

**SYDNEY WESTERN CITY PLANNING PANEL
27 November 2023**

SWCPP No.	PPSSWC-343
DA Number	DA0173/22
Local Government Area	Hawkesbury City Council
Proposed Development	Demolition of Heritage Item - Allambie Cottages
Street Address	No.1256 Bells Line of Road KURRAJONG HEIGHTS NSW 2758 (Lot A and B DP 14931)
Applicant	Barker Ryan Stewart Pty Ltd
Owner	Transport for New South Wales (TfNSW)
Number of Submissions	Twenty six (26)
Regionally Significant Development Criteria (Schedule 6 of SEPP [Planning Systems] 2021)	Not applicable.
Cost of Works	Capital Investment Value: \$45,000.00
List of All Relevant Section 4.15(1) Matters	<ul style="list-style-type: none"> List of the relevant environmental planning instruments under Section 4.15(1)(a)(i): <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021; and Hawkesbury Local Environmental Plan 2012. List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority under Section 4.15(1)(a)(ii): <ul style="list-style-type: none"> None applicable. List any relevant development control plan under Section 4.15(1)(a)(iii): <ul style="list-style-type: none"> Hawkesbury Development Control Plan 2002. List any relevant planning agreement that has been entered into under Section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4 (Section 4.15(1)(a)(iiia)): <ul style="list-style-type: none"> None applicable List any relevant Regulations under Section 4.15(1)(a)(iv): <ul style="list-style-type: none"> Environmental Planning and Assessment Regulation 2021.

Does the DA require Special Infrastructure Contributions conditions (s7.24)?	No. The subject land is not located within the Western Sydney Growth Areas – Special Contributions Area Map and the development is not subject to a Special Infrastructure Contribution.
List all documents submitted with this report for the panel's consideration	Attachment 1 – Plans of the Proposal Attachment 2 – Submissions Attachment 3 – Recommended Reasons for Refusal Attachment 4 – Draft Condition of Consent
Recommendation	Refusal
Report By	Nicholas Powers – Town Planner
Report Date	27 November 2023

Summary of Section 4.15(1) matters

Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to Development Standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Overview of Report

1.0 Executive Summary

The subject Development Application before the Sydney Western City Planning Panel proposes the demolition of an existing building at No.1256 Bells Line of Road, Kurrajong Heights. The building is an item of environmental heritage known as 'Allambie' that is listed with local significance in Schedule 5 of the Hawkesbury Local Environmental Plan 2012. The item contains a former guesthouse comprising of two cottages joined together. The development application seeks to demolish Allambie due to its partial location within a road reserve, its deteriorated condition, and its extent of heritage significance.

It is noted that the application is identified as a 'Crown Development Application' under Section 4.32 of the Environmental Planning and Assessment Act 1979 noting the application has been lodged on behalf of Transport for NSW (TfNSW). The application is referred to the Sydney Western City Planning Panel pursuant to Section 4.33 of the Environmental Planning and Assessment Act 1979, as Council has concluded its assessment where the recommendation is to refuse the Development Application.

The application was referred internally to Council's Heritage Advisor, Building Surveyor, Environmental Health Officer and Sewerage Management Team for comment. Council Officers also engaged the services of an independent Heritage Architect and Structural Engineer. Council's Heritage Advisor and the independent Heritage Consultants have raised objections to the proposed demolition.

The proposed demolition of 'Allambie' is inconsistent with the Kurrajong Heights Village Precinct and heritage provisions in the Hawkesbury Local Environmental Plan (LEP) 2012 and Development Control Plan (DCP) 2002.

The application was notified in accordance with the Hawkesbury Community Participation Plan of which a total of twenty-six (26) submissions were received objecting to the proposed demolition. The issues raised in the submissions have been considered within this report and on balance, is considered to warrant the refusal of the application.

The proposed development has not adequately demonstrated that the proposed demolition of the heritage item would conserve the environmental heritage of the Hawkesbury, the settings of the surrounding heritage listed buildings or the heritage significance of the site in accordance with Clause 5.10 of the Hawkesbury LEP 2012. Moreover, it is considered that the issues raised in the submission reaffirm that the proposal would not be in the public interest and consequently, the assessment is concluded that the subject application be recommended for refusal.

The following documents and plans have been submitted with the subject application DA0173/22:

Supporting documents submitted at lodgement (DA0173/22)

- Assessment of Heritage Significance, prepared by CCG Architects and dated January 2022
- Statement of Environmental Effects, prepared by CCG Architects and dated February 2022
- Structural Condition Assessment, prepared by Dunning's Consulting Engineers and dated 1 February 2022.
- Architectural Plans that include Site Plan, Demolition Plan and Erosion and Sediment Control Plan, prepared by Barker Ryan Stewart and dated 16 May 2022.
- Landscape Plan, prepared by Taylor Brammer Landscape Architects and dated 10 February 2022.

Additional documents submitted in response to an RFI Letter on 21/12/2022 (DA0173/22)

- RFI Response Report and Heritage Impact Assessment, prepared by Barker Ryan Stewart and dated 21 December 2022.
- Structural Assessment Report, prepared by Taylor & Herbert Structural Pty Ltd and dated 17 August 2016 and 26 September 2016.
- Cost Estimate Report on the Redevelopment of Allambie Cottages, prepared by VG Consulting and dated December 2017.
- Cost Estimate Report on the Stabilization of Allambie Cottages, prepared by VG Consulting and dated February 2018.
- Resubmission of Historical Reports from the previous application (DA0956/06):
 - a) Heritage Assessment Report, prepared by Rod Howard Conservation Pty Ltd and dated August 2001.
 - b) Issues Report on the Heritage Aspects of Allambie Cottages, prepared by Caldis Cook Group and dated 10 October 2006.
 - c) Structural Engineers Report, prepared by DJ Hall and dated 3 May 2001
 - d) Review of Heritage and Economic Issues, prepared by David Scobie Architects and dated 22 March 2010. The David Scobie report introduces a new option, being reconstruction from salvaged elements only and recycling them in an acceptable landscaped location within the lot boundaries.
 - e) Assessment of Heritage Significance, prepared by CCG Architects and dated January 2022. Originally lodged with DA0173/22 already.
 - f) Cost Estimate, prepared by Greg Johnson RTA Building Supervisor and dated 3 August 2006.

Additional documents submitted in response to the briefing with the Sydney City Western Planning Panel on 17 October 2023 (DA0173/22)

- Panel Response Report, prepared by Barker Ryan Stewart and dated 13 October 2023;
- Preliminary Site Investigation Report, prepared by Kleinfelder and dated 6 October 2023; and,
- Preliminary European Archaeological Assessment, prepared by Kleinfelder and dated 9 October 2023.

