8.4   Draft Community Heritage Study - Options for Peer Review

Report of:	**Deniz Kilic**
	Executive Manager Strategic Manager
Authorised by:	**Lisa Miscamble**
	General Manager

PURPOSE

The purpose of this report is to seek Council endorsement of the proposed scope of the Peer Review of the draft Community Heritage Study 2021-23.

OFFICER'S RECOMMENDATION

<u>THAT</u> Council:
1.   Receive and note the report.
2.   Endorse Option 2 for the scope of the Peer Review as outlined in this report.
3.   Consider the allocation of funds as part of the end of December quarterly Budget Review.

REPORT

<u>BACKGROUND</u>

In September 2020, a Study Team comprising a group of local community members with heritage qualifications, expertise and interests was formed to undertake a heritage review.

The Study Team was informed by the Heritage NSW document *Community-Based Heritage Studies: a Guide* to inform the approach and methodology in undertaking field work, photography, research, documentation, assessment and recommendations of potential heritage items and potential heritage conservation areas that form the draft Wingecarribee Community Heritage Study 2021-23 (the draft Study). The draft Study also benefitted from the work undertaken by local volunteer researchers across the Shire.

At the Local Planning Panel meeting of 29 June 2023, the Panel considered a report entitled "Community Heritage Study 2021-23 – Endorsement for Community Consultation") and the report identified that:

> *"An independent peer review of the Study is proposed to be undertaken before the Final Study is reported to Council together with the Planning Proposal. The purpose of the peer review is to confirm the robustness of the Study and that it has been undertaken in accordance with heritage best-practice".*

The report recommended that community consultation begin on the draft Study followed by public exhibition. The Panel supported the recommendation to proceed, and further recommended that:

"... consideration be given to initiating the Peer Review of the Study concurrently with the proposed community consultation with the final Peer Review to be carried out at the conclusion of the community consultation".

Subsequently, at the Ordinary Meeting of 19 July 2023, Council resolved that:

"1.   The Wingecarribee Community Heritage Study 2021-23 be supported to commence owner and community consultation in accordance with this report.

2.   The Study Team and other volunteer contributors be acknowledged and thanked for their significant contribution in research, photography and compilation of the information contained in the Wingecarribee Community Heritage Study 2021-23".

The Peer Review mentioned in the reports to the Panel and Council, is intended to be carried out by an independent, qualified and experienced heritage consultant or firm with expertise and experience in undertaking heritage studies.

The purpose of this report is to seek Council's endorsement regarding the scope of the Peer Review of the draft Study.

Scope of Peer Review

This report outlines two options in relation to the scope of the Peer Review. Both options will include a standard assessment of the methodology adopted to prepare the draft Study, in line with the NSW Department of Planning & Environment's *Peer Review Policy* for Heritage (**Attachment 1**).

Option 1: Full assessment review by heritage consultant (Not Recommended)

This option involves the comprehensive re-assessment of all items/areas identified as having potential heritage significance within the draft Study by an independent heritage consultant.

Given that the preliminary draft Study identifies 478 proposed items of heritage significance and 14 proposed Heritage Conservation Areas (including seven (7) proposed extensions to existing Heritage Conservations Areas and one (1) proposed Landscape Conservation Area, excluding the Berrima Landscape Conservation Area extension and Sutton Forest/Exeter Landscape Conservation Area proposals which are tagged for future consultation and implementation), Council Officers sought informal high-level cost estimates from heritage consultants to act as a guide regarding the appropriateness and procurement processes in pursuing this option.

Based on these high-level cost estimates, a review of this nature is likely to cost in excess of $350,000 and take at least 6 months to complete. A formal Tender process would need to be undertaken to select the successful consultant, which would require endorsement of the Tender proposal by resolution of Council and a further resolution to endorse the preferred consultant.

While there may be support and an expectation for a full assessment review of the Community Heritage Study by some members of the community, this needs to be weighed against the benefit and the cost to the community, along with the protracted time that such a review is likely to take. Such an approach also does not take advantage of the current heritage expertise that exists with Council staff and for these reasons this option is not recommended.

Option 2: Two-Phase assessment review (Recommended)

This option involves a two-phased approach to undertaking the Peer Review. Phase 1 of the review would be undertaken in-house by suitably qualified and experienced Council staff and would involve the assessment of all submissions, re-evaluation and updating of the content and recommendations of the draft Study as well as undertaking additional research, if and as required. A benchmarking of

recommended items would also be undertaken to ensure consistency of recommendations. This Phase would result in a reviewed suite of documents comprising the draft Study and a spreadsheet that would differentiate the following elements:

1. Proposed items for which objections <u>have</u> been received and that staff recommend <u>should</u> be listed, including justification;
2. Proposed items for which objections <u>have</u> been received and that staff recommend SHOULD NOT be listed, including justification;
3. Proposed items for which <u>no</u> objections have been received and that staff recommend SHOULD NOT be listed, including justification;
4. Remaining proposed items, including those for which staff and/or owners support listing.
5. Proposed heritage conservation areas recommended by staff, including justification.

The in-house reviewed draft Study and accompanying documentation (including the spreadsheet) would then be provided to the an independent heritage consultant to undertake Phase 2. While the entire draft Study, as reviewed, would be provided to the heritage consultant, their scope of work would direct them to undertake:

a. A peer review of each item identified in point 1 above;
b. A peer review of each area identified in point 5;
c. A review of the methodology, assumptions and justifications used for the items identified in points 2, 3 and 4; and
d. A detailed review of a random selection of items identified in points 2, 3 and 4.

Option 2 is considered a better balance of time and costs associated with the Peer Review and takes best advantage of existing in-house resources. It is anticipated to have the effect of a reduction in the number of proposed items and would highlight those items for which greater focus and independent review is required. Given the reduced reliance on the heritage consultant to undertake a detailed review of every item, it is unlikely that a Tender process would be required for this option.
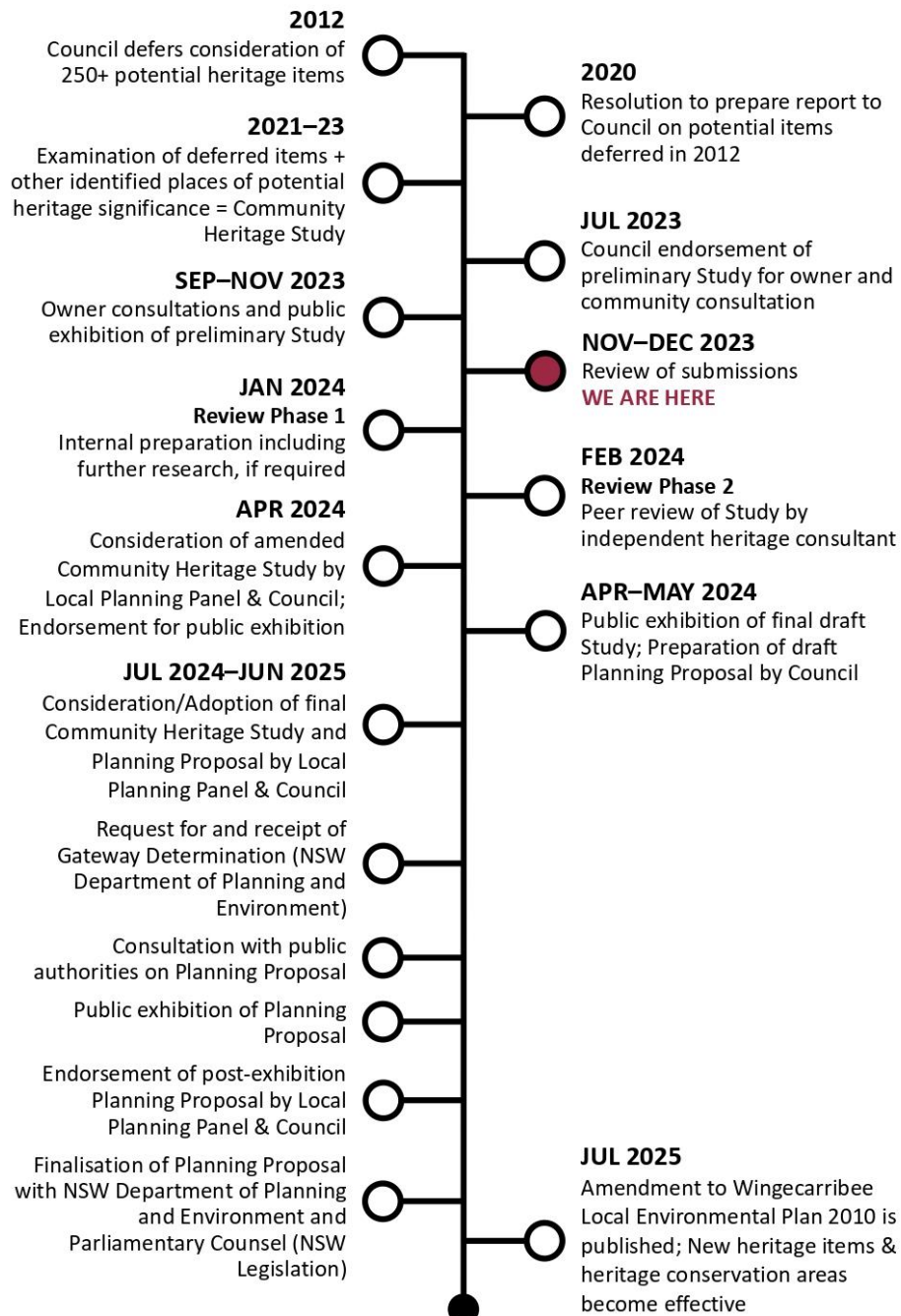
At the time of writing this report, the submissions have not yet been fully tallied. However, approximately 60 submissions have been received, not all of which are objections, and based on this number, the cost burden for the two-phase review option is immediately evident and for this reason, it is the option recommended in this report.

