

**HERITAGE COUNCIL OF NSW
MINUTES OF ORDINARY MEETING**

Meeting Number 335

5th December 2007

Heritage Office, Department of Planning
3 Marist Place
Parramatta



- PRESENT** Michael Collins (Chair), Sharon Sullivan AO (Deputy Chair), Rosemary Annable, Julie Bindon, Reece McDougall (for Director General, Department of Planning), Peter Mould (Government Architect), Chris Johnson (Department of Planning) until 11.30 am, Ross Fitzgerald, Tina Jackson (National Trust of Australia [NSW]), David Logan.
- APOLOGIES** Hewitt Whyman, John Robertson, Jason Ardler (for Director-General Department of Environment and Conservation)
- ALSO PRESENT** Maxwell Gray (Heritage Office), Murray Brown (Heritage Office), Vincent Sicari (Heritage Office).

1. Opening – Welcome

The Chair opened the meeting at 9.10 am.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

1.3 Declarations of Interest

Pecuniary Interests

David Logan Item 4.3 relates to my possible appointment as Chair of FASAP (there is a nominal fee for this role).

Non Pecuniary Interests

Nil

Conflicts of Interest

Nil

2.0 Confirmation of Minutes

2.1 Heritage Council Meetings of 7th November and 3rd October 2007

Members considered minutes of the meeting of 7th November and 3rd October 2007.

Resolved:

that the minutes of the meeting of 7th November and 3rd October 2007 be adopted.

3.0 Reports

3.1 Chairs Report

Members were advised that there is a continuing legal case in relation to Hillview, Suttons Forrest. The Department has commenced action against the tenant of Hillview on the grounds that the tenant was to obtain a forty year lease on the grounds that the building was fully refurbished in accordance with an agreed scope. It was noted that the tenant has failed to achieve this in the allotted time. The Crown Solicitor is acting for the Department in relation to this matter. It was also noted that the Chair wished to meet with the tenant.

Members noted that the Chair hosted the Heritage volunteer awards in the Jubilee Room of Parliament House on 14th November where 19 volunteers were recognised for the achievements. Meredith Walker was presented with a lifetime achievement award at this ceremony.

It was also noted that on 15th November the Chair attended the Tourism Awards dinner. The Chair advised that there are obvious connects with tourism NSW in relation to cultural heritage tourism in NSW. It was further noted that over 90% of the awards were for projects in non metropolitan NSW.

Resolved:

that the Heritage Council note the report.

3.2 Executive Director's 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

Members were advised that 19 recipients were presented with awards by the Minister at a ceremony in the Jubilee Room of Parliament House on 14 November. Michael Collins, Chair of the Heritage Council, was the Master of Ceremonies for the event and read the citations during the presentation ceremony.

The presentations were preceded by an introduction to the significance of heritage landscapes and the history of the Royal Botanic Gardens by Heritage

Office landscape specialist Stuart Read and an 'address in reply' for the volunteers by veteran heritage consultant and award recipient Meredith Walker. Following the awards ceremony the recipients enjoyed lunch in the Rose Garden pavilion and a guided tour of the Royal Botanic Gardens and Government House.

The 20th award will be presented to Aunty Beryl Carmichael during today's meeting as she was unable to attend the ceremony in Sydney.

Members were also advised that the State Heritage Inventory, launched at Ryde Public School on 13 October 1997, is celebrating 10 years of online access. It is the most requested web resource on the Heritage Office website making it an invaluable tool for the community and a cornerstone of the services provided by the Heritage Office.

The Inventory is not a listing in itself. It is an online database that includes heritage listings in Local Environmental Plans, Regional Environmental Plans, s.170 Heritage and Conservation registers and the State Heritage Register.

Information on individual heritage items is gathered by local government and State agencies with the aid of database software and training provided by the Heritage Office. Over 500 people throughout New South Wales have been trained in the use of the Inventory database software. The success of the Inventory would not have occurred without the continuing contributions of data from local Councils, State government agencies and community groups.

It was noted that work has nearly been completed on a new publication *New Uses for Heritage Places: guidelines for the adaptation of historic buildings and sites*, which is a companion to *Design in Context: guidelines for infill development in the historic environment*, produced in 2005. Both publications are part of the substantial legacy of Susan Macdonald, and were produced in collaboration between the Heritage Office and the Royal Australian Institute of Architects NSW Chapter.

Both publications provide detailed and practical advice and amplify the Heritage Council policies contained in *Managing Change*.

Members were further advised that the Heritage Office received a silver award in the Growing Prosperity Across NSW category of the NSW Premier's Public Sector Awards last month. The award categories are based on the State Plan.

The Sydney Opera House World Heritage Nomination project resulted in Sydney Opera House's inscription on the World Heritage List. The project's Steering Committee included the NSW Department of Planning, Sydney Opera House Trust, Arts NSW, Department of Premier and Cabinet and the Australian Department of Environment and Water Resources. The project confirmed the World Heritage values of the Sydney Opera House while supporting its role as a world-class performing-arts centre and tourist destination.

The award is a fitting tribute to the professionalism and determination of project leader Susan Macdonald, the Heritage Office team and our project partners.

It was noted that Heritage Office Maritime Archaeologist Tim Smith participated in a two-week archaeological survey of the famous AE2 Australian submarine lost in the 1915 Gallipoli Campaign, Turkey. As Director-Maritime Archaeology of the independent AE2 Commemorative Foundation Ltd expedition, the 40-strong Australian and Turkish team surveyed the historic shipwreck in 72 meters of

water to aid the development of a range of management options for the site that will be tabled at a joint Government Workshop to be held in Turkey around Anzac Day 2008. The project will feature in a one-hour television documentary to be aired at that time. Minister for Planning Frank Sartor held a media briefing on the participation before the team's departure.

It was also noted that the Heritage Office, with the Powerhouse Museum, ran an annual Forum for State Government Agencies (Section 170) on 28 November 2007, at the Museum. This year's theme was managing movable heritage assets and collections and attracted some 140 delegates, speakers and session chairs. Michael Collins, Chair of the Heritage Council of NSW was a key presenter, with other addresses by Peter Mould, Government Architect, Dr Robert Lang, CEO of Sydney Harbour Foreshore Authority, and Commander Shane Moore, Director of Navy Heritage Collections. The Forum provided guidance and discussion on the range of issues met by agencies in dealing with the reporting, conservation, care and interpretation of movable assets.

Members were also advised that the Executive Director, who is the Commonwealth delegate for NSW under the Historic Shipwrecks Act, attended the Maritime Delegates meeting in Melbourne. He advised that it was a very good meeting. It was noted that the Commonwealth is now keen to review the Act. It was also noted that the Commonwealth is now working on funding the site of the HMAS Sydney.

The Executive Director advised that he visited Broken Hill with Richard Mackay to inspect the Perilya Mine sites which have a number of significant heritage items, a number of which have occupational health and safety issues. Discussions were held with Broken Hill Council and the Commonwealth, which has a national heritage listing proposal for Broken Hill, it is hoped that a plan for the future management of these sites will be achieved.

While at Broken Hill the Executive Director took the opportunity to visit Silverton, the proposed site of a 500 turbine wind farm. While the wind farm will have little impact on the town there will be a significant impact on the landscape.

Resolved:

that the Heritage Council note the report.

3.2.4 Media Highlights Presentation

Members were advised that discussions with Department of Planning's Media Unit regarding media & communications functions of the Heritage Office & Department are continuing.

It was noted that there were no new State Heritage Register listings announced between July and December 2007

The 2007 Heritage Volunteers Award presentation and tour took place on the 14th November 2007. This was the 6th annual presentation of the awards and the 5th to be held in the Jubilee Room at Parliament House.

