

Submission to the Productivity Commission
Stamford Plaza
North Tce Adelaide
Friday 10th February 2006
9.00am
Gabrielle Overton
representing the
Norwood Payneham St Peters Residents Rights Group

I like many others was not aware of the Productivity Commission enquiry until the Draft Report received notoriety. Involved in the design industry and living in an area with many elegant beautifully maintained homes I have invested in an area with acknowledge historic interest, we inhabit a relatively young built environment and many special elements should be protected.

CONTRIBUTORY ITEM

Letter of notification property- Your Property has been recognized as contributing to the heritage Character of the city of NPSP and has been identified as a contributory item within an Historic (Conservation) Zone in the Council's Heritage (Payneham) Plan Amendment Report PAR. Contributory item ?????

NEIGHBOURING PROPERTY

It's reason we invested in properties in the area.

Why haven't adjoining properties been notified that they will become a

3rd category - Adjacent to a Heritage place or contributory item

Major ramification for owners, potential owners, banks, mortgages, real estate sales and values.

HERITAGE BY STEALTH- HERITAGE LISTING - YOUR HOME MAY BE AFFECTED!!

Don't sit on the sidelines the boundaries could shift at any minute

Fictitious heritage claims and over listing is stealing our Rights
Retrospectively it restrictive and prescriptive legislation

Torrens Title SA developed the wonderful; system of land ownership and *the Burra Charter* are we to now tarnish our heritage reputation in a frantic grab for phoney blanket heritage listing to pander to bureaucrat's egos

ARE YOU AWARE OF CHANGES TO YOUR RIGHTS?

NPSP Council has compulsorily listed over 2000 properties as having heritage or conservation value effecting listed properties and neighbouring homes. Property owners were not consulted before the listing. This is heritage by stealth. Adelaide City Council has around 2000 heritage places

DON'T THINK HERITAGE DOESN'T AFFECT YOU

Neighbours to listed places have not been notified. This now reduces and restricts their property rights too! Over 1000 adjoining properties are now subject to strict new regulation. It is a backdoor listing.

Council is spending your money, big time, to fix something that is not broken!

THE FACTS

- listing takes away your property rights-development controls are already in place!
- banks are predicting up to 30% decrease in property values
- 4th Avenue Property neglected to have Contributory Item in sole agreement - fell through, it's happening already

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- insurance premiums will increase for properties listed or those next door
- the new controls are retrospective - if you bought before too bad!
- all neighbouring houses not listed have strict controls

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- 600 sq mtrs is the new minimum land development area required -setbacks will be increased to match listed setback or greater
- solid high fences will be avoided... .Council wants low fencing to allow public appreciation of your property!

NPSP Council will ignore a national draft report recommending ... *Privately owned properties, should be*

heritage listed only with owners agreement

- Council only notified listed properties - over 150 submissions were made - 90% demanded their properties be removed from listing
- reimbursement of up to \$3000 is only for a few after they spend \$9000
- we want council to listen to the community and their concerns about compulsory listing

WHAT YOU NEED TO DO

As concerned residents it seems to us to be aggressive, undemocratic council inflicted craziness. Is NPSP Council continuing the quest for ratepayer funded conflict and alienation *Amalgamation of 3 councils name change- Marden Name Change to Royston Park, community anger-JP Morgan Council land sale debacle and now compulsory listing war -*

This is your future. Your heritage, your superannuation, your inheritance and your rights are under threat. It is up to you to let your councillor know you are disgusted. They are our representatives. Send letters, emails and phone Ministers, politicians, councillors and media.

CONTACT US- The NPSP Residents Rights Group- We appreciate heritage and have invested in this area. It is because of the care and protection of private property owners that our area is so intact, not because of regulation and enforcement. We have rights but For How long??

