

**HERITAGE COUNCIL
STATE HERITAGE REGISTER COMMITTEE**

Heritage Council of NSW
State Heritage Register
Committee
Agenda item: 3.0
Date: 7 December 2005
File:H99/00007

MINUTES OF MEETING

Wednesday 5 October 2005
Commencing at 11:30 am

NSW Heritage Office, 3 Marist Place, Parramatta



1. Attendance

PRESENT Ian Jack (Chair)
John Delaney
Ross Fitzgerald
Sharon Sullivan
Teresa Gay (on behalf of Jason Ardler)
Michael Clarke (in part)

APOLOGIES Michael Collins
Jason Ardler
Reece McDougall

**ALSO IN ATTENDANCE
(NSW Heritage Office)** Anthony Mitchell
Bruce Baskerville
Cameron White
Gary Pringle
Linda Byrne
Mary Ann Hamilton
Tim Smith

2.0 Declarations of Interest

Pecuniary Interests

Nil

Non Pecuniary Interests

Nil

Conflicts of Interest

Nil

Other

Nil

3.0 Confirmation of Minutes

The minutes of the previous meeting held 3 August 2005 were noted and adopted.

4.0 Action Report

The action report was noted and adopted with the following comments:

a) The Rooty Hill

Members were advised that the notification period for this item has been extended to the 7th October 2005.

b) General

Ministerial Briefing Notes recommending the listing of items are in the process of being rewritten to meet requirements of the new Minister.

c) Morella, Clifton Gardens

Submissions for this item closed on the 19th September 2005. It is intended that this matter will be brought to the Committee at the November 2005 meeting.

d) Lewers Bequest & Gallery, Penrith

Members noted that there has been considerable delay in the response from Penrith Council. Members were advised that the Heritage Office has contacted Penrith Council which advised that it is yet to formally consider the matter.

e) Brewarrina Aboriginal Mission

Discussion is still ongoing with the owners and the community in relation to the curtilage. The progress of these discussions and the finalisation of the curtilage is to be confirmed.

5.0 Matters from Heritage Council Advisory Panels

Nil.

6.0 Presentations

Nil

7.0 State Heritage Register – Notice of Intention to List

7.1 Former Graham Park Artificial Stock Breeding Centre , Berry

Mary Ann Hamilton spoke to the matter. This item was nominated by the community. The site is located on the southern outskirts of Berry. It is likely to be of state significance as the first commercial artificial stock breeding centre in NSW that made major contributions to Australia's stock breeding industry. The centre has historical associations with one of the longest serving NSW Minister's for Agriculture, the Hon. Edward Graham. The centre was built in 1957 and ownership was transferred to the NSW Department of Agriculture in 1980. Activities of the centre were reduced in the late 1990's and portions of the site leased to the University of Wollongong as an off-campus research station. Nowra Council (now Shoalhaven City Council) purchased the site in the late 1990's. It was then sold in 2003 to Huntington Developments (Beachwood Homes).

The owners have submitted a Development Application to Shoalhaven Council for complete demolition of the site for residential development. Shoalhaven Council support the listing of the centre and are proposing a staged Development Approval with conditions that allow some demolition, relocation of one of the operational pens within a heritage curtilage and retention of other significant items such as the laboratories, drive and entry gates. The owner does not support the proposed listing on the State Heritage Register and commissioned Conacher Architects to undertake a heritage assessment that concluded the remaining fabric was not intact. However, a heritage consultant report by Robin Graham for Shoalhaven Council concluded that the entrance gates are of iconic importance and disagreed with the owner's heritage assessment. A site inspection by the Heritage Office determined that the site was relatively intact and further investigations should take place to explore opportunities for adaptive reuse of some structures.

The proposed heritage curtilage is restricted to just the significant buildings (administration and laboratories), entrance grounds, circular drive and gates as well as the sculpture at the entrance. The nominator indicated that these items make up the significant elements of the site.

Members expressed some concern about the proposed relocation of the significant operational pen and requested that the importance of its historical association and relationship to the remaining fabric is clarified. Members noted that the historical association appears to be the most significant heritage value. Members discussed the need for a strategy to deal with the historical associations and the interpretation of this value. Members also noted that the proposed curtilage is approximately one sixteenth of the entire site.

The Heritage Office intend to comment on subsequent Development Applications for this site with a view to recommending conditions such as adaptive reuse and road pattern design for the purpose of interpreting the original site layout.

Bruce Baskerville advised Members that while there is a poultry research station on the State Heritage Register, Graham Park is of a later period and is very intact. If listed, it would be only the second Agricultural Research Station on the State Heritage Register.

Resolved:

That the State Heritage Register Committee:

- 1. considers the item, Graham Park Artificial Stock Breeding Centre, defined in accordance with the curtilage shown at Annexure B 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 14 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 60 days after 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.**

7.2 former Minchinbury Winery

Mary Ann Hamilton spoke to the matter. This site was nominated by Blacktown City Council. This item is locally listed on the Bankstown LEP. It is located on a large block of land that contains the core winery facilities and original 1871 above ground cellars. The remaining buildings and structures represent different periods of cellar development. Subdivision of the winery lands commenced in the 1970's, and housing development has been developed on and around the site.

Minchinbury Winery had a significant role in the development of the wine industry in Australia. It is where the first sparkling wines in NSW were produced. The site also has historical associations with prominent owners. Penfolds took over the site in 1913 and continued to develop the winery throughout the 20th century. The site incurred some fire damage in 1987, however representative remnant structures remain in tact. A development approval was issued to the owners by Blacktown Council in 1995 on the condition that conservation and stabilisation works were undertaken. Earlier this year, Blacktown Council issued a notice for non compliance of the approval conditions. The owner has expressed an interest in conserving

significant fabric and adaptively reusing the site for commercial and residential development.

Members were advised that the curtilage contains all remaining fabric. Members noted that the proposed curtilage appears to contain a number of buildings which have not been individually itemised in the State Heritage Inventory (SHI) Form annexed to the agenda item paper. Members requested a more detailed curtilage description and suggested that this could be sourced from the Conservation Management Plan prepared for the site. The Heritage Office will amend the SHI Form to itemise all buildings and structures.

Resolved:

That the State Heritage Register Committee:

- 1. considers the item, the former Minchinbury Winery, defined in accordance with the curtilage shown at Annexure B 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 14 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 60 days after 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.**

8.0 State Heritage Register – Recommendation to Minister

8.1 Fishwick house, Castlecrag

Mary Ann Hamilton spoke to the matter. The nomination was received by the Heritage Office in October 2004. This item is an outstanding intact example of a house designed by Walter Burley Griffin. The house was commissioned by Thomas Fishwick and built in 1929. It was sold in 1945 and again in 1976. The current owners, Susan and Andrew Kirks, have undertaken restoration programs to the house and landscape setting. The notification period closed 8th September 2005 and was completed under the Heritage Office's delegations. A total of two submissions were received. Willoughby City Council expressed support for the proposed listing. The owner's submission commented on the content of the nomination form and expressed some doubt in relation to the role of Marion Mahony Griffin in the design of the house. This matter will be investigated further by the Heritage Office.

Resolved:

That the State Heritage Register Committee:

- 1. in accordance with section 33 (1)(d) of the *Heritage Act, 1977* advises the Minister that the Fishwick House is of State heritage significance in as shown in the plan at Annexure B;**
- 2. recommends to the Minister, in accordance with sections 32(1) and (2) of the *Heritage Act*, that he directs the listing of the Fishwick House on the State Heritage Register if he considers the item is of State heritage significance; and**
- 3. in accordance with sections 33 (1)(e) of the *Heritage Act 1977*, gives notice of its decision to persons notified under section 33(1)(a).**

9.0 Section 170 Registers

Nil

10.0 Interim Heritage Orders

10.1 Status Report

The Interim Heritage Order Status Report was noted.

11.0 Environmental Planning Instruments & Heritage Studies

11.1 LEP Status Report

Gary Pringle spoke to the matter. Specific comment was made about the draft Blayney Local Environmental Plan which proposed to increase rural subdivision densities within a significant portion of the town of Millthorpe. The Heritage Office has not raised objections in principal but has recommended that the proposal take place only on the basis that strict heritage and urban design controls be incorporated in the LEP and in a DCP for the area. The Heritage Office also recommended detailed mapping, a landscape buffer and the protection of important views. Some members of the community have objected to the further subdivision as proposed in the draft LEP. It was noted that a large portion of area in the north of the town is currently zoned for village development.

Cameron White briefed members on the matter concerning an Interim Heritage Order made by Byron Council over the former Council Chambers which is now in private ownership. An appeal was lodged against Council by the owner in which the court found in Council's favour. The owner has now lodged a subsequent appeal. Byron Council is now seeking financial and other assistance from the Heritage Office for the case. The Heritage Office is considering this request and is seeking its own legal advice. One of the issues involved in the court appeal is apparently the interpretation of the Heritage Office's Local Government Heritage Guidelines which

advise local government in the use of the authorisation to make Interim Heritage Orders under the Heritage Act. Members will be advised of the outcomes of the pending court case.

Resolved:

That the State Heritage Register Committee:

1. notes the information in the report.

12.0 Matters for Consideration

12.1 Denbigh, Cobbity – Review of recommended curtilage

Anthony Mitchell spoke to the matter and tabled the report (green paper) at the meeting. This item is one of seven Colonial estates of the Cumberland Plain that remain under consideration by the Minister for listing on the State Heritage Register. The owner of Denbigh has formally requested a review of the recommended curtilage after consideration of a curtilage study undertaken by heritage consultants Design 5.

Annexure A of the report to the Committee outlined the original proposed curtilage recommended for listing to the Minister, while Annexure C of the report showed a curtilage concept proposed by the owners. The original proposed curtilage is broader than that now being proposed by the owners.

For the purposes of context, Members were also shown the plans placed on exhibition by the Department of Planning outlining the urban release program for the area.

The original proposed curtilage was recommended to the Minister in March 2004 and included the entire ridge line surrounding the property. The owners objected to this curtilage as originally proposed by the Heritage Office and accepted by the Heritage Council.

A residential concept plan recently prepared on behalf of the owners was presented to Members that showed the proposed revised listing curtilage and important defining principles such as the relationship of the ridge line surrounding the Denbigh property. This plan also includes a transitional zone for larger rural residential lots in the area closest to the property. It is also proposed that a conservation agreement for the transitional zone is negotiated with the Heritage Council (should listing of the site occur) which will apply to future owners to ensure a satisfactory long term conservation outcome. Stringent design and management controls for the development transitional zone are also proposed by the owners.

Members enquired about land parcels in the north-west corner of the site and whether that would have visual impacts on the property. Members were advised that this area will not be visually impacted by current development proposals. However, Heritage Office staff noted the need to carefully manage surrounding land releases in the distant future.

Heritage Office staff confirmed in principle support for the proposed revised State Heritage Register curtilage.

Members asked how the recommendations of the Heritage Office has been integrated into the current land release planning project and note that the existing plans are currently being reviewed. Members were advised that the curtilages proposed by the Heritage Office were included in the plans used by the Department of Planning during the urban release strategy exhibition period.

The owners are strongly supportive of the current proposal. The Heritage Office believes that conservation objectives can still be achieved. The proposed curtilage concept still requires detailed survey information and resolution by the Heritage Office should Members support its revision. The owners have accepted that the historic roadways will also need to be included in the final curtilage.

Resolved:

That the State Heritage Register Committee:

- 1. gives its in principle support to amending the recommended curtilage for Denbigh; and**
- 2. delegates to the Director authority to finalise the details of an amended boundary and the consequent recommendations to the Minister.**

13.0 General Business

Nil

Next Meeting of the Heritage Council State Heritage Register Committee

1.00 pm Wednesday 7 December 2005

NSW Heritage Office

3 Marist Place

Parramatta

Minutes endorsed by the Heritage Council State Heritage Register Committee.	_____ Chair, State Heritage Register Committee Date:
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