KEY FINDINGS

• Statutory recognition of heritage and its governance arrangements are fragmented. Both are significantly impeding the effective protection and management of heritage in WA.

• There is no single, formal list of heritage places in WA available to determine the total number of heritage places.

• There is a distinct lack of monitoring and reporting for heritage places and this is impacting on the quality of heritage management decisions.

• Anecdotal evidence suggests the condition of some heritage places is declining.
INTRODUCTION

Heritage refers to something that we inherit and that we want to preserve and pass on to future generations. Western Australia has abundant heritage that enriches our lives and helps shape our individual and community identities. Heritage is present in many forms including places, objects, languages and other intangible forms. In this report, only heritage places (or sites) are considered as part of the environment. Other forms of heritage (heritage objects in museums, intangible heritage and languages) fall outside the jurisdiction of the Environmental Protection Authority and are beyond the scope of the Environmental Protection Act 1986.

The State’s heritage places range from landscapes, to landmarks, to sites and buildings that have heritage significance for current and future generations. Heritage places are important to WA because they help us to understand our past, enrich our understanding of our society and contribute to social cohesion and community and individual wellbeing. They support urban and rural amenity by contributing to a sense of place and by enhancing the quality of our environment generally.

Heritage places are defined by the heritage values that people recognise in them. These may be natural and/or cultural values that are significant for aesthetic, historic, scientific or social reasons (Environment and Heritage Legislation Amendment Act (No.1), 2003 [Commonwealth]). Heritage values are important as they are the underlying reason for conserving heritage places (Allen Consulting Group, 2005). For the purpose of this report, heritage encompasses natural heritage places, Aboriginal heritage places and historic heritage places. It should be recognised that heritage places can have multiple heritage values and that many values are interrelated and require integrated management. In WA, there are many heritage places that have multiple heritage values and most have values that are rarely realised in financial terms. However, heritage conservation can aid economic prosperity by contributing to the attractiveness of the living and working environment, by stimulating and supporting tourism and by encouraging economic diversification and investment in a locality or region.

Objectives

- Protect, manage and conserve heritage places of significance to the Western Australian community.
- Ensure that the value and benefits of heritage conservation are widely recognised by the Western Australian community.

Headline indicator

Indicator H1: The number of heritage places in Western Australia recorded in a formal list.

The identification and formal listing (registration) of heritage places underpins effective protection and management of natural and cultural heritage. It demonstrates the extent to which our knowledge has been compiled in a comprehensive and publicly accessible form, enables sound management of heritage and in many cases, provides legal protection for listed places. An exception is Aboriginal heritage places, which are protected by the Aboriginal Heritage Act 1972, regardless of whether they have been registered.

There is currently no formal list of all heritage places in WA. Several heritage registers or lists, serving different purposes, exist at the Commonwealth, State and local government levels (Table H0.1). Not all lists provide statutory protection of registered places. The number of heritage places that have been recorded on a formal list varies across the State (Figure H0.1). The distribution of registered heritage places reflects the historical pattern of settlement and development across the State and the factors leading to the identification of heritage places. For various reasons, there are many other heritage places that have yet to be listed or formally identified – especially Aboriginal heritage places (see ‘Loss or degradation of Aboriginal heritage’).

Natural heritage on some publicly owned land is largely protected through the conservation reserve system (see ‘Conservation’). Mechanisms are not well-established or coordinated for the protection of natural heritage areas on other public lands or on privately owned land. As of June 2006, the size of WA’s formal conservation reserve system was 20.4 million hectares with nearly 1.7 million hectares being added between 1999–2000 and 2005–06. Also during this period, areas under conservation covenants have tripled to 260,000 ha.

Aboriginal heritage places are protected by the Aboriginal Heritage Act 1972 and formally recognised on the Aboriginal Sites Register. As of June 2006 the register contained over 23
205 aboriginal heritage sites. About 4800 sites were added to the register between 2000–01 and 2005–06.

As of June 2006, there were 1166 historic heritage places in the State Register of Heritage Places and over 17 000

Table H0.1: Heritage registers relevant to Western Australia.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Heritage register</th>
<th>Provides statutory protection?</th>
<th>Heritage type</th>
</tr>
</thead>
<tbody>
<tr>
<td>International</td>
<td>World Heritage List</td>
<td>Yes</td>
<td>All</td>
</tr>
<tr>
<td>National</td>
<td>Commonwealth Heritage List</td>
<td>Yes</td>
<td>All</td>
</tr>
<tr>
<td>National</td>
<td>National Heritage List</td>
<td>Yes</td>
<td>All</td>
</tr>
<tr>
<td>Register of the National Estate</td>
<td>Register of the National Estate</td>
<td>No</td>
<td>All</td>
</tr>
<tr>
<td>National Trust of Australia (Western Australia)</td>
<td>National Trust of Australia (Western Australia)</td>
<td>No</td>
<td>All</td>
</tr>
<tr>
<td>Classified List</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shipwrecks Database</td>
<td></td>
<td>Yes</td>
<td>Historic</td>
</tr>
<tr>
<td>State</td>
<td>Local government inventories</td>
<td>No</td>
<td>Historic</td>
</tr>
<tr>
<td>Local government</td>
<td>Local government inventories</td>
<td>Yes</td>
<td>Historic</td>
</tr>
<tr>
<td>Town planning scheme</td>
<td>State Register of Heritage Places</td>
<td>Yes</td>
<td>Historic</td>
</tr>
<tr>
<td></td>
<td>Classified List</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: (a) The Aboriginal Sites Register does not of itself provide statutory protection to registered sites. The State Aboriginal Heritage Act 1972 protects all sites, whether registered or not. (b) Also includes sites protected under Commonwealth legislation.

