



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 534

4 December 2024 | 9:00 AM – 4:00 PM

Meeting Room 1, Level 11, 135 King Street, Sydney & via teleconference

ATTENDANCE

Members

Mr Frank Howarth AM PSM	Chair
Dr Nicholas Brunton	Member
Mr Ian Clarke	Member
Ms Vanessa Holtham	Member
Dr Brian Lindsay	Member
Ms Colleen Morris	Member
Ms Anthea Sargent	Member

Apologies

Dr Danièle Hromek	Member
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Approvals Committee

Dr Caitlin Allen	Member (<i>item 3.1</i>)
Mr David Burdon	Member (<i>item 3.1</i>)
Mr Bruce Pettman	Member (<i>item 3.1</i>)

The Office of the Minister

The Hon. Penny Sharpe	Minister for Climate Change, Energy, the Environment and Heritage
Ms Tamsin Lloyd	Deputy Chief of Staff, Office of the Hon Penny Sharpe MLC

Department of Climate Change, Energy, the Environment and Water

Mr Anthony Lean	Secretary, NSW DCCEEW
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External Presenters

Ms Natalie Vinton	Heritage Advisor, Curio Projects (<i>item 3.1</i>)
Mr Phillip Vivian	Managing Director, Bates Smart (<i>item 3.1</i>)
Ms Sarah Wellfare	A/Manager Environment & Heritage Planning, DCJ (<i>item 3.2</i>)
Ms Catherine Colville	Senior Manager Environment & Heritage Planning, DCJ (<i>item 3.2</i>)

External Observers

Mr Mark Tait	Head of Developments, Investa (<i>item 3.1</i>)
Mr Mark Finch	Development Director, Investa (<i>item 3.1</i>)
Mr Sean McPeake	Principal, FJC Architects (<i>item 3.1</i>)
Mr Callan Salter	Development Manager, Investa (<i>item 3.3</i>)
Mr Tom Cartledge	Architect, Bates Smart (<i>item 3.3</i>)

Heritage NSW

Mr Sam Kidman	Executive Director
Mr Tim Smith	Director Heritage Assessments
Ms Anna London	A/Director Heritage Programs
Ms Lucy Albani	Director Policy and Strategy
Mr Matthew Clark	Director Policy and Strategy
Ms Elizabeth Owers	Director Customer Services

Ms Rochelle Johnston	Strategic Manager Heritage Referrals (<i>item 3.1 & 4.3</i>)
Ms Anna Simanowsky	Senior Assessments Officer (<i>item 3.1</i>)
Ms Nicole Davis	Manager Assessments (<i>item 3.1</i>)
Ms Sonia Limeburner	Manager Strategy and Implementation (<i>items 3.2 & 5.1</i>)
Ms Ashley Edwards	Senior Policy Officer (<i>item 3.2</i>)
Ms Nicola Roche	Manager Heritage Programs (<i>item 4.1</i>)
Ms Taryn Gooley	Manager Programs (<i>items 4.1 & 5.2</i>)
Ms Lana Zegura	Manager Incentives and Engagement (<i>item 4.2</i>)
Ms Tempe Beaven	Senior Assessments Officer (<i>item 4.3</i>)
Ms Lily Chu	Senior Assessments Officer (<i>item 4.3</i>)
Ms Nicole Secombe	Senior Heritage Officer (<i>items 3.4 & 5.2</i>)
Mr Nicholas Lackner	Senior Policy Officer (<i>item 5.1</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 9:00 AM.

The Chair noted the apologies received for this meeting, and that Danièle Hromek was afforded leave for this meeting.

The Chair noted that a quorum had been met.

Item 1.1 Conflict of Interest Declarations

Nicholas Brunton noted his historical conflict for *Item 3.1 105 Miller St North Sydney (former MLC Building)*. Members agreed that Dr Brunton may participate in the discussion but will be excluded from any decisions made in relation to this item.

Item 1.2 Out of Session Decisions

Nil.

Item 1.3 Minutes from the Previous Meeting – 6 November 2024

Resolution 2024-54
The Heritage Council of NSW resolved to: 1. Confirm the minutes of the previous ordinary meeting (6 November 2024) as a complete and accurate record of that meeting.
Moved by Ian Clarke and seconded by Colleen Morris

Item 1.4 Matters Arising

The Council reflected on the sadness of Jonathan Bryant's passing and acknowledged the large contribution he made to the State's heritage, in particular during his time with Urbis.

Item 1.5 Action Report

The Heritage Council of NSW noted the report and closed the items recommended for closure. The register was updated to reflect the further actions required.

Item 2. Heritage NSW and Committees Updates

Item 2.1 Executive Director, Heritage NSW

The Heritage Council of NSW noted the report and a verbal update from the Executive Director.

HCOANZ 2024 forum

The Executive Director and Chair provided an update on the forum held in Canberra on 21-22 November noting the common themes across all jurisdictions including the building regulatory framework, demolition by neglect, insurance and compliance, and the benefits of heritage.

Regional Rail Heritage Strategy

Transport for NSW (TfNSW) is aiming to provide an update on the strategy at the February meeting. The Council looks forward to working with TfNSW and the Transport Asset Holding Entity (TAHE) on the strategy and discussing the management of heritage considerations within the transport asset portfolio.

Item 2.2 State Heritage Register Committee

Colleen Morris, Chair of the State Heritage Register Committee (SHRC), provided an update on the key outcomes for items considered at the 3 December SHRC meeting, including:

- notices of intent (NOI) to list the *Erskineville Housing Scheme Precinct Park*, Erskineville; *Seidler Family Precinct*, Wahroonga; *Walter McGrath House*, Point Piper
- recommendations to list (RTL) for the *Woolley Townhouse*, Paddington; *Berry's Bay Precinct* (Carradah Park), Waverton; *Imperial Hotel*, Erskineville; *Ballast Point Park*, Birchgrove; *Chelmsford Bridge and Leura Cascades Recreational Reserve*, Leura; *Gosford Courthouse and Police Station* (former), Gosford
- RTL amendments for *Northwood House*, Northwood; *Lansdowne*, Goulburn
- site specific exemptions for *Greenway*, Vaucluse, and
- preliminary assessment of SHR nominations for *Lithgow Small Arms Factory*, Lithgow; *Sydney Chevra Kadisha*, Woollahra; *Moree Rocket*, Moree.

The Council acknowledged the excellent work of Heritage NSW, in particular Anna London and the Programs team, noting the improvements made to the process and the diverse range of listings progressed in 2024.

Item 2.3 Approvals Committee

Ian Clarke, Chair of the Approvals Committee (AC), provided an update on the key outcomes for items considered at the 3 December AC meeting, including:

- Integrated Development Application (IDA) determinations for *Horningsea Park*, Liverpool; *Tresco grounds and trees*, Elizabeth Bay
- preliminary assessment of an IDA for bulk earthworks for *Maryland*, Bringelly, and
- an update from Heritage NSW on an IDA being submitted out of session for *Jenner House*, Potts Point.

Item 3. External presentations

Item 3.1 2 105 Miller Street, North Sydney (MLC Building SHR 02069)

The Chair welcomed the members of the Approvals Committee to the presentation and pre-lodgement consultation with the design consultants who provided a further update on the proposed alterations and additions to the MLC Building (former), North Sydney.

Key points of the presentation

- More realistic rendering was provided for the *Denison Street Wing* and images were presented to show the façade treatments and building entrance, and landscaping proposed for the terrace and *Brett Whiteley Plaza*.
- Like for like appearance is proposed for the *Miller Street curtain wall* with reuse of elements being further considered.
- The proposed retail activation at street level for the *Miller Street Wing and Colonnade* includes site specific exemptions to allow for changes to tenancy fitouts where the fabric is not original.

- Flooding issues for the *Miller Street frontage* are addressed in the Statement of Heritage Impact.

The Council sought clarification around various design elements including:

- the condition of the building fabric being investigated for potential reuse or replication in the final design scheme
- ways to ensure compliance whilst maintaining the integrity of the heritage fabric
- the design of the lift lobby and building entry which aims to be sympathetic to the original and the human scale and the separation of the building entry
- the changing proportions of the colonnade, and
- opportunities for heritage interpretation.

Members also sought further clarification around how much of the building is proposed to be demolished, however the proponent was unable to provide a response to this query.

The Council noted that the proponent aims to submit a development application before the end of the year and thanked the design consultant team for the presentation and for addressing the Council's previous comments.

The Council thanked the members of the Approvals Committee for attending and participating in the discussion.

Resolution 2024-55

The Heritage Council of NSW resolved to:

1. **Note** the information provided in the design consultant's presentation and the paper prepared by Heritage NSW.
2. **Thank** Investa, Bates Smart and Curio Projects for their presentation to the Heritage Council of NSW.
3. **Provide** the following comments on the MLC Building concept plans presented:
 - a. The proportions of the Miller Street elevation ground floor require further development to mask the impact of the greater height of the ground floor, for example a curtain façade consistent with the original design intent.
 - b. The curtain walling makes an important contribution to the building's significance. It is important that the replacement curtain wall replicates the fine detailing of the original to avoid adversely impacting on the aesthetic significance of the Miller Street Wing.
 - c. The focus for the Miller Street Wing should continue to be conservation of its key heritage features/attributes in accordance with its status as a State heritage listed item.
 - d. Urges the retention of the strong heritage interpretation on site.

Moved by Brian Lindsay and seconded by Ian Clarke

Nicholas Brunton abstained from voting.

Item 3.2 Agency exemptions for the Department of Communities and Justice

The Council received a report from Heritage NSW and a presentation from the Department of Communities and Justice (DCJ) on the proposed agency exemptions for department's heritage assets.

The DCJ provided some case studies of how the exemptions could be applied and members noted that:

- the DCJ manages 27 SHR items including courthouses, correction centres and other justice related facilities owned by the state Government
- a joint funding agreement was finalised in 2020 with Public Works NSW to address priority works under the *Minister's Stoneworks Program*
- a review of Conservation Management Plans (CMP) for all SHR listed sites has been carried out and any proposed works are assessed by the department against the Statement of Significance and the CMP to develop a project scope, and
- an exemption tracking system, HAZMAT and reporting framework is in place to ensure compliance is upheld throughout the process.

The Council acknowledged the DCJ's commitment to the ongoing conservation of their heritage assets and supported the practical approach to enable low-risk day to day operational and maintenance activities to be carried out.

Resolution 2024-56

The Heritage Council of NSW resolved to:

1. **Recommend** that the Minister administering the *Heritage Act 1977* approve and sign the Order to grant agency exemptions to the Department of Communities and Justice under s.57(2) of the *Heritage Act 1977* as provided at Tab 3.2A of this report.
2. **Approve** the protocol for the Department of Communities and Justice agency exemptions as provided at Tab 3.2D of this report.
3. **Agree** that the Chair of the Heritage Council signs the protocol for the Department of Communities and Justice agency exemptions as provided at Tab 3.2D of this report.

Moved by Colleen Morris and seconded by Nicholas Brunton

Item 4. Matters for consideration

Item 4.1 Braidwood review – draft implementation plan

The Heritage Council received a report from Heritage NSW on the proposed implementation plan for actions arising from the Braidwood Review.

Members noted the 3-step approach to support heritage owners in Braidwood:

- Prepare a clear set of guidelines that enable owners to determine the appropriate approval pathway and how to seek pre lodgement advice for state or locally significant heritage items, targeted for March 2025
- Develop guidelines that establish appropriate development within the curtilage to assist the local Council and owners to manage their assets in accordance with the identified heritage values, targeted for July 2025
- Use the information developed to review, rationalise and refine the existing site-specific exemptions to make sure they are fit for purpose and align with the various approval documentation, targeted for late 2025 depending on the nature of the changes required

Members acknowledged the excellent work done by the team and endorsed the approach to addressing concerns raised by the community at the recent Heritage Council site visit to Braidwood.

Item 4.2 2025-27 Heritage Grants Program update

The Heritage Council of NSW received an update from Heritage NSW on the evaluation of the grants program from 2019 to 2024. The review found that the program delivered a 300% return on investment and generated positive stimulus to the NSW economy.

Heritage NSW provided an overview of the 2025-27 grants scheme and members noted that:

- the 2025-27 grants round received a funding increase of \$2.5M and is open for applications from 4 November 2024 to 30 January 2025
- grant categories have been streamlined to cover Caring for State Heritage \$4.5M; Aboriginal Cultural Heritage \$500K; Activating State Heritage \$1M, and Local Government Heritage \$2.5M
- The 2025-27 Heritage Grants Program is a Heritage NSW program administered for the State government rather than under the Heritage Council's statutory function. As such, the Grants and Sponsorships Advisory Committee does not have a direct role in advising the Council on grant applications.
- Instead, Heritage NSW will set up a grants assessments panel utilising the expertise of Council members and suitable expertise from the recent EOI Heritage Council recruitment process for assessment of the 2025-27 grant applications.

Members provided feedback on the grants program and suggested a bespoke funding approach with payment milestones be considered for the 2025-27 round and an audit sample of the grants carried out to ensure compliance with the *Grants Management System* which has been adopted as a whole of government approach.

The Council thanked Heritage NSW for the presentation and acknowledged the significant improvements in communicating the launch of the 2025-27 grants program.

Item 4.3 State Library of NSW (SHR 01071), Royal Botanic Gardens and Domain (SHR 01070) integrated development (IDA) application and Shakespeare Place – public domain upgrade

The Heritage Council of NSW received a report from Heritage NSW on the IDA for the *State library of NSW, Royal Botanic Gardens and the Domain*.

Members sought clarification around the:

- proposed Kiosk which would require detailed design details to be provided to adequately assess any heritage impacts and issues related to the location
- landscaping elements shown in the design drawings, particularly around the retention of the European Olive Trees which the report indicates will not be removed from the Domain, and
- proposed shading structures located in front of the kiosk building around the Matthew Flinders Statue.

The Council thanked Heritage NSW for the report and noted that a section 60 application will provide further information on the detailed design.

Resolution 2024-57

The Heritage Council of NSW resolved to:

1. **Note** the information in the development application and detailed assessment report.
2. **Approve** the proposal with the General Terms of Approval outlined in the draft letter to the City of Sydney as provided at Tab 4.3B of this report.
3. **Agree** that further approvals for the proposal are to be determined under delegation by Heritage NSW, in line with the Heritage Council's support for the design.

Moved by Vanessa Holtham and seconded by Brian Lindsay
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Secretary, NSW Department of Climate Change, Energy, the Environment and Water

The Heritage Council of NSW welcomed the Secretary, Anthony Lean, to the meeting.

The Secretary acknowledged the significant contributions of the Heritage Council Chair, Frank Howarth, and retiring members Colleen Morris, Ian Clarke and Danièle Hromek and the ongoing work of the Council to conserve and protect the State's heritage assets.

The Secretary outlined the strategic direction for the department following the recent announcement on functional changes to the organisation and the establishment of the *Conservation Programs, Heritage and Regulation Division*. These changes are designed to enable a more consistent approach and facilitate stronger connections across government and support the priorities and vision to create *thriving environments and communities*.

Minister for Climate Change, Energy, the Environment and Heritage

The Heritage Council of NSW welcomed The Hon. Penny Sharpe, Minister for Heritage to the meeting.

