



# HERITAGE COUNCIL OF NSW

## MEETING MINUTES - 479

3 June 2020 | 09:35 AM – 3:00 PM

Video Conference

<b>ATTENDANCE</b>	
<b>MEMBERS</b>	
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
<b>APOLOGIES</b>	
NIL	
<b>HERITAGE NSW</b>	
Ms Pauline McKenzie	Executive Director (Items 4.1, 5.1) – left at 3:00pm
Ms Juanita McCarthy	A/Director Heritage Strategy and Policy (Item 2.1)
Mr Tim Smith	Director Heritage Operations (Item 6.1)
Ms Niamh Lowe	Senior Policy Officer, Strategy (Item 3.1)
Ms Diana Cowie	Senior Team Leader, Strategy (Item 3.1)
Ms Sarah Jane Brazil	Senior Team Leader, Major Projects (Item 3.2)
Ms Mercy Nagarajah	Project Manager (Item 5.2)
Ms Sonia Limeburner	Principal Heritage Programs Officer (Item 2.1)
<b>SECRETARIAT</b>	
Ms Olgica Lenger	Senior Team Leader Secretariat
Ms Natasha Agaki	Senior Secretariat Officer

## IN-CAMERA SESSION

This item is not minuted.

### Item 1. Welcome and Formalities

The Chair, Mr Frank Howarth, opened the meeting at 9:35 am, delivered an Acknowledgment of Country and welcomed attendees.

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; no conflicts were declared.

### Item 1.2 Out of Session Decisions

There were no out of session decisions to note

### Item 1.3 Minutes from the Previous Meeting – 6 May 2020

The Heritage Council of NSW received the unconfirmed minutes from the previous ordinary meeting of 6 May 2020 and discussed:

- The need to capture key points of Committee Chair updates.
- Appointment of heritage expertise to the State Design Review Panel.

<b>Resolution 2020-47</b>
The Heritage Council of NSW confirmed the minutes of the previous ordinary meeting (6 May 2020) as a complete and accurate record of that meeting, with minor amendments.
Moved by Mr Ian Clarke and seconded by Dr Nicholas Brunton

### Item 1.4 Tribute to Jack Munday AO

A brief verbal report was provided by Ms Sheridan Burke.

<b>Resolution 2020-48</b>
The Heritage Council of NSW adopted the statement of tribute to Jack Munday AO.
Moved by Ms Colleen Morris and seconded by Dr Brian Lindsay

### Item 1.5 Action Report

The Heritage Council of NSW noted the action report.

The Council discussed:

- Format of action report and the need for target dates to be agreed upon in session to improve accountability to milestones and deadlines.
- Ultimo Powerhouse Site Nomination

- Clarify that the action request in February to commission a study on the Wran Building was subsequently replaced in April by the request for a broader comparative study of the architectural heritage of the Last Quarter of the 20<sup>th</sup> Century in NSW.
- Heritage NSW advised that they are awaiting advice on the perceived potential conflict of interest situation raised by the Heritage Council before the listing recommendation is submitted to the Minister.
- Bundian Way listing
  - Chair’s meeting with Heritage NSW team to discuss the approach moving forward, reflecting both the Council’s and ACHAC’s views and agreement; revised brief to be provided to members.
- Resources and Publications project
  - The Council reiterated the urgency of this project and the willingness of HAP and TAP members to assist, and the need to transfer additional resources to assist the Major Projects team in the delivery of this project.

<b>Resolution 2020-49</b>
The Heritage Council of NSW noted the Action Report.
Moved by Mr Ian Clarke and seconded by Mr Paul Knight

## Item 2. Legislation, Policy and Administrative Matters – Part 1

### Item 2.1 Heritage Council of NSW – Advisory Committees and Panels

The Heritage Council of NSW received a paper from Ms Olgica Lenger and verbal report from Ms Juanita McCarthy.

The Council discussed:

- The need to revert Grants and Sponsorships Advisory Panel to a committee, responsibilities of the committee in the Grants assessment process, and the need to retain sitting fees for members of the committee.
- Amendments to the Grants Committee Terms of Reference to include service provisions and sponsorships.

<b>Resolution 2020-50</b>
The Heritage Council of NSW:
1. Approves Grants and Sponsorships operating as the Grants and Sponsorships Advisory Committee, with sitting fees payable to members of the committee.
2. Approves the amended Heritage Council of NSW: <i>Guidelines for Appointment of Members to Committees and Advisory Panels</i> ('Appointment Guidelines')
3. Approves the amended <i>Terms of Reference for Advisory Panels and Grant and Sponsorships Committee</i> .
Moved by Ms Colleen Morris and seconded by Mr Paul Knight

## Item 2.2 Heritage Council of NSW – Resolutions Policy and Procedure

The Heritage Council of NSW noted a paper and verbal update from Ms Olgica Lenger.

Noting Council's previous determination to have Council and Committee resolutions made publicly available within 48 hours of the meeting, members discussed:

- The existing process and timeframes involving an internal review and notification to the office of the Minister responsible for heritage 24 hours prior to online publication.
- Clarification on the roles and responsibilities within the approval process
  - Draft resolutions progressed to ED and Chairs in parallel.
  - Executive Director, Heritage NSW to review and/or provide comment
  - Chair to grant approval prior to progression to the Minister/Premier's Office.
- Feasibility of the required 48 hours timeframe with regard to the amendments to resolutions made after the meeting and the 24 hour notification to the Minister's Office.
- The need for Chairs to ensure that resolutions are finalised at the meeting, with no subsequent amendments required.
- Process and reasonable timeframes for preparation and review of meeting minutes.
- The importance of providing context within the meeting minutes to reflect the intent for the Council's and Committee's decisions.

### Resolution 2020-51

The Heritage Council of NSW:

1. Approves the Resolutions Policy, outlined in the Heritage Council of NSW – Resolutions Policy and Procedure, as amended at this meeting.
2. Notes the Resolutions Procedure, outlined in the Heritage Council of NSW – Resolutions Policy and Procedure, as amended at this meeting.
3. Requests that the draft Minutes of the Heritage Council or Committee meeting are provided by the Secretariat to the Chairs (or Deputy Chairs if the Chair is unavailable) and the Executive Director of Heritage NSW within 7 business days.

Moved by Mr Ian Clarke and seconded by Dr Brian Lindsay

## Item 3. Legislation, Policy and Administrative Matters – Part 2

### Item 3.1 Standard Exemptions Reform

The Heritage Council of NSW noted a paper and verbal update on the Draft Exemptions Reform from Ms Niamh Lowe.

The Council discussed:

- Approaches to regulatory frameworks and the general preference to avoid a 'command and control' approach.

- How the current draft policy seeks to hybridise a prescriptive form of regulation with a more contemporary outcomes-based approach – maintaining the general principles of outcomes-based preservation and maintenance, whilst ensuring that exemptions are clearly articulated.
- The importance of addressing issues of certainty and discretion by being clear and definitive in the language used.
- The challenge in providing definitions, for example to ‘significant fabric’ and how best to articulate its meaning, and the need to use references and/or explanatory notes in accompanying guidance material.
- Positive consultation outcomes; market receptivity to the proposed model which is aligned with the Planning System;
- The importance of keeping in sync with the Planning System, particularly the exempt and complying developments SEPP.
- How the draft policy feeds into a broader Reform of Heritage Act assessments, and how it interrelates with other projects within the reform.
- City of Sydney delegations for decisions up to the Material Threshold; plans to roll out the pilot project to other local Councils and what the success factors might be.
- The importance of maintaining a collegiate and collaborative approach with local Councils.
- The potential for the Delegations Project to have a major impact on how heritage is managed in NSW.
- The importance of customer centricity, noting how the policy draws on work by the Department of Customer Service around mapping customer journeys.
- How the policy should be tested and fine-tuned over time, e.g. monitoring of usage and implementation by the established Customer Reference Group.
- The intention to explore a philosophical approach to outcomes-based regulation and whether there is a better way for the future.

