

# MINUTES OF MEETING

## State Heritage Register Committee

Wednesday June 6, 2007  
Commencing at 1.30 am

Heritage Office – Department of Planning  
Heritage Office Library  
3 Marist Place  
Parramatta



### 1.0 Attendance

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<b>PRESENT</b>	Sharon Sullivan Jason Ardler Michael Clarke Rosemary Annable Tina Jackson Bruce Baskerville (Replacing Reece McDougall)
<b>APOLOGIES</b>	Reece McDougall John Robertson Hewitt Whyman Professor Ross Fitzgerald
<b>ALSO IN ATTENDANCE (NSW Heritage Office)</b>	Tim Smith Perpetual Fernandes Susan Lampard Patricia Hale David Nutley Bill Nethery Stewart Watters Richard Shapter David Nutley Claudine Loffi Bronwyn Hanna

### Opening – Welcome

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The Chair opened the meeting at 1.45 p.m.

### 2.0 Declarations of Interest

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Nil

### 3.0 Confirmation of Minutes

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The minutes of the previous meeting held May 2nd, 2007 were noted and adopted by the Committee.

Moved Jason Ardler  
Seconded Rosemary Annable

#### **4.0 Action Report**

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The action report was noted and adopted by Committee Members.

#### **5.0 Minutes, reports and matters arising from HC Advisory Panels**

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NIL

#### **6.0 Presentations**

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NIL

#### **7.0 State Heritage Register – Notice of Intention to List**

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##### **7.1 Nyngan Chinese Graves**

Susan Lampard spoke to this matter. The Nyngan Chinese Graves and Burner consists of a simple brick burner and nine gravestones. The gravestones are of traditional Chinese style. This item is located in the LGA of Bogan.

The site was nominated under the Chinese Australian Community Heritage Study. The land is owned by the Department of Lands and held in trust by Bogan Shire Council. Both have indicated their support to this nomination.

The Chinese section of the Nyngan General Cemetery is of State significance as one of the largest collections of Chinese grave stones (9) in association with a burner in the State. The burner itself is of State significance, as it is of an unusual design found also in California and is indicative of adaptations made by Chinese to life outside their country. The burner and markers are evidence of Chinese funerary practices as carried out in New South Wales and provide research potential regarding the number of burials exhumed and returned to China.

This item was presented before to the Committee in June 2006 and consideration was deferred until further information could be provided on three points.

1. The committee requested that the number of Chinese cemeteries and associate burners extant in NSW be clarified.

Heritage Office staff confirmed that five more burners have been identified in NSW. One of these was a replica constructed in 1990's. The Nyngan burner is therefore rare. The site also contains the largest known collection grave markers in association with a burner.

2. The Committee had requested that the Heritage Office liaise with the authors of the Chinese Australian Community Heritage Project to obtain more information of the social significance of the site.

Heritage Office staff confirmed that one of the authors of the report - Barbara Hickson, responded on behalf of Henry Chan, Chair of the Chinese Australian Community Heritage Study. The social significance is a reminder for the Chinese community of their contribution to the development of the central western district.

3. The Committee requested the Department of Lands be contacted to investigate whether additional archival records existed and the potential to carry out a ground penetrating radar survey.

To this query Heritage Office staff advised that the Department of Lands does not administer the Cemetery and therefore do not hold records. Bogan Shire Council has a database of burials, including 13 Chinese burials. Bogan Shire Council has a database of burials, including the 13 Chinese burials. In only one case does the name correspond to a grave marker. Only one record gives a location for the burial. A quote was obtained from Ecophyte, a geophysical survey company, which suggests the cost of undertaking a GPR survey will be in excess of \$15,000. There is currently no funding to undertake such a survey.

The proposed item meets at least five of the seven Heritage Council criteria for listing on the State Heritage Register in terms of criteria a (historical values), d (community esteem), e (research potential), f (rarity), g (representative values).

This item was submitted to the Aboriginal Heritage Advisory Panel on 29 November 2005.

**Resolved :**

**That the State Heritage Register Committee:**

1. considers the item known as “Chinese graves and burner at Nyngan Cemetery” at Cemetery Road, Nyngan, defined in accordance with the curtilage shown at Annexure B may be of State heritage significance;
2. in accordance with section 33(1)(a) of the *Heritage Act*, will give each person that it considers to be an affected owner or occupier written notice that it is going to consider whether or not to recommend the listing of the item concerned (a *Notice of Intention to Consider Listing*); and
3. in accordance with section 33(1)(b) of the *Heritage Act*, within 14 days after notice of intention to consider listing is given, will cause a notice of intention to consider listing to be published in a newspaper circulating in the area in which the item is situated, inviting submissions on the listing, specifying a date as the closing date for the receipt of submissions of 14 days after the publication of the newspaper notice and the manner in which submissions may be made.

Moved: Jason Ardler  
Seconded: Rosemary Annable

## **8.0 State Heritage Register – Recommendation to Minister**

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### **8.1 Bathurst Showground, Kendall Avenue**

Susan Lampard spoke to this matter. The Bathurst Showground, lies in the Bathurst LGA, is bounded by Kendal Avenue, the Macquarie River and Vale Creek forming a triangular piece of land. There are roughly 35 buildings in the Showgrounds, dating from 1879.

The Bathurst showground was nominated under the Central West Project. . It has four lots, three of which are owned by the Department of Lands, and one being owned by the Bathurst Showground Trust. The owners have supported the nomination.

The Bathurst Showground meets at least four criteria i.e historical, aesthetic, social and cultural and as being representative. Historically the site is important as a physical evidence of the region's agricultural importance. It is of state significance as a showground of high architectural merit. Also agricultural show grounds form an important focus for rural communities. Bathurst Showground is an outstanding representative sample of rural.

This item was presented to the Aboriginal Advisory Panel on May 29. It has been advertised for a period of 21 days. Three submissions of support were received from the Department of Lands, Bathurst Showground Trust and Bathurst Regional Council.

The exhibition period confirmed the significance of the Showground and demonstrated community support.

**Resolved :**

**That the State Heritage Register Committee:**

- 1. in accordance with section 33 (1)(d) of the Heritage Act, 1977 advises the Minister that the item known as "Bathurst Showground" at Kendall Avenue, Bathurst, is of State heritage significance, as shown in the plan at Annexure B;**
- 2. recommends to the Minister, in accordance with sections 32(1) and (2) of the Heritage Act, that the Minister directs the listing of the item, "Bathurst Showground" at Kendall Avenue, Bathurst, on the State Heritage Register if the Minister considers the item is of State heritage significance;**
- 3. in accordance with sections 33 (1)(e) of the Heritage Act 1977, gives notice of its decision to persons notified under section 33(1)(a); and in accordance with section 57(2) of the Heritage Act, note that the Heritage Council Standard Exemptions will apply.**

**Moved: Michael Clarke**  
**Seconded: Rosemary Annable**

## **9.0 State Government Heritage (Section 170 Registers/HAMS)**

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Nil

## **10.0 Interim Heritage Orders**

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Nil

## **11.0 Environmental Planning Instruments & Heritage Studies**

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### **11.1 EPI Status Report**

The Committee considered the report which provided an update of LEPs assessed by the Heritage Office under delegation. The report also provided members with an explanation of the operations of the LEP Assessment Panel with the Department.

Resolved

**That the State Heritage Register Committee:**

1. notes this status report.

Moved: Michael Clarks

Seconded: Jason Ardler

## **12.0 Matters for Consideration**

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### **12.1 Nomination Strategies in States and Territories**

Susan Lampard spoke to this matter and provided a report which outlined the approach taken by the States and Territories regarding to nominations management

In the previous meeting of 2 May 2007 The Committee Members requested information on how other states and territories were dealing with nomination on hand. The responses received were from the Commonwealth, Australian Capital Territory, South Australia, Queensland, Northern Territory, Tasmania and Victoria. . A response was also received from Western Australia after the close of papers. A copy of their response was provided to the Members.

Susan Lampard advised that all jurisdictions have nominations on hand. The level of importance attached to the removal of nominations on hand varies from the ACT, which is actively seeking to do so, to South Australia, which does not consider the number of nominations on hand to be an issue. The majority of agencies were not addressing nominations on hand as a primary concern. The common thread is all agencies (other than South Australia) have prioritised the nominations on hand based on threat to the item.

**Resolved:**

**That the Heritage Council State Heritage Register Committee:**

1. Note the information provided.

## **12.2 State Heritage Register Listing Strategy**

The Chair requested for all the Listing Team Staff to attend the meeting for their views and comments. The discussion developed a series of issues and principles for nominations and listing on the State Heritage Register.

### **Heritage Means**

The concept of heritage has a broader definition in terms of beneficial community outcomes:

- Community capacity building;
- Social cohesion; and
- Cultural activities.

### **World Heritage**

The Budapest Declaration on World Heritage (2002) states– the World Heritage List “seek[s] to ensure an appropriate and equitable balance between conservation, sustainability and development, so that World Heritage properties can be protected through appropriate activities contributing to the social and economic development and the quality of life of our communities.” The World Heritage Convention allows for only two nominations per state party per year.

Should the Committee give precedence to LGAs with no listed properties (also a World Heritage List guideline)? World Heritage List guidelines also include directives on encouraging support for the Convention, which could be adapted to NSW:

- “Objectives:
  - To enhance capacity-building and research;
  - To raise general awareness;
  - To enhance the function of the [State Heritage Register] in the life of community; and
  - To increase participation of local/national populations in the protection and presentation of heritage.
- Capacity building and research:
  - Global Training Strategy for [Heritage] – to ensure that necessary skills are developed by a wide range of actors for better implementation of the Convention;
  - National training strategies and regional cooperation;
  - Research; and
  - International assistance”.

A question arises whether the Heritage Council should adopt such an approach, and in accordance with the advice of local council Heritage Advisors, give precedence to LGAs with no listed properties.

### **Items of world/national significance**

All places of world and national significance would seem to automatically be of State heritage significance and should be listed on the Register. A reassessment in accordance with the Heritage Council's criteria would be required and there may be slight differences in site boundaries in accordance with that assessment. At present there is no mechanism for the automatic listing of national and world heritage sites. These would need to follow the full SHR listing process.

### **Tell a story with the SHR**

The Committee and Office are trying to tell the story of the state – communication through telling stories. To do so need to come from the local community/environment "Ability to demonstrate" this is one of the most important components

Listings should be sufficiently diverse in terms of item type and location to tell the story of the breadth of the State's history.

### **SHR should be thematically sourced**

As discussed elsewhere in this paper, there has been an emphasis of sourcing nominations from community requests. As such, nominations have been ad-hoc and have not resulted from a prioritised analysis of the State's Historical Themes. There remain therefore themes which are under represented on the Register. Please refer to **Annexure H** for the State's Historic Themes.

### **Serial listings can be appropriate**

The use of serial listings to elucidate stories and themes is permissible under the *Heritage Act* and is to be further explored.

Listings in the main have been single property based. This has changed in recent years in the listing of complexes and even a single town (Braidwood). These listings reflect the desire of the Heritage Council to ensure curtilages adequately describe the site's significance to tell the story of the item.

Listing of land parcels are not however required to be contiguous. There is therefore the option of carrying out serial listings where these are required to demonstrate the various elements of a story. Under consideration at the moment by the Heritage Office is a serial listing of Ben Hall Sites.

### **Spread of Listings**

A geographical spread of similar items is beneficial in enhancing public access to State significant items.

### **Elimination of Nominations on Hand**

The aim is to produce the register the Minister and Heritage Council supports. If a reduction in the number of nominations on hand can be achieved, the Committee and the Office can achieve more of this strategically. Thematic histories can underpin future nominations.

### **Natural Heritage**

The representation of the natural environment in the State Heritage Register is a principle supported by the Heritage Council.

### **Local Councils**

Local Governments need more resources to help them get good heritage management outcomes.

### **Natural Heritage**

Natural heritage is under-represented on the State Heritage Register. There is a need to decide on what basis listing should occur, for example bio-diversity or other values. There may be a need for the Heritage Council to develop criteria to assist in the assessment of natural heritage.

### **Role of an Expert Committee**

An expert committee could assist in culling nominations. Should this take place, there will be a need policy paper on addressing nominations on hand: what steps are underway, and what are the other options for as preparing and assessing nominations.

### **Aboriginal heritage**

The representation of Aboriginal heritage in the State Heritage Register is a principle supported by the Heritage Council.

Aboriginal heritage is under-represented. There are for example issues associated with consulting with multiple government agencies. The key to listing Aboriginal heritage places is consulting with the local Aboriginal community.

### **Need to think strategically**

Rather than limiting listings to community submissions, there is the need to think strategically about the future, form and function of the Register. There should be a spread of State significant sites of different types across all localities. A question to be considered is the distribution and number of listings.

### **Classes of Heritage Items**

A sample of one item type of listed item is not necessarily sufficient, given a disaster could destroy the item. The Register can include full listing of a group of like items that all meet the threshold.

