

SUBMISSION - Australian Government Productivity Commission Draft Report – Conservation of Australia’s Historic Heritage Places.

Background to the Report

This assessment by the Commission into the Conservation of Australia’s Historic items was requested by the Australian Government with support from State and Territory Governments. The report established a historic framework and investigates in detail the role of the various tiers of Government. There is a detailed list of submissions presented by individuals and numerous organisations involved with aspects of the conservation movement including Local Government. In general some 90% of the submissions and evidence show that existing heritage conservation and regulations are effective, although a number of submissions argue for improvements to the framework by additional financial assistance.

Major Conclusion on page 189:¹

“That listing with the consent of the owner on the basis of voluntarily negotiated conservation agreements over the management and funding of heritage characteristics is the most appropriate and practical method for the community, through governments, to obtain the heritage benefits it seeks in a cost-effective manner when the property is privately owned.”

This conclusion raises numerous questions and has the potential to threaten the conservation movement. The Commission is very selective in using some or part of the responses which emphasise greater incentives and assistance for conservation to argue against the existing regulatory system. The model developed by this report has enormous consequences for the Local Government and the way it will work with individuals and the community in general in conserving heritage.

Key Points

On page xvi² there is a summary of key points which claim:

- Historic heritage places provide cultural benefits to the wider community
- The tier framework for identifying National, State or Local significance provides a sound basis for government involvement. However significant deficiencies remain – an over reliance on prescriptive regulation – a view shared by many enquiry participants. (Evidence from the submissions does not support this assertion.)
- Prescriptive regulation leads to ineffective, inefficient and inequitable outcomes. It is claimed that properties are identified with heritage values, irrespective of degree of significance and conservation is an additional cost factor. (Evidence from the submissions does not support this assertion.)
- To improve incentives for historic conservation, privately owned properties should be listed only after a conservation agreement has been negotiated with the owner. (This finding is emphasised throughout the report but there is little evidence from the submissions to fully support this conclusion.)

¹ Productivity Commission 2005, Conservation of Australia’s Historic Heritage Places, Draft Report, December

² Ibid.

- State and Territory Governments would need to focus attention away from prescriptive regulation to accommodate the negotiation and management of conservation agreements. The use of conservation agreements would require many Local Government Councils to substantially change their conservation activities. (There is no doubt that this has financial, resource and policy implications for Local Government.)

In **Box 1**, on page xxiv³, a number of comments are quoted from a survey of Local Government. Three of the four points are negative. The report has selectively quoted from submissions to support the Commission’s recommendations. It appears there is an emphasis on the negative aspects of the Local Government Survey which could only be seen as biased.

In **Box 2**, page xxvi⁴ selected views of participants under the current system are presented. Again, there is selective use of comments to reinforce the perceived negative aspects of heritage presented in this report.

On page xxxvii⁵ there is a conclusion which states “implementation of the proposed recommendation that conservation agreements be the basis for the statutory listing of historic heritage places would bring more rigour and integrity to the conservation process”. It is claimed that this negotiated conservation agreement would be:

- More selective
- More effective
- More cost effective
- More equitable

There is little evidence in this report to support such a conclusion. The draft Report has set out to undermine the present regulatory system by selectively using only a portion of the information provided in the submissions. The report has not captured the positive aspects of the Heritage Conservation Movement for the Australian community.

Role of Government

The report recommends that the Australian Government should phase out the Register of the National Estate with concentration on Aboriginal Heritage and Natural Heritage.⁶ Two questions arise:

- Does the Australian Government see no value in identifying significance of the built environment?
- Who is going to fund both Aboriginal and Natural Heritage studies?

The Report recommends that the State will set the regulatory framework for Local Government in conservation. Their role is absolutely crucial to a coherent and effective national framework.⁷ Does this mean that the Australian Government has no role in establishing National frameworks?

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid., pp.155-156

⁷ Ibid., p.192

The Report claims that rigorous and selective listing procedures will facilitate regulatory control of development applications and reduce uncertainty.⁸ The argument is based on a Negotiated Conservation Agreement with the owner. Experience demonstrates that the reverse will occur; it is not going control the person who deliberately wants to destroy a property in order to ensure maximum profits are made.

- How can a person who has no respect for heritage be prepared to sign a conservation agreement?
- Who will provide the finances required to develop numerous conservation agreements?

There is a new emphasis on the increased role of Local Government to develop Negotiated Conservation Agreements. On page 194 of the Report⁹ the authors list a number of issues concerning major changes to listing, and substantial resourcing implications for some Councils. One simple answer is that Council could contract this work including to organisations such as State Heritage Officers. However, this still doesn't answer where the resources will come from.

The most amazing recommendation (9.4) is the claim that Local Government should purchase heritage items "where this becomes the only way to ensure cost-effective conservation of places of local significance".¹⁰ How could local Councils possibly fund such a recommendation?

Weaknesses of the Report

The Report ignores the acknowledgment of the positive aspects that have been achieved through conservation of heritage. The following points have been largely ignored in the Report:

- There is much evidence to show positive outcomes for heritage properties and their increased resale value, and the importance of streetscape/neighbourhood value as a consequence of conservation areas.
- The need to provide wider financial support for the conservation of privately owned properties by grants or low cost loans.
- People increasingly wish to reinstate by personal choice, heritage features and elements. Loans and assistance provide the opportunity to employ skilled tradesmen, to use appropriate/recycled materials especially in regional and rural areas where this support is often not available (located only in major centres).
- The social and cultural values to a community which values its heritage items. The report places a biased emphasis on neglect/demolition so that developers can increase profit margins by construction of inappropriate development for that community. In regional areas commercial enterprises are increasingly reinstating and refurbishing buildings to reflect historical characteristics/values.
- The report fails to understand the history of heritage listing and the processes that have been used to determine heritage lists. Previous practice by Council's

⁸ Ibid., p.193

⁹ Ibid.

¹⁰ Ibid., p.200

in our region involved community consultation before the listing of heritage items.

- It would be more advisable to create ways of improving identification of heritage items and listing rather than simply claiming that the present system is inadequate.
- The report has little understanding of the importance of Conservation Areas/Zones and the way that communities can be protected from inappropriate development.
- The need for better understanding of the importance of heritage, with frameworks that identify the positive aspects of maintenance and conservation to individual properties as well as the wider general communities. Experience shows in our Council areas that education and negotiation is far more positive than a community that undergoes development for development sake as well as focusing on profit for a few.

Conclusion

The Report does not build on the remarkable achievements of the Conservation movement for the past 30 years in the Australian community. It has created a report which raises more questions than it answers in relationship to listing, regulatory controls, funding and policy. It sets a framework of complete uncertainty for the Heritage movement in general and Local Government in particular. The Report focuses in on the perceived success of a Negotiated Conservation Agreement between owners and Government. Experience shows that such binding agreements create more regulations, more uncertainty, more issues of compliance and hostility.

An underlying theme throughout the Productivity Commission Draft Report is the fact that cost shifts will occur. It is expected that Local government will conduct conservation agreements and in the event of disputes, possibly purchase heritage items. These recommendations have implications for resource allocations such as specialised heritage consultants, planning officers, legal involvement, and property management. Thus the heritage movement and Local Government have much to lose.

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On behalf of the following Local Government Council Organisations:

Armidale Dumaresq Council

Guyra Shire Council

Uralla Shire Council

Walcha Council