



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 4 February 2025 | 9:00 AM – 1:10 PM

via teleconference

ATTENDANCE

Members

Dr Nicholas Brunton	A/Chair
Dr 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

Observer

Ms Sally Barnes	Heritage Council Chair
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Apologies

Nil

External Presenters

Mr Jason Wasiak	Director & Director - Principal Urban Planner, JW Planning (item 2.1)
Mr Darren Nicholson	Proponent / Landowner, Hunter Group (item 2.1)
Ms Kerime Danis	Director, Heritage, City Plan Services (item 2.2)
Mr Nik Karalis	Director, Merivale (item 2.2)
Ms Clare Swan	Director, Planning, Ethos Urban (item 2.2)
Mr Trevor Jensen	General Manager, Maryland Estate Developments (item 2.3)
Mr James Phillips	Heritage Architect, Weir Phillips (item 2.3)
Mr Philip Coxall	Landscape Architect, McGregor Coxall (item 2.3)

External Observers

Mr Ricci Schwarzler	Proponent / Landowner, Hunter Group (item 2.1)
Ms Angela Muller	Director, Merivale (item 2.2)
Mr Chris Carolan	Development, Merivale (item 2.2)
Mr Nick Frier	Managing Director, CTA (item 2.2)
Ms Marie Burge	Senior Planner, Planning Assessments, City of Sydney (item 2.2)
Mr Hui Wang	Heritage Advisor, City of Sydney (item 2.2)
Ms Alice Fuller	Associate Director, Weir Phillips (item 2.3)
Mr Angus Dawson	Chief Executive Officer, Cameron Brae (item 2.3)
Mr Arnold Vitocco	Managing Director, Vitocco Enterprises (item 2.3)

Heritage NSW

Ms Elizabeth Owers	Executive Director
Mr Tim Smith	Director Heritage Assessments
Ms Rochelle Johnston	Strategic Manager Heritage Referrals
Mr Michael Ellis	Manager Assessments (item 2.1)
Ms Rose O'Sullivan	Senior Assessments Officer (item 2.1)
Ms Tempe Beaven	Senior Assessments Officer (items 2.2 & 2.3)
Ms Katrina Stankowski	Manager Assessments (item 2.3)
Ms Elizabeth Thomas	Senior Secretariat Officer

1. Welcome and formalities

The A/Chair, Nicholas Brunton, opened the meeting at 9:00 AM.

- The A/Chair delivered an Acknowledgement of Country and welcomed attendees.
- There were no apologies for this meeting, and it was confirmed that a quorum had been met.

1.1 Conflict of Interest Declarations

Nil.

1.2 Out of Session decisions

The Approvals Committee held an out of session meeting on 9 December 2024 to determine the *Jenner House (SHR 00776) Integrated Development Application*.

Resolution 2025-01
The Heritage Council Approvals Committee: 1. Confirms the minutes of the out of session meeting (Monday, 9 December 2024), as a complete and accurate record of that meeting.
Moved by Bruce Pettman and seconded by Caitlin Allen

1.3 Minutes from Previous Meeting – 3 December 2024

Resolution 2025-02
The Heritage Council Approvals Committee: 1. Confirms the minutes of the previous ordinary meeting (Tuesday, 3 December 2024), as a complete and accurate record of that meeting.
Moved by Vanessa Holtham and seconded by David Burdon

1.4 Matters Arising

Nil.

1.5 Action Report

The Committee noted the action report and items recommended for closure.

2. Matters for Consideration

2.1 Catherine Hill Bay Cultural Precinct (SHR 01828) – planning proposal - prelodgement consultation

The Approvals Committee received a report from Heritage NSW and a presentation from the proponent and their consultants on the scoping proposal for a tourism, recreation and infill housing development within the SHR listed *Catherine Hill Bay Cultural Precinct*.

Following the presentation, the Committee noted that a heritage architect is yet to be appointed to the project and that further information was required on:

- the various landowners within the precinct and the proposed approach for land acquisition and development
- how the proposal and concept design responds to the cultural heritage values and the site's character
- the *Connecting with Country* considerations, and the First Nations consultation proposed to enable understanding of contemporary living cultures for the built environment, and
- consideration of the foreshore building line and how the proposal may impact the coast.

Members emphasised the need:

- to engage a First Nations consultant to ensure a culturally sensitive approach is taken for the masterplanning and architecture
- to engage a heritage consultant, and
- for significant engagement with the local Council to consider the potential coastal hazard risks.

Members thanked the project planner and the proponent for the opportunity to provide some feedback on the proposal and looks forward to a more detailed presentation in the future.

Members then discussed the proposal in detail.

Resolution 2025-03

The Heritage Council Approvals Committee:

1. **Does not support** the proposal in its current form noting:
 - a. lack of information on land ownerships and how the development can proceed given land is owned by local Council and Crown Lands
 - b. need for the development proposal to adopt a first principle *Connecting with Country* design approach and for greater consideration of Aboriginal Cultural Heritage values.
 - c. information required as to how the proposal is consistent with the cultural landscape values of the SHR Listing and how this aligns with the Heritage Council's subdivision policy
 - d. lack of information on how the proposal addresses the broader context of the place and how it fits with the local Council's Catherine Hill Bay Masterplan.
2. **Provides** the following comments to Lake Macquarie City Council regarding the Scoping Proposal within the Catherine Hill Bay Cultural Precinct:
 - a. The proposed changes to building heights include an increase from 8.5 to 12.5 metres in Lot 3 (the proposed new pub and tourist accommodation) and from 5.5 to 8.5 metres in Lot 4 (for proposed residential infill) are not supported. These changes are inconsistent with the low-scale character of the State Heritage Register listed precinct.
 - b. Although the Scoping Proposal precedes a formal rezoning application, it should be noted that the proposed scheme, if implemented in its current form, would result in a significant detrimental impact and materially affect the significance of the broader Catherine Hill Bay Cultural Precinct and would not be supported.
 - c. There is an absence of specific heritage planning guidance for this significant area. Accordingly, any major precinct changes should be informed by a conservation management plan or a development control plan for Catherine Hill Bay Cultural Precinct (SHR 01828)
3. **Recommends** to the proponent that the following studies are prepared to inform the proposal and detailed design, should this matter proceed to a planning proposal for rezoning:
 - a. a Connecting with Country framework
 - b. an Aboriginal cultural heritage assessment report that includes formal Aboriginal community consultation and archaeological assessment
 - c. a historical archaeological assessment
 - d. a statement of heritage impact in relation to Catherine Hill Bay (SHR 01828)
 - e. a visual impact assessment
 - f. a traffic study
 - g. a community consultation plan.

Moved by Caitlin Allen and seconded by Julie Marler

2.2 National House (SHR 00581) and Hardware House (SHR 00580), 73 and 75 York Street, Sydney

The Approvals Committee received a report from Heritage NSW and a presentation on the proposed concept plan and stage 1 works for the SHR listed *National House* and *Hardware House*.

Key points of the presentation

- The project aims to establish the parameters for a new hospitality precinct within 5 existing heritage buildings located centrally within the Sydney CBD.
- The concept plan seeks approval for the adaptive reuse as a hotel with retail and ancillary offices.
- The concept plan includes demolition of the rear section of 73 York Street to facilitate the extended void and establishment of a rear courtyard. It also includes internal openings between the buildings and construction of new stairs within the extended void. Mitigation measures will be developed at the detailed design stage to minimise the impact to the blind arched walls between 73 and 71 York Street.
- Images were provided to show the existing internal configuration and fabric for National House and Hardware House and the roofscape.
- Architectural drawings indicated fabric proposed for removal on the ground floor and levels 1 – 6, with the roofline remaining intact.

Members encouraged a holistic concept design approach to be taken for state and locally listed heritage elements across the site and discussed the opportunity to reinstate the ground floor elevation to encourage greater activation at the ground level.

The Committee thanked the consultants for presenting the DA concept plan and looks forward to a further presentation at the detailed design phase.

Following the presentation, members noted that:

- there is no statement of significance in the State Heritage Inventory for National House or Hardware House
- National House does not currently have a Conservation Management Plan (CMP) or heritage assessment and the 1998 CMP for Hardware House is outdated with fabric changes occurring overtime
- the concept DA seeks consent for the demolition and replacement of fire stairs at 73 and 75 York Street only and approval of physical works including demolition and construction will be subject to future detailed development applications for each venue
- both the concept plan and stage 1 works currently lack detail about the potential impacts to the significant heritage fabric of National House and Hardware House and to assess the heritage impacts, further details will be required to understand what significant elements will remain, the cumulative impacts and the extent of change.

Resolution 2025-04

The Heritage Council Approvals Committee:

1. **Notes** the information provided by Heritage NSW in the preliminary assessment report.
2. **Thanks** Merivale (applicant) and their project team for their presentation.
3. **Notes** the likely impacts of the concept plan and the proposed impacts of the stage 1 works to National House and Hardware House (SHR 00581 and 00580).
4. **Provides** the following comments:
 - a. Regarding the proposed likely impacts of the concept plan, while adaptive reuse of the buildings is supported, the demolition of 73 York Street and associated openings between buildings are not likely to be recommended for approval in their current form.
 - b. Further information is required from the proponent including the following:
 - i. Demolition plan
 - ii. Details and dimensions of proposed openings between buildings including location of existing piers or any other original structural detail
 - iii. Detailed assessment of heritage significance based on the current criteria

