



HERITAGE COUNCIL OF NSW

MEETING MINUTES - 478

6 May 2020 | 09:00 AM – 4:00 PM

Video Conference

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 Brett Whitworth	Member
Mr Dillon Kombumerri	Observer
APOLOGIES	
NIL	
EXTERNAL PRESENTERS	
Mr Beau Bartlett	Dexus/Frasers (Item 1A)
Mr John Dawson	Dexus/Frasers (Item 1A)
Ms Nicola Gibson	MG Planning, representing Dexus/Frasers (Item 1A)
Mr Ken Maher	Hassell, representing Dexus/Frasers (Item 1A)
Mr David Logan	GML Heritage, representing Dexus/Frasers (Item 1A)
Mr Ric Wang	Atlassian (Item 1A)
Mr Joseph Ravi	Avenor, representing Atlassian (Item 1A)

Mr Ron Turner	Project Director, Artefact Heritage, TfNSW – item 2.1
Mr Jonathan Bryant	Urbis, representing Atlassian (Item 1A)
Mr Andrew Harvey	Urbis, representing Atlassian (Item 1A)
Mr Cameron McTaggart	NSW Department of Premier and Cabinet (Item 1A)
Mr Tim Green	Transport for NSW (Item 1A)
Mr Nicholas Wolff	Transport for NSW (Item 1A)
Mr Todd Murphy	Transport for NSW (Item 1A)
Mr David Fishel	Positive Solutions (Item 3.1)
HERITAGE NSW	
Ms Pauline McKenzie	Executive Director
Ms Juanita McCarthy	Director Heritage Strategy
Mr Tim Smith	Director Heritage Operations
Ms Nina Pollock	Senior Policy Officer, Strategy (Item 2.1)
Ms Sonia Limeburner	Principal Heritage Programs Officer (Item 2.1)
Ms Sarah Jane Brazil	Senior Team Leader, Major Projects (Items 1.A, 3.1)
Ms Jan Nye	Team Leader, Grants (Item 3.2)
Mr Stirling Smith	Senior Maritime Archaeology Officer (Item 3.3)
Mr Nikesh Nag	Branch Management Accountant (Item 4.5)
SECRETARIAT	
Ms Olgica Lenger	Senior Team Leader Secretariat
Ms Rosanna Luca	A/Advisory Panels Coordinator

Item 1. Welcome and Formalities

The Chair, Mr Frank Howarth, opened the meeting at 9:00 am, delivered an Acknowledgment of Country and welcomed attendees.

No apologies were received and it was noted that quorum had been met.

Item 1.1 Conflict of Interest Declarations

Decision
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> Noted the standing declaration of conflict of interest from Ms Sheridan Burke regarding item 1A Western Gateway – Central Station Sub-Precinct in that she is a shareholder in GML Heritage, with no personal or professional involvement on the matter, and agreed that there is no conflict.

Item 1.2 Out of Session Decisions – Powerhouse Museum Nomination

Resolution 2020-35
<p>The Heritage Council of NSW confirmed the minutes of the out of session meeting of the Heritage Council (21 April 2020) as a complete and accurate record of that meeting.</p>
<p>Moved by Mr Paul Knight and seconded by Ms Colleen Morris</p>

Resolution 2020-36
<p>The Heritage Council of NSW confirmed the amended minutes of the out of session meeting of the Heritage Council (12 February 2020) as a complete and accurate record of that meeting.</p>
<p>Moved by Dr Brian Lindsay and seconded by Dr Nicholas Brunton</p>

Item 1.3 Minutes from Previous Meeting – 1 April 2020

Resolution 2020-37
<p>The Heritage Council of NSW confirmed the Minutes of the previous ordinary meeting (Wednesday, 1 April 2020) as a complete and accurate record of that meeting, with a minor amendment.</p>
<p>Moved by Ms Sheridan Burke and seconded by Dr Nicholas Brunton</p>

Item 1.4 Action Report

The Heritage Council of NSW noted the Action Report and discussed:

- Work is in progress on the Resources and Publications Project and there is an opportunity to utilise available expertise of the Advisory Panels, A simple project Plan and delivery timeline of allocated priorities and resources will be useful.
- Noted a number of priority projects identified by Heritage NSW as opportunities during the COVID-19, including improving the quality of data in Heritage NSW systems, the ACH Conservation Program, Aboriginal Places program, the SHR program and Resources and Publications, with individual work plans developed for every single person within the Division.
- Requested better visibility in meeting the agreed target dates for completion of action items with “traffic lights” status monitoring and regular updates.

