

HERITAGE COUNCIL OF NSW

Approvals Committee

MINUTES OF MEETING

4 October 2006

Heritage Office, 3 Marist Place, Parramatta



PRESENT: Julie Bindon (Acting Chair), Bruce Pettman, Susan Macdonald, Janet Dore, Diane Jones, Jacqui Goddard

APOLOGIES: Michael Collins, Chris Johnson, David Logan

ALSO PRESENT: Heritage Office: Vincent Sicari, Nikki Ward, Murat Gul, Siobhan Lavelle, Brad Vale, Murray Brown

For 150 Marsden Street, Parramatta: Aladdin Matter (Aliffe Pty Ltd)

For Rippon Grange, Wahroonga: Kevin Ryan (Waterbrook), Roy Lumby (Rod Howard & Associates), Howard Tanner (Tanner & Associates Architects), Ben MacGibbon (Murlan), Megan Jones (Tanner & Associates Architects), David Earp (Tanner & Associates Architects)

For St James Church, Sydney: Alan Croker (Design 5 Architects), Fr Peter Kurti (St James Church), Alan Suter (Church Warden)

1. Opening – Welcome

The Chair opened the meeting at 12:50 pm.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

Declarations of Interest

Pecuniary Interests

NIL

Non Pecuniary Interests

NIL

Conflicts of Interest

Julie Bindon

Item 8.1 (Redevelopment of Newcastle Hospital) – JBA Urban Planning Consultants (of which Julie Bindon is a partner) are the town planning consultants for the Part 3A application for Landcom.

2. Confirmation of Minutes

2.1 Approvals Committee Meeting of 6 September 2006

Members received a copy of the minutes.

Resolved:

that the Minutes of the meeting of 6 September 2006 be adopted.

3. Action Report

Members received a copy of the action report.

Resolved:

that the Action Report of the meeting of 6 September 2006 be adopted.

It was also noted that the letter to Council regarding the Approvals Committee's 6 September resolution on the Duke of Wellington archaeological site should include specific directions and guidelines to ensure better communication relating to archaeology in Parramatta. Further training will also be offered in the use of PHALMS. Advice provided in this letter is relevant to planning decisions and conditions for the 150 Marsden St, Parramatta site (item 5.1 of 4 October meeting).

4. Presentations

4.1 150 Marsden Street, Parramatta – S140

The applicant, Dr Aladdin Matter, addressed the Approvals Committee briefly to outline his commitment to meet archaeological excavation requirements for the site as stipulated by the Heritage Office (ie. interpretation, documentation and possible incorporation of some relics found on site into the final development of the site). Dr Matter has requested a permit to allow excavation of the full site.

4.2 Rippon Grange, Wahroonga – DAR

Mr Kevin Ryan (Waterbrook) described the planned retirement village as being a residential resort for people over 55. The developer would retain ownership and seniors could buy units leasehold. Recurrent charges would go toward operational costs of the site in order to maintain the house and grounds indefinitely.

Mr Roy Lumby (Rod Howard & Associates) stated that the house and grounds have suffered deterioration from not being well maintained. Development of the site would be crucial to its conservation and would allow public access to the site again. Intrusive fabric from the house's institutional/hospital use would be removed. New development would need to comply with access requirements for

people with disabilities. Mr Lumby argued that increased height of the proposed buildings minimises footprint space on the site and that the architecture of the house will assert itself well enough against the design of the new buildings. On balance, the height of the apartment blocks being greater than that recommended in the 2006 Conservation Management Plan could still be supported.

Mr Howard Tanner (Tanner & Associates Architects) said the current design has reduced the number of proposed units on the site from 95 to 78. Mr Tanner stated that the existing trees on the site are taller than the proposed buildings. Intrusive extension on the east end of the house would be removed, including the pool covering. Mr Tanner said the developer would be happy to work with the Heritage Office on issues related to the 1st floor of the house (ie. intact early twentieth-century bathrooms and related service spaces). Mr Tanner suggested it would be possible to take the top units off buildings B1 and B2 and put them on the top of the west end of building C in order to scale down buildings closer to the house. Roof-scapes of B1 and B2 could be re-worked accordingly and the roof height of the eastern end of building C would remain the same.

4.3 St James Church, Sydney – Pre-DA

Fr Peter Kurti of St James Church stated that the church would like to extend the ministry of the church to the outside area of the church grounds at the eastern end. As Queens square is an area of increasing traffic flow he believes that setting up a coffee shop within the fence line of the church would create an avenue to invite the public to explore the active function of the church while respecting the significance of St James Church in the context of its setting and heritage significance. The eastern fence gates and crypt door would be opened to allow people to interact with the church and enter the crypt area to use toilets and browse the church bookshop. Services could be laid around the base of the church wall at the south eastern corner, if required.

Mr Alan Croker (Design 5 Architects) highlighted the strong formal axial relationship of the east end of the church with Hyde Park Barracks – as designed by Francis Greenway. Mr Croker showed similar examples of cafés set up in front of historic buildings in overseas locations stating that these cafés bring life and activity to such spaces and demonstrate a pattern of keeping entry axes open.

The proposal is low key and completely reversible with no permanent fixtures required. The coffee cart is mobile and can be closed down and, if necessary, carted away at the end of each day. Umbrellas in the space would be kept below the height of the window sills of the church so as to not intrude on the views of the building. A gate may need to be created on the south side of the church for access to the area.

Stage 1 of the proposal (a one year trial period) would require café operations to stay inside the boundary of the eastern fence. If the trial is successful then permission may be sought to extend operations beyond the fence to the south western corner of Queens Square.

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

5.1 150 Marsden Street, Parramatta – S140

In June 2004 Parramatta City Council approved a Development Application for construction of a mixed use residence and commercial development on this site. This DA was not referred to the Heritage Council for comment prior to this determination. This site is identified in PHALMS and in a previous Archaeological Zoning Plan for Parramatta as having State Significant archaeological remains and Exceptional Research Potential.

The test excavation confirmed the site has high archaeological potential and a revised report for these works also confirmed the site has Exceptional Research Potential and will contain State significant remains. Remains expected to be uncovered include evidence of permissive occupancy (c.1800-1820) and evidence of several early leases in Parramatta from 1820 onwards in addition to possible evidence from the convict phase shown in the 1804 map of Parramatta and other associated occupation and deposits.

It is proposed that after the completion of archaeological excavation an interpretation plan should be prepared to determine appropriate conservation and management measures including the interpretation and display of elements within the site after redevelopment. In-situ conservation of archaeological features is not intended as this would preclude the bulk excavation needed for the redevelopment to proceed.

It is believed the applicant received inadequate advice from Parramatta Council. Early and very significant items will be lost, however interpretations and documentation from test excavations did not provide enough information to make more informed decisions on what should be kept.

Conditions of consent aim to address shortfalls in previous interpretations and test excavation inadequacies.

The Approvals Committee agreed that Council's advice on planning needs to include specific requirements for conservation of individual items/relics known or believed to be present at sites of proposed construction.

Resolved:

That the Heritage Council

A) Approve the application with the following conditions:

- 1. All works shall be in accordance with the methodology outlined in the S140 Excavation Permit Application number 2006/s140/027 and supporting documents, in particular '150 Marsden Street Parramatta Archaeological Assessment and research Design Phase Two Final Report', July 2006 and 'Supplementary Information to support s140 Excavation Permit Application for 150 Marsden Street, Parramatta' September 2006, prepared by CRM for Austral Archaeology Pty Ltd, except as amended by the following conditions:**

