

**Submission
No 130**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: Maitland City Council

Date Received: 24 June 2021



23/06/2021

Clerk of the Parliaments
NSW Legislative Council - Standing Committee on Social Issues
Parliament of NSW
6 Macquarie Street
Sydney 2000

RE: Review of the Heritage Act 1977

Thank you for the opportunity to provide comment on the Review of the Heritage Act 1977.

Forty-two sites listed on the NSW State Heritage are located within the Maitland Local Government Area. As such, Council is actively involved in provision of advice and the administration of development assessments for proposals relating to these locations.

It is understood that the Heritage Act review seeks to address a series of focus questions in order to better align community expectations and requirements with a more holistic and inclusive approach to State heritage management.

ABORIGINAL CULTURAL HERITAGE

Council supports the government's directive to ensure that Aboriginal Cultural Heritage is managed and cared for by Aboriginal people. Improved acknowledgment, identification of Aboriginal Heritage and integration of impact assessment within the development assessment and planning proposal processes is required as the highest of priorities.

ACTIVATING OUR HERITAGE

How can the NSW Government legislation better incentivise the ownership, activation and adaptive reuse of heritage?

Given the significant and long-lasting social benefits of preserving Heritage values for future generations, the use of market incentivisation is supported.

This could be achieved through the State Government advocating for restoration and maintenance works to be tax deductible expenses for property owners and managers.

How can we improve incentives within the taxation system to help mitigate the cost of private heritage ownership?

Restorative works and ongoing maintenance costs could be classed as tax deductible expenses, further incentivising owners and managers to invest in heritage assets which benefit the wider community. Incentivisation methods will need to be long lasting and ensure that future ownership structures are encouraged to maintain privately owned heritage in perpetuity. This will also encourage future investment in heritage items.

What sort of initiatives might encourage activation and conservation of heritage through commercial and philanthropic investment?

Philanthropic fund raising could be achieved through the coordination of roadshows, gala dinners, lotteries etc. which simultaneously aim to showcase heritage values. Demonstrative projects and assistance (both financial and capacity building) could see Local Governments champion continuous event programming.

HERITAGE PROMOTION AND ENGAGEMENT

How could understanding of state heritage be enhanced?

A better understanding of the future potential of heritage properties will help to alleviate the perception that heritage custodianship is economically unviable. It is noted that Heritage NSW has limited available information or case study analysis for successful adaptive-reuse projects.

How could we improve heritage tourism or help activate heritage places for tourism?

Grants should be provided with first preference to localities which embed heritage values strongly in their strategic tourism planning.

Heritage NSW could include more information and ability for users to search heritage properties by type and function on their website, encouraging market participants to seek out specific offerings.

HERITAGE IDENTIFICATION AND LISTING

How could tailored heritage protections enhance heritage conservation

The recognition of State significant heritage landscapes is welcomed.

Existing Heritage Act provisions do not adequately provide expanded curtilage protection within rural landscapes. Additional work in the determination and mapping of rural curtilage items can be anticipated and would be welcomed by Council. This should be combined with models for the management of State significant cultural landscapes and townships.

Council seeks to promote that development and valuing our cultural heritage can work together and maintains that every development, large and small, considers conserving and reusing building stock for new viable, innovative and appropriate purposes. This underpins the ability to positively express the benefits of heritage listings.

How should heritage items that are residential properties be accommodated under a proposed category scheme

The use of a broad 'residential' classification for items which do not fall under Category 1 and 2 is questioned, as it is anticipated many sites may be excluded from this definition (movable heritage is one example).

Typically, there is minimal understanding and identification of interiors and movable heritage to listed items in the absence of a Conservation Management Plan. The preparation of management plans to underpin any site-specific exemptions would be important, but the preparation of management plans can be a substantial financial burden, particularly for privately owned properties. A targeted program which audits the completion of CMP's for SHR sites may be a useful first step, with follow up to finally support plan preparation where required.

The relationship between site specific exemptions under the Heritage Act and approval requirements under the LEP can cause uncertainty within the broader community understanding and expectations of works requiring development approval.

STREAMLINING THE HERITAGE PROCESSES

Improving the listing process

While a community-driven nomination process is supported, enabling the community to identify items of value would need to come with an ability to continue to nominate at any point. The value of an item may alter when a development application or planning proposal is put forward on a site and this should be acknowledged in the review process. Should the pursuit be to engage the community for this process, then further consideration should be given to how this will be appropriately resourced and funded..

Amending existing listings on the State Heritage Register

A periodic review is extremely important for items on the State Heritage Register. Regional Councils struggle with updating heritage listings particularly when it comes to boundary adjustments or updating due to physical changes to an item. Heritage Officers and Heritage Advisory Committee usually do not have the time or ability to comprehensively review items and provide up to date representations of items which becomes more difficult down the track. The review should consider ways to incentivize detailed and accurate items on the heritage register and ensure a commitment/prioritisation of the work.

Additionally, providing comprehensive up to date inventories is of benefit and assistance to landowners/applicants when researching for Statements of Heritage Impact for work on a listed item.

The heritage permit process

It is noted that Council currently has the ability to consider exempt development for minor works via the legislative provisions within clause 5.10 of the Maitland Local Environmental Plan 2011. In Council's experience, this system works effectively and allows for expedited liaison as to the scope and suitability of work. Communication of these processes is key to both the community and landowners. The approach similarly should be considered for State items. While flexibility is supported generally, there needs to be a continued level of consistency to provide certainty to owners on their responsibilities and obligations.

Heritage within the planning system

Providing detailed and accurate information on the significance of an item will make it clear for developers on the rationale for its listing and what is considered appropriate when proposing works on a heritage item. Perhaps the focus should be on a "re-use first" principle for items with a focus on sustainability principles to alleviate the pressures for demolition of items of significance. Focus should also be on appropriately resourcing to enact processes in a timely manner.

Compliance and enforcement

Noted. However, consideration will need to be given to how will these proposed reforms affect the existing local government compliance activities under the EPAA Act. The monitoring of SHR sites and whether they are meeting minimum standards of repair is an important consideration and it is unclear as to where responsibilities lie with respect to alerting NSW Heritage as to concerns.

Summary

A review of the Heritage Act is welcomed however the review should carefully articulate its vision for heritage governance and management to ensure it does not dilute its effectiveness in protecting places of significance.

Yours Faithfully

Andrew Neil

MANAGER STRATEGIC PLANNING