



# Submission to the Australian Government's Productivity Commission's Inquiry into Conservation of Australia's Historic Heritage Places

February 2006

Blacktown City Council

Submission





Blacktown City Council would like to take the opportunity to make a submission on the Productivity Commission Draft Report on the *Conservation of Australia's Historic Heritage Places*.

The Council is pleased to note that the Commission appreciates the benefits of our historic heritage places to the wider community. However, Council is of the view that rather than deregulate and dismantle heritage protection, which has been evolving in NSW legislatively since 1977, with the inception of the NSW Heritage Act, the statutory heritage regulation should be retained as it has withstood the test of time and has seen numerous buildings saved that would otherwise have been demolished.

The Council has concerns with some of the recommendations in the draft report and asks that these be reviewed.

We note in particular the following:

### **Draft Recommendation 7.5**

*State, Territory and local governments should:*

- produce adequate conservation management plans for all government-owned statutory-listed properties; and*
- implement reporting systems that require government agencies and local governments with responsibility for historic heritage places to document and publicly report on the heritage –related costs associated with their conservation.*

### **Comment:**

Local governments already have reporting systems for the costs of maintaining property owned by the local government agency. Separate reporting of heritage-related costs are often difficult to separate from normal maintenance costs. For example, regular painting of a building is a normal maintenance requirement. It is also an essential part of building conservation that would be expected for a heritage listed building. Including the cost of painting (or other maintenance work such as re-roofing or cleaning of gutters) as a heritage-related cost would give unrealistic figures of such costs.

### **Draft Recommendation 8.1**

*Privately-owned properties should be included on a national, State, Territory, or local government statutory heritage list only after a negotiated conservation agreement has been entered into and should remain listed only while an agreement is in force.*

### **Draft Recommendation 9.3**





*State governments should require their local governments to add non-government owned properties to a local heritage conservation list only after a conservation agreement with the owner has been entered into and remains in force.*

**Comment:**

The Draft report suggests that places are listed on local government heritage lists on an ad-hoc basis. This is seldom if ever true. In the case of Blacktown City Council, a professional heritage study by experienced consultants was the first step of developing a heritage list. This was followed by an extensive period of consultation including consultation with affected property owners. Existing planning controls were also taken into consideration before places were included on the heritage list.

The recommendation to have individual negotiated conservation agreements in force when places are heritage listed is not a workable idea in practice. If one party to the agreement can decide they are no longer happy with the agreement and the place can then be removed from the statutory heritage list, then there is little point in negotiating such an agreement.

Blacktown City Council's heritage controls are based on model templates provided by the N.S.W. State Government. To some extent, these already provide a conservation agreement by qualifying when Council approval for certain works is required.

The resources required by local government agencies to carry out this recommendation would require a large budget allocation. This would take away funds that Council uses to actively assist owners of heritage properties through its heritage assistance fund and the services of a heritage advisor. Blacktown City Council believes that these services are of greater value to the owners of statutory heritage listed properties than a conservation agreement.

**Draft Recommendation 9.4**

*State governments should put in place systems for their local governments to request compulsory acquisition in cases where this becomes the only way to ensure cost-effective conservation of places of local significance.*

**Comment:**

While Blacktown City Council has acquired a number of heritage listed properties to ensure their long-term conservation, this is not a reasonable expectation of local government. Councils are not expected to acquire properties affected by other planning issues such as local overland flooding or mining subsidence. Heritage listing is just one of many constraints that can affect a property and it is more





important that Councils have programs in place to assist property owners to understand and deal with such constraints.

## **Draft Recommendation 9.5**

*Private owners of already listed properties, where the listing occurred after purchase of the property, should be able to apply for a negotiated conservation agreement and for listing to continue only if an agreement is reached.*

### **Comment:**

As noted above, the principle of negotiated conservation agreements for local government statutory heritage listings is not workable.

## **Draft Recommendation 9.6**

*Private owners of already listed properties, where the listing occurred prior to the purchase of that property, would remain covered by the existing 'package' of restrictions and concessions (if any). These arrangements would be reassessed at the time of any substantive development application when negotiations for a new conservation agreement would occur and listing would continue only if an agreement is reached.*

### **Comment:**

As noted above, the principle of negotiated conservation agreements for local government statutory heritage listings is not workable. It is noted that a substantive development application is often the time when Council has the opportunity to negotiate some conservation works to be undertaken on a statutory heritage listed property.

## **Draft Recommendation 9.7**

*State and Territory governments should modify their planning legislation and regulations to remove any requirement to take heritage considerations into account in relation to any individual property other than those requirements relating to zoned heritage areas.*

### **Comment:**

This recommendation does not take into consideration the effects that development in the vicinity of a statutory listed heritage item can have on the heritage item. These effects can include loss of views to and from the heritage item, overshadowing of the heritage item, effects on landscaping associated with the heritage item, potential structural effects, and the diminished importance of the





heritage item on a townscape or streetscape. It is often very important that Council take such issues into consideration.

### **Other Comments:**

Many of the submissions to the Productivity Commission in regards to this inquiry raised the need for greater assistance to owners of heritage properties. This is a key issue for both government agencies and private owners of heritage listed properties and has not been adequately addressed in the recommendations of the draft report. Heritage assistance programs have proven to be of great benefit in conserving heritage places. A greater focus on ways to provide assistance to owners of heritage properties should be a major focus of the inquiry. This would be a better use of the resources of government at all levels than having mandatory conservation agreements for all statutory heritage listed properties.

We trust that the Productivity Commission will take these comments into consideration before finalising its Report on the *Conservation of Australia's Historic Heritage Places*.