- 2. This permit is issued for an open area archaeological salvage excavation prior to the redevelopment of the site. These investigations will include the removal of archaeological relics of State significance. Selected features and items should be conserved to enable their presentation on site as part of the interpretation of the new development. Those features are to be selected in consultation with the Heritage Council or its delegate, in accordance with Conditions 20, 21, and 22 below.**
- 3. A more detailed Research Design, including site specific research questions and comparative questions and providing a detailed archaeological methodology for the investigations which links excavation and post-excavation analysis to a State level, must be prepared by the Excavation Director. Additional questions should address the predicted archaeological potential as identified in the supplementary document by CRM dated September 2006, and should be related to the development of the early town of Parramatta. The revised Research Design must be supplied for the approval of Heritage Council or its delegate, before any on-site archaeological works commence.**
- 4. This permit is valid for five (5) years from the date of approval. Requests for extensions after this time will only be considered in writing.**
- 5. The Applicant must ensure that the Heritage Office, Department of Planning is informed in writing of the start of the archaeological investigation at least five (5) days prior to the commencement of, and within five (5) days of the completion of on-site archaeological work.**
- 6. The Heritage Council and staff of the Heritage Office, Department of Planning authorised under section 148(1) of the 'Heritage Act, 1977' reserve the right to inspect the site and records at all times, as well as access any relics recovered from the site.**
- 7. The Applicant must ensure that if any substantially intact archaeological deposits and/or State significant relics not already identified in the Application for S140 Excavation Permit number 2006/s140/027 are discovered, work must cease immediately 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. The Heritage Council of NSW or its delegate 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 a permit under section 144 of the 'Heritage Act, 1977'**
- 8. The Applicant must ensure the nominated Excavation Director, Ms. Wendy Thorp, carries out the excavation work. Under the supervision of the approved Excavation Director, the work is to be completed in accordance with the methodology outlined in the s140 Application number 2006/s140/027, dated July and September 2006. A Co-Excavation Director has not been approved. If the**

nominated Excavation Director will be absent from the site for more than 10% of the archaeological activity, the Applicant must forward for the approval of the Heritage Council or its delegate the details of the Site Director in charge, including a current C.V. The Site Director must be a qualified archaeologist, and must meet the current Excavation Director Criteria for State significant sites as published by the NSW Heritage Council. If an additional director is required an application for the variation of the permit should be made in accordance with Section 144 of the NSW Heritage Act, 1977.

- 9. 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 current best practice for state significant archaeological sites. This work must be undertaken in accordance with the NSW Heritage Office guidelines, 'How to Prepare Archival Records of Heritage Items' (1998) and 'Guidelines for Photographic Recording of Heritage Items' (2004). Photography must include archivally stable formats including black and white photographic prints and colour slides.**
- 10. Throughout the archaeological excavation works, the Applicant must ensure that:
 - a/. Appropriate signage to explain the history of the site and the archaeological excavation works is placed at the site during the work. This signage must be placed from the first week of the archaeological works on the site.**
 - b/. A local public information programme is implemented including press releases to ensure the public is informed about the project and its outcomes;**
 - c/. Free public brochures on archaeological investigation are available on the site for the public to collect. These public brochures must be available from the first week of the archaeological works on the site;**
 - d/. The site is fenced in a way that allows the public to view the archaeological remains and works on a daily basis;**
 - e/. Volunteers are used where possible to assist with the archaeological works.**
 - f/. The services of a conservator are utilised for conservation of significant artefacts and structural items or features as necessary.****
- 11. The Applicant must ensure that at least one public Open Day is conducted on the site. This is necessary to present an opportunity for interpretation, public education and public access to the results of the archaeological investigation of this site. The Public Open Day should be carried out in a day during the weekend (to facilitate public attendance) and must be advertised at least one week ahead (to facilitate greater public awareness of the opportunity). Details of the proposed Public Open Day during the excavation program must be submitted to the Heritage Council or its delegate for information. Information should also be supplied after the Open Day giving details of the number of people in attendance.**
- 12. The Applicant must ensure that local historical societies and other relevant cultural organisations are formally notified and invited to the Public Open Day(s).**

