

The Council of the City of Maitland

## STATEMENT OF HERITAGE IMPACT

### *MIXED USE DEVELOPMENT*

Lot 81 DP 556632 - 22 PATERSON ROAD MAITLAND

*Sarroff, Sarroff & Sarroff Pty Ltd*



*Hill Top Planners Pty Ltd  
PO Box 469  
MAITLAND NSW 2320*

*Tel: 49300288  
MB: 0427 938250  
richard@Hilltopplanners.com.au*

July 2024

**STATEMENT OF HERITAGE IMPACT  
MIXED USED DEVELOPMENT  
22 Paterson Road Bolwarra**

**1. INTRODUCTION**

*Hill Top Planners* have been commissioned by the owners of the subject land to prepare a Statement of Heritage Impact for the undertaking of works and for the regularisation of a commercial premises which has been in operation since 1928. The property to which this SoHI applies is #22 Paterson Road Bolwarra and is locally known as *Sarroff's Shop*, named after the owners of the premises since 1989.

It is proposed to undertake works on the building so as to improve its functionality, being the replacement of the existing toilet and rebuilding of the rear extension so as to mitigate noise impacts. The building has a long history of commercial use and at no time in the history of the building has it been used as a dwelling.

The subject site being described as Lot 81 DP 556632 has an area of 305m<sup>2</sup> and is zoned R1 General Residential pursuant to *Maitland Local Environmental Plan 1993*. Due to existing use rights Council may approve an alternate land use, provided this is a commercial use as provided for in Division 4.11 of the EPA Act 1979, even if such a use is prohibited in the zone.

The site contains a commercial building located on a major public road which has serviced the local community in various ways since it was constructed in 1928. The building and land use forms part of the rich environmental heritage of Bolwarra. Pursuant to the provisions of the EPA Act 1979, a Development Application is required to be lodged with Council to permit the proposed development.



*Figure 1 The Sarroff's General Store and Cafe circ. 2010*

## 2. THE SITE

### 2.2 Site Characteristics

The site has a frontage to Paterson Road of 11.65m and comprises an area of 303.5m<sup>2</sup>. Located on the front boundary of the site is a single storey weatherboard and iron building which was constructed in 1928, specifically as a commercial shop. A verandah, constructed in 1990 extends over the footpath. Building Permit #446/90 was issued for this structure by Maitland City Council on 24 May 1990. The building accommodates a 20 seat cafe (56m<sup>2</sup>), a small kitchen (10m<sup>2</sup>) and a 24m<sup>2</sup> office (real estate). At the rear of the site is an open area (100m<sup>2</sup>) forming part of the existing café with a freestanding toilet structure located in the far corner of the site. Adjoining the original building is a 45m<sup>2</sup> skillion extension incorporating a store room and a cool room.

The site is located at the intersection of Maitland Road and Paterson Road. This section of Paterson Road (MR101) is speed limited to 60kph, has a 19m sealed carriageway, and carries a moderate volume of traffic. The street frontage is kerbed and gutted with a vehicle entrance on the southern side with parking for two stacked vehicles. There is available relatively safe on-street parking for some 20 vehicles within 50m of the site.

The original building is 7.5m in width with a depth of 12.2m. While the building is not heritage listed, it does have architectural merit in as much as it is one of the last remaining original corner stores in Maitland. Attached to the rear is a 6.1m x 7.5m skillion roofed extension (46m<sup>2</sup>) which includes a storeroom and coolroom. This leads to a small toilet (4m<sup>2</sup>) located at the rear. Within the paved courtyard (100m<sup>2</sup>) is one very large camphor laurel tree. There is a 2.4m high timber fence along the southern and western boundaries.

