

**Submission
No 19**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

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**Review of the NSW Heritage Act 1977
Standing Committee on Social Issues
Legislative Council, Parliament of NSW**

While it may be seen as time to review the legislation from 1977, particularly as there appears to be countless modifications, the need for a strong heritage Act that is supported by resourced by heritage professionals is paramount.

As a resident of Eurobodalla Shire where there is a huge amount of urban development underway, I am concerned about matters that are impacting our rich environment and our cultural and natural heritage in Eurobodalla and elsewhere. I am also aware of the impacts occurring daily in our cities and towns.

There has been extraordinary, what seem to be, sleight of hand planning with the switching off the Act when there is a State Significant development proposal that seems to be side stepping heritage and natural conservation values.

With reference to the Standing Committees Criteria

(a) the need for legislative change to deliver a heritage system that is modern, effective and reflects practice heritage conservation, activation and celebration

This requires much better funding of the State heritage agency who are in the best situation to keep abreast of best practice heritage conservation, activation and celebration. Activation and celebration is best done at the local level but it might help if the State could fund workshops in local government areas to inspire people in how to activate and celebrate local heritage.

(b) the adequacy of the Act in meeting the needs of customers and the community and the protection of heritage

How are customers determined. Heritage groups are customers. Businesses that rely on tourism are also customers. There is a concern that the needs of customers are adequately assessed. Some developers look for a way of avoiding red tape to develop a heritage property.

There is a concern that rash decisions are made by councils without community consultation. For example, in the small town of Narooma there is a Light House Museum and information centre that displays the original optical light from the nearby heritage Montague Island Lighthouse. Recently the Eurobodalla Council has closed many of its community centres and information centres. In the case of the Narooma Light House Museum and Information centre, the centre has been emptied and it has been stated that the precious optical light is to be sold to a buyer in NSW. The light is a heritage object and should stay on display in its Narooma home.

(c) How the Act could more effectively intersect with related legislation, such as heritage elements of the *Environmental Planning and Assessment Act 1979* and the *National Parks and Wildlife Act 1974*

A complete lack of respect for heritage listings has been demonstrated by the introduction in NSW of the *Kosciuszko Wild Horse Heritage Act 2018* (KWHH Act). The Australian Alps National Parks and Reserves in a landscape area on the National Heritage List. The area was listed in 2008 and carefully noted the integration of natural and cultural values (Indigenous values included). Why didn't the NSW Government comply with the EPBC Act 1999 and the requirements of National Heritage Listing of the Australian Alps Parks and Reserves? The National Heritage listing was undertaken with an agreement with Victorian, NSW and ACT Government and countless hours of research by many people on all values including tourism. However, Minister Barrillaro decided to introduce the Wild Horses Bill in NSW Parliament that went forward as an Act. Mr Barrillaro claims that horses running wild is heritage when it is NOT and is not a value in the National Heritage Listing. It appears to have been done so Mr Barillaro's mate could recite *The Man from Snowy River* to horse riding tourists with a background of horses. The introduction of the KWHH Act has allowed the wild horses to breed up to over 400,000 increasing by 23% annually since the Act was introduced. The horses are **devastating** the high-altitude natural environments with their hard hoofs, destroying wetlands and creating numerous tracks across the landscape. Rare wildlife such as the Corroboree Frog and plants have lost large areas of their wet area habitats. The Act needs to be repealed and the horses professionally culled.

This criterion should extend to Local Government significant places and areas that overlap state and local heritage values. For example, a privately owned landscape of more than 50ha was listed in the Register of the National Estate for conservation and aesthetic value in 1993. The listed values are still in public domain of the Australian Heritage database. NSW heritage listing should have followed the replacement of the Australian Heritage Act (1977) with the EPBC ACT (1999) with a State heritage listing. The land is a privately owned forested block between the village of Guerilla Bay and Tranquil Bay Close, George Bass Drive and at the rear of Tranquil Bay Beach and known as 'the Camp' was initially zoned 7(f1) that offered environmental protection (Coastal Lands Protection) under the LEP. The land is adjacent to the Batemans Bay Marine Park but Council went ahead and rezoned it as RU1 that offers no environmental protection. Why was the Council allowed to change the zoning of this heritage landscape?

The State and our entire nation needs to protect identified heritage and try to ensure that the community is proud of its heritage and not encourage ruthless development.

A concern is that an owner is required to keep records of their decisions without advice from a heritage consultant is troubling. It means that a heritage listed place can have any changes made to it that could be detrimental and the records lost.

(d) the issues raised and focus questions

- (i) **The proposed category approach** There is no detail provided with the category approach. How are the categories determined. A previous approach of 'Historic', 'Indigenous' and 'Natural' has meant that many significant places do not comfortably fit those limited categories. Cultural landscapes are a heritage term that briefly covers an area of land that expresses humans and nature and has three broad categories that cover designed landscapes, evolved landscapes (such as agricultural areas) and those landscapes with associated values such as Indigenous spiritual places or social values, such as Bondi Beach.

The cultural landscape approach has become increasingly popular in the last decade. The Australian Alps national heritage listing covers all these values with

many as significant landscape layers. It has been encouraging to see that NSW has managed to list precincts and designed landscapes.

- (iv) Streamlining the heritage listing process. Can this be done without harming heritage. Using websites is often most unsatisfactory and difficult for outsiders to interact.

(h) Other related matter

Climate Change and how the Act can be responsive, is a critical criteria that should be included