

**Submission  
No 146**

**INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN  
PLANNING FRAMEWORK**

**Organisation:** Royal Historical Society of Victoria

**Date Received:** 31 January 2022



## **ROYAL HISTORICAL SOCIETY OF VICTORIA INC.**

239 A'Beckett Street, Melbourne 3000

# **Parliament of Victoria, Legislative Council Environment and Planning Committee Inquiry to examine Planning and Environment Act**

## **Submission by the Royal Historical Society of Victoria**

### **Executive Summary**

The Royal Historical Society of Victoria (RHSV) is the peak body representing approximately 340 community historical societies throughout Victoria. Our members are concerned at the increasing loss of precious heritage and so we welcome this Inquiry. We believe there has been a calamitous decline in the protection afforded local heritage by the Heritage Overlay (HO) as well as a decline in support for Councils to ensure that sites are covered by the HO.

Part 1 of our submission is a general discussion. We argue that the Department of Environment, Land, Water and Planning (DELWP) has abrogated responsibility for local heritage protection and, worse, is seriously undermining it. We demonstrate this through two examples. (§1.1) The Carlton Inn became a target for developers after the Minister approved a Design and Development Overlay (DDO) which prescribed a 13-storey building for the site. (§1.2) Similar DDOs are being applied to the historic shopping strips of Melbourne with the result that developers are being encouraged to demolish most of heritage shop buildings for 6 to 10 storey buildings. These DDOS encourage developers and make a mockery of the Heritage Overlay. Their proliferation shows that DELWP has completely lost sight of its heritage responsibilities. We call for a revitalisation of the State's role in providing leadership in the protection and management of local heritage (§1.3).

We then turn to the dilution of the HO (§1.4). Developers can invoke values such as providing more housing and increasing density and these criteria often trump the HO, especially at VCAT. This trend is turning the HO into simply one of many values to be considered. Heritage, we argue, is fundamentally different from other planning priorities, because once it's gone, it's gone.

Finally, our general discussion turns to ensuring that local heritage protection covers all appropriate sites (§1.5). All too often, our members discover that a building under threat wasn't even on the Heritage Overlay. A major factor in this stems from the closure of the local government unit in

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Heritage Victoria, which provided advice and tangible support to Councils to ensure that they actively pursued heritage studies to ascertain which sites should be protected.

Part 2 of our submission consists of detailed responses to the Inquiry Terms of Reference, responding to the issues we raise in Part 1.

ToR (3)(a) We strongly support incorporation of mandatory height limits in place of ‘preferred’ limits in planning amendments, and also of support mandatory building envelopes.

ToR (3)(c) We share community concern about VCAT. If VCAT remains the avenue of appeal for cases involving heritage, it should be required to take community sentiment into account in its decisions, community representation should be assisted and provision should be made to ensure heritage expertise.

ToR (3)(e) We share community concerns about ministerial call-ins. We submit that ministerial call-in should in every case be referred to an Advisory Committee and that, in the cases where heritage places under the HO are involved, the committee should include the Executive Director, Heritage Victoria, and the Chair of the Heritage Council Victoria.

ToR (4)(a) We do not believe that the criteria for heritage should be changed. We do believe that the designations ‘significant’ or ‘contributory’ be abandoned because ‘contributory’ is all too often taken to mean less valuable. Instead, the HO should be designated ‘individual’ or ‘precinct’. The big problem lies with the **process** of actually establishing the significance of a place and of ensuring that once it is covered by the HO it is truly protected. We believe there should be a general assumption that a place on the HO should remain intact.

ToR (4)(b)(1) We submit that some visa categories encourage demolition and urge the state to lobby the federal government to alter this.

ToR (4)(b)(2) We submit that the EPBC Act is not fit for purpose and should be re-written. We urge creation of a position of Environment Assurance Commissioner as recommended in the Samuel Review.

ToR (4)(c) We call for re-instatement of a unit within Heritage Victoria to advise the DELWP and assist local government and re-insertion of the word Heritage in the title of the DELWP.

ToR (4)(d) While a separate heritage tribunal might be ideal, it may be more practical if an appropriately expanded Heritage Victoria became a determining referral authority for applications involving the Heritage Overlay. This would ensure protection from the first instance of decision-making and as the authority would be a party to appeal proceedings this would remedy much of the current problem with VCAT.

ToR (4)(e) We call for stricter guidelines on consultants and for Heritage Victoria to re-establish its overview of the Heritage Advisory Service.

ToR (4)(f) We believe that the state should provide adequate funding for Councils to undertake heritage studies and that the proposed local heritage unit be charged with ensuring that Councils address heritage issues and keep their heritage protection up to date.

ToR (4)(g) We support the stricter penalties for illegal demolition recently adopted.

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## Introduction

### 0.1 The Royal Historical Society of Victoria

The Royal Historical Society of Victoria (RHSV) is the peak body representing approximately 340 community historical societies throughout Victoria. It has been active on history and heritage issues since its inception in 1909. The RHSV Heritage Committee is responsible to the RHSV Council. Its task is to enable the Society to act for the preservation of Victorian heritage, preparing submissions and liaising with other relevant heritage bodies concerning the uses and preservation of heritage-protected buildings and sites. The committee encourages RHSV affiliates to make submissions on relevant local as well as state heritage matters and acts in support of their submissions. The committee includes historians, town planners and a former member of the Victorian Heritage Council. This submission was prepared by Mr Ian Wight, MICOMOS, Deputy Chair of the Committee, in conjunction with Professor Charles Sowerwine, FAHA, FRHSV, Chair, and with assistance from Associate Professor Judith Smart, AM, and Ms Rosemary Cameron, Executive Director, RHSV.

### 0.2 A Very Timely Inquiry

The RHSV strongly supports this Inquiry and congratulates its proponents on the range of issues identified in the terms of reference, all of which, we agree, deserve urgent attention. Reflecting our interests and expertise, this submission concentrates on the problems facing the protection of built heritage.

The main problem facing the Inquiry, we submit, is to address the alarming increase in the loss of local heritage, that is heritage that is or should be covered by the Heritage Overlay (HO). Heritage of state significance, that is heritage that is or should be listed on the Victorian Heritage Register (VHR), is reasonably well protected. Our submission focuses on local heritage, although we do address some concerns that apply to heritage of state significance, such as ministerial call-ins.

Local heritage is what matters to most Victorians. Most of the correspondence we receive at the RHSV Heritage Committee concerns ‘local’ landmarks. The late Stuart Macintyre, then Chair of the Heritage Council, noted that this was true in general: ‘the overwhelming majority’ of media reports about heritage issues—more than 30 a week in Victoria—concern ‘local places’.<sup>1</sup> The heritage that matters is always local in the sense that it plays a role in people’s customary lives, which are necessarily local: your life is where you live it.

The accelerating loss of local heritage has resulted in our being called ‘the nation’s house demolition capital’, as *The Age* put it recently.<sup>2</sup> This claim may seem sensationalistic, but it is true that, increasingly, older buildings, especially houses, are being demolished. The Heritage Overlay, if obtained, has lost much of its protective power. And many local heritage places are not on the HO and are often demolished, to the chagrin of locals who cherished them.

This submission is in two parts. The first part presents the issues in general perspective to address the dramatic weakening of the HO. We submit that the Department of Environment, Land, Water and Planning (DELWP) has not only abrogated responsibility for heritage protection but, worse, is seriously undermining it. We demonstrate this through two examples, the Corkman Hotel and the

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<sup>1</sup> Stuart Macintyre, ‘History and Heritage: The Inaugural Weston Bate Oration’, *Victorian Historical Journal* 89, 2 (2018): 214-25, 216.

<sup>2</sup> Noel Tovell, ‘We get knocked down: Melbourne the nation’s house demolition capital’, *The Age*, 12 Nov 2021.

historic shopping strips of Melbourne. We then turn to the dilution of the HO through the inclusion of more and more competing criteria in planning. This trend is turning the HO into simply one of many values to be considered. Heritage, we argue, is fundamentally different from other planning priorities, such as the need to increase housing capacity, once heritage is gone, it's gone forever.

The second part of this submission deals with the Terms of Reference in order (omitting a few which are beyond our remit, as our mission is primarily the preservation of built heritage). We believe that the recommendations we make in response to the Terms of Reference will help to simplify the process, facilitate councils in carrying out and adopting heritage studies leading to extension of the HO and thus ensure greater coverage of the HO.

## Part 1: The Issues

### 1.1 DDOs and HOs: The Carlton Inn Example

In this section we use the example of the Corkman Irish Pub (originally the Carlton Inn) to show how the DELWP has systematically weakened the Heritage Overlay (HO) by planning measures to encourage development that override the HO and lead in many cases to significant loss of protected local heritage. We have been shocked to discover in recent years the extent to which DELWP, in conjunction with and by pressure on inner city councils, has been abusing planning controls to promote higher density development at the cost of heritage. The most significant such measure is the Design and Development Overlay (DDO). Applied without regard to the Heritage Overlay, DDOs have been put in place throughout the inner suburbs of Melbourne undermining the Heritage Overlay and encouraging both demolition of built heritage and façadism.

The wanton destruction of the 1857 Carlton Inn, on 15 and 16 October 2016, attracted much attention because it was torn down without a permit, despite a Heritage Overlay (HO) and despite a Melbourne City Council order restraining the demolition when it began. The penalties for such illegal demolition were proved manifestly inadequate, a point we address below, but, more importantly, this example demonstrates fundamental problems with the current planning system.

What was not discussed at the time of the demolition was the extent to which the Melbourne City Council and the Minister for Planning created a context that provided a significant incentive for demolition. That incentive came in the form of a Design and Development Overlay (DDO) applying to this area and, specifically, to the Carlton Inn despite the Heritage Overlay (HO) that already applied.



*Fig. 1 The Corkman Hotel (formerly Carlton Inn, 1857)*

Two years before the demolition, the Minister approved an amendment prepared by the Melbourne City Council as the relevant planning authority. This included DDO 61A4.1, which provided for a preferred built form: a 40-metre tower set back 6 metres from a 'street wall' 24 metres high. This preferred built form is illustrated in Figure 1, which is an isometric drawing indicating how the proposed built form would have affected the heritage building.

With DDO 61A4.1 to support their case, the developers could have applied for a permit to build a 40- metre (12-storey) apartment block on the site. retaining the exterior façades of the Carlton Inn. They could have argued, as often happens, that the heritage value of the building was less important than the need to house a growing population. Or, more likely, they could have agreed to retain the

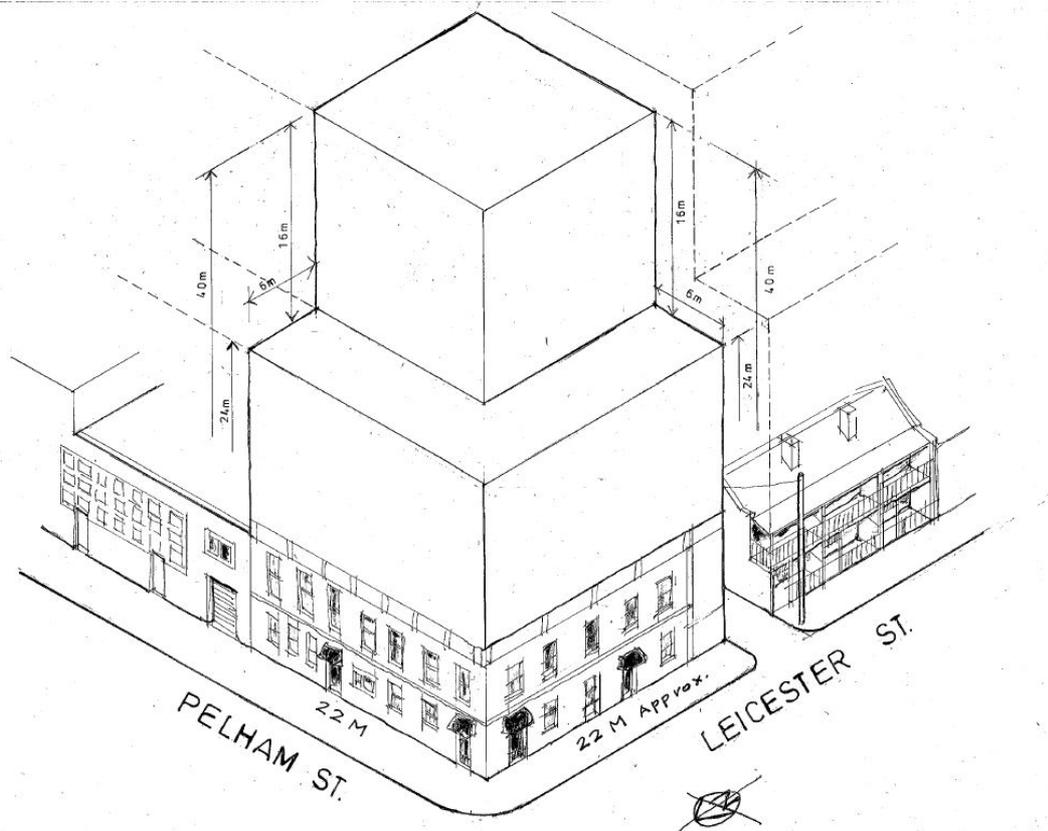


Figure 1: Preferred Built Form under DDO 61A4.1

exterior façade of the Carlton Inn. In the normal course of events, the responsible authority (Melbourne City Council) would probably have approved demolition or at the least retention of the façade only. If public opinion had led the Council to refuse a permit, the developer would have appealed to VCAT, which almost certainly would have overridden the Council, citing the applicable DDO. In the developers' eyes, demolishing the building would have been only a minor incursion compared to what they could legally have expected to do. In the best case, all that would have remained of this historic Gold Rush era hotel would have been the façade, looking out of place on a 12-storey apartment tower.

This case raises three issues. First, the effect of these DDOs is to encourage developers who otherwise would have assumed there was no point in trying to build where the Heritage Overlay applied. Second, the Heritage Overlay has been downgraded from a real protection to one of several competing values, of which the more precise DDO can be expected to be the winner. Third, the planners at DELWP are at best indifferent to heritage conservation. Otherwise, they would either not apply the DDO to the site at all, given that it was protected by the HO, or they would incorporate the Heritage Overlay into the DDO by providing that the preferred built form prescribed for the site was identical to the existing built form of the heritage building. Either solution would immediately remove any ambiguity. But, in case after case, DELWP encourages councils to formulate DDOs that favour development and to apply them even to sites in the Heritage Overlay.

## **1.2 DDOs and HOs: Heritage Shopping Strips**

Surprising, as it might seem, inner-city councils are being urged on by DELWP to introduce DDOs to develop commercial areas. These commercial areas are for the most part historic shopping strips, mostly in surprisingly intact form and covered by the Heritage Overlay. The proposed DDOs encourage developers to build 6- to 10-storey blocks, retaining little more than the façades of the double-storey Victorian or Edwardian shop buildings.

The process seems to have originated with the councils that approached DELWP seeking height controls to prevent overdevelopment in the strip shopping centres. DELWP's reaction seems to have been to insist on retention of some redevelopment potential, regardless of the effect on heritage buildings. Thus a Faustian pact has been devised where the council planners and councillors agree to the destruction of heritage in exchange for height controls. Ironically, these height controls are for the most part less than satisfactory, often higher than councils initially sought.

Typically, for the heritage core of the historic shopping strips these DDOs prescribe a street wall of 8–11 metres (two to three storeys) and then a setback of 5 metres, at which point heights of around 20–30 metres (6–8 storeys) are encouraged. This type of profile has been applied in Moreland, Yarra, Stonington and Port Phillip, though in Yarra, during the panel submission process, most setbacks were modified to 6 metres after public reaction.

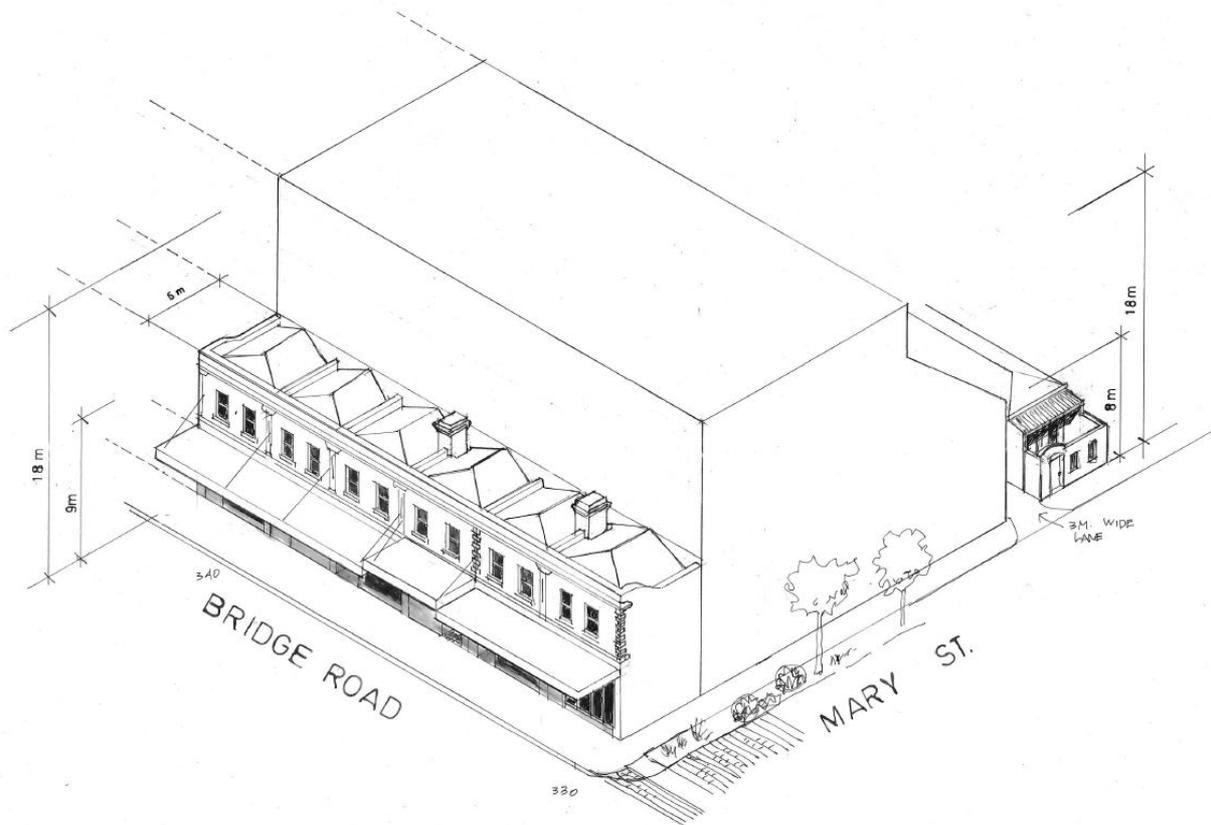
The effect of this profile is to encourage the demolition of at least two-thirds of the heritage buildings, retaining just the façade. The setting for these buildings is thus destroyed. Where once splendid Victorian parapets defined the skyline, apartment blocks arise only 5–6 metres from the frontage, creating a canyon-like effect that would be unrecognisable to any nineteenth-century shopper.

The RHSV has been actively involved in battles over this kind of DDO since 2019. To illustrate more precisely the effect of this policy, we turn to issues at Yarra Council.

In Yarra, the Explanatory Report for the proposed DDO claimed that one purpose of these amendments includes conservation of the heritage streetscape. But these DDOs have effectively introduced a new definition of heritage. It means the retention of historic façades in front of new and much higher buildings and not, as most people would assume, preservation of the heritage buildings that make up the heritage streetscape.

The south side of Bridge Road in Richmond between Church Street and Burnley Street is a remarkably intact two-storey heritage streetscape. This is nevertheless to be subjected to the standard approach for strip shopping centres: street wall at the height of the heritage façades, with a

6-metre setback to buildings up to a maximum of 18 metres. The effect is illustrated in Figure 2 with an isometric of the proposal.



*Figure 2: Mandatory Built Form under DDO 42 Bridge Road South*

This is a shocking but still typical example. Especially shocking is that heritage is being destroyed for little purpose. The amount of development that can be squeezed into such a narrow strip of land can make only a minimal contribution to urban consolidation, and yet the state planning authority prescribes demolition of cherished historic streetscapes for this minimal development.

So how have we come to this? DELWP has completely lost sight of its heritage responsibilities. At best one must assume that there is woeful ignorance of how built heritage should be managed, at worst that a 1960s philosophy has been revived: old buildings are seen as a barrier to progress and must be destroyed. One is reminded of the wholesale removal of cast-iron verandas in the '60s, but what is happening today is much more serious.

If heritage is to be conserved, there is only one way it can co-exist with a DDO, and that is if the DDO adopts the form of the heritage. The Heritage Overlay should take precedence so that the DDO, in regard to the heritage site, prescribes the built form that already exists.

In Appendix 4, we provide a more detailed example of these issues based on our submission to Yarra Council regarding Proposed Planning Scheme Amendment C231 (30 November 2018).

### 1.3 ‘Revitalisation of the State’s Role in Providing Leadership in the Protection and Management of Local Heritage’<sup>3</sup>

The state has abrogated responsibility for local heritage protection and indeed is actively undermining it. We submit that the state should cease to undermine heritage and take a positive leadership role in preserving it, and that this should be prescribed in legislation.

In 2019, the Heritage Council Victoria undertook a major review of local heritage.<sup>4</sup> For this review, the Royal Historical Society of Victoria carried out, on behalf of the Council, a survey of Victoria’s local heritage societies and the state of local heritage across Victoria.<sup>5</sup> We believe that both documents will be of value to the current Inquiry and they are listed as Appendixes 1 and 2, but sent separately from this document.

The principal recommendation of the Heritage Council review of local heritage is ‘Revitalisation of the State’s role in providing leadership in the protection and management of local heritage’.<sup>6</sup> The ‘pillars’ of this recommendation are

**Dedicated local heritage role:** Dedicated roles to provide necessary focused leadership, direction and advice on local heritage protection and management

**Direct support to achieve State-wide base-level [heritage] protection:** Direct, short-term support and assistance to ensure base-level studies are completed and translated into the planning scheme

We submit these recommendations to the Inquiry with our strong support. They should be implemented by legislating a local heritage unit located within Heritage Victoria but requiring substantial new support. It is not a coincidence that the use of DDOs to override heritage protection has become common since the closure of the local government unit in Heritage Victoria. To remedy this problem should be a key concern of the Inquiry. We return to these points below, in response to the Terms of Reference [see ToR (4)(c)].

### 1.4 The Heritage Overlay in the Hierarchy

The HO has, in the last decade or two, been greatly diluted through the inclusion of more and more competing criteria in planning, which makes the HO simply one of many values to be considered. The fundamental problem is that heritage protection under the Heritage Overlay is now treated as just one of many factors that must be considered in evaluating any proposal along with the need for greater density housing, opportunities for commercial development, traffic and transport requirements etc.

This approach is flawed as once heritage places are destroyed they cannot be replaced. Heritage places must be treated first as part of the given landscape that is to remain before considering where new development opportunities may occur. Heritage, we argue, is fundamentally different from other planning priorities, such as the need to increase housing capacity, because once it’s gone, it’s gone for ever.

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<sup>3</sup> *State of Heritage Review: Local Heritage 2020* (Melbourne: Heritage Council of Victoria, 2020), p. 46.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Report on Survey of Victorian Historical Societies conducted by the RHSV on behalf of the Heritage Council of Victoria State of Heritage Review* (Melbourne: Royal Historical Society of Victoria, 2019).

<sup>6</sup> *State of Heritage Review*, p. 46.

In addition to DDOs that prescribe precise built form envelopes that override HOs, there are a number of vague criteria routinely incorporated in planning amendments. Under these headings, developers appeal to general policies such as the need to provide housing for growing population and to increase housing density in areas designated as Major Activity Centres. These not only enable developers to obtain higher heights and densities, but also to argue for demolition, usually successfully (especially at VCAT hearings) or, at most, retention of façade only. The result is that the HO comes last in the pecking order. The fundamental problem here is the integrity of the Heritage Overlay. Once obtained, we submit, it should provide real protection. Any compromises should be reviewed independently of any permit applications.

These two points are set out at ToR (4)(c) and (4)(d), below.

### **1.5 Ensuring Appropriate Coverage of the HO**

Strengthening the protection afforded by the HO does not, of course, resolve the problem of the heritage places that have not been included in the HO. This problem is at the heart of the matter, and nearly everything in this submission relates to ensuring adequate coverage. In the Royal Historical Society of Victoria’s survey of Victoria’s local historical societies, the most common complaint was that much-loved local heritage was being demolished. All too often, we were told, it had been assumed that an imposing Victorian mansion or some other key heritage building in a neighbourhood enjoyed heritage protection but turned out not to be covered.<sup>7</sup> If those involved in local historical societies are caught unawares, the system is not transparent enough.

The process of seeking to include a place on the HO is complex and bewildering to the public. The functioning of the system requires that the studies be in great depth, and they are therefore very expensive. The state closed the local government unit within Heritage Victoria and terminated the system of state support for local councils to undertake heritage studies. And councils have been left unsupported by the state in the face of scare campaigns that led them to abandon heritage studies in Beaumaris (2018–19) and Strathmore (2009). We believe that the recommendations we make in response to the Terms of Reference will, if implemented, go a long way to improving coverage of the HO as well as ensuring its proper function in preservation of heritage.

## **Part 2: Response to the Inquiry Terms of Reference**

We respond here, in order, to those Inquiry Terms of Reference that fall within our remit. Our mission is to seek the preservation of built heritage and the improvement of planning, especially in relation to heritage. Some of the Terms of Reference fall outside this remit and we have therefore not addressed them.

### **ToR (3)(a) Mandatory Height Limits and Minimum Apartment Sizes**

We strongly support incorporation of mandatory height limits in planning amendments. At present, DELWP is very reluctant to support mandatory controls, and pushes instead for ‘preferred’ building heights. Preferred controls enable developers to obtain greater heights, especially from VCAT and from ministerial call-ins, as at Moonee Ponds, Box Hill and GMH Fishermans Bend. In our view, if height and built form controls can be justified, they should be mandatory. A ‘preferred’ height control is almost a contradiction in terms. It opens the possibility of heights greater than the control and thus invites attempts to exceed that control with the inevitable string of appeals. Finally, and

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<sup>7</sup> *Report on Survey of Victorian Historical Societies.*

importantly, we note that planning controls should specify building envelopes as well as height, in that the shape and rhythm of built forms is important too.

**Recommendation:**

- **That the Inquiry support a requirement that in future the control of building heights and building envelopes be mandatory.**

**ToR (3)(c) Community Concerns about VCAT Appeal Processes**

We fully share the widespread community concern about VCAT. The adversarial approach allows developers to have their cases presented by top-notch lawyers, town planners and heritage consultants. Councils struggle to fund such costs and community members are excluded through lack of comparable economic resources.

If VCAT were to remain the avenue of appeal in heritage cases, representation should be funded by the state so that Councils and community members can compete with developers' capacity for funding legal representation. Alternatively developers' expenditure on legal representation could be capped so that representation before VCAT is more equitable. A more radical suggestion is the abolition of legal representation at VCAT.

Apart from costs, the local community is excluded (despite the provision some years ago that VCAT may take note of community concern) because community sentiment is not among the many criteria against which planning applications are assessed. We believe that community sentiments are important in heritage matters. The recently added Criterion G for assessing Heritage Significance ('strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons') provides a clear basis for taking community input seriously.

At the level of state significance, Heritage Victoria is now required to take community sentiment into account when considering applications for permits to alter or demolish an historic place listed on the VHR. We submit that a similar provision should apply for hearings concerning buildings on the Heritage Overlay, irrespective of whether they be conducted by VCAT or by some other body. If the community, or a group within the community, has a clear association with or attachment to a heritage place under threat, that association should be treated seriously.

The foregoing suggests that VCAT is by its structure seriously deficient. Community concerns are justified. We address this problem in detail under ToR (4)(d), below.

**Recommendation:**

- **That the Inquiry recommend that, in cases involving places in the Heritage Overlay, an appropriately expanded Heritage Victoria be a determining referral authority, as per ToR (4)(d) below.**

**ToR (3)(e) The Role of Ministerial Call-ins**

It will be clear from the foregoing that we are concerned about ministerial call-ins. The call-in of the Heritage Nomination of GMH Fishermans Bend, for example, is clearly leading to poor heritage and poor planning outcomes (see Appendix 5 for a detailed discussion). The call-in of the proposed St Vincent's Hospital Aikenhead Development poses a significant threat to the heritage values of Melbourne's only World Heritage site, the Royal Exhibition Buildings and Carlton Gardens. We could adduce more examples.

How to address the problem of excessive use of the call-in? At present, it is customary that the Minister appoint an Advisory Committee to consider the issue. Members are drawn from a Standing Advisory Committee, in the case of Priority Projects, from the Priority Projects Standing Advisory Committee. We point out that the designation Priority Project already prejudices the outcome.

In both cases we advocate the same solution. The current custom should be legislated so that the ministerial call-in is automatically referred to an Advisory Committee, with opportunities for public responses, and that, in the cases where heritage places under the HO are involved, the committee should include the Executive Director, Heritage Victoria, and the Chair of the Heritage Council Victoria.

We accept that the Minister could ignore the findings of the committee, as at present, but if the committee advised against demolition or alteration of the historic place, it would provide a powerful disincentive.

**Recommendation:**

- **That the Inquiry recommend that ministerial call-ins in cases where sites are covered by the HO be subject to a requirement that they go to an Advisory Committee with opportunity for public response.**
- **That in such cases the Advisory Committee must include the Executive Director, Heritage Victoria, and the Chair of the Heritage Council Victoria.**

**ToR (4)(a) The Adequacy of Current Criteria and Processes for Heritage Protection**

**(1) Current Criteria**

The UK heritage values, quoted in the speech by Mr Clifford Hayes, MP, supporting his motion to establish this inquiry, and the four original values of the Burra Charter have the virtue of clarity and simplicity. In comparison, the current Australian criteria are more numerous and complex. They do, however, incorporate the basic values of preservation. It was, as we demonstrate in Appendix 3, a major achievement that they are now standard across Australia and for all three levels of government in Victoria at least. They seem to be working satisfactorily. While local heritage protection is functioning poorly, the criteria are adequate. We therefore strongly recommend that they remain unchanged. We provide more detail in Appendix 3 below.

**(2) ‘Significant’ or ‘Contributory’ Mistaken for Criteria**

While we support retention of the current criteria for heritage protection, we do not support the all too common use of the designation of buildings as ‘significant’ or ‘contributory’. It is widely, if wrongly, assumed that this implies a higher grading for one over the other. This is simply not the case. Take the example of one of the many streets in South Melbourne that have a fully intact row of Federation buildings on both sides of the street. All of these will, under current practice, be designated ‘contributory’. Now imagine an application to replace one of these houses with a modern building on the grounds that the house to be demolished is ‘only’ contributory. This is a common result, especially on appeal to VCAT.

That outcome, however, would not just be the loss of one building, it would be the ruin of the perfect setting for twenty or more others. It is true that if any one of these houses were on their own they might not score a listing of individual significance. But a precinct of largely intact period buildings is extremely rare and valuable. Far from being of lesser significance the significance of

each house is enhanced by the presence of all the others and the point of the heritage protection is to retain the protected streetscape, not allow it to be picked apart case by case.

We therefore urge that the designations ‘significant’ or ‘contributory’ be abandoned. Instead, we urge adoption of two kinds of Heritage Overlays, individual and precinct. It will be clear that a heritage building that stands on its own, so to speak, rather than as part of a heritage precinct, is individually significant, whereas a building that forms part of a precinct will be protected as part of the precinct. To offer designations that invite a hierarchy is to condemn to destruction the lesser.

### **(3) Processes for Heritage Protection**

The process of actually establishing the significance of a place and affording it protection under the planning scheme is much more problematic than the criteria. Under the current system, each place (individual building, precinct or landscape, etc.) requires a statement of significance. Over the years these statements of significance have become more and more elaborate in the attempt to cover all possible eventualities. This arises from statements of significance being picked apart at VCAT and to the unfortunate acceptance that if an item is not mentioned in a statement of significance it is deemed to be of no significance. This greatly inflates the cost of securing coverage of the Heritage Overlay because only an in-depth (hence expensive) study will have any chance of surviving the VCAT process.

Cost remains a major factor working against local heritage protection. On the one hand, given the vastly increased pressure on statements of significance discussed above, many heritage studies will need to be done again if they are to provide real protection. On the other hand, many sites still remain to be studied. With 187,000 properties already covered by the Heritage Overlay it could be argued that the job of creating the Overlay is more or less complete. But as Mr Hayes, MP, pointed out in his speech, there are many gaps in places like Boroondara and Brighton. He could have mentioned Strathmore and many regional areas, where councils often struggle to fund heritage studies. In addition, many places, especially in regional Victoria, have been identified, but documentation and thus protection have been postponed to a later date because there were insufficient funds to complete the work.

There would be less need for such elaborate statements of significance if there was some guidance on the threshold for the types of places that would obviously qualify for heritage protection and avoid the need to document the obvious. The solution here goes back to ensuring the integrity of the Heritage Overlay and ensuring mandating that the responsible authority be required to give due weight to the HO.

The tribunal process also has much to answer for. *Planning Practice Note No.1 Applying the Heritage Overlay* (PPN1, an official guide to planning whose modest title belies its significance in the planning process) requires that internal controls should be applied sparingly:

This provision should be applied sparingly and on a selective basis to special interiors of high significance. The statement of significance for the heritage place should explain what is significant about the interior and why it is important.

This is for very good reason. We do not want to involve a planning permit every time someone wants to do a new kitchen or bathroom fit out. However, all too often it has been successfully argued at the tribunal that if the interior is not specified for protection in the schedule to the Overlay then the interior is not significant and therefore the building can be gutted or, worse, destroyed except for the façade! We believe that there ought to be a general assumption that a heritage place on the Overlay should remain substantially intact. The fact of being on the HO should be sufficient

to ensure applications to demolish or alter such places can be refused on the ground that the extent of demolition is excessive.

**Recommendation:**

- **That the current criteria for heritage protection be retained.**
- **That the current use of the designations ‘significant’ or ‘contributory’ be abandoned.**
- **That the Heritage Overlay be either individual or precinct, both offering full protection for sites they cover.**
- **That the Heritage Overlay be explicit in requiring an extent of registration, similar to that required for the VHR, and that what this covers be legally deemed to be protected, whether fully detailed in the statement of significance or not.**

## **ToR (4)(b) Possible Federal Involvement in Heritage Protection**

### **(1) Australian Visas: Perverse Incentives to Demolish**

Before proceeding to address this issue directly, we wish to call the Inquiry’s attention to Commonwealth practice that actively undermines heritage. Among the pressures that lead to destruction are Commonwealth visas that encourage demolition and rebuilding of houses, which we discuss at ToR (4)(c).

Some years ago the Commonwealth adopted the Business Innovation and Investment (Provisional) visa (subclass 188). This opens the door to residence and possibly citizenship to immigrants who bring substantial sums of money into Australia: \$2.5 million for the ‘Investor stream’ and \$5 million for the ‘Significant Investor stream’. Money spent on a new principal residence is included in the qualifying amount **provided one constructs a new building**. As many desirable blocks already have houses, they must be demolished for the expenditure on housing to count toward the visa. That is a huge incentive to demolition. In many cases these houses are not on the HO, though this is not uncommon.

Action by the State of Victoria to involve the federal government might well begin by seeking revision of this visa qualification. There is no reason to include housing as an ‘investment’ in Australia. We urge the Inquiry to call on the State to lobby the Commonwealth to remove housing from visa qualification.

### **(2) Federal Involvement and the EPBC Act 1999**

Generally speaking, we believe the states and territories are constitutionally and practically best equipped to undertake the identification, documentation, protection and promotion of heritage places. The federal government, however, should play a supportive role by monitoring the performance of heritage custodianship of the nation as a whole, by funding projects that assist the states in the preservation of heritage and by managing places of national and world heritage significance. For many years the federal government undertook these tasks in conjunction with the Register of the National Estate and provided National Estate Grants, which funded a range of useful heritage projects including municipal heritage studies. These activities were, however, terminated following the passage of the Environment Protection and Biodiversity Conservation Act 1999, which significantly curtailed the Commonwealth’s involvement in heritage.

The problem now is that the legislation under which the federal government operates, the Environment Protection and Biodiversity Conservation Act 1999, is simply not fit for purpose. The act relies on the proponent of any development to determine themselves whether the development constitutes an ‘action’ that is ‘likely to have a significant impact on the heritage values of the place’

and to refer their own proposal before being required to seek approval by the Minister. Who knows how many developments that affect world heritage and national heritage sites have been undertaken without any reference to the Minister as a result of this self-assessment process? As an interested party involved in two recent development proposals within the World Heritage Environs Area (WHEA) of the Royal Exhibition Building, the RHSV found working with the act extremely difficult and frustrating.

In the case of 1–9 Gertrude Street, Fitzroy, a development that will compromise sight lines and the whole context of the WHEA, the developer did yield to public pressure and refer their proposal. It was listed on the Federal Ministry of the Environment web site for public comment. The RHSV, like a number of organisations (including the Friends of the REB/CG) provided a very substantial submission. But, presumably informed by the Department that the Minister did not wish to take the case on, they withdrew their self-referral and the submissions were wasted effort.

In 2019, the federal government appointed Professor Graeme Samuel to carry out the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). In his final report Professor Samuel called for a complete re-write of the Act:

The EPBC Act is ineffective. It does not enable the Commonwealth to effectively protect environmental matters that are important for the nation. It is not fit to address current or future environmental challenges.

Perhaps the most significant of Professor Samuel's recommendations was the appointment of an independent overseer:

A new, independent, statutory position of Environment Assurance Commissioner (EAC) should be created to provide this oversight. The EAC should be free from political interference and responsible for publicly reporting on the performance of the Commonwealth and accredited parties. The EAC would report to the Australian Parliament, through the Minister, with reports tabled within a prescribed time frame.

...

A strong, independent cop on the beat is required. An independent compliance and enforcement regulator, that is not subject to actual or implied political direction from the Commonwealth Minister.

Even before the final report was submitted, the government ruled out Samuel's recommendation for an Environment Assurance Commissioner. Instead, it leapt upon the Interim Report, seeking to devolve power to the states without any safeguard, a proposal that died in the Senate.

Whether or not some powers are delegated to the states, we submit that it is an obligation of the Commonwealth to appoint the Environment Assurance Commissioner as recommended by Professor Samuel in order to insure that the states are operating their delegated powers in accordance with national standards.

**Recommendation:**

- **The Inquiry seek that the Business Innovation and Investment (Provisional) visas (subclass 188) be revised to eliminate housing cost as a qualifying amount.**
- **The Inquiry support the revision of the EPBC Act and the creation of a federal Environment Assurance Commissioner, in line with the recommendations of Professor Samuel.**

### **ToR (4)(c) Separating Heritage Protection from the Planning Administration**

The actions of the planning authority (DELWP) indicate, as we have suggested, a poor understanding of if not disdain for heritage. As we have argued above, there is an urgent need to change the culture in the planning division of DELWP so as to ensure that heritage issues be given appropriate prominence without losing the advantages of integrated decision making.

In recent years the planning division has lost the expert advice of heritage planners in Heritage Victoria. The local government unit in Heritage Victoria was, until its demise, involved in supporting the heritage functions of local government through providing funding and administrative support for heritage studies and heritage amendments, co-ordinating the heritage advisor service, advising on municipal heritage strategy plans, organising professional development for local government planners and advisors and advising the Heritage Councils Local Government Advisory Committee. These planners also advised the department on heritage issues, such as requests for interim heritage controls, planning scheme changes involving heritage controls and heritage issues raised with the Minister by the general public and local government.

With the termination of the local government unit, Heritage Victoria now concerns itself almost exclusively with listings and permits relating to the Heritage Register and the Heritage Inventory. The Heritage Council has organised heritage forums and recently completed and published an invaluable survey of the state of local heritage across Victoria,<sup>8</sup> as discussed above (1.3, 1.5). But this very limited action occurs entirely within the Heritage Council Secretariat, with little interaction with the rest of the Department.

The heritage planning advice provided by Heritage Victoria to the Department was not particularly formalised. It was generally on an as needs basis but was fairly regular. Having a unit dedicated to heritage within Heritage Victoria was an effective means of ensuring some attention to heritage. This could prove easier to achieve than a complete separate heritage system at the local level.

We therefore suggest the re-instatement of a unit to advise the department and assist local government. This could either be located within Heritage Victoria, as it was previously, or, if a separate local heritage tribunal were envisaged (see ToR (4)(d) below), it could stand alongside that tribunal. The tasks related to advising the department should be specified with the expectation that the advice of Heritage Victoria would be sought on all matters pertaining to the Heritage Overlay.

It would also help to re-insert the word 'Heritage' in the title of the Department. This may appear purely symbolic, but we suggest that the absence of this word is symptomatic of the changes that have been allowed to occur to the role and function of Heritage Victoria.

#### **Recommendations:**

- **That a unit be created within Heritage Victoria or alongside a heritage tribunal to advise the department and local government on local heritage matters.**
- **That the word 'Heritage' be re-inserted in the title of the department (DELWP).**

### **ToR (4)(d) Establishing a Heritage Tribunal to Hear Heritage Appeals**

It would certainly be possible and, in the abstract, highly desirable to model the process of applications for permits to alter or demolish local heritage on the process for sites on the VHR, where the

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<sup>8</sup> *State Of Heritage Review: Local Heritage 2020* (Melbourne: Heritage Council of Victoria, 2020).

applicant must go to Heritage Victoria, independent of the planning process. Planning Panels are made up of experts in planning but have only a few members with strong heritage experience. Therefore experience suggests that a heritage tribunal to hear heritage appeals would be a great improvement. From the point of view of access to justice members of the community are better served by the more inquisitorial panel. This is because an inquisitorial panel will not be wholly dependent on the expensive expert evidence produced by the developer. The shift of planning appeals in the 1990s from the Planning Appeals Tribunal (under the Department of Planning) to VCAT (under the Attorney General) has resulted in a much more legalistic and adversarial approach.

All this suggests a separate heritage tribunal and we would certainly support that, but we believe it may be unrealistic. At the very least, it would be extremely expensive. In our view, an acceptable and more practicable alternative is that councils remain the first instance of decision, providing that the Heritage Overlay is strengthened as we have recommended, but that an appropriately expanded Heritage Victoria become a determining referral authority for applications involving the Heritage Overlay. This would give Heritage Victoria the same status as VicRoads, and heritage protection would be given the same priority as the management of access for new development to the state's highways. Certain classes of application must be referred to a determining referral authority, which may determine if the application should be refused or may dictate any conditions it deems appropriate. If an applicant appeals against the decision the referral authority must defend its position at the appeal. This would guarantee expert advocacy, in this case for heritage protection, at the Tribunal.

A number of members of the RHSV Heritage Committee have had extensive experience of appearing at VCAT, Planning Panels and at Heritage Council hearings. Our experience indicates that, from the point of view of the lay submitter, the more expert the panel is in heritage matters the better the hearing experience. Planning Panels are made up of experts in planning but have only a few members with strong heritage experience. VCAT is the panel least likely to have a member with heritage experience. We therefore believe that, if VCAT remain the avenue of appeal, it be a requirement that at least one member have heritage credentials and experience. This arrangement pertained in the past and could be reinstated. To find suitably qualified sessional members, a very suitable source would be the members of the Heritage Council's hearings committees.

We suggest in addition that the state should examine all its administrative tribunals to make them more approachable to individuals and community representatives. A more inquisitorial approach could go far to improve access to justice at this level. So would public funding for representation. This should apply not only to individuals, but also to councils, which currently bear a very large burden of representation at VCAT appeals.

**Recommendations:**

- **That an appropriately expanded Heritage Victoria be designated a determining referral authority for all places within the Heritage Overlay.**
- **That if VCAT remain the appeal avenue in these cases, at least one member have extensive experience and/or expertise in heritage matters when hearing cases involving a site covered by the Heritage Overlay.**
- **That the government review the performance of all its administrative tribunals to improve the access to justice for individuals and community representatives.**

**ToR (4)(e) The Appointment of Independent Local and State Heritage Advisors**

There is considerable unease in the community that consultants are hired guns who need to keep their avenues open to work for developers and may thus seek to keep on good terms with applicant developers. It is possible and desirable to clarify the conditions under which consultants may work

for various organisations. We would support clear guidelines that prevent consultants from working for a developer in the same LGA as a council for which they worked, or vice versa, during the duration of their contract and during a three-month cooling-off period.

