

19-136 Heritage Amendment Bill 2019 – policy approval (relates to 19/137 Heritage Amendment Bill 2019)

Summary of Impacts

The proposed amendments to the Heritage Act to include repair damage directions will result in benefits for the broad ACT community and heritage generally, in helping to achieve the objectives of the Act, through the protection and conservation of the ACTs heritage places and objects. The amendments will provide:

- Social Impacts – positive impacts to:
 - **the community’s sense of wellbeing and people’s cultural identity.** By assisting to maintain our connection to place, fostering pride in our community.
 - **Indigenous and multicultural.** The effective protection and conservation of Aboriginal heritage is important in maintaining the identity, health and wellbeing of Aboriginal people.
 - **the productivity of dealing with heritage compliance matters.** The proposed streamlined and strengthened heritage compliance tools will provide for effective and efficient means to deal with breaches of offence provisions.
 - **justice and rights** by ensuring heritage owners and caretakers are held accountable for damage to heritage places and objects.
- Environmental Impacts –positive impacts to:
 - **the heritage of the ACT.** Strengthened compliance and enforcement tools aim to ensure the important heritage of the ACT is protected and conserved. Once heritage places are lost, they – and all they represent – are lost to future generations.
- Economic Impacts – positive impacts to:
 - **investment and economic growth.** Places of heritage value can contribute economic growth through employment opportunities and the economic benefits associated with tourism and adaptive reuse.
- Economic Impacts – neutral impacts to:
 - **the ACT Government budget.** The proposed amendments have no significant financial impact to the ACT Government budget will be undertaken within existing resources. There may be a modest increase to revenue in the creation of an infringement notice regulation however, it is not considered substantial enough to create a meaningful positive impact to the ACT Government budget.
 - **the cost of living.** The regulatory burden and financial impact to a person who is directed to repair damage to a heritage place or object will be no greater than all other jurisdictions in Australia and similar ACT legislation that aims to protect, conserve or ensure regulatory standards are met.

Key to impacts: Red – negative, Blue - neutral and Green - positive.

Social

<p>Community and individual health / Access to social networks and community activities (community’s</p>	<ul style="list-style-type: none"> • The proposed amendments to the Heritage Act to include repair damage directions will provide a positive impact to the community’s sense of wellbeing and people’s cultural identity. Strengthened compliance and enforcement tools aim to ensure the important heritage of the ACT is protected and conserved. • The social value of heritage is important to contemporary society and the link between heritage and strong communities is increasingly evident. • Heritage assists in maintaining our connection to place, fosters pride in our community and is an important factor in building and maintaining
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<p>sense of wellbeing)</p>	<p>community harmony. Strong communities are vibrant and forward-looking, with rich social and cultural experiences.</p> <ul style="list-style-type: none"> • There are numerous ways in which heritage affects the wellbeing of individuals and communities. For instance, heritage can assist people to define their values and make life decisions by recognising and appreciating their connection to others in the past, present and future. Heritage can also deepen people’s sense of place. • As such, heritage can strongly influence people’s cultural identity and wellbeing. It is therefore often considered in environmental assessments – such as the state of the environment assessment – alongside life-enabling ecosystem services, such as fresh air and clean water.
<p>Indigenous and multicultural</p>	<ul style="list-style-type: none"> • The proposed amendments to the Heritage Act to include repair damage directions will provide a positive impact to the protection and conservation of the ACTs Aboriginal heritage. • The ACT Government acknowledges the Aboriginal people of Australia as part of the oldest and continuous living culture in human history. Aboriginal people’s cultural heritage is recognised and valued as a unique and essential component of the identity of all Australian people. • Aboriginal cultural heritage provides essential links between the past and present – it is an essential part of Aboriginal people’s cultural identity, connection and sense of belonging to Country. The effective protection and conservation of this heritage is important in maintaining the identity, health and wellbeing of Aboriginal people – in terms of having access to culture and heritage, as well as having respected avenues for cultural expression.
<p>Justice and rights</p>	<ul style="list-style-type: none"> • The proposed amendments to the Heritage Act to include repair damage directions will provide a positive impact to ensuring heritage owners and caretakers are held accountable for damage to heritage places and objects. Strengthened compliance and enforcement tools aim to ensure the important heritage of the ACT is protected and conserved. • Once heritage places are lost, they – and all they represent – are lost to future generations. • Due to the current limitations in issuing Heritage Directions under the Heritage Act, offences cannot be dealt with simply, there is no mechanism to ensure the damage is repaired, and instead must be prosecuted through the courts. Successful prosecutions through the full court process can be difficult and costly to achieve. • The limited tools currently available for dealing with heritage compliance matters could result in an increase of heritage owners undertaking unapproved and inappropriate works due to no practical deterrent being in place.

Economic

<p>ACT Government Budget</p>	<ul style="list-style-type: none"> • The proposed amendments to the Heritage Act to include repair damage directions will provide a neutral impact to the ACT Government budget. • Due to the current limitations in issuing Heritage Directions under the Heritage Act, offences cannot be dealt with simply as there is no mechanism to ensure the damage is repaired, and instead must be prosecuted through
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	<p>the courts. Successful prosecutions through the full court process can be difficult and costly to achieve.</p> <ul style="list-style-type: none"> • Including provisions under the Heritage Act for heritage repair damage directions has no significant financial impact to the ACT Government budget will be undertaken within existing resources. • On average, ACT Heritage receives around 15 heritage complaints/compliance reports per financial year, of which 1-2 matters are deemed significant enough to warrant investigation. If the proposed scheme is made, the remaining matters could be dealt with by way of an infringement notice and/or repair damage directions. • ACT Heritage utilises compliance and enforcement capacity from within the Environment Division of EPSDD or Access Canberra on an as-needs basis to support the operation of heritage compliance matters. These agencies have existing personnel with investigations expertise and experience. • There may be a modest increase to revenue in the creation of an infringement notice regulation however, it is not considered substantial enough to create a meaningful positive impact to the ACT Government budget.
Productivity	<ul style="list-style-type: none"> • The proposed amendments to the Heritage Act to include repair damage directions will provide a positive impact to the productivity of dealing with heritage compliance matters. • The proposed streamlined and strengthened heritage compliance tools will provide for effective and efficient means to deal with breaches of offence provisions which are not considered serious enough to warrant instituting court proceedings. Successful prosecutions through the full court process can be difficult and costly to achieve.
Investment and economic growth	<ul style="list-style-type: none"> • The proposed amendments to the Heritage Act to include repair damage directions will provide a positive impact to investment and economic growth. Strengthened compliance and enforcement tools aim to ensure the important heritage of the ACT is protected and conserved. • Places of heritage value can contribute economic growth through employment opportunities and the economic benefits associated with tourism. Canberra has a strong tourism industry, with heritage places – such as the nationally listed Australian War Memorial – that play a key role in attracting interstate and international visitors. Namadgi National Park offers similar opportunities for visitors with an interest in natural and Aboriginal cultural heritage. • The sensitive adaptation of heritage buildings, when combined with contemporary design, can create vibrant and visually exciting spaces that people want to live, work or play in today. • It provides opportunities to assist local economies through employment and tourism and ensures that historic buildings continue to provide a sense of place for current and future generations. • In the competitive residential and commercial markets, heritage provides a point of difference that delivers an ambience that cannot be replicated by new builds. • Hotel Acton and the New Acton Precinct provide excellent examples of successful adaptive re-use of a heritage place within an urban context. Hotel

	<p>Acton, a once derelict building in an underutilized part of the city is now a thriving metropolitan precinct. The heritage building at the centre of the precinct adds character and a sense of place. The heritage building has been conserved through the successful marriage of existing heritage structures and new surrounding cutting edge architectural design.</p>
<p>Cost of living</p>	<ul style="list-style-type: none"> • The introduction of heritage repair damage directions may financially impact a person who causes damage to a heritage place or object. However, it should be noted that this provision will not affect most heritage owners, the vast majority of whom appropriately manage heritage assets under their care. • Repair damage directions are a common regulatory provision under heritage legislation in all Australian states and territories. Additionally, similar provisions such as stop orders, protect, repair and rectification directions and orders are common under other similar ACT legislation such as the <i>Planning and Development Act 2007</i>, <i>Building Act 2004</i>, <i>Nature Conservation Act 2014</i>, <i>Environment Protection Act 1997</i> and <i>Tree Protection Act 2005</i>. • As such, the regulatory burden and financial impact to a person who is directed to repair damage to a heritage place or object will be no greater than all other jurisdictions in Australia and similar ACT legislation that aims to protect, conserve or ensure regulatory standards are met. • Despite the common misperception, heritage listing does not adversely affect property owners' ability to improve the value of their home and their life-style. Heritage regulations within the Territory do not prohibit renovations, or in extreme and exceptional cases, demolition; owners have the onus to apply for approvals but still maintain a significant degree of flexibility and control over their property. • While heritage houses are subject to the same external market conditions (interest rates, location, etc), they generally attract a price premium for the privilege of living in a special piece of the city's history. Moreover, where properties are located within a neighbourhood of similar properties, heritage listing can ensure the unique character and feel of the area is retained. A cost-benefit analysis of heritage properties conducted by Sinclair Knight Merz on the city of Ballarat noted that "property values in towns with more extensive heritage controls tend to be higher than similar regional townships without such controls."

Environmental

<p>Heritage</p>	<ul style="list-style-type: none"> • The proposed amendments to the Heritage Act to include repair damage directions will provide a positive impact on the heritage of the ACT. Strengthened compliance and enforcement tools aim to ensure the important heritage of the ACT is protected and conserved. • Once heritage places are lost, they – and all they represent – are lost to future generations. • The ACT Government plays a critical and public role in safeguarding the ACT's heritage assets for current and future generations. It is important that the Government leads by example in the way it cares for, maintains and protects these assets. This includes robust, efficient and effective regulatory and compliance legislation.
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- The inclusion of a provision for repair damage directions will act as a deterrent to ensure that property owners and public authorities do not engage in conduct that damages or diminishes the heritage significance of a place or object.
- The proposed amendment will be coupled with the development of a Communications Strategy and a compliance policy to assist heritage owners to manage heritage places and objects under their care.
- The proposed amendments are not considered to be any more onerous, or impose any additional costs within the ACT which are over and above any costs to Government, business and the community associated with the current ACT Heritage Act, or of those in other jurisdictions.
- In line with the Building a better city ACT Government priority, amendments to the Heritage Act will demonstrate that the good management of heritage places and objects contributes to sustainable, attractive and liveable neighbourhoods, increases the value of heritage places in urban and greenfield development and delivers in excellence in innovation through the creative reuse of buildings adding character to new urban precincts.
- This provision will result in net benefits for the broad ACT community and heritage generally, in helping to achieve the objectives of the Act, through the protection and conservation of the ACTs heritage places and objects.