



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 517

7 June 2023 | 9:00 AM – 3:00 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 Vanessa Holtham	Member
Mr Paul Knight	Member
Dr Brian Lindsay	Member
Ms Anthea Sargent	Member
Mr Dillon Kombumerri	Observer

Apologies

Ms Colleen Morris	Member
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Approvals Committee Members *(Item 4.1)*

Mr Bruce Pettman	Member
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External Presenters

Mr Adam Clarke	A/Director, Planning & Policy, EnergyCo <i>(item 3.1)</i>
Ms Maddy Novak	Policy & Governance Officer, EnergyCo <i>(item 3.1)</i>

Heritage NSW

Mr Sam Kidman	Executive Director
Mr Tim Smith	Director Heritage Assessments
Mr Liam Sultana	Primary Graduate
Mr Nicholas Heinonen	Primary Graduate
Mr Rajeev Maini	Manager Assessments <i>(item 3.1)</i>
Ms Veerle Norbury	Senior Assessments Officer <i>(item 4.1)</i>
Mr Matthew Clark	Director Policy & Strategy <i>(item 5.2)</i>
Ms Sonia Limeburner	Manager Strategy & Implementation <i>(item 5.2)</i>
Mr Nicholas Lackner	Senior Policy Officer <i>(item 5.2)</i>
Ms Elizabeth Owers	Director Customer Services <i>(items 5.3 & 5.4)</i>
Ms Lana Zegura	Manager Incentives & Engagement <i>(items 5.3 & 5.4)</i>
Ms Emma Dortins	Manager Heritage Programs <i>(items 5.3 & 5.4)</i>
Ms Rosanna Luca	Senior Engagement Officer <i>(items 5.3 & 5.4)</i>
Ms Jan Nye	Senior Grants Officer <i>(item 5.3)</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.

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

Prior to the meeting, members declared the following potential conflicts of interest:

Item 3.1 EnergyCo presentation:

- Nicholas Brunton noted that his firm and he in particular, is engaged to assist EnergyCo on its projects
- Paul Knight noted he has recently been approached to become Chair of EnergyCo's Audit and Risk Committee but is not currently engaged by the organisation

The Council agreed that as this is a briefing by EnergyCo on its projects and no specific decisions are required, members were able to fully participate in this discussion.

Item 4.1 Sydney Harbour Bridge Northern Cycleway:

- David Burdon, Approvals Committee member, is employed by the National Trust and they have provided a submission on this proposal.

The Council agreed that Mr Burdon will be excused for this item as was the case at the Approvals Committee meeting when it was considered in April 2022.

Item 1.2 Out of Session Decisions

There was no business conducted out of session since the previous ordinary meeting.

Item 1.3 Minutes from the Previous Meeting – 3 May 2023

Resolution 2023-20
The Heritage Council of NSW: 1. Confirmed the minutes of the previous ordinary meeting (3 May 2023) as a complete and accurate record of that meeting.
Moved by Ian Clarke and seconded by Nicholas Brunton

Item 1.4 Matters Arising

There were nil 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 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 verbal update from Executive Director, Sam Kidman.

Item 2.2 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 6 June SHRC meeting including:

- a Notice of Intention for a proposed SHR curtilage extension at *North Beach Precinct, Wollongong*, and a
- discussion around the need for a strategic and thematic approach for future listings.

Members highlighted the need for a more detailed monthly listings report which includes a high level commentary on the current status of submissions.

Item 2.3 Approvals Committee (AC)

Ian Clarke, Chair of the Approvals Committee, provided an update on the key outcomes for items considered at the 6 June AC meeting including:

- interactive workshops with Queanbeyan Palerang Regional Council for the *Braidwood Structure Plan - Discussion Paper*, and with the National Parks and Wildlife Services for the proposed amenities block at *Barrenjoey Head Lightstation*
- a pre-DA proposal presented by Woollahra Municipal Council for a youth facility at *Rushcutters Bay Park* and *Yarranabbe Park*, and
- an update from Heritage NSW regarding a revised modification proposed for the replacement dwelling at the *former Wallarah House site, Catherine Hill Bay*.

Aboriginal Cultural Heritage (ACH) engagement

The Council reflected on the need for appropriate consultation and engagement with indigenous communities for proposals, noting that not all design requires in depth consultation. However, design should be informed by appropriate research and respect ACH values.

The terms *Connecting with Country*, *Designing with Country* and *Care for Country* are cultural terms owned by the Aboriginal community. A considered and sensitive approach is required when referring to cultural experts and seeking consultation with an Aboriginal community, noting that resources within communities are limited. The intention is also for advisory and approval bodies to be familiar with these principles and apply them in an integrated way into decision making that *Responds to Country*.

The Council sought to develop guiding questions for applicants and proponents about how to better understand and respond to questions on Aboriginal cultural heritage.

Cultural landscape assessment and approvals framework

The Council held a discussion around opportunities for cultural landscapes to be dealt with via a broader framework with a generic suite of site exemptions that encompass landscapes and avoid piecemeal section 60 applications being required.

Item 3. External Presentations

Item 3.1 Offshore Wind in NSW – EnergyCo briefing

The Heritage Council of NSW noted the report prepared by Heritage NSW and a presentation by EnergyCo as the Government Agency responsible for the coordinated State management of renewable energy.

Key points raised

- Members noted the prospective renewable energy zones (REZ) under investigation in NSW and the potential for offshore wind to provide complementary new energy sources to support onshore REZ generation in the medium to long term.
- Emerging technology allows for floating offshore wind turbine/platforms and the Commonwealth government announced six prospective offshore zones in August 2022, including a draft zone in the Hunter region which is currently on public exhibition.
- Heritage assessments and approvals will not be limited to the offshore zones but will involve approvals for the significant near-shore and shore-based infrastructure that is needed to build, assemble and tranship mega structures.

Members discussed the delivery methodology and the potential environmental impacts such as coastal erosion as well as the heritage considerations and potential impacts of onshore footprints.

The Council thanked EnergyCo for the briefing and welcomed future engagement as the process develops.

Item 4. Matters for Consideration

Item 4.1 Sydney Harbour Bridge – Northern Cycleway – detailed design SHR 00781 and SHR 01194) section 60 applications

The Council received a report from Heritage NSW which seeks the determination of two section 60 applications for the *Northern Cycleway Project*, which is located within the State Heritage Register curtilage of the Sydney Harbour Bridge (SHB) (SHR 00781) and the Milsons Point Railway Station (SHR 01194).

The Council noted the revised documentation submitted in response to the Approvals Committee's recommendations and request for further refinement of the 70% design prior to lodgement of the section 60 applications.

Members discussed the proposed site specific exemptions and compliance measures, including the ramp balustrade design and public safety lighting, and noted that the proposed Bradfield Park landscaping is being considered by the North Sydney City Council.

Heritage NSW thanked the members of the Heritage Council and the Approvals Committee for their commitment to reaching positive heritage outcomes for the project and acknowledged the significant amount of time taken for consultation to occur over a number of years.

The Council thanked Heritage NSW for the comprehensive report.

Resolution 2023-21

The Heritage Council of NSW resolved to:

1. **Approve** section 60 applications HMS 2464 and HMS 2465 for the Northern Cycleway Project, which is located within the State Heritage Register curtilage of the Sydney

Harbour Bridge (SHR 00781) and the Milsons Point Railway Station (SHR 01194) in accordance with the conditions attached (Attachment A).

Moved by Nicholas Brunton and seconded by Vanessa Holtham

Item 5. Legal, Policy and Administration

Item 5.1 Changes to Statements of Significance - update

The Heritage Council noted that this item was deferred.

Item 5.2 Heritage Agreements

The Council received a report from Heritage NSW on the outcomes of an internal review of heritage agreements currently in place, including a comparison of heritage agreements with alternative mechanisms and tools, and examples of similar types of agreements in other fields and jurisdictions.

The Council discussed the:

- effectiveness of administering heritage agreements in comparison to other regulatory options available
- administrative processes and practical constraints for various approval pathways
- opportunities and risks, in particular when dealing with compliance matters, and
- the resources required to effectively manage heritage agreements.

Scope for an analysis of a selection of case studies will be undertaken to further consider the outcomes achieved through the use of heritage agreements.

The Council thanked Nicholas Lackner and Sonia Limeburner from Heritage NSW for the information provided.

Item 5.3 2023-25 Heritage Grants - update

The Council received an update from Heritage NSW on the outcomes of the assessment of the 2023-25 grant applications and the proposed funding to be recommended for *Aboriginal Cultural Heritage*, *Caring for State Heritage* and *Community Heritage* grant recipients.

The Council thanked Heritage NSW for the update and acknowledged the significant efforts of both the Grants Team and the Grants and Sponsorships Advisory Committee to assess and rank the applications.

Item 5.4 ICOMOS GA 2023 Participation

The Council received an update from Heritage NSW on the preparations underway for the ICOMOS General Assembly 2023.

Members noted that:

- a Heritage Professionals networking event is confirmed for 7 September
- a scientific symposium on the management of cultural landscapes is being finalised for delivery as a joint session with Heritage Victoria, and
- an updated ICOMOS program will be issued by the convenors in the near future.

Anthea Sargeant left the meeting.

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 (DPE)

The Heritage Council of NSW noted the planning report

Item 6.3 Advisory Panels Report

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

Item 7. Heritage NSW Reporting

Item 7.1 Heritage Operations – Monthly Reports

The Heritage Council of NSW noted the monthly reports and Tim Smith provided a verbal update on various conservation major projects and compliance matters.

Item 8. General Matters

Item 8.1 Forward Agenda

The Heritage Council of NSW reviewed the forward agenda.

Noting that ICOMOS will be held in the first week of September, the Council suggested that a condensed online meeting may be scheduled in the final week of August to address any decisions, if required.

Item 9. Meeting Close

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



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Frank Howarth AM PSM
Chair, Heritage Council of NSW

Date: 5 July 2023

ATTACHMENT A

Item 4.1 SYDNEY HARBOUR BRIDGE NORTHERN CYCLEWAY – CONDITIONS

STAGING OF WORKS

1. The works are to be staged as *Stage 1 – investigative works* and *Stage 2 – construction of cycleway*. Stage 1 does not require additional documentation, while Stage 2 requires documentation as outlined via the below conditions.

Reason: To ensure the investigative works can take place while additional information is received in relation to the below conditions.

RAMP DESIGN

2. Combination A is approved for the ramp balustrade, which utilises a bronze finish.
3. The following information is to be submitted for approval by the Heritage Council of NSW (or delegate) prior to Stage 2 works commencing:
 - Final soffit details
 - Final ramp paving details

Reason: These design details were not finalised with the s.60 application and should be clearly presented for assessment. Visual impacts are to be minimised as much as possible. Bronze finish was previously supported by the Approvals Committee.

LANDSCAPING

4. Final landscape plans are to be submitted for approval by the Heritage Council of NSW (or delegate) prior to Stage 2 works commencing.
5. The landscape plans are to include existing site plans with all extant elements including hard and soft landscaping (including sandstone inlays).
6. Use of Paving Type 8 (PV8) ‘Heritage stone inlay to match existing’ should be limited to the interpretative heritage inlays reflecting prior structures. An alternative finish should be used in the semi-circular forecourt paving.
7. Street trees are to be confirmed with North Sydney Council.

Reason: The landscape plans submitted with the s.60 application include some inaccuracies and were not fully finalised. The final design should be clearly presented for assessment. Paving Type 8 is to be limited for interpretation, to avoid confusion.

LIGHTING

8. The proposed three light poles are not approved. Options of mitigating visual impact via design modifications shall be explored and a revised final lighting design for the landing plaza submitted for approval by the Heritage Council of NSW (or delegate) prior to Stage 2 works commencing. Additional heritage and visual impact assessment shall accompany the submission clearly demonstrating that the preferred final plaza lighting option has the least impact.

Reason: The additional impact of the proposed three 4m light poles within the ramp landing point area has not been adequately justified. Discrepancies exist between lighting drawings, landscape drawings and the HIS.

HERITAGE CONSULTANT

9. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must

be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

SPECIALIST TRADESPERSONS

10. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

SITE PROTECTION

11. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.
12. A dilapidation report for the subject area where the cycleway will be connected (parapet/deck) shall be prepared prior to Government Certification.
13. Potential vibration and subsidence impacts created by the proposed works shall be monitored by a structural engineer to ensure that the SHR item is adequately protected from potential damage.
14. If damage occurs to the SHR item during the works, works must cease immediately, and remedial action undertaken prior to any further works being undertaken. The Heritage Council of NSW must be notified and additional assessment and approval may be required prior to works continuing based on the extent of remedial works required.

Reason: To ensure significant fabric including vegetation and sandstone inlays are protected during construction. To ensure the condition of the SHR item is adequately recorded prior to the works. To ensure any damage caused by adjoining works is adequately remediated.

HERITAGE INTERPRETATION PLAN

15. An interpretation plan must be prepared in accordance with Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005), and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a Construction Certificate/ Government certification.
16. The interpretation plan must detail how information on the history and significance of the Sydney Harbour Bridge (including Milsons Point Railway Station) will be provided for the public within the localised context of the new ramp, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
17. The approved interpretation plan must be implemented prior to the issue of an government certification.

Reason: The heritage interpretation plan should ensure consultation with North Sydney Council, the community and heritage experts to achieve a wholistic outcome. The plan should consider all relevant heritage values and should incorporate existing interpretation (including existing stone inlays), upgrade of existing interpretation where required and new interpretation opportunities (including relocation of the concrete parapet). The plan should be targeted to the localised context of the new ramp and to the integrated architectural and landscaping opportunities reflected in the design.

PHOTOGRAPHIC ARCHIVAL RECORDING

18. A photographic archival recording must be prepared prior to the commencement of works/ during works/ at the completion of works. This recording must be in accordance with the

Heritage NSW publication '*Photographic Recording of Heritage Items using Film or Digital Capture*' (2006). The digital copy of the archival record must be provided to Heritage NSW.

Reason: To capture the condition and appearance of the place prior to, during, and after modification of the site which impacts significant fabric.

APPROVED ARCHAEOLOGICAL WORKS

19. All works shall be in accordance with the approved research design and methodology outlined in 'Sydney Harbour Bridge Cycleway Northern Access. Archaeological Research Design' (23 March 2023) prepared by Artefact Heritage, except as amended by the following conditions:
20. This archaeological approval does not cover removal of any State significant relics. This approval covers test excavation and salvage of locally significant relics, only. Relics of State significance are not allowed to be removed.

NOTIFICATION OF START AND END OF ARCHAEOLOGICAL PROGRAM

21. The Approved Excavation Director/s shall write to advise HNSW 5 days before start of the archaeological program and 5 days following the end of the archaeological program. Communication should be made through HMS or to: HERITAGEMailbox@environment.nsw.gov.au with a reference to the relevant Application No. (ie. HMS id). The Heritage Council and staff of Heritage NSW, Department of Planning and Environment authorised under section 148(1) of the *Heritage Act 1977*, reserve the right to inspect the site and records at all times and to access any relics recovered from the site.

FIELDWORK

22. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or buried engineering works not identified in 'Sydney Harbour Bridge Cycleway Northern Access. Archaeological Research Design' (23 March 2023) prepared by Artefact Heritage, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. To address this discovery, you need to lodge a s146 notification to the Heritage Council of NSW. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Advice would be provided in response to the lodged s146 notification.
23. The Applicant must ensure that the nominated Excavation Director is present at the site supervising all excavation activity likely to expose relics.
24. **Archaeological site recording to include:**

The Applicant must ensure that the Excavation Director takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This includes single context recording and preparation of a Harris Matrix; scaled photography and preparation of scaled plans/sections of excavation and archaeological features recorded. The Excavation Director shall establish and oversee the collection of all spatial data for the site according to a current NSW mapping datum (e.g GDA 94 or as specified). This shall include details of the excavation, archaeological features, topographic strata encountered and modern ground levels including the taking and recording of survey levels, reduced to Australian Height Datum (AHD). This work must be undertaken in accordance with relevant Heritage Council guidelines.

ANALYSIS AND REPORTING

25. The Applicant is responsible for the safe-keeping of any relics recovered from the site. The Applicant must ensure that the nominated Excavation Director or an appropriate specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.

26. **Final Reporting:** Reporting is required in accordance with section 146(b) of the *Heritage Act 1977*. The Applicant must ensure that a final excavation report is written to publication standard, within one (1) year of the completion of the field based archaeological activity. The Final location of artefacts recovered from the excavation (repository) must be included in this report. It must be prepared in accordance with any Heritage Council of NSW Guidance or advice on the Heritage NSW website as issued from time to time. Any application to extend the due date for the final excavation report must be made before it is due, and lodged under s65a of the Act.

SITE SPECIFIC CONDITIONS

27. The Applicant must ensure that a summary of the results of the field work, up to 500 words in length, is prepared by the approved Primary Excavation Director and submitted to the Heritage Council of NSW within one (1) month of completion of archaeological field work. This information is required in accordance with section 146(b) of the *Heritage Act 1977*.

COMPLIANCE

28. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

DURATION OF APPROVAL

29. This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

Reason: To ensure the timely completion of works