

MEG Online Submission Re Heritage Act 1995 Review

December 12, 2015

Part A - Contact Details

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I am submitting on behalf of a (select one) : Community-based organisation
I am submitting on behalf of other
Are you the owner/manager of a place or object included in the Victorian Heritage Register? No
Victorian Heritage Register (VHR) number (if known)

Part B – Issues Based Responses

Issue 1: Improving Heritage Registration Processes: We support the simplified processes outlined in the Discussion Paper though we would like to know exactly what timeframes are proposed. We believe that these should be as short as possible.

Issue 2: Simplifying Heritage Permit and Consent Processes: We believe that the current permit and consent processes are cumbersome and heritage matters need to be expedited. Too often owners of buildings which have the potential to be listed as 'heritage' have ample time to allow the building to fall into disrepair and are then able to cite "undue financial hardship" as a reason for the building not to be listed because the repairs would cost too much. The Executive Director must give concise grounds for rejection of a nomination. We support the 30 day time limit for a "further information" request. Any appeal should be heard by at least 2 members of the Heritage Council.

Issue 3: Strengthen Compliance and Enforcement Measures: Higher penalties should deter owners from damaging heritage places. There does not seem to be any consideration given to ways in which Heritage Victoria can act in an 'overseer' role by checking on the state of such places. We understand that

this would involve staff and money and we think it's possible to put the National Trust into such a role if State Government would be prepared to fund the Trust adequately. As "tourism" is touted as THE money spinner there is a need to make our heritage places appealing to the tourist. The Trust could be put to far greater use in this capacity if funding were to be made available. When I lived in Britain I was told that Britain had the "best kept ruins in the world." This is an attitude that would be worthwhile adopting. Funding for advertising is needed. In other words we need to make "heritage places" the most appealing item for tourists..instead of penguins!

Issue 4: Other Changes:

Removing duplications will simplify the Act. Covenant issues are unnecessarily complicated. Sometimes a covenant can be removed by Local Council. To cite one example in Stonnington.... attempts to remove a "single house" covenant have resulted in no less than 4 Supreme Court cases all of which have been lost by the owner. Immediately adjacent to that property an applicant who wished to demolish 3 properties each with 'single house' covenants had them all removed through an application to Council. We consider that one authority only should have the power to deal with covenant issues. As VCAT is so unreliable and contradictory in its decisions we doubt that it's the right body to deal with these issues. All the committees dealing with heritage issues should have at least 2 members.

Part C – Additional Comments

Additional Comments:

"Undue financial hardship" as a reason for developers to justify demolition or drastic alteration of historic buildings must be removed. We understand that this has been termed "developer blackmail." The 'development madness' that has engulfed Melbourne in recent years has seen so much that is worth keeping destroyed. Heritage Victoria must accept and advertise its role as the 'keeper of our heritage.' We believe that Heritage Victoria should be a statutory referral authority and as such take a role at VCAT hearings giving expert witness evidence in 'heritage' situations. It may be argued that Local Government employs its own 'heritage advisers' to do this and of course it does. These people say in unsworn evidence what they're PAID to say. Developers hire them to give evidence and they say what they're PAID to say. If we had a statutory referral authority giving impartial evidence so much more of our heritage would have been saved and could be saved in the future. VicRoads and Melbourne Water for example are statutory referral authority that have "expert witness" status at VCAT. Heritage Victoria should be doing the same thing. If necessary change the Act to allow this to happen. We believe that some attention should be given to

"viewing corridors." Heritage buildings should not be hidden from view by development. We cite the example of the National Trust building St. John's Anglican Church in Malvern East which despite our efforts is about to have all views from the south, east and west deleted by a wall of development. The church is part of the large Heritage Overlay of the Gascoigne Estate. We understand that "viewing corridors" cannot be entirely protected but we believe that SOME consideration should be given to them when proposed development seeks to overwhelm them. "Viewing corridors" should be mentioned in the Act. If it were a component of the Act then Council's role with regard to its Heritage Policy would have another element in its primary purpose of implementing State Planning Policy Framework. The Heritage Act should contain elements that allow the protection not only of areas and buildings of State significance but also those of local significance. Local Councils are toothless tigers in this situation. They are almost entirely dependent on the whim of whatever political party is in power at any given moment with regard to heritage (and almost anything else in the area of Planning). If Heritage Victoria is made a statutory referral authority the whim(s) of any political party and those of developers may not be so significant in decision-making about heritage places.

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