Agenda Items

1 Opening and welcome

The meeting commenced at 3:18 pm.

1.1 Apologies, confirmation and timing of the agenda

Discussion

- Apologies were received from:
  - Ms Jane Irwin
  - Mr Gary White
  - Mr Peter Poulet

- Printed copies were provided of the updated agenda.

- Members were advised that Items 4.1 and 4.4 would be deferred for a future meeting.

Noted

The Approvals Committee noted this information.

1.2 Declarations of interest

Discussion

- Nil

Noted

The Approvals Committee noted this information.

2 Confirmation of minutes

2.1 Approvals Committee meeting of 6 July 2016

Discussion

- Members reviewed the draft minutes of the 6 July 2016 Approvals Committee meeting.

Resolution

2016-21. The Heritage Council Approvals Committee:

1. Accepts the minutes with amendments requested as a true record of the Approvals Committee meeting held on 6 July 2016.

Moved by Mr Stephen Davies and seconded by Mr Bruce Pettman.

2.2 Approvals Committee July 2016 out of session decisions

Discussion

- Nil matters determined by the Approvals Committee out of session in July 2016.
3 Action report

3.1 Approvals Committee action report

Discussion Members reviewed the current Approvals Committee action report.

Noted The Approvals Committee noted the report.

Moved by Mr Stephen Davies and seconded by Mr Bruce Pettman.

4 Integrated Development Applications / Section 60 / Section 140 Excavation Permits

4.1 s.96 – St Patrick’s Cathedral (Former Kings School) - Modification of condition 7 and deletion of condition 7a requiring removal of level 5 of the north-western building (Parramatta LGA).

Discussion Ms Anna London advised that this matter has been deferred to the October 2016 Approvals Committee meeting. The deferring would allow the applicants to discuss elements of their proposal with the Approvals Committee. The Chair supported this request.

Action The item is to be included on the October 2016 Approvals Committee agenda

4.2 s.60 - Mt Wilga - Subdivision (Hornsby Local Government Area)

Discussion Mr Rajeev Maini advised that the matter for consideration relates to the s.60 subdivision of the property.

Members discussed:

- changes had been made to the lot sizes in the new plans contained in the report.
- whether the Heritage Division staff sought legal advice to ensure the approval conditions would require the conservation and management of the property and could be regulated.
- the different options available to ensure the property would be conserved now and into the future; including whether the owner would be willing to enter into a Heritage Agreement that was linked to the Land Title.
- the timing and cost implications of the conservation works were unknown in the information provided. It was not clear what had been done to date, what is still required, and over what timeframe the remaining works would be completed.
- the Heritage Division staff advised that the information the Approvals Committee sought for the cost and timing was not available in the information they hold.
- the Heritage Division staff explained that financial arrangements of the owner prevented upfront conservation works from occurring prior to the subdivision.
- the preferred approach for managing the absent cost and timing information of the conservation works would be best included as a condition that could be regulated.

Resolution 2016-22. The Heritage Council Approvals Committee:

1. Approves this application with the following conditions:

APPROVED DEVELOPMENT:

2. Development must be in accordance with:
   a. Proposed subdivision map as shown in Attachment A in the paper.

EXCEPT AS AMENDED by the conditions of this approval:

CONSERVATION WORKS
3. Funds from the sale of the new lots shall be directed to approved house and garden conservation works as per the s.60 approval dated 10 November 2014.
   a. Periodic reports shall be submitted to the Heritage Division by a suitably qualified and experienced heritage consultant outlining the conservation works carried out in each period and the costs associated with the works. This consultant shall confirm in writing, the completion of the conservation works as per the s.60 approval dated 10 November 2014 to the satisfaction of the Heritage Council or its delegate, prior to the occupation certificate being issued.

SUBDIVISION
4. There shall be no further subdivision of Lot 1 in DP 1181742.

LANDSCAPE PROTECTION
5. Provide a 3m wide soft soil zone on the southern boundary of the proposed Lot 100 to be planted with shrubs and small trees including screen conifers capable of growing to a height of 6m. The species are to be approved by the Heritage Division prior to installation;
6. Provide a soft soil zone on the Manor Road boundary of Lots 101 and 102 to protect the row of Turpentines (Syncarpia glomulifera).
7. No excavation or disturbance is permitted within the root zone of the line of Turpentines (Syncarpia glomulifera) and the Bunya pine (Araucaria bidwillii) along Manor Road, to ensure these trees’ ongoing health.

ARCHIVAL RECORDING
8. Prepare a photographic archival record of the Bowling Green in accordance with Heritage Council of NSW guidelines. Provide a copy of the archival recording to the Heritage Council of NSW and Hornsby Shire Council prior to registering the proposed subdivision.

DURATION OF APPROVAL
9. This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period of consent specified in any relevant development consent granted under the Environmental Planning and Assessment Act 1979, whichever occurs first.

Moved by Mr Stephen Davies and seconded by Mr Bruce Pettman.

4.3 Integrated Development Application - Macquarie Field House - Subdivision - (Campbelltown LGA)

Discussion
Mr Rajeev Maini introduced the paper and relayed a recommendation for refusing for this item.

Members discussed the matter noting:
- the drawing was unclear
- the lack of a topography map makes it difficult to interpret where the significant views of the property would be, and therefore the impact of the proposal.
- the information contained within the application does not allow the Approvals Committee to determine where the subdivision would be best placed when considering the position of the house.
- a policy that sets clear guidance for owners considering subdivisions containing heritage items would assist owners with their applications and Councils in their considerations by providing a framework of clear and consistent requirements.
- if the development was constructed as per the plan, it would impact the prominence of the building and views to or from it.
- the previous court decision and outcome.
- that the land title forms the curtilage and that it has been this way since 1980’s
the development proposed (or any development proposed on the north side) is proposed along the curtilage (which is marked by the land title), and will heavily encroach on the values, and impact the use of the property. For the significance to be maintained, the curtilage must be kept and a land locking situation avoided.

there are no known formal plans for development on the north side of the property, but this remains a possibility.

the house was affected at one time by fire, but has since been restored.

the risk to the value of this item is greater due to the scale of the current proposal.

any discussions held with the owners regarding other uses of the property that would allow for protection of the current property and the current curtilage.

Heritage Division staff advised that the Conservation Management Plan (CMP) is not concise, nor has it been endorsed by the Heritage Council at this point in time. It was noted that the Heritage Division staff believe the CMP would require further work.

if the application was refused, the Integrated Development Application (IDA) would be returned to the council for consideration. An amended plan that provided the balance of development and protecting heritage values and space would be required.

the zoning for the northern end is SP2 Infrastructure

The Council asked what the minimum lot size under the current zoning plan. It was advised that it was 10 & 40 ha under the Campbelltown Local Environmental Plan 2015.

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**Resolution 2016-23. The Heritage Council Approvals Committee:**

- The proposal is considered to have an unacceptable adverse impact on the heritage significance of the subject property and it is recommended that the Heritage Council of NSW informs Campbelltown City Council that it will not grant general terms of approval for the following reasons:
  - The proposal will have an adverse visual and physical effect on the environmental heritage of the property by reducing the existing curtilage, making a major change of land use and character from the open rural character of a former farm to a semi-urban area of housing and its associated infrastructure.
  - The use of the incentive clause in *Campbelltown Local Environmental Plan 2015* is not supported as the proposal fails to demonstrate heritage benefit arising from the proposed development.
  - The proposed development is not sensitive to, and will have an adverse impact on, the scenic and rural quality of the property.
  - The proposed development will have an unacceptable and adverse impact on significant views and vistas to and from Macquarie Field House by reducing the open rural valley setting of open grass and limited tree plantings. The proposal diminishes the visual contrast between open fields and the densely planted farm homestead hilltop and thus its landmark quality in the district.
  - The completed development to the south of Macquarie Field House has reduced the urban break available to the south. Therefore, the subject site’s land and the land to the north is of greater value as setting for Macquarie Field House as an increasingly rare surviving example of a colonial farm in open, cleared land.
  - The proposal has failed to adequately address the significance of the Landscape fabric.

- Approves that the Executive Director will exercise delegation to issue the general terms of refusal for IDA no. IDA/2016/36 as outlined in the draft letter in Annexure C in the paper.

Moved by Mr Bruce Pettman and seconded by Mr Stephen Davies.

**Action**

- The Heritage Division Conservation Team is to notify the applicant of the outcome.

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**5 Development Application Referrals and Major Project Application Referrals Under Part 3A, 4 or 5 of the Environmental Planning & Assessment Act**

Nil matters
### 6 Matters for Consideration and Decision

*Nil matters*

### 7 Matters for Information

*Nil matters*

### 8 General Business

*Nil matters*

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**CLOSE OF MEETING - 3.49 pm**

I confirm that these minutes are an accurate reflection of the Heritage Council Approvals Committee discussion and outcomes.

[Signature]

Mr Stephen Davies  
Chair, Heritage Council Approvals Committee  
Date: 5 October 2016