Developing policy

1   Purpose

This Practice Note provides guidance on developing and writing policy for places of cultural significance. It defines the scope of policy, describes the steps in the process of policy development and addresses some of the common issues encountered in developing policy.

Like the Practice Note on *Understanding and assessing cultural significance*, this Practice Note elaborates the principles contained in the *Australia ICOMOS Burra Charter, 2013* (hereafter *Burra Charter*). It is not a substitute for the *Burra Charter*. The *Illustrated Burra Charter* (2004) is a valuable resource that includes examples related to the development and implementation of policy. The Resources list in section 6 of this Practice Note includes other key guiding documents that may be relevant to developing policy and conservation management plans in different parts of Australia.

This Practice Note replaces *Guidelines to the Burra Charter: Conservation Policy* (1988).

This Practice Note is for all practitioners, with particular relevance for those new to applying the *Burra Charter.*

Scope

This Practice Note covers:

1   Purpose

2   What is conservation policy?

3   Policy principles

4   Steps in developing policy

5   Common issues in developing policy

6   Resources

2   What is conservation policy?

The term 'policy', used in the singular in the *Burra Charter* (Articles 6, 26.2, and 27.1), is also commonly called 'conservation policy'. In the cultural heritage field these two terms are synonymous.

Policy or conservation policy is shorthand for all of the policies and actions needed to manage a place of cultural significance and retain its values. Developing policy is an essential prerequisite to making and implementing decisions about the future of a place. Conservation policy covers more than just physical conservation.

Developing policy forms steps 3, 4 and 5 of the Burra Charter Process, as shown below. Policy can address: use; change; interpretation; governance; day-to-day management; decision-making roles; conservation work; development or new work; maintenance; recordkeeping; security, etc. It should address all topics relevant to retaining the cultural significance of a place and its management into the future.

Specific implementation actions provide more detail. Their formulation is a separate step (step 6 of the *Burra Charter Process*) following policy development.

Developing policy can be complex, often requiring consideration of competing interests and values. Policy is often developed as part of a management plan for a place. Several Australian heritage agencies have developed guides to preparing a management plan and these are listed at the end of this Practice Note (e.g. *Conservation Management Plans: Managing Heritage Places, a guide* [Heritage Council of Victoria: 2010]).

Finally, policy should include guidance about the implementation of the policy, and about monitoring the outcomes achieved. Policy needs regular review to ensure it remains up-to-date. For example an update to policy may be needed to reflect changing circumstances at the place or the outcomes from the implementation of policy. The policy should specify when the study or report should be reviewed and updated.
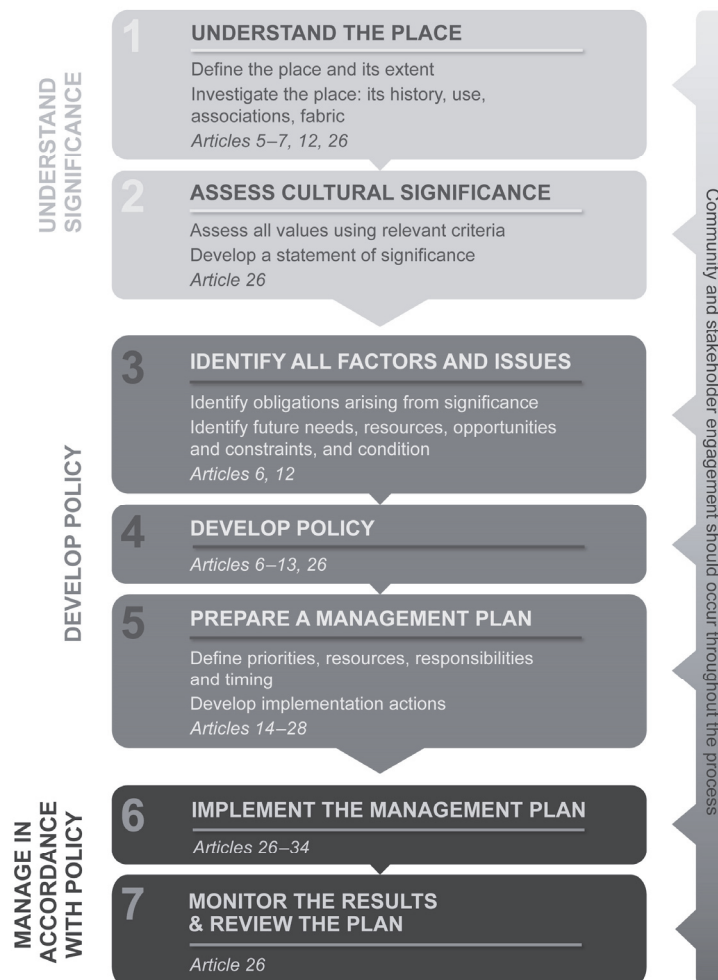

Figure 1: The *Burra Charter* Process

3   Policy principles

In developing and implementing policy be mindful of the following:

- Policy is directed towards retaining the cultural significance of the place, first and foremost
- Policy arises from understanding cultural significance and taking account of all the factors affecting the future of the place
- Policy explains how places of cultural significance will be conserved
- Policy integrates conservation processes into all the activities of place management
- Policy is only as good as the information and analysis that underpins it
- There is often more than one possible policy response to any set of circumstances
- Even the best policy won't last forever. Policies need to be regularly reviewed or in response to major changes.

4   Steps in developing policy

The Burra Charter Process, shown in Figure 1 above, provides a sequence of steps in developing policy. These steps (3, 4 and 5) have been expanded below and reflect the intent of relevant *Burra Charter* articles.

Step 3 - Identify all factors and issues

Identify the obligations arising from significance

Policy for managing a place must be based on an understanding of its cultural significance (Article 6.2).

Conservation policy is based on understanding all aspects of the cultural significance of a place. This is one of the *Burra Charter's* key messages: that the significance of a place should guide decisions about it. Policy should aim to retain all aspects of significance by applying the principles, processes and practices of conservation in the *Burra Charter*.

Some aspects of significance may be intangible, such as meanings, memories or rituals, and may or may not depend on the fabric of the place for their retention, while other aspects will be clearly dependent on the fabric, form, function, location, setting, use and the spatial qualities of the place. Once these are identified and understood, appropriate conservation processes can be considered for each of them.

Identify opportunities and constraints including future needs, resources and condition

Policy development should also include consideration of other factors affecting the future of a place such as the owner's needs, resources, external constraints and its physical condition (Article 6.3).

Managing a place effectively means identifying and considering all of the factors and issues which may influence its future. Some may pose a significant constraint on what is possible, while others may open up new opportunities.

In analysing constraints and opportunities it is important to recognise that any of these can change. It is not always possible to be certain of future circumstances such as change of use or ownership. In developing policy, identify the key factors that have a strong influence on the policy direction proposed. Then if these change, relevant aspects of the policy should be reviewed.

The following types of constraints and opportunities should be investigated:

- The owner's needs—the aspirations and requirements of the owners and/or managers should be presented, and this may include operational or management requirements
- Legal and statutory obligations
- Availability of resources—expertise, finance, other resources
- Operational and management requirements
- The physical condition of the place–the condition of the fabric of the place and its elements
- The uses, activities or practices essential to significance
- External constraints—known issues arising from location, environmental conditions, political and social circumstances
- Proposed changes, new development or potential threats
- Issues and concerns held by others, such as external stakeholders or people with associations with the place
- Other factors or future needs—the existing use/s, feasible and compatible uses, setting, location, contents, related places and objects.

The *Illustrated Burra Charter* provides practical examples which help to explain these potential constraints and opportunities. In particular, refer to the discussion following Articles 6-13 (pages 31-51) and Articles 27-34 (pages 52-99).

Participation

People for whom the place has significant associations and meanings, and people with cultural responsibilities for a place should be key participants in the process of developing conservation policy; they need to be involved (refer to Articles 12, 24.1 and 26.3).

Where there are multiple cultural values, and especially potentially conflicting values, careful attention will be needed to understand and work through such differences in the development of policy (refer to Article 13). This will generally involve the active participation of those holding these values. The *Code on the ethics of co-existence in conserving significant places* (Australia ICOMOS, 1998) offers specific guidance.

Step 4 - Develop Policy

Writing the policy

Written statements of cultural significance and policy for the place should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the place (Article 26.2).

The scope of a policy will be specific to the place and it should be based on a holistic approach. It arises from careful consideration of, and responds to the obligations arising from, significance, and to a wide range of potential constraints and opportunities. The *Burra Charter* (Articles 2-13 and 27-34) identifies some of the key things that should be provided for in policy.

Policy for the place may include provisions about appropriate expertise and skills needed to implement the policy (refer to Articles 4 and 30).

It is also important to know, if possible, who will be implementing the policy so that it can be appropriately targeted for practical operational use. Also the users of the policy should be consulted and involved in guiding management direction.