Item 1A. External Presentations

Item 1A.1 Central Precinct and Western Gateway Sub-Precinct

The Heritage Council of NSW received presentations from representatives of Atlassian and Dexus/Frasers on the Central Precinct and Western Gateway Sub-Precinct. Representatives from the Department of Premier and Cabinet and Transport for NSW also provided verbal updates.

Council noted:

- This is a fast moving project with strong commitment from NSW Government to support the technology and innovation hub redevelopment around Central Railway Station.
- The interdependency of the three major developments, with Toga Group, in terms of public realm spaces below ground areas, intersections between buildings and the Central Metro and rail activity, their interaction with planning and planning approvals, and with each other.
- The importance for much stronger and firmer engagement of the Heritage Council with the project, particularly at the strategic planning stage in considering design options to achieve excellence in public domain while preserving the past.
- The importance of incorporating the Stolen Generations story as part of the site interpretation strategy.
- The need for a holistic approach and conditioning of like-studies between all proponents (Aboriginal values, environmental heritage, archaeology, view lines, interpretation, public realm, etc) to arrive at collective outcomes, integrated storytelling and themes and to explore what role DPIE has in directing this outcome.

- The rezoning proposal for the Western Gateway which relates to both the Atlassian and Dexus/Frasers sites, and the role of Mr Brett Whitworth in the assessment of the broader Central Precinct strategy.
- Discussed the proposed building envelopes and scale, floor space ratios and heights, land lease arrangement, and the need to develop a workplace strategy based on feedback from tenants.
- Alignment of the proposed developments with the City of Sydney strategy.
- The need to explore involvement and representation of heritage expertise in a Design Review Panel run by the NSW Government Architect's Office to provide advice on design excellence through heritage interpretation.
- The Heritage Council thanked all presenters and HNSW, and confirmed its strong commitment to collaborate with the NSW Government and relevant organisations on the project.

Resolution 2020-38

The Heritage Council of NSW:

1. Noted the excellent engagement of both Atlassian and Dexus/Frasers with Heritage NSW and the Heritage Council; and resolved to:
 - a. Establish a working party consisting of Mr Frank Howarth and Dr Nicholas Brunton and schedule weekly updates with Heritage NSW.
 - b. Request Heritage NSW to schedule design briefings with Atlassian in June and with Dexus/Frasers in July 2020.
 - c. Request Heritage NSW to coordinate Heritage Council/Heritage NSW heritage and design expert appointment to the State Design Review Panel/Project Review Panel regarding the TOGA development.
 - d. Request Heritage NSW to set up a briefing with Mr Frank Howarth, Dr Nicholas Brunton and TOGA to discuss their proposal.
2. Supports Mr Peter Romey's appointment to the State Design Review Panel.
3. Acknowledges a dual role of Mr Brett Whitworth as Director in DPIE and a member of the Heritage Council on this matter.

Moved by Dr Brian Lindsay and seconded by Ms Colleen Morris

Item 2. Strategic Matters

Item 2.1 Representativeness of the SHR including Frontier Conflict

Heritage

The Heritage Council of NSW received a presentation and report from Ms Pauline McKenzie, Ms Nina Pollock and Ms Sonia Limeburner.

Council noted:

- There have been elaborate discussions with the Heritage Council over the years to establish a framework for the State Heritage Register Program.
- Council adopted a vision, objectives and the idea of a cyclical program with priority areas.
- The emergence of a new priority: First Nations cultural heritage and frontier conflict sites (an agreed priority area from the Australian Heritage Council and HCOANZ).
- Heritage NSW presented a paper to the SHRC on the SHR program design, to address feasible incoming listings under proposed priority areas as well as legacy nominations.
- The need to understand what the current SHR looks like in terms of *representation* of values, significance criteria, typologies, geographic location and community groups.
- Looking at international jurisdictions and what other heritage registers looks like thematically.
- Current capacity and resources required for implementation of the new SHR strategy.

