



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 6 August 2024 | 9:00 AM – 1:10 PM

via teleconference

ATTENDANCE

Members

Dr Nicholas Brunton	Acting Chair
Dr Caitlin Allen	Member
Mr David Burdon	Member
Ms Vanessa Holtham	Member
Ms Julie Marler	Member
Mr David McNamara	Member
Mr Bruce Pettman	Member

Apologies

Mr Ian Clarke	Chair
Dr Danièle Hromek	Member
Mr Frank Howarth AM PSM	Heritage Council Chair / Alternate Member

External Presenters

Dr Mary Casey	Excavation Director, Archaeologist, Casey & Lowe (item 2.1)
Mr Michael Heenan	Director, AJC Architects (item 2.1)
Ms Kerime Danis	Director, City Plan Heritage (item 2.2)
Ms Carole-Lynne Kerrigan	Associate Director, City Plan Heritage (item 2.2)
Ms Asmita Bhasin	Heritage Consultant, City Plan Heritage (item 2.2)

External Observers

Mr Peter Moran	Client, Moran Arts Foundation (item 2.1)
Mr James Phillips	Heritage Architect, Weir Phillips (item 2.1)
Ms Vera Batalha	Project Manager, AJC Architects (item 2.1)

Heritage NSW

Mr Tim Smith	Director Heritage Assessments
Ms Tempe Beaven	A/Manager Assessments (item 2.1)
Ms Samantha Gibbins	Senior Assessments Officer (item 2.1)
Mr Rajeev Maini	Manager Assessments (items 2.2 & 3.1)
Ms Shikha Jhaldiyal	Senior Assessments Officer (item 2.2)
Ms Louise Doherty	Senior Assessments Officer (item 3.1)
Ms Veerle Norbury	Senior Assessments Officer (item 3.1)
Ms Lucy Albani	Director Policy & Strategy (item 3.2)
Ms Natalie Blake	Senior Policy Officer (item 3.2)
Ms Elizabeth Thomas	Senior Secretariat Officer

1. Welcome and formalities

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

- The Acting Chair delivered an Acknowledgement of Country and welcomed attendees.
- Apologies were noted for this meeting, and it was confirmed that a quorum had been met.

1.1 Conflict of Interest Declarations

Item 2.1 Juniper Hall

- Prior to the meeting, David Burdon (National Trust employee) and Bruce Pettman (National Trust Board Member) declared conflicts of interest noting that the National Trust is the property owner. *It was agreed that Mr Burdon and Mr Pettman be excused for this item and papers were redacted from their view.*

1.2 Minutes from Previous Meeting – 2 July 2024

Resolution 2024-30
The Heritage Council Approvals Committee: 1. Confirms the minutes of the previous ordinary meeting (Tuesday, 2 July 2024), as a complete and accurate record of that meeting.
Moved by Bruce Pettman and seconded by Vanessa Holtham

1.3 Out of Session decisions – 16 July 2024

The Approvals Committee held an out of session meeting on 16 July to discuss the *Broadmeadow Precinct Rezoning and Place Strategy*.

Resolution 2024-31
The Heritage Council Approvals Committee: 1. Confirms the minutes of the out of session meeting (Tuesday, 16 July 2024), as a complete and accurate record of that meeting.
Moved by David McNamara and seconded by Bruce Pettman

1.4 Matters Arising

Registrar Generals Building (RGB) site visit

Some AC members attended a site visit to the RGB on 30 July and provided feedback on the completed works.

Department of Lands Building - State Significant Development 7484 - Modification 20 (clock tower)

The Committee noted the Heritage Council's recent submission to the Department of Planning, Housing and Infrastructure, and outcomes of a meeting Heritage NSW recently held with the Pontiac Land Group, to further discuss the comments raised by the Heritage Council in relation to the SSD proposal and opportunities for heritage interpretation.

Members held a broader discussion on the opportunity for government to review the SSD process to ensure good outcomes for heritage and planning.

Resolution 2024-32
The Heritage Council Approvals Committee: 1. Note the Heritage Council's submission to the Department of Planning, Housing and Infrastructure for the <i>Department of Lands Building State Significant Development 7484 -</i>

Modification 20 (clock tower) and **reiterate** its concerns about some of the heritage outcomes for this SSD project.

