

**MINUTES OF THE HERITAGE COUNCIL
APPROVALS COMMITTEE
THURSDAY, 17 MAY 2001
LEVEL 11 2-10 WENTWORTH STREET,
PARRAMATTA**

1. In Attendance

Bruce Pettman	Acting Chair, Government Architect's Office DPWS
Elsa Atkin	National Trust of Australia (NSW)
Garry Fielding	Department of Urban Affairs & Planning
Mary-Lynne Taylor	
Rosalind Strong	Director, Heritage Office
Reece McDougall	Assistant Director, Heritage Office

Also in Attendance

Susan Macdonald	Heritage Office
Graham Williams	Heritage Office
Alice Brandjes	Heritage Office
Gary Pringle	Heritage Office (for items 6.1, 6.2 & 9.1)

Apologies

Jim Barrett
Alan Croker
Terry Barnes
Chris Johnson, Government Architect (represented by Bruce Pettman)

In the absence of Mr Jim Barrett, chairman of the Approvals Committee, members agreed to Mr Bruce Pettman acting as chairman for the meeting.

2. Confirmation of the minutes of the previous meeting

The Minutes of the previous meeting of 15 March 2001 were confirmed.

3. Declarations of Personal Interest

Mr Garry Fielding declared his interest in issue 9.1 "planFirst D.U.A.P. white paper as Mr Fielding is Executive Director, Planning System, Department of Urban Affairs and Planning. Mr Fielding also made a presentation to members on the proposals in the "planFirst" White Paper (item 5.1). Mr Fielding advised members, at this point, that during their discussion of the issue (item 9.1) he would be absent from the meeting. Accordingly Mr Fielding left the meeting for the duration of the discussion of the "planFirst" White Paper and returned to the meeting after remaining members had agreed upon a resolution for the issue.

4. Action Report

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Members noted the Action Report. Members were also advised of further recent information relating to issues reviewed by members at previous meetings.

The Heritage, Ryde. Members were advised that an improved heritage curtilage had been negotiated. A submission had been received from the "Friends of the Hermitage". The "Friends" had advised of their opposition to any development.

Tempe House, Arncliffe. Members were advised that archaeological information had recently been received that paving had been found in the podium area of the proposed development. The significance of the find had yet to be determined with more information requested. Archaeological information to date was inadequate to proceed with assessment of the IDA for the podium.

5. Presentations

5.1 "planFirst" D.U.A.P. White Paper

Mr Garry Fielding, Executive Director, Planning System, Department of Urban Affairs and Planning and member of the Heritage Council, made a presentation to members on the proposals and implications of the recently released D.U.A.P. White Paper entitled "planFirst". In making the presentation Mr Fielding gave the background to the review process for the White Paper and outlined the main points of the issue as being;

- The review of the plan making procedures in NSW.
- A three tiered hierarchy of plans is proposed to be retained with increased emphasis on regional strategies.
- Improved coordination to be provided by plans relating to whole-of-government (State and Regional) and whole-of-council (local).
- Reduced complexity to be achieved by combining all State Policies into one document and having one local plan for each local government area with all statutory controls contained in the local plan.

Following the presentation members discussed the issue (see item 9.1)

5.2 Eveleigh Bay 15 Fit-out

Mr Bruce Colman, of the Sydney Foreshore Authority and Mr John Crawford, Architect made a presentation to members on the proposed fit-out of Bay 15 at Eveleigh. The proposal is for the installation of two floors within the space of bay 15 to provide three levels for office tenancies within the bay. Members were shown detailed drawings of the proposal and were told by the presenters that the proposed levels would enable changing perspectives of the bay's space to be available whilst enabling an appreciation of the original space to be observable from a number of locations. Members were also advised that the new levels would not be attached to the existing crane rails of the former

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workshop and thus be removable in the future. Following the presentation members discussed the issue (see item 6.1 below).

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

**6.1 Eveleigh (former Railway Workshops) Bay 15
Section 60 Application**

Following the presentation on this issue members considered the Section 60 Application by the Sydney Harbour Foreshore Authority to adaptively reuse Bay 15 of the former railway workshop building by installing two new floors, cantilevered walkways, stairs and lift to create 3-levels of office space tenancies.

The report prepared on this issue reminded members that a pre-lodgement presentation was made to the Heritage Council Approvals Committee on 16 November 2000, at which the following was included in the resolution;

“advise the Sydney Harbour Foreshore Authority that the proposal is considered generally acceptable provided the proposed lower floor is set back at least 1 metre away from the edge of any existing features on the long walls. The upper level would also need to be set back further accordingly. It is also considered that the proposal should incorporate a wider corridor (at least 1.5 metres) to create an open feel to the spaces generated by this proposal”. Members noted that the terms of the November 2000 resolution had been partially satisfied by the current application, in that the walkways had been widened to the required width but the edge of the walkway on level 2 would be closer than the 1 metre stipulated. It was also noted that in the amended design the floors are not supported on the crane rail structures and that the proposal retains the full floor to roof void in some locations and the proposed curved profile of the glazed wall and walkway allow an appreciation of the original volume of the space. Members further noted that although this appreciation of the original space would be further improved if the setback of the level 2 walkway were increased to 1 metre, as previously resolved, the proposed structure offends this requirement for only a small part of its overall length and goes a considerable way to satisfying the purpose of the condition. The following resolution was therefore agreed upon by the members.

Resolved

That the Heritage Council:

Pursuant to Section 63 of the Heritage Act, 1977, grant approval for the development shown on Drawing Nos. DA-01, DA-02, DA-03, DA-04 and DA-

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05 dated January 2001 prepared by Crawford Partners Architects, subject to the following conditions:

- i) This approval shall be void if the activity to which it refers is not physically commenced prior to the lapsing of any relevant development consent.**
- ii) An experienced conservation practitioner shall superintend Work, on site.**
- iii) The proposed lift being located so that the removal of existing roof trusses is not required and the extent of over-runs is minimised to reduce potential adverse visual impact on the exterior of the building.**
- iv) No suspended ceilings are to be installed on level 3 to allow the roof trusses to be visible;**
- v) In order to minimise the impact on the heritage values of the item and to maximise retention of original fabric;**
 - a) the proposed wall opening between bays 15 and 16 on level 2 is not to alter the brick piers and arch formation;**
 - b) the original windows on the northern and southern elevations are to be retained and repaired;**
 - c) existing internal wall finishes which are unaffected by the approved development are to be conserved;**
 - d) the proposed entry on the southern elevation is to be contained within the arch opening;**
- vi) additional external signage is to be the subject of a separate s.60 application.**

**6.2 Prospect Reservoir
Section 60 Application**

Members discussed a Section 60 Application from Sydney Water for the proposed removal of a number of structures at Prospect Reservoir. Some of these structures are listed as being of moderate or high significance.

These structures are detailed below:

- electrical offices and storage (two buildings),
- chlorination buildings and dosing tanks,
- Building WT20,
- 2100mm outlet works,
- southern outlet works, and

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The application relied on section 63(3) of the Heritage Act, which allows approval of demolition of the whole of a building or work, if the Heritage Council is of the opinion that the building or work constitutes a danger to the users or occupiers, the public or a section of the public.

Members were advised that the application had been advertised for public comment for which the period of public comment had yet to expire.

The recommendation made for the members' consideration was that the Director or Assistant Director of the Heritage Office be delegated authority to approve the application subject to certain conditions including the completion of the (public) notification period and the consideration of any submissions.

Members questioned whether the Approvals Committee, as a delegated body of the Heritage Council, could further delegate approval to the Director or Assistant Director and clarification was accordingly sought. It was subsequently clarified during the meeting that delegation of approval could be made to the Director and Assistant Director in the case of Integrated Development Applications (E.P. & A. Act 1979) but not for section 60 applications under the Heritage Act.

Members therefore agreed to defer decision on the application pending the completion of the (public) notification period and the consideration of any submissions.

Resolved;

That the Heritage Council defers consideration of the application pending the completion of the (public) notification period and the consideration of any submissions.

**6.3 Otford, Stanwell Park (Abandoned) Railway Tunnel.
Section 60 Application.**

Members considered a report on the Sydney Water Corporation's application for the proposed installation of a sewer main in the disused Otford to Stanwell Park Rail Tunnel. Ownership of the disused tunnel is vested in the State Rail Authority.

Members noted that the disused Otford Tunnel is an item on the State Heritage Register (01219) and that the tunnel is a single line, brick lined rail tunnel opened in 1888 as an important engineering work on the Illawarra Railway line and has been disused as a railway tunnel since it was by-passed in 1920. Members also noted the subsequent use of the tunnel in a Military demolition exercise during World War II and use as a mushroom farm.

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The detail of the application before members was that it was proposed to fix the sewer line to the wall of the tunnel for much of its length but burying it near the southern entrance (Stanwell Park end) and at the ground surface near the northern portal (Oxford end). The report, under consideration, advised members that the fixing of the pipe to the wall was one of the preferred options of the Heritage Office from the three presented to it by Sydney Water in early discussions, because it did not diminish the potential for future pedestrian use of the tunnel and had the least visual impact.

The application also proposed pumping stations at each end of the tunnel, sited to avoid significant archaeological features.

The concern the proposal has generated from railway enthusiasts and some nearby residents, particularly in relation to public access and visual impact was noted from the report.

Members considered the report's recommendation that the Heritage Council:

- 1) Approve the proposal with the following conditions;
 - a) That the precise location of the SPS4 pumping station, elevations and construction details and details of any associated equipment - be subject to approval by the Director of the Heritage Office. The detailed plans are to include the relationship of the pumping stations and associated equipment to the curtilage boundary of the item and to significant archaeology like the track bed.
 - b) The pipe should be buried at the south portal for as far as possible in the tunnel, but a minimum of 20 metres.
 - c) The nominated excavation director must be present to monitor any excavation works and to record any archaeological features that are located. Significant relics should not be removed and the pipeline diverted around them.
 - d) The works will be supervised on site by a consultant/s experienced in the conservation of similar heritage items.
 - e) The repair works required to the tunnel, to enable the works described in this application to be carried out, must be carried out prior to or in parallel with these works. The repair works will require a separate section 60 application where they are in excess of the Standard Exemptions. These repair works must include items 10, 12 & 15 of the Recommendations of the HIS described by Edward Higgingbottom & Associates.
- 2) A CMP should be prepared to inform the future management and interpretation of the heritage item. The CMP should include consideration for limited public access to the tunnel.

