

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: Anglican Church Growth Corporation

Date Received: 26 June 2021

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Standing Committee on Social Issues
Attention: Mr Peter Poulos
Chairperson
Parliament of NSW
Parliament House
6 Macquarie Street
SYDNEY NSW 2000

Subject: Submission to the review of the Heritage Act, 1977

Members of the Standing Committee on Social Issues

Thank you for overseeing this review of the *Heritage Act, 1977*. The Anglican Diocese of Sydney, being the owner of over 20 items of State heritage significance and a further 100+ properties that are of local heritage significance, welcomes the opportunity to provide input into this review and provide feedback on heritage management generally.

This is one of two submissions from the Diocese. The other, submitted by the Anglican Church Property Trust (ACPT) comes more from a position as an owner and maintainer of heritage properties. The attached submission from the Anglican Church Growth Corporation (Growth Corporation) comes from a position of the strategic planning and development arm of the Diocese and the impacts that the current heritage environment has on effective use and re-purposing of properties with heritage items. This is explained more in the attached submission.

It is the experience of the Sydney Diocese that the *Heritage Act, 1977*, while not perfect, is not the problem when it comes to working with State listed properties. Most of the issues we face are related to the very conservative application of the Act by the heritage division. Staff in that division are not helped by their current inadequate staffing levels. This results in slowness or lack of response, inconsistent advice that often does not reflect the provisions of the Act and a cumbersome and hard to understand approval regime. The "hard-line" on development of or in the vicinity of heritage items stifles effective re-use and this has a flow-on effect to the way that Local Government also manages heritage items.

Any change to the Act should consider changing the approval process be more consistent with Council approval processes and to integrate State assessments with council assessments. Where delegation of state assessment has taken place (as at Sydney City), the process is vastly improved and decisions are more consistent and easier to understand.



ANGLICAN CHURCH
GROWTH CORPORATION



26 June 2021

Submission to the review of the Heritage Act, 1977Subject: Submission to the review of the Heritage Act, 1977

The Sydney Diocese is happy to work with the government to manage significant buildings and is appreciative of the assistance and funding that has been provided. Largely the submission looks to implementation of the Act as a way to move heritage forward.

Yours sincerely

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Review of the NSW *Heritage Act, 1977*

Anglican Church Growth Corporation Submission





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1. Introduction

1.1 Context

Within the Anglican Diocese of Sydney, heritage issues are addressed by two parallel organisations:

- The Anglican Church Property Trust (ACPT)
- The Anglican Growth Corporation (Growth Corporation).

The ACPT is the trustee owner (“landlord”) of NSW listed heritage items across 20 sites and 100+ properties that are of local heritage significance. The Growth Corporation is responsible for the strategic planning and oversight of greenfield and urban renewal development across the Diocese.

The heritage items are primarily churches, but also include cemeteries, pipe organs, residences and stables. Each item is held in trust for a parish. Each parish has volunteer elected individuals responsible for parish buildings, property and finances (they have an historic title of “Warden”). Wardens have the responsibility for ensuring that all parish property is maintained. In most cases, the listed buildings are working properties, where congregations meet regularly, or clergy live. The management of each item, or group of items, is conducted by the parish in which it is located – there is not a system of consolidation or shared benefit/responsibility across the sites. This is the case with all parish property held in trust. Of the NSW register items, only one property, a rectory, has been converted to a commercial use and the income from that use contributes to the maintenance of other heritage items under the care of the same parish, along with a wide range of programs for marginalized and destitute community members.

The Growth Corporation was established in 2019 to further the work of the Anglican Church’s Sydney Diocese by facilitating and assisting the effective use of property and other resources for promoting and proclaiming the gospel of the Lord Jesus Christ. The Growth Corporation aims to activate our property resources to become vital community hubs where Christians mature in their faith and Christ’s love is demonstrated through care and compassion for, and by sharing his Word with, the people of Greater Sydney and Wollongong. Through effective urban design, it is the Diocese’s intention, through the Growth Corporation, as part of its Urban Renewal Program (URP) to utilise Diocesan properties to create integrated land uses with church and tertiary (such as Moore College) holdings that would include social infrastructure such as:

- Affordable housing
- Special Disability Accommodation (SDA)
- Student housing
- Aged care
- Childcare
- Youth recreation facilities
- Crisis accommodation
- Key worker accommodation
- Shared office space



Current practices around heritage are limiting the social infrastructure we can provide for the benefit of surrounding communities.

From 2017 to 2020, \$4,852,023 was spent by parishes with State heritage listed items on maintenance, repairs and significant renovations. During the same period, this amount was supplemented by \$332,461 in grant funding, two thirds of which came through Heritage NSW matching grants. These figures suggest that over the four-year period, only 6% of the costs relating to the care of these state significant properties was borne by the wider community through the grant system. In 2021, the parishes anticipate spending a further \$1.5m on NSW listed properties. It should be noted that this is a fraction of the spending on heritage management across the Sydney Diocese as the ACPT holds approximately a further one hundred properties subject to local listings. While some of the properties have undergone substantial repair work in the recent past, many others are maintained at a minimum standard, with the premium cost of heritage specialist services and the reliance of parishes on post-tax donations and incidental income to cover the related costs a barrier to more work. Parishes rely on post-tax donations from parishioners to fund specialist consultants and volunteer labour for the preparation of any heritage management project – the appointment of consultants, collection of quotes for work, meeting with contractors, seeking approvals and making relevant applications to local council and Heritage NSW.



While we value our historic buildings in their demonstration of the length of presence of the Christian community in NSW, our Christian heritage value has never been attached to the buildings. It is the people who have frequented the buildings and their acts of selfless service over the past 200+ years that have created and built our heritage as a Christian community in NSW.

We certainly support creative ways of recording the Christian heritage of NSW. However, from a Christian perspective, we value people and actions significantly

above our church buildings. We feel that we are being constrained in the redevelopment of our sites 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.



1.2 Structure of our submission

This submission has been prepared by the Growth Corporation and Moore Theological College (MTC). MTC is a self-accrediting high education institution that opened in Liverpool, NSW in 1856. The College moved from Liverpool to Newtown in 1891 in order to be near the University of Sydney. Since the late 1950s, the College has seen a significant extension of the college campus and the growth of a major theological library. The College owns various heritage buildings around Sydney.

Due to its authorship, this submission focusses more on issues faced with potential redevelopment and reuse of heritage assets. The separate ACPT submission focusses more on maintenance and management issues around significant heritage assets. We have structured this submission in two parts:

Part A – A portfolio perspective

- Section 2: Comments on relevant focus questions
- Section 3: Comments on relevant reform proposals
- Section 4: Technology considerations
- Section 5: Growth Corporation recommendations

Part B – A practitioner's perspective

- Section 6: Heritage practitioner experience



Part A

A portfolio perspective

2. Comments on relevant focus questions

Focus Question 3: *Are the objectives of the Heritage Act still relevant?*

The objectives of the Heritage Act are still relevant. However, they are not achieved through the current exercise of the powers given to the Heritage Council and enacted by Heritage NSW, through the Act. The objectives are wide ranging and involve encouragement, promotion and assistance. The reality of engaging with Heritage NSW is one of resistance, compliance and the preservation of “heritage value” over all other considerations.

