

## **5 MANAGEMENT CONTEXT**

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### **5.1 Introduction**

Conservation policies and recommendations for their implementation are developed from an understanding of:

- the heritage significance of the place and the contribution that key components make to that significance;
- the physical condition and integrity of the various site components;
- the owner's requirements;
- uses for the place which are both feasible and compatible with the retention of major aspects of heritage significance; and
- statutory obligations and other non-statutory considerations.

The opportunities and constraints associated with the above are discussed below.

### **5.2 Heritage Significance**

Graythwaite is a place of State heritage significance requiring that it be managed in accordance with accepted best-practice conservation principles, including *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 1999* and associated guidelines. Refer to Section 4 (Assessment of Heritage Significance) for the summary statement of heritage significance for the place and the relative significance of its components.

A detailed examination of Graythwaite indicates that it is in need of work to:

- remove intrusive alterations and additions;
- find new uses that are consistent with the heritage significance of the place and that ensures it is appropriately maintained into the future;
- interpret its history and heritage significance to the Shore School community and to the local and wider community.

The following opportunities and constraints arise from the heritage significance of Graythwaite:

- Retain, conserve and enhance the heritage significance of the place including spaces, elements and fabric of the cultural landscape, significant buildings and structures, landscape features, archaeological deposits and moveable heritage.
- Remove components considered to be intrusive to the heritage significance of the place.
- Regain and interpret aspects of the place that once contributed to the heritage significance of the place including spaces, elements and fabric.
- Ensure that new works, such as alterations and additions and the construction of new buildings retain the heritage significance of the place.

### **5.3 Physical Condition and Integrity**

#### **5.3.1 Existing Buildings and Structures**

Preliminary surveys have found that:

- the ongoing modification of the buildings at Graythwaite to accommodate residential and health care uses has resulted in a varying degree of original fabric integrity;
- the physical condition of the buildings at Graythwaite varies from good to very poor, depending on how long ago they were vacated;
- not all of the buildings are currently meeting the minimum standards of maintenance and repair that befit a place of State heritage significance; and
- the house complex is in most need of immediate works to reverse damage caused by water entering the buildings via damaged roofs and/or rising/lateral damp.

#### **5.3.2 Vegetation**

A preliminary assessment of the health and condition of the approximately 230 trees at Graythwaite was undertaken by Earthscape Horticultural Services in April 2010. The assessment also determined the remaining life expectancy of each tree and its suitability for retention.

The assessment concluded that there was a mix of native and exotic species in fair to good health and condition. The assessment also concluded that the grounds have undergone a long period of neglect during which weed species including Pittosporum trees have colonised large areas of the site forming dense thickets. Some other general observations were:

- Fill and rubble along the western and southern boundaries of the Graythwaite site has resulted in some adverse impacts on the Moreton Bay Figs in these locations.
- The central terrace areas and embankments, which retain some of the original figs planted in the late nineteenth century, are overgrown with perennial woody weeds, including Broad-leaf Privet and African Olive and colonising native species such as Pittosporums. These areas also contain a number of seedlings and immature trees of rainforest origin, which appear to have been self-sown but may also have been deliberately planted.
- A number of the Camphor Laurels and Brushbox along the main driveway from Union Street show dieback that appears to have been caused by herbicides. As a result some of the trees are now in a state of decline.
- A number of the larger figs contain extensive basal cavities (T60, T68, T148, T184, T185 and T182), which may be affecting their structural integrity.
- The stability of a Port Jackson Fig (T163) appears to have been compromised by a large in-ground structure (possibly an old sub-surface tank or ornamental pond).

The assessment report included a recommendation to implement tree protection measures as part of any future development at Graythwaite.

### 5.3.3 Hazardous Materials

A hazardous materials survey of the buildings and structures at Graythwaite was undertaken for the NSW Department of Health by HIBBS & Associates Pty Ltd in June 2009.

The survey found the following:

- Localised areas of bonded asbestos materials within the Ward Building, House and Tom O'Neill Centre as asbestos cement sheet walls, ceiling linings, backing to vinyl floor sheeting, eaves, external boiler flue, balcony and weatherboards.
- Minor sources of synthetic mineral fibre (SMF) containing materials in insulation to ceilings, pipes, ducting and hot water services throughout the Ward Building.
- A large quantity of lead-based paint within all of the buildings, which was generally stable apart from the House, which featured areas of significantly deteriorated paint.

The report recommended that all asbestos materials be removed prior to the commencement of any demolition or refurbishment work. It also recommended that removal of SMF materials or stabilisation/removal of lead paint be done strictly in accordance with applicable codes of practice or Australian Standards.

It should be noted that the survey was limited to a visual inspection of accessible and representative construction materials, finishing materials and building services and the materials suspected of containing hazardous materials. There may therefore be other hazardous materials not yet identified.

Removal of hazardous materials has potential to impact the heritage significance of each building so will need to be carefully designed to avoid, minimise or mitigate adverse heritage impacts.

### 5.3.4 Soil Contamination

A preliminary environmental assessment of the Graythwaite site was prepared for the NSW Department of Health by HIBBS & Associates Pty Ltd in June 2009. The aim of the assessment was to identify past site activities and activities on immediately adjacent sites that could potentially have resulted in sub-surface soil contamination. The assessment concluded that the risk of widespread site contamination resulting from past site activities is low and that there was no need for further detailed site investigation.

It should be noted that the assessment was based on a site inspection and review of available site history information only and that no soil sampling was conducted. It is apparent from more recent site surveys and historical documentary investigation undertaken in the preparation of this CMP that the HIBBS assessment may not have identified all past contaminating site activities. Of particular note is the dumping of building waste to the west of the Coach House. It is also likely that there will be areas of soil contaminated by hazardous building materials such as bonded asbestos materials, SMF containing materials and lead-based paint.

Remediation of areas of ground contamination has potential to adversely impact the heritage significance of Graythwaite and so will need to be carefully designed to avoid, minimise or mitigate identified impacts.

#### 5.4 Owner's Requirements

The Shore School purchased the Graythwaite site from the State Government in October 2009 with a view to utilising the site to complement and enhance its existing adjoining school facilities. The School's long term vision for the site is:

- to recognise the cultural heritage significance of the property, including its significant buildings and landscape;
- integrate the site as part of the school's grounds while protecting the Graythwaite's unique heritage significance of the site;
- preserve, restore and reconstruct the significant buildings and adapt them to appropriate compatible new uses;
- recognise and interpret Graythwaite's use as a war veteran's hospital;
- conserve and maintain the property and its identified heritage values in the long term.

New uses to be considered for the property include:

- administrative support activities;
- archives/history museum;
- meeting areas;
- new classrooms and learning centres, and
- playing fields and outdoor learning and performance areas.

#### 5.5 New Uses

New uses for Graythwaite that are compatible with its heritage significance would provide opportunities to retain and conserve the place and assist with ensuring that it is appropriately maintained into the future.

Graythwaite, originally a relatively modest residence in the 1830s and 1850s was substantially altered in the 1870s and 1880s to create a stately Victorian Italianate residence. Its use as a convalescent home, Anzac Hostel and then centre for people with dementia over the last 95 years has resulted in further significant modification to accommodate the changing needs of a medical facility.

Due to the nature of the change that has occurred at Graythwaite, it is sometimes difficult to determine the authenticity of the layers of building fabric. In most cases the fabric provides evidence of its various uses for which the buildings and other structures were adapted, such as evidence of the Dibbs family occupation and the subsequent use of the place by the Australian Red Cross Society.

Care will need to be exercised throughout any adaptation works to ensure that significant spaces, elements and fabric are retained and conserved and not obscured or damaged. Removal of intrusive elements such as non-original and obsolete services infrastructure would also provide an opportunity to expose fabric and features from the initial or early phases of development.

## **5.6 Statutory Heritage Context**

### **5.6.1 Heritage Act 1977 (NSW)**

The *Heritage Act 1977* (NSW) aims to conserve the environmental heritage of New South Wales. The Act established the State Heritage Register (SHR) to protect places of State heritage significance with particular importance to the people of New South Wales. Graythwaite was included on the SHR on 1 November 2002 (Place ID No. 01617). The SHR listing comprises the current extent of the site being Lot 2 in DP 5389853—see Figure 5.1.

Under Section 57(1) of the Act, Heritage Council approval is required to undertake any works at Graythwaite unless a proposal is declared a Major Project and made subject to Part 3A of the EP&A Act and therefore determined by the Minister for Planning—see separate discussion below.

Listing on the SHR grants owners access to heritage grants and loans through both the Heritage Council and local councils. Listing on the SHR also enables owners to enter into heritage agreements, which can attract land tax, stamp duty and local rate concessions.

#### **Management of Archaeology under the Heritage Act**

The Heritage Act also has provisions to protect historical archaeological relics. The Act defines a 'relic' as any deposit, artefact, object or material evidence that:

- a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
- b) is of State or local heritage significance.*

Under Section 57(1) of the Act, Heritage Council approval is required to excavate or disturb land included on the SHR and where there is reasonable knowledge or likelihood of relics being disturbed. The Graythwaite site has been identified as having potential to contain historical archaeological relics of local heritage significance—see Section 4.7.7 of this CMP.

#### **Standard and Site Specific Exemptions**

As noted above, any major works to heritage items included on the SHR need to be assessed and approved by the Heritage Council to ensure that the heritage significance of the place will not be adversely affected. A number of exemptions, however, have been established under Section 57(2) of the Act, to allow certain activities that are minor in nature and would have minimal impact on the heritage significance of the place. There are two-types of exemptions:

- Standard exemptions for all items on the SHR. Typical activities that are exempted include building maintenance, minor repairs, alterations to certain interiors or areas or change of use.
- Site specific exemptions for a particular heritage item that can be approved by the Minister on the recommendation of the Heritage Council.

