

4.4 Delegation to State Government

8.1 Employed as an historian by the Department of Public Works in preparation of Conservation Management Guidelines for Millers Point 2001-3 and by Orwell Peter Phillips in preparation of Conservation Management Plans for some individual properties at Millers Point 2003-4 (all for the Department of Housing).

Conflicts of Interest

Peter Mould	8.1 Government Architects Office working on a consultancy basis with Department of Housing
Michael Collins	4.1 Working as a consultant to Historic Houses Trust on another project.
Michael Collins	8.1 Does considerable consulting work for Department of Housing and although does not have any active work with the Department refrained on voting on this matter.

2.0 Confirmation of Minutes

2.1 Heritage Council Meeting of 4th April 2007

Members received a copy of the minutes.

Resolved:

that the minutes of the meeting of 4th April 2007 be adopted.

3.0 Reports

3.1 Chairs Report

The Chair advised members that in mid April he attended the Heritage Chairs and Officials of Australia and New Zealand meeting in Castlemaine, Victoria. The meeting included a tour of significant buildings in the region including goldfields. The meeting was well organised and productive.

Members were also advised that, pending other commitments, that Minister Frank Sartor will be accompanying members on the Regional visit to Griffith in August.

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

Members were advised that the Heritage Office obtained the support of the Royal Australian Navy to undertake additional diving surveys of the *M24* wreck site 7-22 May 2007. The work was conducted by Royal Australian Navy Clearance Diving Team 1, operating out of HMAS Waterhen. Critical tasks included the video recording of the hull, inspection of the surrounding debris field, battle damage survey, search for unexploded ordnance (inconclusive) in the stern and collection of sand to present to the surviving sons of the *M24* crew, Ban and Ashibe. A significant media event was undertaken on site (21 May) with the Federal Minister for the Environment, Minister Turnbull, and Tim Smith, Heritage Office *M24* Project Manager. Mr Smith presented a public lecture on the findings at the Australian National Maritime Museum (27 May) and will lead some *M24* heritage tours on Sydney Harbour in the week of 28 May, in partnership with National Parks & Wildlife, to commemorate the 65th anniversary of the raid on 31 May 2007. The Heritage Office will also participate in the annual HMAS *Kuttabul* memorial service at Garden Island on 1 June. The Minister of Planning, the Hon Frank Sartor, in company with Mr Smith, undertook a media announcement on 28 April regarding the State Government contribution to the surveillance system established over the wreck site.

Members were also advised that the Heritage Office will lead a key project over the next 12 months in relation to local government and heritage tourism.

It was noted that the world Heritage Committee is due to meet in the last week of June 2007. The Sydney Opera House nomination will be determined at this meeting. Michael Collins, Susan Macdonald and Maria Sykes (Sydney Opera House Trust) are attending the meeting as part of the Australian delegation. The Australian government is preparing media protocols in anticipation of the announcement.

It was also noted that Susan Macdonald attended the ICOMOS Asia Pacific Meeting in late May in Korea, at the invitation of ICOMOS. Susan spoke on recent initiatives in NSW on integrating heritage management into planning for growth and change in the metropolis

Resolved:

that the Heritage Council note the report.

3.2.4 Business Manager Report

Members were advised that the Training Manager, Jacqueline Barker has completed a one day training program for Planning staff to be rolled out in June and July, is completing a needs analysis for local government and state government agencies, and preparing modules for In fill and Adaptive Reuse for architects and planners.

Members were also advised that a project plan for a partnership program with Tourism NSW (which has had a 27% increase in tourism since its listing on the State Heritage Register) is in development, using the Capital country region which includes Braidwood and Goulburn, as a pilot for a partnership model that can be applied to other regions.

It was noted that independent advice shows it is feasible for the Heritage Office to introduce work flow management for key Office processes, a project plan is being prepared for a proof of concept and that work is underway to prepare a rolling management plan for the Heritage Office for 07/08 -10/11 with a focus on the next twelve months. The plan will align with the Heritage Council Strategic Plan, the Department Results and Services Plan and the State Plan.

Resolved:

that the Heritage Council note the report.

3.2.5 Media Highlights Presentation

Members were advised that the Heritage Office had extensive coverage across all media in relation to HMAS Australia, M24 survey and the AE2.

The State Heritage Register listing Norah Head Light Station precinct was announced the listing which was gazetted on 13th April also received media coverage as did the Interim Heritage Order placed on St Mary and St Mina Coptic Church at Sydenham which was gazetted on 18 May 2007.

Resolved:

that the Heritage Council note the report.

4.0 Matters for Consideration and Decision

4.1 Revised Section 57(1) Delegations to Historic Houses Trust of NSW (HHT)

Members considered a report which recommended that the existing exemption under s.57 (2) applying to HHT properties is revoked and that, with the exception of Lyndhurst being removed from Heritage Council s.57 (2) exemption, a new expanded exemption is granted to cover additional State Heritage Register listed properties owned or managed by HHT.

Members were advised that the HHT has recently disposed of Lyndhurst to a private owner and taken responsibility for two additional properties listed on the SHR (Exeter Farm /Meurant's Cottage and Glenfield Farm). In response to the Trust's request it is considered necessary to revoke HHT's existing agency-specific exemptions under Section 57 (2) of the Heritage Act to assist the efficient management of the Trust's properties and their ongoing daily maintenance.

It was noted that the core function of the HHT is to conserve and manage the properties and collections in their care, make them accessible to and provide education on the contribution of cultural heritage to the people of New South Wales. The HHT is the Government Agency responsible for the conservation, interpretation and public presentation of heritage items of state significance.

Members were further advised that the HHT is an exemplary heritage organisation in State Government and its expanding portfolio of properties requires amended expanded exemptions under section 57(2) of the Heritage Act from normal Heritage Council approval. Conditions on these exemptions requiring the HHT to provide the Heritage Council with annual reports on proposed works to its properties and to give notification and discuss any works involving major excavation with Heritage Office archaeologists have been included to improve public accountability and implement past recommendations made regarding the Trust's management of archaeological resources on its properties.

Resolved:

that the Heritage Council:

- 1) **advise the Minister, in accordance with section 57(2) of the Heritage Act, to:**
 - (a) **revoke the existing exemptions made to the HHT under section 57(2) of the Heritage Act; and**
 - (b) **under section 57(2) of the Heritage Act grant an exemption from all section 57(1) activities to properties owned or managed by HHT and listed on the State Heritage Register as outlined in Annexure A with the following conditions:**
 - (1) **that the Historic Houses Trust provide an annual report to the Heritage Council on future works proposed for its properties;**
 - (2) **that the Historic Houses Trust advise the Heritage Office archaeologists of any proposed works requiring major excavation at its properties to allow due consideration of the need for additional archaeological work;**
 - (3) **that the Director of the HHT must lodge all archaeological monitoring or excavation reports prepared with the Heritage Office library on completion after review by Heritage Office archaeologists;**
 - (4) **that the HHT employ as required a consultant historical archaeologist with appropriate archaeological qualifications, knowledge, skills and experience and the Director of the HHT must obtain the advice of that person about the heritage significance of the archaeological resource and/or the impact of the development proposal on the heritage significance of the archaeological resource, and take that advice into account;**
 - (5) **that the Director of the HHT must take into account as far as practicable the cumulative effect of approvals on the heritage significance of the item and on the heritage resource of its area; and**
 - (6) **that the Director of the HHT must ensure that approvals are in accordance with any requirements, guidelines, regulations and**

general conditions issued by the Heritage Council. The Director of the HHT may impose additional conditions which do not conflict with any Heritage Council conditions.

- (c) sign the instrument of delegation at in accordance with the Minister's consent; and*
- (d) in addition to the above the Heritage Council requires a formal annual reporting mechanism to be established under which the HHT would report to the Heritage Office / Heritage Council on its works program for the previous year undertaken under the exemptions. The form this takes can be decided in discussion between the HHT and the Heritage Office.*

4.2 Appointment for Michael Barr to the Religious Property Advisory Panel

Members were advised that at the Religious Property Advisory Panel meeting held on 4 May 2007, it was resolved to recommend to the Heritage Council that Michael Barr be appointed to serve on the Panel from 2007 for three years.

It was noted that Michael Barr manages the Property Resources Unit, responsible to the NSW Uniting Church Synod Board for Finance and Property. He provides strategic and property management advice to property owners within the Uniting Church.

Resolved:

that the Heritage Council approve the request from the Religious Property Advisory Panel that Michael Barr be appointed to serve as a member of the Religious Property Advisory Panel from 2007 – 2010.