The objectives do not provide a rationale for their existence. Consequently, heritage for heritage’s sake drives assessment and decision-making. The general purpose of the *Heritage Act 1977* was to conserve heritage items ***without unduly affecting owner rights or impeding economic activity***. Our experience has been that the ownership of heritage items has been expensive, time consuming, has limited the options for building use and has thus impeded *community* activity along with economic activity, and the provision of vital social infrastructure.

The church is often accused of being irrelevant and stuck in the Dark Ages. As some of the images in this submission show, we are taking a possibility thinking approach to ministry and charitable works to demonstrate Christ’s care and compassion for all people (and especially the marginalized). The application of the Act, and the heritage culture that this application has bred in Local Government as well, results in a sterilization of these assets. It becomes a self-fulfilling prophesy that these buildings are relegated to the past and de-activated because they are no longer suitable for ministry and/or charitable works. This is disappointing as the Diocese sees great opportunities to sensitively augment many of these buildings to carry on the purposes for which they were originally designed. Current strict application of the Act will result in many of these great heritage buildings being used as storage facilities because their design is no longer fit for purpose for modern ministry.

Focus Question 4: *Does the Act adequately reflect the expectations of the contemporary NSW community?*

The Growth Corporation cannot answer this question on behalf of the wider contemporary NSW community, but we can answer it on behalf of the contemporary NSW Christian community. The current conservative application of the Act ***does not*** reflect the expectations of the NSW Christian community.

While we value our historic buildings in their demonstration of the length of presence of the Christian community in NSW, our Christian heritage value has never been attached to the buildings. It is the people who have frequented the buildings and their acts of selfless service over the past 200+ years that have created and built our heritage as a Christian community in NSW.

We certainly support creative ways of recording the Christian heritage of NSW. However, from a Christian perspective, we value people and actions significantly above our church buildings. We feel that we are being constrained in the redevelopment of our sites 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.

We do not want to demolish our heritage buildings, but instead have the flexibility to augment and re-develop them to be used effectively for their original purpose but in a modern context. We only need to look south of the State border to see examples of possibilities for church and State to work together to realise possibilities (see Case Study 1).

Case Study 1 – St Judes Anglican Church – Carlton Victoria

In the wake of the 2014 fire, St Jude's held workshops to engage their congregation on how the building could serve the aspirations and requirements of a modern church. This was an opportunity for the church community to reimagine how it would be used for many years to come.

The 150-year-old building was originally designed by innovative practice Reed & Barnes and was renovated several times so the site is richly layered with the fabric of history. The most recent work was seen by State Government as a contemporary step in this evolution.

Framed in bright yellow, the restored stained-glass windows cast luminescent shapes over the new entryway.



By reorienting the main auditorium, St Judes was able to create a dramatic new entrance from Keppel Street that creates a broad channel from auditorium to street. A glazed façade and roof offer a clear, uninterrupted view to the auditorium entry, reflecting the Church's commitment to openness and inclusion.

A new atrium structure was added between the existing heritage church and the hall buildings. It proved much-needed space for the expanding church, and it addressed accessibility standards that didn't exist when it was built.



We added modern amenities and multi-functional spaces for a variety of events. They maintain the traditional functions of the church and enhance its ability to meet the diverse needs of its congregation into the future.

A glazed gallery on the southern side of the building provides easy access to the large multi-functional spaces and updated office areas.



The traditional tea-and-biscuits spread after church isn't in line with modern community expectations. So St Jude's now serves coffee, cake and a view to cosmopolitan Lygon Street. Above our new café, a triangular steel canopy reaches out like an arrow, linking the heritage of the church with the contemporary urban landscape beyond.

The triangular geometry of the form aligns with the Gothic style of the original church but, for heritage reasons, it's rust-coloured steel rather than yellow.



Outside, St Judes revived a seldom-used courtyard, making it accessible via the education centre. From this courtyard a set of amphitheatre-like steps ascends to the café and an outdoor terrace and at street level, these blur the boundary between private and public space in a welcoming gesture.



From the perspective of the Anglican Diocese of Sydney, we are somewhat perplexed by community expectations of church infrastructure. On one hand, segments of the community have no interest in Christianity and never frequent a church, yet we have had examples of these same people opposing redevelopments of church properties for enhanced social infrastructure because of a perceived negative impact on the historic architecture of a church building.

The secular population of NSW values having historic buildings as a make-up of our communities. However, they don't have to pay for their upkeep, nor operate in buildings that are no longer fit for the purpose for which they were originally designed. For the contemporary Christian component of the NSW community, many of the Diocese's historic buildings are a burden to maintain for minimal use because they are no longer appropriate for the larger size, contemporary style and use of modern day technology that is commonplace in today's Christian meeting places. The architecture of many of our historic properties does not lend itself to modern day church meetings or Christian tertiary learning/accommodation. As a result, many of the historic church buildings are no longer used for church meetings but have been assigned ancillary uses due to constraints placed on the Diocese by State or Local governments in how these buildings can be used and/or augmented.

Instead of being used for church meetings and/or charitable activities, many historic buildings are used for storage or church office space or they are completely disused and result in sterilisation of space that could be better utilised if historic buildings could be integrated into more modern and purpose-built church and/or education facilities.

We are of the opinion that if State or Local Governments place a higher value on our buildings than we do, they should:

- purchase these properties and maintain them for the greater good of the secular community; or
- assist with the funding of effective maintenance of the properties/buildings they list; and
- enable greater flexibility to augment these buildings and properties to enable fit-for-purpose ministry facilities and/or social infrastructure to be incorporated into the property envelope.

Focus Question 5: *How can the NSW Government legislation better incentivize the ownership, activation and adaptive reuse of heritage?*

The church's ongoing ownership and use of heritage items contributes to their heritage value. Ownership of heritage items is not actively sought, by the Diocese, but a consequence of the presence of active, worshipping communities in the same location over decades and, in some cases, centuries. Unfortunately the interpretation of heritage value has, at times, resulted in demands that property be 'frozen' in time, without the flexibility to respond to changing church practices and community expectations about the provision of modern facilities. Some examples of this include:

An application was made to add a services building on a city site with two listed buildings and little free space. The application was rejected as construction would have impacted on one of the existing heritage buildings. There was no visit from a Heritage NSW assessor to discuss options or advise what would be permitted. The parish is still operating with the original substandard toilet facilities which limits its attraction for post wedding functions, despite the church itself being a popular wedding venue.

A country parish sought to extend a small modern building containing kitchen and bathroom facilities to accommodate an extra meeting room. The listed site previously consisted of a church and cemetery. The application to Heritage NSW took a year to be approved and required the submission of extensive additional documentation to prove to an officer, who never visited the site, that the proposed community facility was hidden from view. The same parish had also experienced a year's wait for approval on another project under \$100k in value.

Adaptive reuse can imply a change of use. The challenge of heritage ownership for the Diocese is not a desire to change the use of the property, but to change the property to better reflect current use. The requirement to preserve the paraphernalia of previous forms of worship in-situ often impacts the optimal use of church buildings for current styles of worship. The requirement to retain fixed pews is a significant example where

there can be no flexibility in layout to cater to modern worship or occasional alternate community uses such as special events, concerts, exhibitions etc.

The Heritage Floor Space (HFS) incentive has the potential to unlock funds by trading **airspace** above non-rateable heritage buildings that have no development potential under the heritage constraints of the planning controls (eg St Andrews Cathedral) to generate an amount of HFS that is currently only available to rateable buildings. Unfortunately, the calculation currently is only done on the existing floor area of, in this case, a church. Our recommendation is that this be expanded to consider the potential floor space of the site if heritage controls did not constrain the site. Without using the potential floor space, the funds generated that could contribute to heritage management are estimated to be minimal.

As stated in **Section 1.1**, the Growth Corporation is implementing its Urban Renewal Program (URP) to utilise Diocesan properties to create integrated land uses with church and tertiary (such as Moore College) holdings that would include social infrastructure such as:

- Affordable housing
- Special Disability Accommodation (SDA)
- Student housing
- Aged care
- Childcare
- Youth recreation facilities
- Crisis accommodation
- Key worker accommodation
- Shared office space

We have 10 current projects and a pipeline of at least another 85. Page 18 of the Heritage Act, 1977 Discussion Paper states: *“Heritage listing should not stop all change or freeze a place in time. Rather, if heritage items are to have a viable future, they should be used, cared for and activated as lively spaces, accepting that changes may need to be made to keep pace with modern amenity. Nor should heritage places be inflexibly bound or ‘mothballed’ by onerous processes.”* The Sydney Diocese’s general experience is the opposite of this statement. As a result, many heritage listed projects (State and Local) move down the priority list because navigating integrated developments on heritage sites is seen as too difficult

The legislation is less of an issue than its application. In practice, the predominant mind-set of many working in State and Local government heritage sections is the real issue. The starting point seems to be *“.... this is why you can’t do what you are proposing”*, rather than *“.... how can we achieve the outcomes while maintaining and, if possible, enhancing heritage value....”*

Currently, due to the way the Heritage Act is applied at State level (and the flow-on effects to the Local level), our default position is, if one of our potential social infrastructure re-development sites is a heritage item the perception is that there will be significant limitations to what we can do with it. We regularly experience blockages to most concepts for adaptive reuse of the item, even if there is a social benefit. It is our experience that State and Local government heritage staff find it easier to say “no” as the default position rather than explore possibilities to find out what can be achieved.

Focus Question 6: *How can we improve incentives within the taxation system to help mitigate the cost of private heritage ownership?*

For many religious not-for-profit organisations, the tax system imposed at an organisational level does not apply. Currently, much of the heritage maintenance works are funded out of offertories that are paid by parishioners using post-tax dollars.

There could be an opportunity for a tax-deductible fund to be approved for the purposes of heritage building maintenance for those valuing a particular heritage item. This could be made available for parishioners and



those not involved in the church but who value the heritage item. The Diocese would encourage the State Government to explore this possibility with the Tax Office.

Focus Question 7: *What sort of initiatives might encourage activation and conservation of heritage through commercial and philanthropic investment?*

The discussion paper asserts that the presence of heritage buildings enhances public spaces and has economic benefit. However, the heritage buildings that comprise the ACPT holdings do not realise any direct economic benefit from increased local tourism or community engagement with the space. Our churches are active places of worship, and are used for church activities during the week and on weekends. A change of use would be necessary in order to turn a church building into an income-generating asset, and the heritage restrictions on altering them would make it not viable to convert them to hospitality venues, commercial office or retail space, or private residences. Any such conversion would also require the parish to seek alternate meeting spaces, which in most locations is not achievable, particularly if seeking a break-even transaction that includes the costs of alternate spaces and the costs of maintaining the heritage item. While our heritage properties benefit the community, and increase tax income generated for local, state and federal government through local business revenue, there is no direct, and little indirect, benefit back to the item's owners. In practice, it is the post-tax donations by parishioners and other individuals that fund much of the maintenance of these heritage items and enable them to remain viable community venues.

The Working Heritage Program in Victoria is a good example of what can be done if there is a willingness to allow re-development of heritage items for effective reuse. While this program does not help churches in Victoria, it is more the attitude of Government that promotes and enables the reuse rather than creating an environment of paralysis in looking for opportunities for reuse.

The following suggestions do not directly address the focus question, but we note the lack of a question about the way in which government revenue might contribute to the activation and conservation of heritage.

Listing bonus

When a site is listed, there is no cost to those members of the community promoting the listing. Often community interest in listing is to retain community benefit – open space, aesthetic value, to constrain development – with no concomitant obligation on behalf of those benefitting to contribute to the maintenance of the item or offset the disadvantages. If owners of heritage items were compensated financially for the consequences of listing, local communities who engage vigorously in promoting listings may be more motivated to engage with the financial and lost opportunity costs to the landowner.

Sale/use of air space

As mentioned in the discussion paper, the City of Sydney's transferrable heritage floor space scheme offers some compensation for the loss of income for maintenance/redevelopment opportunity of a heritage item. Expanding such schemes to other council areas would assist owners to recoup some value from their land. This would be particularly relevant where the land burdened with a listing is open space, for example cemeteries. The *Cemeteries and Crematoria Act 2013* statutory review recommends that NSW register listed cemeteries be subject to regulations regarding perpetual maintenance funds. These sites will be retained as green space and have little to no ongoing commercial potential, so a scheme that recognizes the community benefit would be extremely valuable. Currently, inactive graveyards attached to churches are sterilising large tracts of land for which the airspace could be used for social infrastructure. In a similar way to how ruins and historic graveyards have been preserved in Europe, but have allowed air space above to be activated, NSW should also consider similar measures as part of the suggested Religious Advisory Panel in our recommendation no. 6.

Many church sites incorporate graveyards that have not been in use for decades. The local church only after the family themselves, has a most direct connection to those buried in these graveyards and values their memory and respects their legacy. The challenge is that aging graveyards and in particular, the gravestones are increasingly a danger to visitors to these sites.

Example 1: St. John's Anglican Church, Ashfield

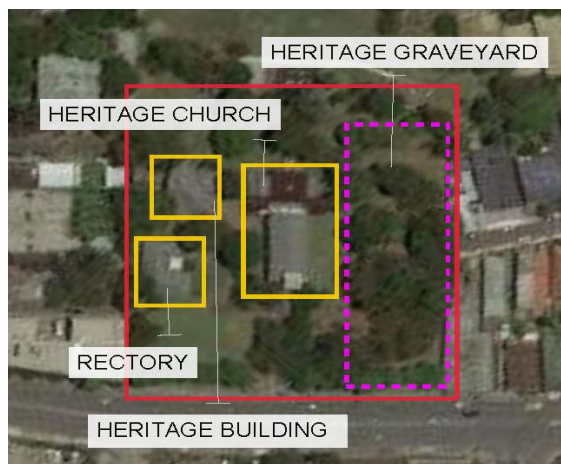
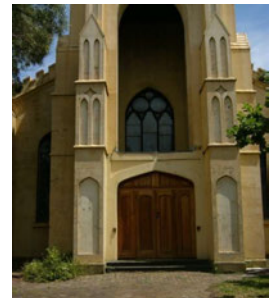
An active church site in the heart of Sydney's Inner West has a large graveyard in the center of the site. The site is 10,000m² and significantly underutilised. It includes a large heritage listed church building and church hall which themselves requires substantial ongoing maintenance to keep them useable by the congregation and the local community (who use the hall extensively). The graveyard takes up approximately 30% of the site but due to it being positioned centrally, it affects the ability of the whole site to be developed effectively. The church has aspirations to build affordable housing, a multipurpose sports hall, co-working facilities and a substantial activated green space. The church has a track record of many decades of welcoming the local community onto its property and providing core social infrastructure. The gravestones could be relocated into a memorial walk, refurbished and the history presented such that it was accessible to visitors, thereby not just activating the site with essential community infrastructure for the current community, but bridging the current community with communities of the past.

Advice from leading heritage consultants has been that the scheme would not get approval under the current legislation despite its obvious merits. Most frustrating is that without a meaningful redevelopment not only will the potential of the site remain underutilized, but a major part of the graveyard which is currently trafficable will need to be closed off for safety reasons from deteriorating gravestones falling over.



Example 2: St. Peter's Anglican Church, Cooks River

A church that has been burdened by its heritage buildings and graveyard due to costs of maintenance and importantly the constraints they impose on modern church activities is facing closure. It is unable to fund core activities in part due to its maintenance of buildings and the graveyard. The declining numbers of the congregation also means the volunteers available to service the site is waning. The site is in a key location flanked by a public primary school that needs more space and a major road. The area is growing exponentially and forecast to continue to grow for the coming decades. The site is constrained by heritage buildings in the center and a graveyard covering 30% of its property to the East.



In an area that has limited accessible green open space and an exponential increase in the number of large-scale apartments being built, this site will become dormant within the next few years. The church is open to partnerships with a variety of community infrastructure partners however, advice from leading heritage consultants has been that the site would not receive development approval under the current heritage controls despite its obvious merits.



These and many other parishes are seeking to continue their work of support their local communities that they have served for centuries yet are being suffocated by the constraints imposed by their heritage legislation.



Tax deductibility funds

Urgently engage with federal government to seek to enable the category of heritage conservation and restoration as a criteria for deductible gift recipient funds so they can be established by not-for-profit organisations.

Benefits to not-for-profits

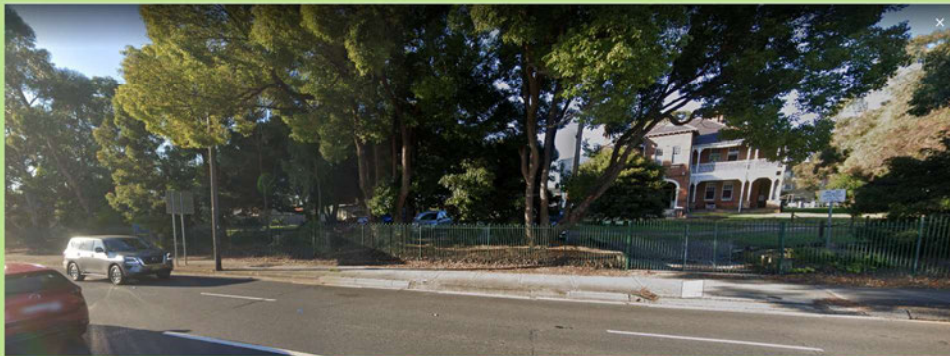
We note that a number of owner incentives are based on tax and rates exemptions. As a not for profit organization already recognized for its community benefit, regardless of heritage considerations, these exemptions are of no benefit to the Diocese. We also note that many of the suggestions made in the discussion paper prioritise economic outcomes from for-profit ventures, despite the benefits relating to community well-being and the cost savings to the community from these benefits. While the link between these savings and the contribution made by heritage-constrained properties is indirect, it would be appropriate for a financial contribution to be made towards the upkeep of such buildings by the wider community.

Case Study 2 – Croydon Park, Sydney proposed redevelopment for student and staff housing

When Moore Theological College submitted a SSDA, for a new educational precinct integrated with some new student family and faculty housing, we were severely hampered by an opinion of heritage arbitrator, “.... that someone may wish to view the upstairs balcony of our local heritage house from two street frontages.”



The site was on a corner – the building sat in the middle of the block and our 2 storey building footprint was severely curtailed. It meant that we could only design a little over half the site. The heritage item was going to be totally re-fitted and restored to provide a new propose for the betterment of the entire community. Our design and investment for the local area has now been lost, and the maintenance of the building is difficult to justify economically.



Planning and design concessions to enable functional and commercial development on site

There are examples both in Australia and overseas of heritage buildings that have had additions and alterations that retain substantial portions of the heritage fabric while making the building more functional and enabling income generating and enhanced social infrastructure to take place. We are trying to use our properties to provide social infrastructure for community benefit but are being constrained by the application of very conservative heritage barriers that seem to be at odds with the principles contained in the “Review of NSW Heritage Legislation – Discussion Paper”.

Successful additions of this type enhance visitor experience and contribute to the activation of sites for social infrastructure, community benefit, tourism and repeat visits. We note that many heritage buildings that achieve additions which enhance their functionality (the Police and Justice Museum, Customs House and Australian Museum, all in Sydney city) are able to minimize the impact of these additions as they are invisible against urban backdrops. Our heritage items usually include significant curtilage restrictions which would need to be breached in order to make the necessary adaptations. Achieving this would require a movement away from the current attitude towards religious heritage which consigns it to the past – an English pastoral vision - and assumes that fixing it there is an appropriate way to encourage conservation and ongoing use.

Focus Question 11: Would streamlining enhance the listing process?

Taking a cumulative approach to church properties would help to streamline the Diocese’s development considerations for heritage sites. The Sydney Diocese is supportive of the retention of a number of its historic buildings as a key part of community fabric. However, we are confused about the listing of so many of our



properties and buildings when our heritage is attached to people and Christian faith and action rather than to any built form.

From a building perspective, as a Diocese, it would be a more effective use of our funding from post-tax offertories to focus heritage building retention on a smaller number of significant buildings than on a large number of buildings that are of limited heritage value to the Diocese and are not fit-for-purpose for current ministry or social infrastructure.

