

Advice to

Armidale Regional Council

proposed modification to
consent condition 18 DA164/2019/D
for heritage item land known as
“Palmerston”, 347 Dangarsleigh Road, Armidale

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prepared by

Jackson-Stepowski
Heritage & Planning Consultancy
11 Forrest St., Haberfield NSW 2045
t: (02) 9798.4407 m:0407 979 897
e-mail: stepowsk@tpg.com.au
ABN: n°93 094 712 425

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Background

This advice is prepared for Armidale Regional Council as directed on 27th September 2023.

Authorship

Ms Jackson-Stepowski is an independent heritage consultant, accredited NSW Heritage Office Heritage Trainer and advisor to local governments in regional NSW.

B.A., Dip. Ed., Dip. Urban Studies, M. ICOMOS

Heritage professional memberships include:

- ICOMOS International membership

- ICOMOS International Scientific Committees for

 - Shared Built Heritage, expert, Australian Voting Member and immediate past Vice President

 - Historic Cities Towns and Villages, expert and world heritage nominations' assessments

 - Cultural Landscapes, expert and Historic Urban landscapes working Group

- ICOMOS 21st General Assembly Organising Committee

 - <https://icomosga2023.org/organising-committee/>

- ICOMOS GA23 Haberfield Seminar convenor

- Australian ICOMOS member, former Committee member, former Secretary.

Relevant other membership

- Australian Garden History Society

- National Trust of Australia (NSW)

- Royal Australian Historical Society (NSW)

- various local heritage and history associations.

Disclaimer

This report has been prepared with due care but no responsibility is accepted for error or omission or use of the contents for purposes other than as cited and in regard to the subject property. No comment is made outside the Brief regarding any other matters that may affect the subject property.

Methodology

Heritage matters, inclusive of statutory listings, prior assessments, levels of significance, physical and historic evidence, site elements, and the like, are taken as in the Brief attached documents. This advice was provided remotely using the Brief documents and those as cited.

Abbreviations

CMP Conservation Management Plan

CMS Conservation Management Strategy (renamed HAAP)

DCP Development Control Plan

DP Deposit Plan

HAAP Heritage Asset Action Plan (formerly called CMS)

HCA Heritage Conservation Area

HO NSW Heritage Office / Council

LEC Land and Environment Court

LEP Local Environmental Plan

PP Planning Panel

SHI State Heritage Inventory

SHR State Heritage Register

SoS Statement of Significance

The Brief

1. What are the differences between a CMP and a HAAP?
2. a). What are the deficiencies of the HAAP submitted by the applicant?
b). Why a HAAP, in particular, is not suitable for this property?
3. What are some key components expected to see in a CMP for an item like Palmerston, and how comprehensive would this/these be?

Brief documents

The Heritage Asset Action Plan for “Palmerston” and Curtilage 347 Dangarsleigh Rd Armidale in accordance with condition 18 of development Consent DA-164-2019 (Version 1.1) by Wakefield Planning AWTM Pty Ltd. (Version 1.1), dated 7 March 2023.

Armidale Regional Council Planning Panel. Panel Assessment Briefing Report:
ref: PPSNTH-229 – DA-164-2019/D, Section 4.55(2)
Modification Application to Development Consent DA-164-2019/D, dated 12 September 2023.

Reference Documents

- The Heritage Council of NSW “Guidance on developing a conservation management plan”, 2021 authored by Duncan Marshall¹ [Guidance on developing a conservation management plan \(nsw.gov.au\)](#). It cites other documents, such as

J S Kerr 1985 2nd rev ed The conservation plan: a guide to the preparation of conservation plans for items of European cultural significance (J S Kerr 1985, second revised edition)
[The Conservation Plan | Australia ICOMOS](#)
- Statement of best practice for CMPs and for CMS /HAAP [Statement of best practice for heritage conservation management plans | NSW Environment and Heritage](#)., and [Statement of best practice for heritage asset action plans \(nsw.gov.au\)](#)
- NSW State Heritage Inventory entry “Palmerston” including outbuildings and grounds, accessed 28th September 2023. [Palmerston Armidale SHI 2023spe18.pdf](#)
- Mentioned in the Brief documents ‘Landscape Management Plan’.
NSW Heritage Office Heritage Curtilages [Heritage curtilages | NSW Environment and Heritage](#) 1996, and
Australia ICOMOS National Scientific Committee. Understanding Cultural Landscape [Understanding Cultural Landscape - Flyer 5.1 Low Res \(icomos.org\)](#)

Brief Responses

1. The differences between a CMP and a HAAP

Below are from the 2021 NSW HO publications. The HAAP publication was produced to provide more clarity as to what constitutes a CMS, that was re-named as a HAAP.

Conservation management plans

CMPs “tend to be detailed, comprehensive and concise documents” that:

- Provide guidance about a range of conservation processes for
 - a heritage items of high significance
 - a large or complex heritage item.
- Guide the use, management and change of heritage items.
- Are important resources when substantial changes are being considered for a heritage item and may be required as part of any formal heritage or development application.”²

¹ [Duncan Marshall | Australia ICOMOS](#)

² [statement-of-best-practice-heritage-conservation-management-plans-2021.pdf](#) 2021. p2

Heritage asset action plans

HAAPs “are relatively simple and succinct documents that provide guidance about:

- the maintenance of a heritage asset or item
- a specific aspect of conservation or management
- a conservation approach that applies across an asset type
- a specific element/component of an item.”³

Further, HAAPs

- “can be effective *if*⁴ there is good base information about the item, such as a good statement of significance. If such information is not available, then additional work will be necessary.
- “*should not be used in the context of a major change or development affecting a heritage item*⁵
- “*should only be used to help with maintenance*, and it would not be appropriate to rely on it for guidance about other matters.”⁶
- “If the HAAP relates to a component of the heritage item, then an understanding of the significance and contribution of this component to the overall significance of the item will be needed. If such *information is not provided or apparent from the existing statement of significance*, then a more detailed significance assessment will be necessary.”⁷

A decision to do a CMP or HAAP.

“The decision whether use of a CMP or HAAP should be made by the owner/manager of the heritage item, informed by their expert advisor (where necessary) *and* in consultation with any relevant regulatory heritage authority (i.e. Heritage NSW or the local council/government).”⁸

Where on the land is an ‘item’ and a ‘heritage asset’?

In NSW, a heritage item is a legal term that is identified according to the land title, being the Lot/s and Deposit Plan/s, and as published in the NSW Government Gazette.

A heritage curtilage

A heritage curtilage means

“the area of land (including land covered by water) surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance.”⁹

It can apply to either:

- Land which is integral to the heritage significance of items of the built heritage, or
- A Precinct which included buildings works, relics, trees or place and their setting/s.¹⁰

A heritage curtilage maybe the same as the Land Title but could also be expanded or reduced or a buffer area applied.

Timeframes to undertake a CMP or HAAP.

The time to investigate, research and compile either a CMP or a HAAP may vary depending on, for example, already known histories, previous studies and assessments of components/elements of an item. Even so, either documents could be undertaken in a timely fashion, and within prescribe timeframes.

³ [statement-of-best-practice-heritage-asset-action-plans-2021.pdf](#) 2021 p1

⁴ this report emphasis and as below

⁵ [Statement of best practice for heritage asset action plans \(nsw.gov.au\)](#) p2

⁶ [Statement of best practice for heritage asset action plans \(nsw.gov.au\)](#) p3

⁷ [Statement of best practice for heritage asset action plans \(nsw.gov.au\)](#) p3

⁸ [Statement of best practice for heritage asset action plans \(nsw.gov.au\)](#) p2

⁹ [Heritage curtilages | NSW Environment and Heritage](#) 1996

¹⁰ [Heritage curtilages | NSW Environment and Heritage](#) 1996

2b. The deficiencies of the submitted HAAP in this instance.

The HAAP Heading 1. Introduction [p5] the opening sentence is

“This *Conservation Management Plan*¹¹ has been prepared in accordance with Condition 18 of the development approval of the Dangarsleigh Solar Farm at 247 Dangarsleigh Road, Armidale”,

This is contrary to the cover words ‘Heritage Asset Action Plan’, and as a document purporting as a basis to vary a consent condition.

The HO [Statement of best practice for heritage asset action plans \(nsw.gov.au\)](https://www.nsw.gov.au/heritage/pubs/heritage-asset-action-plans) p3&4, contains the dot points below.

Typical contents of a HAAP will provide:

• a background statement, including identification of the item, purpose, scope, authorship and limitations	Silent on limitations. Authorship see also below
• a robust statement of significance for the heritage item – where the HAAP is for a significant part the item, this statement should detail the significance of that component	Component not detailed Seeks to re-word the SoS without input for all criteria or included updated new research and/or supporting studies
• factors that will affect the proposed conservation and management activities	Contains no policies to guide conservation, nor cites policies from a CMP
• other policies that will guide or support the proposed conservation and management activities.	Not provided

HAAP information on relevant factors might include:

• the condition of the item and maintenance or other issues A HAAP should provide <u>guidance on maintenance</u> of a heritage <i>“This means that key information about <u>the condition of the item</u> will be needed, <u>maintenance problems identified</u>, and <u>maintenance guidance provided</u> which is <u>linked</u> to cultural <u>significance</u> and related <u>conservation policy</u>.¹²</i>	No inventory, fabric analysis or components’ maintenance schedules provided. No link to significance or policies. No basis HAAP is about ‘maintenance’.
• more detailed information about a component of an item under consideration (e.g. the landscape, or one building within a complex)	See above. e.g. HAAP p6 infers ‘minor visual impacts’ but no basis for this statement and no studies to support it.
• a discussion of any significant uses and possible sympathetic new uses	Limited to a sentence without analysis of setting / context
• analysis of the heritage item, and any extension/addition possibilities that would respect the significance of the item; and	Focus of homestead complex, silent on wider context
• analysis of the setting of a heritage item, and development that potentially impacted the setting of the item but was limited in scope and that would respect the significance of the item.	See above. No supporting study/ies.

Other guidance may be provided in the HAAP

• (e.g. a maintenance schedule provided as an appendix)	No. see also above
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¹¹ this report emphasis and as below

¹² [Statement of best practice for heritage asset action plans \(nsw.gov.au\)](https://www.nsw.gov.au/heritage/pubs/heritage-asset-action-plans) p2

Characteristics of a best-practice HAAP

• based on Burra Charter definitions, principles, process	No
• meets all relevant regulations and requirements	Not meet consent condition or peer guides
• developed using a targeted range of expertise, research appropriate to the item and HAAP objective	No new peer relevant research inputs or to 'object'. See also authorship
• written in plain English and avoids complex technical language, and makes good use of suitable illustrations	Confused use of terms having specific meaning in legislation and ICOMOS Burra Charter. Illustrations fail to convey the extent of issues
• is presented with a clear understanding of the audience/s for and users, with information targeted to meet their needs	Audience is the consent authority. Suggested targeted actions. Inconsistent structure for audience or profession
• is as short as possible while still including all necessary information	Not included all necessary information
• provides clarity about the scope of the heritage item and its curtilages. This might also include the significant area associated with the item, and related area of sensitivity outside of the item.	Alludes to setting but without clarity. No curtilage, cultural landscape or elements assessments
• objective of the HAAP is clearly described	Unclear. Under '1. Introduction' the 'object' is to fulfill a consent condition
• identifies key opportunities and limits with the conservation and management of the item relevant to the objective of the HAAP and provides guidance about them ... text be relatively brief and provide a summary of issues and opportunities	Issues and Constraints unidentified / vague, and as relevant to HAAP 'object'. Under 'heading 7' some infer management but inconsequential without ability to activate or realise
• demonstrates a clear and logical flow from the statement of significance, to details about factors relevant to the objective of the HAAP, to the conservation management policies and/or other guidance	structure is inconsistent with profession experience and expectations. SoS under Heading 7 is too late to be the 'object'.
• it is not written with the purpose of justifying a specific project or development, although a HAAP can provide guidance on how to achieve best-practice heritage conservation within the context of a minor project or development.	written to justify a) a sought development that is not minor, and b) to reduce the land title curtilage. Consent authority deemed proposal is 'not minor'.
• research should use existing information about heritage significance, such as a robust existing statement of significance	Proposes a 'supplementary SoS', but silent on all criteria, issues as identified by the Court and consent authority, and thereby implies SoS needs further input data.
• details of factors relevant to the objective of the HAAP should be summarised	No. see also above
• demonstrates a precautionary approach, especially in the context of limited information and research – the strategy is not a full conservation management plan	No, despite p11-12 cites Condition 18 as <i>"The conditions of consent require a landscape management plan which addresses the hawthorn hedge and, in particular, screening of the solar farm."</i> p11
• clearly identifies the limitations of the HAAP	Limits unidentified

2b. Why is a HAAP in particular not suitable for this instance?

- The SHI states this item is of **regional** significance, is ‘**rare**’, the property has scientific (research) values, and “notable hawthorn hedge of significance”.
- The CMP consent condition requirement arose from the **Court decision** and followed by the **consent authorities**.
- **Authorship** is under Heading 1. Introduction p.5 and Heading 5.3 Background Statement Authorship p13. The author has quoted post nominals, none of which have heritage training, professional expertise or peer reviewed memberships of recognised heritage associations. Ditto no citations, references or where the input is for a historian, more so to support the statement “*to further understand the significance of the broader landscape of the property, and key landscape elements*” p13. Authorship is considered to lack heritage qualifications and demonstrated heritage experience and expertise.
- Heading 6 and 6.3 **Statement of Significance** quotes non-statutory documents and only historic and historic association criteria. Any review of a SoS should bring forth new data inputs and use all criteria and thresholds overall and for elements.
- The HAAP p5 acknowledges “... *Heritage Action Plans [sic] (HAAPs), which are predominantly maintenance documents, when significant change is not proposed*” and it is “*not appropriate for a HAAP to rely on ‘maintenance’ for guidance about other matters*”.

No **maintenance schedules** are provided for any element, built or vegetative. The Court and the Consent Authority have already stated that the consent condition relates to a **major development on the item land**.

- Heading 7, Factors affecting the proposal conservation and management activities, has no **inventory or fabric assessment** of item elements, upon which to assert further comment.
- Rather than **fulfill condition 18**, the HAAP proposes a “operation environment management plan”, the contents of which are not defined and legal obligations for which are vague to be ineffectual. There is no surety that such a document would conserve significance or guide retention of significance for the ‘holistic’ site (p14) or for each element.
- The HAAP does not display an **understanding of the overall significance of the item**, or the contribution of, or inter-relationship between, its elements.
- The HAAP contains no **policies** to guide conservation, nor cites policies from a CMP or an authority source. Heading 7 ‘Factors affecting proposed conservation and management activities’, has select elements some with inferred recommendations, but include no policies to guide the future of the item overall, selected elements, or in particular the hedge.
- No **landscape management plan [LMS]** as stipulated is included. An architect’s diagram of indicative proposed plants is not a plan to ‘manage a landscape’.

The HAAP reproduces proposed planting diagrams (figures 1 and 11), followed by a single sentence: “*This demonstrates the visual shielding proposed. It is noted that maintenance of the existing hawthorn hedge is to be undertaken. This is further detailed in the approved landscaping plan and the operational environmental management plan prepared for the solar farm*”. p12. It is unknown if such a plan was approved by the consent authority or by a private certifier: if the latter if it has qualification to sign off on such a plan.

The HAAP make no assessment if proposed species or habits are suitable for this specific cultural landscape, setting or context.

The HAAP lacks supporting documentation for statements “*incorporate landscape information*” p.2, and “*The hedge planting and driveway treed corridor are seen as significant landscape elements together with the lightly timbered pasture*”, and vague as implied under Heading 7 ‘Factors affecting the proposed conservation and management activities’.

3. What are key components in a CMP for Palmerston?

The HAAP p5 notes that “*Conservation Management Plans ... are developed to guide the management of a heritage asset through a process of change, modification and adaption*”.

