



Dr Bill Pender
Inquiry Secretary
Joint Standing Committee on the National Capital and External Territories
PO Box 6021
CANBERRA ACT 2600

Dear Dr Pender

I am writing in relation to the department's appearance at the public hearing concerning the inquiry into the administration of the *National Memorials Ordinance 1928* on 21 September 2011.

Firstly, in response to the supplementary questions that you have asked on 26 September 2011, I am providing the information below.

Question 1

What role do Heritage Management Plans play in environmental assessments under the EPBC Act? Is compliance with Heritage Management Plans compulsory?

The heritage provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), provide for management plans to be prepared for places included on the World Heritage, National Heritage and Commonwealth Heritage lists.

Section 341S of the EPBC Act requires a written management plan to be prepared for places included on the Commonwealth Heritage List. The Commonwealth agency that owns or controls the listed place must prepare the management plan in accordance with the EPBC Act.

In assessing referrals made under the EPBC Act, the information contained in a plan that has been made in accordance with the EPBC Act may be considered in the assessment.

Section 341V of the EPBC Act states that the Commonwealth or a Commonwealth agency must not contravene a plan made under s.341S or authorise another person to do, or omit to do, anything that would contravene such a plan.

Question 2

How would a Heritage Management Plan impact on a proposal to establish a national memorial?

Management plans are used by owners/managers of listed places to conserve heritage values and guide future changes to the place. Should a national memorial be proposed to be located within or adjacent to a place included on the Commonwealth Heritage List, the proponent must take account the Commonwealth Heritage values and policies contained in a management plan that has been prepared in accordance with the EPBC Act.

Under the EPBC Act, the proponent of such a proposal is required to determine whether the action is likely to have a significant impact on the environment (the environment includes the heritage values of a place). If the proponent determines that an action might have a significant impact, it must be referred for a decision.

Question 3

What sort of heritage values are assessed under Heritage Management Plans?

Under the EPBC Act, for places included on the Commonwealth Heritage List for example, management plans are required to be prepared to manage the heritage values for which the place is listed.

A management plan may take into account and address other heritage values that are not subject to the EPBC Act requirements.

Question 4

Should proposals for national memorials also be subject to Conservation Management Plans? Would such planning be a formal requirement under the EPBC Act?

A management plan is prepared for a place included on the World Heritage, National Heritage and Commonwealth Heritage lists to conserve and manage its heritage values. Proposals for national memorials to be located within or adjacent to a place included on the Commonwealth Heritage List for example, are required, as noted above, to take account of the information contained in a management plan prepared under the EPBC Act.

A management plan *per se* for individual memorials should not be a requirement. However, if the proposal is to be located within or adjacent to a heritage-listed place, a heritage impact assessment is a useful tool to assess and manage potential impacts on the identified heritage values of the place. A heritage impact assessment is very useful in considering referrals under the EPBC Act. A specific management plan for a proposed development is not a formal requirement under the EPBC Act.

Secondly, I am providing the department's response to the question on notice you forwarded to me on 11 October 2011.

Question from the Chair (page 6 of the Hansard transcript)

Is there currently discussion about national memorials specifically with the National Capital Authority in terms of informally triggering whether there is anything that should be investigated under the EPBC Act?

No. The department is not currently carrying out any discussion with the National Capital Authority about national memorials as a general class of development.

Correction to Evidence

I would like to make a correction to the evidence I gave at the hearing. You will note on page 5 of the transcript that I state that the World War I and World War II memorial projects "are not matters that have been before us [the department] in any way, shape or form, so we do not have any experience of or views about them."

I have since been advised that, in December 2007, the department provided heritage advice to the National Capital Authority in relation to the contents of the brief for the World War I and World War II memorial competition.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Peter Burnett'.

Peter Burnett
First Assistant Secretary
Heritage and Wildlife Division

21 October 2011