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

The discussion paper talks about *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, and while Heritage NSW, who authored the discussion paper, may wish to imply that heritage ownership is without significant challenges, we note that Heritage NSW does not actually manage any heritage items, nor do they need to navigate Heritage NSW's systems. That the Anglican Church in Sydney is able to manage and maintain over 20 NSW heritage listed items and over 100 additional local heritage listed items is entirely due to the time and post-tax donation contributions of volunteers who take on this work. Examples of overreach, inconsistency and poor responsiveness from Heritage NSW officers are:

One of the state's pre-eminent heritage architects was retained to oversee the replacement of a church roof with the same materials as the original. Based on his extensive experience with similar projects his office submitted an exemption notification for the project. The notification was submitted in June 2015. Over a year later, when the work was underway, Heritage NSW issued an informal request for work to stop, and a direction that an application for approval to be submitted, contrary to the architect's previous experience. This delay caused additional costs to the half million-dollar project.

A Conservation Management Plan (CMP) was required as part of an approval for a development on a lot neighbouring a listed property. The requirement was only possible because of the shared ownership across both lots. While initially an update of an existing plan was requested by Heritage NSW, it was subsequently decided that an entirely new document should be created. This document has been rejected for review by Heritage NSW officers through four iterations. In the most recent edit provided by Heritage NSW, officers have proposed alterations to aspects of heritage value as assessed by the heritage architect who prepared the document. One of the proposals from Heritage NSW would significantly impact the potential for further development on the neighbouring site. The proposal seeks to protect sightlines to the heritage item which were only opened up through the demolition of the previous building on that site as part of the new development. The original author of the document has completed his engagement with the parish – some six years after the project originally started, and it seems unlikely that a final version of the CMP will be agreed between Heritage NSW and the land owner. The checklist following the fourth review now stands at fifty-four pages.

Major restoration and development works were being undertaken in one of our flagship properties, under an approval obtained in 2012. A Section 4.55 was submitted to amend the original approval, and in the process a Heritage NSW assessor sought to reverse an aspect of the earlier approval without seeing the site. It took further meetings with the new assessor to enable the project to continue as originally planned.

A local example would be at Moore College's Elizabeth Street North Parramatta property. The site was included in council's LEP in the mixed use B4 zone. Moore College submitted a Planning Proposal to Council that complied with its requirements. Extensive heritage studies were undertaken and included in the Planning Proposal. Council subsequently hired another heritage consultant who then **excluded** the site from the zone. This has cost Moore College significant money and time and we are no better off in undertaking a development that could have generated funds for the ongoing heritage maintenance of All Saints Anglican Church, North Parramatta.

Case Study 3 - Christ Church Bexley, NSW

Christ Church Bexley forms part of the St George North Anglican Parish. The property forms part of a transition zone from the urban Bexley Town Centre to the medium and lower density residential areas to the south.

The site includes the existing church (Local heritage significance), a car park, a rectory for minister family housing and ancillary sheds, a classroom and an **existing hall in poor condition and structurally unsound** (Local heritage significance).



Existing Hall

As a result of the structural assessment of the hall, the building was deemed structurally unsound and unsafe. The costs to rectify the structural issues have been cost prohibitive. It is now used for storage but takes up valuable space on a 3,430m² lot.

Without the use of the hall, the Parish has been unable to fully operate from the site with just the existing church building



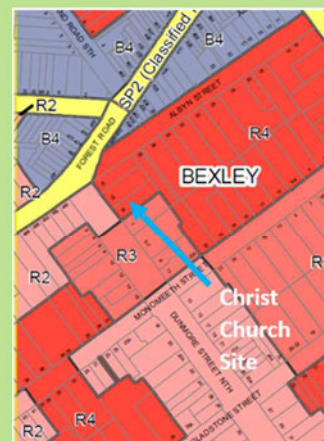
(which in itself does not suit contemporary Anglican worship and demand for other uses to serve the local community). This has seen this site retract in use while other church sites within the parish continue to grow in attendance across all age groups.

Alternatively, the existing hall could be demolished to enable the site to be developed to its full potential as intended by the R4 zoning. This would not only activate the site and provide much needed housing options for the local community, but also provide new buildings and facilities that are fit for purpose and meet modern day demands for how these spaces are used, how they are operated and how they feel.

The Christ Church site relates most directly to the streetscape of the Bexley Town Centre and adjoining residential flat buildings zoned R4. Clearly the intention has always been for it to be earmarked to provide high density housing to support the growth of the Town Centre.



The fact that the existing hall does not sit inside the mapped area for heritage significance although it is included in item I118 is an important point because there is a clear distinction between this zoning boundary and the remainder of the heritage items that exist along Dunmore Street which is itself listed as a heritage item.



If the existing hall is required to be retained (along with the church building), the remaining available site area will severely restrict the potential of the site to achieve the permitted GFA allowance of 3,428sqm once all planning controls are Proposed Redevelopment Uses

The proposed uses for the full redevelopment of the site is to improved and fit for purpose ministry areas combined with integrated social infrastructure such as seniors living, childcare, crisis housing, affordable housing, Specialist Disability Accommodation to name a few.

These proposed uses are focused at bringing communities from all backgrounds together through activation of land that facilitates community engagement and activity. If the land remains under-utilised and cannot feasibly be developed because of of restrictive heritage controls, the local Bexley community will miss out on some much needed community facilities in a community that has historic underinvestment in community infrastructure.

Case Study 4 - St Alban's Five Dock, NSW

The current Church building is now approximately 100 years old (b. 1920s). The Diocese and Parish want to plan for how this site is best utilised for the next 100 years. The reality of Heritage Listings substantially limits the options for future site redevelopment opportunities.

This not only impacts the long-term viability of this site operating as a church for the next 100 years, it also impacts the broader community benefit of an activated church site.



The site has an area of 4,015m² and is bound by Henry St, East St, Great North Rd and the adjoining retail/commercial premises (future Sydney Metro Station) to its south. It is one of the largest contiguous land parcels in Five Dock and contains 3 locally listed heritage items (Church, Church Hall and Rectory).

The site is highly utilised by the Parish and the community with :

- regular church activities
- an Early Learning Centre with 29 places for kids aged 1-5 years (operates 7.30am-6pm Monday-Friday)
- weekly kids playgroup
- local community events held in church grounds such as outdoor cinema, carols by candlelight services, Ferragosto Festival, etc.
- local community groups regularly rent church property for events: Little Kickers Soccer, Ballet groups, Sydney Guitar School etc.

