



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 5 July 2022 | 09:00 AM – 02:50 PM

Via Teleconference

ATTENDANCE	
MEMBERS	
Mr Ian Clarke	Acting Chair
Dr Nicholas Brunton	Member
Mr David Burdon	Member
Mr David McNamara	Alternate Member
Ms Julie Marler	Member
Mr Bruce Pettman	Member
Ms Vanessa Holtham	Observer
APOLOGIES	
Mr Dillon Kombumerri	Chair
Ms Caitlin Allen	Member
EXTERNAL PRESENTERS	
Mr James Bichard	Director of Property and Infrastructure, Catholic Archdiocese (item 2.1)
Mr Jonathan Bryant	Director, Urbis (item 2.1)
Mr Angelo Candalepas	Director, Candalepas Associates (item 2.1)
Mr Evan Pearson	Architect (item 2.1)
Mr Giovanni Cirillo	Town Planner (item 2.1)
Ms Jennifer Hill	Director, Architectural Projects (item 2.2)
Mr Brent and Greg Lobel	Owners (item 2.2)
Mr Anthony Boskovitz	Principal Partner, Boskovitz Lawyers (item 2.2)

Prof Richard McKay	Applicant's Advisory, Mackay Strategic (item 2.3)
Mr Sean Johnson / Ms Kate Denny	Heritage Consultant, Lucas Stapleton Johnson (item 2.3)
Mr Tim Greer	Project Director, Tonkin Zulaikha Greer Architects (item 2.3)
Mr Lewis Haig	A/Senior Project Manager, TfNSW (item 3.1)
Mr Michael Magney	Project Manager, TfNSW (item 3.1)
Mr Alan Croker	Heritage Advisor, Design 5 Architects (item 3.1)
Ms Emma McGirr	Heritage Specialist, TfNSW (item 3.1)
Ms Eleana Prentice	Project Manager, TfNSW (item 3.1)
Mr Pete Styles	Project Development Manager, Infrastructure and Place, TfNSW (item 3.2)
Mr Radivoie Miletich	Senior Project Manager, Infrastructure and Place, TfNSW (item 3.2)
Ms Elisabeth Sacco	Senior Community and Customer Engagement Officer, Regional and Outer Metropolitan, TfNSW (item 3.2)
Mr Steven Barry	Heritage Specialist, TfNSW (item 3.2)
HERITAGE NSW STAFF	
Mr Tim Smith	Director Heritage Assessments
Mr Rajeev Maini	Manager Assessments, Heritage Assessments South (item 2.1, 2.2, 2.3)
Ms Veerle Norbury	Senior Assessments Officer, Heritage Assessments South (item 2.1)
Ms Mariyam Nizam	Senior Assessments Officer, Heritage Assessments South (item 2.2)
Ms Shikha Jhaladiyal	Senior Assessments Officer, Heritage Assessments South (item 2.3)
Ms Rochelle Johnston	Senior Manager, Major Projects (item 3.1, 3.2)
Mr Hendry Wan	Senior Assessments Officer – RMS, Major Projects (item 3.1, 3.2)
Ms Natasha Agaki	Secretariat Officer

1. Welcome and formalities

The Acting Chair, Ian Clarke, opened the meeting at 9:00am.

- The Chair delivered an Acknowledgement of Country and welcomed attendees.
- Apologies were accepted from Dillon Kombumerri and Caitlin Allen. David McNamara advised that he would be an apology from 11:00am onwards.
- It was noted that quorum had been met and would be maintained for the duration of the meeting.

1.1 Conflict of Interest Declarations

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

Vanessa Holtham declared that she occasionally works for the City of Sydney and has reviewed listings around Tresco, 97 Elizabeth Bay (item 2.3). The Committee noted the declaration and agreed that it does not constitute a conflict of interest:

1.2 Out of Session Activity

No business was conducted out of session since the previous ordinary meeting.

1.3 Minutes from Previous Meeting – 31 May 2022

Resolution 2022-30
The Heritage Council Approvals Committee: 1. Confirms the minutes of the previous ordinary meeting (Tuesday, 31 May 2022) as a complete and accurate record of that meeting.
Moved by Bruce Pettman and seconded by David Burdon

1.4 Action Report

The Committee noted the action report.

