

HERITAGE COUNCIL OF NSW MINUTES OF ORDINARY MEETING

Meeting Number 313

3rd August 2005



PRESENT Michael Collins (Chair), Mary-Lynne Taylor (Deputy Chair) from 12.35 pm, Jason Ardler (for Director-General Department of Environment and Conservation), David Logan, Megan Jones, Ross Fitzgerald, Jacqui Goddard (National Trust of Australia [NSW]) John Delaney, Gary Prattley (Department of Infrastructure, Planning and Natural Resources) Peter Mould (Government Architect) Sharon Sullivan, Ian Jack, Rod Leaver, Reece McDougall (Director Heritage Office)

APOLOGIES Nil

ALSO PRESENT Maxwell Gray (Heritage Office), Cameron White (Heritage Office), Vincent Sicari (Heritage Office), Susan Macdonald (Heritage Office) Murray Brown (Heritage Office).

1. Opening – Welcome

The Chair opened the meeting at 9.20 a.m.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

1.3 Declarations of Interest

Pecuniary Interests

Nil

Non Pecuniary Interests

Nil

Conflicts of Interest

Nil

2.0 Confirmation of Minutes

2.1 Heritage Council Meeting of 1st June 2005

Members received a copy of the minutes.

Resolved:

that the Minutes of the meetings of 1st June 2005 be adopted.

3.0 Reports

3.1 Chairs Report

The Chair advised members that on 16th June 2005 he attended a National Trust Corporate Breakfast at which the Hon. Craig Knowles MP was the guest speaker.

On 23rd June 2005 the Chair and Director attended their regular meeting with Minister Beamer.

On 11th July the Chair and Director visited Braidwood and met with Save Braidwood and the Mayor and General Manager of Palerang Council. It was noted that the Chair has made a commitment to the Mayor that he would visit on a monthly basis until the matter of the proposed listing of Braidwood is resolved.

On behalf of the Heritage Office and Heritage Council the Chair attended a meeting with Holroyd Council in relation to the future of Lynwood Hall. It was noted that Council considering the subdivision of the property funds from which will allow for the restoration and adaptive reuse of the property.

On 21st July 2005 the Chair advised he spend a very interesting and informative day attending the Premiers forum on Two Ways Together with Adell Hyslop, the Heritage Office Aboriginal Heritage Officer. It was noted that this will be discussed later in today's agenda.

Members were advised that the Chair, Director and Assistant Director recently hosted a lunch for Debra Dearing the new President of the royal Australian Institute of Architects (NSW Chapter) to welcome her to her new role and continue the close working relationship between the Heritage Office and Heritage Council with the Institute.

The Chair advised that the major items coming up are his attendance and presentation at the Productivity Commission into the Economics of Heritage on 18th August and another visit with the Mayor and General Manager at Braidwood within the next few weeks.

Resolved:

that the Heritage Council note the report.

3.2 Directors Report including

The Director advised members the SEPP in relation to Major Developments came into force on the 1st August 2005. It was noted that the Director was pleased to be on the CEO Forum that will provide the guidance for this SEPP. It was also noted that the SEPP has very tight timeframes and that it may not be possible to bring items to the consideration of the Heritage Council. The Director proposed that the Office will report back to the Heritage Council on items being considered under the SEPP by way of a regular agenda item. Members were advised that there is also a requirement to prepare some guidelines in relation to general heritage issues, items affected on the Stat4e Heritage Register and archaeology.

Members were advised that Dennis McManus has now retired but is currently working as a part time consultant with the Office and that the person who was offered his position has now declined the offer. The position will now need to be readvertised. This position of Business Manager has not been filled as yet.

Members were reminded of the Bega Valley visit on the 7th – 9th September. It was noted that the agenda for that meeting will be kept to a minimum to allow the Heritage Council to focus on local issues.

The Director advised that the long awaited revised Infill guidelines produced in partnership with the RAIA NSW have arrived. The guidelines which will be launched by Minister Beamer in August. The RAIA is keen to roll the document out in a series of seminars and training sessions targeting local government and the architectural profession. The Heritage Office thanks the RAIA Heritage Committees working group that has worked so hard in preparing the document. A copy of the guidelines will be provided at the meeting. Susan participated at the RAIA Monday night talk as part of the Sulman award winners presentation, which was expanded to be a discussion on contemporary architecture and heritage.

The Director also advised that Susan Macdonald attended a working meeting at ICCROM in Rome on 28-30 June 2005. The meeting had been organised to help with the development and implementation of a new program proposed at ICCROM for 2005-2010 for the conservation of built heritage. The intent of the meeting was to test the proposal, reassess the existing core and satellite programs and determine how to proceed. The attendants included international experts on various aspects of built heritage conservation including from the centres delivering ICCROM programs (Wood Course in Norway, Stone - Venice & modern Architecture in Finland). Susan was invited in relation to the Modern Architecture course which is being delivered in 2006 and ICCROM is seeking to develop further to relate more directly to their core programs. The meeting was an excellent opportunity to meet with a number of key heritage people. It also afforded the opportunity to advance certain aspects of the Sydney Opera House World Heritage nomination.

The Director recently attended a meeting with Newcastle Council with the aim of establishing a better relationship with Council. The major area of concern is some proposed development on items of potential State significance which under their LEP the Heritage Office is not required to be advised unless the development involves

demolition of the item. The agreement reached at the meeting was the Council will now refer all development applications on all 117 items listed in their LEP to the Heritage Office to which the director has agreed to a response within 28 days.

The Director thanked all who attended the Archaeological inspection of 140 Marsden Street before today's meeting. The director advised members that the developer has worked to change the design of the building to allow for the archaeological remains to be retained and incorporated into the building design.

3.2.1 Matters approved under Delegation (Listings team)

3.2.2 Matters approved under Delegation (Conservation team)

3.2.3 Heritage Council Meeting Action Report

Resolved:

that the Heritage Council note the report.

3.2.4 Business Manager Report

The Director advised members that work on the Heritage Act Regulation is now complete and that it needs to be gazetted before the 1st September 2005. It was noted that if this does not happen then the Heritage Office has no basis to collect fees.

It was noted that three submissions were received on the Regulation. These were from the Property Council, which advised that it considered the Regulation to be fair and reasonable, the Property Institute, which opposed the regulation in relation to timetables for approvals and minimum maintenance, these items were not directly related to regulation. The final submission was related the Local Government and Shires Association which opposed the Regulation in relation to the increase in fees of the Section 167 certificate however it was pointed out that the fee brings it in line with other certificates provided by local government.

The regulation has now gone back to Parliamentary Counsel who have now advised that the Regulation can now be made, it has now gone to the Minister for approval. The Regulation is then sent to the Executive Counsel, then assented to by the Governor and finally Gazetted.

Resolved:

that the Heritage Council note the report.

3.2.5 Media Highlights Presentation

Members were advised that the major media items since the last Heritage Council meeting were the listing of Braidwood, Evans Head Airdrome Plan of Management, an historic bridge at Tumut, the proposed restaurant at Nobby's Head and the proposed Kurnell desalination plant.

In relation to the proposed listing of Braidwood and its setting a Development of Communication Strategy has been developed in conjunction with the services of communication consultant. This has resulted in the supplement in the local newspaper "Braidwood Matters", the placing of a web site link, on the Heritage Office web site, and meetings with developers, council and stakeholder groups

Recent listings included the North Beach Precinct, Wollongong, The Chalet, Hunters Hill (Nora Heysen's home and studio), Port Macquarie's Burial Grounds, an event which was held at the site of colonial architect John Verge's grave and Malabar Headland. Upcoming listings to celebrate the 60th anniversary of Victory over Japan & the end of World War Two – including Rathmines Seaplane Base near Toronto and the Radar Station at Catherine Hill Bay, now scheduled for early September.

Special funding for Athenaeum Theatre (Jadda Centre) Junee, Hargraves Court House site and the Mine Manager's House, Broken Hill also received coverage.

Members were advised that three archaeological sites in Parramatta currently being investigated and that open days were held at two of the sites on Saturday 23 July with media interest focused on former Hospital precinct which was covered by the ABC on its Stateline program Friday 22 July.

Resolved:

that the Heritage Council note the report.

3.3 Report from Members on Items of Importance to the Heritage Council

Nil

4.0 Aboriginal Heritage Report

Members were advised that the Aboriginal Heritage Panel has held two meetings at Parramatta, on the 21st March and the 27th June 2005. Since these meetings the following has occurred:

- Adell Hyslop as been directly appointed to the position of Aboriginal Heritage Officer in June and is now a permanent staff member.
- a community meeting with the Coffs Harbour Land Council in early March to discuss the potential listing of Ferguson's Cottage.
- staff travelled to Darlington Point to meet with members of the community and the land owner of where the Warangesda Mission site is located. The descendants of the mission have requested the Heritage Office to investigate the potential listing of the mission site. The Office will be working closely with DEC
- a meeting was held in Kempsey with the Dhunghutti Elders to discuss the potential listing of the Goolawah Reserve area. The Office will work closely with DEC, DIPNR and other agencies

In relation to funding the Panel has recommended a new application to the Minister for funding for a Indigenous Fishing and Coastal Mapping Project. This project was approved and is now underway.

Recently completed projects, which are available through the Heritage Office Library, are the Red Ochre Indigenous Music and Cultural Festival Video, Elders Talk: Survival Day Video and High Country Footprints: Aboriginal pathways and movement in the high country of south eastern Australia

In relation to listings on the State Heritage register Brewarrina Mission has been recommended to the Minister for listing, the Heritage Office is waiting for confirmation from Minister Debus and Minister Beamer's Office for the joint listing of Yurinagh Grave and Windradyne Grave, the Aboriginal Heritage Unit has four new potential listings for 2005. The Office is investigating the possible design for signage for Aboriginal places that are listed to the SHR. This is to assist in ensuring that all community members and the public are aware of the site and its protection. It was also noted that the Brewarrina Fish Traps have been listed to the DEH National List.

Members were advised that the Panel has welcomed Tanya Koenaman and Uncle Robyn Bryant to their first meeting as Community representatives and also welcomed Connie Chatfield and Howie van Dyke as the new Aboriginal resource officers.

Members were further advised that the AHU is currently investigating the opportunities in developing a pilot Heritage Training program for Aboriginal people. Discussions have been held with the NSW Aboriginal Land Council and Ryde TAFE regarding the program. A brief is been developed for discussion with the Director and other potential partners such as DEC, DAA, Premiers Dept, Local Government, DET etc.

It was also noted that Uncle James Welsh was standing down from his position as Community representative due to personal reasons and that the Panel at its June meeting agreed to consider candidates from the original resumes that were received for the recently filled positions.

Resolved:

that the Heritage Council note the report.

5.0 Matters for Consideration and Decision

5.1 Sydney Opera House World Heritage Stakeholder Consultation

Members were advised that the NSW Premier Bob Carr has proposed that the NSW Government and the Australian Government jointly prepare a nomination to include the Sydney Opera House on the World Heritage List. During 2003 the NSW Cabinet Office formed the 'Sydney Opera House Taskforce' composed of representatives from

relevant NSW Government agencies to work towards the preparation of a successful nomination to the world heritage list. In 2004 the Sydney Opera House Taskforce formed the 'Sydney Opera House World Heritage Listing Nomination Steering Committee' (NSC), chaired by the NSW Heritage Office's Assistant Director, with the primary objective of producing the best quality publication possible within the constraints of time and resources, that can be submitted as a nomination to UNESCO's World Heritage Committee in Paris by February 2006.

It was noted that the third draft of the text for the World Heritage nomination of the Sydney Opera House is being released to government agencies on Tuesday 2 August 2005. Following receipt of their comments, the final draft accompanied by a list of images, is planned for distribution on Friday 12 August 2005 to national and international experts. It is planned that a final laid-out version of the document will be distributed to both levels of government for endorsement by mid October.

Members were further advised that the Sydney Opera House is being nominated for inscription on the World Heritage List for its World Heritage values using two criteria: as a masterpiece of human creative genius (*World Heritage Guidelines, Article 77 Criteria i*) in recognition of Jorn Utzon; and for the international interchange of human values (Criteria ii) that it has engendered as a landmark building in architecture, engineering, construction and urban planning.

