

The City of Melbourne Heritage Review

Preliminary Comments

- 1) During the slide presentation conducted by the Council on the 13th April 2017, it was stated that the Heritage Policies Review was:
 - i) Not a heritage review of the significance level of heritage places and precincts, and that it was
 - ii) Not proposing to include or remove any properties from the Heritage Overlay. [In subsequent correspondence received on 22nd November 2017, it was stated that the “intention has always been that Heritage Overlay deletions/additions or changing to/from ‘non-contributory’ status is a job for the comprehensive heritage reviews.”]
- 2) The CRA has great difficulty in reconciling these commitments with the way in which the review was actually undertaken. Indeed, the principal consultant acknowledged that thousands of “C” and “D” grade properties **required review** [Lovell Chen (October 2015) pp 5 and 6]. For example, “C” grade properties “required review in all precincts except Parkville.” Although this review was not comprehensive [it was largely a desktop study], it resulted in hundreds of heritage places that once had the SAME grading, being allocated DIFFERENT grades under the revised grading system.
- 3) And again, from our detailed analysis of the existing and proposed Heritage Places Inventories, we have noted many Heritage Place deletions and additions. In some cases these deletions are clearly justified [following the demolition of buildings]; in other cases where deletions have been recommended, the **extent** of alterations provides the main justification. [The Consultant’s Desktop Review of C, D & E Graded Carlton Properties provides ample evidence in support of this contention]. Unfortunately, we have also noted examples of demolished buildings that remain listed in the latest [2017] draft Heritage Places Inventory.
- 4) These departures from the Council’s stated approach are not limited to Carlton. We are aware that the Heritage Places Inventory for East Melbourne includes several examples of non-contributory properties that are now graded. The CRA has also documented several examples of “A” grade properties in Parkville that have NOT translated directly to the new “Significant” Grade, contrary to the agreed translation principles. [Examples will be provided in this Submission].
- 5) It must also be recorded, that the CRA has found the draft Heritage Place Inventories very difficult to evaluate because all the early versions departed from the established practice of SEPARATING the odd and even numbered Heritage Places. While this was corrected in the November 2017 draft, at no stage were the changes [additions/deletions of Heritage Places] between the existing and proposed Inventories TRACKED.

Efficacy of the Heritage Review

- 6) In our view, the outcome of the Heritage Review would have been vastly superior if the different elements of the Melbourne Planning Scheme [MPS] had been exhibited concurrently. We are referring here to the draft new Heritage Place Inventories and the Heritage Overlay Maps and Schedules of the MPS. This decision has resulted in many errors and inconsistencies that cannot be corrected. The extent of this problem is exemplified in Exhibits 1, 2 and 3
- 7) A further difficulty arises when the currently adopted property street numbers do not align with the Heritage Place Street numbers. Examples of this problem are described in Exhibit 4: Problems when Heritage Street Numbers are not adopted, and Exhibit 4A – International House Case Study.
- 8) Finally, we do query whether any change to the grading of a heritage place should be recommended when the change has not been the subject of a comprehensive review. Obviously, if a Heritage Place has been demolished or altered beyond recognition, a comprehensive review would be irrelevant. However, where this is not the case, no grading change should be contemplated without addressing the

assessment criteria articulated in Planning Practice Note 1, *Applying the Heritage Overlay*, DELW&P [2018]. In Exhibit 5, we note the relevance of the criterion “Social Significance” to the assessment of two Lygon Street “institutions”.

Problems with the Grading Translation Methodology

9) In the Association’s first Submission to the Council [following the first Exhibition period in May 2017] the CRA expressed serious reservations over the recommended “Significant/Contributory/Non-Contributory” Scheme. The following extract encapsulated our principal concerns.

- (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.**

10) While we still have serious reservations over this grading system, we accept that there is currently no momentum to adopt the two thresholds specified in Planning Practice Note 1: “State Significance” and “Local Significance”. However, we remain concerned over the way the Grading System that was articulated in the Council’s Review of Local Heritage Policies in the MPS [July 2014 p 12] has been applied [or rather modified] in the work undertaken by the principal consultant [Lovell Chen]. More particularly, the Association does not accept the default translation of “C” graded Heritage Places [within the Carlton Precinct] to the new grading category “Contributory”. [See Exhibit 6].

