

**Submission
No 167**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

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Date Received: 27 June 2021

NSW Heritage Act Review 2021

Submission to the NSW Legislative Council's Standing Committee on Social Issue

by

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1. Engineers Australia Sydney Heritage Group
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1. General Comments
- The “Guiding themes” referred to in the discussions, in principle, seem acceptable. It is the details in the implementation that is important including the better recognised tangible heritage (buildings/structures) and moveable heritage (that often is removed or not considered) – what is a flour mill building without the flour milling machinery and equipment? It is also important that the intangible heritage is conserved/protected (this is often lost when the moveable heritage is removed).

“Putting heritage to work” is important but the true “value” of the heritage is difficult to assess. Moveable Heritage certainly can add significantly to the sustainability of the building re-use e.g. Birkenhead Shopping complex seems to have removed the both evidence of the original building purpose and all moveable heritage and therefore lost the tyre factory connections e.g. Bathurst 500 etc. The same thing happened with the Goldsborough Mort Buildings in Ultimo – went to great trouble to remove the moveable heritage including hydraulic ram whip cranes, cobblestone/wagon markings, wool presses and laboratory equipment.

The current recognised lists of heritage indicate a number of the shortfalls in the current “macro” level of heritage understanding and recognition:

1. The imbalance and incompleteness of significant heritage in recognised heritage “lists”:

- a) State Heritage Registers (NSW), Gov assets 99%, moveable 3%, Roads, railways, sewerage and water 75%
- b) National Trust (NSW) - “Industrial Archaeological Sites” 1990 (Roads, Railways, Bridges 41%)
- c) Engineers Australia etc

2. **Post 1990 representation** - SHR Pre 1900 79%
3. **Origin and evolution** – while sites are important, these sites are largely based on a location and/or precinct. The current lists like the SHR or National Trust (NSW) IH fails to identify:
 - a. the origin of the heritage in a location
 - b. The evolution of that and new heritage

This identification of the origin of heritage in an area of precinct is extremely important but is not captured in the recognised state and national heritage. This is important in that it could also provide indicators for successful re-use/adaptive re-use. This would also provide more focus on the retention of and utilisation of the moveable heritage in the economic sustainability of the building including maintenance of both the tangible and intangible heritage.

Existing lists were used to test how well they captured the origin of the location (Bega Valley and Eden/ Boydtown area). Not only did they fail to capture the “original” modern industrial and engineering heritage the evolution of say dairying was not included. This then wasn’t linked to sites like the Agricultural Show Pavilion (which will probably be demolished) and transport links like Tathra Wharf.

While a lot of the above is at the “Macro Level” it is this level that will firstly establish the framework for the protection and conservation of heritage. Secondly it will provide the education and understanding of the “heritage context” for the owners/developers of significant heritage sites/items.

2. Focus Questions

2.1 What should be the composition, skills and qualities of the Heritage Council of NSW?

Firstly, the “skills” is far too narrow and I am surprised that is appears as a question let alone the first Focus Question. Competence should be used as this knowledge and application that produces outcomes.

As the review progresses there should be a competency profile produced for the Heritage Council of NSW. The review will hopefully clearly identify outcomes and hopefully performance measures will also be incorporated. It will be easy then to produce an overall competency profile (including the multiple technical competence) for the Heritage Council. It is then a matter of recruiting members that address all the competencies like is done with selection of Board members. This could be replicated for specific roles say Chair.

2.2 How should Aboriginal Cultural Heritage be acknowledged and considered in the Heritage Act.

I would think that with the proper definition and application Act it should apply to all heritage (whether tangible or intangible). While undertaking the testing of the origin of modern industrial heritage in Boydtown the significance of the First People

Whaling and the techniques copied and used by the European whalers was identified.

Engineers Australia recognises Aboriginal sites as Engineering Heritage (no special provisions for Aboriginal heritage).

Where “distinctions” are made there can be a loss of focus and the proposed new Vision for Cockatoo Island is a prime example.

