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Heritage Inquiry  
Productivity Commission  
PO Box 80  
BELCONNEN ACT 2616

#### Submission - Draft Report on the Conservation of Australia's Historic Places

I have been directly involved with two situations where Local Government has wanted to heritage list properties without the consent of the owners. In one instance I supported a family member whose home was recommended for listing and the other as member of a church board when the church building was being considered for listing. In both of these situations there was very limited consideration of the owners in the decision making process. The attitude indicated by local government always seems to be it is good for you and you should be grateful for their decision. I note that this negative view of the current heritage listing system by private owners is a common finding in your report.

From my experience there is a blatant disregard for the views of the owner of the property in the current listing process. The heavy handed approach employed by local government with the support of State government authorities is both unfair and unreasonable. All costs in fighting the listing and challenging the decision must be borne by the owner and then if it is listed the ongoing costs associated with listing are also disregarded by the authorities.

Cost is the key issue in heritage listing. Those making the listing continually argue that it will not cost and that it will in fact increase the value of the property. However they are not prepared to underwrite their decision for any cost or potential loss by owners in the event of a sale, in the need for increased maintenance costs or development limitations.

As an example I use my experience with the church building being considered for listing. It is located in an industrial area surrounded by workshops, theatres and retail premises. The building was erected approximately 100 years ago and it is in need of significant repairs. If it was considered the current building no longer met our needs and it should be sold, the most likely purchaser would be a developer looking to demolish and rebuild more suitable premises. As this could not happen with heritage listing it totally restricts the options of a small church community to either move on or forces the targeting of limited finances to building works at the expense of other church and community programs.

Many private owners of heritage listed sites are frequently unable to understand the process and its implications due to a range of factors including, age, health, education, cultural background and limited understanding of bureaucratic systems. In presenting a case to Council about a family member's home I was astounded at the queue of other people waiting to present their case without any real understanding of the process they were involved which was reflected in the limited preparation they had made for the hearing. The social justice implications of heritage listing should not be overlooked. Not all people with heritage listed

buildings are wealthy developers looking to make their next million. Many are everyday Australians who are totally confused by the process. I would argue that any future process even those including negotiated agreements should take into account the ability of owners to understand what is involved.

Evidence used to justify heritage listing is often broad in scope and difficult to argue from a logical point of view. For example the importance of people who may have lived in or visited the property can be very subjective in the context of their life and events associated with the reasons for listing. In relation to the church building, if the church community most affected by the history and significance of the building no longer see a value in maintaining the building it seems totally inconsistent that they could be obliged to maintain it for people who haven't been directly involved with the history.

Draft finding 5.2 discusses a "statutory statement of significance". I would expect the basis for establishing the criteria for this system is to ensure heritage significance can be readily substantiated against more easily understood principles. Any initiative that makes the current system simpler easier to understand and reflects greater accountability in making heritage decisions should be encouraged.

I support the draft recommendations of the report particularly 8.1 and 9.3 dealing with the right for owners to say "no" or at least not be funding a community benefit without an agreed level of support for the private owner. If the community through local government wants something to be heritage listed that should be tested by the level of support it is prepared to give to back up the decision.

In closing it may appear from my comments that I am against the preservation of old buildings. This is far from true and in the examples given of my experience in this area, there is an ongoing personal commitment from the parties involved to retain the buildings in good condition. The opinion expressed in this submission comes from personal experience of the dictatorial manner in which heritage listing policy and legislation has evolved and has been applied to date.

I am presenting this submission on my own behalf but can assure you that sentiments expressed represent many people who have had similar experience of the heritage listing process. I look forward to the implementation of the reforms recommended in the draft report.

Thank you for the opportunity to make this submission on such an important community issue.

Regards

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