

Attachment D

General Terms of Approval – Heritage NSW

Matthew Girvan
Planner
City of Sydney Council
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SYDNEY NSW 2001

By email: mgirvan@cityofsydney.nsw.gov.au

Dear Mr Girvan

**HERITAGE COUNCIL OF NSW – REVISED GENERAL TERMS OF APPROVAL
INTEGRATED DEVELOPMENT APPLICATION**

Address: 28-30 Orwell Street POTTS POINT NSW 2011
SHR item: The Metro Theatre (formerly Minerva Theatre), SHR no. 02049
Proposal: CNR-26452 - D/2021/893
ALTERATIONS AND ADDITIONS TO THE MINERVA BUILDING
AND ITS ADAPTIVE REUSE FOR THE PURPOSES OF
ENTERTAINMENT FACILITIES, FOOD & DRINK PREMISES AND
TOURIST AND VISITOR ACCOMODATION
IDA application no: HMS ID 2521

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a. Architectural drawings, prepared by Tonkin Zulaikha Greer as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: The Minerva			
A-000	Cover Page	1/03/2023	E
A-001	Site Plan	1/03/2023	-
A-002	Site Analysis	1/03/2023	-
A-050	Basement 3&4 Demolition Plan (BLANK)	1/03/2023	A
A-051	Basement 2 Demolition Plan	1/03/2023	B
A-052	Basement 1 Demolition Plan	1/03/2023	B
A-053	Ground Demolition Plan	1/03/2023	C
A-054	Level 1 Demolition Plan	1/03/2023	C
A-055	Level 2 Demolition Plan	1/03/2023	-
A-056	Level 3 Demolition Plan	1/03/2023	A

A-057	Level 4 Demolition Plan	1/03/2023	A
A-058	Level 5 Demolition Plan	1/03/2023	A
A-059	Roof Demolition Plan	1/03/2023	-
A-060	Ground RCP Demolition	1/03/2023	A
A-061	Level 1 RCP Demolition	1/03/2023	-
A-062	Level 3 RCP Demolition	1/03/2023	A
A-070	Demolition South Elevation	1/03/2023	B
A-071	Demolition North Elevation	1/05/2023	C
A-072	Demolition East Elevation	1/03/2023	C
A-073	Demolition West Elevation	1/03/2023	C
A-080	Long Section Demolition	1/03/2023	D
A-081	Cross Section A Demolition	1/03/2023	D
A-102	Basement 2 Floor Plan	1/03/2023	E
A-103	Basement 1 Floor Plan	1/03/2023	D
A-104	Ground Floor Plan	1/03/2023	H
A-105	Level 1 Plan	1/03/2023	F
A-106	Level 2 Plan	20/02/2023	F
A-107	Level 3 Plan	20/02/2023	C
A-108	Level 4 Plan	20/02/2023	D
A-109	Level 5 Plan	1/03/2023	E
A-110	Level 6 Plan	1/03/2023	D
A-111	Roof Plan	1/03/2023	C
A-121	Auditorium RCP Proposed Ground Floor – Level 3	1/03/2023	D
A-200	South Elevation	1/03/2023	D
A-201	South Elevation Fly Tower Façade	1/03/2023	E
A-202	North Elevation	1/03/2023	D
A-203	North Elevation Fly Tower Façade	1/03/2023	E
A-204	East Elevation	1/03/2023	D
A-205	East Elevation Fly Tower Facade	1/03/2023	D
A-206	West Elevation	1/03/2023	C
A-207	West Elevation Fly Tower Façade	1/03/2023	C
A-208	West Elevation Inner Façade	1/03/2023	D
A-210	Signage Strategy – South Elevation	1/03/2023	C
A-211	Signage Strategy – East Elevation	1/03/2023	D
A-300	Longitudinal Section 1	1/03/2023	E
A-301	Cross Section 1	1/03/2023	E
A-302	Cross Section 2	1/03/2023	E

A-303	Longitudinal Section 2	1/03/2023	E
A-304	Longitudinal Section 3	1/03/2023	E
A-305	Cross Section 3	1/03/2023	E
A-306	Section: Sun Shadow Analysis	1/03/2023	A
A-400	Perspective Images – 1	1/03/2023	B
A-401	Perspective Images – 2	1/03/2023	-
A-402	Perspective Images – 3	1/03/2023	-
A-403	Perspective Images – 4	1/03/2023	A
A-500	Shadow Diagrams – 21 June (1of 2)	1/03/2023	B
A-501	Shadow Diagrams – 21 June (2of 2)	1/03/2023	B
A-600	GFA Diagrams	1/03/2023	D
A-601	Materials Board	1/03/2023	C
A-602	Flytower Window Schedule	1/03/2023	D
A-603	Flytower Schedule Room Area Plans	1/03/2023	B

b. Fire Safety Sprinkler System Drawings, prepared by LCI as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: The Minerva			
220459-F100	Fire Services – Level 2 Sprinkler Layout	7/02/2023	A
220459-F100	Fire Services – Level 2 Sprinkler Layout	7/02/2023	A

c. Public Domain Plan, prepared by Arcadia as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Metro Minerva theatre			
L-000	Cover page	18.11.22	B
L-101	Landscape Masterplan Public Domain	18.11.22	B
L-201	Setout + Grading Public Domain Plans	18.11.22	B

- d. *Statement of Heritage Impact- Rev 2*, prepared by Tonkin Zulaikha Greer, dated June 2022
- e. *Conservation Management Plan*, prepared by Tanner Kibble Denton, dated June 2020.
- f. *Statement of Environmental Effects*, prepared by Planning Lab, dated 29 July 2021
- g. *Heritage Interpretation Strategy*, prepared by Tonkin Zulaikha Greer, dated July 2021
- h. *Baseline Archaeological Assessment*, prepared by Archaeological Management & Consulting Group, dated 13 July 2021.
- i. *Archaeological Research Design & Excavation Methodology*, prepared by Archaeological Management & Consulting Group, dated November 2022
- j. *Historical Archaeology Test Excavation Report*, prepared by Archaeological Management & Consulting Group, dated May 2022

- k. Technical Memo Titled *Piling, vibration and impact on existing footing details*, prepared by Taylor Thomas Whitting, dated 20 July 2022.
- l. Technical Memo for *Additional information requested relating to locations of columns and shear walls*, prepared by Taylor Thomas Whitting, dated 18 April 2023
- m. *Structural Methodology & Construction Sequence*, prepared by Taylor Thomas Whitting
- n. *Auditorium Methodology Report*, prepared by Taylor Thomas Whitting, dated 24 May 2022
- o. *View Loss Assessment*, prepared by Urbaine Design Group, dated 17 February 2023
- p. *Visual Impact Assessment*, prepared by Urbaine Design Group, dated August 2022
- q. *Façade Study*, prepared by Tonkin Zulaikha Greer
- r. *Levels 1 & 2 Relationship to Façade*, prepared by Tonkin Zulaikha Greer, dated 13 April 2023
- s. *Section to Demonstrate Extent of Retained Existing Northern Wall*, prepared by Tonkin Zulaikha Greer, dated 13 April 2023
- t. *Structural Diagram 1 & 2*, prepared by Tonkin Zulaikha Greer, dated 14 April 2023

EXCEPT AS AMENDED by the following general terms of approval:

DETAILS TO BE SUBMITTED FOR APPROVAL

1. The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):
 - a. Revised construction methodology drawings and structural sequencing reflecting the updated proposal.
 - b. Structural adequacy report of the upper stalls/balcony and their ability to withstand additional load.
 - c. Detailed drawings providing further details on the facilities required to operate the entertainment venue including lighting, green rooms, backstage storage, sound, etc., to maintain as much of the original heritage fabric and form as possible.
 - d. Detailed drawings that consider compliance with building standards, safety and access.
 - e. Minimise the number of openings to reduce impact on eastern and western elevations. The openings should be articulated to be sympathetic to the style of the existing Interwar heritage facades.
 - f. Detailed inventory, condition and significance assessment of all existing fabric and a detailed schedule of conservation works.
 - g. Provide an inventory of significant fabric being salvaged for reuse within the building or used as part of interpretation.
 - h. An inventory of moveable heritage items associated to the significant historical occupancy of the building be recorded. The inventory should identify items, their storage (short and long term) and their eventual relocation within the site.

Reason: The details requested were not supplied during the assessment of the application. The subject site contains historical archaeological relics, which are protected under the Heritage Act 1977 and must be managed appropriately.

HERITAGE CONSULTANT

2. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

SPECIALIST TRADESPERSONS

3. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials, and construction methods.

Reason: So that the construction, conservation, and repair of significant fabric follows best heritage practice.

SITE PROTECTION

4. Report outlining a program of monitoring and mitigation measures to be undertaken before, during and after construction. The report should address the following aspects:
 - a. Strict ring fencing of allowable demolition, and necessary conservation works, as the builder's value engineering may lead to further loss of existing building to save cost and enable construction.
 - b. The piles are very close to the existing structure. It is critical to set parameters to preserve the existing building from damage from vibration, and lateral and vertical movement of the existing foundation to be retained.
 - c. The vibration levels set by the German Standard are the minimum requirement for vibration and lateral movement of the retained ground behind the perimeter piles to be limited to 0.001% of the retained height. Furthermore, the loads affecting these movements are to be doubled of the normal design loads to provide some assurance against likely failure of the system.
 - d. The monitoring setup to remain permanently with the building (e.g., monitoring vibrations and relative movements) for future condition assessments.
 - e. These measures are to be monitored by an independent body.
5. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric is protected during construction.

HERITAGE INTERPRETATION PLAN

6. An interpretation plan must be prepared in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a Construction Certificate/ Government certification.
7. The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage, and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
8. The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places.

PHOTOGRAPHIC ARCHIVAL RECORDING

9. A photographic archival recording must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

HISTORICAL ARCHAEOLOGY

10. SECTION 60 APPLICATION

An application for archaeological excavations under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

11. As part of the section 60 application:
 - a. The applicant shall submit an Archaeological Research Design and Excavation Methodology prepared by a suitably qualified and experienced historical archaeologist to ensure that the salvage of any Orwell House remains for completeness of scientific knowledge.
 - b. The applicant shall nominate an Excavation Director(s) suitable to satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level. The nomination(s) shall be supported by a response to the Excavation Director Criteria 2019.
 - c. Following the receipt of the Archaeological Research Design and Excavation Methodology as part of the section 60 application, the Heritage Council of NSW reserves the right to issue Archaeological Conditions as part of the section 60 approval to manage the archaeology. Matters such as (but not limited to) fieldwork methodology, artefact analysis, final reporting may be included as part of these archaeological conditions.

Reason: The subject site contains historical archaeological relics, which are protected under the Heritage Act 1977 and must be managed appropriately.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

12. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval 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.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

COMPLIANCE

13. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

14. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

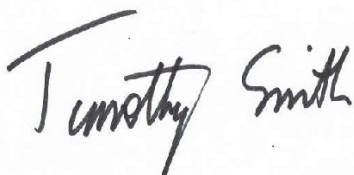
Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions about this correspondence, please contact Mariyam Nizam, Senior Assessments Officer, at Heritage NSW on 88376375 or [Mariyam.Nizam@environment.nsw.gov.au](mailto:Mariam.Nizam@environment.nsw.gov.au).

Yours sincerely



Tim Smith OAM
Director, Heritage Assessments
Heritage NSW, Department of Planning & Environment
As Delegate of the Heritage Council of NSW
30 May 2023