



# HERITAGE COUNCIL OF NSW

## MEETING MINUTES – 480

8 July 2020 | 09:00 AM – 4:20 PM  
Video Conference

<b>ATTENDANCE</b>	
<b>MEMBERS</b>	
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 Brett Whitworth	Member
<b>APOLOGIES</b>	
Mr Dillon Kombumerri	Observer
<b>GUEST PRESENTERS</b>	
Mr Tim Green	Transport for NSW (Item 2.1)
Mr Colin Sargent	Transport for NSW (Items 2.1 and 3.1)
Mr Nicholas Wolff	Transport for NSW (Items 2.1 and 3.1)
Mr Todd Murphy	Transport for NSW (Item 3.1)
Mr Cameron McTaggart	Department of Premier & Cabinet (Items 2.1 and 3.1)
Ms Sandra Wallace	Artefact Heritage (Item 2.1)
Ms Carolyn Maclulich	Artefact Heritage (Item 2.1)
Mr Ron Turner	Artefact Heritage (Item 2.1)
Ms Julie Mackenzie	TZG Architects (Item 2.1)
Mr Fabrizio Perilli	TOGA Group (Item 3.1)
Mr Paul Shaw	TOGA Group (Item 3.1)
Mr Graeme Jones	TOGA Group (Item 3.1)
Mr Steve Robson	TOGA Group (Item 3.1)

Mr Stephen Davies	Urbis (Item 3.1)
Mr Richard Francis-Jones	FJMT Studio (Item 3.1)
Mr David Fishel	Positive Solutions (Item 4.3)
Ms Kimberley Taylor	Department of Premier and Cabinet (Item 5.5)
<b>HERITAGE NSW</b>	
Ms Pauline McKenzie	Executive Director
Mr Matthew Clark	Director Heritage Strategy and Policy
Mr Tim Smith	Director Heritage Operations
Ms Sonia Limeburner	Principal Heritage Programs Officer (Item 4.1)
Ms Rochelle Johnston	Manager Statewide Programs (Item 4.1)
Ms Verena Mauldon	A/Senior Team Leader Major Projects (Items 2.1, 3.1, 4.3)
Mr David Nix	Senior Heritage Officer Major Projects (Items 2.1, 3.1)
Mr Stewart Watters	Senior Team Leader Heritage Information (Item 4.4)
Mr Harish Parmar	Program Manager (Item 4.4)
Ms Swarna Lakshmanan	Business Analyst (Item 4.4)
<b>SECRETARIAT</b>	
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 Dillon Kombumerri and it was noted that quorum had been met.

#### Item 1.1 Conflict of Interest Declarations

Members were asked to raise any conflict of interest with items on the agenda:

- Mr Brett Whitworth declared a potential conflict interest with Items 2.1 and 3.1 being a senior public servant working on the Central Precinct Development. Mr Whitworth noted he is able to assist with Council's discussions but will abstain from any votes taken.

## Item 1.2 Out of Session Decisions

There were no out of session decisions to note.

## Item 1.3 Minutes from the Previous Meeting – 3 June 2020

<b>Resolution 2020-58</b>
The Heritage Council of NSW confirmed the minutes of the previous ordinary meeting (3 June 2020) as a complete and accurate record of that meeting, with minor amendments.
Moved by Dr Nicholas Brunton and seconded by Mr Ian Clarke

<b>Resolution 2020-59</b>
The Heritage Council of NSW confirmed the CMP Project decisions of the 3 June 2020 Council meeting, with amendment to item 2.e to read as follows: 'Noted. Further consideration of recommendation required during implementation'.
Moved by Mr Frank Howarth and seconded by Ms Colleen Morris

## Matters Arising from the previous minutes:

The Heritage Council of NSW noted the out of session comments from Council members regarding the CMP Project decisions of 3 June 2020:

- 1b. To be noted that the guides are already in digital format.
- 1c. Include the words “and increasing user accessibility.”
- 2d. Remove the reference to “Victorian houses”
- 2d. Clarify if the action has occurred yet “in the case of the Millers Point precinct”.
- 3b. Model CMPs should be accessed through the library (as addressed in 3h.)
- 3i. Heritage NSW should continue to provide the consultants directory as a service.  
Does not correlate with endorsement.

## Item 1.4 Action Report

The Heritage Council of NSW noted the action report.

The Council discussed:

- Setting clear target dates.
- Tracking the ongoing matters after smaller action items are closed off.

## **Item 1.5 Heritage Council NSW – Committees Update**

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

### **1. Resourcing the SHR concerns**

The SHRC noted its concerns about resourcing the proposed SHR Program Design and the opportunities for improving representativity of the SHR during May and June meetings and determined the following issues:

- The SHRC fully supports a broadly representative SHR and is concerned about the need to resolve the legacy nominations, which have been the focus of very intensive SHRC work over last 18 months,
- The SHRC notes its preference is for using existing nominations and thematic studies results to fill perceived gaps - eg rural, migrant; rather than commencing new briefs.
- The SHRC is concerned that the previous approach using themes has demonstrated, and the currently proposed approach to representativity of continually introducing new priority areas, will exacerbate the legacy of numerous open nominations and thematic study recommendations that have not progressed given Heritage NSW resource limitations.
- SHR reports considered at the June SHRC meeting demonstrate that with current HNSW resources, less than 50% of existing legacy nominations will ever be listed and that Heritage NSW ongoing lack of resources may mean that the legacy of open nominations remain unresolved.

### **2. Local Government Engagement**

- The SHRC considers that there is a need to adjust KPIs to also include the value of listing on an LEP, recognising the fundamental shift in emphasis of the new SHR triage process to reliance on LEP listing and 170 Register management given limitation of resources in HNSW to add SHR listings. Need to promote and support this at local government level.

### **3. Toolkit**

The SHRC resolved to request HNSW to expand SHRC reports and proposed toolkit to:

3.1 Recognise the values of Country as fundamental to all Heritage Council work and decisions.

- Ensure that identification of country is the basic starting point for all SHR listings, approval reports etc. All site history should begin with indigenous history, acknowledging ongoing interaction, noting that this may be poorly understood at any point in time.

3.2 Recognise that every heritage place has a climate change story.

- Include a basic identification of those stories, and potential impacts in all SHR nominations, approvals and grant applications as standard requirements, to prompt consideration of two questions What is the climate change story of this site? What are the potential impacts? The HC has adopted the *Future of our Pasts* ICOMOS statement, which provides the background for answering these questions. Localised guidance could be a tailored outcome of the proposed HC Climate Change project.

The Heritage Council of NSW noted a verbal update from Mr Ian Clarke, Deputy Chair of the Approvals Committee, including the following:

- Review of a development proposal of the Royal Automobile Club building on Macquarie St. The proposal was not supported, and the applicant is asked to consider other options.
- Outcomes of the Land and Environment Court case about 7 & 9 Dalgety Road, Millers Point. Heritage NSW workshop is facilitating a workshop on Millers Point in July.
- Newcastle Cathedral and the Committee's aim to improve communications including a statement of principle about their position.

The Council discussed:

- Progressing the communications strategy
- The importance of proactive communications soon after meeting decisions, the messaging and managing the response from customers.
- Promoting more good news stories from both Heritage NSW and the Heritage Council.

#### **Resolution 2020-60**

The Heritage Council of NSW:

1. Noted the reports provided by Ms Sheridan Burke, Chair of State Heritage Register Committee and Mr Ian Clarke, Deputy Chair of Approvals Committee.
2. Endorsed the SHRC Chair's report from 7 July SHRC meeting and sought feedback from HNSW regarding:
  - a. Resourcing the SHR
  - b. Local Government Engagement
  - c. Heritage NSW to expand SHRC reports and proposed toolkit to:
    - i. Recognise the values of country as fundamental to all Heritage Council's work and decisions
    - ii. Recognise that every heritage place has a climate change story

Moved by Ms Colleen Morris and seconded by Dr Nicholas Brunton
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## **Item 2. External Presentations – Part 1**

### **Item 2.1 Central Precinct Development – Transport for NSW Draft Strategic Vision**

The Heritage Council of NSW received a presentation from Transport for NSW and Artefact Heritage.

The Council discussed:

- The preferred use of the wording “non-Aboriginal” instead of “European” heritage in the interpretation and related documentation.
- The standards of interpretation, how heritage is presented and the need to coordinate the interpretation of the social and cultural heritage across all three developments.
- Acknowledging the original topography of pre-settlement walking pathways (George St and Broadway) and creek lines (Devonshire St) in the interpretation.
- Concerns about the preliminary precinct plan showing the development hard up to the heritage item. View corridors and massing diagrams are still being developed.
- The need to meaningfully articulate the Aboriginal heritage values in such a highly built environment, given that values are normally interpreted from listening to Country.
- Transport for NSW is hoping to have a draft overall interpretation strategy for the precinct prepared by the time the development applications are submitted. The consent authority/s will then have ability to review the interpretation plans of each DA to ensure they are in accordance with the overall precinct strategy.
- A comprehensive design guide is being developed and more work is to be done on articulating the heritage values of the precinct.
- Transport for NSW will provide the draft interpretation strategy to Council as part of the consultation process.

