



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Monday, 30 September 2024 | 9:00 AM – 11:45 AM

via teleconference

ATTENDANCE

Members

Mr Ian Clarke	Chair
Dr Nicholas Brunton	Deputy Chair
Mr David Burdon	Member
Ms Vanessa Holtham	Member
Dr Danièle Hromek	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 Caitlin Allen	Member
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External Presenters

Mr Michael Heenan	Director & CEO, AJC Architects (item 2.1)
Mr James Phillips	Principal, Weir Phillips (item 2.1)
Mr Kendal Mackay	Managing Director, DFP Planning (item 2.1)

External Observers

Ms Vera Batalha	Studio Lead, Design, AC JC Architects (item 2.1)
Ms Anna McLaurin	Architect, Weir Phillips (item 2.1)
Mr Peter Moran	Owner, Studley Park (item 2.1)

Heritage NSW

Mr Sam Kidman	Executive Director
Mr Tim Smith	Director Heritage Assessments
Mr Michael Ellis	Manager Assessments (items 1.4 & 3.2)
Ms Rochelle Johnston	Strategic Manager Heritage Referrals (items 2.1 & 3.1)
Ms Tempe Beaven	Senior Assessments Officer (items 2.1 & 3.1)
Ms Lily Chu	Senior Assessments Officer (item 2.1)
Ms Samantha Gibbins	Senior Assessments Officer (item 3.2)
Ms Jodi Cameron	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, and it was confirmed that a quorum had been met.

1.1 Conflict of Interest Declarations

Item 3.2 Sydney Football Stadium carpark

- Members noted Nicholas Brunton's previous declaration and agreed that he may participate in the discussion but will be excluded from any decisions made in relation to this item.

1.2 Minutes from Previous Meeting – 3 September 2024

Resolution 2024-41
The Heritage Council Approvals Committee: 1. Confirms the minutes of the previous ordinary meeting (Tuesday, 3 September 2024), as a complete and accurate record of that meeting.
Moved by Bruce Pettman and seconded by David Burdon

1.3 Out of Session decisions

Nil.

1.4 Matters Arising

St Mary's Cathedral, Sydney

The Committee discussed the invitation received from the City of Sydney to participate in the Land and Environment Court s34 conciliation conference for 2 *St Mary's Road*, Sydney being held on site on 6 December 2024. Members noted the importance of the Heritage Council and the Approvals Committee being represented at this meeting.

1.5 Action Report

The Committee noted the action report.

2. External Presentations

2.1 Studley Park – s38 amendment to integrated development application (IDA)

The Approvals Committee received a report from Heritage NSW and a presentation from the applicant and their consultant team on the revised IDA subdivision proposal for Studley Park.

The revised design aims to respond to the committee's previous feedback and architectural drawings and rendered images were presented for further consideration, including the:

- improved south west viewlines to Studley Park from the entrance
- glazed bridge link from the new entry building to Studley Park House
- materiality and design palette proposed for the roads and pathways, and
- plantings identified following additional research to develop the landscape and design report.

Members sought further details on the revised design noting:

- opportunities for research of similar estates from this period and the need for careful consideration of plantings and cultivars used in the broader landscape, including gradation for special endangered plants, the heritage landscape around the house and ways to mitigate weed infestation
- consultation with the traditional custodians is required to understand the significant landscape and protection of Connecting with Country planting elements and the proposed use of sandstone
- opportunities to reuse material from any excavation required for construction, and

- the proposed location and proximity of services to Studley Park House.

The Committee thanked the design team for the presentation and provided in principal support for the adaptive reuse of Studley Park House.

Members discussed the revised general terms of approval (GTAs) and the need for:

- engagement with the local First Nations community
- a revised schedule of conservation works and drawings that outline the extent of repairs and works proposed with conditional consent to ensure that repairs and conservation works are conducted in a timely manner
- a more detailed landscape pallet to be prepared that identifies the plantings and locations, and
- the removal of vegetation to enable the building to be fully inspected.

The Committee thanked Heritage NSW for the report and work done to revise the GTAs.

Resolution 2024-42
<p>The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none"> 1. Notes the applicant's presentation. 2. Approves the revised proposal with the amended General Terms of Approval and standard conditions outlined in Section 5 of the detailed assessment report provided at Tab 2.1 A of this report noting that it will require additional information to be submitted with the section 60 application for approval by the Heritage Council (or delegate) prior to commencement of works. 3. Request that the project team consult with the traditional custodians to understand the significant landscape and the cultural significant plantings as well as the proposed use of sandstone and the need for sourcing repurposed and recycled sandstone.
Moved by Julie Marler and seconded by Nicholas Brunton

3.0 Matters for consideration

3.1 Argyle House and Apartments – update

The Approvals Committee received an update from Heritage NSW and member, Bruce Pettman, who attended a site visit with the project architect on 13 September to inspect *Argyle House*, Newcastle which is located within the SHR curtilage of *Fanny's Tavern* (SHR 00315).

The Committee considered whether to provide in principle support for the proposal to demolish the buildings at the rear of the site to enable a residential high-rise to be built, noting that any approval would require consent conditions to ensure that conservation works are completed to restore the 1860s Australian Agricultural Company (AA Coy) building at the front of the site.

Members viewed the photos from the inspection and the revised architectural drawings noting the deterioration of the building fabric, the drastic alterations that have occurred overtime and the high rise residential district encroaching on the property.

Members discussed whether the remnant building, with any proposed change of use, would still be of state heritage significance and considered various options including:

- opportunities to reduce the bulk and scale of the residential development to be more in keeping with neighbouring developments, and
- the potential to pursue delisting the rear of the site or the entire site.

The Committee thanked Bruce Pettman and Heritage NSW for the update.

Resolution 2024-43
The Heritage Council Approvals Committee:

1. **Thanks** Bruce Pettman for the presentation and for visiting the site on behalf of the Committee.
2. **Supports**, in principle, the removal of structures in the rear part of the site to preserve, restore and activate the original AA Coy building. A minority of the AC did not support removal of any buildings until a more detailed assessment of their significance is undertaken.
3. **Provides** the following updated prelodgement comments to the applicant about the proposed the construction of a 13-storey residential unit building at *311 Wharf Road, Newcastle* within the SHR curtilage of Fanny's Tavern (SHR 00315):
 - a. Argyle House is a place of State heritage significance that is protected on the State Heritage Register as part of the listing for Fanny's Tavern. Formerly the head office of the Australian Agricultural Company (AA Coy), it is the only known surviving structure, apart from the pier remnant from the c1865 iron bridge, of their early operations in the CBD of Newcastle.
 - b. Argyle House is significant as a *'large complex of buildings, linked in pavilion fashion'* that include *'important associations with prominent architects Menkens and Castleden'*.
 - c. Strongly supports a reactivation of Argyle House which protects and complements its State heritage significance.
 - d. The proposed 13-storey residential tower would require the demolition of structures in the rear part of the site. This would result in a permanent detrimental impact on the form and fabric of the *'buildings in a pavilion style of growth'* and materially affect the State heritage values of the place.
 - e. The proposed tower would dominate the remaining low scaled c1860 building creating an incongruous visual setting for the place and building.
 - f. In principle, support the greater integration of the 1860s building with any new development including possibly retaining the building as a separate lot in the proposed strata plan with a commercial use.
 - g. The AC noted the importance of the AA Coy in the development of the Hunter Region and suggests further interpretation of this role in any reconstruction of the building, including its impact on aboriginal people.
4. **Recommends:**
 - a. Consultation with traditional Hunter custodians be undertaken to consider potential truth telling opportunities.
 - b. A detailed assessment of the significance of the place and its elements be provided to support decision making for any proposed demolition, full or partial delisting and other changes to its statement of significance.
 - c. Any future application must include an Archaeological Research Design supporting document and a Conservation Management Strategy for Argyle House.
 - d. Any future development proposal includes consultation with the City of Newcastle.

Moved by David McNamara and seconded by Bruce Pettman

David McNamara left the meeting and Sam Kidman joined the meeting at 10:50 am

3.2 Sydney Football Stadium Carpark (Busby's Bore) – State Significant Development – Venues NSW response

The Approvals Committee considered the response provided by Venues NSW following the feedback provided at the 3 September AC meeting.

Members expressed their displeasure at the process and the continued assertion of Venues NSW that this was an *unexpected find*. The committee noted that consistent advice had been provided by Heritage NSW to the proponent since 2019 on the potential for the project area to intercept Busby's Bore and that the conditions of consent enabled redesign to avoid any impact to Busby's Bore.

The committee noted that heritage interpretation should not be used as a mitigation measure for the loss of heritage values and remained unconvinced that the hybrid option is feasible from a technical

perspective, that it will produce a quality experience for the public or ensure long term conservation of this section of the Bore.

The committee discussed the opportunity for lessons to be learned so that government takes a more holistic approach for future SSD proposals, with improved engagement early in the planning process to ensure that conservation of heritage is properly considered.

Resolution 2024-44
<p>The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none">1. Reiterates its disappointment that inadequacies in the archaeological approach failed to detect the location of Busby's Bore Spur and that further ground truthing should have been carried out to meet the 2019 condition that no damage occur to Busby's Bore.2. Notes the information provided by Venues NSW in its letter of 20 September 2024, including a contention that any major modification to the current project plan (MOD7) would impose unacceptable delays and costs. MOD7 did not include any contingency planning to mitigate the risk of damaging Busby's Bore.3. Recommends that the Chair of the Heritage Council responds to the letter from Venues NSW.4. Suggests that further work be carried out on an interpretation plan including state of the art in situ and adjacent archaeological interpretation approaches, including lessons learned from outside Australia.5. Recommends that the Heritage Council is consulted on revised design options that involve any destruction and interpretation of the Busby Bore shaft and tunnel.
Moved by Vanessa Holtham and seconded by Julie Marler

David McNamara rejoined the meeting at 11:30 am

4.0 General Business

4.1 Forward agenda

The Approvals Committee noted the forward agenda.

Morpeth House and Closebourne House, Morpeth

David Burdon shared images of a recent site visit to Morpeth House and Closebourne House. Heritage NSW advised that an update is being provided to the Heritage Council at their October meeting and the agency will continue to work with the new owners to consider any future uses and opportunities for heritage conservation.

Berrima Gaol site visit

The Approvals Committee were invited to join Heritage NSW on a site visit to Berrima Gaol on 29 November. Further details will be circulated to members.

5.0 Meeting Close

There being no further items of business, Ian Clarke, Chair, declared the Approvals Committee meeting closed at 11:45 AM.



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Mr Ian Clarke
Chair, Heritage Council Approvals Committee
Date: 5 November 2024