



HERITAGE COUNCIL OF NSW

MEETING MINUTES - 476

1 April 2020 | 09:00 AM – 2:30 PM

Video Conference

ATTENDANCE	
MEMBERS	
Mr Frank Howarth PSM	Chair
Ms Sheridan Burke	Deputy Chair
Mr Ian Clarke	Member
Ms Louise Thurgood	Member
Ms Colleen Morris	Member
Dr Nicholas Brunton	Member
Dr Brian Lindsay	Member
Mr Paul Knight	Member
Mr Brett Whitworth	Member
Mr Dillon Kombumerri	Observer
APOLOGIES	
NIL	
EXTERNAL PRESENTERS	
Mr Tim Green	Senior Manager Planning, Central Precinct Renewal, TfNSW - item 2.1
Mr Nicholas Wolff	Program Director, Central Precinct Renewal, TfNSW – item 2.1
Mr Ron Turner	Project Director, Artefact Heritage, TfNSW – item 2.1
Ms Sandra Wallace	Managing Director, Artefact Heritage, TfNSW – item 2.1
Ms Julie McKenzie	Director Heritage and Adaptive Reuse, TZG – item 2.1

Mr Colin Sergeant	Senior Development Manager, Central Precinct Renewal at TFNSW – item 2.1
Mr Cameron White	Principal Policy Officer, Aboriginal Affairs – item 4.0
Mr Ross Pearson	Manager Compliance & Regulation, Aboriginal Affairs – item 4.0
HERITAGE NSW	
Ms Pauline McKenzie	Executive Director
Mr Matthew Clarke	Director Policy Strategy
Mr Tim Smith	Director Heritage Operations
SECRETARIAT	
Ms Olgica Lenger	Senior Team Leader Secretariat
Ms Natasha Agaki	Senior Secretariat Officer

Item 1. Welcome and Formalities

The Chair, Mr Frank Howarth, opened the meeting at 9:00am, delivered an Acknowledgment of Country and welcomed attendees.

Late apologies were accepted from Ms Louise Thurgood and it was noted that quorum had been met.

Item 1.1 Conflict of Interest Declarations

Decision
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Noted the perceived conflict of interest for Mr Brett Whitworth, as a public sector employee, regarding agenda item 5.2.a <i>State Records Act 1998</i> and the Policy Paper on its review, and that Mr Whitworth would exclude himself from any discussions and decisions on this matter. 2. Noted the conflict of interest for Dr Brian Lindsay, as Chair of NSW State Archives and Records Authority, regarding agenda item 5.2.a <i>State Records Act 1998</i> and the Policy Paper on its review and Dr Lindsay would exclude himself from any discussions and decisions on this matter. 3. Noted the potential conflict of interest for Dr Nicholas Brunton regarding his firm working with RMS, Sydney Metro and Sydney Trains, and agreed that there is no actual conflict.

Item 1.2 Minutes from Previous Meeting – 4 March 2020

Resolution 2020-22
<p>The Heritage Council of NSW confirmed the Minutes of the previous ordinary meeting (Wednesday, 4 March 2020) as a complete and accurate record of that meeting, subject to a minor amendment.</p>
<p>Moved by Mr Paul Knight and seconded by Ms Colleen Morris</p>

Item 1.3 Action Report

The Heritage Council of NSW noted the Action Report.

Council discussed:

- Processes around the issuing and acquittal of Heritage Grants and how to further mitigate risk of non-compliance.

- Noted that ensuring compliance with Grant conditions does not necessarily ensure compliance with other legal obligations under the *Heritage Act* that may relate to the Grant.
- Discussed the need to progress with Council's Resources and Publications project.

Resolution 2020-23
The Heritage Council of NSW noted the Action Report.
Moved by Dr Brian Lindsay and seconded by Dr Nicholas Brunton

Item 2. External Presentations

Item 2.1 Draft Strategic Vision - Central Precinct and Western Gateway Sub-Precinct

The Heritage Council of NSW received a paper from Ms Sarah Jane Brazil and a presentation on the Central Precinct revitalisation project by Transport for NSW (TfNSW). Overall, the Council noted:

- The importance of embedding Aboriginal Cultural Heritage (ACH) in the statutory planning process and ensuring the effective transmission of design principles more generally, and requested TfNSW to explicitly address ACH in the Vision Statement to ensure it is a foundation and driving outcome for the Precinct
- Opportunity to promote health and well-being and connecting with community, in line with the City of Sydney's Sustainable Sydney 2030 which privileges Aboriginal identity and belonging to Place.
- Heritage should be a fundamental driver of the project and not merely addressed as "layers and fragments".
- Concerns that the strategic vision does not adequately address scale, bulk, view lines and isolation of heritage items.

