

# **Conservation of Australia's Historic Heritage Places**

## **Response to Productivity Commission Issues Paper May 2005**

### **Graham Brooks**

Managing Director, Graham Brooks and Associates Pty Ltd, Heritage Consultants  
Chairman, International Council on Monuments and Sites (ICOMOS) International Cultural  
Tourism Committee

### **Introduction**

Heritage Management in Australia is of a very high standard when compared with the prevailing systems and frameworks in most developed economies such as Europe and North America, and far superior to most of the developing nations in Asia and elsewhere. The strength of the framework rests on a clear set of well established legal frameworks at national, state/territory and local government levels. These are tied closely with land use, town planning and property development systems. They are supported by a well developed professional and theoretical methodology, skilled professional and administrative practitioners, active voluntary and community based heritage societies, extensive post graduate training programs, a well developed building materials marketplace and skilled tradespeople. In most states the heritage management laws have been in place since the late 1970s or early 1980s and are now often in their second generation of development. There is, commensurately, a well developed body of experience among professional practitioners and administrators of using and testing these frameworks in a wide variety of circumstances.

Heritage management in Australia is primarily directed at property management. It safeguards the important aspects of a place through a process of change in response to social and economic evolution and development. Australia is essentially a private property owning democracy. Laws are made and must be administered with the support of the wider populace. These laws are increasingly seen as being applicable to both privately owned and publicly owned property with the same degree of effect. The recently introduced (Jan 2004) extension of the EPBC Act to cultural heritage and therefore to Commonwealth owned property, has brought national property management into a similar sphere as other public and privately owned heritage resources.

Heritage Management in Australia operates through a combination of protective controls and market based incentives. The important distinction for Australia as a democracy and not a command economy is the difference that it means for land use development and therefore for cultural heritage property management. In a command economy government agencies determine where and when specific land uses will be allowed and developed. Eventually these uses are implemented in the predetermined manner. In a democratic system, public agencies determine a preferred land use and development scenario, and then create a framework that encourages this to happen. This framework includes land use zoning, density controls, environmental management standards, suitable infrastructure and general economic settings. The private market will then be attracted to the framework and will develop the land in accordance with the controls and guidelines. Heritage management must and does operate in this same context. While the public will secure an advantage overall from the retention and use of historic buildings and urban ensembles, it is the private owner who must be encouraged to respect and maintain the individual historic property.

Australians have a strong view of the role of property and buildings in contemporary life. They regard property as needing to be useful, safe and secure in terms of its quality and amenity, available for development, and as a basis for wealth generation and intergenerational security for their families. Heritage Management must be regarded in this context.

Australians also have a strong sense of their right of access to community resources. They often regard government owned land as a community resource and protest strongly if it is misused or disposed of into the private market place without due return on equity. Publicly owned heritage buildings and historic places fall within this public attitude.

It is the role of all levels of government to mediate between conflicting interests, between the expectation of community outcomes and the rights of individual property owners. Heritage Management is just one of these areas requiring mediation. One area of exponential change in this regard has been the extent and nature of heritage listing, of identifying and protecting those places and elements that are regarded as being of heritage value. The initial phase of listing typically generates concern and opposition from property owners and managers, who perceive only an additional level of restriction on their ability to use and develop the place. Many heritage lists, particularly at local government level have generated considerable political difficulty for the relevant Councils. Progressively, many property owners have come to accept or learn to live with heritage protection. They realise that there are secondary benefits, or accept that heritage management is a factor that must simply be taken into account. Many however, have not come to this level of acceptance, hence the need for a continuation of strong protective laws and their wise administration.

The greatest difficulties arise when new listings emerge or property owners only recognise the level of applicable controls much later than other forms of property controls and management. There is still a high level of community activism that raises heritage issues on unlisted properties only when there is a sense of threat or potential change.

The growth and evolution of the Heritage Management system in Australia over the last 30 years has been a result of strong cooperative relationships between the public and private sector at all levels of government. The ultimate strength of the Australian Heritage Management system is that it is values based, not rules based. It assesses the likely impact arising from a proposed action on the heritage significance of a place. This has allowed it to evolve far more successfully than it might were it be strictly based on rules and narrowly defined allowable activities.

Historic places and heritage listed properties form a major and critical resource for Australian society and the Australian economy. Not only are they an essential part of the national identity and psyche, they represent billions of dollars of useful and well utilised property resources. Historic buildings often have a far better capacity to absorb changes of use or fit out than do modern or narrowly designed purpose built structures. Many buildings that are now well over 100 years old can perform as better economic resources than many of commercial and residential buildings that were built in the last quarter of the 20<sup>th</sup> century.

A large part of the focus of heritage management is on the protection of heritage places from over-exploitation. The converse challenge for public heritage policy and for the conservation community is to minimise the under-exploitation or utilisation of heritage resources, especially at times of technological or functional redundancy in the built environment.

There is also no doubt that historic buildings and heritage places, combined with their cultural landscapes and environmental settings are a major tourism resource for the nation. The conservation community, both nationally and internationally can be regarded as holding the keys to a large percentage of the world's tourism attractions.

## Author Qualifications

### Qualifications

- Bachelor of Architecture (Hons), Sydney, 1972
- Master of Built Environment (B Cons), UNSW, 1983
- Associate, Royal Australian Institute of Architects (RAIA), 1975
- Associate, Royal Institute of British Architects, 1975

### Positions Held

- Chairman of ICOMOS International Cultural Tourism Committee, 2001 -
- Member, External Advisory Board, PICTURE Project, Sustainable Tourism Management in small and medium sized European Cities. A European Commission project
- Member of International Panel of Experts for Ajanta and Ellora World Heritage Sites Conservation and Tourism Development Project, Maharashtra, India, 2004-2007.
- Key Note Speaker at Organisation of World Heritage Cities Conference in Cuzco, Peru, September 2005, jointly organised with Getty Conservation Institute, Los Angeles
- International Advisory Panel to UNESCO Bangkok for LEAP cultural tourism project in relation to 10 World Heritage listed urban centres in the Asia Pacific Region, 1999-2001
- Foundation Board Member (1995), Deputy Chairman (1996-1999) and Chairman (1999-2001) of *AusHeritage Ltd*, Australia's International Network for Cultural Heritage Services
- Member International Advisory Panel to UNESCO Bangkok for LEAP cultural tourism project throughout South East Asia, 1999-2001
- Visiting Professor, Graduate Building Conservation Program, University of Santo Tomas, Manila, 1998
- Member of Culture Advisory Network to Australian National Commission for UNESCO
- Member Asia and West Pacific Network for Urban Conservation (AWPNUC)
- Associate Member, ICOMOS International Committee on Shared Colonial Heritage
- Former Chairman, Historic Buildings Committee, National Trust of Australia (NSW)

Graham is an architect with over 30 years professional experience, gained from working in Australia, the United Kingdom and Asia. Much of his career has been centred on the conservation and heritage management of historic buildings, urban areas and cultural landscapes. He has been actively involved in conservation planning, heritage asset management and the re-use of historic buildings for sites throughout Australia. His work in cultural tourism has included extensive site investigations over many decades of the relationship of tourism with heritage places throughout Europe, South East Asia, the Pacific, the Americas and North Africa.

## Response to Questions within the *Issues Paper*

In responding to the call for submissions, I have structured my reply in accordance with the questions contained in the *Issues Paper*, May 2005. Not all questions have been responded to. The majority of my domestic heritage management involvement over the last 30 years has been in NSW. This will form the core of my responses in relation to Australian-based heritage management issues.

My responses are also focussed on the historic built environment and cultural landscapes. Other aspects of the historic heritage, such as moveable heritage and museum collections, will, no doubt, be discussed by other respondents.

### **1. *What is the rationale for government involvement in historic heritage conservation and what principles should guide that involvement?***

#### *Commentary*

The primary rationale for government involvement in historic heritage conservation in Australia is to ensure that there is a suitable framework for the protection and orderly management of a key aspect of the national identity that the wider community holds in high esteem, and that the important values and characteristics of a vast national resource are protected and well managed for current and future generations. These resources are not only of value on a national basis but form a key component (even if under recognised in Australia) of the nation's tourism attractions. Tourism is one of the fastest growing sectors of most economies and presents a long term opportunity for economic and social sustainability if managed wisely.

#### **Two major principles should guide government involvement in heritage management policy making:**

- Protection and incentives for property owners and managers
- Good community outcomes, with long-term sustainability resulting in heritage places being living, viable, components of contemporary society.

### **2. *How does the policy framework for historic heritage conservation currently operate and what are its strengths and weaknesses?***

- The **policy framework** is primarily focussed on the management of the built environment in the context of achieving planning and development consent for new project proposals.
- Since planning and land management, under the Constitution, are the responsibility of State/Territory and Local government, the majority of heritage management activities are delivered through these two sections of government.
- The majority of heritage legislation in Australia is closely connected with or embedded within planning legislation.
- For Heritage Listed properties, the relevant consent authority must determine whether a proposed action or development proposal will have an adverse impact on the identified heritage significance of the place.

- Consent can be refused or conditions of consent imposed that will ameliorate those impacts.

- **Strengths**

The strength of this system is that the greatest amount of damage or change to an historic building or place arises as a result of development work that must in any case receive development consent from the relevant planning authority. The current system ensures that any proposed development takes reasonable notice of heritage issues before consent is granted. Various development incentives support the planning based controls.

- **Weaknesses**

The primary weakness is that there is no really effective framework to ensure the continued use and maintenance of heritage properties. Unless the owner or manager is inclined to protect the place or motivated by a desire to protect the asset value of the place, historic properties can be let to run down and decay with little capacity to force regular maintenance.

### **3. What are the current pressures and emerging trends influencing the conservation of historic heritage places and, in light of these, how can the policy framework be improved?**

- **Change of use**

Changes of use are demanding extensive change to the fabric and setting of a place. In the closing decade of the 20<sup>th</sup> century and the early decades of the 21<sup>st</sup> century, almost all public and many non residential private buildings have or will undergo change of ownership and use. This often places more demands for change on the character and layout of a building than do the normal processes of evolution and growth.

- **Growing population**

In response to a growing population there will be increased pressure, in most cities and many country towns, to accommodate large numbers of new residential buildings and employment producing facilities in sensitive areas.

#### *Commentary*

Australia is a relatively young country, in European settlement terms. The majority of our buildings are, or were until recently, in their first generation of use. This is unlike the situation in older societies such as those in Europe. The conservation community, as expressed in the current version of *The Burra Charter* (Australia ICOMOS), prefer to regard the original use of a building as one of its most important attributes. This is in direct response to the architectural design dictum that "form follows function". The changes that have swept through property management circles throughout Australia, in response to economic rationalism, have seen widespread redundancy and changes of ownership and use. Combined with growing pressures arising from an expanding population that is drawn to established towns and cities, and the assumed basic right of making money from property, many historic buildings face destruction or significant alteration in the immediate or near future.

- **Policy framework**

The **policy framework** needs to be strengthened by adding greater certainty to the property management world. This is probably best achieved by increasing the resources devoted to the identification and listing of heritage properties at all levels of government. This will have the advantage of clarifying the level of protection and development potential for listed properties, especially when they change use and enable the broader planning and development industries to identify less sensitive areas in which to focus growth and change.

#### **4. Do current lists adequately recognise degrees of cultural significance of historic heritage places? If so, are the factors which determine degrees of cultural significance appropriate?**

- **Recognition of degrees of cultural significance**

The current system of "national", "commonwealth owned", "state" and "local" significance is probably as good as it can be in the current circumstances.

The vast majority of heritage lists do not, within themselves, recognise the relative degrees of cultural significance. It is not the list, *per se*, that should or can achieve this level of recognition. It is the supporting inventory information that should record this information.

Degrees of cultural significance can only be identified by a review of the subject place against its capacity to demonstrate certain aspects of the overall cultural heritage of an area, its degree of integrity and its rarity or representativeness as an example of its type.

Most existing heritage lists contain buildings and other features primarily because of their individual characteristics or history.

There is inadequate comparison undertaken to ascertain rarity or representativeness. This is largely due to the lack of comprehensive information about the entire heritage resources of a State or the nation as a whole.

- **Degrees of cultural significance**

This relates to the issue of "national", "state" or "local" significance.

The trend over the last few decades of establishing lists of items of "national", "state" or "local" significance is, in my view, largely an outcome of the jurisdictional differences of different planning agencies.

