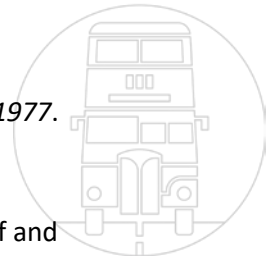


## **INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977**

**Organisation:** Transport Heritage NSW

**Date Received:** 4 July 2021

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02 July 2021

The Director,  
Standing Committee on Social Issues,  
Parliament House,  
Macquarie Street,  
Sydney NSW 2000.

Dear Sir / Madam

**Re: Submission NSW Heritage Act Review**

Thank you for the opportunity to make a submission to the review of the NSW *Heritage Act 1977*.

**About Transport Heritage NSW**

Transport Heritage NSW (THNSW) is a member based organisation, with a small team of staff and substantial pool of volunteers. THNSW was established in 2013 following and extensive review of rail heritage activities initiated by the NSW Government.

THNSW is best known for operating:

- The NSW Rail Museum, Thirlmere, open seven days per week.
- Weekly heritage train services on the Picton – Mittagong Loop Line between Thirlmere and Buxton. This line is about to be upgraded and extended with the support of the NSW Government.
- The Valley Heights Locomotive Depot Heritage Museum, Valley Heights, including steam tram rides, open two weekends per month.
- Regular mainline heritage train services on the NSW rail network including with recently restored steam locomotive 3801.

THNSW also works closely with and supports approx. 35 volunteer community-based heritage groups who either run local museums or heritage operations with historic transport items.

A complete list of the organisations we work with and whether they look after SHR/S170 items can be found in **Attachment 1**.

THNSW has entered into arrangements with Transport for NSW (TfNSW) to manage a discreet portfolio of transport related heritage assets – predominantly rail assets (currently) owned by the NSW Government via the Transport Asset Holding Entity (TAHE). This portfolio includes nine (9) SHR and two (2) S170 listed properties/precincts and four (4) SHR and 236, S170 listed heritage items. In addition THNSW also manages its own collection of transport heritage assets acquired over many years.

As part of the arrangements with TfNSW, THNSW can provide financial assistance to groups to assist in maintaining the NSW Government owned heritage assets and through a small, devolved grants funding program (Transport Heritage Grants Program) provide support to groups caring for or seeking to display and interpret transport heritage items, not owned by Government.

More information about THNSW can be found at: [www.thnsw.com.au](http://www.thnsw.com.au)

## NSW Heritage Act Review

On behalf of THNSW I wish to raise three issues in relation to the review of the *NSW Heritage Act 1977*.

1. Moveable Heritage on the State Heritage Register (SHR) and listed under Section 170;
2. State Heritage Register listed properties; and
3. Heritage Promotion and Engagement and Heritage Tourism.

Overall, we believe the *NSW Heritage Act 1977* and its seven high level objectives remain relevant and appropriate in 2021. We believe the past does and should have a future and provides important opportunities to create a sense of community and place and is a source of community pride and cohesion.

We believe some changes to the Act are potentially required particularly with respect to moveable cultural heritage - see discussion below. We also believe that some of the concerns and issues that have led to the review may more correctly be concerns about the procedures, processes and assistance that is available from Heritage NSW to those involved in working with SHR / S170 listed items. With that in mind we believe the advice, support and guidance available from Heritage NSW when applying the Act needs to continue to evolve to incentivize and support the objectives as outlined in the discussion paper of making heritage easy, putting heritage to work and making heritage relevant.

Additional resourcing of Heritage NSW and funding opportunities for those involved in preserving and presenting heritage should also be considered. I.e. a review of the *NSW Heritage Act 1977* alone, without a corresponding review of resourcing available to support the outcomes sought, may not resolve some of the issues.

### 1. Moveable Heritage on the State Heritage Register (SHR) and listed under Section 170.

The inclusion of moveable heritage assets on the SHR is often overlooked entirely (including in the discussion paper for this review).

The SHR contains approximately 50 listings of a seemingly random assortment of collections and individual items with no underlying theme or strategy. Listing on the SHR is nomination based, rather than strategically planned. It is recognised that in some instances moveable items are connected to a place and are encompassed in the listing of that place however there are also moveable items which can either be associated with many places or no specific place and yet are still significant heritage items and potentially worthy of protection and possibly listing. Transport items tend fall into this category. I.e. iconic locomotives that operated throughout NSW, iconic ferries and buses that operated all over Sydney.

