

Submission
No 131

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Name suppressed

Date Received: 24 June 2021

Partially
Confidential

Submission on NSW Heritage Act

Thank you for the opportunity to provide a submission on the NSW Heritage Act.

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

The current qualifications, knowledge and skills as outlined in the Act for membership of the Heritage Council of NSW are exemplary. The composition should ensure membership is for people with the most outstanding qualifications in their field, and should include one or more members who are Aboriginal.

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

Membership of the Heritage Council should include one or more members who are Aboriginal. Similarly staff in the NSW Heritage Office should include one or more Aboriginal members.

◆ **Focus Question 3: Are the objectives of the Heritage Act still relevant?**

Yes.

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

Yes. However implementation of the objectives, funding, support and commitment for the objectives has resulted in community expectations viewing heritage legislation as a disincentive rather than as the positive intended in the Act.

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

Increasing owners to invest in their heritage properties using all of the schemes and programs cited should be legislated to encourage maintenance and investment. Investment in adaptive reuse and revitalising heritage properties has the advantage of saving on environmental and demolition costs. Such information should be widely available. The provision of financial incentives to save environmental costs would encourage adaptive reuse of heritage.

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

Any incentives within the taxation system to help mitigate the cost of private heritage ownership would be greatly appreciated and would encourage both purchase of and investment in heritage properties. Financial incentives are generally the most positive way to assist private ownership.

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

Though my experience in accessing grants for a major restoration of a small former church hall in Braidwood changing the legislation for Deductible Gift Recipient (DRG) would be very helpful. Currently halls are excluded from the list of eligible institutions. Many local halls throughout NSW are competing for the same grant funds. To include halls such as the Braidwood Old Sunday School Hall Association Inc which already is endorsed for charity status would assist in the ongoing pressure to raise funds to undertake essential restoration works.

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

The proposed Category 1 covers properties mostly listed in the World and National Heritage Lists and are protected under the EPBC Act. There is no mention here of how NSW is planning to manage these cultural and natural World and National Heritage values under delegation from the Commonwealth.

Braidwood is listed in Category 2. There is a great deal of community concern about how the administration of Integrated Development Applications and Development Applications are managed for heritage properties in State listed Braidwood and its Setting. The process seems to allow the NSW Heritage Council to make one decision to protect State listed heritage values and the local government authority to make a different decision to protect local heritage values in relation to the same matter on a property.

The recommendations for Category 3 management regulations are not clear and appear to be advocating a completely haphazard approach. It is not at all clear how such proposed exemptions would fit within the *Burra Charter* methodology.

◆ **Focus Question 9: How should heritage items that are residential properties be accommodated under a proposed category scheme?**

Implementing the *Burra Charter* methodology with the provision of adequate resourcing and financial incentives.

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

Experience with a community based approach for assessments for the National Heritage List has not delivered a speedier listing process. It seems unlikely that Heritage NSW would have sufficient resources to provide assistance in preparing nominations given the already lengthy delays in reassessing or delisting places already in heritage lists.

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

Many listings require reassessing as values have been lost or in many cases were not identified in earlier listings, for example cultural landscapes and cultural roads, paths and tracks are often not included together with Aboriginal cultural heritage places.

An abridged process won't deliver a more accurate representation of SHR items and values over time. It requires expertise and a well resourced program to ensure that SHR places and values are identified, reassessed if required and protected. The NSW community expects a well managed heritage system that is adequately resourced with information that is publicly accessible.

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

The *Burra Charter* process demonstrates how to manage change. Heritage advisers throughout NSW manage change on a daily basis. What is required is publicly accessible information on where and how to get practical heritage advice and to counteract the negative views of heritage.

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

Yes.

◆ **Focus Question 14: How could we improve heritage consideration within land use planning systems?**

The benefits and opportunities that heritage presents should to be given greater focus within land use planning systems.

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

A well informed increased focus on community-driven strategic planning should benefit heritage. Establishing strategies and policies, including the provision of financial incentives in order to encourage activation and adaptive reuse of heritage assets, managing for climate change and recycling activities provide opportunities for heritage consideration.

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

There is a clear need for heritage compliance and enforcement to be improved as court action is often a clumsy and expensive option with uncertain outcomes. Other jurisdictions would have alternative options NSW should explore.

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

This is a critical issue and should be addressed ahead of other issues. Positive stories with quality information to communities and local government staff should be a key priority before changes to the Act.

Information on how heritage can contribute positively to reducing the environmental costs of demolition waste and construction, some of the largest contributors to solid waste generation, should be a key strategy in enhancing communities' understanding.

Involving celebrities to promote heritage especially following the impacts of bushfires, drought and climate change would enhance the public's views on heritage. Resilience includes promoting the role that heritage can contribute.

Decreasing funds for grants combined with increasing restoration and building maintenance costs have meant that there are less opportunities to promote heritage. Heritage is often given as the reason for an adverse decision that in many cases is incorrect as the issue is a separate planning matter.

Since the State Heritage listing of Braidwood information and understanding on the value of heritage listing has not been available. Consequently disinformation and negative views have proliferated to the extent that some community members who applauded the decision in 2006 now regret the listing.

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

Investigate the SA model and others that are successful in promoting heritage tourism to ensure that visitors have an enjoyable experience.

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

There are examples world wide of how public heritage assets can be activated to meet the needs and expectations of communities. Bridges are a good example of heritage assets that are being demolished causing great community concern. However there are many examples of bridges being reused for community use as bike or walking tracks, or as community gardens. Bridges can also be managed as deteriorating ruins without being publicly accessible, yet still demonstrating historic, scientific or aesthetic heritage values in transport corridors, bridge building technologies or as a feature in the landscape.