

**Submission
No 271**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: Pymont Action Inc.

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My attention has only recently been drawn to this Review by the Legislative Council Committee, so I will only address a few of the issues raised.

Purpose of the Heritage Act 1977

Given recent decisions by the NSW Government, it is evident that Object (b) “to encourage the conservation of the State’s heritage” should be strengthened to “to ensure the conservation of the State’s heritage. I refer to the decision to dismantle Willow Grove at Parramatta to make way for the Powerhouse Museum (more accurately it should be called the Powerhouse Function Centre and hotel). Every heritage expert in Sydney appears to have advised the Government that this building cannot be dismantled and re-erected on another site because of the age and fragility of its fabric. If the State’s heritage cannot be protected from acts of vandalism by the very entity supposed to ensure its protection, how can the Act ensure that private owners of heritage property do the right thing.

Focus Questions

Focus Question 1 – There is no place in the membership of the Heritage Council of NSW for people associated with the building, development and property industries. The other qualifications, knowledge and skills listed on p9 of the Discussion Paper are appropriate.

Focus Question 2 – It should be mandatory to require in-depth study of any area proposed for large-scale development, including logging, mining, roads and other significant infrastructure, with far-reaching consultation with representatives of First Nations people whose land is being targeted. There should be absolutely no opportunity for a company such as Rio Tinto to overlook identification of sites of First Nations cultural significance and destroy them. In the event that such destruction should occur, there should be really significant sanctions applied to the guilty company, including imprisonment.

Focus Question 3 – See above

Focus Question 4 – Recent decisions of the NSW Government regarding heritage clearly demonstrate that the Act does not adequately reflect the expectations of the contemporary NSW community.

Focus Question 5 - I support provision of financial assistance and professional heritage advice to owners of heritage property to encourage them to undertake any adaptive reuse of heritage.

Focus Question 6 – Tax relief could be through reduction in rates, stamp duty and land tax.

Focus Question 7 – Initiatives to encourage activation and conservation of heritage through commercial and philanthropic investments could include reduction in capital gains tax and company tax.

Focus Question 8 – There is an increasing need for greater protection of the natural environment, including what are fast becoming heritage animals eg koalas, now at risk of early extinction. There should be a heritage category for habitat to ensure that Australia’s unique wildlife is protected and enhanced. This also includes our waterways including the Murray Darling river system. It should also be noted that heritage homes in areas slated for intensive development, eg in the Pymont Peninsula, will be very adversely affected by overshadowing and loss of privacy if the Pymont Peninsula Place Strategy proceeds as approved. Consideration needs to be given in the Act to ensure the protection of heritage precincts which are, or will be, negatively impacted by developments which do not “complement or enhance the area” (p25 PPPS)

Focus Question 9 – The identification of residential properties that are heritage items, including those of local significance, should not be left to local governments as proposed on p16 of the discussion paper. The Heritage Council should be the body entrusted with this task.

Focus Question 10 – Greater genuine community engagement would almost certainly deliver a more robust State Heritage Register. Unfortunately, in recent years such engagement on major projects has become nothing more than a “tick-a-box” exercise undertaken by developers and government entities alike. If the NSW Government takes no notice of the thousands of people who have sought the protection of Willow Grove, there will need to be very strong provisions in a revised Heritage Act to prevent the ongoing vandalism, not only of heritage buildings but of landscapes and habitats.

Focus Question 11 – “Streamlining” is a euphemism for “cutting red tape” which has only resulted in poor planning, shoddy building and uninformed decision-making on the part of the authorities. The outsourcing of building assessments to private contractors paid for by those with vested interests in getting away with defective buildings, demonstrates the need for detailed and forensic investigations of heritage by heritage experts which may take time, but provides protections which might otherwise be overlooked in a streamlined process.

Focus Question 12 – See above.

Focus Question 13 – The current determination criteria for heritage permits should be strengthened to ensure vandalism such as Willow Grove’s demolition does not occur again.

