

SUBMISSION TO THE PRODUCTIVITY COMMISSION INQUIRY INTO THE CONSERVATION OF AUSTRALIA'S HISTORIC HERITAGE PLACES

BY THE ACT HERITAGE COUNCIL

This submission by the ACT Heritage Council addresses a range of issues relevant to the Productivity Commission's inquiry, as they impact on historic heritage conservation in the ACT. The submission does not address all the issues and questions defined in the Inquiry's Scope and posed in its Issues Paper, but relates to those experienced in the work of the Heritage Council. Questions (*in italics*) relevant to the ACT are addressed. Recommendations are provided in relevant sections.

1. RATIONALE FOR GOVERNMENT INVOLVEMENT

The Inquiry has asked:

Question - What is the rationale for government involvement in historic heritage conservation and what principles should guide that involvement?

This issue has been addressed at length by other submissions, but in summary the Heritage Council (which deals with natural, Indigenous and historic heritage places) would argue that:

- an unregulated property market and a heritage-free planning system would not recognise the non-economic values of heritage places. In the ACT the primary emphasis is on ensuring that heritage values are considered and protected, through the planning system, in any public or private development proposals for heritage places;
- the values of Aboriginal places would go unrecognised and unrecorded, and would be at extreme risk, without regulation;
- the principles of inter-generational equity (heritage being for the current and future generations) would be lost in an unregulated market focussed on short-term returns;
- government has an obligation to represent the interests of the broader community in its heritage through a heritage conservation regime;
- government has the power to provide incentives and financial support where the protection of heritage for the wider community places additional costs on the owner;
- government, through its regulation of the broader planning system, and its Territory-wide perspective, can help maximise the public good resulting from

heritage conservation, while also maximising the economic benefits for the community;

- government has an obligation to the community to act as steward for the heritage assets managed by government, many of which would have no economic viability in the private market.

2. IDENTIFICATION OF HERITAGE PLACES

Question - Do current lists adequately recognise degrees of cultural significance of historic heritage places? If so, are the factors which determine degrees of cultural significance appropriate?

The ACT (together with the Northern Territory) is in the unusual situation of combining the state and local levels of statutory control. The ACT Heritage Register, therefore, fulfils the roles played by both state and local government registers in the planning systems of the states. This creates tensions, because the planning controls applied in the ACT are more like state-level controls than local government ones, and so there is a pressure to raise the threshold for heritage properties they apply to to the state (territory) level of significance. The threat is that places of local significance might be seen to be not significant enough to get into the Territory register, and hence disenfranchise local communities from having their heritage recognised and protected. The Heritage Council is conscious of this risk, and tries to differentiate levels of significance by the planning controls that apply to it, rather than by raising the threshold of register entry.

The Heritage Council is concerned that the new Commonwealth Heritage regime has left a gap in the identification and protection of heritage in the ACT. Because large areas of the Territory are Designated Land, the Commonwealth, through the National Capital Authority, has varying degrees of planning control over the land. On National Land the ACT Heritage Act does not apply at all.

There are a number of places on National Land which are in a bit of limbo. They are on the Register of the National Estate (which has no legislative effect), and some are on the ACT Heritage Register (which on National Land has no effect), but have not been entered as yet on the Commonwealth Heritage List. Hence they have no effective heritage protection, except indirect protection as a part of the environment under s.26 and s.28 of the EPBC Act. This anomaly has been recognised in discussions between the ACT Heritage Unit and the NCA, and appropriate protection is likely to be achieved through mutual goodwill, but the systemic problem remains.

The splitting of the ACT between two quite different heritage regimes is extremely confusing for the community, and mitigates against a unified public presentation and promotion of the Territory's heritage.

Recommendation 1: That the Productivity Commission recommends that the Department of the Environment and Heritage initiates discussions with the National Capital Authority, the ACT Planning and Land Authority and the ACT Heritage Council to agree procedures that ensure that heritage places on Designated Land are effectively identified and protected under either the EPBC Act or the ACT Heritage Act.

