

HERITAGE COUNCIL OF NSW Approvals Committee

MINUTES OF MEETING

6 August 2008

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



PRESENT: Peter Mould (Chair), Gabrielle Kibble, Chris Johnson, Petula Samios, Diane Jones

APOLOGIES: Julie, Bindon, David Logan

ALSO PRESENT: Heritage Branch: Rajeev Maini, Nikki Ward, Gary Estcourt, Bronwyn Hanna, Iain Stuart

For the Upper Canal: Hank Pinkster (Illawarra Coal), MacLaren North (Futurepast), Ian Langdon-Jones and Ravi Sundaram (Sydney Catchment Authority)

For Yasmar (Landowner): Warwick Watkins (Department of Lands)

For (Former) Sydney Water Head Office: James Phillips (Weir Phillips Heritage Consultants), David Radford and Laurie Foy (Multiplex)

For Sydney Observatory (Temporary Marquee): Geoffrey Wyatt (Powerhouse Museum)

1. Opening – Welcome

The Chair opened the meeting at 1:00 pm.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

Declarations of Interest

NIL

2. Confirmation of Minutes

2.1 Approvals Committee Meeting of 2 July 2008

Members received a copy of the minutes.

Resolved:

that the Minutes of the meeting of 2 July 2008 be adopted.

3. Action Report

Members received a copy of the action report.

Resolved:

that the Action Report of the meeting of 2 July 2008 be adopted.

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

5.1 Upper Canal – S60

The Upper Canal is significant as a major component of the Upper Nepean Scheme. As an element of this Scheme, the Canal has functioned as part of Sydney's main water supply system for over 120 years. Apart from maintenance and other improvements, the Upper Canal has changed little. The application sought approval for: impacts from extraction of Longwall 409 on the Upper Canal; mitigation works to protect the Upper Canal from impacts from underground longwall mining (Stage 1); in-principle approval of contingency measures for emergency repairs on the Upper Canal; and concept level approval for freeboard raising techniques following completion of mining (Stage 2).

Presentations

The Heritage Council were shown photographs of the areas and infrastructure along the canal which would be subject to the development proposal, along with examples of some of the same type of works previously carried out. After pre-mining mitigation works are carried out it is expected that subsidence would settle in 12 months. Contingency measures were outlined to cover any further works required after this time however it is hoped that further works would not be necessary.

Consideration

The Heritage Council noted that although it had no objection to the works presented so far the s60 application requires actual mining works to be included as part of the application that will need to be re-advertised. Therefore, it agreed that upon completion of the advertising process, the S60 application could be determined under delegation by the Director, Heritage Branch, Department of Planning.

Resolved:

- 1. Note this report; and**
- 2. Agree to delegate the determination of the application to the Director, Heritage Branch, Department of Planning following resolution of the issues relating to approval of mining, the approval of the methodology for temporary repairs of minor collapse of blockwork, and the development of other options for Stage 2 works.**

5.2 Sydney Observatory, Sydney – S60 (Temporary Marquee)

The Observatory is of exceptional significance in terms of European culture. Its dominant location beside and above the port town and, later, City of Sydney made it the site for a range of changing uses, all of which were important to, and reflected, stages in the development of the colony. The proposal put to the Heritage Council was to erect a temporary marquee in northern courtyard for various events until 31 January 2009.

Presentation

The period between the present day and 31 January 2009 is highly significant for the Sydney Observatory with regard to numerous events highlighting the Observatory's site mission and the commencement of the International Year of Astronomy in early 2009. For this reason the operators of Sydney Observatory would like to erect a temporary marquee during this period. It is envisaged that the length of time the marquee would be required to remain on the grounds would represent an exceptional circumstance. Under normal circumstances such a temporary structure would not be required for such a length of time in any one year. The marquee would not affect the primary views to the Observatory from the front or entrance to the property. Obstruction of views from the rear of the property would be minimal due to the existing line of trees which sit directly behind the space where the marquee would be located. The applicant requested that a variation be granted to the third condition of consent for the period to 31 January 2009 to allow them to have the marquee erected for two consecutive blocks of 30 days at the end of 2008 and for January 2009. It was stated that pulling down the marquee for a period between uses would not be financially viable during this time.

Consideration

The Heritage Council determined to allow, as an exceptional circumstance, the applicant's use of the temporary marquee for a period of two consecutive sets of 30 days commencing at the end of 2008 and running to the end of January 2009.

Resolved:

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

- 1) All work shall be carried out in accordance with the following documentation:
 - a) Statement of Impact dated 21st April 2008.

EXCEPT AS AMENDED by the conditions of this consent.

- 2) The marquee can be erected for a maximum period of 60 days per calendar year with each period not exceeding 30 consecutive days.
- 3) Given the specific information provided, relating to the proposed events during the period between November 2008 to January 2009, allow the temporary marquee to be erected continuously from 3rd November 2008 until 27th January 2009. This will use 59 days of the 2008 allocation and 27 days of the 2009 allocation.

