



**HERITAGE REFERENCE COMMITTEE  
TO BE HELD ON THURSDAY, 7 APRIL 2022 AT 12:00 PM  
LEVEL 3 ANTE ROOM / ZOOM**

**A G E N D A**

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**WELCOME BY CHAIRPERSON COUNCILLOR WHEATLEY**

**APOLOGIES**

**DECLARATIONS OF INTEREST**

**CONFIRMATION OF MINUTES**

**Minutes of Heritage Reference Committee**

Meeting held 2 December 2021  
Minutes numbered GB.1 to GB.7.

**GENERAL BUSINESS**

- |      |  |          |
|------|--|----------|
| GB.1 | <b>16 Roseville Avenue, Roseville - request for de-listing</b> | <b>4</b> |
|      | File: CY00413/10   |          |
| GB.2 | <b>57 Finlay Road, Warrawee - Curtilage review</b>             | <b>6</b> |
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GB.3	<b>Substation No. 590 - 390 Karranga Avenue, Killara - State agency proposed delisting</b>	<b>8</b>
	File: CY00069/14	
	To update the committee on the state agency proposal to delist a potential heritage item known as Substation No. 590 at 390 Karranga Avenue, Killara, and Council's assessment in response.	
	<b>Recommendation:</b>	
	The Committee note the Council staff comments to Ausgrid on the listing and potential significance of this substation and support its consideration for listing as a local heritage item.	
GB.4	<b>Tulkiyan update - Council restoration, award nomination and plans</b>	<b>15</b>
	File: S07987	
GB.5	<b>Launching 'her-story': Improving Ku-ring-gai's online heritage place inventories</b>	<b>17</b>
	File: S13598	
	To outline Ku-ring-gai's project, named 'Her-story', to improve its online heritage place inventories on the State Heritage Inventory.	
	<b>Recommendation:</b>	
	The Heritage Reference Committee note this report, attachments and provide comments.	
GB.6	<b>2021 review of the Heritage Act 1977</b>	<b>21</b>
	File: S07987	
	To update the Committee on recent major legislative review affecting heritage.	
	<b>Recommendation:</b>	
	The Committee note this report.	
GB.7	<b>Heritage Festival 2022</b>	<b>27</b>
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GB.8	<b>Current grant extensions 2021-22</b>	<b>29</b>
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File: S05037

**OTHER BUSINESS**

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## 16 ROSEVILLE AVENUE, ROSEVILLE - REQUEST FOR DE-LISTING

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### BACKGROUND:

This is a previous item that needs to be progressed.

Council staff have had an enquiry about the potential de-listing of a property, which is currently located within the Clanville Conservation Area.

The property was first listed by the KPP in the Town Centres LEP in 2010. A Paul Davies report (July 2009) postdates the final adoption of the Town Centres LEP (May 2009) (**Attachment A1**). Page 27 states that the property should not be a heritage item

Council reaffirmed the listing when it adopted the Local Centres LEP in 2012. There was a SHI forms for the property attached to the Council report when Council adopted the planning proposal for the draft local centres LEP for gateway and exhibition (**Attachment A2**). These were prepared by PMA as part of their 2006 study. There were no submissions made on these properties during the exhibition period.

The Clanville Conservation Area was introduced in 2015.

At the September 2021 HRC meeting, the following recommendation was made:

*After discussion, the committee agreed that the listing should remain and that despite there being conflicting information the SHI form substantiates this listing.*

*Council staff to advise the enquirer that if they wish to remove the listing then a formal and substantial planning proposal could be submitted to Council.*

### COMMENTS:

The owner of the property will now be addressing the committee briefly in relation to this item.

Vanessa Holtham  
Heritage Planner Specialist

<b>Attachments:</b>	A1	10 12 and 16 Roseville Ave Roseville - heritage assessment - Paul Davies 21 July 2009 - SHI inventory sheet data form	2009/113346
	A2	Roseville Avenue 16 - Roseville - SHI heritage inventory sheet - Perumal Murphy Alessi 2006	2013/232575



of Architects suggested that a letter of feedback on this matter be prepared from the Institute.

In order to progress this matter, a site inspection needs to be undertaken as soon as practicable.

Can committee members agree whether with this approach and advise of their availability for such to be undertaken on a future Thursday or Friday.

