

## Hornsby Shire Council

Our Reference: F2004/07641  
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20 September 2005

The Commissioner, Heritage Inquiry  
Productivity Commission  
PO Box 80  
BELCONNEN ACT 2616

Dear Mr Byron

### **Inquiry into the Conservation of Built Heritage Places**

Thank you for the opportunity to provide comments on the Productivity Commission's inquiry into built heritage conservation.

Council at its meeting on 7 September 2005 considered a report concerning the scope of the Commission's inquiry. Council resolved to make a submission on relevant issues concerning heritage conservation as they relate to the Hornsby Shire.

The key issues, including the perceived conflict between heritage conservation areas and achieving urban consolidation outcomes, the need for increased community education, and powers for requiring owners of built heritage places to maintain significant heritage assets, are outlined below.

### ***Community Support***

Council has a strong commitment to the conservation of natural, built and Aboriginal heritage. Council's position is reflective of the high level of on-going community support for the conservation of significant heritage assets within Hornsby Shire.

In order to conserve and protect the heritage of the Shire, Council has conducted heritage studies, listed heritage items and heritage conservation areas for ongoing protection, and offers heritage conservation assistance to property owners. Council's comprehensive heritage initiatives and programs aim to provide a holistic approach to heritage conservation and education.

The conservation of important heritage assets contributes to the quality of the environment and helps establish a sense of place. Council's heritage provisions recognise the elements which contribute to the heritage character and quality of the Shire and how this can be reinforced in a positive way.

It is understood that the aim of the Commonwealth Government's heritage framework is to reduce duplication across governments and strengthen the protection of important national heritage places. The inquiry would assist Council, and other policy makers across levels of government, when formulating best-practice policy in relation to the conservation of built heritage places.

Council wishes to emphasise its support for heritage conservation and the strengthening of provisions, initiatives and programs relating to heritage.

### ***Education***

It is acknowledged that the community is generally supportive of heritage provisions and initiatives. However, more resources should be provided for the education of community members, developers and other stakeholders in the development industry.

Greater emphasis is required on community education to compliment the better resourced, high profile role of enforcing heritage conservation policies and legislation. Increased awareness and capacity building in heritage conservation can assist generate positive outcomes, in the same way that environmental management education has seen a greater community investment in environmental campaigns and programs.

Council has recognised the importance of education, employing a full-time Heritage Officer responsible for managing and promoting local heritage. A significant proportion of the Heritage Officer's time is taken responding to public misconceptions on the nature and intent of Council's heritage controls. Council undertakes projects that are aimed at raising awareness of heritage conservation within Council's corporate and the general community, such as an annual heritage festival, awards and an assistance scheme for conservation works to privately owned heritage items. Greater investment in similar programs for heritage conservation education by Commonwealth or State government levels would assist local councils in promoting the virtues and intent of heritage conservation across a wider segment of the community.

Educational campaigns and information promoting heritage conservation, resourced by the State or Commonwealth government, would be of significant assistance to local government where the typically limited financial resources allocated toward heritage matters are generally reserved for the assessment of developments involving heritage properties and assistance schemes. There is a need for greater resourcing of programs that assist the development of awareness, knowledge, skills and attitudes leading to responsible practices and behaviour in relation to heritage conservation.

### ***Urban Consolidation***

The heritage listing of a property or its location within a conservation area may limit its development potential in so far as additional controls apply to the property to ensure its historic importance is conserved. There is an argument that the establishment of a conservation area would effectively restrict higher density development in an area and compromise the achievement of urban consolidation and sustainability objectives.

In October 2004, Council received correspondence from the Department of Infrastructure, Planning and Natural Resources (DIPNR) advising that draft Local Environmental Plans (LEPs) for heritage conservation areas will not be progressed to finalisation until such time as the Department has undertaken a review of heritage conservation areas in consultation with the NSW Heritage Office.

It is understood that the rationale for the Department's position concerning heritage conservation areas is the potentially competing objectives of heritage conservation and urban consolidation. More recently, representatives from the Department have provided verbal advice to Council indicating that conservation areas within 800 metres of a railway station or 600 metres of a major bus route are unlikely to be supported as they may conflict with the Government's urban consolidation strategy.

The Department has not specified a timeframe for the proposed discussions with the NSW Heritage Office and the review of heritage conservation areas. Accordingly, there is no certainty concerning the progression of draft LEPs for heritage conservation areas.

The Department's recent advice has implications for Council's Strategic Planning Programme. It also highlights the need for a wider discourse on the conflict between heritage conservation areas in urban areas and the achievement of urban consolidation policies, in view of reaching a solution.

### ***Maintenance of Built Heritage Places***

It has become increasingly evident, given the nature and frequency of Development Applications Council receives for the demolition of heritage items, that property owners can seek to undermine the listing of a heritage item by failing to provide a satisfactory level of maintenance to that item, over a period of time. Following the deterioration of the condition of an item, the owner can then provide a strong argument to Council for the demolition of the item on structural, economic and heritage grounds.

Currently only the NSW Heritage Office has legislative powers to issue notice on the owners of State significant heritage items for the maintenance of built heritage places. There is a concern that local government is not provided with sufficient legislative power to ensure that a minimum level of maintenance is achieved for locally listed heritage items to prevent their destruction by neglect. The State Government should extend the provisions of the Heritage Act 1977, relating to minimum maintenance levels for items on the State Heritage Register, to include locally listed heritage items.

Council would appreciate the consideration of these issues in the Commission's inquiry.

Council is committed to heritage conservation within the Shire and supports the inquiry process for its contribution to government policy making and public participation in heritage conservation. Thank you for the opportunity to comment on this matter.

Yours sincerely

NICK BERMAN  
Mayor