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**Re: City of Melbourne Planning Scheme Amendment C258**

Dear Sir/Madam,

The National Trust congratulates the City of Melbourne for progressing this much-needed review of the City's heritage policies and gradings. While the National Trust generally supports the revised policies proposed for exhibition, we do have some concerns that we have addressed in detail below.

The National Trust acknowledges that Amendment C258 implements a number of objectives of planning in Victoria pursuant to Section 4 of the *Planning and Environment Act 1987*, in particular:

- *To provide for the fair, orderly, economic and sustainable use and development of land*
- *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*

In particular, we recognise the urgency to align the City of Melbourne's grading system with Practice Note 1 "Applying the Heritage Overlay".

Below we have identified our key concerns regarding the methodology and application of the Heritage Gradings Review, as well as proposed policies 22.04 (Heritage Places within the Capital City Zone) and 22.05 (Heritage Places outside the Capital City Zone).

**Heritage Gradings Review**

While we are generally comfortable with the methodology for the Heritage Gradings Review outlined in the "Methodology Report" by Lovell Chen, October 2015, we submit that the documentation exhibited as part of the amendment does not provide the transparency required to demonstrate the integrity of the conversion process, and that a methodical and comprehensive peer review is required to ensure that properties have not "fallen through the cracks". Many of the current gradings have often not been reviewed since the early 1980s, so a simple translation is not necessarily sufficient, without at least a review set for a near future date. In particular, ungraded places within precincts need to be reviewed as a priority.

We understand that property addresses have been amended in the "Heritage Places Inventory 2017" to align with the City of Melbourne's rate records, adding an additional layer of complexity which makes it difficult to assess whether properties have been missed, or are simply listed under a different address.

We also note that assessments on individual properties have been made by Lovell Chen, which are not available in the exhibited documentation. For example, we note that in the methodology report, Lovell Chen have stated that:

*Where it was known, or became apparent through desktop research, that a graded property had been demolished, the spreadsheet reference to the property was updated to non-contributory.*

*In some limited instances where a property under review was identified as having been significantly modified and changed to the degree that its contributory heritage value was lost, then the property was updated to non-contributory. Note again the study did not involve a comprehensive review of all graded properties in this regard.*

For the purposes of testing the application of Lovell Chen’s methodology, the National Trust undertook a desktop review of the proposed new classifications for graded properties in South Yarra, which highlighted a number of properties which were included in the “Heritage Places Inventory June 2016” but appear to be missing from the “Heritage Places Inventory 2017” and are not recorded in the exhibited Schedule to the Heritage Overlay as having individual overlays. Properties apparently not included in the “Heritage Places Inventory 2017” are listed below:

- 85 Hope Street (D3)
- 16–18 Hope Street (D2)
- 96–98 Hope Street (D3)
- 2-4 Park Street (C2)
- 405 St Kilda Road (B2)
- 447–453 St Kilda Road (C3)
- 52–56 Toorak Road West (C1)
- 180 Toorak Road West (C3)
- 37 Walsh Street (House) (C3)
- 37 Walsh Street (Stable) (A3)
- 242 Walsh Street (C3)

Given the concerns and anomalies outlined above, we submit that where properties have been removed from the Heritage Inventory during the Heritage Gradings Review, documentation should be publicly exhibited to justify why this has occurred. It would be helpful to provide a document or spreadsheet for public review, such as the Excel spreadsheet described on page 7 of the *Methodology Report* prepared by Lovell Chen, dated October 2015, which displays “tracked changes” for property addresses and gradings, as well as commentary regarding individual assessments, to allow the 2016 and 2017 schedules to be directly compared. A methodical and thorough peer review process should also be undertaken to ensure the integrity of the Gradings Review.

With respect to the Gradings Review, we are also concerned about the loss of detail in the scheme relating to the individual and streetscape value of heritage places within precincts due to the translation of controls from the more complex existing grading system to the simplified system prescribed by Practice Note 01. Under the proposed scheme, the revised Statements of Significance, along with the revised gradings, provide only very generalised guidance that will not address the nuances of buildings and streetscapes across complex precincts. This issue could be addressed through the development of more detailed sub-precinct citations.

## Heritage Policy Review

### 1. General Issues

In reviewing 22.04 and 22.05, we noted the general similarities of the two policies for within and outside the CCZ. We question the value of having two separate but nearly identical policies, particularly considering the inconsistencies that have arisen in the interaction between the CCZ and heritage controls as the CCZ expands (eg: into West Melbourne).

### 2. Policy Basis 22.04-1 and 22.05-1

The National Trust questions the following highlighted line included in the Policy Basis for 22.04 and 22.05:

*The heritage of the Capital City Zone encompasses heritage precincts, individual heritage places within and outside heritage precincts, and historic streets and lanes. **These places date from the mid-nineteenth century through to more recent times**, and are variously of heritage value for their historic, aesthetic, social, spiritual and scientific significance. [Our emphasis.]*

We submit that this description is too narrow, and does not capture the complexity of the City of Melbourne's tangible and intangible history and heritage, including Aboriginal heritage places and natural heritage. As such, we submit that a review of this statement is warranted to better reflect the nuances of the City's heritage. An example of a more comprehensive and nuanced approach is included in the Boroondara Planning Scheme—22.05 Heritage Policy:

*22.05.-1 Policy Basis: Boroondara's heritage assets include, but are not limited to, indigenous heritage sites, mansion and worker cottage developments from the last part of the 19th century, inter-war and post-war subdivisions from the 20th century, both individually significant and groups of Victorian, Federation, Inter-War and Post-War residences, former industrial sites, commercial buildings, public utilities including bridges, government buildings, railway stations, and parks and gardens.*

### 3. Demolition 22.04-5

#### 3.1 Facadism

As noted in 22.04 under 'Demolition':

- *Full demolition of significant or contributory buildings will not normally be permitted. Partial demolition will not normally be permitted in the case of significant buildings or the **front or principal part** of contributory buildings. [Our emphasis]*

We are pleased to note that the full demolition of significant or contributory buildings will not normally be permitted, and that partial demolition will not normally be permitted in the case of significant buildings, however we do not believe the proposed policies go far enough to prevent "facadism".

While we support the policy that "partial demolition will not normally be permitted in the case of ... the front or principal part of contributory buildings", this policy would be difficult to apply to industrial and commercial buildings, where the "front or principal part of a building" as defined in the Planning Scheme may not protect the heritage values of the place. For example, an industrial building may have an office at the front of the building, with the factory floor located behind.

Therefore, the requirement to retain the “front or principle part” would result in the demolition of fabric demonstrating the primary use of the building.

The policy and definition should also be amended to address corner buildings, where street or laneway facades contribute to the significance of the place in addition to the principal façade.

We suggest that the policy wording be amended to change “front or principal part” to “major street facades and

We submit that more specific guidelines for the interpretation of “front or principle part of a building” should be developed for different building typologies, including factories and modernist office buildings, to prevent outcomes resulting in facadism.

Stronger statements explicitly discouraging facadism should be incorporated into both 22.04 and 22.05, such as that included in the Greater Bendigo Planning Scheme—Heritage Policy 22.06:

*Additions and Alterations: Encourage additions and alterations that avoid demolition of a heritage place and/or contributory elements; retaining facades only is discouraged.*

### **3.2 ‘Demolition by Neglect’**

The National Trust strongly supports the following statements included in Heritage Policy 22.04 under ‘Demolition’:

*The poor condition of a significant or contributory is not in itself justification for permitting demolition.*

We suggest however that stronger language should be included to explicitly discourage ‘demolition by neglect’, providing a mechanism for the City of Melbourne to refuse demolition where it is suspected that the place has deliberately been able to deteriorate.

We note, for example, the policies contained in the City of Whittlesea’s Heritage Conservation Policy 22.04:

*Generally not accept poor condition or low integrity of a heritage place as justification for its demolition, particularly if in the opinion of the Responsible Authority the condition of the heritage place has been deliberately allowed to deteriorate or if its deterioration has arisen as a consequence of unlawful activities.*

We also submit the inclusion of the following clause, also contained in the City of Whittlesea’s Heritage Conservation Policy, to encourage adaptive reuse.

*Avoid the complete demolition of a heritage place unless the building is professionally assessed as being structurally unsound and posing an immediate risk, and it is demonstrated to the satisfaction of the Responsible Authority that it cannot feasibly be repaired or adapted for reuse.*

### **3.2 Demolition Permits**

The National Trust strongly supports the statement that ‘a demolition permit should not be granted until the proposed replacement building or works have been approved’.

