



## HERITAGE COUNCIL OF NSW

### MEETING MINUTES – Approvals Committee

Tuesday, 31 May 2022 | 09:00 AM – 01:15 PM

Via Teleconference

<b>ATTENDANCE</b>	
<b>MEMBERS</b>	
Mr Dillon Kombumerri	Chair
Mr Ian Clarke	Deputy Chair
Ms Caitlin Allen	Member
Dr Nicholas Brunton	Member
Mr David Burdon	Member
Mr David McNamara	Alternate Member
Ms Julie Marler	Member
Mr Bruce Pettman	Member
<b>EXTERNAL PRESENTERS</b>	
Ms Fiona Binns	Urbis (item 2.1)
Mr Chris Major	Welsh + Major (item 2.1)
Mr Peter Styles	Project Manager Medlow Bath, Transport for NSW (item 2.2)
Mr Radivoie Miletich	Senior Project Manager TAP Program, Transport for NSW (item 2.2)
Ms Jenny Burge	Urban Design Manager, Transport for NSW (item 2.2)
Mr Denis Gojak	Heritage Specialist, Transport for NSW (item 2.2)
<b>HERITAGE NSW STAFF</b>	
Mr Tim Smith	Director Heritage Assessments
Ms Veerle Norbury	Senior Assessments Officer, Assessments Team South (item 2.1)
Ms Shikha Jhaldiyal	Senior Assessments Officer, Assessments Team South (item 2.1)
Ms Rochelle Johnston	Senior Manager, Major Projects (item 2.2)

Mr Hendry Wan	Senior Assessments Officer – RMS, Major Projects (item 2.2)
Mr Michael Ellis	Manager, Assessments Team North (item 3.1)
Ms Tempe Beavan	Senior Assessments Officer, Assessments Team North (item 3.1)
Ms Natasha Agaki	Secretariat Officer
Ms Samantha Bailey	A/Assistant Secretariat Officer

## 1. Welcome and formalities

The Chair, Dillon Kombumerri, opened the meeting at 09:00am.

- The Chair delivered an Acknowledgement of Country, welcomed attendees, and acknowledged Reconciliation Week.
- Apologies were accepted from Nicholas Brunton 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.

Resolution 2022-25
The Heritage Council Approvals Committee noted the below conflict of interest declaration and supported Mr McNamara's decision to withdraw from discussions and decision-making relating to item 2.1. Mr McNamara's access to relevant papers was also removed. <ul style="list-style-type: none"><li>• David McNamara - Friend and former colleague of Matthew O'Donnell, Planning consultant for Pier One outdoor seating proposal (item 2.1).</li></ul>
Moved by Ian Clarke and seconded by Julie Marler

### 1.2 Out of Session Activity

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

### 1.3 Minutes from Previous Meeting – 3 May 2022

The Committee received the Minutes from the previous ordinary meeting.

Resolution 2022-26
The Heritage Council Approvals Committee: <ol style="list-style-type: none"><li>1. Confirms the minutes of the previous ordinary meeting (Tuesday, 3 May 2022) as a complete and accurate record of that meeting.</li></ol>
Moved by Caitlin Allen and seconded by Bruce Pettman

### 1.4 Action Report

The Committee noted the action report.

## 2. External Presentations

### 2.1 S60 – Pier One, Walsh Bay Wharves Precinct – Outdoor Seating Proposal

The Committee received a presentation from Urbis and Welsh + Major, and a paper from Veerle Norbury and Shikha Jhaldiyal, Heritage NSW.

