



HERITAGE COUNCIL OF NSW

OUT OF SESSION MEETING MINUTES - 477

21 April 2020 | 08:30 AM - 11:00 AM

Teleconference

ATTENDANCE	
MEMBERS	
Mr Frank Howarth PSM	Chair
Ms Sheridan Burke	Deputy Chair
Mr Ian Clarke	Member
Ms Louise Thurgood	Member
Ms Colleen Morris	Member
Dr Nicholas Brunton	Member
Dr Brian Lindsay	Member
Mr Paul Knight	Member
Mr Dillon Kombumerri	Observer
APOLOGIES	
Mr Brett Whitworth	Member
HERITAGE NSW	
Ms Pauline McKenzie	Executive Director – on standby
Mr Tim Smith	Director Heritage Operations – on standby
SECRETARIAT	
Ms Olgica Lenger	Senior Team Leader Secretariat

Item 1. Welcome and Formalities

The Chair, Mr Frank Howarth, opened the meeting at 8:30 am, delivered an Acknowledgment of Country and welcomed attendees. The Chair noted that this session was in camera, with Ms Lenger present for minute taking, and Ms McKenzie and Mr Smith on standby for questions.

Item 1.1 Conflict of Interest Declarations

The Heritage Council of NSW (HC) noted apologies from Mr Brett Whitworth on the basis of a conflict of interest through his role in DPIE, and that the quorum had been met

Item 2. In-camera Discussion

The HC noted that Heritage New South Wales (HNSW) is a government agency responsible to the Special Minister of State (the Minister), and that the Minister is also responsible for the future development of the Ultimo Power House site. The HC concluded that HNSW could have a conflict of interest in advising both the HC and the Special Minister of State on the potential listing of the Ultimo Power House site or part thereof, and related matters.

The HC also noted that it has no evidence to suggest or reason to believe that HNSW has been actually influenced by the potential site redevelopment in how it advises the HC. The HC believes that noting the potential conflict of interest, then managing the conflict appropriately, is in line with normal government and corporate practice in such situations and is no reflection on the integrity of HNSW and its staff.

The HC considered that it would be appropriate to develop guidelines for managing situations where HNSW is potentially conflicted by competing Government priorities and the Minister or Department responsible for Heritage is also the Minister or Department responsible for a property being considered for listing or for approval for work under the *Heritage Act*. The aim of such guidelines will be to ensure the HC receives the necessary information that it requires in order to advise the Minister or Department and carry out its other statutory functions.

As a result of the potential conflict of interest, the HC decided to hold an in-camera session to consider this matter, including the submissions received following the Notice of Intention to list, and the detailed report from HNSW. The Chair noted that the intent of the in-camera session is to decide if the HC has sufficient information before it to enable it to make a recommendation to the Minister.

The HC then discussed the HNSW advice, reports, and the public submissions received during the comment period. The HC concluded it had sufficient information to enable it to make a decision on the proposed listing of the Ultimo Power House site and to advise the Minister accordingly.

The HC again re-iterated that it did not question the integrity of HNSW and thanked the staff for their work on a complex nomination.

Item 3. Ultimo Power House Site Nomination

The HC received a report from HNSW on the submissions received following the Notice of Intention to list the Ultimo Power House site on the State Heritage Register for determination whether to recommend the listing.

The HC discussed the submissions received on the notice of intent to list and the detailed report from HNSW. The HC agreed that the submissions provided additional information that demonstrated that the nomination as advertised needed amendment to more fully represent the significance of the Ultimo Power House site, its use as a museum, and the extent of significance across the site. In particular, the HC considered recommendations for changes to the Statement of Significance.

The submissions indicated that there may be significance in associated buildings (Wran, Harwood) and specifically associated collections (steam and transport elements) and these need to be investigated. Until that happens the HC cannot make a determination on likely significance of the rest of the site but will foreshadow to the Minister that investigation may result in an expansion of curtilage (and possibly significance).

Ms Burke, as Chair of the State Heritage Register Committee (SHRC), related the views of the SHRC members, Ms Lisa Newell, Dr Lisa Murray and Ms Steven Barry, whose opinions were sought by the Chair, noting the unusual categorisation of submissions, the adequacy or not of the Lonergan report, whether the exhibited listing represents the site's significance as a whole, particularly its historical significance, and that other parts of site, notably the Wran building and plaza, need investigation.

The HC agreed with Recommendations 1,3,4,5 and 6 in the HNSW detailed report. The HC considered recommendations for additional changes to the Statement of Significance detailed below, and subject to these changes, supported Recommendation 2.

Taking into account all information before it, the HC concluded that there is clear support to list the “core” Ultimo Power House site within the curtilage advertised in the Notice of Intent process, and agreed to amend the Statement of Significance in line with the recommendations of HNSW, and accordingly to recommend this listing on the State Heritage Register to the Minister.

With respect to the Wran building, the HC had asked HNSW in February to commission a comparative study of post-modernist architecture in NSW, and the context of the last quarter of the twentieth century. This study should not delay the Ultimo Power House nomination proceeding.

The HC is also aware of potential further nominations for the Ultimo Power House site. If and when such nominations are received, the HC will consider them, with advice from HNSW and if appropriate give further advice to the Minister in due course. The HC noted receipt of a late nomination for the Harwood building, but did not assess it.

The HC noted the concerns expressed in one submission about some wording in the Lonergan report and agreed to ask HNSW to consider a letter of apology in response to this issue and seek an amendment to the report.

Arising from this nomination, the HC also concluded that it should seek advice from HNSW and request development of guidelines for:

1. Standardising the categorisation and analysis reporting method of submissions received in future reports to the HC and SHRC
2. Managing the relationship between the *Heritage Act* 1977 listing mechanisms and important state collections such as specific elements of the Powerhouse Museum collection that are associated with the place and its adaptive reuse and design (many submissions cited elements of the steam and transport moveable heritage), noting that it would be essential to avoid unnecessary duplication of existing museum curatorial management regimes.

The HC noted that the views of the owner (Trustees of the Museum of Applied Arts and Sciences) had not been provided and sought confirmation that its views have been represented by the joint submission of the Director of the Museum and Head of CreateNSW Infrastructure.

The HC discussed the amendments moved to the Minutes of the 12 February meeting regarding the Ultimo Power House site requested by Ms Colleen Morris and requested that they be added to the Minutes of that meeting.

Resolution 2020-34

The HC of NSW, having considered the submissions received and the HNSW report, resolved to:

1. Proceed with making a recommendation on the heritage significance of the Ultimo Power House site.
2. Accept the item name change to “Ultimo Power House”;
3. Amend the Statement of Significance to include:
 - Changes recommended by HNSW ;
 - Specific reference to chimney bases and the gantry cranes as significant;
 - Criterion “a”: to recognise the significance of the historic overlay of the Ultimo Power House site by adding at the end: “contributing a significant new overlay and association to the Ultimo Power House site since 1988”
 - Criterion “c”: to recognise the significance of the adaptive reuse of the Ultimo Power House site by adding to the end: “It is of museological and architectural significance as a landmark early example of the adaptive reuse of a large-scale industrial heritage site, which was then a radical and exhilarating new approach to museum making for NSW. The transformation of the Power House through conservation and adaptation was recognised with several awards and has been influential in the urban design of the later buildings in the precinct.”
 - Criterion “d”: to recognise the community esteem demonstrated by a number of communities in the information provided in submissions about cultural values held

by engineers, curators, architects, tourism operators, and visitors by adding the wording “The Ultimo Power House’s fabric, form and uses are held in demonstrable public esteem by engineers, architects, tourists, donors, educators, visitors and volunteers. The strong attachment to the site is represented through awards, listings, public visitation; and campaigns for the retention of the buildings and their recognition at a State level”.

4. In accordance with section 33(1)(d) of the *Heritage Act 1977* advise the Minister that the item known as “Ultimo Power House” at 500 Harris Street, Ultimo, is of state heritage significance, as shown in the plan at Tab B of the report;
5. Recommend to the Minister, in accordance with sections 32(1) and (2) of the *Heritage Act 1977*, that the Minister direct the listing of the item, “Ultimo Power House” at 500 Harris Street, Ultimo, on the State Heritage Register;
6. In accordance with section 33(1)(e) of the *Heritage Act 1977*, give notice of its decision to persons notified under section 33(1)(a);
7. In accordance with section 57(2) of the *Heritage Act 1977*, note that the HC Standard Exemptions will apply.
8. Arising from this nomination, seek advice from HNSW and request development of guidelines for:
 - managing future perceived potential conflicts of interest for situations where the Minister or Department responsible for Heritage is also the Minister or Department responsible for a property being considered for listing or for approval for work under S60 or any other section of the Heritage Act.
 - Standardising the categorisation and analysis reporting method of submissions received in future reports to the HC and SHRC
 - relationship between the *Heritage Act* listing mechanisms and important state collections noting that it would be essential to avoid unnecessary duplication of existing museum curatorial management regimes.
9. Confirm the views of the owner, Trustees of the Museum of Applied Arts and Sciences, on the listing;
10. Amend the 12 February meeting minutes of the Heritage Council of NSW to include amendments requested by Ms Colleen Morris and noted in the 31 March 2020 meeting minutes of the Council.
11. Thank the Chair for his management of complex issues that were the subject of this meeting.

Moved by Ms Sheridan Burke and seconded by Dr Nicholas Brunton

Item 4. Meeting Close

There being no items of further business, the Chair, Mr Frank Howarth closed the meeting at 11:00am.



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Mr Frank Howarth PSM
Chair, Heritage Council of NSW
Date: 6 May 2020