

**Submission
No 200**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Caitlin Allen

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**Submission on the NSW Legislative Council's Social Issues Standing Committee 2021
review of the *NSW Heritage Act, 1977***

I am an archaeologist and heritage specialist with 25 years' experience, largely working in NSW but with a solid knowledge and experience of international heritage practice through my work as a sessional lecturer in the University of Sydney's Master of Museum and Heritage Studies Program and my work with Australia ICOMOS and the International Committee on Archaeological Heritage Management. I am also a member of the NSW Heritage Council's Approvals Committee. My current research interests relate to the public benefits of heritage conservation and rethinking the ways communities value heritage. It is in the context of this research work that I offer some thoughts on the current review of the *NSW Heritage Act, 1977*.

The key argument in my submission is **that the *NSW Heritage Act, 1977* is a robust piece of legislation that does not require significant amendment. Most of the issues with the heritage system in NSW lie in the way the system is administered and funded rather than the Act itself.**

Heritage conservation has demonstrable public benefits in terms of social sustainability and individual wellbeing. Communities have agency in their interactions with heritage, that they have skills and expertise and can have different views on value and benefit to the heritage profession. This is being clearly demonstrated by extensive research projects, particularly in jurisdictions such as the UK where public benefit from heritage conservation is required to be identified and tracked.

There is an assumption in the *Review of NSW Heritage Legislation: Discussion Paper* that heritage needs to be made relevant to communities and that they need to be educated about why heritage is important. This is not the case. Numerous studies, including my current PhD research have shown that communities already know that their heritage is important and that it's conservation delivers tangible public benefits.¹ The problem is that the NSW heritage system doesn't adequately identify or deal with the ways communities value heritage and it sends the message that heritage is only for communities once professionals have done the job of deciding what is important and conserving and interpreting those values for them. The heritage system rather than heritage itself needs to be made relevant to and more easily navigated by communities.

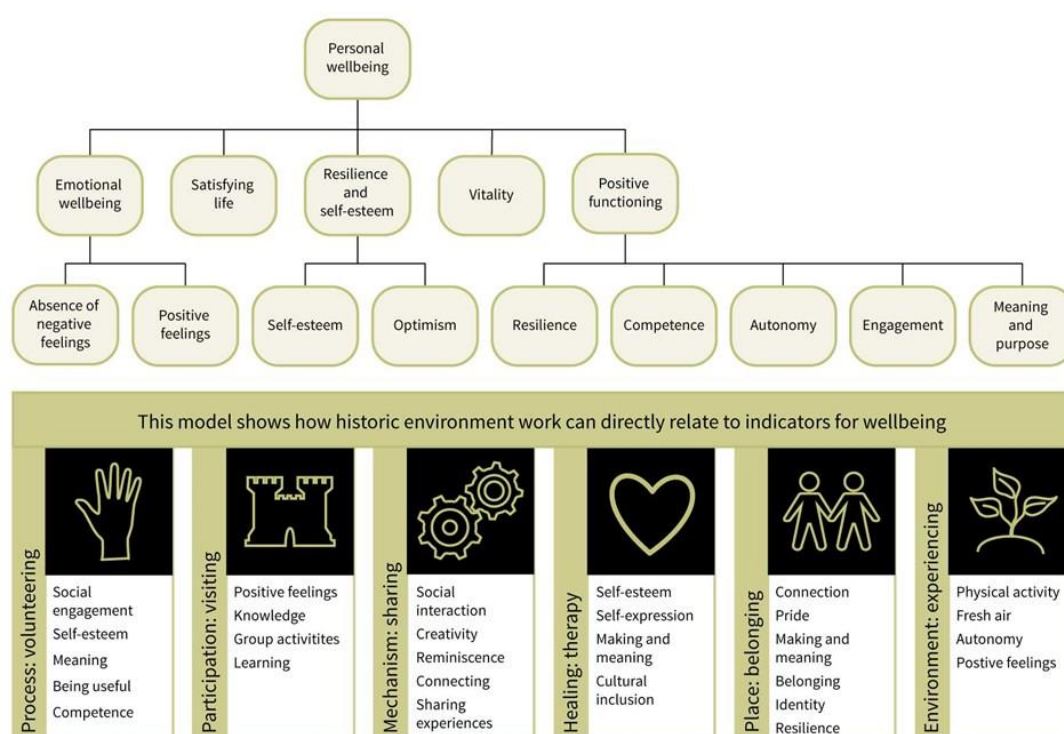
Heritage conservation is too important and too big a job to be the responsibility of only one community of interest, the heritage professionals. It needs to be a partnership between communities and professionals. But this is not simply a matter of devolving responsibilities for heritage management to communities without providing them with the resources to do this work. It is about ensuring community values are better addressed in heritage management systems and more clearly defining and balancing who should do what. It is also about adapting attitudes and language to recognise that heritage isn't a problem, it's a necessity, a force for change a force for community wellbeing and sustainability now and in the future.

¹ Caitlin Allen, in preparation, *"I don't know what that is but I love that it's there": Rethinking Social Value and the Contribution of In Situ Archaeological Conservation to Urban Communities*, PhD Dissertation, The University of Sydney.

Some suggestions for addressing these issues in the system are outlined below.

1. Use evidence to develop public policy

The *What Works Network* in the UK, is a good model for the use of evidence in public policy making. It uses evidence to improve the design and delivery of public services and to increase both the supply of and demand for evidence in policy development and impact. This requires research into the public benefits of heritage conservation and measuring its real-world impacts. Heritage-related research sits within the *What Works Wellbeing Network* (<https://whatworkswellbeing.org/about-us/>). A scoping review of the impact of historic places and assets on community wellbeing in the UK found that 95% of adults think it is important to look after heritage buildings; 73% had visited a heritage site over twelve months; over 315,000 people were heritage volunteers; and 80% of people thought that local heritage makes their area a better place to live.² **The evidence shows positive impacts on individual wellbeing**, including outcomes such as increased confidence, social connectivity and life satisfaction. **There is also evidence of positive effects on community wellbeing**, including outcomes on social relationships, sense of belonging, pride of place, ownership and collective empowerment. A framework for linking heritage and wellbeing developed by Historic England is shown below (www.historicengland.org.uk). These sorts of responses to heritage and evidence of positive social outcomes is supported in Australian research such as my PhD dissertation.



² Pennington A, Jones R, Bagnall A-M, South J, Corcoran R (2018) *The impact of historic places and assets on community wellbeing - a scoping review*. London: What Works Centre for Wellbeing.

2. Embed meaningful community values assessment and management into heritage management systems

There is an understanding in NSW that Aboriginal communities need to be involved in the identification and management of heritage places and practices that have value to them. This has led to requirements for community involvement in heritage management practices and the linkage of heritage outcomes to the social and economic wellbeing of Aboriginal communities. This is not the case for other communities in the State. Even though social value is a recognised criteria for assessing heritage value under the NSW Heritage Act, it is rarely assessed and where it is assessed it is usually done by heritage professionals without reference to the communities in question. Views on what community value is are outdated and often confined to considerations of how well communities understand and respond to professionally assessed values, rather than grappling with the emotional, experiential and amenity values that communities attribute to their heritage. Management documents rarely contain specific guidance about how to manage community values.

Communities need to be enabled to help shape heritage policies and individual place outcomes from the bottom up. Models for this already exist in participatory planning processes outside the heritage sector and have been recently used in initiatives like the NSW Heritage Council's Millers' Point vision and design guidelines process. Rapid social values assessment toolkits recently released by Historic Scotland and the University of Stirling may have applicability in NSW to allow this aspect of the heritage value assessment process to be more easily realised (<https://wrestlingsocialvalue.org>). It is also important to review existing Heritage NSW policies and guidelines to ensure community values are recognised and that there are explicit policies and processes for managing these values.

Embedding community participation in heritage management also requires recognition that while protection of NSW's heritage "icons" is important, all heritage is local. Meaningful identification and protection of heritage occurs at the local level and the system needs to focus at this local level. This is well recognised now in World heritage management processes.

3. Develop benefit-based and outcomes focused rather than process-oriented decision-making systems

Identifying and managing heritage values is an important part of the process of heritage conservation, but it not an end in itself. There is a purpose behind conserving and transmitting heritage values and outcomes beyond the literal act of conservation. This purpose is the achievement of public benefits from heritage conservation and the sorts of social sustainability and community and individual wellbeing outcomes referred to in point 1 above. Developing benefit-based decision-making frameworks would ensure that after heritage values and heritage impacts have been identified, explicit public benefits and outcomes from proposals that affect heritage places would be identified and considered during heritage decision-making processes.

Delivering the public benefits of heritage conservation should also be included as an object of the *NSW Heritage Act*.

4. Look outside policy silos to see how heritage relates to and contributes across public policy areas

A UK example of this is the Thriving Places Index. This index “*identifies the local conditions for wellbeing and measures whether those conditions are being delivered fairly and sustainably*”. These wellbeing conditions include heritage value

<https://www.thrivingplacesindex.org>

5. Adequately resource the NSW heritage assessment and management system at all levels

Many of the issues raised in the discussion paper are the result of inadequate resourcing of the NSW Heritage system at all levels. This includes skilled heritage professionals and financial support for the work of heritage conservation. Although I advocate greater inclusion of communities in formalised heritage management systems, there is still an integral place for professional heritage skills. Communities and individual heritage owners rely on support from trained heritage specialists but often have trouble accessing them affordably or easily.

Over the last twenty years government at all levels have suffered from deskilling of staff, a reduction of staff with industry and on the ground experience, and multiple restructures that have served to: complicate internal processes and create a hierarchical structure that doesn't make best use of staff skills and experience; create a lack of consistency in advice and a nervousness about decision-making; and foster a negative view of the heritage sector and the role of communities in heritage management. Devolvement of responsibilities to local councils have occurred without adequate support. The systems, which are stressed, are not keeping pace with international best practice in understandings of heritage and its management. A more open and collaborative approach between regulators, heritage professionals and communities is needed with better definition of roles and responsibilities.

Additional resourcing that focuses on the provision of direct heritage support and advice to communities including on the ground presence such as regular heritage clinics in high needs areas is needed. Such resourcing could be provided at both the State and local government levels. Additional grant funding support to communities and heritage asset owners would also support them to care for their heritage.

There are undoubtedly areas of improvement needed in the NSW heritage management system. But the Heritage Act itself does not need significant amendment and heritage does not need to be made more relevant. Rather, the systems of management need to be simplified, better resourced and connected more squarely to the reality of the way the public receives and values heritage. This will not only serve to ensure that community values are better identified and protected but also that conservation becomes an active force for supporting public benefits now and into the future.

Regards,

3rd July, 2021

CAITLIN ALLEN