

HERITAGE IMPACT STATEMENT

211 Pacific Highway St Leonards



Gore Hill Memorial Cemetery

FINAL 25 JUNE 2019

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Cover Image: View looking southeast along The Avenue towards the entry gates (Source: NBRSArchitecture, June 2019)

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ISSUED	REVIEW	ISSUED BY
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HERITAGE IMPACT STATEMENT FOR 221 PACIFIC HIGHWAY ST LEONARDS

1.0 INTRODUCTION

1.1 BACKGROUND

This Heritage Impact Statement has been prepared in accordance with the standard guidelines of the NSW Heritage Division to accompany an application for proposed Change of Use from “commercial” to “school” at 211 Pacific Highway, St Leonards and the proposed construction of a ‘Kiss and Drop’ facility within the adjoining former road reserve known as The Avenue. The site comprises the Gore Hill Cemetery.

The proposal involves an application for a change of use from “Commercial” to “School”, internal modifications, minor landscape and external works and the construction of a “Kiss and Drop” area.

Details of the development proposal have been prepared by Stanton Dahl Architects with landscape by Inview Design.

The subject property is listed on the NSW State Heritage Register as an item of State Significance. It is also listed as an item of local heritage significance on Schedule 5 of the *Willoughby Local Environmental Plan (LEP) 2012* as Gore Hill Memorial Cemetery, item I148 as an item of state significance.

Accordingly, this Heritage Impact Statement reviews the proposal in terms of the relevant heritage provisions of the *Willoughby LEP 2012* and the requirements of the *Willoughby Development Control Plan (DCP) 2016*, and the Impact Assessment Criteria guidelines endorsed by the NSW Heritage Council.

In addition, this report formally evaluates the proposal against the heritage provisions outlined in the Gore Hill Memorial Cemetery Plan of Management, 2016.

1.2 METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the guidelines set out in the *Australia ICOMOS Charter for Places of Cultural Significance*, 2013, known as The Burra Charter, and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) publication, NSW Heritage Manual.

The Burra Charter provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*, is as defined in Article 1 of The Burra Charter. The NSW Heritage Manual explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

1.3 SITE LOCATION

The subject site is located on the northern side of Pacific Highway, between Reserve Road and Westbourne Street, St Leonards. The subject site is identified as Lot 101 DP 791327 and Lot 1 DP 1191604 by the NSW Land Registry Services (LRS) (see Figure 1 and Figure 2 below).

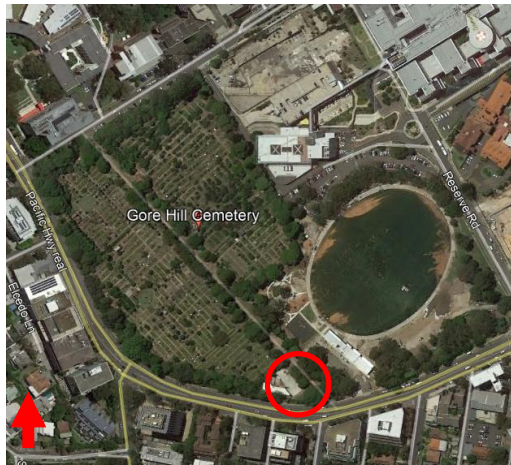


Figure 1: Aerial map with the subject site circled red. (Source: NSW LRS, SIX Maps, maps.six.nsw.gov.au)



Figure 2: Street map with the subject site circled red. (Source: NSW LRS, SIX Maps, maps.six.nsw.gov.au)

1.4 HERITAGE MANAGEMENT FRAMEWORK

It is also listed as an item of local heritage significance on Schedule 5 of the *Willoughby Local Environmental Plan (LEP) 2012* as Gore Hill Cemetery (I148). A portion of the subject property being Lot 101 DP 79137 is listed on the NSW State Heritage Register as an item of State Significance.

Lot 102 DP 79737 is outside the subject site however it is also included within the LEP listing and is listed on the NSW State Heritage Register for Gore Hill Cemetery.

Other heritage listed items in the vicinity of the subject site are visually and physically separated from the site by intervening development and distance, and do not warrant assessment as part of this report.

1.5 AUTHORSHIP

This report was prepared by Alice Steedman, Senior Heritage Architect, of **NBR**SARCHITECTURE, using research and a history written by Leonie Masson, Historian, previously of **NBR**SARCHITECTURE.

1.6 LIMITATIONS

This report is limited to the assessment of potential impacts on the European cultural heritage values of the site and does not include Aboriginal and Archaeological assessment. This report only addresses the relevant planning provisions that relate to heritage.

1.7 COPYRIGHT

Copyright of this report remains with the author, **NBR**SARCHITECTURE. Unless otherwise noted, all images are by the author.

2.0 DOCUMENTARY EVIDENCE

2.1 PRE-EUROPEAN HISTORY

Prior to the arrival of European settlers in 1788, the Sydney Basin had been the home to the Eora People for thousands of years. Their land stretched north from the Hawkesbury south to the Shoalhaven and west to the Nepean. The Eora people consisted of three main tribes, based on linguistic groups, the Guringai, north of Sydney Harbour, the Dharug, around the harbour and to the west, and the Tharawal to the south of Botany Bay.

The Cammeraygal people of the Guringai tribe lived in the Ku-ring-gai and Willoughby areas until the 1820s. They fished and hunted in the waters and hinterlands of the area, and harvested food from the surrounding bush. Being self-sufficient, the Guringai had no need to travel far from their lands as the resources in the area were abundant and trade with other clans was well established. The first Europeans recorded the Cammeraygals were numerous and powerful.

The European arrival brought armed conflict and a serious lack of cross-cultural understanding. This heralded the demise of the Guringai clans. The large white population denied local clans access to their own country and its resources. Over a short period of time, the Europeans depleted fish stocks by netting huge catches, reduced the kangaroo population with unsustainable hunting, cleared the land and polluted the water. As a result, the Aboriginal people throughout the Sydney Basin were soon close to starvation. By 1830 many Sydney Aboriginal communities had integrated elements of European culture into their traditional lifestyles. There is evidence of the Cammeraygal people still living in the Willoughby area in 1820 however, disease, displacement and massacres meant that by the 1860's, Aboriginal people were only occasional visitors to the north shore area.

Today, few if any of the Aboriginal people living in the northern suburbs can trace their ancestry to Cammeraygal or Wallumedegal clans. However, throughout Sydney's North Shore there are over 1,000 sites that provide important evidence of its Aboriginal past, including shell middens and rock carvings.

2.2 DEVELOPMENT OF GORE HILL

In 1810, Governor Lachlan Macquarie granted to Provost Marshal William Gore 150 acres (61 hectares) of land in Artarmon. Gore's farm was on the eastern side of Artarmon between Mowbray Road, Artarmon Recreational Reserve and Sydney Street. He named his farm Artarmon after his ancestral home 'Ardthelmon Castle' in Ireland. Initially, Gore prospered and he was able to purchase 12 surrounding farms as well as James Williamson's Polmont Farm on the western side of the Pacific Highway. By 1815, Gore owned most of the land between St Leonards and Mowbray Road, making him the biggest landowner in the district. Unfortunately, in 1818, Gore defaulted on his mortgage and lost most of his land, apart from a small portion where he built Artarmon House in which he lived until his death in 1845.¹

¹ Rachel Fallowfield, 'Artarmon', Dictionary of Sydney, 2008, <http://www.dictionaryofsydney.org/entry/entry/artarmon>, viewed 12 April 2013.

chairman of the cemetery trust. A grant was received from Treasury for the erection of a 4 rail pig-proof fence enclosing the site.

In 1875, responsibility for Gore Hill Cemetery was transferred from the four boroughs to lay trustees of the authorities who had been allocated land. This resulted in the formation of seven separate and independent cemeteries sharing a common carriage way. In 1877, burials commenced and minor landscape works were carried out in some sections by individual trusts.

William Tunks died in 1883 and was buried at the entrance to the Church of England section, the first burial in this section. A monument was erected. In 1884 the first combined Committee of Trustees was formed. The following year the Committee put forward plans to improve the cemetery grounds, build a caretaker's residence, make a 66 feet wide avenue, kerb and gutter, clear stumps and undergrowth, trench around the site to 16 feet, and plant evergreen shrubs. The Department of Justice authorised the Trustees to build a caretaker's cottage on half an acre of the Extension Reserve, west of the Carriageway (also referred to as "The Avenue").

In 1886, the caretaker's cottage was constructed, the driveway cleared, and grounds cleared. James Kennedy was appointed caretaker by the Committee of Trustees with responsibilities including grave digging, planting trees, maintaining borders and weeding. Discussions took place on having the carriageway planted with an avenue of trees. A total of 56 burials were recorded to December 1886.

In 1887, the Trustees received a Treasury grant to undertake improvements to the cemetery grounds, including planting, provision of seats and gates, trenching and asphaltting. A sub-committee was formed to carry out the works. In 1890 a picket fence, 5 feet high, was erected and painted along the Lane Cove Road (now the Pacific Highway) boundary. Four years later the General Section east of the carriageway was redesigned for extensions to the Wesleyan, Presbyterian and Congregational sections.

By 1899, an estimated 2096 burials had been performed at Gore Hill Cemetery. Between 1898 and 1900 the carriageway was regraded and guttered, and a shelter shed erected and between 1900 and 1901 the carriageway was surfaced with blue metal. Some monuments and remains from the Devonshire Street (Sandhills) Cemetery, in use 1819 to 1901, were relocated to Gore Hill Cemetery at the time of construction of Central Railway Station

In 1902, iron gates with stone piers were erected at the main entrance on Lane Cove Road (now the Pacific Highway). The sandstone was from Waverley Quarry and the piers were constructed by WE Parry of Gordon. The iron work was by Mr George Wales of Clarence Street, Sydney. East of the carriageway, the General Section and Extension area was eliminated. The Jewish area was relocated. New burial areas for Roman Catholics and Unsectarians were allocated. Extensions were given to the Presbyterian, Wesleyan-Methodist and Independent areas. Trustees of the General Section became the Trustees of the Unsectarian Section.

West of the Carriageway, the Extension area was eliminated in 1903 to provide for extensions to the Church of England burial area and the establishment of a Baptist burial area. East of the Carriageway, the Roman Catholic, Methodist, Jewish and Unsectarian burial areas were redesigned. The present brick retaining walls along the Carriageway were erected by the Combined Committee of Trustees. A timber, Gothic style Robing Room and Chapel was erected in the new Church of England extension, near the Carriageway (it was destroyed by fire in 1975). The Dalton vault was erected in the first Roman Catholic Section.

In 1904, the Trustees were informed by the Department of Lands of the discontinuation of government subsidies for general maintenance and improvements. In 1906, the Trustees produced 'Regulations for the Management of the Portions of the General Cemetery at Gore Hill' and in 1908, the portion of the Cemetery east of the Carriageway was revoked and re-dedicated for General Cemetery.

In 1910, Mr Kennedy was succeeded as Sexton by Frederick Crowe. In 1917, east of the Carriageway, the Roman Catholic and Unsectarian areas were redesigned and the Jewish Area eliminated and in 1919, east of the Carriageway the Methodist and Presbyterian burial areas were redesigned to increase the Presbyterian area. Internal boundaries of burial areas were finalised.

In 1922, the stone archway at the entrance to the Baptist Section was presented to the Trustees of that section by T.E. Rofe of Wahroonga. All burial plots were sold by this time.

In 1926, a portion of the western boundary was claimed by the Main Roads Board (now the Roads and Traffic Authority) for the widening of Lane Cove Road. The change did not encroach upon the burial areas of the Baptist, Church of England, and Roman Catholic Trusts.

A dividing fence between the public recreation area and the cemetery was erected in 1926 and two roods and 26 perches were taken from the Lane Cove Road boundary. The existing metal and wire fence was possibly erected at about this time, with the cost being borne by the relevant government authority.

The Carriageway was resurfaced with tar and macadam in about 1930. The following year a new Code of Regulations was prepared and adopted by the Trustees.

There is little information available about the cemetery for the Depression and World War II years. In 1948, two sandstone monuments to members of the Hordern family were transferred to Gore Hill Cemetery from St Stephen's, Newtown (Camperdown Cemetery) when the latter was converted to a Rest Park. In 1949, a new Sexton's cottage was built at the southern end of the cemetery, adjoining the highway.

