

HERITAGE COUNCIL OF NSW

MEETING MINUTES - 509

2 November 2022 | 9:00 AM - 2:30 PM

Conference Room 14, Heritage NSW, Level 11, 4PSQ, Parramatta & via teleconference

ATTENDANCE

Members

Mr Frank Howarth AM PSM Chair

The Hon Robyn Parker Deputy Chair Mr Nicholas Brunton Member Mr Ian Clarke Member

Ms Felicity Greenway Member (planning delegate)

Ms Vanessa Holtham Member
Mr Paul Knight Member
Dr Brian Lindsay Member
Ms Colleen Morris Member
Mr Dillon Kombumerri Observer

Apologies

Mr Brett Whitworth Member

Approvals Committee

Ms Caitlin Allen Approvals Committee Member (item 6.1)
Ms Julie Marler Approvals Committee Member (item 6.1)
Mr David McNamara Approvals Committee Member (item 6.1)

External Attendees

Mr Mark Reynolds Senior Development Manager, TfNSW (item 4.1)
Mr Matt Davis Studio Director, Bates Smart, TfNSW (item 4.1)

Ms Natalie Vinton

Mr Tony Blume

Executive Director, TfNSW (item 4.1)

Mr Mark Withnall

Development Manager, TfNSW (item 4.1)

Ms Emma McGirr

Heritage Specialist, TfNSW (item 4.1)

Ms Nicola Wiemann

Senior Project Manager, TfNSW (item 4.1)

Mr Chris Peat

Communication Manager, TfNSW (item 4.1)

Ms Emma Hitchens Manager, Metro East & South (City), DPE (item 4.1)

Ms Patrice Rando Sen. Planning Officer, Metro East & South (City), DPE (item 4.1)

Ms Katie Joyner Director, Metro East & South (City), DPE (item 4.1)

Mr Joseph Burraston Greater Cities Commission (item 4.1)
Mr Paul Robilliard Director, Ethos Urban (item 4.1)

Dr Susan McIntyre-Tamwoy Project Manager & Joint Principal Researcher, Navin (item 4.2)

Mr Peter Phillips Joint Principal Researcher, Orwell & Phillips Architects (item 4.2)

Heritage NSW

Mr Sam Kidman Executive Director

Mr Tim Smith Director Heritage Assessments

Ms Lucy Albani Director Policy and Strategy (items 4.2 & 5.1)

Ms Rochelle Johnston Senior Manager Major Projects (items 4.1, 6.1, 6.2 & 6.3)

Ms Chrisia Ang

Ms Andreana Kennedy

Ms Niamh Lowe

Senior Assessments Officer (items 4.1 & 6.3)

Senior Assessments Officer (items 4.1, 6.1 & 6.3)

Manager Strategy & Implementation (items 4.2 & 5.1)

Ms Ashley Edwards Senior Policy Officer (items 4.2 & 5.1)
Dr Caroline Ford Manager Policy & Reform (item 5.1)
Ms Emma Dortins Manager Policy & Reform (item 5.1)

Ms Rose Cullen Policy Officer (item 5.1)

Mr Hendry Wan Senior Assessments Officer (item 6.2)

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 Deputy Chair, Robyn Parker, opened the meeting at 9:02 AM and delivered an Acknowledgment of Country on behalf of the Chair who will join the meeting mid-morning.

There were no apologies received for this meeting and it was noted that quorum had been met.

Item 1.1 Conflict of Interest Declarations

Prior to the meeting, Robyn Parker declared a potential perceived conflict of interest (COI) for *Item 4.1 Redfern North Eveleigh Paint Shop* and *Item 6.3 Large Erecting Shop at South Eveleigh*, given her recent appointment to the Greater Cities Commission. The Council noted that they are only acting in an advisory capacity for these SSD items. The Council agreed that this was not an actual conflict and Ms Parker could participate in these discussions.

For *Item 6.1 Registrar General's Building s60 application* the Council discussed the potential perceived COI declared by Brian Lindsay, as the Chair of the Board of SARA with no direct involvement with Museum of History NSW, as well as the previously declared COIs from Dillon Kombumerri and Vanessa Holtham. The Council agreed that these were not actual conflicts, and all members were able to participate in this discussion.

Item 1.2 Out of Session Decisions

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

Item 1.3 Minutes from the Previous Meeting – 5 October 2022

Resolution 2022-45

The Heritage Council of NSW:

 Confirmed the minutes of the previous ordinary meeting (5 October 2022) as a complete and accurate record of that meeting.

Moved by Paul Knight and seconded by Ian Clarke

Item 1.4 Matters Arising

There were nil matters arising.

Item 1.5 Action Report

The Heritage Council of NSW agreed to close items recommended for closure. The actions register was updated to reflect the discussion and further actions requested.

Item 2. Executive Director, Heritage NSW - update

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

- the Audit Office will commence an audit of Heritage NSW's work under the Heritage Act 1977 in the coming weeks
- o an end-to-end review of the SHR listings process is targeted for early 2023, and

 Heritage NSW has written to the current owners of Kenmore Hospital, Goulburn to reiterate its concerns. The Council discussed the next steps in the process if heritage issues are not adequately addressed.

Item 3. Committees Update

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 1st November SHRC meeting, including the:

- o Recommendations to List *Marie Short Farmhouse*, Kempsey and *Little Bay Miocene Geological and Ochre Site*, Little Bay
- a curtilage amendment request for Wistaria Gardens, Parramatta Park, and
- a SHR nomination for Bouddi Farm, Killcare Heights is being progressed for initial assessment.

In addition, Aboriginal Cultural Heritage Advisory Committee (ACHAC) members were invited to join the SHRC meeting to discuss Notices of Intent to list:

- South Head Cultural Landscape, Watsons Bay, and
- o Toorale Homestead and Woolshed Precincts, southwest of Bourke.

The Council also noted that following the recent decision of the Independent Planning Commission (IPC), the SHRC will reactivate the listing process for the *Ravensworth Homestead*.

Item 3.2 Approvals Committee (AC)

lan Clarke, Chair of the Approvals Committee, provided an update on items considered at the 1st November AC meeting.

2A Gregory Place, Harris Park – SSD EIS exhibition

The AC received a presentation from the City of Parramatta Council outlining the City's key objections to the proposal, including the critical issue of flooding for any proposed development in the area. The AC maintained that the proposal requires greater consideration of the surrounding cultural landscape and SHR listed items, within a nationally listed precinct. The AC reserved the right to make further comments on the proposal, pending information about the visual impacts assessment.

Colleen Morris requested her objection to the proposal be noted, emphasising her concerns regarding the scale, density and visual impacts.

Council members formed a working group to consider a potential further response from the Council, in view of the additional information received from the City of Parramatta Council and through public submissions.

Glenlee, Menangle Park - Rezoning planning proposal

The AC provided in principle support for the Glenlee subdivision proposal, pending the Development Control Plan (DCP) and Voluntary Planning Agreement (VPA) reports being provided. The Council noted that the funding mechanism is yet to be determined and the AC intends to make a final resolution out of session.

Membership Matters

Noting the forthcoming retirement of Dillon Kombumerri from the Approvals Committee on 31 December 2022, the Council discussed the impending skills gap on the committee and sought to undertake a targeted recruitment process to address it.

Item 4. External Presentations

Item 4.1 Redfern North Eveleigh Paint Shop Sub-precinct – Response to heritage issues

The Heritage Council of NSW received report from Heritage NSW and a presentation from Transport for NSW (TfNSW) in response to key issues previously raised by the Council.

The public exhibition of the rezoning proposal concluded on 25 August. TfNSW outlined the key themes arising from the submissions received including land use, heritage, built form and impacts on amenity and open space.

Key issues raised by the Council in their previous discussion and submission were discussed in further detail.

Key points raised by TfNSW

- A study of alternate built form approaches has considered heritage issues, design investigations and previous studies undertaken, and includes analysis of the heritage related issues.
- The revised masterplan provides a range of design options permissible within the built form controls. It allows for the buildings and spaces on the site with exceptional and high heritage significance to be retained and kept free from development.
- The GFA has been retained and redistributed away from the Paint Shop to other areas of the site in an effort to balance the need for net lettable area, commercial and public spaces.
- TfNSW outlined the interplay between the landscape elements and how they recognise the heritage significance throughout the site with a coordinated piece between Connecting with Country and heritage elements.
- Gradings of significance were applied in line with the site's management principles and significance guidelines.

Frank Howarth joined the meeting at 10:53 AM, and Robyn Parker left the meeting at the same time.

The Council thanked TfNSW for the presentation and acknowledged the ongoing consultation for the Paint Shop Precinct.

The Council discussed:

- o concerns with the bulk and scale of the proposed development over the entire site
- TfNSW has not provided any options for a reduced GFA
- the building envelopes limit opportunities to adapt to future needs of the site which are likely to evolve and change over time
- the amenity, impacts and built form concepts are being addressed from a performance-based perspective rather than being driven by the opportunity to create a unique space that draws on the significant heritage and cultural aspects of the site, and
- the treatment of the Paint Shop and its relationship to Wilson Street. Various options were considered including the potential for the Paint Shop to be seen in the round, as well as the creation of new views of the suburban car workshop.

DPE provided an update on engagement with the state agency owner, Transport Asset Holding Entity (TAHE), and the package to be finalised for determination by Government.

Resolution 2022-46

The Heritage Council of NSW resolved to:

- 1. **Write** to Transport for NSW thanking them for their presentation and provide comments about the key concerns:
 - a. Treat heritage and Connecting with Country as assets and drivers, rather than constraints.
 - b. GFA remains unchanged with no justification or evidence-based studies for proposed total GFA.
 - c. Future use of Paint Shop Building should be commercial.
 - d. Approach 4 and 5a are not supported as these do not respond to previous Heritage Council's advice.
 - e. Approach 5b is an improvement but there is no supporting justification or drivers for the six-storey volume provided. The Heritage Council does not support any building in the location of the proposed K1 building.
 - f. Further detail is required on the proposed commercial adaptive reuse of the Paint Shop Annex.
 - g. The Response to Submissions package should only include one design approach. Flexibility in the future use of the Paint Shop Building should be eliminated.
 - h. Introduction of soft landscaping to address Connecting with Country is supported.
 - i. Updated heritage documents are yet to be provided for review and comment.
 - j. The proposed building envelope for K2 building is not supported as it would interfere with views and sightlines, both north and south.

Moved by Nicholas Brunton and seconded by Ian Clarke

Item 4.2 Climate Change Preparedness Project Stage 2

The Heritage Council of NSW received a report from Heritage NSW and a presentation from Navin Officer Heritage Consultants and Orwell and Peter Phillips Architects on the Climate Change Preparedness project.

Stage two included examination of five cultural heritage case studies and preparation of a draft action plan. This will assist Heritage NSW to develop a policy framework for protecting, conserving and managing state significant heritage places and objects from the impacts of climate change.

The draft climate change principles were presented including:

- Values based approach
- Engaging communities
- Evidence-based decision making
- Assessing risks and resilience
- Responsive strategies
- Integrating management approaches

The draft action plan reflects the intent of the Australian State of the Environment report and includes proposed community engagement and opportunities to learn from local communities with evidence-based decision making. This will allow communities to participate in the decision-making processes for heritage located within their area and enable the design of tailored plans to suit the local context.

The Council noted that effective management practices need to be nimble enough to address climate change impacts when and where disasters occur in real time. Responsive strategies need to be flexible and innovative and should address:

- the severity of the impact
- prepare for the loss of heritage places and objects, and
- o consider long term solutions.

The Council discussed the need for Heritage Impact Statements and Conservation Management Plans to include information on climate change risks and strategies to manage those risks.

The Council also reflected on the need for aerial mapping and prioritised digital recording of key heritage items, to ensure reference materials are available in the event that heritage is lost.

The Council discussed development of a prioritised action plan noting that it:

- needs to also address the conservation and protection of cultural landscape heritage as well as built form assets, and
- should include climate change and conservation management and resilience principles with associated metrics that can be used to inform any future funding proposals and implementation plans.
- the NSW government is currently developing a specific set of time-bound metrics to address and measure the impacts of climate change which should include heritage.

Next steps

- The Council invited Heritage NSW to shape and contextualise the document for publishing, to maximise the opportunity for public feedback.
- Heritage NSW will undertake broader consultation on the draft principles and the action plan prior to developing measurable targets.
- Heritage NSW will return to Heritage Council with a proposed implementation plan.

The Council noted that Council member, Paul Knight, has previously consulted Adapt NSW on the impacts of climate change for Aboriginal Cultural Heritage including work done on value-based decision making, how to manage heritage objectives, resilience aspects, community engagement and digital recording.

Robyn Parker re-joined the meeting at 12:05 PM.

The Council thanked Heritage NSW and the consultants for their report and presentation and welcomed the ongoing collaboration with Heritage NSW and the government to progress this important work.

Resolution 2022-47

The Heritage Council of NSW:

- 1. **Thanks** the staff and consultants for their work on an excellent report.
- 2. **Notes** the draft Climate Change Preparedness Action Plan for Heritage NSW (Tab 4.2.A of the report).
- 3. **Notes** the draft Climate Change Preparedness Case Studies (Tab 4.2.B of the report).
- 4. **Recommends** that the consultants' report be made public with prompting questions to shape and contextualise feedback.

Moved by Nicholas Brunton and Paul Knight

Item 5. Legal, Policy and Administration

Item 5.1 Commonwealth State of the Environment Report

The Heritage Council of NSW received a report and presentation from Heritage NSW on the Heritage Chapter of the 2021 State of the Environment Report (SoE). The independent report is commissioned every five years by the Commonwealth, and this is the sixth in the series.

The Council noted that many of the key findings align with those of the 2021 Standing Committee Inquiry, including the thematic gaps identified in the report.

It is the first time that Geoheritage has been included in the SoE report. The report identifies a need for greater legislative protection and the creation of statutory inventory/listings for natural and cultural geoheritage.

The report also highlights the need for:

- climate change risk assessments and adaptation management plans with routine monitoring and sustainability requirements updated to include reference to embodied energy
- a rights-based approach for dealing with indigenous heritage with more inclusion, empowerment and modernised indigenous heritage protection laws
- assessment of positive and negative wellbeing outcomes, and
- significantly greater financial resourcing to identify and assess heritage.

The Council noted that Heritage NSW's ACH framework sets out a collaborative approach with engagement of the Aboriginal Cultural Heritage Advisory Committee and Heritage NSW's Babunna Aboriginal Reference Group.

The Council discussed the opportunities for greater recognition of intangible heritage, cultural landscapes and objects and noted that the Heritage Act reforms will deliver stronger alignment between state and commonwealth legislation and management frameworks.

The Council were pleased to note that many of the SoE report's recommendations are prioritised and being acted upon as part of the Heritage Council and Heritage NSW's strategic plan.

The Council thanked Rose Cullen from Heritage NSW for providing a comprehensive summary of state focussed areas of the heritage chapter of the Commonwealth State of the Environment report.

Item 6. Matters for consideration

Item 6.1 Registrar General's Building s.60 for partial demolition

The Heritage Council of NSW received a report from Heritage NSW and welcomed Approvals Committee members to the meeting for discussion on the s.60 application for partial demolition of the SHR listed Registrar General's Building (RGB).

The Council noted the various approval pathways being considered for this site and the precinct more broadly, and the discussions held to date with various stakeholders regarding the proposal.

The applicant is seeking approval to demolish the Records Annexe and North Wing of the RGB to allow for the creation of a temporary public square located within the RGB's curtilage. These works form part of a larger suite of staged projects designed to activate the Macquarie Street East Precinct as a cultural and social destination for the city.

The Council noted that further approval will be sought for the final design of the public square.

The Council discussed the proposal and potential conditions of consent to enable the best possible interim and long-term heritage outcomes for the site and noted the need for thoughtful heritage interpretation of the place.

The Council asked that the applicant be required to provide an elevation plan that demonstrates how the applicant proposes to protect and/or restore the significant heritage fabric post demolition.

The Council discussed the proposed retention of sub ground levels and agreed to seek an explanation on retention of heritage fabric in the basement located in the Peter Hall building, as well as the overall landscape architectural approach.

The Council thanked the Approvals Committee members for their input into the discussion and Andreana Kennedy from Heritage NSW for the comprehensive report.

Resolution 2022-48

The Heritage Council of NSW:

- Supports the objectives for the revitalisation of the wider Macquarie Street East Precinct to:
 - a. create a city-shaping cultural destination
 - b. tell the stories of First Nations people and the history of NSW
 - c. provide connectivity through and across the precinct
 - d. activate buildings and spaces
- Supports in principle the Macquarie Street East Precinct broader program that will
 deliver upgrades to the precinct's public domain to provide access, encourage
 exploration and transform Macquarie Street into a civic boulevard that prioritises
 people.
- 3. **Understands** that the approach to the redevelopment and activation of the Registrar General's Building site is staged and will deliver short-term and long-term projects that support the objectives of the Macquarie Street East Precinct, including:
 - a. the current s.60 application which proposes an interim public square that will, in the short-term, meet the objectives of activating buildings and spaces, providing connectivity through the Registrar General's Building site
 - b. a long-term use and design for the site that is the subject of a draft Final Business Plan being considered by Cabinet. This design will reinstate access to the upper levels of the Registrar General's Building, which will be lost as an outcome of the current proposal
 - c. a Property and Development NSW commitment to reinstating accessibility to the above ground levels of the Registrar General's Building if the draft Final Business Plan is not approved.
- 4. **Approves**, pursuant to section 63 of the *Heritage Act* 1977, the s.60 application (HMS 1302) subject to the conditions provided in Section 8 of the detailed paper (attached to the report).
- 5. Notes that a further s.60 application will be required for the final design of the square and recommends a landscape architect be engaged to provide a whole of landscape approach to the site.
- Looks forward to continuing engagement on the development of this precinct.

Moved by Ian Clarke and Colleen Morris

Item 6.2 Timber Truss Bridge Strategy: Heritage Interpretation Strategy

The Heritage Council of NSW received a report from Heritage NSW on the Heritage Interpretation Strategy (HIS). Delivery of the HIS was a requirement of the Council's endorsement of the Timber Truss Bridges Strategy made at its meeting on 5 June 2019.

The HIS is aimed at Transport for NSW staff and consultants who have responsibility for the maintenance of timber truss bridges. It provides an overarching framework for the implementation of heritage interpretation for bridges being upgraded.

The Signage Guidelines provide operational guidance for the implementation of a new signage system for timber truss bridges.

The Council were pleased to see this milestone achieved and thanked Heritage NSW for the report.

Resolution 2022-49

The Heritage Council of NSW:

- 1. **Notes** the information in this report.
- 2. Thanks Transport for NSW for their consultation with the Heritage Council.
- Acknowledges the completion of the Heritage Interpretation Strategy which satisfied the endorsement requirement of the Timber Truss Bridge list as per Resolution 2019-22 1.b.
- 4. **Supports** the implementation of the Heritage Interpretation Strategy by Transport for NSW.

Moved by Colleen Morris and seconded by Robyn Parker

Item 6.3 Large Erecting Shop, South Eveleigh – Rezoning Proposal

The Heritage Council of NSW received a report from Heritage NSW, including a draft submission to the Department of Planning and Environment's rezoning proposal for the Redfern South Eveleigh Large Erecting Shop (LES) which is on public exhibition until 10 November 2022.

The Council provided additional comments to be incorporated in the submission which will be finalised out of session with the Chair.

Resolution 2022-50

The Heritage Council of NSW resolved to:

- Provide comment on the draft public submission (Tab 6.3B of the report) by COB Monday 7 November 2022 with key points to include:
 - a. The Heritage Council commends the heritage led design approach and intent of the reference scheme to reduce and mitigate heritage impacts to the LES
 - b. LES adaptive reuse and activation will enhance South Eveleigh redevelopment and its contribution to Tech Central
 - c. The detailed design process should minimise the misalignment between the floor levels and windows
 - d. The design approach for the loading dock and plant services is generally supported
 - e. Retention and interpretation of the seven gantry cranes and existing in-ground pits are welcomed
 - f. The innovative approach to heritage interpretation is supported

- g. Implementation of the recommendations on moveable heritage collection is supported and provides opportunities for heritage interpretation
- h. The 2022 Overarching CMP and CMP Addendum in response to Study Requirement 4.2 are primarily being developed for a separate rezoning application. Resolution of these documents is deemed to fall under the responsibility of Transport for NSW. Once resolved, Mirvac must comply with those documents to guide future development and works.
- Finalise the submission out of session with the Chair.
- 3. **Support** the rezoning proposal for the Large Erecting Shop.

Moved by Nicholas Brunton and seconded by Paul Knight

Item 7. Executive Reports

Item 7.1 Chair, Heritage Council of NSW - Monthly Report

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

Barangaroo Sight Lines Inquiry, 1 November 2022

The Chair provided an update on his recent attendance at the NSW Legislative Council Select Committee's hearing on Barangaroo Sight Lines.

The Council cited some examples of protected heritage sightlines in other jurisdictions and noted that a *Sight lines and View Corridors Workshop* is being held on 9 November with key agency stakeholders to further discuss and explore various planning mechanisms that would enable the future preservation of heritage views in NSW.

IPC determination for Glendell Mining Operations, 28 October 2022

The Council noted the IPC's refusal of the Glendell Continued Operations application and the associated Mount Owen modification application, citing the significant, irreversible and unjustified impacts on the historic heritage values of the Ravensworth Homestead complex.

IPC Quarterly Commissioners meeting, 14 November 2022

The Chair of the Heritage Council has been invited to attend the IPC Quarterly Commissioners meeting to provide insights into the Heritage Council's priorities and approach to the protection and conservation of heritage in NSW. Council members were invited to provide input and suggested topics to the Chair to include in the presentation being prepared for the forum.

Sunnyside Railway Bridge, Tenterfield

The Chair and Heritage NSW are seeking discussions with TfNSW regarding the Sunnyside timber truss railway bridge in northern NSW which has been earmarked for demolition. The Chair will discuss this out of session with the Executive Director with a view to investigating this matter further. An update will be provided to the Council in due course.

Item 7.2 Planning Report (DPE)

The Heritage Council of NSW noted the planning report.

Item 7.3 Advisory Panels Report

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

Item 8. Heritage NSW Reporting

Item 8.1 Heritage Operations – Quarterly Reports

The Heritage Council of NSW noted the quarterly reports.

Item 8.2 Heritage Operations – Monthly Reports

The Heritage Council of NSW noted the monthly reports and verbal update from Tim Smith.

Item 9. General Matters

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

Bundian Way

The Council noted that consultation is progressing to resolve the listing of Bundian Way.

National Parks & Wildlife Services (NPWS) Tourism Strategy

NPWS will soon launch their tourism strategy which may impact heritage items located within national parks.

NSW Housing Strategy

The Council noted that the state government are preparing a review of the NSW housing strategy which will include consideration of development footprints and may potentially impact significant heritage items and asked Heritage NSW to provide a report on the implications of the proposed housing strategy at a future Council meeting.

Ms Parker declared a COI that will preclude her from being involved in any discussion on the housing strategy and she will be excluded from any report being provided by Heritage NSW.

Annual leave

All members were asked to advise the Secretariat if they have any planned leave for 2023.

Aboriginal Cultural Heritage Advisory Committee (ACHAC)

The Council acknowledged the significant contribution of Glenda Chalker who has completed her service on ACHAC, having served as member of the Committee since 2006 and as Chair for the past five years.

The Council thanked Aunty Glenda for her exceptional hard work, commitment, leadership and guidance in protecting and celebrating the Aboriginal cultural heritage of New South Wales.

Item 10. Meeting Close

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 2:30 PM.

Frank Howarth AM PSM

Chair, Heritage Council of NSW

y I Haward

7 December 2022