

# HERITAGE COUNCIL OF NSW MINUTES OF ORDINARY MEETING

Meeting Number 323

7th June 2006

NSW Heritage Office, 3 Marist Place, Parramatta

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**PRESENT** Michael Collins (Chair), Sharon Sullivan AO (Deputy Chair), Rosemary Annable, Jason Ardler (for Director-General Department of Environment and Conservation), Julie Bindon, Janet Dore, Ross Fitzgerald, Chris Johnson (Department of Planning), David Logan, Reece McDougall (Director Heritage Office), Peter Mould (Government Architect) Hewitt Whyman.

**APOLOGIES** Jacqui Goddard (National Trust of Australia [NSW]), John Robertson.

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

## **2. Opening – Welcome**

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The Chair opened the meeting at 10.15 a.m.

### **2.2 Confirmation and Timing of Agenda**

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The agenda was confirmed.

### **2.3 Declarations of Interest**

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**Pecuniary Interests**

Nil

**Non Pecuniary Interests**

Nil

**Conflicts of Interest**

Nil

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### **3.0 Confirmation of Minutes**

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#### **3.1 Heritage Council Meeting of 5<sup>th</sup> April 2006**

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Members received a copy of the minutes.

**Resolved:**

**that the Minutes of the meetings of 5<sup>th</sup> April 2006 be adopted.**

#### **3.2 Minutes of the Joint meeting of the Historic Houses Trust, National Trust of Australia (NSW) and the Heritage Office on 16<sup>th</sup> May 2006**

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Members received a copy of the minutes.

**Resolved:**

**that the Heritage Council note the Minutes.**

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### **4.0 Reports**

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#### **4.1 Chairs Report**

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The Chair advised members of his activities over the past two months.

On the 3<sup>rd</sup> April the Chair attended the National Trust Heritage Awards held at the Western Hotel. It was noted that again this year it was an excellent event well supported by Corporate Australia and individuals.

On the next day the Chair attended the opening of the Sesquicentenary of the Department of Public Works exhibition which celebrates 150 years of public works in NSW. The exhibition is a travelling exhibition which will tour NSW over the next several months.

On the 10<sup>th</sup> April the Chair attended part of the Heritage Office's annual management retreat, this year at the North Head Quarantine Station. The Chair's involvement was during a panel discussion with the Mayor of Mosman, David Rowles of Lend Lease, representatives of the Roads and Traffic Authority and Heritage Consultant Peter Phillips all of who brought their dimensions to the challenges of cultural heritage. The Chair considered it was a stimulating discussion.

On Tuesday 18<sup>th</sup> April the Chair and the Executive Director met with Professor John Glastonbury Chair of the 3801 Limited which leased steam train 3801 from the State government. The discussion was in relation to the end of the lease of the train and its current housing in State Rail owned property adjacent to the Australian

Technology Park and the trains future operation. It was noted that the Chair has arranged for a meeting with Professor Glastonbury and Minister Sartor.

On the 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> April the Chair attended the annual combined meeting of the Heritage Chairs and Officials of Australia and New Zealand in Hobart. The Chair considered it a very significant event at which all Heritage Councils of Australia and New Zealand attended. The meeting included reception at Government House hosted by the Governor.

On the 4<sup>th</sup> of May the Chair and the Executive Director attended a meeting with the Chairman of the Growth Centres Commission Allen Cameron and CEO Angus Dawson in relation to the Growth Centres Commissions understanding in relation to the colonial homesteads of the Cumberland Plain of which eight or nine were nominated with significant curtilages to protect them.

Members were advised that the Federal Government has written to the State Government Premiers asking them to work towards making nomination to the new National Places List. It was noted that the Chair has been nominated as the states representative to enable this to occur. As a result of this there was a meeting on Thursday 9<sup>th</sup> May 2006 with the Commonwealth, NSW Cabinet Office and the Department of Environment and Conservation which explored the type of listings which NSW could put forward.

On 16<sup>th</sup> May 2006 members of the Heritage Council attended a joint meeting with the National Trust of Australia (NSW) and the Historic Houses Trust, hosted by the Historic Houses Trust. The Chair considered it an excellent networking opportunity. Its was noted that there was agreement for another meeting in August which is to be hosted by the National Trust.

On Thursday 25<sup>th</sup> May the Chair and the Executive Director attended the regular meeting with Minister Sartor. It was noted that the Minister has a high level of confidence in the operation of the Heritage Council and Heritage Office.

**Resolved:**

**that the Heritage Council note the report.**

## **4.2 Executive Directors Report**

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Members were advised that on Saturday 3<sup>rd</sup> June the Executive Director attended a function in relation the Heritage Incentives Program Kickstart Program which provides \$10,000 to commence a fundraising effort. This launch was for the Anglican Church Cathedral Bells in Bathurst, which are listed on the state Heritage Register. The fundraising is to raise funds for the construction of a belltower to house these bells for which a design competition is currently underway.

Members were advised that Gary Pringle is to retire from the Heritage Office in July 2006. The Executive Director advised members that he has provided excellent work while with the Office and will be very difficult to replace. The Executive Director wished him well for his retirement.

In relation to the joint meeting of the Heritage Council, National Trust of Australia (NSW) and the Historic Houses Trust there are a number of issues which need to be followed up. At the meeting there were four major projects identified. It was decided that two members from each of the groups be selected to form a working party to manage each of the projects. It was noted that the Heritage Council has agreed to work on the Heritage Lottery and Heritage Summit.

Members were advised that the Executive Director and the Chair attended a function on Wednesday 31<sup>st</sup> May at the Recital Hall in Angel Place for the launch of the book "Musical Chairs" by Lisa Murray. The Executive Director acknowledged the Chairs major role in securing this venue for the people of Sydney.

Members were advised that there has been some ongoing negotiation with the Powerhouse Museum in relation to proposed development at Observatory Hill. The Powerhouse proposed the construction of a new building near the Observatory to assist with its operations. The Heritage Office had major concerns with the impact of the building on other significant buildings in the area. The Executive Director was pleased to report a successful outcome in which the Powerhouse has agreed to adaptably reuse an existing building on site known as the Met building.

It was noted that the Heritage Office met briefly with a Chinese delegation of government heritage officials in April. Their visit is an initiative of the Chinese Government, the Getty Institute and the Australian Government. Heritage Council member Sharon Sullivan directed this training initiative which took place in Tasmania and China.

It was also noted that the effective integration with the Department of Planning was progressing and has given the Heritage Office excellent opportunities to provide input into the current work of the Department. Chris Johnson from the Department of Planning thanked the Heritage Office for its contribution to the work of the Department including assistance with the development of its Corporate Plan.

Members were advised that the Heritage Council regional visit to Armidale has been moved November. The visit will now be between the evening of Wednesday 1<sup>st</sup> November until Friday 3<sup>rd</sup> November 2006.

**4.2.1 Matters approved under Delegation (Listings team)**

**4.2.2 Matters approved under Delegation (Conservation team)**

**4.2.3 Heritage Council Meeting Action Report**

**Resolved:**

**that the Heritage Council note the report.**

#### **4.2.4 Business Manager Report**

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Members were advised that the Heritage Office will implement the strategic plan 2005-2010 in 2006-07 by placing priority on the following new or enhanced projects including, strategic planning for heritage in NSW, a compliance program addressing development consent, minimum standards and delegations, self management of heritage assets by state government agencies, a local Government program enhancement, visiting heritage places – heritage tourism promotion program, a cost recovery Education and Training position and a strengthened Aboriginal program.

Opportunities to streamline and improve service delivery will be pursued in continuing services, particularly in relation to listing, publications and web site development targeted to new and enhanced programs and development assessment delegations and reports.

Members were also advised that the next steps in the business development program include stage 2 of the activity based costing to identify unit costs, and incorporate data for 05/06 and 06/07 the implement cost recovery training position, the implementation of the partnerships strategy endorsed in the November meeting of the Heritage Council, lobbying for increased Commonwealth funding for Heritage in the context of the Productivity Commission Review, introduction of a Compliance Program introduction of a Heritage Tourism program, completion of improvements in listings, archaeology, assessments and loans and introduction of project costing.

**Resolved:**

**that the Heritage Council note the report.**

#### **4.2.5 Media Highlights Presentation**

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Members were advised that there were fewer media enquiries this quarter compared with equivalent period last year

The major items of interest were the State Heritage Register listings of Bloomfield Hospital at Orange, Bethanga Bridge, Albury and St Anne's Church Bondi.

Further interest was generated in the announcement of the 92 projects approved in the 2006 – 2008 Heritage Incentives Program. The Aboriginal grants approved in the Program were announced by Aboriginal Affairs Minister. The announcement also presented media opportunities for local members.

**Resolved:**

**that the Heritage Council note the report.**

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#### **4.2.6 Aboriginal Heritage Report – Verbal Presentation**

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Members were referred to the committee report at agenda item 7.4

#### **Recommendation**

**That the Heritage Council note the report.**

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#### **4.3 Report from Members on Items of Importance to the Heritage Council**

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Nil

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### **5.0 Matters for Consideration and Decision**

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#### **5.1 S.170 and HAMS Audit Report**

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Members were advised a questionnaire has been distributed to State agencies with heritage assets to better obtain a "snapshot" of compliance with the requirements of Section 170 of the Heritage Act as well as to better understand the needs of Agencies in meeting these requirements.

It was noted that while the number of respondent agencies reflects only approximately 39% of those known to own or manage heritage assets, the results are likely to be indicative of the general trends in this area. It is clear that some agencies have made significant progress with the development of S.170 Registers and in-house reporting and management systems. Overall, those agencies addressing the requirements of the *Heritage Act* have embraced the State Agency Guide, including the need to complete Heritage Asset Management Strategies and S.170 Registers.

It was also noted that it is apparent that the majority of agencies have concentrated their reporting against built heritage items within their ownership or control, while the Act requires the identification and assessment of all forms of environmental heritage, including movable, archaeological, landscape and precincts. Agencies with substantial movable heritage collections, for example, will be targeted to showcase their best-practice approaches towards the management of these different items classes, to broaden reporting and compliance generally.

Members were also advised that the need to establish 'triggers' within in-house asset management reporting systems, and the need to identify specific heritage maintenance budgets, were identified as a new priority for a number of respondents. Responses indicated that the HAMS is generally accepted as an effective tool for focussing attention on heritage management, particularly in determining a schedule of works and action to address property management. Other issues include the cost of preparing CMPs for State significant properties, the content and cost of preparing thematic histories as well as requests for additional information on best-practice

heritage management through ongoing Forums (eg model Registers, movable heritage policies, research approaches, assessing significance).

**Resolved:**

**that the Heritage Council:**

- 1. notes the preliminary findings of s.170 Questionnaire ;**
- 2. recommends that the Heritage Office continue to seek responses from those agencies that have not yet responded to the s.170 Questionnaire in order to obtain a more comprehensive view of State Agency heritage management issues;**
- 3. notes the increased compliance by agencies under s.170 of the Heritage Act;**
- 4. notes the strategic approaches to be continued by the Heritage Office to ensure compliance with s.170 of the Heritage Act;**
- 5. prepare a report to the next Heritage Council meeting on compliance on Section 170 and HAMS for all agencies.**

## **5.2 North Beach Pavilion, Wollongong**

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Members were advised that the North Beach Bathers' Pavilion was listed on the State Heritage Register in June 2005 as part of the North Beach Precinct in Wollongong and at the time of the listing, Wollongong Council was considering a development application for the insertion of a two-storey function complex into the building. This application was formally submitted to Wollongong Council in 2004.

Members were also advised that the Heritage Office assessed the proposal and raised a number of concerns with the applicant regarding the adverse heritage impacts of the development. At that stage, it appeared that the only acceptable scheme would be restricted to development within the single-storey existing structure.

In response to this advice, Council and the developer stated that such a reduced scheme would not be financially viable, leaving Council unable to fund necessary conservation works to the pavilion and amenity works in the pavilion's vicinity.

To resolve this impasse, the Heritage Office commissioned Tonkin Zulaikha Greer (TZG) to prepare guidelines for the development/adaptive reuse of such seaside structures and in particular to use the North Beach Bathers Pavilion as a case study.

In response, TZG have provided a report and scheme which has been based on the conservation policies of the 2001 conservation management plan which provides for a two-storey design in a manner that respects the aesthetic values of the existing structure. This scheme has been discussed with the applicant, Wollongong Council and local conservation and community groups and there appears to general agreement that it has merit and a number of positive benefits when compared to the previous proposal. Some community groups have however expressed concern that the development should be confined to the retention and reuse of the existing structure.

TZG also recommend that Council prepare a masterplan for the precinct to guide the provision of public amenity development at North Beach.

The Executive Director explained the proposed scheme to members and circulated plans.

After discussion members

**Resolved:**

**that the Heritage Council:**

- 1. endorses the scheme prepared by Tonkin Zulaikha Greer as an acceptable in-principle option in the conservation and adaptive reuse of the building; and**
- 2. is concerned that the owner ensures that future uses of this building should be restricted to public uses, such as restaurants cafes etc and that the adaptive reuse should not lead to any alienation for private purposes.**

### **5.3 Transfer of Properties to the Historic Houses Trust**

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Members were advised that the Premier in his Economic Review Statement of 23<sup>rd</sup> February 2006 announced the incorporation of the Heritage Office into the Department of Planning and that parts of the Heritage Office would be transferred to the Department of the Arts, Sport and Recreation (DASR). Members were also advised that the Council on the Cost and Quality of Government Review has previously identified that property ownership and management is not a core function of the Heritage Office, and recommended that property be transferred to an appropriate management authority.

Following the Premier's Statement the Heritage Office has held discussions with the Historic Houses Trust, DASR regarding the transfer of properties. As a result of these discussions it is proposed that the Heritage Council recommend to the Minister, the transfer Rose Seidler House, 69-71 Clissold Road, Wahroonga, Tusculum, 1-3 Manning, Street Potts Point, Exeter Farm, Heritage Place, Glenwood; and Hillview, Illawarra Highway, Sutton Forrest to the Historic Houses Trust.

It was noted that the Historic Houses Trust currently manages Rose Seidler House and following transfer will continue to manage it as a house museum.

It was also noted that it is proposed that the transfer of Hillview to the Historic Houses Trust will be undertaken following the Heritage Office termination of the current deed arrangements and providing the property in a vacant condition. Recent discussions with the Crown Solicitor's Office indicate that completion of this matter by 30 June 2006 is unlikely, however it is being proactively pursued.

Lynnwood, Byron Road Guildford, and the Abernethy Stone Lathe, Forbes will remain in the ownership of the Corporation Sole pending their disposal to other parties.

Restoration costs for Exeter Farm are estimated at between \$715,000- \$850,000. Based on the total cost for the project the Trust estimates a potential loss of between \$222,000 and \$357,000.

The Historic Houses Trust has invited the Heritage Office/ Heritage Council to assist in the funding of this project on the basis of achieving a long term conservation and management solution for the property and as a basis for the finalisation of the proposed transfer arrangements.

It is therefore proposed that the Heritage Office/Heritage Council partner and co-sponsor the Historic Houses Trust in their proposal for Exeter Farm with a one of financial contribution of \$200,000. These funds may be provided from the existing Heritage Office budget or alternatively, if required, by way of a grant under the Heritage Act.

