



## HERITAGE COUNCIL OF NSW

### MEETING MINUTES – Approvals Committee

Tuesday, 5 October 2021 | 09:00 AM – 12:30 PM

Via Teleconference

<b>ATTENDANCE</b>	
<b>MEMBERS</b>	
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
<b>APOLOGIES</b>	
Mr Dillon Kombumerri	Chair
<b>EXTERNAL PRESENTERS</b>	
Mr Charles Daoud	Owner (item 2.1)
Mr Russell Lee	Architect/Heritage Consultant (item 2.1)
<b>HERITAGE NSW STAFF</b>	
Mr Samuel Kidman (part meeting)	Executive Director
Mr Tim Smith	Director Heritage Operations
Mr Rajeev Maini	Senior Team Leader, Regional Heritage Assessments, South (item 2.1, 3.1)
Mr Rajat Chaudhary	Senior Heritage Assessment Officer, Regional Heritage Assessments, South (item 2.1)

Ms Shikha Jhaldiyal	Senior Heritage Assessment Officer, Regional Heritage Assessments, South (item 3.1)
Ms Sarah Jane Brazil	Senior Team Leader, Major Projects (item 5.1)
Mr David Nix	Senior Operations Officer, Major Projects (item 5.1)
Ms Emma Dortins	Senior Team Leader, Regional Heritage Operations, Heritage South (item 5.2)
Ms Christine Hay	Senior Heritage Operations Officer, Heritage South (item 5.2)
Ms Natasha Agaki	Secretariat Officer

## 1. Welcome and formalities

The A/Chair, Ian Clarke, opened the meeting at 9:00am.

- Delivered an Acknowledgement of Country and welcomed attendees.
- Apologies were accepted from Dillon Kombumerri 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
<p>The Heritage Council Approvals Committee noted the following perceived conflict of interest declaration and agreed that no further action needed to be taken:</p> <ol style="list-style-type: none"><li>1. Caitlin Allen – provided heritage advice for Sydney Catchment Authority, including at Cataract Dam, but has not been involved with the Appin Massacre Site (item 5.2)</li></ol>

### 1.2 Out of Session Activity

Members noted the following business conducted out of session:

- 14/09/21 – David Burdon and Julie Marler attended a design workshop with the applicant for Wentworth Memorial Church.
  - The proponent presented alternative designs which had the lift in different positions (both interior and exterior) and minimised excavation and noted that ongoing use of the existing walkway over the site would be encouraged.
  - The subcommittee provided detailed feedback and suggestions to encourage minimal excavation, reversibility, use of existing driveway and carpark area, no lift in the residential addition and therefore no tunnel under the Church, reduced scale of additional built elements and a sympathetic roof form.
- 27/09/21 – Ian Clarke and David Burdon attended a design workshop with the proponents for Union Bond Store, 47 George St, The Rocks.
  - The proponent presented revised plans demonstrating a slight reduction in the general mass and bulk of the building by way of additional colour and windows to break up the façade.
  - The cylindrical addition to the rooftop remains the same height as previous iterations.
  - The large wall to the rear of the Merchant's House and the general appropriateness of the building to the heritage setting remains a concern.
- 18/08/21 and 29/08/21 – Ian Clarke and David Burdon attended the State Design Review Panel meeting for 50-52 Phillip Street, Sydney.

- The applicant has firmed up the design of the overhang to the Public Works building.
- The Design Review Panel is largely in alignment with the Approvals Committee's design advice.
- The larger design envelope will be progressed to the design competition.

### 1.3 Minutes from Previous Meeting – 31 August 2021

The Committee received the Minutes from the previous ordinary meeting.

<b>Item 1.3 Minutes from previous ordinary meeting</b>
Resolution 2021-45
The Heritage Council Approvals Committee: 1. <b>Confirmed</b> the minutes of the previous ordinary meeting (Tuesday, 31 August 2021) as a complete and accurate record of that meeting.
Moved by Nicholas Brunton and seconded by David McNamara

### 1.4 Action Report

The Committee noted the action report.

## 2. External Presentations

### 2.1 IDA – 31 Lower Fort Street, Millers Point

The Committee received a presentation from Mr Charles Daoud and Mr Russell Lee and a report from Rajat Chaudhary, Heritage NSW.