When the heritage advisory service was first introduced, advice was provided directly by Heritage Victoria. A grants program was then introduced to assist councils in hiring part-time advisors appointed in consultation with Heritage Victoria. Both Bendigo and Ballarat at different times elected to appoint the advisors as members of the staff but continued to receive grant funding. Funding was reduced and then grants were eliminated, as was the heritage advisory service.

We believe that with greater support for heritage, councils may be in a better position to decide whether to engage heritage advisors on a permanent basis rather as consultants working by the gig. We recommend that every effort be made to facilitate support to enable better heritage outcomes and that support be given to enable development of a heritage career path within the public service.

When grants for heritage advisors were in place Heritage Victoria was part of the appointment process for either consultant or staff positions so was able to exert some quality control. HV was also able to provide support and help resolve any issues between advisors and the council.

#### **Recommendations:**

- **That guidelines clarify that heritage advisors working for councils not be allowed to work for a developer, or vice versa in the same LGA during their contract and during a three-month cooling-off period.**
- **That heritage consultants declare previous involvement with developers over the previous two years before being engaged on projects by a council.**
- **That state funding to support councils' heritage advisory services be re-instated.**
- **That Heritage Victoria re-establish its overview of the Heritage Advisory Service.**

#### **ToR (4)(f) The Role of Councils in Heritage Protection**

We believe that councils should continue to have the major role in managing local heritage through the planning scheme, and we consider that most councils have had a reasonable track record in the past. In recent years, however, a change in attitude seems to have occurred, perhaps emanating from the department itself and/or because council planning departments have been discouraged by unfavourable appeal decisions.

Only a few years ago, if a place was covered by a Heritage Overlay one could assume that it would remain largely intact. This is no longer true, especially in non-residential zones, where straight-out façadism has been shown to be acceptable. And it is not just the developers that are pushing for these changes. As we explained above, DELWP itself is pushing for development in heritage areas that requires extensive demolition of heritage buildings. We believe that redressing this problem is the most important outcome of this Inquiry.

Other recommendations in this submission and developed here cover the need to ensure that councils have adequate funding to undertake heritage studies as required and to engage heritage advisors and consultants as required. We also believe that councils should meet expectations from the department (DELWP), probably emanating from the local heritage unit discussed above, that they keep their heritage protection up to date and adequate to withstand challenges.

**Recommendations:**

- **That the state provide adequate funding for councils to undertake heritage studies and engage consultants and advisors as required.**
- **That the proposed local heritage unit be charged with ensuring that councils address heritage issues and keep their heritage protection up to date.**

**ToR (4)(g) Penalties for Illegal Demolitions and Tree Removals.**

There was shock and outrage when Raman Shaqiri and Stefce Kutlesovski demolished the 1857 Carlton Inn (more recently known as the Corkman Hotel) five years ago. Most politicians were happy to agree that the ‘book’ should be thrown at them. It turned out that the book was not a very heavy one, the available fines falling far short of the huge gain in value when the site attained the status of a vacant site unencumbered by any heritage restrictions. Moreover, the ambiguities inherent in the DDO applicable to the site meant that lawyers would have been able to get the developers off the hook, as they could argue in truth that the Heritage Overlay was not meant seriously since it was contradicted by the DDO. We support increased penalties but, as the Carlton Inn case shows, they will work only if the Heritage Overlay is given adequate weight in the planning scheme.

The penalties were strengthened in December 2021, as a result of the Carlton Inn case. The Planning and Environment Act was amended at Clause 6B(2) to allow planning schemes:

- a) to regulate or prohibit the development of land on which there is or was a heritage building that has been unlawfully demolished, in whole or in part, or fallen into disrepair; and
- (b) to require that a permit must not be granted for the development of land on which there is or was a heritage building that has been unlawfully demolished, in whole or in part, or fallen into disrepair, unless the development is for or includes—
  - (i) the reconstruction or reinstatement of the building, in whole or in part; or
  - (ii) the repair of the building.

And the planning scheme has been amended at Clause 15.03-1S to ensure consideration is given to requiring ‘the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished’. This amendment did not, however, take up the power to freeze development rights.

This measure has yet to be tested but we support the concept. While the complete reconstruction of an historic building is not an ideal outcome it would prove expensive and time consuming and could justify retaining the Heritage Overlay over the site. It is to be hoped that the threat of such a penalty will provide sufficient disincentive so that the power will never need to be put to the test.

(Mr) Ian Wight, MICOMOS,  
Deputy Chair, Heritage Committee,  
Royal Historical Society of Victoria.

(Professor) Charles Sowerwine, FAHA, FRHSV,  
Chair, Heritage Committee,  
Royal Historical Society of Victoria.

### **Appendix 1: State of Heritage Review: Local Heritage 2020 (Melbourne: Heritage Council of Victoria, 2020)**

This report submitted separately.

### **Appendix 2: Report on Survey of Victorian Historical Societies conducted by the RHSV on behalf of the Heritage Council of Victoria State of Heritage Review (Melbourne: Royal Historical Society of Victoria, 2019)**

This report submitted separately.

### **Appendix 3: The Development of Australia-wide Criteria for Heritage Significance**

Until a few years ago each state had its own criteria for establishing heritage significance. Through a consultation process facilitated by the Australia-wide Heritage Chairs and Officials meetings the following set of criteria were adopted for all State and Commonwealth registers.

#### **Australia-wide Criteria for Assessing Heritage Significance in Victoria**

- A. Importance to the course, or pattern, of Victoria's cultural history.
- B. Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
- C. Potential to yield information that will contribute to an understanding of Victoria's cultural history.
- D. Importance in demonstrating the principal characteristics of a class of cultural places and objects.
- E. Importance in exhibiting particular aesthetic characteristics.
- F. Importance in demonstrating a high degree of creative or technical achievement at a particular period.
- G. Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
- H. Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Victoria adopted the same criteria for assessment of places at the local level.

The UK heritage values quoted in the speech by Mr Clifford Hayes, MP, supporting his motion to establish this enquiry, have the benefit of being more straightforward and more easily understood:

1. Evidential value: the potential of a place to yield evidence about past human activity.
2. Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present ...
3. Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.
4. Communal value: the meanings of a place to the people who relate to it, or for whom it figures in their collective experience or memory.

These values closely relate to the four original values of the Burra Charter before 'Spiritual' value was added: 'Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations'. They also relate to the objectives of the Victorian Planning and



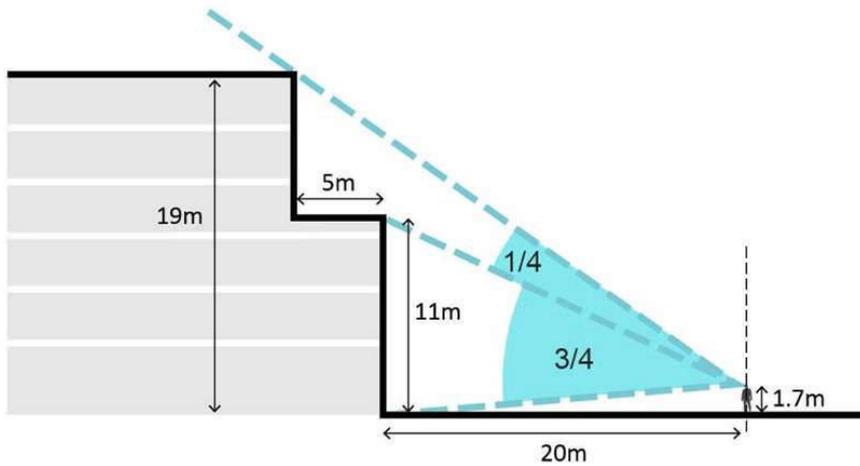


Figure 2 (from: *Swan Street Built Form Heritage Review*, p. 87, taken from DDO 18 from Moreland Planning Scheme).

This gives every indication that six storeys was the desired height in the first place and that the degree of visibility was selected to suit this height. Otherwise why would a 1:1 ratio be acceptable in Queens Parade but not in Swan Street?

Figure 3 (below) makes clear the impact of the development rising above and dominating the heritage retail frontage (although Figure 3 shows the 5-storey version, not the 6 storeys now enshrined in the exhibited DDO).



Figure 3 (From *Queens Parade Built Form Review*, Appendix, p. 9).

The visualisation above does not illustrate well that the pale yellow mass rising behind the shops is located only 6 metres behind the heritage façade. In reality, the new development will be much more visually intrusive than in this render and it will be quite obvious that these heritage buildings have been chopped off by the new development, leaving them as dwarfed tokenistic remnants.

This reality can be better appreciated from Figure 4 (below). It illustrates the tokenistic nature of the ‘little bit of heritage’ and also the extent of domination of the new works. Once again, one needs to bear in mind that this is now proposed to be 6 storeys high, not 5 as shown in this illustration.

The irony of this illustration is that it shows how deep these blocks are. A proposal that considered heritage first could comfortably retain the principal roof still leaving more than half the site available for significant new development .

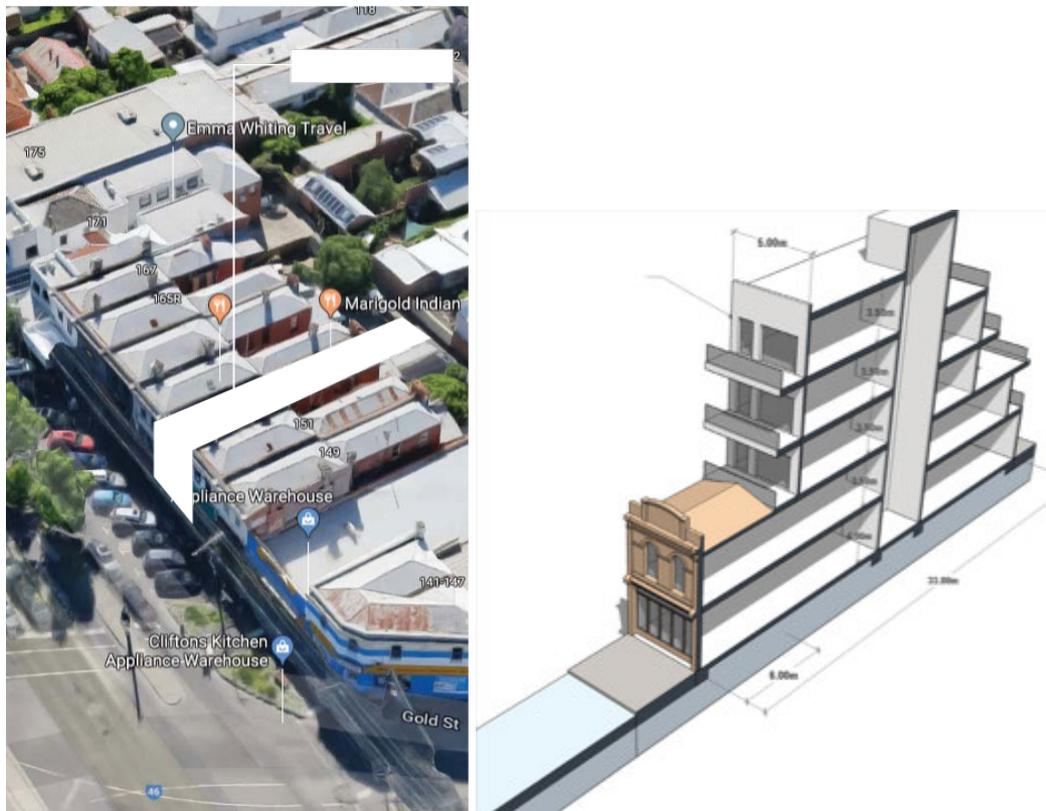


Figure 4 (From *Queens Parade Built Form Review Appendix*, p. 12).

## Appendix 5: GMH Fishermans Bend/Ministerial Call-In

On 20 November 2019, the Executive Director, Heritage Victoria, recommended that the iconic General Motors Holden site at Fishermans Bend be listed on the Victorian Heritage Register. The Heritage Council began moves to consider registration. The National Trust and the RHSV, among others, made strong submissions supporting registration.

In February, however, Planning Minister Richard Wynne called in the nomination, ‘sidelining’ the heritage process, as the *Age* put it.<sup>9</sup> In the end, the Minister did not block the nomination but, rather, short-circuited the heritage and planning processes to facilitate development by cutting out much of

<sup>9</sup> Chloe Booker, ‘“No shrine:” Minister sidelines heritage watchdog over old Holden site’, *Age*, 18 February 2020.

the historic fabric before it is registered. The result was that significant parts of the site were not covered by the registration.

We are talking about the site where the first Holden was launched by then Prime Minister Chifley, the site that, more than any other in Victoria if not Australia, embodies the post-war recovery and the new society of suburbs and motor cars, and symbolises Melbourne's significance at the front line of the new trend toward Australian manufacturing.



*Figure 1: Prime Minister Ben Chifley launches the Holden 48-215, 29 November 1948 (National Archives of Australia: A1200, L84254)*

The key historic parts of the complex are still intact, including the Administration Building, Parts Building and the elegant Social Centre—with its original murals still in place—where Chifley unveiled the first Holden.

Development Victoria purchased the site in 2017, announcing that ‘this vacant industrial site will be redeveloped as a centre of innovation for advanced manufacturing, engineering and design’, in partnership with the University of Melbourne, which plans a ‘new world-class university engineering campus’ for the site.<sup>10</sup>

That is a great idea. What better re-use could there be for this site than an engineering campus and manufacturing centre? The problem is that the ministry is already planning the development with

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<sup>10</sup> <https://www.development.vic.gov.au/projects/general-motors-holden?page=overview>,  
<https://www.fishermansbend.vic.gov.au/media/new-world-class-university-engineering-campus-coming-to-fishermans-bend>.

little regard for the heritage. After the ministerial call-in, the heritage listing was tailored to suit the development.

The first plans were submitted to Melbourne City Council at the beginning of July 2021. They confirmed our fears. Council officers found that the plans ‘overwhelmed’ the heritage elements. Building heights up to 141 metres were proposed in an area where 80 metres was to be the maximum, leading to ‘excessive’ bulk and buildings ‘not responsive to the heritage context’. The plans were ‘inconsistent’ about the proposed extent of demolition.

The plans were problematic in planning as well as heritage terms. Officers noted a poor ‘balance between built form and public realm,’ and ‘poorly articulated public realm provision, with what appears to be limited open spaces within the site, and limited opportunity for tree plantings’.

Above all, there is good reason to fear loss of most of the heritage fabric, with much of it reduced to façades covering bulky box architecture.

By allowing the developer to dictate the plan first, the Minister risks the destruction of one of our most significant industrial heritage sites and the creation of a high-rise slum where there is potential for a great future campus worthy of the heritage around it.