More specifically, Council noted and discussed in detail:

- The precinct has been nominated for investigation as a State Significant Precinct (SSP) and the Department of Planning, Infrastructure and Environment (DPIE) is working with TfNSW, the City of Sydney and the Greater Sydney Commission to transform Central SSP into a technology and innovation precinct.
- TfNSW submitted a draft Strategic Vision and Western Gateway rezoning proposal for public exhibition from 16 October to 27 November 2019.

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- Project Director Nicholas Wolff outlined the team’s background and vision, citing past involvement in Sydney placemaking outcomes such as the adaptive re-use of the CUB Broadway site and Sydney Modern (Art Gallery of NSW).
 - TfNSW noted that the concept developed from strategic reviews of Sydney’s CBD extension south in 2016, with the late 2019 rezoning exhibition inviting professional and public submissions.
 - Receipt of the Heritage Council’s extensive response was noted and a commitment to addressing key issues raised such as the precinct’s rich heritage values, need for considered design, scale, form and height impacts, critical view lines, archaeology, public realm outcomes and storytelling opportunities.
 - TfNSW confirmed the project’s vision included creating a world-class public interchange that becomes a destination and a global outcome.
 - The importance of celebrating the site’s Aboriginal, nineteenth century, archaeological and industrial heritage was central, whilst creating a technology hub and Sydney’s third public square.
 - Other outcomes included health and wellbeing, transport connectivity, and opportunities to address TfNSW’s Aboriginal Action Plan outcomes, and integration of Aboriginal heritage connections and storytelling throughout the development.
 - The current rezoning proposal is for the Western Gateway, the first sub-precinct within Central SSP.
 - TfNSW is proposing to amend the planning controls that apply to the Western Gateway area to enable redevelopment for a technology and innovation precinct.
 - Atlassian, Dexus Fraser and Toga Group interests apply here, including land lease arrangements above and below-ground.
 - The Heritage Council noted its understanding of the Government’s intention for the development and TfNSW’s approach to interpret that rich heritage in principle.
 - Members reconfirmed Council’s key message to see the development identify heritage as an asset from inception to end of project, not a difficulty, and the opportunity for the Heritage Council to work collaboratively through the delivery of the project.
 - Members noted that elevating heritage as a key driver will deliver the best final precinct and activation outcomes.
 - The Heritage Council noted the positive references to identifying and recognising Aboriginal values of the place. However, the opportunity for the Vision statement to more explicitly showcase Aboriginal culture as a foundation and driving outcome for the Precinct was identified, as well as including health and well-being and connecting with

community, in line with the City of Sydney's Sustainable Sydney 2030 which privileges Aboriginal identity and belonging to Place.

- Members saw the need, for example, to capture the Aboriginal heritage values upfront in the statutory tools by being embedded in the SEPP and updated Framework documents. They also suggested that the proponents engage with Aboriginal cultural heritage experts from the start of the project.
- Another key concern was how heritage and design principles will transmit through the complex and extended planning and approvals process, right through to construction, particularly to avoid the mistakes of the light rail.
- Members had concerns over the terms of 'heritage layers and fragments'. They confirmed that the Central Station precinct is more than 'layers' of history and 'fragments' to interpret, but that the deep and pivotal history of the site should be recognised, and that the Central Station and railyard status recognised as a heritage and placemaking 'anchor' of the city.
- In this, the site's heritage qualities should be elevated as 'a driver' for the development, not a consideration to be responded to in the development pathway. They asked that this be a fundamental commitment of the project and that the proponents engage on a regular basis with the Heritage Council.
- The Heritage Council discussed the current planning process that seeks to enable considerable exemptions from height and zoning controls, the individual spot rezoning-like impacts from individual applications, public realm resolution, archaeology safeguards, and over-rail density and technical impacts.
- They also discussed the governance process of the two active proposals of the Western Gateway Precinct and the need for a much stronger and firmer engagement from the Heritage Council. This included seeking representation in the design review panel (DRP) process run by Government Architects.
- It was also noted that there is a project review panel consisting of DPIE, City of Sydney and the Greater Sydney Commission involved in the development of the strategic vision. There was concern the strategic vision was piecemeal and that it does not adequately address scale, bulk, view lines and isolation of heritage items.
- The Heritage Council thanked TfNSW for its high-level presentation and committed to working with Government and the relevant agencies to achieve the best heritage and public outcomes for the site.

