

**MINUTES OF THE 301ST MEETING, WEDNESDAY 4TH FEBRUARY 2004,
HERITAGE OFFICE, 3 MARIST PLACE, PARRAMATTA**

In Attendance

Mary-Lynne Taylor	Chair
Jason Ardler	For Director-General Department of Environment and Conservation
John Delaney	
Ross Fitzgerald	from 10.05 am
Ian Jack	
Diane Jones	
Megan Jones	
Rod Leaver	
Reece McDougall	Director Heritage Office
Bruce Pettman	For Government Architect
Joan Templeman	Labour Council of NSW
Elsa Atkin	National Trust of Australia (NSW)

Also In Attendance

Maxwell Gray	Heritage Office
Cameron White	Heritage Office
Vincent Sicari	Heritage Office
Murray Brown	Heritage Office
Susan Macdonald	Heritage Office

1 Opening – Welcome and Apologies

In the absence of the Chair, Michael Collins, the Deputy Chair, Mary-Lynne Taylor Chaired the meeting.

The Chair opened the meeting at 10.05 am.

Apologies

Michael Collins	Chair
Sharon Sullivan	
Garry Fielding	Department of Infrastructure, Planning and Natural Resources
Chris Johnson	Government Architect

1.2 Confirmation and timing of Agenda

The agenda was confirmed.

1.3 Declarations of Interest

Pecuniary Interests

Dianne Jones	3.2.2 Section 140 Prince Henry Hospital 3.2.2 Section 60 / IDA Prince Henry Hospital 3.2.2 Section 57(2) SYDNEY Theatre Company 3.2.2 Local Environmental Plan - Prince Henry Hospital
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Non Pecuniary Interests

Nil

Conflicts of Interest

Nil

2.0 Minutes

2.1 Heritage Council Meeting 3rd December 2003

Members received a copy of the Minutes.

Resolved:

that the Heritage Council adopt the minutes of the meeting of 3rd December 2003.

3.0 Reports

3.1 Chairs Report

Nil

3.2 Directors Report including

The Director advised members that owing to tight budgetary constraints only two tours, approved in a program of tours on the theme of Discover Western Sydney at its December meeting, will be run this year. These are the Prospect Hill & Lake Parramatta Reserve and Parramatta Park & River tours. It was noted that each tour will be run two and possibly three times over the two weekends of the Festival.

Members were advised that the Minister is awaiting advice from the Treasurer regarding the availability of direct government funding for Linnwood and that fire safety works are nearing completion. It was noted that the community welfare group Pioneers will be moving in to the dormitory building from early February on a short-term lease arrangement, pending resolution of the funding question.

Members were also advised that the Heritage Office has now released its discussion document on Sustainability and Heritage, a copy was provided for members, which has now been released for public comment.

It was noted that the Heritage Office has submitted an application for funds under the Environmental Trust's Integrated Environmental Program administered by the Department of Environment and Conservation. It was further noted that this funding provides the potential for the Heritage Office to pursue the work on heritage and sustainability in a manner not currently possible under current resources and engage a wide range of stakeholders from all sectors in the process. A number of stakeholders agreed to participate at very short notice and the

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Heritage Office is grateful for this support. If we are successful we will be invited to make a further submission to proceed to the second round of selection.

The Director advised that he and PHO Local Government Heritage Management met with the Department of Infrastructure Planning and Natural Resources (DIPNR) and representatives of the Lord Howe Island Board and staff on 13 January to discuss the future management of applications for works and developments for the whole of Lord Howe Island which is listed on the State Heritage Register

It was noted that a number of options for possible exemptions were discussed including using the statutory instruments of the Plan of Management for Parks and Reserves on Lord Howe and the REP which is currently being reviewed by DIPNR. A report identifying a preferred strategy will be prepared for consideration at an Approvals Committee following finalisation of the REP.

