



STATE HERITAGE REGISTER COMMITTEE

MEETING MINUTES

2 August 2022 | 8:45 am – 12:15 pm

Teleconference

ATTENDANCE	
MEMBERS	
The Hon Robyn Parker	Chair
Ms Colleen Morris	Deputy Chair
Dr Stephen Gapps	Member
Mr Paul Knight	Member
Dr Brian Lindsay	Member
Ms Lisa Trueman	Member
Ms Natalie Vinton	Member
Mr Frank Howarth AM PSM	Alternate Member
APOLOGY	
Dr Wayne Johnson	Member
GUESTS	
Ms Glenda Chalker	ACHAC Chair (Item 2.2)
Mr Bert Gordon	ACHAC Member (Item 2.2)
Ms Erica Smits	ACHAC Member (Item 2.2)
Ms Vanessa Holtham	HC Member (Items 2.2 and 2.3)
Mr Dillon Kombumerri	HC Observer (Items 2.2 and 2.3)
Ms Surbjit Bahtti	HAP Member (Item 2.3)
Ms Sheridan Burke	HAP Member (Item 2.3)
Ms Catherine Forbes	HAP Member (Item 2.3)
Mr Niall Macken	HAP Member (Item 2.3)
Mr Robert Moore	HAP Member (Item 2.3)
Ms Claire Nunez	HAP Member (Item 2.3)
Mr David Nutley	HAP Member (Item 2.3)

EXTERNAL PRESENTERS	
Ms Jody Steele	Curio Projects (Item 2.3)
HERITAGE NSW	
Mr Sam Kidman	Executive Director
Mr Harvey Johnson	A/Director, Heritage Programs
Ms Elizabeth Owers	Director, Customer Service (Item 2.3)
Dr Natalie Blake	A/Manager, Heritage Programs South (Items 2.1 and 2.2)
Mr Stuart Read	Senior Heritage Officer, Heritage Programs South (Item 2.1)
Ms Christine Hay	Senior Heritage Officer, Heritage Programs South (Item 2.2)
Mr David Hoffman	Senior Heritage Officer, Heritage Programs North (Item 2.2)
Dr Damian Tybussek	Senior Heritage Officer, Heritage Programs South (Item 2.2)
Ms Mary Ann Hamilton	A/Manager, Heritage Programs North (Item 5.1)
Ms Sonia Limeburner	Manager, Program Coordination (Item 6)
SECRETARIAT	
Ms Olgica Lenger	Manager Secretariat
Miss Linda Bugarin	Assistant Secretariat Officer

IN-CAMERA SESSION

Item 1. Welcome and Formalities

The Chair, Robyn Parker, opened the meeting at 8:45 am and delivered an Acknowledgment of Country.

It was noted that an apology was received from Dr Wayne Johnson and quorum had been met.

Item 1.1 Conflict of Interest Declarations

The Committee noted the following standing declarations:

- Robyn Parker: 2011-2015 Decisions
- Colleen Morris: National Trust of Australia
- Dr Wayne Johnson: Place Management NSW
- Paul Knight: As a Dharawal Custodian, potential perceived conflict of interest with Appin Massacre Site (Item 2.2)

The following declarations were also noted:

- Frank Howarth declared a potential perceived COI regarding Mardi Gras Parade Route (Item 2.1) and would refrain from voting.
- Dr Stephen Gapps declared that he will be commencing employment with Artefact Heritage in the following week.

Item 1.2 Out of Session Decisions

NIL

Item 1.3 Minutes from the Previous Meeting – 5 July 2022

Resolution 2022-44
The State Heritage Register Committee: 1. Confirmed the minutes of the previous ordinary meeting (5 July 2022) as a complete and accurate record of that meeting.
Moved by Dr Brian Lindsay and seconded by Dr Stephen Gapps

Item 1.4 Matters Arising

NIL

Item 1.5 Action Report

The State Heritage Register Committee noted the report.

Item 2. SHR Nominations – Notice of Intention (NOI) – External Presentations

Item 2.1 Sydney Mardi Gras Parade Route – NOI

The State Heritage Register Committee noted the update on Sydney Mardi Gras Parade Route – NOI by Stuart Read and Dr Natalie Blake.

Key points noted:

- Heritage NSW has been liaising with the site owners. The City of Sydney is comfortable with this nomination and is currently revising its LEP listing. Heritage NSW has drafted site-specific exemptions for Crown Lands and Transport for NSW and is awaiting a response from NSW Health.
- Heritage NSW is confident with the nomination and does not foresee any concerns.
- The 45-day exhibition period will provide the community (and NSW Health) with an opportunity to respond.

The Chair thanked Heritage NSW staff and the Committee for their hard work on this listing.

