



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 31 August 2021 | 09:00 AM – 1:00 PM

Via Teleconference

ATTENDANCE	
MEMBERS	
Mr Dillon Kombumerri	Chair
Mr Ian Clarke	Deputy Chair
Mr Bruce Pettman	Member
Dr Nicholas Brunton	Member
Ms Caitlin Allen	Member
Mr David McNamara	Alternate Member
Ms Julie Marler	Member
APOLOGIES	
Mr David Burdon	Member
EXTERNAL PRESENTERS	
Mr Angelo Candalepas	Director, Angelo Candalepas and Associates (item 2.1)
Mr James Bishard	Director, Property and Infrastructure, Catholic Archdiocese of Sydney (item 2.1)
Mr Jonathan Bryant	Director, Urbis Heritage (item 2.1)
Mr Toby Ledgerwood	Senior Development Manager, Catholic Archdiocese of Sydney (item 2.1)
Mr Jeremy Loblay	Associate, Angelo Candalepas and Associates (item 2.1)
Mr Tony Smith	Urban Design & Heritage Manager, City of Sydney Council (Observer - item 2.1)
Mr Hui Wang	Heritage Specialist, City of Sydney Council (Observer - item 2.1)

Ms Erin Faulkner	Area Coordinator, Planning Assessments, City of Sydney Council (Observer - item 2.1)
Mr Jono Cottee	Development Director, Built (item 3.1)
Mr Graham Brooks	Director, GBA Heritage (item 3.1)
Mr Jonathan	Principal, FJMT (item 3.1)
HERITAGE NSW STAFF	
Mr Samuel Kidman (part meeting)	Executive Director
Mr Rajeev Maini	Senior Team Leader, Regional Heritage Assessments, South (item 2.1, 3.1, 4.1)
Ms Veerle Norbury	Senior Heritage Assessment Officer, Regional Heritage Assessments, South (item 2.1)
Ms Natasha Agaki	Senior Secretariat Officer

1.0 Welcome and formalities

The Chair, Dillon Kombumerri, opened the meeting at 9:00am.

- Delivered an Acknowledgement of Country and welcomed attendees.
- Apologies were accepted from David Burdon 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.

Noted

The Heritage Council Approvals Committee notes the following perceived conflict of interest declaration and agreed that no further action needed to be taken:

1. David McNamara – previously worked for Giovanni Cirillo around 2009 – 2012 and in subsequent years up to 2018 Mr Cirillo acted as his referee. There has been no recent contact or conversations relating to the proposal for a new Chancery Building for Catholic Archdiocese of Sydney (item 2.1).

1.2 Out of Session Activity

Members noted the following business was conducted out of session:

- 13/08/21 – Bruce Pettman and Nicholas Brunton attended a workshop with Jenolan Caves Trust.
 - The applicant addressed the Approvals Committee's concerns in a revised scheme which was presented along with drone footage and 3D montages to illustrate the hydrological and geotechnical challenges that have informed the proposal.
 - Key changes include removal of the elevated boardwalk around the northern side of the lake, the bridge to the south of the main weir, large balustrades and steel handrails.
 - The revised scheme is much more sympathetic with reduced visual and construction impact.
 - A full set of plans will be provided in the next application.
- 17/08/21 – Ian Clarke and David Burdon attended a workshop with the applicants for Union Bond Store (former) Westpac Bank, 47 George St, the Rocks.
 - The subcommittee explained points of support and concern with the existing proposal.
 - Key suggestions included breaking up the monolithic plain facades, reducing the top floor height/impact, a form of separation from the Union Bond Store, material that respects the character of the setting, and engagement of the new building with its location.
 - The applicant will return to the subcommittee with revisions before addressing the Approvals Committee.

- 19/08/21 – The Approvals Committee attended an out of session meeting to determine the Section 60 for Prior Pavilion, Bathurst Showground (Resolution 2021-42 below). Julie Marler was an apology.
- 20/8/21 – Ian Clarke, Caitlin Allen and Julie Marler attended a workshop to review the Bloomfield Sports Precinct Landscape Plan.
 - The applicant is proposing 600-800 new trees on site. The subcommittee requested additional north south landscape sections, a management strategy for the retention and protection of significant trees, and a staging plan for how the plantings will be implemented.
 - The subcommittee also encouraged high quality design work for the sports stadium and;
 - Greater emphasis on the Healing Country aspects of the proposal, including collaboration with Aboriginal communities with regards to the project and opportunities for community land management practices and interpretation on site.

Resolution 2021-42

The Heritage Council Approvals Committee:

- 1) **Notes** the information in this report including all attachments.
- 2) **Supports** the proposed form, design and footprint of the new building that follows the original design of the Prior Pavilion.
- 3) **Determines to approve** the section 60 application to demolish and replace the Ern Prior Pavilion, subject to the following specific and standard heritage conditions:

1. APPROVED DEVELOPMENT

All work shall comply with the information contained within:

- a) Drawings, prepared by Calare Civil as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Proposed Replacement Prior Pavilion at Bathurst Showground, Kendell Avenue, Bathurst			
A01	Site Plan	2/08/2021	B
A02	Existing Floor Plan	2/08/2021	B
A03	Proposed Floor Plan – Stage 1	2/08/2021	B
A04	Elevations	2/08/2021	B
A05	Section	2/08/2021	B
A06	Notes	2/08/2021	B

- c) *Heritage Impact Statement* prepared by High Ground Consulting, 19 March 2021.
- d) *Archaeological Assessment* prepared by High Ground Consulting, 18 December 2020.
- e) *Structural Assessment – Prior Pavilion with Appendix B* prepared by Calare Civil, 7 April 2020.

EXCEPT AS AMENDED BY THE FOLLOWING CONDITIONS:

2. ADDITIONAL INFORMATION

To enable a thorough heritage impact assessment of some aspects of the proposal, the following information is to be provided to HNSW prior to commencement of works for assessment:

- a) A detailed work method statement describing how the Prior Pavilion will be dismantled including the recording, secure storage and repair of the salvaged elements for the purpose of the re use within the reconstructed building (round post elements, external timber cladding, central timber cladding, gable timbers, Prior Pavilion sign and bull tether rings).

Reason: *No information or impact assessment has been provided for this work, nor are they identified in the scope of works.*

3. SITE SPECIFIC CONDITIONS

- a) The new pavilion building must contain greater and more meaningful reuse of the existing materials, particularly in the number of timber posts to be reused. Reused timber posts are to be engaged directly to the new steel structure by trenching or splicing to the rear of the post and fixing the bolts from behind. The plans must be amended to reflect this change and resubmitted to HNSW prior to works commencing.
- b) Timber posts are to be fixed to the exterior lean-to perimeter steel posts in the same manner to ensure that the building appears to be 'held up' by the posts (on grid lines 1 & 5 and A & H). The plans must be amended to reflect change this and resubmitted to HNSW prior to works commencing.
- c) Consultation must be undertaken with the Prior family about the proposed new design prior to DA. Evidence of this consultation must be submitted to HNSW prior to any works commencing.
- d) A colour palette must be used that is consistent with the showground in general and reflects the history of the existing Prior Pavilion, using 'Bathurst Blush' on recovered material and new palette on new materials. This colour palette must be submitted to HNSW for approval prior to any works commencing on site.
- e) The original finish of the interiors is to be retained on reused fabric to show existing numbering, stencilling and other historic signage. If lead paint is encountered, it should be painted over in a clear coating to make it safe, whilst allowing the original finish to be visible. Evidence that this has been undertaken this must be provided to HNSW prior to the issue of an occupation certificate.

Reason: *To ensure the heritage fabric and character of the new structure continues to contribute to the wider heritage values of Bathurst Showground.*

4. PRIOR PAVILION RECONSTRUCTION TIMING

The reconstruction of the Prior Pavilion using the salvaged materials from the existing Prior Pavilion located in the Heritage Exhibition Precinct of the Bathurst Showground must be completed within 12 months of the demolition of the Prior Pavilion.

Reason: *The character of the stable structures contributes to an understanding of the use of the Bathurst Showground.*

5. HERITAGE CONSULTANT

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.*

6. SPECIALIST TRADESPERSONS

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.

7. SITE PROTECTION

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.

8. HERITAGE INTERPRETATION PLAN

A Heritage Interpretation Sign for the Prior Pavilion at Bathurst Showground is to be prepared in accordance with the Heritage publication 'Interpreting Heritage Places and Items Guidelines' (2005) and following consultation with the Prior family, and submitted for approval to the Heritage Council of NSW (or delegate) prior to the commencement of works. The interpretation plan must detail how information on the history and significance of Prior Pavilion at the Bathurst Showground will be provided for the public. The plan must identify the location, material, colour, dimensions, fixings and text of the interpretive device/s that will be installed as part of this project.

- a) The approved interpretation must be in place on site prior to the issue of an occupation certificate.

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

9. PHOTOGRAPHIC ARCHIVAL RECORDING

A photographic archival recording must be prepared prior to the commencement of works/ during works/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 prior to the issue of an occupation certificate.

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

10. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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.

11. ABORIGINAL OBJECTS

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*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

12. COMPLIANCE

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.