The policy should be designed to provide clear and relevant guidance, expressed in a way that will be easily understood and usable by the targeted audience, such as owners, managers or custodians of the place. Sometimes this means that policy is prepared in several formats. Or, it may be that subsidiary documents to a management plan are required for owners, managers and others with particular responsibilities in managing the place.

When the policy has been compiled or included in a management plan, it is important to obtain feedback and input from users, such as owners or managers, about its suitability.

Seeking alternative ways to achieve an effective policy

In developing an effective policy, different ways to retain cultural significance and address other factors may need to be explored (Article 6.4).

Often, alternative policy approaches need to be explored prior to settling on the right policy for a place. There may be a range of responses to the particular circumstances that confront the policy maker. Consultation with the owners, users, managers and other stakeholders will help to inform effective policy statements. Policy should be outlined and explained and the outcomes assessed to determine the extent to which they enable the retention of the cultural significance of the place. From this, the preferred policy approach—the one that most effectively retains cultural significance—can be determined.

Reviewing, revising and updating policy

Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process (Article 6.5).

Inevitably, circumstances will change, and policy needs to be updated to reflect these changes. Over time, some issues may have attained a new prominence and new issues may have arisen. The aim is always to provide a policy that effectively retains the cultural significance of the place. Changes such as new owners or managers, the availability of resources, government regulations, environmental circumstances, or indeed conservation works that have been implemented may require changes to the policy. Policy should be regularly reviewed and updated, for example every five years.

When the policy has been revised or included in an updated management plan, it is important to obtain feedback and input from the users, such as the owners or managers.

Steps 5, 6 and 7 - Moving from policy to implementation

Step 5 of the *Burra Charter Process* is *Prepare a Management Plan*. Management plans for heritage places (also referred to as conservation management plans, heritage management plans, heritage strategies, etc) usually contain and document the key outcomes of each of the steps in the *Burra Charter Process*: significance, policy and implementation.

The policy or strategy which outlines how implementation (implementation actions) will be achieved is often more detailed than management policy. It defines how and when to take action, that is: the

priorities for conservation works or actions to be taken; the resources (people and skills) required to undertake the work; responsibilities; and timing.

The implementation strategy (Step 6, *Implement the Management Plan*) may be integrated with or follow on from the policy section of the management plan or be a stand-alone section or document. In all cases, there should be a logical link between policy and implementation actions. Implementation strategies (or actions) should be clearly worded so that users can readily understand what is required. As with the development of policy, those responsible for overseeing the implementation of policy need to be involved in determining its format.

Step 7 of the *Burra Charter Process* (*Monitor the Results and Review the Plan*) is an essential part of managing the place in accordance with policy. Actions taken to implement policy should be documented, along with decisions made and the outcomes achieved (refer to Articles 31 and 32). This requires that records are kept of what has been planned and implemented, and of any new evidence that comes to light, and new decisions made in response to changed circumstances.

5   Common issues in developing policy

This section provides guidance about a range of issues that may arise when developing policy.

Issue: How should policy address the cultural significance of a place?

The fundamental purpose of policy is to identify the best ways to retain cultural significance.

Guidance: The policy should provide tailored, concise, achievable and specific guidance on how best to retain the cultural significance of a place. There should be a clear understanding of how each aspect of significance is embodied in the place and what is required to retain them. Using the statement of significance, ask: *What is needed to retain each aspect of cultural significance?*

A number of specific policy statements may be required to cover all aspects of significance and how they relate to the physical elements of a place (its fabric, form, location, contents and setting) and to its uses, associations, intangible values and meanings.

Issue: Will the policy provide all the answers?

The policy for a place should address how the significance of the place can be retained, by applying the principles and practices of the Burra Charter.

Guidance: Policy is best framed in terms of clear, direct and specific guidance. It does not have to anticipate every possible future circumstance, only those likely to arise during the life of the policy, as the principle for regularly updating policy allows for new circumstances to be considered. Where a clear, direct policy response cannot be given at the time, the policy may be written as a process to be followed, with the key factors that need to be considered written into the policy. Inevitably, some issues will require further detailed planning and so the processes involved should be explained in the policy.

A simple example is a 'decision-tree' to help the user determine which action to take to achieve a particular goal. Appropriate heritage expertise may be needed to provide guidance through the conservation process, and this should be clearly stated in the policy.

Issue: Involving owners and managers in policy development

Owners and managers need to be involved in the development of policy and to understand its implications. They are the primary users of the policy.

Guidance: Work with the owner/manager of the place to understand their current and future needs and to explain the process of developing policy and the factors to be considered by them and others with responsibility for implementing policy.

A policy will be most helpful to an owner or manager when it enables them to address realistically the factors and issues they face in conserving and managing the place. Ask the owner/manager about their aspirations: what changes do they want to make to accommodate their family, or business, or changes in technology, for example? What conservation challenges do they face right now? Perhaps it is funding and resources, access to skills, or fears about the condition of the fabric or heritage regulations.

The policy needs to address these concerns and to find solutions that achieve active *conservation* (Article 2). As well, policy needs to respond to any other external factors that affect the future of the place such as legal and statutory obligations, operational and management requirements, or availability of resources.

Issue: Can you change the use of a place and still retain cultural significance?

Where the use of a place is of cultural significance it should be retained (refer to Article 7.1). A place should have a compatible use (Article 7.2).

Guidance: Policy needs to consider the use of the place and for many places the original use or subsequent uses may be significant. Options to retain significant uses need to be investigated. For example, deciding to keep a significant use could involve making changes that are detrimental to other aspects of cultural significance. Careful analysis and judgement is needed. Article 15.4 offers the guidance that an emphasis on one aspect at the expense of another can only be justified when what is emphasised is of much greater cultural significance than any aspect that may be detrimentally affected.

The introduction of a new compatible use (or uses) is possible where it retains the cultural significance of a place. A compatible use is one that involves no impact, or minimal impact on cultural significance (Articles 1.11, 7.1, 7.2).

It's important to remember that *use* is defined broadly in the *Burra Charter* to mean *the functions of a place including the activities and traditional and customary practices that may occur at the place or are dependent on the place* (Article 1.10).

Issue: How is policy used to prevent actions which adversely impact on significance?

Policy should provide for the retention of the cultural significance of the place.

Guidance: The *Burra Charter* advocates for the retention of cultural significance (Article 2.2) and recognition of the contributions of all aspects of significance of a place (Article 5.1).

Often policy is developed in response to proposed change (refer to Article 15), and used to help inform decisions about a proposed change. This may mean exploring alternatives, including options which avoid or, at the very least, minimise adverse impacts. Sometimes this process may result in

new and better solutions being discovered or overcoming constraints that previously appeared insurmountable.

In response to a specific proposed or planned action, a heritage impact assessment is often, but not always, developed separately and independently of a management plan—refer to the 'issue' below.

Issue: When the place is under threat or vulnerable

Policy needs to consider possible threats and risks. But where the place is already vulnerable or at risk, the heritage practitioner must alert the owner, manager or relevant community to its vulnerability and need for safeguarding (refer to Article 2.4).

Guidance: In writing policy, it's important to be aware of, and take into consideration, all pressures that may make a place vulnerable. For example, a place may be vulnerable because of its physical condition, development nearby, a change in ownership, lack of use, lack of security or vandalism.

Alternative policy directions may need to be explored to find the one that presents the best opportunity to retain cultural significance and avoids or at least minimises risks or impacts, incompatible uses, incremental or inappropriate changes.

A heritage impact assessment is recommended where change or development is likely to impact cultural significance, such as proposed alterations, adaptation or demolition. The requirement for a heritage impact assessment should be identified in the policy so as to inform decisions about development or proposed change or proposed demolition. Consent to allow works should only be given if the policy and the heritage impact assessment identify in detail how undesirable change can be avoided and if conditions are attached to minimise impacts on cultural significance. A heritage impact assessment is often, but not always, developed separately and independently of the conservation management plan.

Issue: Policy seems too complex or too hard to use

Developing policy can involve several steps in the Burra Charter Process and should generally occur before any action is taken; it informs what needs to be done. It is vital that policy is easy to read and use, explaining how and when an action should be implemented and by whom.

Guidance: Policy should be located in one chapter of the management plan, with all the component policies about one issue in a single location, or if this is not possible, carefully cross-referenced. The policy should be crafted so that it is easy for those implementing the policy to find and understand the guidance being provided. The policy structure should be logical, have a direct connection to retaining cultural significance and to the various factors that affect the future of the place.

Policy should be written specifically for the place. The use of generic policy copied from previous reports should be avoided, or at least treated with caution.

Policy is sometimes set out as a series of aims or objectives followed by guidelines for their implementation or achievement. The outcomes to be achieved by the policy should be clearly explained. Simple language should be used and any technical terms avoided or explained. Diagrams and illustrations can help. An index or other finding tools such as electronic bookmarks are good ways to help the user navigate through a complex document.

Issue: Who is responsible for implementing policy?

The responsibility for implementing policy can sometimes be ill-defined. Policy implementation, roles and responsibilities should be clearly defined in management plans, reports and studies.

Guidance: Policy will often be used by many different people, and as each person may only have part responsibility, the relevant parts might be packaged for specific users. Article 29 of the *Burra Charter* explains that the organisations and individuals responsible for management and decisions should be named and specific responsibility taken for each decision. For example a weed management crew may need work procedures so that their actions don't impact significant vegetation, or a construction crew might need on-site induction and training to alert them to the possibility that Aboriginal sites might be present. Other assistance may be needed too, such as training sessions for those involved in implementing a policy.

The policy needs to specify roles and responsibilities for tasks such as day-to-day management, decision making, conservation work, planning for and implementing new work, maintenance, recordkeeping and security.

6   Resources

Primary Resources

AHC and AIUCN, 2002 *Australian Natural Heritage Charter for the conservation of places of natural heritage significance*, Second edition, Australian Heritage Commission in association with the Australian Committee for the International Union for the Conservation of Nature (ACIUCN). Available from http://www.environment.gov.au/heritage/ahc/publications/commission/books/australian-national-heritage-charter.html

Australia ICOMOS, 1999 *The Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance 1999*. Available from http://australia.icomos.org/publications/charters/

Australia ICOMOS, 1998 *Code on the ethics of co-existence in conserving significant places.* Available from http://australia.icomos.org/publications/charters/

Environment Protection and Heritage Council (EPHC), 2008 *A Guide to Heritage Listing in Australia,* Department of the Environment, Water, Heritage and the Arts. Includes the model criteria known as the HERCON criteria. Available from http://www.environment.gov.au/heritage/publications/pubs/heritage-listing-guide.pdf

HCOANZ, 2009 *Protecting Local Heritage Places. A national guide for local government and communities,* Heritage Chairs and Officials of Australia and New Zealand. Available from http://www.dpcd.vic.gov.au/__data/assets/pdf_file/0005/44474/Protecting-Local-Heritage-Places.pdf

Kerr, James Semple, 2013 *The Conservation Plan: a guide to the preparation of conservation plans for places of European cultural significance*. Seventh Edition, Australia ICOMOS. Available from http://australia.icomos.org/publications/the-conservation-plan/

Walker, M. & Marquis-Kyle, P., 2004 *The Illustrated Burra Charter: good practice for heritage places*. Australia ICOMOS. Available from http://australia.icomos.org/publications/charters/

Commonwealth

Department of Sustainability, Environment, Water, Population and Communities, 2008 *Working Together: Managing Commonwealth Heritage Places: A guide for Commonwealth agencies*. Available from http://www.environment.gov.au/heritage/publications/protecting/working-together-commonwealth.html

Department of Sustainability, Environment, Water, Population and Communities, 2008 *Working Together: Managing National Heritage Places: A guide for place owners and managers.* Available from http://www.environment.gov.au/heritage/publications/protecting/working-together-national.html

Department of Sustainability, Environment, Water, Population and Communities, 2011 *Our Country Our Way: Guidelines for Australian Indigenous Protected Area Management Plans* Prepared by R. Hill, F. Walsh, J. Davis and M. Sandford). Available from http://www.environment.gov.au/indigenous/ipa/toolkit/management.html

State heritage agencies

ACT

ACT Heritage Unit, 2007 *Conservation Management Plan Standard Brief.*

NSW

NSW Heritage Office, 2003 *Conservation Management Plan (CMP) Assessment Checklist*

NSW Heritage Office, 2002 *Conservation Management Documents: Guidelines on Conservation Management Plans and Other Management Documents.*

NSW Heritage Office, 2002 *The Conservation Management Strategy (CMS).* Part 2: Conservation Policy and Management Sections.

Available from http://www.environment.nsw.gov.au/Heritage/conservation/managementplan.htm

Queensland

Queensland Department of Environment and Heritage Protection, 2013 *Guideline: Conservation Management .* Available from http://www.ehp.qld.gov.au/heritage/documents/gl-conservation-management-plans.pdf

South Australia

Department of Environment, Water and Natural Resources, 2008 *Heritage Conservation Practice Note: Heritage Development Guideline 2.1 Model Brief for the Preparation of Conservation Plans.* Available from http://www.environment.sa.gov.au/Heritage/Conserving_our_heritage

Victoria

Heritage Council of Victoria, 2010 *Conservation Management Plans: Managing Heritage Places a guide.* Available from http://www.dpcd.vic.gov.au/heritage/heritage-places-and-objects/conservation-management-plans

Western Australia

State Heritage Office, 2013 *An Information Guide to Conservation Management Plans.* This and other resources are available from http://stateheritage.wa.gov.au/conservation-and-development/guide-to-conservation-maintenance