



**Government Inquiry into the Protections within the Victorian Planning Framework,  
Submission from Warrandyte Historical Society  
(Item 4 heritage issues as detailed below).**

- (4) protecting heritage in Victoria, including but not limited to —
- (a) the adequacy of current criteria and processes for heritage protection.
  - (b) possible federal involvement in heritage protection.
  - (c) separating heritage protection from the planning administration
  - (d) establishing a heritage tribunal to hear heritage appeals
  - (e) the appointment of independent local and state heritage adviser
  - (f) the role of Councils in heritage protection
  - (g) penalties for illegal demolitions and tree removals.

Warrandyte (formerly Anderson's Creek) is an historic township located on the Yarra River (Birraring) at the western end of the Warrandyte Gorge between steep forested slopes. For eons the land was cared for by its traditional owners before the settling of the land by Europeans. The discovery of gold in the middle of the 19th century brought about rapid and extensive transformation. Further waves of change have seen Warrandyte grow from a small isolated rural township to an outer suburban community.

Despite fires, floods and urban pressures, the township has managed to retain its historic charm along with many of its old buildings. There is a continuous thread of history evident over decades, from settlement and the boom and bust of the gold era to the present day. Those earlier eras can still be seen through the physical fabric of the town, the stone school building, bakery, churches, cemetery, hotel and Mechanics Institute. The historical significance of Warrandyte is recognised in Victoria as the site of the first recorded goldfield in Victoria. Its environmental significance was acknowledged with the declaration in 1975 of the Warrandyte State Park.

The Warrandyte Historical Society (WHS) was formed following the centenary of the old stone building, Warrandyte School No 12 in 1975. It aims to collect, preserve, and present the town's history and is committed to safeguarding the history of the town and in presenting it to a wide audience.

WHS considers Victoria's current heritage protection process is an ineffective, costly and cumbersome system. It is dependent on individual Councils undertaking Heritage Studies and then the subsequent use of heritage overlays within their planning schemes. WHS experience is that this is a flawed process. Warrandyte (postcode 3113) falls under the responsibility of two councils, Nillumbik Shire Council on the northern bank of the Yarra River and Manningham City Council on the southern bank. Each Council has a different approach and timetable to heritage studies and outcomes. WHS has to straddle the requirements of each when dealing with heritage issues.

WHS considers heritage protection should go way beyond just protecting old buildings. It should also encompass significant new builds, specific precincts, Indigenous culture as well as gardens, historic landscapes and specific trees.

Manningham's initial heritage study is several decades old with some updates subsequently, mainly to accommodate additional areas being added to the city. WHS has been frustrated by many decisions related to listed properties resulting from the fact that the initial assessments did not clearly identify the reasons for the entry thus making it easy to approve new plans often to the detriment of heritage values. No review to correct this anomaly has been forthcoming despite pressure being applied by the Society. WHS has also compiled a list of properties it would like considered assessed for addition to the overlay, but it would appear there is no process for how this should be handled.

Nillumbik is currently undertaking a review of its Heritage Overlay and WHS has been able to submit a list of properties it feels worthy of being assessed and added to it. It is waiting to see if it will be further consulted on



the process and be able to contribute further with its local knowledge. While WHS has received a letter of thanks for its list no further indication has been forthcoming as to further involvement in the process. WHS is frustrated by this as it has been in the past due to lack of funding and support from Council.

The frustrations for WHS are that many of the properties listed on the overlays have fallen into disrepair (demolition by neglect), demolished, or lost, or been radically transformed sometimes unsympathetically, sometimes not, but there does not appear to be any updating of the schedules to reflect this or to assess if changes have altered the level of the listing.

In Manningham one example of this frustration is 298 Warrandyte Heidelberg Road. This is a remaining orchard house (one of three listed) that is still relatively intact. It is an Edwardian design built in 1911 with much Warrandyte stone being used. The house's future is of concern as it has fallen into disrepair and the land has now been sold for development. On raising its concerns with Council WHS was informed that '*...in instances where a heritage building is being neglected, there are no powers under the Planning and Environment Act 1987 that Council can apply to compel a landowner to maintain their building*'. So where does this leave this house? It would appear predisposed for future demolition. If it goes then a layer of this once vibrant orcharding area will be lost. The other two houses having been subsumed into much larger modern buildings. A second Manningham example is that despite having a Township Heritage Precinct it seems there are too many ways of avoiding complying with the requirements whether a contributory or non-contributory property. This has seen the demolition of a contributory building due to Councillor actions.

In Nillumbik there is a small cottage just above the bridge known as Moonlight Cottage. Built in the late 1800s it is listed on the overlay being considered historically and technically significant for its association with gold mining and as a rare example of wattle and daub construction. It is also socially significant; it was used by many of the early artists such as Clara Southern and was the first Potters Cottage. Yet over time this small cottage is collapsing and has nearly disappeared under vegetation despite entreaties to the owners and to Nillumbik Council to take some action. WHS asks to what purpose are buildings registered if there is no prospect that they will survive into the future?

WHS has become increasingly concerned about the loss of Warrandyte's (and Victoria's) architectural heritage. As each heritage building disappears then those that remain become ever more important. WHS is dismayed and appalled that despite the work in getting a property listed, the processes currently in place do not necessarily protect them from then on. Too much depends on the goodwill and the attitude of the owner. All well and good but it does not augur well for the future of every listed building or place.