Documents from Consultants engaged by Hawkesbury City Council

The following external consultants were engaged by Hawkesbury City Council to attend the site inspection with the Sydney Western City Planning Panel on 27 September 2023 and provide written advice to Council in order to assist with the assessment of the application:

- Structural Engineers Report prepared by Structural and Heritage Engineer Hari Gohil from Shreeji Consultant, dated 9 October 2023.
- Inspection Report of Allambie Cottages prepared by Heritage Architect Christo Aitken and dated 8 October 2023.
- Summary Report of Allambie Cottages prepared by Heritage Architect Cristo Aitkin and dated 8 October 2023.

1.1 Key Issues

- Heritage Impacts.

Development Description

2.0 Description of Proposal

Pursuant to Section 4.12(1) of the Environmental Planning and Assessment (EP&A) Act 1979, the subject Development Application proposes the demolition of an existing building at No.1256 Bells Line of Road, Kurrajong Heights.

The building is an item of environmental heritage known as 'Allambie' that is listed with local significance in Schedule 5 of the Hawkesbury Local Environmental Plan 2012. The item is characterised as a building being a one storey, weatherboard clad dwelling which consists of a set of previously independent cottages, joined with a central single storey addition, a front verandah and interlinking corridors. The building was integrated into one building for the purposes of a guesthouse in the 1930s.

It is noted that the application is identified as a 'Crown Development Application' under Section 4.32 of the Environmental Planning and Assessment Act 1979 noting the application has been lodged on behalf of Transport for NSW. The application is referred to the Sydney Western City Planning Panel pursuant to Section 4.33 of the Environmental Planning and Assessment Act 1979, as Council has concluded its assessment where the recommendation is to refuse the Development Application.

The subject application proposes the following works:

- Demolition of the 'Allambie' Cottages at the subject site, which comprises of two attached cottages that linked by a central addition to function as a single building;
- Pruning of rose bushes within the front setback;
- Retention of existing trees, including the significant Norfolk Island Pine Tree; and,
- Proposed replacement of 1.8m high chainwire fencing along eastern and southern property boundary.

Background

3.1 Site and Locality Description

The town of Kurrajong Heights is located approximately 67km northwest of Sydney's Central Business District and 20km northwest of Windsor. The subject site is located within the Kurrajong Heights Village Centre.

The subject development site comprises of two (2) Torrens title lots that are rectangular in shape and located on the corner of Bells Line of Road and Douglas Road, with the latter road providing direct vehicle access. The site fronts Bells Line of Road to the south-west and Douglas Road to the south-east. The subject land slopes down to the north-east, being the rear of the property. The vegetation at the site comprises of seven trees, including a large Norfolk Island Pine Tree and an overgrown rose bush along the building's frontage to Bells Line of Road.

The subject site is part zoned C4 Environmental Living with the land being partially located within the road reserve of Bells Line of Road, which is a classified road and zoned SP2 Infrastructure under the Hawkesbury Local Environmental Plan 2012.

Council's heritage inventory sheets have informed the inclusion of 'Allambie' within Schedule 5 of the Hawkesbury Local Environmental Plan 2012 and earlier, within Schedule 1 Heritage items of Hawkesbury Local Environmental Plan 1989. The inventory sheets describe the building as a "Weatherboard Guesthouse with corrugated iron roof, brick chimney, ventallators in gable, verandah enclosed with louvre windows". The inventory sheets describe the values of the Allambie Cottage as being a "Substantial c1920 Guest House which is an important part of the precinct [Kurrajong Heights Precinct]" & "Thematic Context – Local Institutions and Social Activity".

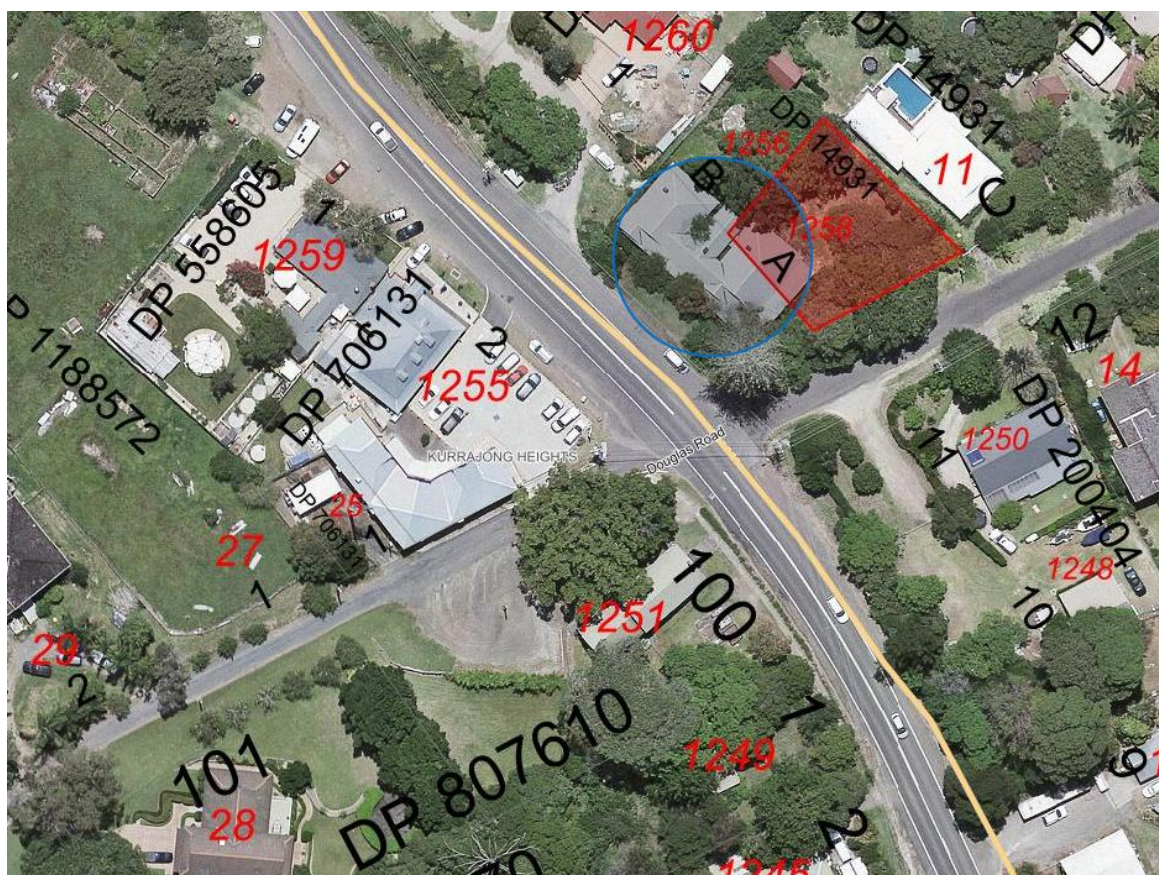


Figure 1 – Council aerial mapping showing the subject site and surrounding locality for context.

The subject site is located within the historic Kurrajong Heights Village centre as shown on the village map within Part E of Hawkesbury Development Control Plan 2002. The Kurrajong Heights Village has an important history due to it being linked to the discovery of the second route over the Blue Mountains and its early function to provide food and lodging to travelers and later as a tourist destination. In September 1823, Archibald Bell Junior traversed a route across the Blue Mountains that mostly follows the location of the modern Bells Line of Road.

As a result of this early history, the Kurrajong Heights Village comprises of many important heritage listed items that surround the Allambie Cottages and includes the following:

- Ivy Cottage, formerly Lochiel House at 1259 Bells Line of Road,
- The former post office and store located at 1255 Bells Line of Road and,
- Saint David Uniting Church at 1251 Bells Line of Road.

The items include simple weatherboard cottages and sandstone and brick buildings. The village of Kurrajong Heights retains much of its vernacular architecture. Consequently, the Kurrajong Heights Village has inherent character and significance as a cohesive group within the Hawkesbury City Council region. There are a mix of land uses surrounding Allambie Cottages which includes churches, shops, food and drink premises, tourist and visitor accommodation and dwelling houses.



Figure 3 – Site photograph from October 2023 of the historic Saint David's Uniting Church located across the road from the 'Allambie' .



Figure 4 – Site photograph from October 2023 of the historic old Post Office and Store located across the road from the 'Allambie' .



Figure 5 - Site photograph from October 2023 of the historic Lochiel House located across the road from the 'Allambie'.

The 'Allambie' Guesthouse complex comprised of three, 1920s single storey weatherboard clad cottages that comprises of attached timber framed dwellings with weatherboard cladding and situated on hardwood and sandstone supports. Two of the cottages that front Bells Line of Road are the subject of this application and were connected by a central addition to create a single building in the 1930s. The third dwelling of the complex is on the adjoining lot to north-east at 11 Douglas Road, Kurrajong Heights and does not form part of this application.

In 2010 the Department of Planning provided a report to Council prepared by David Scobie and titled '*Heritage and Economic Review - 1256 Bells Line of Road, Kurrajong Heights*' dated March 2010. The report noted that "*The two cottages are joined together by extensions and verandahs producing a substantial traditional Edwardian style elevation to the two streets*".

The guesthouse was designed to cater for travelers along the Bells Line of Road, as well as tourists from across Sydney and beyond. Mountain's areas such as Kurrajong Heights Village were popular for a holiday destination in the period before private vehicle ownership was commonplace, eg before the 1950's. Advertisements in the Sydney Morning Herald in May 1936 boasted of 'Allambie' being a 'superior guest house' providing golf, tennis, riding, radio, hot water and septic sewerage. 'Allambie' has historical and aesthetic value as a former guest house and contributes to the heritage significance of the Kurrajong Heights Village precinct.

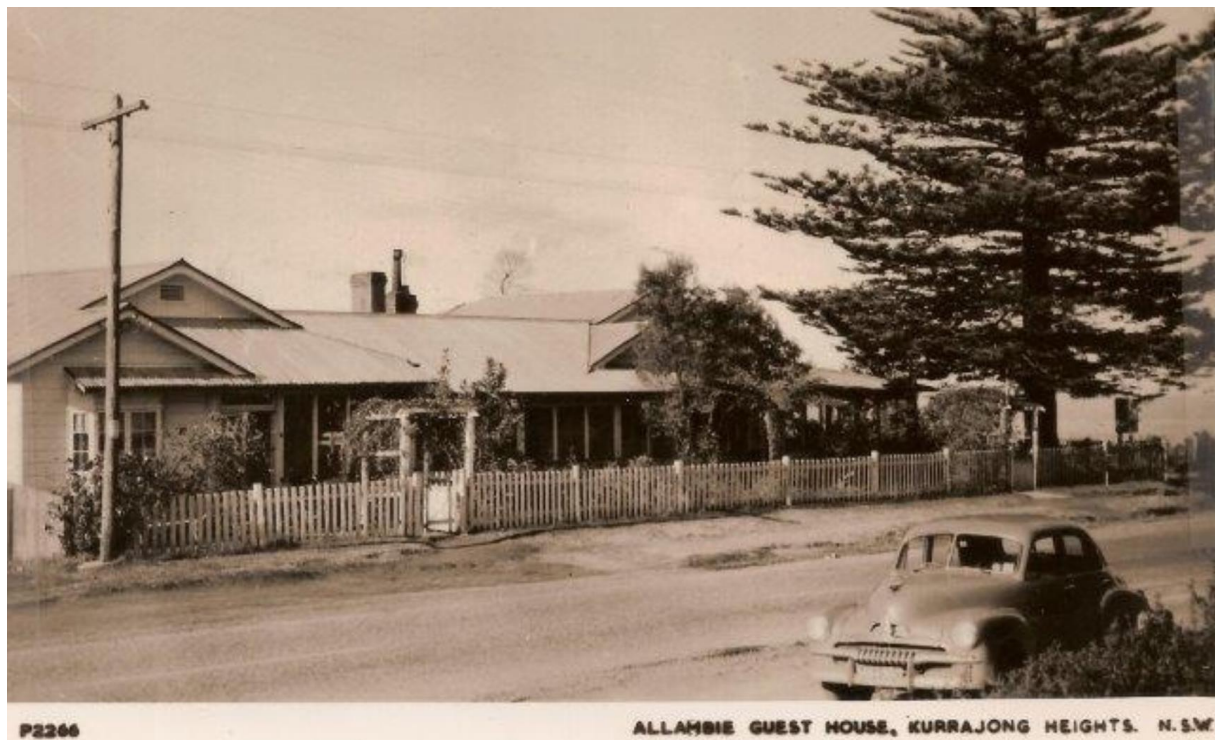


Figure 6 – Post card photograph of 'Allambie' during the buildings early use as a guesthouse.



Figure 8 – Site photograph from October 2023 of the front view of 'Allambie' along Bells Line of Road. The rose bush along the building's frontage has overgrown and is screening the view to the building. The Norfolk Island Pine Tree can be seen to the right of the image.



Figure 8 – Site photograph from October 2023 of the southern side elevation of the building from along Douglas Road.



Figure 9 – Site photograph from October 2023 of the northern side elevation of the building.

3.2 Previous Applications

The Assessment of Heritage Significance prepared by CCG Architects (dated January 2022) and submitted with Development Application No. DA0173/22 advised that Transport for NSW (TfNSW), formerly known as Roads and Maritime Services, had acquired the subject site in 1983. At the time of acquisition, the site was no longer used as a guesthouse and was being used for residential purposes.

The subject site was included as a locally listed Heritage Item in Schedule 1 of former Hawkesbury Local Environmental Plan 1989 and then in Schedule 5 of the current Hawkesbury Local Environmental Plan 2012. The 'Allambie' Guesthouse was listed as a heritage item for its historical, architectural and group value being described as "a substantial c1920 guest house which is an important part of the precinct".

A Development Application (Ref No. DA0956/06) was lodged in 2006 for 'demolition of existing cottages' at the subject site and withdrawn in 2022. The applicant was Caldis Cook Group (CCG) P/L and the landowner was RMS (now TfNSW). The applicant's primary justification for the demolition of Allambie Cottages was the building's partial location within the road reserve.

Both Hawkesbury City Council and the NSW Heritage Council did not support the proposed demolition of Allambie under the previous application DA0956/06 and as such, Council prepared a report which had recommended the application be referred to the Minister of Planning for refusal.

In 2007 to 2008, the Department of Planning arranged negotiation meetings with Council and the applicant to come to a resolution. Following a Mediation Meeting on 21 June 2007, Council provided the Department of Planning with the advice from the NSW Heritage Council and Council's own Heritage Officer comments, which concluded that Council would support either the repair and reuse of the building or relocation to the rear of the site.

The applicant subsequently prepared a Heritage Implementation Report, dated 6/5/2008 which advised that "*It appears the most likely way to satisfactorily conclude the matter is for the RTA to relocate the 3 cottages further to the rear of the property at 1256 Bells Line of Road*". The report then concluded that "*.... This report has provided an outline of the works required to relocate the cottages and to remediate the structures to a level that would provide a basis for agreement....*". Concept plans were submitted to the Department by the applicant showing the restoration and relocation of the 'Allambie' within the site boundaries.

In December 2008, Council provided the Department of Planning with its heritage officer's comments on the Heritage Implementation Report and advised Council is supportive of the restoration and relocation within the site option. The proposed relocation was never actioned by the applicant and the application retained the proposal to demolish 'Allambie'.

From 2009 to 2010, Council made contact with both the Department of Planning and the applicant to seek updates with limited response received. In late 2010 Council requested the withdrawal of the development application.

In 2011, The Department of Planning provides a report to Council titled "Heritage and Economic Review" prepared by David Scobie Architects and dated 22/3/2010. The report recommends its preferred option to be the reconstruction of the cottages by salvaging significant elements and "recycling them in an acceptable landscaped location", being inferred to be within the lot boundaries and taking the form of a new building. However, NSW Heritage provided advice to the Department of Planning in July 2011 stating it did not support the new option on the basis that "a new proposed option to demolish the cottages and reuse the materials elsewhere is not an appropriate mitigation measure for the demolition of a heritage item of this time". Following a review of the David Scobie report by Council's Heritage Officer, Council also advised it did not support the new option.

In December 2012, Council wrote to the Minister of Planning to request the matter be finalised, however no response was received. From 2017 to 2020, Council emailed the Minister for Planning's Office, the RMS and the Department of Planning to negotiate a withdrawal. In 2020, the application was referred to the NSW Planning Delivery Unit (PDU), who arranged for negotiation meetings between the applicant and Council. Following further discussions, the application was withdrawn in 2022.

3.3 Application History

The subject Development Application (Ref No. DA0173/22) was lodged 23 May 2022 for the '*Demolition of heritage item – Allambie Cottages*' at the subject site. The applicant is Barker Ryan Stewart and the landowner is Transport for NSW (TfNSW). The demolition of the item is premised on the building's partial location within the road reserve, deteriorated condition and the extent of heritage significance.

From June to August of 2022, Council completed its internal referrals with Council's Sewerage Management Facility Officer, Building Surveyor, and Heritage Officer. Following the completion of internal referrals, a Request for Information (RFI) letter was sent to the applicant on 30 August 2022 and advised:

- Statement of Heritage Significance – Insufficient details with respect to historical research and requirements to provide a genuine assessment and consideration of alternatives to demolition in accordance with Heritage NSW guidelines.
- Structural Assessment of buildings – Required to be prepared by consultants with heritage expertise.
- Response to submissions
- The process for considering the delisting of an existing heritage listed item – recommended significance of the Allambie Cottages to be considered under a planning proposal.

A meeting was held with Council Officers, TfNSW Officers and the applicant in September 2022. Council Officers reiterated its position that the applicant should seek alternatives to the proposed demolition of a heritage listed building.

The applicant uploaded additional information to the NSW Planning in late December 2022. The documents included a combined RFI Response and Heritage Impact Assessment, prepared by the applicant Barker Ryan Stewart. In addition, older documents were re submitted and included cost estimates, structural assessments reports and heritage assessment reports.

An assessment was undertaken with an internal referral assessment from Council's Heritage Advisor. The application was referred to the Sydney Western City Planning and a briefing held on 14 August 2023. Council Officers engaged an independent Heritage Architect and Structural Engineer to prepare an assessment and attend site visits. A joint site inspection was held with panel members, the applicant, TfNSW Officers and Council Officers, including Council's Heritage consultants on 27 September 2023.

Assessment

4.0 Legislation, Council Policies, Procedures and Codes to Which the Matter Relates

- State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 Remediation of Land
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) Chapter 6 'Water Catchment'
- Hawkesbury Local Environmental Plan (LEP) 2012
- Hawkesbury Development Control Plan (DCP) 2002

5.0 Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 4.15 of the EP&A Act 1979.

5.1 Environmental Planning Instruments

5.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

Clause 4.6 of the SEPP (Resilience and Hazards) outlines a consent authority "*must not consent to the carrying out of any development on land unless:*

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose"*

Council records indicates that the site has been historically used for tourism and residential purposes. The application is supported by a Preliminary Site Investigation (PSI) Report prepared by Kleinfelder and dated 6 October 2023. The PSI Report did not identify any records of landfill being introduced to the site.

