

**Submission
No 66**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: The Glebe Society Incorporated

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REVIEW OF THE HERITAGE ACT 1977

INTRODUCTION

The Glebe Society

The Glebe Society Incorporated (TGSi) was established in 1969, primarily to defend the highly intact built and social heritage fabric and amenity of Glebe. Shortly thereafter, the 1974 Federal Government purchased "The Glebe Estate" from the Anglican Church, noting that the Estate represented one of the few remaining intact urban townscapes in Australia.

It should never be destroyed. Appropriate legislation and regulation alongside broad community engagement at all levels is required to ensure the value of the place is preserved as a legacy to an early inner Sydney aesthetic.

The suburbs of Glebe and Forest Lodge contain 12 State listed items, 185 locally listed items, and 8 Heritage Conservation Areas.

The Society's membership exceeds 400 and over time our pillars of engagement have broadened to include community and environment along side a unique heritage. Our members are well versed in the heritage value of Glebe, some are authors of respected reference books relating to the heritage of Glebe and many have contributed to the research contained within the State Heritage Inventory and State Heritage Register.

We are the community focal point for advocacy towards making Glebe a better place to live alongside the preservation and enhancement of Glebe's built and social heritage.

Our very significant exposure to heritage and community makes TGSi highly credentialed to make an informed submission that should not be disregarded by those pursuing another agenda.

NARRATIVE

The narrative of the discussion paper appears very much an internal view of the current heritage environment as seen by the agencies of the State Government - the Heritage Council and the Heritage Office of NSW.

The theme of the review process is projected diagrammatically as (1) making heritage easy, (2) putting heritage to work and (3) making heritage relevant (Page 7 discussion paper).

The suggestion is that the activation of NSW heritage is the responsibility of private heritage owners of State listed items that will only qualify for financial incentive initiatives if they have an economic rationale.

That is a very narrow and devious approach by short term thinkers and not what is expected of a visionary Government advised by qualified and creative expertise.

The terms of reference, whilst broad, do not reflect global best practice in heritage values of preservation, adaptable reuse, education, and promotion.

RECOMMENDATIONS

It is time for a penetrating regulatory framework that embraces all heritage in NSW, be it local or State, a single item, precinct or landscape, that elevates the contribution of heritage to the collective NSW identity, character, and community, creating great places to enrich the relationship between the past, the current and the future.

This submission therefore makes the following 6 recommendations.

1. Redefine the NSW community in the context of heritage
2. Review the Objects of the Heritage Act
3. Strengthen the Administration of the Act and its Regulations
4. Repurpose Heritage in NSW
5. Add Value
6. Create a great legacy

Detailed commentary in relation to each recommendation follows.

1. Redefine the NSW community in the context of heritage

The recognition of the need for heritage to interact and engage with a broad community is in contradiction with much of the content within the discussion paper.

The discussion paper reads:

“Heritage is intrinsically values-based. In order to remain meaningful to and supported by the broad NSW community, the community needs to understand and appreciate its importance. Similarly, the heritage system should respond to and reflect the interests and values of the community. Heritage promotion and engagement, done well, can both strengthen community support for heritage, and ensure that the State’s heritage remains relevant to and cared for by future generations.”

On the face of it, this is a highly desirable “statement of intent”, albeit effectively casting complete responsibility on to the community. But is pure spin unless the “community” is redefined, is inclusive and is accountable.

The opportunity to successfully respond to this challenge is lost unless the Heritage Act reaches all corners of the State, and all of its diverse communities.

There needs to be a common thread of value based responses to heritage elevation, shared equally across a broad community network of State and Local Governments, politicians, private and public owners, planners, architects, developers, economists, philanthropists and the general public.

This is the community that must be the audience to a responsible Heritage Act.

An effective Heritage Act cannot be a piece of legislation that is selectively turned off for the benefit of certain sectors of the community whilst disadvantaging others.

2. Review the Objects of the Heritage Act

The objects of the Act should focus on the expectations of an enlightened and critical population whose values and priorities no longer reflect those of 1977. This review process must therefore result in a strengthening of the Act, rather than any weakening of it in the pursuit of modernity.

The objects should therefore be modified to read:

- (a) to promote the social, cultural and economic contribution of NSW heritage,*
- (b) to preserve and conserve the built, natural, Indigenous and social heritage of NSW,*
- (c) to continually identify and register all items of heritage contribution in NSW,*
- (d) to provide the efficient mechanisms for protection of all items of heritage contribution in NSW,*
- (e) to incentivise the adaptive reuse of all public and private items of heritage contribution in NSW,*
- (f) to constitute the Heritage Council of New South Wales and confer on it, functions and accountabilities relating to all items of heritage contribution in NSW,*
- (g) to provide leadership and assistance to owners and other stakeholders with the preservation and conservation of all items of heritage contribution in NSW*

3. Strengthen the Administration of the Heritage Act and its Regulations

Strengthening the relationship between heritage and the future direction of NSW must commence at the top levels of Government. It will require a long term informed and dedicated mindset.

The recent public disagreement between two senior Government Ministers over the future of the State listed White Bay Power Station demonstrated a lack of heritage appreciation at a senior level and the failure of successive Governments to map out a future for this building. This is not an isolated case.

It also demonstrates the failure of the Heritage Council of NSW and or the weakness of its authority to inform, generate policy and lead successive Governments to responsible outcomes. The same applies to the State listed Glebe Island Bridge which has been closed and falling into an alarming state of disrepair for over 25 years.

An intention of the original Heritage Act, amongst others, was to require NSW Government Agencies to care for their heritage items (Page 6 Discussion Paper).

Clearly this has not happened.

TGSI questions the role of the Heritage Council in other recent Government policy directions, notably the Powerhouse Museum and the Willow Grove controversy at Parramatta.

The NSW Government acknowledges that approximately 66% of all State listed heritage items are owned by its Agencies, and yet the narrative of the discussion paper is directed to educating and incentivising only private owners of State listings to activate NSW's heritage.

The current Act is misdirected, and its administrator, the Heritage Council is distanced from, and under resourced to effectively service the wider NSW community. There is confusion and diminished respect of the adherence to the procedures necessary for heritage custodianship and preservation. Respect has been misplaced with mistrust of any Government commitment to meeting the challenges expected of it to responsibly identify, preserve and adapt all heritage assets across NSW.

The practice of citing "State Significant Development" as the basis for sidestepping established planning controls and overlooking heritage preservation shows contempt for the democratic process and a complete lack of appreciation for the value of heritage to place.

If heritage is a serious agenda item in NSW, the State Government must surround itself with an appropriate level of expertise capable of creating policy that is best practice amongst world peers.

Without that expertise a balanced debate followed by responsible policy decisions cannot occur.

Membership of the Heritage Council must be by professional merit, with a collective expertise in the fields of landscape, regional, urban, social and Indigenous heritage. Nomination should be on a professional footing, and not a political appointment.

The perception of the Heritage Council is one of strangulation and stagnation, shut out and left out, and is neither bold nor courageous.

A reinvigorated Heritage Council or its successor, must be provided with wider powers, expanded resources, and superior technology reporting to a senior Minister with the authority to intersect and cut through other policy initiatives that ignore any understanding of the contribution of heritage to NSW.

4. Repurpose Heritage in NSW

The discussion paper reads:

"We are also still learning about the contribution that heritage makes to our daily lives. While heritage has a very clear cultural and educative value, it has also been shown to contribute to a sense of identity and well-being, to benefit local economies and to promote social cohesion. Helping the community and decision-makers to understand these many benefits could deliver increased support for heritage conservation."

What is the purpose of the Heritage Act?

The Heritage Act was first introduced to halt the loss of heritage as a result of increasing threat of overdevelopment. Whilst the Act has been amended to reflect changing circumstances it now falls far short of responding to a community seeking an Indigenous relationship and a request for a holistic recognition of heritage alongside sustainable and creative environments in which to live and work - never more so than now as a result of the global pandemic.