While noting that there are classes of items of almost identical design such as bridges, the question is whether only to list one of a type/class of item, eg truss bridges. However, as mentioned the loss of that one can lead to having none of the examples left. It is considered that classes of items have value as a collective group. There is a contributory value of like items (some have more integrity, but all contribute). Should the number of items of a class be considered or the significance of individual items? The Committee favours using significance rather than numbers as guide to listing.

### **What is the Listing Threshold**

State Heritage items will be of value to a broad portion of the State's population and the formation of the Register is not to be dominated by "numbers", but by significance. Items listed must meet a minimum threshold of State heritage significance.

Decisions as to State significance rests with the application of the Heritage Council's assessment criteria. There is however a variety of item types which

are attributed to be of State heritage significance. There is also the issue that community values change over time, influencing the assessment of items. Thresholds can be dynamic with changes in community perceptions.

#### **Comparative information**

The State Heritage Register Nomination Form requires a nominator to provide information about comparative significance of an item. While acknowledging such information is important, the State Heritage Register Committee considers listing can sometimes progress without this material.

#### **Split Between Sydney and the Bush**

The quantity of listed items in Sydney versus regional areas does not need to be equal. The current break down of listings is more representative of the population of New South Wales and how the State was settled.

Is there an over representation of listed sites in the Sydney Region (Table 3)? Some have postulated the idea that the split of listings between Sydney/rural areas should be 50/50. This doesn't reflect population & how NSW settled. A more representative split is 75/25 as per Register now.

#### **Maintaining redundant heritage assets**

A major source of Register listings are State significant items identified by an agencies S.170 Heritage and Conservation Register. When S.170 Registers are referred to the State Heritage Register Committee, the Committee reviews items for listing on the State Heritage Register. The main statutory implications for listing are as follows:

- Heritage Council approval is required for works;
- Minor works are exempted from the need to obtain approval; and
- Minimum Standards of Maintenance & Repair apply to items.

These standards can be complied with when an asset is in use, but are more difficult to comply with when an asset is redundant and not in use.

#### **Thematic histories can underpin future nominations**

Largely through the commissioning of grants projects, the Heritage Office retains a large number of thematic histories. These are listed at **Annexure I**. While these projects include a strong basis of comparative analysis and generally list items of State heritage significance, they commonly do not include completed nomination forms. The Heritage Office would need to complete these forms to enable the Committee to consider nominations.

#### **Owner not aware of Nomination**

It is extremely rare for an owner to be aware of a nomination submitted to the Heritage Council for listing. Owners generally do not prepare nominations either. This means that a significant amount of Heritage Office time is spent advising the owner, explaining listing implications and negotiating the listing process.

#### **Local significance is important to promote**

Local heritage listings will not be seen as inferior to State and the importance of local listing is to be promoted.

Heritage listing is about telling the story of the state. This story relates to more than State significant heritage items listed on the State Heritage

Register. To tell the whole story there is a need for part of the story to come from the local community/environment. "Ability to demonstrate this is one of the most important components of heritage listing.

#### **Variety of Listings**

Listing is about more than buildings. For example shipwrecks like the 'Dunbar' shipwreck tells an important story about the dependence of Australia on shipping, while also telling of the perils of coastal navigation.

#### **Recommended**

##### **That the Heritage Council State Heritage Register Committee:**

1. Notes the report;
2. Utilises its findings in the proposed workshop with heritage experts; and
3. Provide feedback to the Heritage Office regarding the content of the Draft Discussion Paper.

#### **13.0 General Business**

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##### **13.1 State Heritage Register Nominations Review**

Members were provided with 19 nominations for consideration at the next meeting.

#### **Recommended**

1. That Members review the submitted 19 nominations for discussion at the next meeting;
2. That the State Heritage Register Committee provide the Heritage Office with at the July 2007 meeting advice as to whether or not these nominations in their current form are considered:
  - to be of state heritage significance; or
  - to be adequate to advance to notice of intention in the 2009–10 listing program: or
  - contain inadequate information to allow for consideration of heritage significance; or
  - are not of State heritage significance.

The meeting closed at 4.00 pm

**Next Meeting of the Heritage Council State Heritage Register Committee**

Wednesday July 4<sup>th</sup> 2007 at 9:30 AM

Heritage Office – Department of Planning  
Heritage Office Library  
3 Marist Place  
Parramatta

Minutes endorsed by the Heritage Council State Heritage Register Committee.	<hr/> Chair, State Heritage Register Committee Date:
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