

Ms Lisa Pemberton
Environmental Assessment Officer, Major Projects
Sutherland Shire Council
PO Box 57
SUTHERLAND NSW 2232

By email: LPemberton@ssc.nsw.gov.au

Dear Ms Pemberton

**REQUEST FOR AMENDED GENERAL TERMS
1-21 DILLYWYNNIA GROVE, HEATHCOTE – HEATHCOTE HALL SHR 00191**

I refer to your email and letter dated 16 October 2018 requesting amended General Terms in response to an integrated development application for refurbishment and restoration of Heathcote Hall, construction of 35 townhouses and 20 apartments, associated landscape works and 56 lot strata subdivision. I understand that additional information has been received from the applicant in response to the Sydney South Planning Panel Record of Deferral dated 28 June 2018.

I note that the Heritage Council of NSW (Heritage Council) provided General Terms of Approval (GTA) on the original proposal on 22 August 2017 (2017 GTAs), and again for a revised proposal on 17 May 2018 (2018 GTAs). Considering the previous resolutions of the Heritage Council relating to this application and after a review of the additional information provided, we do not believe that revised General Terms are required and make the following comments:

- The Heritage Council endorsed the *Heathcote Hall Conservation Management Plan* (prepared by Anne Warr Heritage Consulting, dated 18 July 2017) (CMP) to guide change at Heathcote Hall. The Heritage Council have consistently required the applicant demonstrate that the proposed residential development would be wholly contained within the developable areas identified in the CMP. The applicant has now overlaid the plans with the potential development zones and setbacks and it is clear the proposal does not comply with the CMP. We recommend that the applicant revise the proposal to comply with GTA 4a reproduced below:
 - 4a. Amended plans overlaid with the development and setback zones identified in the CMP are required to clarify that the residential development is contained wholly within the areas identified as being of moderate significance to the north and north-west of Heathcote Hall, and the recommended setback areas have been kept free of development.
Reason: To comply with the policies of the CMP and conserve significant fabric, views and elements. It is unclear that the amended proposal complies with the development zones set out in the endorsed CMP.

- Further to the above, in the 2017 GTAs the Heritage Council advised that recommended setback areas identified in the CMP should be free of development. The 2018 GTAs somewhat refined this direction, indicating that additional information was required to clarify how any private open space encroachments into these setbacks would be detailed to mitigate any adverse heritage impacts. As per the above recommendations, encroachment of built elements in the setbacks is not supported. Whilst soft landscaping and low, unobtrusive fencing may be acceptable, insufficient detail has been provided to justify the encroachment nor indicate the mitigating measures employed to reduce heritage impacts. Supporting documentation indicates that landscape drawing L-22 shows landscape treatment to mitigate any potential impacts, however this plan does not clearly show what works encroach into the development buffer/ setback and how the proposal mitigates adverse impacts. We recommend that the applicant revise the proposal to comply with GTA 4a noted above. Ideally this would remove any encroachment into the setback zones, however if the revised proposal seeks approval for private open space encroachment into the development buffer (or setback), we recommend that the applicant comply with GTA 4b reproduced below and provide additional information with the s60 application to thoroughly address (in both plans and impact assessment report) any potential heritage impacts of landscaping.
- 4b. Information to clarify how the private open space of townhouses that encroaches into the reduced landscaped setting/ pleasure garden of Heathcote Hall, as well as the original east-west drive, will be detailed to mitigate any potential adverse heritage impacts.
Reason: To make certain that this encroachment will not result in a further adverse visual (or physical) impact on the setting of Heathcote Hall and ensure significance is conserved, and interpretation enabled.
- The archaeological investigation undertaken by the applicant - and detailed in the *Heathcote Hall – Driveway Testing Results* (prepared by Casey & Lowe Archaeology and Heritage, dated September 018) - relating to the carriageway is supported. It clarifies the location of the original drive and supports the assessment and guidelines of the endorsed CMP. We are pleased this matter has been resolved. Several GTAs pertain to the management of the historical archaeological record. We recommend that the applicant comply with 2018 GTAs 8-10 (reproduced below) which required additional information be submitted with the s60 application to manage the archaeological resources on the site.
8. The applicant shall submit an Archaeological Research Design and Excavation Methodology undertaken by a suitably qualified and experienced historical archaeologist as part of the section 60 application.
Reason: To appropriately manage archaeological resources on the site.
9. The name of a nominated excavation director suitable to satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level is submitted with the section 60 application.
Reason: To ensure that archaeological excavation at the site is managed by a suitably qualified excavation director.

10. Following the receipt of the Archaeological Research Design and Excavation Methodology as part of the section 60 application, the Heritage Council of NSW reserves the right to issue Archaeological Conditions as part of the section 60 approval to manage the archaeology. Matters such as (but not limited to) fieldwork methodology, artefact analysis, and final reporting may be included as part of these archaeological conditions.

Reason: To ensure that archaeological resources are managed in accordance with the approved research design and methodology.

11. This archaeological approval does not cover the removal of any State significant relics. This approval covers the archaeological monitoring of works which may disturb or expose relics. Only relics of local heritage significance can be removed.

Reason: To ensure that locally significant relics are appropriately managed and State significant relics are not removed.

- It is noted that the Sydney South Planning Panel also seeks heritage comment in relation to building heights to ensure the dominance of Heathcote Hall. The Heritage Council's GTAs have not raised issue with the height of the proposal in the past. Whilst views to Heathcote Hall would be altered by the proposal, the new development would be lower in height than the historic dwelling, and in combination with the topography of the site would ensure that Heathcote Hall – sited on the south-eastern high point – would retain its landmark qualities.

We believe the above comments should provide clarity on the way forward for the applicant and provide the direction on setbacks, curtilage and heights required by the Sydney South Planning Panel.

If you have any questions about this correspondence, please contact Anna London, A/ Senior Team Leader, Regional Heritage Assessments, North at the Heritage Division, Office of Environment and Heritage, on 9873 8608 or anna.london@environment.nsw.gov.au.

Yours sincerely



PAULINE MCKENZIE

Executive Director

Heritage Division

Office of Environment and Heritage

21 February 2019