



FUTURE OPTIONS FOR CMP PRACTICE

HERITAGE COUNCIL OF NSW

Positive Solutions
9 December 2019



THE MAYTRIX GROUP

1. INTRODUCTION

The purpose of this paper is to secure feedback on possible improvements to the ways in which Conservation Management Plans in NSW are developed and applied. Consulting firm Positive Solutions, with The Maytrix Group, have been engaged by the Heritage Council of NSW to:

- > Review and clarify the purpose and practice of Conservation Management Plans (CMPs) and how they relate to other heritage management tools
- > Review and improve the current NSW CMP practice and tools and processes
- > Provide more relevant and effective CMP practices and tools for the ongoing care, protection and future management of NSW heritage places.

The resulting findings are intended to inform the Heritage Council of NSW in re-calibrating its advice on the practice and implementation of CMPs. The principles and guidelines provided by the Burra Charter are not the subject of the present Review. The Charter, and the guidance provided in James Semple Kerr's Conservation Plan, are widely accepted as a sound model.¹

During the initial stage of the project the consultants listened to views from a wide range of stakeholders involved in the commissioning, preparation or evaluation and endorsement of CMPs. Consultation was undertaken through 14 individual interviews, nine focus group discussions (57 participants), a survey (170 respondents) and meetings with the Heritage Committee and Heritage NSW (HCNSW) officers. Additionally, benchmarking was undertaken to understand the practices in other jurisdictions in Australia and overseas.

Some of the views expressed by consultees are summarised below. Based on the consultation and benchmarking, this paper presents several alternative approaches to refining or reforming the development and application of CMPs in NSW in the future. The Feedback section of the Paper includes a link for you to provide your comments. The Paper will also inform several round-table discussions with a selection of heritage asset owners and managers, and CMP authors, as well as heritage officers within Government.

Following responses to this paper, a preferred approach will be proposed by the consultants. This will be tested through discussion with heritage stakeholders before finalising. Any detailed tools or support materials underpinning a new framework for the development and application of CMPs will be the subject of a subsequent work process.

2. KEY FINDINGS

Sector views on the current NSW processes for the development and use of CMPs were solicited from over 70 interviewees and group discussion participants and 170 survey respondents.² From interview notes and transcripts of the group discussions and interviews thematic summaries were prepared, from which the consultants highlighted common themes and issues of relevance for future improvements. Data secured through the survey included multiple choice responses, and textual responses. The former were presented in graphical format with brief commentary, and the latter edited to draw out themes and issues. These summaries were presented in a Findings Paper and Survey Analysis, both of which were presented to Heritage Council for comment. The following is a brief overview.

Consultees regarded CMPs as an important and valued tool in supporting the conservation, adaptive reuse and future management of heritage assets. They saw CMPs as being written for the owners and manager of heritage assets, in order to provide a constructive tool to support the effective management of these assets. They should provide a clear policy framework to protect the asset while allowing for adaptive reuse

The Burra Charter and Kerr's Conservation Plan are accepted references and remain the defining framework for preparing CMPs. The evolution of lengthy checklists constructed around the framework and sequencing outlined in the Burra Charter, and the steps and process required for endorsement of a CMP have evolved, and are now felt to be overly complex. The process of endorsement of a CMP is unclear, with sometimes obtuse or conflicting guidance

¹ The Seventh Edition Conservation Plan - A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance (ICOMOS, 2013)

² Noting that there will be some overlap between these constituencies. Not all survey respondents chose to provide details



and advice on the process. This increases the cost and duration of the endorsement process, which is now considered excessive.

Consultees felt that CMPs should adopt a plain English and focused approach and a standardised format. The scope of CMPs should provide a relevant and concise historical summary which clearly articulates the significance of the asset, and provides easily understood conservation management policies, including a schedule of maintenance works where required. CMPs must provide a documented, concise and intelligible assessment and plan for the protection of the asset for stakeholders - including community, owners, policymakers and future caretakers.

While the use of specialist expertise to provide contributing reports is important, poor integration and ineffective cross-referencing to reports diminishes the usefulness of CMPs as a management tool. The use of visual aids which reference relevant policies could be more widely adopted and promoted, helping asset owners and managers in their use of CMPs.

