

1, 1A & 5 AVON ROAD AND 4 BEECHWORTH ROAD PYMBLE, SYDNEY PROPOSED DEVELOPMENT

STATEMENT OF HERITAGE IMPACT



FOR: J W NEALE PTY LTD
(RECEIVERS & MANAGERS APPOINTED).

November 2012

VERSION 14.11.12

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1.0 INTRODUCTION

1.1 Aims of Report

This report has been prepared for J W Neale PTY LTD (Receivers & Managers Appointed) to assess the impact of a proposed development on the heritage significance 1 Avon Road Pymble, and 5 Avon Road, Pymble and is to accompany a Concept Plan (MP08_0207) and Project Application (MP10_0219) lodged with the NSW Department of Planning and Infrastructure (DP&I).

The current application is in response to the Preferred Project Requirements issued by the DP&I on the 19th April 2011. As the application was lodged prior to 1 October 2011, the project remains one to which Part 3A of the Act applies and hence the Environmental Assessment is to be undertaken by the DP&I.

The current principal planning instrument applying to the site is the Ku-ring-gai Planning Scheme Ordinance (KPSO), in which No 1 and 5 are listed as heritage items of local significance. In the vicinity, Nos 11 and 19 Avon Road and No 11 Arilla Road are also listed as heritage items.

The Draft (Local Centres) Local Environment Plan for Ku-ring-gai, when gazetted, will replace the KPSO. The current Draft (Local Centres) Local Environment Plan proposes to list No 1 Avon Street as an item of local heritage significance, while No 5 is not listed nor are Nos 11 and 19 Avon Road and No 11 Arilla Road.

At the time of the original lodgement of this application, in December 2010 the Ku-Ring-Gai (Town Centres) Local Environment Plan was in place. Neither this instrument nor SEPP (Metropolitan Regional Development) identified any heritage items on the site representing the underlying intent to redevelop the site involving the demolition of the building at No 1 and 5 Avon Road.

This report aims to:

- Assess the impact of the proposed development on the heritage significance of the buildings No 1 and No 5 Avon Road and nearby heritage items Nos 11 and 19 Avon Road and No 11 Arilla Road.

1.2 Site Location

The site is located at the centre of the Ku-ring-gai local government area and is approximately 16 Km North West of the Sydney central business district.

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The site is bounded on the east by Avon Road, north by the North Shore Railway Line; Mayfield Avenue and Beechworth Road to the west and North West and Arilla Road to the south. (Refer **Fig. 1.1**).



Figure 1.1 - Location of the existing dwellings at 1 & 5 Avon Road, Pymble.
Source: Google Maps 2012

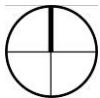


Figure 1.2.1 – Aerial photograph of the site at 1 & 5 Avon Road, Pymble.
Source: NSW Land and Property Information, 2008.

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Figure 1.2.2 – Aerial photograph of the site at 1 & 5 Avon Road, Pymble.
Source: NSW Land and Property Information, 1943, RTA Photography.



1.3 Authorship

The report was prepared by OCP Architects Pty Ltd and written by Otto Cserhalmi and Csilla Cserhalmi, and reviewed by Otto Cserhalmi.

1.4 Methodology and Terminology

This report has been prepared in accordance with the NSW Heritage Manual “Statements of Heritage Impact”(2002) and “Assessing Heritage Significance “(2001) guidelines. The principles and process follows the guidelines contained in the Australian ICOMOS *Charter for the Conservation of Places of Cultural Significance (The Burra Charter)*, 1999.

The subject proposal has been assessed in relation to the relevant controls and provisions contained within the Draft (Local Centres) Local Environment Plan for Ku-ring-gai, and the current Draft (Local Centres) Local Environment Plan.

1.5 Basis of Assessment

The material upon which this assessment of the proposed development of the site is based on is the documentation provided by Marchese Partners.

2.0 CURRENT SITUATION

2.1 Brief History of the Site

2.1.1 Pymble

Pymble was originally known as Guringai country, by its inhabitants, prior to European settlement. The area was part of the Cammeraigal (or tribe of the Kuringai Aborigines) clan's homeland. With the arrival of the European settlers came new diseases, predominantly small pox, and by 1824 the aboriginal population in the Pymble area had been significantly reduced, leaving the remains of only one Aboriginal tribe.

The suburb now known as Pymble was created with the acquisition of two early land grants: half of which was Robert Pymble's grant, the other half Daniel Der Mathew's grant.

Pymble was named after Robert Pymble (1776-1861), a prominent figure in the history of the area. He arrived in Sydney in 1821, together with his wife and six children, attracted by the promise of an extensive and lucrative land grant that would guarantee his affluence in New South Wales. Upon procuring the land, he began clearing the land for cultivation. The acquired lumber was sold off to lumber yards. Pymble also cultivated land for orchards of orange trees. Between 1826 and 1833, he served as a policeman in the Lane Cove area.

DD Mathew's land grant encompassed about half of current Pymble, as well as a significant part of St Ives. Mathew was another important figure in the history of the area, known to have established the first saw mill in area.

Due to the proposal of the construction of the North Shore railway line, the early 1880s saw the subdivision of several areas within Pymble for residential development.

2.1.2 Previous Owners

In 1821, William Wright received the land grant for what is now known as Avon Road. He conveyed the land to Richard Joseph Porter (1837-1918) in 1872.

Prior to 1900, Richard Porter's lands were subdivided to form the Avon Estate. T.R. Porter and W.J. Porter's estates sat opposite one another, on each side of Avon road. The estates were vast, reaching as far as today's Avondale Golf Course.

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Richard Porter retained the estate until the 1920s. Edward James Lamb acquired the property in 1904, and then sold it in 1920 to Albert Ernest Alexander Newlands.



Figure 1.3 M. Hearn, *Productivity and Patriotism: the Management Narrative of New South Wales Rail Chief Commissioner James Fraser, 1917-1929*, website: <http://workinglives.econ.usyd.edu.au/fraser.html>

In the July of 1923, James Fraser purchased the land from Newlands.

