

**MINUTES OF THE HERITAGE COUNCIL  
APPROVALS COMMITTEE  
THURSDAY, 15 MARCH 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)
Garry Fielding	Department of Urban Affairs & Planning
Bruce Pettman	Government Architect's Office DPWS
Rosalind Strong	Director, Heritage Office
Reece McDougall	Assistant Director, Heritage Office

**Also in Attendance**

Susan Macdonald	Heritage Office
Graham Williams	Heritage Office
Ian Kelly	Heritage Office (for item 5.1)
Anthony Mitchell	Heritage Office (for item 5.1)

**Apologies**

Elsa Atkin, National Trust (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 were confirmed.

**3. Declarations of Personal Interest**

Nil

**4. Action Report**

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

**5. Presentations**

**5.1 Tempe House Estate, Interciti Development**

A presentation was made to members by Mr David Chandler and Ms Leone McEntee, representatives of the applicants, Interciti Development. The presentation was requested by the applicants following advice to Rockdale Council and the applicants of the resolution arising from the special

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Approvals Committee Meeting of the 6 March 2001 which considered an Integrated Development Application. The resolution arising from the 6 March Special meeting was as follows;

**The Heritage Council**

**1. Having:**

- noted that the development proposal contained in the Master Plan documents by Interciti @ Arncliffe includes the conservation and adaptive reuse of Tempe House, St Magdalene's Chapel and the historic landscape, which is an item of the State's environmental heritage; and
- noted that the applicant has indicated willingness to enter into a Heritage Agreement with the Minister in respect to the conservation of Tempe House in its landscaped setting, with an estimated works program expenditure of \$4.5 million.
- given due consideration to the previous presentations by Interciti; and previous Heritage Council resolutions of 16 March 2000, 16 June 2000, 20 July 2000, and 15 August, 2000;
- considered the agenda report, all technical information, including the endorsed Conservation Management Plan, Statement of Environmental Effects, additional photographic evidence, and sectional detail provided by Tanner & Associates, and public submissions; and
- assessed the impact of the proposed Master Plan development on the heritage significance of Tempe House, St Magdalene's Chapel and their landscaped setting;

**2. resolved to advise Rockdale City Council, under Section 91A of the Environmental Planning and Assessment Act, of its general terms of approval of the Interciti Development North Arncliffe Master Plan (DA 500/01) subject to the following conditions:**

- (a) Interciti Arncliffe Developments Pty Ltd is to enter into a Heritage Agreement with the Minister under Part 3B of the *NSW Heritage Act, 1977*, concurrent with approval, to conserve and maintain Tempe House, St Magdalene's Chapel, the landscape and other elements identified as having heritage significance;
- (b) an overall Statement of Heritage Impact for the Master Plan is to be prepared for the approval of the Director, NSW Heritage Office prior to commencement of work;
- (c) an archaeological management plan and program is to be prepared and completed for the approval of the Director, NSW Heritage Office, prior to commencement of work;
- (d) a comprehensive landscape management plan for the Mount Olympus site accompanied by a revised Statement of Heritage Impact, which clearly identifies elements to be removed, retained, adapted and enhanced by further native regeneration and revegetation will be prepared for the

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approval of the Director, Heritage Office prior to commencement of work;

- (e) all works shall be in accordance with the policies and recommendations of the *Tempe Estate Conservation Management Plan*, prepared by Tanner & Associates, dated October, 2000 (endorsed with conditions by the Heritage Council on 16 January, 2001);
  - (f) the preparation of construction documents and works on site, within the State Heritage Register curtilage, shall be supervised by a heritage consultant having suitable experience in the conservation of similar heritage items and decisions shall be informed by the *Tempe Estate Conservation Management Plan*; prepared by Tanner & Associates, dated October, 2000 (endorsed with conditions by the Heritage Council on 16 January, 2001);
  - (g) works on site, within the State Heritage Register curtilage, shall be archivally recorded in accordance with Heritage Council guidelines and shall form an addendum to the archival record in the *Tempe Estate Conservation Management Plan*;
  - (h) the envelope of Building 1A & 1B is to be modified so as to:
    - (i) reduce the bulk excavation on the southern slope of Mount Olympus, an element assessed in the Tempe Estate Conservation Management Plan (CMP) as being of exceptional significance;
    - (ii) minimise the removal of eucalypt trees, which have been assessed in the CMP as being of exceptional significance;
    - (iii) have a maximum building height, including roof plant, of 138.60 (Building 1A, parapet) and 125.60 (Building 1B, ridge) respectively; and
    - (iv) set back the northern building face of all floors above the five storey podium a minimum of 5metres behind the continuous brick parapet (datum 123.60) (as previously discussed in July 2000); and
  - (i) Due to the adverse impacts on archaeology, landscape and Tempe House setting, the proposed pool, spa, associated facilities, and underground car parking below, as shown on the Master Plan drawings is not approved as part of this application. This area is to be landscaped to reduce the visual impact of new buildings on the setting of Tempe House;
- and
3. Further resolves to advise the applicant:
- (a) of the above matters;

