

## **Submission to the Productivity Commission into the Conservation of Australia's Heritage Places**

### **Introduction**

- This paper examines the flaws in the process for listing an entire town and its setting, because it is that process that has made me most aware of its flaws.
- Examples will mostly relate to the proposal by the NSW Heritage Office to list Braidwood as that is where my experience has been acquired.
- I'm not a heritage expert but have an appreciation and love of old things and have been blessed with some common sense and the experience of having moved myself and my family 27 times in 37 years as a result of my Navy service. This has meant I have lived in many homes, some of heritage significance, and in many communities, and I have a vested interest in Braidwood's continuing social and economic well-being, as I now live there.
- The social well being of Braidwood has already been seriously damaged by the apparently thoughtless and inept manner in which the NSW Heritage Office have approached the listing of Braidwood and its setting. The division in the town over heritage has split families and friends like no other issue Braidwood has faced over the years. It has been the cause of spiteful and damaging comments in the local paper, embarrassing public displays of anger, and prompted the formation of a concerned group that amounts to almost 50% of the town's adult population.
- The people of Braidwood are now rightfully concerned that the blanket listing of our town and its setting will so slow growth and increase the cost of both building and maintenance that the economic viability of the town is threatened.
- The NSW Heritage Office has declined to add to the very limited public information sessions (4 only, each limited to 25 townspeople and all oversubscribed) to answer the many questions that the people of Braidwood have, and is pressing on with a listing proposal even though the people of Braidwood have yet to see the details of the restrictions that the new Local Environment Plan and a new Heritage Development Control Plan will introduce. These planning documents may make it quite clear that the social and economic viability of Braidwood is assured, but they may not.
- The following is offered in the hope that the Productivity Commission may see fit to ensure some checks and balances are put in place to ensure the well-being of small communities like Braidwood is put ahead, or at least equated to the preservation of our built heritage.

## **The main pressures on the conservation of historic heritage places**

- Whilst the obvious and most popular answer might appear to be the pressure from development it appears to me that as every year passes the cost of maintaining these buildings both physically and socially will become the most significant pressure to be placed upon them, as someone will be obliged to pay for the repairs and maintenance.
- If, as we are told, a building is being preserved for the benefit of the people of Australia or the State, then the people of Australia or the State should contribute to its upkeep. The level of finance available to heritage building owners should be sufficient to make repair costs to a heritage building commensurate with repairs to a more modern building.
- Some older buildings may soon reach a point where the difficulties associated with their continuing use make them, for practical reasons, unusable, so the owner may choose to build elsewhere and rent the heritage item (if possible). It is this process associated with retail businesses that may see whole business districts move to a different part of town leaving the heritage building collections to form a depressed socio-economic area. Braidwood has one of these buildings already.
- Each year the buildings get older and nearer the limit of their life expectancy, whatever that might be, and so the cost of maintaining them becomes greater for two reasons
  - As they age they will need more care, but also
  - As we move further in time away from the common use of the materials used to build them, and newer materials become more common, the cost of acquiring the older materials, and the cost of locating and employing people with appropriate old-world skills to carry out the repair work will cause the costs of maintenance to grow exponentially.

## **The economic, social and environmental benefits and costs of the conservation of historic heritage places in Australia**

- The generally accepted economic benefit of preserving our heritage is increased tourism, but many of the listed buildings in Braidwood are in private ownership and not open to the public, so how many tourists will really be satisfied with driving past a heritage building? How many people will travel a long distance to drive past a heritage building? Beyond knowing that a particular building is being preserved, and can be admired from a distance, I see little economic benefit to the preservation of heritage places unless there is some plan or process in place to eventually make those places accessible to the people.
- Heritage buildings that house a tourism related business of some kind may attract visitors and so permit sharing of the heritage experience, but not all heritage buildings are so used.

- The preservation of heritage places is important for the education, understanding and appreciation of future generations, but surely is only valid if those future generations are able to have hands-on experience of those heritage places, a drive-by is not hands-on.
- By attempting to preserve an entire town and its setting the NSW Heritage Office may be placing in jeopardy the economic viability of the town by
  - denying the town the opportunity to grow, and so limiting it's chance of reaching a size where it will become viable to get a visiting dentist, medical specialists and other services and infrastructure that require a minimum critical mass of people, and are taken for granted by many Australians living elsewhere.
  - denying the young families of the town the opportunity to build their dream home, as generations of Braidwoodians have done before them to create the town that the NSW Heritage Office wishes to freeze in time, by restricting new homes to the design philosophies of an era long past..
  - threatening the viability of the local schools by forcing young families to move to where they can build their dream home.
  - increasing building costs significantly by forcing compliance to a style of building no longer considered appropriate in the rest of the state.
  - restricting the use of rural land in such a way that farmers are unable to fully utilise the resources they own;
    - by restricting diversification into rural pursuits such as hydroponics, aquaculture, wine, farm-stay, ecotourism facilities etc that will enhance the heritage experience of tourists to the region
    - by reducing the potential value of farmland by placing unreasonable restrictions upon it and thereby denying the farmer the use of such land as collateral to finance a rural venture in a region of the district where such activity is acceptable.
    - By restricting activities in an entire paddock when the view-cone the Heritage Office is anxious to preserve only covers a portion of the paddock.

**The current relative roles and contributions to the conservation of historic heritage places of the commonwealth and the state and territory governments, heritage owners (private, corporate and government), community groups and any other relevant stakeholders.**

- There appears to be no “court of appeal” or its equivalent if the state heritage office decides to list a town. There appears to be no organisation, no umpire, and no arbitration opportunity to air concerns over the proposal put by the heritage office.

- There appears to have been no concerted effort or development of a plan or process to list an entire town by the Federal, State or Territory governments.
- There appears to have been no process involving the people of NSW in identifying the NSW town and its setting that is most worthy of preservation. Is there a list somewhere? Which town is next on the list?
- The town of Braidwood and its setting has been treated as one item, something it is clearly not when it comes to looking at its future viability, and something it will clearly not be when residents begin applying for grant assistance.
- There appears to be no compulsion on the part of the State heritage office to enter into extensive community consultation at a level appropriate for the proposal to list an entire town and its setting
- The NSW Heritage Office were directed by the Deputy Premier of NSW in March 2003 to consult with the people of Braidwood about the possibility of listing Braidwood and its setting, and 25 months later, and one month before the close of submissions, in April 2005 the NSW Heritage Office called four “Public Information Sessions”, each limited to 25 people.
- The unwillingness of the State heritage office to listen to the people’s concerns and no other government organisation to turn to for adjudication or arbitration has meant a very stressful time for the people of Braidwood as they have struggled to come to grips with the listing process and seek time and support to ensure the decision is based on sound knowledge of all the pressures on a small country town, social, economic, cultural and environmental, and not solely based on heritage issues/values.
- The State heritage office seems unable to grasp that unless the town remains economically and socially viable the very fabric they wish to preserve will disintegrate.
- On the one hand we are told that the heritage office skills and abilities are limited to the valuation of heritage items and that the consideration of social and economic issues is outside their brief, but at the same time we are told by these same people, self-confessed experts in only one area, that we will be fine socially and economically.
- There is a need, when a whole town and its setting are considered, for an accepted policy and process to be put in place at both the federal and state levels to ensure that experts from many fields relating to the viability of small country towns are involved in ensuring the continued viability of the town involved.
- By definition, a small country town will not have the facilities, the know-how nor the resources in time, people, infrastructure or money to ensure it is fairly treated. If it is important for the people of Australia to preserve a small country town and its setting then it is surely equally as important that their

continued social and economic well-being are carefully considered and preserved. This may require ongoing government funding to permit the townspeople to live with the limitations placed upon them by the form of the heritage listing, or it may require modification of the type or way in which a listing is undertaken. Either way it should warrant extensive public consultation over a significant period of time and the consideration of a number of ways of preserving both the built heritage of the town and the social and economic well-being of the community to ensure the satisfaction of both the community and the Heritage Office.

- This raises the question of how much is enough? As more and more of our heritage is listed it becomes less and less rare and hence less and less valuable. As it becomes less and less valuable it also becomes more and more expensive to retain. What level of funding is the government, at Federal, State and Territory level prepared to maintain, and to increase, to pay for the spiralling cost of the yearly additions to the nation's heritage registers?
- Is there pressure on the state heritage offices to continue to find heritage items to list each year to justify their existence, or is there a master plan that identifies all sites that are worthy of preservation and we are just steadily working through them and by carefully looking at the rate of listing we can forecast the end of the process and so identify the ongoing resource requirements needed to maintain that collection of heritage items?
- Does such a list need to be prepared so that a complete picture of the state of our nations heritage can be compiled, and appropriate plans set in place with full knowledge of what our heritage is worth, and what it costs?

**The positive and/or negative impacts of regulatory, taxation and institutional arrangements on the conservation of historic heritage places, and other impediments and incentives that affect outcomes.**

- Perhaps consideration should be given to the owners of heritage buildings being allowed to deduct a percentage of their home repairs from their taxable income. The rate could be chosen to make the cost of maintenance of a heritage building more closely aligned to the cost of maintaining a more modern home. This might be a lesser cost option to government than a grant scheme where actual funds have to be found from a budget.
- From the close proximity I currently find myself to heritage listing I see the following difficulties;
  - I will need to submit a development application for many tasks I could previously undertake without such approval. Each development application requires payment of a fee.
  - I will need to submit a development application well in advance of the time at which I intend to undertake a particular task so I will need to plan further ahead so that I can effectively use my breaks from work to perform tasks around my home. This will probably mean many disappointing and frustrating delays waiting for approvals to come through.

- I will need to convince a bureaucrat, or series of bureaucrats, somewhere that what I am proposing is in keeping with the design and age of my home and is important enough for my quality of life to be permitted.
- I will need to employ more tradespeople because the tasks I wish to undertake may require an ancient skill that I don't have, even though I could do the task with a more modern approach and materials, if the heritage restrictions would allow me. So many tasks will cost me more and take longer to complete.
- The restrictions forecast in the Heritage Office proposed Development Control Plan mean that many solutions currently available will not be approved and so I will be forced to use a more costly building style, layout, materials and location on my block.

**Emerging technological, economic, demographic, environmental and social trends that offer potential new approaches to the conservation of historic heritage places**

- The extensive consultation with a wide-ranging number of different sections of the community in Victoria appears to have resulted in a community-friendly approach to listing that we are constantly told has permitted heritage listed towns to flourish, even though this is not the model proposed for Braidwood. This approach appears to more closely examine the town and the heritage aspects of it that should be preserved and then places restrictions that diminish with distance from the heritage areas identified. This has permitted growth in parts of the town away from the heritage precinct and so has allowed the community to maintain its social and economic viability. NSW heritage Office seems ignorant of, or opposed to, this option, re-enforcing the need for a federal government policy on how the listing of entire towns might best be handled to ensure that “best-practice” is available to all small towns in all states and territories. We might at least have been instructed on why the proven Victorian model is being ignored in favour of a completely different “first-time” and subsequently untried process at a time when the appropriate planning instruments are not available to support or discredit such a proposal.
- The current trend of the “baby boomers” moving from the cities will continue to provide many small country towns with an influx of people and money and so assist in the growth and rehabilitation of many economically marginal country towns by buying property and providing employment for tradespeople and increasing the retail turnover. Recent evidence suggests that about half of the 4 million “baby boomers” have made such “sea” and “tree changes” from our larger cities, and are likely to continue to do so. The listing proposal for Braidwood and its setting would appear to be likely to deny the opportunity for Braidwood to enjoy some of this growth, but no plans appear to be in place or proposed to ensure the present and future residents of Braidwood are not disadvantaged as a result. It would be easy to argue that it is the Heritage Office intention to deny Braidwood this opportunity to grow sufficiently to permit the townspeople to develop the infrastructure and facilities that many in Australia take for granted.

## **Possible policy and programme approaches for managing the conservation of Australia's historic heritage places and competing objectives and interests.**

- There is a need for the support or provision of some form of arbitration in heritage listing cases relating to a whole community where a major part of that community is concerned that it is being unjustly treated or likely to suffer social and economic hardship as a result of listing, or the state heritage office believes the community is being unreasonably intractable.
- There is a need to share the national responsibility for maintaining heritage places across all Australians by providing some form of financial assistance for the owners of heritage items to assist them in reducing the cost of maintaining them to a level commensurate with more modern homes
  - This could mean tax concessions, waiver of development application fees, increased grants or some as yet unmentioned mechanism that will equitably spread the cost of maintaining Australia's heritage for Australians and overseas visitors.
- There appears to be an urgent need for the Australian community, the professional heritage community and the Federal, State and Territory governments to come to grips with how much preservation is enough and to ensure funding is sufficient to meet their preservation needs, and that the cost of preserving Australia's heritage for Australians is being met by all Australians and is not just being steadily transferred to the owners of heritage items
- Probably the most effective way of preserving, teaching, appreciating and eliciting community support for the preservation of heritage items is to give communities a greater sense of ownership of their heritage, and this may mean that more heritage items will need to be purchased by government and then presented to the local community to maintain, with government assistance. Such a program of purchases should, over a period of time, ensure the more precious items of heritage significance could truly become the much-loved property of the people of Australia. It seems likely that by requiring private owners to maintain items little more than lip-service can be paid to educating future generations about the value of our heritage. If our heritage is of value to all Australians then all Australians should have access to it and contribute significantly to its retention, with the guidance and encouragement of the heritage offices. But not by the establishment of an additional layer of bureaucracy solely concerned with the heritage value of the built environment at the expense of the equally important cultural, environmental, social and economic aspects of that community.

John Mathias  
Braidwood