



# HERITAGE COUNCIL OF NSW

## MEETING MINUTES - 484

4 November 2020 | 09:00 AM – 3:40 PM

International Convention Centre, 14 Darling Dr, Sydney, Meeting Room C2.3, Level 2

& Video conference

<b>ATTENDANCE</b>	
<b>MEMBERS</b>	
Frank Howarth AM PSM	Chair
Sheridan Burke	Deputy Chair
Dr Nicholas Brunton	Member, excluding Item 3.4
Ian Clarke	Member
Paul Knight	Member
Dr Brian Lindsay	Member
Colleen Morris	Member
Louise Thurgood	Member
Dillon Kombumerri	Observer
<b>APOLOGIES</b>	
Brett Whitworth	Member
Dr Wayne Johnson	SHRC Member (for Item 3.4)
<b>STATE HERITAGE REGISTER COMMITTEE MEMBERS</b>	
Steven Barry	SHRC Member (for Item 3.4)
Dr Lisa Murray	SHRC Member (for Item 3.4)
Lisa Newell	SHRC Member (for Item 3.4)
<b>GUEST PRESENTERS</b>	
Annette Pitman	Create Infrastructure (Item 2.1)
Mark Crees	Create Infrastructure (Item 2.1)
Carolyn Rush	Create Infrastructure (Item 2.1)
Kimberley Taylor	Department of Premier and Cabinet (Item 3.1)
Kathlyn Loseby	Australian Institute of Architects (Item 3.4)

Lisa King	Australian Institute of Architects (Item 3.4)
Paul Berkemeier	Australian Institute of Architects (Item 3.4)
<b>HERITAGE NSW</b>	
Pauline McKenzie	Executive Director
Matthew Clark	Director, Heritage Strategy and Policy
Tim Smith	Director, Heritage Operations
Sarah Jane Brazil	Senior Team Leader major Projects (Item 2.1)
Rochelle Johnston	Manager, Strategy (Items 3.2 & 3.3)
Sonia Limeburner	Senior Team Leader, Strategy (Item 3.2)
James Sellwood	Senior Heritage Programs Officer, Strategy (Item 3.3)
Mary Ann Hamilton	Senior Heritage Operations Officer, Northern Region (Item 3.4)
Dr Vibha Bhattarai Upadhyay	Senior Heritage Programs Officer, Strategy (Item 3.4)
James Quoyle	Senior Heritage Assessment Officer, Northern Region (Item 3.4)
Cheryl Brown	Regional Manager, Northern Region (Items 3.4 & 4.1)
Barrina South	A/Senior Team Leader, Northern Region (Items 3.4 & 4.1)
David Hoffman	Senior Heritage Operations Officer, Northern Region (Item 4.1)
<b>SECRETARIAT</b>	
Olgica Lenger	Senior Team Leader Secretariat
Elizabeth Thomas	Advisory Panels Coordinator

## IN-CAMERA SESSION

This item was not minuted.

### Item 1. Welcome and Formalities

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

Apologies were received from Brett Whitworth and Dr Wayne Johnson (for Item 3.4).

#### Item 1.1 Conflict of Interest Declarations

There were no new conflicts of interest raised. The Council noted previously declared conflict of interest by Dr Nicholas Brunton in relation to the MLC Building, North Sydney.

#### Item 1.2 Out of Session Decisions

The Heritage Council noted the 2021-23 NSW Heritage Grants Program Summary that was endorsed out of session via circular on the 28 October 2020 and updated to incorporate the feedback provided by Council.

#### Item 1.3 Minutes from the Previous Meeting – 30 September 2020

Resolution 2020-89
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> <li><b>Confirmed</b> the minutes of the previous ordinary meeting (30 September 2020) as a complete and accurate record of that meeting, with amendment to Item 5.2 <i>Powerhouse Museum Matters</i> to include the SHRC resolution of 29 September 2020 regarding the significance of the Harwood Building.</li> </ol>
<p>Moved by Ian Clarke and seconded by Colleen Morris</p>

#### Item 1.4 Action Report

The Heritage Council of NSW noted the report.

Refer to action list for further details.

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

The Heritage Council of NSW noted a verbal update from Sheridan Burke, Chair of the State Heritage Register Committee regarding items discussed at the SHRC meeting held 3 November 2020 including:

- a presentation from TfNSW regarding working harbour assets, seeking collaborative approach to strategic heritage management;
- the former Kwong War Chong and Company building, Haymarket and the Mulgoa Valley cultural landscape SHR nominations are being progressed to the Bi-Annual Prioritisation meeting being held 9 November 2020;
- Metro Theatre submission has been referred to a subcommittee to review and will be brought back to the December meeting;

- Corrimal Coke Works SHR listing is currently the subject of a DA and HNSW are investigating;
- further investigations are underway for the recent IHO for Weilmoringle; and
- expressed disappointment of ongoing delays in listings process and enquired about media support for recent owner supported listings
- noted the Heritage NSW update on the SHR strategic projects and confirmed the Committee's support for a permanent SHR Listings Coordinator role within HNSW.

The Council noted a verbal update from Dillon Kombumerri, regarding items discussed at the Approval Committee meeting held 3 November 2020 including:

- AC workshop proposed to further discuss Google Campus, Pyrmont proposal;
- AC has requested relocation options be provided for the proposed stadium at the Orange Sports Precinct and recommended it be placed further away from the hospital boundary;
- the AC supported in principle:
  - the tower on the former Department of Public Works building site adjacent to the Chief Secretary's building and recommended further investigation to determine whether this proposal would present any issues with the national listing;
  - the Metro Theatre, Potts Points - noted heritage issues of interest
  - Hill 60 – noting the significance of this Aboriginal cultural landscape, AC recommended proponents seek to get expertise to manage the sensitivities of this site and supported HNSW advice for a withdrawal of the appeal that has been lodged with the Minister and recommend they seek to negotiate with HNSW on a way forward
- Braidwood – noted effective compliance action is required as a matter of urgency; AC recommended HNSW visit the site to progress the non-compliance issues

Following the report:

- HC asked that SHRC and AC keep each other informed of ongoing discussions regarding Metro Theatre, Potts Point to ensure an aligned position is supported by the Committees.
- HC expressed concerns about the lack of effective compliance processes that need to be addressed through a regulatory review of the *Heritage Act*. AC have requested a monthly update be provided on compliance issues.
- HC acknowledged the pro-active approach by AC in addressing complex pre-DA proposals and building positive relationships by early engagement with the proponents and undertaking coordinated site visits with Heritage NSW staff.

#### Resolution 2020-90

The Heritage Council of NSW:

1. **Recommends** that any review of the *Heritage Act* needs to consider an effective compliance regime.

Moved by Ian Clarke and seconded by Louise Thurgood

## Item 2. External Presentations

### Item 2.1 Broader briefing on heritage sites – Create Infrastructure Presentation

Annette Pittman, Head of Create Infrastructure (CI), provided background information about the formation of the organisation and outlined various CI projects currently in the development phase including:

- *Ultimo Creative Industries Precinct (Powerhouse Ultimo) and National Arts School Precinct*
  - These redevelopment projects were previously discussed in detail with Council at meetings held earlier in the year.
- *Parramatta North Heritage Core*
  - CI noted the various and complex sensitivities related to this site and advised they are working closely with DPIE regarding tenancies, in particular for the Heritage Core.
  - Willow Grove project is in the very early planning stages with various options to be considered regarding its placement outside of the Heritage Core. Further stakeholder consultation and opportunities for comment will be made available in various forums.
  - Council members expressed deep concern regarding the proposed relocation of Willow Grove, noting its connection to the Country and the place where it was built, its strong association with the Aboriginal community for having access to the river and potentially significant artefacts to be discovered should the building be relocated to a place with no relatable context to the site. Members noted that the Heritage Core has a lot of sorry business associated with it and needs to be very sensitively handled.
  - The Council encouraged early and ongoing engagement with Create Infrastructure on these projects and offered the expert advice and assistance of the Technical and Heritage Advisory Panels to provide further input as and when appropriate.
- *The Stolen Generations Keeping Places project*

The project is in development phase; Aboriginal Affairs is leading the work which looks to provide safe keeping places in a number of sensitive sites across NSW, with CI providing project management support.
- *Regional Cultural Fund – heritage projects*

This \$100m fund is providing support to 136 projects across the regions with a number of projects located in heritage listed buildings and of heritage significance. This project also includes digitising the collections in regional facilities and enabling them to have the support, training and equipment they need to digitise their items.

Other CI projects currently in delivery (construction) phase include:

- *Australian Museum Project Discover (opening Nov 2020)*

The Australian Museum is about to reopen; engagement with HNSW has been undertaken to ensure sensitive interventions required for Covid-19 safety have been undertaken and includes viewing of some original areas which were not previously visible to the public.
- *Walsh Bay Arts Precinct*

The state heritage listed facility has been restored and removal undertaken in a sensitive way to respect the integrity of the building. Wharf 4/5 is due to open before the end of

2020 and tenants will start to move into the building and reinvigorate the performance spaces.

- *CI's Property Portfolio (assets / maintenance)*
  - The portfolio spans several heritage buildings, including Roslyn Packer Theatre, the Carriage works, Arts Exchange, The Gunnery and Gary Owen House.
  - All these facilities are owned or under a long-term lease with CI and maintained by CI and tenanted with arts entities. The objective for each, though differing slightly in terms of arts policy, is to provide low cost rental for arts organisations in areas in and around the city to afford greater patronage from the public.
  - Infrastructure support plan gives the arts organisations a discount of up to 30% of market rate.
  - CI will continue to work closely with Heritage NSW to ensure the maintenance work is done in accordance with heritage requirements.

The Council noted that Aboriginal Affairs is the key lead agency working with the Stolen Generations, dealing with trauma and healing, and requested HNSW arrange for a briefing from Aboriginal Affairs to provide their thoughts around Aboriginal cultural heritage and provide an update on these heritage projects.

#### **Resolution 2020-91**

The Heritage Council of NSW:

1. Thanked Create Infrastructure for informative presentation provided.
2. Supports a strong profile for layered and dynamic heritage perspectives to be foundation considerations in decision making and project development phases of Create Infrastructure projects, noting the value of existing collaboration in delivery and maintenance stages.
3. Advocates a connecting with Country approach so that buildings have a strong relationship to people, place and their unique cultural landscape setting where they were first made. This is lost if the building is moved to a new location. It is understood that the Heritage Core of Parramatta North Urban Transformation Site is loaded with sorry business and trauma for Aboriginal people. While the site deserves respect and requires healing, there should also be the opportunity for the Parramatta North precinct to promote optimism and acknowledge pre-existing and ongoing connection of Aboriginal people to this place – in particular, to the sacred Parramatta River. Another place separate from the Heritage Core needs to be identified where living culture and care for Country is facilitated which can also support, more broadly, healing of Country.
4. Notes that Aboriginal Affairs is leading a discussion on Aboriginal cultural heritage, Stolen Generations, dealing with trauma, healing and keeping places, including sites at Parramatta North Heritage Core.

Moved by Sheridan Burke and seconded by Colleen Morris.

*Tim Smith left the meeting at 10:27am.*

## Item 3. Legislation, Policy and Administrative Matters

### Item 3.1 Heritage Council Budget

HNSW has been working with the DPC Finance Strategy and Performance team to review expenditure and analyse future projections of the fund. Several meetings have been held in preparation of this report.

Kimberley Taylor outlined the Heritage Conservation Fund (HCF); its structure within the Government accounts, as well as budget principles that underpin the available funding for projects and discretionary expenses.

Key points raised:

- The Corporation Sole audit, required for DPC statutory reporting, has been completed and the Minister has signed off on the accounts.
- As per the *Heritage Act 1977* [Section 103], the Heritage Conservation Fund (HCF) is managed via a working account known as the Special Deposits Account (SDA) and a new element of the fund this year is that delegation instruments need to stipulate special deposit accounts separate to delegations under the Appropriations Act, or Deemed appropriations.
- As part of the Corp Sole Heritage 2019-20 audit, revenues in HCF were tested and all were assessed as fitting within SDA funding rather than deemed appropriations. This means that any payments made out of the HCF will be considered SDA funds and payment will be subject to the allowances under the Act.
- Whilst this does not necessarily preclude future revenues being considered appropriation funding, this is not considered likely.
- The aim is to achieve a self-sustaining budget position for the HCF; need to balance the effective use of funds currently under investment versus remaining funding and seeking any additional revenue sources; to consider three key principles; (i) be financially stable (ii) be self-sustaining and (iii) deliver effective use of funds for achieving outcomes.
- HC were presented the:
  - HCF funds available as at 30 June 2020, less cash held for specific purposes;
  - annual revenue expectations; and
  - assumptions between revenue, TCorp investment earning and fee revenue.
- The budget has been separated into two funding sources:
  - Annual Budget (fees and charges and TCorp investment annual earning) and TCorp funds (cash and TCorp funds available above the \$4m retained fund threshold, less funds held for specific purposes);
  - 2021-21 Budget 'asks' across three tiers include some assumptions but identifies the need to remain within available funding of \$1.1m;
  - Tier 1 does include regular costs such as the Hillview Lease Management Costs, but does not include the audit of the Moveable Heritage collection;
  - the current 2020-21 Budget 'Ask' of \$1.438m is slightly below the \$4m baseline, however with assumptions would mean an overdraw of \$338,000;
  - depreciation is not included in these assumptions;
  - numbers are relatively conservative but given the unusual year there remain a lot of unknown factors; and

- DPC would like to see activities remain within the annual inflow allowance and project spending limited by the need to maintain a base line of investment funding.
- Council were asked to consider what opportunities may exist to increase revenues, including the progress of the fees and charges review and whether any other government funding support may be possible.
- The three-year horizon for proposed expenditure exceeds the current funding available and will require a reduction in annual costs.

HNSW advised Council that:

- It has been agreed that DPC will provide oversight of the HCF.
- HNSW is working with DPC Finance, Governance and Legal to brief the Minister on bringing the various elements together; fees, funds, and ongoing management of such.
- Whilst the Minister would be able to authorise any commitments by exception, new commitments for payments from the HCF will not be made until these matters are resolved.
- Preliminary discussions are underway to consider an annual Heritage Council budget to be approved by the Minister each year.
- The Council supported HNSW clarifying the financial situation and requested:
  - further consultation at the appropriate time; and
  - further advice regarding a reasonable amount of reserves when considering other like funds.

#### Resolution 2020-92

The Heritage Council of NSW:

1. **Thanked** Kimberley Taylor for excellent work and the presentation.
2. **Agreed** not to authorise any further expenditure until the legal and governance advice and full budget situation is clarified.
3. **Supports** Heritage NSW clarifying the financial situation (HCF and consolidated fund) and would like to be consulted at an appropriate time.

Moved by Ian Clarke and seconded by Dr Nicholas Brunton.

### Item 3.2 SHR Reform and Priorities

HNSW sought Council's support of the revised scope for the HC Strategic Project 2.1 and its relationship with other SHR Program priorities.

Key points raised:

- The revised scope looks at reforming the SHR listing process in two stages; Stage 1 - review the nomination part of this process and conduct an end to end review and Stage 2 – implement proposed changes.
- The end to end review will also consider the role of the nominator and tasks assigned to this role.
- It is unknown whether this process can be re-engineered for delivery by existing resources by 30 June 2021 until such time as the implementation plan is drafted, but it is



considered unlikely that it will be able to be completed by existing resources within that timeframe.

- The SHR listings coordinator position, previously considered at the HC October meeting and OOS by members of the SHRC, is currently funded to March 2021. The extension of this role to 30 June 2021 has been resolved by HNSW.
- There is an existing HCF commitment to deliver Stage 1 delivery of the SHR process and framework and there is an opportunity to redirect rescoping work to the SHR listing coordinator.
- At the December HC meeting a report will be provided on the overview of the triage and nomination process to date and outcomes of the SHR Bi-Annual prioritisation meeting held 9 November 2020.
- A progress report on HC Strategic Project 2.1 will be prepared for the February HC meeting.

#### Resolution 2020-93

The Heritage Council of NSW:

1. **Supports** the revised scope for the Heritage Council Strategic Project 2.1 – SHR Listings Process Reform, as presented in the report.
2. **Thanks** Sonia Limeburner, Rochelle Johnson and the team for work well done.

Moved by Colleen Morris and seconded by Paul Knight

### Item 3.3 Local Strategic Planning Statements – Project Report

James Sellwood summarised work done to date to progress the project.

Key points raised:

- Since October 2019 a review of all NSW local strategic planning (LSP) statements has been underway and gap analysis undertaken against five key criteria. The review also looked at local councils' uptake of advice and considered provision of documentation that may be helpful to local government.
- When outcomes were assessed it was noted there is a reasonable uptake across the majority of areas and it was more often a missing link, e.g. beauty of the area did not connect to the heritage or make the connection between how the heritage of an area can drive tourism and economic outcomes.
- The review highlighted the main opportunities for improvement including:
  - increased focus on Aboriginal cultural heritage;
  - strengthening links between heritage, culture, tourism and local character;
  - improving documentation and material to provide councils, e.g. practice notes, education materials;
  - potential to combine HNSW data with other local government data to inform rescoping of the local government outreach program and target our input into local government;
  - engage with DPIE regional teams to improve messaging and provide greater clarity and guidance to councils preparing heritage and character statements in future LSPSs and LEPs;

- strengthen engagement with Destination NSW to increase the heritage tourism profile; and
- consult with ACHAC to consider ways to improve guidance provided to local councils in relation to Aboriginal cultural heritage.

#### Resolution 2020-94

The Heritage Council of NSW:

1. **Noted** the findings of the Local Strategic Planning Statements Assessment Project (the Project).
2. **Requested** Heritage NSW present the findings of the Project to the Department of Planning, Industry and Environment and Destination NSW and discuss how heritage matters may be further considered by councils when updating their LSPS.
3. **Requested** Heritage NSW consolidate the Project's data with data from other Heritage Council and Heritage NSW's local government projects, including:
  - a. the Heritage Near Me Survey and Local Government Area Profiles
  - b. analysis of the types of planning matters currently being referred to the Heritage Council and Heritage NSW for review and advice
  - c. Heritage items identified in LEPs for State Heritage Register nomination
  - d. information in HOD, including local and State items and Interim Heritage Orders
  - e. identified Commonwealth, National and World heritage sites, and
  - f. uptake of Heritage Council grants program and associated data.
4. **Requested** Heritage NSW using the data from above, and in consultation with ACHAC, undertake a gap analysis to inform the rescoping of the Heritage Council's Project 1.1 – Local Government Outreach. Deliverables might include development of targeted tools and/or guidance material:
  - a. outlining how local councils can embrace heritage protection, conservation and promotion
  - b. guiding principles for strategic planning that enhances local character and place identity,
  - c. engagement with communities and
  - d. opportunities for heritage as a driver for local economic outcomes.
5. **Thanked** James Sellwood for the very comprehensive work and presentation.

Moved by Mr Paul Knight and seconded by Dr Brian Lindsay

### Item 3.4 MLC Building, North Sydney and Australian Institute of Architects Presentation

*Dr Nicholas Brunton excused himself from the meeting; SHRC members Lisa Newell, Dr Lisa Murray and Steven Barry joined the meeting for this agenda item.*

- The Chair noted that there have been no previous discussions with Australian Institute of Architects (AIA) and Heritage Council regarding the MLC Building and AIA have been invited to share their thoughts on the SHR nomination for listing of the MLC Building.
- Kathlyn Loseby, NSW Chapter President AIA, provided introductions to the team and Lisa King, Policy & Advocacy Manager NSW AIA, outlined the Institute's views, noting that:
  - AIA supports the nomination for state heritage listing;
  - whilst the Institute does not have a mandate to propose site specific exemptions, they strongly support the economically viable adaptive reuse of the heritage building and delivery of quality public space and works undertaken to deliver a positive and sustainable building renewal through the DA process;
  - the Institute is concerned that the current legislative framework creates limitations for the adaptive reuse of heritage buildings and is strongly advocating for change with Government and key stakeholders; and
  - AIA is looking to work with Government to implement policies which facilitate an easier pathway to consider adaptive reuse outcomes for heritage buildings.
- The Council expressed their commitment to finding solutions that achieve both viability as well as conservation, celebration and preservation of heritage and asked AIA for their views on the viability of site specific exemptions.
- AIA advised that it is not the role of the Institute to make site specific recommendations, and based on the available information, are not able to offer a position on design options.
- AIA are keen to see the project succeed and for MLC to be viable working building in the future and believe that by working with all stakeholders, the project can set a precedent for adaptive reuse and provide options for other buildings in the future.
- AIA supports the establishment of an expert panel to provide greater advice; initially via a strong design review process led by the proponent's architect, prior to design review with a panel similar to the Government Architect's Design Review Panel, which could test design outcomes against the heritage values of the place as well as focus on spaces surrounding the building and linkages to Miller Street to maximise the potential for greater public assets and public space.
- Members reflected that historically the Heritage Council funded a joint project officer within the AIA to assist in identifying and assessing the value of 19<sup>th</sup> and 20<sup>th</sup> century buildings for possible adaptive reuse.
- Council asked whether AIA would be able to:
  - canvass the views of their members regarding high rise buildings they consider worthy of protection; and
  - provide any case studies of excellence in adaptation particularly in the Australian context.
- AIA has been examining this issue and is currently investigating 20<sup>th</sup> century buildings likely to be at risk to include on their register for further discussion with Government at all levels.
- In terms of the SHR listings, AIA could form up a tentative list based on previous award recipients and work with HNSW to provide this to Council.

The Chair thanked the AIA for taking time to meet with the Heritage Council.

It was noted that Council is bound to consider the submission put forward by the proponent, around heritage significance and reasonable economic use of the MLC building.

Apart from the Council's advice, the Minister must consider the factors in s.32 of the Act. The Minister may refer the matter to the Independent Planning Commission.

Council noted that the:

- site has been listed on the LEP since 1989;
- MLC building was identified as a potentially state significant building in 2013 and was purchased by the current owner knowing that the building could be of State Significance; and
- proponent has chosen a financial structure with a sole asset in a trust (legal owner) which does not indicate that the beneficial owners of the trust are financially constrained in any way.

Council requested HNSW explore obtaining independent advice (including from the Government Architects and Public Works Advisory) on issues around economic and reasonable use of the site and what is needed to maintain and manage the existing building.

Council also suggested HNSW consider obtaining an independent commercial valuation of the property, a peer review of the owner's submission and to discuss further avenues of enquiry with Council members.

#### Resolution 2020-95

The Heritage Council of NSW:

1. **Noted** the submissions received during the exhibition period;
2. **Determined** that the MLC Building North Sydney is of State heritage significance
3. **Requests** further expert advice from members of the Council or external professionals to properly consider the claims made in the submission from the owner regarding:
  - a. the need for and the impact on significance of the removal/replacement of much original material;
  - b. whether listing will cause undue financial hardship;
  - c. whether listing will render the building incapable of economic or reasonable use,
4. **Requests** Heritage NSW to report back to the Heritage Council on the outcome of the review of submissions at the December meeting.

Moved by Paul Knight and seconded by Colleen Morris

*Nicholas Brunton re-joined the meeting and SHRC members left the meeting.*

## Item 4. Matters for Consideration / Decision

### Item 4.1 Newcastle Recreation Reserve - NOI

The Heritage Council of NSW noted a report and presentation from David Hoffman which seeks Council's approval to give Notice of its Intention (NOI) to consider listing this Reserve on the State Heritage Register.

## Key points raised:

- The proposed curtilage for investigation follows the lot boundary lines, i.e. between the former Bowling Club and the road and includes the public lands, the former bowling green memorial wall and gates, but does not include the Awabakal LALC King Edward Headland Reserve (former Newcastle Bowling Club).
- Noted that HNSW has contacted the Awabakal LALC to inform them of the NOI.
- Changes noted in this refreshed NOI include:
  - the definition of Yi-ran-na-li is now correctly listed and defined by description only as it is not parcel of land but rather a roadway (Shortland Parade);
  - notes the site ‘may be’ of state significance because it is now a new NOI despite the previous HC recommendation that this item ‘is’ of state significance;
  - stakeholder notification list will remain as per the previous recommendation and any further submissions will be added to this list.
- Council discussed the former bowling club site (King Edward Headland Reserve) noting that:
  - HNSW confirmed that the former bowling club site (King Edward Headland Reserve) was the subject of an Aboriginal Land Claim which was granted after the original recommendation to list was made, and ownership transferred to the Awabakal LALC;
  - the Heritage Council had sought ACHAC advice on this lot and on balance their view was to support the LALC in excising the former bowling club land from the listing on the basis of this land claim;
- HNSW reported on stakeholder engagement to be conducted through the NOI process noting that:
  - all parties that made previous submissions have been contacted to advise they will have an opportunity to make further submissions following this NOI;
  - discussions have been held with the traditional owners who spoke to the original listing of the Newcastle Recreation Reserve; and
  - HNSW consulted with two property owners who objected to being included in this listing. However, legal advice was provided to note the Minister can only make a decision to list or not to list based on the recommendation given.
- HNSW noted that negotiating curtilage with owners to reach satisfactory conclusions is common practice for most listings and this paper seeks Council’s views on whether the balance reached is appropriate.
- The Council noted that Sheridan Burke abstained from voting.

**Resolution 2020-96**

The Heritage Council of NSW:

1. **Noted** the item known as “Newcastle Recreation Reserve” at 3 & 5A Ordnance Street, The Hill, 41 The Terrace, Newcastle, and Shortland Esplanade (part), Newcastle, defined in accordance with the curtilage shown at Annexure B of the report, may be of state heritage significance;
2. **Requests** Heritage NSW in accordance with section 33(1)(a) of the *Heritage Act 1977*, to give each person that it considers to be an affected owner or occupier written notice

that it is going to consider whether or not to recommend the listing of the item concerned (a Notice of Intention to Consider Listing); and

3. **Requests** Heritage NSW in accordance with section 33(1)(b) and section 33(1)(c) of the *Heritage Act 1977*, within 14 days after notice of intention to consider listing is given, cause a notice of intention to consider listing to be published in a newspaper circulating in the area in which the item is situated, inviting submissions on the listing, specifying a date as the closing date for the receipt of submissions of 56 days after the publication of the newspaper notice and the manner in which submissions may be made.

Moved by Colleen Morris and seconded by Paul Knight

### Item 4.2 Central Precinct Redevelopment – TfNSW update

The Heritage Council of NSW noted a verbal update from Tim Smith.

- HNSW are currently awaiting further advice regarding DA lodgement for the Atlassian site.
- TfNSW are aiming to present an update on Central Precinct Redevelopment at the December meeting to discuss interpretation plans and a more holistic vision for the precinct.
- Draft SEPP Gateway rezoning will be considered in the next planning phase.
- Dexu Frasers have approached HNSW for a brief discussion and HNSW will discuss offline with the Chair as to when it would be appropriate for them to meet with Council.

### Item 4.3 SHRC and AC Appointments – EOI Process

Pauline Mackenzie highlighted the challenges associated with conducting an EOI and onboarding of new members during the end of year holiday period and noted this extension request is sought to allow adequate time for the EOI process to be undertaken from February 2021.

#### Resolution 2020-97

The Heritage Council of NSW resolved to:

1. **Approve** the exemption to the Heritage Council Appointment Guidelines to allow the term of appointment for members and observers of the SHRC and AC to be extended from 31 December 2020 to 30 June 2021.
2. **Extend** the terms of appointment of the two members of the Heritage Council (Sheridan Burke and Colleen Morris) on the State Heritage Register Committee, and the Technical Advisory Panel and the Heritage Advisory Panel, as applicable, until 30 June 2021, or until the forthcoming vacancies on the Heritage Council due on 31 December 2020 are filled, whichever comes first.
3. **Extend** the terms of appointment for four members of the SHRC (Lisa Newell, Dr Lisa Murray, Dr Wayne Johnson and Steven Barry) until 30 June 2021.
4. **Extend** the terms of appointment for four members of the Approvals Committee (Bruce Pettman, Caitlin Allen, David Burdon and Niall Macken) and Ingrid Mather (observer), until 30 June 2021.

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|---|
| 5. Ask the Heritage Council Chair to <b>write</b> to relevant members offering an extended term on the Committees and Panels. |
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Moved by Ian Clarke and seconded by Dr Nicholas Brunton
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## **Item 5. Executive Reports**

### **Item 5.1 Executive Director, Heritage NSW Monthly Report**

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

- TfNSW has signed an MOU with HNSW for a dedicated resource to assess applications for key government projects. The MOU, backdated to 1 July 2020, will be in place for two years and is currently with DPC for signoff.
- The Heritage Regulation is being amended to allow for 'Stop the Clock' provisions for Section 60 applications to allow time for requests for further information and HNSW will now progress the 'Stop the Clock' provisions for Section 140 applications (archaeology) so they may be considered at the next statutory law review which occurs every six months
- A world heritage listing is being considered for the Female Factory site at Parramatta North and HNSW is currently assisting with sourcing and collating historic documentation to inform a review and summary to the Minister
- Noted SHR listings recently finalised in the Northern and Southern Regions

*Tim Smith re-joined the meeting at 3:15pm and provided an update at Item 4.2 which was held over till his return.*

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

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

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

The Heritage Council of NSW noted the report from Mr Brett Whitworth.

### **Item 5.4 Strategic Projects Status Report**

The Heritage Council of NSW noted the status report.

Colleen Morris provided a verbal update on the CMP Implementation Plan project noting:

- procurement has commenced and the implementation steering committee has met to consider heritage consultant engagements; and
- HNSW has initiated discussions with potential consultants;
- information on the draft CMP review is being updated for the website; and
- an update on the CMP implementation project will be provided at the next Council meeting

HNSW agreed to provide an update on the Resource and Publications project at the December meeting.

## **Item 5.5 Advisory Committee and Panels Report**

The Heritage Council of NSW noted the report from the Advisory Panels Coordinator.

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

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

The Heritage Council of NSW noted the reports.

## **Item 7. General Matters**

### **Item 7.1 Matters Arising**

The Heritage Council of NSW noted material provided including:

- background information and itinerary provided at Item 7.1.a for the Heritage Council site visit to the Mulgoa Valley on 5 November 2020.
- the proposed 2021 Calendar schedule for Heritage Council and Committee meetings.

The Heritage Council thanked NSW Place Management for their assistance in organising the International Convention Centre meeting venue.

### **Item 7.2 Forward Agenda**

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

### **Item 7.3 Social Media, Publicity and Heritage Celebration**

The Heritage Council of NSW noted the report.

- Noted that Colleen Morris and Frank Howarth are participating in upcoming Sydney Open events: Frank Howarth is chairing a panel for the 'Architecture of the Modern Movement' on 8 November and Colleen Morris is hosting an audio walking tour 'The Parks and Gardens'.
- Invitation to attend the virtual National Trust Awards being held 12 November will be sent to Heritage Council, Committees and Panels.

## **Meeting Close**

There being no items of further business, the Chair, Mr Frank Howarth closed the meeting at 3:40 PM.



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Mr Frank Howarth AM PSM  
**Chair, Heritage Council of NSW**  
Date: 2 December 2020