2. **Recommend** the Department of Planning, Housing and Infrastructure and the Heritage Council of NSW undertake a formal review of the State Significant Development (SSD) process more broadly, to ensure a meaningful approach for heritage and planning to inform future SSD projects.

Moved by Nicholas Brunton and seconded by Caitlin Allen

1.5 Action Report

The Committee noted the action report and verbal update from Tim Smith. The register was updated to reflect the further actions required.

2. External Presentations

2.1 Juniper Hall (SHR 00268) – prelodgement consultation

David Burdon and Bruce Pettman were excused for this item

The Approvals Committee received a report from Heritage NSW and a presentation from the applicant and their consultant team on the proposed inclusion of a basement level carpark at the rear of the approved Gallery for *Juniper Hall* (SHR 00268), 1 Ormond Street, Paddington.

Members noted that the applicant considers the basement essential to support the works of the art institute by providing private parking and allow for other functional uses such as a drop off and packing area for art exhibits and as an occasional gallery space.

The Committee discussed the impact of works proposed noting that:

- the excavation for the proposed basement level and would impact the State significant archaeological remains associated with the c.1820/30s-c.1850s occupation of Juniper Hall
- the proposal includes substantial demolition of the sandstone retaining wall (c.1877) to create the carpark entry, and
- the loss of landscape and large scale changes would impact the site as a whole.

Members discussed the proposed heritage interpretation and the potential management and mitigation of heritage impacts, including:

- heritage interpretation opportunities in the basement, courtyard, gallery building and foyer spaces
- the creation of an Archaeological Conservation Zone (ACZ)
- the approach for archaeological remains which may be found outside of the trenches, and
- the safety and practical aspects for carpark access and circulation space for heritage displays.

The Committee acknowledged and thanked the design team for the archaeological installations proposed and for the applicant's commitment and willingness to meet to talk through the proposal.

Members discussed the need for further details to be provided to better understand the balance of carparking and functional needs of the art gallery and to ensure the archaeological display and visitor experience connects to the built form.

Resolution 2024-33

The Heritage Council Approvals Committee resolved to:

1. **Thank** the Applicant and their consultant team for presenting to the Approvals Committee.
2. **Consider** the documentation provided and the presentation from the consultant team.
3. **Support in principle** the display and protection of the highly significant state listed archaeological remains.

4. **Provide** the following comments to the Applicant regarding this project:

1. Note the proposal involves the demolition of a section of the northern portion of the western sandstone retaining wall (c.1877) to provide entry to the carpark will impact fabric ranked exceptional in the *Juniper Hall 248-250 Oxford Street, Paddington - Conservation Management Plan [CMP]* (prepared by Clive Lucas Stapleton and Partners, dated May 2016, not endorsed by the Heritage Council).
2. Given the above, greater justification must be provided for the proposed impact on this item of exceptional significance.
3. Support the establishment of an Archaeological Conservation Zone (ACZ) in the basement to conserve and publicly display a portion of the State significant archaeology/relics (footings and deposits associated with the c.1820s/30s hothouse and ensure that the display is flexible to incorporate other significant remains if found.
4. Support the installation of interpretative displays, including significant artefacts, within the basement and gallery building with an interpretative strategy that considers the relationship of the archaeological remains to the built form and the visitor experience within the site.
5. Consider increasing the viewing area of archaeological remains to provide greater visibility from above.

5. **Recommend** that the following is submitted with the Integrated Development Application:

- a) Due to concerns to the impact to the retaining wall and the interaction of the driveway with the ACZ, the proponent should provide detailed traffic and parking advice and how traffic will interact with the ACZ.
- b) Arboricultural advice on the potential impacts of the excavation on the *Liquidambar styraciflua*.
- c) Architectural drawings, including of the proposed ACZ.
- d) 3D renders and detailed drawings that demonstrate the visitor experience of the archaeological display.
- e) An Interpretation Strategy and Interpretation Concept Design.
- f) Statement of Heritage Impact, including visual analysis of the proposed entry to the basement carpark through the western boundary wall.
- g) A finalised Historical Archaeological Assessment and Archaeological Research Design (ARD) for the proposed salvage excavation program prepared by a suitably qualified archaeologist. The Assessment must comply with Heritage Council of NSW guidelines including, but not limited to, *Assessing Significance for Historical Archaeological sites and Relics 2009* and *Archaeological Assessments 1996*.
- h) A plan of management for the proposed ACZ, including protection, conservation, and maintenance during works and in perpetuity. This must be prepared by a materials conservator with recognised and appropriate experience in presentation of public archaeology.

Moved by Julie Marler and seconded by Caitlin Allen

2.2 Millers Point & Dawes Point Village General Heritage Design Guidelines – final draft

The Approvals Committee received a report from Heritage NSW and a presentation from the consultant team for the final draft of the *Millers Point & Dawes Point Village General Heritage Design Guidelines*.

Members noted the further edits made to incorporate their previous feedback and formatting changes requested by the Department.

The Committee thanked City Plan Heritage and Heritage NSW, in particular Shika Jhaldiyal and Rajeev Maini, for the work done to finalise the Guidelines and for their care and consideration in responding to the Committee's previous comments.

Resolution 2024-34

The Heritage Council Approvals Committee resolved to:

1. **Thank** Heritage NSW staff and City Plan Heritage for all the work done to finalise the Guidelines.
2. **Endorse** the content in the Millers Point & Dawes Point Village Precinct General Heritage Design Guidelines final draft document provided at Tab 2.2A of this report.
3. **Note** that the document will be further reviewed and edited by the Department of Climate Change, Energy, the Environment and Water's Communications Team and their external editor to ensure it complies with NSW Government's template and accessibility requirements. The final document will be published on the Department's website.

Moved by Caitlin Allen and seconded by David McNamara

3.0 Heritage NSW Presentations

3.1 Varroville (SHR 00737)

The Approvals Committee received a report from Heritage NSW on *Varroville*, 166-176 St Andrews Road, Varroville.

The Committee noted the:

- section 4.55 application for a large pump house within the cemetery area
- section 60 application in relation to replacement of the boundary fence and vegetation between the cemetery and the Homestead
- ongoing negotiations with the owners of the Varroville Homestead and the Catholic Cemetery Trust, and
- compliance issues and cumulative impacts from approved and unapproved works that are currently being considered by Heritage NSW.

The Committee thanked Heritage NSW for the report and agreed to engage further with the various parties including an opportunity to visit the site.

Resolution 2024-35

The Heritage Council Approvals Committee resolved to:

1. **Invite** the applicant to present to the Approvals Committee to provide information requested regarding the site location and additional concerns relating to the Pump House.
2. **Note** the delegate's likely refusal of the section 60 application in relation to replacement of the boundary fence and removal of vegetation between the cemetery and the Homestead and provide advice to the applicant to submit a section 4.55 modification to Campbelltown Council along with the reasons for such action.
3. **Arrange** for a site visit for members to better understand the compliance issues related to the cemetery site.

Moved by Nicholas Brunton and seconded by Julie Marler

3.2 Statement of Regulatory Intent

The Approvals Committee received a report from Heritage NSW and provided feedback on the draft Statement of Regulatory Intent (SRI).

The Committee noted that:

- that the SRI will be a public facing document which sets out Heritage NSW’s monitoring, compliance and enforcement approach and the activities by which it will meet its responsibilities under the Heritage Act.
- the SRI is based on principles and key threats and opportunities identifies in the *2024 Heritage Compliance Policy* which also details the relationships and responsibilities between Heritage NSW, the Heritage Council and the Minister for Heritage
- further changes to the SRI may be needed to reflect any legislative, policy and non-legislative changes required to implement the NSW Heritage Strategy, and
- Heritage NSW has looked at other examples of SRI provided by agencies to consider the different approaches taken in other jurisdictions.

Members discussed the various regulatory and compliance mechanisms and suggested the SRI also identify how the community is able to participate in the regulatory process.

The Committee thanked Heritage NSW for the work done to prepare the SRI and looks forward to it being finalised for publication on the website.

4.0 General Business

4.1 Forward agenda

The Approvals Committee noted the forward agenda.

5.0 Meeting Close

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



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Dr Nicholas Brunton
Deputy Chair, Heritage Council Approvals Committee
Date: 3 September 2024