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Yarra Council Strategic Planning
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Re: City of Yarra Planning Scheme Amendment C269

Dear Sir/Madam,

Thank you for the opportunity to provide feedback on Planning Scheme Amendment C269 which proposes changes to local policies in the planning scheme. We congratulate the City of Yarra for undertaking this important strategic work to guide planning decisions in the municipality.

About the National Trust

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 30,000 members and supporters across Victoria.

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.

Introduction

The National Trust acknowledges that Amendment C269 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*

We recognise that there are many aspects of the proposed planning policies which improve on existing policies, and will provide greater clarity to the community, property owners, and decision-makers regarding future development.

While we are generally supportive of the amendment as a whole, this submission provides feedback and suggested changes and additions for policies relating to the recognition and conservation of cultural heritage. Our submission addresses the following key areas:

1. Heritage
2. World Heritage Environs Area
3. Landmarks
4. Activity Centres
5. Urban Design
6. Building Design
7. Signs in a Heritage Overlay

1. HERITAGE (15.031L)

1.1 General comments

1.1.1 Objectives

We have concerns that the policy does not include any objectives to guide best heritage outcomes.

We understand that the recently updated *A Practitioner's Guide to Victorian Planning Schemes, April 2020*, discourages the inclusion of local objectives, noting that it "should only be included if they expand on a state or regional objective with a particular local emphasis or distinction" (page 83).

However we note, for example, that policy objectives for heritage are included at Clauses 22.04 and 22.05 of the Melbourne Planning Scheme, as gazetted in 2020 as part of Planning Scheme Amendment C258.

We understand that the relevant state policy objective in the Yarra Planning Scheme is:

To ensure the conservation of places of heritage significance.

While this is a broad objective, we submit that this does not reflect the local context of the City of Yarra or consider the external factors which may influence the ongoing conservation of heritage places. This objective also does not provide adequate context for the strategies which are outlined in the policy.

Therefore, we propose the following policy objectives. A number of these align with the submissions of other community groups, including the Royal Historical Society of Victoria, and the Queens Parade Heritage, Planners, and Traders Group:

- To retain and conserve all individually significant and contributory heritage places.
- To conserve heritage places in accordance with the Australia ICOMOS Burra Charter.
- To retain and reveal views and vistas to heritage places and streetscapes.

- To ensure new development is respectful of the assessed significance of heritage places.
- To encourage high quality contextual design for new development, which avoids replication of historic forms and details.
- To encourage retention of the three dimensional fabric and form of a building.
- To discourage facadism.
- To enhance the presentation and appearance of heritage places through restoration and, where evidence exists, reconstruction of original or contributory fabric.

1.1.2 Structure

Overall, we believe that the structure of the policy needs improvement. We note that some of the provisions of this policy apply to all heritage places while some apply only to specific building types, such as commercial, industrial, and residential. Currently, we believe that it is unclear which provisions apply to what type of place.

For the purpose of clarity, we suggest that the structure be amended so that all the policies with general application occur first, and those with specific application follow.

1.1.3 Definitions

We note that the list of definitions in the current policy, has not been included in this revision. We request the reinstatement of key definitions to provide clarity to users of the planning scheme.

We note that unnecessary or incorrect terminology is used in some instances throughout the policy. For example, the use of 'protect' instead of 'conserve' or 'building' instead of 'place'. We suggest that terms should be consistent with, but not limited to, those used in *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013* (the Burra Charter) to ensure clarity and reduce ambiguity, noting that words such as 'conservation' and 'place' have specific meanings in the context of heritage management, which may not be clearly understood by other users or the planning scheme. Clear definitions should also be provided for "individually significant" and "contributory" places.

For example, a comprehensive list of definitions is included in Clauses 22.04 and 22.05 of the Melbourne Planning Scheme.

1.1.4 Guidelines

To ensure clarity and usability, we strongly encourage the development of plain-English guidelines to support the new policy. These guidelines should aim to assist property owners, architects, heritage advisors, tradespeople, and planners, to clearly understand and interpret the policy, and should include visual illustrations of local policies including diagrams and best-practice examples. The guidelines should be incorporated as a background document and should be included in the schedule to Clause 72.08.

