

Second Reading

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [8.57 p.m.]: I move:

That this bill be now read a second time.

It is with pleasure that I introduce the Heritage Amendment Bill 2011 on behalf of a government that has appointed the first New South Wales Minister for Heritage in more than 20 years.

Government members: Hear, hear!

The Hon. GREG PEARCE: Hear, hear, indeed. Under Labor, the Minister for Planning was also the Minister responsible for the protection of heritage. That arrangement created a conflict of interest for the Minister for Planning. The situation was compounded by the previous Government's relocation of the Heritage Office to the Department of Planning. The O'Farrell Government is committed to having a strong and independent voice for heritage in our Cabinet. The O'Farrell Government is again delivering on the commitments we made to the people of New South Wales. We know that excessive red tape in decision-making impedes heritage conservation and frustrates the economic development of New South Wales.

The O'Farrell Government is working to make New South Wales number one again, and that means refocusing the efforts of the New South Wales Government on supporting conservation of significant heritage assets and on ensuring that heritage conservation and economic development are not mutually exclusive goals. The Government's election policy was focused on removing delays and increasing transparency associated with the Heritage Act. It is critical for the economy of New South Wales and for the preservation of the State's many heritage assets that decisions on proposed heritage conservation are made expeditiously and transparently. The bill before the House outlines the required legislative changes to implement the Government's election commitments.

DEPUTY-PRESIDENT (The Hon. Helen Westwood): Order! There is too audible conversation in the Chamber. I cannot hear what the Minister is saying.

The Hon. GREG PEARCE: The Government will reduce the number of appointees to the Heritage Council to no more than nine members to improve its efficiency and workability. Importantly, the Government will retain the six skills-based members of the Heritage Council. These members are appointed on the basis of their knowledge or qualifications in key areas relevant to the work of the Heritage Council, including New South Wales history, archaeology, Aboriginal heritage, property economics and planning.

I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted

The O'Farrell Government is committed to diversity in the membership of the Heritage Council to ensure the Council makes balanced decisions that have the confidence of the community.

While the Government Architect will no longer be a Member of the Heritage Council they will continue to sit on the Heritage Council's Approvals Committee where their expertise in finding innovative solutions to the adaptive reuse of State significant heritage items is most valued.

These changes to the membership of the Heritage Council will ensure an adequate and balanced representation of skills, perspectives and experience which will equip the Council to deliver today and meet future challenges.

The reviewed membership of the Heritage Council will ensure more efficient and workable meetings in keeping with community expectations of a modern Government board.

[Ministerial Review Panels]

Labor's planning ministers made it a practice to refer Heritage Council recommendations to Ministerial Review Panels appointed personally by the Minister.

This added an extra level of red tape that unreasonably and unnecessarily delayed the listing process.

This bill abolishes Ministerial Review Panels and retains the Heritage Council as the prime body for recommending State Heritage Register listings.

This as an important step in increasing the community's confidence in the heritage listing system.

The commitment to abolish Ministerial Review Panels will remove a significant source of delay in the listing process.

The accountability of the Heritage Council is important and the Heritage Act will retain the ability for me to refer a recommendation of the Heritage Council to the Planning Assessment Commission for an independent review.

[Timeframes for the State Heritage Register Listing Process]

This bill further addresses the slowness and a lack of transparency in the heritage listing process by introducing additional statutory timelines.

Currently there is no deadline for the Heritage Council's listing recommendation to reach the Minister. The Heritage Act states this should occur "as soon as possible" This is not good enough. This bill therefore requires that notification to the Minister takes place within 14 days of the Heritage Council's decision to recommend listing.

These reforms will be complemented by administrative improvements the Minister has directed the Office of Environment and Heritage to implement.

Regular public performance reports will be made to ensure the Heritage Council, and the Minister for Heritage, adhere to timeframes for State listing nominations.

In addition, a website will be established which identifies the stages of the listing process and the progress of all nominations through each stage.

This is an important improvement to the transparency of the listing process and will give the community the opportunity to easily monitor the listing process.

Further, new guidelines will be published to implement a more efficient approach to all aspects of the process, including a more disciplined approach to rejecting nominations that do not meet the standard required for prompt consideration.

[Minister to Publish Reasons for Listing Decisions]

The Government's election policy included a commitment to require the Minister for Heritage to publish her reasons about State heritage listings.

This will improve heritage conservation outcomes and provide greater certainty to all stakeholders. It will also improve the effectiveness of the Heritage Council, remove delays to heritage decisions, and provide transparency about heritage decision-making.

Accordingly the Heritage Act 1977 will be amended to require the Heritage Branch of the Office of Environment and Heritage to publish the reasons for decisions of the Minister for Heritage on the Internet to explain whether or not the Heritage Council's recommendation has been accepted and if not why not.

This is important to give the community greater confidence in the listing process.

[Minister to Publish Recommendations from the Heritage Council about Proposed Development]

The effect of listing on the State Heritage Register is that generally under the Heritage Act approval of the Heritage Council is required for subsequent development.

The exception to this is where a development was assessed under the previous Government's Part 3A process or now where development will be declared a State Significant Development or State Significant Infrastructure.

In these cases the Heritage Council is consulted by the Department of Planning and Infrastructure.

When consulted, the Heritage Council and the Office of Environment and Heritage provides comment on development affecting items listed on the State Heritage Register or items of State heritage significance not yet added to the Register.

The Government's election commitments require that the Minister for Heritage will make public any recommendation from the Heritage Council or the Office of Environment and Heritage regarding development recommendations.

This bill requires this advice to be published on the Internet, in particular where the Heritage Council would have had an approval role but that role has been switched off by the Environmental Planning and Assessment Act 1979.

This is what a Government that puts people first does.

By doing so the community will be better able to track the assessment of development involving State heritage items and will be able to gauge the extent to which the comments of

the Heritage Council have been taken into account.

[Minor Administrative Amendments]

A minor administrative amendment to the Heritage Act is also proposed to improve the operation of the Act.

It is proposed to no longer require the Minister to carry out the administrative function of approving application forms under the Heritage Act, instead moving that function to the Heritage Council.

The approving of application forms is considered to be an administrative matter the Council is best placed to determine.

[Conclusion] sign singing

The O'Farrell Government is committed to heritage conservation working hand in hand with economic development.

We want our heritage assets to be part of the solution to making New South Wales number one again, not part of the problem holding our State back.

This bill improves the functioning of the Heritage Act which will lead to improved transparency and accountability in decision making while also cutting red tape.

The O'Farrell Government is once again delivering on its commitments to the people of New South Wales.

I commend the bill to the House.