

**Submission
No 106**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: Australian Institute of Landscape Architects [AILA]

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Australian Institute of
Landscape Architects

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Government Architect NSW

TO: **NSW Parliamentary Standing Committee on Social Issues**

cc: Heritage Policy team, Heritage NSW
Attention: Damian Lucas,
Lucy Albani and Tannika Dartnell-Moore

AUSTRALIAN INSTITUTE OF LANDSCAPE ARCHITECTS (AILA) SUBMISSION Review of NSW Heritage Act (1977) & Regulation (2012)

Minister Don Harwin - Call for initial response to Discussion Paper, April 2021 to a
Parliamentary Committee Public Inquiry and NSW Government Working Group:
www.heritage.nsw.gov.au/what-we-do/nsw-heritage-act-review/

PREFACE

The Australian Institute of Landscape Architects (AILA) leads a dynamic and respected profession: creating great places to support healthy communities and a sustainable planet.

The Australian Institute of Landscape Architects (AILA) is the peak national body for Landscape Architecture. AILA champions quality design for public open spaces, stronger communities and greater environmental stewardship. We provide our members with training, recognition and a community of practice to share knowledge, ideas and action.

A central purpose of the AILA (NSW) is the Landscape Heritage Group to inform, inspire and enrich the culture of the discipline of landscape architecture in Australia and particularly the identification and understanding of both natural and cultural landscapes in NSW together with the role of such knowledge in the processes of planning and design.

In response to the Review of the NSW Heritage Legislation, AILA (NSW) formed a Working Group of experienced, knowledgeable practitioners and academics to provide the following comments towards improved outcomes in terms of landscape heritage for New South Wales in the legislative review

process. We make some general points relative to landscape heritage conservation and management and then respond to the Draft Review focus questions; see Table 1.

BACKGROUND

The international context at the time the Act was first drafted is well documented. The ICOMOS - International Federation of Landscape Architecture (IFLA) International Committee for Historic Gardens was established in 1971, resulting in the Florence Charter in 1981. In Sydney, the conservation movement found local expression in the Green Bans 1971- 1975. People of opposing political views were united on the need to conserve the public landscape asset. The culture of care they inspired, and the trust the public subsequently placed in Government to protect these hard-fought public places could be recognised as formative to the Act.

Lessons are to be learnt from allowing incremental urban sprawl right up to historic building envelopes, without respecting heritage assessment of landscape curtilage, as evident across the Cumberland Plain, after the recommendations of Colonial Cultural Landscapes of the Cumberland Plain and Camden (Morris & Britten 2001). These lessons have informed the AILA (NSW) Landscape Heritage Report 2018², supported by Office of Environment and Heritage and Heritage Council NSW and prepared by Christine Hay, Colleen Morris and James Quoyale, to model a landscape approach to listing. The case studies in the report are examples of how heritage understanding brings the past, the present and the future together.

RECOMMENDATIONS

1. The 'features' distinguishing Categories 1 & 2 are confused. Research, as a prerequisite, must form the basis of these tier/category changes and the criteria that define them. All places should be subject to rigorous studies, as has been undertaken under the current Heritage Act 1977.
AILA recommends the purposes of the Act remain, as they are equally or more relevant today. In addition to strengthening existing purpose, the act of stewardship of our heritage places could be incentivised within the purpose of the Act, though conservation grants and taxation relief.
2. The language around the provisions of the Act is important. In the Discussion Paper, Table 2, Category 1 it can be assumed that these heritage places will be well protected including such landscapes as Willandra Lakes Region. We recognise the subtle introduction of 'State significant landscapes and areas with large curtilages' and the notion of 'groups of landscapes' that begin to adopt a landscape approach to listing, as recommended in the AILA Landscape Heritage Report. While these changes are commended, they are given less protection than the Category 1 'items'. **AILA recommends this Category 2 be refined to allow stronger protection.**
3. Custodianship activation in the post-COVID environment, responding to the rapid and intense appreciation of public parks is a dilemma. For example, custodianship has to mediate activities to prevent these places being 'loved to death'. Centennial Park is an example of a landscape of mature trees within a designed setting that emulates a natural environment. 'Activation' can enhance the existing sense of place. A strategic approach to this dilemma is presented by the UK based initiative by the Victoria & Albert Museum "Culture in Crisis: Heritage Protection in a Post- COVID Landscape". However, 'activation' if not informed by research and designed by

qualified Landscape Architects with heritage experience, can allow unsympathetic land uses to proliferate in public open space to the extent that they diminish the sense of place. Activation can be misread as revenue generation which could be interpreted by the Discussion Paper's Themes. Alternative, cross-sector themes to replace those in the Draft Review could include: cultural connection, diversity and inclusion. **AILA recommends There is a clear and pressing need for Landscape Architects with Heritage expertise to be represented on the Heritage Council of NSW or, at least, its Advisory Committees.** AILA advocates for Landscape Architects to work across Government sectors to find workable solutions for conserving landscape heritage.

CONCLUSION

Our response to the Discussion Paper sees our discipline as fundamental in assessing, evaluating and guiding necessary reform. We advocate for strategic multidisciplinary collaboration at National, NSW Heritage Council level to Local Government, working closely with planners, architects, engineers, arborists, communities and research partners to find innovative solutions. Landscape Architects strike the balance between development and conservation, skilfully recognising where change can be sympathetic and complimentary to its heritage setting. We welcome further opportunity to engage in Hearings, White Paper Discussions and Reviews to follow.

Sincerely yours,

Lee Andrews
AILA NSW President

SUBMISSION TEAM

This submission has been prepared by a working group of AILA NSW members, coordinated by AILA Landscape Heritage Group