



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 521

1 November 2023 | 9:00 AM – 5:00 PM

Meeting Room 14, Heritage NSW, Level 11, 4PSQ, 12 Darcy St, 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 Brian Lindsay	Member
Ms Colleen Morris	Member
Ms Anthea Sargent	Member

Apologies

Mr Dillon Kombumerri	Observer
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External Presenters

Mr Nicholas Johnston	Program Director, Property Development NSW (<i>item 3.1</i>)
Mr Jonathan Bryant	Director, Urbis (<i>item 3.1</i>)
Ms Allie Cornish	Heritage Consultant, Urbis (<i>item 3.1</i>)
Mr Madison Winnel	Assistant Project Manager, DPE (<i>item 3.1</i>)
Mr Denis Gojak	Senior Heritage Specialist, SER, TfNSW (<i>item 3.2</i>)
Ms Victoria Oszko	Director Regional Property & Asset Renewal, ROM, TfNSW (<i>item 3.2</i>)
Mr Martin Cocca	A/Senior Manager Land & Assets, TfNSW (<i>item 3.2</i>)
Ms Carol Anand-Hopper	Executive Director, Circular Quay Renewal, TfNSW (<i>item 3.3</i>)
Mr Michael Mossman	First Nations Advisor (<i>item 3.3</i>)
Mr Alec Tzannes	Director, Tzannes Architecture (<i>item 3.3</i>)
Mr Lauren Nissen	Public Domain & Landscape, Aspect (<i>item 3.3</i>)
Ms Sophie Jennings	Heritage Associate, GML Heritage (<i>item 3.3</i>)

Heritage NSW

Mr Sam Kidman	Executive Director
Ms Anna London	Director Heritage Programs
Mr Tim Smith	Director Heritage Assessments
Ms Maxine Moffat	Graduate Policy & Strategy
Ms Lindsey Nguyen	Graduate Customer Service
Ms Nicole Davis	A/Senior Manager Major Projects (<i>items 3.1, 3.2, 3.3 & 4.1</i>)
Ms Andreeana Kennedy	Senior Assessments Officer (<i>item 3.1</i>)
Ms Ruth Berendt	Senior Assessments Officer (<i>items 3.2 & 3.3</i>)
Mr Jakob Ruhl	Senior Assessments Officer (<i>item 3.2</i>)
Ms Chrisia Ang	Senior Assessments Officer (<i>item 4.1</i>)
Ms Mary Ann Hamilton	Manager Heritage Programs (<i>items 4.2 & 4.3</i>)
Ms Alexandra Boukouvalas	Manager Heritage Programs (<i>items 4.2 & 4.3</i>)
Ms Judith Coombes	Senior Heritage Officer (<i>item 4.3</i>)
Ms Lucy Albani	Director Policy & Strategy (<i>items 5.1 & 5.2</i>)

Mr Matthew Clark	Director Policy & Strategy (<i>items 5.1 & 5.2</i>)
Ms Caroline Ford	Manager Policy & Reform (<i>item 5.1</i>)
Ms Julia Dowling	Senior Policy Officer (<i>item 5.1</i>)
Ms Amelia Eames	Senior Policy Officer (<i>item 5.2</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 and it was noted that a quorum had been met.

Item 1.1 Conflict of Interest Declarations

The Heritage Council of NSW noted the standing COI declaration for SHRC member, Natalie Vinton for *Item 4.2 MLC Building, North Sydney (former) - site specific exemptions*. Ms Vinton did not receive the meeting materials and did not attend for this item.

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 – 4 October 2023

Resolution 2023-34
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> Confirmed the minutes of the previous ordinary meeting (4 October 2023) as a complete and accurate record of that meeting.
Moved by Robyn Parker and seconded by Colleen Morris

Item 1.4 Matters Arising

SHR listings process

The Council discussed the SHR listings process reform, the role of the Heritage Council to consider the heritage significance and the long-term conservation of heritage items, as well as the process and guidance required for managing of owners' objections to SHR listings.

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 a verbal update from the Executive Director.

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 31 October SHRC meeting, including:

- a Notice of Intent for the Hayden Orpheum Picture Palace, Cremorne
- preliminary assessment of SHR nominations for 416 High Street, Maitland and the former Gosford Courthouse and Police Station, and

- the gap analysis review for SHR listings by Heritage NSW.

Members discussed the SHR priorities and approach for thematic listings and noted the outcomes of the recent SHR listings workshop which will be presented at the next SHRC meeting.

The Council also discussed the heritage significance of the Art Gallery of NSW, noting that it was not currently listed on the State Heritage Register.

Resolution 2023-35
The Heritage Council of NSW resolved to:
<ol style="list-style-type: none"> 1. Note that further research is to be undertaken into categorisation of thematic listings and the State Heritage Register (SHR) nomination process. 2. Endorse the continuation of the LGTBQA+ and the First Nations Heritage, including Frontier Conflict, as the thematic priorities for the SHR in the interim. 3. Endorse the inclusion of Migration Heritage as an additional interim priority for the SHR.
Moved by Ian Clarke and seconded by Vanessa Holtham
Resolution 2023-36
The Heritage Council of NSW resolved to:
<ol style="list-style-type: none"> 1. Nominate the Art Gallery of NSW, Sydney for listing on the State Heritage Register (SHR).
Moved by Robyn Parker and seconded by Ian Clarke

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 31 October AC meeting, including pre-lodgement consultation for the Royal Automobile Club Australia, Circular Quay.

The AC also discussed the need for Aboriginal Cultural Heritage (ACH) to be addressed in design thinking and proposals being put to the Heritage Council and welcomed the ACH guidance being developed by the Council and Heritage NSW in support of the Government Architect's *Connecting with Country* framework.

Sam Kidman left the meeting at 10:30 AM

Item 3. External Presentations

Item 3.1 Macquarie Street East Precinct update – Property Development NSW presentation

The Council received a presentation from Property Development NSW (PDNSW) on the Registrar General Building (RGB) project and the State Library domain.

The holistic heritage approach being taken for the Macquarie Street East Precinct was discussed, with a separate business case under the heritage floor space scheme to be considered independently of the Sydney Hospital site.

Urbis provided a technical update for the RGB, noting that construction works have commenced on site and the retention of heritage fabric included in the *Heritage Impact Statement* will be refined as part of the conditions of consent upon investigation of any findings on site.

The Council discussed the heritage fabric intended to be salvaged for reuse and noted that items are currently being stored and will be considered as part of the heritage interpretation plan at a later stage. Members also noted the proposal to reconstruct some heritage elements to reflect the original building design.

Members questioned the potential interim and future uses for the site and noted the proposed timeline for activation.

The Council thanked PDNSW for the presentation and looks forward to a further update in early 2024.

Sam Kidman re-joined the meeting at 11:00 AM

Item 3.2 Six Timber Truss Bridges – pre lodgement consultation – Lismore Railway Underbridges section 60 application

The Council received a report and presentation from Transport for NSW (TfNSW) who sought the Council's comments on a proposal for the span removal of the Lismore underbridges, prior to the lodgement of a section 60 application.

Key points raised:

- The Lismore railway line includes four underbridges located within the SHR curtilage with structures that are non-conforming and nearing the end of life. Some emergency propping works are due to commence in 2024 but urgent repair works are sought in the interim.
- The challenges and risks associated with the flood impacts to this region were highlighted and Lismore City Council has requested removal of the bridges as part of the *Floodplain Risk Management Plan* to mitigate the risks in the event of any future flooding.
- The *Regional Rail Heritage Strategy* will contextualise the risk and assessment of retention or management of demolition of high-risk heritage bridges. The *TfNSW Bridge Assessment Committee* is the determining body for the scope of any proposed demolition.
- Future rail trail uses are being developed, with trails generally built alongside the historic rail line as a visual experience.

The Council expressed their disappointment at the extent of inadequate maintenance provided by TfNSW over the past 30 years, resulting in a poor and deteriorating condition of many of their s.170 and SHR listed rail heritage assets.

The Council thanked TfNSW for presenting the update and noted that funding challenges and priority management decisions of TfNSW are impacting the conservation and preservation of bridges.

The Council questioned the level of commitment to the *Rail Heritage Strategy*, noting that:

- it has been pre-empted by the six bridges identified for demolition, which includes the SHR listed Manilla Viaduct
- highest priority is for section 60 approval for Terania Street span removal, and
- a community group has applied for an Interim Heritage Order and a separate letter of support from Lismore Council has been received.

Members noted that it was unclear whether economic analysis had been undertaken to understand the funding commitment required to either demolish or conserve the timber truss bridges and asked that further assurance from TfNSW be sought regarding the costs required to adequately maintain the SHR listed heritage assets included in their *Rail Heritage Strategy*.

Resolution 2023-37

The Heritage Council of NSW resolved to:

1. **Note** Transport for NSW's presentation and the safety concerns raised in relation to the Lismore Railway Underbridges.
2. **Express** an ongoing concern about the underfunding of the maintenance of their s.170 and SHR listed rail heritage assets.
3. **Seek assurance** from Transport for NSW that the cost required to adequately maintain all of its SHR listed heritage assets will be included in their Rail *Heritage Strategy*.
4. **Establish** a Working Group with representatives from the Heritage Council of NSW, Approvals Committee, Technical Advisory Panel and Heritage NSW, to consult with Transport for NSW during project scope development for Lismore and other identified bridges.
5. **Advise** Transport for NSW to prepare a scope of works for the total listed assets to enable a holistic understanding of impacts. The work scope should be prepared with the advice of a heritage engineer and in consultation with a project-specific Working Group.
6. **Advise** Transport for NSW that section 60 application for works should be accompanied by:
 - a. Independent heritage engineering advice
 - b. An options assessment and with clear, evidence-based justification for the preferred option. The analysis should include consideration of options for retention
 - c. Complete works documentation
 - d. Revised SHR curtilage recommendations relating to the proposal
 - e. Statement of Heritage Impact.
7. **Note** that the Heritage Council of NSW will be the determining authority of any section 60 applications for this work program, given the potential for substantial heritage impacts resulting in material affect and cumulative impacts across timber truss railway bridges in NSW.
8. **Provide** further comment by letter to Transport for NSW on the proposed long-term management strategy of bridge span removal for all four Lismore bridges.

Moved by Colleen Morris and seconded by Vanessa Holtham

Item 3.3 Circular Quay Precinct Renewal– Transport for NSW presentation

The Council received a report from Heritage NSW and an update from Transport for NSW (TfNSW) on the revised project scope for the Circular Quay Renewal (CQR) project. TfNSW sought the Council's feedback on their proposed methodology for archaeological management and approvals for the *Circular Quay Precinct renewal program*.

Key points raised:

- The scope of works includes new built form for services, substations and retail, an upgraded and accessible train station, a widened promenade and improved public space to enable greater ease of pedestrian movement.
- The project focus is on accessibility, public amenity and the transport interchange, with a holistic heritage approach that includes both First Nations and colonial heritage interpretation across the site.
- The design aims to celebrate the site's historical importance as a gathering place, respond to the natural topography and provide stronger physical and visual connections to the Rocks

Historic Precinct. The *First Nations and Cultural Heritage Strategy* will inform and guide the design development and the interface between the land and water.

- Site investigations have commenced and the archaeological test excavation, approach, methodology and proposed timing for the program will be incorporated into the Aboriginal Cultural Heritage (ACH) assessment being prepared as part of the Environmental Impact Statement (EIS).
- Place Making is the lead agency for the CQR program, working together with the TAHE for the rail assets and TfNSW for the ferry assets, with a unified Precinct approach. TfNSW are currently considering a government led operational approach for the ongoing maintenance of the Precinct.