4.3 Membership of History Advisory Panel 2007-2010

Members were advised that the History Advisory Panel appointed in August 2004 is due to complete its term in August 2007.

It was noted that one of the existing membership positions is described as *Historian employed in the Cultural Heritage Branch, NSW Department of Environment & Conservation*. Due to changes in the terminology used by the Department, the Panel recommends that the Heritage Council revise the description of this position as follows: *Nominee, with professional qualifications in the field of history, of the Executive Director, Culture & Heritage Division, Department of Environment and Climate Change*. This description of the position reflects the current terminology within the Department, and accords with the terminology used for a similar membership category for a Heritage Office staff member.

It was noted that arrangements are currently in hand by the Heritage Office for obtaining nominations for all the membership positions. A report, with recommendations for appointments, will be made to the Heritage Council's August 2007 meeting.

Resolved:

that the Heritage Council amends the category for membership of the History Advisory Panel currently called Historian employed in the Cultural Heritage Branch, NSW Department of Environment & Conservation by changing that category to Nominee, with professional qualifications in the field of history, of the Executive Director, Culture & Heritage Division, Department of Environment and Climate Change.

4.4 Delegations to State Government Agencies

Members considered a report which recommended that the Heritage Council endorse the proposal to expand the provision of delegations to State government agencies which can demonstrate they have established an effective heritage management system and direct the Heritage Office to provide a further report on delegations to Sydney Water for its consideration at the next meeting.

It was noted that The Heritage Council has provided a range of mechanisms to enable selected agencies to manage their heritage assets.

These mechanisms have included a range of exemptions under Section 57(2) of the Heritage Act or delegations to issue approvals on behalf of the Heritage Council for works to assets listed on the State Heritage Register. To date only State agencies which have a heritage or conservation function or emphasis have been given these measures including Historic Houses Trust, Department of Environment and Climate Change (DECC) and the Sydney Harbour Foreshores Authority (SHFA).

It was further noted that to be eligible for Heritage Council consideration of the Approved Delegation Package and approval by the Minister for Planning a State Agency would need to demonstrate that it has in place an effective heritage management system which includes:

- Access to heritage advice. A staff person with recognised credentials and experience in heritage management and conservation or ready access to such advice by way of an external provider.
- Endorsed Heritage Asset Management Strategy (HAMS). Consistent with S.170 Guidelines and reviewed and endorsed by the Heritage Council.
- Endorsed Section 170 Heritage and Conservation Register. Consistent with S.170 provisions and Heritage Council Guidelines and endorsed by the Heritage Council.
- An effective package of approved internal directions and procedures. This would cover the following areas: Heritage Impact Assessment, Heritage Asset Management -Maintenance, operation, upgrades, new developments/additions, sale and transfer and Monitoring and Reporting.
- Adequate training programs for staff and contractors relating to heritage. This should include training for Asset managers and other staff on heritage issues and procedures.
- CMP for SHR items. This is seen as ideal objective to assist in the management of State significant items.

- Specified Manager for the purposes of the instrument of Delegation
- Heritage Indicator/ Performance Measure relating to above position.

Members were advised that the expansion of the current delegation package to other State Government agencies that can demonstrate that they have established a effective heritage management system is a positive initiative to encourage the conservation of heritage in NSW.

Members were also advised that if the Heritage Council endorses this approach a report will be prepared for the next meeting recommending that Sydney Water be given the same delegations as DECC and SHFA on a 12 month trial basis after which it will be reviewed and further considered for wider adoption.

It was noted that a background in Aboriginal heritage may be necessary for some agencies.

Resolved:

that the Heritage Council endorse the proposal to expand the provision of delegations to State government agencies which can demonstrate they have established an effective heritage management system and direct the Heritage Office to provide a further report on delegations to Sydney Water for its consideration at the next meeting.

4.5 New uses for Heritage Places: Guidelines for the Adaptation of Historic Buildings and Sites

Members were advised that following the success of the Heritage Council/Office and Royal Australian Institute of Architects (RAIA) joint publication *Design in Context: Guidelines for the Infill Development in the Historic Environment* the Heritage Office has been working with the RAIA on the second of the three proposed guidelines documents. The second guideline, *New uses for heritage places: guidelines for the adaptation of historic buildings and sites* have been developed using the same model – that is a joint publication between the peak professional bodies to encourage high quality outcomes for the adaptive reuse of heritage places. The document is intended to be published this financial year.

The document provides clear principles for the adaptation of heritage places and includes a series of best-practice case studies across a range of heritage types, over a range of locations – city, regional, rural and suburban and a range of architectural solutions in NSW.

The document also follows the same contents as *Design in Context*, although two new sections have been added; the *Dollars and sense of adaptation* and *Heritage-led regeneration*. These new sections seek to address the issues of the economics of heritage and demonstrate the role heritage can play in urban regeneration.

Case studies have been selected to highlight more common scenarios, cover the range of city, suburban, regional and rural situations and a variety of typically found building types. Good design and creating practical solutions are highlighted rather

than the most famous examples. The document is cognoscente of the range of skills available across the State in delivering good adaptive reuse outcomes.

Members were advised that Heritage Council endorsement of the document is now sought and that under Section 21(2) b of the Heritage Act, 1977, provides the Heritage Council with the capacity to produce guidelines on appropriate heritage matters. The official status of the guidelines helps in delivering the Heritage Office objective of improving clarity, certainty and consistent decision making in the system.

It was noted that the document requires some minor editorial work, which will probably result in some amendments and that the photographs are to be finalised. The document also requires the endorsement of the RAI NSW Chapter Council.

Resolved::

that the Heritage Council:

- 1. endorse the draft guidelines subject to minor editorial amendments and finalisation of images, and subject to any comments from Heritage Council members following their review of the draft guideline;**
- 2. note that the guidelines will also be endorsed the RAI NSW Chapter Council; and**
- 3. following the above, note that the Heritage Office will proceed with the design and publication of the guidelines.**

4.6 Cultural Landscape Assessment Guidelines Adoption

Members considered a report which recommended that the Heritage Council adopt the cultural landscape assessment guidelines prepared and adopted by Heritage Victoria, for use in NSW. This would represent a simple and useful first step towards a more strategic approach to the identification and management of historic cultural landscapes in NSW. It would also enable the incorporation of cultural landscape assessment into the 'Managing Change' document currently under finalisation. Longer term the Heritage Council may wish to consider other actions to seek a more whole-of-Government approach to cultural landscape management through holistic planning.

It was noted that following on from a 2003 expert charette it hosted the Heritage Council is encouraged to consider the adoption of assessment guidelines for cultural landscapes prepared and adopted by Heritage Victoria, for use in New South Wales. These are a useful model with direct relevance to the identification and assessment of the heritage values of landscapes. This is a type of heritage place under-recognised, studied or represented on statutory heritage lists in NSW.

It was further noted that cultural landscapes of the urban fringes of metropolitan NSW centres in particular are under threat with rapid urbanisation, rising land values and a lack of recognition. They play a large part in providing past and present a sense of identity, place, distinctiveness and attractions in terms of amenity,

productivity and tourism. Maintenance of historic land use mixes is vital to retaining their heritage values which often relate to ongoing uses (eg: as farmland, orchards or as fishing rivers). Carefully identified and managed cultural landscapes can play a larger part in a more sustainable future synthesis of development, place and cultures. They can provide major basis for 'place-based' planning.

Resolved:

that the Heritage Council:

- 1. adopt the assessment guidelines for cultural landscapes developed and adopted by Heritage Victoria, for use in New South Wales;**
- 2. note that the assessment guidelines will be rebadged as NSW Heritage Council guidelines and that due acknowledgement will be given to Heritage Victoria; and**
- 3. rename guideline "Historic Cultural Heritage Significance."**

4.7 Presentation on Incentives for Heritage Conservation

The Chair introduced Patrick Fensham Director SGS Economics and Planning.

Mr Fenshap began his presentation by outlining Heritage Contexts and their settings, these included rural properties where the item, and a curtilage area (garden or landscape), both have heritage significance this includes items such as historic rural homesteads, items on a large site (often in single ownership) proposed for development, where the item and a curtilage area (for views or landscape setting) need protection such as historic homesteads or rural heritage items in areas designated for new urban development, items isolated in urban growth areas, where neighbouring development potential is being increased such as historic pubs, churches or residences in suburban or commercial centres, items in urban or development settings where the historical use is no longer appropriate or viable such as mills or old factories in suburban or otherwise residential areas, items isolated in a town or rural area where growth prospects are limited such as old shops or houses in in-land country towns, items of general heritage values in an area such as a rural town, precinct with heritage houses and items where significance is discovered once development commenced.

An industry consultation snapshot was undertaken which highlighted opportunities, risks, risk management and application of current incentives.

Opportunities included good heritage conservation outcomes can enhance project credibility; innovation and creativity can be driven by heritage listing; unique approaches to development, heritage outcomes can provide 'triple bottom line' benefits and heritage values in a development can be effective in particular circumstances and locations (but do not necessarily have universal appeal).

Risks included Uncertainty of costs of physical restoration (e.g. site contamination; building stability; conflict with BCA); uncertainty of revenue from finished product (e.g. controls do not allow internal alterations); and uncertainty of development

approval (e.g. changed circumstances following development, BASIX compliance, delays due to archaeological finds).

Risk management issues included addressing matters for consideration in a Conservation Management Plan (CMP) or Masterplan (MP); Preparing a CMP when one did not exist for the site; seeking pre-development advice/professional advice early; Testing advice against regulatory provisions; fostering a good relationship with regulatory authorities; and consistency of assessment on the part of regulatory authorities.

It was found that application of current incentives are generally not sufficient to affect underlying fundamentals for larger developments; available financial incentives, concessions might influence modest developments or extensions; car parking provision credits or FSR credits provide credits for 'value' created; the use of planning agreements a potentially effective means of protecting heritage values and transferable development rights particular to City of Sydney, with its higher land values, capacity constraints and a significant proportion of heritage sites.

An LEP review was also undertaken.

Draft recommendations based on the Workshop and under the following principles were prepared:

- Expanding cash resources for heritage planning and protection but targeting these more effectively;
- Greater emphasis on the importance of 'up-front' heritage related planning (compared to direct or indirect financial assistance);
- Greater certainty and specificity in the implications of a heritage designation in the planning system (LEPs and DCPs);
- Making the financial subsidies for heritage work and protection more explicit;
- Provision of flexible approach to development controls where planning and environmental performance is not compromised;
- Greater recognition of the possible negative financial impact on a development where the heritage properties are revealed after the decision to develop has been take.

A number of draft recommendation were made which included increasing funding for planning in heritage system Index state heritage funding; to pursue the establishment of an endowment resource ('Friends of NSW Heritage' Fund); and to increase funding and other resources to enhance local government heritage management systems.

In relation to the planning system it was recommended to expand the coverage of Conservation Management Plans and strategies for State listed items and priority locally listed items; to establish a program to support development of statements of heritage significance for all locally listed items as required in metropolitan and regional strategies; to expand the 'toolbox' of mechanisms in the Standard LEP provisions relating to heritage to include concessional car parking, s.94 and floor space provisions subject to planning and environmental performance test and commercial merit test; to prepare a Model Heritage DCP; and to prepare a

'Conservation Area Management Strategy' for Conservation Areas or Heritage Precincts.

A further recommendation was to tailor the Approvals Process for Heritage Items by the exemption and promotion of the exemption of, heritage related developments from BASIX 'thermal comfort' tests and train building certifiers in implementation of the BCA for heritage items and promote case studies using the BCA as a performance based system.

In relation to incentives and assistance it was recommended to allow owners of heritage properties to 'draw-down' on property rates paid following heritage listing to undertake bona fide heritage related protection works; and to allow councils that have prepared conservation area management strategies or development control plans to set a special rate levy for heritage items.

Finally in relation to payments for heritage services it was recommended that model clauses for planning agreements for development areas with heritage items be prepared, to devise model clauses developer agreements for renewal areas with heritage items subject to commercial test; to provide for payments for heritage services as part of application of section 94a funding where warranted subject to commercial test; and to investigate the inclusion of heritage services in section 94 plans.

Resolved:

that the Heritage Council note the information contained in this report and agree on further actions.

5.0 Matters for Information or Noting

5.1 World Heritage Nomination of Convict Sites: Update

Members were advised that the nomination is progressing, with work at the national level of the description and justification components; and at the state level on management planning and community consultation sessions.

It was noted that the National Steering Committee is currently focussing on the development of the nomination document, in particular the 'description' section (which includes the history) and the arguments for the 'justification' sections. The State Steering Committee is working with the NSW site managers on finalising site management plans and the consultation and information sessions. By mid-late June the nomination should contain all of the required content in a working draft form which will then be subject to considerable review and further discussion to be worked into a final version.

