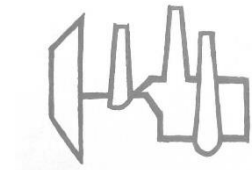


Save The Brickworks Inc



c/- 21 Brickworks Drive
Brunswick VIC 3056
A0110903E

10 November 2020

Mr Steven Avery
Executive Director
Heritage Victoria
By email: heritage.permits@delwp.vic.gov.au

Dear Mr Avery
VHR0703 Former Hoffman Brickworks: 72-106 Dawson Street, Brunswick
Permit application P31711

Save the Brickworks Inc ('Save the Brickworks') strongly objects to the issuing of this permit. We present our submission below, first in the form of a summary of key points and then elaborated in the following section. There we also express our view about what is desirable.

Save the Brickworks believes that the consequence of the failure to undertake agreed conservation works combined with the ongoing neglect should be that no new buildings are permitted to be built nor any new residential dwellings allowed to be developed on the brickworks site.

Save the Brickworks strongly urges the Executive Director, Heritage Victoria to refuse the application on the following grounds:

- 1. Irreversible impact on heritage significance:** The demolition of the Brick Pressing Shed (Building 5) and Steam Engine House (Building 6) and construction of a new 7 storey building with its subsequent impact on the setting of the kilns and pottery buildings will result in a negative, irreversible impact on the cultural heritage significance of the place, potentially jeopardising its State significance.
- 2. Contrary to long-standing commitments:** The proposal is contrary to long-standing commitments and all previous permits issued by Heritage Victoria which required retention and conservation of Buildings 5 and 6. These commitments are reflected in the rezoning, overlays and permits issued by Moreland City Council, in the 2012 Sec 173 Agreement and in all of the all parties discussions and agreements over more than 20 years. Save the Brickworks believes that the potential for additional development

should now be reduced, with no new buildings and no additional residential development allowed, rather than significantly increased.

- 3. Loss of authenticity:** The removal of the brick pressing machines and associated hoppers, chutes, conveyors etc, and the relocation of a few disconnected elements in a totally new structure will result in a major loss of authenticity and significance. Authenticity is a key principle of good interpretation practice (Australia ICOMOS *Practice Note on Interpretation*, Nov 2013) and must be retained to enable the effective interpretation of the Hoffman Brickworks.
- 4. Failure to implement conservation requirements:** The current condition of Buildings 5 and 6 appears to be substantially the result of a failure to comply with conditions on previous heritage permits combined with a lack of adequate maintenance, a failure to secure the buildings over a long period, all exacerbated by demolition of structures to the north and west of Building 5 by the owner. The condition of these buildings should not be used to justify their demolition. Responsibility for the condition of these buildings rests solely with the owner.
- 5. Remediation of any contamination should seek to retain Buildings 5 and 6:** The argument for demolition based on the extent of ground-based contamination is not accepted. Any contamination should be remediated with minimal impact on the cultural significance of the site and Buildings 5 and 6: this option has not been addressed in the application. Uses for these two buildings should be selected that are acceptable in relation to any contamination. Residential uses require a higher standard than other uses and therefore should not be considered.
- 6. Overwhelming scale of the proposed development:** The size and scale of the proposed development - 7 storeys - will visually dominate the site, overwhelming the adjacent significant kiln buildings and chimneys and having a seriously adverse impact on the setting of the whole VHR-listed place. The continued expansion of residential development at the expense of conservation is completely contrary to the intent of the original rezoning and all subsequent agreements to date.
- 7. Lack of investment into conservation of Buildings 5 and 6:** Residential rezoning and development of parts of the VHR-listed Hoffman Brickworks was designed to enable the conservation of the components of the place that make it of State (and national) significance. There is no evidence that the applicant has invested any of the funds gained from the extensive development already permitted into the conservation of Buildings 5 and 6.
- 8. Inadequate Heritage Impact Statement:** The conclusions of the Heritage Impact Statement (HIS) which forms part of the permit application are misleading in a number

of ways. For example, the proposal is not accurately described as “demolition and rebuilding of the Brick Pressing Shed and Engine House”. The proposal is a totally new building.

Elaboration of grounds

1: Irreversible impact on heritage significance

The demolition of the Brick Pressing Shed (Building 5) and Steam Engine House (Building 6) and construction of a new 7 storey building with its subsequent impact on the setting of the kilns and pottery buildings will result in a negative, irreversible impact on the cultural heritage significance of the place, potentially jeopardising its State significance.

