

Heritage NSW
Department of Climate Change,
Energy, The Environment and Water (DCCEEW)
c/- heritage.policy2@environment.nsw.gov.au

4 August 2025

Dear Sir or Madam,

SUBMISSION TO DRAFT HERITAGE STRATEGY FOR NSW

Thank you for the opportunity to provide feedback on the Draft Heritage Strategy for NSW and for granting an extension to enable this submission.

Congratulations on preparing NSW's first ever heritage strategy to recognise, protect, enhance and celebrate heritage.

We support the draft Strategy vision that heritage is valued as an integral part of the cultural and wellbeing of our communities and our sense of place, along with the supporting principles. In particular, we concur that the NSW planning framework would benefit from improved interactions between the heritage and planning systems.

The draft Heritage Strategy covers a broad range of heritage issues and is a useful high-level guiding document. Heritage is an important and increasingly sensitive issue for Wollondilly with the recent completion of the first Shire-wide heritage study in over 30 years and our role in managing growth to support the needs of Greater Sydney.

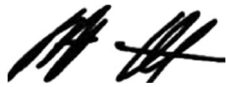
Our submission draws on our experience managing heritage and seeks inclusion of the following key actions in the final Strategy:

- Provide clear guidance and processes for recognising and listing Aboriginal cultural heritage within planning instruments, including at the rezoning stage.

- Review and improve heritage processes (Interim Heritage Orders, heritage conservation area guidance, State Heritage Database, and nomination processes) to better support councils and deliver positive outcomes while aligning with housing delivery goals.
- Clarify the State's key priorities for future State Heritage Register listings, to give councils and communities transparency and certainty when preparing and submitting nominations.

If you require any further information or clarification in response to this submission, please contact Council's Strategic Planner, Lisa Howard on 4677 4438 or lisa.howard@wollondilly.nsw.gov.au.

Yours faithfully,



Stephen Gardiner
Manager Shire Planning | Head of Advocacy
Shire Futures

Our Position

The principle of a Heritage Strategy for NSW is supported.

We especially support measures aimed at better alignment between heritage and the planning system.

Our Recommendations

Recommendation 1:

That guidance is provided on how to recognise and list aboriginal cultural heritage in environmental planning instruments (EPIs)

Recommendation 2:

That the Interim Heritage Order process is reviewed with a view to better alignment with strategic planning and the local plan making process.

Recommendation 3:

That guidance is provided on the role of heritage conservation areas and landscape conservation areas to guide strategic planning and development assessment.

Recommendation 4:

It is recommended that local government are empowered in its key role in managing heritage.

Recommendation 5:

That a better nexus is established between the conservation of heritage and delivery of new housing.

Recommendation 6:

That clear guidance is developed to set out the type and level of assessment required to consider the likely presence, significance, and need for protection of aboriginal cultural heritage at the rezoning stage.

Recommendation 7:

That the online State Heritage Database is enhanced to improve user experience.

Recommendation 8:

That the State heritage Register nomination process is reviewed to provide clearer direction on what heritage is likely to be supported.

Response to proposed amendments

1. Objective 1 – Embrace and reflect the diversity of our heritage

The aim to adequately recognise the places, stories and experiences of Aboriginal communities is supported. However, in our experience, recognising Aboriginal cultural heritage is challenged by different views around how it should be recognised in the NSW planning system and a lack of resources for councils and other stakeholders for guidance on best practice:

- Aboriginal heritage is also not well recognised in existing heritage lists in environmental planning instruments.
- There are differing views in Aboriginal communities around recognising and including aboriginal cultural heritage in heritage lists in environmental planning instruments. Our Council has been criticised for not listing aboriginal cultural heritage items in the local environmental plan while at the same time facing opposition to mapping and identifying sites.
- Listing of sites of heritage significance is difficult as there is often mistrust from the Aboriginal community about sharing cultural knowledge which identifies heritage sites and a concern that recognising sites can lead to harm to these.
- There are limited guidelines, if any, for the assessment, community consultation, and listing of Aboriginal cultural heritage at the strategic planning stage.

For example, Council has imposed an Interim Heritage Order to protect an area of Aboriginal cultural heritage, but there are no guidelines on the assessment and community consultation process for this sensitive issue.

There are guidelines for Due Diligence and investigation at Development Application stage (ACHAR and AHIP), but no guidance where there is no physical works. This has caused confusion, time delays, and additional costs for Council, the Aboriginal Community and an external consultant to progress a potential heritage listing for a burial site. In the absence of tailored guidance for the local planning making process (i.e. planning proposals) we are relying on existing guidelines that have been prepared more specifically for development work. For example, it is not clear what the scope of a technical study needs to be to inform a proposed heritage listing. It is also not clear whether sensitive cultural information needs to be

released at various stages of the process and this is a barrier to gaining consent from Aboriginal communities to proceed.

- Interim heritage orders (IHO's) can only be imposed for an initial 6 month period under delegation and a maximum of 12 months under the Heritage Act, once only.

This timeframe is insufficient for complex Aboriginal heritage items where work by external consultants is required along with the need for working sensitively with Aboriginal communities. A planning proposal to list as a heritage item cannot reach the public exhibition stage within one year, to ensure that the heritage item has continual protection.

The timeframe and process also needs to be reconsidered in light of the requirement for councils in Greater Sydney to seek advice from Local Planning Panels before progressing planning proposals.

- There are no guidelines on the difference between Heritage Conservation Areas and Landscape Conservation Areas.
- The action to invest in digital opportunities to improve accessibility to heritage is supported. Exploring and investing in digital opportunities is a matter that has been identified by our Arts and Heritage Strategic Reference Group who are interested in providing interactive and informative experiences for residents and visitors that can now be supported by smart phones.

It is recommended that guidance is provided on how to recognise and list aboriginal cultural heritage in environmental planning instruments (EPIs)

It is recommended that the Interim Heritage Order process is reviewed with a view to better alignment with strategic planning and the local plan making process

It is recommended that guidance is provided on the role of heritage conservation areas and landscape conservation areas to guide strategic planning and development assessment

2. Objective 2 – Empower owners to conserve heritage

- Heritage listing is often seen in a negative light, placing financial burden on owners with regard to obtaining heritage reports and approvals, using appropriate material and trades.
- The Heritage NSW grant streams need to provide more opportunities for funding to local heritage items, as Council's often have limited funds.
- Positive language and a changed public mindset that heritage is beneficial to the owner and the community is required.
- The Strategy's recognition that there are opportunities to better assist local government its role is supported. Our community is concerned with the demolition of local heritage by neglect and frequently call on our Council to take action. However, while local government has a responsibility for local heritage, it has not been provided with adequate statutory tools to assist with this role.
It is recommended that the final strategy includes an action to review how to better support councils to protect local heritage.

It is recommended that local government are empowered in its key role in managing heritage

3. Objective 3 – Realise the benefit of heritage

- State and local government are owners and managers of a larger number of heritage properties and should lead by example in best practice heritage management, maintenance, promotion and adaptive reuse of their items.
- The Heritage Act, Environmental Planning and Assessment Act and Local Government Act need to complement each other. For example, Council has no power under the Local Government Act to require owners to carry out regular minimum standards of maintenance, other than for serious public safety concerns. This results in some items being unused and neglected for many years. The condition can become so poor that the owner seeks their demolition or they become a ruin. Council is seen as the authority of last resort by the community in such cases but has limited authority to intervene.
- There needs to be a stronger link between the requirement for conservation work when a site is developed. Conservation of state

significant homesteads has been a feature of state led Growth Centre residential release areas in Camden LGA. Examples include the restoration of Harrington Park and Orierton homesteads within the new suburb of Harrington Park, and Oran Park homestead in the new suburb of Catherine Park. There does not seem to be the same requirement or understanding for local heritage items.

- Over the years Heritage NSW has produced multiple guidelines on how to assess heritage significance and best practice for development of heritage properties. However, the previous documents are not superseded and continue to be referenced in later documents. This causes confusion about what the latest guidelines are.
- There are references throughout the draft Strategy around the need to support the government's housing reforms which appear to have been included as an afterthought as there doesn't appear to be a clear rationale between the need to support the delivery of housing and what role the Strategy will play to understand any implications.

The inclusion of comments about NSW housing delivery targets in the Heritage Strategy is also jarring and seems to override the heritage conservation message of the Strategy.

For areas like Wollondilly, greenfield housing delivery can best be supported by developing clear guidance on the type and level of assessment required for aboriginal cultural heritage at the rezoning stage to provide certainty and reduce delays and costs associated with the preparation of technical studies that are not prepared to an appropriate scope.

In our experience, proponents often submit due diligence assessments as part of their rezoning package ignoring early advice about the level of assessment required. In many cases, proponents are relying on the advice from their consultants. There is no NSW Government advice aimed specifically at the rezoning process that councils can rely on to compel proponents to invest in the necessary level of investigation and planning proposals are often delayed.

It is recommended that a better nexus is established between the conservation of heritage and delivery of new housing

It is recommended that clear guidance is developed to set out the type and level of assessment required to consider the likely presence, significance, and need for protection of aboriginal cultural heritage at the rezoning stage

4. Objective 4 – Improve the State heritage system

- The State Heritage Database is not easy to navigate or to obtain the full inventory sheet for an individual property.
- The listing of heritage items as having both local and state significance causes confusion when these have different curtilages and assessment requirements. Consideration should be given to whether local and state heritage sites should share the same curtilage or other options to support easy access to information, including maps, so that dual listings can be understood.
- The narrative supporting a more comprehensive list of places and objects significant to New South Wales is supported. However, our recent experience in nominating a heritage item for inclusion on the State Heritage Register (SHR) has highlighted a need for greater transparency from Heritage NSW in the selection process, especially around priorities.

Wollondilly Shire Council recently nominated the Imperial Hotel in Picton for inclusion on the SHR (your reference DOC25/133067). The Imperial Hotel is an important landmark building in Picton that may have been the first ever consumptive house in New South Wales. Between 1877 and 1886, this consumptive home provided free treatment to over 400 tuberculosis sufferers who travelled to Picton from across the state and as far as Europe.

Although Heritage NSW determined that the Imperial Hotel was likely to meet the threshold for state heritage significance, ultimately, it determined that the item was not a priority for listing and the nomination was not progressed.

This has been a disappointing outcome for Council in terms of managing local heritage matters and also for the community who have been raising concerns for some time now as the property continues to be unused and unmaintained. The community have

legitimate concerns that this place will be another case of demolition by neglect.

In addition, Council is prioritising its limited resources to engage a heritage consultant to prepare the necessary comparative analysis report to support the state heritage nomination.

This outcome does not encourage or compel the land owner to take any action, and has not met community or Council expectations or resolved the concerns for the protection of the heritage.

It also does not support the recommendations of the recently completed Wollondilly Shire Wide Heritage Study which was part funded by Heritage NSW.

It is recommended that the online State Heritage Database is enhanced to improve user experience

It is recommended that the State Heritage Register nomination process is reviewed to provide clearer direction on what heritage is likely to be supported.

5. Strategy Actions

The actions under each objective and very high level, and further detail is required on how these statements will be achieved.