Resolved:

that the Heritage Council notes this report.

5.2 Nominations Strategy – State Heritage Register Committee

Members considered a report which provided a preliminary report on a nominations strategy currently under development by the State Heritage Register Committee and the Heritage Office. Members will be provided with updated reports as the strategy is finalised.

It was noted that at its April meeting, the State Heritage Register Committee Members discussed the assessment of State Heritage Register nominations, the process of report preparation and the content of agendas. Members also discussed the desire of ensuring the quality of nominations and the integrity of the State Heritage Register. Members agreed to hold a workshop at the May meeting, which subsequently took place.

Members considered the elements of the strategy proposed by the Heritage Office.

It was noted that what is proposed is a fundamental shift in the selection of nominations for consideration by the State Heritage Register Committee. The current approach emphasises the selection of community nominations by the Heritage Office for review by the Committee. While noting the value of the community in the listing process, the result has been that nominations submitted to the Committee are ad hoc in nature. A strategic approach has not been adopted and "icons" of State's heritage are absent from the Register. In addition, listings have not been based on an analysis of the State's typologies and themes.

It was noted that this last point will be the subject of the proposed Experts Committee to be convened by the Committee later in the year and that community nominations will remain an important element of any listing program, but will be balanced by nominations from other sources.

Resolved:

that the Heritage Council notes this report.

5.3 Managing the State's heritage to Accommodate Growth and Change – Subregional, Regional and Six Cities Strategies and other Related Planning Reform Strategies

Members considered a report which provided an update on progress of the Heritage office project designed in response to the Department's priority strategic planning exercises and planning reform initiatives.

It was noted that the Heritage Office has contributed heritage policy to the key strategic planning projects including implementation of the Metropolitan Strategy for Sydney, City of Cities, A Plan for Sydney's Future. This involved policy input to enhance heritage identification and conservation for seven Regional Strategies, ten metropolitan Sub-regional strategies and six specific strategies for the regional cities of Wollongong, Gosford, Parramatta, Penrith, Liverpool and Newcastle. The aim of the subregional planning was to translate the objectives of the Metropolitan Strategy to the local level. Policy preparation involved consultation with local government,

State agencies and included preparing draft strategies and providing detailed comments on draft documents.

It was further noted that work on Regional Strategies is nearly completed with most either on public exhibition or completed. The Subregional Strategies are currently being refined by the Department of Planning and it's likely that the first three will be ready for exhibition in June 2007.

The documents including the Local Environmental Plan for Wollongong have already been finalised by the Government while documents for Newcastle, Parramatta, Gosford, Liverpool and Penrith are in the final stages. These documents provide for substantial growth within the six city centres.

It is also noted that a number of generic issues identified by the Heritage Office are being considered as part of the Standard LEP template amendments. The standard LEP template was implemented last year by the Department of Planning, whoever a number of heritage matters require some amendment.

Specific issues related to each city centre are being considered prior to the finalisation of the documents. Examples of specific issues include historic views, reference to archaeological studies where applicable, clarification of approval requirements under the Heritage Act, heritage incentives etc.

Members were advised that the next phase of the project will be to assist local government to incorporate heritage within comprehensive Local Environment Plans that will implement the regional and sub-regional strategies. Work is underway to complete *Managing Change* a compendium of Heritage Council development assessment policies, to revise the *Heritage Conservation Area guideline*, prepare current advice on heritage incentives and adaptive reuse. Training programs for Department of Planning and local government staff are in design phase. The heritage incentives project which is the subject of a separate HC report is also a part of this larger project. A number of supporting guideline documents are in advanced draft form and will be considered by the Heritage Council shortly.

Resolved:

that the Heritage Council notes this report.

5.4 Commonwealth Government Response to the Productivity Commission Inquiry into the conservation of Australia's Historic Places

Members were advised that a Productivity Commission Inquiry into the policy framework and incentives for historic heritage was undertaken during 2005. The Heritage Office played two roles in relation to the Inquiry. The Office coordinated an initial submission to the Productivity Commission on behalf of the project group, which included: Historic Houses Trust, Department of Conservation, Treasury, the Cabinet Office, Department of Commerce (Heritage Unit) and The Foreshore Authority. This included an appearance at the public inquiry in early 2005.

