



Speech by

Mr L. SPRINGBORG

MEMBER FOR SOUTHERN DOWNS

Hansard 14 May 2003

QUEENSLAND HERITAGE AND OTHER LEGISLATION AMENDMENT BILL

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.56 p.m.): At the outset I indicate that the opposition will be supporting the Queensland Heritage and Other Legislation Amendment Bill. We will raise a couple of issues and seek clarification from the minister.

By and large the bill permits certain development approval processes in the Queensland Heritage Act 1992 to be brought into the integrated development assessment system under the Integrated Planning Act 1997, otherwise known as IPA. Certain aspects of IPA which are in some need of further consideration are raised with me as I move around the state. A number of other miscellaneous amendments are introduced to clarify some provisions and update operations.

The bill establishes the Queensland Heritage Council as a corporation, and therefore it will be able to sue and be sued. It also provides detail of the powers of the council and chairperson and the capacity of the council to delegate its functions to a member or a local government. The bill recognises that the council does not represent the views of the state.

The criteria for inserting an entry into the heritage register is expanded to include places that may not fully satisfy the criteria of the register but may form part of a significant streetscape or places that are adjacent to a registered property and therefore failure to register would reduce the heritage significance of the area.

I turn to the amendments which provide for another person to apply for a certificate of immunity on the property with written consent of the owner. Currently a certificate of immunity may be lodged by the owner and, if accepted, can prevent a property from being entered on the register. This amendment would make it somewhat easier for an outside person to make certain properties immune from heritage registration and may have ramifications for the strength of the register in the future. It would be interesting to hear of any concerns raised with the Attorney-General with regard to another person being able to apply for a certificate of immunity.

The bill introduces a new division 1 for bringing certain development approvals in the Queensland Heritage Act 1992 into the integrated development assessment system under IPA. This section provides that if the effect of the application would be to reduce the heritage significance of a registered place and there is no feasible alternative the council must refuse the application or instruct another assessment manager to refuse the application whilst having regard to feasible alternatives. The IPA and IP regulation will refer to the Queensland Heritage Council as an assessment manager or concurrence agency, and there are other aspects which of course flow on from that.

Another matter which I would like to raise is a comment from the minister on the amendments relating to the state's consideration of development proposals being approached with caution. Whilst the bill provides that the minister recommending the development consider the advice of the Heritage Council before making a decision, it may be more appropriate for the final decision to rest with the Minister for Heritage. What we are saying is that we need to be sure that the minister who is responsible for this legislation is going to have a significant continuing role with regards to matters concerning section 34—that is, to make sure that in no way matters of heritage significance are going to be compromised in any way by the IDAS process.

Of general note, heritage and the protection of heritage buildings and precincts is something which we all deal with on a day-to-day basis within our own electorates. Certainly I am fortunate to have in my electorate, particularly in and around Warwick, a number of magnificent sandstone buildings which date back 150 years and in some cases a little bit longer. That area of eastern Darling Downs was some of the first areas of free Queensland which was settled, with the Leslie brothers going out there in the 1840s. The minister himself would be aware of Glengallan Homestead and the wonderful work undertaken there. I commend the officers of the minister's department who have been involved in advising on that restoration work with regards to Glengallan. I would also like to commend private individuals in that part of the world who have recognised the importance of heritage.

It is interesting that heritage and what is heritage becomes very subjective. That is what comes across the minister's desk and my desk from time to time, and the Heritage Council has to make decisions on that. If one looks at the old Wesley church in Warwick, which predated the member for Murrumbidgee's time as minister, it was falling into a state of disrepair. There was an interim heritage listing over that. There was to be a shopping centre development in the middle of town, and that was frustrating the development because it had this listing, it was going to stay there, and it was going to fall down. An application was made and I supported—as did 700 people at a public meeting—that that listing should not apply to that building. That building should be taken down and reconstructed elsewhere to allow that shopping centre to come to pass.

Whilst there was a degree of cynicism from citizens in that community and others advocating heritage as being heritage in its original form regardless of its state, that now has a magnificent chapel on the site of Scotts College. I do not know if the minister has ever seen it, but I would recommend that he go to Warwick to see it. It is magnificent, it has been restored and it is absolutely perfect. That is an example of preservation of a building in another area. If that building were left where it was, it may have fallen into a continuing state of disrepair and ruin.

What we have to realise in the preservation of heritage is that our approach to heritage has credible community support as well. Sometimes local knowledge in some areas about what they see as reasonable heritage, the general local knowledge, is at times not appreciated by a minority of people and sometimes it is not necessarily appreciated by the Heritage Council in some of the decisions which it has to make. For example, in Warwick not all that long ago a lady bought an old fallen down residence which had been occupied some 40 or 50 years ago by a woman who was the CWA national president and I think had a similar role at an international level. It was felt that it should be preserved because she lived there. The building was in a state of disrepair, it was not safe and someone applied in her absence for it to be considered for heritage listing, and there was an interim listing placed over that building. That of course meant that the new owner was not able to do anything with that property and it was going to fall into a state of disrepair. She did not want anyone to live in it. She had reasonable development expectations for that piece of land. She wanted to build some flats there. Most people in the local community thought it was a reasonable proposition on her behalf, but the only thing that really needed to be preserved in that case was an acknowledgment that this lady had some local, national and international significance which should be recognised by recognising the precinct or the place. That could have been done by a plaque, and is in fact going to be done.

The issue was further considered by a number of counsellors who came down from the Warwick shire and addressed the Warwick de-heritage council. One of those counsellors had linkages to the local heritage group, and he said that if we listed this building he was afraid it would do enormous damage to the credibility of the whole heritage listing process in the city of Warwick. The Heritage Council accepted that particular advice.

Whilst we must preserve and protect our heritage because there are some magnificent buildings, sometimes commonsense is not necessarily considered in the way that we do that. In these cases that I have witnessed in Warwick commonsense prevailed in the end and it has not meant that the community does not have an appreciation or respect for heritage. It just shows it has a practical understanding of what needs to be preserved and encouraged in that community. I think the minister understands that as well.

Another issue raised with me from time to time is people who have heritage buildings but who are unaware of the heritage value of that building. Sometimes unbeknownst to them an interim order is placed on that building and then a final listing has been made. That impacts upon that person's capacity in some cases to renovate and make a particular commercial enterprise out of that building, and it can affect its development and commercial capacity.

I am not saying people should be able to do everything they want with a building of such significance, but I think we need to have a greater appreciation as parliamentarians and the general community of the implications of providing a heritage listing. Whilst it is important to recognise those buildings, it does not always add value to the building for the person who owns it, and in some cases it can add a significant cost for them in managing, renovating and maintaining that building.

I think if the state has an interest in preserving those buildings, then the state probably should take a slightly greater role than what it does with regards to assisting those property owners financially to preserve and protect those buildings. If a person has bought a property with a commercial expectation and the property did not have a listing and the person was not aware that a listing could be applied—and that has happened—that will affected a person's capacity to sell that on a commercial basis because of the restrictions that go with it. Therefore, there is a greater obligation on the state to possibly share in assisting that property owner.

I am not saying that it should be a free for all, but this is an aspect that is not necessarily always considered. To counter that, we need heritage legislation to make sure those buildings which are of such importance to this state because of how they were constructed, their representation of early architecture, the significant events that happened in that building are recognised and preserved.

A number of years ago when the legislation originally went through this parliament, I believe under Minister Comben—

Mr Wells: That is right.

Mr SPRINGBORG: I made the reflection at that stage that in a relevant sense in Australia and in Queensland our built environment does not go back very long—for example, 150 years and that is pretty old. In fact, that is extremely old. In a Queensland context you do not get much older than that.

Mr Schwarten: It is very good.

Mr SPRINGBORG: In my electorate I have the oldest state school: Warwick East State School. In 1999 it was 150 years young. I think it was 1999, if my memory serves me right.

Mr Schwarten interjected.

Mr SPRINGBORG: It has added another four years in that time, so that is very old. It goes back to the time when New South Wales used to look after Queensland, way back in those very, very early colonial days, and that is a long, long, long time ago. There is a lot of history. I have so much in my electorate, of course, which does need to be protected and preserved.

Just quickly on that point, in a relative sense our built environment is not all that old. Of course if you look for anything pre-European, there is not very much that is standing there. Of course we have Aboriginal art. In some cases you might have middens and those sorts of things, but it is not the built environment that we appreciate in a European context.

If you go to Europe, as many of us have, and you walk around to a cathedral such as the Cologne cathedral you can see a corner foundation stone which was laid down a thousand years ago, and it is as it was at that time. In the case of the Cologne cathedral it took them something like 600 or 700 years to finish it. That is the nature of those sorts of magnificent buildings. You can feel the history. You can sense the history by looking at a building. In the context of Europe, the Middle East and Asia that is not very old, but in Australia 160 years old is very, very old.

If you look at areas of Sydney where the First Fleet originally landed there is very little, if anything, that goes back to those original days that is maintained. There probably is not many buildings at all that go back before the 1820s. In some cases the original buildings which were first built there have been built over maybe three or four times since that time. That is what we have. There is not much original representation, so we have to do what we can to preserve it.

I think this bill does enhance the current laws in Queensland. It is worthy of support, but I just seek the minister's comment on those two points which I have raised. I would be very interested to hear what he has to say in response.