In relation to staffing, members were advised that Victoria Coleman has resigned from the Heritage Promotion & Community Education Team to take up an associate lecturer position at Macquarie University's Graduate School of the Environment. It was noted that the Office have sought approval to have this position upgraded to Heritage Officer level and designated Heritage Promotions Officer. This will enable the office to be more pro-active in promoting good news stories to the media, particularly Heritage Incentives Program projects that have never been sufficiently well publicised in the past.

Resolved:

that the Heritage Council note the report.

3.3 Report from Members on items of importance to the Heritage Council

Members enquired what the Heritage Office was planning in connection with activities in relation to the Year of the Built Environment. It was noted that the Heritage Office will be preparing a program of opportunities in line with each months theme. A meeting is going to be organised with the government Architect, Chris Johnson to progress the matter.

Members were advised that the Australand development near the Cronulla sand dune has been refused as the applicant had not prepared a rehabilitation plan.

In answer to a question from members in relation to the involvement of the Heritage Office with the development of Luna Park members were advised that although the Office commented on the Master Plan the item is not listed on the State Heritage Register the Office had no official involvement.

4.0 Matters for Consideration and Decision

4.1 Replacement representation on Movable Heritage Panel

Members considered a report which advised that the Movable Heritage Panel first met on 22 March 2000 with Joan Domicelj as Chair. It was noted that Dr James Broadbent was an inaugural member of the panel but has, in recent years, been unable to attend regular meetings. Dr Broadbent officially advised the Heritage Office of his retirement and resignation from the Movable Panel on 20 November 2003.

It was noted that the Panel is keen to keep an active working relationship with Historic Houses Trust. The Trust's Collections Manager, Ms Tamara Lavrencic, has expressed an interest in

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joining the Panel in an official capacity. Ms Lavrencic brings expertise in collections management to the group.

Resolved:

that the Heritage Council:

- 1. appoints a representative of the Historic Houses Trust to the Movable Heritage Panel; and***
- 2. endorses Historic Houses Trust collections manager Tamara Lavrencic as that representative.***

4.2 Hunter Water Corporation Exemptions

Members considered a report which advised that the Heritage Act (as amended in 1999), allows the Heritage Council to make exceptions for the need to obtain excavation permits for certain works and areas under section 139(4). Hunter Water Corporation has formally requested exceptions under the Act to streamline their maintenance and management operations in the Hunter area (August 2003). This is in line with previous Heritage Council approvals for similar operations provided to Sydney Water Corporation in 2000.

The report recommended that Hunter Water Corporation be granted Exceptions under S.139(4) of the Heritage Act, in regard to works carried out on assets that are recognised as of little heritage significance, but which fall within the provisions of the Act.

It was noted that Hunter Water Corporation (HWC) is one of a number of agencies providing community services which has a significant proportion of its operational assets located below ground. In addition, many of these assets are more than fifty years old, hence, the need to obtain an excavation permit under the Heritage Act for many of HWC maintenance and development works.

It was also noted that this has lead to increasing inquiries about Section 140 applications to the Heritage Office and its archaeologists. It also has the potential to have major impacts on HWC's capital works and maintenance program for its extensive underground sewerage, water and stormwater systems.

Resolved:

that the Heritage Council approve the exceptions under section 139(4) of the Heritage Act to Hunter Water Corporation for the specified activities as listed in Annexure A of the report.

4.3 Reappointment of Technical Advisory Group members and Chair of the Panel

Members considered a report which proposes a new chair and the reappointment of the Panel's members for the next three years.

It was noted that the tenure of the current members expired at the end of December 2003. It is proposed to rotate the chairmanship of the Panel within the current members, and appoint David Young, OAM, as the new chair.

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It is also proposed to reappoint current members Diane Jones, Alan Croker, Caroline Lawrance, Julian Bickersteth, David West, Simon Wiltshier and Jacqui Goddard for a further three year term.

Resolved:

that the Heritage Council:

- 1. thank Alan Croker for his contribution as Chair of the Technical Advisory Group;***
- 2. endorse the re-appointment of the current members of the Technical Advisory Group Panel; and***
- 3. endorse the appointment of David Young as Chair.***

4.4 Criteria for the 2004 Heritage Volunteer Awards

It was noted that at its October 2003 meeting the Heritage Council endorsed a proposal to develop criteria and categories for the 2004 awards. Members considered a paper which proposed a nomination and assessment process that will be fair, open and cost-effective.