Members were advised that there were 20 recipients this year with diverse representation from across the state and various heritage categories.

Heritage practitioner Meredith Walker, who also received a lifetime achievement award, gave a lively talk on behalf of all recipients.

The awards were followed by a picnic lunch in the Rose Garden Pavilion, Royal Botanic Gardens. This was followed by a guided tour of the gardens and Government House.

Resolved:

that the Heritage Council note the report.

4.0 Matters for Consideration and Decision

4.1 Wambo Presentation

Members considered a report that advised that development consents provide for the expansion of mining activities in the area of Wambo Homestead and that the long term conservation of the homestead complex will be impacted as mining continues to expand into its physical surroundings.

The mining area is subject to the interests of Peabody Pacific, United Collieries, now part of Xstrata Coal, and Wambo Coal now part of Peabody.

It was noted that Wambo Coal is responsible for the care of the fabric of the homestead complex and that the company has met its obligations for minimum standards of maintenance under the NSW Heritage Act, 1977.

The Heritage Office has held a number of discussions with the companies about the need to investigate options for the long-term conservation of the heritage values of the homestead complex.

Members were advised that recent approval has been provided under the Heritage Act and the EP&A Act for some extension of underground mining to longwall 7, based on the fact that it will not impact on the standing heritage structures of the Wambo Homestead Complex. Any further expansion of mining would directly impact on the listed complex.

Accordingly representatives of United Collieries have been invited to present their future plans for the area to the Heritage Council.

Dave McLean, Operations Manager, United Collieries addressed members. Members were advised that United Collieries currently extracts coal via longwall method. In 2003, approval was granted to extract longwalls 1 to 8.

In early 2004, an extension to longwalls 3 to 8 was granted on the condition that United place an exclusion zone around the Wambo Homestead Complex buildings.

It was noted that relocation around the exclusion zone has a significant impact on the continuity of the longwall operation and this prompted United Collieries to look more closely at mining through the exclusion zone.

Members were advised that United Collieries have engaged heritage and structural experts to undertake assessment of the homestead and outbuildings

United Collieries have committed to providing \$2M as an offset for the mining of

longwall 7 through the Wambo Homestead Exclusion Zone and support Singleton Shire Council's position that the offset funds are available to support projects in the local region.

The longwall extraction method was outlined to members. Based on the recommendations from the specialist studies, United Collieries believe that these buildings over longwall 7 will withstand the impact of subsidence from United's longwall extraction.

Members were further advised that there has been media attention from local and regional press and radio, feedback has been received from United's Community Committee, feedback has also been received from a presentation given to a Public Council Meeting, there have been 11 submissions to the Development Consent Modification and phone calls to United expressing their concern for the Homestead.

Members were finally advised that while the coal beneath the Exclusion Zone by longwall 8 would have significant benefits to United that given the response by the community to the longwall 7 modification, and the reliance on United Collieries community relationship for continued mining at United, United Collieries have no option other than to relocate longwall 8 around the Homestead.

Resolved:

that the Heritage Council

- 1. that the Heritage Council receive and note the information provided in the presentation by United Collieries Pty Ltd;**
- 2. notes the advice by David MacLean of Uniter Collieries during the presentation that United has decided not to proceed with longwall 8 underneath the exclusion zone of Wambo and the Heritage Council fully endorses this decision; and**
- 3. request the Heritage Office to engage with Wambo Coal regarding the ongoing management and conservation of Wambo.**

4.2 History Advisory Panel: Strategic Projects 2007-2010

Members considered a report which advised that the History Advisory Panel adopted a three-year Strategic Projects program in 2004 for its 2004-2007 term. This program was subsequently endorsed by the Heritage Council in 2005. The Panel was recently re-appointed for another three year term, and has now adopted its second three year Strategic projects program for the period 2007-2010.