The statutory item is “house, “Palmerston”, including out building and grounds” and the SHI cites the hedge.

Inferred is the Court decision about curtilage. The Court decision had input into the Planning Panel DA164-2019 condition 18: “*to establish a strategy for the ongoing management of the heritage assets that exist on the property and provide details for the care and maintenance of the hawthorn hedge and additional landscaping required under this consent.*”

Contents of a CMP

See also

- HO, Guidance on developing a CMP 2021 [3.best practice Guidance 2 develop CMP.PDF](#)
- HO, CMP Assessment checklist 2021. [4.best practice CMP checklist.PDF](#)
- HO, CMP Model Brief 2021 [5.bestpractice CMP Consultant Model Brief.PDF](#)
- Aus. ICOMOS, Burra Charter and Practice Notes [Burra Charter & Practice Notes | Australia ICOMOS](#)

Update the Statement of Significance

The SHI is based on the Dumaesq Heritage Study 1996 & 1997. It cites “notable hawthorn hedge of significance”, and the “main activity ... is breeding cattle”. In this instance review of the SoS is timely as this property appears to be an ‘evolving cultural landscape’, subject to changing uses and potential closer settlement.

- The SoS should deal with the entirety of the item land and have input from new data undertaken accordingly to current professional standards and practices.
- A SoS should provide triggers as to where to direct policies to guide and manage significance as a whole and for each element.
- The SoS is a distillation of all the SHI fields, each criterion and thresholds of any element/s.

It is best practice for a Council to periodically update SHI entries and all fields.

Changing statutory framework

There has been considerable change to statutes and regulations for the land since c1996. More so as the property’s location is close to a regional centre experiencing expansion into its rural hinterland and changing demographics. These should be briefly noted so as have input into how policies are formed.

Aesthetics criteria

Should be updated to included views lines and cones, both out from the homestead complex and into the subject land from identified vantage points. See also LMP below.

Historic and Historic Associations criteria

These should be supplement with a series of site plans/maps demonstrating the evolution of the item through time. This may be also required for each element. Update the history since late 20th century. A chronology table to be included commencing from pre-settlement era.

Landscape Management Plan

A LMP will have input into various ‘criteria’, potentially beyond those cited here, and for significant site elements.

In addition to the homestead complex, the HAAP cites the ‘... *gazing park-like environment defined by key landscape element such as scattered trees, the avenue driveway and peripheral hawthorn hedging*” p15.

A Cultural Landscape Assessment is synonymous with a LMP, being a comprehensive assessment of the existing elements on the item land, their individual significance/s, condition/s and threshold/s plus principles and actions outlined to direct the conservation of significance of the landscape. It should include:-

- site dynamics such as geography, topography, hydrology, etc and in elevation at critical locations,
- inventory of all physical features on the land, and additional to the homestead complex, and be inclusive of all vegetation (specimen or in groups).
- fabric assessment, and significance thresholds relative to the item overall, and of each individual element.

Where there are sub-components of an element (such as sections of the hedge and the driveway avenue) sub-section descriptions of height, habit, growth, etc, should be recorded.

For example: Inferred are: the hedge varies in condition and heights, driveway Avenue of Trees species unidentified, and within the homestead complex unknown are layouts, structures (e.g. walls) or vegetation of significance (e.g. historic or botanical renowned specimen trees).

- identify and plot spatial and other relationships, according to the historic and wider context, plus show on a site plan and via elevations major and secondary view corridors and cones.

These may include, but not exclusively: to and from the homestead complex, near and distant along the driveway, and hedge views from within the land holding and from external near and distant vantage points depending on wider topographies, etc.

- it may imply a 'curtilage' and a buffer zone.
- policies as to how landscape elements are to be conserved, may evolve, be replenish and the like.
- see also attached extract below.

Conservation policies

The revised SoS, inclusive of input from pertinent studies, should guide policy formation.

