

Neil Byron  
Presiding Commissioner  
Heritage Inquiry, Productivity Commission  
PO Box 80  
BELCONNEN ACT 2616

Dear Mr Byron

**Re: Conservation of Australia's Historic Heritage places: Productivity commission  
Draft Report**

Thank you for the opportunity to comment on the above document. The South Australian Tourism Commission (SATC) has undertaken this review with regard to the *South Australian Tourism Plan, 2003-08*, particularly the following objectives:

- 1.7 – Celebrate the State's art and culture
- 1.8 – Tell the story of the state's history and heritage
- 1.11 – Create a 'sense of place'

There have not been any discussions with tourism stakeholders, as it appears there have been submissions from a number of these already. Due to the scope of the report, we have restricted our response to four of the recommendations which we consider are likely to have the greatest potential to impact on the tourism industry in South Australia.

**Key Issues**

**1. Introduction of 'negotiated conservation agreements' (Key Recommendation 8.1)**

The SATC views the proposal that no buildings be placed on heritage registers unless the owners consent as likely to diminish the nation's stock of built heritage. The SATC agrees that there must be incentives and support provided to the private owners of such buildings.

The built heritage of South Australia has figured strongly in all consumer research over many years regarding what visitors to the State—as well as South Australians touring their own State—value. The State has had a strong tradition of conserving its heritage, particularly since the retention of key heritage buildings, slated for demolition in the 1960's and 70's, which prompted the creation of heritage legislation in the 1970s. There was undoubtedly a period thereafter when the heritage sector adopted approaches to conservation which hindered adaptive reuse and alienated some owners. But over the last two decades heritage agencies have taken a more pragmatic approach and worked with increasing flexibility to accommodate the modernisation and refurbishment of buildings.

The SATC believes that the present heritage regimes around Australia wherein the community decides what should be heritage listed and heritage agencies seek to work supportively with owners are a reasonable, if not perfect, set of arrangements. To give

private owners the power of veto over the interests of the wider community would, in the SATC's view, be a radical and retrograde step, and is therefore not supported.

The SATC is also concerned about how the negotiated conservation agreements might be implemented. Of greatest concern is the impact on local governments that have limited staff resources to undertake this additional workload, particularly for rural and regional Councils with significant heritage stock. Also of concern is the likelihood of some owners being unwilling parties to the negotiations, further increasing the pressures on these staff.

An element of the agreements is that both parties (government and private owner) will contribute to the restoration/maintenance of the property. However there is no clarity regarding the sector of government that will bear this cost. In many cases, it is likely this will be a cost that has not been previously shared by governments at some level or another.

**SATC Recommendations:**

- That the existing process of statutorily listing heritage properties be retained, with no 'power of veto' for property owners.
- That the anticipated cost-sharing arrangements, for maintenance of listed heritage properties, be clarified in terms of contributions (eg. staff assistance, funding) and contributors (eg. Owner, levels of Government).

**2. Introduction of compulsory acquisition (Draft Recommendation 9.4)**

The SATC is supportive of this measure as a 'last resort', where owners are unwilling to negotiate and the heritage value of the property is at risk of deterioration. As per our previous point, there is concern regarding how this might be resourced, given the current constraints on funding to undertake existing heritage work. It would be undesirable for such an arrangement to unduly burden government, particularly at the local level, given the current financial standings of many councils.

**SATC Recommendation:**

- That the matter of who bears costs for the compulsory acquisition of 'significant' heritage properties be clarified in terms of expected contributors (eg. Which levels of Government).

**3. Removal of requirement for heritage considerations as part of the planning system (Draft Recommendation 9.7)**

Whilst the rationale for the removal of the heritage considerations is tied to the conservation agreements, and therefore is considered unnecessary to be assessed under planning regulations, it seems wishful to expect the owner to make sure their application is consistent with the agreement. Such a proposal seems fraught with danger, particularly if the owner/applicant is not well-versed in heritage values. It also assumes both parties have the same interpretation of phrasing in such an agreement, which experience suggests is not always the case.

It is not onerous to require any proposal for a heritage property to include the terms of its agreement, as part of a planning application. This would ensure the assessing officer understands the nature of the proposal and make their own determination (or seek expert advice) as to whether the heritage values of the property would be materially affected.

**SATC Recommendation:**

- That the existing incorporation of heritage considerations as part of the planning assessment process be retained.

**4. Removal of State or Territory identification and management of heritage, zones, precincts...leaving these to local planning schemes (Draft Recommendation 9.8)**

The SATC considers the State's 'special places' as integral to the character and charm of South Australia as a destination. The designation of State Heritage Areas, such as Mintaro and Burra, are examples of these places, and are an important part of the State's branding—*a place that participates and celebrates its heritage and culture*. The removal of such designation could downplay their significance in the visitors mind, and potentially result in reduced visitation.

The SATC believes it important to maintain a level of distinction between heritage of local significance and that of State or National value. It also considers in the latter cases, that it would be unjust to burden local government with the management responsibilities for such items, given their broader community value.

**SATC Recommendation:**

- That the existing heritage classification system, such as State Heritage, be retained.

**Implications**

The review makes little reference to funding implications, however we consider it will be an issue for many of the smaller Councils, particularly those that have considerable heritage stock. There is a concern that the new system will become a burden for Councils that are already struggling to maintain financial viability in the face of rising maintenance costs on existing infrastructure, amongst other issues.

In conclusion, the SATC has identified significant concerns with four key recommendations in the Productivity Commission draft report, as outlined previously. We request that our recommendations are incorporated, by way of amending the relevant recommendations, as part of the Productivity Commission's final Report.

Should you have any questions regarding this response, please contact Ben Clark on 8463 4598.

Yours sincerely

**W T (Bill) Spurr**  
**CHIEF EXECUTIVE**

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