

**MINUTES OF THE 293<sup>RD</sup> MEETING, WEDNESDAY 2<sup>ND</sup> OCTOBER 2002,  
LEVEL 11, 2-10 WENTWORTH STREET, PARRAMATTA**

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**IN ATTENDANCE**

Elsa Atkin Jason Ardler	National Trust of Australia (NSW) For Director General, National Parks and Wildlife Service (until 1.30 pm)
Terry Barnes John Delaney Ian Jack Chris Johnson Diane Jones Megan Jones Rod Leaver Susan Macdonald Mary-Lynne Taylor Bruce Pettman	Government Architect (Until 11.30 pm)       For Director Heritage Office  For Government Architect (from 11.30 pm until 1.30 pm)
Joan Templeman	Labour Council of NSW (until 1.30 pm)

**Also In Attendance**

Lincoln Andrews Maxwell Gray Natasha Jackson Cameron White Vince Sicari Isabelle Cobas Fernandez	Heritage Office Heritage Office (for Item 8) Heritage Office Heritage Office Heritage Office
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**1 Opening – Welcome and Apologies**

In the absence of the Chair the Deputy Chair chaired the meeting.

The Chair opened the meeting at 9.10 am.

**Apologies**

Garry Fielding Brian Gilligan	Planning NSW Director General, National Parks and Wildlife Service
Sharon Sullivan Michael Collins Reece McDougall	Chair Director, Heritage Office

**1.2 Confirmation and timing of Agenda**

The agenda was confirmed.

**1.3 Declarations of Interest**

**Pecuniary Interests**

- |             |   |
|-------------|---|
| Megan Jones | <ul style="list-style-type: none"><li>Item 3.2.2 Action Report Tanner and</li></ul> |
|-------------|---|

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- Associates - 30 - 38 Hickson Road, Millers Point and Female Orphan School, Rydalmere
- Item 3.4, Tanner and Associates, Old King's School Refurbishment
  - Approvals Item No. 10 General Business – Regent Theatre Wollongong
  - Approvals Item 4.1 and 5.1 Shoresheds 2/3 Walsh Bay
  - SHR Item No. 5.1 Shoreshed Building Pier 2/3 Walsh Bay
  - Approvals Item No. 5.5 Cadia Village
  - SHR 7.1 Lithgow Gas Retort
  - SHR 10.1 Bathurst Uniting Church
  - SHR 10.1 Kedumba Slab Hut
- Diane Jones
- Ian Jack

**Non Pecuniary Interests**

- Jason Ardler
- Item 8.5 Grave of Yuranigh - NPWS Historic site
  - Item 8.5 Grave of Windradyne - subject to voluntary conservation agreement under the NPWS Act
- Terry Barnes
- SHR Item No. 5.4 180-182 George St Parramatta CMP Rpt – Roxy Theatre
- Elsa Atkin
- SHR Item Nos. 5.1 Shoreshed Building Pier 2/3 Walsh Bay

**Conflicts of Interest**

- Terry Barnes
- Item 3.2.1 Parramatta REP Update (not in attendance at meeting for this item)
  - 3.2.2 Parramatta REP Amendments (not in attendance at meeting for this item)
  - Item 6.1 Roxy Theatre
  - SHR Nominations Report re Parramatta Items – Pages 15 and 16-29.
  - SHR CMP Report – Roxy Theatre
  - Approvals Item 5.4 180 – 182 George Street, Parramatta

**2.0 Minutes**

**2.1 Heritage Council Meeting 4<sup>th</sup> September 2002**

Members received a copy of the Minutes.

***Resolved:***

***that the Heritage Council adopt the minutes of the meeting of 4<sup>th</sup> September 2002.***

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**3.0 Reports**

**3.1 Chairs Report 9.05 – 9.15**

The Chair advised member that since the last Heritage Council meeting she attended a meeting in relation to the refurbishment of the Chief Secretary's Building.

***Resolved:***

***that the Heritage Council note the Chairs Report.***

**3.2 Directors Report including**

Members attention was drawn to Item 3.2.7 Waterplan 21 and Strategy Presentation.

It was noted that Maclaren North, Heritage Manager, Sydney Water, has offered to give a presentation to interested Heritage Council members and Heritage Office Staff in mid October, at the Sydney Water Corporation Auditorium, on the major points of the Heritage Strategy of Waterplan 21. This will include the reasons for the proposed upgrades and the affect on items listed in Sydney Water's Section 170 register.

***Resolved:***

***that the Heritage Council note the Directors Report.***

**3.3 Report from Members on Items of importance to the Heritage Council**

Rod Leaver raised the issue of an article which appeared in the Mosman Daily in relation to Mosman Scout Group Scout Hall in Mosman Bay and a the policy of a press release in reply.

The article stated that contact had been made with the Heritage Council for emergency replacement of the leaking roof and that the Council had declined to support the project.

It was noted that that the Group had applied for \$20,000 towards a \$25,000 project under the recent Heritage Incentives Program and had been unsuccessful. It was also noted that they had previously received \$2,500 funding for a CMP, \$48,500 full grant in 1981/2 for major conservation works and a further \$9,379 (of a \$22,000 grant) in 1983 for rising damp work.

Members were advised the Group was encouraged to set up a tax deductible fund with the National Trust, a program sponsored by the Heritage Office, to raise the necessary funds and that they have done so.

***Resolved:***

***that the Heritage Council request the Chair write to the editor of the Mosman Daily in response to the article.***

**3.4 Progress on King's School Restoration**

Members noted the report and that the move should take place in early December. It was also noted that as the move is close to Christmas that the official opening will now take place in early 2003.

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***Resolved:***

***that the Heritage Council note the report.***

**4.0 Matters for Consideration and Decision**

**4.1 State Arms Bill 2002**

members considered a report which advised that a notice of motion has been made in the Legislative Council to introduce a private member's bill seeking to require the display of the State arms in public places and objects and removal of *in situ* Royal arms.

It was noted that the bill provides a consultative role for the Heritage Council when considering the removal or obscuring of Royal arms in favour of the State arms. It also involves the establishment of new assessment and approvals processes that would, in effect, duplicate the existing process available under the Heritage Act.

The report recommended that the Bill be amended to require that proposals for changes to Royal and State Arms be dealt with by existing assessment and approvals processes under the Heritage Act.

***Resolved:***

***that the Heritage Council:***

***Advise the Minister, in relation to the State Arms Bill 2002, that***

***1. it would be preferable for the Bill not to include a requirement that all Royal arms be replaced with State arms within a restricted period of time,***

***2. the provisions relating to consultation with the Heritage Council should be consistent with approaches in the Heritage Act – that is,***

- all three dimensional representations of Royal arms and State arms used or displayed for an official purpose should be treated as items listed on the SHR, and***
- any proposal to remove, obscure or replace three dimensional Royal arms or State arms should be referred to the Heritage Council with an assessment of significance and an application for approval to undertake such work,***
- the provisions of the Bill relating to adding or amending the State arms or other State symbols in a schedule to the proposed Act can be supported.***

**4.2 Effectiveness of the Heritage Act in bringing Potential Breaches of the Heritage Act to Prosecution**

It was noted that following the prosecution of the lessee of the Great Northern Hotel in 2001, members of the Heritage Council discussed the effectiveness of the Heritage Act in dealing with potential breaches of the Act. In addition the Heritage Office identified the need to establish clear staff procedures for dealing with potential breaches.

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Members were advised Crown Solicitor's advice was sought in relation to these matters and a draft Prosecutions Manual has now been prepared. A workshop is planned for staff to ensure that these procedures are well understood. Internal procedures and templates for standard letters will also be prepared. The Heritage Office has also held preliminary discussions with the Crown Solicitor's Office regarding some deficiencies in the Act in relation to powers to inspect properties and deal with issues arising expediently and in investigating potential breaches.

Members were also advised that the Heritage Office will instruct the Crown Solicitor's Office to carry out further works to further articulate these deficiencies and to identify powers in other acts that satisfy the Heritage Office needs. The intention is that these be used as a model for a future revision of the Heritage Act.

***Resolved:***

***that the Heritage Council note the report.***

**5.0 Matters for Information or Noting**

**5.1 Interpretation Sub-committee - Membership**

Members were advised that nominations have been received for membership of the Interpretation sub-committee. It was noted that the Council can now appoint the membership and a Chair to enable the sub-committee to commence its deliberations.

Members also noted the proposed terms of reference to guide the work of the sub-committee.

After considering the report it was

***Resolved:***

***That the Heritage Council:***

- 1. appoint Sharon Veale, Kylie Winkworth, Kieran Hostylan Woods, Wendy Thorp, Jim Mein and Colleen Morris as members of the Council's sub-committee to develop and report upon a brief for the preparation of an interpretation policy and guideline,***
- 2. appoint Diane Jones as chair of the sub-committee,***
- 3. adopt the annexed terms of reference for the sub-committee, and***
- 4. requests the chair of the interpretation sub-committee to report back to each Heritage Council meeting on progress.***

**6.0 Reports from HC Committees and Panels**

- 6.1 Approvals Committee
- 6.2 State Heritage Register
- 6.3 Strategy Committee
- 6.4 Aboriginal Heritage Committee
- 6.5 Archaeology Advisory Panel
- 6.6 Fire Access Services Advisory Panel
- 6.7 History Advisory Panel
- 6.8 Maritime Advisory Panel
- 6.9 Movable Heritage Panel

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- 6.10 Religious Property Advisory Panel
- 6.11 Technical Advisory Group

Members considered the Committee and Panel reports.

***Resolved:***

***That the Heritage Council:***

- 1. note the Committee and Panel reports;***
- 2. In relation to the Technical Advisory Group recommend that the Heritage Office liaise with other state agencies to ensure that all states are active in this project and that the publication be published at the soonest possible time; and***
- 3. request that In relation to the training library that a report be brought forward to the next meeting of the HC in relation to the Heritage Office Library and the Heritage Trade Training Library.***

**7.0 General Business**  
Nil

**8.0 Discussion with the Heritage Council Aboriginal Heritage Committee**

**8.1 Introduction to the Aboriginal Heritage Council Committee – John Delaney and Introduction of members of the Heritage Council & Aboriginal Heritage Committee**

John Delaney, Chair of the Aboriginal Heritage Committee introduced members of the Committee to the Heritage Council.

Members were then advised of the role and future directions of the Committee.

The Chair also thanked Vince Scarcella and Natasha Jackson of the Heritage Office for their contribution to the work of the Committee.

***Resolved:***

***that the Heritage Council note the report.***

**8.2 Cross Cultural Training Session – Vincent Scarcella**

Vince Scarcella of the Heritage Office, as a result of a request from members from a previous meeting to continue discussions on Aboriginal community social and cultural issues, conducted a cross cultural training session for members of the Council.

**8.3 Endorsement of the Heritage Council Aboriginal Heritage Committee Work Plan 2002-2003**

The Aboriginal Heritage Committee tabled the draft Heritage Council Aboriginal Heritage Committee Work Plan for 2002-2003 that will work with the Heritage Office's Work Plan for the same period.

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***Resolved:***

***that the Heritage Council endorse the Heritage Council Aboriginal Heritage Committee Work Plan 2002-2003 as tabled.***

**8.4 Heritage Council Draft Action Plan on Aboriginal Heritage**

Members noted that in order to address the Minister's requirements as well as the Heritage Council's and Aboriginal Heritage Committee's resolution to ensure that Aboriginal heritage is considered as an inclusive part of the State's Heritage, it is proposed that the Heritage Council develop an action plan outlining ways to help address Aboriginal Heritage.

It was noted that with a combination of ideas from the Chair of the Aboriginal Heritage Committee and its members as well as expertise on the Heritage Council that this Action Plan be jointly developed.

After discussion and noting of the key areas to be considered in the action plan it was

***Resolved:***

***that the Heritage Council;***

- 1. provide advice to the Heritage Office on the content of an Action Plan; and***
- 2. that the Heritage Office provide a draft action plan for consideration at the next Heritage Council meeting.***

**8.5 Nominations to the State Heritage Register**

**8.5.1 Grave of Windradyne**

The Grave of Windradyne was mentioned as a potential item of state significance as part of the Central West project by the local community of Bathurst/Evans Shire as part of the community consultation process.

Members were advised that consultation has taken place with the Aboriginal community regarding the listing of Windradynes Grave site and currently there has been no opposition to this intention.

Windradyne was a warrior of the Wiradjuri Aboriginal people during the frontier war. He was befriended by a non Aboriginal person William Suttor and after his family was massacred as part of the frontier war he declared war on the settlers. Mr. Suttor learnt the local Wiradjuri dialect and was able to defuse the situation at Brucedale homestead and the two remained friends and when Windradyne died he was buried on Brucedale the Suttor property.

The grave was marked by the Bathurst Historical society in 1955 and continues to be revered by local Wiradjuri who have planted trees around the grave.

***Resolved:***

***that the Heritage Council:***

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- 1. considers the item, defined in accordance with the curtilage shown in this report may be of State heritage significance;**
- 2. in accordance with section 33(1)(a) of the Heritage Act, will give each person that it considers to be an affected owner or occupier written notice that it is going to consider whether or not to recommend the listing of the item concerned (a Notice of Intention to Consider Listing);**
- 3. in accordance with section 33(1)(b) of the Heritage Act, within 21 days after notice of intention to consider listing is given, will cause a notice of intention to consider listing to be published in a newspaper circulating in the area in which the item is situated, inviting submissions on the listing, specifying a date as the closing date for the receipt of submissions and the manner in which submissions may be made; and**
- 4. directs the Heritage Office to commence discussions with the owner about possible exemptions made in accordance with section 57(2) of the Heritage Act to be made in addition to the Heritage Council's Standard Exemptions, to be implemented if the item is listed on the State Heritage Register.**

### **8.5.2 Grave of Yuranigh**

Members were advised that Yuranigh, originally from Boree, accompanied the explorer and surveyor Thomas Mitchell on his fourth and final journey to inland NSW. On the completion of this journey Yuranigh returned to Mitchell's Sydney home but not liking the city he soon left to become a stockmen at various Northern cattle stations.

On 13<sup>th</sup> July 1850 Mitchell learned of Yuranigh's death at the old Gamboola Station, near Molong. The Aboriginal people buried Yuranigh there marking his grave with four carved trees. Thomas Mitchell also commissioned a headstone for Yuranigh that now lays on the ground, with a new headstone containing the original inscription stands beside it.

The National Parks and Wildlife Service manage the reserve as a historic place and a Plan of Management for the site has been completed. The reserve is surrounded by private land, and accessed by a track.

It was noted that the Grave of Yuranigh is significant to Aboriginal people as an important person in Aboriginal history and in contact between Aboriginal and European communities, as well as a significant burial site. As far as is known it contains the most carved trees around a single burial site. Carved trees in themselves are extremely rare in NSW, especially still living trees.

**Resolved:**

**that the Heritage Council**

- 1. considers the item may be of State heritage significance;**
- 2. in accordance with section 33(1)(a) of the Heritage Act, will give each person that it considers to be an affected owner or**

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- occupier written notice that it is going to consider whether or not to recommend the listing of the item concerned (a Notice of Intention to Consider Listing);*
- 3. in accordance with section 33(1)(b) of the Heritage Act, within 21 days after notice of intention to consider listing is given, will cause a notice of intention to consider listing to be published in a newspaper circulating in the area in which the item is situated, inviting submissions on the listing, specifying a date as the closing date for the receipt of submissions 21 days after publication of the notice in a newspaper and the manner in which submissions may be made; and**
  - 4. directs the Heritage Office to commence discussions with the owner about possible exemptions made in accordance with section 57(2) of the Heritage Act to be made in addition to the Heritage Council's Standard Exemptions, to be implemented if the item is listed on the State Heritage Register.**

### **8.5.3 Erambie Mission**

Members were advised that Erambie Mission was a Government run mission (although technically a reserve as it was run by the Aborigines Protection Board) that was set aside in 1890. In 1899 the Aboriginal school opened on the site. In the early 1900's the Cowra townspeople wanted the reserve closed and the Aboriginal community removed but as there was only 9 Aboriginal schools in NSW there was nowhere else for the people to be sent and it remained used as an Aboriginal Reserve.

In 1949 a rebuilding program began on the site for 24 cottages, hall, church, office, treatment room and farm buildings. In 1952 the Erambie school closed and children attended the Cowra Public school. The last Manager was withdrawn from the site in 1965.

There are no other statutory listings or non statutory listings for the protection of this site. The site was identified as a possible site of state significance by the non Aboriginal community at workshops discussing the Central West Pilot Program. Consultation has taken place with the Aboriginal community about the potential listing of the site on the State Heritage Register who are in agreement that the site is of great significance to them and surrounding Aboriginal communities.

Erambie Mission is significant to many Aboriginal people who were local to the areas as well as those bough into the mission under Government policies in the early 1900's. It was the last managed mission in NSW, having a mission manager until 1965 and is also significant for its continuous occupation by Aboriginal families to the present day.

The mission had an increasing population throughout the 1920's as Aboriginal people left Warangesda Mission and increased again through the 1930's with the depression causing severe unemployment and the closure of the Springs camp in Orange forcing more Aboriginal people to Erambie mission. By 1939 Erambie mission was declared an overcrowded mission with 219 people living on 32 acres.

Although not all good memories and probably mostly bad the significance of the Mission of playing a major part in the lives of many Aboriginal people either directly affected personally by being sent to the mission, growing up on the mission or not seeing loved ones who were moved

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to the mission demonstrate a great significance to many Aboriginal people of the importance of the Mission in their lives.

***Resolved:***

***that the Heritage Council***

- 1. considers the item, defined in accordance with this report may be of State heritage significance (Lot .....;***
- 2. in accordance with section 33(1)(a) of the Heritage Act, will give each person that it considers to be an affected owner or occupier written notice that it is going to consider whether or not to recommend the listing of the item concerned (a Notice of Intention to Consider Listing);***
- 3. in accordance with section 33(1)(b) of the Heritage Act, within 21 days after notice of intention to consider listing is given, will cause a notice of intention to consider listing to be published in a newspaper circulating in the area in which the item is situated, inviting submissions on the listing, specifying a date as the closing date for the receipt of submissions 21 days after the publication of the newspaper notice and the manner in which submissions may be made; and***
- 4. directs the Heritage Office to commence discussions with the owner about possible exemptions made in accordance with section 57(2) of the Heritage Act to be made in addition to the Heritage Council's Standard Exemptions, to be implemented if the item is listed on the State Heritage Register.***

**Items considered in relation to business of the State Heritage Register Committee.**

**1.1 Declarations of Interest**

See above

**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 4<sup>th</sup> September 2002

**4. Presentations**

**4.1 Shore-shed 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

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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 the members the impact Archaeological digging will have on the 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, 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 consisting in 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

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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:***

***that the Heritage Council 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***
  - 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;***

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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.***

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- 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.**
  - 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.**

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**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 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:***

***that the Heritage Council:***

***a) 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***

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- NSW Heritage Office for approval within six month 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.*
  - 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.*

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- *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

**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

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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**

**10.1 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.

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:**

***that the Heritage Council;***

- a) 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) request that Lend Lease submit the plans showing the proposal within context of the proposals for the site as a whole.***

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**Matters Considered in relation to the State Heritage Register Committee**

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

The Minutes of the previous meeting 4 September 2002 were adopted

**4. Action report**

The Action report was noted.

**5. Minutes, reports and matters arising from HC Advisory Panels**

Nil

**6. Presentations**

Peter Prasad from Rail Infrastructure Corporation (RIC) and Simon Wilshire from Hughes Trueman on de-listing of Wagga Wagga Rail Bridge from the State Heritage Register. Refer to item no 7.6.

**7. Nominations for the State Heritage Register**

**7.1 Nominations Report**

Cameron White spoke to this matter.

There are still discrepancies in the report due to computer programming problems and these are still being rectified. It was noted that the item Sydney School of Arts is already listed on the State Heritage Listing. A letter will be sent out to the nominator outlining this.

**7.2 Knuckey's Store, Wellington (Withdrawn)**

The paper had been withdrawn as the Wellington Soldiers Club (Owner) requested and was granted an extension to the public exhibition period.

**7.3 St Thomas' Anglican Church, Port Macquarie**

The Committee members considered the report.

***Resolved:***

***that the Heritage Council:***

- a) in accordance with section 33 (f) of the Heritage Act, 1977 advises the Minister that the item St Thomas' Anglican Church, Hay Street, Port Macquarie is of State heritage significance in as shown in the plan at Annexure B;***
- b) recommends to the Minister, in accordance with sections 32(1) and (2) of the Heritage Act, that he directs the listing of the item St Thomas' Anglican Church, Hay Street, Port Macquarie on the State Heritage Register if he considers the item is of State heritage significance;***
- c) in accordance with sections 33 (e) of the Heritage Act 1977, gives notice of its decision to persons notified under section 33(1)(a).***

**7.4 The Anglican Cathedral Church of Christ the King, Grafton**

The Committee members considered the report.

