

THE NATIONAL TRUST OF AUSTRALIA (NEW SOUTH WALES) POLICY ON HERITAGE LEGISLATION

PREAMBLE

In the 1970s, the National Trust lobbied for the introduction of Heritage Legislation, initially intended to form part of the proposed planning legislation. The Heritage Act, 1977 was separate from the Environmental Planning and Assessment Act, which followed in 1979. Effectively, local heritage (98% of the State's heritage) is dealt with under the planning legislation and State Heritage is dealt with under the Heritage Act. In 2012 the National Trust successfully lobbied for the administration of the Heritage Act and the NSW Heritage Council to be brought under the control of the Minister for the Environment.

Since its inception in June, 1978, one of the members of the Heritage Council is to be a person appointed from a panel of three persons nominated by the National Trust of Australia (New South Wales).

POLICY

1. The National Trust believes that since the enactment of the Heritage Act 1977 and the Environmental Planning & Assessment Act, 1979, measures for the protection of heritage have been weakened and the Trust will seek to reinstate and strengthen the protections afforded by both the planning and heritage legislation.
2. The National Trust will seek to maintain its position on the Heritage Council and, as and when this position becomes vacant, will nominate 3 persons who are members of the National Trust **and** who are either Board Members or employees of the National Trust **and** who are considered to have a comprehensive knowledge of the workings of the National Trust, and heritage and planning legislation.
3. While the Heritage Council member nominated by the National Trust must act on behalf of the public of NSW, that person should be briefed on the Trust's position on the developments and listings being considered by the Heritage Council and its committees and accordingly the Trust will require the provision of a copy of the minutes and agendas on a timely basis.
4. Social significance has not been given due weight in heritage assessment and listing proceduresⁱ and the Trust will urge that proper consideration is given to addressing this deficiency.
5. The Trust recognises that an area of particular concern is identifying and proposing for listing heritage dating from post 1950, as the more recent heritage has never been duly recognised and protected.
6. The Trust has always held the view that heritage assessment must be kept separate and not be influenced by proposed developments or political considerations and will lobby for such assessments to be dealt with at arm's length by the Heritage Council, its committees and the Heritage Division and local government.
7. The Trust will urge that "financial hardship" not be a factor in determining the heritage significance of a place or in either the listing or de-listing process.
8. The Trust will oppose demolition or damaging development proposals for properties on the heritage schedules of local government authorities where the listed place or item is owned by that Local Government Authority.

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ⁱ Heritage Council of NSW Minutes 10 April, 2013, Item 5.3.1 Funding for an Assessing Social Significance Guideline