



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 1 August 2023 | 9:00 – 11:00 AM

via teleconference

ATTENDANCE

Members

Mr Ian Clarke	Chair
Dr Nicholas Brunton	Deputy Chair
Dr Caitlin Allen	Member
Mr David Burdon	Member
Dr Danièle Hromek	Member
Mr David McNamara	Member
Mr Bruce Pettman	Member

Apologies

Ms Vanessa Holtham	Member
Ms Julie Marler	Member
Mr Frank Howarth AM PSM	Heritage Council Chair / Alternate Member

External Presenters

Mr Justin Kell	Project manager, Land Team (item 2.1)
Mr Eric Martin	Managing Director, Eric Martin & Associates (item 2.1)
Mr Chris Bridge	Senior Associate, FJC Studio (item 2.2)
Ms Kate Paterson	Director Heritage, Urbis (item 2.2)

Heritage NSW

Mr Tim Smith	Director Heritage Assessments
Ms Elizabeth Thomas	Senior Secretariat Officer
Mr Rajeev Maini	Manager Assessments (items 2.1 & 2.2)
Ms Mariyam Nizam	Senior Assessments Officer (items 2.1 & 2.2)

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.
- There were no apologies.
- It was confirmed that quorum had been met.

1.1 Conflict of Interest Declarations

Potential and actual conflicts of interest were declared for *Item 2.2 35-75 Harrington Street, The Rocks SSD 3292*:

- David Burdon declared a potential perceived conflict of interest, noting that the National Trust (NT) had submitted comments on the SSD. The Committee agreed that as Mr Burdon had not played any role in the NT submission he was able to fully participate in consideration of this item.
- Dr Danièle Hromek declared an actual conflict of interest and was excused from the meeting for consideration of this item.

Moved by Bruce Pettman and seconded by Nicholas Brunton

1.2 Out of Session Decisions

There were no out of session decisions made since the previous ordinary meeting.

1.3 Minutes from Previous Meeting – 4 July 2023

Resolution 2023-29
The Heritage Council Approvals Committee:
1. Confirms the minutes of the previous ordinary meeting (Tuesday, 4 July 2023), as a complete and accurate record of that meeting.
Moved by David McNamara and seconded by Bruce Pettman

1.4 Action Report

The Committee noted the action report. The register was updated to reflect further actions required.

2. External Presentations

2.1 Lansdowne (SHR 00132) – IDA for subdivision

The Committee received a report from Heritage NSW and a presentation from the Land Team to seek determination for an Integrated Development Application for a 79 lot residential subdivision of Lansdowne located at 33 Bungonia Road, Goulburn.

Key features of the presentation included the:

- curtilage and key heritage elements and sightlines located within the SHR listing
- overall site and proposed subdivision masterplan
- proposed retention of key heritage buildings and landscape features, heritage views and screening.

The Committee noted that the proposed subdivision encroaches on the SHR and National Trust listing boundaries and also impacts a large area of the local listing curtilage. Members queried the extent to which the Heritage Council's *SHR Subdivision policy* was considered when drafting the masterplan.

The Committee thanked the Land Team and Eric Martin and Associates for the presentation.

Following the presentation, members discussed the significance of the listing and agreed that more detailed documentation and curtilage analysis would be required to enable the Committee to adequately assess the proposal. Details such as the scope and schedule of proposed works, future uses and the associated public benefit, would also provide members with a greater understanding of the level of commitment to conserving the heritage of the place.

In addition, the Committee noted that an active Aboriginal Place nomination is concurrently underway with the potential for significant social values to also be considered for this place.

Resolution 2023-30

The Heritage Council Approvals Committee:

1. **Notes** the applicant's presentation and the detailed assessment report provided by Heritage NSW.
2. **Refuses** the Integrated Development Application based on the following reasons:
 - a) Lansdowne is a place of State heritage significance that is protected on the State Heritage Register for its historic, associative, aesthetic, technical, research, rarity and representative values. The proposed subdivision will have a detrimental impact on the aesthetic, technical, research, rarity and representative values.
 - b) The submitted documentation does not include sufficient information or analysis on matters related to impacts on significant viewsheds and corridors, archaeology (pre and post contact), rural and pastoral setting, significant built elements, spatial and visual relationships with surrounding landmarks, etc.
 - c) There is no clear indication that consideration has been given to provide adequate buffer areas or to offer policies for the proposed subdivision that would protect the item and its associated significant values. To consider the subdivision proposal adequate curtilage analysis is required.
 - d) The proposal offers no information on the future use and public benefit, conservation, management or maintenance of the homestead complex itself, or how the proposed subdivision would benefit the SHR listed place.
 - e) It is not possible to mitigate or minimise these impacts through conditions of approval.
 - f) The application will result in a permanent detrimental impact to the overall significance of the SHR item.
3. **Recommends** further consultation with Heritage NSW prior to lodgement of an amended or future application.

