Cultural heritage management: policy and practice in two country towns

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Bowraville and Bellingen are two small country towns on the Mid-North Coast of New South Wales. Although they have very similar histories in timber and dairying, they have developed differently in recent years. Bellingen has become a very popular tourist town with a larger population, whereas Bowraville is a bit of a backwater, no longer being on a direct route to any major town. The rather conservative influence of the old settler families is still felt in Bowraville, whereas Bellingen has been more receptive to change, with the arrival of a range of newcomers from different social spheres and world views.

My research compared the performance of the Local Government Councils for Bowraville and Bellingen in observing the requirements of their cultural heritage management regimes. These regimes can be found in the policy statements of the NSW Government, heritage legislation, and planning instruments adopted by the councils which produce heritage outcomes. My main source was the decisions made by both councils on Development Applications relating to buildings which come under that regime. When I began my research, I had expected that the heritage management outcomes of Bowraville and Bellingen would be very different, reflecting the different characters of the two towns.

This paper will outline the decision-making framework for cultural heritage management in each town, and then examine each council's performance in applying that regime. For this purpose, one case study for each town has been selected from the total of twelve carried out during my research. Next, the findings and conclusions from the case studies will be summarised, and finally recommendations will be made for possible improvements in the heritage management system.

The decision-making framework

In 1996, following a review of the NSW heritage system, a revised NSW Government Heritage Policy was released. Among the changes made, the NSW Heritage Council was reformed to make it more skills-oriented and a separate Heritage Office was established. Provision was made for model heritage clauses to be included in Local Environmental Plans (LEPs), and councils were made responsible for decisions on Development Applications (DAs) affecting heritage-listed sites. A $30 million Heritage Conservation Fund was set up and grants were made available for a range of heritage projects, including educational and promotional programs.

As a result of the review, both the Heritage Act 1977 and Environmental Planning and Assessment Act 1979 (EPA Act) were substantially amended. The legal position today is that all LEPs must contain provisions for heritage conservation based on Heritage Council guidelines, and councils must take LEP provisions into consideration in deciding on Development Applications. The main agencies for the protection and management of heritage items are now councils acting under the EPA Act, rather than the Heritage Council acting under the Heritage Act as previously. Environmental Planning Instruments (EPIs) have become the most important instruments for heritage protection and management. The EPA Act provides for four tiers of EPI – State Environmental Planning Policies (SEPPs), Regional Environmental Plans (REPs), Local Environmental Plans (LEPs) and Development Control Plans (DCPs).

Case study 1: Bowraville

In 1989 a firm of consultants carried out a Heritage Study for Bowraville (Perumal Murphy 1989). Based on that study, Bowraville has 34 buildings listed as heritage items in its LEP. These are some, but not all, of the buildings along the town's main street. They come within the Conservation Area (CA) for Bowraville as declared in the North Coast REP, but the area is not declared a Conservation Area in the LEP itself. There is also a DCP for Bowraville, showing Secondary Conservation Areas and requiring Council to consider additional matters in making its decisions on Development Applications.

The Federation House, 21 George Street

This was the site of the first hotel in Bowraville, built in 1878 on the original main street. The Heritage Study described the building as a local example of a Federation-style house built circa 1912. The Federation House was too recent to have been the original hotel building, but it could have incorporated...
the older structure. Today on this site stands a brick veneer house with colonnades, built in the year 2000. The former building has been relocated to a property outside Bowraville.

In January 2000 the Nambucca Shire Council received a DA seeking approval for the removal of the existing residence and construction of a new brick veneer dwelling. The next day, notifications were sent out to five neighbours calling for any objections to be made within 14 days. Despite the fact that removal of the whole building was intended, Council treated it as a ‘minor’ DA. Minor DAs do not need to be referred to the Heritage Council, whereas major DAs do. In processing the DA, Council acknowledged that the house lay within a Secondary Conservation Area, but the officer concerned reported that the demolition of the early dwelling and erection of the new dwelling would not have a significant adverse impact on its heritage character.

No objections were received from the neighbours, so Council gave its consent to the removal of the 90-year-old building and its replacement with a modern brick one. The whole process, from submission of the DA until Council consent, lasted a bare 17 days.

It is a matter of concern firstly that the total removal of one of most significant items of Bowraville's history could be processed by the Council as a 'minor' DA. Secondly, a site investigation report prepared by engineers indicated the presence of disturbed ground. This should have put the Council on notice of the likely existence of an archaeological site, but there is no evidence that Council even considered that. A further matter is Council's apparent exclusive reliance on the views of the neighbours, in considering the relationship of the proposed development to its surroundings.

The biggest concern, however, is the way the removal and replacement of this building has contributed to the progressive deterioration of the cultural heritage of this part of Bowraville. This process began in 1980 when Council approved the transfer of a Presbyterian Church into the museum grounds and modern retirement cottages to be built in its place. Now in 2000, the 88-year-old building diagonally opposite the site of the former Presbyterian Church was allowed to be demolished, on the grounds that the cultural integrity of the street had already been compromised.

There must now be serious concerns for the future of other old buildings in the street.

Case study 2: Bellingen

Bellingen's heritage conservation regime is rather different from Bowraville, in that it deals entirely with a scheduled Conservation Area (CA). All buildings within a CA are defined as 'heritage items'. There is no DCP covering heritage building controls in Bellingen, as there is in Bowraville. A Heritage Study was conducted from 1990 to 1992 for the whole Bellingen Shire (Perumal Murphy Wu 1992), but its recommendations have not yet been implemented by Council.

McNally House, 23 Hyde Street

This is an example of a very early Victorian-style cottage, built of once-common materials, which still retains its original character. Two main DAs were submitted with respect to this building.

This first DA was made in 1992, to demolish McNally House and the sheds to the rear of the building. The reasons given were that the buildings were old and in a state of neglect, and there was evidence of termite infestation, which was a hindrance to the sale of the block. The Council's Chief Health and Building Surveyor said that, although parts of the building were recoverable, the cost of this work was not economic and he recommended that Council approve its demolition and salvage any materials of historical significance. The Heritage Adviser, however, reported that the building could be conserved at very little cost and that, due to the historical significance of the building, it should be conserved and listed as an item of regional significance.

The matter was referred to the Heritage Council, which opposed the demolition of the house because of its significance to the area. The Bellingen Council decided that due to its historical significance, its value to the Conservation Area and its restoration potential, the building should not be demolished.

A second DA was submitted in 1995, to change the use of McNally House to that of a restaurant, thereby aiding its preservation. The DA was placed on public exhibition. No objections were made and Council approved the DA.

This case illustrates the possibility of conflicting attitudes between Council staff and a specialist Heritage Adviser engaged part-time by the Council. The Chief Health and Building Surveyor said that salvaging the building was uneconomic and he recommended that it be demolished, showing little regard for its heritage value. The Heritage Adviser, on the other hand, felt that it even warranted listing as an item of regional heritage significance. The case is also a good example of how an old building can be converted for modern use. There was very little need for alterations, thus ensuring that its heritage significance was maintained. The building is today a popular restaurant.
Findings and conclusions

As mentioned earlier, cultural heritage management controls at the local level in NSW are mainly found in planning instruments adopted by Local Government Councils under State legislation. The effect of these planning instruments is that councils are required to consider the impact of a proposed development on the heritage significance of the item concerned. Having ‘considered’ the impact, councils are free to make virtually any decision they like, even, as my research shows, approving the demolition or total removal of significant heritage buildings. The intent of the State’s heritage legislation and planning instruments is to ensure that a development does not adversely affect the heritage significance of items and their settings, and my research showed a failure to satisfy this basic policy objective at Bowraville and Bellingen in most cases.

When I began my research, I had expected that the heritage management outcomes of Bowraville and Bellingen would be very different. Although they were both originally farming communities, they are today quite different towns in terms of size, location and demographic profiles. I had expected that Bellingen’s more open-minded character would be reflected in a better performance in the protection of its heritage buildings. In fact, I found that Bellingen’s performance was not dissimilar to Bowraville’s. Although their planning instruments differed in some respects, their heritage protection requirements were essentially the same, and, in both cases, the Councils freely exercised their wide discretion to approve major alterations and even demolitions of heritage buildings.

Looking at the Bowraville case study, planners were allowed to take the attitude that the cultural integrity of the original main street (George Street) had already been compromised, so it was all right to approve the removal of an entire house. In the Bellingen case study, the first DA to demolish McNelly House may well have been approved, had it not been for the intervention of a Heritage Adviser.

The two Councils, in most cases, seemed more concerned to meet the owner’s requirements and appease neighbours’ objections, than to address the heritage significance of items and their settings. This is symptomatic of the restricted view of cultural heritage management held by Councillors and Council staff.

