

Mr Mark Parker
Principal Planning Officer
Central Coast and Hunter
Department of Planning and Environment
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Planning Proposal – Anambah House

Dear Mr Parker

Thank you for the opportunity to provide advice on the planning proposal to rezone land adjoining the State Heritage Register (SHR) listed Anambah House under *Maitland Local Environmental Plan 2011* (LEP) to allow for R5 Large Lot Residential development.

We have reviewed the planning proposal and provide the following comments:

State Heritage Considerations

The subject site is located directly adjacent to the SHR listed Anambah House (SHR 00275) (see below). The Statement of Significance for this item describes the property as follows:

Anambah House with its house, billiard room, stables and gardens form a complete and intact example of a prosperous late 19th century graziers homestead. It is an important relic of the great agricultural heritage of the lower Hunter, now passing into history with the onset of the resources boom. The house is also significant as a major example of the work of J. W. Pender an important architect of the Hunter region.

We note that the Gateway determination for the planning proposal included the following conditions:

1. Prior to exhibition, a visual impact assessment for Anambah House will be undertaken that addresses the following issues:
 - a. clearly define the curtilage for Anambah House;
 - b. minimise the impact of proposed development on significant view lines to and from Anambah House;
 - c. identify subdivision layout and lot sizes; and
 - d. identify dwelling envelopes where required.
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Ministerial directions... Heritage NSW.

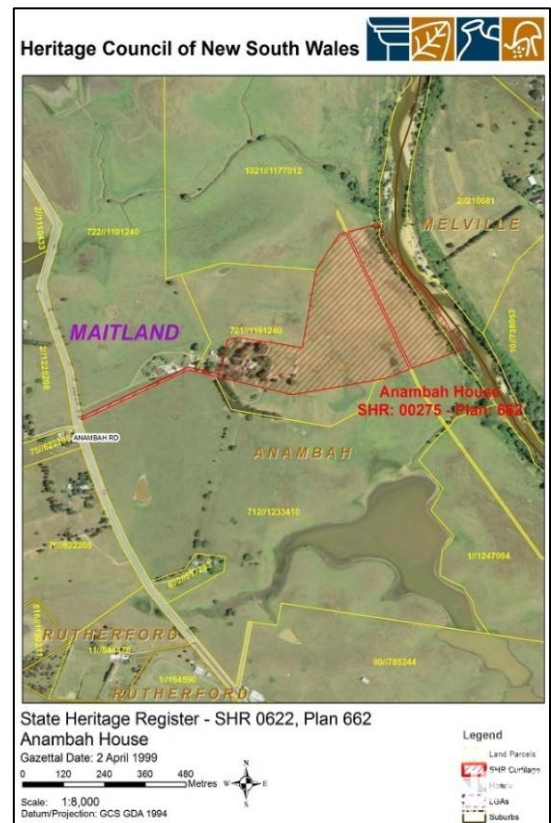


Figure 1 - Current SHR Curtilage

Visual Impact Assessment

We have reviewed the Visual Assessment Report prepared by Weir Phillips Heritage and Planning which presents the following findings:

- the curtilage of the SHR item contains significant buildings, views to the north, northwest and northeast, as well as significant plantings. However, the current larger lot boundary provides for a better understanding of the once expansive rural holding (see yellow area in Figure 2 right)
- an expanded visual curtilage is provided (the area within the dotted border to right) to define views in a wide arc from the northwest to the southeast
- the planning proposal and subdivision, as originally submitted to Council, lies outside of the current and proposed curtilages for Anambah House (see pink highlighted area in proposed zone map in Figure 3 below)
- the proposed subdivision lies within a view corridor in which the homestead is already heavily screened by vegetation. This vegetation will provide a strong backdrop for any buildings erected on the subdivision and provide good visual separation from the homestead. Additional plantings in the road reserve of new development would also be used to reinforce the screening provided by the existing vegetation.



Figure 2 - Proposed SHR Curtilage

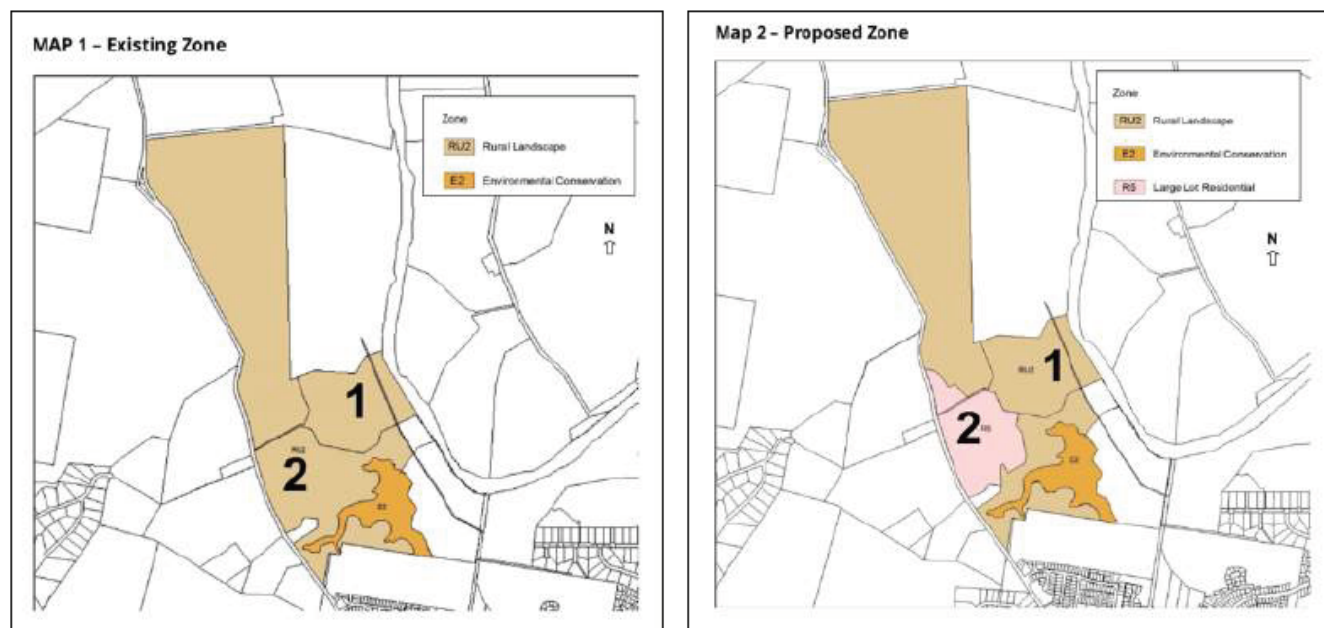


Figure 3 - Current zoning (left) and proposed zoning (right)

1 is Anambah House; 2 is the location of the proposed subdivision. Areas coloured light brown are RU2 Rural Landscape. Areas coloured pink are R5 Large Lot Residential. Areas coloured mustard are E2 Environmental Conservation.

Council Heritage Officer's Assessment

In response to the above, Maitland City Council's Heritage Officer prepared a File Note which recommended that the planning proposal not be supported as:

- to maintain the existing and intact heritage significance of the Anambah Estate, retention of surrounding land for rural purposes is critical, and
- that photographic montages have not been included in the Visual Assessment Report. Depending on the determination of the proposal, submission of montages may be advisable.

Peer Review

In response to the varying advice received, Maitland City Council engaged Heritas Heritage and Conservation to undertake a peer review of all available heritage documents including the Visual Assessment Report and the Council's Heritage Officer's File Note. This review made several recommendations, including but not limited to:

- the Visual Assessment Report contain photo montages to support its conclusions. Photo montages should consider and include possible site benching required for development.
- the heritage curtilage for Anambah House should be reassessed to better consider rural landscape setting, although the homestead formally addresses the river and is obscured from view from most land approaches by soft landscaping, this setting still has the ability to contribute to its cultural heritage value as viewed from Anambah Road.
- a more in-depth assessment of lot sizes for future residential development based on specific view corridors to the homestead.
- lot sizes should vary based on a reassessed heritage curtilage but should present a buffer of larger lots nearest to Anambah House. 2000m² should be the minimum lot size, with larger lots included closer to the heritage item
- exploration of restoring access to the homestead via the (assumed) earlier access road to the southwest
- site-specific DCP clauses for the proposed subdivision to provide robust design guidelines for future development, and
- preparation of a conservation management plan (CMP), maintenance schedule, interpretation plan and archaeological management plan.

Revised Subdivision Plan

The proponent has now provided a revised subdivision plan which responds to the factors identified above, including proposing:

- larger lots closer to the SHR curtilage, and across other parts of the subdivision (see yellow highlighting in Figure 4 below)
- a 10m building setback to ensure view corridors along new roads (see pink dotted line in Figure 4 below)

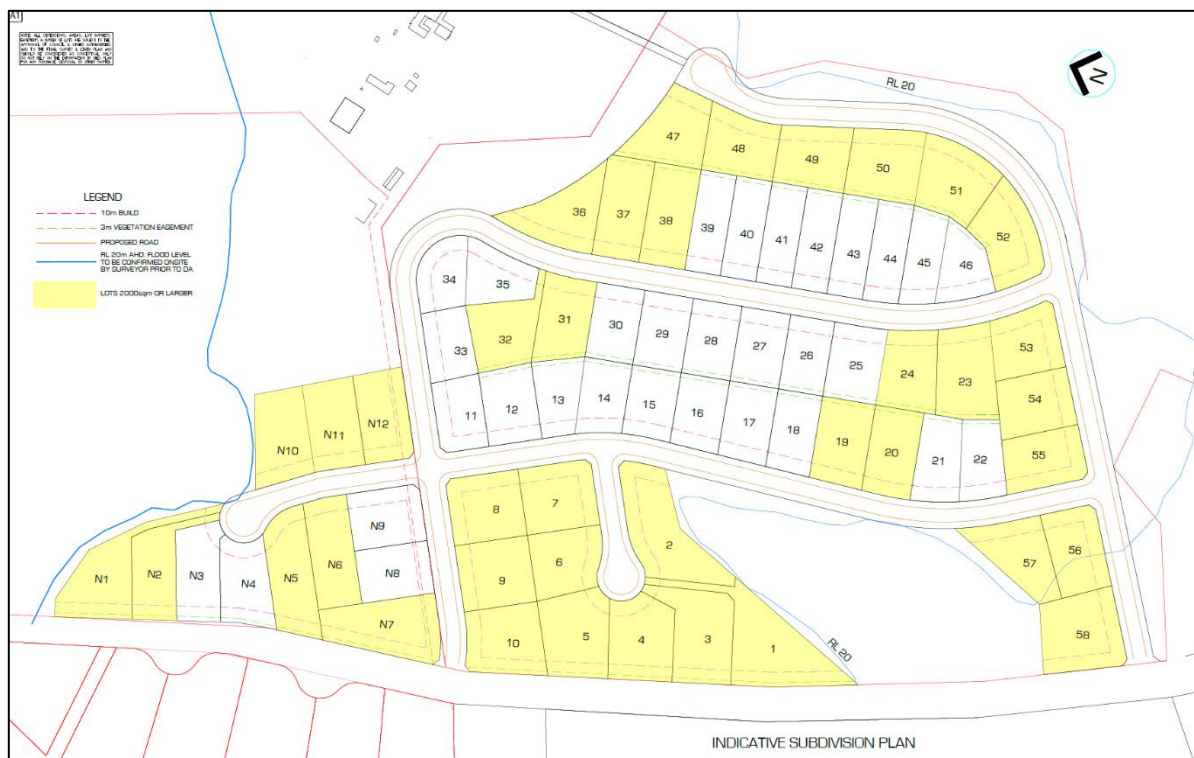


Figure 4 - Proposed Subdivision Layout

- a 3m easement for vegetation on many lots (see green dotted line in Figure 4 above, this can also be seen as superimposed vegetation between new lots in the Figure 5 below)
- additional buffer vegetation along the boundary of the subdivision with the SHR curtilage (see superimposed new vegetation in Figure 5 below).



Figure 5 - Indicative New Vegetation Plantings

SHR Curtilage Amendment

Both the original planning proposal, and the revised subdivision scheme identified in Figures 4 and 5 above, would require amendments to the curtilage of the SHR item to:

- increase the SHR curtilage to reflect the current larger lot boundary of the property, allowing a better understanding of the heritage setting of this rural landscape
- realign of Anambah Road, and
- reinstate access to the SHR item via an access road to the southwest.

We note that the process to amend the curtilage of an SHR listing currently mirrors that of the SHR listing process, in that it requires nomination, assessment, public exhibition period, recommendation from the Heritage Council of NSW and decision by the Minister. The current SHR curtilage reflects a brokered agreement with the owner at that time. These processes take time, can involve lengthy negotiations, and may require amendment to the identified Gateway timeframe. Heritage NSW also notes that the Heritage Council's State Heritage Register Committee already has a forward two-year priority listings program.

The Heritage Council of NSW's SHR Committee considers requests to amend the curtilage of SHR listings. This is done by providing a cover letter and request via the SHR Nomination Form clearly outlining the reasons for the amendment and the proposed new curtilage.

Both the SHR Nomination Form and details on the nomination process are available on our website at heritage.nsw.gov.au/protecting-our-heritage/nominate-listing-on-the-state-heritage-register/.

Conclusion

Overall, we consider that the amendments made to the proposed subdivision layout address the visual impacts identified in the various heritage assessments prepared to date, to some extent.

Council is strongly encouraged to consider the recommendation of Heritas' peer review, to prepare a CMP for the SHR item. Although, the Heritage Council no longer offers review and endorsement of

CMPs under the Heritage Act, it recommends the preparation of these documents as best practice heritage management guidelines. CMPs are important documents that should be prepared for proposals affecting SHR items to help determine heritage impacts and manage change. Proposed subdivision layout should also address policies and guidelines contained in the CMP to minimise impacts on significant views and vistas to and from the SHR item and its significant landscape setting.

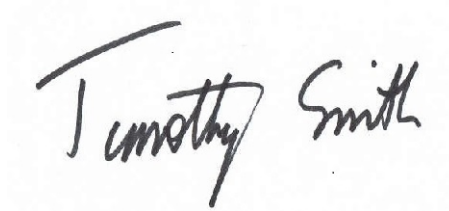
We note that Condition 5 of the Gateway determination required Council to consult with Heritage NSW on the planning proposal. While our advice to the Department could be considered to fulfil that consultation requirement, it does not preclude further consultation by Council, as the planning proposal, subdivision, and development application progress, to ensure positive heritage outcomes.

We note that any works which fall outside of the SHR listed curtilage do not require formal approval under the *Heritage Act 1977* (Heritage Act).

If Council or the proponent wish to pursue amendments to the curtilage of the SHR item to facilitate the planning proposal and subdivision, then they should follow the process identified above.

If you have any questions please contact James Sellwood, Senior Heritage Planning Officer, Heritage Assessments, Heritage NSW by email at james.sellwood@environment.nsw.gov.au or by phone on 02 9274 6354.

Yours sincerely

A handwritten signature in black ink that reads "Timothy Smith". The signature is written in a cursive style with a large, sweeping initial 'T'.

Tim Smith OAM
Director, Heritage Assessments
Heritage NSW
Department of Planning and Environment
As delegate of the Heritage Council of NSW

22 April 2022