

HERITAGE COUNCIL OF NSW

Approvals Committee



MINUTES OF MEETING

3 December 2008

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

PRESENT: Peter Mould (Chair), Petula Samios, David Logan, Julie Bindon, Diane Jones

APOLOGIES: NIL

ALSO PRESENT: Heritage Branch: Rajeev Maini, Siobhan Lavelle, Nikki Ward, Gary Estcourt, Shikha Jhaldiyal

For Orielton: Darren Youens (Harrington Estates (NSW) Pty Ltd)

For Harrington Park: Darren Youens (Harrington Estates (NSW) Pty Ltd)

For Walsh Bay Pier 4/5: Bruce Pettman, Chris Wilson & Ian Gordon (Government Architects Office), Rob Brookman (State Theatre Company), Tasman Storey (Tropman & Tropman Architects)

For Jenner House: Clive Lucas (Clive Lucas, Stapleton & Partners), Keith Cottier & John Gunnell (Allen Jack & Cottier), Tony Peterson (Client)

For Millers Point Post Office: Tim Greenland (Owner), Lester Tropman, Susana Marques & Tasman Storey (Tropman & Tropman Architects)

Also Present: Chris Johnson (as observer)

1. Opening – Welcome

The Chair opened the meeting at 11:30 am.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

Declarations of Interest

Peter Mould (Item 4.3) – Walsh Bay Pier 4/5 – Report prepared by Government Architects Office

David Logan (Item 5.6) – Millers Point Post Office – Godden Mackay Logan provided advice to the Department of Housing (objector)

2. Confirmation of Minutes

2.1 Approvals Committee Meeting of 5 November 2008

Members had each received a copy of the minutes of the last meeting of the Approvals Committee.

Resolved:

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

3. Action Report

Members each received a copy of the action report with the December 2008 meeting Agenda papers.

Resolved:

that the Action Report, noting actions undertaken since the meeting of 5 November 2008, be adopted.

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

5.1 Orielton, 179 The Northern Rd, Harrington Park - IDA

Orielton is considered to be of exceptional significance because of the integrity of its rural setting and the demonstrable functional relationships within the homestead and farm complex. A 3 Lot subdivision was proposed for the property. This subdivision has been predicated on the creation of a Heritage Agreement to ensure that there are sufficient funds available for the ongoing and long-term conservation and maintenance of this important site. One of the major impacts on the site will be the construction of a roadway (not a part of this application) through the core historic curtilage of Orielton. This road is necessary to provide access to the new subdivisions from The Northern Road.

Presentation

The proponent outlined the area to be developed around the current Orielton curtilage, including an initial indication of the location of the proposed road through the property. The whole of the Orielton site would remain under single ownership, even with the road going through it. Registration of the subdivision would need to be finalised before a Heritage Agreement could be set in place. Subdivision surrounding the property would consist of large lots, with a minimum

size of 800m² with 60% of this area being left as nature corridors and conservation areas.

Consideration

The Approvals Committee agreed that condition 4 of the conditions of consent be re-worded to request a draft Heritage Agreement to be submitted with any S60 application. The Committee discussed issues related to having a road run through the SHR curtilage, splitting the property and suggested investigations to lower the road to create less impact within the curtilage in terms of views and division of the land. The Approvals Committee would like to review a detailed design of the road route.

Resolved:

That the Heritage Council advise Camden Council in accordance with S91A of the *Environmental Planning and Assessment Act 1979* that it is prepared to issue an approval under S63 of the *Heritage Act 1977* in accordance with the following terms:

- 1. All work shall be carried out in accordance with the following documentation:**
 - a) Drawing 07230(EXC)PS prepared by JMD Consultants, dated 10th September 2008;**
 - b) Statement of Environmental Effects prepared by JMD Development Consultants;**
 - c) Heritage Impact Statement dated October 2008, prepared by Tropman and Tropman Architects; and**
 - d) Orielton Conservation Management Plan prepared by Tropman and Tropman Architects, dated August 2006.**

EXCEPT AS AMENDED by the conditions of this consent.

