

DATE OF DEFERRAL	1 December 2023
DATE OF PANEL MEETING	27 November 2023
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Fiona Gainsford, Judy Clark, Jeff Organ
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict of interest as her firm acts for Transport for NSW on other matters.

Public meeting held videoconference on 27 November 2023, opened at 2:30pm and closed at 4:30pm.

MATTER DEFERRED

PPSSWC-343 – Hawkesbury – DA0173/22 – 1256 Bells Line of Road, Kurrajong Heights - Demolition of Heritage Item - Allambie Cottages.

REPORT ON MEETING

The Panel received the following oral submissions:

Councillor Danielle Wheeler presented on behalf of the elected Councillors of Hawkesbury City Council, saying that it was an “exceptional step” for Council to address Panel. She said that the Allambie Cottages were part of the area’s history, reporting that “everyone has an Allambie story”. She said the building had provided accommodation for war widows. Referring to other recent developments concerning heritage items such as Thomsons Square, Windsor Bridge she said she was hopeful TfNSW would negotiate a better outcome for Bells Line of Road.

Jeremy Braithwaite addressed the Panel on behalf of Kurrajong Heights Heritage Committee. He said the building was “famous” for its balconies. He noted a doctoral thesis prepared by a resident on Kurrajong Heights as authority for guesthouses being crucial to the local economy. He said there was an economic case for keeping the property and renting it out (eg through Air B&B). He highlighted there had been limited change in the traffic on Bells Line of Road over the last 20 years, and the need for road widening seemed no closer despite the investigations by TfNSW in 2006, 2010 and 2018. He said TfNSW should sell Allambie to be restored.

Carol Edds spoke on behalf of the Hawkesbury Branch of the National Trust of Australia (NSW), stating that the Branch was strong in its opposition. She outlined her credentials in heritage issues including an honours and master degree, having been a partner in a heritage consultancy. Her husband submitted his thesis on the Village Centre. She stressed the importance of the building to local history. She referred the Panel to the National Trust’s submission, which identified what were said to be several inconsistencies in the applicant’s Heritage Impact Assessment and had provided an alternative assessment of the heritage significance of the building.

Steve Chong spoke for the Council. He referred to the long and protracted history for the TfNSW proposals to demolish the building. He said that the Council recognised the significance of the item through its listing, noting the DCP objective to preserve buildings. He noted the obligations of a government instrumentality in relation to the maintenance of heritage items under its ownership or care “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". He said it was rare for demolition to be proposed without a description of the planned development thereafter, noting that in this case the future use of the site is not described.

Lisa Wrightson from BRS consultant planners spoke for the Applicant. She referred to the structural report relied upon by the Council, saying that the Applicant has not had chance to respond to it. She said that TfNSW did not agree to the relocation of the building being a feasible option, noting that in 2017, structural engineers reported the building to be in an advanced state of decay. She argued that non-compliance with *Heritage Act 1977* was not relevant to a planning assessment. She said expenditure on maintaining a building was not warranted when the condition of a building is poor, and there were major concerns in relation to structural adequacy, and the building was in a state of advanced deterioration. She said she relied upon the heritage architects report submitted as justifying the conclusion that the building could not be restored while retaining the significance of the item and that the likely cost of restoring the item was not justified. She said that the significance of the item was mitigated by the vegetation screening the building, but did not deny that much of the vegetation closely surrounding the dwelling was weeds grown through lack of maintenance. She noted that the proposal is for the site to remain fenced off to deter future dumping, and that the need for site remediation remained uncertain and had not been costed.

The Panel was addressed by Christo Aitken and Hari Gohil, Council's heritage and structural experts. Mr Aitken said the building had greater heritage significance than the applicant suggested, identifying 8 important heritage values across the following groupings: historical association, aesthetic, social and representativeness. They reported that their inspection of the building was limited to the hour and that they could not provide reliable advice as to the condition of the fabric, but that the weatherboards seemed to be in good condition and the windows in fair condition. The timber stumps could have their feet replaced. They said that broken joists could be spliced. They pointed to other cultures where maintenance of timber buildings occurred over centuries with degraded members replaced as they rotted out. They said that of the eight values identified under the Burra Charter, only one would be lost through fabric removal. Overall, they thought repair might be possible rather than full replacement.

