

**Submission  
No 213**

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

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## Submission on the NSW Government's Review of the Heritage Act 1977

I am concerned that this Review of the Heritage Act could become an attempt to weaken the capacity to achieve the Act's existing objects on behalf of the citizens of NSW. It is critical that we retain an effective mechanism to ensure the preservation of our historic places, buildings and cultural landscapes. There has been too much loss and erosion of protection already. Civil societies are judged by the strength of their actions to embrace and maintain the layers of history and the natural environment within their cities, suburbs and regions. We all benefit, newcomers as much as those born here, by respecting the civic places created over generations and by thoughtfully managing them.

The experience of a continuum can be powerful in providing a stable community. Therefore, we observe with dismay, mounting to anger, that so much is being lost with our streetscapes and skyline changing so rapidly. We are not being well served by our current planning system which is enabling a profit-driven development lobby to dominate the shaping of our cities and barely pay lip service to the established principles of Ecological Sustainability (ESD) as the rulebook for a thriving, equitable and optimal society and environment.

The rate of growth in the Sydney region is out of control and drastically impacting the character, fabric and amenity of our city centres and established suburbs. Significant buildings are torn down to be replaced by tower blocks with minimal design aesthetic, blocking out the sun and diminishing the quality of the urban experience. Heritage buildings are being discarded where they could instead be very effectively and sympathetically adapted and re-used. This is wasteful as well as disrespectful, and invariably happens against the expressed wishes of the community.

This is why we must maintain and reinforce the powers of the Heritage Act as the guardian of the complexity and integrity of our history and legacy. Our Local Environment Plans and Development Control Plans must also be sufficiently strong to protect our Local Government Areas from being over-ridden by NSW State planning approval processes and instruments. Complying Development Codes are disrupting local areas with ensuing loss of historic identity and vital garden landscapes, and State Significant Development that over-rules both local and State protections is detrimental to a sense of community, belonging and wellbeing.

It is apparent that our current protections and processes are not strong enough. Sadly there are many examples of the weakness of the Heritage Act in conserving and managing highly valued State heritage such as the extraordinary decision over the Ultimo Powerhouse and relocation to an unsuitable site in Parramatta, with an insistence on dismantling the Willow Grove villa, and the disastrous replacement of the Windsor bridge with its impact on historic Thompson Square. The community is losing trust that any controls are in place that will truly guarantee the future of our precious places for coming generations.

The Heritage Council seems disempowered in its ability to advocate for heritage, and opportunities for the Heritage Office to support desired outcomes have been diminished by a serious shortage of resources. Any proposed amendments to the Heritage Act must strengthen protections and result in improved outcomes for local and state heritage. It is critical that State Significant declared projects do not enable deleterious impacts to, or demolition of, irreplaceable heritage without wide and effective consultation. A full assessment of all viable alternatives and the economic and other costs involved in each proposal - including loss of amenity, cultural and social values - is essential.

Heritage must be respected as being central to who we are as a cohesive society. The Heritage Act must be properly supported and strengthened to fulfill the expectations of the community through

continued adherence to its objects. The NSW Heritage Council must not become politicised. It needs to remain a wholly independent and influential advocate, composed of recognised heritage experts and relevant representatives of organisations such as the National Trust.

Heritage is a shared responsibility. The NSW Government must become a protector of the heritage assets in its care. It should better support local government to also sustain and enhance its listed heritage and assist privately owned heritage through financial incentives and conservation grants. The Heritage Office should also be better funded and resourced to provide guidance for well-informed management and outcomes for heritage buildings and indigenous and cultural places.