



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 527

8 May 2024 | 09:00 AM – 4:15 PM

Meeting Room 15, Level 11, 4PSQ, 12 Darcy Street, Parramatta & via teleconference

ATTENDANCE

Members

Mr Frank Howarth AM PSM	Chair
The Hon. Robyn Parker	Deputy Chair
Dr Nicholas Brunton	Member
Mr Ian Clarke	Member
Ms Vanessa Holtham	Member
Dr Danièle Hromek	Member
Dr Brian Lindsay	Member
Ms Colleen Morris	Member
Ms Anthea Sargent	Observer

Apologies

Nil

State Heritage Register Committee

Mr Stephen Gapps	Member (<i>item 4.1</i>)
Mr Wayne Johnson	Member (<i>item 4.1</i>)

Approvals Committee

Dr Caitlin Allen	Member (<i>item 4.3</i>)
Mr Bruce Pettman	Member (<i>item 4.3</i>)

External Presenters

Ms Jennifer Hill	Heritage Consultant Architectural Projects (<i>item 5.1</i>)
Mr Matthew Taylor	Landscape Consultant, Taylor Brammer Landscape Architects (<i>item 5.1</i>)
Mr Chris Langeluddecke	Indigenous Heritage Consultant, AMBS Ecology and Heritage (<i>item 5.1</i>)
Mr Dan Keary	Director, Keylan (<i>item 5.1</i>)
Denis Byrne	Professor of Archaeology & Heritage Studies, WSU (<i>item 5.2</i>)
Mr Steven Barry	Heritage Specialist, Transport for NSW (<i>item 5.3</i>)
Ms Lizzy Pattinson	Director Strategic Project & Innovation, Transport for NSW (<i>item 5.3</i>)
Ms Tessa Nelson	Senior Manager, Transport for NSW (<i>item 5.3</i>)
Ms Meagan Kanaley	Director Housing Delivery, DPHI (<i>item 5.4</i>)

Heritage NSW

Mr Sam Kidman	Executive Director
Ms Anna London	A/Director Heritage Programs
Mr Tim Smith	Director Heritage Assessments
Mr Matthew Clark	Director Policy & Strategy
Ava McConnell	Assistant Policy Officer
Ms Lucy Albani	Director Policy & Strategy (<i>items 3.1, 3.2, 5.2, 5.3, 5.4 & 7.1</i>)
Dr Caroline Ford	Manager Policy & Reform (<i>item 3.1 & 5.2</i>)
Ms Sonia Limeburner	Manager Strategy & Implementation (<i>items 3.1, 3.2 & 5.3</i>)

Ms Bronwyn Batten	Senior Policy Officer (<i>items 3.1, 3.2, 5.3 & 5.4</i>)
Ms Anthony Hanna	Senior Policy Officer (<i>items 3.1 & 3.2</i>)
Ms Alexandra Boukouvalas	Manager Heritage Programs (<i>item 4.1</i>)
Mr Stuart Read	Senior Heritage Officer (<i>item 4.1</i>)
Ms Rochelle Johnston	Senior Manager Major Projects (<i>items 4.2 & 4.3</i>)
Ms Andreana Kennedy	Senior Assessments Officer (<i>item 4.2</i>)
Ms Katrina Stankowski	Manager Assessments (<i>item 4.3</i>)
Mr Michael Ellis	Manager Assessments (<i>item 5,1</i>)
Ms Tempe Beaven	Senior Assessments Officer (<i>item 5.1</i>)
Mr Damian Lucas	Senior Policy Officer (<i>item 5.2</i>)
Ms Ashley Edwards	Senior Policy Officer (<i>item 5.3</i>)
Ms Lara Goldstein	Senior Policy Officer (<i>item 5.4</i>)
Ms Amelia Eames	Senior Policy Officer (<i>item 7.1</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 and delivered an Acknowledgment of Country.

There were no apologies received for this meeting, and the Chair noted that a quorum had been met.

Item 1.1 Conflict of Interest Declarations

Nil.

Item 1.2 Minutes from the Previous Meeting – 3 April 2024

Resolution 2024-17
The Heritage Council of NSW resolved to:
1. Confirm the minutes of the previous ordinary meeting (3 April 2024) as a complete and accurate record of that meeting, with minor amendments.
Moved by Nicholas Brunton and seconded by Brian Lindsay

Item 1.3 Out of Session Decisions

Nil.

Item 1.4 Matters Arising

There were no matters arising.

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.

Item 2.2 State Heritage Register Committee

Robyn Parker, Chair of the State Heritage Register Committee (SHRC), provided an update on the key outcomes for items considered at the 7 May SHRC meeting, including:

- Notices of Intent for *Warringah Civic Centre Precinct*, and the *Art Gallery of NSW*
- Recommendations to List for *Cooma Gaol*, and *Captain Moonlite and James Nesbitt's Graves*, Gundagai
- an Interim Heritage Order request for the *Synagogue and former Talmudical College*, Bondi
- SHR nominations for the *Tobacco Factory*, Maitland and *Kings Plains*, Blayney Shire, and
- a review of the forward plan of SHR listings work.

The SHRC Chair acknowledged the significant contributions of the committee and work of

Heritage NSW staff, in particular the professionalism and efforts of Anna London, Alexandra Boukouvalas and Meggan Walker and the entire programs team to expedite listings.

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 7 May AC meeting, including:

- a presentation on the *Roxy Theatre*, Parramatta
- pre lodgement consultation for Integrated Development Applications being prepared for *Bloomfield Health Precinct*, Orange and *Me Mel (Goat Island) Tower Crane*, and
- an update on a section 60 application for the *Barrenjoey Head Lightstation Amenities*.

Item 3. Legal Policy and Administration

Item 3.1 NSW Heritage Strategy

The Heritage Council of NSW received a verbal update from Heritage NSW on the draft NSW Heritage Strategy.

The draft document was reviewed with Council and Heritage NSW out of session on 1 May 2024. Members noted that their feedback has been used to further refine the draft Strategy and inform the approval and implementation pathways.

The Council suggested some case studies that could be useful to include in the document and thanked Heritage NSW for the work being done to progress the draft.

Item 3.2 Section 170 program update

The Heritage Council of NSW received a report and presentation from Heritage NSW on the minimum requirements incumbent upon government agencies under section 170 of the *Heritage Act 1977*.

Members noted that approximately fifty percent of SHR listed items are owned by State government agencies, and there are a number of policy proposals under consideration which may result in changes to the policy framework and legislative settings for Section 170.

The Council discussed:

- the opportunity to issue refreshed advice to agencies around their section 170 obligations together with the *Heritage Asset Management Principles* and the *Heritage Asset Management Guidelines* which are currently being finalised
- compliance issues and the current obligations and minimum standards including for maintenance and repair, and
- potential strategies to raise awareness and educate asset owners to encourage greater compliance.

The Council expressed their ongoing concern about the need for agencies to meet their s.170 obligations under the Heritage Act.

Item 3.3 Membership matters

The Heritage Council of NSW received a report from Heritage NSW on the appointment terms for members of the State Heritage Register Committee, Approvals Committee, and the Heritage and Technical Advisory Panels and proposed reappointment of members.

Members acknowledged the expertise of members and agreed to offer reappointments as proposed.

Resolution 2024-18

The Heritage Council of NSW resolved to:

1. **Note** that members of the committees and panels should not serve more than two consecutive terms (up to six years in total) unless it is justified on public interest grounds.
2. **Note** the exceptional knowledge, experience and expertise of Mr Bruce Pettman as a former Government Architect's Office representative and his ongoing invaluable contribution to the works of the Heritage Council of NSW and its committees and panels.
3. **Note** that the appointments to the Heritage Advisory Panel and the Technical Advisory Panels in 2020 are considered as new appointments and members are eligible for reappointment, up to six years in total.
4. **Note** that vacancies on the committees and panels will be filled as part of the 2024 Heritage Council EOI recruitment process by the end of the year.

State Heritage Register Committee (SHRC):

5. **Re-appoint** Dr Stephen Gapps, Ms Lisa Trueman and Ms Natalie Vinton as members of the State Heritage Register Committee, for a further three-year term, from 1 July 2024 to 30 June 2027, subject to their acceptance.
6. **Re-appoint** Dr Wayne Johnson as a member of the State Heritage Register Committee, for a further term of 18 months, from 1 July 2024 to 31 December 2025, subject to his acceptance.

Approvals Committee (AC):

7. **Re-appoint** Ms Julie Marler as a member of the Approvals Committee, for a further three-year term, from 1 July 2024 to 30 June 2027, subject to her acceptance.
8. **Re-appoint** Mr David Burdon and Dr Caitlin Allen as members of the Approvals Committee, for a further term of 18 months, from 1 July 2024 to 31 December 2025, subject to their acceptance.
9. **Re-appoint** Mr Bruce Pettman as member of the Approvals Committee on public interest grounds, for a further three-year term from 1 July 2024 to 30 June 2027, subject to his acceptance.

Heritage Advisory Panel (HAP):

10. **Re-appoint** Ms Colleen Morris as Chair of the Heritage Advisory Panel, for the duration of her term on the Heritage Council, until 19 December 2024, subject to her acceptance.
11. **Re-appoint** Ms Surbjit Bahtti, Mr Glenn Harper, Mr Niall Macken and Ms Claire Nunez as members of the Heritage Advisory Panel, for a second three-year term, from 1 July 2024 to 30 June 2027, subject to their acceptance.
12. **Re-appoint** Ms Emma Bombonato, Ms Catherine Forbes and Mr Scott Robertson as members of the Heritage Advisory Panel, for a further term of 20 months, from 1 July 2024 to 28 February 2026, subject to their acceptance.

Technical Advisory Panel (TAP):

13. **Re-appoint** Mr David Logan as Chair of the Technical Advisory Panel for a further term effective from the date of this meeting to 28 February 2026, subject to his acceptance.
14. **Re-appoint** Mr Bruce Pettman as Deputy Chair, and Mr Harilal Gohil, Mr Eric Martin and Mr Peter Phillips as members of the Technical Advisory Panel for a further term effective from the date of this meeting to 31 March 2026, subject to their acceptance.

15. **Re-appoint** Mr Stephan Netting as a member of the Technical Advisory Panel for a further two- year term, effective from the date of this meeting to 13 May 2026, subject to his acceptance.
16. **Re-appoint** Mr Alex Been and Ms Yuanyuan Song as members of the Technical Advisory Panel for a further three-year term, from 1 July 2024 to 30 June 2027, subject to their acceptance.
17. **Re-appoint** Mr Mark Relf as a member of the Technical Advisory Panel for a further term of 21 months, from 1 July 2024 to 31 March 2026, subject to his acceptance.
18. **Re-appoint** Mr Gianluca Ranzi and Ms Joy Singh as members of the Technical Advisory Panel for a further term of 20 months, from 1 July 2024 to 28 February 2026, subject to their acceptance.

Moved by Robyn Parker and seconded by Ian Clarke

Item 4. Matters for Consideration

Item 4.1 Powerhouse Museum Complex – Recommendation to List

The Heritage Council of NSW received a report and presentation from Heritage NSW on whether to recommend an amendment to the existing *Ultimo Power House* SHR listing (SHR 02045).

The Council discussed the proposal to add the forecourt, Wran building, Harwood building and former Ultimo Post Office to the existing SHR listing and rename the listing to the *Powerhouse Museum Complex*.

Members noted:

- the large volume of submissions received in response to the public Notice of Intent
- that Heritage NSW has refined the assessment based on submissions, further research, a site visit and discussions with the owner, and
- the opportunity to provide comments separately as part of the State Significant Development submission process.

Members suggested the significance assessment be further refined to include greater recognition of the ACH values of the site.

The Council thanked Heritage NSW, in particular Stuart Read, Alexandra Boukouvalas and Anna London, for effectively managing the NOI process and preparation of this report.

Resolution 2024-19

The Heritage Council of NSW resolved to:

1. In accordance with section 33(1)(d) of the *Heritage Act 1977*, **consider** the submissions received in response to its notice of intention to consider listing and considers the item known as the Powerhouse Museum Complex at 494 – 500 Harris Street, Ultimo satisfies more than one of the approved criteria for determining whether an item is of State heritage significance, being criteria (a), (b), (c), and (d) detailed in the report at **Tab 4.1A**.
2. **Recommend** to the Minister, in accordance with sections 32(1) and (2) of the *Heritage Act 1977*, that the Minister **direct** the curtilage extension and other related amendments of the item, the Powerhouse Museum Complex at 494 – 500 Harris Street, Ultimo on the State Heritage Register, as shown in the plan at **Tab 4.1C** of the report.

3. In accordance with section 33(1)(e) of the *Heritage Act 1977*, **give notice** of its decision to persons notified under section 33(1)(a).
4. In accordance with section 57(2) of the *Heritage Act 1977*, **recommend** that the Minister **grant** the site specific exemptions at **Tab 4.1F** of the report.

Moved by Nicholas Brunton and seconded by Vanessa Holtham

Item 4.2 Hillview (SHR 00442)

The Heritage Council of NSW received a report from Heritage NSW on the status of Hillview. The Council thanked Heritage NSW for the update.

Resolution 2024-20

The Heritage Council of NSW resolved to:

1. **Support** the option for Heritage NSW to continue their property management role at Hillview and to work with the legal team to streamline the governance requirements for any new lease for Hillview.

Moved by Colleen Morris and seconded by Brian Lindsay

Item 4.3 Lismore Railway Underbridges – Heritage NSW update

The Heritage Council of NSW received a report from Heritage NSW on the section 60 application submitted for the demolition and removal of the Terania St underbridge, Lismore (12 spans) which is part of the *Lismore Railway Underbridges* SHR listing (SHR 01044).

Members discussed whether to approve the demolition of the Terania Street Underbridge given the safety risks to the public, noting that the three remaining bridges that make up the SHR listing are able to demonstrate the heritage significance values of the listing.

Members noted that the inaugural meeting of the *Timber Truss Bridges Working Group* was recently held. The Working Group aims to progress a more strategic approach to the management of the bridges located across the state.

The Council requested a Heritage Assessment report be sought from TfNSW for the remaining three bridges in the *Lismore Railway Underbridges* listing, and for any other bridges proposed for retention by the Working Group.

Resolution 2024-21

The Heritage Council of NSW resolved to:

1. **Note** the advice that the current condition of Terania Street bridge constitutes a danger under section 63(3)(a) of the Heritage Act.
2. **Approve** the section 60 application (HMS 6016) for the demolition of Terania Street Underbridge, as part of the Lismore Railway Underbridges (SHR 01044), with the conditions outlined in the Section 8 of the Detailed Report (**Tab 4.3.A**).
3. **Note** the ongoing work with TfNSW to develop Regional Rail Heritage Strategy.

Moved by Ian Clarke and seconded by Robyn Parker

Item 5. External Presentations

Item 5.1 North Head Quarantine Station, Manly – conservation and adaptive reuse

The Heritage Council of NSW received a report from Heritage NSW and a pre lodgement presentation from the consultant design team on their proposal for the conservation and adaptive reuse of the North Head Quarantine Station (Q Station) at Manly.

Review of Environmental Factors (REF)

- A new planning approval is required for Q Station to continue operating after December 2024, and the REF provides an opportunity to update and streamline the heritage management processes.
- The current REF does not propose any new works or changes to site capacity limits or current activation uses but will include changes to the Conditions of the Planning Approval to ensure operations have a great focus on the cultural heritage of the site and mitigate heritage impacts and reflect a commitment to the sustainable future of the site.
- Future works are proposed to ensure facilities are maintained and will be subject to further planning approvals.

Heritage interpretation

- A range of research documents related to the site's Aboriginal Cultural Heritage values and significance have been prepared. The rock art and indigenous archaeological finds located across the site are culturally sensitive and heritage interpretation is proposed for these elements.
- The revised heritage interpretation also aims to enhance the multiplicity of the historic themes including the Museum key themes which expand on the understanding of the historic development of Q station.
- Concepts of isolation and quarantine are considered integral to the cultural landscape and heritage aspects of the site will be overlaid with the proposed rewilding of natural vegetation.

The Council thanked the consultant team for the opportunity to provide comments on the proposal and looks forward to further engagement as the project progresses.

Resolution 2024-22

The Heritage Council of NSW resolved to **provide** the following comments:

- a. North Head Quarantine Station is inscribed on the Australia's National Heritage List and the State Heritage Register. The place contains European and Aboriginal cultural heritage features and significant flora and fauna, including populations of endangered species. It is essential that all activities undertaken on the site protect the heritage values of the place.
- b. The Heritage Council encourages North Head Sydney Pty Ltd to proactively engage with the community about the heritage-led activation of the place.
- c. Within the framework of appropriate heritage-led activation, the Heritage Council supports North Head Sydney Pty Ltd seeking to maintain and improve where appropriate, the site's presentation to enhance visitor experiences and the commercial viability of the place.
- d. Any future concept masterplan/application should demonstrate how the proposal responds to and protects the item's State heritage values 'as a place of cultural and natural diversity reflecting the evolution of Sydney from Aboriginal occupation through European settlement to the landscape of today'.
- e. Consultation with the Aboriginal community should be undertaken in accordance with the Aboriginal cultural heritage consultation requirements for proponents (ACHR) (DECCW

2010) to ensure the cultural values of the Aboriginal community are appropriately considered prior to the finalisation of the Interpretation Strategy.

- f. Any future concept masterplan/application should demonstrate how the proposal affects Aboriginal cultural heritage values and/or addresses the NSW Government's Connecting with Country policy framework (including design outcomes).
- g. Supporting documents, including the Statement of Heritage Impact for any future concept masterplan should address any impact of cumulative changes across the site to the State Heritage Register item and its heritage values.