The PSI Report has concluded the following:

- *no potentially contaminating activities or record of commercial/industrial activities were identified.*
- *There are potential sources of contamination at the site which are common to many properties. These sources include building materials (specifically asbestos), anthropogenic wastes, on-site septic tank and off-site vehicles that may have introduced oils, lubricants and hydrocarbons to the site.*
- *No signs of phytotoxic effects or signs of stressed vegetation were observed by the consultant's site inspection*
- *No complete SPR linkages have been identified that would cause harm to human health or environment. However, potentially complete SPR linkages that are unlikely to be significant have been identified for the following key receptors which may present a risk of harm to human health and/or the environment, if potential contamination is present and not managed appropriately:*
 - i. *on-site future residents, construction / maintenance workers, and*
 - ii. *on and off-site (specifically downgradient) terrestrial and aquatic flora and fauna.*

Council's Environmental Health Officer has reviewed the proposal, including the submitted PSI Report, and advised the following:

"Buildings of this age are known to contain asbestos which will be aged to a degree that friable materials and liberated fibres may be evident on the site. Lead paint and other heavy metals may also exist. Pictures copy/ pasted from the heritage report appear below and show damaged asbestos-containing materials."

The report has also included Contaminants of Potential Concerns (CoPCs) at the site due to potential spills on the arterial road and has clearly identified asbestos in the stored building materials at the site, but no testing has been undertaken.

By allowing this demolition to go ahead without soil testing being undertaken, any potential contamination at the site may be made worse and/ or liberated by heavy machinery, and residents may be exposed to airborne fibres from friable Asbestos Containing Materials (ACMs).



Photo 10:



Photo 11:



Photo 12:

It is therefore recommended that the application not be supported until soil testing is undertaken that is recommended in the contamination report.

It is considered that Council would not be able to regulate any detailed soil testing at the site and/or remediation at the site after the premises is demolished. It is possible that the site may be left in a contaminated state, or it is possible that remediation of the site is undertaken that is not in accordance with NSW requirements."

As such, Council Officers are satisfied that the land in its current state would be suitable for the proposed works, in that it has not clearly been demonstrated the works would not adversely affect the area. The applicant has not advised of the intended future use of the site or provided plans to show how the site would be left after demolition works are undertaken.

Notwithstanding, should the application be supported by the Panel, a condition of consent has been recommended to require a report with accompanying soil testing and be provided to Council prior to works

being undertaken. This is in order to appropriately manage the potential contaminants prior to the demolition works beginning.

5.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposal is consistent with the aims and objectives of Chapter 6 'Water Catchments' of the SEPP (Biodiversity & Conservation) 2021. The proposed demolition of the existing building would not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and the proposal is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

5.1.3 Hawkesbury Local Environmental Plan 2012

The proposed development is considered against the following relevant zone objectives and clauses of the Hawkesbury Local Environmental Plan 2012:

Clause 2.2 and 2.3 Zoning

The Allambie Cottages are partially located within the subject site that is part zoned C4 Environmental living and partially located within the road corridor zoned SP2 Infrastructure under the Hawkesbury Local Environmental Plan 2012.

The proposed demolition of a building is permissible with consent in the zone pursuant to Clause 2.7 of the Hawkesbury LEP 2012 and is not inconsistent with objectives of the zones.

Clause 5.10 Heritage Conservation

The subject site is a locally listed heritage item known as 'Allambie' under Schedule 5 of the Hawkesbury Local Environmental Plan 2012. Consent is required for the proposed demolition of a locally listed heritage item under Clause 5.10 (2) of the Hawkesbury Local Environmental Plan 2012.

The subject site marks the development of tourism within the Blue Mountains via the adaptation of residential buildings in the 1920's to 1930's to cater for guests seeking short term accommodation. The area was visited by patrons who were either passing over Bells Line of Road, which was significant as the second mountains crossing identified in 1823 or visiting the Kurrajong Heights Village as a destination in its own right.

The 'Allambie' guesthouse contributes to the visual significance of the surrounding heritage buildings in the area, which forms the setting of Kurrajong Heights Village on the Bells Line of Road. The scale, form materials and historic character of 'Allambie' has a visual association with the heritage buildings in the vicinity, in particular the Church, Lochiel guest house and the Old Post office that are shown in figures 3-5.

The application is accompanied by an Assessment of Heritage Significance, prepared by CCG Architects and dated January 2022. The report reproduces the findings of the Heritage Assessment Report, prepared by Rod Howard Conservation Pty Ltd and dated August 2001 that had been submitted with the previous application DA0956/06 and states the following:

"The 2001 assessment provided the following Statement of Significance

The site of 1256 Bells Line of Road has some limited historical significance because it provides evidence of early landholding and subdivision in Kurrajong Heights during the nineteenth century, and because of its associations with a succession of owners connected with orchards. However, the aesthetic significance of the subject buildings have been compromised by the processes of alterations and addition that have taken place and by the deteriorated physical condition of the building

Their evaluation (S.6.0) went on to conclude the building had little architectural or historical significance, no social significance, or potential to reveal more about the development area."

Council's Heritage Officer has reviewed the submitted report and advised that both the Assessment of Heritage Significance report dated 2022 and Heritage Assessment Report dated 2001 has insufficient historical research

on the subject site, which do not specifically address the important history of 'Allambie' as a significant guest house within the area and its contributions to the precinct of Kurrajong Heights Village.

Council's Heritage Officer goes on further to state:

"Critically the heritage significance assessments completed by the consultants for Transport for NSW do not adequately consider the significant aesthetic and social history of 'Allambie' and Kurrajong Heights Village, amongst other matters, as a significant Pre-War/Inter- War & Post-War guest house destination on the outskirts of Sydney.

The omission of this historic research has also permitted the false and unfair view that 'Allambie' is simply a modified group of Inter-War buildings which has diminished heritage significance due to the modifications undertaken to its parts, when in fact, the reverse is true. The modification of the historic dwellings that comprise 'Allambie', into a single guest house, illustrates an important historic, aesthetic and social activity in Kurrajong Heights Village".

The application contends that any repairs would require the removal and replacement of the original fabric that remains, which would remove any heritage significance. Council Officers engaged a Consultant Heritage Architect Christo Aitken who advised that the degraded state of the buildings or place does not eradicate the contribution those buildings or places have made to the history of that locality. This concept is fundamental to heritage conservation practice.

As such, the proposal has not satisfied the provisions of Clause 5.10(4) of the Hawkesbury Local Environmental Plan 2012 as described below, in that the proposal has not fully considered the heritage significance of Allambie Cottages as a former guest house and its value to the surrounding area.

