

**Submission
No 211**

INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK

Organisation: Cities of Ballarat and Greater Bendigo Joint Submission

Date Received: 4 February 2022

February 4, 2022

The Secretary
Legislative Council Environment and Planning Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002
planninginquiry@parliament.vic.gov.au

Dear Secretary

SUBMISSION - INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK

We commend the Legislative Council Environment and Planning Committee for undertaking a review of the Victorian Planning Framework and thank you for the opportunity to make a submission to the Inquiry.

We would welcome the opportunity to meet with your Committee to expand on our submission.

Our submission is focused on Term of Reference (4) relating to protecting heritage and specifically the following sections.

(a) the adequacy of current criteria and processes for heritage protection;

(c) separating heritage protection from the planning administration.

(g) penalties for illegal demolitions

The Cities of Ballarat and Greater Bendigo have joined forces and are leading a process, with the support of the other eleven Councils in the Central Victorian Goldfields (CVG) region, to obtain World Heritage listing for the CVG. We are making a submission because the Victorian Planning Framework, including the heritage elements, play a key role in managing issues associated with World Heritage listing and particularly a management framework which would need to be put in place.

Background

The World Heritage bid is an unprecedented region-wide partnership and transformational project that will shine a light on the extraordinary story of the Central Victorian Goldfields and place the region and indeed Victoria on the world stage. The project encompasses 13 local government areas with a total area of over 40,000 square kilometres – about 17% of the state, and the area embraces over 500,000

people. World Heritage listing, as well as the journey to get there, will drive tourism and investment, strengthen our region and Victoria's competitive advantage – nationally and internationally particularly during the COVID-19 recovery period, will support new jobs, and overall build stronger, diverse, and more sustainable local and regional economies and communities.

The proposed timeframe for achieving World Heritage listing of the region is driven by the requirements of various organisations who have a role in the process, as follows:

- **2022** – Drafting listing proposal for review by Victorian and Australian governments.
- **2022/3** – Victorian Government submits application to the Australian Government for what is known as 'tentative listing'
- **2023/4** – Australian Government places the Central Victorian Goldfields on its World Heritage 'tentative list'
- **2024/5** – The Australian Government submits a World Heritage nomination dossier to UNESCO
- **2026/7** – UNESCO and World Heritage advisory bodies (ICOMOS, IUCN, ICROM) and the World Heritage Committee evaluate the application and if they support it, inscribe the region on the World Heritage list.

Submission

It is relevant to our submission to this Inquiry that the Committee understands that the model for World Heritage listing of CVG is not about listing the whole region, rather it will comprise what is known as a 'cultural landscape serial listing'. This model is uncommon in Australia. The Budj Bim Cultural Landscape World Heritage site in south-west Victoria being the closest in comparison.

The CVG approach applies the 'Cornwall and West Devon Mining Landscape World Heritage Site' model, where a series of related and geographically dispersed sites collectively forms the listing. Each site tells a part of the overall story, demonstrating components of the listing's 'Outstanding Universal Value'. In the case of the CVG region a series of listed sites would collectively tell the story of the global gold rush. This could consist of multiple buildings, alluvial, quartz reef or deep lead mining sites, Aboriginal cultural sites, cultural heritage landscapes, etc. We anticipate that there will be perhaps only 12 to 15 sites that will be nominated. All or most of these sites will be on public land and most, if not all, will be comparatively small areas of land constituting only a small fraction of the total area of the region.

One of the most important elements of listing and the nomination of serial sites is that UNESCO is assured that the appropriate level of management is in place to protect each site. We would expect that most if not all proposed sites would already have a level of protective management in place that would satisfy their criteria. This may also include local heritage controls. It is also an expectation that World Heritage sites will generally have what is known as a 'buffer zone' relating to them. This is a designated area consisting of controls that protect and manage the immediate setting (e.g. view lines) and types of adjacent or nearby development that could impact the 'Outstanding Universal Value' of the World Heritage serial listing. Further, World Heritage management requires a commitment to integrated place-based planning and sustainable development that extends beyond the World Heritage site itself.

The relevant controls available to manage the listing include the Commonwealth EPBC Act (overarching), and the relevant State legislation; the Heritage Act, the Aboriginal Heritage Act and the Planning and Environment Act. With complex layers of legislation, significance threshold issues and

multiple jurisdictions, integration of these planning mechanisms can be a challenge. Alignment needs to occur that creates a virtuous cycle to reinforce the values of the World Heritage areas within their broader local and regional context.

The biggest challenge for the Victorian Planning Framework in this context is that heritage is considered separately and not fully integrated with other management controls. Further, the thresholds for what is considered heritage are inadequate (i.e. not aligned with cultural landscape practice, including the elevation of social and intangible values) and the process for heritage protection is reactionary, triggered very late in development processes and it is often not a priority consideration when planning for change.

The framework for heritage protection and better integrated planning controls needs to embrace a number of concepts and processes, these will assist a World Heritage listing of sites in the CVG and their ongoing management, they include:

- Impact assessments need to be reimagined to become frameworks for development that reinforce the heritage values of listed sites and places.
- Provision needs to be made to establish interdisciplinary governance bodies and management frameworks that aim to build benefits of listing for local and regional communities.
- Participatory and rights-based approaches: While heritage conservation considerations are triggered late in the development process, community input is triggered even later, if at all.
- Landscape-based conservation models require meaningful participatory engagement with local communities, stakeholders and interest groups as well as with development industries and responsible authorities. This is a problem-solving process focused not just on protection but building a robust framework for the management of change and identifying how local communities and local economies can benefit from heritage conservation in a proactive way. It requires community involvement throughout the management process.
- Locally significant non-Aboriginal archaeological sites, including historic gold mining sites, can be identified but not adequately protected under the provisions of the Heritage Act's Victorian Heritage Inventory (on application to disturb/destroy, an archaeological site must meet state significance thresholds to be protected). This presents a potential risk for sites that could contribute to the World Heritage listing and opportunities for conserving the region's gold story more broadly.
- Penalties for wrongdoing in respect to heritage are almost invariably too light and not a deterrent to willful action by an owner. Demolition by neglect is common and there needs to be processes in place to prevent and deter this. It could be said that the current system incentivizes demolition by neglect.

In line with World Heritage requirements, the Central Victorian Goldfields World Heritage Bid seeks to apply a Sustainable Tourism framework. Sustainable tourism values and measures tourism's contribution towards individual sites and to overall destination wellbeing. This consideration includes addressing potential issues of over-tourism. For example, while the sharing economy can contribute to local prosperity and solve challenges such as accommodation shortages (e.g. Airbnb), in some historic centres and neighbourhoods they have been transformed (e.g. tourism market displaces community services), long-term rental possibilities for local people have been limited and house prices have increased. Planning controls such as; zoning and regulating areas where short-term rentals are permitted and other regulatory solutions applied, have been enacted in World Heritage and major

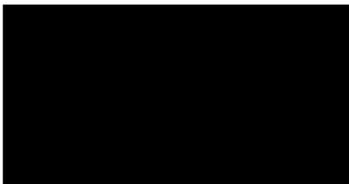
tourism areas around the world. While severely restricting the sharing economy is not a positive outcome for stimulating innovation and tourism, effective mechanisms that create reasonable regulation in the Victorian Planning Framework to better protect local communities without stifling innovation would be welcomed.

If you require further information regarding the CVG World Heritage Bid, there is extensive information on the project website <https://goldfieldsworldheritage.com.au/>

If you have any other information requirements, please contact our two project officers

- **Susan Fayad**, *Coordinator Heritage and Cultural Landscapes*, City of Ballarat
[REDACTED]
- **Trevor Budge**, *Strategic Projects Officer*, City of Greater Bendigo
[REDACTED]

Yours sincerely,



Cr Daniel Moloney
Mayor



Cr Andrea Metcalf
Mayor



C e a V c o a G o l d e s W o r l d H e r i t a g e B i d a e s