Members discussed TfNSW's proposed treatment for the heritage façade and balustrades, the proposed selection of material finishes, and the methodology for preservation of the heritage fabric.

The Council thanked TfNSW for the presentation and looks forward to further engagement as the design and works program progresses.

Following the presentation, the Council noted the opportunity for greater recognition of the significant ACH values of the place. Members also discussed the heritage interpretation and use of material finishes to reflect the ACH values of the place, and the potential archaeological implications and impacts to the heritage fabric.

Resolution 2023-38

The Heritage Council of NSW resolves to:

1. **Note** the revised project scope for the Circular Quay Renewal Project which has resulted in a reduction to the overall works program.
2. **Advise** Transport for NSW that the project methodology for non-Aboriginal archaeological management should include test excavation to inform significance and impact assessment prior to project approval, so that archaeological impacts can be properly assessed, managed and mitigated and to ensure that project design can be developed to minimise impacts to State-significant archaeology.
3. **Advise** Transport for NSW to prepare a detailed written methodology for proposed management of Aboriginal archaeology, that identifies and explains likely impacts, for review by the Heritage NSW to determine the appropriate Aboriginal archaeological management process.
4. **Provide further comment** by letter to Transport for NSW on the proposed alterations and interpretation for the Circular Quay Renewal Project.
5. **Thank** Transport for NSW for their offer to continue engagement with Heritage NSW and the Heritage Council of NSW and confirm key milestones for Heritage Council's collaboration and input.

Moved by Vanessa Holtham and seconded by Ian Clarke

Item 4. Matters for Consideration

Item 4.1 Central SSP Rezoning Proposal (Over Station Development) – Response to Submissions

The Council received a report from Heritage NSW on the response to submissions provided by Transport for NSW and discussed the various heritage impacts and issues that do not appear to have been addressed in the revised proposal.

Members noted the significant impact to heritage assets located in the Precinct and discussed the economic and key social drivers for the built form to be developed in the area.

The Council thanked Heritage NSW for the report and noted that a detailed response will be provided to the Department of Planning and Environment for the Central SSP Rezoning proposal, once the formal referral is made.

Resolution 2023-39

The Heritage Council of NSW resolves to:

1. **Object** to the revised proposal.
2. **Confirm** that the following items remain as main concerns of the Heritage Council:
 - a) Adverse heritage impacts to the Central Precinct remain unchanged.
 - b) The revised GFA is a reduction of 10,600 square metres or approximately 2% of the exhibited master plan's GFA. The revised GFA does not holistically consider other Tech Central sites but remains to be designed to achieve maximise yield.
 - c) The Urban Design Framework does not include any clarifications or additional detail on the selected benchmarking precincts or benchmarking study placed on exhibition.
 - d) The Over Station Development (OSD) towers have not been eliminated from the scheme. The submitted documentation does not provide any indication that low-rise options were explored.
 - e) The overdue need to provide an updated study to establish the ongoing demand for commercial or residential built form.
3. **Provide** a detailed response to the Department of Planning and Environment once the formal referral is made, to be finalised by the Chair out of session.
4. **Note** that input from the Heritage NSW Aboriginal Cultural Heritage Assessments team will be integrated into the final draft response for approval by the Chair.

Moved by Ian Clarke and seconded by Vanessa Holtham

Item 4.2 MLC Building, North Sydney (former) – site specific exemptions

Members of the State Heritage Register Committee were invited to attend for this item.

The Council received a report from Heritage NSW on the approach for site specific exemptions and discussed next steps for the Recommendation to List the site and amendments required to correctly reference the Conservation Management Plan and Heritage Asset Action Plan.

The Council noted the need for the owners to further consider the management and policies required to inform any changes to the significant heritage fabric.

Resolution 2023-40

The Heritage Council of NSW resolved to, in the event that the Minister directs the listing of the MLC Building, North Sydney (former):

1. In accordance with section 57(2) of the *Heritage Act 1977*, **recommend** that the Minister grant the site specific exemptions at Tab 4.3 D of the report from section 57(1) of the Act in addition to the Heritage Council Standard Exemptions, conditional upon:
 - a) Investa or its consultant changing the title of the *Conservation Management Strategy, 105 – 153 Miller Street, North Sydney September 2023* to *Conservation Management Plan 105 – 153 Miller Street, North Sydney November 2023*, including all references throughout the document.
 - b) Heritage NSW changing all references in the site specific exemptions from *Conservation Management Strategy 105 – 153 Miller Street, North Sydney*

September 2023 to Conservation Management Plan105 – 153 Miller Street, North Sydney November 2023.

Moved by Brian Lindsay and seconded by Ian Clarke

Item 4.3 Ravensworth Homestead Complex and its Setting - update

Colleen Morris declared a potential perceived conflict of interest related to her previous work on Ravensworth in 2018. Members noted that Ms Morris had no current involvement with the site and was able to participate in the discussion of this item.

The Council received a report from Heritage NSW and discussed the process and next steps for the Recommendation to List to be reconsidered in a timely manner.

Resolution 2023-41

The Heritage Council of NSW resolves to:

1. **Note** that *Resolution 2023-15* was not a valid exercise of power under section 33(1)(d) of the *Heritage Act 1977* because, due to clerical error, the Heritage Council had not, prior to making that resolution, considered all submissions received on the notice of intention to consider listing.
2. **Consider** all the submissions received on the notice of intention to consider the listing and **make a decision** whether to recommend the listing in accordance with section 33(1)(d) at an out of session meeting on 21 November 2023.
3. **Notify** the affected owners and occupiers and other interested parties who have previously made submissions (Tab 4.3A of the report) and to publish this notice as per section 33(1)(b).

Moved by Vanessa Holtham and seconded by Anthea Sargeant

Item 5. Legal, Policy and Administration

Item 5.1 NSW Heritage Strategy update

The Heritage Council of NSW received an update from Heritage NSW on the proposed approach for the development of the *NSW Heritage Strategy*.

Members discussed the government's commitment to deliver the *NSW Heritage Strategy* and provided comments on the key focus areas, challenges and opportunities to improve outcomes for tangible and intangible heritage across the state.

The Council reflected on the positive values of celebrating and maximising the benefits of heritage for asset owners and the wellbeing and social values of heritage that contribute to a community's identity.

Other key points of the discussion included: the use of digital applications and artificial intelligence for approaches to heritage conservation, interpretation and research; a holistic view of heritage; the importance of cultural heritage; heritage at risk; statutory and compliance processes; the interactions between heritage and planning and the need for a whole of government strategy; and the establishment, role and functions of the Heritage Council.

The Council noted that further internal and external stakeholder workshops will commence soon.

Nicholas Brunton left the meeting at 3:15 PM

Item 5.2 Heritage Council Strategic Priorities – traffic light reporting

The Heritage Council of NSW received a report from Heritage NSW which has been developed to quantify and measure the delivery of actions related to the priority focus areas identified in the *Heritage Council of NSW 2023-25 Strategic Plan*.

Members provided feedback on the report format and suggested this could be applied to other monthly reporting.

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 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 Reporting

Item 7.1 Heritage NSW – Quarterly Reports

The Heritage Council of NSW noted the reports.

Item 7.2 Heritage Operations – Monthly Reports

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

Item 8. General Matters

Item 8.1 Forward Agenda

The Heritage Council of NSW reviewed the forward agenda.

Item 9. Meeting Close

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 5:00 PM.



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Frank Howarth AM PSM
Chair, Heritage Council of NSW

Date: 6 December 2023