

MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE
Wednesday 6 November 2002 at 9.00am
Level 11, 2-10 Wentworth Street, Parramatta

Attendance

Mary-Lynne Taylor	Chair
Diane Jones	
Susan Macdonald	Assistant Director, Heritage Office
Bruce Pettman	Alternate
Rod Leaver	
Garry Fielding	Department of Planning
Elsa Atkin	National Trust
Susan Macdonald	Heritage Office

Also in Attendance

Lannie Purcell	Heritage Office
Vincent Sicari	Heritage Office
Gary Pringle	Heritage Office (Item No. 5.2)
Stuart Read	Heritage Office (Items 4.1 and 4.2)
Vince Scarcella	Heritage Office (Item 8.2)
Doug Sanger	Consultant (Item 4.2)
Margaret Petrykowski	Department of Public Works and Services (Item 4.1)
Lexie McDonald	Parramatta City Council (Item 4.1)

1.1 Declarations of Interest

Diane Jones - Item 3. Action Report for 2 October -5.1 Shore-shed Building, Walsh Bay

1.2 Apologies

Terry Barnes
Chris Johnson
Bruce Pettman

3. Confirmation of the minutes of the previous meetings

An extract of the Heritage Council minutes of the meeting of 2 October 2002 was noted.

3. Action Report

Members noted the Action Report for 2 October 2002.

4. Presentations

4.1 Parramatta Civic Place Master Plan

Lexie McDonald, representing Parramatta City Council and Margaret Petrykowski of DPWS, attended the meeting to present to members the Master Plan. The Plan provides for a series of open spaces based on the history of planning and development of Parramatta, identified in the Plan as church Place, Garden Place, Market Place and Civic Place. The Plan provides for a mix of commercial, residential, entertaining and leisure, community facilities, retail and underground parking components.

Discussion concerned the relationship of the Master Plan to the heritage buildings within the Plan area and in the immediate vicinity. It was pointed out that the implementation of the Plan will provide an opportunity to relate materials and plantings to the nature of Parramatta and its history.

MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE
Wednesday 6 November 2002 at 9.00am
Level 11, 2-10 Wentworth Street, Parramatta

Members discussed the probable detrimental impact of proposed building heights on several heritage items, especially Lancer Barracks and Arthur Phillip High School. It was considered that more consideration needs to be given to the siting and massing of the proposed buildings in that area of the plan.

Resolved:

- 1. to support in-principle the draft Master Plan but to require a more detailed assessment of the setbacks and massing of taller development on heritage items, and on the impacts of the proposed underground car parking on the site's archaeological resources;**
- 2. to note that it will have the opportunity over the next month to make a submission on the proposed exhibition of an amendment to REP 28 (Parramatta) required to give effect to the Master Plan; and**
- 3. to note that a further presentation on the public submissions and proposed changes to the Master Plan will be made to the 4 December 2002 meeting of the Heritage Council Approvals Committee.**

4.2 Fernhill, Mulgoa – CMP and future management/development

Mr Douglas Sanger, consultant to the owner of Fernhill, presented to members a plan for preparation of a conservation management plan and other studies for Fernhill with a view to securing a viable future for the site. Mr Sanger discussed the possibility of a heritage agreement and possible future land uses, including subdivision of part of the site for residential development. Mr Sanger advised members that the presentation will also be made to Penrith City Council and that it was hoped both bodies would be able to support the scheme in principle.

Discussion involved constraints of the site, especially in relation to views, road patterns, current uses and fire safety.

Resolved:

- 1) to support in principle the proposed process of preparing a conservation management plan for the whole of the remaining estate, supporting other studies and a heritage agreement to ensure the future maintenance and conservation of the property;**
- 2) to note that the Heritage Council will require an endorsed conservation management plan for the property in advance of any development application or amendments to the planning instruments covering this property; and;**
- 3) To advise Penrith City Council of the Heritage Council's decision.**

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

5.1 KENS Site, Sydney City – S140

Members considered a report on a section 140 application associated with the proposed development of the site for commercial buildings and associated underground parking. The site is bounded by Kent Street, Sussex Street and Erskine Street.

MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE
Wednesday 6 November 2002 at 9.00am
Level 11, 2-10 Wentworth Street, Parramatta

The application proposes archaeological works prior to the bulk excavation of Zones 1,3,4 and 5 of the site. Extensive documentary research and preliminary test excavations show that the site is likely to contain significant archaeological remains. The site is also listed in the Central Sydney Archaeological Zoning Plan as a site of high archaeological potential.

Resolved:

Any variations to the standard conditions are highlighted in **bold**.

a) to approve the application with the following conditions;

1. This permit is valid for three years from the date of approval. Requests for extensions after this time will only be considered in writing.
2. **The applicant must ensure that the nominated Excavation Director undertakes a comprehensive investigation of the gun-powder if located, in order to determine its extant nature, integrity and ability to be conserved and interpreted insitu. If found to be in good condition, then the applicant will be required to submit an application to the Heritage Council for any further works in that area of the site.**
3. The Applicant must ensure that the Excavation Director carries out the excavation and public interpretation in accordance with the approved research design, methodology and recommendations outlined in the report titled *S140 Excavation Permit Application & Research Design: The Kens Site, Sydney* prepared by Wendy Thorp, dated July 2002.
4. The Director of the Heritage Office must approve any substantial deviations from the approved research design (including extent and techniques of excavations) as an application for the Variation or revocation of permit under section 144 of the *NSW Heritage Act, 1977*. If the Excavation Director will be absent from the site for more than 50% of the archaeological activity, the Applicant must forward for the approval of the Director of the Heritage Office the details of the Site Director in charge for this period.
5. **It is essential that the opportunity for interpretation, public education and public access to the results of the archaeological investigation is allowed for in the works program. Details of the proposed public tours for the site and use of volunteers during the excavation program must be submitted to the Director of the Heritage Office for approval prior to the commencement of works on site.**
6. **Final design details of an on-site interpretation strategy, including information on the display and housing of artefacts, is to be submitted to the Director of the NSW Heritage Office for approval within one month of the completion of the excavation program. The on-site interpretation is to be completed and implemented prior to the release of the occupation certificate for the site.**
7. The Heritage Office must be informed of the commencement and completion of the archaeological program at least 5 days prior to the commencement and within 5 days of the completion of work on site.
8. **Final design details of an archaeological publication for the general public, is to be submitted to the Director of the NSW Heritage Office for approval within six month of the completion of the excavation program. The publication is to be completed within one (1) year of the conclusion of the project unless an extension of time is approved by the Heritage Council of NSW**
9. **Throughout the excavation works and post-excavation analysis:**
 - **a public information program must be implemented including regular press releases to ensure the public is informed about the project and its outcomes;**

MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE
Wednesday 6 November 2002 at 9.00am
Level 11, 2-10 Wentworth Street, Parramatta

- the services of a conservator must be utilised for conservation of significant artefacts;
 - the Heritage Office is to be notified weekly, in writing, of the progress of work during excavation and monthly during post excavation analysis;
 - Identified areas of the site are to be signed off, by the Heritage Office, prior to commencement of bulk excavation in those identified locations.
10. The Applicant must ensure that the Excavation Director and team are given sufficient time and access to the site to complete their work to the satisfaction of the Heritage Council. Where necessary, conflicting work schedules shall be adjusted to accommodate the archaeological excavation works.
11. The Applicant is responsible for the safe-keeping of all relics recovered from the site.
12. The Applicant must ensure that the Excavation Director cleans, stabilises, identifies, labels, catalogues and stores any artefacts uncovered from the site in a way that allows them to be retrieved according to both type and provenance.
13. The Heritage Council and the Heritage Office reserve the right to inspect the site and records at all times and access any relics recovered from the site.
14. In accordance with section 146(b) of the *NSW Heritage Act, 1977*, the Applicant must ensure that the final archaeological report is prepared by the approved Excavation Director, to publication standard, within one (1) year of the conclusion of the project unless an extension of time is approved by the Heritage Council of NSW. Two copies of this report must be submitted to the NSW Heritage Office. At least one electronic copy should also be submitted to the NSW Heritage Office. A further copy must be lodged in the local library or another appropriate local repository in the area in which the site is located.
15. The Heritage Council of NSW requires that the final report shall include:
- An executive summary
 - Due credit to the client paying for the excavation on the title page
 - An accurate site location and site plan
 - Historical research, references, and bibliography
 - An archival photographic recording of the site prior and during the archaeological investigation.
 - Detailed information on the excavation including the aim, the context for the excavation, procedures, post-excavation analysis, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale drawings)
 - Nominated repository for the items
 - Detailed response to research questions
 - Details of how this information about this excavation has been publicly disseminated
16. Should any Aboriginal relics be uncovered, excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

b) for the following reasons:

1. the removal of a significant and rare archaeological resource in order to allow the development of the site to proceed is off-set by the ability of that archaeological resource to inform the greater community about aspects of our history that can not be revealed through any other means.

MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE
Wednesday 6 November 2002 at 9.00am
Level 11, 2-10 Wentworth Street, Parramatta

2. The consent is conditioned, so that the archaeologist must undertake a comprehensive investigation of the gun-powder if located, in order to determine its extant nature, integrity and ability to be conserved and interpreted insitu. If found to be in good condition, then the applicant will be required to submit an application to the Heritage Council for any further works in that area of the site. This will allow the Heritage Council to determine the most appropriate management strategy for those remains, including consideration of the insitu retention of the gun powder and its listing on the State Heritage Register. This will impact on the current underground parking design for the site, but is considered to be a necessary precaution for ensuring that our state's most significant and rare archaeological resources are adequately protected and preserved for current and future generations to appreciate.
3. The public interpretation opportunities proposed for the site, both during and after the archaeological excavation program provides the community with an important and rare opportunity to participate in, and view the actual process of archaeological research; to gain a unique understanding of New's past through the investigation of a rare archaeological site; and the implementation of an interpretative public display that provides the community and visitors to Parramatta, with an opportunity to appreciate it's history, long-term.

5.2 Australian Technology Park, Eveleigh – new building for Bandwidth Foundry

Members considered a report on a section 60 application to construct a two storey building to house Bandwidth Foundry for high technology and office use. The facility is proposed to have a five year life span. The proposed site is the vacant sub-lot 49.

Members questioned whether the form, materials and site of the proposed building would be acceptable if it were proposed to be permanent. It was noted that the building does not follow the mandatory build-to line set in the 2002 Draft Master Plan to the north of the proposed building.

Resolved:

that the Heritage Council approve the application with the following conditions:

1. **the development of the site is to be carried out in accordance with Plans, Elevations and Sections by Crawford Architects (dated June 2002) DA-01, DA-02, DA-03, DA-04, DA-05, DA-06, DA-07, DA-08, DA-09, DA-13, DA-14 (Issue A), DA-15 (Colour board external finishes) and the Statement of Environmental Effects prepared by the Sydney Harbour Foreshores Authority dated August 2002 as amended by the following conditions;**
2. **the two brick lined drainage inspection wells and brick retaining wall to the north of the building are to be protected during construction and appropriately interpreted as part of the landscaping of the site;**
3. **the two existing trees shown on the Planting Schedule (DA-14(A)) are to be protected during and following construction;**
4. **if any archaeological relics are uncovered during the course of construction, work shall immediately cease in that area and the NSW Heritage Office shall be notified in accordance with section 146 of the Heritage Act;**
5. **as the building is inconsistent with the draft master plan for the site and approval is only being sought for five years, the building is to be demolished within five years of the date of development consent; and**

MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE
Wednesday 6 November 2002 at 9.00am
Level 11, 2-10 Wentworth Street, Parramatta

6. 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 the relevant development consent granted under the Environmental Planning and Assessment Act 1979, whichever occurs first.

6. Development Application Referrals

Nil

7. Planning Instruments/Heritage Studies

Nil

8. Matters for Consideration

8.1 Heritage Council Approvals Committee Chair's Report

Members discussed the Chair's report to the Heritage Council on the work of the Committee during 2002. the following issues were identified for possible inclusion in the report:

- Still some difficulty with attendance and the ability to commit a whole day to meetings.
- The protocol developed for why issues are referred to the committee has been very useful.
- Some members suggested it would be useful if agenda papers were sent electronically prior to meetings.
- The short notice given by some applicants for the need for presentations, and in some cases, inappropriate content, was identified as a problem. Members noted that a form has been developed to aid in applicants' understanding of the arrangements for presentations.
- Further to presentations – members commented that it is important that in presentations the heritage consultant for projects should be the principal presenter.
- The Heritage Council should be informed when legal action is being contemplated, possibly through the Director's Report.
- Members endorsed the process of consultation with the applicants undertaken for Eric Pratten House and suggested it could be used as a model for other such situations. Where the applicants may not have a good command of English, the services of an independent translator should be used in future.
- Members noted that if the need for S60 applications following IDA is eliminated, the level of detail in IDA applications should be increased.
- Members commented that they are generally satisfied with the standard of agenda papers. The format is good, but at times the content can be somewhat repetitive.
- Members commented that the programme of Heritage Council meetings at regional council areas is excellent, but in future members should be provided with a list of State and local heritage items in the area and a trip to see items arranged, preferably in conjunction with a commentary about the items.

MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE
Wednesday 6 November 2002 at 9.00am
Level 11, 2-10 Wentworth Street, Parramatta

Resolved:

that members provide written or verbal comment to the Chair in advance of the Chair's presentation to the December Heritage Council meeting.

8.2 Aboriginal Draft Action Plan

Vince Scarcella, Senior Heritage Office (Aboriginal) addressed members on the preparation of an action plan to assist the Heritage Council in addressing Aboriginal heritage issues. He requested input from members for the development of the draft Action Plan. Discussion included the following issues:

- Members need to know that when Aboriginal issues come before the Heritage Council, proper consultation has taken place;
- The Approvals Committee would benefit from a member with Aboriginal heritage expertise;
- The Heritage Council should have a policy on visual acknowledgement and interpretation of Aboriginal heritage sites;
- The Heritage Council's policy should require consideration of the layers of history of sites and buildings, including Aboriginal history;
- A condition of approvals should include a requirement to acknowledge the interpretation of Aboriginal history of sites as a matter of course, not just when it is found to be significant.

Resolved:

that the Heritage Council Approvals Committee provide written or verbal comments to the Heritage Office on Heritage Council's Aboriginal Draft Action Plan.

9. Matters for Information

Nil.

10. General Business

10.1 Customs House

Members were informed that an IDA has been received for the Customs House which is similar to the earlier proposal, except that it provides for more openings to the colonnade.

Susan Macdonald has contacted Council about an inconsistency in the scheme, which shows four openings when in fact there are six. Because the advertising period doesn't close until 12 December, a special meeting of the committee may need to be held to determine the application. The dates proposed are 19 and 20 December.

Resolved;

that members email Susan Macdonald advising of their availability for a special meeting on 19 or 20 December 2002.

MINUTES OF THE HERITAGE COUNCIL APPROVALS COMMITTEE
Wednesday 6 November 2002 at 9.00am
Level 11, 2-10 Wentworth Street, Parramatta

10.2 Confidential matter under consideration

10.3 Confidential matter under consideration

10.4 Quarantine Station

Members were informed that a section 60 application and draft EIS will be considered at the next Approvals Committee meeting. Members agreed that it would be appropriate to invite members of the sub-committee to the meeting.

11. Next Meeting

The Chair closed the meeting at 11.55am. The next meeting is scheduled for 4 December 2002.

Signed:

Date