<b>Resolution 2020-52</b>
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> <li>1. Supports in principle, subject to discussion with the Exemptions Working Group, and delegates to the Chair to sign off the recommendation to the Minister for the gazettal of revised Standard Exemptions.</li> <li>2. Congratulates Ms Niamh Lowe and Ms Diana Cowie on excellent work.</li> </ol>
<p>Moved by Dr Nicholas Brunton and seconded by Mr Brett Whitworth</p>



### **Item 3.2 CMP Review – Final Report Recommendations**

The Heritage Council of NSW noted a paper and verbal update on the CMP Review from Ms Sarah Jane Brazil.

Heritage Council reviewed the Summary of Stakeholder Recommendations as compiled by the Consultant, Positive Solutions. The Heritage Council's decisions on these recommendations are at Attachment A.

The Council discussed:

- The full suite of skills required to produce a high-quality CMP
- The potential to create an intuitive process that opens the way for motivated homeowners to write CMPs; the use of digital best practice to make more user-friendly
- Issues around collaboration and facilitation require more focus as another field of education
- Positive comments on the management of this Review and the preference to remain with same consultants for phase 2
- Issues around review and endorsement:
  - Potential problems raised by Heritage NSW involvement in providing advice on individual CMPs, e.g. setting expectations for application assessments, lack of resources.
  - Pros and cons of accrediting providers of CMP services, the issues that would arise in a refusal of accreditation for any given person, how accreditation or equivalent could be managed, particularly prior to quality control mechanisms taking full effect.
  - Council's existing regulation system; alternative regulation options and the possibility of Council working with professional bodies who provide CMP services.
  - Leveraging the Public Works Advisory (PWA) pre-qualification system for assuring the quality of a service provider, noting it is a Government agency acknowledged for its Heritage expertise.
  - Different types of listings require different sets of qualifications to develop a CMP; Council could consider directing people to PWA and Heritage NSW's Consultants and Contractors Register.
  - How site-specific exemptions would be managed/endorsed in the absence of CMP endorsement.
- Issues around training and development, including whether Council should commission a pilot workshop series on writing CMPs, and the possibility of partnering with other organisations, e.g. ICOMOS, National Trust.

### **Resolution 2020-53**

The Heritage Council of NSW:

1. Considered the comments received from Australia ICOMOS, National Trust (NSW) and the Heritage and Technical Advisory Panels on the CMP Review Final Report's recommendations.
2. Decided on the Summary Recommendations of the CMP Review Project, as amended and attached, to enable the project to progress to its implementation and development phase.

3. Agreed to engage Positive Solutions to develop an Implementation and Delivery Plan and report back to the Council in July 2020.
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Moved by Ms Colleen Morris and seconded by Dr Brian Lindsay
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## Item 4. Executive Reports – Part 1

### Item 4.1 Executive Director, Heritage NSW

The Heritage Council of NSW noted a verbal report from Mr Tim Smith, including the following:

- Heritage NSW engagement with SHR property owners – opportunities for the newly revamped website, including promotional stories and user feedback to improve customer journey mapping
- Delays to the Regulation Remake resulting from Machinery of Government changes and the current financial climate in light of COVID-19
- Progress of Heritage Council’s Social Media Policy; and an opportunity for direct communications and messaging by the Heritage Council, ACHAC and Heritage NSW.

The Council discussed:

- Heritage Council correspondence in relation to Powerhouse Museum.
- Whether the Heritage Council should have a risk Register and how it could be managed.
- Heritage NSW liaison with Meltwater to distribute media digests on culture and heritage updates.
- HNSW Project to look at policies and procedures around Aboriginal Cultural Heritage and improve and streamline the ACH system.

<b>Resolution 2020-54</b>
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The Heritage Council of NSW noted the report.
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Moved by Mr Ian Clarke and seconded by Dr Nicholas Brunton
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### Item 4.2 Chair, Heritage Council of NSW

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

- Brief update on the Council’s Working Together Review project (project name currently being amended).
  - Audit report outcomes and the recommendation for a Service Level Agreement between Corporation Sole and Heritage NSW.
  - Financial aspect of managing funds is not the focus of the review.
  - Timeframes for progression, pending approval to re-engage the consultant.
- Bundian Way

- Discussions were held with the Heritage NSW team, about a constructive way forward, focusing on working with the communities and research on the movement of Aboriginal people between the coast and high country.
- The Chair noted that the proposed approach is consistent with previous Heritage Council decisions and likely to be welcomed by the local community.
- Conversation with Ms Gabrielle Upton MP, who is assisting the Premier on heritage matters.
  - Heritage NSW noted that a systematic approach is being undertaken to finalise outstanding recommended listings, in accordance with the Premier’s Office requirements, within statutory timeframes;
  - Media promotion; alignment of Ministerial media calendar with projected approvals, signing and announcement opportunities or events for listings.
- Ministerial media protocol and opportunities for Heritage NSW to manage media promotion.
- Suggested media coverage for the Mirrabooka listing.
- Membership of the Technical Advisory Panel and the nomination of Mr Alistair Morrison to the Panel.
- Upcoming EOI process for Heritage Council members whose terms expire in December to commence soon.
- Council also discussed listings more broadly:
  - Heritage NSW target for listings exceeded last financial year; the Heritage Council’s desire to and the feasibility of increasing the target, noting Heritage NSW is currently on track to meet targets this year.
  - The listings pipeline and triage work being done by the State Heritage Register Committee over the last 18 months to address the number of nominations on hand.
  - Important to note that resources required for different types of nominations vary significantly.
  - Managing owner objections as an important part of the process.
  - Risks to achieving the listings that have been prioritised in the work program.

<b>Resolution 2020-55</b>
The Heritage Council of NSW resolved to appoint Mr Alistair Morrison as a member of the Technical Advisory Panel, until 5 February 2021.
Moved by Ms Sheridan Burke and seconded by Mr Ian Clarke

### **Item 4.3 Heritage Council NSW – Committees Update**

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

- How the historical listing of individual properties within the Millers Point Precinct overtime has created a very complex environment for assessments.



- Principles to be worked through by the Council to provide solid guidance to Heritage NSW staff:
  - That a building should be considered fit for purpose whilst preserving its heritage value;
  - How to deal with buildings that have evolved over time; and
  - The need for consistency in applying these principles across the state.
- The need to improve communication of principles to stakeholders.
  - Heritage NSW Customer Service Charter that uses long term legacy projects to illustrate a journey through the Approvals process.
  - The Heritage Management System will also improve the customer journey experience.
  - Espousing a staff cultural approach of constructive engagement.
- How Heritage NSW is exploring ways of simplifying the assessment process in a manner that supports the principle of ensuring liveability whilst preserving heritage value.
- Workshop is being organised for mid-July for the Approvals Committee to discuss development of guidelines for addressing the complex development issues within the Millers Point Precinct; the Committee would like to engage the local community in the development of these guidelines.
- The need for early engagement with the Heritage Council and Committees on applications and proposals to allow for heritage matters to be adequately addressed in the design process.
- Opportunities for involvement of heritage related design expertise and the potential to run offline workshops for applicants seeking design advice on their proposals.
- Strengthening relationships with the design industry and community based on trust and professionalism.

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

- The SHRC has now completed a full review of the open nominations, reducing them by around 50% over last 12 months of intensive work.
- The Committee has also developed a triage methodology to manage incoming nominations which has also halved the Heritage NSW pipeline in.
- The first SHRC Working Group on Modern and Seidler nominations has concluded its work and recommendations have been fed into work planning for Heritage NSW.
- There are 23 other open nominations being dealt with by other SHRC Working Groups on Migrant, Rural and Precincts / Cultural landscapes which will meet shortly.
- The Committee has asked Heritage NSW for a closer look at resourcing implications to manage the legacy nominations. Two nominations at this month's meeting were of note:
  - Binishells – The Department of Education would support retention and listing both buildings, whilst a user P&C proposes demolition of one of them. Further information has been sought from the Department.

- The Maltings at Mittagong - a DA has been lodged directly to the local council (not involving the Heritage Council) whilst the recommendation to list is already with the Minister. Collaboration was sought and agreed to by presenters.

<b>Resolution 2020-56</b>
The Heritage Council of NSW noted the reports provided by Ms Sheridan Burke, Chair of State Heritage Register Committee and Mr Dillon Kombumerri, Chair of Approvals Committee.
Moved by Dr Brian Lindsay and seconded by Mr Brett Whitworth

#### Item 4.4 Chief Planner's Report

The Heritage Council of NSW noted the Chief Planner's Monthly Report and received a verbal update on Toga Group's proposals relating to the Central Gateway from Mr Brett Whitworth.

- The Department of Planning has reconvened the Design Review Panel; working with the proponent to understand their designs. Peter Phillips has been brought in to provide a Heritage perspective.
- Connection between Toga, Dexu Fraser and Atlassian proposed developments and the importance of this Precinct as a technology and innovation hub supported by the Government.
- Heritage Council concerns continue to be expressed, including
  - the need for the public domain strategy to be very clear in how the heritage collection of buildings can be appreciated from the Precinct
  - the Parcel Post Office should not be overwhelmed by the building above.
- The Governance arrangement that sits behind these complex negotiations and how heritage expertise is currently being engaged to mitigate risks.

<b>Resolution 2020-57</b>
The Heritage Council of NSW noted the report.
Moved by Ms Louise Thurgood and seconded by Mr Ian Clarke

#### Item 5. Executive Reports – Part 2

##### Item 5.1 FY2020/21 Preliminary Budget Report

The Heritage Council of NSW received the FY20/21 Preliminary Budget Report and a verbal update from Mr Ian Clarke.

The Council discussed the following:

- The reporting needs further work, but a preliminary analysis concludes that there are

- A range of liabilities that have not been taken into account; e.g. funds committed for work previously categorised as non-recurrent projects instead of realistically being recognised as recurrent expenditure.
- A structural deficit that needs to be avoided.
- Issues with financial management of the Heritage Conservation Fund, mainly a lack of planning; funds will last 4-5 years on the current trajectory.
- Costs relating to running the Council and Committees and income from fees with reserves currently being used to fill the operating gap.
- An operating deficit of approximately \$500,000 for the next few years to cover existing commitments, leaving less than expected for projects. To address this Council will:
  - prioritise and sequence Heritage Council projects over the current and upcoming financial year;
  - review the fixed and recurring expenses that have been committed to;
  - curb spending and attempt to reduce the operating deficit.
- A reasonable corpus could be set at \$5million – Council should work backwards from this figure to budget appropriately.
- Impact of Machinery of Government changes on the management of the fund and the pressing need for clarity.
- Delays to the Regulation Remake, which proposed an increase in fees, due to the economic impact of COVID-19.

#### **Resolution 2020-58**

The Heritage Council of NSW:

1. Adopts the format and structure of the FY20/21 budget as outlined in the FY20/21 Preliminary Budget Report, subject to any further amendments;
2. Provided feedback to Heritage NSW on the proposed budget allocation for FY20/21, FY21/22 and FY22/23;
3. Notes that the updated budget report will be submitted to the July 2020 meeting of the Heritage Council, for approval.

Moved by Dr Brian Lindsay and seconded by Ms Colleen Morris.

## **Item 5.2 Strategic Projects**

The Heritage Council of NSW noted an update report from Ms Mercy Nagarajah.

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

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

The Heritage Council noted the Heritage NSW reports.

- Parramatta Light Rail

- Transport route goes through the Parramatta North Precinct, alongside the Female Factory.
  - Advocacy for a World Heritage Listing for that site, which is already Nationally listed.
  - Updated Master Plan being sought.
- Kwong Wah Chong building, 84 Dixon Street, which is now listed on the LEP, to be included in the monthly listings report.

## **Item 7. General Matters**

### **Item 7.1 Matters Arising**

The Heritage Council of NSW discussed:

- Heritage NSW responding to information request relating to the Powerhouse site.
- Amendment of the Lonergan report and the letter of apology by Heritage NSW.

### **Item 7.2 Forward Agenda**

The Heritage Council noted the Forward Agenda.

- Forward agenda should cover the next 12 months.
- Reports on Atlassian and Dexu Frasers proposals for Central Gateway requested for an upcoming meeting.

## **Meeting Close**

There being no items of further business, the Chair, Mr Frank Howarth closed the meeting at 3:48 pm.



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Mr Frank Howarth PSM  
**Chair, Heritage Council of NSW**  
Date: 8 July 2020

## HERITAGE COUNCIL OF NSW

### Attachment to MEETING MINUTES – 479

#### CMP Review Project – Summary of Recommendations - Decision

Recommendation	Decision
<b>1. Preparation of CMPs</b>	
a. Heritage Council adopt and promote a Statement of Best Practice for CMPs.	Agreed
b. Heritage Council commissions an accessible and simple guide to the writing of CMPs, linked to the Statement of Best Practice.	Agreed
c. The CMP Assessment Checklist (the Checklist) be revised and edited, with the aim of reducing its length and focusing on critical elements in a CMP.	Agreed
d. In light of the recommendations regarding endorsement below, the Checklist be re-badged, avoiding the term 'assessment'. It should be available online for easy access by asset owners and consultants.	Agreed
e. Wherever possible, completed CMPs be publicly available.	Agreed
<b>2. Review and endorsement</b>	
a. The process of endorsement be discontinued from the end of 2020.	Agreed
b. The opportunity for review and feedback on draft CMPs continue to be available to asset owners on a fee-paid basis, regardless of the termination or continuation of endorsement.	Not supported.
c. CMP feedback services be delivered using a panel of fee-paid external specialist advisors/reviewers where practical, alongside Heritage NSW officers.	Investigate the use of the Public Works Advisory (PWA) Heritage Asset Advisory team's pre-qualified heritage service providers
d. With the discontinuation of endorsement, the practice of including site-specific exemptions will cease. Such exemptions can be gazetted as a site-specific exemption schedule. The assets are subject to the standard exemptions and can apply for S60 approvals. Further consideration will need to be given to the streamlining of this process where a group of assets shares common features, as occurred in the case of Millers Point.	Agreed
e. Heritage NSW organise its internal structure into distinct teams – one responsible for industry development and advice, the other for implementation of legislative/adjudicatory tasks.	Noted. Further consideration of recommendation required during implementation.

f. Feedback be consolidated into a single response from Heritage NSW, and in a consistent form to ensure consistency.	No longer relevant
g. A dedicated Case Officer with relevant expertise be appointed for each CMP submitted for review.	No longer relevant
h. A briefing meeting between the Case Officer, the consultant/s and the asset owner (at the owner's discretion) be convened by the Case Officer at the commencement of drafting a CMP which is to be submitted for review.	No longer relevant
i. Communication protocols should be agreed between Heritage Council of NSW and other agencies to avoid duplication of CMP feedback (e.g. between HCNSW and City of Sydney).	No longer relevant
<b>3. Training and development</b>	
a. The staffing, skills and other HR implications of adopted recommendations be considered, and used to guide training and development interventions, including training for Heritage NSW personnel.	Agreed in principle
b. Model CMPs be made available to support the Statement of Best Practice.	Agreed
c. The existing Heritage NSW factsheets and guides be reviewed, updated and supplemented where appropriate with additional factsheets.	Agreed
d. A pilot workshop series on writing CMPs be commissioned and delivered, with the facility to access the workshops remotely through videoconferencing.	Agreed in principle
e. Refresher workshops or 'masterclasses' be provided periodically for more experienced professionals.	Agreed in principle
f. Short briefing/ advisory sessions be provided regularly for asset owners.	Agreed in principle
g. A register of existing CMPs be maintained to ensure they are known to owners and consultants, for reference and the avoidance of duplication.	Agreed
h. An online library of model CMPs be developed to disseminate good practice.	Agreed in principle
i. A register of heritage consultants with CMP-writing expertise be maintained, and accessible to asset owners. This could be hosted by Heritage NSW or another appropriate body.	Not agreed for HNSW. Investigate the use of the Public Works Advisory (PWA) Heritage Asset Advisory team's pre-qualified heritage service providers.