



9 October 2018

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**Re: Permit Application P19083 Police Building, 21 Wapling Avenue, Dartmoor**

Dear Mr Berry,

The National Trust of Australia (Victoria) strongly objects to Permit Application P19083, which retrospectively seeks permission to relocate the former police residence at 21 Wapling Avenue, Dartmoor. We respectfully call on Glenelg Shire Council to refuse the application, and seek the reinstatement of the building.

The National Trust of Australia (Victoria) is state's largest community-based heritage advocacy organisation, actively working towards conserving and protecting our heritage for future generations to enjoy, representing 16,000 members across Victoria. The National Trust has a network of Branches across the state, including the Portland Branch, which includes Dartmoor in its boundaries.

**Background**

Based on media reports, we understand that the former police residence has already been relocated without appropriate permits under the *Building Act 1993* or the *Planning and Environment Act 1987*. This is despite the site being protected by a Heritage Overlay. The letter from Don Pietrapertosa of Victoria Police accompanying the permit application confirms that no planning permit was obtained for the works, and that planning for the site was based on documentation dating back to 2009.

Records indicate that a Heritage Overlay was applied to the site following the gazettal of Planning Scheme Amendment C55 (Part 1) on 29 May 2014. Victoria Police should have been notified of this. This information is also readily available through the Department of Environment, Land, Water and Planning's online mapping portal, VicPlan.

It is therefore of utmost concern that apparently unauthorised works have been undertaken at a property owned by Victoria Police, resulting in the loss of a significant heritage asset which is valued by the local community.

**Response to Permit Application P19083**

The relocation of the former police residence, as outlined in the permit application, is contrary to provisions in the Glenelg Planning Scheme relating to the Heritage Overlay, including Clause 43.01:

*To conserve and enhance places of natural or cultural significance.*

*To conserve and enhance those elements which contribute to the significance of heritage places.*

Under the decision guidelines outlined in Clause 48.01-8, the Responsible Authority must have regard to “Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.” It is our submission that the permanent relocation of the building would have a deleterious impact on its significance, removing it from its historical context, as articulated in the Statement of Significance:

*The Dartmoor Police Station is architecturally significant at a local level as an intact police complex of the early 1890s, comprising a police residence with an attached office, a two-stall stable and forage store, and a portable lock-up. It is historically significant at a local level as a demonstration of police practices in the remote parts of Victoria in the late nineteenth century, when the police office was responsible for policing a large area and was dependent on his horses for transport.*

Source: ([vh.d.heritagecouncil.vic.gov.au/places/154990](http://vh.d.heritagecouncil.vic.gov.au/places/154990))

The demolition of a heritage place is also contrary to the best-practice guidelines outlined in the *The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (The Burra Charter). According to Article 15.2, “Demolition of significant fabric of a place is generally not acceptable.” Further, the Charter states that “Non-reversible change should only be used as a last resort and should not prevent future conservation action.” The Burra Charter is included as a policy guideline under Clause 15.03-1S of the Planning Scheme.

The National Trust does not accept the applicant’s justification for the proposal as outlined in the Application for Planning Permit, including “OHS risk”, vandalism, and poor condition. No documentation has been provided with the application to substantiate these claims.

At minimum, we would expect a permit application for the demolition or relocation of a heritage place to be accompanied by a Heritage Impact Statement prepared by an appropriately qualified heritage professional, which provides a detailed consideration of the heritage values of the place, a consideration of the proposal against relevant provisions in the planning scheme, and the impact of the proposed works on those values.

We would also expect any application for relocation to outline how the building is to be conserved and managed into the future. We note a recent permit decision by Heritage Victoria to allow the relocation of the Porter Prefabricated Iron Store, Fitzroy North, which has strict conditions requiring reconstruction, conservation works, and interpretation (P24397). While this permit was issued under the *Heritage Act 2017*, this reflects the process we would expect to see for the relocation of a heritage place protected under the *Planning and Environment Act 1987*.

Furthermore, the National Trust does not accept poor condition as justification for the demolition of heritage places. It is the responsibility of the owners of heritage places to ensure they are appropriately maintained and managed.

The National Trust recently supported the City of Port Phillip at the Victorian Civil and Administrative Tribunal in opposing the demolition of 1 Victoria Avenue, Albert Park, which was upheld by the Tribunal in a recent decision which found that the poor condition of the building did not justify its demolition, when balanced against relevant planning considerations (1 Victoria Avenue, Albert Park Pty Ltd v Port Phillip CC [2019] VCAT 688).

## Enforcement

As you may be aware, the Minister for Planning, the Hon. Richard Wynne MP, has recently increased penalties for the destruction of heritage places following the unlawful 2016 demolition of the Corkman Irish Pub in Carlton. This has included an increase in penalties for works undertaken without a permit under the *Building Act 1993*, as well as new Victorian Planning Provisions gazetted under Planning Scheme Amendment VC155 enabling decision-makers to consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished, to retain or interpret the cultural heritage significance of the building, streetscape or area.

We strongly encourage Glenelg Shire Council to pursue appropriate enforcement action, and we advocate for the building to be reinstated at its original location.

## Conclusion

The National Trust respectfully calls on Council to refuse this permit application, which is clearly contrary to relevant planning provisions regarding the Heritage Overlay. We advocate for the reinstatement of the building, as well as the restoration and interpretation of the police complex, including the lock-up and the stables, which should be retained *in situ*.

While we strongly oppose the permit application, should a permit be granted, we would expect strict conditions to be included requiring the restoration of the remaining buildings on the site *in situ*, and the provision of on-site interpretation. This should include the engagement of an appropriately qualified heritage professional to oversee restoration works and prepare an interpretation plan in consultation with the Dartmoor community and other relevant stakeholders including the National Trust and our Portland Branch.

We would welcome the opportunity to discuss this issue further, and would be happy to travel to Portland to meet with you at your convenience. Please don't hesitate to contact me on 9656 9802 or at [felicity.watson@nattrust.com.au](mailto:felicity.watson@nattrust.com.au).

Yours faithfully,



Felicity Watson  
Advocacy Manager

CC: Mr Gordon Stokes, President, National Trust Portland Branch