**Resolved:**

**that the Heritage Council:**

- 1. consistent with Section 116(2) of the Heritage Act recommend to the Minister, as Corporation Sole the transfer of the following assets to the Historic Houses Trust:**
  - Exeter Farm, Heritage Place, Glenwood;
  - Rose Seidler House, 69-71 Clissold Road, Wahroonga; and
  - Tusculum, 1-3 Manning, Street Potts Point.
  - Hillview, Illawarra Highway, Sutton Forrest;
- 2. recommend to the Minister that he make a grant up to a maximum of \$200,000 under Section 106 of the Heritage Act from the Heritage Conservation Fund to the Historic Houses Trust's Endangered Houses Fund to assist in the conservation and reuse of Exeter Farm on the basis that the Heritage Council be recognised as a sponsor and has representation in the governance of the project.**
- 3. delegate the finalisation administrative arrangements to the Executive Director in discussion with the Chair.**

#### **5.4 UNESCO Convention - Underwater Cultural Heritage**

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Consideration of this item was deferred until a future meeting.

#### **5.5 Membership of Aboriginal Heritage Advisory Panel**

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Members were advised that in April 2004, the Aboriginal Heritage Advisory Panel's South Coast regional representative resigned due to other community commitments. The position has remained vacant since that time.

At the Panels meeting of the 4<sup>th</sup> April 2006, the Panel considered the matter and resolved to support the appointment of Ms Adell Hyslop to the position.

It was noted that Ms Hyslop was formerly the Aboriginal Heritage Officer at the NSW Heritage Office for a period of three years and that in 2006, Ms Hyslop resigned from the Heritage Office to take up a position as administrator of Jerrinja Local Aboriginal Lands Council.

It was further noted that During Ms Hyslop's time with the Heritage Office she gained extensive experience in community liaison, the heritage listings process, committee management, community education and funding management – all skills which the Panel have agreed make Ms Hyslop suitable for consideration for membership.

**Resolved:**

**that the Heritage Council approve the appointment of Ms Adell Hyslop as a member of the Aboriginal Heritage Advisory Panel.**

## **6.0 Matters for Information or Noting**

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### **6.1 Braidwood Update**

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Following the listing of Braidwood and its setting on the State Heritage Register members of the Heritage Office's Conservation Team met with Palerang Council planning staff and the heritage advisor, Pip Giovanelli, to establish protocols between the two offices for the handling of development applications.

A letter summarising the Heritage Office's commitments to Palerang Council has been sent to the General Manager. The Heritage Office is developing a project plan to manage the implementation of the commitments of developing a Local Heritage Fund, preparation of a Tourism Strategy, economic monitoring to establish benchmarks to monitor the economic impact of the State Heritage Register listing over a three to five year period, putting in place a process where owners will not pay any fees to the Heritage Office for applications requiring Heritage Council approval, in addition, where any such fees are paid in relation to commercial developments, 50% of the income received by the Heritage Office from such sources will be provided to the local heritage fund.

The Heritage Office will establish a Braidwood page on its website so that residents are kept informed on progress with implementation, as well as standard advice on how to prepare development applications. The website will also feature links to other sites promoting the town to potential visitors and a link to the Palerang Council website.

Other initiatives will include the preparation of a Model Heritage Agreement, the preparation of two simple fact sheets about the effects of the listing, compliance with the DCP, extra funding for the Heritage Advisor to enable him to increase his availability from one day per month to one day per fortnight, an offer for Palerang Council staff to visit the Heritage Office for an initial familiarisation in the next few weeks, consideration of the undertaking a property audit over the next 12 months to review the current items and precincts within Braidwood and the development of a Mainstreet Program.