Resolution 2022-45

The State Heritage Register Committee:

1. **Considers** the item known as *Sydney Mardi Gras Parade Route* being the road corridor only of Oxford Street from Liverpool and College Streets to Taylor Square; Taylor Square, including part of the intersection of Forbes and Bourke Streets, Darlinghurst; the former Police Station, 301 Forbes Street, Darlinghurst; the road corridor only of Flinders Street from Taylor Square to Moore Park Road, Surry Hills, and Darlinghurst; the road corridor only of Anzac Parade from Moore Park Road to Dacey Avenue and Alison Road, Moore Park, defined in accordance with the curtilage shown at Tab 2.1C of the report, is likely to be of State heritage significance;
2. In accordance with section 33(1)(a) of the *Heritage Act 1977*, 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) and section 33(1)(c) of the *Heritage Act 1977*, 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 45 days after the publication of the newspaper notice and the manner in which submissions may be made.

Moved by Dr Brian Lindsay and seconded by Paul Knight

Item 2.2 Appin Massacre Cultural Landscape – NOI

The State Heritage Register Committee noted the update on Appin Massacre Cultural Landscape – NOI by Christine Hay and Dr Natalie Blake.

The Chair welcomed ACHAC and Heritage Council members to the meeting. The Committee noted Walker Corporation were an apology and would not be presenting.

Key points noted:

- Heritage NSW is working closely with major landowner, Walker Corporation, on determining curtilages that will recognise the significant ACH and colonial values of the landscape whilst allowing for significant development activity. Heritage NSW is confident that any minor curtilage differences can be worked through the NOI consultation process.
- Walker is sympathetic to Aboriginal cultural values and to undertake the development in a way that protects the site, provides appropriate buffers, and maintains visual connectivity so the story of the landscape can still be told in the context of a development setting.
- The Mir Group is also sympathetic to the listing and would like to better understand the curtilage details and how it may impact their ability to develop the site.
- The planning process is in its early stage and rezoning has not yet been approved. Heritage NSW will continue working closely with developers as the detailed design work evolves, with the emphasis on the importance of low-density development and open space connections around the proposed listed areas.
- Heritage NSW is undertaking extensive Aboriginal heritage consultation and will continue to speak to the knowledge holders during the 28-day exhibition period and provide support to those wanting to make a submission.
- Heritage NSW presented to Tharawal LALC in July, taking them through the cultural mapping and receiving their feedback. Heritage NSW also presented the cultural mapping to Wollondilly Shire Council and its councillors.
- It was noted that ACHAC has been engaged throughout the process.
- The Committee noted the exceptional cultural significance of the land and sought to confirm the level of protection under the Cumberland Plain Conservation Strategy.

Further points discussed:

- It is critical to ensure that the development amongst the discrete sites of significance must be complimentary, sensitive, and integral to the significance of the entire Appin massacre cultural landscape.
- Conversations between Traditional Custodians and the ACHAC representatives with Planning and Transport are critical to ensure that cultural heritage is adequately addressed through planning processes.
- Members discussed the importance of visual and spatial connectivity between the proposed listing areas within the cultural landscape and sought to strengthen the Statement of Significance accordingly.
- Heritage NSW acknowledged that further conversations, including considerations of physically connecting the sites, will take place during the exhibition period, with the objective to maintain the strongest link possible between the locations.
- Members also reflected on the importance of language, for example, with references to “landholders” rather than “landowners”.
- It was noted that the Federal Court overruled a mine proceeding in Tasmania because of the *Environment Protection and Biodiversity Conservation Act* which determined the landscape could not be returned to a natural environment. This ruling could potentially impact development activity including the Appin site.

The Chair thanked Heritage NSW and all present for their hard work and feedback. In particular, the Chair acknowledged Dr Stephen Gapps for his considerable knowledge and work on this nomination.

The Heritage NSW Executive Director acknowledged the hard work of Dr Natalie Blake, Christine Hay, Dr Damian Tybussek, David Hoffman, and Emma Dortins.

Resolution 2022-46

The State Heritage Register Committee:

1. **Considers** the item known as *Appin Massacre Cultural Landscape* at Wilton Road, Appin, defined in accordance with the curtilage shown at Tab 2.2D of the report, is likely to be of State heritage significance.
2. In accordance with section 33(1)(a) of the *Heritage Act 1977*, 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*).
3. In accordance with section 33(1)(b) and section 33(1)(c) of the *Heritage Act 1977*, 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 28 days after the publication of the newspaper notice and the manner in which submissions may be made.

Moved by Colleen Morris and seconded by Natalie Vinton

Resolution 2022-47

The State Heritage Register Committee resolved to:

1. **Refine** the Statement of Significance and Criterion B for the item known as *Appin Massacre Cultural Landscape* at Wilton Road, Appin as per OOS SHRC Circular of 3rd August 2022.

Moved by Dr Stephen Gapps and seconded by Colleen Morris

Item 2.3 Assessing Heritage Significance – Refresh – Curio Projects Presentation

The State Heritage Register Committee noted the presentation on Assessing Heritage Significance – Refresh from Elizabeth Owers and Curio Projects.

Members of the Heritage Advisory Panel of the Heritage Council of NSW (HAP) joined the meeting for this session.

Key points discussed:

- Heritage NSW is working with Curio Projects to refresh the *Assessing Heritage Significance* guideline document 2001 (Guidelines).
- Curio Projects has held consultation sessions with Heritage NSW and is seeking the Committee's input to ensure the Guidelines address all areas of significance, including items that contribute to assessing cultural landscapes.
- Members reflected on the importance of the Guidelines being used in the Local Environment Court (LEC) processes.
- Curio Projects is seeking to incorporate case studies that people can connect with to help them understand how their property may fit within the heritage significance in NSW. This includes examples of small-scale case studies that are important to local communities.
- Members reflected on some key areas to be addressed in the Guidelines, including:

- The gradings of significance are effective for built heritage fabric but not for grading intangible values, making it problematic for comparative analysis.
- There is a need for better understanding of inclusion and exclusion guidelines and how can they be applied.
- How to manage layers of changes over time to build fabric.
- Comparative analysis of heritage significance and how to distinguish between local and State significance.
- To tailor the language of the Guidelines to a diverse audience.
- How to interpret social significance and how an item may be important to its community
- Curtilage, representativeness, rarity, and how much criteria an item needs to meet
- o The Committee also asked the Refresh project to consider the following items, based on international works:
 - The Nature-Culture Continuum
 - Canada's work on intangible values of place and community with an emphasis on rural
 - The Twentieth-Century Historic Thematic Framework: A Tool for Assessing Heritage Places (2021). The framework can be used locally to assess places and to conduct comparative analyses of places.

Next steps

- o Consultation sessions are continuing, and a survey is being conducted in the community and with consultants. Once the information is tested, the document will return to the Committee as a first draft.
- o The Refresh project will be finalised in October 2022, with Guidelines being a 'living' document open for further updates if changes are required after publishing.
- o The Committee will be updated on this item at the September meeting.

The Chair thanked everyone for their participation in this discussion and for their ongoing contribution to heritage.

Item 3. SHR Nominations – Recommendation to List

NIL

Item 4. Preliminary Assessment of New SHR Nominations

NIL

Item 5. Monthly Matters

Item 5.1 Warringah Civic Centre – Update and Next Steps

The State Heritage Register Committee noted the update on Warringah Civic Centre by Mary Ann Hamilton.

Key points noted:

- o Northern Beaches Council would like to restart the listing process for Warringah Civic Centre to allow for more recent community feedback due to significant development changes since the Committee first considered the listing.
- o Heritage NSW confirmed that, once the Committee made a recommendation for listing on the State Heritage Register, a new listing process is required to amend the recommended curtilage.

- The Committee confirmed it is interested in pursuing the Warringah Civic Centre listing with a revised curtilage.

Item 6. SHR Listings Monthly Report

The State Heritage Register Committee noted the SHR Listings Monthly Report by Sonia Limeburner.

Key points noted:

- Following the Committee's feedback, the report was updated to include all listing work that is being undertaken at the bottom of the page.
- The September report has no new listings and no other key outcomes to note.
- The Toorale SHR nomination is in this financial year's workplan.
- The Committee discussed local councils' Schedule 5 documents. Heritage NSW confirmed it routinely writes to local council when the Committee has identified an item as being likely of State significance, in the hope that it will encourage the local listing.
- A freeze remains on listings until mid-August due to the revision of HMS.
- *Braidwood* – Heritage NSW is waiting on the final report from GML.
- *Kwong War Chong Building* – Heritage NSW is meeting with the owner's (new) lawyers in late August to discuss their concerns about the impact the heritage listing could have on the site's redevelopment. Heritage NSW is also working with the heritage consultant to finalise site specific exemptions. An update will be provided at the next SHRC meeting.

Item 7. General Matters

Heritage Act Reform Update

- The Committee noted that there is broad support for the reforms, with some stakeholders seeking to better understand the details of the bill in its totality. The work on the Heritage Act reform bill will continue into 2023, with a possibility for targeted consultations with key stakeholders.
- The Heritage Act reforms consultation process has been thorough and further work will be undertaken to ensure the relationship between the *Heritage Act* reform and the Aboriginal Cultural Heritage reform is more closely aligned, including work on cultural heritage landscapes.

Item 7.1 Forward Agenda

The State Heritage Register Committee noted the report.

Meeting Close

There being no further items of business, the Chair, Robyn Parker, closed the meeting at 12:15 pm.



.....
The Hon. Robyn Parker
Chair, State Heritage Register Committee

Date: 6 September 2022