<u>**Study Timeline**</u>

Taking into consideration the number of submissions received and the matters raised in the submissions, it appears clear that there will be considerable change to the draft Community Heritage Study as exhibited in September to November 2023. Therefore, it is considered reasonable to allow the community the opportunity to provide feedback on the final draft resulting from the review process. The updated proposed timeline for the Draft Study below includes an additional public exhibition period before final adoption of the Community Heritage Study 2021-23 which will subsequently inform the content of the Planning Proposal to be prepared.

Community Heritage Study Timeline
(Updated November 2023)

2012
Council defers consideration of 250+ potential heritage items

2020
Resolution to prepare report to Council on potential items deferred in 2012

2021–23
Examination of deferred items + other identified places of potential heritage significance = Community Heritage Study

JUL 2023
Council endorsement of preliminary Study for owner and community consultation

SEP–NOV 2023
Owner consultations and public exhibition of preliminary Study

NOV–DEC 2023
Review of submissions
WE ARE HERE

JAN 2024
Review Phase 1
Internal preparation including further research, if required

FEB 2024
Review Phase 2
Peer review of Study by independent heritage consultant

APR 2024
Consideration of amended Community Heritage Study by Local Planning Panel & Council; Endorsement for public exhibition

APR–MAY 2024
Public exhibition of final draft Study; Preparation of draft Planning Proposal by Council

JUL 2024–JUN 2025
Consideration/Adoption of final Community Heritage Study and Planning Proposal by Local Planning Panel & Council

Request for and receipt of Gateway Determination (NSW Department of Planning and Environment)

Consultation with public authorities on Planning Proposal

Public exhibition of Planning Proposal

Endorsement of post-exhibition Planning Proposal by Local Planning Panel & Council

Finalisation of Planning Proposal with NSW Department of Planning and Environment and Parliamentary Counsel (NSW Legislation)

JUL 2025
Amendment to Wingecarribee Local Environmental Plan 2010 is published; New heritage items & heritage conservation areas become effective

COMMUNICATION AND CONSULTATION

Community Engagement

Public exhibition of the draft preliminary Community Heritage Study 2021-23 was undertaken from 3 October until 6 November 2023 and was preceded by consultations with owners of properties affected by the study in September.

Following the completion of the peer review, a report and the updated draft Study will be reported to Council for endorsement before being placed on public exhibition for further consultation, prior to the matter being reported back to Council for final adoption.

Internal Communication and Consultation

No internal consultation has been undertaken in relation to this report.

External Communication and Consultation

Updates will continue to be provided to the community through the Participate Wingecarribee website and via email and letters throughout the next stages of the project.

SUSTAINABILITY ASSESSMENT

Environment

The location of heritage items within their environmental context enhances the value of those environments, complementing both the item itself and its location.

Social

Heritage is highly valued within the Wingecarribee community and helps visitors and residents create a personal connection with the Shire and its communities, both past and present.

Broader Economic Implications

There are no economic issues in relation to this report.

Culture

The Wingecarribee community values our local heritage as articulated in the Wingecarribee 2041 Community Strategic Plan. The progressing of the Community Heritage Study acknowledges the community's vision and goals in relation to preservation and promotion of heritage.

Governance

The relevant procurement processes consistent with Council's policies will be undertaken.

It is important that the Peer Review is prepared by an independent heritage consultant, therefore as part of the procurement process, it will be required that any respondents identify any perceived or real conflicts of interest that may affect their ability to undertake this work.

COUNCIL BUDGET IMPLICATIONS

The completion of a Peer Review by an independent, qualified and experienced heritage consultant will require budget to be identified and allocated for this project.

It is anticipated that there will be a significant financial difference between the two options presented in this report. Whilst Option 1 would comprehensively review each item/area that has

been identified as having potential heritage significance, there is a significant financial cost to Council to undertake a project of this size.

Option 2 is still likely to require a significant cost, however this approach will ensure that the funds used towards the Peer Review are utilised on those items/areas where a greater focus is needed, and an independent peer review is required. For this reason Option 2 is recommended for endorsement.

There is currently no budget identified for the completion of the Peer Review. Budget will need to be allocated to fund the Peer Review.

RELATED COUNCIL POLICY

Council's procurement policies and processes will be used to inform the selection process of the successful consultant to undertake the Peer Review.

CONCLUSION

A Peer Review of the draft Community Heritage Study 2021-23 is to be undertaken involving the input of an independent, qualified and experienced heritage consultant.

Two options for the Peer Review are outlined in this report. Due to the significant financial cost and time delay related to Option 1, it is recommended that Council endorse Option 2 that will utilise in-house expertise to assist in identifying those items and areas for which an independent peer review will be of greatest value.

Once the Peer Review is complete, the draft Study, along with a comprehensive accounting of the owner consultations and public exhibition undertaken from September to November 2023, will be reported to Council to seek endorsement for a further public exhibition period before the draft Community Heritage Study 2021-23 is presented to the Local Planning Panel and Council for final adoption.

ATTACHMENTS

1. NSW Environment and Heritage – Peer Review Policy

Department of Planning and Environment

NSW
GOVERNMENT

Peer Review Policy

1. Summary

What	A Peer Review Policy
Who	Any organisation that procures a consultant heritage report may conduct a peer review.
Why	To improve the robustness and rigour of any procured heritage report, (including any heritage study, Conservation Management Plan, or Heritage Impact Statement).
How	By following the recommended guidance for sourcing and conducting a Peer Review and using the Checklist (guide only) provided in this policy.

Peer Review Policy

2. Policy

This policy guides the delivery of a peer review. It covers:

1. a definition
2. sourcing
3. scoping
4. expected outcomes

2.1   Definition: what is a Peer Review in Heritage?

- Most Conservation Management Plans (CMP), Heritage Impact Statements (HIS), and reports state in the introduction or preamble the basis of their preparation.
- A Peer Review in Heritage:
    - is typically of a heritage study, CMP, HIS, or report
    - is a process of critical and sound analysis of the structure and content of these heritage documents AND an assessment of the validity of the research methods to support the documents conclusions and opinions
    - assesses whether the conservation document has, in fact, been prepared in accordance with the procedures and method stated
    - identifies if the report structure is illogical or has gaps.

For example, in the case of a CMP, the foundational documents require an assessment of significance prior to any work being done (which includes design or feasibility work) that can then be used to inform any later maintenance work, conservation work, or adaptive re-use of the place. If the CMP has been prepared in conjunction with the design work or after the design work has been completed, the peer review would note that the CMP has not been prepared in accordance with the cited documents.

- A peer review in heritage is not another "opinion" on a heritage matter.
- Conducting a peer review is best practice. It is not a mandatory requirement under the *Heritage Act 1977*.

2.2 Sourcing

- A peer review must be undertaken by the appropriately "qualified expert", and/or an independent heritage consultant (as defined) with the "relevant expertise".