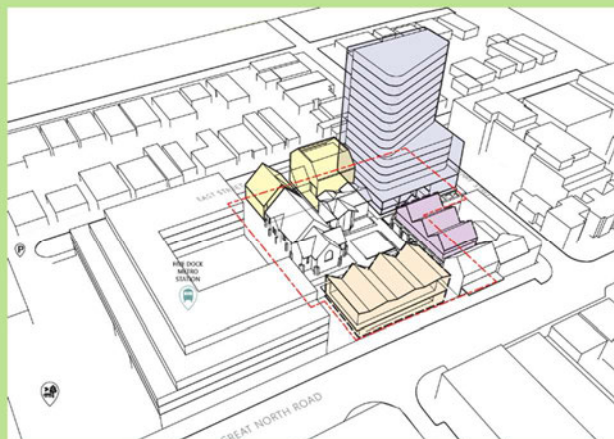


Future community benefits

The Diocese and Parish would like to see this utilisation increase and continue for the next 100 years. To ensure this is feasible and facilities are fit-for-purpose, redevelopment opportunities must be explored. A redevelopment could leverage the increased activation expected from the new Metro Station. This would enhance the Church's ability to support the local community with new services, improved publicly accessible indoor space and to help fund the preservation of any Heritage Items should they be deemed significant. These services/uses include:

- Job creating retail and commercial space;
- Affordable, Key worker dwellings and Special Disability Accommodation (SDA);
- More and improved publicly accessible indoor spaces;
- Improved Childcare facilities; and more.

The site's permissible FSR is 2.5:1 (approx. 10,000m² of GFA). To illustrate the built form required to just achieve the sites permissible GFA whilst preserving the heritage items, see Figure 2. This diagram shows that a 46m tall building on the north-east corner is required to just achieve the site's permissible development potential whilst maintaining the Listed Heritage Items. The



permissible building height on this site is only 15m so such a development would likely not be approved. The Diocese is often not able to achieve the permissible development potential of their sites. Listed Heritage items have a significant impact on the redevelopment potential of sites such as this, and this flows to a reduction in services offered to the community and limits how places such as these can be used for the next 100 years.

3. Comments on relevant reform proposals

It is proposed that NSW adopts a more nuanced set of four heritage listing categories, as set out in Figure 2 (on page 15).

The Sydney Diocese supports this reform in principle. However, we are interested to know what categories Diocesan heritage items are likely to fall in and what the heritage maintenance and future development implications are of each category.

Introduce a community-driven nomination process. Community based ‘early-round nominations’ would be submitted for Heritage Council consideration. The Heritage Council could then invite more detailed nominations from promising applications. Heritage NSW could provide assistance in preparing nominations.

The Sydney Diocese supports community involvement and transparency. However, from a Sydney Diocese perspective, our sense of heritage is attached to our people (past, current and future generations) rather than our buildings. Therefore, if a church is nominated as a heritage item under the proposed reform and the Diocese is of the view that its heritage listing will constrain its potential for future ministry and/or provision of social infrastructure then there should be a mechanism for the Diocese to require the State/Council to purchase the property at a rate that would enable the purchase of an alternative equivalent property in a similar location and cover the construction of a new ministry facility. The State/Council can then manage the heritage asset for the benefit of the community.

While this is a significant measure, the State needs to bear in mind that:

- many heritage constraints being placed on the Diocese come from a secular perspective that is predominantly about preserving built form as examples of historic architecture.
 - most Christians in the Sydney Diocese do not place the same level of importance on the buildings defining our Christian heritage.
 - our Christian heritage is defined more by the people who have built our culture and heritage over 200+ years.
 - if secular society values the Diocesan buildings more than the Christian community does (from a heritage perspective) then there should be a willingness to compensate the Diocese to retain and maintain these buildings or an offer to purchase them so that the State/Local Government can retain and maintain these buildings for the part of the community that values them the most.
- there are sections of the community opposed to Christianity and/or religion and could use such an initiative to impose costs and constraints on the Diocese that would divert funds from Gospel and charitable uses to building/property maintenance.

The Minister responsible for heritage could be responsible for determining, in consultation with the Heritage Council, the regulatory thresholds for standard exemptions, fast-track applications and standard applications for permits under the Act. This would ensure the application and exemption process is flexible and responds to community need making it easier for heritage owners to maintain and conserve their properties.

The Sydney Diocese supports this proposal and would appreciate involvement in any working groups to implement this reform.



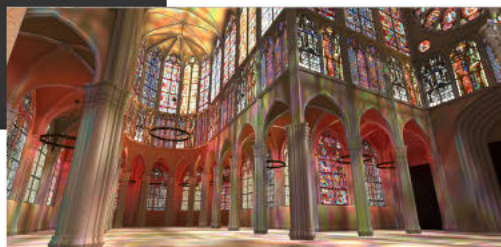
It is proposed to introduce a series of intermediate enforcement powers to allow heritage regulators to take a graduated and proportionate response to noncompliance. This would include investigative powers allowing Heritage NSW the ability to gather sufficient evidence to prove an offence, along with the ability to issue penalty or infringement notices. This change would allow Government to take more nuanced and lighter-touch enforcement approaches, as an alternative to expensive and uncertain court action.

The Sydney Diocese would support this reform, but only in the context of our other comments. We are committed to implementing our commitments under the Act, but we have made a number of comments about the existing heritage working environment that require attention.

4. Technology Considerations

The Diocese is of the opinion that technology can be used to effectively record and enable future generations to experience the heritage value of the Diocesan heritage sites. This would be for sites that remain in-situ or those that are enhanced and augmented to enable them to operate as fit-for-purpose church, tertiary and/or social infrastructure facilities.

We can now use digital laser scanning to generate as-built designs of heritage items (see below – all are digital images from 3D laser scanning that can then be incorporated into VR and AR platforms). This can also be integrated into 3D design packages that enable augmented reality functionality to enable an immersive and accurate digital experience of the heritage item (<https://medium.com/insight/immersive-technologies-new-ways-of-experiencing-cultural-heritage-92689fde8768>). These tools need to be explored to better enable accurate recording of heritage items and to better enable experiences at points in time of an item's existence.



5. Growth Corporation Recommendations

As has been noted in previous sections, the *Heritage Act, 1977*, on the whole, is good legislation. It is its application that sets NSW apart from other Australian states when it comes to activation and management of heritage items – this should not be seen in a positive light.

Effective heritage management is a difficult balancing act. At this point in-time, it is the view of the Sydney Diocese that the balance has skewed too far toward preservation at the expense of activation.

Out of this review, a key recommendation from the Sydney Diocese that we are sure would be supported by other Christian organisations with heritage properties is for Heritage NSW, at Executive level, to host a regular workshop/forum with owners of heritage Christian properties. This could be in the form of re-establishing the places of public worship consultation group (formerly the Religious Property Advisory Panel) to include representatives from religions owning NSW listed items, property professionals and heritage experts and include legislation that requires commentary from this group to have weight in decisions made regarding applications to develop listed places of public worship.

Its key focus would be to discuss the realities associated with managing a large number of State and Local Government items of heritage significance in a not-for-profit setting. The aim would be to explore ideas from Australia and overseas in how best to achieve the balance of heritage celebration and activation, use and enhancement of faith-based heritage sites in NSW.