#### **4. New Buildings 22.04-7, 22.05-7**

We submit that guidelines regarding façade height should be strengthened to indicate that in residential streetscapes, new development should keep to the same height as the eaves of adjoining contributory buildings in order to keep a smooth rhythm in the street.

#### **5. Restoration and Reconstruction 22.04-9**

We note the use of the word “renovation” in clause 22.04-9 Restoration and Reconstruction:

*Where there is evidence of what a building originally looked like, **renovation** of any part of a significant building, or any visible part of a contributory building, should form part of an authentic restoration or reconstruction process, or should not preclude such a process at a future date. [Our emphasis.]*

If included in the policy, a clear definition for the word “renovation” should be included in clause 22.05-18 Definitions. However we would recommend that language in this policy be limited to terms defined in the *Burra Charter*, such as “conservation”, “preservation”, and “reconstruction”, to avoid ambiguity and ensure that outcomes are based on accepted best practice.

#### **6. Subdivision (specific comments relating to trees and gardens)—22.04-10**

In regards to clause 22.04-10 regarding ‘subdivision’, the National Trust notes that no specific policies are included relating to significant trees and gardens. As such, we strongly suggest a review of the policy to include a more explicit policy basis similar to that included in the Greater Bendigo Planning Scheme—Heritage Policy 22.06:

*Subdivision: Ensure that appropriate settings and elements for heritage places are maintained including the retention of any original garden areas, large trees and other features which contribution to the significance of the place.*

Similar helpful policies are included in the Boroondara Planning Scheme—22.05 Heritage Policy:

*Subdivision: Ensure that appropriate settings and contexts, including gardens and landscaping, for ‘significant’ or ‘contributory’ heritage places are maintained.*

Overall, the policy for both 22.04 and 22.05 lacks clear direction relating specifically to significant trees and gardens.

#### **7. Relocation 22.04-11**

We submit that further direction should be provided in the policies regarding relocation (22.04-11 and 22.05-11), and suggest developing a more comprehensive policy such as that contained in the Greater Bendigo Planning Scheme—22.06 Heritage Policy:

*Relocation: Encourage the retention of significant and contributory buildings in original location unless:*

- *It can be shown that the relocation is the only reasonable means of ensuring the continued existence of the heritage place.*
- *The building has a history of relocation and/or is designed for relocation.*
- *The building can be relocated without damage.*
- *Ensure that the building is historically recorded on its current site prior to relocation.*

- ***Ensure that an appropriately qualified person oversees the relocation procedure and undertakes the historical recording.*** [Our emphasis]

## **8. Fences and Gates 22.04-13**

Under the proposed policies, new fences would either have to be a reconstruction based on documentary or physical evidence or ‘an appropriate contextual design response, where the details and materials are interpretive’. We submit that this policy is too narrow, and that an additional and more clearly worded clause should be added to permit a “new front fence consistent in style, details and materials with the architectural period of the heritage place”, thereby permitting accurate reproduction fences appropriate to heritage places to be constructed. This would bring the City of Melbourne’s policies in line with successful approaches taken in other municipalities, for example the City of Port Phillip, whose guidelines are outlined in detail in the *Heritage Service Practice Note 01: Fencing in Heritage Overlay Areas*.

## **9. Street Fabric and Infrastructure—22.04-15**

The proposed policy for ‘Street Fabric and Infrastructure’ exclusively relates to new installations, and does not recognise or provide a policy basis for existing historic street fabric and infrastructure, such as memorials, drinking foundations, gas lamps, public seating, horse troughs, or bluestone kerbs and channelling. The National Trust strongly submits that historic street fabric and infrastructure are an essential part of Melbourne’s heritage, many examples of which are not yet formally identified, but could become a relevant consideration in the undertaking of the upcoming Hoddle Grid Heritage Review. As such, a suitable policy should be incorporated at this stage to ensure this fabric is adequately protected into the future.

### **9.1 Bluestone kerb and channelling**

The only mention in 22.04 regarding bluestone kerb and channelling is as follows:

*Street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, should be designed and sited to avoid:*

- *impacts on views to significant or contributory places and contributory elements; and*
- *physical impacts on bluestone kerbs, channels and gutters, and other historic street infrastructure.*

The National Trust strongly suggests the incorporation of stronger guidelines, similar to those included in the Port Phillip Planning Scheme—22.04-2 Heritage Policy (Objectives):

*To ensure that reconstruction and repair of significant heritage bluestone kerb and channelling, bluestone laneways and significant concrete kerb and channel is carried out in a way that reflects as closely as possible the original appearance.*

And;

*Laneways, Kerbs and Channels: It is policy that: Reconstruction of existing bluestone kerb and channelling occurs only when it is at the end of its useful life.*

Bluestone kerbs and channelling (including historic laneways), are an important aspect of Melbourne’s heritage fabric, and should be protected in the heritage policy accordingly.

## **10. Other Concerns**

### **10.1 Significant Trees and Gardens**

The policy basis for 22.04 and 22.05 fails to mention significant trees and gardens (as outlined in the section relating to subdivision above). The National Trust strongly suggests the incorporation of more prescriptive text regarding these important natural heritage elements, such as included in the Yarra Planning Scheme—22.02 Development Guidelines for sites subject to the Heritage Overlay:

*22.02-5.5 Culturally Significant Trees: Encourage the retention of culturally significant trees in a heritage place unless:*

- *The trees are to be removed as part of a maintenance program to manage loss of trees due to deterioration caused by old age or disease.*
- *The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) cannot be implemented.*

*Ensure additions and new works respect culturally significant trees (and where possible, significant garden layouts) by siting proposed new development at a distance that ensures the ongoing health of the tree.*

*New buildings and works should also comply with the Australian Standard AD 4970-2009 Protection of trees on development sites for vegetation of assessed significance.*

### **10.2 Archaeological sites**

The National Trust also notes that there is no clause in the Heritage Policy that deals directly with archaeological sites. The following is included in the Yarra Planning Scheme—22.02 Development Guidelines for Sites Subject to the Heritage Overlay and should be considered for addition into both 22.04 and 22.05:

*22.02-6 Archaeological Sites: Encourage applicants to consult with Heritage Victoria where any proposed buildings or works may affect archaeological relics to facilitate compliance with Part 6 of the Heritage Act 1995 (Protection of Archaeological Places).*

The following is also mentioned in the Boroondara Planning Scheme—22.-5 Heritage Policy:

*Archaeological Sites: Where sites are known to contain archaeological material or have been identified as likely to contain archaeological material, a report prepared by an archaeologist is to be submitted by the applicant with any application for a planning permit. Proposed development must not adversely impact on aboriginal cultural heritage values as indicated in an archaeologist's report.*

### **10.3 Laneways**

Despite their highly valued heritage qualities, there are no specific guidelines for historic lanes and laneways included in either 22.04 or 22.05. We are also concerned that the Heritage Gradings Review, which has only retained Level 1 Streetscapes, has resulted in the loss of gradings for laneways and lane-scapes, for example the narrow rear wings of terrace houses and rear dunnies and outbuildings, which are becoming increasingly rare. We recommend policy provisions to require the consideration of the rhythm and scale of laneways and back-scapes where intact, and discourage the construction of bulky and wide extensions out to the rear boundary. While there is some recognition in 22.04 and 22.05 that new buildings “should be respectful of the scale and forms of

historic development to the lane”, stronger guidelines should be applied for the protection of the most intact laneways.

We note the City of Melbourne’s ongoing work to identify and protect historic laneways, including the current Guildford and Hardware Lanes heritage review. The identification and protection of particularly intact and significant laneways should be included as part of future heritage reviews for precincts within the City of Melbourne.

#### **11. Precinct Statements of Significance**

We submit significant concerns regarding the “abbreviated” nature of the proposed Heritage Precincts Statements of Significance, which are essentially blanket statements which do not address the nuances of areas of special importance in these large precincts which do not have a high degree of consistency of building stock. We therefore encourage the preparation of more detailed sub-precincts, to ensure that the specific values of diverse precincts are identified and can therefore be defended through the planning process.

#### **Conclusion**

The National Trust congratulates the City of Melbourne for progressing this much-needed review of the City’s heritage policy, and hope the issues discussed above will assist to ensure this amendment provides a strong foundation for the protection of heritage in the City of Melbourne. We would welcome the opportunity to support this submission at a Planning Panel hearing, and look forward to further advice regarding the amendment.

Yours faithfully,

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

Felicity Watson  
Advocacy Manager