

HERITAGE COUNCIL OF NSW MINUTES OF ORDINARY MEETING

Meeting Number 312

1st June 2005

NSW Heritage Office, 3 Marist Place, Parramatta



PRESENT Michael Collins (Chair), Mary-Lynne Taylor (Deputy Chair), Jason Ardler (for Director-General Department of Environment and Conservation), David Logan, Megan Jones, Chris Johnson (Government Architect until 12.05 pm), Ross Fitzgerald, Jacqui Goddard (National Trust of Australia [NSW]), John Delaney, Bruce Pettman (for Government Architect from 12.05 pm), Ian Jack, Rod Leaver, Reece McDougall (Director Heritage Office)

APOLOGIES Gary Prattley (Department of Infrastructure, Planning and Natural Resources), Sharon Sullivan

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

1. Opening – Welcome

The Chair opened the meeting at 9.15 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 4th May 2005

Members received a copy of the minutes.

Resolved:

that the Minutes of the meetings of 4th May 2005 be adopted.

3.0 Reports

3.1 Chairs Report

The Chair advised members that on the 17th May, along with the Director and Assistant Director, he met with representatives of Westfield to receive a presentation on their most recent planning for the redevelopment of their sites along Pitt Street Mall, mainly Centerpoint and Imperial Arcade. Members were advised that they were quite pleased with the way the planning was developing. The major area of interest is the Centrepoint Tower and there are some concerns in relation of any proposed building and its relationship to the tower. It was noted that Westfield is keeping the Heritage Council fully informed during its planning process.

Members were advised that considerable time is being spent on the Productivity Commission Inquiry into Historic Heritage in relation to engaging professional consultants. Presentations were given from four consultants and from those presentations a consultant has been selected. There will be a telephone link with the Commonwealth tomorrow to finalise details.

Resolved:

that the Heritage Council note the report.

3.2 Directors Report including:

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

The Director advised members that the Heritage Council and Heritage Office has received a Bronze Award in the 2005 Australasian Reporting Awards. The award will be presented on the 2 June in Melbourne and will be followed by a feature in *The Australian* newspaper listing all award winners. The award is made to organisations throughout Australia that have provided satisfactory coverage of the demanding ARA criteria and presented quality disclosures in several major areas. The award is recognition of the recent focus of the Heritage Office on improving the quality of

reporting and the general presentation of the annual report. The Director congratulated Murray Brown and Lianne Hall on this achievement. The Chair added his congratulations to Murray and Lianne and all others in the Heritage Office responsible for its production.

The Director also advised members that the Heritage Office has been recently listed in the Sydney Morning Herald as one of the top ten green buildings in Sydney as a result of the Office achieving an excellent 4 star rating under the Australian Building Greenhouse Rating system.

The Director advised members that he recently met with the Mayor, Newcastle City Council, Councillor Tate to discuss options for the adaptive reuse of the Merewether Beach Surf Pavilion.

On the basis of not pursuing the demolition of the structure the Director agreed to make representations to the Minister for Lands to transfer the Crown Reserve to Council and then support Newcastle City Council in a reclassification of the area from community land to operational land. This would remove the current restriction of not being able to offer a lease to a third party for the adaptive reuse of the site for a period of more than 21 years.

In relation to the Central Mine Managers Residence Broken Hill Southern Cross Care has advised that they will soon be submitting a development application to Broken Hill City Council for their aged care facility. It was noted that as part of the current proposal the Central Mine Managers Residence will be restored, at a cost of around \$1.0M, and reused as the new Administration Building for the facility.

Members were advised that the NSW Government has today announced its plan for Land Releases in the North West and South West sectors of Sydney. These Releases which will provide for 160,000 homes over the next 30 years (accommodating at least 250,000 people) will ensure that Sydney's growth occurs in a sustainable way with new infrastructure planned, funded and linked to a sequenced release of land.

It was noted that the NSW Heritage Office has worked closely with the Department of Infrastructure Planning and Natural Resources (NSW) to ensure that the values of State significant items within these sectors such as Maryland, Denbigh, Raby and Oran Park are formally recognised in the process. The plans exhibited for public comment indicate areas identified for potential development; reservation for a 'landscape and rural lifestyle zone' and areas for listing on the State Heritage Register.