We commend the City of Melbourne's Heritage Design Guide, August 2020, as a best practice example, which could serve as a useful model.

1.2 Demolition

The National Trust advocates for the strengthening of policies relating to demolition, to discourage "demolition by neglect" either through deliberator or unintentional neglect, and to promote the adaptive re-use of heritage buildings.

We suggest that stronger language should be included to explicitly discourage demolition by neglect, providing a mechanism for the City of Yarra 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 suggest the inclusion of the more comprehensive policies on demolition referenced in the Melbourne Planning Scheme:

It is policy that:

- *The demolition of a non-contributory place will generally be permitted.*
- *Full demolition of significant or contributory buildings will not generally be permitted.*
- *Partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted.*
- *Retention of the three dimensional form is encouraged; facadism is discouraged.*
- *The adaptive reuse of a heritage place is encouraged as an alternative to demolition.*
- *The poor structural or aesthetic condition of a significant or contributory building will not be considered justification for permitting demolition.*
- *A demolition permit not be granted until the proposed replacement building or works have been approved.*
- *Fences and outbuildings which contribute to the cultural significance of the heritage place are not demolished.*

Before deciding on an application for full or partial demolition, the responsible authority will consider, as appropriate:

- *The assessed significance of the heritage place or building*

- *The character and appearance of the proposed building or works and their effect on the historic, social and architectural values of the heritage place, and the street.*
- *The significance of the fabric or part of the building, and the degree to which it contributes to its three-dimensional form, regardless of whether it is visible.*
- *Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of the building.*
- *Whether the demolition will adversely affect the conservation of the heritage place. Whether there are any exceptional circumstances.*

In particular, we support the principle that a demolition permit should not be granted until a planning application has been approved for the site. While the exhibited policy encourages this, we submit that it should be a requirement.

We also suggest that if a demolition permit is granted that a comprehensive archival recording of the place is required prior to approval.

We note, for example, the policies contained in the City of Melbourne's Heritage Places in Clauses 22.04 and 22.05 of the Melbourne Planning Scheme:

Where approval is granted for full demolition of a heritage place, a recording program including, but not limited to, archival photographic recording and/or measured drawings may be required prior to demolition, to the satisfaction of the Responsible Authority

We also strongly request that the following statement is deleted from the policy (suggested deletion indicated with strikethrough):

Avoid the demolition of an individually significant or contributory building. ~~unless new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document City of Yarra Database of Heritage Significant Areas (Revised February 2018).~~ [page 5]

The Burra Charter process, set out in *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* clearly states that the establishment of cultural heritage significance should be based on a rigorous assessment of values which is considered separately and prior to decision-making regarding the management of those values.

Should it become evident that a place no longer reaches the threshold for inclusion in the Heritage Overlay, this should be subject to a separate planning scheme amendment process.

1.3 Façadism

We are pleased to see that façadism is clearly discouraged in the revised policy. Façadism is not an acceptable form of heritage conservation and clear provisions must be included to demonstrate that it is not an appropriate heritage outcome.

The National Trust is strongly supportive of the following statement which discourages:

The removal of part of the building allows its three-dimensional form to be retained and does not result in the retention of only the visible facade of the building and demolishing the remainder. [page 2]

In addition to comments already made in this submission, the policy would also be strengthened by including a clear definition of façadism. This will ensure clarity if a planning application is appealed at VCAT.

We note, for example, the definition included in the City of Melbourne's Heritage Places in the Clauses 22.04 and 22.05 of the Melbourne Planning Scheme:

The retention of the exterior face/faces of a building without the three-dimensional built form providing for its/their structural support and understanding of its function.

1.4 Residential alterations or additions

We support the following statement:

Set back buildings and works to the depth of two front rooms to retain the original or early elements of the fabric of the individually significant or contributory building, its principal façade and primary roof form. [page 2]

We suggest that the language could be made stronger by including the wording "at least" to the depth of two rooms.

1.5 Industrial heritage

Industrial heritage places are an incredibly important aspect of Yarra's social and economic development, and contribute strongly to the unique story and identity of the City. We therefore strongly support the inclusion of this new strategy to ensure the ongoing conservation and appropriate reuse of industrial heritage places.

However, we submit that the term 'visual volume' is unclear and requires further clarification.

We also have concerns that not all recommendations outlined in the *Yarra Industrial Heritage Policy 15 October 2019* prepared by GJM have not been fully incorporated into the policy.

We strongly urge Council to review this document and incorporate more of these recommendations.

1.6 Relocation

We submit that further direction should be provided in the policies regarding relocation, 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]

1.7 Public realm heritage infrastructure

We note that the following statement is currently included under “New development, alterations or additions”:

Retain or reinstate original street furniture and bluestone road or laneway materials and details. [page 2]

We recommend that this be incorporated into an additional strategy to guide the conservation and management of all heritage fabric in the public realm. This should also include the retention and conservation of:

- Remnants of railway lines including rails, sleepers, stanchions, weighbridges, and former railway alignments.
- Remnant gas lamp posts and early street signs.

We also suggest the incorporation of stronger guidelines for the conservation of bluestone road and laneway material, and we note for example, 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.

1.8 Laneways

We note that views from laneways are not considered to be included in the public realm. We submit that Yarra’s network laneways represent an integral aspect of the City’s unique layout and urban landscape. Laneways often act as an informal meeting place and serve as an important pedestrian linking route.

We submit that laneways should be considered part of the public realm and views from laneways should not be excluded from the policy.

1.9 Trees

We are pleased to see the inclusion of policies for trees, landscapes, parks, and gardens.

In addition to the policy:

Require that works do not impact on the health or viability of culturally significant trees.

We request the addition of a reference to the applicable Australian Standard for managing the protection of trees. We suggest the following wording, which is included in the Melbourne Planning Scheme at Clause 22.05.

New buildings and works comply with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites for vegetation of assessed significance.

2. WORLD HERITAGE ENVIRONS AREA (15.03-1L)

The National Trust understands that the World Heritage Strategy Plan for the Royal Exhibition Building and Carlton Gardens (REB&CG) World Heritage Environs Area (WHEA) is currently being reviewed, and is expected to be completed in 2021.

The National Trust—like the City of Yarra—is a non-voting member of the Steering Committee for the Royal Exhibition Building and Carlton Gardens World Heritage Management Plan Review.

We sincerely hope that the review of the Strategy Plan will identify opportunities to ensure the consistent and robust protection and of the WHEA’s international heritage values.

We look forward to supporting the outcomes of the Strategy Plan review, and once completed, we will advocate for the City of Yarra to adopt the recommendations as a matter of priority.

3. LANDMARKS (15.01-2L)

While we strongly support strengthening the current *Landmarks and Tall Structures* policy, however we have some serious concerns regarding the proposed changes.

3.1 List of Landmarks

Firstly, we note that of the 16 buildings currently identified in the *List of Landmarks*, only one additional building has been recommended for inclusion. We submit that this is an elite list of places, and is not reflective of all significant landmarks within the municipality.

We note the following Criteria for Determining the Significance of Landmarks in the *Review & Development of the City of Yarra Landmarks Policy* prepared by Ethos Urban, March 2018:

Symbolic value - the building or sign transfers knowledge and meaning that assists a community to express its cultural individuality.

Social & community value – cultural references and associations; value of the landmark for wayfinding.

Based on these criteria, we strongly encourage Council to undertake further community consultation to inform the *List of Landmarks*. This will ensure that places that hold cultural associations, meaning, and value for the community are identified and protected. Below are number of additional landmarks—in particular more industrial heritage places—which have been suggested to the National Trust by members of the community:

- Bryant and May Factory & Clock Tower, Cremorne
- Australian Knitting Mills, Richmond
- Kayser Buildings, Richmond
- The Yarra Falls chimneys, 8-12 & 80-110 Trenerry Crescent, Abbotsford
- The Austral viewing tower, 112 Trenerry Crescent, Abbotsford
- The WJ Brewer Sawmills chimney, 19-27 Grant Street, Clifton Hill
- Victoria Distillery, 21 Northumberland St, Collingwood
- Foy and Gibson chimneys, Oxford Street, Collingwood
- Abbotsford Convent

We are concerned that if a place is not represented on the *List of Landmarks*, it will diminish the significance of the place and provide justification for unsympathetic future development.

