

HERITAGE RE-REFERRAL

To: Jonathan Goodwill
From: Kate Higgins
Re: DA0014/17
Property: 12-16 Trafalgar Avenue ROSEVILLE NSW 2069
Proposal: Demolish existing structures and staged construction of a residential aged care facility comprising 101 beds, basement car parking and associated landscaping works - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - heritage conservation area

1.0 PLANNING FRAMEWORK

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 includes relevant provisions in Division 2 *Design principles*, Clause 33 *Neighbourhood amenity and streetscape*. Subclause (b) states:

The proposed development should:

(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan

Ku-ring-gai Local Environmental Plan (Local Centres) 2012

The objectives of the heritage provisions of Ku-ring-gai Local Environmental Plan (Local Centres) 2012, as set out in clause 5.10(1), are:

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

Part 5.10 (4) of Ku-ring-gai Local Environmental Plan (Local Centres) 2012 requires that before granting consent to any proposed works Council must, in respect of a heritage item or heritage conservation area, consider the effect of proposed development on the heritage significance of the item or area concerned.

Part 5.10 (5) of Ku-ring-gai Local Environmental Plan (Local Centres) 2012 allows Council to require a Heritage Management Document to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation concerned.

2.0 HERITAGE STATUS

The subject site:

- does not contain a heritage item;
- is located within the immediate vicinity of a number of heritage items, including items at 18 Trafalgar Avenue, 11 The Grove, and 17 The Grove;
- is located within The Grove Conservation Area - area C35; and
- is located within the vicinity of the Clanville Heritage Conservation Area.

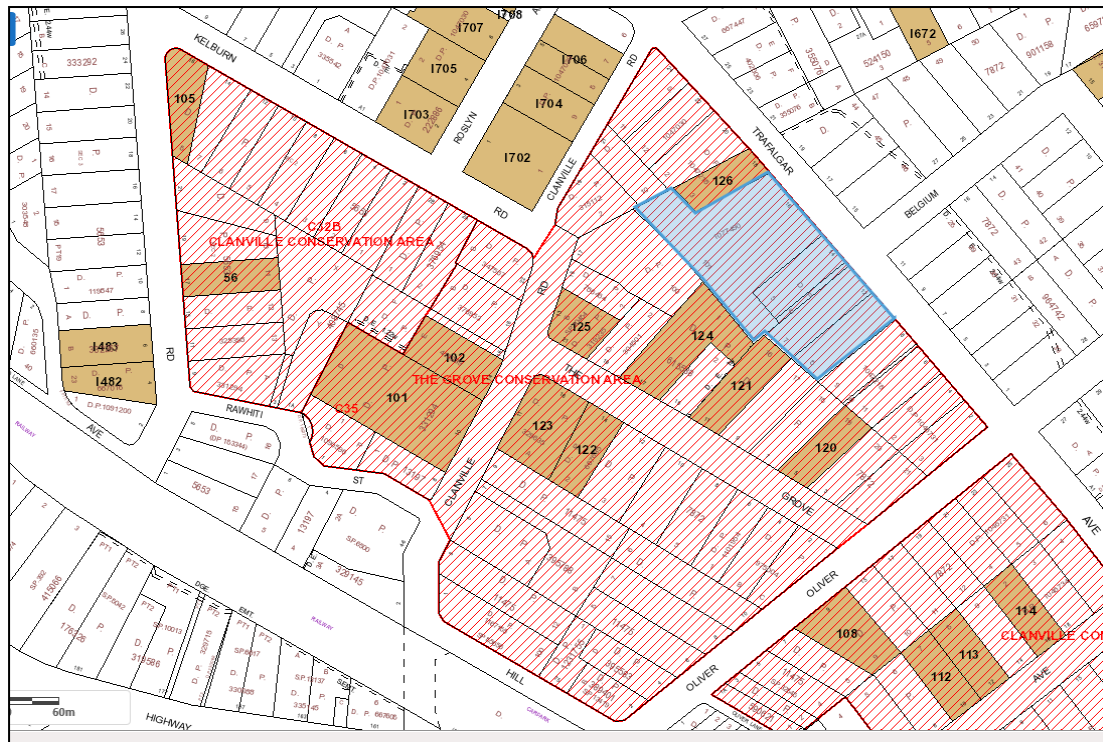


Figure 1 - Extract of the Heritage Map of Ku-ring-gai Local Environmental Plan (Local Centres) 2012. The subject site is outlined in blue.

More specifically

The subject site directly adjoins several heritage items listed in Ku-ring-gai Local Environmental Plan (Local Centres) 2012:

- Dwelling house no. 18 Trafalgar Avenue (item 126);
- Dwelling house no. 11 The Grove (item 121); and
- Dwelling house no. 17 The Grove (item 124).

The site is located within the immediate vicinity of several heritage items listed in Ku-ring-gai Local Environmental Plan (Local Centres) 2012 including:

- “Colmar”, dwelling house, no 5 The Grove (item 120); and,
- Residential flat building, no. 21 The Grove (item 125).

The site is located within the general vicinity of a number of heritage items listed in Ku-ring-gai Local Environmental Plan (Local Centres) 2012 and Ku-ring-gai Local Environmental Plan 2015, including:

- nos. 14 and 16 The Grove;
- nos 1, 7, 8, 9, 10, 14 and 31 Clanville Road; and

- nos 1, 2, 3, 4, 5, 6 and 8 Roslyn Avenue.

The subject site is directly opposite the Clanville Conservation Area - area C32 - listed in Ku-ring-gai Local Environmental Plan 2015. Area C32 includes the whole of the eastern side of Trafalgar Avenue between Clanville Road and Roseville Avenue.

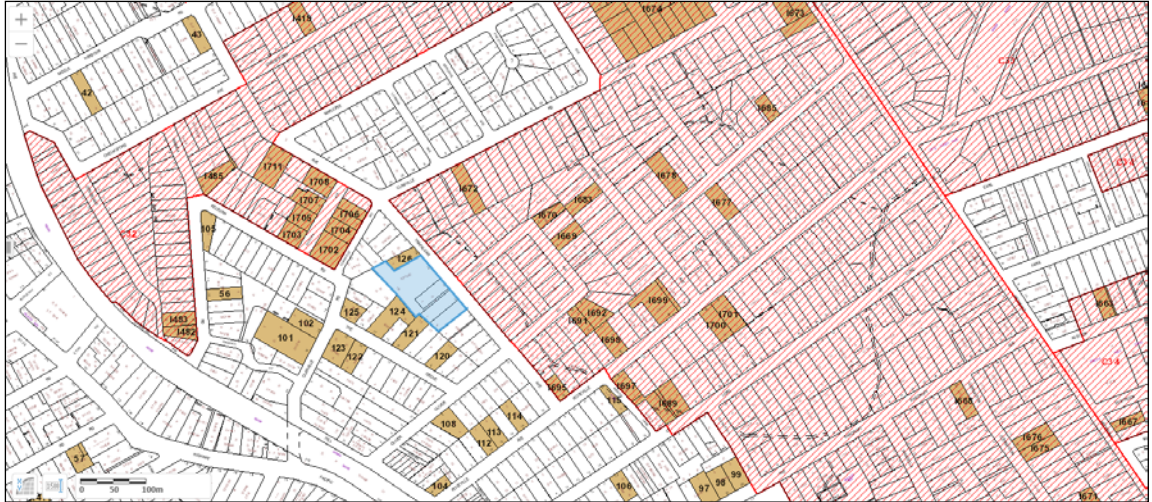


Figure 2 - the eastern side of Trafalgar Avenue is located in the Clanville HCA under Ku-ring-gai LEP 2015

3.0 HERITAGE SIGNIFICANCE

Ku-ring-gai Local Centres Development Control Plan provides a description of the character of The Grove Heritage Conservation Area and its heritage significance, as set out below.

