



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 498

2 March 2022 | 9:00 AM – 3:05 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
Ms Colleen Morris	Member
Mr Brett Whitworth	Member
APPROVALS COMMITTEE MEMBERS (section 4.0)	
Caitlin Allen	Approvals Committee member
Bruce Pettman	Approvals Committee member
APOLOGIES	
Dr Brian Lindsay	Heritage Council member
David Burdon	Approvals Committee member
David McNamara	Approvals Committee member
Julie Marler	Approvals Committee member
GUEST PRESENTERS AND EXTERNAL ATTENDEES	
Ms Rebecca McPhee	Deputy CE Ops, Customer & Place Making Operations, Sydney Metro (<i>item 3.1</i>)
Ms Carolyn Riley	Director, Environment, Sustainability Planning, Sydney Metro (<i>item 3.1</i>)
Ms Cath Snelgrove	Senior Heritage Advisor, Sydney Metro (<i>item 3.1</i>)
Mr Paul Shaw	Executive General Manager Development, TOGA (<i>item 4.3</i>)
Mr Steve Robson	Development Director, TOGA (<i>item 4.3</i>)
Mr David Springford	Senior Project Manager, TOGA (<i>item 4.3</i>)

Mr Phillip Vivian	Director Bates Smart Architects (<i>item 4.3</i>)
Ms Janis Constable	Principal, Janis Constable Research & Evaluation (<i>item 4.3</i>)
Mr Nick Doyle	Connecting with County Engagement Specialist, Nick Doyle from Cox Inall Ridgeway
HERITAGE NSW	
Mr Sam Kidman	Executive Director
Ms Lucy Albani	Director Heritage Policy and Strategy
Mr Tim Smith	Director Heritage Assessments
Dr Caroline Ford	Principal Policy Officer (<i>item 3.1</i>)
Ms Emma Dortins	Manager Heritage Programs (<i>item 3.1</i>)
Mr Michael Ellis	Head of Heritage and Asset Management (<i>items 4.1 & 4.2</i>)
Ms Mary Ann Hamilton	Manager Heritage Programs (<i>item 4.1</i>)
Ms Vibha Bhattarai Upadhyay	Senior Assessments Officer (<i>item 4.1</i>)
Ms Rochelle Johnston	Senior Manager Major Projects, HNSW (<i>sections 3 & 4</i>)
Mr Rajeev Maini	Manager Assessments (<i>item 4.2</i>)
Mr Dragomir Garbov	Senior Assessments Officer (<i>item 4.2</i>)
Ms Chrisia Ang	Senior Assessments Officer (<i>item 4.3</i>)
Mr Damian Lucas	Senior Policy Officer (<i>item 5.1</i>)
Mr Steve Meredith	Director Program Delivery (<i>sections 6, 7 & 8</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 9:34 AM, delivered an Acknowledgment of Country and welcomed attendees.

The Chair noted the apologies received for this meeting and welcomed Brett Whitworth to the Council as delegate of the Secretary of the Department of Planning and Environment.

The Council discussed referring to the Aboriginal name or dual naming, wherever possible, for heritage listings. Furthermore, naming should also include the purpose of the First Nations place name. The Council noted that the process requires to undertake appropriate consultations with Aboriginal Local Land Councils and First Nations groups, and obtain appropriate approvals from the Geographical Names Board, to ensure naming is correctly referenced.

Item 1.1 Conflict of Interest Declarations

The Council noted Nicholas Brunton's standing COI declaration regarding the MLC Building, North Sydney and noted that Dr Brunton did not receive the papers for this item and will be excused from the meeting for this discussion.

No other conflicts of interest were declared for this meeting.

Item 1.2 Out of Session Decisions

Members of the Heritage Council of NSW attended an out of session briefing of the Approvals Committee regarding the *Sydney Harbour Bridge Northern Cycleway*, presentations by Transport for NSW (TfNSW) and North Sydney Council on 23rd February 2022.

Item 1.3 Minutes from the Previous Meeting – 2 February 2022

Resolution 2022-03
The Heritage Council of NSW: 1. Confirmed the minutes of the previous ordinary meeting (2 February 2022) as a complete and accurate record of that meeting.
Moved by Robyn Parker and seconded by Paul Knight

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

Item 2.1 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 1st March SHRC meeting and on behalf of the Committee, acknowledged the excellent work of Heritage NSW staff in progressing the many complex and diverse listing matters and the high quality of papers and reporting managed by the Secretariat.

Site specific exemptions and revised curtilages were considered for a number of listings, including the items listed below.

Badangi – recommendation to list

A revised curtilage was approved to address Transport for NSW's long-term lease holding with Viva Energy. The Committee noted that the listing could be used as a case study to consider a broader agency specific exemptions policy.

Cumberland Hospital Precinct

The Council noted that a favourable agreement was reached with Health Infrastructure and Ronald McDonald House to manage their stage two building works via appropriate site-specific exemptions.

Corrimal Coke Works

The Committee acknowledged the work of Heritage NSW staff, in particular Stuart Read and Emma Dortins, who have worked extremely hard, together with the SHRC, to finalise the site-specific exemptions and recommendation to list this industrial site as a place of state heritage significance.

Item 2.2 Approvals Committee (AC)

Dillon Kombumerri, Chair of the Approvals Committee, provided an update on key outcomes for items considered at the 1st March AC meeting including the Clocktower site in the Rocks, North Beach Wollongong Seawall project and an accessible amenities building proposal for Callan Park.

Out of Session activities

The AC attended a site visit to *Glenlee Estate, Menangle Park* and held out of session workshops to consider works proposed for *Wentworth Memorial Church* and *Pier One Walsh Bay*.

On the 23rd February, an out of session briefing was held with Transport for NSW (TfNSW) who provided an update on the *Sydney Harbour Bridge Northern Cycleway* concept designs and North Sydney City Council (NSCC) who presented the Council's vision for Bradfield Park. The AC noted that TfNSW has undertaken a due diligence review of the scheme presented by NSCC and that the competition jury is yet to select their preferred design. The Council strongly encouraged the NSCC and TfNSW to work collaboratively to refine the cycleway design so that impacts can be minimised to the significant heritage values of the Bridge and its setting. It was emphasised that the role of the Council is to assess the heritage impacts of the final design under the provisions of the *Heritage Act*.

Item 3. Legal, Policy and Administration

Item 3.1 Heritage Act Reforms

The Heritage Council of NSW received a presentation from Caroline Ford and Emma Dortins on the *Heritage Act* reforms.

Heritage NSW continues to work on policy issues and areas of the draft Bill to be clarified and refined, prior to further consultation with key stakeholders in April.

The Council noted that a staged approach with comprehensive trials will be undertaken to ensure the reforms to the *Heritage Act* are workable and practical in real terms.

The Council discussed the new policy proposals and areas that need to be further considered and scoped and noted that:

- Aboriginal Cultural Heritage is a foundational element and should be reflected in the objects of the Act.
- The Act needs to provide the sufficient flexibility to allow local councils to issue Interim Heritage Orders, where appropriate.
- A range of heritage categories are proposed to cover the different types of heritage management and regulatory controls. This will include an expanded suite of exemptions which are designed to provide clarity around significance and permissible actions for heritage owners and individuals and allow for appropriate site controls to be negotiated.
- Further analysis of submissions and feedback from key stakeholders has been undertaken to refine and develop the category system and further work is being done to better understand how to retrofit and apply categories for current heritage listings.
- Opportunities to recognise intangible heritage and potential parameters for this category are also being explored.
- Stakeholder feedback indicates a need for the various hierarchical and typological categories to be clearly defined and include management rationales.

The Council discussed the proposed approach and potential implications of the *Heritage Act* reforms for owners of state significant heritage and the need for the Act to provide guidance and articulated principles for heritage management.

The Council re-iterated that SHR listings, rather than being applied to an entire specified area, should identify individual items within that area that are of state significance. The state significant elements of the place and heritage fabric will differ for each item and need to be clearly defined in the Statement of Significance. This will enable a tailored approach that proactively articulates the ongoing management of heritage and works hand in hand with exemptions.

The Council thanked Heritage NSW for the update and offered to meet out of session to discuss any *Heritage Act* reform related issues in greater detail, if required.

Item 4. External Presentations

Item 4.1 MLC Building, North Sydney

Dr Nicholas Bruton was excused from the meeting for this item.

The Heritage Council of NSW received a report from Tim Smith, Michael Ellis and Vibha Bhattarai Upadhyay regarding the general terms of approval sought for the Integrated Development Application for demolition of the MLC Building, North Sydney.

The Council decided, in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, to refuse to grant general terms of approval of the above described integrated development application, for the following reasons:

- By operation of section 63(2) of the *Heritage Act 1977*, the Heritage Council is required to refuse the application.
- The MLC Building, North Sydney (former) is a place of State heritage significance that is protected on the State Heritage Register (SHR) for its historical, historical association, aesthetic/technical, social/cultural, rarity and representative values. The proposed demolition of the SHR listed building as part of this integrated development application will result in a permanent detrimental impact to the overall significance of the SHR item.
- It is not possible to mitigate or minimise these impacts through conditions of approval.

The Council thanked Heritage NSW for the report.

Resolution 2022-04
The Heritage Council of NSW:
1. Considered the documentation provided.
2. Refused to grant general terms of approval.
Moved by Ian Clarke and seconded by Brett Whitworth

Item 4.2 Sydney Metro briefing

The Heritage Council of NSW received a report from Rochelle Johnston and a presentation from Sydney Metro on their work program for 2022.

Collaborative engagement

- Sydney Metro noted that Heritage NSW is a member of the Sydney Metro Heritage Working Group.
- A Connecting with Country working group is in place for the Western Sydney Airport and a similar working group is being established for the Sydney Metro West project.
- Sydney Metro is working with the Government Architect NSW office on a Connecting with Country pilot program which seeks to identify and assess Aboriginal cultural heritage values and potential impacts to tangible and intangible heritage.

Sydney Metro West

- The NSW Government is delivering Sydney Metro West; a new underground metro railway between Parramatta and the Sydney CBD which aims to reduce travel time between the two centres and includes nine new metro stations.
- Key heritage matters are being considered for four state significant heritage sites; the State Abattoir, Sydney Olympic Park, White Bay Power Station, the Tank Stream, and the Skinner Hotel, Hunter Street, as well as Aboriginal archaeology at Parramatta and potential Aboriginal archaeological deposits at other station sites.

Sydney Metro – Western Sydney Airport

- A new railway line is proposed to run between St Marys and the Aerotropolis Core precinct and SHR listings located within the project area include St Marys Railway Station, the Warragamba Supply Scheme and the Kelvin Park Homestead.
- A further six potential heritage items of local significance within or near construction sites have been identified.

- Significant consultation is underway with Aboriginal groups to consider several Aboriginal Cultural Heritage (ACH) sites within the off-airport construction footprint, as well as a number of Aboriginal Heritage Information Management System sites within the on-airport construction footprint.
- Storytelling and individual heritage interpretation of ACH values for each of the station sites will be further developed with input from the working groups and include opportunities for bespoke designs, particularly at the larger metro stations.
- During the design development phase, Sydney Metro will analyse archaeological mapping and explore areas for potential heritage conservation, assess mitigation measures and identify opportunities for the potential removal and reconstruction of some heritage elements.

Additional Updates

- A Memorandum of Understanding has been signed with the Australian National Maritime Museum for the conservation and protection of the *Barangaroo Boat* and associated archaeological items. A scope of works for the next stage is being finalised and will include knowledge sharing workshops with Australian conservation experts.
- The work at Central Station is progressing with *Central Walk* due to open in 2022 ahead of the rail line being delivered in 2024. Archaeological excavation to date has uncovered over sixty items and reburials are being arranged for the remains of three First Nations peoples.

The Council thanked Sydney Metro for their presentation and welcomed the opportunity for ongoing collaboration.

Decision
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Thanks the Sydney Metro team for the presentation and notes the Sydney Metro's work program for 2022.

Item 4.3 Central Precinct Redevelopment

The Heritage Council noted the response provided by Transport for NSW (TfNSW) to queries raised by the Council at its meeting held on the 1st December 2021 regarding the over station development at Central Precinct and invited TfNSW to attend a future Council meeting to discuss the development in further detail.

Paul Knight left the meeting at 1:10pm

4.3.a TOGA Central – Western Gateway

Introductions were provided to TOGA and their design team who presented the proposed design scheme for the former Parcel Post Office building (Adina Apartment Hotel).

Key points noted:

- The proposed tower design is inspired by the indigenous message stick and is intended to connect with the communications role and history of the original Parcel Post Office building.
- Further consultation will be undertaken with the traditional Gadigal elders on the designing with Country elements of the proposal and to seek their approval to use the message stick design.
- The design concept retains the three most prominent corners of the heritage building to preserve the rounded built form and sight lines.

- The development proposal includes the restoration of the heritage building with a connecting atrium and tower complex.

The Council discussed:

- The Council noted that this presentation precedes the Design Jury's considerations being finalised and was mindful that any provision of heritage advice to TOGA is preliminary.
- The Council advised that it is critical that the relationship between the former Parcel Post Office Building and the broader urban landscape is strengthened by the ground plane considerations and public realm integration with the surrounding buildings and Henry Deane Plaza.
- Considerations on the significance of interior spaces and extant heritage fabric within the former Parcel Post Office Building need to be articulated and appropriately demonstrated throughout the proposal, including interpretation.
- Having concerns about the proposed penetrations to the former Parcel Post Office Building and potential impact to the heritage fabric and significant spaces, the Council sought further investigations be undertaken to explore options to externally support the cantilever.
- The Council discussed the proposed removal of the south-eastern corner of the former Parcel Post Office Building and whilst appreciative of the efforts for the heritage building to be seen in the round, indicated their preference for the building form to be retained in its entirety.
- The Council noted that TfNSW is responsible for the wind study and management plan for the Western Gateway sub-precinct and expressed their concerns about the three complex buildings (the Western Gateway tower group) creating a significant amount of wind and downdraft which will impact the public realm.
- The Council also asked how the rainwater runoff will be managed to protect the heritage building underneath, noting that Parcel Post Office Building is not designed for that amount of hydraulic load.
- The Council commended the concept of message totems as part of the storytelling interpretation and emphasised that heritage interpretation is to cohesively integrate the former Parcel Post Office Building, Western Gateway sub-precinct and the broader Central Station Precinct.

The Council thanked TOGA for their presentation and invited them to return to Council to present on a range of actions, including the public realm integration and the Heritage Interpretation Strategy.

Resolution 2022-05
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Notes the information provided. 2. Thanks TOGA design team for their presentation. 3. Undertook to provide detailed comments raised in the presentation.
<p>Moved by Nicholas Brunton and seconded by Colleen Morris</p>

Item 5. Matters for consideration

Item 5.1 Climate Change and Sustainability

The Heritage Council of NSW received a report and update from Lucy Albani and Damian Lucas on Heritage NSW's climate change and sustainability work, including input sought from the Heritage Advisory Panel (HAP).

Key points raised:

- In October 2019, the Heritage Council endorsed the ICOMOS report, *Future of Our Pasts: Engaging Cultural Heritage in Climate Action*.
- In 2019-20 the Heritage Council scoped a project on responses to climate change and ways to respond to the impacts of climate change and to develop advice and toolkits for use by owners and custodians of cultural heritage.
- In 2020 Heritage NSW worked with other NSW government agencies in responding to impacts on heritage places from the 2019-20 bushfires.
- The Council noted work underway across various state agencies to address the impacts of climate change and the need to be aligned with the broader machinery of government.
- The Council discussed adopting Heritage Victoria's principles on climate change, on a provisional basis to allow for additional consultation with other relevant stakeholders and to undertake case studies to test the use of these principles in NSW.

Resolution 2022-06

The Heritage Council of NSW resolved to:

1. After consultation with the Heritage Council of Victoria, **adopt and adapt** the provisional *Principles on the protection and conservation of Victorian cultural heritage places and objects protected under the Heritage Act 2017 from the impacts of climate change*, as developed by Heritage Victoria and the Heritage Council of Victoria for NSW. This adaptation should include elevating Principle 4: Engaging communities to become Principle 2.
2. **Work** with Heritage NSW and **engage** with their counterparts in Victoria to build on Victoria's experience with the provisional Principles.
3. **Encourage** Heritage NSW to use the provisional Principles for consultation purposes with other relevant stakeholders.

Proposed by Colleen Morris and seconded by Robyn Parker

Item 6. Executive Reports

Item 6.1 Executive Director, Heritage NSW – Monthly Report

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

Ravensthorpe Homestead

Ms Colleen Morris, noting her standing COI declaration in regard to Ravensthorpe, was excused from the meeting for this discussion.

The Council briefly discussed the planning approvals process and matters associated with the Ravensthorpe Homestead / Glendell Continued Operations Project. The Council emphasised

the exceptional importance of the site, its shared history and the intrinsic connection between the massacre sites, the Aboriginal cultural heritage, and the colonial homestead.

The Council reaffirmed its earlier position that the Ravensworth Homestead and its surrounding cultural landscape are likely to be of state heritage significance for its aesthetic, historic, scientific, and social values.

Item 6.2 Chair, Heritage Council of NSW – Monthly Report

The Heritage Council of NSW noted the verbal update.

Item 6.3 Planning Report (DPE)

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

Item 6.4 Advisory Panels Report

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

Item 7. Heritage NSW Reporting

Item 7.1 Heritage Operations – Monthly Reports

The Heritage Council of NSW noted the monthly reports and verbal update from Tim Smith, including an update on the Hillview lease and associated compliance issues.

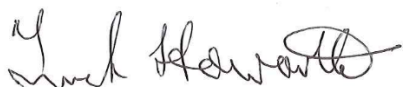
Item 8. General Matters

The Heritage Council of NSW noted the forward agenda.

The Council noted the extreme weather currently impacting the state and reflected on the density of heritage sites in the Lismore flood region and sought a further update from Heritage NSW on the impact of flooding on heritage listed items in NSW.

Item 9. Meeting Close

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 3:05 PM.



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Mr Frank Howarth AM PSM
Chair, Heritage Council of NSW

Date: 6 April 2022