

Heritage Policies Review and West Melbourne Heritage Review

SUBMISSION FORM All submissions must be received by **5pm Friday 12 May 2017**. Please fill this form out and email it to planningpolicy@melbourne.vic.gov.au or post to Team Leader - Planning Policy, City of Melbourne, GPO Box 1603, Melbourne 3001.

Name: Carlton Residents Association Inc [Brief Title: CRA]

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Properties of interest: The suburb of Carlton

We wish to make the following submission in response to Amendment C258

Grounds on which the amendment is supported or opposed:

The Carlton Residents Association Inc [CRA] cannot support Am C258 in its current form. More specifically,

- We welcome the additional guidance included in the revised Local Policies concerning Vehicle Access, Fences and Gates and Services and Ancillaries [for example] but submit that the guidance in relation to other key and contentious issues [including the extent and character of New Buildings and Additions] must be strengthened.
- We welcome the development of a new Statement of Significance for the Carlton Precinct [HO1] but submit that this Statement would be vastly more useful as an assessment tool if the separate, and non-contiguous sub-areas of Princes Park, University Square and the large area east of Swanston Street were addressed separately.
- We accept that a new Gradings system is required, but submit that the adopted Grading definitions have necessitated the review of the significance level of thousands of Heritage Places across the Municipality. [According to figures provided by the Consultant the status of over 4,000 Heritage Places has been reviewed, Lovell Chen (October 2015) p 5.] Most of those Heritage Places have not retained their previous status as Locally Significant Heritage Places in their own right. We do not believe that this is a credible or acceptable outcome.
- We accept that a Revised Heritage Places Inventory is required but submit that the Carlton section includes so many gaps and mistakes that it requires a drastic overhaul before it will be useful as an assessment tool.

1) Our submission in response to the proposed new local heritage policy (Clause 22.05) is as follows:

- i) The Council must establish which Local Policy or Planning Scheme Provision is to be accorded priority in those cases where there is conflict between the provisions of the Planning Scheme.** One of the recurring challenges faced by heritage advocates concerns the competing objectives of the Planning Scheme. Where for example a Design and Development Overlay establishes a preferred maximum height for developments in a Heritage Overlay, developers [and their advocates] regularly assume that this objective should be privileged over any competing heritage guidance. This lack of clarity can result in laudable heritage policies having minimal influence in the assessment process.
- ii) The Council must review the boundaries of Heritage Precincts and Heritage Overlays so that the Revised Local Policies become permit triggers when new developments adjacent to [or behind] Heritage Places are proposed.** Clearly, if major developments are located adjacent to or proximate to Heritage Places, but not within a Heritage Overlay, those provisions of the Heritage Policy concerned

with New Buildings [22.05-7] will have no impact at all. This problem is particularly acute where Heritage Places are located in isolated Overlays and not a Precinct.

- iii) **Those provisions of the proposed Local Policy which address the concealment of higher rear parts of new buildings [and additions to Heritage Places] require elaboration.** For example, this guidance must address the extent of any partial concealment that will be acceptable.
- iv) **The Council must also clarify the vantage point that is to be adopted when the matter of the concealment of higher rear parts is being considered.** Should this vantage point be located at the far side of the street and directly in front of the principal façade of the new building, or elsewhere in the immediate environment? Failure to specify this vantage point will result in unnecessary argument in any review proceeding.
- v) **The revised definitions of the words “Respectful and interpretive” must be more precise (22.05-18).** The use of the word “referenced” in the new definition is quite problematic. What does it mean? In the inner city, and Carlton in particular, heritage advocates are constantly being challenged with new development proposals that make a dramatic architectural statement. This “look at me” architectural language is anything but recessive. If new additions to a Heritage Place are not required to be “recessive” in both scale and architectural language, valued Heritage Places will become little more than a footnote in the emerging built environment.
- vi) **Incorporated Documents must be listed separately from the Reference Documents in the list of Reference Documents at 22.05-19.** Since the two kinds of documents have a different status in the Planning Scheme, they must be separately identified in any document list.
- vii) While the CRA does not have a settled position in relation to the demolition provisions of the new Local Policy, we are concerned that the language of key objectives remains ambiguous. The proposed new Policy at 22.05-5 states that neither partial demolition nor full demolition will “normally” be permitted in the case of significant buildings. If partial demolition of significant buildings is to be **discouraged**, shouldn’t the full demolition of significant Heritage Places be **rarely** approved? The use of the word “normal” in both situations is quite unhelpful.
- viii) And again, while Council Officers argue that the proposed new Policy provides additional protection for the former D graded places in Level 3 Streetscapes [because Streetscape Gradings are no longer a consideration in demolition matters], this policy shift must be seen in context. In the inner city, the pressure to demolish all but a façade or two is not restricted to those Heritage Places with a D3 Grading. Increasingly, it is the present C graded Heritage Places that are being reduced to a façade or two. The new Policy will do little to halt this tendency. More fundamentally, the decision to abandon the different Streetscape Gradings must be questioned. In the large suburban-wide Heritage Precincts, the Streetscape Gradings have provided an important heritage context at the local level.

2) Our submission in response to the proposed new statements of significance is as follows:

- i) **The Statement for the Carlton Precinct [HO1] must address the three distinct sub-areas separately, that is the Princes Park, University Square and the large area east of Swanston Street.** By addressing each of these sub-areas separately, it would have become evident that the University Square area has received a very cursory treatment. For example, the Statement for this area should have included reference to the role of William Guilfoyle in the current design of the square and the installation of the temperance drinking fountain. William Guilfoyle was curator of the Royal Botanic Gardens at the time; he was without doubt one of Melbourne’s most important landscape gardeners and botanists.
- ii) **The Council must review all those Heritage Overlays that include a group of buildings; there is currently no consistency in the way the Heritage Precinct Overlays are defined.** When for example does a collection of heritage places constitute a Precinct wide Overlay and when not? The Rathdowne, Pelham and Drummond Street site of the former Children’s Hospital [from 1876] includes several significant heritage places within the one heritage Overlay, but it is not considered to be a Precinct Overlay, and it has no Precinct Statement of Significance.
- iii) **The Council must ensure that the new Heritage Precincts that were approved for the City North Area are included in the new Inventory.** The Consultant recommended that “the statements for other precincts (not subject to this current project) should be included in the new Incorporated Document [Lovell Chen (September 2015) p 16]. This advice was not followed.

3) Our submission in response to the new grading system for the significance of heritage places is as follows:

- i) **The CRA submits that the Council should adopt the thresholds recommended in the State Government's Planning Practice Note No 1 [Applying the Heritage Overlay] that is, State Significance and Local Significance, and avoid altogether the problematic "Contributory" category.** This is in recognition that buildings of national, state or metropolitan significance, including most Heritage Places on the State Heritage Register, have been designated as "Outstanding" in the current Local Policy. Also, since this same Policy states that "All graded buildings are significant" the C and D graded Heritage Places must be regarded as Locally Significant.
 - (a) The use of the heritage label/grading level of "Contributory" is not addressed in either *Australia ICOMOS Burra Charter, 2013* [a key reference document when considering cultural significance] or the State Government's Practice Note 1 – *Applying the Heritage Overlay*.
 - (b) While the use of the Grading Level "Contributory" is in common practice in Victorian Municipalities, from the information presented by the Consultant [Lovell Chen (September 2015) Appendix D], there is almost no consistency in the way this term has been used.
 - (i) For example, in Brimbank Council, "Contributory heritage places are individually important places of State, regional or local heritage significance or are places that contribute to the significance of the heritage overlay area." This Council does not have a separate "Significant" Grading.
 - (ii) And again, in the case of Bayside Council, "Contributory Buildings. Refers to those buildings that are deemed to make a contribution either individually, or as part of a collection, to the significance of the Heritage Precinct." This Council reserves the Grading "Significant" for a "building identified as having heritage significance that is not located in a precinct."
 - (iii) Given this plethora of meanings, it is unhelpful to ascribe the descriptor "best practice" to the Significant, Contributory and Non-Contributory Grading System.
 - (c) It must be emphasised that Heritage Places labelled/graded "Contributory" in both the existing and proposed policies, do not have a monopoly of this characteristic; "Significant" Heritage Places located in a precinct may also make a valuable contribution to a Precinct Overlay. Further, there are two important exceptions that render the label "Contributory" quite unhelpful.
 - (i) Where for example, the precinct and/or overlay includes a modernist heritage place in a predominantly Victorian era precinct, clearly the label contributory makes no sense in relation to the modernist heritage place.
 - (ii) And again, where an isolated heritage overlay includes just one C or D graded heritage place, the descriptor contributory is meaningless.

