



# HERITAGE COUNCIL OF NSW

## MEETING MINUTES – 500

4 May 2022 | 9:00 AM – 3:00 PM

Conference Rooms 1&2, Heritage NSW, Level 6, 10 Valentine Avenue, Parramatta and via teleconference

<b>ATTENDANCE</b>	
<b>MEMBERS</b>	
Mr Frank Howarth AM PSM	Chair
The Hon Robyn Parker	Deputy Chair
Mr Ian Clarke	Member
Mr Paul Knight	Member
Dr Brian Lindsay	Member
Ms Colleen Morris	Member
Mr Brett Whitworth	Member
Mr Dillon Kombumerri	Observer
<b>APOLOGIES</b>	
Dr Nicholas Brunton	Member
<b>GUEST PRESENTERS AND EXTERNAL ATTENDEES</b>	
Mr Nicholas Johnston	Program Director, Property & Development NSW ( <i>item 5.1</i> )
Ms Madison Winnel	Project Manager, Property & Development NSW ( <i>item 5.1</i> )
Mr David McCracken	Director of Design & Place Strategy, Property & Development NSW ( <i>item 5.1</i> )
Mr David Tickle	Managing Principal Sydney, Hassell Architects ( <i>item 5.1</i> )
Ms Sharon Veale	Heritage Consultant, GML Heritage ( <i>item 5.1</i> )
Mr David Fricker	Ambassador for the Stolen Generations Immersive Hub, Curtin University ( <i>item 6.2</i> )
Professor Reena Tiwari	Director and Project Lead, Stolen Generations Immersive Hub, Curtin University ( <i>item 6.2</i> )

<b>HERITAGE NSW</b>	
Ms Lucy Albani	Director Heritage Policy and Strategy
Mr Michael Ellis	Acting Director Heritage Assessments
Dr Caroline Ford	Manager Policy and Reform ( <i>items 4.1 &amp; 4.2</i> )
Ms Emma Dortins	Manager Policy and Reform ( <i>items 4.1 &amp; 4.2</i> )
Ms Alexandra Boukouvalas	Senior Policy Officer ( <i>items 4.1 &amp; 4.2</i> )
Mr Damian Lucas	Senior Policy Officer ( <i>item 4.1</i> )
Ms Anna London	Acting Senior Manager Major Projects ( <i>item 5.1</i> )
Ms Andrea Kennedy	Senior Assessments Officer ( <i>item 5.1</i> )
Ms Niamh Lowe	Manager Strategy and Implementation ( <i>item 6.1</i> )
Ms Maria Schroder	Senior Policy Officer ( <i>item 6.1</i> )
Ms Barrina South	Director Heritage Policy and Strategy ( <i>item 6.2</i> )
Ms Judith Coombes	Senior Heritage Officer ( <i>item 6.2</i> )
Ms Elizabeth Owers	Director Customer Services ( <i>item 6.3</i> )
Ms Sirena Larsson	Manager Customer Services ( <i>item 6.3</i> )
<b>SECRETARIAT</b>	
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 9:40 AM, delivered an Acknowledgment of Country and welcomed attendees.

The Chair noted the apologies received for this meeting.

It was noted that a quorum had been met.

**Item 1.1 Conflict of Interest Declarations**

There were no conflicts of interest declared for this meeting.

**Item 1.2 Out of Session Decisions**

There were no out of session decisions.

**Item 1.3 Minutes from the Previous Meeting – 6 April 2022**

<b>Resolution 2022-10</b>
The Heritage Council of NSW: 1. <b>Confirmed</b> the minutes of the previous ordinary meeting (6 April 2022) as a complete and accurate record of that meeting.
Moved by Brian Lindsay and seconded by Robyn Parker

**Item 1.4 Matters Arising**

There were no matters arising.

**Item 1.5 Action Report**

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

**Item 2. Executive Director, Heritage NSW - update**

The Heritage Council of NSW noted the report from Executive Director, Sam Kidman.

*Hillview*

The Council noted an update on the management of the Hillview lease and sought further discussions with Heritage NSW to find alternative ways to manage this place .

*Brett Whitworth joined the meeting at 10:00AM.*

**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 3<sup>rd</sup> May SHRC meeting including *Wingello Park Notice of Intent* and *Singleton Watermills Archaeological Site Recommendation to List*.

The SHRC received updates on *Werrington House* and the consultation underway for the *Warringah Civic Centre Precinct* and reviewed the preliminary SHR nominations for *Plumwood Mountain, Monga and North Beach Precinct*.

The SHRC also discussed the IHO request for the *AMP Building*. The Heritage Council noted that the AMP Building is not currently listed on the State Heritage Register.

#### *Appin Massacre Cultural Landscape*

The SHRC requested a site visit be organised, including members of the Heritage Council, and ACHAC.

The Council discussed the need for a different approach when dealing with complex SHR nominations involving large cultural landscapes, and sought early engagement with planning to identify appropriate instruments for the protection of discrete areas of significance.

#### *Listing Notifications process*

The Heritage Council noted an update from Heritage NSW on recent ministerial decisions to direct, or not to direct, the listings on the SHR of items recommended by the Heritage Council, and discussed the practical application of the listing notification processes under Section 34 and Section 37 of the *Heritage Act 1977*.

### **Item 3.2 Approvals Committee (AC)**

Dillon Kombumerri, Chair of the Approvals Committee, provided an update on key outcomes for items considered at the 3<sup>rd</sup> May AC meeting including the approval of Integrated Development Applications (IDA) for *Google REVY Pyrmont* site and the *Bondi Surf Bathers' Lifesaving Club* and the modified IDA for the *Callan Park Amenities Building*.

In addition, the AC received presentations from Heritage NSW on the revised archaeology conditions and reviewed the definition of *Activation* for the draft Heritage Bill.

The Council noted that whilst the definition for *Activation* needs to remain broad enough for application, the implications and potential consequences of this should be properly considered to allow for flexible interpretation and enable specific conditions to be dealt with as required.

## **Item 4. Legal, Policy and Administration**

### **Item 4.1 Heritage Act Reforms**

The Heritage Council of NSW received a presentation from Caroline Ford and Emma Dortins on the *Heritage Act* reforms.

Heritage NSW outlined the proposed consultation approach and timeframes including a possible out of session workshop with members of the Council, SHRC and AC to receive further input on the objects and proposed Heritage Act reforms.

The Council suggested Heritage NSW also consider holding a Heritage Consultancy Roundtable to seek feedback from eminent heritage industry leaders.

Heritage NSW outlined the proposed approach to particular elements of the draft Heritage Bill, on which the Council provided feedback.

The Council discussed the benefits of creating an internal list of heritage items that are not currently on the State Heritage Register but are likely to be of state significance. The Council noted that registers produced by other bodies such as the National Trust and Australian Institute of Architects could also help to identify potentially significant heritage items.

Heritage NSW will consider this further and discuss the potential to appropriately capture this information with Council members outside of the meeting.

The Council thanked Heritage NSW for the update and looked forward to further consultation.

#### **Item 4.2 Managing owner objections to heritage listing recommendations**

The Heritage Council of NSW received a report from Lucy Albani and Caroline Ford.

The Council noted the Council's obligations under the current *Act* regarding practices for dealing with owner issues and the review undertaken to ensure that the current provisions are effective and appropriate and provide Council with the flexibility to consider owner positions amongst other considerations.

The Council highlighted the need for policies to provide defensible and clear protection of heritage significance and that the new *Act* should clearly set out Council's obligations with an appropriate level of discretionary powers.

### **Item 5. External Presentations**

#### **Item 5.1 Macquarie Street East Precinct – Property & Development NSW presentation**

The Heritage Council of NSW received a presentation from Property & Development NSW regarding the activation scheme for the Macquarie Street East (MSE) Precinct.

##### *Key points presented:*

- The MSE activation scheme has built upon the initial strategic framework which sets out its context and place in the city of Sydney. The broader precinct strategy will be presented to the Council at a future meeting.
- The project aims to create a city shaping cultural destination which is accessible and engaging for visitors with a range of projects in the precinct to be delivered over time by different parts of government.
- The scheme aims to deliver important activation by opening up key heritage buildings, in particular the setting of the State Library of NSW and the Registrar General's Building and enable better public storytelling and public realm access.
- Five key areas have been identified for strategic opportunities:
  - Connecting with and caring for Country
  - Recognition of the significant state and national heritage
  - A balance of urban and parkland settings
  - Linkages of cultural civic and public buildings and spaces
  - Opportunities for improved connectivity across the city.
- The Djinjama Indigenous Corporation and GML Heritage have assisted with the Connecting with and caring for Country elements which inform the masterplan recommendations and design considerations. A collaborative approach has been taken to consider the deep impact of colonisation on the first nations people which needs to be expressed and revealed in the layers and storytelling of place.

##### *Key points discussed:*

The Council noted the aspirational elements of the scheme and the various tenure issues associated with key heritage buildings.

The Council acknowledged the exceptional significance of Macquarie Street as the civic heart of the city, the place of the historic formation of our nation, and its ongoing role as a place of the decision making of government.

The Council also reflected on the exceptional significance of the Precinct's first nations history, including the former corroboree grounds located in the Botanic Gardens and the sacred songlines along Macquarie Street.

The Council emphasised the need to restore balance of Country and shared history between both the colonial history and post contact history and the deep time history and the more contemporary history of Aboriginal cultural heritage. For example, the existing institutions could better embed the shared history and ritual within their operations and governance to support living cultural practices and interpret the purpose and indicators of Country.

The Council also emphasised the importance of having community representation, as the knowledge holders of that Country and the community, when speaking about Country, and sought for more use of the first nations languages, to assist with restoring the balance of Country.

Further, the Council discussed the medium to longer-term vision for the Precinct, including opportunities to address the space between the Mitchell Building and the Botanic Gardens, and to transform the Precinct into a cultural destination place whilst at the same time retaining its role as a significant transport hub, with options to consider relocating transport links underground.

The Council thanked Property Development NSW for their presentation and welcomed the opportunity for ongoing collaboration.

*Brett Whitworth and Dillon Kombumerri left the meeting at 1:00 PM.*

## **Item 6. Matters for consideration**

### **Item 6.1 Last Quarter of the Twentieth Century Report – Implementation Plan**

The Heritage Council of NSW received a report from Niamh Lowe and Maria Schroder on the proposed implementation plan for the outcomes of the Last Quarter of the Twentieth Century report.

The Council noted that the report will act as a useful resource for the Council, the SHRC and Heritage NSW to address issues around representativeness for items currently on the active list of SHR nominations, as well as the future triage and potential activation of existing and future SHR nominations.

The Council thanked Heritage NSW for the work done to progress the implementation of the report's recommendations.

<b>Resolution 2022-11</b>
The Heritage Council of NSW resolved to:
1. <b>Approve</b> the Implementation Plan.
Moved by Colleen Morris and seconded by Ian Clarke

### **Item 6.2 Digital Heritage Preservation – Challenges and Opportunities**

The Heritage Council of NSW received a presentation from David Fricker and Professor Reena Tiwari on the Missions Connect project undertaken by the Stolen Generations Immersive Hub at Curtin University.

The University noted the project's ambition was to create geographical and cognitive mapping of the site with the use of archival material coupled with oral history gathered to provide a legitimate interpretation of heritage.

The Council reflected on the larger concepts of community engagement and design and provided some examples of heritage in NSW that would potentially benefit from digital representation including frontier conflict sites and places of significance where tangible heritage is not readily available.

The Council discussed the complex issues around data sovereignty and the need to resolve copyright issues that prevent the unlocking of knowledge which is crucial to the decolonisation process. The Council also stressed that returning knowledge to Communities must be a paramount consideration and would need to include any lived experience being taken and put into a digital form as well as the repatriation of any archival knowledge.

Funding of digital heritage was also discussed, and the Council noted some possible avenues for funding such as large corporation landowners and cultural tourism operators.

The Council thanked Curtin University for their presentation.

### Item 6.3 Regional Visit 2022

The Heritage Council of NSW noted the presentation from Elizabeth Owers and Sirena Larsson on the proposed itinerary for the 2022 Regional Visit.

The Council provided their feedback and thanked Heritage NSW for work done to date. The next iteration of the itinerary will be considered at the June meeting.

### Item 6.4 Standard Exemptions – Blue Plaques Program

The Heritage Council of NSW noted the exemptions sought in relation to the Blue Plaques Program.

Resolution 2022-12
The Heritage Council of NSW resolved to:
<ol style="list-style-type: none"> <li>1. <b>Approve</b> the amendments to the Standard Exemptions s57(2) Order.</li> <li>2. <b>Approve</b> the Draft Order Under Section 57(2) of the <i>Heritage Act</i> – Blue Plaques.</li> </ol>
Moved by Robyn Parker and seconded by Paul Knight

### Item 6.5 Heritage NSW and Heritage Council Committee Delegations Instrument

The Heritage Council of NSW received an update from Heritage NSW regarding amendments to the Delegations package for Heritage NSW and Heritage Council Committees that have been made to reflect the machinery of government changes.

Resolution 2022-13
The Heritage Council of NSW resolved to:
<ol style="list-style-type: none"> <li>1. <b>Endorse</b> the amendments to the Heritage NSW and Heritage Council Committee Delegations Instrument.</li> </ol>
Moved by Ian Clarke 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.

The Council asked Heritage NSW to provide further advice on how to address the impacts of recent flooding on state heritage listings.

### **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 Compliance report for Q3, 2021-22.

### **Item 8.2 Heritage Operations – Monthly Reports**

The Heritage Council of NSW noted the monthly reports.

## **Item 9. General Matters**

The Heritage Council of NSW noted the forward agenda.

## **Item 10. Meeting Close**

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 3:00 PM.



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The Hon. Robyn Parker

**A/Chair, Heritage Council of NSW**

Date: 1 June 2022