



HERITAGE COUNCIL OF NSW

MEETING MINUTES - 485

2 December 2020 | 09:00 AM – 5:46 PM

International Convention Centre, 14 Darling Dr, Boardroom, ICC Administration Office & Teleconference

ATTENDANCE	
MEMBERS	
Mr Frank Howarth AM PSM	Chair
Ms Sheridan Burke	Deputy Chair
Dr Nicholas Brunton	Member
Mr Ian Clarke	Member
Mr Paul Knight	Member
Dr Brian Lindsay	Member
Ms Colleen Morris	Member
Ms Louise Thurgood	Member
Mr Brett Whitworth	Member
Mr Dillon Kombumerri	Observer
STATE HERITAGE REGISTER COMMITTEE MEMBERS	
Dr Wayne Johnson	SHRC Member (Item 3.1)
ABORIGINAL CULTURAL HERITAGE ADVISORY COMMITTEE MEMBERS	
Ms Glenda Chalker	ACHAC Member (Items 3.1 and 3.2)
Ms Sharon Hodgetts	ACHAC Member (Items 3.1 and 3.2)
Cr Dallas Donnelly	ACHAC Member (Items 3.1 and 3.2)
APOLOGIES	
Ms Helen Riley	ACHAC Member (Items 3.1 and 3.2)
Ms Iris White	ACHAC Member (Items 3.1 and 3.2)
Ms Angela Donovan	External presenter (Items 3.1 and 3.2)
GUEST PRESENTERS AND EXTERNAL ATTENDEES	
Ms Rachel Perkins	Australian Heritage Council Member (Items 3.1 and 3.2)
Ms Joanne Nathan	Director Indigenous Heritage Section, Heritage Branch,

	Department of Agriculture, Water and the Environment (Items 3.1 and 3.2)
Mr Nicholas Wolfe	TfNSW (Item 4.1)
Mr Colin Sargent	TfNSW (Item 4.1)
Ms Michelle Cramer	TfNSW (Item 4.1)
Mr Josh Daniel	TfNSW (Item 4.1)
Ms Carolyn MacLulich	Artefact Heritage (Item 4.1)
Ms Julie Mackenzie	TZG (Item 4.1)
Mr Greg Burgon	Architectus (Item 4.1)
Mr John Whatmore	Architectus (Item 4.1)
Mr Richard Francis Jones	FJMT Studio (Item 4.2)
Mr David Hogendijk	Development Director, Mixed Use & Major Projects, Mirvac (Item 4.2)
Mr Tim Manning	Mirvac (Item 4.2)
Mr Ron Schaffer	Procure Group (Item 4.2)
Ms Clare Sowden	TfNSW (Item 4.2)
Ms Chontelle Perucich	TfNSW (Item 4.2)
HERITAGE NSW	
Ms Pauline McKenzie	Executive Director
Mr Matthew Clark	Director, Heritage Strategy and Policy
Mr Tim Smith	Director, Heritage Operations
Ms Caroline Ford	Principal Policy Officer, Heritage Strategy and Policy (Item 3.2)
Ms Miranda Firman	Manager, Aboriginal Cultural Heritage Programs (Item 3.2)
Ms Sarah Jane Brazil	Senior Team Leader, Major Projects (Items 4.1, 4.2 and 5.5)
Mr David Nix	Senior Heritage Officer, Major Projects (Items 4.1 and 4.2)
Ms Rochelle Johnston	Manager, Strategy (Items 5.3 and 5.4)
Ms Alice Brandjes	Senior Team Leader, Strategy Team (Item 5.3)
Ms Nicole Secomb	Heritage Programs Officer, Heritage Strategy and Policy (Item 5.3)
Ms Sonia Limeburner	Senior Team Leader, Strategy (Item 5.4)
Ms Leah Domanski	Senior Programs Officer, Heritage Operations (Item 5.5)

SECRETARIAT	
Ms Olgica Lenger	Senior Team Leader Secretariat
Ms Elizabeth Thomas	Advisory Panels Coordinator

IN-CAMERA SESSION

This item was not minuted.

Item 1. Welcome and Formalities

The Chair, Frank Howarth, opened the meeting at 9:00am, delivered an Acknowledgment of Country, and welcomed attendees. It was noted that a quorum had been met.

Apologies were received from ACHAC members; Helen Riley and Iris White (for Items 3.1 and 3.2).

Item 1.1 Conflict of Interest Declarations

There were no new conflicts of interest raised.

Item 1.2 Out of Session Decisions

There were no out of session decisions to report for the previous month.

Item 1.3 Minutes from Previous Meeting - 4 November 2020

Resolution 2020-98
The Heritage Council of NSW:
1. Confirmed the minutes of the previous ordinary meeting (4 November 2020) as a complete and accurate record of that meeting.
Moved by Paul Knight and seconded by Ian Clarke

Item 1.4 Matters Arising

Resolution 2020-92 from the previous meeting *Item 3.1 Heritage Council Budget* was revisited and members agreed with Ian Clarke's suggestion for a further resolution and actions arising.

Pauline McKenzie noted that work with DPC Finance, Governance and Legal is in progress with further legal advice to be provided in December to inform drafting of the proposal for management of the Heritage Conservation Fund.

Resolution 2020-99
The Heritage Council of NSW:
1. Supports the three principles for the Heritage Conservation Fund (HCF) to: <ul style="list-style-type: none"> ○ Be financially stable; ○ Be self-sustaining; and ○ Deliver effective use of funds for achieving heritage outcomes.
2. Supports DPC and Heritage NSW clarifying authorised expenditure types, governance and 21-23 budget parameters via recommendations to the Minister.
3. Requests further consultation in early 2021 prior to finalising the recommendations to the Minister, including: <ul style="list-style-type: none"> ○ The allowable expenditure, governance arrangements and delegations for authorising HCF expenditure;

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| <ul style="list-style-type: none">○ The proposed broad financial parameters for the HCF to remain stable and self-sustaining; and○ The proposed FY 21-23 budget. |
| Moved by Ian Clarke and seconded by Dr Brian Lindsay |

1.5 Action Report

The Heritage Council of NSW noted the report.

Brett Whitworth sought clarification on the actions arising related to the MLC Building, North Sydney.

Nicholas Brunton excused himself from the meeting.

HNSW noted that they have been in contact with the Government Architects to clarify Heritage Council's queries.

A draft scope is being prepared for independent peer review, impact assessment and economic analysis of the owner's proposal, including impact of the replacement of original fabric on heritage significance, impact of the SHR listing on reasonable and economic use of the building and whether the listing would cause undue economic hardship, as well as options analysis for alternative development balanced with heritage protection.

The Heritage Council noted that if the matter is listed with the North Sydney Planning Panel the Heritage Council should be asked to appear.

Nicholas Brunton re-joined the meeting.

Item 1.6 Heritage Council of NSW - Committees Update

Sheridan Burke, Chair of the State Heritage Register Committee acknowledged the contributions of outgoing SHRC member Dr Lisa Murray, and recommended a historian be sought to fill this vacated position. Items discussed at the SHRC meeting held 1 December 2020 include:

- a feasibility study presentation from Create NSW for the Minerva / Metro Theatre, Kings Cross and SHRC recommended it progress to Recommendation to List;
- the SHRC Biannual prioritisation process and outcomes of the legacy SHR Nominations review;
- the triage of new SHR nominations (Cooper Park, Bellevue Hill and curtilage amendments at Judges Cottage, Sydney and McCrossin's Mill, Uralla);
- SHRC request for Heritage NSW to arrange a meeting with the respective parties to progress the Balls Head Coal Loader Complex, Waverton nomination;
- SHRC noted the importance of integrating the work of Cultural Landscapes and Urban Heritage Areas Working Group into the work program once its outcomes are known; and
- SHRC have arranged to meet with the Design and Place SEPP Team out of session in January 2021.

The Chair advised that he attended a meeting with staff from the Government Architect (GA) last week regarding the Design and Place SEPP and has asked for the GA to present to the Heritage Council in February.

Items added to the forward SHRC agenda include:

- the SHR Reform Priorities joint session with the Heritage Council,
- Mulgoa Valley draft Fernhill Plan of Management and the ongoing engagement with Penrith City Council
- the Braidwood SHR listed area; and
- a discussion on the process to be implemented from 2021 such that when nominations are received they identify Aboriginal country that the place sits on, as well as the climate change issues around that place.

Dillon Kombumerri, Chair of the Approvals Committee, reported on items discussed at the Approval Committee meeting held 1 December 2020, including the:

- Pre DA proposal for the La Perouse Museum, Former Telegraph Station upgrade and rationalisation of the existing building;
- Lend Lease proposal for works at Closebourne proposal for RV parking adjacent to the new Aged Care;
- Pre DA proposal for the Cathedral of Annunciation of Our Lady, Redfern;
- request for further subdivision works at the Braidwood Hotel;
- discussion around subdivision principles, as well as the ability to revisit items when decisions have been set down;
- Darling Street Supreme Court Building, Taylor Square security booth addition – workshop being scheduled to consider design options that are sympathetic to the heritage; and
- a joint discussion with Sydney City Council to agree the vision and proposed community consultation for Millers Point.

Item 2. Update with Minister Harwin

The Chair advised that the Minister had been called away at short notice and will be invited the next Council meeting scheduled to convene 3 February 2021.

Item 3. External Presentations - Part 1

Item 3.1 Commonwealth Government presentation on Sydney Basin Rock Art

Rachel Perkins (Australian Heritage Council) and Joanne Nathan (Department of Agriculture, Water and the Environment) presented an update on the Sydney Cultural Crescent Rock Art nomination for assessment for a National Heritage Listing (NHL).

Key points Raised

- 11 places were recommended in the initial Rock Art Study conducted in 2016 and there are currently five places recognised on the National Heritage List (NHL).
- The NHL's focus on northern Australia didn't fully represent the diversity of rock art located across the country and PWC Indigenous Consulting were engaged to undertake consultation with the Aboriginal Land Councils and some traditional owners, to determine if this was of interest to the Aboriginal custodians and feedback received was generally positive.

- In AHC's initial discussions with Aboriginal Land Councils and traditional owners (not represented through the Land Council process) it was suggested that the thematic study boundary be widened.
- The proposed area is about two million hectares and defined by the cultural links between Aboriginal people who created the rock art and Sydney Sandstone.
- The NHL definition of rock art includes engravings on rock platforms and ochre painted sites.
- The importance of Commonwealth protection was highlighted, noting reform of NSW legislation regarding Aboriginal cultural heritage is currently being considered and NSW heritage protection can be overridden by state development legislation.
- The AHC is looking to partner with the Heritage Council of NSW, ACHAC, NSWALC, Local Aboriginal Land Councils of NSW, NSW and Federal Government departments (AWE) and Rock Art Australia (formerly the Kimberley Foundation) to provide formal support and assist with progressing the listing.
- Conversations are being held to determine whether the rock art area boundary is extended to include the Blue Mountains or whether the Rock Art is assessed as part of the current NHL nomination.
- Heritage Council members recommended the boundary:
 - reflect the underlying geological area of the Sydney Basin bio region;
 - be extended further inland to include places such as Picton and the Oakdale area and the Blue Mountains, which is a World Heritage listing (WHL) recognising its cultural values
 - include the Hawkesbury Sandstone rock area; and
 - the Sydney catchment, with sites such as Whales Cave, Illawarra.
- Rachel Perkins noted that there is precedence for overlapping boundaries, if this is the preferred option.
- Joanne Nathan advised the listing process allows for the ongoing engagement of community and potential inclusion of additional sites if they fall within the NHL boundary. However, inclusion of any specific sites would require the agreement of all interested parties before it could be named in the Listing.

HNSW noted:

- the Rock Art Study is in keeping with the *Shared Heritage* theme of the upcoming ICOMOS General Assembly (deferred to 2023) which will attract international attention;
- HNSW mapping indicates that there are approximately 4,500 rock art sites in the Sydney Basin, excluding the Blue Mountains;
- further considerations may include the longer-term maintenance issues and the continual engagement process and how, as the work progresses, key sites are identified;
- encouraged use of the full range of social media tools to broaden community engagement; and
- the different basis for the protection of National listings (cultural values) and State Heritage Listings (physical space).

Next steps

- Rachel Perkins agreed to circulate the original Rock Art Study which specifically includes the Eagles Reach site in the Blue Mountains.
- Pauline McKenzie and Joanne Nathan will meet to map out the process to consider what is involved and achievable and identify work required and ways for the two organisations to work together to support the listing nomination.
- A subset of ACHAC and HC members agreed to meet with Rachel Perkins and AWE to further discuss and consider:
 - the Sydney Rock Art boundary;
 - stakeholder engagement;
 - how we ensure ongoing protection of sites, particularly in light of issues such as climate change;
 - opportunities for celebration and recognition at both levels of Government;
 - how state listings and Aboriginal place listings can be mutually supportive; and
 - opportunities for a joint approach to resourcing.

Funding opportunities

- Louise Thurgood, Ian Clarke and Dr Brian Lindsay offered to form a working party to review the funding proposal and look for opportunities to engage other bodies to seek potential access to resources, e.g. Minderoo Foundation.
- Louise Thurgood offered to separately look at potential philanthropic resources to support the Rock Art listing.
- Paul Knight noted a recent uptake in enquiries and referrals from federal agencies such as National Indigenous Australians Agency (NIA), regarding the Commonwealth's *Environment Protection and Biodiversity Conservation (EPBC) Act* that relates to Aboriginal Heritage and questioned whether there may be funding opportunities related to the EPBC Act review. Mr Knight was also having conversations with the Minerals Council around ways to improve heritage management and investment opportunities.
- Prior to Council seeking additional external resources and funding, HNSW suggested they meet with AWE to better understand the work they are undertaking to progress this work and discuss how best for HNSW and HC to assist and support the listing.
- It was also noted that DPIE, National Parks and other government agencies will be affected by this nomination and it will likely require a collective state government approach.

