



## HERITAGE COUNCIL OF NSW

### MEETING MINUTES – Approvals Committee

Tuesday, 2 August 2022 | 12:30 PM – 04:10 PM

Via Teleconference

| <b>ATTENDANCE</b>          |   |
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| <b>MEMBERS</b>             |   |
| Mr Dillon Kombumerri       | Chair   |
| Mr Ian Clarke              | Acting Chair  |
| Ms Caitlin Allen           | Member  |
| Dr Nicholas Brunton        | Member  |
| Ms Julie Marler            | Member  |
| Mr Bruce Pettman           | Member  |
| Ms Vanessa Holtham         | Member  |
| Mr David McNamara          | Alternate Member  |
| <b>APOLOGIES</b>           |   |
| Mr David Burdon            | Member  |
| <b>EXTERNAL PRESENTERS</b> |   |
| Mr James Phillips          | Director (Heritage), Weir Phillips Heritage & Planning (item 2.1) |
| Mr Matthew Taylor          | Director (Landscape Architect), Taylor Brammer (item 2.1)         |
| Mr Cameron Jones           | Director (Architect), Innovate Architects (item 2.1)              |
| Mr Andrew Griffin          | Property Owner (item 2.1)   |
| Ms Annette Pitman          | Interim CEO, Create NSW (item 3.2)                                |
| Ms Lisa Havilah            | CEO, Museum of Applied Arts and Sciences (item 3.2)               |
| Ms Natalie Vinton          | CEO, Curio Projects (item 3.2)                                    |
| Mr Thomas Klobucar         | Observer – Project Director, Create NSW (item 3.2)                |
| Mr Stephen Fabling         | Observer – Create NSW (item 3.2)                                  |

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| Mr Michael Oliver         | Observer – Director, Ethos Urban (item 3.2)                               |
| <b>HERITAGE NSW STAFF</b> |   |
| Mr Rajeev Maini           | Manager Assessments, Heritage Assessments South (item 2.1 and 3.2)        |
| Ms Mariyam Nizam          | Senior Assessments Officer, Heritage Assessments South (item 2.1 and 3.2) |
| Mr Michael Ellis          | Manager Assessments, Heritage Assessments (item 3.1)                      |
| Mr James Quoye            | Senior Assessments Officer, Heritage Assessments North (item 3.1)         |
| Ms Natasha Agaki          | Secretariat Officer   |

## 1. Welcome and formalities

The Chair, Dillon Kombumerri, opened the meeting at 12:30pm.

- The Chair delivered an Acknowledgement of Country and welcomed attendees.
- Apologies were accepted from David Burdon. It was confirmed that quorum had been met.
- The Chair briefly raised his attendance at the State Heritage Register Committee (SHRC) meeting in the morning to discuss the Appin Massacre Cultural Landscape.

### 1.1 Conflict of Interest Declarations

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| Resolution 2022-36   |
| The Heritage Council Approvals Committee: <ul style="list-style-type: none"><li>• <b>Notes</b> the below conflict of interest declaration:<ul style="list-style-type: none"><li>○ Vanessa Holtham – Powerhouse Museum, Ultimo (item 3.2) – provided comment on the CMP to inform the City of Sydney Council's response to the SSD.</li></ul></li><li>• <b>Notes</b> that Ms Holtham's access to the associated Heritage NSW report was removed.</li><li>• <b>Agrees</b> that Ms Holtham could remain in the meeting for discussions and that no further action needed to be taken.</li></ul> |
| Moved by Caitlin Allen and seconded by Ian Clarke  |

### 1.2 Out of Session Activity

Members attended a site Visit to St Mary's Cathedral on 21 July 2022. Draft recommendations to the proponent were sent to members for review on 27 July 2022.

### 1.3 Minutes from Previous Meeting – 5 July 2022

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| Resolution 2022-37   |
| The Heritage Council Approvals Committee: <ol style="list-style-type: none"><li>1. <b>Confirmed</b> the minutes of the previous ordinary meeting (Tuesday, 5 July 2022) as a complete and accurate record of that meeting.</li></ol> |
| Moved by Nicholas Brunton and seconded by Julie Marler   |

### 1.4 Action Report

The Committee noted the action report and that updates would be made to reflect the discussions. It was noted that Heritage NSW is progressing a meeting between Frank Howarth AM, Chair of the Heritage Council, and North Sydney Mayor, Zoe Baker, to discuss the Sydney Harbour Bridge Northern Cycleway.

## 2. External Presentations – Part 1

### 2.1 IDA – 14 Rosemont Avenue, Woollahra

The Committee received a presentation from representatives of Innovate Architects and Weir Phillips, and a paper from Mariyam Nizam, Heritage NSW.

#### *Key points:*

- In general, the Approvals Committee is supportive of adaptive reuse and reasonable amenity.
- Members discussed challenges in accurately assessing the proposal, the property's heritage value, and its tolerance for change, with the information provided. It was noted that:
  - There are discrepancies in the significance gradings and dating of fabric within the Conservation Management Plan (CMP) and the Heritage Impact Statement (HIS). This is not adequate to allow assessment of the detailed impacts of the scheme;
  - The comparative analysis in the CMP only addresses other properties in Eastern suburbs of Sydney, it needs to consider comparative properties across NSW;
  - The assessment of significance needs to address the gardens and landscaping in order to understand the impact of the extensive excavation proposed around the house. This should consider both the role of the gardens in the social history of the house and in terms of historic garden design.
- Members discussed impacts of the proposed indoor swimming pool to the rear courtyard.
  - It is considered to be an intrusive element, particularly with the overhead structure proposed, which would permanently alter the form, layout and use of the courtyard.
  - Humidity management would be critical to protect the walls from rising dampness.
  - A free-standing structure, e.g., pavilion, would better protect the building walls.
- Conservation works should be undertaken to reverse some of the interventions.
- The extent of excavation proposed for basement parking and other amenities would have adverse impacts on the already compromised landscape. Following Connecting with Country principles would minimise any excavation and removal of existing soil/rock which belongs to that place.
- Members discussed difficulties with justifying the 'reasonableness' of the additional amenity in light of the heritage impacts expected.

#### Resolution 2022-38

1. 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:
  - a) The proposed alterations involving removal of significant fabric, changes to internal layout, loss of courtyard and impact of excavations on the remaining setting of the house

will have a detrimental impact on the aesthetic and representative values of SHR listed Rosemont.

- b) Removal of a significant number of trees and shrubs would be detrimental to the landscape setting and character of the place.
  - c) It is not possible to mitigate or minimise these impacts through conditions of approval.
  - d) Any future applications must be sensitively designed to maintain significant views, character, setting and curtilage of the Rosemont Estate. Ongoing management of heritage values should also be addressed.
  - e) Further design deliberation is required to facilitate a balanced outcome between heritage values and amenity for contemporary living
2. The Heritage Council Approvals Committee **advises** the proponent to consult with Heritage NSW before the submission of any future or amended application.

Moved by Bruce Pettman and seconded by Ian Clarke

### 3. External presentations – Part 2

#### 3.1 IDA – Grafton Correctional Centre

The Committee received a paper and verbal report from Michael Ellis and James Quoye, Heritage NSW.

##### *Key points:*

- Members discussed execution of *Section 88b Conveyancing Act 1919* in regard to the property's easements and noted that legal advice would be sought from the Department of Planning and Environment (DPE) on the matter. It was also noted that easements 1-6 are listed in the plan, but not easement 7 which relates to the heritage buffer.
- This led to discussions around how best to manage the height, bulk and form of any development proposed for the NSW Health subdivision allotment to minimise heritage impacts, noting that specifications are not described in the Section 88b instrument or location plan.
- Members noted that the applicant had not responded to several aspects of the Approvals Committee's request for further information in February 2022, including around the social connections to the site, its former use as a prison farm, Aboriginal cultural activities that may have occurred, and a schedule of conservation works.
- Lengthy discussions were held around the issue of ownership and the critical issue of funding for maintenance of the heritage asset.
- It was noted that the applicant has committed a portion of the site to a long-term lease, in response to the Approvals Committee's previous advice, however this portion is graded of little significance in the CMP and does not protect the main heritage asset.

- The Committee felt that any subdivision approval should require preparation of a schedule of maintenance works for the Grafton gaol, and that compliance with such a schedule should be a mandatory obligation for any proposed use of the heritage asset.
- Members discussed possible implications of rejecting the subdivision proposal on NSW Health and on land claim negotiations with the Grafton Ngerrie Local Aboriginal Land Council; yet noted that approval of the current proposal would place Grafton gaol in high risk of neglect.

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| Resolution 2022-39   |
| <p>The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none"> <li>1. <b>Provides</b> the following comment: <ol style="list-style-type: none"> <li>a) The application has not demonstrated that the heritage asset has been protected and maintained and that it will continue to be into the future.</li> </ol> </li> <li>2. <b>Directs</b> Heritage NSW to refuse the application under delegation if the applicant cannot demonstrate within 8 weeks how the asset will be protected and maintained.</li> </ol> |
| Moved by Bruce Pettman and seconded by David McNamara  |

### 3.2 SSD (EIS) – Powerhouse Ultimo Renewal

The Committee noted an update presentation from representatives of Create NSW, Museum of Applied Arts and Sciences, and Curio Projects; and a paper from Mariyam Nizam, Heritage NSW.

#### *Key points:*

- The Committee queried the assessment of social significance and how the Powerhouse Museum as a cultural institution is treated and ranked within the Conservation Management Plan (CMP).
- Various aspects that informed the CMP’s approach including the Museum’s collection management policies, community consultations, and the recent SHR listing of the Powerhouse Museum, were also discussed.
- Although the significance assessment for the Wran Building has not yet been completed by the State Heritage Register Committee (SHRC), members advised the proponents to consider in its design planning the possibility of the building being state significant. It was also noted that the National Trust has submitted a nomination to list the entire site including the Wran Building.
- Members also discussed impacts of the Museum’s proposed reorientation to the accessibility of Harris Street, as well as plans for enhancing connectivity and amenity for the public domain.
- Members queried the amount of accommodation required and whether there is any opportunity to address this need without a new built form.

Resolution 2022-40

The Heritage Council Approvals Committee:

1. **Notes** the applicant’s presentation.
2. **Notes** the comments provided by Heritage NSW in the letter dated 11 July 2022.
3. **Invites** the proponent to present at a future meeting prior to the Response to Submissions stage of the project.

Moved by Bruce Pettman and seconded by Ian Clarke.

**4. General Business**

**4.1 Forward agenda**

The Committee noted the forward agenda.

**4.2 Other matters – St Mary’s Cathedral**

Resolution 2022-41

The Heritage Council Approvals Committee requested that Heritage NSW send a letter to the proponent with comments discussed since the site visit to St Mary’s Cathedral on 21 July 2022.

Moved by Caitlin Allen and seconded by Julie Marler

**5.0 Meeting Close**

There being no further items of business, Dillon Kombumerri, Chair, declared the Approvals Committee meeting closed at 4:10 PM.



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