

**MINUTES OF THE HERITAGE COUNCIL
APPROVALS COMMITTEE
THURSDAY, 18 JANUARY 2001
LEVEL 11 2-10 WENTWORTH STREET,
PARRAMATTA**

1. In Attendance

Jim Barrett	Chair
Graham Quint	National Trust of Australia (NSW)
Mary-Lynne Taylor	Royal Australian Institute of Architects and Royal Australian Planning Institute
Garry Fielding	Department of Urban Affairs & Planning
Bruce Pettman	Government Architect's Office DPWS
Reece McDougall	Assistant Director, Heritage Office

Also in Attendance

Rajeev Maini	Heritage Office
Graham Williams	Heritage Office
Gary Pringle	Heritage Office
John Petersen	Heritage Office
Ian Kelly	Heritage Office (for item)
Bruce Edgar	Heritage Office (for Items 5.1, 6.2 & 7.1)

Apologies

Elsa Atkin, National Trust (represented by Graham Quint)
Chris Johnson, Government Architect (represented by Bruce Pettman)
Alan Croker
Terry Barnes

2. Confirmation of the minutes of the previous meeting

The Minutes of the previous meeting of 14 December 2000 were confirmed.

3. Declarations of Personal Interest

Mr Graham Quint declared non-pecuniary interests, as an employee of the National Trust, in the items 6.1 Experiment Farm Cottage and 6.4 Old Government House as these are both National Trust properties.

4. Action Report

Members noted the Action Report. Further information was also provided to members on the present position of the following issues.

Great Northern Hotel, Newcastle. The Assistant Director advised members of the present position of the Court case for this matter

BHP, Newcastle. Members were advised that the Minister had not as yet made a decision on this issue.

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5. Presentations

**5.1 Comara Bridge, Five Day Creek
Presentation.**

Mr Lindsay Nash of the Roads & Traffic Authority, Grafton Office made a "Powerpoint" presentation to members on the RTA's Timber Bridge Management Strategy and the RTA's intention to demolish the Comara Bridge as part of this strategy. Mr Nash stated that the Comara Bridge was built in 1892 and was one of six remaining McDonald Truss spans identified by the RTA in New South Wales. Examples of other bridges given were the Galston Gorge Bridge and the Tumut River Bridge. In the presentation members were advised that reasons considered by the RTA for demolition of the timber bridge Comara Bridge and replacement with a new bridge were;

- that the bridge is in a relatively remote location for maintenance and is located on a gravel Council road rather than a state road although this road forms an important local link,
- traffic safety, the timber safety rail on this high bridge would not prevent a modern vehicle crashing through the barrier (members asked whether there had been such an accident on this bridge but were told that no such accident had occurred on the bridge),
- the bridge had been built with the anticipated heaviest load being a 16 Ton Traction Engine, the current legal load is 42.5 Tonnes,
- the RTA's estimated costs for options for the bridge were upgrading at \$2.6 million, construct a new bridge whilst retaining and maintaining the old bridge out of use at \$2.6 million and construction of a new bridge and demolition of the old bridge at a cost of \$1.6 million.

**5.2 North Head Quarantine Station Detailed CMPs
Presentation**

Mr Neville Burkett of the National Parks & Wildlife Service and Mr Paul Davies, Heritage Consultant to the NPWS gave a presentation to members outlining changes made to the revised North Head Quarantine Station Detailed Area CMP, prior its referral for endorsement at the Heritage Council meeting on 1 February 2001.

Resolved

**That the Heritage Council:
notes the report and receives the presentation by NPWS's heritage
consultant.**

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**6. Integrated Development Applications/Section 60 and 132
Applications/Section 140 Excavation Permits**

**6.1 Experiment Farm Cottage, Landscape & Road Works
9 Ruse Street, Harris Park
– Integrated Development Application**

Members considered a proposal by the National Trust of Australia (NSW) to provide a more rural setting for Experiment Farm Cottage, interpret the significance of the farm and cottage by interpreting the landscape, and improve the public amenity of the park areas around the cottage garden. The proposal incorporated four aspects. The first to remove intrusive twentieth century elements. The second to close off the section of Ruse Street across the front (north) of the cottage and redirecting traffic to Ruse Street east via Alice Street by creating a new street in the reserve east of the cottage. The third aspect to add supplementary planting and fencing to interpret former orchard, pleasure and kitchen gardens, tennis court and carriage drive. Lastly the creation of a new small car park in reserve west of the cottage garden, open only during museum visiting hours.

Members made the following resolution.

Resolved

That the Heritage Council:

- 1) agree that the proposal is acceptable in the main, subject to:**
 - a) archaeological testing & advice being undertaken and necessary adjustments made to the proposal before the issue of the section 60 approval;**
 - b) the Parramatta Historical Archaeological Landscape Management Study recommendations for this area being complied with (a copy will be provided to the applicant);**
 - c) further monitoring and advice being sought from a qualified historian and any necessary adjustments being made to the proposal before the issue of the section 60 approval;**
- 2) agree that the Director, Heritage Office determine the application and issue the terms of approval after consideration of :**
 - a) significant issues raised in public submissions;**
 - b) the independent research of Sue Rosen commissioned by Caroline Simpson, if available.**

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**6.2 Comara Bridge, Five Day Creek, Comara – Proposed Demolition
Section 60 Application**

Following a presentation by a representative of the applicant, the Roads and Traffic Authority, members considered the proposal for demolition of the bridge. Members were advised that the application had been advertised for public submissions. Submissions had closed on 17 January 2001 but no submissions had been received.

The bridge is one of 6 remaining McDonald Truss bridges of the 91 constructed in NSW in the late 19th century and is the only remaining example of a McDonald Truss bridge in the Northern RTA Region. The bridge was listed on the State Heritage Register in June 2000, after being identified on RTA S.170 register as an item of State Significance. Members raised questions as to whether the RTA's safety concerns could be met by means of modification or strengthening of the bridge's safety rails and whether speed restrictions could be placed on the bridge. The placing of speed humps on the approaches to the bridge was mentioned.

Members considered that the information provided by the RTA was insufficient argument for demolition of the bridge and considered that further information was required from the RTA on alternatives to demolition. It was also mentioned that prior to further consideration being given to the section 60 application the RTA would need to show cause to the Heritage Council as to why the Comara bridge should be removed from the State Heritage Register.

Resolved

That the Heritage Council:

- 1. write to the RTA advising that insufficient cause had been shown in the Section 60 application for demolition of the existing bridge at Five Day Creek, Comara; and**
- 2. confirm the following with the RTA:**
 - a. that the Five Day Creek bridge is one of 6 remaining McDonald Truss bridges of the 91 constructed in NSW in the late 19th century and that it is the only remaining example of a McDonald Truss bridge in the Northern RTA Region;**
 - b. that the Five Day Creek bridge at Comara is of State significance and was listed on the State Heritage Register in June 2000;**
 - c. that the Heritage Council cannot approve the demolition of the bridge;**
 - d. that a case would have to be made for its removal from the State Heritage Register;**
 - e. that the bridge is currently open to traffic;**
 - f. that continued use of the existing bridge with maintenance is the preferred option of the Heritage Council;**
 - g. if this is not possible then the Heritage Council accepts the RTA proposal to construct a new bridge upstream to the north of the**

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existing bridge provided that the existing bridge is conserved and maintained;

- h. notes that the existing bridge would still have to be used until an alternative new bridge is constructed;
- i. notes that State agencies are required to maintain their heritage assets and if closure of the existing bridge is required and a new bridge is built then funding must be provided for the on-going conservation of the existing bridge in-situ because of its heritage significance to the State of NSW; and
- j. that if the option to close the existing bridge is chosen then a heritage engineer with experience in the maintenance, repair and conservation of 19th century timber bridges be commissioned to assist in the preparation of a maintenance plan to conserve the bridge and slow down any possible future deterioration. The issue should also be referred to the Institute of Professional Engineers, Heritage Committee for their comments and advice.

**6.3 Hickson Road
Integrated Development Application & s140 permit**

Following on from the presentation given to members at the December 2000 meeting concerning the proposed development of the 30-38 Hickson Road, Miller's Point, Sydney site members considered an Integrated Development Application and s.140 excavation permit application. The applicant, Delmo No.2 Pty Ltd proposal is in the form of a masterplan IDA providing building envelopes for two mixed use, mainly residential, flat buildings located on either side of the former AGL/MSB Stores.

Members made the following resolution.

