

MEMORANDUM

TO: Sydney Western City Planning Panel

FROM: Hawkesbury City Council

SUBJECT: DA0173/22 - Demolition of Heritage Item – Allambie Cottages – SWCPP No. PPSSWC – 343

DATE: 29 April 2024

Dear Sydney Western City Planning Panel Members,

Council is writing in response to the deferral of the abovementioned Development Application by the Sydney Western City Planning Panel on the 1st of December 2023, to obtain additional information from the applicant, as detailed below:

Action No.1:

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.*

Action No.2:

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 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.*

Action No.3:

3. *The Council should supply its response to that material in an addendum to the assessment report 7 days before the appointed briefing.*

In response to Action No. 1 above “Transport for NSW engaged through Barker Ryan Stewart (BRS), TTW [Consulting Engineers] and Heritage 21 to prepare reports that considered the structural and heritage values of the site and building.....BRS also engaged a costing report from MBM Quantity Survey team...” In response to Action No. 2, BRS states that “The heritage report prepared by Heritage 21...includes recommendations for interpretation options on the site post demolition...The C4 [Environmental Living] portion of the site has the potential to be developed for a residence in the future.”

This memorandum represents Hawkesbury City Council’s response to Action No.3, mentioned above. In providing this response, as an addendum to its previous Development Assessment Report for DA0173/22 (presented to the Sydney Western City Planning Panel Meeting of 27 November 2023) Council re-engaged Heritage Structural Engineer – Hari Gohil of Shreeji Consultant Structural Civil Engineers, and Consultant Heritage Architect – Christo Aitken, to re-inspect the “Allambie” site to

inform a review of the information contained within the additional reports from Transport for New South Wales (TFNSW), mentioned above. The site inspection took place on Thursday, 18 April 2024. Copies of their subsequent responses to the additional information from the consultants for TFNSW are attached to this memorandum, and briefly outlined in the Response to Additional Information section of this memorandum.

Background

Development Application DA0173/22 lodged by TFNSW pertains to the proposed demolition of “Allambie” located at No.1256 Bells Line of Road, Kurrajong Heights. “Allambie” is both an item of heritage significance on the TFNSW’s Section 170 ‘Heritage and Conservation Register’ and an item of local heritage significance listed under Schedule 5 Environmental heritage – Part 1 Heritage items, of Hawkesbury Local Environmental Plan 2012. “Allambie” also forms part of the Kurrajong Heights Village “Specific Area” within Part E of Hawkesbury Development Control Plan 2002 (DCP). This chapter of the Hawkesbury DCP has been specifically prepared to conserve the character and heritage significance of the Kurrajong Heights Village, and provide an appropriate framework for new development.

The application for the demolition of “Allambie” by TFNSW, in simple terms, relies on the argument that the present poor condition of “Allambie” has adversely affected its heritage significance. Furthermore, the poor condition of the fabric that comprises “Allambie” is in such a poor state that the former guesthouse cannot be reasonably restored or relocated elsewhere on the site (to permit the road widening affecting the site, to proceed).

Council’s previous Development Application report clearly outlined the legal responsibility of TFNSW to maintain “Allambie” in accordance with State Owned Heritage Management Principles pursuant to Section 170 of the Heritage Act 1977. These principles are focussed on preventing serious or irreparable damage or deterioration of a building on the “Heritage and Conservation Register” of a government agency. During the Panel’s site inspection of “Allambie” on Wednesday, 27 September 2023, members of the Panel sought from TFNSW representatives present at the site inspection, documented evidence of their maintenance of “Allambie”, since the commencement of their ownership of the subject property in the 1980s. To Council’s understanding, no such written evidence has been provided by TFNSW.

Council’s Development Application Report also highlighted that Council, in direct response to the aesthetic, historical, and social significance of “Allambie” to the Kurrajong Heights Village and the broader Hawkesbury community, sought the expert advice of a heritage structural engineer - Hari Gohil of Shreeji Consultant Structural Civil Engineers, and Consultant Heritage Architect – Christo Aitken, to review all of the technical documents submitted with the current Development Application for the demolition of “Allambie”.

Their expert advice, which formed part of Council’s Development Application Report, indicates, amongst other issues, that the present condition of “Allambie” has not diminished its heritage significance as both an individual heritage item, and as an important contributing element to the heritage significance of the Kurrajong Heights Village. This is a view shared by the Heritage Council of NSW (dated 22 July 2011) in their previous response to the former application for the demolition of “Allambie”.

“The degraded state of any heritage building or place does not eradicate the contribution those buildings or places have made to the history of that particular locality. This concept is fundamental to heritage conservation practice.”

Council’s Consultant Heritage Architect – Christo Aitken importantly notes in his expert advice for Council that the original heritage assessments of “Allambie” were carried out for the Department of Planning in 1983 and for Hawkesbury City Council in 1987 by well-experienced practitioners who are leaders in their field.

In relation to the present condition of “Allambie”, Christo Aitken has noted the following:

“Allambie Cottages appear to have been well-constructed using quality traditional timber detailing, galvanised iron and sandstone materials. The construction methods and building techniques are traditional and not complex. Their maintenance and repair would not have required sophisticated skills, unusual materials or expensive finishes. Timber buildings are particularly at risk from three issues – water, termites and weather exposure, with the first two issues often inter-related. However, 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 site inspection [on 23 September 2023] 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 [Council’s] heritage structural engineer. The lack of occupation and use of the cottages compounded the condition as issues were not identified and addressed.

