



Research Director  
Infrastructure, Planning and Natural Resources Committee  
Parliament House  
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6 January 2016

Dear Sir / Madam

### **Planning Bills 2015**

Thank you for the opportunity to make a submission on the Planning Bills 2015. The National Trust of Australia (Queensland) Limited [NTAQ] is very concerned that these proposed Bills will further reduce and dilute the protection of Queensland's significant heritage places.

The purpose of the draft Planning Act 2015 is understandably to facilitate good planning and appropriate development.

The object of the Queensland Heritage Act 1992 (QHA) is to provide for the conservation of Queensland's cultural heritage. However, under these proposed Acts, the decision making powers in relation to the conservation of Queensland's cultural heritage continue to shift away from the QHA and the Department that administers it. While the QHA will continue to facilitate the entering of significant places in the Queensland Heritage Register (QHR), decisions about the protection, conservation and management of heritage places are resting with the State Assessment and Referral Agency (SARA) under the provisions of the proposed Acts.

The only reference to heritage in the Purpose of the draft Planning Act 2015 is in S3 (1)(c) which mentions the maintenance of the cultural and social wellbeing of people and communities. While identifying heritage places remains an important part of the QHA, the control of their development is clearly a low priority under the Planning Bill 2015, under which it now sits.

The Planning (Consequential) and Other Legislation Amendment Bill 2015 includes proposed amendments to the QHA. These amendments include the proposed removal of S.68, S.69 and S.70 from the existing QHA.

S.68 of the QHA plays a very important role in establishing the 'no prudent and feasible alternative' test for assessing proposed development that would destroy or substantially reduce the cultural heritage significance of a place entered in the QHR. This provision has been very successful in providing a very high test against which such applications can be assessed, ensuring that all options and opportunities are carefully considered before approval is given to destroy or substantially damage an irreplaceable heritage place. No such provision exists in the new Bill.

This implies that an assessment officer in SARA, with no particular experience in heritage conservation and adaptive reuse, can consider but then disregard the recommendations of the experienced officers of the Department of Environment and Heritage Protection (EHP), and also acting without the advice of the Queensland Heritage Council (QHC), presumably can approve the demolition or substantial demolition of a heritage place.

Furthermore, the proposed Acts do not provide for the preparation and publication of detailed reasons behind any decision to approve the demolition or substantial demolition of a heritage place. The community that is losing one of its heritage places should have the opportunity to scrutinise the decision-making process and understand what other issues were considered when making such an important decision.

The removal of S.69 of the QHA suggests that similar processes would enable the destruction or substantial destruction of significant archaeological places.

S.70 of the QHA provides for seeking the advice of the QHC. This opportunity to refer to the QHC particularly in relation to applications to demolish or substantially reduce the significance of heritage places is very important, particularly as it was their decision to protect the place by entering it into the QHR.

The approval to demolish a heritage place is in many cases considered to be equivalent to removing the place from the QHR, which presumably would consequently occur once the place has been demolished. The assessment of a place for entry into the QHR is currently a very rigorous and thorough process, yet the process of decision making under the new Bills which could lead to its destruction appears to not have the same level of rigour or scrutiny.

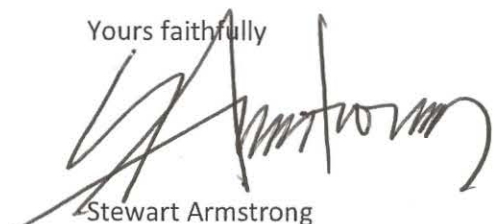
Therefore, NTAQ would strongly support a different approach to the assessment of applications that propose to demolish or substantially reduce the significance of a heritage place.

There is also a distinct lack of consideration for quality urban planning adjacent to and providing the context for heritage places. Previous provisions for the EHP to provide advice on these matters to local government have long since been removed, as local governments either failed to seek this advice or did not take it into consideration if it was offered. While this is a matter for local government, many local governments, particularly those in regional and remote areas, do not have ready access to the resources or the expert advice that could help them consider this important issue.

The context of heritage places plays an increasingly important role in the sense of place and identity of many regional cities and towns, and can make a substantial contribution to the potential for increasing heritage tourism. Adversely, when poorly done, it can also have a substantial impact on the character of a town. NTAQ would strongly support the inclusion of the context of heritage places as an important matter for consideration in these Bills, to provide the framework for the development of appropriate policies and guidelines.

Thank you once again for the opportunity to make a submission on these Bills. NTAQ remains concerned that these Bills will further reduce the protection of Queensland's significant cultural heritage places.

Yours faithfully



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