#### **4(a) the adequacy of current criteria and processes for heritage protection:**

WHS does not consider the current system adequate as can be seen from the above. Unless there is a strong heritage section within a council, well versed in all of the ways and means of subverting the system then the loss of our heritage will continue. The slow and cumbersome heritage study system is outmoded and should be updated and streamlined to better fit with the digital age.

Yet Councils, as the level of government closest to communities, should be ideally placed to manage heritage issues. But they need to all be using the same system, the same timeline, and mandated reviews if there is to be a truly State wide heritage assessment system in place. There should also be provision for greater input and oversight by local residents, groups and associations. They have felt overlooked in recent times in regard to heritage matters particularly with the introduction of amendment VC148 which exempted notice requirements and councils having to consider objections as part of the decision-making process.



#### **4(b) possible federal involvement in heritage protection:**

Funds! If there is to be an Australia wide emphasis on heritage protection, then there needs to be funding attached. Government heritage departments at all levels appear underfunded and under resourced. There should be a specifically designated heritage minister too somewhere within the Ministry to ensure heritage issues are looked after on a countrywide basis.

#### **4(c) separating heritage protection from the planning administration:**

If we are to attain a position where heritage is monitored state-wide then moving heritage away from planning with a department and minister of its own may be a solution. At Council level priorities change over time and it has been the experience of WHS that heritage matters can take a back seat when heritage is just a part of a large planning department and where other pressures and competition for expenditure are deemed to be of more importance. Adverse outcomes have also resulted when Councillors or officers have succumbed to developers and/or owners rather than adhering to the recommendations of their heritage advisers.

#### **4(d) establishing a heritage tribunal to hear heritage appeals:**

VCAT remains a constant problem. Too many times volunteers and local residents find themselves pitted against QCs and lawyers arguing strict points of planning law which often overwhelm the heritage significance and means the bigger picture is lost. An independent heritage tribunal to decide on heritage appeals based on heritage values and as part of greater widespread reform to the heritage planning process could provide a better outcome. The goal should be to have a State-wide mandated heritage register.

#### **4(e) the appointment of independent local and state heritage advisers:**

WHS supports the appointment of truly independent heritage advisers whether at a local, State or developer level. Councils appoint their heritage advisers. WHS has experienced both good ones who are conversant with the area and heritage they cover but also others who are remote and less involved locally. Developers appoint their own advisers and WHS has experienced Council planners quoting an owner/developer adviser's report that blatantly (in its view) supported the changes requested even to the detriment of heritage values.

#### **4(f) the role of Councils in heritage protection:**

As the level of government closest to the community Councils have a strong role to play in heritage protection. Heritage protection does however require a strong, clear and cohesive approach both with a council, across the State and indeed across Australia. If heritage protection fails at Council level (and many historical societies and residents groups would argue this is the case) then the community and Australia are the eventual losers. Funding to assist all Councils to undertake mandated periodic reviews of their heritage registers must form part of any future plans.

#### **4(g) penalties for illegal demolitions and tree removals:**

So far penalties for heritage destruction seem to be totally inadequate (eg Corkman Pub). Once a building is demolished or trees removed financial penalties do not seem relevant. Indeed sometimes the property value rises. Again it is getting the wider community to respect and value heritage. We should look overseas and interstate to see what models we can draw from to better achieve the aim of protecting our heritage.

Rather than a 'stick' more 'carrots' are required. Incentives to maintain and preserve heritage items could assist. These range from rate relief, grants or easy access to assistance to no fee charges when applying for planning permissions and help finding skilled tradespeople and materials. These are all issues that weigh on those who own heritage properties. Being listed should be seen as recognition of the heritage value of the property to the heritage of the nation and adding monetary value to it rather than devaluing it. To achieve this however requires a clear and respected process from the initial investigation to the final listing and in cooperation with the community.



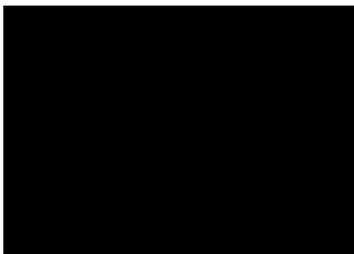
## Conclusion

There is a need to develop community respect for heritage and heritage values. At present being listed on a heritage overlay seems to be feared rather than welcomed by many. Often those in power are all too willing to trade significant buildings, trees or landscapes for other perceived benefits, often relatively short term. Unlike the UK and Europe for instance where the built heritage is centuries old and strenuously protected, in Australia it appears undervalued as too young.

Who can forget the 'windscreen' assessments of the 1960s in Carlton which led to so many old terrace buildings being pulled down and the materials dispersed through Whelan the Wrecker? Whole streetscapes were lost. Yet the surviving terraces are now highly prized. We are seeing history being repeated with many mid-20<sup>th</sup> century modern houses being demolished throughout the suburbs, often before evaluation can take place.

The contribution heritage plays in tourism, social cohesion and the economy cannot be understated. People travel to see historic places and buildings and learn the stories of the area and communities. If we are to tell the story of Australia, then even little vernacular building such as Moonlight Cottage have a role to play.

WHS is advocating for much more effort to protect, conserve and celebrate Australia's heritage. It would be pleased to be part of any discussion groups or panel assessment process to advance its views on the issues.



**Margaret Kelly**  
**President**  
**Warrandyte Historical Society**  
**January 2022**