

**MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE**  
**Wednesday 3 April 2002 at 12.55pm**  
**Level 11, 2-10 Wentworth Street, Parramatta**

**Attendance**

Mary-Lynne Taylor	Chair
Terry Barnes	
Garry Fielding	planningNSW until 1.15pm
Diane Jones	
Susan Macdonald	Acting Assistant Director, Heritage Office
Elsa Atkin	National Trust
Bruce Pettman	

**Also in Attendance**

Lannie Purcell	Heritage Office
Vincent Sicari	Heritage Office (Item 4.1)
Gary Pringle	Heritage Office (Item 4.2)
Cathy Colville	Heritage Office (Item 5.1)

**1.1 Declarations of Interest**

Garry Fielding – Item 5.1 Cooks Cove West Botany Street, Market Gardens

**1.2 Apologies**

Rod Leaver

**2. Confirmation of the minutes of the previous meeting**

The minutes of 3 April 2002 were confirmed.

**3. Action Report**

Members noted the Action Report for 3 April 2002.

Additional information was provided on the following items:

**Port Macquarie Government House site**

The Heritage Office will send written advice to Hastings Council by Friday of this week. Council is meeting on Monday 6 May and will determine the application at that time. It was noted that Council has advised it will recommend refusal. The Department of Planning has not provided comment to Hastings Council. The Heritage Office's advice to Council will be that it recommends approval subject to conditions including that the development is one floor less in height.

**Eric Pratten House, Pymble**

The Heritage Office has informed the applicant that samples of the tiles proposed for the bathrooms are not acceptable. Since then the applicant has indicated that tiles of a similar size and style are available.

**First Church of Christ Scientist, Darlinghurst**

A Conservation Management Plan by Robert Staas was going to the State Heritage Register Committee for consideration that day. The recommendation to the committee was to be that the plan not be endorsed. If the committee resolves not to endorse the

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plan the development proposal will not be able to be progressed until an amended CMP is submitted and adopted by the Heritage Council.

The Ministry for the Arts have inspected the property and while agreeing that it is a wonderful space, do not have funding to purchase the site.

**Epping Forest, Kearns**

Representatives of the Heritage Office met with the owners on 4 April 2002. The owners have requested the Heritage Office to reconsider their original application for subdivision. In its previous consideration of the application the Heritage Council was very specific as to the conditions under which it would approve development on the site. Those conditions are not likely to change. The Heritage Office is due to respond to the applicant's request shortly.

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

**4.1 Pier 1 Walsh Bay – conversion of Harbourside Brasserie to conference rooms - IDA**

Members considered a report on an IDA for the conversion of a restaurant to a conference room facility for the Sebel Hotel at Pier 1. The application provides for the installation of three conference rooms and associated offices, kitchens and toilets. The application also includes the removal and replacement of a lean-to structure.

While members agreed that in heritage terms the conversion and change of use would not impact on the significant fabric of the building but noted that there were heritage considerations in relation to the replacement of the lean-to structure.

Members noted that it is unclear whether there has been valid consent for the erection of the enclosed space. Sydney City Council approved outdoor seating in 1981 but valid approval for its enclosure has not been demonstrated. It was also noted that a similar structure exists on the adjacent tenancy and an application for its replacement is likely if this application is approved. It was agreed, however, that if there is a valid approval, in heritage terms the design of the proposed new structure is an improvement to the ad-hoc existing one.

Members noted that the Conservation Management Plan (CMP) for Pier 1 and several planning instruments require the space to be retained for public access. The CMP also recommends that all accretions to the external envelope of the building be removed. In this regard, members agreed that there should be a time limit placed on the life of the structures.

Mr Robert Staas of Noel Bell Ridley Smith, Adam Brown representing Pier 1 Developments and a representative of jpr Architects Pty Ltd joined the meeting to address members. They explained that they had approached Sydney City Council for copies of any existing approvals but they could not obtain the documents in time due to the 21 days required to action the request. They tabled a legal opinion on the validity of approval for the existing annexe from John Mant, consultant for Phillips Fox.

They also reiterated the point that the proposed new structure respects the form of the bays of the wharf and is a better heritage outcome.

Members continued their discussion and agreed that irrespective of whether the proper approvals have been granted for the present ad-hoc structure, it is likely that the enclosed

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space will remain until the end of the current lease. It would be preferable to replace it with a more finely detailed structure which will be reversible.

**Resolved:**

- 1. that despite the recommendation of the CMP that there be no accretions to the basic wharf structure, in view of past approvals, the Heritage Council issue general terms of approval for the application for changes to the existing structure, noting that the proposed new structure is of appropriate materials and design and reversible, subject to it not extending beyond the existing footprint of the lean-to structure.**
- 2. to write to Waterways Authority seeking removal of these structures on the termination of the lease of the Harbourside Brasserie and the adjoining lease in accordance with the recommendations of the Conservation Management Plan.**

**4.2 Simmons Street Wharf, Balmain – S60**

Members considered a report on an application from Waterways Authority to demolish the Simmons Street Wharf. The wharf is associated with the Waterview Workshops and the Adelaide Steamship Company's use of the site. The application included a heritage impact statement and a structural report. The latter details the extent of replacement required for repair and concludes that very little of the existing structure is salvageable.

Members noted that in March 1993 the Heritage Office wrote to the Maritime Services Board drawing its attention to the poor state of repair of the wharf and the need for its urgent conservation.

**Resolved:**

**that the Heritage Council:**

- 1. approve the application to demolish because the structure has been allowed to deteriorate to such an extent that it cannot be repaired in a manner that retains its significance, subject to the following condition:**
  - a) demolition work is to be monitored by an experienced conservation practitioner who must ensure that damage to any maritime archaeological relics revealed is avoided; and**
- 2. advise the Waterways Authority that:**
  - a) the Heritage Council supports the submissions received which suggested the construction of a replacement boardwalk structure to facilitate public access along the foreshore and which retains the character of traditional foreshore structures in the area;**
  - b) the Heritage Council considers that the Authority has been in breach of the Heritage Act and notes that the Authority did not positively respond to the Heritage Council's advice in 1993 that the conservation of the wharf required urgent attention and therefore the Heritage Council requires the Waterways Authority to show cause, within 28 days, why it should not investigate prosecution for this potential breach of the Act; and**
  - c) if the "Baragoola" (Item No. 670) is to be relocated an approval will required under section 63 of the Heritage Act.**

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3. **advise Leichhardt Council that the Heritage Council supports the submissions received which suggested the construction of a replacement boardwalk structure to facilitate public access along the foreshore and which retains the character of traditional foreshore structures in the area.**

**5. Development Application Referrals**

**5.1 Cooks Cove West Botany Street Market Gardens Heritage Impact Statement**

Members considered a report on a Heritage Impact Statement for an amended proposal associated with Draft Regional Environmental Plan No. 33 – Cooks Cove and Master Plan for rezoning.

The meeting was temporarily adjourned at 1.30 to allow members of the State Heritage Register Committee to jointly discuss the Conservation Management Plan and the Heritage Impact Statement.

Cathy Colville gave an overview of the planning process up to this point and explained that the amended proposal, now with two options for driving range and fairway placement, has come to the committee for consideration with a view to amending the CMP for re-exhibition.

Members agreed that more information is needed on the following issues:

- the significance of the uncultivated land and its contribution to the whole site;
- the economics of the site
- the golf course design

It was also agreed that there is a need to consult with the current lessee of the affected market garden.

The meeting was reconvened at 2.00pm.

**Resolved:**

**that the Heritage Council:**

- a) **reject Driving Range Option 1 (as shown in Figure 5 of the Heritage Impact Statement prepared by City Plan Heritage for SHFA dated April 2002) under the provisions of Clause 63 of the NSW Heritage Act 1977 (as amended) as this proposal will require substantial demolition of an item of State significance listed on the State Heritage Register and thereby adversely affecting its significance; and**
- b) **request the Sydney Harbour Foreshore Authority to provide the following information in the Heritage Impact Statement (prepared by City Plan Heritage dated April 2002):**
  - i) **the impact of loss of the capability of the cultivated areas of the garden to expand during “good” economic conditions;**
  - ii) **the significance of the existing lot boundary and whether interpretation of the boundary will be needed;**
  - iii) **the impact of future ownership options (including any proposed subdivisions) on the affected portions of the site;**
  - iv) **the opinion of the market garden lessee of the proposals and the impact of the fairway and driving range proposals on the viability of the lease; and**

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- v) sufficient detail of the golf course and driving range designs to understand and assess the physical and visual impact on the SHR site; and
  - c) defer decision on the preliminary proposal until the above information has been satisfactorily supplied and the proposal complies with a CMP satisfactory to the Heritage Council.
- 6. Planning Instruments/Heritage Studies**
- Nil
- 7. Matters for Consideration**
- Nil
- 8. Matters for Information**
- Nil
- 9. General Business**
- Nil
- 10. Next meeting**

The Chair closed the meeting at 3.15pm. The next meeting is scheduled for Wednesday 5 June 2002.

**Signed:**

**Date**