



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 491

7 July 2021 | 09:00 AM – 3:30 PM

Via Teleconference

| ATTENDANCE | |
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| MEMBERS | |
| Mr Frank Howarth AM PSM | Chair |
| The Hon Robyn Parker | Deputy Chair |
| Dr Nicholas Brunton | Member |
| Mr Ian Clarke | Member |
| Mr Paul Knight | Member |
| Mr Dillon Kombumerri | Observer |
| Dr Brian Lindsay | Member |
| Ms Colleen Morris | Member |
| Ms Louise Thurgood | Member |
| Mr Brett Whitworth | Member |
| APOLOGIES | |
| Mr Matthew Clark | Director Heritage Strategy and Policy |
| STATE HERITAGE REGISTER COMMITTEE <i>(for Item 6.2)</i> | |
| Dr Stephen Gapps | SHRC Member |
| Dr Wayne Johnson | SHRC Member |
| Ms Lisa Trueman | SHRC Member |
| Ms Natalie Vinton | SHRC Member |
| GUEST PRESENTERS AND EXTERNAL ATTENDEES | |
| Ms Karen Harragon | Director Social & Other Infrastructure Assessments, DPIE <i>(Item 4.1)</i> |
| Mr Matthew Sprott | Director Minerals & Quarry Assessments, DPIE <i>(Item 4.1)</i> |
| Mr Anthony Witherdin | Director Key Sites Assessments, DPIE <i>(Item 4.1)</i> |
| Ms Claire Nunez | GML Heritage <i>(Item 6.2)</i> |
| Ms Sharon Veale | GML Heritage <i>(Item 6.2)</i> |

| HERITAGE NSW | |
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| Ms Pauline McKenzie | Executive Director |
| Mr Tim Smith | Director Heritage Operations |
| Ms Rochelle Johnston | Acting Director Heritage Strategy and Policy |
| Ms Sarah Jane Brazil | Senior Team Leader Major Projects (3.1 and 4.1) |
| Ms Siobhan Lavelle | Senior Team Leader Specialist Services (3.1 and 4.1) |
| Mr David Nix | Senior Heritage Officer Major Projects (3.1 and 4.1) |
| Ms Katrina Stankowski | Senior Team Leader Regional Heritage Assessments, HNSW (4.1) |
| Mr Gary Hinder | Senior Customer Strategies Officer, HNSW (4.1) |
| Mr Rajeev Maini | Senior Team Leader Regional Heritage Assessments, HNSW (4.1) |
| Mr Sam Higgs | Senior Team Leader Aboriginal Cultural Heritage, HNSW (4.1) |
| Ms Jackie Taylor | Senior Team Leader Aboriginal Cultural Heritage, HNSW (4.1) |
| Ms Lucy Albani | Senior Team Leader Heritage Policy, HNSW (5.1) |
| Ms Caroline Ford | Senior Team Leader Strategy (5.1) |
| Mr Sean Purcell | Policy Officer (5.1) |
| Ms Leah Domanski | Senior Programs Officer, HSNW (6.1 and 6.3) |
| Ms Sonia Limeburner | Senior Team Leader Strategy, HNSW (6.2) |
| Dr Aleisha Buckler | SHR Listings Coordinator, HNSW (6.2) |
| SECRETARIAT | |
| Ms Olgica Lenger | Senior Team Leader Secretariat |
| Ms Elizabeth Thomas | Advisory Panels Co-ordinator |

IN-CAMERA SESSION

This item was not minuted.

Item 1. Welcome and Formalities

The Chair, Frank Howarth, opened the meeting at 9:27 AM, delivered an Acknowledgment of Country and welcomed attendees. There were no apologies received from members and it was noted that a quorum had been met.

Item 1.1 Conflict of Interest Declarations

Brett Whitworth noted his standing declaration regarding the planning assessment process for the Central Precinct.

There were no other conflicts of interest declared.

Item 1.2 Out of Session Decisions

There were no decisions made out of session since the last meeting.

Item 1.3 Minutes from the Previous Meeting – 2 June 2021

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| Resolution 2021-37 |
| The Heritage Council of NSW: |
| 1. Confirmed the minutes of the previous ordinary meeting (2 June 2021) as a complete and accurate record of that meeting. |
| Moved by Robyn Parker and seconded by Ian Clarke |

Item 1.4 Matters Arising

There were no matters arising.