11) In our view, the default translation of the C Graded Heritage Places to the Contributory Grade was both wrong and misleading. It has incorrectly conflated the group label “Contributory” in the current Planning Scheme with the new Contributory Grade. It is a fact that the group label Contributory never included the D Grade Heritage Places in Level 3 Streetscapes, whereas these Places WERE included in the new Contributory Grade. [See Exhibit 7] It is also a fact that ALL the C Grade Heritage Places located in “Individual” Heritage Overlays translated into the new SIGNIFICANT Grade, even although they were included in the current Contributory Group. [See Exhibit 8]

- 12) In the Association's view, the modified translation principles have not been applied consistently. We came to this conclusion from our analysis of the translation outcomes for two blocks [one in Carlton and one in Parkville]. For those suburbs [or parts of suburbs] that have been the subject of recent Heritage Reviews [eg West Melbourne and City North] the Council's 2014 translation principles have been applied. For the remainder of the Municipality, the default translation of the C Graded Heritage Places has been to the new Contributory Grade. [See Exhibit 9]
- 13) It is clear from Appendix 6 of the West Melbourne Heritage Review [Assessment Criteria used in this report] that Graeme Butler and Associates have adopted the Council's 2014 Translation Principles and NOT the default scheme adopted by Lovell Chen in 2015. [See Exhibit 10]
- 14) There is also support for the Council's 2014 Translation Principles in the 2018 amendment to the Heritage Policy [22.04] of the Stonnington Planning Scheme. [See Exhibit 11]
- 15) Given this context, we reiterate the Association's key conclusions, as articulated in the CRA's Supplementary Submission dated 19th January 2018.
 - i) The bottom line is that two VERY DIFFERENT translation principles have been applied in the Council's Heritage Review of the C Graded Heritage Places.
 - ii) In the Carlton area, the June 2016 Heritage Places Inventory includes 1,160 records of C Graded Heritage Places. The actual number of places would be higher, since many records include a pair or row of terraces. **All these records [Heritage Places] had the SAME GRADING STATUS in June 2016.** Following the Review, about 430 records [Heritage Places] translated to the new SIGNIFICANT GRADE and about 730 to the lower CONTRIBUTORY GRADE.
 - iii) **In relative terms at least, the inescapable conclusion is that for the CARLTON area there has been a very uneven outcome in the GRADING status of our Heritage Places. Those C Grade Places in the City North Area have fared vastly better than those in that part of Carlton east of Swanston Street. [The outcome for the Parkville area is worse.]** In our view, the application of different translation principles in the SAME Heritage Review, does NOT result in a credible outcome.

Comments upon the New Local heritage Policy (Clause 22.05)

- 16) The Association's May 2017 Submission in relation to this matter included the following concerns.
- 17) **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.

The Association accepts that this matter will have to be addressed at another time; it will require an amendment to the Planning Scheme beyond the scope of the current Amendment.

- 18) **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

See Exhibit 12 for an example demonstrating this problem

- 19) **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.
- 20) **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.

See Exhibit 13 for examples of higher rear additions to Heritage Places that have been treated inconsistently

- 21) **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.
- 22) **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.

This matter has been addressed by omitting the Incorporated Documents from the Reference List

- 23) 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.

The Association accepts that the current wording of the Demolition Sub-Clause is an improvement over the first exhibited version

- 24) 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.

The Association notes that the extent of any concealment of additions to significant or contributory buildings [for example] is modified when the heritage place is located in a Significant Streetscape. In our view Streetscape quality should also be a relevant consideration in relation to demolition matters.

Comments in relation to the new Precinct Statements of Significance

- 25) The Association's May 2017 Submission in relation to this matter included the following concerns.
- 26) **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.

The reference to William Guilfoyle above is inaccurate. The redesign of University Square in 1904-1906 with diagonal paths, new London Plane Trees and the commission and installation of the temperance drinking fountain should have been attributed to John Guilfoyle [William's brother.] John was curator of the reserves under the Melbourne Metropolitan Parks and Gardens Committee from 1891-1909

- 27) **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.

See Exhibit 14 for further information in support of this contention

- 28) **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.

This recommendation is particularly important for the Carlton area. By not consolidating ALL the Precinct Statements of Significance in the one new Incorporated Document, permit applicants and other interested parties will be required to make reference to TWO separate Incorporated Documents for the City North Statements of Significance [Former Ramsay Surgical Precinct, Little Pelham Street Precinct and Lincoln Square South Precinct] and the Carlton Precinct. For the World Heritage Environs Area Precinct Statement, interested parties will need to make reference to the World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens [October 2009]. This complication should not be necessary.

The Revised Heritage Places Inventory

- 29) The inclusion of Heritage Places in the Heritage Places Inventory that are also included in the Victorian Heritage Register has not been addressed in a consistent manner. See Exhibit 15 for an elaboration of this problem.

Concluding Comments and Recommendations

- 30) In this Report the Carlton Residents' Association has focused upon key problems associated with the translation of the current letter grades [of Heritage Places] to the new Significant and Contributory Grading System.
- 31) From our analysis, many of the errors and inconsistencies have arisen because key elements of the heritage control "system" were not exhibited concurrently with the revised Heritage Place Inventories. We are referring here to the Heritage Overlay Maps and Schedules of the Melbourne Planning Scheme. Quite simply, if significant mapping and or schedule errors have been detected, these cannot be corrected, since the relevant documents were not exhibited.
- 32) This has resulted in many demolished Heritage Places remaining in the revised Inventory, and, worse still, Heritage Places that are recorded in the Inventory having NO protection because of mapping and/or schedule errors. [See Exhibit 16 for an elaboration of this problem].
- 33) The other major problem highlighted by the Association has arisen because there has been no consistency in the translation "principles" adopted by the different consultants. From evidence provided in this submission, it is clear that the default translation of the "C" Grade Heritage Places to the

“Contributory” Grade [adopted by the Principal Consultant for the Carlton Heritage Precinct] was NOT the approach taken in either the West Melbourne or the City North areas [for example].

- 34) Also, from our perspective, conflating the different meanings of the word “Contributory” in the current and revised Heritage Policies was quite unhelpful and problematic. There is simply no sound reason for translating most “C” Grade Heritage Places within the Carlton Precinct to the Contributory Grade, when ALL the “C” Grade Heritage Places within “Individual” Heritage Overlays have translated to the new “Significant” Grade.
- 35) Other problems with the translation component of this Heritage Review have arisen through inconsistencies in the Heritage Place numbering systems. The Association has noted inconsistencies between the Heritage Overlay Schedules and Inventories, and inconsistencies between current and former property numbering systems. In our view the tendency to apply the one heritage grade to a group of Heritage Places, which have previously been assessed [and graded] separately, has been quite problematic.
- 36) Finally, the Association submits that the City of Melbourne should follow the practice adopted by the City of Stonnington, and define each Heritage Place Grading level succinctly, and in a way which clarifies how the new grading system relates to the old letter grade system.

<p>According to Lovell Chen [October 2015] Methodology Report, City of Melbourne Heritage Gradings Review:</p> <p>Buildings graded A1, A2, B and C in this Policy are the equivalent of A, B, C and D/E graded buildings adopted by the City of Melbourne and a number of other councils.</p> <p>Note: this Policy was approved on 25 January 2018</p>	<ul style="list-style-type: none"> ▪ <i>'Significant building fabric'</i> means building fabric (including materials, roof, walls, windows, external joinery and chimneys) with heritage significance identified in the statement of significance or heritage assessment. <p>The heritage citation prepared for each place applies a building grade which corresponds with the following levels of significance:</p> <ul style="list-style-type: none"> ▪ <i>'Significant places'</i> means places of either state or local significance including individually listed places graded A1, A2 or B. [See text box, 'B' equivalent to 'C' in MCC] ▪ <i>'Contributory places'</i> means buildings and other places in a heritage precinct graded C which are contributory to the built form attributes and significance of a heritage precinct. ▪ <i>'Ungraded places'</i> means buildings and other places which do not contribute to the significance of a heritage precinct. <p>The areas referred to in this policy have the following meanings:</p> <ul style="list-style-type: none"> ▪ <i>'All areas'</i> means all commercial and residential areas. ▪ <i>'Residential areas'</i> means all areas included in residential zones. ▪ <i>'Commercial areas'</i> means all areas included in commercial and mixed use zones.
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Postscript

