

HERITAGE CONSERVATION:

the context for Queensland's cultural landscapes

by Ray Osborne

Ray Osborne is an officer within the Cultural Heritage Branch, Environmental Protection Agency, Queensland. This chapter considers heritage conservation in Queensland from two positions; first it presents a brief discussion on heritage conservation looking at the current definitions of 'heritage' and 'conservation', in the context of the issue of cultural landscapes, second, it examines the issues of data collection in the heritage conservation field. The first section addresses the questions 'what are cultural landscapes of Queensland?' and 'Can they be conserved?' through a brief overview of the evolution of the terms, and current practice, concluding with a suggested framework for developing conservation policy in relation to cultural landscapes. The second section explores the challenges of managing cultural landscapes, particularly focussing on the data required for effective management. This is not intended to be an exhaustive discussion, just a pointer to the issues addressed in the Contested Terrains project.

Heritage Conservation Definitions

Heritage

The term '**Heritage**' is not specifically defined in Australian legislation. Davison in *The meanings of 'heritage'* (Davison & McConville, 1991:1) traces its evolution as a concept from the nineteenth century to its current usage as meaning: a "*valuable feature of our environment which we seek to conserve from the ravages of development and decay*"

The term 'heritage' is more often prefaced with other words such as 'environmental', 'cultural' and 'natural' which qualify its meaning. In the New South Wales *Heritage Act 1977 & Environmental and Planning Act* the term 'environmental heritage' means: "*those buildings, works, relics or places of historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance for the State*"

(UNESCO) in 1990 defined "cultural heritage" very broadly to mean:

The entire corpus of material signs, either artistic or symbolic, handed on by the past to each culture and, therefore, to the whole of mankind. As a constituent part of the affirmation and enrichment of cultural identities, as a legacy belonging to all humankind, the cultural heritage gives each particular place its recognisable features and its storehouse of human experience. The preservation and the presentation of the cultural heritage are therefore a corner-stone of any cultural policy

In terms of landscapes, the Australian Natural Heritage Charter 1996 (AHC, 1996) defines 'natural heritage' as follows:

Natural heritage incorporates a spectrum of values, ranging from existence value at one end through to socially-based values at the other. The fundamental concept of natural heritage, which most clearly differentiates it from cultural heritage, is that it is a dynamic ecological process, ongoing natural evolution, and the ability

for ecosystems to be self-perpetuating. At the cultural end of the spectrum, clear separation of the cultural and natural values can be difficult, and more than one layer of values may apply to the same place.

It is clear from these few definitions that the term 'heritage' is widely applied to environmental, cultural, and natural values, but essentially is about these values being "*preserved from one generation to another*" (Macquarie Dictionary). This is the particularly difficult challenge associated with cultural landscapes. Contested Terrains Report Four on the Legislative Frameworks for Managing Queensland's cultural Landscapes explores these issues more fully.

Conservation

The term '**Conservation**' has a long history of usage, in both natural and cultural environments. Dictionaries define conservation as follows.

Shorter Oxford English Dictionary:

Conservation – the action of conserving; preservation from destructive influences, decay or waste.

Macquarie Dictionary:

Conservation: 1. The preservation of areas which are significant, culturally, or scientifically, in their natural state. 2. The Management of the natural environment to ensure that it is not destroyed in the process of development. 3. The preservation or conservation of natural resources, as water, coal, etc.

It is a term defined in various pieces of Australia legislation as follows:

Australian Heritage Commission Act 1975

"Conservation" in relation to the national estate, includes protection, maintenance and preservation"

Queensland Heritage Act 1992 and 1995:

"conservation" includes protection, stabilisation, maintenance, preservation, restoration, reconstruction and adaptation.

The term 'Conservation' is also included in a number of Conservation Charters, notably the *Australian ICOMOS Charter for the*

conservation of places of cultural significance, (Burra Charter) which defines conservation as meaning:

all the processes of looking after a place so as to retain its cultural heritage significance. It includes maintenance, and may according to circumstances include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

The Australian Natural Heritage Charter: Standards and Principles for the Conservation of Places of Natural Heritage Significance, 1996, defines 'conservation' to mean:

all the process and actions of looking after a place so as to retain its natural significance and always includes protection, maintenance and monitoring.

What are 'cultural landscapes'? Can they be conserved?

The term 'cultural landscapes' has been defined in both International Charters (Bennett, 1996), and in a range of professional publications (Historic Environments, 1989,1997), and a definition for the purposes of this study has been presented in Chapter Two of this report. Essentially cultural landscapes are seen to represent the "*combined works of nature and of man*" (UNESCO 1994).

