

**Submission
No 117**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Ms Susan Stratton

Date Received: 24 June 2021

Susan Stratton Landscape Architects Pty Ltd

Landscape Architects | Arboricultural Consultants

24 June 2021

Mr Peter Poulos
Chair, Standing Committee on Social Issues

NSW HERITAGE ACT 1977 REVIEW - SUBMISSION

Dear Mr Poulos,

I am a Landscape Architect and Arboricultural Consultant who works closely with several Heritage Consultants to prepare landscape and tree management plans associated with heritage-listed sites in the Sydney metropolitan area and regional NSW. I am an active member of both the Australian Garden History Society and National Trust. My concern regarding the lack of protection of cultural landscapes has been raised many times when visiting one of our well known and beloved heritage items, to find inappropriate development impacting on its setting (gazetted curtilage and visual catchment).

I appreciate this opportunity to contribute to the review of the *NSW Heritage Act 1977* (the Act), especially concerning significant cultural landscapes and their long term protection and management. It is a concern that the Discussion Paper had minimal content relating to both natural and cultural landscapes.

Whilst I have had considerable discussions with colleagues regarding the Act I believe the following items should be addressed in the review:-

CULTURAL LANDSCAPES

- I ask that the Act be revised to recognise landscape as the fundamental basis of all Aboriginal and non-Aboriginal cultural heritage.
- The Objectives and Definitions of the Act should be revised to include the terms natural landscape and cultural landscape. Further, the definition of Environmental Heritage should include natural landscapes and cultural landscapes.
- The Burra Charter 2013 and the current principles and approaches adopted by Australia ICOMOS, *Understanding Cultural Landscapes*, *Understanding Cultural Routes* should both be reflected in the updated Act. Both these documents are peer-reviewed and extensively utilised by professionals working in the Heritage field.
- Provision should be made in the Act for the protection of the expanded settings of State Heritage Register (SHR) items. Development in the vicinity of an SHR item should be a controlled activity under the Act.
- The framework encompassing cultural landscapes must address the protection of trees as an element either as a group of trees, avenue or a single heritage item in a cultural setting or where appropriate as a natural remnant.

- The basis for listing any NSW heritage item including natural and cultural landscapes should be heritage significance. Management considerations should form part of a separate process.

LEGISLATION

- The NSW planning system needs to align with the Heritage Act and be rigorous and non-negotiable in its protection of heritage items, particularly cultural landscapes. The Heritage Act must not be switched off under any circumstances including for SSI, SSD or any unsolicited proposals.
- State significance heritage should have equal weight as State significant infrastructure or development.
- A regional perspective should inform strategic local planning statements including zoning. Former REPs and Regional Studies were valuable tools in heritage assessment and management. Such work should be supported and funded and integrated into the planning system.

INCENTIVES AND GRANTS

Having been involved in assisting clients with Grant applications and Section 60 submissions I believe heritage grants and incentives programs, as well as advice on applying, should be easily accessible to owners. This may assist owners with the activation and adaptive reuse of heritage items.

CONSULTATION IN THE REVIEW PROCESS

Importantly an open and transparent review of the Heritage Act is required. Regular reviews of the Act should be undertaken, informed by a consultative process. During any review process, it is vital that open hearings, Draft White Papers and Draft Bills, are incorporated so that there are further opportunities for public comment.

Please include my email contact _____ on your mailing list to keep me abreast of matters that are being addressed by the review. I am keen to continue to be part of the conversation and to contribute to the ongoing review of the NSW Heritage Act.

Regards

Susan Stratton,

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