Heritage Council Minutes - 463

9:00am – 2:30pm
Wednesday, 03 April 2019
The Mint, 10 Macquarie Street, Sydney
Private Dining Room

<table>
<thead>
<tr>
<th>Governance Role</th>
<th>Incumbent</th>
<th>Position Title</th>
<th>Department/Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair</td>
<td>Mr Frank Howarth PSM</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Deputy Chair</td>
<td>Ms Sheridan Burke</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Voting Member</td>
<td>Mr Gary White</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Voting Member</td>
<td>Mr David Major</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Non-voting Member</td>
<td>Mr Dillon Kombumerri</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Voting Member</td>
<td>Ms Louise Thurgood</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Voting Member</td>
<td>Mr Ian Clarke</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Voting Member</td>
<td>Ms Colleen Morris</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Voting Member</td>
<td>Ms Jennifer Davis</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>OEH staff</td>
<td>Ms Pauline McKenzie</td>
<td>Executive Director</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td>OEH staff</td>
<td>Ms Jane Holden</td>
<td>Director, Heritage Strategy</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td>OEH staff</td>
<td>Mr Tim Smith OAM</td>
<td>Director, Heritage Operations</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td>OEH staff</td>
<td>Mr Steven Meredith</td>
<td>Regional Manager, Heritage South</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td>Invited Guests</td>
<td>Mr Michael Ellis</td>
<td>Acting Director, Heritage and Collections</td>
<td>Sydney Living Museums</td>
</tr>
<tr>
<td></td>
<td>Mr Mark Goggin</td>
<td></td>
<td>Sydney Living Museums</td>
</tr>
<tr>
<td></td>
<td>Mr Richard Francis Jones</td>
<td></td>
<td>FJMT Studios</td>
</tr>
<tr>
<td></td>
<td>Mr Daniel Bourke</td>
<td></td>
<td>FJMT Studios</td>
</tr>
<tr>
<td>Governance Role</td>
<td>Incumbent</td>
<td>Position Title</td>
<td>Department/Company</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------</td>
<td>----------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Mr James Phillips</td>
<td>Weir Phillips Heritage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OEH staff Item 3.1</td>
<td>Ms Verena Mauldon</td>
<td>Senior Heritage Officer, Major Projects</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td>OEH staff Items 4.1, 4.2, 4.3</td>
<td>Ms Alice Brandjes</td>
<td>Senior Team Leader Strategy</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td>OEH staff Item 4.4</td>
<td>Mr Ceda Byrne</td>
<td>Senior Special Projects Officer</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td>OEH staff Item 4.5</td>
<td>Ms Christina Kanellaki Lowe</td>
<td>Senior Heritage Operations Officer, North</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td>OEH staff</td>
<td>Ms Olgica Lenger</td>
<td>Senior Team Leader Secretariat</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td>OEH staff</td>
<td>Ms Natasha Agaki</td>
<td>Senior Secretariat Officer</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td>OEH staff</td>
<td>Ms Rachelle Schubert</td>
<td>Assistant Secretariat Officer</td>
<td>Office of Environment and Heritage</td>
</tr>
<tr>
<td><strong>Apologies</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Voting Member</strong></td>
<td>Professor Gary Sturgess AM</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
MINUTES

Item 1. Welcome and formalities

Mr Frank Howarth opened the meeting at 9:03am, delivered an Acknowledgment of Country and welcomed attendees.

Apologies were accepted from Prof Gary Sturgess and late arrival apologies were noted for Ms Louise Thurgood and Mr Dillon Kombumerri.

It was noted that quorum had been met.

Members were asked to raise any conflicts of interest with agenda items. The following potential conflicts of interest were raised:

1. Ms Colleen Morris noted her membership on the Sydney Living Museums ‘Museums and Collections Advisory Panel’. Whilst Ms Morris has seen previous plans for the Mint Lift, she had not seen those being presented today.

<table>
<thead>
<tr>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>After discussion, the Heritage Council of NSW:</td>
</tr>
<tr>
<td>1. Noted the actual conflict of interest for Ms Colleen Morris in relation to Item 3.1 The Mint Lift given her membership on the Museums and Collections Advisory Panel and agreed that Ms Morris would stay for the discussion but would not be part of the decision making.</td>
</tr>
</tbody>
</table>

Item 1.1. Minutes from previous ordinary meeting

The Heritage Council of NSW received the Minutes UNCONFIRMED from the previous ordinary meeting.

<table>
<thead>
<tr>
<th>Resolution 2019-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>After discussion, the Heritage Council of NSW:</td>
</tr>
<tr>
<td>1 Confirmed the minutes of the previous ordinary meeting (Wednesday, 06 March 2019) as a complete and accurate record of that meeting, subject to the following amendment being made to Item 8.5 Applications and Compliance Quarterly Report resolutions:</td>
</tr>
<tr>
<td>1.1 Advised the Division to present this quarterly report with sufficient information to understand severity of breaches, Heritage Division responsiveness in compliance obligations, and clearer analysis of time taken to resolve matters;</td>
</tr>
<tr>
<td>1.2 Advised the Division to change the format of regular reports with assistance from Ms Louise Thurgood, to indicate key performance, risks, and issues for Heritage Council attention.</td>
</tr>
<tr>
<td>1.3 Noted that the outstanding CMPs and compliance matters signals a potential resourcing issue and focus that needs clearer discussion.</td>
</tr>
<tr>
<td>Moved by Mr Ian Clarke and seconded by Ms Louise Thurgood.</td>
</tr>
<tr>
<td>2 Confirmed the minutes of the previous ordinary meeting (Wednesday, 06 February 2019) as a complete and accurate record of that meeting, subject to minor amendments to include correct wording on the COI declared by Ms Sheridan Burke.</td>
</tr>
<tr>
<td>Moved by Mr David Major, seconded by Mr Ian Clarke.</td>
</tr>
</tbody>
</table>
Item 2. Strategic Matters

Item 2.1. Election outcomes

The Heritage Council of NSW discussed:

1. The Machinery of Government changes as a result of the recent 2019 State Election.
2. Heritage functions associated with the *Heritage Act* 1977, including the Heritage Council and its support, have been allocated to the Department of Premier and Cabinet (DPC).
3. The *National Parks and Wildlife (NPW) Act*, which includes Aboriginal Cultural Heritage management, has been allocated to the Minister for Planning at this stage.
4. Concerns around associated impacts to Heritage Council business, strategic direction and resources, including efforts to connect European heritage and Aboriginal values and management;
5. Progress of the draft Memorandum of Understanding (MOU) with DPE (item 4.1) and any impacts from the Machinery of Government changes.

Item 2.2. Strategic planning day

The Heritage Council of NSW discussed:

1. The Strategic Planning Day planned for 3 May 2019 which will have two distinct parts:
   - *Divergent thinking*: Determining a set of long-term key issues that will impact the sector, e.g. changes in climate, digital landscape and demographics.
     - Facilitator: Martin Stuart Weeks.
   - *Convergent thinking*: Developing key areas for action in the current work program to facilitate achievement of the long-term objectives.
     - Facilitator: Lou Mayo
2. The outcomes will be used to determine an immediate strategic plan addressing how the objectives will be achieved.
3. Proposed attendees include:
   - Heritage Council members
   - Dr Mark Dunn, Chair, Heritage Committee
   - Ms Glenda Chalke, Chair ACHAC
   - Heritage Division staff: Executive Director, Director Heritage Strategy, Director Heritage Operations.
   - Dr Caroline Butler-Bowdon, Sydney Living Museums – morning session.
4. Ideas raised for discussion included the importance of understanding implementation and measurements of success; issue of data; resourcing of projects and the organisation of the Heritage Division.

**Decision**
After discussion, the Heritage Council of NSW:

1. **Noted** the strategic issues discussed.

### Item 3. External Presentations

#### Item 3.1. The Mint Lift

The Heritage Council of NSW received a presentation on The Mint Lift proposal from *Mr Mark Goggin* and *Mr Michael Ellis* (Sydney Living Museums), *Mr Richard Francis Jones* and *Mr Daniel Bourke* (FJMT Studios), *Mr James Phillips* (Weir Phillips Heritage); followed by a verbal report from *Ms Verena Mauldon*, Senior Heritage Officer, Major Projects, Heritage Division.

The Heritage Council of NSW:

1. Noted Sydney Living Museum’s desire to provide equitable access to the property, and having the new element as a separate modern form as well as the extensive options analysis;

2. Found the proposed metal and timber design is intrusive and dominating in this very sensitive early Colonial setting, introducing a competing architectural language.

3. Does not support the proposal in its current form.

### Decision

After discussion, the Heritage Council of NSW:

1. **Noted** the information in the presentation; and

2. **Provided** the following comments:

   - Appreciates the challenges associated with providing accessibility and the continued retrofitting for sustainability of heritage places;

   - Supports SLM’s desire to differentiate the old from the new through an identifiably contemporary contribution. However, the HC does not support the dominating expression of the proposal which would compromise the site’s significance and detract from its interpretation;

   - Considers that the form, fabric and location is intrusive and dominant; and does not respond to its setting or reinforce the quality of its context in the broader highly intact and significant Macquarie Street precinct;

   - Has concerns about the visual impact on views to and from the courtyard and Macquarie Street, both visually and physically in terms of east-west permeability;

   - Considers that the design introduces competing architectural language, particularly contrasting unsympathetically with the restrained and complementary 2004 additions.

   - Considers that options which separate the lift functions from the amenities should be investigated.

**Moved by Mr Ian Clarke and seconded by Ms Jenny Davis**
Item 4. Legislation, Policy and Administrative Matters

Item 4.1. DPE Reform SARS and MOU

The Heritage Council of NSW received a paper and verbal report from Ms Alice Brandjes, Senior Team Leader, Strategy, Heritage Division.

The Heritage Council of NSW discussed:

1. Concerns regarding resources to meet deadlines
2. Proposed amendments to 4.1B in the revised MOU, including to acknowledge concerns about resources and that additional support may be required.
3. Proposed data collection should provide confirmation about issues around resourcing

<table>
<thead>
<tr>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>After discussion, the Heritage Council of NSW:</td>
</tr>
<tr>
<td>1. <strong>Noted</strong> the information in the report and;</td>
</tr>
<tr>
<td>2. <strong>Requested</strong> the following changes to the revised Memorandum of Understanding with the Department of Planning and Environment:</td>
</tr>
<tr>
<td><strong>Clause 6 - DPE obligations</strong></td>
</tr>
<tr>
<td>(e) supporting the Approval Body or Concurrence Authority in the development of continuous improvement practices in determining requests for general terms of approval or Concurrence. DPE and the Heritage Council will use the performance data to support OEH to implement changes to increase efficiency and seek additional resources if required;</td>
</tr>
<tr>
<td>(l) providing to the Heritage Council of NSW its performance monitoring data (being data collected through the digital system on approvals issued by or on behalf of the Heritage Council, including timeframes) to the Heritage Council on a monthly basis to facilitate an adjustment of resources, responses and deliver priorities.</td>
</tr>
</tbody>
</table>

**Moved by Ms Jenny Davis and seconded by Ms Colleen Morris**

Item 4.2. Heritage Regulation 2010 Remake

The Heritage Council of NSW received a confidential paper and verbal report from Ms Alice Brandjes, Senior Team Leader, Strategy, Heritage Division.

<table>
<thead>
<tr>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>After discussion, the Heritage Council of NSW:</td>
</tr>
<tr>
<td>1. <strong>NOTED</strong> the information in the report.</td>
</tr>
<tr>
<td>2. Formed a subcommittee (Jenny Davis, Louise Thurgood) to provide further advice <strong>out of session</strong>.</td>
</tr>
</tbody>
</table>
Item 4.3. SHR Listings Program 2019-2021 - Background and Update

The Heritage Council of NSW received a paper and verbal report from Ms Alice Brandjes, Senior Team Leader, Strategy.

The Heritage Council of NSW discussed:

1. Rationale of the Policy and listings programme and procedures.
2. Different conventions for handling and celebrating heritage: world heritage (places and properties), intangible heritage and the need for appropriate imaging.
3. Legislative constraints on the full inclusion of intangible heritage; the scope of social values within the Heritage Act; and challenges around managing cultural landscapes.
4. The management of this program given departmental resource constraints and the need for further advice from SHRC.

Decision

After discussion, the Heritage Council of NSW:
1. Deferred further consideration and provision of comments until the Strategic Planning Day on 3 May 2019.

Item 4.4. Business Plan Projects Update

The Heritage Council of NSW received a paper and verbal report from Ms Olgica Lenger, Senior Team Leader Secretariat, Heritage Division and Mr Ceda Byrne, Senior Special Projects Officer, Heritage Division on acquisition of Diligent Board software, Governance Review and Sponsorship Framework and Strategic Projects Progress Update.

The Heritage Council of NSW discussed:

1. Benefits of framing the Governance Review and Sponsorships Policy in accordance with the outcomes of the Strategic Planning Session in May 2019, noting the complexities of system change in this regard.
2. Lack of contextual information provided in the Strategic Projects Progress Update on the background of Heritage Council projects; noting however that the aim is for Council to assess the plans in finer detail post Strategic Planning Day.
3. Feedback to improve brevity of reporting and quality of program tracking for future Strategic Project Progress Update reports.

Decision
After discussion, the Heritage Council of NSW:

1. **Approved** the acquisition of Diligent Boards management software and delegated to the Chair to make a decision on the Minutes Module, pending further information.

2. **Agrees in principle** to the Governance Review and Sponsorship Framework project, however deferred approval of the funding until after the Strategic Planning Day scheduled for 3 May 2019.

3. **Noted** update on projects approved by previous Council members and requested further contextual information in future reporting.

**Moved by Mr Frank Howarth PSM and seconded by Mr Ian Clarke.**

**Item 4.5. Regent Theatre, Mudgee – IHO – LEC Proceedings and Funding Request**

The Heritage Council of NSW received a paper and verbal report from **Ms Christina Kanellaki Lowe, Senior Heritage Operations Officer, North - OEH.**

The Heritage Council of NSW discussed:

1. The value of engaging a consultant for independent professional assessment of the Regent Theatre for the purposes of the proposed SHR listing and research on architect G N Kenworthy whose contribution to the architecture of NSW, is not well documented.

2. The broader context of the diminishing number of picture theatres and their use; noting a comparative analysis of remaining theatres should be undertaken as part of the significance assessment to determine the rarity of Regent Theatre.

3. A preference not to join the LEC proceedings as a formal respondent.

4. Strategic approaches to considering listings, including the need for forward planning rather than reacting to threats.

**Decision**

After discussion, the Heritage Council of NSW:

1. **Agreed** to provide informal support to the Mid-Western Regional Council in the Land and Environment Court Proceedings.

2. **Agreed** to fund up to $15,000 for an independent consultant to undertake a heritage assessment of the Theatre; advising that it should include a comparative assessment with the remaining heritage theatres. This recommendation was subject to the Division making enquiries as to whether the Local Council had already initiated the preparation of an expert witness report from an independent consultant for the Land and Environment Court case.

**Moved by Ms Jenny Davis and seconded by Ms Sheridan Burke.**

**Item 5. Conservation Matters**

*Nil matters*

**Item 6. Listings Matters**
Nil matters

Item 7. Reports

Item 7.1. Executive Director, Heritage Division’s monthly update

The Heritage Council of NSW received a paper and verbal report from Ms Pauline McKenzie, Executive Director - OEH.

<table>
<thead>
<tr>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>After discussion, the Heritage Council of NSW:</td>
</tr>
<tr>
<td>1. <strong>Noted</strong> the information in the report.</td>
</tr>
</tbody>
</table>

Item 7.2. Chair of the Heritage Council of NSW Monthly Update

The Heritage Council of NSW received a paper and verbal report from Mr Frank Howarth PSM, Chair, Heritage Council of NSW.

1. Meeting with a number of key stakeholders including the Chair, Heritage Council VIC and senior management. Key issues discussed were:
   1. commonalities and differences across respective jurisdictions, and adopting a national approach to some issues where possible.
   2. Heritage Chairs Officials of Australia and New Zealand (HCOANZ) meeting in week of 27 April 2019.
   3. Heritage Council of Victoria has proposed national study on the sites of frontier conflict, to be led by VIC with requested support of NSW and $50,000 potential study contribution.
   4. Meeting with John Warne, Chair, Destination NSW and discussion on how to advance heritage in the tourism sector.
   5. Chair’s visit to the UK in May; seeking opportunities to meet with key heritage counterparts.
   6. Additional resources required by the Heritage Division to support the Chair, and the Council more broadly, including potential additional administrative and research assistance.

<table>
<thead>
<tr>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>After discussion, the Heritage Council of NSW:</td>
</tr>
<tr>
<td>1. <strong>Noted</strong> the information in the report.</td>
</tr>
<tr>
<td>2. <strong>Provided</strong> in principle support to collaborate with Heritage Council of Victoria on the proposed national study on Sites of Frontier Conflict, subject to initial consultation with the Aboriginal Cultural Heritage Advisory Committee (ACHAC) and it’s support. The Chair to progress the matter if supported by ACHAC.</td>
</tr>
<tr>
<td>3. <strong>Deferred</strong> consideration of funding additional resources in the Heritage Division to support the Chair and the Council more broadly, until after the Strategic Planning Day, 3 May 2019.</td>
</tr>
</tbody>
</table>
Item 7.3. Department of Planning and Environment Chief Planner’s Report

The Heritage Council of NSW received a paper from Mr Gary White, Chief Planner, Department of Planning and Environment.

1. The status of including heritage issues into regional plans and considerations around environment, transportation and tourism, in the process.
2. Immense opportunities in Heritage Tourism.
3. Observations on the receptiveness of planners to shifting away from a regulatory approach to planning.

Decision

After discussion, the Heritage Council of NSW:

1. Noted the information in the report.

Item 8. Monthly and Quarterly Reporting

Item 8.1. Action Report

The Heritage Council of NSW received the action report.

1. Include action to schedule a lunch meeting during the May 2019 Council meetings, for Chairs of the Heritage Council committees to discuss committee related issues, including membership, roles and strategic directions.
2. One-page summary to be provided to Chair reporting on policy and process for responding to lobbyists.

Decision

After discussion, the Heritage Council of NSW:

1. Noted the information in the report.

Item 8.2. Conservation Major Projects Status Report

The Heritage Council of NSW received the Conservation Major Projects Status report from the Major Projects team, Heritage Operations - OEH.

1. Louise Thurgood to assist us with improving format of the report on 9 April 2019.
2. Tim Smith noted a future presentation to the Heritage Council on the RMS Sydney Harbour Bridge cycleway proposal, and heritage impacts from associated works at Fort Street High and the Observatory precinct as well as a pending meeting with RMS regarding heritage outcomes from Windsor Bridge replacement project.
Decision

After discussion, the Heritage Council of NSW:
1. **Noted** the information in the report.

**Item 8.3. Delegated Decisions Monthly Report**

The Heritage Council of NSW received a report from the **Statewide Programs team, Heritage Operations - OEH.**

Decision

After discussion, the Heritage Council of NSW:
1. **Noted** the information in the report.

**Item 8.4. Listings Matters Monthly Report**

The Heritage Council of NSW received a report from **Statewide Programs team, Heritage Operations - OEH.**

Decision

After discussion, the Heritage Council of NSW:
1. **Noted** the information in the report.

**Item 9. Committee and Sub Committee Updates**

**Item 9.1. Committee and Sub Committee Updates**

Ms Sheridan Burke, Chair Grants Committee reported:

1. Grants Committee met 2 April, reviewed 348 Grants applications allocating $5.6million of the $14million budget. The Committee established criteria and strategic principles and resolved to continue support for the Small Grants and Heritage Advisors programs, and noted that most money goes toward conservation works and CMPs.

2. Aiming for a Ministerial announcement during National Heritage Week in early May.

3. Congratulations to the Heritage Division Grants Team, Jan Nye, Nicole Guyatt and Rukmani Balram, and the 30 staff who assisted in this years’ Grants Program.
Decision

After discussion, the Heritage Council of NSW:
1. Noted the information in the report and thanked the Division and the Grants Committee for their efforts on coordinating and assessing the Grants Program this year

Item 10. Heritage Council – In Camera Session

Discussion during this session was not minuted.

Item 11. General business

Item 11.1. Matters Arising
Nil matters

Item 11.2. Meeting close
There being no further items of business, Mr Frank Howarth closed the meeting at 2:30pm.

I confirm that this is an accurate record of the discussions and decisions made at the 3 April 2019 Heritage Council of NSW meeting

[Signature]
Mr Frank Howarth
Chair, Heritage Council of NSW
Date: 01 May 2019