

## INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

**Name:** Name suppressed

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Partially  
Confidential

Social Issues Standing Committee

Review of the Heritage Act, 1977

Parliament of NSW

### **SUBMISSION REGARDING REVIEW OF THE HERITAGE ACT**

As a member of several historical and heritage based societies, I am vitally interested in the review of the Heritage Act, as proposed by the NSW State Government in 2021. While I agree in principal that the Act needs a review for updating it to modern times, there are some aspects of the proposal which concern me and which should be of concern to others, including the Government itself.

The discussion paper on Parliament's website is of interest, and I am in agreement with its comments that an effective heritage system helps to harness the cultural and economic values of heritage sites; and that in order to remain meaningful the Act needs to reach the community itself. Heritage has a clear cultural and educational value and contributes to a sense of identity, as well as benefitting local economies. The warning here is, can it be achieved without destroying that very heritage?

The Roxy Theatre in Parramatta is a case in point. Listed on the State Heritage Register, [and also the National Register] this was challenged by the owner in 2019 who wanted to build a 35 storey tower and demolish half the theatre. This proposal was thrown out by the Land and Environment Court. At what point does the retention of the heritage building become economically necessary? In the case of the Roxy, there are other proposals to convert it to a live performance venue. This cannot happen if half the building is lost.

Another outstanding problem is Willow Grove at Parramatta, which the community [and unions] regard as a heritage building, but the Government does not. There is an unhealthy situation of the Government vs The People in this instance, which leads to the community forming the view that the Government is opposed to heritage and in favour of developers.

The discussion paper's point that buildings on the SHR are a static point in time listing, is true. But any efforts to change this need careful consideration, as it will lead to a Willow Grove situation where the community thinks an item is being de-listed, or downgraded, in order to facilitate redevelopment. Having an abridged de-listing process is not a good idea, does not value heritage,

and places its value in the hands of developers, not the community. Heritage is a community value and means little to developers, to which it is an obstruction to be removed.

The proposal to have four listed categories is also fraught with danger. The proposed third category which allows site specific exemptions may only work if those exemptions relate to alterations to a building or changes to its use. Developers could see that as a way of having an item de-listed or altered to such a degree [ie, the Roxy] that they can proceed with their redevelopment.

It is my view that the Heritage Act needs to be strengthened, and not weakened. NSW is seeing too much redevelopment in recent years where heritage is a nuisance value, and needs to be removed. Nobody would dare alter the indigenous fish traps at Brewarrina, so why is the built urban environment any different? If we keep de-valuing our heritage at the present rate, we will never have anything of value as does the cities of Europe.

Heritage is a value, something to be retained, treasured, and maintained. The Act needs to be strengthened to force owners of abandoned buildings which are listed on the SHR to properly maintain them [the Roxy is a point].

Streamlining the nomination process is fine, as is the suggestion regarding Indigenous heritage. Schemes to help owners of heritage sites in financial terms need to be upgraded also, as there really is little support at present.

I feel that Heritage NSW should be given stronger powers to ensure that heritage buildings and sites in NSW are fully protected AND maintained; and that once an item is put on the State Heritage Register, it cannot be varied or de-listed at the whim of developers. Once it is lost, it is gone forever and NSW will always be the poorer for it.

Yours faithfully