

SUBMISSION RE QUESTION ON NOTICE : if Mr Margan could take on notice if he had any further developed thoughts about the specific way in which vineyards and vineyard blocks should be listed and protected? I know there is the Italian example but there is also the French example in many of the regions. If Mr Margan had any further thoughts on it, could he give us that on notice?

UNDERSTANDING HERITAGE VALUE IN CULTURAL LANDSCAPES

To provide a pathway for the Heritage value of cultural landscapes to be recognized through the NSW State Heritage List there needs to be Planning involvement for the Heritage listed area and formal recognition of the existence of these special landscapes. If the Heritage List is to recognize cultural landscapes of Heritage value it needs to have a well defined framework available that allows individual landholders within the affected area to understand what impact the layer of heritage protection has in relation to what they can and cannot do with their properties. In Australia, the Burra Charter (ICOMOS 2013) is the conceptual milestone that defines the principles for the conservation of places and items of cultural significance. However, a major mindset shift will be required to recognise continuing and organically evolved landscapes that are worth protecting and promoting as heritage and address the imbalance in heritage listings.

UNESCO states in reference to Cultural Landscapes – “ Certain sites reflect specific techniques of land use that guarantee and sustain biological diversity. Others, associated in the minds of the communities with powerful beliefs and artistic and traditional customs, embody an exceptional spiritual relationship of people with nature.

To reveal and sustain the great diversity of the interactions between humans and their environment, to protect living traditional cultures and preserve the traces of those which have disappeared, these sites, called cultural landscapes, have been inscribed on the World Heritage List.

Cultural landscapes -- cultivated terraces on lofty mountains, gardens, sacred places ... -- testify to the creative genius, social development and the imaginative and spiritual vitality of humanity. They are part of our collective identity.

To date, 114 properties with 5 transboundary properties (1 delisted property) on the World Heritage List have been included as cultural landscapes.”

For a long time, these landscapes have balanced biological and anthropogenic processes in a positive trade-off but, despite their heritage significance, they have not yet been acknowledged for their combined natural and historic values, or biocultural diversity. This is particularly crucial in the current context of economic and environmental unpredictability where agricultural intensification, ecological disruption and urban development are threatening the integrity of historical landscape systems. There is an increasing interest in recognising historical viticulture as both a productive and “continuing” ecosystem within a broader definition of cultural landscape (UNESCO 2019, annex 3). However, in Australia there have not yet been any agricultural regions formally recognised as “organically evolved and continuing” through heritage listing (UNESCO 2019, annex 3). A narrow framing of the concept of “heritage” in current policies precludes wider and more inclusive objectives for conservation, while ambiguous interpretations of cultural landscape assessment procedures generate a number of operational challenges in landscape protection

CULTURAL LANDSCAPE MANAGEMENT USED FOR UNESCO SITES

Of the 14 UNESCO listed World Heritage sites that include viticulture and winemaking every one has a framework that links back into the specific local planning regulations. In most cases however there exists the recognition that it is also a cultural landscape being recognized and as such this landscape needs to be worked with by the landholders as it has been over the previous years.

In Italy, any landscape is protected by the so called “Piano Paesaggistico”, an overly complex policy instrument that combines conservation objectives relevant to both natural and cultural heritage. Normally these plans acknowledge the traditional historic land management practices of regions. In Australia we have no such recognition of such landscapes in our planning regulations.

In the UNESCO listed French winegrowing region of Burgundy the following occurs “The management system is documented in a management plan based on the outstanding universal value of the property and identifies priorities and a strategic action plan detailed with specific operational programmes. Altogether these instruments must ensure that the landscape qualities and the characteristic parcel subdivisions of the property continue to be respected, as well as the transmission of the cultural and landscape values of the property to those most closely involved (professional inhabitants) and the visitors.”

Each cultural landscape in the world recognised for its heritage value uses its own system to ensure the protection and preservation of that unique landscape.

NEED FOR CHANGE IN AUSTRALIA

Under the current Heritage List requirements an area that includes multiple landholders needs to have all of those landholders in signed agreement for the greater area to be considered for nomination to the State Heritage List. In a situation such as the Lower Hunter Vineyard areas of Pokolbin and Broke Fordwich (which have proven value as a Heritage Landscape), that involves around 600 individual landholders, it is impractical to require 100 % of all involved landholders to all approve of being Heritage listed. If the State wishes to preserve the proven Heritage value of these cultural landscapes then it will need to provide for the areas to be Heritage listed without 100 % approval of the individual landholders.

In most LGA's where there are existing land uses that require specific LEP requirements the Local Council planning instruments will take these requirements into consideration when assessing any DA. The Singleton Council LEP for the Broke Fordwich winegrowing area recognizes the primacy of both the wine industry and wine tourism industries and that any developments need to be in sympathy with these industries. Hence the area has some protection in regard to its landscape being preserved in terms of its visual amenity and ambience. The area of Heritage value is not currently covered by any planning instrument as the Heritage items in question are a combination of cultural, agricultural and natural.

The Regional Planning Department needs to create a set of guidelines that helps landholders understand the processes that would be needed for any developments they propose for their land holding inside the Heritage listed area. Where there is no item of Heritage value being affected by the proposed development it is important that this application does not have to go through the process of evaluation for Heritage affects. Similarly where a development will impact on the existing item that has been prescribed as having Heritage value it is important that this development application be considered in relation to those affects.

Planning NSW could choose to provide clarity for significant assets into the future by creating a planning instrument such as a State Environmental Planning Policy (SEPP). This helps landholders understand the processes that would be needed for development of the area whilst recognising the combined natural and historic values, or biocultural diversity within the heritage listing. The NSW legislation currently has a SEPP for Mining and Petroleum Production (M&PP), it also has a SEPP for Primary Production and Rural Development (PP&RD). The SEPP PPR&D has similar intentions or aims to this request, that being to enable a level of certainty

HUNTER VALLEY HERITAGE VINEYARDS

The heritage value of the landscape is in the cultural process and traditional knowledge of cultivation, vineyard management and wine making techniques that have been used for generations. The focus of protection or conservation policies is on regional landscape values, heritage and agricultural production. We need to have the relevant areas of Heritage value used for viticulture to be regulated by regional and local landscape plans. Land use/cover cannot be changed (for instance from vineyard to orchard) without approvals and substantiating the need for any change of use.

The Hunter Valley Heritage Vineyards will likely be the first of many agricultural/cultural landscapes of Heritage value in the State that will seek nomination for the States Heritage List. As such it would be ideal to attach to the proposed new Heritage regulations a set of guidelines constructed by the State Planning Department that details the processes for assessing any proposed development in regard to its affect on items prescribed to be of Heritage value. In each individual landscape there will be specific needs attached to these basic guidelines that details the specific requirements for that individual landscape. In the case of the Hunter Valley Heritage Vineyards it would be a set of guidelines that related to how each Heritage Vineyard needs to be treated whenever that particular landholding is seeking development approval.

Specifically for the Hunter Valley Heritage Vineyards there are a list of Heritage items that are part of the 200 years of the wine industry in the area that are all recognized for their Heritage value and are included in the LGA planning instruments. The actual Heritage Vineyards are kept in a register by the Hunter Valley Wine and Tourism Association (HVWTA). These sites range from 50 to over 150 years old and contain grapevines that have direct lineage to the original vine stocks bought into Australia when the Colony was first settled. Heritage listing and the corresponding protection that it provides would ensure that these special sites would be protected and preserved.

The resilience of the existing Heritage vineyard sites are an indication of the sustainability of these valuable Heritage items in a commercial sense. One major issue to be confronted is the increasing conflict of land use that is created by land prices for future landholders that do not value the viticultural land use.

In the other Heritage vineyard sites recognized globally there has actually been an increase in the value of the recognized Heritage sites of viticulture thus improving the desire to maintain these specific sites for viticulture.

The end result of State Heritage Listing for the Heritage Vineyards of the Hunter Valley, apart from the important precedent being set with their listing, would be the area having the protection afforded to it to preserve and protect the Heritage of the region through appropriate State planning, Heritage and environmental protection laws.

RECOMMENDATIONS:

- That cultural landscapes be recognized in the NSW Heritage Act allowing for those cultural landscapes of proven Heritage value be nominated for the State Heritage List.
- That Planning NSW commits to integrating the preservation and protection of cultural landscapes of State significance into their planning policies
- That the Hunter Valley Heritage Vineyards be recognized for their Heritage value and be used to help create the framework to provide a pathway for cultural landscapes in NSW to be recognized and potentially nominated for the State Heritage List.

BACKGROUND NOTES FROM UNESCO IN RELATION TO CULTURAL LANDSCAPES

History and Terminology

In 1992 the World Heritage Convention became the first international legal instrument to recognise and protect cultural landscapes. The Committee at its 16th session adopted guidelines concerning their inclusion in the World Heritage List.

The Committee acknowledged that cultural landscapes represent the "combined works of nature and of man" designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.

The term "cultural landscape" embraces a diversity of manifestations of the interaction between humankind and its natural environment. Cultural landscapes often reflect specific techniques of sustainable land-use, considering the characteristics and limits of the natural environment they are established in, and a specific spiritual relation to nature. Protection of cultural landscapes can contribute to modern techniques of sustainable land-use and can maintain or enhance natural values in the landscape. The continued existence of traditional forms of land-use supports biological diversity in many regions of the world. The protection of traditional cultural landscapes is therefore helpful in maintaining biological diversity.

Categories and Subcategories

Cultural landscapes fall into **three main categories** ([Operational Guidelines 2008, Annex3](#)), namely: The most easily identifiable is the **clearly defined landscape designed and created intentionally by man**. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles.

The second category is the **organically evolved landscape**. This results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features.

They fall into two sub-categories:

- a relict (or fossil) landscape is one in which an evolutionary process came to an end at some time in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form.
- continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time.

The final category is the **associative cultural landscape**. The inclusion of such landscapes on the World Heritage List is justifiable by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.