Given that heritage in all its forms can and does contribute to a sense of place, identity and well being, promoting social cohesion whilst simultaneously stimulating local economies, it is time for a regulatory framework that embraces the heritage of NSW in its entirety,

There are approximately 1740 State listed heritage items in NSW. There are in excess of 40000 locally listed items and almost 200 urban Heritage Conservation Areas that are not, but should be protected by the same legislation. (Source: National Trust NSW)

It is inconceivable that a review of the NSW Heritage Act would continue to promote the segregation of the NSW heritage listing system when there is the available technology to reap the rewards of consolidation, efficiency and consistency.

The current system of listing items of State significance under one piece of legislation, whilst listing local significant items and Heritage Conservation Areas under different legislation, registers and indices, loosely administered by either the Heritage Council or local Councils is confusing, cumbersome and inefficient.

The proposed category system places a wedge between community sectors, weakening the intrinsic worth and value of our very unique heritage. The system suggests, for example that a significant landscape with a large curtilage, is of greater heritage value and intrinsic worth than an inner city intact Heritage Conservation Area. This is not necessarily the case and there are many instances where the reverse may apply.

Well drafted NSW heritage legislation therefore requires an integrated and coordinated regulatory system capable of delivering reliable and consistent outcomes across NSW, regardless of local or State significance, private or public custodianship, a special place or an entire urban or regional precinct.

5. Add Value

Heritage is intrinsically values based (Page 20 discussion paper).

The cycle of "investment in heritage" that adds to the "understanding of heritage" further adding to the "value of heritage" is diagrammatically highlighted on page 20 of the discussion paper.

It is self perpetuating, The greater investment will lead to a greater level of understanding which in turn will lead to the greater value of heritage, but the levers need to be put in place.

Those levers include the previous commentary in this submission. Additionally the following levers are imperative to adding value.

- A holistic and inclusive attitude
- Consistent recognition of the many heritage layers, Indigenous and non Indigenous
- Recognition that built heritage is both place and item
- Incentivisation of heritage custodianship and listing as a privilege and not a penalty
- One egalitarian register of all listings
- Simplified technology that is user friendly
- Delisting not to be at the discretion of the custodian, be it private or public
- Effective and timely powers of compliance and enforcement

6. Create a great legacy

The Minister's Forward in the discussion paper reads:

"Heritage is our legacy. It is the stories, memories, and collective experiences of our state in physical form. Heritage items of special significance play an important role in our community whether it be sparking joy, bringing people together or encouraging reflection. Our heritage deserves to be protected and cherished."

The current inconsistent legacy can be displayed pictorially. The discussion paper, on the last page includes a picture of the Pymont Bridge with the citation ...

"This heritage activation project is an example of how government can repurpose a significant heritage asset no longer used for its original purpose."

The Pymont Bridge restoration is a good example of our legacy.

The Glebe Island Bridge is a bad example of our legacy.

The Glebe Island Bridge (opened 1903) and the Pyrmont Bridge (1902) are both extraordinary examples of electrically operated steel swing bridges and are the two oldest bridges on Sydney Harbour. They were considered as innovative contributors to bridge construction at the time and attracted international attention. The prestigious journal "The Scientific American" included a special supplement about the construction of the Glebe Island Bridge in its February 6, 1904 issue.

Both were designed by then NSW Public Works Engineer, Percy Allan.



Image of Glebe Island Bridge courtesy of Phil Vergison

Glebe Island Bridge was Gazetted for listing on the State Heritage Register on 29 November 2013.

Notwithstanding its recognition as a heritage item worthy of State listing, it has remained in a state of disrepair (and considered for demolition) ever since. Is this an example of the legacy this State wishes to pass on?

Neither the Heritage Act nor the Heritage Council has ensured that its owner has cared for it. It has in fact allowed the owner to ignore it.

This is neither a good example of effective legislation nor a good legacy.

FINALLY...

It has been demonstrated the world over that vibrant, healthy, engaging, prosperous and liveable places manage to protect and re use many significant layers from the past while facilitating growth.

To do this the NSW community needs an integrated, rather than a fragmented heritage system along side a well-resourced Heritage Council and Office which is a centre of expertise that can lead and inspire, effectively putting the case for heritage within Government and to the public.

This would be a great legacy.

PRESIDENT
26 June 2021