

Minutes

Heritage Advisory Committee

Date: Thursday, 16.12.2021 (Microsoft Teams Meeting)

Councillors: Cr. Bridgid O'Brien (BOB) - Chair and Cr Edward Crossland (EC)

Attendance: Alexis Arrowsmith (AAr), Ursula Chandler (UC), Greg Chenhall (GC), Ian Wight (IW), Janet Taylor (JT), Laura Campbell (LC), Malcolm MacDonald (MM), Terence Nott (TN), Ivan Gilbert (IG) - Group Manager, CEO's Office, City of Yarra (CoY), Richa Swarup (RS) - Principal Advisor City Heritage, CoY.

Apologies: Jeffrey Atkinson (JA), Kirsteen Thomson (KT), Nina Tory-Henderson (NTH),

diverse

vibrant

exciting

inclusive

<p>1. <u>Welcome</u></p> <p>BOB started the meeting with the Statement of Recognition of Wurundjeri Land and welcomed all.</p>	
<p>2. <u>Confirmation of the minutes of the previous HAC meeting and actions arising:</u></p> <p>The minutes of the HAC meeting of 14.09.2021 were adopted unanimously. There are no outstanding matters from the previous meeting.</p>	<p>Action</p> <p><i>No specific action needed.</i></p>
<p>3. Real estate agencies to include owner's obligations in Heritage Overlays</p> <p>AA drew attention of the members to a paper that she had circulated to HAC prior to the previous meeting of 14.09.2020 and referring to the paper, she presented the following proposal:</p> <p>"Yarra City Council writes to all real estate agencies operating in Yarra to note pre-sale works must be undertaken in accordance with Heritage Overlay requirements. Permits must be sought for works as required".</p> <p>HAC agreed with the above proposal and deliberated further on the topic. HAC recommended:</p> <ul style="list-style-type: none"> • Yarra City Council (YCC) to write to all real estate agencies as suggested above. • YCC consider preparing Dos and Don'ts for various aspects of works on heritage properties citing good and bad examples to guide the community about what should be done and what is a good practice. • Council include a regular small column on heritage in Yarra News or Yarra's E-newsletter. HAC members volunteered to prepare a small writeup to be published in the E-Newsletter. AA volunteered to write the first article. 	<p>Actions</p> <ul style="list-style-type: none"> • <i>That Delegate's report includes HAC's recommendation about writing to the real estate agencies.</i> • <i>That AA should send the article to RS when completed.</i>

4. Parliamentary Committee Enquiry on Local Planning – including heritage

IW provided a general overview and a point wise response to each topic under the terms of reference of the enquiry.

HAC's general view was that the terms of reference for the enquiry are too broad.

Their response and recommendation on each topic are as below:

(a) *The adequacy of current criteria and processes for heritage protection*

The current criteria have been negotiated over some time and now seem to be working well, however, there is a need to improve the process of heritage protection. The level of documentation that is required in the statements of significance (SoS), in order to list a place in the planning scheme needs to be reviewed. Currently the SoS gets referred to and picked apart at the tribunal and if an item is not mentioned in a SoS, its significance is often not considered in the decision making. This also greatly inflates the cost of heritage studies to the point where they are becoming unaffordable.

(b) *Possible Federal involvement in heritage protection*

- There is a need that Federal government sets the standard for heritage protection so that similar standards are followed by each state and territory.
- Currently, the Federal government is managing places of national and world heritage significance under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Under this act, onus of referral of the matter to the Federal government is with the proponent of the development which in many cases has impacted the decision-making process. This process must be updated. Further, this process is exclusive and unrelated to the state and local planning permit processes. This adds another layer of complexity to the decision making. These processes must be reviewed and revised.

(c) *Separating heritage protection from the planning administration*

HAC does not support separating heritage protection from planning administration. Instead HAC recommends:

- There is need to improve the planning process. Many times there are differences between Heritage Victoria's (HV) position and Council's position on planning matters. These differences should be avoided before the matter is referred to or is being presented to the VCAT.
- Where HV responds to a referral, HV should also be party to the proceedings of the VCAT Hearing.

(d) *Establishing a heritage tribunal to hear heritage appeals*

Action

- That HAC Delegate's report include HAC's recommendation.

Instead of an independent Specialist Heritage Tribunal, heritage expert members should sit on hearings involving heritage issues. Members of the Heritage Council of Victoria's Appeals Committees could also be appointed to be a part of the pool of VCAT members.

(e) *The appointment of independent local and state heritage advisers*

- HAC was concerned about the quality and uptake of heritage adviser's advice when they are independent and not a part of the council; and recommend that councils should be encouraged to employ their own inhouse heritage advisers like planners and ESD advisers.
- When the heritage advisory service was first set up, this service was provided by Heritage Victoria (HV) and it might be well worth considering reverting to this model. When independent advisors were funded by HV (through heritage grants) and were administered by councils, HV had some control over the quality of the service and some protection to the independence of the advisor. HV should be able to provide funding for heritage advisers at least in regional and outer suburban areas.

(f) *The role of Councils in heritage protection*

Councils clearly have a very important role in the protection of heritage and overall, councils have done well in protection of heritage in the past. However, in recent years there seem to have been a change in attitude partly emanating from the State planning department itself. Until a few years ago, the default assumption was that a place on the heritage overlay would remain largely intact. This may still be true in most residential areas but no longer applies in other zones. The practice note tells us that internal controls should be used sparingly but the lawyers seem to have convinced the tribunal that if there are no internal controls only what you can see from the street matters so if it is a parapeted terrace or shop-house only the front façade matters! This was certainly not the intention.

(g) *Penalties for illegal demolitions and tree removals*

- The recent amendment to the planning scheme that allows the minister to require reconstruction of buildings illegally demolished was supported.

There are discussions about the need for preparation of a model local law on demolition by neglect. A priority should be given to introducing such a law.

- In the absence of such a law at the State level, some councils (Geelong and Whittlesea) have introduced local laws. YCC should consider modifying its local laws to include penalties for demolition due to neglect during its next revision.
- Council can also investigate introducing differential rates,

<p>where people who do not maintain their heritage property have to pay a rate increase and those who maintain it well, get the benefit of a rate reduction.</p> <p>In addition to these topics, MM suggested that in view of the variable quality of municipal studies noted in the Heritage Council's review of local heritage that studies might be better commissioned by Heritage Victoria</p> <p>EC explained that there is a discussion paper being prepared on a the review of Res- Code and neighbourhood character which is likely to have serious implications.</p>	
<p>5. <u>Victorian Heritage Restoration Fund</u></p> <p>RS informed that she has been working under the guidance of EC to prepare revised VHRF funding guidelines for Yarra's portion of the funds to focus towards maintaining and protecting heritage qualities of Yarra's activity centres in order to improve and revitalise YCC's activity centres in the post Covid-19 context.</p> <p>EC mentioned that he has undertaken a comparative analysis of various funding models of different councils and has provided the report to RS. Simplifying the funding and including additional items such as painting and lighting etc. as done in case of City of Boroondara would help improve the heritage qualities of activity centres and would enhance its sense of place.</p> <p>RS explained that the new model would focus on utilising YCC's contributions (general pool and the strategic projects) towards revitalisation of activity centres for at least next two years. She also mentioned that this program would benefit if YCC's contribution in the coming year is increased from \$80,000 annually to \$100,000 at least as the VHRF contributions also incorporates a component of admin and assessment fee to the National Trust for the management of the funds.</p>	<p><u>Action</u></p> <p><i>That RS circulate the revised guidelines to the HAC members.</i></p>
<p>6. <u>Future use of Burnley Cottage</u></p> <p>TN requested for a clarification if there is a threat to demolition of the Burnley Cottage.</p> <p>IG clarified that there is no threat to its demolition. In the past consultation, almost 90% of consultation responses have indicated their preference that the cottage should be repurposed. Council is therefore proactively looking for an option to reuse the cottage in the future and avoid any demolition. Early in the new year there will be an EoI for the reuse of the cottage.</p> <p>Two heritage specialists will be involved in the committee. There will also be a café element in the proposal.</p> <p>LC informed that the site has a potential to having some unlisted archaeological objects. Appropriate measures will have to be in place during the works.</p>	<p><u>Action</u></p> <p><i>That council make a note that potential archaeological objects may be found on the site.</i></p>
<p>7. <u>Updates</u></p> <p>RS provided updates on the current status of:</p>	<p><u>Action</u></p>

<ul style="list-style-type: none"> • The planning scheme amendment Am 269 • Yarra's Budget 2022-23 consultation 	<p><i>That RS send an email update on the status of other planning scheme amendments in activity centre areas.</i></p>
<p>8. <u>Any other matters</u></p> <p><i>Interpretation strategy and signage design for the Gas and Fuel site</i></p> <p>As proposed by TN, HAC recommended that Council include HAC representatives and a local community member Glenn McCallum (who is a part of the local group on Gas and Fuel site) in the in the discussions for the development of an interpretation strategy and signage design for the Gas and Fuel site</p>	<p><u>Action</u></p> <p><i>That delegates report includes HAC's recommendation</i></p>
<p>9. <u>Dates for forward meetings:</u></p> <p>RS will inform the members about the new meeting schedule by an email, early in the new year.</p>	<p><u>Action</u></p> <p><i>That RS inform the HAC members about the new meeting schedule by email.</i></p>