



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 2 November 2021 | 09:00 AM – 1:25 PM

Via 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
Ms Julie Marler	Member
Mr David McNamara	Alternate Member
EXTERNAL PRESENTERS	
Mr Lee Hillam	Architect – Director, Dunn & Hillam (item 2.1)
Ms Catherine MacArthur	Heritage Advisor – Senior Associate, GML Heritage (item 2.1)
Ms Michelle Newton	Deputy Director, Artspace (item 2.1)
Mr Tony McCabe	Director, Create NSW (item 2.1)
Ms Alexie Glass-Kantor	Director, Artspace (item 2.1)
Mr Matthew O'Donnell	Town Planner, MOD Urban (item 2.2)
Mr Chris Major	Architect, Welsh Major (item 2.2)
Mr Stephen Davies	Heritage Consultant, Urbis (item 2.2)
HERITAGE NSW STAFF	
Mr Samuel Kidman	Executive Director

Mr Rajeev Maini	Senior Team Leader, Regional Heritage Assessments, South (item 2.1, 2.2, 3.2)
Ms Veerle Norbury	Senior Heritage Assessment Officer, Regional Heritage Assessments, South (item 2.1 and 2.2)
Ms Verena Mauldon	Senior Team Leader, Major Projects, Heritage Operations (item 3.1)
Mr David Nix	Senior Heritage Officer, Major Projects, Heritage Operations (item 3.1)
Ms Natasha Agaki	Secretariat Officer

1. Welcome and formalities

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

- Delivered an Acknowledgement of Country and welcomed attendees.
- All members were present and it was noted that quorum had been met.
- David McNamara advised that he would be leaving the meeting following item 2.1

1.1 Conflict of Interest Declarations

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

Resolution 2021-48
The Heritage Council Approvals Committee noted the following conflict of interest declaration and supported Mr McNamara's decision to excuse himself from all discussions and decision-making relating to item 2.2. 1. David McNamara – Friend and former colleague of Matthew O'Donnell, Planning consultant for Pier One outdoor seating proposal (item 2.2).
Moved by Caitlin Allen and seconded by Nicholas Brunton

1.2 Out of Session Activity

Members noted the following business conducted out of session:

- 22/10/21 – David Burdon and Julie Marler attended a design workshop with the applicant for Cronulla Fisheries, Hungry Point Reserve. Aspects of the proposal were discussed in detail, including how to better resolve disabled access and pathways and reduce platforming and balustrades for a more sympathetic approach to the landscape.
- 29/10/21: Dillon Kombumerri and Ian Clarke attended a third design workshop with the proponents for Union Bond Store (former) Westpac Bank, 47 George Street, The Rocks. The applicant presented revised plans addressing the Approvals Committee's concerns, including changes to building's façade and opening view lines. The IDA will be presented at the 30 November meeting.

1.3 Minutes from Previous Meeting – 5 October 2021

The Committee received the Minutes from the previous ordinary meeting.

Resolution 2021-49
The Heritage Council Approvals Committee:

1. Confirms the minutes of the previous ordinary meeting (Tuesday, 5 October 2021) as a complete and accurate record of that meeting.
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Moved by Nicholas Brunton and seconded by Julie Marler
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1.4 Action Report

The Committee noted the action report and briefly discussed:

- Audit Office of NSW is to commence an audit of the way Government agencies manage their heritage assets, which will include a review of the S170 Register process.
- The audit should bring to light the heritage expertise within each agency, including how they interact with Heritage NSW, and provide a stimulus to resolve inconsistencies resulting from the shifting of assets under the Machinery of Government changes.

2. External Presentations

2.1 IDA – The Gunnery, Woolloomooloo

The Committee received a presentation from Mr Lee Hillam and Ms Catherine MacArthur and a report from Ms Veerle Norbury, Heritage NSW.

Key points discussed:

- Impact of the proposed demolition and lowering the sills of two original ground floor windows on Forbes Street elevation (primary façade) on the building's integrity and aesthetic qualities is not justifiable given there are alternative options for creating openness, seating and connection to Forbes plaza without demolition.
 - The proposal to remove the security bars from the windows and the plasterboard immediately behind, and to change windows to a pivot system, already creates an openness that can be enhanced with good design and activation of the forecourt.
 - Should issues with permeability continue after implementing activation options, then other ways of providing openness could be considered.
 - The distinction between facilitating a strong existing community and activating a new community use.
 - Preferable to have a single defined entry for security purposes.
- Reuse of timber flooring in the Western section of the building as a suspended ceiling for a double height space would provide interesting interpretation; however removal of the only remaining original and intact floor in addition to other (previously intervened) floor sections, creates an accumulative impact on the building's integrity.
- The double height space would preferably be created within sections of the building that have had previous alterations (noting that options have not been provided). This could also create opportunities for drawing visitors further into the building.

