

HERITAGE COUNCIL OF NSW

Approvals Committee



MINUTES OF MEETING

5 November 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: Siobhan Lavelle, Nikki Ward, Gary Estcourt, Shikha Jhiadyal, Katrina Stankowski, Murat Gul

For Denbigh: Nino Babani (Mirvac Homes), Alan Croker (Design 5), Ian Mackintosh & David Head (owners of Denbigh)

For The Great Northern Hotel: Kurt Braune (Owner), Stuart Clarke (Oceania Clarke)

For Willoughby Incinerator: Gabrielle Suhr (SJB Architects), Sheridan Burke (Godden Mackay Logan), Paul Connett (Hughes Trueman), David Di Biase & Steven Head (Willoughby City Council)

For 161-167 Castlereagh St & 232-248 Pitt St: Graham Wilson & Adam Paterson (AHMS), Eric Lim (FJMT)

For NSW Parliament House: Clive Lucas & Sean Johnson (Clive Lucas, Stapleton & Partners), Brian Ward & Peter Bisset (NSW Parliament – Applicant)

Also present: Chris Johnson (as observer) and Margaret Desgrande

1. Opening – Welcome

The Chair opened the meeting at 9:35 am.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

Declarations of Interest

Julie Bindon – Items 4.5 & 5.5 (161-167 Castlereagh St & 232-248 Pitt St, Sydney) – JBA Planning are planning consultants for this project

David Logan – Items 4.4 & 5.4 (Former Willoughby Incinerator) – Godden Mackay Logan are the Heritage Consultants on this project.

2. Confirmation of Minutes

2.1 Approvals Committee Meeting of 1 October 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 1 October 2008 be adopted.

3. Action Report

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

Resolved:

that the Action Report, noting actions undertaken since the meeting of 1 October 2008, be adopted.

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

5.1 Denbigh, 421 The Northern Rd, Cobbity - IDA

The current proposal is for a 6 Super-lot subdivision of the historic Denbigh property. The retention of the core area of Denbigh within Lots 2008 and 2009 generally respects the SHR curtilage. Portions of the site that are significant and fall outside the core lots, even after modifications to the boundary, include the two entry drives. Their protection will be dependent upon the development of DCP for the specific Lots in question as they are further subdivided and developed. 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 proponents for Denbigh indicated an interest in conserving the homestead and its surrounding landscape within the SHR curtilage. The intent is to retain the rural character of the property. The proponent is conducting a detailed survey of all buildings and structures on the site for conservation purposes. The current application is for subdivision for the purpose of funding conservation within the SHR curtilage, with the curtilage to remain unchanged. No development is proposed within the current DA. The proponent requested that

the Heritage Council consider all four stages of the DA at this meeting. At later stages, any additional buildings on the Denbigh site would be placed and built so they would not be within view lines of the Denbigh homestead. A heritage agreement for the site is currently being drawn up and would take into consideration built forms, landscape and landscape elements. The Conservation Management Plan also covers these matters (ref section 5.7.2). The issue was raised that while the entry point from The Northern Road is not within the SHR curtilage, it is of high significance as the main entry point to the property. However, this may not be kept as an entry point but may be used as an 'indicative' entry, with interpretation, under community title. A section 88B instrument has been proposed for lot 2005 and the lot would not be released without a DCP in place, which would be used as a guideline for any development on that lot. Also, Lot 2009 would have one site for a house, no more than 2 storeys, however other places have been identified on that lot to locate possible future houses without subdivision.

Consideration

The Heritage Council saw a Heritage Agreement as being critical to a good outcome in terms of conservation for the homestead and its surrounding landscape. It would therefore be necessary to have a Heritage Agreement in place prior to submission of any development application, which would need to be submitted with any Section 60 application. It was considered appropriate that any legal costs involved in the preparation of the Heritage Agreement be borne by the applicant. Further, the DCP should expand on points relating to recognition of current driveways and access points to the property, including the need for Heritage Council involvement in any development proposals for these portions of land.

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) Drawings L07043-M001-DA-1 to L07043-M001-DA-4 prepared by Brown Consulting, dated 20th August 2008;**
 - b) Statement of Environmental Effects prepared by Mirvac Homes, dated August 2008; and**
 - c) Statement of Heritage Impact prepared by Design 5 Architects, dated August 2008.**

EXCEPT AS AMENDED by the following conditions.

