

**MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE**  
**Wednesday 2 April 2003 at 3 Marist Place,**  
**Parramatta at 1:30pm**

**Attendance**

Mary-Lynne Taylor	Chair
Diane Jones	
Susan Macdonald	Assistant Director, Heritage Office
Bruce Pettman	Deputy
Rod Leaver	
Garry Fielding	PlanningNSW
Terry Barnes	
Elsa Atkin	National Trust

**Also in Attendance**

Lannie Purcell	Heritage Office
Vincent Sicari	Heritage Office
Gary Pringle	Heritage Office (Item 5.1)
Rajeev Maini	Heritage Office (Item 5.2)
Claudine Loffi	Heritage Office (Item 6.1)
Cameron White	Heritage Office (Item 5.2)

**1.1 Declarations of Interest**

Bruce Pettman - Chief Secretary's Building (Item 5.2 – Action Report, 5 March 2003)

**1.2 Apologies**

Nil

**3. Confirmation of the minutes of the previous meetings**

The minutes of the meeting of 5 March 2003 were confirmed.

**3. Action Report**

Members noted the Action Report for 5 March 2003.

**4. Presentations**

**4.1 Babworth House, Darling Point – IDA**

Judith Rintoul of Conybeare Morrison and Partners and Ted Byrne of Byrne Lewis Group attended the meeting to present information concerning the proposal to allocate part of the garden to apartment No. 1 as part of the application for strata subdivision. Judith Rintoul informed members that it was her recollection from various pre-DA meetings that agreement was given in principal to part of the eastern formal garden adjacent to apartment No. 1 being part of the strata lot for that apartment. The apartment has been sold on that basis. Ms Rintoul requested that condition 5 of the recommendation to the committee be changed accordingly.

Ms Rintoul explained that the Community Management Statement obligates every owner or lessee to maintain the private and public space.

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

**5.1 Babworth House Darling Point – IDA**

Members discussed the report on the proposed strata subdivision of Babworth House and issues relating to the proposed subdivision of part of the garden. Members agreed that the intention of the approved community title subdivision was to preserve the whole of the garden as common property. Members noted that condition 13 of development approval required no subdivision of the garden immediately abutting the house on the principal elevations.

Members expressed concern that over time, residents of apartment No. 1 would seek to ensure privacy in that area of the garden by the use of fences, gates, hedges or the placement of large pots. Members also expressed concern at the implications of subdivision on the future maintenance of that part of the garden in accordance with arrangements for maintaining the garden as a whole.

**Resolved:**

**That the Heritage Council advise Woollahra Council in accordance with section 91A of the EP&A Act that it is prepared to issue an approval under section 63 of the Heritage Act in accordance with the following general terms:**

- 1. The development of the site is to be carried out in accordance with the Statement of Heritage Impact prepared by Conybeare Morrison and Partners dated December 2002 and Strata Plan of Lot 2 Sheets 1 to 5 (Issue 7) "Babworth House" Darling Point Road Darling Point prepared by Clement and Reid Pty Ltd dated 18-12-2002, as amended by the following conditions.**
- 2. An application under section 60 of the Heritage Act must be submitted to and approved by the Heritage Council prior to the registration of the strata plan.**
- 3. An Instrument under section 88B of the Conveyancing Act is to be registered on the title of the land benefiting the Heritage Council of NSW requiring the proprietors to maintain the approved landscaping in full health and vigour and to obtain any approval required under section 57(1) of the Heritage Act for development on the land as the land is listed on the State Heritage Register.**
- 4. An instrument under section 88B of the Conveyancing Act is to be registered on the title of proposed lot1 benefiting the Heritage Council of NSW requiring the proprietors to maintain the area notated as "courtyard and garden area" to the same standard as required for the remainder of the formal gardens by the Community Management Statement, the Landscape Management Plan and Maintenance Plan. The instrument must further require that the "courtyard and garden area" appear as a continuation of the formal gardens and not be divided or bordered by fences, gates, hedges, planters or other obstruction.**

**5.2 5 Raglan Street, Mosman – S60**

Members considered a report on a section 60 application for alterations and additions to this property. Members noted that this application is an amendment to the initial application which proposed retention of only the principal façade of the house.

Members noted the high level of publicity and interest following the advertisement of the initial application.

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At the request of Councillor Virginia Howard of Mosman Council, Cameron White advised members of her request that consideration of the application be deferred until consideration of the listing of the group 5-11 Raglan Street by the State Heritage Register Committee at its meeting in May.

Members noted that the current application proposes to retain significantly more fabric and that the attic extension has been deleted.

