

Submission
No 234

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Name suppressed

Date Received: 27 June 2021

Partially
Confidential

I belong to the Berry & District Historical Society and I am a member of a heritage committee that is concerned that our historic town of Berry is being eroded by inappropriate planning policies, which allow buildings to be demolished without any objections.

The NSW Heritage Act of 1977 contains seven (7) high level objectives which are still appropriate and perhaps **even more** so today due to rapid development taking place in NSW.

- These objectives may be updated and improved, but in no way should they lessen or weaken heritage protection.
- Priority must be given to protect and conserve Indigenous Heritage, because at this stage no independent Indigenous Heritage legislation has been enacted.
- Greater resourcing and education should be applied to all areas of government, so that the State's heritage can be identified and managed effectively. There are some Councils in NSW that have no heritage staff, e.g., The Shoalhaven City Council has no Heritage Officer or Heritage Advisor and the heritage in this Council area is suffering greatly.

For example, at the Berry Forum on 11 April 2019 the Berry & District Historical Society made a presentation to the Berry Forum, supporting the current proposal to investigate the addition of heritage items and Heritage Conservation Areas to the LEP. At that meeting, the following recommendations were unanimously supported: "That the Forum:

- Support Shoalhaven Council's current investigation into the addition of two HCAs and 29 additional heritage items to Schedule 5 of the Shoalhaven LEP, to provide additional heritage protection to the township of Berry.
- Request that this matter be prioritized.
- Request Council to exhibit the Berry Development Control Plan (DCP) as a matter of urgency."

Only 12 dwellings and two Heritage Conservation Areas were listed in the amended Schedule 5 of the Shoalhaven LEP 2014. Had there been a Heritage Officer on Council staff they could have talked to the owners who did not list their dwellings, and discussed the issues to do with the listing.

- It follows on that support for Local Government is important for the conservation of the state's heritage, both at a State level and Local level
- It is important that the NSW Heritage Council should be an independent body of heritage officials whose qualifications **must be** heritage based, such as heritage architects, archaeologists, historians and cultural heritage officers and others with heritage credentials who have worked in a heritage area. If a person comes from any other area of expertise, they should also have a qualification in heritage.
- According to the Forum held by the National Trust, the introduction of further categories of heritage places was thought to be a marginalization of those categories further down the list, e.g., local listing.

- Owners of heritage places should receive useful advice. For example, the owner of the Berry Estate Manager's Farm Complex – Mananga, which was once Regionally listed, could have benefited from advice provided by a Heritage Officer. Downgrading it to a local listing left it as the responsibility of the Council staff, which did little to protect it. The owner completed alterations to the house and installed a dam without putting in DAs for which there were Council fines. No provision was made for a qualified supervisor to oversee the excavations on the property, despite the fact there could well have been present both Aboriginal and European artefacts. There was no community consultation, either Aboriginal or European, about developments at Mananga, even though it is an important part of Berry's history. Many objections were sent into the Council, but these were ignored in favour of the owner's needs and wishes. In fact, tourist cabins were built on RU1 land, an inappropriate use of this land. Mananga Estate Manager's Farm Complex can no longer be regarded as such, as it has had its curtilage destroyed by the dam and tourist cabins. The owner now wants to turn it into a wedding function center using 5.10 (10) Conservation incentives SLEP 2014.
- The Berry Station Master's Residence is a good example of a State Heritage listed place that has been conserved by Sydney Trains, and is expected to be used by a number of different community groups once it has been opened. In fact, it greatly enhances the Berry Station precinct and the historic nature of Berry.
- Berry should have been heritage listed like Braidwood, as it was settled even earlier and was a private town and part of Alexander Berry's Coolangatta Estate.
- This historic nature of Berry is being rapidly destroyed by such policies as multiple occupancy and complying development. There is a loss of connection to place, as more and more people move to Berry from Sydney with the effects of COVID and the Highway Upgrade.
- The DCP is not strong enough on matters such as set-backs, heights, site ratios, gable roofs, etc., and is not tied to the LEP, hence it has no legal standing. The DCP needs to cover the whole of Berry village, and requires urgent revision. NSW Planning framework affords the unique character of Berry to be integrated into local planning. The Heritage Conservation Areas in Berry are not linked, so they do not provide a fool-proof method of protection to the town.