Overall condition

Significant impediments exist to the effective protection and management of heritage places. The current approach to statutory recognition and protection of heritage in WA is fragmented, with several acts protecting different types of heritage and no comprehensive register of heritage places. Incomplete recognition, monitoring and maintenance of heritage places is often the result of inadequate resources at the State and local government levels. There are also significant gaps and deficiencies in heritage legislation.

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 makes some attempt to rectify these problems, requiring all forms of environment and heritage protection to be within one framework. The Act also establishes the National Heritage List comprising natural, historic and indigenous places that are of outstanding national heritage value. Generating this list will be challenging due to the different legislation governing various heritage components and it will only cover a small number of WA’s heritage places.

Indicator H2: The condition of heritage places in Western Australia.

There is inadequate knowledge about the condition of heritage places due to insufficient and inconsistent data. Therefore, it was not possible to assess the overall condition of natural, Aboriginal and historic heritage places in WA. Limited historic heritage survey data does show a decline in the condition of places and anecdotal evidence suggests that many Aboriginal heritage places are deteriorating.

Indicator H3: Demolition and loss of heritage places in Western Australia.

Data on the loss of heritage places is poor, despite this being a significant issue. There has been progressive loss of cultural landscapes and Aboriginal and natural heritage in Perth due to redevelopment, urban expansion, clearing of remnant vegetation, draining of wetlands, and landscape modification and development. It is not known how many Aboriginal heritage places have been destroyed over the past few years as there have been inadequate resources to conduct appropriate monitoring and reporting. Between 2000–01 and 2005–06, 13 historic heritage places in the State Register of Heritage Places were demolished. Demolition of historic heritage places in local government inventories is occurring at a faster rate compared to places on the State register, but data on the precise number of local heritage demolitions is not available.

Better information about the condition and loss of heritage places is crucial to the preservation, protection and management of these valuable cultural and natural resources.

Effectiveness

Heritage was not covered in the 1998 State of the Environment Report and therefore no assessment of effectiveness can be undertaken.

SUGGESTED RESPONSES

8.1 Review the operation of heritage legislation, with a view to strengthening heritage conservation, management and enforcement capabilities. The legislation should be based on national standards for heritage legislation as described in the Commonwealth Government’s A National Strategy for Australia’s Heritage Places (Commonwealth of Australia, 1999).

8.2 Develop and implement a State Heritage Strategy to improve governance arrangements and community involvement in heritage management, adoption of common standards and other processes to ensure that heritage issues are included in government decision making in a more integrated and accountable manner.

8.3 Establish effective mechanisms for monitoring and reporting the condition of the State’s heritage places with collaboration at all levels of government.

8.4 Build on existing education programs to broaden community understanding and appreciation of heritage places.
New Norcia skyline. Heritage places are important cultural and economic assets for many settlements (Tourism WA).

Figure H0.1: Number of heritage places (natural, Aboriginal and historic) by local government area in 2005.

8.1 LOSS OR DEGRADATION OF NATURAL HERITAGE

**KEY FINDINGS**

- The total area of natural heritage in WA under protection is about 20.7 million hectares – about 8% of the area of the State.
- There is currently no formal state register for natural heritage.
- The conservation estate is a major form of protection for natural heritage, but only 18% of conservation parks and reserves have management plans.
- There are 150 geological places of heritage significance in WA – but they are currently not all legally protected.

**Description**

Natural heritage areas are valued for their biological and physical features. They may be significant in terms of their existence or intrinsic values, or in terms of their social, aesthetic, life support or scientific values for both present and future generations (Lennon et al., 2001). They may also have cultural or spiritual significance. Natural heritage places can be diverse and include such things as landscapes, waterways, desert mound springs, or marine or bushland ecosystems. Natural heritage places are usually rich in biodiversity and are important scientifically for understanding the evolution of plants, animals and the natural landscape. Natural heritage also includes geological features that are important for understanding Earth’s evolution. Significant geoheritage may include important fossil localities, rock relationships, type sections, significant landforms (e.g. mountains, outcrops) or other geological or geomorphological features that are unique or considered scientifically valuable.

**Objectives**

- Protect, conserve and manage the State’s natural heritage.
- Ensure that new development is sympathetic to the significance of natural heritage.

**Condition**

**Indicator H4: Number, area and comprehensiveness of natural heritage listings.**

The number of all natural heritage places has not been systematically collected, as there is no single registration system in WA. At the national level, the Register of the National Estate contains the most extensive list of natural heritage places in WA. In 2007, 286 natural heritage places were registered on the register, which was compiled between 1976 and 2003. A further 222 places have not been registered because funding cutbacks in 1998 resulted in the cessation of registrations in WA.