In 1965, a combined Trust was set up to carry out administration of the Cemetery. The following year, the NSW Government passed Act No. 52, 1966, to provide for the care, control and management of cemeteries by municipal councils. However, the Act did not apply to Gore Hill. Willoughby Council expressed no interest in the acquisition of the Cemetery.

In 1967, due to concerns over funding arrangements for maintenance, the Trustees proposed a future policy to the Minister for Lands that the Cemetery be converted to a botanical garden with significant monuments and vaults to be conserved and others removed.

On 27 May 1971, a special meeting of Trustees heard a report from the Mayor of Willoughby on the Government's proposal to close Gore Hill Cemetery and convert it to a 'rest park'. The meeting resolved to accept the proposals. All Cemetery staff were dismissed on 12 November and no further maintenance was carried out. The Sexton, Mr Vandine, was permitted to remain in the cottage in a caretaker role.

The last burials in the Cemetery occurred early in 1974. On 24 April, the Minister for Lands informed the Trust that the Gore Hill Cemetery Bill 1974 would be enacted and the Cemetery closed to burials from the 18 May 1974. Under the Act, the land was to be dedicated as a public park, with Willoughby Council as trustees who were required to "improve" the Cemetery as a

rest park and garden. The Act also required Council to consider the views of the Royal Australian Historical Society with respect to the historical aspects of the Cemetery.

Concerns over the future of the cemetery and fears over its demolition resulted in a public meeting of protest being held in 1975. The meeting resolved to request Willoughby Council to rescind its motion adopting the 'rest park' plan. It also resolved to form a group to be known as The Friends of Gore Hill Cemetery to work for the conservation of the Cemetery.

In 1976, Willoughby Council requested the Minister for Lands to repeal the Gore Hill Act 1974. The Society of Australian Genealogists completed transcriptions of the inscriptions on all the monuments and Gore Hill Cemetery was Classified by the National Trust as an historic cemetery.

The Heritage Bill was enacted in 1977, providing for the Heritage Council of New South Wales as the Government's advisory body on conservation of the State's environmental heritage. Established in 1978, the Heritage Council of New South Wales recognised Gore Hill Cemetery as an item of the State's environmental heritage, although no conservation order was made in respect of the site.

In 1979, the Heritage Council made available a grant of \$35,000 for specific conservation works. The Department of Lands received a Treasury allocation of \$50,000 for conservation works at the Cemetery, with an indication of further contributions of \$50,000 over each of the next five years. A working committee was established in December comprising Department of Lands (convenor), Willoughby Municipal Council and the Heritage Council.

The Working Committee released a Discussion Paper in May 1981, and in July engaged consultant, Lesley Gulson to implement the conservation strategies outlined in the Paper over a six month period. In November the same year, the Working Committee staged a public exhibition and associated lectures to seek comment on the strategies. Work commenced on the restoration of the cemetery drainage system. By the end of 1981/82, membership of the Friends was 290.

The following year kerbing and guttering was laid along the Cemetery side of Westbourne Street. Between 1982 and 1984, the following projects were completed under the supervision of the Working Committee:

- *Repair of fence along Pacific Highway boundary;*
- *Turfing of the Carriageway and extension of brick paving along western side;*
- *Restoration of the main gates at Pacific Highway end;*
- *Landscape improvements to the entrances at Pacific Hwy and Westbourne St;*
- *Restoration of the Lych Gate (grant of \$2664 to Friends) and Shelter Shed;*
- *Removal of dead trees, replanting of shrubs, restoration of brickwork (\$50,000 grant from Department of Lands) and clearing of paths. (Most of the new plantings and spray heads for watering system were stolen); and*
- *Marker pegs installed to identify denominational sections.*

In 1984, The Minister for Planning and Environment approved land rezoning to permit Community and Commercial Use of the Sexton's Cottage site. Income from a proposed lease of the site would be used for maintenance and restoration of the Cemetery. A forty year lease of the site was granted to the architectural firm, Edwards, Madigan, Torzillo, Briggs International Pty Ltd, with rent tied to CPI variations and reviewable every five years. The lease of the site runs from 1 January 1985 to 31 December 2024. By the end of 1983/84, the Friends' membership was approximately 300.

In 1985, Edith Sims' history of Gore Hill Cemetery was published by the Friends. In 1986, the Friends expressed concern at the lack of a gardener and the amount of overgrowth in the Cemetery. The Friends were responsible for maintenance for a number of years until a trust was formed.

The Gore Hill Memorial Cemetery Act was assented to in 1986, repealing the Gore Hill Cemetery Act 1974. The Roman Catholic Robing Room (\$17,000 grant to Friends) and the metal arbour beside the Carriageway were restored. The National Trust of Australia (New South Wales) proposed that a Permanent Conservation Order be made over the Cemetery.

In 1987, Trustees were appointed to manage the Cemetery in accordance with the new Act. Appointees were nominated by the Heritage Council, the National Trust, Willoughby Municipal Council, Lane Cove Municipal Council and the Friends of Gore Hill Cemetery. The following year, the Trust requested that a Permanent Conservation Order under the Heritage Act be made in respect of the Cemetery. This request was not acted on. Local State Member of Parliament, John Dowd, presented the Trust with a cheque for funds remaining from the Crown Lands grant of 1985. In 1990, a grant from the National Estate Grants Program and a loan from the Crown Lands Office were made to enable major landscape conservation works to be carried out. Consultant horticulturalists carried out a program of rubbish removal, weeding, repair of damaged paths, clearing and repair of drains. The Department of Planning's "Heritage Conservation in Action" Education Kit was launched at Gore Hill Memorial Cemetery.

A Memorial Garden was established along part of the eastern side of the Carriageway for several placements of ashes, with fees to supplement Trust income. In 1991, dead palms were removed from the Catholic section and tree surgery was performed on major trees. Interpretive signs were erected on the shed/office. The boundary fence along the Pacific Highway was repaired.

In 1992, Chris Betteridge assumed the role of Chairman of the Trust for a period of five years. The Trust received a grant of \$ 7,500 for conservation of the Wilson and Skene vaults. The lessee of the Sexton's Cottage site sought an extension of the lease to 99 years. This was refused by the Minister for Lands. The Trust published a brochure promoting the placement of ashes and the annual care of graves. Venturer Scouts carried out a program of research and surveys for World Environment Day and Queen's Scout awards. The five year term of the first trustees expired. The Treasurer reported that the Trust's capital had been reduced by 50% in that time.

In 1993, a new monument to David Gregory, Australia's first Test Cricket captain, was unveiled and the shed in the Methodist section of the cemetery was restored. In 1994, the Trust appointed a Coordinator to supervise contractors and Community Service workers and gardening tasks. The Department of Conservation and Land Management provided a grant of \$4,000. The Carroll Vault was repaired.

In 1995, a monument was erected on the original burial site of Mother Mary MacKillop, commemorating her beatification. This monument was funded by Government grants and commercial and private donations. The Trust adopted a Visitor Code for the Cemetery. The Trust again sought a Permanent Conservation Order over the Cemetery, to no avail. A State Government grant was obtained for the preparation of a Plan of Management. Meanwhile, a large Sydney Blue Gum tree in the Church of England section came down in a severe storm on 25 September, smashing several monuments.

The Plan of Management was prepared in 1996 and adopted by the Trust. The third set of Trustees was appointed in 1997, with David Gray as Chairman. Since that time, the Trust has been successful in obtaining further financial assistance to conserve the incinerator and the Cornwell vault. Funds have also been obtained for privet eradication and other landscape maintenance works.

In 2000, the Trust mounted an exhibition at Willoughby Council to showcase the progress achieved in the 25 years since the Cemetery was closed to burials. New signs were erected at the corner of the Pacific Highway and Westbourne Street and at the southern entrance gates. The Friends continued their invaluable assistance with publication of further biographies of those buried at Gore Hill, and with a program of activities, including open days, guided walks, working bees and annual pilgrimages.

A proposal by Royal North Shore Hospital for new buildings adjacent to the eastern boundary posed a threat to the visual qualities of the cemetery and to mature vegetation growing along the boundary.

In June 2013, a draft plan of management prepared by Caroline Tallents of DEM, to replace the 1996 plan by Chris Betteridge and David Beaver, was put on public exhibition. In 2013, Gore Hill Memorial Cemetery is under the administration of the Northern Metropolitan Cemeteries Trust, formed by the NSW State Government to combine the operations of Macquarie Park (North Ryde), Field of Mars (Ryde), Frenchs Forest (Davidson) and Gore Hill Cemetery (St Leonards) (Friends of Gore Hill Cemetery, newsletter 73, 6/2013).

A new monument to commemorate the Sisters of Mercy has been erected in the Roman Catholic section which lists the names of the 115 sisters who were buried here from 1916-63. This is in addition to the monument in the Old Roman Catholic Section which lists the names of the 49 sisters buried there from 1886-1963. The Sisters of Mercy, North Sydney, established a presence in Sydney at Church Hill in 1865. Led by Mother Mary Ignatius McQuoin, they established their convent and a school for girls which became Monte Sant' Angelo in Miller Street, North Sydney (ibid, 6/2013).

2.3.2 HISTORY OF SEXTON'S COTTAGE

In 1885, the Trustees Committee put forward plans to improve the cemetery grounds, build a caretaker's residence, make a 66ft (20.12m) wide avenue, kerb and gutter, clear stumps and undergrowth, trench around the site to 16ft (4.88m) and plant evergreen shrubs. The Department of Justice authorised the Trustees to build a caretaker's cottage on half an acre of the Extension Reserve, west of the Carriageway. The cottage was constructed in 1886. The area set aside for the caretaker's cottage is shown in the 1887 plan at Figure 4. At this date, the subject site comprised two acres.

The Committee of Trustees appointed James Kennedy as caretaker of the Cemetery. His responsibilities included grave digging, planting trees, maintaining borders and weeding. The Trustees authorised funds for "necessary repairs to the caretaker's cottage" in 1898.³

³:Gore Hill Cemetery Trust*, Sydney Morning Herald, 7 January 1898, p7.

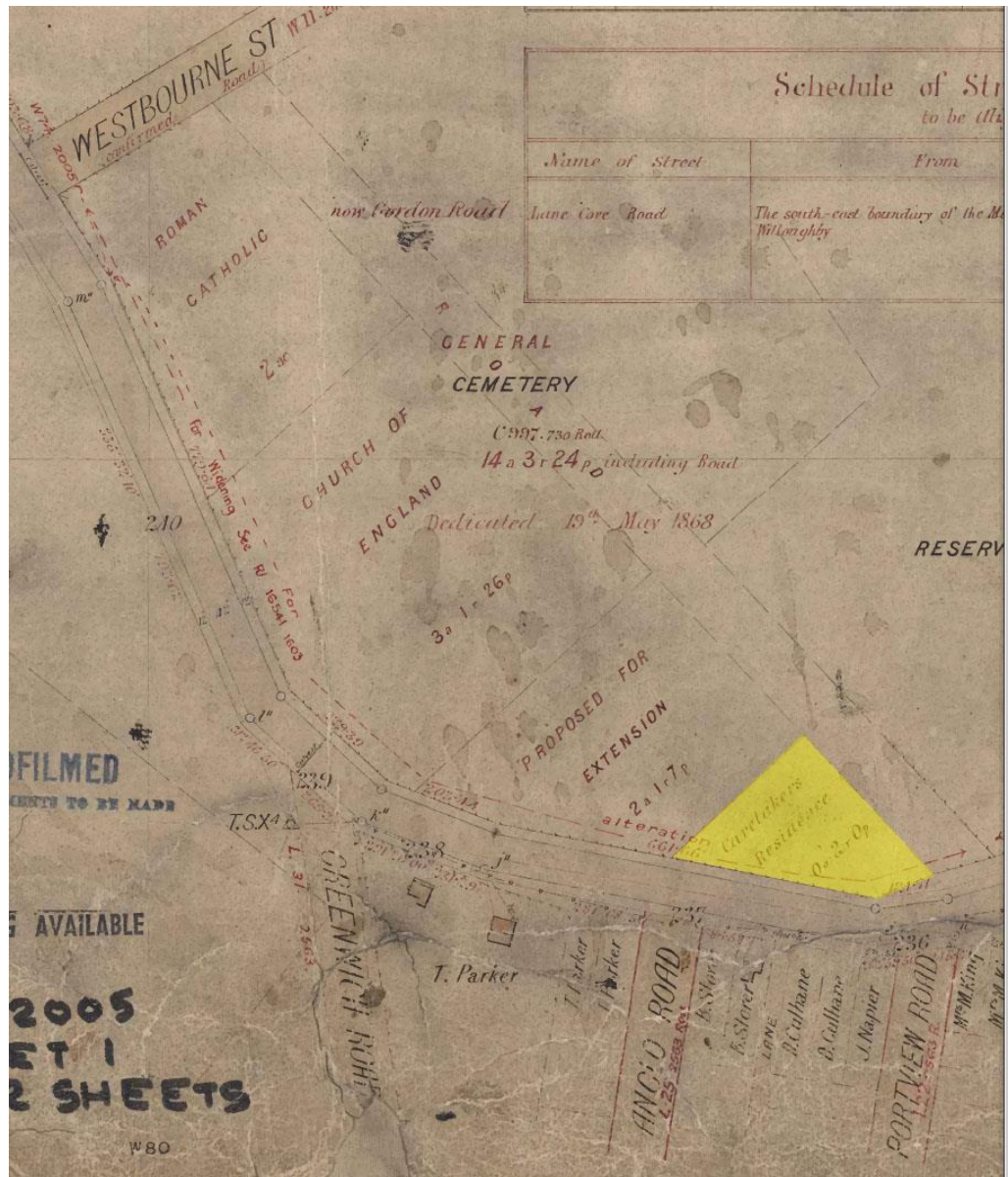


Figure 4 – Extract from Alignment Plan of the portion of the Lane Cove Road within the Municipality of Willoughby, 1887. Subject site designated "Caretaker's Residence" and comprising 2 roods of land. (Source: NSW Land & Property Information, W32-2005 Sheet 1)

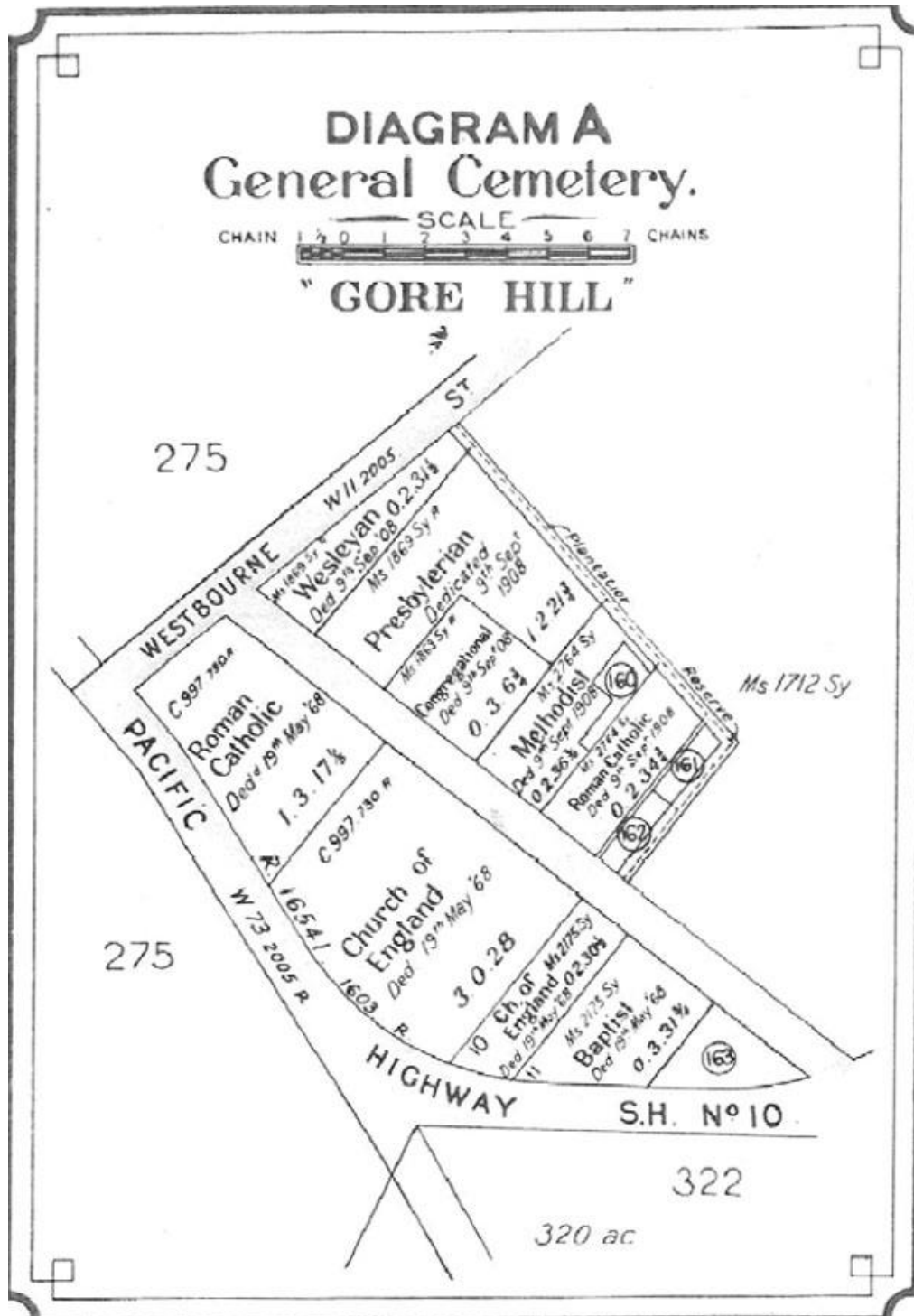


Figure 5 — Diagram A General Cemetery Gore Hill, undated. Subject site indicated by notation number 163 on this plan. (Source: Reproduced in Gore Hill Cemetery Plan of Management, 2013, p9)



Figure 6 — Extract from Plan of lands to be resumed under the Public Roads Act 1902 in connection with the proposed widening of part of Lane Cove Road, 1926. Plan shows that portion of the subject site proposed to be resumed indicated by red shading. Subject site shaded yellow. (Source: NSW Land & Property Information, Crown Plan 16541-1603)

Part of the subject site was resumed in 1926 for widening of the Lane Cove Road. The strip of land proposed to be resumed is shown in Figure 6 shaded pink. Following the resumption, Lane Cove Road was renamed Pacific Highway. The subject site is shown in the 1943 aerial survey below. This view shows the original Sexton's Cottage. A new Sexton's Cottage was constructed in 1949.



Figure 7 – Extract from 1943 aerial survey of Sydney showing subject site identified as Lot 101 DP 791327 (far lower right) (Source: NSW Land & Property Information, SIX Maps)

In 1984, the proposed lease of the caretaker's cottage in Gore Hill Cemetery and Willoughby Local Environmental Plan No. 18 was gazetted to allow for "appropriate additional purposes of a commercial or community nature, or both". The plan accompanying Willoughby LEP 1984 is shown at Figure 8. Following the gazettal of LEP No. 18, Edwards Madigan Torzillo Briggs International Pty Limited contracted with Willoughby Council for a 40-year leasehold of the subject site. In June 1985, the Council granted consent to a building application lodged by Edwards Madigan Torzillo Briggs International Pty Ltd for "renovation and construction of additions to existing caretaker's cottage for use as a commercial office as per drawings dated 6th March 1985". The architectural design studio and offices for Edwards Madigan Torzillo Briggs was built on the site of the former Sexton's Cottage.

Section 12 of the Gore Hill Memorial Cemetery Act 1986 makes reference to the Sexton's Cottage as follows:

- (1) *The trustees may maintain the dwelling erected on the cemetery land at the commencement of this Act and may, from time to time, repair, rebuild or replace it.*
- (2) *The trustees may use the dwelling, or permit it to be used, for such purposes and subject to such terms and conditions as the Minister may approve in writing.*
- (3) *A reference in this section to the dwelling erected on the cemetery land at the commencement of this Act includes a reference to that dwelling as repaired, rebuilt or replaced from time to time under this section.*

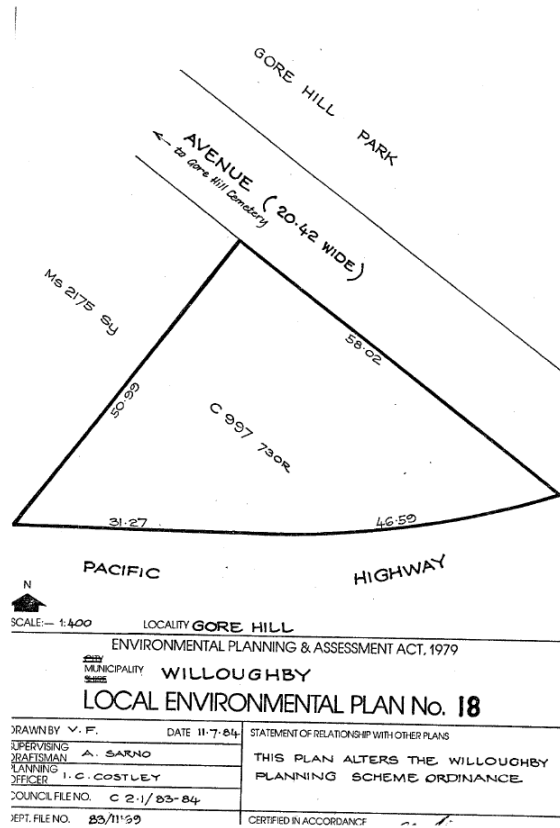


Figure 8 – Extract from Willoughby Local Environmental Plan No. 18 showing the subject site comprised in C997-730R, 1984. (Source: Willoughby City Council)

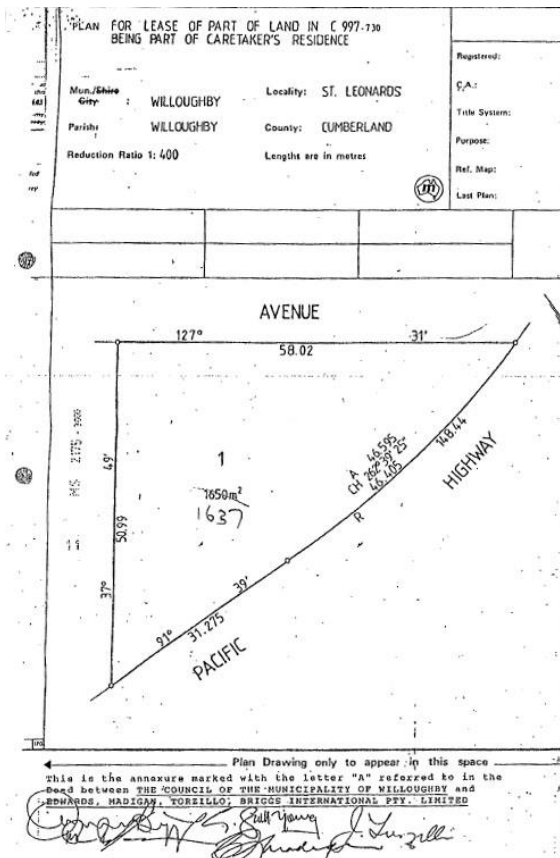


Figure 9 – Plan of lease of part of land in C997-730R being part of caretaker's residence. This plan was annexed to the deed of lease between Willoughby Council and Edwards Madigan Torzillo Briggs International Pty Limited. (Source: Willoughby Council)



Figure 10 — 'Concrete Kinhill', 211 Pacific Highway, St Leonards, 1993 (Source: Willoughby City Library, Picture Willoughby 002532)

The Cemetery including Lots 101 and 102 in DP 791327 are registered under the State Heritage Act 1977. The former road known as the Carriageway or The Avenue was reserved for Cemetery and Crematorium access on 6 December 2013 under the management of Northern Cemeteries

Gore Hill Memorial Cemetery is administered by not-for-profit organisation Northern Cemeteries (Northern Metropolitan Cemeteries Trust) as part of a portfolio of five cemeteries also including Macquarie Park, Frenchs Forest, Field of Mars and Sandgate. It currently operates under the Gore Hill Memorial Cemetery Plan of Management 2016.

The Plan of Management (2016, p.8) provides the following Land Description:

Current title for the land described by the former Gore Hill Memorial Cemetery Act within DP 791327 is:

- Lot 101- 0.1637 hectares; currently leased to 211 Pacific Highway Pty Limited. The lease was assigned on 30 September 2005 from the original lessee Edwards, Madigan, Torzillo, Briggs International Pty Ltd, otherwise known as Emanti Pty Ltd. The lease expires 2053.
- Lot 102- 4.908 hectares; includes the parcels of land occupied by the Cemetery on both sides of the carriageway.
- Lot 1: DP1191604- The avenue, or more popularly known as the carriageway. 20.115 metres former road reserve, runs through the Cemetery known as Lot 1 DP 1191604 is now reserved for Cemetery and Crematorium and Access Purposes and is not part of Lots 101 or 102.

