



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 489

5 May 2021 | 09:00 AM – 2:10 PM

Conference Room 1, Heritage NSW, Level 6, 10 Valentine Ave, Parramatta & 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 Brett Whitworth	Member
Mr Dillon Kombumerri	Observer
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 Heritage North (1.3)
Ms Sarah Jane Brazil	Senior Team Leader Major Projects (3.1)
Mr David Nix	Senior Heritage Officer Major Projects (3.1)
Ms Niamh Lowe	Principal Policy Officer (3.3)
Ms Rochelle Johnston	Manager Heritage Programs (3.4 and 5.1)
Mr Tomas Kosik	Senior Heritage Programs Officer (3.4)
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 9:25 am and delivered an Acknowledgment of Country.

The Chair advised that on behalf of Council he has acknowledged and paid respects to ACHAC member, Aunty Iris, on the passing of her father, a senior Aboriginal elder in the community.

It was noted that a quorum had been met.

There were no apologies for the meeting, however Pauline McKenzie advised that she needs to depart the meeting early to attend the Heritage Chairs and Officials of Australia and New Zealand (HCOANZ) forum being held later today.

Item 1.1 Conflict of Interest Declarations

There were no conflicts of interest declared for this meeting.

Item 1.2 Out of Session Decisions

The Heritage Council of NSW noted the Out of Session approval by the Chair of the Heritage Council of NSW and the Chair of the Grants and Sponsorships Advisory Committee of the recommendation to the Minister on the proposed 2021-23 Heritage Grants.

Item 1.3 Minutes from the Previous Meeting – 7 April 2021

Resolution 2021-27
The Heritage Council of NSW: 1. Confirmed the minutes of the previous ordinary meeting (7 April 2021) as a complete and accurate record of this meeting.
Moved by Paul Knight and seconded by Brett Whitworth

Item 1.4 Matters Arising

There were no matters arising.

Item 1.5 Action Report

The Heritage Council of NSW agreed to close items recommended for closure with amendments noted on the register.

Item 1.6 Heritage Council of NSW – Committees Update*State Heritage Register Committee (SHRC)*

Robyn Parker, Chair of the SHRC, provided an update on key outcomes for items considered at the 4th May SHRC meeting.

The Committee:

- sought to provide input to the Heritage Council's response on the Heritage Act Review;
- recommended Heritage NSW to present to the Heritage Council and SHRC on the First Nations Strategic Framework;
- discussed complexities surrounding Aboriginal place names and strategies about how they could be incorporated in SHR listings at an early stage;

- confirmed the need for consultants to work with Aboriginal communities on ACH values when working on listing nominations;
- sought a presentation from Aboriginal Affairs on their work regarding the treatment of trauma; and
- noted an update regarding the LGBTQIA+ working group and discussions with the City of Sydney regarding a potential nomination, with the SHRC or the Heritage Council as a potential nominator.

Approvals Committee (AC)

Dillon Kombumerri, Chair of the Approvals Committee, provided an update on key outcomes for items considered at the 4th May AC meeting, as well as a site visit to Prospect Hill on the 30th April and two out of session workshops regarding the Royal Edward Victualling Yard (REVV) reuse proposal.

Heritage Act Review

The Council discussed scheduling a Heritage Act Review workshop to formulate a submission to the review and invited input from SHRC and AC members.

Item 3. Legislation, Policy and Administrative Matters

Item 3.1 Key Heritage Principles

The Heritage Council of NSW received a paper and verbal update from Sarah Jane Brazil on the preparation of the draft Key Heritage Principles (Principles) and sought Council's feedback on when and how the Principles should be applied.

Key points raised

- The Principles are intended to be applied to any item, place, or precinct, to inform a statement of significance.
- The criteria that will apply to a development proposal will vary, with only the most significant principles that affect the value of a particular asset or place being applied in each case.
- The Principles will guide the proponents and key stakeholders and enable a more consistent approach and recognition of heritage values.

Next steps

- Heritage NSW are socialising the draft Principles at an upcoming forum with DPIE.
- Further work is being undertaken to refine the Principles and incorporate the *Connecting with Country* framework (Principle 4) and ensure consistency across the document (Principle 15 language on the predominant scale).
- A downloadable template will be made available to the proponents via the Heritage NSW website to be populated with how they intend to apply the principles as appropriate for their site.
- Feedback from the SHRC and Approvals Committee on the draft Key Heritage Principles will be sought.

Pauline McKenzie left the meeting.

Heritage NSW will also consider how the Principles could support the creation of a preamble for future heritage and design excellence and discuss this further with the Government Architect.

The Heritage Council of NSW thanked Sarah Jane Brazil and David Nix for their excellent work on the draft Key Heritage Principles.

Item 3.2 Business Planning

The Heritage Council of NSW received a draft report and verbal update from Matthew Clark on the work being done to finalise the 2021/22 business plans.

Heritage NSW will refine the draft business plan based on any further comments provided by Council members, while taking into consideration the parallel business process and resource planning, for the Council's final review at the June meeting.

The Heritage Council thanked Matthew Clark for his work on aligning the Heritage NSW and Heritage Council's business plans.

Item 3.3 Exceptions Reform Project

The Heritage Council of NSW received a report and briefing from Matthew Clark and Niamh Lowe on the Exceptions Reform project.

Key points discussed:

- The potential implementation issues, local government interpretation and consistent application;
- descriptions and intent to provide clarity on where there may be exceptions to the excavation permit requirement;
- the potential to build on heritage knowledge and current mapping that identifies where archaeological items may exist;
- how heritage complexities may be reduced for custodians of heritage assets with activity led assessment; and
- to clearly outline the steps required to address the two types of controls under parts 1 and 2 of Section 139 of the *Heritage Act 1977*.

Heritage NSW will undertake further consultation with the Customer Reference Group and Heritage Advisory Panel prior to submission to the Council.

Item 3.4 Heritage Council Delegation of Functions to Sydney Water

The Heritage Council of NSW received a report and verbal update from Rochelle Johnston regarding the administrative and policy amendments to the delegation of certain Heritage Council of NSW functions to the Sydney Water Corporation (SWC), noting the difference between exemptions granted under section 57(2) and exceptions created under section 139 (4) of the *Heritage Act 1977*.

Resolution 2021-28

The Heritage Council of NSW:

1. **Recommends** that the Minister consent to the delegation of certain Heritage Council functions under provisions of the *Heritage Act 1977* to Sydney Water Corporation (SWC) (Tab I of the report).
2. **Approves** the Protocol (Tab J of the report).
3. **Approves** the section 139 order granting agency specific exceptions to SWC (Tab K of the report).
4. **Agrees** that the Chair signs the section 139 order granting agency specific exceptions to SWC (Tab K of the report).
5. **Recommends** the section 57(2) order to the Minister to grant agency specific exemptions to SWC (Tab L of the report).
6. **Notes** the next steps to be undertaken to progress updating all current and new delegation packages.

7. **Acknowledged** the work of Rochelle Johnston, Tracy Appel and Tomas Kosic on these delegations.

Moved by Colleen Morris and seconded by Louise Thurgood

Item 4. Executive Reports

Item 4.1 Executive Director, Heritage NSW – Monthly Report

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

Nicholas Brunton excused himself from the meeting.

The Chair provided an update to the Council on the NSW Independent Planning Commission's recent deliberations relating to the proposed listing of the MLC building, North Sydney.

Nicholas Brunton re-joined the meeting.

Tim Smith advised that Heritage NSW had recently held a workshop with the Cowra Shire Council representatives and met with the Japanese Ambassador and Japanese Consul General to discuss the Cowra War Cemetery heritage interpretation concept plan.

Item 4.2 Chair, Heritage Council of NSW – Monthly Report

The Heritage Council of NSW noted the verbal update from the Chair.

Item 4.3 Chief Planner's Report

The Heritage Council of NSW noted the report and verbal update from Brett Whitworth.

Chief Secretary's Building

50-52 Phillip Street – New Hotel / Residential Building Stage 1 Concept DA

The Council raised concerns regarding a Concept State Significant Development (SSD) (stage 1) proposal at 50-52 Phillip Street, Sydney for a new hotel/residential building and its significant impact on the national heritage listed Chief Secretary's Building, the surrounding buildings and landscape, and the entire Macquarie Street precinct.

The Council noted that pre-DA consultations were undertaken with the Approvals Committee in November 2021 and sought to understand how the current proposal addresses the concerns raised by the Committee. This will inform the Council's submission to the Concept SSD Proposal, noting that a brief extension was granted by DPIE.

The Council also reflected on the pre-DA consultation process with the view that any major development proposals that may impact on significant state or national heritage listed items would require consideration by the full Council.

Item 4.4 Advisory Panels Report

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

Item 4.5 Strategic Project Status Report

The Heritage Council of NSW noted the Strategic Project Status report and verbal update from Matthew Clark. The Council sought a presentation on the Jurisdictional Legislation Review and work being undertaken by Dr Mark Dunn.

The Council discussed the completion of the *Independent Assessment Report of Cultural Landscape(s) extending from Great Divide to Eden* and further work required to develop a communication and implementation strategy to address the recommendations of the report.

Item 5. Heritage NSW Reporting

Item 5.1 Heritage Operations – Quarterly Reporting

Item 5.1.a Q3 Report - Applications

The Heritage Council of NSW noted the report and quarterly update provided by Rochelle Johnston and were advised of the reduction in overall time being taken to process Section 60 applications.

Item 5.1.b Q3 Report - Compliance

The Heritage Council of NSW noted the report and briefing provided by Tim Smith to outline actions being undertaken to resolve contentious matters and challenges associated with managing compliance priorities with other business activities.

Item 5.2 Heritage Operations – Monthly Reports

Item 5.2.a Conservation Major Projects – Monthly Report

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

Item 5.2.b Delegated Decisions – Monthly Report

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

Item 5.2.c Listing Matters

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

Item 5.2.d Social Media, Publicity and Heritage Celebration - Monthly Report

The Heritage Council of NSW noted the report and discussed ways to increase the social media reach.

Item 6. General Matters

Item 6.1 Forward Agenda

The Heritage Council of NSW noted the forward agenda and agreed to hold an Out of Session meeting on the 25th May for members to provide input into the Heritage Act Review submission.

Item 6.2 Any other business

The Council discussed the National Trust Awards being held on the 13th May.

The Council noted the Commonwealth's decision and recent announcement not to proceed with the Go Kart proposal at Mount Panorama, as well as the recent media reports regarding Cockatoo Island and sought clarification whether it is appropriate for Council to comment on this matter.

Item 7. Meeting Close

There being no further items of business, the Chair, Frank Howarth closed the meeting at 2:10 pm.



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Mr Frank Howarth AM PSM
Chair, Heritage Council of NSW

Date: 2 June 2021