

HERITAGE COUNCIL OF NSW

Approvals Committee



MINUTES OF MEETING

6 February 2009

Department of Planning Offices,
23-33 Bridge St, Sydney

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

APOLOGIES:

ALSO PRESENT: Heritage Branch: Vincent Sicari, Nikki Ward, Rajeev Maini, Gary Estcourt

For Convict Lumber Yard: Barney Collins and Kurt Daley (EJE Architecture), Greg West (Westone Developments)

For Australian Hotel: John Graham (John Graham & Associates), martin Short (Australian Hotel)

1. Opening – Welcome

The Chair opened the meeting at 3:20 pm.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

Declarations of Interest

Item 5.2 – Peter Mould declared a conflict of interest as the Government Architects Office was the applicant for this proposal.

2. Confirmation of Minutes

2.1 Approvals Committee Meeting of 3 December 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 3 December 2008 be adopted.

3. Action Report

Members each received a copy of the action report with the February 2009 meeting Agenda papers.

Resolved:

that the Action Report, noting actions undertaken since the meeting of 3 December 2008, be adopted.

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

5.1 Sydney Water Head Office, 1939 & 1965 buildings - IDA

The two Integrated Development applications for change of use, alterations and refurbishment of the 1939 building, and demolition / Stage 1 application for building envelope for the 1965 building were deferred at the 3 December 2008 meeting of the Approvals Committee. A site visit was attended by Approvals Committee members prior to the 6 February 2009 meeting to clarify information sought.

Consideration

The Approvals Committee determined to defer consideration of the applications pending receipt of revised drawings from the applicant showing details of changes to the current proposal, including elevations. The Approvals Committee would like to see alternative options for location of the lifts, particularly the possibility of re-use and extension of the current lift core.

Resolved:

The Heritage Council wished to thank Sydney Water, their consultants and the applicant for arranging a site visit through the 1939 building which gave them a much better understanding of the issues to be addressed.

The Heritage Council resolved to defer consideration of this application as it required further information. The Heritage Council requested a complete set of drawings which included sufficient information about which building elements are proposed to be retained and which are not.

The Heritage Council provides the following additional comments:

- 1. The location of the new lift core and its relationship with the columns and cornice of the ceiling should be further investigated; the Heritage Council considered there were other options for the location for the lift core. It considered there may be another option to extend a lift bank into the 'courtyard' between the 1939 and 1965 buildings so as to continue the use of the existing lift banks. The Heritage Council would appreciate more information to understand why the applicant had chosen to provide a new separate bank of lifts and how this related to the 'rating' of the office component.**

- 2. The Heritage Council, in principle, has no objection to a new building cantilevering over a heritage item, however it did consider that a greater separation between the bottom of the cantilever and the top of the highest point of the 1939 building needs to be at least twice as high as what has been indicated in the drawings submitted on the 6 February.**
- 3. The Heritage Council has asked that the provision of natural light into the rating chamber be reconsidered and whether there were other methods of insuring a glass ceiling for the atrium that would still be robust for the purposes as indicated by the applicant.**

5.2 Royal Botanical Gardens, Sydney – S60

The Royal Botanical Gardens is one of the earliest surviving colonial botanic gardens in the world and one of the richest and most extensive early colonial public cultural landscapes in Australia with substantially intact early major precincts that are nationally rare from a historic, scientific, aesthetic and social perspective. The proposal was to insert a new turnstile into the existing stone & steel palisade fence (1994) to the south of the QEII gates to improve site security/ after hours egress.

Consideration

The Approvals Committee accepted the recommendations for the proposal and approved the application.