It was also noted that the curtilage of the nomination is consistent with the State and National heritage listings, encompassing the land owned administered under the Sydney Opera House Act. A World Heritage Buffer Zone is being developed to accompany the nomination, and is still being finalised both regarding its boundary and its legal provisions for protecting the proposed World Heritage values of the Sydney Opera House.

Resolved:

that the Heritage Council note the report.

5.2 2006 – 2008 Heritage Incentives Program

Members were advised that the Heritage Council's Heritage Incentives Panel will meet on Wednesday 24 August to consider priorities and procedures for the 2006-2008 program. It is proposed that the Heritage Council delegates its powers of recommendation to the Panel in line with the procedures followed in previous years.

The report recommended that the Heritage Council endorse the delegation to the Heritage Incentives Panel of its power to determine priorities and procedures for the 2006-8 program and its power to make funding recommendations to the Minister.

The report also recommended that the Heritage Council delegate similar powers to the Aboriginal Heritage Committee in relation to Program 3 and also recommend to the Minister that she continue to delegate to the Director her power to approve funding for Programs 4, 6 and 7.

Members were advised that a majority of recommendations from the 1999/2000 review of the program was implemented in a new revised program that was first run in 2002-2004 and that the Heritage Council has \$2.414 million each year for grants and loans.

To achieve the best results the 2002-2004 and 2004-2006 programs have been run as targeted eight sub-programs (with notional allocations over 2 years).

Previous delegations from the Heritage Council to the Heritage Incentives Panel, the Aboriginal Heritage Committee and the Director

Members were also advise that in August 2003 the Heritage Council was advised that the Heritage Incentives Panel considered that a probity check of the program should be undertaken. Mr Allan McLachlan was appointed to do this work.

It was noted that Mr McLachlan studied an outline of the program, including the scoring sheets used and examples of assessed projects. Mr McLachlan also had the benefit of seeing all of the material on the current assessments. He also attended a meeting at the Heritage Office with officers involved in the program.

In his report Mr McLachlan found that the documents and procedures followed by the Heritage Office are generally in order. At the meeting he raised four areas requiring improvement which have now been addressed by the office. A copy of Mr McLachlan's report was provided to members.

After consideration of the proposed program and achievements of the previous programs members

Resolved:

That the Heritage Council:

- 1. Delegates to the Heritage Incentives Panel, with the consent of the Minister, the Heritage Council's powers under Section 106 of the Heritage Act to make decisions on the priorities and procedures for the 2006-2008 Program and to make recommendations for grants and loans under Program 1 (Conservation Work), Program 2 (Education & Promotion) and Program 8 (RAHS Local History and Archives) direct to the Minister at the Panel's meeting scheduled for May 2006. The notional funding allocation for these Programs is to be determined at the Heritage Incentives Panel's meeting in August 2005.***
- 2. Delegates to the Aboriginal Heritage Committee, with the consent of the Minister, the Heritage Council's powers under Section 106 of the Heritage Act to recommend funding under Program 3 (Aboriginal heritage projects) at the committee's meetings to be held through 2006-2008 direct to the Minister through the Director. The maximum limit of these recommendations will be \$400,000 for the two year period.***
- 3. Recommends to the Minister to delegate to the Director the power under Section 106 of the Heritage Act to approve funding under Program 4***

(CMPs), Program 6 (Local Government Heritage Management) and Program 7 (Grants to Organisations). The Director already has delegation in respect of Program 5 (Special Purpose Small Grants). The notional funding allocation for these Programs is to be determined at the Heritage Incentives Panel's meeting in August 2005.

- 4. Notes that the delegations proposed in these recommendations are made on the understanding that a limit of \$2.414 million is available for expenditure each year for new projects under the program and this must not be exceeded. It is also accepted that it may be necessary to transfer notionally allocated funds between programs so that all funds available to the total program are spent.***
- 5. Agrees to receive reports from its delegates and the Director on all funding recommendations and approvals made in relation to these recommendations.***
- 6. Notes the results of the probity check of the program undertaken in 2004.***

6.0 Matters for Information or Noting

6.1 Braidwood Update

In addition to the Directors report on the proposed listing of Braidwood and its setting the Director advised members that a lot of the work with Palerang Council has been in relation to the development of a draft Development Control Plan (DCP) which can act as a suitable instrument of exemption under the Heritage Act if Braidwood is listed on the State Heritage Register.

