

**Submission  
No 189**

## **INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977**

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Dear Members of the Standing Committee on Social Issues,

As a heritage consultant working within New South Wales, I am concerned about the inquiry into the NSW *Heritage Act 1977* and notably, the points raised within the Discussion Paper dated April 2021. In principle the *Heritage Act 1977* continues to operate efficiently, and little changes are required to improve upon the existing Act. However, it is the application of the Act that requires careful consideration.

While I cannot address all the concerning matters raised in the Discussion Paper, the following list comprises recommendations of improvements within the application of the Act and matters which need to be considered by the Committee. Careful attention should be given to exploring the potential for:

- The provision of additional resources to Heritage NSW to facilitate the creation of new technical publications and the undertaking of relevant heritage reviews. The existing technical guides, whilst useful, are outdated and greater resources need to be made available to owners of heritage buildings, to assist them in making informed decisions and to encourage accessibility. Reviews of the existing heritage listed items should also be included, to identify any gaps, and to ensure that existing listings are still relevant and suitably meet the criteria.
- No changes should be made to the levels of listing. Introducing additional levels would further complicate the system and deny public accessibility to a system that is already dominated by heritage professionals. The current listings system is simple and logical. Notwithstanding the complicated nature of introducing additional categories of listings, it also raises questions regarding how such a system would even be implemented. Resources within Heritage NSW is already a concern and as noted above has resulted in an absence of the creation of accessible resources and adequate reviews of existing listings.
- To remove the required submission of a Section 60 Application following the lodgment and application of an Integrated Development Application ('IDA'). The requirement for a Section 60 is an additional financial and unnecessary burden and discourages stakeholders of State listed properties from following the correct procedure. The IDA process is a key feature of the system, in ensuring that the best possible heritage outcome is achieved, based on dialogue between the relevant local Council and Heritage NSW. The IDA system must be maintained but should not be further complicated by the continued requirement for the lodgment of a Section 60 Application.
- Appointments to the Heritage Council should be skilled based, to ensure that those involved within the decision-making process are adequately qualified and understanding of heritage within NSW and more broadly. This would ensure that informed decisions are being made and the public can be satisfied that their best interests are being represented through the safeguarding of heritage.
- Powers granted to the Minister concerning matters of listing, including the opportunity to review the financial potential of places prior to being officially listed, and the threshold for standard exemptions, fast applications and standard

applications for permits under the Act, should be curtailed and cautiously re-examined. The listing process, both for inclusion and removal, should be rigorous, and should not allow political involvement or interference.

- Greater clarity needs to be achieved surrounding the role of heritage within State Significant Development applications. In practice, the consideration for heritage is limited and documentation concerning heritage indicates that heritage is simply considered a check box requirement. Instead, the potential to truly incorporate heritage within development should be explored and should not be viewed as an obstruction to development within New South Wales.
- Greater commitments should be made to encouraging sustainability, considerations of the effects of climate change and how heritage can have a crucial role in promoting a more sustainable future within New South Wales.
- Ultimately, greater integration needs to occur between heritage and planning. In considering and shaping the future of Sydney and broader New South Wales, it is imperative that the relationship between the two disciplines is considered, and that greater consideration is given to the role of heritage within urban precinct planning.

It is a critical time for heritage within New South Wales and it is imperative that these changes are made carefully. Heritage should not be viewed as an obstruction to future development, nor should it be considered a burden. The role of the community and ensuring their engagement with heritage should be encouraged. Heritage is in fact an opportunity; it not only reflects where we have been but is a key part of our future.

Kind Regards,

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