Heritage Council of NSW Minutes - 466

9:12am – 2:17pm
Wednesday, 03 July 2019
10 Valentine Avenue, Parramatta
Conference Room 1 and 2 | Level 6

<table>
<thead>
<tr>
<th>Attendees</th>
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<tr>
<td>Chair</td>
<td>Mr Frank Howarth PSM</td>
<td>N/A</td>
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<tr>
<td>Deputy Chair</td>
<td>Ms Sheridan Burke</td>
<td>N/A</td>
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<tr>
<td>Voting Member</td>
<td>Ms Louise Thurgood</td>
<td>N/A</td>
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<td>Voting Member</td>
<td>Mr Ian Clarke</td>
<td>N/A</td>
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<tr>
<td>Voting Member</td>
<td>Ms Colleen Morris</td>
<td>N/A</td>
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<tr>
<td>Non-voting Member</td>
<td>Mr Dillon Kombumerri</td>
<td>Principal Architect</td>
<td>Government Architect</td>
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<tr>
<td>OEH staff</td>
<td>Ms Pauline McKenzie</td>
<td>Executive Director, Heritage, Community Engagement</td>
<td>Department of Premier &amp; Cabinet</td>
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<tr>
<td>OEH staff</td>
<td>Ms Jane Holden</td>
<td>Director, Heritage Strategy, Heritage, Community Engagement</td>
<td>Department of Premier &amp; Cabinet</td>
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<td>OEH staff</td>
<td>Mr Tim Smith OAM</td>
<td>Director Heritage Operations, Community Engagement</td>
<td>Department of Premier &amp; Cabinet</td>
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<tr>
<td>OEH staff item 1.3</td>
<td>Mr Ceda Byrne</td>
<td>Senior Special Projects Officer, Heritage, Community Engagement</td>
<td>Department of Premier &amp; Cabinet</td>
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<tr>
<td>OEH staff item 4.1</td>
<td>Ms Lucy Albani</td>
<td>Principal Policy Officer, Culture Policy Branch</td>
<td>Department of Premier &amp; Cabinet</td>
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<tr>
<td>OEH staff item 4.3, 4.4</td>
<td>Ms Sarah Jane Brazil</td>
<td>Manager, Heritage Near Me, Heritage, Community Engagement</td>
<td>Department of Premier &amp; Cabinet</td>
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<td>Attendees</td>
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<tr>
<td>OEH staff</td>
<td>Ms Olgica Lenger</td>
<td>Senior Team Leader Secretariat, Heritage, Community Engagement</td>
<td>Department of Premier &amp; Cabinet</td>
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<tr>
<td>OEH staff</td>
<td>Ms Natasha Agaki</td>
<td>Senior Secretariat Officer, Heritage, Community Engagement</td>
<td>Department of Premier &amp; Cabinet</td>
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<th>Apologies</th>
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<tr>
<td>Voting Member</td>
<td>Mr David Major</td>
<td>N/A</td>
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<td>Voting Member</td>
<td>Professor Gary Sturgess AM</td>
<td>N/A</td>
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<td>Voting Member</td>
<td>Mr Gary White</td>
<td>N/A</td>
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<td>OEH staff</td>
<td>Ms Cheryl Brown</td>
<td>Regional Manager, Heritage North</td>
<td>Department of Premier &amp; Cabinet</td>
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<tr>
<td>OEH staff</td>
<td>Mr Steven Meredith</td>
<td>Regional Manager, Heritage South</td>
<td>Department of Premier &amp; Cabinet</td>
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MINUTES

Item 1. Welcome and formalities

Mr Frank Howarth opened the meeting at 09:12am, delivered an Acknowledgment of Country and welcomed attendees.

Apologies were accepted from Mr Gary White, Prof Gary Sturgess and Mr David Major, and it was noted that quorum had been met.

Members were asked to raise any conflicts of interest with items on the agenda; no conflicts were declared.

The following items of further business were raised for discussion at Item 9 Advisory Committee Updates:

1. State Heritage Register Committee – Management of Open SHR Nominations
2. Committee Memberships and appointments

Item 1.1. Minutes from previous ordinary meeting

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

The Heritage Council of NSW discussed:

1. Approaches to minute taking and the associated impacts in terms of strategic decision making by Council, internal processes and the roles of members and Secretariat;

2. Further improvements needed to the format of papers presented to the Council to better facilitate decision making processes, specifically the inclusion of draft resolutions as a standard approach, noting that it should be made explicitly clear in cases where this is not possible;

3. Comparisons with other Boards in terms of processes and control of funds and resources, noting the need to work within existing structures to move in a favourable direction in line with the strategic plan;

4. The opportunity to fund a review of Council governance as an investment to ensuring quality of the changes requested.
Resolution 2019-27

After discussion, the Heritage Council of NSW:
1. Confirmed the minutes of the previous ordinary meeting (Wednesday, 5 June 2019) as a complete and accurate record of that meeting, subject to the following amendments:
   a. The inclusion of Ms Colleen Morris as seconder for Item 8.4 Business Plan Projects Update.
   b. Minor spelling correction to item 6.2 Varroville Update.

Moved by Ms Louise Thurgood and seconded by Mr Ian Clarke.

Item 1.2. Action report

The Heritage Council of NSW received the Action report from Mr Frank Howarth, Chair Heritage Council of NSW.

The Heritage Council of NSW discussed:
1. The need for further clarity on the Outer Sydney Orbital and major infrastructure projects in the Greater Sydney region to more effectively assess broad impact on heritage, including options for detailed mapping and the need for a proactive and collaborative approach moving forward.

Resolution 2019-28

After discussion, the Heritage Council of NSW:
1. Notes the report.
2. Heritage Division to organise a meeting with Transport NSW and DPIE to discuss land use and transport planning impact on heritage places and cultural landscapes, including Aboriginal cultural landscapes.
3. Requests the formation of the ICOMOS Committee immediately after the start of the Project Officer.

Moved by Ms Louise Thurgood and seconded by Mr Ian Clarke.

Item 1.3. Business Plan Projects – Status Update Actions

The Heritage Council of NSW received a paper and verbal report on its Business Plan Projects from Mr Ceda Byrne, Senior Special Projects Officer, Heritage – DPC.

The Heritage Council of NSW discussed:
1. Further changes required to improve the accuracy of reporting on project status; in particular the need to clearly demonstrate where specific project elements may be on hold whilst the wider project is progressing.
After discussion, the Heritage Council of NSW:

1. Notes the report.
2. Resolves to rename the SHR Listings Program to SHR Framework.
3. Requested the Heritage Division to review the report coding with support from Ms Louise Thurgood.

Moved by Frank Howarth and seconded by Colleen Morris.

Item 2. Strategic Matters

Item 2.1. Strategic Planning Day and Definition of Heritage

The Heritage Council of NSW received a paper and verbal report on the Strategic Planning process from the Chair, Mr Frank Howarth.

The Heritage Council of NSW discussed:

1. The high-level objective formed by Council at its May 2019 strategic planning session, and its breakdown into specific outcomes around the value of heritage across diverse communities, regulatory and non-regulatory mechanisms, and the primacy of Aboriginal people in determining Aboriginal cultural heritage.

2. Subsidiary outcomes including the impact of climate change on heritage, and the communication of intrinsic/extrinsic values of heritage and of the respective roles of the Heritage Council, Heritage DPC and wider community.

3. That the Council’s communications strategy must ensure that the definition of heritage as a dynamic, living experience connected to culture and wellbeing, is clearly accessible to the layperson.

4. Ways of capturing the priorities and tightening the format of the draft strategic plan to produce a more succinct document.

Moved by Mr Ian Clarke and seconded by Ms Sheridan Burke.

Item 3. External Presentations

Nil matters
Item 4. Legislation, Policy and Administrative Matters

Item 4.1. Celebratory Listings

The Heritage Council of NSW received a paper and verbal report on Celebratory Listings, from Ms Lucy Albani, Principal Policy Officer, Culture Policy Branch – DPC.

Resolution 2019-31

After discussion, the Heritage Council of NSW:

1. Notes the update.
2. Provided the following comments on the proposal and the approach outlined in TAB 4.1A & TAB 4.1B of the report:
   • Supports in principle the concept.
   • Recommends that the Heritage Division consults with the Heritage Committee on the proposal.
   • Recommends that the Heritage Division looks closely at the work already done by Heritage Victoria, UNESCO, ICOMOS, Intangible Cultural Heritage ISC, and emerging international practice.
   • Requests Heritage Division to provide further information on financial implications and relative priority of this program.
   • Suggests that Heritage Division explores how recognition of intangible heritage value could be more overtly integrated in the Heritage Council and Division’s work.

Moved by Ms Colleen Morris and seconded by Mr Ian Clarke.

Item 4.2. Material Effect Guidelines

The Heritage Council of NSW received a paper and verbal report from Mr Tim Smith, Director Heritage Operations- DPC.

The Heritage Council of NSW discussed:

1. The ongoing work carried out by Heritage DPC under orders gazetted by the former Minister to provide local councils with delegation powers for the Heritage Council; more specifically the recasting of the Material Effect threshold and how the benchmark is interpreted.

Resolution 2019-32

After discussion, the Heritage Council of NSW:

1. Notes the report.
2. Notes that the approved unexpended funding for this project will be used by the Heritage Division in the current financial year.
3. Requests the Heritage Division come back to the Heritage Council with recommendations on the Material Effect Guidelines.

Moved by Ms Colleen Morris and seconded by Mr Frank Howarth.

Item 4.3. Heritage Near Me
The Heritage Council of NSW received a paper and verbal report on Heritage Near Me from Ms Sarah Jane Brazil, Manager, Heritage Near Me - DPC

The Heritage Council of NSW discussed:

1. Valuable achievements of the Heritage Near Me (HNM) program and the potential and opportunities for the Council to leverage its brand and achievements, particularly with regards to the HNM App as a cultural tourism product and building capacity in local government and regional communities;

2. Opportunities to secure additional funding to continue the program, including through private corporations and foundations, and the potential for HNM to become a Heritage Council run program.

**Resolution 2019-33**

After discussion, the Heritage Council of NSW:

1. Notes the report.
2. Requests the Heritage Division to create a summary communication of the Heritage Near Me Program and its benefits.
3. Requests the Heritage Division to investigate options from Heritage Near Me projects relating to local government, for example refreshing the Heritage Manual to sustain local government relationship focus.
4. Requested Heritage Division to investigate sponsorship options.
5. Discussed opportunities to build on the program’s achievements and benefits.

Moved by Ms Collen Morris and seconded by Mr Frank Howarth.

**Item 4.4. Resources and Publications**

The Heritage Council of NSW received a paper and verbal report on Heritage Near Me from Ms Sarah Jane Brazil, Manager, Heritage Near Me - DPC

The Heritage Council of NSW discussed:

1. The importance of this project in enabling the Council to provide a guiding vision and the need to consult both the Heritage Committee and Technical Advisory Committee in the process.

2. Efforts to develop a working group to move forward on larger landscape listings should be considered in the Conservation Area Guidelines review.

3. The inadequateness of the current Heritage Impact Assessment guidelines which is leading to local governments to produce their own; noting the opportunity in this to inform the revised document with valuable feedback.

4. The need to harness opportunities in the digital space to improve processes.

5. Forge engagement with ICOMOS Australia and utilise its toolkit to ensure that duplication does not occur.

6. That the proposed list of technical and maintenance series documents be provided to the Technical Advisory Committee for review with clear guidelines on its remit.
Resolution 2019-34

After discussion, the Heritage Council of NSW:

1. Notes the report.
2. Requested the Heritage Division to prioritise the Heritage Impact Assessment Guidelines, to engage the Heritage Committee and utilise ICOMOS toolkit in that process.

Moved by Ms Sheridan Burke and seconded by Mr Ian Clarke.

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 - DPC

The Heritage Council of NSW discussed:

1. Machinery of Government changes:
   a. As of 1 July, Heritage sits within the Community Engagement group of the Department of Premier and Cabinet (DPC) alongside Aboriginal Affairs, Create NSW and Employee Relations. All agencies report to Deputy Secretary, Kate Foy, with Minister Harwin being the Minister for all these component parts.
   b. Culture Policy Branch has been moved from the policy division of OEH to be part of Heritage DPC; and the management of Aboriginal Heritage Impact Permits (AHIPs) has been recommended to move to Heritage DPC.
   c. The transition to DPC as a complex process with regards to communication systems, the need for new MOU negotiations, etc.

2. Heritage Council Victoria is currently doing work on its engagement with local government and have requested input from all state jurisdictions on their respective approaches/aims for local government engagement.

3. The August Heritage Council meeting will be held at Locomotive Workshops, Eveleigh, with attendance expected from Deputy Secretary Kate Foy, Chair of the Heritage Council Victoria, and potentially Minister Harwin.
Decision

After discussion, the Heritage Council of NSW:
1. Notes the report.

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

The Heritage Council of NSW received a verbal report from Ms Sheridan Burke, Deputy Chair, Heritage Council of NSW.

Ms Burke advised that a critical strategic paper on heritage and climate change was being presented at the World Heritage Committee meeting in Azerbaijan, entitled The Future of our Pasts: Engaging Cultural Heritage in Climate Action.

Ms Burke encouraged Heritage Council members:
1. To consider the outcomes of the document in developing its approach since the issue has been identified as a critical component of the Heritage Council Strategic Plan;
2. Attend a seminar at the Society of Australia and New Zealand Architectural Historians Conference on 13 July, 11am-1pm at Sydney University, exploring the ways in which conservation practice has changed in the last 40 years.
3. Subscribe to ICOMOS weekly newsletters.

Decision

After discussion, the Heritage Council of NSW:
1. Notes the report.

Item 7.3. Department of Planning and Environment Chief Planner’s Report

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

Decision

After discussion, the Heritage Council of NSW:
1. Notes the report.

Item 8. Monthly and Quarterly Reporting

The Heritage Council of NSW received Heritage Operations Monthly reports, including on Conservation Major Projects, Delegated Decisions and Listings Matters, and a verbal report from Mr Tim Smith, Director Heritage Operations – DPC.
Item 8.1a Conservation Major Projects Status Update

**Decision**

After discussion, the Heritage Council of NSW:
1. Notes the report.

Item 8.1b Delegated Decisions

**Decision**

After discussion, the Heritage Council of NSW:
1. Notes the report.

Item 8.1c Listings Matters

**Decision**

After discussion, the Heritage Council of NSW:
1. Notes the report.

Item 9. Advisory Committee Updates

The Heritage Council of NSW received the following verbal reports:

**Ms Sheridan Burke, Chair, State Heritage Register Committee:**
- SHRC Triage Sessions to Manage Open SHR Nominations.

**Mr Dillon Kombumerri, Chair, Approvals Committee:**
- To commence long service leave from mid-Aug to mid-September and will be an apology for the September 2019 meetings. Further, Mr Kombumerri has been summoned for Jury duty, and if required, will be an apology for the August 2019 meetings.