The Minister acknowledged the great work of the Heritage Council and Heritage NSW in 2024, including the preparation of a significant and diverse range of state heritage listings, the recognition of stories reflected in the Blue Plaques program, the work which continues on the draft Heritage Strategy and Aboriginal Cultural Heritage reforms, and for continuing to conserve and protect the state's heritage assets.

The Minister reflected on the ongoing commitment to care for and celebrate heritage and make it contemporary and fit for purpose whilst responding to the challenges of climate change and delivering on the housing priorities for the state.

The Minister thanked the Chair, Frank Howarth, for his six years of leadership of the Heritage Council and wished him and the other retiring members all the best for the future.

Item 5. Legal, Policy and Administration

Item 5.1 Maintenance and repair of heritage items – scoping paper

The Heritage Council of NSW received a paper and presentation from Heritage NSW on the scope of works proposed to develop a *Maintenance and Repair of Heritage Items policy*.

Members noted that the Heritage Act and regulation has statutory, enforceable minimum maintenance standards for state heritage listed items and highlighted the need for a consistent process for documenting an items' physical condition and to create an established practice that incentivises heritage owners to report on the condition of their heritage assets voluntarily.

The Council discussed a practical, risk-based approach with key decision points that enable greater understanding around the risks of ruination correlated with the heritage significance, public visibility and the economic viability of repair and maintenance of heritage assets.

The Council endorsed the approach and thanked Heritage NSW for the report.

Item 5.2 Reaffirmation of updated State-owned heritage management principles

The Heritage Council of NSW noted the report provided by Heritage NSW which seeks to reaffirm the revised State-owned heritage asset management principles and their referral to the Minister for approval.

Members noted that the principles were updated to reflect the current standards for Aboriginal cultural heritage management, environmental sustainability, climate change preparedness and disaster risk management.

The Council thanked the team for preparing the report.

Resolution 2024-58

The Heritage Council of NSW resolved to:

1. **Reaffirm** the updated State-owned heritage asset management principles.
2. **Recommend** the reaffirmed principles of the Minister for Heritage for approval under s.170A(2) of the *Heritage Act 1977*.

Moved by Nicholas Brunton and seconded by Vanessa Holtham

Item 6. Executive Reports

Item 6.1 Chair, Heritage Council of NSW – Monthly Report

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

Item 6.2 Planning Report (DPHI)

The Heritage Council of NSW noted the monthly planning report and verbal update provided by Anthea Sargeant.

Item 6.3 Advisory Panels Report

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

Item 7. Heritage NSW monthly reports

The Heritage Council of NSW noted the monthly operational reports and verbal updates from Tim Smith and Anna London including:

- actions underway to address ongoing compliance issues for *Kenmore* and *Catherine Hill Bay*, and
- ongoing engagement with Transport for NSW and Heritage Victoria regarding *Swan Hill Bridge*.

Item 8. General Matters

Item 7.1 Forward Agenda

The Heritage Council of NSW noted the forward agenda and thanked the Secretariat team for their excellent work to support the Council throughout the year and to Rosanna Luca for coordinating the arrangements for the 2024 Regional Visit.

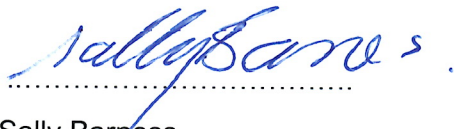
Item 9. Meeting Close

The Executive Director acknowledged the work of members for their preparation ahead of meetings and for their thoughtful consideration of items throughout the year.

The Executive Director joined the members of the Council in thanking the outgoing Chair, Frank Howarth, and the retiring members Ian Clarke and Colleen Morris, for their six years of dedicated

service and acknowledged their enormous contribution to the Heritage Council and wished them all the best for their future endeavours.

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 4:00 PM.



Sally Barness

Chair, Heritage Council of NSW

Date: 5 February 2025