Resolved:

That the Heritage Council:

- 1. form a sub-committee to represent the Heritage Council in further negotiations on the development of the site and to formulate the Heritage Council general terms of approval;**
- 2. agree that the Director of the Heritage Office, as a delegate of the Heritage Council, issue the general terms of approval to the Sydney City Council following finalisation by the sub-committee; and**
- 3. agree that the application for an excavation permit for the part of the site not on the State Heritage Register be determined by the Director of the Heritage Office as a delegate of the Heritage Council.**

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**6.4 Old Government House
Section 60 Application**

Members considered the proposal by the National Trust of Australia (NSW) for the demolition of the modern toilets at the end of the north wing and the construction of two freestanding new lavatory buildings within the grounds of Old Government House.

Members agreed to the following resolution.

Resolved

That the Heritage Council:

- 1. Advise the applicant that the Heritage Council would support the construction of two new freestanding lavatory buildings.**
- 2. Advise the applicant that the proposed location of the lavatory buildings is to be subject to; archaeological assessments being carried out, the recommendations of the Landscape Interpretation Plan and the recommendations of the Parramatta Historical Archaeological Landscape Management Plan for the site (copy of latter to be provided to the applicant).**
- 3. Delegate the approval of the location and design of the lavatory buildings, and the demolition of the existing public toilets to the Heritage Office following the results of the archaeological assessment.**

**6.5 Former Kings School – adaptive re-use for Heritage Office
Section 60 Application**

Members reviewed the section 60 application, by the Heritage Office for the restoration and adaptation of the Main Building and Headmaster's House for use as the offices of the NSW Heritage Office and the Heritage Council of NSW.

Members noted that the application has been advertised and that public submissions had closed on 10 January 2001 with no submissions having been received.

Resolved

That the Heritage Council:

Approves the proposed works relating to the adaptive reuse of the former Kings School buildings (Main Building and Headmaster's House), subject to the following conditions:

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- i) 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 development consent granted under the Environmental Planning and Assessment Act, 1979.**
- ii) (a) An archival record shall be prepared including measured drawings and photographs prior to the commencement of works. Copies are to be lodged with the Local Council Library and the NSW Heritage Office prior to commencement of works.**
 - (b) An archival record shall be prepared including measured drawings and photographs of any significant fabric uncovered during the course of the works. Copies are to be lodged with the Local Council Library and the NSW Heritage Office within eight weeks of the completion of the project.**
 - (c) An archival record shall be prepared including measured drawings and photographs, which documents changes to the heritage fabric after completion of the development. Copies are to be lodged with the Local Council Library and the NSW Heritage Office within eight weeks of the completion of the project.**
- iii) Work shall be superintended on site by a consultant/s experienced in the conservation of similar heritage items.**
- iv) Work shall be carried out by suitably qualified tradesmen with practical experience in conservation and restoration of similar heritage items.**
- v) An interpretation strategy shall be prepared for the buildings in conjunction with design development, and submitted for the approval of the Director. Following approval, the interpretation plan shall be implemented as part of the construction works program**
- vi) The following details shall be submitted for the approval of the Director:**
 - Drawings showing the horizontal and vertical routes of sprinkler and air conditioning pipework, and details of the proposed method of installing sprinklers to windows in the Main Building**
 - Proposals for retention and/or interpretation of classroom dividing walls on Levels 2 and 3 of the Main Building**
 - Proposals for physical investigation of internal fabric**
 - Detailed proposals for stone treatment**
 - Details of proposed new windows and external doors**
 - Details of proposed glazed link**
- vii) The following items of work are not approved:**
 - Replacement of the main roof in slate**
 - Indenting of stone to the original walls or columns of the Main Building**
 - Insertion of windows into modern openings made for fire doors to external stair**