It is acknowledged that CMPs are sometimes commissioned to inform intended change or development of an asset, supporting applications for grants or planning approvals. As forward-looking management documents CMPs should consider a range of potential reuses, rather than solely promote the proposed use by the asset owner. Some consultees felt that where a sale occurs, the buyer should not be eligible for conservation-related grants for a period of three or five years after the transaction. Any significant works should be known at the time of the sale and should be factored into the price. To avoid multiple assessments being commissioned by different potential buyers the onus could be on the vendor of a registered asset to provide an up-to-date CMP to potential purchasers.

Access to model CMPs and guidelines would assist in the development of appropriate statements of significance and policies. The CMP - at least in summary form - should be published and where possible digitised for ease of access, subject to permission.

Heritage NSW plays a key role in supporting the efficient and accurate development of a CMP for endorsement. To underpin this the Heritage NSW must provide access to qualified specialist officers who have a comprehensive understanding of and are tasked with guiding the efficient, cost effective delivery of a CMP through the endorsement process. They must be informed, knowledgeable, responsive and willing. To provide consistency and clarity a case officer should be appointed who has expertise in the subject area and is informed through a site visit to the asset. The CMP evaluation should include a meeting between key stakeholders and the case officer early in the process to ensure clarity. It is noted from benchmarking of CMP processes in other jurisdictions in Australia and overseas, that endorsement is not a widely adopted practice.

In summary, consultees felt that:

- > CMPs are an important and valuable tool
- > The continued development of CMPs to preserve and support adaptive reuse should be encouraged
- > A refinement of the process and access to expertise and resources to support the time and cost-efficient development and submission of CMPs is critical
- > Obtuse bureaucratic process needs to be replaced by a clear, concise approach with options to provide different levels of detail, or different types of CMP, depending on the size, scale and significance of the asset.

3. OPPORTUNITIES

From the findings outlined above four approaches to improving the practice of developing CMPs have been prepared. These are not mutually exclusive. For example, improvements in Heritage NSW processes could occur alongside each of the other options. They are clustered thematically – as a set of ‘opportunities’ – in order to focus discussion and feedback on specific aspects of CMP process and practice, and to clarify where changes would have the most beneficial impact.

3.1 OPTIMISE HERITAGE NSW PROCESSES

Rationale: The present Review has been prompted partly by concerns from some heritage asset owners and CMP authors regarding lengthy processes and interactions with Heritage NSW. Changes to HCNSW internal processes will assist with establishing a more productive relationship, and higher quality CMPs. Suggestions made by consultees include:



- > Case Officer to make site visit in all cases where endorsement is sought
- > HCNSW feedback to be consolidated – a single response from HCNSW to draft CMPs submitted
- > HCNSW feedback to be in a mandated form to ensure consistency
- > HCNSW checklist to be simplified or to be replaced with CMP template/s or detailed guidelines
- > Heritage Council or another agency to undertake commonly used research centrally, and make freely available
- > Endorsement process to be rationalised avoid duplication of CMP assessment or feedback (e.g. between HCNSW and City of Sydney)

The consultants would also propose development of a Customer Charter – to confirm expectations and turn-round times where fees are paid for advice or endorsement, and the service journey a clear mapping of the internal steps and customer interactions for different services, such as endorsement, feedback on draft CMPS, advice to local governments or other agencies.

Questions for consideration and feedback

1. Which of the suggestions have particular merit? *Note the online feedback form enables you to provide a ‘ranking’ for each suggestion, and add your own suggestions relating to HCNSW processes*
2. In what ways might HCNSW’s role as ‘regulator’ conflict with its role as ‘advisor’, and how might these be addressed?

3.2 ONE SIZE DOES NOT FIT ALL

Rationale: CMPs are more detailed and prescriptive than is required for all situations and all heritage assets. By default, they have become the ‘norm’ in NSW, but there is a case for creating a more differentiated approach which might include CMPs, Conservation Management Strategies (CMSs) and Heritage Impact Statements (HISs) or similar.

