

**Submission
No 210**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

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The Standing Committee on Social Issues
Legislative Council, New South Wales Parliament
Review of NSW Heritage Act, 1977
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My Name is Helen Temple. I have worked with the conservation, interpretation and management of NSW Environmental Heritage for 43 years since 1978 in various capacities:

- One of the original specialist staff employed by the Department of Environment and Planning to service the new Heritage Act, 1977. I was archaeologist and then Deputy Manager - Policy (1978 – 1990).
- Deputy Director Historic Houses Trust of NSW (now Sydney Living Museums) (1990 -2005).
- Now retired, I advise Hunters Hill Council in Sydney as a member of its Conservation Advisory Panel, which has been operating for over 55 years (2015 – present).

I would like to thank the Standing Committee for the opportunity to raise issues relevant to its review of the NSW Heritage Act, 1977. I have chosen to respond to a select few of the 19 Focus Questions and followed these up with some general observations, in both my introduction and in conclusion, which I believe are relevant to your considerations.

Introduction

I believe that there exists strong support for the Commonwealth and NSW Governments to take a leading role in the conservation and good management of our Environmental and Cultural heritage. I believe that this is supported by Australians, across the nation – perhaps all the more so in this time of upheaval and social change.

In the past 40 years, much has been achieved through the application of The Heritage Act, 1977 throughout the state. It remains one of the strongest and potentially most effective pieces of Conservation Planning legislation in Australia. Its aims - to identify, promote, conserve, manage, educate and support are straightforward and universal.

In the past, successful outcomes have been achieved through:

- Public education, professional support and financial incentives;
- Solving land use planning issues by applying strong professional expertise with negotiation skills; and through
- Collaboration with Government agencies to ensure State Government Heritage assets are responsibly identified, respected, managed and maintained in a shared manner.

Today, there is growing interest and concern for the environment, prompted by Climate Change and its manifestations. The devastation of bush fires and drought, concerns for responsible water management/sharing on a national level and now pestilence and disease – these increasingly prevalent issues have people focused on their immediate environments. Public sentiment is driving huge change in business and not for profit agencies.

Governments in Australia are lagging and communities are concerned.

Further, for the past decade NSW has actively promoted privatisation and sale of Public assets, and the funding of huge infrastructure projects (often imposed on character filled residential suburbs or towns). There has also been the sustained release of fertile “greenfields” land for rapid development and massively increased urban densities, particularly around Sydney. As a result of this pace, cities have grown exponentially - often at the expense of “character”. There has been a marked reduction of local food bowls and natural habitat zones have been severely diminished in area and quality. (F.Q. 14,15)

Consequently, the rapid rate of change, the perceived lack of transparent community consultation or sound planning, is resulting in an increasing mistrust of Governments over Heritage Conservation and Land Management. (FQ 14,15)

Conspicuously, the current NSW Government does not appear to be committed to adequate evaluation of Heritage or Environmental conservation. Its projects seem to be imposed on land and cityscapes without reference to natural or built heritage or local communities. The Government increasingly sidelines sound planning and heritage laws by declaring its’ development projects State Significant Development or Infrastructure. This is to the detriment of Government and its communities, for generations now and future.(FQs14,15)

Consequently, community groups are again forming in NSW to voice concerns about sites like historic “Willow Grove” Parramatta, The Powerhouse Museum, the impact on suburbs like Haberfield and Rozelle by the Westconnex project, the new bridge and road widening at Windsor that resulted in the destruction of the heart of one of our oldest towns. Green Bans are again making news; a clear indication that communities deeply care about the conservation of place and its impact on identity.

It is timely therefore to respond to some of the Review’s focus questions and urge the Panel to maintain the Heritage Act, 1977, to recommend its administration receives adequate financial resources to fulfill properly its charter, to appoint individuals with recognised excellence in conservation management experience at both specialist staff level and Councillor Level, to continue to allow it to be led by a High profile Chair and to receive strong and enduring political support.

Response to select Focus Questions:

Q1 What should be the Composition, skills and Qualities of the Heritage Council of NSW?

It is critical that that the Heritage Council Appointments are highly trained individuals with substantial professional experience and reputation ensuring the group represents all aspects of heritage covered by the Act.

Including: Building Conservation and adaptive reuse; Nature conservation; Strategic Planning; History; Aboriginal culture; Archaeology; Property management and rights; Economics; Local Government; Moveable heritage; Cultural tourism; Interpretation and the Law.

It was good practice in the past for some Councillors to be senior Executive staff of relevant Departments and Organisations. Thereby bringing both expertise and mechanisms to influence their own bodies to embrace State Government Conservation goals. For example, The Government Architect; The NPWS Director; the National Trust, the RAHS etc.

The mechanism of appointments must be transparent and apolitical.

Q2 How to Acknowledge and Consider Aboriginal Cultural Heritage within the Heritage Act.

This is an important question and I leave comment to those more aware of the detailed issues. However, I do believe strongly that Environmental Conservation and the conservation of Aboriginal cultural heritage and non-Aboriginal cultural heritage, all need to be embraced in legislation that recognises each and all, and the important relationships between them.

Legislation that recognises Aboriginal people as the traditional custodians of this continent is long overdue.

Q3: Are the objectives of the heritage Act are still relevant?

As mentioned, the Heritage Act, 1977 remains one of the strongest and potentially most effective pieces of Conservation Planning legislation in Australia. Its joint aims to identify, promote, protect, manage, educate and support are still universal.

The act should be championed by Government.

One change I support is to recognise contemporary excellence. The definition of Heritage should not be constrained by age. Contemporary places, buildings or designs of outstanding quality, which are significant to our sense of Place or Identity should also be protected by the Act's definitions.

The Heritage Act, 1977 has strong controls, which should not be weakened. The controls do not always need to be applied but may serve as an incentive ... In the early years of the Council's work, the Act was applied swiftly to ensure conservation of important places.

The early use of strong legal controls, allowed public support to catch up, or the commercial benefits of conservation to be demonstrated.

Many people today, would be surprised to know that some early and controversial applications of the Heritage Act, saved from demolition and development what would now be considered iconic places including:

- The Queen Victoria Building, Sydney CBD
- Swathes of the Rocks, Sydney
- The whole of Victoria Street, Potts Point
- The Finger Wharves, Woolloomooloo and Dawes Point
- The Archeological site of First Government House and the Government Office 1788 (cnr Market and Bridge Sts) - now Museum of Sydney.

Q4 Does the Act reflect Expectations of NSW the NSW Community?

I suspect the Heritage Council's work is no longer widely known in NSW.

Many high profile developments have been directly approved by Cabinet and the widespread educational work of the organisation has dried up as a result of a diminution of Government support through funding and exposure.

For decades the Heritage Council staff:

- Gave regular expert seminars in local government areas to support local planners and local property owners throughout the state
- The council produced many publications to assist private owners of historic buildings –e.g. “Getting the Details Right”, from appropriate colour schemes, gate and fencing designs, verandah detailing, to roof lines and garage types
- Solutions for rising damp
- Grant schemes to aid private owners off- set the cost of Conservation or repair
- The Statewide Mains Street Program (now High Street) continues to be a success working with local rural towns to repaint and refurbish historic main streets to revitalise and attract tourism.

New programs of community support initiatives would be a great foundation for a renewed involvement by the Government in community heritage initiatives spreading influence and education.

Further, as a result of migration policies the demographics of NSW have changed in recent decades. It would be rewarding for the Heritage Council to continue to collaborate with other organisations and local government, to appeal to new multi-cultural communities throughout the state, to promote shared cultural values.

For example, in the 1990s, The Historic Houses Trust introduced “The Festival of the Olive”, celebrating John Macarthur's 1805 Olive tree which survives at Elizabeth Farm Parramatta. This Mediterranean food festival became a staple event attracting significant tourism to the area but also appealing directly to the Lebanese and other Mediterranean communities who reside nearby.

Q14 How to improve heritage consideration within Land Use Planning?

Q15 Opportunities to enhance consideration of Heritage at Strategic Level?

A closer alignment with the Department of Environment and Planning but maintaining the separate Planning and Heritage Acts would be a very good start. Align them under the same Minister with larger portfolio, for example “Minister for Environment and Planning and the Minister for Heritage”. Heritage could again given equal consideration and weight to other strategic planning issues such as land use, transport, health education and employment.

Moving Heritage considerations out of Department of Premier and Cabinet is essential in view of current the government policy of overlooking Heritage issues – see many observations in my Introduction. This has just been an excuse to sideline consideration of Heritage and Conservation issues on all major Government initiatives in the past decade – a low point in assessment of this Government’s achievements – However, this seems to suit the current Cabinet.

Conclusion

I will leave the remaining questions pertaining to listing processes, financial incentives, and permit procedures, to be answered by practicing professionals still active in these areas. However, I would like to conclude with a number of final points:

- I don’t believe there is any major shortfall with the Heritage Act. It needs funding, expertise and sustained political support.
- I hope that as a result of its’ review, the Standing Committee reaffirms the value of natural and cultural heritage to our communities, to our identity, our stories and sense of Place.
- That the Committee confirms the shared responsibilities of all levels of Government to the conservation, management and promotion of the State’s environmental and cultural heritage, as well as responsibilities of private property owners and corporate companies.
- Local government is vital for effective management of the majority of states heritage and needs continued support through trained heritage advisors and education programs for rated payers and property owners.
- Taxation incentives and other financial aids, foster better outcomes for Heritage items, but these need to be hand in glove with requirements that conservation and maintenance are carried out by recognized heritage specialists. Otherwise vandalism will occur in the name of conservation or adaptive reuse.
- Finally, I want to make the point that significant places are important for different reasons – whether they are buildings, landscapes, industrial sites or urban areas. They must not all be managed or approached with a single view or single set of rules.

- I worry about the terms “Activation” and “Adaptive reuse” being too widely used or expected:
- Many places can be modified for a new use successfully, with good design and professional expertise.
- Some buildings will only retain their significance with minimal intervention or skillful restoration of vanished or damaged fabric or setting.
- Some places are so important that they need Public ownership as a museum or National Park, where visitation is controlled and uses limited.
- Some places lend themselves to activities and public programming and others need to be retained for passive enjoyment.

- It must be widely understood by all responsible for administering Heritage legislation that there is no “One Size Fits All” in Conservation Management and Interpretation. Good outcomes require professional expertise, research, sound judgement, care, time, adequate funding and above all, Political will.

I hope the review panel embraces these issues this in its’ reporting.

Thank you for the opportunity to make comment.

Yours sincerely

Helen Temple