



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 533

6 November 2024 | 09:00 AM – 1:50 PM

Meeting Room 14, Level 11, 4PSQ, 12 Darcy Street, Parramatta & via teleconference

ATTENDANCE

Members

Mr Frank Howarth AM PSM	Chair
Mr Ian Clarke	Member
Dr Brian Lindsay	Member
Ms Colleen Morris	Member
Ms Anthea Sargent	Member

Apologies

Dr Nicholas Brunton	Member
Dr Danièle Hromek	Member
Ms Vanessa Holtham	Member

Approvals Committee

Dr Caitlin Allen	Member (<i>items 3.1, 3.2 and 3.3</i>)
Ms Julie Marler	Member (<i>items 3.1, 3.2 and 3.3</i>)

State Heritage Register Committee

Ms Natalie Vinton	Member (<i>items 3.1 & 3.2</i>)
Mr Wayne Johnson	Member (<i>items 3.1 & 3.2</i>)

External Presenters

Ms Natalie Vinton	Heritage Advisor, Curio Projects (<i>item 3.3</i>)
Mr Phillip Vivian	Managing Director, Bates Smart (<i>item 3.3</i>)
Mr Mark Finch	Development Director, Investa (<i>item 3.3</i>)
Ms Natalie Vinton	CEO, Curio Projects (<i>item 3.3</i>)

External Observers

Ms Abbie Galvin	Executive Director, Government Architect NSW (<i>item 3.3</i>)
Ms Kathy Marsden	Development Manager, Investa (<i>item 3.3</i>)
Mr Callan Salter	Development Manager, Investa (<i>item 3.3</i>)
Mr Sean McPeake	Principal, FJC Architects (<i>item 3.3</i>)
Mr Tom Cartledge	Architect, Bates Smart (<i>item 3.3</i>)
Mr Duncan Jones	Manager Heritage, School Infrastructure NSW (<i>item 3.4</i>)
Mr Lincoln Lawler	Director Statutory Planning & Heritage, SINSW (<i>item 3.4</i>)

Heritage NSW

Mr Sam Kidman	Executive Director
Mr Tim Smith	Director Heritage Assessments
Ms Anna London	Director Heritage Programs
Ms Samantha Gibbins	A/Manager Assessments (<i>item 3.1</i>)
Ms Nicola Roche	Manager Heritage Programs (<i>item 3.2</i>)
Mr Damian Tybussek	Senior Heritage Officer (<i>item 3.2</i>)
Ms Nicole Davis	Manager Assessments (<i>item 3.3</i>)

Ms Alison Lamond	Manager Assessments (<i>item 3.3</i>)
Ms Anna Simanowsky	Senior Assessments Officer (<i>item 3.3</i>)
Mr James Cole	Senior Assessments Officer (<i>item 3.3</i>)
Ms Taryn Gooley	Manager Programs (<i>item 3.4</i>)
Ms Nicole Secombe	Senior Heritage Officer (<i>item 3.4</i>)

Secretariat

Ms Olgica Lenger	Manager Secretariat
Ms Elizabeth Thomas	Senior Secretariat Officer

IN-CAMERA SESSION

This item was not minuted.

Item 1. Welcome and Formalities

The Chair, Frank Howarth, opened the meeting at 9:00 AM.

The Chair noted the apologies received for this meeting, and that Danièle Hromek was afforded leave for this meeting.

The Chair noted that a quorum had been met.

Item 1.1 Conflict of Interest Declarations

Item 3.3 105 Miller Street, North Sydney (MLC Building SHR 02069) was redacted from Dr Brunton's view as per his standing declaration for this item.

Item 1.2 Out of Session Decisions – 21 October 2024

The Heritage Council of NSW noted the out of session decision made via circular on 21 October 2024 for *Hillview (SHR 00442) – assignment of lease*.

Resolution 2024-49
<p>The Heritage Council of NSW resolved to:</p> <ol style="list-style-type: none"> Recommend under s.116(2) of the <i>Heritage Act 1977</i> (the Act), that the Minister administering the <i>Heritage Act 1977</i>, as the corporation sole under the <i>Heritage Act 1977</i> (or delegate) approve and sign the terms of deed of assignment of the Hillview lease from Mr Damien Miller to The Hillview Foundation Australia Limited ABN 27 675 950 606 (HFA) under s.116(1) of the Act; and Recommend under s.116(2) of the <i>Heritage Act 1977</i> (the Act), that the Minister administering the <i>Heritage Act 1977</i>, as the corporation sole under the <i>Heritage Act 1977</i> (or delegate) approve and sign the MOU with the Hillview Foundation Australia Limited under s.116(1) of the Act. Recommend that Heritage NSW continue to negotiate with HFA to finalise the terms of a legally binding variation of lease after the assignment of the existing lease to HFA is finalised.
Moved by Ian Clarke and seconded by Colleen Morris

Item 1.3 Minutes from the Previous Meeting – 1 October 2024

Resolution 2024-50
<p>The Heritage Council of NSW resolved to:</p> <ol style="list-style-type: none"> Confirm the minutes of the previous ordinary meeting (1 October 2024) as a complete and accurate record of that meeting.
Moved by Ian Clarke and seconded by Colleen Morris

Item 1.4 Matters Arising

Nil.

Item 1.5 Action Report

The Heritage Council of NSW noted the report and closed the items recommended for closure. The register was updated to reflect the further actions required.

Item 2. Heritage NSW and Committees Updates

Item 2.1 Executive Director, Heritage NSW

The Heritage Council of NSW noted the report and a verbal update from the Executive Director.

Braidwood Heritage Centre

Members discussed the issues related to the integrated development application for the proposed development at Braidwood District Historical Society Museum.

Appin Housing development

Members discussed the development approvals pathway for the Appin housing development project, including the need to ensure the protection and interpretation of the heritage-listed areas. Members reiterated the need to retain the connections between the discrete SHR listing curtilages.

Hillview

The Council acknowledged the hard work of Heritage NSW, in particular Rochelle Johnston and Andreana Kennedy, in negotiating the finer details for the assignment of the lease for *Hillview*.

Item 2.2 State Heritage Register Committee

Colleen Morris, Chair of the State Heritage Register Committee (SHRC), provided an update on the key outcomes for items considered at the 5 November SHRC meeting, including:

- notices of intent (NOI) to list for *Newcastle Ocean Baths*, Newcastle; *Ithaca Gardens Apartments*, Elizabeth Bay; *Northwood House and Cottage*, Northwood
- recommendations to list (RTL) for the *AMP Building (former)*, Sydney Cove; *Mount Kembla Mine Disaster Ruins and Setting*, Kembla Heights; and the *St Mary's Roman Catholic Cathedral Precinct*, Sydney
- a verbal update on the NOI for *Lansdowne*, Goulburn and
- preliminary assessment of a SHR nomination for *Logan Brae*, Bathurst.

The Council acknowledged the work of the Programs team, and particularly for the work done in progressing the notice of intent for *Ithaca Gardens Apartments* listing.

Item 2.3 Approvals Committee

Ian Clarke, Chair of the Approvals Committee (AC), provided an update on the key outcomes for items considered at the 5 November AC meeting, including:

- agency exemptions proposed for the Department of Communities and Justice (DCJ) SHR listed assets, and
- a pre-lodgement consultation for the *Western River Precinct Project*, Parramatta.

The Council commended the DCJ's approach and discussed the potential for it to be included in the guidelines for managing s170 assets as an example of best practice.

Item 3. Matters for consideration

Item 3.1 2 St Mary's Road, Sydney – Heritage NSW update

The Chair welcomed the SHRC and AC members to the meeting for the briefing from Heritage NSW ahead of the upcoming conciliation conference being held on site at 2 St Mary's Road, Sydney on 6 December 2024.

Members noted the consideration and comments provided by the AC and the SHRC for this item at meetings held in 2021, 2022 and 2024, as well as recent correspondence, including:

- a letter from the Heritage Council to the City of Sydney (CoS) advising of its strong objection to the development application (D/2023/1153) for the proposed development of a six-storey chancery building between the SHR listed *St Mary's Catholic Cathedral and Chapter House*, and
- the CoS's deemed refusal of the DA and invitation to the Heritage Council to participate in the upcoming conciliation conference.

The Council discussed their participation and preparation for the conciliation conference including key points and next steps in the process, and thanked Heritage NSW for the information provided.

Item 3.2 Lansdowne NOI – Heritage NSW update

The SHRC and AC members were invited to stay for the verbal update from Heritage NSW regarding the work underway for the Lansdowne notice of intent (NOI).

Members discussed the overlay of various heritage considerations for the site, including the NOI and the SHR listing process, the proposed curtilage, the Aboriginal Cultural Heritage values, the Aboriginal Place nomination being considered under the *NPWS Heritage Act*, and an integrated development application for subdivision being finalised by the owner.

The Council thanked Heritage NSW for the update and looks forward to further consideration of this item as work progresses.

Item 3.3 105 Miller Street, North Sydney (MLC Building SHR 02069)

The Chair welcomed the Government Architect to the meeting and invited AC members to stay for the presentation and pre-lodgement consultation with the design consultants for the proposed alterations and additions to the MLC Building (former), North Sydney.

The Government Architect provided some general comments on the design scheme and noted feedback recently provided to the applicant at a State Design Review Panel session which focused on the education uses for the building.

Key points of the presentation

- The proposed façade design concept aims to respond to the original façade elements, and provide a sympathetic interpretation with the use of new lightweight glazing, terracotta tiles and masonry facades.
- The heritage fabric of the curtain wall facade is being worked through with a like for like replacement approach.
- The building heights and massing have been amended and the building footprint and building core design are being refined with the majority of the Miller Street wing remaining visible.
- Replacement of the floors is proposed with structural floor slabs constructed to comply with fire rating requirements.

- Works for heritage elements proposed for retention include some landscape elements in the proposed Miller Street Forecourt, a slight repositioning of the squash courts and raising the finished floor level for the auditorium.

Members sought clarification on elements of the design scheme including:

- the proposed retention of materials and finishes and the potential to further consider the materiality and patina
- the refurbishment approach and how this has been guided by the Conservation Management Plan to determine what needs to be replaced and what can be refurbished, and
- the public spaces and how these will reflect the original building design and intent.

The Council noted that the proponent is aiming to submit a development application before the end of the year and thanked the design team for the opportunity to provide pre-lodgement feedback.

Following the presentation members discussed the revised design proposal and reiterated the need for the revised ground floor scheme and floor heights to reflect the original building proportionality and suggested more realistic rendering be prepared to show in particular the likely appearance of the glass shading and notched corner of the Denison Street Wing.

The Council thanked the Government Architect and AC members for attending and participating in the discussion.

Resolution 2024-51

The Heritage Council of NSW resolved to:

1. **Note** the information provided in this paper and the presentation.
2. **Thank** Investa, Bates Smart and Curio Projects for their presentation to the Heritage Council of NSW.
3. **Provide** the following comments on the MLC Building concept plans presented:
 - a. The redevelopment of the Denison Street Wing is supported in concept. More realistic rendering should be prepared to show the more likely appearance of the notched corners of the Denison St. building and glass shading.
 - b. The curtain walling makes an important contribution to the building's significance. The potential to repair and refurbish the curtain wall should be fully explored in consultation with an expert in this field. If the curtain wall cannot feasibly be retained (fully or parts thereof) consideration should be made to retaining and refurbishing a sample area of the original curtain wall.
 - c. The Conservation Management Plan grades the squash courts as having exceptional significance. The proposed relocation of the squash courts is noted. As much of the original fabric as possible should be used in the reinstated squash courts.
 - d. The proposed new open stair to Brett Whitely Place is supported.
 - e. The proposed refurbishment of the Miller Street forecourt and the retention of the original garden elements are supported, including the slight curvature of the path and garden beds.
 - f. Reiterated the need for the revised ground floor scheme and façade treatment to reflect the original building proportionality and mask the changes to the ground floor/first floor scheme.
 - g. Generally, the focus for the Miller Street Wing should be conservation of its key heritage features/attributes in accordance with its status as a State heritage listed item.