Item 1.5 Action Report

The Heritage Council of NSW noted the report.

Item 2. Committees Update

State Heritage Register Committee (SHRC)

Robyn Parker, Chair of the State Heritage Register Committee, provided an update on key outcomes for items considered at the 6 July SHRC meeting and highlighted recent activities of the LGBTQI+ and First Nations SHR Working Groups.

The Council discussed the SHRC's recommendation that the Appin Massacre Site be jointly nominated for State Heritage listing by the Aboriginal Cultural Heritage Advisory Committee and the Heritage Council.

Approvals Committee (AC)

Dillon Kombumerri, Chair of the Approvals Committee, provided an update on key outcomes for items considered at the 6 July AC meeting, including the Albion Hotel, Braidwood and the Millers Point Consultation.

Amending Statements of Significance

A broader conversation was held regarding the legislative and policy considerations required to modify Statements of Significance for an SHR listed item.

The Council discussed the need for guidance around the appropriate processes for altering an existing listing and sought to explore the approach taken in other jurisdictions.

The Council noted the ability to support listing amendments by leveraging existing data contained within the Aboriginal Heritage Information Management System and the Heritage Operations Database.

The First Nations Working Group are currently exploring issues around improving the representation of Aboriginal cultural heritage on the SHR and the Council sought a further update on the progress of this work.

Resolution 2021-38

The Heritage Council of NSW resolved to:

1. **Make a joint nomination** of the Appin Massacre Site with the Aboriginal Cultural Heritage Advisory Committee in recognition of the shared values and importance of the place to all people in NSW.

Moved by Colleen Morris and seconded by Robyn Parker

Tim Smith left the meeting at 10:00 AM.

Item 3. External Presentations

Item 3.1 Draft Central Precinct Masterplan

The Chair of the Heritage Council of NSW provided an update on discussions held at a workshop recently convened by Transport for NSW (TfNSW).

The Council discussed:

- The unique heritage significance of Central Station and the importance of ongoing collaboration with TfNSW and key stakeholders.
- The need for a holistic approach to the masterplanning of the Central Station development through an open consultation process.
- The views expressed by the Design Review Panel in their letter of advice.

Resolution 2021-39

The Heritage Council of NSW resolved to:

1. **Thank** TfNSW for their ongoing engagement with key stakeholders including the Heritage Council of NSW and welcomes the continued collaboration.
2. **Continue** to emphasise the exceptional heritage significance of Central Station and its need for ongoing evolution as a main transport hub in Sydney and one of the most significant in the Southern Hemisphere.
3. **Endorse** the views of the State Design Review Panel (SDRP) expressed in the Government Architect NSW letter to DPIE dated 5 July 2021.
4. **Agree** to continue to seek from TfNSW a holistic place making approach to the master planning of the Central Station to Eveleigh corridor (including the over-station development and Prince Alfred Park). The approach should celebrate heritage and increase meaningful green space and public amenities commensurate with the scale and the ambitions of the future development of the Precinct.
5. **Encourage** TfNSW to open the consultation process around the Central Station Re-development more broadly, as soon as possible.

Moved by Colleen Morris and seconded by Dr Nicholas Brunton

Tim Smith re-joined the meeting at 11:15 AM.

Item 4. External Presentations

Item 4.1 DPIE – Requirements for Application Responses

The Chair welcomed the Department of Planning, Infrastructure and Environment (DPIE) Directors, Matthew Sprott, Anthony Witherdin and Karen Harragon.

The Council and Directors discussed the benefits of early engagement on heritage matters and the importance of building strong networks and intersections between the heritage and planning frameworks in order to provide strong guidance to the community and industry on how to protect heritage throughout the planning processes.

Heritage consultations in the pre-scoping stage prior to Environmental Impact Statement (EIS) being finalised allow for heritage advice to be incorporated into DPIE's guidance to proponents, with the opportunity for further heritage advice to be provided if developments proceed to approval phase.

Heritage advice should address a wide range of heritage matters, such as:

- Understanding heritage values and how to determine the impact on heritage significance, including intangible heritage
- Alternative options to preserve heritage, including options to relocate heritage items, consideration of 'what if' scenarios and mitigation strategies
- Requirements on private land owners to undertake appropriate maintenance of heritage items that are not being actively managed in order to preserve their heritage values that are representative of a certain period of time or reflect the evolution of a site through different periods of time
- How to consider heritage landscape values, the intrinsic values of a large area of land with wide range of uses, what type of industry developments can be undertaken and how they conform with the heritage listings in the area and complement existing assets across the site
- How to manage the vistas, ancillary activities, vegetation, curtilage around heritage items for heritage landscapes, including the impact of direct and nearby development proposals
- Understanding Aboriginal cultural heritage and the need to consult with local Aboriginal communities to better understand areas of significance that need to be considered in relation to a development proposal, and the associated risks and cumulative effect on broader landscape values.

The Council and Directors welcomed the opportunity to explore ways to further strengthen networks between the agencies and facilitate training and development activities on understanding heritage, including a presentation by Paul Knight on methodology for understanding Aboriginal cultural heritage in the planning context.

| Resolution 2021-40 |
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| The Heritage Council of NSW: |
| 1. Thanks DPIE for their insightful and engaging presentation. |
| Moved by Paul Knight and seconded by Robyn Parker |

Item 5. Legal, Policy and Administration

Item 5.1 Heritage Act Review update

The Heritage Council of NSW received a report and update from Lucy Albani on the review of heritage legislation.

The Council noted:

- The Council's submission was lodged with the Legislative Council Standing Committee on Social Issues on 25 June 2021.
- A one week extension was granted for submissions to the 4 July 2021.
- Public hearings are due to be held on 2 and 6 August 2021.
- The interagency working groups process will commence next week and is targeted for completion by October 2021 to align with the Cabinet's lodgement timeframe.
- The Jurisdictional Legislation Review report by Dr Mark Dunn is currently being finalised and will be circulated to the Council out of session.

Paul Knight left the meeting at 1:00 PM.

Item 6. Matters for Decision / Consideration

Item 6.1 Updated Heritage Council Delegations to Heritage NSW

The Heritage Council of NSW received a report and verbal update from Rochelle Johnston on the proposed amendments to the delegations under the *Heritage Act 1977 (Act)*.

Key points noted:

- The proposed amendments support the 2020/21 amendments to the Act and regulations for *Stop the Clock* provisions for s.60 and s.65A applications.
- Following previous advice from the Council, the updated Heritage NSW protocol provides clear and unambiguous guidance and expectations that officers need to follow when exercising a delegated authority.
- The proposed broader delegations for certain functions dealing with applications below material impact threshold will facilitate efficiencies in determination of heritage applications within statutory timeframes.
- The description of delegated positions has been amended to reflect a position level instead of a job title.

The Council discussed the appropriate level of delegations for delisting of SHR items and the circumstances where delegations could be exercised by Heritage NSW on specific advice from the Council or the SHRC.

| Resolution 2021-41 |
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| <p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Recommends that the Minister revokes the Heritage Council of NSW Delegation Instrument made on 3 June 2016 (Tab 6.1C of the report) 2. Recommends that the Minister consent to the updated delegation of certain Heritage Council functions to Heritage NSW, Chair, State Heritage Register and Approvals committees in the attached updated instrument (Tab 6.1D of the report), subject to final amendments being approved by the Chair of the Heritage Council of NSW. |
| <p>Moved by Brett Whitworth and seconded by Dr Brian Lindsay</p> |

Item 6.2 SHR Listings Process Reform Project – GML Draft Report

The Heritage Council of NSW and State Heritage Register Committee received a report and verbal update from Sonia Limeburner and a presentation from GML Heritage consultants, Claire Nunez and Sharon Veale.

Paul Knight re-joined the meeting at 2:00 PM.

Members noted the preliminary findings of the GML review on the proposed SHR listing process reforms and the next phase of work which includes:

- developing an implementation framework with prioritised recommendations
- further analysis on the benefits, risks, costs and timings of the proposed process reforms
- engaging with major stakeholders at the appropriate time to provide additional feedback; and
- opportunities for creating an online process designed to provide the community with greater clarity around the role of the State Heritage Register Committee.

GML sought the Council and SHRC members' feedback on the priority areas considered to have the greatest impact and to improve efficiencies.

The Heritage Council thanked GML for the presentation and noted that the final report will be presented to the Council at the September meeting.

Decision

The Heritage Council of NSW:

1. **Notes** the *SHR Reform - Listing Process Review: Draft Report* (GML Heritage June 2021) (Tab 6.2A of the report).

Item 6.3 State Heritage Assets Register Guidelines and Understanding Register documents

The Heritage Council of NSW received a report and verbal update from Rochelle Johnston.

Key Points Discussed:

- The Minister's approval of the Heritage Assets Register Principles is required prior to publishing the guidance materials.
- The Council sought to strengthen the wording around the movable heritage and demolished building guidelines to clarify responsibilities.
- The guidance material is a living document and will include examples of good management, with case studies also made available on the website.
- The Council sought further discussion around compliance strategies for Government agencies.

Resolution 2021-42

The Heritage Council of NSW:

1. Following the Minister's approval of the Heritage Asset Register Principles, **approves** for public release the following documents:
 - (a) *Heritage Asset Management Guidelines – NSW State Agencies* (guidelines) (Tab 6.3 B of the report)
 - (b) *Understanding Heritage and Conservation Registers – NSW State Agencies* (Understanding Registers) (Tab 6.3 C of the report)

Moved by Robyn Parker and seconded by Dr Nicholas Brunton

Item 7. Executive Reports

Item 7.1 Executive Director, Heritage NSW – Monthly Report

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

53 Lower Fort Street, Millers Point

The applicant has appealed the Approvals Committee's decision of 2 February 2021 regarding the 53 Lower Fort Street Miller's Point to the Land and Environment Court of NSW. The Council supported Ian Clarke's nomination to work with Heritage NSW on addressing this matter.

Dr Nicholas Brunton left the meeting at 3:00 PM.

Blue Plaques program

The Executive Director sought the Council's input on work underway to progress the Blue Plaques program. The program aims to produce 200 plaques by the end of 2021.

The Council noted that three key streams of work are being developed which will focus on:

- an achievable scope of work and timeframe with adequate resourcing
- digital connections to create greater engagement and
- gathering stories and identifying the people, places and events that should be celebrated.

The Council suggested ways to engage with the local communities, local government and historical societies to propose items for the plaques program and also seek assistance from other government agencies that may have expertise in providing IT solutions.

Item 7.2 Chair, Heritage Council of NSW – Monthly Report

There were no items to report this month.

Item 7.3 Chief Planner's Report

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

Item 7.4 Advisory Panels Report

The Heritage Council of NSW noted the Advisory Committee and Panels report.

Item 7.5 Strategic Project Status Report

The Heritage Council of NSW noted the Strategic Project Status report.

Item 8. Heritage NSW Reporting

Item 8.1 Heritage Operations – Monthly Reports

Item 8.1.a Conservation Major Projects – Monthly Report

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

Item 8.1.b Delegated Decisions – Monthly Report

The Heritage Council of NSW noted the Delegated Decisions Report.

Item 8.1.c Listing Matters

The Heritage Council of NSW noted the Listings Matters monthly report.

Item 8.1.d Social Media, Publicity and Heritage Celebration - Monthly Report

The Heritage Council of NSW noted the Social Media Report.

Item 8.2 Heritage Council 2020-21 Compliance Report

The Heritage Council of NSW received an update from Tim Smith on compliance matters and noted the Heritage NSW Annual Compliance Report 2020/21 and the State Agency Compliance Review report.

Item 9. General Matters

Item 9.1 Forward Agenda

The Heritage Council of NSW noted the forward agenda.

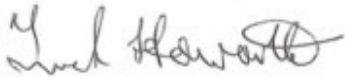
Item 9.2 Any other business

Tim Smith provided an update on recent media on the Wangi Wangi Power Station site.

Louise Thurgood thanked the Heritage NSW team for the improvements made in the quality of reporting being submitted to the Council for consideration.

Item 10. Meeting Close

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 3:25 PM.



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Mr Frank Howarth AM PSM

Chair, Heritage Council of NSW

Date: 4 August 2021