Site Protection & Works:

- 4) Significant built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

Compliance

- 5) This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period of consent specified in the relevant development consent granted under the Environmental Planning and Assessment Act, 1979, whichever occurs first.

5.3 Sydney Observatory, Sydney – S60 (Third Dome Building)

It is proposed to construct a building containing a third dome and ticketing office in the south-eastern corner of Sydney Observatory site.

Consideration

The Heritage Council accepted an amendment to the proposal to include a disabled access ramp to the new third dome building. Also, it was noted that historical use should be acknowledged and addressed in the form of interpretation in general, rather than specifying a particular method such as signage.

The Heritage Council raised no objection to the proposed building. However it was noted that public advertising period finished on the day of the meeting so consideration of any public submissions had not occurred yet. It was therefore, agreed that the application can be determined by the Director, Heritage Branch, Department of Planning in consideration of any public submissions.

Resolved:

That the Heritage Council note the report and delegate authority to determine this application to the Director, Heritage Branch.

5.4 Yasmar, 185 Parramatta Rd, Ashfield – IDA

The site of Yasmar survives as a rare example of a suburban villa in its garden setting that remains in a relatively intact condition. Yasmar is the only relatively intact villa house estate remaining on Parramatta Road, the oldest roadway in Australia, commenced in 1792. The house, stables and garden survive in layout and in relation to each other as originally intended. For these reasons the site is rare. The application presented to the Heritage Council was for demolition of the existing disused Juvenile Justice Detention Facility buildings and perimeter fence to be replaced with a new Bilingual Italian School.

Consideration

Having heard the presentation by the Department of Lands, the Heritage Council agreed that the proposed development can be approved while long term management issues for the overall site are being addressed by the Department.

Resolved:

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

- 1) All work shall be carried out in accordance with the following documentation:**
 - b) Drawings DA.00 to DA.15 dated 2nd June 2008, prepared by Wayne McPhee and Associates;**
 - c) Landscape DA Plan dated 30th May 2008, prepared by Eden Design;**
 - d) Statement of Environmental Effects dated 10th January 2008, prepared by Wayne McPhee and Associates;**
 - e) Statement of Heritage Impact dated January 2008, prepared by Wayne McPhee and Associates**

EXCEPT AS AMENDED by the conditions of this consent.

- 2) In order to minimise any impacts on the visual amenity of Yasmar House it is recommended that the form of the roofs for the library and administration block is modified so that the highest point is no higher than the masonry wall on the northern boundary or alternately the pitch is reversed so that the highest point is furthest away from Yasmar House.**

Further Information:

- 3) A landscape plan that better addresses the relation between the Co. As. It. site and the broader Yasmar landscape is to be submitted for the approval of the Director of the Heritage Branch, Department of Planning, prior to commencement of works.**
- 4) Trees that are identified as requiring relocation shall have their new locations identified in the aforementioned plan.**
- 5) Details of interpretation strategies to be incorporated on-site is to be submitted for approval with the S60 application prior to commencement of works.**
- 6) Appropriate tree protection measures shall be put in place to**

minimise adverse impacts on lower tree branches, trunks and root zones during and after construction. These shall be prepared by a qualified arborist. All work associated with demolition and laying of building foundations should be monitored by an arborist.

Site Protection & Works:

- 7) Significant built elements and landscape features are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
- 8) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Archival Recording:

- 9) An archival photographic recording of the Juvenile Justice facility buildings to be demolished should be undertaken prior to the commencement of works, in accordance with the Heritage Council document, *How to prepare archival Records of Heritage Items*. The original copy of the record shall be deposited with the Heritage Branch, an additional copy shall be provided to the Ashfield Municipal Council.

Advisory:

The applicant should also be advised that following the determination of the development application by Ashfield Municipal Council, an application under Section 60 of the NSW Heritage Act 1977 must be submitted to and approved by the NSW Heritage Council.

In arriving at its decision the Heritage Council:

- Noted the information presented by the Department of Lands;
- Agreed that the Development Application for the Italian Bilingual School can be assessed concurrently to the broader site management issues being resolved;
- Accepted the offer from the Director-General of the Department of Lands for Heritage Branch to provide comments in the preparation of the Conservation Management Plan and the Plan of Management for the site;
- Requested that the Plan of Management and Conservation Management Plan for the site is sent to the Heritage Council for review when completed; and
- Accepted the offer from the Director-General of the Department of Lands for officers of the Heritage Branch to be involved in the EOI process for the adaptive reuse of Yasmar House.

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

NIL

7.0 Matters for Consideration

7.1 RTA Camden Valley Way – Update on impacts on Raby, Gledswood, Upper Canal

This item has been deferred at the applicant's request prior to the Approvals Committee meeting.