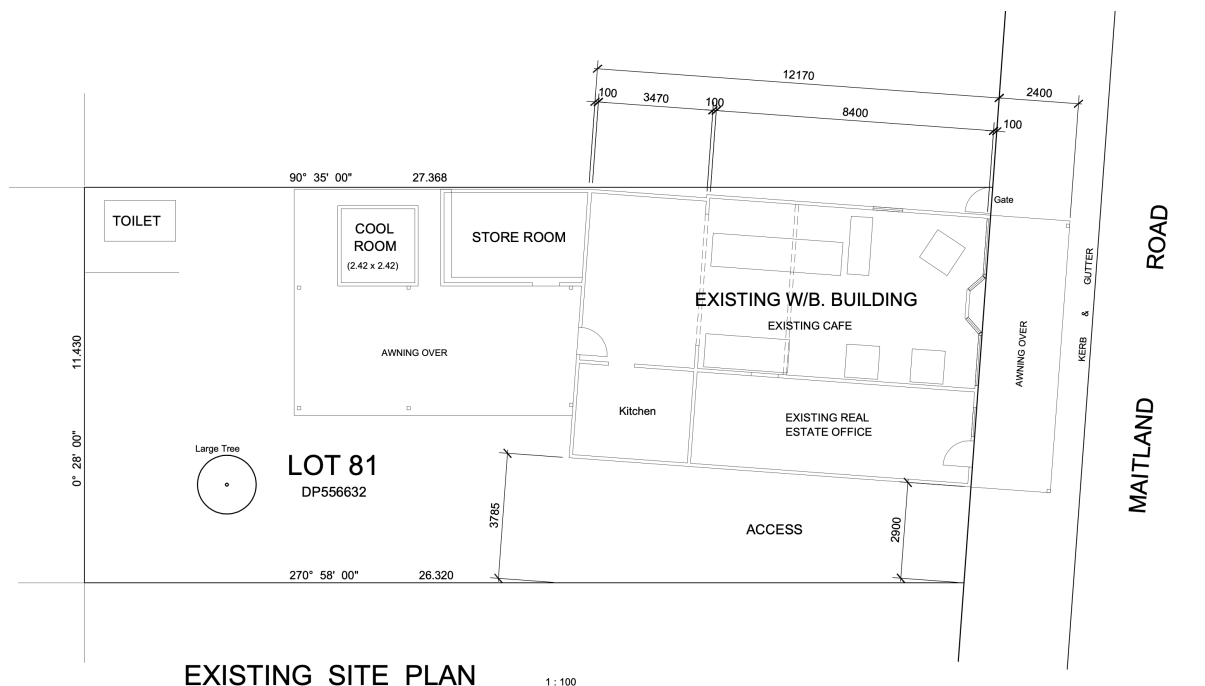


Figure 2 The existing building





*Figure 3 Inside of the existing cafe/restaurant*



*Figure 4 Courtyard of the existing cafe/restaurant*



2.2 History of Land use on the Site

Records of ownership of the site, indicate that the building was constructed in 1928 as a commercial shop to serve the local community. Bolwarra Public School was located opposite and this provided ready customers. The school bus stop was outside the shop. The building was a separate structure to the dwelling house located on Lot 8 (2004m<sup>2</sup>) and was only subdivided off from Lot 8 in 1972 via Development Consent DA 40/72. The registered Deposited Plan shows “WB & Iron Shop”.

