



## HERITAGE COUNCIL OF NSW

### MEETING MINUTES – Approvals Committee

Tuesday, 6 June 2023 | 9:00 AM – 2:15 PM

Via Teleconference

#### ATTENDANCE

##### Members

Mr Ian Clarke	Chair
Dr Nicholas Brunton	Deputy Chair
Ms Caitlin Allen	Member
Mr David Burdon	Member
Ms Vanessa Holtham	Member
Dr Danièle Hromek	Member
Ms Julie Marler	Member
Mr David McNamara	Member
Mr Bruce Pettman	Member
Mr Frank Howarth AM PSM	Heritage Council Chair / Alternate Member

##### Apologies

Nil

##### External Presenters

Ms Lorena Blacklock	Coordinator Land Use Planning & Spatial Services, QPRC (item 2.2)
Ms Tanja Hogg	Coordinator Land Use Planning Urban, QPRC (item 2.2)
Mr Paul Fraser	Manager Open Space and Trees, Woollahra Municipal Council (item 2.2)
Mr Tom O'Hanlon	Director Infrastructure & Sustainability, WMC (item 2.2)
Ms Christie Welfare	Team Leader Heritage, WMC (item 2.2)
Ms Sharon Veale	Partner & CEO, GML Heritage (item 2.2)
Mr Mark Withford	Principal Project Officer, NPWS (item 2.3)
Mr Robert Newton	Director Greater Sydney, NPWS (item 2.3)
Mr Chad Weston	Area Manager, Sydney North, NPWS (item 2.3)
Mr Jake Anderson	Senior Project Officer, NPWS (item 2.3)
Ms Amelia Holliday	Design Architect, Aileen & Sage Architects (item 2.3)
Mr John Oultram	Heritage Architect, John Oultram Heritage & Design (item 2.3)
The Hon Robyn Parker	Deputy Chair, Heritage Council (item 2.3)

##### Heritage NSW

Mr Sam Kidman	Executive Director
Mr Tim Smith	Director Heritage Assessments
Ms Elizabeth Thomas	Senior Secretariat Officer
Mr Rajeev Maini	Manager Assessments, Heritage Assessments South (items 2.1 & 2.2)
Ms Mariyam Nizam	Senior Assessments Officer, Heritage Assessments South (item 2.1)
Ms Samantha Gibbins	Senior Assessments Officer, Heritage Assessments North (item 2.2)
Ms Tempe Beaven	A/Manager Assessments, Heritage Assessments North (items 2.3 & 3.1)
Ms Lily Chu	Senior Assessments Officer, Heritage Assessments North (item 3.1)

## 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.
- There were no apologies.
- It was confirmed that quorum had been met.

### 1.1 Conflict of Interest Declarations

Committee members declared the following potential conflicts of interest:

#### *Item 2.1 Braidwood Structure Plan:*

- Danièle Hromek noted that Braidwood is in her Country and part of her homelands and is one of the locations of her apical ancestors
- Julie Marler noted that she had worked with the Queanbeyan Palerang Regional Council around five years ago on new designs for the Braidwood township's Ryrie Park and streetscape and pavement treatments for the main street

*The Committee agreed that Danièle Hromek and Julie Marler were able to fully participate in discussion of this item.*

#### *Item 2.3 Barrenjoey Head Lightstation:*

- Julie Marler noted she is currently engaged with another branch of the National Parks and Wildlife Service
- Danièle Hromek shares an office with the project architects and has provided them with informal advice on this project
- Bruce Pettman and Caitlin Allen noted they had previously worked on the archaeology sections of the Conservation Management Plan

*The Committee agreed that Caitlin Allen and Bruce Pettman were able to fully participate in this discussion and that Julie Marler and Danièle Hromek will be excused for this item.*

Moved by Nicholas Brunton and seconded by Caitlin Allen
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## 1.2 Out of Session Activity

There was no business conducted out of session since the previous ordinary meeting.

#### *Maitland Gaol*

A subset of AC members held an informal workshop with Heritage NSW and Maitland Regional Council on 24 May 2023 regarding design options for Maitland Gaol. Revised options have been submitted for the committee's further consideration.

## 1.3 Minutes from Previous Meeting – 2 May 2023

<b>Resolution 2023-21</b>
The Heritage Council Approvals Committee:
1. <b>Confirms</b> the minutes of the previous ordinary meeting (Tuesday, 2 May 2023), as a complete and accurate record of that meeting.
Moved by Bruce Pettman and seconded by David McNamara



## 1.4 Action Report

The Committee noted the action report.

## 2. External Presentations

### 2.1 Braidwood Structure Plan – discussion paper

The Committee received a presentation from Queanbeyan Palerang Regional Council and a report from Heritage NSW on the Braidwood Structure Plan (BSP).