James Fraser was born in Braidwood in 1861. He attended Sydney Grammar School and joined the railway services in 1878 as a cadet. Four years later, in April of 1882, he was appointed assistant engineer. He went on to become resident and district engineer. Numerous advancements in his career led him to become Chief Commissioner in 1917. This gave him the responsibility of the biggest business enterprise in the Commonwealth.

He was the chief commissioner of the New South Wales Railways from 1917 – 1929. He was known as an authority and administrator on railway matters. He supervised the construction of many railway lines and was in charge when the metropolitan service was electrified.

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In 1931, Fraser was selected as a member of the Transport (Co-ordination) Commission by the Lang Government. In 1929, Fraser retired, due to ill health, and died seven years later, in 1936. He left behind three sons: Keith, Noel and Ian Fraser. After the death of his wife Elizabeth in 1929 (see Fig. 1.4 and Fig. 1.5), Fraser began advertising the building for sale in the Sydney Morning Herald (see Fig. 1.6 AND Fig. 1.7) on 16 October, 1929. The same advertisement reappeared shortly after his death (in 1936), on 13 March 1937.

From the late 1930s-1960s Arthur Ernest Dent owned the property, and also submitted a building Application in 1938. In the 1960s to late 1970s, several owners possessed the land, until the late 1970s, at which point James Woodward Neale and Carol Joan Neale procured the land and the original Lot 16/DP8602 was subdivided by Neale, creating lots 1 and 1A (DP 583803). The site is currently owned by J W Neale PTY LTD.



Fig 1.4 The Sydney Morning Herald

(NSW 1842-1954) Tuesday 3 September 1929, p.16

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DEATH OF MRS. FRASER.

WIFE OF RAILWAY CHIEF.

The death of Mrs. Elizabeth Fraser, wife of the Chief Railway Commissioner (Mr. J. Fraser), occurred at their residence, Arnprior, Avon-road, Pymble, yesterday morning. She was 63 years of age.



Mrs. Fraser was born at Sodwalls, New South Wales, being a daughter of Mr. Thomas Rhodes Firth, who was for many years Engineer-in-Chief for Existing Lines, Railways Department. During the war Mrs. Fraser took a keen interest in the French's Forest settlement for returned soldiers, the Kit Bag fund for soldiers' dependents, and other organisations which had for their object the benefit of soldiers on active service. In recent years ill-health had prevented her from taking an active interest in social matters, but she devoted much of her time to the aid of charities.

There are three surviving sons, Mr. Keith Fraser (engineer, City Railway), Mr. Noel Fraser (Railway Department), and Master Ian Fraser. Mr. Firth Fraser, another son, was so badly gassed at the war that he died in August, 1927.

The funeral will leave the residence at 2 o'clock this afternoon for the Crematorium, Rookwood.

"The sympathy of the whole State will go

Fig 1.5 The Sydney Morning Herald (NSW 1842-

1954) Saturday 31 August 1929, p.18

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... day, will offer the above at PUBLIC AUCTION, in the ROOMS, 70 PITT-STREET, on THURSDAY, 1st APRIL, 1937, at 11 a.m. (347)

By Order of the Mortgagees.

ALEXANDRIA.
Nos 276 to 280 BOTANY-ROAD.
At Corner MANDIBLE-STREET.
Prominent corner position on tramline, nearly opposite Public School. Surrounded by many important undertakings.
No. 276 is a CORNER SHOP, of Brick.
No. 278 is a BRICK SHOWROOM or SHOP, with concrete floor, Show Window, and Vehicle Entrance, with Roller Shutter.
OVER these two Shops is a FACTORY FLOOR, which can be utilised separately or in conjunction with No. 280.
No. 280 is a FACTORY BUILDING of Brick, comprising 2 FLOORS, each about 41ft by 100ft. The Ground Floor of concrete, has Office Entrance, Vehicle Entrance, with Roller Shutter, and Show Window; also separate Entrance with Staircase to Upper Floor.
FACING MANDIBLE-STREET is a BRICK GARAGE, with iron roof and concrete floor.
THE YARD is enclosed by a brick wall, and in it are 5 sets of lavatories.
Particulars of tenancies from Auctioneers.
THE LAND, about 85ft 9in to BOTANY-ROAD, a return frontage of about 104ft 0½in along MANDIBLE-STREET, depth on other side about 100ft 10in rear line about 60ft.
TORRENS TITLE. EASY TERMS.
RAINE and HORNE, LTD.
will offer the above at PUBLIC AUCTION, in THE ROOMS, 70 PITT-STREET, on THURSDAY, 1st APRIL, 1937, at 11 a.m. (353)

PYMBLE.

ARNPRIOR, AVON-ROAD.
Within 3 minutes of station, close to Presbyterian Ladies' College and Avondale Golf Club; elevated position, commanding extensive VIEWS Towards Mountains.
A CHARMING and COMMODIOUS RESIDENCE, built of brick, on stone foundations, with roof of slate, containing large VESTIBULE HALL with Fireplace, a particularly large DRAWING-ROOM, large DINING-ROOM, 5 BEDROOMS, MAID'S ROOM, and complete domestic offices.
THE VERANDAH ACCOMMODATION, which is mostly enclosed, is a very special feature. THE GROUNDS are particularly attractive, comprising an area of about 3 acres 2 roods 5 perches, and are highly improved, with TERRACE LAWNS, FLOWER GARDEN, ORCHARD, KITCHEN GARDEN, etc.
Sketch plan at Office of Auctioneers.
TORRENS TITLE.
Vendor's Solicitors: John Williamson and Sons.
RAINE and HORNE, LIMITED.
will offer the above at PUBLIC AUCTION, in THE ROOMS, 70 PITT-STREET, on THURSDAY, 1st APRIL, 1937, at 11 A.M. (350)

Fig. 1.6 The Sydney Morning Herald (NSW 1842-1954) Tuesday 3 September 1929, p.16

