



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 5 December 2023 | 9:00 AM – 12:30 PM

via teleconference

ATTENDANCE

Members

Mr Ian Clarke	Chair
Dr Nicholas Brunton	Deputy Chair
Dr Caitlin Allen	Member
Mr David Burdon	Member
Ms Vanessa Holtham	Member
Ms Julie Marler	Member
Mr Bruce Pettman	Member

Apologies

Dr Danièle Hromek	Member
Mr David McNamara	Member
Mr Frank Howarth AM PSM	Heritage Council Chair / Alternate Member

External Presenters

Mr Scott MacArthur	Principal – Built Heritage, Artefact Heritage & Environment (item 2.1)
Mr James Belford	Senior Development Manager, TfNSW (item 2.1)
Ms Alaine Roff	Director, Urbis (item 2.1)
Mr Barney Collins	Director, EJE Architecture (item 2.2)
Ms Jann Zappacosta	General Manager, Anambah House (item 2.2)

Heritage NSW

Mr Sam Kidman	Executive Director
Mr Tim Smith	Director Heritage Assessments
Mr Michael Ellis	Manager Assessments (items 2.1 & 2.2)
Ms Lily Chu	Senior Assessments Officer (item 2.1)
Mr James Quoye	Senior Assessments Officer (item 2.2)
Ms Lindsey Nguyen	Graduate, Customer Service (item 2.1)
Ms Rochelle Johnston	Senior Manager Major Projects (item 3.1)
Ms Ruth Berendt	Senior Assessments Officer (item 3.1)
Mr Rajeev Maini	Manager Assessments (item 3.2)
Ms Shikha Jhaldiyal	Senior Assessments Officer (item 3.2)
Ms Elizabeth Thomas	Senior 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 noted for this meeting.
- It was confirmed that a quorum had been met.

1.1 Conflict of Interest Declarations

There were no actual conflicts of interest (COI) declared for this meeting.

For *Item 2.1 IDA Broadmeadow Locomotive Subdivision* the following potential perceived COIs were raised:

- Caitlin Allen and David Burdon noted that they had previously worked on the Broadmeadow site (around 15 years ago)
- David Burdon also noted that the Hunter branch of the National Trust (NSW) has independently been engaging with the local community in response to this project, but that he is not involved in this work as part of his role with the National Trust
- Julie Marler noted that she is currently working for the City of Newcastle on another project.

The Committee agreed that all members were able to fully participate in consideration of this item.

1.2 Out of Session Decisions

There were no out of session decisions made since the previous ordinary meeting.

1.3 Minutes from Previous Meeting – 31 October 2023

Resolution 2023-38
The Heritage Council Approvals Committee: 1. Confirms the minutes of the previous ordinary meeting (Tuesday, 31 October 2023), as a complete and accurate record of that meeting.
Moved by Bruce Pettman and seconded by Nicholas Brunton

1.4 Matters Arising

Tim Smith provided an update on various heritage matters including:

- a briefing being provided for *2A Gregory Place*, Harris Park
- progress on compliance matters for *Kenmore*, Goulburn
- discussions being held with the Transport Asset Holdings Entity (TAHE) regarding the *Newtown Rail Tram Depot* site, and
- the applicant's response to the Heritage Council's previous feedback on the SSD proposal for *35-74 Harrington St The Rocks*.

Members discussed the State Design Review Panel (SDRP) process for *The Clocktower*, and David Burdon offered to join the SDRP as an observer.

1.5 Action Report

The Committee noted the action report. The register was updated to reflect further actions required.

2. External Presentations

2.1 IDA Broadmeadow Locomotive Subdivision (DA2022/01269 / SHR 01100)

The Committee received a report from Heritage NSW and a presentation from Transport Asset Holding Entity (TAHE) and its consultants, who are seeking to remove the *General Term of Approval* (GTA) which requires a *Conservation Management Plan* (CMP) to be prepared for the *Broadmeadow Locomotive Depot* site, 35 Cameron Street, Broadmeadow.

Key points raised in the presentation:

- TAHE outlined the timeline for lodgement of the Development Application (DA) which seeks consent to subdivide Lot 16 and create separate titles for each partial lot.
- The application is considered generally administrative in nature with no boundary changes, land use changes, works or change to the status of current activities on the site proposed.
- A Statement of Heritage Impact (SoHI) has been prepared and draws upon the heritage studies carried out for the site, the TfNSW s170 assessment and a Constraints and Opportunities Analysis has also been completed.

Members noted the key heritage considerations and sought greater clarity around the interagency coordination; the roles and responsibilities for the ongoing maintenance, management, and heritage conservation of the site; as well as the broader planning proposal being developed for the rail corridor.

The Committee thanked TAHE for the presentation and noted that the project GTAs were issued by the Heritage Council on 8 February 2023 and amendments to these terms are not possible under the *Heritage Act*.

Sam Kidman joined the meeting at 9:45 AM

Following the presentation, members considered options to grant conditional approval for the section 60 IDA. The Committee emphasised the importance of having a CMP prepared to inform the concept planning and masterplan development as best practice for managing heritage assets.