*Key points discussed:*

- The retractable awnings in the central portion should be limited and without any vertical supports. It was noted that the awnings could not be extended to the Northern end without additional structures, and that a mixture of awnings and umbrellas was preferred by the proponent to support the separation and intended use of the various social breakout spaces. However;
- Members unanimously agreed that the umbrellas on the Southern end should be removed to minimise visual clutter and proliferation and impacts upon the industrial character of the site.
- Members discussed various seating layout options and their impacts, particularly with regard to accessibility and the character of the site. It was agreed that removing the last four tables on the Northern end would open the corner, extend the invitation to the end of the Pier, and better support public use and accessibility. Furthermore;
- Use of the furniture under the gantry as currently proposed narrows the walkway from 3m to 2.5m which does not comply with the Committee's conditions of approval.
- The Committee urged the proponent to reconsider the need for planters and rugs. It was noted that the intended use of the planters and rugs is to delineate the separate break out spaces.
- Most members felt that planters and rugs are not in line with the industrial character of the site, however they also considered the view that accumulative impacts to Pier One to date have effectively removed the experience of an industrial site.
- Various options were considered including a reduced number of planters, different layouts and alternative plant species to suit the harsh environment.
- All agreed that the proposed planters and rugs add visual clutter and encourage proliferation, however a more uniform approach to the selection of plants and their containers could be acceptable.
- The lighting poles currently obstruct the clear pedestrian path. Measures should be taken to remove the lighting poles which are not original and incorporate new lighting within any new fencing.
- The Committee acknowledged the Heritage NSW assessment team for their clear presentation of a complex report.

Resolution 2022-27

The Heritage Council resolved, pursuant to Section 63 of the *Heritage Act 1977*, to **approve** the Section 60 application, subject to the following conditions:

**APPROVED DEVELOPMENT**

1. Development must be in accordance with:

a) Architectural drawings, prepared by Welsh + Major as listed below:

Dwg No	Dwg Title	Date	Rev
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<b>Project Name: Pier One Seating Proposal</b>			
S60 03	Proposed Wharf Plan + West Elevation (Revised Option)	24/4/22	5
S60 05	Proposed Northern Area Plan (Revised Option)	20/4/22	4
S60 07	Proposed Central Area Plan (Revised Option)	20/4/22	4
S60 10	Proposed Southern Area Plan (Revised Option)	20/4/22	4

**EXCEPT AS AMENDED** by the General Terms of Approval:

### **EXTERNAL WORKS**

2. The seating area and associated elements (including awnings and all outdoor furniture) to the northernmost two bays of the wharf are not approved. Amended drawings are to be submitted for approval by the Heritage Council of NSW (or delegate) prior to works commencing.
3. The retractable awnings in the central portion must be limited to be in line with the western extent of the previously approved extensions to the building (including the extensions to the function rooms and the restaurant). Amended drawings are to be submitted for approval by the Heritage Council of NSW (or delegate) prior to works commencing.
4. The proposed awnings are not to be altered or added to by means of blinds (or other vertical elements) to enclose the outdoor seating spaces.
5. The proposed umbrellas to the southern zone are not approved. Amended drawings are to be submitted for approval by the Heritage Council of NSW (or delegate) prior to works commencing.
6. Details including fixing details and colour scheme of all shade devices shall be submitted prior to works commencing for approval by the Heritage Council of NSW (or delegate).
7. Outdoor tables and chairs must be portable/lightweight and be stored indoors outside of trading hours.
8. The number of planter boxes and rugs are limited to what is shown in the drawings approved. A more uniform approach is recommended to the selection of boxes and plants. Amended drawings are to be submitted for approval by the Heritage Council of NSW (or delegate) prior to works commencing.
9. The lighting poles currently obstruct the clear pedestrian path. Measures should be taken to remove the poles (which are not original) and incorporate new lighting within any fencing to the edge of the Pier. Amended drawings are to be submitted for approval by the Heritage Council of NSW (or delegate) prior to works commencing.

*Reason: To minimise visual and physical impacts upon the precinct's heritage significance and retain the industrial character of the site.*

### **INTERNAL WORKS**

10. Details of the proposed works to convert the northernmost guest room into a servery must be submitted prior to works commencing for approval by the Heritage Council of NSW (or delegate).

*Reason: To minimize impact upon significant fabric and spaces by the conversion works (including penetrations, services etc).*

### **SIGNAGE**

11. This application does not include any signage works. Details of any new signage must be submitted with the s.60 Application for approval by the Heritage Council (or its Delegate) prior to installation.

*Reason: To ensure new signage is appropriate to the heritage context and minimises visual impacts.*

### **HERITAGE CONSULTANT**

12. 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**

13. 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**

14. 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.*

#### **COMPLIANCE**

15. 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.*

#### **DURATION OF APPROVAL**

16. This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

*Reason: To ensure the timely completion of works*

#### **Advice**

Section 148 of the *Heritage Act 1977* (the Act) allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Moved by David Burdon and seconded by Bruce Pettman

## **2.2 Medlow Bath Railway Station – Great Western Highway Upgrade**

The Committee received a presentation from Transport for NSW and a paper from Hendry Wan, Heritage NSW.

*Key points discussed:*

- The Committee discussed community feedback on the design proposal, various operational aspects of the underpass option, and outcomes of TfNSW's Underpass Viability Workshops, before focusing discussions on the bridge crossing as the proponent's preferred option.
- The Committee thanked the TfNSW for providing options and acknowledged the move toward considering the cultural landscape and broader setting. However, the current design proposal is still considered to be too imposing with severe impacts to the World Heritage values of the site.
- The Committee noted TfNSW's intent to address multiple issues (safety, accessibility, level crossing) across both road and railway, within a single project that meets the demands of the future. The Committee questioned whether requirements across the station platforms and the road could be addressed separately to reduce the scale of the project.
- The Committee acknowledged the need to provide equitable access and the ways in which the current design responds to this requirement, however, all agreed that the world heritage values of the landscape had not been adequately respected in the proposed solution.
- Lengthy discussions were had around the bulk, design and materiality of the bridge crossing to achieve a more sympathetic structure, noting that functional requirements have driven the design proposal to date.
- It was noted that whilst previous, slenderer bridge designs are less visually intrusive, they are becoming less applicable with regard to TfNSW's expectations for maintenance and safety requirements overtime.
- Members agreed that large and modern statement bridges may work in some heritage settings, however, this proposal would significantly disrupt the authenticity of Medlow Bath as a 1920s leisure destination and people's attachment to the Place. The bridge should either complement the existing ensemble of buildings or be as recessive as possible. Any bridge design in this location must support the feeling of having an authentic historical experience and reflect the qualities of the site.
- Members raised the opportunity to incorporate a viewing platform to the Hydro Majestic side of the bridge so that it is not merely functional but improves user experience.
- Members also discussed the Station Street crossing as a legitimate option and the opportunity to acquire the adjacent Mazda property to support the most appropriate development for the long term.
- The Committee agreed that a design competition or similar process could assist in reaching a sensitive and place-specific design response, whilst meeting functional requirements.

## Resolution 2022-28

The Heritage Council Approvals Committee:

- a. Notes the information provided in the report.
- b. Notes Transport for NSW's (TfNSW) presentation and addressing previous advice given by the Approvals Committee.
- c. Provided the following comments:
  - a. Notes the concerns of the local community and Blue Mountains City Council and encourages ongoing engagement with them and other key stakeholders to reach an acceptable solution.
  - b. Notes that the underpass option, which all parties agree has the least heritage impact, has been explored, including the constructability, public safety and maintenance issues, and that the bridge remains the proponent's preferred option.
  - c. The Approvals Committee discussed the Station Street crossing as an option.
  - d. The Approvals Committee remain concerned with the design of the bridge crossing, including bulk and materiality, and its heritage impacts on the World Heritage setting.
  - e. The pedestrian bridge option should be designed to better respond to the significant heritage values of the Blue Mountains setting and the local precinct including the Hydro Majestic Hotel. The pedestrian bridge should respond to the character of the Place as a significant historic health and leisure destination.
  - f. The Approvals Committee encourages TfNSW to continue to develop the interpretation strategy to inform the design, including Connecting with Country.
  - g. Recommends a design competition or alternative process to find an appropriate solution. The Approvals Committee offers to comment on the design brief and recommends that a heritage architect is embedded in the project team.
  - h. The Approvals Committee welcomes ongoing discussion with TfNSW.

Moved by Julie Marler and seconded by Caitlin Allen

### 3. Heritage NSW presentations

#### 3.1 S60 – Marsden Rehabilitation Centre – Stage 1 Works

The Committee received a paper and verbal report from Michael Ellis and Tempe Beaven, Heritage NSW.

*Key points noted / discussed:*

- In 2018 the site was subject to a compulsory land acquisition by TfNSW on the corner of Victoria and O'Connell Street that reduced the site area. The Heritage Council was not informed of the acquisition until recently.
- The current Section 60 application does not address the change in the development proposal envelope resulting from the land acquisition.
- Parramatta City Council's preference is that the applicants come back with a modification that addresses the compulsory land acquisition and setbacks along Victoria Road.



- The Heritage Council extensively considered the height, form and articulation of the building on the corner of O’Connell Street and Victoria Road in its 2015 and 2017 deliberations. With the change in allotment this entire building will need to be reconsidered.
- Since more than three years has passed since the 2017 General Terms of Approval were issued, the Section 60 can be considered as a standalone application and not part of the Integrated Development Application.
- Heritage NSW has twice requested that the applicant withdraw the application.
- Any approval for the Section 60 application will likely commit to a development footprint that is not desirable for the future.

Resolution 2022-29
<p>Pursuant to section 63 of the <i>Heritage Act 1977</i>, the Heritage Council Approvals Committee <b>does not grant approval</b> for the following reason:</p> <ul style="list-style-type: none"> <li>- The development proposal, as it stands, is a partly constructed basement with loading dock and ramp, including shotcrete retaining elements that would present a large, excavated hole in otherwise flat and open grounds, which would adversely impact the setting of the state significant <i>Marsden Rehabilitation Centre Group</i> of buildings.</li> </ul> <p><i>Advisory Note</i></p> <p>It is noted that because the 3-year period has passed since the 2017 consent was granted (s 4.50 (1), <i>Environmental Planning and Assessment Act 1979</i>), this section 60 application may be considered as a standalone application (not part of the Integrated Development Application).</p> <p>It is recommended that consideration is given to lodging a section 4.55 modification with City of Parramatta Council that addresses the changes to the allotment.</p>
Moved by David McNamara and seconded by Bruce Pettman

## 4. General Business

### 4.1 Forward agenda

The Committee noted the forward agenda and requested ongoing updates on the Sydney Harbour Bridge Cycleway project.

### 4.2 Other matters

1. Heritage NSW attended a positive site visit to Glenlee, Menangle Park and is waiting to explore an amended concept through Campbelltown City Council. An update will be provided at an upcoming meeting.
2. Heritage NSW to follow up with Cumberland City Council regarding the pre-lodgement advice on Prospect Hill provided by the Approvals Committee last year, and their enquiries relating to feedback provided by former member Ingrid Mather.

3. Heritage NSW is engaged with TfNSW on the Sydney Harbour Bridge Cycleway project as the proponent works toward submission of a Section 60 to the Approvals Committee. An update will be provided at the next meeting.
4. Heritage NSW to confirm dates for the upcoming site visit to Appin Cultural Landscape.
5. Heritage NSW is looking in to arranging a site visit for members of the Heritage Council and Committees on the Macquarie Street East development.
6. Heritage NSW to consider how to report on items that have been determined under delegation following consideration by the Approvals Committee.

## 5.0 Meeting Close

There being no further items of business, Dillon Kombumerri, Chair, declared the Approvals Committee meeting closed at 1:15PM.



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Mr Dillon Kombumerri  
Chair, Heritage Council Approvals Committee  
Date: 8/9/22