2. External Presentations – Part 1

2.1 Pre-lodgement – St Mary's Cathedral Chancery Design Report provided on 23/06/22

The Committee received a presentation from the Catholic Archdiocese, Urbis and Candalepas Associates, and a paper from Veerle Norbury, Heritage NSW.

Key points:

- The Committee felt that there was insufficient information to provide any formal comments on the updated proposal, however noted that concerns remain with bulk, scale, form, materiality, and location. Members reiterated that master planning for the entire site is required for proper resolution.
- Caitlin Allen submitted comments around the archaeological assessment for consideration at this meeting, noting that she would be an apology.
 - The plan should demonstrate the exact location of the remains in TT5 in relation to the redesign proposal, as well as the levels of 1820s archaeology as they relate to the existing ground level and proposed building.
 - The proponent should consider including and exposing the significant 1820s archaeology in the new development. Other interpretive methods apart from signage should be considered and any interpretation should be focused on stories of the people who lived and worked there and the relationship of the site to the Colony and the city over time.
 - More considered reasoning of significance is needed to support the argument for exclusion of the remains from the National listing.
- Members discussed visual impacts and the need for accurate presentation of key viewing points from St Mary's Road in the view analysis. It was noted that the trees that would screen the building are in fact deciduous and reliance upon vegetation to screen the proposal is not sufficient.
- The façade of the new addition should complement the Cathedral and present well to the street. Use of glass windows as presented in the plan would make the office clutter visible from the street.
- The accessibility upgrades to the Cathedral and Chapter Hall should be clear and detailed. Linking and integrating accessibility should be done in a light touch that doesn't challenge the form of the buildings.
- The landscape plays an important role in connecting the two historic buildings. The landscaping plan should reflect this rather than treating the buildings as individual components.
- Members noted that previous requests to address the connection between the Cathedral and the Chapter House had not been progressed.
- Members also discussed a potential review of the SHR curtilage and whether it should extend to the whole site, noting that the existing curtilage does not reflect its function.
- It was agreed that a site inspection would be helpful in gaining a better understanding of the site and its context.

Resolution 2022-31

The Heritage Council Approvals Committee:

1. **Thanks** the proponent for the presentation.
2. **Notes** the information provided.

3. **Requests** that Heritage NSW review the information and prepare a draft response for the Approvals Committee to consider at an upcoming meeting.
4. **Requests** that Heritage NSW receives the most current concept drawings.

Moved by David Burdon and seconded by Bruce Pettman

2.2 IDA – 32B Fitzwilliams Rd, Vaucluse - Wentworth Memorial Church

The Committee received a presentation from Ms Jennifer Hill and a paper from Ms Mariyam Nizam, Heritage NSW.

Key points:

- Members noted that the proposal had significantly improved following consultation with the Approvals Committee and design workshops held with subcommittee members, David Burdon and Julie Marler.
- The design and materiality of the proposed lift was discussed. Members noted the use of bronze mesh and glass to encourage recession of the lift into the landscape setting but questioned whether the overall result was in keeping with the rest of the building. Use of masonry and brick were suggested. Members also encouraged the proponent to explore alternative designs for the lift to improve its interaction with the Church building. It was noted that the straightness of the lift tower does not fit well with the overall expression of the building.
- Members also briefly discussed the operation and visual impacts of the car stackers.
- It was noted that the highly significant T1 tree would be retained on site.
- High quality drawings are needed for a fully resolved package. The drawings should not only focus on the new additions but highlight how the existing architecture will be fixed and maintained.

Resolution 2022-32

In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the Heritage Council of NSW (the Heritage Council) **grants the following general terms of Approval** for the integrated development application:

APPROVED DEVELOPMENT

1. All work shall comply with the information contained within:
 - a) *Architectural drawings*, prepared by Architectural Projects as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: 1924 – Former Wentworth Memorial Church			
DA.000	Cover Sheet	18/12/20	E
DA.100	Site/Roof Plan	18/12/20	E

