

# National Trust Hearing Submission

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<b>Subject</b>	<b>Submission to Planning Panels Victoria regarding Planning Scheme Amendment C192bays</b>
<b>Submitter</b>	<b>Samantha Westbrooke on behalf of the National Trust of Australia (Victoria)</b>
<b>Date</b>	<b>26 February 2024</b>

## INTRODUCTION

1. The National Trust of Australia (Victoria) (National Trust) is the state's largest community-based heritage advocacy organisation, actively working towards conserving and protecting our heritage for future generations to enjoy. Planning Scheme Amendment C192bays strongly aligns with the mission of the National Trust, to champion Victoria's diverse heritage, embrace the complexity of the past, and inspire connections to place for the benefit of current and future generations, and our vision that Victoria's past and future heritage is protected, understood and shared, enriching communities and contributing to an inclusive and connected society.
2. The purpose of this submission is to provide the National Trust's broad support for the exhibited amendment and respond to submissions relating to a number of individual sites.

## BACKGROUND

3. Proposing to implement the findings of the Bayside Post-War Modern Residential Heritage Study 2022, this planning scheme amendment is an important and timely review of heritage protections, which provides a robust representation of residential buildings built in the Modern style in the City of Bayside between 1945 and 1975.
4. Importantly, the Amendment identifies significant post-war heritage places. Despite the historic importance of the post-war period, a time of transformation on a scale not seen since the gold rush, much of our post-war heritage remains vulnerable and without statutory protection. With densification transforming our suburbs, it is becoming increasingly important to document, celebrate, and protect significant post-war heritage, including houses, churches, commercial buildings, factories, service stations, and institutional buildings.
5. Ensuring places that represent this important post-war period of our history are adequately protected for future generations is a crucial task for local councils. What we value as a society is changing and our protections must reflect this. It would be remiss of us not to continue to accurately represent our history through balanced, diverse and inclusive heritage controls.

6. We as a community rely on heritage protections to tell our story. Through protecting places and their diverse values, we are the better for understanding the important histories of our local areas, which is just as important as our state and national heritage sites.
7. The National Trust commends the holistic approach to this study by GJM Heritage through the contextual historical report in Volume 2. The significance of post-war modern architecture as a representation of optimism in the post-war period and its realisation through the dream of suburban home ownership is well documented and contextualises the importance of the properties designed and built between 1945 and 1975, which are thus identified in this study.
8. We acknowledge that Amendment C192 implements a number of objectives of planning in Victoria pursuant to Section 4 of the *Planning and Environment Act 1987*, in particular:
  - *To provide for the fair, orderly, economic and sustainable use and development of land; and*
  - *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*
9. We submit that the Amendment has been prepared in accordance with Planning Practice Note 1, Applying the Heritage Overlay, August 2018 (PPN01), which states that “places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay” should be included in the Heritage Overlay.
10. We further submit that the places and precincts included in the Amendment have been assessed rigorously, according to the following requirements of PPN01:

*The heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.*
11. In affirmation of the Amendment’s precision, the National Trust notes the use of comparative analysis in the property citations and Councils engagement of Natica Schmeder to conduct a peer review of the study.
12. We note that PPN01 considers the comparative analysis is the key tool in determining whether a threshold has been met for the heritage criteria.
13. The National Trust believes the Bayside Post-War Modern Residential Heritage Study 2022 has been undertaken with a high degree of care and rigour.

## **RESPONSE TO OBJECTIONS**

14. The National Trust is aware of many concerns from objectors and property owners to the implementation of this planning scheme amendment.

15. It is important to acknowledge that in 2018 the Bayside Council resolved not to proceed with its Mid-Century Modern Heritage Study in response to significant community opposition.
16. We note that many of the concerns regarding the implementation of a Heritage Overlay for property owners are not relevant considerations at the Planning Panel stage, however, we seek to address some arguments and misconceptions below.

