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# Heritage laws should be demolished

By [Michael Pascoe](#)

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## TODAY'S TOP STORIES

The [headline interest is in a reality TV couple in trouble with their local council](#), but the photographs tell the real story: an undistinguished, utterly forgettable little box of a house that nonetheless is subject to a heritage order.

It looks like another example of local government stealing property rights without compensation; "heritage" bureaucrats preserving dated, second-rate housing in aspic; or, in some instances, NIMBY councils circumventing rational medium density zoning by using a "heritage" excuse.

Be glad the heritage tsars are limited to the bureaucratic nightmare of local government and haven't seized control of Roads and Maritime Services or our streets would still belong to EH Holdens and Austin 7s. I enjoy classic cars but I wouldn't like local bureaucrats insisting that I keep and drive one.

There are of course good arguments for preserving that which is worth preserving, but the photographs of this East Kew "heritage" house owned by *The Block* winners Dea and Darren Jolly demonstrate how debased the tag has become.



The Block winners Darren and Dea Jolly have been reprimanded for knocking down a heritage-listed house PAT SCALA



The home pre-demolition.

"Here's a fine example of the poor design, energy inefficiency, aesthetic by-pass and land wastage that typified the cheap box period – so let's whack a heritage order on it."

Somewhere between the visual assault of an Auburn deputy-mayor's expression of self-image and conservation commissars locked in misplaced nostalgia should be individual property rights.

Local councils expropriate those rights when they impose heritage listings. At least the RMS pays compensation if it resumes your property. There's something wrong with a system when just the [possibility of heritage listing rings home owners' alarm bells](#).



And the one sure thing we know about local government planning is that it is rarely done well. Sydney's inner-suburbs tend to be a jumble of highly desirable housing, a mixture of medium density, high density and the occasional detached house. What people have done with small pockets of real estate is a testament to the individual's ingenuity.



The block levelled by Dea and Darren Jolly in East Kew, Melbourne. JOE ARMAO

And there's not a local government that would allow such suburbs to come into being now – they'd break far too many regulations.



A view of the 14 Irymple Ave home owned by Dea and Darren Jolly pre-demolition.

What's more, having inherited a housing environment that evolved successfully without them, the meddling bureaucracies are often devoted to freezing it – making it as difficult as possible for better design and building to continue to evolve.

Councils' lack of fiscal responsibility for their heritage listings encourages their proliferation. In theory, it's the community that claims to benefit from restricting the individuals property rights – so it would be reasonable for the community to compensate the individual with discounted council rates.



I suspect councils would be much more careful about imposing heritage listings if it cost them money, instead of potentially costing individuals.



Dea and Darren Jolly's home as it was being demolished.

And, talking of costs, councils mostly are a key part of the housing affordability problem and rarely willing participants in the solution of increasing supply – unless they're run by developers, [a different problem in the division of windfalls](#).

As our major cities grow, the most efficient and desirable means of housing people on all sorts of levels is medium density infill of the middle ring – what should be our default zoning. Keep your detached house if you like, but don't stop others achieving better use of scarce land close to transport and social infrastructure.

But the NIMBYs (and NODAMs – no other development after mine) will fight it. Given most people's lack of engagement with local government, they're prone to [hijacking by the small pressure groups with the loudest voices](#).

The "heritage" listing increasingly is their prime weapon for preservation of privilege.

**Michael Pascoe is a BusinessDay contributing editor.**