

LOCAL GOVERNMENT LAW JOURNAL

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ARTICLES

The end of Hope? An assessment of the draft report of the Productivity Commission's inquiry into the conservation of Australia's heritage places – *Matthew Baird*

The Productivity Commission recently released its draft Report on the Conservation of Australia's Historic Heritage Places. The Report's primary conclusion is that the current system of heritage protection is not working. Consequently a number of recommendations are made, including the recommendation that local planning laws covering heritage be amended to require that before listing an item as an item of environmental heritage a conservation agreement be negotiated with the owner of the property. Absent of such agreement, the item should not be listed. This article considers the draft report and assesses some of the impacts of the recommendations. 200

Flexibility or restraint? Interpreting Queensland's performance based planning schemes – *Dr Philippa England*

The Integrated Planning Act 1997 (Qld) aims to re-focus planning and development decision-making to achieve quality outcomes instead of regulatory compliance per se. The Act contemplates a strategic and performance based approach to development decision-making but fails to spell out what exactly this entails for decision-makers. The article explores how well the contrasting styles of a flexible or a literal approach serve the intent of the legislation and questions whether these apparently incompatible styles of reasoning can be reconciled. The overall aim is to offer guidance to practitioners on the approach of the courts to interpreting IPA-based planning schemes. 209

Local government powers over contaminated land in New South Wales – improved outcomes through improved information management – *John Desmond*

The identification and management of contaminated land has become an important responsibility of local government. This article is the first of two parts which consider whether changing the way in which information about land contamination is managed by local councils in New South Wales might lead to better planning outcomes and a fairer allocation of the costs of contamination. 219

Public access to government contracts – what regimes for disclosure exist? – *Helen McNeil*

Public access to commercial documentation has always been a sensitive issue for government. While traditionally much effort has been expended in concealing the detail of commercial dealings under the cloak of “commercial in confidence”, it appears that public pressure is mounting in support of disclosure. Despite projects such as the Cross City Tunnel being criticised from all angles and therefore demonstrating an urgent need for change, the reluctance of government to disclose continues. While amendments to the Freedom of Information Act 1989 (NSW) currently before the Parliament seek to address this problem, a broader change in the culture and behaviour of government is needed.

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 - 5. Austin, n 4, p 56.

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 - 7. Sheehy et al, n 6 at 221.

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