

Heritage listing versus property rights

Heritage listing laws in most States were never intended to expropriate property rights or prevent reasonable development. However in practice they commandeer property rights and oftentimes prevent quality development entirely. Frequently this is because heritage listing is used as a justification to prevent some developments, when no rationale can be found.

Compounding this problem is that heritage listing frequently and adversely affects neighbouring properties. For example, if you wanted to build a simple pergola or erect a fence, but your neighbour's property was recently heritage listed, you may be forced to pay for an expensive heritage report.

Worse still, your neighbour's property could be an asbestos ridden fibro house or "Californian" bungalow, but still be heritage listed by power drunk authorities.

Furthermore, once a property is listed, its value

is almost certain to plummet. This is evidenced by the New South Wales Valuer General who accepts that heritage listing reduces values.

Obviously property owners would not be so aggrieved if it lifted prices. But unsurprisingly, hard core heritage fanatics still refuse to accept this reality.

Fortunately, the Productivity Commission has come to the rescue of beleaguered property owners and recommended that heritage listings only proceed subject to reaching negotiated conservation agreements.

In the event that such cannot be reached, a government authority would be required to purchase the property at fair market value, or delist it. This is flexible, ethical and will help prevent the preemptive and post listing destructions of genuine heritage items.

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