

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS

3 March 2006

Ms Jill Irvine  
Heritage Inquiry Productivity Commission PO Box 80  
Belconnen ACT 2616

Dear Ms Irvine,

We value the opportunity to comment on the findings of the Productivity Commission into Heritage. The RAI A has long supported the protection of the built environment, in particular where it can be shown to be architecturally significant.

The RAI A is disappointed to see that the Productivity Commission, in their Draft Report, has not appropriately valued the immense environmental, social and cultural benefits that heritage conservation imparts to the Australian community. It is the RAI A's view that the community at large has accepted these benefits and values our heritage accordingly, and relies on the protocols in place to list, register and subsequently protect our significant sites, both modern and ancient. The RAI A believes the introduction of voluntary agreements to be used as a mechanism for the listing of privately-owned properties is not in the public interest, and does not support any such recommendation.

The following remarks are offered to the Productivity Commission and re-assert the views of the RAI A and to help the commission reconsider their draft findings. .

**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.*

The RAI A strongly disagrees with this recommendation.

The principles of heritage-listing are commonly understood to involve an initial assessment, the determination of the place's significance, the listing or registration of that place, and the subsequent establishment of a conservation management plan that responds to the identified significant features of that place. This recommendation appears to ignore these principles, and furthermore, confuses this process by linking the management of heritage-listed properties with their assessment. The heritage listing and de-listing of a significant place are not, and should not be, related in any way to the ownership or management of that place.

Whilst the RAI A is not opposed to negotiated conservation agreements, such agreements should not play a role in the assessment or listing of privately-owned properties to national, State, Territory or local government statutory heritage lists. Places should remain listed while their significance remains intact, and only removed from the register should those significant characteristics disappear.

The RAI, as asserted in its initial submission, encourages the adaptive re-use of heritage places which enable the owners' financial benefit and flexibility. It should also be noted that this recommendation assumes a simplistic view of the status of ownership as singular, whereas in a number of situations properties are owned in part by a number of parties, and in such cases the negotiation of such an agreement is subject to complexities which may prove to be very difficult to overcome.

**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.*

The RAI agrees with this recommendation.

**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.*

The RAI does not oppose the decision to phase out the Register of the National Estate, however can only agree to such a measure if all places on the Register have been properly assessed by the appropriate level of government. Such assessment would enable all places on the register of the national estate to be considered for their relevant area listing, should this be national, State, Territory or local government statutory heritage lists, and their protection retained accordingly. Furthermore, the Register of the National Estate should remain as a record document, and its importance is recognised by the RAI.

**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.*

The RAI can only agree to this once all properties on the Register of the National Estate have been properly assessed by State and Territory governments. At the local level, the Register of the National Estate is invariably the only document that refers to important local heritage values.

**Draft recommendation 7.3**

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

The RAI has no comment.

**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.*

The RAI notes the ambiguity of this recommendation, querying whether the documentation and public reporting on the heritage related costs apply to the government agencies or the historic heritage places. In either case, appropriate resources will need to be allocated.

### **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.*

The RAIAG agrees with part one of this recommendation, and encourages conservation management plans where possible.

The RAIAG makes no comment on part two of this recommendation.

### **Draft recommendation 9.1**

*The Australian Government should implement processes whereby any additions of nongovernment owned properties to the National List occur only after a conservation agreement with the owner has been entered into, and that the property remains 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.*

The RAIAG disagrees with this recommendation. The management of world and nationally significant historic heritage places relies on agreements between governments and the World Heritage Committee, and should not be compared to agreements between private owners which are subject to market forces.

This recommendation does not adequately recognise that any place on the National List has been subject to a long process of rigorous assessment and consultation, and justly deserves to remain on that list due to its founded high level of significance. That place is also deserving of protection, and such decisions should not be related in any way to a negotiated conservation agreement.

The RAIAG also notes that the heritage council of the States and Territories, whilst appointed by the Minister, represent the community. This recommendation dilutes the role of community in the decision-making process.

### **Draft recommendation 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 had been entered into, and that the property remain on the list only while an agreement is in force.*

The RAIAG disagrees with this recommendation, please refer to the RAIAG responses to recommendation 8.1 and 9.1.

### **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.*

The RAIAG disagrees with this recommendation, please refer to the RAIAG responses to recommendation 8.1 and 9.1.

**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.*

The RAIA agrees to this recommendation, should the local and State governments have sufficient finances to implement such a recommendation. Substantial funding needs to be made available to support places of local significance.

**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.*

The RAIA disagrees with this recommendation, please refer to the RAIA responses to recommendation 8.1 and 9.1

**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.*

The RATA disagrees with this recommendation, please refer to the RAIA response to recommendation 8.1

**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.*

The RAIA disagrees with this recommendation.

The setting and streetscape of a place with heritage significance inevitably contributes to its significance. However in some cases, other factors may be determined as significant, including the interior of a place. Therefore, heritage significance should not be restrained to zoned heritage areas, and needs to be considered in planning legislation and regulations.

**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.*

The RAIA disagrees with this recommendation.

Conservation areas of state significance need to be managed by and with State Government involvement, and not delegated to planning schemes governed by resource-poor local government. State governments are better placed to provide expertise on state and strategic matters, and should be in a position of leadership with regard to these roles and liaise and consult with local government accordingly.

In conclusion, and in addition to the above noted points, the RAIA wishes to see the Productivity Commission acknowledge, embrace and respond to educational benefits the tourism incentives associated with the effective conservation of our architectural heritage, which also includes our significant twentieth century architecture.

The RAIA, in its submission, highlights the importance of retaining noteworthy works of twentieth century architecture, and recognising these as the heritage of the future. It is critical that Government follow expert advice on the conservation of modern architecture and initiate a new focus and understanding of this broader concept of heritage Conservation within government organisations.

The growing emergence of cultural heritage tourism, and its associated economic, environmental, social and community benefits, has largely been overlooked by the Productivity Commission's Draft Report. Cultural heritage tourism can potentially contribute to both national wealth and as a mechanism for increased private funding of *heritage place conservation*. Such untapped potential should be investigated thoroughly and encouraged accordingly.

Similarly, the link that heritage conservation plays in the role of education cannot be overlooked. Conserving our built form as a historical resource for the education of future generations of architects and the public, should be the basis for which ongoing support is provided to heritage conservation in Australia and educational programs associated with this.

The RAIA reaffirms that the challenges facing Australia, in relation to our built heritage, are about better funding the maintenance and conservation of these significant assets. These have clearly been identified as important to our community in terms of social, environmental, cultural and agreed heritage values. How will the costs be shared equitably across the community and what leadership will governments provide as trustees of many of these assets? With over \$700 billion in superannuation savings and almost zero Commonwealth government debt, it is clearly time to focus some of Australia's shared wealth for the benefit of future generations.

The RAIA will be pleased to discuss these issues further with the Productivity Commission, and hope that the Commission will reconsider the approach taken in the Draft Report, especially the direction of many of its recommendations.

Yours faithfully

David Parken LFRAIA  
Chief Executive Officer