NOVEMBER 2012

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THE YARD is enclosed by a brick wall, and in it are 5 sets of lavatories.
Particulars of tenancies from Auctioneers.
THE LAND, about 85ft 9in to **BOTANY-ROAD**, a return frontage of about 104ft 0in along **MANDIBLE-STREET**, depth on other side about 100ft 10in rear line about 80ft.
TORRENS TITLE. EASY TERMS.
RAINE and HORNE, LTD.,
will offer the above at **PUBLIC AUCTION**, in **THE ROOMS, 70 PITT-STREET**, on **THURSDAY, 1st APRIL, 1937, at 11 a.m.**
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THE VERANDAH ACCOMMODATION, which is mostly enclosed, is a very special feature. **THE GROUNDS** are particularly attractive, comprising an area of about 3 acres 2 roods 5 perches, and are highly improved, with **TERRACE LAWNS**, **FLOWER GARDEN**, **ORCHARD**, **KITCHEN GARDEN**, etc.
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(350)

Fig. 1.7 The Sydney Morning Herald (NSW 1842-1954) Tuesday 3 September 1929, p.16

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Figure 1.8 – Avon Rd looking south showing Pymble overbridge, retaining wall & approach, 1939, State Library of NSW

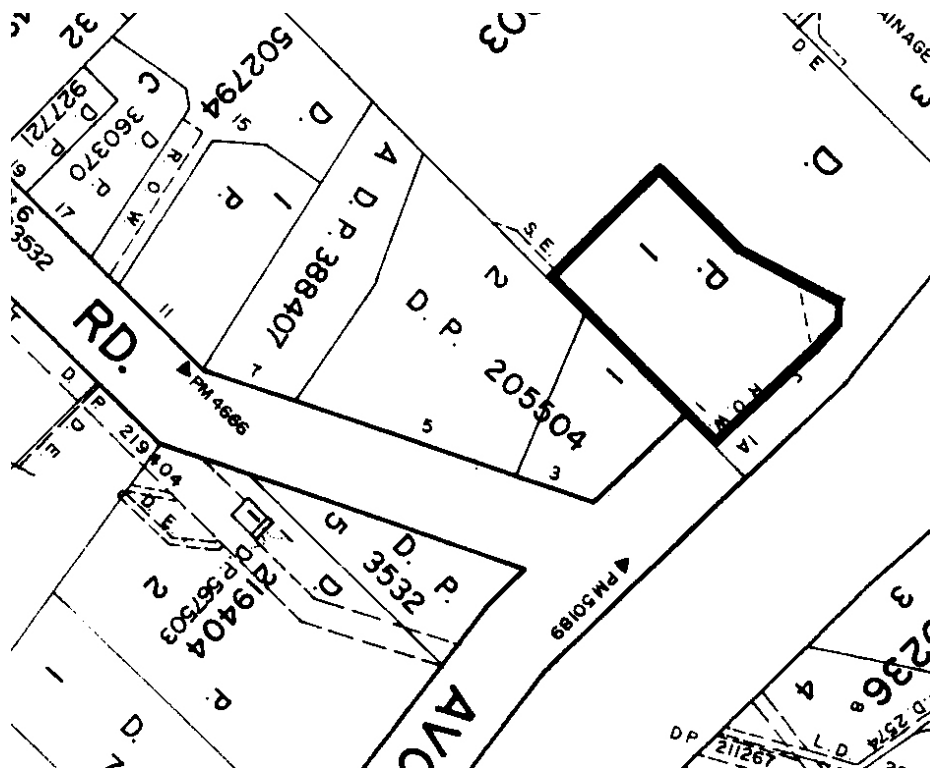


Figure 1.9 – Boundary Sketch courtesy of Ku-Ring-Gai Council, NSW Heritage Branch Database

2.2 HERITAGE STATUS

The building at 1 & 5 Avon Road, Pymble has the following heritage listings:

STATUTORY CONTROLS, POLICIES AND GUIDELINES

2.2.1 Commonwealth Legislation

Building No 1 and 5 Avon Road are not listed as part of the Environment Protection and Biodiversity Conservation Act 1999

2.2.2 State Legislation

Heritage Act 1977 (NSW): Buildings No 1 and 5 Avon Road are not on the State Heritage Register of NSW.

2.2.3 Ku-ring-gai Council

The 1987 Ku-Ring-Gai Heritage Study recommended both No 1 and No 5 Avon Road for local heritage listing. Both were then adopted by Council and gazetted in November 1989.

This application when originally lodged the Ku-Ring-Gai (Town Centres) Local Environment Plan 2010 was in place. Neither this instrument nor SEPP 53(Metropolitan Regional Development) identified any heritage items on the site.

The Ku-ring-gai Planning Scheme Ordinance (KPSO) is the current Environmental Planning Instrument applicable to the site, which has No 1 and 5 listed as heritage items of local significance. Also in the vicinity Nos 11 and 19 Avon Road and No 11 Arilla Road are listed as heritage items of local significance. The KPSO also does not propose a conservation area that incorporates Avon or Arilla Roads.

The KPSO will be replaced by the (Local Centres) Local Environment Plan for Ku-ring-gai, which is in a draft state as at November 2012. When gazetted, the (Local Centres) Local Environment Plan proposes to list No 1 Avon Street as an item of local heritage significance, while No 5 is not proposed to be listed. The (Local Centres) Local Environment Plan does not have any proposed conservation area for Avon and Arilla Roads.

2.3 ASSESSMENT OF SIGNIFICANCE

2.3.0 As part of the process of development that is associated with heritage items, it is fundamental to understand its significance that is its values. Once the heritage significances or values are known then long term decisions can be made that ensures that the significant heritage values are preserved. Statements of Heritage Significances review the site's values and articulate them.

The assessment articulated below was based on the 2009 Statement of Heritage Impact report by Rappoport Pty Ltd (R P L 2009) and amended after inspection of the property by OCP Architects Pty Ltd in 2012.