Peer Review Policy

"Relevant expertise" includes, for example:

- an archaeologist experienced in historical archaeology when peer reviewing a document concerning a post-Contact site
- an architect with experience in post-World War 2 heritage when peer reviewing a document concerning a post-war building
- a heritage landscape architect/horticulturalist when reviewing a landscape report
- a qualified engineer for reviewing bridges and infrastructure reports.

- The consultant should have no pecuniary ties with any of the parties involved in the site and document.
- The author consultant(s) being peer reviewed must be advised that their report is the subject of a peer review, prior to the commencement of the peer review, and should be given the right of reply to the peer review, following its completion.

2.3 Scoping

A peer review of a heritage document needs to include a review of the document's:

- structure
- content
- use of documentary evidence
- use of physical evidence
- assessment of significance

A checklist of contents to review is provided in Appendix A.

(Note: The checklist at Attachment A is a guide only. It is not an exhaustive checklist as some reports/studies may require additional matters for consideration and, conversely some simple reports may not need all the items to be checked off).

2.4 Expected outcomes

- Using the checklist at Appendix A, if the conclusions of the reviewed report are derived from accepted sound process and content then the peer review can conclude that the reviewed report meets the required standard.
- A peer review author should not expect to support the conclusions reached in the heritage report, but be able to confirm that the process and research/analysis on which the report is based, meets acceptable standards outlined in Appendix A.
- Where the methodology of the assessed report is found to be inadequate (or if the conflicting opinions in two reports could not be resolved by comparison of their methodologies), the commissioning body can commission a third independent complete report to further research the documentary and physical sources.

Peer Review Policy

3. Context

This section includes background details such as:

1. defined terms

2. responsibilities for different stakeholders

3. references and related documents

4. document control information

5. appendices to this document.

3.1   Definitions

Peer Review	A process of critical and sound (cross checked) analysis of the structure and content of the reviewed document and an assessment of the report's conclusions against the evidence presented in the reviewed document.
Independent [Heritage Consultant]	A heritage consultant who is "independent" of the work being reviewed. The peer heritage consultant's independence from the work being reviewed means that the consultant: • was not involved as a participant, supervisor, technical reviewer, or advisor in the work being reviewed; and • to the extent practical, has sufficient freedom from funding considerations to assure the work is impartially reviewed. The consultant should have no pecuniary ties with any of the parties involved in the site and document.

3.2   Responsibilities

Persons or Organisations	Persons or organisations commissioning heritage consultant report should follow the Heritage NSW Peer Review Policy when procuring a peer review of a consultant heritage report.
Heritage document author	Create or revise a heritage document in line with the HNSW policies and procedures.
Heritage document reviewer	Review any new or revised version of the heritage document to ensure that it meets the HNSW policies and procedures standards, and then formally endorse it for use.

Peer Review Policy

3.3   References

Legislation	N.A.
Standards	N.A.
Policies and procedures	HNSW CMP guidelines including (as located on the HNSW website): • Statement of Best Practice for Conservation Management Plans • Statement of Best Practice for Heritage Asset Action Plans • Guidance on Developing a Conservation Management Plan • Conservation Management Plan Checklist • Conservation Management Plan Consultant Model Brief
Resources	Appendix A: Checklist for a Peer Review

3.4   Appendices

Title	Description
A: Checklist	A checklist to guide the conduct of a peer review

Peer Review Policy

Appendix A: Checklist

Checklist	Component	Completed
Structure	Has the document under review been structured in accordance with the foundational documents to which it refers?	
	Have the report authors been clearly identified, along with their qualifications and expertise to provide the advice contained within the document (including a short CV)?	
	Has the location of the item been clearly identified (on plan as well as its real property description), together with any pertinent curtilage?	
	Has the surrounding context been illustrated with plans/maps and photographs?	
Content	Has the research of the documentary and physical evidence been undertaken by the appropriately qualified experts?	
	Is the authorship limited? If so, those limitations must be identified.	
Documentary evidence	Are all sources of information used cited? If not, the material in the report cannot be verified and therefore does not pass. Material used in the investigation of documentary evidence must be able to be scrutinized by a peer review process to ascertain that the information quoted has not been misconstrued or taken out of context.	
	Have all the appropriate sources been used?	
	Are all the sources secondary sources?	
	Have primary sources been used (e.g., land title records)? Primary sources should take precedence over secondary sources as the basis for factual information.	
	Have relevant aerial and contemporary photographs been sourced, examined and their evidence explained in the report?	