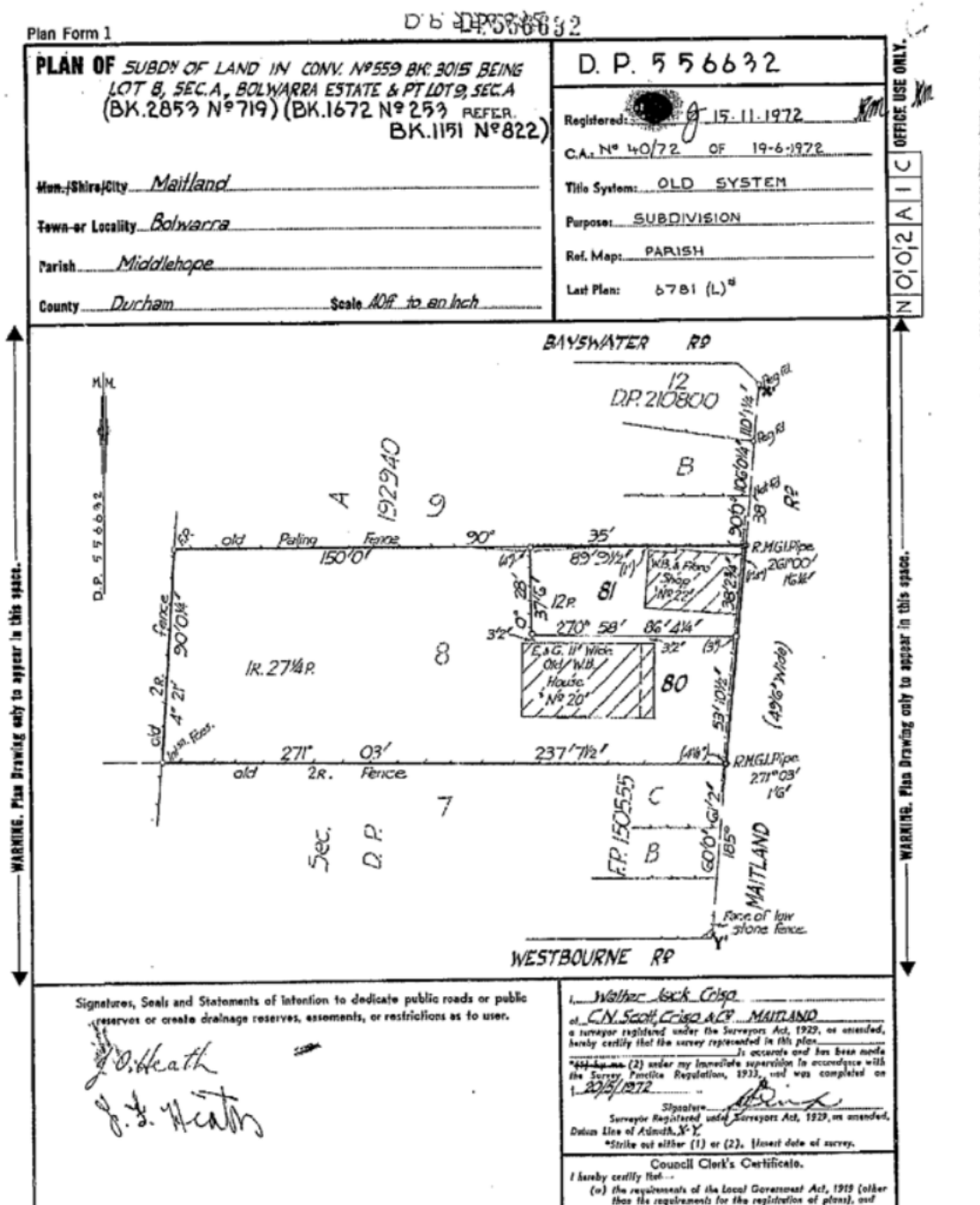


Figure 5 Deposited Plan 556632 of 1972

Since that time the property has been described as Lot 81 DP 556632. The history of the ownership of the property where the building sits is as follows:

1928 – 1956	Hand (Lot 8)
1956 – 1972	Heath (Lot 8)
1972 – 1976	Hobart (Lot 81)
1976 – 1989	Irame Pty Ltd
1989 – Present	Sarroff, Sarroff & Sarroff Pty Ltd

History of the leasehold of the shop is as follows:

1933 – 1956	Mr & Mrs Hand
1965 – 1968	Mr & Mrs Gudis
1968 – 1972	Mr & Mrs Fairhurst
1972 – 1976	Hobart
1976 – 1989	Irame Pty Ltd
1989 – 2006	Mr & Mrs Sarroff
2006 – 2021	Mr & Mrs Pengelly
2021 – 2023	Tammy Shaw
2024 - present	Early Bird & Sweet Basil Pty Ltd

*Sarroff's Shop* as it has in more recent times been called by locals, has operated as a commercial premises since it was first opened in 1928. It has served a range of product over that time, in particular various foodstuffs for consumption both on and off the premises. The room where the real estate office now lies, was once occupied by the government telephone exchange (1935 – 1967).

Statutory Declarations from *Gaynor Korff* and *David McLean*, both long term residents of Bolwarra, testify as to the existence and activities undertaken at the site from the 1950's till the present. These are provided as **Appendix A**. There is sufficient evidence to conclude that the site supported a commercial land use prior to the Gazettal of the *Northumberland Planning Scheme Ordinance* on 7<sup>th</sup> December 1960.

### **3. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The proposed development comprises the demolition of the rear skillion and toilet (52m<sup>2</sup>), and the construction of a 3m high masonry wall (90/90/90 fire rated) along the rear portion of the northern boundary being 15m in length and returning 4m along the western boundary. A new structure of 64m<sup>2</sup> in area is to replace the demolished structures and be mounted off the masonry wall. Located within this structure will be a new toilet (2.1m x 2.3m), cool room (9m<sup>2</sup>) and store room (15m<sup>2</sup>).

