

**Submission
No 171**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Cr Kerry Brown

Date Received: 28 June 2021

I am a Blue Mountains City Councillor and Vice-Chair of our Heritage Advisory Committee. I am also a former manager at two National Heritage listed properties – Everglades House and Gardens in Leura and the Royal Botanic Gardens Sydney.

With few exceptions I do not support the proposed changes to the *NSW Heritage Act 1977* but I do support mechanisms to increase funding for heritage protection and to strengthen capacity for adaptive reuse.

There should be no further dilution of the NSW Heritage Act 1977 capacity to identify, protect, fund and penalise transgressions of heritage conservation, and its other functions.

Our heritage cannot be put back once it is lost. Any private person organisation or government body who has care of a heritage item should be willing and able to repair and maintain heritage or they should sell/pass the item to someone who has the wherewithal to do so.

Nevertheless, I believe there should be far more funding programs to complement the work and efforts of people, businesses and local and state government to research, conserve, promote and engage with our cultural heritage.

Heritage lies at the heart of who we are and how we understand ourselves as individuals, communities and a nation.

The Blue Mountains community has a strong commitment to its heritage and ongoing frustration at the lack of pathways to protect, promote and use our heritage properties.

I support the view of the Blue Mountains Council that *The role of heritage in society should be explored strategically not legislatively, through a NSW State Heritage Strategy, that sets out the vision, principles and implementation for how it will develop heritage management along the four key principles of 'knowing, protecting, supporting, and promoting'* [from the Heritage Victoria toolkit, and the basis of the Blue Mountains Heritage Strategy, on our website here: <https://www.bmcc.nsw.gov.au/documents/blue-mountains-heritage->

[strategy-2021-2025\]](#)

The Strategy needs much much better resourcing than is currently available.

Aboriginal Cultural heritage management work

It is beyond me why the Aboriginal cultural heritage is under the National Parks and Wildlife Act (1974).

Revising Aboriginal heritage legislation in NSW should be a top priority. Aboriginal cultural heritage research and conservation should be a priority across all sites and should be overseen by First Nations people.

I understand that the Queensland and Victorian State Governments have adopted legislation to this end. This would be a good place to start for consideration of appropriate NSW Aboriginal cultural heritage management.

More resources and funding

Current heritage funding in NSW is beyond miserly. Heritage NSW needs much better resourcing instead of attrition. Legislation is worthless if the resources are not there to assist genuine and creative efforts to protect our heritage and to enforce.

I strongly support the proposal for regional offices of Heritage NSW which would also increase the capacity for local research, appropriate adaptive use and promotion of heritage.

I also support tax concessions and grants for qualified and appropriate restoration and adaption by private owners and government authorities particularly Councils.

Provide local government mechanisms to discourage demolition by neglect

Blue Mountains City Council has advocated strongly for powers to enable local government to enforce minimum standards of maintenance and repair aligned with those of the Heritage Act and Heritage Regulation for

state-listed heritage items.

In the Blue Mountains, we are watching old privately own buildings from the tourism heyday in the Victorian and Art Deco eras fall into disrepair and ruin. This Demolition by Neglect particularly of buildings in the Katoomba CBD has had a devastating impact on the social and economic fabric of the town. It is unconscionable that the State Government has refused to put in place mechanisms which allow the State and the local council to force owners to maintain their buildings particularly those that are heritage listed. The inquiry should consider the recent Planning and Environment Amendment Bill 2021 passed by the Victorian State Government, to discourage and penalise heritage property owners do not protect heritage values.

It should also consider the Heritage Act Clause 161(1)(a) which gives the Minister the power to prohibit development for up to 10 years in certain circumstances. This could also used as a deterrent to the demolition of heritage properties by neglect.

Adaptive re-use to protect and revitalise

In Katoomba there are many beautiful buildings at risk of demolition by neglect. There is an urgent need for the NSW government to set up a statewide project run by qualified experts to encourage and facilitate re-use projects of empty and rundown properties and sites to revitalize and protect historic towns and precincts. In Katoomba, we have seen two recent affordable housing projects coming out of adaptive re-use of old guesthouses. Much more could be done with this.

Restoring our historic tourist buildings for contemporary tourism uses is another obvious area for assistance given the often large costs required to meet current regulatory standards while restoring not only the façade but the fabric of the property.

Heritage Tourism

This is one of the most critical aspects of Blue Mountains tourism economy. We know that cultural heritage greatly increases the length of

stay (encouraging overnight stays) and of spend per tourist (up to four times as much as 'look-out' daytripper. Katoomba is one of the oldest tourism towns in Australia and its Victorian-Art Deco heritage remains remarkably intact but rundown.

Katoomba and the entire region also has indigenous heritage that is only beginning to be explored. There is untapped potential for direct benefit to our First Nations community through increased employment opportunities and greater appreciation and understanding of their ancient and ongoing connection to, and care for, Country. The benefit is of course also to the non-indigenous community through increased knowledge and understanding.

NSW government heritage assets - erosion of heritage protections in state legislation

The State Government should be the protector not the destroyer of heritage. Two-thirds of State Heritage Register items are owned by government (aside from the thousands of locally-listed items in NSW that are also owned and/or managed by government). One of the biggest destroyers of heritage has been large scale development including 'state significant development' by Transport NSW – roads rule.

And look at the battle over Willow Grove. Despite the overwhelming community commitment to this historic property – a core benchmark for heritage value -- the State Government has been hell-bent on its destruction ironically to construct a museum.

This attitude needs to be reviewed. State significant development should not turn off heritage protections.

Thank you for your consideration of this submission

Kerry Brown