- 2. The subdivision boundary is to be modified to ensure that it aligns with the SHR curtilage boundary.**
- 3. The Indicative Structure Plan shall be modified to ensure that no development occurs within the northern areas of the SHR curtilage.**

Further Information:

- 4. The Heritage Agreement for Orielton shall be finalised to ensure that funds from the subdivision shall be committed to the ongoing maintenance and conservation of this site. No further development should take place in this subdivision prior to the finalisation of this Heritage Agreement. The final draft of the Heritage Agreement shall be submitted with the S60 application.**

Site Protection and Works:

- 5. The current proposal does not include any physical works. Any works that are proposed within the SHR curtilage will require further approval of the Heritage Council, except for those exempted by the Heritage Agreement.**
- 6. Prior to any works being undertaken on the estate or adjacent areas consultation should be undertaken with the Department of Environment and Climate Change to minimise impacts on any Indigenous sites.**
- 7. Any development within areas of archaeological potential must be preceded by an appropriate archaeological assessment and**

programme. This may require additional approvals and permits from the Heritage Council.

- 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.**
- 9. Following determination of the DA by Camden Council an application under Section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to work commencing, except for those exempted by the Heritage Agreement.**

For areas outside of the SHR Curtilage the Heritage Council provides the following advice for the consideration of Camden Council.

- 1. The relevant Precinct Plans and Master Plans for development at the site should specify appropriate design, colour and material options so as to minimise any impact on significant views to or from Orielton. They should be informed by the recommendations of the Conservation Management Plan and Heritage Impact Statement. It is requested that the Precinct Plans and Master Plans are forwarded to Heritage Council for comment.**
- 2. The recommendations from the Heritage Impact Statement that are not already incorporated into the conditions of consent should be included, as relevant, in the conditions of consent.**
- 3. Any archaeological deposits discovered during works may be subject to the relics provisions of the Heritage Act. 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.**

5.2 Harrington Park, 1 Nolan Way, Harrington Park – IDA

Harrington Park is of State significance as one of the earliest 'Cowpasture' homesteads on the Cumberland Plain. The current proposal is for a 6 Lot subdivision of the historic Harrington Park property. The retention of the core area of Harrington Park within Lot 4 is in accordance with the zoning boundaries. The northern area of the SHR curtilage is contained within an area zoned 6(a) – *Open Space*. Future development within area will require approval from the Heritage Council. This subdivision has been predicated on the creation of a Heritage Agreement to ensure that there are sufficient funds available for the ongoing and long-term conservation and maintenance of this important site.

Presentation

The proponent stated that, in a similar way to matters regarding the Orielton estate, registration of the subdivision would need to be finalised before a Heritage Agreement could be set in place. Subdivision surrounding the property would consist of large lots, with a minimum size of 800m² with 60% of this area being left as nature corridors and conservation areas.

Consideration

The Approvals Committee agreed that condition 4 of the conditions of consent be re-worded to request a draft Heritage Agreement to be submitted with any S60 application.

Resolved:

That the Heritage Council advise Camden Council in accordance with S91A of the *Environmental Planning and Assessment Act 1979* that it is prepared to issue an approval under S63 of the *Heritage Act 1977* in accordance with the following terms:

- 1. All work shall be carried out in accordance with the following documentation:**
 - a) Drawing 05137(EXC)PS prepared by JMD Development Consultants, dated 8th January 2008;**
 - b) Statement of Environmental Effects prepared by JMD Development Consultants, dated August 2008;**
 - c) Heritage Impact Statement prepared by Tropman and Tropman Architects, dated October 2008; and**
 - d) Harrington Park Conservation Management Plan prepared by Tropman and Tropman Architects, dated August 2006.**

Further Information:

- 2. The Heritage Agreement for Harrington Park shall be finalised to ensure that funds from the subdivision shall be committed to the ongoing maintenance and conservation of this site. No further development should take place in this subdivision prior to the finalisation of this Heritage Agreement. The final draft of the Heritage Agreement shall be submitted with the S60 application.**

Site Protection and Works:

- 3. The current proposal does not include any physical works. Any works that are proposed within the SHR curtilage will require further approval of the Heritage Council, except for those exempted by the Heritage Agreement.**
- 4. Prior to any works being undertaken on the estate or adjacent areas consultation should be undertaken with the Department of Environment and Climate Change to minimise impacts on any Indigenous sites.**
- 5. Any development within areas of archaeological potential must be preceded by an appropriate archaeological assessment and programme. This may require additional approvals and permits from the Heritage Council.**
- 6. 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.**
- 7. Following determination of the DA by Camden Council an application under Section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to work commencing.**

For areas outside of the SHR Curtilage the Heritage Council provides the following advice for the consideration of Camden Council.

