



TRANSCRIPT OF MEETING

**RE: LITHGOW SMALL ARMS FACTORY – REQUEST FOR REVIEW OF
PROPOSED LISTING ON THE STATE HERITAGE REGISTER**

DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER AND HERITAGE NSW MEETING

PANEL: TERRY BAILEY (Chair)
DUNCAN MARSHALL AM

OFFICE OF THE IPC: KENDALL CLYDSDALE
ISAAC CLAYTON

DELEGATE OF THE SECRETARY SAM KIDMAN
DEPARTMENT CLIMENT
CHANGE, ENERGY, THE
ENVIRONMENT AND WATER:

HERITAGE NSW ANNA LONDON
REPRESENTATIVES: NICOLA ROCHE

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 11:00AM – 11:48AM
FRIDAY, 13 MARCH 2026

<THE MEETING COMMENCED

5 **MR TERRY BAILEY:** Good morning. Good morning, all, and welcome. And before we begin, I'd like to acknowledge that I'm speaking with you today from Yuan country and I acknowledge the traditional owners of the lands from which we virtually meet today and pay respects to Elders past and present.

10 Welcome to the meeting today to discuss the proposed listing of the Lithgow Small Arms Factory, which is currently before the Commission for review. My name is Terry Bailey and I'm the Chair of the Commission Panel, and I'm joined by my fellow commissioner, Duncan Marshall. We're also joined by Kendall Clydsdale and Isaac Clayton from the office of the Independent Planning Commission.

15 In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

20 When we do start, I do ask that you introduce yourself by both name and job title for the transcript. I'll also ask that we don't talk over the top of each other, to assist in the accuracy of the transcript.

25 Also note that any personal and/or commercially sensitive information discussed today may be redacted from the transcript at the discretion of the Commission Panel if considered appropriate to do so.

30 Again, for your background, the meeting is one part of the Commission's consideration of the matter, and it'll form one of several sources of information upon which the Commission will base its advice. And it is important for the commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. And if you're asked a question and are not in a position to answer, you may take the question on notice. And following the meeting, the Commission will advise you in writing of any questions taken on notice that the Panel considers requires a formal response. Any subsequent response or information provided to the Commission will then be published on our website.

35 We'll now begin, and I will hand across, Sam, to you. But just as we do begin, I did just want to make one clarification just around the proposed boundary. This is in some of our engagement has caused a little confusion. But the area that we're talking about today was the larger nominated, almost following the Local Environmental Plan area that was inclusive of the rifle range, the initial nomination, and just to confirm that the area that we're reviewing the decision around aligns with the recommended boundary that's the smaller area hatched in red in your Assessment Report. I just want to make sure that's clear for everybody; it's caused a little confusion in some of the conversations we've had with some of the stakeholders.

45 **MR SAM KIDMAN:** Yes, Terry. Sam Kidman, Executive Director, Heritage NSW, or Heritage Division with the Department of Climate Change, Energy, Environment and Water. That is absolutely correct. The initial proposed boundary was reduced

significantly, and that reduced boundary is the one that was considered by the Minister and then referred to the IPC for its consideration.

5 **MR BAILEY:** Yes. Thanks, Sam. If we're comfortable, happy to offer the opportunity for any opening statement you'd like to make, Sam, and certainly we have some questions that we will cover off as well.

10 **MR KIDMAN:** Sure. Look, I don't really think I have anything to offer by way of an opening statement, you've obviously got my whole raft of materials before you. I suppose one of the factors in the – well, one of the constraints, I suppose, in relation to this listing was the difficulties we had in engaging with the owners of the site in relation to site inspections and the development of site-specific exemptions, which normally we undertake when we're negotiating state heritage recommendation, so State Heritage Register recommendation.

15 So, I suppose I would hope that the owner's concerns may be mitigated or ameliorated to some extent through that process, which we haven't had the opportunity to do at this point.

20 **MR BAILEY:** Thanks, Sam. I think some of our questions will come into this area and we've had some conversation obviously with the landowner in that area.

MR KIDMAN: Oh, right, okay.

25 **MR BAILEY:** Duncan.

MR DUNCAN MARSHALL: Terry, Sam's comments make me think of one matter, which is I believe Heritage Council or Heritage NSW did not get on site, was not able to undertake a site inspection. If I am correct in my recollection, did that – and if it's true, does that prejudice the quality of the assessment which Heritage NSW – oh, sorry, Heritage Council has made in this.

35 **MR KIDMAN:** Well, we did get on site. I didn't attend the site inspection, but we did – I think it was a 45-minute site inspection. I'd leave it up to Nicola to answer whether that was sufficient, but certainly 45 minutes on the site I would have thought would have been sufficient to make an appropriate assessment and subsequent recommendation to the Heritage Council. It's a good question, and nice to see you, Duncan, by the way.

40 **MR MARSHALL:** Thank you, Sam. Nice to be alive. And, I mean, I do have this recollection but I'm, you know, working off memory. So, I thought there was an impediment to somebody getting on site. But you're saying that there was no impediment.

45 **MR KIDMAN:** I'll leave it to Nicola to answer, but I believe that the site visit may have been cut short, or it potentially wasn't extensive as we would have wanted in an ideal situation. I think that's fair to say. Nicola?

MS NICOLA ROCHE: Yes, thanks, Sam. Nicola Roche, Manager of Heritage Listings. Yes, the site inspection was considerably shorter than we would have liked, with very limited access to interiors of buildings. That was based on the direction of the owners and their specific concerns in and around being an active armaments manufacturing facility etc.

So, yes, we would normally – in a normal case, we would have spent much longer on site doing an inspection and would have gained access to the interiors of building wherever possible. But the owners were very specific that that was not possible in this instance.

MR BAILEY: Thanks. Thanks, Nicola. We might just get through a series of questions and just a reminder that we're still at the stage of enquiry and have a number of questions that we just want to work through. So, where I wanted to start was a question in two parts. So, why is the long-term conservation of the item necessary? And why can't that be achieved through the local listing?

MR KIDMAN: Well, I suppose the view of the Heritage Council was that the long-term conservation of the item is necessary because of the assessment made against the significance criteria. And all the material goes into quite a lot of detail about the history of the site, what it was used for, its social aesthetic. And it meets, I think, six of the seven criteria, is that right, Anna? So, I suppose, that's kind of the threshold for wanting to seek the long-term conservation of the site.

And what was the other part of your question, Terry, sorry?

MR BAILEY: So, the secondary piece is if in accepting, why can't conservation of the site be achieved through local listing?

MR KIDMAN: I might pass over to Nicola or Anna on that one, if I may.

MS ANNA LONDON: I'll take that, if that's okay. Anna London, Senior Manager Heritage Listing Programs at Heritage NSW. I think that there are some differences there between the local and state listing. So, the state listing not only recognises the state values and, you know, protects those under the Heritage Act, but it also has some other components, so minimum standards of maintenance and repair is part of the Heritage Act, which is not required for local heritage items. And I suppose that's one point of difference.

And the Heritage Council decided that in their recommendation that they did consider and that they felt that the local protection were inadequate for a site of this significance.

MR BAILEY: So, just paving that a little, Anna, there's the minimum standards piece, understanding that. But could this be achieved through a local listing that had a revised statement of significance prepared to more deeply reflect some of the aspects identified in terms of the attributes identified in the state listing?

MS LONDON: Certainly, I'm sure – and look, I haven't looked at the local listing for some time, and I'm sure that when additional information comes to light, you know, maybe that has come through from this assessment under the Heritage Act, that there could be benefit in updating their local listing. However, there are no provisions in the standard instrument LEP that requires minimum standards. And these minimum standards are quite minor, they are really about keeping pests and rain out and securing the site and making it safe, so they are relatively high level, but they are not required for local listing.

The other component again is that recognition of significance. And local listing is about context, what's important to the local community, and state listing, and as well as national listing or world heritage listing, is about context. And so, local listing may offer some protections, but that is not the whole process of heritage listing. And it's again that context is important.

MR BAILEY: Thanks. Thanks, Anna. I just wanted to jump a little bit and gain your understanding on if the item is capable of reasonable or economic use if listed, and what has Heritage NSW done to satisfy itself on the issue, including any information. And specifically, as that relate to modern manufacturing, which is in part the discussion that the landowner is presenting.

MR KIDMAN: Well, I suppose, for a start, as we mentioned at the beginning, the proposed listing boundary has been reduced significantly. The adaptive reuse for other types of manufacturing in that heritage core, within the recommended boundary, doesn't prevent other types of manufacturing at all, I wouldn't have thought.

So, and also there are other adaptive reuses as well, which I can't think of any off the top of my head, but it wouldn't necessarily be restricted to arms manufacturing, it could be used for other types of manufacturing or other potential uses as well. So, I'm not sure that we have the information from the owner to fully make that assessment. And in the absence of having that information from the owner, the recommendation was made accordingly.

MR BAILEY: I just want to touch on that, Sam. That construct around capable of reasonable or economic use if listed, you've only been able to explore so far in that understanding given the information that's been provided to Heritage NSW to date?

MR KIDMAN: Well, that, yes, well, I mean, I suppose that's – we rely on information, we would rely on information provided by the site's owner in order to make that assessment. Do you know what I mean? So ...

MR BAILEY: Yes, I guess, a level of information from the owner. The question was whether there was, as well, whether there's any other research that you've done in this assessment that might assist that understanding specifically in relation to modern manufacturing at the buildings that are part of the proposed listing.

MR KIDMAN: I'm not aware of whether we've done any research specifically in relation to buildings that were used for manufacturing, or in particular the manufacturing of munitions. But certainly there are – I mean, we could take that on

notice, there are many examples where former manufacturing premises have been adaptively reused for other purposes.

5 I mean, I'd just point to, for example, I'm just trying to think of a ... The White Bay Power Station, for example, which is on the State Heritage Register, and has been adaptively reused as an arts, entertainment and events precinct. So, that's one example I can think of off the top of my head.

10 **MS LONDON:** If I might, Sam and Terry, it's Anna again. I just would like to note that this was certainly part of our conversations with the owner in trying to understand what their future needs might be, to understand actually what the reality of modern manufacturing processes might require in terms of change to structures or anything like that, so that we could try to develop site-specific exemptions.

15 Unfortunately, we weren't able to get enough detail from the owners to even start to draft any information to try to respond to that concern. We weren't in a position certainly to undertake research about modern manufacturing, and that's why we rely on owners to have that conversation with us about their needs and that we craft as part of these ongoing conversations about what an exemption could look like. Because we
20 try to be very practical in our regulation of State Heritage Register items.

So, we try to exempt what we can as part of site-specific exemptions and then explain to owners what an approval process might look like should they need approval. So, you know, Sam has drawn out an example of adaptive reuse of an industrial site for an
25 arts facility. There are multiple State Heritage Register items that have been adaptively reused, some for residential purposes or impending residential purposes like the Corrimal Coke Works in the Illawarra is an example.

30 So, there are lots of examples, and that's certainly that experience of the Heritage Council in understanding heritage items and their significance and the level of change for adaptive reuse that might be appropriate. That experience comes through the assessment processes of the Heritage Act for existing heritage items which in turn really informs their consideration of listings going forward. And so, their directions and considerations take in all manner of information, not only what the owner
35 provides, their technical expertise as well as the experience they have in managing change at heritage places.

MR KIDMAN: Yes. Do you mind if I add to that, Terry?

40 **MR BAILEY:** No, you're fine, Sam.

