

## **Question Mr David Shoebridge taken on notice (pages 7 and 8)**

### Question:

*Mr DAVID SHOEBRIDGE: Thanks very much. One of the case studies, if you like, of the way State significant development overrides all the heritage protections is the Fort Street Public School at Millers Point. The National Trust has made strident objections to the most recent proposed change there, which is going to add an extra storey to a modern infill element, which is then going to be higher than the observatory building. They point out that the historic heritage observatory building needs to be the highest building there for it to fulfil its historic function of observing the weather. Yet that was given almost no weight, no statutory weight, in the development application because of the way the heritage laws were turned off by the Planning Act when it is State significant.*

*Councillor Scott, did you have anything further to add on that? Then I might particularly ask you, Mr Pechey, from the City of Sydney's perspective, as it is in your patch.*

*Mr DAVID SHOEBRIDGE: Mr Pechey?*

*Mr PECHEY: The City has certainly argued for switching back on the Heritage Act. I think this is a case in point where providing that independent review that the Heritage Council can bring under that legislation can raise the heritage issues. I do not myself have close association with this application. So I might take on notice, if that is all right, to review the City's submission to the modification. I can report back to the Committee a statement.*

*Mr DAVID SHOEBRIDGE: Thanks, Mr Pechey. If you could address the fact that we have one government agency assessing another government agency's position and the complete absence of the Heritage Council in that.*

### Answer:

The City has made submissions to the modification application and included issues raised by residents and the National Trust, who are concerned about the increased bulk and visual impacts from the additional level to Building J. The City has suggested options to address the issues including deletion of roof elements, lowering screening and relocating fire stairs. It is noted the modification application and the heritage matters are still under assessment by NSW Department of Planning, Industry and Environment.

To understand the value of the Heritage Council for state significant development it is necessary to distinguish between the long term process of conservation and the short term process of development. Conservation under the Heritage Act is an evolving process that begins with understanding significance, then involves preparing policies for conservation and carrying out conservation, which can include maintenance, preservation, restoration, adaptation, new work and interpretation. Development is essentially a point in time process of assessing a proposal and then carrying out a development until it is complete. The conservation process begins before development and continues after. The distinction is reflected in the two pieces of legislation—the Heritage Act 1977 and the Environmental Planning and Assessment Act 1979.

The involvement of the Heritage Council in state significant development applications is important for ensuring the longer-term process of conservation is appropriately considered and integrated within the development process. While the impact of development on heritage is considered in the planning process, the absence of the Heritage Council can make it more difficult to embed or give

consideration to conservation processes that sit outside the development process, such as understanding significance, preparing policies and then maintenance.