



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 481

5 August 2020 | 09:20 AM – 4:30 PM

Video Conference

ATTENDANCE	
MEMBERS	
Mr Frank Howarth AM 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 Dillon Kombumerri	Observer
APOLOGIES	
Mr Brett Whitworth	Member
Ms Kimberley Taylor	Department of Premier and Cabinet
GUEST PRESENTERS	
Ms Abbie Galvin	NSW Government Architect (Item 4.1)
Mr Graham Jahn	City of Sydney (Item 2.1)
Mr Hannah Bolitho	City of Sydney (Item 2.1)
Mr Peter John Cantrill	City of Sydney (Item 2.1)
Mr Ben Chaplin	City of Parramatta (item 6.1)
Ms Michelle Desailly	City of Parramatta (Item 6.1)
Mr David Hands	City of Parramatta (Item 6.1)
Mr Andrew Burges	Andrew Burges Architects (Item 6.1)
Ms Fiona Binns	Urbis (Item 6.1)
HERITAGE NSW	
Ms Pauline McKenzie	Executive Director

Mr Matthew Clark	Director Heritage Strategy and Policy
Mr Tim Smith	Director Heritage Operations
Ms Verena Mauldon	A/Senior Team Leader Major Projects (Items 2.1, 3.1, 4.3, 6.1)
Mr David Nix	Senior Heritage Officer Major Projects (Items 2.1, 3.1, 6.1)
Mr Isaac Clayton	Senior Heritage Officer Major Projects (Item 6.1)
Dr Siobhan Lavelle	Senior Team Leader Specialist Services (Items 2.1, 6.1, 8.4)
Ms Felicity Barry	Senior Historical Archaeologist (Item 6.1)
Ms Alice Brandjes	Senior Team Leader Strategy (Item 8.2)
Ms Xanthe O'Donnell	Senior Policy Officer (Item 8.2)
Mr Stirling Smith	Senior Maritime Archaeology Officer (Item 8.4)
SECRETARIAT	
Ms Olgica Lenger	Senior Team Leader Secretariat
Ms Rosanna Luca	A/Advisory Panels Co-ordinator

IN-CAMERA SESSION

This item was not minuted.

Item 1. Welcome and Formalities

The Chair, Mr Frank Howarth, opened the meeting at 9:20am, delivered an Acknowledgment of Country and welcomed attendees. Apologies were accepted from Mr Brett Whitworth and it was noted that quorum had been met.

Item 1.1 Conflict of Interest Declarations

Dr Nicholas Brunton declared he has a conflict of interest in relation to the MLC Building, North Sydney, will withdraw from all discussions and requested that he does not receive any documents regarding this matter.

Item 1.2 Out of Session Decisions

There were no out of session decisions.

Item 1.3 Minutes from the Previous Meeting – 8 July 2020

Resolution 2020-66
The Heritage Council of NSW confirmed the minutes of the previous ordinary meeting (8 July 2020) as a complete and accurate record of that meeting.
Moved by Dr Nicholas Brunton and seconded by Mr Ian Clarke.

Item 1.4 Action Report

Resolution 2020-67
The Heritage Council of NSW noted the report.
Moved by Dr Nicholas Brunton and seconded by Mr Paul Knight

Item 1.5 Heritage Council NSW – Committees Update

The Heritage Council of NSW noted a written and verbal report from Ms Sheridan Burke, Chair of the State Heritage Register Committee:

1. National Arts School, Darlinghurst: Heritage NSW to proceed with the listing process and engage with the Masterplan process as a matter of priority.
2. The SHRC resolved to approve the final draft of the three-step process for managing new SHR nominations – this represents completion of a major stage of SHRC reform and legacy work.

