



03 July 2023

Cr Sarah Carter
Mayor
Maribyrnong City Council
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Re: Maribyrnong Planning Scheme Amendment C172: West Footscray Inter-war and Post-war Heritage Precinct Study

Dear Cr Carter,

We write to you in response to Maribyrnong Council's Ordinary Meeting held on Tuesday 20 June 2023, in which Council moved to abandon the application of the Heritage Overlay to eight precincts recommended as part of the Inter-war and Post-war Heritage Precinct Study. We are deeply disappointed with this decision and have outlined our concerns below.

The National Trust is represented locally by our Inner West Branch, a group of volunteers who support the advocacy work of the National Trust and have been a strong and independent voice for the protection and celebration of heritage in the Inner West community for over 30 years. Our Branch has been deeply troubled by the abandonment of this planning scheme amendment.

We would expect Council to support a comprehensive study undertaken by a qualified heritage professional. We strongly believe that the decision to abandon the precincts prior to the formal commencement of a planning scheme amendment lacks strategic justification, does not represent orderly planning, and undermines the purpose and function of the Heritage Overlay.

The National Trust is sympathetic to the tensions that exist within the community regarding the application of the Heritage Overlay to private residential properties. However, we strongly believe that the net community benefit of the recognition of these heritage places outweighs the impact on individual owners. We believe that places of cultural heritage value play a significant role in defining the identity of a municipality and should be assessed and protected for future generations on this basis. Furthermore, we believe that these issues are best addressed through the Planning Scheme Amendment process, including the opportunity to make submissions before an independent panel appointed by the Minister for Planning, as was the case with this heritage study.

We would also like to draw Councillors' attention to the example in the City of Bayside in 2018, when Councillors voted unanimously to abandon a proposed mid-century heritage study, opting for a voluntary nomination process due to opposition from some homeowners. This process has left significant heritage places vulnerable to demolition and contributed to further uncertainty for property owners.

Following calls from the National Trust, the Minister for Planning, Richard Wynne, intervened in this issue. The concerns outlined by Minister Wynne to the City of Bayside can be read in full [here](#).

We would also like to bring to Councillors' attention another example in the City of Glen Eira in 2021, when Councillors voted to abandon their advocacy for the protection of 15 heritage places and 2 precincts recommended for protection by Council's heritage consultant and planning officers for the Post-War and Hidden Gems Heritage Review, due to objections by property owners.

This approach was found to be "fundamentally flawed" by an independent Planning Panel, chaired by Deputy Chief Panel Member Con Tsotsoros, following a hearing on 26 July 2021. The resulting report stated that:

Council's intention to abandon applying the Heritage Overlay based on objecting submissions rather than strategic merit does not align with the PE Act [Planning & Environment Act, 1987] objectives, State and local planning policy and Clause 71.02-3 of the Planning Scheme.

The PE Act and Planning Scheme require strategic planning to consider the social, economic and environmental effects at a broader community level for present and future generations. Generally, they do not extend to private individual impacts which are separate to broader community concerns.

In line with previous Panel recommendations, the Panel found that issues of building condition, development opportunity, property value, and personal financial impact are not relevant when assessing the heritage significance of a place or precinct but should be considered during the planning permit application process. In the National Trust's submission to the Panel, we also noted that the Heritage Overlay does not restrict owners from applying to extend or modify a place.

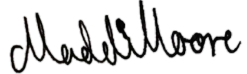
We note that Maribyrnong City Council has recently sought feedback on the City of Maribyrnong Heritage Review - Challenges and Opportunities discussion paper to identify and address gaps in current heritage protection and grow community understanding and appreciation for heritage in the municipality. The National Trust has made a submission to this consultation, and we would encourage Council in preparing its draft heritage strategy to focus on addressing community understanding of heritage protections and their values in the planning scheme. The National Trust is keen to provide any assistance we can to local councils such as Maribyrnong to ensure better policies, more comprehensive protections and more positive outcomes for heritage sites and the community.

We recognise that the preparation of a comprehensive study and Planning Scheme Amendment requires courage on the part of Council, and a strong commitment to heritage. However, we believe that such courage and commitment is well justified, and that there is an opportunity for the City of Maribyrnong to show leadership in the identification and protection of heritage.

We call on the City of Maribyrnong to proceed with the West Footscray Inter-war and Post-war Heritage Precinct Study as planned and uphold Council's obligations under the *Planning and Environment Act 1987* to conserve and enhance buildings, areas or other places of local heritage significance.

The National Trust would like to partner with Council to support growing community appreciation and protection for the diverse and storied heritage of Maribyrnong. Please don't hesitate to get in touch with me on 9656 9879 if you have any questions regarding the above, or if you would like to discuss this in further detail.

Yours faithfully,

A handwritten signature in black ink that reads "Maddi Moore". The signature is written in a cursive, flowing style.

Maddi Moore

Acting Manager – Advocacy
National Trust of Australia (Victoria)

CC: rvcoghill@bigpond.com