Note: Total area is 5.81 hectares including the carriageway



Figure 11 – Cadastral information overlaying 2009 aerial view of St Leonards. Subject site shown thereon as Lot 101 DP 791327 and a portion of The Avenue is circled red. (Source: Reproduced in Gore Hill Cemetery Plan of Management, 2016, p8)

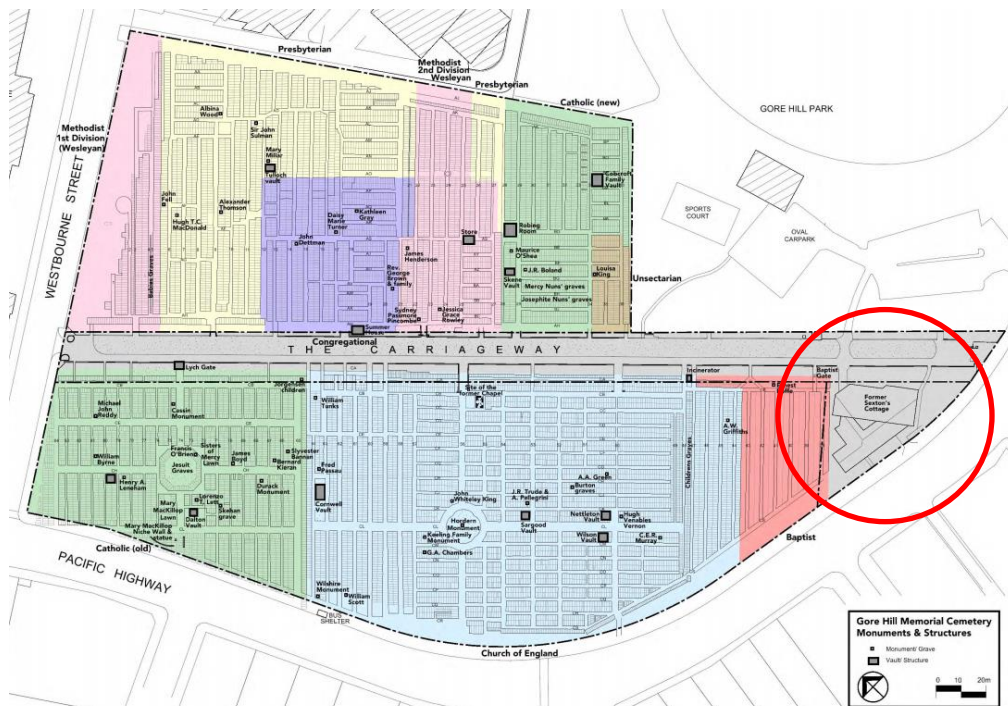


Figure 12 – Gore Hill Memorial Cemetery Monuments and Structures. The subject site is circled red. (Source: Gore Hill Cemetery Plan of Management, 2016, p.13)



Figure 13 – Extract from Gore Hill Memorial Cemetery Monuments and Structures showing outline of former Sexton's Cottage and the adjacent Carriageway (Source: Gore Hill Cemetery Plan of Management, 2016, p. 13)

2.3.3 HISTORY OF THE CARRIAGEWAY (THE AVENUE)

The following information is copied verbatim from the Gore Hill Memorial Cemetery Plan of Management 2016.

There are no formal roads within the Cemetery, although the Carriageway provides service access.

This was originally gravel, resurfaced with blue metal in 1901 and then bitumen in 1930. Part of the western side of the carriageway adjacent to the Catholic and Church of England sections was paved in brick but by the late 1970's the bitumen on the remainder was in poor condition and removed. This was replaced by turf on the eastern side and an extension of the brick paving on the western side. The brick paving also widens at both the northern and southern end to accommodate the gates. The condition of the grass and brick paving along the carriageway is generally good. Seasonality does affect the grass however it is generally in a green condition without too much wear.

A brick paved access across the Carriageway was constructed when the office building was constructed in the southern end on the site of the Former Sexton's Cottage. This provides vehicular access to the car park under the office building from the car park in Gore Hill Park. The steel vehicular barrier located on the boundary controls access from the grassed area in Gore Hill Park to the Carriageway.

There are vehicular entries at both ends of the Carriageway. The southern gates provide a high quality entry functioning as the main entrance gates to the Cemetery. These are cast iron gates on large sandstone piers, with small sized and subtle gold embedded lettering to Gore Hill Memorial Cemetery. This heritage structure, constructed in 1902, provides an appropriate entrance to the Memorial Cemetery and befits the character of the spaces within. The gates are kept locked to prevent unauthorised vehicular access and the pedestrian entry is offset to the side, forming the main pedestrian access from the Pacific Highway. When there was an employee on site one of the iron gates was opened each day to facilitate pedestrian access from the highway footpath.

*The entrance at Westbourne Street is less impressive, consisting of modern steel posts and chain wire, flanked by two large circular brick planters with tall *Strelitzia nicholi*, (Traveller's Palms). This entry serves as pedestrian and controlled vehicular access. It is not possible to drive vehicles into the denominational burial areas off the Carriageway, being controlled by narrow paths and brick walling.*

3.0 PHYSICAL EVIDENCE

3.1 SITE CONTEXT

The subject site is located at No 211 Pacific Highway, St Leonards. The site is located within a block that is bounded by Westbourne Street to the north, Reserve Road to the east and Pacific Highway to the south and west. Gore Hill Memorial Cemetery is located on the western portion of the block. The site containing the commercial premises, the former site of the Sexton's cottage, is located in the southerly portion of the site, bordering the Pacific Highway to the south and West. The southeastern end of The Avenue which runs from southeast to northwest from Pacific Highway to Westbourne Street through Gore Hill Cemetery is included in the Proposal. Gore Hill Park, including a sports oval, playground, changerooms and carpark, is located immediately northeast of the subject site extending to the boundary at Reserve Road.

The opposite side of Pacific Highway is predominantly contemporary commercial tower development with established residential streets to the south.



Figure 14: View looking west along Pacific Highway. The subject site is to the right of the photograph.



Figure 15: View looking east along Pacific Highway. The subject site is to the right of the photograph.

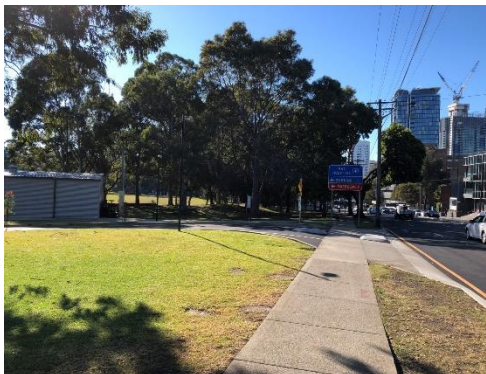


Figure 16: View looking northeast along Pacific Highway showing access to the carpark at Gore Hill Park.



Figure 17: View from Pacific Highway to carpark and changerooms at Gore Hill Park.



Figure 18: Views to the subject site towards Gore Hill Park carpark in location of proposed driveway.



Figure 19: Views to the subject site towards Gore Hill Park carpark in location of proposed driveway.

3.2 DESCRIPTION OF GORE HILL CEMETERY

Gore Hill Cemetery is a heavily landscaped site with dense established plantings to the boundaries and The Avenue. It is bordered by a painted galvanised steel framed fence with decorative post capitals and linkmesh infill. The former entrance gates at the southeast end of The Avenue are of carved sandstone and wrought iron. A pedestrian gateway constructed of brick with sandstone piers cappings is located to the eastern side of the main gates.

The Avenue is a wide accessway leading through the centre of the Gore Hill Cemetery. It is bordered by mature trees and provides access to the burial grounds on either side as well as the subject site.

The burial grounds are located to the northeast and southwest of The Avenue



Figure 20: Former entrance gates at the south-eastern end of The Avenue.



Figure 21: View along The Avenue towards the northwest.



Figure 22: View looking northwest showing stone gateway to burial ground.



Figure 23: View looking towards the subject site from within the burial ground to the west.



Figure 24: View looking northwest from within the burial ground.

3.3 DESCRIPTION OF THE SUBJECT SITE

The site of the Former Sextons Cottage contains a contemporary building currently under redevelopment under a separate Development Approval. The site contains a number of mature trees and hedge plantings to all borders.

The fence to Pacific Highway by a painted galvanised steel framed fence with decorative capitals and link mesh infill. It contains a re-entrant pedestrian gateway with a pair of steel framed gates with link mesh infill.

The fence to The Avenue is a low red brick wall with dark brick capping which curves up to low piers along its length. The pedestrian entrance to is through a pair of low brick piers with decorative sandstone cappings and a low wrought iron gate. The vehicular entrance has more recently constructed retaining walls curving into the existing basement carpark area.

The northwestern boundary to the burial ground contains a high linkmesh fence which is substantially obscured by exisintg dense plantings.

The Avenue has a brick paved strip to the southwestern edge with the reaming width being grassed or gravelled. It has brick spoons drains constructed to either side of the wide driveway and it is lined with mature trees and shrubs for most of its length. An area inside the entrance gates at the southeastern end and the crossover providing access to the basement carpark are also brick paved.



Figure 25: Lot 101 viewed from The Avenue

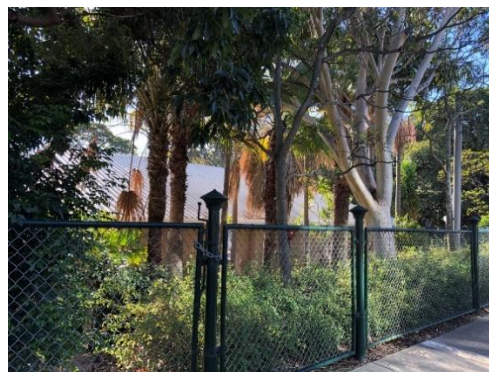


Figure 26: Lot 101 viewed from Pacific Highway to the southwest



Figure 27: View of building works on Lot 101 been conducted under separate DA.



Figure 28: Carpark access on Lot 101.



Figure 29: Within Lot 101 looking northwest.



Figure 30: Looking north from Lot 101 towards Gore Hill Park.



Figure 31: View looking towards the former entrance gates through the subject site.



Figure 32: View looking northwest through the subject site



*Figure 33: View from the subject site towards Gore Hill Park.
Location of driveway to the left side of the photograph*



Figure 34: Existing gateway location of proposed pedestrian ramp

3.4 VIEWS

Primary and distant views and vistas available from, or of, the subject site are mostly obscured by existing dense vegetation.

The Avenue provides a view part way through the centre of the cemetery before being obscured by trees. There are progressive views of the burial grounds as you move along The Avenue. There are no views from the subject site of the burial grounds.

4.0 ESTABLISHED HERITAGE SIGNIFICANCE

4.1 HERITAGE STATUS

Part of the subject site being Lot 101 DP 79137 is listed on the NSW State Heritage Register as an item of State Significance. The whole of the site is listed as an item of state heritage significance on Schedule 5 of the *Willoughby Local Environmental Plan (LEP) 2012* as Gore Hill Cemetery (I148).

Lot 102 DP 79737 is outside the subject site however it is also included within the LEP listing and is listed on the NSW State Heritage Register for Gore Hill Cemetery.