- iv. A statement of heritage impact
 - v. An analysis of fabric and grading of significance
 - vi. Visual analysis identifying significant views to and from the items including analysis of impact of proposed roof terrace at 75 York Street
 - vii. A schedule of conservation works including to the building façade
 - viii. Archaeological assessment
 - ix. Services installation plans.
- c. In relation to the proposed physical works to be determined under this application, the following is noted:
- i. The proposed demolition of non-original fire stairs in 73 York Street is broadly supported, subject to further information
 - ii. Further details on the significance of the 75 York Street fire stairs proposed for demolition are to be provided.
 - iii. Further details on the significance of the fire stairs in the central void at the rear of 73 York Street proposed for demolition are to be provided.
 - iv. Further details on activation of the ground floor plane and opportunities to reinstate original details.
5. **Agrees** that this application will return to the Approvals Committee once the requested information is received and in accordance with the AC resolution.
6. **Agrees** that a site visit should be undertaken.

Moved by Vanessa Holtham and seconded by Bruce Pettman

Amendments to this resolution were made at the AC 4Mar25 meeting and moved by Bruce Pettman and seconded by David Burdon

Elizabeth Owers joined the meeting at 10:20 AM.

Heritage Council Chair introductions

Members of the Approvals Committee were introduced to Sally Barnes, who was appointed as Chair of the Heritage Council on 1 January 2025. Ms Barnes joined for the remainder of the meeting.

2.3 Maryland (SHR 01071), Bringelly – Integrated Development Application (IDA) – bulk earthworks

The Approvals Committee received an applicant presentation and a report from Heritage NSW on the IDA to be determined for proposed bulk earthworks and demolition within the *Maryland* SHR curtilage.

Heritage NSW sought the committee's feedback on the proposed draft conditions of consent noting that:

- this proposal is part of a much larger housing development outlined in the *Camden Growth Centre Precinct Plan*
- the proposed works include bulk earthworks, tree removal, land remediation and demolition of some heritage features within the SHR curtilage, and
- the works will involve relocation and capping of contaminated fill from across Precinct A into the SHR curtilage, to facilitate future housing at the wider site.

On 16 January 2025, the Chair of the Heritage Council, some members of the Approvals Committee, Heritage NSW and local council staff attended a site visit at Maryland with the applicant to better understand the proposed works.

Key points of the presentation

- The management strategy for various remediation options for contaminated soil was outlined, with the most viable option considered to be on-site strategic placement within less sensitive land uses or at depth.

- The viability of various sites has been assessed across Precinct A and the preferred option is to excavate and cap the soil and reinstate the topography of land after capping to preserve the key heritage views to and from the homestead and to retain the character of the landscape.
- Indicative heritage precinct contours and section diagrams were presented showing proposed plant screenings to minimise the visual impacts of the future housing development.
- The applicant presented a 3D modelling flyover for the project.

Members sought clarification on:

- the images presented to ensure the montages provided were accurate and ideally met the standards set by the Land and Environment Court
- the contour changes to the cultural landscape, the setting of the homestead and dense planting surrounds
- contingency plans if greater volumes of contaminated soil are required during works and the potential for any excess of material volume to be managed off site, and
- opportunities for plantings to emulate the Cumberland Woodland Grasslands and to ensure the natural landscape is restored.

The committee thanked the consultant team for showing members around the site in January as well as presenting the 3D flythrough and key elements of the proposal.

Members noted:

- that no changes are proposed for the ground alignment and driveway to the homestead
- the need for earthworks to accommodate housing development and that finer grade details will be carried out on site during works, and
- the intention is for heritage impacts from the bulk earthworks to be mitigated by conditions of consent.

The committee held a broader discussion around the systemic issues and challenges associated when considering multiple values for some SHR listings and the guiding principles of the *Burra Charter* and the *Connecting with Country* framework.

Resolution 2025-05
<p>The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none"> 1. Approves the integrated development application DA/2024/465/1 for bulk earthworks and associated site works at 773 & 877 The Northern Road, Bringelly (Maryland SHR 01690), in accordance with the recommended General Terms of Approval included in the Assessment Report provided at Tab 2.3A of this report, subject to further consideration of landscaping conditions. 2. Notes the significant cultural landscape and need to ensure the natural landscape is restored including opportunities for plantings that emulate the Cumberland Woodland Grasslands and underpinned by Aboriginal Cultural Heritage values.
<p>Moved by Bruce Pettman and seconded by David McNamara</p>

3.0 General Business

3.1 Forward agenda

The Approvals Committee noted the forward agenda.

4.0 Meeting Close

There being no further items of business, Nicholas Brunton, A/Chair, declared the Approvals Committee meeting closed at 1:10 PM.



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Dr Nicholas Brunton
A/Chair, Heritage Council Approvals Committee
Date: 4 March 2025