Character:

Both the section of Clanville Road within the area and The Grove consists of a largely intact group of single storey Federation Queen Anne, Federation Bungalow and Inter-war California Bungalow style single storey houses within garden settings on large allotments. 13 Clanville Road (Corner The Grove) is a two storey Inter-war Mediterranean style residential flat building..... Housing from the key historical periods (Federation, Interwar) have brick walls, sometimes with sandstone foundations, unglazed terracotta tile roofs and occasionally slate roofs, and timber framed windows, casement or double-hung. The area includes a few Interwar period residential flat buildings, which also contribute to the area's character - 13 and 21 Clanville Road and 15 The Grove - the Clanville Road examples feature rendered brick walls, which appear original.

Significance:

The Grove HCA is of historical significance as the area reflects its historical development following both the 1903 Clanville Estate subdivision and re-subdivision in 1922 as part of Hordern's Roseville Estate. The Grove HCA is of aesthetic significance for its intact streetscapes of Federation to Inter-war period housing, largely single storey, with mature street tree planting (predominantly Brush Box) characteristic of the same period.

4.0 PROPOSED WORKS

The proposed works include:

- Amalgamation of existing allotments.
- Demolition of all buildings with the exception of the duplex building (pair of semi-detached dwellings) at no. 14 Trafalgar Avenue.
- Removal of most landscape features.
- Excavation to create a large level site.
- The construction of a two and three storey residential aged care facility with basement carpark with central vehicular courtyard.
- Associated landscaping.
- Change in use for part of the site.

5.0 BACKGROUND

Heritage comments dated 20 March 2017 made the conclusion below following an assessment of the original documentation submitted.

The key matters of concern are listed below:

- i. Loss of the historic subdivision pattern.*
- ii. Loss of the existing topography due to extensive excavation to make a level site.*
- iii. Demolition of elements that make a positive contribution to the HCA and their replacement with development which will have a detrimental impact on those heritage values.*
- iv. Inconsistency with the pattern of development in the HCA.*
- v. The scale, form, character, and bulk of the proposed complex.*
- vi. The colours and some of the materials are not compatible with the HCA.*
- vii. Inconsistency with the character of landscaping in the HCA.*

The proposed development is not appropriate for The Grove HCA due to its unacceptably adverse impact on the aesthetic and historic values of the HCA as well as the adverse impact on the heritage items and HCA in the vicinity of the subject site. The application is therefore recommended for refusal.

Consideration has been given to ways in which the current design could be modified in order to make it acceptable, however the nature of the design is such that significant changes would be required, and these changes are such that it would be a different scheme.

The applicant has revised the proposal and submitted amended drawings and additional information. The changes between the original DA drawings and the latest set of amended drawings submitted 14 June 2018 includes the below. (Note: In the comments below the Trafalgar Avenue boundary is referred to as the northern boundary, the common side boundary with no. 8 Trafalgar Avenue is

referred to as the eastern boundary, the other side boundary is referred to as the western boundary.)

Ground Floor:

- Driveway to the basement parking level relocated further to the west, away from the eastern boundary.
- A terrace has been created above the driveway.
- Bedroom 9 deleted and Bedroom 8 enlarged with the effect that the eastern wall of the proposal is set a further 1.5 metres (approx. measured on the drawing) away from the eastern boundary.
- Bedroom 10 has been set back further from the eastern boundary by about 2 metres (approx. measured on the drawing).
- The kiosk substation has been relocated further to the west away from the eastern boundary. It now does not need to have a high retaining wall around the space.
- The landscape strip along the eastern boundary has been reduced in width due to the relocation of the driveway. The landscape strip is now 5.435 metres wide.
- The northern wall of the Lounge between Bedroom 3 and Bedroom 7 has been set back (further away from the front boundary) by about 2.5 metres.
- The area between the existing duplex building at 14 Trafalgar Avenue and the proposed addition to the east has been reconfigured so that the external wall of the addition is set away from the external wall of the duplex building.
- The original open balconies of the duplex building are now proposed to be reinstated.
- The existing stair of the western duplex dwelling is to be demolished and the front entry reconfigured.
- The proposed garden path/stair providing access to the eastern duplex dwelling has been relocated to have a more direct connection to the original entry of the eastern duplex dwelling.
- A central circular planter bed with specimen tree has been added to the paved entry courtyard (titled as a porte cochere although no covered drop-off structure is proposed).
- The entry driveway to the courtyard has been widened slightly where it meets the courtyard.
- The existing brick front fence of 14 Trafalgar Avenue has been retained.

First Floor

- The original open balconies of the duplex building are now proposed to be reinstated.
- The northern wall of the Lounge between Bedroom 3 and Bedroom 7 has been set back (further away from the front boundary) by about 2.5 metres.
- The area between the existing duplex building at 14 Trafalgar Avenue and the proposed addition to the east has been reconfigured so that the external wall of the addition is set away from the external wall of the duplex building.
- The setback from the eastern boundary, to the face of the external wall of the proposed new building that is closest to the Trafalgar Avenue boundary, has been increased by 1.8 metres. (This wall bounds Bedroom 33.)
- The side setback to the external wall of Bedroom 34 has been increased by 890mm.

Materials, finishes and colours

- The cobblestone finish for the porte cochere was changed to asphalt.
- The roof tiles were changed from dark grey to a mix of dark grey and brown
- Timber effect cladding on some external walls changed to painted texture render.
- A section of brickwork on one of the “building blocks” has been changed from a grey colour, “Brahman Granite”, to a red colour, “Capitol Red”. However, the brick colours remain unchanged for the most part.

6.0 ASSESSMENT UNDER KU-RING-GAI COUNCIL CONTROLS

Ku-ring-gai Local Centres Development Control Plan has objectives and controls which aim to protect the heritage values of the Ku-Ring-Gai Local Government Area, specifically, to:

- retain, conserve and enhance the Heritage Items, HCAs and their associated settings;
- ensure the heritage significance, streetscape and landscape character of HCAs are maintained
- ensure alterations and additions to Heritage Items and within HCAs respect those buildings and do not compromise the significance and character of the individual Heritage Items or the HCAs;
- ensure new development in the vicinity of Heritage Items and HCAs respects the heritage context and is sympathetic in terms of form, scale, character, bulk, orientation, setback, colours and textures and does not mimic or adversely affect the significance of Heritage Items or HCAs and their settings.

The relevant heritage controls of the Ku-ring-gai Local Centres Development Control Plan) are set out in:

- Section B: Part 19A.1 - Subdivision and Site Consolidation for New Development Within a HCA.
- Part 19B – Demolition; Part 19C - Development within HCAs Alterations and Additions.
- Part 19D - Development within HCAs New Buildings.
- Part 19F - Development in the Vicinity of Heritage Items or Heritage Conservation Areas.
- Specific controls for The Grove Heritage Conservation Area are contained within Part 19G.18.

Each set of controls is supported by objectives. An assessment against the controls is set out in the tables below and is discussed in the next section of these heritage referral comments.

