

MINUTES OF MEETING Approvals Committee

5 April 2017

Commencing at 2:13pm

Office of Environment & Heritage

Paroo Room - Level 14, 59 Goulburn St, Sydney

MEMBERS PRESENT

Dr Deborah Dearing (Chair)
Ms Jane Irwin
Mr Bruce Pettman
Mr Peter Romey
Ms Kerime Danis
Mr Gary White (on behalf of the Secretary,
Department of Planning & Environment)

HERITAGE DIVISION ATTENDEES

Mr Nigel Routh, Director Heritage Strategy
Mr Rajeev Maini, A/Manager, Conservation
Mr Michael Ellis (Item 3.1 and 4.2)
Ms Bronwyn Smith (Item 3.2 and 4.1)
Ms Shikha Jhaldiyal (Item 4.3)

HERITAGE COUNCIL SECRETARIAT

Ms Sarah Paddington

APOLOGIES

Mr Stephen Davies

Guest Presenters

Item 3.1 - Mr Aaron Callaghan, Senior Parks and Open Space Planner – Inner West Council, Mr Tim Brown, Parks Coordinator – Inner West Council, Mr Roy Lumby, Senior Heritage Specialist – TKD Architects.
Guest observer: Mr Shaun Elwood, Principal Project Manager Callan Park (Office of the Chief Executive).
Item 3.2 - Mr Les Brennan, Mr Doug Lithgow, Ms Anne Creevey and Ms Marion Bannister

Agenda Items

Note: The order of items discussed may be adjusted during the meeting to accommodate guest presenters.

1 Opening and welcome

The meeting commenced at 2:13 pm.

1.1 Apologies, confirmation and timing of the agenda

Discussion An apology was received from Mr Stephen Davies for the meeting.
The Chair noted Mr Gary White would join the meeting shortly.

Office of Environment and Heritage (OEH) noted Mr Shaun Elwood, Principle Project Manager Callan Park (Office of the Chief Executive) requested the opportunity to be an observer at the Approvals Committee for the item Callan Park Waterfront Drive Sporting Ground.

Noted a copy of the updated paper was tabled, noting that it was the same as the electronic copy provided by the Secretariat earlier this week. The paper for Item 4.1 was titled:

- Supplementary paper AC 5Apr17 Item 4.1A s60 - V8 Super Car Racing Circuit, Coal River Precinct, Newcastle.

Noted The Approvals Committee noted this information.

1.2 Declarations of interest

Discussion	<p>Members were advised of the following conflicts of interests (provide prior to the meeting):</p> <ul style="list-style-type: none"> ▪ Dr Deborah Dearing <ul style="list-style-type: none"> - Perceived conflict for Item 4.3 - IDA: Extension of Frazer St and subdivision -36 Frazer St, Catherine Hill Bay. Dr Dearing noted she would leave the room for this item, and noted Mr Bruce Pettman would be Chair for that item. ▪ Ms Kerime Danis <ul style="list-style-type: none"> - Declaration for Item 4.2 - s96 Modification: Modification to the Approved masterplan for Morpeth House, Closebourne House, Adjoining Chapels and Diocesan Registry Group, (SHR 00375). Ms Danis proposed management solution is to remain in the meeting, but refrain from participating in the discussion or resolution. <p>No additional declarations of interest were identified during the meeting.</p>
Noted	The Approvals Committee noted this information.

2 Confirmation of minutes

2.1 Approvals Committee meeting of 1 March 2017

Discussion	Members discussed the draft minutes of the 1 March 2017 Approvals Committee meeting, including the proposed edits suggested to the discussions by Mr Romey, that were supported by the other members.
Resolution	<p>2017-8. The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none"> 1. accepts the minutes with amendments requested as a true record of the Approvals Committee meeting held on 1 March 2017. <p>Moved by Dr Deborah Dearing and seconded by Mr Peter Romey.</p>

2.2 Approvals Committee March 2017 out of session decisions

Discussion	Members noted there were no matters determined by the Approvals Committee out of session in March 2017.
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2.3 Approvals Committee Action Report

Noted	The Approvals Committee noted all previous actions have been completed.
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4.2 s96 Modification: Modification to the Approved masterplan for Morpeth House, Closebourne House, Adjoining Chapels and Diocesan Registry Group, (SHR 00375)

Presentation	Mr Michael Ellis provided background information and history to the project, including details of the masterplan, the change in ownership and the heritage agreement.
Discussion	<p>The members:</p> <ul style="list-style-type: none"> ▪ The conditions of consent included for the stage 7 works would provide greater certainty of compliance with the heritage agreement and masterplan. ▪ It was noted the masterplan is conditional on the general terms of approval and the heritage agreement.

- The members discussed the plans, the location of the ‘grove’ noting it is unlikely to survive the proposed development, the south west portion of property where there are small density dwellings. The area and location of the curtilage on the maps was not clear to members.
- It was noted an endorsed Conservation Management Plan (CMP) exists for the project, however, it has expired and the conditions need to be reviewed and revised, with legislative and regulatory references updated to be current and meaningful. It was also noted that City Plan is currently in the process of updating the previously endorsed CMP for this site.
- Members were advised by Kerime Danis that the draft updated CMP retains the overall statement of significance and the curtilage as stated in the previously endorsed CMP.

Mr Gary White joined the meeting.

- Resolution 2017-9. The Heritage Council Approvals Committee:
1. note the presented paper.
 2. request the Heritage Division undertake or commission an audit of the site and heritage approvals to verify whether the applicant is complying with the 2010 Heritage Agreement, and provide the Heritage Council with the audit report.
 3. grant revised general terms of approval for s96(2) Modification application integrated development application no. S96/2017/22 at Attachment H of the presented paper.

Moved by Dr Deborah Dearing and seconded by Ms Jane Irwin.

3 Presentations

3.1 Pre DA, Waterfront Drive Sporting Ground, Callan Park, Inner West Council

Presentation Mr Aaron Callaghan, Senior Parks and Open Space Planner – Inner West Council, Mr Tim Brown, Parks Coordinator – Inner West Council, Mr Roy Lumby, Senior Heritage Specialist – TKD Architects.
Mr Shaun Elwood, Principle Project Manager Callan Park joined the meeting as an observer for this item.

The presenters talked to their presentation about the proposed development, including the refurbishment, upgrading and demolition of some buildings, noting the grounds would require regrading.

- Discussion The members:
- Noted there had been multiple master plans for the proposal, but none had yet been endorsed. It was noted that the preparation of the master plan was now the responsibility of OEH.
 - Members stated the details of the master plan were required to inform the committee’s decisions about the appropriateness of the lights, the proposed demolition, building management, fencing and the overall impact on significance – and the effect for the broader foreshore in that area.
 - Members queried the location of the proposed works and which works would be done within the footprint of the existing buildings.
 - Members noted the significant waterfront views and connection of this site to the broader area, including the significant view from the Bonnyview Cottage.
 - The condition of, and the plans for, the existing post and rail fence was queried.

- The presenters noted a rise in population and interest in sports has created a local need for additional functioning and suitable sporting areas.
- Works include rectifying drainage issues that currently close the park during parts of the year. A member noted the canal is historical evidence of the reclamation of the Parramatta River which is considered important, and queried the under valuing of the canal in the assessment of significance.
- It was noted that the proposed substantial escalation in the use of the field would lead to an intensification in parking needs, which should be informed by the masterplan.
- The detail of the lights was queried by the members, including the number of nights and length of time the lights would be used, whether there would be ranges in brightness available, the colour and look of the poles holding the lights. Members agreed the lighting (use and design) should be considered within the conditions to reduce the visual impacts.
- The committee noted the local council needs to sort out the conflict (between people using the area, the traffic to get to the area and increased parking demands) prior to the other issues. The committee agreed those issues would affect the site use and impacts and were critical to providing informed decisions for a consent.
- The committee noted its support for ensuring the works were considered as a whole and a program of works developed to deliver cohesive and complementary works for the important foreshore area.
- It was noted that consideration could be given to works related to the proposed repair and maintenance while the proposed floodlights would be better assessed following the adoption of a master plan.

Resolution

2017-10. The Heritage Council Approvals Committee:

1. Supports the continued use of the area for active recreation and encourages the Office of Environment and Heritage to immediately embark on a masterplan to resolve the future of Callan Park.
2. Note the information in the paper and presentation.
3. Provides the following comments:
 - 1.1 Any proposed development within Callan Park should be consistent with a master plan adopted by the Minister for Planning.
 - 1.2 The adopted master plan for Callan Park should enhance the state heritage values of the place and address the current impacts of parking and traffic which adversely impact on the heritage values of the place.
 - 1.3 Any development application for Callan Park, including for the Waterfront Drive Sporting Ground, should be consistent with the adopted master plan for the place and include:
 - Statement of Environmental Effects, that addresses all relevant planning instruments, including the *Callan Park (Special Provisions) Act 2002*; and the *State Environmental Planning Policy No 56 – Sydney Harbour Foreshores and Tributaries* (SEPP No 56);
 - Archaeological Assessment;
 - Heritage Impact Statement;
 - Landscape Character and Visual Impact Assessment;
 - Lighting and Visual Impact Assessment; and

- Traffic & Parking Assessment.

- 1.4 It is recommended that a master plan for Callan Park be adopted prior to the lodgement of the Waterfront Drive Sporting Ground, Callan Park Facilities Upgrade development application. Because the proposed floodlighting is considered a significant development in the context of Callan Park, the master plan should include a site-wide lighting strategy that may inform opportunities for lighting at the Waterfront Drive Sporting Ground.

Moved by Dr Deborah Dearing and seconded by Mr Gary White.

4.3

IDA: Extension of Frazer St and subdivision -36 Frazer St, Catherine Hill Bay

Dr Deborah Dearing left the room for this item.

Ms Shikha Jhaldiyal provided a brief background to the project, noting the applicant does not currently have approvals for any other works for this development.

Discussion

The members noted that:

- Consultations had been held with the local council and not the applicant as it was considered that it was not possible to mitigate the likely impacts through amendments and that a redesign was necessary along with the resolution of planning and ownership issues relating to the access road.
- The proposal was just inside the SHR curtilage. A larger development to the south belonged to Rose Corp (and was outside of the curtilage considered for this matter).
- The general terms of approval may be able to address the 'bigger' concerns raised about the application, with smaller details addressed later.
- The Heritage Division's recommendation not to approve was based on the impacts of the current proposal only.
- A CMP exists for the area, but the CMP does not relate to the specific application area nor is it endorsed.
- The scale of impact to the SHR values by the proposed activities of clearing vegetation, the construction of the house and driveway and ancillary works impact was considered too great and does not fit in the character of the town; noting the design should be more sympathetic to the architectural typology of the area.

Resolution

2017-11. The Heritage Council Approvals Committee:

1. Agrees that the Heritage Division informs the Lake Macquarie City Council that the Heritage Council of NSW refuses to grant general terms of approval for IDA/2016/151 (DA/1632/2016) for the following reasons:
 - a. The proposal in its current form will have an unacceptable level of impact on the state listed historic and aesthetic values of Catherine Hill Bay Cultural Precinct which are primarily defined by *both its coastal topography which creates a natural visual catchment and for its evidence of coal mining dating from the 1890s.*
 - b. The proposed design is not considered appropriate as it is not compatible with the dominant historic character and features prevalent in the urban fabric of Catherine Hill Bay Cultural Precinct. The proposed architecture of the new dwelling in terms of its form, treatment, siting, and cut and fill design approach is not sympathetic with the architectural typology of the small scale miner's cottages.

- c. The proposed design including the changed landform, extensive driveway, and resulting sealing of Frazer Street and clearing of vegetation are considered intrusive to the surrounding intact natural and visual character of the precinct's setting comprising of *untouched landscape typical of mining occupation of the foreshores* of exceptional aesthetic significance.

Moved by Mr Gary White and Ms Kerime Danis.

3 Presentations

3.2 V8 Supercar, Newcastle East Residents Action Group (NERAG)

- Presentation Mr Les Brennan, Mr Doug Lithgow, Ms Anne Creevey and Ms Marion Bannister presented to the committee and discussed their presentation, which included:
- The origin of the Newcastle east residents group.
 - NERAG member's long involvement in the Coal River Precinct, including attempts to have it listed when the National Parks and Wildlife Act 1974 was being established (in 1969), and work undertaken with the National Trust for the area.
 - The NERAG members discussed the archaeology (historic and Aboriginal) and natural values of the area, which were reported to be unique and important to the people of the area. The location of the Macquarie Pier was reported to be impacted by the circuit.
 - The presenters relayed the complexity of the history, use, and connections to the CRP, and where those values would be potentially impacted by the proposed V8 supercars event (both permanent and temporary installations and construction activities).
 - The presenters left information for the committee to consider, and asked for the committee to refuse the s.60 application on the grounds that it contravened the Burra Charter, had the potential to impact archaeological values and was visually and aesthetically insensitive to the area.

Discussion The committee noted the presentation. The presenters were asked whether they were opposed to the race or the location of the race. The presenters responded "our slogan is 'Right race, wrong place'".

The Resident's Group also tabled some general information relating to the subject issue at the meeting for members in the form of individual packages.

4 Integrated Development Applications / Section 60 / Section 140 Excavation Permits

4.1 s60 - V8 Super Car Racing Circuit, Coal River Precinct, Newcastle

Ms Bronwyn Smith provided a brief overview of the document tabled for members, noting:

- S.60 application was for the activity and enabling works, but the application did not include information about temporary structures or signage that would be required for the event.
- OEH had made the documents available for public exhibition at a range of locations, and given the public interest the application was also put on the OEH website.
- 110 submissions were received by the closing date, with some late submissions received. All submissions were considered in the development of the tabled paper.
- It was noted that the archaeology section in Heritage Division had considered the potential archaeological impacts, and concluded the proposed s.60 application was unlikely to have archaeological impacts.

Discussion The members:

- Sought to clarify the notes that had been tabled.

- Noted that at the end of the race every year the developer did not have to remove the bitumen - however, the bitumen could be 'furnished'. Members expressed concern there was a 9 metre wide bitumen 'path' which would look unusual after the race was 'packed away' each year.
- Noted that the omission of 'pack up' information in the s.60 should require the council to have a rehabilitation plan, or a plan for how it should be used after the 5 year period (i.e. whether it should be permanently removed).
- Noted if the race is extended beyond the original 5 year plan, conditions imposed would need to be for the life of the race, and assurance all mitigation measures were implemented.
- Agreed that other options for the location and route of the track could have been considered to avoid impacts.
- Considered the impacts on the significance, within the heritage parameters of their remit.
- Agreed the impacts within the SHR curtilage do not adversely affect the heritage significance of the Coal River Precinct and therefore there are not sufficient grounds for refusing the application. The committee did agree that the archaeological issues, and vibrations (sound and reverberations) impacts may be bigger for the other parts of Newcastle, but not to the same degree in the curtilage precinct.

Resolution

2017-12. The Heritage Council Approvals Committee:

1. Note the summary papers and submission information
2. Provides the following comments on the s.60 application -
 - a. Approves S60/2017/33 application under section 63 of the *Heritage Act 1977*, subject to the following conditions:
 - b. An Interim Landscape Rehabilitation Plan shall be prepared prior to the road being constructed; for implementation following the end of the race period each year to the satisfaction of the Manager of the Heritage Division and following comment by the Approvals subcommittee. This Plan must include:
 - i. Details of the temporary annual reduction in width of the proposed new road by at least 50% to accommodate the shared pedestrian/cycleway route as proposed, once the race is completed each year. Details are to be provided regarding implementation and funding.
 - ii. Details and measures relating to the removal, replacement and planting of trees.
 - iii. Details of the replacement kerbs, footpaths and street inlay signs. These shall be of an equal design quality and similar materials to retain the overall character of the precinct.
 - c. The Final Landscape Rehabilitation Plan (one year prior to the final race) must review the future use/form/extent of the track within the Coal River Precinct, including removal or reduction, to further minimise the visual impact. This plan must be submitted and approved by the Heritage Council of NSW one year prior to the final race.
 - i. The scope of works proposed in the approved plan must be implemented immediately following the end of the final race.
Reason: To identify and create a requirement to implement mitigation measures. The details requested have not been provided with the application. The assessment and management of these details is considered essential in order to obtain a good heritage outcome through interpretation.
 - d. A bond/Bank Guarantee shall be submitted in favour of the Heritage Council of NSW equal to the cumulative cost of rehabilitation works proposed as part of the above

Final Landscape Rehabilitation Plan, to be worked out by a qualitative quantity surveyor, at no cost to the Heritage Council. This bond/Bank Guarantee shall be held by the Heritage Council of NSW until the final rehabilitation is completed at the end of the five year period to the satisfaction of the Executive Director, Heritage Division.
Reason: To ensure implementation of the relevant mitigation measures.

e. **The proposed interpretive landscape element is not approved.**

Reason: This landscape element is considered to be intrusive and avoidable. It is considered that any new element introduced as part of the interpretation should ideally be related to the history of the Coal River Precinct and its contribution to the development of the city of Newcastle.

f. **The application has not included any signage proposal. Therefore, no signage is approved. Separate approval is required for any signage. It is expected that all signage associated with the event including directional as well as advertising or promotional signage shall be limited to the event days plus a week on either side of the event for 'bump in and bump out' period and that all such signage shall be removed within a week following the event.**

Reason: To avoid adverse visual impact on the setting of significant heritage elements located within the Coal River precinct and other State Heritage Register listed items in the vicinity.

g. **Directly transferred and sound vibrations arising from the proposed racing event shall be documented through test runs as soon as the race track is available and mitigation measures put in place immediately including sound barriers and speed limits, if required. The condition of all heritage buildings/items within the proposed race circuit vicinity must be documented prior to the races, during test runs, during the actual race and after the race. If any damage is noticed, all vibration causing activities must cease immediately and further mitigation measures put in place prior to resuming those activities.**

Reason: The assessment and management of these impacts is considered essential in order to obtain a good heritage outcome and to avoid avoidable damage to heritage structures and elements in the vicinity.

h. **Adequate barriers must be put in place prior to the test runs being conducted and during the race period to ensure there is no accidental damage to any historic structure, to the satisfaction of the Manager, Heritage Division.**

Reason: The assessment and management of these impacts is considered essential in order to obtain a good heritage outcome and to avoid avoidable damage to heritage structures and elements in the vicinity

b) **Archaeological Conditions**

a. **Archaeological monitoring must be undertaken in accordance with the recommendations provided in the report 'Coal River Precinct Archaeological Assessment Civil Works – Newcastle V8 Supercars', FINAL, February 2017 prepared by Umwelt (Australia) Pty Ltd. The approved Excavation Director for the archaeological work is Mr Tim Adams of Umwelt Pty Ltd. The Applicant must ensure that the nominated Excavation Director is present at the site supervising all excavation activity likely to expose relics.**

b. **The Applicant must ensure that the nominated Excavation Director takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with the NSW Heritage Office guidelines, 'How to Prepare Archival Records of Heritage Items' (1998) and 'Guidelines for Photographic Recording of Heritage Items' (2006).**

- c. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in the report 'Coal River Precinct Archaeological Assessment Civil Works – Newcastle V8 Supercars', FINAL, February 2017 prepared by Umwelt (Australia) Pty Ltd, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- d. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (EnviroLine 131 555) is to be notified in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment & Heritage.
- e. The Applicant is responsible for the safe-keeping of any 'relics' recovered from the site. The Applicant must ensure that the nominated Excavation Director cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.
- f. The Applicant must ensure that a final excavation report is prepared by the nominated Excavation Director, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time or other variation is approved by the Heritage Council of NSW. Further copies of the report should be lodged with the local library and/or another appropriate local repository in the area in which the site is located.

Reason: These are standard archaeological conditions to mitigate impact on significant historical archaeological resources at the site. These are standard Heritage Council conditions to ensure the appropriate management of significant historical archaeological resources at this site before, during and following works.

c) General Conditions

- a. All work on site shall be detailed and executed in consultation with a suitably qualified and experienced heritage consultant.
Reason: The involvement of a heritage consultant is considered essential in order to obtain a good heritage outcome and to avoid avoidable damage to heritage structures and elements.
- b. An archival photographic recording of all the affected elements is to be undertaken prior to the commencement of, and during the works to document the changes occurring to the building, in accordance with the Heritage Division document entitled, *Photographic Recording of Heritage Items using Film or Digital Capture*. The original copy of the archival record shall be submitted to the Heritage Division and a copy with Newcastle City Council.
Reason: To ensure that the site is properly documented prior to their modification and that copies of the archival recordings are kept with the relevant authorities and to ensure that the original copies of significant documents are retained for future reference
- c. Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval and may photograph, take samples or request records in relation to any aspects of the approved activity.
- d. The Applicant and the nominated Heritage Consultant may be required to participate in random audits of Heritage Council approvals to confirm compliance with conditions of consent at any time.

Reason: To ensure compliance with conditions.

- e. This approval shall be void if the activity to which it refers is not completed within five years after the date of the approval, or within the period of consent specified in any relevant development consent granted under the *Environmental Planning and Assessment Act 1979*, whichever occurs first.

Reason: To comply with legislation.

Moved by Mr Gary White and seconded by Mr Bruce Pettman.

5 Development Application Referrals and Major Project Application Referrals Under Part 3A, 4 or 5 of the *Environmental Planning & Assessment Act*

Nil matters.

6 Matters for Consideration and/or Decision

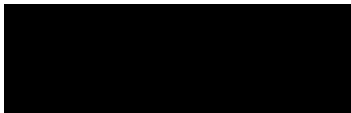
Nil matters.

7 General Business

Nil matters.

CLOSE OF MEETING – 5:27pm

I confirm that these minutes are an accurate reflection of the Heritage Council Approvals Committee discussion and outcomes.



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Dr Deborah Dearing
Chair, Heritage Council Approvals Committee
Date: 2 August 2017