In addition as noted above and the Model CMP, specific policies to be considered are:-

- Policies that are clear and able to be realised, both in the near future and as guidance for the life of the CMP.
- Fragmentation of the land, be that via by new uses on the land or by Torrens Title subdivision. Sought is a modification of DA164-2019 condition 18 and implied as a basis for reduction of the land holding that supports the future maintenance of the item, to emasculate the homestead complex from its wider 'grazing' setting (both historic, historic associations, research and aesthetic), and remove the means for maintenance of the both the wider landscape and all elements.
- A site specific DCP.
- CMP to be peer reviewed and a CMP copy deposited with the Council.

Maintenance schedules

Additional to a CMP, but inter-related to Policies, are Maintenance schedules. Schedules are required for individual item elements, built or vegetative, and sub-sections of some elements. Vegetative maintenance policies should guide e.g. infill replacements, movement of machinery in the vicinity, retaining healthy habits and heights, guard against fungal/insects, etc and annual routine care: for the hedge for example, pruning prior to flowering (to limit seed dispersal).

The HO suit of documents include maintenance advice and templates that could be adapted.

Extract from [Burra-Charter-Practice-Note Cultural-Landscapes 22.12.2022.pdf \(icomos.org\)](#)

Table 1. Applying The Burra Charter process to cultural landscapes

Burra Charter Process	Burra Charter Steps	Additional Considerations	Tools and Techniques
Understand significance	1. Understand the place Define the place and its extent Investigate the place: its history, use, associations, fabric <i>Articles 5-7, 12, 26</i>	<ul style="list-style-type: none"> Identify character, important cultural and natural attributes (tangible and intangible components), and values Understand the connections between landscape attributes and values, including associations Understand the ways cultural and natural attributes and values interconnect Understand quality of life and other benefits (e.g., socio-economic) Understand the wider setting and social, environmental, economic, and political context of the landscape 	<ul style="list-style-type: none"> Community engagement Online engagement Background studies Field survey Overlay mapping Cultural mapping GIS tools
	2. Assess Cultural Significance Assess all values using relevant criteria Develop a statement of significance <i>Article 26</i>	<ul style="list-style-type: none"> Assess cultural and natural values in an integrated way Incorporate Indigenous & local community perspectives Where values are contested, incorporate multiple viewpoints Incorporate landscape integrity and authenticity Reach a reasonable degree of consensus through participatory planning and stakeholder consultations regarding what values to conserve and which attributes carry values 	<ul style="list-style-type: none"> GIS mapping Landscape capability analysis McHargian analysis Viewshed analysis
Develop policy	3. Identify all Factors and Issues Identify obligations arising from significance Identify future needs, resources, opportunities & constraints & condition <i>Articles 6, 12</i>	<ul style="list-style-type: none"> Consider wider landscape factors which can positively and negatively impact on significance Determine boundaries Analyse limits of acceptable change Assess the vulnerability of attributes to socio-economic pressures and impacts of climate change 	<ul style="list-style-type: none"> SWOT analysis
	4. Develop Policy <i>Articles 6-13, 26</i>	<ul style="list-style-type: none"> Integrate values and their vulnerability status into a wider framework of urban and regional development, including indicating what requires careful attention to planning, design, and implementation of development projects 	

Practice Note: Cultural Landscapes

		<ul style="list-style-type: none"> Decide limits of acceptable change Conservation policy should address the whole landscape as well as significant components, connections, associations 	
	5. Prepare a Management Plan Define priorities, resources, responsibilities & timing Develop implementation actions <i>Articles 14-28</i>	<ul style="list-style-type: none"> Develop a plan which incorporates long-term (>30 years) aspirations, including conflict resolution methods and management of change Prioritise policies and actions for conservation and development 	
Manage in accordance with policy	6. Implement the Management Plan <i>Articles 26-34</i>	<ul style="list-style-type: none"> Establish the appropriate partnerships and local management frameworks to deliver actions and develop mechanisms for the coordination and funding of the various activities between different actors, public, private, and civic 	<ul style="list-style-type: none"> PPGIS EoH 2.0 (international management effectiveness tool)
	7. Monitor the Results & Review the Plan <i>Article 26</i>	<ul style="list-style-type: none"> Take baseline measurements from which to monitor and assess change at specified intervals Respond to change with adaptive management 	<ul style="list-style-type: none"> UN SDGs