- 1. The relevant Precinct Plans and Master Plans for development at the site should specify appropriate design, colour and material options so as to minimise any impact on significant views to or from Harrington Park. They should be informed by the recommendations of the Conservation Management Plan and Heritage Impact Statement. It is requested that the Precinct Plans and Master Plans are forwarded to Heritage Council for comment.**
- 2. The recommendations from the Heritage Impact Statement that are not already incorporated into the conditions of consent should be included, as relevant, into the conditions of consent.**
- 3. Any archaeological deposits discovered during works may be subject to the relics provisions of the Heritage Act. 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.**

5.3 Jenner House, 2 Macleay St, Potts Point - IDA

The Jenner precinct demonstrates the lifestyle of the late 19th century residents of the Potts Point area, which was characterised by the beauty of its houses and grounds and the wealth of its residents. This application involves amended plans to previous applications including part demolition of the northern wing, construction of one new residential dwelling, two swimming pools and landscape works. The proposal resolves many of the issues of concern with the previous applications.

Presentation

The proponent queried some aspects of the Heritage Branch report. Only part of the two lower floors of the service wing were to be demolished. The applicant requested an amendment to condition 13 to allow vehicular access via the pathway along the southern boundary. The applicant also queried prior public use of the property, stating it has only been used for private, institutional and Naval purposes. Little of the original garden remains, however some specific plantings have been noted as significant. It was proposed that Common Title be limited to the front of the property which would be visible to the public. During restoration works to the rear of the property some vegetation would be removed. The proponent also mentioned that structures previously used for servants in the building have already been removed from the house. The proponent said that, overall, the current proposal is less intrusive than the previous scheme put forward.

Consideration

The Approvals Committee agreed to re-word the conditions of consent and report to address issues raised by the proponent, including removal of condition 2 of the conditions of consent provided in the report to the Approvals Committee referring to retention of the eastern garden as common property. The Committee recommended that the Heritage Branch report be amended to indicate that only part of the internal walls on the lower floors of the service wing would be removed in the section of text under the subheading 'demolition'. Also, under the heading of 'Interpretation' the wording should be changed to indicate prior public access to the site, rather than public use. Condition 12 of conditions of consent

should also be amended accordingly. An archaeological assessment of the site would be necessary to detect any potentially significant relics. The Committee acknowledged that there may be benefit in providing vehicular access along the boundary of the property to allow maintenance vehicles to gain closer proximity to the rear of the property. The Approvals Committee requested that plans for subdivision be submitted and determined under delegation by the Director of the Heritage Branch, Department of Planning.

Resolved:

That the Heritage Council advise City of Sydney Council in accordance with S91A of the *Environmental Planning and Assessment Act 1979* that it is prepared to issue an approval under S63 of the *Heritage Act 1977* in accordance with the following terms:

- 1. All work shall be carried out in accordance with the following documentation:**
 - a) DA 2101 Issue E, DA 2102 Issue G, DA 2103 Issue G, DA 2104 Issue H, DA 2105 Issue G, DA 2106 Issue F, DA 3101 Issue G, DA 3102 Issue G, DA 3103 Issue H, DA 3104 Issue H, DA 3105 Issue E, DA 3201 Issue G, DA 3202 Issue G and DA 3104 Issue A dated 4th September 2008; SK0100 Issue B dated 5th September 2008; and LDA-01 Issue A and LDA-HL-02 Issue A dated 25th July 2008, prepared by Allen jack and Cottier;**
 - b) Statement of Heritage Impact dated 30th October 2008, prepared by Clive Lucas, Stapleton and Partners; and**
 - c) Heritage Impact Statement: Landscape prepared by CAB Consulting.**

EXCEPT AS AMENDED by the conditions of this consent.

- 2. The eastern garden should be managed in a coherent and cohesive way, consistent with an approved Landscape Management Plan.**
- 3. The final design of the eastern gardens shall be determined after further detailed analysis of significance of landscape elements, the details of which are to be incorporated in the Landscape Management Plan and submitted with the S60 application.**
- 4. The proposed balcony on the eastern façade of Jenner House is not to be enclosed.**
- 5. The following Information must be submitted with the Section 60 application and be accepted by the Director, Heritage Branch as satisfactory:**
 - a) An archaeological research design and methodology.**
 - b) A materials and colour palette.**
 - c) Detailed analysis of the impacts and potential mitigation measures for significant fabric in the servant's quarters on ground floor and level 1.**
 - d) Detailed analysis of the impacts of the installation of the lift on significant fabric and potential mitigation measures.**
 - e) More detailed information on the significance of other landscape elements and potential strategies for retention or relocation of these elements.**
 - f) A Landscape Management Plan prepared by a landscape architect with experience in heritage gardens/landscapes.**

- g) A Strata Plan.
- h) An Interpretation Strategy for Jenner House.
6. No further development is to be undertaken in the eastern garden of Jenner House.
 7. Consultation should be undertaken with the Department of Environment and Climate Change to ensure that there are no likely impacts on any Indigenous sites that may exist on the eastern end of the property.
 8. All items of significance identified in the Landscape Heritage Impact Statement shall be retained onsite for incorporation into the new landscape plan.
 9. 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 adjacent to significant trees shall be monitored by a suitably qualified arborist.
 10. 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.
 11. A full archival recording of the affected aspects of the site is 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 archival record shall be deposited with the Heritage Branch, an additional copy shall be provided to the City of Sydney.
 12. Following determination of the DA by City of Sydney an application under Section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to work commencing.

5.4 The Australian Hotel, 100-104 Cumberland Street, The Rocks – IDA

The Australian Hotel and site are of State heritage significance for their historical and scientific cultural values. The site and building are also of State heritage significance for their contribution to The Rocks area. The proposal was to install a lift, expand the rooftop terrace, create a rooftop canopy, change of use of 1st floor and structural upgrades.

Consideration

The Approvals Committee deferred determination of this application, requesting to see photomontages of oblique views to the Hotel from across the road on Cumberland and Gloucester Streets, showing proposed changes. The Committee also requested that the rooftop balustrade be set back from the edge.

Resolved:

That the Heritage Council defer consideration of the application and seek further information showing the visual impacts of the proposal on the site as follows:

- 1. Photomontages showing oblique views from across the road on Cumberland and Gloucester Streets.**

5.6 Millers Point Post Office, 12 Kent Street, Millers Point – IDA

Millers Point Post Office is significant because it is associated with the NSW Government Architect's Office under Walter Liberty Vernon and its association with the growth and communications services to the Millers Point community. It is also associated with activities of the NSW Police Department in the late nineteenth century. It is aesthetically significant because it is a rare and strong example of the Federation Free Classical architectural style, and makes an important contribution to the historic streetscape along Kent and Argyle Streets. The proposed works included: construction of a five-storey infill building (including two-storey basement) on the eastern portion of the site and excavation for a basement; conversion of the existing fibro addition to the existing out-building to the rear of the Post Office building to house lockable PO Box units; and minor demolition of the boundary wall.

Presentation

The proponent stated that the new building to the rear of the property would not be dominant or out of character within the Millers Point precinct, pointing out materials and detailing on other recent additions and extensions to heritage properties within the Millers Point area. The original building and outhouses would be restored for occupation, with no other works. The applicant was willing to re-align the windows and fenestrations of the new building to those of the existing building, as well as aligning the new building along the axis in a similar manner to other buildings in the area. The proponent was willing to look at a variation in the colour scheme and external fabric for the new building if the Approvals Committee deemed this necessary. At this stage the proponent had not obtained an arborist's report with regard to potential excavation impact on the root system of the large tree located just outside of the rear of the property.

Consideration

The Approvals Committee refused the application on the basis of design and impact of the proposed townhouse to the rear of the property. The Committee recommended the applicant refer to 'Infill Guidelines' with regard to the townhouse. Concern was also expressed about potential damage to the root system of the tree just beyond the rear of the property due to impact from excavations to create a basement for the new townhouse. Impact from excavation could affect the tree's ability to survive and contribute to the significance of the Millers Point Conservation Precinct. It was noted that the City of Sydney Council has been awaiting an Arborist's report in support of the removal of the trees.

Resolved:

That the Heritage Council:

- 1. Support the retention of the Post Office Building at 12 Kent Street, Millers Point; and**
- 2. Refuse the application for the following reasons:**
 - a) The design of the building does not comply with the *Design In Context Guidelines for Infill Development in the Historic***

- Environment prepared by the NSW Heritage Office and the Royal Australian Institute of Architects NSW Chapter Infill Guidelines Working Party; and**
- b) The design of the building has an adverse impact on the surrounding trees.**

5.7a and 5.7b Former Sydney Water Head Office, Sydney – IDA

The 1965 Sydney Water Building is significant for its innovative structure, pioneering rapid construction techniques and site specific response to climate control but it is not on the LEP or SHR. The current proposal is a revised IDA to demolish the 1965 building. It proposes a building envelope for a taller tower to be constructed in its place, to be partially cantilevered over the remaining 1939 Building, which is on the SHR. A second IDA proposes to refurbish the 1939 Building by restoring the grand Ratings Chamber and façade but by removing considerable amounts of original interior fabric in the upper floors in order to construct a high standard of office space.

