

HERITAGE COUNCIL OF NSW Approvals Committee

MINUTES OF MEETING

7 May 2008

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



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- PRESENT:** Peter Mould (Chair), David Logan, Julie Bindon, Diane Jones, Petula Samios
- APOLOGIES:** Chris Johnson
- ALSO PRESENT:** Heritage Branch: Vincent Sicari, Nikki Ward, Siobhan Lavelle, Brad Vale, Stuart Read
- For 61-79 Quay St, Haymarket: Trevor Dixon (NGI Management)
- For Morpeth Bridge: Kylie Seretis & Erica Adamson (RTA), Ian Berger, Jim Peachman, Mark Tilley, Michael Crowley (RTA) Harry Trueman
- For Mean Fiddler Hotel: Alex Thorp (Drinx), Anthony Green (Squillace Architects)
- For Rippon Grange: Iain Murray & Kevin Ryan (Waterbrook), Ben MacGibbon (Murlan), Megan Jones & David Earp (Tanner Architects), Bob Chambers (BBC Planners)

1. Opening – Welcome

The Chair opened the meeting at 10:15 am.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

Declarations of Interest

David Logan - Item 7.1 (Rippon Grange)

2. Confirmation of Minutes

2.1 Approvals Committee Meeting of 2 April 2008

Members received a copy of the minutes.

Resolved:

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

3. Action Report

Members received a copy of the action report.

Resolved:

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

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

5.1 Mean Fiddler Hotel, Rouse Hill – IDA

Presentation

The applicant outlined the comparative scale of development for the proposed new buildings at the site of the former Royal Oak Inn at Rouse Hill in relation to recent developments along that section of Windsor Road. Photographs and photomontages were presented to illustrate the form, scale and location of the proposed new hotel and day spa complex in relation to current buildings, structures and vegetation on the site. The hotel and day spa complex would be constructed outside the most sensitive heritage zone of the former Royal Oak Inn and it was proposed that the setback area of 25 metres between Windsor Road and the new hotel would not be built upon in order to maintain significant views to the SHR item. This area would be maintained as landscaped area with parking.

Consideration

The Approvals Committee had no objection to the proposal on heritage grounds. Recommendations were provided for Council regarding development of the site.

Resolved:

Given the separation between the proposed buildings and the heritage item and the proposed setback to Windsor Road, which maintains oblique views to the heritage item and the extensive development that has already occurred within the immediate setting of the heritage item, the Heritage Council resolved that there were no heritage grounds for rejecting this proposal.

If Council is of a mind to approve this development the Heritage Council requires the following general terms of approval:

- 1) The landscape treatment within the 25 metre new building setback from the Windsor Road boundary (north of the heritage item) is to be redesigned to remove the majority of the hardstand parking area and incorporate more permeable planted surfaces.**
- 2) The Applicant must ensure that if substantial intact archaeological relics of State or local significance are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Council of NSW must be notified in writing in accordance with 146(a) of the *NSW Heritage Act, 1977*. Additional assessment and approval may then be required prior to works continuing in the affected area(s) based on the nature of the discovery.**
- 3) An application under section 60 of the *NSW Heritage Act, 1977* must be submitted and approved by the NSW Heritage Council prior to work commencing.**

5.2 61-79 Quay Street, Haymarket – S140

Presentation

A brief presentation was made to the Approvals Committee updating on the proposed methodology for excavation of the site and the retention of the façade of the former Poultry Market Building. Asbestos, oil and other contaminants have also been found on the site. The Applicant requested that the proposed condition 13 of the recommendations be amended to state that only one public open day would be required.

Consideration

The Approvals Committee supported an amendment of the conditions of consent to require only one public open day for the site. However, subject to any further archaeological findings and public interest, additional open days may be required.

