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To Lord Mayor and Councillors, City of Melbourne
Subject **Carlton Heritage Review C405 Adoption Report – Response from CRA**
FMC 1 Committee Meeting 4 April 2023 Item 6.4

Am C405 is the fourth, and most recent major Planning Scheme Amendment concerning the Heritage of Carlton properties. This Review had its beginnings with Community Engagement in March/April 2015. The initial stages of the review involved ALL Heritage properties in the City of Melbourne; it involved TWO formal Exhibition periods, and culminated in the Gazettal of Am C258 on 10 July 2020.

While the current Amendment incorporates the results of the more detailed review of Carlton Heritage Places east of Swanston Street, most of the key documents included in the package of files to be presented to the Councillors on the 4 April [including the Inventory of Heritage Places; the Schedule to the Heritage Overlay and the Statement of Significance for Carlton HO1] address all areas of Carlton, including the City North Area west of Swanston Street.

Because the City North and the Princes Park areas of Carlton are still to be the subject of a detailed heritage review, much of the information presented in the current package will require further revision to remove inconsistencies with respect to grading designations and to correct serious mapping errors. Further revisions to the Planning Scheme concerning Carlton will also result from the separate [and ongoing] review of the policies and controls over the World Heritage Environs Area [that area surrounding the Royal Exhibition and Carlton Gardens].

According to the Explanatory Report included in the package of papers:

The amendment is required to provide permanent heritage protection for places identified in the *Carlton Heritage Review* ~~September–November 2021~~ ~~Updated February 2023~~ to ensure their values are recognised and protected. The introduction of heritage controls will ensure that the potential impact of new development on the heritage value of these places is considered as part of development applications and achieve the best planning outcomes. The amendment is also required to incorporate new statements of significance to the planning scheme and to rectify mapping and property address anomalies.

In the Association's opinion this statement is extremely optimistic. **For most of Carlton's Heritage Places it will be impossible to determine, with any precision, the nature of the heritage values to be protected.** For example:

- The Carlton Heritage Review has provided NO evidence to indicate whether those heritage places that were previously assessed to be of State Significance [the former 'A' graded places not on the Victorian Heritage Register] continue to satisfy the State Significance threshold.
- The Government's *Practice Note 1 – Applying the Heritage Overlay* clearly states that the thresholds to be applied in the assessment of significance shall be 'State Significance' and

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‘Local Significance’. *‘Local Significance’ includes those places that are important to a particular community or locality.*

- While the Practice Note has emphasised the importance of Statements of Significance as the key tool in specifying the ‘how’ and ‘why’ a heritage place is significant; the Carlton Heritage Review has delivered LESS than forty Statements of Significance for Carlton; and many of these concern small precincts that include several individual heritage places. Given that the Carlton Heritage Overlay HO1 includes approximately 580 significant heritage places [Council’s Pt B Submission to the Panel Hearing p 25] the Carlton community has been left with a serious shortfall of **the** key assessment tool.
- It gets worse. About 62% of the 1510 graded heritage places recorded in the Heritage Places Inventory Pt A [Exhibited November 2021] will possess even less heritage protection on account of their Contributory Status: these places will never be provided with a Statement of Significance [a key planning tool in assessing planning applications in Heritage Overlays].
- The decision by the Council to adopt the NEW Grade of Contributory as the **default conversion outcome for the former “C” and “D” letter graded heritage places** [contrary to a correct understanding of the distinct uses of this Term **as articulated by the Council’s own legal advocate**] remains a major concern for the Association. [The Council’s Senior Barrister explained the problem in the Council’s Pt B Submission to the C258 Panel Hearing at page 38 para 151].
- The demonstrably different ways in which different consultants [retained by the city] have approached the Grading Conversion task has never been acknowledged by the City. In the West Melbourne Heritage Review, almost all the former “C” Graded Heritage Places translated to the new Significant Grade; whereas in the Carlton Review, most of the former “C” Places converted to the new Contributory Grade. **That is, Heritage Places that once shared the SAME level of heritage significance, have now [under the new system] “acquired” a different level of significance depending upon where they are located [that is, Carlton or West Melbourne]. In the Association’s view, that is not a credible outcome.**

While the CRA accepts that the Council and the State Government can approve a new heritage category [Contributory Heritage Place] that doesn’t satisfy ANY of the established heritage criteria required to meet the Local Significance threshold, it must be recognised that this new heritage category carries little more status than a character place. We will never know, with any precision ‘how’ and ‘why’ these places contribute to the heritage of a precinct; a very fragile basis for making key heritage decisions.