Accordingly, in addressing the question "Can they be conserved?" there is a need to consider a definition of 'conservation' relevant to cultural landscapes and the position taken by those discussing the issue of conserving 'cultural landscapes'. Ken Taylor and Carolyn Tallents comment '*Changes in the landscape are inevitable and part of the normal course of events. It would be foolish to adopt a Canute approach, to attempt to halt change. It is equally foolish to expect that everything old is worth preserving or protecting*' (Rural Landscape Protection – the need for a broader conservation base, *Heritage Australia*, Summer 1984, 3-8).

Similarly, Chris McConville, in discussing managing landscapes comments '*How is it possible to protect the quality of a landscape by arresting the process of change – since change is often the reason we take an interest in the landscape in the first place? The aim ought not to be to freeze the landscape in time but to allow for the process of continuous change. However, the changes ought not to be such as to overwhelm earlier evidence of activity*' (McConville, *Reading a Landscape*, in Davison & McConville 1991, *Heritage Handbook*, 227-235)

Ian Armstrong, also in considering the problem of landscape conservation, states that '*conservation policies for landscapes will need to be adaptable*', but considers that the definition of 'conservation' in the Burra Charter is '*sufficiently to describe the process of managing a cultural landscape*' (Armstrong, *Cultural Landscapes – Managing for Change?*, in *Historic Environment VII 2*, 1989, p9). However, given the natural values likely to be included in 'cultural landscapes' perhaps there is a need to develop a definition of 'conservation' that gives explicit recognition to this, and also the dynamic nature of landscapes? An amalgamation of the *Burra Charter* and the *Natural Heritage Charter* may go some way in addressing this, such as

Conservation of cultural landscapes includes 'all the processes of looking after a place so as to retain its natural and cultural heritage significance. It includes protection, maintenance and monitoring, and may according to circumstances include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these [underlining denotes added words].

Heritage Conservation in Australia

Heritage conservation in Australia has developed as a result of global heritage concerns in the 1960s and 1970s. The development of the concepts of 'heritage' and 'conservation' at the International level and the protection of the world's cultural heritage are summaries by Jukka Jokelehto

(1996:55-81), in his paper *International standards, principles and charters of conservation*, and Henry Cleere (1996,82-95), in his paper *Protecting the world's cultural heritage*, both published in *Concerning Buildings: Studies in Honour of Sir Bernard Fielding*, Edited by Stephen Marks, 1996.

The evolution of the concept of the term 'heritage' and the development of the 'conservation' movement in Australia has been summarised in Davison & McConville, 1991, *Heritage Handbook*. While Davison acknowledges the gradual growth of the conservation movement in Australia post WW II, illustrated by the establishment, throughout the States between 1947 and 1963, of National Trust organisations, the International Charters on Conservation developed in the 1960s and 1970s, are seen as crucial in the establishment of heritage conservation policy and practice in Australia.

The foundation of the UNESCO in 1946 gave International impetus to the idea of the conservation and protection of the world's cultural heritage. Since 1954 UNESCO has developed and adopted a number of Conventions and Recommendations on a range of issues relating to cultural heritage.

In 1965 UNESCO founded the International Council on Monuments and Sites (ICOMOS), a non-governmental organisation which had as one of its roles the need to '*encourage the adoption and implementation of international recommendations concerning monuments, groups of buildings and sites*' (Jokelehto, 1996). In 1964, ICOMOS adopted the Venice Charter as its fundamental ethical guideline concerning conservation principles.

In 1972 UNESCO adopted the 'World Heritage Convention' and also 'Recommendations on Cultural and Natural Heritage'. Arguably these have been two of the most influential international tools for the promotion of conservation of cultural

and natural heritage. In 1995 the 'World Heritage Convention' had been ratified by 142 States. Australia was an early signatory to the World Heritage Convention, and in 1974, a committee of enquiry was established to report on the 'National Estate'. This was to become a '*key document in the formation of Australian heritage policy*' (Davison, 1991:13).

As a result of the report of enquiry [The Hope Report] the Federal Government passed the *Australian Heritage Commission Act 1975*. This Act defined that the National Estate "*consists of those places, being components of the natural environment of Australia or the cultural environment of Australia, that have aesthetic, historic, scientific or social significance or other special value for future generations as well as the present community*" The Act also included criteria for the identification of the 'National Estate' based on the terms '*aesthetic, historic, scientific or social significance*', which in modified forms, have been widely adopted throughout Australian heritage legislation and/or practice.

The 1970s saw the establishment of heritage legislation in a number of States in Australia, with Victoria in 1973, New South Wales in 1977 and South Australia in 1978. While the definition of the 'National Estate' makes specific reference to the *natural environment*, and the New South Wales Act also made reference to *natural significance*, the major focus of heritage conservation throughout the 1970s and much of the 1980s was on built heritage places, although with a gradually broadening focus.

Davison notes that '*the late 1970s saw a discernible broadening of the concerns of the heritage movement. From an early preoccupation with the stately homes and historic ruins, it began to turn a more sympathetic eye upon humbler sites and structures – working class cottages, slab huts, mining sites, shearing sheds, and factories were now as likely to attract the conservationists' attention. Buildings were increasingly seen as elements of a broader*

whole – the historic environment – rather than as individual specimens" (Davison, 1991:23)

Another important influence in the development of heritage conservation policy in Australia was the ICOMOS *Burra Charter*, adopted in 1979, and its guidelines. It accepted the general philosophies of the 1964 *Venice Charter*, but adapted it to a form, which would be relevant and practical to Australia. It sets out basic principles and procedures to be followed in the conservation of cultural heritage places. The principles and definitions of the *Burra Charter* have become widely adopted in heritage conservation practice in Australia, in particular the definitions of *cultural significance, conservation, maintenance, preservation, restoration, reconstruction and adaptation*.

The definition of cultural significance as meaning 'aesthetic, historic, scientific or social value for past, present or future generations' reflects closely the words in the definition of the 'National Estate' in the Australian Heritage Commission Act 1975, which, as noted above, have been incorporated into a number of State Heritage Acts, as follows:

Western Australia – Heritage of Western Australia Act 1990:

'cultural heritage significance' means, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations"

Australian Capital Territory – Land (Planning and Environment) Act 1991:

'heritage significance' means archaeological, historic, aesthetic, architectural, scientific, natural or social significance, or other special significance in relation to the environment, for the present community, and for generations"

Queensland Heritage Act 1992, amended 1995:

'cultural heritage significance' of a place or object, includes its aesthetic,

architectural, historical, scientific, social or technological significance to the present generation or past or future generations.

While a number of people were writing in Australia on the issue of 'cultural landscapes' in the 1980s (Taylor, 1984) it was not until late in the 1980s that cultural heritage practitioners turned their attention to this issue. (*Historic Environments VII 2*, 1989) McConville noted in 1991 that, "*The conservation movement has only recently come to discuss landscape and the historic properties of the physical environment*" (McConville – *Reading the landscape*, in Davison & McConville 1991, *Heritage Handbook*, p.227). At the International level, while in 1962 UNESCO issued a *Recommendation on Landscapes and Sites*, it was not until 1992 that the *World Heritage Convention* was adapted to include guidelines on 'cultural landscapes'.

While there has been a significant broadening in the use and inclusive nature of the terms cultural and natural heritage, legislatively the management of these values, is often separated both in Federal and State, and can indeed be actively in conflict. Tom Griffith draws attention to the apparent conflict between the movements to preserve natural and cultural heritage. Griffith (1991:17) notes:

that the conflict is not new, but it is more sharply defined today. It is a result of two developments, both of which have accelerated in Australia since the 1960's: the dominance of ecological criteria in the assessment of environmental values, and the broadening of our historical perceptions of landscape from isolated sites to whole cultural patterns"

There have been a number of attempts to reconcile these conflicts, most noticeably through the Regional Forest Agreement Studies in Victoria and Queensland that have included both natural and cultural heritage values in the assessment of the reserves.

Heritage Practice in Queensland

There are two pieces of heritage legislation which directly relevant, the Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987 and the Queensland Heritage Act 1992. However, the Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987 is considered to be a poor tool for the management of development matters.

The definition of 'place', 'cultural heritage significance' and the criteria set out in the *Queensland Heritage Act 1992* for the entering of a place in the State Heritage Register are broad enough to encompass 'cultural landscapes', and indeed two broad acre places are currently included in the Heritage Register, namely Castle Hill, Townsville, and the Town of 1770, Miriam Vale Shire. However, the definition of 'development', that is the 'trigger' for controlling change to a place, is almost entirely focussed on changes to built fabric, with only one reference to landscape or natural features. In this case it is only 'excavation, disturbance or change to landscape or natural features of land that substantially alters the appearance of a place' that is development requiring approval from the Heritage Council.

