



POSITION PAPER

IMPROVED PROTECTION FOR LOCALLY LISTED HERITAGE ITEMS

BACKGROUND

In 2016, the National Trust was a member of the Environment Panel preparing an Advisory Paper for the Greater Sydney Commission. The Trust was the key body helping formulate the 'heritage' section of the Advisory Paper. The paper described 'heritage' as the places, items and objects, views and sight-lines from our past that we value today and want to keep for future generations to identify with, learn from, appreciate and enjoy. Heritage items in a suburb or precinct can be the basis for heritage trails and historic house exhibits, forming tourist assets. The paper then noted that heritage items and heritage conservation areas listed on the State Heritage Register are permanently protected from demolition and their development is regulated to protect their significance. However, in NSW, the vast majority of heritage items and places are not listed on the State Heritage Register and their future is managed by the same local authorities that pursue, encourage and regulate local land development. Currently 99.94% of Heritage Conservation Areas and 93.7% of individual heritage items (houses, churches, town halls, bridges, trees, gardens etc.) are not protected from inappropriate development or demolition. Many places of extraordinarily high heritage significance are not listed on the State Heritage Register including St John's Anglican Church at Camden and the National Art School (former Darlinghurst Gaol).

In the local government areas within the boundary of the Greater Sydney Commission there are 16,193 heritage items individually listed on those councils' Local Environmental Plans. There are also 479 individually listed Heritage Conservation Areas on those same Local Environmental Plans (The National Trust of Australia 2016). However only 1,021 heritage items are listed on the State Heritage Register and only three of these are Heritage Conservation Areas (Millers Point Conservation Area, Millers Point & Dawes Point Village Precinct and Thompson Square Conservation Area). (National Trust of Australia 2016). As a result, 99.94% of Heritage Conservation Areas and 93.7% of individual heritage items (houses, churches, town halls, bridges, trees, gardens etc) are not protected from inappropriate development or demolition.

Barriers to improvement identified in the Advisory Paper were:

- Lack of an independent merits-based public appeal process to local and state government decisions affecting heritage.
- No requirement for heritage advice, analysis and conclusions to be peer-supported, resulting in tokenistic and, at times, mendacious assessments of heritage values and impacts.
- State development policies to promote and facilitate rapid development in existing urban areas override both state and local government heritage policies, to the detriment of those areas.
- Insufficient authority, funding and staff in the Heritage Division of the OEHL, hampering the effective execution of the Heritage Council's statutory responsibilities.
- Lack of respect for Heritage Council decisions, resulting in considered recommendations being overruled, avoided or disputed.
- Lack of respect for statutory heritage obligations within government departments and agencies, resulting in avoidance of identification and tokenistic conservation of heritage by government departments and agencies.
- Lack of independence (from government) in appointed statutory planning bodies.
- Lack of investment in survey, assessment and documentation of heritage places, leaving many places unrecognised until impending development initiates interest.
- Statutory inflexibility, suggesting certainty in the planning context, when no such certainty actually exists.
- Reliance upon existing statutory Schedules and Registers as complete and comprehensive inventories of identified heritage.
- Lack of heritage impact analysis in private certification procedures.
- Lack of statutory recognition of regional significance (i.e. greater than local but less than State) and no legislative pathway for regional significance to be taken into account.
- Lack of funding available in terms of loans and grants for owners of heritage properties to manage their property in the public interest.

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- Heritage listed items and Heritage Conservation Areas should be protected from demolition and inappropriate development.
- District Plans should actively seek to identify, recognize and protect heritage items and Heritage Conservation Areas from demolition and/or inappropriate development.
- Greater Sydney development objectives should strive to protect and enhance the individual heritage values of localities within the overall area and aim to create and maintain locally distinctive urban characters in new development zones.
- Ministerial oversight should be focused upon ensuring the efficient and comprehensive operation of the Heritage Council and its supporting staff.
- Recognition that the Heritage Council decisions are based upon the same heads of consideration as the Minister's and that Ministerial overrule constitutes a statement of no confidence in the Heritage Council.
- Heritage Division empowered to undertake peer-review of heritage advice, analysis and conclusions provided as part of any Development Application process.
- Council or private certifier procedures to include requirements for heritage impact analysis to be completed by suitably qualified practitioners as part of all development proposals.

ACTION TO PROMOTE THE TRUST'S POSITION

The Trust will promote its views on this issue in the media, with local councils and the NSW government.