



## HERITAGE COUNCIL OF NSW

### MEETING MINUTES – Approvals Committee

Tuesday, 3 September 2024 | 9:00 AM – 12:45 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 David McNamara	Member
Mr Bruce Pettman	Member
Mr Frank Howarth AM PSM	Heritage Council Chair / Alternate Member

##### Apologies

Dr Danièle Hromek	Member
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##### External Presenters

Prof Richard Mackay AM	Heritage Advisor, Mackay Strategic (item 2.1)
Mr Tim Greer	Project Architect, Tonkin Zulaikha Greer Architects (item 2.1)
Mr Kevin Lee	Point cloud operator, Tonkin Zulaikha Greer Architects (item 2.1)
Dr Iain Stuart	Principal and Project Excavation Director / Archaeologist, Artefact Heritage and Environment (item 2.2)
Ms Sabrina Roesner	Senior Heritage Consultant, Artefact Heritage & Environment (item 2.2)
Mr Aleks Kukolj	Project Manager, Venues NSW (item 2.2)

##### External Observers

Mr David Waterhouse	Owner and applicant (item 2.1)
Mr Janet Waterhouse	Owner and applicant (item 2.1)
Mr Peter Watts	Heritage Advisor, Peter Watts (item 2.1)
Ms Keryanne Lewis	Senior Planner, City of Sydney (item 2.1)
Ms Priyanka Misra	Heritage Specialist, City of Sydney (item 2.1)
Ms Deirdre O'Neill	Group GM, Infrastructure Development Venues NSW (item 2.2)
Ms Stephanie Ballango	National Director, Savills Australia (item 2.2)
Mr Nicholas Papanikolaou	Project Manager, BESIX Watpac (item 2.2)
Mr Dominic Crinnion	Director Infrastructure Management, DPHI (item 2.2)

**Heritage NSW**

Mr Sam Kidman	Executive Director
Mr Tim Smith	Director Heritage Assessments
Ms Rochelle Johnston	Strategic Manager Heritage Referrals (items 2.1 & 3.2)
Ms Tempe Beaven	Senior Assessments Officer (items 2.1 & 3.1)
Ms Chrisia Ang	Senior Assessments Officer (item 2.1)
Mr Michael Ellis	Manager Assessments (item 2.2)
Ms Samantha Gibbins	Senior Assessments Officer (item 2.2)
Ms Jodi Cameron	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 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, and it was confirmed that a quorum had been met.

### 1.1 Conflict of Interest Declarations

#### *Item 2.2 Sydney Football Stadium carpark*

- Prior to the meeting, Nicholas Brunton declared a perceived conflict of interest noting that he is a member of the Sydney Cricket Ground Heritage Trust. *It was agreed that Dr Brunton may participate in the discussion but will be excluded from any decisions made in relation to this item.*

### 1.2 Minutes from Previous Meeting – 6 August 2024

Resolution 2024-36
The Heritage Council Approvals Committee: 1. <b>Confirms</b> the minutes of the previous ordinary meeting (Tuesday, 6 August 2024), as a complete and accurate record of that meeting.
Moved by David Burdon and seconded by David McNamara

### 1.3 Out of Session decisions

Nil.

### 1.4 Matters Arising

Nil.

### 1.5 Action Report

The Committee noted the action report.

## 2. External Presentations

### 2.1 Tresco (SHR 00780) - Integrated Development Application (IDA) prelodgement consultation

The Approvals Committee received a report from Heritage NSW and a prelodgement presentation from the applicant and their consultant team on the revised IDA proposal for *Tresco* at Elizabeth Bay.

The proposal includes a Community Title subdivision, construction of two dwellings, excavation and installation of two-level subterranean car stacker parking, and extensive landscaping and ancillary work. The scheme has been modified from the 2022 proposal with changes guided by a new Conservation Management Plan (CMP), Point Cloud 3D modelling and 3D view analysis.

The consultant team presented the viewpoints from both the land and harbour and outlined the design approach and principles noting that the revised proposal aims to respond to the Council's previous feedback in 2022 including:

- a reduction in the built form
- protection of the central garden features with the carpark located at the top of the site away from significant trees, and
- maintaining the historic allotment through the community title.

Members sought further clarification on:

- the steep topography of the garden and the plantings proposed to provide screening for privacy

- the construction methodology and mitigation of the potential impacts to the sandstone wall and trees, noting the instability especially for those trees with root systems that penetrate the rock
- the rankings of significance in the CMP in particular for the landscape use of spaces in the gardens and the work done to analyse historical photographs to identify both original configurations and fabric, which has changed overtime, and
- the extent and scale of excavation proposed.

The Committee thanked the design team for the presentation and acknowledged the significant amount of work that has been done to ensure the development is thoughtful in its conservation of the setting of the house and garden.

*Frank Howarth joined the meeting at 9:50 AM*

Following the presentation members noted that:

- the site is of national significance with *Tresco*, located within the Elizabeth Bay House estate lands, retaining its original residence on the complete allotment and one of only three surviving waterfront villas without the later addition of large scale residential flat buildings or other development within the same allotment
- the CMP ranks the garden’s terraces as being of exceptional and high significance and further detail is required to understand the potential impacts to the existing plantings and the garden setting
- the draft Statement of Heritage Impact for the proposed subdivision does not adequately address the Heritage Council’s *Subdivision and SHR Items Policy*, and
- the City of Sydney intends to place the proposal on exhibition in late September 2024.

The Committee thanked Heritage NSW for the report and looks forward to further consideration of the proposal.

Resolution 2024-37
<p>The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none"> <li>1. <b>Notes</b> the information provided in the Preliminary Assessment report and attachments.</li> <li>2. <b>Thanks</b> the Applicant and the project team for their presentation.</li> <li>3. <b>Notes</b> that the current proposal has been informed by the 2022 Conservation Management Plan (not endorsed by Heritage Council), Point Cloud 3D Modelling and 3D view analysis.</li> <li>4. <b>Agrees</b> to have this item brought back to the Approvals Committee for determination upon receipt of additional information, including the City of Sydney Council Heritage Committee’s findings and completion of the assessment process.</li> </ol>
<p>Moved by Nicholas Brunton and seconded by Caitlin Allen</p>

*Sam Kidman joined the meeting at 10:15 AM*

## **2.2 Sydney Football Stadium carpark (SSD-9835 Mod 7) - Busby’s Bore (SHR 00568) unexpected find - Pre lodgement consultation**

The Approvals Committee received a report from Heritage NSW and a presentation from the applicant and their consultant team for the construction of the proposed *Sydney Football Stadium carpark* which is located within the immediate vicinity of Busby’s Bore shaft and spur at Moore Park.

Approved consent conditions require that redesign options be established if the Bore was encountered, and assessment of heritage impacts for various hybrid options were presented that seek to preserve and interpret the shaft and a section of the tunnel.

Members acknowledged the visitor experience for the stadium patrons and the State Significant Development (SSD) process in place for this proposal and noted:

- the analysis carried out to date for the various redesign options and that further expert advice is currently being sought
- whilst historical mapping did indicate the location of Busby's Bore, the difficulty has been that the spur location is deeply embedded in the sandstone and was unverifiable and the condition of the tunnel is unknown
- construction methodology will need to be developed to mitigate impacts to the rock and ensure preservation of the shaft
- the aim of the carpark is to reduce the existing parking provided around the oval and grassed areas and within the carpark setting there is an opportunity to expose and celebrate the below ground features with public displays and heritage interpretation including a viewing panel into the tunnel section as well as potential above ground opportunities for heritage interpretation, and
- next steps include preparation of a detailed heritage interpretation plan.

Members considered the challenges associated with balancing the public benefits of the project and conserving and protecting the heritage significance of the site and interrogated the feasibility of the interpretative display for heritage elements and how the interpretation will be conserved longer term.

The committee explored options for the carpark to located elsewhere on the site to avoid impacting Busby's Bore altogether and thanked the applicant for the presentation and opportunity to provide feedback on the various hybrid design options presented.

The Committee noted the primary importance of conserving the heritage elements and discussed the potential heritage impacts to the Bore and to the broader heritage context and reiterated its strong preference for a redesign option that would enable Busby's Bore, shaft and tunnel to be preserved in its entirety.

#### Resolution 2024-38

The Heritage Council Approvals Committee:

1. **Thanks** the Applicant and their consultant team for presenting to the Approvals Committee.
2. **Notes** that encountering Busby's Bore within the proposed carpark site may require a new consent for the project.
3. **Considers** the attached documents and the presentation from the consultant team.
4. **Does not support** option 2 – salvage, remove and interpret the shaft and tunnel.
5. **Provides** the following comments to the Applicant regarding this project:
  - i. Consider a redesign option that provides the car space requirements with a different footprint that preserves Busby Bore, shaft and tunnel in its entirety.
  - ii. Option 1 involves the avoidance and retention of the shaft and tunnel *in situ*. It is understood that this will result in the loss of 345 carpark spaces from the proposed 1080 total. It will potentially require complete redesign to meet budget constraints and may also impact on project delivery times. Despite these apparent project constraints, reduction of the carpark building footprint to avoid and retain the shaft and tunnel *in situ* is supported and preferred.
  - iii. Option 2 involves the potential complete removal of the shaft and tunnel of Busby's Bore spur within the area of impact for construction of the proposed multi-level carpark. Salvage excavation, recording, and heritage interpretation are proposed as mitigation for the removal. The spur and shaft are highly significant and rare elements of colonial infrastructure, potentially of national significance. Removal of these elements would have a major adverse impact on the significance of Busby's Bore. Option 2 is therefore not supported.
  - iv. Option 3 (sub-options 3.1 to 3.5) involves the partial retention of the shaft and tunnel *in situ*, with opportunities for the public to view these elements. This option will require further information with regard to the feasibility, accessibility, conservation and longevity
6. **Recommends** that:

- i. Option 2, involving the potential complete removal of the shaft and tunnel of Busby's Bore spur within the area of construction impact is not supported.
- ii. Options to completely avoid and retain the shaft and tunnel in situ should be fully explored and considered.
- iii. If complete avoidance and retention of the shaft and tunnel is not possible, redesign should be undertaken to ensure partial retention and preservation *in situ*.
- iv. the Heritage Council is consulted on any revised design options that involve destruction and interpretation of the shaft and tunnel.

Moved by Julie Marler and seconded by David Burdon

*Vanessa Holtham, Frank Howarth and Sam Kidman left the meeting at 11:30 AM*

### 3.0 Heritage NSW Presentations

#### 3.1 Varroville (SHR 00737) - update

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

The Committee noted that:

- the SHR listing contains two curtilages; the privately owned historic homestead (Varroville) and the wider curtilage which includes the adjacent property owned by the Catholic Cemeteries and Crematoria (CCC)
- a site visit to the CCC was recently held with members of the AC and Heritage NSW, but a proposed visit also to the owners of Varroville Homestead could not be effected, and
- the CCC has submitted two IDAs for approval; one for construction of a Pumphouse and retention tank and one for construction of a new fence. The fence approval relates to the materiality and heritage fabric and any replacement plantings and landscaping, not the location of the fence.

Heritage NSW is currently investigating a range of issues related to the SHR listing, including the property boundaries, potential impacts to heritage viewlines, compliance matters related to construction of a pumphouse, and conservation works to the outbuildings (stable building, cottage and coach house) on the CCC site. A stop work order has been put in place whilst further explanation is provided.

The Committee thanked Heritage NSW for the update.

#### Resolution 2024-39

The Heritage Council Approvals Committee:

1. **Notes** the information provided in this paper and the presentation.
2. **Notes** that a site visit to the Catholic Cemeteries and Crematoria was held with representative members of the Approvals Committee and Heritage NSW on 30 August 2024.
3. **Thanks** the Catholic Cemeteries and Crematoria for their consultation with the Heritage Council of NSW.
4. **Continues** to monitor the issues at Varroville.
5. **Notes** the two Integrated Development Applications submitted for approval and **supports** Heritage NSW managing these under delegation.

Moved by David McNamara and seconded by Julie Marler

*Nicholas Brunton left the meeting at 12:30 PM*

### 3.2 Guidelines for consideration of assessment matters by the Heritage Council and Approvals Committee – implementation assessment

The Approvals Committee received a report from Heritage NSW on the implementation of the *Guidelines for consideration of assessment matters by the Heritage Council and Approvals Committee* and the outcomes of the six-month review.

The Committee noted that the guidelines are generally working effectively and as intended and discussed the proposed changes to the guidelines to further strengthen the process.

The Committee thanked Heritage NSW for presenting the findings of the review and suggested the process be reviewed at future intervals as appropriate and at the Chair's discretion.

Resolution 2024-40
The Heritage Council Approvals Committee: 1. <b>Supports</b> the updates to the <i>Guidelines for consideration of assessment matters by the Heritage Council and the Approvals Committee</i> .
Moved by Caitlin Allen and seconded by Bruce Pettman

## 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, Ian Clarke, Chair, declared the Approvals Committee meeting closed at 12:45 PM



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Mr Ian Clarke  
Chair, Heritage Council Approvals Committee  
Date: 30 September 2024