**Resolved:**

**that the Heritage Council notes the information in this report.**

## **6.2 Morpeth Seniors Living pre DA**

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Members were advised that Morpeth is a town in the Hunter Valley which has retained its 19C plan, character and setting. It has been identified by Council as being of state heritage significance but is not listed on the SHR. An application has been received by Council to expand the town into the rural curtilage to facilitate a development under the State 'Seniors Living' Policy. An earlier version of this plan was rejected by Council and the Heritage Office because of its likely impact on the heritage significance of the town and its setting. An amended application for a new scheme based on 19C planning principles and proposing a traditional 'new urbanism' approach was presented to members by Barney Collins from EJE Architecture and Richard Lamb from Richard Lamb and Associates.

**Resolved:**

**that the Heritage Council note this presentation.**

## **6.3 30<sup>th</sup> Anniversary of the Heritage Act/ and Heritage Council in 2007**

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Members were advised that The *Heritage Act 1977* was assented to on 21<sup>st</sup> December 1977, at which time the Heritage Council came into existence. The 30<sup>th</sup> anniversary of these two events provides an opportunity to promote the Council's work and consider its future directions.

Members considered a report which recommended that the 30<sup>th</sup> anniversary of the Heritage Act be commemorated in order to promote the achievements of the Heritage Council through the Heritage Act, recognise the contribution of the community, government agencies and the private sector in those achievements and encourage debate on the priorities for future Heritage identification, conservation, education and management.

The report also recommended that the Heritage Office develop a draft program of events for endorsement at the next Council meeting.

It was noted that the 30<sup>th</sup> Anniversary will provide an opportune time to reflect upon the development of heritage conservation in NSW over the past three decades, as well as consider the direction of heritage in the future. The proposal to recognise the anniversary with a series of commemorative events will provide a structure for organising such events.

**Resolved:**

**that the Heritage Council:**

- 1. agrees to commemorate the 30<sup>th</sup> Anniversary in 2007 of the proclamation of the *Heritage Act 1977* and the establishment of the Heritage Council, and**
- 2. requests the Heritage Office prepare a draft program of commemorative events to mark the anniversary for further consideration by the Council.**

## **6.0 Reports from Heritage Council Committees and Panels**

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- 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:**

- 1. notes the reports;**
- 2. in relation to the Fire Advisory Panel that the Heritage Council amend the Minimum Standards of Maintenance in accordance with the with the TAG advice at the next amendment of the Heritage Act Regulations; and**
- 3. in relation to Technical Advisory Panel:**
  - a. To make the Heritage Council aware that it appears that an original Lyon and Cottier decorative paint scheme was recently removed from a significant City building because of concerns about the presence of lead in the paint film.**
  - b. To recommend that the Heritage Council support the development and dissemination of a policy on the treatment of hazardous materials in historic buildings including lead and asbestos.**

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## **8.0 General Business**

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Nil

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## **9.0 Presentations**

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### **9.1 Public Opinion Survey – The Allen Consultants Group**

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Members were advised that in preparation for the *Productivity Commission inquiry into historic heritage*, the Heritage Chairs and Officials of Australia and New Zealand commissioned the Allen Consulting Group to undertake a study into the economic, social and environmental value of the conservation of Australia's historic heritage.

It was noted that the Allen Consulting Group used "discrete choice modelling" to do this work. This involved the commissioning of AC Nielson to carry out a survey of 2000 Australians about their attitudes to historic heritage. The purpose of the survey was to gauge public opinion on historic heritage, what is valued, how much it is valued and how it is valued. The survey also attempted to tease out different attitudes to local heritage.

The Allen Consulting Group presented the results of this survey and study to members.

**Resolved:**

**that the Heritage Council note the presentation.**

There being no further business the Chair closed the meeting at 12.00 noon.

**Michael Collins**  
**Chair**  
**Heritage Council of NSW**  
**Date:**

**Next Meeting of the Heritage Council  
of NSW**  
Wednesday 2<sup>nd</sup> August 2006  
Liverpool City Council  
1 Hoxton Park Road  
Liverpool