There are further instances of this restricted view of cultural heritage management. First, there is a failure to protect the overall character of Bowraville’s main street – individual buildings were listed on a voluntary basis under the LEP, but the street was not made a Conservation Area. Secondly, in both towns, once the main streets were dealt with, Council’s view seems to have been that they had completed their cultural heritage management functions. Thirdly, in the Nambucca Shire, only parts of Bowraville have been given some protection, while the other two main towns – Macksville and Nambucca Heads – have no protection, and the rural areas of the shire have been neglected.

Heritage protection is a complex area for council staff to work in – heritage buildings are mostly owned by private residents, so controls on their development must be exercised sensitively. Decisions on DAs are made by elected councillors, assisted by their technical staff. The membership of Nambucca and Bellingen Shire Councils is dominated by similar people – farmers, timber industry and small business operators and self-described “housewives”. While no doubt these people reflect the attitudes of their community, they have no heritage management expertise, nor are the Council staff specially trained in heritage management. In these circumstances, it is easy for heritage concerns to take a lower order of importance than economic goals and personal considerations.

Recommendations

How could the aims of cultural heritage management have been better achieved? The heritage management system is basically sound – it is democratic and decentralised – but it falls down in implementation. The two main weaknesses identified in my research lie in community ownership and support services.

The Bowraville and Bellingen Heritage Studies took place on a conventional expert-based model, and there was little or no community involvement in the study. Both Keith Baker (1995) and Pamela Kaufman (1999) stress the importance of “social value” and community participation in the successful conservation of towns. Today, heritage studies only take place with public consultation, where the community is actively involved in the process of identifying heritage items and making recommendations for their management. This allows the community to gain a sense of ownership of the outcome.

Secondly, councillors and council staff need the support of people with special expertise in cultural heritage management. For any genuine cultural heritage management regime, a certain minimal level of expertise and resources is essential. Over the three years when Bellingen had the services of a part-time Heritage Adviser, Council’s performance was significantly better. In Bowraville, when the Heritage Adviser was involved, the heritage controls gained much more acceptance. Funds are also required by councils to conduct Heritage Studies, prepare conservation plans, conduct heritage awareness programs and engage Heritage Advisers.

Most important of all is raising public awareness of the practical benefits of heritage protection. Heritage controls provide residents with a sense of security and continuity, knowing that, their environment will not be easily changed. However, this is only the case where the community has actively been involved in the process of identifying its heritage and making recommendations. In other words, when the community owns the heritage process. There is also evidence that heritage listing can increase property values, which may reduce local resistance. Another measure would be to give real estate agents information regarding heritage buildings and their management, so that prospective buyers can be made aware of what is involved in owning such buildings.

Heritage protection has a major role to play in the revitalisation of country towns. Many government programs are available to assist in overcoming the disadvantages of rural Australia, and effective cultural heritage management is one way of accessing these funds. Historic towns attract tourism which in turn means economic development. While State authorities are moving to address the needs for greater community involvement in heritage planning and expert heritage advice, there is a disturbing failure to provide the funds and other resources which are essential to protect the nation’s country towns and Australia’s distinctive character.
References


Evans, M. Principles of environmental and heritage law, Sydney: Prospect Media 2000.


Shellshear, T. Bellingen NSW Main Street Study, Grafton 1989.

Endnotes

1 The research was written up in Fingleton 2002.

2 The research methods involved personal familiarisation with Bowraville and Bellingen, study of primary sources such as the local newspapers (the Nambucca Guardian News and the Bellinger Courier Sun), study of secondary sources such as books, journals and magazines, interviews with council personnel and residents of both towns. I approached both Nambucca and Bellingen Shire Councils and asked to examine the Minutes of Meetings over the relevant period since their heritage management regimes were introduced, in the case of Bowraville 15 years to the present and Bellingen 10 years. The Senior Town Planners were asked to nominate a list of heritage buildings where Development Applications had been made, giving a representative sample of "good" and "bad" outcomes from a heritage point-of-view. From this list emerged my six case studies for each town.

3 The Heritage Office had previously been under the Department of Urban Affairs and Planning (DUAP – now called Planning NSW).

4 A Heritage Study has recently been done for Macksville, but so far has not been implemented. Bellingen conducted a Shire-wide study in the early 1990s, but it has not been implemented either.

5 The Heritage Office has found that people are not aware of the support services available, so guidelines have recently been put on the NSW Heritage Office website.

6 Gulgong, Central Western NSW is a case in point: it obtained $750,000 for its Small Towns Program to restore and maintain heritage buildings in its Conservation Area.