



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 1 February 2022 | 09:00 AM – 12:45 PM

Via Teleconference

ATTENDANCE	
MEMBERS	
Mr Dillon Kombumerri	Chair
Mr Ian Clarke	Deputy Chair
Mr Bruce Pettman	Member
Dr Nicholas Brunton	Member
Mr David Burdon	Member
Ms Caitlin Allen	Member
Ms Julie Marler	Member
Mr David McNamara	Alternate Member
Mr Frank Howarth AM	Alternate Member
EXTERNAL PRESENTERS	
Mr Simon Babbage	Director Advisory and Transactions, Property and Development NSW (item 2.1)
Ms Sophie Bock	Associate, NBRS (item 2.1)
Mr Steven Liu	Assistant Project Manager, EG (item 2.1)
Ms Anna Bradley	Director, TfNSW (item 2.2)
Mr Ben Nacard	Design Manager, TfNSW (item 2.2)
Mr Michael Magney	Project Manager, TfNSW (item 2.2)
Mr Lewis Haig	Project Manager, TfNSW (item 2.2)
Mr Peter Styles	Project Development Manager, TfNSW GWHUP (item 3.1)
Ms Grace Cann	Project Manager, TfNSW Transport Access Program (item 3.1)

Mr Michael Wright	Urban Designer, Spackman Mossop Michaels (item 3.1)
Mr Denis Gojak	Senior Heritage Specialist, TfNSW (item 3.1)
HERITAGE NSW STAFF	
Mr Sam Kidman (part meeting)	Executive Director
Mr Tim Smith	Director Heritage Assessments
Ms Tempe Beaven	A/Manager Assessments (item 2.1)
Mr James Quoye	Senior Heritage Assessments Officer (item 2.1)
Ms Rochelle Johnston	Senior Manager Major Projects (item 2.2)
Ms Tracy Appel	Senior Policy Officer, Manager Strategy and Implementation (item 2.2 and 3.1)
Ms Sarah Jane Brazil	Manager Incentives and Engagement, Customer Services (item 2.2 and 3.1)
Mr Hendry Wan	Senior Assessments Officer, Major Projects (item 2.2 and 3.1)
Mr Rajeev Maini	Manager Assessments (item 4.1)
Ms Natasha Agaki	Secretariat Officer

1. Welcome and formalities

The Chair, Dillon Kombumerri, opened the meeting at 9:00am.

- The Chair delivered an Acknowledgement of Country and welcomed attendees.
- David Burdon advised that he would be an apology from 9:30am – 10:00am. There were no further apologies.
- It was noted that quorum had been met.
- The Chair acknowledged the recent return of the Aboriginal flag to the public, following transference of its copyright to the Commonwealth government.

1.1 Conflict of Interest Declarations

Members were asked to raise any conflicts of interest with items on the agenda.

Resolution 2022-01
<p>The Heritage Council Approvals Committee:</p> <ol style="list-style-type: none">1. Notes the following conflict of interest declarations:<ul style="list-style-type: none">• David Burdon – National Trust NSW made public submissions in relation to both the Sydney Harbour Bridge Northern Cycleway (item 2.2) and the Medlow Bath Great Western Highway Upgrade (item 3.1) projects, during the exhibition periods. Mr Burdon is Conservation Director at the National Trust NSW.2. Agrees that the abovementioned constitutes a perceived conflict of interest and supports Mr Burdon's decision to remain in the room but withdraw from decision-making on those items; noting also that the National Trust submissions are publicly available.
Moved by David McNamara and seconded by Ian Clarke.

1.2 Out of Session Activity

The Committee noted the following business conducted out of session on 10 December 2021:

- Approvals Committee meeting to consider:
 - a. s4.55 Modification, St Paul's College, University of Sydney
 - b. IDA The Gunnery, Woolloomooloo

Resolutions for these items are published on the Heritage NSW website.

- David Burdon and Julie Marler attended a design workshop with the applicant for Cronulla Fisheries Centre, Hungry Point Reserve, to review revised options. The applicant had responded to the guidance provided by the Approvals Committee and its subcommittee and presented improved schemes with significantly reduced impact to the landscape.
- David Burdon and Julie Marler reviewed a letter to the applicant for Wentworth Memorial Church. The Applicant has since requested a workshop with the subcommittee, scheduled to

take place on 3 February 2022. The Committee noted that Woollahra Council has refused the applicant's development proposal.

1.3 Minutes from Previous Meeting – 30 November 2021

The Committee received the Minutes from the previous ordinary meeting.

Resolution 2022-02
The Heritage Council Approvals Committee: 1. Confirms the minutes of the previous ordinary meeting (Tuesday, 30 November 2021) as a complete and accurate record of that meeting, subject to amendments to the General Terms of Approval for item 2.1.
Moved by Ian Clarke and seconded by Nicholas Brunton

1.4 Action Report

The Committee noted the action report.

2. External Presentations

2.1 IDA – Grafton Correctional Centre Subdivision

The Committee received a presentation from Simon Babbage (PDNSW), Sophie Bock (NBRS) and Steven Liu (EG) and a paper from Mr James Quoye, Heritage NSW.

Key points discussed:

- A long-term lease would better able Property NSW to retain rights to intervene should the property fall into a state of disrepair. Use of the site needs to be resolved in a manner that best supports its long-term maintenance and significance as a heritage item, including a management plan with regular reviewing by Property NSW.
- Agricultural activities were core to the character of the site and a very important function in terms of the history of Grafton Correctional Centre and its philosophical approach to incarceration;
- 1980s correctional facility buildings across the State often hold a high level of heritage significance. A comparative assessment of similar goal houses within NSW may better inform the heritage values of the site, including elements outside of the primary historic gaol curtilage proposed that are currently ranked as low significance, i.e. farmland, minimum security gaol buildings to the North.
- Aboriginal cultural values of the site and its elements have not been thoroughly explored.
- The proposal needs a more considered approach to the topography of the site including its use overtime as a farm gaol and any Aboriginal cultural activities that may have taken place.
- Stronger investigation and reporting on the social attachments and connections to the site by both the Aboriginal and broader Grafton community is essential. The assessment should move

beyond archaeology to also consider living cultural and social practice to inform future uses of the site and support future proposals.

- The Committee note that one of the purposes of the proposed subdivision is to create a lot for NSW Health to have land available for future expansion of the Grafton Base Hospital;
- Health Infrastructure can demolish and erect buildings without consent or any rezoning proposal under the Infrastructure SEPP. The 5-metre setback currently proposed should therefore be modelled with potential development by NSW Health to better understand and assess its impacts.
- Heritage NSW's subdivision policies in relation to funding conservation and landscape setting do not seem to have been applied to the existing proposal.

Resolution 2022-03

The Heritage Council Approvals Committee:

1. **Supports** the proposal to subdivide the SHR curtilage in to three lots with precise alignments to be determined following addressing the advice below.
2. **Defers** the granting of General Terms of Approval pending submission of the following:
 - a. Amended plan of subdivision showing modified lot boundaries and also inclusion of revision numbers with correct date.
 - b. A conceptual design analysis of building heights and setbacks for potential development by NSW Health under the Infrastructure SEPP to confirm an appropriate buffer zone and lot boundary.
 - c. A comparative analysis of the 1980s buildings to determine heritage significance in relation to similar correctional facilities.
 - d. A social values analysis based on community consultation, which must include both the Aboriginal and broader community's connection to the site.
 - e. Establish non development areas and vistas throughout the site, based on a considered approach to the topography, including the creek alignment, consideration of its former use as a prison farm and any other Aboriginal cultural activities.
 - f. A proposed schedule of minimum maintenance works and requirements to ensure the long-term heritage conservation of the site.
3. **Strongly recommends** that the freehold title of the heritage lot is not sold, rather that Corrections NSW / Property NSW grant a long term lease with specific conditions requiring compliance with the Schedule of Minimum Maintenance Works and step in rights for Corrections NSW if the lessee fails to comply with conditions of its lease.

Moved by Nicholas Brunton and seconded by Caitlin Allen.

2.2 Sydney Harbour Bridge Northern Cycleway concept designs

The Committee received a presentation from Transport for NSW on the Design Competition outcomes and the Design Jury Process. A paper was also received from Hendry Wan, Heritage NSW.

Key points discussed:

- Members emphasised that final approval of any design lies with the Heritage Council and not the Design Jury.
- The Jury member nominated by Heritage NSW as an independent heritage expert is not a representative of the Approvals Committee.
- The Committee note that there is an alternative design option external to the competition process associated with North Sydney Council. The Committee's role is to assess the scheme as provided by Transport for NSW as the applicant.
- The integrity of any winning scheme has to be preserved in any possible reinterpretation or refinement of its elements.
- Each proposal needs to be better understood from the ground level and ensure a whole of landscape approach.
- The Committee welcomes consultation with the designers on heritage advice as required.

Resolution 2022-04

The Heritage Council Approvals Committee:

1. **Notes** the information in the report presented including its attachments.
2. **Notes** the Transport for NSW presentation.
3. **Notes** that there is an alternative proposal to the design competition, however, the Approvals Committee's role is to consider proposals from the applicant.
4. **Notes** that the site brings challenges and each scheme involves compromise from a heritage perspective.
5. **Suggests** that further information be provided to the Approvals Committee prior to its March 2022 meeting to better appreciate the ground level experience, including a 3D fly-through presentation if possible.
6. **Recommends** ensuring that the heritage impacts are also understood from the ground level and that concepts take into consideration the broader context.
7. **Recommends** working with North Sydney Council to develop a public domain Masterplan.

Moved by Nicholas Brunton and seconded by Julie Marler.

3. External presentations 2

3.1 Great Western Highway Upgrade Program, Medlow Bath

The Committee received a presentation from representatives from Transport for NSW and Spackman Mossop Michaels and a paper from Mr Hendry Wan, Heritage NSW.

Key points discussed:

- Aboriginal cultural heritage values must be acknowledged. Whilst archaeology is important, the intangible and living Aboriginal cultural heritage values of the Greater Blue Mountains area must inform any development into the future.
- The Committee noted the complexity of engineering and fire and safety issues considered in arriving at the proposed bridge option, however, felt that the current design is unsympathetic to the site and its context. The proponent should draw on historic bridges in NSW to inspire a bespoke design that is more appropriate for Medlow Bath village and its setting.
- A bridge option presents opportunities to open sight lines and execute an interpretive response to the heritage values of the broader site; however, it would present the most visual impact both in terms of character and in severing Medlow Bath station from the Hydro Majestic.
- The Committee considered various approaches to the design and materiality of a bridge and their possible impacts. For example, a compact and efficient light-touch infrastructure; or material, aesthetics and interpretation that reflect the Hydro Majestic and its relationship to Medlow Bath station.
- Although the Hydro Majestic is not currently listed on the State Heritage Register (SHR), it is likely to be of state heritage significance. Any proposal should respond to it as a key element forming the historic character of the place as a 1930s health and leisure site.
- The Committee also noted that the Owner of the Hydro Majestic is in support of listing the hotel on the SHR.
- An underpass in the same location and alignment as the proposed overpass bridge would likely present the best heritage outcomes.

Resolution 2022-05

The Heritage Council Approvals Committee:

1. **Notes** the information in the report presented including its attachments.
2. **Notes** the Transport for NSW presentation.
3. **Acknowledges** that an appropriate solution needs to be developed to address the DDA requirements for equitable access to Medlow Bath Station.
4. **Supports** the integration of *Connecting with Country* into the development of the design.
5. **Encourages** looking beyond archaeology to better incorporate both Aboriginal and non-Aboriginal living cultural values of the place.
6. **Recommends** further development of an interpretation strategy that will inform the design, so that it responds to the character of the Place as a significant historic health and leisure destination.

7. **Recommends** that the Underpass option be further explored at the location of the bridge option, terminating with lifts and stairs in lieu of ramps.

Moved by Caitlin Allen and seconded by Bruce Pettman

4. General Business

4.1 Correction to previous Minutes 30 November 2021 (IDA Approval – 47 George St, The Rocks)

The Committee discussed amendments to Condition 3 of the General Terms of Approval issued for Union Bond Store, 47 George St Integrated Development Application, on 30 November 2021.

4.2 Forward agenda

The Committee noted the forward agenda.

6. Meeting Close

There being no further items of business, Dillon Kombumerri, Chair, declared the Approvals Committee meeting closed at 12:45PM.



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Mr Dillon Kombumerri
Chair, Heritage Council Approvals Committee
Date: 4/3/2022