It was noted that the Heritage Office also coordinated a joint project of the Heritage Chairs and Officials of Australia and New Zealand which included two submissions, two research reports and a response to the Productivity Commission's draft report. This work involved the commissioning of the Allen Consulting Group to carry out economic research work and assist in the preparation of submissions. This project was chaired by Michael Collins.

The final report was released by the Productivity Commission in August 2006. The Commonwealth government has now prepared a response to the Commission's recommendations a copy of which was provided to members.

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 note the reports.

7.0 General Business

Nil

8.0 Presentations

8.1 Presentation by Department of Housing (DOH) regarding long term leasing of 16 properties in Millers Point

This presentation was made to members at 10.00 am.

Members received a presentation by representatives of the Department of Housing and their consultants.

Members were advised that Millers Point is listed on State Heritage Register, City of Sydney Council LEP, Register of National Estate and that extensive heritage work done on Conservation Management Strategies and Plans and on HAMS for DOH.

In 2002 Millers Point Heritage Management Protocol was endorsed by Heritage Office however the DOH has high repair backlog liabilities and significant maintenance work outstanding. It was noted that Millers Point heritage properties no longer meet client needs and require major financial investment.

It was also noted that Millers Point is an evolving community due to its historical maritime associations and foreshore redevelopments. Millers Point has 229 buildings with 464 dwellings which currently house 646 DOH residents of which only 5% have been resident in Millers Point for more than 20 years.

Members were also advised that there is a change nature of DOH client needs as public housing needs and client profile is changing, aged, frail, disabled residents increasing, 57% of residents are on an aged pension or disability support pension.

The DOH advised that Millers Point property layout and features often do not meet needs of public housing tenants and that the heritage values of the properties limit the ability to convert or adapt properties to meet tenant needs without adverse impacts.

Members were further advised that the DOH acknowledges its heritage responsibilities advising that the Conservation Management Guidelines revised by Department of Commerce in 2007, the DOH has tendered for two heritage advisors and a panel of heritage architects as project providers, the Departments Heritage Asset Management Strategy is to be submitted shortly and that the DOH has considered options for Millers Point to balance client needs and long term heritage management responsibilities.

In the long term members were advised that the heritage properties will be conserved and maintained under specific lease terms and conditions, CMP/CMS will be completed to accompany leases, lessees will be required to undertake stabilisation works immediately.

It was noted that the DOH has a management system for monitoring existing heritage leases and that maintenance reports supervised by approved heritage architect to be submitted to DOH regularly.

In relation to the Conservation Management Guidelines members were advised that the Millers Point Heritage Management Protocol was endorsed by Heritage Council 2002 as an interim plan, the Conservation Management Guidelines are currently being finalised by the Department of Commerce, CMPs and CMSs and Schedules of Works have been prepared for the properties being proposed for lease and that lease agreements will include ongoing maintenance terms and conditions, regular monitoring, use of specialist heritage advice.

Members were further advised that there will be impacts and benefits in this process which include the ongoing evolution and diversification of community, the conservation of SHR listed properties, the access to private capital investment for detailed conservation works properties recovered from vacancy into residential use, a reinvestment in more suitable public housing stock, ownership will be retained by

the DOH and that the DOH will continue oversight and management of properties through CMG and lease conditions.

Members were advised that they request the Heritage Council to support the strategy in principle and to provide advice regarding consultation process and timing. If supported the next step would be to lodge Section 60 applications with the Heritage Office and Development Applications (with HISs) for SEPP 10, subdivisions, stabilisation work schedules to City of Sydney Council

Discussion of this presentation took place at the end of the Heritage Council meeting at which time there was not a quorum present.

The remaining members discussed the presentation. The Executive Director noted comments made by members which included the provision to the Department of Housing with in-principle support for the long term leasing of sixteen properties in Millers Point subject to resolution to the Executive Directors satisfaction of adequate mechanisms to protect and conserve the properties being put in place and to undertake to provide advice as to the relevant consultation, processes and timing issues as requested by Department of Housing.

It was also suggested that the Heritage Office to provide a report to the Heritage Council covering the issues raised in the discussion.

Michael Collins
Chair
Heritage Council of NSW
Date:

**Next Meeting of the Heritage Council
of NSW**
Wednesday 1st August 2007
NSW Heritage Office
3 Marist Place
Parramatta