This forum may also be able to progress the following recommendations:

1. A single point of contact be established within Heritage NSW for each application and the applicant be advised of the contact details within ten working days of the date of application.
2. Heritage NSW be required to seek information from local government planning and building officers regarding the application and to provide reasons if they do not accept their response.
3. The length of time that Heritage NSW is allowed for consideration of the application be made the same to that of the *Environment and Planning Act, 1979* where, if the approval authority exceeds 42 days (6 weeks) without approval, the application is deemed to be rejected and can be referred to an external body (in the case of the EP&A Act, 1979, it would be to the Land & Environment Court) for consideration.
4. Where an application can be clearly established to be of significant benefit to the community, this should be given greater consideration for approval than minor non-compliance with heritage aspects.



Part B

A practitioner's perspective

6. Heritage practitioner experience

Part B of this submission to the review of the *Heritage Act, 1977* has been prepared on behalf of the Anglican Diocese of Sydney by Paul Davies (B Arch MBEnv Bldg Cons AIA Chartered Architect, Heritage Architect).

6.1 Background

I have been asked by the Anglican Diocese to prepare a brief submission as a consultant architect who has worked on many of the Diocese's heritage buildings over many years. By way of background I have represented the Diocese on the religious panel of the Heritage Council and was engaged to co-author their publication on the significance of, and how to maintain, church buildings. I have worked on over 50 church sites in the Diocese (as well as many beyond) including 11 State listed sites. In recent years I have conserved and undertaken works at St Andrew's Cathedral, Christ Church St Laurence in George Street, Garrison Church and St Pauls Burwood.

I have written extensively on liturgical change and heritage and have advised several Archbishops on heritage matters over a number of decades.

I also have extensive experience of working with the NSW heritage division and have also undertaken work as a consultant for them.

This submission forms part of a larger submission prepared by the Diocese as property owners and managers.

6.2 Discussion of Matters raised in the review

The Sydney Anglican Diocese is a major heritage property owner in the State. When combined with the Anglican Dioceses of Newcastle, Canberra Goulburn, Bathurst, Armidale, Grafton and Riverina, the Anglican church owns a large collection of heritage buildings. When combined with other church groups, outside government, it is one of the largest groups of heritage listings.

Most significant church related buildings (that is any buildings under church ownership including schools, etc) are included on local council heritage registers as they form an integral part of the physical and social fabric of local communities.

However, very few of these buildings are found on the State Heritage Register. There are 48 State listed Anglican church buildings in NSW¹ (search on heritage database using Anglican church or cathedral) of which 24 are in the Sydney Diocese. There are 363 Anglican church buildings on LEPs in the State that do not come under the control of the Act².

On the one hand, it could be argued that as so few Anglican sites are on the State register that there is relatively little impact from State listing. On the other hand, as there are potentially more church sites that are of State significance, there is considerable uncertainty in relation to a range of places where there church wardens may wish to undertake works, commit to that process and then discover that an IHO is placed on the site as a last minute attempt to prevent that work as it is determined that the place has State significance.

¹ This is an approximate number as searching the SHI database is not accurate as names are not used consistently as a number of listings are for the same sites.

² Also derived from a search of the SHI database

Of the 24 sites in the Sydney Diocese on the State Register only 1 or 2 appear to be potentially not of State significance and the balance are clearly important places and often are complex sites with difficult management requirements. There are no easy paths to navigate the complexity of usually layered church sites.

As an overall comment, it is my experience that the Act is generally sound, noting that there can always be improvements made, as it sets out a reasonable process that if applied with consistency can properly manage State heritage.

The areas that are difficult are how the Act is applied and used and how it can provide a level of certainty and consistency across all properties but in particular for this response, church owned property.

The following sections look at issues that particularly relate to church properties under the Act and then how the Act is applied.

6.2.1 State Heritage Listing

There has been a shift (desirable) over a number of years to ensuring that heritage listings are thorough and sound. I would suggest that while these are good attributes of listing, that most of the buildings that are likely to be considered for State listing are going to be readily recognisable as having that level of significance. There are numerous sites where there is no doubt as to their State significance even though not currently State listed. Consequently, as churches form a clear category where comparative analysis and an understanding of significance is not difficult to undertake, it may not be necessary to prepare such extensive work when a place is proposed for listing.

Ideally, listings of church property should be negotiated with the Diocese and church affected with agreed outcomes between state and church. This may result in simpler listings being prepared that focus on key issues without excessive work and the consequent cost.

Even establishing an interim list of places that will be considered for listing in the future would provide an up-front and clear statement of intent with regard to what is considered significant. The preparation of such a list would also benefit from a co-operative process between church and state. An ideal end position would be listings proceeding that are agreed and supported by both parties. A longer term program of listings could be planned to match the resources that are available.

It would also seem critical that any listings undertaken of churches are done in an hierarchical way so that the most important buildings are considered first. This requires planning rather than responding to issues.

The Heritage Act sets out the basis of listing but does not and should not address this level of detail. Consequently, this is a process and management issue.

If a church site is of State significance and there is a sound basis for this, there would be no in-principle objection to a listing proceeding. However, it is critical to the Diocese that consideration is given to how the place may be managed, whether there is potential for development in some form and how constraints may affect the function and operation of the place as a church into the future.

It is important to note that churches, like many heritage buildings, have undergone very significant changes in how they are used over time. There is no consistent approach to this, but traditional church interiors (in particular) do not function for many active church centres. Some church congregations and ministers embrace their traditional form and others seek changes to facilitate changes in liturgical practice. There is a very long tradition of such change in churches and often those changes are now considered significant.

If a church is to be included on the State Heritage Register it is important that the operation of the buildings or sites to be listed is considered as part of the listing and that a clear framework is established that recognises both heritage values and operations, functional and compliance needs. This will vary on every site and has to be a site-by-site process.

A recent example has been the Church of the Holy Innocents at Rossmore. The listing process was co-operative and included provision for agreed future development potential that gives certainty. It also clearly identifies areas of significance and a setting for the church building.

The provisions of the Act in relation to heritage listing appear adequate as they are currently set out.

With regard to church properties the idea of **community nominations, as suggested, is problematic**. Community groups or members can always nominate but tend to do so when they perceive a threat or have a personal issue. Whenever change is proposed to a church (good or bad) there is usually a community reaction. There is a sense of community ownership of church property that is understandable but not correct. It is also noted that churches also are not always communicative when change is anticipated.

With the closure and sale (across Australia) of many churches, community reaction is focussed and listing proposals tend to arise. Without limiting anyone's right to nominate a place, church listings should ideally be the result of a co-operative process between the church and the listing authority, even if views do not always align.

6.2.2 Conservation Management Plans

CMP's can be valuable and useful documents, they can also be a waste of resources and effort when they do not achieve a function beyond simply having one. CMP's, to satisfy the increasingly onerous and often unachievable State requirements for such documents, are also very expensive and time consuming. Unless there is a clear intent to change a place that requires an informed analysis for guidance, sadly, most CMP's are not used and tend to be forgotten or overlooked. Many churches do not even know they have them.