The proposed works will not be visible from Maitland Road. The masonry wall will impact on the amenity of the neighbouring property as this dwelling is setback a distance of some 4.5m to the southern boundary of the property. Being located on the southern side, the wall is unlikely to impact on sunlight entering this property.

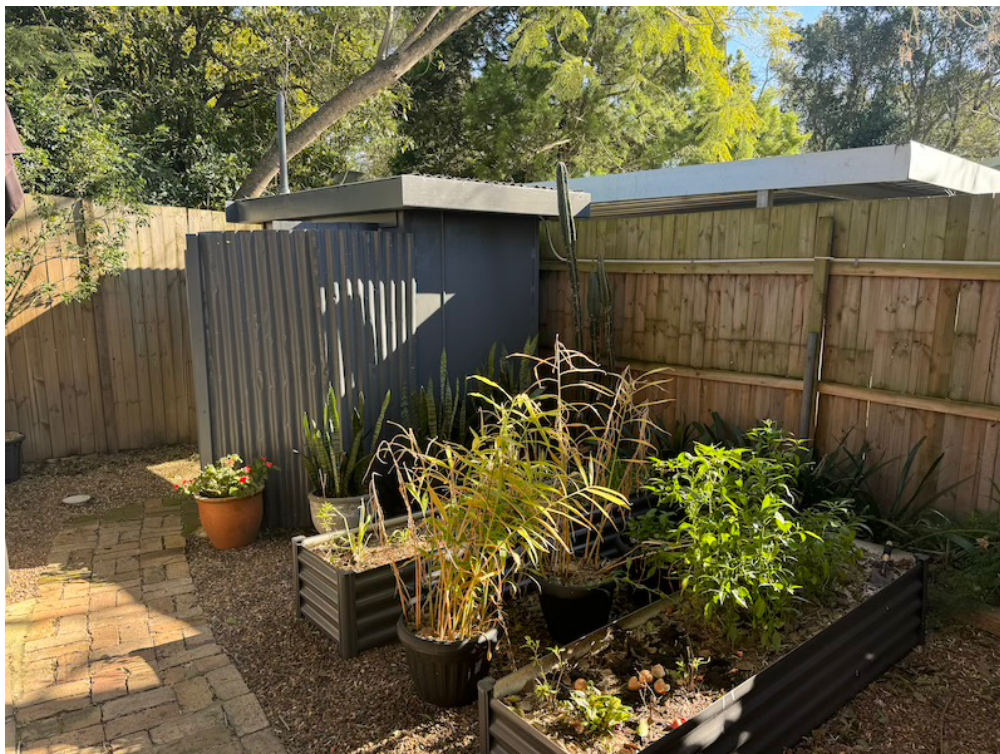


The biggest impact will be visual as the existing structure comprises a timber wall and fence with a height ranging from 1.9 to 2.6 metres.



*Figure 6 Rear structure to be demolished and rebuilt with masonry boundary wall*

The purpose of the masonry wall is to satisfy BCA fire rating requirements for commercial premises along with mitigating noise from outdoor dining activities.



