

11 July 2025

Ms Elizabeth Owers
A/Executive Director
Heritage NSW

By email: heritage.policy2@environment.nsw.gov.au

Dear Ms Owers,

National Trust submission relating to the Draft NSW Heritage Strategy

The National Trust of Australia (NSW) is pleased to make a submission relating to the Draft *NSW Heritage Strategy – Sustaining the past for the future* which has been placed on public exhibition in mid-2025.

The NSW Minister for Heritage announced at the September 2023 opening ceremony of the ICOMOS (International Council on Monuments and Sites) General Assembly 2023 at the Sydney Opera House that Heritage NSW was preparing a Heritage Strategy, and it is pleasing to have the opportunity to review this document.

The Trust has numerous concerns regarding the Draft NSW Heritage Strategy. We feel that it is focused heavily from the outset on aligning NSW Heritage Policy with the State's Housing targets, and does not focus on the primary areas of improvement in NSW Heritage that have been identified consistently for nearly thirty years and which continue to be relevant – chief among which is the need for the NSW Government (the largest owner of state-listed assets) to lead by example in the identification, conservation and activation of heritage in NSW.

Alongside a number of other relevant considerations, the Trust has chosen to frame its response in relation to the four objectives listed in the strategy:

- Objective 1: Embrace and reflect the diversity of our heritage
- Objective 2: Empower owners to conserve heritage
- Objective 3: Realise the benefits of heritage
- Objective 4: Improve the state heritage system

These objectives, and their associated actions, are necessarily broad and often overlapping. The Trust has made a number of recommendations throughout the document, however our main aims can be summarized as follows:

National Trust Recommendations:

1. The Draft NSW Heritage Strategy needs to include a commitment to outcomes, clear actions, designated responsibilities and timeframes for compliance.
2. Any NSW Heritage Strategy needs to be accompanied by adequate funding to ensure its actions can be achieved, just as the 1996 NSW Government Heritage Policy included a \$30m Heritage Fund commitment.



3. The NSW Government must lead by example in the identification, conservation and activation of its own heritage assets across NSW, and Heritage NSW must be equipped to help them achieve these legislated requirements.
4. The Draft Heritage Strategy must align with the three primary Acts relating to heritage in NSW. The *NSW Heritage Act (1977)* is a primary focus in this Draft Heritage Strategy, and while it does protect some 3500 items on the State Heritage Register, the *Environmental Planning and Assessment Act (1979)* protects more than ten thousand. The strategy should also integrate with the *National Parks and Wildlife Act (1974)*.
5. Education of the public about heritage should be a bigger focus of the draft strategy – it is not mentioned at all. A major way of achieving this is by identifying and working with relevant peak bodies, professional organisations and other levels of government to promote heritage.
6. Ensure that Heritage NSW has the abilities and resources to ensure compliance with the Heritage Act, particularly in relation to the need for all government agencies to meet NSW Treasury guidelines and maintain accurate s.170 heritage and conservation registers.
7. The Draft Heritage Strategy must acknowledge and cater for the significant contribution and impact of volunteers in heritage. Almost the entire heritage field in NSW – from the writing of nominations for listing on the State Heritage Register through to the guides at numerous historic properties – is reliant on volunteer input.

The National Trust remain committed to helping Heritage NSW establish a robust and effective Heritage Strategy for NSW.

Although we have been willing participants in the various forums and discussions leading to the production of this document, this has been the first opportunity for the National Trust to actually review any proposed Draft NSW Heritage Strategy in its full form.

We have attempted to be comprehensive in our review and analysis, and we anticipate other organisations and individuals will also provide useful feedback, and trust that this will be considered in any review process.

The National Trust look forward to working together with Heritage NSW to strengthen heritage legislation and protect the valuable heritage assets of NSW for future generations.

Debbie Mills
Chief Executive Officer



Reason for the Draft NSW Heritage Strategy

It is our understanding that this strategy has been produced in order to fulfil a number of the recommendations listed in the June 2023 *Performance Audit of State heritage assets* undertaken by the Audit Office of NSW, in particular:

By June 2024, the Department of Planning and Environment (Heritage NSW) should:

3. *implement a plan to update and maintain accurate information in the State Heritage Register against defined minimum data requirements*
4. *develop a multi-year strategy to ensure the collection and maintenance of supplementary information about assets listed on the State Heritage Register that is sufficient to inform a risk-based regulatory approach*
5. *publish a statement of regulatory intent that sets out Heritage NSW's monitoring, compliance and enforcement approach, and the activities by which it will meet its responsibilities under the Heritage Act. This statement should be underpinned by a strategic assessment of the key threats and opportunities to heritage values of the State Heritage Register.*
6. *consolidate a program of interagency activities to strengthen capability among state government entities to support the objects of the Heritage Act, including by meeting compliance obligations. Heritage NSW should partner with NSW Treasury and other relevant agencies in the delivery of this program to ensure a strategic approach to heritage asset management.*
7. *define arrangements for information sharing and strategic resource planning to sustain the timely provision of heritage advice on proposed developments being assessed under the Environmental Planning and Assessment Act 1979*
8. *implement a heritage engagement strategy with targeted actions for owners, heritage professionals, the local government sector, and key stakeholders, including actions to:*
 - *build awareness of Heritage NSW's priorities, projects, processes, and expectations*
 - *gather insights about risks and opportunities to inform Heritage NSW's strategic and operational planning*
 - *enhance the relevance of Heritage NSW's publications and other supports to promote voluntary compliance¹*

National Trust Recommendation:

The Draft NSW Heritage Strategy should focus initially on fulfilling the requirements that have been outlined by the NSW Auditor General in their 2023 Performance Audit, all of which are now due for completion.

¹ NSW Auditor-General's Report to Parliament, State heritage assets, June 2023, p.7



The tone of the document



The notion of “rich heritage always evolving” often involves demolition of listed heritage items.

Heritage was perhaps best defined by Mr Justice Hope in his 1973-74 *Inquiry into the National Estate* when he defined it simply as “the things that you keep”. It might now be apt to qualify this statement by adding “and keeping them in a meaningful way.”

The National Trust commends the notion of a clear Heritage Strategy for NSW, however there is a concern that this document has placed a great emphasis not on identification, protection and promotion of heritage, but rather on how heritage can be dealt with as part of wider housing policies. This is made very clear in the section “why conserve heritage?” (p.7, with National Trust emphasis in bold):

*“The value of heritage extends beyond conserving the past. It contributes to our sense of identity and belonging, and to our health and wellbeing. **It can enhance our neighbourhoods by supporting the development of quality homes and communities.**”*

As the Minister states in their introduction to the document, it is true that “this strategy comes at a time of challenge and change in New South Wales, when we consider how to build the housing we need.” This framework seems to have set the tone for the remainder of the document, as the Minister’s foreword (with National Trust emphasis in bold) makes clear:

- *Heritage is **no longer focused on old buildings**, although we love these too.*
- *Our understanding and appreciation of heritage, and **how we recognise and celebrate our past, is changing.***
- *While conservation remains critical, we need to **expand our heritage thinking***
- *Heritage forms a crucial part of these discussions – **a means to enhance housing** and contribute to the creation of vibrant communities for people across the state*



- *(This strategy) will also help support environmental sustainability, **development of new housing and public infrastructure***

The National Trust feel that the NSW Heritage Strategy should be focused on just that: the heritage of NSW. It needs to recognize that heritage is a limited resource and once it is gone, it's gone.

Heritage is not something to “enhance new housing” or to “support the development of quality homes”, and it is certainly not something to “recognize and celebrate” after it is removed. Heritage, by its very nature, is something to identify and protect so that future generations can *inherit* what we consider to be culturally significant.

In its numerous submissions into the Government’s proposals to address the housing crisis in NSW, the National Trust has gone to great lengths to illustrate that our heritage can and should be presented as part of the solution, not identified as the problem.

In all of our advocacy work the Trust has attempted to illustrate ways in which heritage can *meaningfully* be preserved and protected. We feel that the tone that this document presents is one in which heritage is portrayed as a “nice background” to increased development. In fact, in a document that is effectively 20 pages long, the word “housing” is used 14 times, and even has a recommended action (3.2) of “*supporting implementation of housing reforms to achieve a positive benefit for Heritage*”. No other heritage strategy we have reviewed has taken such an approach, and we find this the most concerning element of this document.

The comparisons with the Victorian Heritage Council’s 2021-25 Strategic Plan and Queensland Government 2009 Heritage Strategy are very telling. While no doubt grappling with similar issues to NSW, these documents do not mention the word housing once and, while acknowledging the need to balance development and protection, they are documents singularly focused on heritage. Its Victorian vision is clear:

Victorians connect with and value our diverse cultural heritage. We aspire to have:

- *Victorian communities, landowners and custodians understanding and valuing our heritage and its contribution to enriching culture;*
- *a heritage system that protects, sustains and enhances our heritage;*
- *coherent and integrated heritage processes across all levels of government;*
- *transmission of heritage values to current and future generations through effective stewardship and inspirational story telling.²*

That document also acknowledges the skills and resources that enable high quality heritage management.

National Trust Recommendation:

The Draft NSW Heritage Strategy should focus on identifying and protecting heritage, as defined under the *Heritage Act (1977)*.

The strategy should not seek ways to “expand heritage thinking” as a means of “supporting development of quality homes.”

The Draft Heritage Strategy should initially focus on ways of assisting government to prioritize and carry out necessary heritage works to its own assets, and ensuring the training and development of a new generation of workers in heritage trades. The benefits of such focus will then be able to spread across the wider heritage landscape in NSW, and allow government to lead by example.

² Heritage Council of Victoria Strategic Plan 2021-25, p.4



Actions are unclear

The other major concern of which the National Trust has with the Draft NSW Heritage Strategy is the lack of definable actions. In other words, it is unclear what this strategy will have actually achieved in five years' time (refer section below *Recurring themes in NSW heritage*).

It is interesting to compare the wording of the "actions" of this strategy with those contained within the Victorian Heritage Council Strategic Plan, and the NSW Arts, Culture and Creative Industry Policy 2024-2033 (*Creative Communities*). Where other documents use words such as "implement" "complete" and "update", the Draft NSW Heritage Strategy abounds with words such as "offer" "investigate" and "support", as the examples below illustrate.

Draft NSW Heritage Strategy Actions	NSW Creative Communities commitment	Victorian Heritage Council Strategic Plan Actions
<i>Recognise a broader range of stories and values to better represent the history of New South Wales</i>	<i>The NSW Government will refer arts and music education to the NSW Parliament for inquiry</i>	<i>Implement a systematic annual program for training and capacity-building for Council members</i>
<i>Support owners and the community to care for heritage improving information and guidance for heritage owners and managers and investigating ways to regenerate heritage trade skills.</i>	<i>The NSW Government will legislate the delivery of a Creative Statement to the Parliament every three years, detailing and tracking the status, health and progress of the arts, culture and creative industries in line with this policy.</i>	<i>Update the Heritage Council Communications Plan to focus on establishing the Council as an authoritative voice and thought leader in cultural heritage and communicating the Council's decisions clearly</i>
<i>Helping NSW Government agencies prioritise their heritage assets for conservation and funding to ensure limited resources are focused on delivering the best heritage outcomes</i>	<i>Establishing a Generations fellowship, \$500,000 investment over five years to support fifteen early career Western Sydney music artists to undertake professional development.</i>	<i>Update the 'Victorian Heritage Register Criteria and Threshold Guidelines' to reflect current legislation and contemporary best practice</i>
<i>Supporting implementation of housing reforms to achieve a positive benefit for heritage</i>	<i>An audit of underutilised spaces owned by state, local government, and other landlords that could be made available for artists and cultural activities will also be undertaken 2024.</i>	<i>Instigate a project to highlight and promote the intergenerational value of heritage in the context of the UN Sustainable Development Goals</i>
<i>Strengthening government's capacity to monitor and enforce compliance</i>	<i>The Minister for Jobs and Tourism will issue a formal direction to the NSW Government tourism body, Destination NSW, to formalise the state's experience tourism policy focus</i>	<i>Complete a 'Cultural Heritage and Climate Change Project' focused on the effects of climate change on Victoria's cultural heritage places</i>

National Trust Recommendation:

The Draft NSW Heritage Strategy should include clear commitments and definable actions with clear outputs.



Duration and Funding of this strategy

We note (p.7) that:

“The draft strategy sets out a vision and direction for protecting heritage in New South Wales and establishes a broad set of actions the NSW Government proposes to carry out to achieve that vision over the next 5 years.”

The National Trust have been advised however that the Draft Heritage Strategy comes with no additional funding or resources for Heritage NSW, and none are noted in the document. Where other NSW Government policy announcements have been complemented by funding allocations, there do not appear to be any associated with the Draft Heritage Strategy.

With such a limited timeframe and 29 proposed actions in a wide range of areas (some of which are very large or undefined such as “improving information on the State Heritage Register”) it is a concern to the National Trust that this unfunded strategy will seek to promise a great deal and deliver very little.

The five-year duration of this strategy would make it sit alongside the recently released (July 2025) *Museums of History NSW Strategy 2025-30*, which itself makes specific reference to its alignment with the:

- NSW Visitor Economy Strategy 2030
- NSW 24-Hour Economy Strategy
- NSW Government’s Creative Communities policy

We note that the Draft Heritage Strategy (p.8) also *“has links to other NSW Government programs and priorities, including the housing reforms, Climate Change Adaptation Strategy, Creative Communities policy and Vibrancy Reforms.”*

The National Trust agree that seeking to align heritage outcomes with other existing NSW Government policies is a positive outcome, however in the case of housing reforms robust heritage protection should be the focus of any NSW Heritage Strategy.

National Trust Recommendation:

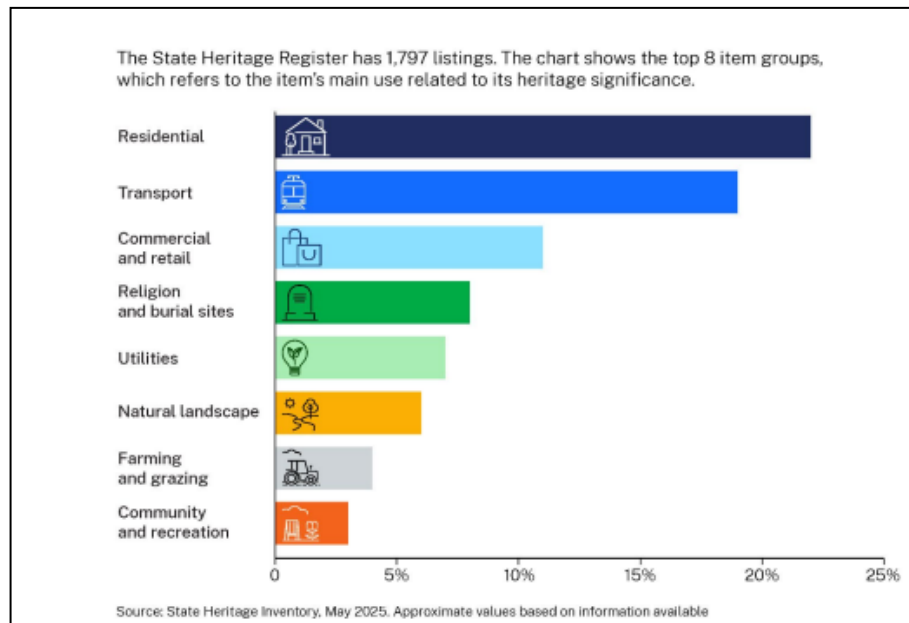
The Draft NSW Heritage Strategy should take a highly focused approach to the key issues it seeks to address, and should include definable outcomes against which progress can be recorded and success can be measured.

Any actions within the Draft Heritage Strategy need to be supported by adequate funding.



Who owns our heritage?

The Draft Strategy provides the below table (p.4) to describe “Heritage in NSW at a glance”:



The National Trust feel that this tables offers a misguided notion of the scope and ownership of the NSW State Heritage Register, indicating that residential properties form the bulk of heritage listings in NSW.

As the NSW Auditor General has pointed out in their review into heritage in NSW, **approximately 50% of assets on the State Heritage Register are publicly owned**.³ This means that the various levels of government in NSW – through various councils, agencies, departments and authorities – are by far the major ownership group responsible for the care and protection of the bulk of heritage items in NSW.

With this ownership comes responsibility. As outlined in a 2005 submission to the Productivity Commission by Heritage NSW:

“The Crown owns much of the most significant built, movable and engineering heritage in the State. It is not appropriate for the Government to expect high standards of heritage management if its own standards are not up to scratch.

The Government expects that its own agencies will lead by example. This means not just exemplary heritage management but also much greater involvement of the community in celebrating and understanding this heritage resource.”⁴

National Trust Recommendation:

The Draft NSW Heritage Strategy should acknowledge that the Government is responsible for the majority of items listed on the State Heritage Register, and seek to influence positive change in that regard.

³ Fast facts for report on State heritage assets, Audit Office of NSW, accessed July 2025:
<https://www.audit.nsw.gov.au/our-work/reports/state-heritage-assets>

⁴ NSW initial submission to the Productivity Commission Inquiry into the policy framework and incentives for the conservation of historic heritage. August 2005, p.89



Who cares for heritage?

The National Trust feels that one of the major omissions from the Draft NSW Heritage Strategy is the complete absence of any reference to the enormous contribution of volunteers to heritage in NSW.

The National Trust itself has over 1000 volunteers who contribute to heritage in NSW in a number of ways:

- Opening and closing our properties, welcoming visitors, and providing guided tours
- Staffing our art galleries and retail shops
- Providing expert heritage advice through technical committees and local branches
- Maintaining our numerous gardens, undertaking property repairs and caring for our collections
- Cataloguing and scanning our extensive archives to make them more accessible
- Undertaking administrative duties including Board member, financial and legal oversight

Numerous other organisations dedicated to heritage across NSW would derive similar benefits from their own dedicated volunteers, from railway museums and gardening clubs to local historical societies and community groups. Even major government agencies (eg: Royal Botanic Gardens, Art Gallery of NSW, Museums of History NSW, and National Parks and Wildlife Service, Australian Museum) benefit greatly from volunteer input.

The financial benefit of this volunteer contribution is enormous. According to Volunteering Australia's 2024 *Key Volunteering Statistics*, across Australia it is estimated that over 5 million people volunteered through an organisation or group in 2020.⁵

According to a 2023 report by the University of Sydney, Australians generated at least \$287.86 billion in value (14 per cent of Australia's GDP) through unpaid social contributions in 2021, with people over 65 contributing \$7.56 billion in social production through voluntary work; the largest of any age group.⁶

In terms of the NSW Heritage Register, it is worth noting that this document has effectively been voluntarily written, with the majority of listings originally based on the voluntary research of the National Trust and with new nominations often submitted by passionate individuals or organisations on a voluntary basis.

National Trust Recommendation:

The Draft NSW Heritage Strategy should acknowledge the major contribution of volunteers in the identification, management, protection and conservation of the heritage of NSW.

There should be an action within Objective 2 (support owners and the community to care for heritage) that seeks to recognise and encourage further volunteer participation in our heritage.

⁵ Volunteering Australia Key Volunteering Statistics March 2024 <https://www.volunteeringaustralia.org/wp-content/uploads/Volunteering-Australia-Key-Volunteering-Statistics-2024-Update.pdf>

⁶ Report: *A Contributing Life: A Snapshot of the Value of Social Production*, University of Sydney Mental Wealth Initiative <https://www.sydney.edu.au/news-opinion/news/2023/03/15/australian-unpaid-social-contributions-valued-at--287-billion.html>



Previous NSW Heritage Strategies

Much has been made in this document and in its promotion that this is the “first ever NSW Heritage Strategy”.

Nomenclature aside, it is clear that this document is one of many previous strategies/policies/frameworks that have shaped historic heritage in NSW over many years and by successive NSW Governments.

The 2005 submission by the NSW Heritage Office (on behalf of the NSW Government) to respond to the Productivity Commission *Inquiry into the policy framework and incentives for the conservation of historic heritage* in response to the 2001 *Australia State of the Environment Report* provides an excellent summary of the various heritage strategies and policies that have been implemented in NSW over almost 50 years.⁷

Date	Major Heritage Strategy/Policy
1977	the conservation of NSW’s historic heritage commenced with the introduction of the <i>Heritage Act</i> in response to increasing community concern about the loss of the environmental heritage of the state
1979	changes to the <i>Environmental Planning and Assessment Act</i> introduced additional heritage management controls within the general planning legislation
1985	A Ministerial Directive commenced the involvement of local government in managing the historic heritage of the state.
1996	The first NSW Government Heritage Policy was issued by the Minister for Urban Affairs and Planning, the Hon Craig Knowles. The NSW Heritage Office was created as a distinct and separate government agency as a part of the Ministerial Heritage Policy in 1996 to provide independent advice to state government on heritage issues, and a \$30m heritage fund was established.
1996 - 1999	Major changes in the heritage system were announced in the 1996 Ministerial Heritage Policy, resulting in amendments to the NSW Heritage Act in 1999. These included the establishment of the NSW State Heritage Register based on an initial investment of \$1m.
2000	The second NSW Government Heritage Policy was announced by the Deputy Premier and Minister for Urban Affairs and Planning, Dr Andrew Refshauge, at the April 2000 National Trust Heritage Awards. This policy outlined a three-year focus on: <ul style="list-style-type: none">• Indigenous Heritage• Multicultural Heritage• Rural and Regional heritage• Heritage Tourism• Education and Training• Partnerships with Owners• Heritage and Development• State Government Heritage.
2005	Submission prepared by the NSW Heritage Office on behalf of the NSW Taskforce formed to respond to the Productivity Commission Inquiry into the Policy Framework and Incentives for the Conservation of Australia’s Historic Heritage. The Taskforce included: <ul style="list-style-type: none">• NSW Cabinet Office,• NSW Treasury,• Historic Houses Trust of NSW,• Department of Environment and Conservation,• Government Architect’s Office (Commerce),• Sydney Harbour Foreshore Authority,• NSW Heritage Office.

⁷ NSW initial submission to the *Productivity Commission Inquiry into the policy framework and incentives for the conservation of historic heritage*. August 2005, pp.6-7



Recurring themes in NSW Heritage

In April 1996 the NSW Government announced the NSW Government's Heritage Policy (appended to this response). In the introduction to that document it stated that *"for too long the State's heritage has been allowed to deteriorate due to a lack of will and a lack of funding.. the Carr Government is determined to reverse this trend."* This Heritage Policy was arguably the last major reform in the heritage sector in NSW. Many of the arguments in the 1996 NSW Heritage Policy have seemingly been repeated in the 2025 NSW Draft Heritage Strategy:

- *"There has been no significant reform to the heritage Act since its introduction in 1977."*
- *"A better approach is needed."*
- *"The key areas of reform are the implementation of a NSW State Heritage inventory, the independence of the NSW Heritage Council and the increase in funding levels..."*
- *"Currently, both heritage and developer groups are unhappy with the system."*

Indeed, the primary subject issues raised in 1996 are almost exactly the same issues that have been raised in 2025:

- Reform of the NSW Heritage Council
- State Heritage inventory
- Willful Negligence Provisions
- Streamlining Planning Approvals for Heritage Items
- Increased protection for heritage listed items
- State Government Owned Heritage items
- Heritage Assistance Program (HAP) grants
- Heritage Promotion and Education
- Broaden the focus of the Heritage Council

This correlation points to the fact that so many of the same topics have been ongoing issues for heritage in NSW for nearly 30 years. The major difference however is that the 1996 NSW Heritage Policy came with a commitment that the NSW Government would establish *"a new \$30 million heritage fund to restore and conserve the State's heritage."* This announcement – worth over \$60 million today – was a major commitment that allowed many of the aims of the initial policy to be implemented, including the establishment of the State Heritage Inventory. No funding announcement has accompanied the 2025 Draft Strategy.

In slightly more recent times, the *Australia State of the Environment Report 2001*, identified the following sources of pressure on Australia's historic heritage at that time:

- urban redevelopment pressures,
- population shifts, losses or gains,
- urban consolidation affecting the heritage character of older suburbs,
- abandonment of rural structures due to new technology and new markets or products,
- loss of cultural landscapes through changing rural land use patterns,
- declining public sector budgets,
- public building redundancy,
- information and awareness failures,
- market and policy failures.

At that time, the Australian State of the Environment Committee also identified six key issues it believed were fundamental to the sustainability of Australia's environment that were closely linked to the long-term sustainability of the nation's economic and social interests. These issues were:



- the protection of natural and cultural heritage,
- barriers to implementing environmental sustainability (public goodwill and private benefit, financial tools, regulatory tools),
- adaptive management (fragmentation between levels of government and a lack of integration),
- research and monitoring (requirement for staff with specialist knowledge),
- data and information management (gaps in primary data, lack of access),
- widespread adoption of sustainability in Australian society.⁸

Nearly 25 years later these very same pressures and key issues are still having an impact on our historic heritage. It is worth restating the committee's views on "Protecting our Heritage" with National Trust emphasis in bold:

*The increasing pace of urbanisation and development, along with the economic decline of some areas in rural and regional Australia, has often damaged our cultural heritage even before it is recognised or documented. However, the pace of change in itself is making people more aware of the potential for loss, and of the need to guard against it. It is vital that there be an increased emphasis at all levels on undertaking comprehensive heritage surveys. **Regulation is important to ensure that heritage considerations are integrated into decision-making at an early stage, rather than as an afterthought.** The state of heritage needs to be monitored regularly and reported on frequently and becomes a normal part of the business of Commonwealth, state, territory and local governments.⁹*

National Trust Recommendation:

For over a quarter of a century, there have been consistent and recurring issues facing the identification, conservation and promotion of heritage in NSW. There is a risk that the Draft NSW Heritage Strategy has too many objectives and, with its five-year window, will not make any meaningful change to the state of heritage in NSW.

The National Trust considers that the State Heritage Register is the centrepiece of the management system for state-significant non-Aboriginal heritage in NSW. It is important to review, monitor and update the Register so it continues to reflect those places and objects of cultural significance to all NSW residents.

Similarly, the Heritage Council of NSW must continue to deliver its statutory functions related to the inclusion of places and objects in the Register, and its role of reviewing applications for those places and objects.¹⁰

Any NSW Heritage Strategy must be accompanied by a meaningful funding allocation.

⁸ [Australia State of the Environment Report 2001](#) – Independent Report to the Commonwealth Minister for the Environment and Heritage, Australian State of the Environment Committee

⁹ Ibid, p.107

¹⁰ These recommendations have been based very closely on the comments made by the Hon. Richard Wynne MP, Minister for Planning, in the *Minister's Message* in the Heritage Council of Victoria Strategic Plan 2012-25.



Other Heritage Strategies and Policy Documents

The National Trust has reviewed many and various documents as part of its response to the NSW Draft Heritage Strategy.