Resolution 2020-100

The Heritage Council of NSW:

1. **Noted** the content of the Heritage NSW paper and presentation delivered by Rachel Perkins, Australian Heritage Council (AHC) and Joanne Nathan, Department of Agriculture, Water and the Environment (AWE).
2. **Supports** the nomination and assessment process to list the Sydney Basin Rock Art nomination for assessment for a National Heritage List.
3. **Nominated** a working group comprising of Sheridan Burke, Paul Knight, Dr Nicholas

Brunton and Colleen Morris from the Heritage Council; Glenda Chalker and Sharon Hodgetts from the Aboriginal Cultural Heritage Advisory Committee (ACHAC); and representatives from Heritage NSW; to meet with Rachel Perkins (AHC), and Joanne Nathan (AWE), to discuss a joint approach, set the framework, discuss the boundary and agree on a work plan, resourcing and partnering model.

Moved by Paul Knight and seconded by Dr Nicholas Brunton

Item 3.2 HCOANZ Dhawura Ngilan Vision and Best Practice Standards

Rachel Perkins (Australian Heritage Council) and Joanne Nathan (Department of Agriculture, Water and the Environment) highlighted the four key principles which underpin the Vision's key areas of focus and outlined the process and stakeholder consultation undertaken to develop the vision and guidelines.

Key points raised

- In 2018, for the first time, all Indigenous Chairs and members of Australian and state Heritage Councils were brought together and became permanent members of HCOANZ.
- At a subsequent meeting in 2019, these members identified common issues across the jurisdictions and agreed on the need to articulate the vision for Aboriginal and Torres Strait Islander heritage for the coming decade and develop best practice standards in Indigenous Cultural Heritage legislation.
- Work is underway to develop uniform standards in terms of legislation and a Ministers Roundtable is scheduled for 2021 to provide their initial response to the Vision and Standards.
- Ministers have agreed that First Nations People will be invited to attend the subsequent Ministers Roundtable, and work at a federal level to co-design the Commonwealth's response and determine benchmarks in line with the rights of First Nations People.
- The Vision seeks to accelerate the protection of indigenous places with Heritage Councils and recognises the importance of acknowledging and value of Indigenous heritage as central to Australian national heritage including dual naming, truth telling and curriculum opportunities and recognising significant cultural species.
- Activities are proposed to support recognition of global significance including unified data collection and Indigenous places for nomination on the World Heritage Listing.
- A presentation to Minister Harwin on the Vision and Standards is scheduled for this week.

Opportunities and implications for the SHR

- HNSW has reviewed the vision statement and guidelines to consider any issues, opportunities and to develop HNSW's approach and implications on Heritage NSW, the Heritage Council and ACHAC. A detailed presentation will also be given to ACHAC members at their meeting scheduled for 16-17 December 2020. It was noted that:
 - the Heritage Council had already identified First Nations Cultural Heritage as a key focus area for potential listings as part of the SHR listings review;
 - the First Nations Heritage SHR Priority Area Working Group has been formed and will develop a program to identify and encourage nominations for First Nations Heritage listings on the SHR; and

- HNSW recommended a measured approach in dealings with First Nations Heritage listings and emphasised the need for these to be managed with caution and care, given their potential to raise sensitive issues and may bring up trauma, particularly related to frontier conflict, or sites of Aboriginal historical importance and associated cultural sensitivities.

Reflections from Dillon Kombumerri

- Dillon Kombumerri acknowledged the work done to date on the Vision and Best Practice Standards, particularly the focus on setting tasks rather than motherhood statements. Dillon offered to provide further input into refining the language used in the document, noting that:
 - the Vision document needs to recognise and acknowledge the many voices of Aboriginal and Torres Islander people across Australia, allow for tailoring specific to each jurisdiction and to reflect the diverse concepts for dreaming;
 - some success indicators need further input to be clearly articulated; and
 - with the use of the Ngunnawal language to title the document, it might be helpful to include a preamble at the front of the document to recognise this naming and also encourage the use of language from other jurisdictions to embed themselves within the document and imagery that is inclusive e.g. coastal images as well as desert inland imagery.

Rachel Perkins acknowledged the leadership and expertise of Pauline McKenzie, Juanita McCarthy and Glenda Chalker and thanked them for their representation on the HCOANZ Working Group and the Cultural Reference Group in making of this document.

The Chair thanked ACHAC members for attending this joint discussion and noted that Council are keen to receive ACHAC's feedback following their upcoming meeting, before finalising a way forward.

HNSW will discuss this project internally to determine how data may be captured, how this will be used and prioritise this work in the forward plan.

Council asked that HNSW develop a matrix that indicates the various policies and strategies that interface with the Vision Statement at the state level to assist in reforming the NSW heritage legislation framework, including the ACH Reforms.

Resolution 2020-101
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Acknowledges the layers of diversity that support the uniqueness and culture of different places of Australia and the multi layers that reside within and seeks to include a preamble to reflect the diverse Aboriginal and Torres Strait Islander cultures in Australia. 2. Supports the <i>Dhawura Ngilan - A vision for Aboriginal and Torres Strait Islander heritage in Australia</i> as a guide for reforming the NSW heritage legislation framework to achieve the goals of protecting First Nations' heritage. 3. Notes the opportunities and implications for the work of the Heritage Council of NSW (Tab A of the report) in engaging with <i>Dhawura Ngilan - A vision for Aboriginal and Torres Strait Islander heritage in Australia</i>. 4. Notes the opportunities and implications for the Council's State Heritage Register work

in engaging with *Dhawura Ngilan - A vision for Aboriginal and Torres Strait Islander heritage in Australia*.

5. **Notes** the First Nations Heritage SHR Priority Area Working Group is developing a program to identify and encourage nominations for First Nations Heritage to be listed on the SHR.
6. **Recognises** that a measured approach is needed to ensure improvements to how we consider and reflect First Nations narratives and values into SHR processes is meaningful, appropriate, sensitive and consistent with the principles of self-determination.

Moved by Colleen Morris and seconded by Ian Clarke

Item 4. External Presentations - Part 2

Item 4.1 Central Precinct Redevelopment - TfNSW Presentation

Nicholas Wolff, Program Director, Transport for NSW (TfNSW) introduced the design team and provided a project update to advise that:

- TfNSW are currently engaging an Aboriginal Heritage Advisor for both the Central Precinct and the Western Gateway;
- a Heritage Consultation Group is being established to start early 2021;
- a Connecting with Country consultant has been engaged and will commence in early 2021; DPIE study requirements have been received and set the guidance for the State Significance Precinct Planning work over the next 12 months.

Greg Burgon from Architectus, outlined the approach for interpretation as part of the strategic vision for Central State Significant Precinct noting:

- an early study has been undertaken to look at the site connections and connections of neighbourhoods and meeting places; and
- the thematic approach seeks to provide links across sub precincts and across messaging which are interlinked but discrete and identify the various journeys and gatherings involved with the history of the site.

Carolyn MacLulich from Artefact Heritage presented the update on the Heritage Impact Statement (HIS) and work underway to develop the opportunities for heritage interpretation within the precinct, including:

- research and assessment of the history of the site, including analysis of the heritage themes, review of relevant documentation, engagement with Local Aboriginal Land Councils and the design team to inform the public domain design and identify opportunities for various meeting place, journeys and places for informal, ritual and 'specific purpose' gatherings identified;
- drawing out specific stories to inform the interpretive plan; and
- a review of non-Aboriginal Heritage assets to determine those which may require specific interpretation stories and addressing these by Precinct.

TfNSW noted that the business case, due to be finalised in approximately 18 months, will set out the project funding arrangements.

TfNSW outlined the timeframe and planning phases of the three private sector proponents with long term lease rights to land in the Western Gateway, noting the different stages of heritage activities; work is well advanced with the proponents to ensure consistent application across the Western Gateway, however integrating this work into the approval process and development structure is in the early planning phase.

The Heritage Council suggested TfNSW discuss opportunities for heritage funding input from proponents with DPC.

TfNSW highlighted the requirement that the unified approach is achieved for the former public domain space and noted that with guidance from appropriate consultant teams, including a Connecting to Country process and Aboriginal Stakeholder Advisor, they are working closely with proponents to mitigate the risks associated with this approach.

The Chair thanked TfNSW and the design team for their presentation and invited TfNSW to come back in 2021 to present a project update and provide further details around the stakeholder engagement program to better understand the various groups being consulted.

The Heritage Council felt it was encouraging to note that DPC are leading the public domain process with TfNSW and engaging with the various proponents in the Western Gateway project on the heritage interpretation issues and public art to ensure there is a unified and appropriate approach.

The Chair agreed to write to Sydney Metro to note the Council's desire for integration of their heritage interpretation with other works being undertaken in the Precinct and seek a briefing from Sydney Metro about their heritage interpretations across the whole network.

