

Conservation of Australia's Historic Heritage Places

Productivity Commission Hearing

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Heritage and Planning in Victoria

This submission is related to heritage regulation especially the roles and responsibilities of each level of government. This has been identified as an important issue for investigation by the Productivity Commission in its *Issues Paper*, May 2005.

The submission is focused on the integration of heritage and planning between state and local government in Victoria and the Heritage Council.

My expertise is related to membership of Planning Panels Victoria, VCAT and the Heritage Council of Victoria. All these bodies are responsible for the administration of built environment heritage and membership has given me opportunities to observe the need to improve coordination in heritage decision making.

On the basis of this submission I suggest the following main issues for consideration by the Productivity Commission

- **recognition of the importance of local government in heritage planning. especially the provision of adequate resources for the documentation and protection of local heritage.**
- **improving coordination between state Heritage Councils and other state planning bodies involved in heritage decision making.**
- **development of appropriate criteria for local as compared with state and national heritage significance.**

Local Government

The *Issues Paper* notes that although local government covers the largest number of heritage places in Australia it is not well integrated into national and state heritage planning.

Increasingly in Victoria, heritage issues have been integrated into state and local government planning systems and this has presented challenges for the HCV. With the introduction of Heritage Overlays into local planning schemes there has been a large expansion in the number and range of places which have heritage protection, generating a demand for heritage expertise at the local level.

In response to these demands Heritage Victoria has in recent years provided some support to local councils in the preparation of Heritage Studies as a basis

for the preparation of Heritage Overlays and has supported the appointment of part-time Heritage Advisers to local councils.

A Local Government Working Group was established by the Heritage Council in 2003 in response to the need for liaison with local government. Although initially envisaged as a temporary committee it now seems that the Working Group has filled a gap in the Council structure and will remain in place for the foreseeable future.

One of the major tasks of the Working Group has been to respond to recommendations coming from Planning Panels Victoria via Heritage Amendment reports especially *Ballarat Planning Scheme, Amendment C 58* (January 2004). This and a number of other PPV reports have recommended improvements in identification of heritage places, assessment, documentation standards, rigour and preparation of statements of significance.

Numerous VCAT decisions have also addressed the uneven quality of heritage criteria and assessments in local schemes. VCAT tribunals regularly find themselves having to untangle the distinctions between Neighbourhood Character, emphasised in *Melbourne 2030*, and heritage protection. Many VCAT tribunals have been critical of the criteria used in heritage assessment by local government and raised issues of rigour and significance.

If Heritage Overlays are to be effective in the planning system there clearly needs to be a review of procedures. To this end the HCV Local Government Working Group has been reviewing the *Local Government Heritage Guidelines* (1991) in order to provide greater guidance to local government and the public in relation to the preparation and purpose of Heritage Overlays.

It is in the Heritage Council's interest for there to be better procedures and coverage at local government level. This would allow the Heritage Council to review the places on its register and to focus more on places of state heritage significance. Because of inadequate heritage protection at the local level in the past, some places of only marginal state significance have been placed on the Register. For example, the HCV is presently addressing a gap in the system so that nominations to the Register which are refused on the basis that they are of local rather than state significance are ensured of heritage recognition at the local council level.

Planning Panels Victoria is soon to begin hearings for a review of planning and heritage issues in Victoria. Terms of Reference for this Heritage Panel will include issues of heritage criteria, especially the suitability of adjusting national

heritage criteria to identify places of local heritage significance which was especially criticised in the Ballarat Amendment C 58 Report.

Metropolitan Planning - Melbourne 2030

Although *Melbourne 2030* did not have a substantial focus on heritage, the strategic directions recommended by the policy in relation to Neighbourhood Character and Activity Centres have had considerable heritage implications. In response to concern at applications for more intense development around Activity Centres, recent nominations for the Heritage Register have included the National Trust's nomination of inner suburban streets in Melbourne such as Smith Street, Chapel Street and Brunswick Street.

As well the concern to protect Neighbourhood Character as more dense development is encouraged by *Melbourne 2030*, has meant the nomination of subdivisions and precincts. Such nominations are challenging to the Heritage Council's registration system which is based on the nomination of individual places.

Clearly there is a need for greater coordination between the various planning authorities in Victoria to improve heritage administration and implementation at the state level. This was recognised by the Victorian Government in recommending that the Heritage Council's draft Heritage Strategy for 2005-2010 be considered in a 'whole of government' context.

Heritage Council, VCAT and Planning Panels

The Heritage Council is presently addressing the conduct of Registration Hearings through its Planning and Protocols Committee. It is recognised that the greater integration of heritage into the planning system has implications for Registration and Permit hearings and decision making. The Committee is presently considering recommendations as to how the Heritage Council can adapt similar procedures to Planning Panels and VCAT for the conduct of its hearings to ensure that Heritage Council decision-making is well respected in other related parts of the planning system.

Conclusion

My identification of issues for consideration by the Productivity Commission has been set out at the beginning of this submission. Clearly heritage is more integrated into planning for the built environment than has been the case in the past and issues of coordination will need to be addressed. The increase in

heritage documentation at the local level is especially significant and has considerable implications for the Productivity Commission investigation.

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