



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 1 November 2022 | 09:00 AM – 12:40 PM

Via Teleconference

ATTENDANCE	
MEMBERS	
Mr Ian Clarke	Acting Chair
Mr Dillon Kombumerri	Deputy Chair
Ms Caitlin Allen	Member
Dr Nicholas Brunton	Member
Ms Julie Marler	Member
Mr Bruce Pettman	Member
Mr David Burdon	Member
Ms Vanessa Holtham	Member
APOLOGIES	
Mr David McNamara	Alternate Member
EXTERNAL PRESENTERS	
Ms Myfanwy McNally	Manager State Significant Developments, City of Parramatta (Item 2.1)
Mr Paul Sartor	Senior Development Assessment Officer, City of Parramatta (item 2.1)
Mr Andrea Guisa	Heritage Advisor, City of Parramatta (item 2.1)
Mr Mark Leotta	Group Manager (item 2.1)
Mr Graham Pascoe	Senior Strategic Planner (item 2.2)
Ms Jennifer Hill	Heritage Advisor / Architectural Projects Pty Ltd. (item 2.2)
Mr Paul Hume	Planner, Premise (item 2.2)

HERITAGE NSW STAFF	
Mr Tim Smith	Director Heritage Assessments
Mr Michael Ellis	Manager Assessments, Heritage Assessments (item 2.1)
Ms Lily Chu	Senior Assessments Officer, Heritage Assessments North (item 2.1)
Mr Rajeev Maini	Manager Assessments, Heritage Assessments South (item 2.2)
Ms Stela Razzaque	Senior Assessments Officer, Heritage Assessments South (item 2.2)
Ms Natasha Agaki	Secretariat Officer

1. Welcome and formalities

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

- The Chair delivered an Acknowledgement of Country and welcomed attendees.
- Apologies were accepted from David McNamara. It was confirmed that quorum had been met.

1.1 Conflict of Interest Declarations

Resolution 2022-48

The Heritage Council Approvals Committee:

1. Noted David Burdon's standing perceived conflict of interest relating to *item 2.1 2A Gregory Place, Harris Park*. Mr Burdon is Director of Conservation at the NSW National Trust, which has objected to the proposal. **The Approvals Committee agreed that no action needed to be taken.**
2. Noted Vanessa Holtham's previous conflict of interest declaration relating to the Registrar General's Building, Macquarie Street East Precinct, to be discussed at *item 1.2 Out of Session Activity*. Ms Holtham has ongoing involvement in a Heritage Floor Space application for the building on behalf of the City of Sydney. **The Approvals Committee agreed that no action needed to be taken.**

Moved by Caitlin Allen and seconded by Nicholas Brunton

1.2 Out of Session Activity

The Heritage Council Approvals Committee:

- Convened on 14 September 2022 to finalise determination of the Minerva/Metro Theatre integrated development application (presented to the Committee on 6 September 2022); and
- Attended a briefing from Property and Development NSW on the Registrar General's Building, Macquarie Street East Precinct, on 12 October 2022. Vanessa Holtham did not attend due to a standing conflict of interest with this item.

1.3 Minutes from Previous Meeting – 6 September 2022

Members requested that the previous meeting minutes be amended to include Vanessa Holtham's objection to issuing General Terms of Approval for Item 3.1 Metro/Minerva Theatre IDA, noting that the design changes were considered too extensive to be managed through conditions.

Resolution 2022-49

The Heritage Council Approvals Committee:

1. **Confirmed** the minutes of the previous ordinary meeting (Tuesday, 6 September 2022), as amended, as a complete and accurate record of that meeting.

Moved by Vanessa Holtham and seconded by Caitlin Allen

1.4 Action Report

The Committee noted the action report.

2. External Presentations

2.1 SSD – 2A Gregory Place, Harris Park – Built to Rent / Affordable Housing

The Committee received a presentation from representatives of the City of Parramatta outlining the City's objections to the 2A Gregory Place, Harris Park proposal. A report was also received from Lily Chu, Heritage NSW.

Key points:

- Members discussed City of Parramatta's key objections to the proposal outlined in its public submission, focusing on heritage impacts of the development's architectural interpretation and the critical issue of flooding for any proposed development in the area.
- The independent heritage assessment report by Extant Heritage was noted, including its alignment with the Approvals Committee's key concerns.
- The height, bulk and scale of the proposed development and the relevant development controls were discussed. Members agreed that the proposal reflects the Parramatta CBD context rather than the fine grain, low scale architecture of its immediate surrounding and the broader heritage landscape that it sits in.
- It was noted that the 2011 Development Control Plan (DCP) addresses the national significance of Harris Park and provides specific advice for appropriate development on the subject site.
- Members suggested that the City of Parramatta could help guide the proponent by undergoing flood modelling for the landscape and demonstrating an alternative built form that addresses its planning, safety and heritage concerns.
- The validity of the SSD application was queried, noting that it was lodged after expiry of the Site Compatibility Certificate on 19 July 2022. It was also noted that this issue has been raised in several public submissions.
- Built-to-rent / affordable housing developments should not preclude design excellence, especially in a setting of national heritage significance.
- The Committee maintained that the proposal requires greater consideration of the surrounding cultural landscape and its context as an extremely sensitive heritage and natural environment, surrounded by SHR listed items, and within a nationally listed precinct.

- The Committee was in agreeance with City of Parramatta’s key objections raised, however had not previously received documentation on flooding concerns within the area. Members discussed how best to proceed with the additional information received from City of Parramatta and through public submissions.

Resolution 2022-50
The Heritage Council Approvals Committee: 1. Notes the presentation from the City of Parramatta. 2. Reconfirms the comments provided in its resolution of 6 September 2022.
Moved by Julie Marler and seconded by Nicholas Brunton

2.2 Planning Proposal – Glenlee, Menangle Park Rezoning

The Committee received a presentation on the revised planning proposal for Glenlee Estate, Menangle Park from the proponent’s representatives; and a report from Stela Razzaque, Heritage NSW.

Key points:

- Caitlin Allen and Julie Marler briefed the rest of the Committee on the various factors taken into consideration at the site visit and subsequent workshops with the proponents, to refine the planning proposal from its previous iteration presented in 2021.
- Members queried the proponent’s plans for the residual land (Lot 1) and considered possible impacts of further rezoning, subdivision and/or development in the future to the heritage significance of Glenlee homestead.
- Members considered the proposed zoning amendments and queried
 - how the proponent would ensure clear prohibition of any future subdivision of the C3 residual land, noting that the development standard provision requiring a minimum 10-hectare lot size can be varied and will not suffice.
 - how the code State Environment Planning Policy (SEPP) can be turned off for C4 zoned land (as advised by the proponents), given that the code SEPP prevails over the Local Environment Plan (LEP); and
 - how the proponent would achieve uniform development outcomes for the R3 zoned terrace development. Members suggested restricting the title to individual lots until the development is complete.
- Members did not have confidence in the proposed funding mechanism for the ongoing maintenance of the SHR item and felt that further clarity was needed. Possible alternatives were considered.
- Members queried local Council’s intentions for the open space land dedicated to its ownership under the draft VPA, including whether there was any heritage benefit to the land dedication,

and whether that benefit may be achieved through retaining the land instead. The main concern raised was how future ownership and management changes would impact the homestead complex through separation of the property from the remaining open space.

- Members discussed the need for a landscape plan moving forward; and
- Stressed the importance of ensuring that no built form is visible over the ridgeline as the visual impact would disrupt the rural setting and character of the place.
- The Committee considered the impacts of delaying an approval for gateway determination. However;
- Some members considered it necessary to review the draft Voluntary Planning Agreement (VPA) to understand and assess the protective mechanisms in place for the SHR listed item and to determine whether its long-term maintenance and conservation is achievable before any approval for gateway determination could be granted.
- It was noted that the Committee may no longer have the opportunity to clarify and define how the conservation of the heritage item is funded following gateway determination and finalisation of the VPA.
- The Committee discussed options for how best to proceed noting constraints of the gateway approval timeframe.

Resolution 2022-51

The Heritage Council Approvals Committee:

1. **Thanks** the proponent and Campbelltown City Council for the revised proposal in response to the comments provided by the Approval Committee and its sub-committee.
2. **Supports** the underlying planning principles for the revised subdivision;
3. **Notes** that the realignment of the subdivision boundaries and smaller size of the developable areas have reduced the potential heritage impacts on the State heritage values of the Glenlee Estate;
4. **Supports** the use of planning provisions including a DCP to control development within the northern and southern residential subdivisions, to minimise impacts on the heritage values of the Glenlee Estate including its rural character and setting.
5. **Supports** a mechanism to ensure that sufficient funds are available for the ongoing heritage conservation and maintenance of the Glenlee Estate;
6. **Requests** the Council and proponent:
 - a. Provide HNSW with a copy of the draft Voluntary Planning Agreement (VPA) so that the Approvals Committee can be satisfied of the funding mechanism for the long-term maintenance and conservation of Glenlee.
 - b. Provide further information as to how the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will not apply to the C4 and R3 zoned land,

given the SEPP itself prevails over all LEPs and itself provides that it applies to the whole of the State.

- c. Provide further advice on whether the proposed amendment to the LEP will constitute a prohibition on the future subdivision of the residue land comprising Glenlee or merely constitute a development standard capable of variation through clause 4.6 of the LEP.
 - d. Provide HNSW with a copy of the current draft of the Development Control Plan (DCP) that will apply to the C4 and R3 zoned land.
 - e. Refine the layout of the proposed new lots closer to the heritage listed buildings on the southern slopes to ensure no built form is visible above the ridgeline.
7. **Agrees** that following the provision of the information requested in item 6, the Approvals Committee may convene an expedited out of session meeting, if required to finalise a decision to support the provision of the planning proposal to DPE for a gateway determination.
8. **Recommends** to Campbelltown City Council and the proponent that detailed design for the future subdivision and development of the site be informed by:
- a. Further visual analysis
 - b. A revised Heritage Impact Statement
 - c. Detailed Landscape Masterplan
9. **Advises** Campbelltown City Council and the proponent that redefining the curtilage is a separate process under the Heritage Act. As there has been no formal request for redefining the SHR curtilage under the Heritage Act, the proposed reduction in the SHR curtilage is not considered as part of this planning proposal and would be subject to the controls provided by item 2.
10. **Agrees** that any future comments on the publicly exhibited planning proposal (provided it is substantially in line with the Approvals Committee's comments above), be provided by Heritage NSW under delegation.
11. **Thanks** Approvals Committee members, Caitlin Allen and Julie Marler, for their input into the proponent's revised and improved planning proposal.

Moved by Nicholas Brunton and seconded by Bruce Pettman

3. General Business

3.1 Forward agenda

The Committee noted the forward agenda.

3.2 Approvals Committee – Skills matrix and future meetings

The Approvals Committee briefly discussed the format of future meetings and membership skills in relation to filling any future vacancies.

4.0 Meeting Close

There being no further items of business, Ian Clarke, Chair, declared the Approvals Committee meeting closed at 12:40 PM.



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Mr Ian Clarke
Chair, Heritage Council Approvals Committee
Date: **6 DEC 22**