13. DURATION OF APPROVAL

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

Moved by Caitlin Allen and seconded by Nicholas Brunton.

1.3 Minutes from Previous Meeting – 3 August 2021

The Committee received the Minutes from the previous ordinary meeting.

Resolution 2021-43

The Heritage Council Approvals Committee:

1. **Confirms** the minutes of the previous ordinary meeting (Tuesday, 3 August 2021) as a complete and accurate record of that meeting.

Moved by Nicholas Brunton and seconded by Ian Clarke

1.4 Action Report

The Committee noted the action report and briefly discussed the status of the Millers Point Principles project including the pending response to workshop participants.

2.0 External Presentations

2.1 Pre-IDA – New Chancery Building for Catholic Archdiocese of Sydney (St Mary's Cathedral)

The Committee received a presentation from Angelo Candalepas, Jonathan Bryant and James Bishard and a report from Veerle Norbury, Heritage NSW.

Key points discussed:

- An archaeological assessment should be undertaken before the proposal is progressed further
 - High probability of ACH objects and artefacts present on site and remains of buildings associated with the early colonial period, which are likely to be of State or even National heritage significance.

- The current design proposal which includes a basement and excavation appears incompatible with the Heritage Council’s policy for archaeological remains of SHR significance to remain in situ.
- Archaeological retention in situ provides a strong opportunity for positive design and heritage outcomes including important storytelling around the evolution of the city.
- Associations with the National Heritage listing of Macquarie Street to be considered.
- Master planning
 - Responsibility for creating the heritage of the future through long term planning and high-quality building and landscape design.
 - Constraints and limitations of the current proposal resulting from previous planning approvals over time.
 - Existing building utilisation and lifespan; future development opportunities including temporary relocation of the school if required for building work.
- Location, design, function and use of the proposed new Chancery building
 - Support for the principle of continuous use associated with the Cathedral.
 - Whether or not the other buildings on site can be used for the administrative functions proposed for the new chancery building.
 - Alternative off-site locations considered for the Chancery and possible impacts of such a location on the overall function, use and social significance of the site.
 - Visual impacts to the Cathedral from St Mary’s Road, noting however that this is the least used view toward the Cathedral and therefore the least intrusive onsite location for the Chancery.
 - The view that the Chapter Hall and Sacristy are of a finer grain scale architecturally and the proposed new building overwhelms the streetscape and the ability to read the rest of the site.
- Practicalities around fire and safety access.

Resolution 2021-44

The Heritage Council Approvals Committee:

1. **Notes** the supporting documentation and the proponent’s presentation.
2. **Thanks** the presenters for their early engagement with the Approvals Committee.
3. **Notes** the information in this paper, in particular:
 - a) St Mary’s Cathedral is of major architectural significance as the largest 19th Century ecclesiastical building in the English Gothic style anywhere in the world. The Chapter House is significant as the oldest extant building on site, possibly being the oldest surviving Catholic School building in Australia, with evidence to suggest an important direct involvement in its design by Pugin.
 - b) The subject site’s state and local heritage listing.
 - c) The site’s location within the Governor’s Domain and Civic Precinct which was listed on the National Heritage List in February 2021.

- d) The site's immediate context including to the west Hyde Park, to the north Land Title Office, to the north Frazer Memorial Fountain, to the north-east Royal Botanic Garden and Domain and The Domain Lodge.
- e) The lack of supporting information, including a detailed heritage impact assessment.

4. **Provides** the following comments to the proponent:

- a) Prepare a masterplan for the whole site, including the school, to determine existing building utilisation and any future development opportunities.
- b) Recommend that options be presented that explore refurbishment or replacement of existing buildings to accommodate school facilities, as well as the proposed Chancery.
- c) Before plans for a new building in this location are considered, a detailed archaeological assessment prepared in accordance with Heritage Council of NSW guidelines needs to be undertaken, drawing on existing archaeological work done at this site, documentary resources and other relevant information. It is noted that there are likely to be archaeological remains associated with buildings from the early colonial period of development of the site as a Catholic Church (from the 1820s onwards) present within the area proposed for a new Chancery building. If they are present, these remains are likely to have State and possibly National heritage significance and the Heritage Council's established policy and management approach would be to retain them in situ. The assessment must identify the extent and nature of the archaeology, its significance and opportunities for in situ conservation.
- d) The archaeology will need to inform the design and development of any building proposal in this location.
- e) Request a detailed heritage significance assessment of the subject area including landscaping elements and a more thorough view assessment for the site, particularly the long view from the East including Potts Point.
- f) Consider the impact of any proposal on the character of the Cathedral site and its setting adjacent to the Domain, the Land Title's Office, Hyde Park and Macquarie Street and in relation to Governor's Domain and Civic Precinct.
- g) The connection between the Cathedral and the Chapter House is also important and impact upon this connection should be suitably addressed within any development application.
- h) Any new building should draw upon the positive values and elements of the current proposal, including:
 - a. Growing connections to the site
 - b. Establishing heritage of the future by introducing elements of a high design quality
 - c. Specifying architectural form, detail and material sympathetic to existing buildings and the site.

- d. Creating transparency within new buildings and across the site
- e. Improving public amenity
- f. Providing equitable access to all levels across the site

Moved by Caitlin Allen and seconded by Julie Marler

3.0 External presentations

3.1 SSD – 10464 for 50-52 Phillip Street, Sydney – New Hotel Stage 1 Concept DA

The Committee received a presentation from Graham Brooks, Jono Cottee, Jonathan Redman and a report from Shikha Jhaldiyal, Heritage NSW.

Key points discussed:

- Role of the Approvals Committee within the design and planning process of the SSD application.
- How best to assess the impact of the overhang on the heritage significance of the Chief Secretary’s Building, noting Burra Charter principles and the draft Heritage Council’s Heritage Principles.
- Whether the benefits of revitalising the Public Works Building may offset the detrimental impact of the overhang and aesthetics of the proposed new building (52 Phillip Street).
- Ownership and lease arrangements for the residential component of the proposal.
- More consideration should be given to the proposed form and façade, specifically in terms of water shedding impacts on the Public Works Building.
- Challenges with understanding an appropriate building composition without the necessary technical studies to support the proposal.
- The importance of respecting the broader setting with a form and design that is distinct from the heritage item and sympathetic to other key heritage items within the city.
- Preference for minimising and raising the overhang to reduce any impact on the heritage item.
- The design competition brief should be guided by a set of principles to inform any further development of an overhang and assessment of its quality.
- Potential benefits that may come from adaptive reuse of the Public Works Building, including opportunities for interpretation through interior layout and design and the provision of public access and amenity.

Resolution 2021-45

The Heritage Council Approvals Committee:

1. **Notes** the applicant’s presentation.
2. **Provides** the following comments on the revised Stage 1 SSD proposal:
 - a) The proposed adaptive reuse is positive, including the program of renewal.
 - b) The Approvals Committee strongly encourages:

- i. The restoration/incorporation of original fabric
 - ii. Respecting the internal planning/layout of existing heritage buildings.
 - iii. The provision of suitable public access to key rooms, for example through open days and the installation of public amenities.
- c) Any overhang will have an intrusive degree of impact on the setting and profile of the heritage item. However, the Approvals Committee recommend that guiding design principles be developed for the tower as part of the response to submissions, including but not limited to:
- i. Minimising the overhang as far as possible, particularly by raising the height and extent of the overhang of the tower to achieve a more slender form.
 - ii. Considering material for the external façade that makes the tower recessive and less dominating over adjacent heritage buildings and the precinct.
 - iii. Addressing sustainability outcomes for the development proposal.
 - iv. Providing separation of forms between the existing heritage building and the new tower
 - v. Considering the tower within the city's future development.
 - vi. Addressing how the tower will respond to the broader historic setting of the Governor's Domain and Civic Precinct, the Botanic Gardens, the Chief Secretary's Building and the Phillip Streetscape.
- These principles could then inform and guide the brief for a future design competition.
- d) It is suggested that a reference scheme be developed to help support the proposal and provide a better understanding of the impacts to the heritage values of adjacent buildings and the Precinct.

Moved by Ian Clarke and seconded by Bruce Pettman

4.0 General Business

4.1 53 Lower Fort Street, Millers Point – court hearing

The Committee noted a brief verbal update from Deputy Chair Ian Clarke and Rajeev Maini, Heritage NSW.

Key points noted / discussed:

- Outcomes of the briefing with the DPC legal team and independent heritage consultant.
- The applicant is due to submit amended drawings on 7 September 2021 before the matter is progressed to the Commissioner at a Section 34 conciliation conference.
- In the absence of any agreement between the parties, the matter will progress to a hearing at the Land and Environment Court.
- Approach to negotiation.
- Ensuring such matters are fed back into Heritage NSW processes until the Heritage Council's Heritage Principles are endorsed.

4.3 Forward agenda

The Heritage Council Approvals Committee noted the forward agenda.

5.0 Meeting Close

There being no further items of business, Dillon Kombumerri, Chair, declared the meeting closed at 1:00 PM.



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Mr Ian Clarke
A/Chair, Heritage Council Approvals Committee
Date: **8 OCT 21**