It was noted that Council has agreed to publicly exhibit the DCP but unfortunately Council declined to endorse the plan prior to exhibition.

Members also received a chronology of events from 1st June 2005.

It was also noted that the proposed State Heritage Register listing of Braidwood and Its Setting is generating considerable public debate. It is the view of the Heritage Office that Braidwood and its setting form a cultural landscape of at least State significance. It is important that the Heritage Office continues to engage with the local community and provides responses to these questions raised.

Resolved:

that the Heritage Council note this report.

6.2 Productivity Commission

In December 2004, the Heritage Council was provided with a verbal briefing on a proposed Productivity Commission Inquiry into cultural heritage that was announced

in April 2005. At the April 2005 meeting the Heritage Council discussed the Inquiry in more detail.

Members were advised that the Heritage Office has two roles in relation to the Productivity Commission Inquiry. The NSW Heritage Office has been tasked by the Cabinet Office as the lead agency in relation to the preparation of a submission on behalf of the NSW Government. A meeting is planned in late May including Commerce (Bruce Pettman), DEC (Russell Couch), Historic Houses Trust (Helen Temple) and the Cabinet Office.

It was noted that the Chair of the Heritage Council is the Chair of the Heritage Chairs and Officials of Australia and New Zealand's (HCOANZ) project team to jointly prepare a submission to the Inquiry. Susan Macdonald is the project manager. Members of the project team include Ray Tonkin (Heritage Victoria), Peter Hutchison (EP&A QLD) and Ian Baxter (HC of WA).

Members were further advised that the project team selected the Allen Consulting Group to undertake three tasks for the HCOANZ, firstly to undertake research and analysis of the economic value of Australia's heritage places, secondly to undertake analysis of existing information and research on the environmental and social benefits of heritage and thirdly to prepare a submission on behalf of the HCOANZ drawing on the first two reports. A draft of the first report on market failures and the policy system has been circulated to the HCOANZ and comments are awaited. The report will need some revisions prior to wider circulation. The consultant has undertaken a limited number of focus groups in preparation for the survey work that is proposed to be undertaken as part of this work. The Heritage Office attended the Sydney focus group which was illuminating.

The NSW Heritage Office has met with the Productivity Commission and Chair has also met with the Commission in his dual role as NSW Heritage Council Chair and project Chair of the HCOANZ work.

The Heritage Office has assisted the Commission with various enquiries including a program of visits in country NSW and the development of a local government survey.

The project was considerably delayed due to difficulties achieving agreement on the consultants brief with the Commonwealth for the research work.

The HCOANZ and NSW therefore will be making an initial submission that addresses various questions that the PC has sought clarification on. Later, fuller submissions will be made incorporating the research work and fleshing out the issues of interest to the HCOANZ and NSW in the case of the NSW submission.

Resolved:

that the Heritage Council note this report.

6.3 Two Ways Together

Members were advised that Two Ways Together is the NSW Government's 10 year plan to improve outcomes for Aboriginal people and communities. Two Ways Together is being co-ordinated by the Department of Aboriginal Affairs (DAA). One aim is to ensure that all government agencies work in a co-ordinated way to do business with Aboriginal people and to identify new ways of doing business with Aboriginal people to establish how government services can be delivered in a way that better suits community needs.

To ensure that all government agencies are adhering to these changes, CEO's of government agencies will be held accountable through their performance agreements.

It was noted that within the policy, seven priority areas for action have been identified, these are: Health, Education, Economic Development, Justice, Families and Young People, Culture and Heritage and Housing and Infrastructure.

It was further noted that a cluster group of key government agencies and Aboriginal peak bodies has been formed for each of the priority areas and is coordinated by a lead agency. Each cluster group has set goals, targets and action plans for NSW consistent with national indicators. The Cabinet Committee on Aboriginal Affairs will approve action plans and monitor the progress of each cluster group. Cluster group's action plans will identify specific agency inputs and CEO's will be held accountable for agreed actions through their performance agreements.

The Heritage Office participates with the Culture and Heritage Cluster group, of which the Department of Environment and Conservation (DEC) are the lead agency.

Members were further advised that the Culture & Heritage Cluster Group has four main Actions outlined in the fact sheet. Within these four Actions, the Heritage Office can contribute to the working of this cluster through the following initiatives:

- Promote Heritage Agreements to assist with land management, access and use;
- Assist in the development, implementation and adoption of the proposed guidelines for local councils and land management agencies;
- Promote the Heritage Incentives Program and develop models to enable community groups and others to undertake projects;
- Review the Local Government program to ensure that appropriate and effective Aboriginal focused projects are being funded;
- Promote the State Heritage Register to Aboriginal communities as an additional means to protection, promotion and conservation of highly culturally significant places;
- Investigate the potential of a heritage program for training and employment of Aboriginal Heritage Officers and/or Advisors.

Two Ways Together has been implemented at a state level through cluster action plans. DAA is proposing to open five regional offices to enable the roll out and implementation of the policy into regional and local areas. This proposal offers opportunities for the Heritage Office such as:

- Integrating regional based Aboriginal Heritage Officers and/or Advisors to assist in the implementation and ongoing management of the Heritage Office's programs;
- Improve interagency networking; and
- Enable the Heritage Office to deliver its services more effectively to Aboriginal communities.

Two Ways Together is aimed at changing the way that government works with Aboriginal people to ensure that there is an effective whole of government approach. It aims to provide greater sensitivity, flexibility and responsiveness within agencies in the way they work with and deliver services to Aboriginal people. The cluster groups bring together the relevant government agencies to address priority issues identified by Aboriginal communities. The Heritage Office has been taking part in the Culture & Heritage Cluster group to assist in addressing the issues as a whole of government approach. The Office is also identifying and developing appropriate initiatives to improve the delivery of solutions and services that meet the needs of Aboriginal people.

Resolved:

that the Heritage Council:

- 1. notes the advice and presentation by the Chair; and***
- 2. requests the Heritage Office to provide regular updates about the implementation of the Two Ways Together***

7.0 Reports from Heritage Council Committees and Panel

- 7.1 Approvals Committee**
- 7.2 State Heritage Register**
- 7.3 Strategy Committee**
- 7.4 Aboriginal Heritage Advisory Panel**
- 7.5 Archaeology Advisory Panel**
- 7.6 Fire Access Services Advisory Panel**
- 7.7 History Advisory Panel**
- 7.8 Maritime Advisory Panel**
- 7.9 Interpretation Committee**
- 7.10 Religious Property Advisory Panel**
- 7.11 Technical Advisory Panel**

Resolved:

that the Heritage Council note these reports.

8.0 General Business

Nil

9.0 Presentation

9.1 Plan of Management for Evans Head Memorial Aerodrome

Members received presentations from Richmond Valley Council, Ex-services Home Ballina and Evans Head Memorial Aerodrome Committee in relation to the Plan of Management (PoM) for Evans Head Memorial Airdrome which is an item listed on the State Heritage Register. Ms Sophie Butler, author of the review of the PoM, and Mr Ross Emslie of Sinclair Knight Merz, author of the specialist review of the review of the ANEF/PoM also attended the meeting.

After the presentations members considered a report on the Endorsement of Plan of Management for Evans Head Memorial Aerodrome which has been prepared by GHD for Richmond Valley Council (the Council), to guide the future management and development of the Evans Head Memorial Aerodrome. The PoM and companion document, the Australian Noise Exposure Forecast (ANEF), have been publicly exhibited and prepared in consultation with key stakeholders including the Heritage Office.

The document follows a similar format to that of a Conservation Management Plan. It addresses key issues relating to the site and identifies development opportunities and controls.

The continuation of aviation use is central to the significance of the site. A fundamental matter in the assessment of the PoM is whether the recommended land uses, particularly the residential land uses, are compatible with aviation. Specialist consultants Sinclair Knight Merz were engaged by the Heritage Office to review this aspect of the PoM and its companion document, the ANEF. Sinclair Knight Mertz advised that while the ANEF prepared is technically correct the Plan of Management inadequately addresses the significance of the impacts of a "peak" aviation event on the characteristics of a retirement village. The development proposal is considerable in scope consisting of over 100 units, a nursing care facility, hostel and other resident amenities with an estimated value of \$30 million.

