

Scanned copy of original submission

**16 Transvaal Avenue  
Double Bay NSW 2028**

**20<sup>th</sup> February 2006**

**Dear Sir**

**SUBMISSION - Conservation of Historic Heritage Places**

I am writing to express my strong support to the proposal that privately owned properties be given heritage **listing** only with owners' approval.

I have experienced two examples of beaurocratic bloody mindedness when trying to make improvements to different properties, including my primary place of residence, which have left me bitter and dismayed at the power held by minor council officials to castrate the desires of a property owner to improve and enhance the comfort, amenities, views and functionality of buildings which, in my opinion, should never have been listed in the first place.

I have no objection to public bodies, or the general public, determining which publicly owned buildings should be listed, but it is completely against the principle of private property owners rights to prevent modifications which otherwise conform to local planning and building code of Australia regulations, and are not unsympathetic to the style of the building.

Buildings, like people and businesses need to evolve. Even species evolve and ultimately die. The idea that we have to live frozen in time in houses that could so easily be improved is unacceptable to those of us who do not wish to live in a museum.

If the council wants to preserve a private building, let them buy it on the open market in exactly the same way as if they want to acquire land for other developments.

The current D.A. assessment policy of "heritage first" means the heritage officer has a complete right of veto on proposals. On both occasions I engaged the services of a highly competent heritage architect to advise me on sympathetic improvements and write the mandatory, and expensive, heritage report without which the D.A. cannot be processed. Despite this, council officers in both cases (with 2 different councils) dismissed the professional report out of hand (without visiting the property or any discussions) and declared that the proposals were unacceptable and would be rejected.

In the case of my first development following 18 months of argument, a change of council heritage officer, and a council loss in the L.E court to a neighbour of mine on similar issues, my original proposals were 95% approved with minor amendments. In the current case I am now preparing for a L&E Court process as I refuse to be unreasonably controlled by a bureaucrat who's standard response is... "The answer is no, what was the question!"

The balance of conservation power has swung radically too far to the left and is completely subserving the rights of property owners.

The proposal is commended and should be enacted as soon as possible.

Graham Cranswick-Smith