

INTRODUCTION

This document is prepared from knowledge gained over more than 25 years as a home owner in heritage zones and as a volunteer working on committees for Historic and Heritage groups. I have never been employed by any government body or Heritage body, but have always given my time freely as a volunteer.

During this time I have lived in both urban and rural New South Wales. My family and I organised renovation and conservation work on two Victorian/Edwardian period homes. This required considerable understanding, which was gained from reading and learning from whatever books were available at the time. We now have quite a collection of books.

All our work was done out of respect for these homes as well as making them comfortable for family occupancy. In many instances we had to reverse previous alterations to achieve a good outcome. This required sourcing old material and hardware, which was very difficult more than 25 years ago. We did this work on a limited budget as many homeowners do.

For the last 9 years I have lived in rural NSW, once again in an older home which has been renovated by previous owners as well as ourselves. We live in a country town in a designated Heritage Conservation Area. I believe my experience is similar to that of many other homeowners, who work within the 'system' to maintain a home in a heritage zone.

I have prepared this submission to reflect the concerns of people like myself who have a desire to see our Colonial Heritage maintained as part of our historic fabric. I also wish to highlight the need for continuing support for individuals and groups who seek funding to assist them in maintaining our heritage properties.

THE RATIONALE FOR GOVERNMENT INVOLVEMENT IN HERITAGE CONSERVATION.

Heritage conservation has an impact on everyone, though many people are quite unaware of this. In the period since the early Colonial Government of Australia, a system of land title, codes for building of homes and other legislative structures, have, in most instances been overseen by some level of authority. These rules have been both rigid as well as extremely lax depending on the location and period of time. We have now inherited this sometimes inconsistent set of rules from earlier days. The rules on heritage conservation also differ from State to State. Putting rules or legislation in place has helped to protect many heritage places, however it is often difficult or bewildering for the average homeowner to work with these rules.

In the Colonial days it was the government towns where strong planning rules were applied – places for homes, inns, churches and public buildings - all located in designated areas. From our earliest days as a colony our government has been involved in how and where we live.

Today we are still able to see evidence of the past, in the buildings and structures erected in earlier years. In most places however an overlay of structure of later periods will now dominate or obliterate the earliest planned layout of a town. Where there is evidence of structures from decades past, there is now a greater desire to preserve these. Most government authorities agree that these heritage properties should be preserved.

This visual heritage provides a link with the past and a sense of belonging to many. The home of our childhood may evoke strong feelings in many, the school or institution we attended in our formative years may bring back memories, both good and bad. This sense of place does however have a powerful impact on our belonging and being part of Australia and its culture. This is shown to be true by many who lived in simple accommodation, like Nissen Huts, when coming here as migrants after WW 11.

For others just looking at the evidence of the early colonial days is more attractive and interesting.

History of itself is a dry subject, but a visit to an old building whether an important public building, such as a State or Federal Parliament House or just the simple cottage of an early settler, brings our past alive. This can also open a 'window in time' into style or design as well as the way of life of another era and give a sense of continuity, as well as respect for those who worked and strived to make Australia what it is today. Understanding, pride and respect for those who helped build our nation. For example The hall in Tenterfield where Henry Parkes delivered his address on Federation.

Heritage Conservation will differ from place to place. Colonial settlement began in NSW but there is little evidence of the very earliest buildings or simple structures built in Sydney, for example some historic places we see, such as The Rocks area, have in many instances been built on top of structures of an even earlier time. But these later buildings are important and should be retained. There are also many 19th cent. homes and buildings in suburbs surrounding Sydney, now being restored or renovated. The desire to turn these homes and buildings of another time, into comfortable living or working spaces has also led to a significant business for many who market replicated items to compliment older homes. Recycling of old materials and hardware has a growing market as well. There is also a rise in the number of consultants and architects who now advise on this work. All this is evidence that people are willing to embrace the style of living of an earlier time, they like living or working in older buildings. Many owners are also willing to accept Heritage Conservation Listing and the restrictions placed on them, in many cities, towns & villages across the country. The planning issues necessary to allow for the growth of a community should be tempered with the recognition of the importance of heritage items and heritage areas. All levels of government should address these matters. To support the need for greater involvement, local governments, who are often are the first point of contact for those wishing to make changes to a property, should be able to access funding specifically targeted at providing expertise on heritage issues. (see funding)

CURRENT RESPONSIBILITIES FOR HISTORIC CONSERVATION

We have a system today where both private and government bodies list heritage, but we must all work with the consent authorities that apply where we reside. As mentioned before, these will vary from place to place and some local government authorities are more sensitive to heritage than others and some are open to community consultation while others are not.

There are many places across Australia, both in urban and rural areas, feeling the pressure of change. Desirable cities, towns and villages are naturally where people want to live and conduct their business. Many such places are increasingly subject to applications for re-development. Too often the desirable area containing a number of Heritage Listed places is compromised and no longer has the same character or ambience that led to the actual choice of the area for development in the first place; with change it becomes just another city, suburb, town or village.

It also happens that heritage places are destroyed or compromised when there is little pre-planning research or investigation of an area, as long as a satisfactory outcome is perceived. The proposal to either house a growing population or provide infrastructure, such as a shopping centre, can over-ride heritage consideration in some cases. In the worst cases some historic buildings are overwhelmed or damaged to the point where they are subsequently lost as an item of heritage. Ref: see Tempe House, National Trust NSW website - Conservation, Trust Alerts.

There are development controls for the preservation of heritage places put in place by Local, State & Federal Governments as well as private groups such as The National Trust. While these controls have improved the situation, more needs to be done to discourage inappropriate development in sensitive areas.

It is interesting to recall that the only heritage listing some years ago was by The National Trusts across Australia. The owners of heritage properties then, were only under a moral obligation to preserve these places, there were no court sanctions involved with these listing, or demands that owners faithfully preserve a property. I have a copy of a court ruling from 1983, when the judgement denied the applicant the right to demolish a workers cottage in my town, because it was in the National Trust heritage zone. Times have changed, regrettably we now need controls to protect our heritage from those who have no thought or interest in its preservation.

We have become a litigious society and often when a development proposal or application is opposed by local government the applicant seeks a court ruling. While this may seem reasonable and equitable under the law, it is not always equal in reality. In a number of rural communities the funds available to a property developer are often greater than the funds available to a small rural Council. The result can be less than best for the town concerned, which is unable to defend their opposition to a proposed development. A small community may then find they have undesirable changes taking place, which they believe they had a right to object to, right in their midst.

One disquieting aspect of this can be after the fact. The developer builds, and leaves the area and those who have taken up residence, or use this new development, are not made very welcome within the community, yet they are often unaware of the controversy that may have taken place previously. This is not a good outcome for those concerned. On the other hand there are developments taking place that are sensitive to the local environment and community expectations. Good examples rarely get much publicity by they deserve some recognition. Where I live the local Council offers awards to those who design and construct good infill housing, plans for adaptive re-use, restoration or renovation of heritage properties or places in heritage zones. There is a ceremonial presentation of a plaque, which the winners can affix to their property. This is a good incentive scheme encouraging owners to really think about how to renovate, restore or reuse older properties.

When small communities do not have an opportunity to voice their opposition to unwanted change or demolition it suggests more support and funding should be given to assist these councils and heritage groups, so they can act to retain their valued heritage. Lack of funds at local level often means the Council is put in a difficult situation. There is also a need to put in place stronger local controls that preclude the need for court action, while rewarding those who accede to community expectations.

There is also a lot of duplication between different levels of government and independent bodies in heritage property listings, and yet at times some heritage properties do 'fall between the cracks' as one body may believe another has given a ruling against change, which may not have been the case.

A standard format should be adopted, then if a heritage issue is part of a new proposal, property developers could notify all the different bodies completing and sending the one simple form. These bodies could however work together to establish this standard form which would become obligatory whenever a heritage issue arises regarding a proposed development. The responses could then be forwarded to the consent authority, whomever it may be, as well as copies to the local authority if they are not the consent authority. Too many forms, saying the same thing in a different way is a waste of time, energy and resources.

At the local level there can also be a lack of understanding of what community expectations are. Communities are made up of people, who like to feel they are entitled to have a say in what happens within their immediate environment. This consultation usually takes place, but not always, at local government level. On occasion the single letter from a homeowner asking for consideration will not be given the same weight as a report from a consultant employed by the applicant.

The power, or money, to employ another to research and present an argument on behalf of their employer should not get more consideration, just because it is in easy to read terms. Full credence must be given to the resident who writes a letter from a personal perspective – after all they have to live with the outcome.

Conversely when a sensible change or adaptive re-use of a building is proposed, or sensitive additions approved and all the requirements satisfied; there can still be ill will. This is often due to lack of information. The better informed people are the better the outcome; therefore more information made available for public discussion should assist in better understanding of a proposal. In many cases this will alleviate public concern. It is the unknown that most people worry about. There is often however of lack of time or expertise on the part of the consent authority and sometimes a lack of will. This can mean the period of consultation is limited or by-passed due to lack of funds. (see funding)

Change, alteration or even demolition of a place valued by a community is sometimes only discovered when the working team arrive to carry out their contract. This can cause great distress and often real anger in a community, which could have been alleviated by better communication. All levels of government should have good consultation guidelines for places of heritage importance to ensure they do not find themselves in an adversary role with the public.

What we are building or destroying now will be assessed in the future, by our children and grandchildren. Do we want to be known as the generation who allowed our heritage to be lost or compromised?

PUBLIC ADMINISTRATION OF HISTORIC HERITAGE CONSERVATION

Most states and territories have developed policies for review of heritage conservation. This legislation is not always clear. It can at times be seen as inconsistent with other legislation, with heritage issues being over-ridden by planning issues - sometimes requiring a ministerial decision. The pressure of population expansion, planning decisions and the desire for progress, can create pressure to approve a housing proposal without consideration of the value of a heritage property or place. In some states and territories decisions for large scale developments can be made by a state or territory government planning department, without consultation with the local government authority or community group. As mentioned previously, the community should have the opportunity to be involved, if a heritage item or place, is part of the proposal. This also includes our environmental heritage, those open spaces or bushland areas that are also valued by many communities. Private heritage groups should also be able to have some opportunity to comment, before a final decision is made.

The Federal body, The Australian Heritage Council should become involved in many of these decisions. Maybe they could expand their role and consider becoming the final arbiter, acting in some ways like a 'high court' where disputed decisions were taken for discussion. This would allow an opportunity for community involvement, when they are left out of the primary discussion. The Australian Heritage Council could then ask the consent authority to reconsider, modify or even overturn disputed decisions. The Australian Heritage Council has limited power to oppose Local, State or Territory Government, except in a few places known as National icons, they cannot act. Currently, approval by the Australian Heritage Council seems to mean that they will up-hold a decision by another consent authority.

Ideally the Heritage Council should have legislation in place to give them some say in preservation of all our heritage. It would be good, as suggested previously if they could then become the place of

mediation or appeal, when approval by another level of government is strongly disputed by the community or other groups.

HERITAGE LISTING

The various types of Heritage Listing have led to some confusion over a number of years. The original heritage listing body in Australia was the National Trust and many properties are still listed with National Trusts around Australia. While there is no legal or binding control with these listing it is often the listing by the National Trust that prompts other bodies to accept the importance of an item of heritage. In many instances the history and research has also been carried out by their heritage conservation officers. Historic Societies and many other heritage groups also do a large amount of useful research. Much of the work done is by volunteers and retired professional who give their time freely. All these people are a valuable resource which cannot be overlooked. These organisations should continue to get support from grants and other forms of funding, to balance all the work done by many hard working members of their organisations.

With changes to the Australian Government Heritage Listing it is pleasing to see that the National Heritage List and the Commonwealth Heritage List have kept the existing register of the National Estate. This is a valuable record but it carries little weight when disputes arise over heritage listed property. However State or Territory Listing has greater strength, as in many cases they can impose criminal sanctions.

Local Heritage Listing, with a Council or Shire, has the benefit of being 'closer' to the place deemed important. Planning officers in Local Government offices are often more aware of these listings and are able to open up a dialogue with an applicant, prior to a proposal being put in writing. This should be standard procedure for all local authorities, particularly when a proposal will likely impact on a heritage place.

An informed discussion on a proposal can often bring about a good compromise and save the proponent time and money before lodging a Development Application. This has a benefit to both the community and the applicant, often avoiding the matter deteriorating into litigation. While this discussion can take up a considerable amount of the time for a Council or local authority officer, it can in the longer term be a financial saving for both applicant and local authority, who no longer take the matter to court. A consultant at local level should always be available, especially where it is likely contentious issues could arise.

This action does however require a level of expertise and knowledge. Many local government bodies do not have money within their budgets to appoint a specialist heritage advisor able to give knowledgeable advice on heritage matters. This lack of money puts many local authorities in a very difficult position. The need to keep listings up-to-date and recommend action to owners of heritage listed properties is often a full time job for a heritage advisor, even in a small community.

Good conservation outcomes will only come about when a community or local authority is vigilant. Listing guidelines for local governments need to be consistent with those applied by other bodies. Reference to criteria for inclusion on other heritage lists are the best guide, with the **Good Practice for Heritage Places, Burra Charter** a document for consultation. Local listings can often be disputed by a property owner, who may believe this puts restrictions on them or their property that is detrimental.

Instead of making high demands of individuals who own heritage listed properties, it would be preferable if federal funding could be made more easily available for maintenance and repairs. Not every property owner is familiar with the types of funding or grants they can access. A lot of this information can only be gained if you have access to the internet. This useful tool is still not available all across Australia. If a property owner is advised of a proposal to list their property, some useful support information should also be supplied. Maybe this could be a simple written sheet, listing their

requirements for maintenance of a listed property. This should be sent by the local government authority, or whichever body is seeking the listing. Advice on how to apply for grants that become available and how to get this information could be included on such a sheet.

Some 10 years ago a simple leaflet was produced by ICIMOS and the National Trust, with funds from the Commonwealth under the 1995 – 96 National Estate Grants Programme. It was titled "**Twelve Tips on Caring for Old Buildings.**" A brief yet informative document which should be reissued. Such a simple thing can go a long way to help and support people who may need advice on how to maintain a heritage listed property.

Funds should also be made available to local authorities for support in rate reduction for owners of listed properties. This occurs overseas where it has proved to be of great assistance to property owners. To allow for this assistance local authorities should be able to apply for funding for all those properties listed in their area. This would be an immediate and direct way of ensuring the owners of all listed properties get some form of support to maintain their property. It should not require a lot of forms to be filled in and processed, the local authority should only have to sight the listing for the property concerned.

It would also be beneficial if local authorities could also advised purchasers that they not only have a responsibility to maintain the heritage listed property, but give them contact information about grants and funding for such properties as mentioned above.

FUNDING

Financial support for those who own or manage heritage listed properties is a wonderful resource to ensure proper maintenance and care takes place so they do not deteriorate. In many instances funding is sought by groups who have an interest in a special place in their community. This may be an iconic building or structure that is listed and important to the community. In these circumstances the money is usually well deserved and this resource should continue to be made available.

The individual property owner who lives in a heritage listed home or lives within a heritage zone, is not always able to access funds quite as easily. Lack of knowledge, who to ask, or where to find the information etc. can be a problem. There can be many barriers seen by the average home-owner.

It is also much easier for the skilled in this field to access the grants and funding information available. There are people who specialise in doing just this, as a business. Many large organisations and companies also have employees who are able to spend considerable time looking and applying for grants or funding, for their special purposes. These funds assist with research or conservation of a property that is within their ownership. I have no real argument with this concept, as long as it is used wisely, which in most cases it probably is.

It is the homeowner, or community group as owner of a heritage place about whom I am concerned. For example the individual property owner or heritage group may be asked for a Heritage Impact Statement by their local authority. This can be a daunting prospect needing some considerable financial outlay. At the time of the request it would be better if the authority concerned were able to advise on funding available to complete such a task, thus making this a reasonable request.

As mentioned previously the first point of contact for most people who propose to change or alter a home or other place, is the local authority. If those who seek to make changes were able to be directed to a possible resource for heritage funding, they may be able to get enough money to do a really good job of restoration. Many are limited in what they can do within their own budget, but if this is subsidised there may be a much better outcome. The local Council where I live has a special scheme for small home repairs, for properties either listed or in a heritage zone. Applicants can apply for amounts between \$100 – \$900 to do repairs or remedial work. For example fixing the verandah posts or repairing a corrugated iron roof, to name just 2 items that have received funds from Council over the years. The source of this funding is through grants applied for by Council. It is a good use of these funds, where just a small amount of money can make quite a difference to a homeowner. Local authorities have to be very vigilant in seeking out such funds themselves.

Many authorities get this funding support from their State government. Maybe more Federal funding could also be directly applied for local authorities to access, as well.

The balance between the large corporation and the home-owner and their needs is not really weighted in favour of the home-owner.

There are many questions to answer and forms to fill in when anyone seeks funding or grants and I do not suggest the application forms should be more difficult. The forms should however be significantly different. The company with vast resources at their disposal should not be given equal status with the struggling community history society, or the average home-owner.

The large company seeking funding or grants should have to demonstrate their willingness – many already do so – to apply their own funds for research, preservation, restoration and ongoing maintenance, if they wish to develop a site within a heritage zone and/or containing a heritage listed property, but with a different criteria to the ordinary homeowner. This criteria should be fulfilled prior to any heritage funds becoming available to support their work. Good intentions and verbal agreements are fine, but these must be backed up with written commitments at all times.

Councils and local authorities should be funded to have heritage consultants and planning officers who understand the importance of the local heritage issues.

Owners of heritage listed property should be able to apply for a discount on their rates. These discounts should be similar in most localities to make them equitable and the local authorities funded by Federal grants.

Special purpose funding, grants etc. should continue to be available to all who need this support, with consideration given to favouring the small community group or private homeowner. Heritage Groups, Historical Societies and The National Trust across Australia need all the support they can get and funding should continue to be available to all of them.

More funding at a local level is very important, it is where many decisions are made about saving, protecting or restoring important pieces of our heritage.

CONCLUSION

Heritage is important as part of our history and reflects those times and places in the past that are of significance to all who have an interest in tracing the history of the days since colonisation of Australia. We have many places of significance and interest that should be preserved so that we are able to see and experience what our ancestors, early explorers and others did to lay the foundations of today's Australian society. We must preserve these places for future generations, whether they are the workman's cottage or the elaborate public building.

This inquiry has given people like myself the opportunity to put on paper concerns and ideas that are important to me and many within the groups with whom I work.

I will be interested to hear the outcome when this inquiry is completed.