### **Alterations**

17. A common objection to properties being included in this Amendment has been regarding alterations to a property impacting its level of intactness to a degree that it no longer meets the required threshold for the local Heritage Overlay.
18. While we note questions of intactness need to be determined on a site-specific basis, in general a building having any alterations does not necessitate that it no longer presents as of local heritage significance. Indeed, in some cases alterations are found to be contributory to a building's significance, showing the story of change and use in a place over time. Whereas in other scenarios alterations may be non-contributory but still sympathetic enough to a building design that the significant heritage values of a property can still be clearly read and understood.
19. We would also note that where alterations might impact on the ability to understand a heritage building in its original context, such alterations can sometimes be reversed, and the building restored. This should equally be taken into consideration when questioning the intactness of a property.
20. In many cases of objection to the listing of a property as part of this amendment due to alterations, we note the consultants were aware of the alterations when the properties were initially assessed. In cases where alterations were made after the consultants assessed the properties, the opinion of the consultant has been revised. Therefore, we are confident in the rigour of the consultant's work.

### **Heritage Overlay Controls**

21. Contrary to popular belief, Heritage Overlays do not stop property owners from modifying or extending their properties, however they do often require approvals to undertake these changes. There are many examples across all types of heritage places and municipalities, of approved additions and alterations undertaken to places within a Heritage Overlay to retrofit or adapt a place to meet contemporary standards and to make them more liveable or fit for purpose.
22. Heritage and the conservation of buildings is also an inherently sustainable practice. Collectively, building reuse and retrofits substantially reduce climate change impacts. There are also many simple ways to make existing buildings more sustainable without impacting on their significance. Research has shown that when a typical historic building is refurbished and retrofitted, it will emit less carbon by 2050 than a new building.
23. Additional maintenance requirements are not enforced by Heritage Overlays. Council cannot use a Heritage Overlay to force a property owner to restore their property to a pre-existing state, be it prior to creation of the overlay or prior to the present

ownership. Maintenance however is a necessity for all existing buildings of any age and regardless of any heritage controls, to ensure ongoing resilience against weather events, wear and tear and to avoid costly repairs in the future.

24. The belief that a Heritage Overlay reduces property values has not been supported by research. There are a number of factors that impact on property values in any given area and in many scenarios, areas with Heritage Overlays become more desirable to purchasers due to the valued sense of place afforded by local protections.
25. Furthermore, in the case of mid-century buildings, these are increasingly sort after by purchasers who value their significant design attributes.
26. While the application of a Heritage Overlay can result in additional planning requirements for property owners, the National Trust believes, when properly considered and integrated into planning and development, heritage protections provide an opportunity for thoughtful and innovative design solutions that protect what the community values and provide great places to live, work and play.

### **Support for Heritage Custodians**

27. We are aware that many objections have brought into question the fairness of the process of implementing the Bayside Post-War Modern Residential Heritage Study 2022. In particular with regard to the non-voluntary process of the Amendment.
28. The National Trust acknowledges that the application of Heritage Overlays requires property owners to take on good custodianship on behalf of the community to protect our heritage. We therefore commend the thousands of local heritage custodians who, for the collective good, preserve the values of locally significant sites for their communities now and into the future.
29. We also believe that, as a result of this responsibility, heritage custodians should be better supported to look after our important places and reverse the perception that heritage controls are an unfair and limiting burden for property owners.
30. Therefore, the National Trust continues to advocate for the reinstatement of funding to local Councils in relation to heritage, so they can provide assistance and incentives to heritage property owners and continue to carry out their heritage responsibilities under the *Planning and Environment Act 1987*.
31. We note that Bayside Council has responded to many property owner concerns regarding the above issues, and we commend Council for its work to implement the Heritage Action Plan 2020 and investigate opportunities to further support owners of heritage properties, i.e. Council may waive fees for planning permits if the Heritage Overlay is the only requirement for a permit.

### **CONCLUSION**

32. In conclusion, the implementation of Amendment C192bays represents an important step in the overall protection of Bayside's heritage fabric that will better represent its distinctive history and development. We respectfully call on the Panel to recommend the adoption of the amendment.
33. We submit that the application of the Heritage Overlay as proposed through Amendment C192bays would have positive community-wide social and economic



impacts, and that an overall net community benefit would result from the protection of the cultural significance of these places for the benefit of present and future generations.

**Samantha Westbrooke**

**National Trust of Australia (Victoria)**

**26 February 2024**