

## **IPSWICH CITY COUNCIL RESPONSES TO PRODUCTIVITY COMMISSION RECOMMENDATIONS**

### **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.*

### **Ipswich City Council (ICC) Response**

This recommendation proposes that all levels of government record the number, quality and composition of listed places; the nature, source and types of expenditure on historic heritage conservation; and the effectiveness and cost-effectiveness of those expenditures. This would create a considerable increase in the expenditure of managing heritage places for all levels of government. Whilst the notion of improving data collection and reporting is supported, this needs to be managed within the resource base of the responsible agency, particularly in the case of local governments.

### **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.*

### **ICC Response**

In view of the creation of a 'new' National List, the closure of the 'old' Register to new nominations is accepted. It should be noted that the information gathered for the Register of the National Estate is a valuable resource which could be utilised by government agencies as an information tool.

### **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.*

### **ICC Response**

In view of the creation of a 'new' National list, this recommendation is accepted.

### **Draft Recommendation 7.3**

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

### **ICC Response**

There would not appear to be any significant 'benefits' gained by repealing 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.*

### **ICC Response**

There is no objection to the Commonwealth Government implementing this concept for their agencies. However, this would create an additional resource burden for local governments, and in many cases would be difficult to quantify anyway.

## **Draft Recommendation 7.5**

*State, Territory and local government 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.*

### **ICC Response**

There is no objection to the Commonwealth Government implementing this concept for their agencies. However, this would create an additional resource burden for local governments, and in many cases would be difficult to quantify anyway.

## **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.*

### **ICC Response**

- This recommendation would result in a considerable increase in the expenditure of managing heritage places for all levels of government.
- Requiring government agencies to enter into compulsory statutory conservation agreements with owners could see a significant decrease in the number of protected places and a significant loss of heritage places.
- The initial cost of conservation agreements could become a source of continual expenditure with change of ownership requiring a new agreement. Conversely, if a new owner does not wish to enter into a conservation agreement the initial cost is effectively wasted.
- Significance of a place is not altered by the fact that an owner may not wish to enter into a conservation agreement. However, under the PC's proposal a place of significance can not be protected if the owner is unwilling to enter into an agreement with a government agency.
- Schedules 2 & 3 of the Ipswich Planning Scheme include 521 individual character places. In addition there are over 7000 places of local significance in character zones. There are no individually listed places within character zones. The key distinction between the two types of 'listings' is essentially based on geography; ie:-
  - ▶ Character zones comprise contiguous conservation areas with adjoining properties; and
  - ▶ the character places listed on Schedules 2 and 3 to the Planning Scheme comprise physically distinct, individual places.

There are no individually listed places in the character zones.

- To instigate conservation agreements for places included in Schedule 2 of the Ipswich Planning Scheme would be to effectively discriminate against owners of these places and would be an inconsistent practice. Individuals who own a house in Schedule 2 would be asked to enter into a conservation agreement with Council while owners of character places in a character zone (the majority) would not be asked to enter into a conservation agreement.
- Places located in character zones in Ipswich may in some instances be of a higher level of cultural heritage significance than some places that are individually listed outside of a character zone. For example, a number of places of local significance which are also of State Significance are located in Character Zones. Under the recommendations proposed by the PC owners of these places would not be approached to enter into a conservation agreement with Council.
- Again it is considered to be a very naïve assumption that voluntary heritage protection can work in the reality of a free enterprise property market where the actions of land developers need to be balanced against community expectations.

### **Draft Recommendation 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 state 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.*

### **ICC Response**

Refer to comments regarding Recommendation 8.1 above.

### **Draft Recommendation 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.*

### **ICC Response**

Refer to comments regarding Recommendation 8.1 above.

### **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.*

### **ICC Response**

Refer to comments regarding 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.*

#### **ICC Response**

- Strongly disagree. This will result in virtually no places being protected.
- Refer to comments regarding Recommendation 8.1 above.

#### **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.*

#### **ICC Response**

- Strongly disagree. This would result in a significant loss of protected places and would provide a 'field day' for unscrupulous developers. In addition any previous financial or other incentives provided by government would be lost.
- Refer to comments regarding Recommendation 8.1 above.

#### **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.*

#### **ICC Response**

- Strongly disagree. This would result in a significant loss of protected places and would provide a 'field day' for unscrupulous developers. In addition any previous financial or other incentives provided by government would be lost.
- Refer to comments regarding Recommendation 8.1 above.

#### **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 relating to zoned heritage areas.*

#### **ICC Response**

There appears to be no sound logic for this recommendation. Why should iconic, individual heritage properties not be offered the same protection as 'zoned heritage areas'?

The recommended approach is also problematical in that it does not deal with the potential substantive impact of adjoining development on heritage places.

## **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.*

## **ICC Response**

It is agreed that Local Government planning schemes do provide an effective mechanism for places of local cultural significance, but less so for places of state significance. It also needs to be recognised that local government planning schemes should be able to deal with broad heritage areas (eg. by way of heritage/character/conservation zones) and individual sites (eg. by way of a Schedule, list or register).