

**Submission
No 163**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

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SUBMISSION RE THE REVIEW OF THE NSW HERITAGE LEGISLATION

FOCUS QUESTION 1

There are 17 areas of expertise nominated for a member of the Council to have qualifications, knowledge and skills. Obviously not all can be represented by the 9 members but there is a clear lack of core heritage knowledge and experience. Colleen Morris is the exception. Aboriginal heritage is specifically covered by a Council member and an Observer. This needs to be addressed to achieve a more relevant Council.

There should be a stipulation that the key areas of architectural, archaeological, cultural and natural landscape and Aboriginal heritage form the core of the Council.

FOCUS QUESTION 2

Whether Aboriginal heritage should be within the Act or have its own Act as previously promised needs to be the subject of proper consultation with a wide range of Aboriginal bodies and heritage experts with experience in Aboriginal heritage issues. The specialist knowledge required in this area would point to a stand alone Act as a better option. The results should be made publicly available with the resulting recommendations. Given the location of many Aboriginal cultural sites, our National Parks and Wildlife Service need to be involved.

FOCUS QUESTION 3

Yes they are still relevant with the addition of ensuring adequate interpretation wherever appropriate and promoting and encouraging the promotion of the State's heritage.

FOCUS QUESTION 4

This is difficult to assess and would take a major consultation process to come to a proper conclusion. Any proposed changes to the Act that are based on updating to meet present day expectations need the basis for the changes to be clearly spelt out and how the expectations have been assessed. The absolute fundamentals must be the identification and recording of heritage items and their proper protection. Greater emphasis on items important to our growing multi cultural population would be welcome.

FOCUS QUESTION 5

Online access to many successful examples of adaptive reuse of heritage buildings across different building types selected with explanatory text by experienced heritage practitioners to guide people involved in an adaptive reuse project together with who to contact for advice. As so many heritage items are of local significance, support for Local Councils and their heritage advisors is essential so people can contact their local Council to get advice about heritage implications and planning advice. Encourage pro active identification of important buildings in need of activation and adaptive reuse. Explore crowd funding as an option for appropriate buildings and their planned new use. Create a special Heritage Council advisory committee of experts to check out and advise on submitted cases for adaptive reuse.

Promotion of the inherent qualities of heritage buildings, their craftsmanship, embodied energy and the sustainability of non or minor demolition.

FOCUS QUESTION 6

Is it possible to set up a Heritage Lottery? Would need clearly defined aims and an independent adjudicator. Published results would attract wide publicity with a TV program "Adaption in Action"!

FOCUS QUESTIONS 8 AND 9

The Review paper does not clarify why the "one size fits all approach is unable to respond ". In advocating change of this nature more detailed information is required such as "the perceived constraints" by whom and the statement that "more complex items could receive more tailored and streamlined protections" needs more detailed clarification.

Regarding residential properties a State heritage listing would imply that the house is very important and this category represents only a small proportion. The listing criteria would identify if the interiors were important or not. Category 3 has no examples other than "Standard residential properties". Standard is an odd way to describe heritage buildings in this category. Any process has to protect the heritage qualities contained in the listing criteria. Site specific exemptions may be able to be included in the listing criteria but would need a proper knowledge of the listed item in order to make such decisions.

Category 4 is the largest category. As it covers the local level it is very important, as it is what most people will come into contact with and should be promoted and interpreted by the Local Council. The use of the word "only" to clarify heritage significance would seem rather dismissive for this local level, especially as the idea of community driven nominations has been put forward.

As Local Councils deal with Development Applications they are best placed to discuss proposed changes to a locally listed item. The role of a heritage advisor is really important here as they can support the Council planning team. More remote locations could be reached via Zoom. The danger with "tailored" heritage protections is that there is usually variations between items and they require well researched and well considered development by heritage professionals. Shot cuts and cost saving measures must only be adopted when there is clear evidence that the heritage items involved will be protected to the same degree as the pre change system.

Examples of tailored protections are the well established practice for providing detailed design guidance for areas of terrace housing where owners can have a clear understanding of what changes are appropriate and Conservation Areas should also have the same level of guidance spelling out the history and heritage significance of the area. These design requirements need to be provided by real estate agents and made clear to a potential purchaser. The Design Guidelines would celebrate the contribution of the buildings to the character of the local area.

More clarification and justification are needed and should be supplied by the Heritage Council in order to better understand and comment on any proposed categorisation.

FOCUS QUESTION 10

It is difficult to understand how an easier, more efficient listing system would be achieved by greater community engagement. There already exists a backlog of items to be considered and a very slow rate of additions to the Register. While it would be interesting to invite community nominations, there would need to be some guidelines prepared. Additional staff would be required as I am sure people would not be happy with " just hang for another year or so". A larger, more diverse and interesting Heritage Register could result from community nominations and it would help raise awareness of heritage in local areas.

FOCUS QUESTION 11

Where streamlining can be achieved that still guarantees proper heritage protection, it would be welcomed. The proposed measures should be subject to public and professional consultation. It is important to review listed items and update them where required by experienced heritage staff.

FOCUS QUESTION 12

Heritage listings clearly do “not stop all change or freeze a place in time” so why was this stated? The Opera House is undergoing carefully considered change, Most buildings in The Rocks have undergone sympathetic adaptive reuse. What are the onerous processes? Important State significant items would require a Conservation Management Plan given their status. Locally significant items may also require a Conservation Management Plan in some circumstances. Where there is private owner, a grant could pay for all or part of this where judged appropriate.

The Heritage Council needs to produce clearly written and well illustrated material to explain the permit process and why it is required. It should be recognised that a listed heritage building does require some extra effort and understanding.

FOCUS QUESTIONS 14 and 15

An up to date Heritage Study of the entire area subject to strategic planning is essential so that all other aspects of the Strategic Plan can be informed by it, allowing Heritage to form a vital component in providing a social anchor within newly developing areas and in any rezoning of existing areas ensuring that heritage items and areas are protected and celebrated. The identification of new heritage items would need to be identified and incorporated into the strategic Plan.

Ideally the Heritage and Planning Acts should be integrated as was originally proposed.

FOCUS QUESTION 16

Infringement notices would need to be backed up by fines that at a minimum would cover the costs of the investigation but considerably more where willful negligence is involved. They would need to be seen as a clear deterrent to damaging a heritage item.

FOCUS QUESTION 17

The Heritage Council should provide video, U tube material and other appropriate material to publicise the importance of State heritage items. However the majority of items are locally listed items. This is where local Council must be supported to publicise their local heritage through walking trails, interesting interpretation, access to heritage advice, festivals and any other suitable means. It is at the local level where the State level heritage can be promoted together with local heritage to create a better understanding of these two levels.

FOCUS QUESTION 18

There is no doubt that heritage is a very important contributor in any tourism plan. Wheat silos are a highly visible landmark in rural areas and a symbol of the country’s agricultural importance. The recent painting of murals on these structures has produced a trail for people interested to see as many as possible. Eugowra is an example of a village that has used murals to portray local history. These are low key, reversible means of promoting tourism.

Heritage destinations need to be well advertised so visitors are well aware beforehand so visitors include them in their itinerary. Once there the visitor experience needs to be worthwhile and memorable so investment in exciting interpretation and merchandise will pay long term dividends.

FOCUS QUESTION 19

Reuse of publicly owned heritage is a very important issue as they have been paid for by public monies and many items are in prominent locations within a locality. It requires experienced heritage practitioners together with key stakeholders who can come up with creative solutions. They need to be positively motivated and respect the heritage of the item to draw out the potential for an adaptive reuse appropriate to the circumstances which will vary in every case. An expert panel of key people with experience working with publicly owned items, set up by the Heritage Council, could help as a review body to assess each case and recommend preliminary procedures to start the adaptive reuse process. What should not happen is that the items be put out for sale without the input from experts as mentioned above.

Bob Clark

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