sandstone and are significant or represent important character elements for a locality.*

There is currently no front fence.

**Not relevant.**

*New fencing and gates to a heritage item are to be compatible with the style and scale of the heritage item.*

The boundary curtilage of the site is ill defined without a fence. The proposed front fence is a contemporary palisade complementary to the setting of the heritage item, which is an important example of Modernist architecture.

**Achieved.**

*Original face brick or stone surfaces are not to be painted nor rendered.*

**Not relevant for this development.**

*Garages and carports are to be located as far behind the front building alignment of a heritage item as possible, if the site conditions allow. Garages and carports ideally should not be attached or integrated with heritage items, but set carefully next to them. Where possible they should not entail alteration of the heritage item to accommodate them, so that the heritage item is not distorted.*

The existing garage is an integral part of the cultural significance of the place as it forms part of the original design. The garage is retained and not affected by this development.

**Achieved.**

*The scale and form of any alterations and additions are not to dominate the existing building, especially when viewed from the most significant elevations. New alterations and additions should be consistent with the existing building form with respect to roof shape and pitch, façade articulation, fenestrations, proportions and position of windows and door openings.*

**Not relevant.**

*Alterations and additions to heritage items should not necessarily attempt to replicate the architectural or decorative detail of the original but be sympathetic and compatible so as to maintain a distinction between old and new in a subtle manner. Alterations and additions should complement a heritage item's existing period style and character. Reconstruction or reinstatement of the original details and finishes is encouraged.*

**Not relevant.**

*Original roofing materials should be retained wherever possible. New roofing material should match the original as closely as possible in terms of colour, texture and profile.*

**Not relevant.**

*The materials, finishes and colours used in alterations and additions should complement the heritage item. Modern materials can be used if their proportions and details are harmonious within the surrounding heritage context or with the heritage item.*

The proposed materials - timber for the arbor; powdercoated steel, stone and light coloured concrete for the change shed- are harmonious to the landscape setting and Modernist heritage context.

**Achieved.**

*Colour schemes for heritage buildings should generally be compatible with the particular architectural style and period of the building.*

Douglas Snelling's design relied on the natural colours of the materials he used and the only strong colours he permitted appeared in the work of the ceramicist. This proposal maintains his restrained spirit and new colours are sparse relying on the basic Modernist palette - light and white, which is sympathetic to the cultural significance of the heritage item.

**Achieved.**

*If work associated with a development approval is likely to adversely impact the heritage item, Council requires an archival recording of a heritage item to be prepared by an appropriately qualified heritage professional.*

The applicant endorses the notion of archivally recording spaces and fabric altered by the proposal in line with Article 32 of the Burra Charter and the NSW Heritage Guide.

**Achieved.**

### **7.3 STATUTORY COMPLIANCE**

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#### **7.3.1 Heritage Act**

The provisions of the Heritage Act are satisfied.

#### **7.3.2 Pittwater Local Environmental Plan 2014**

The foregoing has demonstrated that the proposed development generates positive conservation impacts.

***The proposed development complies with the heritage provisions of the LEP.***

### **7.4 CONCLUSION**

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Having examined the heritage impact of the development on the significance of the heritage item, the following can be concluded:

- ◆ the proposed demolition will only remove fabric of no significance;
- ◆ the culturally significant heritage item and its setting are retained;
- ◆ the proposal will not diminish the design intent of the original architect, Douglas Snelling;
- ◆ the new development will not affect the existing curtilage and visual setting of the heritage item; and
- ◆ the high architectural merit of the proposal will enhance the understanding of the heritage item by creating a valuable contemporary layer executed in a cohesive manner with the work of the original architect, Douglas Snelling.

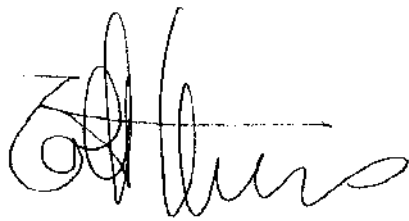
The proposed development does not affect the natural environment and it has a positive impact on the European cultural heritage of Pittwater.

## 8 Recommendations

Having assessed the significance of the place and the heritage impact of the proposed development the following are recommended:

- ◆ that Council should consent to the proposed development in recognition of its lack of adverse heritage conservation impacts and high architectural quality.

Signed

A handwritten signature in black ink, appearing to read 'Zoltan Kovacs', written over a horizontal line.

ZOLTAN KOVACS B. Arch (Hons)  
ARCHITECT



## 9 Bibliography

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