



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

**Submission - D.F. Brew**

**Scanned copy of original  
submission**

**Introduction**

So important is heritage management to our Australian community and its future lifestyle and culture, the Commission is to be commended for conducting this enquiry and in having generated such a body of excellent submissions aimed at strengthening heritage administration in the future.

As the owner of a heritage listed item, I am acutely aware of the problems, both perceived and real, as well as the benefits to owners of heritage listing and I am grateful for the opportunity to offer comment upon the draft report.

In particular, I have difficulty with the recommendation in the draft report to legislate for the introduction of voluntary conservation agreements. I am concerned that if heritage listing were made voluntary and non binding on future owners the ability of heritage administrators to conserve heritage in all its forms for future generations would almost totally evaporate. I believe this proposal is an over-response to the few submissions which claimed loss of individual property development rights and a proposal that would fail to serve heritage and the community in the future.

Reasons for other concerns are provided in this submission. Comment is also be offered on other aspects of heritage management systems presently in place.

**Author of this Submission**

My experience on the heritage process has been as a resident of Ku-ring-gai for over thirty years. I have also been associated with community groups who accept the inevitability of urban change and who seek to participate constructively in the process of change in an informed way; and by so doing to preserve or improve the amenity and character of our villages and residential areas.

I have been the President of one community group, BBK Group -Wahroonga Inc., from 2000 to 2005 and have worked closely with Ku-ring-gai Council and with various heritage agencies eg the Heritage Office NSW and the National Trust.

This submission is an individual view and does not claim to represent the views of any of the groups with which I am associated. It also relates to the situation in the Ku-ring-gai LGA and New South Wales, with which I am familiar.

**Alternate View from an owner of a Heritage Item**

The commission has received submissions which plead the case of owners having negative experience in their dealings with Councils and with hostile views of the heritage process. For the most part, those submissions do not accord with my experience. It also appears that the Commission has given unwarranted credence to those submissions and has not tested the claims made of losses of property value or the chronology of property ownership.

By no means am I suggesting that the heritage process in Australia is without blemish; Indeed the contrary. Heritage administration has many difficulties as I trust the following observations will make clear.

#### The benefits of Heritage Listing (in my experience)

**i. Council is Helpful.**

Councils known to me typically encourage adaptive reuse of heritage items and are helpful and constructive in assisting design applications involving heritage. Design advice is aimed at 'adding value' through sympathetic adaptation and preventing 'loss of value' and degradation arising from inappropriate design changes.

**ii. Regulation is not more difficult.**

The difficulties in gaining building approvals are not substantially different or more burdensome than those applying to non-heritage applications.

**iii. Heritage protection is Valuable.**

The protection available to heritage items, from inappropriate development nearby, is a valuable feature of listing. Heritage protection for whole residential precincts (where such protection exists), by gazetting of UCAs, is especially valuable.

**iv. Financial Support available.**

I have received financial support (albeit token) from Ku-ring-gai Council for restoration of a heritage item, in this case a slate roof, and complex heritage joinery.

**v. Preservation of capital value** of heritage property, at least equivalent to market trends. Quantifying the escalation of property values is problematic but the doctoral thesis of Ms. Vinita Deodhar (ref Submission No 22) confirms that, in Ku-ring-gai, property values of heritage items escalate at a rate higher than do non-heritage properties. Similar claims are made for properties in Urban Conservation Areas (eg Haberfield) where the unique character and protection enjoyed by the heritage precinct make the properties highly sought after with price premiums being quite normal.

**vi. Owners Consulted before Listing.**

Such listing of heritage items that do occur, (usually very slowly) result from a lengthy process in which the owner of the subject property is fully consulted and has his views considered before listing is recommended and decided.

#### The Problems of Heritage Administration

**i. Foregone Development Profit.**

Critics of the heritage process claim to be denied their profit from possible future development. At best this is normally only a hypothetical opportunity profit that 'might have been'. In only very rare circumstances is there a genuine cash loss. Where a bona fide loss does occur, say due to late discovery of heritage, or perhaps archaeological evidence and the owner/developer is financially disadvantaged in favour of community interest, ways must be found to mitigate the financial loss of the owner.

**ii. Financial Support - Restoration and Maintenance.** Restoration and maintenance costs associated with heritage properties are usually much higher than for equivalent modern dwellings, due the less usual materials and trade skills involved. Most heritage property owners take great pride in their homes and regard upkeep as a labour of love. Periodically however extensive (and expensive) restoration work is necessary and owners find that financial assistance by way of grants is negligible compared with the cost premiums involved. Normally the grant is not worth applying for and there is a recurring temptation to use the lower cost approach and thus to progressively degrade the heritage item's integrity.

A workable form of financial support/incentives for owners of heritage items needs to be found.

A remission on Council rates eg a 50% reduction, but not diminishing Council's total revenue, would help raise the prestige and desirability of heritage ownership and improve community support for heritage listing.

