

Submission
No 142

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Name suppressed

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Partially
Confidential

- The legal aspects and structure of the Heritage Act is actually quite robust.
- Composition of the Heritage Council should be reinstated as technical and respected experts in a range of heritage matters. Their independence is vital and we contemplated the Victorian model of having decision making capacity/veto powers rather than advisory role to the Minister.
- Resourcing and technical expertise of Heritage NSW staff assessing applications. They should be able to heavily support applications from private owners and issue highly technical advice. Where proposals are not suitable this should be identified early so less money is wasted on design and consultants (ie issue a 'no' as soon as possible). Their technical role should be extended to site inspections, audits and checks throughout the project and sign off final works prior to occupation certificate etc. 'Make good' and 're-do' work powers should be clear in their authority.
- Reinstating the 'condition reporting' for S170 heritage assets and include something that protects 'demolition for no reason' of assets listed on the S170 but not on an LEP and SHR (currently considered 'only S170' – however may be very significant to the asset owner's portfolio).
- Key issue of 'heritage is too hard' is government not funding maintenance of their own heritage assets (in particular non-operational assets). This is the bulk of the state's heritage portfolio. Strict Minimum Standard of Repair & Maintenance should extend to S170 items.
- Currently there is no heritage protection at all for those projects being approved under significant development / major projects EP&A Act. This is critical to address and seek to remove.
- Consider a statutory 'Heritage At Risk' list – which facilitates special attention for grants and or an 'embargo on new proposals'. This also has a reputational impact to the owner.
- The Discussion Paper talks a lot about adaptive re-use but doesn't mention challenges with modernisation (BCA, DDA, Australian Standards etc). Legal exemptions for special solutions should be included in the Act's review.
- The heritage classification proposed (exceptional etc) further nuances heritage instead of removing confusion. Prescription is better such as the English Heritage model (eg Grade 1 – no alterations or additions to whatever). The Irish model has a separate list for significant 'monuments' (separate to buildings). Something to consider.