

EXTRACT FROM THE DRAFT MINUTES OF THE HERITAGE COUNCIL
Wednesday 2nd October 2002
Level 11 2-10 Wentworth St, Parramatta

These draft minutes are provided for information only. The full minutes will be adopted at the Heritage Council meeting of 4 December 2002.

Attendance

Mary-Lynne Taylor	Co-chair
Ian Jack	Co-chair
Elsa Atkin	
Terry Barnes	
Diane Jones	
Rod Leaver	
Bruce Pettman	Alternate
Susan Macdonald	Acting Director, Heritage Office
Megan Jones	
John Delaney	
Cameron White	Acting Assistant Director, Heritage Office

Also in Attendance

Vanessa Williams	Heritage Office
Vincent Sicari	Heritage Office
Natalie Vinton	Heritage Office (Item 4.3)
Gary Pringle	Heritage Office (Item 8.1)
Elisha Long	Heritage Office (Item 10)
Lincoln Andrews	Heritage Office
Bruce Baskerville	Heritage Office
Vince Scarcella	Heritage Office
Leah Spagnol	Heritage Office

1.1 Declarations of Interest

Terry Barnes	Item No. 5.4 180-182 George St Parramatta CMP Report – Roxy Theatre
Elsa Atkin	Item Nos. 5.1 Shoreshed Building Pier 2/3 Walsh Bay
Diane Jones	Item No. 5.1 Shoreshed Building Pier 2/3 Walsh Bay
Megan Jones	Item No. 10 General Business – Regent Theatre, Wollongong
Ian Jack	Item No. 5.5 Cadia Village

1.2 Apologies

Gary Fielding
Jason Ardler
Michael Collins
Reece McDougall
Sharon Sullivan
Joan Templeman

2. Confirmation of the minutes of the previous meetings

The minutes of the meeting of 4 September 2002 were confirmed.

3. Action Report

Members noted the Action Report for 4th September 2002

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4. Presentations

4.1 Shoreshed Building Pier 2/3 Walsh Bay

Gavin Carrier, Lester Tropman, Malcolm Sholl and Tasman Storey attended the meeting to present to members a scheme involving the conversion of the Walsh Bay Shoreshed building of Pier 2/3, into commercial/retail suites on the ground floor and with commercial/studio suites on the upper floors.

The proposal consists of the adaptation of the Shoreshed building into commercial and retail tenancies. The building will be converted from a two level structure into a three level structure with an additional level within the roof space. Due to the fact that Pier 2/3 and its Shoreshed is the last remaining wharf structure in the Walsh Bay Precinct which has yet been significantly altered. The main objectives were to present a workable solution which retains more of the heritage fabric and thus complies to a greater extent with the spirit of the Masterplan consent conditions.

4.2 Old Windsor Road

Steve Warrell (T-Way), Adam Sharman (RTA) and Geoff Cahill (RTA) attended the meeting to present to members proposed modifications at the junction of Meurants Lane and Old Windsor Road (OWR) to accommodate the Transitway and other roadways currently under construction.

Three main options and one sub-option were presented by the RTA for the use of the Old Windsor Road (OWR) heritage alignment at the Meurants Lane intersection within the Transitway project. The preferred RTA option is option no. 2, which retains 60m of the heritage alignment.

Option 2 separates the Transitway and the Norwest Boulevard extension by constructing the Transitway under Norwest Boulevard. The Transitway would utilise the Old Windsor Road heritage alignment, yet in order to provide sight distances for buses, a cutting and tunnel under Norwest Boulevard would be required. The option retains the original road alignment in its current form from Norbrick Road to 60m south of Meurants Lane at which point the alignment would be widened for the tunnel.

Option 2 for cost and heritage reasons is the preferred proposal for the RTA.

4.3 Cadia Village

Natalie Vinton presented to members an overview of the impact of the proposed mine expansion on the Lower Cadia Village site.

It is proposed to remove artefacts from the ground for further investigation prior to the excavation of a 1-2 million cubic metre bulk mineral sample and the construction of mine infrastructure, including formalised access roads and the creation of creek diversion levees.

Reuse of the Lower Cadia Village for mining demonstrates a continuity of the site's historical use, and it can be argued that because new use is compatible with the site's historical use as a mine, its impact on the significant Lower Cadia Village archaeological resource (25% of the whole Cadia Village resource), if carefully managed, is considered to be an acceptable outcome for the site.

It was outlined to the members that removal of the archaeological resource in the Lower Cadia Village, without any further archaeological investigation would,

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however, be considered to be unacceptable, as it would result in the loss of unique primary evidence associated with the occupation and use of the Cadia Village site.

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

5.1 IDA Shore-shed Building Pier 2/3 Walsh Bay Finger Wharf (excluding finger wharf itself)

Members considered the proposal involving the adaptation of the Shore Shed building into commercial and retail tenancies. It was proposed that the building will be converted from a two level structure into a three level structure with an additional level within the roof space. The large volumes that are currently a feature of the building will be sub-divided into smaller tenancies. The creation of new commercial/retail tenancies on the ground floor will require the removal of some of the external cladding in order to provide glazed shop-fronts.

The introduction of new commercial studios within the upper level will require the introduction of a new floor level and a new loft level within the roof space. In order to install these new levels of commercial studio spaces it is proposed to lower the breezeway. The studio spaces also require the introduction of a large number of sky lights into the roof.

Members agreed that there has been an attempt to reconcile heritage issues.

It was noted that the National trust opposes the application.

Members recommended that the Heritage Office meet with applicants to discuss the proposal and changes be made to the Master Plan relating to the conservation of significant fabric.

At this point the quorum was lost and there was no further discussion or resolution on this item. The Heritage Office will provide advice to the applicant.

5.2 IDA "Jenner" House, 2 Macleay Street Potts Point

Members considered the resubmission of the application proposed to make alterations and additions to Jenner House and convert it to two dwellings, construct a two level dwelling house in the eastern garden and subdivide the land under the Strata Schemes (Freehold Development) Act. Parking is to be provided for six vehicles including a 2-car stacker, a double garage and two uncovered spaces at ground level. An existing garage in the south western corner of the property is to be demolished.

Resolved:

to advise Sydney City Council in accordance with section 91A of the EP&A Act that it is prepared to issue an approval under section 63 of the Heritage Act in accordance with the following general terms:

- 1. The development of the site is to be carried out in accordance with:**
 - Statement of Environmental Effects prepared by SA Smits & Assoc Pty Ltd dated May 2002**
 - Statement of Heritage Impact prepared by Peter Freeman Pty Ltd dated March 2002**

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- **Archaeological Assessment prepared by Casey & Lowe Assoc dated July 2001**
- **Conservation Management Plan prepared by Peter Freeman Pty Ltd dated October 2001**
- **Drawings DA201B, DA202A, DA203B, DA204B, DA205B, DA206B, DA207B, DA208B, DA209C, DA210A, DA211A, DA212A by Nordon Jago Architects as amended by the following conditions;**
- 2. **an application under section 60 of the NSW Heritage Act must be submitted to and approved by the NSW Heritage Council prior to the commencement of construction;**
- 3. **the external colour scheme for the proposed development is to be submitted to the NSW Heritage Office which is satisfactory to the Director prior to the commencement of construction, or such longer period agreed to by the Director, to ensure compatibility with the heritage significance of the site;**
- 4. **a schedule of repair and conservation works for Jenner House is to be submitted to the NSW Heritage Office which is satisfactory to the Director prior to the commencement of construction, or such longer period agreed to by the Director, to ensure compatibility with the heritage significance of the site;**
- 5. **details of the proposed landscaping, including fencing of the site, prepared by a person with suitable heritage landscape expertise and experience, are to be submitted to the NSW Heritage Office which are satisfactory to the Director prior to the commencement of construction, or such longer period agreed to by the Director, to ensure compatibility with the heritage significance of the site;**
- 6. **The Magnolia Grandiflora tree located in the western forecourt is to be protected at all times during construction and the landscape design is to ensure that there is minimal change of ground level and minimal impervious surfaces within the drip line of the tree;**
- 7. **the curved sandstone wall and iron balustrading in the eastern garden are to be conserved and protected from damage during construction of the garden apartment;**
- 8. **the proposed subdivision of the land under the Strata Schemes (Freehold Development) Act is to designate the formal eastern garden as common property to ensure cohesive landscape treatment and ongoing maintenance;**
- 9. **the proposed balcony on the north eastern corner of the building on level 3 is not to be covered or enclosed to allow the interpretation of the original form of "Jenner";**
- 10. **details of the proposed installation of services within "Jenner", including plumbing, cabling and air conditioning, are to be submitted to the NSW Heritage Office which are satisfactory to the Director prior to the commencement of construction, or such longer period agreed to by the Director, to ensure minimal intervention with the original fabric of the building;**
- 11. **the removal of original building fabric in the entry and family room of dwelling 2 and other new wall openings is to be done in such a manner which minimises damage to original fabric and retains existing joinery where possible and wall nibs to indicate the original wall configuration and assist the interpretation of the heritage significance of the building;**
- 12. **an archaeological research design and methodology are to be submitted to the NSW Heritage Office with the section 60 application which are satisfactory to the Director;**
- 13. **an archival record is to be prepared of the garage proposed to be demolished in the south western corner of the land in accordance with Heritage Council Guidelines and lodged with the Sydney City Council.**

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5.3 S140 Old Windsor Road

Members considered the presentation given in relation to the Historical impact the excavation of Old Windsor Road would have on the surrounding area. The following resolutions were reached.

Resolved:

That the Heritage Council:

a) approve the application with the following conditions:

- 1. Prior to the commencement of works onsite, the applicant must confirm, in writing, that a comprehensive Conservation Management Plan for Old Windsor Road has been commissioned, and will be completed prior to the submission of any future applications for Old Windsor Road.**
- 2. This permit is valid for five years from the date of approval. Requests for extensions after this time will only be considered in writing.**
- 3. The Heritage Office must be informed of the commencement and completion of the works program at least 5 days prior to the commencement and within 5 days of the completion of work on site.**
- 4. All personnel involved in demolition and remediation will be required to attend a comprehensive briefing on the requirements of the NSW Heritage Act, 1977, in relation to archaeological relics, and the proposed archaeological program. The briefing is to be presented by the Excavation Director nominated on the S140 application. The briefing is to be undertaken prior to the commencement of any works on site.**
- 5. Prior to the commencement of works onsite, the applicant must submit an interpretation strategy for the Old Windsor Road, including information on how the significance of the site will be disseminated to the public, and where an interpretation display will be housed. The Interpretation Strategy is to be prepared by an appropriately qualified professional and must be submitted to the Director of the NSW Heritage Office for approval.**
- 6. An archival photographic recording must be undertaken prior to the commencement of any works on site. The archival recording is to be undertaken in accordance with Heritage Office Guidelines and must be submitted to the Director of the NSW Heritage Office for approval prior to the commencement of any works on site.**
- 7. The Applicant must ensure that the Excavation Director takes adequate steps to record relics, structures and features discovered on the site during the excavation in accordance with current best practice guidelines and the approved research design.**
- 8. The Applicant must ensure that the unexcavated artefacts, structures and features are not subject to deterioration, damage or destruction.**
- 9. The Applicant is responsible for the safekeeping of all relics recovered from the site.**
- 10. 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.**
- 11. 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.**

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- 12. In accordance with section 146(a) of the NSW Heritage Act, 1977, the Applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location of any relics. Written notification should be forwarded unless the Applicant believes on reasonable grounds that the Heritage Council of NSW is aware of the location of the relic.**
- 13. On completion of the archaeological program, the heritage significance of the remnant archaeological remains and landscape must be assessed and if the remains are demonstrated to be of State heritage significance, a State Heritage Inventory form must be fully completed and submitted to the Heritage Council of NSW within 12 months of the completion of works.**
- 14. 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. Refusal of the application would result in heavy financial impacts related to redesign and the associated time delay of several concurrent major road upgrade projects being carried out and designed by the RTA. Based on RTA estimates, redesign would cost up to \$15 million. Affected projects would include the Transitway, the Western Sydney Orbital and other associated projects, all scheduled to be completed by 2006.**
- 2. Whilst the proposed works will have a major impact on an item, potentially of State significance, Old Windsor Road has been identified as a key link within a network of roads and transport systems that will eventually service a future population, estimated to be in the order of 300, 000 plus, and as a result requires major upgrade works to be undertaken over a series of years.**
- 3. Of the three proposals submitted for consideration, Option 2 demonstrates the least impact on the heritage alignment of Windsor Road, and leaves approximately 60m metres of the road intact, as a representative example of the original Old Windsor Road alignment.**
- 4. The necessity to upgrade the road infrastructure and major community benefits associated with an improved road network system, both for the existing community and projected future population estimates for the region, outweighs the loss of a component of fabric identified as having state significance.**
- 5. Despite major impacts on significant heritage fabric, the proposed works represent a continuity of use for Old Windsor Road, as one of Sydney's major arterial roads, albeit heavily modified.**

5.4 S140 180-182 George Street Parramatta

This item was dealt with under delegation by the Heritage Office.

5.5 S140 Cadia Village, Cadia Mine site

The members considered the impact of the expansion of the mine on the Cadia Village Archaeological Site.

The applicant, Cadia Holdings Pty Ltd. propose to remove the entire archaeological resource within the curtilage of the Lower Cadia Village as part of the bulk extraction of all sediments within the proposed Cadia Extended Pit. It is proposed to undertake a comprehensive investigation and recording of the archaeological resource prior to its removal. Reuse of the Lower Cadia Village for mining demonstrates a continuity of the site's historical use, and it was argued that because new use is compatible with the site's historical use as a mine, its impact on the significant Lower Cadia Village archaeological

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resource (25% of the whole Cadia Village resource), if carefully managed, is considered to be an acceptable outcome for the site. It was outlined to the members that removal of the archaeological resource in the Lower Cadia Village, without any further archaeological investigation would, however, be considered to be unacceptable, as it would result in the loss of unique primary evidence associated with the occupation and use of the Cadia Village site.

Resolved:

- a) to approve the application 2002/S140/092 with the following conditions:
1. This permit is for the removal of archaeological remains in the Lower Cadia Village only.
 2. An Archaeological Research Design must be prepared and submitted to the Director of the Heritage Office for approval prior to the commencement of any works within the Lower Cadia Village.
 3. 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.
 4. This permit is valid for three years from the date of approval. Requests for extensions after this time will only be considered in writing.
 5. The Applicant must ensure that the Excavation Director carries out the excavation in accordance with the approved research design and methodology. Any substantial deviations from the approved research design (including extent and techniques of excavations) must be approved by the Director, Heritage Office.
 6. General details of how the site is proposed to be interpreted, and how information is proposed to be disseminated to the general public throughout the excavation program and at the completion of archaeological works, must be submitted to the Director of the Heritage Office for approval prior to the commencement of works on site.
 7. Final design details of the interpretation strategy, including information relating to the display and housing of artefacts within a public space, is to be submitted to the Director of the NSW Heritage Office for approval within six months of the completion of the excavation program. The interpretation for the site is to be completed within 12 months of the completion of the excavation program.
 8. Throughout the excavation works and post-excavation analysis:
 9. a public information program must be implemented including regular press releases to ensure the public is informed about the project and its outcomes;
 - the services of a conservator must be utilised for conservation of significant artefacts;
 - the Heritage Office is to be notified weekly of the progress of work during excavation and monthly during post excavation analysis;
 - consideration should be given to holding public access days to facilitate public interest in archaeology and Cadia.
 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 must ensure that the unexcavated artefacts, structures and features are not subject to deterioration, damage or destruction, particularly in the area identified as the Upper Cadia Village.
 12. The Applicant is responsible for the safe-keeping of all relics recovered from the site.

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13. 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.
14. 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.
15. 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.
16. 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
17. 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. Cadia Village has been identified as containing a state significant archaeological resource. Removal of approximately 25% of the resource will provide archaeologists with a rare opportunity to undertake significant research in relation to the occupation and evolution of an early NSW mining village, whilst allowing mining operations to continue at Cadia.
2. The scheme retains approximately 75% of the Cadia Village insitu, which ensures that the majority of the village site will preserve its archaeological potential and remain undisturbed by the proposal.
3. The results of the archaeological investigation will be transcribed into a variety of interpretative media for relevant stakeholders, archaeologists, historians and the general public, which ensures a significant public contribution and outcome.

6. Development Application Referrals

Nil

7. Planning Instruments/Heritage Studies

Nil

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8. Matters for Consideration

8.1 Unauthorised development – Former Burwood Post Office

The subject property (lot 337 DP752023, known as 168A Burwood Road Burwood) was listed on the State Heritage Register on 18 May 2001 (SHR 1490).

Gary Pringle presented to the members the situation of unauthorised development at the Former Burwood Post Office.

Burwood Council advised the Heritage Office on 20 June 2002 that the owner of the former post office (Ms M Constantinidis) had purchased the adjoining Westpac building to the north (No.168 Burwood Road) and that a first floor level inter-connecting linkway/stairway had been constructed between the two buildings. The windows on the northern wall of the post office building have been removed/enlarged for the access. The Council also advised that no development application had been lodged for the erection of the structure and that it intended taking legal action in the Land and Environment Court in relation to the unauthorised building work.

The Heritage Office advised the Council on 26 June 2002 of the relevant provisions of the Heritage Act which also appeared to have been breached and offered to conduct investigations and provide assistance with the matter.

Resolved:

that the Heritage Council

- a) not commence legal proceedings regarding the unauthorised construction of the connecting walkway as the time has lapsed for the commencement of proceedings under the Heritage Act for the first stage of the work which had the most severe heritage impact;**
- b) advise the owner of the building, Ms M Constantinidis, that the unauthorised connecting structure between the two buildings is considered to be a serious matter, is inconsistent with the conservation management plan recently endorsed by the Heritage Council, and further building work on the building will be monitored to ensure that no further breaches of the Heritage Act occur;**
- c) request the owner of the building to meet with the Chair of the Heritage Council to discuss owner obligations for items which are listed on the State Heritage Register; and**
- d) advise Burwood Council that according to the Heritage Act the time elapsed dictates that legal action against the owners cannot be taken. But it is acknowledged that the construction breaches its Heritage status.**

9. Matters for Information

Nil

10. General Business

Regent Theatre Wollongong

Heritage Council Approvals Committee members met Robert Lewis briefly before the meeting to view the site plans and diagrams of all land in Lend Lease's clients' possession, including those parcels of land which will need to be purchased to complete the proposal.

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Mr Howard Tanner then conducted both HCAC members and Wollongong Council officers and Councillor around the cinema.

Lend Lease have requested an indication of what further information will be required before the HCAC can provide a formal response on the outline proposal.

Resolved:

- a) to request a heritage impact statement be prepared incorporating a comparative analysis of other existing cinemas in New South Wales of this scale, size and age in their original condition, and statements of significance; and
- b) to request that Lend Lease submit the plans showing the proposal within context of the proposals for the site as a whole.

11. Next Meeting

The Chair closed the meeting at 4.30pm. The next meeting is scheduled for Wednesday 6th November 2002.