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3. Agreed to the proposed approach for the first cycle of the new listings program
 - a. The First Nations (including Frontier Conflict) priority area is the focus of the first cycle, given the considerable amount of preparatory work required.
 - b. LGBTQIA+ Heritage is adopted as a priority area, to coincide with World Pride 2023.
 - c. Representation on the SHR of Cultural Landscapes, Migrant Heritage, Rural Heritage and The Modern Movement in NSW (including Harry Seidler) will be addressed by progression of legacy nominations, rather than new priority areas/studies.
 - d. Representation of the Heritage of the Last Quarter of the Twentieth Century on the SHR will be reviewed upon delivery of the commissioned study.
 - e. Further work on SHR representativeness prior to selection of the next priority areas.
 - f. Completion of an SHR Nomination Toolkit to be prioritised
 - g. SHRC recommendation on a second priority will be provided to the September 2020 Heritage Council meeting.
 - h. Requested Heritage NSW to commence conversation with DPIE about managing places of state heritage significance in the NSW planning system.
 4. MLC Building, North Sydney: *Dr Nicholas Brunton* left the meeting while this matter was discussed. The SHRC recommended an Interim Heritage Order on the MLC Building at 105-153 Miller Street, North Sydney, confirming its likely state significance and therefore the desirable heritage listing of the site. The demolition proposal is clearly an “imminent threat”. It was also noted that the proposed new building significantly exceeds planning controls (which were likely to have been set to retain the existing building).
 5. Balls Head Coal Loader Complex, Waverton: Noting extensive storm /climate change damage, the Committee agreed to:
 - a. Proceed with the NOI, with the curtilage proposed by the North Sydney Council, as soon as the stakeholders are contacted.
 - b. Site specific exemptions will be subject to endorsed policies for interpretation.
 - c. Request RMS to provide a high level presentation on Working Harbour Assets Strategy to the November meeting of the SHRC.
 6. Binishells Collection, Schools Infrastructure NSW (SINSW):

- a. Following the strategic analysis of the Binishells Collection in NSW, in collaboration with Schools Infrastructure NSW, the State Heritage Register Committee finds the group of binishells at North Narrabeen and individual elements of the Narrabeen collection to be of state heritage significance and requests the Department of Education to examine all opportunities to review retention opportunities, including adequate works that might address current drainage issues impacting the usability of the Administration building. If demolition is the only feasible option, the Committee requests the Department of Education to ensure adequate interpretation outcomes for the demolished Administration binishell be installed on its footprint.
- b. Noted the latest information from SINSW regarding its intention to demolish as a result of its further consideration of the condition of the Administration binishell and educational requirements at Narrabeen North Public School.
- c. Agreed to reduce the curtilage for the part of the item known as 'Binishell Collection (Department of Education)' at 6 Namona Street, North Narrabeen to exclude the Administration building; and retain the curtilage for binishells at Bobbin Head Road North Turramurra and 76 Trevenar Street, Ashbury, as provided in the 4 December SHRC report and
- d. Heritage NSW to meet at a senior level with the CEO of SINSW with regard to implementation of and strategy for the SINSW s.170 Register and their commitment to registering and maintenance of heritage in its assets management system.

The Heritage Council of NSW noted a verbal update from Mr Dillon Kombumerri, Chair of the Approvals Committee:

- The Committee's strategy is to undertake targeted workshops with applicants, which is helping to communicate feedback at the early stage of proposals; build relationships with applicants/proponents and Heritage NSW staff; and work towards better heritage outcomes.
- Constructive discussion at the Committee meeting about the Bondi Surf Bathers Life Saving Club building and some improvements which will be communicated back to the proponent.

Item 2. External Presentations – Part 1

Item 2.1 Central Precinct Development – Discussion with City of Sydney

The Heritage Council of NSW received a presentation from Mr Graham Jahn, City of Sydney.

Key points raised:

- The City of Sydney supports the idea of an innovative tech precinct.
- The Central Sydney Planning Strategy (on public exhibition this year) identifies Central Station and surrounding areas such as Ultimo and UTS as being areas for appropriate development.
- He described concept plans for a lower square/public space to capture the exit from Central Walk; an upper square which is more passive with tree canopy cover to mitigate climate effects; and a notional third square connecting through to Belmore Park.
- City of Sydney's view regarding the proposed overhang of the Post Office building (Adina Hotel) and preferred options.
- The value of having a single Conservation Management Plan (CMP) to cover the whole precinct across all of the developments.
- Possible opportunities for the Heritage Council to have more active involvement and oversight of the project. E.g. request participation on the design review panel and workshop style sessions to discuss options.

The Council discussed:

- Heritage NSW has met with the proponents several times and promotes a holistic approach to achieve good heritage outcomes.
- The time it will take to develop a single overarching CMP and whether there are other ways to achieve a holistic approach e.g. the proponents are using the same heritage firms.
- Heritage NSW has requested a condition to have a single interpretation and Aboriginal cultural heritage plan (rather than zones 1, 2 and 3) and will negotiate to have existing conservation documents made available to the Heritage Council.

Item 4. External Presentations – Part 2

Item 4.1 Visit from NSW Government Architect Ms Abbie Galvin

The Heritage Council of NSW received a verbal presentation from Ms Abbie Galvin, Government Architect NSW (GANSW).

Key points raised:

- Agreement with the Heritage Council on the importance of a single CMP or overarching heritage principles to guide the entire Central Precinct development.