Resolved:

That the Heritage Council approve the S140 application with the following conditions:

- 1) All works shall be in accordance with the methodology outlined in the S140 Excavation Permit Application number 2008/S140/02 and supporting documents, in particular the *Archaeological Assessment: 61-79 Quay Street Development, Ultimo* prepared by Cultural Resources Management, January 2008, and the *Application: Section 140 Excavation Permit – 61-79 Quay Street Development, Ultimo* prepared by Cultural Resources Management, February 2008.**

EXCEPT AS AMENDED BY THE FOLLOWING CONDITIONS:

- 2) This permit is issued for an archaeological salvage excavation, which will include the removal of archaeological relics of State significance. Selected features and items are to be dismantled and conserved to enable their reconstruction and reinstatement on site**

- as part of the interpretation of the new development. These features are to be selected in consultation with the Heritage Council or its delegate, in accordance with Conditions 17, 18, and 19 below.
- 3) This archaeological approval is valid for five (5) years from the date of approval. Requests for extensions after this time will only be considered in writing.
 - 4) The Applicant must ensure that the Heritage Branch, Department of Planning, is informed in writing of the start of the on site archaeological fieldwork at least five (5) days prior to its commencement and, that the Heritage Branch is also informed of the end of the on site fieldwork within five (5) days of its completion.
 - 5) The Heritage Council and the Heritage Branch, Department of Planning, reserve the right to inspect the site and records at all times and access any relics recovered from the site.
 - 6) The Applicant must ensure that if any additional substantial intact archaeological deposits and/or State significant relics not already identified in the Application for S140 Excavation Permit number 2008/S140/02 are discovered, work must cease immediately in the affected area(s) and the Heritage Branch, Department of Planning, 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.
 - 7) The Applicant must ensure that 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 2008/S140/02, dated February 2008.
 - 8) The Heritage Council 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 permit under section 144 of the *NSW Heritage Act, 1977*. 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 Director of the Heritage Branch 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 Heritage Council of NSW.
 - 9) During the initial excavation phase the Excavation Director must avoid as much as possible any negative impact on the potential archaeological remains within the site at 61-79 Quay Street, by minimising the movement of machines across the archaeologically sensitive areas, and by ensuring careful removal of ground level features or deposits where these must be removed to facilitate the archaeological salvage excavation.
 - 10) The Applicant must ensure that the Excavation Director takes adequate steps to record to scale and in detail relics, structures and features discovered on the site during the archaeological works in

accordance with the approved research design and current best practice guidelines. This work must be undertaken in accordance with the Heritage Council guidelines, *How to Prepare Archival Records of Heritage Items* and *Guidelines for Photographic Recording of Heritage Sites, Buildings and Structures (2006)*. Photography must include archivally stable formats including black and white photographic prints and colour slides.

- 11) The Applicant must ensure that during the period of excavation, the site is made secure and that artefacts, structures and features are not subject to deterioration, damage or destruction, during the fieldwork.
- 12) Throughout the archaeological excavation works the Applicant must ensure that:
 - a) Appropriate signage to explain the history of the site and the archaeological program is placed at the site during any archaeological excavation. This signage must be placed from the first week of the archaeological works on the site.
 - b) A local public information program is implemented including press releases to ensure the public is informed about the project and its outcomes.
 - c) Free public brochures 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.
- 13) The Applicant must ensure that at least one (1) Public Open Day is conducted on the site, with the potential for further open days subject to the archaeological findings at the discretion of the Director, Heritage Branch, Department of Planning. One Public Open Day should be carried out on a day during the weekend to facilitate public attendance and should be advertised at least one week ahead. The Applicant must liaise with the Heritage Branch, Department of Planning, in relation to public tours or Open Days to be conducted at the site. Details of any proposed events for the public to be held during the archaeological excavation program must be approved by the Heritage Council or its delegate. The Applicant must ensure that local historical societies and other relevant cultural organisations are formally notified and invited to the Public Open Day(s).
- 14) 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) relics is identified in accordance with section 146A of the Heritage Act, 1977.
- 15) 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.