6.1 Part 19A – Subdivision and Site Consolidation

19A SUBDIVISION AND SITE CONSOLIDATION	
Development Control	Complies
19A.1. Subdivision and site consolidation for new development within an HCA	
Objectives:	

1 To retain the historic subdivision patterns within HCAs, that reflect the age and circumstances of the early and later subdivisions including the characteristic rhythm and built form spacing. 2 To ensure that new development respects the established streetscape, and the historical patterns of development. 3 To ensure new subdivisions and lot consolidations do not have an adverse impact upon the curtilage of Heritage Items, the streetscape setting of significant buildings and the identified character of the HCA as a whole.	
1 Applications for subdivision and site consolidation within an HCA is discouraged and will only be considered if the application: i) will have no adverse effect the significance of the HCA; ii) retains the typical block width characteristics and historic subdivision pattern of the area, including rear lanes; iii) the setting and curtilage of Heritage Items or significant buildings in the vicinity, including important structures and landscape elements, are retained; iv) vistas and views to and from Heritage Items and contributory buildings, especially the principal elevations of buildings, are not interrupted or obscured; v) the landscape quality of the streetscape is retained; vi) the contours and any natural features of the site have been retained and respected; vii) will not result in future development which will adversely affect the significance, character or appearance of the HCA.	No
2 Subdivision or consolidation will not generally be permitted where the setting or curtilage of any Heritage Items and contributory buildings within or adjoining the site, would be compromised	No
3 Applications for subdivision and site consolidation within an HCA will require a curtilage assessment	Yes

Discussion

The proposed amalgamation of the existing allotments to form one large allotment will result in the loss of the historic subdivision pattern and will provide for a development type which is not characteristic of the rhythm of built form and gardens in The Grove Heritage Conservation Area. This will also adversely impact on the visual curtilage (setting) of heritage items and the HCA in the vicinity of the subject site because it provides for uncharacteristic development in the setting.

6.2 Part 19B – Demolition

19B.1 DEMOLITION WITHIN HCAs	
Development Control	Complies
Demolition within HCAs Objective: To ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained.	
1. The demolition of Heritage Items and contributory properties within HCAs is not supported.	No
2. Whole demolition of buildings, structures and landscape features (including significant trees) is generally not supported unless the applicant can satisfactorily demonstrate:	
i) demolition will not result in any adverse impacts on the streetscape or character of the HCA;	Partial
ii) retention and stabilisation of the building or structure is unreasonable;	N/A
iii) all alternatives to demolition have been considered with reasons provided why the alternatives are not acceptable;	Partial
iv) the replacement building is compatible with the identified significance and character of the streetscape and the HCA as a whole	No

3. In considering applications for partial demolition of buildings, structures and landscape features (including significant trees) within HCAs, Council will assess:	
i) the significance of the building part or structure and/or landscape feature and whether its retention is considered necessary;	Yes
ii) its contribution to the streetscape	Yes – no. 14 Trafalgar
iii) potential for modifying and/or removing neutral and/or uncharacteristic elements that would re-establish the contributory status of the building or structure within the HCA;	Yes – no. 14 Trafalgar
iv) opportunities for adaptive re-use of the building.	Partial
Archival Recordings	
4. Council may require reconstruction following any unauthorised removal of detail or important elements that contribute to the significance and character of the property and the HCA.	Noted

Discussion

The proposal includes the demolition of all the buildings at no. 12 Trafalgar Avenue and no. 16 Trafalgar Avenue, and the garages at no. 14 Trafalgar Avenue. Landscape features are also proposed to be demolished, including driveways, front fences/walls, garden beds and trees.

While the house at no. 12 Trafalgar Avenue does not date from a key period of significance of The Grove HCA, its allotment does, as it is a record of the 1914 Taraville Estate subdivision (part of lot 4 of the Clanville Estate), being originally allotments 26 and 27 of the subdivision (DP7872). The Taraville Estate was offered for sale on the 24 October 1914. Lots 26 and 27 were transferred to Gladys Cecilia Dowling on 13 April 1915 subject to a covenant requiring a private dwelling house to be set back 25 feet from the front boundary, to have external walls of brick or stone, a roof of slate, tiles or shingles and to cost not less than 500 pounds. The property was sold to Frederick Schnitzer (later Sanders) in 1944. Extensive alterations to the original Inter-War house were undertaken in the 1950s. These changed the architectural character to the original house, however the resultant building and its front fence (wall) are well designed, display many of the positive characteristics of The Grove HCA and make a positive contribution to the streetscape.

The positive characteristics of no. 12 Trafalgar Avenue include good design, a single free standing house, single storey height, side driveway to garage at rear, gardens, modulation, face brickwork walls, tiled hipped roof, relationship to topography, and setbacks. The property therefore makes some positive contribution to the historical and aesthetic values of the HCA. The demolition of the house and front fence at no. 12 Trafalgar Avenue and the loss of its allotment, will have some adverse impact on the heritage values of The Grove HCA. It would also replace an attractive architect designed building, built in the Mid-Century Modern style, with a development that detracts from the character of The Grove HCA.

No. 14 Trafalgar Avenue is a physical record of an allotment transferred to Albenia Eliza Lemon in 1930. The single lot was created from a subdivision of

land which contained the house "Verdun". A listing for the property first appears in the 1932 Sands Directory indicating that a building was constructed c.1931. The 1943 aerial photograph clearly shows that the building is a pair of semi-detached dwellings and that the present-day roof form remains largely unchanged, indicating that the form of the house also remains largely unchanged. The garages present in 1943 also appear to remain, as does the original front fence and lot curtilage. The property contributes to the historical and aesthetic values of the HCA. The retention and adaptive re-use of this building is supported, although not the loss of its lot curtilage or garages. The demolition/removal of the balcony infill elements is a positive demolition work. A schedule of conservation works for the building has not been provided. The demolition of these elements located within the historic lot curtilage removes characteristic features of the conservation area and the understanding of the building as a duplex, and reduces its ability to be understood within its historic context. The original application proposed demolition of the existing brick front fence. The latest amended drawings show that the existing retaining wall is to be retained. The wall does require some conservation work as it is over-turning. Drainage behind the wall to drain ground water in order to relieve pressure on the wall, and stabilisation of the footings, are conservation works that should be considered. The amended drawings show that the currently enclosed balconies of the duplex building will be re-opened.

No. 16 Trafalgar Avenue is part of land owned in 1916 by James Archbold. The odd shape of the present day allotment is the result of land divisions and sales after 1916. It appears that Archbold may, by 1926, have constructed a house named 'Verdun' on the large area of land he retained. The land comprising no. 16 Trafalgar Avenue was transferred to the Sydney Legacy War Orphans Fund in 1947 and 'Verdun' was used as a Girl's Hostel from mid-1948 until after 1967. 'Verdun' was later demolished and the current aged care complex, opened in 1980, was built. This aged care complex detracts from the aesthetic values of The Grove HCA and there is no objection to its demolition. The demolition of this building provides the opportunity to replace it with a development more compatible with the character of the HCA. This opportunity has not been taken and will be lost if the proposed development proceeds.

6.3 Part 19C - Development within HCAs - Alterations and Additions

The proposed development is in nature both an alteration and addition to no. 14 Trafalgar Avenue, and new development. Both sets of controls have therefore been addressed.

19C DEVELOPMENT WITHIN HCAS: ALTERATIONS AND ADDITIONS	
Development Control	Complies
19C.1 Local Character and Streetscape	
Built Form	
Objectives:	
<ol style="list-style-type: none"> 1. To ensure that sites, buildings and landscape features that contribute to the significance of an HCA are retained. 2. To conserve and enhance the character and significant elements of the HCA. 3. To ensure that additions or changes to contributory properties within HCAs respect their 	

original, built form, architectural style and character.	
4. To ensure the visual impact of new work is minimised through appropriate design, detail, proportion, scale and massing	
1. Alterations and additions are to respect the heritage significance and predominant architectural character of the HCA	No
2. Single storey retained	N/A
3. Proposed works to contributory buildings are to retain the original character of a building.	Partial
19C.2 Building Setbacks	
Front and Side	
Objectives:	
1. To conserve and maintain the character and significance of individual properties and streetscapes in the HCA by maintaining the established pattern of front and side boundary setbacks.	
2. To ensure the siting of new alterations and additions respect and contribute to the established streetscape patterns.	
1 Maintain the established streetscape.	Yes
2. Respect the established built pattern	Yes
3. The larger setback will apply.	N/A
19C.3 Gardens and Landscaping	
Objectives:	
1. To retain the garden character of Ku-ring-gai's HCAs which is largely due to the deep frontages and large lots that support remnant trees, early surviving gardens with established introduced trees and built garden features such as fences, walls and paving. The street tree planting and pattern of soft and hard road verges also contribute to the landscape character.	
2. To conserve, retain and enhance the significance of the garden and landscape character within individual properties, streetscapes and the HCA as a whole	
3. To ensure streetscapes within the HCAs are characterised by front gardens with substantial landscaped area and minimum hard surfaces.	
1. The established landscape character is to be retained.	No
2. Original garden features to remain.	Partial
3 Limit new paving and hard surfaces.	No
4 Front gardens are to have a minimum of 70% landscaped area	Yes
5 Materials for new garden paving or pathways are to be appropriate.	No
19C.4 Access and Parking	
Equitable Access	
Objectives:	
1. To ensure that modifications to provide access do not adversely affect significant built fabric of either individual buildings or the HCA as a whole.	
1 Modifications and alterations explore all options to achieve the statutory requirements to preserve fabric.	Yes
Driveways	
Objectives:	
2. To allow for on-site car parking where possible while retaining the character of the property, the streetscape and significance of the HCA.	
3. To ensure that driveways do not have any adverse visual impact on the immediate streetscape and historic patterns in the HCA.	
4. To minimise the visual impact of new car parking by locating it at the side or rear of properties, where possible.	
2. Retain original and existing rear lane or side entry vehicle access.	No
3 Concrete wheel strips to be retained.	No
4 New parking areas, garages and driveways are not to dominate.	Yes
5 The siting of new driveways are to be consistent with streetscape pattern.	No
6 Finishes matching original driveway finishes or be appropriate to HCA.	Partial

New Garages and Carports	
Objectives:	
6. To allow for on-site car parking where possible while retaining the character of the property, the streetscape and significance of the HCA. 7. To ensure that new garages and carports do not have any adverse visual impact on the immediate streetscape and historic patterns in the HCA. 8. To minimise the visual impact of new car parking by locating garages and carports at the side or rear of properties, where possible.	
8. New car parking is to be consistent with the historic placement of parking.	No
9 New garages and carports are not permitted forward of the existing building line and are to be located at least 1.5m minimum behind.	N/A
10 New car parking forward of the front building line may be permitted where a minimum 3m access to the side and rear of the building is not available.	N/A
11 New garages, carports and driveways are to be of a simple design.	N/A
12 Double garage doors are to be constructed as two separate doors separated by a pier.	N/A
13. Garage doors to be a neutral colour.	N/A
14. Existing building fabric not to be altered to provide structure or hard stand area.	N/A
15 New car parking structures are not to have high pitched roofs or attics.	N/A
Original Coach Houses, Stables and Garages	
16 Where original and early garages, coach houses and stables survive, they should be retained and conserved.	No
17 Original garage doors to be retained.	N/A
18 Where an early or original garage survives sited on or close to the street frontage, it is to be conserved.	N/A
19C.5 Building Design	
Materials, Colours and Details	
Objectives:	
1. To retain significant materials and details within HCAs. 2. To ensure that the materials and colours of new work enhances the identified character of the HCA 3. To ensure that the selection of materials and colours for new work is based on an understanding of the materials, finishes and colours predominant within the HCA. 4. To encourage the removal of paint from originally unpainted surfaces.	
1. Materials board and details of the colour scheme to be submitted.	Partial
2 Significant unpainted surfaces not to be rendered, coated or painted	Yes
3 The removal of later layers of paint from original face brickwork and stonework is encouraged.	N/A
4 Natural and recessive colour schemes are encouraged for rendered and painted finishes.	No
5 Significant materials and finishes are to be retained and repaired.	Yes
6 Significant materials, finishes and details are to be retained.	Yes
7 Contemporary materials are permitted for new work where they blend in.	Partial
Repairs, Maintenance and Restoration	
8 The repair and maintenance of contributory buildings is encouraged.	Partial
9 The reconstruction of original features, details and elements is supported.	Partial - no. 14 Trafalgar
10 In repairing the fabric of external surfaces use matching materials.	No info
11 The removal of intrusive later additions is encouraged	N/A
Verandahs	
12. Original verandahs to the front and visible side elevations of contributory buildings are to be retained. Infilling of verandahs is not permitted.	Yes - no. 14 Trafalgar
13 Reinstatement of open front verandahs is encouraged.	Yes - no. 14

	Trafalgar
14 New verandahs are to be simple in design and based on existing detail.	N/A
Doors and Windows	
15 Original doors and windows to principal and secondary elevations of contributory buildings are to be retained.	Yes - no. 14 Trafalgar
16 The repair and restoration of original doors and windows to principal and secondary elevations of contributory buildings is encouraged.	No info
17 New doors and windows in additions and alterations are to be compatible existing doors and windows	No
18 New windows to principal and secondary elevations of contributory buildings are to be appropriate in form and material for the style of the house	N/A
19 The retention, repair and restoration of original leadlight and coloured glass window and door panes is encouraged	No info
20 If sound attenuation is required, double glazing fitted to existing windows is encouraged.	No info
21 Original sunhoods, blinds, awnings and skirts to principal elevations are to be retained and repaired.	N/A
Security Grilles	
22 Security bars, mesh or roller shutters to visible elevations are not permitted.	Can be condition ed
23 Traditional timber shutters may be acceptable if originally on the building.	N/A
24 Removal of security bars, mesh or roller shutters to windows is encouraged.	N/A
25 Where additional security is required, passive measures are to be used.	No info
26 Where there is no alternative, the external security bars is acceptable.	N/A
19C.6 Roof Forms and Structures Attached to Roofs	
Roofs, Chimneys, Dormers, and Skylights	
Objectives:	
<ol style="list-style-type: none"> 1. To retain the character of the original roof forms within the HCA. 2. To protect the original fabric and details of roofs and chimneys. 3. To ensure that structures attached to roofs do not have an adverse impact on the character and significance of individual buildings, the immediate streetscape and the HCA. 	
1 Fireplaces and chimneys in HCAs and are to be retained	N/A
2 Roof forms and details to be retained.	Partial
3 The roofs of alterations and additions are to match the existing roof in form, height and eaves, and be in proportion with the existing building.	Partial
4 Attic rooms are to use existing roof forms	N/A
5. Skylights and dormer windows are not to be used on the street facing elevations	Yes
6 New or replacement roof materials are to match, existing roof materials.	Existing roofing retained
7 Slate roofs are to be conserved, repaired and retained.	N/A
8. Replacement of concrete roof tiling with terracotta is encouraged.	N/A
Solar Panels, Solar Water Heaters, Antennae and Other Roof Infrastructure	
9. Solar panels, solar hot water heaters and antennae not to be fitted to the front roof plane and, if on the side elevation are to be towards the rear.	None
10 Where the building is a Heritage Item or a contributory building, the placement of solar panels, solar water heating, antennas etc at an alternative location within the site	None
19C.7 Outbuildings and Garden Structures (excluding garages and carports)	
Objective	
To ensure that new garden structures and of outbuildings do not detract from the significance of individual properties or the HCA through inappropriate siting or excessive scale, bulk or visibility	
1 Significant outbuildings and garden structures are to be retained.	No
2 No new garden structures or outbuildings within the front setback.	No

