

A Private Submission Productivity Commission Heritage Inquiry February 2006

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Disclaimer

These submissions and comments are the author's observations and private opinion only. Any apparent reflection on the propriety of policies of heritage organisations is regretted in the author's intention of being helpful to the Inquiry.

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Appendix 'A'

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Integrity in the application of the Burra Charter 1999

Important principles in the application of the Burra Charter should be re-examined to counter predominant protectionism in policies of many heritage bodies and practitioners. Australia ICOMOS decision to defer new guidelines for years, pending a Burra Charter review, disregards *use* in important revisions made to Articles in Burra Charter 1999.

Australia ICOMOS Secretariat Review Background * I refers to "using the Burra Charter as understood by Australia ICOMOS" and later: "with the intention of bringing the (?) with best practice". The current practice of retaining "unauthorised" guidelines as the best practice may suggest a peak body attempt to maintain status quo for its own purposes. Australia ICOMOS claims to be the proper authority, whereas International ICOMOS is more progressive in regard to review and upgrading of documents.*2

The Inquiry Part 5 details inconsistencies in application and interpretation of provisions of the Burra Charter 1999 Articles, but accepts it as the proper authority for policy. (3.1).

In *5.2 Statement of historical significance*, an unauthorised version of Article 6 and its Explanatory Note is quoted by Australia ICOMOS. Thus heritage establishments are continuing to use outdated 1988 guidelines instead of "broadening the understanding of what is cultural significance by recognising that significance may lie in more than just the fabric of a place" (Note 1: Key changes p.22).

This could account for most heritage authorities not accepting that "key changes made" (Burra Charter 1999 opp.p.1) can have applications other than for circumstances concerning indigenous places. However, the revisions now refer broadly to changes for *use* and *the owner's needs*, providing this does not adversely affect cultural significance.

Concepts of cultural significance

The definition in J S Ken's highly regarded guide "The Conservation Plan" (p.3) *3 is:
"Cultural significance is a simple concept Its purpose is to help in identifying and assessing the attributes which make a place of value to us and our society.....A clear understanding... will not only suggest constraints on future action, it will also introduce flexibility by identifying areas which can be adapted or developed with greater freedom "

Earlier cultural importance still yields value today and continues as an on-going process. But the basing of these values solely on historical evidence overlooks the potential roles of newly listed places in the future, where net benefits to society can come from owners making the best use of places, to meet today's rapidly changing technology and lifestyles.

Overview (end of p.XX) reminds us that "the retention of ...wider community benefitsneed not require it to be preserved in its original condition or use. Rather, it is retention of what it is that provides its cultural significance that is important."

Some lesser effects on cultural significance from new work should be carefully balanced against proven broad benefits to society from thoughtful changes and additions to places.

The absence of the new guidelines allows interpretation of Articles so as to resist changes to a listed place simply on grounds of their presence, without proper consideration of economic merit and social advantage, despite aesthetic solutions that are not unpleasing.

At times, or with an Inventory, the statement of cultural significance can appear to be more for the justification of full retention or restoration of all fabric, instead of "finding a balance between the old and the new". (See "The Conservation Plan" p.IV) *3

Significance of designers' concepts

National Trusts frequently reject changes as not being the designers' intentions, but every listed place has been built to serve to the best of its ability a purpose or function, i.e. its use. A designer's concept for use primarily determines the basic form of the place. Conceptual design is a significant, cultured intellectual process.

Designers of heritage listed places would not, if living, reject outright the consideration of changes to improve or restore effective use of a place, but they would insist on an attractive sensitive solution. Changes should be made in a spirit akin to the designer's original concept and its purposes.

The 1999 Notes 3 reports that "social value has been improved (through the recognition that significance may be embodied in use..)". Article 1.10: "Use means the functions of a place, as well as the activities and practices that may occur at a place". The word "function" means the activity by which a place fulfils its purpose. Thus it can be seen that the intention of the design of built heritage accords the place cultural significance of use.

When significance of use can be understood to be an improvement in social value, Article 6.3: Policy development calls for "consideration of other factors affecting the future of a place, such as owner's needs, resources, external constraints and its physical condition".

In conservation today the owner's need for changeability bears the duty to recognise economic needs as a most important factor in assessing the attributes of value of a place.

Correct assessment in the Statement of Significance

The Statement process has evolved into almost universal use of uniform criteria and schedules set out in most States and Local Government heritage systems' guidelines.

The categorisation approach stems from wording adopted by drafters of the Australian Heritage Act 1975 or the NSW Heritage Act 1977. In 1985 J S Kerr's guide (see above) advised "it is undesirable to seek the universal application of standard criteria". He referred to the application of standard criteria as only one of a number of approaches.

Also, 1988 Guidelines: Cultural Significance referred to options (Charter p.12, 2.6):

"The categorisation into aesthetic, historic, scientific and social values is one approach to understanding the concept of cultural significance. However, more precise categories may be developed as understanding of a particular place increases "

Categorisation options

However, a special category could not be evolved in reasonable time to assist the Inquiry. There will be need for adjudication between professional opinions in aesthetics and other values. Reasonably, this should be done by persons able to judge what may be best for society, not by heritage organisations committed to protectionism as their first priority.

It would be ineffective to attempt to introduce revised guidelines in these circumstances, therefore other means must be found to encompass economic values in the Burra Charter process of policy, management and its legal system in reasonable time to reduce pressure.

An alternative option is to determine the appropriate steps in the Burra Charter Process where intervention for the purposes of an economic appraisal may be effective.

The Process diagram in the sixth step refers to "Owners/manager's needs and resources"; but this is preceded by the assessment and statement of significance. Therefore a reference to an economic factor should be included in the statement.

Increasing demand for retrofit and renewal

The Draft Report (p.20) refers to commercial success of numerous "innovative adaptive re-use projects" but owners also seek to make changes for improved primary use.

Inquiry Scope 2 examines economic, social and environmental benefits and costs - the 'triple bottom line' approach to appraisal. This methodology includes a rapid b/c analysis step to gauge whether a proposal is likely to result in net benefit to society *4. Another reference is found in ICOMOS International Economics Committee: Report on Economics of Conservation, Dec. 1998. *5

Heritage cooperation

Most heritage establishments seem bent upon obtaining greater funding for their collection purposes, and for their benefit from promotion of tourism. At the same time, intervention in the assessment process, in order to broaden the Assessment of Significance in the Burra Charter Process, could provide an opportunity for them to extend their cooperation by taking a more objective view of the purpose of the Inquiry.

Intergenerational equity

Australia ICOMOS submission refers to "this perspective" and a myopic view taken by some developers, depriving future generations of value in retained listed places. A more imaginative view would also consider, together with historical values, potential social and economic values to future generations of society in improved primary use of listed places.

Recommendations

The Department of the Environment and Heritage, under the Environment Conservation and Biodiversity Conservation Act 1999 could question the motive for the current practices of continuing the use of outdated guidelines, and in disregarding the need for inclusion of economic and social factors in the process of assessments of significance.

The Department could consider liaison with International ICOMOS for clarification.

The conservation principles and processes set out by J S Kerr in The Conservation Plan 1985 Introduction and in 4.1 Stage 1 Cultural Significance should be properly observed in the assessment of developments, with particular reference to alternatives to the routine use of standardised criteria.

The importance of the owners' needs in on-going use of listed places could be recognised in the assessment, by appropriate impartial persons, of the social, economic and environmental values to society from the beneficial effects of added new works.

The independence of Heritage Offices and Heritage Councils in relation to Government, Ministers and Agencies could be examined (p.XXI &XXII Draft Report) with the objective of reducing pressure on the planning process from extended legal and judiciary action. Impartial panels of widely experienced individuals could act as referees.

References

1. www.international.icomos.org/australia/burra_html (p.1)
2. www.international.icomos.org
3. Attached copies of extracts from The Conservation Plan, by J S Kerr
4. Management Guidelines Assessment Methodology Working Group Nov 2004
5. www.international.icomos.org/publications/ 98.econom.htm (Part 1, 1.1)
6. The EMH Barcelona Charter & Commentary 3/10/2003 (Traditional Ships in Operation) is also relevant.