It was noted that some difficulties arose last year because of the large number of nominations received for the 2003 awards and that at its October meeting the Heritage Council approved criteria by which an assessment of nominations could be made to reduce the impact of the Awards on Heritage Office resources and create a fairer and more competitive process.

Members were advised that the criteria has been further modified and split into two sections being:

Heritage Category	Type of work
Aboriginal heritage	Community campaign
Archaeological heritage	Education
Built heritage	Historical research
Engineering heritage	Interpretation
Landscape and garden heritage	Physical conservation
Maritime heritage	Promotion
Movable heritage	Surveys and studies
Multicultural heritage	Volunteer work by professional employees
Natural heritage	

Members were further advised that in addition to specifying the category and type of work the nominee has performed the nominator will also be asked to supply endorsements by two other people, preferably in organisations that are different from that of the nominator. This will help the assessment panel to gauge the level of community support for the nomination. Nominators will also be asked to specify the uniqueness of the nominee's contribution to the heritage of the local area and also the length of time of their involvement.

It was also noted that it is proposed that the assessment of nominations will be undertaken by the Heritage Council's Strategy Committee and 20 awards will be presented to bona fide volunteers. One special award will be given in the 'volunteer work by professional employees' category.

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It was suggested that an additional category be included to cover promotion and fundraising and that a volunteer be included on the assessment committee.

Resolved:

that the Heritage Council endorse the nomination and assessment process described in this paper as amended.

4.5 Interim Heritage Order Policy

It was noted that on a number of occasions members have commented on the desirability of formulating a Heritage Council policy on the matters it considers when recommending the Minister makes an order. The option for a policy was first raised by the former Chair of the State Heritage Register Committee, Richard Mackay as part of a yearly review of the operation of that committee.

As a result a Draft Interim Heritage Order Policy has been prepared to give guidance to the Heritage Council and the community on the administration of the Heritage Act and advice to the Minister on the making of Interim Heritage Orders.

The draft policy provides background on the purpose of an IHO, the process of making an IHO, the respective roles and responsibilities of the Heritage Council and local councils in managing heritage, and the matters the Heritage Council takes into consideration in making its recommendation to the Minister.

The report recommended that Members provide the Heritage Office with comments about the draft policy, and that a working group be formed to assist with implementation.

Resolved:

that the Heritage Council:

- 1. provides comment on the Draft Interim Heritage Order Policy to cameron.white@heritage.nsw.gov.au within 14 days;***
- 2. establishes a working group (Mary-Lynne Taylor, Garry Fielding and Megan Jones) and Heritage Office staff to prepare a final draft of the policy for submission to the Heritage Council at a future meeting;***
- 3. directs the Heritage Office to seek the advice of the Crown Solicitor on the final draft; and***
- 4. report back to the April Meeting.***

5.0 Matters for Information or Noting

5.1 Administration of new CMP Regulation

Members were advised that the Heritage Regulation has been amended to allow for the outsourcing of reviews of conservation management plans (CMPs) submitted for the Heritage Council's endorsement.

Members were further advised that the amendment to the regulation arose from an amendment to the Heritage Act allowing the Heritage Council to charge fees for, among other things, the

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review of CMPs submitted for its endorsement. That amendment, in turn, arose from a need to adequately deal with the increasing amount of CMPs being submitted for Heritage Council endorsement.

It was noted that the regulation states that a CMP review can only be outsourced if the affected owner requests such a service, and is given a reasonable estimate of the fee payable. It is important to note that a fee cannot be charged for a review of the CMP if it is required to be submitted for endorsement by the Heritage Council.

It was also noted that a draft guideline, policy and fee schedule is being prepared for consideration by the Heritage Council. Once endorsed, these documents will allow for the new CMP review clauses in the Heritage Regulation to be implemented and a transparent and streamlined CMP review process to be administered.