3 The erection of an outbuilding or structure will consider the location, form, scale, materials and colours.	No
19C.8 Fencing	
Original and Early Fences, Gates and Retaining Walls	
Objectives: To retain early and original fences, gates and retaining walls where they survive, and where they reinforce the original landscape character of the garden and streetscape	
1 Original and early fences, piers, gates and retaining walls are to be retained.	No
2 Original face brick or sandstone fences are not to be rendered, coated or painted	N/A
3 The configuration, finishes and details of original sandstone retaining walls located at the street front boundaries are to be retained.	N/A
Missing or Absent Fences	
Objectives: To retain those streetscapes where front and side fencing do not form part of the original streetscape.	
4 New front fencing is not encouraged in areas where it does not form part of the streetscape. In such areas, the front boundary can be defined by low hob walls, by garden beds or planting to allow private gardens to merge with their neighbours and support the landscape.	Partial
New Front Fences	
Objectives: To encourage the reinstatement of the original form of fencing, where known. To encourage new front fences which contribute to the streetscape character of the HCA by being consistent with the established pattern of existing original fences.	
5 Replacement of unsympathetic fences, gates and walls with new elements of appropriate height, style and materials is encouraged.	No
6 Where historic records and physical evidence exists, new front fencing is to reinstate the original	N/A
7 Where no evidence is available to guide reconstruction of missing fences to contributory properties, new front fencing is to match the architectural style of the house, the period of construction and the character of the immediate streetscape	N/A
8 No metal panel fencing is to be constructed within an HCA.	Yes

Discussion

The proposal includes a very large addition to the side and rear of no. 14 Trafalgar Avenue (the only building proposed to be retained). A more detailed discussion of the proposed new work follows in the next section of this report and should be referred to as it addresses many of the issues of non-compliance with section 19C.

The proposed addition is not compatible with the character of the existing house and its setting, requiring the loss of the existing lot curtilage, driveways and garages. The large scale, form, and colour scheme of much of the proposed addition is not sympathetic to the character of The Grove Heritage Conservation Area.

The reinstatement of the original open verandahs on the front façade is supported as is the retention of the front fence. As this fence is currently overturning careful consideration needs to be given to its conservation, including the installation of adequate drainage behind the wall.

On 1 May 2018 a schedule of conservation works was requested for no. 14 Trafalgar Avenue, however it was not provided, the applicant preferring that its

provision be a condition of consent. Nevertheless, the applicant's heritage consultant has recommended a number of conservation works, these are supported together with other works. A brief list follows:

- Repair and maintenance works to the brickwork, timber window and door joinery, timber staircase, flooring and internal finishes.
- Replacement of any later aluminium windows with timber windows to match the details of the original.
- Repointing of brickwork.
- Low-pressure water cleaning of the brickwork.
- Removal of any plant growth.
- Maintenance and repairs to the roof as necessary.
- Repainting of previously painted surfaces and timber joinery.
- Methodology for the removal and salvage of one of the timber staircase.
- Advice on reuse of elements of the existing timber staircase if required for the reinstatement of missing elements of the other retained staircase.
- Detailing to guide the installation of new bathrooms and new walls in line with the new layout configuration.
- Specifications to the relevant trades people and mortar mixes as well as repointing, restoration and repair works.
- Details for the reinstatement of the balconies to their original in open design.
- Repair of the existing front fence, including sub-surface drainage behind the fence and stabilisation of the footing.

Given the nature of the proposal and KDCP controls 19C.5.8 to 19C.5.11 it is considered reasonable that a schedule of conservation works should have formed part of the development application.

The amended plans have addressed a concern of the original proposal – the awkward junction of the addition with the eastern façade of the duplex building at no. 14 Trafalgar Avenue. The proposed separation between the existing façade and the external wall of the proposed addition will allow views to the side façade of the duplex building from the street to be retained.

A more detailed discussion of the proposed new work follows in the next section of this report.

6.4 Part 19D - Development within HCAs New Buildings

19D DEVELOPMENT WITHIN HCAS - NEW BUILDINGS	
Development Control	Complies
19D.1 Local Character and Streetscape	
Built Form Objectives: To promote high quality new design that complements the streetscape character and heritage significance of the HCA. To ensure that new development retains the identified historic and aesthetic character of the HCA in which it is situated.	
1 Scale and massing of any new buildings is to be integrated into the established character of the HCA and respect the scale, form and character of adjacent or nearby development. They are to be incorporate design elements such as the roof forms, façade and parapet	No

heights, door, window and verandah proportions of contributory buildings in the HCA, particularly neighbouring buildings from the same key development period.	
2 The design and character of any new buildings are to be informed by the: i) date and style of contributory buildings; ii) scale and form of contributory buildings; iii) street and subdivision patterns of the HCA; iv) setbacks of neighbouring contributory buildings; v) materials, building techniques and details used in the HCA; and vi) views, vistas and skylines in the HCA.	Partial
3 Façades are to be modulated to break down the scale of new development.	Partial
4 The height of new buildings is not to be higher than contributory buildings.	No
5 New roofs visible from the street are reflect the size, shape, pitch, eaves and ridge heights, and bulk of contributory buildings and roofs. They are to respect the complexity and patterns of predominant roof shapes and skylines of the HCA	No
6 New buildings may be contemporary in design, however, their scale, form and detail is not to detract from the scale, form, unity, cohesion and predominant character of streetscape elements around it.	No
19D.2 Building Setbacks	
Location and Setback of New Buildings	
Objectives: To ensure the location and siting of new development respects the established pattern of built elements in the streetscape and the HCA. To ensure new development does not adversely impact on the immediate streetscape or significant views within the HCA.	
1 The siting of new buildings is to be consistent with the established pattern of built elements in the HCA, including the main dwellings, garages, carports and garden structures	No
2 Where there is a uniform building setback from streets, new buildings are to respect the established pattern and not be located forward of adjacent buildings. Where variations in setback exist, the larger setback will apply. Side setbacks are to be consistent with historic patterns.	Yes
3 New buildings are not to be orientated across sites contrary to the established alignment pattern.	Yes
4 The location of new buildings is to ensure that significant views to and from places within the HCA are retained	N/A
19D.3 Gardens and Landscaping	
Gardens and Landscaping	
Objectives: To preserve the garden and landscape character of the HCA.	
1 New, traditionally designed gardens that enhance the historic and aesthetic character of the streetscape and the HCA as a whole are encouraged.	No
2 New gardens should be horticulturally and stylistically sympathetic to the period of the HCA. The use of similar materials such as sandstone, brick and gravel is encouraged.	Partial
3 The use of a variety of plant species to avoid mono-cultural plantings along street frontages and as screen planting is encouraged.	Yes
4 High solid hedges that screen the dwelling from the street are not permitted.	N/A
19D.4 Building Design	
Objective: To ensure new development respects the character of, and minimises the visual impact upon, the HCA and its streetscapes.	
1 Materials and details used for new buildings are to be similar to, or compatible with, the original buildings in the HCA	No
2 Development applications are to provide a material board and details of the colour scheme and finishes.	Partial
3 Contemporary materials are permitted where the detailing, proportions, texture and colour range blend with the existing character of the HCA	No
4 New buildings are to incorporate architectural language such as massing, proportions, detailing, coursing lines, materials and finishes, which are sympathetic to and complement the predominant character of the HCA	No
5 Colour schemes are not to detract from colour schemes in the streetscape and not to be in visual contrast with the colours of the contributory buildings in the HCA. Recessive	No

colours and traditional materials are preferred.	
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Discussion

The typology, scale, form, materials, colours and landscaping of the proposed development are not compatible with the character of The Grove HCA. Amendments have resulted in only relatively minor changes to original scheme and there has been no change to the typology or scale of the proposed development. The proposal requires the amalgamation of the existing allotments into one large site, requires extensive changes to existing topography, and introduces substantial new buildings and landscaping works, all of which are not compatible with the character of the HCA.

Relationship to topography

- The proposed development requires excavation in order to create a large level area for new buildings on a site located on a hillside. It also requires the eastern part of the building to be located well above footpath level. Large flat sites are not characteristic of the HCA, rather, typically, the original topography is retained and houses are sited in response to this topography.
- The excavation has another adverse impact in that it provides for a section of the new building to be three storeys high as it can fit under the height limit. The design aims to disguise the apparent scale of the three storey section by the use of stepped landscape terraces in front of the three storey section of the proposed new building. This is successful in reducing the apparent number of storeys, however this has the effect of this section of building being set on a one storey high podium which is also an uncharacteristic built form of the HCA.

Scale and form

- The amalgamation of the allotments provides for the construction of a large scale building completely out of character with the bulk and scale of houses in the conservation area.
- The footprint of the building is also uncharacteristic of the conservation area, both in its size, location and arrangement. The proposed new development is a bulky two to three storey building that will stretch across almost the whole of the amalgamated allotments. This contrasts with the pattern of development in the HCA which is characterised by a rhythm of free-standing houses set in gardens. The design of the proposed complex attempts to reduce the apparent bulk of the development by modulation of the façade, a series of separate roofs (a mixture of hipped and flat roofs), and changes in materials, however this will not disguise the large bulk and scale of the proposed complex and it will not result in the new building being understood as a series of individual buildings rather than as one large building.
- The proposed new building has been arranged to create a highly visible central courtyard to be used by vehicles. Such building forms are not characteristic of The Grove HCA, nor are large highly visible courtyards.
- The scale and form of the proposal will have an extremely adverse impact on the historic character of the HCA.
- The underground carpark, an uncharacteristic streetscape element, will be readily apparent from Trafalgar Avenue. Underground car parks are atypical of the HCA.

- The low (approximately 15 degree) pitch of the roof does not reflect the character of roofs in the HCA which generally have a roof pitch of approx. 25 degrees or more.

Interface with adjoining properties

- The location of the proposed new building close to the rear boundary is uncharacteristic of the HCA as the pattern of development is one where dwellings are typically located near and facing the street frontage with back gardens near the rear boundary. For example the rear setback of the adjacent contributory building at 8 Trafalgar Avenue is >28m and the rear setback of the proposed development is 6m. Screen planting will not remedy this.
- The eaves height of no. 8 Trafalgar Avenue is RL 102.63. The eaves height of the south-eastern elevation of the proposal is RL 108.40 and the eaves height of the existing building at no. 12 Trafalgar Avenue is RL 104.48. The north-east elevation on Drawing No. DA-3001 shows the outline of the existing building with a ridge height of RL108.6 for the southern part of the roof and RL109.6 for the northern part, however the survey plan identifies a height of RL 106.8 for the southern part and RL108.07 for the northern part. Whilst the plans suggest that the proposal is of similar scale to the existing building, the existing building has a substantially greater setback from the boundary (20m for the southern bay) and is of lesser height than suggested by the drawing. The 5.8m height difference between the eaves of the proposal and the adjacent building no. 8 Trafalgar Avenue requires the use of a transition element to avoid an abrupt change between the scale of the proposal and the scale of no. 8 Trafalgar Avenue. The proposal does not achieve this objective.
- The design approach of create a large level site results in the building having a three storey height at the eastern corner of the site resulting in an unsympathetic relationship with the HCA and in particular the single storey house at no. 8 Trafalgar Avenue. This matter was raised with the applicant during the assessment of the application and the wall facing the boundary was set further back 1.8 metres – which was less than desired. The deletion of the corner room in order to reduce the scale and massing of the building at the eastern corner was also raised with the applicant, however was not implemented.
- The opportunity has not been taken to improve the relationship of development on the subject site with nos.8 and 18 Trafalgar Avenue.
- The proposed side setback of 5.4 metres along the shared boundary with no. 8 Trafalgar Avenue is insufficient to provide a visual buffer between this property and the proposed development. The buffer should be a minimum of 6 metres.

Materials and colours

- The amended design replaced the proposed timber look wall cladding with a light white/cream coloured rough textured painted wall finish. This is an improvement as timber cladding is not characteristic of The Grove HCA. Another amendment was the colour of the face bricks on one of the building “blocks” was changed from the grey coloured brick to the red coloured brick. This is acceptable.
- The roofs are a mixture of dark grey and red coloured flat tiles. The roofs of The Grove HCA are generally Marseille pattern (or similar) terracotta tiles in earthy colours. Therefore the proposed dark gray colour is not acceptable,

particularly the “flat” roofs of the linking sections will be dark grey as will the window frames resulting in a large expanse of dark grey colour. The flat profile of the tile which creates “smooth” roof with a strong horizontal emphasis is at odds with the ‘wavy’ Marseille pattern tiles characteristic of the HCA.

- There is insufficient information with regard to some matters. The colours of two of the tiled roofs have not been shown on the drawings. The colour, finish and material of the large expanses of venetian blinds on the front façade have not been provided. The colour of the side and rear boundary fences has not been noted however is shown as grey. Grey colours are not sympathetic to the warm earthy colours characteristic of the HCA and a grey fence would greatly exacerbate the unsympathetic predominantly grey colour scheme of the proposal. It is not clear if the timber elements are natural timber or faux timber.
- The use of aluminium windows for the new building is acceptable as the windows are clearly part of a contemporary style building.
- The vertical timber window treatment and screens, as well as the large metal panels on the front façade are not characteristic materials of the HCA and are therefore not acceptable.
- The large areas of glazing on the street façade (two storey glass walls) are not characteristic of the HCA and streetscape and would highly visible unsympathetic architectural elements.
- The asphalt driveways and vehicular courtyard (porte cochere) are proposed to have red brick banding. This would highlight these elements, in particular the large uncharacteristic courtyard as the pattern of brick banding would create a visually striking surface.

Landscaping

- The large vehicular courtyard at the centre of the proposed development would be clearly visible from Trafalgar Avenue . It would be a visually intrusive element in the streetscape as large vehicular courtyards are not a characteristic feature of the HCA. The courtyard with its eye-catching brick banding delineating areas of bitumen is not to be screened from the street by plants such as large shrubs but rather has a lawn that allows for uninterrupted views to the vehicular courtyard.
- A front fence, typical of the HCA, appears not to have been provided, rather a bank or series of retained levels have been proposed as a result of the design approach of creating a large flat level for the proposed building.
- Other visually intrusive features in the streetscape will be the fire hydrant and substation, both located directly on the front boundary.

6.5 Part 19F - Development in the Vicinity of Heritage Items or Heritage Conservation Areas

DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)	
Development Controls	Complies
19F.1 Local Character and Streetscape Objectives: 1 To consider the impact on the historic curtilage and setting of the Heritage Item or HCA and related heritage features such as views, streetscape context, historical subdivisions, garden settings, alienated trees and other landscape features.	

<p>2 To retain the significance of Heritage Items or HCAs in their settings.</p> <p>3 To ensure that the scale of new development does not dominate, detract from or compete with Heritage Items or HCAs in the vicinity.</p> <p>4 To ensure that new development respects and conserves the significance of any nearby Heritage Items or HCA and their settings.</p> <p>5 To ensure that new development does not visually dominate the adjoining or nearby Heritage Item or HCA.</p> <p>6 To ensure that the scale of new development in the vicinity of the HCA is in harmony with the streetscape and does not dominate, detract from or compete with the Heritage Item or HCA.</p>	
<p>General</p> <p>1 All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement.</p>	Yes
<p>2 Development on sites that either directly adjoin or are in the vicinity of a Heritage Item or an HCA is to have regard to:</p> <p>i) the form of the existing building or buildings including height, roofline, setbacks and building alignment;</p> <p>ii) dominant architectural language such as horizontal lines and vertical segmentation;</p> <p>iii) proportions including door and window openings, bays, floor-to ceiling heights and coursing levels;</p> <p>iv) materials and colours;</p> <p>v) siting and orientation;</p> <p>vi) setting and context;</p> <p>vii) streetscape patterns.</p>	
No	
Retail/Mixed Use Setting	
<p>3 New development adjacent to or in the vicinity of a Heritage Item or HCA within a retail/mixed use setting such as an existing row of two storey shops, are to:</p> <p>i) retain the existing characteristics of the street including the setback, height and rhythm of facades, and is to be sympathetic to the materials and detailing of the earlier facades.</p> <p>ii) retain a pedestrian building scale at the street level and to set back any levels that are higher than the adjacent Heritage Item</p>	N/A
Views	
<p>4 New development in the vicinity of a Heritage Item or HCA is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain.</p>	Yes
19F.2 Building Setbacks	
<p>Setbacks</p> <p>Objectives:</p> <p>1 To ensure new work in the vicinity of a Heritage Item or HCA respects and contributes to the established streetscape patterns through careful siting of new buildings.</p> <p>2 To ensure new development provides an interface of scale and bulk to preserve the amenity to the adjacent Heritage Item or building within a HCA.</p> <p>3 To ensure new medium and high density development does not visually dominate the Heritage Item or building within the HCA.</p>	
<p>1 The front setback of development adjacent to a Heritage Item or buildings within an HCA is to be greater than that of the Heritage Item or building within the HCA. Where variations in setbacks exist, the larger setback will apply</p>	No
Residential Context	
<p>2 All medium and high density development is to have a stepped facade to any common boundary with a Heritage Item or building within the HCA. The facade is to be stepped back above an 8m height from natural ground level as per Figure 19F.2-1. Facades greater than 8m high will not be permitted adjacent to a Heritage Item or building with an HCA.</p>	Yes
<p>3 In addition to the side and rear setback controls in Section A of this DCP, new development adjacent to a Heritage Item or building within an HCA, is to comply with the following:</p> <p>i) adjacent development is to have a minimum 12m building separation to the Heritage Item (more if setback requirements are not met within the 12m) as per Figure 19F.2-2;</p>	N/A

ii) adjacent development is to not exceed a facade height of 8m from existing ground level, including balustrades; iii) adjacent development with a building mass above 8m high from existing ground level is to be stepped back an additional 6m from the Heritage Item as per Figure 19F.2-2; Where variations in setbacks exist the larger setback will apply.	
19F.3 Gardens and Landscaping	
Gardens, Setting and Curtilage Objective: To ensure that new development does not impact on the landscape character and garden setting of any nearby Heritage Item or HCA	
1 Development in the vicinity of a Heritage Item or an HCA is to: i) retain original or significant landscape features associated with the Heritage Item or HCA, or which contribute to its setting ii) retain the established landscape character of the Heritage Item or HCA. iii) include appropriate screen planting on side and rear boundaries.	No
19F.4 Fencing	
Fences on adjoining sites Objective: To encourage front fences on adjacent sites that contribute to the setting of the Heritage Item and the streetscape character of the HCA	
1 New front fences on adjacent sites are to be no higher than the front fences of the adjoining Heritage Item or HCA. Open and transparent front fences such as timber or metal picket are preferred.	N/A
2 No metal panel fencing is to be constructed on any boundary of a Heritage Item.	Yes

Discussion

The setting of the heritage items extends beyond their lot boundary to include the spaces, buildings and landscaping of allotments within the visual curtilage of a site. The proposal will introduce a building typology, scale, form and aesthetic, and landscaping, which are neither characteristic nor sympathetic to the setting of the heritage items and HCA located within the vicinity of the subject site. The proposal denies the opportunity for more sympathetic development which would enhance the setting of the heritage items.

The proposed aged care development would be a visually dominant and intrusive element that would adversely affect the streetscape setting of the heritage item at no. 18 Trafalgar Avenue and deny the opportunity for a more sympathetic development that would enhance its setting. The proposed development does retain some existing trees along the common boundary with no. 18 Trafalgar Avenue and introduces two new trees which will provide some screening to the proposed new development and a landscape buffer, however the landscaping at the front of the subject site adjacent to no. 18 Trafalgar Avenue is not characteristic of that of the HCA where lawns, specimen trees, mixed shrubbery, low fences and front pedestrian paths are common. The proposed development also has an uncharacteristic relationship with the topography, being set on a large level site, whereas typically houses would be step down the hill in relationship to the natural topography.

The proposed aged care complex would be a visually dominant and intrusive element in the setting of the Clanville Conservation Area due to its scale and uncharacteristic character.

A section of the proposed new building is located close to the rear boundaries of heritage items at nos. 11 and 17 The Grove. The current setting of the heritage item at no. 11 The Grove includes the backyard of no. 12 Trafalgar Avenue which has trees and a large area of open space. The proposed development does include trees along the shared boundary, however the large volume of open space, and the relatively small scale and large setback to the house will be lost as a two storey building set close to the boundary is proposed. The proposal is also uncharacteristic with regard to the setting of the heritage item in that it is contrary to the historic pattern of rear gardens backing onto one another with houses located near the street boundary.

With regard to the heritage item at no. 17 The Grove, its existing setting is partly formed by the rear of the existing aged care development at no. 16 Trafalgar Avenue, with half the length of the shared boundary near the existing building and the other half of the boundary bordering open garden area. The proposed development will replace the existing building with a taller building that will stretch along the whole of the shared boundary raising similar issues to those a in relation to 11 The Grove.

6.6 Part 19G – Local Heritage Conservation Areas

Section 19G.18 of the Ku-ring-gai Local Centres Development Control Plan provides objectives and specific controls for development in The Grove Heritage Conservation Area.

LOCAL CENTRES HERITAGE CONSERVATION AREAS (HCAS) - C35 – The Grove, Roseville	
Objectives: <ul style="list-style-type: none"> To conserve the character of this HCA. To retain significant buildings and landscapes. To ensure new development enhances the existing character of the street.	
Development Controls	Complies
1. One and two-storey Federation and Inter-war residences and flat buildings, heritage-listed and contributory, must be retained	Yes
2. Original face brick, sandstone and roughcast stucco to Federation period housing to be retained and not rendered or painted. The removal of paint from original face brick is encouraged.	N/A
3. Original finishes and details, where known, are to be retained and the reinstatement of missing elements is encouraged.	Partial
4. Concrete roof tiling is to be replaced with unglazed terracotta Marseilles pattern roof tiling where inappropriate retiling has occurred.	N/A
5. Open front verandahs, where enclosed, to be reinstated.	Yes
6. Low brick fencing that matches the materials of the house is preferred.	No
7. Single-storey development on infill sites is preferred. New two-storey houses will only be permitted where the upper floor is designed within the roof and where they are in keeping with the height, mass and proportions of the existing built fabric.	No
8. Additions and alterations must respect the architectural and streetscape character.	No
9. Original garden features such as gates, winding front paths, crazy paving and garden edging to be retained and conserved.	No
10. Traditional front garden schemes that enhance the aesthetic significance of the HCA are encouraged.	No
11. Maintain and enhance street tree planting throughout the HCA, especially the Brush Box avenues and remove other tree species.	Partial
12. Ensure a landscape buffer on adjacent sites outside the HCA, particularly in Clanville road, Rawhiti Street and Oliver Street.	N/A

Comments

The proposed aged care development does not comply with the controls for The Grove HCA as it would be an uncharacteristic and visually intrusive development, and would deny the opportunity for more sympathetic new development to replace the existing nursing home.

The reasons for the non-compatibility of the proposed development with The Grove HCA have been discussed in previous sections of this memorandum.

7.0 ASSESSMENT UNDER STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is also relevant as the application has been submitted under this SEPP. Division 2 *Design principles*, Clause 33 *Neighbourhood amenity and streetscape* sets out a number of requirements which are addressed below. (The clause is in italics and the response is in dot points.)