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- (b) that an application under section 60 of the Heritage Act, including a program for independent monitoring to the Heritage Council of the Heritage Agreement must be submitted for the Heritage Council's approval prior to the commencement of work; and**
- (c) development applications for the site which are consistent with the approved Master Plan and the endorsed Conservation Management Plan, will be determined by the Director, Heritage Office, under delegation.**

The applicants provided the following information to members in their presentation

- drawing showing the proposed setbacks to floors 6-9 of Building 1B;
- suggested rewording of resolution 2(i); (from meeting of 6 March 2001)
- perspective drawing of Tempe House and the proposed buildings with the proposed development behind;
- copy of consultants reports (Gunninah Environmental Consultants, and Robert Meys Consultancy) on the vegetation of Mount Olympus; and
- advice from the applicant on step back and lift location on Buildings 1A and 1B, and the resumption of land by Rockdale Council for the proposed realignment of Lusty Street including land within the SHR curtilage.

Members particularly commented upon and advised the presenters that the information on the resumption of land for road widening and realignment had not previously been made known to the Heritage Council or the Heritage Office by any of the parties involved in the issue. The idea had been raised at previous meetings that the radius of the proposed building 1A -1B could possibly be increased to effectively move this building further to the south of Tempe House to minimise its effect on Mount Olympus. In discussing this point with the presenters it was noted that the effect of the road widening resumption seemed to prevent the alteration of the building radius and thus the relocation of the proposed building. During the presentation the Interciti representatives advised members of the applicants willingness for the extension of the State Heritage Register curtilage for Tempe House to the edge of the arc of the proposed buildings. Such extension would thus cover the grounds surrounding Tempe House and ensure that any alterations to the facades of the arc of buildings, that may be proposed in the future and thus affect the setting, would be subject to the Heritage Act.

During the presentation the presenters questioned references, made in the Conservation Management Plan (page 88 of the CMP) and discussed at the special meeting of the Approvals Committee on 6 March 2001, on the age of the trees on the portion of the estate known as Mount Olympus. The Interciti presenters stating that their advice had been that major trees on the Mount were not likely to be older than seventy years. Mention was made of the possibility of Interciti's tree consultants meeting with experts from the Royal Botanic Gardens (this would be an arrangement made by Interciti and the RBG). Members agreed that the aerial photograph provided by Interciti did

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show the major eucalyptus trees at a mature height and that a photograph and expert opinion in the Conservation Management Plan confirm that the eucalyptus trees are considerably more than one hundred years old.

The presenters stated that the applicants would undertake to minimise the impact by the development on the trees outside the building footprint. The impact of proposed excavation for ground floor courtyards on Mount Olympus was also discussed during the presentation. Members questioned whether the proposed depth of 6 metres for the courtyards was necessary. Mr David Chandler (Interciti) stated that consideration would be given to reduction of the depth of the courtyards in the design in relation to reviewing the design for solar access to the lower town houses (building 1) and possible internal configuring of townhouses.

The presentation ended at 1 p.m.

Members further debated the issues raised during the presentation, reviewing the documentation distributed by the presenters and the plans of the proposed development. Various aspects of the proposed heights of buildings in the development was also commented upon in relation to previous resolutions of the Heritage Council. The Assistant Director, Heritage Office joined the meeting at 1.20 p.m. In the discussion the Director of the Heritage Office re-acquainted members with the history of the proposal. It was noted that Ministerial approval had been given to the Local Environment Plan which incorporated the footprints of proposed buildings.

Following the presentation by the applicant and discussion by members, the majority of members of the Heritage Council Approvals Committee, as a delegated committee of the Heritage Council, made the resolution detailed below.

In debating the issue and in the making of the resolution Mr Graham Quint advised members of his concerns and opposition to the impact the development will have on the grounds, in particular that section of grounds and trees known as Mount Olympus, and thus the setting of Tempe House. Mr Quint, accordingly, voted against the resolution.