- 16) An interim report on the results must be submitted to the Heritage Council or its delegate within (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 any significant structural elements and relics within the site found during the archaeological works.
- 17) After the completion of the archaeological fieldwork any previously prepared Interpretation Strategy must be revised to incorporate the findings from the archaeological works. An updated strategy or final version Interpretation Plan should be submitted for the approval of the Heritage Council or its delegate. Interpretation is to be installed at the site prior to the occupation of any new development on the land.
- 18) 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.
- 19) In accordance with section 146(b) of the *Heritage Act, 1977*, the Applicant must ensure that the final report is prepared by the nominated Excavation Director, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time is approved by the Heritage Council of NSW. Two hard copies and one electronic copy of this report must be submitted to the Heritage Branch, Department of Planning. A further copy must be lodged in the local library, heritage centre or another appropriate local repository in the Sydney City Council area.
- 20) The Heritage Council of NSW requires, as stated in section 146(b), that the final report shall include:
 - a) An executive summary;
 - b) Due credit to the client paying for the excavation on the title page;
 - c) An accurate site location and site plan;
 - 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, context of the excavation, procedures, analysis, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale drawings, photographs, repository);
 - f) Nominated repository for the items;
 - g) Detailed response to research questions; and
 - h) Details of how information about this excavation has been publicly disseminated.

- 21) The report on the outcomes of the archaeological investigation must include a detailed response to the research design and comparison with other relevant similar sites such as other block or neighbourhood excavations including the KENS site, the Quadrant and Mountain Street sites. A revised assessment of the research questions and their relevance to the significance of the site and the archaeological resources contained in the site should be included in the final report.**
- 22) Should any Aboriginal objects be uncovered, excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change (National Parks and Wildlife Group) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.**

5.3 Morpeth Bridge – S60

Presentation

The applicant outlined the reasoning behind the need to do maintenance and upgrade work to the bridge, especially with regard to load bearing capacity, essential maintenance and safety issues. Details of the planned works were explained, including materials to be replaced or retained and dimensions, as well as additional features to be used to strengthen the road surface and bridge approaches. The applicant also briefed the Approvals Committee on a proposed model for assessing the level of work to be carried out on RTA heritage timber bridges, according to their heritage significance, with the possibility of taking a thematic approach to classification and analysis of bridges to ensure consistency across the state.

Consideration

The Approvals Committee noted that there would be a noticeable visual change to the bridge with the proposed metal railings and concrete road surface on the approaches to the bridge. It was suggested that the RTA's heritage timber bridge strategy incorporate maintenance of timber surfaces to bridges wherever possible to preserve the original character of the bridges. Further, in order to interpret the columns under the bridge approaches, the Approvals Committee preferred that the concrete abutment walls be amended to reflect the existing rhythm of timber pillars.

Resolved:

Whilst noting that the proposed works to the Morpeth Bridge are necessary, having regard to the high traffic volumes (particularly heavy vehicles), road safety and structural deficiencies the Heritage Council is keen to ensure that the character and original materials of some of the surviving timber truss bridges are retained.

Accordingly, the Heritage Council:

- A. requests the RTA to complete and submit its heritage timber bridge strategy detailing its intentions for the remaining timber truss bridges of heritage significance. As part of this strategy the Heritage Council expects that some bridges would be retained in their entirety. Future proposals are to be preceded by the strategy.**
- B. approves the application with the following conditions:**
 - 1. The refurbishment of Morpeth Bridge is to be carried out in accordance with:**
 - a) Drawings KA496, Sheets 1 to 10, Issue A prepared by RTA and dated 17/09/2007; and**
 - b) The method outlined in Section 3 of the Statement of Heritage Impact prepared by RTA Environmental Branch in December 2007.**

Except as amended by the following conditions:

- 2. The rhythm of existing piers should be interpreted in the new abutment walls to achieve a similar play of light and shade.**
- 3. That the proposed new concrete deck be topped with asphalt to make a continuous surface treatment for the full length of the bridge and its approaches.**
- 4. Prior to the commencement of works:**
 - a) A heritage consultant shall be nominated to provide advice during the refurbishment. The consultant must be approved by the Heritage Council, or its delegate, and have qualifications and experience commensurate with the scope of works. This consultant shall provide regular reports to the Heritage Council during construction; and**
 - b) All new timbers are to be physically date-stamped using a method approved by the Heritage Council, or its delegate.**
- 5. All work shall be carried out by suitably qualified tradesmen with practical experience in the conservation and restoration of built heritage items. The tradesmen must be briefed by the appointed heritage consultant prior to the commencement of works.**
- 6. The refurbishment is to be supervised and documented by the approved heritage consultant.**
- 7. Within one [1] year of completion of the works the following documents are to be submitted to the Heritage Council for written approval:**
 - a) An Archival Record of the works. The record shall be prepared by the approved heritage consultant in accordance with Heritage Branch guidelines on *How to Prepare Archival Records of Heritage Item* (1998) and *Photographic Recording of Heritage Items using Film or Digital Capture* (2006). The record must include measured drawings that show the location of original and new fabric; and**

