

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: APA Group

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APA submission

NSW Heritage Act 1977
Review Discussion Paper

27 June 2021





The Honourable Peter Poulos MP
Chair
NSW Parliamentary Committee on Social Issues

Lodged online

27 June 2021

APA Submission to the NSW Heritage Act Review Discussion Paper

Dear Mr Poulos,

Thank you for the opportunity to provide comments on the *New South Wales Heritage Act Review Discussion Paper* (Discussion Paper). APA supports the review and considers that the broad objectives of the Heritage Act 1977 (the Act) are still applicable.

APA is a leading Australian Securities Exchange (ASX) listed energy infrastructure business. Consistent with our purpose to strengthen communities through responsible energy, our diverse portfolio of energy infrastructure delivers energy to customers in every state and territory on mainland Australia. As well as an extensive network of gas pipelines, we are also one of the largest owners and operators of renewable power generation assets in Australia.

Our submission below provides answers to questions raised in the Discussion Paper that are relevant to APA. If you wish to discuss our submission in further detail, please contact me

Yours sincerely,

Patrick Waterson
Heritage Lead
APA Group

Responses to discussion paper questions

Focus Question 2: How should Aboriginal Cultural Heritage be acknowledged and considered within the Heritage Act?

This is for First Nations Peoples to determine and advise.

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

The broad objectives are still applicable.

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

The overall objectives of the Act are high level and still valid. The Act must provide adequate protection, but this needs to be balanced with the rights of interested parties, the ongoing use of heritage places, and effective processes that are consistent with the current level of funding and administrative support.

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

The standing exemptions could be clarified and expanded to facilitate the installation of commercial and domestic (both transmission and distribution) gas services in historic heritage places. At present, Standard Exemption 5 only refers to Mechanical, Electrical and Plumbing. While this implies it relates to gas services, it would be preferable if this could be made explicit.

The standard exemptions could also be modified to bring them into line with other states that permit fixings into repairable fabric like mortar and small sized openings up to a defined size. This would still limit any impacts to heritage places, facilitate adaptive reuse and reduce the number of routine service actions that require approvals. Exempt works could be undertaken in accordance with approved methods/guidelines.

Similarly, the repair and maintenance of existing infrastructure assets that traverse state heritage places could be managed through site specific or thematic exemptions and guides.

Focus Question 8: How could tailored heritage protections enhance heritage conservation?

From an industry perspective, the concerns should still be about managing significant values and not an arbitrary emphasis on exterior versus interior aspects of a heritage place. To enable adaptive reuse of most historic buildings they will need new or updated services, which must inevitably enter from the outside.

There can be issues with some gas services as national standards have changed and gas meters must be accessible and well ventilated, meaning they can no longer be installed in enclosed spaces. While there are well established ways to facilitate the installation of services to limit impacts to heritage places, this can be complicated on commercial and institutional buildings in business districts as they are frequently built to the property boundary and do not always have viable, unobtrusive open spaces. Development of standards and guidelines that address such issues (e.g. the use of a discrete, colour

matched cowlings over meters) in appropriate locations could reduce regulatory burden, facilitate improved safety, lower costs and time delays to owners.

Focus Question 9: How should heritage items that are residential properties be accommodated under a proposed category scheme?

The use of site specific and asset class exemptions should take into account the full suite of common services and provide more comprehensive guides to appropriately install them; while this is currently done, it could be expanded and improved.

Focus Question 11: Would streamlining enhance the listing process?

The notification of parties affected by heritage nominations and listings needs to be comprehensive and include infrastructure owners with easements. APA operates linear infrastructure such as gas pipelines that run through extensive areas. As the pipelines are usually located in an easement, APA is not always regarded as an owner or tenant under the Heritage Act. Operation of an asset can be potentially impacted by the heritage listing but APA has no formal opportunity to provide input, including about site specific exemptions that could be recognised at the time of listing.

It is also important that the listing process has a formal timeframe to ensure it is resolved in a timely manner. The proposals to enable community preliminary nominations and to more readily amend entries to keep them current are both supported in principle.

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

More effective use could be made of the standard exemption, especially if it were supported by endorsed guidelines regarding certain types of works. The system could also be improved by considering site specific exemptions that could be readily incorporated into the revision of site entries.

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

The rationale for the use of cost as a determinate for approval levels is understandable, but it lacks nuance and is not linked to significance. Linear infrastructure and utilities can be expensive to install and repair, but the works may only affect a small part of a larger heritage listing, and/or have no impact on the heritage values of the place. A flexible system that is linked to impacts and significance is supported.

Focus Question 14: How could we improve heritage consideration within land use planning systems?

Ensuring heritage and planning legalisation remain aligned is supported in principle, although the discussion paper lacks details about specific reform proposals.

Focus Question 16: How could heritage compliance and enforcement be improved?

APA agrees that appropriate management of heritage values is essential and the proposed introduction of graduated and proportionate compliance options is supported in principle.



Any new measures should include an initial 'show cause' phase that affords a right of reply before a penalty infringement notice (PIN) is issued. There should also be provision to review or revoke a PIN under appropriate circumstances without the need for court action.



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