In assessing the application and report members agreed that no information had been provided by the applicant, or subsequently sought, as to whether other options on routing of the pipeline had been considered and thus the specific justification for the routing of the pipeline through the State Heritage listed tunnel. Comment was also made by members as to whether the applicant had any infrastructure near the tunnel portals either as pre-existing infrastructure or recently placed in anticipation of approval to the routing of the pipeline through the tunnel. Members also agreed that fuller assessment of

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public submissions was required. In the absence of this information members agreed to defer further consideration of this application until advice on these aspects is presented to the Heritage Council.

Resolved

That the Heritage Council defers consideration of this application pending advice on alternative options and fuller assessment of public submissions is presented to the Heritage Council.

7. Development Application Referrals

7.1 Austral Brickworks, Brookvale

Members considered a Development Application referral, in accordance with Clauses 81 & 83 of the Warringah Local Environment Plan 2000, for the former Austral Brickworks site at Consul Street, Brookvale. The Brickworks is listed as being of regional significance on the Warringah LEP.

The proposal, by Clarendon Apartments, envisaged the demolition of all structures other than the patent kiln, which is to form the basis for a 4 1/2 storey block of apartments, and the stack, which is to be shortened by 11m. The total residential development would contain 71 townhouses and apartments.

Resolved

**That the Heritage Council:
Approve the attached draft letter of advice to Warringah Council.**

8. Planning Instruments / Heritage Studies

Nil

9. Matters for Consideration

9.1 D.U.A.P. White paper (“planFirst”) – Review of Plan Making in NSW

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At the commencement of this meeting a revised agenda paper (green paper) was issued to members. The revised agenda paper contained an amended recommendation, to that included in the agenda papers previously distributed to members. Members read the revised agenda paper and then listened to the presentation by Mr Garry Fielding.

In view of Mr Garry Fielding's declared interest in this issue (see item 3 above for details) Mr Fielding left the meeting prior to members discussion of the issue and did not return to the meeting until after a resolution had been made. The issue before members for consideration was the "planFirst" White Paper, recently released by the Minister for Urban Affairs and Planning, which described a new framework for plan making in NSW. The intention of the "planFirst" White Paper was to replace the existing provisions contained in Part 3 of the EP&A Act which are those relating to the preparation of planning instruments. Submissions on the White Paper were invited, for lodgement by 1st June 200, thus the issue came before the Heritage Council for its comment for submission.

Members concurred on the aims of the "planFirst" White Paper but expressed a number of concerns particularly in regard to timeframes and resourcing. Members therefore resolved to make the following views known to the Minister and Director General, D.U.A.P.

Resolved

That the Heritage Council advise the Minister and the Director General, Department of Urban Affairs and Planning that the Council:

- 1. supports the aims of the Plan Making Review contained in the White Paper "planFIRST", particularly regarding improved coordination and strategic planning, the location of all statutory controls in local plans, the introduction of developer agreements for local government, and the minimisation of development application referrals to statutory authorities;**
- 2. has concerns about the following:**
 - a) the effect of the performance approach to permissibility of development on heritage items,**
 - b) the apparent uncertainty about the local plan referral process particularly for items on the State Heritage Register,**
 - c) the tight time frames for plan preparation and the implications for resourcing from the Heritage Office;**
- 3. that the Heritage Office will participate in the preparation of regional strategies through the provision of general heritage management principles;**
- 4. that adequate resources should be available for heritage planning in each region, recognising the diversity of heritage issues across the State;**

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5. that the new plan making system is an opportunity to integrate planning and management of Aboriginal heritage in all three tiers of plans; and
6. that there should be early and detailed consultation with the Heritage Office regarding the preparation of the draft Bill, particularly regarding the integration of heritage management in all three tiers of plans, amendments to the Heritage Act, implications for the State Heritage Register and the incorporation of the provisions of the recently endorsed model (heritage) local environmental plan.
7. requests the Minister to direct that all Councils include heritage provisions in their local environmental plans and that adequate resources are made available to allow this to occur in order to facilitate a whole of Government response to the new planning framework.

10. Matters for Information

Port Macquarie Government House site

Members were advised that the Minister had revoked the Interim Heritage Order on the archaeological site. Members were also told representatives of the Australian Heritage Commission had attended a recent meeting and agreed to pay the developer's costs for deferment of the project. Advice on the commitment of State and Commonwealth funds was awaited. Options for the purchase of the site or the redesign of the proposed development had been mooted and were under discussion.

11. General Business

In General business members were advised that the latest amendments to the Heritage Act were proposed for late June 2001.

12. Next Meeting

The next meeting will be held on Thursday, 21 June 2001 at Signature Tower, 2 - 10 Wentworth Street, Parramatta.

The Acting Chairman closed the meeting at 11:50 a.m.