

Heritage Referral Response

Application Number:	DA2024/0946
Proposed Development:	Use of the premises as a restaurant including ancillary use as a function centre
Date:	23/01/2025
To:	Maxwell Duncan
Land to be developed (Address):	Lot B DP 329073 , 80 Undercliff Road FRESHWATER NSW 2096

Officer comments

HERITAGE COMMENTS		
Discussion of reason for referral		
The land subject to the proposal is a heritage item		
I76 - 'Freshwater' Restaurant - 80 Undercliff Road		
Details of heritage items affected		
<u>Statement of Significance</u> 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.		
<u>Physical Description</u> Two storey building of residential form. Timber weatherboard walls and tiled multi-gabled roof. Gables contain a variety of detail from timber shingles & timber battened trim to a variety of window types. Wide segmented verandah, infilled with glazing.		
Other relevant heritage listings		
SEPP (Biodiversity and Conservation) 2021	No	
Australian Heritage Register	No	
NSW State Heritage Register	No	
National Trust of Aust (NSW) Register		
RAIA Register of 20th Century Buildings of Significance	No	
Other	N/A	
Consideration of Application		
The proposal seeks consent to continue the use of the site as a restaurant and supersede previous consents on the site, but also change its operating hours and capacity. Asides from some minor fire and accessibility upgrades such as to the bathrooms and footpath outside Undercliff Street, no physical works are proposed. Heritage notes that an updated Heritage Impact Statement that considers the current proposal has now also been prepared and submitted.		
The site is a significant local heritage item, that has been listed both for its physical character, as		

well as its historical and social values as an early recreational venue. The proposal to continue the use of the site as a restaurant will retain the historical uses of the site and this is supported by Heritage. However as the site is a significant heritage item with both tangible and intangible values and this proposal effectively seeks a 'fresh' consent it is important and necessary that there is an overarching heritage management strategy for the site. In this regards Heritage will condition a Heritage Asset Action Plan (HAAP) for the site to ensure the ongoing maintenance and protection of the heritage significance of the site.

Heritage also notes that there has been some unauthorised works to the site, such as the creation of the garden room on the southern side of the building. Heritage does not agree with the Heritage Impact Statement that this room is without heritage impact, and this addition is considered works that will need to be properly rectified under a future proposal that deals with physical works noting that this application is only for the use of the site and limited accessibility and fire upgrades. Heritage will recommend a condition on the consent making it clear that unapproved physical works (beyond the accessibility and fire upgrades) are not approved under this consent.

Therefore Heritage recommends approval of the proposal, subject to conditions.

Consider against the provisions of CL5.10 of WLEP.

Is a Conservation Management Plan (CMP) Required? Yes

Has a CMP been provided? No, but a HAAP has been conditioned.

Is a Heritage Impact Statement required? Yes

Has a Heritage Impact Statement been provided? Yes

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Heritage Advisor Conditions:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

Extent of consent

No approval is granted or implied under this Development Consent for any physical works beyond the fire and accessibility upgrades. Approval is given for the use of the site only.

Reason: To ensure compliance with the terms of this consent.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Preparation of a Heritage Asset Action Plan

A Heritage Asset Action Plan (HAAP) is to be prepared for the site in accordance with Heritage NSW *Statement of Best Practice for Heritage Asset Action Plans* and be provided to Council's Heritage Advisor for approval prior to the issuing of a Construction Certificate.

Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: Ongoing protection of the heritage item

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Implementation of Heritage Asset Action Plan

The approved Heritage Asset Action Plan, including maintenance works and policies for the site, must be complied with at all times.

Reason: Ongoing protection of the heritage item