Moved by Vanessa Holtham and seconded by Nicholas Brunton

Item 5.2 Heritage making amongst recent migrants in Parramatta – research project

The Heritage Council of NSW received a report from Heritage NSW and a presentation from Professor Denis Byrne on the key findings of the research project *Heritage-Making Among Recent Migrants in Parramatta* commissioned by the Heritage Council.

The research project investigated how recent Chinese and Indian migrants living in the Parramatta Local Government Area experience local heritage places and how their presence in Parramatta may generate a new 'layer' of heritage.

Members noted that the Council will be acknowledged in the final report.

The Council thanked Professor Byrne for the informative presentation and looks forward to receiving the final publication.

Resolution 2024-23

The Heritage Council of NSW resolved to:

1. **Note** the presentation by Professor Denis Byrne, Western Sydney University.
2. **Endorse** the draft final report, including key findings and recommendations, 'Heritage-making among recent migrants in Parramatta'.

Moved by Nicholas Brunton and seconded by Colleen Morris

Item 5.3 Sustainable Heritage Buildings Guide

The Heritage Council of NSW received a presentation from Heritage NSW and Transport for NSW (TfNSW) on the final draft of the *Sustainable Heritage Buildings Guide*.

The Guide aims to provide a site specific process, aligned to heritage practices for determining the best mix of energy performance improvement upgrades that balance heritage values, energy savings and cost for heritage buildings and to guide the decision making for heritage property owners.

To ensure the practical and bespoke application of the guidelines, case studies were conducted for the *TAFE Building C*, Ultimo, *The Gunnery*, at Woolloomooloo and the *Bondi Pavilion*.

The Council acknowledged the collaborative work of Heritage NSW and TfNSW to deliver these guidelines and asked that they be provided to the Heritage and Technical Advisory Panels upon completion.

Resolution 2024-24

The Heritage Council of NSW resolved to:

1. **Endorse** the draft Sustainable Heritage Building Guide included at **Tab 5.3A** of the report.
2. **Support** the Chair of the Heritage Council of NSW to provide a foreword to the Sustainable Heritage Building Guide.

Moved by Vanessa Holtham and seconded by Colleen Morris

Item 5.4 NSW Housing Strategy – update from DPHI

The Heritage Council of NSW received a verbal update from the Department of Planning, Housing and Infrastructure (DPHI) on the housing reforms program.

The Transport Oriented Development (TOD) SEPP was published on 29 April 2024. The planning controls, as an amendment to the Housing SEPP, are due to commence on 13 May 2024 and applications may be lodged with local Councils thereafter.

Mapping for the TOD SEPP is being finalised and will identify lots within the program areas with controls being applied in a phased introduction; 18 stations to commence in the first tranche and 19 stations in tranche 2 to commence by June 2025.

Members were pleased to see the development of the guidance and further clarification provided around the application of TOD with respect to heritage assets and Heritage Conservation Areas (HCAs), noting that:

- there are no changes to the heritage clauses in the Local Environment Plans (LEPs)
- the TOD SEPP will apply in HCAs and any applications in HCAs will need to be lodged with and undergo merit assessment by local Councils, with local provisions continuing to apply
- TOD controls will be 'switched off' when local councils have finalised their local strategic plans and this will include reconsideration of HCAs, and
- DPHI is working with Heritage NSW to finalise the TOD guidance document and members noted the need for Development Control Plans (DCPs) to be included in this guidance.

The Heritage Council thanked DPHI for providing the update and looks forward to continuing to engage on the program.

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 from Anthea Sargeant.

Item 6.3 Advisory Panels Report

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

Item 7. Heritage NSW Reports

Item 7.1 Heritage NSW Quarterly reports

The Heritage Council of NSW noted the Heritage Council Strategic Priorities quarterly traffic light report and the Applications and Compliance quarterly reports provided by Heritage NSW.

Members noted that the Strategic Priorities have been updated to include the building regulatory framework engagement activities and engagement with DPHI on the planning reforms.

Item 7.2 Heritage NSW monthly reports

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

Item 8. General Matters

2024-25 National and Commonwealth Heritage Listings

Members considered the potential to nominate the *Sydney Mardi Gras Parade Route* for a National Heritage Listing.

Item 8.1 Forward Agenda

The Heritage Council of NSW noted the forward agenda and provided suggestions for the regional site visit to be held from 2 - 4 October 2024.

Item 9. Meeting Close

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 4:15 PM.



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Frank Howarth AM PSM
Chair, Heritage Council of NSW
Date: 5 June 2024