**Mr Frank Howarth, Chair of the Heritage Council of NSW:**
- Committee membership appointment recommendations to come to the August 2019 meeting;
- Chairs of the Heritage Council, SHRC and Approvals Committee will meet on 8 July to discuss Committee membership issues and appointments.
### Resolution 2019-35

After discussion, the Heritage Council of NSW:

1. Notes the verbal report provided by Ms Sheridan Burke on the SHR Open Nominations triage session and Refresh proposals held on 24 June 2019.
2. The State Heritage Register Committee (SHRC) reviewed 50 open nominations and recommended 20 nominations to be closed.
3. Second stage of the Refresh triage session will be held on 2 August 2019 to consider the priorities ahead.
4. Issues arising from the triage session include:
   a. Need for Heritage Division to work more collaboratively with Local Government to secure protection and effective management.
   b. Need for Heritage Division to build early and positive relationships with owners to address situations where there may be lack of understanding/support for listing.
   c. Improving internal management of open and incoming nominations, streamlining register recommendations and including management recommendations and wherever possible exemptions in listing proposals.
   d. Establishment of a working group on conservation area management (including cultural landscapes), to include representatives from local government already managing conservation areas (possible revision of Conservation Area Guidelines publication).
   e. Need to engage with Property NSW and other government agencies on outstanding nominations.
   f. Resources required to resolve the Open Nominations.
   g. Criteria for prioritisation of Open Nominations.
   h. The balance of effort in addressing the Open Nominations and addressing gaps in the SHR as identified in the SHR strategic framework.
5. Outcomes of the prioritisation process on 2 August and draft prioritisation policy and criteria to be submitted to the Heritage Council September or October meeting for review and approval.

Moved by Ms Sheridan Burke and seconded by Ms Colleen Morris.

### Resolution 2019-36

After discussion, the Heritage Council of NSW:

Resolves to appoint Ms Jenny Davis to the State Heritage Register Committee until 15 November 2019.

Moved by Mr Frank Howarth and seconded by Ms Colleen Morris.
Item 10. Item 9. Heritage Council in Camera Session

This section is not Minuted

Item 11. Other Matters

Item 11.1. General Business

1. Mr Tim Smith, Director Heritage Operations, Heritage DPC delivered a verbal report on the process of Section 60 Applications. At the Heritage Staff Forum strategic planning day, a streamlining initiative was proposed for the existing IDA process. Currently Section 60 permits are to be issued following Heritage Council consideration, whether changes are minor or substantial. It is proposed that a Section 60 need not be issued where proposed modifications to an approved application are in keeping with the General Terms of Approval. There is in principle support to amend internal policy and formally introduce an agreement with Council to effect this change.

2. Members discussed the process and roles of the Heritage Council Chair, members and Heritage DPC staff in Ministerial appointments of new members, including the Council’s need for a historian and/or archaeologist and the risks of failing to address skill gaps.

Item 11.2. Forward agenda and calendar

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

The Heritage Council of NSW discussed:

1. Newcastle Recreation Reserve.
2. Forward agenda to cast possible items three months ahead.

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<td>After discussion, the Heritage Council of NSW:</td>
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<tr>
<td>1. Notes the Draft Forward Agenda.</td>
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<td>2. Resolves to consider Newcastle Recreation Reserve submission out of session.</td>
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<td>3. Requests Heritage Division to maintain Forward Agenda and add the following items:</td>
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<tr>
<td>a. Draft Strategic Plan to August agenda</td>
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<td>b. Committee member recommendations to August agenda</td>
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<td>c. Regional Visit to August agenda</td>
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<td>d. Strategic Plan Financial Strategy to September agenda</td>
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<td>e. Resources and Publications to September agenda</td>
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<td>f. s170 and state government heritage management to October agenda</td>
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<td>g. SHR triage day recommendations to September or October agenda</td>
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Item 11.3. Meeting close

There being no further items of business, Mr Frank Howarth closed the meeting at 2:17pm.

Mr Frank Howarth PSM
Chair, Heritage Council of NSW
Date: 07 August 2019