



# HERITAGE COUNCIL OF NSW

## MEETING MINUTES - 483

30 September 2020 | 09:00 AM – 3:30 PM

Meeting Room C2.3, ICC Darling Harbour and Video Conference

<b>ATTENDANCE</b>	
<b>MEMBERS</b>	
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 Brett Whitworth	Member
Mr Dillon Kombumerri	Observer
<b>APOLOGIES</b>	
Mr Paul Knight	Member
<b>GUEST PRESENTERS</b>	
Mr Jake Mascarenhas	Atlassian (Item 2.1)
Mr Joseph Ravi	Avenor (Item 2.1)
Ms Ninotschka Titchkosky	BVN Architects (Item 2.1)
Mr Kevin O'Brien	BVN Architects (Item 2.1)
Ms Lisa Fathalla	BVN Architects (Item 2.1)
Ms Susan Freeman	Freeman Ryan Designs (Item 2.1)
Mr Jonathan Bryant	Urbis (Item 2.1)
Mr Cameron McTaggart	Department of Premier & Cabinet (Items 2.1, 2.2)
Mr Colin Sargent	Transport for NSW (Items 2.1, 2.2, 3.1)
Mr Timothy Green	Transport for NSW (Items 2.1, 2.2)
Mr Fabrizio Perilli	Toga (Item 2.2)

Mr Paul Shaw	Toga (Item 2.2)
Mr Steve Robson	Toga (Item 2.2)
Mr David McLaren	Toga (Item 2.2)
Mr Richard Francis Jones	FJMT (Item 2.2)
Mr Stephen Davies	Urbis (Item 2.2)
Mr Nicholas Wolf	Transport for NSW (Item 3.1)
Ms Michelle Cramer	Transport for NSW (Item 3.1)
Ms Sandra Wallace	Artefact Heritage (Item 3.1)
Ms Carolyn MacLulich	Artefact Heritage (Item 3.1)
Ms Julie Mackenzie	TZG Architects (Item 3.1)
Mr Greg Burgon	Architectus (Item 3.1)
Mr Geoff Cahill	Transport for NSW (Item 3.2)
Mr David Hartmann	Transport for NSW (Item 3.2)
<b>HERITAGE NSW</b>	
Ms Jan Willett	A/Executive Director
Ms Pauline McKenzie	Executive Director
Mr Matthew Clark	Director, Heritage Strategy and Policy
Mr Tim Smith	Director, Heritage Operations
Ms Sarah Jane Brazil	Senior Team Leader, Major Projects (Items 2.1, 2.2, 3.1, 3.2)
Mr David Nix	Senior Heritage Officer, Major Projects (Items 2.1, 2.2, 3.1)
Mr Hendry Wan	Senior Heritage Officer, Major Projects (Item 3.2)
Ms Natalie Blake	Heritage Operations Officer (Item 5.1)
Mr Stuart Read	Senior Team Leader, Heritage Operations (Item 5.1)
<b>SECRETARIAT</b>	
Ms Olgica Lenger	Senior Team Leader Secretariat
Ms Elizabeth Thomas	Advisory Panels Coordinator

**IN-CAMERA SESSION**

This item was not minuted.

## Item 1. Welcome and Formalities

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

Apologies were received from Mr Paul Knight and it was noted that a quorum had been met..

### Item 1.1 Conflict of Interest Declarations

Brett Whitworth stated that in his role as A/Deputy Secretary with the Department of Planning, Industry and Environment he is responsible for the Office of Strategic Lands who administer the Planning Minister's Corporation ownership of the Parramatta Museum site and the National Arts School site at Darlinghurst. It was agreed that Brett Whitworth would not contribute to discussion of either of these sites.

Louise Thurgood noted a potential future conflict through her ownership of property in the Waterloo area.

The Chair acknowledged these potential conflicts.

### Item 1.2 Out of Session Decisions

There were no out of session decisions.

### Item 1.3 Minutes from the Previous Meeting – 2 September 2020

There were no matters arising from review of the previous meeting minutes.

<b>Resolution 2020-83</b>
The Heritage Council of NSW <b>confirmed</b> the minutes of the previous ordinary meeting (2 September 2020) as a complete and accurate record of that meeting.
Moved by Colleen Morris and seconded by Dr Brian Lindsay

### 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 the report provided by Sheridan Burke, Chair of State Heritage Register Committee (SHRC), including:

- SHRC is seeking an urgent update from HNSW on priority/timing to update the 15 Heritage Manual components referenced in the draft Exemptions Gazettal.
- SHRC highlighted the need to initiate communications with local councils and key stakeholders to inform them of the SHR triage process.
- Concerns and stakeholder risks from delays between the recommendation to list and the making of the listings were discussed.
- SHRC is seeking a joint meeting with the Heritage Council to discuss the Newcastle Recreational Reserve listing nomination.

- SHRC were supportive of the Landholder / Owner Engagement Process project scope with some minor inclusions.
- Council echoed the concerns of the SHRC that the SHR Coordinator has been demonstrated to be a core role and should be part of the HNSW establishment.

The Heritage Council of NSW noted a verbal update provided by Dillon Kombumerri, Chair of Approvals Committee noting items raised at the Approvals Committee meeting held 29 September 2020 including:

- An approval request in Millers Point highlighted some concerns around differing outcomes associated with the Exemptions and DA pathways.
- AC recommended a maximum of eight storeys for the proposed tower development at Harris Park which is located in the nationally significant area of Hambleton Cottage, Experimental Farm and Elizabeth Farm.
- The AC supported the:
  - Sirius Building adaptive reuse, noting the new residential proposal was considered of high quality and keeps the form of the original building with visibly clear additions;
  - Closebourne Oval Villas proposal, noting that it retains important cultural visual corridors; and
  - the Sydney Supreme Court proposal to address security issues.
- The AC deferred support of the Darlinghurst Courthouse proposal to address security concerns so that treatment of the Gatehouse can be further considered.

## **Item 2. External Presentations – Part 1**

### **Item 2.1 Central Precinct Redevelopment – Atlassian Presentation**

The Heritage Council of NSW noted the report and presentations provided by Atlassian on the Designing with Country Framework, design update, visual impact, heritage interpretation and archaeological assessments undertaken.

Key points discussed:

- Aboriginal cultural heritage will underpin all design themes.
- The landscaping palette and use of materials and plantings will reinforce placemaking stories and include species endemic to this piece of country.
- Potential reuse of brick and heritage mortar and materials generally, noting that the project is one of reconstruction not adaptive reuse.
- The need for the Heritage Council to have a direct role in consideration of guidelines and conditions of consent during the SSD process and as part of the governance framework, include compliance and check in opportunities for Heritage Council comments to be fed back into the planning assessment.
- Fundamental issues around the extent of development that will occur in the Central Precinct and the importance of having a broader public domain strategy so that people will appreciate the heritage values in context on the site.
- HNSW has been unsuccessful in obtaining copies of the two Central Precinct CMPs from TfNSW.

- HNSW to include previous Heritage Council decisions in summary papers when items return for future presentations.
- The Council will provide its feedback to Atlassian to recommend:
  - Developing a program of ceremony and ritual to reawaken the landscape.
  - Removal of the landscaped roof and revert to an industrial roof design.
  - Provide to the Heritage Council of NSW its considerations around the viability of developments and commercial tenants.
  - A holistic view of the precinct that includes integration with the public domain, not just the Western Gateway.

## **Item 2.2 Central Precinct Redevelopment – TOGA Presentation**

The Heritage Council of NSW noted the report and presentation provided by TOGA on the current design thinking, focusing on public access and adaptive reuse to create a combined public domain outcome with living interpretation of the history of the site.

Key points raised:

- Work is underway to establish Aboriginal consultation groups and opportunities for onsite interpretations of storytelling and continuity of the site history.
- Concept plans for future use, place activation and integration of the former Adina Hotel are being developed and will include sympathetic fit out and ongoing maintenance and protection as per the Conservation Management Plan.
- Engagement with the City of Sydney includes representation on the project working group and the Design Review Panel.

The Council strongly encouraged:

- Further engagement with Atlassian and Transport for NSW (TfNSW) to develop an overall heritage overlay of comparable depth and scale across the precinct.
- Design teams to have indigenous people embedded early in the design phase and provide opportunities to include Aboriginal firms wherever possible.
- Early engagement on indigenous landscape design and the need to address the ownership of truth in storytelling, in particular the Stolen Generation and its context within the Central Precinct.
- Development of an active long-term program for sorry business that includes both past and present living culture with ceremony and ritual that encourages visitation and reconnects Aboriginal people to these places and brings alive their stories.
- TfNSW confirmed they will look at developing such a program as part of their broader interpretation strategy and include this in the Heritage Strategy, once study requirements are received.

## **Item 3. External Presentations – Part 2**

### **Item 3.1 Central Precinct Redevelopment – Transport for NSW Presentation**

The Heritage Council of NSW received a presentation from TfNSW and the consultant team.

