

MINUTES OF SPECIAL MEETING, HERITAGE COUNCIL APPROVALS COMMITTEE
30 January 2003 at 3.10 pm Level 14 Training Room,
Bligh House, 4-6 Bligh Street, Sydney
reconvened on 5 February 2003 at 3 Marist Place, Parramatta

Attendance

Mary-Lynne Taylor	Chair
Reece McDougall	Director, Heritage Office
Chris Johnson	until 6:00pm
Garry Fielding	
Rod Leaver	
Diane Jones	
Terry Barnes	

Also in Attendance

Susan Macdonald	Heritage Office
Lannie Purcell	Heritage Office
Alice Brandjes	Heritage Office
Peter Phillips	
Jacqui Goddard	Observer, National Trust
Ray Fowke	Observer, National Parks and Wildlife Service
Dr Judy Lambert	Friends of Quarantine Station
Doug Sewell	Friends of Quarantine Station
John Simpson	Friends of Quarantine Station
Jenny Faddy	National Parks and Wildlife Service
Garry Dunnett	National Parks and Wildlife Service
Simon Macarthur	Mawland Hotel Management

1.1 Declarations of Interest

Nil

1.2 Apologies

Elsa Atkin

2. Presentations

2.1 Friends of Quarantine Station

Members of Friends of Quarantine Station, Doug Sewell, Dr Judy Lambert, John Simpson and Tom Uren, Patron of Friends of Quarantine Station made a presentation to the Committee. The issues raised for consideration included:

Doug Sewell

- Impact on heritage significance of fabric because of the level of change proposed to buildings
- Impact of proposed increase in visitor numbers
- The CMP and DA CMP do not appear on the list of documents considered in determining the application and the report does not appear to analyse thoroughly how this proposal fits with these documents
- The report to the Committee fails to assess the cumulative impact on North Head
- No plans have been provided to support the proposal to rebuild building P1

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Dr Judy Lambert

The extent of impacts and reversibility

- the report does not appear to address the proposal in relation to the Burra Charter, especially in relation to reversibility, minimal change, ambience and cultural heritage
- Is the use appropriate and compatible
- Is the proposal really adaptive reuse

Economics

- questioned the cost benefit analysis with doubt cast on the economics following increased costs for the developer and NPWS with possible reduced revenue
- requested a new cost benefits analysis

Natural Heritage

- Noted two endangered species and that the protection of the fairy penguins appears to have been traded-off against the potential protection of the bandicoots. Studies show that Bandicoots intensively use those parts of the site proposed for intensive use in the proposed development
- Questioned the adequacy of the triggers built into the draft approval

John Simpson

- The existing fabric should be protected and conserved in a manner and to a standard to reduce future and ongoing maintenance of fabric
- The current uses of the site are appropriate and should continue

Tom Uren

- Expressed concern at the politics of the issue and possible cost of compensation to the developer
- This is an interrelated issue with the whole of Sydney Harbour foreshores and North Head and should not be dealt with in isolation
- The economics of the proposal need to be assessed properly
- This should be an issue dealt with jointly by Federal and State governments
- Requested deferment of the application for refusal or for further study

2.2 National Parks and Wildlife Service/Mawlands

Representatives of NPWS, Jenny Faddy and Garry Dunnert, and Simon Macarthur of Mawlands presented issues for consideration, including:

- An agreement has been signed with the Metropolitan Aboriginal Land Council. This was not required under the conditions of consent.
- NPWS has continued since the previous meeting to undertake conservation works to the site
- The Co-proponents have made a number of concessions to accommodate as many of the recommendations as possible of the Joint Determining Authorities Report
- The rationale to the changes in the current proposal have been clearly articulated in Appendix 1 of the Preferred Activity Statement
- The co-proponents will demonstrate a level of accountability through the appointment of a heritage advisor approved by the Heritage Council
- Independent economic assessment will be undertaken prior to commencement of lease arrangements, both in relation to the economic viability of the project and also Mawland's financial position.
- The issue of an alleged trade-off of protection of penguins against protection of bandicoots is not accepted by NPWS. One ferry movement per hour has been

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assessed as having minimal impact on the penguins. Any curfew on ferry movements would increase traffic on the site which would potentially increase the risk to the bandicoots.

- It has not been possible to cost all the draft conditions of approval. Costings can only be undertaken on tangible conditions.
- The reduction in lease period to 21 years has had a significant impact, but Mawlands consider the project to still be manageable
- Additional conditions for archaeology require public display of any archaeological material. Storage facilities may be required off site for bulky or very sensitive or valuable items
- There is no commitment for any budget enhancement from NPWS at this time. The leasing process will require negotiation on these issues

3. Integrated Development Applications/Section 60 and 132 Applications/Section 140 Excavation Permits

3.1 S60 and EIS for conservation and adaptive reuse of the North Head Quarantine Station

Members discussed the issues raised by Friends of Quarantine Station, NPWS and Mawlands in relation to this matter. They considered a report on the application and EIS.

The Committee noted that the National Trust's position in relation to the proposal has not changed and that it is still opposed to the part privatisation of the site.

The Committee noted its previous advice to the Commission of Inquiry that it supports the adaptive reuse of the Quarantine Station subject to conditions, and consistent with the Detailed Areas Conservation Management Plan's previously endorsed by the Heritage Council.

The Committee requested an overview by the Heritage Office based on the issues raised today by presenters.

The Committee noted that the staging of works will require conservation works to be undertaken in conjunction with new works and that this process would be monitored through a committee.

The Committee noted that a prototype was required as part of the adaptation process. Initially works would be undertaken in a building of lower significance and those works assessed for appropriate methodology and materials before any other works proceed. The standard of conservation works will need to be assessed and monitored. Detailed drawings and specifications will be required for much of the work.

Members supported the co-partnership being strengthened to give financial leverage to underpin the economics of the project.

Members noted the possibility that accommodation could be provided off-site at the North Head Artillery site.

Members noted that the proposed reconstruction of the accommodation and hospital buildings would involve external reconstruction with some internal changes from the original buildings and that there is in principle community support for this reconstruction.

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The meeting was adjourned at 6.20 pm until Wednesday, 5 February, prior to the Approvals Committee meeting on that day.

The meeting recommenced at 1.30pm on Wednesday 5 February 2003.

Members requested the inclusion in the resolution of several issues which were considered previously: support for the use of defence land on North Head and the concessions made by National Parks and Wildlife Service and Mawlands to accommodate recommendations in the Joint Determining Authorities Report.

The Committee thanked Peter Phillips and Alice Brandjes for their work on this application.

Resolved:

- 1) that the Heritage Council:**
 - a) notes its earlier endorsement of the North Head Quarantine Station Conservation Management Plan (NHQSCMP) 2000 and Quarantine Station Detailed Area Conservation Management Plans (QSDACMP) 2001 for the adaptive reuse of the Quarantine Station and therefore supports the responsible reuse of the Quarantine Station in conformity with the endorsed conservation plans for the site;**
 - b) understands that the issue of ownership of the Department of Defence Lands at North Head is currently being reviewed and that this is likely to provide a catalyst for the consideration of the Quarantine Station in the wider North Head coastal landscape context. This approach is envisaged and supported in the endorsed NHQSCMP 2000 and is in the Heritage Council's submission to the Commission of Inquiry;**
 - c) supports the adoption of a private/government partnership approach comprising the National Parks and Wildlife Service and Mawland to the proposal and believes that this is a positive initiative towards the consideration of financial issues and the long term conservation of the site,**
 - d) notes and supports the proposed conditions and safeguards in response to issues raised at the Commission of Inquiry and public submissions concerning the impact of the proposal on the heritage values of the site, including the presentation of issues to the Heritage Council's Approvals Committee meetings, and notes that a further independent economic assessment of this proposal by the Co-proponent is required prior to the commencement of the lease arrangements and the proposed activity as stated in Condition 9 of the Draft Conditions of Consent dated November 2002,**
 - e) supports the provision of wider public access to the site provided it is managed on a sustainable basis,**
 - f) notes that the Draft Joint Determination Report by the Determining Authorities dated November 2002 and Draft Conditions of Approval dated November 2002, together with Draft Conditions regarding archaeological matters, have been made publicly available and provided to the Friends of the Quarantine Station in accordance with the Heritage Council resolution of 4 December 2002,**

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- g) acknowledges that the Minister for the Environment has granted concurrence to the Heritage Council under s 112C of the *Environmental Planning and Assessment Act 1979* with respect to threatened species matters arising out of the proposal for the conservation and adaptive reuse of the North Head Quarantine Station,
- h) acknowledges that the Director of NSW Fisheries has provided advice to the Heritage Council under s 197D of the *Fisheries Management Act*, and that the Minister for Fisheries has granted concurrence to the Heritage Council under s 197C of the *Fisheries Management Act* with respect to aquatic reserve matters arising out of the proposal for the conservation and adaptive reuse of the North Head Quarantine Station.
- 2) Having regard to the matters listed under 1), above, and its responsibilities under the *Heritage Act 1977*, the Heritage Council resolve to advise the Co-proponents that it approves the application for the conservation and adaptive reuse of the North Head Quarantine Station, subject to the conditions set out in Schedules 1- 9 of the Draft Joint Determination Report by the Determining Authorities dated November 2002, as altered to incorporate the amendments required by the Minister for Fisheries and Minister for the Environment specified below, and the additional conditions concerning archaeology specified in o) below:
- a) Condition 28
Add the word “accommodation”
- Revised Condition 28
The co-proponents shall contribute to any future initiatives focused on the development of an integrated planning approach for North Head, or components thereof, such as transport, infrastructure and utilities, accommodation and/or visitor access. Opportunities for providing general water access to North Head via Quarantine wharf shall be considered in developing such an approach, with a focus on the potential impacts of such access on the values of the Quarantine Station and implications for visitor management.
- b) Condition 42
Include “Prior to determining the application, the Waterways Authority shall consult with NSW Fisheries.”
- Revised Condition 42
“Prior to commencement of any work on or associated with the Quarantine Station wharf, or the commencement of the ferry service at the wharf, the co-proponents shall lodge an Application for the Construction of Waterside Structures to the Waterways Authority for approval. This application must be submitted to the Heritage Advisor for endorsement prior to lodgement with the Waterways Authority.
- The application shall be accompanied by the information and comply with the requirements specified in Schedule 4.*
- Prior to determining the application, the Waterways Authority shall consult with NSW Fisheries.”*
- c) Add the following condition after Condition 65:
“An education and awareness program shall be developed and provided by a suitably qualified person for companies providing services such as, but not

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limited to, coach and bus access, service delivery and other regular vehicle access to the site within one month of them accessing the site.”

Revised Condition 65

“An induction and training program shall be developed and provided by a suitably qualified person for :

a) all contractors and sub-contractors, who will be required to attend such a program through the provision of a clause in all contracts for the site works; and

b) all staff employed on the site, whether on a permanent, temporary, contract or casual basis. Staff working on the site for a period longer than 12 months must undertake a refresher program every year.

The program shall include, but not be limited to, an environmental management module outlining the natural and cultural heritage significance of the site and procedures to be followed whilst working on the site. An education and awareness program shall be developed and provided by a suitably qualified person for companies providing services such as, but not limited to, coach and bus access, service delivery and other regular vehicle access to the site within one month of them accessing the site.”

d) Condition 118c

Include “The co-proponents shall consult with NSW Fisheries regarding this matter.”

Revised Condition 118c

“Access provisions to the wharf, including the arrival and departure routes for the ferry. These routes shall generally be in accordance with Figure 11.2 in the EIS. The co-proponents shall consult with NSW Fisheries regarding this matter.”

e) Condition 140

Include an additional subclause “There shall be no vessel access on the south western side of the wharf, parallel to Cannae Point.”

Revised Condition 140

“(f) There shall be no vessel access on the south western side of the wharf, parallel to Cannae Point.”

f) Revised Condition 140 (e)

“The co-proponents shall ensure that there is no access to the wharf as part of the activity by recreational or commercial vessels until such time as any proposed access arrangements for these vessels have been assessed and approved by the relevant authorities. The wharf shall include signage to indicate that access is prohibited unless authorised by the Waterways Authority and NPWS.”

g) Condition 141

Include “The Waterways Authority and National Parks and Wildlife Service shall consult with NSW Fisheries before any variations are approved.”

Revised Condition 141

“Minor variations to the provisions of condition 140(a), (b) and (c) above may be appointed by the Waterways Authority and National Parks and Wildlife Service, upon receipt of an application from the co-proponents. The application shall

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address, but not be limited to, safe berthing /mooring arrangements, disabled visitor access, potential impacts on seagrasses (eg. from overshadowing and propeller wash) and Little Penguins.

Any significant variations to these conditions, and any variations to condition 140(e) shall (if necessary) require a separate application and approval under Part 5 of the Environmental Planning and Assessment Act 1979 and other relevant legislation.

The Waterways Authority and National Parks and Wildlife Service shall consult with NSW Fisheries before any variations are approved.”

h) Add the following condition after Condition 169 (2)

The co-proponents shall provide a sign at the entrance to Sydney Harbour National Park, just after the Parkhill Archway, to indicate the number of long nosed bandicoot road mortalities within the monitored road described in Schedule 5. The sign shall include, but not be limited to, a short statement regarding the endangered status of the bandicoot population, its estimated population size (within North Head) and the threat that road deaths pose to its continued survival, the total number of road deaths for the previous year and a running tally of the number of deaths for the current year. The tally shall be updated after each confirmed road death as recorded on the mortality register referred to in Schedule 5. The sign shall also include a 24 hour phone number (see also condition 6) to allow members of the public to inform the co-proponents of any mortalities and what to do if an injured bandicoot is found.

Revised Condition 169 (2)

“The co-proponents shall provide a sign at the entrance to Sydney Harbour National Park, just after the Parkhill Archway, to indicate the number of long nosed bandicoot road mortalities within the monitored road described in Schedule 5. The sign shall include, but not be limited to, a short statement regarding the endangered status of the bandicoot population, its estimated population size (within North Head) and the threat that road deaths pose to its continued survival, the total number of road deaths for the previous year and a running tally of the number of deaths for the current year. The tally shall be updated after each confirmed road death as recorded on the mortality register referred to in Schedule 5. The sign shall also include a 24 hour phone number (see also condition 6) to allow members of the public to inform the co-proponents of any mortalities and what to do if an injured bandicoot is found.”

i) Condition 184

Delete “an annual program” and insert “a program.”

Revised Condition 184

“The co-proponents shall develop a program to monitor the density, condition and extent of seagrass beds in the wharf area, in consultation with the Waterways Authority. Details of the methods and approaches to be used in monitoring seagrass beds will be submitted to NSW Fisheries for approval prior to the commencement of monitoring.”

j) Condition 185

Delete “Implementation of the first seagrass monitoring program is to occur prior to commencement of the ferry services to the site, and shall then proceed on an

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annual basis. Monitoring must be undertaken by a qualified marine ecologist.”
and replace with a new Condition 185 as follows:

Revised Condition 185

“Implementation of the seagrass monitoring program is to occur prior to commencement of the ferry services to the site. Monitoring must be undertaken by a suitably qualified marine ecologist.”

k) Revised Condition 186

“If the monitoring of the seagrass beds indicates a significant reduction in the density, extent or condition of the seagrass beds, and NSW Fisheries is satisfied that such decreases are either fully or partially related to the activity, the co-proponents must consult with NSW Fisheries to implement appropriate measures to reduce impacts within a specified time frame, and to provide habitat compensation at a ratio of 2:1.”

(Note: footnote 35 to be removed from Condition 186).

l) Condition 221

Include “submitted to NSW Fisheries.”