- 2. The Stage 1 subdivision boundary is to be expanded along the northeast ridge to incorporate the Quarry and former Roberts Cottage site within the core Denbigh Lots.**
- 3. The Stage 1 subdivision boundary is to be expanded along the area to the east of Cluny Hill in the south of the property to include within the core Denbigh Lots that area that currently is within the SHR boundary.**
- 4. The subdivision boundary between Lots 2004 and 2005 is to be shifted to the south of the Hook entry drive off the northern road to correspond with the original 1811 subdivision boundary.**

Further Information:

- 5. A Heritage Agreement shall be established to ensure that funds from the subdivision shall be committed to the ongoing maintenance and conservation of the core Denbigh curtilage and the historic Hook and Hassall entries off The Northern Road and Cobbitty Road. No lodgement of any further development application should take place in this subdivision prior to the finalisation of this Heritage Agreement. The Heritage Agreement shall be submitted with the S60 application. All legal costs involved in preparation of the Heritage Agreement should be borne by the applicant.**
- 6. Plantings and/or landscape works should be undertaken along the edge of the core Denbigh lots to ensure that potential future development does not detract from the rural character of Denbigh. These plantings shall be informed by a landscape plan to be prepared for the site and submitted with the S60 application.**
- 7. Plans indicating the new subdivision boundaries shall be submitted with the S60 application.**

Site Protection and Works:

- 8. The current proposal does not include any specific works. Any works that are proposed within the SHR curtilage will require the further approval of the Heritage Council including the sensitive siting, height and visual impact of any future development within lots 2008 & 2009.**
- 9. Any new fencing associated with the subdivision of Lot 2001 must be rural in character and be similar in style to the existing fencing.**
- 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. 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. It is requested that the DCPs for the Transition Areas should be extended to include the Hook and Hassall entry ways and that the DCPs are forwarded to Heritage Council for comment. The DCPs for the Transition Areas and the Hook and Hassall entry ways should be developed with reference to the CMP, Curtilage Study and HIS. The historic rural character of these drives should be reinforced through the planning of the interface of the subdivisions within which they occur.**
- 2. The boundary of the Transition Area should be amended to include the small rectangular area east of Cluny Hill, the site of the old school.**
- 3. 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 Denbigh. They should be informed by the recommendations of the CMP, Curtilage Study and HIS. It is requested that the Precinct Plans and Master Plans are forwarded to Heritage Council for comment.**
- 4. That recommendations 1-10 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.

5.2 The Great Northern Hotel, 89 Scott Street, Newcastle – S65A

The current modified proposal involves changes to the proposed new eastern addition. The works generally include: removal of the restaurant storey to the eastern building to ensure that the parapet of the new building sits lower than the parapet line of the adjoining heritage building; removal of the aluminium framing and signal panel between the new eastern addition and the hotel building distinguishing the slot between the two buildings; replacement of the awning to the eastern addition as a continuous element of the existing hotel awning with a separate steel and glass awning; redesigning of the eastern building façade to distinguish it as a separate building from the existing hotel; and addition of a basement level. Other modifications involve changes to the ground floor layout.

Presentation

The alterations to the design of the eastern section of the site were in response to advice from the proponent's consultant to make the new building look different to the original building, with proportions subservient to the original building. The new building is not part of the heritage component of the site. The new building will contain reception for the motel, with signage to indicate this. Some levels in the new building will link with the original hotel building and a recess will create some separation between the two buildings. Further, the recess will now have no gate as the area will be under 24 hour surveillance from the new reception area.

Consideration

The Heritage Council considered the revised proposal to be satisfactory for approval.

Resolved:

That the Heritage Council:

- 1. notes that the S65A application may be approved subject to conditions which address the submitted information including drawings, reports and supporting documents and modified photomontage, and also subject to the resolution of the archaeological issues through the submission and consideration of an Archaeological Assessment Report; and**
- 2. delegates the determination of the application to the Director of the Heritage Branch.**

5.4 Former Willoughby Incinerator - IDA

On the 26th August 2008 an IDA was received from Willoughby City Council for the adaptive reuse of the Walter Burley Griffin Incinerator located in Willoughby. This application involved the adaptive re-use of the site as a café, artistic studio and community hall. On the 7th November 2007 the Heritage Council determined that the works would likely have a neutral impact.

One aspect of the works was the reconstruction of the existing and missing sections of the chimney, subject to further investigations. As a result of further investigations by a structural engineer, it was determined that a much more substantial reconstruction of the chimney is required than was previously thought. At this stage it is unclear as to the extent of reconstruction required. The proposed works represent a major departure to that previously discussed.