The distinction between the three "levels" of significance is generally very difficult to ascertain for the majority of buildings and places.

#### **5. Is there a need for a comprehensive survey of historic heritage places in Australia? If so, who should fund such a study and how would its findings be used?**

- **Yes**

The use of this information is extremely wide and frequent. It assists academic research, the comparison of any particular property against others, establishes the degree of rarity, quantifies the resource, facilitates the determination of development consents and provides information on which tourism can be developed or promoted.

- **Comprehensive survey of historic heritage**

There is a significant need for a comprehensive survey of historic heritage places in Australia.

The current level of knowledge, especially about certain aspects, is very poor or poorly documented.

Without a thorough and comprehensive knowledge of the wider heritage resource, it is impossible to properly manage that resource.

Access to existing knowledge is also very poorly organised, although some State based heritage inventories are computerised and searchable over the web.

The critical issue here is not only the need for a more comprehensive knowledge, but a recognition that the field is ever expanding.

With the democratisation of heritage and the growth in professional research and amateur knowledge, the range of things that people regard as being important components of their heritage is ever growing.

Policy-making needs to take this evolutionary growth into account and recognise the ever changing nature of the task.

- **Funding sources**

It is, in part, the responsibility of each jurisdiction to ensure that they have sufficient knowledge to properly manage their resources.

In a similar manner to all other aspects of contemporary society, funding for this level of research is hard to arrange and often given low priority vis-à-vis more pressing or popular demands on the public purse.

To a degree it is ultimately in the interests of many property owners, especially those with large public sector portfolios, to identify their own historic resources and to make this information available to the public. This has been the policy in NSW with the s170 (NSW Heritage Act) Heritage and Conservation Registers required of all public agencies in NSW.

The **role for government policy** should be to provide suitable incentives, and / or seed funding, to ensure consistent formatting and to facilitate delivery of such information over the web.

## **6. Are market facilities present in the conservation of historic heritage places? If so, do they differ in significance or scope from those which may exist in other forms of conservation (such as conservation of natural heritage)?**

- **Yes**

The operation of **market forces** is inseparable from the conservation of historic buildings and historic heritage places.

Most historic buildings are privately owned. Those under public ownership are expected to serve a functional need or to generate returns.

In this regard the relationship between **market forces and conservation** is very different and far more influential than with regard to the *conservation of natural heritage*.

Unlike *natural heritage*, **market values** are easily ascribed to the majority of historic buildings. Even public cultural facilities have a capacity to generate activity such as tourism that can be measured in economic terms.

### *Commentary*

As noted earlier, historic buildings are exactly the same as any other buildings within the activities of the property investment and management marketplace. They represent an asset value that is largely based on either their qualities, their capacity to fulfil a need such as residential or cultural accommodation and/or their ability to generate income.

- **If the capacity of a place to perform its function or generate income falls below what the market expects, then change will be inevitable in either the short or long term.**

**7. To what extent does historic heritage conservation generate benefits for the community? How do these community-based benefits compare to the personal benefits which owners of heritage places would receive through conservation?**

*Commentary*

Many heritage buildings are owned by the public sector or corporate sector, providing a more generalised level of performance and identity to the community at large. Most heritage buildings are useful and viable components of the overall building stock of the nation and represent an enormous stock of wealth and capital as a basis for further investment. Conservation, in this context can be regarded as good asset management, protecting and maintaining the monetary value of the asset.

The conservation of the historic heritage is to a large degree a component of the building, development and construction industry. This is an industry that generates an enormous level of activity within the Australian economy. Conservation is also closely related to the project management, property management and asset management aspects of the economy.

- **Community Benefits**

A continuity in the built environment and neighbourhood character that reinforces a sense of place and well-being in the local community.

Conservation also provides an enormous part of the tourism attraction within any community. Tourism is a major economic force and is one of the fastest growing sectors of the economy.

- **Owner / Professional / Industry Benefits**

The processes of conservation provide employment for a wide range of professional, administrative, educational, management and trades people, as well as suppliers and others related to the building and development industry. Conservation in this context can be regarded as a generator of high levels of employment.

Conservation includes the re-use of existing building stock and building materials. This has an energy efficient component and an environmental resource efficiency component.

- **All of these benefits accrue to the economy and society as a whole. They are over and above that which accrues to the individual historic property owner, manager or occupier.**

**8. How well do existing government regulations or activities specifically address market failures that are directly relevant to conservation of historic heritage places?**

- **They generally operate well**

Government **regulations** regarding the management of this historic built environment operate in parallel and in concert with the larger suite of general land use and development controls. In terms of meeting the objective to conserve identified heritage buildings government regulations generally operate very well.

**Public heritage controls** and the restriction of development in relation to historic buildings specially reverses or mitigates the failure of the market to recognise the inherent value of many historic buildings.

- **Examples**

A refusal to grant demolition consent for the replacement of a two storey historic building with a ten storey modern building can be regarded as a reversal of the market forces that might suggest a larger building was more profitable.

The imposition of a conservation area over a large number of buildings, such as in Paddington (Sydney), Carlton (Melbourne) or any of the older suburbs in Australian cities is a similar case in point.

Regulations control the density of development to more or less that which exists now. This provides a cap on the development potential for the precinct and *in theory restricts the free exercise of market forces.*

*In reality, a new market force often emerges* which focuses on the qualities of the precinct as a place to live or work. No one would question the rise in property prices in inner city Paddington or the continuing desire by people to move into the suburb.

**9. Does government involvement in heritage conservation displace private sector involvement which would otherwise occur? If so, to what extent?**

- **No**

Government involvement does not displace private sector involvement but complements and guides it.

Some government involvement facilitates private sector involvement, especially where there is some form of subsidy or incentive for a preferred direction of development.

The Heritage Floor Space incentive system operated by Sydney City Council is a good example of this facilitation and encouragement.

Well defined and applied planning and heritage management controls and guidelines are another example of guidance and facilitation in the operation of the private market.

**10. What are the costs of government involvement in the conservation of historic heritage places and who bears them?**

- **Cost include:**

The management and conservation of Commonwealth or other government property in order to maintain its functional use and heritage values.

Government administrative staff in relevant heritage agencies and related staff within other public agencies.

Archaeological works on public properties or as components of public construction projects.

These costs are borne either by the relevant agency or property owner.

The costs are generally small in comparison to the total extent of the construction and property management industry that deals with historic buildings.

There is a *wider cost* to the public of the maintenance of objectives that are generally seen as being worthwhile within contemporary Australian society.

**11. Have these costs changed as a result of economic trends? For example, have pressures on government finances limited the amount of resources available for public heritage conservation?**

- To some extent there has been a limitation on public resources for conservation in line with the general political and economic pressures on public finances. It has been these pressures that have limited the funds available rather than a wider economic circumstance.
- There is also no doubt that the scope of public and private involvement in conservation has broadened. Aspects such as archaeological management, interpretation or presentation of the place to the public, employment of specialist staff or consultants, compliance with planning and heritage management protocols all cost money.

**12. How do these costs vary depending on the nature and extent of conservation?**

- The costs of conservation are directly related to the nature of the task and the demands of the project.
- They are no different from any other construction or property management task.

**13. Are there any regulatory barriers which prevent private organisations from capturing benefits from the conservation of historic heritage places?**

- **No**  
The regulations tend to establish the extent and nature of the benefits.

Any organisation will attempt to capture whatever benefits it can from its own asset base.

**14. What are the benefits from government involvement in the conservation of heritage places and to whom do they accrue?**

*Commentary*

It can be assumed that one of the reasons for government involvement is to provide beneficial situations for the citizenry.

- **Benefits**  
A wider benefit arises from the combination of maintaining asset value for older buildings and unlocking the unused use potential of degraded building stock.

In both circumstances, either property taxes will increase and/or there will be enhanced economic activity that will also generate a greater tax base.

In the UK Midlands, where there was a enormous stock of decayed and vacant cotton mills, some local governments gave significant tax relief to encourage the re-use of redundant buildings. The expectation was that in say five to ten years, the increased economic activity would generate tax revenue and other benefits far in excess of the tax income from the decayed and unused properties.

**15. How do these benefits vary depending on the nature and extent of conservation?**

- They vary in exact parallel with the nature of the conservation project and the building or place being conserved.

**16. What are the benefits to tourism from heritage conservation, and what impact does heritage tourism have on the conservation of heritage places?**

- **International Cultural Tourism**

Cultural tourism, which can be loosely defined as the whole range of experiences gained when one travels to a place away from one's normal place of living (*ICOMOS Cultural Tourism Charter* definition), is regarded as one of the fastest growing sectors of tourism.

There is a major, three year European Commission funded project, known as PICTURE, which is examining the role of cultural tourism in the economic regeneration or sustainability and quality of life of small to medium sized European cities.

Many of these cities are suffering from post industrial decline and regard tourism as a clean, green and labour intensive industry that can provide a way forward for declining cities.

Other cities with a more developed tourism base are looking to manage their tourism levels to ensure that both the historic environment and the quality of life of the residents are protected.

Tourism now represents some 5% of all consumer expenditure in Europe and 5% of all economic activity. This figure is expected to increase dramatically in the coming decades. (See [www.pictureproject.net](http://www.pictureproject.net))

- **Benefits to tourism from heritage conservation**

Heritage Conservation retains, protects and manages the urban cultural landscape imagery and presentation of historic towns and cities.

It is this imagery, with its human scale, rich traditional textures and complex network of urban spaces that provides the basic source of tourist attraction in numerous historic towns and cities world wide.

Those places where conservation has not been effective in retaining the depth, integrity and spread of their historic imagery are not as successful as tourism destinations. The same goes for rural cultural landscapes.

Individual historic buildings or other heritage places add to the overall effect achieved by the general conservation of a precinct, a town, city or landscape.

Heritage conservation essentially protects and sustains the core attraction asset that is the basis of this form of tourism.

Even for those whose primary motivation is recreational tourism, or other forms, such as business tourism, or visiting friends and relatives will spend some time absorbing and enjoying the character of the place that is being visited.

*Commentary*

The hundreds of cultural sites included on the World Heritage List, including the Parthenon in Athens, Borobudur, Taj Mahal, Angkor Wat and virtually all of the others are all major centres of international and domestic tourism. Borobudur, the major temple complex in Indonesia

attracts 2.5 million visitors, of which only about 150,000 are international. Angkor Wat in Cambodia has seen the erection of some 8,000 hotel beds in the nearby town of Siem Reap since the site was made available for tourism within the last 10 years. If these sites are not protected and conserved, they will not continue to attract visitors in the same numbers and the impact of tourism on the sites will ultimately degrade their values and attraction.

There are some 200 listed World Heritage Cities which are members of the Organisation of World Heritage Cities. Listing almost automatically results in an increase in tourism. In September 2005, the issue of tourism management in listed historic cities is the main theme of the bi-annual Symposium of this organisation, such is the degree of concern about the dynamics of the relationship between conservation and tourism.

Heritage conservation includes the re-use of historic buildings and other places for cultural or other functional uses that provide functions or attractions upon which the tourism industry is based. The simple case of the Louvre (a former Palace etc) and the Quay d'Orsay Museum in Paris (a former railway station), which are both at the core of the cultural attractions in Paris, illustrate the contribution of heritage conservation to tourism. There are hundreds of examples of this around the world, coming right down to the re-use of the former Forbes Railway Station in NSW as the Tourism Visitor Information Centre. The Powerhouse Museum is another local example.

Equally the re-use of historic buildings for tourism accommodation provides a major example of this relationship. There are hundreds of thousands of examples world wide of historic buildings converted to hotels, guest houses, restaurants and other tourism services. The Spanish and Portuguese government policies of converting disused monasteries for the "parador" hotels, the re-use of the old forts in northern India as historic hotels, the re-use of the old Grace Bros. Building in Central Sydney as the Grace Hotel and the emerging re-use of the North Head Quarantine Station as an accommodation centre, are all examples. Any historic town or city in Europe, the Americas, Asia and Australia contains historic buildings that now house hotels or restaurants.

- *In summary, it can reasonably be said that the built environment conservation industry holds the keys to a major portion (at least half) of the world's tourism assets. If these assets are not protected and sustained through proactive heritage conservation and good tourism management the tourism industry will suffer, as tourists move to other destinations that have not been ruined or excessively exploited.*
- **Impact of heritage tourism on the conservation of heritage places**

#### *Commentary*

The impacts are both positive and negative and are the subject of numerous international and national studies and projects around the world.

#### **Positive impacts**

The generation of economic activity that can boost the local economies of host destinations, providing opportunities for local investment, local revenue capture, training and education for employment, small business opportunities and the ability of local communities to communicate their heritage to visitors, thereby enhancing their own self esteem.

Investment in heritage conservation will often provide funds for the conservation of historic buildings, rural cultural landscapes or historic towns and cities in order to ensure that they remain attractive for visitors.

Investment in the re-use of historic buildings as either cultural venues or tourism accommodation generates local expenditure and employment.

Conservation and Re-use of historic buildings is typically labour intensive, requires a higher level of trade skill and often uses local materials.

Conservation and presentation of local crafts and traditional handicrafts etc, known as the intangible heritage, can sustain and enhance traditional skills and traditions.

### **Negative impacts**

Negative impacts include congestion, unbalanced competition for local resources, leakage of locally generated revenue, displacement of local services or population by higher earning tourism related activities, fluctuating demands on local infrastructure and resources, reducing the traditional complexities of use with singular tourism focussed uses, loss of privacy and dignity related to traditional activities or spaces, physical impacts and degradation, inappropriate re-uses and the imbalance generated by excessive tourism focus when the tourism activity declines and moves elsewhere.

### *Commentary*

In both cases the impacts can be substantial if managed well or managed badly. The Spanish Island of Majorca, for example has upgraded its airport to a capacity that can handle 600,000 arrivals and departures in a single mid-summer week. Sections of the island have been over-developed for sun and sea recreational package tourists. However, the main town of Palma de Majorca has 23 major art galleries and museums, vast numbers of conserved and re-used historic buildings, wonderful parks and gardens, complex medieval streetscapes and vibrant commercial/retail activity, all substantially funded from locally generated taxation and expenditure.

Some examples of the degree to which the international community has approached the relationship between tourism and heritage conservation:

- ICOMOS: *International Cultural Tourism Charter*
- World Tourism Organisation: *Handbook on Tourism Congestion Management at Natural and Historic Heritage Sites, 2005*
- World Tourism Organisation: *Indicators for Sustainable Tourism Development, 2005*
- UNESCO Bangkok, in conjunction with the Nordic World Heritage Office: *Models for Cooperation between Stakeholders in Tourism and Conservation, 2002*
- World Heritage Convention: *Management Criteria for Listed Heritage Sites*
- Organisation of World Heritage Cities International Symposium, Cusco, Peru, September 2005

**17. Do governments and public funding bodies use benefit-cost analysis in allocating funds between heritage conservation projects? Are any types of benefits or costs commonly omitted from these analyses? Are alternative approaches used, such as cost effectiveness?**

- I am not in a position to answer this with any authority. It is not a subject that is typically discussed in heritage management circles.

**18. Can the benefits and costs of the conservation of heritage places be satisfactorily quantified to aid decision making?**

- Yes

Normal economic and property feasibility assessments of any project and property asset can be applied to heritage buildings and historic places.

**19. How should tangible costs (such as repair costs) be compared with intangible and diffuse benefits (such as educational benefits and 'sense of community belonging')?**

- They should be treated in the same manner as for any property project. In the case of historic property, there should be added criteria such as potential tourism outcomes.
- The more intangible benefits are hard to quantify but should not be used as an excuse for not doing the work thoroughly.

**20. What proportion of historic heritage places are owned by the private sector?**

- The vast majority of residential buildings and, after all the property portfolio rationalisation of recent years, the vast majority of non residential buildings.
- As an example, in the early 1990s, the Westpac Bank Property Department estimated that 25% of all its buildings were affected by some form of heritage listing and protection.

**21. What are the strengths and weaknesses of private ownership of historic heritage places?**

- Strengths:  
Direct interest in the use, maintenance and sustainability of the property as an asset.  
  
Direct interest in the continuity of its non-financial values.
- Weaknesses:  
Where there is a simple intention to redevelop or maximise the financial return there is very little incentive to protect the current status.

Many historic buildings are placed under imminent threat by owners or managers who have a primary objective of maximising economic returns from the property, usually at the expense of the non-monetary values of the place.

**22. How is the private sector contributing to the conservation of historic heritage places?**

- By private use, private investment, private maintenance and improvement of the asset.
- By exerting community pressure on the public sector to either improve protective mechanisms or to improve the standards of property management.
- The private sector is the biggest sector in the conservation of historic places in contemporary society. This is a direct result of the weight of private ownership of historic buildings.

**23. Are there impediments to commercial conservation activities (for example, perception by owners that conservation costs are prohibitive compared to benefits to them)?**

- These impediments are largely based on the motivations and objectives of the individual owners.

**24. Have shortages of skilled tradespeople acted as an impediment to historic heritage conservation? If so, to what extent do these shortages reflect economic cycles in the building industry?**

- **Yes, to a degree**

Shortages in the past were largely the result of a decline in the traditional use of those trades in the modern building industry.

Prior to the late 1970s, many of the skilled traditional trades that are now in strong demand, were simply not being sought or supplied due to the state of the conservation industry in Australia.

The question of contemporary supply and demand of skilled trades, is closely related to the wider construction industry. If general economic activity in the industry is suppressed, resulting in a surplus of skills, then it is likely there will be a similar downturn in the conservation marketplace. The reverse is also true.

**25. Are there constraints on the availability of finance or insurance for historic heritage buildings?**

- **Yes**

To a large degree it is in the minds of those who supply the finance or insurance cover.

Finance can be constrained due to the level of risk in the known extent of building work prior to the project commencing on site.

Unlike a new building that can be fully defined on the drawing board before construction commences, many conservation projects involve a high degree of site investigation before the final costs can be quantified.

With regard to insurance cover, stories abound in the industry about the difficulties. It is probably due to the attitude or ignorance of the insurance industry, or the difficulty of establishing firm replacement costs.

**26. Have technological trends improved the ability of the private sector to undertake heritage conservation (for example, by increasing opportunities for adaptive reuse)?**

- Technological changes have improved the situation but to no greater extent than that which applies across the entire construction industry.

- Fire engineering, fire detection and fire suppression techniques, earthquake engineering, and structural stabilisation have all improved the capacity of historic buildings to accept change.
- What has improved is the ability of the conservation industry (architects, heritage consultants and consent authorities) to forge new philosophical directions and standards and have these become generally acceptable in the marketplace.

**27. What have been the impacts of social and demographic trends (such as population growth in inner city areas)?**

- The simple answer is higher densities of residential accommodation, greater destruction of historic buildings and redundant buildings before they are heritage listed and increasing numbers of adaptive re-use projects for residential living.

**28. Are there specific issues for certain groups who own or manage historic properties (such as churches or universities)?**

- **Yes**  
Most if not all of their building stock can be heritage listed and therefore subject to an additional level of development control.

Often their buildings are strongly functional to their original purpose, such as churches, so that re-use can be difficult without significant and perhaps unacceptable change.

Maintenance costs for stone buildings and slate roofs can be prohibitive.

**29. How do non-government organisations contribute to the conservation of historic heritage places?**

*Commentary*

There is no doubt that the community, professional and public sectors of the conservation movement in Australia have long formed a strong bond of cooperation. This bond has underwritten the strength of the situation in this country and placed Australia at the forefront of development of many of the accepted international methodologies and protocols for conservation.

- **NGO contributory mechanisms**  
Through community pressure for protection and appropriate legislation and management of the historic built environment.

Through the application of intellectual property to the identification and promotion of the built heritage, such as the National Trust.

Through use and dedication to the care and maintenance of the property, such as the Nutco at Trust in North Sydney.

Through the harnessing of professional expertise on a voluntary basis to provide a far higher application of skill than would be possible in many publicly funded ventures.

**30. What are the strengths and weaknesses of the involvement of non-government organisations in historic heritage conservation?**

- **Strengths**  
Independence, commitment and dedication.
- **Weakness**  
Lack of financial resources.

**31. How do these organisations establish priorities for conservation, and measure and report on their activities and performance?**

- Through discussion
- Contribution of skilled member participation
- Benchmarking.

**32. What are the impediments to the conservation activities of volunteer organisations? For example, are there implications for conservation activities of an ageing volunteer community, and concerns about the health and safety and insurance of volunteer workers?**

- These are in essence no different from all voluntary organisations.

**33. Can the activities of these organisations be improved or expanded?**

There is always room for improvement in any voluntary group. Expansion is also possible but not necessarily required.

**34. To what extent has the new heritage system reduced unnecessary duplication in heritage laws and processes between governments?**

- The changes have not had a major effect, as the industry had a reasonable grip on the issues previously. It has been clarified for some property owners.
- The 2004 expansion of the EPBC Act has tightened the focus of the management of Commonwealth properties, but largely within the Commonwealth jurisdiction.
- At State level the distinction is often blurred, especially when consents are required from both the Local Council and the State Heritage Council, as is the case in NSW.

**35. Has the new national system reduced the level of community confusion over heritage laws and processes?**

- No  
The new system only impacts on Commonwealth owned properties. These are not typically of interest, at this level, to the general public until it comes time for disposal.

The National Heritage List still generates much confusion.

The real problem has been that the publicity surrounding the National Heritage List implied that there would be a huge number of sites included on the list, and that anyone could nominate sites. In reality many sites have been nominated and few chosen. This has led to a degree of disappointment in the community.

There is also virtually little public awareness of the implications for National Heritage listing. Since the implications are quite draconian for most property owners, the Minister has (rightly) been very selective in what sites are accepted.

There are examples where members of the public have deliberately raised National Heritage nominations in what can only be regarded as a vexatious manner. If a group wishes to prevent a certain development and cannot sustain an argument at State or Local level, they nominate the site for National listing hoping that either the delay will kill the project or the site just might make it through the system. The nomination of the whole of the Kurnell Peninsular is a recent example. Wisely, the Minister chose to only list the key area around the captain Cook Landing Place.

**36. Has it provided the overarching national policy framework which was sought by the Australian Government?**

- No  
The **national policy framework** only affects Commonwealth owned properties and to a very small extent, those that are accepted for World Heritage or National heritage listing.

It is fundamentally a mechanism that has clarified and improved the heritage management of those properties. In this it was much needed.

The vast bulk of heritage properties are still owned or managed at State and Local level. They are not affected by the new system at all.

**37. Are the roles and responsibilities of each level of government clear, appropriate and mutually supportive?**

- In general, yes.

**38. Are the roles, responsibilities and powers of the Heritage Council appropriate for the Australian Government's primary advisory body on heritage matters?**

- I have only an emerging understanding of the roles, responsibilities and powers of the new AHC.
- From my current understanding it appears that they are appropriate.

**39. Does legislation in each State/Territory, and its implementation (for example, monitoring and enforcement), provide for efficient heritage conservation outcomes and, if not, why not? Are objectives clear, measurable and consistent with other legislation?**

- The outcomes are quite good, particularly in NSW, and are consistent with other legislation.
- The objectives are relatively clear but are rarely measured by the wider heritage community since "measurable" is rarely a criteria that is considered.

**40. How might the current, or recent, State/Territory reviews improve outcomes?**

- In NSW, the public sector property owners have been made equally accountable under the legislation.
- This is a good outcome, as the initial NSW Heritage Act implied that it was primarily for the private sector.
- This attitude was based on the assumption that the public sector always did the right thing, which we all know is not necessarily the case.

**41. Will recent changes to Australian Government legislation affect the way State and Territory legislation is implemented and outcomes for heritage conservation?**

- **Not really**  
The State legislation in NSW is essentially related only to State listed properties.

The recent clarity in the EPBC Act on a jurisdictional basis has helped to clarify responsibilities between Commonwealth and State heritage management.

In reality it was always understood by those who worked with the different systems.

**42. Do all States and Territories manage heritage places within an explicit strategic framework? How can existing strategic frameworks be improved? How important are well developed frameworks for facilitating historic heritage conservation?**

- Frameworks are essential to give clarity to the public on the way that heritage is to be managed.
- The weakness of any state system, and NSW is no exception, is that each property is dealt with on its merits. This of course is a function of the huge variety of listed properties. However, some of the decision making by the agency appears to be made in isolation from any consistent framework.
- NSW has a good structure and consistent procedures for heritage management. It is the final decision making that can appear random. Perhaps we are all human after all.

**43. Are there major differences in legislation, and its implementation, between States/Territories and, if so, do these differences affect historic heritage conservation?**

- I do not know the different systems well enough to give a definitive answer.

*Commentary*

However one factor is the generational development of legislation in each state and the timing of its original gazettal. Each state looks to the others for its guidance and depending on who has gone before and what are the local issues, the next generation of legislation in each state responds accordingly.

**44. How does interaction between various Acts, and between State/Territory legislation and local planning regulation, impact on heritage conservation outcomes? Is there scope for improvement?**

- In NSW heritage legislation is tied to the planning Acts. This is the best place for it.
- In terms of improvement, there could be greater incentives in the legislation that provide flexibility and bonuses in the planning regulations when heritage issues are managed properly. This is a far more effective motivator than any level of grant funding can ever be for the majority of private projects.

**45. Are State and Territory heritage council (or authorities) producing efficient outcomes for heritage conservation? Are their functions appropriate? How well do they balance private and public development needs with historic heritage conservation?**

- In general the New South Wales situation is good.
- It is applied with a degree of maturity and reality that facilitates most development in appropriate manner.

**46. How does the relationship between heritage councils and State/Territory government departments/agencies function, and are their respective roles clear and mutually supportive?**

- This is best left to the relevant agencies to answer.

**47. To what extent (if at all) are current heritage approaches that separate conservation of historic, Indigenous and natural heritage places impeding conservation of historic heritage places?**

- The cultural heritage conservation industry is moving more towards a holistic “cultural landscape” approach to heritage management.
- This involves taking all three disciplines into account.
- Eventually, the three disciplines will need to merge more of their management systems.
- One of the biggest impediments to this form of merger is the entrenched attitudes and backgrounds of the three disciplines.

**48. Are there conflicts between public policy in historic heritage conservation and its other forms of conservation (such as natural or Indigenous heritage)? If so, how are these conflicts resolved?**

- The conflicts of public policy, if they exist, will be generated by the mutually exclusive attitude of those involved to the setting and attainment of their separate objectives.

**49. Are government incentives for private participation in historic heritage conservation comparable to those offered for participation in other forms of heritage conservation? If not, what does this imply for the level of private sector participation in historic heritage conservation?**

- **No**  
Direct government incentives, in the form of public financial grants or tax breaks, are minimal or effectively non-existent for most private sector heritage conservation.

The most effective form of incentives are those that are tied to the development or asset management process, such as the Heritage Floor Space awards of Sydney City Council, additional floor space, discounting of retained historic floor space, flexibility of use, reduced on-site parking, reduced land tax, reduced consent application fees etc.

- **Implications**  
Grants or seed funding are essential for small community based organisations to undertake conservation on public or community buildings.

**50. Have the recent legislative changes by the Australian Government improved the administration of national lists and the overall conservation of historic heritage places?**

- With regard to the administration of national lists, or Commonwealth owned property, the answer is yes.

- With the overall conservation of historic heritage places, the answer is probably no, and it is unlikely to have any effect in this regard. The EPBC Act is very focussed in its application.

**51. Are the criteria and thresholds for listing on the registers administered by the Australian Government appropriate? How are the terms 'significant' and 'outstanding' interpreted in practice?**

- Yes

There are not enough case histories of National Heritage places as yet to see any trends.

With regard to Commonwealth owned heritage places, where the legislation is most welcome, the legislation has done away with a poor attitude of many public property managers, who used to regard heritage management as outside their core business and therefore a real waste of their time and resources.

There is still some confusion between those properties that are actually on the Commonwealth list and those that may have heritage significance or which have been recognised by other heritage listing groups, but which are not yet on the Commonwealth list. Since there is a relatively finite number of Commonwealth properties, I anticipate that these transitional problems will be overcome in time

**52. Should the potential costs of conservation be included in listing criteria to better target scarce government resources?**

- No  
Absolutely not.

Listing must recognise the inherent qualities and characteristics of a place or building. How you manage those qualities will have many variables and opportunities over time that may not be identifiable at the time of listing.

**53. Given that the lists are expanding and government conservation resources are scarce, is there need for further prioritisation such that some on the lists are able to receive more conservation activity than others?**

- Yes  
It is essential to keep the listing going, to build up the knowledge and to expand out the criteria and the coverage.

This helps reduce uncertainty for property owners and provides an increasing data base for comparative analysis, which is a key part of decision making and resource allocation.

Since most heritage property is owned by the public sector and does not call on public financial resources, this is not really a major issue for consideration with regard to public policy making.

**54. How do existing lists link with other heritage conservation policies and programs, including funding?**

- They provide the core database for decision making.

**55. How do listing criteria for the World Heritage list compare with criteria for national lists? Given the existence of national lists, what additional benefits does World Heritage Listing provide?**

- WH listing has a more rigorous set of criteria as is appropriate for their higher entry threshold.
- WH listing provides enormous additional benefits in terms of:
  - i. Public recognition and community/national pride and prestige
  - ii. Tourism attraction and tourism generation into a wider set of attractions nationally
  - iii. Access to international expertise and support, especially if a site is recognised as being in danger.

**56. What are the listing criteria for State and Territory heritage registers?**

- Refer to each State and Territory for this information.

**57. How does inclusion on a State or Territory register protect historic heritage places?**

- It adds an important level of quality review and external control at the planning approvals stage of a project.

**58. Given that registers keep expanding, and the scarcity of government conservation resources, is there prioritisation such that some historic heritage places are able to receive more conservation activity than others? What options are there for prioritising heritage places (for example, use of threat/value assessments)?**

- Prioritisation will vary from place to place and over time, in accordance with public attitudes and the needs of heritage properties. This is a very dynamic situation.
- Options for prioritisation should focus on a combination of emerging threats and a need to keep under-utilised heritage buildings as viable and worthwhile components of contemporary society.

**59. Is there adequate opportunity for public input in the listing process? Are the review and reporting requirements adequate?**

- Yes, in general this is the case.

**60. Are there differences between States and Territories regarding breadth of coverage, list size and content, and processes for listing (such criteria and extent of community consultation)? If so, do they affect conservation outcomes?**

- There will always be differences.
- Conservation outcomes must necessarily vary, but
- In general this is an evolving field and each place or jurisdiction will evolve on its own timetable and pathway.

**61. How does local government recognise and protect historic heritage places?**

- Usually through periodic Heritage Studies of the LGA, followed by a process of LEP heritage listing.
- Despite this well established process, at least in NSW, there are always gaps and there will always be members of the community who think something else should be listed.

**62. What criteria do local governments use to list historic heritage places and how do these relate to those used by other levels of government?**

- These are well established in New South Wales under the guidance of the New South Wales Heritage Office.

**63. How well do local governments resolve conflicts between protecting private property rights and achieving legitimate heritage conservation objectives? Should governments (at any level) be required to compensate for their actions which infringe on the property rights of private owners?**

- In general these are resolved reasonably well, usually with the advice of internal advisers and external consultancy based information.
- There are always rogue advisers, who take an unnecessarily narrow view of the preferred community outcomes, or Councillors who support the interests of a narrow section of the electorate, but in general the system is relatively good.

- In NSW the Land and Environment Court has been playing an increasingly active role as a second point of review of this process.

**64. To what extent do local governments provide clear guidance about the rights and responsibilities of owners of heritage-listed properties?**

- Some Local Governments are better than others.
- Guidance is rarely systemised and usually depends on the quality of the advice provided over the counter.

**65. How do local government regulations designed to protect historic heritage places relate to more general planning regulations?**

- In NSW they are embedded in the Local Environmental Plans
- These regulations are an effective component of land planning and development.

**66. What criteria do non-government organisations use to list historic heritage places?**

Fundamentally, the entire Australian conservation community, including non-government organisations, utilise a similar set of criteria for assessing and then listing historic heritage places. These can be referred to differently, but in essence they are:

- Historic Significance
- Aesthetic Significance
- Social Significance
- Technical Significance or Research Potential
- Rarity and/or Representativeness

**67. How do the lists maintained by non-government organisations relate to those maintained by governments?**

- Strengths  
NGO lists are often broader and can be more in depth if those particular areas have generated interest within the community groups.
- Weaknesses  
Sometimes amateur enthusiasm produces listed items that are not well researched, or that focus on only one aspect of an historic place.

**68. Is there greater scope for adaptive reuse for publicly owned heritage places than for those in private ownership?**

- Not necessarily.
- The issue of public v private ownership is essentially irrelevant to this consideration.
- The character of the historic building or place, its location, general condition, potential to re-use and likely market/use outcomes are all more powerful factors.

**69. Do management plans efficiently meet the objections set out in the gazetted heritage principles? How useful and appropriate are the management principles in guiding management plans? Can they be improved?**

- With regard to Commonwealth owned heritage places or National heritage places it is probably too early to tell.

**70. Are there issues related to the management of historic heritage places of importance to Australia, but located in other countries?**

- **Yes**  
Many of the issues will be similar, with regard to the actual management of the identified heritage significance and the on-going use or conservation of the fabric.

On the assumption that most such places are in some form of public ownership, additional issues include overall jurisdictional uses (eg Anzac Cove), access to expertise, both locally and expatriate, implications from local regulations, local environmental and social conditions, and the general will of the Australian people to support the place.

If international places are in "private" ownership, an additional level of stakeholder interest must be taken into account.

**71. Does State ownership result in better conservation outcomes than private ownership? Is State/Territory ownership of these places necessary or could alternative arrangements be envisaged?**

- It is impossible to generalise. Good and poor examples are available for each scenario.
- In many ways private ownership is better, especially when the public property managers are pressured to concentrate on "core business" and ignore the community dimensions of the role that historic buildings can play within their property portfolios.
- In my 30 years of professional experience in this field, I am convinced that both the vast majority of public and private sector owners and managers (with the possible exception of house proud residential owners) only look after their historic buildings because they are forced to do so by relevant legislation. This assessment underlines the need for good and effective heritage legislation at all levels of government throughout Australia.

- I have been monitoring the state of play in this regard with all of the countries in ASEAN, in the US, Canada and many parts of Europe. The situation is the same almost everywhere.

**Without good legislation that is well-administered, effective conservation is unlikely to take hold in the development and property sectors.**

**72. Do State and Territory government agencies follow best practice, such as the use of performance indicators, and if not, how can management practices be improved?**

- In general New South Wales does this.

**73. Are the agencies currently responsible for historic heritage conservation on State and Territory land the most appropriate?**

- **Yes.**  
They have developed the skill and the wisdom to act in a mature fashion.

**74. Are these the only ways in which governments can encourage greater private involvement in historic heritage conservations? How effective are these policies at increasing private conservation activities? What are the costs and benefits of each of these policies?**

- Incentives in the development and property ownership sectors are a major motivator, in conjunction with strong legal protection.

**75. Does international experience offer any guidance to policies which might be effective in Australia?**

- **Yes**  
These are constantly being monitored by professionals and administrators.

The most important lesson is that most older societies tend to regard their historic buildings more as a valid part of contemporary society.

In Australia we still have the conflicts generated by the frontier mentality's need to develop and a reluctance to accept that subsequent use is a valid way of extending the life of a building that remains in its original, but perhaps redundant, use.

**76. How effective and efficient have grant programs, tax deductions and concessions programs been (past and current) in conserving heritage places?**

- Only at the margins, where they are often very important.

- The dollar amounts will never be more than seed funding. The tax incentives are relatively marginal.
- As discussed above, other forms of incentive can be much more effective.

**77. Have the criteria and priorities for funding been transparent and consistent, and what improvements could be made?**

- Generally yes, at least at NSW State level.

**78. Can aspects of the funding/assistance processes be improved (for example, prioritisation, transparency, and scope for more innovative approaches)?**

- I will let others answer this.

**79. Are heritage agreements an effective way of protecting the State's heritage, and can the process of developing agreements be improved (for example, is there adequate consultation with owners)?**

- These are not widely used as yet so their benefits and weaknesses are probably only really known to the administrators.
- The Heritage Floor Space award agreements with Sydney City Council have generally been quite effective.

**80. What is the nature and extent of coordination and/or partnerships between the private and public sectors for conserving historic heritage places? Are these partnerships effective means of encouraging private involvement in heritage conservation?**

- Every project is an inherent partnership, at least as the project works its way through planning or development consent.
- I am not aware of too many real partnerships in this regard.
- The most important issue, as with any partnership is to spell out the rights and obligations of each party from the outset.

Graham Brooks  
Email [grahambrooks@gbaheritage.com](mailto:grahambrooks@gbaheritage.com)  
Business Telephone 02 9299 8600