



# HERITAGE COUNCIL OF NSW

## MEETING MINUTES – 526

3 April 2024 | 09:00 AM – 4:30 PM

Meeting Room 1, Level 11, 135 King Street, Sydney & 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	Member

#### Apologies

Nil

#### External Presenters

Mr Mark Crees	Portfolio Director, Create NSW ( <i>item 3.1</i> )
Mr Patrick Buckle	Director, Create NSW ( <i>item 3.1</i> )
Mr Alex Kibble	Managing Director, Tanner Kibble Denton Architect ( <i>item 3.1</i> )
Mr Jonathan Bryant	Director, Urbis Heritage ( <i>items 3.1 &amp; 3.5</i> )
Mr Steven Barry	Heritage Specialist, Transport for NSW ( <i>item 3.2</i> )
Ms Lizzy Pattinson	Director Strategic Project & Innovation, Transport for NSW ( <i>item 3.2</i> )
Ms Tessa Nelson	Senior Manager, Transport for NSW ( <i>item 3.2</i> )
Ms Liz Sparham	Director, Woolcott Research ( <i>item 3.3</i> )
Ms Karyn Wong	Managing Director, Woolcott Research ( <i>item 3.3</i> )
Ms Louise Williams	Project Director, Woolcott Research ( <i>item 3.3</i> )
Ms Carol Hopper Anand	Program Director Circular Quay Renewal, Transport for NSW ( <i>item 3.4</i> )
Mr Alex Tzannes	Architect, Tzannes ( <i>item 3.4</i> )
Ms Lauren Thompson	Landscape Architect, Aspect Studios ( <i>item 3.4</i> )
Mr Ashe Earl-Peacock	Senior Manager Environment, Transport for NSW ( <i>item 3.4</i> )
Mr Phillip Vivian	Managing Director, Bates Smart ( <i>item 3.5</i> )
Mr Steve Robson	Development Director, TOGA ( <i>item 3.5</i> )

#### External Observers

Ms Carolyn Rush	Manager, Create NSW ( <i>item 3.1</i> )
Ms Beth Hise	Project Director, Museum of History NSW ( <i>item 3.1</i> )
Ms Anna Harris	Associate Director, Tanner Kibble Denton Architects ( <i>item 3.1</i> )
Ms Allie Cornish	Associate Director, Urbis Heritage ( <i>items 3.1 &amp; 3.5</i> )
Ms Kate Luckraft	Design Manager, Property & Development NSW ( <i>item 3.1</i> )
Mr Daniele Neely	Planner, Department Planning Housing & Infrastructure ( <i>item 3.4</i> )
Ms Rebecca Hawcroft	Head of Heritage Places, GML Heritage ( <i>item 3.4</i> )
Ms Emma McGirr	Cultural Heritage Specialist, Transport for NSW ( <i>item 3.4</i> )
Ms Aleisha O'Connor	Senior Development Manager, Lendlease ( <i>item 3.4</i> )

Mr David Chan Senior Development Manager, TOGA (*item 3.5*)  
Mr David McLaren Senior Development Manager, TOGA (*item 3.5*)  
Mr Andrew Dang SPE, TOGA (*item 3.5*)  
Ms Eliza Scobie Senior Consultant, Urbis (Planning) (*item 3.5*)  
Mr David Eskdale Associate Director, Bates Smart (*item 3.5*)

**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  
Ms Tempe Beaven A/Manager Assessments (*item 3.1*)  
Ms Mary Ann Hamilton A/Manager Assessments (*item 3.1*)  
Ms Lily Chu Senior Assessments Officer (*item 3.1*)  
Ms Sonia Limeburner Manager Strategy & Implementation (*items 3.2, 5.1 & 5.2*)  
Dr Caroline Ford Manager Policy & Reform (*item 3.3*)  
Ms Bronwyn Batten Senior Policy Officer (*item 3.3*)  
Ms Rose Cullen Policy Officer (*item 3.3*)  
Ms Rochelle Johnston Senior Manager Major Projects (*items 3.4, 3.5 & 4.2*)  
Ms Ruth Berendt Senior Assessments Officer (*item 3.4*)  
Ms Chrisia Ang Senior Assessments Officer (*item 3.5*)  
Mr Mark Callanan Senior Compliance Officer (*items 4.1 & 4.2*)  
Mr Nicholas Lackner Senior Policy Officer (*items 5.1 & 5.2*)  
Mr Joshua Favaloro Policy Officer (*item 5.2*)  
Ms Jo-anne Pickles Secretariat Officer (*item 5.2*)

**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 reported that Dillon Kombumerri has decided to step down from his role as the Government Architect NSW' observer on the Council. Members acknowledged his significant and valuable contribution to both the Heritage Council and the Approvals Committee.

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 – 6 March 2024

Resolution 2024-11
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> <li><b>Confirmed</b> the minutes of the previous ordinary meeting (6 March 2024) as a complete and accurate record of that meeting.</li> </ol>
<p>Moved by Nicholas Brunton and seconded by Colleen Morris</p>

### 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 2 April SHRC meeting, including:

- Notices of Intention for the *Art Gallery of NSW* and *Elsie Women's Refuge*
- Recommendations to List *Transport House (former)*, Redfern and *Gooriwal Cultural Landscape (Frenchmans Bay and Yarra Bay)*, La Perouse, and
- a discussion on the development of an Interim Heritage Order policy.

### 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 2 April AC meeting, including:

- the Response to Submissions for a State Significant Development proposal for *Cockle Bay Wharf*, Pyrmont, and
- pre-lodgement consultation for the *Roxy Theatre*, Parramatta and *Argyle House and Apartments*, Newcastle.

## Item 3. External Presentations

### Item 3.1 Parramatta North Cultural Precinct Infrastructure Project

The Heritage Council of NSW received a confidential briefing from Create NSW on the urban renewal initiatives being developed for the Parramatta North Cultural Precinct.

The Council thanked Create NSW for the update and looks forward to continuing engagement.

### Item 3.2 Sustainable Heritage Building Guides

The Heritage Council of NSW received a report and presentation from Transport for NSW (TfNSW) and Heritage NSW on the collaborative development of a *Sustainable Heritage Buildings Guide* which is being delivered as part of the *Net Zero Cities Action Plan*.

#### *Key points of presentation*

- The draft design guide aligns with other key sustainability policies including the *Heritage Council of NSW Climate Change Principles*, the *Climate Change Act 2023*, the *Government Architect Better Places NSW* design guide and the *Burra Charter*.
- The guide comprises an introduction and four technical chapters on ways to retrofit heritage assets with net zero and heritage targets incorporated into buildings
- Governed by a technical oversight group, the hierarchy of guidance supports the concept of repair before retro fit with a focus on energy uses
- The draft guide is targeted for completion in Q2 2024 and will be operationalised through TfNSW as a pilot before being offered for use by other state agencies

The Council thanked TfNSW and Heritage NSW for the presentation, acknowledged the excellent work done to develop the technical guide and looks forward seeing the final draft at the May meeting.

### Item 3.3 Heritage Strategy - diverse stakeholder focus groups research findings

The Heritage Council of NSW received a report from Heritage NSW and a presentation from Woolcott Research on the findings of their research which looked at the perspectives of diverse community groups with regard to the meaning and value of heritage and how the broader community want heritage to be recognised and celebrated.

Following the presentation, members discussed:

- how this work will feed into the development of the Heritage Strategy
- opportunities for this research to support initiatives that seek to connect communities with heritage, such as the *Heritage Near Me* app and other digital applications, and
- intangible heritage and ways to express this, in particular for ACH heritage so that the community develops a deeper understanding of First Nations heritage.

The Council thanked Woolcott Research for the presentation and looks forward to receiving the final report when it becomes available.

### Item 3.4 Circular Quay Renewal - project update

The Heritage Council of NSW received a report from Heritage NSW and an update from Transport for NSW (TfNSW) on the Circular Quay Renewal (CQR) project.

#### *Key points of the presentation*

- The CQR Environmental Impact Statement (EIS) is targeted for public exhibition in mid-April 2024.
- Key design considerations for the public domain include:
  - integrating the Aboriginal Cultural Heritage interpretation across the site, and
  - pedestrian movement across the site, including accessibility considerations and treatment options for the stairs located at the southern edge of the site
- Some initial archaeological testing is underway and includes potential maritime sites
- TfNSW aim to return to present to the Council at the 70% design completion stage

Members sought clarity around the proposed treatment of the public domain and key heritage elements, including the balustrades around the foreshore and the sandstone steps.