A CMS is a simpler version of a CMP where a ‘lighter touch’, and less expense, is justified. It includes a shorter statement of significance but still provides guidance on practical management of the asset through clear policies. Both of these documents are forward looking, with the intent of guiding appropriate management of the asset. An HIS would be prepared where work, or significant work, is planned which impacts upon a heritage asset, including possibly changes to the environ or curtilage of that asset, regardless of whether a CMP or CMS is in place for the asset.

Questions for consideration and feedback

3. When would a ‘lighter’ heritage management document than a CMP be appropriate?
4. Could there be a two-stage process – where, for example, HCNSW comments on a short Statement of Situation and advises on what ‘level’ of management document is advised prior to a full CMP or CMS being prepared?
5. Is there merit in establishing different, and more affordable, CMP or CMS requirements for residential or other properties, as distinct from other heritage assets?

3.3 CEASE PROVIDING ENDORSEMENTS

Few jurisdictions elsewhere in Australia or overseas appear to provide an endorsement process. This raises the possibility that the process in NSW has evolved to a level that is more directed – and resource intensive – than community standards demand, or reasonable heritage protections justify. The endorsement process may be driving an increase in time and costs for CMP preparation, and an inflation of avoidable bureaucracy.

The Heritage Act states that the Heritage Council “may endorse a conservation management plan for an item listed on the State Heritage Register”, but it does not mandate this activity. Endorsement could be terminated. Potentially, clearer guidance on Heritage Council’s required standards of heritage conservation could be substituted for an endorsement process.

The question of whether guidance and feedback on draft CMPs should continue, by HCNSW or other parties, can be determined as a separate matter. Potentially, HCNSW could provide a fee-paid advisory service for feedback on draft CMPs, CMSs or HISs.



Questions for consideration and feedback

6. Should endorsement cease? If not, why not?
7. Would clearer guidance on standards of conservation be a viable alternative? What might be the main elements or topics to be covered in such standards?
8. Regardless of the continuation or cessation of endorsement should feedback be provided on draft heritage management documents, and should this be a fee-paid service?

3.4 ENCOURAGE BEST PRACTICE

There is inconsistency in the quality of CMPs, including variability in the drafting of management policies. This may be a result of differing levels of experience of CMP authors and heritage consultants. It may also be a result of asset owners – who are generally the commissioners of CMPs – having differing levels of knowledge on heritage and conservation matters.

It is in the interests of NSW heritage that asset owners and managers, and CMP authors and contributors, should be as well-informed and competent as possible. HCNSW could focus more of its strategies and resources on building knowledgeable and capable heritage stakeholders and educating stakeholders proactively in best practice CMP preparation and application. HCNSW actions suggested by consultees included:

- > Provide a guide to the format and length of CMPs
- > Provide a guide to the normal range of consulting fees for CMP preparation
- > Provide optional digital templates for CMPs, tools that can be used to guide good practice
- > Discourage too-detailed historical background
- > Provide training programs on CMP policy writing
- > Create a register of CMPs
- > Provide a register of heritage consultants with CMP-writing expertise
- > Make CMPs publicly available, with any sensitive data redacted
- > Provide an online library of model CMPs
- > Provide briefing sessions for asset owners
- > Advise on the governance and application of CMPs – long-term arrangements for their use as management tools

Questions for consideration and feedback

9. Would the encouragement of best practice, by itself, be sufficient to improve CMP practices?
10. If relevant training were provided, would you be willing to pay for such training?
11. Which of the suggested interventions would have impact and benefit?
12. Should the vendor be required to provide an up to date CMP? Should this be confined to the sale of State-owned assets?
13. Please suggest other ways in which Heritage Council can encourage best practice?

4. FEEDBACK AND NEXT STEPS

We welcome your feedback to any or all of the questions posed. The feedback will inform the development of a preferred approach for the future development and use of CMPs. This will be tested through discussion with heritage stakeholders before the consultants finalise their advice to Heritage Council. Any detailed tools or support materials underpinning a new framework for the development and application of CMPs will be the subject of a subsequent work process.

This [link](#) to an online feedback form enables you to provide your views, and to comment on any issues or opportunities that may have been missed. Feedback should be provided no later than Friday 17th January 2020.



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