

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Name suppressed

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Partially
Confidential

NSW Heritage Act Review

We are long-term locals living here in ; being a heritage town and the second oldest European settlement west of the Blue Mountains.

We have a deep concern for the recognition and preservation of our heritage and that past failings, whereby authentic heritage buildings were destroyed, to be replaced or compromised with inappropriate modern structures, are not repeated.

We do not agree with the Heritage Act Review or the 'streamlining' of processes as proposed by the review.

It is our view that the community wants stronger protections for our heritage and a strengthening of heritage legislation.

In the Foreword to the Discussion Paper, Minister Harwin states:

"Heritage is our legacy...Heritage items of special significance play an important role in our community...Our heritage deserves to be protected and cherished."

The preservation of heritage could be strengthened by the inclusion of additional measures to ensure greater community participation and by better resourcing of an independent Heritage Council comprised of heritage experts with a deep knowledge of heritage.

Heritage Identification and Listing

Focus Question 8 of the Discussion Paper, dealing with heritage identification and listing, asks how tailored heritage protections could enhance heritage conservation. The Paper suggests that there be no change from current practices when dealing with local heritage.

In order to increase local community involvement, in our view there should be independent local heritage advisory committees established in all LGAs. These committees would provide advice on heritage matters in general and also report on any proposed heritage listing/delisting, be it local or state, in that LGA.

The committee, in consultation with the wider local community, could also report to the State Heritage Council on any application for a standard permit to carry out any development on a listed item in their particular Local Government Area.

Such moves would provide avenues for greater community involvement.

This reform proposal also goes on to state:

"Before adding an item to the SHR, the Minister should consider not only if reasonable and economic use would be affected by the listing but also what opportunities there are for adaptive reuse and activation."

Such requirements, as detailed, are of concern if the item is to be assessed in isolation...as a single unit. Often times the item will form part of a heritage precinct or heritage conservation area and though of itself may not provide an economic return, is part of a larger group of properties which

form an important and valuable heritage locale which is of great value both to tourists and locals. Greater incentives by way of grants should be available to private owners of heritage buildings to enable them to restore and operate the buildings, thereby ensuring the heritage significance of the building is maintained.

As the Discussion Paper also points out: *"Heritage is increasingly being recognized for more than just its historical relevance, with many social, economic, environmental, health and wellbeing aspects_of heritage increasingly coming into focus."*

Heritage is often a matter of local and national pride, something that is unquantifiable in dollar terms.

In _____ as well as many country towns, and also in many areas of Sydney, there are large numbers of heritage buildings concentrated in an area and the conservation area concept is critical. Governments should look at these places as significant and preserve them. Any unsympathetic adaptive re-use of a heritage building in a heritage conservation area should be refused, as it should be in keeping with surrounding heritage items.

Heritage places in country towns, or indeed in any community, provides a sense of belonging and connection with that which we once had. It forms part of our identity. These buildings have formed an important part of our social connection and a loss of those important connections to our past has negative impacts on our wellbeing and sense of place and belonging.

Before any adaptive re-use is considered, the question needs to be asked whether the original purpose for which the building or place was constructed still has relevance and is needed by the community. Could it be utilised to enhance the lives and wellbeing of the local community for that original purpose and possibly also as such, be an authentic tourist attraction?

The best way to ascertain this is by having local independent community heritage committees which could convey the wishes of the wider local community and could consult with the Heritage Office and Local Government.

Streamlining

Focus Question 11 suggests *"streamlining"* heritage processes and creating *"abridged"* processes for listing/delisting. No detail is offered as to what is meant by an *"abridged"* process.

A more efficient listing process could be achieved by simply better resourcing of an independent Heritage Council made up of heritage experts with a deep knowledge and appreciation of heritage.

Focus Question 12 deals with *"improving the current approval process"*. The reform proposal then suggests that *"the Minister could be responsible for determining, in consultation with the Heritage Council, the regulatory thresholds for determining standard exemptions, fast-track applications and standard applications for permits"*.

Such a move would place too much authority into the hands of a single person and could politicise the process. As the Act now stands major works costing in excess of \$150K require public comment; and this should remain. It is our view that the reform proposal could allow the Minister too great a discretionary power as to the extent of regulatory thresholds.

The Victorian Government model whereby the Heritage Council's decision is final on a listing or other related matters, should be considered.

Summary

It is considered that the current NSW Heritage Act should not be weakened in any form, be it in the guise of "*streamlining*" or "*abridging*". There are relatively few individually privately owned state heritage listed properties; many which have been purchased in the full knowledge of the heritage significance. Any perceived frustrations and impatience with current regulations could be ameliorated with better resourcing and better education as to heritage matters. The so-called need to "fix" something is overstated.

For as the Minister said in his foreword to the Discussion Paper it is "**our heritage**"... it is part of "**our community**".

We understand that this draft Discussion Paper is the initial stage of the Review and in the spirit of full participation of the public throughout the review process, it is vital that later stages of the Review, such as Hearings, Draft White Papers and Draft Bills be incorporated into the process so that the public has further opportunities for comment.