

**Submission
No 11**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Mr Andrew Starr

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Submission to the review of the NSW Heritage Act 1977.

My name is Andrew Starr and I am the director of Andrew Starr and Associates, Heritage Consultants. I've have been working as a heritage consultant for 23 years, and I am on the list of heritage consultants published by the Department of Urban Affairs and Planning. I am a generalist heritage consultant, and the majority of my work is preparation of statements of heritage impact. I also prepare conservation management plans and do archival photographic recording. Most of my work is in the Greater Sydney area but I also work in rural NSW.

My main concern is in the limited protection given to conservation areas. Developers often dismiss the importance of conservation areas often stating that they are not heritage items. This disregards that they are listed to protect a group of buildings and individual sites within a conservation area can be of greater importance than some isolated local heritage items. For example, the City of Canada Bay have four Victorian terrace houses in their local government area and they are listed as heritage items, while Woollahra, the City of Sydney and Waverley have hundreds of Victorian terrace houses under their control. Many of these individual buildings are superior to the four in Canada Bay.

Councils do have controls for conservation areas in their DCPs, but they only really have control of the exterior of buildings. If there is a proposal to develop the exterior and the interior of a building at the same time Councils have some control of what alterations can be made. This includes retention of significant finishes and decoration. However, if no exterior work is proposed the interior of heritage buildings in conservation areas can be developed with a complying development certificate (CDC) under a State Environmental Planning Policy providing that no significant demolition is required. All significant heritage can be removed without any heritage assessment or recording. This significantly weakens a building's heritage in terms of its ability to convey history, it's aesthetics and also technological significance. This is very important because interior fabric can convey as much or more about a building than the exterior.

This is especially a problem now the State government has allowed private certification of development proposals. Certifiers cannot exercise a level of independence if they are dependent on the favor of their clients. Because of this, developers may think they are buying assistance for an approval, or indeed an approval when what is expected of the certifier is independent advice. Possible corruption that is caused by private certification of development within conservation areas is splitting renovation with a CDC used interior and then later a DA submitted for exterior works. This rorts the policies of councils designed to protect local heritage.

I propose that all development in conservation areas be afforded the same protection as heritage items, whether or not it pertains to the exterior or interior of a building. Development

proposals be assessed under a DA and not a CDC. All DAs should be reviewed or assessed by local council to allow for public participation in the approval process. Private certifiers should be regularly reviewed by Heritage NSW for their understanding of heritage policy and integrity. Corruption should be met with deregistration or limitations on sites that they can assess and/or issuing of fines.

Yours sincerely

Andrew Starr