



NSW RURAL FIRE SERVICE



The General Manager
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Your reference: DA17/0467
Our reference: D17/1511
DA17051607313

17 October 2019

Attention: Lisa Pemberton

Dear Madam,

Integrated Development Application - 1-21 Dillwynnia Grove Heathcote

Reference is made to Council's correspondence dated 9 September 2019 seeking further advice following the receipt of revised plans for the above development application.

The New South Wales Rural Fire Service (NSW RFS) has considered the additional information and advises that the Bush Fire Safety Authority (BFSA) dated 27 April 2018 remains unaltered.

The general advice provided at the end of the BFSA for the consent authority to note is simply a reminder that the emergency railway crossing should not be let fall into disrepair. In this regard it is noted that a recent "test" of the railway level crossing was undertaken by NSW RFS Operational Staff and others using fire fighting vehicles, and was found to be adequate.

Also, in response to your enquiry it is advised that our original assessment and subsequent reassessment of the proposal has determined that a perimeter road is not a requirement under the provisions of *Planning for Bush Fire Protection 2006* nor the draft 2019 edition. The site does not adjoin bushland and is bounded on three sides by public roads.

If you have any queries regarding this advice please contact Garth Bladwell, Development Assessment and Planning Officer on 1300 NSW RFS.

Yours sincerely

Nika Fomin
Manager
Planning and Environment Services (East)

Postal address

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Ms Lisa Pemberton
Environmental Assessment Officer – Planner
Sutherland Shire Council
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SUTHERLAND NSW 1499

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

Dear Ms Pemberton

**HERITAGE COUNCIL OF NSW – REVISED GENERAL TERMS OF APPROVAL
INTEGRATED DEVELOPMENT APPLICATION IDA/2017/55**

Site: 1-21 DILLWYNNIA GROVE, HEATHCOTE - HEATHCOTE HALL SHR N° 00191

Proposal: Refurbishment and restoration of Heathcote Hall, construction of 35 townhouses and 20 apartments, extensive landscape works across the entire site, and 56 lot strata subdivision.

Additional Information No

Requested:

As delegate of the Heritage Council of NSW, I have considered the above integrated development application. In accordance with section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following amended terms of approval are proposed to be granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a) Architectural drawings, prepared by Tropman and Tropman Architects as listed below:

Drawing No.	Title	Date	Rev
Project Name: Heathcote Hall			
Ex100	Existing Site Plan	23/11/17	A
Ex101	Ground Floor	23/11/17	A
Ex102	Existing First Floor	23/11/17	A
Ex110	Existing Elevation S-W	23/11/17	B
Ex111	Existing Elevation S-E	23/11/17	A
Ex112	Existing Elevation N-W	23/11/17	A
Ex113	Existing Elevation N-E	23/11/17	A
PR.200	Existing Roof Plan	23/11/17	F
PR.201	Proposed Ground Floor Plan	23/11/17	F
PR.202	Proposed First Floor Plan	23/11/17	F

PR.210	Proposed Elevation S-W	23/11/17	F
PR.211	Proposed Elevation N-W	23/11/17	F
PR.212	Proposed Elevation N-E	23/11/17	F
PR.213	Proposed Elevation S-E	23/11/17	A

- b) Architectural drawings, prepared by Ink Architects, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Historic Heathcote Hall – 1-21 Dillwynnia Grove, Heathcote, Sutherland			
DA00	Cover Sheet	27/08/19	I
DA01	Site Plan Roof Plan	17/09/19	J
DA02	Demolition Plan	5/12/17	A
DA05	Lower Basement B2	27/08/19	I
DA06	Basement Floor Plan - B1	27/08/19	I
DA07	Ground Floor Plan	27/08/19	I
DA07 CMP	Ground Floor Plan CMP	27/08/19	I
DA08	First Floor Plan	27/08/19	I
DA08 CMP	First Floor Plan CMP	27/08/19	I
DA09	Second Floor Plan	27/08/19	I
DA09 CMP	Second Floor Plan CMP	27/08/19	I
DA10	East, North, West & South Elevations	27/08/19	I
DA11	Sections A-A, B-B, C-C & D-D	27/08/19	I
DA12	Sections E-E, F-F, G-G, H-H, & I-I	27/08/19	I
DA13	Sections H-H, J-J, K-K	27/08/19	I
DA15	FSR Calculations	27/08/19	I
DA16	Adaptable and Livable Dwellings	27/08/19	I
DA24	Building A Area Over 8.5m	27/08/19	I
DA20	Material Finishes Board	27/08/19	I
DA21	Material Finishes	20/03/19	D
DA29	Wayfinding	27/08/19	I

- c) Landscape drawings, prepared by Site Design + Studios and Michael Lehany, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW			
L-06	Heritage Concept Plans-Italianate	11/12/17	C
L-07	Heritage Garden/ CMP Reference	11/12/17	D
L-7A	Heritage-CMP	11/12/17	D
L-09	Site Analysis	19/3/18	E
L-10	Interpretation	19/3/18	E

L-11	Landscape Masterplan	19/3/18	E
L-12	Landscape Plans - Levels	11/12/17	D
L-12A	Landscape Plans - Hydraulics	19/3/18	E
L-13	Landscape Plans - details	19/3/17	E
L-14	Existing Trees Plan	19/3/17	E
L-14A	Existing Trees Plan	19/3/17	E
L-15	Existing Tree Report - Draft	19/3/17	E
L-16	Incursions	19/3/17	E
L-17	Planting Areas Plan	19/3/17	E
L-18	Plant List	19/3/17	E
L-19	Landscape Plans - Materials	19/3/17	E
L-20	Details	19/3/17	E
L-21	Sections	19/3/17	E

- d) *Heathcote Hall, 1-21 Dilwynnia Grove, Heathcote, NSW – Revised Heritage Impact Statement*, prepared by Tropman and Tropman Architects, dated December 2017, as amended by Condition 1 b) above.
- e) *Heathcote Hall, 1-21 Dilwynnia Grove, Heathcote, NSW - Schedule of Works*, prepared by Tropman and Tropman Architects, dated April 2017.
- f) *Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW – Conservation Management Plan*, prepared by Anne Warr Heritage Consulting, dated 18 July 2017.
- g) *Statement of Environmental Effects: Proposed restoration of the State Significant Historic Heathcote Hall and Gardens Incorporating the Development of 36 Town Houses and 21 Units Including Basement Parking*, prepared by HGPS, dated 12 April 2017, as amended by Condition 1 b) above.
- h) *Addendum to the Statement of Environmental Effects – 1-21 Dillwynnia Grove, Heathcote*, prepared by HGPS, dated 11 December 2017, as amended by Condition 1 b) above.
- i) *Heritage Landscape Assessment* by the Expert Michael Lehany, prepared by Michael Lehany, dated 9 March 2017 (included as Appendix to HIS).
- j) Report titled *RE: Addendum Arborist Report at Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote (The Site) – DA 17/1467 with Sutherland Shire Council (Council)*, prepared by Jacksons Nature Works, dated 8 March 2018.
- k) *Flora and Fauna Report: Heathcote Hall Residential Development*, prepared by Eco Logical Australia, dated 8 March 2018 (refer to DOC17/636501-26).
- l) *Quantity Surveyors Construction Cost Report – Historic Heathcote Hall, 1-21 Dillwynnia Grove, Heathcote NSW*, prepared by Mitchell Brandtman, dated April 2017, as amended by Condition 1 b) above.

- m) *Re: Proposed Re-Development of 'Heathcote Hall' 1-24 (sic) Dillwynnia Grove – Quantity Surveyors Construction Cost Report*, prepared by Mitchell Brandtman, dated 1 May 2017, as amended by Condition 1 b) above.
- n) *Heathcote Hall – Buffer Zone Planting Report*, prepared by Tropman and Tropman Architects, dated 9 April 2019.

