

10 November 2020



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Mr Steven Avery
Executive Director
Heritage Victoria

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File no: B5546 Former Hoffman Brickworks

Re: Permit application P31711—Former Hoffman Brickworks, 72-106 Dawson Street, Brunswick

Dear Mr Avery,

On behalf of the National Trust of Australia (Victoria), I write to strongly object to the above permit application to demolish the brick pressing shed (B5) and former steam engine house (B6) and construct a seven storey replacement building with rooftop garden.

The National Trust of Australia (Victoria) (National Trust) is the Victoria's largest community-based heritage advocacy organisation actively working towards conserving and protecting our heritage for future generations to enjoy, representing 28,000 members across Victoria. As Victoria's premier heritage organisation, the National Trust has an interest in ensuring that a wide range of natural, cultural, social and Indigenous heritage values of the State are protected, respected and celebrated, contributing to strong, vibrant and prosperous communities.

The National Trust has been actively involved in the advocating for the protection and conservation of the Former Hoffman Brickworks site for three decades.

Impact on significance of individual buildings and site as a whole

The Brickworks was classified in the National Trust Register of Significant Places as a place of State significance in 1988. The Statement of Significance for the site identifies the significance of the place as follows:

The largest and most technology advanced brickworks in Melbourne during the land boom of the 1880s, [maintaining] a leading position in the industry during the first half of the twentieth century. In the early twentieth century it became the largest pottery in Victoria, producing building, sanitary and domestic products, including the decorated Melrose ware.

*The Classification is of the company's No 2 site, on Dawson Street (established 1883). It incorporates the three Hoffman kilns, the clay processing and **brickmaking building, including their pressed brickmaking machinery**, the gatekeeper's cottage and offices, and the warehouses and pottery buildings. [Our emphasis.]*

The importance of B5 and B6 is also evident in the Statement of Significance in the Victorian Heritage Register:

What is significant?

*A portion of the original No 2 works of the Former Hoffman Brickworks, Dawson Street, Brunswick, including two Hoffman kilns, a remnant chimney from a third Hoffman kiln, **a large brick press building containing nine brick presses, an edge runner mill, an engine house** and an area of the former pottery works which may contain sub-surface remains of two kilns.*

Why is it significant?

*The Former Hoffman Brickworks, Brunswick is historically significant as a rare surviving industrial site which is illustrative of Melbourne's brickmaking industry. **The site retains a brick press building, with associated machinery, an engine house** and two Hoffman kilns and three chimneys. The kilns were the last of their type to operate in metropolitan Melbourne. [Criterion B]*

*The Former Hoffman Brickworks, Brunswick is scientifically significant for its adoption of the latest technology and the full industrialisation of the brickmaking industry in Victoria in the nineteenth century. This demonstration of a high degree of technical achievement included the first use of the Hoffman kiln in Victoria and **the use of mechanised steam powered brick presses based on the Bradley-Craven method.** [Criterion F] [Our emphases.]*

We believe that the demolition of these buildings, and in particular of the brick pressing shed (B5), and replacement of those buildings as proposed, would have an unacceptable and irreversible impact on the buildings themselves, and significance of the Hoffman Brickworks site as a whole. The Applicant has failed to justify the proposed impacts either through the proposed design, or their response to the issue of reasonable or economic use.

Impact on setting and site as a whole

We submit that the significance of the place lies in the collection and cumulative whole of the retained buildings and their context, including the already heavily adapted and altered kilns, the retained chimneys, buildings 5 and 6, remnant artefacts and machinery across the footprint of the site, and the surrounding land included within the extent of registration. As such, we submit that buildings 5 and 6 are fundamental to the significance of the place, in their ability to demonstrate the industrial processes used on the site, and the demolition of these buildings would adversely impact the significance of the site as a whole.

We understand that a significant amount of heritage fabric has already been removed from the site since it was first added to the National Trust Heritage Register in 1988. It is our understanding that the future adaptive re-use of buildings 5 and 6 was intended to be a compromise to offset the construction of new built form on the broader site, as reflected in the approved Development Plan under the Moreland Planning Scheme (discussed further below). As such, we believe that it is unacceptable to even contemplate the complete demolition of both buildings 5 and 6 without exploring all available options for in-situ conservation, reconstruction, or meaningful interpretation.

We note that in their response to Heritage Victoria's Request for Further Information (RFI), the Applicant advances the position that:

even with the demolition of Buildings 5 and 6 and reconstruction as proposed by this permit application, the site will still meet each of the criteria for State heritage significance. Therefore, on this basis an explicit "cumulative impact assessment" is not required, as it is considered that each State heritage significance criterion is met.

We do not consider a speculative assessment against the VHR criteria to be an appropriate response to the issue of cumulative impact. The assessment of heritage impacts is not only about ensuring that the site retains the required threshold of significance. It is also about balancing development outcomes on the site with conservation outcomes, and ensuring that new development is sympathetic and appropriate.

That said, we note that the Supplementary Heritage Impact Statement states that:

Given that the site remains substantially as set out in the Statement of Significance with regard to significant fabric and elements, the historical significance of the site and its association with Melbourne's brickmaking industry has not changed. If anything, it has been elevated as numerous other brickworks around Melbourne, albeit of a different and generally lesser scale, have been demolished. [Paragraph 53]

and;

It is considered that the Brick Pressing Shed in particular is rare, probably unique at least in terms of the evident and demonstrated scale of production. [Paragraph 62]

Surely then, everything possible must be done to ensure that these values—including the site's unique values—are protected and meaningfully interpreted, strengthening the case for the refusal of the current permit application.

We argue that the development outcomes on the site as a whole have been weighted too heavily in favour of new development, which has been to the detriment of the established heritage values of the site. The heritage impacts contemplated as part of this development are too great, both in isolation, and as part of the broader site, and inappropriate for a place which has the highest level of protection in the state.

With respect to the site as a whole, we also submit that the scale of the proposed development will completely overwhelm and dominate the adjacent kilns and chimneys,

adversely impacting on their setting. This is contrary to Article 8 of the *Burra Charter* (The Australia ICOMOS Charter for Places of Cultural Significance):

Article 8. Setting Conservation requires the retention of an appropriate setting. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

The chimneys in particular have been a prominent landmark throughout the site's history, and are an important aspect of the site's significance. The landmark qualities of the brick pressing shed and chimneys are noted at paragraph 66 of the Heritage Impact Statement, which concedes that the "physical and visual impacts [of the demolition of the brick pressing shed] will be quite major", yet no detailed assessment of impacts is provided. We submit that the impact on views of the chimneys in particular will be adversely impacted, and that the height and scale of the proposed development is unacceptable.

Structural Condition

The application makes much of the poor condition of the existing buildings, seemingly as a justification for their demolition. The Heritage Impact Statement for example, states "The Brick Pressing Shed and Former Engine House are in extremely poor condition and are not structurally sound. The numerous extensions, alterations and local demolition works over time have caused the current conditions."

However no evidence has been provided to indicate that the buildings have, either historically or recently, been appropriately maintained or secured in accordance with the *Heritage Act 1995* and subsequently the *Heritage Act 2017*. Arguably, the integrity of the structures has also deteriorated significantly due to exposure to the elements following the fire in 2018, and roof collapse in 2020, and subsequent emergency works.

Indeed, paragraph 22 of the Heritage Impact Statement notes that:

The Australian Heritage Database citation notes the state of disrepair in 1998 of buildings on the site, including the Brick Pressing Shed and Former Engine House. "The buildings on the site are generally in a poor state of repair and in need of maintenance."

Given the recognition for the need of maintenance at this time—22 years ago—this is a long-standing issue, and it's unclear what if any proactive maintenance or conservation works have been undertaken in the intervening period.

We submit that, as a principle, poor condition—where buildings have not been maintained over a long period of time, and particularly where there is evidence of "demolition by neglect"—must not be used as a justification for demolition.

Sections 152 and 153 of the *Heritage Act 2017* address the failure to maintain a place or object:

The owner of a registered place or registered object must not allow that place or object to fall into disrepair.