Resolved:

that the Heritage Council notes the report.

5.2 Historic Shipwreck Delegate Meeting, Sydney

Members were advised that the annual meeting of National Historic Shipwreck Delegates will be hosted by the NSW Heritage Office in Parramatta on the 19-20th February 2004 and will be attended by the Historic Shipwreck Delegates from all Australian states and Territories.

It was noted that the meeting will focus on two primary issues being the recently released draft of the proposed national Maritime Heritage Strategy and the new heritage legislation and its implication for underwater cultural heritage.

It was also noted that the NSW Heritage Office will raising the following additional agenda item in relation to strategies for promoting discussion and debate about ratification Including the UNESCO Convention for the Protection of the Underwater Cultural Heritage, e.g., inclusion on the agenda of the Heritage Chairs and Officials meeting and Heritage Ministers meetings in 2004, and a national workshop as a follow-up to a regional workshop held in Hong Kong in November 2003.

Resolved:

that the Heritage Council notes the report

6.0 Reports from Heritage Council Committees and Panels

Members considered the following reports.

- 6.1 Approvals Committee
- 6.2 State Heritage Register
- 6.3 Strategy Committee
- 6.4 Aboriginal Heritage Committee
- 6.5 Archaeology Advisory Panel
- 6.6 Fire Access Services Advisory Panel
- 6.7 History Advisory Panel

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- 6.8 Maritime Advisory Panel
- 6.9 Movable Heritage Panel
- 6.10 Religious Property Advisory Panel
- 6.11 Technical Advisory Group
- 6.12 Interpretation sub-committee

Resolved:

that the Heritage Council note the reports.

7.0 General Business

In relation to matters which require clarification with the Department of Infrastructure, Planning and Natural Resources the Heritage Council made the following resolution.

Resolved:

that the Heritage Council write to the Department of Infrastructure, Planning and Natural Resources advising that it was a unanimous decision of the Heritage Council to request that the Director-General or a senior representative of that Department attend the next meeting of the Heritage Council of NSW, to be held on Wednesday 7th April 2004, to advise on:

- 1. the progress of the current Taskforce Reviews of the planning system, particularly how heritage management has been integrated;***
- 2. the ramifications and the heritage management functions of the Heritage Council and local government; and***
- 3. what steps can be taken in the establishment of a closer working relationship between the two agencies.***

8.0 Presentations

8.1 Sean O'Toole, Managing Director, Landcom

The Chair invited Sean O'Toole, Managing Director, Landcom to address members.

Members were advised on the objectives of Landcom which are to operate efficiently and maximise net worth of state's investment, to have a sense of responsibility to community, to protect the environment, to have a sense of responsibility to regional development, to undertake strategic and complex urban development projects, to assist with urban management object and to be a responsible land developer.

Members were briefed on the work of Landcom and some of the issues it is currently dealing with including fringe urban development which raises the issues of the viability of additional public transport and the constraints associated with this.

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Examples of Landcom projects were presented which included Victoria Park, Discovery Point, and the Prince Henry Hospital site.

It was noted that for public transport to be viable it requires a minimum of 15 homes per hectare.

Other problem being encountered is the number of agencies involved in the development process, each with a single focus, which cause delays in the approval process and result in unacceptably low density development which can not support the infrasture required to support it.

It was noted that heritage issues such as curtilage requirements can add to this problem.

Members discussed the issues in relation cultural landscapes and concluded that it could assist in a partnership with Landcom in establishing a model.

Resolved:

that the Heritage Council:

- 1. thank Landcom for their presentation, and***
- 2. commend Landcom on the efforts made to achieve high quality heritage outcomes in their developments.***

8.2 Garry Pratley, Executive Director of Metropolitan Lands and Resource Planning, Department of Infrastructure, Planning and Natural Resources.

Postponed to a future meeting.

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

Mary-Lynne Taylor
Deputy Chair
Heritage Council of NSW
Date:

Next Meeting of the Heritage Council of NSW
9:00 am Wednesday 7th April 2003
Heritage Office, 3 Marist Place, Parramatta