2.3 Are the objectives of the Heritage Act still relevant?

Yes. As mentioned in the introduction it is the detail and implementation that is important including the resources available for this implementation.

2.4 Does the Act adequately reflect the expectations of the contemporary NSW community?

I don't think that the “contemporary community” really understands heritage. As a part of the Heritage community, I do not think we have done a good job at educating people on what is heritage and what is the significance of heritage.

I was the engineer on the Fig Street Fiasco front line with Jack Mundey and the Green Bans in 1976. Speaking with Jack many years latter he indicated that he was protesting to protect “purpose” as much as heritage. He stated that he wished he had been better informed/educated on heritage, especially moveable heritage, in those days as maybe there would have been different outcome. In those days the Government wouldn't spare any expense to hide or “destroy” heritage – we have come a long way but as professionals have we bought the community with us (I would say probably no where near enough).

2.5 How can the NSW Government legislation better incentivise the ownership, activation and adaptive reuse of heritage?

See response 2.4

The short response is yes if that specific heritage item fits and contributes to a location or precinct. I referred to the origin and evolution of heritage in a location or precinct – if the specific re-use fits into the preserving this evolution of the heritage then it is of significant importance to the location/precinct.

The Powerhouse (Museum) at Ultimo is an important “focal point” for the most important transport and industrial heritage precinct in Sydney. This links with not only the tramway but Pyrmont Bridge, however this doesn't seem to be acknowledged by our own Government so what example are we setting for the developers. Take 185 Clarence Street (Substation/Warehouse) development. Yes they have re-instated parts of one of the hydraulic lift but the older “dumb waiter lift” has failed to get a mention. The reinstatement of bits and pieces of the lift with incorrect diagrams, no cable etc is a poor representation of an important heritage

item. This isn't quite as bad as the Wynyard Escalators mural which could have used genuine parts which would have properly represented how the escalator worked and changed overtime (not the mis representation that exists).

Yes incentives to "do a proper" reinstatement or representation of the heritage especially moveable heritage e.g. getting a machine to "move" again. Opportunities at Cockatoo Island existed but it looks like this is all lost in a mis guided new "vision".

2.6 How can we improve incentives within the taxation system to help mitigate the cost of private heritage ownership?

The answer is yes but I think this would need a study to see how this could be achieved. I think a historic vehicle scheme has been successful so the extension of something like this.

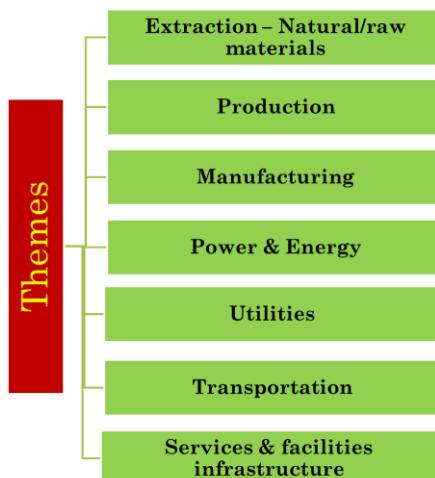
There are better people to answer this.

2.7 What sort of initiatives might encourage activation and conservation of heritage through commercial and philanthropic investment?

Awareness and promotion of the significance of the heritage as an item but more importantly the significance to a location of precinct. The "item" is them within in a larger context and more likely to attract the investment. The 185 Clarence Street example the developer spent the money to remove the hydraulic lifts but the reinstatement a bits and pieces indicates a lack of understanding of the significance of that heritage item as well as a lack of understanding of the significance of firstly the hydraulic power as a pollution reducing energy source and secondly how it changed building architecture in Sydney.

2.8 How could tailored heritage protection enhance Heritage conservation?

By adopting a structured approach to heritage assessment by location/precinct. Identify the origin and evolution of heritage in an area. Starting with the raw material (natural or made) and following the themes/categories:



2.9 How should heritage items that are residential properties be accommodated under a proposed category scheme?

If the structure approach mentioned above is adopted then the residential properties fall out as services and facilities infrastructure. The last standing creamery in Bega (Yarranung Creamery) together with the Managers residence still stands. These are private owned “Production/Manufacturing” factory as hay shed and the house as a dairy residence. If we look at the evolution of the Dairy Industry in Bega these structures would emerge as significant – only standing creamery (about to fall down). There are also archaeological sites associated with the creamery and nearby earlier dairying site.



2.10 Would greater community engagement deliver more robust State Heritage Register?

Yes community must firstly be educated and secondly involved. Looking at the origin and evolution of industrial heritage by location could only be achieved using the community for the Phase 1 i.e. identify the origin and evolution of the heritage in a location or precinct:

Where might the resources come from for each area/precinct? As initial suggestions that may be explored:

1. Local Councils (LGA's) 2016 – 128 in NSW and 2020 - 562 in Australia which includes unincorporated areas.
2. Museums in the area/location
3. Other “like minded” heritage bodies/associations
4. Volunteers with an interest in heritage – retired history/geography teachers, engineers, librarians
5. Education system (secondary and tertiary education) e.g. as an elective in high school curriculum
6. Volunteers - <https://makeadifference.volunteering.nsw.gov.au/>

To outsource the phase 1 to say High Schools as a “History/Heritage” elective project would involve designing the process and forms to guide the Data collection with proper referencing, photo’s etc.

2.11 Would streamlining enhance the listing process?

The structured approach mentioned in 2.10 would provide a more meaningful overview of the heritage that needs to be listed. There will always be the “one-off” or ad hoc heritage items that are worthy of listing.

2.12 How could we improve the current approval permit system?

Not sure, however the exemptions process is currently a concern with the lack of rigour (more political) in approving exemptions. Politicians are not always well informed on the significance of heritage.

2.13 Are the current determination criteria for heritage permits still appropriate?

I don’t know the answer to this. There almost needs to be an upfront phase (like a Development Application) where the technical aspects are properly assessed. This might reduce the amount of stripping out of say the moveable heritage. As mentioned earlier, realise that a flour mill is more than a building and the moveable heritage can possibly contribute to the sustainability of the development/reuse.

2.14 How could we improve heritage considerations within land use planning system?

Not sure but the different pieces of legislation impacting on heritage needs to be considered including land use.

2.15 Are there opportunities to enhance consideration of heritage at the strategic level?

I am not clear on what this question is asking. What strategic level? If the strategic level means defining the outcomes we want as professionals and community and establishing the measures of successful delivery then YES,

2.16 How could heritage compliance and enforcement be improved?

The main one is that what is approved is delivered and in a timely manner. This needs professional resources,

2.17 How could understanding of State heritage be enhanced?

Lead by example, particularly at the Government, see the Greater Sydney Commission basically ignored heritage.

Educate and involve the community

2.18 How could we improve heritage tourism or help activate heritage places for tourism?

There are people like EA more qualified to respond to this question.

I am involved (contact) with a Heritage Tourism organisation in UK and Europe (and sometimes Australia and NZ). **The opportunities are enormous** but the UK Heritage group are more interested in NZ than Australia – it is easier and more compact organising tours in NZ than in Australia. The travel distance from UK to Australia is the first challenge and secondly the distances within Australia.

I do the occasional heritage/history walks at Darling Harbour and there is always interest from a broad cross section of age groups. A significant outcome is the education on what is heritage – we need to better inform/educate the community.

2.19 How could public heritage buildings be activated to meet the needs of communities?

Involve the appropriate professionals at an early stage and don't wait for the heritage buildings to deteriorate and moveable heritage to disappear (or be moved – significance reduced). The Eveleigh Workshops is a prime example of a potential being wasted and now it has passed to private sector good heritage practice ignored. White Bay Power Station is going down a similar path.

The origin and evolution of the building is significant and can provide indicators for adaptive reuse. The Pyrmont Powerhouse is a prime example of a public building turned into a museum as well as being a focal point for the transport and industrial heritage precinct that surrounded Cockle Bay/Darling Harbour. Now it is being re-focussed and will loose the linkage with this important precinct.