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28 August 2013

The Hon Barry O'Farrell MP
Premier of NSW
GPO Box 5341
SYDNEY NSW 2001

Dear Premier,

Our Cultural Heritage is Under Threat – NSW Planning System Review

Australia ICOMOS has taken the unusual step of preparing this letter to you. We express our alarm and utmost concern that the proposed new planning legislation as outlined in the Exposure Bills and White Paper (*A New Planning System for NSW*) will compromise the system of heritage protection and management in NSW which has been so carefully built up over the last 36 years.

We understand that the review process is at its penultimate stage and that the Exposure Bills to implement these proposed changes are due to be put before the New South Wales Parliament in mid September 2013.

Australia ICOMOS, like many others, has lodged timely submissions for this review, in response to the Issues Paper and Green Paper, and the White Paper. We have expressed our dismay at the adverse impacts on the cultural heritage of New South Wales that will result if the proposed measures are implemented. We are extremely disappointed that, in virtually every respect, our concerns have been ignored by those charged with drafting the latest policy paper and the legislation. There is inadequate space in this letter to outline our concerns in detail (we have put these on the record in our previous submissions in any case). However, we reiterate our fundamental concern that, unlike economic growth and development, which is acknowledged as the key driver of the review, cultural heritage is virtually ignored and its ongoing management jeopardised. The documents fail to acknowledge the importance of cultural heritage (both European and Aboriginal) and lack a clear and separate objective for its conservation and management. In particular, we believe that historic precincts and conservation areas that are typified by the scale and character of their heritage buildings will be threatened - both in Sydney and in country towns. The new provisions will inevitably result in new development of an inappropriate scale and design that will diminish the special qualities of these areas that are so valued by the community.

We are understandably surprised that your government appears to be intent in putting the changes before Parliament, particularly given the recent acknowledgement by the Department of Planning Director-General, Mr Sam Haddad, that there have been problems with the process to date (*SMH*, August 13, 2013). We note that Planning Minister Brad Hazzard has also admitted that *'Issues such as ensuring ongoing heritage protection and availability of judicial reviews are being considered and, if appropriate, the draft bill will be amended'* (*SMH*, August 13, 2013).

Premier, it seems that despite the above admissions by the Planning Minister and the Director-General, the bills are to proceed with what is likely to be only minimal changes that are unlikely to address the concerns of Australia ICOMOS and the many, many individuals and dozens of organisations concerned about the future of our cultural heritage. It is particularly regrettable that the proposed changes will wind back the progress of best practice heritage management since New South Wales passed its Heritage Act in 1977. There is no doubt that New South Wales, along with Victoria, has set the benchmark for heritage conservation during this period. The proposed changes will, if implemented, diminish these achievements

and send a clear message to the community that economic growth and development is what really matters, not our cultural heritage.

The signatories to this open letter are eminent members of Australia ICOMOS, plus a number of other distinguished concerned citizens that have joined with us to publicly express our concern. Australia ICOMOS is the Australian branch of the international non-governmental organisation of cultural heritage professionals founded in 1965. ICOMOS works for the conservation and protection of cultural heritage places across the world, has members and national committees in more than 100 countries, and is an advisory body to UNESCO on World Heritage matters. Australia ICOMOS members are represented on its 29 International Scientific Committees and are highly regarded internationally and as innovators in heritage management.

Premier, we request that you defer the legislation to allow for measured reconsideration of the more problematic aspects of the current proposed changes. The retention of culture and creative new development must go hand in hand in a progressive society. Australia ICOMOS looks forward to working with the New South Wales Government to achieve this balance in the next phase of the review.

Yours sincerely



Elizabeth Vines, OAM, President Australia ICOMOS, Adjunct Professor

Kristal Buckley, AM, International Vice President, ICOMOS

Hon Dr Barry Jones, AO

Dr James Kerr, AM

Professor Colin Sullivan AO

Dr Jack Munday AO

Mr John Morris

Dr Clive Lucas, OBE, Architect

Ian Stapleton, Architect

Howard Tanner AM, Architect, Professorial Fellow

David Logan, Architect

Malcolm Garder, Valuer

Meredith Walker AM

Adjunct Professor Dr Shirley Fitzgerald

Peter Watts AM, Architect

Ian Carroll OAM

Professor David Throsby

A copy of this letter has been sent to the following:

Minister for Planning and Infrastructure; Minister Assisting the Premier on Infrastructure, Brad Hazzard
Minister for Environment; Minister for Heritage, Robyn Parker
Director, Heritage Division, Office of Environment and Heritage, Dr Tracey Avery
Minister for Aboriginal Affairs, Victor Dominello
Minister for Tourism, George Souris
Shadow Minister for Environment and Climate Change; Shadow Minister for Planning and Infrastructure, Luke Foley
Shadow Minister for Heritage, Barbara Perry
Deputy Leader of the Opposition; Shadow Minister for Aboriginal Affairs, Linda Burney
Shadow Minister for Tourism, Steve Whan
Greens spokesman for Planning, Upper House, David Shoebridge
Greens, Lower House, Alex Greenwich
Better Planning Network, Corinne Fisher

Nature Conservation Council, Cerin Loane
Council of the City of Sydney, Clover Moore
Treasurer and Minister for Industrial Relations, M.B. Baird
Minister for Transport, Gladys Berejiklian
Minister for Finance and Services; Minister for the Illawarra, Greg Pearce
Minister for Ageing and Minister for Disability Services, A.J. Constance
Minister for Police and Emergency Services; Minister for the Hunter, Michael Gallacher
Minister for Roads and Ports, Duncan Gay
Minister for Family and Community Services; Minister for Women, P.J. Goward
Minister for Resources and Energy; Special Minister of State; Minister for the Central Coast, C.P. Hartcher,
Minister for Primary Industries; Minister for Small Business, K.A. Hodgkinson
Minister for Mental Health; Minister for Healthy Lifestyles; Minister for Western New South Wales, K.J. Humphries
Minister for Local Government and Minister for the North Coast, D.L. Page
Minister for Education, Adrian Piccoli
Minister for Fair Trading, A.J. Roberts
Minister for Health and Minister for Medical Research, J.G. Skinner
Attorney General and Minister for Justice, G.E. Smith
Deputy Premier; Minister for Trade and Investment; Minister for Regional Infrastructure and Services, A.J. Stoner
Minister for Sports and Recreation, Graham Annesley