

**Submission  
No 121**

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

**Organisation:** Council of Heritage Motor Clubs NSW Inc.

**Date Received:** 2 July 2021

---



**COUNCIL OF HERITAGE MOTOR CLUBS NSW INC.**  
**PO BOX 229**  
**GOULBURN NSW 2580.**  
**NSW AUSTRALIA**

## **NSW Heritage Act Review 2021**

### **Submission to the NSW Legislative Council's Standing Committee on Social Issues**

**30 June 2021**

The Council of Heritage Motor Clubs NSW (CHMC) welcomes the opportunity to make a submission to the NSW Legislative Council's Standing Committee on Social Issues review of the NSW Heritage Act 1977 (the Act).

The Council of Heritage Motor Clubs NSW (CHMC) is a federation of historic vehicle car clubs from across NSW, established in 1970. It is peak body representing those clubs and their thousands of members to governments, business and community organisations at State and national levels, on all matters relevant to the preservation, conservation and operation of heritage motor vehicles. CHMC is an active member of Operating Heritage Australia and the Australian Historic Motoring Federation. Our members are focussed on the protection and maintenance of historic vehicles.

The historic vehicles and machinery that CHMC represents are a significant part of NSW's cultural, technological and economic heritage (See Addenda). These heritage items are intrinsic to the identity and story of our State. Furthermore, these vehicles and machines are a little acknowledged by government and Heritage NSW but nonetheless are an important aspect of the State's tourism economy, and their maintenance and conservation turns over millions of dollars in the State annually.

**Economic value:** There are more than 80,000 historic vehicles registered in NSW, if just \$1,000 on average is spent on each of those vehicles per year (petrol, oil, tyres, maintenance, etc) that is \$8 million in the economy. Historic vehicle owners spend between \$10k - \$50k on an average vehicle restoration or refurbishment, so this spending too largely goes into the automotive industries in NSW.

**Tourism value:** A historic vehicle rally or event can see 200 plus people touring and staying in regional NSW for a weekend or longer, it has been estimated that such rallies bring in excess of \$250,000 to a regional centre during an Easter Rally, and put additional income into smaller local communities visited as well.

Historic vehicles attract the public too, and wherever they are displayed they attract public attendance, bringing in further dollars to local communities. The level of interest the public has for heritage vehicles is easily demonstrated by the hundreds to attend even small local display

The economic and cultural value of heritage vehicles in NSW should not be underestimated.

The Council of Heritage Motor Clubs NSW would welcome opportunities to be further engaged in the Heritage Act Review, the development of a revised Heritage Act or to discuss issues and comments raised in this submission.

Contact: Jennifer Fawbert, CHMC Committee member c/- CHMC

## General Comments

The CHMC affirms the importance of the Heritage Act, 1977 to protect and conserve heritage items in NSW, and to identify and register of items of State or Local Heritage significance.

We would expect any amendments to the Act:

- lead to enhanced heritage outcomes, and
- to extended heritage identification and listing coverage, viz. greater inclusion of moveable and operating heritage held by private and non-government owners.

CHMC is generally content with the basis of the Act but takes this opportunity to comment on some areas we have identified that warrant attention or improvement.

- We note that the Act specifically mentions in the definition of Heritage Item “moveable objects”, this is particularly important to the heritage vehicle sector, and we request that any amendments or reforms to the Act do not lose the term “item” or exclude “moveable objects”.

However, the Maintenance and Repair provisions in the Act and penalties for non-compliance do not apply to moveable items, this discrepancy must be addressed in any revision of the Act.

- The current legislation and its implementation significantly under-represent moveable heritage, and chronically under-represent road transport in particular. Of the 1740 items on the State Heritage Register map (25 June 2021) only 2 are road vehicles – a steam traction engine and a Cobb and Co. coach.

This is a critical imbalance that currently presents an inequitable view of heritage items in NSW and should it be addressed in any revision or reforms to the Act or its implementation.

- There is more to heritage than buildings and landscapes, yet the language of the Discussion Paper reinforces the circumscribed perception that the only man-made heritage of value are buildings. It would be more valuable and relatable if future Papers, Reports, Amendments etc. were broader in their representation and discussion of all heritage items (Item means a place, building, work, relic, moveable object or precinct).
- The current Act and its execution seem to avoid the protection of archival records and intangible knowledge. A revised Act must include strong references to the preservation of records and archives pertaining to heritage items and to the capture and communication of intangible heritage.
- In the Discussion Paper is the statement - “Private conservation efforts are critical to maintaining and conserving the heritage of NSW.....Without the ongoing care and investment of these private heritage owners, the heritage legacy of NSW would be considerably inferior and its value to the community as a social, cultural and economic asset would be limited.” (Pg. 8)

Almost all the heritage road vehicle fleet in NSW has been and is owned and curated by individuals and NFP groups (vehicle clubs or small museums). Had these private owners not saved and maintained these vehicles over the last 60 years NSW’s road transport heritage would have been significantly inferior. Their efforts at saving this heritage have been at personal expense, they have not received any government funding or assistance.

## Focus Questions

**Focus Question 1:** *What should be the composition, skills and qualities of the Heritage Council of NSW?*

- The qualifications, knowledge and skills of the Council must reflect the full diversity of heritage items for consideration and management under the Act, i.e., a balanced group, not dominated by members from one or other heritage item classification.
- The Council should include members experienced in the identification, practical management and conservation of operating and moveable heritage objects.
- The Council should include representatives from relevant and diverse heritage organisations who have direct and valuable contact with the owners and/or operators/managers of heritage in NSW, especially that in private ownership.

**Focus Question 2:** *How should Aboriginal Cultural Heritage be acknowledged and considered within the Heritage Act?*

The CHMC recognises the importance of Aboriginal Cultural Heritage, including movable heritage, and appreciates reforms to the Act that would apply uniformly to all forms of heritage.

**Focus Question 3:** *Are the objectives of the Heritage Act still relevant? If the core objective is “to halt the loss of heritage” then yes, that is still highly relevant.*

What is perhaps more relevant is the question - “Does Heritage NSW have the resources to achieve those objectives?”

**Focus Question 4:** *Does the Act adequately reflect the expectations of the contemporary NSW community?*

Not in its implementation - the concentration on “places and spaces” has largely excluded heritage items that are moveable, items that the NSW community are familiar with.

There is an incompatibility in what the Act and the Register present to the people of NSW as to what is “heritage” and what the community regularly see around them as heritage, including post-1900 items and objects.

The Act fails to meet the expectations of the heritage vehicle community as it has provided no protection for historic vehicles and related facilities and machinery, despite owners’ efforts to have significant NSW vehicles protected.

There is increasing interest in intangible heritage, the Act does not adequately address this area.

**Focus Question 5:** *How can the NSW Government legislation better incentivise the ownership, activation and adaptive reuse of heritage?*

- By ensuring the Register is more inclusive of all forms of heritage. A significant number of owners want the protection afforded by the Act and the Register to be achievable for their vehicle and operating heritage items. Lack of protection has even compelled some to “hide-away” their heritage objects.
- By providing grants/stewardship payments to heritage owners and community groups to restore and maintain significant heritage items – including private transport and operating machinery owners. [The ex-government fleet are already well catered for by the Transport Heritage Grants Program, there is no similar support for private vehicles]

And by:

- Fully recognising the diversity of heritage items and promoting the depth and breadth of the NSW heritage inventory, so that owners and the community can all see the value, financially and culturally.
- Working closely with community groups that have expertise and knowledge of specific heritage items and objects.
- Facilitating traineeships and other career opportunities for heritage trades and skills in danger of extinction, i.e., across a broader range of trades than just those applicable to buildings.

**Focus Question 6:** *How can we improve incentives within the taxation system to help mitigate the cost of private heritage ownership?*

- CHMC acknowledges the ongoing success of the NSW Historic Vehicle Scheme for conditional registration of historic motor vehicles, which goes back to 1959 by negotiation with car clubs and which has permitted operators to use their heritage vehicles under a reduced cost system in agreement with the RMS/TfNSW. This has allowed thousands of heritage vehicles to be operated on the roads in the last 60 years, and be seen by the wider NSW community as fully operational and moving heritage.
- Other areas of heritage may well benefit from similar schemes that reduce the cost burden of private heritage ownership, and these should be investigated with the appropriate stakeholders across all classifications of heritage items.

**Focus Question 7:** *What sort of initiatives might encourage activation and conservation of heritage through commercial and philanthropic investment?*

- Offer tax incentives, grants or other concessions for commercial and philanthropic heritage investment.
- Use these to engage commercial and philanthropic interests directly in targeted restoration projects, especially those that are currently fully reliant on funding from personal or local community funds.

**Focus Question 8:** *How could tailored heritage protections enhance heritage conservation?*

- As the Discussion Paper seems to concentrate on heritage “places and spaces” we would require further information as to how moveable and operating heritage, such as road vehicles, would fit into these tailored protections before making a decision on this proposal.

**Focus Question 9:** *How should heritage items that are residential properties be accommodated under a proposed category scheme?* Not applicable to the CHMC submission

**Focus Question 10:** *Would greater community engagement deliver a more robust State Heritage Register?*

Undoubtedly, in CHMC our community are concerned for all manner of heritage objects but find the process of engaging with Heritage NSW and the State Heritage Register to nominate objects to be both frustrating and ill-suited to the objects they perceive as heritage register worthy. Improving community engagement would not only enhance how they, as NSW stakeholders, see their opinion and the heritage items they care about valued, but also improve the depth and breadth of the Register and how heritage community groups relate with the Act and its operators.

- Promulgate widely and encourage custodians of all forms of heritage items to participate, in return offer them access to skills and training they may need, e.g., heritage management, conservation skills, marketing.  
These custodians usually have unique or rare skills and knowledge that in turn could be passed on to others, but only if Heritage NSW can identify and collaborate with these people – so make the process more open, friendly and inclusive.
- Engage with the relevant peak organisations for each category for assistance with nominations and expert advice. In particular use these groups to address the imbalance in the breadth of heritage objects currently in the Register.

We endorse the Reform Proposal: *Introduce a community-driven nomination process. Community.*

**Focus Question 11:** *Would streamlining enhance the listing process?*

- Only if it maintains a high standard of rigour in assessment, is comprehensive i.e., is inclusive of all heritage items whether building, landscape or moveable object, and is effective in meeting the objectives of the Act.
- The listing process should also include a mechanism for routine review and correction/adjustment of listings.

**Focus Question 12:** *How could we improve the current approval permit system?*

By ensuring that all decisions are

- based on heritage principles and not political convenience.
- are transparent.

**Focus Question 13:** *Are the current determination criteria for heritage permits still appropriate?*

Heritage permits and criteria seem at this time to be largely irrelevant to the heritage vehicle sector.

If more moveable heritage is listed then a discussion about relevant permits and criteria should be undertaken with stakeholder groups, particularly in relation to the movement of objects out of NSW, or Australia.

**Focus Question 14:** *How could we improve heritage consideration within land use planning systems?* Not applicable to the CHMC submission

**Focus Question 15:** *Are there opportunities to enhance consideration of heritage at the strategic level?*

Yes, by ensuring that respect for all heritage is intrinsic in the actions of all tiers of government, and that the actions at all tiers are diligently observant of the legislation, are monitored (ref. response to Q.16) and called fully to account if they are not.

**Focus Question 16:** *How could heritage compliance and enforcement be improved?*

- By appropriately resourcing an effective and successful monitoring system.
- By matching the penalty to the severity of the non-compliance, and periodically review the penalties.

**Focus Question 17:** *How could understanding of state heritage be enhanced?*

- The majority of NSW moveable heritage is by and large in the hands of individuals and small organisations, improving understanding for them can best be done by engaging proactively with them and their supporters. These individuals and the groups they belong to are at the grass roots and practical end of heritage, encouraging, supporting and collaborating with those community led and based organisations and projects is the most efficient way to enhance an understanding of state heritage to the most influential audience.
- By ensuring that at strategic levels (as noted in Q.15) all tiers and sectors of government are:
  - cognisant of their heritage obligations
  - fully engaged in appropriate heritage management, and
  - they communicate effectively that knowledge and engagement directly to their stakeholders.

**Focus Question 18:** *How could we improve heritage tourism or help activate heritage places for tourism?*

As noted in our introduction our sector of automotive heritage rally can bring in excess of \$250,000 into a regional economy in a 3-day weekend. As a Council of vehicle clubs from across the State we are very mindful of the positive economic impact our events can have and the tourism dollars that flow from such events. It's a two-way street too with our events – we attract tourists and simultaneously most of our rallyists are tourists as they attend events often outside their own region.

Combined with our partner operating heritage sectors (heritage rail, maritime, agricultural and aviation) operating heritage in NSW accounts for an estimated 1 million visitors annually. All of this has been achieved by these groups by largely their own efforts, i.e., without government or commercial support.