Resolved:

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

- 1. this approval shall be in accordance with the following documents:**
 - a) Drawings A01-C plan;**
 - b) A02-C elevation;**
 - c) A03-C detail;**
 - d) A04-C elevation – detail;**

all of the above are Revision C;

 - e) Statement of Heritage Impact (SOHI) including photomontages of the QEII gates in their setting;**

all the above documents prepared by the Government Architect's Office and all dated 11/2008
- 2. this approval is for a term of three years only. Given the sensitivity of this location, the applicant is encouraged within the next three years to investigate a more sympathetic and visually 'light' design solution. Before the end of the term of this approval the applicant should either remove the turnstile and make good the fence in its location or seek consideration by the Heritage Council to allow its retention for a further period;**
- 3. 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 any relevant development consent granted under the *Environmental Planning and Assessment Act, 1979*, whichever occurs first.

5.3 Convict Lumber Yard, Scott Street, Newcastle – S60

The Convict Lumberyard site, including the Stationmaster's residence and Paymaster's office, is of significance as rare evidence of a convict industrial workplace and structures, its potential to reveal further archaeological evidence of convict occupation, its contribution to the townscape and history of Newcastle and Newcastle East and its evidence of Aboriginal occupation. The proposal was for subdivision of the block, construction of two new residences and refurbishment of Coutts Sailors Home and Superintendent's Residence.

Presentation

The design of the new residences to be built on the subdivided blocks would maintain a positive/negative use of space following the pattern of facades facing Scott Street. Along Bond Street buildings run up to the property boundary line with the exception of Coutts Sailors Home. The new residence along Bond Street would provide a book-end for Coutts Sailors Home against the warehouse, now used as a residence, on the other side of the house. The proponent raised the point that the land had previously been subdivided under the ownership of State Rail. The lots were later amalgamated under the ownership of the Department of Health. The current proposal for subdivision would allow each residential property to be sold under separate titles. The original section of Coutts Sailors Home is to be refurbished. A 500 metre buffer would be maintained to protect the archaeological area of the site. Previous consultation had taken place with the Heritage Branch to ensure that the archaeological site would not be disturbed.

Consideration

The Heritage Council noted that the S60 is for the subdivision, restoration and the building of the new infill in one application. It recognises that the site is of state significance because of its archaeological significance, however it also recognises that the Coutts Sailors Home has been identified as being of state significance.

Although the Approvals Committee supported, in principle, the subdivision of the site they were concerned about the form and siting of the proposed development on Lot 4. They also considered a Heritage or Planning Agreement should be entered into for the restoration of the Coutts Sailors Home if an approval is given.

Resolved:

The Heritage Council resolved to defer consideration of this application to seek further information. The Heritage Council also requests the applicant to consider amendments to the scheme which enhance the Heritage values of the site.

The Heritage Council provided the following comments in order to guide any future amended proposal:

- 1. The Heritage Council strongly supports the refurbishment of the Coutts Sailors Home and the Superintendent's residence.**
- 2. It is considered that the proposed development on Lot 4 will have unacceptable levels of impact on the setting and heritage**

significance of both the Convict Lumber Yard and Coutts Sailors Home.

3. The proposed development on Lot 4 diminishes appreciation and interpretation of the State Heritage Register listed item, its setting and relationship with the streetscape.
4. The bulk, form and setback of the proposed development on Lot 4 is unacceptable and should be modified.
5. The Heritage Council also considers that the cottage on lot 2 should only have a verandah reinstated at its front if the original documentation includes this.

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

This application is identical to an earlier application to install a lift, expand the rooftop terrace, add a rooftop canopy, change of use of 1st floor and structural upgrades. The application was deferred by the Approvals Committee in December 2008 subject to the provision of additional streetscape images.

Presentation

The proponent attended the meeting to answer any questions the Approvals Committee had regarding the proposal and the additional drawings and photomontages provided to Committee members. The proponent advised that the height of balustrades on the roof top and the masonry parapet around the plant area could not be lowered beyond heights recommended by their acoustic engineer to prevent direct noise travelling to neighbouring buildings. Upon the Approvals Committee's request it could be possible to increase the set back of the glass balustrade.

Consideration

The Approvals Committee supported the change of use on the first floor. The Approvals Committee preferred that the parapet walls and glass balustrade be kept as low as possible, to the minimum height required, dependant on advice from the acoustic engineer and such that machinery cannot be seen in the plant area. The roof top awning should be splayed and should continue at the same width all the way around.

