



Speech by

Evan Moorhead

MEMBER FOR WATERFORD

Hansard Thursday, 18 October 2007

QUEENSLAND HERITAGE AND OTHER LEGISLATION AMENDMENT BILL

Mr MOORHEAD (Waterford—ALP) (12.20 pm): I rise to speak to the Queensland Heritage and Other Legislation Amendment Bill 2007. This bill is an important reform to ensure that Queensland heritage protection legislation is a strong and effective protection of sites of significance to Queensland's cultural heritage. This bill proposes some significant changes to the Queensland Heritage Act 1992. This legislation has been in place for 15 years and has served us well but this review is timely. It is important that the House note that under the National Liberal Party government of the 1970s and 1980s Queensland lagged behind the rest of the nation in protecting cultural heritage. Similar Commonwealth legislation had been in place for 15 years when the newly elected Goss government introduced the Heritage Buildings Protection Act 1990. Who can forget the tragic loss of the Bellevue Hotel, the Cloudland Ballroom and the Commonwealth Bank in Queen Street?

The Goss Labor government was the first government to move to protect Queensland's cultural heritage. It is entirely appropriate that 15 years after the introduction of the Queensland Heritage Act 1992, the Bligh government is continuing to expand and improve this important area of legislation. This bill will be applauded by the people of the Waterford electorate, particularly those who reside in the historic towns of Beenleigh, Waterford, Bethania and surrounding areas. Beenleigh and surrounds is a place of significant historical value. Our long and valued history is what makes Beenleigh the place that it is.

We are particularly lucky to have a group of hardworking volunteers who work to preserve, protect and celebrate the historical value of Beenleigh and Logan. The Beenleigh District Historical Society has a large group of volunteers preserving local historical buildings and historical artifacts at the Beenleigh Historical Village in Main Street. This is of particular relevance to this bill as the Beenleigh Historical Village is home to a building on the cultural heritage register, the St George's Anglican Church, Beenleigh's first church built in 1876, formerly in Tansey Street.

I pay particular tribute to the executive of the Beenleigh District Historical Society—Anker Laursen, Wendy Charter, Sean Leader, Eric Emmet, Bill Heck, Linda Hetet, Colin Foot and Elveena Byrne. The village is run to a very professional standard by a group of committed volunteers. The Beenleigh Historical Village has gone ahead in leaps and bounds over recent years. Improvements have not only protected and beautified the village but have also allowed the village to become a popular excursion destination for local schools. This means that the village is sharing Beenleigh's heritage value with a new generation of children.

The role of the Beenleigh District Historical Society goes beyond the maintenance of the village to being a strong advocate for the protection of buildings and places of heritage significance in Beenleigh and surrounds. The village is also home to the Logan River and District Family History Society which works to bring together the genealogy of the local area, including both our founding families and newer families. The Logan River and District Family Society, particularly Graham Popple, Kevin Egan and Glenys Prins, have also been strong advocates for the protection of heritage sites in and around Beenleigh.

I will now turn to some of the specific provisions of the bill. The central plank of reform in this bill is the restructure of the role of the Queensland Heritage Council. The changes proposed will see a separation of the cultural heritage assessment and registration function from the administration and enforcement of the register. In short, the EPA will take over the administration of the register and the assessment of planning and development applications against the requirements of the Queensland Heritage Register. This will leave the Queensland Heritage Council with a strategic heritage protection focus rather than being weighed down by administration. This is not a new concept. Planning and development processes in Queensland have consistently moved towards focusing on good planning rather than arguing about individual applications on a case-by-case basis.

Importantly, this bill also ensures that that Queensland Heritage Council can, if requested, provide advice to the chief executive on how cultural heritage value should be protected in a particular case. Tough new penalties of up to \$75,000 will apply if a person carries out development contrary to the requirements of the act. The bill will also remove a restriction from the inclusion of properties on the Heritage Register, namely, that 'there is no prospect of the cultural heritage significance of the place being conserved'. This is a sensible change which will ensure consistency with the scheme of cultural heritage protection contained in the act.

The bill also proposes a series of decision-making time frames to give both applicants and property owners some certainty with this process. Currently, owners and local governments are only required to be notified after a place has been provisionally listed in the register. The process provided by this bill will allow owners, local governments and applicants to have input to the Queensland Heritage Council decision rather than responding to the outcome of the provisional listing decision. Under the proposals contained in this bill, owners and local governments will be notified within 10 business days after an application is received, with a further 10 days for the application to be advertised in newspapers and on the EPA web site.

The unwieldy provisional listing process will be replaced with interim protection orders, providing temporary protection to places while an application for heritage listing is being considered. In order to issue an interim protection order, the chief executive must be satisfied of the cultural heritage value of the place and that an interim protection order is necessary to conserve the significance of the place. This process will mean that a heritage recommendation must be given to the Queensland Heritage Council within 80 business days of the application being received, although this may be extended to 120 business days in some circumstances. The recommendation must then be provided to the applicant, owner, local government and submitters within 10 days, and they have a right to appear before the Queensland Heritage Council to make a submission.