- 13. The Applicant is responsible for the safe-keeping of all relics recovered from the site, during and after fieldwork. Adequate security measures shall be maintained until such time as a repository for section 146A (2) is identified in accordance with section 146A of the Heritage Act, 1977.**
- 14. The Applicant must ensure that the nominated Excavation Director and archaeological excavation team are given sufficient time and access to the site to complete their on-site archaeological work to the satisfaction of the Heritage Council of NSW. The Applicant must ensure that conflicting work schedules are adjusted to accommodate the on-site archaeological works where necessary.**
- 15. A weekly report on the results must be submitted to the Heritage Office of the Department of Planning as the archaeological fieldwork proceeds, in order that the results of the work may be used to inform future discussions about the salvage, conservation and display of the structural elements, artefacts and relics recovered from the site. Monthly progress reports should be supplied to the Heritage Office during post excavation analysis.**
- 16. The Applicant must ensure that at the completion of archaeological works, the results of the archaeological programme are interpreted within the completed redevelopment of the site. This interpretation should help the public understand the history and significance of the site. An interpretation plan must be undertaken in accordance with the Heritage Office document '*Interpreting Heritage Places and Items*' (2005). The Applicant must ensure that an outline of the on-site interpretation plan, including information on the display and housing of artefacts, is submitted to the Heritage Council of NSW or its delegate for approval within six (6) months of the completion of the on-site excavation programme. Final details of the interpretation plan must be submitted to the Heritage Council of NSW or its delegate for approval within one (1) year of the completion of the archaeological excavation. The Heritage Council must also be notified in writing when the on-site interpretation works have been completed.**
- 17. The Applicant must ensure that the nominated Excavation Director, Ms Wendy Thorp, 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.**
- 18. An interim report on the results must be submitted to the Heritage Council, or its delegate within one (1) month of the completion of the archaeological fieldwork, in order that the results of the work may be used to inform future discussions about the salvage, conservation and reinstatement of the structural elements and relics within the site.**
- 19. Written advice must be received from the Heritage Council or its delegate that the proposed treatment of the site and relics is acceptable before any bulk excavation or construction work is commenced for the new building.**

- 20. In accordance with section 146(b) of the 'Heritage Act, 1977', the Applicant must ensure that the final excavation 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. Two hard copies and one electronic copy of this report must be submitted on CD to the Heritage Office, Department of Planning together with two (2) printed copies of the final report. A further copy must be lodged in the local library, heritage centre or another appropriate local repository in the Parramatta City Council area.**
- 21. The Applicant must ensure that the information presented in the final excavation report (required under s146(b) of the NSW Heritage Act, 1977) includes the following:**

 - a/. An executive summary of the archaeological programme;**
 - b/. Due credit to the client paying for the excavation, on the title page;**
 - c/. An accurate site location and site plan (with scale and north arrow);**
 - d/. Historical research, references, and bibliography. The historical research should be formulated to provide an insight into the social and cultural context for the exposed structural remains and associated artefacts.**
 - e/. Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;**
 - f/. Nominated repository for the items;**
 - g/. Detailed response to research questions (at minimum those stated in the Heritage Council approved Research Design);**
 - h/. Details of how this information about this excavation has been publicly disseminated (for example, provide details about Public Open Days and include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the site).**
- 22. The report on the outcomes of the archaeological investigation must include a detailed response to the research questions which have been approved by the Heritage Council. A revised assessment of the initial research questions and their relevance to the significance of the site; of the archaeological resources contained in the site and the ability of the resource to contribute new information should also be included in the final report.**
- 23. The Applicant must ensure that should any Aboriginal objects be uncovered, excavation or disturbance of the area is to stop immediately and the 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 Department of Environment and Conservation: Hurstville - (02) 9585 6444 (in Head Office).**

- B) Include in the letter to Council, as recommended in recommendation B of Item 5.2 of the Heritage Council meeting of 6 September 2006, the issues raised by this matter in relation to the development approval process and the management of Parramatta's archaeology.**

6. Development Application Referrals

6.1 Rippon Grange, Wahroonga – DAR

Rippon Grange is a substantial Wahroonga Estate that demonstrates a lifestyle of industrial leaders in the Federation period. The house and grounds have had an institutional use in the second half of the twentieth century that brought about a layer of change. At 2.3 ha, the grounds are large, and it would be difficult to hand on to an owner to occupy the estate as a single family property and undertake the necessary repairs and conservation works. A use for the property that conserves the house and its gardens is preferable to subdivision. Proposals using the Seniors Living SEPP are precluded from properties listed on the State Heritage Register. For this reason, the Heritage Office has suggested to the owner that listing of this property on the SHR be staged in a manner that allows an acceptable conservation and adaptive reuse development to be negotiated.

Members of the Approvals Committee agreed the proposal had merits with no subdivision and the establishment of long term maintenance of the house and garden. However there was concern for the impact on the gardens and the loss of rustic nature of the lower (eastern) area of the property. Further, the height of the proposed buildings was considered to have a negative impact on the setting of the house. Members of the Approvals Committee reinforced previous advice of height limit on new buildings being limited to the height of Rippon Grange's ridge. The top storey of buildings B1 and B2 should remain set back from the floor beneath.

