

**Submission  
No 212**

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

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Please accept a late submission to the review into Melbourne's Future Planning Framework.  
Thank you for this Review.

My focus is protection of Heritage Parkland.

The issue is important to me because I believe the planning process for the major new works in Fawkner Park did not provide the very high standards of heritage and environmental protection required for a Park of such high value to the nearby community and the City of Melbourne. I and many others have endeavoured for 4 years to have our many concerns addressed.

A brief summary of the main issues.

#### INADEQUATE COMMUNITY ENGAGEMENT

A concept plan was developed over many years by the Open Space planning team of the Department of Urban Sustainability of the City of Melbourne and an almost completed concept plan was presented for public consultation in the weeks of December 2017.

Community consultation centred around the small area at the Pasley Street North entrance to the Park and the entrance improvements that were the aim there.

The removal of the basketball court and a new multipurpose court with skateable edges in a new location well within the Park were not evident in the advertised material and did not catch the attention of the wider public, the majority of people who use the Park each day for passive recreation rather than sporting activity (9000 people in a survey )

The large community to the North and West of the Park were unaware of the proposed changes to the Park.

Following the public consultation there were minimal changes to the concept plan.

The idea for a multifunction court with skating facilities came from the Open Space planning team. There was no community or group advocacy for this type of court for Fawkner Park.

#### HERITAGE UNDERVALUED

There was no heritage advice or expertise included in the development of the concept plans for the major new works for the Park listed on the Victorian Heritage Register.

The concept plan was approved to proceed by the Melbourne City Council at a meeting in March 2018 with sparse information on heritage matters and at the time the Councillors were unaware of the limited public consultation.

The first heritage consultation occurred when Heritage Victoria was contacted for a Permit for the works very late in the planning process.

Heritage Victoria noted " considerable public concern " in response to the Permit application advertised on its website.

Heritage Victoria refused the Permit related to the unacceptable adverse impact on the aesthetic and cultural heritage significance of the Place and because it had not been sufficiently demonstrated that there were no other suitable options for agreed entrance improvements with less adverse impacts.

Heritage Victoria did try to consider possible options for the new court with the planning officers including a basic basketball court near the present one, but the planning officers refused to negotiate because the City Councillors had approved the original concept plan. A different option for the new court was never given detailed analysis.

Heritage Victoria documentation was excellent and extensive and represented community concerns to protect the magnificent landscape character of the Park. All the main heritage organisations in Victoria contributed substantial submissions supporting Heritage Victoria.

It is regrettable that following the Permit refusal the planning officers and the Councillors did not decide to revisit the work plans with the independent Heritage authority and major stakeholders to address the heritage and community concerns which were outstanding.

Instead the City Council and the planning officers elected to apply for a review of the Heritage Victoria determination by the Heritage Council (the higher heritage authority)

The City of Melbourne assembled 'at great expense' (words from a Council meeting) a large number of experts to defend their right to implement their project plans. These were the City of Melbourne's SC and legal team, their 2 preferred heritage consultants, who had had no earlier involvement in drawing up the original concept plans, and expert witnesses including new expert witnesses especially for the Heritage Council Hearing.

The experts dominated the proceedings at the Heritage Council with voluminous documentation. Their

analyses appeared influenced by their obligation and agreement to justify the City of Melbourne's proposed works.

Questionable assertions were not adequately challenged.

There were relatively few questions asked.

The community felt disadvantaged by not having paid legal or specialist Heritage landscape expertise to represent them.

The 3 tribunal members of the Heritage Council included expert professional experience in town planning, VCAT, and Heritage. There did not appear to be expertise related to heritage landscape. An appreciation of the aesthetic heritage significance of the landscape character of the Park demonstrated by Heritage Victoria was not given the same prominence or even value by the Heritage Council.

The Heritage Council review overruled Heritage Victoria and the works Permit was approved.

We question why they City of Melbourne tried to exercise control over Heritage Victoria when they should have been working with the independent Heritage authority.

Heritage Victoria represented the community well and holds the respect of the community on Heritage matters.

#### THE MASTER PLAN WAS INEFFECTIVE

A current Master Plan should guide decision making for Heritage Listed Parkland

(The National Trust)

The Master Plan of 2006 was impressive and described well 'the magnificent setting' for active and passive recreation. There was wide community consultation and representation on the Reference Group.

However it was not adequate for effective guidance for the current major works for the Park, ie the new court design and location which was not envisaged or consistent with the Master Plan.

The Master Plan was 6 years overdue for a proposed review and it had not been updated since the Heritage listing in 2016. it was unclear to the National Trust how the Master Plan could be current and relevant to the new major works in the Park.

The Master Plan does give an indication of the complexity of the issues at the Pasley Sreet North entrance to the Park. Under the heading Amenity Access and Safety it refers to this entry as a busy area with high activity and should be prioritised for improving pedestrian access.

The entrance to the Park is also the entrance to the Primary School, the School playground and the children's playground. Cyclists enter and exit the Park here.

Parents, grandparents and recreational Park users circulate in the area. The residents across the street have strong views about the area. There are many issues and interests that interact in this situation and will be affected by changes to the layout of the area.

It is not apparent that a multifunctional sports court with skating facilities is the best way to manage this complexity of use. The limited community consultation that took place did not identify or address many issues of concern that were left out of the decision making process, and left many in the community with close connection to this wonderful Park disillusioned with the planning processes that led to this outcome.

My recommendations to improve the planning framework for Heritage Parks.

Elevate the importance of Heritage in planning processes.

Strengthen the role of Heritage Victoria.

Engage all community stakeholders early in the planning process to inform decision making.

Clarify the role of the Master Plan / Conservation Management Plan.

Thank you

Jennifer McDonald