In the Panel's discussion during the meeting, it was observed that the listed item included the curtilage of the item which took in large prominent trees which were prominent to users of the highway noting the location of the site in the Kurrajong Heights neighbourhood centre. The garden in which those trees were growing was once the grounds of the Cottages which appeared to have taken in the occupied additional cottage in good condition to the rear. It was observed that in addition to obscuring views of the building (as noted by Ms Wrightson) the overgrown unmaintained vegetation poor state of the site compromised the heritage presentation of Kurrajong Heights town centre. There appeared to be potential for the grounds to be tidied up with the trees preserved to enhance the heritage contribution of the site irrespective of the fate of the dwelling. Notably, if demolition was to proceed and the fence was removed to the part of the site subject to the road widening at least, it would functionally if not legally be amalgamated with the road reserve to the Bells Line of Road. The trees and yard along the road front could then be subject to the general arrangements for maintenance of the road reserve. They may then continue to offer a heritage presentation to motorists and users of the neighbourhood centre with ties to the site's past supported by archival recording at least until any widening of the Bells Line might proceed in the future. The remainder of the site would continue to offer a curtilage to the retained cottage.

REASONS FOR DEFERRAL


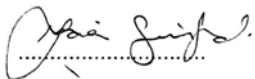



The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings observed at the site inspection listed at item 8 in Schedule 1.

The Panel unanimously agreed to defer the electronic determination of the matter until after a new briefing, tentatively scheduled for 26 February 2024.

ACTIONS

To allow for the progression of the Development Application to determination at the anticipated February meeting:

1. The Applicant should update its supporting material by the end of January to include a more fulsome analysis of what fabric would be lost through restoration, including achieving BCA compliance, and the likely cost of any building restoration.
2. The Panel raised as an additional issue for consideration the proposed treatment and use of the property if demolition of the item is permitted to proceed, noting that the significance of the item is likely to include the large trees within the grounds of the Cottages given their location in Kurrajong Heights neighbourhood centre. The present maintenance of the site appears adverse to that significance.
3. The Council should supply its response to that material in an addendum to the assessment report 7 days before the appointed briefing.

PANEL MEMBERS	
Justin Doyle (Chair) 	Fiona Gainsford 
David Kitto 	Judy Clark 
Jeff Organ 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-343 – Hawkesbury – DA0173/22
2	PROPOSED DEVELOPMENT	Demolition of Heritage Item - Allambie Cottages
3	STREET ADDRESS	1256 Bells Line of Road, Kurrajong Heights
4	APPLICANT/OWNER	Applicant: Barker Ryan Stewert Owner: Transport for NSW
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Hawkesbury Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hawkesbury Development Control Plan 2002 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 20 November 2023 Written submissions during public exhibition: 27 Verbal submissions at the public meeting: <ul style="list-style-type: none"> CLlr Danielle Wheeler OBO of the elected councilors Hawkesbury Council, Jeremy Braithwaite OBO Kurrajong Heights Heritage Committee, Carol Edds OBO Hawkesbury Branch National Trust of Australia (NSW) Council assessment officer – Nicholas Powers, Steven Chong, Christo Aitken, Hari Gohil On behalf of the applicant – Lisa Wrightson, Angela Frew, Danny Jones Total number of unique submissions received by way of objection: 27
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 14 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Fiona Gainsford, Judy Clark, Jeff Organ <u>Council assessment staff</u>: Nicholas Powers, Matthew Golebiowski, Steven Chong <u>Applicant representatives</u>: Lisa Wrightson, Angela Frew, Danny Jones, Sera Taschner Site inspection: 27 September 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Fiona Gainsford, Judy Clark, Jeff Organ

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Nicholas Powers, Matthew Golebiowski, Steven Chong, Christopher Reeves ○ <u>Applicant representatives</u>: Lisa Wrightson, Angela Frew, Danny Jones <ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 27 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Fiona Gainsford, Judy Clark, Jeff Organ ○ <u>Council assessment staff</u>: Nicholas Powers, Steven Chong, Christo Aitken, Hari Gohil
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable