



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 493

1 September 2021 | 09:00 AM – 3:35 PM

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
Mr Brett Whitworth	Member
APOLOGIES	
Nil	
STATE HERITAGE REGISTER COMMITTEE (for Item 5.1)	
Dr Wayne Johnson	Member
Ms Natalie Vinton	Member
Ms Lisa Trueman	Member
GUEST PRESENTERS AND EXTERNAL ATTENDEES	
Ms Kirstie Allen	DPC secondee assisting with Heritage Act Review and ACH reforms
Dr Deborah Dearing	District Commissioner, Eastern City & Northern District, GSC (4.1)
Mr Chris Bennetts	Acting Head of Precincts, GSC (4.1)
Ms Melissa Halloran	Principal Precinct Planner, GSC (4.1)
Mr Nicholas Wolff	Program Director, Central Precinct Renewal, TfNSW (4.1)
Ms Clare Sowden	Project Director, Redfern North Eveleigh, TfNSW (4.1)

Ms Nicole Larkin	Architect, Larkin Design (4.2)
Mr Matthew Devine	Chair, Landscape Conservation Committee National Trust of Australia (4.2)
Ms Sharon Veale	GML Heritage Consultant (5.1)
Dr Scott Robertson	Project Leader, Robertson & Hindmarsh (5.2)
Dr Noni Boyd	Architectural Historian, Robertson & Hindmarsh (5.2)
HERITAGE NSW	
Mr Sam Kidman	Executive Director
Mr Matthew Clark	Director Heritage Strategy and Policy
Mr Tim Smith	Director Heritage Operations
Ms Lucy Albani	Senior Team Leader Heritage Policy (3.1)
Dr Caroline Ford	Principal Policy Officer (3.1)
Ms Sarah Jane Brazil	Senior Team Leader Major Projects (4.1)
Mr David Nix	Senior Heritage Officer Major Projects (4.1)
Mr Hendry Wan	Senior Heritage Officer Major Projects (4.1)
Ms Emma Dortins	Senior Team Leader Reg Heritage Operations (4.2)
Mr Stuart Read	Senior Heritage Operations Officer (4.2)
Ms Sonia Limeburner	Senior Team Leader Strategy (5.1, 5.2 and 6.1)
Ms Rochelle Johnston	Manager Heritage Act Programs (5.1, 5.2 and 6.1)
Dr Aleisha Buckler	SHR Listings Coordinator (5.1)
Ms May Willard	Assistant Policy Officer (6.1)
Ms Anna London	Acting Senior Team Leader Streamlining Team (6.1)
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 9:22 AM, delivered an Acknowledgment of Country and welcomed attendees.

There were no apologies received and it was noted that a quorum had been met.

Item 1.1 Conflict of Interest Declarations

There were no 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 – 4 August 2021

Resolution 2021-50
The Heritage Council of NSW: 1. Confirmed the minutes of the previous ordinary meeting (4 August 2021) as a complete and accurate record of that meeting.
Moved by Dr Nicholas Brunton 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. 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 31 August SHRC meeting and activities of the First Nations and LGBT+ Working Groups.

Approvals Committee (AC)

Dillon Kombumerri, Chair of the Approvals Committee, provided an update on key outcomes for items considered at the 31 August AC meeting as well as various out of session workshops held during the past month.

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 talked through the elements of the government discussion paper.

Heritage NSW reported that:

- Public hearings are being held with a wide range of stakeholders as part of the Upper House Inquiry and the final hearing is scheduled for 2 September.
- Consistent themes emerging from the analysis of submissions received include:
 - incorporating culturally appropriate decision making mechanisms into the Heritage Act;
 - support for recognition of cultural landscapes; and
 - reducing regulatory processes, particularly for owners.

The Council encouraged Heritage NSW to consider digitised online transactions as an option to streamline processes, reduce costs and increase reliability, and welcomed the ongoing engagement with DPC throughout the review.

Item 4. External Presentations

Item 4.1 Central Station Precinct - Greater Sydney Commission presentation

The Heritage Council of NSW received a report from Sarah Jane Brazil and a presentation from the Greater Sydney Commission (GSC).

The GSC outlined their organisation's mandate for planning for Greater Sydney. They are focused on thought leadership, strategic planning and accelerating delivery of key precincts. The GSC provide strategic oversight and co-ordination across government agencies and Councils to implement the Greater Sydney Region and District Plans, developed by the Commission.

Key points raised in the presentation:

- The GSC are leading the vision for Tech Central and recognise the importance of this precinct to the Harbour City. Part of their work has been to drive the delivery of innovation precincts through the clustering of research institutions and businesses that are entrepreneurial in nature.
- Key to this vision from a planning perspective, is the city's response to climate change and the impacts of Covid-19, and the need to consider the future of centres, the jobs of the future, urban heat island effects and housing affordability.
- Other identified success factors include a strong sense of place, identity, and amenity and work is being done with the various stakeholders on a range of initiatives such as affordable employment floor space, digital connectivity improvements and placemaking initiatives to ensure the city attracts international talent.
- The GSC are seeking opportunities and ways forward that can allow for the enhancement and development of Tech Central in ways that respond to, and engage with, the Central Station Precinct's heritage significance and values.

The Council discussed:

- The complexities associated with delivering an innovation precinct in a heritage rich area and the need for a holistic planning approach that initially considers how best to support the living cultural practices of the site prior to seeking design solutions.
- There are opportunities for more open space and landscape elements that provide greater recognition of Connecting to Country and living cultural practices to reflect:
 - the intimate relationships with Country;
 - the kinship with all living and non-living entities;
 - the importance of the journey (walkability);
 - inter-connectedness and how we position ourselves;
 - culture and where we are in relation to other places and where we want to go.

- Encouraged the GSC to explore opportunities to utilise the site's topography, Connecting with Country, and heritage items located throughout the precinct, to enhance the walkability, liveability, attractiveness, and permeability of travel through the site.
- Embedding active transport (walking/cycling) into transport considerations with a focus on the quality of the journey and how interesting the journey can be, as opposed to just how fast it can be, is a fundamentally different and highly desirable development proposition.

The Council thanked the GSC for their informative presentation and welcomed the ongoing dialogue with the Commission, TfNSW and other key stakeholders.

Item 4.2 Beach Cultural Heritage and Heritage Waterside Assets

The Heritage Council of NSW received a presentation from Nicole Larkin on the Heritage Significance of Ocean Pools in NSW.

Key points raised in the presentation:

- There is a unique relationship between ocean pools, harbour pools, netted enclosure sites and the coastal landforms, and whilst many represent post-colonial heritage there are some Aboriginal cultural heritage examples that are still in existence, such as the pool at The Entrance, and other saltwater fish traps.
- NSW has the highest number of ocean pools in the world with approximately 120 saltwater enclosures located across the state, and collectively these structures tell a comprehensive story of NSW as a coastal dwelling people and reflect our beach and ocean culture.
- Ocean pools are at significant risk from the impacts of climate change including rising sea levels, increased storm activity and eroding coastlines.
- The majority of ocean pools sit on Crown Land and are managed by local councils who have listed the pools in their heritage management plans. However, these councils are increasingly unable to justify the ongoing investment needed to ensure preservation of these assets as an ongoing amenity to the community.
- Several studies have been undertaken to consider the heritage fabric and ongoing use of ocean pools, including:
 - the 1994 National Trust Survey of Ocean Pools in the Sydney Metropolitan Region;
 - the Australian Institute of Landscape Architects' Landscape Heritage Report; and
 - various Conservation Management Plans such as Warringah Rock Pools and Dawn Fraser Baths.
- Advocacy work is now focused on the conservation and management of ocean pools using an evidence based approach.

The Council thanked Nicole Larkin for her engaging presentation.

The Council discussed:

- Whether a serial listing would be advantageous in raising the profile of ocean pools as a collective and potentially assist in the care and ongoing maintenance of these assets for the community in the long term.
- The potential for ocean pools to be recognised collectively as a celebratory heritage item, however any serial listing would need to:
 - carefully consider Aboriginal cultural heritage (ACH) values, place management and linkages between the pools; and
 - include appropriate exemptions so that maintenance and rectification works can be carried out by asset managers as and when necessary.

- A set of guidelines could be developed that would include information on how best to care for these places and cover complex maintenance issues such as the chemical changes to materials and heritage fabric in a marine environment.
- Funding to develop such guidelines could be sought via a heritage grant application, private interest group or philanthropic funding contributions, or by a combination of state and local government agencies working together.

Resolution 2021-51
The Heritage Council of NSW:
1. Thanked Nicole Larkin for her presentation on Ocean Pools.
2. Notes the potential for future consideration of Ocean Pools as a celebratory listing.
Moved by Louise Thurgood and seconded by Dr Nicholas Brunton

Item 4.3 The Great Divide to Eden

The Heritage Council of NSW reflected on the findings of the *Independent Assessment of Cultural Landscape(s) from Great Divide to Eden*, report by GML Heritage, and the diverse views expressed by the local Aboriginal communities regarding the Bundian Way listing.

A joint out of session meeting of the Heritage Council and Aboriginal Cultural Heritage Advisory Committee (ACHAC) will take place in early September, with Ms Iris White and Mr BJ Cruse invited to present their views on the GML Report's findings and the potential impact on the Bundian Way listing.

The Council emphasised the need for Aboriginal cultural heritage values to be holistically incorporated, celebrated and protected through SHR listings, and that in general, existing Statements of Significance may need to be updated when new information becomes available.

Item 5. External Presentations – Part 2

Item 5.1 SHR Listings Process Reform Project – GML Final Report

The Heritage Council of NSW received a report from Sonia Limeburner and a presentation from GML Heritage on the findings of their review and analysis of the SHR listings program and process, as well as the approaches taken in other jurisdictions.

Key Points Raised:

- The review has identified some potential incremental process improvements and the report includes key findings and associated recommendations and ways to support their development and implementation.
- Heritage NSW has undertaken a preliminary assessment of the report's findings to gain an understanding of the likely costs, benefits, prioritisation, and timing required for implementation.
- The next step would be to develop a detailed implementation plan, that identifies specific tasks, options for delivery and includes detailed timeframes, costs and resourcing implications.

Due to an unstable internet connection, the Chair remained in the meeting but handed the chairing of the meeting to the Deputy Chair at 1:35 PM.

The Council thanked GML Heritage and the team for their excellent work on finalising the SHR Listing Process Reform report and asked that Heritage NSW further scope and progress the recommendations for improving the SHR nomination user experience in the short term.

Resolution 2021-52

The Heritage Council of NSW:

1. **Accepts** the final report *SHR Reform Project* (GML Heritage August 2021).
2. **Notes** the recommendations in the report and the preliminary comments and analysis provided by Heritage NSW.
3. **Requests** Heritage NSW to develop an implementation plan for the next phase of the project, in collaboration with the Heritage Council project leads and presented to the Heritage Council for consideration.

Moved by Dr Brian Lindsay and seconded by Colleen Morris

Item 5.2 Architectural Heritage of the Last Quarter of the Twentieth Century

The Heritage Council of NSW received a report from Sonia Limeburner and a presentation from Robertson and Hindmarsh Architects.

The Council noted:

- o Robertson and Hindmarsh were commissioned by the Council to consider the architectural heritage in the social and political context of NSW from 1975 to 2000.
- o The report identifies key buildings and places that are representative of the study period and could form the basis of a future SHR priority area / thematic program and possible SHR nominations.
- o The report will also enable a comparative analysis when considering any new and existing SHR nominations and IHO applications for this period.

The Council thanked Robertson and Hindmarsh and the team for the work undertaken to finalise the study.

Resolution 2021-53

The Heritage Council of NSW:

1. **Note** the final report of *Architectural Heritage in NSW of the Last Quarter of the Twentieth Century*.

Moved by Paul Knight and seconded by Dr Nicholas Brunton

Item 6. Matters for Consideration**Item 6.1 Standard exemptions and fast track s.60 update**

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

Heritage NSW has been monitoring the implementation of the standard exemptions and s.60 fast track process changes following their introduction in December 2020. Feedback from end users has also been sought and some process refinements are now proposed including:

- o the addition of a 'change of use' standard exemption under s.57(2) of the *Act*;
- o some minor changes to clarify and expand the standard exemptions related to excavation, painting, safety and security;
- o an additional standard exemption for installation of Blue Plaques signage; and
- o modification to the financial threshold for s.60 fast track applications to enable larger scopes of conservation works where appropriate, to occur in a timely manner.

Heritage NSW advised that data is being collected to support a further detailed review of these processes in late 2021 / early 2022.

The Council acknowledged the excellent work done by Rochelle Johnston and the team to implement and measure the effectiveness of the changes to the exemption processes.

Resolution 2021-54
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> Recommends that the Minister approves the updated s.57(2) order for Standard Exemptions at Tab 6.1B of the meeting papers, subject to legal review. Notes the increase of the cost of works threshold for s.60 fast track application pathway works from \$150,000 to \$500,000.
Moved by Ian Clarke and seconded by Paul Knight

Item 6.2 Heritage Council Annual Report

The Heritage Council of NSW received a report and update from Matthew Clark and noted that a decision is yet to be made whether the Council's Annual Report will be incorporated into the Department of Premier and Cabinet (DPC) Annual Report.

The Council sought some clarifications on the draft report and asked Heritage NSW to include examples and showcase stories to illustrate the work of the Heritage Council on various activities throughout the year.

The Council thanked Matthew Clark and Olgica Lenger for the work undertaken to prepare the draft Annual Report.

Resolution 2021-55
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> Note the draft annual report of the Heritage Council of NSW 2020-21 and provided feedback to Heritage NSW. Agreed that the Chair of the Heritage Council approves the <i>Heritage Council Annual Report 2020-21</i> before being provided to the Minister.
Moved by Dr Brian Lindsay and seconded by Brett Whitworth

Brett Whitworth and Frank Howarth left the meeting at 3:08 PM.

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 Sam Kidman.

Item 7.2 Chair, Heritage Council of NSW – Monthly Report

The Heritage Council of NSW noted the verbal update.

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 8. Heritage NSW Reporting

Item 8.1 Heritage Operations – Monthly Reports

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

Item 9. General Matters

Item 9.1 Forward Agenda

The Heritage Council of NSW noted the forward agenda.

Item 10. Meeting Close

There being no further items of business, the Acting Chair, Robyn Parker, closed the meeting at 3:35 PM.



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Mr Frank Howarth AM PSM

Chair, Heritage Council of NSW

Date: 6 October 2021