A petition can be signed when volunteers call on you - talk to them, help us to help you. Join us - phone 83626437 email npspresidents@hotmail.com

Signed by members of the NPSP Residents Rights Group

In the February 8, 2006 Messenger numerous representations were made by Residents Associations and Local Councillors on the draft Productivity Commission report. This Report recommends that heritage and contributory items listings be undertaken on a voluntary process. In fact the report makes reference to the Adelaide City Council and State Government to state that mandatory listings by Councils are the easy way out. It's the easy way out because local residents who own houses that are listed as a contributory item are the ones that are made to pay to ensure the character of an area is preserved. We pay by having our property ownership rights and therefore house values taken away by an overzealous Norwood Payneham and St Peters (NPSP) Council and management.

Owners of Contributory Item homes have absolutely no rights when it comes to having their houses listed. We are at the whim of a group of Councillors and staff to decide 'which houses contribute' to the character of an area many of whom do not even live in heritage zones nor even have their own houses listed.

Instead of creating incentives to list houses as Heritage or Contributory Items or even making the broader community pay for heritage conservation, the NPSP Council has selected a few streets and homes that it intends to encumber for the greater community. This is wrong and un-Australian. It is not transparent, there are no guidelines and the mandatory listing of homes should only be undertaken after consultation with owners and certainly not by an apparently biased NPSP Council. The NPSP Council needs to be more accountable to the community than just to a select few.

Con and Melanie Tragakis - letter to Messenger newspaper 09/02/06

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Kensington and Norwood developed as one of three major centres outside of Adelaide, and was the oldest South Australian local government municipality. History has given us beautiful residential, public and commercial buildings that contribute to the heritage character of the City. More recently post war immigration has shaped the City. Many European immigrants, particularly from Italy, moved in bringing with them enriching parts of their cultures and traditions energetically revitalising the City.

Snapshot of a city - Annual Report 2004/05

A diverse population makes the City culturally rich. People of numerous cultural and various socioeconomic backgrounds have diverse lifestyles and aspirations leading to

- an open-minded society that embraces innovation, creativity and reform.
- Notable individuals including campaigner for women's rights, Catherine Helen Spence; former Premier, Don Dunstan; educator, the Blessed Mary MacKillop; poet, 'The Sentimental Bloke' C. J. Dennis and writer, May Gibbs have all lived in the energetic melting pot of our diverse and tolerant City.

Where is the diversity, in the future will there be no need for architects

Australian Award winning architects do we knock back the innovative and forward thinking- Glenn Murcott- and locally Troppo Architects

Do we just accept that we'll fill the avenues with mock blueboard replicas of villas and federation homes with fake foam finials and country picket fences stapled together and with a life expectancy of 100yrs- and Cream Brick - original migrants, chooks and market gardens with rows of corn, trellised tomatoes and chrysanthemums for mothers day
Mission Brown Clinker brick not the flavour of the times but relevant

Frank Lloyd Wright (1867-1959) Considered the most influential architect of his time, Frank Lloyd Wright designed about 1,000 structures, some 400 of which were built. He described his "organic architecture" as one that "proceeds, persists, creates, according to the nature of man and his circumstances as they both change."

"..having a good start, not only do I fully intend to be the greatest architect who has yet lived, but fully intend to be the greatest architect who will ever live. Yes, I intend to be the greatest architect of all time." - Frank Lloyd Wright

<http://oprf.com/fflw/index.html>

Population in excess of 34,000

City is growing and projections show that it will continue to grow, particularly in the over 40 age group.

DYNAMIC MIX OF HOUSING

The City of Norwood Payneham & St Peters has a dynamic mix of housing stock capable of serving the needs of an array of households and family types. The medium density sector (flats, units and apartments) of the housing market is particularly strong and this is assumed to be one of the reasons why proportionally high numbers of young adults choose to live in the municipality. Dwelling Structure - NPSP 2001 Separate house 53%, Semi-detached, townhouse etc. 20% Other dwelling 1 % Flat, unit or apartment

26%

Numbers Effected -

- 450 Current -so the current situation is desirous Why the additional expense and aggravation
- 250 Local heritage additional - Is the proposed 50% increase of listing of going to have a miraculous impact PLUS
- 2800 additional proposed listings in Conservation Zone
- 3500 in total but factoring in a conservative estimate of neighbours lets say
- 5000 adjacent to a heritage place or contributory item -in the vicinity of
- 8500 PROPERTIES EFFECTED BY THIS PROPOSAL

With a total of 16,000 (2005) with a total Population 34,000

Over 50% of the NPSP council area could be restricted by this proposal

DESIRED CHARACTER STATEMENT (see NPSP PAR)

SHIFTING THE GOAL POST

- Any new dwelling will have a verandah along the primary street frontage
- Solid or high fences such as brush and masonry generally not sympathetic... will be avoided in favour

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of low open fencing allows appreciation of the details of the dwelling

- Side and rear fencing erected in traditional materials
- Landscaping- Particularly the front garden Will incorporate an appropriate garden setting (so much for a minimal tranquil oriental enclosure)

Principles of Development Control (Subjective)

Development should not be undertaken unless consistent with desired Character for Joslin/Royston Park Policy Area

- Site area per dwelling - Should be not less than 600 sq mtrs
- Development plan stated residential allotments should be of varying size to encourage housing diversity

INTACTNESS

NPSP promotes the region for the intactness of the architecture - who has ensured this, WE

THE PRIVATE OWNERS

- Conservation by private owners has ensured the special characteristics are maintained and enhanced.
- Market value has dictated the ongoing investment due to the desirable location, ambience

COUNCIL HAS IN PLACE THE MECHANISMS to

- grant or not grant a demolition order,
- assess an application to ensure it meets existing criteria
- permit or not permit development Subject to council approval

" Conservation of Australia's Heritage Places" Draft Report Productivity Commission

Private Sector Involvement in the conservation of historic heritage places is extensive and pre - dates formal government involvement. Indeed, the bulk of historic heritage places have been conserved and will continue to be conserved, by the private sector.

"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"

Council input- all Australian councils surveyed-SA had a 93% response with 64 of 69 responding

BURRA CHARTER (1979 rev 1999) provides guidance for the conservation and management of places of cultural significance. It is the standard for heritage conservation management in the private sector

- KEY - Changes to buildings, areas and heritage places that falsify the evidence of their history should be avoided
- Buildings and structures should not nostalgically create a false impression or interpretation of age or style
- The distinction between old and new fabric should be distinguishable and identifiable

I'm certain that the proposal for the enforcement of restrictive and prescriptive legislation in this proposal for Heritage Plan Amendment report will further the concern of private landowners and result in ongoing and expensive litigation

WHY FIX SOMETHING THAT IS NOT BROKEN?

Don't reinvent the wheel- lets await the outcome of the Productivity Commission and use a common sense approach. I strongly suggest to the effected property owners directly impacted by the NPSP

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council listings and indeed those in the many council areas considering Planning Amendment Reviews, that they consider all the issues and make it their business to let their representatives know their feelings.

**Claims and comments from the NPSP Council public meeting
Monday 30th and Tuesday 31st January 2006**

- **Banks predict 30% devaluation**
- This should be voluntary - you should be asking me, not me saying why it shouldn't be
- Lack of opposition does not mean acceptance just lack of consultation (no neighbours advised and no advertised notice of Public Hearing in the local Messenger)
- Australians can smell a dirty deal
- Contributory Item listing is back door Heritage Listing with no rights afforded to the owner
- Aggressive over listing -retrospective legislation
- Council ticking boxes with no intention to change
- Council has made up their mind already
- I don't request - I require Council to exclude my property
- Bloody well Un-Australian - A man's home is his castle
- Theft of property rights
- Marketing exercise
- Own your House own your destiny
- We've been ambushed
- Give People who Pay the Say!
- Ill informed unsupportable
- Biased use of ratepayers rates
- Opposition leading to Bitterness
- Adversary is bitter not better
- Flawed Process
- Undue and inappropriate consultation
- If you list I will bull doze it
- If you list I'll stop maintaining it

We commend the work of the productivity Commission to date and demand that our Council consider the final report and not make a farce out of heritage and conservation.

Gabrielle Overton