7.2 Yasmar, 185 Parramatta Rd, Ashfield – IDA (Department of Lands response to July Heritage Council determination)

Presentation

The proponent is in the process of preparing a document on how to submit an expression of interest for use of the Yasmar site. In terms of use of the site, the proponent has classified three distinct but interrelated precincts within the site: the bilingual school precinct; the central precinct containing Yasmar house and garden; and the justice precinct. Revenue raised from use of either of the precincts, along with funding from public reserves management, would be taken into account in the assessment of any expression of interest for portions of the site. Any revenue raised would be redirected back in to conservation of the site. An expression of interest application would also need to work within and be consistent with any Plan of Management. Any variation would need to be submitted to the Minister. The Plan of Management would guide all activities on the site.

An access regime for the site would need to be considered according to applications for use of the separate portions of the site.

Consideration

At the July 2008 meeting, the Heritage Council had deferred consideration of the proposed bi-lingual school on one part of the subject site pending further information from Department of Lands regarding management of the site as a whole.

This issue was addressed by the Director General, Department of Lands by way of a presentation to the Heritage Council. The Director General advised that the Department of Lands is currently preparing a Plan of Management and agreed for that Plan of management to cover the whole site. A Conservation Management Plan is also being prepared for the site.

The Heritage Council accepted the Director General's offer to be involved at officer level in the development of a Conservation Management Plan (CMP) for the site. The Heritage Council would also like to review the completed CMP. It was noted that the draft CMP only relates to the central precinct of the site and that it should be expanded to cover the whole site as well. It was acknowledged that access to the site may be an issue, however this would be a matter for local Council to consider and address.

Resolved:

- 1. That the Heritage Council notes the information presented by the Department of Lands;**
 - **Agrees that the Development Application for the Italian Bilingual School can be assessed concurrently to the broader site management issues being resolved;**
 - **Accepts the offer from the Director-General of the Department of Lands for Heritage Branch to provide comments in the preparation of the Conservation Management Plan and the Plan of Management for the site;**
 - **Requests that the Plan of Management and Conservation Management Plan for the site is sent to the Heritage Council for review when completed; and**
 - **Accepts the offer from the Director-General of the Department of Lands for officers of the Heritage Branch to be involved in the EOI process for the adaptive reuse of Yasmar House.**

8.0 Matters for Information

8.1 (Former) Sydney Water Head Office, 339 Pitt St, Sydney – IDA

The former Sydney Water head office consists of two buildings – called here the “1939 Building”, a 7 storey Art Deco block which is on the SHR, and the “1965 Building”, a 23 storey modernist tower which is not on the SHR. The site was sold to Multiplex early in 2008. Two Integrated Development Applications have been submitted to the City of Sydney, called here the “1965 Building IDA” and the “1939 Building IDA”. The 1965 Building IDA is a Stage 1 Development Plan proposal for demolition of the 1965 building and replacement with a new building envelope of 42 stories comprising commercial and retail uses. Heritage Council approval is not required for this since the 1965 building is not on the SHR. However it also proposes to demolish the north side of the 1939 building in preparation for the installation of lift wells for the new tower, and Heritage Council approval is required for this part of the application. The 1939 Building IDA proposes restoration of the façade and ground floor of the 1939 Building as well as refurbishment of its upper levels to contemporary corporate standards.

Presentation

The proponent proposes to refurbish the Ratings Chamber within the 1939 building to its former state – restoring the scagliola columns and removing the mezzanine and current office fit-out to re-open it up to the original two-storey space. It was suggested that the space would serve well as a high-end restaurant or bar. Negotiations have taken place with Sydney Water to retain significant moveable heritage such as the war memorial plaques, and incorporate these into the refurbishment and make them accessible to the public. Conservation works would also be carried out in to restore the facade of the building. Access links between the 1939 building and the new tower would be incorporated. Impacts on the basement level would be minimised. The plans submitted to the City of Sydney are currently being amended to reduce the proposed impact on the north

façade of the 1939 building and to include part of another floor of office space on the roof.

Consideration

The Heritage Council noted that Gabrielle Kibble was formerly chair of Sydney Water, but not early in 2008 when the site was sold. It was also noted that some aspects of the proposal had been altered since the IDAs were submitted and the report for this meeting written.

The Heritage Council would like to see the revised plans, especially showing the location of the edges of the 1939 building in the context of the proposed changes. Any changes to the original development application may need to be re-advertised, at which point the Heritage Council will review the new plans. The Heritage Council requested that heritage issues should be clearly analysed in the new Heritage Impact Statement.

Resolved:

That the Approvals Committee as delegate of the Heritage Council:

- **Notes the report and the presentation made by the applicant;**
- **Notes the advice from the applicant that the proposal will be amended in response to the concerns raised by the Heritage Council report;**
- **Notes that amended plans will need to be submitted to the Sydney City Council formally to allow them to be referred to the Heritage Council;**
and
- **Advices Sydney City Council that General Terms of Approval will be issued upon receipt of the amended plans and consideration of any issues arising from the amended plans.**

9.0 General Business

NIL

There being no further business the Chair closed the meeting 3:00 pm.

Peter Mould Chair Approvals Committee Heritage Council of NSW	Next Meeting of the Approvals Committee 1 October, 2008 3 Marist Place Parramatta
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