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File No.:  
QA Ref:

2 March, 2006

Heritage Inquiry  
Productivity Commission  
PO Box 80  
BELCONNEN ACT 2616

Dear Sir/Madam,

**SUBMISSION TO PRODUCTIVITY COMMISSION DRAFT REPORT -  
CONSERVATION OF AUSTRALIA'S HISTORIC HERITAGE PLACES**

Thank you for the opportunity to comment on the Productivity Commission Draft Report – Conservation of Australia’s Historic Heritage Places December 2005. I apologise for the lateness of this submission and hope that the Commission will take our comments into consideration as part of its final report to the Federal Government.

It is noted that the terms of reference for the enquiry required the Commission to examine a number of matters, in particular the economic, social and environmental benefits and costs of the conservation of historic heritage places and possible policy and program approaches for managing the conservation of historic heritage places and competing objectives and interests.

Whilst the draft Report recognises that heritage places contribute significantly to our cultural, social and economic environment within urban and rural communities, the Report overwhelmingly focuses on the financial impacts of heritage listing on private landowners, which it concludes, outweighs the public benefits of heritage conservation.

The key recommendation of the Report that ‘*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*’ raises significant concern for Council in relation to long-term management and conservation of heritage places in the municipality, and is not supported.

I would like to offer the following comments for consideration in developing final recommendations for consideration by the Federal Government.

• **Heritage and the Planning System**

The draft Report recommendations are inconsistent with State and local planning policy in Victoria. It should be noted that the *Planning and Environment Act 1987* (the Act) includes as one of several objectives for planning, the objective “*to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*” Section 12 of the Act requires Council, as a planning authority, to, “*implement the objectives of planning in Victoria*”.

Similarly the State Government’s metropolitan planning strategy for sustainable growth, *Melbourne 2030* identifies that protection of heritage places as a key outcome (Direction 5.4 Protect heritage places and values).

These conservation values are reflected in Victoria's municipal planning schemes. The State Planning Policy Framework (SPPF) is part of the Victoria Planning Provisions (VPP) and sets out the State planning policy for planning and responsible authorities in preparing and administering planning schemes. State planning policy relating to heritage is set out in Clause 15.11 of the SPPF. It includes the objective, "*To assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special value important for scientific or research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria's image and making a contribution to the economic and cultural growth of the State.*" Clause 15.11-2 states that, "*Planning and responsible authorities should identify, conserve and protect places of natural or cultural value from inappropriate development. These include...Sites associated with European discovery, exploration and settlement of Victoria.*"

A key component of all Victorian planning schemes is the inclusion of a Municipal Strategic Statement (MSS), which provides a vision for the sustainable, use, development and conservation of the municipality and sets out a policy framework for key land use and development issues such as heritage. All Victorian Councils were recently required to prepare a new planning scheme in accordance with the VPP, which were prepared by local government in conjunction with their local communities and key stakeholders, which were then reviewed by an independent Planning Panel and subsequently endorsed by the State Government. Overall, statutory heritage controls in Victoria and more particularly within the municipality are generally working well and a fundamental change to Victoria's planning system in relation to heritage controls is not warranted.

It is possible that nationally there may be an over-reliance on listing sites as a tool to protect heritage places for which there are no or limited heritage values, however, it is our experience that the system in Victoria is based on solid and transparent methodology. The listing of an individual property requires at a minimum, the preparation of a statement of significance detailing the significant elements, before an amendment can be considered to include a place within the Heritage Overlay of a local planning scheme. As heritage controls and requirements are regularly monitored and reviewed, it is likely that over time the review of individual sites included on a heritage list will be required, to confirm its level of significance and ensure that available information about a place is still correct. This does not, however, justify dismantling the regulatory system to one of voluntary inclusion.

A better approach would be to refine the existing planning tools through the provision of more planning permit exemptions (it should be noted that the State Government is currently seeking comments on streamlining the planning process, as part of this Manningham City Council has suggested that more exemptions could be provided in the provisions of the Heritage Overlay), refining the schedule to the Heritage Overlay and use of other management options such as the use of incorporated plans, which can be used to provide specific exemptions for particular heritage places eg exemptions from some works in cemeteries.

- **Implementation of recommendations**

The practicalities of implementing the key recommendation to negotiate a conservation agreement with private property owners have not been given sufficient consideration. A more detailed implementation process is required to be provided in the final report and should outline clear roles and responsibilities for all tiers of government and/or stakeholders and the steps for negotiating, preparing and managing the voluntary agreements.

Given the nature of and diversity of existing heritage places, the complexities of dealing with individual landowners, with or without the professional assistance of heritage consultants and facilitators would be considerable. It is estimated that the sheer volume of time and resourcing involved in negotiating individual agreements will be prohibitive for local governments to fund and manage, particularly where professional heritage and legal advice may be required.

I am also particularly concerned about the need to define a time-period for each negotiated agreement, one which is still dependent on any new owner of a heritage place agreeing to such an agreement. Whilst a key aim of the negotiated agreement is to detail the assistance to be provided to the property owner (whether it be through local/State or Federal funding), the Report does not appear to recognise or address the ongoing ability of Council to ensure that conservation outcomes are achieved where financial assistance has been provided to a landowner (eg monetary assistance may be provided to a landowner to undertake heritage conservation works to a historic building, however, a new owner of the property may seek to demolish the same building where the financial gain of redeveloping the site is greater than the value of the heritage place). This leaves Council's in a vulnerable position whereby they will not want to enter into financial agreements where there is uncertainty that the next owner may demolish, and that any funds provided to conserve a building, may ultimately result in no public benefit, where the building is subsequently demolished.

In making these comments, I hope that the Commission gives serious consideration to the matters raised in our submission and encourage an outcome that recognises the achievements of the Victorian and other national heritage systems and seeks to support the long-term conservation of our heritage places.

If you would like to discuss this further, please contact Fiona Austin, coordinator Strategic Planning/Economic Development on (03) 9840 9434 or [Fiona.Austin@manningham.vic.gov.au](mailto:Fiona.Austin@manningham.vic.gov.au)

Yours sincerely



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