The owner of a registered place or registered object must not fail to maintain that place or object to the extent that its conservation is threatened.

These provisions have been carried over from Section 160 of the *Heritage Act 2005*, which previously applied to the site.

We encourage Heritage Victoria to pursue further action regarding the failure to maintain the site under the relevant provisions in the *Act*, and to reject the current application, which relies on the poor condition of the buildings to justify their demolition.

Site Interpretation

We note that a small interpretation centre has been proposed as a way to mitigate the significant impact that the demolition of buildings 5 and 6 would have on the cultural heritage significance of the place. The National Trust submits that this proposed interpretation centre does not represent an appropriate justification for or mitigation of the demolition of buildings of primary and contributory significance.

We note the ICOMOS Practice Note on Interpretation (2013), which addresses the issue of demolition, stating that “It is not acceptable to use interpretation as an alternative to the physical conservation of a place.”

The description of the proposal throughout the documentation as “reconstruction” is also misleading. The buildings are not proposed to be reconstructed. The removal of the brick pressing machines and associated movable heritage, and relocation in a totally new structure which does not involve the meaningful reconstruction or interpretation of the existing building will result in a major loss of authenticity, which is a key principle of good interpretation practice. The principle of authenticity is also addressed in the ICOMOS Practice Note on Interpretation:

Respect the authenticity of cultural heritage sites, by communicating the significance of their historic fabric and cultural values and protecting them from the adverse impact of intrusive interpretive infrastructure, visitor pressure, inaccurate or inappropriate interpretation

Little detail has been provided in the application about the presentation and operation of the interpretive space, how it will be funded into the future, and the impact on the significance of the place if the interpretation centre were to fail financially and thus be removed or restricted at a later date.

With the justification for the proposed development essentially riding on this aspect of the proposal, we would expect detailed design to be further advanced, and for appropriate interpretation planning to have been undertaken. We would not consider it appropriate for an interpretation plan and detailed design to merely required as a condition of a permit for this development. Any future interpretation plans should be subject to further public scrutiny

under the *Heritage Act 2017*. While reference to the endorsed "Interpretation Plan" has been made in the Heritage Impact Statement, this document has not been provided as part of the application, and was presumably written before the current proposal was conceived.

Reasonable or Economic Use

With regard to a consideration of "reasonable or economic use" under the provisions of Section 101(2) of the *Heritage Act 2017*, the application seems to regard the subject area as being isolated from the rest of the development site. It is not. The applicant has been provided with, and taken advantage of, numerous opportunities to develop the site and generate profits. It is reasonable to expect that these profits should contribute to the maintenance and conservation of the site as a whole. However this does not seem to have been the case, with buildings 5 and 6 having been left to deteriorate to the state that we find them in today.

Further, it is reasonable to expect that the conservation of elements of significance on the site, such as the brick pressing shed and associated machinery, ought to be supported by development on less sensitive areas of the site. As previously discussed, there is no evidence that the proceeds of previous development of the site have been meaningfully invested in the maintenance and conservation of the subject buildings.

We do not believe the case for the economic use of the site should be limited to the development area contemplated as part of the current application. Rather, a more holistic view needs to be taken to the economic use of the site, taking into account development which has been undertaken to date, and the broader financial position of the applicant.

With regard to this specific application, the case for economic use relies on an options analysis where the only alternative development option considered is the plan which was the subject of the expired 2008 permit. The Applicant has failed to demonstrate that there are no other viable alternative options.

It is our strong view that the Applicant has failed to demonstrate that refusal of the permit would prevent the reasonable or economic use of the place.

Other matters relating to the protection and conservation of the registered place

In response to Heritage Victoria's Request for Information, the Applicant claims that:

In relation to compliance with the Development Plan, we note that this is a separate consideration for Council pursuant to the Planning and Environment Act 1987 (Vic). It is normal practice heritage permits and planning permits to be granted separately. Hoffman Brickworks is aware that it will need to satisfy Council in respect of various planning matters (including compliance with the Development Plan) at the relevant time.