There are many moveable heritage items of significance to the history of NSW. Many have found their way into the collections of public museums however not all of these items reside in public collections. i.e. Similar to heritage properties moveable items can be owned publicly either via a government department, agency or a publicly funded museum or gallery or privately by individuals or organisations. THNSW works with community organisations and private owners of important moveable heritage items to ensure their preservation and make them accessible to the general public.

Moveable heritage is a separate area of expertise to 'built' heritage and more involvement from the Gallery, Library and Museum (GLAM) sector in the management of moveable heritage on the SHR / section 170 could be considered. If moveable heritage is to remain on the State Heritage Register, there should always be someone with moveable heritage expertise appointed to the Heritage Council. **(Focus Question 1)**

Section 170 registers are where more moveable items are currently recorded.

THNSW manages over half the moveable heritage objects currently listed under Section 170. THNSW also manages four moveable heritage objects (under one listing) on the SHR.

We are aware there has been some criticism of Section 170 listings from the wider heritage industry. In our experience, there is a place for Section 170 listings and the requirements are appropriate and easily understood and complied with and we find this category of listing to be useful and meaningful in managing our moveable heritage assets.

We note however that Section 170 registers are a requirement for government departments and agencies. Once items leave government ownership they effectively disappear from the register. There are many significant heritage items for NSW that have been acquired by collecting institutions big and small over the years and yet there is no central record of these items / collections. Some of these significant items are at risk due to under resourced and over stretched community group's ability to care for them. This is particularly the case with transport objects which tend to be large technology objects.

Protection of moveable heritage is not coordinated at the state level. At the Commonwealth level the Protection of Moveable Cultural Heritage Act prevents the export of heritage items deemed significant to the nation's heritage. The National Heritage Fund has been established and can be accessed to acquire items for public collections in certain circumstances. No such protections or fund exists at the State level to protect moveable heritage items significant to the State from leaving the State or to acquire them.

See case Study **Sydney Bus Museum Attachment 2:**. This bus is considered highly significant and is not on any official heritage register. The conservation and restoration of this bus was supported via a grant from THNSW under the Transport Heritage Grants Program.

**Recommendation:**

That the Review of the *Heritage Act 1977* consider the needs of moveable heritage items and how they may be dealt with, or not, under the NSW Heritage Act.

**2. State Heritage Register listed properties:**

THNSW works with volunteer groups who managed SHR listed properties. In our experience volunteer groups find it very difficult to navigate the exemption/ Section 60 approval process for works to SHR properties and require increasing levels of support from THNSW when seeking exemption / Section 60 approval from Heritage NSW.

The newly introduced 'streamlined' application process has made things even more difficult and the loss of many standard exemptions has halted much of the maintenance work conducted by volunteer groups involved in caring for these SHR listed properties.

THNSW operates in the heritage industry and the groups we work with are invested in protecting heritage, yet many find responses from Heritage NSW to often be oppositional and lacking in guidance.

The volunteers who manage the properties are protecting them and maintaining them to the best of their ability and in most cases lack resources to engage heritage professionals. If the system is too hard or too costly for them to navigate, we risk works being undertaken with no approval process, and/or losing the volunteers involved. This in turn places some of those sites at increased risk of falling into disrepair.

For volunteer groups who manage SHR listed properties owned by the NSW Government, expert advice and guidance through the exemption and application process would be a very powerful incentive to keep working with those properties. **(Focus Question 5)**

The current permit approval process is unwieldy, too demanding and lacks any support from Heritage NSW. The new 'fast track' approvals process has reduced the number of exempt activities and has interrupted routine maintenance tasks by the volunteers we work with. It could be improved by creating an online method of application, bringing back the old list of exemptions and improving response times to applications. **(Focus question 12)**

See Case Study: SHR Heritage Precinct managed by a volunteer group with assistance from THNSW. (The group involved has requested to not be identified). **Attachment 3.**

### 3. Heritage Promotion and Engagement and Heritage Tourism

THNSW recognise the importance of heritage promotion and engagement and conducts many public facing activities that promote engagement with our rich transport heritage. THNSW has directly engaged in initiatives supported by Heritage NSW including the National Trust Heritage Festival and the annual Heritage Awards.

As noted in the introduction THNSW directly operates:

- The NSW Rail Museum, Thirlmere, open seven days per week.
- Weekly heritage train services on the Picton – Mittagong Loop Line between Thirlmere and Buxton. This line is about to be upgraded and extended with the support of the NSW Government.
- The Valley Heights Locomotive Depot Heritage Museum, including steam tram rides, Valley Heights, open two weekends per month.
- Regular mainline heritage train services on the NSW rail network including with recently restored steam locomotive 3801.

In addition, we support approx. 35 community-based groups and organisations many of which are based in regional NSW and all of which have public facing activities and are important local attractions in their area, providing reasons for visitors to stop, explore and learn more about the particular location.

THNSW flagship event is the annual Transport Heritage Expo conducted at Central Station over the June long weekend where THNSW, together with a number of community-based heritage groups such as the Sydney Bus Museum, Sydney Tramway Museum, Lachlan Valley Railway, Australian National Maritime Museum and Rail Motor Society come together in a celebration of our Transport Heritage.

Other major events in this space which THNSW play a significant role include:

- Hunter Valley Steamfest
- Thirlmere Festival of Steam

Both of these events attract thousands of visitors each year to these locations.

Increasingly, digital engagement is an important means of reaching and engaging audiences with heritage. Many groups engaged in heritage preservation struggle in this area with the skills and knowledge required.

Interpretation, education and visitor engagement is also a separate area of expertise and more involvement from the Gallery, Library and Museum (GLAM) sector in the delivery of interpretation, education and visitor engagement could be considered. I.e. someone with this background or expertise should be considered for membership of Heritage Council. (Focus Question 1)

THNSW would support the development of a Heritage Tourism strategy (similar to the example cited for South Australia) in collaboration with Destination NSW, backed with further incentives for the promotion and engagement in heritage including expanded and dedicated grant funding for heritage events, exhibitions, interpretation, signage, digital experiences etc.

See Case Study: Locomotive 3801 Relaunch Program. **Attachment 4**. This case study is presented as an example of heritage promotion, and engagement and heritage tourism. These types of activities need expanded and dedicated funding to help facilitate these types of outcomes.

THNSW would welcome the opportunity to expand on any of these issues with officers of Heritage NSW and/or the Committee as appropriate. I can be contacted

Once again thank you for the opportunity to make a submission to the review of the NSW *Heritage Act 1977*.

Yours sincerely

**Andrew Moritz**  
CEO

## Attachment 1

### Community Groups THNSW works with and whether they have SHR /S170 listed items.

(Current as at June 2021)

Group Name	Museum / Operating group or both	Moveable heritage items listed under S.170 (NSW Govt owned rolling stock)	State Heritage Register built heritage precincts	State Heritage Register moveable heritage (rolling stock - not govt owned)	Eligible for NSW Government Stream 2 funding	Eligible for Transport Heritage Grant Program
Black Diamond Heritage Centre	Museum	No	No	No	No	Yes
Campbelltown Steam and Machinery Museum	Both	No	No	No	No	Yes
Cooma Monaro Railway	Museum/Currently working towards operational status	Yes	Yes	No	Yes (for precinct and rolling stock)	Yes
Crookwell Heritage Railway Inc	Museum/Currently working towards operational status	No	No	No	No	Yes
Culcairn Station House Museum	Museum	No	No	No	No	Yes
Dorriggo Steam Railway & Museum	Museum/Currently working towards operational status	No	No	Yes	No	Yes
East Coast Heritage Rail	Operator	Yes	No	No	Yes (for rolling stock)	Yes
Finley Railway Museum	Museum	Yes	Yes	No	Yes (for precinct and rolling stock)	Yes
Friends of Bombala Railway Station	Museum	No	No	No	No	Yes
Glenreagh Mountain Railway	Operator	No	No	No	No	Yes
Goulburn Roundhouse	Museum	Yes	No	No	Yes (for rolling stock)	Yes
Guyra and District Historical Museum	Museum	No	No	No	No	Yes
Historic Electric Traction	Operator	Yes	No	No	Yes (for rolling stock)	Yes
Illawarra Light Railway Museum	Both	No	No	No	No	Yes
Junee Roundhouse Museum	Museum	Yes	No	No	Yes (for rolling stock)	Yes
Lachlan Valley Railway	Operator	Yes	No	No	Yes (for rolling stock)	Yes
Ladysmith Tourist Railway	Operator	No	No	No	No	Yes
Lake Macquarie Light Rail	Operator	No	No	No	No	No
Lithgow State Mine Railway	Currently working towards operational status	Yes	No	No	Yes (for rolling stock)	Yes
Maitland Rail Museum	Museum	No	No	No	No	Yes
New England Antique Machinery Club	Operator	No	No	No	No	Yes
NSW Rail Museum (THNSW)	Both	Yes	Yes	No	Yes (for precinct and display rolling stock)	No
Oberon Tarana Heritage Rail	Operator	Yes	No	No	Yes (for rolling stock)	Yes
Omnibus Preservation Society	Operator	No	No	No	No	Yes
Rail Journeys Museum, Werris Creek	Museum	No	Yes	No	Yes (for precinct)	Yes
The Rail Motor Society	Operator	Yes	No	Yes	Yes (for rolling stock)	Yes
Richmond Vale Railway Mining Museum	Both	No	No	No	No	Yes
Robertson Heritage Railway Station	Museum	No	No	No	No	Yes
Steam Tram and Railway Preservation Society	Operator	No	No	Yes	No	Yes
Sydney Bus Museum	Museum	No	No	No	No	Yes
Sydney Electric Train Society	Operator	No	No	No	No	Yes
Sydney Heritage Fleet	Operator	No	No	No	No	Yes
Sydney Road Transport Museum	Operator	No	No	No	No	Yes
Sydney Tramway Museum	Both	Yes	No	No	Yes (for rolling stock)	Yes
Temora Railway Station	Museum	No	No	No	No	Yes
Tenterfield Heritage Railway Station	Museum	Yes	Yes	No	Yes (for precinct and rolling stock)	Yes
Valley Heights Locomotive Depot Heritage Museum (THNSW)	Museum	Yes	Yes	No	Yes (for precinct and rollingstock)	No
Wagga Wagga Rail Heritage Station Museum	Museum	No	Yes	No	No	Yes
Yass Railway Museum	Museum	Yes	No	No	Yes (for rolling stock)	Yes
Zig Zag Railway	Operator	No	No	No	No	Yes



**CASE STUDY: SYDNEY BUS MUSEUM - ALBION VENTURER SPCX19W No.1921**

**Background:**

The Sydney Bus Museum is an entirely voluntary group dedicated to preserving Sydney busses. The Albions, including bus number 1921, were synonymous with the Northern Beaches area of Sydney, being the mainstay of Sydney's longest bus route, Route 190, from Wynyard to Palm Beach from 1948 until late 1970.

The bus is not listed on the State Heritage Inventory, but is significant for both its rarity and representativeness.



Albion Venturer SPCX19W number 1921 prior to restoration. (Photo Courtesy Sydney Bus Museum)



### **Restoration by Sydney Bus Museum volunteers**

In 2019 the Sydney Bus Museum received a grant for \$15,000 under the Transport Heritage Grants program administered by THNSW to fund the repainting of historic bus - Albion Venturer SPCX19W number 1921.

The grant enabled the Sydney Bus Museum to repaint the exterior of the bus in its original green and cream livery. Without support from the Transport Heritage Grant program, the Museum would have had difficulty in fundraising such a large amount for one project.

The Albion 1921 project is typical of Transport Heritage Grant Program restoration projects in that it enables both preservation of an historic item and community access to that item. Albion 1921 is now on display at the Sydney Bus Museum and will be operated with public passengers at major transport heritage events when Covid-19 regulations allow.



Albion Venturer SPCX19W number 1921 after restoration. (Photo courtesy Sydney Bus Museum)

**CASE STUDY: SHR LISTED SITE MANAGED BY VOLUNTEER COMMUNITY HERITAGE ORGANISATION**

(The site in question has been deidentified)

**Background.**

The volunteer / community groups THNSW work with are heritage organisations who understand and are passionate about the core principles of the Heritage Act. They work in many cases with limited resources, financial and human. If the system is too hard or too costly for them to navigate, we risk works being undertaken with no approval process, and/or losing the volunteers involved.

**Specific Case**

One group that THNSW work with who run a heritage centre had to work for over 18 months to have their Section 60 application approved. The project was important restoration work on the roof of a significant building within their precinct and was documented in the Conservation Management Plan and Conservation Management Strategy for the site. The group first tried to manage the Section 60 application process themselves for 12 months before THNSW agreed to fund a consultant to work with them on the application. Their application was scrutinized to a level by Heritage NSW that surprised the professional that was brought in to assist them.

More distressing for the volunteers than this, was the long delays the group encountered waiting for responses from Heritage NSW. Waiting between three and six weeks for each response was particularly difficult for a volunteer managed group, which relies on morale and motivation to keep its workforce coming back to site each week. The process took so long that one of their volunteers, who was initially project managing the roof restoration project, ceased volunteering.

Officially, the final application for their project was delayed by only four months, however the volunteers were already exhausted by over a year of trying to communicate with Heritage NSW and their work on the previous unsuccessful submission. THNSW staff noted increased cynicism with the provisions of the Act during that time with comments like “we’re being punished for trying to do the right thing” expressed more than once.

The bureaucracy and procedural requirements around the management of the Heritage Act and its provisions made it extremely difficult for this group to obtain permission to carry out necessary restoration work in their precinct. If the system is too hard or too costly to navigate, we risk works being undertaken with no approval process, and/or losing the volunteers involved. This in turn places some of those sites at increased risk of falling into disrepair.

THNSW believe the project has been completed to a high standard and has improved the conservation of an important structure within the overall precinct. The volunteer group is proud of the completed project and pleased that it has enhanced the visitor experience of their heritage site, however, they are unwilling to manage any further projects that require Section 60 approval.

## CASE STUDY: LOCOMOTIVE 3801 RELAUNCH PROGRAM

### Background:

Locomotive 3801 was built in 1943 by Clyde Engineering and has been in preservation since its retirement from the NSW Railways in 1962.

To the travelling public, the 38 class embodied the romance of the steam era, of express trains racing through the countryside from city to city.

The 38 class remained the darlings of the railways until their withdrawal from service during the 1960s and 1970s. They were the last steam engines built in NSW for passenger operations.

In preservation, 3801 is the only steam locomotive to have travelled to every mainland state and territory in Australia.

3801 was withdrawn from heritage service in 2007, as it required major boiler repairs.

Transport Heritage NSW completed the restoration of 3801 in 2020 (prior to advent of COVID-19) and was finally able to officially relaunch the locomotive on 12 March 2021.



Locomotive 3801 at Sydney Central Station March 2021.

## Engagement strategy:

### Relaunch objectives

Given the significance of 3801 to the people of NSW, Transport Heritage NSW developed an engagement strategy focused on the following objectives:

- Keeping the community informed and engaged (during the final stages of the restoration).
- Generate renewed excitement and affection in the community for 3801.
- Position 3801 in the minds of the community as the pre-eminent steam locomotive in Australia, with a new brand and positioning statement '3801 – a legend of steam'.
- Establish new/additional revenue opportunities (to offset the NSW Government's investment in the locomotive's restoration).

### Relaunch events program

Four key events were developed to relaunch 3801 in the community for the first half of 2021 as follows:

- **Official relaunch weekend (March 2021)**

3801 was officially relaunched at Sydney's Central Station on Friday 12 March 2021 by Her Excellency, the Honourable Margaret Beazley AC QC, Governor of New South Wales and NSW Minister for Regional Transport & Roads, the Hon. Paul Toole MP.

Over 1,500 people were among the first to ride behind 3801 since 2007, as the legend of steam graced the Sydney Trains network with 1-hour steam train rides between Central and Hurstville.

See: [NSW Governor officially relaunches 3801 \(thnsw.com.au\)](https://thnsw.com.au/news/3801-officially-relaunched)

- **Southern NSW Regional Tour (April 2021)**

Following locomotive 3801's official relaunch weekend in March, the engine travelled to Southern NSW to Albury, Wagga Wagga and Junee.

Over the Easter Long Weekend, the town of Albury played host to 3801 with 12 shuttles to Gerogery South and return. The following Friday, 9 April, saw the highlight of the program with 3801 operating three journeys from Junee to Cootamundra and return via the Bethungra Spiral, followed by a program of 10 shuttles between Wagga Wagga and Uranquinty over the weekend of 10–11 April.

In-between events, 3801 was displayed at the Junee Roundhouse Railway Museum (6–8 April), where visitors had the opportunity to access the driver's cab, as well as enjoy the many exhibits on display at the regional-based museum. In addition, the visit to Wagga Wagga brought many visitors to the Wagga Wagga Rail Heritage Association's three areas in and around the station.

Despite restricted numbers due to ongoing COVID restrictions, over 6,000 people enjoyed a ride behind 3801 during the tour and the engine was greeted by thousands, both young and old, keen to catch a glimpse of 3801 wherever it travelled.

See more: [Over 6,000 people enjoy a ride behind 3801 in Southern NSW \(thnsw.com.au\)](https://thnsw.com.au/news/over-6000-people-enjoy-a-ride-behind-3801-in-southern-nsw)



- **Central West NSW Regional Tour (June 2021)**

Thousands of people flocked to stations and railway lines to catch a glimpse of 3801 as it travelled some 2,250km through the Central West of NSW in June.

The tour visited the towns of Bathurst, Blayney, Orange, Parkes and Dubbo, carrying over 7,000 people in just 10-days.

See more: [Central West NSW turns out in the thousands to experience 3801 \(thnsw.com.au\)](https://thnsw.com.au)

#### Online engagement

A variety of content was developed to keep the community engaged with 3801, including video updates and virtual tours, both during the restoration project and following its return to service.

One video alone reached close to 800,000 viewers globally.

#### Financial support and assistance

The restoration of locomotive 3801 and this comprehensive program of activities has only been possible with the financial support of the NSW Government via Transport for NSW.