*Figure 7 Existing toilet to be replaced*



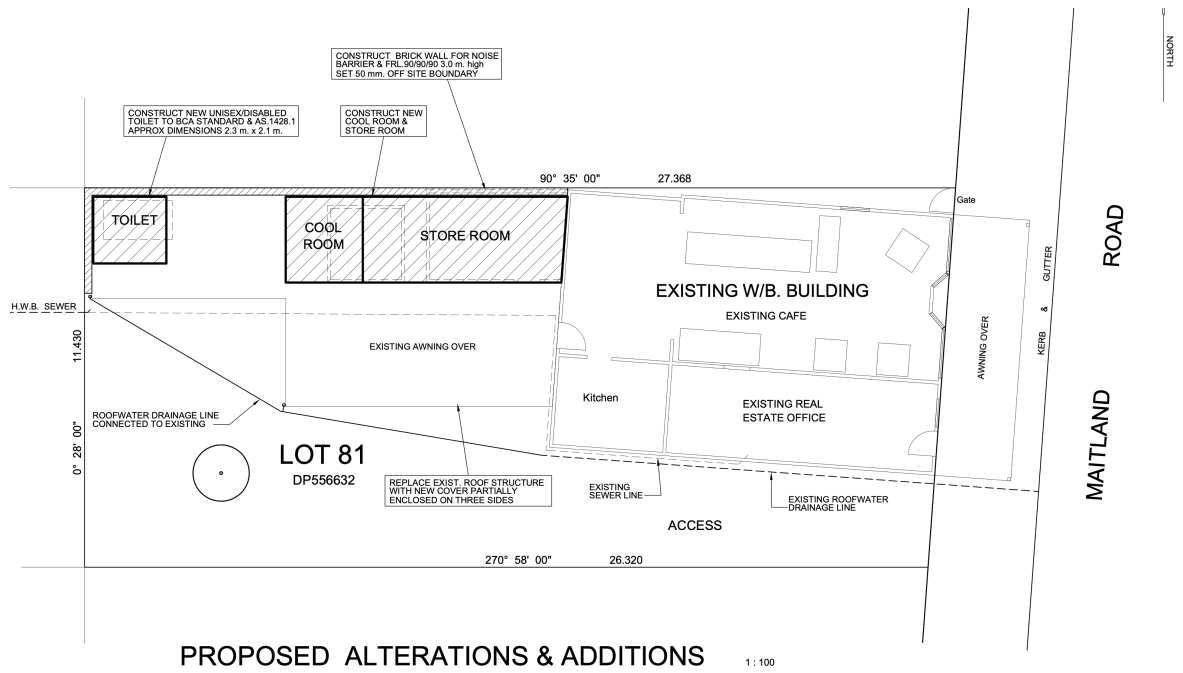


Figure 8 Proposed building works



Figure 9 The building – 23.07.2024



#### 4. HERITAGE CONSERVATION

##### *Heritage*

The subject site is located within the *Bolwarra Heritage Conservation Area*. The existing building was first established in 1928. The proposed demolition and rebuilding works are considered to be minor in nature and are not out of character with the existing building or streetscape.

Clause 5.10 provides controls for the assessment of development within a heritage conservation area. Clause 5.10 (4) requires the consent authority to consider the effect of the proposed development on the heritage significance of the item or area concerned.

As the subject site is located with a *Heritage Conservation Area*, The provisions of Clause 5.10 apply to the proposed development.

5.10 Heritage conservation	
<p>(1) <b>Objectives</b> The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> <li>(a) to conserve the environmental heritage of Maitland,</li> <li>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</li> <li>(c) to conserve archaeological sites,</li> <li>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</li> </ul>	<p>The replacement of the existing toilet and the proposed rebuilding of the rear extension will result in minimal impact on the heritage values of the site or surrounds. The proposed development satisfies the objectives.</p>
<p>(3) <b>When consent not required</b> However, development consent under this clause is not required if—</p> <ul style="list-style-type: none"> <li>(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— <ul style="list-style-type: none"> <li>(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</li> <li>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</li> </ul> </li> <li>(b) the development is in a cemetery or burial ground and the proposed development— <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> </ul> </li> <li>(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</li> <li>(d) the development is exempt development.</li> </ul>	<p>Not applicable</p> <p>Not Applicable</p> <p>The replacement of the existing toilet and the proposed rebuilding of the rear extension will result in minimal impact on the heritage values of the site or surrounds.</p> <p>The proposed development satisfies the heritage objectives of the Maitland DCP 2011.</p>

## **5. CONCLUSION**

The proposed works are located at the rear of the property and will not be in public view from the public domain. The works will not unduly impact on the architectural integrity of the original shop building.

The works satisfy the objectives of Clause 5.10 of MLEP 2011.

We recommend that Council consents to the proposal.

Richard Bennett

BTP (UNSW), BLeg S (Macq), MPIA  
*Certified Practising Planner*

18<sup>th</sup> July 2024



## **APPENDIX A**

### **STATUTORY DECLARATIONS**

**22 PATERSON ROAD BOLWARRA**

**GAYNOR LYNN KORFF  
DAVID JOHN MCLEAN**

**STATUTORY DECLARATION**

I, GAYNOR LYNN KORFF of 6 Bayswater Road Bolwarra in the State of New South Wales, do solemnly and sincerely declare as follows :-