Revised Condition 221

“An annual environmental report for the activity shall be prepared by the co-proponents and submitted to the National Parks and Wildlife Service, Planning NSW, NSW Heritage Council, Waterways Authority, NSW Fisheries and the Quarantine Station Community Committee for comment. In reviewing the annual environmental report these organisations are to specifically consider issues associated with visitor impacts arising from the activity.”

m) Amendments to Schedule 5 Bandicoot monitoring requirements and road mortality triggers to include:

“Monitored roads are to include all public roads within Sydney Harbour National Park ie Blue Fish Road, Collins Beach Road, North head Scenic Drive from the Parkhill Archway to the North head Lookout and the internal roads in the Quarantine Station.”

n) Amend Schedule 6 *Boundary of road mortality monitoring* to include:

“For the purposes of applying the following trigger mechanisms, Long-nosed Bandicoot mortalities are those adult mortalities recorded in accordance with the methods specified in Schedule 5 but only for North Head Scenic Drive between Parkhill Archway to the Quarantine Station entrance and internal roads of the Quarantine Station.”

o) Archaeology

- i) An Excavation Permit must be obtained before the commencement on site of any works involving potential disturbance of relics. An archaeologist (Excavation Director) approved by the Heritage Council must be appointed to undertake all archaeological work.**
- ii) The research design outlined in the Quarantine Station Detailed Area Conservation Management Plan (QSDACMP) must form the basis for interpretation of archaeological deposits and relics.**

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- iii) Provision must be made in a public area of the Quarantine Station site to display relics or other historical or research material relevant to the historical development of the site. This display must be integrated with the Interpretation Plan.**
- iv) Should substantial intact archaeological deposits or features not identified in the Archaeological Assessment be discovered, work must cease in the affected area(s) and the Heritage Office contacted for advice. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.**
- v) The archaeologist must remain present during the course of all excavation works in the archaeologically sensitive areas of the proposed development.**
- vi) The archaeologist must be allowed access to archaeological deposits at all times during mechanical excavation and mechanical excavation must cease at the request of the archaeologist, to allow for investigation of archaeological remains.**
- vii) Opportunities for public visitation to the site will be provided during the program of archaeological works and, where appropriate, community and student volunteers will be invited to participate in field work.**
- viii) The excavation permit will be valid only while the approved excavation is being carried out under the direction of the nominated Excavation Director**
- ix) The Excavation Director must carry out the excavation in accordance with the approved research design and methodology. Any substantial deviations from the approved research design (including extent and techniques of excavations) must be approved by the Director, Heritage Office.**
- x) The Excavation Director must take adequate steps to record relics, structures and features discovered on the site during the excavation in accordance with current best practice guidelines and the approved research design.**
- xi) The co-proponents must endeavour to ensure that the unexcavated artefacts, structures and features are not subject to deterioration, damage or destruction.**
- xii) The co-proponents shall be responsible for the safe-keeping of all relics recovered from the site.**
- xiii) The Excavation Director shall be responsible for ensuring that the artefacts are cleaned, stabilised, identified, labelled, catalogued and stored in a way that allows them to be retrieved according to both type and provenance.**
- xiv) The Heritage Council and the Heritage Office reserve the right to inspect the site and records at all times and access any relics recovered from the site.**
- xv) The co-proponents shall prepare a final report on the excavation, to publication standard, within one year of the conclusion of the project unless an extension of time is approved by the Heritage Council. Two**

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copies of this report must be submitted to the Heritage Office. A further copy must be retained on site as part of the interpretive collection.

xvi) The final report shall include:

- **An executive summary;**
- **Due credit on the title page to the co-proponents paying for the excavation;**
- **An accurate site location and site plan;**
- **Historical research, references, and bibliography;**
- **Detailed information on the excavation including the aim, the context for the excavation, procedures, analysis, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale drawings, photographs, repository);**
- **Nominated repository for the items;**
- **Detailed response to research questions; and**
- **Details of how this information about this excavation has been publicly disseminated;**

xvii) Should any Aboriginal relics be uncovered, or excavation or disturbance of the area occur, work is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with the National Parks and Wildlife Act 1974.

3) The Heritage Council agree that the Director of the NSW Heritage Office under delegation:

- a) approve the Final Report of the Joint Determining Authorities once it has been updated to incorporate the outcomes of the concurrence processes, the final decision of the Minister for Planning, and related editorial and typographical errors;**
- b) approve any modifications that may be forthcoming from a), above, consistent with section 65A Modification of Approvals of the Heritage Act 1977 dealing with minor modifications to approvals.**

Note a full set of the Conditions of Consent in their revised form incorporating the Heritage Council conditions have been attached to these minutes as a record of the final s60 approval of 5 February 2003.