



14th October 2026

ROYAL HISTORICAL SOCIETY OF VICTORIA

SUBMISSION TO THE PRODUCTIVITY COMMISSION

**INTERIM REPORT INTO HOUSING SUPPLY REGULATION — HERITAGE PROTECTION AND
COMMUNITY VALUE**

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WHO ARE WE

The Royal Historical Society of Victoria (RHSV) is the peak body representing 350 community historical societies throughout Victoria and the recognized historical society for the city of Melbourne within the Hoddle Grid. The RHSV has been active on history and heritage issues, in cooperation with the City of Melbourne and the State of Victoria, since its founding in 1909. In 2015, it set up the RHSV Heritage Committee to assist its affiliates and to advocate directly on heritage matters.

The Heritage Committee of the RHSV has taken great interest in the Productivity Commission's recent report. The Heritage Committee has also been following closely the Victorian Government's recent Planning Reforms, similarly implemented ostensibly with the aim that these changes will solve the state's housing crisis.

The RHSV has been actively advocating for the Victorian Government to engage meaningfully with heritage stakeholders in the development of its planning reforms and to make amendments to them.

The Victorian planning changes in 2025/26 have already resulted in the placing of significant amounts of Victoria's local heritage buildings and streets into density zones. Many councils and planning experts agree that the design of these new zones now conflict with existing heritage overlays and provide little clarity for planners, communities or for developers.

It is the view of the RHSV that the recent Victorian Planning Reforms already present a real risk of long-term deterioration of the cultural heritage values of many heritage buildings and heritage precincts.

Given this, the Heritage Committee views this Productivity Commission report with considerable concern. We would be very happy to engage directly with the Productivity Commission to discuss these issues in more detail.

WHY ARE WE INTERESTED IN HERITAGE PROTECTION

Whilst the primary interest of the RHSV is history it must be recognised that Victoria's built heritage is an important document of its history.

To quote one of the Society's Fellows, Professor Graeme Davison:

"What really makes the house of a great man or woman historically important is what makes any building historically important – namely, that it throws light on an important aspect of the lives of the people in the past. It is not just as an antique, nor as a shrine, but as a document, as a piece of vital evidence about the past society that created and used it, that a building deserves to be regarded as historic." (Graeme Davison, What Makes a Building Historic? Historic Buildings Council; 1991)

Heritage buildings document Victoria's history and are as Davison says "Vital". They are not only vital as evidence of the past, however.

Retaining our Built Heritage, is also vital because it holds deep, fundamental meaning in communities and society about our identity and brings many positive benefits. Victorians over generations have fought for its retention and protection at a local level in their cities, towns and suburbs. That is why there is a body of legislation that protects and aims to enhance it.

It has long been accepted by Australian and State Governments and by communities that the protection and management of built heritage is not primarily about planning.

It is imperative that the Commission should consider local built heritage and protected housing as a significant public asset—producing psycho-social, social, cultural, emotional, environmental, urban, and economic value & benefits.

To do otherwise is to deny accepted international thinking based on extensive research, as well as the history of the heritage movement and the development of heritage protections in this country. Communities have a human right to enjoy and retain their cultural heritage.

Much of Victoria's built heritage is the form of historic housing in local areas.

THE VICTORIAN HERITAGE CRITERIA

Not all protected buildings are of historic importance. The criteria adopted by The Victorian Local Heritage Guidelines on the application of heritage overlays in planning schemes direct the relevant Planning Authority to consider:

Criterion A	Historical significance	Importance to the course or pattern of our history.
Criterion B	Rarity	Possession of uncommon, rare or endangered aspects of our history.



Criterion C	Research potential	Potential to yield information that will contribute to understanding our history.
Criterion D	Representativeness	Importance in demonstrating the principal characteristics of a class of places or environments.
Criterion E	Aesthetic significance	Importance in exhibiting particular aesthetic characteristics.
Criterion F	Creative or technical significance	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
Criterion G	Social significance	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
Criterion H	Associative significance	Special association with the life or works of a person, or group of persons, of importance in our history.

So, some buildings will be deemed important because of their aesthetic values, some because they are representative of a class of place or environment (such as a precinct of Victorian terraces, a street of Edwardian villas, or an estate of Interwar Art Deco homes), some have technical value and some have social significance.

HISTORY OF HERITAGE PROTECTION IN VICTORIA

Victoria was the first State in Australia to introduce statutory mechanisms to protect places of heritage significance. First, the 1972 amendments to the then Town and Country Planning Act and then the 1974 Historic Buildings Act.