- Approval of the proposed rooftop canvas would create a significant precedent issue relating to parapets and rooflines in the vicinity.
- Alternative options for the location of the canvas (e.g. forecourt) including in ways that may better engage with the building itself.
- Although the proposed canvas is not strictly commercial, there is inevitably an advertising aspect to locating it on the parapet for the purpose of drawing visitors in. This overt approach also eliminates the sense of exploration and discovery.
- Views of, and from, the back of the canvas have not been provided. There may be detrimental impacts to views from Potts Point residences.

Resolution 2021-50

In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the Heritage Council Approvals Committee grants the following **general terms of Approval** for the integrated development application:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a) Architectural drawings, prepared by Dunn & Hiram Architects as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: 'The Gunnery Building' Alterations and Remediation Development Application			
DA01-00	Cover Sheet	27/7/21	-
DA01-01	Site Plan – Analysis Drawing	27/7/21	-
DA01-02	Ground Floor Demolition Plan	27/7/21	-
DA01-03	First Floor Demolition Plan	27/7/21	-
DA01-04	Second Floor Demolition Plan	27/7/21	-
DA01-05	Mezzanine Demolition Plan	27/7/21	-
DA01-06	Roof Demolition Plan	27/7/21	-
DA01-07	Ground Floor Plan	27/7/21	-
DA01-08	First Floor Plan	27/7/21	-
DA01-09	Second Floor Plan	27/7/21	-
DA01-10	Mezzanine Plan	27/7/21	-
DA01-11	Roof Plan	27/7/21	-
DA01-12	Elevations 01	27/7/21	-
DA01-13	Elevations 02	27/7/21	-
DA01-14	Elevations 03	27/7/21	-
DA01-15	Section 1	27/7/21	-

DA01-16	Section 2	27/7/21	-
DA01-17	Proposed Entry Details	27/7/21	-
DA01-18	Proposed Internal Void Details	27/7/21	-
DA01-19	Stormwater Management Plan	27/7/21	-
DA01-20	View Analysis 1/4	27/7/21	-
DA01-21	View Analysis 2/4	27/7/21	-
DA01-22	View Analysis 3/4	27/7/21	-
DA01-23	View Analysis 4/4	27/7/21	-

- b) *Heritage Impact Statement – The Gunnery Transformation, 43-51 Cowper Wharf Road, Woolloomooloo*, prepared by GML Heritage, dated 27/7/2021.
- c) *Conservation Management Plan – The Gunnery, 43-51 Cowper Wharf Road*, prepared by GBA, dated June 2008.

EXCEPT AS AMENDED by the conditions of this approval:

ROOFTOP ART CANVAS

2. The rooftop art canvas above the parapet on the Forbes Street façade is not approved.

Reason: Due to the detrimental impact upon significant views, aesthetic qualities of the building, significant views and due to the potential creation of a precedent. Alternative solutions should be considered.

DEMOLITION OF SIGNIFICANT FABRIC

3. The demolition of the two original ground floor windows and associated brickwork on the Forbes Street façade is not approved.

Reason: The windows and brickwork are original fabric and are of high significance. Their removal would diminish the integrity of the façade and its aesthetic qualities. The removal of security bars, removing plasterboard walls behind the windows and returning these windows to be openable would assist in ‘opening up’ the elevation.

4. Demolition of the original flooring to create the double-height space is not approved.

Reason: The flooring is original fabric and is of high significance. The demolition of this large amount of flooring, in addition to the flooring proposed to be demolished to achieve the lift and stairs has cumulative adverse impact on the integrity of the subject heritage item. Consider using other parts of the building that have already had interventions to the flooring to create a double-height space.

5. Original flooring fabric from the approved demolition areas must be stored/reused within the building.

Reason: The flooring is original fabric and is of high significance. Salvage of such fabric is essential.

6. The demolition of the 1940s stairs must not damage associated architectural features, including original windows.

Reason: To avoid physical impact upon significant fabric.

HERITAGE CONSULTANT

7. 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

8. 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

9. 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 including vegetation is protected during construction.

HERITAGE INTERPRETATION PLAN

10. 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.
11. The interpretation plan must detail how information on the history and significance of The Gunnery 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.

12. 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

13. 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, during, and after modification of the site which impacts significant fabric.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

14. 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

15. 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 Heritage NSW 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 Heritage NSW 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.

COMPLIANCE

16. 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

17. 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.

Moved by Bruce Pettman and seconded by Julie Marler

2.2 S60 – Pier One Outdoor Seating

The Committee received a presentation from Mr Matthew O'Donnell, Mr Chris Major and Mr Stephen Davies and a report from Ms Veerle Norbury, Heritage NSW.

Key points discussed:

- Non-compliance is the primary issue of concern – proper regulation would resolve other issues on site.
- Options for improving public access, including widening the public walkway, use of welcoming furniture layout and aesthetics to ensure it is not viewed as a private space.
- Alternative shading options, noting that fixed umbrellas may contribute to visual clutter, have cumulative impacts on the other wharfs in the broader heritage item, and encourage gentrification. For example, a retractable shade structure along the building's edge, allowing separation from a public boardwalk and open sky views.
- Possible visual impacts of the outdoor seating being located along the buildings edge, from the hotel bedrooms, and how this might be managed.
- Possible impacts of managing the maximum patron capacity.
- Ownership and management of the food truck operation and its impact on views and public access and circulation.
- Appropriate measurements for the public walkway, noting considerations around design, access, safety and consent authorities.
- Post-COVID-19 outdoor dining regulations and the impact of outdated CMPs into the future.

Resolution 2021-51

The Heritage Council Approvals Committee:

1. **Defers** consideration of the Section 60 application for Pier One Outdoor Seating.
2. **Requests** that the applicant submit revised plans, which should include:
 1. A public walkway, clear of any obstructions, to be at least 3 metres wide along water's edge.
 2. Removal of the food truck.
 3. The layout of furniture against the building.

4. Alternative shade options.
3. **Recommends** that the applicant attend a design workshop with members of the Approvals Committee.

Moved by Nicholas Brunton and seconded by Julie Marler

3. Heritage NSW presentations

3.1 IDA – Parramatta Correctional Centre

The Committee received a presentation and paper from Mr David Nix, Heritage NSW.

Key points discussed:

- Generally support in principle the proposed reuse and reactivation of the site for commercial and community purposes, including minor works to support this; however
- Given the exceptional significance and intactness of the site, there is insufficient information to properly assess the impact of the proposed changes on its heritage values.
- Whilst the majority of proposed uses are regarded as low impact, the use for sporting and music festivals may involve significant impacts to the site and the adjacent SHR listed sites (Cumberland District Hospital and Norma Parker Correctional Centre) in terms of vehicular and pedestrian access, transport of large and heavy equipment, parking, etc.
- A preliminary masterplan for the broader landscape is needed to understand the opportunities and impacts of the proposal and may assist in justifying the logic of the proposed major interventions.
- Possible changes to low-significance elements on site that may improve access from the single existing entry and negate the need for further openings.
- Concerns around the proposed parking capacity and location.
- Note that there are no conservation works proposed to offset heritage impacts.
- The site must retain its experience as a prison.

Resolution 2021-52

The Heritage Council Approvals Committee:

1. **Supports** in principle adaptive reuse and activation of the Parramatta Correctional Centre.
2. **Does not issue general terms of approval** due to:
 - a. Insufficient information
 - b. Concerns about the potential impact on the heritage significance of the site.
3. **Recommends** the following next steps:

- a. Develop a masterplan for the site which considers the context of the broader historic precinct and includes intended uses, servicing requirements, parking, vehicle circulation, etc.
- b. Provide options for using the existing opening to the external wall.

Moved by Caitlin Allen and seconded by David Burdon

3.2 Millers Point Heritage Vision and Principles – update

The Committee noted an update paper from Shikha Jhaldiyal, Heritage NSW.

Note

That the Heritage Council Approvals Committee:

1. **Notes** the project update provided.
2. **Notes** that the following three documents have been published on the Heritage NSW website for community feedback from 25 October – 29 November 2021:
 - a. Deliberative Workshops - Responses to Recommendations
 - b. Draft Heritage Conservation Vision Statement
 - c. Draft General Heritage Design Guidelines for Adaptive Reuse of Heritage Properties
3. **Notes** that the above documents will be presented to the Approvals Committee for endorsement after taking the community’s feedback into consideration.

4. General Business

4.1 Forward agenda

The Heritage Council Approvals Committee noted the forward agenda:

- Confirmed Union Bond Store, 47 George St, The Rocks for the December meeting agenda.
- Reiterated the need to maintain a maximum of three applications or presentations per meeting.

4.2 Darlinghurst Courthouse

The Committee briefly discussed:

- Outcomes relating to Darlinghurst Courthouse, Sydney, noting that the Committee’s design recommendations had not been taken on board.
- The current approach of facilitating design workshops with applicants most often results in successful heritage outcomes.
- Importance of maintaining skill diversity across the membership of the Heritage Council and its Committees.

5. Meeting Close

There being no further items of business, Dillon Kombumerri, Chair, declared the Approvals Committee meeting closed at 1:25 pm.



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Mr Dillon Kombumerri
Chair, Heritage Council Approvals Committee
Date: 10/12/2021