



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 482

2 September 2020 | 09:00 AM – 3:40 PM

Video Conference

ATTENDANCE	
MEMBERS	
Mr Frank Howarth AM PSM	Chair
Ms Sheridan Burke	Deputy Chair
Mr Ian Clarke	Member
Ms Louise Thurgood	Member
Ms Colleen Morris	Member
Dr Nicholas Brunton	Member
Dr Brian Lindsay	Member
Mr Paul Knight	Member
Mr Dillon Kombumerri	Observer
SHRC Members	
Dr Lisa Murray	Member, Items 3.2 and 3.3
Ms Lisa Newell	Member, Items 3.2 and 3.3
Mr Steven Barry	Member, Items 3.2 and 3.3
APOLOGIES	
NIL	
GUEST PRESENTERS	
Mr Stacy Mitchell	Program Director, Transport for NSW (Item 2.1)
Ms Kate O'Connell	Community Engagement Manager (Item 2.1)
Mr David Head	Senior Manager Urban Design (Item 2.1)
Ms Heidi Gleeson	Senior Manager Planning (Item 2.1)
Mr Daniel Percival	Heritage Manager (Item 2.1)
Ms Joseph Burraston	Senior Planner – DPIE (Item 2.1)
Ms Annette Pitman	Head of Create Infrastructure, Create NSW (Item 3.2)
Mr Steven Alderton	Director and CEO, National Art School (Item 3.2)

Mr Jonathan Bryant	Director, Urbis (Item 3.2)
Mr Tim Greer	Director, Tonkin Zulaikha Greer Architects (Item 3.2)
Mr Mark Crees	Director, Create Infrastructure (Item 3.2)
Ms Carolyn Rush	Manager, Create Infrastructure (Item 3.2)
HERITAGE NSW	
Ms Pauline McKenzie	Executive Director
Mr Matthew Clark	Director Heritage Strategy and Policy
Mr Tim Smith	Director Heritage Operations
Mr Steve Meredith	Regional Manager Southern Region
Ms Cheryl Brown	Regional Manager Northern Region
Ms Sarah Jane Brazil	Senior Team Leader Major Projects (Item 2.1)
Mr Hendry Wan	Senior Heritage Officer (Item 2.1)
Ms Rochelle Johnston	Manager Heritage Programs (Items 3.1, 3.2, 3.4)
Ms Sonia Limeburner	Senior Team Leader Strategy 1 Item 3.1, 3.2,
Ms Emma Dortins	Senior Team Leader South Metro (Items 3.2, 3.3)
Ms Natalie Blake	Heritage Operations Officer (Items 3.2, 3.3)
Ms Alice Brandjes	Senior Team Leader Strategy 2 (Item 3.5)
Mr James Sellwood	Senior Heritage Programs Officer (Item 3.5)
Mr Stewart Watters	Senior Team Leader Heritage Information (Item 4.3)
Ms Swarnalatha Lakshmanan	Business Analyst Heritage Information (Item 3.4)
SECRETARIAT	
Ms Olgica Lenger	Senior Team Leader Secretariat
Ms Rosanna Luca	A/Advisory Panels Co-ordinator

IN-CAMERA SESSION

This item was not minuted.

Item 1. Welcome and Formalities

The Chair, Mr Frank Howarth, opened the meeting at 9:20am, delivered an Acknowledgment of Country, acknowledged that 2 September is Indigenous Literacy Day and welcomed attendees.

There were no apologies and it was noted that quorum had been met.

Item 1.1 Conflict of Interest Declarations

There were no new conflicts of interest raised.

Ms Sheridan Burke noted her standing COI declaration regarding GML and the Sydney Opera House. The Chair acknowledged that no further action was required.

Item 1.2 Out of Session Decisions

There were no out of session decisions.

Item 1.3 Minutes from the Previous Meeting – 8 July 2020

Resolution 2020-76
The Heritage Council of NSW confirmed the minutes of the previous ordinary meeting (5 August 2020) as a complete and accurate record of that meeting.
Moved by Mr Paul Knight and seconded by Dr Nicholas Brunton.

Item 1.4 Action Report

The Heritage Council of NSW noted the report.

Item 1.5 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, including:

- Concerns about the time taken for listings to be processed and future discussions planned to improve the process.
- The success of the triage process to date and the need to develop a communication strategy to assist stakeholders.
- Work of the Rural Heritage Working Group to resolve the outcomes of two past studies.
- Notices of Intention to list: MLC Building, North Sydney and Metro Theatre, Potts Point.
- The NSW Heritage Manual (Heritage Office, 1996) needs a re-write, which has also been the feedback from HAP and TAP members. This work needs to link with the current work under the Resources and Publications project and the available staff resourcing in the recent Heritage NSW alignment.

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

- Continued positive feedback about the out of session workshops held with proponents and industry members to clarify the advice given by the Approvals Committee.
- Future requests for high level briefings to Committee members about potential SHR listings and large development projects to build the Committee's knowledge should proposals affecting SHR items come to them in future.
- Heritage NSW feedback on the review of grants processes as a result of the Albion Hotel, Braidwood matter, with a planned discussion at the November Approvals Committee meeting about the compliance and learnings from this example.
- The Committee will engage in community consultation in conjunction with the City of Sydney on the Millers Point Heritage Principles, with the goal of gaining community consensus about a shared vision by December 2020 and the guidelines to be developed by June 2021.

The Council discussed:

- Opportunities to develop a blueprint for dealing with precincts, based on the Millers Point example, to engage with community to build community consensus and commitment on shared heritage values. Such approach would be applied consistently to other precincts with multi-occupancy dwellings and/or multiple owners; also drawing on the [Historic Urban Landscape](#) approach by UNESCO.
- SHR nominations for heritage precincts and cultural landscapes and clarifying how the planning system deals with precincts and landscapes at the local and state levels. Heritage NSW has started discussing this issue with DPIE.

Item 2. External Presentations – Part 1

Item 2.1 Circular Quay Precinct Renewal

Resolution 2020-77
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Acknowledged the high quality of the presentation provided by TfNSW and seeks ongoing engagement on the Circular Quay Renewal Project. 2. Advised that the stories of the First Nations People need to be addressed through the Circular Quay Renewal Project with a forward looking focus, and not only from a historical perspective. 3. Advised that the dynamic nature of heritage, sustainability and climate change need to be recognised within the context of this development.
Moved by Ms Sheridan Burke and seconded by Dr Nicholas Brunton

Item 3. Legislation, Policy and Administrative Matters Part 1

Item 3.1 SHR Listings Program – Priority Area Selection

The Heritage Council of NSW noted a report and presentation from Ms Sonia Limeburner and discussed:

- The current level of resourcing and methods to achieve a more widely representative State Heritage Register. The SHRC is considering how to address representation via more thorough Statements of Significance and LEP statements.
- Looking at different ways for encouraging LGBTQI+ nominations such as an EOI and to be flexible.
- Congratulated Ms Sonia Limeburner for her excellent work on the project.

Resolution 2020-78

The Heritage Council of NSW:

1. **Approved** the SHRC recommendation to adopt LGBTIQA+ as the second of the priority areas, in addition to First Nations Cultural Heritage (Priority Area 1).
2. **Agreed** to the other key elements of the proposed approach for the first cycle of the new listings program:
 - a. Representation on the SHR to be addressed through the progression of legacy nominations and/or nominations resulting from legacy heritage studies rather than as new priority areas. This includes priority nominations identified for Cultural Landscapes, Migrant Heritage, Rural Heritage and The Modern Movement in NSW (including Harry Seidler).
 - b. Representation of the Heritage of the Last Quarter of the Twentieth Century on the SHR is to be reviewed upon delivery of the commissioned study.
 - c. Further work on SHR representativeness to be undertaken for future cycles prior to selection of subsequent priority areas.
 - d. Completion of a SHR Nomination Toolkit as part of preparatory work to support delivery of priority areas.
3. **Congratulated** Ms Sonia Limeburner and the team for excellent work done on the SHR Program.

Moved by Mr Paul Knight and seconded by Dr Brian Lindsay

Item 3.2 National Arts School, Darlinghurst - Create NSW Presentation

Members of the State Heritage Register Committee, Dr Lisa Murray, Ms Lisa Newell and Mr Steven Barry joined the meeting for the duration of agenda Item 3.2 and Item 3.3.

The Heritage Council of NSW noted a presentation from Ms Annette Pitman, Mr Steven Alderton, Mr Jonathan Bryant and Mr Tim Greer, including:

- The significance of the site as the former Darlinghurst Gaol, and ongoing use as a vibrant art school.
- Support from the National Art School for the SHR listing.
- NSW Government is leading the development of a Master Plan, based on the CMP findings and assessed significance of the elements of the site.

Members discussed:

- The layered effect of the heritage values, and the current use of the site as the art school which prompted the proposed name for the listing.
- It's desire to continue engaging as the project develops to look more closely at building fabric, spaces, new elements, functionality of use and how it all comes together.
- The importance of public accessibility and pathways to connect into the city and promote interpretation and arts education in heritage.
- It's support for progress to improve functionality of the buildings in the modern world.

Resolution 2020-79

The Heritage Council of NSW:

1. **Thanked** Create NSW for the high quality information and presentation.
2. **Requested** a presentation from Create NSW to the Heritage Council on the progress on the development of the ideas for the site and prior to lodgement of any Development Applications.

Moved by Ms Colleen Morris and seconded by Mr Paul Knight

Item 3.3 National Arts School, Darlinghurst - Recommendation to List

The Heritage Council of NSW noted a report and update from Ms Emma Dortins and Mr Steven Meredith, and discussed:

- The role of Heritage NSW in advising both the Heritage Council and the Minister with dual responsibilities for heritage and art, and the potential COI raised by the Heritage Council in the previous similar example.
- The alterations to the listing received from Create NSW following the Notice of Intention period, including annotations and an alternative proposed name.

Resolution 2020-80

The Heritage Council of NSW:

1. **Noted** the potential COI raised by the Heritage Council in the previous similar example of the role of Heritage NSW in advising both the Heritage Council and the Minister with dual responsibilities for heritage and arts, and the assurance from Heritage NSW that legal advice has been verbally received that the Minister and Heritage NSW have no COI.
2. In accordance with section 33(1)(d) of the *Heritage Act 1977* **considered** submissions received during the period of public exhibition and **resolved** to consider the additional information provided by Create NSW and finalise the recommendation to list to the Minister at the October meeting of the Heritage Council.
3. **Resolved** to form a sub-committee to support the project involving Ms Sheridan Burke, Ms Colleen Morris and Dr Lisa Murray.

Moved by Ms Louise Thurgood and seconded by Ms Sheridan Burke

Item 3.4 Section 170 Project

The Heritage Council of NSW noted a report and presentation from Mr Tim Smith and Ms Rochelle Johnston, and discussed:

- The project was audited several years ago because it was considered a risk with the potential damage to heritage assets owned by NSW agencies.
- Heritage NSW's responsibility to support agencies to be compliant under s.170.
- Heritage Council's responsibility to develop guidelines. The 2005 principles, guidelines and user guide are being updated by Heritage NSW with some input to date from other agencies. The updated documents will come to the Heritage Council for consideration in late 2020. Ongoing updates are to be scheduled to ensure currency over time.

Resolution 2020-81

The Heritage Council of NSW:

1. **Agreed** to close the *State Government Heritage Assets Project – S.170 Project*, as the deliverables have been superseded by the delivery of recommendations in the Office of Environment and Heritage *Section 170 Heritage and Conservation Register - Internal Audit Report (2018)*.

Moved by Ms Sheridan Burke and seconded by Dr Brian Lindsay

Item 3.5 DPIE Planning Delivery Unit – Service Level Agreement

The Heritage Council of NSW noted a report from Ms Alice Brandjes and Mr James Sellwood.

Resolution 2020-82

The Heritage Council of NSW:

1. **Endorsed** the Service Level Agreement at Tab 3.5A of the report.
2. **Agreed** to Tim Reardon, Secretary - Department of Premier and Cabinet, signing the Service Level Agreement on behalf of the Heritage Council of NSW and advising the Department of Planning, Industry and Environment.
3. **Noted** that quarterly performance reports will continue to be provided to the Heritage.

Moved by Ms Sheridan Burke and seconded by Mr Paul Knight

Item 4. Legislation, Policy and Administrative Matters - Part 2

Item 4.1 Millers Point Heritage Principles – Community Consultation update

This item was discussed earlier in the meeting under Item 1.5.

Item 4.2 DPC Finance and Heritage NSW – Budget update

The Heritage Council of NSW noted an update from Ms Pauline McKenzie:

- DPC Finance are taking the lead with their Governance Team to clarify responsibilities over the Heritage Conservation Fund and how they should be managed.

- Heritage NSW has sought legal advice on the statutory basis of the delegations for the Heritage Conservation Fund, and is awaiting a response.
- Heritage NSW is also seeking clarity on forecasting for the Heritage Council projects.
- Clarification that Heritage Council is not responsible for the Corporation Sole's financial statements, and that DPC Finance is comfortable with the state of the accounts.
- The budget review is underway and will report to the Council in November.

Item 4.3 Heritage Management System – Update

The Heritage Council of NSW noted an update from Mr Tim Smith and Mr Stewart Watters, and an online demonstration of a process workflow from Ms Swarnalatha Lakshmanan, including:

- The next stages which involve user testing and fine tuning.
- Heritage NSW is working towards a go live date for stage 1 in January/early Feb 2021, with the following stage to go live in September 2021.
- The team are developing as part of the project reporting for the Heritage Council.
- The Heritage Council of NSW thanked Mr Stewart Watters and the team for the presentation and the work done to date on the project.

Item 4.4 Social Media and Heritage Council Messaging

The Heritage Council of NSW received a verbal report from Mr Tim Smith.

The Council discussed:

- Support from the Minister and Deputy Secretary to launch the social media.
- Upcoming announcements and content ideas for posts.
- The need to provide rich content that celebrates and generates discussion about heritage.
- Appropriate timing of announcements fitting in with official announcements on matters such as new SHR listings.
- Use of the new website to also promote projects and showcase achievements.
- Opportunities to link with social media of parallel agencies where there are overlaps e.g. NSW Aboriginal Affairs, National Parks and Wildlife Service, Create NSW, DPIE.
- The resourcing required to maintain the social media and website content.

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 Ms Pauline McKenzie, including:

- Alignment of Heritage NSW staff structure, mostly relating to policy, communications, grants and engagement work.
- The City of Sydney delegations went live on 1 September

Item 5.2 Chair, Heritage Council of NSW

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

- The inception meeting with consultants working on the Climate Change Preparedness Project is scheduled for 3 September.
- The consultant brief for the Bundian Way review is now signed off by Frank Howarth and ACHAC Chair.
- The Waterloo public housing towers as an emerging heritage issue noting their architectural, landscape and social significance.
- The Opera House video shoot with Frank Howarth, Sheridan Burke and Dillon Kombumerri, and positive feedback for Bianka See and the DPC videographer.
- Meeting attended with Minister Harwin which included encouraging Council to rethink processes when working with Heritage NSW, while keeping the customer and equity in mind (i.e. the customer is any person that receives a service from Heritage NSW or Heritage Council).
- The Heritage Council of NSW congratulates Mr David Burdon for his appointment as the new Director of Conservation at the National Trust of Australia (NSW), replacing Mr Graham Quint. Mr Burdon will remain on the Heritage Council Approvals Committee and manage COI as per usual procedures.
- The Council also recognises very long service of Mr Graham Quint and his outstanding advocacy for heritage.

Item 5.3 Chief Planner's Report

The Heritage Council of NSW noted the report.

Item 5.4 Strategic Projects Status Report

The Heritage Council noted the report and discussed:

- Some projects are shown as “On Track” but the due dates have changed.
- Delays with engaging consultants impacting some projects.

Item 5.5 Advisory Committee and Panels Report

The Heritage Council noted the report and discussed:

- The Technical Advisory Panel’s desire to operate as a public facing advisory service on behalf of the Heritage Council to the wider heritage sector and community.
- The issues around liability and resourcing were noted.
- The current Terms of Reference (adopted June 2020) outline that the panel’s role is to provide expert advice to the Heritage Council and Heritage NSW, on request; and that any requests must be directed through 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

The Heritage Council of NSW noted the success of the Yobarnie Keyline Farm Land and Environment Court, Section 34 process and thanked Ms Colleen Morris, Ms Katrina Stankowski and Ms Tempe Bevan for their work on this matter.

Item 7.1 Forward Agenda

The Heritage Council of NSW noted the Forward Agenda.

Item 8. Meeting Close

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



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Mr Frank Howarth AM PSM
Chair, Heritage Council of NSW

Date: 30 September 2020