2.3.1 Application of Significance Criteria

To determine the effect of the proposed demolitions on the site and the construction of new multi-unit housing on the heritage listed items in the vicinity, the NSW Heritage Office's assessment

process needs to be followed, where seven separate criteria and the heritage significance values are set either on state or local levels. These are examined as per 2.3.2 below.

2.3.2 1 Avon Road, Pymble

Criterion (A) - Historical Significance

An item is important in the course, or pattern of NSW's cultural or natural history (state significance) OR it is important in the course, or pattern of the local area's cultural or natural history (local significance).

Comment:

The site has historical links to the 1821 Wright land grant. Later the site was part of Lamb's subdivision, which was one of the earliest suburban residential developments south west of the North Shore railway line. No 1 Avon Road follows the town planning principles common within Kuring-gai at the early 20th century, with a generous site area, with ample landscaped area and considerable set back of buildings fronting Avon Road. The building has undergone numerous modifications and additions over the course of the twentieth century and documents the expansion of suburban Sydney and also the prosperity of Pymble area over the last century.

Criterion (B) - Associational Significance

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (state significance); OR it has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area (local significance).

Comment:

The site was purchased by James and Elizabeth Fraser in 1923. James Fraser had a distinguished career in the Railways eventually becoming the Chief Commissioner of NSW from 1917 to 1929. In October 1923 he auctions his family home "Arnprior: in Rangers Road Neutral Bay and moves to the then quieter and greener Pymble area. Elizabeth Fraser dies at No 1 Avon Street in September 1929, after which James Fraser sells the property.

Criterion (C) - Aesthetic Significance

An item is important in demonstrating aesthetic characteristics and /or high degree of creative or technical achievement in NSW (state significance); OR it is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in the local area (local significance).

Comment:

The building has undergone considerable changes during its history. The interwar bungalow characteristics have been considerably modified with a later front porch structure and considerable changes to its exterior on the south west, west and northern elevations. While the interiors have been substantially altered and added to through many ownerships.

Criterion (D)-Social Significance

An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (state significance); OR has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (local significance).

Comment:

There are no known special associations with a particular community or cultural group for social, cultural or spiritual reasons. Consequently, the subject item does not attain the requisite standard of significance under this criterion.

Criterion (E)-Technical/Research Significance

An item has potential yield information that will contribute to an understanding of NSW's cultural history (state significance); OR has potential to yield information that will contribute to an understanding of the area's cultural or natural history (local significance).

Comment:

There is no found evidence to suggest that the building has any technical significance beyond that is normal for construction techniques that was practiced in the relevant era of this building.

Criterion (F)-Rarity

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (state significance); OR possesses uncommon, rare or endangered aspects of the area's cultural or natural history (local significance).

Comment:

Buildings from this era, from the Inter- War Bungalow style houses are not currently rare in Sydney and there are many examples of this style around the Pymble area. Consequently, the subject item does not attain the requisite standard of significance under this criterion.

Criterion (G)-Representativeness

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (state significance); OR is important in demonstrating the principal characteristics of a class of the area's cultural or natural places or cultural and natural environments (local significance).

Comment:

The building is typical of the Inter- War Bungalow styled houses that has many examples in Pymble and is common within Sydney. Consequently, the subject item does not attain the requisite standard of significance under this criterion.

Statement of Cultural Significance –No 1 Avon Road, Pymble

No 1 Avon Road, Pymble has historical significance for its association with the subdivision of a rural Pymble area and developed over a century as a suburban ideal that embraced well landscaped gardens with substantial houses adjacent to the main North Shore railway line.

Its most noted resident was James Fraser, who developed No 1 Avon Street as a residence with substantial gardens for his and his wife Elizabeth's retirement. Fraser owned the property from 1924 and after his wife dies in 1929, he puts the site up for auction in 1929. Fraser is highly regarded within NSW Railways and is well remembered as the Chief Commissioner from 1917 to 1929.

Being set back from Avon Road it contributes less to the rest of the Avon Road street landscape. Nether the less the building has some aesthetic significance, at a local level, as an item that retained some of its Inter- War characteristics.

2.3.3 5 Avon Road, Pymble

Criterion (A) - Historical Significance

An item is important in the course, or pattern of NSW's cultural or natural history (state significance) OR it is important in the course, or pattern of the local area's cultural or natural history (local significance).

Comment:

This site also has historical links to the 1821 Wright land grant. Later the site was part of Lamb's subdivision, which was one of the earliest suburban residential developments south west of the North Shore railway line. The site is part of the T.R. Porter's subdivision which is one of the earliest residential developments south west of the North Shore railway line in Pymble.

No 5 Avon Road follows the town planning principles common within Ku-ring-gai at the early 20th century, with a generous site area, with ample landscaped area and considerable set back of buildings fronting Avon Road. The building has undergone several modifications and additions over the course of the twentieth century and documents the expansion of suburban Sydney and also the prosperity of Pymble area over the last century.

Criterion (B) - Associational Significance

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (state significance); OR it has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area (local significance).

Comment:

There are no known associations with any people of importance or prominence. Consequently, the subject item does not attain the requisite standard of significance under this criterion.

Criterion (C) - Aesthetic Significance

An item is important in demonstrating aesthetic characteristics and /or high degree of creative or technical achievement in NSW (state significance); OR it is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in the local area (local significance).

Comment: The buildings at No 5 Avon Road have been severely damaged by a series of fires, severe vandalism and is structurally unsound. The whole top floor has been burn out and its roof missing. Considerable ground floor fabric both internally and externally has been damaged, deteriorated by the elements and vandalised. Consequently, the remains of this Federation Bungalow is so deteriorated that normal conservation measures are not possible.

The two large palm trees in the front garden are surviving in the front garden and contribute to the Avon Street streetscape.

Criterion (D)-Social Significance

An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (state significance); OR has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (local significance).

Comment:

There are no known strong or special associations with any group of people or community or cultural group in NSW .Consequently, the subject item does not attain the requisite standard of significance under this criterion.

Criterion (E)-Technical/Research Significance

An item has potential to yield information that will contribute to an understanding of NSW's cultural history (state significance); OR has potential to yield information that will contribute to an understanding of the area's cultural or natural history (local significance).

Comment:

There is no found evidence to suggest that the building has any technical significance beyond that is normal for construction techniques that was practiced at the time of it's building.

Criterion (F)-Rarity

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (state significance); OR possesses uncommon, rare or endangered aspects of the area's cultural or natural history (local significance).

Comment:

Buildings from this era, from the Federation Bungalow style timber houses are not currently rare in Sydney and there are many examples of this style around the Pymble area. Consequently, the subject item does not attain the requisite standard of significance under this criterion.

Criterion (G)-Representativeness

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (state significance); OR is important in

demonstrating the principal characteristics of a class of the area's cultural or natural places or cultural and natural environments (local significance).

Comment:

The building is typical of the Federation Bungalow styled houses that has many examples in Pymble and is common within Sydney. Its deteriorated state has little of its heritage fabric intact and is structurally unsound. Consequently, the subject item does not attain the requisite standard of significance under this criterion.

Statement of Cultural Significance –No 5 Avon Road, Pymble

No 5 Avon Road, Pymble has historical significance for its association with the subdivision of a rural Pymble area and developed over a century as a suburban ideal that embraced well landscaped gardens with substantial houses adjacent to the main North Shore railway line.

Aesthetically, while the building is unsound and severely deteriorated both internally and externally, it's surviving mature trees, such as the two mature palms in the front garden, contribute to Avon Road landscape qualities.

2.4 STATUTORY CONTROLS

The following Ku-ring-gai Council controls apply to heritage listed sites.

2.4.1 Draft Ku-ring-gai Local Environmental Plan 2012

(Part 5 Miscellaneous Provisions, 5.10 Heritage Conservation)

(1) Objectives

The objectives of this clause are as follows:

- (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,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*

(iii) a building, work, relic or tree within a heritage

conservation area,

(b) altering a heritage item that is a building by making structural

changes to its interior or by making changes to anything inside

the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or

having reasonable cause to suspect, that the disturbance or

excavation will or is likely to result in a relic being discovered,

exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage

significance,

(e) erecting a building on land:

(i) on which a heritage item is located or that is within a

heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within

an Aboriginal place of heritage significance,

(f) subdividing land:

(i) on which a heritage item is located or that is within a

heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within

an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed

development and the consent authority has advised the applicant

in writing before any work is carried out that it is satisfied that the

proposed development:

(i) is of a minor nature or is for the maintenance of the

heritage item, Aboriginal object, Aboriginal place of

heritage significance or archaeological site or a building,

work, relic, tree or place within the heritage conservation

area, and

(ii) would not adversely affect the heritage significance of the

heritage item, Aboriginal object, Aboriginal place,

archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the

proposed development:

(i) is the creation of a new grave or monument, or excavation

or disturbance of land for the purpose of conserving or

repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics,

Aboriginal objects in the form of grave goods, or to an

Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other

vegetation that the Council is satisfied is a risk to human life or

property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in

respect of a heritage item or heritage conservation area, consider the

effect of the proposed development on the heritage significance of the

item or area concerned. This subclause applies regardless of whether a

heritage management document is prepared under subclause (5) or a

heritage conservation management plan is submitted under subclause

(6).

(5) Heritage assessment

The consent authority may, before granting consent to any

development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph

(a) or (b),

require a heritage management document to be prepared that assesses

the extent to which the carrying out of the proposed development would

affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

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

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

2.4.3 Ku-ring-gai Development Control Plan no. 38 (the ku-ring-gai residential design manual)

The Heritage Development Control Plan (DCP) provides objectives and provisions for the development of buildings with heritage significance, either individually or as part of their street or area. The aims, in relation to heritage, are to:

- Focus on outcomes in order to be responsive to the visual character and future vision for Ku-ring-gai, which is a heritage municipality within national parks.
- Conserve and protect the natural, built and cultural heritage significance of Ku-ring-gai, including heritage items and conservation areas, and encourage development which respects that significance.

3.1.8 Heritage Items and Conservation Areas

The proposal should conserve the natural, built and cultural heritage significance of the place.

Applicants should be aware that as a result of various heritage studies, Council is identifying additional urban conservation areas.

In submitting Development Applications for heritage items, sites located in the vicinity of heritage items, or sites located in conservation areas, the consideration or awareness of particular heritage documentation or statutory provisions may be necessary. These include:-

- *Heritage Conservation in Ku-ring-gai: Guidelines for Development (Ku-ring-gai Council)*
- *Statement of Heritage Impact: Guidelines to Applicants (Ku-ring-gai Council).*
- *Visual Character (Appendix A of DCP 38).*
- *Heritage matters dealt with in the Ku-ring-gai Planning Scheme Ordinance including the following clauses:*
 - *61D – Development of Heritage Items.*
 - *61E – Development in the vicinity of heritage items.*
 - *61F – Heritage advertisements and notifications.*
 - *61G – Conservation areas (Note: at the time of preparation of DCP 38 one conservation area existed in Frances Street Lindfield and others were in preparation).*
 - *61H – Conservation incentives relating to heritage items. Schedule 7 – Heritage Items.*
- *NSW Heritage Manual (Heritage Office and Department of Urban Affairs and Planning).*
- *Statement of Heritage Impact (Heritage Office and Department of Urban Affairs and Planning).*
- *National Trust's identified Ku-ring-gai urban conservation areas.*

Development, such as alterations and additions or new fencing, should retain the heritage significance of heritage items and their settings and the heritage significance of conservation areas or heritage items on an adjoining property.

Development should respect the principles contained in The Australia ICOMOS Charter for the conservation of places of cultural significance (the Burra Charter).

In conservation areas characterised by single storey dwellings, second storey additions, should be contained within the existing roof line.

Note: *A development application will be required for all applications relating to or possibly impacting upon heritage items or where development is located within a Conservation Area. A Statement of Heritage Impact may be included as part of the statement of environmental effects with the application.*

For heritage items a Statement of Heritage Impact would be included as part of the Statement of Environmental Effects with the application.

Heritage assessment impact statements where required must be carried out by Heritage Consultant recognised by the Heritage Council of NSW unless of a minor nature.

Reference should be made to: Heritage in Ku-ring-gai: Guidelines for development; Statements of Heritage Impact (Heritage Office/DUAP publication)

Note: *Applicants should refer to Council's Heritage and Conservation guidelines and discuss their proposals prior to lodgement with Council's Heritage and Urban Environment Advisor.*

3.0 DESCRIPTION OF EXISTING STRUCTURE

3.0.1 - 1 Avon Road, Pymble

This physical description was based on the 2009 Statement of Heritage Impact report by Rappoport Pty Ltd (R P L 2009) and amended after inspection of the property by OCP Architects Pty Ltd in 2012.

In 1923 James Fraser purchased the property and constructed a substantial house for himself and his wife as they moved into retirement. A cottage named "Langdale" Circa 1906 (RPL 2009) was believed to have been constructed on this site before this time. However the surviving physical evidence appears to indicate the current building's genesis is from the 1920's with its southern portion which has Inter-War Bungalow period features with brick and stone trims, rough cast gable ends and rough cast chimneys and slate roofs.

The front porch was built later, as the brickwork of the porch is not tied into the main wall (refer to photo Fig 3.11) and the parapet of the porch has a rather awkward junction with the eaves and main roof (refer to photo Fig 3.2). The architecture of the porch has gothic stone arches in contrast with the rest of the original main house (refer to photo Fig 3.1). The porch would appear to be part of the 1938 alterations by Dent.

To the south west of the front elevation is a flat roofed addition, which has the same detailing as the front porch and again appears as part of Dent's 1938 alterations. To the north side of the main building, the single width garage also dates from the 1930's (refer to photo Fig 3.5 and 3.16).

The interior of the house reveals a series of changes. The southern section from the 1923 area was built over two levels. This section appeared to have a projected verandah supported by timber brackets, which would have allowed extensive distant views of the Blue Mountains and the City. This verandah has been subsequently removed in 1970.

The 1960's modifications by Kelly appear to include the south western pool area (refer to photo Fig 3.6).

The 1970's renovations included the down stairs addition of extra living and billiard rooms and an uncovered balcony area that occupied the area of the earlier western verandah.

The C1988 alterations by Neale included the following: the rearrangement of the entrance levels by enclosing the upper verandah area to create a music room; the addition of an extra bathroom, additional bedroom, and while on the upper level the upgrading of bathroom, an extra bathroom, enclosure of verandahs with windows, new kitchen, modifications to fireplace.

The overall additions and alterations of the interiors have considerably changed the buildings interiors. The 1938 alterations were less intrusive than the subsequent series of alterations after WW11. The c1988 works have substantially altered the interiors that make it hard to interpret the layout of the Inter- War period. Considerable sections of the interior fabric has been removed or replaced since WW11 including ceilings, joinery, cornices, fenestration. Remaining elements from the pre ww11 era include: stair with timber balusters, newel posts, handrail, skirtings, architraves, picture rails, panelled doors and timber windows.

The building's exterior on from the street retains elements of the 1923 era with alterations front porch from 1938 and to the south west dominated by unsympathetic post WW11 alterations. While the north and west show the markings of several era changes, with some evidence remaining from the 1923 era.

3.0.2 - 5 Avon Road, Pymble

The building at No 5 Avon Road, Pymble was built in a number of stages. Its earliest section being a single storied weatherboard cottage with attic rooms. It is of a Federation Bungalow style that has typical features of the period such as the following: large simple roof planes with Marseilles terra cotta tiling (refer to photo Fig 3.38) and tall brick chimneys with terra cotta pots. The roof has wide eyelid styled attic dormer windows, wide eaves with exposed rafters and prominent gables with timber outer screens and shingled main gables behind the screens. The walls are weatherboard with wide verandas supported on simple timber posts that are embellished with decorative frieze brackets (refer to photos Fig 3.17 and 3.18).

In the 1920's substantial single storied brick additions to its south and rear elevations doubled its size and modified its architectural appearance (refer to photos Fig 3.28, 3.31, 3.32). Two mature palm trees augment the building on the Avon Road frontage.

The building in recent years has become the victim of considerable vandalism and a number of fires. It is currently in a dilapidated state, structurally unsound and unsafe condition surrounded by a high chain wire fence. Due to concerns of safety, access was difficult.

Due to vandalism and a series of fires, very little interior fabric survives. Some elements that survive on the exterior demonstrate a Federation building with high pitched roofs with exposed rafters, wide eaves and shingled gables; deep verandahs with timber lined soffits and supported on simple square timber posts.

The overall structure shows excessive deterioration with the southern section of the roof having collapsed (refer to photo Fig 3.37). The effect of the fires and vandalism has the roof collapses have severely affected the remaining buildings structural stability and has resulted in the loss of considerable portions of its heritage fabric.

The following photographic survey show the extensive damage caused by the fires and vandalism, and then the subsequent weather ingress.

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1 AVON ROAD (PHOTOS BY OCP ARCHITECTS 2012)



Fig 3.1 South façade of dwelling



Fig 3.2 South East façade of dwelling

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3.3 East end of North façade of dwelling



Fig 3.4 Centre of north façade of dwelling

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3.5 Gable and gable end vent (Southern end)



Fig 3.6 Pool at south west corner of the site

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3.7 Dry-laid rubble wall to eastern boundary wall.



Fig 3.8 Front fence to south (Avon Road)

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Fig 3.9 Front entrance showing sandstone gothic arch detail of a later addition (See 3.11 below)



Fig 3.10 Lamp to sandstone front wall gate pillar



Fig 3.11 Evidence of two stages in construction of building

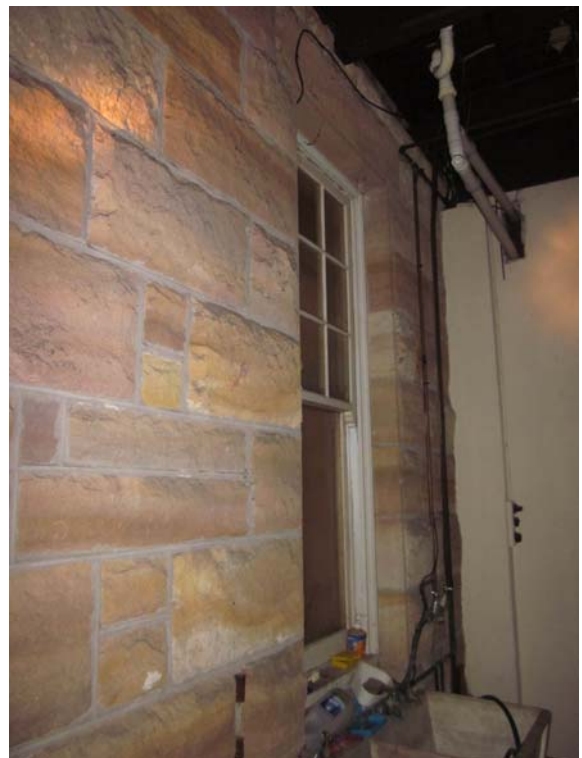


Fig 3.12 Sandstone wall of basement area

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Fig 3.13 Front entrance split sandstone flagging



Fig 3.14 Boarded up entrance door



Fig 3.15 Front boundary decorative wrought iron gate



Fig 3.16 Garage – North elevation

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5 AVON ROAD (PHOTOS BY OCP ARCHITECTS 2012)



3.17 Centre of southern front façade of dwelling



Fig 3.18 East façade of dwelling (First floor gable end)

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3.19 Centre of north façade – enclosed verandah



Fig 3.20 Western end of north façade – enclosed verandah

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Fig 3.21 Kitchen at north east corner of the building



Fig 3.22 Rear of stair hall



Fig 3.23 Looking south into hall on ground floor



Fig 3.24 Archway in front hallway.

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Fig 3.25 Western enclosed verandah



Fig 3.26 Western room looking into enclosed verandah



Fig 3.27 Hallway view of former entrance from hallway into living room (Eastern side of hallway)



Fig 3.28 Ruins of later brick addition at the south-west corner of the site.

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Fig 3.29 Southwest front room



Fig 3.30 Living room



Fig 3.31 Fireplace in (later) brick building ruins



Fig 3.32 Later brick building ruins (missing roof)

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Fig 3.33 Bay to living room



Fig 3.34 Eastern verandah



Fig 3.35 Front verandah looking west



Fig 3.36 Front verandah looking east

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Fig 3.37 Ruins of first floor eastern attic room



Fig 3.38 Detail of original Marseilles tile



Fig 3.39 Eastern attic room (looking east)



Fig 3.40 Stairs looking from first floor to ground floor (rubble covering stairs)

4.0 THE PROPOSED WORKS

The proposed works is outlined as follows:

The construction of apartment buildings on the site that contains the subject sites at Nos 1 and 5 Avon Road. The development envisages the erection of four buildings, marked 1, 3, 4 and 5 (note there is no building 2). Building 1 is 5 levels plus a basement; building 3 has 5 to 6 levels plus a 1 .5 levels basement; building 4 has 7 to 9 levels, with a 3.5 level basement; while No5 has 5 to 8 levels with a 4 level basement.

The proposed development involves the demolition of heritage listed dwellings at No 1 and No5 Avon Road, plus several other dwellings that are not heritage listed including, 1A Avon Road, Numbers 4 and 8 Beechworth Road.

The overall development is per the attached architectural drawings (Appendix I)



Site Plan (provided by Marchese Partners, 2012)

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Aerial View and Site outline (Marchese Partners, 2012)

5.0 ASSESSMENT OF HERITAGE IMPACT

5.0.1 Development In The Vicinity Of a Heritage Item

The assessment of heritage impact is based on the Statements of Cultural Significance in Section 2.3 of this report; the physical inspection of No 1 and No5 Avon Road, Pymble by OCP Architects and Marchese Architects and the review of the pertinent planning instruments as summarised in section 2.2 of this report (for more detailed analysis refer to planning report by Urbis).

The purpose of this report is to analysis the potential heritage impact of the demolition of Nos 1 and 5 and its heritage impact on the adjacent heritage items being No 11 Avon Road, No 19 Avon Road and No 11 Arilla Road.

5.0.2 NSW State Guidelines for SOHI Reports

The NSW Office of Environment and Heritage through its Heritage Office outlines the relevant guidelines for the preparation of Statements of Heritage Impact. In respect of the demolition of a building and for new developments adjacent to heritage items, the following items outlined below need to be addressed.

“Demolition of a building Or structure

*Have all options for retention and adaptive re-use been
Explored?*

- *Can all of the significant elements of the heritage item
Be kept and any new development be located
elsewhere on the site?*
- *Is demolition essential at this time or can it be
postponed in case future circumstances make its
retention and conservation more feasible?*
- *Has the advice of a heritage consultant been sought?
Have the consultant's recommendations been
implemented? If not, why not?*
- *Is the demolition essential.*

New development adjacent to a heritage item

- *How is the impact of the new development on the
heritage significance of the item or area to be
minimised?*
- *Why is the new development required to be adjacent to
a heritage item?*
- *How does the curtilage allowed around the heritage
item contribute to the retention of its heritage
significance?*
- *How does the new development affect views to, and
from, the heritage item? What has been done to minimise
negative effects?*
- *Is the development sited on any known, or potentially
significant archaeological deposits? If so, have
alternative sites been considered? Why were they
rejected?*
- *Is the new development sympathetic to the heritage item?
In what way (e.g. form, siting, proportions, design)?*
- *Will the additions visually dominate the heritage item?
How has this been minimised?”*

5.0.3 Detailed Analysis

Each item of State guidelines as per 5.0.2 above will be addressed as follows:

5.0.3.1 Have all options for retention and adaptive re-use been explored? • Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?

