

DATE OF DEFERRAL	8 May 2024
DATE OF PANEL MEETING	6 May 2024
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.

Papers circulated electronically on 30 April 2024.

MATTER DEFERRED

PPSSWC-343 – Hawkesbury – DA0173/22 at 1256 Bells Line of Road, Kurrajong Heights
Demolition of Heritage Item - Allambie Cottages (as described in Schedule 1).

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.

This matter involves the proposed demolition of a vacant timber building once forming part of “Allambie Cottages” which is owned by TfNSW, and is situated substantially across the area of a proposed road widening of Bells Line of Road. Council opposes demolition due to the heritage significance of the building and what Council sees as an available repair strategy which would restore the significance of the item.

The Panel resolved to defer the determination of the DA following a public meeting convened on 27 November 2023 to allow the Applicant to address a number of matters raised in the deferral report including:

1. The Applicant was to update its supporting material 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 had 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.

Since that report, the Applicant has supplied additional material including the requested analysis of the remedial work, and a quantity survey of the estimated costs to relocate and rebuild Allambie Cottages elsewhere. The Council disputes that material having provided its own assessment which it says allows for a much cheaper remedial strategy.

What has still not been adequately addressed is the Applicant’s proposal for the management of the entire site if demolition is to be permitted. The Allambie Cottages site encompasses multiple land parcels under different lots, land use zonings, and is partially within the dedicated road reserve. These portions may elicit different future land uses.

The Panel is also unable to determine the Applicant's willingness and/or the feasibility to manage the site until such a time that the road reserve is needed for road widening. This context is required to determine the public interest test in terms of both colonial heritage and economic aspects.

In the report following the 27 November 2023 meeting the Panel noted relevantly:

"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."

The Panel Chair emphasised at this meeting that the Panel had reached no conclusions in relation to the determination of the DA, and it remained open to the Panel to accept the Council's position that demolition had not been sufficiently justified.


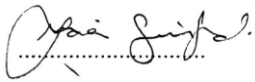



ACTIONS

The Panel meeting was further deferred to allow for the Applicant to identify succinctly what it proposed in relation to:

- (a) Preservation and potential rehabilitation of the landscaped setting of the building (noting the listing extends to include the entire site, and the heritage significance of the gardens was being compromised through neglect)
- (b) Management and maintenance of the site into the future including the potential for referencing the demolished structure and permitting public access.
- (c) The form of a condition of consent (and potentially a deferred commencement condition) which might address those matters.

The Panel asked for information in that regard to be supplied by the Applicant by midday Thursday 9 May 2024, and for Council to reply by 5 pm on Tuesday 14 May 2024.

The Panel may determine the DA based on the material so supplied.

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 Stewart 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 27 November 2023: <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 ◦ On behalf of the applicant – Lisa Wrightson, Angela Frew, Danny Jones • Council supplementary report: 20 April 2024 • Applicant response: 5 May 2024 • 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 ○ <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 • Final briefing to discuss council's recommendation: 6 May 2024 <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>: Steven Chong, Mathhew Golebiowski, Christopher Reeves, Matthieu Santoso ○ <u>Applicant representatives</u>: Lisa Wrightson, Angela Frew, Adrian Navarro, Paul Rappoport, Sandra Saravolac, Nigel Ho
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable