

**Submission
No 126**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: REDWatch Inc

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Re: Review of the Heritage Act 1977

4th July 2021

To: NSW Legislative Council Standing Committee on Social Issues

REDWatch wishes to make a brief submission on the Review of the Heritage Act 1977 being undertaken by the Committee.

REDWatch has been covering development and heritage issues in the inner Sydney suburbs of Redfern, Eveleigh, Darlington and Waterloo (REDW) since 2004. During this time, we have had practical experience in the protection of heritage and heritage interpretation and social heritage primarily around the former Eveleigh Railway Workshops. Given the importance of our area to the Aboriginal Communities in Sydney we also have concerns about the way in which Aboriginal Cultural Heritage has been handled.

Heritage needs to be seen as an asset rather than a liability. For years we clashed with Frank Sartor and the Redfern Waterloo Authority over heritage issues at Eveleigh. Minister Sartor made it plain that he saw heritage standing in the way of development and that he needed the power to overturn heritage protections. Government should be exemplary managers of heritage, leading the way in heritage preservation. The example set to the private market needs to be a positive one rather than one that often sacrifices heritage to get the best return to the state.

Turning off heritage protections to facilitate the development of government land should not be allowed – it represents a fundamental conflict of interest between the best practice heritage assessment and a directed imperative to maximize the return on a government asset by removing heritage impediments that might decrease the return to government from a land sale.

Heritage experts should undertake heritage assessment. A concurrence process that over-rides heritage consideration to meet an ideal development timeframe should not drive assessments. Ideally, heritage consultants should prepare heritage studies on projects free of the pressure from the proponent to achieve their outcome. We have had numerous conversations with consultants over the years who have felt pressured to deliver the outcome expected by the proponent. Heritage assessments should be protected from this pressure, at least at the heritage evaluation stage. Heritage reports could be made for the Heritage Office, from a pool of consultants rather than by heritage experts selected by the proponent, and then submitted as third party expert reports to the assessment body.

It seems to us from our dealings with the Heritage Office that the objects of the Act are not the problem – the problem is primarily with the resourcing of the Heritage Office. If the Office is not resourced properly to undertake heritage assessments and do what is outlined in the Act, bad heritage outcomes will be the result.

We do believe that the Heritage Council should be made up of people with professional heritage qualifications and representatives of major heritage organisations. The independence and expertise of the Heritage Council has been eroded over time and it should be made up of representative of the heritage groups and heritage expertise.

The Heritage Office should be able to provide advice to local communities about their local heritage and use its expertise to assist communities make cases for protection of important local, state and national sites.

Heritage is not just about the buildings. It is the intangible cultural heritage and stories attached to a site that makes its heritage come alive. Too often heritage has been squeezed into the built environment framework, and only deals with the buildings and overlooks intangible cultural heritage. Just because a building is saved or adapted, it is not going let people know why it was or is important.

A key part of seeing heritage as an asset is to see how the stories around it can be told and how the stories can be used as part of cultural and heritage tourism. This is where the benefits of good

heritage preservation and interpretation can make a financial contribution back to the community alongside the value in preservation of the area's history and connecting the past to the present and the future through a heritage asset

At the time of the sale of the Australian Technology Park, REDWatch asked the City of Sydney Council to do an independent risk benefit analysis of the sale. Heritage risks were among those identified – including both the large heritage machinery collection and the state significant heritage buildings. It is our view that independent risk benefit analyses should be undertaken before the sale of every heritage asset disposed of or developed by a government landowner.

In the case of Eveleigh, heritage was protected by the purchaser (Mirvac) being required to maintain a Sections 170 register in the same way that it would have been done had the site stayed in government hands. In addition easements were put in place to protect public access to both the heritage buildings and the heritage machinery collection.

The Heritage Office needs to have the resources to ensure that such undertakings are enforced in the long term and that the heritage protections are not eroded over time. The community clearly has a role in monitoring compliance, but there needs to be an easy process for them to notifying areas of concern and for the Heritage Office to investigate compliance and those concerns.

Currently DAs and updating of Conservation Management Plans provide the only real opportunities for Heritage Office involvement. The development of these documents is dependent on the proponent / landowner and heritage work can be lost if the body which undertook the work is disbanded or restructured.

Currently REDWatch is trying to chase what has happened to a proposed Conservation Management Plan that was to cover the entirety of the former Eveleigh Railway workshops. An overarching CMP is seen as crucial for coordinating heritage interpretation across the site as development happens and the number of stakeholders increase. In the case of the overarching CMP at Eveleigh, this work seems to have been lost with the winding up of the UrbanGrowth Development Corporation. Transport for NSW have advised that this document is not contained in the dump of Eveleigh documents TfNSW received from Infrastructure NSW as the body that absorbed UrbanGrowth.

The Heritage Office must be resourced to play a more proactive role in the development of such heritage policies and protections rather than being limited to commenting on drafts put forward by bodies that may not have heritage concerns high on their agenda.

REDWatch, ex-Eveleigh workers and community members concerned about heritage have pushed Mirvac at South Eveleigh to provide the best possible heritage interpretation in its South Eveleigh reimagining of the former Australian Technology Park. As the interpretation was tied to the redevelopment it has been funded and delivered. It is not everything we wanted but we have retained active heritage with the Blacksmith's Workshop and there is now heritage interpretation that had only been talked about, but never implemented, while the site was under Government control.

Had there not been such a strong push from the community, REDWatch has little doubt that the heritage outcome at South Eveleigh would not have been as good. The machinery collection could have, like at the Mirvac's Tramshed development, had heritage equipment as heritage sculptures rather than as active links to the industrial, social and intangible heritage.

It remains to be seen however how Mirvac handles its curatorial responsibilities going forward, but at the moment we are confident that heritage is seen as an asset and a potential drawcard to the site.

The Heritage Office, Heritage Council and the powers under the Act must be able to play a role in ensuring protection of both important state heritage and local heritage items over time into the future. The Heritage office needs to act as an independent champion for heritage to ensure the most sympathetic outcomes in the redevelopment of heritage site. This includes ensuring that the sites' interpretation tell the stories and not just preserve the fabric.

The process of identifying and listing of heritage sites needs to be separated from the development / change process. The heritage value of a site needs to be independently established before the trade-offs from development and use are assessed. They should not be done together. Development can enhance and protect heritage, both built and cultural, if done well. If heritage is sacrificed at the altar of development however, the stories outlining heritage purposes are eroded over time an important potential cultural asset will be lost.

It is important in the review to also recognize the limited resources that local government has for identifying and protecting heritage assets and intangible heritage. Had Eveleigh been in another part of the state we doubt we would have got the risk / benefit analysis we did on the ATP sale from the local council. Without it we would not have been able to push for the protections we achieved or been able to get Council involvement in ensuring that a workers wall and other improvements were part of the site's interpretation. Resources and support is required to ensure that all Councils in NSW are resourced to identify and protect their heritage assets.

It is important however for Councils to explore sympathetically the interaction between heritage and climate change in a realistic manner. In City of Sydney conservation areas, attic conversions require the inclusion of air conditioning to handle heat due to heritage impacts. Velux windows, flush with the roof line when closed, can provide natural cross ventilation, but are considered to have a detrimental impact on street frontages in conservation areas. If heritage cannot be sympathetically adapted to deal with climate change its long-term utility and heritage preservation is likely to be short lived.

In this submission REDWatch has not worked through the focus questions, as we wanted to deal with some of them from the context of our heritage experience. The focus questions seem to lead people down a particular path that makes us uncomfortable.

It seems to us that the review seeks to dilute the fundamental importance of the Heritage Act, its objects and principles. In our view one of the major changes over time that has watered down heritage protection has been the under-resourcing of the Heritage Office, changes in the composition of the Heritage Council, the turning off of heritage protections to favour or speed up development. These are some of the issues we encourage the Social Issues Committee to also examine during this enquiry.

Any changes to the Act must strengthen and broaden heritage conservation and interpretation, not diminish it without robust scrutiny. Once it's gone, it's gone for good.

Regarding Aboriginal Cultural Heritage, REDWatch will submit a supplementary submission on this important issue as it is not yet available.

For Further Information, contact:

Geoffrey Turnbull
Co-Spokesperson
On behalf of REDWatch Inc

web: www.redwatch.org.au

REDWatch is a residents and friends group covering Redfern Eveleigh Darlington and Waterloo (the same area originally covered by the Redfern Waterloo Authority). REDWatch monitors government activities in the area and seeks to ensure community involvement in all decisions made about the area. More details can be found at www.redwatch.org.au.