- The value of meaningful engagement with community and non-design professionals in the design of public realm spaces; and the challenges of balancing this with Government priorities to stimulate the economy and accelerate planning projects.
- GANSW's stance to maintain due process such as design competitions.

The Council discussed:

- GANSW has recommended to the Central Precinct project review panel to meaningfully consult with the Heritage Council.
- Heritage NSW has requested DPIE to include whole of heritage study requirements to cover the Central Precinct.
- Pitching the idea of early consultation with HNSW/Heritage Council about heritage issues as an 'opportunity', rather than a risk, and proactively asking NSW Government Departments to start dialogue in earlier stages of major development projects, such as Central Station and Circular Quay.
- GANSW's current work on the *Design and Place SEPP* and inviting the Heritage Council to participate in the consultation process.

Item 5: Discussion - post presentations

Resolution 2020-68

The Heritage Council of NSW:

1. Thanks the presenters from City of Sydney Council and Government Architect NSW.
2. Requests Heritage NSW to follow up on a previous request for Transport for NSW to provide a unified overarching heritage framework and set of principles to guide the entire Central Precinct Development.
3. Requests Heritage NSW to share the Heritage Council's perspectives on the need for an overarching heritage framework and a single set of principles for the whole Central Precinct development with pro-active engagement for heritage to be embedded in the planning system, with the City of Sydney and Government Architect NSW.

Moved by Ms Colleen Morris and seconded by Dr Nicholas Brunton

Item 6. External Presentations – Part 3

Item 6.1 Parramatta Aquatic Centre

The Heritage Council of NSW received a presentation from Mr Ben Chaplin, Development Manager and Ms Michelle Desailly, Interpretation and Strategy Coordinator, City of Parramatta.

Key points raised:

- The proposal for the pool complex responds to the Heritage Council’s previous feedback in relation to the state heritage values of the site and strong representation of Aboriginal culture and heritage.
- The City of Parramatta has been working with Dharug Aboriginal community members and Parramatta Council’s heritage advisory committee. The Aboriginal Land Council and other community members will also be consulted during the project.
- The draft heritage and interpretation plan will be sent to Heritage NSW this month.

The Council noted:

- The importance of considering the proposal holistically in its park setting, and ongoing management of the park, to enhance connection to Country.
- The inclusion of Aboriginal stories and perspectives, as well as objects and motifs and gave positive feedback
- Heritage NSW has provided comments on the Statement of Heritage Impact and the complexities of having two development applications (for early works and later works).

Resolution 2020-69

The Heritage Council of NSW:

1. Thanks City of Parramatta Council for the excellent presentation noting a significant improvement to heritage and Aboriginal heritage interpretation and seeks confirmation from City of Parramatta Council that the integrated interpretation is fully funded from commencement.
2. Delegates to the Director Heritage Operations to determine the Integrated Development Application (IDA) under delegation, and in consultation with the Major Projects Committee and Ms Colleen Morris.
3. Recommends that overall design and interpretation supports Caring for Country activities to promote a living culture, led by local Aboriginal Custodians.

4. Recommends that the proposed landscape design be considered within overall Parramatta Park cultural and landscape setting.
5. Requests that Caring for Country be added to interpretation themes in addition to vital points of view, landscape stories and vital waters.
6. Thanks the Heritage NSW team for excellent work on this project.

Moved by Dr Brian Lindsay and seconded by Dr Nicholas Brunton

Item 8. Legislation, Policy and Administrative Matters

Item 8.1 Policy and Strategy Update

The Heritage Council of NSW noted a verbal report from Mr Matthew Clark.

The Council discussed the importance of proactive engagement with the community and stakeholders and achieving heritage outcomes through a transparent process with public engagement, collaboration and consultation.

Item 8.2 Heritage Impact Statement Policy

The Heritage Council of NSW received a report and presentation from Ms Xanthe O'Donnell and Ms Alice Brandjes.

The Council discussed:

- The revised timeframe to complete the overarching Heritage Impact Statement (HIS) policy by October 2020; consultation with local government to commence around September 2020.
- The Standard Model Template is proposed to be text based content which will be given to the practitioners who are putting the HIS documents together, to ensure robust information is provided. Other platforms for capturing the information may be considered further down the track e.g. cloud based, linked to the Heritage Management System.
- The need for the guidelines to address conflicts of interest where a proponent's architectural consultant prepares both the Heritage Impact Statement and the Conservation Management Plan, reinforcing that such practice is not acceptable.
- At its June 2020 meeting, the Heritage Advisory Panel (HAP) asked for integration of the documents to reflect all levels of heritage – state, local etc. Some HAP members with local government experience offered to do the user testing.

- Ms Sheridan Burke and Ms Colleen Morris expressed concern that the process of developing this policy and standard template is not fit for purpose, and that it should be one set of documents for all levels of statutory protection.

Resolution 2020-71

The Heritage Council of NSW:

1. Endorsed the recommended policy direction outlined by Heritage NSW:
 - a. Heritage NSW will progress the over-arching policy, which outlines theoretical content that must be considered when preparing an HIS.
 - b. Heritage NSW will refine the draft model template (Attachment A of the report) for items of state heritage significance with a number of key issues to be explored e.g. CMPs, professional heritage advice, etc. The model template will be mirrored on the (s60) assessment report template to streamline procedures and support improvement of statutory time frames required for targets set in the Premier's Priority Plan.
 - c. Heritage NSW will undertake an online survey of local government that seeks to understand local government perspectives on heritage resources and determine if the HIS guidance material is a priority for local government. The survey will also request expressions of interest for local planning and/or heritage officers to participate in a small and targeted working group.
 - d. Heritage NSW will work with the Heritage Advisory Panel and Technical Advisory Panel to establish a small and agile working group to address HIS issues relevant to local government. The working group will also need local planning and heritage officers to ensure any proposed guidance material, including potential templates, are relevant and compatible with LGA digital assessment systems.

Moved by Dr Nicholas Brunton and seconded by Dr Brian Lindsay

Ms Sheridan Burke opposed the resolution. All other members voted in favour.

Item 8.3 Finance Committee – Budget Report

The Heritage Council received a written report and verbal update from Mr Ian Clarke.

The Council noted the recent work of the Heritage Council Finance Committee on revised budget reporting requirements and discussed further work required by Heritage NSW and DPC Finance to provide greater clarity in accountability and budget process for the Heritage Conservation Fund.

Resolution 2020-72

The Heritage Council of NSW resolved:

1. Heritage Council and Finance Committee will work with Heritage NSW to address the following:
 - a. Level of reserves needed
 - b. Recurrent income forecast over next 3 years
 - c. Discretionary and non-discretionary recurrent spend and commitments
 - d. Review non-discretionary spend for available savings
 - e. Review recurrent discretionary spend against strategic objectives and forecast over next 3 years
 - f. Establish an annual project spend that is responsible
 - g. Review each project individually – objective, strategic alignment, achievability, time frame and cost to determine which will proceed within that rate of project spend.
2. Requested DPC Finance and Heritage NSW to provide regular progress reports to the Heritage Council with a final report within 3 months.
3. Thanked the Finance Committee for their work done to date.

Moved by Mr Ian Clarke and seconded by Dr Brian Lindsay

Item 8.4 Maritime Thematic Study and Review of Maritime Heritage Database

The Heritage Council of NSW received a report and presentation from Mr Stirling Smith. The Council acknowledged the good work done by Comber Consultants and historian Dr Mark Dunn on the Thematic Study of NSW Shipwrecks.

Resolution 2020-73

The Heritage Council of NSW:

1. Noted the Thematic Study and Maritime Heritage Database (MHD) review report;
2. Endorsed the following recommendations for ongoing management of maritime heritage in NSW, including the MHD:
 - a. Adopt the policies for management of the MHD contained in Section 4.0 of the Heritage Council Detailed report.
 - b. Include the maritime themes developed and tested in the Thematic Study and Review of the NSW MHD as a standard component in the New South Wales Heritage Council's themes used in conjunction with the NSW Heritage Act 1977.

- c. Assess the heritage significance of shipwrecks and other maritime heritage sites according to standard NSW heritage criteria and guidelines and the maritime themes identified in the Thematic Review.
 - d. Consider listing on the SHR shipwrecks and maritime heritage sites considered likely to be of State significance using the maritime themes developed in this study. Such nominations to follow established listing protocols and against thematic listing priority areas where relevant, noting current triage and prioritisation processes for nominations.
 - e. Refer locally assessed shipwreck sites to the relevant local council for inclusion on their Local Environmental Plan (LEP) or, if not within the boundaries of a local council, the relevant State government authority's s170 Register. This measure would provide such items with relevant statutory protection.
3. Congratulated the Heritage NSW team on excellent work.

Moved by Ms Sheridan Burke and seconded by Ms Colleen Morris.

Item 8.5 EOI for Heritage Council Committees and Panels

The Heritage Council of NSW received a report from Ms Olgica Lenger.

Resolution 2020-74

The Heritage Council of NSW resolved to:

1. Appoint two members of the Heritage Council to the State Heritage Register Committee and one each to the Technical Advisory Panel and the Heritage Advisory Panel, once those members are appointed or re-appointed to the Heritage Council's pending vacancies.
2. Approve an EOI process be undertaken to fill four pending non-Heritage Council member vacancies on the State Heritage Register Committee and three non-Heritage Council member vacancies on the Approvals Committee.
3. Request the Chairs of the Heritage Council Committees to identify any priority expertise to be included in the expression of interest.
4. Approve exemption to the Heritage Council Appointment Guidelines to allow the term of the members directly appointed to the Heritage and Technical Advisory panels to be extended.
5. Offer extensions to the direct appointments of Ms Emma Bombonato, Ms Catherine Forbes, Mr Scott Robertson, Ms Lisa Trueman and Ms Ann Toy to the Heritage Advisory Panel until 30 June 2021.

6. Offer extensions to the direct appointments of Ms Jacqui Goddard, Ms Joy Singh, Prof Gianluca Ranzi, Ms Louise Cox, Ms Kerime Danis, Mr Alistair Morrison and Mr Mark Relf to the Technical Advisory Panel until 30 June 2021.
7. Delegate to the Chair of the Heritage Council to approve the recruitment material and the commencement of the EOI.

Moved by Mr Ian Clarke and seconded by Ms Colleen Morris.

Item 9. Executive Reports – Part 1

Item 9.1 Executive Director, Heritage NSW

The Heritage Council of NSW noted a report and verbal update from Ms Pauline McKenzie. The Council discussed:

- Postponement of the Regional Visit until February/March 2021 due to continuing concerns with COVID-19. Alternative options were proposed for this year including a joint virtual meeting with ACHAC.

Item 9.2 Chair, Heritage Council of NSW

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

- A teleconference held with Ms Pauline McKenzie and the CEO of North Sydney Council regarding the MLC Building to maintain engagement.

Item 9.3 Chief Planner's Report

The Heritage Council of NSW noted the report.

Item 10 Executive Reports – Part 2

Item 10.1 Strategic Projects Status Report

The Heritage Council of NSW noted the report.

Item 11. Heritage NSW Reporting

Item 11.1 Heritage Council Applications and Compliance Annual Report

The Heritage Council of NSW noted the report.

Item 11.2 Heritage Operations – Monthly Reports

The Heritage Council of NSW noted the report.

Item 11.2a Conservation Major Projects – Monthly Report

The Heritage Council of NSW noted the report.

Item 11.2b Delegated Decisions – Monthly Report

The Heritage Council of NSW noted the report.

Item 11.2c Listing Matters - Monthly Report

The Heritage Council of NSW noted the report.

Item 11.3 Heritage Conservation Fund - FY20Q4 Report

The Heritage Council of NSW noted the report and discussed:

- Lack of clarity about how the budget total is calculated. This will be resolved as part of the budget work with DPC Finance.
- Clarification was requested about what is the 'ad hoc project'.

Item 12. General Matters

Item 12.1 19 Lower Fort Street, Dawes Point - Class 1 Appeal

The Heritage Council of NSW received a verbal update from Mr Dillon Kombumerri and Mr Ian Clarke:

- Heritage NSW issued General Terms of Refusal.
- The proponent has appealed the Land and Environment Court decision.
- The Approvals Committee resolved (meeting of 4 August 2020) to maintain its position until the Millers Point Heritage Principles are completed, which will also include a community consultation process.

Resolution 2020-75
<p>The Heritage Council of NSW resolved:</p> <ol style="list-style-type: none"> 1. The Council will support the City of Sydney in the Land and Environment Court appeal but does not consider it necessary to join the Court proceedings. 2. Requests Heritage NSW to commence as soon as possible with community consultation regarding the Millers Point Heritage Principles, in collaboration with the City of Sydney.
<p>Moved by Dr Nicholas Brunton and seconded by Mr Ian Clarke.</p>

Item 12.2 Forward Agenda

The Heritage Council of NSW noted the Forward Agenda.

Item 12.3 Other Matters Raised

Ms Louise Thurgood made an observation regarding opportunities for Council and Committee members offering their time and expertise to be engaged by Heritage NSW. The Chair invited any process improvements to be raised as part of the current review with the consultant.

Meeting Close

There being no items of further business, the Chair, Mr Frank Howarth closed the meeting at 4:20pm.



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Mr Frank Howarth AM PSM
Chair, Heritage Council of NSW

Date: 2 September 2020