

Submission to the Productivity Commission Inquiry into the Conservation of Australia's Historic Heritage Places

1. The opinions set out in this submission are drawn from 15 years experience as a heritage adviser consultant to local government Shire councils in New South Wales, Western Australia and Victoria. Particular reference is given to the experience of heritage planning in Victorian rural Shire councils, and especially those in the Victorian central goldfields, notably Mount Alexander Shire and Hepburn Shire Councils.
2. The issues surrounding the concept, assessment, thresholding and equitable management of heritage places of local significance are often problematic in rural areas.
3. This submission makes some comments on heritage policy framework efficiency and heritage listing with particular reference to the concept of 'local significance' and local government's role in heritage conservation with examples provided from the Victorian central goldfields area. (*See Productivity Commission Issues Paper May 2005 Pages 19-24*). This submission does not comment on the hundreds of historic places and archaeological sites found on crown land in the Castlemaine Diggings National Heritage Park and other state or regional parks like the Wombat Forests, Mineral Springs Reserves and Hepburn Regional Park, although the relationship between levels of heritage significance at local, state and national significance is fundamental to this submission.
4. The Victorian central goldfields area and in particular Mount Alexander Shire and Hepburn Shire are well suited to an examination of how the policy framework for historic heritage conservation is currently operating, and the effects in particular of local government involvement in this process. This is because the area is possibly unique due to the enormous number and antiquity of heritage places of local significance that are listed on the local planning schemes, and the length of time that heritage controls have been enforced.
5. The Productivity Commission Issues Paper May 2005 states that the majority of Australia's heritage listed places are protected at local level through local planning schemes which are administered by local government.¹ The vast majority of all heritage places that are of local significance in Australia are listed

¹ Productivity Commission Issues Paper May 2005 p 22

in Victoria. There are 80,000 heritage places included in local planning schemes in Victoria.² In Mount Alexander Shire and Hepburn Shire, which have a combined population of about 32,000 people, there are approximately 2,500-3,000 individually listed heritage places included in the planning schedules. Generally it could be said that for every ten people living within these two Shires there is one heritage place that is individually protected on the planning scheme. This compares with a state average of 500:1 and a national average of more than three times that number.

6. The vast majority of all heritage places listed within the central goldfields Shires of Mount Alexander and Hepburn and neighbouring local government areas are associated with the 1850s gold rush almost to the exclusion of all other historic themes. The historical theme of the Victorian gold rush is very well known, the magnificent cities of Ballarat and Bendigo, the rich scatter of small mining towns and landscapes of abandoned workings and mining artefacts embody something very special for the identity of the State. It has national significance and its universal values on a world level have been debated. Yet there has been no regional thematic study to assess and evaluate the importance of heritage places within this area. This is critically important to threshold those places of local significance that are associated with this national theme. For example while the mining relic landscape and associated ruinous settlement found on crown land are listed of national importance, this is not the case for those privately owned heritage places of equivalent association and date that are still extant and in use. Eg. the 1852 Chief Gold Commissioner's Camp buildings.
7. A distinctive feature of the central goldfields is the apparent haphazard fashion in the location of heritage places, which are scattered throughout the area. The siting of heritage places reflects the subsurface geology of the region and the matrix of early miners rights and license regulations. Heritage places either have to be managed individually or as an element within a larger cultural landscape. It also means that the justification for listing a simple miners vernacular cottage of dubious integrity is harder than where heritage places are homogeneous in character and have precinct value.
8. The concept of heritage is constantly changing, and this is particularly true of evaluating local significance. A unique feature of Mount Alexander Shire is that the heritage studies and legislative protection of heritage places of local significance are possibly the earliest in Australia, dating from the mid to late 1970s. The town of Maldon was the first town to be declared a 'notable town' by the National Trust in Australia in 1964 with conservation planning controls first introduced in 1977. Heritage controls have been in place within the Shire area for at least 28 years. However the assessment or thresholding process for local significance has changed substantially over the past 30 years. For example the Metcalfe Heritage Study (eastern section of Mount Alexander Shire) does not identify buildings of domestic vernacular architecture. Only those places

² Ibid. p 8

demonstrating a formal language of architecture and places which were intact at the time of inspection such as the teacher's or mine manager's residences were heritage listed, most vernacular miners cottages dating to the 1850s have currently no heritage protection in this area. The collective value of these scattered and irregular groups of vernacular miners cottages that still dot the landscape in the alluvial gold fields of Mount Alexander has not received due legislative protection. The vulnerability of these places results in part to a commonly held view that local significance is considered a third rate category. It is common to find many community groups seeking state registration of local places in order to ensure their protection. Without agreement about a national formula or criteria used for assessment of local heritage significance conflicts can occur and can include the following:

- Lack of understanding of what constitutes 'heritage & significant values'.
 - Lack of understanding of the difference between local history as understood by local historical societies and the general community and local heritage significance which references best practice industry standards.
 - Lack of understanding between fondness of place and planning controls over social value and/or intangible values.
 - Confusion over heritage objectives and aesthetic appeal.
 - The assessment of visual impact appears arbitrary and subjective and its reference to various types of heritage significance/values is tenuous.
 - Lack of understanding of the difference between heritage and amenity.
 - Lack of understanding of the difference between neighbourhood character and heritage character.
 - Differing opinions between metropolitan experts versus the local in rural areas.
9. There is a startling inconsistency between listing places of local significance across Australia. In Mount Alexander Shire on a rough estimate there are currently 250 miners cottages that are listed for their local significance under the planning scheme. There are possibly 50-100 or more miners cottages that date to 1850-1860s-early 1870s that have not been listed. Nearly 25% of all heritage places listed for local significance within the Mount Alexander Shire are examples of mid 19th century vernacular hand built small miners cottages, that are in private ownership and there are many more examples that are not heritage listed. It is an extraordinarily rare legacy that collectively forms a unique cultural landscape and on a comparative scale with other mining areas in Australia, this area could have state or national significance. Yet only some miners cottages are listed as having local significance and others have no protection. There are simply too many heritage places to list.
10. Compared with the state and national average Mount Alexander Shire and the central goldfields in general suffer from an excess of historic places. This brings

into question how the policy framework of historic heritage conservation is currently operating especially with regard to places of local significance.

11. The Productivity Commission Issues Paper May 2005 points out that the majority of heritage places listed by local governments are those places that are usually privately owned and which are lived in and used every day by ordinary people. Heritage controls do affect people's lives and without their co-operation can cause extreme distress. Conflicts can cover the following issues:

- Perceived inalienable private property rights versus heritage conservation and community held values.
- Rising costs involved in complying with heritage planning conditions.
- Lack of consideration of economic hardship in the planning process.
- Measuring levels of 'integrity' versus demolition and costs of restoration.
- Lack of mutual agreement over what constitutes an adverse impact on the heritage significance of a place.
- Lack of certainty and clear guidelines about whether a proposal will be acceptable prior to commissioning expensive documentation.
- The criteria used for local significance and the 'thresholding' process is unclear.
- Apparent inconsistency between what is local significance across Shires/areas.
- Lack of understanding of what constitutes 'heritage & significant values'.

12. In the case of Mount Alexander Shire the protection of places of local significance is dependent on the support and good will of the owners, importantly the local Shire Councilors, town planners, building surveyors and the shared community recognition of the benefits of heritage conservation. In Mount Alexander Shire, it seems to me that the benefits of heritage are more associated with a sense of belonging, pride in local identity and imagining, and family historical connection to place rather than economic benefits or cultural tourism. There is considerable collective pride in the image of a typical miners cottage that symbolizes the gold fields area and makes the area distinctive. The majority of cottages have been protected by several generations of families without any outside assistance or legislative control.

13. Planning controls reinforce this collective value system, especially to newcomers. But external factors can change this balance swiftly and dramatically, especially when economic opportunities for a new or older generation arise where none had previously existed. In the past year, six early miners cottages have been demolished due to subdivision and closer development. Curiously, the new development usually takes its architectural inspiration from the demolished cottage. Based on this rate of destruction in 50 years time there will be almost no more miners cottages left in the central goldfields. Conflicts over new developments occur regularly and can include the following issues:

- Time delays in planning due to lack of heritage support facilities in local government planning departments.
- Lack of heritage specialist architects, technical specialists, trades people, suppliers.
- Lack of national heritage standards that are readily accessible to the non specialist.
- Lack of mutual agreement of what constitutes good modern architecture.
- Lack of integration of various heritage lists in the planning scheme eg archaeological inventory lists, Aboriginal lists, etc.
- Fear of a minority group of heritage elitists introducing stifling heritage controls and enforcing middle class values resulting in hardship and alienation.

14. In my opinion without the following work the value of what 'local significance' means and how it can be measured will be continually questioned and cause conflict in local communities.

- a) The meaning of local heritage significance should be very clear and evaluated against regional, state, national and even with international comparative studies. In my opinion local significance illustrates the distinctiveness of a site-specific locality. It identifies a place and describes the genius loci of that place. Regional and national heritage surveys, thematic surveys and typological studies can evaluate the rarity or commonality of different types of areas or cultural landscapes. This in turn can inform the level of heritage controls from government agencies.
- b) There should be more research including in depth architectural studies on different types of vernacular technology, distinctive historic technologies and other cultural studies and the like that demonstrate the subtlety and uniqueness of places and/or larger cultural landscapes listed for local significance.
- c) There should be a nationally consistent heritage conservation regime that has transparent processes and procedures for identifying places of heritage value and clear definitions of threshold criteria for determining if a place is of national, state or local heritage significance. (Support is given to the *Australian Council of National Trust Submission July 2005*).
- d) There should be an Integrated National Heritage Policy that incorporates best-practice elements from all jurisdictions. This should be automatically referenced in local government planning schemes and policies and form the basis for decisions affecting heritage places especially in times of conflict, and where outside adjudication is necessary.
- e) A range of economic incentives for private owners of heritage places would be beneficial.