

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	12 June 2024
DATE OF PANEL DECISION	6 June 2024
DATE OF PANEL MEETING	3 June 2024
PANEL MEMBERS	Justin Doyle (Chair), Fiona Gainsford, Judy Clark, Jeff Organ
APOLOGIES	David Kitto
DECLARATIONS OF INTEREST	<p>Louise Camenzuli declared a conflict of interest as her firm acts for Transport for NSW on other matters.</p> <p>The chair, Justin Doyle noted that he has been involved with planning matters in his professional work as a barrister in which the Applicant's planners have been engaged, but not such as to generate a conflict of interest which would influence his consideration of this development application.</p>

Papers circulated electronically on 21 May 2024.

MATTER DETERMINED

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

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Development application

The panel determined to refer the development application to the Minister for Planning and Public Spaces as per the requirements under section 4.33 of the Environmental Planning and Assessment Act 1979 (The Act), as the majority of the panel recommends refusal pursuant to section 4.16 of The Act.

The decision was 3 in favour of referring the DA with a recommendation for refusal. The Chair voted against the resolution.

REASONS FOR THE DECISION

The majority of the panel determined to refuse the application having regard to the reasons outlined in the Hawkesbury City Council (Council) assessment reports. The majority's reasons for voting for refusal were:

1. Council has provided a persuasive argument and analysis to justify the position that the building is capable of preservation and basic repair to stop further deterioration. This leaves the option for future adaptive reuse open.
2. The reason for demolition is to address the dilapidated condition of the building which is the result of long term lack of maintenance by TfNSW.
3. There is no funded short or long term strategic plan to carry out works to this section of Bells Line of Road and therefore there is no imperative to demolish the building to facilitate road widening works.

4. The applicant has not demonstrated that acceptable landscaping, fencing and heritage interpretation outcomes for the site are proposed, or would be implemented and maintained.
5. There is strong social (local community and local council) interest in the retention of the existing heritage values of the site and its relationship with the village of Kurrajong Heights
6. The applicant advised during the panel briefings that funding is not a limiting (economic) factor in the scope of the application
7. The Applicant has not adequately addressed the ongoing management of the whole of the site on which the heritage structures are situated. Matters which ought to have been addressed include full remediation of the site, development and approval of a heritage interpretation or landscape management plan, and agreement with relevant parties on any ongoing maintenance responsibility, noting that part of the site will be dedicated as public road.

The panel chair did not agree with the majority of the panel, favouring instead approving the requested demolition subject to conditions.

The Chair was satisfied that the material supplied by the Applicant established that the condition of the building was sufficiently deteriorated to prevent its reuse without expenditure which was likely to prove uneconomic. Even if the Applicant's estimated restoration costs exceeding \$5 million was not accepted, the chair was satisfied that the costs of restoring the building for any use in a manner consistent with its heritage significance would be measured in the millions of dollars. Restoration would require at a minimum the recladding of the building and replacement of much (if not most) of the external detailing, with consequent reduction in the heritage significance of the resulting restored building. Noting the road widening reservation, it is unlikely that such restoration is likely to be pursued, with the result that the existing dilapidated presentation of the building to the Township would continue. The building is within the path of a proposed future widening of Bells Line of Road.

Demolition with a sensitive preservation of the significant trees on the property would be an appropriate retention of the surviving heritage significance of the site taking into account all relevant factors including the cost of restoration.

The chair accepted that the present dilapidated state of the building was likely due to neglect during public ownership, and urged that any similar older structures of heritage value unused by TfNSW be assessed as to works appropriate to preserve heritage significance before they fall into the state of this building. However, the chair was not satisfied that the past cause of the present condition of the building should be determinative of how the site is now to be managed.

If demolition was to be permitted, the panel chair was of the view it should be subject to conditions consistent with the Applicant's letter of 9 May 2024, and with:


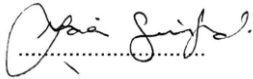


- a) The site excluding the portion reserved for widening for the Bells Line of Road to be fenced following demolition by a picket or post and rail fence consistent with the heritage presentation of the township.
- b) The vegetation on the site to be managed so as to retain and improve the heritage presentation of the significant trees, particularly as they are visible to motorists entering the Kurrajong Heights township from the east and where they assist in retaining a suitable curtilage for the retained intact cottage fronting Douglas Road.
- c) The Applicant to liaise with Council to reference through signage and possibly salvaged materials the heritage past of the Cottages.
- d) Suitable entries to be made on the TfNSW site maintenance register for the ongoing landscape maintenance of the site.
- e) The site to be suitably remediated of the asbestos fragments identified as present on the site.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and presentations by those that addressed the panel at the public meeting convened on 27 November 2023.

Twenty-six written submissions were received the Council's notification of the DA. The submissions are summarised by the Council staff to include:

- Adverse Impacts to the historic character and visual significance of the Kurrajong Heights Precinct, Adverse impact on the character of the Kurrajaong 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.
- 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.

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

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 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 Council supplementary report: 21 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, Matthew Golebiowski, Christopher Reeves, Mattieu Santoso ○ <u>Applicant representatives</u>: Lisa Wrightson, Angela Frew, Adrian Navarro, Paul Rappoport, Sandra Saravolac, Nigel Ho • Final briefing to discuss council's recommendation: 3 June 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Fiona Gainsford, Judy Clark, Jeff Organ ○ <u>Council assessment staff</u>: Steven Chong, Matthew Golebiowski, Christopher Reeves, Mattieu Santoso ○ <u>Applicant representatives</u>: Lisa Wrightson, Angela Frew
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable