



The Corporation of the Town of Walkerville

ABN 49 190 949 882

66 Walkerville Terrace, Gilberton, S.A. 5081
P O Box 55, Walkerville, S.A. 5081

Your Ref:

Telephone: (08) 8344 7711

Please Quote Ref: OLT2006260

Facsimile: (08) 8269 7820

Enquiries To: Deryn Atkinson

Email: walkervl@walkerville.sa.gov.au

<http://www.walkerville.sa.gov.au>

24 February 2006

Secretary
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

By Email: heritage@pc.gov.au

Dear Sir/Madam

Submission to the Productivity Commission's Draft Report on the Inquiry into the Conservation of Australia's Historic Heritage Places (December 2005)

The following submission is provided by the Corporation of the Town of Walkerville to the Productivity Commission's inquiry on the Conservation of Australia's Historic Heritage Places.

Whilst the Report is supportive of heritage conservation it advocates a market lead system and focuses on individual property owner's rights rather than promoting a balance between community and individual rights. Heritage buildings form a connection with the history of a community and therefore may have a value that extends beyond the individual owner to the wider community. Heritage controls are applied to properties of heritage significance across a locality and as such do not discriminate against individuals. Society has laws and regulations to strike a reasonable balance between individual and community rights and planning controls (including those relating to heritage conservation) are part of this legislative system.

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.

Local governments play a major role in heritage conservation throughout Australia and as a local government body that has trialled voluntary listing unsuccessfully, the Town of Walkerville is fundamentally opposed to this key recommendation of the Productivity Commission's Report.

It is presumed by Council that conservation agreements would be similar to Land Management Agreements and require registration over the property title. There are considerable costs associated with preparing and registering/deregistering such agreements and the recommendation raises questions about who bears these added cost imposts.

As a Council with an interim listing of local heritage places undergoing public consultation currently, the Town of Walkerville is also concerned that this recommendation does not address how places with interim listing would be affected. Should this recommendation be adopted, Council urges the

Commission to consider another recommendation that provides an exemption for Council areas where the preparation of a Heritage listing has already begun and a Council is committed to an existing budget for this.

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.

Conservation management plans are prepared by heritage consultants and typically seem to have been undertaken only for State Heritage Places because listing protects both the internal and external fabric of such buildings. Currently there is no requirement under State legislation for local government to have conservation management plans prepared for either State or local heritage places but this recommendation seems to be requiring local authorities to have “a lead by example” approach to heritage protection. The recommendation is supported on the basis that preparation of conservation management plans is voluntary and at the discretion of an individual Council.

Recommendation 9.4

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

This is unlikely to be fully funded by State Government if it was adopted and therefore a potential cost impost exists for local government. This recommendation seems contradictory to the voluntary approach advocated by the report generally and is not supported.

Recommendation 9.5

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

Councils are required to nominate in real estate property searches if a Plan Amendment Report has been lodged with the Minister however, the declaration that a property has been listed as local heritage place cannot be made until such time as interim approval is given. Therefore, it is acknowledged that there is a timing issue with heritage listing but any system implemented should not give new property owners rights over existing property owners.

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. 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.

This recommendation has the potential disadvantage of extending development assessment timeframes and presents the opportunity for listed properties to be de-listed. In view of these implications, the recommendation is not supported by the Town of Walkerville. Furthermore, in a case where a heritage listing does not continue a Plan Amendment Report is required to remove the listing from the Development Plan. The Development Plan Amendment process is an arduous one, and should the recommendation be implemented there would need to be the ability for Councils to remove individual properties by way of a minor amendment.

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.

This recommendation disregards the circumstance that many State and local heritage places are not within heritage policy areas or heritage conservation zones and is strongly opposed by the Town of Walkerville on the basis that it would undermine heritage protection.

Recommendation 9.8

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.

State development and heritage legislation are linked and both local government and State Government are bound by this State legislation. Changes to a Council Development Plan to include heritage lists require the approval of the State and therefore heritage conservation and policy is a joint partnership between local and State governments and the recommendation is not supported.

Council believes the Productivity Commission Report is advocating some potential backward steps in heritage conservation and the proposed changes recommended by the report will have serious serious and financial impacts on local government if they are implemented. Furthermore, there is little in the way of incentives in the report recommendations to assist local government to encourage heritage protection and this is a matter would requires addressing.

The Corporation of the Town of Walkerville would appreciate being kept informed on the progress of the final report.

Yours sincerely

Deryn Atkinson
Manager Planning & Environmental Services