

**Submission
No 263**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

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Representation to:

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Dear Social Issues Committee members,

I might live in Tasmania, but my birthplace was New South Wales and I lived there for decades (e.g. taught at two different universities). As a historian/ geographer, planner¹ cultural landscape writer, researcher I believe I've learned something about "place", "area" and what happens to it.

- **The Review must strengthen the Heritage Act, not red tape cut it down and diminish it further.**
- **The State must fund Heritage to a much greater extent. Adequate ongoing resources, expertise, strategic planning/heritage assessment must be funded appropriately and urgently.**
- **The annual 'efficiency dividend cuts' budgets while expecting staff to do "more" with "less" must change.**
- **Political decisions made without rigorous strategic planning assessment of heritage² has to stop. Decisions must be made on best practice planning and heritage principles, with the communities further involved.**
- **There has to be a balance between conservation/protection of place(s), area(s) at one end and development, growth, economic outcomes at the other end.**

¹ 31 years Planning Institute of Australia. M-ICOMOS member; A-ICOMOS-ISC-CL; International Scientific Committee, Cultural Landscapes.

² See for example Elizabeth Farrelly's *Killing Sydney: The Fight for a City's Soul*. 2021 Picador. PanMcMillan.

- I have to ask; why is it that current State and Federal Governments find the Heritage of our Nation so difficult to accept, protect and manage? The EPBC Review Act of 2020 and the Federal Government's response to that seen as totally and utterly inadequate.
- Australia as I see it, has never successfully solved the problem of how to successfully conflate Heritage/Planning of place and evolved landscape(s) with new development.
- Heritage is NOT a problem, it must be seen rather as vital to the life of the communities across states, who we are, the evolution of places and landscape(s) people across time, and their stories.
- New South Wales and Tasmania were the earliest states to be settled, (1788 and 1803), the former large and with fundamental responsibilities to save Australia's Heritage.
- Not to accept responsibility as the Government of the nation's first settled areas is seen as unacceptable and an abysmal failure in this author's view.
- I raise concerns not just in respect of nineteenth century heritage but also in relation to twentieth century heritage.
- Heritage assessment must have a front seat at the state level table when development is proposed. It cannot be left to local government.
- I remember Jack Munday and the Green Bans, the Rocks, and the holes dug in the CBD back in the 1960s.
- See below for examples of different organisations, countries better managing their heritage.
- Other countries are forging ahead. See below.

Some Observations and inclusions:

In 2006 the Productivity Commission³ wrote *Conservation of Australia's Historic Heritage Places*. The Committee is recommended to read that. This was the point in time at which the Commonwealth of Australia decided to basically divest itself of the Heritage of Australia, as per the *Register of the National Estate*, and too, the *Illustrated Register of the National Estate* (1981) and what was contained therein.

³ Australian Government: Productivity Commission Inquiry Report: *Conservation of Australia's Historic Heritage Places*. No 37, 6 April 2006.430 pp. See pp xxxiii Overview: to start.

'Delegated' to the states to manage henceforth, i.e. no longer a federal matter?

In 2011 the Productivity Commission wrote a report on planning in capital cities.⁴ Some relevant extracts from that are included in the Appendix. Heritage was nowhere mentioned. While this Report dealt with city and urban issues, there are regional town planning issues, and rural land issues that must be considered under any revision of the NSW Heritage Act.

Probably no one who works professionally in planning/heritage/landscape research would say the solutions are simple. They are convoluted, complex, and multi dimensional; *but we have to go there integrating heritage and connecting it with planning*. By simply dumbing down the legislation, adding further and further regulations without the strategic assessment, is not the answer. Or over-simplifying the focus to be solely on the 'customer', rather than stakeholders and community or common good(s) is unacceptable

I am of a sufficient age to remember when western Sydney was farms, fields, orchards and more.

As Sydney for example has expanded, and expanded further across the Cumberland Plain, the pattern observed has been,

- houses have gotten larger,
- land blocks have gotten smaller,
- apartment blocks are being built too often and too far from services,
- subdivision/housing is everywhere seen with its sameness of pattern, design, materials, use of colours, etc.
- green space, agricultural use of land has vanished while we watch it,
- gardens: what are they?
- do they matter? One might think not.

It might seem like Developer heaven. It is not Planning in my view. In 2010 a Senate Select Committee Report reported on *Food Production in Australia*.⁵ The Planning Institute of Australia reported precisely on the "changing land uses around Australian cities from food production to housing development".⁶ See p. 2.5; and 2.25-2.26.(p 15).