Based on the above, I concur with the advice from the Heritage Council of NSW in 2006 and 2011 regarding Allambie Cottages that their condition resulted from neglect by the current owner.”

Council’s Consultant Heritage Structural Engineer – Hari Gohil in his expert advice concurs with the above views from Christo Aitken:

“The cottages are of single storey built off the ground with increased height supports towards the back, the east to accommodate the ground profile...The building structure is a timber framed [construction] in a conventional system and does not require specialised trades. 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. The excess moisture over a prolonged period has washed the fines out of the foundation soils and affected the bearing capacity of the soil. 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 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.”

Notwithstanding this undesirable set of circumstances, the stated view of Council’s experts during the abovementioned site inspection and verbal evidence given during the subsequent late 2023 Panel hearing is that “Allambie” can be readily restored in – situ or relocated to the rear of the property to enable the planned widening of Bells Line of Road, to proceed. The practical heritage conservation principles upon which these views are based, include:

- 1. The ICOMOS Burra Charter advice on the potential relocation of buildings (Article 9 Location) would facilitate the potential relocation of “Allambie” on the subject site - “Article 9.3 - If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate use. Such action should not be to the detriment of any place of cultural significance” – Therefore, in the instance of “Allambie”, if there is a need for relocation within the lot the setting remains largely the same and the 3 cottages will still retain a visual inter-relationship with less impact than re-location off-site.*
- 2. Timber buildings can be readily relocated as compared to masonry buildings. There is a long history in Australia through the 19th and 20th centuries of moving and adapting historic timber buildings. Lightweight, flexible, easily separated into transportable sized units, easily ‘stitched’ back together.*
- 3. “Allambie” comprises a traditional timber building structure with typical timber beams and joists that are familiar to builders and experienced house movers.*
- 4. “Allambie” comprises of typical timber materials that are largely still available for repairs without the need for special exotic timber or complex sizing.*
- 5. The building configuration of “Allambie”, in three sections, would lend itself well to relocation in three separate sections.*
- 6. Timber buildings such as “Allambie” that are raised off the ground allow access to install temporary beams to provide support during the potential relocation.*

7. *There is available space towards the northern section of the existing, subject allotment to relocate "Allambie".*
8. *If "Allambie" is setback on its lot prior to the need for road widening, the space, in front of the potentially relocated "Allambie" could be used as a small public green space maintained by TFNSW.*
9. *The corner site location of the property would permit necessary plant and equipment for the restoration or relocation of "Allambie" to be accessed from Douglas Road (not Bells Line of Road).*
10. *The natural slope of the site would permit necessary plant and equipment for the restoration or relocation of "Allambie", to work from the rear, on the lower side, with greater clearance above ground level.*
11. *TFNSW has a long history in New South Wales of successfully moving historic buildings impacted by their road widening plans e.g. A number of timber and weatherboard buildings were recently moved back from a widened Great Western Highway at Lawson, NSW.*

Community Participation

During the public notification process of this Development Application, twenty-six submissions were received, with objections to the proposed demolition, as detailed within the previous Development Application Report.

Response to Additional Information

Reports were obtained from Council's consultant experts, in response to the latest information provided by TFNSW for this Development Application.

Amongst other issues, Council's Consultant Heritage Architect has found that, "...critically, a fulsome analysis of fabric" as required in abovementioned Action No. 1 from the Sydney Western City Planning Panel has not occurred.

"The deterioration at Allambie is largely water-related impacting on localised timber elements. These elements are generally of low significance and replacement like-for-like or alternatively, retention of particular elements of older fabric in place and doubling up structural joists, bearers or rafters adjacent to the old timber elements is a widely acceptable heritage solution. An appropriately fulsome exploration of "significance, condition and restoration options" would readily show that Allambie and its key aspects of significance would be retained, not lost, through restoration".

It is important to note that the submitted cost report by MBM does not factor in the cost savings from the retention of existing elements of "Allambie" and their support by the addition of similar, like-for-like elements, as recommended by Council's Consultant Heritage Architect.

Council's Heritage Structural Engineer's comments echo the findings of Council's Consultant Heritage Architect in his review of the submitted report from TTW Consulting Engineers:

"The distress, damage and failure on the site are from [a] total lack of maintenance. The structure is deteriorating day by day by neglect and lack of maintenance...The buildings are over [a] hundred years old and are built with simple traditional skills in simple basic elements and can be remediated with simple trades. [The] Burra Charter requires [the] retention of the original fabric as much as possible. Compromised, damaged and overstressed elements are to be strengthened by splicing and bolting a new member next to the damaged one... The buildings were built at ..[a]..time when the current codes did not exist. The survival of the structure for more than 100 years attest to...[the] robustness of the structure. The deficiencies can be dealt with [by] recognised methods..."

Copies of these expert reports are provided as attachments to this memorandum.

Recommendation

Council's previous recommendation within its 27 November 2023 Development Application Report remains unchanged and is reproduced below:

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

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| AT - 1 | SWCPP Deferral Recommended Action – Dated 1 st December 2024 – Response to TFNSW Consultants 2024 Reports – Heritage 21 by Christo Aitken and Associates - 29 April 2024. |
| AT - 2 | Structural Review Report prepared by Structural and Heritage Engineer Hari Gohil of Shreeji Consultants - 29 April 2024. |