



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 487

3 March 2021 | 09:00 AM – 4:20 PM

International Convention Centre, 14 Darling Drive Plenary Meeting Room C3.6, Level 3 & Teleconference

ATTENDANCE	
MEMBERS	
Mr Frank Howarth AM PSM	Chair
The Hon Robyn Parker	Member
Dr Nicholas Brunton	Member
Mr Ian Clarke	Member
Mr Paul Knight	Member
Dr Brian Lindsay	Member
Ms Colleen Morris	Member
Ms Louise Thurgood	Member
Mr Dillon Kombumerri	Observer
APOLOGIES	
Mr Brett Whitworth	Member
GUEST PRESENTERS AND EXTERNAL ATTENDEES	
Mr Tim Green	Senior Manager Planning, TfNSW (Item 2.1)
Mr Colin Sargent	Senior Development Manager, Central Precinct, TfNSW (Item 2.1)
Mr Nicholas Wolff	Program Director, Central Renewal, TfNSW (Item 2.1)
Ms Carolyn MacLulich	Principal, Artefact Heritage Services
Mr Marc Lane	Principal of Integrated Frameworks, Government Architects (Item 7.1)

HERITAGE NSW	
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 (Item 2.1)
Mr David Nix	Senior Heritage Officer Major Projects (Item 2.1)
Mr Steve Meredith	A/Regional Manager Heritage North (Item 4.1)
Ms Tracy Appel	Senior Team Leader Regional Heritage (Item 4.1)
Mr David Hoffman	Senior Heritage Operations Officer Heritage North (4.1)
Ms Rochelle Johnston	Manager Heritage Programs (Items 5.1 and 9.1.a)
Ms Nicole Secomb	Heritage Programs Officer Strategy & Policy (Item 5.1)
Ms Jan Nye	Senior Team Leader Comms & Engagement (Items 6.1, 6.2 and 6.3)
Ms Leah Domanski	Senior Programs Officer Heritage Operations (Item 6.1)
Ms Bianka See	Senior Programs Officer Comms & Engagement (Item 6.2)
Ms Rosanna Luca	Senior Project Officer Heritage Operations (Item 6.3)
Mr Mark Callanan	Senior Heritage Programs Officer Compliance (Item 7.2)
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 9:23am, delivered an Acknowledgment of Country and welcomed attendees and, newly appointed Deputy Chair, Robyn Parker. It was noted that quorum had been met.

Apologies were received from Brett Whitworth.

Item 1.1 Conflict of Interest Declarations

Dr Nicholas Brunton noted his standing COI declaration in relation to the MLC Building, North Sydney and will excuse himself from any discussions regarding this property.

Robyn Parker requested a standing potential conflict of interest be registered in terms of decisions made in her previous role as Minister for Heritage which can be assessed at the time of any potential conflict arising. Secretariat will note the list of standing declarations on the register.

Item 1.2 Out of Session Decisions

Council noted the out of session resolution made in relation to the MLC Building, North Sydney, recorded and attached to Resolution 2021-03 and included in the minutes of meeting held 3 February 2021.

Item 1.3 Minutes from the Previous Meeting – 3 February 2021

Resolution 2021-07
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> Confirmed the minutes of the previous ordinary meeting (3 February 2021) incorporating the Out of Session resolution made in relation to the MLC Building, North Sydney (5 February 2021) as a complete and accurate record of these meetings.
<p>Moved by Ian Clarke and seconded by Dr Nicholas Brunton</p>

Item 1.4 Matters Arising

There were no matters arising.

Item 1.5 Action Report

The Council reviewed the action report which is now being managed directly via Diligent and requested that:

- for future reporting a separate list of open and closed items be provided with all overdue or open action items to include a progress note or recommendation to close if completed, each month; and
- the Secretariat provide a copy of Council's short form bios to external presenters attending Heritage Council, Committees and Panel meetings.

Item 1.6 Membership Matters - Appointments

The Chair recommended Robyn Parker be appointed as Chair of the State Heritage Register Committee.

Resolution 2021-08

The Heritage Council of NSW:

1. **Resolved** to appoint The Hon Robyn Parker as the Chair of the State Heritage Register Committee for the duration of her term on the Heritage Council, until 31 January 2024.

Moved by Frank Howarth and seconded by Dr Nicholas Brunton

Item 1.7 Heritage Council of NSW – Committees Update

The Acting Chair of the State Heritage Register Committee provided a verbal update on the matters discussed at the meeting held 2 March 2021 including refinements to the process for SHR nominations to combine triage and prioritisation into a single step and consideration of achievability in prioritisation.

The SHRC recommended the Heritage Council engage with the Queanbeyan Palerang Regional Council regarding the management of the Braidwood listing.

Ian Clarke, Acting Chair at the Approvals Committee meeting held 2 March 2021 reported on items considered, as well as general discussion including the referral of correspondence regarding Millers Point to the Heritage Council following the Approvals Committee initial review of matters raised.

Council discussed ways to improve the effectiveness of various Committee meetings including a written protocol provided to external presenters and HNSW staff that focuses on getting the best value from their attendance and provides guidance, so all are aware of Council's expectations and time allocated for presentations. This communication should also include the option to organise subcommittee workshops or site visits, where practical, for more complex issues.

Resolution 2021-09

The Heritage Council of NSW resolved to:

1. **Engage** with the Queanbeyan-Palerang Council in a proactive partnership to develop a better understanding of heritage issues in Braidwood and promote Braidwood heritage.
2. **Meet** with DPIE to open discussions and consider options for the recognition and protection of state significant cultural landscapes and urban heritage areas within the NSW planning system.

Moved by Colleen Morris and seconded by Robyn Parker

Item 2. Central Precinct Redevelopment – TfNSW Update

Transport for NSW (TfNSW) provided an update on the Central Precinct Redevelopment and further details on the stakeholder engagement program and work being undertaken on the Western Gateway public realm strategy.

Key points raised

- TfNSW are currently focused on finalising the heritage framework to provide a strategic direction for all Western Gateway projects and the broader Precinct which is being prepared concurrently with the Masterplan and draft Conservation Management Plan.
- The Connecting with Country Framework EOI is being finalised for release.
- The inaugural meeting of the Heritage Consultation group was held 28 January and will meet regularly over 2021.
- An Aboriginal heritage consultancy has been engaged to deliver the engagement strategy and undertake stakeholder engagement activities.
- Public exhibition for rezoning of the Toga site was completed at the end of January.
- Heritage Interpretation Strategy meetings have been held with:
 - local Indigenous representatives to define key stories for Aboriginal Heritage and opportunities for truth telling and stories particularly around Central and opportunities for these to be reflected in interpretative elements across the precinct; and
 - Sydney Trains, Sydney Metro, Atlassian, Toga and Dexu Fraser to discuss interpretation opportunities, planning and the overall heritage interpretation approach.
- The Design Review Panel was established in December 2020 and will meet monthly and includes observers from DPIE, City of Sydney, GSC and Heritage NSW.
- Work is underway on the Western Gateway Public Realm Strategy and potential connectivity, access and activation across the site and next steps include developing detailed principles for the public realm, heritage and interpretation.
- TfNSW advised that discussions are being held with the City of Sydney to align aspirations for the northern end of the precinct and Railway Square connections.

Council suggested:

- TfNSW include the original creeks, pathways and song lines on the mapping and provided examples of potential influence on the public realm, such as the Devonshire Street corridor;
- TfNSW ensure unobstructed views of the clock tower, including the ability to view the clock tower against clear sky, are acknowledged as critical aspects of the site's heritage and preserved in designs of over-station developments, as per 1938 City of London Corporation Protected View Corridors Scheme;
- approaches to the station be considered critical heritage pieces for the precinct and in terms of the transport strategy may optimise the experience, encourage activation and inform the public square; and
- the heritage interpretation undertaken at Milan (Italy) Railway Station was a good example of difficult storylines represented in the public realm that could be used as a model for telling aspects of the stolen generation story at Central.

Council discussed the broader Central Station precinct and over-station development proposal, key issues for heritage and timelines for input and influence.

Resolution 2021-10

The Heritage Council of NSW:

1. **Noted** the project update and details of the public domain strategy for the Western Gateway Sub-precinct as part of the Central State Significant Precinct.

2. **Thanked** TfNSW for the presentation.

Moved by Dr Brian Lindsay and seconded by Ian Clarke

Item 3. Legislation, Policy and Administrative Matters

Item 3.1 Membership Matters – EOI Process

Council discussed the proposed EOI process and proposed timeline to fill forthcoming vacancies on Council's committees and panels which is due to commence in March.

Council supports the expertise as recommended by the Committee and Panel Chairs and recommended that HNSW:

- widen the digital communication reach of the EOI through the various heritage network sources and HNSW website and limit the advertising to appropriate and cost effective print media; and
- work with the Council and Committee Chairs to determine selection panel composition.

Resolution 2021-11

The Heritage Council of NSW:

1. **Approved** the commencement of an EOI process to fill the vacancies on the State Heritage Register Committee (SHRC), Approvals Committee (AC), Heritage Advisory Panel (HAP) and Technical Advisory Panel (TAP).
2. **Endorsed** the proposed project timeline for the EOI process (Tab A of the report), including:
 - a. A minimum of two weeks advertising period
 - b. Advertising in appropriate print and digital media
 - c. Selection criteria as specified under section 8(3) of the *Heritage Act 1977*
3. **Requests** Heritage NSW to work with the Heritage Council and Committees' Chairs to determine the composition of selection panel(s).
4. **Delegates** to the Chair of the Heritage Council of NSW to approve the advertising material.

Moved by Colleen Morris and seconded by Dr Nicholas Brunton

Item 3.2 Heritage Council Delegations

- The Council considered and provided HNSW feedback on the draft protocol, principles for exercising delegation of functions and proposed guidance on escalation points and approval pathways and requested HNSW reword some sections for clarity using positive language and to also include examples of good practice.
- Council recognised the need for training to ensure staff understand how to implement these policies and HNSW will arrange for staff workshops with Council representation to engage more broadly and embed the practice.
- HNSW are currently looking at streamlining the assessment process including consistent dissemination to staff of lessons learnt on assessment outcomes.
- Council recommended a framework approach that separates risk appetite from risk tolerance and includes mitigation measures.

- Paul Knight and Pauline McKenzie agreed to provide some examples of risk appetite guidelines.
- HNSW will continue consultation underway with DPC and provide Council a list of delegations and exemptions to government agencies for further discussion.
- HNSW will also consider a complimentary assurance process as part of the audit and risk review program.
- A meeting is being arranged with DPIE to gain a mutual understanding of expectations and requirements for HNSW communications to be effectively delivered to its wide-ranging audience.

Resolution 2021-12

The Heritage Council of NSW:

1. **Noted** the approach staff currently take to make delegated assessment decisions.
2. **Requested** Heritage NSW to implement the proposed protocols and principles to assist Heritage NSW in the exercising of delegations.
3. **Noted** that a briefing from the Planning and Assessment team from DPIE will be held to gain a mutual understanding of expectations for the responses provided on State Significant Development and Infrastructure and any other determinations managed by Planning.

Moved by Dr Nicholas Brunton and seconded by Colleen Morris

Item 4. Recommendation to List on SHR

Item 4.1 Newcastle Recreation Reserve - RTL

The Chair noted that Council has previously discussed this site and the focus for this discussion is to consider the responses to the Notice of Intent.

HNSW reported on correspondence received from the City of Newcastle Council seeking a Public Voice meeting, likely to be held 16 March 2021 prior to Council's making a determination on this matter.

Council agreed to advise the City of Newcastle that they will make a decision on the recommendation to list at the April meeting. This will allow them time to hold their Public Voice meeting and provide their position on the listing.

Resolution 2021-13

The Heritage Council of NSW resolved to:

1. **Advise** the City of Newcastle Council that the Council will make a decision on the recommendation to list the Newcastle Recreation Reserve at its 7 April 2021 meeting. This will allow the Newcastle City Council to hold their proposed Public Voice meeting and provide advice on their position on the proposed listing.

Moved by Robyn Parker and seconded by Ian Clarke

Item 5. Matters for Consideration / Decision – Part 1

Item 5.1 Heritage and Conservation Register – Program Update

State Heritage Assets Register Implementation Plan

Rochelle Johnstone reported that the audit and risk reporting and treatment plans have been completed and roll out of training has commenced. Further activities proposed will cover:

- additional training sessions and training for new staff when onboarding;
- review of treatment plans to build on the success of the audit process;
- establish an agency reference group led by the Director of Heritage Strategy and Policy;
- completion of the internal staff manual; and
- a review of ongoing reporting with agencies to ensure they are meeting their responsibilities under the Act including:
 - a continual improvement model for annual health checks with measurements, customer journey mapping and surveys to gain feedback on how well the process is working; and
 - set KPIs to measure single point of contact and incremental annual percentages of agencies having a register.

Council questioned the proposed time to complete implementation and asked HNSW to consider ways to ensure the process is not labour intensive on staff resources and consider developing a risk based audit regime and a periodic review schedule of grouped assets.

HNSW noted the four year program recognises that some agencies with limited resources will take longer to create and regularly update their asset registers. Also noted was the benefit of the new Heritage Management System (HMS) once launched to agencies.

HNSW will return to Council around October 2021 to provide an update on success of implementation to date and present details for the longer term ongoing program and reporting and evaluation measures.

Resolution 2021-14
The Heritage Council of NSW:
<ol style="list-style-type: none"> 1. Approved the allocation of state agencies' Heritage and Conservation registers as proposed by Heritage NSW for acceptance by the Heritage Council. 2. Thanks to Rochelle Johnston and the team for a well documented program.
Moved by Colleen Morris and seconded by Dr Brian Lindsay

Louise Thurgood left the meeting at 1:20pm.

Item 6. Matters for Consideration / Decision – Part 2

Item 6.1 Resources & Publications – Communications Plan and Schedule of Works

HNSW provided a progress update on the review of publications and identification of priority publications noting that:

- 31 publications are currently being updated and ten publications will soon be retired as information has been replaced on the website or alternate resources put in place;

- 16 publications will be updated by the end of June 2021, with the first six being presented to the Technical Advisory Panel at their meeting on the 24 March 2021 prior to being published on the website and released to key stakeholders via various digital media channels;
- the project schedule details those publications that will be completed by the end of the project, with priority given to the NSW Heritage Manual as well as the Maintenance Series as referenced in the new standard exemptions gazettal;
- CMP related documentation and Stated Owned Heritage Assets guidance material are being delivered by other projects;
- two publications have been put on hold as they don't meet requirements resolved by Council for the project at the meeting held in December 2020; and
- 22 publications will remain outstanding as at 30 June and the Council may determine whether these are to be considered later.

Council thanked Leah Domanski for her excellent work in expediting the Resource and Publications project.

Resolution 2021-15

The Heritage Council of NSW:

1. **Noted** the Resources and Publications Project Status Report.
2. **Endorsed** the priority publications, proposed communications plan and timeline for delivery.
3. **Thanks** to Leah Domanski and the team for the work well done.

Moved by Ian Clarke and seconded by Dr Nicholas Brunton

Item 6.2 Communications Plan Strategy Update

Bianka See reported that the draft Comms and Engagement strategy has been developed and endorsement will be sought prior to launching in April. Key outcomes for the strategy include:

- promoting the work of the Heritage Council;
- broadening the public's understanding of what heritage is; and
- strengthening partnerships with communities.

A public facing strategy will be published on the website and further details will be provided at the April meeting.

Council questioned if there was the opportunity and capacity to use an app in our heritage promotion strategies and discussed issues related to social media promotion generally.

- HNSW have considered social media and any legislative requirements and issues around ownership and use of imagery; and
- confirmed that HNSW adheres to DPC's social media policy and further conversations will be held with DPC in terms of how any Facebook restrictions may be managed.

Resolution 2021-16

The Heritage Council of NSW:

1. **Notes** the proposed actions and timings for the next stage of the Communications and Engagement Strategy development.

2. **Agrees** that the Chair of the Heritage Council (Frank Howarth) and Project Sponsor (Ian Clarke) provide feedback on the first draft of the Communication and Engagement Strategy in early March 2021.
3. **Thanks** Bianka See for her work on the Heritage Council's communication strategy and social media.

Moved by Robyn Parker and seconded by Dr Nicholas Brunton

Item 6.3 Regional Visit 2021 - Newcastle

Council discussed which stakeholder meetings and sites should be considered for the regional visit and provided suggestions to HNSW to finalise the itinerary with the Chairs of Council and ACHAC.

HNSW will finalise the itinerary with the Chairs of Council and ACHAC.

Resolution 2021-17

The Heritage Council of NSW:

1. **Notes** the (revised) proposed timing, location and draft itinerary for the Regional Visit 2021.
2. **Notes** the proposed itinerary and that the associated costs cannot be met through the HCF and a funding strategy will be agreed with HNSW.

Moved by Dr Brian Lindsay and seconded by Robyn Parker

Item 6.4 Australian Heritage Strategy Review – Stakeholder Survey

The Council noted the strategy review survey seeking user feedback as part of its mid-year review. Council invited members who have viewed and used the strategy to participate on an individual basis.

A more formal review of the Strategy will likely be sought via the HOCANZ process in 2025.

Item 6.5 Connecting with Country Framework – Presentation

Dillon Kombumerri outlined the draft Connecting with Country framework prepared by the Government Architect in consultation with key contributors.

- Three long term strategic goals will form the basis for measuring the success of the project outcomes over the next 12 months.
- Living cultural practices will be key in understanding how to interpret knowledge and give meaning to cultural and design expression.
- A range of case studies are included in the framework to illustrate successful Connecting with Country projects and informed design.
- The Framework emphasises the importance of being on Country and meeting with traditional custodians of the land, rather than a reliance on data.

Council discussed opportunities to support, reference and champion the framework including:

- review of HNSW's resources and publications to consider where it may be appropriate to reference to the framework;
- placing a link to the framework on the HNSW website;

- develop position statements on dual naming, signage and the like; and
- setting some guiding principles in engaging with place.

Item 7. External Presentations – Part 2

Item 7.1 Design and Place SEPP – Government Architects presentation

Marc Lane outlined the key aims and intended effect of the proposed Design and Place SEPP which will use a principle based approach to encourage greater creativity and innovation and reduce complexity in the planning system.

Key points raised

- This SEPP will supersede SEPP 65 and BASIX 2004 and supplement existing planning controls such as Sydney Region Growth Centres SEPP 2006 and Western Sydney Aerotropolis SEPP 2020 and other SEPPs that require precinct or masterplanning.
- Currently on public exhibition until 31 March 2021 together with a proposed new Urban Design Guide and proposed amendments to the Apartment Design Guide and Design Review Guide.
- The SEPP looks at the aims and principles, design and place processes and key matters for consideration, application requirements and provides considerations across three scales of development; (i) precinct (ii) significant development and (iii) all other development.
- Framed around five guiding principles to design; (i) places with beauty and character (ii) inviting public spaces (iii) productive and connected places (iv) sustainable and greener places and (v) resilient and diverse places.
- Design Principle 1 includes specific initiatives related to cultural and built heritage matters for consideration.
- The intent is that LEPs and LSPs will have regard to the SEPP in the next round of planning review.
- Noted that the SEPP will cover the city fringe but will not apply to all NSW land and is not intended to regulate all development sites.

The Council suggested Government Architect consider including adaptive reuse case studies that demonstrate consistency with these principles to assist good design up front and reduce the need for retro fitting to gain heritage approval.

Louise Thurgood re-joined the meeting at 3:00pm.

Council were generally supportive of the Design and Place SEPP and its intent and agreed to form a subgroup to review and provide comments to Government Architect.

The Chair will write to the Secretary of Planning, Industry and Environment congratulating them on their work to develop the Connecting with Country Framework and the proposed Design and Place SEPP and acknowledge Dillon Kombumerri's efforts.

Resolution 2021-18
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Thanks Mark Lane and the Government Architect for the informative presentation. 2. Expresses their strong support for the objectives and principles of the Design and Place SEPP.
<p>Moved by Ian Clarke and seconded by Dr Nicholas Brunton</p>

Item 7.2 Kenmore Hospital Precinct

Council expressed concern that Kenmore Hospital is not being maintained or repaired to minimum standards and recommended steps be taken to further investigate this matter with regard to relevant legislation.

Resolution 2021-19

The Heritage Council of NSW noted the report and resolved as follows:

1. The Heritage Council of NSW is **satisfied** that Kenmore Hospital is not being maintained or repaired to at least the minimum standards imposed by Heritage Regulations 2012.
2. To **instruct** HNSW to commence the process for an Order to be issued under s.120 of the *Heritage Act 1977*.
3. To **instruct** HNSW to carry out further investigations into the matter, including under other relevant legislation.
4. **Notes** that the process before an Order can be issued is set out in Division 5 of the *Heritage Act 1977*.

Moved by Dr Nicholas Brunton and seconded by Ian Clarke

Item 8. Executive Reports

Item 8.1 Executive Director, Heritage NSW – Monthly Report

The Heritage Council of NSW noted the Executive Director's report and discussed issues related to Clarence Town Bridge. Tim Smith will provide feedback to TfNSW on this matter.

Tim Smith also advised that HNSW is looking at an opportunity for Council to visit the Parramatta Female Factory site and Parramatta North precinct.

Item 8.2 Chair, Heritage Council of NSW – Monthly Report

The Heritage Council of NSW noted a verbal update from the Chair, Mr Frank Howarth who advised that:

- a useful discussion was held with Singleton Council regarding Ravensworth Homestead;
- Colleen Morris declared a conflict of interest in relation to Ravensworth but was not required to be excused as the listing was not discussed; and
- a Joint Business Planning workshop will be held on 10 March 2021. Council reviewed the agenda. The designed outcomes of the communication strategy will assist Council and HNSW to speak with one voice and provide conjoined branding.

Item 8.3 Chief Planner's Report

The Heritage Council of NSW noted the report.

Item 8.4 Strategic Project Status Report

The Heritage Council of NSW noted the report.

Item 8.5 Advisory Committee and Panels Report

The Heritage Council of NSW noted the report.

Item 9. Heritage NSW Reporting

Item 9.1 Quarterly Reporting

Council asked about the status and volume of fast track exemptions and HNSW provided some examples of where the process may be strengthened and confirmed that all state agencies have been advised of the revised exemption process. In addition, HNSW will confirm that all local Council have been advised of the revised process.

Council noted that the workload is trending upward.

Item 9.2 Heritage Operations – Monthly Reports

Item 9.2.a Conservation Major Projects – Monthly Report

The Heritage Council noted the report.

Item 9.2.b Delegated Decisions – Monthly Report

The Heritage Council of NSW noted the Delegated Decisions Report for 1 – 31 January 2021.

Item 9.2.c Listing Matters

The Heritage Council of NSW noted the Listings Matters monthly report for 1 – 31 January 2021.

Item 9.2.d Social Media, Publicity and Heritage Celebration

The Heritage Council of NSW noted the report.

Item 10. General Matters

Item 10.1 Forward Agenda

The Heritage Council of NSW noted the forward agenda.

Once a consultant is engaged, the Secretariat is to schedule an Out of Session meeting for Council to discuss the Ryde Civic Centre.

Item 11. Meeting Close

There being no further items of business, the Chair, Mr Frank Howarth closed the meeting at 4:20 PM.



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Mr Frank Howarth AM PSM

Chair, Heritage Council of NSW

Date: 7 April 2021