

Inquiry into the protections within the Victorian Planning Framework

Mr Graeme Butler

Organisation Name:

Your position or role:

YOUR SUBMISSION

Submission:

HERITAGE ISSUES and the Planning Act

- Town planners and VCAT members have a major role in determining the path of heritage in Victoria, typically none of them have been trained in cultural heritage or for that matter building construction and design- this often leads to poor outcomes particularly at VCAT: heritage planning decisions should be by referral to an independent expert body, similar to Heritage Victoria;
- VCAT (and also Victorian heritage council) decisions often ignore local heritage policy in the scheme, thus creating a disorderly application of the planning scheme, confusing applicants and providing unwelcome precedents for future development;
- Local Government is often poorly resourced when it comes to heritage expertise-many rural LGAs do not have heritage advisers, and even well resourced metropolitan LGAs use their heritage advice with discretion, sometimes changing or ignoring the advice given to suit development agendas - despite the fact that destruction of heritage elements cannot be reversed- this harms `orderly` planning in the State;
- VCAT determines many significant planning issues including heritage- as above few members have been trained in this area while the hearings are often dominated by developer advocates and experts, leaving one side interpretation of complex issues: VCAT members should be expert in the field they deal with or preferably their decision should be bound and informed by an external heritage referral body, as above, to promote consistency of decision making;
- Most Government departments are not bound by heritage policy and planning law- this has become more evident in their actions during COVID with some major heritage places being demolished with no review process such as Geelong Road, Footscray where a row of the city's best heritage places was removed with no evidence of alternative options having been explored;
See planning law exemptions (GG 10.2.88) granted to Conservation Forests and Lands, Health, Education- despite the provision in PLANNING AND ENVIRONMENT ACT 1987 - SECT 16
`A planning scheme is binding on every Minister, government department, public authority and municipal council except to the extent that the Governor in Council, on the recommendation of the Minister, directs by Order published in the Government Gazette...` - this should be repealed, allowing the Planning Scheme to apply to all places in Victoria;
- Recent application of heritage policy, whether because of VCAT precedents or lack of expert advice, has lead to token outcomes in high stakes areas like the Melbourne CBD that create poor precedents for other similar areas in the State- this is reflected in facadism where often totally renewed meaningless fragments of heritage places are retained as stage-sets under major new developments, or false heritage is replicated in their place- policy does not support his but permits are granted nevertheless;
- Development pressure on heritage places is continuous- greater financial incentive should be provided for heritage place owners to retain all of the contributory parts of the place and its setting- it should be a financial advantage to own a heritage place, particularly those of major importance;
- Related to heritage is the addition-hoc destruction and replacement of sites with considerable embodied energy, such as multi-storey buildings- an energy audit should be carried out accounting for the liberation of embodied energy, use of energy for new construction, and ongoing use of the building, etc- and be the basis for decision making, taking climate change and land-fill issues seriously.

FILE ATTACHMENTS

File1:

File2:

File3:

Signature:

Graeme Butler