3.2 Key Views Assessment

We understand that an assessment has been undertaken to identify 'primary' viewpoints that should be retained to guide and strengthen management of visual intrusion from new built form. We also understand that the assessment has been informed by issues raised in past VCAT decisions.

However, we strongly object to the statement in the *Review & Development of the City of Yarra Landmarks Policy* that "the policy is not intended to preserve and protect every possible view from public spaces as not all views should be considered as being of equal worth" (page 9). While we appreciate that there is an inherent challenge in trying to protect all views, we submit that incidental and long-range views contribute greatly to navigation, wayfinding, and a sense of place, and should not be considered 'lesser than' to the key view lines identified.

We are concerned that the prescriptive listing of primary views will serve to reinforce and justify the dismissal of other significant views if an issue is taken to VCAT.

We also note the following statement in the *Review & Development of the City of Yarra Landmarks Policy* that;

There are conflicting policy requirements for landmarks in growth areas. Preserving long range views of landmarks can limit the heights of buildings in major activity centres, which is contrary to State and local policies that encourage higher density development in these locations. [page 9]

We strongly reject the premise that building heights must be prioritised at the expense of view lines to significant landmarks. We submit that the objective to increase and encourage higher density development can and should be balanced in line with the protection of significant view lines.

4. ACTIVITY CENTRES (11.03-1L)

We are generally supportive of the provisions outlined within this policy and the provisions for each Activity Centre. We note the following strategy which aims to promote the ongoing conservation of heritage places within Activity Centres;

Support development that improves the built form character of activity centres, whilst conserving heritage buildings, streetscapes and views to identified landmarks. [page 1]

However, we also note the following strategy which guides development within the Design and Development Overlay:

Support high quality mid-rise buildings in major and neighbourhood activity centres as identified in the relevant Design and Development Overlay. [page 1]

We have serious concerns that application of the Design and Development Overlay will result in the inappropriate development of historic shopping strips within the Activity Centre. We note that mid-rise development is defined as developments up to 14-storys, and submit that the scale of development would visually overwhelm and detract from the heritage values of historic shopping strips.

We submit that mid-rise development must be redirected outside of the historic cores of shopping strips, and an individual strategy for each Activity Centre should be prepared to guide this.

5. BUILDING DESIGN (15.01-2L)

5.1 Site Coverage

We note that the policy indicates that new developments cannot exceed a maximum site coverage of 80%. We suggest that this percentage should be reduced, and a minimum site coverage should be allocated to soft landscaping to support the strategy to "encourage the

planting of trees and vegetation to increase their canopies and coverage to contribute to an urban forest” (page 3).

6. URBAN DESIGN (15.01-1L)

6.1 Development adjacent to land in a Heritage Overlay

We strongly support the addition of a new strategy for *Development adjacent to land in a Heritage Overlay* in the Urban Design policy. We hope that the inclusion of this strategy will ensure that the heritage values of adjacent buildings are considered, respected, and celebrated in line with new developments or changes to the streetscape.

6.2 Development adjacent to a public open space

We recommend the time to avoid overshadowing of public space be amended to between 10pm and 3pm in winter months to ensure that open space can be enjoyed for longer periods throughout the day.

7. SIGNS IN A HERITAGE OVERLAY (15.01-1L)

We recommend rewording the policy objective to:

To ensure signs respect and reveal the significance of a heritage place.

Conclusion

In conclusion, we generally support Planning Scheme Amendment C269 as exhibited, noting the comments in this submission, and would welcome the opportunity to provide further comment at a future hearing conducted by Planning Panels Victoria.

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

Yours faithfully,



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