The Council thanked TfNSW for the presentation and looks forward to further briefings as work on the renewal project progresses.

#### **Resolution 2024-12**

The Heritage Council of NSW resolved to:

1. **Note** the updated design developments for the Circular Quay Renewal Project.
2. **Note** the outcomes of the preliminary archaeological assessments and that the results of archaeological testing on site will not be available until after the EIS has been on exhibition.
3. **Request** that Transport for NSW present the results of the archaeological testing and potential project impacts on archaeology at the first feasible Heritage Council meeting following the end of testing.
4. **Request** that Transport for NSW confirm that *in situ* conservation of State significant historical/maritime archaeology within the State Heritage Register curtilage of First Fleet Park and within the wider project area will be prioritised.
5. **Consider** the replacement of the 1940s balustrade with a new balustrade as a potentially acceptable outcome, as the required interventions to bring the existing balustrade up to the required safety standards would diminish its aesthetic significance and reduce the overall design cohesion of the precinct.
6. **Support** the retention of the George Street / MCA stairs, given the primary significance values of First Fleet Park are related to intangible historic events, its community use, social significance and archaeological resources and the benefits in access and pedestrian movement resulting from reconstruction, subject to further information on the potential archaeological impacts of reconstruction.
7. **Reiterate** the desire for a comprehensive interpretation approach and the further development of a range of interpretation outcomes that reflect the multilayered history of the site, in particular at First Fleet Park (reflecting the findings of the archaeological testing).

Moved by Robyn Parker and seconded by Colleen Morris

### Item 3.5 Central Western Gateway – TOGA – State Significant Development Application (SSDA)

The Heritage Council of NSW received a report from Heritage NSW and a presentation from TOGA who provided an update on the construction methodology and amendments required to the approved SSDA for the TOGA site.

Members sought clarity around the drivers for the revised design elements of the proposal which include:

- the north-east corner of the site, the courtyard, lobby, hotel entry and reception areas
- the southern column configuration for the former Parcel Post building, and
- the landscape and public domain.

The proposed construction methodology was outlined, including areas proposed for demolition and reconstruction. Members acknowledged the need for structural intervention as part of the hotel conversion and asked for further details on the nature of this intervention to be provided.

The Council welcomed the improvements to the scheme, thanked TOGA for the presentation and looks forward to the lodgement of the SSDA.

The Council thanked Heritage NSW for the positive engagement with the project design team.

## Item 4. Matters for Consideration

### Item 4.1 Catherine Hill Bay, 19 Clark Street – section 120 order

The Heritage Council of NSW received a report from Heritage NSW on their intention to issue a Minimum Standards of Maintenance and Repair Order under section 120 of the *Heritage Act 1977* for *19 Clarke Street, Catherine Hill Bay*.

The Council discussed the timing implications and potential next steps to ensure the required maintenance is completed.

#### Resolution 2024-13

The Heritage Council of NSW resolved:

1. That the current condition of the property is degrading to an extent that its State heritage significance is compromised.
2. **Authorise** Heritage NSW on behalf of the Heritage Council to initiate the section 120 Order process, including:
  - a. Giving notice to the owners that there is an intention to give an order, (s.120A)
  - b. Consider any representations made by the owners (s.120C)
  - c. Provide the reasons for an order or any amendments made to it (s.120D)
  - d. Serve the final order
  - e. Continue to manage the process to its entirety, according to section 120 of the *Act*.
3. **Authorised** that if at any time during the process negotiations fail and the owners do not engage, Heritage NSW may on behalf of the Heritage Council institute proceedings under Section 119 of the *Act* and prepare documentation for the Minister for Heritage to consider legal proceedings against the owners.

Moved by Ian Clarke and seconded by Colleen Morris

## Item 4.2 Lismore Railway Underbridges – Heritage NSW update

The Heritage Council of NSW received a report from Heritage NSW on the findings of a recent Heritage NSW compliance visit to the four underbridges at Terania Street, Alexandra Parade, Union Street and over Leycester Creek, which make up the SHR listing *Lismore Railway Underbridges* (SHR No. 01044).

A section 60 application for demolition of the Terania Street bridge is currently on public exhibition and will be presented to the Heritage Council for determination at the next meeting.

The inspection found that the four bridges were in poor to severely deteriorated condition primarily due to lack of maintenance and repair over time.

Members discussed the need for immediate attention to ensure the most ‘at risk bridges’ are stabilised, to prevent serious or irreparable damage or deterioration to the State-listed items.

The Council thanked Heritage NSW for the report and noted that the inaugural meeting of the *Timber Truss Bridge Working Group* is imminent and includes members of the Technical Advisory Panel.

### Resolution 2024-14

The Heritage Council of NSW resolved to:

1. **Note** the report prepared by Heritage NSW.
2. **Note** that Heritage NSW is seeking a peer review of the structural engineers’ reports provided by Transport for NSW (TfNSW) to quantify the likelihood of collapse of the underbridges or damage if unexpected impact with the underbridges does occur.
3. **Write** to TfNSW about the findings from the inspection and, noting its obligations under the Heritage Act, seek a commitment from TfNSW to commence a program of action and physical works for the Lismore Railway Underbridges and similar heritage assets.
4. **Note** that a section 60 application is currently on advertisement to demolish the Terania Street Underbridge from abutment to abutment across Terania Street and will be determined by the Heritage Council at a future meeting.

Moved by Ian Clarke and seconded by Vanessa Holtham

## Item 5. Legal, Policy and Administration

### Item 5.1 Stop the Clock Implementation Plan

The Heritage Council of NSW received a report from Heritage NSW who are seeking in principle endorsement of administrative amendments to the delegation of section 140 ‘stop the clock’ powers from the Heritage Council of NSW to Heritage NSW.

Members thanked Heritage NSW for the report and noted the proposal for a ‘stop the clock’ mechanism for section 140 permits is in keeping with the regulatory changes made in 2022 that enabled a ‘stop the clock’ mechanism for section 60 permits.

### Resolution 2024-15

The Heritage Council of NSW resolved to:

1. **Agree** to delegate the section 140 ‘*Stop the Clock*’ powers to Heritage NSW
2. **Recommend** that the Minister for Environment and Heritage consent to the delegation of the section 140 ‘*Stop the Clock*’ powers to Heritage NSW, consistent with the delegation of the section 60 ‘*Stop the Clock*’ powers made in 2022.

Moved by Ian Clarke and seconded by Nicholas Brunton

## Item 5.2 Heritage Council Governance Suite - update

The Heritage Council of NSW received an update from Heritage NSW on the *Heritage Council of NSW Governance Project*.

Heritage NSW presented the governance framework and work underway for the review of the *Terms of Reference* for the State Heritage Register Committee, Approvals Committee, and the Heritage and Technical Advisory Panels.

The preparation of a service statement for the Heritage Council was outlined, which aims to provide greater clarity about the functions and services provided by Heritage NSW to support the work of the Council and its committees and panels.

The Council discussed:

- the inclusion of a preamble to outline the principles in the service statement, including a commitment to ongoing improvements to service delivery, and
- the importance of heritage education as a function of the Council, and the annual commitments such as the heritage industry forum and regional visit.

The Council thanked Heritage NSW for the update.

## 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.

*Hordern Pavilion and The Royal Hall of Industries*

The Council discussed the heritage significance of the *Hordern Pavilion and The Royal Hall of Industries* at Moore Park and the absence of local and state heritage protections.

Resolution 2024-16
<p>The Heritage Council of NSW resolved to:</p> <ol style="list-style-type: none"> <li>1. <b>Note</b> the absence of any statutory protection for the Hordern Pavilion and The Royal Hall of Industries.</li> <li>2. <b>Request</b> the State Heritage Register Committee to investigate potential listing of these items.</li> </ol>
Moved by Robyn Parker and seconded by Brian Lindsay

### Item 6.2 Planning Report (DPHI)

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 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**

**Item 8.1 Forward Agenda**

The Heritage Council of NSW reviewed the forward agenda and noted that in addition to the regular meetings:

- the *Heritage Industry Forum* will be held in late August 2024, and
- the *Heritage Council Regional Site Visit* will be held in the latter part of 2024.

**Item 9. Meeting Close**

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 4:30 PM.



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Frank Howarth AM PSM  
**Chair, Heritage Council of NSW**  
Date: 8 May 2024