

SAVE BRAIDWOOD INC

is committed to preserving Braidwood's heritage by promoting the social and economic strengths of the town and surrounding area essential for its long-term well-being and maintenance.

Presentation to Productivity Commission on the Draft Report

Thank you for this opportunity to provide comment on the Draft report produced by the Productivity Commission into the conservation of Australia's heritage.

I represent a community group called SAVEBRAIDWOOD. We now number more than 500 members, and about 85% of our members have a residential address in Braidwood. Braidwood is a small community, about a thousand in the town, so SAVEBRAIDWOOD represents a crosssection of that community, and we fully support the recommendations made in the Productivity Commission's draft report. Our experience of the conservation of Heritage has been acquired on a "needs to know" basis from our involvement in the proposal by the NSW Heritage Council to list Braidwood and the farmland that surrounds it on the State Heritage Register. This listing was proposed to some of the people of Braidwood early in 2005, when a closing date for comment was given that allowed only a few weeks for the community to consider the ramifications of a first-time in Australia proposal, using a first-time process and with no consideration or plan to consider the economic or social effects of listing on the towns viability or sustainability.

Following the fourth and last "public information" session it took less than 36 hours for almost 50 people to become so concerned about the lack of understanding shown by the Heritage Office that they attended a meeting planned for a few. It is precisely this apparent complete lack of understanding or willingness to learn on behalf of the heritage zealots that has caused the difficulties Braidwood has faced in the last 11 months. It is a credit to the determination of the people of Braidwood to have a say in their future that a decision about the listing of Braidwood and its setting has not yet been reached. SAVEBRAIDWOOD believes that what is happening at Braidwood is of particular relevance to the people of many small country towns in Australia as it is the first time in Australia that a town and its setting has been proposed for listing, and so is also of great significance to the Productivity Commission in its deliberations on how best to manage Australia's heritage.

I propose to comment on a number of the draft recommendations that we see as of particular relevance to Braidwood and describe what has happened to Braidwood and what might have happened if the productivity commission's recommendations had already been in place. I believe this will clearly illustrate the flaws in the current process and the importance of the States adopting the recommendations of this Productivity Commission. I'll deal with recommendation 8.1 first as we

P.O.BOX 282, BRAID WOOD 2622, NSW

www.savebraidwood.org

Scanned copy of original

SAVE BRAIDWOOD INC

is committed to preserving Braidwood's heritage by promoting the social and economic strengths of the town and surrounding area essential for its long-term well-being and maintenance.

believe it is of immense significance and is most strongly supported by SAVEBRAIDWOOD.

Recommendation 8.1; deals with the introduction of individual negotiated conservation agreements for privately-owned buildings of heritage significance.

Like most of the owners of buildings proposed for listing in Braidwood my wife and I were given only a few weeks to consider the proposal that Braidwood and its surrounds be listed on the State Heritage Register, particularly when we received a copy of the nomination documents and realised that the Heritage Council had not only agreed to consider an Interim Heritage Order to stop two developments, one of them an assisted aged care facility desperately needed by the town, but had also agreed to seek an Environmental Protection Zone of unidentified size around the entire town and its surrounds after the listing was in place. Some Braidwood owners were not notified, in fact several had still not been notified nine months later. An individual negotiated agreement would at the very least mean each of us would have been approached about the matter and some sort of dialogue would have been initiated. The NSW Heritage Office Service Guarantee requires they consult with the community but there is no mechanism which ensures that such consultation actually take place, nor is there a requirement that the heritage restrictions placed on the future alteration, development or use of the property be clearly identified or recorded anywhere. Under the current system many owners find themselves subject to the whims of a heritage zealot when they seek development approval at some time in the future. Individual negotiated agreements would require consultation and of necessity be recorded and so eliminate many of these problems.

Everyone has different views and different needs and negotiated agreements would have a better chance of meeting those. For instance, some farmers may wish to be able to cut off a block to live on when they retire and leave the farm to their child/children but fear that listing will prevent such subdivision. An individual negotiated agreement could put that fear to rest and each succeeding generation could negotiate similar agreements. This would overcome the fear the Heritage Office holds for possible unsympathetic future development but provide assurance to the farmer of being able to provide for the family. A purpose-built building such as a Post Office, if listed, may find it difficult to get a change of use approved at some time in the future as the Heritage Act gives the Heritage Office the power to prevent such

P.O.BOX 282, BRAIDWOOD 2622, NSW
www.savebraidwood.org

SAVE BRAID WOOD INC

is committed to preserving Braidwood's heritage by promoting the social and economic strengths of the town and surrounding area essential for its long-term well-being and maintenance.

changes. A negotiated agreement with a caveat for change-of-use may be able to eliminate such concerns for the life of the current owner, but still see the building preserved.

It is difficult to imagine the Heritage Office approaching the owners of 30 year-old brick veneers in Braidwood seeking an individual conservation agreement, but they found it easy to propose a blanket listing that includes those buildings and the other 70% of buildings in Braidwood that have no heritage significance at all. Individual negotiated agreements would ensure that State Heritage Offices be far more rigorous in the application of the "of heritage significance" tag. The Productivity Commission has wisely suggested that in the event of recalcitrant owners of items of particular heritage significance the State can compulsorily acquire, with compensation, as it does for freeways or other activities that are for the greater good of the community. SA VEBRAID WOOD believes that individual negotiated agreements are a fair and equitable way of preserving the rights of owners and conserving our heritage for the community as well as sharing the cost of doing so.

Submission 180 to the Productivity Commission, unsigned but attributed to the National Trust, clearly illustrates the fimsy grasp of reality many of our heritage zealots appear to have, which has made the task of communicating with them exceedingly difficult. The author of the National Trust submission claims that maintenance to listed properties costs no more than maintenance to non-listed properties. I am truly amazed that such a claim could be made by anyone associated with heritage buildings; for example:

- Old cedar windows cannot be replaced by aluminium windows, and cedar windows certainly cost more than their aluminium equivalent.
- The guttering used on many old buildings is often of the 'ogee' profile, which usually costs about twice the replacement cost of more modern gutter profiles. .
- The NSW Heritage Office proposal for Braidwood's DCP requires only Australian hardwood weatherboards be used in repairing old weatherboard homes in Braidwood- it specifically excludes the cheaper, more readily available farmed softwood weatherboards. It would be interesting to hear the view of environmentalists and those opposed to logging our native forests on this requirement, given that weatherboards are normally painted, which makes only the profile important.

P.O.BOX 282, BRAID WOOD 2622, NSW

www.savebraidwood.org

Scanned copy of original

SAVE BRAID WOOD INC

is committed to preserving Braidwood's heritage by promoting the social and economic strengths of the town and surrounding area essential for its long-term well-being and maintenance.

The National Trust submission also shows a surprising lack of understanding about the so-called public consultation undertaken by the NSW Heritage Office at Braidwood. Four meetings were arranged, each for 25 people and bookings were required, but only those whose property was involved were informed. At the time, these meetings were called

"Public Information sessions " by the Heritage Office, but later referred to as public consultation. Additional public meetings were not undertaken until some months after the Heritage Office original proposed closing date for comments had passed and were arranged by a private marketing consultancy engaged by the Heritage Office to "sell " the idea of listing to Braidwood. The newsletters "Braidwood Matters " was also prepared by the same consultancy and probably cost significantly more than the measly twenty thousand dollars the Heritage Office offered the entire town of more than 400 buildings as the basis of a grants system. This offer, and the newsletter, and the arranged meetings were only made after the Heritage Office realised there was significant resistance to the listing proposal.

As part of the judgement on whether or not there was public consultation in Braidwood it is worthy of note that, in nine months, not one change was made to the model initially proposed by the Heritage Office.

Michael Collins, Chair of the Heritage Council, and Reece McDougal Director of the Heritage Office, met with SAVEBRAID WOOD and admitted that they thought they were coming to a town that wanted to be listed. This goes partway to explaining the apparent lack of consideration shown to the Braidwood community. It is unfortunate that the National Trust also appears to have failed to consider the issue in any depth and apparently cannot get past the warm fuzzy feeling that is immediately felt when the preservation of some heritage item is proposed. This quite startling National Trust submission also demonstrated a surprising lack of sensitivity in criticising the somewhat emotional response of SAVEBRAIDWOOD to the proposal that they had but a few weeks to respond to a proposal that is arguably the most significant and farreaching proposal ever to threaten the town. There had been no consultation prior to the announcement. The Productivity Commission recommendation that requires face to face discussion with owners, in this case the people of Braidwood, would have avoided much of the distress associated with the Heritage Office approach.

The National Trust has also accused SAVEBRAIDWOOD, in submission 180 again, of complete misinterpretation of the Heritage Act regulations. SAVEBRAIDWOOD has carefully studied the regulations and although

P.O.BOX 282, BRAID WOOD 2622, NSW
www.savebraidwood.org

SAVE BRAID WOOD INC

is committed to preserving Braidwood's heritage by promoting the social and economic strengths of the town and surrounding area essential for its long-term well-being and maintenance.

the Heritage Office may not have chosen to apply them in some cases it does not alter the fact that the Heritage Act gives the Minister, and hence the Heritage Office, immense power. In fact, it has been precisely this sort of condescending and arrogant attitude, exhibited by the NSW Heritage Office, and now, by the author of the National Trust submission, that has created the furore in Braidwood that has lasted 11 months, and still there is no apparent change in attitude from the Heritage Office.

- SAVEBRAIDWOOD is not alone in this criticism, the RCCC strongly and extensively criticised the approach of the NSW Heritage Office to the listing of Braidwood in the RCCC study into the impacts of listing on Braidwood. The individual negotiated agreements proposed by the Productivity Commission could be expected to eliminate many of these problems. Individual negotiated agreements would be able to take into account the possible costs of repairing a heritage building in a fashion that would be in sympathy with its heritage; for example,

- 50% of the cost of replacing a wooden window could be met by a heritage grant previously agreed to in the negotiated agreement
- 50% of the cost of putting ogee guttering on instead of plain guttering could be met by a heritage grant agreed to in the negotiated agreement.

Recommendation 3.1; deals with the introduction, at all levels of government, of measures for collecting and collating data on the conservation of Australia's historic heritage places.

- SAVEBRAIDWOOD strongly supports this recommendation, particularly if it includes funds expended by government instrumentalities to privately owned items. It is most important that the people of Australia know how much it is costing them to preserve their heritage. This sort of transparency should encourage more rigorous consideration of the use of the term "of heritage significance " and the more careful use of taxpayers money as it puts the taxpayers in a position to comment on how much or how little is being spent on preserving Australia's heritage, a view they are entitled to express if they are paying the bill.

Recommendations 7.1, 7.2 and 7.3 deal with the phasing out of the Register of the National Estate.

- SAVEBRAIDWOOD supports this initiative and believes that the register of the National Estate has outlived its usefulness and does not fit into the

Scanned copy of original

SAVE BRAID WOOD INC

is committed to preserving Braidwood's heritage by promoting the social and economic strengths of the town and surrounding area essential for its long-term well-being and maintenance.

three-tiered approach to managing Australia's heritage that is now in place.

Recommendations 7.4 and 7.5 deal with the need for identification and reporting of the cost of maintaining government-owned statutory-listed buildings.

SAVEBRAIDWOOD supports the concept of identifying the cost of maintaining Australia's heritage as there may come a time when the heritage related cost of maintaining an item will outweigh its heritage significance. At a local Council meeting in Braidwood recently a supporter of the listing of Braidwood and its environs informed the Council that Braidwood must be listed "at all costs ". One of the Councillors responded with "at what cost to you Mr " As the pro-listing supporter lives outside the area proposed for listing the personal cost would be nil, but this is only a reflection of the attitude displayed by the NSW Heritage Office towards the home-owners of Braidwood.

The Productivity Commission recommendation that heritage related costs be identified would mean that more reasoned, and more transparent decisions could be made about the retention of items identified as of heritage significance. We may begin to see some form of prioritisation of level of significance and then be able to make decisions that would see the retention of the more significant at the expense of the less significant, unless individual conservation agreements can be successfully negotiated.

Recommendations 9.1, 9.2, 9.3, 9.4 and 9.5 all continue to deal with the use of conservation agreements with the owners of non-government owned items and the need for compulsory acquisition.

SAVEBRAID WOOD strongly supports these recommendations for the reasons I outlined earlier, but will summarise again;

- Individual agreements would prevent the development of a conservation plan at the Heritage office without the input of the owners of the item, as happened to Braidwood.
- Compulsory acquisition as a last resort makes clear the government's position and should ensure meaning full talks take place, and should also ensure the preservation of those places where the owner has no reason or no resources to preserve an item.

P.O.BOX 282, BRAID WOOD 2622, NSW
www.savebraidwood.org

SAVE BRAIDWOOD INC

is committed to preserving Braidwood's heritage by promoting the social and economic strengths of the town and surrounding area essential for its long-term well-being and maintenance.

- Individual agreements, and their potential cost, would require the listing authority to be more rigorous in their assessment of an item and so avoid the "blanket listing" approach proposed for Braidwood where items of no heritage significance are caught up in the indiscriminately thrown heritage net.
- The heritage conservation funding arrangements supporting heritage buildings would be less subject to annual variation as a result of changes in emphasis on who is eligible for grants, as the ongoing funding arrangements would form part of the negotiated agreement.

Recommendation 9.6 deals with alterations to items already listed and proposes negotiations for a new conservation agreement at that time.

SAVEBRAIDWOOD strongly supports this recommendation as it has been our experience that quite trivial alterations are often the source of difficulties with the listing authority, and can lead to long, frustrating, and sometimes costly delays. It is likely, however, that interpretation of the term "substantive development" may be problematic in this case.

Recommendations 9.7 and 9.8 deal with the amendment of State and Territory planning legislation and requirements to further consolidate the three tiered approach to preserving Australia's heritage.

SAVEBRAIDWOOD strongly supports this delineation of responsibility which sees local community government looking after its locally significant heritage. This needs to be accompanied by a similar redistribution of funding to local Councils to pay for the conservation of local heritage. The State Heritage body would still be the source of professional advice on heritage matters but the local Council, with a closer, broader understanding of the full set of challenges a community faces is better placed to manage the ongoing viability and sustainability of the town as well as respecting and managing its heritage. The need for this approach is well illustrated by the restrictions the NSW Heritage Office have proposed for Braidwood in the DCP currently being prepared. The Heritage Office proposed controls would restrict the development of tourism related infrastructure needed to meet the growth in tourism predicted by the NSW Heritage Office as a result of listing- so negating the whole process and clearly demonstrating the difficulties of allowing a single issue government body too much input into local government and the complex problem of managing a small country town sustainably.

P.O.BOX 282, BRAIDWOOD 2622, NSW

www.savebraidwood.org

Scanned copy of original

SAVE BRAIDWOOD INC

is committed to preserving Braidwood's heritage by promoting the social and economic strengths of the town and surrounding area essential for its long-term well-being and maintenance.

This view was also supported by the Minister for Planning in NSW, Minister Sartor, who made it quite clear at a recent meeting with the people of Braidwood that the NSW government has neither the desire nor the funding to impose a second layer of control over the small country towns of NSW.

The Productivity Commission draft report also supports that notion, and the Federal government's three tiered approach to the management of Australia's heritage makes it very clear that the local council should manage the local heritage, and that private owners of heritage items deserve the right to be involved in the negotiations as to how best to preserve their heritage item.

In closing;

One aspect of this debacle in Braidwood I have not dealt with at length is the possibly irreparable damage to the cause of heritage being done by the NSW Heritage Office by their lack of real, effective and participative consultation in Braidwood. Their approach has unnecessarily created a large group of disgruntled people whose view of heritage is now of something unpleasant. For this reason alone it would be worthwhile establishing a new, more equitable, more inclusive process for ensuring that all Australians feel an involvement and ownership of the process that is used to conserve our heritage, and so willingly give of their time and resources to assist in the preservation of something they see as important.

The crucial advantages SAVEBRAIDWOOD sees in the draft Productivity Commission Report into the preservation of Australia's heritage places are, 1) the proposed recommendations would ensure a more transparent and hence less threatening process to owners as their agreement is essential. 2)) the proposed recommendations would force the community at large to face up to the costs of listing and not just see them passed on to hapless owners. 3)) the proposed recommendations might remove the huge list of dubiously listed items by requiring a proper assessment using objective guidelines, after all, how many sewer vents do we need to preserve?

Thank you for this opportunity and we commend you on the well presented and carefully reasoned draft report.

John Mathias
For SAVEBRAIDWOOD inc
17 Feb 2006

P.O.BOX 282, BRAID WOOD 2622, NSW
www.savebraidwood.org