



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

06/07/2021 | 09:00 AM – 01:40 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 David McNamara	Alternate Member
Ms Julie Marler	Member
EXTERNAL PRESENTERS	
Mr Galeb Kilzi	Privity Developments Pty Ltd (item 2.1)
Mr Richard Francis-Jones	FJMT Studio (item 2.1)
Mr Sean McPeake	FJMT Studio (item 2.1)
Ms Jennifer Hill	Heritage Architect, Architectural Projects Pty Ltd (item 2.2)
Mr Simon Wiltshier	Heritage Engineer, Mott MacDonald (item 2.2)
HERITAGE NSW STAFF	
Ms Pauline McKenzie (part meeting)	Executive Director
Mr Tim Smith OAM	Director Heritage Operations (item 4.1)
Mr Rajeev Maini (part meeting)	Senior Team Leader, Regional Heritage Assessments, South (item 2.1, 2.2)

Ms Caitlin Stevens	Senior Heritage Assessment Officer, Regional Heritage Assessments, South (item 2.1)
Ms Shikha Jhaldiyal	Senior Heritage Assessment Officer, Regional Heritage Assessments, South (item 2.2, 3.1, 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 Acknowledgement of Country and welcomed attendees.
- Welcomed Julie Marler to the Approvals Committee.
- All members were present. 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.

No conflicts were declared prior to distribution of meeting papers and none were raised at the meeting.

1.2 Out of Session Activity

Members noted the following business was conducted out of session:

- Heritage Council's appointment of Julie Marler, Bruce Pettman, Caitlin Allen and David Burdon to the AC until the 30 June 2024.
- 8 June, 15 June and 22 June – Millers Point Community Consultation Workshops – Caitlin Allen, Ian Clarke, Niall Macken and Bruce Pettman.
- 23 June 2021 - State Design Review Panel (DRP) meeting on 50-52 Phillip Street – David Burdon as observer.
- 25 June 2021 – Out of session meeting on Bathurst Showground s60 – Dillon Kombumerri, Bruce Pettman, Caitlin Allen.
- 28 June 2021 – Out of session meeting on Bathurst Showground s60 – Dillon Kombumerri, Bruce Pettman and Ian Clarke.
- 17 June 2021 - Endorsed amendments to the General Terms of Approval (GTAs) for the Cathedral of the Annunciation of Our Lady.

Resolution 2021-32 – AMENDED GTA's - Greek Orthodox Archdiocese (Cathedral of the Annunciation of Our Lady) IDA.

The Heritage Council Approvals Committee:

1. **Endorsed** minor amendments to the General Terms of Approval granted on 3 March 2021 for the 242 Cleveland Street, Surry Hills (Cathedral of the Annunciation of Our Lady) Integrated Development Application, out of session.

Moved by Ian Clarke and seconded by Bruce Pettman

1.3 Minutes from Previous Meeting - 1 June 2021

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

Resolution 2021-33 – Item 1.3 Minutes from Previous Meeting

The Heritage Council Approvals Committee:

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

Moved by Nicholas Brunton and seconded by Bruce Pettman

1.4 Matters Arising

No matters were raised at this time.

1.5 Action Report

The Committee **noted** the action report and briefly discussed:

- Resourcing for members to attend a site visit to Jenolan Caves.
- Work with TfNSW on a review of its s170 Register is pending until the relevant team's restructure is finalised.
- On site workshop at Kamay, La Perouse to be progressed; Heritage NSW is working with Create NSW and the Minister's Office on the return of the Gweagal spears.
- Chief Secretary's Building, 50-52 Phillips Street – the scheme presented at the State DRP Meeting on 23 June 2021 included information not previously seen by the Approvals Committee. The issue is to be raised at the Heritage Council meeting on 7 July 2021.

2.0 External Presentations

2.1 Pre-DA - CBC Bank 263 Queen St, Campbelltown

The Committee received a presentation from Richard Francis-Jones and Sean McPeake, FJMT Studio and a report from Caitlin Stevens, Heritage NSW.