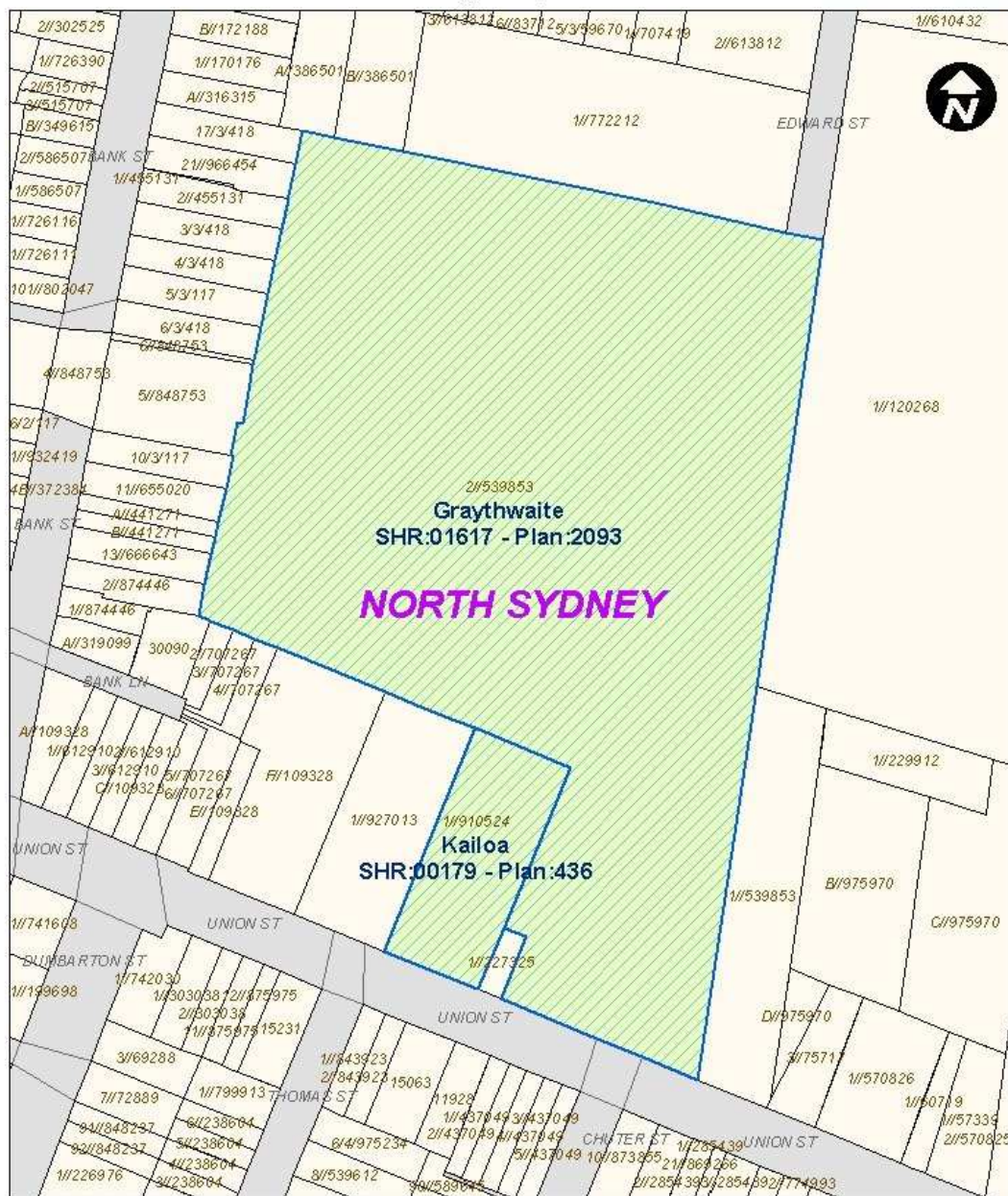
The Heritage Council has prepared guidelines to inform owners and managers of SHR listed heritage items about the standard exemptions. They also explain how to develop site specific exemptions.

#### **Heritage Agreements**

Under Section 39 of the Heritage Act, the Minister responsible for the Act can enter into a heritage agreement with the owner of a place on the SHR with respect to its conservation.

# Heritage Council of New South Wales

## Plan under the Heritage Act, 1977



### State Heritage Register

Gazetted Date: 1 November 2002

0 12.5 25 50 75 100 Meters

Scale: 1:1,500

Produced by: S. Watters

### Legend

- SHR Curtilage
- Historic Regions
- LGAs
- Land Parcels
- Water
- Roads
- Railways
- NSW Reserves

Figure 5.1 The State Heritage Register (SHR) listing boundary for Graythwaite (and Kailoa).  
Source: SHR listing citation, Heritage Branch, NSW Department of Planning.

### **Conservation Management Plans**

Section 38A of the Heritage Act provides for endorsement of a conservation management plan prepared for a place included on the SHR. Endorsement of a CMP by the Heritage Council of NSW facilitates assessments of development proposals and their approval. They also allow for site-specific exemptions to be put in place for certain works that are consistent with the CMP.

The current CMP for Graythwaite, prepared in 2000 by Graham Edds & Associates, was endorsed by the Heritage Council on 15 August of that year. The endorsement expired in 2005.

### **Minimum Standards of Maintenance and Repair**

Section 118 of the Heritage Act provides for the regulation of minimum standards for the maintenance and repair for places included on the SHR. The minimum standards cover the following areas:

- weatherproofing of the building, work or relic to prevent the ingress of water or dampness or to reduce its effects;
- hazard reduction and fire detection and control systems to protect the building, work or relic from damage or destruction by fire;
- security measures to protect the building, work or relic from vandalism; and
- essential maintenance and repair to prevent serious or irreparable damage or deterioration to a building, work or relic.

An inspection to ensure that the building, work or relic is being managed in accordance with the minimum standards must be conducted at least once a year (or at least once every three years for essential maintenance and repair).

The minimum standards aim to ensure that the heritage significance of the place is maintained. They do not require owners to undertake restoration works, but where works are needed owners may be eligible to apply for financial assistance through the Heritage Incentives Program. Failure to meet the minimum standards may result in an order from the Heritage Council to do or refrain from doing any works necessary to ensure standards are met. Failure to comply with an order can result in the resumption of land, a prohibition on development or fines and imprisonment.

### **5.6.2 National Parks and Wildlife Act 1974 (NSW)**

The *National Parks and Wildlife Act 1974 (NSW)* provides for the protection of Aboriginal cultural heritage. The Act is administered by the NSW Department of Environment, Climate Change and Water (DECCW) who is also responsible for identifying, caring for and promoting Aboriginal culture and heritage in NSW. Under Section 87 of the Act, a permit is required to conduct works which will excavate, disturb, damage or move an Aboriginal object. A permit under Section 90 of the Act is required to destroy any Aboriginal objects.

The Graythwaite site has not been identified as containing any potential Aboriginal objects. Nevertheless, should any Aboriginal objects be discovered at the site then all works in the vicinity should cease immediately and DECCW contacted.

### **5.6.3 Environmental Planning & Assessment Act 1979**

The Environmental Planning & Assessment Act 1979 (NSW) (the EP&A Act) provides for the preparation of planning instruments to guide land use management at state, regional and local levels. Of particular relevance to heritage matters are the mechanisms for inclusion of heritage conservation provisions in planning instruments and the assessment of development proposals.

**North Sydney Local Environmental Plan 2001**

Graythwaite is identified as an item of State and local heritage significance in Schedule 3 of the *North Sydney Local Environmental Plan 2001* (LEP) (Item No. 0830). Graythwaite is not part of a conservation area but is immediately adjacent to the Union/Bank/Thomas Streets Conservation Area, which contains a large number of heritage items in the vicinity. The Shore School campus also includes a number of heritage items.

The heritage provisions contained in Part 4 of the LEP set out the objectives and consent requirements relating to Aboriginal sites and relics, archaeological resources, heritage items and conservation areas. Approval from North Sydney Council to undertake works at Graythwaite will be required unless a development proposal is declared a Major Project and made subject to Part 3A of the EP&A Act and therefore determined by the Minister for Planning—see separate discussion below.

Clause 12 of the LEP provides for exempt development (provided that it is listed in Column 1 of the table in Schedule 6 of the LEP). In terms of heritage items this is largely limited to minor conservation works (including maintenance) that would have no adverse effect on heritage significance and provided that Council is satisfied that development consent is not required. The types of work that may be exempt include:

- repainting of existing painted surfaces;
- replacement of guttering, handrails, steps, fences, roofs (excluding skylights), driveways, doors, windows and gates and the like; and
- repointing of masonry walls.

The provisions allow Council to require the preparation of a conservation management plan where major works are proposed or where the heritage item is of State heritage significance before determining a development application. Endorsement of this CMP by North Sydney Council may facilitate assessments of development proposals and their approval. Endorsement may also allow for specified minor conservation works (such as maintenance) to be exempt from the approval requirements under the LEP.

**North Sydney Development Control Plan 2002**

The *North Sydney Development Control Plan 2002* (DCP) sets out detailed provisions for development within the local government area. It provides outcomes and minimum standards for development expected by North Sydney Council.

Section 8 (Part A) of the DCP sets out Council's goals for maintaining and enhancing the integrity of the cultural resource of the North Sydney area. It includes, amongst other things, principles for sandstone features, views, heritage interpretation, Aboriginal sites, non-Aboriginal archaeology and heritage items and conservation areas.

Part B of the DCP sets out the Character Statements that describe the desired future outcomes for each of North Sydney's neighbourhoods. They are intended to be used in conjunction with the DCP and with the provisions contained in the LEP. Graythwaite is within the Graythwaite sub-area of the Lavender Bay Planning Area. The overarching Character Statement for the Lavender Bay Planning Area makes explicit reference to the contribution that Graythwaite makes to the area. The Character Statement for Graythwaite sets out the desired future outcome for the site including building typology, additional uses, archaeology, views, natural features, the qualities for new built form, car accommodation and public access.



**North Sydney Council Tree Preservation Order 2006**

North Sydney Council has made the Tree Preservation Order 2006 with the aim of retaining in healthy condition and in natural shape and form, those trees which are currently or which will become visually, historically, horticulturally or environmentally valuable to the community of North Sydney.

The Order applies to all publicly or privately owned land throughout the North Sydney Council area. It prohibits the lopping, topping, pruning, ringbarking, removing, injuring or wilful destruction of any of the following trees unless prior written consent is sought and obtained from Council:

- Any tree listed on the Significant Tree Register;
- vegetation more than 5 metres tall on the site of a heritage item;

Such consent or permission is not required in relation to the following:

- Removal of trees that are declared dead by a qualified Arborist.
- Pruning deadwood from a tree.
- Cocos Palms (*Syagrus romanzoffiana*).
- African Olive trees (*Olea africana*).

A qualified Arborist must do all work in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373-96).

The Tree Preservation Order applies at Graythwaite as the site is included on Schedule 3 of the LEP as an item of State and local heritage significance. It may also apply should any of the trees at Graythwaite be included on the Significant Tree Register.

**North Sydney Heritage Conservation Planning Review**

North Sydney Council is currently undertaking the North Sydney Heritage Conservation Planning Review. The review consists of:

- a review of the existing heritage listings on Schedule 3 of the LEP;
- an assessment of existing conservation areas and the accuracy of their associated DCP Character Statements; and
- a review of Council's current heritage conservation policies.

The outcome of the review is to prepare:

- an amended schedule of heritage items;
- a new heritage conservation DCP; and
- an updated Character Statement for each of the conservation areas.

Each of these will be incorporated into Council's new comprehensive LEP and DCP, which are currently being prepared.

### **Development Proposals and Part 3A of the Environmental Planning & Assessment Act**

In 2005, the NSW Government passed planning reforms that included a new part of the EP&A Act, known as Part 3A. Part 3A consolidates the assessment and approval regime for all major projects previously addressed under Part 4 (Development Assessment) or Part 5 (Environmental Assessment) of the Act. This has the effect of removing responsibility for assessment and approval of development proposals from local councils (under Parts 4 and 5 of the Act) and from the Heritage Council of NSW (under the provisions of the Heritage Act) and making the Minister for Planning the approval authority.

State Environmental Planning Policy (Major Projects) 2005, defines what projects are subject to Part 3A and require ministerial approval. Part 3A applies to major State government infrastructure projects, development previously classified as State significant and other projects, plans or programs of works declared by the Minister because of its type or size, or where it is located.

The Part 3A assessment system includes a requirement to meet certain environmental assessment requirements prepared by the Director-General of the Department of Planning. Known as the Director-General's Requirements, they may include requirements to consult with local councils or other state authorities, such as the Heritage Council of NSW. It may also require the preparation of a Statement of Commitments setting out the commitments the proponent is prepared to make for environmental management and mitigation measures.

On a site of known heritage significance, such as Graythwaite, an assessment of the potential heritage impacts (both adverse and positive) is likely to be required. It is also likely that the Statement of Commitments would need to include commitments to avoid, minimise or mitigate any identified adverse heritage impacts.

