

Submission  
No 138

## INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

**Name:** Name suppressed

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Standing Committee on Social Issues

Inquiry into the Heritage Act 1977

### HERITAGE ACT REVIEW

I am a heritage professional with over 20-years' experience and regularly work with the Heritage Act 1977 and its permits, approvals, and statutory guidelines.

The Heritage Act 1977 is a crucial piece of legislation that protects NSW heritage places. The Act itself does not require major reform, it is still just as relevant and functional as it was in 1977. Minor updates that result in improved heritage outcomes may be beneficial; however, I do not support ANY major changes to the Act or its regulations.

**The implementation of the Heritage Act; however, needs to be reviewed and this will be the focus of my submission.**

1. Heritage NSW should be an independent body and be appropriately resourced to ensure the effective and efficient implementation of the Heritage Act, associated regulations and guidelines. This would resolve the issues with lengthy approvals of S60 and S60FT applications and the time taken to list items on the State Heritage Register.
2. The membership of the Heritage Council should be reviewed to ensure that only heritage specialists are members and there is a broad range of heritage skills and expertise on the Council. The decisions of the Heritage Council should be final and not referred to the Minister for approval or comment. This would ensure that decisions do not become politicized and are based on the recommendations of highly skilled professionals.
3. The guidelines gazetted under S170A of the Act need to be reviewed to ensure that State government agencies are appropriately managing heritage items under their ownership or control.

State government owned heritage is vulnerable to unsympathetic redevelopment and demolition by neglect due to Heritage NSW not having the resources to ensure state agencies are leading by example along with the ability for state agencies to bypass local government heritage provisions by using self-determination under Part 5, Infrastructure SEPP 2007 and Educational Establishments SEPP 2017. Most state agencies do not meet their obligations under S170, S170A and many buildings would not meet the minimum standards of maintenance and repair under Part 3 of the Heritage Regulation 2012.

In addition, many highly significant State owned properties are not listed on the SHR, including the Art Gallery of NSW and Sydney Hospital, a heritage review of all state owned assets must be undertaken to ensure all they are appropriately heritage listed in line with



67.3%



their significance and funding made available for their ongoing management in accordance with the principles of the Burra Charter.

4. **I do not support changes to proposed heritage listing categories across the SHR and Local Environmental Plans.** A multi-level listing process (National, State and Local) is already in place that is simple, clear, and logical. Additional categories will lead to confusion, be unnecessarily complicated and open to differing interpretation. I would support better integration of the National Heritage List into digital platforms such as the Planning Portal ePlanning Spatial Viewer.
5. Division 4.7 and Division 5.2 of the Environmental Planning and Assessment Act 1979 should be repealed as these provisions are leading to unacceptable heritage impacts to highly significant SHR listed sites.
6. The government should make a commitment to review and update all Heritage NSW guidelines. Many of these guidelines are over 10 years old. These guidelines will assist property owners in understanding how to manage their heritage property and implications of heritage listings – a review of the Act will not.
7. The Heritage Act in its current form does not prevent the adaptive reuse of heritage places, updated guidelines and improved Heritage NSW resourcing would facilitate support for heritage property owners when approach adaptive reuse projects, improve heritage outcomes and enhance economic development.
8. The Heritage Act in its current form has provisions for financial incentives including grants to heritage property owners, this program just requires additional funding and resourcing.
9. To conclude, for this review process to be meaningful, this review process must include public hearings to ensure all stakeholders are heard.

Yours faithfully