Peer Review Policy

Checklist	Component	Completed
Documentary evidence	Have the current statutory planning controls (LEP) and non-statutory controls (DCPs, Area Character Statements, etc.) been examined and their constraints/opportunities been cited and assessed?	
	Have all statutory and non-statutory Registers and lists been consulted and the results of that consultation stated (i.e. is the place on the list or not on the list)? If these elements are missing, the peer review would note such omissions, misinterpretations or misconstructions.	
Physical evidence	Does the document include an analysis of important views to, from and within the site or landscape?	
	Have accurate documents been prepared to inform the inspection and recording of the physical evidence? • Such documents may include measured drawings for built structures or sketches of the site showing significant vegetation, site hard works, and other site features. • Are all rooms shown accurately in terms of size and placement? • Are there elevations of the exterior of the building and relevant cross-sections through the building? • Are all building elements shown accurately (e.g. window and door openings, wall thicknesses, roof and floor construction and sizes, joinery details such as architraves, skirtings and cornices, materials of construction – where visible)?	
	Is there a site plan that shows the buildings in relation to the boundaries of the site, the main trees and shrubs as well as any garden beds, paths, retaining walls, etc?	
	• Are there current, comprehensive photographs of the site and its important elements? • Have these photographs been appropriately cited with regard to photographer and date as well as being indexed to the site and floor plans in terms of their location?	
	Is there an analysis of critical relationships within the broader setting, particularly in a conservation area?	

Department of Planning and Environment   7

Peer Review Policy

Checklist	Component	Completed
Physical evidence	If these elements are missing, the peer review would note such omissions, misinterpretations, or misconstructions.	
Assessment of significance	Have the recommended processes and procedures to assess significance been followed? These are: • based on an impartial assessment of the documentary and physical evidence of a place or item, • the synthesis of that evidence; and • the production of a succinct statement of significance from which policies for the management of the place flow. If the assessment has not demonstrated use of NSW criteria or has not demonstrated them in the Statement of Significance, the peer review would note this.	
	Is the assessment of significance a dispassionate assessment of significance having been undertaken without being prejudiced by supporting a particular development?	
	Has the document thoroughly synthesized the documentary and physical evidence into an understanding of the significance and functioning of the place?	
	Has the evidence enabled an understanding of the growth and development of the place?	
	Does the analysis follow the method in the NSW Heritage Manual with respect to assessment against the standard NSW assessment criteria?	
	Have the assessment criteria been aggregated to form a succinct Statement of Significance?	
	Has the physical fabric of the place been examined in order to assess its level of significance and to determine its condition?	
Curtilage	Has a curtilage review been undertaken, which considers the existing curtilage and determines whether it is appropriate and includes all of the significant elements?	

Peer Review Policy

Checklist	Component	Completed
Opportunities and Constraints	Is it relevant for the document to address opportunities and constraints? If relevant, has the document considered opportunities and constraints arising from any of the following: • the statement of significance and gradings of the significance of the elements, • statutory and non-statutory listings, • statutory requirements such as relevant parts of the National Construction Code of Australia and Australian Standards, • requirements of the current owner/s or custodian/s, • requirements of other stakeholder groups; and • requirements under the NSW National Parks and Wildlife Act 1974 and Heritage Act 1977 in relation to archaeology and Aboriginal cultural heritage. If the assessment has not considered the opportunities and constraints and this should have occurred or would be useful, the peer review should note this.	
Policies	Have the policies been derived from the significance of the place?	
	Have areas of possible alterations or future development on the site been located so as not to affect the assessed significance?	
	If the document being peer reviewed is a Heritage Impact Statement do recommendations that support the development fully assess alternative development strategies that were not pursued and, if those strategies are not being pursued, explains why were they rejected?	
	Is the subject proposal the best proposal to conserve the heritage significance of the place?	
	Again, tabulation/s are a good tool enabling critical analysis of any policy to be undertaken. If these elements are missing, the peer review would note such omissions, misinterpretations, or misconstructions.	