The application has been accompanied by a Structural Condition Assessment, prepared by Dunning's Consulting Engineers, dated 1 February 2022. The report provided assessment comments on the condition of components of the building, which included noting that various timber stumps and subfloor sandstone walls have become displaced or are not plumb. It was further noted that the gutter had corroded and weatherboard cladding deteriorated, whilst it also considered that the timber floorboards and floor framing were in reasonable condition. The report provided an option of demolition and an option for remedial repairs. The report preferences option 1 for full demolition:

"...due to the risks associated with quality & condition of existing retained materials, construction staging & sequencing to undertake remedial repairs to subfloor areas, safety surrounding initial installation of temporary propping, certification by an engaged Structural Engineer will likely have caveats, and assumed unreasonable costs compared with Option 1".

Due to Council's concerns that the submitted structural engineer assessment had not been completed by an engineer with heritage expertise, Council engaged a Structural Engineer with heritage expertise from Shreeji Consultants to prepare a report. The Structural Engineers Report prepared by Heritage Engineer Hari Gohil from Shreeji Consultants, dated 9 October 2023 noted that

"The distress, uneven settlement, failure of some under floor stumps and cracking in the chimney sandstone bases is due to excess moisture affecting the foundation soils.... Some of the underfloor stumps in timber have the embedded base in soil affected by wet rot due to presence of moisture over a prolonged period and caused them to collapse. The termites have thrived in timber having higher than 15% moisture content. The moisture fed to the timbers is from failed gutters and most probably leaking roofs. The roof water is fed to the base of the foundation soils by the failed gutters over a prolonged period. The building has lacked regular maintenance which would have picked up the leaking gutters and roof and the set in of the termite activity".

The buildings condition was then summarised by Council's Heritage Architect Consultant, Christo Aitken as:

"The site inspection and review of available documents illustrates that the key issues in the current condition of Allambie Cottages results from (i) lack of appropriate stormwater management (ii) lack of regular termite control and (iii) lack of protective painting of the exterior of the buildings. The primary issue of inappropriate stormwater management over an extended period has led to the structural issues

identified at the recent site inspection by the heritage structural engineer. The lack of occupation and use of the cottages compounded the condition as issues were not identified and addressed”.

In relation to the possibility of repairs, Council’s Heritage Architect Consultant noted that:

“Allambie Cottages appear to have been well-constructed using quality traditional timber detailing, galvanised iron and sandstone materials.... timber buildings are also relatively easily repaired as compared to other building types, and particularly timber buildings that are raised above ground level providing access, clearance and ventilation, as are Allambie Cottages”.

The applicant’s Structural Condition Assessment provided recommended options for repair as a possibility, although demolition is preferred on the basis of repair costs being assumed to be unreasonable. Whilst the cost estimate for stabilisation works required to maintain ‘Allambie’ is estimated to be \$195,000. according to the submitted Cost Estimate Report, it should be noted that the cost of stabilisation has been compounded by insufficient ongoing maintenance of the building.

Critically, ‘Allambie’ is listed as an item on the Section 170 Heritage and Conservation Register. Section 170A of the Heritage Act 1977 stipulates the following controls for heritage management by government instrumentalities:

- (1) *A government instrumentality must give the Heritage Council not less than 14 days written notice before the government instrumentality—*
 - (a) *removes any item from its register under section 170, or*
 - (b) *transfers ownership of any item entered in its register, or*
 - (c) *ceases to occupy or demolishes any place, building or work entered in its register.*
- (2) *Each government instrumentality is responsible for ensuring that the items entered on its register under section 170 and items and land to which a listing on the State Heritage Register applies that are under its care, control or management are maintained with due diligence in accordance with State Owned Heritage Management Principles approved by the Minister on the advice of the Heritage Council and notified by the Minister to government instrumentalities from time to time.*

As a heritage listed property that is owned by a State Agency, the property is required to be managed in accordance with the NSW Heritage Office’s State Agency Heritage Guide for Management of Heritage Assets by NSW Government Agencies. This document contains “State-owned Heritage Management Principles” which include the following relevant principles:

“Introduction:

The management of heritage assets is a State agency service responsibility, to be jointly managed with other service delivery responsibilities and given a high priority in the corporate planning and budgetary processes.

It is recognized that the effective management of heritage assets will achieve an appropriate balance between the twin objectives of efficient provision of government services and conserving the State’s heritage for future generations.

1. Heritage Asset Management Strategy

Each State agency is required to develop a heritage asset management strategy to implement the principles and guidelines outlined in this document. A heritage asset management strategy will assist an agency in the conservation of its heritage assets....A heritage asset management strategy also provides the basis for Heritage Council delegation to State Agencies for the management of their heritage assets.

3. Lead by Example

State agencies should lead by example by adopting appropriate heritage management strategies, processes and practices. The public sector should set the standard for the community in the management of heritage assets.

4. Conservation Outcomes

Heritage assets should be conserved to retain their heritage significance to the greatest extent feasible. State agencies should aim to conserve assets for operational purposes or to adaptively re-use assets in preference to alteration or demolition.

7. Appropriate Uses

Heritage assets should, where feasible, continue to be maintained in their operational role. Where they are surplus to operational requirements, State agencies should aim to ensure that items are adaptively re-used for a purpose sympathetic to their heritage significance.

8. Maintenance of Heritage Assets

Heritage assets are to be maintained in a manner which retains their heritage significance, with the objective of preventing deterioration and avoiding the need for expensive “catch-up” maintenance and major repairs.

Note that those items listed on the State Heritage Register are subject to specific maintenance requirements under the Heritage Act.”

The applicant has not provided evidence of an adopted *heritage asset management strategy* for the site or detailed any significant maintenance works to the heritage listed item since TfNSW acquired the property nearly four decades ago.

In this respect, the current condition of the building is not considered justification for the demolition of ‘Allambie’ given there is a legal obligation for TfNSW to maintain the building and that alternatives to demolition remain possible.

The application also notes that the demolition of ‘Allambie’ is based on its partial location within the SP2 Infrastructure Zone and intended future road widening. The partial location of Allambie within SP2 Infrastructure Zone does not remove the heritage significance of the building or the applicability of relevant heritage controls or obligations to maintain the building. The lack of maintenance to the building has occurred whilst there has been no clear program, plan or time frame to implement the Bells Line of Road widening.

Council’s Heritage Officer has reviewed the Preliminary European Archaeological Assessment and raised no objections with respect to the requirements of Clause 5.10 of the Hawkesbury Local Environmental Plan 2012.

The objectives of Clause 5.10 are as follows:

- “(1) **Objectives** The objectives of this clause are as follows—
- (a) to conserve the environmental heritage of Hawkesbury,
 - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
 - (c) to conserve archaeological sites,
 - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.”

The application has not satisfied the objectives of Clause 5.10 with respect to conserving the environmental heritage of the Hawkesbury and heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views due to the following reasons:

- a) There has been insufficient consideration made to the significance of the heritage listed item;
- b) There has been insufficient compliance with the legal obligations to maintain the building; and,
- c) availability of alternatives to demolition remain possible.