Respectfully, a number of the matters raised by Council do not fall within the purview of the considerations Heritage Victoria ought to turn its mind to pursuant to the Heritage Act. It is Heritage Victoria's task, as it will be aware, to determine whether the

works contemplated by the permit application are consistent with the objectives of the Heritage Act and the relevant tests within it. Conversely, it is Council's role to consider planning matters in the context of the Planning and Environment Act 1987 (Vic) when the relevant applications are put to it – it is not entitled to have regard to heritage issues, as these properly fall within the purview of Heritage Victoria.

We strongly disagree with these assertions. We submit that the Development Plan is a relevant consideration for the Executive Director under S101(f) of the *Heritage Act*, which allows the Executive Director to consider “any matters relating to the protection and conservation of the registered place or registered object that the Executive Director considers relevant.”

The Development Plan is a relevant planning document which provides a consideration of the site as a whole, including its state-level heritage values, and has been tested through its inclusion in the planning scheme. The provisions of the Moreland Planning Scheme and the Section 173 Agreement in relation to this site are also relevant considerations, having contemplated development outcomes based on a consideration of the site's heritage values.

We note Moreland Council's comments on the current application outlined in the agenda for Council's Planning and Related Matters Meeting on 26 August 2020 that the proposal doesn't comply with the current Development Plan for the site (dated 2006) under the Moreland Planning Scheme (DPO3), and that Clause 42.02-4 of the Planning Scheme requires:

Building 5 [Brick Pressing Shed] to be used for the interpretation of the Hoffman brickworks site and any other uses must have a minimal impact.

Further, Council states that:

The application will result in a non-compliance with the legally binding covenant in the form of a Section 173 Agreement registered on Title between Council and the land owner which gives effect to previous undertaking in respect to the restoration of this important heritage fabric. Section 1.1.5 of the Agreement states that the owner must “manage and maintain the heritage assets on the Subject Land in accordance with the Heritage Audit Management Plan”.

The lack of compliance with the Development Plan, and the cumulative impact of development on the site over time, highlights the challenges in managing the staged adaptive re-use of complex sites, and in particular, industrial sites. However it is important that the masterplanning process provides some certainty to the community, as well as property owners, about future planning. While we appreciate that Heritage Victoria is not legally bound by these documents, they are important and appropriate considerations under the *Heritage Act 2017*.

Site Contamination

While we acknowledge that site contamination is an issue, the Sampling Analytical and Quality Plan (SAQP) which forms part of the advertised permit application documents, assumes demolition of the brick pressing shed (B5) and steam engine house (B6), and excavation for a two level basement carpark. Other options for remediation of the site, which retain these important heritage buildings, do not appear to have been considered. On this basis, we do not accept that there are no alternatives to the current proposal, which is predicated on the requirement for full demolition.

Conclusion

In conclusion, the National Trust strongly objects to this permit application, and we respectfully call on the Executive Director to issue a refusal.

We do not consider that sufficient evidence has been provided to demonstrate that structural or contamination issues would justify the outcome sought by the proponent, or that reconstruction is not possible. We submit that the proponent's mitigating response to this proposed demolition, specifically the "interpretation" of the existing buildings in the design for the proposed replacement building, and inclusion of an interpretation centre, do not provide an adequate balance to the adverse and unacceptable impact the proposal would have on the place.

Further, the Applicant has failed to adequately demonstrate that refusal would unduly affect the reasonable or economic use of the registered place under S101(2) of the *Heritage Act 2017*.

We do not believe that the impacts of this proposal could be mitigated through permit conditions, and therefore call for the full refusal of the application. We encourage the Applicant to consider alternative options, in consultation with the community, including retention of significant fabric in situ where possible, or reconstruction.

Thank you for the opportunity to comment on this proposal. Please don't hesitate to contact me on felicity.watson@nattrust.com.au for any further information or clarification.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'F. Watson', with a long horizontal flourish extending to the right.

Felicity Watson
Executive Manager—Advocacy
National Trust of Australia (Victoria)