

# Inquiry into the Protections within the Victorian Planning Framework

Submission into the adequacy of the Planning and Environment Act, in relation to heritage protection

## Overall Perspective

According to the Victorian Heritage Register (VHR), which lists Victoria's heritage assets, over 95% are classed as local heritage, with a small percentage worthy of State, National or International recognition. This submission only addresses local heritage protection, which is managed by LGAs through its planning department.

## Heritage Criteria

The Burra Charter is the default tool to both define the types of heritage assets, and on their cultural significance and assessment. Even though the heritage categories are summarized into aesthetic, historic, scientific, social and spiritual values, the categories can be expanded into hundreds of types of heritage assets. This opens up a state-of-the-art definition of "Heritage" and its assets, not just the archaic view of old buildings.

## Heritage Asset Definition

"Heritage" in the broadest sense is that which is inherited. Everything which the ancestors bequeath may be called heritage: landscapes, structures, objects, traditions. This definition is not just applicable to Australian Indigenous but any culture or group that makes up Australia peoples, present and past.

Heritage includes both tangible and intangible, including ideas and memories--of songs, recipes, language, dances, and many other elements of who we are and how we identify ourselves--are as important as historical buildings and archaeological sites.

In our LGA – City of Maroondah – heritage assets include a relatively small number of built heritage assets. Beyond built assets are geological features, trees and parks, honour boards and memorials, two notable festivals (Ringwood Highland Games and the Ringwood Eisteddfod, both of which go back many decades), and thousands of objects, oral and written history and stories, photographs, unique newspapers, local video footage and so forth. Certainly, formal assessment may whittle the number down but the expanse of heritage types would remain.

## Management of Local Heritage Assets

The local LGA, through its planning department, has been charged, through both the Planning and Heritage Act, to manage these heritage assets.

## Issues Arising

### 0. Definition of the term "Heritage"

Both in the Planning and Heritage Acts, the definition is very limiting and does not equate with the current definition proposed by the Burra Charter and current peer-reviewed papers.

### 1. Management of LGA Heritage Assets

It is very clear that an LGA's Planning Department has neither the skill-level nor responsibility to manage non-built heritage assets. If the management is farmed out to heritage consultants, it is extremely costly, thus limiting regular reviews. In Maroondah, reviews are often 10-15 years between. In any case, most heritage consultants only have credentials in architecture, applicable only to built assets.

## 2. Identification of Heritage Assets

The identification and authorisation of heritage assets clearly cannot remain in the hands of an LGA's Planning Department. Substantial input must be provided by local heritage and history groups, and residents who can provide useful input.

## 3. Heritage Overlay Program

This program has not been brought up to current Burra Charter specifications. Its controls are only to do with built heritage and these controls are very weak.

It is most often the case that public opinion and media leverage provides more to save a heritage asset, that anything put in a Heritage Overlay.

## Possible Solutions

### 0. Expert Advisors

Similar to the Victorian Aboriginal Heritage Council, that works with Aboriginal Cultural Heritage and Traditional Owners, there should be expert bodies for biological assets, war-related assets, and so forth.

### 1. Update "Heritage" meaning

The way is managed and protected is highly dependent on a true and meaningful description of what heritage assets are.

### 2. LGA's Involvement

Whilst the majority of heritage assets are local, individual LGAs do not have the skills, breadth or finances to successfully manage them. Consideration should be given to regional heritage management groups.

### 3. Heritage Appeals

Appeals to VCAT are farcical and an ongoing joke to most people who look after heritage. Certainly, development is the overruling focus on appeals, unless a heritage asset has State or Federal worth. The cost to appeal at VCAT is beyond many council's or individual's budget.

### 4. Penalties

At the moment, most penalties for destroying heritage is very affordable for developers. For example, a \$100,000 penalty is a minor cost for a multi-million dollar project.

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