*Key points discussed:*

- The importance of addressing the issue of amenity whilst minimising any impacts on heritage.
- 2017 Heritage Council principles relating to the installation of lifts in significant spaces and the separation of interior/exterior for residential listings.
- Challenges with the understanding the extent of impact without a thorough assessment of the internal fabric and its significance.
- Issues with the current two-storey lift proposal, in particular:
  - Impacts to the extent of the veranda, its character and presentation from the streetscape and how this might be reduced or prevented.
  - Lack of equitable access and functionality - utilising the lift would require passing through the veranda.
  - How any possible overrun would be managed.
- Possible alternative options for the lift and associated impacts to internal fabric, layout, function and sight lines; including but not limited to an internal lift servicing four storeys, a dumbwaiter for

the lower levels and reduced lift for the upper floors, and options that include retention of the existing staircase.

- Layout, access and functionality issues relating to the bedrooms and proposed bathroom pods and possible impacts of future renovations.
- The probability of historical artefacts beneath the 1830s terrace means that archaeology must be considered early on if excavations will be proposed.
- Impacts of installing electricity and water drainage for the proposed internal laundry beneath the staircase, noting the existing outdoor laundry should suffice for amenity purposes.
- The integrity of this particular row of terraces, which currently retains its original configuration, would be compromised if the current proposal proceeds.
- BCA compliance is not required by local council unless major alterations are proposed and therefore shouldn't be the primary reason for approving changes that will be detrimental to the property.

#### Item 2.1 IDA – 31 Lower Fort Street, Millers Point

Resolution 2021-46

In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, the Heritage Council Approvals Committee **does not grant General Terms of Approval** for the integrated development application, for the following reasons:

1. The terrace is the oldest terrace in Millers Point (and second oldest extant residential building) and still retains original configuration. It exhibits high levels of craftsmanship and still retains its original appearance. The terrace is rare due to its age and intactness and is representative of the early design and constructional attributes typical of Millers Point.
2. The proposed lift and external bathroom will severely reduce the extent of rear verandah, altering its character and impacting on the building's rear presentation visible from Pottingers Street and Hickson Road. It will also impact on the consistency along the row. The internal bathrooms will alter the layout as it will only allow access to rear room via the front room. This will mean the front room cannot function as a bedroom and therefore the need for two bathrooms is not justified. Alternatively, this may necessitate subdivision of front room in future which will further impact on layout and configuration. The bathrooms will take up a large portion of the room and will severely impact on the room's configuration and spatial character.
3. The proposed lift and bathrooms are not consistent with the CMP, Draft Heritage Design guidelines for Millers Point and past approvals and are therefore recommended for refusal.
4. Proposed double glazing, air-conditioning and flooring/damp remediation works in basement front room are acceptable in principle, provided the design and detailing is sympathetic. However, due to insufficient details, in their current form the works are recommended for refusal.
5. The need for a new additional laundry hasn't been demonstrated and is likely to have some physical impact and is therefore recommended for refusal.

6. Other works such as internal door opening in rear wing, glazed partition in front basement room and refurbishment of existing attic bathroom are minor and will not have any major adverse impact and are therefore acceptable.
7. The application, if approved, would result in a permanent detrimental impact to the overall significance of the SHR item, in particular its historical, aesthetic, rarity and representational significance. It is not possible to mitigate or minimise these impacts through conditions of approval.

Moved by Nicholas Brunton and seconded by Julie Marler

### 3. Heritage NSW updates

#### 3.1 Millers Point Heritage Vision and Principles – update

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

*Key points noted / discussed:*

- Heritage NSW to meet with members of the Millers Point Resident Action Group next week.
- Community desire for City of Sydney delegations to include matters of material affect and clarification on the status of endorsed CMPs.
- Positive outcomes of the community engagement process thus far and the importance of maintaining a collaborative approach.
- The document should reflect the Heritage Council’s aspirations in developing the Vision and Principles.
- How to ensure the document is illustrative and user-friendly.
- The Approvals Committee thanked Rajeev Maini and Shikha Jhaldiyal for their hard work to date in leading the Millers Point community consultation process.

#### Item 3.1 Millers Point Heritage Vision and Principles – update

Resolution 2021-47

The Heritage Council Approvals Committee:

1. **Noted** the project update provided.
2. **Noted** that the following three documents will be published on the website after they are finalised, for community feedback:
  - a. Responses to Recommendations
  - b. Vision Statement
  - c. Heritage Design Guidelines
3. **Noted** that the above documents will be presented to the Approvals Committee for endorsement after taking the community’s feedback into consideration.

4. <b>Noted</b> the additional submission made by Millers Point Community Resident Action Group dated August 2021.
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Moved by Caitlin Allen and seconded by Nicholas Brunton.
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## 4. General Business

### 4.1 Forward agenda

The Heritage Council Approvals Committee noted the forward agenda.

## 5. Joint Session with the Heritage Council's State Heritage Register Committee (SHRC)

### 5.1 Heritage Design Guidelines

The Committees noted a paper from David Nix and a verbal report from Sarah Jane Brazil, Heritage NSW, and provided comments to assist the Heritage Council in the finalisation of the Heritage Design Guidelines.

#### *Key points discussed:*

- The need for a clearer definition of 'Heritage item' and a clear articulation of what is considered significant within a place, either via a preamble or first principle.
- The guidelines should address any conflicts between the principles of continuous use and reversibility.
- The need to ensure that 'significance' addresses both the tangible and intangible values– the principles are currently fabric-focused.
- Connecting with Country
  - The principles should imbue the tenets of Connecting with Country with building design, archaeology, landscape, etc.
  - Co-design with Traditional Owners should commence at the design concept stage and be applied to all sites regardless of location.
  - The need to walk the Country with Aboriginal Elders for a genuine and meaningful co-design process.
- A Heritage significance assessment should be a pre-requisite for the consideration of any proposal.
- How to assess the impact of any given proposal on a site's ability to demonstrate its heritage values – suggest addressing this issue within the principle of Authenticity.
- The need to ensure key sight lines are established and preserved.

- The principles should reflect multiple layers of understanding significant views – not only historically significant views, but views that are important for the community’s experience of the place, in the present.
- The principle of Scale should not preclude opportunities for heritage sites in which obscurity is part of their character, e.g. Spice Alley.
- The principle of Sustainability should emphasise the contribution of heritage to social and economic sustainability, not just environmental.
- The principles should also address the following issues:
  - Public benefit
  - Interpretation through design
  - Adaptive re-use
  - Amenity
  - Equitable Access
  - BCA Compliance

## **5.2 Appin Massacre Cultural Landscape – update**

The Committees noted a paper from Christine Hay and a verbal report from Emma Dortins, Heritage NSW on the Appin Massacre Cultural Landscape.

*Key points noted / discussed:*

- The area under investigation for the Appin Massacre cultural landscape requires further research and mapping of ACH values in consultation with the Aboriginal community.
- An overall strategy for stakeholder engagement is currently being developed.
- Heritage NSW has commenced consultations with key Aboriginal stakeholders including Tharawal LALC and the Dharawal people at La Perouse, whilst identifying other landowners.
- A whole of Government approach is proposed for this SHR Listing. Heritage NSW is working collaboratively with the Department of Planning, Industry and Environment (DPIE) on the Greater MacArthur Plan, NSW Government Architects on the Connecting with Country Framework, and Transport for NSW on the Western Sydney Orbital.
- It is important to ensure ongoing early engagement with DPIE on how the notional curtilage would translate in the planning and development process.
- Possible approaches to listing the Appin Massacre landscape within a region of significant development pressure, noting risks and opportunities associated with various planning controls and site-specific exemptions that may be used within the landscape.
- Permanent detrimental impacts to topography as a key risk of development within the landscape.
- Storytelling about the Appin Massacre must be carefully considered as the broader curtilage and connections between key sites are identified.



- Opportunity for the Appin Massacre site to become an example of a successful landscape listing with a genuine connection to Country.

The Committee thanked Emma Dortins and Christine Hay for their work on this item.

## 6. Meeting Close

There being no further items of business, Ian Clarke, A/Chair, declared the Approvals Committee meeting closed at 12:30pm.



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Mr Ian Clarke

A/Chair, Heritage Council Approvals Committee

Date: