



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 495

3 November 2021 | 09:00 AM – 3:07 PM

Conference Rooms 1 & 2, Heritage NSW, Level 6, 10 Valentine Avenue Parramatta and via Teleconference

ATTENDANCE	
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
APOLOGIES	
Mr Steve Meredith	Director Heritage Programs, HNSW
Ms Barrina South	Director Heritage Strategy and Policy, HNSW
GUEST PRESENTERS AND EXTERNAL ATTENDEES	
Ms Kirstie Allen	DPC secondee assisting with Heritage Act Review and ACH reforms (3.1)
HERITAGE NSW	
Mr Sam Kidman	Executive Director
Mr Matthew Clark	Director Heritage Strategy and Policy
Ms Lucy Albani	Senior Team Leader Heritage Policy (3.1)
Mr Tim Smith	Director Heritage Operations, HNSW (4.1)
Ms Emily Dillon	Archaeologist, Aboriginal Cultural Heritage Reg (4.1)
Ms Jackie Taylor	Senior Team Leader Aboriginal Cultural Heritage Reg (4.1)
Ms Sam Higgs	Archaeologist, Aboriginal Cultural Heritage Reg (4.1)
Ms Verena Mauldon	Senior Heritage Officer, Major Projects (4.1)

Dr Aleisha Buckler	Acting Senior Team Leader Heritage Strategy (4.2)
Ms Sonia Limeburner	Senior Team Leader Strategy (4.2)
Mr Rajeev Maini	Senior Team Leader Regional Heritage Assessments (4.2)
Ms Shikha Jhaldiyal	Senior Heritage Assessments Officer, Heritage South (4.2)
Ms Veerle Norbury	Senior Heritage Assessments Officer, Heritage South (4.2)
Mr Raja Chaudhary	Senior Heritage Assessments Officer, Heritage South (4.2)
Ms Jan Nye	Senior Team Leader Communications & Engagement (5.5)
Ms Anna London	Acting Director Heritage Operations, HNSW (5.5 and 6.0)
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 9:44 AM, delivered an Acknowledgment of Country and welcomed attendees.

The Heritage Council of NSW noted that Martin Reason, Executive Director Infrastructure Delivery and Special Projects, Department of Planning, Industry and Environment has been nominated as a Delegate of the Secretary and member of the Heritage Council of NSW, pending formal advice and onboarding.

It was noted that a quorum had been met.

Item 1.1 Conflict of Interest Declarations

There were no conflicts of interest declared for this meeting.

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 – 6 October 2021

In finalising the minutes of the previous meeting, the Council discussed the section pertaining to *Item 4.1 - Ravensworth Homestead – Glendell Mine*. Colleen Morris was not in attendance during this discussion, due to her declared conflict of interest.

Resolution 2021-60
The Heritage Council of NSW:
1. Confirmed the minutes of the previous ordinary meeting (6 October 2021) as a complete and accurate record of that meeting.
Moved by Ian Clarke and seconded by Dr Nicholas Brunton

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. The register was updated to reflect the additional discussion and further actions requested.

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 2 November SHRC meeting, including the Notice of Intent to list (NOI) the Arrawarra Headland and Stone Fish Traps which are one of the few surviving coastal stone fish traps in NSW currently still used.

The Council asked that Heritage NSW ensure that appropriate exemptions are negotiated with the Garby Elders for the ongoing maintenance and use of the Arrawarra stone fish traps by Aboriginal people.

It was also noted that the SHRC have agreed that in future, all owners will be offered the opportunity to present to the Committee at the NOI stage, to enable early engagement with owners for proposed listings.

Approvals Committee (AC)

Dillon Kombumerri, Chair of the Approvals Committee, provided an update on key outcomes for items considered at the 2 November AC meeting as well as out of session workshops held to review the design proposals for the Cronulla Fisheries at Hungry Point Reserve and the Union Bond Store at The Rocks.

The Council acknowledged the Approvals Committee's approach to consult with proponents and working parties early in the design phase to achieve design excellence outcomes and encouraged this practice to continue. The Council also thanked Heritage NSW for their involvement in this collaboration and engagement.

Item 3. Legal, Policy and Administration

Item 3.1 Heritage Act Review Update

The Heritage Council of NSW received an update from Lucy Albani and Caroline Ford on the review of the heritage legislation and noted the progress in the legislative amendments process.

The Council thanked Heritage NSW for the update and is looking forward to further involvement at the next stage.

In addition, the Chair thanked the Council for their input in preparation of advice regarding intangible heritage that may assist in future legislative changes.

Item 4. Matters for consideration

Item 4.1 Warragamba Dam Wall Raising Project (EIS) – Heritage NSW Update

The Heritage Council of NSW received a report from Tim Smith and Jackie Taylor regarding Heritage NSW's response to the development of the Environmental Impact Statement (EIS) for Warragamba Dam Wall Raising Project which is a controlled action under the *Environment and Biodiversity Conservation Act 1999*. The Commonwealth Minister for the Environment has the approval role.

Heritage NSW (and formerly Office of Environment and Heritage) has been liaising with Water NSW regarding the draft EIS since 2018 and provided advice to the Department of Planning, Industry and Environment (DPIE) on the Secretary's Environment Assessment Requirements (SEARs).

Heritage NSW is currently reviewing the EIS documentation as it relates to Aboriginal cultural heritage for advice to be provided to DPIE by 29 November 2021. Potential impacts to the World Heritage List values and status of The Great Blue Mountains World Heritage Area are under Commonwealth's consideration.

Key points raised in the discussion:

- The project design is currently at the detailed concept stage.
- Overall, it is considered that there would be no significant impact to the SHR-listed items, as they will continue to be associated with the dam wall and spillway, which have been subject to operational upgrades in the past to support the ongoing intended use.
- Heritage NSW has had input into the management of the potential archaeological impacts through the provision of recommendations at the SEARs and EIS stages.

- There are potential risks to downstream maritime archaeological sites from major flooding events that are still being assessed by Heritage NSW. These include changes to environmental conditions that might subsequently expose heritage sites that were previously buried in deep water or along the riverbank.
- Heritage NSW has provided clear and consistent advice regarding the inadequacies of the Aboriginal cultural heritage assessment in the draft EIS, including inadequate consultation with the Aboriginal community and inadequate assessment of cultural values (tangible and intangible).
- Heritage NSW reviewed the revised draft Aboriginal Cultural Heritage Assessment Report (ACHAR) along with the cultural values and archaeological assessment reports and noted that a number of archaeological deposits are yet to be assessed against the potential impacts as part of this proposal.
- The *Heritage Act 1977* and *National Parks and Wildlife Act 1974* approval functions do not apply to this proposal as it will be assessed under the *Environmental and Planning Assessment Act 1979, Division 5.2 State Significant Infrastructure* legislative framework.

Irrespective of the legislative constraints, the Council emphasised that Aboriginal cultural heritage is the heritage of everybody, and the broader and inclusive nature of both the tangible and intangible heritage should be properly considered.

Further, the Council discussed the scientific archaeological assessments versus the overarching cultural significance of the site and strongly expressed their view that time should be afforded for sufficient consultation, including culturally sensitive engagement with Aboriginal communities.

The Council thanked Heritage NSW for providing a comprehensive update on the Warragamba Project.

Resolution 2021-61

The Heritage Council of NSW:

1. **Notes** the update from Heritage NSW on delegated responses to the Warragamba Dam Wall raising project EIS, which is on public exhibition.
2. **Expresses** serious concerns about the project's potential impacts to tangible and intangible Aboriginal cultural heritage and the cultural landscape.
3. **Notes** the material disparity between the scientific and archaeological reading of sites versus Aboriginal understanding of the significance of sites.
4. **Notes** the concerns of Aboriginal stakeholders with the EIS documentation and urges Water NSW to pursue more culturally sensitive engagement.
5. **Supports** Heritage NSW making continued representations about the impacts of this proposal on cultural heritage.

Moved Paul Knight and seconded by Louise Thurgood

Item 4.2 SHR Listings and owner engagement issues

The Heritage Council of NSW received a report from Sonia Limeburner and Dr Aleisha Buckler.

Heritage NSW has reviewed the SHR listing nominations received over the past two years, as well as current active nominations, in order to identify any key themes and commonalities amongst the issues raised in relation to owner engagement. A cross section of examples were presented to the Council highlighting the variety of issues that arise when dealing with owners.

The Council thanked Heritage NSW for the update and noted that further considerations of the key issues and themes is required.

Item 4.3 Heritage Advisory Panel - Peer Review Policy proposal

The Heritage Council of NSW noted the report from Colleen Morris on behalf of the Heritage Advisory Panel (HAP).

The Peer Review Policy proposed by the HAP should assist local government, proponents and authors when preparing peer review reports for various documentation such as heritage studies, conservation management plans, heritage impact statements.

The proposed structure of a peer review report should include the following key areas:

- the structural elements
- documentary evidence and verification and interrogation of sources of information
- analysis of the physical evidence including the views to and from the site or landscape and the broader setting
- the assessment of significance and other policy overlays, and
- a conclusion which provides confirmation that the process and research/analysis on which it has been based, meets acceptable standards.

The Council acknowledged the work done by the HAP in preparation of this proposal and sought to incorporate the policy into the existing suite of heritage guidance documentation.

Resolution 2021-62

The Heritage Council of NSW:

1. **Thanks** the Heritage Advisory Panel for the work undertaken in preparation of the *Peer Review Policy*.
2. **Requests** Heritage NSW to advise how the *Peer Review Policy* and the *Heritage Design Guidelines* may be incorporated into the suite of heritage guidance materials and publications.

Moved by Colleen Morris and seconded by Ian Clarke

Item 4.4 Membership Matters – Approvals Committee Appointments

The Heritage Council of NSW received a verbal update from the Chair of the Heritage Council.

The Council noted that Dillon Kombumerri's current term as Chair of the Approvals Committee is due to expire on 31 December 2021.

Resolution 2021-63

The Heritage Council of NSW:

1. **Re-appoint** Dillon Kombumerri as Chair of the Approvals Committee for a further period of 2 years, from 1 January 2022 until 31 December 2023.

Moved by Robyn Parker and seconded by Ian Clarke

Item 5. Executive Reports

Item 5.1 Executive Director, Heritage NSW – Monthly Report

The Heritage Council of NSW noted the update from Sam Kidman including a presentation on the Heritage NSW organisational restructure currently being implemented.

Further work will be undertaken to embed the revised functional structure and prioritisation of activities across the organisation.

Item 5.2 Chair, Heritage Council of NSW – Monthly Report

The Heritage Council of NSW noted the verbal update.

Item 5.3 Planning Report (DPIE)

The Heritage Council of NSW noted the planning report.

Item 5.4 Advisory Panels Report

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

Item 5.5 Regional Visit 2022

The Heritage Council of NSW discussed options for the 2022 Regional Visit in March/April or October/November next year. A mix of Aboriginal, non-Aboriginal, cultural tourism, tangible and intangible heritage sites should be considered, as well as options for cost effective transport and logistics planning.

Heritage NSW will develop a draft itinerary for consideration at the next Council meeting.

Item 6. Heritage NSW Reporting

Item 6.1 Heritage Operations – Quarterly Reports

The Heritage Council of NSW acknowledged the good work done to prepare and provide the Quarterly Compliance (Q1) report. The Quarterly Applications (Q1) report will be reported as part of the Q2 update.

Item 6.2 Heritage Operations – Monthly Reports

The Heritage Council of NSW noted the monthly reports and verbal update from Anna London. Heritage NSW outlined actions underway regarding the Roxy Theatre and advised that a brief update will be provided at the next meeting.

Item 7. General Matters

The Council noted that in August 2021, as part of the Parramatta Road Transformation Corridor strategy, an implementation update was provided for the Homebush Theatre.

The Council asked Heritage NSW to include the Parramatta Road Transformation Corridor strategy on the next Major Projects Subcommittee meeting agenda and to seek a potential meeting with Transport for NSW to discuss this project.

Item 7.1 Forward Agenda

The Heritage Council of NSW noted the forward agenda.

The proposed 2022 schedule of meetings will be provided at the next meeting.

Item 8. Meeting Close

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 3:07 PM.



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Mr Frank Howarth AM PSM

Chair, Heritage Council of NSW

Date: 1 December 2021