

Supporting Local Government Heritage Conservation



Parts 1 & 2 of Supporting Local Government Project
Discussion paper for

**The Heritage Chairs and Officials of
Australia and New Zealand**
Final Report May 2008

Cover images:

Top l – r: House, Norwood, Payneham & St Peters, South Australia;

Building at Hill End Historic Site, Bathurst, NSW;

House, Whitehorse, Vic;

Centre l – r: Oatlands Supreme Court (1828), Oatlands, Southern Midlands Shire, Tasmania;

Commercial Building (1930), 323 William Street, Northbridge, Vincent, WA;

'Belmont' (1865), 11 Burnett Street, Sadler's Crossing, Ipswich, QLD;

Bottom l – r: Altered House in heritage conservation area, Paddington, Architect Tina Engelen, Woollahra, NSW;

Cremorne & Marvel Bar Hotels, Coolgardie, WA

The Bluff, Coolgardie, WA.

This work has been undertaken by Lisa Rogers at Heritage Victoria for the Heritage Chairs and Officials of the states and Territories of Australia (HCOANZ) as part of the *HCOANZ Supporting Local Government Project*.

The HCOANZ Supporting Local Government Project Steering Committee: Ray Tonkin – Heritage Victoria, Reece McDougall – NSW Heritage Office, Peter Hutchison – EPA Queensland, Ian Baxter – Heritage Council of WA, Pete Smith – Heritage Tasmania, Raina Nechvoglod – Heritage Branch of the South Australian Department for Environment and Heritage and Michael Wells – Heritage Branch, Department of Natural Resources, Environment and the Arts.

Supporting Local Government

1.	Summary	4
1.1.	Key attributes for successful local heritage management.....	4
1.2.	Top 5 issues impacting local heritage conservation	5
1.3.	What can state governments do?.....	6
1.4.	What can local governments do?	7
1.5.	Recommendations.....	8
2.	Introduction	9
2.1	Objectives	9
2.2	Methodology	10
2.3	Outputs.....	10
3.	Background	11
4.	Part 1 Local heritage planning in Australia	15
4.1	Local heritage law and standard provisions.....	15
4.1.1	State legislative framework.....	15
4.1.2	State comparison summary	16
4.1.3	State support beyond legislation	18
4.2	Local heritage management case studies	22
4.2.1	Key results from 21 good heritage managers	25
4.2.2	7 councils leading local heritage management: detail	25
4.2.3	Common successful approaches	26
4.2.4	A guide for local government to promote heritage conservation	30
4.3	Local heritage reviews and surveys	31
4.3.1	20 councils - local heritage stock statistics	31
4.3.2	Local heritage data results	33
4.1.4	Trends in new heritage studies.....	34
5.	Part 2 - Pressures & Weaknesses in local heritage conservation	36
5.1	Productivity Commission Inquiry – Pressures identified	36
5.2	Heritage Pressures & Weaknesses – Discussion	38
5.2.1	Lack of knowledge about the resource and expected outcomes	39
5.2.2	Lack of knowledge about local government needs.....	39
5.2.3	Regulatory impediments to local heritage conservation.....	42
5.2.4	What is successful heritage management?.....	44
5.2.5	Lack of state and regional policy leadership for local government	44
5.2.6	Heritage misconceptions	44
5.2.7	Beyond the property boundary.....	45
5.2.8	Lack of capacity by local government to manage local heritage	45
5.2.9	Thresholds, criteria & lack of significance assessment guidelines.....	46
5.2.10	Lack of heritage expertise available at local government level.....	47
5.2.11	International responses to local heritage management pressures	47
5.2.12	Summary of weaknesses and pressures in local heritage protection ...	49
6.	Local heritage management needs	51
6.1	Local government views on local heritage management needs.....	51
6.2	Key issues impacting successful local heritage management.....	52
2.2	Emerging trends and opportunities	53
7.	Benchmark elements for successful heritage management	55
7.1	Key Elements for successful local heritage management.....	55
7.2	What can local governments do?	56
7.3	What can state governments do?.....	57
8.	Bibliography	59

1. Summary

Leadership is necessary to support local heritage conservation. Local governments are under-resourced to carry out their heritage responsibilities.

Local heritage management benefits from centralised leadership in policy and practice and support in the form of financial resources and heritage expertise. State governments can build local capacity through local government programs focused on skill development and sponsoring heritage advisory services. The State can establish standards and benchmarks which provides both support and safeguards for good local decision making.

A range of strategic, statutory tools and non statutory actions are necessary to deliver good decisions, engender community support and build capacity for local management. A comprehensive approach works with a focus on positive incentives to support the delivery of statutory mechanisms.

This chapter summarises: the key attributes for successful local heritage management; the top issues impacting local heritage conservation and actions for state and local government to support the conservation of significant local heritage.

1.1. Key attributes for successful local heritage management

There are a number of key characteristics of successful local government heritage management. A successful local heritage manager is a local government that:

1. is supported by a State government that takes a leadership role and demonstrates best practice in heritage strategy and practice; that obliges local government to identify, conserve and appropriately manage local heritage; that has a state heritage policy or framework, that provides support and long term funding and has systems for the consistent identification, assessment and condition of the states' heritage;
2. resources heritage by planning for and funding strategic and statutory heritage management as a key component of its planning and regulatory roles;
3. has a Council and corporate commitment to heritage in plan and action;
4. invests in and sustains good advice and skills with staff and heritage advisors;
5. develops and implements a heritage strategy and monitors progress;
6. provides free advice, information and support to heritage owners, developers and the wider community through provision of a heritage advisory service;
7. identifies heritage, assesses significance and defines a statement of heritage significance for individual places and precincts through a thorough and defensible process;
8. embraces a wide definition of heritage, achieves a comprehensive heritage list and manages heritage places and areas/precincts;
9. integrates heritage management into Council's statutory and strategic planning processes and Council's environmental and sustainable development management;
10. provides fiscal and other forms of incentives to owners and developers and consistently exercises statutory heritage controls;

11. undertakes heritage promotion and education, interprets significant local heritage and promotes heritage tourism;
12. builds capacity for community heritage management, provides opportunities for volunteerism and heritage owners and recognises and rewards participation;
13. communicates councils heritage strategies and programs to the community in plain English;
14. builds effective working relationships with relevant tourism, arts, community, state and heritage organisations and;
15. is creative in the absence of state direction, plays to its strengths and unique heritage values and partners with local government and regional networks.
16. engages proactively with local communities such as through direct consultation on local heritage studies or the use of a local heritage committee.

1.2. Top 5 issues impacting local heritage conservation

There are a number of issues or barriers impacting local heritage conservation. Five key issues facing local government heritage protection are:

- **Lack of capacity**
within local government to identify, assess and make good decisions for heritage protection including financial resources and human resources (lack of skilled staff & high turnover of staff, inadequately resourced heritage advisory program and a small pool of experienced heritage advisors);
- **Ad hoc approach**
Inconsistent local heritage management and lack of a comprehensive or strategic approach to local heritage management. Lack of heritage assessment, management and interpretation activities; Lack of standard practice and ambiguous decision making at the local level; lack of comprehensive identification studies; little or local heritage assessment (statements of significance); lack of agreed thresholds for local significance; lack of standardised practices and policies for local heritage protection to deliver transparent and consistent local decision making;
- **Heritage isn't supported**
for and understanding of heritage within local government, councils and communities and inadequate incentives devoted to overcoming negative views;
- **Lack of leadership**
and direction from the state on what outcomes local governments should seek from their heritage management activities; what benchmarks to reach; what criteria, thresholds and typologies to adopt to remove inconsistencies, confusion and variable interpretations and;
- **Lack of data**
and research on the resource, needs and pressures and a lack of evaluation of success of current programs.

1.3. What can state governments do?

In responding to these issues, State governments could better support local government by:

Lack of capacity

- Build capacity at local government through heritage skills development for statutory planners, support of trades training for specialist conservation skills and promote inclusion heritage in professional training;
- Supporting a heritage advisory program and providing ongoing training and support to advisors and local planning staff. Foster the development of well rounded heritage advisors with good technical and interpersonal skills. Support regional heritage networks;
- Fund seed programs at local government level and target councils with inadequate resourcing.

Ad hoc approach

- Establish incentives and obligations for local governments to prepare heritage strategies and undertake strategic heritage work;
- Establish a model for successful local heritage management;
- Producing benchmarks for local heritage management performance. Provide leadership and support to local government in promoting local management. Monitor system performance;

Lack of community support

- Implement state wide heritage education and communication programs;
- Promote best practice case studies and councils;
- Ensure that heritage is represented in broad whole of government strategies, plans and regional planning strategies;

Lack of leadership

- Establish and promote a State heritage strategy which establishes the framework for the management of heritage in the state, co-ordinates government agencies and strengthens community involvement in heritage conservation;
- Establishing and promulgate state standards in:
 - best heritage principles and local decision making guidelines
 - local heritage assessment criteria, thresholds and definitions
 - state heritage policy and how this relates to local jurisdictions;
- Publishing plain English guides on what heritage listing is; how the state heritage management framework works and best practice local case studies;
- Establish a local heritage network for planners, advisors and practitioners;
- Provide leadership and make policy responses to emerging issues, trends and opportunities affecting heritage;
- Lead heritage management and interpretation of heritage types beyond the typical realm of local government – archaeological heritage, landscapes and trees, building interiors, works, relics, objects and collections;

Lack of data

- Establish and support a single online heritage inventory for the state and fund integration of local heritage data;
- Establishing systems for reporting on the local resource. Manage the collection of data on the local resource and local government heritage management;
- Research and monitor local heritage pressures and system weaknesses and ensure state policy responses are adequate and relevant.

1.4. What can local governments do?

To assist local heritage management, local government may:

Lack of capacity

- seek access a wider funding pool. State cultural heritage agencies have limited resources however there may also be funding opportunities via planning and conservation agencies at the state level as well as Commonwealth funding. Cultural heritage identification studies or management reports can be integrated into comprehensive research projects, impact assessments and management studies of the natural environment. Aside from the benefits of a holistic approach, the natural environment is better funded than separate allocations specifically for cultural heritage;
- focus some resources on community promotion and education which builds overall community support for heritage engendering greater community value for heritage. This could achieve eventual budget allocations commensurate to a higher level of community esteem for heritage;
- get good advice. Heritage advisors and heritage planning staff can ensure Council is given the best advice on local heritage management. Heritage advisors are a valued and free community service. Negotiation can solve many issues, avoid delays and achieve mutually acceptable results for owners, developers, council and the community.

Ad hoc approach

- ensure that limited resources are used most efficiently by preparing a local heritage strategy, based on state models and if none exist, adapt the NSW model used by the funding program;
- focus some resources on strategic heritage planning notwithstanding the statutory workload;
- utilise incentives within statutory controls to achieve good heritage results;

Heritage isn't supported

- increase web information and publications on heritage. Promote successful case studies, heritage award and funding programs.
- Deliver incentives for owners and developers to conserve heritage and consult with council early in the development approval process. Reward good conservation works, recognise volunteers and promote success stories.
- Run interpretation programs and communicate the impact of heritage provisions or heritage listings in plain English.

Lack of leadership

- form networks with other local governments to pool resources and share information
- partner with the state government. State governments may run pilot programs or partner with local government in production of heritage studies or other projects. Local government can utilise the better financial, technical and other resources of the state heritage agency;
- if have limited access to heritage expertise, utilise local government associations and state agencies' heritage training programs for statutory planners and other staff with

limited heritage knowledge and skills. Seek advice and support from the state agency;

- partner with the local community, volunteers, local trade associations and the private sector to achieve broader local community development projects, main street projects and community revitalisation projects which can all have benefits for heritage or a heritage component;
- use existing best practice local policies, decision guidelines and practices demonstrated by local governments across Australia;

Lack of data

- quantify the resource, council needs and lobby for assistance;
- consider what would make the most difference to local heritage management in your area. It may be a focus on promotion and education and community engagement over imposing a statutory regime which is highly resisted by the local community.

1.5. Recommendations

The next stages of this project as outlined by the current brief are:

Part 3 - Prepare a draft Model of universal local government heritage policies and guidelines (June 08)

Part 4 - Incentives mechanisms: A guide for local government (June 08)

Part 5 - Heritage Advisory Services: An Australia-wide model for local government (June 08)

It is recommended that Part 5 is not undertaken, that the promotion of advisory services to local government is instead dealt with under the incentive mechanisms of Part 4. A full study is considered unnecessary as Liz Vines, heritage advisor for Broken Hill, completed a study in 1999 and a heritage advisory services handbook in 2000. The recommendations from this report are valid. In addition, there are existing successful heritage advisory service models in Australia and an existing guide published in NSW for local government on 'How to establish a Heritage Advisory Service'.

In considering the next steps in the project it is recommended that HCOANZ considers the key issues affecting local heritage conservation; the best local practices demonstrated across Australia; what actions are necessary to better support local government and whether to adjust the project brief accordingly.

2. Introduction

The Heritage Chairs and Officials of Australia and New Zealand (HCOANZ) have sought a study on local government heritage management. It follows from the 2005 Productivity Commission's inquiry observations that local government carries a significant burden in conserving heritage. The HCOANZ accepts there is an implied obligation on state and Commonwealth governments to provide better leadership and support to local governments in this role.

The project aim is to establish better information on local government capacity and best practice in heritage protection and recommend national approaches and models for local heritage protection. The project brief was prepared by Ray Tonkin, Executive Director of Heritage Victoria and report prepared by Heritage Victoria.

