Submission to the Productivity Commission

Housing Supply Regulation — Heritage Protection and Community Value

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SUBMISSION by The Boroondara Heritage Group for Advocacy & Protection (BHGAP)

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Boroondara Heritage Group for Advocacy & Protection (BHGAP)

Introduction to BHGAP

We are a community heritage group based in some of Melbourne's most historic and heritage architecture rich suburbs. These include Hawthorn, Canterbury, Kew, Camberwell, Surrey Hills and Glen Iris. The council and much of the community consider themselves the custodians of these heritage places for all Victoria and for future generations of the people of Victoria. People who live here have a proud history, along with other historic parts of Melbourne - of the restoration and conservation of our well-designed and very historic suburbs. Many of the significant architects and builders of Victoria have designed and built in Boroondara's suburbs since the 1870's. Heritage is in the DNA of many of our streets.

BHGAP advocates for protecting and celebrating all of Victoria's built heritage via its advocacy with heritage stakeholders, government and politicians. The group works closely with the City of Boroondara and local residents across several suburbs. We participate in heritage nominations and heritage research, planning panel hearings, provide community support, and promote heritage awareness and conservation.

BHGAP supports the Australia ICOMOS key themes and conclusions in their submission. Peak Heritage bodies should have been consulted.

We support the Productivity Commission's objective of increasing housing supply and improving housing affordability. However, BHGAP strongly urges the Commission to reconsider the heritage components within its Housing Supply Regulation Interim Report. BHGAP supports the key themes of the Australian ICOMOS submission.

We thank and applaud ICOMOS for their work. Such peak bodies should have been party to the Commission's report development. Heritage is an important and complex field driven by fifty plus years of robust work and expertise. **It is important to all societies and a basic human right that a country's cultural heritage including it built heritage is retained for its people.**

A lack of evidence

The Australia ICOMOS submission demonstrates that the Interim Report has not established that statutory heritage protection is a material cause of Australia's housing shortage, nor that substantially weakening heritage protection would produce a net public benefit. The Commission

should seek further evidence and involve heritage stakeholders, including heritage rich communities before making its final recommendations.

Heritage is not primarily nor just about planning. It holds deep, fundamental meaning and positive benefits to our society

This is particularly important because heritage loss is fundamentally different from many other regulatory outcomes. An excessive or outdated planning control can be reviewed and corrected. Once a significant heritage place such as a building or precinct is demolished or degraded, however, its cultural significance is generally irretrievably lost.

The Commission should therefore not proceed from an assumption that heritage is primarily a regulatory impediment to housing. It should instead consider heritage as a significant public asset producing psycho social, social, cultural, emotional, environmental and economic value and benefit.

Heritage protection has not been shown to be the cause of the housing problem and we contend that it is not. Many other complex and interrelated factors are driving this issue and it is one faced in many other parts of the world. What makes a city great and is valued by a society should not be degraded or lost to that place and our cultural built heritage has long been proven and known to be highly valued by our society and is considered by experts to be of world equivalent historical and architectural value.

Weak and narrow use of Evidence. Lack of understanding of the practicalities of how heritage overlays work and their impact on housing and density

Australia ICOMOS identifies a fundamental weakness in the Commission's evidence base: the use of a relatively narrow set of residential heritage and character examples to support a reform direction capable of affecting heritage protection much more broadly.

The existence of a heritage overlay does not mean that development is prohibited. Heritage controls generally require proposed change to be assessed against the significance of the place. Lower redevelopment rates in heritage areas may also reflect factors such as existing sound housing, owner occupation, lot configuration, amenity and the value people place on the existing built environment.

Most importantly, heritage may not be the binding constraint on development. Zoning, height limits, floor-space ratios, minimum lot sizes, setbacks and parking requirements may be the controls actually determining development capacity. Removing heritage protection while those constraints remain may produce little additional housing.

The Commission therefore needs to establish the marginal contribution of heritage controls to housing supply rather than infer it from the amount of land covered by heritage controls.

Striking omission of the recognition and understanding of the benefits to all Australians and to local communities of heritage

Heritage is a public good with substantial, evidenced benefits. The most significant omission in the Interim Report is the inadequate treatment of the benefits of heritage.

Heritage is not simply about preserving old buildings. It encompasses streetscapes, landscapes, neighbourhoods, public places, cultural associations, memories, identity and the relationships people develop with places.

There is now a substantial body of research demonstrating that heritage contributes to:

- community identity and belonging;
- individual and community wellbeing;
- social cohesion and social capital;
- pride and attachment to place;
- cultural continuity and intergenerational connection;
- quality of life and liveability;
- education and cultural understanding;
- tourism, employment and local economic activity; and
- environmental sustainability through retention, repair and adaptive reuse.

The Heritage Council of Victoria's Why Heritage? research synthesises more than 200 Australian and international sources concerning the social, economic and environmental value of heritage. It specifically identifies evidence concerning wellbeing, community value and environmental benefits. Heritage Council Victoria

This is not merely an argument about intangible sentiment. Research has demonstrated that heritage-related wellbeing can be measured and valued economically. Australia ICOMOS cites Historic England research identifying significant wellbeing benefits associated with living in areas containing heritage assets. Australian research has likewise demonstrated community willingness to pay for the retention of historic places.

The Commission's own objective recognises economic, social, cultural and environmental outcomes. Those principles cannot be applied credibly if the costs of heritage regulation are quantified while the public benefits of heritage protection are largely left unmeasured.

Victoria's heritage research expressly identifies heritage as contributing to identity, quality of life, stronger communities, sustainability and local economies.

Environmental benefits of heritage and built heritage retention

The environmental case for retention has also been underestimated. The environmental consequences of demolition deserve much greater consideration.

Demolition of sound existing buildings creates immediate embodied-carbon emissions, construction waste and material consumption. By contrast, the environmental benefits of improved operational efficiency in a replacement building may take many years to accrue.

Retention, repair, retrofit and adaptive reuse can therefore be both housing strategies and climate strategies. This is particularly relevant to established suburban heritage areas, where demolition of existing houses followed by replacement with new construction may destroy a functioning building while creating substantial waste and embodied emissions.

The Heritage Council of Victoria itself recognises that conserving heritage places can support environmental, social and economic sustainability and provides guidance for improving energy efficiency while retaining heritage buildings. Heritage Council Victoria

Any assessment of housing regulation that considers demolition and replacement should therefore account for embodied carbon, construction and demolition waste, material consumption and the

environmental value of retaining existing buildings. This has not been undertaken in the current work.

A major weakness is the absence of heritage expertise and community participation

Perhaps the most serious methodological concern identified by Australia ICOMOS is the apparent absence of heritage expertise in the consultation and work. This should be of great concern and needs to be rectified.

A reform specifically directed at heritage controls should not be developed without meaningful engagement with Australia's leading heritage experts, heritage councils, National Trust organisations, Aboriginal cultural heritage bodies, local-government heritage advisers and relevant professional and community organisations.

The same applies to the people who actually live within heritage areas and the councils responsible for administering local heritage protections. **BHGAP believes heritage communities should participate in this work. They are the custodians of these places, legally protected by laws. Most Heritage rich communities feel a great sense of attachment to these places and areas (HERCON Criterion G)**

These communities are not simply external stakeholders. They are the people who have lived with, maintained, restored, adapted and cared for these places over generations.

The Commission's own call for submissions states that it wants evidence from people with experience of the housing regulatory system and asks for evidence and suggestions about ways forward. Productivity Commission - It is therefore particularly important that the final assessment of heritage regulation properly incorporates the experience of the communities, councils and professionals who understand these places.

No demonstrated social licence for wholesale weakening of heritage protection

The Commission should also distinguish between identifying opportunities to improve heritage administration and assuming that communities support the removal of heritage protection. There is an important difference.

Australians may reasonably support more housing while also strongly valuing the historic places, heritage precincts and neighbourhoods in which they live and work and visit. Indeed, the evidence demonstrates that heritage has significant public value beyond the individual owner of a property.

Before recommending substantial removal of established protections, the Commission should therefore ask a basic public-policy question:

Where is the evidence of social licence for permanently sacrificing significant heritage places and streets and precincts in exchange for housing outcomes that have themselves not been demonstrated? Without that evidence, it would be inappropriate to assume that the public would accept widespread demolition of valued heritage places.

Housing and heritage can be accommodated together.

There is no need to choose between housing supply and heritage. Most councils agree and there is no evidence that councils have been asked to participate in this work.

A case by case and tailored approach is needed with place based work. Blanket rules are not necessary and will not work. Housing growth needs to be undertaken intelligently in heritage areas.

Australia ICOMOS proposes a much more constructive "conserve and build" approach. This recognises that individual heritage places have different capacities for change and that solutions need to be developed case by case.

Potential approaches include:

- adaptive reuse of existing commercial, institutional and industrial buildings;
- shop-top and upper-floor housing;
- secondary dwellings and rear-lot additions;
- carefully designed laneway housing;
- subdivision and conversion of larger historic dwellings where appropriate;
- infill on non-contributory or under-used sites;
- additional housing based on established historic forms such as terraces, semi-detached housing, courtyard housing and walk-up flats;
- strategic increases in density in locations where heritage significance can be retained; and
- clearer fast-track or deemed-to-comply pathways for appropriate low-impact development.

This approach does not freeze heritage areas. It manages change intelligently.

It also has the advantage of directing housing growth towards places where additional capacity can be achieved without destroying the very qualities that make established neighbourhoods attractive and desirable places to live.

In conclusion

BHGAP agrees with ICOMOS that Australia's heritage places provide a remarkable combination of wellbeing, identity, cultural continuity, social cohesion, aesthetic and sensory experience, environmental value and economic activity. These are not incidental benefits. They are part of the public value that generations of Australians have inherited and that current communities have maintained for future generations.

BHGAP also agrees that the appropriate response is not blanket deregulation or removal of heritage protections. It is better evidence, better heritage administration, better community engagement and better planning for compatible development in heritage areas.

Australia should be capable of increasing housing supply without sacrificing the qualities that make our established communities distinctive, liveable and valued.

Our suburban heritage is an asset that millions of Australians have inherited, cared for, restored and shared. It contributes to the identity and wellbeing of communities and to Australia's cultural standing internationally. Weakening that inheritance should not be undertaken on the basis of assumptions or incomplete evidence, particularly where practical alternatives exist.

The test for reform should therefore not be whether heritage can be removed to make redevelopment easier. The test should be whether Australia can build more homes while retaining the heritage, identity, environmental value and community wellbeing that make these places worth

living in. The evidence presented by Australia ICOMOS strongly supports pursuing the latter approach.

Further risks of the proposed interim thinking: BHGAP believes that the unsophisticated approach proposed by the Commission is likely to be viewed as embarrassing for the Commission itself.

In our assessment, it risks provoking a strong backlash from the Australian community, local councils and heritage stakeholders and the international heritage and planning world .

This may have reputational consequences, potentially undermining confidence in the Commission's judgment and approach.