In conclusion, the application has not adequately demonstrated that the proposed demolition of a heritage listed item would conserve the environmental heritage of the Hawkesbury, the settings of the surrounding heritage listed buildings or the heritage significance of the site in accordance with Clause 5.10 of the Hawkesbury Local Environmental Plan 2012.

*Clause 6.1 - Acid Sulfate soil controls – **Complies***

Class 5 - Low impact, the proposal would not lower the water table or expose acid sulfate soils.

*Clause 6.2 – Earthworks – **Complies***

The proposal would include minor earthworks associated with demolition works. Subject to appropriate conditions, the proposed works would not result in detrimental impacts to soil stability, drainage flows or surrounding uses in accordance with clause 6.2 of the Hawkesbury LEP 2012. As such, should the application be supported, conditions are recommended to be included with the consent to ensure appropriate erosion and sediment control management is in place during and after construction.

*Clause 6.4 – Terrestrial Biodiversity – **Complies***

The subject site is identified on the *Hawkesbury Local Environmental Plan 2012 Terrestrial Biodiversity Map* as being affected by biodiversity controls. The proposal does not include the removal of any vegetation on the site and as such, it is considered that the proposal will not adversely impact on flora and fauna in accordance with Clause 6.4 of the Hawkesbury Local Environmental Plan 2012.

5.2 Draft Environmental Planning Instruments

Not applicable.

5.3 Development Control Plan

Hawkesbury Development Control Plan 2002

The proposed development is considered against the following relevant provisions of Hawkesbury Development Control Plan 2002:

Part A: Chapter 3 Notification

The development application was notified from 22 June 2022 to 22 July 2022 in accordance Part A Chapter 3 of the HDCP 2002 and Hawkesbury Community Participation Plan. A total of 26 submissions were received and the issues raised in the submissions are addressed within the submissions section of this report.

Part C: Chapter 4 Erosion and Sediment Control

Should the application be supported recommended conditions have been applied requiring erosion and sediment control plans to be implemented prior to works and maintained for the duration of construction.

Part C: Chapter 7 Effluent Disposal

Councils Sewerage Management Officer has reviewed the proposal and noted that it is likely the subject site contains an older effluent disposal system and has subsequently recommended a condition be applied for the decommissioning of the septic tank should consent be granted for the proposal.

Part C: Chapter 8 Waste Management

A Waste Management Plan has been submitted with the application and recommended conditions will be applied accordingly.

Part C: Chapter 10 – Heritage Conservation

The item has not been maintained in accordance with the legal obligations under Section 170A and the NSW Heritage Office “*State-owned Heritage Management Principles*”. The lack of maintenance has compounded the deteriorating condition of Allambie as noted by Council Heritage Structural Engineer Hari Gohil. It is subsequently considered that the building’s condition compounded by a lack of maintenance is insufficient grounds alone to grant consent for demolition.



Part E: Chapter 1 – Kurrajong Heights Village

“This Chapter of the Hawkesbury DCP 2002 has been prepared to conserve the character and heritage significance of Kurrajong Heights Village and provide an appropriate framework for new development. With careful management, the character and significance of the village can be retained and reinforced for the benefit of future generations”.

“The preparation of this chapter of the DCP reinforces Council’s commitment to heritage conservation not only in Kurrajong Heights Village but also within the wider City”.

The relevant ‘General Principles’ of this chapter include:

- *To manage change in Kurrajong Heights Village via the implementation of objectives and guidelines that conserve and protect the character and significance of not only individual heritage items but that of the wider village;*
- *To conserve and enhance the visual and environmental amenity of Kurrajong Heights Village and its hinterland.*

Following are the relevant objectives:

- *Conserve sites, buildings, structures and artefacts that contribute to the character of and significance of the village.*
- *Retain the visual amenity of the village.*
- *New development shall not interrupt or destroy the setting of buildings, village, skylines, townscape details and landmarks.*
- *New development shall positively contribute to the and reinforce the character of the village.*

This chapter of the Development Control Plan identifies individual elements that contribute to the character of the Kurrajong Heights Village, and includes:

- *Individual vernacular nineteenth-century buildings with hipped roofs, verandahs with spaced posts and weatherboard walls;*
- *Exotic planting;*
- *Landmarks.*

It is considered that the proposal to demolish ‘Allambie’ is inconsistent with the general principles, aims and objectives of the chapter as the proposed development:

- Will not retain or conserve a heritage item;
- Will have an adverse impact on the existing scenic amenity of the precinct;
- Does not preserve the heritage significance of the precinct;
- Does not preserve the character of the locality; and
- The subject site significantly contributes to the character of the village with respect to the design of the building and surrounding landscaping, including the landmark Norfolk Pine.

The proposed development is subsequently considered to be inconsistent with the Hawkesbury Development Control Plan 2002 with respect to heritage conservation for the site and surrounding kurrajong height village.

5.4 Planning Agreements

None applicable.

5.5 Regulations

Conditions can be imposed in respect to compliance with standards for demolition.

5.6 Likely impacts of the Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality



The 'Allambie' guesthouse contributes to the historical and visual significance of the character and streetscape of the Kurrajong Heights Village. It is considered that the demolition of the building will have an adverse impact on this precinct.

The demolition will not involve the disturbance of native vegetation and as such, it is considered the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats. Furthermore, the subject site is not identified as being affected by high biodiversity values under the NSW Biodiversity Values Map.

The Preliminary Site Investigation Report recommends that soil testing be undertaken after the development however, Council Environmental Health Officer has noted it is important to receive testing prior to works occurring in order to ensure that the demolition works are undertaken in a way that does not result in adverse impacts to the surrounding locality in terms of the contamination.

5.7 Suitability of the Site for the Development

The proposed demolition of a heritage listed item will have an adverse impact on the heritage values of the site and as such, it is considered that the site is not suitable for the development.

5.8 Public Notification

The application was notified from 22 June 2022 to 22 July 2022 in accordance Part A Chapter 3 of the Hawkesbury Development Control Plan 2002 and Hawkesbury Community Participation Plan. A total of 26 submissions were received raising objections to the proposal and are discussed in Section 7 of this report.

5.9 The Public Interest

In consideration of the matters raised within this report, the proposed demolition of the locally listed heritage item known as Allambie Cottages, at the subject site, is not within the public interest.

6.0 Referrals

6.1 Internal

Building Surveying

Council's Building Surveyor had reviewed the proposal including the 2022 Structural Condition Assessment, by Dunning's Consulting Engineers. It was noted that it not considered impossible to rectify the building and carrying out repairs, although it could be costly. Council's Building Surveyor has provided recommended conditions should the application be supported by the Sydney Western City Planning Panel.

