



NATIONAL TRUST

# NATIONAL TRUST MAGAZINE (NSW)

Sydney Harbour YHA reveals Big Dig site

Annual Review 2008/09

Tower of Power

## Centre Stage for Heritage

by Brad Hazzard, Shadow Minister for Planning

NSW needs an advocate for Heritage conservation at the Cabinet table. The Liberal/Nationals alternative government will provide that advocate.

Currawong, Catherine Hill Bay and Ku-ring-gai – are just some of the names that invoke the conflict between development and heritage conservation in NSW. The NSW economy needs development. But NSW as a whole needs effective heritage conservation.

When development pressures grow, getting the right balance on conservation of heritage is critical. Having a Minister responsible for planning who is also responsible for heritage ensures constant conflict.

Recent startling events have focussed the minds of the community on the planning approval processes in NSW – and particularly 'State significant' developments. Allegations of corrupt payments are yet to be considered but there is a level of murkiness which will add to suspicions that valid considerations such as heritage conservation may take a back seat to other issues.

These events emphasise that transparency and a strong independent advocate for heritage are critical. Even before the recent revelations, it was clear we have a problem with our planning and heritage conservation systems. Individually they are chaotic - collectively they are in conflict. These problems start in the shortcomings of the legislation which underpin both systems.

The Heritage Act was passed in 1977 and the Environmental Planning and Assessment Act (EP&A Act) in 1979. Thirty years after the EP&A Act was established the current Labor Government believes it can keep amending it with no need for a new Act.

Thirty-two years after the Heritage Act was gazetted we have a Government that has done little to safeguard conservation of heritage against the ongoing pressures of development.

The Liberal/Nationals have proposed an overhaul of the EP&A Act which will commence on election to government. The change in ministerial responsibility will occur immediately upon the Liberal/Nationals being elected – the Minister for Planning will no longer be the Minister responsible for the conservation of heritage.

In 2008 former Minister for Planning, Frank Sartor said there was no need for a new EP&A Act. In June 2009 he appeared before the Parliamentary Inquiry into NSW planning laws and reversed his view – as a backbencher he now supports the Liberal/National view that a new Act is necessary.

His successor, Planning Minister, Kristina Keneally is steadfastly adhering to the party line that a new Planning Act is not necessary. Worryingly Minister Keneally has also opposed the Liberal/Nationals' proposal to give heritage conservation responsibility to a Minister other than the Planning Minister. (See National Trust Magazine (NSW) Aug-Oct 2009)

The Minister has also taken steps that indicate limited interest in the conservation of heritage. She has endorsed the 2008 diminishment of heritage protection by ratifying the absorption of Heritage staff out of the Heritage Office and into the Department of Planning.

Over the years it's no surprise that conservation of heritage has often been a result of community action. Government's often need reminding of the need

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The National Trust Magazine (NSW) is published by The National Trust of Australia (New South Wales), National Trust Centre, Observatory Hill, Sydney with support from the Commonwealth Department of the Environment, Water, Heritage and the Arts, and the Heritage Branch, NSW Department of Planning.

Published in February, May, August and November.

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(Centre Stage for Heritage - Continued from cover)

for action! The National Trust, established in 1945, has been at the forefront of many of those battles.

The significance of heritage conservation to the Liberal/Nationals alternative government can be seen by the announcement regarding the separation of heritage responsibilities from the planning portfolio by the Leader of the Opposition Barry O'Farrell on 20 April 2009 - well ahead of the March 2011 state election! Barry has announced the steps taken by Labor to diminish the roll of heritage will be at an end. The transfer of the Heritage Office into the Department of Planning will be reversed. It will no longer be possible for a Planning Minister to handpick a Ministerial Review Panel when he/she either wants to delay a decision or wants an alternative recommendation to that given by the Heritage Council.

The Coalition is also reviewing all aspects of the current heritage protection framework in NSW with the intent of taking further steps designed to bring certainty, fairness and transparency into the listing of heritage items at a local Government level. The Liberal/Nationals have been examining overseas jurisdictions where there is more clarity around the conservation of heritage items at a local Government level.

It would be remiss to fail to note that a critical component of the planning laws introduced by State Labor in 2005 have also had a deleterious effect on heritage conservation in NSW. In 2005 State Labor introduced Part 3A of the EP&A Act which allows the Minister for Planning to determine whether or not a development is "State significant" and then the Minister becomes the "Consent Authority". Thereafter heritage conservation provisions are effectively switched off.

The Liberal/Nationals have been extremely concerned about the switching off of heritage protection under Part 3A of the EP&A Act and have already announced that we will repeal Part 3A. The Labor Government will stick with Part 3A. The Liberal/Nationals believe if the processes were clearer and more transparent there would be no need for Part 3A.

We believe that overhauling the planning legislation, improving the transparency and the processes of planning approvals and restricting State Government involvement to truly critical State development infrastructure such as bridges, ports, mines etc, will be a major step forward. And heritage conservation will benefit.

Our heritage conservation system must also have certainty, transparency and efficiency. Labor implemented a review of the Heritage Act in July 2007. The review lacked transparency – about 140 submissions were received but none were made public.

In February 2009 Minister Keneally announced new "theme based listings" for heritage items. This approach does have some merit in the absence of sufficient resources to adequately address conservation of the broad spectrum of heritage.

In 2009 the Minister introduced the Heritage Amendment Bill which allegedly reflected the concerns raised during the review. This Bill was not a comprehensive framework for heritage conservation in the 21st century and much remains to be done!

In a quiet corner of Ku-ring-gai is a 1947 memorial to JJC Bradfield, the chief engineer of the Sydney Harbour Bridge. Amongst the development frenzy produced by poor government planning policy, it is a constant reminder that today's citizens are tasked with protecting our yesterdays - protecting our unique heritage.

The Liberal/Nationals look forward to continuing to work closely with the National Trust to ensure those yesterdays are safeguarded by a 21st century heritage conservation system.

**Brad Hazzard**  
**Shadow Minister for Planning**

*The next issue of National Trust Magazine (NSW) will feature an article by Sylvia Hale, Greens MLC, as the final feature in our three part series.*