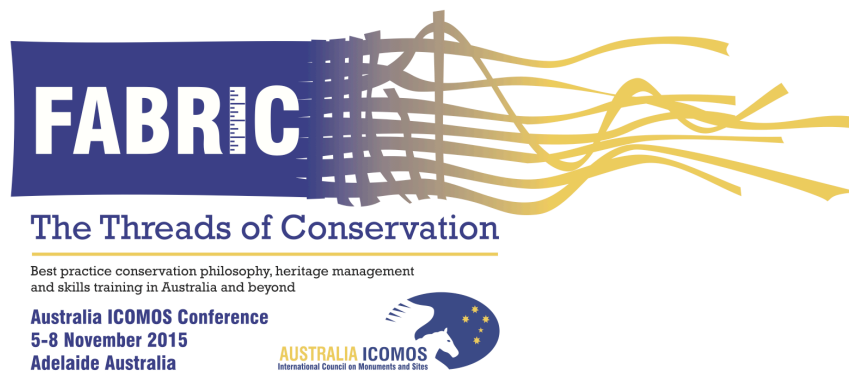


Fabric and philosophy – heritage fabric and statutory controls

Dr Robyn Clinch

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Research questions

1. What philosophy underpins the management practice of heritage places in Australia compared with those in other western jurisdictions such as the United States (US), United Kingdom (UK) and Canada?
2. What are the differences between these western jurisdictions in their management of heritage places and why?
3. What is the mismatch between academic approaches, practitioner practice and 'on the ground' management of heritage places.
4. How can these mismatches and differences be better reconciled in the Australian context?

Heritage philosophical documents

Probably the earliest source of material developed in the western context for the management of heritage fabric was that by SPAB with the Manifesto written by William Morris in 1877 (SPAB, 2015). This document focused on the philosophy of protection as opposed to restoration of historic fabric.

The first internationally recognized document or charter for heritage places was the Venice Charter ratified in 1964 (ICOMOS, 1964) that derived from the Athens Charter of 1933. This former document focused specifically on the management of monuments and sites and its chief authors were from a conference of architects and technicians. This was followed by a series of more specific charters including the Florence charter for historic gardens, the Washington Charter for historic towns and urban areas, archaeological heritage, underwater cultural heritage, cultural tourism, historic timber structures and vernacular heritage.

Australia's development of its philosophy of classifying heritage places can be dated back to the Cambridge Camden Society of 1838 to 1845 with listing beginning in NSW with the Historic Monuments Commission (Clinch, 2012). In Victoria consultants began using guidelines from the United States, the *Civic Amenities Act (1957)* of the UK and initiatives referred to as 'overseas initiatives in farm preservation'. In the 1970s and 1980s practitioners were schooled by overseas visitors from the Rome Centre, the University of Massachusetts, the University of York and the London School of Architecture. (Clinch, 2012) The key philosophical document, the Burra Charter, developed by Australians for Australian heritage identification and management, (A-ICOMOS, 2013) emerged during this time. Basically it was a response to the Venice Charter whereby heritage professionals in Australia felt that the Venice Charter did not adequately encapsulate heritage philosophy that was relevant in a country where fabric was not the only important component of cultural heritage. Today it provides definitions and processes for assessment of significance with subsequent management guidelines. Much emphasis is made on the intangible in the Burra Charter and one of its strengths is its ability to define social and associative values. Despite this, the Burra Charter itself is not a statutory document for decision making and is not recognized as a reference for the planning schemes.

The Charter uses what is termed a 'values-based' approach, one that is slowly being embraced by other countries (Jerome, 2014), with the assessment of significance of heritage places using stakeholder engagement and the comparison of similar sites as effective for designation. This designation, however, is acknowledged as different from the management of the site; this is where the values based approach is used. The concept is that, using well defined steps of engagement with a community, professionals can then identify how values can be used to manage a place. As noted by Meredith Walker 'there are signs that some of the principles of good practice...are not well-understood. This in tandem with a common lack of funding for rigorous

research into a place and the value of the setting around a place that may be considered for development are two of the challenges' (Walker, 2014). Another issue raised by Walker is one to be further explored in this paper: the lack of recognition of heritage values by relevant levels of government. Indeed, it is interesting to note that it was not until 2010 that Heritage Victoria recognised the Charter as an official document (Gardn'r, 2010).

Selected international use of heritage charters for development controls

Conservation practice in the United States (US) refers to the Venice Charter in its implementation of development of heritage places. Although there is some recognition on the west coast of the Burra Charter, this is only an emerging trend, most likely instigated by Susan McDonald from Australia now working at the Getty Institute. The discourse uses the word 'preservation' in relation to the management of heritage places and this differs from the preferred word 'conservation' in Australia and the United Kingdom (UK).

In the UK it is English Heritage and Scottish Heritage that are highly influential in the philosophical approach to heritage place management that is then implemented by local government agencies. Scotland considers its heritage places a matter of national pride in conjunction with tourism and in Britain it is recognized that it is the tourism dollar that is the highly important driver for the conservation of heritage places.

Several of the states in Australia are undertaking reviews of their legislation, thus recognising the need for an updated approach both theoretical and practical. Victoria, for example, has been holding regionally based consultation sessions with key stakeholders of its *Heritage Act (1995)* with a view to improving and simplifying its processes. It is hoped that this process will bring into line some of the work already done by bodies such as ICOMOS and local Councils on their

policies and practices. A review of the Commonwealth's *Movable Cultural Heritage Act 1986* (AusGov, 1986). Queensland is equally reviewing its legislation under its *Queensland Heritage Act 1992* (Qld Gov, 2015) and *Queensland Heritage Regulation 2003* (Qld Gov, 2003) and the review of Victoria's Aboriginal Heritage Act 2006 is before the Victorian Parliament (VicGov, 2015).

Australian World Heritage nominations

Built heritage is minimal in the Australian World Heritage listings. There is the Exhibition Buildings in Melbourne, the Sydney Opera House and the serial listing of the 11 convict sites. Perhaps the reason for this is that it is becoming more difficult to list buildings when competing with the European sites and the large political clout of the associated bodies managing these sites.

Academia, practice and heritage philosophy

Academic input into the theory and practice of heritage philosophy in Victoria can be traced to the 1970s where architecture students at the University of Melbourne studied under George Tibbits and Miles Lewis on urban renewal and the management of heritage places. In 1992 Robert Freestone of the University of NSW undertook research with Year 5 students entitled *Heritage conservation and developer attitudes and experiences in Sydney*. (Clinch, 2012) Since then there has been an increase in the number of graduate courses being developed purporting to train heritage professionals. Much of this training appears to focus on World Heritage philosophy and the understanding of identification of intangible and cultural heritage overseas and in the museum context. (Deakin, 2015) The NSW Office of Environment and Heritage provides a helpful list of the NSW courses (NSWGov, 2015) that provide majors in heritage conservation. The focus of each of these varies including parks and recreation, museum studies, heritage laws,

indigenous culture. However, at the University of NSW (UNSW, 2015), University of Technology Sydney (UTS, 2015) and the University of Sydney (UniSyd, 2015) there are courses that concentrate on heritage planning in the NSW context with a key emphasis on managing heritage fabric via contemporary planning laws.

The University of Western Australia (UWA, 2015) offers a course that focuses on world heritage, ANU's course (ANU, 2015) focuses on the philosophical study of critical heritage. Deakin University's (Deakin University, 2015) course is about world heritage and museum studies and the course offered at Queensland University (QldUni, 2015) is aimed at aboriginal heritage. Melbourne University (UniMelb, 2015) offers a course that covers a selection of heritage related subjects, however, it has little practical value for heritage planning practitioners managing heritage fabric in an urban context.

Overseas in the UK there is a plethora of graduate courses offered for potential heritage conservation professionals. Recent anecdotal experience at conferences that promotes many of the doctoral candidates from these institutions, however, would indicate that there is a very small work opportunity for these graduates. For example at a recent conference on 'heritage science' at University College London (Clinch, 2015) it was estimated that there was a total of 3,000 specialists in that area worldwide. New academic areas such as archeometry and heritage science, along with the more traditional archaeology and anthropology encourage numerous students into specialist areas with, anecdotally, similar little prospect for the specialist professional practice.

In the US, the situation appears to be somewhat different with a considerable number of courses offered at Ivy League institutions such as Columbia University in 'preservation' practice (Columbia University, 2015). The Association of Preservation Technology (APT, 2015) is the

professional body that underpins the profession and holds internationally recognized conferences each year. The focus here is on the management of the fabric with a considerable emphasis on 20th century issues. This relates to the fact that in the US there are tax incentives that encourage developers to maintain their heritage listed buildings and this, in turn, attracts significant expert assistance.

In Canada, the situation is similar to Australia whereby there is limited financial support for the upkeep of heritage buildings. The National Trust for Canada lists a number of academic courses on its website that includes some in heritage carpentry and masonry and only a few in heritage policy and planning at the local level. (National Trust for Canada, 2015)

It thus appears that it is up to the planners in each of these countries to either have undertaken such courses to understand heritage or rely on other expertise to advise on best outcomes.

The Burra Charter and development controls in Australia: the example of Victoria

Statutory controls for heritage places in Australia rely on decisions made by urban planners. These professionals must rely on local and state legislation and it is this that determines how a heritage place is managed, not necessarily the instruments such as the Venice Charter and the Burra Charter. Whilst the Burra Charter may be well recognized by heritage practitioners there is a disconnect between the theory and philosophy adopted by these practitioners and the implementation of the policies that urban planners can use.

For example, in Victoria, the planning process in Victoria involves assessment of applications for development of locally listed places through a statutory process managed initially by local councils through their planning schemes. The relevant legislation is the *Planning and*

Environment Act 1987 (VicGov, 2010) that is then devolved into these planning schemes through a template process known as the Victorian Planning Provisions (VPPs) (VicGov VPPs, 2014). The VPPs are occasionally amended if there is the need for changes to be made for consistency across all the planning schemes. The process is similar to any planning scheme amendment, however, the VPPs are only templates and do not relate to any particular land (VicGov VPP Amendments, 2014). In the case of state listed heritage places the legislation is different and relies on the *Victorian Heritage Act* (VicGov Victorian Heritage Act, 2014). The process of identifying and assessing places for the Victorian Heritage Register (VHR) List, however, is the same as that for local places and is undertaken via a heritage study that follows a Brief set out by Heritage Victoria (HV) for all heritage studies. As is stated in this Brief:

The heritage study is to be prepared in accordance with the *Australia ICOMOS Burra Charter, 1999* and its Guidelines. All terminology shall be consistent with the Burra Charter (Heritage Victoria, 2010).

The outcome of assessments is the mapping of places whether they are of local, state or national significance. However, in the case of the state listed places, it is HV that is the statutory body that manages development applications. Where a state listed place is located within a heritage overlay (HO) of a local council area, the local council will refer the heritage assessment of the place to HV and then apply their requirements. Nationally listed places are referred similarly to the appropriate department in the federal government.

Once a place or places is assessed in a heritage study, it is identified in each planning scheme through an HO and may have additional detail such as a citation associated with it. The classifications that arise from the assessments via a heritage study are then progressed through a planning scheme amendment into policy and controls in the planning scheme and the place is

then mapped into an HO. Once a control is in place it is this that is used as a starting point for the assessment of any further development proposals. This control is then used in conjunction with any other relevant policies in the planning scheme that apply to the place being developed. In theory these policies may include references to documents such as the Charter or local heritage guidelines. It is a combination of these that a statutory planner then must use to make a decision about the appropriate development of a heritage place. Once a decision is issued it may then be further appealed by an objector or the applicant at the state level through the Victorian Civil and Administrative Tribunal (VCAT).

All of this is as intended as part of the ‘orderly’ process of planning that covers Victoria’s land development (DCPD, 2015). Sadly, however, in terms of heritage, the controls and policies are not keeping up with the expanding and progressive manner in which heritage places are being assessed. In a review of the heritage controls undertaken in 2007 it was stated that one of the main problems was that, despite the broadening of the concept of heritage to include aspects such as those outlined in the Charter of aesthetic, scientific, technological and social attributes:

...the HO of the VPP remains firmly wedded to a concept of heritage that involves places with buildings of architectural or aesthetic value and the assessing of impacts on built form. It remains a ‘*one size fits all*’ overlay with few and limited opportunities to vary controls to suit the bases of significance or characteristics of the varied places to which it applies (Moles, 2007).

The reality of the use of the Charter within a planning scheme is that only 27 of the 82 planning schemes in Victoria have some reference to the Charter, as shown in the list below. Some have the Charter as a reference document within a local policy, some refer to it in heritage policy

clauses and some merely mention it in passing. None of the planning schemes have the latest version (2013) noted as yet, some still refer to the 1988 version and two schemes refer to it as 1992. In terms of Tribunal decisions, a search of VCAT decisions that are available online identifies 82 decisions that reference the Charter (VCAT austlii, 2014). This is a significantly small number when compared with the 6633 heritage related matters. A quick analysis of these decisions indicates that reference to the Charter is generally by a small number of Members, who could be considered as more 'heritage savvy'. Some of these include members such as Deputy President Helen Gibson and Member Jenny Moles who were instrumental in setting up the original heritage policies as part of the VPPs as a result of the New Format Planning Schemes that were implemented from 1998. Some of the decisions include comments from heritage advisors, a few from council planners and some from heritage consultants. It would appear that the references to the Charter are largely due to the knowledge of the members and participants as to its relevance to heritage policy. It certainly does not take centre stage for decisions making as it may well do if it were part of all the planning schemes.

Case studies from the US, Canada and the UK

As has been outlined previously, there are some differences between the other colonial western countries in how they manage their heritage and how it is managed in Australia.

In the US incentivisation for conservation of heritage buildings arises from tax credits (NPS, 2015). These are promoted by the Federal Historic Preservation Tax Incentives program that is managed by the National Park Service and the US Department of the Interior. This is further supported by local lobbying such as is demonstrated with the Landmark Trust in New York (New York Landmarks, 2015) for the preservation of many of endangered heritage buildings.



Figure 1 – a highrise preservation project underway in New York (May 2013) photo by the author

In Canada, there is a similar approach to Australia, with consideration given to the fact that there is little government funding provided. Heritage Canada is the body that brings together heritage professionals with its support base similar to the National Trust in Australia, funding being mainly from donations and volunteer professionals. (National Trust for Canada, 2015)

At a recent conference the author attended, discussion with one of the young heritage entrepreneurs wishing to undertake conservation work demonstrated that the approach taken involved bidding for funding with companies underpinned by a comprehensive business case for their support. This can be financially assisted by various grants available to youth entrepreneurs in order to purchase a heritage place to conserve and develop. Apart from this approach it is a

considerable effort to convince developers to undertake conservation work and it is up to the creative and business enthusiasm of the conservation professionals to work with the potential developers.

An example of one of these conversions comes from Prince Edward Island and is the conversion of a derelict carpark into flexible office spaces.



Figure 2 – the Welsh Owen Building in Charlottetown, Prince Edward Island (Oct 2014) – photo by the author

In the UK there is the legacy of the Lottery Trust for support for heritage in addition to the push for heritage as a considerable source of tourism. Other initiatives have evolved, however, to assist in this work, often supported by funding from the European Union. An example is the partnership that has been established between the cities of Ghent in Belgium and Norwich in the UK

(Shaping 24, 2015) of a conference the author attended entitled *Shaping 24*. This is an annual conference that celebrates the partnership between the two cities with the management and use of 12 heritage places in Ghent and 12 in Norwich supported.



Figure 3 – one of the Shaping 24 heritage places in Norwich, England – Nov 2012 – photo by the author

Response and recommendations from the research questions

It would appear that there is a considerable disconnect between the theoretical education of potential heritage practitioners and those who must make decisions on the development of heritage places in Australia. Although there may be excellent theoretical principals that would underpin practice by heritage professionals, the implementation of these practices in reality relies on the knowledge and judicious use of the development controls that apply to the heritage places in question. It is imperative that this disconnect is, at least, reduced if there is to be more consistent

decision making about how built heritage places are to be developed. This then relies on the process that produces the policies that proscribe the decision making.

Where a heritage study is undertaken it should involve those who are to write the policies that are to become law for the management of the places being developed. The problem, in Victoria, for example is that the professionals who undertake the heritage study have no further input once their report is complete. It is then handed over to a Council strategic planner who then writes the policy that describes how places affected by the heritage study will be managed. Often these planners do not understand the philosophy that has provided the recommendations in the report and the translation of the policy has no connection with this underlying philosophy. This is particularly evident in the examples cited previously relating to the use of the Burra Charter and its principles in Victorian planning schemes.

In addition there seems to be a problem with the interpretation of policy by the differing professional heritage bodies in Australia. In Victoria, for example, ICOMOS Australia is busily writing and refining the Burra Charter (as was done in 2013) and Heritage Victoria is busily refining its Heritage Act (in 2015) and local councils are busily updating their planning schemes with new Planning Scheme Amendments; none of which necessarily relate to each other. In addition, academic courses are busily being updated with theoretical material, of which the professional practitioners are often unaware. Unrealistic expectations of how theory translates into practice can often result and young graduates find it difficult, as a result, to find a place in the heritage field without this connection.

Another problem is that the trades in Australia are lacking in knowledge and skills in the heritage field that relate to heritage theory and practice. There is an urgent need for those making the

decisions as to how to manage and update heritage fabric are aware as to the advice and direction trades people undertaking approved works on heritage places should be made. There needs to be easily available material at the local level for the general public to understand what their obligations are when renovating their heritage buildings.

In summary solutions that could be contemplated to improve the situation are as follows:

1. Ensure that the Burra Charter is consistently referenced in all local, state and Federal legislation that controls the management of heritage places.
2. Ensure that when heritage policy is written that it is written by those who not only understand the process of getting to the identification of heritage places, but also understands the implications of policy on the management of these places once they hit the public domain.
3. Educate local heritage place owners of the importance and significance of their heritage assets and what constitutes 'good' heritage restoration. Target groups could be local historical societies, local National Trust members, academic institutions and local councils where local heritage place owners could be encouraged to attend information sessions free of charge.
4. Provide easily obtainable technical advice to local heritage place owners so that when they wish to develop they are informed about the desired skills and trades that are necessary.

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