

COMMITTEE OF THE WHOLE

OPERATIONS

cw-OP1 Proposed Demolition of “*Challoner House*”, and 2 Lot Residential Subdivision, Lot 61 DP 1142602, 82 Bong Bong Road, Renwick

Reference: LUA 12/0921
Responsible Officer: Manager Environmental Assessment

Applicant: Landcom
Owner: NSW Department of Community Services

PURPOSE

This report provides an assessment of the development application which seeks consent for the demolition of “*Challoner House*”, and the subsequent subdivision of this site into 2 residential lots with areas of 4,004m² lot and 3,648m².

As one lot does not satisfy the 4,000m² development standard, the proposed subdivision relies on an exception to that standard.

Therefore, the development application is submitted for determination by Council.

Approval subject to conditions is recommended.

The applicant has requested the opportunity to address Council on the matter.

DESCRIPTION OF PROPOSAL

Background

The site, which is located on the northern side of Bong Bong Road and approximately 350 metres to the east of Renwick Drive, contains “*Challoner House*”, which is a 2 storey brick building which was constructed in 1940-41 as accommodation as part of the child welfare institution for delinquent boys known as the Farm Home for Boys, later known as Renwick (See Attachment 1 – Location Plan).

The site also contains a large stand of conifers which are a local landmark in Bong Bong Road.

The site is within the Renwick Precinct identified by Mittagong DCP, however the site is not listed as a Heritage Item and is not within a Heritage Conservation Area under WLEP 2010.

Site and Surrounding Development

The land has an area of 7,652m², and is surrounded by properties that contain Heritage Items listed under WLEP 2010 ("Goodlet Cottage", "Former Renwick Institution, including brick silo, pair of mass concrete silos and silo precinct", and "Willow Run wells, barn and outbuildings"), and lots ranging from 4,000m² to 2 hectares in area, with the large residue Renwick lot of 74 hectares at the rear of the property (See Attachment 1 – Location Plan).

Details of Proposal

It is proposed to demolish "Challoner House", and to subdivide the land into 2 residential lots, with areas of 4,004m² and 3,648m² (see Proposed Subdivision Plan – Attachment 2).

STATUTORY PROVISIONS

Wingecarribee LEP2010

The subject property is zoned R5 Large Lot Residential, where a 4,000m² minimum allotment size applies, and where Council can grant a 10% variation to this minimum lot size in accordance with clause 4.6 to create one allotment of no less than 3,600m² in area.

The proposal satisfies this requirement and, as required by clause 4.6(3), the applicant has submitted a written request for a variation.

"Challoner House" is not listed as a Heritage Item and the land is not within a Heritage Conservation Area.

Mittagong DCP (Renwick Precinct)

This DCP includes the statement that "*adequate provision should be made to protect the curtilage, landscape setting, and visual prominence of the following items of high significance in the future subdivision pattern of Renwick Village:*

- (a) *Goodlet and Suttor Cottages;*
- (b) *The silo precinct including brick silo, pair of mass concrete silos; and*
- (c) *The row of pine trees along Bong Bong Road*".

It does not include "Challoner House".

The general objectives of the DCP, including the objective to "ensure that redevelopment immediately adjacent to buildings of heritage or cultural value in no way detracts from the visual quality or amenity of heritage buildings", are a relevant considerations in the assessment of this application.

Drinking Water Catchments SEPP

As the site is within the Warragamba Catchment area, the provisions of the Drinking Water Catchments SEPP must be taken into consideration in the assessment of the application. The Sydney Catchment Authority raises no objection to the proposed demolition and subdivision, subject to nine conditions of consent addressing wastewater management, demolition, and rain water tanks.

Section 79C Evaluation

The matters in Section 79C have been considered and a summary is attached to the file.

CONSULTATION

Community Engagement

The development application was Neighbour Notified for a period of 2 weeks and no submissions were received.

External Referrals

Sydney Catchment Authority: No objection to the proposed demolition and subdivision, subject to nine conditions of consent addressing wastewater management, demolition, and rain water tanks.

Internal Referrals

Development Engineer: No objections to the proposed development subject to conditions of consent.

Heritage Advisor: While the property is not listed as a Heritage Item and not within a Heritage Conservation Area, as the site is surrounded by properties that contain Heritage Items, the application was referred to Council's Heritage Advisor for comment on the impacts of the proposed demolition upon nearby Heritage Items as required by clause 5.10 of the LEP.

Council's Heritage Advisor considers that "*Challoner House*" should be listed as an Item of Heritage under WLEP 2010, and that the application for demolition and 2 lot subdivision should not be supported.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues identified in this report.

- **Social**

The social factors associated with the chronological history of the site are identified within heritage comments in this report.

- **Broader Economic Implications**

There are no broader economic factors identified in this report.

- **Culture**

The cultural factors associated with the chronological history of the site are identified within heritage comments in this report.

- **Governance**

The development application has been considered in accordance with WLEP2010, the EP and A Act and any matters relevant to the development.

RELATIONSHIP TO CORPORATE PLANS

The proposed development does not have any relationship to any corporate plans.

BUDGET IMPLICATIONS

There are no budget implications identified in this report.

RELATED COUNCIL POLICY

An assessment of the proposal has been made against Council's Wingecarribee LEP 2010 and Council's Mittagong Development Control Plan.

OPTIONS

The options to Council are:

Option 1

Approve the development application; or

Option 2

Refuse the development application in which case Council would need to determine the reasons for refusal.

Option 1 is recommended.

DISCUSSION OF KEY ISSUES

Heritage

"*Challoner House*" is not listed as a Heritage Item, and the land is not within a Heritage Conservation Area.