- b) A Maintenance Program that includes cyclic monitoring and maintenance strategies to ensure significant fabric is maintained.**
- 8. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered during excavation, work must cease in the affected area(s) and the Heritage Council must be contacted for advice. Additional assessment and approval may be required prior to works continuing in the affected area(s);**
 - 9. Should any Aboriginal objects be discovered, excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*;**
 - 10. This approval shall be void if the activity to which it refers is not physically commenced within five [5] 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.**

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

6.1 Currawong, Pittwater – For Information

Consideration

The Heritage Council considered the report and discussed whether it wished to make a presentation to the public Ministerial Review Panel hearing. Members considered that it was more appropriate to make a written submission outlining a statement of principles it considers should guide future development of the site. Members discussed the content of these principles, asked the Heritage Branch to draft and circulate the principles discussed and agreed that the Heritage Branch should convey these principles in a submission to the Ministerial Review Panel.

Resolved:

That the Heritage Council:

- 1. Delegates to the Director, Heritage Branch the preparation and signature of advice on the major project application environmental assessment;**
- 2. agrees to make a written submission outlining a statement of principles to guide future development on the Currawong site to the public Ministerial Review Panel by 23rd May 2008;**
- 3. Requests a further update on the matter at its meeting in June 2008.**

7.0 Matters for Consideration

7.1 Rippon Grange, Wahroonga – DAR

Presentation

The proponent wished to re-present the April 2008 proposal to the Approvals Committee, providing photomontages not previously seen by the Approvals Committee. The proponent advised that the 3 metre overrun of the lift run could be adjusted, effectively reducing the height of building B to the ridge line of Rippon Grange. A perspective was shown demonstrating the impact of removing the middle penthouse unit on building B and rearranging the remaining two penthouses to provide a greater gap between the two, in breaking up the bulk of the building. The possibility of sinking the building lower by approximately 850mm was also demonstrated. With these amendments, and with consideration to the difficulties in reducing the building by one storey, the overall impact of the development could be reduced.

Consideration

The Approvals Committee considered that option A, with one penthouse on Building B to be removed and the repositioning of lift overruns, was a preferred development strategy. The Approvals Committee considered it important to maintain a maximum RL height for building B of no greater than the RL of the Rippon Grange house.

Resolved:

That the Heritage Council recommend to Ku-ring-gai Municipal Council that no objection on heritage grounds be made to the application described in drawings AR.DA.000AR.DA.015 Issue A DA dated 11 December 2007 subject to the following:

Design Revision

- 1. The upper level of Building B shall be reduced so that the middle penthouse is removed, leaving a void on that level 14m wide, and the remaining two penthouses on that level are pulled back a minimum of 38.5m from the nearest point of the top ridge of Rippon Grange.**
- 2. The maximum height of Building B, inclusive of any lift overrun or other structures, shall not exceed ridge line of Rippon Grange, stated as RL 210.80.**
- 3. 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 Drawing Room G12 should have its inglenook mantelpiece reconstructed.**

Nominated Heritage Consultant

- 4. A built heritage consultant independent of the design architect should be nominated for the project. The consultant should have appropriate qualifications and experience commensurate with the scope of the works;**

5. **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

6. **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;**
7. **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 ;**
8. **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;**
9. **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;**
10. **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

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

Listing

12. 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.
13. 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.

8.0 Matters for Information

NIL

9.0 General Business

NIL

There being no further business the Chair closed the meeting 2:15 pm.

Peter Mould Chair Approvals Committee Heritage Council of NSW	Next Meeting of the Approvals Committee 4 June, 2008 3 Marist Place Parramatta
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