Presentation

The proponents advised that repair and stabilisation works had been done to the building, but proposed works to the chimney required some amendments. Chloride-induced and carbonation-induced corrosion has occurred requiring Impressed Current Cathodic Protection for repair of the incinerator concrete structure and chimney. It may be necessary to dismantle the chimney down to the construction joints in order to join new reinforcement to existing reinforcement to allow the electrical current required to flow through the whole chimney structure. Cores will be taken to establish the point to which the chimney will need to be dismantled. The proponent aims to reinstate the proportions of the original chimney, replicating original finishes with pigment coated render. The chimney will also be capped off to prevent water entering it. Nail heads will be replicated using moulds and replicas will be date stamped. Concrete will be used to rebuild the chimney as it is most stable for the conditions of the site. Also, original specifications are available to aid accurate replication of the original chimney.

Consideration

The Heritage Council determined to delegate determination of this application to the Director, Heritage Branch, Department of Planning. Also, due to technical issues that need to be considered, it was recommended that the matter be addressed at the next Technical Advisory Group meeting.

Resolved:

That the Heritage Council:

- 1. notes the report and presentation;**
- 2. delegates the determination of the application to the Director of the Heritage Branch; and**
- 3. recommends that the application be referred to the Technical Advisory Group meeting to further investigate and assess the impacts of the proposed works.**

5.5 161-167 Castlereagh Street & 232-248 Pitt Street, Sydney – S140

The area subject to this S140 archaeological permit application is presently occupied by a number of buildings in the centre of the Sydney CBD between Pitt and Castlereagh Streets. The proposed new development on the site comprises a multiple storey building with basement retail and car parking. The application also involves a program of archaeological open area salvage excavation for potential remains of State significance prior to the bulk excavation of the site for the redevelopment. There will be no excavation within the foot print of Legion House which is being retained.

The report prepared by AHMS Pty Ltd recommends that some interpretation of the archaeological significance of the site should be considered by the Applicant in consultation with the Heritage Branch, Department of Planning, after the completion of the large-scale archaeological excavation program. AHMS have noted that in-situ conservation of archaeological features has not been considered as this would preclude the bulk excavation needed for the proposed development of the site to proceed.

Presentation

The proponent outlined the various structures and uses of the site over European history of the last 150 years. As there is virtually no documented evidence on the use of the site prior to the Macquarie period, the history of the use of this site prior to this period is to be investigated. The proponent expects to liaise regularly with the Heritage Branch with regard to requirements involved in excavation of the site.

Consideration

The Heritage Council had no objection to the proposal.

Resolved:

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

- 1. All works shall be in accordance with the methodology outlined in the S140 Excavation Permit Application number 2008/S140/03 and supporting documents, in particular the report *161-167 Castlereagh Street & 232-248 Pitt Street Sydney, NSW, Archaeological Impact Assessment Research Design and Excavation Method*, prepared by Archaeological & Heritage Management Solutions Pty Ltd, (AHMS) on behalf of Pitt & Castlereagh Pty Ltd, April 2008**

EXCEPT AS AMENDED BY THE FOLLOWING CONDITIONS:

- 2. This permit is issued for an archaeological salvage excavation (Stage 1) 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 18, 19, and 20 below.**
- 3. This permit is also issued for archaeological monitoring (Stage 2) of the bulk excavation necessary for the new development in order that any evidence of earlier historic phases may be identified and recorded.**
- 4. 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.**
- 5. 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.**