Heritage Council of NSW Strategic Priorities 2023-25

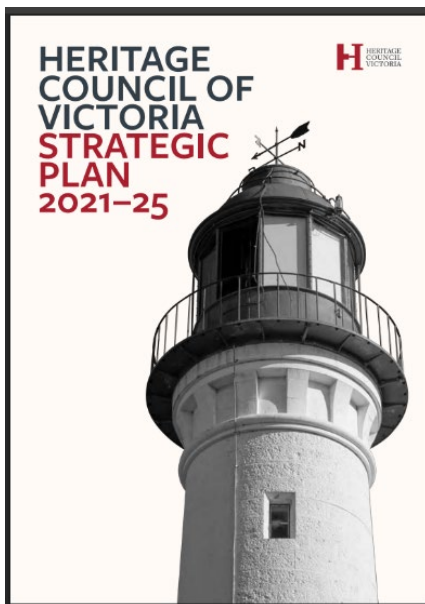
The Heritage Council listed their strategic priorities in the *2023-24 Heritage Council of NSW Annual Report*.¹¹

These comprise 5 priority areas, supported by a range of actions to be carried out over the period 2023 – 25. The priority areas are:

1. **Heritage protection:** A robust and representative State Heritage Register.
2. **Aboriginal heritage:** Elevate Aboriginal perspectives in State Heritage Register listings and regulatory processes.
3. **Leadership and education:** Build the Council's role in providing leadership and education on heritage matters
4. **Influencing outcomes:** Continue to build the Council's role in influencing outcomes for State Heritage Register items.
5. **Decision-making:** Ensure the Council operates in accordance with best-practice governance standards and the *Heritage Act 1977*.

We do acknowledge that *"the Heritage Council provided input and advice into the development of a draft NSW Heritage Strategy by Heritage NSW."*¹² It is unclear however if there is any particular alignment between the Heritage Council Strategic Priorities and the Draft Heritage Strategy. The only mention of the Heritage Council in the Draft Strategy is in Objective 4 which seeks to *"amend the Heritage Act to ensure the Heritage Council has the expertise needed to fulfil its role"* and *"improve the effectiveness of the Heritage Council."*

Heritage Council of Victoria Strategic Plan 2021-25¹³



The Heritage Council of Victoria offers much to recommend in terms of a strategic approach and focus on implementation.

The document offers five strategies for achieving its vision, and each strategy has clear goals and strategic actions associated with it.

These actions have real outcomes, eg:

- *complete a 'Cultural Heritage and Climate Change Project' focused on the effects of climate change on Victoria's cultural heritage*
- *update the 'Victorian Heritage Register Criteria and Threshold Guidelines' to reflect current legislation and contemporary best practice*

It is worth noting that the above strategy follows a number of (publicly available) earlier reports that have laid the foundation for this strategy, including:

¹¹ Annual report 2023–24 Heritage Council of NSW, p.8

¹² Ibid, p.12

¹³ Link: https://assets.heritagecouncil.vic.gov.au/assets/HCV-Strategic-Plan-2021-25_FINAL-compressed_high.pdf



- Valuing Victoria's Heritage 2023 (exploring the economic, social, and environmental value of Victoria's heritage)
- Shaping the future of the Victorian Heritage Register 2023 (the findings of a 2023 survey to understand the cultural heritage valued by Victorians)
- Improving local cultural heritage protection and management 2020

Queensland Government Heritage Strategy 2009¹⁴



Importantly, the Queensland Heritage Strategy acknowledges the importance of the role of the state in all levels of heritage protection. The very first sentence in the document from the then Minister for Environment and Heritage Protection (later Premier), Dr Steven Miles MP, makes clear the central aim of the strategy and sets the tone for the document:

"The Queensland Government places great value on our state's unique and diverse cultural heritage—and we are committed to protecting heritage places of both state and local significance."

The clarity and commitment of this statement are to be commended.

The Queensland Heritage Strategy is a ten-year plan (ie: extending across election cycles) which involved a mid-term review in 2014 with subsequent amendments in 2015 *"to ensure the framework for protecting and managing Queensland's heritage over the next five years was on track."* It has at its heart a three pillar strategy of "protecting, investing and connecting" and, while acknowledging the importance of future development, firmly places the emphasis on heritage protection as the core role of the strategy:

"As Queensland's economy grows, and population and development pressures are experienced throughout the state, we need a firm heritage strategy to give direction and help to resolve conflicts over, and potential loss of, important aspects of our heritage."

¹⁴ Queensland Heritage Strategy, 2015, p.1 https://www.qld.gov.au/data/assets/pdf_file/0021/66261/heritage-strategy.pdf



The other noteworthy inclusion in the Queensland Heritage Strategy is the acknowledgment of the many and various organisations that contribute to the heritage of Queensland and ultimately the effectiveness of any strategy. The document makes specific reference to:

- The National Trust of Australia – Queensland
- Australia ICOMOS (with specific mention of the interaction between the QLD Heritage Act and the Burra Charter)
- Royal Historical Society of Queensland
- Other professional groups

The strategy states (p.12): *“The department and the QHC will seek opportunities to collaborate with the National Trust of Australia—Queensland, local governments, owners, historical societies, corporate and philanthropic partners and other government agencies, to assist with implementation of relevant priority actions set out in this strategy.”* It further identifies as key issues the need for heritage skills training and the key role of volunteers in heritage.

The Draft NSW Strategy seems predicated on facilitating development, makes no mention of any other organisations or peak bodies, and does not mention volunteers at all.

Critically, the Queensland Heritage Strategy also identifies three clear strategies with their associated actions, and also identifies who is responsible for their implementation and the associated timeframe for delivery.

The Draft NSW Heritage Strategy makes no mention of who is responsible for any of its actions, and provides no timeframes for their delivery.

City of Adelaide Heritage Strategy 2021-2036 and Action Plan¹⁵



This ambitious heritage strategy *“outlines our aims for creating a city that respects and values its heritage, and our framework for heritage management up to 2036”* and (like the Queensland Strategy) identifies three outcomes to deliver that vision:

- Our City’s heritage is effectively protected
- Heritage is valued by our people and our communities
- Our City is renowned for its heritage

This document too identifies that *“collaborations and partnerships with Federal, State and local government agencies, business, educational and community organisations will play an important role in delivering the Strategy’s objectives.”* These strategic partnerships (pp.12 and 24-25) are identified as key aspects of the strategic vision.

The Adelaide Heritage Strategy also clearly outlines the economic benefits of heritage, and places a great focus on the tourism benefits that it brings to the local economy: *“A 2015 study revealed that direct cultural tourism expenditure*

¹⁵ City of Adelaide Heritage Strategy 2021-2036 and Action Plan, <https://d31atr86jnqrq2.cloudfront.net/docs/Heritage-Strategy-2021-2036-Action-Plan-2021-2024.pdf>



in the City of Adelaide was \$111 million to \$375 million annually. The study also determined that an average of 27% of total visitor expenditure in Adelaide could also be directly attributed to cultural heritage tourism."

The Draft NSW Heritage Strategy makes only a passing mention of tourism (p.19: *"We know heritage contributes to culture, wellbeing, sustainability, the economy and tourism"*) and seems to identify this as only being of benefit in regional areas. As the City of Adelaide Heritage Strategy proves, heritage tourism is a major component in our capital cities also.

The three outcomes of the Adelaide Heritage Strategy are accompanied by clear actions and deliverables, and identifies who will be responsible for fulfilling these outcomes (including strategic partners) and the indicative timing for each action.

National Trust Recommendation:

The Heritage Strategies of other states, local governments and cities should be studied to inform the Draft NSW Heritage Strategy. Many of them offer very good foundations for clear and effective heritage prioritisation and outcomes.

The Draft NSW Heritage Strategy should have clear outcomes that involve real and tangible commitments. It should include actions and timeframes and allocate who is responsible for those tasks.

The Draft NSW Heritage Strategy should identify the role and potential contribution of peak bodies and organisations in achieving positive heritage outcomes for the state.

The Draft NSW Heritage Strategy should recognise the significant potential of heritage tourism as part of the broader economy.



Local Heritage

It is pleasing that the Draft Strategy has included a focus on Local heritage. The majority of heritage items in NSW receive their legislative protection through heritage listings on Local Environment Plans.

In recent years there has been, in the opinion of the National Trust, an inability for the NSW Heritage Office to provide advice and support to organisations and individuals seeking assistance for locally listed items – with the focus being solely on state-listed items.

The National Trust therefore welcomes the awarding of a \$25,000 “Local Heritage Grant” to every Council in NSW as part of the 2025-27 Heritage Grants funding round. This investment of over \$2.2m will be spread across the state and we hope that the funding can have a direct impact and positive heritage outcomes at a local level throughout NSW.

We note that many of the funds have been noted as assisting with the funding of heritage advisory services. The fact is that many local councils do not currently have heritage advisers, and often those that do are employed on a very minor basis – sometimes as little as one day per month – which offer very little in the way of providing meaningful and timely advice to either the council or the general public.

As a consequence, the National Trust itself is often contacted by local councils seeking heritage advice.

The Trust feel that having some form of dedicated local government support within Heritage NSW will allow for even greater impact to be achieved from this funding allocation. We believe this would be in line with the aim of the current 2025 Draft Strategy (p.7) to *“consider local heritage within the context of strengthening existing intersections with the state heritage system.”*

National Trust Recommendation:

To include within Heritage NSW a dedicated service aimed at assisting local councils and their staff with timely and accurate heritage expertise and advice. Such a resource will make the effectiveness of the recent funding allocation to Local Government have a far greater impact.



Objective 1: Embrace and reflect the diversity of our heritage

- Recognise a broader range of stories and values
- Increase accessibility of our heritage system and places

There is no question that the State Heritage Register can be broadened in its scope and more detailed in its information, and it is right for this Draft Heritage Strategy to seek to achieve this. The NSW Auditor General has highlighted this as an issue in their 2023 findings:

“The information that Heritage NSW maintains about assets listed on the State Heritage Register (‘listed assets’) is insufficient for its regulatory and owner engagement purposes. Data quality and completeness issues have arisen since the register was established in 1999. But Heritage NSW’s progress to address important gaps in the register, and its other information systems, has been limited in recent years.”¹⁶

The Auditor General makes specific recommendations in this regard:

By June 2024, the Department of Planning and Environment (Heritage NSW) should:

3. *implement a plan to update and maintain accurate information in the State Heritage Register against defined minimum data requirements*
4. *develop a multi-year strategy to ensure the collection and maintenance of supplementary information about assets listed on the State Heritage Register that is sufficient to inform a risk-based regulatory approach.¹⁷*

The National Trust is unsure if this work has been implemented.

The actions and objectives in this category seek to “recognise and support a broader range of heritage” and “reflect diverse histories” through “investing in digital opportunities” and “improving access to the state’s heritage through a strengthened online presence.”

The National Trust is concerned however that without any genuine commitment this will be yet another “false start” for the updating of the State Heritage Register.

In 2017 the National Trust was invited by the Heritage Policy Unit of the Office of Environment and Heritage to attend a consultation session on the development of the State Heritage Register Listings Framework. At that time Heritage NSW stated that they were “currently finalising the draft State Heritage Register Policy, which is the first component of the State Heritage Register Listings Framework to be developed.” They advised:

“The State Heritage Register Listings Framework aims to communicate a vision and strategy for building a register that reflects the key cultural and historical stories of the state. We envisage that that the register will continue to grow and evolve over time, together with the values and stories that are important to the many communities of NSW.”

Despite extensive National Trust input, nothing ever came of this process.

National Trust Recommendation:

There needs to be a defined outcome and funding commitment to update the State Heritage Register.

¹⁶ NSW Auditor-General's Report to Parliament, June 2023, State heritage assets, p.2

¹⁷ Ibid, p.7



Objective 2: Empower owners to conserve heritage

- Support owners and the community to care for heritage
- Assist government to manage heritage

The best way that owners (including the various levels of government) can be supported to care for heritage is to have adequate resources with expert knowledge ready and able to provide assistance when necessary. This means properly resourcing Heritage NSW.

The conclusions of the NSW Auditor General point directly to this problem:

“Heritage NSW has adopted a focus on customer service and recently improved the timeliness of its advice and decisions on activities affecting listed assets. But Heritage NSW has not demonstrated how its customer service priorities will address known risks to its regulatory responsibilities. It could also do more to enable and promote effective heritage management among state government entities that own listed assets.”¹⁸

The National Trust agrees with the Auditor General that “there is opportunity for Heritage NSW to engage more strategically across government to improve strategic planning and long-term asset management for complex or underutilised listed assets.”¹⁹

As pointed out earlier in this response, the largest single owner of the state’s identified and protected heritage is the NSW Government itself, however as the Draft Heritage Strategy points out (“What we heard”, p.16), grant funding is one of the few financial incentives available to heritage owners to help with heritage conservation yet it is not open to state agencies.

The National Trust has pointed out the issue with this situation in many previous submissions, namely that many major NSW Government departments and agencies rightly allocate their limited funding to focus on what is their key area of service provision (eg: health or medical services, educational outcomes, public safety and security) and do not dedicate their resources to conservation and repair of their heritage assets (eg: historic hospitals, schools and courthouses).

The Minister’s Stonework Program, administered by NSW Public Works, was established in 1991 and has ably assisted the NSW State Government to maintain its over 800 heritage significant sandstone buildings. It provides a state-wide prioritised strategic approach with the key objective to provide long term cost effective solutions rather than repetitive and costly ‘quick fixes’.²⁰ The National Trust has awarded this conservation work and its outcomes on numerous occasions.

The issue is however that there are of course many valuable NSW Government heritage assets which do not include stone in their construction and which are thus excluded from this program.

National Trust Recommendation:

Any Heritage Strategy for NSW needs to include meaningful and practical ways for the NSW Government itself to manage and maintain its own heritage assets, particularly those which are not eligible for funding under either NSW Heritage Grants or the Minister’s Stonework Program.

Responsible agencies should be directly supported by Heritage NSW to prioritise and carry out conservation

¹⁸ *Performance Audit on State heritage assets*, Audit Office of NSW, 27 June 2023, p.2

¹⁹ *Ibid*, p.18

²⁰ Minister’s Stonework program website, <https://www.publicworks.nsw.gov.au/services/asset-management-and-advisory/minister-for-stonework-program>



work to the State's own heritage assets.

We note that this is in line with the actions under Objective 2.2 in the draft strategy: *"helping NSW Government agencies prioritise their heritage assets for conservation and funding to ensure limited resources are focused on delivering the best heritage outcomes."*

It is unclear however how this will actually be achieved.

Case Study 1: Underused government heritage assets

Objective 2.2 within the Draft Heritage Strategy is focused on assisting government to improve conservation of public assets.

It has a number of aims and actions, including:

- *ensure the most significant state-owned heritage assets are well conserved and maintained*
- *increase NSW Government capacity to lead by example in using, adapting and activating heritage*
- *provide pathways to activate disused publicly owned heritage assets for community access, benefit and enjoyment.*



Heritage owned by the NSW Government is not only relegated in regional areas, it has been happening right in the centre of Sydney.

Despite offering one of the best locations in Sydney Harbour in terms of views and accessibility, Fort Denison has been completely closed to public since the restaurant lease expired June 2017. The historically important firing of the gun to coordinate the ball dropping on Sydney Observatory has been stopped for many years. Advertised plans for the restaurant to be serving new patrons by 2022 have long since expired.²¹

It is the opinion of the National Trust that it is almost entirely inexcusable that such a prominent, publicly-owned heritage site in Sydney Harbour should be closed to the public for almost an entire decade – with no plans to re-open any time soon.

²¹ <https://www.timeout.com/sydney/news/this-tiny-harbour-island-is-being-transformed-into-a-plush-new-restaurant-and-bar-053121>



Case Study 2: Languishing public assets

Objective 2.2 within the Draft Heritage Strategy is focused on assisting government to improve conservation of public assets.

It has a number of aims and actions, including:

- *helping NSW Government agencies prioritise their heritage assets for conservation and funding to ensure limited resources are focused on delivering the best heritage outcomes*
- *investigating options to support activation and adaptive reuse of NSW Government owned heritage, including a framework to secure ongoing use of assets that no longer meet the agency's service delivery needs.*



The historic Glebe Island Bridge was listed on the State Heritage Register in November 2013. It is one of the earliest examples of its type in the world and could provide an important pedestrian link in the city.

Numerous NSW Government-led activation projects totalling well over \$2billion in investment are occurring on either side of this important structure, both at Blackwattle Bay (including Sydney Fish Market) and White Bay (Metro Station, Power Station renewal) which will lead to thousands of new residents living in the area.

Despite numerous calls from many years from organisations such as the National Trust and the Glebe Society to restore the bridge, in the 2025-26 NSW Government budget \$59.8 million has been allocated to refurbish the already functioning and publicly accessible Pyrmont Bridge.

While such investment in the Pyrmont Bridge is of course welcome, it does raise questions about the prioritization of heritage works to state-listed items in government control that could bring wider public benefit in association with other government-led renewal projects. There is a genuine fear that Glebe Island Bridge will be a case of Demolition by Neglect by the NSW Government.



Case Study 3: Inadequate and incomplete reporting measures

Objective 2.2 within the Draft Heritage Strategy is focused on assisting government to improve conservation of public assets. It has a number of aims and actions, including:

- *ensure that limited agency resources are used to deliver the greatest public benefit in conserving the state's most important stories*
- *streamline approvals for some maintenance and repair works to publicly owned assets*



Despite The University of Sydney announcing its plans in 2015 to leave the historic “Kirkbride” complex of buildings within Callan Park where it once housed the Sydney College of the Arts (a promise it fulfilled in 2020), these highly important public buildings remain unused and neglected.

The concerns of the Friends of Callan Park president Hal Greenland – expressed in the Sydney Morning Herald in 2015 – that the vacancy of the buildings would lead to “demolition by neglect” now appears to have been an apt prediction, with vandalism of the buildings now well-known and widely reported.²²

The lack of heritage staff within some government departments to advise them on their responsibilities continues to be a major concern for the National Trust.

Since 2004, the NSW Treasury Heritage Asset Management Guidelines have been very clear in this respect: *“Organisations that have control of heritage assets also have a second service obligation. While they use the assets in delivering their primary service, they are also responsible for the assets and protecting their significance for future generations.”*²³

The compliance with such obligations should be a major focus of any NSW Heritage Strategy. The current NSW Treasury Asset Management Policy *“seeks to drive better asset management through strengthening accountability, performance and capability across the public sector.”* It mandates that NSW Government agencies *“adopt clear and consistent definitions and methodologies to report to government each year on the size of any maintenance backlog and identify measures to address the backlog”*.²⁴

This is clearly not happening in relation to state heritage assets, and should be a primary focus for Heritage NSW and any NSW Heritage Strategy. The government must lead by example.

²² [“Sydney University abandons art school at Callan Park”](#), Sydney Morning Herald, 24 November 2015

²³ [Total Asset Management, Heritage Management Guideline](#), NSW Treasury, p.2

²⁴ [TPP 19-07 Asset Management Policy](#), NSW Treasury, p.1



Compliance and s.170 Registers

Section 170 of the *Heritage Act 1977* requires all state government agencies to maintain a register of heritage assets it owns, occupies, or manages, called a “Heritage and Conservation Register”. The Heritage and Conservation Register is an important resource used for making decisions about maintaining, conserving, and making changes to heritage assets.

The Act specifically requires that each government agency “shall review and, if necessary, amend its register not less than once each year” and “furnish a copy of its register and of any amendments to its register to the Heritage Council in accordance with such directions as may be given by the Heritage Council.”

As identified by the NSW Auditor General in 2023, Heritage NSW initiated a program in 2019–20 “to assess and improve state government entities’ compliance with section 170 requirements. This followed findings from an internal audit in 2017–18.”²⁵

In our July 2021 submission into the Standing Committee on Social Issues Inquiry into the Heritage Act (1977) – the review into the Heritage Act – the National Trust also identified the need to update and review state government agency s.170 registers as an “immediate priority” and called for all such registers to be updated as a priority within 12 months.

The NSW Auditor general subsequently found that :

“Heritage NSW’s efforts to collate information about state-owned heritage assets have not been effective, although entities are required to maintain and provide their own registers.”

It further noted that:

“Heritage NSW is not on track to meet delivery targets it set for its engagement with government entities on their section 170 requirements by 2024. It has reduced its strategic focus and resource allocation to supporting entities’ compliance with section 170.”

The Auditor General recommended that by June 2024, Heritage NSW should:

“consolidate a program of interagency activities to strengthen capability among state government entities to support the objects of the Heritage Act, including by meeting compliance obligations. Heritage NSW should partner with NSW Treasury and other relevant agencies in the delivery of this program to ensure a strategic approach to heritage asset management.”

From a quick inspection on the internet conducted whilst preparing this response however, Transport (Sydney Trains) and the NSW Department of Education would appear to be the only agencies who have an updated s.170 Register that is readily available.²⁶

National Trust Recommendation:

The Draft NSW Heritage Strategy must refer to s.170 Registers and the need for compliance.

The Draft NSW Heritage Strategy must have a clear focus on ensuring that Heritage NSW has the knowledge, funding and resources to ensure that the NSW Government is held accountable to its own mandatory asset management reporting policies in relation to identified heritage assets owned by government agencies.

The actions in Objective 2 of the Draft Heritage Strategy (assist government to improve conservation of public assets) should be properly integrated with NSW Treasury reporting guidelines and fulfil the 2023 recommendations of the NSW Auditor General.

²⁵ NSW Auditor-General's Report to Parliament, State heritage assets, 2023, p.18

²⁶ [Sydney Trains Heritage and Conservation Register](#) and [NSW Department of Education s170 Register 2025](#)



Grants

The Trust also notes that one of the actions under this objective is to “*reshape the heritage grants program to achieve greater impact*”.

The National Trust would support this objective.

The National Trust notes the findings of the Auditor General in 2023:

The Heritage Grants Program supports the conservation and promotion of listed assets, but more work is required to understand its outcomes

Heritage NSW administers the Heritage Grants Program to support conservation or management works on privately-owned heritage assets, including assets listed on the State Heritage Register. The program has a funding pool of around \$6 million over two years and is generally focused on delivering small grants (ranging from \$1,000 to \$150,000). The program has set objectives for supporting conservation and management activities across the various funding categories.

Funding priorities for the program have not changed substantively since 2017, with the exception of the Activating State Heritage Grant (see Chapter 4.3), and are broadly consistent with the objectives of the Heritage Act. Noting the gaps in Heritage NSW's publications and targeted education activities, and a limited proactive compliance program (see Chapter 3.3), an effective grants program becomes critical.

Heritage NSW data indicates that the program is routinely oversubscribed: in previous funding rounds, around half of the applicants were successful and received funding. In the 2021–23 funding round, Heritage NSW received 433 applications and awarded 231 grants.

*However, there is a lack of information about the intended (and measurable) outputs and outcomes of the program. Heritage NSW provides limited public reporting beyond listing grant recipients in agency annual reports. There has been no public reporting on the achievement of improved heritage values for particular listed assets or types of assets, or program-level outcomes for the funding. Public reporting would improve transparency around the program.*²⁷

Although the results of the various surveys that informed the Draft Heritage Strategy have not been published, it is noted (p.16) that “funding for heritage conservation was the most selected focus area for government in the NSW Heritage Strategy survey” and “the NSW Government Heritage Grants program is consistently oversubscribed with demand outstripping supply in most categories.”

Given that the “Activating State Heritage” grant of \$1m was (in 2023-25) awarded to a Swiss billionaire, and the most recent (2025-27) \$1m grant has inexplicably just been awarded twice (\$1m each to two separate projects) despite only one grant being advertised, the National Trust agree with the NSW Auditor General that there needs to be more transparency around the Heritage NSW grants program.

National Trust Recommendation:

Some form of “means testing” should be employed in the awarding of heritage grants, to ensure the best possible allocation of government funding.

Government-owned assets should also be eligible for heritage funding, in a way similar to the current funding available through the Minister’s Stonework Program.

²⁷ Performance Audit on State heritage assets, Audit Office of NSW, 27 June 2023, pp.18-19



Case Study 4: NSW Government funding billionaires

Objective 2.1 within the Draft Heritage Strategy is focused on “supporting owners and the community to care for heritage”.

It aims to do this by:

- *reshaping the heritage grants program to achieve greater impact*
- *improve conservation of heritage across New South Wales and help realise the economic and social benefits accruing from heritage*
- *demonstrate a clear commitment by government to supporting the conservation efforts of private heritage owners*
- *improve the experiences of owners and managers of private heritage items through better support and funding.*



The National Trust fully supports NSW Heritage supporting private owners to maintain heritage assets through the awarding of grants. We do however think there is a long way to go in utilizing these limited funds in order to “achieve greater impact”.

In the 2023-25 round of “Activating State Heritage Grants”, the Trust notes that the Romani Pastoral Company was the winner of a \$1m grant for the “Conservation and re-adaptation of Windy Station Woolshed.” This would see the historic building adapted to be a commercially successful event space.

A very quick online search reveals that the Romani Pastoral Company belongs to the European-based financier Urs Schwarzenbach. According to Wikipedia, Mr Schwarzenbach is estimated to have a net worth of \$2.8b - \$3.8b AUD, with “well over £300m of property in the UK, a palace in Morocco, £17m of aviation assets, the Grand Hotel Dolder in Zurich and a polo team with some 600 ponies”²⁸. In 2014 it was reported he spent \$24m on a private art gallery at one of his properties in Australia to house an “impressive indigenous art collection”.²⁹

The National Trust acknowledge the heritage importance of the Windy Station Woolshed, however we are unclear as to why such a wealthy individual should require \$1m in NSW Government Funding for a heritage asset they have decided to purchase – at the expense of countless other worthy projects across the state.

²⁸ Urs Ernst Schwarzenbach, [Wikipedia entry](#), Accessed July 2025

²⁹ [Australian Financial Review, 28 October 2016](#) and [Report by Jonathan Chancellor May 2014](#)



Case Study 4: Heritage warnings, and rewards

Objective 2.1 within the Draft Heritage Strategy is focused on “supporting owners and the community to care for heritage”.

It aims to do this by:

- *reshaping the heritage grants program to achieve greater impact*
- *demonstrate a clear commitment by government to supporting the conservation efforts of private heritage owners*



We note that one of the recipients of the 2025-27 \$1m Activating State Heritage Grant was the Schwartz Family Co Pty Ltd. The Trust notes that Dr Jerry Schwartz has a reported wealth of \$596m in *The Australian* “Rich List” and is Australia’s largest private hotel owner.

There has been ongoing concern about the decaying state of the building for many years. The National Trust note that this awarding of a \$1m grant from Heritage NSW on 1 July 2025 comes just weeks after published news reports in the Newcastle Herald (12 June 2025) stating that “*State Heritage Minister Penny Sharpe and Newcastle MP Tim Crakanthorp have urged Newcastle Post Office owner Jerry Schwartz to get cracking on the restoration of the heritage jewel.*” There is a genuine feeling that this lack of action has now been rewarded by Heritage NSW.

We also note that two projects have been awarded \$1m each in the 2025-27 Activating State Heritage Grant round: the Newcastle Post Office and the Victoria Theatre in Newcastle. The National Trust does not dispute in any way the significance of these buildings and their need for conservation.

It is puzzling however that in the various guidelines and “Heritage Grant FAQ” resources that were published as part of the application progress it was made very clear that in the 2025-27 funding round it was made abundantly clear that only one grant of \$1m was to be made in this category.

It is unclear where this additional \$1m in government funding came from.



Objective 3: Realise the benefits of heritage

- Promote activation, adaptive reuse and sustainability
- Strengthen the alignment between the heritage and planning systems

The National Trust support Objective 3.2 there is an opportunity to *“improve the alignment between heritage and the planning system to increase community confidence in decisions affecting state and local heritage.”* We would agree that this can be done by:

- developing clear guidance for local councils on identifying, managing and regulating local heritage
- embedding heritage upfront in local strategic planning.

The Trust however does not support the suggestion in the Draft Heritage Strategy (p.21) that this should be done by *“supporting implementation of housing reforms to achieve a positive benefit for heritage.”*

It has been clear from a number of the recent housing reforms initially proposed by the NSW Government that these reforms indeed posed a very major threat to heritage. In our initial February 2023 submission on Housing Reforms in NSW, the National Trust stated clearly that *“the current one-size-fits-all housing reforms put forward by the NSW Government are the biggest threat to the heritage of NSW that have ever been proposed.”*

The National Trust has continued to maintain that housing and heritage can co-exist in NSW and together will make for a more liveable city with a definable character, and that this can be achieved by strong and effective heritage legislation.

We would argue that this needs to be the focus of any Draft Heritage Strategy, and that to attempt to define the strategy based on supporting the implementation of housing reforms would be in effect an exercise in reverse engineering – and not an appropriate heritage strategy for NSW.

National Trust Recommendation:

The Draft Heritage Strategy for NSW should not have as an objective the *“supporting implementation of housing reforms to achieve a positive benefit for heritage.”*

It should instead focus on the identification and protection of heritage in NSW.



Objective 4: Improve the state heritage system

- Establish a more robust State Heritage Register
- Modernise the heritage framework

In the 1996 major overhaul to the heritage system in NSW, the then Minister for Urban Affairs and Planning and Minister for Housing, Craig Knowles MP, announced the establishment of the new Heritage Office:

“The establishment of the Heritage office means the Government will finally have the skills and resources to protect our most valuable heritage items...”

The role of the office will be to:

- *Service the NSW Heritage Council;*
- *Develop and maintain a new State heritage Inventory;*
- *Provide specialist advice to the community on heritage matters;*
- *Provide policy advice relating to heritage to the Minister; and*
- *Deal with smaller matters that would otherwise go to the Heritage Council.*

The first act of the heritage Office will be to complete the State heritage Inventory – a list of items of State significance.

The inventory will provide the Government and the public with a list of the State’s most important heritage items and a strategy for protecting them.

\$1m will be spent in the next twelve months to have the inventory up and running.

Under the existing policy, protection is only given to buildings when they are under threat. As a result, many of the State’s most important buildings, such as St Mary’s Cathedral and the Chief Secretaries Building, have no State protection.

This creates uncertainty for developers who may have a protection order placed on a site after they have drawn up a development proposal.

Assessing the building at the time of greatest potential conflict compromises the ability of the consent authority to make an objective recommendation regarding significance of the site.

The quicker the State Heritage Inventory is done the quicker a sense of certainty is restored to the building and development communities.”

As the Audit Office of NSW has stated in 2023:

“Most State Heritage Register listings contain incomplete or inconsistent information, and many require updating, but Heritage NSW has made limited progress to address this.”³⁰

At that time, the Auditor General found that only 151 records (9%) had been updated since 2015. Approximately 12% of records did not contain a statement outlining why the asset is of state heritage significance, nearly 90% of the listed assets did not have a physical condition rating, and 35% lacked a

³⁰ *Performance Audit on State heritage assets*, Audit Office of NSW, 27 June 2023, p.13



detailed physical condition description. A 2017 Heritage NSW assessment identified that most of these gaps relate to assets owned by state government entities, with smaller numbers relating to local councils and private owners.³¹

A "robust" State Heritage Register

Objective 4.1 aims to:

Establish a more robust State Heritage Register to improve the protection of state-significant heritage in New South Wales.

We will do this by:

- *defining a clear and relevant purpose for the State Heritage Register*
- *amending the Heritage Act to ensure the Heritage Council has the expertise needed to fulfil its role*
- *improving information on the State Heritage Register and aligning listings with the register's purpose.*

The National Trust would argue that the "clear and relevant purpose" for the State Heritage Register has been long-established and is clear under Part 3A of the *Heritage Act 1977* as "a place, building, work, relic, moveable object or precinct that the Minister considers is of State heritage significance."

The criteria for establishing State heritage significance are similarly well-established.³² This criteria is outlined under the nomination form and is assessed by the State Heritage Register Committee of the Heritage Council.

The purpose for the State Heritage Register is thus long-established and is in no need of change.

Listing on the State Heritage Register itself however is no guarantee of protection of state-significant heritage in NSW, as recent examples such as Cleveland House in Surry Hills and the Paragon Café in Katoomba attest, alongside numerous government-owned examples such as the Kirkbride complex within Callan Park, all of which have been the subject of community concern.

Therefore, it is the opinion of the National Trust that far more benefit will be derived from Objective 4.2 which aims to:

Modernise the heritage framework to build community confidence in heritage protection in New South Wales.

We will do this by:

- *strengthening government's capacity to monitor and enforce compliance*
- *clarifying and simplifying approval systems and guidance.*

National Trust Recommendation:

Objective 4.1 and its associated actions will not yield any measurable benefit. Many items are currently listed on the State Heritage Register and are still under threat – particularly with the ability of other legislation (such as State Significant Development) to effectively turn off the provisions of the *Heritage Act*

³¹ *Performance Audit on State heritage assets*, Audit Office of NSW, 27 June 2023, p.13

³² <https://www.environment.nsw.gov.au/topics/heritage/request-a-heritage-listing/nominate-an-item-for-listing-on-the-state-heritage-register>



1977.

The focus on increasing the protection of state-significant heritage is dealt with adequately in Objective 4.2 and needs to focus on compliance and enforcement. This Objective should include addressing the current issues associated with the interactions between the *Heritage Act 1977* and other relevant legislation and government policies, to ensure that State Heritage listing does indeed bring the protection and safeguards that were originally intended.



Appendix – NSW Government Heritage Policy, April 1996



NEW SOUTH WALES

NSW GOVERNMENT'S HERITAGE POLICY

APRIL 1996

THE NSW GOVERNMENT'S HERITAGE REFORMS

Introduction

For too long the State's heritage has been allowed to deteriorate due to a lack of will and a lack of funding. The Carr Government is determined to reverse this trend.

The current Heritage Act reflects the community concerns and standards of the 1970's. It was conceived at a time when many of the State's built heritage items were at risk of demolition.

There has been no significant reform of the Heritage Act since its introduction in 1977. Since then, government, community and developer attitudes towards the conservation of heritage have changed. There is now universal acceptance that the heritage of NSW is valuable and must be protected.

The Carr Government's new policy attempts to deal with these attitudinal shifts and re-aligns the current heritage structures to reflect current community and industry views.

The Heritage Act was primarily designed to provide emergency protection for heritage buildings which were under threat. As a result, action was only taken when a building or item of heritage significance was under threat.

A better approach is needed. The Carr Government's new policy will ensure protection is given to the State's heritage asset before threats and conflicts arise.

The key areas of reform are the implementation of a NSW State Heritage Inventory, the independence of the NSW Heritage Council and the increase of funding levels to enable major conservation and restoration work to be undertaken.

The policy for the last six years has been to apply the Heritage Act only when an item is at risk. The result is some of our major sites such as St Marys Cathedral and the Chief Secretary's Building are not formally recognised nor protected by the State. This proposal is a clear reversal of that policy.

To create certainty and confidence in the heritage system, items that are significant and need to be protected should be known before a development application is lodged. This applies to both local and state government provisions.

Currently, both heritage and developer groups are unhappy with the system.

Developers are unhappy that a heritage order can, and is, placed on a site only after they have drawn up a development proposal. Quite rightly, they

point out this is a system which compromises the security of investment. This policy aim to limit this problem.

Heritage experts also argue the current policy is inappropriate. They believe that by assessing significance at the time of greatest potential conflict compromises the ability of the consent authority to make an objective recommendation regarding significance of the site.

The NSW Government's new heritage policy recognises the need to maintain our heritage assets and establishes the means by which to do so.

Establishment of a Heritage Office

The State Government will establish a new Heritage Office to provide advice to the community and the Minister on heritage matters.

The head of the office will have Director status. The Office will be independent of the Department of Urban Affairs and Planning and directly responsible to the Minister for Urban Affairs and Planning. It will have approximately 20 staff.

The role of the office will be to:

- Service the NSW Heritage Council;
- Maintain the NSW State Heritage Inventory;
- Provide specialist advice to the community on heritage matters;
- Provide policy advice relating to heritage to the Minister; and
- Deal with smaller matters that would otherwise go to the Heritage Council. (especially for Councils without authority for their own heritage matters).

The office will be funded entirely by the current funding arrangements of the Heritage Branch of Department of Urban Affairs and Planning. Part of the funding will be provided by the Heritage Conservation Fund and the rest from transferring the current budget of the Heritage Branch of Department of Urban Affairs and Planning to the Heritage Office.

Currently, there is the potential for conflict of interest with the Heritage Branch needing to report through the Department of Urban Affairs and Planning on assessments of properties and places which may be subject to planning considerations by the same person at the same time.

Making the Heritage Council and Heritage Office independent of the Department of Urban Affairs and Planning will give heritage issues a greater status and credibility in their own right.

In the context of the Governments changes, the existing functions of the Heritage Council such as promotion, education and funding of heritage

matters will now be performed by the Heritage Council in conjunction with the Heritage Office.

Reform of the NSW Heritage Council

The Government intends that the Heritage Council will be firmly focussed on protection of major items of State significance.

This includes the identification, assessment and promotion of the State's most important heritage items. In this way, the work of the Council can have a greater focus on issues of State significance.

The use of current Heritage Act protections on such sites will remain the major protective power of the Heritage Council. However, these powers will no longer be used only in cases where the items are at risk.

The key activities of the Heritage Council will be:

- the urgent completion of the State Heritage Inventory (SHI) with the Heritage Office. The Heritage Council will establish a committee of experts to undertake the first stage of identifying items of state significance.
- the development of a model Heritage Local Environmental Plan, to demonstrate to Councils how they can best protect items of local heritage significance. This work will be done in conjunction with the Department of Urban Affairs and Planning. Local Councils will be encouraged to strengthen their existing LEP's to increase the certainty of heritage protection. Funding will continue to be available from Heritage Council to improve the quality of local council LEP's.
- Amending the constitution of the Heritage Council to ensure a skills oriented composition, as opposed to the current representative composition, of members.

State Heritage Inventory

The Heritage Council in conjunction with the Heritage Office will prepare a comprehensive inventory of the State's most significant heritage items.

Within twelve months the Heritage Council will have identified and assessed for protection a base list of heritage items of state significance. All the infrastructure for the SHI database will be in place and operational within one year.

Once an item is identified as being of State significance, a strategy will be developed for protecting it.

The Government is committed to increasing the flexibility of heritage protective measures. While Permanent Conservation Orders will still be the main protective instrument the Government will look towards other means of protecting the State's heritage that will lead to a more co-operative approach to heritage protection.

One million dollars from the Heritage Conservation Fund will be applied this year to this work. The quicker this work is done the quicker a sense of certainty will be restored to the development and heritage communities.

The State Heritage Inventory will be published on CD-Rom format and made available to schools, libraries, tourism information centre and other interested parties.

The availability of a list of the State's most important heritage items, the reasons for their significance and the projections afforded these sites by the State, is critical for the credibility of heritage conservation in this State.

The State Heritage Inventory will be a vital tool in promoting the State's heritage to tourists during the Sydney Olympic Games.

\$30 Million Heritage Fund

The State Government will establish a new \$30 million heritage fund to restore and conserve the State's Heritage.

The funds will be raised from \$5 million allocated from the sale of the State Office Block and \$25 million allocated over three years from the disposal of land assets held by Landcom.

The \$30 million will serve as a 'sinking fund' for the long term management of heritage items of state significance. This means the interest generated from the fund will be used to support heritage projects.

The new fund will play a vital role in restoring Sydney's historic buildings in time for the Olympics.

The scheme is similar to the funding mechanism used to establish the existing \$3 million Heritage Fund where revenue was obtained from the sale of air rights from the First Government House site.

The additional funding will allow the Government to be more creative in its pursuit of preserving our heritage. It will enable large scale conservation works to proceed. Such conservation may require acquisition, restoration and consequent sale like what was done with the Walter Burley Griffin House in Northbridge.

Wilful Negligence Provisions

While the Government will provide additional funding for heritage works and protection, wilful negligence provisions will be introduced where owners of heritage properties allow deliberate damage to occur.

It is not intended for wilful neglect provisions to be used to keep buildings in perfect order. It is aimed at preventing permanent damage to items protected by the Heritage Act.

A wilful neglect notice will be placed on items only when it is proven that the building is not in a stable state.

The following procedure will take place upon the issuing of a wilful neglect notice -

- 1) a letter will be issued to the owner. It will draw attention to the condition of the item and request the owner carry out stabilisation work within a period of 60 days. The owner will be advised of the possibility of financial assistance for the project.
- 2) in the event the work is not carried out within sixty days, a notice should be served directing that the work be carried out within a further specified period
- 3) where the owner does not carry out the work, the Heritage Council will be empowered to carry out work and invoice the owner for payment
- 4) if the owner cannot pay an indexed refundable grant will be offered by the Heritage Council. It will be refundable on the sale or disposal of the property.

These procedures will apply only to items protected by the Heritage Act.

Anyone will be able to report an instance of wilful neglect. Thus leading to greater public participation in the protection of heritage sites.

Streamlining Planning Approvals for Heritage Items

Currently, a development of a property with heritage protection requires two development application procedures to be followed.

The developer must apply to the Local Council for development approval as well as to the Heritage Council under s.60 of the Heritage Act.

This practice is both time consuming and expensive.

While former Governments have expected local councils to improve their skills and resources in the Heritage area, there has been no incentive to do so as the Heritage Council always retained consent authority.

The new approach will provide local councils with real incentives to increase their heritage skills and resources.

Under the Government's new policy, the Heritage Council, via the Minister, will be able to delegate responsibility for consent for DA's affecting heritage listed sites to local councils.

Before delegation can occur, a Council must demonstrate that they have an approved LEP and adequate skills and resources to deal with their heritage asset. This will eliminate s.60 applications to the Heritage Council.

Local Councils will be encouraged to have a heritage LEP which fits a standard model endorsed by the Heritage Council.

The Heritage Council will have the ability to withdraw such delegations from any group where the Council has not performed its obligations in protecting its heritage asset.

This means in many cases, only one development application will be required - creating a one-stop shop for development applications affecting heritage sites.

Regardless of consent responsibilities, the Heritage Council will remain the sole body for assessing heritage items of state significance and the sole body for recommending protection under the Heritage Act.

Increased protection for heritage listed items

Where it is proven that an item of state heritage significance has been wilfully destroyed by any person with a financial interest in the site the future development of that site *may* on consideration of the Minister be restricted to the same building envelope.

This means any future development on the site will be restricted to the same floor/space ratio - eliminating any potential financial gain arising from the destruction of the site.

Extra funds will be provided through the HAP scheme to assist owners of buildings to protect them from damage or dilapidation.

The Heritage Council will produce standard provisions for mothballing heritage listed sites with Heritage Act protection. Non-compliance with these provisions may lead to action under the wilful neglect provisions.

State Government Owned Heritage Items

All Government agencies and State Owned Corporations will be required to prepare s.170 schedules within one year. Section 170 registers will require agencies not to take any action which would "adversely affect a heritage item, unless there is no feasible or prudent alternative."

Agencies with significant heritage assets should establish a management committee which will follow a standard model approved by the Heritage Council.

Heritage Assistance Program (HAP) Grants

The Government will use the Heritage Assistance Program for a wider range of heritage projects, including educational/promotional programs.

The Government will require recipients of Heritage Assistance Program Grants to publicise the project which has been funded by the HAP.

Local Governments will be provided with increased funding for heritage studies to enable proper and professional work to be done in all local government areas.

Heritage Promotion and Education

The on-going promotion of the value of heritage is critical to its continued and improved value to the community. The Heritage Council and the Heritage Office will be required to effectively promote heritage and to increase the wider public profile of heritage.

The Government will encourage the private sector to play an increased role in promoting and protecting the State's heritage.

A Heritage Council sub-committee will be established to improve the corporate promotion of heritage. Its purpose will be to increase private funding for the heritage fund.

The Minister will appoint to the Heritage Council a person skilled in corporate promotion to be responsible for promoting corporate sponsorship of heritage.

The co-operation of other government agencies such as the Department of Education, State Library and State Tourism will provide widespread access to information relating to the State's heritage asset.

It will increase understanding and enable community involvement in heritage decisions.

The Government will make the State Heritage Inventory accessible via CD Rom and compatible with the National Estate computer register. This format will then be made available to schools, libraries and other interested parties.

Broaden the focus of the Heritage Council

For too long the Heritage Council has focussed on items of built form. There has been a demonstrable absence of consideration of items of Aboriginal, movable and natural heritage.

Aboriginal and Natural Heritage

All relevant Government agencies will work together to establish imperatives for the management of both Aboriginal and natural heritage to be progressed.

As the Minister responsible for the Heritage Act I can announce that I have agreement from the Minister for the Environment and Minister for Aboriginal Affairs to convene Cabinet level discussions to resolve all issues related to these long neglected areas of heritage.

Movable Heritage

A movable heritage sub-committee of the Heritage Council will be established and will work with Department of Arts to establish responsibilities of each agency in developing compatible criteria for identification and assessment of movable heritage.

The Heritage Council Sub-Committee will be required to report to the Heritage Council a list of movable items that require urgent consideration within six months.

The sub-committee's connection to the Department of Arts will be formalised in order to better manage, conserve and promote our states movable heritage and to provide specialist advice to the Heritage Council on identification and assessment of movable heritage items.

Conclusion

The new Heritage Policy will ensure the NSW Heritage Council is more focussed on the big issues of NSW heritage.

It acknowledges the need for better heritage protection in key areas of Aboriginal, natural and movable heritage. At the same time it gives greater opportunity for the on-going management of the states heritage to be in the control of those communities most closely linked to each item.

It is a reflection of growing community knowledge and appreciation of heritage and the community's desire to protect that heritage.