Several recent CMP documents have been prepared for sites after approvals have been granted (as a condition of consent) which would seem to defeat the basic reason for having such a plan. It would be desirable to include as a management policy on a State listing that a CMP will be required in a set of agreed circumstances. This places the managers of the property on notice of what is required and allows them to factor this cost into planning any future works.

As funding any activity on a church site is difficult (as churches are not commercial businesses), it would be highly desirable to focus attention on maintenance and conservation issues and only look to a more major document if change of any consequence is proposed.

As CMP's have a very limited shelf-life (usually no longer than 10 years), a CMP can be out of date before any activity is proposed that may trigger a review and an updated document. This means starting again and, as staff change in the consent authority office, having to redo material that may have been previously accepted.

A CMP should only be required where there is a potential for change and for works or action that requires a detailed understanding of the place. As an initial stage, focus could be on maintenance schedules and seeking experienced input and advice on each place through an annual program and review.

Funding or part funding of heritage advice and preparation of maintenance plans would be an excellent way to conserve State heritage that would minimise costs and have a positive impact on the broader heritage values of the State.

6.2.3 The Act and the role of the Heritage Council and its supporting office

Despite what may be set out in the review document, the Heritage Act is onerous and quite open-ended in how it can be applied. There is in practice very little consistency in the application of the Act by Heritage NSW.

It is onerous as listing a place on the Register places responsibilities on the owner/manager that require approval and there is no certainty about the advice or approval outcomes from the Heritage Council and its staff.

Responses to requests to the office are often not replied to and when they are, are often outside the statutory time frames set out. The responses tend to be heavy-handed and non-responsive to the issues that exist. The experience in dealing with Heritage NSW is very varied and ranges from excellent to extremely poor.

The review discusses being 'customer focussed' but this is not the way in which Heritage NSW operates, it can often be the reverse. There appear to be conflicting views within the office as to what their role is. On the one hand, it is to protect heritage at all costs and prevent any change and on the other hand demolitions and changes are approved that are hard to understand. In my experience there is little interest in threats to listed heritage places and a great focus on details that are of little consequence.

This is a paradox that most likely arises from the individual views of staff that may be at odds with the ethos of the organisation.

Approaching the Heritage office for advice is an unpredictable venture even for people experienced in heritage management. For most churches it is daunting and is avoided.

I note that the Act plays no real part in this stage of the heritage process as it must be prescriptive to be effective. The difficulties arise from the operation and management of Heritage NSW arising from obvious staff shortages and possibly lack of direction or insufficient skilled staff.

While there have been various working groups and committees to look at church heritage issues over time there needs to be a more focussed approach to working with church groups as they (all) face increasing difficulties in managing their significant, complex and expensive State significant sites.

One device could be a 'single point of contact' for a major group such as churches that could assist in overcoming some of the obvious operational issues of the office.

6.2.4 Financial Assistance

The financial grant assistance in its various forms is invaluable to churches on the State Register. It often is the catalyst for undertaking work that would otherwise not be possible. It is probably the greatest practical benefit of having a place on the State Register.

Funding is occasional, as it should be, competitive, which it should not be, and often is based on the quality of a submission rather than the need. The available funding is also very small in relation to the needs and issues of this group of places.

Funding assistance varies greatly from period to period responding to government priorities, number of applicants etc. Much work goes into making a grant application and often that work sees no benefit.

A model that could be successful is, given the relatively small number of Anglican churches listed on the State Register, to work with the church (and other churches) to agree priorities for available funding and for applications to be planned and targeted (not however necessarily guaranteed). This would be another co-operative approach to managing heritage.

Ongoing financial assistance is strongly supported and has allowed many significant buildings to remain in use and be conserved.

6.2.5 Heritage Categories

The proposed heritage categories do not appear to assist in simplifying the heritage controls. If anything, they add a layer of confusion although the notion of simplification may be notionally appealing.

Recognising that there are different types of heritage places is sound. Interestingly, the examples in category 1 in the discussion paper are all Nationally listed places and perhaps that is the trigger to a category of exceptional places. This would also achieve an objective that is not stated which is establishing greater consistency across the different heritage listings that operate.

Of course, while the examples are sound, there are other places that fit this group that have no State listing let alone National listing which places the various registers at odds.

Churches cover all of the stated categories so it is not clear how such a grading would operate.

There are individual sites of exceptional significance, very important landscapes as church complexes often occupy considerable areas of land with churchyards and graveyards, the more regular 'state' items and locally listed LEP items.

If a place is deemed to be of sufficient significance to be included on the State register, it is of State significance, there is no need for further categorisation.

Heritage landscapes must include graveyards and cemeteries as these are extremely difficult elements to work with for most churches. The Act does not address this nuance consequently it requires work beyond the Act.

A useful management tool that could avoid grading sites into 1-4 (with the inevitable perception of downgrading of lower numbers items) would be developing specific 'church exemptions' particularly related to routine activities. These could be prepared as a group with site specific additions and could address all categories. The use of exemptions currently exists but if more carefully applied, better articulated than at present and with appropriate reporting, could avoid much need for lengthy applications.

Where more than minor works are proposed there will always be a need for a full analysis and assessment.

6.2.6 Streamlining and the Heritage Permit Process

The most significant way to streamline heritage approvals is to have a properly integrated system where local government and state co-ordinate and a single approval is issued. This would be a combined DA and Section 60 approval. The current process is difficult, unpredictable and uncertain.

This would be a change to the way in which the Act operates.

Early consultations with Heritage NSW staff are crucial but rarely allowed, site visits for complex sites are also rarely allowed but are also critical to understand issues. Assessments are often made in absentia of actual knowledge of a site. It is not reasonable to expect an applicant, particularly a community-based applicant, to provide information that is the responsibility of the office to prepare. This is a matter of resourcing and undertaking the assessment role competently.

Improved internal processes and the ability to engage with applicants would reduce wasted applications and move towards a consistent approach Heritage NSW.

The provision of consistent advice is also critical, irrespective of changes of staffing, to avoid often contradictory advice on the same issue from different Heritage NSW officers.



6.3 Conclusions

It is the experience of the church that the Heritage Act, while not perfect, is not the problem when it comes to working with State listed properties. Most of the issues are related to the operation of Heritage NSW and the matters noted earlier such as slowness or lack of response, inconsistent advice, advice that does not reflect the provisions of the Act and are cumbersome and hard to understand approval regime.

Any change to the Act should consider changing the approval process to bring it into line with Council approval processes and to integrate State assessments with council assessments. Where delegation of state assessment has taken place (as at Sydney City), the process is vastly improved, decisions are more consistent and easier to understand.

The Anglican Diocese of Sydney is happy to work with the government to manage significant buildings and is appreciative of the assistance and funding that has been provided.

As a long-term practitioner who assists many churches with their properties and applications I have responded to the review in ways that I believe would benefit church heritage assets, congregations, the community and government.