The following specific project objectives were cited in the brief endorsed by the HCOANZ on 19 September 2007:

2.1 Objectives

1. Clarify the scale and scope of the heritage stock for which local government has heritage protection responsibility, in its urban planning role. *In particular, to establish a sense of the type of place being protected planning instruments across Australia and to identify trends in heritage identification studies.*
2. Develop an improved understanding of the nature of the heritage conservation effort by local government in the various states. *In particular, to establish the common features of the planning mechanisms administered by local government throughout Australia, to identify impediments to achieving conservation as generated by planning legislation and ordinances and to identify the policies and guidelines that are used across the country.*
3. Identify areas of weakness or pressure in local heritage protection and recommend ways in which these weaknesses or pressures can be addressed. *In particular to develop a detailed understanding of the pressures impacting on local heritage protection and the weaknesses of the systems in addressing those pressures.*
4. Identify the extent to which state and Commonwealth Governments support local government heritage programs (and make comparisons with government-to-government assistance in comparable public sector areas), in particular giving grant programs, heritage advisor services and support of heritage studies etc.
5. Prepare a standard set of incentive and support mechanisms available to local government and develop protocols and guidelines for the use of these mechanisms. *In particular to address the disincentives applying to the sector. In order to meet this objective it will be necessary to address the sorts of mechanisms proposed in the "Making Heritage Happen" (National Incentives Taskforce, April 2004) report including grant and loan programs, tax relief, sponsorship, etc.*
6. Develop a model of heritage assistance for use in local government across Australia. *In particular to establish a 'best practice' model for heritage advisory services as well as training and development options for local government staff administering heritage ordinances.*

2.2 Methodology

The methodology in the brief sought to achieve the objectives in 5 parts:

1. *Local Heritage Planning: Prepare a paper to identify the nature of the resource and commonalities in approach of Local heritage planning in Australia & the scale & scope of local heritage stock.*
2. *Weakness and Pressure in Local Heritage Protection: Prepare a paper identifying the areas of weakness and pressure in local heritage protection.*
3. *Decision Making: Determine the best local decision making policies and guidelines used in Australia and elsewhere and prepare a draft model of universal policies and guidelines for consideration by state agencies and local government.*
4. *Incentives for Heritage Protection: Prepare a simple guide for local government which outlines various incentive mechanisms along with guidance on implementation procedures.*
5. *Heritage Advisory Services: Propose a best practice heritage advisory service model.*

2.3 Outputs

The project is to produce four outputs:

Parts 1 and 2 – discussion paper on Local heritage planning in Australia

Part 3 - draft Model of universal local government heritage policies and guidelines (June 08)

Part 4 - Incentives mechanisms: A guide for local government (June 08)

Part 5 - Heritage Advisory Services: An Australia-wide model for local government (June 08)

Parts 1 and 2 discusses the key issues in local heritage planning, the scale and scope of the local heritage stock and areas of weakness or pressure in local heritage protection. This comprises chapters 1-5 of this report. Subsequent parts of the project - Parts 3, 4 and 5 - are required to be practical standalone resources for local government.

3. Background

What is local heritage?

Local heritage is heritage of significance to the heritage of the local area or region.ⁱ Australia has adopted a three tier heritage system aligning heritage management to the three tiers of government as established by the Council of Australian Governments (COAG) agreement in 1997.

Within this framework the Commonwealth Government manages heritage of national heritage value, overseas places of significance to Australia, world heritage and Commonwealth heritage. The states manage heritage of state significance and local governments manage heritage of local significance under the auspices of state legislation. Legislation is enacted at each tier to identify, assess and manage heritage places. The territories, ACT and NT, do not have an additional third tier of legislative protection for local heritage and are not included in this report (excepting NT's inclusion in the comparison of state legislation). All heritage, irrespective of its level of significance is managed at Territory level. Within this structure, local government by far manages the largest portfolio of heritage places. The statutory lists of all Australian local governments comprise more than 76 000 individual historic places and 1770 historic areasⁱⁱ.

Cultural heritage is defined as places of cultural heritage significance in accordance with the Australia ICOMOS charter for places of cultural heritage significance, (The Burra Charter, 1999):

The role of local government in historic heritage has continued to grow, although the outcomes and capacity of councils to take on this role are patchy across

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

This wide definition for cultural heritage has been variously adapted and interpreted in legislation affecting local heritage places.

Who manages local heritage

Local governments have a range of heritage responsibilities in complying with state required obligations to identify and protect heritage, as approval authority for development and as an owner, manager or trustee of heritage on behalf of the state. The expansion of land-use planning law in the conservation of heritage is a fast developing area.ⁱⁱⁱ Local heritage planning is done by local government, administering land-use planning laws.^{iv} The Commonwealth has generally not intervened in local heritage matters^v.

Local governments are the responsible authority for the vast majority of Australia's heritage protected through statutory mechanism. The Commonwealth's 2006 state of the Environment Report noted that:

The growth in the role of local government has continued (particularly for historic heritage), although the outcomes and the capacity of councils to take on this role are patchy across Australia.^{vi}

There has been strong community support for local government intervention in heritage management and the Australian Local Government Association says that “The principle of conserving Australian historic heritage places is strongly supported by local government” (ALGA, 2005).

Local government intervention in heritage property in private ownership is first triggered by Council deciding to place some protection over a heritage place via the ‘heritage list’^{vii} the major legal device for the protection of heritage by governments in Australia (at all levels)^{viii}. At the minimum legislative compliance level, local government involvement after ‘listing’ is through the development assessment process which manages change and development to or affecting, heritage places.

In itself, heritage listing does not guarantee conservation of heritage values so many local governments undertake active heritage incentives programs to support the conservation and revitalisation of local heritage, beyond the statutory framework.

How is local heritage identified and assessed?

There are significant disparities around local heritage management in Australia. Most of the state systems have common elements however and the key elements of each state’s regulatory system are:

- that heritage is identified and assessed through a heritage study;
- statutory protection of heritage places through the planning system is a public process involving notification and exhibition;
- once heritage places are listed, local councils manage development assessment through planning approvals processes;
- changes made to the heritage place are assessed against planning law and the decision made by Councils on planning applications subject to appeal and;
- some states will require local councils to include provisions to protect heritage in local planning instruments and this may include state mandated content and local content.

How comprehensive is the identification and management of local heritage?

The identification of local heritage is not comprehensive. Local heritage is predominantly focused on built heritage and is generally of a commercial and residential heritage type. There is little local participation in archaeology and indigenous heritage identification and management.

How publicly available is information about locally significant places?

Information on locally significant places is publicly accessible from individual local governments and some state central databases. All local instruments which contain schedules or heritage lists are published online, either on the local government website, by the state planning department or by the state as regulation. Some local councils publish information about their local heritage resource and many provide some information on what listing means, the services they offer such as an advisory service and how the development controls work.

Current state heritage system reviews

In 2008, a number of states' planning and heritage legislative regimes are under review, which will impact local heritage planning:

- In **Queensland** a review of the heritage system was recently completed and the resultant amendments awaiting commencement (March 31 2008). The Queensland Heritage and Other Legislation Amendment Act 2007, seeks amongst other matters, to improve protection for local heritage places. It introduces a new process for keeping local heritage registers, an obligation for local councils to prepare a register and an integrated development assessment system assessment code to provide a consistent base level of protection for local heritage places.
- In **New South Wales** a review of the Heritage Act 1977 (NSW) is in progress. The terms of reference for the review Panel includes "consideration of local heritage processes and whether they warrant improvement".^{ix}
- **Western Australia** is implementing the findings from the seminal 2005 Local Government Heritage Working Party Findings 'Common Standards & Discussion papers' prepared for the Minister for Heritage and Minister for Planning and Infrastructure. This work establishes standard guidelines, assessment criteria and policies for local heritage planning. A new state Planning Policy 3.5 Historic Heritage Conservation was gazetted in May 2007.^x
- In **Tasmania**, the Government's position on the recent review of its legislation has been out for consultation with a Bill to amend the Act expected by late 2008. The 'Managing our heritage' position paper defines the framework on which this reform is to be based. One of the expected outcomes is greater clarification and distinction in local and State management of heritage and increased leadership from the State in developing a more integrated system that better supports owners and local government;
- In **Victoria**, a Ministerial Advisory Committee review of the standard heritage provisions has concluded with the release of a report^{xi}. In terms of state support a number of recommendations are made including preparing model guidelines, central management of heritage data and provision of heritage training.
- **South Australia** has concluded a recent review. The guiding policy document, Heritage Directions: A future direction for Built Heritage in South Australia informed some of the subsequent changes enshrined in the Heritage (Heritage Directions) Amendment Act 2005 (an act amending the Heritage Places Act 1993 and the Development Act 1993). The strategy aims to create a single register for state and local heritage and require mandatory listing of local heritage places and to provide for local heritage zones to conserve neighbourhood character and streetscapes.

The Productivity Commission Inquiry

Following the Commonwealth Government's reform of the national heritage agenda and amendments to the Environment Protection and Biodiversity Conservation Act 1999, the Productivity Commission was requested to undertake an inquiry into the policy framework and incentives for the conservation of Australia's historic built heritage places (Productivity Commission, 2006: iv). The Commission's Inquiry Report '[Conservation of Australia's Historic Heritage Places](#)' (Productivity Commission: 2006) made a number of recommendations pertinent to the role of local government in the conservation of Australia's historic heritage. These recommendations imply greater state leadership in setting the standards and frameworks, both in legislation and policy. Discussion of the Productivity

Commission report is limited to discussion of the results from the local government survey and results from the analysis of submissions to that Inquiry to the extent they shed light on local government heritage management.

4. Part 1 Local heritage planning in Australia

4.1 Local heritage law and standard provisions

4.1.1 State legislative framework

Management of local heritage in each of the states is generally achieved through the planning system. As the scope for local government power in this area is defined by state legislation, this section outlines the key legislation enacted by the state parliaments. Heritage has been historically managed separately from planning and environmental law however is increasingly integrated into planning and environmental law legislation (for instance the [Environment Protection and Biodiversity Conservation Act 1999 \(Cth\)](#)).

Legislation affecting heritage in each state can encompass natural heritage legislation, including National Parks Acts, separate Maritime Archaeology legislation and Aboriginal heritage legislation. This analysis focuses on the primary planning and primary heritage legislation in each state.

The following key characteristics of the statutory framework for local heritage management are profiled:

- primary state legislation
- purpose/objects of legislation
- local government instrument
- separation of functions between local/state
- local heritage list
- local standard heritage provisions
- local heritage assessment and listing process
- heritage criteria/typology and thresholds
- place and precinct management
- development assessment
- documentation required at development assessment
- local emergency provisions and maintenance provisions
- appeal rights and provisions

The provisions in each state are summarised in tables for comparative purposes and where relevant, details of the standard policies and provisions for development follow. This includes the primary planning and heritage legislation and does not necessarily include, unless particularly relevant, regulations and policies. This data is contained in attachment 10.2 and 10.3.

4.1.2 State comparison summary

The state legislative frameworks outlined in the attached tables (attachment 10.2 and 10.3) summarise the comparative features of each jurisdiction. In general each regime is as clear as a planning system usually is, has heritage policies and decision guidelines to produce consistent outcomes, has obligations for timely decision making, is transparent and has dispute resolution processes. The following section summarises the response of each of the jurisdictions to the common characteristics of each system:

Legislative Framework

Existence of state & planning legislation to conserve heritage

Every state has a specific Heritage Act which is increasingly geared towards managing state significant heritage and a Planning Act which addresses or integrates heritage within the planning system to varying degrees.

State's planning legislation includes specific heritage objects/purpose

The planning instrument of each state except WA includes a specific object to conserve heritage. WA does provide for heritage conservation within the objects of local planning schemes.

State's planning legislation provides a specific heritage object/purpose of the local council's planning instrument

Every state's planning legislation provides a specific heritage object/purpose of the local planning instrument.

Heritage Identification & Assessment

Councils are able to make a local heritage list which has statutory effect in the planning system.

All local governments may make a local heritage list which has statutory effect. This is predominantly discretionary. Councils may not list any places, or they may list just some places.

State's planning legislation provides for local provisions in a standard instrument

NSW, Victoria and WA have standard heritage local provisions which are part of or must be included in the local instrument.

Establishment of the statutory local heritage list is a public process

All jurisdictions have lengthy public processes of exhibition/notification in the establishment of the local list.

Standard typology, local heritage assessment criteria and thresholds

All states have different legislative definitions of heritage and conservation, variances include differences between the heritage act and the planning act. All states are consistent in generally basing their definitions around the Burra Charter values. NSW and WA have both guidelines presenting criteria to assess local heritage significance and guidance on the local threshold level. Most state Heritage Acts have

a wide interpretation or definition of “heritage” and a narrower definition or reference to heritage within the primary planning Act.

New South Wales has state mandated standard heritage criteria to use to undertake heritage assessments for local heritage, has guidelines on assessing local significance and has a wide definition of the meaning of heritage in the Heritage Act and a narrower one in the Planning Act.

Western Australia has introduced state mandated heritage criteria to use to undertake heritage assessments for local heritage, has guidelines on assessing local significance and a new state policy position on heritage.

Victoria has no state mandated standard heritage criteria to use to undertake heritage assessments for local heritage, has no mandatory guidelines on assessing local significance. Victoria has a wide definition of heritage in the Heritage Act and a definition for conservation in the Planning Act without specific reference to heritage values however the objectives for planning specify a wide definition of cultural heritage values.

Queensland has no state mandated heritage criteria and no guidelines on assessing significance. QLD has a wide definition of heritage in the Heritage Act and in the Planning Act.

South Australia has state mandated standard heritage criteria to use to undertake heritage assessments for local heritage, and provides guidelines on assessing local significance. It has a wide definition of heritage in the Planning Act and in the Heritage Act.

Tasmania has no standard local heritage criteria, no guidelines on assessing heritage significance and has a wide definition of heritage in the Heritage Act and a definition for conservation in the Planning Act without specific reference to heritage values.

Heritage Management

Councils are obligated in the local development approvals system to have regard to heritage as a head of consideration

Heritage is generally not an explicit head of consideration in planning legislation across Australia. Environmental sustainability which may be interpreted to encompass heritage concepts is an increasing feature in the objects of Acts dealing with environmental protection.

In NSW and Victoria, heritage as a head of consideration is not explicit. In Victoria, the responsible authority must consider, amongst other things, the objectives of planning in Victoria which includes heritage. In NSW the responsible authority requires, amongst other things, the provisions of any environmental planning instrument and the likely effects of the development on the built environment.

In QLD and SA, heritage as a head of consideration in the overall Act is not explicit but there is an obligation to consider relevant planning instruments and planning policies which may include heritage policies.

In WA, amenity is a head of consideration and the definition includes heritage.

In Tasmania heritage is not a specific head of consideration however decision makers are obliged to consider the relevant planning scheme and objectives of planning which include heritage.

Councils can ask for an assessment to evaluate the impact on heritage significance of a proposed development

NSW and WA have provisions in the standard heritage provisions enabling local councils to ask for a heritage assessment (WA) or statement of heritage impact or conservation management plan (NSW).

State mandated development assessment guidelines for heritage

NSW, Victoria and Western Australia all have state mandated development assessment guidelines for heritage. Tasmania, SA and QLD have at present no mandatory state content.

The regulatory impediments to local heritage conservation arising from the above analysis are outlined in Chapter 8.

4.1.3 State support beyond legislation

Many states have established programs to support local government. The form of this support is usually funding and leadership in the provision of standards and guidelines to ensure consistent heritage management across councils in the state. While all state agencies support or advise local councils in preparing or amending local instruments, many states provide additional support. Funding support will include funding heritage advisors programs and funding local heritage studies. The intended role is one of leadership in policy and practice. Decision making affecting local heritage is clearly in the realm of local council's responsibility.

NSW has led the states in supporting local government notably in the heritage advisory services and funding programs. Recently, Western Australia has increased its support particularly in establishing standard guidelines, criteria and guidelines.

All states publish on heritage matters, WA and NSW provide specific resources for local government.

In some cases where state-wide direction and support is lacking, some local governments have devised leading heritage management systems and rely on informal intra local government support.

Outside of the legislative framework, state governments are able to leverage most influence over local government through funding. These heritage incentives are examined in more detail in subsequent chapters which examine the heritage advisory programs and incentives mechanisms in more detail. In summary, a snapshot of state leadership programs is:

New South Wales

The Heritage Branch, Department of Planning, NSW leads in supporting local government through funding, leadership in policy and provision of tools, project partnerships, advice and training.

Funding

[NSW Heritage Grants program](#), \$2.63 million is committed for 2008 – 2009 for the entire program. Funding streams include grants for ‘Local Government Heritage Management’ to deliver local government heritage programs, including for heritage advisors, heritage studies and for regional heritage networks or ‘Kick Start Fund Raising Appeals’, seed funding to assist groups raise funds through a tax deductible appeal for state and locally significant items. Comprehensive guidance is published online, including criteria, examples of projects, models and standard documents. Local government heritage management funding is tied to certain requirements, including, council’s must prepare and implement (and subsequently report on) a heritage strategy. The strategy must be based on the Heritage Office’s publication, http://www.heritage.nsw.gov.au/docs/info_recommendations_for_local_councils.pdf

Leadership in Policy

is delivered through publishing policy and guidelines including the [Local Government Heritage Guidelines](#). For owners of heritage places (at state or local level) a popular brochure is [Heritage Listing: Benefits for Owners](#), one of the most popular and distributed brochures produced by the NSW Heritage Office, written for the general public.

Heritage tools

Free inventory software, training and support provided by the NSW Heritage Office, used by local governments in the compilation of their heritage inventories. The data adds to the collection of information on NSW’s heritage and is published by the Heritage Branch, Department of Planning, NSW as the [NSW Heritage Database](#).

Advice and training

- Delivers training and leadership for heritage advisors and local heritage planners.
- 68 of the 105 rural councils in NSW are participating in the NSW Heritage Advisory Program.^{xii}
- Nominates an officer in the state agency as direct contact for particular advice, eg. aboriginal heritage, industrial heritage etc.
- Guidance’s on funding opportunities and programs
- Advice on heritage amendments to list places.

Victoria

Heritage Victoria supports local government through funding, leadership in policy and provision of tools, advice and training. Victoria has a State strategy Victoria’s Heritage: Strengthening Our Communities, which establishes a framework for heritage management in Victoria.

Funding

Funding support includes funding studies and advisors. In 2006 – 2007 councils shared a total of \$337,300 in grants. Heritage Victoria supports funding for some 63 heritage advisors around the state, targeting rural, regional and outer metropolitan councils.

Leadership in policy

Local government guidelines and advice.

Heritage tools

Free software 'HERMES' to develop a heritage inventory is provided to local councils. 21 local councils are currently using HERMES with a target of 30 by the end of the financial year.

Advice and training

- Delivers training and leadership for heritage advisors and local heritage planners.
- Guidance on funding opportunities and programs
- Advice on heritage amendments to list places.

Queensland

The Environmental Protection Authority supports local government through funding, leadership in policy and provision of tools, advice and training.

Funding

The Queensland Government has initiated a \$5 Million "Living Buildings and Places" heritage conservation fund to support the continued use of key heritage places. Eligible places include listed local places, significant local places that may be eligible to be listed, National Trust listed places and places listed in the EPA's state wide heritage survey. This program is administered by the state.

Leadership in policy

The EPA is running a state-wide heritage survey project concurrent to the changes to the Heritage Act which will require local governments to prepare heritage lists.

Advice and training

The EPA provides technical and policy support through publications, although these are not specifically provided for local councils.

South Australia

The Department for Environment and Heritage supports local government through funding, leadership in policy and provision of heritage advisory services.

Funding \$580,000 approximately over four years 2005/6 – 2008/9 for local councils to carry out or review local heritage surveys, undertake Heritage Plan Amendment Reports (amendments to list heritage places) and establish Council local heritage schemes.

Advice co-ordinates the heritage advisory service, jointly funded by the Department for Environment and Heritage and local councils. Local councils without heritage advisors may seek advice from the Department of Environment and Heritage.

Western Australia

The Heritage Council of Western Australia supports local government through funding, leadership in policy and provision of advice and training.

Funding Grants and incentives include the Heritage Grants Program, the Heritage Loan Subsidy Scheme and the Lottery West Grants Program. The Heritage Grants Program funds conservation works and conservation plans. The subsidy scheme provides low interest loans for conservation works. The Lottery west Cultural Heritage Grants program

Regional Heritage Advisors is a service wholly provided by the Heritage Council of WA. Advisors provide guidance on heritage assessments, conservation, funding applications and planning applications. Advisors will also assist local governments review their local heritage inventories.

Local government policy guidance is provided via a new series of policy statements for local government derived from the *state Planning Policy 3.5 Historic Heritage Conservation*. This includes the following key documents published in November 2007 to achieve consistency of local heritage management across the state [Principles for the compilation of Local Government Inventories](#) and standard [Criteria for the Assessment of Local Heritage Places and Areas](#) and [Local Planning Policies: Practice Note and Examples](#).

Tasmania

Heritage Tasmania supports local government through the provision of advice, leadership in policy and by coordinating joint projects. In recent years this has included the joint funding and management of local heritage surveys to identify and protect places of local and State heritage significance; provision of advice, both formally and informally, to planning authorities on the management of local heritage places and precincts; support of community education and development activities; support of local heritage initiatives; and the provision of funding for conservation of local heritage assets listed on the Tasmanian Heritage Register. There is no statewide heritage advisory service at the local government level, but where local services are provided Heritage Tasmania usually has a close and proactive working relationship with the officer/s. The current reform process will expand these mechanisms and better define the relationships, roles and functions of local and State Government, including greater leadership and support from the State.

4.2 Local heritage management case studies

Introduction

Local government has most flexibility and self determination in pursuing heritage management in education and community awareness, tourism development and funding and advisory services. The local council's role in development assessment is substantially determined by the state's planning framework.

To identify local governments with exemplary heritage planning and other positive services or initiatives, each state nominated councils they considered were managing heritage well. These are scoped below and elements common to each of the successful approaches identified.

New South Wales

In New South Wales, the Heritage Branch, Department of Planning, NSW nominated Ashfield City Council, Woollahra City Council, Broken Hill City Council and Bathurst Regional Councils were nominated to be managing heritage well.

Victoria

In Victoria, Heritage Victoria nominated Indigo Shire Council, Hobsons Bay City Council, Melton Shire Council and Whitehorse City Council.

Western Australia

In Western Australia, the Heritage Council of WA nominated Subiaco City Council, the Town of Vincent, the City of Fremantle and the Shire of Coolgardie.

Tasmania

In Tasmania, the Southern Midlands Council was nominated by Heritage Tasmania.

South Australia

The Heritage Branch of the South Australian Department for Environment and Heritage nominated the City of Adelaide, the Regional Council of Goyder, the City of Norwood, Payneham & St Peters and the Town of Gawler.

Queensland

In Queensland the Cultural Heritage Branch of the Environmental Protection Agency nominated the Brisbane City Council, Gold Coast City Council, the Warwick Council, the Townsville City Council and the Cairns City Council.

A questionnaire was sent to Councils to profile their heritage management and planning. Most Councils were able to participate and the results presented below. The survey sought information on the following measures:

- 1. The heritage system and support from state**
 - council utilises (where exists) state's model heritage provisions
 - council receives technical advice from state (heritage) authority
 - council receives financial assistance from state authority
 - council utilises standard guidelines and resources prepared for local government use, by the state standard assessment criteria, standard policies and guidelines.
 - state provides consistent models and guidelines for use by local government
 - state provides training of heritage advisors
 - Use of any delegated powers from state?
 - state provided funding
 - participation in regional networks or local government to local government information sharing and support
- 2. Heritage resourcing**
 - 2.1 Heritage is adequately funded and resourced**
 - 2.2 Council and corporate commitment to heritage**
 - heritage supported by Council both at strategic level and at development assessment
 - good asset management of Council owned heritage
 - heritage training provided for councillors
 - level of heritage knowledge general statutory planners
 - heritage expertise available to Council, heritage officers, heritage advisors
- 3 Heritage identification & significance assessment**
 - has a heritage study
 - heritage study based on historic themes
 - heritage study follows state model or brief
 - that is comprehensive (geographically, thematically, typologically diverse)
 - study uses state recommended guidelines/criteria/threshold assessment?
 - heritage places/items have statement of significance or significance assessment
 - places identified are subsequently translated into statutory protection via local instruments
 - use of community based studies?
 - date of last study or review?
 - any removals of heritage places from statutory lists?
 - heritage study of aboriginal heritage
 - heritage study of archaeological heritage
 - heritage study of horticulture/trees
 - statutory heritage list accessible online
- 4 Community consultation**
 - is community consultation conducted from initial heritage study onwards?
 - not significant numbers of objections to listing
 - plain English information and advice available to community
 - evidence of good communication during heritage study & public consultation process reducing objections to heritage amendments?
 - community consultation limited to exhibition/notification of affected parties only during amendments or advertising and notification during development assessment?
 - community understands different concepts – amenity, character and heritage
- 5 Heritage promotion, education, interpretation**
 - council has a program or strategy to raise community awareness on heritage conservation
 - advice to owners on appropriate maintenance and repair
 - brochures
 - online resources, dvds
 - seminars and training
 - heritage trails and plaques
 - newsletters
 - partner with tourist/local heritage organisations
 - promotes cultural heritage tourism

- *heritage interpretation programs*
- *heritage promotional events held (open days, heritage festivals)*

6 Heritage incentives to owners and developers

- *funding, grants and loans*
- *heritage advisory service*
- *waives development application fees*
- *heritage award program*
- *rate reduction/rebate*
- *fast tracking for minor developments*
- *plain English guidelines for owners on rights and responsibilities, benefits*
- *easy access to advice on property (heritage listing) status and planning provisions*
- *guidance for developers on infill development, urban design and adaptive re-use*
- *use of planning tradeoffs*

7 Heritage planning & management

7.1 Strategic heritage management

- *council has a heritage strategy*
- *council has a heritage committee*
- *have resources to undertake heritage amendments (to list heritage places or introduce or amend heritage policy)*
- *thorough community consultation undertaken during heritage amendments*
- *planning scheme/local statutory instrument uses standard state policies/guidelines*
- *use of strategic heritage documents, master plans, CMPs, CMS' etc.*
- *use of planning/conservation agreements?*

7.2 Statutory heritage management (development assessment)

- *council has access to heritage expertise for development assessment*
- *timely and transparent statutory processes*
- *heritage integrated with development assessment*
- *council can request additional documentation or impact assessment for development assessment*
- *council has interim/emergency protection and maintenance powers*
- *minimal number of appeals on heritage grounds*
- *pre-application negotiation with owners and developers achieve good results*
- *under local instrument council has flexibility to make heritage agreements or vary statutory provisions to achieve an acceptable conservation objective.*
- *adequate enforcement powers and resources*

The profiles of 20 councils leading heritage management is attached at appendix 10.4 and a detailed profile of 7 local council approaches follows the summary at appendix 10.6.

4.2.1 Key results from 21 good heritage managers

This response from 21 councils demonstrates that:

- 7 of the councils have or have had some state funding in the form of heritage studies or contributing to the employment of heritage advisors;
- Most councils receive policy advice from the state and participate in networking opportunities;
- Most councils had heritage studies and statements of significance prepared for local items;
- Councils without state leadership have devised their own policies and local heritage provisions and networks with other local governments;
- All 21 councils are able to provide some kind of heritage advisory service. Most have additional heritage staff in the form of a strategic heritage planner who would, amongst other duties, manage heritage studies and amendments to achieve a heritage list or local heritage decision making policies;
- All reported a supportive local council and good asset management of council owned heritage assets;
- Most councils reported a good knowledge of heritage by statutory planning staff, generally the first point of contact for the community;
- All 21 councils had a heritage study, a number had completed several studies. The earliest reported study was completed in 1987 for Broken Hill and this was followed by subsequent specific studies. Some 13 councils reported heritage studies completed since 2000;
- Most councils reported good community consultation, this appears to be integral to their local heritage management processes. Most councils agreed with the questionnaire statement that good community consultation reduced objections to heritage listing proposals (amendments). Some councils utilised effective communication forms including one on one meetings with affected owners of proposed heritage listing (Melton); business breakfasts focusing on heritage themes (Indigo); piggybacking heritage consultation onto existing successful Council communication methods (Brisbane); implementing a staged approach such as developing a heritage policy prior to undertaking heritage listings which has resulted in increased community understanding and acceptance of heritage (Warwick) and;
- Most councils have a developed program of community promotion, education and interpretation of heritage. Even without a strategy to do so, most councils have some kind of interpretation or education for heritage. Most councils engaged with local tourist operators and developed interpretation trails and information to enhance understanding and presentation of local heritage places in the usual forms. Vincent, in Western Australia stood out with an online presence, with a dedicated heritage website. Again in Western Australia, Fremantle has an annual Heritage Festival and encourages community participation through archaeological open days.

4.2.2 7 councils leading local heritage management: detail

Seven local government heritage programs are profiled in more detail. The results are contained in appendix 10.6. The profiled councils are:

- [Bathurst Regional Council](#), a regional council in NSW;
- [Broken Hill City Council](#), a rural council in NSW;
- [Vincent Council](#), an urban council in Perth, WA;
- [Southern Midlands Council](#), a rural council in Tasmania;
- [Norwood, Payneham & St Peters](#), a municipal council in Adelaide, SA;
- [Ipswich City Council](#), a South East Queensland regional Council and;
- [Melton Shire Council](#), fringe council located in outer western Melbourne.

4.2.3 Common successful approaches

The analysis of the State and local approaches identifies some common successful approaches at the State and local levels.

State government level

At the state system level:

- State policy leadership in the form of models and guidelines for consistent decision making, certainty and confidence in the operation of the local heritage system. Enshrine in legislation flexible heritage provisions to enable councils to exercise discretion, utilise planning trade offs to achieve conservation outcomes
 - WA has recently introduced standard policies and guidelines for local government which will assist local councils implement the new state policy including: [Basic Principles for Local Government Inventories](#); [Criteria for the Assessment of Local Heritage Places and Areas](#) and [Local Planning Policies – Practice Notes and Examples](#);
- State support through funding:
 - All the states contribute to varying degrees to local heritage management. The NSW Heritage Office's grants and loans scheme has worked, from its inception, closely with the heritage advisors, also supported by the state, to ensure that funding achieves good conservation outcomes. The government has committed \$2.635 million funding for the NSW Heritage Grants in 2008 – 2009. The Heritage Branch, Department of Planning, NSW provides guidance on how to apply and how to effectively target funds and how to run a local heritage fund. Local governments who receive funding report annually on the implementation of their heritage strategy;
- State leadership in data management through integrating local heritage statutory heritage inventories into a single searchable database.
 - NSW state Heritage Inventory has over 20,000 local heritage places included in the state database, along with 1500 state heritage places.
 - HERMES, the Victorian heritage database, is being expanded to include local heritage places and precincts. To date some 20 local councils manage their heritage data through the central database with a target of 30 by June 2008;
- Partner with local governments and other organisations:
 - In Queensland as part of the state wide heritage survey, the state agency, the Environmental Protection Agency/ Queensland Parks and Wildlife Service, has formed a partnership with Cairns City Council to prepare a heritage survey;
 - WA Local government shires association and the WA Heritage Council partner to manage the Lottery west grants programs;
- Train and support heritage advisors
 - All States, although Victoria and New South Wales are the two States which have best supported and funded this program to date. The Heritage Advisory programs are to be evaluated in subsequent work for the *Supporting Local Government Project*. For broader heritage training for statutory planning staff, the Local Government and Shires Association in NSW runs a successful Development Approvals – The Heritage Perspective for statutory planners (Local Government

- learning solutions, <http://www.lgsa.org.au/www/html/150-learning-solutions.asp>). The Heritage Branch, Department of Planning, NSW and Heritage Victoria provides heritage advisor training and NSW also actively supports local networks;
- Support regional heritage networks:
 - Regional heritage advisor networks, originally supported by the state agency. The first such network was established in the Hunter Valley region of New South Wales. The Hunter Heritage Network provided a regional network for training, information exchange and collaboration between local councils all facing similar heritage issues. Also established in NSW is the Central West Heritage Network which is supported by the state agency and has a website and [blog](#) and;
 - State tying funding to best practice guidelines etc.
 - This is practice, for example, in NSW where funding is tied to completion of annual reports and funding for studies reliant on use of the standard heritage strategy brief.

Local government level

Following the case studies, the key attributes of successful local government heritage management, common to these councils are:

- Achieve councillor support and understanding of heritage
 - This is key as Councillors need to support heritage both at the strategic and statutory level. Local government heritage planning is inherently political and ways to proactively and positively engage Councillor support for heritage, beyond statutory decision making on contentious issues, is essential. Achieving Councillor support provides both the long term strategy (having policies to protect heritage and identifying heritage places for protection via the planning instrument) to ensure good proactive decisions are made at the development approval stage.
- Make it a corporate (and statutory planning policy) to conserve and interpret local heritage. Seek to promote the benefits of heritage to gain community support for heritage
 - The Southern Midlands Council (Tasmania) has embraced heritage as a key element of the local area's future prosperity through cultural tourism.
 - Melton Shire Council (Victoria) when exhibiting a heritage amendment listing heritage places, ensured that relevant Council officers understood the purpose and impact of the amendment.
- Have a heritage strategy
 - Almost all of the successful case studies profiled have a heritage strategy. Examples of excellent local heritage strategies are The Town of [Vincent](#) (Western Australia) and [Broken Hill](#) (New South Wales).
- Get good heritage advice
 - The heritage advisory service in Broken Hill has been a successful partnership between Council and the community. Heritage advisors and heritage officers who are skilled both technically and in working with the community, can make a significant difference.
- Prepare a defensible heritage study
 - Make sure your heritage study is comprehensive, uses standard criteria and threshold assessment and is defensible through public exhibition.

- Adopt a comprehensive approach
 - Pursue a holistic approach beyond statutory planning. The City of Whitehorse (Victoria) has developed a program 'Approaching Heritage Holistically' which proposes that protecting areas of heritage significance required more than planning scheme controls. The program is a joint project involving City of Whitehorse officers, Councillors, Heritage Groups, Libraries, Neighbourhood and Community houses in the municipality and residents.
- Run a local heritage fund
 - In Brisbane, a marked reduction in objections to listings followed introduction of a local heritage funding program. Even proportional funding combined with a free heritage advisor program can assist change negative attitudes to heritage listing.
- Be creative in promoting heritage
 - Involve the community in archaeological digs and competitions.
- Be flexible
 - Many profiled councils waive development fees and consider planning trade-offs to achieve a conservation outcome.
- Be clear
 - Successful councils communicate in plain English. Prepare fact sheets and brochures that explain what heritage listing means, have before and after examples.
- Community education
 - Bathurst publishes a brochure '[Heritage Survival Kit](#)' for residential buildings which is a model of simplicity.
 - Melton Shire Council (Victoria) has participated in projects to celebrate the unique heritage of their region through promoting the cultural heritage of [Dry Stone Walls](#). This assists widen the scope of what heritage is and is a positive community project run concurrently to a statutory heritage listing process for other heritage places.
- Consult with the community early
 - That has an end point and is meaningful for participants. Notification and exhibition of heritage amendments is a legislative requirement and usually involves legalistic notices and advice. Planned community consultation during the heritage study or survey and ongoing consultation during the legal exhibition period is essential. Most councils report delivering increasingly sophisticated consultation programs. Southern Midlands Shire Council publishes updates and reports on the progress and status of [local heritage projects](#).
- Adapt state guidelines for local circumstances or devise your own
 - Many local councils which lack state direction have devised their own heritage provisions which work well for their local environment.
- Promote local successful Case studies
 - Broken Hill utilises before and after photographs to show the results of heritage restoration and conservation works. Council reports on implementation of programs such as the [Verandah Program](#) and the
- Rewarding volunteers and community efforts to conserve heritage
 - Private sector owners and the community play a large role in heritage conservation.
 - In Indigo, Council's [heritage awards](#) program rewards owners, community groups and volunteers for a wide range of heritage conservation activities, from conserving movable heritage to the most sympathetic adaptive re-use of a heritage building.

- Lead by Example and manage your own heritage assets
 - Southern Midlands Council (Tasmania) has found that doing the right thing by your own council owned assets goes a long way to inspire the community.
- Focus on education and promotion and plain English communication
 - Positive community engagement with heritage can achieve much more than inflexible and incomprehensible statutory provisions which do not have the support or understanding of the local community. Most local governments publish such fact sheets, brochures and guides. Two examples include: The Town of Gawler has published a [simple brochure](#), 'Town of Gawler Development Policies Protection of Gawler's Heritage' which explains what it means to be heritage listed.
 - The City of Brisbane also publishes a [Guide to Brisbane's heritage places](#).
 - Concurrent to listing process, Ashfield published a guide to listing which gives clear answers to common concerns, download [brochure](#).
- Partner with the state
 - Where resources are scarce, states such as Queensland and Tasmania partner with individual councils on projects, heritage studies and workshops or provide seed funding to kick-start a program.
- Partner with others - Seek cultural tourism opportunities
 - The [Cobb & Co Heritage Trail](#) project commenced in 1997 by Bathurst City Council's (NSW) councillors, a local coach builder and Bathurst's heritage advisor. A number of local councils participated in recording the history of Cobb & Co and today the award winning tourist trail is promoted by a website and annual festival.
 - The town of Gawler has published a heritage trail of [Historic Hotels](#), sponsored by Coopers.
- Seek alternate funding opportunities
 - The heritage agencies in each state are one limited source of funding. For the Dry Stone Walls project Melton Shire Council received funding from a then Victorian Government program (Pride of Place) funding urban design initiatives.
 - The City of Norwood, Payneham & St Peters in South Australia partnered with Flinders University on an archaeological project.
- Know what is significant in your area and promote it
 - Every local area is unique and will have its own history and heritage to conserve and celebrate. The [Gold Coast](#) is promoting its 20th century heritage, Melton its Dry Stone Walls, Bathurst promotes its associations with Cobb & Co and Southern Midlands its Georgian heritage.
- Build partnerships and include heritage in broader community cultural and social festivals
 - Build regional networks council to council, such as the Hunter Heritage Network in Bathurst or informal partnerships as evidenced in WA and QLD where state leadership is not as formalised.

4.2.4 A guide for local government to promote heritage conservation

The NSW Heritage Office's guideline for local government '[Recommendations for Local Council Heritage Management](#)' (formerly titled 'Eight Suggestions for how local councils can promote heritage conservation'). Many of these are common to the approach of the successful councils profiled above and may form the basis of a heritage strategy for councils. The Heritage Branch, Department of Planning, NSW requires funding recipients to annually report on progress implementing these key actions.

This guide could be developed into a national model heritage strategy for local government and include benchmarks for achievement. The key recommendations in the NSW guidance are:

What to do	Why
Establish a heritage committee to deal with heritage matters	Increased community participation and awareness of heritage
Identify the heritage items in your area and afford them statutory protection	Increased knowledge and strategic protection of heritage
Appoint a heritage advisor to assist council and the community	Increased community participation and understanding of heritage
Manage local heritage in a positive manner – find the good news	Increased understanding and acceptance of heritage
Introduce a local heritage fund to provide small grants	Increased acceptance of heritage and statutory heritage listings
Run a main street program	Positive activity, reaches wider market, benefits tourism
Run education and promotion programs	Increased understanding and acceptance heritage. Community engagement and involvement.
Lead by example	Demonstrates conservation is possible and valued, that Council takes heritage seriously and does what it requires owners to do.
Link heritage to sustainable development	Links to more widely accepted environmental concepts – promotes understanding of heritage and its wide definition.

Figure 1 Local Heritage Management – NSW Model

Source: Taken from (and modified) guideline published by the NSW Heritage Office, NSW Department of Planning (2007) 'Recommendations for Local Council Heritage Management'.

4.3 Local heritage reviews and surveys

4.3.1 20 councils - local heritage stock statistics

Data capture limitations

The project brief required analysis of a select number of places identified in local heritage studies or surveyed of the profiled local governments. These were to be categorised into broad use or (usually original) purpose: residential; commercial; government; places of worship and community and by broad type: archaeological (maritime); archaeological (terrestrial), built/group/precinct or conservation area; landscape and movable/collection.

Only NSW and WA provide a searchable central online database with sufficient numbers of local listings and consistent data categories to enable comparative research within the states and to a more limited capacity, between the states. While all states have an online heritage register for state listed places, most are seeking to eventually include local heritage data as well. Resolving the inconsistencies in approaches and typologies used in data capture is the brief of the HCOANZ National Heritage Agenda Data Collection Standards Project.

The results for the 20 councils profiled as part of this project are contained at attachment 10.5.

How many properties are affected by local statutory provisions is not known. In an interim submission to the Productivity Commission, the HCOANZ sought to quantify the stock of heritage across Australia. The results are shown in the following table. NSW, WA and SA reported 23 721, 17 000 and 4500 respective local heritage places listed in local government registers. In Victoria it is estimated that some 100,000 properties are affected by heritage planning provisions. This data includes heritage provisions affecting whole areas (heritage precincts) which is excluded from the NSW data. The data in Queensland is not known and in Tasmania the estimate of 5525 includes both state and local heritage places. Thus the full extend of properties affected by local heritage provisions is not known.

Figure 2 Historic places listed in state and Territory heritage registers and historic places listed in local government registers.

Historic places listed in State and Territory heritage registers.				Historic places listed in local government registers
State or Territory	Number in 1995 ^A	Number in 2000	Number in 2005	Local government listed places
ACT	37	47	150	No local government listings
NSW	626 ^B	1,254 ^C	1,498	23,721 ^D
NT	33	98	175	No local government listings
Qld	929	1,160	1,440	Not known
SA	1,973	2,146 ^E	2,195	4,500
Tas.	-	4,790	5,525	Included in adjacent figure
Vic.	1,140	1,794	1,992	100,000 ^F
WA	281	742 ^G	1,113	17,000
TOTAL	5,024	13,160	14,148	Full extent not known

^A The figures are taken either from data provided by the states and territories, or from Marshall and Pearson (1997), which includes mostly 1994 figures.
^B Number of Permanent Conservation Orders, June 1993.
^C The NSW State Heritage Register (SHR) was created in April 1999. At its commencement, existing state government agency registers were bulk transferred onto the SHR.
^D Does not include places listed as part of conservation areas.
^E 2,047 places were also listed in local heritage lists, but the degree of duplication is not known.
^F 100,000 includes properties covered by overlay controls.
^G A further 15,600 places are identified in the Western Australian Heritage Council's Place Database, including Municipal Inventory listings.

94% of listed heritage is local heritage (NSW).

Source: Chairs and Officials of the state and Territory Heritage Councils of Australia 2005, Initial Submission to the Productivity Commission's Inquiry into Historic Heritage
http://www.pc.gov.au/data/assets/pdf_file/0011/55568/sub139.pdf

As noted above, NSW has quantified individually listed local heritage places and state individually listed local heritage places. There are some 24,000 individually listed heritage places in the NSW Heritage Database as identified in local statutory instruments (Local Environmental Plans). This figure excludes properties in conservation areas (heritage precincts). There are some 1527 places listed on the state Heritage Register. While recognising that there are other designations under the Heritage Act (interim protection, provisions affecting state owned heritage etc) these figures show the proportion of state v local heritage. While 90% of the 152 NSW councils have a statutory heritage list (schedule to local environmental plan), only a proportion of these are currently included in the online database.^{xiii} On the available data local heritage comprises 94% of the heritage in New South Wales affected by local statutory provision and it would be reasonable to assume that other states have similar proportions. The following figure demonstrates the proportions of Australian local to state, national and world heritage.

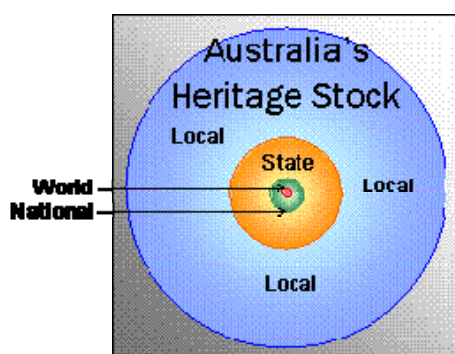


Figure 3 Australia's Heritage Stock

Source: Loffi, C for the Heritage Council (NSW), 2008, Levels of Heritage Significance. A supplementary guide to the Heritage Council's Assessing Heritage Significance publication published in 2001. Diagram altered.
http://www.heritage.nsw.gov.au/docs/levels_of_heritage_significance_2008.pdf

4.3.2 Local heritage data results

The results contained at attachment 5 confirm that the scope of statutory protected local heritage stock is the built environment and that the primary land uses of local heritage places are residential and commercial.

This also reflects the historic emphasis on identifying built heritage of historic significance, also inherent in the definitions of heritage in the Heritage Acts of the Australian states and Territories. In the Boer and Wiffen (2006: 186) comparison of definitions, historic heritage was the one common descriptor used in all jurisdictions, followed closely by the terms aesthetic and social in most jurisdictions.

Descriptor	ACT	NT	NSW	QLD	Vic	SA	Tas	WA
Historic	x	x	x	X	x	x	x	x
Aesthetic	x	x	x	X	x	x		x
Archaeological		x	x		x		x	
Architectural			x		x		x	
Cultural	x		x			x	x	
Natural	x		x					
Indigenous	x		x					
Scientific		x	x	x	x		x	x
Social	x	x	x	X	x		x	x
Prehistoric		x						
Protohistoric		x						
Technical	X					x	x	
Special value for present and future generations				x				
Spiritual	X					x		

Figure 4 Comparison of definitions

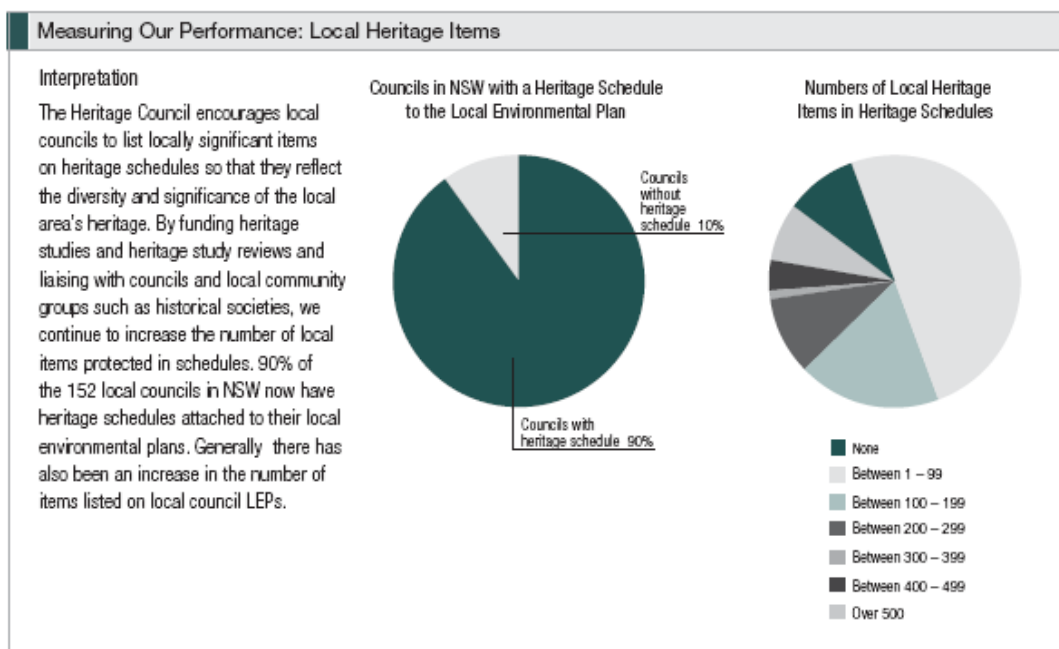
Source: Boer B and Wiffen G, Heritage Law in Australia: 195.

4.1.4 Trends in new heritage studies

Types of heritage identified in local heritage studies.

Reflecting the Australia-wide move towards a wider definition of heritage, new local heritage studies commissioned are increasingly more comprehensive and may require identification of archaeological, movable, aboriginal, socially significant, natural and other types of heritage. The primary purpose of the heritage study is to achieve listing through the planning scheme, so other types of heritage, such as archaeological heritage, which is not self-evident or protected through another Act (such as the relevant Heritage Act or National Parks Act), is not often a priority, (Wight, 2004:23).

The Heritage Branch, Department of Planning, NSW requires local councils that are recipients of the heritage advisor funding program to prepare, implement and report on a heritage strategy. The Heritage Branch, Department of Planning, NSW collates report data from the annual reports prepared by Councils. The unpublished [summary heritage strategy report for 2006-7](#) reported that the majority of councils have completed a community based heritage study to identify heritage items (71%) with a minority of councils yet to prepare a study. The majority of Councils, at 87% have not completed an Aboriginal heritage study and most (68%) do not have statements of significance for locally listed heritage places. The average number of local heritage items identified in the local heritage list was 107 items. Some 20% of councils have included heritage places in the (statutory protected) local heritage list since 2006.



Source: Annual Report 2006 – 2007 Heritage Council of NSW, http://www.heritage.nsw.gov.au/docs/annualreports/2007_HCAR_Performance.pdf

Regional and thematic studies

The Heritage Branch, Department of Planning, NSW ran a community based heritage study project to assess large geographic areas, or regions, of the state to

identify a comprehensive range of heritage with intensive community involvement. A pilot project was run in the Central West region of NSW. Heritage Victoria has commissioned a range of thematic studies, for example, [Jetties and Piers](#). The production of thematic, geographic or typological studies by the state government is of assistance to local government in preparing their heritage lists.

Serial Heritage

Aside from the type of heritage being identified, many heritage studies have been prepared which are geographically diverse, such as identifying geographically diverse but thematically linked heritage places, such as the Australian Convict Sites project which involves the Australian and three state governments to develop a serial nomination of 11 [convict sites](#) in Australia for inscription on the World Heritage List.

Natural, Cultural Heritage Management and Ecologically Sustainable Development

The separation of natural and cultural heritage management is an artificial one, but which is entrenched in administrative and legislative regimes. A number of studies have holistically analysed the environmental management of regions, such as the Regional Forest Agreements ([Comprehensive Regional Assessments](#)) and the Victorian Environmental Assessment Council's (formerly Land Conservation Council) [Investigations](#) which bring a multidisciplinary approach to analysing a range of values including biophysical, socio-economic, indigenous and history. Such studies provide the way forward in holistic environmental management. Generally beyond the scope of local government, such regional studies provide essential context, themes and history for local governments to subsequently prepare heritage lists.

5. Part 2 - Pressures & Weaknesses in local heritage conservation

5.1 Productivity Commission Inquiry – Pressures identified

The Productivity Commission and submitters to the Inquiry discussed pressures impacting historic heritage conservation.

The Productivity Commission Inquiry noted that historic heritage conservation management has needed to adapt to emerging technological, economic, demographic, environmental and social trends (Productivity Commission, 2006:22). Population shifts, technologies becoming redundant, demand declining for the services or function offered by the heritage place and the opportunity cost of renovation increasing and increasing maintenance costs, all contributing to pressures impacting the conservation of heritage places (Productivity Commission, 2006:18).

The Inquiry canvassed the main pressures on heritage conservation and cited submissions attributing pressures from urban development and infill; public building redundancy and abandonment of rural structures. The Inquiry cited costs arising from rising maintenance costs and declining public sector budgets for historic heritage conservation.

Demographic pressures occurring in the inner areas of Victoria's cities have introduced a level of affluence which can be both positive and negative for historic heritage conservation. The decline of rural populations impacts the use, maintenance and viability of local heritage (Victorian Government response to the Productivity Commission's draft report on the conservation of Australia's Historic Heritage Places (2005). Internal migration has also contributed to the transformation of coastal regions which has the potential for both positive and negative heritage impacts (Johnson, 2006).

Urban consolidation policies are often cited as a pressure in the conservation of heritage. Conversely, heritage has been used to resist higher densities in high amenity areas where urban consolidation policies are politically unpopular. Increasing density is a response to the broader negative environmental impact (and natural heritage values) of urban sprawl (Johnson, 2006:20). Lennon (2006) cites Indigenous groups as identifying that 'housing estates, logging, quarries, wind farms and marinas are constructed on culturally significant sites' (Johnson, 2006). No impact, however has been undertaken of the impact on increasing dwelling density on heritage values although it has been reported that a condition survey of historic places has identified there are some pressures on significant buildings in cities and regional centres from redevelopment and increasing land value (Pearson and Marshall 2005, in Johnson, 2006).

The 2005 submission to the Productivity Commission Inquiry by Australia ICOMOS cited the following weaknesses related to historic heritage conservation:

- inconsistency in legislative provisions for heritage conservation between each State and Territory
- a decrease in government leadership of the intellectual development of heritage through research and supporting the work of other leading organisations

- lack of government support fostering networks of various stakeholders including government agencies and non government organisations,
- loss of specialised heritage skills and an emphasis on general skills in regulatory authorities
- decreasing levels of government funding, incentives and technical support for identification and conservation of heritage places
- understanding of and support for fostering public access to heritage
- skills development and training
- support for NGOs
- support for international conservation activities that benefit Australian heritage practice through exposure (and the ability to participate in) international debate and access to technical developments.

A 2005 submission to the Productivity Commission Inquiry by Australia ICOMOS cited the following weaknesses related to historic heritage conservation:

- National economic state
- Changing demography
- General government policy and programs
- Absence of urban and regional planning incorporating heritage identification and conservation
- Urban development and expansion
- Major development involving demolition
- Urban consolidation
- Rezoning
- Lack of basic knowledge/inventory of places
- Lack of systems to monitor change
- Lack of funding for conservation
- Lack of appropriate management
- Misconceptions/misunderstandings regarding heritage values
- Lack of heritage expertise in local government
- Lack of heritage advisors/planners^{xiv}

The issue of the devolution of responsibilities to local government was examined by the House of Representatives Standing Committee on Economics, Finance and Public Administration (SCEFPA) Inquiry in 2003. This Inquiry identified five factors that are increasing local government functions.

- Devolution – one sphere of government gives local government responsibility for new functions
- Raising the bar – one sphere of government increases the complexity or standard of local government services
- Cost shifting – by two means, either local government agrees to take on the services of another sphere and funding is later reduced or stopped, but communities demand that the service continue, or another sphere ceases a function and local government steps in.
- Increased community expectations – community demands for improved services are met by local government.
- Policy choice - individual local governments choose to expand their service provision (Dr Su Wild River 2006).

Examples of all of these types of activities can be seen in heritage management. The lack of government capacity also raises the issue of a lack of ongoing funding for the maintenance, repair and adaptation of heritage places to ensure ongoing viability.

A supporting document to the 2006 state of the Environment project, a Study of condition and integrity of historic heritage places (Pearson and Marshall, 2006), surveyed the condition of places listed in the Register of the National Estate (includes local heritage places) as well as state heritage registers and compared results to a study conducted five years earlier. The survey included 20 properties in each state from five urban and five regional/rural local government areas. The report observed that in regard to demolition and destruction of heritage places, there was no apparent major change in the rate of destruction of heritage places. No significant results emerged in relation to the condition and integrity of heritage places over five years. In relation to the condition of un-occupied buildings, the survey found that buildings that were vacant five years ago were more likely to fall into the poor condition category. In relation to the condition of previously restored buildings, it was clearly observed that many places which had conservation work undertaken prior to 2000 were in need of ongoing maintenance work. The survey noted that a large number of places received funding for conservation works in the preceding years without any funds provided for ongoing maintenance or any requirement for owners to maintain the properties.

The study also reported on the threats from growth in regional/rural Australia with growing pressure on land values and location of heritage stock in affluent regional towns and cities. The survey observed that while the streetscape values of former government heritage buildings may be retained, their uses change, often to inappropriate uses with unsympathetic alterations (Pearson and Marshall, 2006)

5.2 Heritage Pressures & Weaknesses – Discussion

The Allen Consulting Group's report on 'Thoughts on the When and How of Government Historic Heritage Protection concluded that the pressure on heritage related costs are significant and rising. This is expected to occur because of:

- Increased demand for heritage protection - government intervention in heritage is increasing with the increasing addition of more places to heritage lists with the resultant burden administering statutory controls affecting those places;
- Longer lived heritage places – improved technology and the awareness of heritage principles will conserve more places and;
- Increased cost pressures associated with conservation skilled labour force.

The report also highlighted the significant burden of a high level of deferred maintenance (Allen, 2005:6). Deferred maintenance increases repair needs, builds cost pressures and makes long term conservation less likely and more difficult (Allen, 2005:6). While the report addresses historic heritage management Australia-wide this pressure is particularly relevant for local government.

There are a range of factors and structural issues negatively impacting successful local heritage management in addition to the issues raised by the Productivity Commission and state of the Environment Reports. These include:

5.2.1 Lack of knowledge about the resource and expected outcomes

Across Australia there is a lack of knowledge about what the local heritage resource. Data is not collected on the state of the resource, excepting the state of the Environment reporting on natural and cultural heritage. For local government, the 2006 state of the Environment Report utilised the data estimated by the Heritage Chairs and Officials of Australia and New Zealand in their submission to the Productivity Commission Inquiry.

The 2005 Productivity inquiry survey found that statutory lists presently cover some 76 000 individual historic heritage places and some 1770 historic heritage areas. There is little quantification of the quantity and condition of this resource. While state databases contain increasingly sophisticated records for the small number of state heritage places, accessible information on local heritage – particularly in relation to significance – is minimal. While some states are working towards integrating local heritage data into the state database, there is current minimal information to make recommendations on the nature of the resource, its needs and what assistance is needed to service it.

The states need to set benchmarks for local government heritage management performance.

5.2.2 Lack of knowledge about local government needs

Concurrent with a lack of knowledge about the resource, is a lack of knowledge about local government heritage needs. Research into and knowledge of local heritage pressures is minimal – without this information policy responses are likely to be ad hoc or inadequate or responding to out of date dynamics.

The Productivity Commission Inquiry conducted the first comprehensive survey of local government on historic heritage management. The Productivity Commission considered that problems with the heritage management system were most pronounced at the local level where assessments are the least rigorous, resources are limited and private ownership most prevalent (Productivity Commission, 2006: xxviii). The Commission found there was wide variation among local councils as to their local heritage conservation management approach and that many do a good job even where state support or guidance is lacking (Productivity Commission, 2006: 109).

In undertaking its inquiry, the Productivity Commission surveyed local governments around Australia in order to obtain some basic data about this sector's performance as the key deliverer of heritage conservation services across the country. This yielded a strong response, with 74% of local councils responding and 89 councils making written submissions to the Inquiry. Additionally, the Australian Local Government Association and the local government associations for NSW, Victoria, South Australia and Western Australia made submissions as the peak bodies representing local government in each of those states.

Analysis and interpretation of the Productivity Commission's survey of local government was presented in the final report. This survey is important in obtaining local government views and needs. The key results from the Productivity Commission's survey is summarised in appendix 10.7 to this report.

Key responses from the survey illustrate that:

- Most surveyed councils rely on the heritage list as their key heritage management tool, created from a local heritage study.
- Half of the surveyed councils provided some form of assistance, usually heritage advisory services.
- Just a quarter of local governments surveyed ran a grant program.

Local government submissions to the Inquiry

As part of the Inquiry local governments made voluntary submissions. A [Review of the Submissions made to the Productivity Commission Inquiry into Australia's Historic Heritage](#) (Wood, 2007) prepared for the Heritage Chairs and Officials of the state and Territories of Australia analysed submissions made to the Productivity Commission. This report included a review of the 89 local government submissions which were publicly accessible as part of the Inquiry. As noted in the report the analysis of the submissions, (as self-selected participants in the Inquiry), reviews those submissions and is not an analysis of the heritage system per se (Wood, GSRW Consulting 2007:6).

The Productivity Commission Inquiry attracted 89 local government submissions (comprising 80 local councils and several regional council submissions) (Wood, 2007:17) from a pool of 700 Australian local councils, or some 11% of local government nation-wide. Compared to the questionnaire therefore which yielded responses from 74% of all Australian local councils, the submissions are far less representative of Council views. While almost all of the submissions were made public, the questionnaire responses were not public documents. Statistical analysis and interpretation of results were presented in the Productivity Commission's report.

In the Review of Submissions Report (Wood, GSRW Consulting 2007:17), the issue of *heritage at the local level* was a key theme raised. The key issues raised in this category of *heritage at the local level* in the submissions from local government were:

Productivity Commission Inquiry Submissions: Lack of clarity on local thresholds, criteria Lack of State guidelines for local government to achieve consistency (Wood, 2007).	85%	main pressure on historic heritage places is limited funding, resources and incentives
	80%	too many regulatory sticks and not enough incentive carrots
	75%	cost shifting from the highest tiers of government to the lowest
	75%	heritage not core business but consumes significant resources
	50%	need for common and transparent policy frameworks and resources
	50%	practical conservation issues impeding best practice heritage
	45%	need for comprehensive community education regarding value of heritage
	45%	need to address public concern over possible implications of listing
	35%	local governments lack heritage expertise
	30%	difficulties striking balance between protection & adaptive reuse
	6%	capital city development pressures extreme
	6%	public confusion over roles, responsibilities of level of government
	20%	separation of historic, indigenous and natural heritage administration
	20%	public sector poor managers of heritage – poor role models for community
15%	landscapes, settings, curtilages not respected and protected	

- 10% forced reliance on volunteers lacking time, skills & professional expertise
- 5% most problematic situation is private ownership and public uses eg. churches (Wood, GSRW Consulting, 2007:17)

The overarching message from the submissions, as interpreted by the Review of the Submission report was that local government was committed to heritage conservation however faced issues with:

Inadequate resourcing, cost shifting, failure of federal and state/Territory governments to enable local governments to provide the kinds of support and incentives that would make a real difference at local level.

The other key issues widely canvassed were structural – blurring of responsibilities, lack of clarity re: thresholds, criteria and lack of guidelines and support to enable local governments to provide consistent outcomes to their communities (Wood, 2007:18).

The conclusion from the Wood analysis of some 400 submissions from governments, professional organisations, owners, professional/academic organisations and individuals was that the heritage system in Australia lacked capacity, fails to achieve certainty and struggles to achieve consistency (Wood GSRW Consulting, 2007:7). The majority of the submitters were approval authorities or participants in the heritage system.

The solution advanced in most of the submissions was to increase the capacity of the system to identify, conserve and manage heritage more effectively. This would seek to enhance consistency and improve certainty of outcome (Wood, GSRW Consulting 2007:7).

5.2.3 Regulatory impediments to local heritage conservation

Arising from the preceding chapter's analysis of the Australian jurisdictions as outlined in Section 4.1.2, the regulatory impediments to local heritage conservation includes:

- Heritage is not a head of consideration in planning decision making. Consideration of heritage values needs to be fully integrated into planning approvals.
- The lack of integration of heritage with planning and lack of inclusion of heritage in policy or plan making. Other State or local planning mechanisms which conflict with or undermine heritage provisions (such as zoning which is inconsistent with heritage listings).
- Local governments are not generally mandated by state legislation to prepare a heritage list (nor is its content or significance assessment necessarily prescribed) or to take other heritage conservation actions.
- Over-reliance on the heritage list as the primary local conservation tool.
- There are many different heritage typologies, criteria and definitions, despite a nationally accepted statement of principles (the Burra Charter), all being variously interpreted by state agencies, appeal bodies and local governments
- There is little local power to oblige minimum maintenance and repair for local heritage.
- Inconsistent policies for local government across the States and inconsistent implementation.
- Little enforcement undertaken.
- Not all states have mandated development assessment guidelines/decision making content which sits in local instruments.
- Strategic plan making at all levels should consider heritage values and the impact of other planning mechanisms which could undermine heritage provisions.
- Few state regimes require additional information (statements of heritage impact or heritage assessments) which would enable councils to make sound decisions based upon significance.
- Plan-making and local instrument making creating heritage lists or creating/amending heritage policy takes too long.
- While heritage criteria used to determine significance is established and guidance provided at the state level to interpret it and undertake significance assessment, there is little state guidance which establishes standard criteria significance assessment and conservation standards for local government.
- There is limited or inconsistent statutory provision for protection of archaeology or movable heritage.

The heritage list as the only mechanism

As outlined in the preceding chapter, the primary mechanism for heritage protection through the statutory heritage management system is the heritage list.

Heritage has a low status within Australian government activities. As resources are limited, they are usually focused on the first phase of heritage conservation management, identifying heritage. Listing is a heritage management tool, not an end in itself^{xv} The latter phases of heritage assessment and ensuring conservation

through appropriate management may be planned. Additionally, once established, the heritage list may never be reviewed.

As noted by the Allen Consulting Group's report 'Thoughts on the When and How of Government Historic Heritage Protection, (Allen, 2005), there has been an over-reliance on heritage listing as a tool to protect heritage places, without sufficient support from complementary policy instruments (Allen, 2005:vi). The report noted that problems arise when lists are not comprehensive in most jurisdictions and the public has a poor understanding of what heritage list is and means and often this perception is negative (Allen, 2005:vii).

The report observed that a failure to support listing with a stock take of the condition of Australia's heritage places, funding support mechanisms/incentives and effective public education programs has undermined the effectiveness of listing and consequently the public's support (Allen, 2005:vii). The lack of additional support mechanisms is particularly true at the local government level, which lacks the financial and regulatory powers to provide adequate incentives. The list is the primary way most of the community engages with heritage and is often not a positive one.

Lack of policy to support listing as trigger for development approval

Another issue is while a local authority may have a heritage list, there may be no policy or inadequate policy to guide decision making and give the listing weight. Or there may be no specialised staff to interpret or apply the policy. While reliance on the heritage list may restrict heritage conservation efforts, in many cases there is no statutory list at all. For example, in Western Australia Councils are only obliged to prepare a non statutory municipal inventory. Frequently, heritage may not even be identified at all through a non statutory heritage study. In Queensland, a 2002 survey of 88 local government authorities found that more than half, 47 councils, had not conducted a cultural heritage survey at all (Cook, 2004).

The lack of an identified heritage base means that heritage would inevitably arise late in the development assessment process, thereby embedding popular views that heritage is a problem, an inhibition to development and a restriction of private property rights. The same survey found that of the 47 councils with a heritage study, only 28 had incorporated the findings of the heritage survey into the planning scheme. Not all of the 28 had introduced effective measures within planning scheme policy and provisions to support the listing and to provide weight to subsequent decision making (Margaret Cook, 2004).

Lack of information - the statutory heritage list is a just an address

Without a supporting significance assessment local governments are inhibited in their ability to make good decisions about changes to heritage places. Without access to good heritage advice to interpret the information they do have, local councils are inhibited from making good decisions about development. Good policy and decision guidelines are required to enable good and consistent decision making.

5.2.4 What is successful heritage management?

There is little evaluation of successful heritage management and little data collected on the state of the historic environment, particularly at the local level.

Hobsons Bay, in responding to this study's questionnaire, suggested that guidelines for the ongoing assessment and measurement of the success of the implementation of heritage controls should be developed. Hobson's Bay recommended the development of a system which determines whether or not Councils are successful in managing their heritage.

This is the function of the NSW Heritage Office's local government requirement for councils to prepare heritage strategies and report annually. Templates are provided to enable Councils to easily prepare strategies and report progress.

The lack of data collection and information on the scale and scope of local heritage stock is a major obstacle to seeking and allocating adequate resources for local management.

5.2.5 Lack of state and regional policy leadership for local government

Local government needs access to information to provide a sound basis for local strategic planning and to respond to emerging trends, pressures and opportunities. The state needs to provide a policy for local heritage management.

A state heritage policy which may be variously interpreted by local government is insufficient. State planning strategies must take heritage into account and acknowledge and provide guidance on the potential impact of other state policies on local heritage conservation. One such example is the 25 year [Lower Hunter Regional Strategy 2006-31](#). For local councils, this aims to provide the framework and context for statutory planning controls and development assessment. The policy requires that local councils in the region prepare new instruments which must be consistent with the regional strategy. The strategy also requires, for example, review of the cultural heritage values of major regional centres and towns that have been targeted for urban renewal projects, with the aim to better protect local heritage.

5.2.6 Heritage misconceptions

"All preservation is political, and all preservation is local", is observed by James K Reap in *Historic Preservation and Local Government* (2005:25).

Heritage management, like all local planning, is intervention in the market at the coal face, local heritage planning is more intensely a political activity than heritage management at the state or Commonwealth levels.

Effective state policies are required to ensure consistent application of appropriate heritage policies, to ensure that heritage policies, thresholds and criteria operate to conserve authentic heritage values. Clear criteria, policy and decision making guidelines, thresholds assessment and published statements of significance remove the emphasis on subjectivity, ad hoc decision making and the potential for heritage to be mis-applied to achieve other valued attributes of the local environment, such as to preserve amenity, character or a low local density.

A 1995 study concluded that 93% of the community see heritage as forming part of Australia's identity (Allen Consulting Group, 2005:vii). The majority of the community

(63%) further believed that not enough is being done to protect historic heritage across the Nation (Allen Consulting Group, 2005:viii) and preferred a system of development control from one of demolition permitted to a policy of 'substantial modifications permitted' but no demolition (Allen Consulting Group, 2005:ix).

5.2.7 Beyond the property boundary

Local governments can ensure the ongoing use, conservation and viability of individual heritage places, heritage streetscapes and heritage areas or precincts. Woollahra local council noted in the questionnaire response that the system needs to take the emphasis off items in isolation and place it more in its context. As outlined in the legislative profile for NSW, there is an 'a development in the vicinity' clause within the local standard instrument. An objective of the clause is to "conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views" (Local Environmental Plan under the Environmental Planning and Assessment Act 1979). Woollahra proposed that a guideline providing interpretation of this clause would benefit its local application. At the state level, the Heritage Act is limited to the curtilage of the listed area, whereas local government can take into account the local heritage context in decision making.

Various local governments around Australia have responded to the place/precinct management issue through heritage provisions for areas or precincts. These are usually more flexible provisions than place management regimes. Such areas will include intrusive, neutral or contributory heritage items.

5.2.8 Lack of capacity by local government to manage local heritage

The COAG agreement entrenched the approach that the states manage 'state' significant heritage, not the heritage 'of the state'. Despite original heritage laws providing a wide mandate for state management of heritage, state governments are reluctant to intervene in local heritage issues, as is the Commonwealth government.

Additionally, the Commonwealth Government's role has been largely confined to grant funding, as it has little direct control over heritage assets and until the EPBC Act, little regulatory power over heritage places (Allen Consulting Group, 2005:vi). The Commonwealth has successfully directly funded local government through such programs as Roads to Recovery and the National Heritage Trust and enabled local governments to pursue national agendas (Dr Su Wild River, 2006).

Still, the national level of government with the most resources manages the smallest quantity of heritage, albeit the 'most important' heritage. Conversely local authorities with lesser resources and access to expertise, manages the largest portfolio of heritage.

In terms of heritage listing and management (excluding incentives and other forms of support) the states have increased the separation of roles to confine their responsibilities to state significant heritage in fulfilling their responsibilities under the relevant Heritage Act. However there has also been some devolution of state responsibilities to local government. This has the advantage of enabling the responsible authority closest to the matter to be the decision maker reducing duplication in approvals. It also has the disadvantage of shifting additional responsibilities onto overburdened local governments.

When the state establishes mandatory benchmarks and standards, it is also expected to provide support for increasing obligations and targets. At present in

many jurisdictions, Councils may choose or not to protect local heritage through statutory means. states seek to exercise influence by providing funding and incentives to fulfil heritage responsibilities.

States may also physically transfer heritage buildings to local government, often with a significant deferred maintenance burden.

In the submission to the Productivity Commission Inquiry, the [Australian Local Government Association](#) (ALGA) (2005) stated that the “principle of subsidiarity does not negate the responsibility of the higher level of Government to adequately fund and assist with the actual implementation of the desired policy objectives. This criticism is equally relevant to state Government (ALGA, 2005).” The ALGA poses that the higher levels of government should adequately fund and provide resourcing mechanisms to allow local government to undertake the tasks assigned to it. The ALGA recommended the establishment of a Cultural Heritage Trust comparable to the principles and long term outcomes sought by the Natural Heritage Trust.

The range of functions undertaken by local government in Australia has expanded significantly beyond roads and rubbish to include a variety of other services. Price Waterhouse Coopers produced a [national financial sustainability study of local government](#) for the Australian Local Government Association in 2006^{xvi}. This study found that some councils are attempting to address service and infrastructure gaps that are regional or state issues and that both state and local governments need to better recognise when such issues are beyond the capacity or responsibility of individual local governments. The study also observed that cost shifting is another phenomena affecting local government which governments are seeking to address through the Intergovernmental Agreement on Cost Shifting to moderate local government service expansion.

Many councils report a lack of ability to undertake strategic heritage management, set up incentives and undertake heritage promotion and education. Limited resources are allocated to ‘core business’ statutory planning activities.

5.2.9 Thresholds, criteria & lack of significance assessment guidelines

There is a lack of clarity or consistency around thresholds, criteria and significance assessment at the local level. This is a longstanding national issue for local government, notwithstanding the general acceptance of the non statutory Burra Charter in practice. This issue is gradually being addressed by the states working to provide leadership and a consistent policy position. State governments need to produce these standards to enable local government to make consistent and strategic heritage decisions.

Arising from the lack of standards are inconsistent practices at the local level. Model provisions, agreed thresholds and significance assessment (including statements of significance) can assist overcome issues with variable standards of practice. The states should produce a set of local heritage criteria, oblige local governments to use them and publish guidelines on significance assessment for local heritage. The state governments should produce guidance on emerging issues which can negatively impact heritage conservation. State policy leadership is required to enable local governments to respond to emerging policy themes and initiatives and manage planning or other state policy strategies which seemingly conflict with heritage conservation. These may include urban consolidation, urban renewal, land release for housing provision, sea change phenomena, declining rural towns, sustainable building design etc.

Local authorities are overstretched, under-resourced and operating without many of the necessary policy and data 'building blocks' necessary for an effective, efficient and balanced service delivery - the conclusion on the state of local heritage management in England, 2003

5.2.10 Lack of heritage expertise available at local government level

As concluded by the Allen Consulting Group's study 'Thoughts on the When and How of Government Historic Heritage Protection', heritage conservation work is a specialised profession of which there is an undersupply of such skilled workers in Australia and overseas (2005:5). The shortage of planners, heritage planners and inadequate local heritage advisors interferes with local governments' ability to successfully deliver on heritage.

The NSW Heritage Office's Heritage Incentives Program 2006-2008 Local Government Heritage Management Program Summary Heritage Strategy Report for 2006-7 is a synopsis of the results of annual reports received from 68 councils participating in the funding program. Key findings from this report highlighted the vital role of the heritage advisor in providing timely and effective development application advice and the significant shortage and high turnover of local heritage planners which threatens the ability of local governments to deliver on heritage (NSW Heritage Office, 2007).

The report also concluded the need for the Heritage Branch, Department of Planning, NSW to produce training modules for delivery by heritage advisors to educate and inform local heritage staff, Councillors and heritage owners (Heritage Branch, Department of Planning, 2007). This impediment to appropriate conservation of historic heritage, both in heritage professionals and tradespeople is recognised by the Victorian and New South Wales Governments who have sought to encourage training opportunities for these groups.

In her analysis for the Commonwealth Government of the [Heritage advisory service programs](#) delivered across Australia, Liz Vines observed that "these services have been the most cost-effective management tool for Australia's heritage assets since their progressive introduction across the country, beginning in 1977 in Victoria"^{xvii}. There should be a national approach to fostering the development of well rounded heritage advisors with good technical and interpersonal skills.

The heritage advisor role is vital in providing timely and effective pre development application advice - Heritage Council of NSW - *Annual Report 2006 – 2007*.

These (heritage advisory services) have been the most cost-effective management tool for Australia's heritage assets – Liz Vines, 'Heritage Advisory Services – Towards Best Practice'.

5.2.11 International responses to local heritage management pressures

English local authorities heritage management

A study into local heritage management in England was undertaken in 2003. This obtained, for the first time, a clear picture of how local authorities deal with the historic environment. The report illuminated a local heritage conservation service that is overstretched, under-resourced and operating without many of the necessary policy and data 'building blocks' necessary for an effective, efficient and balanced service delivery (Grover, 2003:vii). The report, '[Local Authority Conservation Provision in England](#)' (Grover, 2003) researched staffing, casework and resources of some 67% of English local authorities. The report found that:

- There is inadequate information on the historic resource.
 - Many local authorities hold inadequate information regarding the resource and its condition. Most do not have comprehensive information systems to support their statutory duties and to make informed decisions about heritage. (Grover, 2003:V)
- Inadequate allocation financial resources for conservation.
 - Conservation spending by local authorities has declined. Half of the authorities operate own local grant programs, but with modest budgets. Some local authorities are involved in partnership grant schemes with English Heritage and such contributions have increased (Grover, 2003:vi).
- Most have access to expert advice
 - 85% of councils can draw on at least some in house conservation expertise.
- Workload pressures mean little time for strategic heritage work (Grover, 2003:vi)
- Specialists responding to questionnaire generally felt that they are 'working under considerable pressure and many believe that they are unable to provide a balanced service' (Grover, 2003:vii)

The UK report concluded that local authorities would be increasingly unable to properly address their responsibilities without more resources, a national framework of standards and associated performance indicators (Grover, 2003:vii).

The report recommended defining and monitoring the heritage resource including:

- Developing an integrated database systems
- Promotion of systematic monitoring of the heritage resource
- Publication by local authorities of state of the historic environment reports
- Development of model standards for local authority conservation service provision
- Development of national best value performance indicators for conservation
- Increased resources for conservation services
- Promote consistent standards of professional competence for conservation practitioners.

Since 2003, a number of changes have occurred to better support local authorities. The Department for Culture, Media and Sport has released the [Heritage Protection for the 21st Century white paper](#) which commits English Heritage to the preparation of Conservation Principles to establish a clear conservation philosophy and new guidance on the outcomes local authorities should be seeking from their historic environment services. The [HELM, Historic Environment, Local Management](#), project was established in 2004 to share best practice and build capacity and confidence in those managing the local historic environment. The HELM project is further discussed in Chapter 7 and 8.

United States local authorities heritage management

The United States preservation movement was characterised, in its inception, by a grassroots approach and is still largely private sector supported (ICOMOS, 2008)^{xviii} Local (municipal) governments regulate heritage conservation through local

>100 million spent by all Governments on historic heritage conservation.
 300 million spent on natural environment by the Commonwealth alone.
 (estimates only, 2004 - 2005 financial year, Productivity Commission Inquiry Report, 2006: 276)

ordinances establishing zoning and historic districts and a historic preservation ordinance. Permits for demolitions and alterations in listed properties must be approved by a historic preservation commission appointed by the mayor or county supervisor (ICOMOS, 2008).

A local network was established in the US based in the University of Georgia to support these local commissions outside of the Federal/state/Local government structures. The National Alliance of Preservation Commissions was established to support these local decision making bodies. Resources include online resources such as [design guidelines](#) and regular forums are held to support local preservation management and share solutions.

5.2.12 Summary of weaknesses and pressures in local heritage protection

In summary, the weaknesses and pressures in local heritage protection include:

- Lack of knowledge about the resource and expected outcomes;
- Lack of knowledge about local government needs;
- Lack of a strategic or comprehensive approach to local heritage management;
- Regulatory impediments to local heritage conservation;
- Lack of knowledge about what is successful heritage management;
- Lack of State and regional planning incorporating heritage;
- Lack of clarity regarding thresholds, criteria and significance assessment;
- Inconsistency in local decision making due to lack of standardised guidelines regarding approval process and model provisions;
- Duplication and inefficiencies caused by multiple lists and approvals processes;
- Lack of capacity by local government to manage a vast resource, financial resources and skilled staff;
- Inadequate heritage advisory programs
- National economic status & influences such as the drought;
- Demographic changes;
- Lack of leadership and policy direction from state and at national level;
- Lack of urban and regional planning incorporating heritage identification and conservation;
- Urban development and urban consolidation;

- Lack of support for and understanding of heritage within local government staff, council and communities and few resources dedicated to heritage promotion, education and incentives and;
- Lack of direction from the State on what outcomes local governments should seek, what benchmarks to reach, what criteria to use and assessment process to apply.

6. Local heritage management needs

6.1 Local government views on local heritage management needs

Leadership from the state - Questionnaire responses

The response from the councils who were seen by the states authorities as leading local heritage management were asked what model guidelines was needed. A number of Councils considered that they had developed guidelines appropriate to their local circumstances where standards were not developed by the state.

In NSW, Ashfield noted that NSW's standard local environmental plan (standard instrument) contains the necessary heritage provisions; Woollahra observed that their needs included more technical documents on building conservation and the conservation of materials; a guideline for cultural landscapes and Bathurst had already developed clear direction for future management of the region's heritage, in conjunction with the heritage advisor and heritage study. When issues arise, Bathurst establishes guidelines in response.

In Victoria, Indigo would like to see guidelines for signage and painting of commercial premises, guidelines for painting and guidance on fencing of dwellings. Hobsons Bay requires guidelines that are specific to local heritage properties rather than state heritage; Melton proposes model guidelines on dry stone walls and cultural landscapes.

In Queensland, Ipswich, in the absence of state guidelines, has developed effective local provisions which Council considers could be used as a model for other local governments in Queensland. Brisbane has also put in place local heritage provisions in the absence of state standards. Gold Coast needs guidelines for assessing, protecting and managing local heritage and character places and precincts.

In WA, the town of Vincent observed that a model or brief from the state Government for the review and preparation of municipal heritage inventories which contains guidance on criteria/threshold assessment; thresholds for management categories and advice on how to recognise a culturally significant place when an owner objects to listing (This feedback made prior to the late 2007 release of the new state government guidelines for local government). Vincent also proposed standards and guidelines on what information is required to be submitted with a development application. Subiaco needs guidance from the Heritage Council of WA on how to determine heritage significance; on when referrals and advice should be sought; advice on the preparation of municipal heritage inventories and how to ensure protection for heritage under the planning scheme.

Solutions raised in Local government submissions to the productivity commission

The Review of the Submissions (Wood, GSWR Consulting, 2007: 17) reported a number of suggested actions to address the issues with local heritage planning raised in the Local Government submissions. That is, the 89 local government submissions (comprising 80 local councils and several regional council submissions) made various suggestions including:

- Development of national heritage policy framework establishing partnerships across governments to support local government heritage assessment and conservation
- All governments commit to better ways to share information and pool resources to establish a National Heritage Research Program including a National heritage education program, a National strategy to assess and list places of heritage value, a national heritage website.
- Regional initiatives to increase local capacity, efficiency
- Initiatives to support trades training and provision of expertise
- Initiatives to support heritage management at the local level
- Greater recognition and support for the work of non government organisations
Commonwealth should establish a cultural heritage trust cf. Natural Heritage Trust
- Commonwealth and state national framework agreement to:
 - Ensure local agencies sufficiently resourced to implement and enforce their legislation
 - Allocate funding for effective network of regionally based heritage advisory services
 - Develop national funding model for Local Government heritage responsibilities.
- Commonwealth/state partnership to improve range of concessions available to support heritage conservation
- Local Government funded to provide local incentive package
- Tourism promotion strategies and funding initiatives (Wood, GSRW Consulting, 2007:18)

The key recommendation from the submissions is provision of greater resourcing at the local level:

- Increased funding to enable local government to carry out its heritage responsibilities more effectively and to better support owners of heritage properties meet conservation costs;
- More effective and comprehensive support programs from Commonwealth and state/Territory governments to provide professional advice and policy guidelines so that streamlined and more effective heritage management can be provided
- Improved heritage outcomes within the planning system through better integration of heritage with planning. (Wood, 2007:60)

6.2 Key issues impacting successful local heritage management

The top five issues facing local government heritage protection are:

- **Lack of capacity**
within local government to identify, assess and make good decisions for heritage protection including financial resources and human resources (lack of skilled staff & high turnover of staff, inadequately resourced heritage advisory program and a small pool of experienced heritage advisors);
- **Ad hoc approach**
Inconsistent local heritage management and lack of a comprehensive or strategic approach to local heritage management. Lack of heritage assessment, management and interpretation activities; Lack of standard practice and ambiguous decision making at the local level; lack of comprehensive identification studies; little or local heritage assessment (statements of significance); lack of agreed thresholds for local

significance; lack of standardised practices and policies for local heritage protection to deliver transparent and consistent local decision making;

- **Heritage isn't supported**

for and understanding of heritage within local government, councils and communities and inadequate incentives devoted to overcoming negative views;

- **Lack of leadership**

and direction from the state on what outcomes local governments should seek from their heritage management activities; what benchmarks to reach; what criteria, thresholds and typologies to adopt to remove inconsistencies, confusion and variable interpretations and;

- **Lack of data**

Information and research on the resource, needs and pressures and a lack of evaluation of success of current programs.

2.2 Emerging trends and opportunities

The state can support local government by providing leadership in policy responses to emerging trends and opportunities such as:

Adaptive reuse

The need for heritage places to be economically sustainable is encouraged by state government heritage managers. This provides for the conservation of historic fabric and can achieve significant social and environmental gains. Successful adaptive reuse projects should be promoted and statutory provisions flexible and non prohibitive to enable new uses and appropriate development to heritage places to ensure their ongoing use and development.

Heritage tourism

There is a growing trend for Councils to use their heritage as a basis for social, economic and tourism benefits, notably in rural Australia (Sullivan, 2006). For local councils, especially in depressed areas, the economic value and tourism potential of authentically conserved places are accepted (Sullivan, 2006). Mainstream 'Main Street' and 'Tidy Town' programs are two such methods, as are local initiatives, such as Broken Hill's verandah reinstatement program and Melton's Dry Stone Wall project, both projects supported by state governments.

Sustainable development

Heritage conservation practice is consistent with sustainable development principles and practice. Integration of heritage within broader local government environmental responsibilities, assists to de-mystify heritage as a specialist activity. Councils could integrate cultural heritage management into more well funded environmental management programs. Councils should respond flexibly and promptly to manage new heritage impacts caused by alterations to properties for environmental reasons such as water tanks and solar panels. Adaptive re-use, in turn, can also make an important contribution to reducing environmental impacts.

Heritage and technology

There is seen to be significant potential in using technology to record, manage and interpret heritage places. Use of digital images and databases may record existing places and record changes in condition and use over time. (Municipal Association of Victoria, 2005).

20th century heritage management.

In the questionnaire response, Hobson's Bay raised the issue of studies on post-war periods as Councils will increasingly deal with these issues. Gold Coast City Council is embracing 20th century heritage through a promotional and educational program highlighting the area's wealth in 20th century heritage. Currently for many other councils, using their main tool, namely, heritage listing, to manage 20th century heritage has little community support

Integration of heritage and environmental management.

This is achieved through the Commonwealth Government's Environmental Protection and Biodiversity Conservation Act (1999) but is yet to be reflected in state and local heritage management regimes.

The integration of natural and cultural heritage management requires state implementation, so while beyond the scope of this paper's focus on local heritage management, such an approach would still impact and assist local heritage management.

As observed in a report to the 2006 Australia state of the Environment Committee,

Whole of government policies, strategies and plans reflect a new approach, seeking to integrate all government policy and actions which also recognising the need for specialist agencies with particular functions. Natural resource management planning seeks to create an integrated vision, priorities and actions across governments and communities and is a powerful tool. Increasing the recognition of cultural heritage values within natural resource management will strengthen Australia's ability to protect natural and cultural heritage values and places for the future.' ^{xix} (Johnson, 2006):

7. Benchmark elements for successful heritage management

There are several key benchmark elements which contribute to successful local heritage management. Many of these are evidenced by the 20 councils nominated by the state agencies as demonstrating best practice heritage management.

The following list recommends elements of a common standard or benchmark for all local governments to consider, taking into account the differences in the jurisdictions and not assuming legislative change. Above all the common successful elements is a system that first has, and then secondly, does not solely rely on simply one statutory mechanism, the heritage list, to manage heritage. Proactive incentives are required to balance statutory obligations.

Following the evaluation of the 20 case studies, the results from the Productivity Commission Inquiry and questionnaire and Productivity Commission Inquiry submissions, the key successful elements of local heritage management are presented in this report.

7.1 Key Elements for successful local heritage management

A successful local heritage manager is a council that has many of following attributes:

1. is supported by a State government that takes a leadership role and demonstrates best practice in heritage strategy and practice; that obliges local government to identify, conserve and appropriately manage local heritage; that has a state heritage policy or framework, that provides support and long term funding and has systems for the consistent identification, assessment and condition of the states' heritage;
2. resources heritage by planning for and funding strategic and statutory heritage management as a key component of its planning and regulatory roles;
3. has a Council and corporate commitment to heritage in plan and action;
4. invests in and sustains good advice and skills with staff and heritage advisors;
5. develops and implements a heritage strategy and monitors progress;
6. provides free advice, information and support to heritage owners, developers and the wider community through provision of a heritage advisory service;
7. identifies heritage, assesses significance and defines a statement of heritage significance for individual places and precincts through a thorough and defensible process;
8. embraces a wide definition of heritage, achieves a comprehensive heritage list and manages heritage places and areas/precincts;
9. integrates heritage management into Council's statutory and strategic planning processes and Council's environmental and sustainable development management;
10. provides fiscal and other forms of incentives to owners and developers and consistently exercises statutory heritage controls;
11. undertakes heritage promotion and education, interprets significant local heritage and promotes heritage tourism;

12. builds capacity for community heritage management, provides opportunities for volunteerism and heritage owners and recognises and rewards participation;
13. communicates councils heritage strategies and programs to the community in plain English;
14. builds effective working relationships with relevant tourism, arts, community, state and heritage organisations and;
15. is creative in the absence of state direction, plays to its strengths and unique heritage values and partners with local government and regional networks.
16. engages proactively with local communities such as through direct consultation on local heritage studies or the use of a local heritage committee.

7.2 What can local governments do?

Many local councils are not resourced to achieve the above key elements to success. In a climate of limited assistance local governments could:

Lack of capacity

- seek access a wider funding pool. State cultural heritage agencies have limited resources however there may also be funding opportunities via planning and conservation agencies at the state level as well as Commonwealth funding. Cultural heritage identification studies or management reports can be integrated into comprehensive research projects, impact assessments and management studies of the natural environment. Aside from the benefits of a holistic approach, the natural environment is better funded than separate allocations specifically for cultural heritage;
- focus some resources on community promotion and education which builds overall community support for heritage engendering greater community value for heritage. This could achieve eventual budget allocations commensurate to a higher level of community esteem for heritage;
- get good advice. Heritage advisors and heritage planning staff can ensure Council is given the best advice on local heritage management. Heritage advisors are a valued and free community service. Negotiation can solve many issues, avoid delays and achieve mutually acceptable results for owners, developers, council and the community.

Ad hoc approach

- ensure that limited resources are used most efficiently by preparing a local heritage strategy, based on state models and if none exist, adapt the NSW model used by the funding program;
- focus some resources on strategic heritage planning notwithstanding the statutory workload;
- utilise incentives within statutory controls to achieve good heritage results;

Heritage isn't supported

- increase web information and publications on heritage. Promote successful case studies, heritage award and funding programs.
- Deliver incentives for owners and developers to conserve heritage and consult with council early in the development approval process. Reward good conservation works, recognise volunteers and promote success stories.
- Run interpretation programs and communicate the impact of heritage provisions or heritage listings in plain English.

Lack of leadership

- form networks with other local governments to pool resources and share information
- partner with the state government. State governments may run pilot programs or partner with local government in production of heritage studies or other projects. Local government can utilise the better financial, technical and other resources of the state heritage agency;
- if have limited access to heritage expertise, utilise local government associations and state agencies' heritage training programs for statutory planners and other staff with limited heritage knowledge and skills. Seek advice and support from the state agency;
- partner with the local community, volunteers, local trade associations and the private sector to achieve broader local community development projects, main street projects and community revitalisation projects which can all have benefits for heritage or a heritage component;
- use existing best practice local policies, decision guidelines and practices demonstrated by local governments across Australia;

Lack of data

- quantify the resource, council needs and lobby for assistance;
- consider what would make the most difference to local heritage management in your area. It may be a focus on promotion and education and community engagement over imposing a statutory regime which is highly resisted by the local community.

7.3 What can state governments do?

State governments could better support local government by:

Lack of capacity

- Build capacity at local government through heritage skills development for statutory planners, support of trades training for specialist conservation skills and promote inclusion heritage in professional training;
- Supporting a heritage advisory program and providing ongoing training and support to advisors and local planning staff. Foster the development of well rounded heritage advisors with good technical and interpersonal skills. Support regional heritage networks;
- Fund seed programs at local government level and target councils with inadequate resourcing.

Ad hoc approach

- Establish incentives and obligations for local governments to prepare heritage strategies and undertake strategic heritage work;
- Establish a model for successful local heritage management;
- Producing benchmarks for local heritage management performance. Provide leadership and support to local government in promoting local management. Monitor system performance;

Lack of community support

- Implement state wide heritage education and communication programs
- Promote best practice case studies and councils

- Ensure that heritage is represented in broad whole of government strategies, plans and regional planning strategies;

Lack of leadership

- Establish and promote a State heritage strategy which establishes the framework for the management of heritage in the state, co-ordinates government agencies and strengthens community involvement in heritage conservation;
- Establishing and promulgate state standards in:
 - best heritage principles and local decision making guidelines
 - local heritage assessment criteria, thresholds and definitions
 - state heritage policy and how this relates to local jurisdictions;
- Publishing plain English guides on what heritage listing is; how the state heritage management framework works and best practice local case studies;
- Establish a local heritage network for planners, advisors and practitioners;
- Provide leadership and make policy responses to emerging issues, trends and opportunities affecting heritage;
- Lead heritage management and interpretation of heritage types beyond the typical realm of local government – archaeological heritage, landscapes and trees, building interiors, works, relics, objects and collections;

Lack of data

- Establish and support a single online heritage inventory for the state and fund integration of local heritage data;
- Establishing systems for reporting on the local resource. Manage the collection of data on the local resource and local government heritage management;
- Research and monitor local heritage pressures and system weaknesses and ensure state policy responses are adequate and relevant.

8. Bibliography

Legislation

NSW

Planning & Assessment Act 1979 NSW (P&A Act 1979)
Heritage Act 1977 NSW (HA 1977)

VIC

Planning & Environment Act 1987 Vic (P&E Act 1987)
Heritage Act 1992 (HA 1992)

QLD

Integrated Planning Act 1997 Qld (IPA 1997)
Queensland Heritage Act 1992 (Qld)
Queensland Heritage and Other Legislation Amendment Act 2007

SA

Development Act 1993 (SA) (DA 1993)
Heritage Places Act 1993 (SA) HA 1993

WA

Planning and Development Act 1995 (WA)
Heritage of Western Australia Act 1990 (WA)

TAS

Land Use Planning & Approvals Act 1993 (Tas)
Historic Cultural Heritage Act 1995 (Tas)

NT

Heritage Conservation Act 1991 (NT)
Heritage Conservation Regulations 2007 (NT)

Publications and articles

Australia ICOMOS (2006), Australia ICOMOS Submission to the Productivity Commission Inquiry into historic heritage, 122 & DR255.

Bates, G, (2006) Environmental Law in Australia 6th Ed, LexisNexis Butterworths, Australia.

Beeton RJS, Buckley K, Jones G, Morgan D, Reichelt R, Trewin D (2006 state of the Environment Committee) 2006, Independent report to the Australian Government Minister for the Environment and Heritage.

Boer, B & Wiffen, G (2006) Heritage Law in Australia, Oxford, Melbourne.

Chairs and Officials of the state and Territory Heritage Councils of Australia 2006, Productivity Commission Inquiry into the Conservation of Australia's Historic Heritage Places, Reponse by the Chairs and Officials of the state and Territory Heritage

Councils of Australia to the Productivity Commission's Final Report,
http://www.heritage.vic.gov.au/pages/pdfs/heritage_chairs_response_nov_2006.pdf

Chairs and Officials of the state and Territory Heritage Councils of Australia 2005,
Initial Submission into the Conservation of Australia's Historic Heritage Places,
http://www.pc.gov.au/_data/assets/pdf_file/0011/55568/sub139.pdf

Cook, Margaret (2004) Paper presented by Margaret Cook, Deputy Chair of the
Queensland Heritage Council, 'Working together to keep our heritage – the role of
LGAs and the Queensland Heritage Council', see
http://magsq.com.au/_dbase_upl/cookm.pdf

Department for Culture, Media and Sport, 2007, Heritage Protection for the 21st
Century, white paper, Norwich, UK, see
http://www.culture.gov.uk/NR/rdonlyres/D1933A0E-14F6-4AE0-8DDF-E6745380E88B/0/hrp_whitepaper_doc1.pdf

Environment Protection and Heritage Council (2004), [Making Heritage Happen: Incentives and Policy Tools for Conserving Our Historic Heritage](#), National Incentives Taskforce for the Environment Protection and Heritage Council.

Farrier D, Lyster, R, Pearson, L, Lipman Z (1999), The Environmental Law Handbook, Redfern Legal Centre Publishing, Sydney.
Heritage Council of Victoria, 2006 Response to the Productivity Commission's Draft Report, Conservation of Australia's Historic Heritage Places.

Heritage Office, (Marie Wood, GSRW Consulting, 2007) Review of the Submissions made to the Productivity Commission Inquiry into Australia's Historic Heritage, prepared for the Heritage Chairs and Officials of Australia and New Zealand.
http://www.heritage.nsw.gov.au/10_subnav_06_01.htm#inquiry

Heritage Office (2007), Heritage Information Series, How to Establish a Heritage Advisor Service.
http://www.heritage.nsw.gov.au/docs/info_HeritageAdvisorService.pdf

Johnson, C 2006, An integrated approach to environment and heritage issues', paper prepared for the 2006 Australia state of the Environment Committee, Department of Environment and Heritage, Canberra,
<http://www.deh.gov.au/soe/2006/integrative/heritage/index.html>

National Incentives Taskforce for the Environment Protection and Heritage Council (EPCH) (2004), Making Heritage Happen – Incentives & Policy Tools for Conserving our Historic Heritage, see
<http://www.ephc.gov.au/pdf/EPHC/Making%20Heritage%20Happen.pdf> (750Kb PDF)

The Allen Consulting Group, [Thoughts on the When and How of Government Historic Heritage Protection Research Report 1](#), October 2005, Prepared for the Heritage Chairs and Officials of Australia and New Zealand.

The Allen Consulting Group, [Valuing the Priceless: the Value of Historic Heritage in Australia Research Report 2](#), November 2005, Prepared for the Heritage Chairs and Officials of Australia and New Zealand.

Pearson, DM & Marshall, D 2004, *Study of condition and integrity of historic heritage places for the 2006 State of the Environment report*, prepared for the Department of the Environment and Heritage, Canberra.

Productivity Commission 2006, [Conservation of Australia's historic heritage places](#), Report no. 37, Productivity Commission, Canberra.

Planning Panels Victoria, (2007), Review of Heritage Provisions in Planning Schemes, Advisory Committee Report, <http://www.dse.vic.gov.au/DSE/nrenpl.nsf/LinkView/954D4DD9314DF831CA256D480003CED9E82B85B30B18B0A4CA2572FF00270933#heritage>

Planning Panels Victoria (2007), Review of Heritage Provisions in Planning Schemes, Advisory Committee Consultation Paper, [http://www.dse.vic.gov.au/CA256F310024B628/0/41E144959492324BCA25729E00053E1D/\\$File/Heritage+Review+Consultation+Paper.pdf](http://www.dse.vic.gov.au/CA256F310024B628/0/41E144959492324BCA25729E00053E1D/$File/Heritage+Review+Consultation+Paper.pdf)

Reap, James K, 'Historic preservation and local government' (2005), Context 92:28.

Sullivan S 2006, 'Cultural Heritage and Local Government', article prepared for the 2006 Australian state of the Environment Committee, Department of the Environment and Heritage, Canberra, <http://www.environment.gov.au/soe/2006/publications/emerging/local-heritage/index.html>

Victorian Government Response to the Productivity Commission's Draft Report on the Conservation of Australia's Historic Heritage Places (2006), http://www.pc.gov.au/data/assets/pdf_file/0004/55831/sub184.pdf

Western Australian Local Government Association, Interim Response (February 2006) and Submission (July 2005) Conservation of Historic Heritage Places, Draft Report.

Wild River, Su, (2006) 'The role of local government in environmental and heritage management' integrative commentary for the state of the Environment 2006, see <http://www.environment.gov.au/soe/2006/publications/integrative/local-government/index.html>

Wight, 2004, 'Review of the Heritage Studies Program':23, See http://www.heritage.vic.gov.au/pages/pdfs/heritage_studies_review.pdf

-
- ⁱ Heritage Office, NSW Department of Planning, (2008) *Levels of Heritage Significance*, http://www.heritage.nsw.gov.au/docs/levels_of_heritage_significance_2008.pdf 17 January 2008
- ⁱⁱ (Productivity Commission: 2006 as quoted in State of the Environment 2006
- ⁱⁱⁱ Boer B and Wiffen G, (2006) Heritage Law in Australia: 238.
- ^{iv} Boer B and Wiffen G, (2006) Heritage Law in Australia: 179.
- ^v Boer B and Wiffen G, (2006) Heritage Law in Australia: 239.
- ^{vi} <http://www.environment.gov.au/soe/2006/publications/report/heritage-5.html> 28 November 2007
- ^{vii} The term heritage list is used as a generic term throughout this paper.
- ^{viii} Boer B and Wiffen G, (2006) Heritage Law in Australia: 238
- ^{ix} See Notice of Independent Expert Panel NSW Heritage Act Review (2008) at http://www.heritage.nsw.gov.au/docs/mediareleases/heritage_act_review_notice.pdf
- ^x See State Planning Policy 3.5 Historic Heritage Conservation at <http://www.wapc.wa.gov.au/Publications/1412.aspx>
- ^{xi} Review of heritage provisions in planning schemes: Advisory Committee Report August 2007, at <http://www.dse.vic.gov.au/DSE/nrenpl.nsf/LinkView/954D4DD9314DF831CA256D480003CED9E82B85B30B18B0A4CA2572FF00270933#heritage>
- ^{xii} Heritage Council of NSW, Annual Report 2006 – 2007, see http://www.heritage.nsw.gov.au/docs/annualreports/2007_HCAR_Performance.pdf
- ^{xiii} NSW Heritage Office, 2007, Annual Report of the Heritage Council and Heritage Office 2006 - 2007, see http://www.heritage.nsw.gov.au/docs/annualreports/2007_HCAR_Performance.pdf
- ^{xiv} Pearson M & Marshall D, 1995, State of the Environment Report, Culture and Heritage, Historic Environment as quoted in the Australia ICOMOS Submission to the Productivity Commission, p48).
- ^{xv} Australia ICOMOS, Australia ICOMOS Submission to the Productivity Commission, 2005, Submission 155.
- ^{xvi} See the Price Waterhouse Coopers national financial sustainability study of local government 'Financing Local Government' (2006), at <http://www.alga.asn.au/policy/finance/pwcreport/>
- ^{xvii} McDougall and Vines (1997), Heritage Advisory Services: Towards Best Practice, McDougall and Vines, see <http://www.ahc.gov.au/publications/has-standards/contents.html>
- ^{xviii} See history of United States Preservation Movement at US ICOMOS http://www.icomos.org/usicomos/About_USICOMOS/Preservation_in_the_U.S.htm
- ^{xix} Johnson C, (2006) 'An integrated approach to environment and heritage issues' paper prepared for the 2006 Australia State of the Environment Committee, Department of Environment and Heritage, Canberra, <http://www.deh.gov.au/soe/2006/integrative/heritage/index.html7>