Natural heritage places of high conservation value are normally included in the State’s conservation reserve system and nationally significant natural heritage is included on national heritage registers (Figure H1.1). Between 1999–2000 and 2005–06 the total area protected in the conservation estate increased from 19.1 million hectares to 20.4 million hectares, or 7% (Table H1.1). Most of the increase occurred in 2004, with the expansion of marine conservation areas and the creation of 46 new national parks, nature reserves and conservation parks. Despite the proclamation of an increasing number of conservation reserves in recent years, the reservation target of 15% of each native vegetation type has only been met in 20% of the terrestrial bioregions (see ‘Conservation’). In addition, reservation alone does not ensure that natural heritage will survive in perpetuity, but it does provide more security for protection.

**Indicative extent of issue**

**Priority rating: 4**
8.1 Heritage Loss or degradation of natural Heritage

Figure H1.1: Distribution of natural heritage places identified through the conservation reserve system, heritage registers and other databases, as at 2005.


Hamersley Range in the Pilbara is a geoheritage site (Tourism WA).

Legend

- Natural Heritage Areas
- Local Government Authority boundaries
Table H1.1: Number and area of natural heritage places in Western Australia.

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of national parks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area of national parks (‘000 ha)</td>
<td>64</td>
<td>69</td>
<td>69</td>
<td>69</td>
<td>69</td>
<td>96</td>
<td>97</td>
</tr>
<tr>
<td>Nature reserves (‘000 ha)</td>
<td>10 775</td>
<td>10 818</td>
<td>10 825</td>
<td>10 827</td>
<td>10 828</td>
<td>10 857</td>
<td>10 861</td>
</tr>
<tr>
<td>Marine parks, marine nature reserves, marine management areas (‘000 ha)</td>
<td>1 146</td>
<td>1 146</td>
<td>1 146</td>
<td>1 146</td>
<td>1 227</td>
<td>1 536</td>
<td>1 537</td>
</tr>
<tr>
<td>Other parks and reserves* (‘000 ha)</td>
<td>529</td>
<td>951</td>
<td>951</td>
<td>951</td>
<td>952</td>
<td>995</td>
<td>1 097</td>
</tr>
<tr>
<td>State forest (‘000 ha)</td>
<td>1 727</td>
<td>1 727</td>
<td>1 730</td>
<td>1 730</td>
<td>1 730</td>
<td>1 305</td>
<td>1 305</td>
</tr>
<tr>
<td>Private land under conservation covenants* (‘000 ha)</td>
<td>78</td>
<td>94</td>
<td>105</td>
<td>120</td>
<td>237</td>
<td>250</td>
<td>260</td>
</tr>
</tbody>
</table>

Data source: Department of Conservation and Land Management, National Trust of Australia (WA). Notes: (a) Includes conservation parks, section 5(1)(g) reserves, section 5(1)(h) reserves, section 16 reserves (mostly regional parks managed by agreement between CALM and Western Australian Planning Commission). (b) Includes Land for Wildlife, nature conservation covenants and National Trust of Australia (WA) covenants. Does not include areas under private covenanting programs (e.g. BushBank, Australian Bush Heritage Fund, Gondwana Link).

It should be noted that not all natural heritage places listed on formal heritage registers (e.g. Register of the National Estate) fall within the State’s conservation reserve system. For example, it excludes local government reserves and some places identified through environmental protection policies. The extent of natural heritage places on private land, and for other tenures, is largely unknown as this information is not routinely collated or collected. However, the area of private land under conservation covenants through public covenanting programs increased from 78 000 ha to 260 000 ha (230%) between 1999–2000 and 2005–06.

There is currently no system for formal recognition of geoheritage. The Geological Society of Australia has identified approximately 150 significant geological sites in WA (Carter, 1987; Lemmon et al., 1979). Proposals for about another 20 sites exist. Some sites are protected as they are contained within conservation reserves or formal reserves for the protection of sites of geological significance. Conditions may also be placed on mining tenements that cover geoheritage sites. However there is currently no formal protection mechanism that covers all geoheritage sites.

Comprehensiveness is a measure of the extent to which all relevant place types have been recognised, at an appropriate scale, and the extent to which all relevant places have been recognised. It is not permanently achieved at any given time, as knowledge of our heritage places is constantly evolving. It is not possible to quantify the comprehensiveness of the State’s natural heritage in the absence of a register and a comprehensive database.

Indicator H5: Condition and integrity of natural heritage places.

Information about the overall condition of natural heritage places is not available. In the absence of this information, the extent of natural heritage areas covered by management plans provides a surrogate measure of condition and integrity as it indicates the extent to which natural heritage is being pro-actively managed. Management plans are prepared for protected areas in the conservation reserve system and are intended to guide strategic and long-term management of protected areas. The total number of management plans under the Conservation and Land Management Act 1984 is 48. A further 35 plans are being prepared. Currently 18% of the total area of the conservation estate is covered by management plans (Table H1.2; Department of Conservation and Land Management, 2005). This statistic only includes areas managed by the Department of Environment and Conservation and does not indicate the management status of all natural heritage in WA. Information on management of natural heritage places under the jurisdiction of local government and in private ownership is not available.

Table H1.2: Department of Environment and Conservation protected areas covered by management plans as at 2006.

<table>
<thead>
<tr>
<th>Area covered by management plan (ha)</th>
<th>Total tenure area (ha)</th>
<th>Per cent covered (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>National parks</td>
<td>1 751 553</td>
<td>5 593 536</td>
</tr>
<tr>
<td>Nature reserves</td>
<td>361 956</td>
<td>10 860 832</td>
</tr>
<tr>
<td>Marine reserves</td>
<td>1 489 461</td>
<td>1 536 551</td>
</tr>
<tr>
<td>Other recreational/ conservation reserves</td>
<td>94 110</td>
<td>990 195</td>
</tr>
<tr>
<td>Total</td>
<td>3 473 080</td>
<td>18 981 114</td>
</tr>
</tbody>
</table>

Pressures

Western Australia’s natural heritage is subject to a range of pressures that contribute to a loss of heritage values. The main pressures on natural heritage are from development, objections to natural heritage protection, and land, water and biodiversity degradation problems, many of which have been covered elsewhere in this report. An emerging pressure identified by the United Nations Educational, Scientific and Cultural Organization for world heritage properties and applicable to other natural heritage places is the potential impact of climate change (Commission III, 2005). Climate change may have serious impacts on natural heritage areas in WA in the future (see ‘Climate change’).

Indicator H6: Level of objections to proposed protection of natural heritage.

Objections to proposed protection of natural heritage places are typically the result of development pressures and views about property rights from some sectors of the community. The number of objections to statutory protection of natural heritage is not comprehensively measured. Objections are often made by property owners to proposed protection of natural heritage places on private land or when proposed protection of public areas restricts the use of the area.

As an example, in July 2004 the EPA released the Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004 for public comment. The draft policy sought to protect Swan Coastal Plain wetlands of high ecological value on private and Crown land. A total of 664 submissions were received in relation to the draft policy and draft register, with the majority from private landholders objecting to any form of restrictions being placed on their property and therefore opposing protection of the wetlands (Environmental Protection Authority, 2004).

Indicator H7: Level of development pressures on natural heritage.

The main development processes placing pressure on natural heritage are urban growth, land clearing and industrial development. There is currently no measure of the overall level of development pressure on the State’s natural heritage.

Current responses

Conservation reserve system: The principal State legislation providing for the establishment and management of the public terrestrial and marine conservation reserve systems is the Conservation and Land Management Act 1984. Reserves are vested in the Conservation Commission (terrestrial) and the Marine Parks and Reserves Authority (marine). The Department of Environment and Conservation manages reserved lands and waters. A number of new national parks and conservation reserves have been created through a variety of processes including the Government’s Protecting our Old Growth Forests Policy (Australian Labor Party Western Australian Division, 2001) and the Gascoyne—Murchison Rangelands Strategy (Government of Western Australia, 1997).

State Register of Geoheritage Sites: The Geological Survey of Western Australia is in the process of developing the register, which will formally identify and protect significant geoheritage sites in WA, enabling them to be managed on an integrated basis. Reserves for the protection of sites of geological significance are being created which provide added protection for geoheritage sites. There are currently five such reserves in WA and a further two are in the process of being created.

Planning: Natural heritage is beginning to achieve statutory recognition within planning processes. For example, an increasing number of regional land use plans now cover heritage and landscape issues. Some local governments recognise and identify places of natural heritage within their town planning schemes, local planning strategies and municipal inventories. Survey results indicate that in 2005, 26% of local governments had biodiversity plans or green plans. On average, local government expenditure on natural heritage conservation was $14 000 per $1 million in revenue, or 1.4% (Charlton & Betham, in prep.).

Natural Heritage Trust: This Commonwealth program has provided funding for many programs in WA that extend to conservation, biodiversity protection and heritage protection. Heritage issues and management needs are identified to varying degrees in the natural resource management strategies developed by regional natural resource management groups.

Covenaniting: The National Trust of Australia (Western Australia), the Department of Environment and Conservation and the Department of Agriculture operate covenanting programs to protect high conservation value areas on private property. Since 2000, the area of private land registered under Department of Environment and Conservation and National Trust conservation covenanting programs has tripled to approximately 250 000 ha. Several other programs involve conservation on private land including BushBank, the Australian Bush Heritage Fund and the Gondwana Link.

Non-government organisations: Several non-government organisations, such as the Wildflower Society of WA and Birds Australia, are actively involved in the promotion of natural heritage.

Implications

Significant natural heritage places are protected under the State’s conservation reserve system; however, areas can still be subjected to development (especially mining) with Parliamentary approval. Unfortunately, many aspects of natural heritage can not be restored or rehabilitated once they have been impacted. The destruction of natural heritage places diminishes our understanding of our place in the world and undermines community identity, amenity and quality of life. It also contributes to the loss of biodiversity and geological diversity across WA. Decline in the State’s natural heritage areas adversely impacts on the tourism industry, which may have negative flow-on effects to regional areas dependent on nature-based tourism.

SUGGESTED RESPONSES

8.5 Establish a system for statutory recognition of natural heritage, including geoheritage.
8.2 Heritage Loss or degradation of Aboriginal Heritage

Description
Aboriginal heritage places include landscapes, sites and areas that are particularly important to Aboriginal people as part of their customary law, developing traditions, history and current practices. Aboriginal heritage is therefore an integral part of Aboriginal culture, and central to the spiritual wellbeing of Aboriginal people. It is embedded in the natural landscape and keeps the connection to ancestors, land and country alive. For thousands of years Aboriginal people have woven their intricate knowledge of Australia’s natural landscape into a life guide. Consequently, Aboriginal heritage values are present in the land, air, waterways, animals, and plants, making the natural landscape fundamental to Aboriginal heritage. Not surprisingly, there is considerable overlap between natural heritage and Aboriginal heritage in WA.

Encompassed in Aboriginal heritage values are intangible expressions of culture and spirituality. Places may be of particular spiritual value to Aboriginal people for a number of reasons: because of the mythological lore connected to these places, because of past use as meeting places for special ceremonies and as places for mythological depiction through rock art; as burial grounds for ancestors; or as places of the Dreaming’s spiritual beings. Traditional Aboriginal knowledge is shared by telling stories, through art, dance and songs.

These cultural expressions connect generations over time and must be sustained. Aboriginal heritage is a central element of Aboriginal spirituality and customary law. Its conservation ensures continued respect for Aboriginal ancestors and ancestral beings that shaped the land and waterways.

The Dreaming
Aboriginal people attribute their origins and occupation of Australia to the Dreaming, the time of Creation when ancestral spirits came to Earth to create landforms, plants and animals. As these Creator beings moved through the land they created waterways and mountains. These journeys left very long Dreaming tracks that twisted their way through many Aboriginal clan groups. Aboriginals can see the events of the Dreaming recorded in the surrounding countryside and they can find ancestral beings living in waterholes, rock formations, animals and plant life. The ancestral beings created rules and laws to govern the land and its inhabitants. The Dreaming did not end with the arrival of Europeans, but evolved into a new era and continues as a powerful living force that must be looked after and maintained.

Objectives
- Protect, conserve and manage the State’s Aboriginal heritage.
- Ensure that new development is sympathetic to the significance of Aboriginal heritage.

Condition
Indicator H8: Number of Aboriginal heritage listings.
As of 30 June 2006, the Aboriginal Sites Register contained 23,205 sites (Table H2.1). There are currently 80 protected areas that include multiple sites. Approximately 90% of sites are reported through heritage survey reports submitted to the register (Table H2.1). Since 2000–01 an average of three Aboriginal sites has been reported in each heritage survey submitted.

Key Findings
- The Aboriginal Sites Register contains over 23,000 sites. There are also many sites that are not recorded.
- Nearly all development applications likely to impact on Aboriginal heritage places were approved between 2001 and 2006.
- The Dampier Archipelago has the world’s largest collection of petroglyphs (numbering about 250,000 individual rock carvings) but is under significant development pressure.
Table H2.1: Number of Aboriginal heritage listings and site survey reports submitted.

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal Sites Register</td>
<td>18 437</td>
<td>18 973</td>
<td>20 212</td>
<td>21 362</td>
<td>22 134</td>
<td>23 205</td>
</tr>
<tr>
<td>Site survey reports submitted</td>
<td>—</td>
<td>273</td>
<td>404</td>
<td>331</td>
<td>395</td>
<td>289</td>
</tr>
</tbody>
</table>

Data source: Department of Indigenous Affairs – Aboriginal Sites Register.

Note: The figures include the total number of sites and objects reported to the registrar. There are currently over 2000 sites reported to the registrar that do not meet the terms of section 5 of the Aboriginal Heritage Act 1972 and are considered not to be sites until sufficient information is presented to determine their status.

The geographical spread of places in the Aboriginal Sites Register largely reflects where Aboriginal heritage surveys have been conducted. Large areas of the State have not been surveyed as heritage surveys are normally only undertaken in response to development proposals. This has resulted in a bias of site identification primarily in areas subject to recent development (Figure H2.1). The low density of sites in the South West reflect the fact that a significant area of land has been historically developed for agriculture, and there are less mining developments and fewer Aboriginal communities than elsewhere in the State.

Figure H2.1: Number of Aboriginal heritage places by local government area, as at 2005.

Data source: Department of Indigenous Affairs – Indigenous Heritage Sites [ver. 2005]; Analysis: EPA; Presentation: EPA.
Knowledge of the presence of Aboriginal heritage places may also be withheld. The Aboriginal Heritage Act 1972 obliges any person who has knowledge of the existence of an Aboriginal site to report the site to the registrar or a police officer. However, many Aboriginal sites are not recorded on the Aboriginal Sites Register either because they have not been reported to the registrar or because Aboriginal people have decided to keep information about sites confidential. The Act provides Aboriginal people the right to withhold reporting of sites if it conflicts with relevant Aboriginal customary law or tradition. This is an integral component of the Aboriginal Heritage Act 1972, which provides blanket protection for Aboriginal sites whether or not they appear on the Aboriginal Sites Register.

**Indicator H9: Condition and integrity of Aboriginal heritage listings.**

Our knowledge of the overall condition and integrity of Aboriginal heritage places is inadequate. However, anecdotal evidence suggests that many places are deteriorating or are at risk. An example is the Dampier Rock Art Precinct, located in the Dampier Archipelago, which contains the largest collection of petroglyphs (rock carvings) in the world. Over 250 000 individual rock carvings are estimated to be in this region with some dating back as far back as 10 000 years (National Trust of Australia, 2005). Since the 1960s, the rock art complex on the Burrup Peninsula (part of the Archipelago) has been physically disturbed and some of the area’s rock art has since been destroyed. While a number of actions are being taken to protect the majority of rock art on the Burrup Peninsula, approval has been given for some sites to be disturbed to enable further development in the area. Emergency listing of the Burrup petroglyphs on the National Heritage Register was rejected by the Federal Minister in December 2006.

