

HERITAGE COUNCIL OF NSW Approvals Committee

MINUTES OF MEETING

2 April 2008

Heritage Branch, Department of Planning,
3 Marist Place, Parramatta



PRESENT: Peter Mould, Petula Samios, Chris Johnson, David Logan, Julie Bindon

APOLOGIES: Diane Jones

ALSO PRESENT: Heritage Branch: Vincent Sicari, Nikki Ward, Murat Gul, Brad Vale

For Rippon Grange: Megan Jones (Tanner Architects), Roy Lumby (Rod Howard & Associates), Ben MacGibbon (Murland/Waterbrook), Matthew Taylor (Taylor Banner); Stephany Vaughan (John Williams Neighbourhood), Bob Moore (Robert Moore Architects)

1. Opening – Welcome

The Chair opened the meeting at 11:15 am.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

Declarations of Interest

David Logan – items 5.3 & 7.1 (Rippon Grange)

2. Confirmation of Minutes

2.1 Approvals Committee Meeting of 5 March 2008

Members received a copy of the minutes.

Resolved:

that the Minutes of the meeting of 5 March 2008 be adopted.

3. Action Report

Members received a copy of the action report.

Resolved:

that the Action Report of the meeting of 5 March 2008 be adopted.

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

5.1 Collingwood, Liverpool – IDA

Presentation

Liverpool City Council outlined their response to recommendations made previously by the Heritage Council and the Heritage Branch, Department of Planning. Photomontages were provided to the Committee. All but two items were addressed by Council. Further consultation with the Tharawal Local Aboriginal Land Council (LALC) was not carried out as this had already taken place in previous consultation stages in drafting the Master Plan Development Control Plan (DCP) for the site. The Tharawal LALC (the local indigenous community group with authority to comment on issues relating to the subject land, as per instructions by DECC) had indicated a critical height limit of 35.86 metres, maintaining canopy and distant views toward areas to the south of Collingwood. The current DCP allows a height limit for development of 35.5 metres.

Consideration

The proposed development seeks approval for a two-lot subdivision to create a residential development at the south-east corner of the site fronting Congressional Drive with the residual land to remain in its current usage as a reserve. The applicant also seeks a Site Specific Exemption under Section 57(2) of the Heritage Act for future residential development on the subject site as the development will be carried out in accordance with the adopted site specific Development Control Plan No. 58.

The Heritage Council's Approvals Committee considered the application at its meeting on 5 March 2008. The Committee deferred the application and requested further clarification about the concerns previously raised both by the Committee and the Heritage Branch regarding the potential impact of the permissible development under the DCP on the significant views across the Georges River area. The Committee had also requested consultation with local Aboriginal groups in identifying the significant views to and from the site and asked for photomontages to be prepared depicting the view corridor and potential impacts of the proposed development.

It was suggested that if Council considers any further changes to the DCP it should clarify the reasons for maintaining the significant views.

Resolved:

That the Heritage Council, having viewed the photomontages presented by the applicant, resolved to:

A) Approve the application with the following conditions:

- 1. All work shall be carried out in accordance with the following documentation:**
 - a) Subdivision Drawing No.7033 (revision A) prepared by Apex Surveying dated 2 August 2007.**
 - b) Statement of Heritage Impact prepared by Rappoport Pty Ltd dated November 2007.**
 - c) Statement of Environmental Effects prepared by Apex Surveying not dated.**
 - d) Aboriginal Cultural Heritage and Archaeological Assessment: Collingwood and Discovery Parks, Liverpool prepared by Total Earth Care Pty Ltd and dated March 2008.**

And EXCEPT AS AMENDED by the following conditions:

- 2. An application under section 60 of the *NSW Heritage Act, 1977* must be submitted to and approved by the NSW Heritage Council prior to work commencing.**

B) In accordance with section 57(2) of the Heritage Act, recommend the Minister grant the following site specific exemption:

- 1. Construction of residential development in Lot 200 subject to the following conditions:**
 - a) All work shall comply with the Liverpool Development Control Plan No.58 - Residential Development on Congressional Drive, Liverpool adopted on 24 September 2007.**
 - b) This exemption does not include the removal or disturbance of potential archaeological relics that may be present on the site. Further approvals or exemption (if applicable) shall be obtained from the Heritage Council of NSW under the Heritage Act 1977 prior to the issue of a construction certificate.**
- 2. Subdivision of land within the boundaries of Lot 200 in DP 730829.**

5.2 Morpeth Bridge, Morpeth – S60

The Roads and Traffic Authority (RTA) are seeking approval to refurbish the existing truss deck and bridge truss approaches of Morpeth Bridge. The work would ensure that the bridge remains in use and services future load requirements and minimise the bridge's future maintenance requirements, particularly the need for timber.

The Approvals Committee requested clarification on which specific significant materials will be affected and the extent of physical changes. It was suggested

that the applicant for the proposal brief a sub-committee of the Approvals Committee to facilitate a better understanding of the scope of the issue of timber truss bridge maintenance in NSW. This would help with future applications and would enable a better understanding of the concept and details of the current proposal.

Resolved:

- 1) That the Heritage Council defer consideration of the application until its meeting in May pending a briefing from the applicant to outline details of the proposal and the scope of timber heritage bridge maintenance and repairs across the state.**
- 2) Should time be a strict imperative then the Approvals Committee would convene a sub-committee comprising Peter Mould, Petula Samios, David Logan and Julie Bindon to meet and discuss these issues prior to the next meeting.**

5.3 Rippon Grange, Wahroonga – DAR

The current proposal is for construction of 3 apartment blocks for retirement living within the SHR curtilage, adaptive reuse of the house for private community uses, adaptive reuse and conservation of gardens. The Heritage Council, in its meeting of October 2006, gave conditional endorsement of a previous scheme, subject to limiting development to the ridge height of Rippon Grange and pushing Building B further from the house.

The current proposal has met these requirements. However, it was considered preferable that the height of building B be reduced by the equivalent of one storey to reduce its visual impact in relation to the house.

Resolved:

That the Heritage Council provides the following comments to Ku-ring-gai Municipal Council for its consideration:

Design Revision:

- 1) Notwithstanding that building B is in line with the ridge line of Rippon Grange (with the exception of lift overruns) it is recommended that this building be reduced in height by the equivalent of one level to reduce the impact of this building in terms of the visual dominance of the bulk and form on Rippon Grange.**
- 2) The proposal should be revised to retain more spaces within Rippon Grange house of high and medium significance. These include, but are not limited to Rooms 17, 18 and 19 service spaces; and the Drawing Room G12 should have its inglenook mantelpiece reconstructed.**

Nominated Heritage Consultant:

- 3) A built heritage architect independent of the design architect should be nominated for the project. The heritage architect should have appropriate qualifications and experience commensurate with the scope of the works;**
- 4) All repair, conservation work and approved intervention work to significant fabric should be undertaken in accordance with best conservation practice and the decision-making process affecting significant heritage fabric and spaces must involve a built heritage consultant with site inspections at a minimum of two-weekly intervals during construction works. The heritage architect is to be permitted an independent outlook, able to report to Ku-ring-gai Council and the Heritage Branch regarding heritage issues. Detailed design of new work in the vicinity of heritage fabric must continue to involve a heritage architect to ensure that the work complements the character of the original building as thoroughly as possible.**

Works:

- 5) The applicant should demonstrate to Council that the trees indicated to remain can be protected during the excavation works, particularly those for the underground car park. A strategy by a qualified arborist should detail the methodology for protecting the life of trees close to excavation works to maximise their chances of survival. A strategy to replant the blue gum high forest with the missing forest floor species should be developed;**
- 6) Before any tree removals can take place, a qualified arborist shall confirm on site that the trees marked for removal correspond exactly to those identified on the tree removal plan and schedule. Any tree felling or pruning shall be undertaken in compliance with AS 4373-1996 Pruning and WorkCover's Code of Practice. All canopy or root pruning to significant trees shall be carried out during the appropriate season by a qualified arborist. All pruning shall be undertaken in compliance with AS 4373-1996 Pruning and WorkCover's Code of Practice.
It must be demonstrated that ;**
- 7) Significant building elements, features, fixtures, fittings and fragile materials shall be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed;**
- 8) The installation of services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features. Service runs should be grouped and concealed within the new work. Any penetrations through heritage fabric for supply and waste pipes and mechanical ducts should be prevented. New services should avoid significant spaces, views and fabric;**
- 9) The Leaseholder Management Statements (or any buildings management documents) for the site are to include By-law(s) or other measures to ensure that ownership of Rippon Grange is protected and conserved in accordance with the Conservation**

