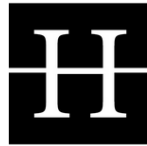


INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: Historic Houses Association Australia

Date Received: 4 July 2021



FURTHER COMMENTS ON THE REVIEW OF HERITAGE ACT

New South Wales was at the forefront of heritage legislation when it introduced the *Heritage Act* in 1977, and this was in no small degree a result of the public support for heritage that grew out of the Green Bans movement in the early 1970s. The Historic Houses Association of Australia can trace its beginning to this movement, and in recognition of this, Jack Munday was for a long time the Patron of HHA, and more recently Judy Munday has taken on this role.

Following consultation with members of the Historic Houses Association and discussion amongst the Properties Committee and Board Members, an initial submission was forwarded to the Parliamentary Committee in mid-May in which it was noted that the submission was an initial response and further comments were planned.

As intended, the initial Historic Houses Association submission was shared amongst members and supporters, calling for their responses so that we might provide additional comments to this review. Additionally, the Historic Houses Association was a Sponsor of the National Trust Forum on the Review of the Heritage Act, and contributed to the Millers Point Community submission to this review. Engaging in dialogue of this nature is central to the mission of the Historic Houses Association.

Through these discussion, the Historic Houses Association has a clearer vision for what it would like to see in the future for the *Heritage Act*, and for the role the Historic Houses Association might have in its management.

SUPPORT FOR CURRENT HERITAGE ACT

The Historic Houses Association would like to reiterate its strong support for the existing *Heritage Act*. In particular, HHA supports the aims and purposes of the *Act*, and believes the focus for change should be in the way the *Act* is implemented.

Currently, Heritage NSW and the Heritage Council manage most aspects of the implementation of the *Heritage Act*. We believe the Heritage Council and Heritage NSW should continue to develop policy and determine which properties are listed on the State Heritage Register, but decisions regarding development applications should be delegated to Local Government, which in turn should receive support from Heritage NSW to ensure Local Government has the resources and skills to manage these day-to-day aspects of heritage.



PROTECTING THE CURRENT *HERITAGE ACT*

Under current legislation, the *Heritage Act* is turned off and does not apply to State Significant Developments and Unsolicited Planning Proposals. The legislation that permits these plans to override the Heritage Act should be reviewed prior to the review of the *Heritage Act* itself. Similarly, since the majority of SHR items are Government owned, these should be subject to at least the same level of protection and scrutiny as privately-owned heritage items.

Heritage legislation in other States does not permit Ministers to be involved in the decisions of Heritage Councils, but in New South Wales, decisions of the Heritage Council are treated as recommendations to the Minister.

There is a perception that Government-owned items on the State Heritage Register are treated more less rigorously than items owned by corporations, and in turn, these are treated less rigorously than items such as SHR residential properties owned by individuals.

There was some acknowledgement in the *Discussion Paper* that indicated residential properties should be treated more simply, but this was through proposing “standard residential properties” be included in a category that would have simpler management.

HHA supports a reduction in the burden of owning a residence on the State Heritage Register, but opposes the proposed system of Categories as a way to achieve this. HHA proposes that residential properties on the State Heritage Register should be provided with greater support together with a reduced financial and administrative burden for managing the property.

The *Discussion Paper* proposes separating items of exceptional significance, and rigorously managing these items to ensure our most iconic items are conserved to the highest standards. Here is an excerpt from the Conservation Management Plan for the former Workers Flats at 46-56 Gloucester Street, The Rocks:

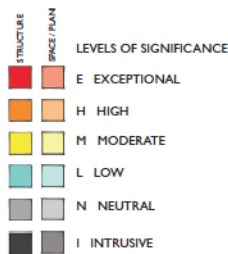
This report outlines the opportunities and constraints which guide how changes need to be managed and recognises the need for contemporary living arrangements within a building of exceptional heritage value.