4) Our submission in response to the Revised Heritage Places Inventory

- i) **The Council must address any inconsistency between the way Heritage Places are described/depicted in the Heritage Overlay maps and the listed Schedules in the Scheme and Incorporated documents.** The CRA has found many inconsistencies between the Heritage Place addresses and the Planning Scheme Maps. Given that the Heritage Overlay map will be the determining factor in any dispute as to whether a control applies, this is most unsatisfactory [Applying the Heritage Overlay, Planning Practice Note 1 (July 2015) p 6].
- ii) **The Heritage Places Inventory must list separately the odd and even numbered Heritage Places.** The Future Melbourne Committee Meeting on the 5th July 2016 agreed upon the following resolution "The order of buildings in the proposed Heritage Inventory reverting to the same order used currently, that is, buildings on each street in each suburb are grouped into odd and even street numbers." This resolution was not followed for most streets in Carlton.
- iii) **The Exhibited Amendment papers must be peer reviewed before any document is subject to a Panel Hearing, given the number of gaps and errors in the Heritage Places Inventory.** In the City North Area of Carlton, the only properties that appear to be recorded in the Revised Inventory include those located within the three small Precinct Overlays. There is no record of ANY of the heritage places in the University Square area [Precinct Overlay HO1] and there is no record of the status of any of the other heritage places the subject of Heritage Overlays west of Swanston Street. There are also several Heritage Places that are recorded as Significant or Contributory that no longer exist, some were demolished years ago.

5) Concluding Comments

- i) The CRA submits that the key problem with the Heritage Review stems from the revised Grading Definitions and the way in which the formerly graded Heritage Places have been categorised under the new regime. The impact is particularly acute in the Carlton suburb, since this suburb has almost as many C graded buildings as ALL the other suburbs combined 1200 for Carlton and 1281 for all the other suburbs [Lovell Chen (October 2015) Table 1, p 5].
- ii) Under the new regime LESS THAN 25% of the C and D graded buildings in the Carlton area are included in the new Significant Grading Category [329 of 1393 Heritage Places, Lovell Chen (October 2015) pp 5 and 7]. Since the new Contributory Grade has been “deliberately set below significant” [Lovell Chen (October 2015) p 6], this has resulted in a tangible change in status of over 1,000 Heritage Places.
- iii) In 2016, Council Officers argued that those C and D graded Heritage Places included in the new Significant Grading category have had their status upgraded. This conclusion fails to acknowledge that the current local heritage policy [22.05 at p 4] makes it clear that “All graded buildings are significant.” From the earliest heritage study, Nigel Lewis and Associates [August 1984] to the most recent, the *City North Heritage Review 2013 Statements of Significance (Revised June 2015)*, it is clear that all the Heritage Places have been both assessed AND graded independently [that is, in their own right]. Accordingly, it is quite inaccurate for the Council to suggest that those C and D Graded Heritage Places now assessed to be Significant have had their Grading status upgraded. Rather, these places have RETAINED their former status. Those that have NOT made the cut, now have a reduced Grading Status.
- iv) The CRA submits that this dramatic outcome will influence the level of protection accorded to hundreds of Heritage Places in the Carlton area. We have arrived at this conclusion, because key provisions of the proposed new Local Policy remain vague and ambiguous, and do not address key contextual problems as articulated in this submission.

References

- City of Melbourne [July 2014] A Review of the Local Heritage Planning Policies in the Melbourne Planning Scheme
- City of Melbourne [5 July 2016] Report to the Future Melbourne Committee – Draft Am C258 Heritage Policies Review
- Lovell Chen [September 2015] City of Melbourne Heritage Review: Local Heritage Policies and Precinct Statements of Significance – Methodology Report, Appendix D: Municipal Gradings Definitions
- Lovell Chen [October 2015] Methodology Report – City of Melbourne Heritage Gradings Review
- Melbourne Planning Scheme Incorporated Document – City North Heritage Review 2013 Statements of Significance (Rev. June 2015)
- Melbourne Planning Scheme Amendment C258 [MPS Am C258]
- MPS Am C258 Explanatory Report
- MPS Am C258 Incorporated Document – Amendment C258: Heritage Precincts Statements of Significance 2017
- MPS Am C258 Incorporated Document – Amendment C258: Heritage Places Inventory
- MPS Am C258 Cl 22.05 Heritage Places outside the Capital City Zone
- Nigel Lewis and Associates [August 1984] Carlton, North Carlton and Princes Hill Conservation Study, Final Report, for the Melbourne City Council, Australian Heritage Commission.
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013 [Australia ICOMOS Burra Charter, 2013]*
- Victoria, Department of Environment, Land, Water and Planning [July 2015] Applying the Heritage Overlay, Planning Practice Note 1

About making a submission

Any person who may be affected by the amendment may make a submission to the planning authority about the amendment. Submissions must be made in writing giving the submitters name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what change (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The planning authority must make a copy of every submission available at its office for any person to inspect free of charge for two months after the amendment comes into operation or lapses.