Maldon IN REVIEW

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INTRODUCTION

Maldon was classified by the National Trust in 1965 in the new category of "Notable town", and from that time has claimed the title of 'first notable town in Australia'. That classification, and the problems which arose from it, have been the fountainhead of much of today's conservation legislation and practice in Victoria. The important dates were:

1964 Melbourne University study of Maldon
1965 Classification as Notable Town
1968 Formation of Maldon Committee
   Formation of Maldon Conservation Committee
   Preservation of Urban Landscape Seminar, Canberra
1969 Shire and Town Planning Board agree to place
   Deputation to Minister for Local Government
   Proposals for the Conservation of Maldon published
1970 Maldon Interim Development Order
   Formation of Advisory Committee on the Preservation
   Places of Historic Interest
   Formation of Maldon Historical Promotion League
1972 Formation of Technical Advisory Committee
   Government Buildings Advisory Council Act
   Amendment of Town and Country Planning Act
1975 MMBW Committee on Conservation Areas
1977 Publication of first technical bulletins
1978 Completion of Maldon Conservation Study
   Publication of the Collins Street Report
   Formation of the Urban Conservation Advisory Committee

It is now twenty-five years since Mrs. Helen Vellacott of Castlemaine first contacted Professor Brian Lewis of the Melbourne University Architecture School about the unique character of Maldon. It was in the following year, 1964, that a group of architecture students (including the present writer) produced a history of architecture thesis which surveyed the town, while other more junior students prepared measured drawings of a number of the buildings.

The National Trust of Australia (Victoria) made use of the university work, and at its last meeting in 1965 the Survey and Identification Committee - The Trust's classificatory organ - determined to introduce 'Notable Town' as a new category of classification, and to apply it first of all to Maldon. This had been prompted particularly by one member of that committee, Mrs. Hilary Lewis. It was the first and, as it proved, the last time that such a classification was used in Australia. Together with the announcement of the classification in 1966 there was published an article on the town, illustrated by a number of the student drawings.

All this is now history, a quarter of a century out of date, and yet I have been made aware by the ICOMOS conference at Burra earlier this year that the issues that bedevilled Maldon in the early years of its classification are still alive and sick. I have also been reminded repeatedly that Maldon is the source of the conservation legislation in Victoria, of much of the administration of urban conservation areas, and of much of the approach to the assessment and classification of towns. An account of these issues and of how they were resolved should therefore be of more than academic interest.

The initial expedition. View of mullock heaps with Miles Lewis's tent, 1964. (Photo: M. Lewis)

NOTABLE TOWNS

It was soon clarified internally within the Trust that the notable town classification would for practical purposes be equivalent to and 'A' in the gradings which the Trust at that time still made public. The classification was not in fact such a distinction as the Maldonites quickly chose to infer. It just happened that the Trust was considering the introduction of such a classification and Maldon came up first with a documented case. It happened also that the other state trusts did not choose to follow the lead and that even the Victorian Trust decided against further such classifications. Indeed this decision was largely the outcome of the problems which developed at Maldon. Nonetheless, Maldon had achieved a rather spurious distinction by the title, and we were never allowed to forget it.

At the time it seemed that Maldon was to be spearhead of a new phalanx of town classifications across Aust-
ralia. At a seminar on "The Preservation of Urban Landscape in Australia" in 1968 the New South Wales Trust reported that, following Victoria's action, its own Historic Buildings Committee had formulated two categories, "Notable Town" for distinct entities with a nucleus of public and commercial buildings, and "Notable Townscape" for groups without a distinct nucleated form. Criteria for classification were set out under the three main headings of History, Architecture and Site. Thirteen possible candidates in New South Wales were listed, together with a further thirteen suggested by the New South Wales Chapter of the Royal Australasian Institute of Architects. In addition five possible "townscapes" areas of Sydney were listed by the Trust.

South Australia reported that no moves had yet been made to declare any towns notable, though Willunga, Hahndorf, Tanunda, Burra, Moonta, Robe and Gawler were named as possibilities. Other states reported no town or townscape classifications, although in Tasmania considerable preservation activity was taking place in the town of Richmond and the townscape of Battery Point, Hobart. In fact Richmond was to prove the area with the practical and political conservation experience most relevant to Maldon.

In Victoria a question mark hung over the town of Beechworth, and it was soon clarified internally within the Trust that the town should be regarded in the same light as Maldon, even though no coherent documented submission for its classification was yet forthcoming. The Trust had in fact a longer standing involvement in Beechworth, and it was soon clarified internally within the Trust that the town should be classified to have been obtained even before the classification was announced. This was the main reason why no further notable towns followed on Maldon's heels, and why the Trust now established a committee to deal with the town.

The aspirations of the Maldon Committee were to some extent indicated by its membership: the historian Weston Bate; the town planner John Bayly; Frank Strachan, Melbourne University Archivist and Chairman of the Beechworth Committee; George Tibbits of the Architecture Department of Melbourne University, and Janet Clarke as secretary. I, though as yet very young and green, was the chairman, and we met for the first time, appropriately enough, on 1 April 1968. In June the Committee met at Maldon and established a complementary local body, the Maldon Conservation Committee, which did not flourish: this therefore left the Trust without the local leverage it needed, especially in relation to the town planning issue. Before the committee was established there had been discussion on the need for a town plan to preserve Maldon, but agreement had not been reached between the Town and Country Planning Board (predecessor of the Ministry for Planning) and the Maldon Shire Council. The problem was a simple one. The council did not want to pay for the plan, notwithstanding that every other responsible authority in Victoria funded its own planning.

An agreement was reached in February 1969 by which the government would bear the cost of the plan, but the result of this was that the Town and Country Planning Board tried to limit its commitments by restricting the scope of the plan to something much less than was sought by the Trust. There was, however, a major benefit in the situation: as the Board had carried out the planning, it, rather than the Shire, ultimately became the responsible authority to administer it. Meanwhile, during 1969, there was considerable apprehension about the planning process from the Trust side - apprehension as to whether it would eventuate, whether it would contain adequate protection, whether it would be legally effective, whether it would be efficiently administered, and whether the Trust would be consulted.

In October two important things occurred. The Trust submitted a report to the Town and Country Planning Board which in effect tried to pre-empt the major features of the plan, as will be discussed below. Also, on 20 October, the Trust joined councillors of Beechworth and Maldon in a deputation to the Minister for Local Government. The aim of the deputation was to obtain financial compensation for owners who were put to expense by conservation planning controls. It had arisen from an application to demolish a verandah, under the Beechworth Interim Development Order.

Maldon had joined in because of obvious potential relevance to its own situation. There was a risk from the Trust's point of view that claims for compensation at this stage would only frighten the government away from its tentative commitment to conservation planning. These were the days of Sir Henry Bolte's premiership, and seemingly interminable days they were. Our deputation might have expected to receive short shrift, had it not been that the Minister from 1964 to 1971 was Mr. (now Sir) Rupert Hamer, but as it was we received a sympathetic hearing, if not at this stage any real action.
PROPOSALS FOR THE CONSERVATION OF MALDON

The report submitted to the Town and Country Planning Board was one which I had prepared on behalf of the Maldon Committee, entitled Proposals for the Conservation of Maldon, and accompanied by a folding map of the classified area. The boundaries had not been determined by the Trust at the time of classification, but by the committee itself subsequently, and this was in itself an important assessment exercise.

Proposals for the Conservation of Maldon is a pitiful enough little document by the standards of today's glossy consultant reports, and it was prepared on an amateur basis, but it was a pioneering one, and one that still affords me some little pride today. I quote my introduction:

'Maldon is the only town in Australia which has been classified 'notable' by the National Trust, and its preservation is a matter of national importance. This submission will show that Maldon has a history fairly typical of mining towns, and that if it has an unusual feature it is a layout which has developed originally rather than solely on a surveyor's grid: but what distinguishes this town above others is the fact of its decline and stagnation from almost the turn of the century, which has insulated it from modern encroachments. Government legislation and finance for the preservation of towns, it is pointed out, is required in Victoria and has already been implemented in New South Wales and Tasmania. Since local folk museums, supported by government finance, have already begun to reconstruct townscape areas, it seems clear that the time has come to preserve an authentic townscape.

The Trust seeks the support of the Town and Country Planning Board for these views, and asks the Board to plan the preservation of Maldon to the full extent of all powers available under present legislation and with the fullest consideration for the views of the Trust.'

They were brave words indeed, especially as there were in fact no conservation powers available under existing legislation. Yet the message had to be pitched in such a way that this deficiency could not be used as an excuse for inaction by the Town and Country Planning Board (the predecessor of the Ministry for Planning), which had already procrastinated for three years. The committee's aim was to achieve conservation so far as possible by indirect means (such as redirecting development pressure elsewhere) and by bluff, until the government was so far committed that it would be forced to legislate.

The claim made (in a rather inelegant sentence) that there was already legislation in New South Wales and Tasmania would scarcely bear close examination, but the document was of course a political one, and effect was more important than precision. It was again a political point (and one that has lost little of its validity) that government money was going into museum projects (usually in delicate electorates) which created a synthetic past, rather than into the conservation of authentic townscape.

There was more to this introduction than politics. In attempting to explain the picturesque character of the town in terms of its semi-organic growth it was using a morphological approach to townscape which, as I have subsequently suggested, is one that should be used more often in the assessment and interpretation of townscape today. This aspect was elaborated at length in a section later in the document devoted to "The Morphology of Maldon".

The later parts of the document were also very significant. Quite detailed proposals were put forward for the planning scheme. It was argued that certain areas not within the proposed boundary ought to be included. It indicated certain areas where new development might be acceptable. It was argued that it should be administered by the Town and Country Planning Board rather than the Shire, for the obvious reasons which I have discussed above, but which could not be expressed in any detail without fear of a local backlash. It was argued that legislation should be passed to deal with some aspects, and that government funding was required.

In arguing for government funding, our report did not rule out the possibility of raising money by means of betterment tax and nor did it advocate widespread payment of compensation. On the contrary, it proposed a very restricted basis on which compensation might be paid. Today these concerns seem rather odd. Compensation is hardly an issue in such a town; rather, the financial demand is for money to assist in restoration. Yet for many years councils all over Victoria refrained from using conservation powers, even when they became available, because they believed that they might be subjected to massive compensation claims as a result.

The report went on to suggest some of the detailed controls required in the planning scheme, governing height limits and roof colours, buildings which could not be demolished, and areas in which all alterations would require permission. It sought a role for the Trust's committee in advising the Board on application before it. It then discussed certain policies to be followed in the actual administration of the controls and ranked building materials in order of preference:

1. local stone as in Holy Trinity Church, either as ashlar or random coursed work
2. secondhand local brick
3. cream painted cement render (British Standard 41046)
4. red painted brickwork (British Standard 1/024 to 1/025)
5. unpainted cement render or stucco
6. cream painted weatherboard (British Standard 4/046)
7. cream painted brickwork (British Standard 4/046)
8. face brickwork of an unobtrusive brown colour, "Santan" or similar.

All this seems terribly naive today, yet it contains the seeds from which grew the whole system of National Trust technical bulletins which is still burgeoning today.
From January 1970 planning applications at Maldon were processed by the Town and Country Planning Board under an interim development order. In many respects this was administered along the lines which had been suggested in Proposals. Indeed this remained the fundamental policy document until the Maldon Conservation Study was completed late in 1977. 14 In February 1970, Margaret Peake, the person responsible for Maldon in the Town and Country Planning Board, was seeking advice on an advertising code for Maldon and on a broader range of paint colours than the cream and red specified in Proposals. It is no accident that the first of the technical bulletins ultimately produced by the Trust were those on exterior paint colours and on lettering and signs on buildings.


SEEDS OF DISCONTENT

It was in 1970 that the first signs of serious disfunction became apparent. At an open meeting at Maldon on 13 July, a relatively new local inhabitant, Arch Martin, complained of a lack of understanding between the Board and the people of Maldon, and a lack of money to assist in conservation. I on my part (as I find from the minutes) complained of the tendency for Maldon to sit back and reap the benefits of tourism, make no positive contribution, and to use tourism as an excuse for asking for government money. The meeting discussed the formation of a new body, which was to become the Maldon Historical Conservation League. This reflects the fact that our Maldon Conservation Committee had not worked, but as yet open hostility had not broken out and I myself joined the committee of the MHPL.

It is not my intention to continue with a blow by blow description of what happened at Maldon, but it must be said the situation did ultimately become very tense between the Board and residents who objected to planning controls. It was notable however that the most vocal of these village Hampdens were those, like Arch Martin, who had moved in recently to establish antique shops and other tourist businesses to cash in on the tourist boom, and were now being prevented from erecting old Englyshe signs and other irrelevant abominations. Clearly the situation could have been avoided if the whole planning system had been in place before the classification was announced and the tourist boom began.

I mention this point about those people who were actually making a living from tourism being the loudest in their complaints about planning restrictions, because this is precisely what was apparent at the ICOMOS conference at Burra this year. Even with the best of intentions these people feel an irresistible urge to improve on history, to stereotype it, and to deprive their town of all the authenticity and the individual character from which the tourist trade ultimately derives. But we, the professionals, have not always done much better. The controls we exerted at Maldon were certainly better than nothing, but they do not bear too close examination today.

STATE-WIDE IMPLICATIONS

The Maldon situation now began to generate developments of state-wide significance. In 1970 the government set up an Advisory Committee on the Preservation of Places of Historic Interest, chaired by Rodney Davidson and reporting to the Town and Country Planning Board. This was an interesting body, whose members included the legendary landscaper Ellis Stones; David Yencken, soon to go on to greater things as Chairman of the Australian Heritage Commission; the aggressive lawyer Ralph Lloyd; and myself. It brought into a great variety of issues including some which the Board would have preferred left alone, varying from the location of the new road bridge over the Murray at Echuca to the preservation of the house "Murweh" at Warrnambool.

The Advisory Committee had its last meeting in February of 1977, but was not formally wound up until May of 1980 with the formation of the new Ministry. Its influence has perhaps persisted to some degree in the Ministry, both directly and through the Melbourne and Metropolitan Board of Works, which established a Committee on Conservation Areas in 1975: this committee overlapped to some degree with the Board's committee in conceptual terms and in personnel, but it never really came into effective operation and the Board's powers were ultimately transferred to the Ministry.

Meanwhile the long awaited legislation began to materialise. In 1972 the Town and Country Planning Act was amended to incorporate conservation powers, and the Government Buildings Advisory Council Act was passed. The former was directly inspired by Maldon, and the latter was also partly relevant, for we had fought a battle for the preservation of the Maldon Court House: the Act was designed to deal with situations of just this sort.

The two pieces of legislation had in common the fact...
that they were drafted within the Parliamentary Council's office by Mrs. Jan Lewis (now Jan Wade, MLA for Kew). It was through her that I was brought to discuss the Government Buildings Advisory Council Act 13 at the draft stage with the then minister for Public Works, Murray Byrne. Still more was it through her that I was able to insert certain rather draconian provisions in the Town and Country Planning Act.14

The third Schedule of the Act described those matters for which a planning scheme might provide, and the only one of conservation value was 8:

8. The preservation of objects and areas of scientific historical or architectural interest or natural beauty. This was now amended, and two further clauses inserted, to read:

8. The conservation and enhancement of buildings, works, objects, and sites specified as being of architectural, historical or scientific interest by prohibiting restricting or regulating the pulling down, removal, alteration, decoration or defacement of any such building work site or object.

8A. The conservation and enhancement of objects and areas specified as being of natural beauty or interest or of importance by prohibiting restricting or regulating the destruction of bushland, trees, rock formations or other objects.

8B. The conservation and enhancement of the character of an area specified as being of special significance by prohibiting restricting or regulating the use or development of land in the area and by prohibiting, restricting or regulating the pulling down, removal, alteration, decoration or defacement of any building, work site or object in such area or by requiring buildings and works to harmonize in character or appearance with adjacent buildings or with the character of the area or (in the case of an area of historical interest) to conform to the former appearance of the area at some specified period and for such purposes specifying the materials colours and finishes to be used in the external walls of buildings or in the external coverings of such walls.17

The implications of clause 8B were not I think appreciated by any parliamentarian at the time. The requirement to harmonize in character and appearance was directed specifically at legitimising the controls which we were exercising at Maldon more or less on a basis of bluff. But the clause went well beyond this, and in theory one could specify that any work done in Collins Street should conform to its appearance when first seen by John Pascoe Fawkner. Although no responsible authority went so far, it was a wonderful feeling to have such powerful legislation behind one.

It is interesting to find that not only was the term "special significance" used in this clause, but the implied philosophy was that the conservation controls would relate specifically to the nature of that significance, so that for example it was only in an area of historical interest that the former appearance of the area could be invoked. This was de facto the first statement of what is now the Australian ICOMOS approach to cultural significance. These were the provisions underlying the whole structure of conservation of the built environment in Victoria until the new Act of 198718 recast the whole system by entirely removing the specificity of the schedule.

THE TECHNICAL BULLETINS

If those developments were important to conservation in Victoria, the technical bulletins were important to Australia. At Maldon it was a struggle before we achieved any regular system by which the Board referred planning applications to the Trust for comment, but it did eventuate. In 1972 the Trust set up a Technical Advisory Committee, which I chaired, to deal with applications from both Maldon and Beechworth, and in due course some others as well. The Technical Advisory Committee also set about the preparation of the first technical bulletins.

The rationale behind the bulletins was impeccable. Conservation controls exerted on the basis of a comprehensive document, with a self-explanatory rationale, would no longer be arbitrary and unfair. Even where the end result was the same, the applicant would be able to make a satisfactory choice at the outset rather than go through a frustrating and expensive process of trial and error. Less obviously, but even more importantly, they would demonstrate the wide range of choice which remained. The paint colours bulletin, rather than specifying "cream" would specify a range of Munsell values defining cream, and would list the commercially available colours in that category. Thus there were in fact 15 Berger, 13 Bristol, 12 Dulux, 2 Duralex, 4 Edinburgh, 10 Heritage, 7 National, 26 Taubmans, 17 Walpamur, 2 Wattyl and 6 Wesco colours falling within the specified range of creams.19 Suddenly users felt that the choice before them was enormous.

All this was fine, but the essential principle of the bulletins was necessarily conservative. We knew that there was a yellow roof paint available in the 1860s, but presumably it was rare. We would not wish to oppose yellow paint on a roof known to have had it originally, but still less would we wish yellow roofs to sprout all over Maldon.

Likewise we knew that gothic lettering was used on signs in the nineteenth century, but it was rare - in fact it was virtually confined to the office of the local newspaper in each town. But in a place like Maldon every antique shop and Devonshire tea room wanted Gothic lettering. Therefore, we said, we will specify certain sorts of lettering which we know were common: if you can prove that your building had something else, then you can use it.20 In fact such a case never arose.

It was not long before Maldon acquired an unnerving and doubtless spurious uniformity. Cream walls with brown trim were everywhere, and the same old serifed lettering marched apace down either side of Main Street. Make no mistake, this was much better than would have occurred without controls, but it was not the final answer. The answer exists, but it is too expensive
to be practicable. It is to undertake a thorough investigation of the actual surface treatments of each building, through both documentary sources and paint scrapes, and then to reinstate the authentic scheme. But relevant documentation is very rare in Maldon; moreover paint investigation is not yet a method in which I feel able to repose much faith, particularly when it deals with surfaces that were probably unpainted at the outset and for many years afterwards.

Of course the bulletins were designed for general application and they have since made themselves felt all over Victoria. As long as they were applied to Victorian buildings this was generally perhaps for the best. But it was disturbing to learn that Clive Lucas has recommended the paint colours bulletin for use in Campbell Town, Tasmania, where the distinctive buildings date from before 1850.

The Technical Advisory Committee was responsible not only for the technical bulletins, but also for drafting up the first building envelope controls based on sightlines, as an advance on the height limits first recommended in Proposals for the Conservation of Maldon.22 This was done initially for South Drummond Street, Carlton, and is described in a paper given by Max Barr in 1976.23 The same principles were then developed in the Trust's Collins Street Report,24 and subsequently were largely adopted by the Melbourne City Council.

The Technical Advisory Committee (which, as we have seen, was very much the child of the Maldon Committee) held a series of joint meetings with the Trust's Central City Committee until the two were formally amalgamated to create an Urban Conservation Committee in June of 1978. This committee still functions and is, by a sort of apostolic succession, the incarnation of the old Maldon Committee. Far more importantly, however, the whole structure of conservation planning in Victoria has largely been moulded by the Maldon experience.

REFERENCES


5. "Report from the National Trust of South Australia: Notable towns and townsescapes", ibid., pp.115-122.


8. ibid., p.7.

9. ibid., p.2.

10. M. Lewis, "Conserving the purpose of conservation planning", in B. Logan (ed), Planning the Past ANZAAS seminar, Monash University,1985pp27-8

11. M. Lewis, Proposals, pp.4-5.


22. M. Barr, "Infill Development", in M. Lewis, A. Blake (eds), Urban Conservation seminar at the University of Melbourne 1976, pp.107-117.