Resolution 2020-39

The Heritage Council of NSW resolved that:

1. The priority area of First Nations cultural heritage, including frontier conflict sites, is adopted in the initial cycle of the listings program to reflect its importance as a national and state priority.
2. SHRC will make recommendations to the Heritage Council on the second priority for the first cycle in September 2020, based on analysis of recommendations from the Working Groups (Migrant, Rural and Cultural Landscapes/Precincts and proposed Last Quarter 20th Century and LGBTQI).
3. LGBTQI heritage and the last quarter of the 20th century heritage is explored as a potential priority area of the initial cyclical program. Preparatory studies to be undertaken.
4. The engagement strategy being prepared by GML needs to incorporate advice to the Heritage Council regarding thresholds for local and state listings with regard to community nominations and that the working groups on migrant and rural nominations be involved with these studies

5. Further discussion about what representativeness means for the achievement of the long term vision for the State Heritage Register needs to be undertaken.
6. Notes that the decision for second cycle priorities needs to be made by end of 2022, based on outcomes of the above.
7. Thanks the SHRC and Heritage NSW for the substantial work done

Moved by Ms Sheridan Burke and seconded by Dr Brian Lindsay

Item 2.2 Heritage Council Resolutions - Process and Notification

Item carried over to the June 2020 meeting.

Item 2.3.a Appointment of ACHAC Nominees to Advisory Panels

Resolution 2020-40

The Heritage Council of NSW resolved to:

1. Appoint Ms Joedie Lawler as member of the Heritage Advisory Panel, effective from 6 May 2020, for the duration of her term on ACHAC, until 11 February 2023.
2. Appoint Ms Sharon Hodgetts as member of the Technical Advisory Panel, effective from 6 May 2020, for the duration of her term on ACHAC, until 18 Nov 2022.
3. Reappoint Ms Glenda Chalker to the Grants and Sponsorships Advisory Panel, effective from 6 May 2020, for the duration of her term on ACHAC, until 18 November 2022.

Moved by Ms Colleen Morris and seconded by Dr Nicholas Brunton

Item 2.3.b Appointment of Deputy Chairs to Advisory Panels

Resolution 2020-41

The Heritage Council of NSW resolved to:

1. Appoint Ms Sheridan Burke as Deputy Chair of the Heritage Advisory Panel.
2. Appoint Mr Bruce Pettman as Deputy Chair of the Technical Advisory Panel.

Moved by Mr Paul Knight and seconded by Dr Nicholas Brunton.

Item 3. Legislation, Policy and Administrative Matters

Item 3.1. CMP Review – Final Report

The Heritage Council of NSW received a presentation and verbal report from Mr David Fishel and Ms Sarah Jane Brazil.

Council noted:

- Heritage NSW will manage the engagement to draft an implementation strategy.
- Ensure there are appropriate people and resources to implement agreed directions and key actions (e.g. to develop online tools, templates).
- Flexibility needed with some templates, which may not suit niche areas of the sector or a particular heritage item.
- Ms Colleen Morris, Chair of the Heritage Advisory Panel, summarised comments raised previously by the Panel members including: the importance of CMP authorship to ensure writers have expertise for their particular contribution (ie appropriate multidisciplinary drafting teams where needed), good quality significance assessments, clear guidelines for writing Statements of Significance, reviewing the requirements for endorsement and joint training opportunities.

Resolution 2020-42

The Heritage Council of NSW:

1. Notes the CMP Review Final Report from Positive Solutions. The Council will consider the recommendations of the Report at the June 2020 meeting.
2. Request the Heritage Advisory Panel, Technical Advisory Panel, National Trust and ICOMOS to provide a response on Draft Recommendations of the CMP Review by 22 May 2020 for submission to the Heritage Council meeting in June 2020.
3. Agrees to establish a Project Implementation Group to oversee implementation of CMP Review Recommendations, consisting of representatives from Heritage Advisory Panel, Technical Advisory Panel, ICOMOS, National Trust, Heritage NSW and representative owners.
4. Notes that a draft implementation plan including procurement for the next stage of the project will be submitted by Heritage NSW at the June 2020 meeting of the Heritage Council.
5. Thanks Tim Smith, Ms Sarah Jane Brazil and the team for work on the project.

Moved by Dr Brian Lindsay and seconded by Mr Ian Clarke

Item 3.2 Service Providers

The Heritage Council of NSW received a paper and verbal update from Ms Jan Nye, and noted:

- The COVID-19 period has impacted on the ability of some providers to deliver services.

- The current service agreements need an agreed path forward to reflect current circumstances and to provide some *conservation advice* services during the interim period (until the Expressions of Interest open).

Resolution 2020-43

The Heritage Council of NSW:

1. Agrees to review the EOI/RFQ process for Heritage Conservation Advisory Services.
2. Agrees to the following actions for 2019-20 service providers and the Executive Director facilitating these:
 - a. extend National Trust of Australia (NSW)'s current Service Agreement to provided Cemetery Advisory Service for 7 months with a pro-rata additional fee with a reassessment after 7 months.
 - b. await advice from the Royal Australian Institute of Architects' on delivery of the 2019-20 service to promote NSW heritage architecture, particularly 20th century architecture. Then decide whether to extend as proposed for the Cemetery Advisory Service or suspend the service
 - c. extend the end date on Museum and Galleries NSW Small Grants Program for Museums/Gallery Building Assessment and Repairs service agreement to complete 2019-20 projects and reporting, and agree in principle for Dr Brian Lindsay and Ms Louise Thurgood to determine together with Heritage NSW on extended funding up to \$40,000.
 - d. extend the end date on Royal Australian Historical Society's small grants program for local history and archives service agreement to complete 2019-20 projects and reporting and agree in principle for Dr Brian Lindsay and Ms Louise Thurgood to determine with Heritage NSW on extended funding up to \$18,000.
 - e. re-negotiate the National Trust of Australia (NSW)'s Australian Heritage Festival and the National Trust Heritage Awards current agreement (including fee) to:
 - i. reflect cancellation of the 2020 Festival component and associated reduction in outcomes/costs and
 - ii. extend the duration of the agreement to allow the postponed Awards to take place (or re-negotiate fee if ultimately cancelled)
3. Note that the Grants and Sponsorship Advisory Panel review of the 2020 Australian Heritage Festival and the National Trust Heritage Awards to inform conditions of

support and confirmation of sponsorship in 2021 and 2022 will be undertaken based on historical information

4. Ms Louise Thurgood and Dr Brian Lindsay to work with Heritage NSW to identify other opportunities for short term grant allocations in the current COVID-19 environment.

Moved by Ms Sheridan Burke and seconded by Ms Colleen Morris

Item 3.3 Introduction to NSW Maritime Heritage Program

The Heritage Council of NSW noted a presentation and verbal report from Mr Tim Smith oam and Mr Stirling Smith and noted:

- Heritage NSW remit to maintain and protect maritime heritage across NSW under the:
 - *NSW Heritage Act 1977*
 - Under Delegation from the Commonwealth *Underwater Cultural Heritage Act 2018*
- Responsibilities include protecting historic shipwrecks and maritime heritage in both State and Commonwealth coastal waters; maintaining the NSW component of the national Maritime Heritage Database; issuing permits and notifications of historic shipwrecks; managing access permits, research; fieldwork; public education and information dissemination.
- The maritime heritage program is one of the oldest Heritage NSW programs established since 1988. It is principally outward focussed with a key public engagement history.
- A current external Strategic review is in progress of the Maritime Heritage Database, significance assessments and site entry guidelines.
- Several shipwrecks and maritime heritage sites are included on the State Heritage Register such as the internationally significant M24 Japanese Midget Submarine (1942) and HMS Parramatta 1 (1936).
- Legislative changes, under the new Commonwealth *Underwater Cultural Heritage Act 2018* mean aircraft are now protected in Commonwealth waters. Heritage NSW is reviewing whether changes are needed in the *NSW Heritage Act* to mirror the Commonwealth legislation amendments. A later paper will be presented on this issue.

Resolution 2020-44

The Heritage Council of NSW:

1. Notes that possible legislative changes to *Heritage Act 1977* may be needed to align with *Commonwealth Underwater Cultural Heritage Act 2018*, with further advice to be provided to a future meeting;

2. Notes that the Maritime Thematic Study and the review of the Maritime Heritage Database (MHO) are due for completion by June 2020;
3. the results will be presented to the Heritage Council for consideration and endorsement of a policy for exactly which types of shipwrecks and maritime heritage items should be listed on the MHOD, pending internal review,
4. Noted the excellent presentation by Mr Stirling Smith.

Moved by Dr Nicholas Brunton and seconded by Ms Sheridan Burke

Item 4. Executive Reports

Item 4.1 Executive Director, Heritage NSW

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

- Changes in staff working arrangements during the COVID-19 period including limitations on site visits and travel, weekly all staff Zoom meetings, updated work plans and individual team strategies to stay connected with each other.
- Review of the Heritage Grants cash flow due to many projects experiencing delays.
- Upgrades of the Parramatta office facilities to support more online meetings.
- Planning for a transitioned return to office.

Resolution 2020-45

The Heritage Council of NSW:

1. Commends Heritage NSW on strong focus on people and wellbeing during COVID-19.
2. Requests Heritage NSW to take the positive learnings from the lockdown beyond the COVID-19 including ensuring facilities are upgraded to allow seamless face to face & video participation once lockdown is lifted.

Moved by Mr Ian Clarke and seconded by Ms Colleen Morris

Item 4.2 Chair, Heritage Council of NSW

No report provided.

Item 4.3 Heritage Council NSW – Committees Update

The Heritage Council of NSW noted a verbal update from Ms Sheridan Burke, Chair of the State Heritage Register Committee and Mr Ian Clarke, Deputy Chair of the Approvals Committee.

Item 4.4 Chief Planner's Report

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

Item 4.5 Finance Report

The Heritage Council of NSW noted the report and thanked Mr Nikesh Nag and Ms Juanita McCarthy for the great re-work on the report.

Council discussed:

- The revised format of the report to assist readability and additional measurements to give better representation of returns.
- The transfer of the Heritage Conservation Fund from DPIE over to DPC and temporary implications for how project budgets are affected in the report.
- Carried forward funds for the HMS project.
- Investment advice received from TCorp for the current situation and going forward.
- The Heritage Regulation Remake is still to be determined which may affect forward projections.
- Reviewing opportunities to allocate funds for additional resources to progress on key priority projects.

Item 4.6 Strategic Projects – 2018 & 2019-20 Projects Status Update

The Heritage Council of NSW noted a paper from Ms Mercy Nagarajah and discussed the overall status of the projects, resources, budget allocations and cashflow.

Item 5. Quarterly Reports**Item 5.1 Quarter 3 Report - Applications and Compliance 2019-20**

The Heritage Council noted a paper and verbal update from Mr Tim Smith. A slight reduction in S60 applications has been reported.

Item 6. Heritage NSW Reporting

The Heritage Council of NSW noted the Heritage NSW reports.

Item 7. Committees of the Heritage Council

Refer to item 4.3

Item 8. General Matters

Item 8.1 Matters Arising

Mr Brett Whitworth nominated Mr David McNamara as his alternate on the Approvals Committee.

Resolution 2020-46
The Heritage Council of NSW agreed to appoint Mr David McNamara as an alternate member for Mr Brett Whitworth on the Approvals Committee.
Moved by Ms Louise Thurgood and seconded by Dr Brian Lindsay

Item 8.2 Forward Agenda

The Heritage Council noted the Forward Agenda.

Item 9. In-Camera Session

This section is not minuted.

Item 10. Meeting Close

There being no items of further business, the Chair, Mr Frank Howarth closed the meeting at 4:00 pm.



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Mr Frank Howarth PSM

Chair, Heritage Council of NSW

Date: 3 June 2020