Sewerage Management Facility

Council's Sewerage Management Facility Officer provided recommended condition for the decommissioning of the septic tank on the site should the application be supported by the Sydney Western City Planning Panel.

Environmental Health

Council's Environmental Health Officer has reviewed the proposal including the 2023 Preliminary Site Investigation Report, by Kleinfelder. It was noted the report had identified potential contaminants and recommended soil testing after demolition works. Council's Environmental Health Officer raised concerns that the demolition works would cause adverse contamination impacts to the area, whilst the application was also unclear as to the intended site condition and use post demolition works.

It is therefore recommended that the soil testing be provided before the consent is issued, instead of Kleinfelder's recommendation to provide post works. A condition has been recommended to require the testing prior to the works should the application be supported by the Sydney Western City Planning Panel

Heritage

Council's Senior Heritage Officer has raised objections to the proposal on the grounds that the applicant's position on 'Allambie' has been based on insufficient information and a lack of appreciation of the importance of this historic building to the local community. This conclusion from Council's Senior Heritage Officer is supported by the views expressed with the public submissions and expert reports (commissioned by Council) from an independent Heritage Architect and Heritage Structural Engineer.

7.0 Public Consultation

A total of 26 unique submissions raising objection to the proposal were received following the notification of the proposal. The submissions received were raising objections to the proposed development. The key themes raised by the objections have been summarised below:

- Adverse Impacts to the historic character and visual significance of the Kurrajong Heights Precinct,
- Adverse impact on the character of the Kurrajong Heights Village,
- Insufficient information and consideration of the heritage significance of 'Allambie's' former use as a guesthouse,
- Insufficient information and plans as to what the intended future use or site conditions would be post demolition works,
- Lack of consideration of restoration works for 'Allambie' and review of the adjacent restoration works to heritage buildings damaged from fire and repaired,
- Concerns over the demolition of 'Allambie' stemming from the neglect of the building over four decades with no adoption of State Agency Heritage Management Guidelines,
- Insufficient justification to demolish 'Allambie' on the basis of road widening as the road corridor has existed for decade with no active plans for widening or guarantees the upgrades would proceed,
- Insufficient consideration made as to the historical rarity of 'Allambie' as an example of early 20th century former guesthouses, and,
- Community desire to see priority given to the building being restored as an option for stabilisation has been provided by the submitted 2022 Structural Condition Assessment by Dunning Consulting Engineers and the requirements for demolition of heritage items to be considered as a last resort.

As discussed previously in this report, it is considered that submitted plans and documents have not satisfactorily addressed the issues raised by the public in relation to heritage significance and rarity, impact to the locality, details on intended site conditions or use post demolition works, compliance with TfNSW obligations to maintain 'Allambie' and lack of any active plans to widen Bells Line of Road.

Conclusion

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979 with all matters specified under Section 4.15 having been taken into consideration. The proposed demolition of a heritage listed item has not sufficiently demonstrated compliance with all the relevant environmental planning instruments and regulations that apply and together with the submissions received in response to the proposal, it is considered on balance that the proposal in its current form is not supported.

Recommendation

That:

- A. The Sydney Western City Planning Panel support the refusal of the Development Application No. DA0173/22, PPSSWC-343 for '*Demolition of Heritage Item - Allambie Cottages*' at Lot A and B of DP 14931, known as 1256 Bells Line of Road, Kurrajong Heights for the following reasons:

Hawkesbury Local Environmental Plan 2012

1. The proposal is considered unacceptable having regard to the matters required to be considered under Hawkesbury Local Environmental Plan 2012.

Particulars

- (a) The proposed demolition of a locally listed heritage item does not conserve environmental heritage of the Hawkesbury or heritage significance of the item having regard to the overall objectives and requirements of Clause 5.10 'Heritage Conservation' of the HLEP 2012.
- (b) The proposal does not adequately consider the effect of the proposed development on the heritage significance of the item or area concerned having regards to the provisions of Clause 5.10 Heritage Conservation in Hawkesbury Local Environmental Plan 2012.

Hawkesbury Development Control Plan 2002

- 2. The proposal is considered unacceptable having regard to the matters required to be considered under Hawkesbury Development Control Plan 2002:

Particulars

- (a) The application has not sufficiently demonstrated that all alternative to demolition of a locally listed heritage item have been sought and that the buildings condition does not stem from a lack of maintenance having regards to the provisions of Section 10.4.4 'Demolition of a Heritage Item' under Part C of the Hawkesbury Development Control Plan 2002.
- (b) The proposal does not preserve the scenic amenity, heritage significance and character of Kurrajong Heights precinct having regard to the Section 1 'Kurrajong Heights Village' under Part E of the Hawkesbury Development Control Plan 2002.

Insufficient Information

- 3. The documentation accompanying the development application fails to consider the extent of heritage significance of the listed heritage item and extent of contribution to the locality.

Particulars

- (a) The proposal does not adequately consider the heritage significance of site with respect to its former use and history and its contribution to the Kurrajong Heights Precinct with respect to the building's visual and architectural association with the surrounding heritage buildings in the precinct.
- (b) The development application is not supported by documentation and plans that show the proposed future use and site conditions post demolition works,

Submissions

- 4. The issues raised in the submissions are considered valid and demonstrate that the proposed development should not be supported.

Public Interest

- 5. The proposed development is not in the public interest as:

Particulars

- (a) The demolition of a heritage item due to inadequate maintenance required under Section 170A of the Heritage Act 1977 may have a cumulative impact by setting a precedent for other heritage buildings in the area to be demolished if in poor condition and may encourage neglect of such items.
- (b) In the circumstances, the proposed demolition of the locally listed heritage item known as Allambie Cottages, at the subject site, is not within the public interest.

- B. The matter be referred to the Minister of Planning and Place for determination in accordance with Section 4.33 of the Environmental Planning and Assessment Act 1979; and



-
- C. That those who made a submission be advised of the Panel's decision.

Attachments

- AT - 1** Structural Engineers Report prepared by Structural and Heritage Engineer Hari Gohil from Shreeji Consultants, dated 9 October 2023.
- AT - 2** Inspection Report of Allambie Cottages prepared by Heritage Architect Cristo Aitkin from Cristo Aitkins & Associates and dated 8 October 2023.
- AT - 3** Summary Report of Allambie Cottages prepared by Heritage Architect Cristo Aitkin from Cristo Aitkins & Associates and dated 8 October 2023.

Nicholas Powers | [Town Planner](#) | [Hawkesbury City Council](#)