Moved by Nicholas Brunton and seconded by David McNamara

Dr Daniele Hromék left the meeting.

2.2 35-75 Harrington Street, The Rocks – pre-lodgement consultation for Response to Submissions on State Significant Development (SSD-32766230) UP TO HERE

The Committee received a report from Heritage NSW and an applicant presentation from Urbis and FJC Studio on the preliminary response to the heritage related submissions received following the public exhibition of the State Significant Development (SSD) application.

The SSD application proposes the demolition of the Clocktower Square building at 35-75 *Harrington Street, The Rocks* and construction of a new hotel with retail, accessible roof area, through site links and retention of the Rendezvous Hotel.

The applicant outlined the consultation that has informed the design process from early concept planning through to the SSD submission, noting that:

- typology studies were carried out to consider the relationship between the facades and how they relate to the bulk, scale and dynamics that are driven by the Rocks area

- the building envelope was borne out of a previous architectural design and aims to remain sensitive to the heritage characteristics of the rocks whilst improving activation at the street frontage
- the design includes a reduction in the height and building footprint and the retention of the sightlines north-south and east-west across the site
- the response to submissions includes:
 - the design of the corner element with topography mapping and the significant consultation undertaken to inform the different architectural styles and treatments considered
 - the views of the site from Observatory Hill, and
 - the justification for deviations from the Sydney Cove Redevelopment Authority (SCRA) envelope.

The Committee highlighted the significance of the location and its relationship to the heritage of the Rocks. Members questioned the massing model diagrams provided and the proposed building setbacks and raised concerns regarding the bulk and scale of the proposed development.

The Committee thanked Urbis and FJC Studio for the presentation and acknowledged the consultation and work done to date.

Following the presentation, the Committee further discussed the proposed bulk and scale, the key drivers for the development and GFA and the analysis of the public benefit and amenity.

Members also noted a discrepancy between the existing SCRA scheme, and the documents supplied by the applicant, which indicate a very different approved SCRA envelope.

Members emphasised the important opportunity for the development to enhance the existing historic character of the precinct and improve on the existing public amenity.

Resolution 2023-31

The Heritage Council Approvals Committee:

1. **Notes** the applicant's presentation and the report provided by Heritage NSW.
2. **Notes** its concerns that the proposed bulk and scale, which are predicated on achieving the existing GFA, result in detrimental impacts to the heritage values of the Precinct.
3. **Provides** the following comments to the applicant, prior to the lodging of the Response to Submission:
 - a) The critical position of the site within The Rocks provides the opportunity to activate the area while responding to the existing historic character of the precinct.
 - b) The existing SCRA scheme is not correctly represented in the visual impact assessment. This results in inaccurate representation of the impacts of the proposed variation.
 - c) The building envelope and detailed design envelope appear to be different and need to be clarified and presented as one finalised proposed volume.
 - d) Further analysis must be undertaken to consider the impact of the proposal on the surrounding heritage precinct.
 - e) Consider how the proposed building envelop impacts views from and towards Sydney Harbour, The Rocks and Circular Quay. Consider the contextual character. The existing representation of the proposed building envelope presented as a single line does not clearly represent how the building volume will impact significant views.
 - f) Consider enhanced setbacks at ground and other levels of the building to reduce visual prominence of the development.

Moved by Caitlin Allen and seconded by David Burdon

3.0 General Business

3.1 Forward agenda

The Committee noted the forward agenda.

3.2 Other business

Assessments and compliance update

Tim Smith provided a verbal update on various heritage matters being managed under delegation by Heritage NSW.

Next meeting

Members noted that the *Heritage Chairs and Officials Australia and New Zealand* forum is being held 31 August and 1 September and the *ICOMOS GA Assembly* is taking place from 31 August to 9 September. As a result the next AC meeting has been tentatively scheduled for 29 August.

4.0 Meeting Close

There being no further items of business, Ian Clarke, Chair, declared the Approvals Committee meeting closed at 11:45 AM



Mr Ian Clarke

Chair, Heritage Council Approvals Committee

Date: 3 October 2023