Vanessa Holtham  
Heritage Planner Specialist

<b>Attachments:</b>	A1	51-57 Finlay Road, Warrawee - heritage database research	2020/083257
	A2	Letter from Australian Institute of Architects - KLEP S09563 item 51 Finlay Warrawee	2021/274614
	A3	51 57 Finlay Road Warrawee - Evatt - Rickard House - RAIA AIA heritage inventory sheet	2013/296215

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## SUBSTATION NO. 590 - 390 KARRANGA AVENUE, KILLARA - STATE AGENCY PROPOSED DELISTING

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To update the committee on the state agency proposal to delist a potential heritage item known as Substation No. 590 at 390 Karranga Avenue, Killara, and Council's assessment in response.

**BACKGROUND:**

In late December 2021, Ausgrid invited Council comments on its proposed delisting of Substation No. 590 from Ausgrid's heritage and conservation register.

This substation is not currently listed as a heritage item on Ku-ring-gai Local Environmental 2015 or on the State Heritage Register. It is located within a local conservation area. It is an operating substation.

**COMMENTS:**

Council staff reviewed the proposal, supporting information and inspected the building in order to provide comments to Ausgrid in February 2022. In these comments, Council staff indicate this building is considered a potential heritage item and recommends it remains listed on the section 170 register to inform appropriate heritage asset management while in state ownership. In order to ensure the recognition and conservation of this locally rare substation and encourage its adaptive re-use if sold by the state government, it is recommended this building is considered for listing as a heritage item on Ku-ring-gai's Local Environmental Plan 2015.

**RECOMMENDATION:**

The Committee note the Council staff comments to Ausgrid on the listing and potential significance of this substation and support its consideration for listing as a local heritage item.



## **PURPOSE OF REPORT**

To update the committee on the state agency proposal to delist a potential heritage item known as Substation No. 590 at 390 Karranga Avenue, Killara, and Council's assessment in response.

## **BACKGROUND**

In late December 2021, Ausgrid invited Council comments on its proposed delisting of Substation No. 590 from Ausgrid's heritage and conservation register.

This is an operating substation. The Ausgrid notification did not indicate other plans for the site. In response to Council's request, Ausgrid advised the rationale for this latest review is to align the register with the regulatory requirements. Ausgrid further advised that regardless of listing, Ausgrid undertakes both routine building maintenance and other works on an as needs basis to ensure their integrity is retained.

All state agencies are required to maintain heritage and conservation registers of their heritage assets under section 170 of the Heritage Act 1977, known as section 170 registers. Already listed heritage items and potential heritage items of local or state significance are included in these registers. This agency listing triggers internal agency consideration of heritage impacts and requires the agency to notify the Heritage Council when the asset is proposed for sale, delisting or demolition.

This substation is not currently listed as a heritage item on Ku-ring-gai Local Environmental 2015 or on the State Heritage Register. It is located within a local conservation area.

Ku-ring-gai has only one substation that is a local heritage item, Substation No. 195 at at 982-984 Pacific Highway, Pymble. This other substation is also listed on the State Heritage Register, meaning it has been assessed as a state significant example. This inventory is attached.

## **COMMENTS**

Council staff reviewed the proposal, supporting information and inspected the building in order to provide comments to Ausgrid in February 2022.

In these comments, Council staff indicate this building is considered a potential heritage item and recommends it remains listed on the section 170 register to inform appropriate heritage asset management while in state ownership. The substation has no existing individual listing to achieve this appropriate heritage consideration without the section 170 register listing.

In order to ensure the recognition and conservation of this locally rare substation and encourage its adaptive re-use if sold by the state government, it is recommended this building is considered for listing as a heritage item on Ku-ring-gai's Local Environmental Plan 2015.

Listing consideration requires completion of an inventory with an assessment of the significance of the building, a planning proposal and consultation with Ausgrid as the owner. An internal inspection is preferable, but not essential. Ausgrid denied Council's request for internal access for safety reasons because this is an operational substation. Council will inspect the building if permitted access by Ausgrid.

As a state government agency, Ausgrid is under no obligation to follow Council's advice on listings, sale or alterations. This advice and recommended action is an opportunity to work with Ausgrid to celebrate this distinctive industrial part of Ku-ring-gai's history and character, and provide for its ongoing conservation in its current or a new use.

Further comments provided to Ausgrid on the section 170 listing, potential significance of this building and development potential is included below.

### Section 170 listing

- Ausgrid's heritage report extract for this listing decision, attached, does not evaluate the potential local significance or comparative rarity of the building or take into account the existing significance assessment from the section 170 register, attached. These matters should be considered before decisions about delisting.
- The regulatory requirements under the State Agency Heritage Guide also require state owned buildings of potential local or state significance to be included on the section 170 register. Council considers this building satisfies this threshold for inclusion.
- This site also has constrained development potential currently, which would be improved by heritage item listing. This opportunity is diminished if Ausgrid indicate they do not believe the building has potential significance by removal from its section 170 register.

### Potential local heritage significance

- Substation No. 590 is likely rare for Ku-ring-gai as one of only two identified Sydney County Council substations in the local government area that provide evidence of the inter-war extension of electricity to Ku-ring-gai. The potential for others has not been identified or assessed at this time.
- These Sydney County Council substations are distinct local landmarks, reflecting the suburban and architectural context of the time and demonstrate the extension of electricity to different parts of Sydney. Substation No. 590 is a good example.
- Dating from 1940, this substation demonstrates some uncommon architectural details for an inter-war substation, likened to the work of Walter Burley Griffin in the Section 170 register entry.
- The building appears intact externally and in reasonable condition.



Above: Substation No. 590 streetscape front elevation



Above: Substation No. 590 streetscape view

### Constrained development potential

- It is recommended that development opportunities indicated in Ausgrid's heritage report are further investigated, such as through a pre-DA meeting, to verify these conclusions before making listing or other asset management decisions on this basis.
- Council's assessment is that these opportunities are very low due to the small site area, the attached adjacent garage along the side property boundary that is not acknowledged in the heritage report, and permissible uses in this low density residential zone (R2). The aerial below illustrates these issues.

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- The potential for adaptation into a larger building noted in the Ausgrid heritage report is very limited. There is no space for a rear extension as the building abuts the rear boundary. An extension forward of the existing front building line would be inconsistent with adjoining buildings. Vertical additions to maximum height of 9.5 metres are limited by required boundary setbacks. A new building would also need to be sympathetic to the conservation area.
- The site's potential for amalgamation with the adjoining properties for the indicated new uses is low. The three neighbouring properties already have large residences, street access, outdoor recreation and garages, as is common in this area. The demand to purchase further land for this purpose is likely low.
- The R2 zone does not permit a variety of uses that may be suited to this distinctive small building and site, if the existing use is discontinued, such as successful café conversions found in other inner city areas.
- The site will have greater opportunity for flexible uses if listed as a heritage item because this will permit other viable uses through the LEP conservation incentive under 5.10(10) that allow otherwise prohibited uses that will conserve significance.
- If Ausgrid removes this building from the section 170 register listing, this will reduce the likelihood of greater use opportunities for this site only achieved through heritage item listing.



Above: Aerial of Substation No. 590 shaded red and neighbouring properties



Above: Example of a substation cafe conversion in Alexandria (source: State Heritage Inventory)

## INTEGRATED PLANNING AND REPORTING

Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Ku-ring-gai's unique visual character and identity is maintained.	Strategies, plans and processes are in place to protect and enhance Ku-ring-gai's unique visual and landscape character.	Promote local heritage in consultation with key stakeholders.  Implement, monitor and review Kuring-gai's heritage planning controls and Heritage Strategy consistent with the Local Strategic Planning Statement (LSPS).

## GOVERNANCE MATTERS

A listing planning proposal will be referred Council and the Ku-ring-gai Local Planning Panel for approval to consult the community.

## RISK MANAGEMENT

No significant risks.

## FINANCIAL CONSIDERATIONS

No significant financial considerations.

## SOCIAL CONSIDERATIONS

No significant social considerations.

## ENVIRONMENTAL CONSIDERATIONS

No significant environmental considerations for listing. These can be considered through the separate development process.

## COMMUNITY CONSULTATION

Through the planning proposal process for listing, the community is invited to comment on proposed listings and these comments will be considered.

## INTERNAL CONSULTATION

No other internal consultation at this stage.

## SUMMARY

Substation No. 590 warrants retention on Ausgrid's heritage and conservation register as a potential item. It is therefore recommended that Council considers listing this property as a local heritage item of local heritage significance.

## RECOMMENDATION:

- A. The Committee note the Council staff comments to Ausgrid on the listing and potential significance of Substation No. 590.
- B. The Committee support consideration of Substation No. 590 for listing as a local heritage item.

