



STATE HERITAGE REGISTER COMMITTEE

MEETING MINUTES

5 November 2024 | 9:00 AM – 1:15 PM

Meeting held via Teams videoconference.

ATTENDANCE

State Heritage Register Committee

Ms Colleen Morris	Chair
Dr Stephen Gapps	Member
Dr Wayne Johnson	Member
Dr Brian Lindsay	Member
Ms Lisa Trueman	Member
Ms Natalie Vinton	Member

Apologies

Mr Frank Howarth AM PSM	Alternate Member
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External presenters

Mr Chris van Lint	Senior Project Planner, City of Newcastle (<i>item 2.1</i>)
Ms Julie Mackenzie	Director Heritage and Adaptive Reuse, TZG (<i>item 2.1</i>)
Mr Wolfgang Ripberger	Director Projects, TZG (<i>item 2.1</i>)
Mr Luke Jones	Observer – City of Newcastle (<i>item 2.1</i>)
Mr Jim Carroll	Chair, Ithaca Gardens Owners' Corporation (<i>item 2.2</i>)

Heritage NSW

Mr Sam Kidman	Executive Director
Ms Anna London	A/Director Heritage Programs
Ms Nicola Roche	A/Manager Heritage Programs
Ms Meggan Walker	Senior Heritage Officer (<i>item 2.1, 2.2</i>)
Ms Darrienne McGaw-Wyndham	Senior Heritage Officer (<i>item 2.3</i>)
Ms Monika Sakal	Senior Heritage Officer (<i>item 3.1</i>)
Dr Damian Tybussek	Senior Heritage Officer (<i>items 3.2, 4.1</i>)
Mr Nikolas Orr	Senior Heritage Officer (<i>item 3.3</i>)
Ms Julia Dowling	Observer – Heritage NSW
Ms Gabby Delange	Observer – Heritage NSW

Secretariat

Ms Olgica Lenger	Manager Secretariat
Ms Natasha Agaki	Secretariat Officer

IN-CAMERA SESSION

This item was not minuted.

Item 1. Welcome and Formalities

Chair, Colleen Morris, opened the meeting at 9:00 AM and delivered an Acknowledgment of Country.

The Committee noted there were no apologies and a quorum had been met.

Item 1.1 Conflict of Interest Declarations

The State Heritage Register Committee noted the following conflict of interest declarations on the current agenda:

- Item 4.1 Lansdowne NOI – Verbal Update – Stephen Gapps declared a conflict prior to the meeting and excused himself from the meeting for the duration of this item.
- Item 3.1 AMP Building, Sydney Cove (former) – Natalie Vinton re-raised her standing conflict with this item and advised that she would leave the meeting for all discussions and decision-making.

The State Heritage Register Committee noted the following standing declarations:

- Colleen Morris: National Trust of Australia
- Dr Wayne Johnson: Place Management NSW
- Natalie Vinton: Powerhouse Museum, Ultimo and MLC Building, North Sydney

Item 1.2 Out of Session Decisions

Nil reported.

Item 1.3 Minutes from the Previous Meeting – 30 September 2024

Resolution 2024-74
The State Heritage Register Committee: 1. Confirmed the minutes of the previous ordinary meeting (30 September 2024) as a complete and accurate record of that meeting.
Moved by Lisa Trueman and seconded by Natalie Vinton

Item 1.4 Matters Arising

Nil.

Item 1.5 Action Report

The State Heritage Register Committee noted the report.

Item 2 SHR Nominations – Notice of Intention

Item 2.1 Newcastle Ocean Baths – NOI

The State Heritage Register Committee welcomed Chris van Lint (City of Newcastle), Julie Mackenzie, and Wolfgang Ripberger (Tonkin Zulaikha Greer) to the meeting and noted the presentation delivered on Newcastle Ocean Baths – NOI.

Key points:

- The City of Newcastle, as the property managers, believe that listing Newcastle Ocean Baths on the State Heritage Register would be beneficial to its future facility, and support the curtilage proposed.
- The presenters proposed various amendments to the draft assessment of significance and emphasised that the form of the building would need to continue to evolve, as it has historically, to respond to the changing needs of the local community and the harsh marine environment in which it is positioned.
- The presenters discussed outcomes of the public consultation process with the Committee and indicated their willingness to continue working with Heritage NSW on draft site-specific exemptions.

The Chair thanked the presenters, and they left the meeting.

The State Heritage Register Committee noted the report on Newcastle Ocean Baths – NOI by Meggan Walker, Heritage NSW.

Key points:

- The Committee discussed the site's potential for State heritage significance in relation to its historic, social, aesthetic, and representative value.
- The Committee discussed challenges presented by climate change on SHR listings in general, noting Newcastle Ocean Baths as a potential case study for the management of such impacts moving forward.
- The Committee acknowledged that the need for any building to respond to its changing use overtime is part of its story that should be reflected in any listing.
- A nuanced approach to the listing would be needed to ensure that the various views of the local community are appropriately accommodated alongside addressing the heritage issues.