Seven strategic projects are identified in the program (the same numbers as in the previous program). These are:

- 1. SHR Criterion D Guideline: Develop a guideline for State Heritage Register Criterion D "An item has strong or special association with a particular community or cultural group in NSW (or a local area) for social, cultural or spiritual reasons" (based upon Criteria A and B guidelines).**
- 2. Regional Research Framework: Develop a regionally-based research framework for researching and assessing potential State Heritage Register listings, and to assist with listings at other levels, using web-based and**

other electronic media wherever possible (especially Heritage Office website).

3. **Heraldic Services:** Develop a business case for the provision of heraldic services, including advisory services within the NSW public sector; and a research framework for role of heraldry and other symbols in developing a distinctive identity for NSW.
4. **Convictism in NSW:** Develop a research framework, building upon the World Heritage nomination work, focusing on contribution of convictism to shaping of NSW as a place, capacity to tell a NSW story, drawing out convict aspects of existing heritage items, and connections with World Heritage Listing convict sites.
5. **Post-WW2 Migration:** Develop a research framework, building upon WW2 study by Robertson *et al*, focussing on relationships between migration and place, and particular characteristics of migration in NSW, all within a 'living memory' period.
6. **Strategic Partnerships Program:** investigate strategic partnerships, utilising Australian Research Council linkage grants and similar programs, to support Heritage Council and Panel priorities as an underlying approach to facilitate or support other projects.
7. **Basic & Partial SHR Records:** Develop a methodology to identify data and assessment sources for populating blank fields in State Heritage Register records categorised as 'basic' or 'partial', and then develop a program for implementing the method.

Members were advised that projects 1, 2 and 3 were partially developed under the previous program, and are carried over. The other four projects are new, and have been developed in response to current issues that will have a long term effect upon the assessment of potential items and the management of the State Heritage Register.

It was noted that members of the Panel have taken responsibility for one or two of the projects each as personal 'portfolios', and the projects have been aligned with specific terms of reference for the Panel and more generally with the Department of Planning Corporate Plan, and the Heritage Office divisional plan. It is acknowledged that these plans have a shorter time frame than the Panel program, which has been designed to be consonant with the current panel's membership term that expires in 2010. Should the departmental and divisional plans substantially change during this period, the strategic projects program will be reviewed.

Resolved:

that the Heritage Council endorses the History Advisory Panel's Strategic Projects for 2007-2010.

4.3 FASAP Membership

Members considered a report which sought the Heritage Council's approval of the re-appointment of Mr David Logan as Chair of the Fire Access and Services Advisory Panel, (FASAP).

It was noted that the Chair of the Panel is usually chosen from amongst the members of the Heritage Council.

Mr Logan was appointed for one year as Chair of FASAP in December 2006, to coincide with the end of his membership of the Heritage Council.

However, as the Panel will need to meet before the appointment of new members of the Heritage Council, it is proposed to extend Mr Logan's appointment. A period of one year is proposed to allow sufficient time for the selection of the new Heritage Council members and identification of a member with interests and/or experience appropriate to the Panel.

Resolved:

that the Heritage Council approve the re-appointment of Mr David Logan as the Heritage Council representative and Chair for a 1 year term, until December 2008, or until the Heritage Council appoints another Chair, if this is earlier.

5.0 Matters for Information or Noting

5.1 Approvals Committee – End of Year Report

Members were advised that in the last financial year the Heritage Council and the Heritage Office have continued to respond to the major challenges confronting the approvals function by progressing further the strategies adopted previously by the Heritage Council. These challenges include the efficient processing of a growing number of applications and referrals (including Part 3A referrals), the establishment of appropriate conservation standards, the implementation of a rigorous compliance program and the development of sustainability and viability mechanisms such as Heritage Agreements.

To meet these challenges a number of strategies have been implemented. Most applications are assessed by the Heritage Office under delegation with the Approvals Committee dealing with the most challenging or controversial proposals. Some Heritage Council powers for approval are delegated to Councils and State agencies, and exemptions from approval are available for minor changes that do not impact on heritage significance.

In the last financial year, the Heritage Council's Approvals Committee and the Heritage Office assessed a total of 823 applications for changes to state significant items, an increase of 27% over the previous year. Seventy-one applications were managed under delegation to other agencies in 2006-07, an increase of 65% on 2005-06.

The total value of section 60 applications lodged with the Heritage Council was \$892,440,773 reflecting an important investment in NSW's stock of heritage buildings and a significant contribution to the State's economy.

Members were also advised that 185 general exemptions were granted this last financial year. This large number represents a significant increase in efficiency both for the Heritage Office and the development industry as many of these would previously have required an application under Section 60 of the Heritage Act.

Work has continued to streamline the approvals process for archaeological applications. The effectiveness of these measures can be seen in the 36% decrease in the number of excavation permits issued in 2005-06, reflecting the successful implementation of exceptions granted under section 139(4) of the Heritage Act.

A review of the general exemptions has resulted in a proposal for increasing the range of the exemptions and exceptions being endorsed by the Heritage Council. It is expected that these will soon be operational.

Members were further advised that during 2006-7 landmark heritage agreements were entered into with owners of heritage items. A heritage agreement for the St Michael's Cathedral site, Market Street, Wollongong was prepared in accordance with a resolution of the Heritage Council. The purpose of the agreement was to secure funding from the lease of a portion of the land on the State Heritage Register to maintain and conserve the buildings and landscape features on the St Michael's Cathedral site. This was used as a template for other agreements that have been progressed this past financial year, including those for Kelvin at Bringelly, St John's at Morpeth and Fernhill at Mulgoa.

It was noted that the Heritage Office has continued to encourage owners of heritage-listed properties to maintain them to an appropriate standard. In this regard, although no prosecutions have taken place, a number of items have been brought to the attention of the Heritage Office who in turn has worked constructively with owners in the maintenance of the items.

It was further noted that research and a business case for the introduction of a best practice education and compliance program to assure government and community that the state significant heritage of NSW is being properly managed has been completed. It is hoped to implement the program in the near future. It is proposed that the program work in close consultation with industry. The program will oversight implementation of Heritage Council of NSW consents and compliance with minimum standards of maintenance.

In relation to setting Benchmarks for Conservation the Heritage Council has recently adopted a number of key documents that are expected to set a benchmark for conservation outcomes. In 2005 the first of these documents, *Design in Context*, was published as a guideline for the design of infill buildings in Heritage areas. A sister document, *New Uses for Heritage Places*, is soon to be published to provide guidance for designers when heritage items are adaptive for new uses. It is expected that a comprehensive guide on Conservation, *Managing Change*, will follow in the near future to publication.

Resolved:

that the Heritage Council notes the report and the presentation by the Heritage Office.

5.2 State Heritage Register Committee – End of Year Report

Members were advised that during 2007 the State Heritage Register Committee has placed SHR nominations on public exhibition as well as recommending a number of listings to the Minister.

It was noted that a new approach to nominations was commenced this year. In the interests of reducing the number of nominations on hand, the Committee has started commenting on nominations which have yet to be formally reviewed by the Heritage Office. The Committee has been advising the Office whether nominations are likely to be of State heritage significance, meriting further consideration.

The Committee considered discussion papers on options to compile the State Heritage Register. Several other pieces of policy were considered throughout the year.

The Committee also reviewed a significant number of State Agency Heritage Asset Management Strategies as well as a S.170 Heritage & Conservation Register.

It was also noted that much of the Committee's policy work for the year culminated in the holding of an expert's workshop to assist in the preparation of a submission to the Minister's review of the Heritage Act.

Members were further advised that the review of State Agency compliance with Section 170 of the Heritage Act once again this year continued to be of importance.

Resolved:

that the Heritage Council notes the report and the presentation by the Heritage Office.

5.3 Planning Reforms

Members were advised that the NSW Government has identified the need for reform of the NSW Planning System, as embodied in the legislation of the NSW Environmental Planning & Assessment Act 1979 (EP & A Act, as amended). It has determined that there are key indicators that show that the current planning system is not performing as well as it should.

Accordingly, the Minister for Planning and the Department of Planning have prepared a discussion paper, 'Improving the NSW Planning System', addressing the above issues and making recommendations for changes to the plan-making and development assessment processes under the EP & A Act.

The Discussion Paper makes many recommendations in regard to reforming the current planning system. The principle and intent for each issue is positive. However, the delivery of each is likely to result in major implications regarding the way in which heritage is integrated into the planning system.

The Discussion Paper went on public exhibition on Tuesday, 27 November, 2007. The closing date for submissions is Friday, 8 February, 2008. The Department of Planning is holding a series of workshops regarding the Discussion Paper, one of which is to be held in Parramatta on Thursday, 6 December, 2007.

It was noted that the Discussion Paper is detailed in its recommendations for reform (142 pages) and requires a carefully considered response to the reforms proposed under the Discussion Paper on behalf of the Heritage Council.

Members were advised that it would usually be appropriate for a Heritage Council working party to be established to examine the detailed issues, however the timing for the submission deadline and the first Heritage Council meeting in 2008 are incompatible. It is therefore recommended that the Heritage Council endorses the establishment of an in-house working party and a submission to be prepared by Heritage Office staff on behalf of the Heritage Council in regard to the Discussion Paper.

Resolved:

that the Heritage Council:

1. note the attendance of Heritage Office staff at the Information Session for the 'Improving the NSW Planning System' Discussion Paper to be held on Thursday, 6 December, 2007; and
2. endorse the establishment of an in-house working party comprising Sharon Sullivan (Chair), Julie Bindon and David Logan to prepare a draft Heritage Council response to the Planning Reform paper to report back to the next meeting of the Heritage Council in February 2008.

6.0 Reports from Heritage Council Committees and Panels

- 6.1 Approvals Committee
- 6.2 State Heritage Register Committee
- 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 Archaeology Advisory Panel
- 6.9 Technical Advisory Panel
- 6.10 Religious Property Advisory Panel

Resolved:

that the Heritage Council note the reports.

7.0 General Business

Nil

8.0 Presentations

8.1 Presentation to Auntie Beryl Carmichael - Heritage Volunteer Awards

The Chair presented a volunteer award to Auntie Beryl Carmichael on behalf of Minister.

Aunty Beryl Carmichael, whose traditional name is Yungha-dhu, is a Ngiyampaa elder from the Darling region of NSW and a descendant of the last Ngiyampaa rainmaker, Jack King. A custodian of many Ngiyampaa stories, she runs camps for young Aboriginal people at Broken Hill and Menindee.

Aunty Beryl holds an honorary PhD from Tranby College and life membership of the Aboriginal Education Consultative Group for her tireless work in Aboriginal education. Aunty Beryl also has a vast knowledge of cultural resource use including bush survival courses, bush medicines and cooking and is currently writing a series of children's booklets for schools as part of her responsibilities in caring for country. She promotes Aboriginal cultural heritage studies to schools and universities and organisations including NSW National Parks Service.

Aunty Beryl is also the Aboriginal Language Support Officer in the Broken Hill District Office of the NSW Department of Education and a teacher on the Ngiyampaa-Baakindji Language Program. In 2001 Aunty Beryl was awarded a Centenary of Federation Medal for her devotion to cultural awareness and her contribution to Australian society.

There being no further business the Chair closed the meeting at 12.10 pm.

Next Meeting of the Heritage Council of NSW
Wednesday 13th February 2007
Heritage Office
Department of Planning
3 Marist Place
Parramatta