

Submission
No 250

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Name suppressed

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Partially
Confidential

The aims of the NSW Heritage Act should remain to identify, protect, promote and conserve cultural heritage places in NSW.

The reform of Aboriginal Heritage management in legislation in NSW should be prioritised over other heritage reforms.

The format and make-up of the Heritage Council should be reviewed to ensure its membership reflects the needs of the heritage industry:

- o A minimum of 11 members for greater diversity of expertise
- o At least 6 members of the Council should have demonstrated expertise in heritage management in NSW, covering the following areas: 1 Aboriginal heritage (identified), 2 Built heritage (registered Architect in NSW), 3 Engineering (registered Engineer), 4 Archaeology (register archaeologist), 5 Landscape Management, 6 Collections Management
- o Another member should be appointed as a representative of the National Trust of NSW
- o The other 4 members should represent interests of Government, with Property/ Development/ Legal/ Tourism expertise

The determination for listing of a place on the NSW State Heritage Register, should be at the final recommendation of the Heritage Council, not the Minister.

The listing of a place on the State Heritage Register should be accompanied by the requirement for an endorsed Conservation Management Plan and a physical identification marker/ sign installed at the site – to support public awareness and tourism. Funding from Heritage NSW should be made available to support non-Government owners fulfil these requirements.

Reforms should aim to remove bureaucracy in overlaps in Development Application processes whilst also improving quality outcomes. This could include empowering more Local Councils with heritage expertise to have delegations to approve works to State-heritage listed items which are also registered on Local Council LEPs (such as recent CoS delegations).

Heritage NSW (for administering the Act) should aim to provide more accessible advisory services to the Government and community – which provide up-to-date technical information on best practice conservation. Resources need to be substantially increased to also provide local communities and local government with the tools to improve the identification, conservation and promotion of local heritage items.

Further resources and grants should be allocated to supporting community groups manage their heritage places registered under the NSW Heritage Act, with financial incentives.

S170 of the Act should be reviewed to move State Government agencies (as the primary holders of “state-heritage” assets) away from administrative burdens of doing “notification letters” – to a more streamlined process of endorsed ‘Heritage Asset Management Strategies,’ with annual public reporting on the number of assets registered, assets altered/demolished, with public records made available of decisions/ SoHIs for each project. The requirement for public comment/ consultation for works to heritage items (eg “more than minor impact” under State planning instruments), and referral to the Heritage Council should be part of standard REF requirements. Referral timelines should be extended to 40 days for major impacts to state-owned heritage items.

The State Agency Heritage Guidelines should be re-issued under the Act not as direction to state agencies to comply, but reflecting the Government's policy position on managing its heritage estate, and being transparent and open with the public on how each agency manages its heritage.

More agencies with an endorsed HAMS and in-house heritage expertise and management systems should be granted delegations to manage their own heritage.

The requirement for a "S170" separate heritage register should be abolished and integrated with the NSW State Heritage Register (ie items owned/managed by state agencies, not on a Local heritage register should be considered to be of state significance). The recent launch of the Heritage NSW HMS has highlighted this discrepancy in the NSW State Government being able to identify/search for its own heritage assets.

The interplay of State Significant Development and the NSW Heritage Act should be outlined more clearly within NSW legislation or through Government guidelines, to outline what the role of the Heritage Council plays in providing expert input to these projects and for improving protection of Local/State heritage places during major Government developments. All proposals for SSD should be referred to the Heritage Council for comment, with the Council's comments made publicly available via Heritage NSW.

Streamlining listings could include:

- o Assets listed on World/National/Commonwealth heritage registers should be removed from the State Heritage Register, with a rigorous program of identifying and listing other items of National Heritage significance should be implemented by the Government of its own heritage places, and be nominated if identified to meet that threshold.
- o Assets owned by the NSW Government listed on the State Heritage Register should be removed from Local Environment Plans as local heritage items, and identified as State-heritage places to be managed under the Heritage Act.
- o State heritage assets could be further classified similar to the system used in UK (Grade 1, 2 etc).

The listing and management of movable heritage should be considered in the context of all other significant museum collections in NSW (most which are not listed/protected under the Heritage Act).

The Act should be changed to:

- o Include collections of state significance associated with a listed place to be protected under the Act
- o Exclude Museum collections managed by a State-Government agency for the primary purpose of research or public access, which are identified in a suitable collections management system
- o Exclude individual privately-owned objects not associated with a place (ie keep the focus of the Act on places, and related objects)

Clear definitions for a "work" and "relic" as required for approval/ notifications under the Act should be provided for greater clarity on notifications for archaeological permits.