Monitoring and maintenance of Aboriginal heritage places has been limited by a lack of value placed on Aboriginal heritage. The Aboriginal Heritage Act 1972 creates offences for disturbing Aboriginal sites without Ministerial consent. However there is inadequate monitoring and reporting to determine the level of compliance with the Act. Under existing laws, developers (or proponents of projects impacting heritage) are required to undertake heritage surveys. Although this normally results in intensive studies, this information is not often released publicly and therefore the value of the site is not well understood by the broader community.

**Pressures**

Development is the major pressure on Aboriginal heritage. However, deficiencies in heritage legislation and inadequate protection and management also contribute to a decline in Aboriginal heritage in WA. The Aboriginal Heritage Act 1972 is arguably one of the most comprehensive pieces of Aboriginal cultural heritage legislation in Australia. However, since its enactment there have been considerable changes in the legal, economic and social factors affecting the preservation and protection of Aboriginal heritage. As a result, many of the provisions now appear outdated and some sections of the Act have not kept pace with the changing environment. The resource and development industry has continually raised its concerns about difficulties associated with the land use approvals process under the Aboriginal Heritage Act 1972.

**Indicator H10: Level of development pressures on Aboriginal heritage.**

Aboriginal heritage places face pressure from all forms of development but most notably industrial and urban development. Among other things the Aboriginal Heritage Act 1972 makes it an offence to excavate, destroy or damage an Aboriginal site. Landowners may apply to the Minister for Indigenous Affairs for consent to use land in a way that would be likely to impact a site. The number of applications to impact a site considered by the Aboriginal Cultural Material Committee and the number of consents granted by the Minister infers the level of development pressure on Aboriginal heritage. On average about 25% of heritage survey reports submitted to the Aboriginal Sites Register result in an application to disturb a site. The number of applications increased steadily between 2001 and 2004 then declined marginally in 2005 and 2006 (Table H2.2). Of the 487 applications determined over this period, only one was declined. Nearly 85% were given approval (including those with conditions) and 13% were referred back to the proponent.

Aboriginal communities often face difficult management decisions in relation to Aboriginal heritage places because of conflict between traditional obligations and the flow on benefits to the communities from development. However, the increasing involvement of Aboriginal people in developing Indigenous land use agreements, heritage protection agreements and consultations about Ministerial conditions indicates a growing willingness of Aboriginal people to participate in the ongoing management and protection of sites when confronted with development pressures.

### Table H2.2: Number of applications to impact Aboriginal Heritage sites and approvals by the Aboriginal Cultural Material Committee and Minister for Indigenous Affairs.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of section 18 applications</th>
<th>Referred back to proponent</th>
<th>Approval (includes conditional consent)</th>
<th>Declined</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
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<td>2006</td>
<td>81</td>
<td>10</td>
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</table>

Data source: Department of Indigenous Affairs. Note: “section 18 applications” refers to applications to the Minister for Indigenous Affairs for consent to use land in a way that would impact an Aboriginal site.
Indigenous land use agreements are a voluntary agreement between native title claimant groups and other parties that allow agreements to be made about how land is used without entering into the usual native title process. Argyle Diamonds and the Mirriuwan and Kija people of the East Kimberley have entered into an agreement which establishes management plans for Aboriginal heritage sites, among other initiatives (Office of Native Title, 2005).

Grants: Grants are available to Aboriginal communities for heritage conservation through the Department of Indigenous Affairs and Lotterywest. In 2002, the Department of Indigenous Affairs established the Aboriginal Heritage Grants Program. An annual budget of $100 000 is allocated for the overall program with grants up to $5000 available for local, community-based projects that assist in promoting, protecting and recording Aboriginal heritage and culture (Department of Indigenous Affairs, 2005). A total of 15 grants worth $66 018 was given to Aboriginal communities for the protection, management and recording of sites and objects from 2002–03 to the beginning of the 2004–05 financial year.

Management: The Aboriginal Lands Trust and the Indigenous Land Corporation have established a partnership to provide funding to Aboriginal land managers for Caring for Country activities aimed at restoring and protecting the natural and cultural values of lands of interest to the Aboriginal community. The Aboriginal Lands Trust is undertaking a systematic inventory of the natural and cultural values of the lands held by them in partnership with resident Aboriginal communities, including an assessment of the condition of the land. This information will be a valuable source for determining pressures and risks and will assist in prioritising and developing appropriate responses to these pressures.

Implications
The destruction of Aboriginal heritage sites adversely impacts on Aboriginal culture, spirituality and their connection with country and their ancestral history. Differences between Aboriginal and European-based cultures often result in inadequate understanding, valuing and protection of Aboriginal heritage. There is a need to bridge the cultural divide and a better understanding of the values of Aboriginal heritage by the broader community will be critical to address this.