DA.101	Demolition Plan	18/12/20	E
DA.102	Site Analysis	18/12/20	-
DA.103	Area Calculation	18/12/20	E
DA.110	Basement Plan – Proposed	11/5/22	D
DA.111E	Lower Ground Floor Plan – Proposed	11/5/22	F
DA.112	Ground Floor Plan – Proposed	11/5/22	F
DA.113	Level 1 Plan – Proposed	11/5/22	F
DA114	Roof Plan – Proposed	11/5/22	D
DA.115	Ground Floor Plan Furniture Concept	26/3/21	C
DA.120	North Elevations	18/12/20	E
DA.121	South Elevations	11/5/22	E
DA122	Southeast & Northwest	11/5/22	E
DA.130	Section – Proposed	18/12/20	E
DA.131	Section – Proposed	18/12/20	E
DA.132	Section – Proposed	18/12/20	E
DA.133	Section – Proposed	18/12/20	E
DA.140	Shadow Diagrams – June 21 at 9am	11/5/22	C
DA.141	Shadow Diagrams – June 21 at 12 pm	11/5/22	C
DA.142	Shadow Diagrams – June 21 at 3pm	11/5/22	C
DA.150	Photographic Analysis – Key Plan	11/5/22	C
DA.151	Photographic analysis of published photos	11/5/22	C
DA.152	Photographic analysis of published photographs of Wentworth Memorial Church	11/5/22	C
DA.160	3D model – Views 1-5	11/5/22	C
DA.161	3D model – Views 6-9	11/5/22	C
DA.170	Schedule of external materials and colours	26/3/21	B
L.001	Concept Landscape Plans	5/3/21	B
L.002	Planting Schedule	4/3/21	B
MD.01	Existing building – Ground Floor Plan	18/12/20	-
MD.02	Existing building – Roof Plan	18/12/20	-

MD.03	Existing building – Elevations	18/12/20	-
MD.04	Existing building – Elevations	18/12/20	-
MD.05	Existing building - Elevations	18/12/20	-

- b) *Statement of Heritage Impact*, prepared by Architectural Projects, dated December 2021
- c) *Conservation Management Strategy for Wentworth Memorial Church and Site, Vacluse*, prepared by NBRS & Partners, dated 2010
- d) *Statement of Environmental Effects*, prepared by Architectural Projects, dated December 2021
- e) *Structural Engineering Excavation & Construction Report*, prepared by Leigh Bachmann Structural Engineer Pty. Ltd, dated March 2021
- f) *Wentworth Memorial Church Development, Peer Review of Engineering Proposals*, prepared by Mott McDonald, dated 18 May 2021
- g) *Arboricultural Impact Assessment Report*, prepared by Growing My Way Tree Consultants, dated January 2022
- h) *Geotechnical Site Investigation Report*, prepared by Geotesta, dated 7 February 2022
- i) *Manufacture's Specifications for Car Stacker*, prepared by Hercules Car Parking Systems, dated 28 September 2018
- j) *Photomontages*, prepared by Architectural Projects, email dated 23 May 2020
- k) Letter titled *Re: Job No. 1924 - 32b Fitzwilliam Rd, Vacluse*, prepared by Architectural Projects, dated 11 May 2022,
- l) *Additional Information Request document (1924 11052022135402.pdf)*, prepared by Architectural Projects, email dated 11 May 2022
- m) Video submitted by Architectural Projects
- n) Public Submissions to Woollahra Council, uploaded to CnR Portal on 16 May 2022.
- o) Previous S60 Application documentation including detailed report for AC and letter of refusal (DOC20/890895)
- p) Letter titled *Wentworth Memorial Church and Moveable Collection - Heritage Council Approvals Sub-Committee Workshop*, prepared by HNSW dated 13 December 2021 (DOC21/1048733)
- q) Pre-DA minutes of meeting from Woollahra Council, dated 27 November 2020 (DOC20/1010659)

EXCEPT AS AMENDED by the conditions of this approval:

DETAILS TO BE SUBMITTED FOR APPROVAL

2. The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):
 - Detailed drawings and specifications from suitable qualified professionals documenting the methodology proposed for excavation and construction of the south-western elevation and pool, including any site protection and mitigation measures taken to ensure that there are no impacts to the structural integrity of the church building and the rock escarpment.
 - Prepare high quality visualisations of key view lines with photomontages.
 - Details on internal fitout within the proposed extension and any connections proposed to existing services.
 - Drawings that illustrate measures to be taken to ensure that the pool does not directly abut the Church building and not have any long-term impact on significant fabric.
 - Detailed drawings indicating kitchen fitout including introduction of new services within the primary Church Hall.
 - A schedule of conservation works detailing all works required to significant fabric.

- Further consideration is to be given to material specifications, alignment and form of the lift and sky bridge to ensure that the elements are recessive. Additional screening elements may also be required around the proposed lift location to further mitigate impacts to the processional promenade. Details should be submitted with the section 60 application for approval by the Heritage Council or its delegate.

Reason: The details requested were not supplied during the assessment of the application. The assessment and management of these details is considered essential in order to obtain a good heritage outcome.

WORKS NOT APPROVED

3. Removal of T1 – Brush Box is not approved.

Reason: The details were considered to be inconsistent with the significance grading for landscape elements.

4. The terrace above the pool noted in Roof Plan – Proposed (DA.114) is not approved.

Reason: The details were considered to be inconsistent with the remaining documentation of the proposal.

MOVEABLE HERITAGE

5. An archival record of all moveable heritage shall be prepared in accordance with the NSW Heritage Branch publication “How to prepare archival records” and submitted to the Heritage NSW.
6. The archival record shall list items of moveable heritage proposed for reuse. Further details shall be provided on the methodology for disassembly and reuse.
7. The archival record shall list items proposed for short-term (during construction) and long-term storage. It shall also indicate the location of storage, safe-keeping measures, and maintenance strategies to ensure that the objects are protected.
8. Any items of moveable heritage removed from their existing location in order to protect them during construction shall be returned to their original or proposed location on completion of construction. Items of movable heritage shall only be moved if this action will not in itself cause damage. Items that cannot be removed for this reason should be adequately protected in situ to the satisfaction of the nominated heritage consultant.

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

HERITAGE CONSULTANT

9. 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

10. 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

11. Works that require intervention into the rock shelf be supervised at all times by suitably qualified structural and geotechnical engineers.
12. The tree protection plan recommended by the arborist's report be followed to ensure that there are no adverse impacts to T18 - Hoop Pine.
13. 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.

UNEXPECTED FINDS

14. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric such as works not identified 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

15. 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.

SECTION 60 APPLICATION

16. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

Aboriginal Objects

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Moved by Nicholas Brunton and seconded by Bruce Pettman

2.3 Pre-lodgement – Tresco, 97 Elizabeth Bay Road, Elizabeth Bay

The Committee received a presentation from MacKay Strategic, Lucas Stapleton Johnson and Tonkin Zulaikha Greer Architects, and a paper from Shikha Jhalidyal, Heritage NSW.

Key points:

- Members discussed potential impacts of the proposed community title subdivision and issues around negotiating public and private space in the likely event that the houses fall under separate ownership. The Committee was of the view that community title presents no substantial benefit other than the garden remaining in joint ownership of the three lots. A proposed sustainable community arrangement was noted, however members questioned how the reality of this would play out in the residential setting of Elizabeth Bay long term and considered future management of the site as a whole.
- A lot of discussion was held around impacts to the exceptionally significant sandstone cliff in the proposed construction of two new multi-level dwellings requiring excavation and openings. Both immediate and long-term impacts of the construction process and weathering were considered, as well as the overall liveability of dwellings behind a cliff face.
- Construction impacts on the garden were also considered.
- As one of the last remaining intact original residences within the estate, any development could cause a precedent issue for other untouched harbour front properties.
- Members discussed previous deliberations on the proposal by the Heritage Council. It was generally considered that approval of any further development would have adverse and irreversible impacts to the significance of the SHR listed item, its setting and views.

2.3 Pre-lodgement – Tresco, 97 Elizabeth Bay Road, Elizabeth Bay

Resolution 2022-33

1. **Notes** the information provided in the report.
2. **Thanks** the Applicant and the project team for their presentation.
3. **Notes** that the current proposal has been informed by an updated Conservation Management Plan (Not endorsed by the Heritage Council), a detailed heritage sensitivity mapping of the place, and a view analysis.
4. **Notes** that a community title subdivision is proposed for the site for residential use.
5. The current proposal is **not supported** for the following reasons:
 - a) The form and associated extensive excavation works would cause adverse and permanent impacts on the significant garden setting, layout and character and the rock cliff face, which would compromise the rare historical setting of *Tresco, grounds and trees*.
 - b) In addition, the proposal would cause significant impacts on the structural and visual integrity of the natural rock and cliff face.

Moved by Bruce Pettman and seconded by Nicholas Brunton

3. External presentations – Part 2

3.1 Sydney Harbour Bridge Northern Cycleway Design Update – July 2022

The Committee noted a presentation from representatives of Transport for NSW and Design 5 Architects, and a paper from Hendry Wan, Heritage NSW.

Key points:

- Members encouraged certain practicalities be closely considered in finessing the design of the ramp, its columns and handrails.
- The overall effect of the balustrades currently produces a solid looking structure. They should ideally be more transparent to reduce visual obstruction.
- Members queried plans for interpretation on the ramp columns at the pedestrian level, noting it is a work in progress.
- The location and alignment of the proposed bike hub in Bradfield Park was considered obstructive however it was noted that the design is still subject to refinement.
- It was reiterated that the Southern end of the Bridge must not be neglected in considering the Connecting with Country principles and the overall integration of the site.
- Members encouraged TfNSW to continue efforts to cooperate with North Sydney Council to resolve the necessary elements within Bradfield Park and successfully implement the Connecting with Country principles for a whole of landscape project.

Resolution 2022-34

The Heritage Council Approvals Committee:

1. **Notes** the information in the report presented and the TfNSW presentation.
2. **Provides** the following comments:
 - a) TfNSW to continue consultation with Heritage NSW during the detailed design process.
 - b) TfNSW to invite Heritage NSW to be silent observers at Design Integrity Panel during the Detailed Design Phase;
 - c) TfNSW to present the 75% design to the Approvals Committee to seek their heritage advice, prior to TfNSW seeking community feedback on the 90% design; and
 - d) Encourage TfNSW to continue engaging with North Sydney Council to develop a master plan for Bradfield Park.

Moved by Bruce Pettman and seconded by Julie Marler

3.2 Pre-lodgement – Great Western Highway Upgrade Program – Medlow Bath

The Committee noted a presentation from representatives of Transport for NSW and a paper from Hendry Wan, Heritage NSW.

Key points:

- Members discussed aspects of the proposed alternative design process, including contents of the design brief, selection criteria, stakeholder consultation, and implications for cost and approval timeframes.
- Discussion focused mainly on how to inform the design brief to provide clear guidance on developing a contextually appropriate bridge that achieves the non-negotiable safety requirements.
- The Committee requested that the previous design be provided as a reference and not an option.
- The brief should focus less on producing a visually recessive design, and more on responding to the Blue Mountains World Heritage values and the character of the precinct, including the Hydro Majestic Hotel, as a historic health and leisure destination.
- Members were pleased with the willingness to reconsider the form, structure and fabric of the bridge design for better heritage outcomes.
- Members noted that TfNSW aim for a Section 60 approval within 2022 to allow construction to commence in February 2023.

Resolution 2022-35

The Heritage Council Approvals Committee:

1. **Notes** the information in the report and presentation.
2. **Thanks** the TfNSW project team for their presentation and continuing consultation with the Approvals Committee.
3. **Supports** TfNSW's proposed alternative process to develop an appropriate pedestrian bridge design.
4. **Recommends** representatives from the Approvals Committee for TfNSW's continuing consultation with Heritage NSW during the design development stages.
5. **Encourages** TfNSW's ongoing engagement with Blue Mountains City Council, including on TfNSW's proposed alternative process.

Moved by Julie Marler and seconded by David Burdon

4. General Business

4.1 Forward agenda

The Committee noted the forward agenda.

4.2 Other matters

The Committee noted an improvement in recent reports from Heritage NSW and reiterated that attendance of external presenters needs to be limited.

5.0 Meeting Close

There being no further items of business, Ian Clarke, Acting Chair, declared the Approvals Committee meeting closed at 2:50PM.



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Mr Ian Clarke

Acting Chair, Heritage Council Approvals Committee

Date: **5 AUG 22**