

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

Meeting Number 336

13th February 2008

Heritage Office, Department of Planning
3 Marist Place
Parramatta



PRESENT Gabrielle Kibble AO (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 10.30 am, Ross Fitzgerald, Tina Jackson (National Trust of Australia [NSW]), David Logan, Russell Couch (for Director-General Department of Environment and Conservation)

APOLOGIES Hewitt Whyman, John Robertson.

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

1. Opening – Welcome

The Chair opened the meeting at 9.30 am.

1.2 Confirmation and Timing of Agenda

The agenda was confirmed.

1.3 Declarations of Interest

Pecuniary Interests

Nil

Non Pecuniary Interests

Nil

Conflicts of Interest

Nil

2.0 Confirmation of Minutes

2.1 Heritage Council Meeting of 5th December 2007

Members considered minutes of the meeting of 5th December 2007.

Resolved:

that the Heritage Council of NSW adopt the minutes of the meeting of 5th December 2007.

3.0 Reports

3.1 Chairs Report

The Chair moved a motion to formally thank and record the Heritage Council's appreciation for the contribution of Michael Collins, former member and Chair of the Heritage Council of NSW from 1996 to 2007, to the heritage of NSW.

The Chair advised members that the report on the review of the Heritage Act is with the Minister and that an offer by the Minister to address members of the Heritage Council in relation to the review was to be followed up. It was noted that a Cabinet Minute has been prepared.

Members were advised that the Minister has requested that the Chair look at the files in relation to recommendations for listings on the State Heritage Register that are with the Minister. The Chair suggested that the format in which recommendations are presented to the Minister may need review.

The Chair also advised members that there could be a benefit in aligning listings work in a strategic or thematic way, for example 2010 marks the 200th anniversary of the appointment of Lachlan Macquarie as Governor of New South Wales in 1810.

Resolved:

that the Heritage Council of NSW

- 1. formally records its appreciation of the leadership, skills and achievements of Michael Collins, former member and Chair of the Heritage Council of NSW from 1996 to 2007.**
- 2. notes 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 in the early hours of 31st January 2008, the Sze Yup Temple, Glebe was reported on fire. The Temple is listed on the State Heritage Register. Heritage Office staff visited the temple in the afternoon after access was restored by police and fire brigade to ascertain level of damage. It was found that out of the three buildings of the Temple one is damaged extensively. The roof and

internal fabric is totally destroyed beyond repair while the brick walls appear to be in a reasonable condition. The other two buildings have minor or no damage.

The Heritage Office has contacted the Trustees of the Temple and has offered to fast track any approvals required to rebuild the roof and the interior of the Temple. Consideration is also being given to providing some emergency assistance to the Temple Trustees towards documentation of the elements lost in fire.

Members were also advised that there has been a fire in the buildings at the rear of Knucky's Store, Wellington, the main building was not affected.

The Executive Director advised members that the NSW Attorney General's Department has undertaken an initial survey of the coats of arms installed in all courthouses across the State. The *State Arms, Symbols and Emblems Act 2004* requires all Royal Arms used to represent the authority of the State or the Crown to be replaced by the State Arms as soon as practicable. The Act recognises that the Royal Arms form a part of the heritage of NSW, and provides for exemptions from this requirement where a Royal Coat of arms forms an integral part of a heritage item. The Act sets out a role for the Heritage Council in providing advice to the Premier on this matter, and also on matters associated with the conservation of removed Royal Arms.

It was noted the Federal Minister for Environment, Heritage and Arts made a public announcement of the submission of the world heritage nomination of the *Australian Convict Sites* at Fremantle Prison on the 30th January 2008. The announcement was widely reported in the print media, particularly the regional newspapers in Queensland and Victoria, with some coverage in the capital city newspapers in Hobart, Sydney, Perth, Adelaide and Canberra. The announcement also received good radio coverage in Perth.

Members were informed that the Heritage Council's online exhibition launched in October 2006 to commemorate the centenary of the grant of the NSW Coat of Arms has now passed its 20,000 visitor mark. By the end of December 2007 21,913 individuals had visited the exhibition and viewed one or more pages. The exhibition had also received over 160,000 'hits' from search engines. Visitation numbers tend to be higher during school terms, with the highest monthly number of visitors being 4,001 in November 2007. The exhibition is viewed by an average of 1,560 visitors per month, or about 50 people per day. The exhibition has been consistently ranked as 5th most accessed directory on the Heritage Office website since November 2006, and consistently has at least two pages in the top-20 most accessed pages on the whole Heritage Office website.

In relation to staffing of the Heritage Office the Executive Director advised that Murray Brown will shortly be leaving the Department, the Executive Director thanked Murray for his significant contribution to the work of the Heritage Office. It was also noted that Jenny Climas and Fiona Leslie has resigned, the Executive Director also thanked them for their work.

Resolved:

that the Heritage Council of NSW note the reports.

4.0 Matters for Consideration and Decision

4.1 Heritage Council Meeting Dates 2008

Members considered a report which proposed that future meetings of the Heritage Council for 2008 be held on the first Wednesday of the month excepting September, with consecutive meetings of the Heritage Council (9:00am to midday) and Committees (1:00pm to 5:00pm) alternating with morning Committees meetings in those months when the Heritage Council does not meet. The next full meeting of the Heritage Council is proposed for April 2008 and Committee meetings in March 2008.

The report also proposed a regional meeting for the September meetings of the Approvals and State Heritage Register Committees. The Regional visit has been scheduled for Thursday 4th and Friday 5th September 2007. The location of the regional visit has yet to be determined.

Resolved:

that the Heritage Council of NSW, in accordance with the Code of Meeting Practice, adopt the proposed meeting dates, times and locations for 2008 as set out in the schedule provided to members.

4.2 Heritage Council Regional Visit September 2008

Members noted that at the time of the establishment of the reconstituted Heritage Council of NSW in 1997 the Heritage Council decided to hold meetings in major regional centres of NSW on a regular basis.

The Heritage Council has held meetings in Armidale, Bathurst, Bega, Broken Hill (twice), Bourke, Corowa, with visits to Albury, Mathoura and Deniliquin, Dubbo, Griffith, Lismore, which included a visit to Tenterfield, Newcastle, Orange, Queanbeyan, Wollongong. This visit will give the Heritage Council an opportunity to focus on Aboriginal and rural heritage.

Possible areas suggested for the 2008 regional visit are the mid north coast or the far south west of the State. Wentworth was suggested as a option for the 2008 visit.

Resolved:

that the Heritage Council of NSW hold its 2008 regional meeting in Wentworth on the 4th and 5th September 2008 (Thursday and Friday) with a possible late departure on Wednesday 3rd September 2008.

4.3 Appointment of Chair of the Approvals Committee and Heritage Incentives Panel

Members considered a report which advised that the former Chair of the Heritage Council held the position of Chair of the Approvals Committee and Heritage Incentives Panel.

The report proposed that the Chair of the Heritage Council of NSW chair the Heritage Incentives Panel and members appoint a Chair of the Approvals Committee.

It was noted that the Heritage Incentives Panel meets twice a year to provide expert advice directly to the Minister on Heritage Incentives Program priorities and funding recommendations.

It was also noted that the major role of the Approvals Committee is to act in the Heritage Council's consent authority role. It provides comments on, or suggests amendments to proposed changes to listed items through applications made under Integrated Development Assessment and Section 60 or Section 140 of the Heritage Act. It also provides pre application advice on items of State and Regional Heritage Significance and prepares, endorses and reviews policies on best practice of making and dealing with applications for approval to carry out development to State Significant Heritage items.

Resolved:

that the Heritage Council of NSW

- 1. agree that the Heritage Incentives Panel be Chaired by the Chair of the Heritage Council; and**
- 2. appoint Peter Mould as Chair of the Heritage Council Approvals Committee and David Logan as the Deputy Chair of the Committee.**

4.4 Planning Reform

Members considered a report which advised that the NSW Government has identified the need for a reform of the NSW Planning System, as embodied in the 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 this issue and making recommendations for changes to the plan-making and development assessment processes under the EP & A Act.

It was noted that at its meeting on 5th December, 2007, the Heritage Council resolved to endorse the establishment of an in-house working party to prepare a draft Heritage Council response to the Planning Reform paper and to report back to the next meeting of the Heritage Council in February 2008.

The submission has been drafted by the working party and was provided to members.

The draft submission provides comments under each section of the Discussion Paper. These are the development assessment processes, plan-making, Exempt & Complying Development, certification, ePlanning, paper subdivisions, strata management, and miscellaneous amendments.

Members were advised that the principle and intent for each issue in the Discussion Paper is positive and it is agreed that there is a need for improvements to the existing system. Overall, it is believed that the proposed

changes to the NSW planning system will result in a simplified and streamlined system.

It is also believed that with appropriate guidelines and management systems in place, the proposed system can be delivered successfully. The submission indicates that where components of the system involve heritage matters, the Heritage Council (through the Heritage Office) is best placed to provide the input of heritage expertise into the subsequent legislation, guidelines and administrative system and its ongoing management. The submission states that the Heritage Council views the reform as an important and necessary project and offers its assistance to the Department of Planning in the delivery, supervision and management of the new system.

Members emphasised that it is important heritage expertise is involved early in the planning process and there needs to be the appropriate level of heritage expertise through out the system.

The Executive Director thanked the members of the Working Party for their work.

Resolved:

that the Heritage Council of NSW

- 1. support the goal of streamlining the planning system;**
- 2. notes that heritage issues will be significantly integrated for much of local government planning work;**
- 3. notes that the successful integration of heritage into the planning system is dependant on the provision of high quality heritage expertise, education and materials to allow these changes to be made successfully;**
- 4. support in principle exempt and complying development but it is imperative that it be implemented with appropriate and sufficient safeguards for heritage conservation and enhancement;**
- 5. it is imperative that heritage expertise is included throughout the system when heritage issues are involved in the assessment, approval, certification and arbitration roles and processes. This will require the provision of adequate resources.**

4.5 Heritage Tourism Strategy

Members considered a report which recommended that members agree to develop a similar Heritage Tourism Strategy for New South Wales, in consultation with other key stakeholders and government agencies, as developed in Western Australia.

It was noted that in August, 2006, the Government of Western Australia released its Heritage Tourism Strategy, developed jointly by the Heritage Council of WA and Tourism WA. The Strategy sets out a comprehensive program for exploiting current trends in cultural heritage tourism, while ensuring that the state's heritage resources are sustainably conserved and managed in the long term.

Members were advised that the Western Australian Heritage Tourism Strategy document makes a succinct and eloquent case for close partnership between tourism and cultural heritage conservation interests. The same arguments apply in New South Wales, perhaps even more emphatically, given our state's relative

concentration of cultural heritage items and Sydney's role as a 'landfall' destination for most international tourists to Australia.

It was also noted that the Western Australian model for Heritage Tourism is well-conceived and closely reasoned. New South Wales and its heritage resources could derive considerable advantages from the development and implementation of a similar strategy.

A suggestion was made that any links with the State Plan should be investigated.

Resolved:

that the Heritage Council of NSW resolves to prepare a Heritage Tourism Policy and Strategy for New South Wales, in partnership with other key stakeholders and NSW government.

4.6 Maritime Archaeological Panel Change of Chair & Deputy

Members considered a report which advised that the current Chair positions within the Maritime Archaeology Advisory Panel (MAAP) have expired. The Panel has nominated Ms Debbie Hardy as Chair, and Commander Damien Allan as Deputy Chair for the period February 2008 - January 2011.

It was noted that Ms Hardy has been a past Chair and is a strong contributor to all aspects of the work of the Panel, bringing extensive diving skills and advice from a recreational diver perspective. Commander Allan provides strong links to a key partner in the management of coastal underwater cultural heritage, including key WWII sites such as the Japanese midget submarine.

Resolved:

that the Heritage Council of NSW

- 1. appoints Ms Debbie Hardy as Chair for a standard 3 year term (February 2008 - January 2011); and**
- 2. appoints Commander Damien Allan as Deputy Chair (February 2008 - January 2011).**

4.7 Update of Review of the Heritage Act by the Expert Panel

The Chair referred members to the information provided in the Chairs Report.

5.0 Matters for Information or Noting

5.1 Sydney Town Hall, Results of Archaeological Work

Members considered a report on the archaeological work which has been occurring at Peace Hall, part of the Sydney Town Hall, also known as the Lower Town Hall throughout January 2008. In December 2007 the Council of the City of Sydney received an Excavation Permit for a program of full archaeological salvage excavation prior to the bulk excavation of the area for a new basement. Interpretation and display of the findings is intended, but not in-situ retention of the relics salvaged.

It was noted that the new basement works would involve excavation below current ground levels and were considered likely to require the removal of highly significant and rare human remains dating from the earliest European occupation of Australia.

It was further noted that the conditions included a requirement for a Public Open Day. That event was held on 22 January 2008. Over 3000 people queued for up to 1.5 hours to inspect the archaeological work. The event also attracted considerable media attention, including interviews with the archaeologists on radio and television and newspaper stories.

Resolved:

that the Heritage Council of NSW note the information in the report.

5.2 Australian Convict Sites: World Heritage Nomination

Members considered a report which advised that three meetings of each of the national and state steering committees for the Australian Convict Sites World Heritage Nomination were held between August and December 2007.

It was noted that the most intensive phase of the nomination, the preparation of the dossier, has now been achieved, and the nomination has been lodged with UNESCO in Paris by the deadline of 31st January.

Members were advised that this has taken about two years of work across eight agencies in NSW and five jurisdictions in Australia. Detailed research and analyses have been undertaken, including international comparative studies that have never been previously attempted and arguments for the world significance of the eleven Australian sites collectively have been developed to support their inscription on the World Heritage List. Comparisons of the management systems in place for similar sites elsewhere in the world have shown the comprehensiveness and long standing nature of conservation management in Australia.

It was further noted that there is still work to be done in finalising site management plans, in providing any advice that may be requested in the development of a state planning policy for world heritage sites in NSW, and in planning and managing the site visits by the ICOMOS Assessor later in 2008.

The next phase involves finalising site management plans, contributing to the preparation of a state planning policy for world heritage sites if requested, and preparation for the Assessor's site visits

Resolved:

that the Heritage Council of NSW

- 1. notes that the *Australian Convict Sites World Heritage Nomination* has been submitted to UNESCO in Paris for assessment and consideration by the World Heritage Committee,**
- 2. to thank Bruce Baskerville, Patricia Hale and ex staff member Susan MacDonald for their work on the nomination; and**
- 3. notes this information 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 of NSW notes the reports.

7.0 General Business

7.1 Aboriginal Heritage Committee

Members discussed the current operations and functions of the Heritage Council's Aboriginal Heritage Panel and common links with the Department of Environment and Climate Change (DECC) Aboriginal Committee.

Resolved:

that the Heritage Council of NSW request that a joint report be prepared for the Heritage Council by the Department of Planning and DECC for the next Heritage Council meeting on the future interaction of the Aboriginal Heritage Panel and DECC Aboriginal Committee.

8.0 Presentations

8.1 Geoff Bailey, Executive Director, Sydney Harbour Federation Trust

Deferred until April meeting.

There being no further business the Chair closed the meeting at 12.30 pm.

Next Meeting of the Heritage Council of NSW
Wednesday 2nd April 2008
Heritage Branch
Department of Planning
3 Marist Place
Parramatta