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Ms Robyn Parker
Minister for Heritage
C/-Director Heritage Branch
Office of the Environment and Heritage
Locked Bag 5020
PARRAMATTA NSW 2124

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

Dear Minister,

Re: MD12/17 – Proposed extension Authorisation to Make Interim Heritage Orders (IHOs)

Australia ICOMOS welcomes the opportunity to provide views on the proposed extension of powers to all local councils to make Interim Heritage Orders (IHOs) to assess unlisted local heritage items. It is understood that all NSW rural and regional and 17 metropolitan councils have already been authorised to make IHOs.

ICOMOS is a non-government professional organisation that promotes expertise in the conservation of cultural heritage. Australia ICOMOS, formed in 1976, is one of over 100 national committees throughout the world.

Our mission is to lead cultural heritage conservation in Australia by raising standards, encouraging debate and generating innovative ideas. We regularly provide feedback and advice on heritage policy and philosophy to the Australian Government as well as the State and Territory Governments. We aim to have a representative on our Executive Committee from each state and territory and our NSW representative is currently Ms Kerime Danis.

In line with Australia ICOMOS' role in advocating best heritage practice in heritage management we support the proposed extension of powers to authorise all local councils in NSW to make IHOs. The authorisation (given by the Minister) will allow temporary protection "for a place, building, work, relic, moveable object or precinct in a council's area that the council may consider may, on further inquiry or investigation, be found to be of local heritage significance, and that the council considers is being or is likely to be harmed". Demolition of previously unidentified potential heritage items will be prevented at least until their appropriate assessment under the *NSW Heritage Manual* 'Assessing Heritage Significance' guidelines is made. The philosophy and process adopted should be guided by

the Australia ICOMOS *Burra Charter 1999*. The Australia ICOMOS Burra Charter 1999, is established as the key benchmark for heritage best practice in Australia, and is also used and referred to around the world as a leading exemplar of heritage conservation principles and practice in countries as diverse as China, the USA and the UK.

As an additional measure, in line with encouraging local government to take on responsibility for its own heritage, we would also support the streamlining of the IHO process. Where the use of a IHO is warranted to avoid the demolition of a potential heritage item, it is important to ensure that a council is not deterred from imposing the IHO due to complex bureaucratic procedures.

Australia ICOMOS, however, is concerned that the proposed extension to the existing conditions “to restrict a council from making an IHO where a lawful demolition approval has already been granted, e.g. where a private certifier has issued approval for demolition under the State Environmental Planning Policy SEPP (Exempt and Complying Development Code) 2008”, will have a detrimental impact on unidentified potential heritage items. Unless community members, organisations or a council are aware of the proposed harm under the subject SEPP 2008, there is potential that many of such items with unidentified heritage values will be lost without an adequate assessment.

We acknowledge that councils will continue to use heritage studies and LEPs as their principle tools for heritage management., However, the opportunity to allow for investigation and assessment of the heritage values of those overlooked items should not be prevented by excluding the option of a IHO for existing approvals for demolition determined by a private certifier, who is unlikely to have considered the potential heritage significance of the item in question.

We thank you for the opportunity of being part of this process and value ongoing involvement in developing sound conservation philosophy and practice throughout New South Wales. Should you wish to discuss any matters in relation to cultural heritage please do not hesitate to contact us at our Secretariat address.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Harrington', with a stylized, flowing script.

DR JANE HARRINGTON
President, Australia ICOMOS