

**Submission  
No 25**

## **INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977**

**Organisation:** Tanner Kibble Denton Architects Pty Ltd

**Date Received:** 24 June 2021

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To: NSW Legislative Council's Social Issues Standing Committee

**Subject: A Review of Heritage Legislation**

I am a practicing architect with over 40 years' experience in the conservation and adaptive re-use of heritage buildings and sites in NSW and Queensland. My CV is attached to this letter. I make this submission to encourage the NSW Government to strengthen the Heritage Act to ensure that it continues to achieve its key objectives and to provide the resources to manage the state's heritage.

Over the past 40 years I have seen many places of heritage value demolished, vandalised or neglected in the name of economic progress. The State Significant Development provisions are an example of this wilful "turning off" of the heritage legislation so that large scale developments can proceed unhindered by respect for heritage values. The Heritage Act needs to be more robust so that places with heritage value are respected and celebrated and are not subject to manipulation by political processes that do not necessarily align with the heritage values of the place.

I will focus on two of the focus questions in the discussion paper in relation to our current work at the Parramatta North Historic Sites which comprises three State heritage listed sites and incorporates the National Heritage Listed *Parramatta Female Factory and Institutions Precinct*.

*Focus Question 12: How could we improve the current approval permit system?*

*Focus Question 13: Are the current determination criteria for heritage permits still appropriate?*

The Heritage Council (an agency/authority not an advisory body) and the Heritage NSW lack expertise and experience in conservation management, and this prolongs the consideration of applications. Lack of resourcing means that the Heritage Act is not administered to meet its objectives. It also means that it can be manipulated for political purposes.

The discussion paper talks about the *perception* of heritage listing as burdensome, involving costly conservation costs and constrained by regulation. Our experience is that this is *not* a perception, but a reality. Owners of places with heritage value should not be penalised by long and drawn out bureaucratic processes which hinder protection, conservation and adaptive re-use. Rather, owners should be supported in their efforts to protect and conserve. eg The conservation works proposed for the Parramatta North Historic Sites include substantial works to remedy years of neglect by NSW Health, but there appears to be resistance from HeritageNSW to facilitate these works. These works would not be required if the Heritage Act had been administered equitably by requiring government owned properties to be maintained to the minimum standards.

The approvals system is not administered equitably. Parts of the Parramatta North Historic Sites are of potential world heritage value, yet the route of the Parramatta Light Rail through the site has functionally and effectively divided it in half, removing culturally significant buildings and trees in its path. This approval was fast tracked through HeritageNSW while applications to repair slate roofs and sandstone facades within the *Parramatta Female Factory and Institutions Precinct* on the same site took months to process.

There is little accountability in the current approvals system. Our experience is that the personal experience and preferences of the officers assessing the application hold more sway than widely recognised and agreed best heritage management practice (the Burra Charter) and the appeals process refers the application back to the same officers. Also, applications take more than twice as long to process as the indicated timeframes, with no ability of the applicant to determine the status of the application.

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There is an endorsed Conservation Management Plan (CMP) for the Parramatta North Historic Sites (which took years to prepare and revise to suit HeritageNSW) but HeritageNSW has ignored it in failing to update the listings for the State Heritage Register sites and in the processing of applications for this site. The officers refer to inaccurate listing information rather than the endorsed CMP. This leads to misunderstandings about the values of the place and increases time for processing applications and costs as the applicants need to provide more and more information (which is readily available in the CMP). Ideally Heritage NSW would be less reluctant to engage with those that have a better understanding of the heritage values of a place and the issues associated with the management of the place.

The standard exemptions have effectively made it much more difficult to undertake regular repairs to the place. While the self-assessment process is meant to reduce paperwork, the definition of what is considered to fall within the Standard Exemptions has narrowed. eg a “fast track” s60 application is now required for the simple maintenance of significant buildings.

Recommendations:

- The Heritage Act should never be turned off. All development proposals should be required to demonstrate the heritage impacts and private and public developers should be required to protect and enhance the heritage values of the sites.
- Both the Heritage Council of NSW and HeritageNSW need to be resourced properly to administer the Heritage Act effectively and equitably. This means that the majority of members of the Heritage Council should be experienced in heritage management and the HeritageNSW officers and managers should be required to follow proper heritage management processes (non-political) to assess applications within the prescribed statutory timeframes. In particular:
  - A single point of contact should be established within HeritageNSW for each application and the applicant be advised of the contact details within ten working days of the date of application. The officer should respond to email enquiries within a reasonable period.
  - The length of time that HeritageNSW is allowed for processing of applications should be the same as that prescribed by the Environmental Planning and Assessment Act 1979 (EP&A Act). and the same processes for external (independent) determination be allowed, including referral to the Heritage Council of NSW or the NSW Land + Environment Court or a State Planning Panel.

We trust that these comments are helpful in the State government’s deliberations and that the outcome of this request for submissions is made public. We need a transparent non-political process.

Yours sincerely

TANNER KIBBLE DENTON ARCHITECTS PTY LTD

Megan Jones  
Practice Director  
B.Arch (Hons) FAIA, JP  
NSW Registration No. 4141  
QLD Registration No. 4357

Encl



## Megan Jones Principal



B.Arch (Hons)  
FRAIA, JP

NSW Registration - 4148  
QLD Registration - 4357

Megan joined the practice in 1980 and leads the Heritage Group. Megan's passion since University and demonstrable skill is in the conservation and adaptive reuse of disused and heritage buildings to fit them for a sustainable future. She has considerable experience in heritage architecture and related adaptive reuse projects and provides industry guidance based on this experience.

She has undertaken numerous conservation and adaptive reuse projects over the past 35 years', many of which have received local and international awards including; UNESCO Asia Pacific Awards for the conservation and adaptation of the St Patrick's College, Manly; the Governor's Stables as part of the Sydney Conservatorium of Music and the Governor Macquarie's Female Orphan School at Western Sydney University Parramatta.

Her recent major projects include; the Brisbane City Hall Restoration Project, the extensive re-working and additions to 5 Martin Place, Sydney and the Anzac Square Restoration and Enhancement Project, Brisbane. She is currently leading the conservation and adaptation of the Parramatta North Heritage Sites, including the former Female Factory, former Roman Catholic Orphanage and Parramatta Gaol.

Megan is active in architecture beyond TKD Architects, being a member of the AIA NSW Chapter committee for the publication "New Uses for Heritage Places", 2008 and chairing the Chapter committee for the publication "Alterations and Additions to Heritage Places". She is an examiner with the NSW Architects Registration Board, a judge of the NSW OEH Green Globe Awards and lectures occasionally at USYD and UTS. She was a member of the NSW Heritage Council from 2002 to 2005.

### Education

- 1978 Bachelor of Architecture (Honours)  
University of NSW  
Award winning graduating thesis:  
"The Role of Rehabilitation in the  
Revitalisation of Urban Areas"
- 1980 Registration NSW Board of Architects  
Chartered Architect
- 1988 Landscape Technician's Higher Certificate
- 2010 Registration QLD Board of Architects

### Professional Associations

- > 1980 Australian Institute of Architects  
Member
- > 2002-2006 Heritage Council of NSW  
Fire Access and Services Advisory Panel  
Member
- > 2002-2005 Heritage Council of NSW  
Member
- > 2003 National Association of Women in  
Construction Member
- > 2010 Australian Institute of Architects  
Fellow

- > 2013 Examiner, Architects Registration  
Board

### Professional Experience

- 2011- *Tanner Kibble Denton Architects*  
Principal
- 2002-2010 *Tanner Architects*  
Practice Director
- 1995 *Tanner Architects*  
Associate Director
- 1991 *Tanner Architects*  
Senior Architect  
Specialising in Heritage and Conservation  
Projects, Conservation Plans, Adaptive Reuse  
projects and residential work.
- 1983-1991 *Michael E. and C. Megan Jones  
Pty. Ltd. Architects*  
Director of own practice.  
Conservation Plans and Conservation and  
Restoration of residences.
- 1980-1983 *Cox Tanner and  
Howard Tanner & Associates*  
Architect  
Renovation and Restoration of Buildings  
including Westpac Bank, and residential  
properties. Conservation studies.

### Recent Major Projects

- > *Metro, Potts Point*
- > *Renwick Silos, Mittagong*
- > *Fig Tree Hill, Mt Gilead*
- > *Paddington Uniting Church*
- > *Parramatta North, Urban Transformation*
- > *5 Martin Place*
- > *50 Martin Place*
- > *Anzac Square, Brisbane*
- > *Brisbane City Hall, Brisbane*
- > *MacArthur Chambers, Brisbane*
- > *RNA Industrial Pavilion, Bowen Hills*
- > *350 George Street, Sydney*
- > *Female Orphan School, Rydalmere*
- > *St Patrick's College, Manly*
- > *Brush Farm House, Eastwood*
- > *Curzon Hall, Marsfield*
- > *Prince Henry Hospital - Coperture and  
The Dickson*
- > *Old Kings School, Parramatta*
- > *Former AGL Buildings, The Bond,  
30-38 Hickson Road, Millers Point*
- > *Sydney Conservatorium of Music,  
Greenway Stables, Sydney*
- > *School of Arts, Sydney*
- > *Valhalla, Glebe*
- > *Mt Stromlo Observatory, ACT*
- > *Tempe Estate, North Arncliffe*
- > *Mungerie House, New Rouse Hill*
- > *Drill Master's House, Rydalmere, UWS*
- > *Rozelle Hospital*
- > *Gladesville Hospital*