Moved by Ian Clarke and seconded by Colleen Morris

Item 3.4 School Infrastructure (Education HCR) – s170 register update

The Heritage Council of NSW received an update from Heritage NSW on the revised Department of Education heritage and conservation register under s170(6) of the *Heritage Act 1977*.

Members acknowledged the work done by the department to review and update the register to remove duplicate items and incorrect listings and welcomed the staged approach to meet the department's s170 obligations.

The Council noted that a number of other agencies are currently in the process of updating their s170 heritage and conservation registers and members discussed adopting a similar approach to enable Heritage NSW to accept these registers on the Council's behalf.

The Council thanked Heritage NSW for the presentation and comprehensive report.

Resolution 2024-52

The Heritage Council of NSW resolved to:

1. **Note** the staged approach to the Department of Education heritage and conservation register.
2. **Accept** the Department of Education heritage and conservation register.
3. **Allow** Heritage NSW to accept all heritage and conservation registers on its behalf unless specifically requested by the Heritage Council or the state agency, or where Heritage NSW identify a reason for referring a register to the Heritage Council.

Moved by Ian Clarke and seconded by Anthea Sargeant

Item 3.5 Braidwood and its Setting – next steps

The Heritage Council of NSW received an update from Heritage NSW on the approach and preparation of a plain English guideline for the triggers and controls for SHR owners in Braidwood.

Members discussed the intent of the guidelines and noted that:

- the aim is to promote greater community understanding of the heritage and planning systems as they apply to *Braidwood and its Setting*, and
- the scope and timeframe for delivery is currently being finalised.

The Council thanked Heritage NSW for the update.

Item 3.6 Heritage Council 2024 regional visit – reflections and outcomes

The Heritage Council of NSW and Heritage NSW discussed the outcomes and actions arising from the regional visit which included sites in Mittagong, Braidwood and Goulburn and various meetings held with local council representatives and communities.

The Council's feedback will be used to inform preparations for the 2025 regional visit.

Item 4. Executive Reports

Item 4.1 Chair, Heritage Council of NSW – Monthly Report

The Heritage Council of NSW noted the verbal update provided by the Chair.

Item 4.2 Planning Report (DPHI)

The Heritage Council of NSW noted the monthly planning report and verbal update provided by Anthea Sargeant.

Item 4.3 Advisory Panels Report

The Heritage Council of NSW noted the Advisory Committee and Panels report, as well as the forthcoming vacancies on the Grants and Sponsorships Advisory Committee (GSAC), which will be further considered by the Council at the next meeting.

The Council thanked Colleen Morris for her support and leadership as Chair of the GSAC and noted that her term is set to expire at the end of the year.

Resolution 2024-53
The Heritage Council of NSW resolved to:
1. Appoint Dr Brian Lindsay as the Chair of the Grants and Sponsorships Advisory Committee, effective from 20 December 2024 for the duration of his term on the Heritage Council.
Moved by Colleen Morris and seconded by Frank Howarth

Item 5. Heritage NSW quarterly reports

The Heritage Council of NSW noted the quarterly reports for Q1 FY25.

Item 6. Heritage NSW monthly reports

The Heritage Council of NSW noted the monthly operational reports and verbal updates from Tim Smith and Anna London.

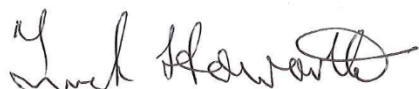
Item 7. General Matters**Item 7.1 Forward Agenda**

The Heritage Council of NSW noted the forward agenda.

Members noted the proposed schedule of Heritage Council and committee meetings for 2025.

Item 8. Meeting Close

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 1:50 PM.



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Frank Howarth AM PSM

Chair, Heritage Council of NSW

Date: 4 December 2024