Item 4.2 South Eveleigh - Large Erecting Shop (LES) Presentation by Mirvac

Tim Smith provided some background to TfNSW's Large Erecting Shop (LES) site at the State Heritage listed Eveleigh Railway Workshops in the South Eveleigh precinct.

Council noted that Mirvac's presentation is for information only as the project is in the early phase and reserved making comments on the concept design.

David Hogendijk from Mirvac outlined their proposal to redevelop the building to accommodate commercial/retail, as well as constructing a multi-storey tower above the building for a potential tech tenant.

Key points raised

- TfNSW have entered into direct negotiations via a USP with Mirvac and entered into a non-binding agreement dependent on planning approvals.
- Mirvac are proposing a leasehold arrangement with TfNSW (the landowners) and looking for a tech and innovation sector tenant that fits into the innovation precinct overlay.
- Mirvac are working up a scheme prior to reengaging with DPIE to determine the appropriate planning approvals pathway and associated heritage controls.
- Brett Whitworth sought clarification on the rezoning and questioned the change in use.
- TfNSW noted that the entire ATP site falls under The State Significant Precincts State Environmental Planning Policy, although planning controls allow railway uses and would require a change in zoning and a building envelope to be considered through a rezoning application, similar to the process undertaken with the Commonwealth Bank Building at ATP and the intention is to roll this project into the Precinct Management Plan.

The Chair thanked TfNSW and the design team for their presentation.

Council discussed the appropriateness of the proposed change of use and need for commercial space as part of Tech Central noting that:

- a planning proposal would activate consultation with the Heritage Council
- other proponents are actively exploring commercial tenancy options
- a design that responds to the heritage elements of the building is not sufficient justification for change of use and the impact on the LES building would require further rationale for the change
- rezoning of the site needs to be justified against conservation of a state significant item and consider the long-term heritage implications
- the site will require an updated Conservation Management Plan and further details around the curtilage to determine appropriate design solutions
- as there is no section 60 approval pathway currently, Council reserves the right to further comment.

Next steps

- Council will seek a meeting with Peter Reagan from TfNSW (and/or appropriate person) to provide initial feedback on LES and to advise that the Heritage Council would like to see an overarching heritage framework for the South Eveleigh site.
- HNSW to review the current CMP situation and advise Council on whether an updated CMP is required.

Resolution 2020-102
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Noted Heritage NSW's briefing paper and presentation provided by Mirvac on their proposal for the Large Erecting Shop at the State Heritage Listed Eveleigh Railway Workshops. 2. Notes that rezoning of the Large Erecting Shop at South Eveleigh site needs to be justified by the long term active conservation of the state heritage significant item and any proposal would need to be further justified given the potential for significant impact on the heritage values of the property.
<p>Moved by Sheridan Burke and seconded by Colleen Morris</p>

Item 5. Legislation, Policy and Administrative Matters

Item 5.1 Heritage Council Budget Update

The Heritage Council of NSW noted a verbal update by Pauline McKenzie and advice from the Audit Office in response to previous Council's queries regarding management of the Heritage Conservation Fund (HCF) on the going concern basis, management of reserves and funding sources over short and medium term, the longer term solvency of the entity and the ability to fulfill the mandate of the Heritage Council in the future.

Item 5.2 Working Better Together - High Level Implementation Plan and next steps

The Heritage Council noted the report and the proposed Working Better Together forums to be held in early 2021 to work through the recommendations.

A preplanning session will be held with the Program Reference Group in December 2020.

Item 5.3 s.170 - Guidance Documents

Tim Smith noted that work on the updated Heritage and Conservation Register guidance material for NSW state agencies is progressing and a draft is provided to Council for initial feedback.

Consultation was undertaken with HAP and various agencies, and the document has been updated for currency and to include content on Aboriginal Cultural Heritage, as well as the work being done to feed into this document from the HMS, CMP and the HIS reviews. The guidance documents will require further updates in another 12 months, once the complementary projects, policies and publications are completed ((such as the CMP review, Climate Change Preparedness Project and Moveable Heritage publication).

The updated version has been refashioned from two parts into three sections; the high level guiding principles and two detailed sections that relate more to users.

Feedback from heritage managers to date has been largely positive and there is potential to use the documentation as an education tool as it clearly sets out what items are required for the heritage conservation process.

HNSW has written to the CEO's of the affected agencies and are actively encouraging them to integrate their heritage asset maintenance by offering the Heritage Management System as a free tool to store and edit their data online, enhance spatial mapping and create data sets.

The Chair acknowledged the good work done by the HNSW team to redraft this document and, noting the regulatory feel of the documentation, Council recommended HNSW:

- develop a statement of positive reasons why agencies should develop and maintain their State Heritage Assets Register and incorporate examples of good practice into the guidance documents to support the benefits, e.g. agencies are the custodians of their organisation's history and assets, and these guidelines are designed to assist with the management of heritage values and contribute to the broader community benefit; and
- amend the name from Section 170 Register to the State Heritage Assets Register.

Resolution 2020-103

The Heritage Council of NSW:

1. **Congratulates** Heritage NSW team for excellent work done in preparing this work.
2. **Recommends** Heritage NSW amend the naming of s.170 to the State Heritage Assets Register.
3. **Endorsed** the *State Owned Heritage Management Principles* (Tab 5.3.c of the report), subject to resolution of items 4 and 5 below.
4. **Requests** Heritage NSW develop a statement of positive reasons why agencies should develop and maintain the State Heritage Assets Register.
5. **Requests** Heritage NSW to incorporate examples of good practice into the introduction

of the *Understanding Heritage and Conservation Registers – NSW State Agencies* (Tab 5.3.e of the report).

6. **Acknowledges** the contribution of the Heritage Advisory Panel members to this work, in particular Scott Robertson, Lisa Trueman, Catherine Forbes and Emma Bombonato.

Moved by Colleen Morris and seconded by Dr Brian Lindsay

Brett Whitworth left the meeting.

Item 5.4 SHR Nominations - Outcomes and Next Steps

Sonia Limeburner presented the outcomes of the review of legacy SHR nominations and reported on the three-step process developed to manage the volume of new SHR nominations.

Key Points Raised

- Approximately 50 SHR nominations are received and 22 SHR listings are gazetted on average each year, causing accumulation issues.
- In addition to this, several heritage studies were commissioned as part of thematic programs or for other reasons, and a lot of studies also included recommendations for a series of nominations.
- Previously, nominations would be progressed without any formal initial comparison by the SHRC, resulting in some nominations remaining unactioned for significant periods of time.
- A review of over 200 legacy SHR nominations has resulted in development and implementation of a methodology to review, triage and prioritise SHR Nominations.
- The new three-step process has been very effective in managing the inflow of new SHR nominations for progression to a full assessment for SHR listing and all nominators advised of the results.
- 43% of the active nominations will address the key known gaps and broaden the SHR representation of First National, Cultural Landscapes, Migrant Heritage Modern Movement and Rural Heritage
- Outlined the progression of new SHR nominations through the revised process noting that 33 new nominations reviewed using this methodology and 90% passed the completeness check.

Key insights were highlighted including:

- recognised value of ‘internally generated’ SHR nominations;
- majority of nominations received are of an adequate quality for triage;
- monthly steps are very effective, but the prioritisation step may need further refinement to avoid duplication;
- better able to monitor timing for end to end process undertaken for SHR nominations;
- structured approach provides an opportunity to identify trends and the ability to forecast and better manage the volume of SHR nominations; and
- increased transparency with nominators and stakeholders.

Sonia Limeburner outlined the next steps anticipated to be completed by March 2021, including:

- further refinement of the three-step process prior to internal roll out;
- communicated to external stakeholders;
- integration into the new Heritage Management System; and
- formation of SHRC working group to look at mechanisms to recognise those items that are considered likely to be of state heritage significance but are not prioritised for assessment for inclusion on the SHR under the *Heritage Act*.

HNSW will develop a 3 to 5-year implementation plan and SHR work plan for 2021-22 and beyond.

Heritage Council asked HNSW to advise on available resources and funding to progress the outcomes of the review.

Resolution 2020-104
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Notes the outcomes of the review of legacy SHR nominations and the process for managing new SHR nominations. 2. Thanked the HNSW team and the SHRC members (present and past) for the excellent work done to review the SHR nominations process and outcomes.
<p>Moved by Sheridan Burke and seconded by Ian Clarke</p>

Item 5.5 Resource & Publications Project - progress update

Sarah Jane Brazil outlined the work undertaken since the last update, including:

- developed a draft Communications Plan for rollout of the completed publications; and
- incorporated the TAP updates and resolved the licensing issues for several sections of the Maintenance Series, including the prioritised items.

Leah Domanski has recently returned from secondment and work has underway to:

- identify new images for six publications;
- finalise templates (reports / information booklets / fact sheets) and a publications instruction manual for updating publications and documents in house with input from DPC Creative Services to match current branding requirements and the government style guide that also incorporate accessibility and inclusivity standards;
- liaising closely with the working groups leads to schedule further reviews and where appropriate consider outsourcing some review work to finalise some publication
- making publications online ready with look and feel appropriate for HNSW, noting some may require bespoke design; and
- coordinating licensing prior to three final rounds of editing.

The draft Communications Plan and detailed schedule of works for the current publications will be presented at the February Heritage Council meeting.

The Council asked that priority be given to the review of heritage publications required to support the public release of the exemptions, noting these publications contain references to out of date documents.

HNSW will investigate:

- which publications will be affected by the release of the exemptions and provide to Council out of session, the proposed amended priority of publications to be finalised; and
- alternate platforms for keeping publications up to date and easily available for example a Wiki system or ICOMOS tool kit.

Resolution 2020-105

The Heritage Council of NSW:

1. **Noted** the update with thanks to Leah Domanski and Sarah Jane Brazil.
2. **Requests** Heritage NSW prioritise the remaining documents from the Heritage Manual with a focus on those components required to support the new standard exemptions.

Moved by Sheridan Burke and seconded by Ian Clarke

Item 6. Executive Reports

Item 6.1 Executive Director, Heritage NSW - Monthly Report

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

Council noted the:

- opportunity for a regional visit, including Braidwood, during Heritage Week in March 2021, which will be discussed with the Chair offline to develop the proposition;
- Standard Exemptions went live on 1 December 2020; and
- Heritage Grants are now live and can be promoted by Council members, Committees and Panels (excluding GSAC).

Item 6.2 Chair, Heritage Council of NSW - Monthly Report

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

Council questioned whether a Delegations Framework exists to enable staff to determine at what level in HNSW a delegation should be exercised and if not, can this be developed.

Pauline McKenzie advised that a protocol is in place for when and how staff exercise delegations under the *Heritage Act*, with clear hierarchy of decision-making processes and training. However, a written guidance is required to document the escalation protocol when someone who has a delegation should not exercise the delegations for various risk factors and should escalate the matter to the next level. It was suggested that delegations be reviewed, and a package provided to Council for further discussion.

Council suggested HNSW obtain a copy of the DPC Internal Audit forward program to identify any heritage related items on the agenda.

Item 6.3 Chief Planner's Report

The Heritage Council of NSW noted the report from Mr Brett Whitworth and raised queries around the impact of the Draft Local Character Clause on the development of control plans.

Item 6.4 Strategic Project Status Report

The Heritage Council of NSW noted the report.

Item 6.5 Advisory Committee and Panels Report

Council noted the report from the Advisory Panels Coordinator and Colleen Morris (HAP Chair) outlined recommendations to Council arising from the HAP and TAP meetings held in November 2020 as well as proposed forward agenda items for joint discussion with Council.

Resolution 2020-106

The Heritage Council of NSW:

1. **Noted** the Heritage Advisory Panel's (HAP) support of the Heritage Impact Statement (HIS) policy review as a priority project for Heritage NSW in terms of resources, recognising it is of utmost importance with wide ranging heritage impacts, and critical for every DA assessment for a heritage item received by two tiers of government (state and local).
2. **Agreed** that following the completion of the HIS project, the Heritage Council will consider developing a Heritage Peer Review Guidelines document.
3. **Agreed** to place *Living Heritage Significance* on their forward agenda and invite HAP to attend for this item and seek a possible presentation from Chris Johnson and/or Heritage Council of Victoria on the work they have done in this area.
4. **Noted** the Technical Advisory Panel's recommendation that a sample of exemptions be reviewed six months after the roll out of new Standard Exemptions to assess how the process is working.

Moved by Colleen Morris and seconded by Dr Brian Lindsay

Item 7. Heritage NSW Reporting

Item 7.1 Heritage Operations - Monthly Reports

Item 7.1.a Conservation Major Projects

The Heritage Council of NSW noted the Conservation Major Projects Status report.

Item 7.1.b Delegated Decisions

The Heritage Council of NSW noted the Delegated Decisions Report for 1-31 October 2020 and the Listings Matters Monthly Report.

Item 8. General Matters

The Heritage Council of NSW paid tribute to Sheridan Burke for her invaluable contribution to heritage in NSW in her role as Deputy Chair of the Heritage Council and Chair of the State Heritage Register Committee over the past two years, as her term on the Heritage Council expires on 31 December 2020.

The Council notes Ms Burke’s formidable knowledge and depth of experience in heritage practice, on a national and international level, and thanks her for her tireless work, commitment and guidance on the reform of the SHR nomination process, and numerous other projects and initiatives.

Item 8.1 Forward Agenda

The Heritage Council of NSW noted the forward agenda and the proposed meeting dates for 2021.

Item 8.2 Social Media, Publicity and Heritage Celebration

The Heritage Council of NSW noted the report.

Item 9. Meeting Close

There being no further items of business, the Chair, Mr Frank Howarth closed the meeting at 5:46 PM.



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Mr Frank Howarth AM PSM
Chair, Heritage Council of NSW

Date: 3 February 2021