Key points discussed:

- Impacts of the proposed 18m setback (reduced from 22m) between the new and heritage buildings.

- A meaningful and robust landscape is key to unifying the various elements of the scheme.
- Impacts of the balcony recesses and roof lines on the building's internal landscape and its amenity.
- Suggestions for more appropriate tree material in the public domain, with a preference for an evergreen, indigenous tree species that complements the scale of architecture.
- Proposed use of the heritage building - preference for commercial rather than residential use.
- Strong support for public access, activation of the forecourt, and the proposed EOI process for prospective tenants and users.
- Support for community activity or retail in the heritage building to encourage openness.
- Overall support for the architectural design; potential for a very successful scheme with some refinements to bulk, scale and materiality.
- Strong opportunity for this scheme to set an architectural precedent for future development along the streetscape.
- The scheme should be presented within the broader cultural context of the State listed Georgian town centre of Campbelltown.

Resolution 2021-34 – Item 2.1 Pre-DA CBC Bank, 263 Queen St, Campbelltown

The Heritage Council Approvals Committee:

1. **Notes** the documentation provided and the presentation from external presenters.
2. **Supports** design elements of Options 1 and 2.
 - a. The landscaping within the building and rooftop
 - b. Balcony recesses
 - c. Three-part horizontal façade articulation
 - d. Materiality
 - e. Public activation of ground plan open space
 - f. The overall form and geometry of the new towers as viewed from Queen Street
3. **Supports** the proposed setback of the new commercial building as 18m from the rear wall of the main heritage building.
4. **Provides** the following comments on design elements requiring further consideration:
 - a. Aboriginal culture and heritage.
 - b. Whole of street context including significant heritage items such as the Queen Street Buildings Group.
 - c. The relationship of the landscape with the wider setting.
 - d. Incorporating more indigenous species and evergreen trees in the landscape design.
 - e. Centrally locating the feature tree within the courtyard linking the new and heritage building

- f. Further site activation including provision for food, beverage, community, and cultural amenities.
- g. The future conservation and activation of the existing bank building as part of any overall scheme for the site.
5. **Recommends** that the proponent develop a detailed assessment of heritage significance for the former bank building in its broader setting to support detailed decision-making about conservation of the building and its relationship to the new towers and the public space, within the proposed scheme.

Moved by Julie Marler and seconded by Nicholas Brunton.

2.2 s60 - Wentworth Memorial Church and Moveable Collection

The Committee received a presentation from Jennifer Hill and Simon Wiltshier and a report from Shikha Jhaldiyal, Heritage NSW.

Key points discussed:

- How the residential portions of the scheme relate to the Church and Mausoleum in terms of ownership, management and use.
- General support for residential adaptation rather than community use as a means of preserving the site; noting that a site visit would be required for a more thorough assessment.
- Challenges with understanding the exterior of the site and its relationship to the Mausoleum and the rocks and outcrops.
- Impacts and proposed use of the tunnel to access the lift and service underground amenities, noting it avoids impact to the courtyard and residential uses in the Church interior.
- The extent of rock that would be compromised by the proposed tunnelling and underground carpark.
 - Scarring the landscape from an Aboriginal cultural heritage perspective;
 - Nature and condition of the sub soil;
 - Possible impacts of soil cutting to the mature tree roots;
 - A permanent detrimental impact on the site's SHR values that are partly defined by the natural elements (rock plinth, sheltering rock escarpment and plantings).
- The possibility of providing lift access to the Church as a means of minimising excavations for tunnelling.
- The proposed residential spaces overlooking the Mausoleum is problematic in terms of maintaining the integrity, significant views and character of the Church and Mausoleum sites.
- How the proposed design has factored in complications with site access; the feasibility of providing disabled access.
- Lack of clarity around the bedroom design and materiality and thus any potential impacts.

- The site's complexity should be better reflected in the Heritage Impact Statement.
- The heritage assessment and architectural design duties should be separated to achieve a comprehensive and critical analysis of the site.

