



HERITAGE COUNCIL OF NSW

MEETING MINUTES – 524

7 February 2024 | 09:00 AM – 3:05 PM

Boardroom, Macquarie Group, Level 10, 50 Martin Place, Sydney & via teleconference

ATTENDANCE

Members

Mr Frank Howarth AM PSM	Chair
The Hon. Robyn Parker	Deputy Chair
Dr Nicholas Brunton	Member
Mr Ian Clarke	Member
Ms Vanessa Holtham	Member
Dr Brian Lindsay	Member
Ms Colleen Morris	Member
Ms Anthea Sargent	Member
Dr Daniele Hromek	Member
Mr Dillon Kombumerri	Observer

Apologies

Nil

External Presenters

Ms Kate Luckraft	Project Director, Precinct Development PDNSW (<i>item 3.1</i>)
Ms Megan Jones	Director, Megan Jones Architects (<i>item 3.1</i>)
Mr David McNamara	Executive Director, Program Delivery, Department of Planning (<i>item 5.1</i>)
Ms Meagan Kanaley	Director, Housing Delivery, Department of Planning (<i>item 5.1</i>)
Ms Anjali Roberts	Policy Project Officer, Department of Planning (<i>item 5.1</i>)

Heritage NSW

Mr Matthew Clark	A/Executive Director
Ms Anna London	Director Heritage Programs
Mr Tim Smith	Director Heritage Assessments
Ms Sonia Limeburner	A/Director Policy & Strategy
Mr Joshua Favaloro	Policy Officer
Mr Michael Ellis	Manager Assessments (<i>item 3.1</i>)
Ms Lucy Albani	Director Policy & Strategy (<i>items 4.1, 4.2& 5.1</i>)
Ms Bronwyn Batten	Senior Policy Officer (<i>items 4.1, 4.2& 5.1</i>)
Ms Lara Goldstein	Senior Policy Officer (<i>items 4.1, 4.2& 5.1</i>)
Ms Elizabeth Owers	Director Customer Services (<i>item 4.3</i>)
Ms Lana Zegura	Manager Incentives & Engagement (<i>item 4.3</i>)

Secretariat

Ms Olgica Lenger	Manager Secretariat
Ms Elizabeth Thomas	Senior Secretariat Officer

IN-CAMERA SESSION

This item was not minuted.

Item 1. Welcome and Formalities

The Chair, Frank Howarth, opened the meeting at 09:00 AM and delivered an Acknowledgment of Country. There were no apologies for the meeting and a quorum had been met.

The Chair thanked the Macquarie Group for hosting the meeting and a site tour of the Macquarie Building adaptive reuse and Sydney Metro and Martin Place heritage interpretation.

Members welcomed newly appointed member Daniele Hromek and reappointment of Robyn Parker and Coleen Morris to the Council.

The Chair also congratulated Dillon Kombumerri on being awarded a *Public Service Medal (PSM)-NSW* in the 2024 Australia Day honours.

Item 1.1 Conflict of Interest Declarations

Item 3.1 Parramatta North Precinct

- Dillon Kombumerri noted that he sits on the State Design Review Panel for the proposal
- Danièle Hromek noted that she is working on a separate project at Church Street, North Parramatta and has previously worked for Property and Development NSW on the Macquarie Street East Precinct
- Colleen Morris noted that she wrote a report on a courtyard within the Parramatta Female Factory and Institutions Precinct, which is not part of the area proposed for rezoning

The Council agreed that all the declarations were potential perceived conflicts of interest only and that members were able to fully participate in consideration of this item.

Item 1.2 Out of Session Decisions

The Heritage Council of NSW held an out of session meeting via circular on 22 January 2024 to discuss nominations for the positions of Chair and Deputy Chair of the State Heritage Register Committee.

Resolution 2024-01
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Re-appointed Robyn Parker as Chair of the State Heritage Register Committee for the duration of her term on the Heritage Council of NSW. 2. Re-appointed Colleen Morris as Deputy Chair of the State Heritage Register Committee for the duration of her term on the Heritage Council of NSW.
Moved by Brian Lindsay and seconded by Nicholas Brunton

Item 1.3 Minutes from the Previous Meeting – 6 December 2023

Resolution 2024-02
<p>The Heritage Council of NSW:</p> <ol style="list-style-type: none"> 1. Confirmed the minutes of the previous ordinary meeting (6 December 2023) as a complete and accurate record of that meeting.
Moved by Ian Clarke and seconded by Robyn Parker

Item 1.4 Matters Arising

There were no matters arising.

Item 1.5 Action Report

The Heritage Council of NSW noted the report and closed the items recommended for closure. The register was updated to reflect the further actions required.

Item 2. Heritage NSW and Committees Updates

Item 2.1 Executive Director, Heritage NSW

The Heritage Council of NSW noted the report and a verbal update from the A/Executive Director.

Item 2.2 State Heritage Register Committee

Robyn Parker, Chair of the State Heritage Register Committee (SHRC), provided an update on key outcomes for items considered at the 6 February meeting, including:

- Notice of Intention for *199 Cleveland Street*, Redfern
- a presentation for the *Kwong War Chong Building*, 82 Dixon Street, Haymarket
- Recommendation to List for the *Fitz Roy Iron Works Precinct (and moveable heritage)*, Mittagong and for the *Hayden Orpheum Picture Palace*, Cremorne
- amended site specific exemptions sought for *Catherine Hill Bay Cultural Precinct*
- SHR nominations for *Kembla Fortress, World War II Military Sites* at Port Kembla and *Newcastle Ocean Baths Complex*, and
- a review of the priority listings and work plan for timing of future items.

The Council discussed the Transit Orientated Development and other planning initiatives and their potential impact on SHR listings, and the work of the Council and Heritage NSW.

Item 2.3 Approvals Committee

Ian Clarke, Chair of the Approvals Committee (AC), provided an update on the key outcomes for items considered at the 6 February AC meeting, including:

- a section 60 application for *Kamay Botany Bay Visitor Centre*, Port Botany
- an amended IDA for *Lansdowne* subdivision
- pre-lodgement advice for a section 60 for *Denison Bridge*, Bathurst, and
- a presentation on the *Lands Department Building* Heritage Interpretation Plan.

The Council noted the significance of the site, including the ACH values inherent in the land and landscape, and agreed to further discuss the process for a potential curtilage amendment for Lansdowne SHR curtilage.

Item 3. External Presentations

Item 3.1 Parramatta North Precinct

The Heritage Council of NSW received a confidential presentation from Property and Development NSW regarding the Parramatta North precinct.

The Council thanked Property and Development NSW for the presentation and looks forward to further updates.

Item 4. Legal, Policy and Administration

Item 4.1 NSW Heritage Strategy update

The Heritage Council of NSW received an update from Heritage NSW on the development of the *NSW Heritage Strategy*.

The Council noted the themes arising from the community consultation and the indicative timeframe for development of the Strategy. Members provided feedback on the draft vision, principles and key objectives and areas to be covered by each.

The Council thanked Heritage NSW for the presentation and looks forward to a further update.

Item 4.2 Heritage Council Key priorities for delivery in 2024

The Council deferred this item to a future meeting due to time constraints.

Item 4.3 Heritage NSW Communications Strategy 2024

The Heritage Council of NSW received a report and presentation from Heritage NSW on the *Heritage NSW Communications Strategy 2024* which focuses on the communication of how Heritage NSW delivers on the agency's commitments.

The Council noted the feedback received from a range of government surveys and the re-occurring themes that heritage enriches the lives of NSW residents and improved wellbeing.

The Council provided feedback on the Strategy and asked Heritage NSW to further consider:

- ways to address the low level of community awareness of Aboriginal Cultural Heritage as a key element of NSW heritage, and
- the relationship between the Heritage Council and Heritage NSW and whether this should be incorporated in the Heritage NSW Communications Strategy or if a separate Heritage Council Communications strategy should be prepared.

The Council thanked Heritage NSW for the presentation and look forward to discussing the Communications Strategy at a future meeting.

Item 5. Matters for Consideration

Item 5.1 Rezoning/uplift of housing along transport corridors

The Heritage Council of NSW received a report from Heritage NSW and a briefing from the Department of Planning, Housing and Infrastructure (DPHI) on the Transport Oriented Development (TOD) Program.

Key points noted:

- Part 1 of the TOD Program will focus on Accelerated Precincts to deliver high and mid-rise housing within 1,200 meters of 8 priority transport hubs identified by the NSW Government to create infrastructure and capacity for 47,800 new homes over 15 years.
- Master planning and rezoning in the 8 precincts will be coordinated by the NSW Government, in collaboration with councils and communities, and is targeted for completion in November 2024.
- Development Applications are expected to start being lodged from mid-2024.
- A new faster State Significant Development (SSD) assessment pathway for residential developments with Capital Investment Value (CIV) over \$60M in the 8 precincts will apply until November 2027. Development approvals will be time-limited to 2 years, with a target of 90 days for SSD assessment timeframes. Applications for residential development below the \$60M threshold will be assessed by the relevant council.

- Studies and investigations for urban design, Connecting with Country and heritage in relevant precincts will be carried out and project working groups established with participating government agencies and local councils.
- Part 2 of the TOD Program will focus on precincts that have existing infrastructure and are located within 400 meters of 31 stations to create capacity for 138,000 homes over 15 years.
- From April 2024, new planning controls, delivered through a new State Environmental Planning Policy (TOD SEPP) will come into effect and development applications will be able to be lodged with councils. These applications will be assessed and determined by the relevant council.
- The TOD SEPP will include permissibility, development and design standards and local controls, as well as other considerations such as development contributions and affordable housing components.
- The TOD SEPP will apply in heritage conservation areas, however a merit-based assessment and relevant heritage controls will continue to apply to the extent they are not inconsistent with the new standards.
- The TOD SEPP will remain in place until councils have completed and delivered a new strategic vision and rezoning for these areas.

The Council discussed the planning controls, noting that:

- the State Significant Development controls and existing provisions will continue to apply for Over Station Development opportunities
- a separate master planning process will be applied to the eight precincts identified for accelerated development, and
- the Heritage Act regulatory framework remains in place for SHR listed items located within heritage conservation areas (HCAs).
- The TOD SEP will apply to areas including the SHR listed properties such as Eryldene, Gordon.

Members emphasised the need for consistent guidelines to support local Councils in their assessment of developments proposed in and around HCAs with merit assessment that includes relevant considerations and assessment of any potential heritage impacts.

The Council discussed the capacity and scope of the SEPP to limit the scale of built form proposed adjacent and near to SHR listed items. Members highlighted the diverse range of heritage items, parklands and individual buildings listed within the 31 identified areas and urged DPHI to consider excising development from within HCAs.

The Council acknowledged the informative discussion and the government's initiative to provide additional housing and committed to working with DPHI to enable the protection of heritage whilst meeting these targets.

The Heritage Council will work with Heritage NSW to prepare a submission and will seek to continue engaging with DPHI to develop guidelines for development adjoining SHR listed items.

Resolution 2024-04

The Heritage Council of NSW resolved to:

1. **Thank** the Department of Planning, Housing and Infrastructure (DPHI) for its briefing on the NSW Government's Transport Oriented Development (TOD) Program.
2. **Acknowledge** the Government's desired housing targets in accordance with the National Housing Accord.
3. **In principle support** the overall strategic planning process in TOD 1, subject to further discussions with DPHI to better understand any impacts on heritage listed places and heritage conservation areas, and the mitigation of such impacts.

4. **Support** the exclusion of locally listed and State listed heritage items from the uplift in planning controls within TOD 2 and **note** that local councils will continue to act as the assessment authority for development with TOD 2.
5. **Work** with DPHI on the development of guideline materials to assist in the assessment of applications within heritage conservation areas and adjacent to heritage items to ensure impacts are reduced as much as possible.
6. **Seek** assurance from DPHI on how *Connecting with Country* principles specific for each precinct will be incorporated into planning processes in TOD 1 and 2.
7. **Record** our considerable concern about the impact on existing heritage conservation areas given their important contribution to local communities' heritage, character and sense of place.
8. **Strongly recommend** the Government enable local councils to undertake strategic planning within a defined timeframe to deliver housing targets in the 31 SEPP locations before activating the proposed new planning controls over existing heritage conservation areas.

Moved by Nicholas Brunton and seconded by Colleen Morris

Item 5.2 Guidelines for allocation of assessment matters to the Heritage Council and Approvals Committee

The Heritage Council of NSW deferred this item due to time constraints.

Item 5.3 Scoping a HCOANZ Climate Change Resilience Working Group

The Heritage Council of NSW received a report from Heritage NSW on the work being carried out to progress the HCOANZ Climate Change Resilience Working Group.

Members agreed to continue to seek ways to share information and available data across HCOANZ and place items on forward agenda of the working group as appropriate.

The Council thanked Heritage NSW for the update and look forward to collaborating with Queensland Heritage Council and other jurisdictions.

Resolution 2024-05

The Heritage Council of NSW resolved to:

1. **Note** the minutes of the November 2023 HCOANZ Climate Change Resilience Working Group Scoping Session (TAB 5.3B of the report).
2. **Provide** a response to the Chair of the Queensland Heritage Council by 28 February 2024.

Moved by Robyn Parker and seconded by Vanessa Holtham

Item 6. Executive Reports

Item 6.1 Chair, Heritage Council of NSW – Monthly Report

The Heritage Council of NSW noted the verbal update provided by the Chair.

Item 6.2 Planning Report (DPHI)

The Heritage Council of NSW noted the planning report and verbal update provided by Anthea Sargeant.

Item 6.3 Advisory Panels Report

The Heritage Council of NSW noted the Advisory Committee and Panels report.

Item 7. Heritage NSW Quarterly Reports

The Heritage Council of NSW noted the Quarterly Applications report (Q2FY24) and the Quarterly Compliance report (Q2 FY24).

Item 8. Heritage NSW Monthly Reports

The Heritage Council of NSW noted the monthly operational reports and verbal updates from Tim Smith and Anna London.

Item 9. General Matters

Item 9.1 Forward Agenda

The Heritage Council of NSW reviewed the forward agenda.

Heritage Council Regional Site Visit 2024

Members discussed potential arrangements for a regional site visit to be held during the year.

Item 10. Meeting Close

There being no further items of business, the Chair, Frank Howarth, closed the meeting at 3:05 PM.



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Frank Howarth AM PSM
Chair, Heritage Council of NSW
Date: 6 March 2024