Expert Witness Statements – Procedural Fairness

The Association believes that it is unreasonable that submitters should be confronted with a substantial shift in the Council's position at such a late stage in this important process. This has resulted in submitters having little time to consider the implications of the policy shift.

We are referring to the recommendation that Local Policy 22.04 [Heritage Places within the Capital City Zone] should be the Policy that applies to land within Schedule 5 to the Capital City Zone (City North). From the earliest circulation of draft policies in December 2015 to the most recent drafts circulated in February 2018, the Council's position has been that Local Policy 22.05 [Heritage Places **outside** the Capital City Zone] should apply to the City North Area.

We are also concerned that some submitters are wanting this Planning Panel to RETEST evidence that has already been the subject of an earlier Panel Hearing [C198 City North Heritage Review]. We find this

particularly problematic since the Heritage Consultant retained by the Council in relation to the City North Heritage Review will not be called to respond to any new information tendered in the current hearing.

Finally, given that the Council “intention has always been that Heritage Overlay deletions/additions or changing to/from ‘non-contributory’ status is a job for the comprehensive heritage reviews” we believe that, short of correcting obvious errors [eg deleting heritage places from an Inventory that have been demolished] other deletions and additions should only be instigated following a comprehensive review.

Key References

City of Melbourne [July, 2014] A Review of the Local Heritage Planning Policies in the Melbourne Planning Scheme

City of Melbourne, Future Melbourne (Planning) Committee [5 July 2016] Draft Amendment C258 Heritage Policies Review, Supporting Attachment

Goad, Philip & Tibbits, George [2003] Architecture on Campus - A Guide to the University of Melbourne and its Colleges, Melbourne University Press

Graeme Butler & Associates [2015] West Melbourne Heritage Review, Appendix 6: Assessment criteria used in this report [also Appendix 1, Summary Table of all surveyed places. This table includes both the letter grades and Significant/Contributory Gradings of all the surveyed places]

Harden, Michael [2008] Lygon Street stories and recipes from Melbourne's melting pot

Lovell Chen [2009] World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens [Approved by Minister for Planning 21 October 2009]

Lovell Chen [September 2015] City of Melbourne Heritage Review: Heritage Policies and Precinct Statements of Significance, Methodology Report [Prepared for City of Melbourne]

Lovell Chen [October 2015] Methodology Report, City of Melbourne Heritage Gradings Review [Prepared for City of Melbourne]

Lovell Chen [May 2017] Am_C258_Carlton_Desktop_Gradings_Review

Melbourne and Metropolitan Board of Works [MMBW], MCC, Ministry for Planning and Environment [1984] Lygon Street Action Plan, Final Report

Melbourne Planning Scheme, Incorporated Document, City North Heritage Review 2013 Statements of Significance [Revised June 2015]

Nigel Lewis and Associates [1984] Carlton, North Carlton and Princes Hill Conservation Study [Prepared for Melbourne City Council and Australian Heritage Commission]

RBA Architects + Conservation Consultants [2013] City North Heritage Review, Carlton (vol. 2) Appendix E Carlton Precinct (HO1), part

Stonnington Planning Scheme [25 January 2018, C132] Clause 22.04 Heritage Policy

The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013

Victoria, Department of Environment, Land, Water and Planning [2018] Applying the Heritage Overlay, Planning Practice Note 1

Yule, Peter, Editor [2005] Carlton - A History, Melbourne University Press

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