



Environment and Heritage Group
Department of Climate Change, Energy, the Environment and Water
NSW Government

11 July 2025

Online submission at: <https://www.haveyoursay.nsw.gov.au/nsw-heritage-strategy>

Re: Consultation on the Draft NSW Heritage Strategy

Thank you for the opportunity to provide a submission regarding the consultation on the draft NSW Heritage Strategy.

The Southern Sydney Regional Organisation of Councils Inc (SSROC) is an association of twelve local councils in the area south of Sydney Harbour, covering central, inner west, eastern and southern Sydney. SSROC acknowledges the traditional custodians of the land on which we work and live, the peoples of the Darug, Dharawal and Eora Nations.

SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. Together, our member councils cover a population of about 1.9 million, one third of the population of Sydney, including Australia's most densely populated suburbs. SSROC seeks to advocate for the needs of our member councils and bring a regional perspective to the issues raised.

Our member councils have been concerned for some years now at the lack of affordable housing in their areas, and accordingly welcome the current Government's drive for the delivery of around 263,000 new homes in the Sydney area. However, they also feel keenly the need to balance that new development with the protection of heritage buildings and precincts. SSROC therefore particularly welcomes the opportunity to raise this concern, and to provide input on this consultation in relation to how this tension might be reconciled (see comments and recommendations in section 3.3 below).

1 Our Understanding

1.1 Background

The NSW Government is consulting on a new draft NSW Heritage Strategy: Sustaining the Past for the Future. 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 draft strategy aims to ensure that heritage is valued as an integral part of the culture and wellbeing of our communities and our sense of place" and that "Heritage includes the places, objects and stories we have inherited from the past and want to protect for generations to come. It includes:

- Aboriginal culture and landscapes spanning tens of thousands of years
- Natural heritage such as landscapes and ecosystems
- Historic buildings and structures
- Gardens, precincts and cultural landscapes
- Archaeological sites and shipwrecks
- Moveable heritage such as collections and objects
- Intangible heritage such as cultural practices and traditions”.

The *Heritage Act 1977* provides a framework for the protection of state significant heritage. The strategy identifies opportunities to improve this framework so it can better protect the important heritage of New South Wales. It also highlights the need to improve the interactions between the heritage and planning systems to meet the challenges of delivering new housing while conserving heritage.

Strategy on a page

Vision	Heritage is valued as an integral part of the culture and wellbeing of our communities and our sense of place			
Principles	<ul style="list-style-type: none"> • Aboriginal cultural heritage is the foundation of all heritage in NSW • Heritage is diverse, dynamic and beneficial to our wellbeing • Community voices are critical to understanding heritage significance • Heritage is conserved for everyone • Change and innovation are essential to heritage conservation 			
Objectives	1 Embrace and reflect the diversity of our heritage	2 Empower owners to conserve heritage	3 Realise the benefits of heritage	4 Improve the State heritage system
Actions	1.1 Recognise a broader range of stories and values	2.1 Support owners and the community to care for heritage	3.1 Promote activation, adaptive reuse and sustainability	4.1 Establish a more robust State Heritage Register
	1.2 Increase the accessibility of our heritage system and places	2.2 Assist government to manage heritage	3.2 Strengthen the alignment between the heritage and planning systems	4.2 Modernise the heritage framework

(source: draft NSW Heritage Strategy)

1.2 What the draft Strategy aims to do

The strategy focuses on heritage protected under the *Heritage Act 1977*. Determining whether heritage is state-significant is guided by the expertise of the Heritage Council of NSW and the Aboriginal Cultural Heritage Advisory Committee.

Local heritage is the responsibility of local councils across New South Wales and is protected under the *Environmental Planning & Assessment Act 1979*. This strategy considers local heritage in the context of strengthening existing intersections with the state heritage system.

The *National Parks and Wildlife Act 1974* protects Aboriginal objects and declared Aboriginal Places along with natural and cultural heritage within areas reserved under the Act. Heritage protected under the National Parks and Wildlife Act is out of scope of the strategy except where it is also listed on the State Heritage Register under the *Heritage Act 1977*.

The strategy has links to other NSW Government programs and priorities, including the housing reforms, Climate Change Adaptation Strategy, Creative Communities policy and Vibrancy Reforms. It is designed to complement separate forthcoming reforms to Aboriginal cultural heritage laws in New South Wales (including the *National Parks and Wildlife Act 1974*).

This strategy has been informed by the findings and recommendations of the 2021 Upper House Inquiry into the *Heritage Act 1977* (Heritage Act) and the 2023 audit of Heritage NSW's oversight and administration of state heritage assets. In developing the draft strategy from August 2023 to April 2024, Heritage NSW consulted people from across the heritage sector, advocacy groups, government, and the broader community.

Heritage NSW, in the Department of Climate Change, Energy, the Environment and Water, will implement the strategy. Some of the actions will be carried out in partnership with other NSW Government agencies.

2 SSROC General Comments

SSROC supports the development of a more comprehensive and coherent NSW Heritage Strategy (the Strategy). SSROC welcomes this initiative and the consultation to help bring about improvements to the draft Strategy.

The Strategy is an opportunity to drive ongoing improvements and modernisation of the heritage management system in NSW. SSROC supports the approach of organising these improvements within an overall framework oriented towards stated objectives: a strategic approach to reform.

SSROC supports the guiding vision of the draft Strategy: "*Heritage is valued as an integral part of the culture and wellbeing of our communities and our sense of place*". This sets a strong foundation for changes and policy responses centred on a respect for the importance of heritage.

Partnerships under the Strategy need to be explicitly expanded to include and engage regional organisations of councils, as collective expressions of local governments' interests. Uniquely they have a focus on, and long-term commitment to, tackling shared regional challenges. As partners they, together with their council members, have a deep understanding of the importance of heritage in the context of regional economic, social and environmental needs and a joined-up picture of councils' and the State's existing and proposed investment strategies.

3 SSROC Comments and Recommendations

Comments and recommendations are outlined below in relation to each of the four Objectives contained in the Draft Strategy.

3.1 Objective 1: Embrace and reflect the diversity of our heritage

- A thematic listing program for state heritage items should be pursued to identify gaps in existing listings and ensure that future listings reflect the contemporary heritage of NSW.
- A process for cultural landscape listings should be developed to recognise people-environment contexts of cultural significance.
- While welcoming the principle that “Aboriginal Cultural Heritage is the foundation of all heritage in NSW”, the draft Strategy for NSW effectively excludes the management of the vast majority of the State’s Aboriginal Cultural Heritage – excluding Aboriginal heritage matters and issues that are dealt with under the National Parks and Wildlife Act, where almost all Aboriginal heritage management is legislated.
- If Aboriginal heritage continues to be excluded from the Heritage Act, there needs to at least be a recognition of how the existing National Parks and Wildlife Act (or a new Aboriginal Cultural Heritage Act) will interact with the Heritage Act. A starting point under the Heritage Strategy would be to ensure Aboriginal representation on the Heritage Council, not just Aboriginal heritage skills and experience.

Recommendation 1:

A Heritage Strategy for NSW should ensure recognition of Aboriginal Cultural Heritage, with action for Aboriginal representation on the Heritage Council and consideration on how the Heritage Act will interact with the existing National Parks and Wildlife Act and/or proposed Aboriginal Cultural Heritage Act.

3.2 Objective 2: Empower owners to conserve heritage

- Incentives for heritage ownership and management should not just be a bonus or compensation, but a genuine way to preserve, protect and conserve heritage.
- Guidance and advisory services for heritage owners should be resourced to assist with heritage management inquiries by both private owners and local governments.
- SSROC recognises and supports the recent budget inclusion of \$8.65 million awarded to 140 grant recipients to boost the protection and restoration of heritage sites across NSW, under the 2025-27 Heritage Grants Program. Access to the grants for local councils is appreciated.

Recommendation 2:

A Heritage Strategy for NSW should consider how better heritage outcomes could be achieved by supporting maintenance and repair of locally listed heritage items through sufficient enforcement powers for councils and funding grants for landholders.

3.3 Objective 3: Realise the benefits of heritage

- The interface between the Heritage Act 1977 and the EP&A Act 1979 should be re-examined, to strengthen the alignment between heritage and planning systems. City and regional planning and heritage governance must be collaborative and adoptive. This requires integrated long-term strategic planning, including vertically across all levels of Commonwealth, State and local government and horizontally across different NSW Government portfolios and local councils.
- The housing crisis has introduced new and greater pressures on local areas, particularly those well-located in relation to town centres and transport hubs, to redevelop and increase densities. The NSW Government’s Transport Oriented Development (TOD) Program and associated changes to create low- and mid-rise housing are accompanied by widespread

reforms to encourage housing development in line with National Housing Accord targets. For some communities there is tension and concern that under these initiatives, heritage is at risk of being sacrificed by the intensification of development for more housing, particularly where non-refusal standards override local planning controls and decision making.

- The Heritage Strategy for NSW should assist in managing the potential confusion and conflict between urban intensification and urban heritage conservation, by including some guiding principles to help get the balance right, particularly with the juxtaposition of new development in Heritage Conservation Areas (HCAs).
- The development of model heritage objectives and clauses for Development Control Plans (DCPs) should be a priority activity for 2025/26 to help address this issue¹. Such work could be progressed through a collaboration of the Department of Planning Housing and Infrastructure, NSW Government Architect, Heritage NSW, local councils and private registered architects. The resultant model clauses for HCAs could then be adopted by local councils at their discretion as well as help developers to more effectively shape their projects and DPHI with State Significant Development (SSD) project assessments.
- Purposeful place-making should increase wellbeing and connection to heritage. This means valuing heritage, renewed investment, transformative development and retrofitting in urban areas all planned with heritage sensitive design.
- Urgent reconsideration should be given to the exemption of SSDs from assessment under the Heritage Act. The exemption is now not appropriate, given the high and sustained volume of residential development currently proceeding through the state SSD pathway. Once heritage and related local character are lost, they are gone forever.

Recommendation 3:

The Heritage Strategy for NSW could articulate community expectations that heritage considerations should not be inappropriately compromised by planning reforms such as non-refusal standards for development in certain areas.

Recommendation 4:

The Heritage Strategy for NSW should address the widespread concern that heritage protections are turned off for SSD and State Significant Infrastructure (SSI) applications, by considering how preliminary heritage and council input can be incorporated prior to determination.

Recommendation 5:

The Heritage Strategy for NSW could provide greater guidance on the importance of heritage considerations in urban intensification and should contain principles to help manage potential conflicts between urban intensification and preservation of local heritage. This work could include model good practice DCP provisions for Heritage Conservation Areas for different urban and regional contexts and historical settlement configurations.

Recommendation 6:

The Heritage Strategy for NSW should devote resources to consideration of how processes and processing times could be improved with amendments to planning and heritage legislation by actively involving local government.

¹ This good practice model should form part of SSROC's proposed *Heritage Strategy Action Plan* (See recommendation 5.)

3.4 Objective 4: Improve the State heritage system

- SSROC supports the continued operation and independence of the Heritage Council of NSW. The skills of Council members listed in the Heritage Act 1977 should be consolidated and members appointed to ensure each of these specialisations and primary stakeholder groups are represented. Greater transparency in the nomination process would also improve the standing of the Heritage Council within the community.
- The governance of the State heritage system could be improved by:
 - establishing a more robust State Heritage Register
 - Consolidating skills and experience for Heritage Council members and ensure stakeholder representation from local government and Aboriginal organisations.
 - Using public and transparent Heritage Council nominations.
- The addition of new legislative categories for state heritage items and blanket exemptions from management requirements will probably add greater complexity without necessarily improving heritage management outcomes and should be reconsidered.
- Heritage compliance and enforcement must be better resourced.
- It will be important to move from the broad framework of the Strategy to substantive change on the ground. Critical to implementing this intent will be the development and adoption of a related *NSW Heritage Strategy Action Plan 2025-2030* with clear accountabilities and timeframes.
- A shared policy-level commitment to engaging the transformative capabilities of the Strategy is also essential to moving from 'business as usual'. Furthermore, using regional bodies like SSROC to present the collective interests of and liaise with local councils, should be part of this mix to operationalise objectives.

Recommendation 7:

The Heritage Strategy for NSW should consider how changes to the legislative and governance framework could provide a dedicated voice from local government and Aboriginal interests on the Heritage Council of NSW, as recommended in part by the 2021 Parliamentary Inquiry into the Heritage Act 1977.

Recommendation 8:

With the assistance of the NSW Heritage Council, NSW Government develop and publish a *NSW Heritage Strategy Action Plan 2025-2030*, operationalising the Strategy's objectives and headline actions, setting out key tasks, targets, budgets, timeframes and agency responsibilities and key stakeholder actors (such as local councils).

3 Conclusion

Thank you for the opportunity to provide a submission regarding the consultation on the draft NSW Heritage Strategy.

SSROC warmly welcomes the development of a comprehensive and coherent strategy. We consider this work should now be followed up with a detailed *Heritage Strategy Action Plan* to bring structure, priorities and specific accountabilities to help drive the Strategy to deliver tangible outcomes for communities and to more fully realise the benefits of looking after our heritage.

SSROC appreciates the NSW Government's continued commitment to recognising, preserving and enhancing heritage. SSROC member councils cover roughly a third of Greater Sydney and have a direct interest in enabling and advocating for integrated urban policy that supports our heritage in all its forms as part of density done well. Accordingly, SSROC and its councils seek to

work closely with the NSW Government to help implement a strategy that demonstrates how heritage can have a valued future, even as our population grows.

In order to make this submission within the prescribed timeframe, it has not been possible for it to be reviewed by councils or to be endorsed by a formal meeting of SSROC Delegates. I will contact you further if any issues arise as it is reviewed. If you have any queries, please do not hesitate to contact me or Mark Nutting, SSROC Strategic Planning Manager on 8396 3800, or ssroc@ssroc.nsw.gov.au.

Yours faithfully



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