

## REVIEW OF THE HERITAGE ACT 1977

Hearing – 17 August 2021

### Supplementary questions to Ms Penny Barletta, Anglican Church Growth Corp / Anglican Church Property Trust Sydney Diocese

*1. Ms Penny Barletta in your submission you stated that your application to add a services building on a city site with two listed buildings and little free space was rejected without even a Heritage NSW assessor even visiting the site or discussing options or advice on what would be permitted. Would it be a benefit to mandate that Heritage assessors have to visit a site and proposed option and give advice before an application can be declined?*

There may be situations where a Heritage assessor may be able to appropriately decline an application without having to visit a site – perhaps because of technical difficulties with the application itself or insufficient information supplied by the applicant. The application of a mandate that Heritage assessors have to visit a site before an application be declined would have to be considered carefully as such a mandate would have to be considered in the context of increased resourcing so that assessors are able to fulfil the requirement, can access remote sites and are not induced to approve applications because of the difficulty of visiting a site. That said, there are many situations where the complexity of the proposal or the site, the outcomes intended or the quality of the application would justify the requirement that a heritage assessor visit the site, meet with the applicants and be able to provide a thorough and convincing reason for declining an application.

In addition to this point, in my research I noted that while decisions can be appealed, it is very difficult (if not impossible) to find information about the appeals process on the Heritage NSW website.

*2. The committee noted the issues you had with the replacement of a church roof and the development on a lot neighbouring a listed property. And the recommendations you noted all seem very logical and should be seriously considered. Is there anything further you would like to add?*

The time it takes for Heritage assessors to complete their process and provide a determination on an application has cost implications for an owner, who bears the direct impact of escalating construction costs – another hidden ownership overhead as the Heritage approvals process extends the approvals timeframe. This is another example of the community benefitting, through the listing, while the owner accommodates the expense of preserving heritage assets. The answer is to acknowledge that benefit from heritage does accumulate to the community, and it would be appropriate for the community to contribute, albeit indirectly, through resourcing the Heritage NSW Office to enable them to respond to applications in a timely fashion. Very few heritage owners will benefit financially from the maintenance or development of their properties in the way that commercial developers do, so recovering the costs of approvals from the applicants would, in most cases, be inequitable.

*3. In submission no 64 you point out that “from a Christian perspective, we value people and action significantly above our church buildings. We feel that we are being constrained in the redevelopment of our site for church, education and social infrastructure uses by heritage rules that more serve the secular community, who do not use our assets, at the expense of more high quality ministry and charitable works.” You outline the St Jude Anglican Church example. How did the process of the Victorian Heritage assessment differ from the NSW Heritage assessment?*

Please see answer provided to the ‘question on notice’.