

14 August 2017

City Futures Department
Glen Eira City Council
PO Box 42
CAULFIELD SOUTH VIC 3162

Re: City of Glen Eira Planning Scheme Amendment C149

Dear Sir/Madam,

The National Trust congratulates the City of Glen Eira for progressing this much needed review of the municipalities existing heritage overlay areas, heritage grading system and heritage planning policy. We acknowledge and support the purpose of this amendment to 'update and refresh existing heritage policies and provide more detailed objectives, policies and performance measures that will benefit home owners, developers and planning staff'. While the National Trust is supportive of the proposed changes, we do have some concerns relating specifically to the updated heritage policy that we have addressed in detail below.

Our organisation has a particular interest in the planning and development of the City of Glen Eira as the property owner of three heritage places within the municipality, specifically "Rippon Lea" (H036), "Glenfern" (H037) and "Labassa" (H042). In this regard, we support the modification of the address pertaining to "Glenfern" in the Schedule to the Heritage Overlay to include 417 Inkerman Street AND 76 Hotham Street, St Kilda East.

1. Heritage Grading System

The National Trust supports the review of the heritage grading system proposed as part of this amendment. We acknowledge the minor errors and inconsistencies that have been identified within the existing grading system, and recognise that the proposed changes are consistent with Practice Note 1 "Applying the Heritage Overlay". We note in particular the unusual designation of the grading 'building defaced', and agree that this should be converted to either 'contributory' or 'non-contributory' as appropriate. We agree that the grading should not be 'further itemised by construction eras', and that a consistent rating system of 'significant', 'contributory' and 'non-contributory' should be implemented across all heritage precincts.

We would also like to specifically acknowledge the methodology implemented to ensure that this consistency has been achieved. We note the following:

From August 2016 to January 2017 the review team inspected each heritage precinct, street by street, to determine the heritage rating for each property.

This methodology represents best practice and ensures that no heritage place ‘falls through the cracks’ as part of this grading conversion. Where discrepancies have been identified, and where outdated designations such as ‘buildings defaced’ has been recognised, the review team have been exceedingly thorough and made informed decisions based on a combination of site investigation and existing documentation (e.g. the use of “*Our Inter War Houses – How to Recognise, Restore and Extend Houses of the 1920s and 1930s*” by Bryce Raworth in HO28 to ensure contributory places within heritage precincts are identified as such). We also support the liberal approach to this methodology in specific heritage precincts that have been identified as containing multiple errors and inconsistencies. For example, based on the significance outlined in the Statement of Significance for the precinct, it was determined that for HO72 ‘for the purpose of this review, all Victorian, Edwardian and Inter-War buildings are noted as Contributory unless the building has been significantly altered.’

2. Review and Update of Clause 22.01 Heritage Policy

The National Trust supports the replacement of Clause 22.01 Glen Eira Heritage Policy. We agree that the existing policy is ‘brief, relies greatly on external reference documents, and provides minimal practical guidance for users seeking to develop and/or demolish buildings within heritage areas’. The National Trust supports the proposal to update the policy to include ‘detailed objectives, policies and decision guidelines to provide a clear and consistent approach for users’, and to specifically identify heritage properties and precincts within the policy itself ‘to improve the user experience’. The performance measures in particular will provide an exceedingly helpful inclusion. We also acknowledge the inclusion in the 22.01-1 Policy Basis to include reference to significant architecture from the ‘Post-war periods’ alongside Victorian, Edwardian and Inter-War periods.

While we are supportive of the above changes overall, we do have some specific concerns that we believe should be addressed before the amendment is progressed any further:

2.1 ‘Demolition by Neglect’

We submit concerns regarding the following point included under 22.01-3 ‘Demolition’:

It is policy to:

- *Discourage demolition of significant and contributory buildings unless it can be demonstrated that:
 - o *The original fabric of the building has deteriorated to such an extent that a substantial reconstruction would be required to make the building habitable;**

The National Trust believes that this policy could be interpreted as supporting ‘demolition by neglect’, and stands in direct conflict and contradiction with the following policy:

It is policy to:

- *Discourage demolition of heritage places where the poor condition of the place is, in itself, the reason for the demolition application.*

We strongly suggest that the above policies are reviewed and that a clearer policy on this issue is incorporated into the clause to avoid confusion and ensure deliberate neglect is not used as justification to attain a demolition permit. The City of Whittlesea have provided a strong policy within Clause '22.04 Heritage Conservation Policy' of the planning scheme that could provide an appropriate example of how this could be approached:

Generally not accept poor condition or low integrity of a heritage place as justification for its demolition, particularly if 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.

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.

2.2 'Design excellence' of replacement buildings

We additionally submit concerns regarding the following point also included under 22.01-3 'Demolition':

It is policy to:

- *Discourage demolition of significant and contributory buildings unless it can be demonstrated that:*
 - o *The replacement building displays design excellence*

The National Trust notes that the way this policy reads is that the demolition of a place identified as 'significant' and/or 'contributory' within the heritage overlay is justified if the 'replacement building displays design excellence', regardless of the structural condition of the existing building. This is entirely inappropriate, and undermines the entire purpose of the heritage overlay. While it should be encouraged that any replacement building within a heritage precinct should display 'design excellence', it should be made clear that reaching the threshold for 'design excellence' does not provide justification for the demolition of a perfectly intact and structurally sound heritage place.

Regardless of this fact, the term 'design excellence' is entirely subjective. If this policy is to remain, then specific guidelines on what constitutes 'design excellence' should be included under the reference documents.

We take similar issue with the following policy:

It is policy to:

- *Discourage demolition of significant and contributory buildings unless it can be demonstrated that:*
 - o *If located within a heritage precinct, the replacement building clearly and positively supports the ongoing significance of the heritage precinct.*

As above, while it should be encouraged that a replacement building in a heritage precinct ‘clearly and positively supports the ongoing significance of the heritage building’, this should not be justification for demolition. The above policies should be re-worded to ensure there is no confusion surrounding this issue.

2.3 Facadism

A statement explicitly discouraging facadism should be incorporated into the policy, 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.

We strongly believe that a discussion surrounding depth, and the retainment of the 3 dimensionality of a building, should be detailed in the performance measures.

2.4 Vegetation

We note the following policy included under the heading ‘Demolition’:

It is policy to:

- o *To retain significant vegetation*

The National Trust notes that this is the only mention of ‘vegetation’ in the entire Heritage Policy, and lacks any further clarification or relevant performance measure. Overall, the policy fails to mention significant trees, vegetation and/or garden layouts that have been identified for their historical significance. 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.

2.5 Subdivision

In regards to the policy detailing ‘subdivision’, the National Trust further notes the omission of any reference to significant trees, vegetation and/or garden layouts. 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 contribute to the significance of the place.

A similar helpful policy is 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.

2.6 Policy Reference Documents

The National Trust supports the inclusion of *The Burra Charter: the Australian ICOMOS for Places of Cultural Significance*, 2013 as a reference document. We note a grammatical error in the dating of this document as 2103 rather than 2013 that should be rectified.

We also acknowledge the inclusion of *Fences & Gates, c. 1840-1925*, National Trust Bulletin 8.1 as a reference document. While this document dates back to the late 1980s, it is extremely comprehensive, and will provide a helpful and straightforward guide for home owners.

3. Scope of Heritage Precincts Area

As part of this review, it has been identified that a broader review of the entire municipality ‘aiming to capture significant buildings not currently included in the Heritage Overlay’ is to be undertaken in the next 2-3 years. The National Trust strongly supports this objective, and recommends that this review is undertaken as soon as possible to ensure the preservation and retention of significant heritage places not yet protected under the Heritage Overlay.

The current threat to “Lind House”, located at 450 Dandenong Road Caulfield North, highlights the urgent need to undertake a municipal-wide assessment of postwar heritage in Glen Eira in particular. While we note that a broader review is proposed for the next 2-3 years, we submit concerns that given current development pressures, significant places – such as Lind House – may “fall through the cracks” while this work is being undertaken. We therefore encourage Council to identify other significant places at risk and seek interim protection to allow time for further studies to be undertaken.

Conclusion

The National Trust congratulates the City of Glen Eira for progressing this much-needed review of the municipalities existing heritage overlay areas, heritage grading system and heritage planning 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 Glen Eira. Should you have any queries regarding the above, please contact this office on 9656 9837.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'C Mitropoulos', is positioned above the typed name.

Caitlin Mitropoulos
Community Advocate – Built Heritage