**Resolved:**

- 1) that the Heritage Council advise the applicant that it does not object to the amended proposal as it maintains a reasonable portion of heritage fabric; and**
- 2) On this basis, refer the application for determination by the Director, Heritage Office after the amended proposal has been readvertised for public comment.**

**6. Development Application Referrals**

**6.1 Walter Burley Griffen House, 14 The Parapet, Castlecrag**

Members considered a report on a development application for a single storey addition within the front building set-back from the street, including a detached double carport. The proposal also includes demolition of a later Buhrich addition at the rear, repair of the existing house, a pool in the rear garden and landscaping.

Members noted that the owners have taken the heritage significance of the property very seriously and the current proposal follows a long process of consultation and design development.

Members noted the large number of community submissions on the application.

Diane Jones commented that the link to the old building appears to be achieved with an unnecessary degree of intervention. Members also queried the size of the carport.

**Resolved:**

- 1) to commend Mr Paul Marshall, the owner of the heritage item, and his expert consultants, for their commitment to conserving and restoring the Cheong House;**
- 2) to note the number of submissions made on the heritage issues and the evident high regard of the community for the significance of the Cheong House and believes that approval of the application subject to conditions will ensure the ongoing conservation of the house; and**
- 3) to recommend that Willoughby City Council approve the application with the following conditions:**
  - a) the schedule of restoration and conservation works prepared in accordance with deferred commencement condition 3(I) shall be implemented as part of the construction works program.**
  - b) Repairs and restoration of damaged building fabric shall retain as much existing heritage fabric as possible, and shall replace only fabric that has deteriorated beyond repair.**

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- c) All work to the building fabric of the original house and the demolition of existing structures on the site shall be supervised by a heritage consultant with appropriate experience and qualifications.
- d) Work shall be carried out by suitably qualified tradesmen with practical experience in conservation and restoration of similar heritage items.
- e) Sandstone removed for the construction of the proposed works shall be carefully removed and stored for reuse in the restoration works, where possible.
- f) The northern kitchen door and opening to the adjacent bedroom shall be retained in situ, fixed closed in a reversible manner if necessary.
- g) No approval is granted or implied for the modification or demolition of existing fabric, structures or layout except where shaded or annotated on the submitted drawings as new work.
- h) The proposed partial demolition of the south-eastern wing is approved subject to the deletion of the proposed plunge pool, associated terrace, pool fence and planting of tall/ medium screening plants, and that the garden to the south and east of the house shall instead be appropriately landscaped to maintain unobstructed views to the house from the Reserve.
- i) The Recommendations in sections 4-7 of the submitted Tree Inspection report prepared by Growing My Way Tree Services shall be implemented for the protection of the Lemon-scented Eucalypt.
- j) The plants identified for conservation in Policy 7.1 of the submitted Landscape Conservation Analysis and Policies prepared by Michael Lehany and Colleen Morris, dated April 1998, shall be retained, where possible.
- k) An archival photographic record shall be prepared in accordance with Heritage Council guidelines, recording the details, contextual views and condition of the existing buildings, garden layout and components before works commence. Originals of the photographic record shall be lodged at the Willoughby City Council library, and preferably also at the Heritage Council library.

**Deferred Commencement Conditions:**

- l) A detailed schedule of restoration and conservation works shall be submitted for Council approval.
- m) Details of the original features to be replicated and reinstated, such as the timber pergola, shall be submitted for Council approval, and shall be detailed in accordance with early documentary records of these features, as closely as possible.
- n) A detailed schedule of materials and finishes shall be submitted for Council approval.
- o) The roof and roof parapet of the linking corridor between the addition and the house shall be lowered as much as practicable to ensure that it does not

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exceed the height of the existing western fascia board of the kitchen roof. Details of the modified connection between the existing western façade and the addition shall be submitted for Council approval.

**Reasons:**

- i) To ensure that the heritage values of the site are appropriately conserved before, during and after construction;
- ii) To ensure that the existing and restored views to the building from the public domain are maintained and conserved.

**7. Planning Instruments/Heritage Studies**

Nil

**8. Matters for Consideration**

Nil

**9. Matters for Information**

Nil

**10. General Business**

**Standard of documentation**

Diane Jones requested the office to try to that visual documentation received with applications is of a standard to allow proper consideration of proposals, including issues such as context and topography.

**Request for drawings for information**

Diane Jones requested that members be provided with drawings for their information when applications are dealt with under delegation because of time constraints.

**Curtilage**

Members requested that in considering applications, information of the curtilage of items should be clarified.

**11. Next Meeting**

The Chair closed the meeting at 3:15pm. The next meeting is scheduled for 7 May 2003.

**Signed:**

**Date**