Resolution 2020-24

The Heritage Council of NSW noted the presentation and resolved to create a working party to develop a response on the proposed developments.

Moved by Ms Sheridan Burke and seconded by Dr Nicholas Brunton.

Item 3. Strategic Matters**Item 3.1 Financial Review**

The Heritage Council of NSW received a verbal update from Ms Pauline McKenzie and noted that:

- Work is in progress on the overall Heritage Conservation Fund with a full review of Council's finances to follow
- Opportunity to receive an assessment of COVID-19 impacts on the stock market and Council reserves from Treasury Corporation
- Scope for identifying investment opportunities post-review
- Council noted a potential conflict of interest declaration from Mr Ian Clarke, who is a personal friend of the Head of TCorp and has been involved in TCorp funding strategies.

Resolution 2020-25

The Heritage Council of NSW noted a verbal update from Ms Pauline McKenzie and resolved to form a working group comprising of Mr Ian Clarke, Ms Louise Thurgood, Mr Frank Howarth and Ms Pauline McKenzie, to develop a finance report to meet the needs of the Heritage Council.

Moved by Mr Ian Clarke and seconded by Dr Nicholas Brunton

Item 3.2 Representativeness of the SHR

This item was deferred.

Item 3.3.a Strategic Projects – Heritage Health Check

The Heritage Council of NSW received a verbal update on the Heritage Health Check project from Mr Matthew Clarke. Council:

- Noted Heritage NSW's intention to reshape the project (currently on hold) following an impact assessment of the recent Bush fires, floods and COVID-19, and realign the project with Government priorities.

- Considered how the impact assessment data could provide valuable information to private landowners on how to manage their properties under such circumstances.
- Raised the importance of acquiring a strong digital focus including integration with the Heritage Management System (HMS) once the project resumes, and how this might occur.
- Discussed the need to approach all projects in the context of Council's Strategic Plan and to preserve strategic intentions.

Resolution 2020-26
The Heritage Council of NSW resolved to review the scope of the Heritage Health Check Project in view of the Heritage Council's strategic priorities and the current circumstances.
Moved by Mr Ian Clarke and seconded by Ms Sheridan Burke

Item 3.3.b Strategic Projects – Status Update

The Heritage Council of NSW received a paper on the Council's Strategic Projects from Ms Mercy Nagarajah.

Council:

- Noted the impacts of COVID-19 demands on priorities within the Department of Premier and Cabinet Executive and Heritage NSW.
- Noted delays to the Governance Review and the Economic and Financial project and discussed how resources might be shifted as a result.
- Discussed updates to the Strategic Projects Status Report, the overall project plan and reporting template, including suggestions to improve identification of COVID-19 related delays.
- Discussed the opportunity to progress the Resources and Publications project.

Resolution 2020-27
The Heritage Council of NSW noted the verbal update on the report.
Moved by Dr Nicholas Brunton and seconded by Mr Paul Knight

Item 4. A/ Head of Aboriginal Affairs - Ms Lillian Gordon

The Heritage Council of NSW received a presentation from Mr Ross Pearson and Mr Cameron White, Aboriginal Affairs.

Council discussed:

- Minister Harwin's meetings with the Aboriginal Cultural Heritage Advisory Committee (ACHAC) and the NSW Aboriginal Land Council (NSWALC)
- Broad review of the *Aboriginal Land Rights Act* to include a combined public consultation on the OCHRE Policy refreshment and the progression of ACH Reforms
- Impacts of COVID-19 on the community consultation timeline and budget
- Reasoning and process of Cabinet approvals for any revised proposal relating to the Reforms.
- Opportunities for the Heritage Council to have a role in improving the current ACH System, including through education and promotion, shaping the approach to public consultation, and/or influencing cultural change within the planning system
- Power and resource imbalance that prevents Aboriginal communities from gaining the expertise and capacity to promote their cultural heritage within the planning space, and the need for this to be addressed
- How the issue of representation and who speaks for Country has been dealt with thus far.

