



HERITAGE COUNCIL OF NSW

MEETING MINUTES - 475

4 March 2020 | 09:00 AM - 13:15 PM

Conference Room 1 and 2, Level 6, 10 Valentine Ave, Parramatta NSW

ATTENDANCE	
MEMBERS	
Mr Frank Howarth PSM	Chair
Ms Sheridan Burke	Deputy Chair
Mr Ian Clarke	Member
Ms Louise Thurgood	Member
Ms Colleen Morris	Member
Dr Nicholas Brunton	Member
Dr Brian Lindsay	Member
Mr Paul Knight	Member
Mr Dillon Kombumerri	Observer
APOLOGIES	
Mr Brett Whitworth	Member
EXTERNAL PRESENTERS	
Mr Andrew Burges	Principal Architect, Andrew Burges Architects (item 2.2)
Mr Eoghan Kavanagh	Development Manager, City of Parramatta, Property Development Group (item 2.2)
Mr Ben Chaplin	Assistant Development Manager, City of Parramatta, Property Development Group (item 2.2)
HERITAGE NSW	
Ms Pauline McKenzie	Executive Director
Mr Matthew Clarke	Director Policy Strategy

Mr Tim Smith	Director Heritage Operations
Ms Olgica Lenger	Senior Team Leader Secretariat
Ms Natasha Agaki	Senior Secretariat Officer
Ms Verena Mauldon	Senior Heritage Operations Officer Major Projects (item 2.2)
Ms Jan Nye	Team Leader Grants (item 4.1)
Ms Niamh Lowe	Senior Policy Officer (item 4.2)
Ms Diana Cowie	Senior Policy Officer (item 4.2)
Ms Rochelle Johnson	Manager Statewide Programs (item 4.3)
Ms Louise Mayo	Director, Bull & Bear Special Assignments (item 4.5)
Ms Rosanna Luca	Senior Policy Officer (item 5.1)

Item 1. Welcome and Formalities

The Chair, Mr Frank Howarth, opened the meeting at 9:05 am, delivered an Acknowledgment of Country and welcomed attendees.

The Council welcomed Dr Nicholas Brunton, Mr Paul Knight and Dr Brian Lindsay as new members of the Heritage Council.

Item 1.1.a New Member's Nominations to SHRC and AC

Item 1.1.b Heritage Council's Nomination to ACHAC

The Heritage Council of NSW received a verbal report from Mr Frank Howarth on the nomination of new members to the Council's Committees and Advisory Panels and discussed Panel roles, function and membership expertise.

Resolution 2020-11

The Heritage Council of NSW:

1. **Appointed** Dr Brian Lindsay and Mr Paul Knight as members of the State Heritage Register Committee.
2. **Appointed** Dr Nicholas Brunton as member of the Approvals Committee.
3. **Nominated** Mr Paul Knight as the Heritage Council's representative on the Aboriginal Cultural Heritage Advisory Committee.
4. **Appointed** Mr Stephan Netting, Manager Fire Safety Compliance as a member, and Mr Daire Fleming, Manager Fire Safety Advisory as alternate member, to the Technical Advisory Panel.
5. **Delegated** to the Chair of the Heritage Council to (re-)appoint the remaining members of the Technical Advisory Panel.

Moved by Ms Colleen Morris and seconded by Dr Nicholas Brunton

Item 1.2 Conflict of Interest Declarations

No conflicts of interest were declared.

Item 1.3.a Minutes of 5 February 2020 Meeting

Resolution 2020-12

The Heritage Council of NSW confirmed the minutes of the previous ordinary meeting (Wednesday, 5 February 2020) as a complete and accurate record of that meeting.

Moved by Mr Ian Clark and seconded by Mr Frank Howarth

Item 1.3.b Minutes of 12 February 2020 Out of Session Meeting

The Heritage Council of NSW discussed the need for further clarification on members' views of the Cracknell & Lonergan Report.

Resolution 2020-13 - AMENDED

The Heritage Council confirmed the minutes of the out of session meeting (Wednesday, 12 February 2020) as a complete and accurate record of that meeting, subject to noting:

Concerns were raised by Ms Colleen Morris, Ms Sheridan Burke and Ms Louise Thurgood, about the methodology and the conclusion of the Lonergan Report, in particular regarding historic and social significance.

Moved by Dr Nicholas Brunton and seconded by Dr Brian Lindsay

Item 1.4 Action Report

The Heritage Council of NSW noted the Action Report.

Item 2. External Presentations

Item 2.1 A/ Head of Aboriginal Affairs – Ms Lillian Gordon

Ms Lillian Gordon's visit was rescheduled to the April 2020 meeting.

Item 2.2 Parramatta Aquatic Centre

The Heritage Council of NSW received a presentation from the City of Parramatta Council on the status of the proposed Parramatta Aquatic Centre development; and a paper and verbal report from Ms Verena Mauldon. The Council:

- Congratulated the project team and commended their efforts.
- Noted that procurement of a heritage interpretation consultant was underway, however, stressed the importance of Aboriginal cultural stories being at the heart of development proposals generally, and not an interpretive addition.
- Felt the current design proposal did not reflect adequate consideration for Aboriginal history and cultural heritage and encouraged the team to conduct research with traditional knowledge holders to inform the design.
- Stressed the importance of respecting protocol around the use of traditional knowledge and that an Aboriginal person should be employed to interpret the Aboriginal history.
- Noted the sustainable elements of the design, including material reuse, advising of the Council's endorsement of the ICOMOS "Future of Our Pasts: Engaging Cultural Heritage in Climate Action" report.

- Agreed that sustainability and heritage should not suffer as the design progressed if budget constraints developed.
- Efforts to minimise impact on the Old Government House were commended.

Resolution 2020-14

The Heritage Council of NSW:

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| <ol style="list-style-type: none"> 1. Considered the information provided in the presentation and paper. 2. Confirmed the next iteration of this development at the IDA stage to come back to the Heritage Council. |
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Moved by Ms Colleen Morris and seconded by Mr Paul Knight

Item 3. Strategic Matters

Item 3.1 Draft Strategic Vision Central Precinct and Western Gateway Sub-Precinct

This item was deferred.

Item 4. Legislation, Policy and Administrative Matters

Item 4.1 Service Providers

The Heritage Council of NSW received a paper from Ms Jan Nye and a verbal report from Mr Matthew Clark. The Council:

- Reviewed the key priorities, funding allocation, which were previously agreed to in principle and EOJ process for contracting long term services between 2020-2023.
- Noted the work involved in developing the Service Level Agreements (SLAs) and the importance of securing long term contracts.
- Stressed the importance of ensuring equity of access to information during the public procurement process and indicated that additional potential providers should be included in the list of organisations to be notified of this opportunity.
- Considered the National Trust Awards, their role as primary sponsor and the terms and conditions of the current Service Agreement with National Trust. The Council
- Proposed the Grants and Sponsorships Advisory Panel review the agreement conditions for 2021 following the 2020 Awards.

Resolution 2020-15

The Heritage Council of NSW:

1. **Noted** the Phase 1 - Update on -2019-20 services on page 3 of the report;
2. **Noted** consultation with existing providers occurred in February 2020 and the implication raised at Tab 4.1A of the report;
3. **Agreed** that the key priorities for contracting long term services from 2020 – 2023 are:
 - *promoting greater awareness and value of heritage* (Heritage Council strategic priorities)
 - providing *community education* (a statutory function of the Heritage Council) *through conservation advice* in relation to items of environmental heritage
4. **Noted** that:
 - **\$175,000 pa** for two years has been set aside for services to promote greater awareness and value of heritage (total \$350,000)
 - This will be further considered following the development of the Heritage Council's communications strategy;
5. **Agreed to:**
 - An EOI process and tender for services to provide *community education through heritage conservation advice* to the community at a value of around **\$100,000 pa** for three years (2020/21 to 2022/23) which can be applied to one or more services
 - That the service agreement be for a two-year period with an option for a third year of funding (total \$300,000 approved)
 - Endorse or provide advice on the attached draft EOI and sourcing strategy, noting that DPIE Legal and/or Procurement may make minor amendments
 - Invite current providers to respond to the EOI and advise that further tenders are proposed to deliver other Heritage Council priorities
 - Notify other potential providers, including but not limited to providers noted at Tab 4.1D of the report.
6. **Agreed** that the Chair of the Grants and Sponsorship Advisory Panel act as the Council's representative/delegate for the remainder of the procurement processes to engage service providers, including on the Evaluation Panel during the EOI and tender processes for 2020-23;
7. **Agreed** for the National Trust to deliver the National Trust Festival/Awards for 2021 and 2022 and that:
 - The funds will be drawn from the budget approved for service provision rather than funds approved for sponsorships at this time
 - Conditions of support and confirmation of the **\$75,000 pa sponsorship (total \$150,000)** will be considered following finalisation of a sponsorship policy and delivery of the Festival/Awards in May 2020

8. Noted remaining \$10,000 unallocated funds may be required for procurement purposes.
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Moved by Dr Nicholas Brunton and seconded by Mr Paul Knight

Item 4.2 Exemptions Policy

The Heritage Council of NSW received a paper and verbal report from Ms Niamh Lowe and verbal reports from Ms Diana Cowie and Mr Matthew Clark. The Council:

- discussed the legal context of the proposed reform of Section 57 Standard Exemptions. Implications of non-compliance were considered and members agreed on the need to determine a reasonable risk appetite.
- agreed on the importance of reducing administrative burden on the system and users
- looked at thresholds for the application of exemptions and/or fast track approvals, and the proposed self-assessment tool for customers to determine the likely level of impact their works might have on SHR values.
- agreed that digitisation of the fast track approvals pathway would be ideal as it would achieve administrative efficiency and consistency, provide clear auditing trails, and enhance customer productivity. Members noted the challenges of this however, particularly in relation to budget and integration with the Heritage Management System.
- discussed the language and style of the policy, promoting the use of plain English for an accessible document and suggested socialisation with local Government, the Institute of Architects and the Council's Advisory Panels.

Resolution 2020-16

The Heritage Council of NSW supported the approach to Standard Exemptions System Outline Tab 4.2A of the report presented, and the draft 'New Standard Exemptions and Fast Track Activities' Tab 4.2B of the report.
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Moved by Dr Brian Lindsay and seconded by Ms Louise Thurgood
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Item 4.3 Local Strategic Planning Statements Update

The Heritage Council of NSW received a paper from Mr James Sellwood updating on the Local Strategic Planning Statements project and a verbal report from Rochelle Johnston.

Council discussed the level of prominence of Aboriginal cultural heritage in the LSP Statements, quality of community consultation, and the importance of recognising examples of good practice around Aboriginal cultural heritage consideration.

Resolution 2020-17

The Heritage Council of NSW:

1. **Noted** the information in the Local Strategic Planning Statements Update provided at Tab 4.3A of the report presented;
2. **Approved** funding to extend the temporary position to 30 June 2020.

Moved by Ms Colleen Morris and seconded by Ms Louise Thurgood

Item 4.4 - 4.5 Heritage Council Strategic Projects - Governance Review

The Heritage Council noted a paper from Ms Mercy Nagarajah and a verbal report from Ms Louise Mayo, Bull & Bear Special Assignments, on the Governance Review project.

Council briefly discussed the project status including the approach to stakeholder engagement and consultation, timelines, reporting and approval pathways. Members spoke about governance as an asset and agreed on the importance of having clear measurements of success outlined by project completion.

Item 4.6 Heritage Council Decisions - Communications Policy

The Heritage Council received a paper from Ms Olgica Lenger and a verbal report from Ms Pauline McKenzie. The Council

- discussed the current process around the publication of meeting Minutes and the need to ensure equity of access to Council decision making.
- Considered the impact of delays, particularly on property owners and developers with regard to Development Application approvals, and issues around Third Party confidential information.
- discussed issues of accountability and integrity and broadly agreed on the need to determine best practice in comparable Government agencies with regard to the communication of decisions.
- agreed that a change in process is required, and various options and their impacts were discussed.

Resolution 2020-18

The Heritage Council of NSW resolved:

1. Heritage NSW to provide a paper on communicating decisions for May 2020 meeting and a paper on broader transparency

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| 2. Resolutions of the Heritage Council and Committees to be made available to the public within 48 hours after the meeting. |
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Moved by Dr Nicholas Brunton and seconded by Dr Brian Lindsay

Item 4.7 Heritage Council and Committees - Meeting Schedule and Location

The Heritage Council of NSW received a verbal report from Mr Frank Howarth. Committee Chairs, Ms Sheridan Burke (SHRC) and Mr Dillon Kombumerri (Approvals Committee) provided feedback on convening Committee meetings one day prior to Council meetings.

The Council:

- discussed ways in which an alternative schedule could generally improve Committee productivity.
- discussed accessibility, increased commitment, managing packed agendas and improving Council's capacity for strategic conversations including themes aligned to strategic aims and proactively engaging in topic areas of strategic interest.

Resolution 2020-19

The Heritage Council of NSW agreed that:
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| <ol style="list-style-type: none"> 1. Committee meetings will take place a day before the Council meeting; 2. Committee Meetings to be held at Harrington Street, Sydney on a trial basis, subject to agreement by Place Management and confirmation of facilities for video link/remote access. |
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Moved by Ms Sheridan Burke and seconded by Dr Nicholas Brunton
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Item 5. Matters for Consideration and/or Decision

Item 5.1 Regional Visit 2020

The Heritage Council of NSW noted a paper and verbal report from Ms Rosanna Luca. The Council:

- noted Council's involvement in aspects of the October ICOMOS General Assembly 2020.
- discussed possible locations within the Newcastle and Sydney region for the 2020 Regional Visit that would support their strategic aims.
- agreed that engagement with the Aboriginal Cultural Heritage Advisory Committee (ACHAC) on the annual Regional Visits is of utmost value. They spoke about the benefits of convening joint meetings including possible topics, experiencing Country and culture

together, and strengthening relationships with ACHAC more generally to improve the overall function of the Heritage Council.

- stated its support for proper and sufficient use of Government funds to carry out the annual regional visits.

Resolution 2020-20
The Heritage Council of NSW requested Heritage NSW to consult with ACHAC and propose a 2-day itinerary that involves Newcastle, Calga and Ravensworth, considering the most efficient way for organising the visit in late August or early September.
Moved by Ms Sheridan Burke and seconded by Ms Louise Thurgood

Item 5.2 Director's update: Pre-Lodgement Guide

The Heritage Council noted the report tabled on the development of Pre-Lodgement Guidelines for applicants.

Item 6. Executive Monthly Reports

Item 6.1 Executive Director, Heritage NSW

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

Council briefly discussed Budget Estimates, Powerhouse Museum and the possibility of future Heritage Council considerations relating to archaeology.

Item 6.2 Chair, Heritage Council of NSW

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

1. A meeting held with Ms Bianka See to discuss Council's communications and engagement strategy including plans to build a social media presence.
2. Visit to Glebe Island Bridge with Heritage NSW staff and the various avenues for conservation being considered by Transport for NSW (TfNSW).
3. A joint meeting with HNSW, Create NSW, Sydney Living Museums and Aboriginal Affairs to discuss scope for future collaboration.
4. Site visit to Mirrabooka House, which has recently progressed to a Notice of Intention to List, its film history connection and opportunities for celebrating its story.

Item 6.3 Chief Planner's Report

The Heritage Council received and noted the Chief Planner's Monthly Report.

Item 7. Heritage NSW Monthly Reporting

Item 7.1 Heritage Operations

Item 7.1.1 Conservation Major Projects

The Heritage Council noted the Monthly Conservation Major Projects report.

Council discussed the Hillview property and the reviewing, cataloguing and managing of the collection of items.

Item 7.1.2 Delegated Decisions

The Heritage Council received and noted the Delegated Decisions report.

Council briefly discussed a number of delegated decisions in light of the previously considered Exemptions Policy at item 4.2.

Item 7.1.3 Listings Matters

The Council noted the Monthly Listings Matters report.

Item 7.2 Heritage NSW Quarterly Reports

Item 7.2.1 Heritage Council Finance Report Q2 - Dec 2019

This item was deferred.

Item 8. Committees of the Heritage Council

The Heritage Council of NSW noted a verbal report from Mr Dillon Kombumerri, Chair of the Approvals Committee and from Ms Sheridan Burke, Chair of the State Heritage Register Committee (SHRC).

Council discussed the matter of Albion Hotel, Braidwood that was presented to the Approvals Committee the day prior. They spoke about the issue of non-compliance with Section 60 conditions of approval more broadly and discussed the process and terms of Grant approvals from Heritage NSW, what should occur in the event of a breach, and scope for possible legal provisions in future.

Ms Burke reported that the SHRC which convened the day prior had considered the Biannual Prioritisation of Open Nominations which is scheduled to occur on 20 April 2020 and discussed joint processing of nominations with ACHAC. They looked at outcomes of the first subcommittee workshop on Modern Movement and Seidler, including the identification of 11

items of significance that should be progressed but are unable to be accommodated in the current work plan. The Committee identified the need for financial support should these nominations be carried forward. Other matters reported on included work with ACHAC on Frontier Conflict sites and a possible serial site celebration for World Pride 2023.

Item 9. General Matters

Item 9.1 Matters Arising

Item 9.1a IDA Yobarnie - L&EC Case

The Heritage Council of NSW received a verbal update from Mr Dillon Kombumerri, Chair Approvals Committee, and Ms Pauline McKenzie on the Yobarnie IDA Land and Environment Court Case.

Council discussed the current legal proceedings and possible implications of joining the court case in defence of the General Terms of Refusal of the IDA.

Resolution 2020-21
<p>Heritage Council of NSW resolved to:</p> <ol style="list-style-type: none"> 1. Advise Heritage NSW that the Heritage Council wish to be joined in the current Land Environment Court Case No. 2019/200819 to defend the Heritage General Terms of Refusal issued for DA 0498/18 by the Delegate of the Heritage Council on 9 October 2019. 2. Delegated to Ms Colleen Morris to represent the Heritage Council in the LEC Court Case.
<p>Moved by Mr Ian Clarke and seconded by Ms Sheridan Burke</p>

During the course of the meeting, the following matters were also raised:

1. The Heritage Council Resources and Publications review, including a request for a standing agenda item for consistent updates and an offer from Ms Burke to assist in the review.
2. Delegations and their relevant legal instruments.
3. Mr Peter Cox, Carrig Consulting will be in Australia to attend the ICOMOS GA2020 and the Council could use this opportunity to engage with Mr Cox.
4. A broader discussion is required on how we currently engage with language around bushfires in the Heritage space. The need to explore ways of shifting from a language of fear and threat and toward one that acknowledges bushfires as a cleansing of Country and encourages us to better work within our system of natural elements.

Item 9.2 Forward Agenda

The Heritage Council received and noted the Forward Agenda.

Item 10. In-Camera Session

This section is not minuted.

Item 11. Meeting Close

There being no items of further business, the Chair, Mr Frank Howarth closed the meeting at 3:35pm.



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Mr Frank Howarth PSM

Chair, Heritage Council of NSW

Date: 1 April 2020