

# TOOWOOMBA CITY COUNCIL

Scanned copy of original submission

20 February 2006

Heritage Inquiry  
Productivity Commission  
PO Box 80  
Belconnen ACT 2612

Dear Sir/Madam

## **Submission in Relation to Productivity Commission Draft Report into Conservation of Australia's Historic Heritage Places**

This correspondence is lodged in response to the Productivity Commission's call for comment on the above Draft Report.

Council acknowledges the extensive amount of consultation and consideration given by the Productivity Commission to Heritage Conservation, an issue that is a vitally important to the City of Toowoomba. Further, it appreciates the opportunity to review the Draft Report and provide comment with respect to its recommendations.

Council generally agrees with the majority of the recommendations, however has significant concerns about Recommendation 8.1, which states that:

***"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."***

Council's comments also relate to Recommendations 9.1,9.2,9.3,9.5 and 9.6 that also refer to requiring "negotiated conservation agreements".

Council is concerned that such conservation agreements have the potential to significantly erode the ability to achieve real heritage conservation, particularly at the local level as:

- Implementation and administration of individual agreements would be a huge task, placing a significant financial burden on local government and the property owners;
- A large number of property owners are likely to not sign the agreement. Many owners of inner city properties, which is where most heritage properties are located, are elderly and being presented with an agreement is likely to be confusing and worrying;
- The cost of the incentives to Council is potentially significant and likely to turn Councils that are marginally 'for' heritage conservation to be opposed to heritage conservation; and
- It would be almost impossible to protect a building from demolition. Presumably the agreement is between Council and the owner (unless it can be registered on the title and therefore going with the land binding future owners) so if the owner changes a new agreement would have to be negotiated.

Council's heritage program, introduced some 10 years ago, promotes a mix of education and legislation. This successful philosophy has continued over the last decade with Planning Scheme controls being the legislation and other actions including the provision of the heritage advisory service providing the education. The balanced approach appears to be relatively well accepted within the Toowoomba community and is used as a model in other parts of Queensland.

Toowoomba's planning controls relate not only to heritage places, but also to character and streetscape considerations. The approach of regulating development affecting those places or areas works well as it becomes relevant if and when development is proposed. There is no cost or administrative burden imposed if residents simply wish to live in and enjoy their house.

The impact of having to negotiate over 3,000 agreements would be substantial for Council in terms of cost and resources, with questionable benefit.

Council offers its support to Recommendations 3.1,7.3,7.4, 7.5,9.4 and 9.8. Other additional comments are offered in respect of:

- Recommendations 7.1 and 7.2 - Council is concerned that as the register has no statutory effect, it may create confusion to the general public. If it was phased out, items would need to be transferred to appropriate national, state or local registers.
- Recommendations 9.7 - It is unclear what this would mean for those properties that are currently listed as being of State Heritage Significance but that fall outside the bounds of a heritage zone. It seems reasonable for State controls to apply to places that have significance beyond the local level.

In addition to the above recommendations, it is suggested that one way in which the Government could assist Council's heritage program is to provide funding for the heritage advisory service.

Council appreciates the opportunity to comment on the Draft Report and would like to be kept informed of the progress of the Commission.

For further information please contact (07) 466869.

Yours faithfully

Principal Planner  
Strategic Planning

Cc: Local Government Association of Queensland  
Cc: Planning Institute of Australia