



POSITION PAPER

NEW SOUTH WALES PLANNING SYSTEM REFORMS

NATIONAL TRUST INVOLVEMENT IN NSW PLANNING SYSTEM

Since the introduction of planning legislation in 1979 (the Environmental Planning & Assessment Act) the National Trust has consistently lobbied for improvements for heritage protection in the planning system as almost all heritage is dealt with by local government, not under NSW Heritage legislation. In March, 2012 the National Trust made a submission to the NSW Planning System Review Issues Paper (the Green Paper), arguing that there was a major imbalance in the planning system favouring development over reasonable expectations that heritage would be protected.

The Trust also advocated that the NSW planning and environmental legislative regime must protect our environmental assets which include heritage places. The Trust's basis for its position is that these assets not only provide for new development, but because heritage assets provide a twofold benefit. Firstly they are a non renewable resource supporting jobs and investment through heritage trades and tourism. Secondly, they are an irreplaceable resource of our journey through time, so enriching our environment and contributing to our culture and sense of place and destiny.

In June, 2014 the National Trust Board adopted a Policy on the NSW Planning System (Heritage Issues) which set out seven key policy points.

THE NSW PLANNING SYSTEM REFORMS

Following the decision by the NSW Government not to proceed with new planning legislation and recognising the defects in the existing legislation regarding heritage conservation the National Trust accepted an invitation to liaise with other community groups with a view to formulating a Community Charter seeking legislative reform.

The National Trust contributed to the formulation of the Charter's heritage provisions based on advice and information from the Trust's Technical Conservation Committees and Conservation Policies Task Force. At its meeting on 27 August, 2014 the Board of the National Trust resolved to endorse the *Community Charter for Good Planning in New South Wales*.

On May 6, 2016 the NSW Planning Minister, the Hon Rob Stokes MP, announced reforms to the planning system. Minister Stokes has indicated that the reforms will be achieved through amending the existing *Environmental Planning & Assessment Act 1979*. The principle of ecologically sustainable development will remain a driving principle for the legislation and the process of community consultation and involvement must be 'fair, transparent and robust'. The Trust supports a proper engagement with the community at both an early stage and throughout the planning process.

NATIONAL TRUST POSITION

A key issue for the Trust is a clear dialogue between Government and the Community to achieve better protection for the 98% of NSW places and items listed on Council Local Environmental Plan Heritage Schedules. While 1,676 State Heritage Register listings are protected from demolition, the remaining 100,000 or so local heritage listed places have no such protection and Development Applications for their demolition can be approved by Councils.

The Trust is investigating appropriate amendments to the planning legislation to better protect locally listed heritage items and this may be, as with the Heritage Act, a requirement that locally listed heritage items cannot be demolished but that items would need to go through a de-listing process before a Development Application for demolition can be considered. The Trust will also investigate the British system where buildings that are not formally listed but still judged as being of heritage interest are still regarded as being a material consideration in the planning process.

ACTION ON THE NSW PLANNING SYSTEM REFORMS

The Trust will seek advice on amendments to the *Environmental Planning & Assessment Act 1979* to achieve better protection of places listed as Heritage Items on Local Environmental Plan Heritage Schedules.