

**Submission
No 69**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: Friends of Quarantine Station

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NSW Legislative Council Standing Committee on Social Issues
Parliament House
Macquarie St
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Submission via website

Submission in response to Discussion paper re Review of NSW Heritage Legislation

The Friends of Quarantine Station Inc (FroQS) is a community organisation of over 20 years standing, dedicated to the protection and preservation of Quarantine Station at North Head, Manly, NSW. FroQS has membership from across Sydney and NSW as many people recognise the importance of this unique site and the surrounding areas, which together are part of Australia's National Heritage.

Beyond that, several of our members bring professional expertise in heritage matters and many are very aware of the significance of heritage sites in Sydney and across the NSW landscape. We seek to ensure that any review of the NSW Heritage Act strengthens the protection of our State's heritage and that opportunities for weakening of that protection are not introduced, either as intentional changes or inadvertently.

The importance of our heritage places as part of our shared identity and sense of place, the opportunities they provide for employment in tourism based on their conservation and adaptive re-use, and the links of these to environmental restoration and building of resilience in a changing climate are increasingly recognised by many in the community.

As Minister Harwin records in his Foreword to the Review Discussion paper, "*Our heritage deserves to be protected and cherished*".

It is in this context that we provide this letter of submission. We do not attempt to address all of the focus questions raised in the Discussion Paper, but rather focus on matters of greatest concern to our members.

Heritage Act 1977 objectives

The high level objectives of the Act generally remain relevant and should not be modified in ways that increase economic returns over heritage preservation. Already significant heritage places have been lost to economic development, rather than better considering adaptive re-use of places consistent with the overarching precautionary approach of the Burra Charter. As the guiding document for the management of 'places of cultural significance in Australia' consistent with international standards for the management of such sites, the Charter should 'set the standard of practice' for heritage management in New South Wales, namely "*Do as much as necessary to care for the place and to make it useable, but otherwise change as little as possible so that its cultural significance is retained*"¹.

¹ Australia ICOMOS (2013). The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance Burra Charter. Australia ICOMOS Inc, Deakin University, Burwood, Vic

'State Significant' designation of development proposals under the provisions of the Environmental Planning and Assessment Act should not override the objectives of the Heritage Act.

Perceptions, referred to in Minister Harwin's Foreword, that "*heritage listing can be a burden*" are often misplaced and should be better addressed through a greater emphasis on the high level objectives of 'promoting an understanding of the State's heritage'; 'encouraging the conservation of the State's heritage' and 'encouraging adaptive reuse of items of State heritage significance'. Such initiatives will assist in better aligning 'the expectations of the contemporary NSW community' with identification, protection, conservation and presentation of these important parts of our cultural fabric.

Incentives for heritage conservation

As recognised in the Discussion Paper, ownership and responsibility for the preservation and ongoing management of heritage places relies on a diverse range of individuals and organisations – government agencies, private individuals, not-for-profit community groups, religious organisations and the corporate sector. Each of these might be encouraged or assisted in meeting the objectives of the Heritage Act in various ways.

Advice, financial incentives and conservation grants need to be better and more consistently available to heritage owners and managers to restore, adaptively use and manage, and promote the significance of their sites. Such funding might come from a public funding for a combination of stewardship payments, tax incentives and philanthropic investment, and revolving funds targeted to support for public good outcomes.

Heritage identification and listing

The proposal "*that NSW adopts a more nuanced set of four heritage listing categories*" is not supported. Community members already struggle with understanding the roles of Commonwealth, State and Local Governments in addressing the existing hierarchy of heritage places (World, National, State and Local). Surely administrative arrangements, based on expert advice, can be developed that make clearer the levels of permissible change, management and support available for different places, without the need to prescribe in regulation different categories of listing. 'Perceived' constraints should be rectified through appropriate public information and education, rather than through regulation.

Decisions on whether or not to list an item on the State Heritage Register should be based on merits, as assessed against the legislated heritage criteria, without undue influence of economic use.

Community-driven nomination processes

Experience among our members indicates that where the community has opportunity to nominate a National Heritage item/place, a threatened species or a threatened ecological community under the provisions of the Commonwealth EPBC Act, such nominations stimulate greater community interest in, and awareness of the ongoing conservation, identification and registration of those and other places of value to the State's cultural identity.

Periodic review of listings

Provision for periodic review of heritage listings appears to be a double-edged sword. In some instances, a review may be beneficial in ensuring that the listing properly reflects the value of the item. However, in other cases this will likely be used by unsympathetic owners or would-be developers to enable delisting by neglect – an outcome too often seen at Local Government level.

Heritage promotion & engagement

As discussed briefly above, greater involvement of the community in nominating heritage items/places would be beneficial in enhancing wider understanding of the State's heritage and its important place in our shared cultural identity. To this could be added community grants to assist interested community groups to actively engage in Heritage Week and other regular promotional activities.

Heritage tourism

As the Q-Station private hotel at North Head illustrates, corporate leasing of heritage places under strict conditions developed in consultation with interested community groups and individuals, can play an important part in enhancing heritage tourism. There are many places around the world that benefit from a growing interest in history and heritage, and whether modelled on the South Australian Heritage Tourism Strategy or other examples, NSW could benefit from this focus, provided it is carefully developed with the conservation of heritage values paramount.

Recognising, respecting and conserving Aboriginal cultural heritage

One other matter, not clearly fitting within any of the topics for comment in the Discussion Paper, requires urgent attention.

It is now at least a decade since Aboriginal people in New South Wales first sought separate Aboriginal cultural heritage legislation through which they can achieve self-determination and custodianship of their heritage. Too often, Aboriginal heritage is seen in the community (and sometimes by governments) as objects and artefacts made by humans, whereas much of Aboriginal heritage relates to places which have spiritual or other non-material properties.

It is important that the significance of Aboriginal heritage as something that underpins all land use in Australia is reflected in stand-alone Aboriginal Heritage Protection legislation, developed in close consultation with Aboriginal peak bodies and Traditional owners, rather than being embedded in either the National Parks & Wildlife Act 1974 or the Heritage Act 1977.

Friends of Quarantine Station welcomes this opportunity to make input to the current review of the NSW Heritage Act. We reinforce our view that, properly used and resourced, the Heritage Act has the potential to deliver sound heritage outcomes without impeding economic development.

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Prepared for & in close consultation with other members of Friends of Quarantine Station

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