

HERITAGE COUNCIL OF NSW MINUTES OF ORDINARY MEETING

Meeting Number 328

7th February 2007

NSW Heritage Office, 3 Marist Place, Parramatta



PRESENT Michael Collins (Chair), Rosemary Annable, Jason Ardler (for Director-General Department of Environment and Conservation), Julie Bindon, Janet Dore, Tina Jackson (National Trust of Australia [NSW]), Chris Johnson (Department of Planning), David Logan, Reece McDougall (Executive Director Heritage Office), Peter Mould (Government Architect) from 9.30 am, John Robertson, Sharon Sullivan AO (Deputy Chair), Hewitt Whyman, Gary Best, Ross Fitzgerald from 9.15 am

APOLOGIES

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

1. Opening – Welcome

The Chair opened the meeting at 9.00 a.m.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

1.3 Declarations of Interest

Pecuniary Interests

Michael Collins

Item 4.1 Potts Hill Reservoir

Item 4.2 Catherine Hill Bay

Non Pecuniary Interests

Nil

Conflicts of Interest

Michael Collins

Item 4.1 Potts Hill Reservoir

Item 4.2 Catherine Hill Bay

2.0 Confirmation of Minutes

2.1 Heritage Council Meeting of 7th February 2007

Members received a copy of the minutes.

Resolved:

that the minutes of the meeting of 7th February 2007 be adopted.

3.0 Reports

3.1 Chairs Report

The Chair welcomed Tina Jackson and Gary Best to their first meeting of the Heritage Council as new members.

The Chair advised members that there had been very little activity since the last meeting. It was noted that the Chair and the Executive Director held their regular meeting with the Minister mid January.

It was noted that the Chair was invited to a function at Garden Island by the Naval Historical Society of Australia for lunch and a tour of the tunnels under Garden Island.

Resolved:

that the Heritage Council note the report.

3.2 Executive 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 Executive Director advised members that in relation to the Golden West Hotel at Gilgandra the Minister reluctantly revoked the order covering the hotel. Members were advised that an independent financial report was undertaken which advised that there were major costs in keeping the hotel. It was noted that there was very little community support for the hotels retention. It was also noted that the Minister has written to Gilgandra Council advising that he has issued a Section 117 direction that the Council must prepare a Heritage LEP within six months.

Members were advised that the Heritage Office is continuing work on the Tourism Project. Members were advised that of the 1,500 items on the State Heritage Register at least 570 of these had a tourist potential which could be promoted. It was

noted that discussions are continuing with Tourism NSW for their advice on the preparation of a tourism section of the Heritage Office web site.

Members were further advised that the Heritage Office has been inputting into the Department's strategic planning work including the 10 Sydney Sub-regional Plans, 6 regional strategies and four (Parramatta, Gosford, Newcastle, Wollongong) of the six city strategies.

It was noted that SGS Economics and Planning have been commissioned to develop an incentives framework to be incorporated in the new strategic planning framework for NSW including consideration of state level incentives and detailed case studies of local level incentives. This project will influence draft planning policy and report in March. Sheridan Burke and Robert Moore have been commissioned to revise the Conservation Areas Guidelines document.

In relation to Braidwood members were advised that Charles Sturt University's Western Research Institute has produced a first draft report on agreed economic benchmarks over the next five years. The report indicates that last year the local businesses surveyed achieved stronger sales performance and profitability compared with the state as a whole, while employment was slightly weaker. An excellent article in the travel section of the Australia Day Weekend edition of the Sydney Morning Herald presented a balanced view of the listing process and referred very positively to the Heritage Council's decision to recommend the listing of the town. A copy will be made available at the meeting.

It was also noted that Professor Ross Fitzgerald has done an excellent job in promoting heritage conservation throughout Australia by highlighting the benefits of heritage listings in his opinion article in the Australian on the 8th January 2007. A copy of the article was provided to members at the meeting.

The Executive Director advised members that in relation to Tathra wharf he attended a special event at Tathra on 21st January 2007 to celebrate the completion of restoration works to this significant maritime feature. Members will recall that the NSW government provided \$400,000 to Bega Shire Council for the works. This assistance was formally recognised in the unveiling of a commemorative plaque at the wharf. The Mayor asked that members of the Heritage Council be thanked for their support of the project.

In relation of Braidwood members suggested that it is important that the experience of Braidwood be documented for future research, the Chair advised that he would discuss this with the Executive Director at their next meeting.

Resolved:

that the Heritage Council note the report.

3.2.4 Business Manager Report

Members advised that there would be no formal presentation of this report and that it was for noting.

Resolved:

that the Heritage Council note the report.

3.2.5 Media Highlights Presentation

Members were advised that the listing of Up to Date store, Coolamon Booloominbah & CJ Newling Centre, Armidale, Five colonial landscape estates at Camden and Collingwood at Liverpool all received considerable media attention both on local television and press.

It was noted that the 2006 Heritage Volunteers Award was again a successful event. The event included a presentation by Heritage Office staff titled "How Brightly You Shine" marking the centenary of the NSW Coat of Arms. This was followed by the presentation of awards to 20 recipients by the Minister at a gathering at Parliament House. There was a special presentation to Harry Marshall, Deniliquin on Saturday 28 October by the Chair.

The discovery of Japanese midget sub received extensive TV, radio and print coverage in Australia and Japan triggered by Nine's '60 Minutes' program. Members were advised that this was the first time an IHO had been placed on a shipwreck site of this nature in NSW waters. It was noted that as a result of the order offenders were liable to a \$1.1m fine under State law as well as Commonwealth penalties. It was also noted that surveys of submarine are currently underway.

It was also noted that the order protecting parts of the Great North Road received media coverage.

Members were advised that Braidwood received positive media attention in the Sydney Morning Herald Travel Section on 27th January 2007.

Members were also advised that the future of Unions NSW holiday camp 'Currawong' attracted widespread media attention in the Sydney Morning Herald and Daily Telegraph, "Today" show, Sky news and radio ABC, 2GB and Alan Jones.

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

Nil

4.0 Matters for Consideration and Decision

4.1 Potts Hill Reservoir

The Chair left the meeting during consideration of this item due to a potential conflict of interest and pecuniary interests and the Deputy Chair took over as Chair.

Members received a presentation from Landcom's consultants which outlined their proposals in relation to SHR curtilages and the scale of the proposed development.

After the presentation members considered a report which recommended that the Heritage Council agree in principle to consider the proposal to revise the SHR curtilage for the site, and that detailed information be submitted with future correspondence as per commitment by Landcom. The report also recommended that the Heritage Council agree in principal to consider that some form of fill may be acceptable for Reservoir 1, and that detailed information is submitted with a future Section 60 application.

It was noted that Sydney Water and Landcom submitted two proposals to the Heritage Council on 2 June 2006 for the Potts Hill Reservoir site. The first proposal was to revise the State Heritage Register curtilage. The second proposal is to store contaminated soil from within the Potts Hill Reservoir Site in Reservoir 1. Both proposals are pre-DA submissions for comment by the Heritage Council.

It was also noted that following a review of these proposals by the Heritage Council at their meeting on 2 August 2006 and 4 October 2006, the Heritage Council resolved to request further information prior to making a decision. The proposals have been amended by Landcom following recommendations by the Heritage Council.

Resolved:

that the Heritage Council:

- 1. will consider the proposal to revise the State Heritage Register curtilage for the site following the preparation of a DCP in consultation with the Heritage Council;**
- 2. agree in principle that some form of development outside the revised curtilage and storage of fill within Reservoir 1 on a short term basis may be acceptable subject to:**
 - a. the development of an options paper which confirms Sydney Waters commitment to an acceptable long term use for Reservoir No.1; and**
 - b. further details for both proposals to be submitted to the Heritage Council for assessment and approval as part of the planning process.**
- 3. notify the applicant accordingly.**

4.2 Catherine Hill Bay

The Chair remained out of the meeting during consideration of this item due to a potential conflict of interest and pecuniary interests and the Deputy Chair remained as Chair.

Members considered a report which advised that the NSW Department of Planning is seeking comment under the provisions of Part 3A of the EP&A Act 1979 on a proposal for residential developments at Catherine Hill Bay and Gwandalan. It was noted that the Plans for the development by Rosecorp are on public exhibition for 6 weeks from 3/01/07 until the 16/02/07. The plans include a State Significant Site (SSS) study, Concept Plan and Environmental Assessment Report. As there is no relevant heritage issue related to the Gwandalan site it is proposed for the purposes of this report to focus discussion primarily on the issues related to the development proposal for Catherine Hill Bay.

Members were advised that the proposal for Catherine Hill Bay is for residential development of a maximum of 600 dwellings. There are two main components of this development, the Catherine Hill Bay Village extension and the Moonee Beach Village. The components of the proposal as described in the concept plan are Catherine Hill Bay Village extension in 4 stages including adaptive reuse of a number of heritage buildings and Moonee Village in 11 stages.

Members were further advised that the Minister for Planning is the consent authority and pursuant to Clause 6 of the State Environmental Planning Policy (Major Projects) 2005 the proposal has been identified as a Major Project under Part 3A of the EP&A Act 1979. As a consequence of this process, an approval under the Heritage Act 1977 is not required and the nomination for Catherine Hill Bay is still to be finalised. The NSW Government and the land owner signed a Memorandum of Understanding (MoU) on 16th October 2006. The MoU provides for the urban development of 86 hectares of land and for the dedication of 314 hectares of land as environmental offsets scheme for the development. Therefore the comments and conditions as outlined at the end of this report will be recommended to the Director General of the Department of Planning if they are endorsed by the Heritage Council.

It was noted that in its current form the layout and extent of the proposed residential development at Catherine Hill Bay has the potential to impact on the setting and visual appearance of the existing township. A number of measures have been identified to assist in minimising these impacts.

After discussion it was

Resolved:

that the Heritage Council:

1. is concerned that the proposed development does not comply with the concept plan objectives and in its present form will have a very significant impact on the potential state heritage values of the area; and

2. endorse the following comments and recommendations for inclusion in a submission to be provided to the Department of Planning for the proposed development of Catherine Hill Bay:
 - a. the Concept Plan objectives are supported.
 - b. the identified heritage precinct Area 6 is a key area complimenting the heritage significance of the village and should be included as open space.
 - c. new development needs to be consistent with Lake Macquarie City Council's Development Control Plan.
 - d. the proposed concentric subdivision pattern for the new Moonee Village will not satisfy the objectives stated in the Concept Plan and will adversely affect the character and heritage values of the existing village. It should be amended to provide a more sympathetic design to the existing village layout such as rectangular grids.
 - e. within the existing village there are no defined fences or footpaths and this character should be retained in the new development in the vicinity of the village.
 - f. the commercial area should be relocated to a less visually prominent area such as the Moonee Village green area or consideration be given to utilising an existing building such as the 'Bin building'. It is considered that the scale and location of the 'Bin building' would 'lend itself' to commercial development and could become a focal point on the coast along with the jetty for visitors and the local community.
 - g. conditions should be included on any approval to address building height and materials, side and rear setbacks, fencing, landscaping and site coverage.
 - h. the new residential area should follow the original 'Town of Cowper' layout and not encroach further along the headland to the east.
 - i. key views such as those described previously under *Patterns of Landscape and Built Form*, should be protected.
 - j. the new residential development of Moonee Village should be screened from interrupting these view lines, by retaining a buffer strip of vegetation along Montefiore Street of 10m and that new housing is kept below the ridgeline of the street.
 - k. a number of brick buildings remain on the Moonee site which could be adaptively reused and provide for interpretation of the site.
 - l. Given the discrepancy on dwelling numbers as set out in the Concept Plan p 28 & 47 it is requested that the Department of Planning clarify with the proponent the total number of dwellings and tourism beds and that this number is in accordance with the Memorandum of Understanding.

4.3 Membership of FASAP- Replacement of CSIRO Representative

Members considered a report which sort Heritage Council approval of a proposed new appointment to the Fire Access and Services Advisory Panel.

Members were advised that Ms Xijuan Liu, fire engineer at the CSIRO, was appointed in December 2005 for a three year term as the CSIRO representative on the Panel. Ms Liu has advised the Heritage Office that the CSIRO wishes to change its representation on the Panel. She notes that the fire testing laboratory at the CSIRO is the only one in NSW and it would therefore be appropriate to consider the Manager of CSIRO Fire Testing and Assessment, Mr Garry Collins, as her replacement.

Mr Collins has been involved in fire testing for the Panel in the past and is aware of its work. He has indicated his interest in joining the Panel.

Members were further advised that the Panel has another consultant fire engineer, Dr Marianne Foley, to balance the loss of Ms Liu. Broadening the skills base to include fire testing would be extremely beneficial for the Panel's work.

Resolved:

that the Heritage Council approve the appointment of Garry Collins to replace Ms Xijuan Liu as the CSIRO representative on the Fire Access and Services Advisory Panel (FASAP) for a three year term, until December 2009.

4.4 Membership of Committees

Members considered a report which proposed that new members of the Heritage Council be appointed to the State Heritage Register and Approvals Committees to replace retiring and resigned members.

It was recommended in the report that Gary Best be appointed to the Approvals Committee and Tina Jackson be appointed to the State Heritage Register Committee.

Resolved:

that the Heritage Council:

- 1. appoint Gary Best as a member of the to the Approvals Committee and Tina Jackson as a member of the State Heritage Register Committee, and**
- 2. set the quorum for the Approvals Committee and State Heritage Register Committee at five members each.**

4.5 Adelong Falls – Presentation and Discussion

Deferred until a future meeting.

4.6 Heritage Council Regional Visit 2007

Members were advised that at the time of the establishment of the reconstituted Heritage Council of NSW in 1997 the Heritage Council decided to visit and hold meetings in major regional centres of NSW on a regular basis. Most recently the Heritage Council held meetings in Armidale, Bega, Bourke, Orange, Bathurst, Newcastle, Queanbeyan, Broken Hill, Lismore, which included visit to Tenterfield, and preceding that in Corowa, with visits to Albury, Mathoura and Deniliquin. This visit will give the Heritage Council an opportunity to focus on Aboriginal and rural heritage.

Possible areas to be considered where the Heritage Council has not visited are the mid north coast or the Murrumbidgee region.

It was noted that at this stage it is envisaged that the visit would involve a one or two night stay for members who will arrive on the evening of Wednesday 5th or the morning of the 6th September and depart on Friday 7th September late afternoon.

This visit will include meetings of the Approvals and State Heritage Inventory Committee and members will meet as the Heritage Council and invite representatives of Council at which time Council will be invited to make a presentation on their heritage related activities.

Members discussed the options available.

Resolved:

that the Heritage Council agree to visit Griffith on 6th and 7th September 2007

5.0 Matters for Information or Noting

5.1 World Heritage Nomination: Convict Sites in Australia

Members considered a report which provided a brief overview of the nomination process to date, identifies key issues dealt with or underway, and generally updates Council members on the progress of the nomination since they last considered the matter in July 2006.

Members were advised that the World Heritage List (with 830 properties listed in 138 countries since 1972) represents places of 'outstanding universal value' and is the highest form of recognition for heritage places. Sites listed on the World Heritage List go through a rigorous international process of nomination and selection and require sound management frameworks to be in place. It was noted that there are currently 16 Australian places on the World Heritage List.

Member were further advised that the original proposals for a nomination of convict sites to the World Heritage List arose from a 1992 study titled *Australia's Cultural Estate: framework for the assessment of Australia's cultural properties against World Heritage criteria* (Domicelj, Halliday and James).