Despite this obvious weakness, the *Integrated Planning Act 1997* in Queensland includes a very broad definition of 'environment', to include:

- (a) ecosystems and their constituent parts including people and communities; and
- (b) all natural and physical resources; and
- (c) those qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and
- (d) the social, economic, aesthetic and cultural conditions affecting the matters in paragraphs (a), (b) and (c) or affected by those matters.

Equally, it includes and a broad definition of 'development'

In addition it defines the 'core matters' that have to be included in planning schemes. 'Valuable features', one of three 'core matters' includes:

- (a) resources or areas that are of ecological significance (such as habitats, wildlife corridors, buffer zones, places supporting biological diversity or resilience and features contributing to the quality of air, water (including catchments or recharge areas) and soil;
- (b) areas contributing significantly to amenity (such as areas of high scenic value, physical features that form significant visual backdrops or frame or define places or localities, and attractive built environments);
- (c) areas or places of cultural heritage significance (such as areas or places of indigenous cultural significance, or aesthetic, architectural, historical, scientific, social or technological significance, to the present generation or past or future generations);
- (d) resources or areas of economic value (such as extractive deposits, forestry resources, water resources, sources of renewable and non-renewable energy and good quality agricultural land).

In theory, at least, Queensland's 'cultural landscapes' have the prospect of some formal planning mechanisms to assist their 'identification' and 'conservation'. Conservation of 'cultural landscapes' will, however, depend on the sensitivity of the 'triggers' for controlling or managing change in the landscape. The Contested Terrains' report on the case studies of significant cultural landscapes in Queensland shows management pathways, which work with the relevant clause in IPA (1997).

Conserving cultural landscapes – practical management issues

Returning to the suggested the definition of 'conservation of cultural landscape's derived from *The Burra Charter* and the *Natural Heritage Charter* as

'all the processes of looking after a place so as to retain its natural and cultural heritage significance. It includes protection, maintenance and monitoring, and may according to circumstances include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these',

If it assumed that this is reasonable, what legislative management tools are available to achieve this objective?

Legislative and administrative frameworks for land management

Management of land is usually bought about by legislative and administrative processes, introduced by a community concerned about a range of issue relating to the use of land. These could include the resource use of the land, agriculture, forestry, mining, urban development, or conservation of a range of natural/cultural values of land, or health and safety issues, such as contamination, waste.

These issues are rarely mutually exclusive, but often early legislative and administrative processes were single issue focussed. It is

only in the recent past that a more holistic approach to land management has emerged i.e. *Integrated Planning Act 1997*. There are therefore many pieces of legislation in Queensland, and across Australia that are focussed on the use and management of land.

The objectives of these pieces of legislation are, however, often in conflict. While the *Queensland Heritage Act 1992* and *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987* may seek to conserve an historic mining site/sites, the requirements of the mining lease and the *Contaminated Lands Act* may require remediation works which would destroy the historic mining site. Cultural heritage values can be in conflict with land conservation and health and safety values.

Heritage Conservation legislation in Queensland currently has a very limited role in broad land management. The *Australian Heritage Commission Act 1975*, which addresses the natural, indigenous and historic environments, has wider applicability in theory, but not in practice. Nevertheless, most legislation involving land management appear to have a common framework, which is summarised in Table 4.1.

Table

Common Legislative Framework for Heritage Conservation

4.1

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|---|
| <ul style="list-style-type: none"> • Objective of the legislation • Definition of the "object/objects" that the legislation relates to – terms such as cultural heritage significance of a place, conservation, nature conservation, forestry, mining, landscape. • Definition of the "change" that "trigger" the "management" processes – terms such as <u>development</u> in <i>Integrated Planning Act 1997</i> and <i>Queensland Heritage Act 1992</i> • Management framework/tools/processes that the legislation employs to manage/influence change – control through approvals, licensing, management agreements, management plans, incentives, and enforcement. |
|---|

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As there are many pieces of legislation impacting on the use of land and thus potentially on cultural landscapes, in Queensland, there is a need to undertake an analysis of all this legislation to establish:

- the range of objectives of the legislation relating to land
- the range of definitions of land/landuses
- the range of definitions of conservation
- the range of triggers for management intervention
- the thresholds of these triggers [at what point does "change/development" prompt legislative action?]
- the management frameworks/processes employed to control/manage/influence change.

To achieve a comprehensive understanding of the existing administrative and legal framework for land management in Queensland, and to assess its suitability or otherwise in relation to the conservation and/or management of "cultural landscapes" it is recommended that a model is developed which examines the above issues, in particular management frameworks and processes. The report, Legislative Framework for Managing Queensland's Cultural Landscapes, is such a model, explaining these issues thoroughly and the report on the Case Studies of Queensland's Cultural Landscapes describes the various legislative triggers that can be deployed in management pathways for specific landscapes.

In conclusion, the theoretical basis for heritage has been growing with an increase in International Charters, National and State Acts all of which address issues pertinent to the conservation of cultural landscapes.

The second part of this chapter concentrates on the data collection and analysis necessary to develop the appropriate conservation policies for the cultural landscapes of Queensland.

Conservation of Cultural Landscapes: Context for Data Collection

As indicated in Chapter Two of this report, the definition of Cultural Landscapes for this study is:

The cultural landscape is [a] constantly evolving, humanised landscape. It consists of a dialectic between the natural physical setting, the human modifications to that setting, and the meanings of the resulting landscape to insiders and outsiders. Continuous interaction between these three elements takes place over time. Cultural landscapes can be represented as stories, myths and beliefs, which can be applied to wilderness landscapes, ordinary landscapes or designed landscapes. The concept of cultural landscape therefore embodies a dynamic understanding of history, in which the past, present and future are seamlessly connected.

From this definition, and indeed other definitions of 'cultural landscapes' it is clear that they involve '**open**', '**dynamic**' and therefore '**evolving**' processes. In the first section of this chapter, change was indicated as an important component of cultural landscapes. Thus conservation management of cultural landscapes presents a number of challenges. These challenges are, however, common to other areas of environmental conservation involving '**dynamic**' land systems. Accordingly, data collection in relation to the issue of conservation management of cultural landscapes can also draw from studies in,

- nature conservation
- natural resource management
- biodiversity
- ecosystem management, and
- environmental law.

By including these areas, it is possible to identify **common issues** in relation to 'conservation and land management'.

There is a vast body of knowledge published in the areas of nature conservation, natural resource management, biodiversity, and environmental law. The aim of the data collection is

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therefore to seek common issues of conservation management, and to explore the range of management tools [legal and administrative processes] currently being used, or proposed to be used, within these related areas.

Issues

The major issue related to conservation of cultural landscapes centres on whether one should control natural change. Eherenfield 1991 noted:

In ecology, we have incredibly complex system with no central dogma like that of molecular biology to let us even pretend we have control. Nowhere is this more apparent than in conservation, where we have persuaded ourselves that some degree of control is really necessary

Similarly, Pickett and White 1985 wrote:

An essential paradox of wilderness conservation is that we seek to preserve what must change.

In terms of cultural landscapes as opposed to other heritage sites, data collection tends to concentrate on the broader issues of environmental conservation and land management. A brief review of a range of books and journal articles suggests that the principal issues of managing land systems for natural and environmental values are:

- Public rights -v- Private rights
- Public Land -v- Private Land
- Freehold land -v- Leasehold Land
- Reserve systems -v- Non- reserve systems of management
- Control -v- Incentives
- Top down management/control -v- bottom up management/control
- Compensation/Injurious affection

Many of these issues are clearly inter-related. Data collection is therefore seeking to summarise the key arguments/points of these issues, and their implications for management. The collection of data is also needed to explore the legal administrative frameworks that have been established within what is broadly termed 'environmental law'.

As indicated earlier, 'heritage legislation' as currently framed and administered in Australia and Queensland has a relatively minimal impact in relation to the management of land. There are many other pieces of legislation that more directly impact on the use and control of land, and thus more directly relate to the issue of the conservation management of 'cultural landscapes'.

Environmental law and administration

Alex Gardner (1994:127) defines this area of interest as "Land Management Law" and states that it is:

...the branch of natural resources law concerned with the management of non-urban lands, including agricultural, pastoral, forest and conservation lands. It is concerned with the proper use and conservation of those lands and the flora and fauna that live on those lands. It is also concerned with the management of water resources that gather on, flow through, and are used upon those lands because, as is widely recognised now, land and water resources cannot be managed separately. This definition involves a degree of artificiality. It incorporates what may be regarded as the discrete issues of agricultural and pastoral lands with forest management and nature conservation

This definition has generally been used as a guide for compiling the database of land management legislation, with the addition of mining, a process that has created, and indeed continues to create important cultural landscapes.

