

**Select Committee on the Government's Management of the Powerhouse  
Museum and Other Museums and Cultural Projects in NSW**

**Answers to Questions on Notice – 8 October 2020**

**QUESTION – Legal advice on potential conflict of Heritage Council listing**

**Mr DAVID SHOEBRIDGE:** The concern, if I could put it in simple layman's terms, is that if the agency that is proposing a major development that impacts upon a heritage property is the same agency that is providing the advice about the heritage values of the property for the purpose of listing, there is a potential conflict.

**Mr HOWARTH:** In essence, yes.

**Mr DAVID SHOEBRIDGE:** That has not been resolved yet, in terms of formal written advice to the Heritage Council?

**Mr HOWARTH:** We have not got the formal written advice. We anticipate getting that, hopefully, fairly soon.

**Mr DAVID SHOEBRIDGE:** Ms Foy, if you have the advice—it would appear that the advice, at least for the Heritage Council, is that there is legal advice—would you provide that to the Committee?

**Ms FOY:** I do not have the advice. I am happy to look into it. If I can say, Ministers of the Crown deal with complex issues all of the time. There are particular protections in place through the Act and through our operating policies to make sure there is independence, but I would not suggest in any way there is any conflict at all. If there is advice to that effect, I will take advice on the basis of providing it to the Committee.

**ANSWER:**

Written legal advice confirming there was no conflict of interest was received on 7 October 2020.

The advice is subject to legal professional privilege and is therefore not provided.

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**QUESTION – Nomination of site by the National Trust**

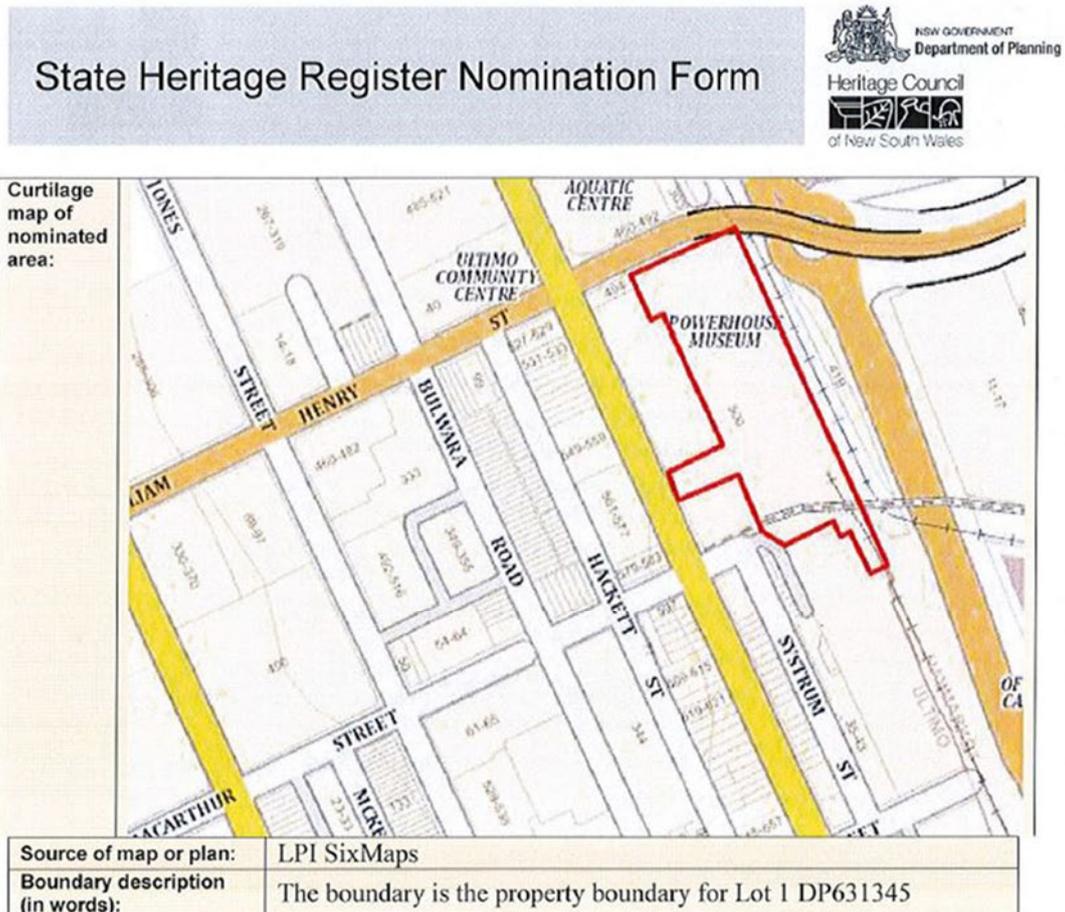
**The Hon. WALT SECORD:** Sorry, I am not following. Was the nomination by the National Trust for the whole site? Can you clarify? I have read things that contradict that.

**Mr SMITH:** We can certainly table that document that was in the public domain at the time of the assessment.

**ANSWER:**

The map of the proposed listing boundary in the 2015 Nomination of the Ultimo Powerhouse site by the National Trust (NSW) is below.

It covered the core heritage buildings.



*Image: Nominated area of site proposed by National Trust in 2015.*

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**QUESTION – Percentage of Ultimo site that has State Heritage listing**

**The Hon. WALT SECORD:** So for Powerhouse Ultimo on Harris Street, as of 1 October what percentage of that site has State Heritage listing?

**Mr SMITH:** I would have to take that on notice in terms of actual percentage but it would be in the order of 70 per cent would be protected by the State listing, 60 to 70 per cent.

**The Hon. WALT SECORD:** Mr Howarth, does that fit with your understanding of the site?

**Mr HOWARTH:** Broadly. Without measuring it, it would be of that scale, yes.

**The Hon. WALT SECORD:** So 70 per cent of the site?

**Mr SMITH:** It is properly more in the order of 60 per cent but I would have to get a spatial mapping done, but we can do that quite readily.

**The Hon. WALT SECORD:** So between 60 and 70 per cent, but you will take it on notice?

**Mr SMITH:** Yes, I will absolutely take that on notice. Can I just add one point to that? That is measuring a land area, but there is also an elevation level so in terms of the scale of the buildings that are captured by that footprint, that is a significant part of the site.

**The Hon. WALT SECORD:** Can you provide both? Can you do a geographical ground percentage and then I guess a 3D approach with topographical?

**Mr SMITH:** We can certainly look to—

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**Ms FOY:** Yes, we are very happy to take what we can provide. There would no doubt be information and we will make sure that that is as easy to read as possible.

**ANSWER:**

The State Heritage listing covers approximately 60% of the Powerhouse Museum and 35% of the wider Powerhouse precinct which includes the Museum itself, the Harwood Building, rear rail yard, goods line intersection and the open space.

It has not been possible to determine a volumetric percentage of the Powerhouse Museum site captured by the State Heritage Register listing as it requires sophisticated 3D laser imaging and evaluation.