Focus Question 14 – Improvement of heritage consideration with land use planning systems will require amendments of a number of government acts including those associated with Planning, Transport, Agriculture, Forestry, Local Government, Water Resources, Mining. The recent Bill passed by NSW Parliament exempting farmers from having to comply with habitat conservation is a case which demonstrates a weakening of protections against land clearing in areas of high conservation value.

Focus Question 15 – Having been involved, at a community level, in the Bays Precinct planning since 2010, which has resulted in the PPPS (DPIE), Blackwattle Bay State Significant Precinct Study and the Bays West Place Strategy, it is obvious that heritage comes a very poor second to “investment and innovation to boost jobs, creativity, tourism and night life” (p24 PPPS). Despite the fact that Pyrmont residents managed to save a number of buildings and precincts of heritage significance during the first transformation of the Peninsula from a largely derelict industrial precinct to a vibrant mixed residential and commercial precinct, we are now faced with the imposition of towers up to 170m high looming over these low-rise and attractive heritage precincts. So I definitely agree that there needs to be far greater consideration of heritage at the strategic level, involving the community from the earliest development of any new development strategies.

Focus Question 16 – Heritage compliance and enforcement can only be improved by a commitment of state and local governments to compliance and enforcement through stronger heritage provisions in the Heritage, Planning and Local Government Acts.

Focus Question 17 – I don’t think there is a lack of understanding of state heritage among members of the community. The lack of understanding of the value of heritage lies in the priorities of state and local government politicians who insist on riding roughshod over the community’s wish to protect heritage, eg Willow Grove.

Focus Question 18 – Improving heritage tourism and activating heritages places will require a determination to protect them in the first place. The Powerhouse Museum in Ultimo provides a good example. Here we had a museum built on the site of the first electric power station which powered the tramline running from Central down Harris Street to Pymont Point. The Museum which has a fantastic collection of early industrial heritage is in its appropriate context. How is the display put together to showcase the early quarries – Paradise, Hell Hole and Purgatory – relevant to the Western Sydney community? Visitors to that display could go on to view the quarried cliffs just a short trip from the museum. Under recently approved plans, the Hell Hole Quarry face will be forever blocked from view by a private development on the former City of Sydney depot site in Wattle Street. Fortunately the huge items of machinery will remain in place in Ultimo, but surrounded by fashion items which are totally out of context with the site’s industrial past. And the future of the Harwood building which housed the trams is up in the air.

Focus Question 19 – In Pymont, we’ve just had the sale by Property NSW of heritage cottages in Scott Street, Pymont to a private owner who is leasing them as offices. The former tenant, Culture at Work, has been evicted. We no longer have a not-for-profit organisation which provided space for Artists in Residence, exhibition space and studios, and free art classes for children, as no public entity has been willing or able to identify another suitable building which could be a publicly owned heritage building, in which this organisation could continue to do its good community work. This trend of privatisation of public properties continues apace, eg the sale of the Council-owned Wattle St depot site and the loss of access to the quarry cliff face. There are many community activities which could occupy public heritage buildings, but at the rate they are being sold off, there may not be many left to meet community needs.

A Case Study – I have been made aware of the proposed demolition of a mid-Victorian terrace house at 81 Palace Street, Petersham. At present, this property, which has had many poor quality additions made over a number of years, is used as a boarding house, with low income tenants occupying bedrooms with access to communal facilities. The original house is now in poor condition, but certainly with the potential to be brought back to its former glory. Flo, a local resident who has lived in Petersham all her life describes the house as the nicest house on the block. “If you were invited to tea it was a big deal”. The DA is with the Inner West Council which may or may not be aware of its former status as an important residential property. As far as I know it isn’t listed, but, if the Council chooses, it could be listed as a locally significant heritage item. The current owner has no interest in resurrecting the building. What I hope a new Heritage Act can do is ensure that run-down properties such as this, which sits in a precinct of many Victorian terraces, will be protected and enhanced.

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Pymont Action Inc