Resolution 2021-35 – Item 2.2 s60 - Wentworth Memorial Church and Moveable Collection

The Heritage Council Approvals Committee:

1. **Supports** residential adaptive reuse of this building, however;
2. Pursuant to section 63 of the *Heritage Act 1977*, **does not grant approval** of the current scheme for the following reasons:
 - a. The Wentworth Memorial Church is a place of State heritage significance that is protected on the State Heritage Register (SHR) for its historic, associative, aesthetic, social, rarity and representative values. The proposed basement additions and associated excavation works could have a major adverse impact on the structural integrity of the church building and its SHR listed values.
 - b. The proposed additions to the south western façade could have an adverse impact on the distinctive architectural presentation of the church building expressed by its clear form characteristic of the Sydney School and diminish its aesthetic value.
 - c. The proposed additions to the south western façade could adversely impact on the rock escarpment and compromise the remnant historical setting of the adjoining SHR listed *Wentworth Mausoleum and site*.
 - d. It is not possible to mitigate or minimise these impacts through conditions of approval.
3. **Notes** that multiple submissions from the community oppose the current scheme.
4. **Provides** the following comments:
 - a. A more comprehensive photographic analysis and 3D model may better demonstrate the proposal's merits.
 - b. Minimise excavation where possible to reduce impacts on the landscape and the structural integrity of the building.
 - c. Adaptive reuse of the building as a residence could be supported if the significant character of the main spaces can be maintained.
 - d. Any future application must be sensitively designed to maintain the integrity, significant views, character, site setting and curtilage of Wentworth Memorial Church, its Moveable Collection and the Wentworth Mausoleum.
 - e. Recommend landscape architectural advice be considered in any future proposal to inform selection of new planting and retention of existing trees including subsoil roots that may be affected by any excavation.

- f. Recommend that any future application be lodged as an Integrated Development Application with Woollahra Municipal Council.
4. **Recommends** a design workshop on site with the Approvals Committee and Heritage NSW staff to provide further advice on any future application.

Moved by Ian Clarke and seconded by Bruce Pettman.

3.0 External presentations

3.1 53 Lower Fort Street, Millers Point - Appeal of AC's Feb 21 refusal

The Committee received documentation from Kate and Brett Cade, Owners of 53 Lower Fort Street, Millers Point, appealing the Committee's February 2021 refusal of elements of the S4.55 Application.

Resolution 2021-36 – Item 3.1 53 Lower Fort Street, Millers Point - Appeal of Feb 21 refusal

The Heritage Council Approvals Committee **provides** the following comment:

1. This matter was determined by the Heritage Council in February 2021. The applicant has appealed to the Land and Environment against the conditions of approval in the modification application. As the matter is now before the Court, there is no ability or jurisdiction for the Heritage Council to revisit its decision of February 2021. The appropriate forum for the resolution of the matter is the Land and Environment Court.

Moved by Nicholas Brunton and seconded by David McNamara.

4.0 Heritage NSW Updates

4.1 Albion Hotel, Braidwood - Lessons Learned

The Committee **noted** a paper from Damian Tybussek and a verbal report from Tim Smith OAM, Heritage NSW.

Key points discussed / noted:

- Implementation of a Compliance Framework for Heritage NSW with 12 staff trained in enforcement.
- Key issues around data and application quality have been addressed with the implementation of the Heritage Management System (HMS).
- HMS mandates the provision of key documents and enforces that a minimum requirement be met for the successful submission of application material.
- Heritage NSW restructure has increased the capacity of regional teams for site visits. This will assist with quality checks to ensure conditions of approval are adhered to.

- Review of the documentation relating to the broader listing of Braidwood and its setting.
 - Impacts of compliance issues on the SHR listing have been presented to the State Heritage Register Committee (SHRC) for assessment.
 - Alternative planning approaches considered.
- Enforcement of application pre-lodgement advice within customer services.
- Close, ongoing engagement with the applicant for Albion Hotel, Braidwood to ensure correct documentation is submitted.
- Updates to the local council and community regarding steps taken to address the balustrade issue has been delayed due to the Heritage Council relocating its regional visit from Braidwood to Newcastle.

4.2 Millers Point Principles Community Consultation - Project Update

The Committee received a paper and verbal report from Shikha Jhaldiyal, Heritage NSW.

The Committee acknowledged Rajeev Maini and Shikha Jhaldiyal for the hard work and successful outcomes of the Millers Point community consultation workshops.

Caitlin Allen and Bruce Pettman provided the following key observations from the workshops:

- The community has been unified over mutual frustrations with the heritage system over the years.
- Appreciation for the open dialogue and representation from heritage staff and industry experts.
- Broad support for heritage conservation in Millers Point and a strong interest in the social history of the Precinct.
- The focus of heritage conservation is broadly understood to relate primarily to public spaces and streetscapes, thus the extent of regulation over individual properties is considered excessive and burdensome.
- A desire to improve communication between the community, the Heritage Council and Heritage NSW staff.
- A 'Heritage clinic' providing quick and easily accessible pre-planning advice from Heritage NSW staff would be preferred to self-assessment tools.
- A desire for community planning that combines heritage considerations with other practical aspects of living within the community, such as traffic, waste, Airbnb limits, etc.
- Broad support of the Heritage Council's delegation of approvals to the City of Sydney.
- CMPs are generally regarded as too inflexible and conservative and the Heritage Council needs to consider how CMPs will complement the modern living direction it supports.

- Questions around the role of the Heritage Principles document and whether it will serve to improve or further complicate the heritage system.
 - How will the guidelines fit in with the broader set of documentation already mandated; and
 - Could the existing issues be better addressed with improved communication and on-ground heritage advice from Heritage staff?
- Issues relating to whether CMPs should have policies and whether decisions should be made on a case by case basis without the need for overarching policies, were met with a spectrum of views.
- Although initially sceptical, the workshops concluded with a sense of confidence within the community that their concerns were being heard.
- It is vital that the Heritage Council addresses each of the community's recommendations, including how they will or will not be taken forward, in order to preserve the integrity and momentum of engagement.

Resolution 2021-37 – Item 4.2 Millers Point Community Consultation Update

The Heritage Council Approvals Committee:

1. **Notes** the project update provided.
2. **Thanks** Heritage NSW, City of Sydney and Cred Consulting for their hard work in enabling the stakeholder consultation process.
3. **Recommends** that the findings of the consultation program including the Engagement Report and the Deliberative Report prepared by CRED Consulting dated June 2021 be published on the Heritage NSW website.
4. **Recommends** the Heritage Council Chair issue a thank you letter to stakeholders for their participation in the community engagement program.
5. **Recommends** that the Heritage NSW and City of Sydney consider the feedback and recommendations from workshop participants as documented in the above noted reports and prepare a response to their recommendations. These responses should also be published on the Heritage NSW website.
6. **Recommends** that Heritage NSW prepare a draft Vision Statement and Heritage Design Guideline document to further clarify the changes that can be made to the SHR listed properties within the precinct;
7. **Requests** that the draft documents be presented to the Approvals Committee before being published on the website for stakeholder feedback;
8. **Requests** that the final documents which have taken the stakeholder feedback into consideration and an implementation plan be presented to the Approvals Committee for review and then the Heritage Council of NSW for endorsement.

Moved by Julie Marler and seconded by Bruce Pettman

5.0 General Business

5.1 Forward agenda

The Committee noted the forward agenda and requested that the following item be confirmed for the August 2021 meeting:

1. Cronulla Fisheries Centre, Hungry Point Reserve Cliff Top Walk (Pre-S60).

6.0 Meeting Close

There being no further items of business, Dillon Kombumerri, Chair, declared the meeting closed at 1:40 PM.



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Mr Dillon Kombumerri

Chair, Heritage Council Approvals Committee

Date: 9/9/2021