The Chair thanked Meggan Walker for her presentation.

Resolution 2024-75

The State Heritage Register Committee:

1. **Considers** the item known as Newcastle Ocean Baths Complex at 30-38 Shortland Esplanade, Newcastle East, defined in accordance with the curtilage shown at Tab 2.1C of the report, is likely to be of State heritage significance.
2. In accordance with section 33(1)(a) of the *Heritage Act 1977*, will **give** each person that it considers to be an affected owner or occupier written **notice** that it is going to consider whether or not to recommend the listing of the item concerned (*a notice of intention to consider listing*).
3. In accordance with section 33(1)(b) and section 33(1)(c) of the *Heritage Act 1977*, within 14 days after notice of intention to consider listing is given, will cause a **notice** of intention to consider listing to be **published** in a newspaper circulating in the area in

which the item is situated, inviting submissions on the listing, specifying a date as the closing date for the receipt of submissions of 60 days after the publication of the newspaper notice and the manner in which submissions may be made.

Moved by Brian Lindsay and seconded by Stephen Gapps

Item 2.2 Ithaca Gardens Apartments, Elizabeth Bay – NOI

The State Heritage Register Committee noted the report on Ithaca Gardens Apartments, Elizabeth Bay – NOI by Meggan Walker, Heritage NSW.

Key points:

- The nomination was made by the Australian Institute of Architects in 2019 and was scheduled for progression by the Heritage Council in 2020, as part of the modern movement priority area.
- The Committee discussed the property's potential State heritage significance in terms of its historic, associative, aesthetic, and representative value.
- The Committee considered the split views amongst the owners in relation to the proposed listing, including concerns raised around costs and implications of any future works.
- It was noted that the City of Sydney is investigating its own local heritage listing of the property.

The Chair thanked Meggan Walker for her ongoing work on this item.

The State Heritage Register Committee welcomed Jim Carroll, Chair of the Ithaca Gardens Owners' Corporation, to the meeting, and noted his presentation.

The Committee and Mr Carroll discussed in depth the implications of Ithaca Gardens Apartments potentially being listed on the State Heritage Register (SHR), including how approvals for modifications would be managed, exemptions under the Heritage Act, and opportunities and resources available for the management and conservation of SHR listed properties.

It was noted that the objectives presented by Mr Carroll were in line with the objectives of any SHR listing.

The Chair thanked Mr Carroll and the Owners' Corporation for their custodianship of the building, and Mr Carroll left the meeting.

Resolution 2024-76

The State Heritage Register Committee:

1. **Considers** the item known as Ithaca Gardens at 12 Ithaca Road, Elizabeth Bay, defined in accordance with the curtilage shown at Tab 2.2C of the report, is likely to be of State heritage significance.
2. In accordance with section 33(1)(a) of the *Heritage Act 1977*, will **give** each person that it considers to be an affected owner or occupier written **notice** that it is going to consider whether or not to recommend the listing of the item concerned (a *notice of intention to consider listing*).
3. In accordance with section 33(1)(b) and section 33(1)(c) of the *Heritage Act 1977*,

within 14 days after notice of intention to consider listing is given, will cause a **notice** of intention to consider listing to be **published** in a newspaper circulating in the area in which the item is situated, inviting submissions on the listing, specifying a date as the closing date for the receipt of submissions of 60 days after the publication of the newspaper notice and the manner in which submissions may be made.

Moved by Lisa Trueman and seconded by Brian Lindsay

Item 2.3 Northwood House and Cottage, Northwood – NOI (Amendment)

The State Heritage Register Committee noted a report on Northwood House and Cottage, Northwood – NOI by Darrienne McGaw-Wyndham.

Key points:

- The Committee noted the additional research conducted by Heritage NSW to investigate the sandstone ‘trough’, nominated by the owner of the adjacent property, as a possible addition to the existing SHR listing for Northwood House and Cottage.
- The research revealed that the ‘trough’ does not meet the criteria for listing either individually or as an amendment.
- The research has further revealed the need for updates to the listing information surrounding the item’s associations with past owner and notable cameleer, Abdul Wade, to ensure accuracy and alignment with best practice.
- The Committee discussed the historical, associative, and representative values of the place, and noted that Abdul Wade’s migrant story may have significance in NSW’s cultural history.
- The Committee noted that the current owner and nominator are supportive of the listing amendment, and that no objections have been raised by local council.
- The Committee acknowledged the value in updating existing listings, as well as the extensive work involved in achieving these important outcomes.

The Chair thanked Darrienne McGaw-Wyndham for her presentation.