- 6. 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.**
- 7. 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/S140/03 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.**
- 8. Mr Graham Wilson is approved as the Excavation Director for this Permit. The Applicant must ensure that the nominated Excavation Director, Mr Graham Wilson, is present at the site supervising all archaeological fieldwork, or other activity likely to expose significant relics and any occupation deposits dated prior to 1900. A Site Director may also be nominated by AHMS Pty Ltd for the archaeological work in areas confirmed during fieldwork to be of Local heritage significance. The Site Director must be a qualified historical archaeologist. A C.V. for the Site Director must be supplied for the approval of the Heritage Council or its delegate, prior to commencement of the archaeological project. Under the supervision of the approved Excavation Director, Mr Graham Wilson, the work is to be completed in accordance with the methodology outlined in the S140 Application number 2008/S140/03, dated February 2008.**
- 9. 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.**
- 10. 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 161-167 Castlereagh Street and 232-248 Pitt Street Sydney 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.**
- 11. 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 Office guidelines How to Prepare Archival Records of Heritage Items (1998) and Photographic Recording of Heritage Items Using Film Or Digital Capture (2006). Photography must include archivally stable formats including black and white photographic prints and colour slides.**
- 12. 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.**
- 13. 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.**
14. **The Applicant must ensure that at least one (1) Public Open Day is conducted on the site. The Public Open Day should be advertised at least one week ahead. Details of the proposed Public Open Day during the excavation program must be submitted to the Heritage Council or its delegate.**
 15. **The Applicant must ensure that local historical societies and other relevant cultural organisations are formally notified and invited to the Public Open Day.**
 16. **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.**
 17. **The Applicant must ensure that the nominated Excavation Director, Mr Graham Wilson, or an appropriate specialist, cleans, stabilises, identifies, labels, catalogues and stores any artefacts uncovered from the site in a way that allows them to be retrieved according to both type and provenance.**
 18. **A weekly report on the results must be submitted to the Heritage Council or its delegate as the archaeological fieldwork proceeds, in order that the results of the work may be used to inform future discussions about the salvage and display of the structural elements and relics from the site.**
 19. **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.**
 20. **After the completion of the archaeological fieldwork an Interpretation Plan must be prepared which incorporates the findings from the archaeological works. The plan must be prepared in accordance with Heritage Council Guidelines and should be prepared by an appropriately qualified interpretation specialist. The Plan should address the treatment of recovered archaeological relics within the future development area and should be submitted either**

before, or at the same time, as the Construction Certificate. A Final version of the Interpretation Plan must 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.

21. 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.
22. 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.
23. 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.
24. 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 the School of Arts site in Pitt Street and other excavations in The Rocks, the Quadrant Site 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.
25. 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.

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

NIL

7.0 Matters for Consideration

7.1 NSW Parliament House, Macquarie Street, Sydney - S60, Amended Design

In its original form, the proposal was referred to the Heritage Council's Approval's Committee meeting in October 2008. The proposed works included the construction of a new 64sqm guardhouse at the western end of the Speaker's Garden, the construction of a new exit gate and new metal fence at the southern end of the forecourt, the installation of wire mesh on the internal face of the palisade fence along Macquarie Street, the removal of the 1919 balustrade on the ground floor, the construction of a new embankment to comply with the current codes and regulations and the installation of two platform lifts to the forecourt to provide disabled access to the building.

Objections were received to the proposal and the Heritage Branch report also found the proposed development as having an unacceptable level of impact on the identified significance of the site both physical and visual. The Approvals Committee agreed with this at its October meeting. The new guardhouse, awning, raised garden bed, and, in particular, the proposed mesh were considered to be intrusive as they would extensively alter the existing significant views and visual appreciation of the site. The architectural expression of the proposed guardhouse was also considered unacceptable as it did not correspond well to the Parliament House and its context. The Committee therefore formed a sub-committee to liaise with the applicant with a view to achieving a more acceptable design solution to the security issues. On 22 October 2008 the Sub-committee made a site visit and met with the applicant.

Margaret Desgrand from the Council of the City of Sydney attended the meeting during the presentation for this item.

Presentation

The proponent demonstrated how the sub-committee's recommendations had been addressed in revised plans. The awning over the Macquarie Street entrance would be removed. The circular arch over the gated entrance would now have a rectangular finish. A horizontal roof would now cover the guard house, with a glazed louver clerestory to allow natural light into the building. The mesh on the front fence would be removed and replaced by chain and bollards. Disabled access would now be through the chambers rather than from the front of the building. Sydney City Council's arborists agree with the removal of the tree at the southern end of the forecourt suggesting suitable replacement options. The gates at the front of the building would be closed and entrance to the building would be via the guard house. On occasions groups would be allowed to go

through the gated entry to the building by arrangement, whereby the bollards could be temporarily removed. The front of the building would not change in this amended DA.

Consideration

The Heritage Council determined to delegate determination of this application to the Director, Heritage Branch, Department of Planning. It was also suggested that further details be provided to the Heritage Branch regarding framing materials to be used.

Resolved:

That the Heritage Council:

- 1. delegate determination of this application, consistent with drawing 110450 / 04 revision C to the Director, Heritage Branch;**
- 2. Ensure consideration of the need for air conditioning;**
- 3. Request the applicant to provide details on framing materials to be used;**
- 4. note the information in the report; and**
- 5. advise the applicant if the amended design is acceptable.**

8.0 Matters for Information

NIL

9.0 General Business

There being no further business the Acting Chair closed the meeting at 12:50 pm.

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