



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 28 February 2023 | 09:00 AM – 1:20 PM

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
Mr David McNamara	Member
Ms Vanessa Holtham	Member
Dr Daniele Hromek	Member
Mr Frank Howarth	Heritage Council Chair / Alternate Member (item 2.1)
EXTERNAL PRESENTERS	
Ms Amelia Holliday	Aileen Sage Architects (item 2.1)
Mr Mark Withford	National Parks and Wildlife (item 2.1)
Mr John Oultram	Heritage Consultant (item 2.1)
Mr Jake Anderson	Senior Project Officer, National Parks and Wildlife Services (item 2.1)
Ms Michelle Johns	Director, School Infrastructure NSW, North Sydney Regional Office (item 2.2)
My Barry Hackett	Architect and Partner at Gray Puksand (item 2.2)
Ms Meenu Bansal	Project Director, School Infrastructure NSW (item 2.2)

Mr Duncan Jones	Manager, School Infrastructure NSW (item 2.2)
Mr Hendry Wan	Senior Heritage Officer, School Infrastructure NSW (item 2.2)
Ms Kerime Danis	Director Heritage, City Plan (item 2.2)
HERITAGE NSW STAFF	
Mr Tim Smith	Director Heritage Assessments
Mr Michael Ellis	Manager Assessments, Heritage Assessments (item 2.1, 2.2)
Ms Tempe Beaven	Senior Assessments Officer, Heritage Assessments North (item 2.1, 2.2)
Ms Bec Yit	Senior Assessments Officer, Heritage Assessments North (item 2.1)
Ms Nicole Davis	Manager Assessments, Heritage Assessments, ACH / A/Manager Assessments South (item 2.1, 3.1, 3.2)
Ms Rajat Chaudhary	Senior Assessments Officer, Heritage Assessments South (item 3.1, 3.2)
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.
- The Chair welcomed newly appointed member, Dr Daniele Hromek.
- It was confirmed that quorum had been met.

1.1 Conflict of Interest Declarations

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

Resolution 2023-07

The Heritage Council Approvals Committee

1. **Noted** the following conflict of interest declarations:

- Dr Nicholas Brunton – declared a conflict of interest before and during the meeting with Balgownie Migrant Hostel, being discussed as part of out of session activity (item 1.2). Dr Brunton advised that he would leave the meeting for the duration of this discussion.
- Dr Daniele Hromek – declared a perceived conflict before the meeting with S60 Barrenjoey Head Light Station (item 2.1). At the meeting Dr Hromek advised that she has a long-standing personal relationship with the project architect and has engaged in discussions about the project.

2. **Noted** the following disclosures:

- Dr Daniele Hromek – Sat on the State Design Review Panel for the Royal Prince Alfred Hospital at an earlier stage of the project (item 3.2).
- Mr David Burdon – The NSW National Trust wrote a letter in January 2023 supporting the proposed amendments to the publicly exhibited *Sydney Harbour National Park Plan of Management - Middle Head/Gubbah Gubbah* (item 2.2)
- Ms Caitlin Allen – worked on the Conservation Management Plan for Barrenjoey Head (item 2.1)
- Ms Julie Marler – Worked on the 2003 Landscape Management Plan for Barrenjoey Head (item 2.1)
- Mr Ian Clarke – Consulted with Sydney Harbour Trust at Middle Head as President of Mosman Football Club (item 2.2)

3. **Noted** that Dr Brunton received a redacted version of the Executive Director's report (reference material) removing updates relating to Balgownie Migrant Hostels.

4. **Supported** Dr Brunton's decision to leave the meeting for item 1.2.

5. **Agreed** that Dr Daniele Hromek should leave the meeting for item 2.1 but could remain in the meeting and participate in discussions and decision-making for item 3.2.

6. **Agreed** that Mr David Burdon could remain in the meeting and participate in discussion and decision-making for item 2.2.

Moved by Vanessa Holtham and seconded by David McNamara

1.2 Out of Session Activity

Dr Nicholas Brunton left the meeting for item 1.2.

