



HERITAGE COUNCIL OF NSW

Approvals Committee Meeting Minutes

Tuesday, 2 February 2021 | 09:00 AM – 3:00 PM

Zoom 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
Mr David McNamara	Alternate Member
Ms Ingrid Mather	Observer
EXTERNAL PRESENTERS	
Ms Anne Warr	Owner, 42 Kent Street Millers Point (item 2.1)
Mr Jon Cullen	Architect, Cullen Feng Architects (item 3.1)
Ms Sophie Bock	Heritage Consultant, NBRS Architecture (item 3.1)
Mr David Franco	Owner's representative, State Library of NSW (item 3.1)
Ms Kate Cade	Owner, 53 Lower Fort Street, Millers Point (item 3.2)
Mr Bret Cade	Owner, 53 Lower Fort Street, Millers Point (item 3.2)
Mr Tasman Storey	Heritage Consultant, Tropman & Tropman Architects (item 3.2)
HERITAGE NSW STAFF	
Ms Pauline McKenzie	Executive Director

Mr Tim Smith	Director Heritage Operations
Mr Steven Meredith	Regional Manager, Southern Region
Mr Rajeev Maini	Senior Team Leader, South Regional Heritage Assessments (item 2.1, 3.1, 3.2, 4.2)
Ms Mariyam Nizam	Senior Heritage Assessment Officer, Regional South (item 3.1 – 3.2)
Ms Caitlin Stevens	Senior Heritage Assessment Officer, Regional South (item 4.2)
Ms Natasha Agaki	Senior Secretariat Officer

1.0 Welcome and formalities

- The Chair, Dillon Kombumerri, opened the meeting at 9:00am and delivered an Acknowledgement of Country.
- It was noted that all members were in attendance and quorum was met.

1.1 Conflict of Interest Declarations

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

Resolution 2021-01
<p>The Heritage Council Approvals Committee notes the following perceived conflict of interest declarations and agreed that no further action needed to be taken:</p> <ol style="list-style-type: none"> 1. Ingrid Mather – Ms Mather previously worked with Ms Anne Warr, Owner of 42 Kent Street, Millers Point (item 2.1) in the Public Works department. 2. David Burdon – Mr Burdon's wife is Facilities Manager at the Parliament House which owns land at the State Library of NSW (item 3.1).

1.2 Out of Session Activity

No out of session decisions were made, however the following business took place:

- 4 December 2020 – Dillon Kombumerri, Ian Clarke, Bruce Pettman and David Burdon attended a workshop to discuss the latest design revisions for the **Chief Secretary's Building, 50-52 Phillip Street**, with the applicants. Improvements had been made from the previous iteration, in particular to the proposed lightwell. The Subcommittee will continue to engage on further amendments. An in-principle objection to cantilevering over heritage buildings without consideration for alternatives, was briefly discussed.
- 8 December 2020 – Niall Macken, David Burdon and Ingrid Mather met with the Department of Justice to discuss design refinements for the **Darlinghurst Courthouse s60 application**.

The planning was largely resolved to the Subcommittee's satisfaction. The applicant was encouraged to utilise the existing Court house and its context to finalise a suitable gatehouse, e.g. a solid base structure and mimicking of the sandstone and bronze elements of the historic Court house. Design and material changes since the workshop to be presented at item 4.2.

- 18 December 2020 – Dillon Kombumerri, Caitlin Allen, Ingrid Mather attended a workshop to discuss Pre-DA design advice with the applicants for **Google, REVY**. The Subcommittee support in principle development in the work yard, however request that the amount of accommodation is reduced to a minimum. Advice was provided around improving interpretation at the ground level of the former courtyard and reducing the dominance of the architectural direction in order to maintain the prominence of the original and respected REVY buildings.
- 19 January 2021 – Caitlin Allen attended a virtual meeting with NSW Health to discuss the Committee's concerns with the **Bloomfield Hospital Subdivision IDA**. It was suggested that the applicant develop a Master Plan, noting the existing Master Plan has no mention of the SHR listing of the Precinct. Ingrid Mather is continuing to provide input on the development of the Plan.

It was noted that Bruce Pettman will attend the Sydney Modern Project Design Integrity Panel meeting on 9 February 2021 as representative of the Approvals Committee.

