



LS (F2004/06750)
(Contact Officer: Lorraine Simpson - 9399.0978)

28 July 2005

The Commissioners
Heritage Inquiry
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

RE PRODUCTIVITY COMMISSION HERITAGE INQUIRY

Dear Commissioners,

I refer to the public inquiry into the conservation of Australia's historic heritage places, and thank the Commissioners for the opportunity to make an initial submission. On behalf of Randwick City Council, I would like to provide the following comments:

How does local government recognise and protect historic heritage places?

Randwick City's historic and natural heritage places are recognised and protected by a Local Environmental Plan (LEP) made under the Environmental Planning and Assessment Act 1979. Randwick LEP 1998 includes a Schedule of Heritage Items which includes over 400 listings. Randwick City Council also has 19 heritage conservation areas which are indicated on its LEP maps. In relation to heritage items and heritage conservation areas, the LEP requires Council to consider the extent to which any development proposal would affect heritage significance. This framework for the recognition of heritage places is consistent with other local governments in NSW, and the LEP heritage provisions are updated in accordance with advice and any model provisions issued by the Department of Infrastructure, Planning and Natural Resources and the NSW Heritage Office. Council employs a Heritage Planner to provide specialist comment on development applications affecting these properties, as well as private consultants to provide additional assistance.

It is noted that Council has care and control of a number of heritage listed properties including buildings, parks, swimming baths, and sculptures and monuments.

What criteria do local governments use to list historic heritage places and how do these relate to those used by other levels of government?

Randwick City Council heritage listings have been made on the basis of heritage studies carried out by recognised heritage consultants in accordance with prevailing guidelines published by the state government heritage authority. The current NSW Heritage Assessment criteria published by the NSW Heritage Office in the NSW Heritage Manual, updated in 1999, set out 7 separate criteria for heritage significance, which are consistent with the criteria used by the Australian Heritage Commission and are accepted by heritage practitioners throughout NSW.

How well do local governments resolve conflicts between protecting private property rights and achieving legitimate conservation objectives? Should governments (at any level) be required to compensate for their actions which infringe on the property rights of private owners?

Randwick City Council considers that through sensitive design property, reasonable rights to update and alter properties can generally be achieved without detracting from heritage values. Pressures for increased commercial and residential densities can however impact on heritage significance, and planning controls including zonings, height and floor space ratios should as far as possible be compatible with the heritage values of a particular property or area. Heritage restricted valuations for land tax and local rate purposes ensure that valuations of properties are made on an existing development basis rather than on any presumption of future development. Such rate and land tax concessions can provide some financial compensation. It is unclear from what funding sources further compensation could be provided. Council does not currently provide reduced fees for development applications affecting heritage properties, as any fee reduction would not cover assessment costs. Randwick City Council does not have a heritage fund for the undertaking of conservation works. While funds for conservation works, including repairs and maintenance, are available through the NSW Heritage Office through the Heritage Incentives Program, the application process is competitive and funding tends to be difficult to access for small projects such as private dwellings.

Council's 2003/2004 Annual Report noted that during the period covered by the report, Council received 88 development applications for alterations and additions to heritage items within the City. 79 applications were approved, 2 were refused and 7 were deferred/withdrawn. In the 2004 calendar year Council's Heritage Planner and consultants gave advice on over 200 applications, including both heritage items and properties within a heritage conservation area. The 2003 State of the Environment report noted that the main threats to the heritage significance of properties in private and government ownership are deterioration of building fabric, poor building maintenance and unsympathetic alterations and additions.

To what extent do local governments provide clear guidance about the rights and responsibilities of owners of heritage-listed properties?

As part of an extensive community consultation process for a number of currently proposed conservation areas, Council has produced supporting brochures, including an extensive list of Frequently Asked Questions relating to heritage properties. This information replaces a previous promotional brochure aiming to advise property owners about their rights and responsibilities, setting out the types of work which do and don't require Council consent, and encouraging property owners to consult with Council about proposed works. Council's Development Control Plan for Exempt and Complying Development clearly sets out which types of work can be carried out as exempt or complying development.

Randwick City Council has adopted a number of Development Control Plans for particular heritage conservation areas which provide detailed controls for development including alterations and additions, infill development and guidance for carrying out repairs and maintenance. In conjunction with an updated heritage LEP, Council has prepared a comprehensive Draft Heritage Development Control Plan providing detailed guidelines for existing and proposed heritage conservation areas and heritage items.

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How do local government regulations designed to protect historic heritage places relate to more general planning regulations?

Heritage controls, including LEP and DCP heritage provisions are part of the same planning framework as other general planning regulations.

It is Council's view that recognition and protection of heritage places is generally consistent across NSW and consistent with national policies. Council makes a considerable effort to provide detailed information to property owners in relation to heritage development, and to minimise and resolve conflicts between heritage values and property rights. If you wish to clarify or further discuss Council's submission, please contact Council's Heritage Planner, Lorraine Simpson on 9399 0978.

Yours faithfully,

Ray Brownlee
GENERAL MANAGER

Per: