

**MINUTES OF THE HERITAGE COUNCIL
APPROVALS COMMITTEE
THURSDAY, 26 JULY 2001
LEVEL 11 2-10 WENTWORTH STREET,
PARRAMATTA**

1. In Attendance

Jim Barrett	Chair
Terry Barnes	
Alan Croker	
Graham Quint	National Trust of Australia (NSW)
Kerry Bedford	Department of Urban Affairs & Planning
Bruce Pettman	Government Architect's Office DPWS
Mary-Lynne Taylor	
Phillip Thallis	
Reece McDougall	Assistant Director, Heritage Office

Mr Phillip Thallis was invited to attend the meeting as the alternate member for Ms Mary-Lynne Taylor as Ms Taylor had advised that she would be unable to attend the meeting due to another engagement. This engagement was subsequently cancelled and Ms Taylor attended the Approvals Committee meeting.

Also in Attendance

Susan Macdonald	Heritage Office
Graham Williams	Heritage Office
Anthony Mitchell	Heritage Office (for items 6.1 & 6.2)
Bruce Edgar	Heritage Office (for item 8.1)

Apologies

Elsa Atkin, National Trust of Australia (represented by Graham Quint)
Chris Johnson, Government Architect (represented by Bruce Pettman)

2. Confirmation of the minutes of the previous meeting

The Minutes of the previous meeting of 21 June 2001 were confirmed.

3. Declarations of Personal Interest

4. Action Report

Members noted the Action Report.

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5. Presentations

5.1 Tempe House

Members were given a presentation, by Megan Jones of Howard Tanner and Associates and Leonie McKintee of Interciti, on the aspect of the proposal for the location of the proposed swimming pool and car parking (see item 6.1) and flagging, the general location of which has been indicated by archaeological testing. Overhead transparencies were shown to members which indicated the proposed location of the courtyard with swimming pool, behind Tempe House, in the original proposal and alterations which had been made to the design to relocate the proposed pool. The applicant's presenters also described the amended proposal to extend the three levels of underground car parking in order to meet Rockdale City Council's parking requirements. The presenters also advised members that archaeological testing had indicated the presence of stone flagging in the area of the proposed pool and underground carparking but that the extent of this flagging was unknown. The original use of the flagging had also not been established but it was stated that it could have formed the floor of the estate's laundry or dairy. The presenters also stated that testing had indicated natural rock below the site and close to the surface and this geology could restrict the ability to grow screening trees and it was also stated that the underground car-parking would also limit the use of screening trees. There was thus debate on the affects of geology and/or the underground parking aspect to establish screening plantings. The presenters were asked as to the status of the submission of application(s) regarding the proposed courtyards and their affect on Mount Olympus. Members were advised that work was being done on this aspect for submission to the Heritage Council. The presenters were also asked about the width of the road to the immediate south of the Interciti development, building 1A & 1B and the need for parking bays on this road. The presenters stated that the width of the road and the presence of parking bays had been required by the RTA and Rockdale Council to meet projected vehicle traffic of approximately 10,000 vehicles per day and to provide adequate street parking and that these requirements had led to a substantial loss of land to the developers.

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

**6.1 Tempe House, Swimming Pool, Associated Facilities & Car Parking
Section 60 Application**

Following the presentation members debated the section 60 application submitted to the Heritage Council for the Swimming Pool, Associated Facilities & Car Parking in the light of information provided in the presentation. Concerns were raised as to the sub-podium works (car-parking etc) affecting the ability to grow screening trees and debate ensued as to whether the statements made in the presentation on the geology of the area would permit the use of screening trees. Members concurred that more information was needed on this aspect of the landscaping. The question was also raised as to whether the relocation of the underground car-parking further south under the proposed building 1A,1B or beneath the roadway had been explored. Members agreed that the location and design of the pool in the amended application (as shown in drawing AS60-A02) was satisfactory but that further information was needed on the landscape screening of the development from Tempe House. Member therefore agreed to Adjourn this meeting of the Heritage Council Approvals Committee until urgent discussions between the sub-committee and the developer were held (meeting arranged for 30 July 2001 during the remainder of the meeting) to ensure the provision of the landscaping. Following the sub-committee's discussions with the developer to reconvene the Approvals meeting to determine the application.

Resolved

That the Heritage Council resolves:

- 1. that the location and design of the pool as shown in drawing AS60-A02 is satisfactory;**
- 2. as the Heritage Council's approval of the Masterplan was based on the fundamental element of substantial landscape screening of the new development from Tempe House, the proposed development in the area between the pool and Tempe house remains unsatisfactory because of the absence of the screen landscaping;**
- 3. to Adjourn this meeting of the Heritage Council Approvals Committee until urgent discussions between the sub-committee and the developer (to be held on 30 July 2001) to ensure the provision of the landscaping. Following the sub-committee's discussions with the developer this Heritage Council Approvals Committee meeting will be reconvened to determine the application;**
- 4. notes that the Heritage Council has not received a Section 60 application for the outstanding matters listed in Condition 1(h) of its**

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approval of the Integrated Development Application Master Plan and requests that the applicant expedite the application(s) and discusses these outstanding matters at the meeting with the Heritage Council's Sub-committee on 30 July 2001.

**6.2 Former Burns Philp Building, 5-11 Bridge Street, Sydney
Section 60 Application**

Members considered an application to install a "Garaventa" type platform lift to the main entrance of the building on Bridge Street for equal access for people with disabilities.

Equal access is required by the Development Approval issued by City of Sydney Council for the conversion of the basement and ground floors as a tavern and restaurant. The section 60 application had, therefore, been made by the owner of the strata titles of the basement and ground floor of the building.

The agenda report provided to members advised that the Heritage Council's Fire, Access and Services Panel had spent considerable time canvassing other options for this location but that the Panel had agreed that the platform is the only viable option.

In considering the application members noted although the platform lift will have a negative impact on the buildings it will be reversible in the future and with consideration as to colours and detailing the visual impact can be lessened. Members accordingly made the following resolution.

Resolved

That the Heritage Council:

- 1) notes that the installation has a negative impact on significant fabric, however, it considers the installation is reversible and is clearly a new element on the building fabric;**
- 2) approves the application to install a platform lift to the main public entrance of the former Burns Philp Building, described in;**
 - Heritage Impact Statement prepared by Coneybeare Morrison and Partners dated April 2001;**
 - Drawing Nos 00.062/Feasibility 1, and 00.062/Feasibility 2 dated April 2001 prepared by Coneybeare Morrison and Partners;**
- 3) with the following conditions;**
 - a) further details be provided for the approval of the Director of the Heritage Office, in the form of workshop drawings at a minimum scale of 1:10. The applicant is to also to provide refined details of the post bases and caps, and to explore the minimisation of the number of posts, particularly on the Bridge Street facade;**

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- b) the colour of the lift, posts rails and other associated equipment is to be a dark colour, to the approval of the Director of the Heritage Office;**
- c) this approval shall be void if the activity to which it refers is not commenced with the within five years.**

**6.3 Former Burns Philp Building, 5-11 Bridge Street, Sydney
Re-determination Arising from Crown Solicitor's Office Advice.**

Members considered the re-determination of the resolution arising from the Heritage Council meeting of 21 June 2001

At the meeting of 21 June 2001 the Approvals Committee resolved to refuse the s96(2) application for the deletion of the HC condition requiring a Heritage Agreement to be made with 7 Bridge Street Pty Ltd and the Minister. This was on the basis that there was no means of the Heritage Council ensuring that the applicant would carry out the conservation works to the exterior and the public areas. The Committee also approved a s60 application for the conservation works conditional upon there being a Heritage Agreement in place prior to their commencement.

Advice was subsequently received from the Crown Solicitor's Office that the Act does not enable a Heritage Agreement to be put in place with a body that is not the owner of the building and therefore in this case it was not possible to implement the Heritage Council's resolution. In the light of the Crown Solicitor's Office advice the members made the following resolution.

Resolved

That the Heritage Council resolves :

- 1) that the application of under 96(2) and decision of the Heritage Council's Approvals Committee of 21 June 2001 (Agenda item 6.1:) Burns Philp Building, Bridge Street Sydney be redetermined because;**
 - a) the Crown Solicitors' Office has advised that it is not possible to have a Heritage Agreement between 7 Bridge Street Pty Ltd (the applicant) and the Minister, as they are no longer the owner of the building. A Heritage Agreement must be between the owner of the heritage item and the Minister and;**
 - b) the applicant is already required to carry out the conservation works to the exterior of the building in order to be awarded the Heritage Floor Space that was sought in the previous application. This approval also enables the Heritage Council to approve s60 no. 2001/s60/071 for the conservation works as required in previous Heritage Council conditions of consent;**

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- 2) Approve the development application submitted under s96(2) to modify the approved development by deleting Condition (g) in Schedule 3;
- 3) s60 no. 2001/s60/071 for the conservation works described in:
- Specification: Conservation works 5 – 11 Bridge Street prepared by Connybeare Morrison, revision 00/01 dated 19/04/01,
 - Drawings no. 00.062/CC01, 00.062/CC03, 00.062/CC04, 00.062/CC06, 00.062/CC07, 00.062/CC08, 00.062/CC09, 00.062/CC10, 00.062/CC11, 00.062/CC12, 00.062/CC13 all issue B dated 20/12/00
 - Drawings no. 00.062/CC02, 00.062/CC05 issue C dated 19/04/01 and 00.062/CC14 issue A dated 30/12/00
 - Amendments to Statement of Heritage Impact for HFS Works prepared by Connybeare Morrison Partners dated March 2001 (including the Schedule of works);
- a) With the following conditions:
- i) all works should be in accordance with the policies and management recommendations in the Conservation Management Plan 5-11 (7) Bridge Street Sydney, prepared by Connybeare Morrison dated January 2000 and endorsed by the Heritage Council on 22/3/01;
 - ii) that the lead flashings are welted not welded together so that the works are in accordance with the Lead Development Association's recommendations;
 - iii) that the proposed epoxy repairs to the weathering details (cornices, parapets and finials) on the north facade be replaced with stone indents, as epoxy repairs are not suitable for these locations;
 - iv) this approval shall be void if the activity to which it refers is not commenced within the period of consent specified in the development consent granted under the EP&A Act by Sydney City Council for D99/00252 dated 21/10/99.

For the following reasons:

- that the proposed works have been specified and scheduled according to best conservation practice,
- that the proposed works will repair and conserve the external fabric of the building to ensure the building fabric functions as designed and further deterioration is reduced as much as possible,
- that the proposed works will assist in revealing and interpreting the architectural, historical and social significance of the building by conserving the architectural fabric and retaining and conserving features associated with the building's former use as the Burns Philp Building.

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7. Development Application Referrals

Nil

8. Planning Instruments / Heritage Studies

**8.1 The Hermitage, 1-13 Pennant Avenue, Denistone
Draft Local Environment Plan No 96 and
Development Control Plan No 26B**

Members considered the issue of a draft Local Environmental Plan and associated Development Control Plan, submitted to Ryde City Council by the owner for the Hermitage site.

At its meeting of 15 March 2001, the Heritage Council resolved to notify Ryde City Council that it supported a new Concept Masterplan (prepared by Brewster Murray) for the site and that it recommended changes to the Environmental Planning Instruments for the site to enable its implementation.

The new submission considered by members had been changed from the Concept Masterplan to take into consideration comments from the local residents. These changes were for the same areas to be developed but the massing of buildings had been changed in that previously proposed three storey apartment blocks on Blaxland Road had been replaced by a proposed two-storey development. The new proposal sought to compensate for the change in height by the relocation of some of the apartments to the rear of Wollondilly. The overall number of units in the new submission had not been changed from the original Masterplan or the areas to be developed.

Members considered that the draft Ryde LEP No. 96 for the Hermitage site was generally in accordance with the aims of the Brewster Murray Concept Masterplan and was, therefore supported, subject to certain amendments. It was agreed that the LEP should also specify that all works to the Hermitage and surrounds would be subject to a Heritage Agreement between the Minister and the owner of the Hermitage and require the demolition of the former CSIRO buildings.

Members also generally supported the associated draft DCP No. 26B for the property, again subject to certain amendments.

A copy of a letter, dated 25 July 2001, from Brewster Murray Pty Ltd, architects for the applicant, was tabled to members as a late paper. The letter advised of the applicant's objection to one point of the recommendation, being 3 (vi) Clause 8 (b), in the report prepared for members. This point stated:

b. 1ST Paragraph, delete and replace with:

No new development shall occur at "The Hermitage and its Setting" until such time as:

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1. *the existing CSIRO buildings (including the second storey addition on the western wing of the Hermitage), on the site have been demolished.*
2. *"The Hermitage and its Setting" are conserved to the satisfaction of Ryde City Council and the Heritage Council as defined in the Heritage Agreement.*

The tabled letter stated that such a condition would delay the project and incur significant holding cost to the owner and that it was their client's intention to undertake the development works and conservation works concurrently. Members took this issue into account and agreed upon the following resolution.

Resolved

That the Heritage Council:

Resolved to write to Ryde City Council and provide the following comments pursuant to S.66 of the EP&A Act, in relation to Draft Ryde LEP No. 96 and Associated DCP No. 26 for "The Hermitage" site, 1-13 Pennant Avenue, Denistone:

1. **the Draft Ryde LEP No. 96 is generally considered to be in accordance with the aims of the Brewster Murray Concept Masterplan.**
2. **The LEP is supported, subject to the following amendments:**
 - (i) **A sentence needs to be included in the LEP to the effect that:**

All works to the Hermitage and surrounds shall be carried out in accordance with the signed Heritage Agreement between the Minister and the Owner of the Hermitage and its Surrounds. It will require the owner to demolish the former CSIRO buildings in order to reveal the Hermitage and conserve the Hermitage to the satisfaction of the Heritage Council.
 - (ii) **Clause 2 (aims of the plan), be amended as follows:**
 - a. **The words "*partly*" be replaced with "*part*".**
 - b. **An additional aim be inserted in regard to the purpose of the rezoning, ie. *The rezoning facilitates the conservation of "The Hermitage" and "Wollondilly".***
 - (iii) **Clause 5 (how Ryde Planning Scheme Ordinance amended),**
 - a. **the lot description in Column 1, be clarified, ie. *Part Lot 1, not whole of Lot 1.***
 - b. **By way of comment it is noted that 37 units was the number of units considered acceptable in the Brewster Murray Concept Masterplan.**
3. **the associated draft DCP No. 26B for Nos. 1-13 Pennant Avenue, Denistone, is generally supported, subject to the following amendments:**
 - (i) **There should be a statement at the beginning of the Draft DCP that links any proposed new development on the site to the Heritage Agreement.**
 - (ii) **The description of site in Clause 1, be changed to:**

Lots 1 and 2, DP 221325, Nos. 1-13 Pennant Avenue, Denistone.
 - (iii) **Clause 2 (Aims), parts (a) and (b) of the DCP be amended to state:**
 - a. **That the primary aim of the draft DCP is to facilitate conservation of "The Hermitage", "Wollondilly", and their settings.**

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- b. To state that a secondary aim is to provide controls for any new development that occurs at Lots 1 and 2, DP 221325.
- (iv) Clause 6 (Heritage Considerations), be amended as follows:
 - a. 1st paragraph needs to state that the Brewster Murray concept Masterplan does not propose single storey residential, but two storey town house development with parking underneath..
 - b. 2nd paragraph needs an extra sentence to be inserted after sentence 1, stating why the proposed zoning should be Residential 2 (e). Sentences 2 & 3 in this paragraph need to be amended accordingly.
 - c. 3rd paragraph should be deleted and replaced as follows:
A Heritage Impact Statement prepared by a qualified heritage architect, shall be submitted to Council with any development application proposing redevelopment on Lots 1 & 2, DP 221325.
 - d. 4th paragraph should be deleted and replaced as follows:
An Archaeological Management Plan, shall be submitted to the Heritage Council with any development application proposing redevelopment on Lots 1 & 2, DP 221325. This should include an assessment of the archaeological resource of the site. An excavation permit as required under the Heritage Act 1977, shall be obtained from the Heritage Office prior to any physical work commencing on the site.
 - e. 5th paragraph be amended as follows:
Insert an extra sentence stating: *“Any proposed conservation works at “The Hermitage” shall be in accordance with the Heritage Agreement.*
2nd sentence, delete the reference to “The Hermitage”.
 - f. 6th paragraph should be amended as follows:
1st sentence should be changed to state that:
“ prior to the commencement of any physical works the site is in its entirety should be recorded in accordance with the Heritage Council guidelines for “Archival Records”.
2nd sentence OK.
- (iii) Clause 7 (Landscape),
 - a. 1st paragraph, be deleted and replaced with:
“Existing vegetation at “The Hermitage” and “Wollondilly” shall be retained in any development that occurs on the site. The new development shall be designed to maintain and enhance the streetscape that “The Hermitage” and “Wollondilly” form part of, and include all significant trees illustrated in the attached plan. New development should not adversely impact on any trees located on adjacent properties;
 - b. 3^d paragraph be amended to include a sentence to ensure that the three large trees at the rear of “Wollondilly” are to be retained;
- (iv) Clause 8 (Restoration)
 - a. The title RESTORATION OF THE HERMITAGE be deleted and replaced by CONSERVATION OF THE HERMITAGE
 - b. 1ST Paragraph, delete and replace with:
 - 1) *“The Hermitage and its Setting” are conserved to the satisfaction of Ryde City Council and the Heritage Council as defined in the Heritage Agreement prior to the issue of the certificate of occupancy;*
 - c. 2nd paragraph, delete and replace with:
Consent for new development on Lots 1 & 2, DP 221325 shall not be issued until such time as “The Hermitage and its setting” are conserved to the satisfaction of Ryde City Council and the Heritage Council, in

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accordance with the Heritage Agreement and requirements of this DCP;

- d. 3rd paragraph, needs to be amended to say “prior to gazettal of LEP No. 96 and this DCP ...”;

(v) Clause 19, needs to be amended as follows:

- a. delete “*in accordance with the requirements for an archaeological dig on the site as referred to above*”;
- b. replace with “*concurrent with an excavation permit issued by the Heritage Council*”;

3. the above comments to Ryde Council are to assist Ryde City Council in determining the proposed Draft Ryde LEP No.96 and associated DCP for the Hermitage site. The comments have been prepared taking into consideration the views and concerns of the owner, local residents, Ryde Council officers and representatives of the Heritage Office, in relation to the heritage significance of the site;
4. the Environmental Planning Controls for the site aim to conserve and develop the overall site with the best outcome for the Heritage items on the site. It should be noted that the existing curtilage has been extended, unsympathetic modern buildings from the early 1960s will be removed and funding will be set aside to help restore and conserve the Hermitage.

**8.2 Draft State Environmental Planning Policy No 65
Design Quality of Residential Flat Development**

Prior to the discussion of this item Ms Kerry Bedford advised members of her non-pecuniary interest in this issue, as Director, Planning Systems Policy & Reform of the Department of Urban Affairs and Planning. Members noted Ms Bedford’s interest in this item.

Members discussed the draft State Environmental Planning Policy No 65, Design Quality Program, which aims to improve the design of certain types of residential flat buildings and which had recently been released by the Minister for Urban Affairs and Planning for public exhibition and comment by 17 August 2001. As part of the public exhibition, the views of Heritage Council were sought on the draft Design Quality Program, to advise the Director-General of the Department of Urban Affairs and Planning of its suggestions for the improved consideration of heritage conservation issues in the aims and design quality principles and the role of design review panels, in the Program. Members indicated their strong support for the initiatives of the Design Quality Program but saw the need to broaden the role of design review panels and expand the representation on design review panels to include an architect with

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experience heritage conservation practice. The following resolution was therefore made by the members.

Resolved

That the Heritage Council:

Advise the Department of Urban Affairs and Planning that the Heritage Council strongly supports the initiatives of the Design Quality Program and suggests the following amendments to the draft SEPP and Regulation to include heritage conservation needs and clarify the distinction between heritage conservation and other aspects of urban design:

- 1. include an aim in the draft SEPP to recognize the promotion of heritage conservation as part of quality design;**
- 2. include an additional Design Quality Principle in the draft SEPP relating to the conservation of heritage significance of heritage items and heritage conservation areas;**
- 3. include a requirement in the draft Regulation that a statement of environmental effects for a development which relates to land on which a heritage item is located or is within a heritage conservation area requires the submission of a heritage impact statement;**
- 4. amend the draft SEPP to expand the representation on design review panels to include an architect with experience heritage conservation practice; and**
- 5. amend the draft SEPP to require the inclusion of design review panels for the provision of pre-lodgement advice.**

9. Matters for Consideration

Nil

10. Matters for Information

10.1 Port Macquarie, Former Government House Ruins

Members considered the update report on the retention of the ruins, in association with the proposed development of the site. Members extended their thanks to the members of the sub-committee for their assistance in the

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negotiations with the developer, Hastings Council and representatives of the Department of Urban Affairs and Planning. In particular the value of negotiations with Hastings Council was also noted by members
The following resolution was therefore agreed upon.

Resolved

That the Heritage Council:

- 1) note the information in this report.**
- 2) agree to hold a special meeting, if necessary, to consider the IDA for the redevelopment of the site retaining the ruins in situ, in order to assist in the expedition of the application.**

11. General Business

Nil

12. Next Meeting

The next meeting will be held on Thursday, 16 August 2001 at Signature Tower, 2 - 10 Wentworth Street, Parramatta.

The Chairman closed the meeting at 11:45 am.

Adoption of the above minutes

Minutes of the meeting of 26 July 2001 were adopted by the Approvals Committee at the subsequent meeting of 16 August 2001.

Jim Barrett
Chairman
Heritage Council Approvals Committee
16 August 2001