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**Resolved:**

*that the Heritage Council*

- a) *in accordance with section 33 (f) of the Heritage Act, 1977 advises the Minister that the item St Thomas' Anglican Church, Hay Street, Port Macquarie is of State heritage significance in as shown in the plan at Annexure B;*
- b) *recommends to the Minister, in accordance with sections 32(1) and (2) of the Heritage Act, that he directs the listing of the item St Thomas' Anglican Church, Hay Street, Port Macquarie on the State Heritage Register if he considers the item is of State heritage significance;*
- c) *in accordance with sections 33 (e) of the Heritage Act 1977, gives notice of its decision to persons notified under section 33(1)(a).*

**7.5 Sharpies Golf Sign**

The Committee members considered the report and Bruce Baskerville spoke to the matter.

**Resolved:**

*that the Heritage Council*

- a) *in accordance with section 33 (f) of the Heritage Act, 1977 advises the Minister that the item the Golf House / Sharpies Golf House sign is of State heritage significance in as shown in the plan at Annexure B;*
- b) *recommends to the Minister, in accordance with sections 32(1) and (2) of the Heritage Act, that he directs the listing of the item the Golf House / Sharpies Golf House sign on the State Heritage Register if he considers the item is of State heritage significance;*
- c) *in accordance with sections 33 (e) of the Heritage Act 1977, gives notice of its decision to persons notified under section 33(1)(a); and*
- d) *in accordance with section 57(2) of the Heritage Act recommend the Minister grant the following exemptions from section 57(1) in addition to the Heritage Council's Standard Conditions.*

**7.6 Wagga Wagga Rail Bridge**

Peter Prasad from Rail Infrastructure Corporation (RIC) and Simon Wilshire from Hughes Trueman gave a presentation on justifying why consideration should be given to Wagga Wagga Rail Bridge being de-listed from the State Heritage Register.

Simon Wilshire advised that he considered the bridge was not of state significance because of its lack of intactness and integrity. A letter from the Heritage Committee of the Institution of Engineers was also tabled, advising it did not object to de-listing and demolition.

RIC advised that repairing the bridge was no longer viable and that retaining the bridge and building a new structure beside it would cost \$25 million compared with \$12 million for the replacement option.

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The Committee members considered the presentation report.

**Resolved:**

*that the Heritage Council:*

1. *considers the Wagga Wagga Rail Bridge State Heritage Register item 1063 may not be of State heritage significance;*
2. *in accordance with section 33(1)(a) of the Heritage Act, will give each person that it considers to be an affected owner or occupier written notice that it is going to consider whether or not to recommend the de-listing of the item concerned (a Notice of Intention to Consider De-listing);*
3. *in accordance with section 33(1)(b) of the Heritage Act, within 14 days after notice of intention to consider de-listing is given, will cause a notice of intention to consider de-listing to be published in a newspaper circulating in the area in which the item is situated, inviting submissions on the de-listing, specifying a date as the closing date for the receipt of submissions and the manner in which submissions may be made;*
4. *invites representatives from the Institution of Engineers – Heritage Committee to address the Committee about the management of industrial heritage and State agency heritage management; and*
5. *requests that RIC implement initiatives to improve heritage management in the agency in accordance with the Heritage Act and the Total Asset Management Policy, highlighting in particular:*
  - (a) a completion timetable for the S.170 Heritage and Conservation register;*
  - (b) the provision of enhanced in-house heritage expertise and management framework;*
  - (c) completion of conservation management plans for all items listed on the State Heritage Register owned/managed by RIC; and*
  - (d) to provide advice at the conclusion of public consultation process for the proposed de-listing of Wagga Rail Bridge as to how these matters will be addressed*

**8. Section 170 Registers**

Nil

**9. Nominations for Interim Heritage Orders**

Nil

**10. Conservation Management Plans**

**10.1 Status Report**

The committee approved and were pleased with the new status report.

**Resolved:**

*that the Heritage Council notes this report.*

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**11. Matters for Consideration**

**11.1 Central West SHR Project**

The Committee members considered the report and Bruce Baskerville spoke to the matter.

***Resolved:***

***that the Heritage Council notes this report.***

**Mary-Lynne Taylor**

**Acting Chair**

**Heritage Council of NSW**

**Date:**

**Next Meeting of the Heritage Council**

9:00 am Wednesday 4<sup>th</sup> December 2002

Australian Technology Park, Redfern