

MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE
Wednesday 1 December 2004 at the Heritage Office, 3 Marist Place,
Parramatta at 1.15pm

Attendance

Mary-Lynne Taylor	Chair (Left at 3pm)
Rod Leaver	Chair from 3pm
Diane Jones	
Susan Macdonald	Assistant Director, Heritage Office
Bruce Pettman	
Megan Jones	
Gary Prattley	

Also in Attendance

Vincent Sicari	Heritage Office
Vanessa Williams	Heritage Office
Gary Pringle	Heritage Office
Rajeev Maini	Heritage Office
Anthony Bettrose	Item 4.1
Peter Lonegen	Item 4.1
Richard Mackay	Godden Mackay Logan

1. Declarations of Interest

Megan Jones	Item 8.1
Diane Jones	Item 7.1
Mary-Lynn Taylor	Item 5.1

1.2 Apologies

Elsa Atkin
Sharon Sullivan

2. Confirmation of the minutes of the previous meeting

The minutes of the November meeting were approved.

3. Action Report

Members noted the November Action report

4. Presentations

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

5.1 Ashton House, 102 Elizabeth Bay Rd, Elizabeth Bay – s60

The Approvals Committee noted that in correspondence sent to the Heritage Office and to Minister Beamer, following the Heritage Council's invitation for public submissions on the S60 proposal for Ashton, an assertion was made that a conflict of interest would arise for the chair of the Approvals Committee, Ms Mary-Lynne Taylor in the Committee's assessment of the proposal.

Ms Taylor advised the Approvals Committee that she believed she had acted for some members of the applicant company in 1992 or 1993, whilst a partner in the law firm Taylor Szekely Kelso, in regard to a property matter unconnected with the property "Ashton".

Ms Taylor advised the Committee that she did not believe that a conflict of interest existed. In order, however, to ensure that no such question of conflict of interest in the Heritage Council's consideration of the issue could be made and for public clarity Ms Taylor agreed to take no part in the Approvals Committee discussion and decision of the s60 application for Ashton.

The Approvals Committee agreed to defer the discussion of the s60 application for item 5.1 Ashton to the last item of business for this meeting. This arrangement provided for Ms Taylor to chair the consideration of other matters on the committee agenda prior to her departure from the discussion on the Ashton issue.

Ms Taylor left the Heritage Council meeting at 3:00pm and thus took no part in the Approvals Committee discussion and decision of the Ashton s60 application.

Following Ms Taylor's departure the remainder of the Approvals Committee agreed to Mr Rod Leaver chairing the discussion of the Ashton s60 application.

Resolved:

That the application be approved subject to the following conditions:

- 1. The development being carried out in accordance with the following documents:**
 - a. Drawings 03044.A000, 03044.S60.100A, 03044.S60.110A -113A, 03044.S60.210A, 03044.S60.211A, 03044.S60.150B, 03044.S60.151A-153A, 03044.S60.154B – 162B, 03044.S60.250B- 251B, 03044.S60.252A – 253A, 03044.S60.254B, 03044.S60.350A – 351A and 03044.S60.352B prepared by Alexander Tzannes Associates;**
 - b. Conservation Management Plan prepared by Godden Mackay Logan;**
 - c. Heritage Impact Statement prepared by Godden Mackay Logan;**
 - d. Archaeological Assessment prepared by Godden Mackay Logan;**
 - e. Addendum to the Heritage Impact Statement (dated 16 November 2004) dealing with the amended proposal prepared by Godden Mackay Logan; and**
 - f. Amended Sketch/photo showing the impact of the proposed amendment on significant views;**
- 2. Proposed alterations and additions to Ashton House are generally acceptable, as the house itself is retained in the main and its adaptation as a grand residence will ensure its conservation in the long term. However, it is considered that further refinement of these alterations may be possible as design details are yet to be finalised. Details of the proposed works including landscape works to Ashton House must be submitted and approved by the Director, Heritage Office before construction of the apartment building begins on site;**