Resolved:

That the Heritage Council advise SHFA 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 DA-1 Issue D, dated 12th September 2008; DA-2 to DA-5 Issue E, dated 22nd October 2008; DA-7 and DA-9 Issue E, dated 22nd October 2008; and DA-10 Issue D, prepared by John Graham and Associates, dated 12th September 2008; F01 and F02 prepared by LHO Group, dated June 2008;
 - b) Statement of Environmental Effects prepared by John Graham and Associates, dated September 2008;

- c) The Australian Hotel Archaeological Assessment and development Mitigation Strategy prepared by AHMS, dated August 2007; and
- d) Archaeological Addendum and Design Clarification prepared by John Graham and Associates, dated October 2008.

EXCEPT AS AMENDED by the conditions of this consent.

2. Nibs shall be retained around all walls to be removed to indicate their previous presence and allow interpretation.
3. All window fabric to be removed shall be carefully removed and stored appropriately for potential reuse.
4. The awning roof of the terrace addition shall be cantilevered and not supported by cables. The awning should not be curved, but rather splayed.
5. Any original joinery elements such as skirtings, architraves, etc. that are removed must be stored appropriately for potential reuse.
6. No false ceiling shall be installed on the first floor.
7. The glass balustrade should be set as low as possible to mitigate noise and meet BCA standards and should be set back 120 mm from the inside of the existing parapet wall.
8. The height of the parapet plant is to be reduced to its minimum allowable height.

Further Information:

9. Measured drawings of the wall segments to be removed on the first floor in the current kitchen are to be submitted prior to the construction certificate being issued.

Site Protection and Works:

10. Appropriate monitoring of the proposed excavation will need to be undertaken in accordance with the archaeological assessment and research design prepared for the site.
11. The applicant must note this approval does not cover any excavation or the removal of any State significant relics. This approval covers the archaeological monitoring of works in the basement, with salvage and recording of "relics" of Local significance only.
12. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'THE AUSTRALIAN ROCKS HOTEL, THE ROCKS, SYDNEY: ARCHAEOLOGICAL ASSESSMENT AND DEVELOPMENT IMPACT MITIGATION STRATEGY' (August 2008) prepared by MATTHEW KELLY (AHMS), 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.
13. The Applicant must ensure that the nominated Excavation Director is present at the site supervising all archaeological fieldwork activity likely to expose significant relics.
14. The Applicant must ensure that the nominated Excavation Director takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with the relevant Heritage Council guidelines.

15. The Applicant must ensure that a final excavation 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 or other variation is approved by the Heritage Council of NSW.
16. The Applicant must ensure that the information presented in a final excavation report includes the following:
 - 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 (with scale and north arrow);
 - d) Historical research, references, and bibliography;
 - e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
 - f) Nominated repository for the items;
 - g) Detailed response to research questions (at minimum those stated in the Heritage Council approved Research Design);
 - h) Conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the site; and
 - i) Details of how this information about this excavation has been publicly disseminated.
17. The Applicant must ensure that should any Aboriginal objects be uncovered, excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Group of the Department of Environment and Climate Change is to be informed in accordance with section 91 of the 'National Parks and Wildlife Act, 1974'.
18. The reconstructed pressed metal ceiling on the ground floor of 104 Cumberland Street must be reinstated prior to the completion of works.
19. This approval does not include any new signage; that would require a separate application.
20. If possible existing penetrations are to be utilised for the installation of fire services. If new penetrations are required the impacts on cornices, pressed metal ceilings or any other significant architectural detailing should be minimised.

Archival Recording:

21. 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 Sydney Harbour Foreshore Authority.

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

NIL

7.0 Matters for Consideration

NIL

8.0 Matters for Information

NIL

9.0 General Business

There being no further business the Acting Chair closed the meeting at 5:30 pm.

Peter Mould Chair Approvals Committee Heritage Council of NSW	Next Meeting of the Approvals Committee 4 March, 2009 3 Marist Place Parramatta
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