The Queensland Heritage Council will have 60 business days from the time of receiving the recommendation to make a decision on whether a place should be heritage listed. While these steps may seem to cumulatively take some significant time, it is important that we get it right when balancing property rights and cultural heritage value. This bill will also give the chief executive of the EPA the ability to issue an order for essential maintenance work, requiring owners of state heritage places to carry out maintenance work that is urgently required to protect the place from serious or irreparable damage. This power will ensure that properties cannot be left in a state of disrepair or neglect that might lead to the building being demolished. I am sure this change will be welcomed.

Although it is difficult to know, many who are involved in the protection of Queensland's heritage are suspicious that owners who resent the heritage listing of their property may let the place deteriorate to the point where the building must be demolished. This power will ensure that the chief executive can intervene to ensure that this will not happen. Owners will have 20 business days to comply with the order or face a fine of up to \$75,000. In order to protect places of cultural heritage significance urgently, the minister may issue a stop order, requiring a person to stop and not start work that may affect the cultural heritage significance of a place. Contravention of this order carries a maximum penalty of \$1,275,000.

This bill maintains the distinction between those places of cultural heritage value to the state as a whole and those places of cultural heritage value to a local community. While the former are protected by the Cultural Heritage Register, the latter are protected by town planning schemes and local heritage registers put in place by local governments. This bill proposes a new part 7B to ensure that local governments are making provision for the protection of local heritage matters. These provisions are aimed at those local governments that have not made adequate provisions for identifying and protecting heritage places through their planning schemes. These provisions will require that local governments maintain their own local heritage register. Importantly, these registers are required to be available for inspection free of charge. Local government will remain the decision maker for the listing of heritage places.

In looking at the area that I represent, I must pay tribute to the local heritage protection scheme contained in the Logan City Council Town Planning Scheme. Chapter 4 part 9 of the Logan City Council Town Planning Scheme protects 29 heritage places, including five places also protected by the Queensland Heritage Act 1992. In my electorate there are many important places on this list, including: the Kingston Butter Factory and neighbouring pre-war residences; the Dewar Drive homestead, part of the

original dairy farming homes of the Loganholme area; cemeteries in Waterford West and Logan Reserve, including the 1864 Logan Reserve Irish Catholic Cemetery and the nearby Lutheran Cemetery; and the Loganlea Railway Station, reflecting the importance of railways to the development of the Logan and Beenleigh area in the 20th century.

Unfortunately, the Gold Coast City Council's efforts to protect the heritage precincts of Beenleigh, Bethania and Waterford have not been anywhere near as robust. Despite their significant heritage value, the Gold Coast Planning Scheme protects only three local heritage places in Beenleigh: the St George's Church at the Beenleigh Historical Village; the Bethania Lutheran Church—both protected by the Queensland Cultural Heritage Register; and the old garage at 14 Main Street, now a barber's shop.

Surprisingly, the Beenleigh Rum Distillery, while protected by state legislation, is not protected in the Gold Coast Town Planning Scheme. The Gold Coast City Council has recently taken a step in the right direction with the commissioning of the Beenleigh and Sugarcane Land Heritage and Character Study. I must thank Graham Popple, Glenys Prins and the Logan River and District Family History Society who have made strong representations to me about the need to implement the findings of this report as well as their concern about development proposals for Beenleigh's Sundowner Hotel. This report identified five places in the Beenleigh area that are likely to meet the requirements of the Queensland Heritage Register, including the Waterford Primary School, Rocky Point Sugar Mill and surrounding buildings and the old maternity hospital on Boundary Street. Unfortunately, the old maternity hospital was demolished before an application for registration could be made. I understand that the Gold Coast City Council is currently investigating whether this demolition was unlawful.

The report identified 32 further places in the Beenleigh area which are of local heritage significance that are not currently protected in the Gold Coast Town Planning Scheme. I strongly urge the Gold Coast City Council to amend its town planning scheme to include these places as a matter of urgency. Once these places are lost, they are lost forever. Given Logan City Council's strong record in this area, I have referred this matter to the Logan City Council transition committee for consideration by the new Logan City Council in the hope that a new council will take some action on this report.

I hope that this matter can be resolved by our local government, whether that is Gold Coast or Logan. I am glad that the new part 7B proposed by this bill ensures that local government is fulfilling its role in local heritage protection. I am also glad to see that the EPA chief executive will be able to investigate heritage places and make recommendations to local government in respect of places of local heritage value.

This is a tremendous bill which ensures that Queensland's places of cultural heritage value are protected in a way that balances the rights of property owners and the need to protect our cultural heritage. This bill also ensures that local government is doing its bit to protect places of cultural heritage value to local communities. I commend the bill to the House.