

Heritage Referral Response

Application Number:	DA2024/0591
Proposed Development:	Demolition works and construction of a dwelling house
Date:	29/10/2024
To:	Maxwell Duncan
Land to be developed (Address):	Lot 1 DP 799776 , 71 Whistler Street MANLY NSW 2095

Officer comments

HERITAGE COMMENTS		
Discussion of reason for referral		
The proposal has been referred to Heritage as the subject site is within the vicinity of a heritage item listed under Schedule 5 of MLEP 2013. <i>Item 12 - Stone Kerbs - Manly municipal area</i>		
Details of heritage items affected		
<i>Item 12 - Stone Kerbs - Manly municipal area</i> <u>Statement of Significance</u> Stone kerbs are heritage listed. <u>Physical Description</u> Sandstone kerbing to streets relating to paving and kerbing of streets in the nineteenth century. Mostly located within Manly Village area and adjacent lower slopes of Eastern Hill and Fairlight.		
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	No	
RAIA Register of 20th Century Buildings of Significance	No	
Other	No	
Consideration of Application		
Comments - Plans 07/08/2024 This application proposes the demolition of the existing dwelling and construction of a new dwelling with parking within the front setback. The existing dwelling is an original 1880's timber cottage, but it is not heritage listed nor within a heritage conservation area. However, the stone kerbs in front of 71 Whistler Street are heritage listed and the proposal involves removal of this heritage item for driveway access. There is some ambiguity regarding whether the proposal involves removing the entire kerbs or only a partial section. Although, a Statement of Heritage Impact has been submitted, it has not been		

prepared by a qualified heritage professional and does not fully address the range of heritage impacts related to the demolition of the heritage-listed stone kerbs. The Statement of Heritage Impact suggests that only a small area of the kerbs will be removed, but the plans provided indicate a different scope. Given the significance of the stone kerbs and their contribution to the heritage value of the streetscape, it is essential that the proposal adequately addresses this issue.

The request to demolish heritage listed items is subject to detailed analysis and assessment and generally not supported if alternative options are available. While partial removal of the stone kerbs can be considered, it will require specific design modifications. To minimise the impact on the heritage significance of the site, it is recommended that the driveway be relocated to the southern end of the property. Additionally, adjustments to the design should be made to preserve at least two meters of the stone kerbs at the northern end. This approach will help retain a significant portion of this historically important feature and ensure the preservation of the site's historical context.

Furthermore, in accordance with the Council resolution from the meeting held on 30 July 2024, the applicant must engage a heritage expert to prepare a detailed report documenting and photographing the existing building. This report must be submitted to Council for inclusion in the public record, in line with the guidelines set forth by the NSW Heritage Council.

Detailed conditions will be provided after the amended plans have been received as per the Request for Information (RFI).

Revised Comments - Plans 02/09/2024

Upon reviewing the updated plans, it has been noted that the proposal has not yet addressed a key heritage issue. Therefore, the proposal must meet the following conditions prior to the issuance of the Construction Certificate:

- The design must ensure the retention of 1.6m of stone kerb after the driveway construction. This is to be achieved as per the engineer's referral condition below:

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3.0 metres wide in accordance with Northern Beaches Council Standard Drawing A4 3330/1

N in accordance with Section 138 of the Roads Act 1993. In order to minimise the loss of heritage kerb, the vehicle crossing shall be constructed as a combined vehicle crossing with the existing vehicle crossing to 69 Whistler Street. Provide 3 metre width on the kerb line plus a 600 mm wing to the north. Provide 3 metre width on the property boundary, clear of any obstructions.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

- In accordance with the Council resolution from the meeting held on 30 July 2024, the applicant must engage a heritage expert to prepare a detailed report documenting and photographing the existing building. This report must be submitted to Council for inclusion in the public record, in line with the guidelines set forth by the NSW Heritage Council.

Therefore the proposal is supported subject to the fulfillment of these two conditions.

Consider against the provisions of CL5.10 of WLEP.

Is a Conservation Management Plan (CMP) Required? No
Has a CMP been provided? No
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:

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

Retention of 1.6 meters of stone kerb

The design must ensure the retention of 1.6 meters of stone kerb located towards the front of the property, as per the engineer's referral condition below.

The Applicant is to submit an application with Council for driveway levels to construct one vehicle crossing 3.0 metres wide in accordance with Northern Beaches Council Standard Drawing A4 3330/1N in accordance with Section 138 of the Roads Act 1993. In order to minimise the loss of heritage kerb, the vehicle crossing shall be constructed as a combined vehicle crossing with the existing vehicle crossing to 69 Whistler Street. Provide 3 metre width on the kerb line plus a 600 mm wing to the north. Provide 3 metre width on the property boundary, clear of any obstructions.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the preservation of the heritage listed item.

Photographic Archival Recording of the subject site including the building proposed to be demolished

In accordance with the Council resolution from the meeting held on July 30, 2024, the applicant must engage a heritage expert to prepare a detailed report that documents and photographs of the existing site including the building and other site elements proposed to be demolished. This report must be submitted to the Council for inclusion in the public record, following the guidelines set forth by the NSW Heritage Council.

Reason: For heritage preservation, to document the building's condition and features visually, supporting accurate future restoration and conservation efforts.