- These buildings and associated machinery, systems, materials and other features are noted as significant in the Victorian Heritage Register’s Statement of Significance, in the 1997 Allom Lovell and 1999 HLCD Conservation Management Plans, and in the Additional Research Report (2000). These buildings and elements provide the critical evidence of the evolution of brick-making processes in the nineteenth and twentieth centuries. The Brick Pressing Shed is the only surviving brick pressing building that provides outstanding evidence of the brick-making process, machinery and systems in Australia.¹
- Buildings 5 and 6, the adjacent kilns (and the chimney of Kiln 1), the spaces associated with loading and unloading and transport of bricks (including the tramway alignments), the pottery buildings and the connections beyond the site to the railway line and the former clay hole: this ensemble of buildings, machinery, archaeology, spaces, visual connections and their spatial arrangement is of outstanding significance. Demolition of the Brick Pressing Shed (Building 5) and Steam Engine House (Building 6) would severely impact on the national heritage significance of the ensemble.
- The scale of the Brick Pressing Shed, the number of brick presses and the survival of the associated systems which conveyed clay and other materials into the presses, demonstrates the importance of the Hoffman Brickworks within metropolitan Melbourne as well as providing the evidence of the technological revolution first accomplished here with the ‘full industrialisation of the brick-making industry in Victoria in the nineteenth century’, evident in the ‘use of the Hoffman patented kiln design and the use of mechanised steam powered brick presses based on the Bradley-Craven method’. Removal of the bank of nine brick presses and associated clay conveyor systems, which are integrally connected into the building fabric and demonstrate the flow of materials through the building, would adversely impact this aspect of the site’s State and national heritage significance. Relocation and disconnection of these elements within the proposed ‘museum’ is not an acceptable solution and would decontextualise the history of this place.

¹ HLCD 1999 (p. 69) compares the Hoffman Brickworks to four other surviving brickworks in Australia. The Box Hill Brickworks is now in a severely depleted state, and none of the other sites retained a substantially intact pressing shed.

- The visual relationship between the kilns and their chimneys and the Brick Pressing Shed is critical to the understanding of the brick-making process and its technical significance. The scale of the Brick Pressing Shed which reflects the considerable size of the industrial operation will be lost if it is not only demolished, but is replaced by a much larger apartment building with some industrial decorative elements at the lower level. The towering apartment building will also block views of the chimneys from the surrounding area, negatively impacting the setting and people's sense of connection to the Brickworks.
- The 1999 CMP (section 2.2.1) recognises that the Hoffman Brickworks also is of social significance to the communities of Brunswick, as the last surviving evidence of an industry that shaped the locality, that employed local people for over a century and that remains a strong visual presence in the neighbourhood. Community attachment to the Brickworks is evidenced by connections to families, campaigns over many years to conserve it, and by the passion expressed by the community of Brickwork's residents, some having lived there for nearly 20 years.
- The Brickworks, and specifically the Brick Pressing Shed and kilns together, enables an understanding of working life at the Hoffman Brickworks, the largest Brickworks in Victoria and the largest employer in Brunswick in the 1890s (and continuing as a significance employer until its closure in the 1990s).

No further loss of significant building fabric and features is acceptable. Buildings 5 and 6 should be retained to the fullest extent possible: this includes the grittiness and workers' personalisation of the internal spaces; retaining in situ – for conservation and interpretation – all brick presses and their driving and feeding equipment, the work areas and cribs (including the apron in front of the presses and between the kilns), and brick-making materials and sample products (e.g. green bricks).

2: Contrary to long-standing commitments

The proposal is contrary to long-standing commitments and all previous permits issued by Heritage Victoria which required retention and conservation of Buildings 5 and 6. These commitments are reflected in the rezoning, overlays and permits issued by Moreland City Council, in the 2012 Sec 173 Agreement and in all of the all parties discussions and agreements over more than 20 years. Save the Brickworks believes that the potential for additional development should now be reduced, with no new buildings and no additional residential development allowed, rather than significantly increased.

- The proposal is contrary to long-standing agreements on the conservation of Buildings 5 and 6 dating from 1997, and reflected specifically in the Development Plan Overlay ("Building 5 to be used for the interpretation of the Hoffman Brickworks site and any other uses must have a minimal impact") and through subsequent permits and agreements including the Conservation Management Plan (HLCD 1999), Additional Research Report (HLCD 2000), Interpretation Strategy and implementation Plans (Look Ear 1999, 2002, 2006, 2010).
- Demolition of Buildings 5 and 6 is contrary to the Development Plan Overlay (DPO 3, Moreland Planning Scheme) and the 2012 Section 173 Agreement between the Sungrove Corporation Pty Ltd and Moreland City Council.

- In the VCAT decision (8.01.2010) the tribunal stated that ‘Schedule 3 to the DPO suggests that once a permit has been granted by Heritage Victoria any future decision making is strongly guided by that permit (hence the reference to the CMP or Heritage Victoria Permit)’.

In our view, the serious neglect apparent to these two significant buildings – including the failure by the owner to act on the HV permit to repair the roof structure following the fire in Building 5 – should result in a reduction of development potential rather than a significant increase. Given the extent of change already permitted on the site, we believe Heritage Victoria should not allow any additional development or change over and above Heritage Victoria Permit P14416 (20.11.2009).

Save the Brickworks strongly considers that Heritage Permit P14416 (20.11.2009) should represent the maximum acceptable degree of change to Building 5.² Further, Save the Brickworks asserts that Building 6 should not be converted into apartments, nor should the construction of Building 6A now be permitted.

In our view:

- The primary use of both Buildings 5 and 6 should be for interpretation, integrating the internal spaces in recognition of the functional interconnections between the two buildings.³
- Any adaptive re-use within both buildings should be a compatible use (as defined in the Burra Charter, Article 1.11)⁴ and any such uses should support interpretation as the primary use of Buildings 5 and 6.
- The area designated for a new building 6A should be returned to Public Open Space as provided for on the original Development Concept Plans⁵ (Drawing Nos 9668 DP1-7, dated December, 1997, prepared by Fooks Martin Sandow) and should include interpretation of the storage and preparation of clay (Building 7), protection and interpretation of the Edge Runner Mill and any archaeological remains, and conservation and interpretation of the connections to Building 5.
- Compatible uses should be carefully integrated into Buildings 5 and 6 so as to enhance public engagement with and appreciation of the significance of the site by bringing people into the building regularly, and providing ongoing public access to a range of spaces. Uses that could be considered include studios, retail spaces, workshops, co-working spaces. Such uses must support interpretation. We also note that the number and arrangement of offices proposed in 2009 was not accepted by Heritage Victoria, and we agree that a substantial reworking is required.
- Apartments and residential uses should be excluded from Buildings 5 and 6 as these uses are not compatible with public access and we understand that residential uses would require a higher standard of remediation in relation to contamination.

³ See HLCD 1999, page 77 and reference to retention of the bay of Building 6 which projects into Building 5 and further investigations of its ‘role in the brick press building [to be] defined by further research.

⁴ Compatible use means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance. (Burra Charter 2013 Article 1.11)

⁵ Drawing Nos 9668 DP1-7, dated December, 1997, prepared by Fooks Martin Sandow.

- Buildings 5 and 6 should be retained in a single ownership as this is essential to support a range of compatible uses and an active program of interpretation, rather than a fixed and unchanging display.

3: Loss of authenticity

The removal of the brick pressing machines and associated hoppers, chutes, conveyors etc, and the relocation of a few disconnected elements in a totally new structure will result in a major loss of authenticity and significance. Authenticity is a key principle of good interpretation practice (Australia ICOMOS *Practice Note on Interpretation*, 2013) and must be retained to enable the effective interpretation of the Hoffman Brickworks.

- An Interpretation Strategy followed by detailed Interpretation Plans have been prepared for the Brickworks in 1999, 2002, 2006 and 2010 by Look Ear Pty Ltd acting for the owner/developer. These have gained our support as they align with and give effect to the Conservation Management Plan (1999). Save the Brickworks is disappointed to see their incomplete implementation in the kilns for example.
- Effective interpretation of the Hoffman Brickworks has been a key element of the agreements between the parties. From very first agreement, Building 5 has been the key focus for interpretation of the whole site. The proposed replacement of this key building with a small museum is unacceptable.
- The Heritage Impact Statement (Anthemion Consultancies, 2020) suggests that the kilns and pottery are the key to effective interpretation, without pointing out that there are no spaces within either the pottery buildings nor the kilns that are available for interpretation, having all been converted to residences. Nor does the HIS appear to appreciate how the loss of the actual place will impact on the long-planned-for interpretative experiences.

“While the demolition of the Brick Pressing Shed and Former Engine House will diminish the authenticity of the site to a large degree, it will not result in an adverse effect overall as the brickworks site is not comprised solely of this building(s). If anything the Kilns are the visual icons. By way of mitigation, the creation of an interpretation centre and the inclusion of enough of the machinery, in addition to other artefacts and documents, will still enable a clear demonstration of the processes of making bricks and also the pottery. In addition, more of the history of the site, including the Kilns, Pottery and social history, will be able to be displayed thus making any visit a richer experience” (p. 27).

The conservation of the real place offers the most authentic and powerful opportunity for effective interpretation.

4: Failure to implement conservation requirements

The current condition of Buildings 5 and 6 appears to be substantially the result of a failure to comply with conditions on previous heritage permits combined with a lack of adequate maintenance, a failure to secure the buildings over a long period, all exacerbated by demolition of structures to the north and west of Building 5 by the owner. The condition of these buildings should not be used to justify their demolition. Responsibility for the condition of these buildings rests solely with the owner.

- The application as a whole fails to demonstrate best practice conservation standards reflected in the Australia ICOMOS *Burra Charter* and *Practice Notes*, and Heritage Victoria's *Guiding principles for changes proposed to places on the Victorian Heritage Register* (2019).⁶ The Burra Charter (Article 2.4) states: "places of cultural significance should be safeguarded and not put at risk or left in a vulnerable state".
- The application for demolition is not in accordance with the *Conservation Management Plan* (HLCD 1999). This Plan is foundational to agreements entered into by the interested parties (including Save the Brickworks Inc) and to permits issued by Heritage Victoria. It reflects an agreed conservation vision for the Hoffman Brickworks and should be the primary guiding document in making decisions about this place.
- The application for demolition is not in accordance with the Section 173 Agreement (2012) which requires a 'comprehensive staged schedule for the restoration, adaptation and re-use of the Kilns and Buildings 5 and 6 and the interpretation plan for the heritage site ensuring that these works occur in advance of or in parallel with the various construction stages of the proposed new buildings so that restoration, adaptation and re-use of the Kilns and Buildings 5 and 6 is completed prior to the completion of those buildings [Kilns 2 and 3 and Building E] in that particular stage'.
- Save the Brickworks made extensive comments on the engineering reports and on the condition of Buildings 5 and 6 in our 13.01.2017 submission to Heritage Victoria on permit application P27923: please refer to this submission. In 2020, the roof collapse on Building 6 appears to reflect a failure by the applicant to undertake maintenance and repair work identified in the report by engineers Beauchamp Hogg Spano Consultants (2014). The unstable condition of the upper level of Building 5 appears to reflect a failure to secure the building that resulted in a fire that damaged the roof structure, exacerbated by the subsequent failure to implement the repairs.
- Save the Brickworks also notes that the current application does not appear to recognise and document the decline in the condition of Building 5 and 6 during the present ownership, and that the Heritage Impact Statement fails to acknowledge that responsibility for a variety of actions by the owner are what has left both buildings in their present state.
- Save the Brickworks understands that there are a number of outstanding conservation requirements embodied in agreements and permits that have not been fulfilled by the owner/developer.
- While Save the Brickworks understands some of these agreements and requirements may fall outside the Heritage Act, or statutory time limits, the track record of the owner/developer in relation to previous approvals could be taken into account under Section 101 3b of the Heritage Act- where the Executive Director may consider "any other relevant matter".

⁶ The Burra Charter (the Australian ICOMOS Charter for Places of Cultural Significance) was endorsed by Heritage Victoria in 2010 and by the Heritage Council of Victoria in 2013 as a key document for guiding best-practice cultural heritage management in Victoria.

Save the Brickworks is seeking a commitment from the applicant, backed up by legal provisions and an increased bond, to the completion of all conservation works on the site within 12 months, with fit-out for agreed uses and establishment of secure tenancies within a single owner building within 24 months. Equally, a proactive program of maintenance and repair must be implemented by the applicant, along with the establishment of a Heritage Maintenance Fund to support the heritage buildings and features across the whole site.

5: Remediation of any contamination should seek to retain Buildings 5 and 6

The argument for demolition based on the extent of ground-based contamination is not accepted. Any contamination should be remediated with minimal impact on the cultural significance of the site and Buildings 5 and 6. Uses for these two buildings should be selected that are acceptable in relation to any contamination. Residential uses require a higher standard than other uses and therefore should not be considered.

- The application fails to present or examine any options for remediation of the claimed contamination so as to enable retention of Buildings 5 and 6.
- The Sampling Analytical and Quality Plan (SAQP, 19.04.2020) which forms part of the application, states clearly that it is based on the expectation that both Buildings 5 and 6 will be demolished and the redevelopment area excavated to a depth of 6 metres for a two-level basement carpark. Given that there are existing legal commitments to retain Buildings 5 and 6, this report must be discounted as it is based on false assumptions and fails to consider how any contamination could be remediated without demolition.

Save the Brickworks considers that options for remediation based on retention of Building 5 and 6 must be considered and made available for public scrutiny and independent review. Successful remediation has been achieved on other contaminated industrial heritage sites without requiring demolition of significant buildings. Techniques such as capping, barriers, etc need to be presented along with how modifying the proposed use from high density residential to the already agreed 'primary use for interpretation' would affect the level and type of clean up 'to the extent practicable' that is required by the EPA.

6: Overwhelming scale of the proposed development

The size and scale of the proposed development – 7 storeys – will visually dominate the site, overwhelming the adjacent significant kiln buildings and chimneys and having a seriously adverse impact on the setting of the whole VHR-listed place. The continued expansion of residential development at the expense of conservation is completely contrary to the intent of the original rezoning and all subsequent agreements to date.

- This is contrary to Article 8 of the Australia ICOMOS *Burra Charter*, and Heritage Victoria's Guiding Principles: Principle 3 Protect significant settings and views.
- The Development Plan Overlay also requires consideration of whether the location, bulk, height and appearance of any proposed buildings or works will be in keeping with the character of the area.

- The amount of residential development on the Brickworks site is already probably double that proposed at the time of the rezoning and establishment of the Development Plan Overlay. Amendment L52 to allow rezoning cited 175 residences, the Approved Development Plan (1999) cited 186. By 2002 the number had grown to 265, and by 2009 to more than 300, with the addition of the dwellings in Building E and the kilns. Previous permits allowed another 32 dwellings: 16 in Building 6, 16 in Building 6A.

Save the Brickworks believes that no additional new buildings should be permitted to be developed on the site. Save the Brickworks understands that the permits associated with residential development in Building 6 and for the construction of a new building 6A have expired and that there are no live permits that would enable construction of new buildings.

7: Lack of investment into conservation of Buildings 5 and 6

Residential rezoning and development of parts of the VHR-listed Hoffman Brickworks was designed to enable the conservation of the components of the place that make it of State (and national) significance. There is no evidence that the applicant has invested any of the funds gained from the extensive development already permitted into the conservation of Buildings 5 and 6.

- Extensive residential development has been permitted on the Brickworks site, including additional residential development within the reconstructed upper levels of the two kilns. The number of residential units allowed to date has far exceeded the total number anticipated in the original rezoning and Development Concept Plan, generating profits that were – in part – to be invested in conservation.
- Further, many concessions have been provided, along with significant funding from Moreland City Council, to support conservation action.
- A Section 173 Agreement (2012) was required as a condition of the planning permit MPS/2008/313: it required that ‘Prior to the completion of the restoration works for Kiln 2 and at no expense to Council, produce a costed maintenance and management plan for Kiln 2, establish a Heritage Maintenance Fund and set up a board of management (on which Council will be represented) for that fund’. To our knowledge, this requirement has not been fulfilled by Sungrove Corporation Pty Ltd.
- Any economic arguments should be considered in relation to the residential development of the whole original development site (including those parts outside the current extent of registration), which was permitted under the original and subsequent permits, even if these parts of the site are no longer in the same ownership.

Save the Brickworks believes that the establishment of a secure funding base for ongoing conservation works, including works to the kilns and other significant elements, is urgently needed.

8: Inadequate Heritage Impact Statement

The conclusions of the Heritage Impact Statement (HIS) which forms part of the permit application are misleading in a number of ways. For example, the proposal is not accurately described as “demolition and rebuilding of the Brick Pressing Shed and Engine House”. The proposal is a totally new building.

Thank you for taking the time for consider our submission.

Yours sincerely

Chris Johnston Ruth Giles

Chris Johnston and Ruth Giles

for Save the Brickworks Inc