Member's feedback was sought on the BSP Discussion Paper which is the start of a formal conversation with the community and government agencies on the future growth of Braidwood. It seeks to guide land use changes in a consequential manner whilst responding to affordability issues, future housing demands, and other drivers.

#### *Key points:*

- The study area includes the town limits and 5km beyond and has four main areas for discussion; Bypass Options; Pedestrian and Walkability Map; Infill development; and Suitability for Future Growth Areas
- Braidwood is currently managed through site specific exemptions run by a stand-alone Development Control Plan (DCP) developed with the Heritage Council of NSW
- Components of Heritage NSW's separate 15-year heritage management review of the State Heritage Register listing will be used to set some of the framework parameters for the BSP which will both feed into the Braidwood Land Use and Development Controls
- As a first step in determining suitability for future use, predictive EIS modelling is being used to identify land with the least constraints and mapping overlaid with known heritage items
- QPRC are partnering with NSW Public Works to consider the water and sewerage supply and demands for the next 20 years, including infrastructure funding requirements

The Committee noted the challenges of the site's topography and the need for:

- a cultural landscape study that considers First Nations and Connecting with Country values, as well as water catchments and associated constraints, and archaeological considerations
- the inclusion of First Nations values and social values in the Statement of Significance.

#### *Sam Kidman joined the meeting.*

Members queried the impacts of the nearby gold mine, associated transportation issues and traffic movement and discussed the bypass route options and potential impacts to views of the township.

A broader discussion was held regarding the high level principles to be applied to consider options for any large-scale residential development, and whether this is best located outside of the heritage conservation area. The discussion included opportunities for site amalgamation, housing diversity, and light touch infill in the conservation area with nuanced densification, rather than broad areas earmarked for development.

The Committee thanked QPRC for the presentation and the opportunity to provide feedback on the BSP discussion paper at this pivotal stage.

Members acknowledged the comprehensive report provided by Heritage NSW, their recent site visit with QPRC staff, and committed to providing detailed feedback on the structure plan to QPRC soon.

#### **Resolution 2023-22**

The Heritage Council Approvals Committee:

1. **Notes** the contents of the paper prepared by Heritage NSW and the discussion paper prepared by Queanbeyan Palerang Regional Council (QPRC).
2. **Thanks** the QPRC for their presentation and early engagement.
3. **Provides** the following initial recommendations to QPRC for the Discussion Paper on the Braidwood Structure Plan:
  - i. Recognition of First Nations associations and attachments to Braidwood is important. Further consultation with local Aboriginal communities should be undertaken to ensure that

there is a greater understanding of sites of significance and First Nations associations to Country

- ii. Alternate options including a hybrid scheme with a satellite development should be explored further. The QPRC should demonstrate why the proposed solutions of infill and contiguous development is the best possible outcome for the town and its setting.
4. Will work with Heritage NSW to **provide** further recommendations to QPRC for the Discussion Paper as well as the suite of documents to be prepared to inform the Braidwood Structure Plan.
5. **Recommends** the Statement of Significance be refreshed and include First Nations and social values so that it can inform the basis of heritage management principles.

Moved by Julie Marler and seconded by Vanessa Holtham

## 2.2 Rushcutters Bay and Yarranabbe Parks (SHR 02041) – Pre DA proposal for Youth Facility

The Committee received a presentation from the Woollahra Municipal Council (WMC) and a report from Heritage NSW for a pre-development application (Pre DA) for Rushcutters Bay Park.

Members feedback was sought for the proposal which involves construction of a youth facility in the southwest corner of Rushcutters Bay Park, close to the park entry at New South Head Road.

*Key points:*

- The project aims to address the needs for increased playground facilities in particular for those aged 8-14 years
- Since 2017 when the initial project was put on hold in response to community opposition, WMC has carried out extensive community consultation around the proposal and revised design. The community feedback has generated great interest with both for and against views received
- The proposed location was favoured due to its size, accessibility, topography and the park infrastructure and will not impact any of the significant trees in the park
- The WMC's Aboriginal Heritage Study has been used to inform the design. Further consultation on the design will be undertaken with the La Perouse Land Council and an Aboriginal Cultural Heritage (ACH) Impact Assessment will be prepared
- WMC aims to commence a Review of Environmental Factors (REF) process, including further public engagement, after a future section 60 application is lodged and determined

The Committee noted the significant ACH values of the site and encouraged early consultation with the First Nations community to inform and drive the design with a more organic approach.

Members were generally supportive of the preferred location and acknowledged that:

- the shade structure whilst being somewhat intrusive is essential for the health and safety of patrons, and
- no night-time lighting of the skate facility is proposed; however the adjacent sports field and pathway lighting will be retained.

The Committee thanked Woollahra Municipal Council for the presentation.

### Resolution 2023-23

The Heritage Council Approvals Committee:

1. **Notes** the information provided by Heritage NSW in the report.
2. **Thanks** the Applicant and the project team for their presentation.
3. **Notes** that the current proposal has been informed by a Conservation Management Strategy (not endorsed by the Heritage Council), an options analysis, a Heritage Impact Assessment (HIS), and a Historical Archaeological Assessment and Research Design.