Overleaf are diagrams from CMPs for three ex-Government properties that were part of the Millers Point sale. Two are former workers flats from the early 20th century, one is an early Victorian pair of townhouses. These represent the range of properties sold by the Government, and in preparing the CMPs prior to the sale of these properties, the Government has ensured that for all three, all of the original exterior fabric and all original interior fabric is recorded as exceptional and coloured red or orange. These properties are:

- 46-56 Gloucester Street
- 7-9 Dalgety Road
- 1-63 Windmill Street



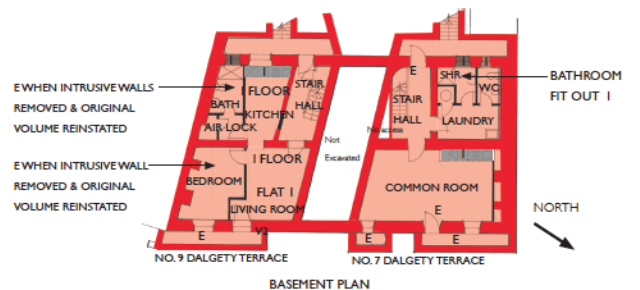
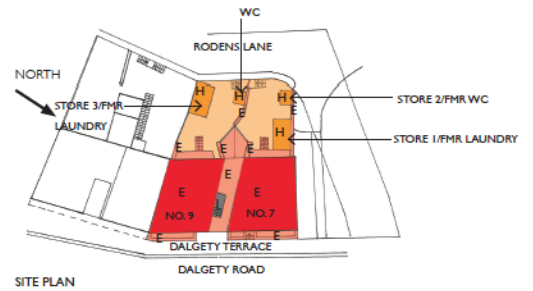
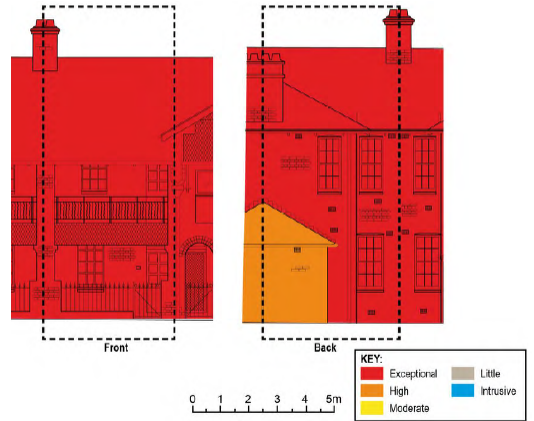
Figure 4.66 Significance gradings—ground floor. (Source: LAHC, with GML overlay 2016)



4.0 Illustrative Diagrams—27 Windmill Street

4.1 Significance of Components Diagrams

4.1.1 Significance of Components—Front and Rear Elevation



Red indicates exceptional heritage in these diagrams from the relevant CMPs. HHA opposes these residential properties in Millers Point and The Rocks, and other residential State Heritage Register items being included in the proposed Category 1 which is reserved for items of exceptional significance that are to be rigorously managed.



AN EXAMPLE OF SIMPLER ADMINISTRATION FOR SHR RESIDENTIAL PROPERTIES

Maintaining records is an important aspect of maintaining heritage. Heritage NSW has been investigating whether owners could record minor works by uploading to Heritage NSW images and descriptions of work undertaken, with the understanding these would not be accessed or reviewed by Heritage NSW, unless an issue arose.

A suggested alternative is that HHA could work with owners to gather and maintain such records for residential properties, which could remain confidential except for agreed images made available for publicly. Then, if a heritage issue arises for a residential property, the owner could allow Heritage NSW access to relevant records.

Some overseas heritage organisations provide a similar record-keeping service for heritage properties and work done on them. If done the right way, owners could present the record to review changes in discussion with Heritage NSW, and at the time of sale as a way of enhancing value — show how work was done, and ensuring work is appropriate for maintaining the heritage value of the property.

REPRESENTATION

Currently there are nine members of the Heritage Council. Eight are appointed by the Minister and one is nominated by the National Trust. The eight nominated by the Minister include people with great capabilities in finance and business. These are useful skills, but there is a risk that the Heritage Council is perceived as politicised when most members represent neither heritage-related occupations nor owning heritage property.

HHA believes members of the Heritage Council should represent organisations such as the Australian Institute of Architects, ICOMOS, association of town planners, landscape architects, and other professional associations connected with heritage.

The Heritage Council should also represent heritage-related community organisations. Currently there is one heritage-related community organisation represented on the Heritage Council. The National Trust nominates a member to represent its interests, and this seems appropriate. The Historic Houses Association is another community organisation that should be represented on the Heritage Council. There is a huge number of residential heritage homeowners whose properties are on the State Heritage Register, and a nominee representing HHA could watch over the interests of this group of SHR owners.

HERITAGE LOTTERY

HHA would like to see a Heritage Lottery, similar to the Opera House Lottery, to raise funds for the maintenance of SHR properties, and to raise awareness at the same time.