Members noted brief updates provided by Mr Ian Clarke and Ms Vanessa Holtham regarding their site visits to the former Balgownie Migrant Hostels and Northbeach, Wollongong (Seawall development) on 9 February 2023.

1.3 Minutes from Previous Meeting – 31 January 2023

Resolution 2023-08

The Heritage Council Approvals Committee:

1. **Confirms** the minutes of the previous ordinary meeting (Tuesday, 31 January 2023), as a complete and accurate record of that meeting.

Moved by David McNamara and seconded by Vanessa Holtham

1.4 Action Report

The Committee noted the action report and briefly discussed the progress of finalising the Millers Point Vision and Principles.

2. External Presentations

2.1 S60 Barrenjoey Head Light Station

The Committee received a presentation from National Parks and Wildlife Services (NPWS); and a paper from Mr Michael Ellis and Ms Tempe Beaven, Heritage NSW, recommending that advice be sought from the Aboriginal Cultural Heritage Approval Committee (ACHAC).

Key points:

- Members accepted the need for amenities at Barrenjoey Headland however felt that the current proposal has adverse impacts on the exceptional heritage values of the SHR listed site.
- A key issue noted was the proposal's lack of reference to the Government Architect NSW's Connecting with Country Framework and the lack of consultation with the Indigenous community (beyond the Metropolitan Aboriginal Land Council) on the Aboriginal cultural heritage (ACH) values of the site.
- It was noted that the Aboriginal Due Diligence Assessment conducted is limited to Aboriginal objects. The Statement of Heritage Impact does not include an assessment of impacts to

Aboriginal cultural values identified in the Statement of Significance, nor does it provide mitigation of impacts through interpretation and design of the proposed works.

- Members briefly discussed Disability Discrimination Act (DDA) requirements and how NPWS internal policy has shaped aspects of the proposal.
- All members agreed that the extent of proposed excavation and retaining walls, the size of the building itself, and its impacts to the landscape, were unacceptable. Alternative locations and design options and their potential impacts were discussed. Some points raised:
 - Not only the size of the proposed building, but the extent of facilities proposed is excessive for this site.
 - The gabion walls alter the topography of the site rather than maintain it, and create a need for barriers and signage, which could potentially be avoided.
 - Some felt if the scale of the proposed building was reduced significantly, it's location on the eastern side of the keeper's cottage would not adversely impact the legibility and heritage experience of the site.
 - Locating the main bathroom facilities at the Customs Precinct Building with only minimal emergency facilities located on the hilltop would be less impactful.
 - Some felt that locating the facilities in pods in the courtyard, using the existing buildings, would be acceptable from heritage, security, and access perspectives. Others felt that this could result in high impacts to the experience of the courtyard and broader precinct, and that a small, shed structure in a different location would be preferable.
 - Julie Marler expressly opposed any excavation taking place to construct the permanent amenities.

Resolution 2023-09

The Heritage Council Approvals Committee.

1. **Notes** the information in the report presented including all attachments.
2. **Notes** that Barrenjoey Head is a remote site in a National Park and visitor amenities in the cultural landscape should be simple and minimal to avoid impact on heritage significance
3. **Supports** the provision of bathroom and drinking water amenities at Barrenjoey Head.
4. **Refuses** the Section 60 application presented due to the permanent change to the landscape that would occur; the level of excavation, the size of the building, and the extent of the retaining structures.
5. **Recommends** that the applicant explore lower impact options, in a different location, that consider the Conservation Management Plan, historic record, and form, scale and materiality of the Headland built form; including:
 - Locating the major facilities within the Customs precinct.
 - Placing reversible pod facilities within the cottage courtyards.
 - Locating smaller free-standing structures that utilise the precedent outbuildings on site.

