

ACT State of the Environment Report 2011

THEME: People

Indicator cluster: Heritage

The indicators for this cluster are:

- *Historic heritage places (C)* - includes number of sites and condition;
- *Aboriginal heritage places (C)* - includes number of sites and condition;
- *Natural heritage places (C)* - includes number of sites and condition;
- *Loss of historic and Aboriginal sites (P)* - includes details on loss of sites;
- *Climate change impacts on condition of heritage sites (P)* - broad discussion on climate change impacts on heritage sites; and
- *Heritage protection management and reuse (R)* - effectiveness of protection and management of historic heritage places, protection and management of Aboriginal heritage, and protection and management of natural heritage.

Condition indicators (C) present data that tell us the state of the environment at any particular time.

Pressure indicators (P) present data about the main human activities that could potentially adversely affect the condition of the environment.

Impact indicators (I) present data on the effect that environmental changes have on environmental or human health.

Response indicators (R) present data about the main things we are doing to alleviate pressures, or to improve the condition of the environment.

Summary

The ACT has a rich heritage of places and objects valued for their natural, historic or Aboriginal character. Heritage places and objects are nominated and assessed before being provisionally and then completely registered on the ACT Heritage Register.

Heritage places and objects in the ACT are at risk because of limited funding for registration and management, ongoing pressures from development and the likely effects of forecast changes to climate (such as lower rainfall, higher temperatures, fire).

Heritage protection legislation is in a period of transition: there is a new Heritage Council and the *Heritage Act 2004* is being reviewed. The review included a community consultation process, which has been completed, and the ACT Government is preparing a response to its findings and recommendations. Statutory issues relating to Commonwealth land complicate the heritage listing of some places.

Introduction

In March 2013, Canberra will celebrate its centenary - 100 years since the naming of Canberra. A 12-month program will highlight Canberra's role as the capital of Australia.

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This indicator cluster examines the heritage management of Aboriginal, historic and natural places and objects. Heritage management aims to demonstrate and maintain the community's sense of place in the region.

Condition indicators

Historic heritage places and objects

Currently there are 142 registered historic heritage places or objects in the ACT - nearly 27% more than were registered in 2007-08. It is estimated that historic heritage places represent about 1.3% of the existing building stock in the ACT, of which only a small share is registered (Marshall 2010). Table 1 gives the numbers of historic places or objects listed as registered, provisionally registered or nominated on the ACT Heritage Register during the reporting period.

Table 1. Number of ACT historic heritage places or objects

Activity	2007-08	2008-09	2009-10	2010 to date
Registered places and objects	112	129	134	142
Provisionally registered places / objects	15	6	7	10
Nominated places and objects	237	226	222	207

Source: ACT Heritage

Figures for this reporting period show a significant decrease from those in the previous *ACT State of the Environment Report*, where, as at 30 June 2007, it was reported that there were a total of 283 nominated places or objects, 1 provisionally registered place or object and 178 registered places or objects. This is in large part due to the previous inclusion of natural and Aboriginal heritage registered objects (Table 2), as well as an audit of the Register in 2007, which removed a number of duplicate registrations. Of the 207 currently nominated historic places and objects, 48 are located on National Land and are controlled by the National Capital Authority. A discussion of the changes occurring in relation to National Land is included in the Statutory Issues section of this paper.

Aboriginal heritage places and objects

All Aboriginal heritage places and objects in the ACT are protected under the *Heritage Act 2004*, regardless of their status as registered, provisionally registered or nominated. In some instances Aboriginal heritage places, or conservation zones encompassing parts of these places, are protected within urban development areas.

There are currently 51 citations on the ACT Heritage Register related to Aboriginal heritage registrations, with a further 11 places or objects nominated (Table 2). Many of these citations contain information about more than one Aboriginal site rather than discrete places or objects for historical heritage. As such, these citations to the Heritage Register currently include information on 3662 Aboriginal sites, of which 1076 have been recorded as salvaged. Many other sites, ranging from individual artefact scatters through to scarred trees, have also been identified and reported to the Heritage Council.

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During the reporting period, none of the nominated Aboriginal heritage places or objects became registered. The ACT Heritage Unit and Council are in the process of reviewing the best approach for recording and registering Aboriginal places and objects. While all places and objects are protected under the Act, only significant places and objects are being registered. Other sites are being recorded and managed in accordance with Conservation Management Plans endorsed by the Heritage Council. It is expected that a number of nominations will be assessed and registered in 2011-12. Information on existing Aboriginal heritage places needs to be updated because currently available data are outdated or incomplete in some cases.

Table 2. Number of Aboriginal heritage places or objects

Activity	2007-08	2008-09	2009-10	2010 to date
Registered places and objects ¹	53	51	51	51
Provisionally registered places and objects	0	0	0	0
Nominated places and objects	11	11	11	11

Source: ACT Heritage

Natural heritage places

Natural heritage places include places or objects that are considered to possess strong natural values. Currently, there are 7 registered natural heritage places or objects on the ACT Heritage Register compared to 3 registered by the end of the last reporting period. In addition, 2 places or objects are currently provisionally registered and 5 more places have been nominated for listing since the *2007-08 State of the Environment Report*. Table 3 summarises the changes in listings of natural heritage places and objects under the *Heritage Act 2004* since June 2007.

The number of nominations has remained the same over the last four years, due to a backlog with assessment. This is discussed below in the Heritage Protection Management and Reuse section of the paper.

Table 3. Number of natural heritage places and objects

Activity	2007-08	2008-09	2009-10	2010 to date
Registered places and objects	4	4	4	7
Provisionally registered places and objects	0	0	5	2
Nominated places and objects	27	27	27	27

Source: ACT Heritage

While the number of natural heritage places listed is quite small, the geographical coverage of these areas is relatively large. The natural heritage places include two

¹ The Heritage Unit reports that no registered Aboriginal places or objects have been removed from the ACT Heritage Register. It is unclear why the discrepancy in numbers listed exists.

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habitats with large populations of Button Wrinklewort (*Rutidosia leptorrhynchoides*, an endangered species of wildflower in the ACT) where the purpose of protection is to ensure continued survival of the species. In addition, some significant geological sites have been included on the ACT Heritage Register to protect their intrinsic features, as identified in the citation.

Registration of trees

To be listed as a regulated tree, certain criteria including height and canopy size must be met. Regulated trees in the ACT are protected under two separate listings. If an individual tree is within a heritage-listed place and is designated as a regulated tree, it is protected under the Heritage Act. A regulated tree outside a heritage place is registered as a regulated tree and protected under the *Tree Protection Act 2005*. This has been the case since March 2008. The ACT Tree Register under the *Tree Protection Act 2005* identifies and protects trees of exceptional value on leased and unleased urban land.

In March 2008 when these changes took place, only tree precincts and not individual trees were listed on the ACT Heritage Register. These tree precincts are now also listed on the ACT Tree Register; they include Haig Park, Glebe Park, City Hill and trees located on the verge of Torrens Street, Braddon. Additional trees and tree precincts of heritage value have also been added to the Tree Register since that time, including 3 trees at Sacred Heart Church in Calwell, 2 trees in the courtyard of Gorman House, Braddon, and trees that form streetscapes of heritage precincts such as parts of Batman St and Ainslie Ave in Braddon. The *Tree Protection Act 2005* requires approval for all tree-damaging activities for regulated trees within tree management precincts.

Pressure indicators

Loss of historic and Aboriginal heritage

The total number of development applications affected by heritage issues has been declining since 2006-07 (Table 4) although the percentage has remained at around 5-7% of the total number of development applications since the previous reporting period.

Table 4. Development applications related to heritage

Activity	2006-07	2007-08	2008-09	2009-10	2010-11
Development applications – heritage	300	241	169	102	94
% of development applications – heritage	6.2%	5.6%	6.8%	6.3%	7.2%
Development applications – total	4808	4282	2479	1595	1293

Source: Marshall 2010, ACT Heritage Unit

The ACT Heritage Unit reported receiving 94 development applications referred for heritage assessment during 2010-11, of which 6 applications involved the full demolition of heritage houses. Of the 6 applications for full demolition, 4 were approved. The reason for the 2 refusals was non-compliance with the mandatory

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heritage requirements: both were forward of the building line and 1 also did not meet requirements for soft landscaping, driveway surface material and width.

On average, 110 development applications on registered heritage places are processed per year. There are currently no overall data available on the number of development applications that were amended or refused because of heritage values.

Changes to houses within heritage precincts are regulated by heritage guidelines prepared by the ACT Heritage Council. Works that do not comply with the mandatory requirements in the guidelines of heritage precincts are not supported.

In the case of greenfield development, the ACT Planning and Land Authority (ACTPLA) is responsible for planning and also makes cultural heritage assessments for submission to the Heritage Council. The intention of this assessment is to mitigate impacts if the development proceeds. The Marshall Report (Marshall 2010) called for a more rigorous landscape-scale approach to assessing heritage sites in the greenfields development process. This would provide developers with more timely, in-depth and comprehensive knowledge of the heritage values inherent in the landscape and facilitate an improved development process in relation to heritage protection.

There have recently been a number of reported cases of fires in significant heritage buildings in the ACT. Fires destroyed the Canberra Services Club in April 2011, and damaged Hotel Acton in June 2011. While the number of fire incidents has been low it is important to note that fire is a potential risk factor to heritage objects and places in the ACT.

Climate change impacts on the condition of heritage sites

Key climate change impacts for the ACT have been identified as (Webb 2011):

- the strong likelihood of mean temperatures continuing to increase, along with more frequent and severe heatwaves for the ACT and region; and
- a high probability of changes in the pattern of rainfall from that observed during the period of instrumental records, with some risk of a decline in long-term average rainfall; and in addition, the likelihood of an increase in rainfall intensity with more extreme rainfall events.

There is little information on the damage climate change may be having on natural heritage places, nor have studies have been made of the effects of predicted climate change on the condition of cultural heritage sites in the ACT.

The vulnerability of cultural heritage resources in the ACT to fire damage is likely to be heightened by the more frequent and intense bushfires predicted to accompany climate change (Pearson 2008). Among heritage places affected during the 2003 ACT bushfire were Mt Franklin Ski Chalet, many huts in the Cotter catchment including Condor and Blue Range Huts, a number of sites with rock art, and Mt Stromlo Observatory.

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Table 5 outlines potential impacts on heritage places from predicted climate change impacts, based on research by the World Heritage Centre and Pearson (2008).

Table 5. Possible threats to cultural heritage places from climate change

Historical buildings	Archaeological sites
<ul style="list-style-type: none"> • Soil instability, heaving and cracking • Susceptibility to changing soil moisture in structures with poor damp-courses • Changed freeze/thaw cycles in highland areas • Increased flooding events • Migration of damaging pests with changing environmental conditions • Increased storm and wind events • Increased temperatures and aridity • Climatic zone movements impacting cultural landscapes and gardens • Changing economic and social patterns of settlement 	<ul style="list-style-type: none"> • Modification of precipitation regimes and increased year-to-year variability • Increased droughts and floods • Changes in water tables and groundwater levels • Changes in humidity cycles • Changes in soil chemistry • Changes in soil temperature • Changes in wetting and drying cycles

Source: Pearson 2008

Natural heritage places, while not covered in this table, are likely to be vulnerable to increased summer temperatures and decreased water availability (Webb 2011:4).

The Heritage Chairs and Officials of Australia and New Zealand (HCOANZ) has requested the governments of all jurisdictions, including the ACT, to provide details of historic sites at risk from climate change. These case studies are currently being used in the development of a paper for HCOANZ. The paper aims to raise awareness of the observed and potential impacts of climate change; it includes a proposed standard method for recording. Additional research is likely to be required and this will be progressed by HCOANZ.

During the reporting period many households have installed solar power systems to generate electricity. While currently no data are collected on solar panels on heritage buildings or places, these installations potentially pose a risk to the visual and structural integrity of heritage objects. The risk has been recognised as an emerging issue for heritage preservation in the ACT.

In response, the Heritage Council has developed a draft set of policies advising on the installation of modern services in heritage precincts, to assist users. This advice includes guidelines relating to solar panels, signage, hedges, driveways and contemporary architecture in heritage precincts. The guidelines are currently being reviewed by the Heritage Council, with a view to endorsing a final document in the near future. Other jurisdictions have policies in place which are currently used as reference documents as required.

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Impact indicators

There are no impact indicators for this indicator cluster.

The main threats to currently recognised heritage items are demolition, deterioration and development; but now new types of items are being regarded as having heritage value. For example, rapid developments and new forms of technology make it increasingly likely that objects and places such as power stations, waste facilities and communication towers will be considered worthy of heritage protection.

Aboriginal heritage places have been affected in recent years by the increasing spread of urban development into new areas of Canberra. Heritage assessments have been increasingly incorporated into early stages of the planning studies, especially in greenfield areas. Identifying and protecting heritage places at the outset is advantageous, because it both protects the heritage and identifies any constraints on development, forestalling potential conflicts.

Since 2009, to comply with new procedures for tracking heritage, the Heritage Council must be notified of development applications relevant to heritage areas. The Heritage Council then provides advice so that the impacts of development can be mitigated. The Heritage Council has provided formal advice on development applications involving Aboriginal heritage places, or in response to referrals, on 99 occasions.

