

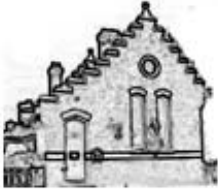
**Submission  
No 114**

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

**Organisation:** Berry & District Historical Society Inc

**Date Received:** 2 July 2021

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## **Berry and District Historical Society**

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

The Berry & District Historical Society (BDHS) is a regional historical society whose mission is to promote knowledge of the history of Berry and district, and advocate for the preservation of objects and sites of historic interest, including those connected to the original custodians of the land.

The whole of the Berry area formed part of first European settlement, with the establishment in 1822 of the Coolangatta Estate by Berry and Wollstonecraft. Their holdings eventually exceeded 40,000 acres, and much of the rural landscape has been preserved.

The Berry Township Urban Conservation Area (BTUCA) and Berry District Landscape Conservation Area (BDLCA) have been defined by the National Trust of Australia (NSW) in recognition of the cultural, aesthetic and natural values of the landscape values of Berry and the Southern Illawarra, (basically as far south as Orient Point).

The BDHS manages the Berry Museum which operates in a State heritage listed building, the former ES&A bank building designed by noted colonial architect, William Wardell, in Queen Street Berry. The town contains three other State listed properties (the Berry Courthouse, the Railway Station Group and the David Berry Hospital Precinct), as well as numerous locally listed items and heritage conservation areas listed in Schedule 5 of the *Shoalhaven LEP 2014*.

Our proposals in relation to the *Heritage Act 1977* are as follows:

- That the Act be strengthened rather than weakened, and that appropriate resources be provided for education and enforcement.

In our own town of Berry, heritage items are under immediate and constant threat of inappropriate development, both to the items themselves and by developments in the vicinity of the items.

Shoalhaven City Council planners seem unclear on the primacy of the Heritage Act, or indeed the Illawarra-Shoalhaven Regional Plan, in relation to, for example, the Codes SEPP and the Low Rise Medium Density Housing Code, or housing targets. Strategic planning policies and strategies that aim to preserve local character, and heritage, are not being followed.

The historic character of our town is under threat. Property owners in the Shoalhaven can obtain a Complying Development Certificate from Council, and can then demolish the property, with no obligation to advise Council or neighbours. They then lodge a Development Application and it is approved as obviously the house no longer

exists. See attached examples of recent developments impacting the heritage and character of Berry.

- that the Heritage Council is better resourced to support full-time local government heritage officers, potentially on a 50-50 basis, as occurs for Transport NSW Road Safety Officers.

In the case of Shoalhaven City Council, there is currently no heritage officer, and there has not been one for about three years. No doubt this has contributed to a recent spate of inappropriate approvals for development of heritage items or properties in the vicinity of heritage items. There is also no-one to engage with owners of proposed local listings. Currently, of 29 individual houses proposed to be listed on Schedule 5 of the LEP, only 12 are proceeding due to owners choosing not to support listing.

Advice for owners of heritage items would assist owners in understanding the importance of conservation. Financial incentives and conservation grants to ensure appropriate conservation are also desperately needed by owners who can face costs far in excess of those of owners of non-heritage properties.

- the Heritage Council should be an independent advocate for the heritage of New South Wales, comprised of recognised heritage experts. The current makeup of the Council seems to lack such expertise, with only one architect, not a heritage architect, and one historian. It is important that the Council be an independent body of heritage officials whose qualifications must be heritage based, such as heritage architects, archaeologists, historians and cultural heritage officers and others with heritage credentials who have worked in a heritage area. If a person comes from any other area of expertise, they should also have a qualification in heritage.

Major heritage items, such as Willow Grove at Parramatta and the Sirius building in the Sydney CBD, have been altered or are to be demolished or relocated contrary to the advice of heritage experts. The Government's recent actions in relation to the destruction of Windsor heritage are viewed as unacceptable. These developments appear to override the objectives of the Heritage Act but perhaps could have been avoided with more heritage expertise on the Heritage Council.

- that the distinction between State and Local listing needs review in that it is dubious as to why some items are labelled as of State significance whereas other items are only of Local significance.
- that it is of pressing concern that Aboriginal cultural heritage in New South Wales, which is largely administered under an antiquated system through the *National Parks and Wildlife Act 1974*, be protected by standalone Aboriginal heritage legislation, as has been implemented in Queensland and Victoria. As the government has been examining this issue for the past decade, it should be considered as a high priority.
- that the Heritage Act include provisions that streamline the process for listing items of State significance. In Berry, the most favourable outcome in our efforts to conserve the town as a unique example of pioneering rural life would be heritage listing of the whole town. However, we have been advised that the achievement of that outcome in Braidwood took 10 years. Streamlining such a process, or fast-tracking the Local Character Overlay would prevent the current inappropriate developments in Berry which are rapidly destroying the unique heritage character of our town.

- that heritage tourism be assisted by provisions in the Act. The intrinsic value of heritage to tourism is grossly under estimated. For example, the fact that the Franklin and Gordon Rivers were saved from a proposed dam, has contributed enormously to Tasmania’s success as a tourist destination.

#### **APPENDIX – recent developments in Berry**

Adjacent new development in Berry often has detrimental impacts on heritage buildings and local character because provisions in the LEP (4.3 (1) a, b, & c) and DCP (Ch2 3.2 (iv)) requiring compatibility with height, bulk and scale, as well as setbacks, form and materials and site ratios, are not applied.



“Before” Source: Google maps. No. 19 Albert Street on the left is an 1890s slab cottage, currently heritage listed on the SLEP as Item 27, a Victorian Georgian style weatherboard cottage.



“After”: 21 Albert Street Berry, 2 storey occupancy with height, bulk and scale incompatible with adjoining properties. This now creates an unhappy precedent.



44 Queen Street Berry, overwhelmed by height, bulk and scale of the new 2 storey dual occupancy under construction in Berry's main street.  
If this continues, there will be no Berry historic character remaining.

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