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- viii) The following conditions shall apply to the archaeological component of the work:
- a) ***Main Building: Ground Floor.*** Any excavation in this area should be undertaken under close archaeological supervision.
 - b) ***Main Building: Upper Floors.*** These areas should be re-assessed following the removal of floorboards. If archaeological material is present it should be retained in-situ unless the ceiling (below) is to be removed or the space otherwise disturbed. Removal of relics should only be carried out under archaeological supervision.
 - c) ***Grounds: Site of Chapel & c1837 building, and Marsden Street Frontage & c1840s buildings.*** Test trenches should be excavated to determine the extent of any building remains. As this area is to become a bitumen car park, the RLs of the finished bitumen surface and any road base material should not be permitted to impact on the expected remains. If necessary, the level of the car park should be raised slightly to avoid contact with potential remains.
 - d) An archaeologist (Excavation Director) must be appointed by the Heritage Council to undertake all archaeological work.
 - e) The research design outlined in the Casey & Lowe Assessment (2000): 5.2.6 must form the basis for interpretation of archaeological deposits and relics (see 8. below).
 - f) Provision should be made in a public area of the refurbished building to display relics or other historical or research material relevant to the historical development of the Kings School site (see also 5. below).
 - ix) Should substantial intact archaeological deposits or features not identified in the Archaeological Assessment be discovered, work must cease in the affected area(s) and the Heritage Office 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.
 - x) The archaeologist must remain present during the course of all excavation works in the archaeologically sensitive areas of the proposed development.
 - xi) The archaeologist must be allowed access to archaeological deposits at all times during mechanical excavation and mechanical excavation must cease at the request of the archaeologist, to allow for investigation of archaeological remains.
 - xii) Opportunities for public visitation to the site will be provided during the program of archaeological works and, where appropriate, community and student volunteers will be invited to participate in field work
 - xiii) At the completion of archaeological works an interpretation strategy for the site must be prepared and implemented to the satisfaction of the NSW Heritage Council. The strategy should help the public understand the history and significance of the site and must include recommendations regarding the display of selected artefacts and/or other relevant material to help achieve this.

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- xiv) This permit is valid for three years from the date of approval. Requests for extensions after this time will only be considered in writing.
- xv) this permit is valid only while the approved excavation is being carried out under the direction of the nominated Excavation Director
- xvi) the Excavation Director must carry out the excavation in accordance with the approved research design and methodology. Any substantial deviations from the approved research design (including extent and techniques of excavations) must be approved by the Director, Heritage Office.
- xvii) The Excavation Director must take adequate steps to record relics, structures and features discovered on the site during the excavation in accordance with current best practice guidelines and the approved research design.
- xviii) The Applicant must endeavour to ensure that the unexcavated artefacts, structures and features are not subject to deterioration, damage or destruction.
- xix) The Applicant shall be responsible for the safe-keeping of all relics recovered from the site.

7. Development Application Referrals

**7.1 Craignairn Estate 37 Burns Road, Wahroonga
LEP referral, Item of State Significance.**

Members reviewed a proposal for the redevelopment of 37 Burns Road, Wahroonga as a site for 21 Apartments, under the provisions of SEPP No. 5 (Housing for Older People or People with a Disability) accommodation, including strata sub-division of existing house into 4 units and communal facilities. Members noted that the property is listed as a heritage item on Kuring-gai Council's LEP as being of State significance but is not listed on the SHR. Members also noted the strong local objections to the proposal (at least 130 written objections to the current proposal having been received by the Heritage Council, including the representations of the local State MP Barry O'Farrell) and that the proposal would dramatically change the way the property and its house are viewed as a heritage item. The following resolution was agreed upon.

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Resolved

That the Heritage Council:

- 1) to note 37 Burns Road, Wahroonga, as a whole, including its gardens, setting and house are identified as being of State significance in Ku-ring-gai Council's LEP;**
- 2) to note that over 130 submissions have been received by the Heritage Council objecting to the current proposal;**
- 3) to request that the Heritage Council's State Heritage Register Committee give consideration for listing of 37 Burns Road, Wahroonga on the State Heritage Register;**
- 4) that in the interim provide the following guidance to Ku-ring-gai Council to assist Council in determining Development Application No. 1377/00:**
 - a) that the development of the property as proposed in DA 1377/00 at 37 Burns Road, Wahroonga, is considered to have a negative impact on the way the property and setting is viewed as a heritage item. Although the front of the site has been left open the new buildings around the historic house in the centre make the site too crowded and overdeveloped in comparison with the existing development in the surrounding neighbourhood;**
 - b) it is proposed that Council carry out negotiations with the applicant to arrange for appropriate development guidelines in the form of a Conservation Management Plan (CMP) to be prepared in consultation with the Heritage Office;**
 - c) on completion of the CMP it should be referred to the Heritage Council for endorsement. This approach is generally in accordance with the Heritage Council's Policy for carrying out development on sites of State significance, which require a CMP to be endorsed by the Heritage Council before future development plans are conceived.**
 - d) the CMP should include analysis of appropriate curtilage for the existing house and associated landscape and suitable location, massing and scale for any new development on the site;**
 - e) the CMP development guidelines should be prepared and endorsed by the Heritage Council, before any plans are considered for new development on the site. The consultant for the plan should have experience in heritage landscapes, houses and appropriate sympathetic new development for heritage sites in the late 19th and early 20th centuries.**

8. Planning Instruments / Heritage Studies

Nil

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9. Matters for Consideration

9.1 Jones Bay Wharf – Proposed involvement of Heritage Office

Members noted the developers' invitation to the Heritage Council, through the Heritage Office to join the design development team, which will enable the Heritage Council to maintain an informed interest and an influence on the project as it continues.

Members agreed that the Heritage Council endorsed CMP provides the key planning guidance for the development using the conservation Management Plan as the protective tool.

Members also noted that as the role of the Heritage Council is at present not an approval one, its involvement in the project depends on the flow of information from DUAP remaining constant and comprehensive members, therefore concurred on the need for the Heritage Council to be formally appraised of all future applications affecting this issue.

Resolved

That the Heritage Council:

- 1. Requests that the Heritage Office attends the regular design development team meetings for Jones Bay Wharf.**
- 2. advises DUAP that;**
 - i) the Heritage Council endorsed CMP should be the guiding document in their consideration of development applications; and**
 - ii) that pending the finalisation of the SHFA, Section 170 Register, the Heritage Council wishes to be formally and consistently informed of the approvals process for all future applications.**

**9.2 57 Cremorne Road Cremorne Point
- Interim Heritage Order Gazetted 17 November 2000**

The Assistant Director gave members the background to this issue, which constituted a late item for consideration by members. Following a report to the Heritage Council 16 September 1999 the Heritage Council recommended that the Minister make an IHO over a number of properties at Cremorne Road, Cremorne Point including No. 57 Cremorne Road owned by Mr. McClenahan. The order was gazetted 12 November 1999. At that time it was anticipated that No. 57 would be included in the heritage schedule of the North Sydney LEP and if the item was assessed as being of local significance, the IHO would be allowed to lapse and it would be subject to the provisions of the LEP. Following the delay in the gazettal of the North Sydney LEP the State Heritage Committee at its 17 October 2000 meeting agreed that the IHO be

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renewed for another twelve-month period. The Minister subsequently approved a second IHO for the item, which was gazetted on 17 November 2000. Members were advised that there had since been meetings and discussions with the owner aimed at achieving a modified proposal which did not involve the demolition of the whole building providing the opportunity for the Heritage Council to consider a section 60 application. Members were provided with copies of correspondence and legal advice, received by the Heritage Office from the owner, which argued that the second IHO made by the Minister for this item was invalid as it was made for reasons outside the provisions of the Heritage Act, as a consequence of which, the owner has asked that the current IHO be revoked by the Minister. Members were advised that the Heritage Office had sought comment from the Crown Solicitor's Office. Copies of the Crown Solicitors advice were provided to the members.

Members were also advised that the Minister had received a summons, for Class 4 proceedings, regarding the validity of the renewed IHO.

Resolved:

That the Heritage Council :

- 1. Notes the report;**
- 2. notes the summons issued to the Minister, and**
- 3. seeks further legal advice from the Crown Solicitor's Office**

10. Matters for Information

Nil

11. General Business

11.1 State Heritage Register Listings

An issue to give notice of intention to consider listing the Blacktown Native Institute Site, cnr Richmond and Rooty Hill Rd North Oakhurst; and Hill 60, comprising the area defined by North Beach, Hill 60 Park, Boilers Point and Fisherman's Beach, Port Kembla on the State Heritage Register was submitted to the Approvals Committee as a late item.

Resolved

That the Heritage Council Approvals Committee as delegate of the Heritage Council:

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gives notice of its intention to consider listing on the State Heritage Register, Blacktown Native Institute Site, Cnr Richmond and Rooty Hill Rd Nth, Oakhurst; and Hill 60, comprising the area defined by North Beach, Hill 60 Park, Boilers Point and Fisherman's Beach, Port Kembla.

12. Next Meeting

The next meeting will be held on Thursday, 15 February 2001 at Signature Tower, 2 - 10 Wentworth Street, Parramatta.

The Chairman closed the meeting at 11:00 a.m.