MR KIDMAN: Thank you. Yes, look, I just make the point that Anna and Nicola and the team in the Heritage Programs area over the last couple of years in particular have had a huge amount of success in negotiating heritage outcomes with owners who have
45 initially had really strong objections to state heritage listing because of the perceived restrictions on the use and adaptation of those heritage places. And very often, after those initial concerns, we've mitigated those concerns and addressed them completely by negotiating site-specific exemptions so that the owners have a lot of certainty about how they can use and adapt the heritage item into the future.

And unfortunately, that negotiation wasn't available to us in this case, but we remain very confident that if we can engage with the owners and talk to them about what they would like to do with the site into the future, we can negotiate exemptions that will give them a great deal of certainty into the future.

MR BAILEY: Thanks, Sam. I might hand across to Duncan because I think there's a couple of threads through this that we'll keep exploring.

MR MARSHALL: Thank you, Terry. And Sam and Anna, I want to pick up and build on your comments about adaptive reuse. So, we're interested in other comparable examples of modern manufacturing or industrial sites that, where you've had successful adaptive reuse and obviously of heritage places, and we're wondering if, and I think you said that you might take this on notice.

And while I suppose White Bay and I think the Coke Works example you suggested, they have had a different use applied, it would be most helpful, I think, if you can give us examples as well of continuing or modified manufacturing use or something, where there may have been historical manufacturing operation and a new manufacturing operation continues on the same site. If there are examples of that, that would be helpful. Terry.

MR BAILEY: And I think there's one additional piece that's important in this, that is to a level the social context of where the place is, because it's a very different social context at White Bay, for example, where adaptive reuse has significantly more options available to it. So, it's trying to understand it in that context at the same time, and very happy for that to be taken on notice, but we're deeply curious there.

MR KIDMAN: We'd be very happy to pull together some examples for you.

MR MARSHALL: Thank you. Yes. And very mindful that Lithgow, I'm not sure what you'd describe it, but perhaps rural example or small town example which has a different impact than White Bay, for example.

MR KIDMAN: Yes, indeed. I appreciate the nuance that you're trying to get to here, Duncan, absolutely.

MR MARSHALL: Okay. Thank you. So, if that's taken on notice, the next question was, we've heard from the owner, Thales, of their concern that the asset at Lithgow would be, and this is the word they used, "frozen". What has Heritage NSW done to satisfy itself that listing will not cause undue financial hardship, and I guess that's through the freezing process ...

And we note that while the Minister "must consider" this matter, it's a "may consider it" for Heritage Council [audio glitch 00:22:12].

MR KIDMAN: Sorry, I missed the last bit of that question, Duncan, sorry.

MR MARSHALL: Sorry. I took my finger off the button too quickly. We note that there's a difference between what the Minister must consider and what Heritage NSW and Heritage Council may consider in this process.

5 **MR KIDMAN:** Yes. Well, it's a, I mean, I suppose I'll say that it's a common misconception that an asset is frozen because it's listed on the State Heritage Register, and I just – we'll pull together some examples for you as to why, some examples that demonstrate that an asset is not frozen by listing. And that's either through site-specific exemptions or Heritage Council approvals of amendments and changes to a heritage
10 item. Both of those things are really important considerations.

I mean, yes, this idea that an asset is frozen through regulation is just not true. I think Anna wanted to add something to this as well.

15 **MS LONDON:** Thank you so much, Sam. Yes, I think that, as Sam rightly points out, that people are concerned that when a place is heritage listed, that it means that change cannot occur. But I think what is fundamental to managing change at heritage places is understanding the significance and where there are areas which have got capacity for more change and where other areas may not. So, across a site, not everything has
20 necessarily got the same capacity for change. And that is a really important consideration.

So, in terms of the Lithgow Small Arms Factory, what is actually really important here is manufacturing. And so, whilst we take a very practical and risk-based approach to
25 how we manage change of heritage items, and we do that based on significance. So, where there might be an item like this where manufacturing is important, then we will try whatever we can to allow that to continue, because that in itself actually supports the ongoing conservation of this particular item. It's not just fabric. It is also about use. So, that is one really, really important point, I suppose, in terms of managing change.