Figure 35: Gore Hill Memorial Cemetery, State Heritage Register 0491, Plan 2121. Subject site is outlined yellow. (Source: NSW Heritage Database)

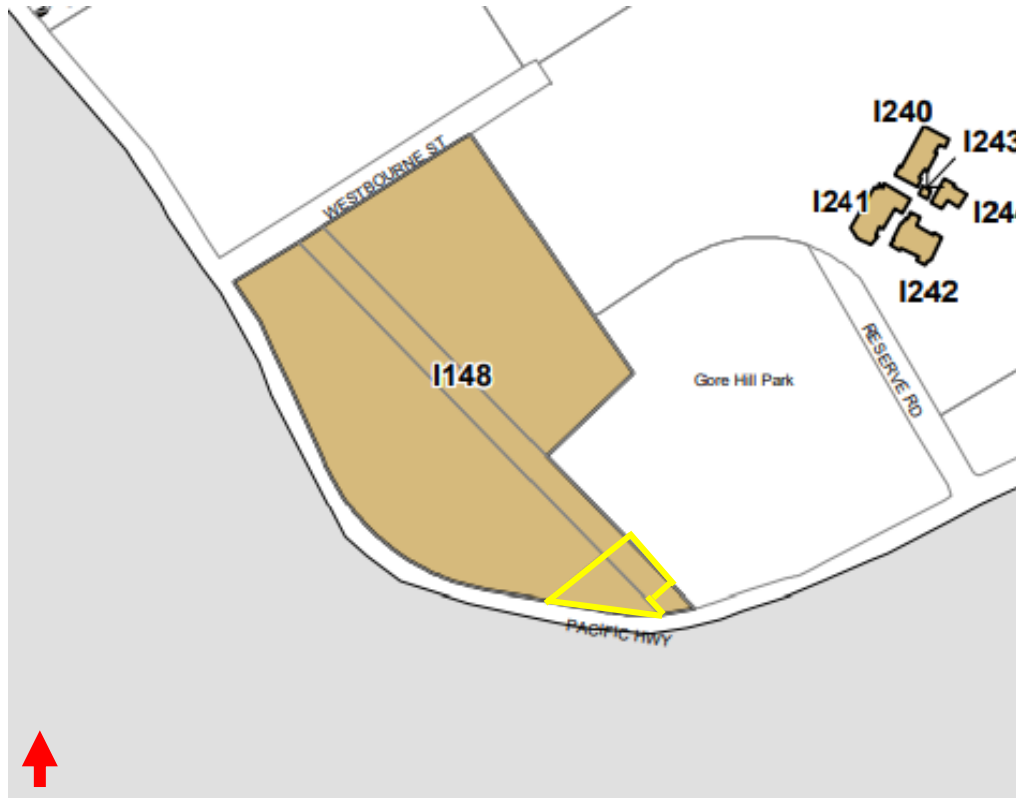


Figure 36: Excerpt from the Willoughby LEP 2012 heritage map. Heritage items are shown brown. The subject site is outlined yellow. (Source: Willoughby LEP 2012, Heritage Map HER_005)

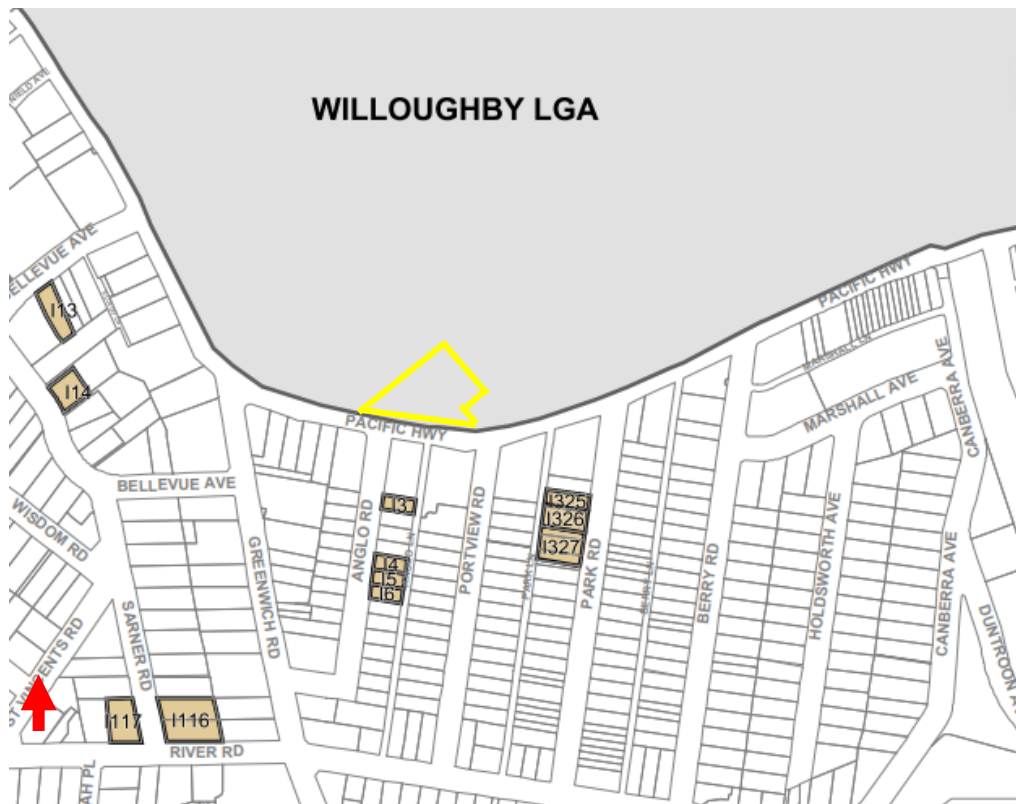


Figure 37: Excerpt from the Lane Cove LEP 2009 heritage map. Heritage items are shown brown. The subject site is outlined yellow. (Source: Lane Cove LEP 2009, Heritage Map HER_004)

4.2 SIGNIFICANCE OF THE SUBJECT SITE

The following Statement of Significance for the Gore Hill Memorial Cemetery, 211 Pacific Highway, Saint Leonards is sourced from the NSW Heritage Database, reference number 5051524:

Gore Hill Memorial Cemetery is an item of State heritage significance that satisfies all seven criteria for such listing. By virtue of its design and historical associations it is an important place in the pattern of the cultural history of NSW. In its layout, monuments and plants it demonstrates the religious philosophies and changing attitudes to death and its commemoration by a significant sample of the Australian population over a period of more than 100 years.

Aesthetically the Cemetery is of rare and representative State significance as a particularly fine and intact example of a Late Victorian/Edwardian landscaped public burial ground with landmark qualities, important plantings and a wealth of high quality funerary architecture demonstrating the skills of the artisans who crafted the monuments.

The Cemetery is of rare and representative social significance at a State level because of the unusually high esteem in which it is held by major identifiable groups in the community, a fact which led to its becoming a benchmark in the conservation of historic cemeteries through its saving from conversion and its dedication as a Memorial Cemetery.

Gore Hill Memorial Cemetery has enormous educational and research potential at a rare and representative State level by virtue of its wealth of genealogical, architectural, horticultural and artistic information which is readily accessible to Australia's major population centre (Criteria a and b). As the burial place for more than 14,000 people whose lives contributed to and enriched the history and development of Sydney's North Shore, Gore Hill Memorial Cemetery has strong and special associations with the community of a significant region of the State for social, cultural and spiritual reasons (Criterion d).

As a particularly fine and intact example of a Late Victorian/Edwardian landscaped public burial ground with landmark qualities, important plantings and a wealth of high quality funerary architecture demonstrating the skills of the artisans who crafted the monuments, Gore Hill Memorial Cemetery demonstrates aesthetic characteristics and a high degree of creative achievement (Criterion c).

The Cemetery is held in unusually high esteem by major identifiable groups in the community, a fact which led to its becoming a benchmark in the conservation of historic cemeteries through its saving from conversion and its dedication as a Memorial Cemetery. This adds to its social significance (Criterion d).

Gore Hill Memorial Cemetery has enormous potential to yield information that will contribute to an understanding of the cultural history of NSW by virtue of its wealth of genealogical, architectural, horticultural and artistic information which is readily accessible to Australia's major population centre. (Criterion e).

Gore Hill Memorial Cemetery possesses rare aspects of NSW's cultural history through its landscape design and intactness (Criterion f) and demonstrates the principal characteristics of a class of the State's cultural places ie landscaped public burial grounds of the late 19th and early 20th centuries. (Criterion g).

In addition, the Gore Hill Memorial Cemetery Plan of Management 2016 provides the following assessment of Cultural heritage values for landscape, visual and vegetation:

Statement of Landscape

Significance values:

The landscape of Gore Hill Memorial Cemetery displays a high degree of intact fabric demonstrating rare and representative creative achievement for a late Victorian/Edwardian burial ground. The arrangement consists of burial precincts defined by the pattern/layout/orientation of paths, the scale and variety in these precincts, along with the detail of monuments and visually enclosing planting. A key design feature is the use of axis, reinforced by distinctive tree/palm forms; allowing visual/physical connections between precincts; with 'The Carriageway' as the central spine connecting all precincts. (POM, p 14)

The Cemetery has always been considered a garden cemetery. As a cultural landscape, of many layers of significance, the value of the place can be described in these layers.

Visual values

The visual character of Gore Hill Memorial Cemetery is dominated by the central carriageway, and the hedging that defines the denominations and boundaries. The Carriageway divides the Cemetery into two distinct spaces with this visual axis providing a linear connection to the TAFE in the north-west and the Pacific Highway in the south-east. The Carriageway allows long views along this important axis and is approximately 360 metres long. This is further defined and emphasised by the tree lined avenue. The layers of the cultural landscape are defined in most cases by their denomination, with hedging and the style of burial and path layout reflecting the different religious precincts. These precincts remain visible today and it is possible to imagine these areas as they would have been in the height of the Cemetery's activities. Each denomination often has a distinct entry point from the Carriageway that acts as a gateway to the 'outdoor rooms'. These have been laid out in the style of the day, along with reflecting the religious orders to which they belong.

Further detail is included in the Precinct Plans in the Appendix, with a brief summary of each precinct described here. The precincts have been identified by a combination of factors including visual character, vegetation enclosure, path and burial pattern/layout, denominations, slope/orientation and edge conditions. (POM p14)

Note: The Precinct Plans included in the Plan of Management do not provide guidelines for the development of the former Sextons Cottage or The Avenue. The Precinct plans contain descriptions of precinct A-E as shown in Figure 38 below.



Figure 38: Precinct Plan. Area C2 to the west of the subject site is described as "Lower Baptist Area – wild character of native grasses" (Source: Gore Hill Memorial Cemetery Plan of Management 2016)



Figure 39: Extract from Precinct Plan map with subject site highlighted blue. (Source: Gore Hill Memorial Cemetery Plan of Management 2016)

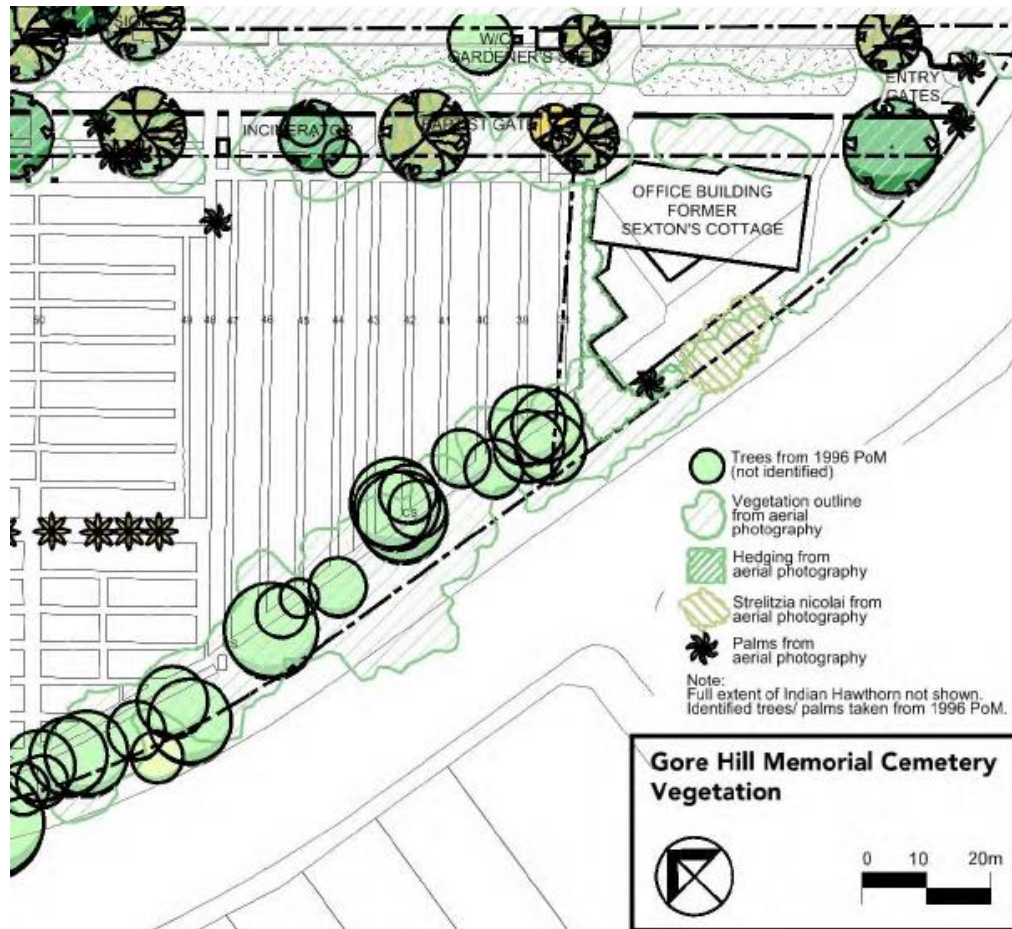


Figure 40: Extract from Vegetation Plan identifying major trees. (Source: Gore Hill Memorial Cemetery Plan of Management 2016)

