

The 3068 Group
PO Box 118
Clifton Hill VIC 3068
ABN: 61 907 325 331

THE 3068 GROUP INC

Mr. Neil Byron
Presiding Commissioner,
Enquiry into Conservation of Australia's Historic Heritage Place
Productivity Commission,
PO Box 80
BELCONNEN ACT 2616

**Submission from the 3068 Group
Productivity Commission Draft Report into Conservation
of Australia's Historic Heritage Places**
<http://www.pc.gov.au/inquirv/heritage/index.html>

Thank you for the opportunity to make a submission in relation to the Productivity Commission's Draft Report on the *Conservation of Australia's Historic Heritage Places*.

The 3068 Group represents residents in Clifton Hill and North Fitzroy who are committed to preserving our heritage, especially but not only the unique 19th Century environment preserved in the City of Yarra where we live.

We are profoundly concerned by the draft report's proposal to give inordinate power to the owner of a property to decide whether or not a place is culturally significant to the broader community.

We believe the commission has tried to accommodate the needs of owners of historic places by treating them as stakeholders in the communities cultural heritage. However we submit that as owners they have a vested interest in the commercial value of the property that is in many cases not aligned with the protection of the cultural significance of place.

Owners, have the greatest commercial interest in the outcome of a proposal to alter an historic place. In the current environment, they can apply correspondingly greater resources to obtain the best expert heritage, planning and legal opinion to support their proposals. Owners can also apply these resources to any amendment to planning scheme heritage controls to ensure the amendment is favourable to their interests.

The decision of what is significant and what is not should continue to be determined by conservation experts guided by the Burra Charter or AHC criteria, and documentary evidence. These determinations are subject to both public and peer review and must be defended to panels against arguments put by the owner's experts. To allow the owner to vet these determinations would be contrary to the Burra charter.

The proposal overlooks the power imbalance in the owners favour. Negotiation outcomes depend on the respective power of the parties. Without legislative power to protect a site, how would a government or council encourage a reluctant owner to enter a conservation agreement? How could

Scanned copy of original

the community afford the incredible incentives needed to offset an owner's ambit development proposal?

In the case of the heritage overlays that apply in Yarra's planning scheme, there is not just one owner, but a whole precinct. Different owners can have different aims, and individual agreements would not protect the precinct if conservation was only applied to individual properties within the historic place.

We submit that the commission has not demonstrated that there is a problem that needs to be fixed.

An owners' title provides limited rights. The planning scheme limits use and development in many ways. This protects the common good against a selfish owner.

We submit that owners already have adequate means to challenge the objectives of heritage controls. Removing the right of Councils or Governments to protect a property without the owners consent is preposterous.

We support tax and other incentives to encourage owners to conserve historic places, we submit that legislative controls be strengthened to protect buildings from wilful damage and demolition.

We urge the commission to withdraw this outrageous and radical proposal that flies in the face of over thirty years development of heritage guidelines, practice and planning scheme development.

Sincerely,

Chris Goodman
President
The 3068 Group

Scanned copy of original

Heritage Victoria Submission http://www.heritage.vic.gov.au/pages/pdfs/hcv_pc.pdf in summary

The current prescriptive listing system in Victoria is neither excessive nor inequitable; it has been refined over 30 years and is accepted by the vast majority of heritage place owners and the wider community. The Heritage Council opposes any move to voluntary listing as it would place the private property rights of the individual over those of the wider community of future generations.

Covenants that run with the title have been used effectively for complex heritage sites in Victoria, and can complement but not replace regulatory controls.

The limited funding for the conservation of historic heritage places made available by the Heritage Council and Victorian Government is appropriately targeted and equitably allocated without political interference.

Heritage controls are an established and integral part of the Victorian Planning System and are no different from any other form of land use or development control.

There is no compelling evidence to suggest that heritage listing has a significant adverse impact on private property value.