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Other areas of data collection relate to general planning legislation. A review of this begins at the International level and then focuses down to Queensland. It includes a summary of:

- Broad International Conventions on Environmental Issues,
- National Environmental Strategies in Australia,
- State Environmental Laws and Practice in Australia,
- Environmental Laws and Practice in Queensland,
- Comparative Legislative frameworks in US, Canada, Europe, New Zealand.

The reason for looking at the Broad International Conventions is that these impose on signatories to the Conventions, including Australia, a requirement to develop National Strategies and Programs to attain the objectives of the various Conventions. These National Strategies in turn impact on the formulation of Environmental Laws at the Federal and State Level. Such Laws directly impact on the use of land in Queensland, and thus on the ability, or otherwise, to conserve cultural landscapes.

International Conventions

Major International Conventions such as, *The United Nations Framework Convention on Climate Change (1992)* and *The Convention on Biodiversity (1993)* require the contracting parties to develop national strategies, plans or programs or to adapt existing ones to reflect the measures set out in the conventions.

National Strategies

In Australia, the International Conventions cited have resulted in the formulation of a range of National Strategies, listed as,

- *The National Strategy for Ecological Sustainable Development*
- *National Greenhouse Response Strategy*
- *National Forest Policy Statement*
- *National Strategy for the Conservation of Australia's Biological Diversity*
- *National Strategy for the Conservation of Australian Species and Ecological Communities Threatened with Extinction*
- *National Water Quality Management Strategy*
- *National Strategy for Rangeland Management*

These strategies envisage complementary legislation in all Australian jurisdictions to implement the goals of the strategies.

State Laws – Accreditation

The Intergovernmental Agreement on the Environment (IGAE), May 1992, provides a framework for the accreditation of the State and Territory processes for the purposes of Commonwealth decision-making in relation to natural resource management. It contains nine schedules, most of which include proposals for some form of national co-operation affecting land management, such as:

- Resource assessment, land use decisions and approval processes (schedule 2)
- Environmental Impact Assessment (schedule 3)
- Conservation of biological diversity (schedule 6)
- National Estate (schedule 7)
- World Heritage nomination and management (schedule 8)
- Nature conservation, and conservation of threatened species (schedule 9)

The National Strategies and the IGAE, has since May 1992, been directly impacting on Federal and State Environmental and Land Management Laws. It should be noted however, that the schedules listed here do not address urban landscapes.

Environmental Law in Australia – general principles

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According to Gardiner (1994:127), in Australia, "environmental law has been seen as providing the framework for administrative decision making which balances competing public interests in economics development and environmental conservation". While, Bates (1992:16), comments that

...modern environmental legislation is concerned to set up administrative structures ostensibly to protect the general public interest in a safe, healthy and pleasant environment; to preserve habitats and species; to invest departmental offices and bureaucrats with powers in respect to licensing of activities; to ensure the preparation of plans and implementation of protective measures and other environmental management functions; and to set up appeals and review processes.

Appropriate data bases for the development of conservation strategies would list brief summaries of all relevant Environmental Legislation in Australia, both at Federal and State level with a more detailed assessment of the legislation in Queensland. The Legislative Framework Report and the Case Study Report for the Contested Terrains study show the application of these principles.

Practice

While the Laws provide the framework, the "on the ground management" is undertaken through a number of mechanisms, generally summarised as Prohibition, Approvals, Licensing and Management Plans. The first three mechanisms generally require some form of 'definition' and/or 'trigger' to come into play. The fourth mechanism usually involves stakeholder involvement and negotiated measures of agreement to achieve a range of management goals and objectives.

In Australia, Management Plans are, or can be, developed to cover Environmental Land Management Issues, across a range of areas and issues, including:

World Heritage Areas,
National Parks,
Conservation Parks,
Coastal Areas,
Forestry Resources,
Mining remediation,
Vegetation Clearance, and
Urban Landscapes and Parks.

The Contested Terrains study has reviewed a range of these Management Plans to identify the "management mechanisms" currently being used. Of particular relevance are the *Cape York Peninsula Land Use Study* (1995) and the *Wet Tropics Plan of Management* (1998).

To conclude, the theoretical framework for the conservation of cultural landscapes in Queensland has focussed on two aspects. First, the concept that cultural landscapes are a form of heritage and as such their conservation can be addressed within heritage planning parameters and second, that cultural landscapes are living systems whose conservation can be addressed through nature conservation and land management instruments. Either method highlights the particular complexity related to managing cultural landscapes. The ways in which this is addressed is explained in both the Legislative Framework Report and the Case Studies Report.



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