Members were advised that the director and Ross Fitzgerald has a very fruitful meeting with Alex Mitchell who wrote a storey on the Johnny Warren plaque. Alex advised that he would be happy to follow up on any other heritage stories which may be of interest. The Director thanked Ross Fitzgerald for organising the meeting.

Members were further advised that the Heritage Office recently hosted a workshop on declining heritage related skills. The purpose of this workshop was to test out an assumption held by some that these skills are in decline. The workshop resulted in some planning to work with TAFE in the area of increasing these skills.

The Director advised members that the Business Manager, Robert Alder has resigned to accept a position as Chief Financial Officer and Corporate Services Manager with Job Futures. The Director thanked Robert for what he has achieved during his time with us.

Members were also informed that Dennis McManus, the long-term occupant of the position of the Grants Program Coordinator in the Heritage Office, will resign on 1 July. This will also effectively mark his retirement from the NSW Public Service. His achievement in providing strategic and pragmatic management for the Heritage Incentives Program since 1981 was officially recognised with the awarding of a Public Service Medal in 1997.

Resolved:

that the Heritage Council note the report.

3.2.4 Business Manager Report

The Business Manager presented his report.

Resolved:

that the Heritage Council note the report.

3.2.5 Media Highlights Presentation

Members received a presentation of media highlights over the past two months.

Major ongoing issues attracting considerable press included Braidwood and its Setting and its consideration for listing on the SHR, the Parramatta Road heritage project and North Beach Bathing Pavilion, Wollongong

Listing and Events included the listing of Tulkiyan' at Gordon and the Chair attending the Open Day on the 10 April 2005, the Johnny Warren commemorative plaque which was unveiled by Premier on the 30 April 2005, the notification of the consideration for listing of the Roxy Theatre at Leeton and the Minister's visit to the Roxy Theatre on the 19th May 2005 and the listing of 'Hampton Villa', Balmain on the SHR and the Ministers visit on 27th May 2005.

Members viewed taped coverage by SBS on the unveiling of the Johnny Warren plaque.

Resolved:

that the Heritage Council note the report.

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

Nil

4.0 Matters for Consideration and Decision

4.1 Review of Standard Exemption No. 6 and No. 9 and request by the Sydney City Council to review the Standard Exemptions for section 60 applications.

Members were advised that in response to a resolution of the Heritage Council on 6 April 2005, Standard Exemption 6 has been reviewed to consider issues raised during the draft Conservation Management Plans Strategy exhibition. An amended exemption has been prepared which limits the exemption to minor development described in an endorsed CMP which in the Director's opinion, does not materially impact on the heritage significance of the item.

Members were further advised that a request has also been received from the Sydney City Council for authorisation to perform the functions of the Director of the Heritage Office to grant exemptions from approvals for development for which it is the consent authority. Similar authorisation was granted to the Sydney Harbour Foreshore Authority in relation to its properties in June 2004 and to the Department of Environment and Conservation in April 2005.

It was noted that the authorisation of other Government Agencies to perform these functions of the Director streamlines the approval process and removes the anomaly of having delegation to approve certain activities but not to determine whether approval is needed for more minor matters. A correction is also proposed for Standard Exemption 9 (Change of Use) to require the satisfaction of both assessment criteria referred to in the exemption rather than either of them.

Resolved:

that the Heritage Council recommend to the Minister, in accordance with section 57(2) of the Heritage Act, that the Minister, by order to be published in the Government Gazette, revoke general condition 4 published in the Government Gazette on 18 June 2004 and standard conditions 6 and 9 of the Schedule of Exemptions to Subsection 57(1) of the Heritage Act 1977 published in the Government Gazette on 7 March 2003 and grant the replacement general condition and standard exemptions described in Annexures A, B and C.

5.0 Matters for Information or Noting

5.1 Productivity Commission

Members were advised that 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. It was noted that 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.

Michael Collins 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).

It was noted that the project team is currently involved in the selection of consultant to carry out 3 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.

Members were advised that it is expected that a consultant will be commissioned before the Heritage Council meets on 1 June 2005. This work is being jointly funded by the HCOANZ.

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

Resolved:

That the Heritage Council note the report.

5.2 Braidwood SHR Listing – Progress Report

Members were advised that since notifying intention to consider this listing, the Heritage Office has held four public information sessions in Braidwood. The draft Development Control Plan, always proposed to be used as the basis for Approvals Exemptions, and originally scheduled to be exhibited as a draft as part of the listing process, has been delayed.

