

**Submission
No 122**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: Port Macquarie Historical Society Inc.

Date Received: 3 July 2021

Submission to the NSW Government Legislative Council Standing Committee on Social Issues - Review of the Heritage Act 1977

Introduction

The Port Macquarie Historical Society Inc. welcomes the opportunity to comment on the review of the Heritage Act 1977.

This submission is made as a community owner and occupier of a State Heritage asset - Hastings Historical Society Museum SHR00326. The c1836 historic Store and residence building at 22 Clarence Street Port Macquarie is currently known as the Port Macquarie Museum. The building has been home to the Port Macquarie Museum since 1960. The Port Macquarie Historical Society purchased the building in 1968.

About Us

The Port Macquarie Historical Society was formed in 1956 and opened its first museum in 1957. In 1959 it secured a lease on the derelict Store building at 22 Clarence Street Port Macquarie and worked on restoring the building as an independent community museum. The Museum receives no operating funds from any level of Government. The Museum charges visitor entry fees to fund its operating expenditures, including building repairs and maintenance, and applies for grants to assist it to address ongoing building management and conservation activities, including remediation works, and to meet its obligations under the Heritage Act.

The Museum's heritage building and additions are used to protect and exhibit an extensive nationally significant moveable heritage collection. The collection includes Annabella Boswell's papers which were inscribed to the UNESCO Australian Memory of the World in February 2019.

The Port Macquarie Historical Society and Port Macquarie Museum are managed by a volunteer committee and operate with a staff of 60 volunteers. There are no paid staff. The Port Macquarie Museum currently attracts around 8500 visitors per year.

In 2021 the Port Macquarie Museum's online exhibition 'Tourists Paradise' was highly commended in the National Trust Heritage Awards. In 2018 the Port Macquarie Museum received a North Coast Tourism Hall of Fame Award for Cultural Tourism and was a finalist in the NSW Tourism Awards from 2015 to 2018. In 2013 the Society was recognised as the Port Macquarie-Hastings Community Group of the Year. It was the recipient of two Museums and Galleries IMAGinE awards in 2010, highly commended in 2012 and received a further IMAGinE award in 2015 for its collaborative online project 'Our Rivers Our History'.

We note the Government's discussion paper and the matters raised and focus questions posed in that paper.

1.a Need for legislative change

The need for a heritage system that is modern, effective and reflects best practice in heritage conservation, activation and celebration is agreed. Since 1977 there is certainly a greater appreciation of heritage conservation by some members of the local and broader community, but not all.

We believe the objectives of the Heritage Act, 1977 are still relevant today however how these objectives are delivered and resourced should certainly be reviewed. Whilst the Heritage Act has ensured certain protections, it has not completely altered community views about heritage protection or celebration. There are many people in our own community who, by their actions, have demonstrated a strong disregard for heritage preservation and see the protections offered under

the Heritage Act as an inconvenience rather than community amenity. Whilst we appreciate the Heritage Act cannot be responsible for individual views, we believe that part (a) of the act 'to promote an understanding of the State's heritage' has not been as successful as it could have been. This has come about not because of the Act itself, but rather we suggest its implementation and application have not addressed this part particularly well.

Port Macquarie is a place with State and Nationally significant First Nations and European history. Some of that environmental heritage and much of its built heritage was destroyed prior to the Heritage Act. People visit our State heritage building and collections because of a strong interest in culture and identity. Based on our experience, it is our view that the contemporary NSW community, in the main, want to have access to the State's heritage, they want to see it protected for future generations and want to have authentic heritage experiences and interactions. This is also evidenced by a report on Cultural and Heritage Tourism to NSW for the year ended December 2018¹ which identified that **'Visit history/heritage buildings, sites or monuments' was the most common cultural and heritage activity undertaken by all visitors to NSW.**

It is our view that the Heritage Council of NSW must be composed of recognised heritage experts with a range of skills and backgrounds. **The Heritage Council should be independent of government and most importantly, they should be public champions of heritage and heritage values.**

We endorse an approach to Aboriginal Cultural Heritage that places the responsibility for Aboriginal Cultural Heritage with the traditional owners, custodians and knowledge holders, and an approach that supports and resources them to protect it. **Independent Aboriginal heritage legislation and supports should be a priority from this review.**

We observe that the current Discussion Paper has not addressed the definition of 'best practice heritage conservation'. What is best practice and who determines this? Will the best practice conservation definition consider heritage, social and economic factors equally?

1.b Adequacy of the Act

Heritage activation is an important issue however there should be a balance between activation and conservation. The Act has certainly encouraged us to activate our State Heritage building and site, noting that this commenced a decade before the current Heritage Act. Despite that activation, it is becoming more difficult to manage and fund its conservation needs due to our building's age, condition and surrounding built environment. Nearby building developments, community infrastructure such as footpaths, roads, water and sewage services and even street plantings, have unfavourably impacted the heritage values, maintenance and conservation needs of our building, however these dangers and risks appear to be allowed under the Heritage Act. **We assert that the Heritage Act needs to be strengthened rather than weakened.**

1.d (i) Category approach to heritage listing

We understand the proposed category approach however there appears to be a view that State Significant heritage items and assets are either owned and managed by the State Government or otherwise are residential properties in private ownership. It also suggests that State Government owned heritage assets are more important than those in community ownership.

We certainly understand and support the need for private residential properties to be able to add a functional bathroom, garage or building extension. Most of these properties are likely to remain in

¹ Cultural and Heritage Tourism to NSW, Destination NSW, <https://www.destinationnsw.com.au/wp-content/uploads/2019/07/cultural-and-heritage-tourism-to-nsw-snapshot-ye-de-2018.pdf>

private ownership. We understand that many private SHR property owners see heritage listing as a negative aspect of ownership. We support initiatives that will enable those owners to make their properties liveable and support a contemporary lifestyle or will activate those properties to enable improved access and celebration.

Our SHR building is in community ownership. Weakening the Heritage Act has the potential to make it even more difficult for us to protect it from further urban intrusions, and even harder to source funds to ensure its ongoing preservation and conservation.

There are already provisions in the Act to recognise precincts. Our SHR building/site is part of a larger precinct on our local LEP and we appreciate the benefits and strengthened protection that being part of that precinct provides, particularly regarding urban planning.

We support the proposed no change to Local Heritage listing and significance, **however we note that our existing LEP has not been updated for decades. There are numerous heritage places and items that should be considered for local heritage listing.** We would like to see a Heritage Act that truly encourages local heritage listing and truly celebrates and promotes local heritage.

1.d (ii) Consideration of new supports to incentivise ownership, conservation, investment, etc.

As a community heritage building owner, we continue to advocate for and endorse initiatives that assist us and others like us to care for and protect our SHR asset. As an independent community museum without government operating funds, we rely on our income generated from our museum and government and other grants to care for our SHR asset. Our local council do provide a reduction in council rates and our rates are currently discounted in full. It is clear to us that this is a tangible benefit and an effective incentive for heritage ownership and conservation activities. We would not have been able to co-fund numerous heritage conservation works from our reserves if we were paying the almost \$12,000 rates per annum to our local council. We would certainly welcome a higher level of support for our conservation efforts. SHR grants currently expect a 50 % minimum co-contribution. At times we have had to defer maintenance of our non SHR building extensions to co-fund our SHR building conservation works.

There are significant and ongoing costs in protecting and conserving SHR assets. **As a community owner, we would welcome improved resourcing that provided us with practical and timely advice, financial considerations and adequate grants to enable us to meet our obligations as a SHR building custodian.**

Heritage NSW currently make available to Councils a small amount of funds for co-funded heritage assets conservation. We note that this year our local Council decided not to participate in that program due to increasing Council co-contribution requirements. This has effectively reduced funds available for heritage conservation in our LGA. Admittedly these amounts are small, but significant to community groups like us. We are aware of ongoing cost shifting from State government to Local governments and all this does is add further financial disincentives to support the protection of heritage assets in regional communities. **Adequate support for local government is vital to ensure that locally listed heritage places are identified, protected and conserved.**

We support the exploration and development of initiatives that might encourage greater commercial and philanthropic investment, noting that there is an already increasing demand on philanthropy to support arts, culture and heritage activities. Tax incentives for both commercial and philanthropic investment would be welcomed as a basis for investment innovation and the development of new partnership models.

1.d (iv) Streamlining heritage processes

The proposed reform proposal regarding listing is of concern. It suggests nominations based on popularity and subjectivity, and those properties that can garner greater community engagement and support, rather than meeting an objective set of criteria. As the owner of a somewhat boring looking (but historically and socially significant) building of Georgian architecture on the SHR, and located in the city's CBD with property developers and planners hoping that our SHR building disappears, it is difficult for us to understand how community engagement would deliver a more robust SHR. How would the Heritage Council determine 'promising applications' to invite detailed nominations? What criteria would the Heritage Council use?

We recall another time that the Heritage Council invited public nominations of moveable heritage items based on popular vote. We nominated Annabella Boswell's journals from our collection however the nomination was unsuccessful. The journals and whole archive collection have since been inscribed on the UNESCO Australian Memory of the World.

Streamlining could enhance the listing process. Adaptive reuse can impact the significance of a site, and many of the existing significance assessments and statements were developed before there was a thorough understanding of the process or the site itself. Making it easier to revisit listings could be beneficial for their protection, however only on the basis that it will strengthen that listing on the basis of agreed criteria.

A flexible and responsive permit system **that supports heritage owners to maintain and conserve their properties is welcome.** We believe that to a large extent, this system is already in place. Much of this process relies on having appropriate heritage advice in place, for example the heritage advisory services funded through Heritage NSW and provided by local councils is an invaluable service. Ultimately any permit system will be reliant on how the Act and its supporting permit systems are interpreted and implemented. There have been inconsistencies in the past.

We look forward to participating in further stages of the review.

Debbie Sommers
Vice President

Port Macquarie Historical Society
Port Macquarie Museum
22 Clarence Street
(PO Box 82)
Port Macquarie NSW 2444