

Wednesday, 1 February 2006

The Commissioners,  
Heritage Inquiry  
Productivity Commission  
PO Box 80  
Belconnen ACT 2616  
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Dear Commissioners

I refer to **Submission 223** and attendant communication of recent days by Mr Richard Hitchins for Aerospace Heritage Queensland (AHQ). I am a member of AHSA (Aviation Historical Society of Australia Inc) itself a member organisation of AHQ and Mr Hitchins referred to some 'outstanding comments on the PC's Draft report which would be lodged by 24 February by another AHSA member Mr Mike Adams and myself.

Mr Hitchins yesterday advised me you / your Productivity Commission indicated a wish / preference for 'those outstanding comments' to be lodged by 3 February. In that regard, Mr Adams and I offer our comments as below.

I am a retired Civil Engineer by profession who like many ordinary senior Australians, tends to test their view of the future via the yardsticks of history, their personal experience and knowledge. I certainly do not claim any working knowledge of the many Government Acts and heritage related bodies embraced in your Draft Report. I can therefore only offer comment framed from my experience and beliefs.

Mr Adams has thirty years of community heritage experience and has achieved tertiary qualification as a para professional.

**Recommendations** (pages 42 – 44 of Productivity Commission's DRAFT report on, Conservation of Australia's Historic Heritage Places)

NOTE: Where no comment appears (indented) after the recommendation, it means R Marks and M Adams have no comment.

The Commission's **key recommendation** is as follows:

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.

This is admirable if it avoids private owners' financial embarrassment impressed by any undue present governmental restrictions.

However, in the event of failure to reach or retain a satisfactory 'agreement' it appears Recommendation 9.4 ideally comes into play. It should be possible, indeed desirable for an appropriate 'advisory body' (Heritage Council?) to be called on by the Minister BEFORE actual de-listing comes into effect.

In short, where an agreement cannot be retained and compulsory acquisition becomes too 'difficult' SOME appropriate body should be able to appeal the threatened de-listing.

The following lists (all the other) recommendations in chapter order:

### 3 Overview of historic heritage conservation in Australia

#### DRAFT RECOMMENDATION 3.1

All levels of government should put in place measures for collecting, maintaining and disseminating relevant data series on the conservation of Australia's historic heritage places.

How does this sit with recommendation 9.8 which appears to place primary responsibility on Local Government? Surely it would be ideal to have a higher level of government MONITOR such primary activity while minimising wasteful duplication of effort.

Presumably, this 'data series' is in effect ALL relevant information on historic heritage places whether they be LISTED formally or not.

### 7 Assessing governments' involvement

#### DRAFT RECOMMENDATION 7.1

The Australian Government should phase out the Register of the National Estate for historic heritage purposes, beginning with the closure of the Register to any new nominations.

This is satisfactory if it's just a step in changing from Register of the National Estate to a similar "List" . I should add, that from my reading of this Draft Report it appears some if not most of this change has already taken place.

#### DRAFT RECOMMENDATION 7.2

State and Territory governments should remove any reference to the Register of the National Estate from their planning and heritage legislation and regulations.

This is satisfactory if it's just a step in changing from Register of the National Estate to a similar "List" .

DRAFT RECOMMENDATION 7.3

Those State governments that have specific legislation governing the operations of the National Trust should repeal such legislation.

This is satisfactory if it's just a step in changing from Register of the National Estate to a similar "List" .

DRAFT RECOMMENDATION 7.4

The Australian Government should implement reporting systems that require government agencies with responsibility for historic heritage places to document and publicly report on the heritage related costs associated with their conservation.

If the present Register of the National Estate is dissolved and NOT replaced by an equal "List" then at the stroke of a pen, there suddenly are NO ... " *historic heritage places to document and publicly report on the heritage related costs associated with their conservation.*"

Presumably this requirement for the Australian Government agencies to ... " *to document and publicly report on the heritage related costs* ".... does not presently apply – ideally it should and perhaps (?) it is likely to be an expensive introductive exercise.

DRAFT RECOMMENDATION 7.5

State, Territory and local governments should:

- produce adequate conservation management plans for all government-owned statutory-listed properties; and
- implement reporting systems that require government agencies and local governments with responsibility for historic heritage places to document and publicly report on the heritage-related costs associated with their conservation.

## 8 Getting incentives right

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.

This is admirable if it avoids private owners' financial embarrassment impressed by undue present governmental restrictions.

However, in the event of failure to reach or retain a satisfactory 'agreement' it appears Recommendation 9.4 ideally comes into play. It should be possible, indeed desirable for an appropriate 'advisory body' (Heritage Council?) to be called on by the Minister BEFORE actual de-listing comes into effect.

In short, where an agreement cannot be retained and compulsory acquisition becomes too 'difficult' SOME appropriate body should be able to appeal the threatened de-listing

## 9 Conservation agreements for privately-owned heritage places

### DRAFT RECOMMENDATIONS 9.1

The Australian Government should implement processes whereby any additions of non-government owned properties to the National List occur only after a conservation agreement with the owner has been entered into, and that the property remain on the list only while an agreement is in force. Consistent with its stated preference of relying on agreements for the management of world and nationally significant historic heritage places, the Australian Government may wish to make this a statutory requirement under the Environment Protection and Biodiversity Conservation Act.

See comment for 8.1, particularly in respect of prospect of de-listing through failure to reach or maintain an agreement.

### DRAFT RECOMMENDATIONS 9.2

State and Territory governments should modify heritage legislation to ensure that any additions of non-government owned properties to their statutory heritage conservation lists occur only after a conservation agreement with the owner has been entered into, and that the property remain on the list only while an agreement is in force.

See comment for 8.1, particularly in respect of prospect of de-listing through failure to reach or maintain an agreement.

### DRAFT RECOMMENDATION 9.3

State governments should require their local governments to add non-government owned properties to a local heritage conservation list only after a conservation agreement with the owner has been entered into and remains in force.

See comment for 8.1, particularly in respect of prospect of de-listing through failure to reach or maintain an agreement.

### DRAFT RECOMMENDATION 9.4

State governments should put in place systems for their local governments to request compulsory acquisition in cases where this becomes the only way to ensure cost-effective conservation of places of local significance.

Highly recommended !!

DRAFT RECOMMENDATION 9.5

Private owners of already listed properties, where the listing occurred after purchase of that property, should be able to apply for a negotiated conservation agreement and for listing to continue only if an agreement is reached.

Sounds fair.

See comment for 8.1, particularly in respect of prospect of de-listing through failure to reach or maintain an agreement.

DRAFT RECOMMENDATION 9.6

Private owners of already listed properties, where the listing occurred prior to the purchase of that property, would remain covered by the existing 'package' of restrictions and concessions (if any). These arrangements would be reassessed at the time of any substantive development application when negotiations for a new conservation agreement would occur and listing would continue only if an agreement is reached.

See comment for 8.1, particularly in respect of prospect of de-listing through failure to reach or maintain an agreement.

DRAFT RECOMMENDATION 9.7

State and Territory governments should modify their planning legislation and regulations to remove any requirement to take heritage considerations into account in relation to any individual property other than those requirements relating to zoned heritage areas.

DRAFT RECOMMENDATION 9.8

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

Presumably, this is based on Local Government being closest to and in optimum touch with private owners and their holdings. Without some appropriate SUPERVISING authority (higher level of government ?) National or State value of a site / building may be by-passed or not recognised and detailed etc.,

Sincerely

Roger R Marks, B.E.(UQ)