Management Plan and adequate funds are provided in any building maintenance fund for this work;

Archival Record:

- 10) An archival record of Rippon Grange, in accordance with Heritage Branch guidelines, is to be submitted to Ku-ring-gai Municipal Council for approval of the Heritage Branch Director within 3 months of the completion of the works. A copy of the archival record shall be deposited with the NSW Heritage Office.**

Listing:

- 11) It is recommended that the applicant submit a nomination form to the Heritage Branch, Department of Planning, to list the Rippon Grange site with its heritage curtilage on the State Heritage Register.**
- 12) A heritage agreement should be formed between Waterbrook Wahroonga Pty Ltd and the Minister administering the *NSW Heritage Act* to guide the long-term conservation of the Rippon Grange site.**

6. Development Application Referrals and Major Project Application Referrals Under Part 3A of EP&A Act

NIL

7.0 Matters for Consideration

7.1 Rippon Grange, Wahroonga – CMP endorsement

Presentation (Applicant)

The applicant requested that the Conservation Management Plan (CMP) for Rippon Grange not include the Dr G Smith map of blue gum forest as part of the non-developable portion of the site. The applicant did, however, recognise the significance of the blue gum forest and indicated plans to maintain many of the trees as well as add new plantings around the south western boundary of the property. A model of the proposed development and landscape works was also shown to the Heritage Council. The applicant objected to the inclusion of the 2001 CMP curtilage as irrelevant when the current proposed curtilage is enlarged to the entire allotment.

Presentation (John Williams Neighbourhood)

Land and Environment Court decisions relating to the developable area within the Rippon Grange site were outlined. The John Williams Neighbourhood group were concerned that the proposed development would contradict court rulings regarding development constraints, particularly that the Court recommended that development of no more than two storeys should be permitted on the site. Further, that the DA is inadequate for its undervaluing the rarity of the site, damaging the relationship between the house, garden and beyond. The heritage impacts are unacceptable. There needs to be an arrangement in title to protect the building as an item and its maintenance.

Consideration

At its meeting of 5 December 2007 the Approvals Committee, in its resolution with regard to this site, requested that the plan shown in the Development Guidelines and Cultural Heritage Constraints in the Draft CMP be amended to illustrate clearly the areas available for new development, including critical heights, setbacks and view lines (ie. Point 1.f).

The Approvals Committee considered that the CMP (Revision 'C' December 2007) describes limitations on acceptable development that is not indicated in figure 149 (page 170). This includes the Blue Gum High Forest and the cultural planting of Blue Gum trees along Young Street (ref. section 5.8, Significant Landscape Items, item 24b, page 138), as well as the hatched area around the stable.

Resolved:

That the Heritage Council:

1. **Will proceed with its consideration of whether to endorse the CMP (Version C December 2007) for 'Rippon Grange', 35 Water Street, Wahroonga (prepared by Rod Howard & Associates) for a period of five years.**
2. **Endorses the CMP subject to the following matters being addressed to the satisfaction of the Director of the Heritage Branch:**

The 'development guidelines and cultural heritage constraints diagram' is to be revised to show all environmental heritage constraints, including:

- a) **The area of blue gum high forest, as identified in the CMP table 1 page 138 no's 24a and 24b, and as further noted in figure 148 on page 166.**
 - b) **And that figure 149 shows all areas indicated for no new building should be colour coded in the same manner. This would include the current pink area in figure 149, the current hatched area around the stables and the Blue Gum Forest areas identified in point a).**
 - c) **The words, "Sections 8.0 and 9.0 Conservation Policies of this conservation management plan must be read with this diagram" Should be added to the diagram.**
3. **Agrees that the endorsed CMP will provide a guiding document for the Heritage Council in its consideration of any proposals for change to or involving the item that is the subject of the CMP, for the period of the endorsement;**
 4. **Advises the applicant that endorsement of this CMP indicates an acceptance of policies that may guide development in future. Any future development proposal will have to be considered with respect to information at hand at the time, public submissions and likely impact on the significance of the subject heritage item.**

8.0 Matters for Information

NIL

9.0 General Business

NIL

There being no further business the Chair closed the meeting 3:15 pm.

Peter Mould Chair Approvals Committee Heritage Council of NSW	Next Meeting of the Approvals Committee 7 May, 2008 3 Marist Place Parramatta
--	---