Claudine Loffi  
Heritage Specialist Planner

<b>Attachments:</b>	A1	Substation No. 590 - Section 170 heritage and conservation register inventory	2022/030301
	A2	Ausgrid Heritage Report extract for delisting Substation 590 - 390 Karranga Avenue Killara	2022/039284
	A3	Pymble Substation 195 - State Heritage Register inventory	2022/039566

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## TULKIYAN UPDATE - COUNCIL RESTORATION, AWARD NOMINATION AND PLANS

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### BACKGROUND:

Tulkiyan at 707 Pacific Highway, Gordon, is a house museum owned and maintained by Ku-ring-gai Council, managed by Historic Houses Association. A local and state listed heritage item, Tulkiyan represents a fine and intact Arts and Craft residence dating from 1913 by eminent architect B.J. Waterhouse, with grounds and house contents from the Donaldson family bequest.



### COMMENTS:

Council and the building manager are actively conserving this property using appropriately qualified specialists. By 2021, the interiors were restored to repair extensive steam damage. Our team nominated this work for a 2022 National Trust heritage ward, attached. The 2021 draft Conservation Management Plan with detailed assessment is attached. Cataloguing contents is underway. Advice on alterations for access and amenities is attached for a future application to be resolved. Together, these initiatives seek to enable greater public enjoyment and ongoing conservation of the house and grounds. Thanks to repairs and maintenance, the property sustained recent severe wet weather without serious leaks or damage. The former tennis court flooding is pictured.



Item GB.4

S07987

Claudine Loffi  
Heritage Specialist Planner

**Attachments:** A1 National Trust Award nomination submission 2022 - Tulkiyan  
interiors conservation

2022/068350



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## LAUNCHING 'HER-STORY': IMPROVING KU-RING-GAI'S ONLINE HERITAGE PLACE INVENTORIES

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To outline Ku-ring-gai's project, named 'Her-story', to improve its online heritage place inventories on the State Heritage Inventory.

**BACKGROUND:**

Heritage listed places across NSW feature on the online State Heritage Inventory. While not a legal part of listing, these online inventories for listed places become the face and first source of information about Ku-ring-gai's heritage places, used by owners, professionals and government bodies. Currently the online inventories for Ku-ring-gai's heritage places are mostly empty. The heritage inventories and research are only currently available to the public on request.

**COMMENTS:**

To improve public access to and information about Ku-ring-gai's 1,000 heritage items and 55 conservation areas, Council is switching to using the online inventory system and is setting new standards. This long-term project seeks to better promote the value of Ku-ring-gai's heritage and to assist owners, professionals and the broader community to understand and conserve these listed places.

A new convention, attached, has been prepared to achieve consistent online inventories to a good standard, including some standard content to address common misconceptions and acknowledge Aboriginal history. The first two examples of inventories produced in this system using this convention are also attached.

**RECOMMENDATION:**

The Heritage Reference Committee note this report, attachments and provide comments.

## PURPOSE OF REPORT

To outline Ku-ring-gai's project, named 'Her-story', to improve its online heritage place inventories on the State Heritage Inventory.

## BACKGROUND

Heritage listed places across NSW feature on the online State Heritage Inventory. The inventories for locally listed places are supplied by Councils, using the system maintained by Heritage NSW. While not a legal part of listing, these online inventories become the face and first source of information about Ku-ring-gai's heritage places, used by owners, professionals and government bodies. This information assists owners to understand the significance of listed places, informs their expectations, reduces owner research costs and assists with the development assessment process.

Currently the online inventories for Ku-ring-gai's heritage places are mostly empty with only identification details like address and a generic significance statement. An example is attached. The existing limited online place information is because the listings pre-date the online system and original inventories only provided basic information, as is common for older listings. Subsequent research, assessment and inventory forms are not available online because they have not been produced in a compatible format for the online system. Existing heritage inventories and research are only currently available to the public on request.

This inventory improvement project is named 'Her-story' because it is about telling our local heritage story. More than history, or 'his-story', heritage extends to tangible features and design, what this tells us, how the place is significant and can be conserved. Inventories are the tool to communicate this heritage story or 'her-story'. Putting this story online is the missing link for reaching the community.

## COMMENTS

To improve public access to and information about Ku-ring-gai's 1,000 heritage items and 55 conservation areas, Council is switching to using the online inventory system and is setting new standards. This long-term project seeks to better promote the value of Ku-ring-gai's heritage and to assist owners, professionals and the broader community to understand and conserve these listed places.

Inventories will progressively be improved and submitted online as resources permit. The first priorities for inventory updates will be for greatest need in response to a current or recent matter including:

- those needed to assist with current planning proposals
- recently listed items with no online inventory
- those requested by Council's development assessment team to assist with applications.

The next priority inventory updates will be for greatest efficiency through a more strategic approach. These could be grouped by location and/or type. Alternatively, they could be grouped by key historic records or those with available existing research.

A new convention, attached, has been prepared to achieve consistent online inventories to a good standard. Standard content is contained in this convention for all inventories to address common misconceptions about inventories and listings, guide management and acknowledge Aboriginal

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S13598

history. Staff from the Aboriginal Heritage Office were consulted about and support the Aboriginal history wording. The depth of the assessment in inventories will vary according to available information.

The first two examples of online inventories using this system and convention are attached for:

- 47 Fox Valley Road, Wahroonga. This inventory was prepared at the request of the owner through the development assessment team. This uses research and assessment from Council's heritage specialists. For comparison, the previous basic online inventory is attached.
- 33 Young Street, Wahroonga. This item was listed last year. The inventory was prepared based on a consultant's heritage assessment report. It is more detailed because of the source material and the importance of internal fittings.

## INTEGRATED PLANNING AND REPORTING

Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Ku-ring-gai's unique visual character and identity is maintained.	Strategies, plans and processes are in place to protect and enhance Ku-ring-gai's unique visual and landscape character.	Promote local heritage in consultation with key stakeholders.

## GOVERNANCE MATTERS

Council will endeavour to produce inventories online to these standards for future planning proposals.

## RISK MANAGEMENT

Disclaimers are proposed for the standard content in the inventories to help reduce the risk of owners and others misunderstanding the purpose and effects of these inventories.

## FINANCIAL CONSIDERATIONS

Heritage specialist staff are required to prepare and enter the inventories.

## SOCIAL CONSIDERATIONS

Moving heritage inventories online will improve free community access to the heritage place information. This information can still be accessed from Council by request as currently.

## ENVIRONMENTAL CONSIDERATIONS

Nil.

## COMMUNITY CONSULTATION

As inventories are non-statutory, they are not part of the legal listing or a planning instrument that require formal community consultation. The community is consulted on inventories or equivalent

assessments when they are attached to a listing planning proposal. Council will consider any feedback the community provides about the online inventories and update these as appropriate.

### **INTERNAL CONSULTATION**

The environment, legal and development assessment teams were consulted on the proposed standard content. Inventories produced using this system are also reviewed internally by staff.

### **SUMMARY**

Launching a new way to create and update heritage inventories online.

### **RECOMMENDATION:**

A. The Heritage Reference Committee note this report, attachments and provide comments.

Claudine Loffi  
Heritage Specialist Planner

<b>Attachments:</b>	A1	Ku-ring-gai heritage inventory conventions	2022/004049
	A2	47 Fox Valley Road Wahroonga - Online heritage inventory - 2021 update	2022/005430
	A3	47 Fox Valley Road Wahroonga - Online heritage inventory - Before update	2022/005431
	A4	33 Young Street Wahroonga - Online heritage inventory - First	2022/006241

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## 2021 REVIEW OF THE HERITAGE ACT 1977

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To update the Committee on recent major legislative review affecting heritage.

**BACKGROUND:**

Launched in April 2021 and concluded in December 2021, NSW Governments' inquiry into and resulting review of the Heritage Act could have produced substantial change to the NSW system for conserving heritage since its last major review in 1999.

**COMMENTS:**

The Heritage NSW discussion paper for the inquiry into modernising the Act signalled that these changes could have been damaging to ongoing conservation of heritage in the state because it did not prioritise conservation when prioritising often competing interests, such as making heritage 'easy' for owners. Ku-ring-gai Council amongst other locals and local organisations made submissions on this review. Following community consultation and public hearings, the 26 review recommendations were more balanced and generally positive for heritage conservation and effective management. The final Government response to these recommendations in December 2021, while generally supportive, did not commit to major changes, either positive or negative, to the NSW heritage law and system to implement the 25 supported review recommendations. This review by the highest levels of state government with public input provides a useful resource of common issues and potential solutions for improving the NSW heritage system. Key issues are outlined in this report.

**RECOMMENDATION:**

The Committee note this report.

## PURPOSE OF REPORT

To update the Committee on recent major legislative review affecting heritage.

## BACKGROUND

The Heritage Act 1977 establishes the laws for conserving heritage across New South Wales primarily through the NSW Heritage Council, its heritage policies, the State Heritage Register and Interim Heritage Orders. The first and last major review of the Act in 1999 produced major changes. These included replacing Permanent Conservation Orders with the State Heritage Register, restricting state listings to state significant places, and automatic State Heritage Register listing of hundreds of state-owned assets of assessed state significance.

In April 2021, the Hon Don Harwin MLC, then Special Minister of State, launched an inquiry into the Heritage Act, seeking to modernise this law governing heritage in NSW. The Heritage NSW discussion paper focussed the inquiry and review on making heritage 'easy', 'work', 'relevant', 'more affordable' and 'more desirable' to own a state heritage property. The discussion paper proposed a number of changes to this end.

Ku-ring-gai Council, Friends of Ku-ring-gai Environment, local residents and more than 300 others made submissions and presented to public hearings. These raised many concerns and alternate suggestions. Ku-ring-gai's submission is attached.

In October 2021, as a result of this inquiry, the NSW Parliament Standing Committee on Social Issues made 26 recommendations to the government to amend the Heritage Act and associated functions. The Government has no obligation to accept or implement these recommendations. The government responded to these recommendations in December 2021. The Government response is attached.

Key issues from the inquiry discussion paper, Committee review and Government response are highlighted below. The full and other related documents can be found at:

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2814#tab-reportsandgovernmentresponses>

## COMMENTS

The NSW Governments' review of the Heritage Act could have produced substantial change to the NSW system for conserving heritage, as with its last major review. The Heritage NSW discussion paper for modernising the Act signalled that these changes could have been damaging to ongoing conservation of heritage in the state because it did not prioritise conservation when prioritising often competing interests, such as making heritage 'easy' for owners.

Following community consultation and public hearings, the 26 review recommendations were more balanced and generally positive for heritage conservation and effective management. The final Government response in December 2021, while generally supportive, did not commit to major changes, either positive or negative, to the NSW heritage law and system to implement the 25 supported review recommendations. Both of these documents are attached.

Some key positive outcomes of the Committee review recommendations are that they:

- Clearly prioritise conservation in the first and supporting recommendations; a gap in the discussion paper.
- Recognise most issues identified in the discussion paper are addressed through management and resourcing, rather than the Act.
- Importantly, recommend improved resourcing for Heritage NSW functions and owner grants, including investigating adopting the UK Heritage Enterprise Grants scheme.
- Support separate Aboriginal heritage Act, although making no recommendation on sequencing to avoid gaps or overlap (see p139).
- Slightly strengthen heritage concerns for major development of state-listed items when the legal Heritage Act protection is removed for State Significant Development.
- Increase heritage expert representation on Heritage Council to a majority including one from local government and two Aboriginal people, strengthening the Heritage Council role as an expert heritage body.
- Limit the proposed fast-track de-listing to appropriate extreme circumstances such as following 'natural calamity'.
- Limit the proposed de-regulation appropriately to remove duplicating section 60 applications following IDA, without compromising necessary heritage assessment.
- Oppose proposed listing category system that would have potentially complicated listing assessment and outcomes and de-valued local heritage at the base of more levels than currently.
- Reject proposal for Minister to replace Heritage Council as decision-maker for development of state-listed places; for less political, more independent, expert and streamlined decisions for development.
- Support some very specific projects including Aboriginal War Memorial, blue plaques, digitising records.

Less positive aspects of this Committee review are that it:

- Rejects positive recommendation to create enforcement powers to protect local heritage (p137). This would be highly valuable to address issues like 'demolition by neglect' for the majority of heritage in NSW that is locally listed.
- Rejects positive recommendation to de-politicise Heritage NSW staff appointments directly through the Heritage Council (p135).
- Recommends extending City of Sydney's Heritage Floor Space scheme. While good in principle as a conservation incentive and source of extra funds for heritage item owners, extending this floor space transfer scheme is complex with potential negative impacts. It requires comprehensive review of local planning controls. For unlisted sites, this scheme adds restrictions or costs on new development and/or requires additional permissible building height. To effectively benefit heritage owners, this scheme requires high value unlisted development sites where extra height can be accommodated, listed buildings with un-used development potential, and a balance between transferrable floor space demand and supply. These circumstances exist in the City of Sydney, but not in Ku-ring-gai. The scheme's widespread expansion may diminish its current value in the city, have little benefit or negatively impact low density areas like Ku-ring-gai.
- Unfortunately recommends seeking tax breaks only at the Commonwealth level for heritage property owners, rather than recommending NSW tax incentives, such as on stamp duty, that this level of government controls.

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- Has an unclear listing recommendation: “Locally listed items of heritage should be mandatorily listed and consolidated on to the State Heritage Inventory so that applications can be more readily made for State significance if necessary.” This already happens, unless it has some other meaning that has yet to be clarified. This ambiguity may be because this recommendation No. 8 was inserted by a motion recorded on p137.

In December 2021, the Government response accepted most of these Committee recommendations, though lacking detail and commitments to implement most. See attached. Positive aspects of the government response include:

- Enforcement improvements for protection of state items against illegal works.
- Proposal to add Aboriginal representation on the Heritage Council.
- Resources commitment of \$5million for blue plaques.
- General commitments for Act objectives to prioritise conservation and appropriately qualified staff for Heritage NSW.

Less positive aspects of the Government responses include:

- Lack of detail or budget commitment to improve Heritage NSW resourcing for key Heritage Act functions and staff. The Government response does not acknowledge recent staff cuts to Heritage NSW, understood to be approximately 20 percent. The cuts were reported in the media in February 2021, for instance at <https://www.smh.com.au/culture/art-and-design/arts-cultural-job-cuts-on-the-horizon-to-net-million-dollar-savings-20210203-p56z02.html>. Only clear budget commitment is for blue plaques, which is not a specified function under the Act. The response seeks opportunities to accept resources from other sources like philanthropy.
- Government did not accept the strengthening of heritage concerns for major development of state-listed items when the legal Heritage Act protection is removed for State Significant Development.
- Lack of commitment to necessary changes to implement supported recommendations. The Government instead refers to existing systems. For instance, it does not support Heritage Act changes to require local government representative on the Heritage Council.

While lacking detail, the supportive Government response may still give the Heritage Council and Heritage NSW a greater mandate to pursue positive review recommended changes through management where Act changes or additional budget are not required. This review by the highest levels of state government with public input provides a useful resource of common issues and potential solutions for improving the NSW heritage system.

## INTEGRATED PLANNING AND REPORTING

Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Tasks
Ku-ring-gai's unique visual character and identity is maintained.	Strategies, plans and processes are in place to protect and enhance Ku-ring-gai's unique visual and landscape character.	Protect and effectively manage Ku-ring-gai's Aboriginal heritage assets in conjunction with the Aboriginal Heritage Office.



Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Tasks
		Promote local heritage in consultation with key stakeholders.

## GOVERNANCE MATTERS

NSW legislation is the responsibility of the NSW Government.

## RISK MANAGEMENT

These are considerations for the NSW Government.

## FINANCIAL CONSIDERATIONS

These are considerations for the NSW Government.

## SOCIAL CONSIDERATIONS

These are considerations for the NSW Government.

## ENVIRONMENTAL CONSIDERATIONS

These are considerations for the NSW Government.

## COMMUNITY CONSULTATION

The NSW Government consulted the community on the discussion paper. The review recommendations and Government response have not been subject to community consultation.

## INTERNAL CONSULTATION

Heritage planning staff reviewed the process and reports for this overview.

## SUMMARY

The Heritage Act review has not resulted in substantial change, either positive or negative, to the NSW heritage law and system.

## RECOMMENDATION:

The Committee note this report.

Claudine Loffi  
Heritage Specialist Planner

Antony Fabbro  
Manager Urban & Heritage Planning

**Item GB.6**

**S07987**

<b>Attachments:</b>	A1	Dec 2021 Government Response - 2021 Review of the Heritage Act 1977	2022/063273
	A2	Ku-ring-gai's submission on Heritage Act review - June 2021	2021/187483

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## HERITAGE FESTIVAL 2022

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**BACKGROUND:**

Ku-ring-gai's Heritage Festival will return in 2022. This is a regional celebration of our historic, natural, Indigenous and cultural heritage. It runs during the Australian Heritage Festival from 18 April to 19 May 2022. The festival includes a series of events such as photo exhibitions, open homes, historical talks, walking tours, fashion exhibitions, author talks and more.

**COMMENTS:**

The opening of applications for 2022-23 heritage home grants corresponds with and is promoted as part of this festival. In addition to online activities and information, events include:

- Ku-ring-gai historical society days
- Rose Seidler open house
- Wahroonga Park guided walking tour
- Children of the Empire viewing
- Fifties fashion exhibition
- Drawing on Modernism workshop
- Writing your family history talk
- Peter FitzSimons book talk 'The Opera House'
- Indigenous talk and bush tucker walk
- Mother's day tea at Eryldene
- Art of 1920s evening gowns talk
- Woodlands visit
- Mahratta open house and garden tour
- Sioman Yen and Richard Horsburg talk on 'South Flows the Pearl'
- Swain Gardens guided walk

More information on the events is at

<https://www.krg.nsw.gov.au/Things-to-do/Events-and-festivals/Heritage-Festival>

**Heritage Reference Committee - 7 April 2022**

**GB.7 / 28**

**Item GB.7**

**CY00685/3**

Claudine Loffi  
Heritage Specialist Planner

Antony Fabbro  
Manager Urban & Heritage Planning

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## CURRENT GRANT EXTENSIONS 2021-22

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**BACKGROUND:**

Ku-ring-gai Council, on the advice of the Heritage Reference Committee, approved a total of 21 projects for this financial year, 2021-22, last July, attached. These grants partly fund a range of positive conservation works to heritage items and contributory buildings in conservation areas through individual grants between \$1,000 and \$5,000 for a total annual budget of \$80,000.

As an annual grants program, the approved works need to be commenced and completed in the financial year. Ordinarily the grants expire on 30 June if works have not been completed by **31 May** or early June. In practice, this gives owners 10 months to commence and complete the works from the July grant approval. The May deadline is to enable Council staff inspection, approval and payment processing by the financial year's end. April-June is a busy period for grants because this is also when the next year's grant applications are received and assessed for Council's approval in July.

**COMMENTS:**

A number of 2021-22 approved grants have not been or are unlikely to be completed within this financial year, largely due to the impact of the pandemic. These include 7 incomplete grants totalling about \$29,300. Owners declined 5 other offered grants totalling about \$18,100. The works for 9 granted projects are complete.

Due to the pandemic disruption, it is proposed to seek approval to extend current grants, to enable owners to complete works and claim 2021-22 grants up to **31 October 2022**, for Council staff approval and payment by **31 December 2022**. This gives owners another 5 months to complete the works in addition to the 10 months since the grant was approved in 2021. The goal is to complete more of the positive works, achieve the intended results and make the best use of the allocated budget for the 2021-22 grants program. Approved 2022-23 grants will continue at the same time with the normal timeframes.

Claudine Loffi  
Heritage Specialist Planner

**Attachments:** A1 2021-22 approved grants 2021/187641

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## NEXT HERITAGE HOME GRANT PRIORITIES AND CONSERVATION PLANS

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**BACKGROUND:**

The attached guideline sets out the Heritage Home grant requirements for this past year, 2021-22. Grants are for funding private building works that will conserve listed heritage items or contributory properties in conservation areas.

**COMMENTS:**

Some adjustment to eligibility and priorities (points 6-8 in the guide) for 2022-23 are suggested in the attached to better prioritise works that protect or improve the significance and public appreciation of listed buildings:

1. Limit painting grants for works that prevent deterioration of significant fabric, such as painting timber windows or gables, restore a historically appropriate colour scheme or original unpainted finish. Repainting with contemporary schemes would otherwise be treated as routine maintenance that is not a funding priority. Advice on available historically appropriate colour scheme guides is welcome.
2. Remove garden or landscaping works as priorities because these have less long-term conservation benefit, other than restoring historically appropriate fences that improve street appreciation and views.
3. Consider adding conservation management plans (CMPs) in limited circumstances – for conserving intact heritage items with no existing research and unrelated to major development or planning change. This excludes funding CMPs for highly altered items or where major development or planning gains balance the cost and/or already require a CMP. While less tangible or visible conservation, CMPs help owners understand and conserve items, and help Council improve item inventories. The cost of CMPs to owners with no other prospective gain can be prohibitive. CMPs have no binding conservation effect on owners. Extending grants to documents will require an extra type of staff review or editorial than currently part of grant approvals. It reduces availability of grants for physical conservation works.

Other guide edits are to simplify or clarify the content.

Claudine Loffi  
Heritage Specialist Planner

Antony Fabbro  
Manager Urban & Heritage Planning

<b>Attachments:</b>	A1	Heritage Home Grant guideline 2021-22	2021/187637
	A2	2022-23 Heritage Home Grant guideline - draft update March 2022	2022/074144