30 The other is that, in terms of reasonable and economic use, we really try to work with the owners to understand their needs and then put in place the exemptions, as we've talked about already, to try to support them in reasonable and economic and efficient use. Site-specific exemptions are a really, really important tool for us under the
35 Heritage Act with State Heritage Register items. We can do a lot.

I'll give you an example here, which is a bit left field, is the Mardi Gras parade route in Sydney. So, that recognises that really important significant parade and our social history, but actually the site-specific exemptions that sit around that allow a large
40 amount of change, because it focuses on what is important and that there is a pathway for a parade to continue and acknowledge that. So, that's, I suppose, you know, quite a different example. But it speaks to how we manage change based on significance.

Nicola, can I ask you to add anything to that in terms of reasonable and economic use?

45 **MS ROCHE:** Yes. Further to that, the majority of the recommended listing is actually in an area that is non-operational currently. So, within the listing there are a smaller number of buildings that are used for manufacturing, but the majority of the recommended listing is defined as non-operational currently. And you'll see that in one

of the reports that the owner provided as part of their submission, that it's defined as the non-operational area.

5 And the majority of the area that is described as the current future manufacturing administration of the site will actually fall outside the recommended listing immediately to the south, so wouldn't be subject to the provisions of the Heritage Act. And that was an intentional decision, based on owner's requirements with reference to reasonable and economic use, but also with reference to the key significant values of those buildings within the heritage core.

10 **MR MARSHALL:** Thank you very much for those questions. I think we're going to follow on with some more questions about site-specific exemptions.

15 **MR BAILEY:** Yes, and I will later. But there's a curiosity. So, recognising, I think as you pointed out very clearly, that the site-specific exemption process requires deep engagement with the landowner. Did you do any preliminary consideration of what site-specific exemptions might be applicable preceding discussions with the landowner? And if so, are you able to provide any insights there in writing?

20 **MR KIDMAN:** I'd have to refer that one to Anna or Nicola, but my understanding was that there was, yes, as I said before, the owner was very reluctant to participate. So, it's difficult to develop exemptions until you know what the owner's future intentions are. So, I doubt whether we got very far with that work. But, Anna, you might have a different ...

25 **MS LONDON:** No, and look –

MR BAILEY: And my question slightly recognises that absolutely, Sam.

30 **MR KIDMAN:** Yes.

MR BAILEY: But in having those discussions with the owner, what preliminary considerations that you might have done off the assessment work that would help facilitate those discussions is my curiosity, given that it didn't lead to the discussion.

35 **MS LONDON:** Sure. Look, Terry, if I might, I might take that on notice to confirm. Normally our process is, when we're having conversations with owners, is that we provide them with examples of similar site-specific exemptions, and that's a useful tool for us generally to start that conversation and get people to think about what they might like to see. It's really hard for them when they've never worked with Heritage before, to understand, well, what do you mean, what kind of level of information do you need to craft site-specific exemptions that might be appropriate.

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45 So, generally, we will provide examples, we will talk to them, similar to some of the information that I'm providing to you now about different things. We might talk about, you know, again, significance. We will talk to them about what might be possible, but again, it's often that provision of examples which is really useful. And I'll take that on notice and see if we have got some in-writing evidence to support that. I can be certain that we definitely have had the conversation verbally.

But I really have to go back to that point that unfortunately without any acceptance or willingness to have a conversation, we generally don't just start to craft and write exemptions for an owner when we have really no idea about what their future needs might be. So, we would provide examples and have those discussions ordinarily, but we wouldn't just draft them if they're not interested in having a conversation with us.

MR BAILEY: I understand that. And the key point here, Anna, asking is, it's that pre-consideration of site-specific exemptions, and if you could take that on notice and just supply us with any written material that you went through in leading up to that discussion, which ultimately we understand very clearly didn't happen. But it would be really valuable for us to have that understanding, thank you.

MR KIDMAN: And Terry, I just wouldn't making the point that our customary practice is to provide the Minister with the listing recommendation and site-specific exemptions at the same time. That's what we usually do to give the Minister comfort that owner's future needs have been addressed, and they have the right level of flexibility about the future use of the item in question. But it wasn't possible in this case.

MR BAILEY: Thanks, Sam. Duncan, I think you've got a follow up?

MR MARSHALL: My magic button wasn't working. And I suppose in a way following on from the specific exemptions question. We talked a little bit about other industrial examples that you might provide us of adaptive reuse and the like, and sites which have an ongoing manufacturing use. If you can point to one or more good examples of site-specific exemptions that you have offered, or the type of site-specific exemptions you've offered, that would be very interesting as part of that package of information for us to see what might be possible.

I mean, obviously not committing you or the owner to anything in particular, but seeing what are the parameters for what might be possible.

MR KIDMAN: We'd be very happy to do that, Duncan.

MR MARSHALL: Thank you. I was also thinking a little about other listed sites and extensive sites in a way or complex sites in a way and wondering whether there are other listed industrial sites that you have where there have been buildings demolished within the curtilage, the listed curtilage. And we're wondering how complicated was it for the owner to go through an approval process for that with you.

MR KIDMAN: There's a lot to that question, Duncan, because it would depend – I mean, there may be non-significant buildings within an SHR curtilage, or buildings of lesser significance that they seek approval to demolish. There would be examples of that, I'm sure we can find some for you.

I mean, Anna mentioned before, the example of the Corrimal Coke Works which I had forgotten about, but that was listed probably three or four years ago, and was a similar case in some ways because the owner of the site wanted to redevelop the Coke Works

for mainly residential but also some commercial activity. And their objections were very strong at the beginning of the process. But we crafted site-specific exemptions which – correct me if I’m wrong, Anna, but I’m pretty sure I’m right – allowed for some demolition but also ensured that those key historical industrial significant elements were retained on site. And in fact, were very creatively incorporated into the final design of the redevelopment.

But we can certainly [cross-talk 00:33:45].

MS LONDON: If we could take that on notice, I’m not across the detail of the Corrimal Coke Works, but we can provide that as one of the examples absolutely, and that’s something that we again, I suppose I reiterate my previous comments about we have those conversations with owners when they engage with us to then give them an idea of where that balance is in terms of what can be an exemption and, you know, which helps them manage day-to-day business efficiently, and maintenance and all of those sorts of things, and then what might need approval.

But as Sam says, if there is non-significant buildings, for example, within a curtilage for some reason, or items of lesser significance that could potentially be considered, we really are trying to make sure that these exemptions are really easy for people to use, and they really support good management.

And I know the focus today is about industrial sites and that’s really important, but like any site that is listed on the State Heritage Register, they all have, they all are managed by significance and by what is appropriate, and by what is needed to manage efficiently and effectively. And that’s what the exemptions can do. They can’t do everything, but they can do a lot in terms of ongoing use, and in fact we use it for residential properties, we use it for all different sorts of places. And I don’t see that an industrial site is really much different. Because again it’s about what’s significant and how we support that going forward.

So, we might give you as many different kind of examples as we can to give you that breadth of understanding. But again, it is really important that engagement, which we unfortunately could not get here, is critical for us to understand an owner’s needs and craft those exemptions to help them understand and manage it.

And the other thing I would say, and I don’t want to harp on exemptions, but they’re not a set and forget. And this is certainly something that we have conversations with owners, that sometimes they’re a bit concerned that, “Oh, what if I can’t think about everything that I might need to manage the site going forward.” And this is something that we’ve been evolving in our practice over the last few years, is that we will check in with owners to make sure that they are fit for purpose, we’re happy to revisit them, and we can do that relatively quickly.

So, if something comes up and plans change and an exemption required, then we can be responsive to that – which is important for owners to know that that is not a long, drawn-out process, it’s a simple negotiation, and that we can put information to the Minister with the support of the Heritage Council.

MR MARSHALL: Thank you, Anna, that might be important to stress that ongoing evolution of these things. And I'm free ranging a little bit here, but one of the comments made to us is that there's a sovereign manufacturing capacity issue with this particular site. And you can think of that as being a surge capacity or an emergency situation. And it occurs to me that we might think of Lithgow in a standard operating situation where it continues to do the things that it does, but then all of a sudden an emergency is declared, Australia needs to respond in a particular defence way, and manufacturing capacity on the site overwhelms normal circumstance.

It almost makes me think that, I mean, if the discussion about site exemptions had gotten a bit further, that there could have been those two situations discussed. One where there's normal manufacturing capacity, and one where there's an emergency and different rules have to apply. I don't know whether you want to reflect on those two situations and how the site might be managed in a normal way and in an extreme situation.

MR KIDMAN: I think it's a great question. Look, I'm not a lawyer and certainly not a constitutional lawyer, but I'd be very surprised if the Commonwealth, for example, didn't have emergency powers that would switch off the Heritage Act in any case. Certainly, we wouldn't want to be in a situation where Australia's sovereign military requirements were being held up by an approval under the Heritage Act or something that was lacking in the exemptions.

But we can do a bit of digging on that. I was hoping to actually find out a little bit about that before this meeting, but I didn't have time. But certainly, I can't imagine a situation where Australia's military [cross-talk 00:38:56].

MR BAILEY: I think, Sam, the deeper question is, how might site-specific exemptions actually cater for that instead of relying on a power being brought in that might cause – so, if there's clarity and certainty at the front end. And just as you're reflecting on those examples, and we were talking about examples before and some of those examples were redevelopment, so they were in fact fundamental changes in use. In looking for the examples that you might give us in writing, could you please try and reflect on industrial continuing use examples.

MR KIDMAN: Yes, of course.

MS LONDON: If I might, I would just like to draw out – I do actually think that there could be a situation in negotiation about site-specific exemptions, where you were able to put something in place to recognise emergency situations. We already have standard exemptions for all State Heritage Register items that tries to recognise natural disasters and other emergency situations where approval would not be required.

So, I think that the reality is that yes, a conversation could occur and that there could potentially be an exemption which thinks about those emergency situations. I don't know what that looks like at the moment, we haven't had those conversations to understand Thales' experience in something like that and how we might craft that and how far we might be able to go.

But I think that there's certainly opportunities. For example, the northeastern portion of the curtilage has got no buildings on it, it's a hardstand area at the moment. And so, there is potential, I suppose, for certain areas to be earmarked for emergency operations, for example, for new facilities to be constructed, and all different sorts of things to occur.

So, the short answer is yes, I think there is an opportunity to have that discussion. I'm not sure how far that could go, but we can think about that and provide whatever information we can. I'm not sure, I haven't seen many site-specific exemptions, if at all, which speak to emergency situations of this nature. But we can have a look into that, and we can also provide the standard exemptions as well as an example.

MR MARSHALL: I think the natural disaster situation is in a way a bit analogous and might be useful to highlight for us as a way forward for things if that ever transpires.

I might move onto my last question, which is that the owner has advised it could support a representative building being included on the State Heritage Register, and they're thinking of building 52 which, I think, is the long – it's one of the continuing manufacturing buildings.

MR BAILEY: So, just to give the context on that. I understand it's the administrative building at one end; it's three floors that runs about 600 foot and has manufacturing occurring on it. I'm pretty sure we've got the right number, but just to remove any doubt around which building we're talking about.

MR MARSHALL: So, the question that I have is, we've been advised that the Heritage Council only considers lots, not buildings. Is that correct?

MR KIDMAN: I don't think it is, but I'll defer to Nicola. But it's certainly something like that, I don't know whether that suggestion was put to Heritage NSW during the negotiations in relation to the listing, I'm not sure. But I don't think – I know that that's not right, we don't consider whole lots as opposed to items. And Anna –

MS LONDON: Oh, sorry, Sam. Yes, I think that it's really important to recognise that the curtilage or the boundary of a heritage item is what is used to identify the area in which there is protection afforded and recognition of significance. And so, sometimes we have all different sorts of curtilage options. We have lot boundary curtilage. We have a reduced curtilage, which this one is because the whole of the lot has not been recommended. We could definitely consider a building. We basically look at significance and we look at about how we can capture significance for ongoing conservation and recognition of those values. So, it absolutely is not the case that we are restricted in any way.

We try to make it really practical, and we try to make it easy for people to manage and easy for people to discern on the ground. We try not to make a boundary that it's hard for people to understand where it stops and starts, and so there can be challenges on a large site like this. But no, there is nothing that says we have to do a curtilage in a particular way. We even have curtilages that do not cover an entire building, for example.

MR MARSHALL: Okay. Thank you.

5 **MR KIDMAN:** Or a non-contiguous actually, as well. Yes, we have listings that have five or six elements to them that are not connected.

10 **MR BAILEY:** Thanks, Anna. Thanks, Sam. That takes me just to the next question. We did have that discussion around a representative building with the landowner. Could a combination of a representative building on the State Heritage Register and a revised local heritage listing address many of the aspects that you're looking to see protected and conserved and recognised?

15 And in saying that, I also note the Council have indicated that they are in a position in timing, that they would be in a position to look at reviewing the statement of significance in LEP. They've indicated that timing is about right for doing that as well. So, it's a question around a combination of representative building and a revised local heritage listing.

20 **MR KIDMAN:** I think it's an excellent question. Subject to Nicola or Anna's views, I think we'd like to take that on notice, because it's a –

MR BAILEY: I understand that entirely, Sam, yes.

25 **MR KIDMAN:** Yes.

30 **MS ROCHE:** Yes, Sam, further to that, I think we need to note that our current significance assessment is based on the recommended listing as a whole, and the complex of buildings with various periods of construction that represent the history of the Lithgow Small Arms Factory from pre World War I to post World War II. It would be a very different significance assessment for a single building. So, we probably wouldn't be able to speak to that in a great deal of detail at this point in time.

35 **MR BAILEY:** Okay. I will leave it open as a question on notice that you might choose to respond to.

MS LONDON: Yes, I would just also raise, Terry, that the Heritage Council found that they did not believe that the local listing was adequate protection.

40 **MR BAILEY:** Thanks, Anna. And just as background, we did have a discussion with Council and it is in transcript, around revised statement of significance to better reflect the things that have been found in the State Heritage Assessment.

MR KIDMAN: Interesting.

45 **MR BAILEY:** I think that concludes the questions from our end. I do want to hand over to see – I know we're just about on time or we're heading for a little over. I don't want to curtail any comments that you might want to make at this stage.

5 **MR KIDMAN:** Look, I would just say that we remain very open to working with the owner to find a satisfactory solution to this matter into the future. We're very open to negotiations of the development of site-specific exemptions and also considering some of the questions that you've raised today about what might be the significance assessment against that one administrative building, how that might work with a local listing in terms of long-term conservation and the values. But yes, so we're very happy to talk to the owner further if necessary.

10 **MR BAILEY:** Thanks, Sam, for that. I am just checking very quickly, Duncan, if there was anything else?

MR MARSHALL: Nothing further, thank you.

15 **MR BAILEY:** I will just check with the IPC team, with Kendall and Isaac to make sure.

MR KENDALL CLYDSDALE: No, thank you, Chair, nothing further from the office.

20 **MR BAILEY:** Thanks for that. I'd just like to say thank you, Sam, Anna and Nicola for your time. And we will follow up with a letter that covers off those questions and look forward to receiving that input as it just assists us in our enquiry. Thank you very much for your time.

25 **MR KIDMAN:** Thank you. Thank you for the chat. Bye now.

MS ROCHE: Thank you.

>THE MEETING CONCLUDED