

**Submission
No 128**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: The Hunters Hill Trust

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Submission into the NSW Government Review of the Heritage Act 1977

I write on behalf of the Hunters Hill Trust and our membership to add our voice to others concerned about the loss of heritage and erosion of heritage protections in NSW.

We raise our concerns within the context of the impact being felt across communities from a planning system that seems, from a community perspective, to be largely driven by developer greed and profit with blunt planning tools that are facilitating poor outcomes. Sadly, the promise by the current Minister for Planning in a 23 September 2019 Sydney Morning Herald article, to take a 'broader view of the complexity of human settlements' has not led to the hoped-for consideration in planning of context, existing history, sense of place and protection of the public domain that we know supports amenity, local identity and community strength and wellbeing.

The review of the Heritage Act cannot be considered in isolation from the broader planning controls. Sydney has grown immensely in the last 50 years. Changes to planning laws to enable denser development has led to a "knock-down" mentality, resulting in the rapid loss of very fine and serviceable early to mid-20th century homes, and the streetscapes and unique suburban character they have created. Complying development laws are negatively impacting local amenity, trees and gardens as people maximise their development footprint with no requirement to consider site context, topography, green space or embedded resources, with little support within the current system for maintaining and adaptively re-using and re-imagining heritage places and existing dwellings.

Across Sydney communities are dismayed that the State's planning and approval processes are creating poor outcomes, overriding carefully considered Local Environment and Development Control Plans that have been supported by the community and creating ghettos of monolithic concrete structures that lack civic design, residential amenity and sense of community. With the serious issues of housing affordability and the proliferation of poorly designed and constructed apartment blocks, the cost of rapacious development must be considered. Building resources and supply of sand and gravel, along with the benefits of conserving buildings from an environmental, resource and energy perspective must be given greater weight in government policy positions and incentives. We need to place an economic value on preserving embodied energy and resources in the built environment, providing incentives for maintaining and adapting heritage to a more sustainable end. It is imperative that Councils are appropriately resourced and allowed time to review their LEPs to protect a sense of place and unique local environments and heritage, while allowing for sensible, well-designed growth that complements existing patterns of settlement.

Unfortunately, the Codes that the Department of Planning has developed are not conducive to achieving optimum design outcomes for site-specific characteristics. In a city such as

Sydney site characteristics should have mandatory consideration to deliver best community and civic outcomes and minimise loss of green space, impacts on heritage, light and amenity. The one-size-fits-all developer driven approach is not delivering good community outcomes.

There are also serious impacts on heritage from other planning instruments such as State Significant Development and State Significant Infrastructure that override both Local and State protections. The Trust and our membership have been appalled by the incomprehensible decisions taken by the NSW government in relation to the Powerhouse Museum 'relocation' to Parramatta that is causing distress to the community over the proposed demolition and rebuilding of Willow Grove and the impacts of the new bridge through the historic Thompson Square at Windsor. State heritage protections are effectively 'switched off' by the 'State Significant' Development or Infrastructure, resulting in catastrophic impacts to places the community believed to be protected by our government under our State Heritage legislation. In each case alternative solutions were not effectively explored, and state heritage has and will be lost. The costs involved in destroying heritage are well beyond what better alternatives may have achieved for our taxpayer dollar.

There are many more examples of the inadequacy of our current heritage protections unfolding. For example, through the mechanism of unsolicited proposals such as that being considered for a portion of the Chief Secretary's building in Phillip Street, Sydney—the last publicly-owned sandstone heritage building on Bridge Street, particularly notable for housing Sir Henry Parke's office. The proposal here is for yet another hotel with a massive tower that will, if built, overshadow the Botanic Gardens. Further south in the city, towers proposed around Central Station will also have huge detrimental effects on that heritage precinct and Prince Alfred Park.

Impacts such as these, being ignored, points to a system of heritage protections and processes that are not currently strong enough. Certainly, the Heritage Council seems to have been silenced with little or no ability to advocate for heritage, and the ability of the Heritage Office to support heritage outcomes has been diminished by a severe lack of resources.

Therefore, any proposed amendments to the Heritage Act should strengthen heritage protections and result in improved outcomes for local and state heritage. In particular, State Significant projects should not enable impacts to, or demolition of heritage without proper long lead broad consultation, an interrogation of all viable alternatives and assessment of *all* the costs involved in each proposal, including loss of amenity, impacts on cultural values and social cohesion and environmental outcomes.

Worldwide, the benefits—both economic and social—of heritage and cultural landscapes are well recognised. The positive impacts are multiple, driving tourism, economic opportunities and value as well as the retention of important trades and skills. Most importantly, places with heritage and civic amenity are greatly cherished by the community and strengthen sense of social wellbeing, pride and connectedness. The current mindset that seems to have taken hold in some spheres—namely that heritage is an inconvenience and an economic burden to be removed as expediently as possible—is extremely short-sighted.

The Hunters Hill Trust was formed in 1968 to protect significant local heritage then under threat and has been one of the pioneers in heritage and conservation planning in NSW,

instrumental at the local level in ensuring the recognition and implementation of heritage and conservation protection in Hunters Hill's planning instruments and processes.

Hunters Hill remains a special and desirable place to live but, like other locations in Sydney, our older buildings, public places and suburban bushland are under increasing pressure and it is critical that new thinking is applied to ensure Sydney's future sustainability and liveability. Heritage, sense of place, local identity and good civic design are critical to the future of all communities across NSW. It is essential that we preserve, conserve and maintain those things that people recognise as being important. Heritage should be at the heart of this thinking and therefore, the Heritage Act and its influence should be enhanced through appropriate resourcing, stature and respect. The Heritage Council must be emboldened as a truly independent body.

Heritage value should be championed by the NSW Government as opposed to being treated as a hindrance, as currently appears to be the case. There are fine examples of heritage being adapted for contemporary uses and more should be championed.

The objects of the Act as quoted below seem entirely appropriate and should be upheld and strengthened through appropriate resourcing and respect:

- (a) to promote an understanding of the State's heritage,
- (b) to encourage the conservation of the State's heritage,
- (c) to provide for the identification and registration of items of State heritage significance,
- (d) to provide for the interim protection of items of State heritage significance,
- (e) to encourage the adaptive reuse of items of State heritage significance,
- (f) to constitute the Heritage Council of New South Wales and confer on it functions relating to the State's heritage,
- (g) to assist owners with the conservation of items of State heritage significance.

NSW Government should also be working with and supporting local government to ensure greater identification, protection and resourcing for locally listed heritage. Financial incentives and conservation grants should be available to foster positive heritage outcomes. The heritage office should be resourced to enable timely advice and support for state, local and privately owned heritage.

In summary we advocate that the Act should not be unduly tampered with. The NSW Heritage Council should not be politicised, but should be strengthened as a strong and independent public champion of heritage, composed of recognised heritage experts and relevant organisation representatives such as the National Trust.

Alister Sharp, President

4th July 2021