Resolved:

That the Heritage Council advise Council that:

- 1. The development, as it is currently proposed, is considered unacceptable and the Heritage Council would be agreeable to forming a sub-committee (comprising of Susan Macdonald, Julie Bindon, Peter Mould and Diane Jones) to assist the applicant and Ku-ring-gai Municipal Council in the preparation of an alternative scheme for the site.**
- 2. The use of the site under the SEPP Seniors' Living is supported in principle because it provides for the conservation of the site in its setting and its long term management in one ownership. However, alternatives such standard residential, with community title arrangements to facilitate long term sustainable conservation and management of the site, may also be appropriate.**
- 3. The Heritage Council is concerned about the bulk, height and scale of buildings B1 and B2 in particular and their proximity and relationship to Rippon Grange house.**

- 4. The Heritage Council advises that any proposed buildings on the site should be lower than the ridge-line of Rippon Grange house to retain its prominence in its landscaped setting.**

7.0 Matters for Consideration

7.1 St James Church, Sydney – Pre-DA

The eastern end of St James Church faces directly onto Queens Square and is axially arranged across the square with Hyde Park Barracks. It is proposed to place a coffee cart on the eastern side of the church with tables either side of the central axis. It is also proposed to erect umbrellas over the tables to the south of this axis. The umbrellas will sit below the sill height of the southern window in the east elevation of the church. The area to be occupied by the proposed outdoor café is set within the existing stone and wrought iron perimeter fence that curves around the eastern end of the church facing onto Queens Square.

Members of the Approvals Committee raised the question of whether additional signage would also be required to advertise that the café would be open for public use rather than for private use of the church. The applicant, however, advised in his presentation that the coffee cart would have signage attached to its front and this would be adequate.

Some members of the Approvals Committee expressed concern about the possibility of a cluttered appearance with the coffee cart, umbrellas, tables and chairs in front of such a formal Georgian building of such high heritage significance to Australia. However, the proposal was considered acceptable on the basis of it being completely reversible and that there are no permanent fixtures required. The location of the café would not affect normal access to the church for daily church activity, the access points would be separate. Also, the café would bring the public's attention to current activity within the church, changing perspectives of those who see the church as being a museum or having no current active function.

Resolved:

That the Heritage Council:

- 1. note the information in the report;**
- 2. note that a Section 60 application is likely to be presented to the Approvals Committee in due course;**
- 3. The introduction of a coffee cart and umbrellas on the eastern side of the church as illustrated in drawing 0224/A2/DA03 and 0224/A2/DA04, prepared by Design 5 Architects dated September 2006, is considered to be acceptable, in principle, on the basis of a 12 month trial.**

8.0 Matters for Information

8.1 Royal Newcastle Hospital – Part 3A Advice

The Heritage Office received a Concept Plan proposal of a Major Project Application for the Royal Newcastle Hospital site under Schedule 1 to State Environmental Planning Policy (Major Projects) 2005 for comments. The Concept Plan proposes the staged demolition of all existing buildings on the site other than the United Services Club Building and Wirraway Flats which are in separate ownership, and construction of residential buildings associated with mixed use retail and commercial spaces.

It is considered that the height and overall envelope of the proposed development should be carefully considered to avoid an unacceptable level of visual impact on the Newcastle Heritage Conservation Area and to ensure that the traditional views along the coast from major vantage points are not obstructed by excessively tall buildings. The proposed building heights up to 20 storeys together with the 'Bonus Gross Floor Area' and the competitive nature of the proposed development with the existing dominant views formed by Christ Church Cathedral are of particular concern.

Further archaeological assessments should be prepared for the site.

Resolved:

That the Heritage Council:

- 1. note the information in the report; and**
- 2. note the Heritage Office's submission for the proposed Concept Plan application.**

9.0 General Business

NIL

There being no further business the Chair closed the meeting at 3:30 pm.

Julie Bindon Acting Chair Approvals Committee Heritage Council of NSW Date:	Next Meeting of the Approvals Committee 2 November 2006 Armidale
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