

**Brad Hazzard address
National Trust - NSW
29th April 2009**

I acknowledge the elders past and present of the Gadigal people of the Eora Nation and their custodianship, indeed their conservation, of the land upon which we are meeting.

It seems particularly pertinent as we meet together to discuss and debate heritage issues to acknowledge that much of the Australian identity, much of how we see ourselves as modern Australians, is founded in not only our European history, our multicultural history but also tens of thousands of years of Aboriginal occupation and management of this continent.

In those thousands of years our natural heritage was well managed.

Today after just 221 years since European settlement, the challenges of conserving our Indigenous heritage, our natural heritage, our European and multicultural heritage and our built heritage are particularly challenging.

In NSW we have had many successes in preservation of our heritage – and many failures.

The issue today is to ensure that with the pressures of a generally increasing population, we must strike the balance between planning law and heritage conservation.

It's no surprise that conservation of heritage in past decades has often been as a direct result of community action.

The National Trust, established back in 1945, has been at the forefront of some of those battles.

And I should acknowledge that the Union movement have also played a role as have numerous action groups, community groups and individuals across the state.

It is also right to acknowledge that the economy of NSW is dependent on development of property. It is dependent on clarity around planning laws and the heritage protection regime.

The Environmental Planning and Assessment Act has been around since 1979 and the Heritage Act since 1977.

But in NSW under the current Government neither the planning laws, nor the heritage laws operate as well as they should and there are some inherent conflicts in the conservation of heritage.

Doubtless you would all be aware – despite increasing pressures on heritage items, the Planning Minister is also the Minister vested with responsibility for protecting our heritage.

This conflict of interest has often come into stark focus but at this stage the Labor Party seems more than happy to leave that conflict to continue.

How it plays out is often problematic. Catherine Hill Bay is a good example where the heritage of an entire village has been subjugated to the overall drive for development.

The Liberal/Nationals have been watching closely what has been happening in the constant tension between heritage and development and believe it is time that heritage was more independent from the Planning Minister.

For that reason the Leader of the Opposition Barry O'Farrell made a major statement on Monday 20 April regarding how the Coalition would deal with heritage in Government.

For the first time:

- There will be a Minister responsible for heritage who will not be the Minister for Planning.
- The heritage Minister will also be the Minister for the Environment and will be vested with the task of independently assessing items for conservation on the State Heritage Register.
- The Heritage Council will sit within that Minister's portfolio well away from the planning portfolio.

The steps taken by Labor to diminish the roll of heritage will be at an end. The steps taken by Labor to transfer the Heritage Office into the Department of Planning will be reversed.

For the first time it will not be possible for games to be played on heritage by a Minister handpicking a group of people to act as the Ministerial Review Panel when he/she either wants delay of a decision or 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 and will be announcing further steps designed to bring certainty and fairness and transparency into the listing of heritage items at a local Government level.

Whilst not announcing those initiatives today I can say that the Coalition has been looking closely at overseas jurisdictions where there is much more clarity around the conservation of heritage items at a local Government level.

Turning back to the State Government level of heritage protection – the Coalition has been extremely concerned about the switching off of heritage protection under Part 3A of the EP&A Act.

Last year I announced that the Coalition would repeal Part 3A of the Act.

When Part 3A was introduced in 2005 – undertakings were given by the Government that guidelines for the application of Part 3A would be published.

The Government likes to tell anyone who'll listen there are guidelines and it's far more transparent than the processes under Part 4 of the Act to deal with major infrastructure.

In reality the Department of Planning did prepare some draft guidelines but actual detailed guidelines have never been published and there is a lack of clarity around the processes applied by the Minister and the Department.

The Government retains full flexibility to deal with development applications as they see fit and they often extend to developments that could not be considered truly "State Significant".

But in terms of heritage one thing is clear - the provisions of Part 3A switch off heritage protection instantly.

The Minister has indicated the Labor Government will stick with Part 3A. Some sectors of the development industry believe that to be a good outcome but I think don't fully appreciate that if the processes were clearer and more transparent there would be no possible need for Part 3A.

I stress that the Coalition wants to find the right balance and hence Barry O'Farrell's announcement that there will be a separate Minister at the Cabinet table responsible for heritage – a Minister who will be unencumbered by planning decisions; a Minister who'll be able to staunchly advocate heritage protection.

The Coalition also understands that NSW needs development – we need tens of thousands of new homes by 2031 with estimates that we will have an increase of 1 million in our population.

We believe however that overhauling the planning legislation, improving the transparency and the processes of planning approvals and restricting State Government decision making through the Department of Planning, to critical State development infrastructure such as bridges, ports, etc, will be a major step forward.

Developers need certainty, transparency and efficiency in planning processes and they need good outcomes.

The residents of NSW also need a heritage conservation system that has certainty, transparency and efficiency.

Labor implemented a review in July 2007 of the Heritage Act. It came after the Government dumped new layers of planning processes on the existing EP&A Act and before it then decided it needed a planning review.

There is currently a Legislative Council review of the planning laws including those which it has just implemented.

Its heritage review though has been lacking in transparency – I understand 140 submissions were received but none of them have ever been made public by the Government.

It's almost two years since the review commenced. In March 2008 a report into the review of the Heritage Act was publicly released and former Minister Sartor promised to update the Heritage Act.

Before any aspect of the review had been published – in a very clear statement of the priorities of this Government, the Heritage Office was moved into the Department of Planning.

That action could not have been a clearer statement of this Government's disinterest in the conservation of heritage.

In February 2009 Minister Keneally announced new "theme based listings" for heritage items but to this date has not delivered any public pronouncements on the direction of the revised Heritage Act.

The Coalition put a question on notice to the Minister, which she answered this month saying that there will be a revised Act introduced into Parliament in the current session.

The current session consists of 20 more days. If she does introduce the Heritage Act amendments or a new Bill – it is looking ominously like the process that was adopted for the planning laws, which was a contrived public debate followed by a ramming of the laws through Parliament in the last week of sittings at 2am.

The Opposition is of the view that getting heritage conservation right in NSW demands an opportunity for the community to have its say about heritage conservation.

The option we would prefer is that a draft Bill be presented to the community for consideration.

It should lie on the table for at least a couple of months to allow the myriad of community groups interested in preserving our natural, cultural and built heritage a chance to comment.

So often – community groups have been the foot soldiers of heritage conservation. It is our heritage and they must have their say.

Last time round on the planning laws the Government argued there had been enough consultation, notwithstanding that that consultation was undertaken without a Bill for consideration.

Last time round the planning laws were barely through the Parliament and the Government acknowledged that they were so lacking that there had to be a Parliamentary inquiry which continues to this day and will continue for months to come.

This time round it shouldn't be like last time round. This time it should be about the community's voice being heard.

It's not possible to guarantee that all heritage items can be conserved. Some developments in the interest of the economy of the state, will have to proceed.

But – it is critical that the framework for heritage conservation in NSW be brought into the 21st Century. That it be brought in with community support and that heritage conservation is certain, transparent and efficient.

Again on behalf of the Coalition I acknowledge the vital role the National Trust plays in not only conserving heritage through its actual management of properties but also its excellent advocacy at all levels.