Response indicators

Heritage protection management and reuse

The following initiatives have been developed by the ACT Government to protect heritage values and manage registered historic heritage places in the ACT:

- heritage and architectural guidance on renovating or extending a heritage house is provided by the Heritage Advisory Service to owners of heritage buildings and potential buyers;
- guidelines for assessing development applications, provided by the Heritage Council;
- draft policies for installation of modern services, provided by the Heritage Council;
- encouragement, by the Heritage Unit, to owners of heritage assets to prepare Conservation Management Plans; the plans guide the owners in effectively managing the conservation of a heritage place over a period of time (e.g. 5 years);
- heritage agreements between an owner and the Minister for Heritage, under the Act;
- cultural heritage assessments as part of greenfield development planning, by ACTPLA (ACTPLA is now part of the Environment and Sustainable Development Directorate, ESDD); and

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- environmental impact assessments for heritage-listed places or objects subject to development proposals.

The ACT Government runs a Heritage Advisory Service, as mentioned above. It provides limited free technical advice to owners of heritage-listed houses and owners of commercial property with heritage value. From 2006 to 2010 the service advised on approximately 46 cases each year.

Recent structural changes to the ACT Government have led to the ACT Heritage Unit now also being part of the directorate that has responsibility for development. This provides an opportunity for heritage planning to give better guidance on protection and development processes, particularly in relation to natural and Indigenous sites. A strategic approach needs to be taken to identify and protect heritage places and objects prior to development, rather than in response to it, which has largely been the case in the past.

Auditing

There is no program of audits of the condition of the ACT's heritage through time. It is therefore difficult to assess the ongoing effectiveness of protection measures. The information that is available tends to be based on individual cases of successful conservation or apparent failure. It has been recommended that additional resources be allocated for an ongoing compliance audits program and that both random and targeted audits should take place (Marshall 2010).

Compliance

The Heritage Act has a range of enforcement options, but only one enforcement action has been taken in the last 5 years under the Heritage Act. In the absence of effective compliance under the Heritage Act, action has instead been undertaken under the *Planning and Development Act 2007* (for example, on two occasions in the Reid Housing Precinct).

The Marshall Report (Marshall 2010) found that administration, compliance and enforcement regarding infringements against heritage places under the *Heritage Act 2004* need strengthening and should be reviewed. The ACT Government is currently developing a response to the Marshall Report recommendations.

Projects, grants and funding

The ACT Government provides heritage grants for conservation management plans, heritage surveys and histories, signage/interpretation/publications, and small-scale physical conservation works for places and objects (Marshall 2010) (Table 6). In 2009-10, 28 projects received grants under the Heritage Grants Program. This was similar to the number of projects that received grants in previous years. Since 2005-06, the amount of money provided under the grants program has increased by more than 30% from \$262,000 in 2005-06 to \$342,170 in 2009-10.

Table 6. Heritage Grant funding, 2005-2010

Grants	2005-06	2006-07	2007-08	2008-09	2009-10
Number of projects	26	29	28	24	28

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Value	\$262,000	\$262,000	\$269,000	\$278,000	\$342,170
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Source: Marshall 2010

The grants program is one of the major mechanisms the ACT Government can use to support awareness of heritage within the community. Currently funding is provided primarily for research, studies, interpretation and community activity (Marshall 2010). However, to effectively support physical conservation work, overall funding would need to increase.

Over the reporting period a large number of interpretive signs were erected at a number of heritage sites in the ACT, including the Tuggeranong Schoolhouse, the ACT Pioneers Cemetery Track, Hall and Woden cemeteries and the Sydney and Melbourne Buildings (ACT Government 2010). A number of these signs were jointly funded by the Commonwealth. Signage has been awarded a significant share of overall funding by ACT Heritage: for example, \$100,000 was committed as ongoing funding by the ACT Government for continuation of the Canberra Tracks heritage interpretative signage in 2009-10 (ACT Government 2010).

Funding can be given directly for restoration projects. In 2010-11, \$730,000 was allocated in the ACT Budget for upgrades and restoration to the Ginninderra Blacksmith's Workshop, the Valley Ruin Homestead, Robertson House, Tralee and Couranga homesteads and Cargill's Cottage. ACT Heritage reports that most of these works are now complete. An additional \$150,000 was spent on restoration of a sheep shearing shed at the Mulligan's Flat Woodlands Sanctuary (to be used as an education facility and focal point for walks and tours). In January 2008, the Chief Minister also committed \$25.7 million, plus \$100,000 annually, to the conservation of Tharwa Bridge (Marshall 2010).

Complex heritage decisions are guided by more comprehensive assessments. For example, in agreement with the Heritage Council, the ACT Community Services Directorate has commissioned a heritage consultant to assess all heritage properties managed by the Directorate (including Northbourne Flats), with the intention of guiding the Council as it determines the heritage significance of these properties.

Backlog of registrations

As identified in the *2007-08 State of the Environment Report*, the current ACT Heritage Register inherited a large backlog of 298 nominations from the previous system in 2005-06. To date the backlog has been reduced to 211 nominations, all of which are heritage places. The backlog is affected by staffing resources, time required to process applications, the complexity of issues involved, the quality and age of information in some old nominations, the increasing level of documentation required for nominations, and the registration of high priority new nominations (Marshall 2010). Typically, it is estimated that a nomination takes between 3 and 20 working days to be assessed and, where necessary, further researched. Conservation precincts tend to be more complex and require more effort than individual places or buildings (Marshall 2010).

Table 7, an overview of decisions made since 2005 in relation to the ACT Heritage Register, shows that the number of Registered places and objects has increased

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during the reporting period from 167 in 2007-08 to 190 in 2009-10. There are currently 11 provisionally registered places and objects.

Table 7. Summary of registration decisions

Activity	2007-08	2008-09	2009-10
Provisional, including not to register	23	12	5
Registration	0	18	4
Cancellation of registration	0	0	1 partial
Registered places and objects	167	184	189
Provisionally Registered places and objects	15	6	12
Nominated places and objects	275	264	260

Source: ACT Heritage

Statutory issues

A combination of statutory issues and the imminent closure of the Register of the National Estate (DSEWPaC 2008) means that some heritage places and objects in the ACT are at risk of not being protected. They are the subject of discussions between the ACT Government and the Australian Government, as outlined below.

As indicated previously, heritage objects and places in the ACT are subject to two different statutory and planning processes depending on whether they are located on Commonwealth land or are on Territory land under ACT Government control. The National Capital Plan sets out the broad planning framework for all the Australian Capital Territory, and provides detailed planning policies and guidelines for areas on Commonwealth land designated as having the special characteristics of the national capital (NCA 2011).

Under the National Capital Plan, any natural heritage or cultural heritage places in these designated areas are included on the Register of the National Estate and/or the ACT Heritage Register, and are provided with "due protection" (Marshall 2010).

However, heritage places on Territory land located in designated areas are left unprotected, for three reasons:

- they fall between the ACT and Commonwealth jurisdictions - the ACT Government does not have full heritage and planning approval authority in relation to these locations (Hawke 2009, cited in Marshall 2010); and
- the usual Commonwealth heritage-listing mechanisms and referral triggers under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) do not apply because the heritage items are not on Commonwealth land; and
- the ACT has had a policy of not registering places in designated areas because the protective provisions of the *Heritage Act 2004* do not apply (Marshall 2010).

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As a separate issue, the Register of the National Estate, which is the list of protected natural, Indigenous and historic heritage places throughout Australia, will cease to be recognised as a statutory register in 2012, as reported in the previous *State of the Environment Report*. This change in legislation means that many heritage places and objects in the ACT currently on the Register of the National Estate need to be placed onto alternative registers if they are to remain protected.

In line with recommendations in the *2007-08 State of the Environment Report*, the ACT Heritage Unit and the Heritage Council have been consulted by the National Capital Authority about developments on designated land. As noted previously, 48 currently nominated historic places and objects are located on National Land and are controlled by the National Capital Authority. These places and objects are currently in the process of being removed as nominations for the ACT Heritage Register, because National Land is subject to the Commonwealth heritage provisions under the EPBC Act. The constitutional provisions relating to land management give the Commonwealth statutory power over Commonwealth and National Land, and so effectively the ACT Heritage Act has no jurisdiction over it (Marshall 2010).

For some of the National Land nominations, the ACT Heritage Council has deemed that regardless of the jurisdictional issue the places are of such high importance to the history of the ACT that they deserve recognition in the ACT Register. These places have progressed to provisional registration and/or final registration.

No action to reassign the remaining heritage places on National Land has been undertaken at this stage as this work has not been identified as a priority by the ACT Heritage Council.

The recently completed review of the *ACT Heritage Act 2004* recommends measures that may improve monitoring of the condition and health of both ACT Government and privately owned heritage places. While some auditing work has been completed, it has not yet been analysed for reporting purposes.

Glossary

National Land: land in the Territory that is gazetted as National Land, which the Commonwealth has retained for its own use; it is managed by the National Capital Authority or the Department of Finance and Administration on behalf of the Commonwealth

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Other data sources

In addition to these published reports, data for this paper were also sourced from:

ACT Community Services Directorate (CSD)

ACT Heritage - previously part of Chief Minister's Department - now part of the Environment and Sustainable Development Directorate (ESDD)