It was noted that a proposal for a new nomination was considered at a workshop organised by the Commonwealth and held in Melbourne in March 2006, and the present nomination-in-preparation has arisen from that workshop. The Heritage Office participated in initial meetings with the Federal Department of Environment & Heritage (DEH) and other States to discuss the nomination. NSW attended the first National Steering Committee meeting in Canberra in mid June, and a NSW State Steering Committee has been functioning since August.

It was further noted that eleven sites have been included in the serial nomination for Convict Sites in Australia. These are the same sites of which the Heritage Council was advised at its Special Meeting in July 2006 with the addition of a further site in Tasmania.

The nomination of eleven Convict Sites in Australia for inscription on the World Heritage List as a 'serial group' has been publicly announced, and work on preparation of the nomination document is underway. The timeframe for lodging the nomination has now been extended from February 2007 to February 2008, although the nomination document is intended to be substantially completed by mid-2007. The NSW State agencies managing the sites (Parramatta Park Trust, DEC and Historic Houses Trust), and the National Trust (NSW) are working cooperatively on management plan and buffer zone issues for their sites, and are preparing material for inclusion in the draft nomination document.

Resolved:

that the Heritage Council:

- 1. congratulates the National Trust (NSW), Parramatta Park Trust, Historic Houses Trust of NSW, and the Department of Environment & Conservation on their involvement in, and support for, the serial nomination of Convict Sites in Australia for inscription on the World Heritage List;**
- 2. supports the inclusion of Old Government House and Domain in Parramatta Park, Hyde Park Barracks in Sydney, Old Great North Road in Dharug National Park near Wiseman's Ferry and Cockatoo Island in Sydney Harbour in the serial nomination of Convict Sites in Australia for inscription on the World Heritage List;**
- 3. requests the Heritage Office to provide regular reports to the Heritage Council as the nomination progresses; and**
- 4. notes this report.**

5.2 SHR Criterion D Guideline: Internal Consultations

Members were advised that the draft guideline has been distributed within the Heritage Council community and comments have been received. It was noted that the comments have tended to focus on distinctions between expert and community views of social significance, possible divergences between Aboriginal and non-Aboriginal understandings of social significance, uncertainty as to whether social significance is confined to contemporary communities, and the role of social significance in archaeological practices. It was also noted that it is proposed that the draft guideline be marked up with the comments for wider circulation and comment.

Resolved:

that the Heritage Council

- 1. notes the comments received from members of the Heritage Council, advisory panels, and Heritage Office staff, on the draft SHR Criterion D Guideline,**
- 2. requests the Heritage Office to obtain comment from Ms Chris Johnston on the draft Guideline and on the comments received to date before the draft Guideline document is made available for wider comment,**
- 3. requests the Heritage Office to prepare a program for wider expert and community consultation on the draft Guideline during 2007.**

5.3 Midget Submarine Management

Members were advised that the discovery of the missing third Imperial Japanese midget submarine M24 has solved one of Australia's greatest maritime mysteries. Members considered a report which provided an overview of the discovery, historical background, initial legislative protection, location, condition and development of management options, including surveillance options, for the archaeological site. It was noted that the NSW State Government has a key role in the management of the site in partnership with the Federal Government.

Members were advised that due to the rarity of the M24, the possible presence of two Japanese war dead, unexploded scuttling charges aboard, potential for access by recreational divers, and fragility of the structure and relics, the management of the site is complex.

The discovery of the Japanese midget submarine wreck close to shore, in relatively accessible depths to recreational divers, and adjacent to Australia's major capital city raises several issues in its effective protection and management. The Heritage Office has been reacting to this pressing need with urgency because of the significance of the archaeological site and the sensibilities that surround its effective management.

After lying submerged and undetected, except by fishing nets, over the last 64 years, the wreck will begin to give up its secrets. The Heritage Office, as a lead agency charged with its protection, will ensure that this work is done carefully in order to preserve the site's significance values and to showcase its' management and recording approach as best practice on an international stage.

Resolved:

that the Heritage Council

- 1. notes this report**
- 2. requests the Heritage Office to provide a regular report to the Heritage Council on site management and public interpretation actions.**

5.4 Section 170 Guidelines – Website Enhancement

Members were advised that to build on growing State agency uptake of their obligations under Section 170 of the *Heritage Act*, and in particular the requirements of the *State Agency Guide* (2005), the Heritage Office has identified a new strategic resource sharing opportunity. The centrepiece of this initiative is the redevelopment of the Section 170 content pages on the Heritage Office web site and a regular E-Bulletin, *State Assets*, highlighting positive heritage outcomes across government. This paper summarises the development, recent release and uptake of these products.

It was noted that since the release of the *State Agency Guide* by the Heritage Council in January 2005, there has been significant advancement by agencies in meeting key Heritage Act reporting requirements, including the completion of Section 170 Heritage & Conservation Registers (by December 2009) and interim Heritage Asset Management Strategies (HAMS).

It was further noted that to build on this growing commitment, the Heritage Office has initiated the above-mentioned agency specific resources to facilitate greater awareness of compliance needs, activity and approaches amongst fellow agencies, and to foster a feeling of 'community' in their mutual work. It is hoped that the updated Section 170 web site will be embraced by agencies and 'populated' with a range of documents that will encourage consistency of approach and reporting, reduce duplication in drafting key documents, and set a best-practice environment. Through promotion of these achievements, the Heritage Office seeks to build capacity and commitment within the approximately sixty-five NSW agencies with key heritage responsibilities.

Resolved:

that the Heritage Council notes this report.

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 notes the reports

7.0 General Business

Nil

8.0 Presentations

8.1 Centenary of NSW Coat of Arms

At the request of the Heritage Council, Bruce Baskerville of the Heritage Office, Department of Planning, repeated his presentation prepared for the Volunteers Awards on the history of the State Arms.

Resolved:

that the Heritage Council notes the presentation.

8.2 Australia ICOMOS – Peter Phillips, President

Peter Phillips thanked members for the invitation to address the Heritage Council

Members were advised that ICOMOS was founded in 1965 in Poland, but is now based now based in Paris with 9,000 members from 150 National and International Committees.

ICOMOS holds a triennial General Assembly (next in Québec 2008) and is managed by an elected Executive Committee with assistance from Advisory Committee and Scientific Council. It is one of three advisory bodies to the World Heritage Committee and has partnerships which include UNESCO, ICCROM, ICOM and ICBS.

ICOMOS has a total of 28 International Committees which include 20th Century Heritage, Military Heritage, Stained Glass, Archaeological Heritage, Mural Paintings, Stone, Documentation, Objects and Collection, Theory of conservation, Earthen Architecture, Pacifica, Cultural Tourism, and Economics.

Australia ICOMOS was formed in 1976 and has 400 members including individuals and corporations. Members required to practice in accordance with an Ethical Commitment Statement.

Activities include an Annual Conference (next in Cairns, 19-21 July) and publications include the *Burra Charter*, *Historic Environment*, and a weekly e-mail newsletter. Australia ICOMOS is a key member of the National Cultural Heritage Forum.

The Mission of Australia ICOMOS is to lead cultural heritage conservation in Australia by raising standards, encouraging debate, and generating innovative ideas.

Australia ICOMOS projects in 2007 include the Update the Burra Charter Guidelines, a project to Encourage nominations for the Australian World Heritage Tentative List, to promote International Day for Monuments and Sites (18 April), the production of a generic consultant agreement that complies with the Ethical Commitment Statement and to contribute to ICOMOS projects on Risk Preparedness and Climate Change.

Resolved:

that the Heritage Council notes the presentation.

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

Michael Collins Chair Heritage Council of NSW Date:	Next Meeting of the Heritage Council of NSW Wednesday 4th April 2007 NSW Heritage Office 3 Marist Place Parramatta
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