Resolution 2020-28
The Heritage Council noted the update from Mr Ross Pearson and Mr Cameron White and reiterated its willingness and desire to work with Aboriginal Affairs on the ACH Reforms.
Moved by Ms Colleen Morris and seconded by Ms Sheridan Burke

Item 5. Executive Reports

Item 5.1 Executive Director, Heritage NSW

The Heritage Council of NSW noted a verbal report from Ms Pauline McKenzie, including the following items:

- Key staff movements; Ms Juanita McCarthy to assume role of A/ Director Culture Policy whilst continuing as Manager, ACH Regulation Transfer
- Impacts of COVID-19 on Heritage NSW business, operations and management, including impacts of travel bans on ACH Conservation, Repatriations and site visits; postponement of tendering for Service Level Agreements; and re-prioritisation of work plans
- Heritage Council social media strategy currently being reviewed by DPC
- Joint Heritage NSW and Heritage Council website is expected to be launched within two weeks
- Mr Tim Smith chaired the NSW Committee of Convict Site Serial Listings on 31 March 2020; the Committee considered how sites can tell their stories using Google platforms e.g. Earth, Arts & Culture in the current COVID-19 climate

- Discussions with Transport for NSW regarding an expanded scope of options for the management of Glebe Island Bridge
- Advocacy around the Yobarnie Keyline Farm, Land & Environment Court case appeal.

Item 5.2 Chair, Heritage Council of NSW

The Heritage Council of NSW noted a verbal report from the Chair, Mr Frank Howarth.

Item 5.2.a Inquiry on *State Records Act 1998* and the Policy Paper on its review

The Heritage Council received a verbal report from Mr Brian Lindsay on the review of the *State Records Act 1998* and noted:

- An overview of the proposed suite of Reforms for NSW State Archives
- The proposed new structure combining NSW State Archives and Sydney Living Museums and the vision for amalgamation
- The proposed Governance model, synergies between the agencies and the opportunity for NSW to lead in best practice
- Plans for digital transformation and accessing the skills required
- How the amalgamation will impact the Heritage Council's responsibility toward places and the treatment of archaeological artefacts
- The legislative reform process.

Following this, Mr Lindsay and all Public Service employees left the meeting for the remainder of this item.

Resolution 2020-29

The Heritage Council of NSW:

1. Noted the update provided by Dr Brian Lindsay as the Chair of NSW State Archives and Records Authority.
2. Resolved to establish a working group comprising of Ms Sheridan Burke, Dr Nicholas Brunton and Mr Frank Howarth, to prepare a draft response to the Inquiry, for circulation to Council members by 6 April 2020.
3. Resolved to provide advice to the Minister on relevant matters related to the Inquiry.
4. Noted the advice provided by the State Heritage Register Committee, and agreed to advise the Committee of the formation of the working group to draft a response to the inquiry.

Moved by Ms Sheridan Burke and seconded by Dr Nicholas Brunton

Item 5.3 Chief Planner's Report

The Heritage Council of NSW noted the Chief Planner's Monthly Report.

Item 6. Heritage NSW Monthly Reporting

Item 6.1 Heritage Operations

The Heritage Council of NSW noted the Monthly Heritage NSW reports.

Item 6.1.1 Conservation Major Projects

The Heritage Council of NSW discussed:

- Activation of the Female Factory site in Parramatta North, relating to the Parramatta Light Rail project.
- Negotiations on interpretation outcomes for RMS Windsor Bridge on hold following impacts of recent floods and COVID-19.
- Progress of the Hillview Collection review, ownership of the Collection and impacts of staff changes within NPWS on lease management.

Item 6.1.b Delegated Decisions

Item 6.1.c Listings Matters

Item 6.1.d Resources and Publications

The Heritage Council of NSW received a verbal update from Mr Tim Smith and discussed:

- Transfer of the Resources and Publications project to the Heritage Operations team
- An eagerness to continue consultations with the Technical Advisory Panel and the Heritage Advisory Panel on policy documents as soon as possible
- Drawing on technical resources available and exploring synergies between the Heritage Council of NSW and its counterparts in other states and territories
- Plans to produce interactive and virtual guidance material for the website
- Opportunity to gain traction on this project within the COVID period.

Resolution 2020-30
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Noted the paper and verbal update. 2. Requested Heritage NSW to expedite the engagement of the Heritage Advisory Panel and the Technical Advisory Panel in the review of Resources and Publications.
<p>Moved by Ms Sheridan Burke and seconded by Dr Nicholas Brunton</p>

Item 7. Committees of the Heritage Council

The Heritage Council received a verbal update from Ms Sheridan Burke, Chair of the SHRC on the following:

- Ongoing negotiations on the nomination of Balls Head Coal Loader Complex, including discussions with RMS to develop a strategic approach to managing its heritage assets at Sydney Harbour
- Nominations progressed, including Waterloo Creek Massacre and Coffs Harbour Jetty
- Strategic and policy issues being considered by the Committee for advice to the Heritage Council, including
 - Three step process for incoming Nominations to be finalised out of session
 - The review of the *State Records Act* 1998, with a recommendation to the Heritage Council to make a submission.
 - Committee seeks opportunity for input into the Powerhouse Nomination.
 - Discussions on developing a fundamental approach to engagement with owners on listings and promoting the value of being on the SHR to applicants, nominees and owners.
- The Committee thanked Heritage NSW team who achieved support from the owners for the listing of Mirrabooka and Garden.

The Heritage Council received a verbal report from Mr Dillon Kombumerri, Chair of the Approvals Committee, on the following:

- Committee deliberations on the development proposal for 2A Gregory Place, Harris Park
- Integrated Development Application for Closebourne House.
- Opportunity for the Heritage Council of NSW to develop a statement for industry stakeholders on what cultural landscapes are, and how to connect to them; and to explore intersections with work being done by the SHRC Working Party on Cultural Landscape listings.
- Opportunity for the Heritage Council to better understand how the Frontier Wars and Massacre Sites have shaped our collective identity, and how to deal with this from a Heritage perspective.

Resolution 2020-31

The Heritage Council of NSW:

1. Noted the verbal update from Committee Chairs.
2. Agreed to establish a working group to better define cultural landscapes comprising of Mr Dillon Kombumerri, Ms Colleen Morris and Mr Paul Knight.
3. Congratulates the Heritage NSW team on the quality of the Waterloo nomination.

Moved by Ms Sheridan Burke and seconded by Mr Paul Knight

Item 8. General Matters

Item 8.1 Matters Arising

The Heritage Council of NSW considered Advisory Panel memberships and discussed:

- Dr Lindsay's nomination to the Grants and Sponsorships Advisory Panel
- The demand for Fire and Access expertise on the Technical Advisory Panel and how best to accommodate this within Council's Appointment Guidelines
- Ms Rosanna Luca to assume the role of Advisory Panels Coordinator on a temporary part-time basis until the ongoing position is filled.

Resolution 2020-32
The Heritage Council of NSW resolved to appoint Dr Brian Lindsay to the Grants and Sponsorships Advisory Panel, for the term of his appointment to the Heritage Council, as per the Heritage Council's Appointment Guidelines.
Moved by Dr Nicholas Brunton and seconded by Ms Sheridan Burke

Resolution 2020-33
The Heritage Council of NSW:
<ol style="list-style-type: none"> 1. Appointed Ms Sheridan Burke as observer to the Technical Advisory Panel, for the duration of her appointment to the Heritage Council. 2. Temporarily increased the size of the Technical Advisory Panel to 16 members, until 5 February 2021. 3. Appointed Mr Bruce Pettman, Mr Harilal Gohil, Mr Peter Phillips, Mr Gary Waller, Mr Thomas Bowyer and Mr Eric Martin as members, for a period of 3 years, until 1 April 2023, subject to their acceptance. 4. Appointed Mr Mark Relfe and Ms Marianne Foley as members of the Technical Advisory Panel, until 5 February 2021, subject to their acceptance.
Moved by Ms Colleen Morris and seconded by Dr Nicholas Brunton

Item 8.2 Forward Agenda

The Heritage Council noted the Forward Agenda.

Item 9. In-Camera Session

This section is not minuted.

Item 10. Meeting Close

There being no items of further business, the Chair, Mr Frank Howarth closed the meeting at 3:00 pm.



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Mr Frank Howarth PSM

Chair, Heritage Council of NSW

Date: 6 May 2020