Resolution 2024-77

The State Heritage Register Committee:

1. **Considers** the item known as Northwood House & Cottage at 1 Private Road, Northwood, defined in accordance with the curtilage shown at Tab 2.3C of the report, is of State heritage significance.
2. In accordance with section 33(1)(a) of the *Heritage Act 1977*, will **give** each person that it considers to be an affected owner or occupier written **notice** that it is going to consider whether or not to recommend the listing of the amended item concerned (a *notice of intention to consider listing*).
3. In accordance with section 33(1)(b) and section 33(1)(c) of the *Heritage Act 1977*, within 14 days after notice of intention to consider listing is given, will cause a **notice** of intention to consider listing amendment to be **published** in a newspaper circulating in the area in which the item is situated, inviting submissions on the amended listing, specifying a date as the closing date for the receipt of submissions of 14 days after the publication of the newspaper notice and the manner in which submissions may be made.

Moved by Brian Lindsay and seconded by Wayne Johnson

Item 3. SHR Nominations – Recommendation to List

Item 3.1 AMP Building, Sydney Cove (former) – RTL

Natalie Vinton left the meeting for the duration of this item due to a conflict of interest.

The State Heritage Register Committee noted the report on the AMP Building, Sydney Cove (former) – RTL by Monika Sakal, Heritage NSW.

Key points noted:

- A total of 14 submissions were received, with 8 in support and 6 against the listing of the AMP Building (former).
- The building owners, DEXUS Wholesale Property Limited, are supportive of the listing, in principle, subject to the gazettal of site-specific exemptions to support ongoing commercial use of the building.
- The exemptions have been reviewed and amended by Heritage NSW, with the support of the City of Sydney, to accommodate the owner's desire for ongoing economic use whilst still maintaining the heritage values of the building.
- The proposed curtilage has been extended to include the seawater tunnel pipeline (subsurface), which runs from the basement of the building, underneath Alfred St, and into Sydney Harbour, as proposed at the NOI stage.
- Given the curtilage extension is subsurface, there are no significant issues around the overlap with the World heritage listed Sydney Opera House buffer zone, or the SHR listed Circular Quay Railway Station.
- The Committee briefly discussed the summary of submissions.

The Chair thanked Monika Sakal for her work on this item.

Resolution 2024-78

The State Heritage Register Committee:

1. In accordance with section 33(1)(d) of the *Heritage Act 1977*, has **considered** the submissions received in response to its notice of intention to consider listing and considers the item known as AMP Building, Sydney Cove (former) at 33 Alfred Street, Sydney, satisfies more than one of the approved criteria for determining whether an item is of State heritage significance, being criteria (a), (b), (c), (g), as detailed in the report at Tab 3.1A.
2. **Recommends** to the Minister, in accordance with sections 32(1) and (2) of the *Heritage Act 1977*, that the Minister **direct** the listing of the item, AMP Building, Sydney Cove (former) at 33 Alfred Street, Sydney, on the State Heritage Register, as shown in the plan at Tab 3.1C of the report.
3. In accordance with section 33(1)(e) of the *Heritage Act 1977*, **give notice** of its decision to persons notified under section 33(1)(a).
4. In accordance with section 57(2) of the *Heritage Act 1977*, **recommends** that the Minister **grant** the site specific exemptions at Tab 3.1D of the report.

Moved by Lisa Trueman and seconded by Brian Lindsay

Item 3.2 Mount Kembla Mine Disaster Site Ruins and Setting, Kembla Heights – RTL

The State Heritage Register Committee noted the report on Mount Kembla Mine Disaster Site Ruins and Setting – RTL by Damian Tybussek, Heritage NSW.

Key points:

- A total of 59 submissions were received, with 38 in support of the listing, 19 requesting a curtilage expansion or amendment, and one objection.
- The Committee discussed the multi-layered heritage significance of the site in depth, noting that the values related to the tragic explosion of 1902 are largely intangible, as the mine continued to function for another 70 years as a colliery.
- Submissions have requested that associated sites in the broader setting be included in the curtilage, such as the Kembla Heights Village (the miner’s village) and Windy Gully Cemetery (where victims of the disaster are buried), indicating that community interest in the site extends beyond the intangible.
- The Committee discussed the submissions in depth, considering the possible implications of designating the site as a ruin (as proposed by National Parks and Wildlife Services), and of listing the site with an expanded curtilage.
- The Committee considered the heritage value in listing the site versus the statutory obligations upon National Parks and Wildlife Services to maintain the site, noting risks around setting precedence.
- The Committee requested updates to the statement of significance, followed by an out-of-session circular to obtain a resolution on the matter.

The Chair thanked Damian Tybussek for his work on this item.

Outcome
The State Heritage Register Committee deferred resolution of the matter to an out of session circular.

Item 3.3 St Mary’s Roman Catholic Cathedral Precinct, Sydney – RTL (Amendment)

The State Heritage Register Committee noted the report St Mary’s Roman Catholic Cathedral Precinct – RTL by Nikolas Orr, Heritage NSW.

Key points:

- It was noted that the owner strongly objects to the listing amendment.
- The Committee discussed developments since the NOI stage, including the outcomes of the public exhibition, a site visit by Heritage NSW on 20 September, and ongoing negotiations with the owner around site-specific exemptions.
- The Committee discussed the importance of the spaces between the buildings for pedestrian access and view lines, as well as the significant fabric recently discovered outside of the existing curtilage.
- The Committee discussed the owner’s appeal of the deemed refusal of a development application for a new Chancery building between the Cathedral and Chapter Hall, and the Heritage Council’s involvement in any Land and Environment Court proceedings that may take place.

- The Committee emphasised the importance of including the entire precinct on the State Heritage Register, noting that this aligns with the broader goal of bringing the SHR listings in line with the National Heritage listing for the Governors' Domain and Civic Precinct. Members highlighted that the entire Art Gallery of NSW was listed on the State Heritage Register last week, reflecting a shift in attitudes towards including the settings of buildings in SHR listings. They stressed the significance of St Mary's Roman Catholic Cathedral Precinct as an extremely important precinct within a much larger civic precinct and asserted that it ought to be on the State Heritage Register.
- The Committee felt that it was very timely to include the entire St Mary's Roman Catholic Cathedral Precinct on the State Heritage Register, with the broader curtilage proposed, regardless of whether the development of a new Chancery building occurs, and despite the owner's objections.
- The Committee reiterated that a listing amendment would not prevent the approval of a sympathetic development within the curtilage.
- The Committee considered the owner's position alongside statutory timeframes around the listing process.

The Chair thanked Nikolas Orr for his work on this item.

Resolution 2024-79

The State Heritage Register Committee:

1. In accordance with section 33(1)(d) of the *Heritage Act 1977*, has **considered** the submissions received in response to its notice of intention to consider listing and considers the item known as St Mary's Roman Catholic Cathedral Precinct at College Street, Sydney, satisfies more than one of the approved criteria for determining whether an item is of State heritage significance, being criteria (a), (b), (c), (d), (e) and (f), as detailed in the report at Tab 3.3A.
2. **Recommends** to the Minister, in accordance with sections 32(1) and (2) of the *Heritage Act 1977*, that the Minister **direct** the curtilage extension and other related amendments of the item, St Mary's Roman Catholic Cathedral Precinct at College Street, Sydney, on the State Heritage Register, as shown in the plan at Tab 3.3C of the report.
3. In accordance with section 33(1)(e) of the *Heritage Act 1977*, **give notice** of its decision to persons notified under section 33(1)(a).
4. In accordance with section 57(2) of the *Heritage Act 1977*, **recommends** that the Minister **grant** the site specific exemptions at Tab 3.3D of the report.
5. **Noted and approved** an update of the Lot Codes from "PART LOT" to "LOT" in the Heritage Database record for St Mary's Roman Catholic Cathedral Precinct (SHR 01709, HOD Number 5055071) and minor edits in the report at Tab 3.3F.

Moved by Brian Lindsay and seconded by Natalie Vinton

Item 4. Matters for Consideration

Item 4.1 Lansdowne NOI – Verbal update

Stephen Gapps left the meeting due to a conflict.

The State Heritage Register Committee noted the verbal report on Lansdowne NOI by Damian Tybussek, Heritage NSW.

Key points:

- Heritage NSW has worked hard to ensure that a broad range of the Aboriginal community have been consulted on the Aboriginal cultural heritage values of the site.
- The consultation outcomes are unlikely to result in significant changes to the proposed listing as advertised.
- No further negotiations have taken place with the owner.

The Chair thanked Damian Tybussek for his report.

Item 5. Preliminary Assessment of New SHR Nominations

Item 5.1 SHR Nomination – Logan Brae

The State Heritage Register Committee noted the report on Logan Brae by Nicola Roche.

Resolution 2024-80
The State Heritage Register Committee: 1. Considers that Logan Brae may be of State heritage significance but is not a current priority for progression to a full assessment.
Moved by Stephen Gapps and seconded by Natalie Vinton

Item 6. SHR Listings Monthly Report

The State Heritage Register Committee noted the report.

The Chair praised Heritage NSW’s work, noting that its dedicated listing team has significantly increased the efficiency of the listings process.

Item 7. General Matters

Item 7.1 Forward Agenda

The State Heritage Register Committee noted the report.

Meeting Close

There being no further items of business, the Chair, Colleen Morris, closed the meeting at 1:15 PM.

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Colleen Morris
Chair, State Heritage Register Committee

Date: 3 December 2024