EXCEPT AS AMENDED by the following conditions of this approval:

DEFERRED COMMENCEMENT - HERITAGE AGREEMENT

2. The approval for refurbishment and restoration of Heathcote Hall, construction of 35 townhouses and 20 apartments, extensive landscape works, and 56 lot strata subdivision is subject to Deferred Commencement in accordance with s63A of the Heritage Act 1977. This approval is subject to the following condition:
 - a) The applicant is to enter into a heritage agreement with the Minister for Heritage – and have it registered on the title of the property – to ensure:
 - i. the appropriate conservation works are undertaken prior to the issue of an Occupation Certificate for any new residential development within the curtilage;
 - ii. development and implementation of a comprehensive maintenance plan which identifies urgent, short, medium and long term maintenance works in perpetuity;
 - iii. appropriate interpretation in accordance with an approved interpretation strategy, implemented prior to the issue of an Occupation Certificate for any new residential development within the curtilage;
 - iv. an annual open day to allow public access to Heathcote Hall;
 - v. no new structures to be constructed within the reduced landscape setting of Heathcote Hall; and
 - vi. funding to implement conservation and maintenance works as well as interpretation.

Reason: Despite the adverse heritage impact on the setting of the place, the proposed development is considered the only viable means of funding the required works to conserve the place in perpetuity.

FUTURE WORKS APPLICATION

3. Conservation works set out in the Schedule of Works are approved. However, works relating to the service upgrade and adaptive reuse of Heathcote Hall are not approved, including:
 - a) kitchen exhaust;
 - b) WCs (A12, B11);
 - c) widening of door (D15);
 - d) removal of dividing wall (between B8 and B11);
 - e) air-conditioning; and
 - f) flat roofed structure (A14).

The use and fitout of the place is to form a separate, future application.

Reason: Modifications for a potential future use is premature and could unnecessarily impact significant fabric. Whilst sympathetic adaptive reuse is encouraged, and the proposed modifications may be acceptable, without more detail and a definitive use it is not possible to undertake a thorough heritage impact assessment.

ADDITIONAL INFORMATION

4. In order to clarify issues and enable a thorough impact assessment, the following information is to be submitted with the section 60 application for assessment by the Heritage Council of NSW (or delegate):

- a) Detailed planting plans are required and are to include proposed revegetation areas, particularly those to the main hall's south and east. Detailed management strategies to retain significant views to Dillwynia Grove from Heathcote Hall and views from its remnant and recreated drive, paths, pleasure gardens by:

- i. controlling shrub heights;
- ii. only planting new native trees under or near mature existing ones to bolster groves and elsewhere in the hall's south;
- iii. removing new tree seedlings in most of the southern 'fringe'.

Reason: Remaining or recoverable views to and from Heathcote Hall, its remnant and recreated drive, paths, pleasure gardens have higher cultural heritage value relative to that of the site's natural heritage value and should be favoured over the latter. Additional detail has been provided which appears to control shrub height to retain/reinstate views, however further assessment of the information is required at s60 stage, in conjunction with detailing of the pleasure garden, to ensure appropriate landscaping.

- b) Detailed information on the proposed design of the pleasure garden based on further site investigation.

Reason: To enable investigation of the historical garden and appropriate conservation and reconstruction of this significant garden setting.

- c) Amended plans showing the detail and location of all fences.

Reason: Insufficient information has been provided to enable a thorough impact assessment of this element. The location of the 1200mm picket fence appears at odds with the existing landscape plan, crossing paths at unusual angles. The location of this fence is to be carefully reconsidered in light of the future investigations which are required to aid the detailed design of the pleasure garden.

- d) The landscape plans prepared by Tropman and Tropman Architects titled Proposed Buffer Zone Planting plans (L100 – L106, dated 9 April 2019) are not approved. The Buffer Zone Planting Report is approved in principle and is to be considered and incorporated where relevant in the development of the detailed design of the pleasure garden, planting plans, and fencing. The stairs proposed in the 'Old Carriageway Interpretation' are to be removed and the path graded to accommodate the change in levels.

Reason: The Buffer Zone Planting Report provides an appropriate means of mitigating the potential adverse impacts on the setting of Heathcote Hall of private open space encroachment into the buffer zone. The approach detailed in the report should be integrated into the detailed design of the pleasure garden. The associated plans are generally supported but are not approved as they encroach into the pleasure garden and do not reflect the detailed

investigation required for the final design. The stairs in the interpreted drive within the buffer zone would impede the interpretive potential of this element.

- e) Internal and external paint scrapes are to be taken at Heathcote Hall to determine the early decoration schemes. New paint schemes are to be based on the findings of this investigation.

Reason: No detailed information on the internal or external paint scheme for Heathcote Hall has been provided to enable a thorough heritage impact assessment. To ensure compliance with CMP policy 5.2.27.

- f) Amended plans and supporting documentation showing inconsistencies have been rectified. The duplication in numbering of building spaces on the ground floor of Heathcote Hall and ancillary structures is to be removed; ancillary structures are to be renumbered from A1 to C1, etc.

Reason: To ensure there is no confusion over proposed works.

- g) Detailed information addressing fire protection of the historic elements of the place.

Reason: No provision for fire protection of the historic dwelling, associated landscaped setting and elements has been indicated. Considering the local bushfire threat, and the significance of the place, means to address this issue should be installed.

DESIGN MODIFICATIONS

- 5. Repainting of the stair dado (A6) is not approved. Preservation of this significant decoration is required.

Reason: Repaint of this element is contrary to CMP policy 5.2.28. Preservation is preferred and must be investigated.

- 6. Replacement light fittings in Heathcote Hall are to be appropriate to the character of Heathcote Hall and approved by the nominated heritage consultant.

Reason: To ensure replacement fittings are sympathetic to the aesthetic significance of the place.

- 7. Ancillary structure A5 (WC) is to be retained and conserved.

Reason: This structure is identified as being of exceptional-high significance in the CMP and should be conserved.

HISTORICAL ARCHAEOLOGY

- 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.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

12. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the Applicant how to proceed if unexpected historical archaeological relics are discovered on site.

ABORIGINAL OBJECTS

13. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.

Reason: This is a standard condition to identify to the Applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

HERITAGE CONSULTANT

14. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons, and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

HERITAGE INTERPRETATION STRATEGY

15. An interpretation plan must be prepared in accordance with the NSW Heritage Division publication Interpreting Heritage Places and Items Guidelines and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of any Construction Certificate.
16. The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
17. The approved interpretation plan must be implemented prior to the issue of an occupation certificate for any residential development within the curtilage of Heathcote Hall.

Reason: Whilst interpretation is generally encouraged, the proposal should be informed by an interpretation strategy to ensure that interpretation is cohesive and appropriate to convey the significance of the site. Interpretation is an important part of every proposal for works at heritage places.

SITE PROTECTION

18. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

PHOTOGRAPHIC ARCHIVAL RECORDING

19. A photographic archival recording of Heathcote Hall (including built and landscape elements and the setting) must be prepared prior to the commencement of works. This recording must be in accordance with the NSW Heritage Division publication Photographic Recording of Heritage Items using Film or Digital Capture (2006). The digital copy of the archival record must be provided to the Heritage Division, Office of Environment and Heritage.

Reason: To capture the condition and appearance of the place prior to modification of the site which impacts significant fabric.

COMPLIANCE

20. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

21. An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate) prior to work commencing.

Reason: To meet legislative requirements.

ADVICE

Section 148 of the *Heritage Act 1977* (the *Act*), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

If you have any questions regarding the above approval, please contact Shikha Jhaldiyal, Senior Heritage Assessments Officer at Heritage, Department of Premier and Cabinet, on 9873 8545 or shikha.jhaldiyal@environment.nsw.gov.au.

Yours sincerely



STEVEN MEREDITH

Regional Manager Southern

Heritage NSW

Department of Premier and Cabinet

As Delegate of the Heritage Council of NSW

10 October 2019