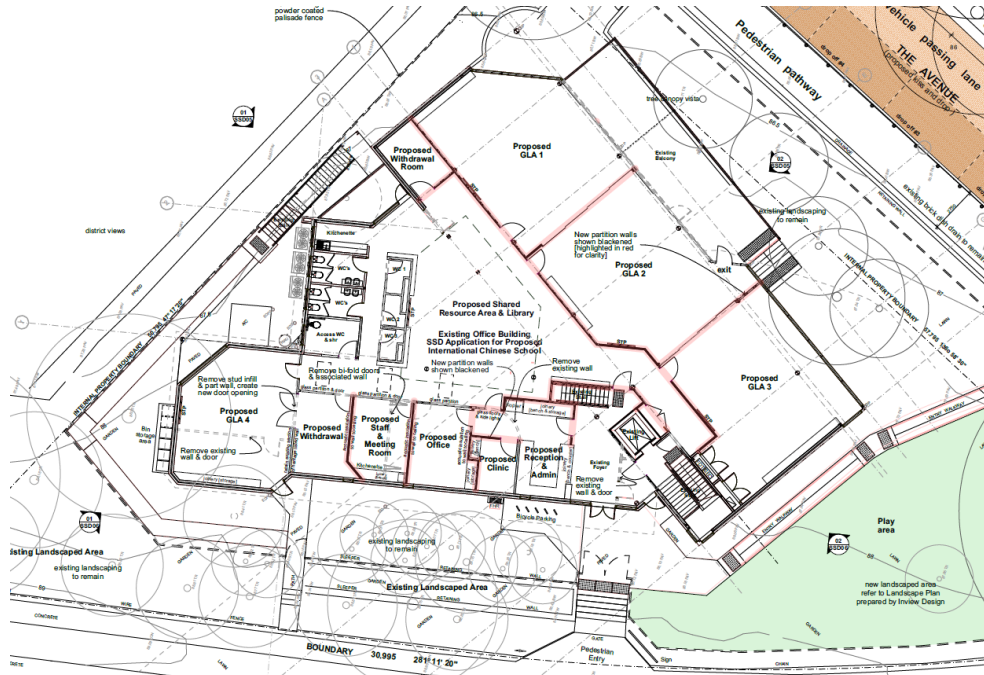


Figure 42: Proposed ground floor plan. (Source: Stanton Dahl Architects)

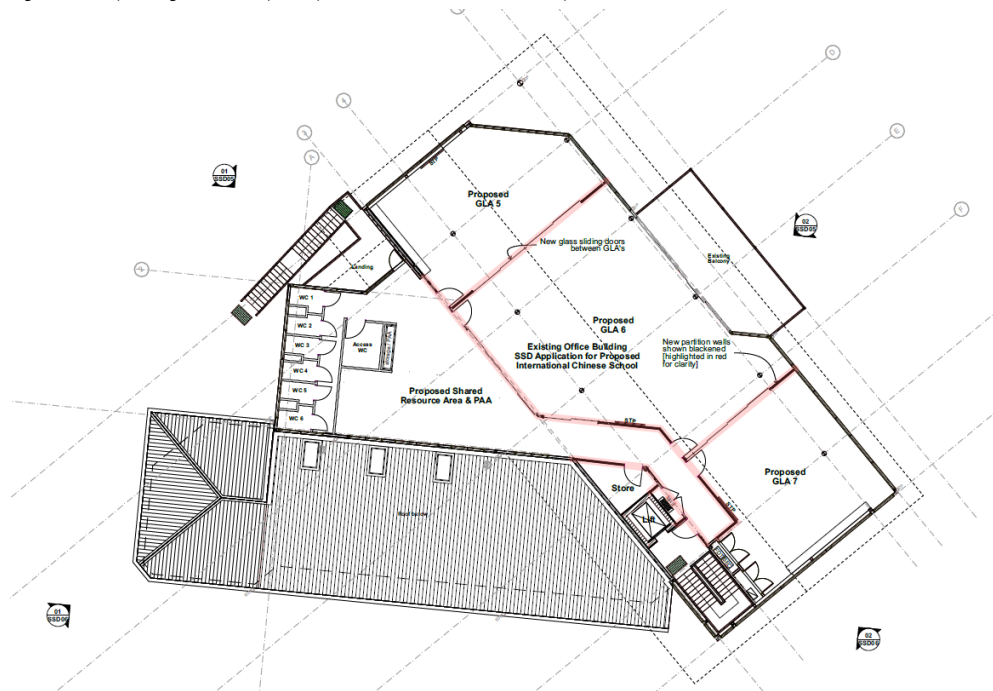


Figure 43: Proposed first floor plan. (Source: Stanton Dahl Architects)



Figure 44: Proposed landscape plan. (Source: Inview Design)

5.1 DOCUMENTATION EVALUATED

The following drawings, prepared by Stanton Dahl Architects, were reviewed as part of the preparation of this report:

DRAWING NO.	DRAWING TILE	ISSUE	DATE
SSD 00	Cover Sheet	01	12.06.2019
SSD 01	Site Plan and Site Analysis Plan	05	12.06.2019
SSD 02	Basement Floor Plan	03	12.06.2019
SSD 03	Ground floor Plan	03	12.06.2019
SSD 04	First Floor Plan	03	12.06.2019
SSD 05	Furniture Layout – Ground Floor	01	12.06.2019
SSD 06	Furniture Layout – First Floor	01	12.06.2019
SSD 07	Elevations Sheet 01	01	12.06.2019
SSD 08	Elevations – Sheet 02	01	12.06.2019
SSD 09	Sections and Signage Details	01	12.06.2019
L01	Overall Site Plan	01	12.06.2019
L02	Landscape Strategy Plan	01	12.06.2019
L03	Landscape Plan and Details	01	12.06.2019
L04	Tree Protection Drawing	01	12.06.2019
-	Architectural Design Report		June.2019
-	Tree Impact Assessment Report (Mark Bury Consulting)		10.05.2019

6.0 ASSESSMENT OF HERITAGE IMPACT

6.1 INTRODUCTION

This Heritage Impact Statement has been prepared in relation to the following impact assessment criteria: the *Willoughby Local Environmental Plan (LEP) 2012*, the *Willoughby Development Control Plan (DCP) 2016* and the New South Wales Heritage Office (now NSW Heritage Division) guidelines, *Altering Heritage Assets* and *Statements of Heritage Impact*, contained within the NSW Heritage Manual. This report also assesses the proposal against the policies established in the Gore Hill Memorial Cemetery Plan of Management, April 2016

6.2 OVERVIEW OF POTENTIAL HERITAGE IMPACTS

PROPOSED WORKS	HERITAGE IMPACT
<p>Construction of a "Kiss and Drop" area in The Avenue including:</p> <ul style="list-style-type: none"> • Permeable pavers • Removable bollards • Reuse of an existing driveway to Council carpark • An additional driveway to council carpark • Re-laying of existing paving and retaining brick drains 	<ul style="list-style-type: none"> • Acceptable heritage impact <p>The southeastern end of The Avenue already contains a large area of paved surface and is immediately adjacent to the Council Carpark from which access has been granted to the site since 1986.</p> <p>The use of The Avenue as "Kiss and Drop" continues the use of the Avenue for vehicular movements. The use of removable bollards enables the transition of vehicles along the entire length of The Avenue if required.</p> <p>The restriction of vehicular movements related to the former Sexton cottage site to the southeastern end of The Avenue is in accordance with the Gore Hill Cemetery Plan of Management.</p> <p>The proposal to take up and re-lay existing pavers and retain existing brick drains is consistent with the Gore Hill Cemetery Plan of Management.</p> <p>No trees are removed in the process of providing access to the 'Kiss and Drop:' area and the use of permeable paving in the new paved areas is a sensitive response to the provision of a trafficable surface in the treelined avenue.</p>
<p>New landscape area within the grounds of the former Sexton Cottage</p>	<ul style="list-style-type: none"> • Positive heritage impact <p>The grounds of the former Sexton Cottage contain mature trees and remnant hedging and shrubs from the development of the place relating to the cemetery and from its use as an office building.</p>

	<p>The proposed landscaping is limited to the southern corner of the Lot. It aims to build upon the existing landscaping through the retention of trees and the transplant and reuse of existing hedging to the boundary fence.</p> <p>It provides a turfed play area screened by the hedging and the introduction of garden beds, sandstone seating areas and mulch pathways within the garden setting of the former Sexton cottage site.</p>
New security fence to inside the boundary fence	<ul style="list-style-type: none"> • Acceptable heritage impact <p>The construction of a new security fence inside the boundary fence has an acceptable heritage impact as it is set in from the boundary and is screened by hedging. In addition, it is an open palisade fence which allows views through the fence to the landscaped setting of the building and cemetery.</p>
Proposed internal works and change of use.	<ul style="list-style-type: none"> • Positive heritage impact <p>The proposed internal works support the change of use of the building from an office to a school. The use of the place as a school supports the active use of the building and grounds and encourages public interaction with the Cemetery and grounds.</p> <p>It provides the opportunity for increased interpretation and access and an increased level of security through active use.</p>

6.3 EVALUATION AGAINST THE GORE HILL MEMORIAL CEMETERY PLAN OF MANAGEMENT

The Gore Hill Memorial Cemetery is managed by Northern Metropolitan Cemeteries Trust through the Gore Hill Memorial Cemetery Plan of Management (POM). The POM contains the following principles, guidelines and actions in relation to heritage that are relevant to the site.

1. Heritage: Conserve the heritage of the Cemetery for existing and future generations

Principles:

- *Manage as a historic Cemetery*
- *Manage Conservation activities in accordance with the guidelines/actions and appropriate expert advice.*
- *Maintain records and biographies.*
- *Encourage collaborative work with educational institutions- Refer to 4 -Community.*

- Manage negative impacts on heritage- eg vandalism,
- Adhere to Work Health and Safety. Undertake a risk analysis of unsafe monuments and take measures to ensure public safety.

Guidelines and Actions:

1.1 Prepare a Conservation Management Plan in accordance with the requirements of the NSW Heritage Office and Heritage Council when required:

- Conservation Policies and management recommendations.
- Archaeological significance assessment, guidelines and policies to manage significance.
- An interpretation strategy including key historic themes and messages, along with potential audiences, prepared in accordance with Heritage Council guidelines.
- Potential areas of future ashes interment.
- Guidelines and priorities on the maintenance, repair and restoration of the structures in the Cemetery including monuments, fencing, brick drainage channels, buildings and entry structures.
- Complementary activities within the Cemetery, as noted in 4.4 Community and stakeholders strategy.
- Update the Statement of Significance for Gore Hill Memorial cemetery as part of CMP.

1.2 Maintain heritage monuments, structures and buildings to conserve the built form heritage significance of Gore Hill Memorial Cemetery recognising the obligations of the Heritage status of the Memorial Cemetery, in accordance with the CMP.

- Ensure all personnel working on the site are inducted on the obligations under the Heritage Act, WHS requirements, documents relevant to the Cemetery management and heritage conservation. Induction is recommended to cover Landscape items as noted in Strategic Direction 2 Landscape.
- Establish a register of all required restoration work for public safety and conservation. Prepare a 3 stage priority. An **example of Priorities** follows:
 - Priority 1: Undertake an audit and risk analysis of monuments, structures, and buildings; undertake measures to ensure public safety.
 - Priority 1: Protect and carry out precautionary measures to prevent monuments at risk from collapse.
 - Priority 1: Remove larger trees and shrubs growing in grave tops or between graves if they are causing damage to monuments.
 - Priority 2: Remove small trees or vegetation growing in grave tops, if their potential growth will cause damage to monuments in the future through consultation with cemetery landscape specialist.
 - Priority 3: Identify key restoration projects to restore iconic monuments. Carry out as funds allow. Restoration is to include work to cast iron fencing, kerb stones and monuments.
- Adhere to WHS requirements to ensure public safety in the Cemetery.
- Allocate funds on an annual basis to conservation referring to the priorities and available funds.
- Restoration work, (maintenance, repair) and all actions are to be carried out in accordance with the National Trust 'Guidelines for Cemetery Conservation' 2009, The Burra Charter and Heritage NSW Conservation Guidelines.
- Personnel undertaking conservation, restoration and heritage landscape management are to follow expert direction and advice in these areas.

1.3 Establish a vandalism strategy to minimise unnecessary damage to the heritage items

- Remove paint and graffiti on structures as a continual rectification program.

- Consider anti-graffiti surface finishes to assist in removal from targeted surfaces- eg. Summer House, Store, Robing Room and signage. Do not use on monuments.
- Investigate the effectiveness of lighting targeted structures, based on when vandalism is occurring. ie utilise smart technology/solar lights

1.4 Maintain records and update biographies of prominent/ interesting individuals

- Coordinate with the Friends of Gore Hill, in continuing the work of June and Warwick Adams and Lyn Thomas on biographies of interred individuals. Promote histories and 'stories' of individuals buried, and interred ashes, to create a stronger image of the site.
- Digitise the existing/future biographies and link with the on line burial register to provide digital access. Refer to 4. Community, for on line access

1.5 Prepare an interpretation and signage strategy following the Interpretation strategy prepared within the CMP, identified in Item 1.1

- Identify locations for signage to provide interpretation of significant Cemetery elements- either existing or no longer present.
- Develop a signage policy with appropriate signage details- Refer to 3 -Infrastructure.
- Explain management activities and their basis in heritage conservation- explain why the Cemetery looks as it does and management objectives.
- Publish/ develop the design details for plaques where niche walls and columbaria are provided and locate promotional information on signage.
- Provide/develop details of plaque designs for ashes interment in relatives' graves.

1.6 Establish a pro-forma for submission to Heritage NSW for applications in accordance with the Heritage Act 1977

- Develop a simple pro-forma for distribution by the Trust to stakeholders if applying for activities within the particular denominational areas- ie Jesuit, Mercy and Josephite.
- Pro-forma is to include description of the work, anticipated impacts- for consideration by the Heritage Office.
- Identify that most actions that will result in an impact will require approval from the Heritage Office.
- Seek exemptions from the Heritage Office for defined events.
- Confirm standard exemptions with NSW Heritage Office for ongoing and repetitive maintenance and restoration work, based on appropriate specialist input.

The Plan of Management also contains policies relating to infrastructure which contain Guidelines and Actions relating to vehicular access, fencing and brick drainage channels. Only relevant items have been included below.

3.3 Rationalise vehicular access within the site

- Control vehicular access on the Carriageway to restrict to maintenance vehicles only and access across the Carriageway to the Sexton's Cottage site car park. Install removable bollards between the Sextons Cottage access and the remainder of the Carriageway to prevent unauthorised parking on the grass of the Carriageway, and reduce deterioration of this surface.

3.5 Maintain Fencing

- • Maintain boundary fencing- recently painted.

3.6 Walls, brick drains/channels, entry structures and buildings. Vaults and monument conservation and maintenance is addressed in item 1.1 Heritage

- *Maintain brick walls to prevent collapse in accordance with CMP Policies. Undertake audit of walls in need of repair and prepare a 3 stage priority- Priority 1, 2 and 3. Maintain according to the priority, WHS and public safety.*
- *Clean out brick drains and stormwater pits to ensure drainage functions on a regular basis- minimum monthly.*
- *Ensure low point and drain to Gore Hill Park is cleaned on a regular basis. Rectify where required, being sensitive to this heritage brick drain. Consult with Willoughby Council for assistance.*

Comment:

The proposed works involve the installation of removable bollards at the Sextons Cottage site, the retention of fencing around the site and the retention of brick walls and spoon drains all in accordance with the Gore Hill Memorial Cemetery Plan of Management. (3.3, 3.5, 3.6)

The works to the former Sexton cottage site and adjacent portion of The Avenue do not trigger the production of a Conservation Management Plan as the works are restricted to a small area of the heritage listed site which has previously undergone substantial change and reconstruction. The proposal has been prepared with the advice of a heritage architect to ensure that no works have an adverse impact on the extant heritage fabric of the Gore Hill Memorial Cemetery. (1.0, 1.1)

6.4 EVALUATION OF THE GUIDELINES OF THE NSW HERITAGE DIVISION

The following assessment is based on the assessment criteria set out in the NSW Heritage Office (now Heritage Division) publication 'Statements of Heritage Impact', contained within the NSW Heritage Manual. The standard format has been adapted to suit the circumstances of this application.

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

The change of use of the site of the former Sexton Cottage within Gore Hill Cemetery from "Commercial" to "School" supports the ongoing active use of the place. It provides the opportunity for increased public interface with the heritage item and the ongoing management and maintenance of heritage fabric within the lease area.

The construction of a 'Kiss and Drop' zone within The Avenue with access from the Council carpark provides safe vehicular access to The Avenue and the former Sexton Cottage. Through this it maintains the use of The Avenue as an accessway to the Cemetery. In addition, the proposed use of permeable paving on the roadway supports the retention of the mature trees which line The Avenue.

6.4.1 CHANGE OF USE

- *Has the advice of a heritage consultant or structural engineer been sought? Has the consultant's advice been sought? Has the consultant's advice been implemented? If not, why not?*
- *Does the existing use contribute to the significance of the heritage item?*
- *Why does it need to be changed?*
- *What changes to the fabric are required as a result of the change of use?*
- *What changes to the site are required as a result of the change of use?*

Comment:

The advice of a heritage consultant has been sought and taken into account in relation to the change of use and required modifications to the site as included in this application.

The current use of the building and site does not contribute to the significance of the heritage item.

The change of use is desired by the proponent and the site managers. It supports the ongoing and active use of the site.

The change of use of the site requires a safe "Kiss and Drop" area to be constructed in The Avenue. The vehicular use of this area for the provision of access to Lot 101 is supported by the Plan of Management for the site. The bollards defining the "Kiss and Drop" area are removable should vehicular access through the cemetery, along the full length of The Avenue, be required at any time. There are no trees removed in construction of the "Kiss and Drop" area and permeable paving is proposed in order to support the long term integrity of the treelined boundary to The Avenue.

6.4.2 MINOR ADDITIONS

- *How is the impact of the addition on the heritage significance of the item to be minimised?*
- *Can the additional area be located within an existing structure? If not, why not?*
- *Will the additions visually dominate the heritage item?*
- *Is the addition sited on any known, or potentially significant archaeological deposits? If so, have alternative positions for the additions been considered?*
- *Are the additions sympathetic to the heritage item? In what way (eg form, proportions, design)?*

Comment:

The addition of a "Kiss and Drop" area in The Avenue will not detract from the visual appeal of the Heritage Item. It provides vehicular access to the site of the former Sexton Cottage in alignment with the intent of the Plan of Management. It involves the use of an existing driveway. The additional driveway access from the carpark does not result in the loss of any trees and responds directly to the alignment of existing gateways in the retaining wall to the former Sexton Cottage site.

The proposed construction of the "Kiss and Drop" area allows the continuation of views along The Avenue and the retention of the treelined boundary. The removable bollards allow for continuous vehicular movement through the cemetery should that be desired at any stage.

The proposed security fence is inset from the boundaries of the site and does not impact on views to and from the site.

The proposed internal changes to the building do not impact upon any heritage fabric.

Note: see separate report examining the archaeological impact assessment.

6.4.3 NEW LANDSCAPE WORKS AND FEATURES (INCLUDING CARPARKS AND FENCES)

- *How has the impact of the new work on the heritage significance of the existing landscape been minimised?*
- *Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?*
- *Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?*

- *Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?*
- *How does the work impact on views to, and from, adjacent heritage items?*

Comment:

The proposed landscaping is contained within the southern portion of the former Sexton Cottage site. The works are minimal and build upon the existing landscaped curtilage of the former Sexton Cottage site. Whilst the site was substantially redeveloped in 1986 a number of mature trees and shrubs were retained and will be further maintained in this proposal.

Evidence of earlier landscaping has not been investigated as the site underwent substantial redevelopment in 1986 and does not reflect the original development of the place.

The proposed fence is inset from the boundary and will not impact existing landscape or built fabric.

Existing views to and from the heritage item will be retained.

Note: see separate report examining the archaeological impact assessment.

6.4.4 NEW SIGNAGE

- *How has the impact of the new signage on the heritage significance of the item been minimised?*
- *Have alternative signage forms been considered (eg free standing or shingle signs). Why were they rejected?*
- *Is the signage in accordance with Section 6, 'Areas of Heritage Significance', in Outdoor Advertising: An Urban Design-Based Approach?⁴ How?*
- *Will the signage visually dominate the heritage item/heritage conservation area or heritage streetscape?*
- *Can the sign be remotely illuminated rather than internally illuminated?*

Comment:

A 2400 x 950mm freestanding sign is proposed to be located behind the existing boundary fence near the re-entrant pedestrian gate on Pacific Highway. The sign is of a modest size and design and will not detract from the heritage item or views to and from the site.

6.5 HERITAGE OBJECTIVES OF THE WILLOUGHBY LEP 2012

The proposed development is considered to be acceptable, from a heritage perspective, for the following reasons:

- Ensures an ongoing an active use of a Heritage Item
- Provides a compatible use for a contemporary building within a Heritage Item
- Retains views along The Avenue
- Retains mature trees lining The Avenue
- There will be no change to the appreciation or interpretation of Gore Hill Cemetery from the public domain.

The proposal is, therefore, considered to be consistent with the relevant heritage objectives of the *Willoughby LEP 2012*, which are:

⁴ A joint publication by the Department of Planning (NSW) & Department of Planning and Housing (Vic). Published by the Department of Planning (NSW), Sydney, 1991

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Willoughby,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

6.6 HERITAGE GUIDELINES OF THE WILLOUGHBY DCP 2012

The *Willoughby DCP 2012* supports the *Willoughby LEP 2016* by providing additional objectives and development standards for Heritage Items and properties within Heritage Conservation Areas.

6.6.1 GENERAL HERITAGE PROVISIONS

The proposed development is generally consistent with the objectives of the *Willoughby DCP 2016* that relate to heritage and are set out in the following DCP Sections;

PART H – Heritage Items and Heritage Conservation Areas

H1 – General

H.1.2 Aims

These controls aim to provide more detailed heritage provisions than contained in WLEP 2012 and in particular:

- i) to guide future development within a framework of conservation;*
- ii) to ensure that the significance of Heritage Items is identified and retained;*
- iii) to ensure that the heritage significance, special streetscape and landscape character of Heritage Conservation Areas is maintained;*
- iv) to ensure that alterations and extensions to existing buildings respect those buildings and do not compromise the significance and character of the individual heritage items or of the Heritage Conservation Areas;*
- v) to ensure that new sustainable development respects the context and is sympathetic in terms of form, scale, character, bulk, orientation and setback, fabric, colours and textures and does not mimic or adversely affect the significance of Heritage Items and Heritage Conservation Areas and their settings;*
- vi) to encourage a sustainable high quality of design for any new development in achieving compatibility with the heritage significance of individual Heritage Items and Heritage Conservation Areas;*
- vii) to provide controls for the development of land within the vicinity of Heritage Items and Heritage Conservation Areas.*

6.6.2 PLANNING AND DESIGN PRINCIPLES

The proposed development is generally consistent with the objectives of the *Willoughby DCP 2016* that relate to heritage. Those heritage objectives and controls relating to planning and design are outlined below.

Note: The existing office building is the subject of a separate DA by Willoughby Council (DA2014/301)

H.2 General Conservation Controls

H.2.1 Planning and Design Principles

A. Setting

Objectives

1. To provide an appropriate visual setting for heritage items and buildings within heritage conservation areas, including landscaping, fencing and carparking;
2. To maintain and enhance the existing heritage significance of the streetscape and the vicinity; and
3. To ensure that new development respects the established patterns in the streetscape, including setbacks, siting, landscaped settings, carparking and fencing.