It is not included within the list of 340+ additional items of heritage intended to be added to WLEP 2010 that were the subject of the Heritage Information Kiosks held in March 2012.

However, "*Challoner House*" is within Council's Heritage Planner's secondary list of a further 90 potential items of heritage that require further investigation, and Council's Heritage Advisor considers that "*Challoner House*" meets the criteria for heritage listing.

Photographs of "*Challoner House*" are included in Attachment 4.

A Heritage Impact Statement was submitted with the development application. The Executive Summary and Recommendations of the Heritage Impact Statement are attached (Attachments 5 and 6), and include the conclusion that:

- *The proposed demolition of Challoner Cottage and shelter shed and the subdivision of the property into two residential lots is considered acceptable by this heritage impact statement.*
- *The site (including buildings and landscape) should be recorded in detail prior to the demolition of the buildings. This should include plans of the site and buildings, and a photographic record of landscape features and the internal and external features of the buildings. Photographs should also be taken after demolition to document all changes made to the site. These records should be placed in a permanent archive such as Wingecarribee Library or the Heritage Branch Library.*
- *The mature conifers along the road frontage of the property should be retained in order to preserve their aesthetic significance as a landmark along Bong Bong Road.*

Council's Heritage Advisor considers that "Challoner House" should be listed as a Heritage Item under WLEP 2010, and that the application for demolition and 2 lot subdivision should not be supported for reasons including:

- *The subject property has been assessed by the applicant's own consultants as heritage significant;*
- *The subject property should be heritage listed because it provides evidence of a chronological link between the early and later periods of Renwick;*
- *Initial reaction to the house may have been that it is not a pretty sight and could be removed to make way for an additional block. On closer examination, however, the building is heritage significant; and*
- *Council should consider heritage listing the building. The applicant could consider retaining the building as well as subdividing, providing that the minimum lot size could be varied in order to retain the main building*

Council's Heritage Advisor's full comments are included in Attachment 3.

The two heritage opinions are therefore conflicting.

The suggestion that the building be adapted to alternative uses has been explored by the applicant, and a summary of possible uses, opportunities and constraints is listed in Attachment 5 - Alternative development options.

The applicant's heritage report also states "*It is understood that the site has been offered for sale more than once, without success, and it is likely that the large size, institutional layout and appearance, and generally poor condition of the building have discouraged interest from potential buyers*".

It is accepted that the adaptive re-use of the existing building is not feasible. The detailed recording of the site and building, photographic record of landscape features and the internal and external features of the buildings, and retention of mature conifers along the frontage of the site, in accordance with the recommendations of the Heritage Impact Statement submitted with the development application, to record the chronological link between the early and later periods of Renwick, is considered the appropriate solution rather than the retention of the building.

It is considered that the applicant's heritage opinion supporting the demolition of Challoner House be supported.

Variation to 4,000m² minimum lot size for one lot

The objectives of Clause 4.6 "Exceptions to development standards" of WLEP 2010 are:

- a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Development consent must not be granted under this clause for a subdivision of land in Zone R5 Large Lot Residential if:

- a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

In accordance with Clause 4.6 of WLEP 2010, the applicant has submitted a written argument as to why a variation to the 4,000m² development standard is justified in this instance (see Attachment 6).

The proposed modification to create one 3,648m² lot satisfies both variation criteria above, as only one lot will be less than the 4,000m² standard, and the variation sought to create a 3,648m² lot results in a lot which is 91% of the 4,000m² development standard.

The reduced lot size will not adversely impact upon the character of the immediate area, and will not impact upon the existing vegetation buffer along the southern and western boundary of the site, which is considered to be of importance, and its retention will assist in maintaining the established vegetated character of the site, while also acknowledging its role as a landmark along Bong Bong Rd.

Future Dwellings

The provisions of Mittagong DCP (Renwick Precinct) apply to the site, and will guide the design of future dwellings upon each proposed lot. An 88b restriction requiring retention of mature conifers along the frontage of the site would also be imposed at subdivision stage.

Planning Proposal

Should Council consider that that the building should be retained and heritage listed, and that the site be subdivided to create one lot of approximately 5,150m² (to accommodate "Challoner House") and one lot of approximately 2,500m² (the residue of the site), Council will need to consider a Planning Proposal to alter the minimum allotment size permissible for this R5 zoned site in WLEP 2010.

CONCLUSION

It is considered that the demolition of "*Challoner House*" should be supported, subject to conditions including detailed recording of the site and building, photographic record of landscape features and the internal and external features of the buildings, and retention of mature conifers along the frontage of the site.

It is considered that the variation to the 4,000m² lot size is justified, and that the 2 lot residential subdivision of this site into one 4,004m² lot and one 3648m² lot warrants approval.

The proposed demolition and subdivision at Lot 61 DP 1142602, 82 Bong Bong Rd Renwick is considered satisfactory in terms of s.79C EPA Act 1979, therefore it is recommended that the development application be approved, subject to the attached draft conditions of consent.

ATTACHMENTS

There are 8 Attachments to this report, which have been circulated under separate cover:

1. Subdivision Plan
2. Location Plan
3. Council's Heritage Advisor Full comments
4. Photographs of Challoner House
5. Heritage Impact Statement Executive Summary
- 5a. Alternative Development Options
6. Recommendations
7. Statement of Environmental Effects
8. Draft Conditions

RECOMMENDATION

THAT development application LUA2012/0921 for the demolition of "*Challenor House*" and the subdivision of Lot 61 DP 1142602, 82 Bong Bong Road Renwick, into 2 residential lots with areas of 4,004m² and 3,648m², be approved subject to conditions as described in Attachment 8, which has been circulated under separate cover.

(Voting on the Motion)