- **Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?**
- **Is the demolition essential .**

Building No 5 has been inspected by OCP architects Heritage Consultants, and inspection of its exteriors and interiors as per Item 3.0.2 above, the building in recent years has become the victim of considerable vandalism; a number of fires; is currently in a dilapidated state; and is structurally unsound. The building is in such a poor state that it would require virtual reconstruction, with only a small amount of reusable heritage fabric. Hence the option of its retention is not economically feasible or virtual total reconstruction desirable from a heritage perspective.

Building No 1: The site has been zoned for multi-unit development by the state government since 2002 when the site was identified as one of six sites marked for high density development under State Environmental Planning Policy 53 Metropolitan Residential Development (SEPP53) (Refer to details in Urbis planning report “History of Planning Controls “.) This rezoning has implied that the legislators have either determined that the building, though heritage listed, could be removed for the greater good of the overall site’s multi-unit development, or that the building could be integrated into the overall development. The latter seems difficult to sustain as the site is considerably undulating, with No 1 being at the highest point of the site and at its natural entry point for any new development in the upper sections of the overall site. The land falls immediately to both north and to the west from behind No 1’s current buildings footprint. The retention of the building would prevent the natural entry to the upper site, and also force the development further north, which would result in the interface of the new multi storied buildings 4 and 3 to be too near each other effecting the landscape qualities and residential living attributes of the new units. It would also result in pushing the building No 3 further north and hence affect the existing suburban residences at Beechworth Road resulting in less landscape buffer qualities being available..

Consequently, to achieve a better new development layout with better entrance qualities, reasonable landscape and inter unit distances for maximum light, air and view qualities, No 1 Avon Road has very likely been envisaged for removal by the legislators.

As per 3.0.1 above, Building No 1 is a building of local significance, altered considerably over its lifetime, the building is well set back from Avon Road cul-de-sac environment, and hence No 1 is difficult to see from Avon Road and hence is less visually contributory to the residential character of Avon Road. Hence its removal will not greatly affect the existing street character of Avon Road. There is no immediate existing heritage item immediately next to No 1 Avon Road. To the east is the railway line, and the nearest heritage item on Avon Road is a considerable distance away at No11 being four blocks to the west.

5.0.3.2 Has the advice of a heritage consultant been sought?

Yes, OCP architects and Heritage Consultants were engaged for the project. OCP’s advice has been sought through the developments of Marchese architect’s schemes.

5.0.3.3 How is the impact of the new development on the heritage significance of the item or area to be minimised?

The new development effect on the existing heritage items No 11 and No 19 Avon Road has been ameliorated by considerable landscape buffers that have kept the identified vegetation corridor and bush fire protection zones and by setting the developments away from Avon Road. The proposal has ensured that no Sydney Blue Gum High Forest or Sydney Red Gum are removed.

Also stepping the building blocks levels so that its lower levels are nearest Avon Road. Building 2 has been removed from the concept plan. The overall bulk has been reduced to with lower building heights, Building 5 reduced from 7 storeys to 6 to 8, while Building 4 reduced from 11 storeys to 9 storeys. Building 3 reduced from 11 storeys to 5 to 6 storeys. Gross Floor area has been reduced and also the car parking on the site.

While at No 11 Arilla Road, the new development is some distance away from the existing building at the corner of Arilla Road and Allawah Road. There is an extensive landscape buffer between the new development and the single storey house at No 11 Arilla Road.

• *Why is the new development required to be adjacent to a heritage item?*

Refer to 5.0.3.1 above.

• *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*

As outlined above, the setting back of the development from Avon Road, allows Nos 11 and No 19 to retain their curtilages, while the new development is several blocks away from No 11 Arilla Road and hence its curtilage is maintained.

• *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*

The setting of the new development back from Avon and Arilla Roads preserves the views along Avon and Arilla Roads.

• *Is the development sited on any known, or potentially? significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*

There are no known archaeological deposits on the sites.

• *Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*

The new development has been set away from the existing Nos 11 and 19 Avon Road and No 11 Arilla Road. Also as the development is set back from the streets where existing heritage items exist, ensures that the usual "heritage infill" architectural requirements of proportions, form are less relevant. The new development has used skilled modern designers to ensure a new well-proportioned and detailed, contemporary architecture is achieved.

• *Will the additions visually dominate the heritage item? How has this been minimised?"*

The setting back from Avon Road and Arilla Road and the stepping of the new development, lowering its heights, together with a landscape buffer will assist in minimise the scale of the proposed new development.

6.0 RECOMMENDATIONS

6.01 It is recommended that both Nos 1 and 5 Avon Roads are recorded prior to demolition, following the guidelines of the NSW Office of Environment and Heritage's (Heritage Office) for archival recording. A copy of the archival recording being deposited into Ku-ring-gai's Local Library.

6.02 Building 1 Avon Road, the following items being preserved and integrated as far as possible into the new development:

- The eastern inter war dry laid sandstone boundary wall together with the small fountain (at the southern end of site near the entry gates.) (Refer to photo Fig 3.7)
- The front sandstone fence (repaired as necessary), vehicle and pedestrian and gate posts. (Refer to photo Fig 3.8).
- Salvage all sandstone building blocks and paving and reuse within the new development. (Refer to photos Fig 3.12 and 3.13).

6.03 Building 5 Avon Road, the following items being preserved and integrated into the new development:

- Preserve the two mature palm trees in the front yard, adjacent to Avon Road.

6.04 Prepare an Interpretation Strategy for the development that incorporates the history and images of Buildings 1 and 5 Avon Roads. The interpretation being able to be viewed in public areas of the development.

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