- Considering a tap or bubbler for fresh water
 - Exploring other sites in the precinct.
6. **Requests** higher quality 3D renderings in any future proposal to understand scope of interventions and key sightlines.
 7. **Notes** that GAO Connecting with Country principles have not been considered. Wider consultation should take place with the Aboriginal community on the broader Aboriginal cultural heritage values of the site, including but not limited to archaeology.
 8. **Refer** any future S60 application to the Aboriginal Cultural Heritage Advisory Committee (ACHAC) to seek expert advice on the impacts of the proposal to intangible Aboriginal cultural heritage values as described in the Statement of Significance of the SHR listing.
 9. **Suggests** that National Parks and Wildlife Services (NPWS) returns to the Approvals Committee to discuss alternative options before developing detailed plans.

Moved by Julie Marler and seconded by Nicholas Brunton

2.2 Pre-lodgement: Middle Head Military Fortifications

The Committee received a presentation from School Infrastructure NSW, and a paper from Mr Michael Ellis and Ms Tempe Beaven, Heritage NSW, seeking comment on the proposed demolition, minor alterations, tree removal and constructions to support an Environmental Education Centre use at the former Soldiers Institute Building (MH31) at Middle Head – Gubbah Gubbah.

Key points:

- Members reiterated the Heritage Council’s support for adaptive reuse in general.
- Discussions focused on impacts of the proposed design and location of the Covered Outdoor Learning Area (COLA) and amenities block; particularly the visual impacts to and from the heritage buildings, roads and open spaces; and the impact on the setting of the former Soldiers’ Institute, as a surveillance post.
- Members reviewed the previous locations considered and sought justification for the proponent discounting options provided in the *Sydney Harbour National Park - Middle Head Georges Head Master Plan 2018*. Members discussed possible impacts and opportunities of each location.
- Members noted the DDA, safety and access requirements factored into the current design and location of the COLA and amenities block (adjacent to the former Soldiers’ Institute building). Nevertheless, members felt that the impact of the steps, handrails, and ramps on the adjacent heritage building is not warranted and that a better solution for this area is needed.
- It was also noted that the COLA’s current design does not identify the context of the broader site. The design should be sympathetic to the military fortification setting.
- Alternative design options were considered to protect key views, reduce the scale of the building, and create a more sympathetic roof form.

The Heritage Council Approvals Committee:

1. **Thanks** the applicant, School Infrastructure NSW, and their consultant for presenting to the Approvals Committee.
2. **Notes** the presentation from the applicant and the report presented, including its attachments.
3. **Provides** the following comments to the applicant regarding this project.
 - a. The Heritage Council of NSW strongly supports adaptive reuse in principle, and the proposed reuse of the former Soldiers' Institute building for an Environmental Education Centre.
 - b. The proposed Covered Outdoor Learning Area (COLA) building should be relocated to the northeast corner of the former MH27 Barracks No. 2 area (i.e. 1A) with a more sensitive roof form and profile. The amenities block is to be located at the southern end of the COLA and the design should be refined to better consider the heritage context of the proposed building. This would improve the overall setting and ideally minimise the use of ramps and stairs to create appropriate levels, without compromising storm water flows.
 - c. An archaeological assessment should be undertaken, and the building design is to be managed to avoid significant archaeology.
 - d. The proposal should consider Aboriginal cultural heritage values, including possible uses as a meeting point with views of the harbour.
 - e. The former Soldiers' Institute perimeter fence is to be retained. It can be lowered in height and a gate introduced along the southern boundary with path connection to the existing military road to improve surveillance and access for school groups.
 - f. Retain the existing storeroom (c1915) with reinstatement of original cladding profile.

Moved by Bruce Pettman and seconded by David Burdon

3. Heritage NSW presentations

3.1 S60 Northbeach Wollongong Seawall

The Committee received a paper from Ms Nicole Davis and Mr Rajat Chaudhary, Heritage NSW, seeking determination of the Section 60 application, following the Committee's pre-lodgement advice provided on 1 March 2022.

Key points:

- Members noted the proposal introduces a 15m wide concrete corridor along the waterfront which will have a considerable impact on the character, views and setting of the North Beach Precinct; and that the associated built-up elements such as ramps and balustrades, stairs, paved terraces, and street furniture will further add to the visual impact.

- Members also noted the design constraints given the need to match up with Phase 1 which has already commenced construction.
- Members discussed the increasing number of Seawall development applications and the need for policy work to guide proponents through this issue moving forward.
- Members stressed the opportunity for ACH interpretation in the public domain suggesting stories around connection to place and environment, and rising sea levels.
- In general, members did not like the extent of concrete, however considered the engineering solution in relation to the environment of North Beach and noted that the built structure will only be visible whilst the sand has temporarily receded. Given the stage of the project, design constraints, and lack of Seawall guidelines to support proponents at this time, members were inclined to support the proposal with conditions.

Resolution 2023-11

Pursuant to section 63 of the *Heritage Act 1977*, the Heritage Council Approvals Committee **grants approval** subject to the following conditions:

APPROVED DEVELOPMENT

1. All work shall comply with the information contained within:
 - 1 Statement of Heritage Impact- Stage 2 North Beach Sea Wall by Wollongong Council dated October 2022 and its following appendices:
 - A. North Wollongong Beach Sea Wall Due Diligence Assessment – prepared by Biosis in March 2020
 - B. North Beach Sea Wall Aboriginal Cultural Heritage Assessment (ACHA) – prepared by Biosis in August 2020
 - C. North Beach Sea Wall Test Excavation Report – prepared by Biosis in January 2021
 - D. Surf Life Saving Club Unexpected Find Due Diligence Advice prepared by Biosis in July 2022
 - E. Review of Environmental Factors prepared by Wollongong City Council dated August 2022
 - F. Landscape and Structural Plans prepared by Wollongong City Council dated August 2022
 - G. Blue Mile Heritage Interpretation Strategy prepared by Conybeare Morrison dated 2011
 - H. Wollongong Coastal Zone Management Plan prepared by Wollongong City Council dated 2017
 - I. North Beach Surf Life Saving Club Conservation Management Plan prepared by Rod Howard Heritage Consultants dated 2002
 - J. Bathers Pavilion Conservation Management Plan prepared by Rod Howard Heritage Consultants dated 2002
 - K. Unexpected Finds Procedure, prepared by Wollongong City Council dated August

EXCEPT AS AMENDED by the conditions of this approval:

DESIGN

- 2 Measures to further mitigate impact shall be explored and implemented, such as increasing soft landscaping, use of natural finishes, reducing built elements that contribute to visual clutter. Consider how best to articulate connections between land, beach and water in a way that respects Country, recent additions, and uses of the Place, through engagement with the Aboriginal and broader community. Amended documentation must be submitted to the satisfaction of and approved by Heritage Council of NSW (or delegate) prior to works commencing.

Reason: The proposed changes do not adequately address Heritage Council's comments at Pre-DA stage and reduce impact and there is potential to further mitigate impact.

HERITAGE CONSULTANT

- 3 A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

SPECIALIST TRADESPERSONS

- 4 All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

SITE PROTECTION

- 5 Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

ABORIGINAL OBJECTS

- 6 Works for North Beach Seawall Stage 2 must avoid site 52-2-4776 and the associated remediation works area. It is recommended that this location is identified on plans in the Construction Environmental Management Plan (CEMP) and workers and contractors briefed on the location to ensure works avoid this location.

- 7 If Aboriginal objects are identified and/or harmed during works, the following must occur:
(a) not further harm these objects

- (b) immediately cease all work at the particular location
- (c) secure the area so as to avoid further harm to the objects
- (d) notify the NSW Government Environment Line on 131 555 as soon as practicable and provide any available details of the objects and their location, and
- (e) not recommence any work at the particular location unless authorised in writing by Heritage NSW.

8 If any human remains are discovered and/or harmed in, during works, the following must occur:

- (a) not further harm these remains
- (b) immediately cease all work at the particular location
- (c) secure the area so as to avoid further harm to the remains
- (d) notify the local police and NSW Government Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
- (e) not recommence any work at the particular location unless authorised in writing by Heritage NSW.

