

National Trust Hearing Submission

Subject	Submission to Planning Panels Victoria regarding Planning Scheme Amendment C214glen
Submitter	Felicity Watson on behalf of the National Trust of Australia (Victoria)
Date	23 July 2021

INTRODUCTION

1. The National Trust of Australia (Victoria) (NTAV) is the state's largest community-based heritage advocacy organisation, actively working towards conserving and protecting our heritage for future generations to enjoy. This Amendment C214glen strongly aligns with the mission of the National Trust to “inspire the community to appreciate, conserve and celebrate its diverse natural, cultural, social and Indigenous heritage” and vision that our “diverse heritage is protected and respected, contributing to strong, vibrant and prosperous communities”.
2. The National Trust strongly supports Amendment C214glen prepared by Glen Eira City Council as exhibited, subject to minor changes, discussed further below.

STRATEGIC CONTEXT

3. As set out in the Explanatory Report, Amendment C214glen seeks to introduce the Heritage Overlay to four proposed heritage precincts and 34 proposed individual heritage places; and implement a new municipal wide heritage methodology within the *City of Glen Eira Thematic Environmental History (Refresh) 2020*.
4. The National Trust submits that Amendment C214glen is consistent with relevant state and local planning policy which seeks to protect and enhance places of cultural significance for present and future generations. We acknowledge that Amendment C214 implements a number of objectives of planning in Victoria pursuant to Section 4(1) of the *Planning and Environment Act 1987*, in particular:
 - *to provide for the fair, orderly, economic and sustainable use and development of land;* and
 - *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
5. The Amendment is also consistent with relevant policies included in the Glen Eira planning scheme, outlined in detail at paragraphs 60.3 and 60.4 of Council's Part A submission.
6. We submit that the Amendment has been prepared in accordance with accordance with Planning Practice Note 1, Applying the Heritage Overlay, August 2018 (PPN01),

which states that “places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay” should be included in the Heritage Overlay.

7. We further submit that the places and precincts included in the Amendment have been assessed rigorously, according to the following requirements of PPN01:

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. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.

8. Our submissions to the Panel rely on the views of Council's heritage consultant for the Post-War and Hidden Gems Heritage Review, Simon Reeves of Built Heritage Pty Ltd. We note the unusual circumstance that Council is not calling the expert evidence of Mr Reeves to support its submissions as part of this hearing.
9. That notwithstanding, we submit that the advice provided by Mr Reeves to inform this Planning Scheme Amendment is rigorous and has been substantiated through robust assessment and analysis in line with relevant requirements, as well as best heritage practice. We note that Mr Reeves is one of the state's leading experts in the assessment of twentieth-century heritage, and particularly those places associated with the post-World War II period. In the informed opinion of the National Trust, Mr Reeves is a highly experienced and credible heritage expert.
10. Furthermore, no expert evidence has been advanced by other parties for consideration by the Panel which contradicts the assessments contained in the proposed citations and Statements of Significance for properties and precincts.

THEMATIC ENVIRONMENTAL HISTORY

11. We strongly support the “refresh” of the Council's existing *Glen Eira Heritage Management Plan (1996)*, which is now over two decades old. We note that this documented was re-formatted into the thematic framework as defined by Victoria's Framework of Historic Themes, which represents the current industry standard for a Thematic Environmental History (TEH). We also note that this has increased the coverage of heritage themes to provide a broader and more holistic understanding of the municipality's social, industrial, and economic history. This Thematic Environmental History provides a strong foundation for the identification, protection, and celebration of heritage in the City of Glen Eira.
12. The TEH includes significant additions in relation to the municipality's post-WWII history. In particular, we note the account of the post-WWII architectural history of the area (p128):

The list of modernist architects known to have undertaken work in the study area from the late 1940s to the 1980s reads as a who's who of Melbourne's post-WW2 architectural scene.
13. Relevantly, the TEH also draws out the importance of émigré architects in the municipality throughout the twentieth century (p129):

Over several decades, from the late 1930s to the 1980s, European-trained émigré architects made a important contribution to the local built environment ...

The local work of European-trained migrant architects is complemented by that of second generation counterparts: architects whose parents migrated in the 1920s, '30s and '40s, and who completed their studies here before commencing practice in the 1950s, '60s and '70s.

14. This context underpins the inclusion of numerous post-WWII places of significance in the Amendment, representing an important typology of heritage place in the municipality which is currently poorly protected.

RECOMMENDED CHANGES TO CITATIONS AND STATEMENTS OF SIGNIFICANCE

15. We note the recommended changes to citations and Statements of Significance outlined in the Officer Report presented to Council on 2 February 2021 at Agenda Item 8.4, pp 156-57, prepared in response to submissions. We support the adoption of these changes, which are generally minor in nature, and which respond to new information provided by submitters.

RESPONSE TO ISSUES RAISED BY OTHER SUBMITTERS

16. As outlined in Council's Part A submission (paragraphs 63 and 64), a number of key issues were raised in submissions to the Amendment. We address some of these below.

Impact on property values

17. In considering submissions relating to the potential adverse impacts of applying the heritage overlay to property values, we 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.*

18. These observations were echoed in the Planning Panel Report for Frankston C110 Part 2 (p12), which also considered the implementation of a post-war 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.

Competing planning objectives and impact on redevelopment potential

19. In Planning Panel Report for Ballarat C58 at 7.1 (p51), the Panel considered the issue of competing planning objectives:

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.

20. We also note that the Heritage Overlay does not restrict owners from applying to extend or modify a place.

COUNCIL RESOLUTION TO ABANDON PROPERTIES FROM AMENDMENT

21. We note Council's resolution of 27 April 2021, included at paragraph 66.3 of Council's Part A submission:

for the purpose of advocacy before a planning panel, note Council's intention of abandoning the application of the heritage overlay to following places and precincts:

- a) 195-197 Hawthorn Road, Caulfield North*
- b) 58 Norwood Road, Caulfield North*
- c) 53 Balaclava Road, Caulfield North*
- d) 124 Balaclava Road, Caulfield North*
- e) 61-63 Gordon Street, Elsternwick*
- f) 40 Lumeah Road, Caulfield North*
- g) 44 Murrumbeena Road, Murrumbeena*
- h) Wimbleton Estate Precinct, St Kilda East*
- i) Grimwade Court Precinct, Caulfield North*
- j) 335 Alma Road, Caulfield North*
- k) 30 Aroona Road, Caulfield North*
- l) 64 Balaclava Road, Caulfield North*
- m) 624 Centre Road, Bentleigh East*
- n) 30 Griffiths Street, Caulfield South*
- o) 82 Lumeah Road, Caulfield North*
- p) 49 Rosemont Avenue, Caulfield North*
- q) Findon Avenue Precinct, Caulfield North*

22. We submit that this course of action, in response to opposition from property owners, and foreshadowed prior to the opportunity for submissions to be considered by an

independent Panel, is inappropriate and inconsistent with both PPN01 and relevant planning objectives.

23. This issue has been explored by the City of Bayside Council, who resolved in 2019 to pursue a voluntary nomination system for the protection of Heritage Places in response to the objections of individual owners to the application of the Heritage Overlay. On 24 May 2020, the Minister for Planning wrote to Cr Clarke Martin, Mayor of the City of Bayside (provided in full at Attachment 4), stating:

I am advised that in late 2018, the Council abandoned Amendments C158 and C159, which were municipal-wide planning scheme amendments to apply the Heritage Overlay to 51 inter-war and post-war buildings, due to opposition from some property owners and members of the community. As a result, the council undertook a voluntary nomination process for proposed Amendment C187bays, where owners nominated their properties for heritage assessment and the council subsequently undertook a heritage assessment of places to determine its significance.

I have concern with the council's self-nomination approach to protection of heritage places in your municipality. As a planning authority, your council has a responsibility to ensure that buildings, areas and other places of scientific, aesthetic, architectural or historical interests are conserved. This objective is set out in section 1(d) of the Act and supported by council's duties as a planning authority under section 12. Further guidance is set out in Planning Practice Note 1 Applying the Heritage Overlay (August 2018).

Local communities expect local heritage places to be identified and protected, and landowners need certainty when making decisions to sell, purchase or improve their properties. Whilst I note the council's effort to protect the 19 buildings proposed as part of Amendment C178bays, this self-nomination approach is not appropriate to protect places of heritage significance.

24. No expert opinion has been put before either Council or the Panel to challenge the advice of Mr Reeves, or demonstrate that the properties proposed to be abandoned as part of this Amendment do not warrant the application of the Heritage Overlay.
25. Moreover, the arguments put forward by objectors, as discussed above, are not relevant to a consideration of whether the Heritage Overlay should be applied.
26. We therefore respectfully submit that the Panel should recommend the adoption of the amendment generally as exhibited, as well as the minor recommended changes to citations and statements of significance put forward by Council and referenced at paragraph 15 above.
27. Further, it would be beneficial for further guidance on this issue to be provided in PPN01, which would support the achievement of relevant planning objectives as outlined by the Minister in his advice to the City of Bayside, and provide greater certainty to both property owners and the community.

CONCLUSION

28. In conclusion, the full implementation of Amendment C214glen represents an important step in the overall protection of the City of Glen Eira's heritage fabric. We respectfully call on the Panel to recommend the adoption of the amendment as exhibited, subject to the proposed changes included in the Officer Report presented to Council on 2 February 2021 at Agenda Item 8.4, pp 156-57.

29. We submit that the adoption of the *City of Glen Eira Thematic Environmental History (Refresh) 2020* and application of the Heritage Overlay as proposed through Amendment C214 would have positive community-wide social and economic impacts, and that an overall net community benefit would result from the protection of the cultural significance of these places for the benefit of present and future generations.

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National Trust of Australia (Victoria)

23 July 2021

Attachment 1: Boroondara Planning Scheme Amendment C153 Panel Report, 23 October 2013

Attachment 2: Frankston Planning Scheme Amendment C110 Part 2 Panel Report, 26 November 2015

Attachment 3: Ballarat Planning Scheme Amendment C58 Panel Report, January 2004

Attachment 4: Letter from the Hon Richard Wynne MP to Cr Clarke Martin, 24 May 2020