Question - Is there a need for a comprehensive survey of historic heritage places in Australia? If so, who should fund such a study and how would its findings be used?

In a small area of land such as the ACT a reasonably comprehensive survey of heritage places might appear feasible. However, the comprehensiveness would be

limited. In the case of Aboriginal places and some historical archaeological places, these are not always visible above ground, and might only be revealed by disturbance in the future. In the case of historic places, heritage values will continue to be recognised over time, as new understandings of the past emerge, and as the new slowly acquires heritage values with the passage of time. A comprehensive survey is also unlikely to reveal the range of places that are significant because of their associations with specific communities. This sort of identification is best done by the community itself.

However, an attempt at a comprehensive survey of historic heritage places is certainly desirable, but even in a place the size of the ACT is a substantial undertaking which has so far been beyond the resources allocated for the purpose. Non-government bodies such as the National Trust, Royal Australian Institute of Architects and the Institution of Engineers Australia have assisted in the survey of the Territory, and ACT Heritage grants and administrative monies have been applied to the survey of particular areas or themes. However, the task is still far from complete. In the ACT, the heritage register remains quite small, consisting of about 150 mainly historic and Aboriginal places, while there are about 200 historic places nominated by the public over the last decade awaiting assessment. This backlog means that there is uncertain protection for many places of potential heritage significance and also it creates uncertainty for the development industry.

In many cases the assessment of historic heritage places requires comparative assessment using a knowledge pool spread over an area much bigger than the ACT. Regional and national comparative information is, for example available for many architectural styles. Much of the available comparative information is provided by studies funded under the now-defunct Australian Heritage Commission's National Estate Grants Program (NEGP).

However, comparative information for many other types of heritage places including rural heritage (which is relevant to all of pre-Canberra ACT), landscapes, or aspects of engineering technology, is not well covered nationally. Under the new Commonwealth heritage regime there is no research funding provided to continue the valuable work done under the NEGP. States and Territories are not able to do cross-border studies unless complicated mutual-funding arrangements are made, and national studies have never been able to be achieved on the basis of state/territory co-operation. There is a leadership role for the Commonwealth in promoting (and funding) national surveys and comparative studies which only it can undertake.

The other area where the Commonwealth needs to take a leading role is in developing philosophies and methodologies for the better integrated understanding and management of the core linkages between the natural, Indigenous and historic heritage. The ACT Heritage Register includes natural, Indigenous and historic cultural heritage places. This holistic approach, however, is poorly supported by the currently disparate philosophies of assessment, interpretation and management of the three elements. National research and leadership is needed to bring these together into a more holistic single philosophy and methodology. The Australian Heritage Commission previously provided some degree of leadership at the national level in these sorts of issues, but there is as yet no evidence that the Australian Heritage Council or DEH will continue that leadership role.

In the interests of maximising the consideration of a broad pool of potential heritage places for its register, the ACT Heritage Council has, with the active assistance of the Institute of Architects, been looking at the heritage values of more recent architecture, particularly domestic architecture and post-1960s office architecture. We recognise that these more recent places may now have or might in the future have heritage significance, and we need to work out the assessment methodologies most appropriate to recently created places. Some of the nationally recognised Canberra heritage places are quite recent, such as the National Library (1968), High Court (1980), and National Gallery (1982), so the concept of recent heritage is not an alien one. The Heritage Council has listed office buildings such as the ANZ Bank in Civic (1963), and public housing such as the Dickson-Lyneham Flats (1962).

Recommendation 2: That the Commonwealths foster the development of comprehensive surveys nationally by re-instituting a grants program to support national and cross-state research, and work in cooperation with the States and Territories to develop policies and a program for national contextual and thematic studies.

Recommendation 3: That the Commonwealth provides national research and leadership to bring together the currently disparate philosophies of assessment, interpretation and management in the natural, Indigenous and historic heritage fields, with the aim of developing a more holistic philosophy and methodology that stresses the unity of the natural and cultural heritage rather than its separation.

Question - Are the criteria and thresholds for listing on the registers administered by the Australian Government appropriate?

Question - What are the listing criteria for State and Territory heritage registers?

The criteria used for the EPBC Act are virtually the same as used for the RNE, and are very similar to those used in the *ACT Heritage Act 2004*. Similar criteria are now used in most Australian heritage legislation.

The Heritage Council clearly supports the appropriateness of the criteria, but recognises that review and amendment may be necessary as heritage philosophies mature and as interpretation of wording changes. The criterion in relation to aesthetics, for example, would seem to need revision to get around the very narrow interpretation adopted by the DEH in response to legal advice.

The Heritage Council, however, has some problems with the recent re-interpretation of the Commonwealth Heritage Criterion A in relation to the Belconnen Naval Radio Station in the ACT. The Minister's advice in relation to a nomination for accelerated National List assessment interprets the criterion as applying only to associations, and suggests that the removal of fabric demonstrating the significance does not reduce the value under this criterion. We believe that this interpretation is wrong, and is counter to its use by other jurisdictions, and is contrary to other recent National List citations.

Recommendation 4: That the Australian Heritage Council and Department of the Environment and Heritage initiate a dialogue with the States and Territories to reach mutual understanding of the scope and application of the existing assessment criteria, and cooperatively develop new wording where the existing is no longer adequate. In particular, the relationship between associational values, fabric and conservation objectives should be clarified.

Question - Should the potential costs of conservation be included in listing criteria to better target scarce government resources?

The criteria are a tool in the assessment of heritage significance. The question of conservation costs is a management issue, not related to assessing significance, and should therefore not be considered as a criterion for listing.

At the point of listing, the conservation requirements and the associated costs are unlikely to have been determined in any detail. The appropriate place to consider costs is in developing the conservation management plan, where costs is one of the issues impacting the owner's capacity to undertake works to conserve the place.

In the case of the ACT Heritage Register, the listing citation is linked to Heritage Guidelines that outline the basic conservation objectives and processes applicable to the conservation of the place's significance. A common guideline refers to the low economic viability of conservation works and ongoing management as one basis for a decision not to undertake conservation works. The Heritage Council looks very carefully at the evidence supporting such assertions, and seeks alternative, less expensive options that still conserve heritage values. Commonly, the conservation resources would come from development costs, not government sources as suggested in the question.

3. THE ROLE OF GOVERNMENT, AND TENSIONS BETWEEN TERRITORY AND COMMONWEALTH HERITAGE REGIMES

3.1 Legislated confusion and gaps in protection

Question - To what extent has the new heritage system reduced unnecessary duplication in heritage laws and processes between governments?

Question - Has the new national system reduced the level of community confusion over heritage laws and processes?

Question - Are the roles and responsibilities of each level of government clear, appropriate and mutually supportive?

In the ACT the new Commonwealth heritage regime has done little to reduce duplication and confusion. The Commonwealth, through the National Capital Authority (NCA), controls planning approvals in Designated National Land, and has priority in setting planning controls in Designated Territory Land, which are subsequently dealt with through the Territory planning approvals system. The ACT Planning and Land Authority has sole planning approval in the rest of the Territory.

As indicated above, the peculiar split of responsibilities in the ACT has meant that some apparent holes have been left in heritage protection under the new regime.

Other situations arise where the new system throws up problems that must also occur in other jurisdiction. An example is the current proposed decommissioning and disposal of the Belconnen Naval Radio Station. Here a Commonwealth Heritage Listed place is being decommissioned and earmarked for disposal, such that it is likely to become Territory land. Because the place is Commonwealth land, a nomination of the place to the ACT Heritage Council was put on hold, as listing on the ACT Heritage Register would have had no effect. The Commonwealth is proposing the dismantling of the three main radio towers which, on the basis of the Commonwealth Heritage List citation, the Heritage Council considers would have a major adverse impact on the heritage values of the place.

The Heritage Council may be placed in the position of having to do a rapid assessment of the place for its own register, based on a dramatically reduced amount of significant fabric, and advise the ACT government on the conservation of the diminished remnant station. If this is the end result, it would appear to be a major failure of the new Commonwealth regime. To the community this will be seen as a failure of heritage generally, in which the Heritage Council will be condemned along with the Commonwealth.

Recommendation 5: That the Commonwealth clarify through guidelines the responsibility of Commonwealth agencies for conserving identified Commonwealth Heritage values managed by them, and especially prior to and following disposal. The earlier recommendation on clarification of the application of criteria to fabric conservation is also of central relevance to this issue.

Question - Does legislation in each State/Territory, and its implementation (for example, monitoring and enforcement), provide for efficient heritage conservation outcomes and, if not, why not? Are objectives clear, measurable and consistent with other legislation?

Question - How might the current, or recent, State/Territory reviews improve outcomes?

Question - Will recent changes to Australian Government legislation affect the way State and Territory legislation is implemented and outcomes for heritage conservation?

The ACT Heritage Council believes that the new ACT *Heritage Act 2004* is an effective piece of legislation that will result in positive heritage conservation outcomes. It results from a major review of the ACT heritage regime, and is designed to be implemented through the land planning system. The new legislation streamlines the development of the Heritage Register, and makes the process of providing heritage advice on planning approvals transparent and integrated with the ACT Planning and Land Authority's development approvals processes.

The continuing tensions with the Commonwealth heritage regime are outlined above.

Question - Are State and Territory heritage councils (or authorities) producing efficient outcomes for heritage conservation? Are their functions appropriate? How well do they balance private and public development needs with historic heritage conservation?

Question - How does the relationship between heritage councils and State/Territory government departments/agencies function, and are their respective roles clear and mutually supportive?

The ACT Heritage Council functions were reviewed in the lead up to the 2004 Act, and are thought to be appropriate. The functions of the Council include: ‘to work within the land planning and development system to achieve appropriate conservation of the ACT’s natural and cultural heritage places and objects, including Aboriginal places and objects’.

The review involved extensive consultation with the property industry to explain the heritage objectives of the government and to seek the industry’s view on key issues of concern to it. A representative of the property ownership, management and development sector was specified in the Act as one of the members of the Heritage Council, to ensure that the sector’s views were represented in Council deliberations, and feedback to the property industry of the Heritage Council’s processes and thinking could occur. The ACT Planning and Land Authority is also represented on the Council, by a non-voting member, and the Heritage Unit and Heritage Council have been closely involved in developing the procedures by which heritage advice on planning approvals are provided and integrated into the ACT Planning and Land Authority’s development approvals processes. ACT Planning and Land Authority itself is currently reviewing its planning system, and it is thought that the operation of the new Heritage Act is a good model for the relationship between planning and heritage regulation for the revised regime, and is likely to be remain unchanged.

The Heritage Council works closely with a range of government agencies to ensure that heritage issues are considered in major projects and day to day operations. For example, road construction and greenfields development may require heritage surveys to be undertaken and places of heritage significance protected in the development process.

The Heritage Council has a clear role to provide independent advice to the Minister and to make statutory decisions about registration and protection of heritage. The effective functioning the Council depends on a close working relationship with the heritage unit within the Chief Minister's Department. In the ACT, these roles are clear and mutually supportive.

Question - Given that registers keep expanding, and the scarcity of government conservation resources, is there prioritisation such that some historic heritage places are able to receive more conservation activity than others? What options are there for prioritising heritage places (for example, use of threat/value assessments)?

This question confuses to some extent the role of registers and the role of government in conservation. In the ACT context (and that of most other state jurisdictions), the heritage registers are primarily a trigger to flag heritage values in the broader planning approvals context. In the ACT the majority of historic places on the Heritage Register are domestic residences or precincts. In this context the planning system ensures that heritage significance is considered as an issue in any development application, and the owners/developer is responsible for ensuring that proposed works conserve the heritage values.

Direct government funding of conservation of places in the Heritage Register is limited to government-owned assets. Again, in most cases, heritage costs are usually only brought into focus when government is proposing works affecting listed places. There is seldom any proactive identification by government of places for conservation attention in the absence of a development or use-change trigger.

The role of risk assessment as a factor in scheduling conservation works is more appropriately dealt with in conservation management plans, and the new ACT *Heritage Act 2004* requires government agencies to report annually to identify the heritage places they manage, and to include details determined in the regulations (not yet in force). It also requires agencies to begin a heritage audit of their property portfolios by 2006, and submit the audit to the Heritage Council by 2007, nominating for the Heritage Register any identified significant places not already in it. The Heritage Council may then direct the agency to prepare a conservation management plan for any of its heritage assets. If the Heritage Council approves the plan, the agency must manage the place in accordance with it. Clearly, this is the point where the consideration of overall cost to government of conservation works and maintenance will have to be considered, and works prioritised on the basis of conservation need (a combination of significance, condition, integrity, threats to the place, use, potential for public appreciation and cost).

3.2 Research and identification, and the leadership role of government

The ACT, being a small jurisdiction with limited government revenues, is only able to provide a modest grants and administrative budget for heritage conservation. Within this budget the Heritage Council has tried to maximise the amount of research and identification undertaken. Much has been done in collaborative programs with non-government bodies such as the National Trust, Institute of Architects and Institution of Engineers.

However, the ACT often needs access to a wider pool of research to enable comparative assessment of places located within the Territory. At present there is no national research or grants program to allow research. As indicated above, the National Estate Grants Program previously assisted greatly in providing funding for contextual and comparative research and identification, but the Commonwealth now provides no assistance or leadership in this area at the national level, apart from the limited number of studies so far commissioned by DEH to provide context for National List assessments..

Another area in need of national leadership is in developing national guidelines for heritage assessment and conservation management plans. There is now a growing collection of different guidelines at both the State and national level for conservation management plans, when ideally there should be a single set of guidelines (and terminology). Recent apparent anomalies in the interpretation of existing EPBC heritage criteria by the Commonwealth Minister highlight the need to have nationally agreed standards and guidelines in relation to these issues.

Small jurisdictions such as the ACT find it hard to fund major efforts to comprehensively identify heritage places, to develop comparative contextual studies, and to stimulate national cooperation in developing agreed standards and procedures. There is a need for the Commonwealth, or the Commonwealth in concert with the States and Territories to provide leadership in these areas. This is the subject of recommendations above.

Recommendation 6: That the Commonwealth provide national leadership in developing national guidelines for heritage assessment and conservation management plans, based on adequate consultation and input by the State/Territory heritage agencies and key non-government bodies such as Australia ICOMOS.

3.3 Tensions between heritage protection and delivery of other government services

An issue that is currently being worked on in the ACT is the tension between the delivery of government services such as power, water and roads, and maintenance of elements of the service delivery network that are of the heritage significance.

In part the challenge facing service delivery agencies is the management of a multitude of small components of their delivery assets (such as street light and power poles) that have heritage values, when the economics and logistics of delivery tend towards replacement with standardised components. An additional complication is that the day-to-day maintenance of government services is now generally delivered by contract, and are subject to commercial considerations that favour lowest-cost solutions. Supervision of on-the-ground action also becomes more problematic as delivery is distanced from policy responsibility.

The Heritage Council and Unit are currently in close consultation with the ACT service delivery agencies to find mutually workable solutions that balance heritage conservation objectives and economic efficiency.

4. GOVERNMENT AND THE PROPERTY INDUSTRY—REGULATION AND INCENTIVES

A heritage place is also a piece of real estate, and is viewed by the property market as an opportunity for investment through sale or development. The longer-term values of the place as part of the community's cultural capital are not factored into the calculation of its short-term economic value. One role of government is to represent

the community's longer-term interests by regulating for the acknowledgement and protection of heritage values.

