

The Executive Director
State Heritage Office
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Via Email: info@stateheritage.wa.gov.au

25 September 2015

To Whom It May Concern,

2015 Heritage Bill (Exposure Draft) Information Paper

The Property Council of Australia welcomes the opportunity to provide comment on the exposure draft of the *Heritage Bill 2015* (the Green Bill) to help inform new heritage legislation.

The Property Council of Australia is the peak body representing property developers, investors and businesses that provide professional services to the property industry. By way of background, the property sector is a significant contributor to the State's economy, paying \$6.4 billion in taxes, directly accounting for 12 per cent of WA's economic activity and providing more than 200,000 direct jobs.

Changes to heritage legislation will directly affect our members who own, manage and develop heritage areas through adaptive reuse with the sole purpose of breathing new life into our historic buildings for future generations.

General Comment

The Property Council supports changes to the Green Bill that will improve certainty and predictability for heritage property owners if it makes the legislation more open and transparent. Ultimately, any changes to legislation must be consistent with the heritage objectives outlined in the State strategic plan *Perth and Peel @ 3.5 million*, which expressly identified the need to revitalize heritage areas through adaptive reuse, and provide a tangible sense of place within urban consolidation areas.

Contemporary Governance

The Property Council supports the move away from requiring Heritage Council members to represent interest groups and, instead, require professional qualifications.



It is, however, important to ensure that the final composition of the Heritage Council members reflect a diverse range of professional qualifications. Council consisting of members with skills that not only demonstrate heritage knowledge, but development project feasibility, investment and property management will deliver improved outcomes for heritage properties.

The Property Council recommends that the final composition of the Heritage Council reflect a diversity of professional qualifications and perspectives.

Simplified Registration Process

The Property Council cautiously supports a registration process that consists of a single assessment, consultation and decision-making process.

This support is conditional to clarity and transparency of the registration process. Strong regulations must be introduced outlining criteria for a nomination to be eligible, strict timeframes are adhered and the decision-making criteria to review a nomination.

Communication and consultation with owners at all stages of the decision making process must be prioritized to ensure that any appeals can be registered prior to permanent entry on the register.

The Property Council supports increased clarity for amending or removing register entries.

The Property Council recommends that the registration and decision making process be transparent and well communicated, with the opportunity to register appeal prior to permanent entry.

Protecting State Registered Places

The Property Council notes the new feature to award the Minister with the power to issue a repair order to owner or occupier of a registered place to compel repairs or other works necessary to sustain the viability of a registered place.

The Property Council recommends that the proposed safeguards mentioned in the exposure draft must be formalized in the Bill. Formalized safeguards will guarantee that repair orders will not be issued without first trying to negotiate to achieve repairs through a standard, transparent process.

The Property Council supports the review of a repair order by the State Administrative Tribunal.

Development Referrals

The Property Council supports increased clarity and flexibility of the development referral process, particularly the flexibility to exempt certain works from referral.



Incentives for Owners

The Property Council supports the Heritage Council's ability to offer financial assistance to owners and the ability to request revaluation of registered land for land tax purposes.

Closing Comment

Thank you for the opportunity to provide comment on the exposure draft of the Heritage Bill 2015 (the Green Bill) to help inform new heritage legislation. If you would like any additional information, please feel free to contact Rebecca Douthwaite (Policy and Research Manager) on 9426 1203 or rdouthwaite@propertycouncil.com.au.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Joe Lenzo", with a long horizontal flourish extending to the right.

Joe Lenzo

Executive Director
Property Council of Australia