1.3 Minutes from Previous Meeting - 2 December 2020

The Committee received the Minutes Unconfirmed from the previous ordinary meeting.

Resolution 2021-02
The Heritage Council Approvals Committee confirms the minutes of the previous ordinary meeting (Tuesday, 1 December 2020) as a complete and accurate record of that meeting.
Moved by Bruce Pettman and seconded by Nicholas Brunton.

1.4 Matters Arising

- No matters were raised.

1.5 Action Report

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

- **Millers Point Vision Statement Project** – Heritage NSW has finalised the brief for the consultants and is currently seeking quotations. The project is on track for completion by end of June. The Committee advises transparency with the public on the progress and timeline of the Draft Millers Point Heritage Guidelines.

- **Albion Hotel, Braidwood** – The Committee expects to receive a monthly report with clear timeline of events/issues in relation to this site from Heritage NSW.
- **Bloomfield, Orange Sports Precinct** – Attempts to engage with NSW Health personnel on the Sports Precinct has been superseded by Caitlin Allen’s subsequent meeting with them on 19 January 2021 regarding the Subdivision proposal.
- **Bondi Surf Bathers Life Saving Club** – The revised roof proposal is still considered to be unsympathetic to the setting. The subcommittee is willing to attend another workshop with the applicant to review the amended design.

2.0 External Presentations

2.1 S60 and S65 Appeal - 42 Kent Street, Millers Point

The Heritage Council Approvals Committee received a presentation from Ms Anne Warr. Key points discussed:

- Review of the reasons for non-approval of the window and skylight against the relevant CMP policies.
- Proposed attic window opening on the side elevation
 - Proposed material use, dimensions and possible impact to existing fabric, e.g. roof shingles.
 - Possible BCA implications of window opening – e.g. Natural light ventilation and access to attic.
 - The scope for precedent risk throughout the Precinct and for further related applications; reference to this risk in the FAQ section of the CMP.
 - The proposal is agreed to be in keeping with the character of the wall.
 - Drastically improves habitability of the room with minimal impact to significant fabric and views of the façade.
- Reasons for refusal provided do not adequately articulate impact to significance.
- The distinction between Conservation and Preservation in the Burra Charter: *Conservation means all the processes of looking after a place so as to retain its cultural significance; Preservation means maintaining a place in its existing state and retarding deterioration.*
- Millers Point as a Conservation area as opposed to a Preservation area should allow for reasonable adaptation.
- The principle applied to major developments should be equitable with private dwellings.
- Advise the public on the Draft Millers Point Heritage Guidelines to improve understanding of the direction being taken and the expected timeline for consultation and endorsement.

Resolution 2021-03
The Heritage Council Approvals Committee:

1. **Thanks** Ms Anne Warr for her presentation to the Committee.
2. **Notes** that Heritage NSW and City of Sydney Council are developing Heritage Principles for Millers Point development and the draft principles have been reflected in this advice.
3. **Provides** the following comments:
 - a) The window opening is supported in this unique instance and should be submitted as part of a wholesale application which includes all other associated work (compliance with BCA and other works to ensure the room meets the requirements of a habitable room).
 - b) The bricks should be preserved and kept on site for potential reversibility in the future.
 - c) Request further information on the heritage impacts that may occur with the skylight-

Moved by Nicholas Brunton and seconded by David Burdon.

3.0 External presentations

3.1 IDA - State Library of NSW

The Heritage Council Approvals Committee received a presentation from Mr Jon Cullen, Ms Sophie Bock and Mr David Franco. Key points discussed:

- Possible impacts of the proposed excavation beneath the atrium for access into the auditorium.
 - Impacts on Aboriginal cultural heritage (ACH) from an archaeological perspective, noting an ACH assessment has yet to be done.
 - Vibration impacts to the Mitchell Library above the auditorium.
 - Interventions required to accommodate the demolition and construction works including an additional opening to provide access to the site.
- Planning and management of collection storage in the long term, noting that there is no intention for future applications to expand the space.
- Design and materiality of the entry portico and proposed lift; Ways of improving articulation of the lift in the interior of the building, noting technical requirements of the lift placement.
- Penetration as preferable to the adverse visual impact of the previously proposed ramp on the building's front façade.
- Interpretation within the auditorium; encourage applicant to consider ways of celebrating the building's heritage in a manner that provides community benefit.
- The Committee welcomes the design team following the endorsed Hassell Masterplan 2016 for the Mitchell Library.