When the methods of doing this rely solely on restrictive regulation, 'heritage' is seen as an impediment to the free operation of the market and the maximising of returns. Heritage is seen as costly, and efforts are put into avoiding heritage identification or control. Governments have tried in many ways to diffuse this oppositional approach by negotiating rather than regulating, and by implementing various financial support schemes. However, these have been fragmentary and have not kept pace with the rate of regulatory development, and as a result have not had much impact on the property owner's and developer's negative view of heritage control.

The recent report *Making Heritage Happen—Incentives and policy tools for conserving our historic heritage* (National Incentives Taskforce for Environment Protection and Heritage Council. Feb 2004) outlines a range of tax, grants, loans, heritage agreements, revolving funds, heritage assistance, zoning controls, and transfer development rights, based on Australian and international experience, that indicates the potential for improving the Australian situation.

In the ACT the Heritage Council and Unit has undertaken consultation with the property industry to try to achieve mutual understanding and to identify areas for improvement in dialogue and heritage /development outcomes. The appointment of a representative of the property sector on the new Heritage Council is one step in this direction.

Another means of reducing the perceived burden of the current development approval system is to clearly state the heritage issues and requirements early in development planning. This is the aim of the ongoing involvement by the Heritage Council and Unit in the current review and reform of the ACT planning system. The aim (shared by ACT Planning and Land Authority) is to link the planning approvals process more closely with the new Heritage Act, and to ensure that heritage requirements are clearly indicated before Development Application (DA) submission, and that ACT Planning and Land Authority and the Heritage Council have agreed standards for evaluating whether DAs have adequately addressed the heritage issues before they are formally considered. This will streamline the DA process by clarifying requirements and standards for assessment up-front.

5. PRESSURES ON HERITAGE

5.1 Development pressures

Canberra has a rich variety of housing, resulting from government housing schemes and private development, that is of heritage significance. Much of the housing stock is small by modern design standards, and much of it is located on very generous blocks. The result is an ongoing pressure to demolish or modify heritage housing stock for new, expanded residences, and/or for dual occupancy.

The Heritage Council and Unit is concentrating on developing Heritage Guidelines under the new *Heritage Act 2004*, to update and improve existing planning schemes

covering the major housing precincts, and for individual houses. The aim is to make clear how the heritage requirements and constraints will be interpreted when development applications are submitted for change. Issues such as roof height, setbacks, plot ratios and hard ground coverage, key design elements, massing and form are considered, to ensure that the Garden City character of the suburbs and the individual heritage values of specific buildings are not lost in redevelopment.

Greenfields development for new suburbs has also been a major concern. The ACT's rural heritage is overshadowed to a large extent by the development of the capital, but there is much heritage in the rural areas of the Territory relating to the pastoral occupation of the region from the 1820s up to the Commonwealth acquisitions commencing immediately prior to the First World War. The Heritage Unit has commissioned surveys of the projected urban expansion areas, and negotiated for the retention of individual rural homesteads and other features, and several larger rural landscapes around major homesteads.

A constant problem has been to ascertain forward planning timeframes from the planning and development agencies so that heritage input can occur at the appropriate time. It must be said that the recognition of the need for, and the active seeking of, a heritage 'overlay' in the planning process has come too late in some instances.

Focussing on sustainability issues has also been a challenge. A recent case was the reservation as a rural landscape of an area of paddocks surrounding the historic Wells Station homestead, which is located in the middle of an area being developed as residential suburbs on Canberra's northern fringe. Negotiations to maximise the area that could be retained around the homestead to enable it to continue to operate as a modified rural enterprise and thereby conserve the rural landscape setting were lengthy, and very closely scrutinised because of the planning implications and foregone revenue from prospective land sales in the new suburb. A boundary was finally agreed which will hopefully allow both the heritage significance and economic use of the heritage listed land to be sustainable.

Question - Is there greater scope for adaptive re-use for publicly owned heritage places than for those in private ownership?

The scope for adaptive re-use is determined by the nature of the significance of the place and its reflection in the physical form of the place, rather than by its ownership. In the public sector for example, Customs Houses have been adapted as casinos, visitor centre, museums, and offices, wharves as residential apartments and retail outlets, and parliament houses as museums and art galleries. In the private sector warehouses and factories have been adapted as apartments and offices and retail outlets, country emporiums as supermarkets and retail arcades.

In many cases, public assets are disposed of to private ownership, and adaptation follows. Post offices are an example.

Most registered properties in the ACT are private residences within the 12 inner-city heritage precincts reflecting garden city planning. The Council works closely with the owners of these properties to ensure that residences can be extended and updated

to reflect current living requirements while retaining heritage values. Experience has shown that properties in these precincts have more than kept pace with rising property values and are a highly desirable living environment.

Successful adaptations of government buildings in the ACT have included the conversion of the Ainslie Public School and Gorman House hostel to community arts facilities. Another example in the ACT is the adaptive reuse of Kingston Powerhouse, where Canberra Glassworks being developed by the ACT government. The heritage listed powerhouse is in the middle of a major project to provide residential, commercial and community development on the lake foreshore, and finding a compatible new use for the building was a challenge.

Similar challenges face the ACT government in finding a compatible new uses that are economically viable for the Old Canberra Brickworks industrial site at Yarralumla, and the Northbourne Housing precinct, a significant early medium density housing complex that doesn't fit current ACT Housing requirements for public housing.

5.2 Lack of Maintenance

A problem that we can see in the ACT, and one seen in starker focus elsewhere in Australia, is the gradual decline in condition of heritage places through lack of regular maintenance.

Nationally, it has been observed that buildings funded by government grant moneys over the last two or three decades are in many cases in poor condition, as no funding is available to the owners to carry out maintenance and running repairs. As a result a substantial public investment in conservation is at risk.

This situation signals the need to look at the longer-term provision for maintenance as part of grant and assistance programs. This might be achieved through:

- provision of recurrent grant funds for maintenance;
- investment of a proportion of a grant to provide interest payments for maintenance over time;
- requiring undertakings by owners to pick up the maintenance bills;
- provision of incentives in return for maintenance, such as land tax relief, rates rebates, and income tax incentives.

Maintenance problems are not limited to private properties, but is also seen in government owned properties, especially where the property no longer has a fully active use by government. Cotter Pumping Station was out of use and suffered from lack of maintenance until the current drought has led to its proposed recommissioning and repair. In Namadgi National Park the pastoral huts are largely maintained by voluntary labour through agreement with the Kosciuszko Huts Association, but repair and maintenance of other rural homesteads is the responsibility of parks management, including repair and reuse following damage during the 2003 bushfires.

A possible conflict may arise between the repair and maintenance of a very significant historic bridge at Tharwa, and the option of demolishing the bridge and building a new one. The replacement option has been claimed to be more cost-effective, and the debate about the basis for costings estimates and the responsibility of government to show leadership in conserving the Territory's heritage is just beginning.

The Heritage Council is looking at some maintenance issues on private property. The use of part of the limited grants program money (\$262,000 for 2005-06), for example, to provide small amounts to private owners to do some catch-up maintenance to modest houses, where ongoing maintenance costs are likely to be small and within the owner's budget, seems worthwhile. The use of Heritage Agreements (now available under the new Act) as the basis for such arrangements, and the possibility of using rates and land tax rebates as an incentive, are yet to be investigated.

The new Heritage Act places new obligations on government owners to prepare conservation management plans, and to manage their heritage property in accordance with them. This hopefully will raise the profile of their obligations to maintain these places, and the validity of using agency funds to do so. The effectiveness of this approach has yet to be tested, as the act is so new. However, we have been having productive discussions with ACTEW-AGL, for example, over the maintenance and replacement of street light poles in heritage precincts, and the conservation and maintenance of the Cotter Pumping Station, in part prompted by the new legislation.

Recommendation 7: That the Commonwealth takes a leadership role in facilitating national discussion of the growing problem of inadequate maintenance of a large proportion of the nation's heritage assets. Such discussions should include, among other topics, the better use of incentives and government funding support mechanisms to ensure that regular maintenance occurs.