

# **Response to Productivity Commission Draft Report Conservation of Australia's Historical Heritage Places by Convict Trail Project Inc.**

## **INTRODUCTION**

The Convict Trail Project welcomes the opportunity to respond to the Productivity Commission's Draft Report on the Conservation of Australia's Historic Heritage Places.

Whilst the report made a number of useful comments the project was very disappointed in the recommendations of the Draft Report especially the key recommendation. As an organization that has fought for the protection of some of Australia's most significant heritage we had hoped the report would provide some positive solutions and recommendations for increased funding.

The reports concentration on the supposed 'rights' of property owners to maximize the profit from their ownership of land over the community's right to leave a heritage legacy for the next generation is very disappointing. As the protectors of a publicly owned heritage asset we find the report deficient in its dealings with publicly owned heritage assets.

## **PRIVATE CULTURAL ASSETS**

We see the key recommendation

*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.* as very destructive and believe a number of the arguments used to support this model flawed.

We believe that if this recommendation were to come into being the long term effects would be that over time virtually all the privately owned heritage listed buildings in Australia would be removed from heritage lists and many destroyed, leaving very vast gaps in our heritage stock and thus a great loss in the ability of the general public to understand the history of Australia. Our heritage listed structures are a constant reminder of Australia's past history and development and a very important part in the teaching and understanding of our history.

We believe another affect of this recommendation would be total lack of stability and uncertainty, not only to the owners of heritage listed items and the owners of other properties in the vicinity of heritage listed items, but also to the price of real estate and to other industries such as tourist operators who use the attraction of these areas to bring their business. A typical example is Wollombi. A number of tourist based business operate there or visit there, providing much of the employment in the immediate vicinity. Most of these businesses rely on the attraction of heritage items, including the Great North Road, items they do not own. It is also a well known adage that the value in real estate is the location. Currently the stability of heritage listed items provides this locality in many areas.

It could also mean a great waste of public funds if buildings could be randomly taken off heritage lists at will.

As the report correctly points out heritage items can be listed at several levels, local state or national, and are often included on local and state lists. As the national list is developed it is likely that most items included will be first included on a local and/or state list. In the inclusion on the national list only, if these items already have protection at a state and/or local level, it may be acceptable that privately owned properties only be included after a negotiated conservation agreement has been

entered into. Conservation Management Plans are very expensive to have written and are only valid for five years before they need to be updated if applying to Environment Australia for large conservation grants or loans, currently works over \$150 000.

We object to 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 relations to any individual property other than those requirements relating to zoned heritage areas. And*

*State and Territory governments should remove the identification and management of heritage, zones, precincts or similar areas from their heritage conservation legislation and regulations, leaving these matters to local government planning schemes.*

Currently in a number of jurisdictions the impact of the development of non listed items adjacent to heritage items or precincts is considered in terms of the effect of the development on the heritage item or precinct. We would consider any change to this to be detrimental.

## **PUBLIC CULTURAL ASSETS**

As an organization affected by recommendation 7.5

*State and 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 government with responsibilities for historic places to document and publicly report on the heritage –related costs associated with their conservation.*

the Convict Trail Project supports with reservations and makes the following suggested amendments this recommendation.

We are concerned by the use of the word *adequate* in this recommendation and recommend it be removed, but in general would welcome the various councils and the RTA developing and adhering to conservation management plans for the sections of the Great North Road that they manage.

We are concerned about the second part of the recommendation as we are worried that agencies will not be able to distinguish between the ordinary maintenance costs and those specifically related to the heritage aspects of the precinct. With so many managers employed on performance contracts, we are also concerned that some asset managers unhappy with having to manage a heritage road may load the heritage costs or classify as heritage costs, the standard maintenance costs in an attempt to mount an argument for the removal/destruction of the difficult to manage heritage aspects of the road.

The report should stress the obligations of Governments to accept this public duty to protect the heritage assets in their care regardless of whether they are redundant, surplus to requirements or in current use. It is sometime the assets in current use that pose the great challenges. It would have been helpful if the report had a recommendation calling for the implementation of management systems and the imposition of contractual/performance obligations on agencies with responsibility for publicly owned heritage assets.

## **REGISTER OF THE NATIONAL ESTATE**

Recommendations 7.1 and 7.2

*The Australian Government should phase out the Register of the National Estate for historical heritage purposes, beginning with the closure of the register to any new nominations.*

*State and Territory governments should remove any reference to the Register of the National Estate from their planning and heritage legislation and regulations.*

We do not support this recommendation, but would like to make the comment that as an organization dedicated to the protection of an item listed 'in part' on the National Estate we believe that if this register is to be closed, as part of the closure procedures of this register all items on the register should automatically be assessed for inclusion on the National Heritage register. For those items not meeting the new thresholds, if not already included on a State or local list, recommendations should be made for their inclusion on the appropriate state or local list. Only after all items that currently included in this register are securely protected elsewhere should closure of the register be considered.

### **FUNDING**

The report whilst commenting on the reported lack of funding makes no recommendations for ways of overcoming this. The report needs to look at new creative funding /compensation schemes such as the UK Lottery fund arrangement. (the Sydney Opera House was largely funded by a lottery) rates relief; GST relief etc. Another funding issue not addressed by the report is if the key recommendation was implemented, this would dump a huge unfunded cost on to local government, many of whom have little or no funds available for heritage and little or no staff with a heritage responsibility available to negotiate with private owners.

### **CONCLUSION**

We urge the Productivity Commission to totally rethink this report.