Resolution 2023-39
<p>The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none">1. Notes the information in this paper and the presentation from the Transport Asset Holdings Entity (TAHE).2. Notes the SHR curtilage of the <i>Broadmeadow Railway Locomotive Depot</i> includes the significant built elements on Lot 13 and land comprising the immediate setting on the two parts of Lot 16. Access to the <i>Broadmeadow Railway Locomotive Depot</i> is via the two parts of Lot 16.3. Notes the City of Newcastle's concerns and the community interest around this subdivision and future redevelopment of the Locomotive Depot precinct.4. Notes that the preparation of a Conservation Management Plan (CMP) is necessary to inform early planning for the Locomotive Depot precinct. This is consistent with the <i>State Agency Heritage Guide (2005)</i> which requires State agencies to aim to have a CMP for every heritage asset listed on the SHR, and when major works are contemplated.5. Notes the Applicant is preparing a draft CMP that is expected to be delivered by the second quarter 2024.6. Does not support the request from TAHE to remove the General Term of Approval no. 2 requiring a Conservation Management Plan to be submitted with the s60 application for this proposal.
Moved by Bruce Pettman and seconded by Nicholas Brunton

2.2 IDA Anambah House (SHR 00275)

The Committee received a report from Heritage NSW and a presentation from Anambah House and their consultant for an integrated development application for a pool and pergola to be constructed within the SHR curtilage of *Anambah House*, Anambah.

The applicant noted the historic uses of the site and changes to the landscape setting overtime and outlined the proposal for a private pool and pergola to be situated on the perimeter of the home's garden area, separate to the function area.

The Committee thanked Anambah House for the presentation and acknowledged their commitment to the ongoing heritage conservation of the property.

Following the presentation, members noted the State significance of the house, outbuildings and gardens located on the property and discussed whether the proposed pool and pergola would potentially impact the historic, associative, aesthetic, and representative heritage values of the place.

Members highlighted the importance of the heritage views to the north and discussed options for a discreet setting for the proposed pool and pergola that would not impact on these sightlines.

The Committee thanked Heritage NSW for the comprehensive report.

Resolution 2023-40

The Heritage Council Approvals Committee:

1. **Notes** the information in this report including all attachments.
2. **Provides** in principle support for a swimming pool to be constructed but has concerns about the proposed location.
3. **Refuses** to grant General Terms of Approval for the integrated development application for the following reasons:
 - a. Anambah House, including its outbuildings is of State significance which *'lie within well-established gardens that retain some of their original late nineteenth century layout.* However, the proposed siting of an inground pool and pergola in the well-established gardens to the north of Anambah House would materially affect the historical and aesthetic State heritage values of the place.
 - b. In addition, the proposed siting of the inground pool and pergola to the north of Anambah House would materially affect the State heritage values attributed to the homestead, in particular *the rural outlook from the north-west to the southeast* of Anambah House and have a permanent and detrimental impact on the significant setting and views of the place.

4. **Provides** the following Advisory Note:

It is recommended that a Conservation Management Plan be prepared in accordance with the *Guidance on developing a conservation management plan 2021* prepared by Heritage NSW to further guide the future development of Anambah House.

If the works were located outside the historic garden, and a suitable distance from the stand of giant bamboo, the works are likely to be supported.

The applicant could consider submit amended plans, should they wish the Heritage Council (or its Delegate) to reconsider the application before Local Council determines this Integrated Development Application.

Moved by Julie Marler and seconded by David Burdon

3.0 Matters for Consideration

3.1 Guidelines for consideration of assessment matters by the Heritage Council and Approvals Committee

The Committee received a report and presentation from Heritage NSW on draft guidelines which aim to guide the consistent consideration of assessment matters by the Heritage Council and the Approvals Committee.

These internal guidelines align with the *Heritage NSW Protocol and principles to assist in the exercising of delegations* and support Heritage NSW in referral of matters for the Heritage Council and Approvals Committee.

Members noted the data analysis and review of items considered by the Council and the AC over a two-year period (2021-2022) and discussed the thresholds that determine the appropriate pathways for consultation, approvals, and timing, including instances where joint involvement of the Heritage Council and the AC may be appropriate.

The Committee thanked Heritage NSW for the comprehensive report and presentation and noted that the final draft guidelines will be presented to the Heritage Council for endorsement in early 2024. A six-month assessment following implementation will be presented to the AC.

3.2 Update on *Millers Point and Dawes Point Village Precinct Vision and Heritage Guidelines Project (SHR 01682)*

The Committee received a report from Heritage NSW on the *Millers Point and Dawes Point Village Precinct Vision and Heritage Guidelines Project*.

Members noted the extensive consultation carried out for the project, including meetings held with the local community, the *Millers Point Community Resident Action Group (MPCRAG)* and the City of Sydney.

The *Draft Heritage Conservation Vision Statement* and the *Draft General Heritage Design Guidelines for Adaptive Reuse of Heritage Properties* were also published on the website for public comment in late 2022.

The Committee noted the submissions made by MPCRAG and other stakeholders and discussed the opportunity to revise the guidelines to reflect a Development Control Plan format.

The Committee thanked Heritage NSW for the update and noted that the reformatted guidelines will be presented to the Approvals Committee for endorsement in 2024.

Resolution 2023-41
<p>The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none">1. Notes the project update provided.2. Notes the submission made by the Millers Point Community Resident Action Group (MPCRAG) dated 22 September 2023.3. Requests Heritage NSW to revise the Millers Point General Heritage Design Guidelines draft document to reflect a 'Development Control Plan (DCP) like' format to respond to the MPCRAG's submission, noting that the content will remain generally unchanged.4. Notes that the final reformatted guideline document will be presented to the Approvals Committee for endorsement.
Moved by Nicholas Brunton and seconded by Caitlin Allen

Sam Kidman left the meeting at Noon

4.0 General Business

4.1 Forward agenda

The Committee noted the forward agenda.

4.2 2024 Calendar

The Committee noted the schedule of 2024 meeting dates for the Approvals Committee.

4.3 Pecuniary Interest Declarations – annual update

The Committee noted that Pecuniary Interest Declarations are due for annual renewal and submission to Heritage NSW.

5.0 Meeting Close

There being no further items of business, Ian Clarke, Chair, declared the Approvals Committee meeting closed at 12:30 PM.



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Mr Ian Clarke

Chair, Heritage Council Approvals Committee

Date: 6 February 2024