The report recommended that conditional endorsement of the PoM on the basis that a legally enforceable mechanism is developed to ensure that residential development does not result in the cessation of key aviation events, such as the annual Great Eastern Fly-In. It is also recommended that in order for this issue to be addressed, matters relating to proposed residential development is deferred to allow the Council and the proponent for the retirement village and nursing home to investigate suitable measures that meets with the Heritage Council's conditions.

After considerable consideration of the report and presentations it was

Resolved:

that the Heritage Council:

- 1. notes the presentations by Richmond Valley Council, Ex-Services Home Ballina and the Evans Head Memorial Aerodrome Committee(EMAC);***

2. **acknowledges the importance of maintaining continued aviation on the site, while also acknowledging accommodation/housing needs for Evans Head;**
3. **notes the differing advice of specialist aviation noise consultants involved in the preparation and assessment of the Plan of Management regarding the impacts of aviation noise;**
4. **defers endorsement of the Plan of Management for the Evans Head Memorial Aerodrome to allow time to seek and consider additional information about the compatibility of proposed retirement village and nursing home development with continued key aviation events, such as the annual Great Eastern Fly-In at the Aerodrome;**
5. **requests that the following information be provided to the Heritage Council as a matter of urgency to enable consideration of the endorsement of the Plan of Management:**
 - i) **that Richmond Valley Council and EMAC advise on the potential for an economically viable and sustainable expansion of aviation use at the Aerodrome in the future (including ground based aviation industry, aircraft movements and aviation events), in addition to the existing annual Great Eastern Fly-In event, and whether the proposed retirement village and nursing home development is likely to unreasonably limit aviation use and development of the site, having particular regard to potential noise complaints in the future;**
 - ii) **that the Ex-Services Home, Ballina confirm whether, in relation to the design, extent and configuration of the proposed retirement village and nursing home development, it can be constructed to address potential aviation noise and safety issues, including consideration being given to a reduction of the size of the development (including economic viability issues);**
 - iii) **that the Ex-Services Home, Ballina confirm what management arrangements would be implemented, should the proposed retirement village and nursing home development be constructed on the Aerodrome site, to address the impacts of peak aviation noise events on residents and staff;**
 - iv) **that the Heritage Office confirm the regulatory environment regarding the management and remediation of aviation noise and the legal rights of residents regarding aviation noise control;**
 - v) **that the Heritage Office confirm the noise complaint procedures of the Department of Environment and Conservation for aviation noise, particularly in relation to circumstances where residents are fully aware of the noise potential and pre-existing noise levels;**
6. **recognises that the Plan of Management includes policies for the management of residential land use in general with respect to aviation noise. Given that both Richmond Valley Council and Ex-Services Home Ballina have sought urgent advice about the suitability of the proposed retirement village and nursing home development on the site, the Heritage Council requests that Richmond Valley Council provides additional information including appropriate policies for the Heritage Council's consideration that specifically addresses that proposed land use, including the following matters:**

- i) measures to ensure that the proposed development of the South Eastern Area and the Southern Hangar Area for the planned retirement village and nursing home will not result in the cessation or limitation of key aviation events and uses, having particular regard to short term aviation events which will generate a high increase of noise intrusion, and also having regard to the particular characteristics of the proposed development;*
 - ii) management arrangements which would be implemented by the retirement village and nursing home proprietors to adequately address the impacts of peak aviation noise events on residents and staff, having regard to relevant requirements to enable those aviation events to continue; and*
- 7. requests that as a matter of urgency the matter be brought back to the Heritage Council for consideration at an extraordinary meeting within the next three weeks, following receipt of the above advice.**

Next Meeting of the Heritage Council of NSW

Thursday 8th September 2005
Bega Valley

Michael Collins
Chair
Heritage Council of NSW
Date:

**Next Meeting of the Heritage Council
of NSW**
Wednesday
NSW Heritage Office
3 Marist Place
Parramatta