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Heritage Inquiry  
Productivity Commission  
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## SUBMISSION

### PRODUCTIVITY COMMISSION DRAFT REPORT ON CONSERVATION OF AUSTRALIA'S HISTORIC HERITAGE PLACES

#### Introduction

We are Committee members of Friends of Ku-ring-gai Environment Inc (FOKE) a community group established in 1994. We take an active interest in development and planning issues and their effect on the heritage - natural and cultural - of our local government area. We have no formal training in urban planning matters.

The FOKE Committee was unable to meet over the Christmas period and therefore has been unable to formulate its response to the Draft Report. The views that we put forward here today are ours, although we are confident that our views would be endorsed by most, if not all members of the FOKE Committee and of FOKE.

#### Draft Report:

The Draft report recognises:

- *"It is timely to review the current pressures and issues associated with historic heritage conservation"*
- *"The conservation of our built historic heritage is important"*
- *"There is need for research to underpin how best to manage the conservation of our historic places."*

and is keen to establish *"the main pressures on the conservation of historic heritage places"*.

#### Background:

Ku-ring-gai is recognised as a heritage rich local government area. It is currently under considerable pressure to conserve its heritage. We therefore welcome the inquiry.

The Ku-ring-gai Council Heritage Study 1987 states:

*"The investigation of the history of the development of the Municipality of Ku-ring-gai, an examination of its physical evidence street by street, and its comparison with other similar places leads to the conclusion that Ku-ring-gai is a Municipality of national cultural significance for its fine collection of 20<sup>th</sup> century domestic architecture of aesthetic, historic, scientific and social value to past, present and future generations."*

And

*"The study of Australian architecture in the twentieth century could be exemplified in the study of Ku-ring-gai buildings."*

In response to a submission based on the findings of various heritage and environmental studies and on the effects of the application of the NSW State Government urban consolidation policies,

The Australian Council of National Trusts listed Ku-ring-gai's 28 National Trust Urban Conservation areas on the ACNT 2000 Endangered Places list: "*State Government medium density policies actually promote (this) destruction and unless they are modified, local development controls strengthened and a residential strategy based on heritage principles is adopted, the garden suburbs of Ku-ring-gai remain under threat.*" The Listing also made reference to the threat to Ku-ring-gai's heritage from inappropriate development. (Our emphasis).

The nomination of Ku-ring-gai as an Endangered Place received the NSW Heritage Office Cultural Heritage Award in the 2000 Keep Australia Beautiful Council (NSW) Awards program.

Ku-ring-gai LGA had more classified National Trust UCA's than any other area studied. {We understand classification and listing by The National Trust (NSW) does not have statutory force. It is however, recognised as an authoritative statement of the historical and architectural importance of a building, site, item or area..}

We see the *main pressures on the conservation of heritage places* in Ku-ring-gai arising from the NSW State Government's urban consolidation policies. The areas for urban consolidation generally overlap Ku-ring-gai's core heritage-rich areas. The NSW State Government's blocking of gazettal of Urban Conservation Areas compounds the problem.

As a result of the NSW Government's rezoning of medium density, properties of heritage and contributory heritage significance are vulnerable to demolition or to serious loss of amenity from a lack of interface between existing houses and multi-storey developments.

An analysis of the location of these rezoned sites reveals that many are also within the Urban Conservation Areas identified by The National Trust in 1997. Sixteen of these Areas have been further studied by Council and recommended for recognition for UCA status. Therefore the effects of NSW State Government medium density policies will also impact on the integrity of these Areas. This is a serious concern.

## **Comments**

1. Draft Recommendation 8.1.

***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.***

We do not support this Draft Recommendation. We see it as only as valuable as the attitude of the current owner, and as not protecting the property on an ongoing basis.

Current system: (Anne Carroll) My husband and I purchased our current home in 1980. Some seven years later, we were notified by letter from Ku-ring-gai Council with an accompanying information folder, that as a result of the findings of the 1987 Heritage Study commissioned by Ku-ring-gai Council, there was a recommendation that our house be protected through a Draft Heritage Conservation Local Environment Plan. We were given the opportunity to make a written submission. I remember at the time feeling honoured that the house that appealed to us obviously had wider "appeal" and that it had features considered worthy of being "noted" or listed for protection. We still feel honoured. In the 25 years we have lived there we have maintained it, renovated & extended it with a sympathetic commonsense approach.

With this 1987 listing method, we were confident that we were part of an established system, with a consistent method of identification, applied in a uniform way across our local government area, and that the study was conducted by experts in their field, who had looked at the area as a whole. The proposed negotiated conservation agreement system presents many uncertainties with the possibility of the heritage listing/or otherwise varying from one owner to the next, from one point in time to the next. This fluid and unstable environment with regard to key components of an area is not satisfactory for the neighbours or the neighbourhood. I liken it to living in an unstable “quicksand” environment.

Proposed system: (Janine Kitson & Anne Carroll) We believe voluntary conservation agreements will not result in the protection of the built heritage because

- they are voluntary
- there is a need to renegotiate with each new owner- a new owner may not want to continue with a conservation agreement
- there is no control over the long term future of the heritage item
- there is little mention of provision for extra funding to local government to administer the system
- there seems to be an assumption that local government has the resources, expertise, and finances to fulfil the conservation agreements. Some heritage rich local government areas have in the vicinity of a thousand items whilst others have less than fifty.
- it is unrealistic to expect that local government may have funds for ‘compulsory acquisition’

It seems to us that the introduction of voluntary conservation agreements would achieve little in the long-term protection of heritage items.

2. Draft Recommendation 9.8 states:

***State and Territory governments should remove the identification and management of heritage, zones, precincts or similar areas from their heritage conservation legislation and regulation, leaving these matters to local government planning schemes.***

We believe this should be reworded so that there is a clear understanding that local governments are supported not thwarted in the identification and management of heritage areas, especially as we note that Draft Finding 5.3 states:

***Heritage conservation areas impose less stringent restrictions on the ability to demolish and redevelop properties than do individual heritage controls.***

Despite this the NSW State Government is denying local government areas the power to proceed with gazetting heritage conservation areas.

We believe that heritage is a joint responsibility between the three tiers of government – Federal, State and Local - and the community. We believe that it is critical that the three tiers of government are involved in heritage listing because they provide important ‘checks and balances’.

We have concerns about the recommendations that Local Government take on the major responsibility for the protection of heritage. Our experience shows that one of the constraints on heritage protection at a local government level has been the lack of financial resources. With the addition of work involved in administering the proposed voluntary agreement system further financial burden will be added at the local level. We sense an increase in politically driven decisions with some elected councillors regarding heritage assessments.

### **3. Additional comments**

We see a strong need for education, not only for education sake but to counteract the misinformed information out there in the public arena.

#### **Conclusion:**

We see elements in the Draft Report that will cause the dismantling of heritage protection by introducing a seemingly unworkable system which ultimately gives heritage very little or no protection at the local level.

We thank the Commission for the opportunity to speak today.

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