



Submission to the Productivity Commission Draft Report:

Conservation of Australia's Historic Heritage Places

by
HUNTERS HILL COUNCIL

The Council Vision for Hunters Hill

- ▶ A sense of history
- ▶ A sense of community
- ▶ A place to belong
- ▶ A sustainable future

Our Purpose

Our purpose is to protect and enhance the integrity, character and residential amenity of Hunters Hill as Australia's oldest garden suburb through leadership, community safety, quality of life and the pursuit of excellence.

Background

Hunters Hill is the smallest local government area in New South Wales, and retains its original municipal boundaries as drawn at the time of inauguration in 1861. It encompasses the “peninsula” suburbs of Woolwich, Hunters Hill, Huntleys Point and Henley as well as a portion of Gladesville.

Heritage Conservation has long been of central concern to many of the residents of Hunters Hill and bodies such as the Hunters Hill Trust were established in the late 1960s in response to a perceived erosion of the heritage values of the municipality. It was the scene of radical action in the 1960s and 70s in relation to the proposed development of Kelly’s Bush (subject of the first ‘Green Ban’ in the world) and the expressway associated with the Gladesville Bridge.

Hunters Hill is predominantly residential, with “strip” commercial development along its western boundary on Victoria Road, and local shopping centres at Boronia Park, Hunters Hill, and Woolwich. Institutions such as the Gladesville Hospital, St Josephs College, Marist Girls College and Villa Maria also feature strongly in the character of the area.

The topography is of an essentially riverine nature, with a large proportion of the municipality visible from the Lane Cove and Parramatta Rivers. Its aboriginal name is “Moocooboola”, which acknowledges the “meeting of the waters” of the two rivers. It is otherwise well treed and of deep relief, with sandstone a feature of the both the land and the buildings to the peninsulas, and a flatter, more “suburban” character to areas such as Boronia Park.

Vital Statistics

Municipal Area:	520 hectares
Conservation Areas:	255 hectares (49%)
Rateable Properties:	4,500
Heritage Items:	1,100 (24%)

Statutory Framework and Planning Controls

The Hunters Hill Local Environmental Plan (1991) [LEP] is explicitly weighted towards conservation, as stated in the aims and objectives:

The aim and objective of this plan is to conserve the identity of the Municipality of Hunter’s Hill, as established by its heritage, character, topography and residential amenity, by:

- (a) conserving the environmental heritage significance, the foreshore and riverscape, the townscape quality and tree covered environment of the Municipality through regulation of the use and development of land, buildings and structures,*

- (b) *retaining specific evidence of the thematic development of the environmental heritage of the Municipality through conservation of items of environmental heritage,*
 - (b1) *integrating heritage conservation into the planning and development control processes,*
 - (b2) *providing for public involvement in the matters relating to the conservation of the area's environmental heritage,*
 - (b3) *ensuring that new development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of the items and their settings, as well as streetscapes and landscapes and the distinctive character that they impart to the land to which this plan applies,*
- (c) *increasing the area and standard of public open space in the Municipality,*
- (d) *improving public access to the shores of the Lane Cove and Parramatta Rivers,*
- (e) *providing off-street parking facilities at or near shopping centres at Boronia Park, Gladesville and Hunters Hill, and*
- (f) *providing, or assisting in the provision of, public amenities and support services consistent with the development of the area.*

The LEP also formalises Council's long-standing provisions in relation to public involvement in heritage matters through the inclusion of a consultative body, the Conservation Advisory Panel at Cl. 19B:

The council, in making an assessment of the matters referred to in clauses 19 (2), (3), (4) and (6) and 19A (2) and (3), may consult with the Conservation Advisory Panel, being a committee appointed by the council to advise on items of the environmental heritage and on conservation areas.

Council's Exempt and Complying Development provisions do not apply to works to Heritage Items, nor within Conservation Areas.

Hunters Hill Development Control Plan N^o 15 – Residential Development [DCP15] also has a distinct emphasis on heritage and conservation matters, and is intended to provide guidance in relation to residential development, including explicit provisions with regard to the process of assessment and design of alterations and additions to and in the vicinity of Heritage Items, and within Conservation Areas. The Conservation Advisory Panel is more fully described in DCP 15, and applicants are encouraged to enter into a process of consultation with the Panel during the design process of proposals relating to heritage items and within conservation areas.

DCP15 refers directly to the principles of the Burra Charter of Australia ICOMOS in the preparation of heritage assessments and in some instances, quotes elements such as Article 8-Setting in full.

All works within the conservation areas and to listed items require a heritage assessment and impact statement to be submitted with development applications.

Significance Assessment

Of the total 1,100 listed items, 6 are listed on the State Heritage Register as being of *State* significance, while the remainder are of *Local* significance. The majority of the items were identified and listed during the 1980s following a heritage study by Meredith Walker in 1983, and a review by Meredith Walker in conjunction with Penelope Pike in 1987.

Council is currently in the process of reviewing the lists- including the removal and addition of items, with some 100 additional Items proposed to be listed. Approximately 40% of the current items have been the subject of a rudimentary historical study, but there are no “Statements of Significance” as such, apart from those items listed in the past 10 years.

COMMENTS ON THE DRAFT REPORT

The following comments are chiefly in response to the content of *Part 5 Planning controls and heritage conservation at the local level* of the Draft Report.

As outlined in the brief account of heritage conservation in Hunters Hill, above, there is a substantial history of concern and action in the matter, stretching back to the 1960s. While the established statutory and planning control framework operating in Hunters Hill basically reflects that of Local Government Areas in NSW generally, there are some distinct, differentiating factors in the process flowing from the heritage-centric nature of the statutory and control documents:

Most prominent amongst these is the fact that the precursor to the Conservation Advisory Panel [CAP] was established by Council in 1972. The CAP consists of a mix of elected representatives and officers of Council, together with members drawn from the community, and bodies such as the Hunters Hill Trust, National Trust of Australia (NSW), as well as experienced heritage practitioners. Its role is to advise both proponents and Council on heritage matters and a process of consultation is promoted both prior and during the process of development applications. The CAP is reconstituted following each Council election, and so is tied to the political cycle.

A specialist planner/ heritage adviser has been employed by Council since 1987 specifically to assist residents and applicants in heritage matters. The position encompasses a range of functions, from technical advice in relation to fabric conservation to assist owners, through to assessment of development proposals and formulation of policy.

There has, then, been both a technical and community-based consultation regime in place in Hunters Hill for some 20-30 years.

Outcomes

Given the complexity of the Municipality and the individual nature of the numerous items, there are necessarily a range of outcomes to be expected over both the range of items and time. The consultation process and the entities involved, as described above, are correlated to the political process and the attitudes and application of the statutory regime and planning controls are reflective of community values to the extent that the political process will allow.

Subsidiarity and Conservation Agreements

The principle of *subsidiarity* (“...which aligns the scale of significance with its level of government decision making...” p xxxi of the Draft Report), would appear to be a flawed premise upon which to base local administration of “Conservation Agreements”. Both the statutory and planning control regimes are overseen by the State, and there are ongoing tensions between Local and State bodies as to what is significant in Local terms. The operative “scale of significance”, which seems to be that as set-down by the NSW Heritage Office in the case of NSW, is an attempt to comparatively objectify significance of items that, in the case of Hunters Hill (and many other Local Government Areas, presumably) were identified by the local community well prior to the rise of such supposed objective methods of assessment.

The nature and content of “...negotiated conservation agreements...” is not made clear in the document. The implication is that it is some formulation of a “cost-benefit” analysis that entails the balancing of public and private costs and benefits in the conservation of an item. The basis upon which this is promoted is obscure.

To advocate the negotiation, implementation and administration of such agreements by “...local government officials currently involved in administering development applications...” would appear to be a fundamental misapprehension of the level and nature of the human resources available at a local government level.

The “churning” of ownership of properties, and the maintenance of heritage listings dependent upon “conservation agreements” being in place would also impose ongoing cyclical amendment to the statutory instruments in a context whereby current relatively innocuous changes to LEPs take an inordinate period of time in receiving assent by Planning NSW.

None of this process would appear practicable at a local government level.

Costs

Hunters Hill currently differentiates between listed items and properties in general through its rating system. Council supports applications by owners of heritage items and those located within conservation areas in applications for valuation adjustments through the NSW Valuer General, to obtain relief in terms of both Council rates and Land Tax.

At an administrative level, the negotiation of heritage agreements would impose costs on Council’s budget that in established areas such as Hunters Hill could simply not be met without the raising of rates and charges across the board. Indeed, the resources that would be required to formulate “statements of significance” for each item, then negotiate, implement and administer “heritage agreements” would, at present budget levels, stretch Council’s resources to an unsustainable level.

The implication in terms of the balance of community verses private costs in the conservation of heritage items is not clear in the Draft Report. As alluded to above, the administrative costs would be burdensome, let alone any direct costs for the maintenance of items.

CONCLUSION

The Draft Report appears to be based on a complex range of analyses and rationale that is, at bottom, some form of “economic rationalism”.

The practical implications of the range of recommendations given at Part 9, relating to local government, does not take into account the level of expertise and human resources available at that level. To negotiate a “conservation agreement” in conjunction with all development applications and changes in ownership of listed properties in a situation whereby some 25% of the properties in the Municipality are listed individually and a considerable number are within conservation areas, would potentially stretch Council’s resources to an extent whereby there would be additional costs placed on the community as a whole.

Heritage Conservation has been of explicit concern to the community of Hunters Hill for some 40 years, and Council has sought to address the process of development through consultative mechanisms so that each application can be considered on its individual merits. The means through which this occurs is essentially community based, with the administrative officers providing technical support.

An attempt to formalise “conservation agreements” with individual property owners to the extent implicit in what is a relatively small, but heritage rich local government area such as Hunters Hill is fraught with extraordinary complexities of both a political and administrative nature.

Council finds the content and recommendations of the Draft Report to be largely reflective of an ill-directed attempt to objectify what are essentially cultural community concerns, and would submit that the Productivity Commission should reconsider the underlying rationale.

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