### **5.6.4 Other Relevant Statutory Requirements**

#### **Building Code of Australia**

The Building Code of Australia (BCA) aims to establish nationally consistent, minimum necessary standards of relevant, health, safety (including structural safety and safety from fire), amenity and sustainability objectives efficiently. The BCA contains technical provisions for the design and construction of buildings and other structures, covering such matters as structure, fire resistance, access and egress, services and equipment, and energy efficiency as well as certain aspects of health and amenity.

Upgrading of the buildings at Graythwaite to comply with BCA minimum standards should be undertaken in such a way as to avoid, minimise or mitigate any potential adverse impact on the heritage significance of the place. For example, in relation to fire safety, a fire engineering approach should be taken in the development of a fire safety strategy to avoid damage to significant spaces, elements and fabric while still ensuring occupant evacuation can be achieved.

#### **Disability Discrimination Act 1992**

The *Disability Discrimination Act 1992* provides protection to members of the community with a limited ability/disability and ensures that reasonable access is provided to both public and private buildings and places. As a complaint-based Act it has the ability to require the construction of additional access arrangements to buildings and may impact on the fabric of existing buildings at Graythwaite.

Currently, parts of Graythwaite are accessible by persons with a disability owing to the alterations undertaken from 1980 as part of the upgrades for the aged care accommodation. This applies to areas previously open to access by the elderly such as the wards in the Hut and the ground floor of the House. The upper floors of the House are not accessible by persons with a disability.

## **5.7 Non-Statutory Heritage Considerations**

### **5.7.1 Register of the National Estate**

The Register of the National Estate (RNE) provides an inventory of places of cultural significance that contribute to our national heritage. The RNE is a list of more than 13,000 heritage places around Australia that has been compiled by the (former) Australian Heritage Commission and now managed by the Australian Heritage Council (AHC).

The Graythwaite site including the gardens and outbuildings was included on the RNE on 21 March 1978 (Place File 1/13/027/0025).

Inclusion of the property on the RNE does not place any direct legal constraints on the actions of owners of private property. The RNE will no longer exist from February 2012.

### **5.7.2 National Trust of Australia (NSW)**

The National Trust of Australia (NSW) maintains a register of places and items of cultural significance, including buildings, sites, items and areas that the Trust has assessed to be:

*places which are components of the natural or the cultural environment of Australia, that have aesthetic, historical, architectural, archaeological, scientific, or social significance, or other special value for future generations, as well as for the present community.*

The Graythwaite site is included on the National Trust Register.

The National Trust is a non-statutory, non-government organisation; however, it has significant influence based on community support.

### **5.7.3 The Burra Charter**

The Australia ICOMOS Burra Charter 1999 (*The Burra Charter*), is widely acknowledged as the principal guiding document for managing places of cultural significance. The Burra Charter defines the basic principles and procedures that should be followed in the conservation of places of heritage significance.

The Burra Charter has been adopted as the standard for best practice conservation of heritage places in Australia. The aims of the Burra Charter are to:

- resolve an understanding of the place;
- involve the communities associated with the place;
- care for the culturally significant fabric and other significant attributes and its setting;
- provide an appropriate use;
- provide security;
- use available expertise;
- record the place and changes made to it; and
- interpret the significance of the place.

These principles are addressed through a number of Articles.

## **5.8 Stakeholders and the Community**

Graythwaite is important to the people of New South Wales and to the local North Sydney community as well as to other community groups, organisations and people with direct or indirect historic associations with the place.

The Key stakeholders and community groups currently identified are:

- Heritage Council of NSW;
- North Sydney City Council;
- local North Sydney community;
- the Shore School and wider Shore School community;
- the Australian Red Cross Society;
- the Returned and Services League of Australia (RSL);
- descendants of the Walker, Sayers and Dibbs families; and
- relatives of patients/residents of the convalescent home, Anzac Hostel or Aged Care Facility.