It was noted that some property owners have expressed concern about the potential effect of the DCP on proposed and future development and about the involvement of

the Heritage Council and Heritage Office in local planning decisions as a result of the proposed listing.

Members were further advised that Council is currently finalising the DCP, and the public exhibition of that document is at least 6 weeks away. Council has undertaken to exhibit the draft DCP for a period of 60 days. The Heritage Office has undertaken to extend the period for submissions about the proposed listing to coincide with the DCP exhibition period.

It was further noted that local interests opposed to the listing have formed a group ("Save Braidwood, Inc.") which has written to the Heritage Office, the local Member (The Hon. Steve Whan), the Minister. This group has also disseminated printed information throughout the community and in the local and regional press raising concerns about the proposed listing and its implications.

Palerang Council has resolved to defer consideration of the proposed listing and adoption of the DCP, pending the outcome of a Rural Impact Assessment which it is seeking to have prepared. Rural Impact Assessment is a methodology usually used when a broad-scale change in the delivery of Government services is contemplated. Although there is no statutory requirement for such an assessment, the Heritage Office believes that a study of this kind would be useful in addressing some of the community's questions about heritage listing.

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 the report.

5.3 Draft Heritage Office Strategic Plan 2005-10

The Chair introduced John Watt an external consultant who is an expert in this field of preparation of Strategic Plans

Members were advised that the current strategic plan has been operating for five years, so the opportunity has been taken to comprehensively evaluate all aspects of the Plan.

It was noted that a number of facilitated half day workshops with each of the four teams were held. At these workshops all assumptions were challenged, and all staff contributed to the new Vision, Mission, Goals, Values, as well as the details of the Plan. A two day workshop with all senior Heritage Office Managers was also attended by the Chair of the Heritage Council for the second morning session. From this 'bottom-up' approach, the management team then refined the feedback to arrive at a first draft.

Members also noted that both the Vision and Mission of the Office were extensively debated, and alternative options canvassed. The Office wanted to capture both what the attainable future should look like in the Vision, as well as to simply express what the Heritage Office can do to achieve this Vision in the Mission

The very broad Goals for the Heritage Office, or the three or four specific things that the Heritage Office wants to achieve over this period, were then agreed. These have been structurally aligned to the four teams within the Heritage Office, with staff in each Team agreeing to the specific wording so that ownership of the goal can be achieved.

It was noted that it is intended to publish the Strategic Plan as part of the strategy of advising stakeholders and the public exactly what the Heritage Office actually does.

Resolved

That the Heritage Council note the report.

6.0 Reports from Heritage Council Committees and Panels

- 6.1 Approvals Committee
- 6.2 State Heritage Register
- 6.3 Strategy Committee
- 6.4 Aboriginal Heritage Advisory Panel
- 6.5 Archaeology Advisory Panel
- 6.6 Fire Access Services Advisory Panel
- 6.7 History Advisory Panel
- 6.8 Maritime Advisory Panel
- 6.9 Religious Property Advisory Panel
- 6.10 Technical Advisory Group
- 6.11 Interpretation Committee

Resolved:

that the Heritage Council note the reports.

7.0 General Business

Nil

8.0 Presentations

8.1 Ministerial Review Panel

The Chair introduced Don Godden and Tony Peachey both members of the Ministerial Review Panel for the former RAAF site in Dubbo who have accepted an invitation to address the Heritage Council and discuss their views and experiences of the process. The panel consisted of Don Godden (Chair), Tony Peachey and Reginald Smith

The Dubbo Ministerial Review Panel was the first to be established under the Heritage Act since the provisions were enacted in 1999. It was noted that under section 34 of the Act, the Minister may request independent advice about the recommendation of the Heritage Council that a place be listed on the State Heritage Register by referring the recommendation to a Ministerial Review Panel.

Members were firstly informed on the details of the review including details of the history of the site, the processes involved and the developer's proposal. Members were then given a presentation on the recommendations of the Panel in relation to the development and the listing on the State Heritage Register, the preparation of a Conservation Management Plan for the site and the recommendation of a Heritage Agreement.

As a result of the experience of holding the first Ministerial Review Panel the members made a number of recommendations and suggestions on the process.

