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24 February 2006

Heritage Inquiry Productivity Commission  
PO Box 80  
**BELCONNEN ACT 2616**

Dear Sir/Madam

**Re: Submission - Productivity Commission Draft Report - Conservation of  
Australia's Historic Heritage Places**

I refer to your letter dated 14 December 2005, which referred a copy of the Productivity Commission Draft Report on the Conservation of Australia's Historic Heritage Places.

This following is Council's submission in response to the Draft Report.

**General Comments**

- Firstly Council would like to express its concern about the lack of consultation during the Inquiry. Pittwater Council was only sent a survey in September 2005, but was not contacted earlier or asked to provide any comments to the Commission during the Inquiry process.
- It is considered that the public consultation process was partly flawed. Advertisements were noticed in the major newspapers; however these were clearly biased in highlighting "problems" associated with heritage listing – asking for submissions from owners who had a "problem" with a listing. As far as we are aware, there were no advertisements requesting owners to contact the Commission if they were happy with a listing or could identify benefits to them of a heritage listing. This appears that the Commission was only interested in seeking submissions on problems rather than benefits.
- It is not considered appropriate that a Federal Government Commission investigate the process of listing items of State or local heritage significance. It is the role of the Heritage Office in each State to have provisions in place and to ensure the protection of items of State and local significance. The heritage system in NSW and in Pittwater could be improved, however in nearly all cases, this is a result of the lack of funds allocated to heritage conservation work: both in the identification and study stages and also in assisting with the on-going management and maintenance of heritage items.
- It is understood that the findings of a Productivity Commission do not necessarily flow through to other levels of Government, unless by way of legislative amendment.

Nevertheless, it is considered that the recommendations contained within the report will result in very few heritage listings being made, with a resultant loss of local heritage fabric in an area. Putting aside the flaws with the current system, it still results in the identification and in most cases, the protection of important local items of heritage significance. If the proposed recommendations in the draft Report are implemented little will happen to protect local heritage. The process of entering into individual conservation agreements for properties will be an extremely costly process and this will effectively mean that no work will be done on heritage conservation. It is highly unlikely that any Federal Government funds would be made available for this work, and in any event the staff time involved at the local level would not be supported by most local councils.

### **Specific Comments on Recommendations**

#### Draft Recommendation 8.1

Local councils do not have the time or resources to negotiate conservation agreements for individual properties. If this was the only way that an item of local significance could be protected, it is likely that there would be no heritage listings, with consequent loss of local items over time.

#### Draft Recommendation 7.1, 7.2 & 7.3

It is Council's understanding that the Register of the National Estate is being maintained, but is already closed to new nominations. Since the introduction of the *Environment and Heritage Legislation Amendment Act (No. 1) 2003*, all national nominations now need to be for either the National Heritage List or the Commonwealth Heritage List

#### Draft Recommendations 9.2, 9.3, 9.5 & 9.6

As mentioned, it is considered that requiring conservation agreements with the owner of heritage items will only result in listings not occurring and will not result in the better management and protection of heritage items.

#### Draft Recommendation 9.4

Local government does not have the resources to compulsorily acquire places of local heritage significance.

#### Draft Recommendation 9.7

This is completely inappropriate. The identification of properties of heritage significance is an on-going and evolving process and often a property's significance is not discovered until such time as an application is submitted to Council. Lack of a heritage listing or zoning should not preclude the identification and protection of identified heritage when Council becomes aware of it. Heritage is an important consideration in the assessment of any development application under the Environmental Planning & assessment Act, 1979, and should remain so.

#### Draft Recommendation 9.8

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Local government in NSW is the body which implements heritage areas etc, within the legal framework set by the State government.

## **Conclusions**

It is considered that if the recommendations of this Inquiry are implemented, it will result in only items of heritage significance in public ownership, being conserved for future generations. It may result in the loss of a substantial amount of items of local significance. In many instances these items are important to the social development and history of an area, but are not grand architectural items. Neither the owners nor local government have the money or resources available to prepare and enter into detailed and individual conservation agreements for items of heritage significance.

Local councils have many demands placed upon them, and in many cases heritage conservation is already not adequately funded or resourced at the local government level. The various sources of funding provide by the NSW Heritage Office are recognised. In many cases, the only reason some Council's undertake work on heritage identification and listing, is because of the availability of \$ for \$ funding. The funding should be increased if anything; however the requirement for conservation agreements could not be financially sustained by Councils or private owners.

A key issue of concern is the amount of negativity about heritage listing which has been generated by this Productivity Commission and embodied in the Draft Report recommendations. Heritage listing does not need to be a disadvantage and in many instances it is a benefit to a property owner. Obviously all situations are different, but a listing does not impose maintenance requirements on the owner and does not prevent an item being added to or altered to. It does not even prevent an item from being demolished; it just ensures that there is a mechanism to fully assess the heritage significance of the item before a decision is made to approve demolition. Statements of Heritage Significance are available and used in these instances.

We look forward to seeing the Final Report. If you wish to discuss the issues raised in this submission, please do not hesitate to contact Janine Formica (Mon – Wed) on (02) 9970 1148 or Caroline Kades on (02) 9970 1159.

Yours faithfully

Steve Evans  
**DIRECTOR - ENVIRONMENTAL PLANNING AND COMMUNITY**

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