(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area,

The proposed new development will detract from, rather than contribute to, the aesthetic quality and identity of the area for reasons which include: the development is not consistent with the typology of buildings and gardens in The Grove HCA; the scale of the development is far in excess of that typical of the HCA; the form of the proposed building is atypical; underground parking is not characteristic; and some materials and colours are not typical of the HCA. This would result in a development which would "stand out rather than blend with the character of the area, in particular it is unsympathetic to the character of The Grove Heritage Conservation Area.

(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan,

- The proposed development would be an unsympathetic and inharmonious element in the setting of the Clanville Conservation Area and in the setting of the heritage items in the vicinity of the subject site. Issues include the building typology, its form, scale, landscaping, materials and colours.

(c) maintain reasonable neighbourhood amenity and appropriate residential character by:

(i) providing building setbacks to reduce bulk and overshadowing,

- The bulk of the proposed development is not in keeping with the low density residential character of The Grove HCA, however the front setback is compatible with setbacks in the street.

(ii) using building form and siting that relates to the site's land form,

- The form and siting of the proposed development does not respond to the natural topography in the way characteristic of the area. This leads to the proposed building on the subject site having a very different relationship to the natural topography than to the houses in the area. Extensive excavation for a basement carpark is atypical of the area.

(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development,

- The adjacent development is generally single storey although there are a number of two storey houses, as well as houses with attics, albeit largely contained within the roof space. The proposed development is mostly two storeys with some sections three storeys high. This is not compatible with adjacent development. The scale of the building footprint of the proposed development is completely different to that of adjacent development, a much larger building being proposed than is typical of adjacent development (i.e. single free standing houses).

(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,

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- The building is not proposed to be located on the boundary.

(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,

- The front building setback is generally consistent, the exception being the large setback to create a vehicular courtyard near the front of the site. This is not typical.

(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape,

- The proposed landscaping is not typical of The Grove HCA where the front gardens provide a setting for the house in relation to the street and the back gardens provide a private amenity area for the family. While the proposal has been amended to include a greater diversity of planting in the front garden area more in keeping with the character of planting in the HCA, the landscape design in general is not sympathetic because it is associated with an uncharacteristic development type.

(f) retain, wherever reasonable, major existing trees,

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- This matter is to be addressed by Council's Landscape and Tree Assessment Officer.

(g) be designed so that no building is constructed in a riparian zone.

- N/A

8.0 ASSESSMENT WITH REGARD TO THE HELOU PLANNING PRINCIPLES

The proposal includes the demolition of an existing house and garage at no. 12 Trafalgar Avenue, garages at no. 14A and no. 14B Trafalgar Avenue, and the residential care building at no. 16 Trafalgar Avenue. The Helou Planning Principles set out a number of questions that should be addressed in assessing whether demolition of a building in a conservation area should be permitted.

1. What is the heritage significance of the conservation area?

- The significance of The Grove HCA is described in the Ku-ring-gai Local Centres Development Control Plan.

2. What contribution does the individual building make to the significance of the conservation area?

- Refer to Section 6.2 of this report for a discussion of the contribution the individual properties make to The Grove HCA. It is concluded that no. 12 Trafalgar Avenue makes a positive contribution to the HCA despite it having extensive alterations made soon after WW2. The Heritage Impact Statement submitted by the applicant states that it does not contribute to the significance of the conservation area because it does not belong to the "Federation to Inter-War" periods which are key development phases of the HCA.
- It is agreed that the house at no. 14 Trafalgar Avenue contributes to the significance of The Grove conservation area. However the garages and allotment, which also contribute to the significance of the conservation area will be lost.
- It is agreed that the building at no. 16 Trafalgar Avenue does not contribute to the significance of The Grove conservation area and there is no objection to its demolition.

3. Is the building structurally unsafe?

- Structural stability has not been offered as a reason for demolition and there is no apparent reason for this argument.

4. If the building is or can be rendered structurally safe, is there any scope for extending or altering it to achieve the development aspirations of the applicant in a way that would have a lesser effect on the integrity of the conservation area than demolition?

- Not relevant.

5. Are these costs so high that they impose an unacceptable burden on the owner of the building? Is the cost of altering or extending or incorporating the

contributory building into a development of the site (that is within the reasonable expectations for the use of the site under the applicable statutes and controls) so unreasonable that demolition should be permitted?

- No argument has been put forward by the applicant with regard to reasons why the retention and adaptive re-use of no. 12 Trafalgar Avenue and the garages and allotment of no. 14 Trafalgar Avenue are not possible, and whether or not the creation of an aged care complex is a reasonable expectation for the use of the site. Given the extent of adverse impacts of The Grove HCA the proposal is not reasonable in this context.

6. Is the replacement of such quality that it will fit into the conservation area?

- As discussed in Section 6 of these heritage assessment comments the replacement does not fit into The Grove HCA. Therefore the existing buildings should be retained until a proposal of suitable quality can be approved.

9.0 CONCLUSION

The proposal will introduce a highly visible unsympathetic development into The Grove HCA and into the Trafalgar Avenue streetscape. It will adversely affect the setting of heritage items located within the vicinity of the subject site, as well as the setting of the Clanville Heritage Conservation Area located opposite the subject site. The typology, scale, form, relationship to topography, architectural character, materials, colours, and landscaping of the proposal are not in keeping with the established positive characteristics of the area. While it is understood that KOPWA wish to expand their existing facility, a preferred approach would have been to seek a better suited site for an enlarged facility and to replace the existing unsympathetic aged care home with development compatible with the area.

The proposed aged care facility would have an adverse impact on the heritage values of The Grove HCA, as well as the heritage values of the heritage items and HCA in its vicinity. The proposal does not meet the requirements of Ku-ring-gai Local Environmental Plan (Local Centres) 2012 nor of Ku-ring-gai Local Centres Development Control. In addition, the proposal does not meet the requirements of Clause 33 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

9.0 REASONS FOR REFUSAL

1. The proposed development would adversely affect the heritage values of The Grove Heritage Conservation Area.

Particulars

- a) The proposal does not satisfy the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 clause 5.10(1)(b) as the proposal would have

- an adverse impact on the heritage significance of The Grove Heritage Conservation Area.
- b) The proposed amalgamation of the existing allotments would result in the loss of allotments that date from a key period of significance for the conservation area.
 - c) The typology, scale, form, architectural character and landscaping, of the proposed development are not compatible with the character of The Grove Heritage Conservation Area.
 - d) The proposal does not have a satisfactory relationship to the properties that both adjoin the subject site and are located within The Grove Heritage Conservation Area.
 - e) The proposed development is contrary to the following controls of Ku-ring-gai Local Centres Development Control Plan: 19A.1.1, 19A1.2, 19B.1.1, 19B.1.2, 19C.3.3, 19C.3.5, 19C.4.2, 19C.4.3, 19C.4.5, 19C.4.8, 19C.4.16, 19C.5.1, 19C.5.4, 19C.5.8, 19C.5.16, 19C.5.17, 19C.5.19, 19C.7.1, 19C.7.2, 19C.7.3, 19C.8.4, 19D.1.1, 19D.1.2, 19D.1.4, 19D.1.5, 19D.1.6, 19D.2.1, 19D.3.1, 19D.4.1, 19D.4.3, 19D.4.4 and 19D.4.5.
2. The proposed development would adversely affect the heritage values of adjacent heritage items and of the Clanville Heritage Conservation Area as the proposed development is not compatible with the positive characteristics of the existing setting.

Particulars

- i. The proposal does not satisfy clause 5.10(1)(b) of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 as the setting of heritage items and heritage conservation area in the vicinity of the subject site will be adversely affected.
- ii. The introduction of unsympathetic elements into the setting of heritage items and heritage conservation areas is contrary to: clauses 19F.1.2, 19F.2.1 and 19F.3.1 of the Ku-ring-gai Local Centres Development Control Plan.

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