

**Select Committee on the Government's management of the Powerhouse Museum and other museums and cultural projects in New South Wales - 29 July 2020**

**Responses to Questions on Notice**

**Question 1: Part of your role was negotiating for the State Government at the time, was it not?**

**Response provided by Brett Newman:**

I was formally the CEO of Property NSW and a member of an internal inter agency committee relating to the location of a new Museum of Applied Arts and Sciences (MAAS).

Initial contract documents in relation to the NSW Government's option to purchase City of Parramatta Council's (Council) land at Parramatta for the MAAS were entered by Council and the NSW Government during 2017. A Contract for Sale for the purchase was entered on 1 February 2019, under which Council's land was purchased by Planning Ministerial Corporation, represented by the Secretary of the Department of Planning and Environment. Settlement of the land sale occurred on 3 April 2019.

As far as I'm aware, whilst Property NSW provided some preliminary strategic advice to the committee, Create NSW was responsible for the sale of the Powerhouse Museum site from the City of Parramatta Council to the NSW Government and Property NSW did not act on behalf of Create NSW in this transaction.

My employment at City of Parramatta Council commenced on 16th September 2019, well after completion of the land sale had occurred.

**Question 2: What heritage protections did Council try and negotiate? Are there any clauses in the agreement? Did we ask for any protections and the State Government refused?**

**Response provided by Jennifer Concato:**

On 28 July 2017, Council and the NSW Government entered a Heads of Agreement which dealt with various matters including the future sale of the land to the NSW Government for the new Museum of Applied Arts and Sciences (Heads of Agreement).

On 12 December 2017, Council and NSW Government entered a Call Option Deed, as contemplated by the initial Heads of Agreement, which dealt with the matters covered in the Heads of Agreement in greater detail (Call Option Deed).

**Contact us:**

council@cityofparramatta.nsw.gov.au | 02 9806 5050  
@cityofparramatta | PO Box 32, Parramatta, NSW 2124  
ABN 49 907 174 773 | [cityofparramatta.nsw.gov.au](http://cityofparramatta.nsw.gov.au)

Both the Heads of Agreement and Call Option Deed did not initially impose any contractual obligations on the NSW Government regarding the protection of heritage.

Three subsequent Deeds of Variation to the Heads of Agreement and Call Option Deed, were entered into between Council and the NSW Government on or about 18 December 2018, 1 April 2019 and 29 April 2019.

The first of these Deeds of Variation, dated 18 December 2018, dealt with various matters. Clauses 16 and 17 of this Deed of Variation inserted a new clause within both the Heads of Agreement and Call Option Deed, which required that in undertaking any international design competition for the provision of the new MAAS, the NSW Government must use reasonable endeavours to seek to preserve and retain the properties known as "Willow Grove", 34 Phillip Street, Parramatta and "St George's Terrace", 44 Phillip Street, Parramatta. Accordingly, the NSW Government has been subject to this contractual obligation in respect of the properties known as "Willow Grove" and "St George's Terrace" since 18 December 2018.

This first Deed of Variation was signed on 18 December 2018, prior to the Contract for Sale of the land being entered between Council (as vendor) and Planning Ministerial Corporation, represented by the Secretary of the Department of Planning and Environment (as purchaser) on 1 February 2019. Settlement of the land sale occurred on 3 April 2019.