



HERITAGE COUNCIL OF NSW

MEETING MINUTES – Approvals Committee

Tuesday, 6 September 2022 | 09:00 AM – 2:10 PM

Via Teleconference

ATTENDANCE	
MEMBERS	
Mr Dillon Kombumerri	Chair
Mr Ian Clarke	Acting Chair
Ms Caitlin Allen	Member
Dr Nicholas Brunton	Member
Ms Julie Marler	Member
Mr Bruce Pettman	Member
Mr David Burdon	Member
Ms Vanessa Holtham	Member
Mr David McNamara	Alternate Member
EXTERNAL PRESENTERS	
Mr Matthew Taylor	Landscape Architect / Director, Taylor Brammer Landscape Architects (item 2.1)
Mr Matthew Daniel	Community Housing Provider, Pacific Community Housing (item 2.1)
Mr Frank Stanisic	Principal Architect / Director, Stanisic and Associates Architects (item 2.1)
Mr Alex Tzannes AM	Peer Review Architect / Director, Tzannes (item 2.1)
Mr James Matthews	Urban Planner / Director, Pacific Planning (item 2.1)
Mr Nigel Blunden	Events Manager, Supercars (item 2.2)
Mr Joshua Ryan	Associate Director, IEDM (item 2.2)

Mr Tim Adams	Principal Archaeologist, UMWELT (item 2.2)
Ms Georgia Lazzari	A/Manager Major Events, City of Newcastle (item 2.2)
Mr Dean LaVigne	Senior Development Manager, Central Element (item 3.1)
Mr Tim Greer	Principal, Tonkin Zulaikha Greer (item 3.1)
Mr Garth Miller	Associate, TTW Engineers (item 3.1)
Mr Vu Nguyen	Executive Director, Precinct Development, Property and Development NSW (item 3.2)
Mr Nicholas Johnston	Program Director, Precinct Development, Property and Development NSW (item 3.2)
Mr Jonathan Bryant	Director Heritage, Urbis (item 3.2)
HERITAGE NSW STAFF	
Mr Michael Ellis	Manager Assessments, Heritage Assessments (item 2.1, 2.2)
Ms Lily Chu	Senior Assessments Officer, Heritage Assessments North (item 2.1)
Ms Tempe Beaven	Senior Assessments Officer, Heritage Assessments North (item 2.2)
Mr Rajeev Maini	Manager Assessments, Heritage Assessments South (item 3.1)
Ms Mariyam Nizam	Senior Assessments Officer, Heritage Assessments South (item 3.1)
Ms Rochelle Johnston	Senior Manager Major Projects (item 3.2)
Ms Andreana Kennedy	Aboriginal Senior Assessments Officer (item 3.2)
Ms Natasha Agaki	Secretariat Officer

1. Welcome and formalities

The Chair, Dillon Kombumerri, 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

Resolution 2022-42

The Heritage Council Approvals Committee:

1. **Noted** Dillon Kombumerri's potential conflict of interest declaration for *item 3.2 Macquarie Street East Precinct Update*. Mr Kombumerri declared that Government Architect NSW (GANSW) have helped to prepare a strategic framework for future development of the Precinct. Mr Kombumerri has also recently been asked to be on a tender panel to select a Public Domain Designer for this development. Mr Kombumerri is Principal Architect at GANSW.
The Approvals Committee noted that Mr Kombumerri's access to associated papers had been removed and agreed that Mr Kombumerri would withdraw from discussions and decision-making relating to item 3.2.
2. **Noted** Vanessa Holtham's potential conflict of interest declaration for *item 3.2 Macquarie Street East Precinct Update*. Ms Holtham declared ongoing involvement in a Heritage Floor Space (HFS) application for the building on behalf of the City of Sydney, and that demolition of this wing has been discussed as part of the HFS application.
The Approvals Committee noted that Ms Holtham's access to associated papers had been removed and agreed that Ms Holtham would withdraw from discussions and decision-making relating to item 3.2.
3. **Noted** David Burdon's perceived conflict of interest declaration for *item 2.1 2A Gregory Place*. Mr Burdon declared that the National Trust NSW – as an organisation, but also as an adjacent landowner of Experiment Farm – has objected to 2A Gregory Place. Mr Burdon is the Conservation Director of the National Trust NSW.
The Approvals Committee agreed that Mr Burdon would withdraw from discussions and decision-making relating to item 2.1.
4. **Noted** Julie Marler's declaration for *item 2.2 Supercars Newcastle 500*. Ms Marler's firm is working on a project located at Gregson Park in Hamilton preparing a Stage 1 package of works following preparation of a Masterplan. However, the project is not within the Coal River Precinct and is unrelated to the Supercars Event.

The Approvals Committee agreed that this does not constitute a conflict of interest and no further action needed to be taken.

Moved by Nicholas Brunton and seconded by Bruce Pettman

1.2 Out of Session Activity

The Approvals Committee finalised its recommendations for St Mary's Cathedral which was distributed to the proponent on 25 August 2022.

1.3 Minutes from Previous Meeting – 2 August 2022

Resolution 2022-43

The Heritage Council Approvals Committee:

1. **Confirmed** the minutes of the previous ordinary meeting (Tuesday, 2 August 2022) as a complete and accurate record of that meeting.

Moved by Nicholas Brunton and seconded by Julie Marler

1.4 Action Report

The Committee noted the action report.

2. External Presentations – Part 1

2.1 SSD – 2A Gregory Place, Harris Park – Built to Rent / Affordable Housing ARHSEPP2009 Division 5

The Committee received a presentation from representatives of Pacific Planning and GBA Heritage, and a paper from Lily Chu, Heritage NSW.

The applicant's presentation outlined a response to the Approvals Committee's March 2021 pre-lodgement advice on the affordable housing development proposal.

Key points:

- Members were pleased to note the applicant's consultations and design workshop with Yerrabingin to strengthen the proposal's Connecting with Country elements.
- Aspects of the Clay Cliff channel walk were discussed at length.
 - Some members supported the channel walk, noting improvements to the public space and the requirement for emergency service provision;

- Others felt that the channel walk does not successfully connect the site to the heritage buildings in the surrounding cultural landscape, and that the applicant should focus its efforts around landscaping and public space provision in the North of the site instead.
- Overall members maintained the preference for rewilding the creek, reducing landscaping along the pathway (which would narrow its width), and increasing the building setback to the channel to further enhance the pedestrian experience and access to the heritage items.
- The Committee felt that the site still lacks interaction with the heritage context surrounding it. Members supported the applicant's desire to remove the fencing between the site and Hambledon Cottage and encouraged further connections be made through a landscape plan to improve permeability.
- The application needs to demonstrate the long-term sustainability of the landscape at both ground level and roof tops.
- The application also lacks a comprehensive views assessment. Accurate and realistic views from multiple vantage points would be required for an informed decision to be made.
- An access plan (or similar) should account for the increase in people-traffic between the housing estate and Parramatta CBD and should mitigate any impacts on the surrounding cultural landscape resulting from the safety provisions (e.g., pathways, lighting, etc.).

Resolution 2022-44

The Heritage Council Approvals Committee:

1. **Noted** that the application is a State Significant Development (SSD) application.
2. **Provided** the following comments:
 - a) Ensure the building setback to the channel is a minimum of 10 meters.
Reason: A 10m wide linear open space will deliver a high quality and useable pedestrian experience and enhance the public access between the three State Heritage Register properties of Elizabeth Farm, Hambledon Cottage and Experiment Farm.
 - b) Demonstrate realistic and accurate eye-level views of key sight lines, particularly from Hambledon Cottage and Experiment Farm.
Reason: So that visual impacts can be sufficiently understood and assessed.
 - c) Reduce bulk of Building C by using a stepped profile to match other buildings. The height of the western portion should be no higher than 4 storeys.
Reason: A stepped profile and reduction in height at the western end will mitigate the visual impacts of the large building only 5m away from the adjacent Experiment Farm Reserve that forms part of the significant landscape setting of Experiment Farm Cottage.
 - d) Include a landscape management plan including the roof gardens and management strategy.
Reason: to promote permeability and connectivity between the sites.
 - e) Ensure security fencing to building courtyards have soft landscaping incorporated.

Reason: to reduce its visual impact.

f) Ensure staged DAs include:

- Clearly detailed plans showing how the landscaping to the ground, elevations and rooftops will mitigate the visual impacts of the building form. The stage 4 reserve should be undertaken in conjunction with Stage 3 or earlier to mitigate the visual impacts of the development.
- An Interpretation Strategy to be submitted with the Stage 1 DA. This must include evidence of continued consultation with the Aboriginal community to inform the design.

Moved by Ian Clarke and seconded by Julie Marler

2.2 S60 – Coal River Precinct – Supercars Newcastle 500

The Committee received a presentation from Supercars Australia and a report from Tempe Beaven, Heritage NSW.

The proponent's presentation outlined key aspects of the Section 60 application for temporary overlay for the annual Supercars Newcastle 500 championship races, and a summary of the Statement of Heritage Impact findings.

Key points:

- The Committee considered information on potential heritage impacts from the previous three Supercars championship races held in Coal River Precinct and expressed no major concerns. Nevertheless;
- Members agreed that the City of Newcastle should conduct an annual post-event monitoring and report on any adverse heritage impacts to the heritage assets and landscape, that are associated with the championship races.
- If occupants are making deliberate changes to heritage buildings (e.g., adding balconies or windows) for commercial opportunity or obtaining views of the annual races, long-term collateral effects must be considered.

Resolution 2022-45

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

APPROVED DEVELOPMENT

The carrying out of temporary works and Newcastle 500 Supercar Championship events within the Coal River Precinct (SHR no 0164 and Newcastle Government House and Domain (SHR 01841) for a period of approximately 9 weeks for the years of 2023-2027 including interim landscaping to

restore the areas affected between each event and the carrying out of final landscaping after the event in 2027.

1. All work shall comply with the information contained within:
 - a) Drawings, prepared by iEDM as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: 17002 - Temporary Event Overlay			
K002	Coal River Precinct – Public Access Plan	18/08/2022	01
K061	Coal River Precinct – Event Overlay Plan	2/07/2017	01
D001	Master Layout General Arrangement Plan	4/02/2022	04

- b) Landscape Plans prepared by Terras Landscape Architects, date 8/04/19:

Dwg No	Dwg Title	Date	Rev
Project Name: V8 Track Park, Camp Shortland, Newcastle			
L00	Cover Sheet	24/06/19	F
L01	Line marking – setout 1/2	24/06/19	F
L02	Line marking – setout 2/2	24/06/19	F
L03	Furniture– setout 1/2	24/06/19	F
L04	Furniture– setout 2/2	24/06/19	F
L05	Planting Plan/detail/schedule	24/06/19	F
L06	Indicative features 1/2	24/06/19	F
L07	Indicative features 2/2	24/06/19	F
L08	Shelter details	24/06/19	F
L09	Interpretation details	24/06/19	F
L10	Landscape specification 1/4	24/06/19	F
L11	Landscape specification 2/4	24/06/19	F
L12	Landscape specification 3/4	24/06/19	F
L13	Landscape schedules 1/3	24/06/19	F
L14	Landscape schedules 2/3	24/06/19	F

L15	Landscape schedules 3/3	24/06/19	F
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- c) *Technical Specification for removable road markings, 'Twig Backless Bench' seating and reinforced concrete planter (1300mm x1300mm x1000mm).*
- d) *Email from Trish Hilkmann, Newcastle City Council, dated 10/09/19, outlining details of installation, removal and storage of all components.*
- e) *Statement of Heritage Impact – Temporary Event Overlay, an Addendum to the SOHI prepared by Placemark, dated 25 August 2017.*
- f) *Landowners Consent – prepared by Joanne Rigby, Acting Director Infrastructure and Property, City of Newcastle, dated 8 July 2022.*
- g) *Email from Josh Ryan, IEDM – Request for Information – App Id.1123, dated 2 August 2022.*

EXCEPT AS AMENDED by the conditions of this approval:

DETAILS TO BE SUBMITTED FOR APPROVAL

- 2. The following information is to be lodged within six months of this approval, and approved by the Heritage Council of NSW (or Delegate) prior to the commencement of the second race or February 2024, whichever is the first,:
 - a) A Concept Final Landscape Rehabilitation Plan (FLRP) for the Coal River Precinct including removal of civil works associated with the race and the implementation of interpretation panels and park furniture, additional tree planting and reinstatement of paths and lawn areas.
 - b) A Coal River Precinct Access Plan demonstrating the provision by City of Newcastle (CN) of clearly legible and safe pedestrian access to the general public into and around the Coal River Precinct including to Nobbys Beach, Macquarie Pier and Nobbys Lighthouse,
 - i. during the 3-day event, and
 - ii. during the construction (6 week prior to the event) and deconstruction (3 week post event) period.
 The Plan is to be prepared and provided to the public on CN website and is to be indicated clearly onsite with appropriate signage.
 - c) Draft artwork for the removable interpretation panels located in the ILRP, following consultation with the new Guraki Committee regarding the Aboriginal content.
- 3. The following information is to be lodged for approval and approved by the Heritage Council of NSW (or delegate), prior to the commencement of the final race or February 2027, whichever is the first:
 - a) A detailed Final Landscape Rehabilitation Plan (FLRP) for the Coal River Precinct in accordance with the approved Concept FLRP including removal of civil works associated with the race and the reinstatement of the parkland.

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.

MONITORING OF HERITAGE IMPACTS ALONG THE RACETRACK

4. The City of Newcastle to annually monitor and report to Heritage NSW on any adverse heritage impacts associated with the Newcastle 500 Supercar Championship races.

Reason: To monitor and ensure no long-term adverse heritage impacts adjacent to the Newcastle 500 Supercar Championship racetrack.

HERITAGE CONSULTANT

5. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design of the Final Landscape Rehabilitation Plan (FLRP), 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.

SITE PROTECTION

6. 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

7. 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 in the Final Excavation Report, prepared by Umwelt dated March 2020, 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.

ABORIGINAL OBJECTS

8. 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*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

9. 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

10. This approval will lapse five years from the date of the consent unless the activity/works associated with the approval have physically commenced.

Reason: To ensure the timely completion of activity/works.

Moved by Caitlin Allen and seconded by Nicholas Brunton

3. External presentations – Part 2

3.1 IDA – The Minerva, 28-30 Orwell St, Potts Point

The Committee received a presentation from representatives of Central Element, Tonkin Zulaikha Greer and TTW Engineers, and a paper from Mariyam Nizam, Heritage NSW, outlining proposed works for adaptive reuse of Minerva/Metro Theatre.

Key points:

- Members discussed how the proposed live theatre space and hotel component relate, from design, operational and commercial points of view, and expressed split opinions on the viability of the project.
- All members agreed that repurposing the building to include a complimentary use would be necessary, in the current era, to support the live theatre and ongoing use of the heritage building.
- It was noted that whilst the hotel element would provide the economics to support the theatre operation and the restoration and continued use of the heritage building long-term, it is also driving the heritage impacts.
- Some felt that a conditioned approval would offer promising opportunity to restore and maintain the original building whilst providing social and cultural benefit to the community. Others felt that the proposal in its current form poses too great a risk to the interior heritage fabric and

would not offer sustainability; and thus deemed the proposal unacceptable from a heritage perspective.

- Members queried the useability of the backstage area and whether there is scope to increase the space (e.g., by reducing the number of hotel rooms) in order to preserve the adaptability of the building in the future.
- Members discussed incorporating content from local artists and performers in the programming to ensure that the community are included, involved and invested in maintaining the establishment.
- The collateral effect of setting up lighting points and other required facilities for the entertainment space would have to be considered and addressed in the construction process, rather than later, to ensure minimal impact to the heritage fabric and form.
- A key concern for the Committee was the basis of the archaeological assessment of the remains of Orwell House, which is limited to archaeological research value at the exclusion of other heritage values (historic, aesthetic, social, rarity, etc.). Members agreed that without a thorough significance assessment, the proposal to record and completely remove the archaeological remains cannot be supported.
- It was noted that in other contexts, it has been the policy position of the Heritage Council to retain archaeological structural remains in situ when they are from the early colonial period and have a reasonable level of integrity and intactness.

Resolution 2022-46 – resolved out of session on 14 September 2022

The Heritage Council Approvals Committee:

1. **Notes** the assessment prepared by Heritage NSW and the presentation of the applicant.
2. **Supports** appropriate adaptive reuse of Metro Theatre, in principle, to allow restoration and ongoing public access to its cultural heritage and recognises that achieving this sustainably is a complex undertaking.
3. **Encourages** the proponent to:
 - Include opportunities for local productions and uses into the proposed entertainment program for the main hall of the Metro Theatre; and
 - Demonstrate capacity for other seating configurations to allow different types of theatre productions.
4. **Recommends** general terms of approval subject to the conditions listed below.

DEFERRED COMMENCEMENT

1. This approval is subject to Deferred Commencement in accordance with s63A of the Heritage Act 1977. The approval is subject to the following condition being met to the satisfaction of the Heritage Council of NSW or its delegate:
 - a. The applicant shall submit a revised assessment of significance (including overlay of proposed works and potential archaeological deposits) in accordance with Heritage Council guidelines to determine if recording and complete removal is the most appropriate management option for the remains. Depending on the outcome of the

revised assessment the necessity and capacity for in situ conservation may need to be considered.

Reason: The assessment of significance for the archaeological remains of Orwell House is based on archaeological research value and does not adequately assess other heritage values (historic, aesthetic, social, rarity etc.) that the remains may have beyond their capacity to be a source of information about the past. The assessment and management of these details is considered essential to obtain a good heritage outcome.

2. Development must be in accordance with:

a. Architectural drawings, prepared by Tonkin Zulaikha Greer as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: The Minerva			
A-000	Cover Page	24/6/22	C-WIP
A-001	Site Plan	24/6/22	-
A-002	Site Analysis	24/6/22	-
A-050	Basement 3&4 Demolition Plan (BLANK)	24/6/22	A
A-051	Basement 2 Demolition Plan	24/6/22	B-WIP
A-052	Basement 1 Demolition Plan	24/6/22	B-WIP
A-053	Ground Demolition Plan	24/6/22	B-WIP
A-054	Level 1 Demolition Plan	24/6/22	B-WIP
A-055	Level 2 Demolition Plan	24/6/22	-
A-056	Level 3 Demolition Plan	24/6/22	-
A-057	Level 4 Demolition Plan	24/6/22	-
A-058	Level 5 Demolition Plan	24/6/22	-
A-059	Roof Demolition Plan	24/6/22	-
A-060	Ground RCP Demolition	24/6/22	A-WIP
A-061	Level 1 RCP Demolition	24/6/22	-
A-062	Level 3 RCP Demolition	24/6/22	-
A-070	Demolition South Elevation	24/6/22	-
A-071	Demolition North Elevation	24/6/22	-
A-072	Demolition East Elevation	24/6/22	A-WIP
A-073	Demolition West Elevation	24/6/22	-
A-080	Long Section Demolition	24/6/22	B-WIP

A-081	Cross Section A Demolition	24/6/22	B-WIP
A-100	Basement 4 Floor Plan (BLANK)	24/6/22	A
A-101	Basement 3 Floor Plan (BLANK)	24/6/22	B-WIP
A-102	Basement 2 Floor Plan	24/6/22	C-WIP
A-103	Basement 1 Floor Plan	24/6/22	C-WIP
A-104	Ground Floor Plan	24/6/22	E-WIP
A-105	Level 1 Plan	24/6/22	C-WIP
A-106	Level 2 Plan	24/6/22	C-WIP
A-107	Level 3 Plan	24/6/22	B-WIP
A-108	Level 4 Plan	24/6/22	A
A-109	Level 5 Plan	24/6/22	A
A-110	Level 6 Plan	24/6/22	A
A-111	Roof Plan	24/6/22	-
A-121	Auditorium RCP Proposed Ground Floor – Level 3	24/6/22	B-WIP
A-200	South Elevation	24/6/22	A
A-201	South Elevation Fly Tower Façade	24/6/22	B
A-202	North Elevation	24/6/22	A
A-203	North Elevation Fly Tower Façade	24/6/22	B
A-204	East Elevation	24/6/22	B-WIP
A-205	East Elevation Fly Tower Facade	24/6/22	B-WIP
A-206	West Elevation	24/6/22	A
A-207	West Elevation Fly Tower Façade	24/6/22	A
A-208	West Elevation Inner Façade	24/6/22	B
A-210	Signage Strategy – South Elevation	24/6/22	A
A-211	Signage Strategy – East Elevation	24/6/22	B
A-300	Longitudinal Section 1	24/6/22	C-WIP
A-301	Cross Section 1	24/6/22	C-WIP
A-302	Cross Section 2	24/6/22	C-WIP
A-303	Longitudinal Section 2	24/6/22	C-WIP
A-304	Longitudinal Section 3	24/6/22	C-WIP

A-305	Cross Section 3	24/6/22	B
A-400	Perspective Images – 1	24/6/22	-
A-401	Perspective Images – 2	24/6/22	-
A-402	Perspective Images – 3	24/6/22	-
A-403	Perspective Images – 4	24/6/22	-
A-500	Shadow Diagrams – 21 June (1of 2)	24/6/22	-
A-501	Shadow Diagrams – 21 June (2of 2)	24/6/22	-
A-600	GFA Diagrams	24/6/22	B-WIP
A-601	Materials Board	24/6/22	A

- b. Statement of Heritage Impact- Rev 2, prepared by Tonkin Zulaikha Greer, dated June 2022
- c. Conservation Management Plan, prepared by Tanner Kibble Denton, dated June 2020.
- d. Statement of Environmental Effects, prepared by Planning Lab, dated 29 July 2021
- e. Historical Archaeology Test Excavation Report, prepared by Archaeological Management & Consulting Group, dated May 2022
- f. Technical Memo Titled Piling, vibration and impact on existing footing details, prepared by Taylor Thomas Whitting, dated 20 July 2022.
- g. Structural Methodology & Construction Sequence, prepared by Taylor Thomas Whitting
- h. Auditorium Methodology Report, prepared by Taylor Thomas Whitting, dated 24 May 2022

EXCEPT AS AMENDED by the General Terms of Approval:

DETAILS TO BE SUBMITTED FOR APPROVAL

3. The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):
 - a. Revised construction methodology drawings and structural sequencing reflecting the updated proposal.
 - b. Structural adequacy report of the upper stalls/balcony and their ability to withstand additional load.
 - c. Detailed drawings providing further details on the facilities required to operate the entertainment venue including lighting, green rooms, backstage storage, sound, etc., to maintain as much of the original heritage fabric and form as possible.
 - d. Detailed drawings that consider compliance with building standards, safety and access.
 - e. Minimise the number of openings to reduce impact on eastern and western elevations. The openings should be articulated to be sympathetic to the style of the existing Interwar heritage facades.
 - f. Detailed inventory, condition and significance assessment of all existing fabric and a detailed schedule of conservation works.
 - g. Provide an inventory of significant fabric being salvaged for reuse within the building or used as part of interpretation.

- h. An inventory of moveable heritage items associated to the significant historical occupancy of the building be recorded. The inventory should identify items, their storage (short and long term) and their eventual relocation within the site.
- i. Submit an Archaeological Research Design and Excavation Methodology prepared by a suitably qualified and experienced historical archaeologist.
- j. Nominate an Excavation Director(s) suitable to satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level. The nomination(s) shall be supported by a response to the Excavation Director Criteria 2019.
- k. Following the receipt of the Archaeological Research Design and Excavation Methodology, the Heritage Council of NSW reserves the right to issue further archaeological conditions as part of the section 60 approval to manage the archaeology. Matters such as (but not limited to) fieldwork methodology, artefact analysis, final reporting may be included as part of these archaeological conditions.

Reason: The details requested were not supplied during the assessment of the application. The subject site contains historical archaeological relics, which are protected under the Heritage Act 1977 and must be managed appropriately.

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. Report outlining a program of monitoring and mitigation measures to be undertaken before, during and after construction shall be submitted prior to a construction certificate being issued. The report should address the following aspects:
 - a. Strict ring fencing of allowable demolition, and necessary conservation works, as the builder's value engineering may lead to further loss of existing building to save cost and enable construction.
 - b. The piles are very close to the existing structure. It is critical to set parameters to preserve the existing building from damage from vibration, and lateral and vertical movement of the existing foundation to be retained.
 - c. The vibration levels set by the German Standard are the minimum requirement for vibration and lateral movement of the retained ground behind the perimeter piles to be limited to 0.001% of the retained height. Furthermore, the loads affecting these

- movements are to be doubled of the normal design loads to provide some assurance against likely failure of the system.
- d. The monitoring setup to remain permanently with the building (e.g., monitoring vibrations and relative movements) for future condition assessments.
 - e. These measures are to be monitored by an independent body.
6. 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 is protected during construction.

HERITAGE INTERPRETATION PLAN

7. An interpretation plan must be prepared in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a Construction Certificate/ Government certification.
8. The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
9. The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places.

PHOTOGRAPHIC ARCHIVAL RECORDING

10. A photographic archival recording must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

11. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval 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: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

COMPLIANCE

12. 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

13. 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.

Moved by Nicholas Brunton and seconded by Julie Marler

David Burdon considered the application to be unsupportable from a heritage perspective and objected to its approval.

Vanessa Holtham considered the design changes to be too extensive to manage through conditions and thus objected to the application's approval.

3.2 Macquarie Street East Precinct Update - Registrar General's Building

The Committee noted an update presentation from representatives of Property and Development NSW and Urbis and a paper from Andreana Kennedy, Heritage NSW.

The presentation outlined a proposal for partial demolition of the Registrar General's Building (RGB), Macquarie Street East Precinct.

Key points:

- The proponent has not presented an overarching vision for the Registrar General's Building (RGB). Without a proper understanding of the future use of the site, the proposal for partial demolition cannot currently be justified or supported.
- Members discussed potential impacts of the proposed demolition of the 1950s North Wing; particularly the immediate redundancy of the RGB due to the removal of essential services, e.g., fire escape access, lifts and stairs and amenities that are currently located in the North Wing. Retention of the North Wing would allow the building to function until a plan for the future use of the site has been established.
- Members queried the rationale behind retaining the basement beneath the 1960s Records Annexe proposed for demolition and inserting the interim public plaza at ground level;
 - The interim public plaza and any future replacement building, would impact upon the setting of Hyde Park Barracks and obscure views from Hospital Road;

- The plaza area should instead remain an open space that reflects Connecting with Country principles and early-colony stories through landscaping and interpretation, to allow public legibility of the site.
- The proponent should provide an options analysis to support the proposal.
- The Section 60 should demonstrate the context within which the RGB would exist should the demolition works proceed; provide evidence of the ability for future reuse of the building; and a heritage impact analysis for the replacement of amenities lost from the North Wing demolition.
- Members discussed factors informing the application process and approval timeframes and requested that Heritage NSW progress the Section 60 application to the Heritage Council or Approvals Committee for determination, once ready.

Resolution 2022-47

The Heritage Council Approvals Committee:

1. **Notes** the information in the presentation and the paper provided.
2. **Provides** the following comments:
 - a. Supports the overall scheme for the revitalisation of the Macquarie Street East Precinct and looks forward to further consultation on other proposed works within the precinct.
 - b. The current proposal does not address the long-term vision for the reuse of the RGB in the broader precinct, which makes it difficult to provide comprehensive advice. Further information is required on lifts and services, full landscape scheme, extent of demolition, proposed future use access to buildings and through site.
 - c. There are concerns about the immediate redundancy of the RGB as a consequence of the enabling works.

 Recommends a Heritage Interpretation Strategy is prepared for the entire precinct before detailed design and construction of new buildings and the upgrades to the public domain. This is to achieve a cohesive vision that optimises the integration of heritage interpretation as a key informer of design rather than a secondary consideration.
 - d. Any long-term replacement structure to the rear of the RGB should consider:
 - minimising impacts on the setting of the Hyde Park Barracks
 - contribute to the understanding and interpretation of First Nations history and heritage, the Hyde Park Barracks and the Lands Titles Office.
 - Minimising impacts to significant archaeological remains.

Moved by Caitlin Allen and seconded by Julie Marler

4. General Business

4.1 Forward agenda

The Committee noted the forward agenda.

4.2 Other matters

- Minister James Griffin has been invited by the Mayor of Waverly Council to visit Bondi Pavilion to view heritage outcome works. Executive Director, Sam Kidman, will attend the site visit and brief the Minister on Heritage NSW's work in that process.

5.0 Meeting Close

There being no further items of business, Dillon Kombumerri, Chair, declared the Approvals Committee meeting closed at 2:10 PM.



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Mr Ian Clarke

A/Chair, Heritage Council Approvals Committee

Date: 4 NOV 22