

August 26, 2005

Submission for Productivity Commission Inquiry:

Conservation of Australia's Historic Heritage Places

Phoenix Aero Club Ltd presents the following submission for the Productivity Commission public hearings in Sydney on 18 August 2005.

It is our understanding that the nature of the inquiry is to examine the Policy Framework and Incentives for Conservation of Australia's Heritage Places.

We understand that the commission is looking for case examples to demonstrate the strengths and weaknesses of the existing system.

We present a case that we believe illustrates a weakness of the current system, where the letter of the law may have been followed, but the spirit of the law, in our opinion, certainly has not been followed, and destruction of a place judged to be of Heritage significance will almost certainly follow.

In 2000, Phoenix Aero Club submitted an application to the Australian Heritage Commission (AHC) for listing of Hoxton Park Airport on the Register of the National Estate (RNE), in view of its historical significance as probably the last WWII RAAF landing ground and dispersal aerodrome in the Sydney region and its direct association with defence plans during the Second World War.

Listing on the Interim List was granted on 21 March 2001, in view of historic significance (Criteria B.2 and D.2). The airport was stated to be particularly important for being a rare surviving airfield of this type. The AHC also identified remnant areas of Cumberland Plain woodland and endangered fauna species, which also justified listing under Criterion B.1. (Attachment 1).

A period for lodgement of objections followed, and objections were received and considered on 12 April 2002. The Commission decided to extend the original Interim listed area to include an area to the northwest. The enlarged area was re-entered in the Interim List in late 2002.

Registration on the RNE was granted on 28 October 2003. (Attachment 2).

Hoxton Park Airport is situated on land owned by the Commonwealth Government. The Federal Airports Corporation has led us to believe that Hoxton Park Airport Limited (HPAL) (which was the Commonwealth owned operating company) has a 50 year lease of the land from the Commonwealth.

In early 2003, the Commonwealth Government announced its intention to sell the operating companies of Sydney's metropolitan airports, being Bankstown Airport

Limited (BAL), Camden Airport Limited (CAL) and HPAL. The conditions of sale were that one buyer had to purchase all three operating companies and Bankstown Airport and Camden Airport had to remain as operational airports with the land remaining the property of the Commonwealth. The lease held by HPAL over the land at Hoxton Park was to be shortened to 5 years and at the conclusion of this period, the land would revert to freehold title in the name of the owner of HPAL. It would then be up to the new owners to determine what to do with Hoxton Park Airport.

The sale process was completed in December 2003, and HPAL, BAL and CAL were sold to the BaCH consortium comprising James Fielding Infrastructure, Toll Holdings and the Commonwealth Bank. The new owners indicated in their Preliminary Draft Master Plan (PDMP) dated 24 July 2004 that Hoxton Park Airport would close in December 2008 (Attachment 3), and the land redeveloped for other uses. The PDMP refers to heritage issues at pages 4 and 55 (Attachment 3).

Phoenix Aero Club made enquiries during the sale process regarding the significance of the RNE listing for Hoxton Park Airport and we received a letter dated 23 September 2004 from Mr. Bruce Leaven of the Australian Heritage Council (Attachment 4). This letter states that the former AHC imposed a condition on the purchaser that the new owner must apply for heritage listing on the NSW State Heritage Register. The letter states that the writer believed that that application had already been nominated, considered and rejected as a place of State significance.

Phoenix Aero Club then wrote to the NSW State Heritage Council (Attachment 5) asking if they would consider another application for listing. We believe that an application for listing forced on an owner intent on closing the airport and developing the land for other purposes would have been perfunctory and minimalist. Mr Cameron White of the NSW State Heritage Office replied on 20 April 2005 (Attachment 6) and stated that the Council had considered the matter and had rejected listing by the NSW State Heritage Council. The writer advised that an application to Liverpool Council for listing on its LEP (Local Environment Plan) as an item of environmental heritage had been recommended. Considering that Liverpool Council has had a long history of objection to the presence of Hoxton Park Airport, and that it is likely that Council objected to the original AHC listing application, we believe that it is likely that this recommendation to the Liverpool Council will be futile.

Summary

The Australian Heritage Commission judged Hoxton Park Airport worthy of listing on the Register of the National Estate. As a result of the sale process and legislative changes, jurisdiction of the AHC over the site will cease, but the AHC imposed a weak requirement on the purchaser to apply for listing with the NSW State Heritage Office. We believe this application, diametrically opposed (as it was) to the purposes of the applicant was an exercise in formality, and was a nonsense. Listing has been rejected by the State body, and despite the heritage listing by the AHC, the place has no effective heritage protection, and will be destroyed by the new owners when the Airport closes, as advised, in December 2008.

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