## **Item 3. External Presentation – Part 2**

### **Item 3.1 Central Precinct Development - TOGA Group Proposal**

The Heritage Council of NSW received a presentation from Mr Richard Francis-Jones from FJMT Studio and other representatives for TOGA Group.

The Council discussed:

- The importance of opening up Henry Deane Plaza to be more inviting and actively accommodating the movement of people through Devonshire Street.
- How Transport for NSW and the design teams are working together to ensure the public realm and basement spaces are integrated across all three developments, as well as addressing wind and solar issues.
- The importance of the links to the Third Square.
- Discussions with DPIE to date, and further feedback needed from Council on how the design guidelines could be usefully revised to meet the heritage objectives more fundamentally, in relation to the public domain and integrated interpretation strategy.

#### **Resolution 2020-61**

The Heritage Council of NSW:

1. Noted the information provided in the briefing papers and presentations.
2. Resolved to invite the City of Sydney Council to present at the next Council meeting.
3. Requested that Heritage Council be consulted through Heritage NSW before the design guidelines and the strategic framework are finalised; Heritage Council to summarise the issues of concern to be fed into these reviews.
4. Acknowledged DPIE and DPC's lead coordination roles to advocate for heritage outcomes.

Moved by Dr Nicholas Brunton and seconded by Ms Colleen Morris

## **Item 4: Strategic Matters**

### **Item 4.1 SHR Strategic Projects Options Paper**

The Heritage Council of NSW noted a paper and verbal update from Ms Sonia Limeburner.

The Council discussed:

- Request for clarification on which components of the revised scope are the Heritage Council funded strategic project vs Heritage NSW business.
- The need for more rigour in the project plan around goals, deliverables, outputs, benefits, expected outcomes and timing so Council has a better understanding of what is to be delivered.

- The need for Council to provide direction to Heritage NSW on where to take the project, in order to support the identified priority areas and make the SHR more representative.

#### **Resolution 2020-62**

The Heritage Council of NSW:

1. Agreed in principle with the amalgamation of the 2018 and 2019 SHR listings projects.
2. Ms Sheridan Burke, Mr Ian Clarke, Dr Brian Lindsay and Ms Colleen Morris to discuss offline with Heritage NSW, to clarify funding issues and direction for the SHR listing Strategic Project.
3. Heritage NSW to develop a more detailed implementation plan with clear indication of deliverables and benefits, once the Heritage Council's direction is confirmed.

Moved by Dr Brian Lindsay and seconded by Dr Nicholas Brunton

### **Item 4.2 Heritage Council Strategic Projects - Implementation Plan**

#### **Resolution 2020-63**

The Heritage Council of NSW:

1. Noted the report and deferred further discussion/decision to August meeting of the Heritage Council.
2. Requested Heritage NSW to integrate all project reports into a single document.

Moved by Mr Paul Knight and seconded by Dr Nicholas Brunton

### **Item 4.3 CMP Review Project - Implementation and Delivery Plan**

The Heritage Council of NSW received a presentation from Mr David Fishel of Positive Solutions.

The Council discussed:

- The importance of providing best practice guidance, given that the integrity of CMPs cannot be regulated.
- The training should not be outsourced to one single organisation to deliver and should look more broadly at suitable consultants and academics.
- The proposed costs and Council's request for clarification on which components of the project implementation stage are Heritage Council funded vs Heritage NSW business.



**Resolution 2020-64**

The Heritage Council of NSW resolved:

1. To establish a Project Implementation Steering Committee, to include representatives from ICOMOS Australia and the National Trust NSW; Ms Colleen Morris as Chair, Ms Sheridan Burke, Mr Bruce Pettman, Mr David Logan, representative of owners (Customer Reference Group, Historic Houses Association) and key Heritage NSW staff (members/support staff).
2. Supports in principle the appointment of Mr David Fishel, Positive Solutions, as a Project Manager to facilitate the Plan.
3. Mr Ian Clarke, Ms Colleen Morris and Ms Louise Thurgood to review the proposed plan and advise the Council on the budget out of session.
4. Agreed to commencing external communications to notify stakeholders that Heritage NSW will cease accepting CMPs for review and endorsement, as part of transitional change management.

Moved by Dr Nicholas Brunton and seconded by Ms Colleen Morris

**Item 4.4 HMS Virtual Walk Through**

The Heritage Council of NSW received a presentation from Mr Tim Smith, Mr Harish Parmar and Mr Stewart Watters from Heritage NSW, including a demonstration of the HMS interface (test site) online.

The Council discussed:

- The scheduled process and timeframe for going live in 2021 based on completion of remaining information and user testing.

Council congratulated the Heritage NSW team on the work completed to date and requested another update by September this year.

**Item 5. Executive Reports****Item 5.1 Executive Director, Heritage NSW**

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

- The Commonwealth Government is looking at a *Potential National Heritage listing for Sydney Basin Rock Art*, working in partnership with NSW Government.
- ICOMOS is seeking support from the Commonwealth and NSW Governments to host GA2023 and a top up of funding support.

- The ACH Regulation Team has now joined Heritage NSW.

### **Item 5.2 Chair, Heritage Council of NSW**

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

- Contribution to the public hearing for the enquiry into the potential merger of the State Archives and Records Authority and Sydney Living Museums.
- Department of Veteran Affairs' strategy around War Memorials across NSW and future engagement with Council on which memorials are listed and better recognition of significance.
- Preliminary discussions with Heritage NSW Executive on preparing a joint position statement around major developments and heritage, to proactively engage with proponents. The Historic Urban Landscape Principles were recommended as a starting point.

### **Item 5.3 Chief Planner's Report**

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

### **Item 5.4 Heritage Council Budget Report FY 2020-21**

The Heritage Council of NSW received the FY20/21 Preliminary Budget Report and a verbal update from Ms Pauline McKenzie, Executive Director Heritage NSW.

Ms Kimberley Taylor, Director Finance Strategy and Performance, Department of Premier and Cabinet was also in attendance and will assist with Council's ongoing discussions regarding the Heritage Conservation Fund.

The Council discussed:

- The HMS project is due for completion by June 2021. The \$616K figure in the budget is transferred funds from OEHL that were placed into Heritage Conservation Fund (the Fund) during the MOG transition last year.
- The Heritage Council's cash position is expected to decrease over time.
- Clarification is needed about Council's legal accountability and authorising payments out of the Fund.
- Clarification is needed about Council's projects (paid from the Fund) vs Heritage NSW core business.

- Prioritising the Heritage Regulation Remake project.

#### **Resolution 2020-65**

The Heritage Council of NSW noted the draft budget report and resolved to:

1. Provide advice to the Minister about the Heritage Conservation Fund and confirm delegations under the *Heritage Act 1977*.
2. Finance Committee to provide recommendations to the Heritage Council on immediate operational and project expenditure and, in a longer term, the risk appetite framework and cost benchmarks.
3. Finance Committee to develop principles to guide which costs should be carried by the HCF and by Heritage NSW, including cost effectiveness and best practice.
4. Continue business as proposed until further advice is received.

Moved by Mr Ian Clarke and seconded by Ms Louise Thurgood

## **Item 6. Heritage NSW Reporting**

### **Item 6.1 Heritage Operations – Monthly Reports**

The Heritage Council noted the report, including:

- Recent positive media around Barangaroo and heritage outcomes.

#### **Item 6.1a Conservation Major Projects – Monthly Report**

The Heritage Council noted the report.

#### **Item 6.1b Delegated Decisions – Monthly Report**

The Heritage Council of NSW noted the May 2020 report.

#### **Item 6.1c Listing Matters - Monthly Report**

The Heritage Council of NSW noted the report.

#### **Item 6.1d Resources and Publications update**

The Heritage Council of NSW noted the update in the Action Report.

## **Item 7. General Matters**

### **Item 7.1 Regional Visit 2020**

The Heritage Council discussed the 2020 regional visit to the Newcastle region, with a preference for November 2020, fitting in with Council's meeting.

### **Item 7.2 Payments Update**

The Heritage Council of NSW noted the report from Ms Olgica Lenger, and noted a proposed new procedure for processing of sitting fee claims on a quarterly basis, commencing from 1 July 2020.

### **Item 7.3 Matters Arising**

No matters were raised.

### **Item 7.4 Forward Agenda**

The Heritage Council of NSW noted the Forward Agenda.

### **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 PSM  
**Chair, Heritage Council of NSW**

Date: 5 August 2020