9 In accordance with recommendations from Biosis, monitoring of the proposed works may occur in the area identified as 'High Potential' in Appendix A of AHIP 4679 by representatives of the Registered Aboriginal Parties (RAPs). Stop works provisions will apply if suspected Aboriginal objects or human remains are identified. Monitoring is not a requirement of AHIP 4679. The decision of whether to engage Registered Aboriginal Parties to conduct monitoring should be determined through discussions between the proponent and the RAPs.

Reason: To manage any potential impacts on Aboriginal archaeology.

UNEXPECTED FINDS

10 The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.

COMPLIANCE

11 If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

DURATION OF APPROVAL

- 12 This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

Reason: To ensure the timely completion of works.

Moved by Nicholas Brunton and seconded by Caitlin Allen

9.2 SSD Royal Prince Alfred Hospital – EIS

The Committee received a paper from Mr Michael Ellis and Mr Rajat Chaudhary, Heritage NSW, seeking comment on the Notice of Exhibition for Royal Prince Alfred Hospital Redevelopment.

Key points:

- Members reviewed the heritage significance of the Pathology Building, Chapel and mature trees within the Royal Prince Alfred Hospital site in light of the proposal and felt that justification for demolition of the locally listed heritage buildings had not been provided.
- Members also considered impacts of the proposed new sky-rise adjacent to the SHR listed University of Sydney campus, which some felt would be greater than the demolition impacts.
- The new building design should fit in with the broader master planning for the site and closely consider views and impacts to other heritage buildings.
- Members noted that whilst clinical requirements are imperative, heritage constraints should be factored into the design and planning process from the start.

Resolution 2023-12

The Heritage Council Approvals Committee:

1. **Notes** that the proposal is a SSD requiring consultation with the Heritage Council
2. **Notes** that the protection of the heritage buildings and the broader context of the precinct appear not to have been adequately addressed in the design competition brief, and consultations to date.
3. **Provides** the following comments as part of the submissions process:
 - a. Under Section 170 of the *Heritage Act 1977*, all state government agencies must keep and administer a database of heritage assets called a Section 170 Heritage and Conservation Register. The Section 170 Register is an important resource to be used for making decisions about maintaining, conserving and making changes to heritage assets.

- b. The Pathology Building is identified of State heritage significance on the Department of Health's Section 170 Register of the *Heritage Act 1977* and therefore should not be considered for demolition. The Pathology Building is also listed as a local item of environmental heritage on the City of Sydney Local Environmental Plan 2012.
- c. The Chapel is on the Department of Health's Section 170 Register of the *Heritage Act 1977*, is potentially state significant, and therefore should not be considered for demolition. The Chapel, and particularly its interior and stained-glass windows, may be able to contribute to the new development.
- d. The demolition of the Pathology Building and associated trees, which are one of the very few remnants of the original hospital precinct, will have a considerable significant adverse heritage impact. The loss will further erode the character of the site as a historic precinct, which is contiguous with and complements the State Heritage Register (SHR) listed The University of Sydney, University Colleges and Victoria Park (SHR no.01974)
- e. The AC understands the imperative to meet the desired functional health requirements, whilst respecting the heritage of the location. Various options for retention appear to be feasible as demonstrated by the design competition entries, including the winning entry by Bates Smart. It is therefore recommended that more effort is made to integrate the Pathology and Chapel Buildings into the proposed design.
- f. Reconsider the impact of the new hospital buildings on the wider SHR listed University campus and Royal Prince Alfred Hospital site, including important sight lines and precinct character.

Moved by Bruce Pettman and seconded by Nicholas Brunton.

4.0 General Business

4.1 Forward agenda

The Committee noted the forward agenda.

5.0 Meeting Close

There being no further items of business, Ian Clarke, Chair, declared the Approvals Committee meeting closed at 1:20 PM.



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Mr Ian Clarke

Chair, Heritage Council Approvals Committee

Date: **4 APR 23**