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- 3. The applicant shall nominate a heritage consultant to advise on design resolution and conformity to the conditions of approval. The heritage consultant shall have appropriate qualifications and experience in heritage conservation. The name and experience of this consultant shall be submitted to the NSW Heritage Office for the approval of the Heritage Council or its delegate prior to the commencement of construction. If the approved consultant is replaced during the project, the applicant shall obtain approval from the Heritage Council for the new consultant.**
- 4. The nominated heritage consultant shall provide certification that the works have been carried out in conformity with the approval conditions.**
- 5. All work shall be carried out by suitably qualified tradesmen with practical experience in the conservation of similar heritage items.**
- 6. All landscape works shall be supervised by a person with qualifications and experience in the conservation and management of heritage landscapes. The name and experience of this consultant shall be submitted to the NSW Heritage Office for the approval of the Heritage Council or its delegate prior to the commencement of construction. If the approved consultant is replaced during the project, the applicant shall obtain approval from the Heritage Council for the new consultant.**
- 7. Prior to the implementation of planting works, all plant material shall be inspected on site by a qualified landscape architect or arborist to ensure the plants are in good condition and in accordance with the planting plan.**
- 8. Proposed conservation and adaptive re-use works to the Ashton House and the gardens must be completed before the registration of the sub division plan and occupation of the apartment building;**
- 9. The Conservation Management Plan must be updated to incorporate this approval and submitted for endorsement of the Heritage Council within a period of six months from the date of this approval;**
- 10. All future owners of the Ashton House and the new apartment building must be advised of the role of the Conservation Management Plan through a clause in the Contract document and the sale deed. The words to be included in these documents must be approved by the Director, Heritage Office;**
- 11. The contract Document and the Sale Deed must clearly identify the views to and from Ashton House and prohibit any future structures including umbrellas, air-conditioning equipment etc. or landscaping elements within those views without approval from the NSW Heritage Council;**
- 12. The views of Beare Park and beyond from Ashton House over Lot A (and the other way around) must be protected by way of legal restrictions on the contract document and the Sale Deed to the satisfaction of the Director, Heritage Office;**
- 13. The future owner of Lot B (Ashton House) must be advised through the contract document and the sale deed of the limited future re-development options on this site. The words to be included in these documents must be approved by the Director, Heritage Office;**

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- 14. An interpretation plan must be prepared and submitted for approval by the Director, Heritage Office before any building work commences on site;**
- 15. The recommendations of the Interpretation Plan must be implemented before the occupation of the proposed development to the satisfaction of the Director, Heritage Office;**
- 16. Any excavation on this site shall be subject to the following conditions:**
 - a. This Excavation permit covers archaeological monitoring and manual archaeological excavation associated with archaeological recording, at Ashton, 102 Elizabeth Bay Road, Elizabeth Bay (Lot A and Lot B) only;**
 - b. This permit does not cover the removal of any State significant relics;**
 - c. The Heritage Office must be informed of the commencement and completion of the archaeological program at least 5 days prior to the commencement and within 5 days of the completion of work on site.**
 - d. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in the Archaeological Assessment supplied as Appendix D of the Conservation Management Plan prepared for 'Ashton, 102 Elizabeth Bay Road, Elizabeth Bay' by Godden Mackay Logan and dated May 2004 are discovered, work must cease in the affected area(s) and the Heritage Office 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.**
 - e. The Applicant must ensure that the nominated Excavation Director, Dr Andrew Sneddon, and/or the nominated Co-Director, Matthew Kelly, carries out the excavation in accordance with the approved research design and methodology outlined in the document 'Ashton, 102 Elizabeth Bay Road, Elizabeth Bay, Archaeological Research Design' prepared by Godden Mackay Logan and dated September 2004. The Director of the Heritage Office 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 an approval under section 65A of the *NSW Heritage Act, 1977*.**
 - f. The Applicant must ensure that the nominated Excavation Director is present at the site supervising the archaeological fieldwork activity for at least 50% of the time. If the Excavation Director is absent, the Co-Director must supervise the works.**
 - g. 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 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 and Guidelines for Photographic Recording of Heritage Sites, Buildings and Structures (2001)*.**
 - h. The Applicant must ensure that the unexcavated artefacts, structures and features are not subject to deterioration, damage or destruction.**
 - i. The Applicant is responsible for the safe-keeping of all relics recovered from the site.**
 - j. The Applicant must ensure that the nominated Excavation Director cleans, stabilises, identifies, labels, catalogues and stores any artefacts uncovered**

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from the site in a way that allows them to be retrieved according to both type and provenance.

- k. The Heritage Council and the Heritage Office reserve the right to inspect the site and records at all times and access any relics recovered from the site.
- l. 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. Three hard copies and one electronic copy of this report must be submitted to the NSW Heritage Office.
- m. The Heritage Council of NSW requires that the final report shall include:
 - i. An executive summary
 - ii. Due credit to the client paying for the excavation on the title page
 - iii. An accurate site location and site plan
 - iv. Historical research, references, and bibliography
 - v. Detailed information on the excavation including the aim, the context for the excavation, procedures, analysis, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale drawings, photographs, repository)
 - vi. Nominated repository for the items
 - vii. Detailed response to research questions
 - viii. Details of how this information about this excavation has been publicly disseminated
- n. 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 Division of Department of Environment and Conservation is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974. **CONTACT NUMBERS FOR THE NATIONAL PARKS AND WILDLIFE DIVISION, DEPARTMENT OF ENVIRONMENT AND CONSERVATION: Hurstville - (02) 9585 6453 (in Head Office); Parramatta - (02) 9895 7420**

**5.2 Former Civic Railway Workshops (Lee Wharf)
Honeysuckle Drive Newcastle**

Resolved:

That the Heritage Council of NSW advise the Department of Infrastructure Planning and Natural Resources in accordance with section 91A of the EP&A Act that:

1. Whilst the proposed additional two levels to be added to Building B2 do not raise concerns regarding heritage impact, the extent of the additional floorspace proposed should not be justified solely on the basis of the lesser amount of floorspace which was deleted from Building B1 by the Heritage Council, The Heritage Council is therefore prepared to approve that part of application DA 166-7-2004, which is listed on the State Heritage Register, for additions to building B2 under section 63 of the Heritage Act in the following general terms:

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- a. The development of the site is to be in accordance with: "Development Application" prepared by Crone Nation Architects, 2 July 2004, Drawings ADAZ - 0001(E), 1001(H), 1002(H), 1003(F), 1006(G), 1007(G), 1008(G), 1009(G), 1010(G), 2001(H), 2003(G), 2011(G), 2012(E), 3001(H), 3002(F), 9002(B), 9004(C), 1726(C), 1729(c) prepared by Crone Nation Architects, Drawings DA - L02(C), L03(C), L05(C), prepared by Oculus and Drawing 02/195 "Proposed lot boundaries" prepared by Monteath & Powys Surveyors dated April 2004.
- b. An application under section 60 of the Heritage Act is to be submitted to and approved by the Heritage Council prior to the commencement of construction for that part of the site within the boundaries of the State Heritage Register listing.

5.3 197 Albion Street, Surry Hills (Deferred)

5.4 Nobby's Head Newcastle

That the Heritage Council advise EJE Architecture that:

- it supports the adaptive reuse of the site for tourist accommodation and a restaurant with public access to the site;
- the development application should be accompanied by an expanded statement of significance and heritage impact statement including an archaeological assessment which addresses the relationships between the buildings on the site and significant views to the site including the silhouette of the cluster of buildings on the skyline;
- consideration be given to maintaining the separation between the lighthouse and signal station when viewed from the west and that the space created be used as a public outdoor vantage point with associated furniture and that the restaurant footprint be revised accordingly;
- the eaves of the proposed restaurant should not overhang the perimeter wall;
- a financial viability template in accordance with the Heritage Office model is to be prepared and completed for the proposed development and is to accompany the development application;
- the external curtilage of the site is not to be subdivided for private courtyards attached to the cottages;
- all plans show the footprints of existing buildings as an overlay; and
- the above comments are provided for the applicant's information and do not pre-empt the Heritage Council's obligations to consider the development application following its lodgement.

6. Development Application Referrals

NIL

7. Conservation Management Plans

7.1 The Committee noted the CMP Report

8. Matters for Consideration

8.1 University of Western Sydney Teaching Building -

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Resolved:

The Heritage Council Approvals Committee:

- 1. Agree that the Section 60 application for the new teaching building can be determined by the Director, Heritage Office.**

9. Matters for Information

10. General Business

11. Next Meeting February 2005

Signed:

Date