



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 6 December 2022 | 09:00 AM – 10:30 AM

Via Teleconference

ATTENDANCE	
MEMBERS	
Mr Ian Clarke	Chair
Dr Nicholas Brunton	Deputy Chair
Ms Caitlin Allen	Member
Ms Julie Marler	Member
Mr Bruce Pettman	Member
Mr David Burdon	Member
Ms Vanessa Holtham	Member
APOLOGIES	
Mr Dillon Kombumerri	Member
Mr David McNamara	Member
EXTERNAL PRESENTERS	
Mr Bruce Baudinet	Chairman, Precinct Capital (item 2.1)
Mr Graham Brooks	Director, GBA Heritage (item 2.1)
Mr Mark Broadley	Managing Director, Giles Tribes (item 2.1)
HERITAGE NSW STAFF	
Mr Tim Smith	Director Heritage Assessments
Mr Michael Ellis	Manager Assessments, Heritage Assessments (item 2.1)
Ms Lily Chu	Senior Assessments Officer, Heritage Assessments North (item 2.1)
Ms Natasha Agaki	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 accepted from Dillon Kombumerri and David McNamara. It was confirmed that quorum had been met.

1.1 Conflict of Interest Declarations

There were no conflicts of interest raised before or during the meeting.

1.2 Out of Session Activity

1. Orwell House AC Sub-Committee Report

Further consideration of the Orwell House remains beneath the Minerva Theatre by the Approvals Committee was facilitated by a meeting between the Approvals Committee Orwell House sub-committee, HNSW and the proponent on 21 September 2022 and a letter from AMAC dated 14 October 2022. The letter contains additional information requested by the Sub-Committee following the September meeting, about the extent, comparative significance and condition of the Orwell House remains.

- The additional information provided has not addressed all of the matters raised by the Approvals Committee Sub-committee and some of it is contradictory, particularly in regard to the extent of the remains and their rarity.
- The proponent has, however, provided information about the condition of the site that was not available to the Approvals Committee at its September 2022 meeting. This information suggests the remains are in poor physical condition due to water movement through the site and ongoing conservation is likely to be challenging.
- Even if the remains were in good condition, it is apparent that there may be adverse impacts to the SHR listed Minerva Theatre building and its use to provide public access to the archaeological remains, via viewing windows or stairs/lift, given the position of the remains beneath the performance space.

While the extent and significance of the archaeological remains is still unclear, it is considered that they are less significant than the Minerva Theatre and the Theatre's conservation and viable use should take precedence where there is a conflict in desired management approaches. On balance, while retaining the remains of Orwell House would be ideal, conserving them and providing safe public access within any redevelopment appears to be challenging.

It has therefore been recommended that:

1. The City of Sydney be advised that the delayed commencement requirement in the recommended Terms of Approval issued by the Approvals Committee at its meeting of 14

September 2022 is no longer necessary because the archaeological matters raised at that meeting have been resolved in advance of the DA being determined.

2. Should the proposed redevelopment proceed in its current form, with a basement requiring destruction of the archaeological remains, removal and recoding of the archaeology should be allowed subject to recording and interpretation.
3. As acknowledged by the proponent on 21 September, the current interpretation proposal requires further development. Recording of the Orwell House remains should occur in a way that provides engaging material (such as video, scanning etc) for the purposes of that interpretation; and
4. The Approvals Committee reserve the right to revisit this approach should the condition and extent of the Orwell House archaeology prove markedly different once the full extent of the site has been exposed.

2. Medlow Bath Overpass Sub-committee

- Nicholas Brunton, Vanessa Holtham, David Burdon and Bruce Pettman agreed to form a sub-committee on 18 November 2022 to review Transport for NSW's design options for the Great Western Highway Upgrade (Medlow Bath overpass) in February 2023.
- Transport for NSW has engaged Tonkin Zulaikha Greer (TZG) Architects to undertake the contextual analysis and design principles, which is expected to be finished early December 2022.
- The sub-committee will provide design advice that responds to the Blue Mountains World Heritage values and the character of the precinct, including the Hydro Majestic Hotel, as well as non-negotiable safety requirements.

Conclusion

The Heritage Council Approvals Committee:

1. **Notes** the subcommittee report on the Orwell House archaeological remains (Minerva Theatre) delivered by Ian Clarke and Caitlin Allen.
2. **Notes** that Nicholas Brunton, Vanessa Holtham, Bruce Pettman and David Burdon form a subcommittee to work with Transport for NSW on options for the proposed Medlow Bath overpass and will commence discussions in early 2023.

1.3 Minutes from Previous Meeting – 1 November 2022

Members requested that a minor amendment be made to item 2.1 Glenlee, Menangle Park of the previous meeting minutes to better reflect the Committee's split views on the proposal's readiness for Gateway determination.

Resolution 2022-52

The Heritage Council Approvals Committee:

1. **Confirms** the minutes of the previous ordinary meeting (Tuesday, 1 November 2022), as amended, as a complete and accurate record of that meeting.

Moved by Nicholas Brunton and seconded by Bruce Pettman.

1.4 Action Report

The Committee noted the action report.

The 2A Gregory Place, Harris Park State Significant Development (SSD) application was briefly discussed. Members noted that no supplementary letter was lodged to strengthen the original submission of September 2022; and stressed the importance of capturing contextual information around Committee advice and decisions to comprehensively reflect its position.

2. External Presentations

2.1 S4.55 Modification: New Wallarah House

The Committee received a presentation from Bruce Baudinet (Owner) and Graham Brook (GBA Heritage) outlining proposed amendments to Wallarah House, 25 Hale St, Catherine Hill Bay. A report was also received from Lily Chu, Heritage NSW.

Key points:

- Members compared the current proposal with the previous iterations presented in 2019 (pre-lodgement – not supported) and 2021 (integrated development application – approved).
- Members considered whether the current proposal to change the north facing roof form to slope upwards toward the beach could be acceptable, noting that it appears less pronounced than the 2019 iteration.
- However, the vast majority agreed that the current proposal shows no significant changes to the 2019 design, which was not supported by the Committee (and does not address the 2019 pre-lodgement advice to have the top plane of the roof be prominent from principal views and the veranda edge sloping downward) and therefore, cannot be approved.
- The proposal to pitch the north facing roof upward also adds visual bulk, as it opens views to the southside of the dwelling and creates the appearance of a double storey building.
- Members discussed methods of bringing solar access to the rear side of the building and enhancing thermal performance in ways that would comply with the Committee's previous advice. It was also noted that the current proposal would not allow for controllable light.
- The Committee maintained that the 2021 IDA approval was more sympathetic to the character of the historic village and that the current proposal could further disrupt the heritage experience of Catherine Hill Bay.

Resolution 2022-53

The Heritage Council Approvals Committee:

1. **Notes** that the current proposal is essentially the same scheme as the 2019 iteration that was not supported by the Approvals Committee, and therefore does not support the modification.
2. **Reiterated** that the 2021 Integrated Development Application (IDA) approval is more appropriate for the location of Wallarah House in the Catherine Hill Bay Cultural Precinct.
3. **Notes** that the applicant's rationale for the proposed modification of the approved roof form is to improve passive solar access and cross ventilation; and
4. **Suggests** discreet integration of light through the roof plane to enable adequate and controllable natural light internally.
5. **Delegates** final approval of the application to Heritage NSW, subject to the modifications being in line with the Approvals Committee's comments and the 2021 IDA approval.

Moved by Bruce Pettman and seconded by Nicholas Brunton.

3. General Business

3.1 Forward agenda

The Committee noted the forward agenda.

3.2 Approvals Committee Memberships

By acclamation, the Committee thanked Dillon Kombumerri for his leadership and contribution as Chair of the Approvals Committee over the last three years; and congratulated him on winning the President's Prize at the NSW Australian Institute of Architects Chapter Prizes and Honours Awards for his work in Connecting with Country through architecture.

It was noted that advertising will soon commence to recruit an Aboriginal person with relevant expertise to the Committee.

3.3 Sydney Harbour Bridge (SHB) Northern Cycleway

The Chair confirmed that he met with Mayor Zoe Baker, North Sydney Council, on 12 September 2022, along with Dillon Kombumerri and Heritage NSW Executive Director, Sam Kidman, to encourage collaboration between the Council and Transport for NSW on the SHB Northern Cycleway.

3.4 Updates from Heritage NSW

1. 2A Gregory Place, Harris Park SSD status
 - The Approvals Committee's response to the SSD was sent to the Department of Planning in September 2022.
 - The Department does not support the development and has requested the Applicant to provide a visual impact analysis and substantial design modification to address urban design and heritage matters.

- As part of the SSD process, the Applicant is now preparing a Response to Submissions that responds to issues raised including government agency advice.
- Once the Response to Submissions is received, the Heritage Council and the Approvals Committee will have an opportunity to comment.
- Separately, the Applicant has requested a meeting with the Approvals Committee to ‘workshop’ matters. Heritage NSW has advised the Applicant that this can occur once the Response to Submissions are received.

2. Discovery of Ancestral Remains

- An Ancestral burial ground has been discovered at Little Manly Beach during North Sydney Council’s excavation works to upgrade the seawall.

3. Cronulla Fisheries, Hungry Point – Walkway

- An ad-hoc nomination has been received in relation to Marine Rescue NSW’s proposal to develop a national training academy on the Hungry Point peninsula.
- There is significant public interest in the proposed development and significant heritage concerns around the viability of the proposed walkway considering the security requirements of Marine Rescue NSW.

3.6 Approvals Committee documents to be finalised

- Millers Point Vision and Principles
- Sub-committee Terms of Reference for proponents and Heritage NSW staff

4.0 Meeting Close

The Chair thanked the Committee members and Heritage NSW for the work undertaken throughout 2022.

There being no further items of business, Ian Clarke, Chair, declared the Approvals Committee meeting closed at 10:30 AM.

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Mr Ian Clarke
 Chair, Heritage Council Approvals Committee
 Date: