



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 531

4 September 2024 | 09:00 AM – 3:20 PM

Meeting Room, Norton Rose Fulbright Australia, Level 5, 60 Martin Place, Sydney & via teleconference

ATTENDANCE

Members

Mr Frank Howarth AM PSM	Chair
Dr Nicholas Brunton	Member
Mr Ian Clarke	Member
Dr Brian Lindsay	Member
Ms Colleen Morris	Member
Ms Anthea Sargent	Member

Apologies

Ms Vanessa Holtham	Member
Dr Danièle Hromek	Member

External Presenters

Mr Nick Johnston	Program Director, Property & Development NSW (<i>item 4.1</i>)
Mr Madison Winnel	Development Manager, Property & Development NSW (<i>item 4.1</i>)
Ms Camilla Block	Architect, DBJ (<i>item 4.2</i>)
Ms Natalie Vinton	Heritage Advisor, Curio Projects (<i>items 4.2 & 4.3</i>)
Mr Christian Hampson	First Nations Advisor, Yerrabingin (<i>item 4.2</i>)
Mr Phillip Vivian	Managing Director, Bates Smart (<i>item 4.3</i>)
Mr Mark Tait	Group Executive, Investa (<i>item 4.3</i>)

External Observers

Mr Jack Borozan	Project Director, Property & Development NSW (<i>item 4.1</i>)
Mr Andrej Stevanovic	Project Director, Infrastructure NSW (<i>item 4.2</i>)
Ms Lisa Havilah	CEO, Powerhouse (<i>item 4.2</i>)
Mr Tom Kennedy	Planning Manager, Infrastructure NSW (<i>item 4.2</i>)
Mr David Glasgow	Team Leader, DPHI (<i>item 4.2</i>)
Ms Annika Hather	Senior Planning Officer, DPHI (<i>item 4.2</i>)
Mr David Jaggars	Director, DBJ Architects (<i>item 4.2</i>)
Mr John Jeffrey	Associate Principal- Architectus (<i>item 4.2</i>)
Mr John Whatmore	Associate Principal- Architectus (<i>item 4.2</i>)
Mr Mark Finch	Development Director, Investa (<i>item 4.3</i>)
Ms Kathy Marsden	Development Manager, Investa (<i>item 4.3</i>)
Mr Tom Cartledge	Architect, Bates Smart (<i>item 4.3</i>)

Heritage NSW

Mr Tim Smith	Director Heritage Assessments
Ms Anna London	A/Director Heritage Programs (<i>sections 3 & 7</i>)
Mr Matthew Clark	Director Policy & Strategy (<i>section 3</i>)
Ms Lucy Albani	Director Policy & Strategy (<i>section 3</i>)
Ms Sonia Limeburner	Manager Strategy & Implementation (<i>item 3.1</i>)
Mr Nicholas Lackner	Senior Policy Officer (<i>item 3.1</i>)
Ms Rebecca Newell	Manager Streamlining (<i>items 3.1 & 3.2</i>)

Ms Natalie Blake	Senior Policy Officer (<i>items 3.1 & 3.2</i>)
Ms Rochelle Johnston	Strategic Manager Heritage Referrals (<i>item 4.1</i>)
Ms Tempe Beaven	Senior Assessments Officer (<i>item 4.1</i>)
Ms Louise Doherty	Senior Assessments Officer (<i>item 4.1</i>)
Ms Shikha Jhaldiyal	A/Manager Assessments (<i>item 4.2</i>)
Ms Anna Simanowsky	Senior Assessments Officer (<i>items 4.2, 4.3 & 5.1</i>)
Ms Nicole Davis	Manager Assessments (<i>items 4.3 & 5.1</i>)
Mr James Cole	Senior Assessments Officer (<i>items 4.3 & 5.1</i>)
Ms Elizabeth Owers	Director Customer Services (<i>items 5.3 & 5.4</i>)
Ms Lana Zegura	Manager Incentives & Engagement (<i>items 5.3 & 5.4</i>)
Ms Sarah Hinder	Senior Engagement Officer (<i>items 5.3 & 5.4</i>)
Ms Rosanna Luca	Senior Engagement Officer (<i>items 5.3 & 5.4</i>)

Secretariat

Ms Olgica Lenger	Manager Secretariat
Ms Elizabeth Thomas	Senior Secretariat Officer

IN-CAMERA SESSION

This item was not minuted.

Item 1. Welcome and Formalities

The Chair, Frank Howarth, opened the meeting at 9:00 AM.

The Chair noted the apologies received for this meeting, and that a quorum had been met.

The Chair thanked Norton Rose Fulbright Australia for hosting the meeting.

The Council noted that The Hon Robyn Parker had resigned from the Council. Members expressed their deep gratitude to Ms Parker for her significant contributions as Deputy Chair of the Heritage Council, her leadership of the State Heritage Register Committee during her term and her unique expertise as a former Minister for Heritage.

Resolution 2024-38

The Heritage Council of NSW resolved to:

1. **Acknowledge** the significant contributions of The Hon. Robyn Parker during her term as Deputy Chair of the Heritage Council of NSW and as Chair of the State Heritage Register Committee. The Council expressed its profound thanks for her contributions as an amazing chair and deputy chair, highlighting her special perspective and commitment to balancing views, increasing efficiency, and ensuring diverse listings on the State Heritage Register. Members recognised Robyn's experience, skill, professional conduct, leadership, and support, and emphasised her influential presence and the pleasure of having her on the Heritage Council and the State Heritage Register Committee.
2. **Appoint** Colleen Morris as Chair of the State Heritage Register Committee for the duration of their term on the Heritage Council.
3. **Appoint** Brian Lindsay as Deputy Chair of the State Heritage Register Committee until 28 February 2025.

Moved by Nicholas Brunton and seconded by Anthea Sargeant

Item 1.1 Conflict of Interest Declarations

Item 4.3 MLC Building (former), 105 Miller Street North Sydney

- Prior to the meeting, Nicholas Brunton noted his standing COI declaration in relation to this project. *Members agreed that Dr Brunton will be excused for this item and the presentation was redacted from his view.*

Item 1.2 Minutes from the Previous Meeting – 7 August 2024

Resolution 2024-39

The Heritage Council of NSW resolved to:

1. **Confirm** the minutes of the previous ordinary meeting (7 August 2024) as a complete and accurate record of that meeting.

Moved by Brian Lindsay and seconded Nicholas Brunton

Item 1.3 Out of Session Decisions – 27 August 2024

The Heritage Council of NSW noted the out of session decision made via circular on 27 August 2024 (Resolution 2024-37) for the *Circular Quay Renewal Project - 70% design submission* (SSI-605634459).

Resolution 2024-37
The Heritage Council of NSW resolved to: 1. Approve the comments on the 70% design developments for the Circular Quay Renewal Project, as detailed in this paper, and provide any additional comments that are to be provided to Transport for NSW (TfNSW). 2. Request the opportunity to comment on updated technical reports for built heritage and archaeology (historical, Aboriginal and maritime) to enable a full understanding of potential impacts prior to design progression. 3. Advise Transport for NSW that a salvage methodology for the known State significant historical archaeology located below First Fleet Park is not an acceptable management strategy and that design of subsurface work elements should be modified to protect State Heritage Register listed archaeological materials. 4. Reiterate the desire for a comprehensive interpretation approach and the further development of a range of interpretation outcomes that reflect the multilayered history of the site, in particular at First Fleet Park (reflecting the findings of the archaeological testing). 5. Request Transport for NSW provide an updated project program, including timing for exhibition of the Environmental Impact Assessment.
Moved by Robyn Parker and seconded Colleen Morris

Item 1.4 Matters Arising

Item 1.5 Action Report

The Heritage Council of NSW noted the report and closed the items recommended for closure. The register was updated to reflect the further actions required.

Item 2. Heritage NSW and Committees Updates

Item 2.1 Executive Director, Heritage NSW

The Heritage Council of NSW noted the report and a verbal update from the Executive Director. The Council sought a progress update on the *Barangaroo State Significant Development* proposal.

Item 2.2 State Heritage Register Committee

Colleen Morris, Acting Chair of the State Heritage Register Committee (SHRC), provided an update on the key outcomes for items considered at the 3 September SHRC meeting, including:

- Notices of Intent (NOI) for *Berrys Bay Precinct*, Waverton; *AMP Building (former)*, Sydney Cove; and an amendment to the NOI for *Lansdowne*, Goulburn
- Recommendations to list (RTL) *Nissen Hut*, Belmont North; *Toganmain Woolshed Precinct*, Darlington Point; and an amendment to the RTL for *Wyoming*, Birchgrove
- Site Specific Exemptions for the *Art Gallery of NSW*, Sydney and

- preliminary assessment of *Wilton*, Randwick; and the *Manly Promenade*, Manly.

The Council discussed the NOI for Lansdowne, noting that there is an Aboriginal Place nomination process underway as well as a subdivision application being prepared. The Council asked that the nomination be submitted to the Heritage Council when ready so that it may be considered holistically.

Item 2.3 Approvals Committee

Ian Clarke, Chair of the Approvals Committee (AC), provided an update on the key outcomes for items considered at the 3 September AC meeting, including:

- prelodgement consultation for an Integrated Development Application proposed for *Tresco*, Elizabeth Bay
- a presentation on the *Sydney Football Stadium State Significant Development* proposal and the carpark design options related to the Busby's Bore unexpected find,
- an update from Heritage NSW for *Varroville*, 166-176 St Andrews Road, Varroville, and
- a report on the implementation of the internal assessment guidelines used for matters to be considered by the Approvals Committee and the Heritage Council.

Item 3. Legal, Policy & Administration

Item 3.1 Interim Heritage Order Policy

The Heritage Council of NSW received a report from Heritage NSW on the draft *Interim Heritage Order (IHO) Policy*.

Members provided feedback and suggested edits to the draft *2024 IHO policy* and noted that:

- the draft was prepared in consultation with the Heritage NSW Project Control Group and informed by a presentation to the SHRC on 5 August 2024
- the policy is intended for internal use and will be linked to the procedural manual with a checklist developed for staff, and
- IHO information will also be prepared for the heritage website.

The Council thanked Heritage NSW for the presentation and for finalising a clear and well written policy.

Resolution 2024-40
The Heritage Council of NSW resolved to: 1. Endorse the <i>draft Heritage NSW Interim Heritage Order Policy</i> provided at Tab A of this report subject to clarification around point 2.3.
Moved by Nicholas Brunton and seconded by Colleen Morris

Item 3.2 Statement of Regulatory Intent

The Heritage Council of NSW received a report from Heritage NSW on the draft *Statement of Regulatory Intent* which has prepared in response to the recommendations of the June 2023 Performance Audit.

Members noted that the Statement will be a public facing document which aims to provide clarity about the manner and form of the regulatory focus for heritage in NSW.

The Council thanked Heritage NSW for finalising the draft *Statement of Regulatory Intent*.

Resolution 2024-41

The Heritage Council of NSW resolved to:

1. **Endorse** the *draft Statement of Regulatory Intent* provided at Tab A of this report.

Moved by Nicholas Brunton and seconded by Ian Clarke

Item 4. External Presentations**Item 4.1 State Library of NSW, Royal Botanic Gardens, Shakespeare Place - Public Domain Upgrade**

The Heritage Council of NSW received a prelodgement briefing from Property and Development NSW (PDNSW) who presented the key considerations and project constraints for the *State Library public domain* project and sought the Council's feedback on the revised concept plans.

Members noted the response to Council's previous comments on the vision for the *Macquarie Street East Precinct* and were pleased with the approach being taken for place naming and public art and were strongly supportive of the proposal.

The Council noted that the proposal addresses their previous concerns raised about pedestrian movements, accessibility and vehicular access, landscaping and views analysis, and suggested PDNSW continue to work with Transport for NSW, the Royal Botanic Gardens and Heritage NSW in relation to the issues arising from the project approvals being sought across the two SHR curtilages.

The Council thanked PDNSW for the presentation and acknowledged the work done to develop the concept design scheme and looks forward to considering the Integrated Development Application upon submission.

Item 4.2 Powerhouse Museum Complex - update

The Heritage Council of NSW received a presentation and an update from the Powerhouse and their design team on the *Powerhouse Ultimo Revitalisation Project* (SSD-67588459).

Members noted the further information presented in response to Council's previous feedback including the *Connecting to Country* design principles that have guided the proposed design, and the materiality and approach, which aim to reflect the layered history of the site. The Council sought further details around the community consultation being undertaken for the project.

The updated rendered drawings were presented, and the Council considered the revised building heights, landscaping, street frontages, pedestrian connections and accessibility, activation and viewlines.

The Council thanked PDNSW and the design team for their presentation and willingness to engage and respond to Council's previous comments.

Resolution 2024-42

The Heritage Council of NSW resolved to:

1. **Note** the response to the Heritage Council Resolution 2024-29 Point 2 provided by the Powerhouse project group on 5 June 2024, about the rationale behind the *Connecting with Country* approach for the project.

2. **Note** that the Department of Planning, Housing and Infrastructure will refer the State Significant Development proposal to the Heritage Council for further comments at the Response to Submissions stage.

Moved by Nicholas Brunton and seconded by Ian Clarke

Item 4. MLC Building (former), 105 Miller Street, North Sydney

Dr Brunton was excused for this item.

The Heritage Council of NSW received a presentation from the heritage consultant and design team on the proposed adaptive reuse for *105 Miller Street, North Sydney*.

Members discussed the potential impacts to the heritage fabric and explored opportunities for retention of some elements, noting that:

- the concept design seeks to address the challenges and constraints associated with the Millers Street and Denison Street built form and facades
- the building design aims to respond to the new context and ground plane with new connections between the upper ground terrace and Brett Whiteley Place (Mount Street), and activation of the public realm with additional destination retail offerings, and
- four design options were considered for the Denison Street Wing with construction of a new building intended to be a sympathetic addition the existing Miller Street Wing.

The Council thanked the consultant team for the presentation and looks forward to further engagement on the proposal.

Resolution 2024-43

The Heritage Council of NSW resolved to:

1. **Note** the presentation from the heritage consultant and design team.
2. **Acknowledge** the need to mitigate against flooding of the Miller Street frontage by raising the ground floor plane and removing the first floor.
3. **Encourage** the sympathetic facade design that minimises the visibility of the removal of the first floor.
4. **Not support** an additional storey on top of the Miller Street Wing.
5. **Provide in principle support** for demolition of the existing Denison Street Wing and construction of a new building in the preferred option presented.
6. **Seek** further presentations from the proponents after they have received further advice from the Government Architect NSW.

Moved by Brian Lindsay and seconded by Ian Clarke

Nicholas Brunton left the room for the duration of this item

Item 5. Matters for Consideration

Item 5.1 33 Argyle Street Parramatta – State Significant Development update

The Heritage Council of NSW received an update from Heritage NSW on the State Significant Development Application for build-to rent (BTR) housing at *33 Argyle Street Parramatta*.

The Council discussed the potential impact to heritage sightlines and considered the opportunity to use this project and planning processes to develop guiding principles to inform future design noting in principle, the need to develop:

- planning guidelines on sizes of buildings in the vicinity of State, National and World heritage listed items, and
- views, sightlines and setback guidelines for rezoning adjacent to State and World heritage listed places.

Item 5.2 Heritage Council of NSW Annual Report

The Heritage Council of NSW received an update from Heritage NSW on work underway to finalise the draft Heritage Council of NSW 2023-24 Annual Report.

Resolution 2024-44
The Heritage Council of NSW resolved to: Delegate final approval of the report to the Chair of the Heritage Council of NSW, pending no substantial changes.
Moved by Nicholas Brunton and seconded by Colleen Morris

Item 5.3 Outcomes of the Heritage Forum

The Heritage Council of NSW received a presentation from Heritage NSW on the Heritage Forum held in Sydney on 21-22 August 2024.

Members noted the key outcomes of the forum, including the successful bringing together of the professional NSW heritage sector and high value networking opportunities provided.

The Council discussed the opportunities to build on this success for future forums and thanked Heritage NSW for the excellent work done to deliver an outstanding event.

Resolution 2024-45
The Heritage Council of NSW resolved to: Congratulate and thank Heritage NSW for running such a professional and well received Heritage Forum.
Moved by Colleen Morris and seconded by Frank Howarth

Item 5.4 Heritage Council Regional Visit

The Heritage Council of NSW received an update from Heritage NSW regarding preparations underway for the upcoming regional visit to be held 1-3 October 2024.

Members noted that the final itinerary will be confirmed with the Chair with regard to local council and property owners and sites to be included.

Item 6. Executive Reports

Item 6.1 Chair, Heritage Council of NSW – Monthly Report

The Heritage Council of NSW noted the verbal update provided by the Chair.

Item 6.2 Planning Report (DPHI)

The Heritage Council of NSW noted the monthly planning report and verbal update from Anthea Sargeant.

Item 6.3 Advisory Panels Report

The Heritage Council of NSW noted the Advisory Committee and Panels report.

The Chair of the Heritage Advisory Panel (HAP) provided an update on the recent HAP meeting, noting the panel's suggestion for preparation of a practice note to accompany the *Sustainable Building Guidelines* and the need for further guidance for heritage consultants on *Caring for Country* and the *Connecting with Country* framework.

Item 7. Heritage NSW Reports

The Heritage Council of NSW noted the monthly operational reports and verbal updates from Tim Smith and Anna London.

Item 8. General Matters

Item 8.1 Forward Agenda

The Heritage Council of NSW noted the forward agenda.

Item 9. Meeting Close

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 3:20 PM.



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Frank Howarth AM PSM
Chair, Heritage Council of NSW

Date: 1 October 2024