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Heritage homes a headache or a duty?

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COMMUNITIES are often outraged by plans to redevelop popular public heritage buildings, but shy away if a council decides to put private homes on the heritage list.

And that's because listed property owners are not only expected to maintain heritage status, but they must also forgo the development rights enjoyed by owners of ordinary buildings - obligations that can result in deliberate neglect or destruction, says heritage adviser Garry Stanley.

"I think if people are forced into being heritage-listed, they might do things deliberately to harm the property and there is some evidence of that occurring," he says.

Federal and state governments have failed to take a consistent national approach to conservation, contributing to losses of heritage stock, according to a 2006 Productivity Commission report, *Conservation of Australia's Historic Places*.

Another 15 per cent of listed heritage buildings and places - 90 per cent of which are privately owned - could be lost by 2030 if present trends continue, the report says.

Heritage places in rural areas and urban redevelopment zones are at the greatest risk, and when private owners are faced with heritage listing and the associated costs the reactions are frequently negative. It may explain mysterious building collapses, fires deliberately lit and brazen holiday-weekend building demolitions.

Under the present system, places and buildings can be identified as having heritage

significance at any time as the result of a formal heritage study or via an individual submission to government. The government decision as to whether to list takes no account of the financial status of the owner, but focuses on the merits of the case for heritage status according to accepted criteria.

Once the listing process has been formalised on the council plan, that decision remains final, applying to the building in perpetuity irrespective of who owns it.

The community is divided over heritage listings. Gregg & Kaufmann Real Estate director Zsuzsanna Kaufmann says the community fought "tooth and nail" to protect Nutcote, the former home of author May Gibbs on Sydney's lower north shore, from redevelopment in the early 1980s.

"People went on the streets with banners ... so it could not be redeveloped and it remains what it is.

"I'll bet my bottom dollar that at least two-thirds of the people who were carrying banners would have absolutely bombarded council with objections if their home was put on to a heritage list.

"In the 22 years that we've been involved in the north shore, including Cammeray, Mosman, Willoughby and Artarmon, I've only met less than a handful of people who have said, 'We are the proud owners of a heritage-listed building and we want to do our utmost to keep it that way and we wouldn't sell it for our life because we feel distinctive by being able to own it.' "

Heritage experts such as Mary-Lynne Taylor, a consultant lawyer at Bartier Perry in Sydney and former member of the NSW Heritage Council, argue listing processes should be subject to formal appeal.

Under NSW law, there is no process for appealing a heritage listing.

"The only thing to do is to apply for a development that would allow it to be

demolished," she says.

"And if it's your own house and you don't want to demolish it that's a pretty stupid procedure. But they probably wouldn't take it off the list unless you did."

Rappoport Heritage Consultants principal Paul Rappoport says under the present system of listing private owners are faced with the obligation and cost of maintaining their heritage properties, but it's the community that gets much of the benefit.

"A heritage listing immediately imposes limitations on development, and maintenance," Rappoport says.

"It can become quite problematic because the owner will be unhappy or disgruntled when they see that you have an obligation to maintain the property, the community gets the benefit of the listing, but doesn't pay any direct cost, so it all falls to you."

The case for greater flexibility in listing is supported by Stanley.

Some NSW and Victorian councils give the property owner an option whether their houses are listed, but this system does not apply in every case.

However, in some established conservation areas homeowners take the initiative to upgrade their properties without the need for council intervention.

"People are going to great expense to remove 1960s aluminium windows and replace them with traditional timber ones, because they see that their house is losing value," Stanley says.

On the flip side, Stanley points to one of the most problematic reasons for loss of heritage arising from unthinking neglect by owners in rural areas.

Hidden from view in larger properties are many significant heritage buildings. Because of various factors such as climate change, changing agricultural technology - who uses

a stable these days? - or changing family circumstances properties with significant heritage value are rotting away with no effort to save them.

"For such hidden heritage there is little prospect of government fronting up the cash to save it," Stanley says.

"The costs would be enormous and there is so much out there.

