Heritage Council of NSW Minutes - 469

9:08am – 1:30pm
Wednesday 04 September 2019
10 Valentine Avenue, Parramatta
Conference Room 1 and 2 | Level 6

<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>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>Mr David Major</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>DPC staff</td>
<td>Ms Pauline McKenzie</td>
<td>Executive Director</td>
<td>Heritage, Community Engagement, DPC</td>
</tr>
<tr>
<td>DPC staff</td>
<td>Ms Jane Holden</td>
<td>Director, Heritage Strategy</td>
<td>Heritage, Community Engagement, DPC</td>
</tr>
<tr>
<td>DPC staff</td>
<td>Mr Tim Smith OAM</td>
<td>Director, Heritage Operations</td>
<td>Heritage, Community Engagement, DPC</td>
</tr>
<tr>
<td>DPC staff</td>
<td>Mr Steven Meredith</td>
<td>Regional Manager, Heritage South</td>
<td>Heritage, Community Engagement, DPC</td>
</tr>
<tr>
<td>Invited Guest</td>
<td>Ms Lisa Newell</td>
<td>Chair</td>
<td>Expert Working Group, Excavations Director Policy Review</td>
</tr>
<tr>
<td>Item 4.1</td>
<td>(former Heritage Council Member)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DPC staff</td>
<td>Dr Siobhan Lavelle OAM</td>
<td>Senior Team Leader, Specialist Services</td>
<td>Heritage, Community Engagement, DPC</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>DPC staff</td>
<td>Mr Ceda Byrne</td>
<td>Special Projects Officer, Major Projects</td>
<td>Heritage, Community Engagement, DPC</td>
</tr>
<tr>
<td>Item 6.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DPC staff</td>
<td>Ms Olgica Lenger</td>
<td>Senior Team Leader Secretariat</td>
<td>Heritage, Community Engagement, DPC</td>
</tr>
<tr>
<td>DPC staff</td>
<td>Ms Natasha Agaki</td>
<td>Senior Secretariat Officer</td>
<td>Heritage, Community Engagement, DPC</td>
</tr>
<tr>
<td>Apologies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-voting Member</td>
<td>Mr Dillon Kombumerri</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
MINUTES

Item 1. Welcome and formalities

Mr Frank Howarth PSM opened the meeting at 9:08am, delivered an Acknowledgment of Country and welcomed attendees.

Apologies were accepted from Mr Dillon Kombumerri, and late apologies from Mr David Major, who arrived at 9:30am. Mr Gary White informed the Committee that he would need to leave the meeting before 12:00pm.

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.

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 2019-47</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, 7 August 2019) as a complete and accurate record of that meeting.</td>
</tr>
<tr>
<td>Moved by Mr Ian Clarke and seconded by Ms Colleen Morris.</td>
</tr>
<tr>
<td>2. Confirmed the minutes of the previous out of session meeting (Thursday, 25 July 2019) as a complete and accurate record of that meeting, subject to including Ms Colleen Morris as Mover and Ms Louise Thurgood as Seconder for item 2.1 Newcastle Recreation Reserve.</td>
</tr>
<tr>
<td>Moved by Mr Ian Clarke and seconded by Mr Gary White.</td>
</tr>
</tbody>
</table>

Item 1.2. Action report

The Heritage Council of NSW received the Action report and discussed the following:

1. Ms Leah Domanski has joined Heritage NSW part-time as the ICOMOS Project Officer to facilitate Heritage Council and Aboriginal Cultural Heritage Advisory Committee (ACHAC) involvement in the ICOMOS General Assembly 2020;

2. Dates, venues and logistical arrangements for the coordination of the November 2019 ordinary meeting and the Council’s annual Regional Visit.
Resolution 2019-48

After discussion, the Heritage Council of NSW:

1. **Noted** the action report.
2. **Agreed** that the Heritage Council, State Heritage Register Committee and Approvals Committee meetings are to take place on Tuesday, 5 November 2019; convening committee meetings first.

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

---

**Item 2. External Presentations**

*Nil matters*

**Item 3. Strategic Matters**

**Item 3.1. Draft Heritage Council of NSW Strategic Plan and Investment Strategy**

The Heritage Council of NSW received the Draft Heritage Council of NSW Strategic Plan and Investment Strategy and a verbal report from the **Chair, Mr Frank Howarth PSM**.

The Heritage Council of NSW discussed:

1. Strategic priorities and their respective action items with the aim to move toward scoping, indicative costing, timeframes, etc. at the October meeting.
2. Suggested amendments to the draft strategy:
   a. page 6 to reflect the recognition of intangible heritage values;
   b. inclusion of a value proposition to communicate why heritage is important to invest in, noting as an example the Sydney Opera House evaluation that measures economic and social value;
   c. score card mechanism to communicate measurable outcomes intended for each strategic priority;
   d. reference to the Local Strategic Planning System; the strategic work and conversation around Heritage at the local level and the opportunities it presents for heritage in NSW.
   e. inclusion of paragraph on Heritage Tourism in the Community section.
3. The project initiation documents to reflect where Heritage NSW and Heritage Council priorities overlap;
4. Member votes on each action priority to be reviewed out of session with a view to producing project proposals for the High Priority projects;
5. Importance of ensuring commitment to cultural landscapes.
Decisions

After discussion, the Heritage Council of NSW:

Noted the Draft Heritage Council of NSW Strategic Plan and Investment Strategy.

Item 3.2. Committee Membership – Guiding Principles For Appointments

The Heritage Council of NSW received a paper on Committee Membership – Guiding Principles for Appointments, and a verbal report from the Chair, Mr Frank Howarth PSM.

The Heritage Council of NSW discussed:

1. The review of member appointment terms for the existing Heritage Council Committees

2. The function, purpose and role of the existing Committees, being:
   a. State Heritage Register Committee (SHRC) and the Approvals Committee as statutory decision making bodies appointed by the Heritage Council to assist with the exercise of its functions under delegation.
   b. The Grants Committee, Technical Advisory Committee (TAC) and the Heritage Committee as advisory bodies providing a wide range of expertise to the Heritage Council and Heritage NSW and acting as a consultation interface with industry and stakeholders, as and when needed.

3. Proposals for the advisory bodies to operate as panels rather than committees, including:
   a. Importance of the role of the advisory bodies being consistent with the remit of the Heritage Council under the Heritage Act 1977, but not established by the Act in terms of their constitution, criteria for appointment, terms of reference, etc;
   b. Being renamed to ‘advisory panels’ to more accurately reflect their role, as a distinction from the statutory committees;
   c. Conducting pre-scheduled and out of session meetings, in person or remotely, with all or parts of the members participating, as required.
   d. Terms of Reference to be developed for advisory panels, including the Heritage NSW staff support.

4. Resources will be required from Heritage NSW to support advisory panels.

5. General principles of good practice relating to constitution and membership of committees and advisory panels, including equity, fair representation, gender balance, diversity, etc., the need for flexibility in expertise required, engagement of younger practitioners and Aboriginal representation.

6. EOI process for membership of committees and advisory panels to commence in June 2020, taking in to account staggered appointments with interim decisions to be made out of session to resolve memberships expiring in November 2019.
7. Appointment of members of the Heritage Council as alternate members for any member of a committee.

8. Amendments to the draft Guiding Principles:

a. Part B; Item 6 to state number of members of the SHRC and Approvals Committee is eight, and at least half of the appointed members must be members of the Heritage Council.

b. Part B; Item 12 to state that each member of the Heritage Council is appointed alternate member for any member of the SHRC or Approvals Committee.

c. Part B, Item 17 to remove, as being redundant.

d. Part C; Item 18 to state that the advisory panels are appointed by the Heritage Council to provide advice to the Council and Heritage NSW, and to facilitate consultations with industry and stakeholders; as and when needed.

e. Part C; Item 25, to remove, as being redundant/inconsistent.

f. Part C; Item 31, to include any other relevant expertise required by the Heritage Council.

g. Part D; Item 32, to specify that each committee and advisory panel of the Heritage Council should have at least one Aboriginal person who possesses qualifications, knowledge and skills relating to Aboriginal heritage management.

h. Part D; Item 33, to state that opportunities to appoint persons [of diverse background, etc.] should also be actively promoted.

i. Remove any references to standing committee or NSW Government/board, and include advisory panels in Part D, General Requirements, as appropriate.

j. Any other editorial changes, consistent with the above amendments.

<table>
<thead>
<tr>
<th>Resolution 2019-49</th>
</tr>
</thead>
</table>

The Heritage Council of NSW:

1. **Approves** in principle an operational change for advisory committees to function as advisory panels.

2. **Approves** name change for advisory committees to the following:
   a. Grants and Sponsorships
   b. Heritage Advisory Panel
   c. Technical Advisory Panel

3. **Agrees** to prepare new Terms of Reference for the Advisory Panels, reflecting change in function from committees to advisory panels.

4. **Adopts** the draft Guiding Principles for Appointment of Members to Committees and Advisory Panels of the Heritage Council of NSW, as amended by the Council. (Tab 3.2 A)

5. Interim recommendation for membership and terms of appointment of committees and advisory panels to be determined out of session.

Moved by Ms Colleen Morris and seconded by Mr Gary White.
Item 4. Legislation, Policy and Administrative Matters

Item 4.1. Excavation Director Policy and Heritage Council Review Committee

The Heritage Council of NSW received and paper and verbal report from Dr Siobhan Lavelle OAM, Senior Team Leader, Specialist Services, Heritage NSW; and Ms Lisa Newell, Chair Expert Working Group, Excavations Director Policy Review.

The Heritage Council of NSW discussed:

1. Background on the Heritage Council’s Excavation Director Policy, purpose of the regulation and issues that led to the review;

2. Comparison between existing and updated policy, including the following key changes recommended by the Expert Working Group:
   a. **Addition of a review process:**
      i. explanation of circumstances for a review, timeframe, process and documentation required.
   b. **Improved guidance:**
      i. Greater clarity and enhanced guidance at the front end of the process; likely to result in lower overall costs to Industry and provide government with efficiencies due to better quality submissions received.
   c. **Advisory Notes:**
      i. assist archaeologists of all experience levels to better demonstrate their credentials against the Criteria and present their experience, skills and knowledge more clearly.
      ii. assist Developers and Applicants to better understand the relative suitability of their proposed archaeologist.

3. Comparison with other state jurisdictions

4. Implementation of updated policy would take approximately five days over the course of 12 months, including a few workshops;

5. Importance of updating the policy to provide greater clarity and additional information to industry as an interim solution; a broader review of the entire system should follow, including seeking examples of best practice internationally.
Resolution 2019-50

The Heritage Council of NSW:

1. **Adopts** the Excavation Director Criteria, 28 March 2019 (Attachment A of the report presented) as the updated ED policy document.

2. **Notes** the information in this paper and request an update on moves by professional organisations to develop best practice guidelines in 6 months’ time.

3. **Defers** the decision on additional projects recommended by the Expert Working Group (Attachment B of the report presented).

Moved by Ms Sheridan Burke and Ms Colleen Morris

Item 5. Reports

Item 5.1. Executive Director, Heritage Division’s monthly update

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

<table>
<thead>
<tr>
<th>Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>After discussion, the Heritage Council of NSW:</td>
</tr>
<tr>
<td>1. <strong>Noted</strong> the Executive Director’s Monthly Update.</td>
</tr>
</tbody>
</table>

Item 5.2. Chair of the Heritage Council of NSW Monthly Update

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

<table>
<thead>
<tr>
<th>Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>After discussion, the Heritage Council of NSW:</td>
</tr>
<tr>
<td>1. <strong>Noted</strong> the Chair’s Monthly Update.</td>
</tr>
</tbody>
</table>

Item 5.3. Department of Planning and Environment Chief Planner’s Report

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

<table>
<thead>
<tr>
<th>Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>After discussion, the Heritage Council of NSW:</td>
</tr>
<tr>
<td>1. <strong>Noted</strong> the Chief Planner’s Report.</td>
</tr>
</tbody>
</table>
Item 6.   Monthly and Quarterly Reporting

Item 6.1. Heritage Operations Monthly Reports


1. The Heritage Council of NSW received a verbal report from Mr Tim Smith, Director Heritage Operations, Heritage NSW

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

6.1.b. Delegated Decisions

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

<table>
<thead>
<tr>
<th>Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Heritage Council of NSW:</td>
</tr>
<tr>
<td>1. <strong>Noted</strong> the report.</td>
</tr>
</tbody>
</table>

6.1.c Listings Matters

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

<table>
<thead>
<tr>
<th>Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Heritage Council of NSW:</td>
</tr>
<tr>
<td>1. <strong>Noted</strong> the report.</td>
</tr>
</tbody>
</table>

Item 7.   Committee and Sub Committee Updates

Item 7.1. State Heritage Register Committee Update

The Heritage Council of NSW received a verbal report from Ms Sheridan Burke, Chair, State Heritage Register Committee and discussed:

1. Third Triage session for Open SHR nominations to be held on 16 September 2019.
Decisions

After discussion, the Heritage Council of NSW:
1. **Noted** the State Heritage Register Committee Update.

**Item 8. Heritage Council in Camera Session**

*This section is not minuted.*

**Item 9. General Matters**

**Item 9.1. General Business**

No further items of business were discussed.

**Item 9.2. Forward Agenda**

The Heritage Council of NSW received the forward agenda.

Decisions

After discussion, the Heritage Council of NSW:
1. **Noted** the forward agenda.

**Item 9.3. Meeting close**

There being no further items of business, **Mr Frank Howarth PSM** closed the meeting at 1:30pm.

Mr Frank Howarth PSM

Chair, Heritage Council of NSW

Date: 2 October 2019