



30 November 2018

6 Parliament Place
East Melbourne
VIC 3002

Strategic Planning Unit
Yarra City Council
PO Box 168
Richmond VIC 3121

Email: conservation@nattrust.com.au
Web: www.nationaltrust.org.au

T 03 9656 9818

Email: info@yarracity.vic.gov.au

RE: Yarra Planning Scheme Amendment C231—Queens Parade Built Form Controls

Dear Sir/Madam,

The National Trust of Australia (Victoria) (National Trust) is the state'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. The National Trust maintains a Heritage Register of Significant Places, including buildings, landscapes, gardens and trees. Within the City of Yarra there are currently 344 built heritage places, 15 trees and 6 gardens included on the Register.

As Victoria's premier heritage and conservation organisation, the National Trust has an interest in ensuring that the wide range of natural, cultural, social and Indigenous heritage values of the municipality are protected and respected, contributing to strong, vibrant and prosperous communities.

We note that the intention of this amendment, as outlined in the Explanatory Report, is to 'introduce built form controls to manage change along Queens Parade and guide the scale of future buildings to provide certainty about development outcomes'. We note further that the amendment has been informed by recommendations provided by GJM Heritage (GJM) as outlined in the *Queens Parade Heritage Analysis*.

While the National Trust is supportive of the intention to provide certainty, we strongly object to the proposed Design and Development Overlay 16 (DDO16) on the basis that it could be interpreted as encouraging the demolition of significant fabric, retaining only a 6m depth of the heritage entity. We do not believe that this represents a positive heritage outcome, and would question whether this equates to facadism, a practice that has long been discredited as a means of managing new development in heritage areas and in contrary to the heritage guidelines of the Yarra Planning Scheme. While GJM have discouraged the application of facadism in their recommendations, they have not provided a clear definition of the concept or sufficient justification for the proposed 6m and how this represents a positive heritage outcome.

We submit that allowing higher built form to be set back only 6m from the frontage will result in new development that would visually overwhelm what remains of the heritage entity and eliminating the '*picturesque shop-row skyline, visible from across Queens Parade, with its gabled or hipped roof forms and many original chimneys*', as identified in the precinct's statement of significance. Further, we submit that the proposed built form controls undermine the proper control of demolition and new development under the Heritage Overlay. We therefore call on the City of Yarra to either abandon or significantly revise DD016 based on these concerns.

This submission focuses primarily on a review of the specific controls proposed for Precinct 4 (the Activity Centre Precinct), being the main historic shopping strip. However our general concerns are widespread and apply to all precincts covered by the proposed DDO16.

Key concerns regarding DDO16

For Precinct 4 it is proposed that the façade of the heritage shops should be retained and that there should be a 6m setback from the façade after which new development is permitted to a height of 21.5m (effectively 6 storeys).

We believe that the proposed DDO creates a development entitlement that is far in excess of what might be considered reasonable under the Heritage Overlay. Clause 22.02-4 of the Yarra Planning Scheme sets out the Objectives of the Development Guidelines for Sites subject to the Heritage Overlay:

- *To conserve Yarra's natural and cultural heritage.*
- *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
- *To retain significant view lines to, and vistas of, heritage places.*
- *To preserve the scale and pattern of streetscapes in heritage places.*
- *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
- *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.*
- *To ensure that additions and new works to a heritage place respect the significance of the place.*
- *To encourage the retention of 'individually significant' and 'contributory' heritage places.*
- *To protect archaeological sites of cultural heritage significance.*

We submit that the proposed DDO fails on all counts except the last which is not applicable in this instance. Specifically:

- It particularly fails in the conservation of historic fabric and the maintenance of the heritage place as the development potential it offers will inevitably result in the demolition of all but 6m of heritage fabric at the front and possibly all heritage fabric except the façade.
- It fails to adequately conserve significant view lines to the former ANZ Bank which is classified by the National Trust at the state level as being 'significant in the sky line.'
- It fails to preserve the scale and pattern of the streetscapes in heritage places as the streetscape will eventually become a collection of facades regardless whether original fabric survives within the 6m setback. What is more the 6-storey development set back only 6m is totally out of scale with the historic streetscape.
- It discourages the preservation maintenance and restoration of heritage places by encouraging the demolition of most of the heritage fabric in the precinct.
- It applies the worst type of conservation practice to the adaptation of heritage places as allows only the minimum retention of heritage fabric.

- The additions and new works to heritage places it permits are completely out of scale with the heritage place and fail completely to respect it.
- Rather than encouraging the retention of individually significant and contributory heritage places it encourages their reduction to mere facades.

The extent of demolition that the DDO encourages is contrary to Clause 22.02-5.1 that generally encourages the retention of a building in a heritage place unless the building is non-contributory. This clause also discourages demolition of parts of an individually significant or contributory building:

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

- *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
- *For a contributory building:*
 - *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, **and the main building form including roof form is maintained** [our emphasis]; or*
 - *The removal of the part would not adversely affect the contribution of the building to the heritage place.*

We submit that there has been a reliance on the last point that removal of the part would not adversely impact the contribution of the building to the heritage place. The National Trust strongly opposes this interpretation as the higher form development will make it obvious that the contributory building has been arbitrarily 'chopped off', thus seriously impacting its contribution to the heritage precinct.

This is conceded in the preceding point where even if the part to be demolished cannot be seen from the street, the main building including the roof form must be maintained. This provision continues to be enforced in the residential areas of the City of Yarra. We question why this is being superseded in regard to the municipality's highly significant shopping strips. We believe the Heritage Overlay should be administered fairly across the municipality, and that there should not be one rule for the owner of a contributory dwelling and another for the owner of a contributory shop.

Clause 22.02-5.7 provides guidelines for New Development, Alterations or Additions. 22.02-5.7.1 provides the following general guidance:

Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*
- *Be distinguishable from the original historic fabric.*
- *Not remove, cover, damage or change original historic fabric.*
- *Not obscure views of principle façades.*
- *Consider the architectural integrity and context of the heritage place or contributory element.*

Once again we submit that the proposed DDO does not meet these recommendations except that the new development be distinguishable from the original historic fabric. The same clause encourages the minimisation of the visibility of new additions by locating ground level additions and higher elements towards the rear of the site. In contrast, the proposed DDO provides maximum visibility by allowing for 6 stories of development set back only 6m from the frontage.

The National Trust considers it concerning that a planning authority has exhibited an amendment that goes so far to undermine the effective administration of heritage controls under the Heritage Overlay. We therefore call on the City of Yarra to either abandon or significantly revise DD016 based on these concerns. If the latter is pursued, we strongly encourage council to engage a heritage expert to peer review the recommendations prepared by GJM. While extensive analysis has been undertaken by GJM, this amendment has the potential to impact multiple significant places and streetscapes, and we believe a peer review is warranted. It is our concern that the gazettal of this amendment will set a benchmark for other significant historic strip centres across the municipality, and potentially across the state, so it is essential that a robust planning outcome is set out in the first instance.

For any enquiries regarding this submission, please get in touch with this office on 9656 9837 or with me directly at caitlin.mitropoulos@nattrust.com.au.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'C. Mitropoulos', written in a cursive style.

Caitlin Mitropoulos
Community Advocate—Built Heritage
National Trust of Australia (Victoria)