Consideration

The Approvals Committee would like to see further details with regard to the cantilever of the new building to be constructed. The Committee saw benefit in maintaining the façade of the building and reinstating the Ratings Chamber. The Committee was not clear on the impacts of the proposed works. In light of the Heritage Branch report recommendation to request additional information, the Committee determined to defer determination of the application pending a site visit and receipt of additional information regarding details of proposed works impacting on heritage elements for restoration of the building.

Resolved:

That the applicants should provide:

- 1. Further details about the relationship to the 1939 Building of the proposed cantilever of the new tower over the northern side of the 1939 Building, including:**
 - a) specifications of distances between the cantilever and the 1939 Building,**
 - b) drawings depicting this relationship from different angles,**
 - c) an analysis of the engineering challenges of constructing this cantilever in this restricted location, and**
 - d) a detailed heritage impact statement about the likely heritage impacts of the cantilever on the 1939 Building.**
- 2. Further details about the proposed restoration of the Ratings Chamber including:**
 - a) whether the original detailing of the upper walls and ceiling of the Ratings Chamber will be reinstated and whether original fabric of the lay-light will be restored or new fabric introduced, and**
 - b) whether and how artificial lighting will be used to replicate the effect of sunlight coming through the lay-light into the chamber.**

3. **Further details and justification for the proposed removal of the original stairs from the Ratings Chamber to the Strong Room in the basement.**
4. **A detailed analysis of the requirements for "Grade A" office space and the likelihood of whether a building of this age in this location is capable of meeting those requirements. Specifically, more detailed information is required about the relative capabilities of all six elevators currently servicing the upper levels of the 1939 Building in comparison with the proposed group of four new elevators.**
5. **A detailed analysis of the location of original heritage fabric that remains throughout the upper levels of the 1939 Building, including original toilets, corridors, partitions service lifts, joinery and memorabilia. A detailed description of which aspects of this heritage fabric is to be kept in situ within the new office arrangements.**
6. **Comment on the proposal that a Heritage Agreement shall be established to ensure that the economic advantages of the proposed cantilever of the new office tower over the 1939 building and the redevelopment of the office space on levels 2-9 of the 1939 Building shall be committed to the proposed refurbishment works which include but are not be restricted to the reinstatement of the two-storey Ratings Chamber and the restoration of the building's facades to Pitt Street and Willmot Street.**

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

NIL

7.0 Matters for Consideration

7.1 Walsh Bay Pier 4/5 – Pre-DA

David Logan was Chair for this item.

The Walsh Bay area is significant due to its unique combination of steep rocky terrain, early, mid, late-Victorian and Edwardian housing, relatively intact Victorian bond stores, and timber wharf and shore structures and associated rock cuttings, roads and bridges. The proposal was to install solar panels onto the roof of Pier 4/5.

Presentation

The proponent explained how use of solar panels on the site would be incorporated into a larger project to enable the building to be self-sufficient using environmentally friendly technologies. Photomontages, from various vantage points, were shown to demonstrate three options for placement of the panels based on potential for efficiency and variations on visual impact. The proponent

hopes the use of such environmentally friendly technologies on such a scale will be both inspirational and educational to the community.

Consideration

The Approvals Committee recognised the current application could set an important precedent for the future use of solar panels on heritage buildings. The Committee preferred a hybrid of options 2 and 3, taking into consideration continuity of appreciation and views of the existing roofscape, while maintaining energy efficiency. The Committee requested that the applicant consider some additional options for placement of the solar cells. For example, using option 1 to maximise capacity in the internal roof planes (the valley) while using a variation of option 3, eliminating the top row of cells, for the outside roof planes. Another variation would be to leave a section of roof plane bare at either end of the roof, approximately the width of one or two bays, in order that the integrity of the views of Pier 4/5 from the water could be maintained. The Approvals Committee requested that the applicant consider these, and similar, options incorporating consideration of interpretation of the existing roofscape and energy efficiency. Further photomontages should be submitted to the Approvals Committee for consideration.

Resolved:

That the Heritage Council:

- 1. note the information in the report; and**
- 2. advise the applicant about the proposed development.**

8.0 Matters for Information

NIL

9.0 General Business

There being no further business the Acting Chair closed the meeting at 5:10 pm.

Peter Mould Chair Approvals Committee Heritage Council of NSW	Next Meeting of the Approvals Committee 6 February, 2009 3 Marist Place Parramatta
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