

Save Braidwood Inc Productivity Commission Draft Report

This document provides Save Braidwood's views and comments on the Recommendations, page XLII of the Productivity Commission Draft Report into the Conservation of Australia's Historic Heritage Places.

Our overall support for the Recommendations is based on the general thrust of the study to increase the understanding and status of heritage controls by:

- Providing more transparency in the identification of heritage items by ensuring that they are identified using national standardized criteria that can be better understood, better focused on the truly important and less open to individual and arbitrary interpretation.
- Providing owners of individual properties more input into the controls agreed to preserve those features of the property that meet the criteria, and those only.
- Provide a more equitable funding and support mechanism, including compulsory purchase, to ameliorate the impact of those controls on individual owners.
- Ensuring the ability to use an item in a way that is financially viable otherwise the item will be lost because its upkeep will be beyond the capacity of the owner.
- Requiring heritage bodies with statutory responsibilities to focus on important sites and interact more positively and cooperatively with individual property owners.

Save Braidwood maintains that the current system as it has been applied in New South Wales together with the lack of effective consultation by the NSW Heritage Office has led to a severe reduction in the status of heritage conservation in the Braidwood community. It is crucial that there be a cultural change in the NSW Heritage Office and Council if this damage is to be repaired.

Save Braidwood's specific comments are in *italics* after each Recommendation

Recommendations

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.

Save Braidwood strongly supports this recommendation. It would ensure that the owners knew and understand the values that are proposed to be conserved and allow them to make informed decisions as to the use of their building. In addition it would require the listing authority to be more rigorous in the application of the assessment prior to listing and remove the trivialization of the heritage conservation effort by the 'blanket' listing of items 'just in case' as seems to be the case with a number of the currently listed properties in Braidwood. Then the funding of the agreed conservation would be easier to

Views and comment on Draft Recommendations

Save Braidwood Inc Productivity Commission Draft Report

establish and justify from the owner's point of view. The use of conservation agreements would remove one of the major impediments Braidwood has faced, that of the Heritage Office developing a conservation model for Braidwood without input from the owners of the item, namely the individual property owners and the community of Braidwood as a whole.

The following lists the 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.

Save Braidwood strongly supports this recommendation. These data should include funds expended on such activities by government instrumentalities to privately owned items.

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.

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.

DRAFT RECOMMENDATION 7.3

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

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.

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.

Save Braidwood does not have specific comment on the above five (5) recommendations. Our general comment is that all controls and requirements for privately owned items must be no more stringent than for government instrumentalities. We certainly support

Views and comment on Draft Recommendations

Save Braidwood Inc
Productivity Commission Draft Report

any requirement that requires the heritage-related costs of any proposed listing, whether private or public, to be public.

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.

Save Braidwood strongly supports this recommendation. It would ensure that the owners knew and understand the values that are proposed to be conserved and allow them to make informed decisions as to the use of their building. In addition it would require the listing authority to be more rigorous in the application of the assessment prior to listing and remove the trivialization of the heritage conservation effort by the 'blanket' listing of items 'just in case' as seems to be the case with a number of the properties in Braidwood. Then the funding of the agreed conservation would be easier to establish and justify from the owner's point of view. The use of conservation agreements would remove one of the major impediments Braidwood has faced, that of the Heritage Office developing a conservation model for Braidwood without input from the owners of the item, namely the community of Braidwood

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.

Save Braidwood strongly supports this recommendation for the reasons outlined against Recommendation 8.1 above.

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.

Save Braidwood strongly supports this recommendation for the reasons outlined against Recommendation 8.1 above.

Save Braidwood Inc
Productivity Commission Draft Report

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.

Save Braidwood strongly supports this recommendation for the reasons outlined against Recommendation 8.1 above.

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.

Save Braidwood strongly supports this recommendation. It would ensure that those items the community agreed were of heritage significance were conserved without detriment to the private owner who may well not be able to afford the costs of conservation. We note that there are well established procedures for compulsory acquisition of property for a range of public uses and this situation is, in essence, no different.

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.

Save Braidwood strongly supports this recommendation. The imposition of listing without the agreement of the owner is both an abuse of power without effective and equitable compensation and, in our view, very likely to further downgrade the effectiveness and status of heritage objectives.

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.

Save Braidwood strongly supports this recommendation. The only issue we see that needs further careful and meaningful consultation is what is meant by ‘substantive development’. In our experience with the NSW Heritage Office quite trivial alterations that would not lead to significant loss of heritage value have been the focus of unnecessary requirements.

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

Views and comment on Draft Recommendations

Save Braidwood Inc
Productivity Commission Draft Report

relating to zoned heritage areas.

Save Braidwood strongly supports this recommendation. The imposition of listing over otherwise non-heritage value properties without the agreement of the owner is both an abuse of power without effective and equitable compensation and, in our view, very likely to further downgrade the effectiveness and status of heritage objectives. Further we consider that the controls the NSW Heritage Office wish to impose on a large part of Braidwood is designed to fix the place in aspic and does not take into account changing heritage values nor community developments. In Braidwood's case the current listing recommendation would significantly hamper expansion of tourism activity due to controls on tourism related infrastructure even though the NSW Heritage Office maintains it will lead to growth in tourism.

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.

Save Braidwood strongly supports this recommendation. In our view and in representations made to our local Council and Ministers from the beginning of the campaign to list Braidwood and its environs, we have always maintained that this is a local issue of relevance to those who have to live there.