

2 February 2006

Heritage Inquiry
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

Dear Sir/Madam,

**Re: Conservation of Australia's Historic Heritage Places.
Productivity Commission Draft Report.**

The following is provided as a submission on behalf of the Bass Coast Shire Council to the Productivity Commission's inquiry into the policy framework and incentives for the conservation of Australia's historic heritage places and in response to the Issues Paper of May 2005.

The Draft Report recommends the use of negotiated Agreements between the various levels of government and the owners and managers of historic heritage places to provide for the management and conservation of these places.

The existing planning and heritage system has the tools available (or can be easily adapted) to achieve the aims outlined in the Productivity Commissions draft report. Any significant changes must be carefully examined to ensure that there will be an improvement to the current system.

The use of negotiated Agreements has the potential to significantly impact on the management of the majority of historic heritage places, most of which are in the private sector, and could add significantly to Council's already stretched budgets.

Most local government municipalities have limited, or no, funds available for heritage conservation. The current system allows for owners and managers of properties included within the Heritage Overlay to seek funding from the State Government for maintenance and upkeep of heritage places. This provides for an incentive to list properties within the Heritage Overlay.

The majority of places listed for heritage protection are privately owned and the community benefit of retaining and maintaining the significance of these places is often not a factor for consideration. Often the costs and imposition of privately owned historic heritage places far outweighs any community benefit.

If negotiated agreements for the conservation of privately owned historic heritage places were introduced rather than these properties included within the Heritage Overlay, it is expected that many people would choose not to enter into an agreement because of the perceived imposition and costs. Therefore many places have the potential to fall into disrepair and would not be protected. These places would also lose out on potential funding if they are not protected.

It is unclear how the proposed new system allows for third parties to be involved in the process and exactly how this relates to the Victorian Planning System. The purposes of the Planning and Environment Act and Heritage Act are clear in that it seeks to provide for the protection of land for the long term. A system of negotiated agreements may not necessarily give effect to the stated purposes as owners of historic heritage places may not necessarily be acting for the long term interests of all Victorians.

The current planning and heritage system allows for significant input into the inclusion of places onto heritage lists and into the planning scheme via a planning scheme amendment process. Independent consideration is given to all concerns via this process through an independent panel.

The Bass Coast Shire Council is currently in the process of implementing Stage 2 of our heritage study and we are therefore concerned to see that this process may become null and void if agreements are not reached with all property owners. It would be extremely disappointing and a waste of resources to have gone through a whole process and for the study to become defective.

Other significant concerns in the recommendations are the proposals for local government compulsory acquisition of heritage places and State government no longer having any responsibility for the identification and management of heritage places, leaving this to local Government. As motioned previously the majority of local government areas do not have the resources for this work and heritage places would therefore suffer from the proposed changes.

The majority of historic heritage places are currently registered with local government. This has important implications for the protection and conservation of these places as local government rarely has funding available for this work. In this regard the introduction of this new system would not be beneficial without continual and significant support from higher levels of government as most Councils would be unable to provide the level of assistance needed to implement this system.

An improved system may be to amalgamate the existing system with the proposed system and to require all properties under heritage protection to enter into agreements for the conservation and management of these places. This would ensure that there is still statutory protection for these places under the planning system, thus achieving the purpose of the Planning and Environment Act, however the conservation of each place would be based on its specific needs.

Should you require any further information please do not hesitate to contact the undersigned on (03) 5671 2211.

Yours faithfully,

Andrew Mason
Director – Planning and Environment