---

Key points raised:

- Early activation works are currently being explored and six key themes developed: future of jobs, creating a vibrant place, country centred planning principles, social and environmental sustainability, multi model transport interchange and build upon government.
- A Heritage Interpretation Strategy is due to be finalised in early 2021 and high-level discussions have been held with Atlassian to ensure a consistent ‘big picture’ approach.
- A Heritage Working Group will be established as part of the Aboriginal SSP and non-Aboriginal study requirements currently being finalised, and an Aboriginal Stakeholder consultant is being engaged.
- TfNSW is committed to integrating the new built form with existing heritage assets to increase opportunity for collaboration and co-sharing of facilities.
- TfNSW will present the draft Heritage Framework to Council at the earliest opportunity. The Chair noted this may be considered Out of Session.
- DPC are jointly coordinating the Atlassian project with TfNSW and working closely with TOGA and Dexus Frasers on their Unsolicited Proposals (USP) and proponents are required to all work well together. All three proponents have been given clear guidance by the Design Review Panel.
- TfNSW plans to issue the draft Heritage Framework within 4-6 weeks and finalise drafting by Q1 2021, noting that it is likely to be after the Atlassian DA is lodged. TfNSW will work closely with Atlassian if any adjustments to their framework are subsequently required.
- Whilst the Greater Sydney Commission plays a key coordination role for the Central Precinct Redevelopment, Council noted the importance of TfNSW’s coordination role with all private sector proponents.

The Council discussed:

- Current plans show the site linkages northward, but it will be important to also show the connections from Redfern to Central, to focus on working ‘with’, not ‘for’ the Aboriginal community, and reflect the living culture being reintroduced into the Central Precinct.
- The Blacktown Native Institute project was cited as a good example of how to prepare a site well and engagement undertaken to create strong community connection.
- The benefits of aligned processes and consultant teams, particularly in relation to heritage, the challenges and complexity associated with the USP environment and the need to maintain probity assurance.
- Recommendation that TfNSW strengthen the project governance to include an Advisory Council with representation from TfNSW, the physical asset owners, Aboriginal community, Universities and Heritage experts.
- Recommendation that TfNSW further consult with Atlassian to ensure coordinated engagement on the Design of Country Framework and ensure appropriate and consistent heritage interpretation and storytelling across the Precinct more broadly.

*Louise Thurgood left the meeting at 11:53AM*

### **Item 3.2 Outer Sydney Orbital Stage 2 (OSO2) – Corridor Preservation**

The Heritage Council of NSW noted the report and presentation from Transport for NSW.

Key points raised:

- The project aims to connect the Wollongong Port and the Hume Highway and includes potential expansion of Picton and Appin Road connections. Currently in the exploration phase, TfNSW is seeking initial feedback prior to community consultation from Q4 2020 to Q2 2021.
- Previous heritage considerations of OSO1 were outlined and Sector 1 corridor options were presented with two options for the Upper Canal area being considered.
- Whilst visual impacts differ both options avoid heritage structures and the immediate curtilage.
- Council discussed the potential impacts to Aboriginal heritage and state-listed heritage assets in the corridor, including The Upper Canal, The Windmill Hill Group and North Farm and noted the historical significance of the 'amphitheatre' site adjacent to North Farm.
- Council also noted that some development had taken place near to North Farm and that access to North Farm will need to be maintained.
- A site Conservation Management Plan (CMP) will need to:
  - consider not only colonial heritage, but also the entirety of the land, including previous agricultural uses; and
  - relate to the Aboriginal cultural landscapes as well as archaeological artefacts.
- TfNSW will consult their Heritage Advisory team to look at land aspects in greater detail and provide further information on the CMP, mitigation measures and future proofing of heritage items.
- TfNSW has undertaken a desktop analysis for the area, and a cultural mapping exercise is being considered, similar to that undertaken for the lower freight Hunter Corridor mapping and engagement.
- Council strongly recommended consultation with the Aboriginal community and stressed the importance of engaging with knowledge holders early in the thinking so that it occurs prior to corridor mapping being finalised.
- AIMS has predictive modelling and recent experiences such as treatment of scarred trees are part of the cultural landscape and require particular care from traditional custodians,
- It was noted that the precincts are evolving in the Greater Macarthur Area and this site will be used as a pilot for the Working with Country program.
- HNSW noted that the Appin massacre site, located within the Greater Macarthur region, is being considered for future heritage listing.
- TfNSW will consult with HNSW regarding the local planning proposals.

## Item 4. Legislation, Policy and Administrative Matters

### Item 4.1 HCOANZ Actions – Vision and Standards

The Heritage Council of NSW noted a report by Matthew Clark and a presentation from the Chair, Frank Howarth.