Imagine what could be further achieved if the operating heritage sectors and smaller heritage organisations across NSW could easily promote to and manage tourists via a government portal. Most lack the resources and skills to operate such portals, but the NSW government does.

As in the responses to the Focus Questions above, engaging local and community-based heritage groups is the key – in this case improving heritage tourism by facilitating promotion and event and tourism management at the grass roots level.

**Focus Question 19:** *How could public heritage buildings be activated to meet the needs of communities?*

By ensuring communities are:

- aware where these properties are (e.g., an online map or regularly updated list on Heritage NSW)
- aware what, if any, specific conditions there are on use, and
- making the process of accessing and using properties relatively simple.

**Recommendations**

1. Improve recognition of the importance of moveable and operating heritage and its protection in NSW in the Act and its implementation.

2. Recognise the role of the hundreds of thousands of citizens and community groups who are the custodians of, and who generally well curate at their own expense, important heritage objects – maybe not the most iconic, the most significant, the oldest or the most recognisable but nonetheless NSW heritage.

Heritage Council and Heritage NSW to engage more effectively, directly and proactively with these groups at all levels – regional and local and specific interest and State bodies.

3. For the Heritage Council and Heritage NSW set achievable goals and measurable objectives for all heritage – built, environmental, Indigenous and operating heritage.
4. Include archives, records and intangible knowledge as heritage to be respected, preserved and protected.
5. Assess and recognise the enormous economic and cultural value of moveable and operating heritage to the State.
6. Include identification of and support for traditional heritage trades in any amendments and reforms to the Act and its operation. The transmission of heritage trades skills including iron working, foundry, coach and body building, trimming and painting and related knowledge is under increasing threat and appropriate training and employment must be a priority.
7. NSW Government legislation, for heritage vehicles and other operating heritage, modern legislation can be critically challenging in ways to heritage owners the legislators do not foresee. By imposing regulations or restrictions developed for non-heritage objects, without stakeholder input and negotiation, unsuitable and/or inappropriate obstructions de-incentivise ownership and activation.

A revised Act should include obligations on all other NSW government legislation, regulations and agencies to engage with relevant stakeholders before developing legislation and regulations, that, often unintended but nonetheless do, impede or prohibit the proper maintenance, operation and preservation of moveable and operating heritage objects.

8. Recognise and include consideration of the implications of reduced fossil fuels availability and environmental legislation on the operation of heritage transport and machinery.

## **Addenda.**

**Examples of heritage motor vehicles in NSW** Representing the vehicles there are in NSW that merit heritage recognition:

- 1904 INNES – assembled and sold in Sydney. An example of the earliest years of motoring in NSW. Restored
- 1911 LE ZEBRE Type A Torpedo. ex-Mark Foy car, solid provenance, rare car, fine example of a small French two-seater of the type popular in Australian cities in the period. Restored
- 1914 VAUXHALL A Type sports “Fifty Bob”, the ex-Boyd Elkins car. 1916 Melbourne to Sydney record holder. Restored
- 1919-1926 AUSTRALIAN SIX – Vehicles built at Ashfield. 6 surviving restored examples.



- 1922 DODGE Light Truck and 5th wheel trailer – only known example. Original
- 1924 VAUXHALL 30/98 Tourer. Known as the "Presentation Car", the sole surviving 1924 Works Competition 30/98 Vauxhall. Presented by Vauxhall Motors Limited to Boyd Edkins. Australian body. Edkins raced the car at Olympia Speedway and broke the Sydney to Melbourne and Brisbane to Sydney speed records. Drivers included the great "Wizard" Smith.
- 1957-1960 BUCKLE – 20 cars built at Punchbowl.
- 1952-1990 NOTA Sportscars – designed and built in Sydney
- 1974 LEYLAND P76 Force 7V. Australian designed and built at Zetland. 8 surviving.
- 1986 DERRIMAN Fuel Challenge Car. Brian Lawler, Head of Automotive School at Gosford TAFE in the 1980s and Lindsay Derriman built the vehicle to compete in the Shell Mileage Marathon.

There also survives a variety of well-preserved vehicles that have original, craftsmen-built and often unique coach work from such prominent NSW motor body builders of the period 1900 to 1940 like Diskon and Molyneau, Propert, Smith and Waddington, Phizackerly, Angus and Son, Dwyers and Steenbohm. Their work often is particularly local in design and execution.

---

Main Street Canowindra, CHMC Annual Rally  
Tourists and rally entrants