It was not until the 1980s that any significant movement was made in the protection of places under local planning schemes. Following the election of the Cain government in 1982 and encouragement from the then Minister for Planning, many local councils undertook heritage studies and introduced protective measures in their planning schemes.

This followed a period of controversy and protest throughout the 1960s and 70s about the destruction of neighbourhoods through indiscriminate demolition and the loss of grand buildings in the city centre.

So, the current heritage overlay provisions are not something newly invented by an affluent middle class in the inner and middle ring suburbs. They are not simply the product of NIMBYism as described by some. They are the product of well-considered strategic work and review along with many years of implementation. They are also not just a feature of inner and middle metropolitan neighbourhoods. Every municipal planning scheme in Victoria has heritage overlays and they are highly valued throughout the state in regional communities as well as cities and large towns.

WHY ARE WE MAKING THIS SUBMISSION

The RHSV supports moves to improve the supply of housing in Australia but not at the expense of the heritage and character of our cities, towns and suburbs.

Whilst many of the Interim report's recommendations are well founded and based on evidence, the recommendations under Reform Direction 2.5, particularly as they relate to heritage controls, are not based on strong evidence or research.

The RHSV is particularly concerned about:

- **Replace broad heritage protections with more targeted heritage listings with cost-benefit analysis and review processes.** Blanket heritage areas should be replaced by heritage listings for specific buildings or small areas. Targeted heritage listings should be justified by cost-benefit analysis and there should be more robust mechanisms to review and delist buildings.
- **Review and reduce neighbourhood character restrictions.** Restrictive overlays which apply blanket restrictions to entire streets or local government areas should be reviewed and replaced by targeted protections where possible.

This submission is designed to point out that:

- Heritage protection mechanisms in Victorian planning schemes have been in place for many years. In some instances, since the mid-1980s. These provisions were well in place before the current housing crisis manifested itself. Therefore, it is difficult to attribute some sort of blame on these controls.
- Local authorities have been responsible for the administration of these controls and have successfully managed them alongside allowing residential and commercial development. Evidence of this should be sought from Victorian councils such as Yarra, Stonnington, Boroondara and Whitehorse.
- These heritage protection measures have sat comfortably beside zoning controls and other overlays for many years and local government has successfully processed development applications allowing extensive development and redevelopment whilst maintaining heritage significance.
- Heritage protection measures are not introduced on a whim. They are the product of well-researched heritage studies, exhibition and public consultation as well as independent review before being signed off by the Minister for Planning. We would suggest that the strategic justification for heritage amendments is far greater than many other planning scheme amendments.



WHAT ARE OUR CONCERNS.

LITTLE OR NO REFERENCE TO HERITAGE BODIES

Our primary concern is that these recommendations with respect to heritage have been proposed without reference to or consultation with expert bodies such as State and territory Heritage Councils, planning review bodies such as Planning Panels Victoria, the administrative arm of the planning schemes in the form of local councils or the non-government organisations like the National Trusts, Australia ICOMOS or the RHSV.

It is understood that many of these bodies have now responded to the call for submissions on the Interim report and we urge you to take those submissions into account before finalising your report.

HERITAGE PROTECTION IS NOT ABOUT THWARTING HOUSING DEVELOPMENT

As indicated above, heritage protection in Victoria is not simply a mechanism to thwart development. Far from it. It simply means that the character and significance of existing areas must be respected in the development approval process. Any consideration of the performance of councils like Yarra, Merri-bek, Stonnington, Boroondara or Whitehorse will show that significant housing developments have occurred and continue to occur in the context of heritage controls.

We are concerned that a knee jerk reaction to the existence of heritage controls as reflected in your draft Reform Direction 2.5 is simply playing into the hands of certain developers who have no interest in building anything but rather are interested in increasing the value of their land prior to a sale. Inquiries to relevant local councils should reveal the number of issued permits that have not been acted upon.

LACK OF RECOGNITION OF THE HUMAN VALUE OF BUILT HERITAGE

It is imperative that the Commission should consider local built heritage as a significant public asset that is essential for producing psycho-social, social, cultural, emotional, environmental, urban, and economic value & benefits. It is key to individual and community identity, which is the basis of cohesion and the sense of belonging at local, state and national levels.

LACK OF DEMONSTRATION OF AN UNDERSTANDING OF HOW HERITAGE PROTECTION SYSTEM WORKS

Finally, we are concerned that your Interim Report has been founded on submissions made by property development vested interests. More often than not the views of these interests are ill informed and not founded on the reality of how the heritage protection system works. Your final report should rely on a better understanding, an understanding that can only be adequately described by the expert bodies established to support the system.