**Resolved:**

**1 to reaffirm the resolutions of the special meeting of 6 March, 2001 with the following points of clarification:**

- (a) in relation to item 2(h)(i) note that the adoption of this condition will result in the loss of approximately 7 courtyards cutting into Mount Olympus as proposed on the current Masterplan drawings;**
- (b) in relation to 2(h)(ii) note that the implementation of 2(h)(i) above will contribute to the objective of minimising the removal of the eucalyptus trees;**

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- (c) reiterates the heights recommended in item 2(h)(iii) with provision being given for a maximum building height of 140.60RL for the roof plant to be located on Building 1A;**
- (d) further clarifies Condition 2(h)(iv) as follows:**
  - for building 1B, set back the northern face of all floors above the five storey podium a minimum of five metres behind the continuous brick parapet (datum 123.60) (as previously discussed in July 2000); and**
  - for building 1A, set back floors 6 and 7 a minimum of two metres and floors 8 and 9 a further three metres behind the continuous brick parapet; and**
- (e) note condition 3(b) is dealt with within the provisions of the Heritage Agreement as required under Condition 2(a).**

- 2 to notify the applicant of the Heritage Council's interest in considering the revision of the SHR curtilage of Tempe House, as proposed by Interciti and propose that this be dealt with within the Heritage Agreement.**
- 3 to note that the Heritage Council will continue to have an approval role in all subsequent development applications affecting the SHR item.**

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

**6.1 36-62 Trinity Avenue, Dawes Point  
Section 60 Application**

Members considered a section 60 application from the State Rail Authority for subdivision of the 36-62 Trinity Ave, Dawes Point into two lots. The site is currently zoned under the Central Sydney LEP 1996 as 'Residential' at its north end and as 'Maritime & Transport' at its south end. The proposed subdivision would physically demarcate this zoning into Lots 1 and 2 respectively. Lot 1 would be zoned as residential. The site is within the curtilage of the State Heritage Register listing of the Sydney Harbour Bridge. The Argyle Sub Station, on proposed Lot 2, is listed as of State significance on the SHR. The Sub Station and its adjacent Transformer House are listed as a heritage item in the Draft Central Sydney Heritage LEP 1998. The report prepared for this issue, advised members, that City of Sydney Council was reconsidering the status of the subject land and its suitability for

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redevelopment and had requested that the application be refused or deferred until an assessment of the zoning and options for development for the site could be made. The report, considered by members, noted the potential negative impact of residential development on the subject site, as regards, the historical, aesthetic and social significance of the Sydney Harbour Bridge and the Millers Point Conservation Area.

The report also noted that Dr Bradfield's original scheme for the resumed land adjoining the railway and roadway approaches included proposals for landscaping. The landscape proposals would have provided a link between the suburbs to the east and west of the approaches.

A copy of a letter, dated 12 March 2001, from the Manager, Development and Disposal, Rail Estate, the Property Group of State Rail to the Heritage Office was provided to members at the meeting for further information.

Members accordingly made the following resolution.

**Resolved**

**That the Heritage Council:**

- 1. refuse the application on the grounds that it is inappropriate development which would have an unacceptable level of impact on the significance of the Sydney Harbour Bridge and a significant impact on the Millers Point Conservation Area ;**
- 2. recommend to City of Sydney Council that the zoning of the site be reassessed and consideration given to the historical associations of the site and Dr Bradfield's original proposals for open space in curtilage of the Bridge.**

**6.2 5 Cumberland Street, The Rocks  
Section 60 Application**

Members considered a section 60 application, from Bridgeclimb for the erection of automated sunshades to existing steel framed windows at 5 Cumberland Street, The Rocks (the southern-most arch of the Sydney Harbour Bridge approach).

The agenda report, considered by members, advised that the work had been undertaken before the statutory assessment period had elapsed. The report further advised members that the blinds had been fitted behind the horizontal members of the steel frame, as suggested in preliminary discussions with the Heritage Office, Sydney City Council and Sydney Harbour Foreshore Authority, do not have a detrimental visual impact and are fully reversible. In the circumstances the following resolution was agreed upon.

**Resolved**

**That the Heritage Council:**

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- 1. Advise the applicant that retrospective approval cannot be granted.**
- 2. Advise the applicant that because the work has been carried out according to the recommendations of the preliminary discussions, legal action under the Heritage Act will not be initiated.**
- 3. Advise the applicant that all future applications must receive approval before proceeding.**

**6.3 “The Hermitage”, 1-13 Pennant Avenue, Ryde.  
Integrated Development Application.**

Members considered an Integrated Development Application from Lane Cove Pty. Ltd for construction of 42 new residential units under SEPP 5.

The agenda report, considered by members, advised that the Heritage Council sub-committee had inspected the site on 14 March 2001 and that a review of the existing curtilage has been in progress since March 2000, when the HC SHR Committee endorsed the curtilage proposed in “Option A” of the Robert Moore Curtilage Study dated November 1999. The report advised members that further to a State Heritage Register Committee resolution in December 2000, public notice had been given of the Heritage Council’s intention to amend the existing curtilage for the “Hermitage” and its surrounds and that public submissions had amounted to 13 submissions in support of the enlarged curtilage with 3 objections.

The report advised members that that the SEPP 5 scheme proposed the construction of 42 new apartments with these new apartments reusing the mid 20<sup>th</sup> century CSIRO buildings on the site. The report considered further stated that the retention of the existing CSIRO buildings was not considered desirable and would stop the possibility of reinstating an appropriate curtilage in a meaningful way around the Hermitage. Members were further advised by the report that the Applicant had submitted a revised scheme for the site that took into consideration the proposed curtilage and that this scheme was with Ryde City Council for comments and was generally considered a better proposal than the SEPP 5 application and a better response to the site and associated heritage issues. The members agreed to the following resolution.

**Resolved**

**That the Heritage Council:**

- 1. notes that:**
  - a. the subject property known as the “Hermitage”, is of State significance and listed on the SHR as item No: 777;**

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- b. a curtilage review of the property has been in progress since March 2000;
  - c. that the HC SHR Committee has considered proposals to amend the existing curtilage surrounding the “Hermitage” and that public notice has been given to enlarge the existing curtilage for the “Hermitage” and its surrounds;
  - d. the new enlarged curtilage was based on “Option A” Curtilage proposed in the Robert Moore Curtilage Analysis (November 1999). It was endorsed by the Heritage Council State Heritage Register Committee in March 2000;
  - e. the proposed IDA scheme for residential development under SEPP 5, is not supported as it does not take into consideration the curtilage endorsed by the Heritage Council;
2. notify Ryde City Council that:
- a. it strongly supports the new concept Masterplan for the site prepared by Brewster Murray which takes into consideration the proposed new curtilage endorsed by the Heritage Council;
  - b. it is recommended that Ryde City Council undertake the necessary actions to amend the Environmental Planning Instruments for the site, to allow the proposed concepts as shown in the Masterplan to proceed;
  - c. no objections are raised to the Hermitage site and the former CSIRO sites being sub-divided into two lots. The line of subdivision would be in line with rear property boundary of the adjacent Blaxland Road property. It is accepted that the SHR curtilage will be over two lots;
  - d. the sub-division at the rear of Wollondilly to allow for two residential lots is supported. The curtilage of Wollondilly is considered appropriate.
  - e. the preparation of a Heritage Agreement with the applicant be commenced to address the fine details of the Masterplan;
  - f. the facsimile from the applicant’s architect giving an undertaking to include conservation works to the Hermitage site as part of the overall development is noted and should be part of any approval for the site;
  - g. they contact the applicant and request an undertaking to defer the current Sepp 5 development application while Ryde City Council considers the rezoning for the site;
  - h. if no undertaking is given by the applicant then the Heritage Council should refuse to issue General Terms of Approvals for the proposed SEPP 5 residential development (IDA No. 1052/2000), at 1-13 Pennant Avenue, Ryde, as there are concerns that the proposed development will adversely impact on the heritage significance of the site.

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**7. Development Application Referrals**

Nil

**8. Planning Instruments / Heritage Studies**

**8.1 Wollondilly Shire Council, Camden Park DCP**

Members considered the Draft Development Control Plan (DCP) No. 51 – Camden Park Residential Release Area referred to the Heritage Council by Wollondilly Shire Council for endorsement in accordance with the provisions of Schedules 1 and 2 of the Environmental Planning and Assessment Regulation 1994 and 2000, respectively.

The draft Development Control Plan (DCP) No. 51 was prepared to provide comprehensive provisions for the future development of the Camden Park Residential Release Area in terms of subdivision, buildings and landscaping, including details regarding colours, materials, trees and plantings, fencing, location of building envelopes and access roads and including heritage provisions. The Camden Park Release Area is in the vicinity of Camden Park Estate, its associated Macarthur Family private cemetery site and Belgenny Farm.

Members agreed to the endorsement of the draft Development Control Plan (DCP) No. 51 subject to the amendments contained in Annexure K of the agenda report being incorporated into the Plan.

**Resolved**

**That the Heritage Council:**

- 1) Endorse the content of the Draft Wollondilly Development Control Plan No. 51 – Camden Park Residential Release Area, subject to the amendments contained in Annexure K being incorporated into the Plan.**
- 2) Advise Wollondilly Shire Council of this resolution.**
- 3) Advise the Department of Urban Affairs and Planning of this resolution.**

**9. Matters for Consideration**

Nil

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**10. Matters for Information**

Nil

**11. General Business**

Nil

**12. Next Meeting**

A meeting of the Approvals Committee will not be held in April 2001.  
The next meeting will be held on Thursday, 17 May 2001 at Signature Tower, 2  
- 10 Wentworth Street, Parramatta.

The Chairman closed the meeting at 2:00 p.m.