

Planning Panels Victoria Hearing—City of Whitehorse Planning Amendment C172

National Trust Submission—16 March 2016

1. The National Trust is an independent not-for-profit organisation established in 1956. The mission of the National Trust is to “inspire the community to appreciate, conserve and celebrate its built, natural and cultural heritage”.
2. As the State’s premier heritage and conservation organisation, the National Trust has an interest in the Amendment as it seeks to identify heritage fabric within the City of Whitehorse which to date has not been afforded formal protection under the Planning Scheme.
3. It is our submission that the study has been undertaken with rigour and with strategic justification and we support the implementation of the proposed controls.

POSTWAR HERITAGE

4. As stated in our written submission, the National Trust commends the City of Whitehorse’s leadership in the recognition and protection of significant postwar heritage places. It is a common misconception that the age of a place should dictate whether it is eligible to be considered “significant”. Indeed, this is reflected in the expert evidence of Mr Briggs regarding 153–155 Springvale Road, who states (p2) “At 57 years old the building is not of an age to be considered historic, on the basis of time elapsed since construction, but rather must demonstrably exhibit other value important to the identity of the City of Whitehorse community.”
5. We note that in the Statement of Significance for 153–155 Springvale Road, Mr Reeves has not explicitly assessed the building as demonstrating historical significance (Criterion A). This notwithstanding, we submit that the assumption that a place must reach a minimum age threshold to be considered historically significant is erroneous.
6. We note that the National Trust recently classified No. 1 Collins Street, an example of postmodern architecture completed in 1985, at the State threshold for historical significance. Furthermore, we note that buildings of at least 25 years of age are eligible to be considered for the Australian Institute of Architects’ Enduring Architecture award.

7. In further considering Mr Briggs's evidence, we submit that whether a place is "recognised as being held in high esteem by the public in comparison with other buildings from the late 1950s" is not a valid consideration in light of the guidelines outlined in of Planning Practice Note 1: Applying the Heritage Overlay (PPN01). We note that this issue was also raised in Mr Wren's cross examination of Council's expert, Mr Reeves.
8. We submit that irrespective of popularly held community expectations, it is the role of the Panel to consider the assessment of significance, as submitted to the panel, on its own merits. We note that one of the benefits of the planning amendment process is its contribution to the education of the community, through the identification and assessment of places by experts, Council's exhibition process, the Planning Panel Hearing and finally the Panel report. It can be expected that public expectations and tastes will change over time.
9. With respect to the above, is also regrettable that eight proposed heritage overlays originally included in the amendment were abandoned by Council at the Council meeting of 14 December 2015, contrary to the officer's recommendation, and without the requirement to provide justification and transparency of decision-making. There is a danger that these places, which have been assessed as being of significance to the City of Whitehorse, will never be revisited. We therefore welcome Ms Skraba's indication to the Panel in her verbal submission that the City will continue to seek funding for the further implementation of the Heritage Study. We would also strongly encourage the City of Whitehorse to retain the citations for the places that have been abandoned in the final *City of Whitehorse Post-1945 Heritage Study*.

IMPACT ON PROPERTY VALUES

10. In considering submissions relating to the potential adverse impacts of applying the heritage overlay to property values, I refer to the observations made by the Boroondara C153 Panel in their October 2013 report (p8):
 - *The social and economic effects most likely to be relevant are those of a broad community nature rather than a personal kind. This has been the long-standing approach taken to such issues in planning decision making by both planning panels and VCAT*
 - *Personal economic effects (or the effects for a particular building) will continue to be considered at the permit stage.*

11. These observations were echoed in the more recent Planning Panel Report for Frankston C110 Part 2 (p12), which also considered the implementation of a postwar heritage study.

Council is required by the Planning and Environment Act 1987 to identify and protect places of heritage significance. The Panel's principal role is to consider whether a property has heritage significance. If heritage significance has been clearly established, it must recommend that appropriate heritage protection be applied unless outweighed by community-wide social and economic considerations.

12. We note that the Heritage Overlay does not restrict owners from applying to extend or modify a place, and no internal controls are proposed as part of this amendment.

IMPACT ON REDEVELOPMENT POTENTIAL

13. No doubt the panel will be asked to consider the relevance of what the impact of inclusion under the Heritage Overlay would be on the achievement of competing policy objectives. In Ballarat C58 at 7.1 (p51) the Panel considered this issue:

It is sometimes argued that the Heritage Overlay should not be applied to certain properties because the objectives over the overlay, namely 'to conserve and enhance heritage places of natural or cultural significance', and 'to ensure that development does not adversely affect the significance of heritage places', will be contrary to the achievement of other planning objectives.

Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.

The panel therefore finds that the Heritage Overlay should be applied to places of identified heritage significance without reference to the effect this may have on other planning objectives. Other issues and objectives should be considered within the context of heritage management policies or the decision-making process.

VISIBILITY FROM PUBLIC DOMAIN

14. In considering the submission of Mr Nee regarding 3 Villa Mews, arguing that the potential significance is compromised by its lack of visibility from the street, we note that under PPN01 there is no requirement for identified places to be visible from the street. Rather, the “heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay”. Indeed, we submit that what is invisible can be made visible—through landscaping, demolition of intrusive elements, and photographic recording.

ADDITIONS AND ALTERATIONS

15. Additions and alterations may not necessarily detract from the significance of a place. Under Article 22 of the *Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, “new work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation”. We submit that additions and alterations raised in the submission of Mr Nickas regarding 150 Canterbury Road, and in the evidence of Mr Beeston regarding 1 Gracefield Drive, are readily reversible and do not detract from the interpretation of the original structures. In the case of 1 Gracefield Drive, the addition of a front porch element, designed by the original architect, who also lived at the place, could be seen to be an added layer of significance, and potentially strengthens the application of Criterion H (Associative Significance).

CONCLUSION

16. The National Trust of Australia (Victoria) welcomes this opportunity to advocate for heritage values in the City of Whitehorse, and we urge the City of Whitehorse to continue the implementation of the *City of Whitehorse Post-1945 Heritage Study*.



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16 March 2016