

Submission
No 141

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Name suppressed

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Partially
Confidential

I am a Sydney based heritage architect with 30 years experience and regularly work with the Heritage Act and its permits. I have framed my submission around the focus questions included in the discussion paper.

1. The Heritage Council of NSW should comprise a panel of experts in the fields of Aboriginal cultural heritage, archaeology, planning, landscape, architecture and interpretation, each with at least 20 years relevant experience. A position should also be made available for a member from the National Trust of Australia (NSW).
2. Aboriginal cultural heritage should be acknowledged by a separate significance criterion in each State Heritage Inventory listing. This would need to be undertaken in consultation with the Aboriginal community.
3. The objectives of the Heritage Act are still relevant, however the power of the Act is often undermined through the SSD process, etc where the Act is effectively switched off. The Victorian Heritage Act provides a better model as it is independent - ie decisions are made based on heritage principles rather than politics.
4. I do not think the Act necessarily needs to reflect the expectations of the contemporary NSW community. It is in place to conserve heritage items for future generations.
5. Conservation and sensitive adaptive reuse of heritage items brings new life and ensures the longevity of buildings which have outlived their original purpose and should be encouraged. If a building is left empty it is more likely to fall into a state of disrepair leading to a loss of heritage value. The NSW government should offer more grants or tax incentives to encourage the conservation and adaptive reuse of such places.
6. Fees for applications for work to heritage buildings should be waived provided they are being conserved. Conservation and maintenance costs should be tax deductible to some stage.
7. Commercial and philanthropic investment in the conservation and activation of heritage properties could be encouraged through tax deductible donations to funds such as the Endangered Houses Fund or a NSW equivalent of Working Heritage Victoria.
8. I do not see the point of the 4 categories suggested. It would be a nightmare for Heritage NSW to sift through the list and categorise each item and no doubt these would then be contentious. What is really important is that heritage assets are protected.

Most items on the SHR are actually government owned and unprotected if deemed part of a State Significant Development. This needs to STOP.

Ultimately items of national significance are also of local significance to the community in which they sit.

9. The use of a heritage item is irrelevant to its listing. If a residential property is deemed to be a heritage item of state significance then it should be offered the same level of protection by the Heritage Act as a commercial property.
10. Members of the community can currently nominate properties for inclusion in the State Heritage Register. These nominations are then assessed by a committee which reports to the NSW Heritage Council. If a property is under threat of demolition, an Interim Heritage Order

can be applied. I do not think greater community engagement is necessary in terms of the Heritage Register. More community engagement is required in terms of education regarding the benefits of heritage conservation.

11. Heritage Listings are often out of date. A stream lined process for updates could be useful, provided Heritage NSW had the staff to cope with the additional workload.

12. The missing ingredient in terms of communicating the current approval permit system is education as it can be very confusing, particularly with respect to archaeology and Aboriginal cultural heritage. Plain english is key.

13. The current determination criteria for heritage permits are still appropriate.

14. The Heritage Act should stand alone so that it cannot be switched off by other planning processes. Something is either of heritage significance or not and this should not change depending on the approval pathway of a project (DA vs SSDA for example). The Central Station Precinct is a classic example of this process at its worst.

15. Heritage considerations should be enhanced at a strategic level. The NSW Heritage Council should be able to provide strategic heritage advice which is independent of other considerations.

16. Heritage compliance should be enforced with a range of penalties, commensurate to the breach.

17. Interpretation is key to understanding the value of state heritage listed items. Again, investment in education is important. This can be introduced to children at school as part of their history programme and extended to the general public through open days and exhibitions. This requires the government to make a financial commitment to heritage protection and to exhibit best heritage practice throughout their own projects - so they become exemplars. The former Historic Houses Trust (Sydney Living Museums) do this well and should be supported.

18. Activation of heritage places to support heritage tourism requires a careful understanding of the heritage significance of a place, sensitive design and financial investment, supported by government. The South Australian model may provide useful insights.

19. Activation of public heritage buildings to meet public needs requires careful community consultation. This needs to be based on a clear understanding of the significant values of a place, along with the heritage constraints and opportunities this imposes, so the community are provided with a realistic view of what is possible.

Separately - Heritage NSW is short staffed and urgently needs more funding. This office should be staffed by professionals who are expert in their field and can provide independent impartial advice. This, along with education, should be the priority, rather than changing the Heritage Act.