The Council discussed:

- The adoption of the Dhawura Ngilan Vision, noting the draft had input from Glenda Chalker and Colleen Morris and provides an opportunity to push for national legislation as opposed to a state approach.
- The Vision rests very strongly on self-determination by those who can speak for Country, whereas the NSW Land Council legislation has different definitions around who can speak for Country.
- Glenda Chalker is championing resolution of potential conflicts and inconsistencies between the vision and the approach for a new Aboriginal Cultural Heritage Framework.
- Resourcing implications were discussed and will need to be resolved between Heritage NSW and Aboriginal Affairs, who are leading the reform process for reconciliation.
- HNSW advised that the Minister has indicated his endorsement of the Vision and the Communique states that all Ministers have agreed to advocate for government to endorse the vision.
- Whilst extensive background consultation took place around the naming for the Vision document, Council expressed concern that this name may not reflect national representation and noted broader concerns of homogenising of Aboriginal cultures across Australia.
- Council is keen to understand the extent of consultation undertaken with Aboriginal communities across Australia and how much awareness of the vision currently exists amongst the wider Aboriginal community.
- If endorsed, the Vision should be placed on the HNSW website and communicated to proponents as appropriate.
- The Council noted that HCOANZ will review the implementation of the Vision and Best Practice Standards in three years.

Resolution 2020-84
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> <li>1. <b>Endorsed</b> the <i>Dhawura Ngilan: A Vision for Aboriginal and Torres Strait Islander Heritage in Australia</i>.</li> <li>2. <b>Noted</b> the <i>Best Practice Standards in Indigenous Cultural Heritage Management and Legislation</i>.</li> </ol>
<p>Moved by Sheridan Burke and seconded by Frank Howarth.</p>



## Item 4.2 Grants Advisory Committee – Sponsorship Policy

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

- Templates and styles of various policy examples were provided by Dr Brian Lindsay, Louise Thurgood and HNSW Grants Team to inform drafting of the Sponsorship Policy.
- The style of the Sponsorship Policy should reflect partnering arrangements, as opposed to drafting a more legalistic, bureaucratic policy document.
- HNSW are currently determining whether there is requirement to adhere to DPC sponsorship policy and if the draft needs to be submitted to the DPC Audit and Risk Committee.
- The Sponsorship Policy should emphasise the need for sustainable investment outcomes.

### Resolution 2020-85

The Heritage Council of NSW:

1. **Noted** the update on the draft Heritage Council of NSW Sponsorship Policy and procedures.
2. **Expressed** thanks to Louise Thurgood, Dr Brian Lindsay and Heritage NSW team for development of Draft Policy.

Moved by Dr Brian Lindsay and seconded by Dr Nicholas Brunton.

## Item 5. Matters for Consideration / Decision

### Item 5.1 National Arts School, Darlinghurst – Recommendation to List

The Heritage Council of NSW noted a report and presentation by Natalie Blake to consider changes requested by Create NSW and provided feedback on the suggestions for site specific exemptions.

Key points raised:

- Concern that there is no specific CMP in place, and it is likely to take a further year to develop. This makes it difficult to agree to exemptions that rely upon information around relative significance and value.
- Agreed that as a general principle, creation of site-specific exemptions should be avoided given the risk of creating exemptions contrary to the standard exemptions.
- Excavation issues will require further discussion.

The Council reviewed the series of changes requested by Create NSW and Urbis and provided feedback including:

- Commentary around the wall on Burton Street be neutralised.
- Retain reference to the 'sense of enclosure'.
- Retain references to the Graham Brooks and Associates CMP.

Council provided feedback on the Draft Site-Specific Exemptions and noted that for:

- Exemptions 7, 10, 11, 12 and 14 will require a CMP or equivalent information to be provided to enable these to be better understood, in particular the significant fabric elements, prior to these being approved.

#### Item 5.1 National Arts School, Darlinghurst - Recommendation to List

##### Resolution 2020-86

The Heritage Council of NSW resolved:

1. **Propose** Site Specific Exemptions for the “National Art School Group” at 156 Forbes Street, Darlinghurst, which mirror the Draft Standard Exemptions.
2. **Refer** any additional Site Specific Exemptions proposed by Create NSW to the sub-committee for finalisation (Sheridan Burke, Colleen Morris and Dr Brian Lindsay).
3. **Notes** that excavation issues will require further assessment.
4. In accordance with sections 32(1) and (2) of the Heritage Act 1977, **recommend** that the Minister directs the listing of the item, “National Art School Group” at 156 Forbes Street, Darlinghurst, on the State Heritage Register, and in accordance with section 33(1)(e) of the Heritage Act 1977, to give notice of its decision to persons notified under section 33(1)(a). (option B)

Moved by Frank Howarth and seconded by Colleen Morris

#### Item 5.2 Powerhouse Museum Matters

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

Key points raised:

- The SHRC confirmed the historic significance of the Harwood Building as part of the significance of the Ultimo Powerhouse, noting that its tolerance for change appears to be relatively high. Subject to further information requested, the State Heritage Register Committee recommended that the Heritage Council consider extending the current curtilage of the current Powerhouse Museum listing to include the Harwood Building and its land, and that site specific exemptions be identified with the owners in tandem with the listing process. The SHRC agreed to consider the Harwood Building nomination at the next biannual prioritisation meeting.
- Council’s view was that the curtilage and tram shed would need to demonstrate state significance in its own right, rather than in relation to the Powerhouse Museum.
- HNSW has the right, not the obligation, to comment on neighbouring properties if the Museum is listed as an SSD.

##### Resolution 2020-87

The Heritage Council of NSW:

1. **Noted** the recommendation of the State Heritage Register Committee meeting of the 29 September 2020.
2. **Noted** the historical significance of the Harwood Building in its role as a tram shed and its association with the Powerhouse Museum.
3. **Invited** the Sydney City Council to consider local listing of the Harwood Building.

4. **Concluded** that the Harwood Building is not of state significance and **determined** to close the nomination.
5. **Seeks** commitment from Create NSW to interpret historic significance of the site and its relationship with the Powerhouse Museum to the level agreed to by the Heritage Council.

Moved by Dr Brian Lindsay and seconded by Frank Howarth

## Item 6. Executive Reports

### Item 6.1 A/Executive Director, Heritage NSW Monthly Report

The Heritage Council of NSW noted a report and verbal update from Jan Willett.

- The translation of HNSW advice into digital user-friendly formats on the website is expected to be completed within the next eight weeks but is dependent on the Gazettal.

#### Resolution 2020-88

The Heritage Council of NSW:

1. **Noted** that advice was provided by the Department of Premier and Cabinet not to include reference to the *Burra Charter 2013* in the Draft Standard Exemptions. The Council noted concerns raised by Sheridan Burke and Colleen Morris on this matter.
2. **Urges** Heritage NSW to ensure, as far as possible, that all references to exemptions on the Heritage Council's website and other material refer to the *Burra Charter 2013* and the principles that underpin the philosophy and ways of working of the Heritage Council.
3. **Requests** priority be given to the updating of the Heritage Manual in the light of the new Draft Standard Exemptions.

Moved by Frank Howarth and seconded by Colleen Morris.

### Item 6.2 Chair, Heritage Council of NSW

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

### Item 6.3 Chief Planner's Report

The Heritage Council of NSW noted the report.

### Item 6.4 Strategic Projects Status Report

The Heritage Council of NSW noted the report.

### Item 6.5 Advisory Committee and Panels Report

The Heritage Council of NSW noted a report by Elizabeth Thomas.

- The Secretariat is arranging a meeting with Sheridan Burke to develop a framework to strengthen the processes for provision of advice from Advisory Panels.

## **Item 7. Heritage NSW Reporting**

### **Item 7.1 Heritage Operations – Monthly Reports**

The Heritage Council of NSW noted the reports and discussed:

- Emerging issues around graphical design of publications.
- Concerns around referencing out of date guidelines in Resources and Publications and questioned the timeframe to finalise the updated set of guidelines.
- The extension of the Resource and Publications project scope to include additional publications will need to be discussed further with Sheridan Burke due to changes in resourcing.

## **Item 8. General Matters**

### **Item 8.1 Matters Arising**

The Heritage Council of NSW discussed:

- Council officially congratulated Chair, Frank Howarth, on being awarded the Member of the Order of Australia (OA) in the Queen’s Birthday Awards.
- Council expressed a vote of thanks to Place Management for arranging for the use of the ICC venue and requested the next meeting be held in person if possible at the ICC venue again, or in Parramatta.

### **Item 8.2 Forward Agenda**

The Heritage Council of NSW noted the report.

### **Item 8.3 Social Media, Publicity and Heritage Celebration**

The Heritage Council of NSW noted the verbal update provided by Tim Smith.

## **Meeting Close**

There being no items of further business, the Chair, Mr Frank Howarth closed the meeting at 4:45PM.



.....  
Mr Frank Howarth AM PSM  
**Chair, Heritage Council of NSW**

Date: 4 November 2020