- iii. **Regulation.** The difficulties associated with adapting and maintaining heritage items are poorly understood and are generally overstated, even hysterically or mischievously so. Regulation, normally, is to protect the community and the greater good from the excesses of rogue individuals. Even so, most Australians resent regulation of any type and heritage is no exception.
- iv. **Political Conflict of Interest.** Heritage in New South Wales is administered by the same political portfolio that oversees Development and Infrastructure. This results in a conflict of values which consistently subordinates heritage to last place in those situations where heritage is an impediment to unfettered development. A more appropriate line of accountability would be by the Premiers Office via the Ministry for the Arts to oversee heritage in New South Wales.
- v. **Heritage under-resourced.** Heritage agencies eg Council heritage departments, the Heritage Office NSW and also the National Trust are chronically under-resourced, given their custodial roles.
- vi. **Development prevails over Heritage.** Such heritage listings that do occur mostly result from a process that is glacial in its speed. This has partly to do with the necessary thoroughness and rigour of assessment and partly with the limited resources available. It may also have to do with political reluctance to list, especially of items on the State Heritage Register, which might represent an impediment to future development.

I have personally submitted applications for heritage listing which remain unresolved in both the Heritage Office and in Ku-ring-gai Council, three years after the date of lodgement. Ironically, while dozens of applications (more likely hundreds) languished in the Heritage Office, one application which I lodged went through to Ministerial gazettal in only very few weeks, concerned the family home of Clive Evatt, icon of the Labour Party, in Junction Road, Wahroonga. That listing was used shamelessly by the then Minister Diane Beamer, as a 'good news' photo opportunity in the daily media. This reference is not to diminish the significance of the "Evatt House" in Wahroonga but simply to illustrate that the system can move quickly if it cares to but mostly does not, leaving many items of cultural/heritage importance in a dangerous limbo.

Those submissions to the Commission which complain about a capricious listing process which trammels the property rights of individuals are, I suggest, driven by self interest and are based upon flimsy evidence. They are definitely not representative. Mostly the listing system is ponderously slow and vulnerable to derailment by those who seek to subvert the public good and are motivated enough and informed enough to do so.

**vii. Urban Consolidation v. Heritage**

A respected and usual instrument for the protection of historic heritage precincts is their gazetting and management as Urban Conservation Areas.

Urban Conservation Areas are common throughout Sydney and yet, through an historical oversight, the Ku-ring-gai LGA has no UCAs gazetted yet has a remarkable and valuable reserve of built heritage which lies exposed and unprotected from the advance of medium and high density development. Worse still, the State Government has effectively forbidden the consideration of UCAs until the urban development priorities have been satisfied.

Heritage has effectively been expunged as a consideration in Stages 1 and 2 of the strategy by which the Ku-ring-gai transport corridor and St Ives will be transformed to comply with the NSW Government objectives for urban consolidation. It is well known by the heritage community that in the very area of Ku-ring-gai identified for intense development lies the bulk of the historic built heritage, which tells the Sydney North Shore settlement story from the 1850s to the present time. On January 14 2004, a submission signed by renowned architects Harry Seidler, Ken Wooley and Russell Jack and also by seventeen residents groups of Ku-ring-gai, appealed to the NSW Heritage Office to take action to protect to the twenty seven potential Conservation Areas of Ku-ring-gai, identified and documented by the National Trust. The submission provided comprehensive evidence of heritage precincts and hundreds of individual heritage items which would be desecrated by the State Government plans then emerging. (Copy of that submission to the Heritage Office is available to the Productivity Commission on request)

No formal response to the submission was ever offered by the Heritage Office. Instead, by instruction from State Government (DIPNR), promotion of UCAs in Ku-ring-gai and increasingly in other LGAs as well, is being actively discouraged while the path of medium density development is being smoothed.

It is not extravagant to suggest that heritage in Ku-ring-gai, by a process of deliberate and knowing neglect by the State Government, will over a five to fifteen year period, lead to the obliteration of a priceless national asset and its replacement with medium density urban mediocrity, which will diminish the quality of life for future generations in New South Wales.

A more rational balance between the forces for residential development for future generations of Sydney and retention of the best of our sub-urban amenity and heritage, needs to be devised.

### **Conclusion**

With the excellent submissions which have been presented and the collective wisdom they represent, I am hopeful the Commission's final recommendations will serve our future Australian community well. I am hopeful that within the recommendations we will see

- 1) Acceptance by government at every level of the obligation to future generations to preserve places of cultural and historic importance.
- 2) Abandonment of the proposal that Voluntary Conservation Agreements be legislated. Australians simply will not volunteer to be regulated; Heritage administration would be impossible and future communities would be the poorer.
- 3) Removal of the conflict of interests inevitable when the State political portfolio in charge of development and infrastructure also directs heritage matters.
- 4) Correction of the current power imbalance in which the development lobby persuades the political process to diminish heritage as a consideration.
- 5) Clear proposals for worthwhile financial support for conservation of listed heritage items, naturally with appropriate conditions.

With thanks for the opportunity to address the Commission and to provide this submission.

Sincerely,

**D. F. Brew**