Historic houses get caught up in the massive transference of a rural use to an urban intensive use.

⁴ Australian Government. Productivity Commission. Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments. Volume No. 1. April 2011.

⁵ See Senate Select Committee Report, *Agricultural and Related Industries: Food production in Australian Final report*. August 2010. Chapter 2 was about Land use.

⁶ Ibid. See p. 10.

Use of land is critical to this discussion re heritage.

An aside:

Climate change looms over it all. Currently in the Pacific North West of the United States (and Canada) temperatures have risen across days to from 47°- 49+°. An extreme event and western Sydney, in such conditions?

Penrith was recorded as having the hottest pavements only a year ago - with almost no trees for shade for pedestrians on footpaths. Is that our future?

As more and more of New South Wales is swallowed under the concrete, high rise, etc sameness of development, one demands changes in response to heritage from the State Government.

The patterns below can be replicated from New South Wales, Tasmania to Western Australia, to the ACT, etc across the nation.

It is the sameness, repetitive patterns stamped on the environment; any lack of collective historical characteristics re place(s) evolved landscape(s) former land uses and their meanings, bulldozed into the ether.

There is something deeply, deeply disturbing about this type of 'planning'. It is in my mind life-draining, rather than life-affirming.⁷ We are creating as the author wrote a 'nature-deficit disorder', with scientists now the world over, investigating the lack of green spaces. So is Australian 'planning' helping make our population sick?



2021. Google Earth: Oran Park. e.g. See for example: SMH: Garry Maddox, April 20, 2018: *Oran Park, the suburb that's grown from a population of 0 to 7,500 in eight years.*

⁷ See *Phosphorescence. On awe, wonder, and things that sustain you when the world goes dark.* Julia Baird. 2020. Harper Collins. See Chapter 2 and p. 35.

"Cows were grazing as bulldozers cleared the land nearby at the time."

Peri-urban land swallowed up, Australia's history too often forced into the law courts.



The outskirts of Orange New South Wales. Google Earth 2021. A regional city. Same pattern.



Outer Sydney western suburb, Google Earth Street view 2020.

Where the patterns began:

Heritage in New South Wales was reflective of a pattern that started very early with the line around the nineteen counties.^{8, 9}

⁸ D.N. Jeans *An Historical Geography of New South Wales to 1901*. Reed Education, 1972.

If Government elected members are to fully understand the past, how evolved landscape(s) were forged across time, then knowledge of both the geography of the land and its historical evolution of cultural place (and what that means) is helpful and has to be much better understood.

- Assessment of area of place is a must, rather than a mere site assessment.
- More understanding of "managing the future" is a must. Or,
- Governments will keep making the same mistakes.

Until Heritage is properly funded, is seen to become integrated into planning right at the beginning of projected development change, then New South Wales stands to continue to "lose" Heritage, for it be marginalised, its collective national stories from the past, lost. This is seen as a tragedy.

Managing the future in a more decisive way.

Cultural landscape education.

The World body on Heritage, the International Council on Monuments and Sites understands the concept of cultural landscapes very well. Across the world now for decades places, areas, are being set aside as having particular merit. ICOMOS goes further; with the concept of *Historic Urban Landscapes*, (Ballarat City in Victoria is now involved with implementing this approach); available, *Historic Rural Landscapes* (ditto). This cannot however be left to local council initiatives. It must be led as a State Government initiative.

See for example:

<https://australia.icomos.org/get-involved/international-scientific-committees/isccl-cultural-landscapes/>

The panel are directed to the ICOMOS pages on cultural landscape(s);

<https://australia.icomos.org/wp-content/uploads/Understanding-Cultural-Landscapes-Flyer-5.1-For-Print.pdf>

English Heritage has gone a path of future management of called Historic Landscape Characterisation, (HLC) which is more comprehensive in the management of evolved places, and evolved landscapes.

⁹ *The spread of settlement in the original Nineteen Counties of New South Wales: 1788-1829*, T.M Perry. Thesis submitted for the Degree of Doctor of Philosophy in The Australian National University 1957.

[Historic Landscape Characterisation: a Tool for ...](#)

<https://historicengland.org.uk> › research › methods ›

[\(PDF\) Unlocking historic landscapes in the Eastern ...](#)

<https://www.researchgate.net> › ... › Landscape

Understanding the necessity for time-depth analysis is the key to this approach.

The Historic Landscape Characterisation approach:

English Heritage for some decades have been using an approach to planning/heritage called Historic Landscape Characterisation. A document by Jo Clark, John Darlington and Graham Fairclough, "Using Historic Landscape Characterisation" English Heritage's Review of HLC Applications 2002-03 published by English Heritage, Lancashire Country Council, 2004 is more than useful. The Committee are referred to this and other like documents, available online.

From the Introduction: p. 3

We want landscape to change so that it continues to be cultural, as well as being a dynamic inheritance for our successors. The question therefore is one of what scale and type of change is most appropriate. Methods of deciding this are needed that are based on understanding time-depth in the landscape and on appreciating an area's sensitivity, vulnerability and capacity for change in the context of specific proposals. HLC was designed to provide the first of these requirements – a better broader understanding – as a prelude to allowing the second – practical applications –to be achieved.

p. 4.

Whilst this document is largely concerned with the character of the rural historic landscape, its general conclusions apply across the whole emerging and developing field of heritage characterisation.

Specifics re the Act.

- It must be changed to better reflect the 21st century and where the world is moving in respect of places, areas, evolved landscapes.
- It must be strengthened.
- The Burra Charter 2013 and J.S. Kerr *The Conservation Plan* must guide the way forward with ICOMOS principles incorporated in both planning and heritage legislation.

- The Heritage Act must be about saving and protecting heritage.
- The majority of the Heritage Council to be experienced in heritage assessment, identification, management and interpretation, working or have worked in this field.
- The Objectives of the Act need to be strengthened to better reflect the significance of, and place of, Heritage to the Nation.
- Review must be focussed on Conservation, not the mere Adaptive Reuse or Activation, the 'Customer" (eg owner, developer). .
- The Heritage Council to increase to 11 members, with working heritage expertise appropriate to development.

In "constituting" the Heritage Council, it must consist and be weighted towards heritage expertise. There appear to be 14 possibilities under Part 2, (Members of the Heritage Council); currently it consists of 9 members. Noted at 3, 3A, 4, in Part 2, the National Trust, Aboriginal Heritage, Chairperson, Deputy Chairperson (Ministerial appointments) if present at Council meetings would reduce the 14 potential additional councillors to just 5 (five). That is not acceptable. Consideration must given to extending the size of the Council to 11.

- A cultural landscape expert must be on the Committee at all times.
- Time lines for assessment need to be lengthened, not shortened. A 12 month period must be put in place giving the item statutory heritage protection. That is a more flexible approach.

Appendix Extracts: Australian Government Productivity Commission. performance Benchmarking of Australian Business Regulation: Planning, Zoning, and Development Assessments. Research Report Volume 1 2011.

Part of Overview:

p. 18 Big challenges for governments

By its very nature, the task of planning and zoning land to enable those land uses which will optimise the welfare of communities and the nation is complicated and is becoming more so. Urban land use falls into the broad categories of residential, industrial, commercial and protected (such as conservation areas). A large number of policy agendas impact on planning and zoning considerations (figure 1).

1 Various definitions of cities are used by different reporting agencies in Australia. The Commission used the city strategic plan as the definitional base of the city – so, for example, Blue Mountains City is included in Sydney and Mandurah is included in the Perth plan.

DEVELOPMENT ASSESSMENTS

Amenity & lifestyle objectives / liveability

Economic growth & development objectives / ease of doing business

Over time, the complexity of the task has grown because planners are asked to address pressing and a wider range of problems. Also, community preferences and demands change. Issues confronting planners today include: significant population growth; **an ageing population and other demographic change**; increasing congestion and delays in getting to work and moving goods and services around cities; ensuring adequate energy and water supplies; **adapting to climate change**; higher aspirations **for liveable cities including green spaces and preserving natural and historical heritage**; maintaining buffer zones for ports, etc and natural hazard areas; ...and the

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growing expectation of residents that they should be consulted on changes to their neighbourhood.

The state and territory planning systems have also been subject to rolling reforms which are often not fully implemented or evaluated before being replaced with further reforms. City planning systems are characterised by 'objectives overload' including unresolved conflicting objectives, long time lags and difficult-to-correct planning mistakes. **There is a significant risk that the systems' capacity to deliver on their objectives will deteriorate.**