**SUGGESTED RESPONSES**

8.6 Increase the involvement of the Aboriginal community in heritage management and decision-making.

8.7 Review the Aboriginal Heritage Act 1972 to improve the effectiveness of protecting and conserving Aboriginal heritage sites by reviewing Ministerial powers to make decisions on protected sites and on consents to damage sites, and providing greater decision making powers to custodians of heritage sites.
8.3 LOSS OR DEGRADATION OF HISTORIC HERITAGE

KEY FINDINGS

- There are over 1100 historic heritage places on the State Register of Heritage Places.
- Both the number of listings and the comprehensiveness of historic heritage registers are increasing.
- The proportion of historic heritage places in good condition fell from 44% to 32% between 2001 and 2004.
- Between 2000 and 2006, 13 historic places in the State Register of Heritage Places (or 1%) were demolished.

Description

Historic heritage places date from the time of European settlement in WA. They include buildings, structures and gardens which demonstrate physical characteristics or other associations with important events, developments or cultural phases in the State's history. Also included in historic heritage are maritime heritage (e.g. shipwrecks) and cultural landscapes. Cultural landscapes refer to places (e.g. townscapes) that illustrate how human society and settlements have evolved with the natural landscape. Historic heritage contributes to community cultural identity and ‘sense of place’. The preservation of historic heritage places can enhance the amenity of towns and streetscapes, and provide economic benefits by encouraging tourism and increasing the financial value of properties.

Objectives

- Protect, conserve and manage the State's historic heritage.
- Ensure that new development is sympathetic to the significance of historic heritage.

Condition

Indicator H12: Number and comprehensiveness of historic heritage listings.

The number and location of historic heritage places throughout WA reflects the pattern of European settlement, with most identified places in the developed parts of the South West (where the first European colonies were built in WA) and the Kalgoorlie area (a historic gold mining town) (Figure H3.1). The State Register of Heritage Places provides formal recognition and protection of significant historic heritage places. Between 2000–01 and 2005–06 the number of places in the State register increased from 808 to 1166 (or 44%), with an average of around 70 places being added each year (Table H3.1).

The condition of some historic places is declining due to neglect or lack of maintenance, for example the Newmarket Hotel, Hamilton Hill (Heritage Council of WA).
The condition of some historic places is declining due to neglect or lack of maintenance, for example Maddington Homestead, Maddington (Heritage Council of WA).

Figure H3.1: Western Australian historic heritage places by local government area.

Data source: Heritage Council of Western Australia (ver. 2005); Analysis: EPA; Presentation: EPA.
The comprehensiveness of the State Register of Heritage Places is indicated by the extent to which different place types and the State’s regions are represented. It is measured by comparing the content of the register with targets or benchmarks derived from the comprehensive statewide database of historic places. The database includes all places listed in local government inventories and other community-based lists such as the National Trust Classified List and other heritage surveys. Between 2000–01 and 2005–06, the comprehensiveness of the State register increased from 45% to 61%. On the whole, the State register is well-balanced; the only place types or regions which are significantly under-represented are residential buildings and the Wheatbelt region.

Table H3.1: Number and comprehensiveness of listings in the State Register of Heritage Places and local government inventories.

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<tr>
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</table>

Data source: State Register of Heritage Places, Heritage Council

Cultural landscapes are not well-represented in the State register which contains only six landscape areas. This is largely because of the controversial nature of conserving significant cultural landscapes. As of November 2004 there were 103 cultural landscapes in the National Trust’s Classified List, although this does not provide statutory recognition. The advantages and disadvantages of conservation of cultural landscapes need to be more widely debated in the community, as changing values and land uses make this a difficult area of heritage conservation.

The Western Australian Maritime Museum Shipwrecks Database contains all known shipwrecks on the WA coast including Commonwealth and State waters. There are currently 1432 shipwrecks listed in the database. Most of these are historic shipwrecks and therefore are protected under State or Federal legislation.

Indicator H13: Condition and integrity of historic heritage places.

In 2004, a survey of the condition of some historic heritage places in the Commonwealth Register of the National Estate (Pearson & Marshall, 2004) was commissioned by the Commonwealth Department of Environment and Heritage. Survey results provide a surrogate measure of the condition of historic heritage places in WA. The proportion of WA’s historic heritage places in good condition declined from 44% in 2001 to 32% in 2004, while the proportion of places in fair condition increased from 50% to 64%. The proportion of historic places in poor condition declined marginally from 6% to 4%. Some historic heritage places have also been destroyed. Between 2000 and 2005, 13 historic places in the State Register of Heritage Places were demolished. Four of these were located in the Perth central business district and were demolished as part of the Southern Suburbs Railway development.

The condition of heritage places in local government inventories and town planning scheme lists has not been measured. The frequency of demolition of local historic heritage places is comparatively higher than for the State register, but data on the precise number of local heritage demolitions is not available. There has also been no comprehensive assessment of the condition of the State’s maritime heritage.

Pressures

The main pressures for historic heritage are development (especially urban redevelopment), objections to heritage listings and the costs involved in achieving comprehensive listings and maintaining heritage places. The maintenance of historic heritage places is increasingly limited by declining public expenditure on historic heritage conservation together with rising costs of maintenance. There are also problems with the Heritage of Western Australia Act 1990, which provides the legal framework for historic heritage protection in WA. These mainly relate to the effectiveness of the Act in protecting historic heritage places. For example, the current legislation permits decisions about registration of places to be made on grounds other than their heritage significance; provisions for works approval to develop heritage listed places are weak; and penalties for non-compliance with the Act are extremely low.

