

HERITAGE COUNCIL OF NSW Approvals Committee

MINUTES OF MEETING

5 July 2006

Heritage Office, 3 Marist Place, Parramatta



PRESENT: Michael Collins (Chair), Susan Macdonald (Director), Peter Mould, Chris Johnson, David Logan, Julie Bindon, Janet Dore, Diane Jones, Jacqui Goddard

APOLOGIES:

ALSO PRESENT: Heritage Office:
Vincent Sicari, Kim May, Brad Vale, Stuart Read, Susan McHattie.
Roxy Hotel:
Chris Warhurst (Palace Group), Michael Tribe (Michael tribe Architect).
Kenmore Hospital:
Del Smeeton (Longreach capital P/L), Ian Cheetham (advisor to longreacj Capital P/L).

1. Opening – Welcome

The Chair opened the meeting at 10:30am.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

Declarations of Interest

Pecuniary Interests

David Logan

5.3 – Ashton House – IDA

Non Pecuniary Interests

Conflicts of Interest

2.0 Confirmation of Minutes

2.1 Approvals Committee Meetings of 7 June 2006

Members received a copy of each of the minutes.

Resolved:

that the Minutes of the meetings of 7 June 2006 be adopted.

3.0 Action Report

Members received a copy of the action report.

Resolved:

That the Action Report of the meetings of 7 June 2006 be adopted.

4 Presentations

4.1 Roxy Hotel, 65-69 George St, Parramatta - IDA

Chris Warhurst of Palace Group sent a letter to the Heritage Office requesting that the Heritage Council defer determination of the application to install a shade structure to the forecourt of the Roxy Hotel for one month to allow a suitable solution for providing shade and shelter to be found.

The proposal is to construct a shelter in the middle of the lower forecourt of the former cinema complex to provide shade and wet weather protection to patrons outdoors.

Chris Warhurst stated that the shelter would enable a viable food business as opposed to the current umbrellas as it would maximise the space. The forecourt is the social gathering point as well as where the majority of the food is served Monday through to Sunday, day time. Presentation of food is critical to the businesses viability. When the weather is uncomfortable there is minimal clientele for food services as the current umbrellas do not provide enough shelter.

4.2 Kenmore Hospital, Goulburn - IDA

Del Smeeton of Longreach Capital P/L suggested that the Subdivision would generate income to continue conservation works. He stated that the buildings were in a state of deterioration and Funding was required to update the masterplan and remove asbestos from the buildings.

The division would follow site logic including roads and building groups and special items. The Oval and pavilions would be conserved.

Ian Cheetham an advisor to Longreach Capital P/L stated that the Investment by the Department of health wound down over a period of 8 years with the decision to sell in 2001 and then the Masterplan in 2003 included subdivision for Health to retain some land.

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

5.1 Roxy Hotel, 54-69 George St, Parramatta – IDA

The applicant seeks approval for Installation of a shade structure to the forecourt of the former cinema complex to provide shade and wet weather protection to patrons outdoors.

The proposal was referred to the Heritage Council as it is believed that the proposal will have a significant adverse impact on the spatial quality of the heritage item's forecourt, and Parramatta Council has a different view on the issue. Under delegated authority, the Heritage Office has previously made a determination concerning this kind of structure in the same location, and the applicant has requested that the proposal be referred to the Heritage Council.

The Approvals committee members discussed the proposal and it was found that previous schemes for a shade structure impacted on the view of the cinema entrance and the forecourt, which is a significant aspect of the Roxy complex.

Resolution:

That the Heritage Council,

- 1. Defers consideration of the application at the applicant's request to further investigate the applicant's proposal for sheltering of the forecourt area.**
- 2. Forms a sub-committee comprising Susan Macdonald, Diane Jones and David Logan to work with the applicant to produce an acceptable solution for consideration by the Heritage Council.**

5.2 Kenmore Hospital, Goulburn - IDA

The applicant proposes to subdivide the former Kenmore Hospital site into five independent lots. The proposed subdivision will create a large parcel of land (Lot1) containing the majority of the historic buildings and two small adjacent satellite parcels (Lots 2 & 3), in the centre of the site. The residue parcels (Lots 4 & 5) contain the remainder of available land within the former Hospital site.

A 5 lot subdivision is proposed, with the built 'core' of the site kept in Lot 1, and four smaller lots flanking it facing Taralga Road in the west, Wollondilly Avenue in the south.

Discussion focused on whether an approval for sub-division should precede a master plan or management plan for the site. The Heritage Council was concerned to assure that a subdivision did not preclude the ability for holistic management of the heritage values of the site, which rest in a combination of features and elements which are likely, in the future, to be in different ownerships.

Resolution:

The Heritage Council,

- 1. Notes that the area known as 'The Forest' is a significant landscape feature within Kenmore and that the applicant has offered to enter into a deed of agreement for the management of 'The Forest', being within Lot 4 of the proposed subdivision;**
- 2. Agrees to enter into the deed of agreement with the applicant, Longreach Capital P/L generally in the form of that provided in Annexure E of the Heritage Council Approvals Committee Agenda Report Item 5.2 (green paper), dated 5 July 2006, and attached to minutes as Annexure A;**
- 3. Agrees that the Chair of the Heritage Council will be the signatory of the deed of agreement on behalf of the Heritage Council of NSW;**
- 4. Regards the Heritage Office's recommendations contained in the Heritage Council Approvals Committee Agenda Report Item 5.2 dated 27 June 2006, and as varied by the Heritage Council, (attached to minutes as Annexure B) as being an appropriate way forward;**
- 5. Delegates to the Executive-Director of the Heritage Office the final approval in accordance with the Heritage Office's recommendations contained in the report dated 27 June 2006 as varied by the Heritage Council.**

5.3 Ashton House, 102 Elizabeth Bay Rd, Elizabeth Bay - IDA

It is proposed to adaptively reuse the historic building "Ashton", to construct a part 6, part 4 storey residential unit building with 3 basement levels at the rear of the property and to make internal boundary adjustments.

As the development was two storeys less than that previously approved, the Approvals Committee considered the current proposal acceptable.

Resolution:

That the Heritage Council approve the application with the following conditions:

- 1. The development being carried out in accordance with the following documents:**
 - a. Drawings 03044.DA.000- Riv A, DA.001- Riv A, DA.150- Riv A to DA.160- Riv A, DA.250- Riv A to DA.254- Riv A, DA.350- Riv A to DA.353- Riv A, prepared by Alexander Tzannes Associates;**
 - b. Conservation management Plan dated May 2005 and endorsed by the Heritage Council on 10 June 2005**
 - c. Heritage Impact Statement prepared by Godden Mackay Logan dated April 2006;**
 - d. Archaeological Assessment prepared by Godden Mackay Logan dated September 2006;**
 - e. Landscape Plan for Ashton and Garden Design Concept prepared by Dr James Broadbent dated August 2004;**
 - f. Landscape Plan for residential apartment building and Landscape Design Report prepared by PSB Pty Ltd dated March 2006 by Godden Mackay Logan; and**
 - g. Montages prepared by Haycraft and Duloy Architectural illustrations Pty Ltd;**

- 2. Proposed alterations and additions to Ashton House are generally acceptable, as the house itself is retained in the main and its adaptation as a grand residence will ensure its conservation in the long term. However, it is considered that further refinement of these alterations is required as design details are finalised. Details of the proposed works including landscape works to Ashton House must be submitted and approved by the Director, Policy & Heritage Management, Heritage Office before construction of the apartment building begins on site;**

- 3. The applicant shall nominate an appropriately skilled conservation architect to specify the conservation works to the House and advise on design resolution and conformity to the conditions of approval. The heritage consultant shall have appropriate qualifications and experience in practical building conservation. The name and experience of this consultant shall be submitted to the NSW Heritage Office for the approval of the Heritage Council or its delegate prior to the commencement of construction. If the approved consultant is replaced during the project, the applicant shall obtain approval from the Heritage Council or the Director, Policy & Heritage Management, Heritage Office for the new consultant.**

- 4. The nominated heritage consultant shall provide certification that the works have been carried out in conformity with the approval conditions.**

- 5. All work shall be carried out by suitably qualified tradesmen with practical experience in the conservation of similar heritage items.**

- 6. All landscape works shall be supervised by a person with qualifications and experience in the conservation and management of heritage landscapes. The name and experience of this consultant shall be submitted to the NSW Heritage Office for the approval of the Heritage Council or its delegate prior to the commencement of construction. If the approved consultant is replaced during the**

project, the applicant shall obtain approval from the Heritage Council for the new consultant.

- 7. Prior to the implementation of planting works, all plant material shall be inspected on site by a qualified landscape architect or arborist to ensure the plants are in good condition and in accordance with the planting plan.**
- 8. Proposed conservation and adaptive re-use works to the Ashton House and the gardens must be completed before the registration of the sub division plan and occupation of the apartment building;**
- 9. All future owners of the Ashton House and the new apartment building must be advised of the role of the Conservation Management Plan through a clause in the Contract document and the sale deed. The words to be included in these documents must be approved by the Director, Policy & Heritage Management, Heritage Office;**
- 10. The contract Document and the Sale Deed must clearly identify the views to and from Ashton House and prohibit any future structures including umbrellas, air-conditioning equipment etc. or landscaping elements within those views;**
- 11. The views of Beare Park and beyond from Ashton House over Lot A (and the other way around) must be protected by way of legal restrictions on the contract document and the Sale Deed to the satisfaction of the Director, Policy & Heritage Management, Heritage Office;**
- 12. The future owner of Lot B (Ashton House) must be advised through the contract document and the sale deed of the limited future re-development options on this site. The words to be included in these documents must be approved by the Director, Policy & Heritage Management, Heritage Office;**
- 13. An interpretation plan must be prepared and submitted for approval by the Director, Policy & Heritage Management, Heritage Office before any building work commences on site;**
- 14. The recommendations of the Interpretation Plan must be implemented before the occupation of the proposed development to the satisfaction of the Director, Policy & Heritage Management, Heritage Office;**
- 15. Any excavation on this site shall be subject to the following conditions:**
 - a. This Excavation permit covers archaeological monitoring and manual archaeological excavation associated with archaeological recording, at Ashton, 102 Elizabeth Bay Road, Elizabeth Bay (Lot A and Lot B) only;**
 - b. This permit does not cover the removal of any State significant relics;**
 - c. The Heritage Office must be informed of the commencement and completion of the archaeological program at least 5 days prior to**

the commencement and within 5 days of the completion of work on site.

- d. **The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in the Archaeological Research Design supplied as Appendix 3 prepared for 'Ashton, 102 Elizabeth Bay Road, Elizabeth Bay' by Godden Mackay Logan and dated September 2004 are discovered, work must cease in the affected area(s) and the Heritage Office must be 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.**
- e. **The Applicant must ensure that the excavation is carried out in accordance with the approved research design and methodology outlined in the document 'Ashton, 102 Elizabeth Bay Road, Elizabeth Bay, Archaeological Research Design' prepared by Godden Mackay Logan and dated September 2004. The Director of the Heritage Office must approve any substantial deviations from the approved research design (including extent and techniques of excavations) as an application for the variation or revocation of an approval under section 65A of the *NSW Heritage Act, 1977*.**
- f. **The Applicant must ensure that the nominated Excavation Director is present at the site supervising the archaeological fieldwork activity for at least 50% of the time. If the Excavation Director is absent, the Co-Director must supervise the works.**
- g. **The Applicant must ensure that the nominated Excavation Director takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with the approved research design and current best practice guidelines. This work must be undertaken in accordance with the Heritage Office guidelines, *How to Prepare Archival Records of Heritage Items and Guidelines for Photographic Recording of Heritage Sites, Buildings and Structures (2001)*.**
- h. **The Applicant must ensure that the unexcavated artefacts, structures and features are not subject to deterioration, damage or destruction.**
- i. **The Applicant is responsible for the safe-keeping of all relics recovered from the site.**
- j. **The Applicant must ensure that the nominated Excavation Director cleans, stabilises, identifies, labels, catalogues and stores any artefacts uncovered from the site in a way that allows them to be retrieved according to both type and provenance.**
- k. **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.**
- l. **The Applicant must ensure that the final report is prepared by the nominated Excavation Director, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time is approved by the Heritage Council of NSW. Three hard copies and one electronic copy of this report must be submitted to the NSW Heritage Office.**

m. The Heritage Council of NSW requires that the final report shall include:

- i. An executive summary**
- ii. Due credit to the client paying for the excavation on the title page**
- iii. An accurate site location and site plan**
- iv. Historical research, references, and bibliography**
- v. 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)**
- vi. Nominated repository for the items**
- vii. Detailed response to research questions**
- viii. Details of how this information about this excavation has been publicly disseminated**

n. The Applicant must ensure that should any Aboriginal objects be uncovered, excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Division of Department of Environment and Conservation is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974. CONTACT NUMBERS FOR THE NATIONAL PARKS AND WILDLIFE DIVISION, DEPARTMENT OF ENVIRONMENT AND CONSERVATION: Hurstville - (02) 9585 6453 (in Head Office); Parramatta - (02) 9895 7420

6. Development Application Referrals

NIL

7.0 Matters for Consideration

NIL

8.0 Matters for Information

NIL

9.0 General Business

There being no further business the Chair closed the meeting at 12:15pm.

Michael Collins Chair Approvals Committee Heritage Council of NSW Date:	Next Meeting of the Approvals Committee 2 August 2006 Liverpool City Council 1 Hoxton Park Road, Liverpool
--	--