



HERITAGE COUNCIL OF NSW

Minutes for Approvals Committee Meeting

Tuesday, 29 September 2020 | 09:00 AM - 4:45 PM

Teleconference

ATTENDANCE	
MEMBERS	
Mr Dillon Kombumerri	Chair
Mr Ian Clarke	Deputy Chair
Mr Bruce Pettman	Member
Dr Nicholas Brunton	Member
Mr David Burdon	Member
Ms Caitlin Allen	Member
Mr Niall Macken	Member
Ms Ingrid Mather	Observer
APOLOGIES	
Mr David McNamara	Alternate Member
EXTERNAL PRESENTERS	
Mr Matthew Daniels	Owner, Pacific Planning (item 2.1)
Mr Frank Stanisic	Architect, Stanisic and Associates (item 2.1)
Graeme Brooks	Heritage Consultant, GBA Heritage (item 2.1)
Ms Karyn Armstrong	National Planning Manager Retirement Living, Lendlease (item 2.2)
Mr Steve Laffey	GM Development, NSW/QLD, Lendlease (item 2.2)
Mr Mark Fenwick	Heritage Consultant, Placemark (item 2.2)
Mr Peter Titmus	Architect, BVN (item 3.1)
Mr John Green	Project Manager, Dedico (item 3.1)

Ms Alexandria Barnier	Heritage Consultant, Urbis (item 3.1)
Mr Abraham Cherian	Senior Program Manager, Infrastructure and Assets, Department of Communities & Justice (Item 4.1-4.2)
Ms Catherine Colville	Senior Manager, Environment and Heritage Planning, Planning and Investment, Infrastructure and Assets, Department of Communities & Justice (item 4.1-4.2)
Ms Luisa Alessi	Heritage Specialist, Department of Communities & Justice (Item 4.1-4.2)
Ms Suzanne O'Neill	Owner, 40 Merriman St, Millers Point / Member, Sudamax Pty Ltd.
HERITAGE NSW STAFF	
Ms Jan Willett	A/ Executive Director
Mr Tim Smith	Director Heritage Operations
Ms Cheryl Brown	Regional Manager, Northern Region
Mr Steven Meredith	Regional Manager, Southern Region
Mr Rajeev Maini	Senior Team Leader, South Regional Heritage Assessments
Ms Caitlin Stevens	Senior Heritage Assessment Officer, South (items 4.1 – 4.2)
Ms Natasha Agaki	Senior Secretariat Officer

1.0 Welcome and formalities

The Chair, Dillon Kombumerri, opened the meeting at 9:00am, delivered an Acknowledgment of Country and welcomed attendees.

Apologies were accepted from David McNamara and it was noted that quorum had been met.

1.1 Conflict of Interest Declarations

Members were asked to raise any conflicts of interest with items on the agenda.

Resolution 2020-43
Item 1.1 Conflict of Interest declarations.
The Heritage Council Approvals Committee note the following potential conflict of interest declarations and agreed that no further action needed to be taken: <ul style="list-style-type: none"> 1. David Burdon - NSW National Trust previously campaigned for the retention of Sirius Building (item 3.1).

1.2 Out of Session Decisions

No out of session decisions were made.

1.3 Minutes from Previous Meeting - 1 September 2020

The Heritage Council Approvals Committee received the Minutes from the previous ordinary meeting.

Resolution 2020-44
Item 1.3 Minutes from previous ordinary meeting
The Heritage Council Approvals Committee confirm the minutes of the previous ordinary meeting (Tuesday, 1 September 2020) as a complete and accurate record of that meeting.
Moved by Dr Nicholas Brunton and seconded by Mr Ian Clarke.

1.4 Action Report

The Heritage Council Approvals Committee noted the Action report and briefly discussed:

- Newcastle Cathedral – design advice letter sent to applicant one week ago, pending a response.
- Millers Point Heritage Principles.

2.0 External Presentations - Part 1

2.1 2A Gregory Place, Harris Park

The Heritage Council Approvals Committee received a presentation from Matthew Daniels, Frank Stanistic and Graeme Brooks. Following this, the Committee discussed:

- Proposed building heights remain a concern, particularly due to their impact on the skyline of Parramatta CBD and the views from Experiment Farm and Elizabeth Farm.
- How reducing the scale to the previously recommended 8-storey maximum will effectively mitigate disruption to view lines, to the experience of Experiment Farm and to the character of the Precinct as a whole.
- Possibility of reducing setbacks to reduce the overall building heights whilst increasing accommodation capacity in the lower levels.
- The comprehensive landscape plan for the site should be provided, being critical for both the interpretation of the heritage continuum and the liveability of the site and must be sensitive to the greater heritage landscape context.

- Whilst the parcel of land donated for public use is commendable, its effectiveness as a recreational space is very limited. Possible alternatives for its use, e.g. integrate into the development to reduce building heights; as amenity to Experiment Farm.
- Landscaping as an important element of the shared history between the significant sites.
- Proposed treatment of the courtyard between the built forms and the surrounding walkways from a landscaping perspective, and the need to balance deep soil planting with generous space for pedestrian movement.
- Function of the buffer space between Hambledon Cottage and Experiment Farm and the opportunity to better integrate and relate the two sites through the landscaping.
- The opportunity to develop a path of travel along the creek line, creating a series of spaces to interpret the relationship with Hambledon Cottage and the views to Elizabeth Farm and Experiment Farm, and how the setbacks, building forms and open space could relate to this.
- Impacts of possible carpark options on landscaping and archaeology.
- Planning and approval process and the role of the Committee in providing advice on the social and heritage values rather than design.
- The story of colonial settlement and displacement of the area and the importance of including Aboriginal cultural heritage in the design, planning and interpretation outcomes.

Resolution 2020-45

Item 2.1 2A Gregory Place, Harris Park

The Heritage Council Approvals Committee:

1. **Thank** Pacific Planning and their heritage consultants for their presentation on the proposed affordable housing development plan at 2A Gregory Place.
2. **Acknowledge** the additional design work to address the heritage values of the wider Precinct and the previous comments of the Approvals Committee.
3. **Note** that the project will follow the Design Excellence pathway from here.
4. **Note** that the applicant has explored up to 12 storeys, above the previously recommended height of 4 storeys up to a maximum of 8 storeys. The Committee appreciates that there is a degree of public amenity including affordable housing, however the extra height negatively impacts the broader landscape setting.
5. **Recommend** that the redistribution of accommodation at the ground level is explored to reduce the open space and height of the concept development.
6. **Recommend** that Hambledon Cottage is considered in relationship with the new development spatially from a landscape perspective, as opposed to the landscaping dividing the two properties.

7. **Recommend** considering the on-flow impacts of the increased density of occupation on the surrounding Parklands in terms of lighting, pathways and the movement of people.
8. **Recommend** that the applicant obtains independent design review and guidance.
9. **Recommend** that opportunities to recognise the Aboriginal cultural heritage of the area should be embedded in the design and planning, in collaboration with the local Aboriginal community. This would include the interpretation of the original creek line.

Moved by Ms Caitlin Allen and seconded by Mr Ian Clarke.

2.2 Pre-DA Closebourne Oval Villas

The Heritage Council Approvals Committee received a presentation from Karyn Armstrong, Steve Laffey and Mark Fenwick. Following this, the Committee discussed:

- Design changes made to reduce the bulk and scale of the development, improve the layout to retain key view corridors and open space, improve pedestrian links and enhance the rural landscape character.
- Progress of the Landscape Plan, noting intentions to manage loss of trees and vegetation by replicating native species.
- The opportunity to work with traditional custodians to investigate reactivation of deep seed banks through cultural cool burning and Welcome the new development in a culturally appropriate way.
- The applicant's intention to retain the open view corridor without built structures, noting the Masterplan identifies this land as a development area.
- Updates required to the CMP and Masterplan.
- The upcoming proposal for a car park and possible impacts of this, particularly on the existing Oval.

Resolution 2020-46

Item 2.2 Closebourne Oval Villas

The Heritage Council Approvals Committee considered the draft proposal and:

1. **Thank** Lendlease and their heritage consultant for their time and consideration in providing a detailed presentation of the draft proposal.
2. **Acknowledge** that the presentation has addressed the Approvals Committees' previous comments.
3. **Acknowledge** the proactive approach with connecting to Country including Place names and landscape design.
4. Generally **support** the proposal with the following recommendations:

- **Note** that the development is crossing over the ridge and will be viewed from Morpeth Road and that significant trees will be removed. It is recommended that the proponent collaborate with the local Aboriginal community to re-establish the original landscape setting.
- **Support** the completion of a revised CMP, noting the project is near completion.
- **Does not support** any further redevelopment for Seniors living and Aged Care Facilities.
- **Note** that there is a new road and recommend that a condition be included in any approval that prevents car parking along Illalaung Drive and the T-intersection towards the Villas.
- **Note** that there is a proposal for recreational vehicles parking area that will impact on the overall Masterplan.

5. **Recommend** that final approval of the IDA is delegated to Heritage NSW.

Moved by Bruce Pettman and seconded by Dr Nicholas Brunton.

3.0 External Presentations - Part 2

3.1 Pre- DA SSD-10384 CWC HC - Sirius Building - Consultation

The Heritage Council Approvals Committee received a presentation from Peter Titmus, John Green and Alexandria Barnier. The Committee discussed:

- Noting the building is not SHR listed, the Committee's assessment relates to how the revised external street scape relates to The Rocks.
- The extent of support and consultation on the applicant's development strategy for the design competition and its emphasis on heritage principles.
- Strong support for the distinction between old and new in the design expression.
- The proposed copper detailing on the exterior, its interactions with concrete overtime and how this might be addressed.
- Suggestions to soften the building's modularity, e.g. articulating the copper additions on the building's exterior; incorporation of vertical planting.
- Levels of intactness of the building's original interior fabric and strong support for retention where possible.
- Opportunities for interpretation of both the social housing era of the building's history and its original design and character.
 - The possibility of retaining a single apartment as a museum piece – locating this at ground level to mitigate complications from a structural design and construction perspective.
 - Interpretation through the site link and public spaces.
 - Explore how the materiality, e.g. carpets, lifts, walkways throughout the building could interpret that of the original building.

- Interest in further information on the building’s relationship with the buffer zone of the World Heritage Listed Opera House and on the outcomes of public consultation following the DA.

Resolution 2020-47
Item 3.1 Pre- DA - Sirius Building, 2-60 Cumberland Street, The Rocks.
<p>The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none"> 1. Thank the presenters for their presentation on 2-60 Cumberland Street, The Rocks. 2. Note and support the very high-quality nature of this proposal. 3. Note: <ol style="list-style-type: none"> a) The clip-on additions proposed to the primary existing elevations of the Sirius Building across the cascading tower complex. b) The additional commercial buildings proposed to Cumberland and Gloucester Walk frontage. 4. Provide the following comments to the applicant: <ol style="list-style-type: none"> a) The Committee supports a development at the Sirius Building to ensure its long-term adaptive reuse. b) It is noted that modular clip-on additions utilise a similar scale and proportion to the characteristic Brutalist narrative of the subject building. c) Efforts should be made to preserve and interpret the existing character of the building within the common spaces, including the Phillip Room. d) Support inclusion of interpretation in public areas to reflect the social housing history of the site. e) Consider how the new material relates to the old in terms of weathering and staining. f) The use of high-quality materials for the additions is supported.
Moved by Dr Nicholas Brunton and seconded by Mr Bruce Pettman.

4.0 External Presentations - Part 3

4.1 Section 60 - Sydney Supreme Court House

The Heritage Council Approvals Committee received a presentation from Abraham Cherian, Catherine Colville and Luisa Alessi. The Committee discussed:

- Various options considered for the relocation of the main security point and their impacts to the buildings function and aesthetic.
- How wayfinding will be facilitated, noting that whilst the Colonnade is a strong architectural element it would be ideal to not require signage.
- The advertising process and outcomes of the public exhibition.

Resolution 2020-48

Item 4.1 Sydney Supreme Court House - Section 60.

The Heritage Council Approvals Committee:

1. **Note** the s60 application was advertised for public submissions under s.61(1) of the Heritage Act and a submission was received from City of Sydney Council that does not support the proposal (TAB 4.1C of the report presented).
2. Pursuant to section 63 of the *Heritage Act 1977*, **grants approval** subject to the following conditions:

HERITAGE CONSULTANT

1. 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

2. 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

3. 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 are protected during construction.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

4. 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.

ABORIGINAL OBJECTS

5. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Department of Planning, Industry and Environment is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Planning, Industry and Environment has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

COMPLIANCE

6. 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.

DURATION OF APPROVAL

7. This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

Reason: To ensure the timely completion of works

Moved by Dr Nicholas Brunton and seconded by Mr Ian Clarke.

4.2 Section 60 - Darlinghurst Court House

The Heritage Council Approvals Committee received a presentation from Abraham Cherian, Catherine Colville and Luisa Alessi. The Committee discussed:

- Impacts of the proposed location, design and detail of the gatehouse developed to address the need for compliant ramps, improved access and increased security throughout the building.
- Issues with the existing plan, including how access and separation between the sterile and public areas impact upon the building's function, and a range of alternative design options.

- The design and material of the gatehouse should better fit with the existing structure and aesthetic, e.g. substantial form, masonry with sandstone cladding and recessive detail.
- Material choices for the proposed ramp and whether glass or mesh is more appropriate for the gatehouse, noting advice on structural engineering and the desire to maintain the view corridor for security purposes.
- Relationship between the glazed walkway and the tree's root zone and canopy.
- How wayfinding has been considered and may be further facilitated.
- The need for further consultation with the applicant to develop better design solutions.

Resolution 2020-49

Item 4.2 Darlinghurst Court House - Section 60.

The Heritage Council Approvals Committee:

1. **Considered** the documentation provided and the presentation from external presenters.
2. **Defers** its decision on the application subject to further consideration.
3. **Notes** the reason for security and that several options were explored;
 - a) The location of the preferred option is **supported**; however
 - b) The proposed building layout, form and material selection are **not supported**.
4. **Recommend** that a combined workshop and site visit is held with members of the Approvals Committee to assist in finding a better solution.
5. **Advise** that the proposed access to Court 7 should be reviewed, including the security fence.

Moved by Dr Nicholas Brunton and seconded by Mr David Burdon.

5.0 Legislation, Policy and Administrative Matters

5.1 Ministerial Correspondence - 40 Merriman St, A/C Refusal

The Heritage Council Approvals Committee received a presentation from Suzanne O'Neill. Following this, the Committee discussed:

- The fundamental principle of sound process and administration under the Heritage Act.
- Complexities in administering the two approval pathways offered under the Act – fast track approvals for minor works and Section 60 and IDA through local Councils.
- How the Draft Millers Point Heritage Principles aim to address the issue of cumulative impact and provide more balance and consistency between public and private interests throughout Millers Point, and how the guidelines will apply from a legal perspective.
- With the City of Sydney delegations now in effect, the Council will be managing all approvals for this Precinct moving forward.

- The proposed addition as a discreet, reversible element on the rear elevation of a confined setting.
- The terrace is identical to its neighbouring unit with an approved air conditioning; consistency in treatment of additions across both units is considered appropriate.
- How such examples feed into the Draft Millers Point Precinct Principles and provide useful explanatory detail for the guidelines.

Resolution 2020-50
Item 5.1 Ministerial Correspondence - 40 Merriman St, A/C Refusal
<p>The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none"> 1. Considered the information in the report including all attachments. 2. Note the particular circumstances of this application, the particular location and history of this and other relevant matters, including that 40 and 42 Merriman Street are adjacent and identical terraces. 3. Recommend approval be granted subject to the enclosure replicating the enclosure on 42 Merriman Street in location and in colour.
Moved by Dr Nicholas Brunton and seconded by Mr Ian Clarke.

5.2 Millers Point Heritage Principles - Update

The Heritage Council Approvals Committee deferred the verbal update from Mr Rajeev Maini.

6.0 General Business

The following matters were raised for discussion throughout the course of the meeting:

- The critical importance of officers attending site visits to adequately assess heritage items, noting that COVID-19 has presented impediments.
- The need to review and upgrade how public exhibitions are advertised to the public under the Heritage Act, in order to maximise reach; opportunities to harness the new Heritage NSW website and social media platforms.

6.1 Forward agenda

The Heritage Council Approvals Committee noted the forward agenda.

7.0 Meeting Close

There being no items of further business, Dillon Kombumerri, Chair, closed the meeting at 4:45pm.



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Mr Dillon Kombumerri
Chair, Heritage Council Approvals Committee
Date: 6/11/2020