These included:

- to emphasise the commonality of the Review Panel with a Commission of enquiry
- to emphasise the importance of equal opportunity for owners/proponents to present their case

In relation to the timeframe and brief:

- suggest that a minimum of eight weeks be allowed
- that data collection must be completed by the Panel by week five
- that submissions from stakeholders must be submitted to the Panel within one week of the commencement of the review and no further written submissions should be accepted after this time
- that a provisional timetable including all milestones be provided at the initial briefing

In relation to the report to be prepared:

- the first draft may be reviewed by an independent reviewer appointed by the Heritage Council with the agreement of the Chair
- there is a need to stress to the Chair that it is to be a "balanced" report and emphasise that it is an "independent" review
- the report should be of 12 pages with side use of images

- to state the availability of the Panels report
- to clearly state the number of reports required

In relation to the Panel:

- selection criteria for Panel members should include expertise in particular fields, past reports, industry profile and the ability to devote time
- where indigenous issues are involved a Panel of four could be considered
- that there be an additional member with planning expertise and an understanding of the Heritage Act and planning legislation
- six to eight people should be nominated and then two or three members chosen by the Chair

In relation to the support for the Panel:

- the role of the Heritage Office should be more closely defined
- the Heritage Office should continue to provide to brief the panel on the process, provide logistical support for consultation meetings, background material and be able to respond to the requests of the Panel when required (it was noted that the support by the Office for the Panel was excellent)
- secretariat support. Possible a PA to the Chair on a part time basis could be considered
- insurance for panel members and activities need to be addressed

In relation to the Ministerial Briefing:

- the panel was not aware that they would be giving a formal briefing to the Minister as a result requirements , including the Minister's expectations and the preferred structure for the Ministerial Briefing, including details on presentation format, need to be stated in the terms of reference

Further recommendations:

- the Panel provides opportunities for a flexible approach to consultation with the affected parties which can lead to better outcomes the Heritage Agreement between the Minister and the proponent allowed the development to proceed, gave the proponent a degree of protection without legislation and assured that the significance of the site is protected in any future development
- the project was very time consuming and intense
- consideration will have to be given to reviewing the hourly rate for consultants undertaking Ministerial Review Panels if the best possible people are to be obtained for these projects.

The Chair thanked Don Godden and Tony Peachey for their presentation.

Resolved:

that the Heritage Council note the presentation.

8.2 DIPNR - Planning Reforms and Strategy

Members received a presentation by Sam Haddad, Deputy Director General, Office of Sustainable Development Assessments and Approvals, Department of Infrastructure, Planning and Natural Resources.

Members were advised that in September 2004, the NSW Government announced a major overhaul of the NSW planning system to make it simpler, more efficient and more effective. The reforms aim to facilitate delivery of the Government's infrastructure program and encourage economic development while strengthening environmental safeguards and community participation.

The Minister for Infrastructure and Planning has a key role in approving projects of state or regional importance. Over the past 25 years more than 85 different planning instruments and declarations have been made for this purpose.

As part of the reforms, the Minister's consent role has been reviewed, and the criteria for State significant development consolidated into one instrument called the State Environmental Planning Policy for State Significant Development, which was gazetted on 25 May 2005.

Under the new SEPP, the criteria for State significant development are clarified, and certain new types of development are defined as State significant in line with policy priorities. Certain development that would previously have required Ministerial approval will return to local government for approval.

The new policy consolidates into one instrument the development proposals that will be determined by the Minister, specifies clear criteria (expressed in terms of capital investment value, employment creation or environmental significance) for what development proposals are State significant, raises the benchmark for some projects to be declared State significant.

It also introduces a limited number of new classes of State significant development to reflect changes in the government's strategic policy direction, requires the exhibition of all State significant development and consultation with local councils.

The Act identifies and facilitates the orderly development, redevelopment or protection of important sites for the benefit of the State updates or repeals provisions in a number of planning instruments, particularly regional environmental plans.

Mr Haddad advised that the director of the Heritage Office would be invited to to be a member of the CEO Committee which will advise on the administration of the Act and SEPP.

It was emphasised that the new amendments will mean a potential revenue loss for the Heritage Office as there will not be a need for a Section 60 application under the Heritage Act for State significant developments on sites listed in the State Heritage Register

Resolved:

that the Heritage Council note the presentation.

There being no further business the Chair closed the meeting at 12.40 pm

Michael Collins
Chair
Heritage Council of NSW
Date:

**Next Meeting of the Heritage Council
of NSW**
Wednesday 3rd August 2005
NSW Heritage Office
3 Marist Place
Parramatta