4. **Notes** that a section 60 application for the proposal will be submitted to the Heritage Council in due course and **agrees** that the subject section 60 application be determined under delegation by Heritage NSW.
5. **Notes** that the Woollahra Municipal Council intends to progress the proposal as an activity permitted without consent under Part 5 of the Environmental Planning and Assessment Act 1979 with the environmental assessment document being a Review of Environmental Factors (REF).
6. **Recommends** that the REF process is undertaken and completed prior to lodgement of the section 60 application, to allow for public consultation and resolution of various issues, which could inform the final design.
7. **Recommends** that the cultural values assessment is guided by Heritage NSW's [Aboriginal cultural heritage assessment process](#), as best practice. This should include full consultation with the Aboriginal community in accordance with the [Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010](#) and consider including interpretation of the landscape and some reinstatement of the original vegetation (e.g. grasses and sedges).

Moved by Bruce Pettman and seconded by Nicholas Brunton

AC member, Julie Marler, whilst generally supportive of the activity, was not supportive of the current design.

### 2.3 Section 60 proposed amenities Barrenjoey Head Lightstation (SHR 00979) – response to recommendations and requests

The Committee held an interactive workshop with the National Parks and Wildlife Service (NPWS) and their design team in relation to the proposed construction of an amenities building located on Barrenjoey Headland within the SHR curtilage of Barrenjoey Head Lightstation SHR 00979.

The NPWS outlined the proposed design amendments which seek to address the recommendations and requests provided by the Committee at their meeting on 28 February 2023. NPWS emphasised the need for the facilities to be located at the top of the headland and members discussed the pros and cons for the various locations explored.

Given the site constraints, members were generally supportive of the proposed location remaining the same as per the previous scheme, and were pleased that the revised design reduces the scale of the amenities block, is setback further into the landscape and that the plantings proposed to grow over the roof elevation will further reduce its visibility overtime.

Heritage sight lines for the preferred location were also considered and members discussed the structural height aligned to the adjacent wall and the need to maintain natural ventilation and light.

Members emphasised the importance of engagement and the need to ensure that ACH values and cultural landscape values, as well as archaeological values, are properly considered.

The Committee thanked NPWS for the interactive workshop and looked forward to finalising the formal section 60 with NPWS when resubmitted.

#### Resolution 2023-24

The Heritage Council Approvals Committee:

1. **Notes** the information provided in the presentation from National Parks and Wildlife Service (NPWS) and the report from Heritage NSW, including all attachments.
2. **Notes** the Section 60 for the current proposal was refused on 28 February 2022.
3. **Thanks** the NPWS for participating in the workshop to discuss alternatives and modifications
4. **Provides** the following advice for inclusion in any new Section 60 application:
  - i. Retain the proposed site location, given alternative locations are constrained
  - ii. Reduce the size of the proposed cut and fill by reducing the building height
  - iii. Consider reinstating the fourth stall if this does not increase the use of gabion walls
  - iv. Ensure that materials used meet the required BAL ratings

- v. Advise visitors that facilities are limited with signage located in the Customs Precinct
- vi. Engage with GAO or other qualified professionals to ensure *Connecting with Country* principles are fully considered including, but not limited to archaeology, plant species and re-use of materials on site.

5. **Recommends** that NPWS resubmit the Section 60 in accordance with Committee’s resolutions and modifications requested above, and returns to the Approvals Committee for approval.

Moved by Bruce Pettman and seconded by David Burdon

AC member, Vanessa Holtham, did not support the Committee’s view that the proposed site location be supported.

### 3. Heritage NSW presentations

#### 3.1 Catherine Hill Bay Cultural Precinct (Wallarrah House) – section 4.55 modification 25 Hale Street, Catherine Hill Bay

The Committee received an assessment report from Heritage NSW on the revised modification proposed for the north facing roof of the replacement dwelling at the former Wallarah House site.

Members noted the additional information provided and that the matter is now before the Land and Environment Court with the hearing currently scheduled for the 28-29th June 2023.

#### Resolution 2023-25

The Heritage Council Approvals Committee:

1. **Notes** the information provided by Heritage NSW in the report.
2. **Notes** that an appeal has been lodged with the Land and Environment Court.
3. **Notes** the additional information provided by GBA Heritage and **resolved** not to take any further action in relation to this matter.

Moved by Nicholas Brunton and seconded by David McNamara

### 4.0 General Business

#### 4.1 Forward agenda

The Committee noted the forward agenda.

#### 5.0 Meeting Close

There being no further items of business, Ian Clarke, Chair, declared the Approvals Committee meeting closed at 2:15 PM.



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 Mr Ian Clarke  
 Chair, Heritage Council Approvals Committee  
 Date: 4 July 2023