Local governments have a major role in historic heritage conservation though the management of local strategic planning, involvement in the development assessment process, management of local government owned heritage properties and provision of support to private property owners in heritage conservation (Productivity Commission, 2006). However, local governments are often constrained in their capacity to adequately fund heritage conservation. Survey results indicate that Western Australian local governments spent just under 2% of revenue ($17 500 per $1 million in revenue) on historic heritage conservation in 2003–04 (Charlton & Betham, in prep).

Indicator H14: Level of objections to listings of historic heritage.

Objections to proposed historic heritage listings are typically the result of development pressures and views about property rights from some sectors of the community. In principle, community support for historic heritage conservation is high, with a recent nationwide survey showing that 94% of Western Australian respondents believe it is important to protect heritage places even though they may not visit them and 91% believe it is important to keep historic heritage features wherever possible when improving towns and cities (Allen Consulting Group, 2005). In practice, there is...
less support for heritage listing of properties when they directly involve property owners: nearly 30% of proposed registrations for historic heritage listings on the State register are objected to by property owners. Contributing to this is the misconception that heritage protection is detrimental to property values and limits development potential. Community support for heritage is often influenced by the level and tone of media coverage of heritage issues. Historic heritage has been marked by considerable adverse publicity over the past few years, usually based on a property rights platform.

**Indicator H15: Level of development pressures on historic heritage.**

Development pressures are not easy to quantify for historic heritage, but they are significant and are increasing. In particular, historic heritage places often become subject to redevelopment proposals. The number of land development applications considered by the Heritage Council has increased each year over the past five years. Each year the Heritage Council considers about 700-800 referrals (M Betham, Heritage Council, pers. comm.). However, funds spent on referrals have been consistently decreasing. Conservation of historic heritage places is sometimes lost to development, as often, limited weight is given to heritage matters in planning decision making.

**Current responses**

**Registers of historic heritage:** The State Register of Heritage Places formally recognises and protects places of historic heritage significance. The WA Maritime Museum Shipwrecks Database records maritime heritage places. Cultural landscapes are gaining more recognition in the National Trust of Australia (WA) Classified List, although this list does not formally protect cultural landscapes. Local government inventories are regularly reviewed by local governments and their comprehensiveness is progressively improved in accordance with common standards. However, heritage lists in town planning schemes are frequently incomplete and local governments are encouraged to address this when local town planning schemes are reviewed periodically.

**Legislation and policy:** The Heritage of Western Australia Act 1990 provides a mechanism for the control of unsympathetic development of places in the State Register of Heritage Places.

**Planning:** Local governments have an important role in the protection of historic heritage through Town Planning Schemes, updating registers and in the maintenance of historic heritage places. Often these aspects are not well understood, valued or adequately managed by local governments.

**Grants:** A number of grant programs support historic heritage conservation including the State Government Heritage Grants Program, the Lotterywest Heritage Program and local government heritage grants. In 2003–04, these totalled $2.7 million.

**Education:** A key objective of the Heritage Council of Western Australia is to promote awareness and understanding of the State's cultural heritage. The Council provides advice to the community on the processes of registration and development, and promotes awareness of the importance and value of heritage to the wider community. The National Trust of Australia (WA) has developed an enquiry-based education program that facilitates heritage education using National Trust properties as a resource.

**Implications**

Loss or degradation of historic heritage undermines the character and feel of WA's towns and cities. The loss of a single landmark building can considerably alter the qualities of a main street, while the incremental loss or deterioration of many historic heritage places over time can significantly affect urban amenity, community identity and sense of place. Appreciation of historical and cultural heritage is essential for the maintenance of heritage values and for passing on those values to future generations. However, the trend in historic heritage appreciation is not clear with conflicting messages coming from opinion surveys, support for historic heritage listings and the tone of media coverage on heritage issues. There has been significant negative publicity in recent years over specific listing issues, such as the proposed listing of residential properties in the Subiaco Municipal Inventory and the listing of the Empire Games Village in City Beach. Conversely, opinion surveys undertaken by the City of Subiaco and at the national heritage level indicate majority support for historic heritage protection.

**SUGGESTED RESPONSES**

8.8 Complete the State Register of Heritage Places.

8.9 Review the *Heritage of Western Australia Act 1990* to improve the effectiveness of historic heritage protection by strengthening the registration process, works approval provisions, enforcement and penalties for non-compliance and incentive provisions.

8.10 Develop a comprehensive program of heritage incentives (especially planning-based incentives) to encourage the adaptive reuse or ongoing use of historic heritage places to prevent their decline.

Australian Labor Party Western Australian Division 2001, Protecting our old growth forests policy, ALP, Canberra.

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Lemmon, TC, Gee, RD, Morgan, WR & Elkington, CR 1979, Important geological sites in the Perth and south western area of Western Australia: A report on their scientific and future protection, Geological Society of Australia, Western Australian Division, Perth.


Bluff knoll, Stirling Ranges (Tourism WA)
Rock art on the Burrup Peninsula. Some sites are under pressure from industrial development (Tourism WA).