

**Submission
No 173**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Ms Mary Sutton

Date Received: 28 June 2021

State Heritage Register Listed Properties

Thank for the opportunity to comment. We are interested in the Review of the Heritage Act 1977 ("Review") as we have owned and conserved a State Heritage Registered ("SHR") property for over 10 years and the findings of this Review will contribute to the evidence base for legislative reform.

That is, the Review directly impacts us in conserving our state heritage.

We believe that a shared responsibility of SHR property owners and Government exists for the identification, conservation and protection of our rare and significant heritage in a collaborative manner. SHR listing should reflect the joint celebration of our heritage.

It is important that the Review is used by all interested parties as an opportunity to build on an already robust, comprehensive and effective piece of legislation.

What is specifically required by owners of SHR property is increased resourcing of the Heritage Council to better to be able to provide practical advice, effective financial incentives and appropriate conservation grants.

Themes / Specific Questions in the Review Discussion Paper

Focus Question 1:

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

The Heritage Council, as currently formed and empowered, appears to lack transparency, experience and resourcing. The Heritage Council should be an independent and vigorous public champion of heritage as part of the overall planning of land use and development.

Advisory Committees should be reinvigorated.

Heritage Council decisions on heritage should be determinative.

There is value in the Government more readily accepting input from heritage professionals, such as those drawn upon by the Heritage Council in their decision-making processes.

Focus Question 2:

How should aboriginal cultural heritage be acknowledged and considered within the Heritage Act?

A separate Indigenous Heritage Act should be developed to adequately identify, protect and conserve, indigenous heritage.

Focus Question 3:

Are the objectives of the Heritage Act still relevant?

The single key objective of the Heritage Act should be to support conservation over development as part of environmental and land use planning considerations.

The Heritage Act should continue to operate to protect threatened buildings and to identify buildings to be protected.

Submission: Review of the Heritage Act 1977

Focus Question 4:

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

The NSW community wants stronger heritage protection while acknowledging adaptability and liveability needs. The NSW community expects Government to demonstrate best practice to SHR place owners in conserving and managing its heritage assets.

Focus Question 8:

How could tailored heritage protections enhance heritage conservation?

A holistic approach to heritage conservation, such as adopting conservation areas for a number of adjacent buildings rather than separately listing individual buildings, gives the best heritage protection to each of the buildings in that area.

Focus Question 10:

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

The NSW community's recognition, understanding and respect for heritage is important. There is a need for the value and significance of heritage or important buildings to be communicated to the widest population.

Focus Question 11:

Would streamlining enhance the listing process?

The process for SHR listing needs to be streamlined. There should be a process to pro-actively list important buildings that is simple, collaborative and negotiated for optimum outcomes.

Focus Question 14:

How could we improve heritage consideration within land use planning systems?

Heritage conservation is integral to environmental planning – heritage preservation is relevant and fundamental in decisions about land use and development.

Focus Question 16:

How could heritage compliance and enforcement be improved?

The Heritage Act should contain investigative powers (including access powers) to ensure SHR property owners comply with heritage requirements.

Next Steps

This Review is an excellent consultation beginning. We urge the Government to adopt a transparent Review process with further opportunities for consultation including public hearings, public exhibitions of white papers and separate consultations with heritage bodies. Thank you for your time in considering our submission.

Mary Sutton

Andrew Jackson