1. I am 80 years of age.
2. I have resided in the Bolwarra area for the whole of my life and attended Bolwarra Public School.
3. I have been requested by Mr Christopher Sarroff to provide information as to my knowledge of the Bolwarra Store located at 22 Paterson Road Bolwarra, prior to 1960.
4. As a young girl I can recall many visits to the Bolwarra Store which was located opposite Bolwarra Public School.
5. The Store sold a range of merchandise including lollies, pies, biscuits, bread, milk, eggs, meat, butter, vegetables, newspapers and other necessities. It also was the local post office and telephone exchange.
6. Mrs Hands operated the Store at the time and I recall Mrs Gudis operated the Store after Mr Hand passed away.
7. Many a time my friends and I purchased a milkshake and sat down at a table and drank it. They also sold pies and sausage rolls. The Store was a local meeting place. There was a bus stop outside where all the school kids caught the bus to and from school. It operated as the school tuck shop.
8. The Store was open from early morning to late and I can remember my mum asking me to walk to the Store late one summer evening to buy some milk. You could get foodstuffs to take away for dinner if needed.



- 9. The Hands operated their business from the premises and I can recall Mr Hands sitting at a desk in a room off the Store surrounded by papers and ordering goods for the Store.
- 10. During my life I can always remember the Bolwarra Store being open and selling a range of foodstuffs, newspapers, postage stamps, etc with some tables and chairs for customers to sit and enjoy a yarn over a milkshake or a cup of tea, or more recently a coffee.

AND I MAKE this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Declared at: at Bolwarra on 13th October 2023  
[place] [date]

[Signature]  
[signature of declarant]

in the presence of an authorised witness, who states:

I, PETER STEWART FRY, a Justice of the Peace in and for the State of New South Wales, certify the following matters concerning the making of this statutory declaration by the person who made it: [\* please cross out any text that does not apply]

- 1. \*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification<sup>1</sup> for not removing the covering, and
- 2. \*I have known the person for at least 12 months OR \*I have confirmed the person's identity using an identification document and the document I relied on was

[describe identification document relied on]

[Signature] 19/556  
[signature of authorised witness]

13th October 2023  
[date]

PETER STEWART FRY J.P. 19/556  
105 REGENT ST, MAITLAND NSW

**STATUTORY DECLARATION**

I, David John Field McLean of 29a Bayswater Road, Bolwarra in the State of New South Wales, do solemnly and sincerely declare as follows :-

1. I am 74 years of age.
2. I have resided in Bolwarra my whole life and attended Bolwarra Public School.
3. I have been requested by Mr Christopher Sarroff to provide information as to my knowledge of the Bolwarra Store located at 22 Paterson Road Bolwarra from my early years till the present.
4. As a young boy I can recall many visits to the Bolwarra Store which was located opposite Bolwarra Public School. It operated like a school tuckshop but also sold a range of goods from food to newspapers, etc.
5. You could purchase a milkshake and sit down at a table and drink it. The store also sold pies, sausage rolls and cakes. The Store was a local meeting place. There was a bus stop outside where all the school kids caught the bus to and from school.
6. The Store was open from early morning to late and I can recall walking to the store to get milk, bread and soft drink in the summer evenings.
7. There was an office off to the side where the proprietors worked.
8. The store has had a few different owners over the years and the range of merchandise sold has changed over time in line with society's needs. The store has always sold food, including milkshakes and there were tables and chairs near the front and out the back where you could eat a pie and drink a milkshake. It was always open late to meet the needs of the locals.

9. I can recall that over the last seventy years the Bolwarra store has been a central feature in the Bolwarra community and reliably supplied staples and foodstuffs. I often called in to the store to buy fruit and vegetables, dried food, milk and eggs, etc. From time to time different owners offered basic meals to consume either inside or take away.

AND I MAKE this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Declared at: Bolwarra on 27<sup>th</sup> October 2023  
[place] [date]

[Signature]  
[signature of declarant]

in the presence of an authorised witness, who states:

I, PETER STEWART FRY, a Justice of the Peace in and for the State of New South Wales, certify the following matters concerning the making of this statutory declaration by the person who made it: [\* please cross out any text that does not apply]

- \*I saw the face of the person OR ~~\*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification<sup>1</sup> for not removing the covering, and~~
- \*I have known the person for at least 12 months OR ~~\*I have confirmed the person's identity using an identification document and the document I relied on was~~

[describe identification document relied on]

[Signature] 191556 on 27<sup>th</sup> October 2023  
[signature of authorised witness] [date]

PETER STEWART FRY J.P. 191556  
105 REGENT ST, MAITLAND NSW