- The works are consistent with the strategy of keeping major institutions relevant for contemporary and future use.

Resolution 2021-04

The Heritage Council Approvals Committee:

1. Notes:

- a) the supporting documentation and the applicant's presentation.
- b) the information in this paper, the report and letter attached as part of the assessment

2. Provides the following general terms of approval for the proposed access lift, new auditorium, circulation gallery, connection between the Mitchell and Macquarie buildings and the general circulation strategy:

a) DETAILS TO BE SUBMITTED FOR APPROVAL

The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):

- i. Construction methodology detailing works required during demolition of floor slabs, walkway, staircases, columns and book stacks including structural retrofitting, strengthening and any temporary propping mechanisms required during works. The methodology should also include all making good of significant fabric after construction.
- ii. An inventory of significant fabric including interior finishes from vestibule, sandstone from external façade, bookstacks, original doors etc, to be salvaged, reused and/or stored on site. The inventory should also include a location and methodology on how the salvaged items would be stored on site.
- iii. Detailed design of proposed new bookstacks.
- iv. Schedule of Conservation Works.
- v. Further details on the lift, new external alcove, portico and internal vestibule proposed as part of the improved accessibility requirements. Materiality and details should be sympathetic to the existing fabric and where possible material removed should be reused. Explore further options to determine the final finish for the internal presentation of the lift.
- vi. Owner's Consent from the City of Sydney for works located beyond the site boundary.
- vii. An assessment of the impacts of excavation for the new auditorium upon any potential Aboriginal or Non-Aboriginal deposits. This includes as an investigation of the possible depth of bedrock and any possible fill between the existing slab and natural rock formation.
- viii. Further detail of the proposed link between the Mitchell and Macquarie buildings to be supplied including amendments to masonry, openings, design of doors and joinery, finishes, solar access, ventilation etc.

b) DESIGN

The following works require amendment:

- i. The retention of at least one third of the existing mezzanine floor slab including columns and book stacks to ensure the original legibility of the collection storage.
- ii. Reduction in the number of openings to the Circulation Gallery and amendments to the existing opening as illustrated in the Response to Heritage NSW's additional information request.

3. **Provides** the following standard conditions of approval:
- a) HERITAGE CONSULTANT
 - b) SPECIALIST TRADESPERSONS
 - c) SITE PROTECTION
 - d) HERITAGE INTERPRETATION PLAN
 - e) PHOTOGRAPHIC ARCHIVAL RECORDING
 - f) UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS
 - g) ABORIGINAL OBJECTS
 - h) COMPLIANCE
 - i) SECTION 60 APPLICATION

Moved by Ian Clarke and seconded by Niall Macken.

3.2 S4.55 - 53 Lower Fort Street, Millers Point

The Heritage Council Approvals Committee received a presentation from Ms Kate Cade, Mr Bret Cade and Mr Tasman Storey. Key points discussed:

- Assessment of the S4.55 undertaken by Heritage NSW against the (Draft) Millers Point Heritage Principles, CMP policies, previous Heritage Council decisions and case law; note a cross check against Council decisions on neighbouring properties is evidenced.
- The issue of inconsistency across determinations on Millers Point properties is inevitable as assessments of significance vary from one private property to another (including adjoining buildings).
- Note that 53 Lower Fort St is the most in-tact property within the Palermo Terrace with heritage values that differ from its neighbouring properties.
- *Kovaks v City of Sydney Council* case is not considered a precedent for Millers Point due to the specific and unique heritage values and attributes of the subject properties (49 & 51 Lower Fort St).
- The Draft Millers Point Heritage Principles are being developed to address the issue of inconsistent heritage management across the Precinct and will be brought for public consultation by June 2021.
- Note the property was purchased post-renovation as a modern, liveable heritage building.
- Cumulative impact on the historic layout, aesthetic values and the ability to read the house as group of significant elements.

Resolution 2021-05

The Heritage Council Approvals Committee:

1. **Notes:**

- a) the supporting documentation and the applicant's presentation.

- b) the information in this paper, the report and letter attached as part of the assessment.
- c) the property was purchased post-renovation and several significant amendments have already been approved including a lift and multiple new openings.
2. **Provides** the following determination to be incorporated as amended General Terms in the attached letter:
- a) Partial removal of the wall, no more than 1800mm wide and 2100mm high, between the kitchen and landing stair corridor at the basement is **approved**, retaining the door, a brick pillar and nibs on either end to retain interpretation of the wall.
- b) Extension of existing opening between living room and kitchen at basement level **is approved provided the opening follows existing window width to the floor.**
- c) Conversion of window into a door at the butler's pantry within the rear yard **is not approved** due to the exceptionally significant fabric and spatial layout of the butler's pantry. The Committee notes that there is a suitable alternative external access resulting from approved kitchen modifications.
- d) Introduction of new opening between bathroom and bedroom at first floor level **is not approved** as an existing opening provides adequate functional relationship between the two rooms.
- e) Introduction of skylight above new lift **is not approved**. There are alternate means for providing borrowed light from the approved WC.

Moved by Bruce Pettman and seconded by Nicholas Brunton

4.0 Internal presentations

4.1 Update - Albion Hotel & Dead Wood Cafe, Braidwood - Compliance

The Heritage Council Approvals Committee noted the update from Mr Tim Smith OAM:

- Investigation outcomes suggest formal compliance action and legal proceedings are not currently warranted.
- An apparent divergence between Palerang Council, site owner and lessee in terms of understanding requirements under the Heritage Act is hindering best practice; on-site engagement is required to build a better understanding of State level controls.
- Deadwood café is not considered to meet the minimum standard of maintenance; recommend a requirement to conduct repair works.
- Palerang Council are not willing to prosecute or support any further interrogation of the Albion Hotel balustrades; scope for Heritage NSW to pursue remediation of the Hotel balustrades without Council support.
- Other potential non-compliance issues have been noticed, however the Owner's presence on site is required in order to investigate with procedural fairness.

- The need for further clarity on advice provided by the Heritage Advisor.
- Heritage Council of NSW to meet with Palerang Council on site for their annual regional visit in May 2021 and intend to discuss management of the SHR listed Precinct.
- The Committee suggests consultation with the local community to develop a Heritage Vision for Braidwood as a next step to Heritage Council engagement.

Note

The Heritage Council Approvals Committee **notes** the paper and that there will be ongoing monthly updates.

Moved by Ian Clarke and seconded by Caitlin Allen.

4.2 S60 - Darlinghurst Court House and Residence

The Heritage Council Approvals Committee received a paper and verbal report from Caitlin Stevens, Heritage NSW. Key points discussed:

- Note considerations around budget, durability and functionality and support the chosen material (vitra panel) and finish for the gatehouse.
- Architectural rationale for the location of the gatehouse and possible alternatives to improve the overall design.

Resolution 2021-06

The Heritage Council Approvals Committee:

1. **Considers** the documentation provided and information included in the paper presented.
2. **Supports** the planning layout and material for the gatehouse.
3. **Advises** adjusting the location of the main accommodation box to centre on the security airlock. This will offer the same cover protection on either end of the building and make it symmetrically balanced.
4. **Notes** that Heritage NSW will determine this application under delegation.

Moved by Ian Clarke and seconded by Niall Macken.

5.0 General Business

5.1 Update - Newcastle Post Office SHR 01442 - 96 Hunter Street, Newcastle

The Heritage Council Approvals Committee noted the update and briefly discussed:

- Heritage NSW's method of determining which applications are progressed to the AC and which are assessed under delegation.

Note
The Heritage Council Approvals Committee notes that Heritage NSW has approved development of Newcastle Post Office under delegation.
Moved by Ian Clarke and seconded by David McNamara.

5.2 Forward agenda

The Heritage Council Approvals Committee noted the forward agenda.

6.0 Meeting Close

There being no items of further business, Dillon Kombumerri, Chair, closed the meeting at 3:00pm.

.....

Mr Dillon Kombumerri

Chair, Heritage Council Approvals Committee

Date: