



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 502

6 July 2022 | 9:00 AM – 3:52 PM

Conference Rooms 1 & 2, Heritage NSW, level 6, 10 Valentine Ave, 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
Ms Vanessa Holtham	Member
Mr Paul Knight	Member
Dr Brian Lindsay	Member
Ms Colleen Morris	Member
Mr Brett Whitworth	Member
APOLOGIES	
Mr Dillon Kombumerri	Observer
SHRC and AC MEMBERS	
Ms Natalie Vinton	SHRC member (<i>item 4.1</i>)
Ms Caitlin Allen	AC member (<i>item 4.1</i>)
Mr David Burdon	AC member (<i>item 4.1</i>)
Mr Bruce Pettman	AC member (<i>item 4.1</i>)
GUEST PRESENTERS AND EXTERNAL ATTENDEES	
Mr Jonathon Captain-Webb	Director, Aboriginal Cultural Heritage Reforms, Aboriginal Affairs (<i>item 6.1</i>)
Mr Adrian Hansen	Senior Comms and Engagement Officer, Aboriginal Affairs (<i>item 6.1</i>)
Ms Cheryl Kitchener	Senior Comms and Engagement Officer, Aboriginal Affairs (<i>item 6.1</i>)
Mr Mark Reynolds	Senior Development Manager, Redfern-Eveleigh, TfNSW (<i>item 6.2</i>)
Ms Natalie Vinton	CEO, Curio Projects (<i>item 6.2</i>)

Mr Paul Robilliard	Director Strategic Planning, Ethos Urban <i>(item 6.2)</i>
Mr Matt Davis	Studio Director, Bates Smart Architect <i>(item 6.2)</i>
Ms Toni Blume	Executive Director, TfNSW <i>(item 6.2)</i>
Ms Emma McGirr	Heritage Specialist (urban renewal), TfNSW <i>(item 6.2)</i>
Mr Mark Withnall	Development Manager, TfNSW <i>(item 6.2)</i>
Ms Nicola Weimann	Senior Project Manager, TfNSW <i>(item 6.2)</i>
Mr Chris Peat	Communication Manager, TfNSW <i>(item 6.2)</i>
Ms Denise Wilson	Communication Manager, TfNSW <i>(item 6.2)</i>
Ms Patrice Rando	Planning Officer, DPE <i>(item 6.2)</i>
Mr Philip Graus	Design Advisor, Greater Sydney Commission <i>(item 6.2)</i>
Ms Melissa Halloran	Principal Precinct Planner, GSC <i>(item 6.2)</i>
Mr Huw Morgan	Senior Development Manager, Transport Asset Holding Entity (TAHE) NSW <i>(item 6.2)</i>
HERITAGE NSW	
Mr Sam Kidman	Executive Director
Mr Steven Meredith	Director Heritage Programs
Mr Tim Smith	Director Heritage Assessments
Ms Lucy Albani	Director Heritage Policy and Strategy
Dr Caroline Ford	Manager Policy and Reform <i>(item 4.1)</i>
Ms Alexandra Boukouvalas	Senior Policy Officer <i>(item 4.1)</i>
Ms Rose Cullen	Senior Policy Officer <i>(item 4.1)</i>
Dr Natalie Blake	Manager Heritage Programs <i>(item 5.1)</i>
Mr Damian Tybussek	Senior Heritage Officer <i>(item 5.1)</i>
Ms Rochelle Johnston	Senior Manager Major Projects <i>(item 6.2)</i>
Ms Chrisia Ang	Senior Assessments Officer <i>(items 6.2 and 7.2)</i>
Ms Andreeana Kennedy	Senior Assessments Officer <i>(item 6.2)</i>
Ms Tracy Appel	Acting Manager Heritage Streamlining Project <i>(item 7.1)</i>
Ms Rebecca Newell	Senior Policy Officer <i>(item 7.1)</i>
Ms Niamh Lowe	Manager Strategy and Implementation <i>(item 7.2)</i>
Dr Maria Schroder	Senior Policy Officer <i>(item 7.2)</i>
Ms Elizabeth Owers	Director Customer Services <i>(item 7.4)</i>
Ms Lana Zegura	Manager Incentives and Engagement <i>(item 7.4)</i>
Ms Rosanna Luca	Senior Engagement Officer <i>(item 7.4)</i>
SECRETARIAT	
Ms Olgica Lenger	Manager Secretariat
Ms Elizabeth Thomas	Senior Secretariat Officer

IN-CAMERA SESSION

This item was not minuted.

Item 1. Welcome and Formalities

The Chair, Frank Howarth, opened the meeting at 9:45 AM, delivered an Acknowledgment of Country and welcomed attendees.

The Chair noted the apologies received for this meeting and confirmed that a quorum had been met.

Item 1.1 Conflict of Interest Declarations

There were no new conflicts of interest declared for this meeting.

Item 1.2 Out of Session Decisions

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

Item 1.3 Minutes from the Previous Meeting – 1 June 2022

Resolution 2022-17
The Heritage Council of NSW: 1. Confirmed the minutes of the previous ordinary meeting (1 June 2022) as a complete and accurate record of that meeting.
Moved by Brian Lindsay 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 agreed to close items recommended for closure. The register was updated to reflect the additional discussion and further actions requested.

The Council thanked the Secretariat and wider Heritage NSW team for the improvements made to the meeting papers and welcomed the ongoing refinement with digital enhancements.

Item 2. Executive Director, Heritage NSW - update

The Heritage Council of NSW noted the report and verbal update from Executive Director, Sam Kidman.

Appin Cultural Landscape

- The 1st July site visit with HC, SHRC and ACHAC members was postponed due to poor weather conditions.
- Heritage NSW has been working on the proposed curtilage and continues to engage with Walker Corporation on this proposed listing, aiming to complete a recommendation to list for the SHRC to consider in September.

Approval timeframes

Heritage NSW is in the process of reviewing and investigating opportunities to further streamline the approvals process. Concurrence and referral times have improved significantly, and Heritage NSW is on track to achieve its approvals targets in 2023.

Heritage sight lines

The Council were advised that local residents have raised concerns regarding the Barangaroo development's potential impacts to heritage sight lines. Noting a pending presentation on this development once the planning proposal is placed on public exhibition, the Council asked Heritage NSW to further consider the potential sight line impacts in the interim.

The Council emphasised the importance of ensuring critical and iconic heritage sight lines are protected and noted that sight line issues are increasingly being raised for heritage sites.

The Council asked that a working group be formed to consider how to better deal with sight lines, including the potential for guidelines to be developed, and a systematic approach for the suite of heritage policies, for example the sub-division and adaptive re-use policy.

Item 3.1 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 5th July SHRC meeting, including the Notice of Intent (NOI) to list the *Kameruka Golf Course*, and *Glenlee, Lugarno*, and a Recommendation to List (RTL) *Wingello Park, Marulan*.

The Council suggested Heritage NSW consider forming a specialised team of staff who can be deployed as and when required to work through complex listings.

Item 3.2 Approvals Committee (AC)

Ian Clarke, Deputy Chair of the Approvals Committee, provided an update on key outcomes for items presented at the 5th July AC meeting, including:

- the pre-DA for the new Chancery Building at St Mary's Cathedral, Sydney
- the detailed views of the subcommittee which was formed to consider the *Integrated Development Application for Wentworth Memorial Church*
- a subdivision proposal for *Tresco, Elizabeth Bay*
- an update on consultation undertaken for the *Sydney Harbour Bridge Cycleway* design scheme, and
- a revised design scheme for the *Pedestrian Bridge at Medlow Bath*.

Item 4. Legal, Policy and Administration

Item 4.1 Heritage Act Reform

The Chair welcomed members of the State Heritage Register Committee (SHRC) and Approvals Committee (AC) to the meeting for a briefing from Caroline Ford on the Heritage Act Reform.

Heritage NSW provided an update on the stakeholder consultation conducted over the past two months.

The Council noted the feedback provided and amendments being progressed by Heritage NSW and discussed the rationale for various definitions proposed, noting that reference to sustainability should be retained in the definition for adaptive reuse.

The Council thanked the Heritage NSW policy team for the work done to date and appreciated the opportunity to provide further comments.

Item 5. SHR Listing Matters

Item 5.1 Bundian Way SHR listing review – the way forward

The Heritage Council of NSW received a presentation and report from Natalie Blake and Damian Tybussek to further consider the future management of the Bundian Way SHR listing

Robyn Parker noted her standing conflict of interest pertaining to her role as the Minister for Heritage at the time of this listing.

Key points noted/raised:

- An independent report by GML Heritage was presented to the Heritage Council and ACHAC in April 2021, with further presentations from the Eden Local Aboriginal Land Council (LALC) and the Monaro/Ngarigo Traditional Custodians provided in September 2021.
- Heritage NSW presented options for the future management of the listing, noting that a new statutory listing process is required for any amendments to the current listing, and sought direction from the Council about the way forward.
- The Council acknowledged the complexities involved in addressing the concerns raised and the diverse feedback of community and stakeholders and reiterated the importance that ACH values are determined by Aboriginal people.
- The Council reaffirmed the heritage significance of this listing and its association to the broader cultural landscape and sought to continue community consultations and create a safe space that allows the various parties to come together to contribute their stories.
- The process is to ensure that the listing is factually correct, with the potential to rename the listing and update the Statement of Significance to better reflect the various communities and multiple uses of the pathway, noting that the listing could potentially serve as a case study for future legislative changes.
- The Council also reflected on the broader challenge for SHR listings to adequately address ACH values.

The Council acknowledged the ongoing hard work of Steve Meredith and the team to progress this matter.

Resolution 2022-18

The Heritage Council of NSW:

1. **Acknowledges** that the stories, customs and traditions relating to the Bogong moth ceremonies are of State significance, in particular to numerous Aboriginal language/clan groups and that multiple song lines and pathways accessing the high country form this network of which the trail currently known as the Bundian Way is only one part.
2. **Notes** the options outlined in the GML Heritage Final Report *Independent Assessment of Cultural Landscape(s) extending from the Great Divide to Eden* and **acknowledges** the importance of revising of the listing currently known as the Bundian Way.
3. Is **not proposing** de-listing the Bundian Way
4. **Requests** that Heritage NSW continues to collaborate with communities and all stakeholders to achieve an amendment of the listing, including a likely renaming and expanded Statement of Significance, and potentially a curtilage amendment.
5. **Affirms** that Aboriginal people should be the prime determinants in this amendment process, ensuring that the plurality of stories and traditions are included.
6. **Notes** that this process may be informed by possible changes to the Heritage Act and potential Aboriginal Cultural Heritage legislation.

Moved by Paul Knight and seconded by Colleen Morris

Item 6. External Presentations

Item 6.1 Aboriginal Affairs – Fred Nile ACH Bill

The Heritage Council of NSW received a briefing from Jonathon Captain-Webb regarding the *Aboriginal Cultural Heritage (Culture is Identity) Bill 2022* which was first introduced to the NSW Parliament by the Hon. Reverend Fred Nile on the 22nd June 2022.

The Council thanked Aboriginal Affairs for the update and looked forward to continuing to engage and support the ACH reforms.

Item 6.2 Redfern North Eveleigh Paint Shop Sub-precinct

The Heritage Council of NSW received a presentation from Transport for NSW (TfNSW) on the proposed rezoning of Redfern North Eveleigh, including an update on the heritage documents and design guidelines and response to matters raised by the Heritage Council in April 2022.

Key points raised:

- TfNSW has reviewed and updated the overarching Conservation Management Plan (CMP) to ensure it is accurate, consistent and aligns with the relevant policies.
- On the 5th July 2022, TfNSW submitted an addendum to the CMP which outlines the overarching opportunities and constraints, noting that it is intended to align with the guidelines provided by Heritage NSW in 2021.
- TfNSW has further considered and developed three approaches for the Paint Shop design competition guidelines which sets out the parameters for the potential design envelopes for proponents to respond to in their submissions.
- The Council discussed the design guidelines presented and strongly reiterated their major concerns about adverse heritage impacts arising from the proposal, including any options that would allow unsympathetic additions through the roof of the Paint Shop building.
- The Council emphasised that a holistic approach is required across Redfern North Eveleigh and Redfern South Eveleigh as one precinct, with consideration to Redfern Railway Station and the broader Tech Central precinct.
- The success of Redfern South Eveleigh sets a benchmark and highlights the opportunity for low rise development that respects its heritage context.
- The draft design guidelines include an arbitrary assumption of gross floor area (GFA) rather than a targeted GFA that is formulated after assessing the heritage assets, their potential and limitations.
- The Council and Heritage NSW have not had an opportunity to review the CMP addendum.
- TfNSW is currently finalising the documentation for public exhibition which is likely to commence in July and run for approximately 4-6 weeks.
- The Council discussed providing detailed feedback to TfNSW on this presentation, as well as making a formal submission outlining its concerns when the proposal is placed on exhibition.

The Council thanked TfNSW for the presentation and appreciated their willingness to engage in further consultation.

Resolution 2022-19

The Heritage Council of NSW:

1. **Thanks** Transport for NSW for the update on the Redfern North Eveleigh Paint Shop proposal.
2. **Reiterates** its previous concerns about the consideration of development over the Paint Shop.

- | |
|--|
| <p>3. Will provide detailed feedback within the next week to Transport for NSW.</p> <p>4. Advises Transport for NSW that the Heritage Council of NSW will be making a public submission reiterating its previous concerns.</p> |
|--|

Moved by Nicholas Brunton and seconded by Vanessa Holtham

Brett Whitworth left the meeting at 2:30 PM.

Item 7. Matters for consideration

Item 7.1 s140 Revised Archaeology Conditions and Letter

The Heritage Council of NSW received a report and presentation from Rebecca Newell outlining the proposed changes to modernise and streamline the s140 archaeological conditions and approval letter.

The Council welcomed the changes, with a minor change to the wording of the approval letter, and thanked Heritage NSW for the good work done on this project.

Resolution 2022-20

The Heritage Council of NSW resolved to:
--

- | |
|---|
| <ol style="list-style-type: none"> 1. Endorse the revised s140 letter and conditions. |
|---|

Moved by Robyn Parker and seconded by Nicholas Brunton
--

Item 7.2 Peer Review Policy

The Heritage Council of NSW received a presentation from Maria Schroder on the draft Peer Review Policy which will provide guidance to local Councils to improve the quality of peer reviews being provided for heritage reports.

The Council provided minor amendments to the document and suggested a reference to opportunities and constraints be included in the checklist.

Brett Whitworth re-joined the meeting at 3:15 PM.

Resolution 2022-21

The Heritage Council of NSW resolved to:
--

- | |
|---|
| <ol style="list-style-type: none"> 1. Endorse the Heritage NSW <i>Peer Review Policy</i> for publication, subject to minor amendment. 1. Thank Heritage NSW staff and Mr Scott Robertson, Heritage Advisory Panel member, for their work on this project. |
|---|

Moved by Colleen Morris and seconded by Vanessa Holtham

Tim Smith left the meeting at 3:20 PM.

Item 7.3 2023-25 NSW Heritage Grants program development

The Heritage Council of NSW noted this item was deferred.

Item 7.4 Regional Visit 2022

The Heritage Council of NSW received an update from Elizabeth Owers and Lana Zegura on the draft itinerary for the upcoming Regional Visit.

Heritage NSW sought input from the Council on the desired outcomes of the visit and discussed various options to further refine the itinerary.

The Council thanked Heritage NSW for the update and offered to discuss and confirm final arrangements out of session if necessary.

Item 8. Executive Reports

Item 8.1 Chair, Heritage Council of NSW – Monthly Report

The Heritage Council of NSW noted the verbal update provided by the Chair.

The Council discussed the nomination of Vanessa Holtham to the Approvals Committee and agreed to defer the nomination of a Chair for the Grants and Sponsorships Advisory Committee.

Resolution 2022-22
The Heritage Council of NSW:
1. Appoint Ms Vanessa Holtham as a member of the Approvals Committee for the duration of her term on the Heritage Council, until 4 May 2025.
Moved by Nicholas Brunton and seconded by Ian Clarke

Item 8.2 Planning Report (DPE)

The Heritage Council of NSW noted the planning report.

Item 8.3 Advisory Panels Report

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

Item 9. Heritage NSW Reporting

Item 9.1 Heritage Operations – Monthly Reports

The Heritage Council of NSW noted the monthly reports.

Item 10. General Matters

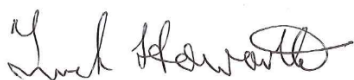
The Heritage Council of NSW discussed the forward agenda. The register will be updated to reflect the changes requested.

Hillview

The Council noted that Heritage NSW is in the process of engaging a part-time manager for Hillview.

Item 11. Meeting Close

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 3:52 PM.



.....
Frank Howarth AM PSM

Chair, Heritage Council of NSW

Date: 3 August 2022