Requirements:

- i) The side and front setbacks are to be typical of the spacing of buildings both from each other and from the street in the particular locality, such that the rhythm of buildings in the streetscape is retained;
- ii) Except as allowed by car parking and fences in Clause H.2.2 below, no new structures should be built forward of the established street building line;
- iii) An adequate curtilage including landscaping, fencing and any significant trees, are to be retained;
- iv) The established landscape character of the locality including height of canopy and density of boundary landscape plantings should be retained in any new development;
- v) Development in the vicinity of a Heritage Item should respect the visual curtilage of that Item;
- vi) New developments must respect the existing significance of the streetscape and the vicinity; and
- vii) View protection of vistas.

H.2 General Conservation Controls

H.2.1 Planning and Design Principles

B. Scale

Objective:

To ensure that the scale of new development is in harmony with the streetscape and does not dominate or compete with existing heritage items, nor reduce their contribution and importance to their context, nor destroy an existing pattern of development.

Requirements:

- i) The scale (including height, bulk, density and number of storeys) of the new work must relate visually to the scale of adjacent buildings which are Heritage Items or are located in a Heritage Conservation Area. In this regard, unless it can be clearly demonstrated that greater scale would be appropriate in the individual circumstances, new buildings and additions are to be of the same scale as the surrounding development;
- ii) Extensions must not visually dominate or compete with the original scale of the existing buildings to which they are added or altered; and
- iii) New buildings must not visually dominate, compete with or be incompatible with the scale of existing buildings of heritage significance or contributory value either on the site or in the vicinity of the proposal.

H.2 General Conservation Controls

H.2.1 Planning and Design Principles

C. Massing and Form

Objectives:

- To ensure that new development acknowledges dominant massing and form of the Heritage Item or Heritage Conservation Area, and is in harmony with existing significant fabric and form, and with the surrounding streetscape; and
- To ensure that the form of new development is compatible with or complements the heritage significance of its context.

Requirements:

- i) Extensions should not visually dominate or compete with the original form of the existing buildings which they alter;
- ii) New buildings should not visually dominate, compete with or be incompatible with the form of existing buildings of heritage significance or contributory value either on the site or in the vicinity of the proposal; and
- iii) New buildings and extensions should have a similar massing, form and arrangement of parts to existing buildings of heritage significance in any Heritage Conservation Area.

H.2 General Conservation Controls

H.2.1 Planning and Design Principles

D. Proportion

Objectives

- To ensure that new development respects the proportions of elements of existing heritage fabric; and
- To ensure that new development has regard to the architectural character and style of the Heritage Item or Heritage Conservation Area setting.

Requirements

New work and extensions should respect the proportions of major elements of significant existing fabric including doors, windows, openings and verandahs.

H.2 General Conservation Controls

H.2.1 Planning and Design Principles

E. Details

Objectives:

To ensure that new development has a level of detail which is appropriate to its context; and

- To ensure that new development has regard to the architectural character and style of the Heritage Item or Heritage Conservation Area setting but does not incorporate elaborate new detailing in a period style that would prevent interpretation of what is original and what is new.

Requirements:

- i) New work and extensions in Heritage Conservation Areas should have a level of detail that is similar to and complements that of surrounding heritage fabric; and
- ii) New work should adopt a simple character which uses external finishes, colours and textures which compliment the heritage fabric, rather than mimic inappropriate heritage decoration and/ or detailing.

Comment:

The proposed minor internal changes, landscaping and "Kiss and Drop" area have been carefully considered and do not impact upon the heritage significance of the site. Heritage features such as the brick spoon drain, low brick wall and steel boundary fences have been retained and incorporated in the design. The selection of the bollard design and permeable paving is sensitive to the setting of The Avenue and allows the ongoing use of The Avenue for vehicular and pedestrian movement within Cemetery.

The proposed Change of Use supports the ongoing active use of the place. It provides the opportunity for increased public interface with the heritage item and the ongoing management and maintenance of heritage fabric within the lease area.

6.6.3 DESIGN ELEMENTS

The proposed development is generally consistent with the objectives of the *Willoughby DCP 2016* that relate to heritage. Those heritage objectives and controls relating to design elements are outlined below:

H.2 General Conservation Controls

H.2.2 Design Elements

D. Materials and Colours

Objective:

To ensure that the selection of materials and colours is based on an understanding of the original finishes. Finishes employed in new development should be selected with regard to the significance and character of the Heritage Item or of development in the street or Heritage Conservation Area, and the likely impact of that proposed work.

Requirements:

- i) *Roofs - New or replacement roof materials are to match existing materials or use approved alternative materials appropriate to the style and location.*
- ii) *Façades - Matching materials should be used in repairing the fabric of external surfaces. New development should use materials similar to or compatible with that of original buildings in the locality. In the case of new face brickwork, the colour and texture of the brick, the type of jointing, and mortar colour should be carefully matched. Original unpainted brickwork, sandstone and blockwork must not be rendered or painted. New buildings and additions in Heritage Conservation Areas should employ colour schemes which do not detract from traditional colour schemes in the locality.*
- iii) *Doors and Windows - Original doors and windows are to be retained in existing buildings. New doors and windows must be of design materials and finishes to match the original or an approved alternative that fits in with the characteristics of the locality. Wide section aluminium windows may be considered as an alternative for timber windows in new development.*
- iv) *Fences - Front fencing must be of materials characteristic to the locality and particular to the street.*
- v) *Paving and Driveways - materials for paving of pathways may include tessellated tiles for Federation and Victorian styles, or suitably textured and coloured finishes: plain or stencilled concrete is not acceptable. Preferred materials for driveways include wheel strips, brick paving or gravel.*

Comment:

The proposed materials and colours of the landscape and carpark elements are sympathetic to the heritage context of the site and do not detract from its heritage significance. The proposed new security fencing is inset from the boundary and does not visually detract from views in and out of the site. The selected colour of the permeable pavers provides a contrast to the earlier red brick pavers of The Avenue and red bricks of the spoon drain and low brick wall so as not to confuse heritage fabric with new works. The soft colour palette of the paving and landscaping is sympathetic to the overall presentation of the heritage fabric within the Cemetery.

Note: The external materials and colours of the office building is under a separate DA by Willoughby Council.

H.2 General Conservation Controls

H.2.2 Design Elements

E. Carparking

Objectives:

- i) *To allow for reasonable on site carparking while retaining the character and significance of the Heritage Conservation Area or Heritage Item;*
- ii) *To ensure that car parking facilities do not have any adverse visual impact upon heritage streetscapes; and*
- iii) *To ensure that garages, carports and driveways are visually discreet.*

Requirements:

Access

- Existing rear lane access is to be utilised in preference to front access
- Existing side vehicular access is to be utilised;
- Driveways are to be to side boundaries and not central; and
- Development which removes existing access must not preclude future carports or garages behind the building line.

Location:

- Open stand car spaces may be provided forward of the building line;
- Garages and carports are to be located behind the building alignment wherever physically possible; and
- Where no alternative exists and the frontage of the property is of a sufficient width, a single carport located forward of the building line, set back from the street and offset to side boundary may be considered.

Scale:

- Maximum width of a driveway at street frontage is to be 3.5m;
- Garages and carports are to occupy no more than 20% of street frontages
- Carparking structures should be diminutive in scale in relation to the residence; and
- Structures forward of the building line must be designed to minimise their bulk with a maximum eaves heights of 2400mm. Flat roof structures of sympathetic materials and detail are acceptable.

Appearance:

- Materials, form, and details of carparking structures are to harmonise with and be subservient to the residence;
- A similarity in colour of garage doors and wall surfaces may reduce impact to street and therefore is favoured;
- Structures forward of the building line must be screened with vegetation; and
- Garage doors and structures are to be recessed behind the primary façade to create a shadow line.

Comment:

No additional external carparking bays, garages or carports are proposed in this application. The "Kiss and Drop" area provides a short-term stopping zone essential for the use of the site as a School. The proposed paving materials and bollards are sympathetic to the retention of the heritage significance of the site.

The location of the "Kiss and Drop" does not detract from the heritage significance of the site as it continues the historic use of The Avenue for vehicular movement and allows the continuation of views along the length of The Avenue. The use of bollards to limit the vehicular access to the School from remainder of The Avenue follows the policies of the Gore Hill Cemetery Plan of Management.

H.2 General Conservation Controls

H.2.2 Design Elements

F. Fences

Objective:

To provide fencing that reinstates the original form of fencing, that is consistent with and does not detract from the established patterns of the street.

Requirements:

- i) *Front Fencing (including side fencing forward of building line)*
 - Scale consistent with existing streetscape, generally:
 - Masonry fencing to 700mm maximum;

- *Open fencing (such as pickets or palisade) to 1200mm maximum;*
 - *Hedging to 1200mm maximum; and*
 - *Lapped and capped timber fencing on side boundary to 1200mm maximum.*
 - *Retain original fences where practical;*
 - *Modifications should match original where possible; and*
 - *Fencing must be simple with a level of detail compatible with house.*
 - *Griffin Heritage Conservation Area- no fencing, or low fencing to 300mm max (see H.3.2 C4 for specific controls on Griffin Heritage Conservation Area).*
- ii) *Acoustic fencing:*
- *where properties front State or Regional roads (e.g. Mowbray Rd, Penshurst St), a solid wall to 1600mm high set 1m behind a low front fence is acceptable provided screen hedge planting is installed and maintained.*

Comment:

The retention of high hedging behind the original boundary fence and the location of new security fencing inset from the boundary supports the ongoing use of the place as a school and does not impact upon the heritage significance of the place. Whilst the proposed fence is higher than that nominated in the DCP it does not obscure views to and from the heritage item or impact upon the presentation of the place from Pacific Highway or The Avenue due to the dense landscape nature of the site.

H.2 General Conservation Controls

H.2.2 Design Elements

G. Garden elements, including Paving and Driveways

Objective:

Retain or reinstate landscaped settings for Heritage Items and components of Heritage Conservation Areas

Requirements:

- i) *Hard surfaces are to be kept to a minimum. As a guide, 70% of the area forward of the building line are to be soft landscaped;*
- ii) *Screening of hard surfaced areas with vegetation is encouraged; and*
- iii) *Garden structures are to be appropriate to primary buildings in terms of scale, style, and materials.*

Comment:

The proposed landscape design retains and reinstate hedging to the boundary of the site and limits the use of hard surfaces to seating pods in outdoor learning spaces. It retains the landscape setting related from the former use of the place as Sexton Cottage.

6.6.4 GENERAL DEVELOPMENT GUIDELINES

The proposed development is generally consistent with the objectives of the *Willoughby DCP 2016* that relate to heritage. Those heritage objectives and controls contained within General Development Controls are outlined below:

Part C General Development Guidelines

C.9 Preservation of Trees or Vegetation

(See DCP)

Comment:

There are no trees proposed for removal in the application.
Refer arborists report for impact upon tree preservation.

6.6.5 SPECIFIC DEVELOPMENT TYPES

The proposed development is generally consistent with the objectives of the *Willoughby DCP 2016* that relate to heritage. Those heritage objectives and controls contained within Specific Development Types are outlined below:

G.5 Advertising and Advertising Structures

G.5.4.1 Advertising on Heritage Items or in Heritage Conservation Areas

Advertising on Heritage Items or where adjoining heritage items or in Heritage Conservation Areas must complement the features of the structure on which they are placed and the character of the area, and must not detract from historic signs or features of the buildings and site.

Comment:

A free-standing sign is proposed adjacent to the re-entrant gateway on Pacific Highway. The sign is of a modest size and design and does not impact on views to and from the heritage item.

7.0 CONCLUSION

The proposed change of use, internal modifications, landscaping and “Kiss and Drop” area of the property at Gore Hill Cemetery, 211 Pacific Highway, St Leonards, will have an acceptable impact on the heritage significance of the item.

The design of the alterations and additions has been carefully considered and is sympathetic to heritage significance of the place. The landscaping builds upon the existing through retention and reuse of existing hedging and retention of trees. The new paving in The Avenue is permeable allowing protection of the root zone of the treelined boundary to The Avenue, a significant feature of the site. The bollards required for separation of vehicular and pedestrian traffic are removable should vehicular movement through the Cemetery is required at any time.

The proposed Change of Use supports the ongoing active use of the place. It provides the opportunity for increased public interface with the heritage item and the ongoing management and maintenance of heritage fabric within the lease area.

All existing views to and from the heritage item will be retained and conserved.

The proposed Change of Use and alterations and additions are consistent with the heritage objectives of the *Willoughby LEP 2012* and the *Willoughby DCP 2016*. In our view, the consent authority should have no hesitation, from a heritage perspective, in approving this application.



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