"I think it's a matter of educating people to look at these things in a different light. It's something they've just looked at for decades and they have no regard for."

NSW and Victoria require approval for developments including demolition or alteration of a heritage item or place that is listed or is located within a heritage conservation zone.

In urban areas that have zoning to permit redevelopment this gives rise to the most contentious effects of owning heritage property.

The demolition of any part of a heritage-listed property is generally prohibited, although modifying one may be permitted.

The main problem with this is cost, since various specialist consultant reports are required to justify the development proposal, with fees amounting to many thousands of dollars in even the simplest cases.

A recent example concerns the house of Alex and Vesna Mastoris, who decided to make additions to their house in the inner-Sydney suburb of Annandale.

Their initial architect was replaced by Rappoport Heritage Consultants when their first set of plans required big modifications to satisfy the local council's heritage concerns. The resulting changes were estimated by the owners to account for between \$50,000 and \$60,000 of the final project cost of \$450,000.

Alex Mastoris says the 18 months the council took to process the final development application could have been sped up, but he says: "I'd definitely tackle another heritage conservation project and I completely understand and sympathise with council.

"They don't want all this sort of ad hoc stuff in their neighbourhood. They want to retain the character of the neighbourhood. And I agree with that.

"I'd definitely recommend using a heritage architect for any person wishing to develop in a heritage conservation area."

Despite the problems besetting heritage in the private sector, experts say there is need for strong support for conservation.

Taylor says owners are not given the strong support that heritage deserves: "We don't celebrate you as an owner of private heritage. And we don't give you anything like enough recognition. We don't even give you a plaque or a certificate to hang on the wall."

In order to raise public understanding of the value of listed items, and not only from the outside, she suggests giving owners \$5000 and requiring them to accept a plaque and put it on their building and to allow a public inspection once a year.

But Kaufmann says the responsibility of recognition extends equally to the real estate industry.

"If you are a good agent, your national pride and your pride in your town and your surrounds is just as important as being able to say 'I got a top price for a building'," she says.

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EXPERTS' CONTRADICTIONS FUEL A COSTLY LEGAL BATTLE

PLANNING expert John Toon has experienced the frustration and cost of development

linked to heritage concerns first-hand.

After retiring, the former professor prepared a redevelopment plan for his house, in Pymble in Sydney's north, proposing to demolish it to build six retirement houses.

The house was not heritage-listed at the time the application was lodged with Ku-Ring-Gai Council, but Toon says: "The major issue was that the council decided it could be a heritage item - there was a report from the council heritage officer and his words were 'it might be of heritage significance', and that set off a whole train of events.

"About six months after the application was lodged, the application was farmed out for assessment to a private consultant ... she didn't say much except that the development is more overlooked than overlooking.

"She made no mention of heritage. It is only the latter point" that council's heritage person mentioned in a report to council.

Toon appointed his own heritage consultant, Robert Staas, to report on the issue but since Staas and council's heritage officer disagreed, the council decided to appoint an independent expert. The resulting report found that the house was not of architectural heritage significance.

Nevertheless, council decided to engage yet another consultant, who suggested the house and garden might have been designed by an eminent local architect and an important pre-war landscape architect.

Toon appealed to the NSW Land and Environment Court, where evidence was heard from heritage experts both supporting the appeal and opposing it. The appeal was upheld.

Ku-Ring-Gai Council appealed to the NSW Supreme Court, but withdrew from full proceedings, leaving costs to be awarded to Toon (about \$70,000).

As Toon puts it: "By the time all the kerfuffle was over there was no interest of any kind for such a development ... the market had fallen out, it was just one of those troughs."

The house was sold and taking into account the costs of litigation and the differential in value as a house and multi-unit development, Toon estimates he lost about \$700,000.

"I wasn't out to make a huge profit or anything like that.

"I had retirement housing developments all around my house and opposite and I said to myself, I'll do the same thing.

"I was very bitter about it at the time. It took some three to four years for me emotionally, I think, to get over it."

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