Apart from the Planning Practice Note [cited above] the other key heritage guidance document is the Burra Charter [the Australia ICOMOS Burra Charter, 2013]. According to this Charter, the *Conservation of a place should identify and take into consideration **all aspects of cultural and natural significance** without unwarranted emphasis on any one value at the expense of others.* Article 5. Values: 5.1 [emphasis added]. Earlier, in Article 1. Definitions [Burra Charter] at 1.2 these values are listed: *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

- While this Charter emphasises the importance of considering ALL aspects of cultural and natural significance, for most of Carlton’s heritage places the Council has provided no evidence to the community to demonstrate that this expectation has been satisfied.

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- From an examination of Lovell Chen's Grading Conversion Excel Spreadsheet [July 2018], it is clear that the consultant's **initial** focus was upon the visual attributes of those places subject to review. Since the Council is yet to release an updated version of this Spreadsheet to the community, this Association has no way of knowing what, if any, further assessment work was undertaken in relation to the hundreds of heritage places initially assessed as Contributory Places.

Key issues raised in earlier CRA Submissions that remain a concern to the Association

Undue Focus upon Aesthetic Value

In the Association's oral presentation to the Am C405 Panel Hearing, we expressed concern that buildings constructed in the last decades of the twentieth century could achieve a significant grading on aesthetic grounds alone. That two educational buildings [one RMIT and one University of Melbourne] could achieve heritage status without reference to any of the other important heritage criteria [e.g. technical significance and research potential] was concerning. If neither of these educational buildings reflected best practice in educational planning or introduced important environmental initiatives, how could they possibly justify a heritage grading?

Reluctance of Council to respond to the C258 Panel Recommendation concerning the need to further segment the large Carlton Heritage Overlay HO1.

We share the Panel C258 conclusions in relation to the need for further segmentation at pages 80 and following of the Panel Report

- *There was concern however about the lack of site-specific Statements for properties within a precinct, particularly now the 'assessed significance' of a place will be a key consideration in dealing with applications for demolition, alterations and new buildings. It was considered the lack of information as to what, how and why a place is significant will make them particularly vulnerable to demolition or unsympathetic alterations / additions.*
- *The Panel particularly supports, inter alia: the need to segment the large diverse precincts of Carlton and South Yarra in future work so as to better define the values of the areas in separate Statements of Significance*

In our view, the concentration of significant heritage places on, or near the Drummond/Elgin Street intersection should have justified a SEPARATE Heritage Overlay. It would be difficult to locate a greater concentration of significant commercial and [former] public heritage places in Carlton. Given that most of these places have NOT been provided with Statements of Significance, this provides a further justification for a new precinct overlay.

Reluctance of Council to adopt the Victorian Heritage Overlay Place numbering system in the Council's Heritage Places Inventory.

When the VHR information clearly documents which properties within an Overlay are **not** significant, we believe that it is MISLEADING for the Heritage Place Inventory to ignore this information. In the Association's written submission to the C405 Panel Hearing, two examples were provided to illustrate this problem.

- 98-126 Lygon Street & 68-72 Queensberry Street Carlton – The Lygon Buildings
- 169-199 Rathdowne Street, 2-40 Pelham Street & 154-184 Drummond Street – Church of the Sacred Heart Complex

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It is the Association's understanding that the Street numbering adopted for Heritage Places on the VHR [in describing these places] should be consistent. Instead, the Council has provided two and three separate addresses for the above VHR Registered Places AND recorded misleading Grading information for these "secondary" addresses in the Inventory. [Further, the 169-199 Rathdowne St address in the Inventory has been recorded in the EVEN numbers; very confusing.]

Reluctance of Council to include Statements of Significance for Heritage Places [currently located in the Carlton Heritage Overlay HO1] within an incorporated document.

In the Association's opinion these Heritage Places [which include the Clyde Hotel at 385 Cardigan St; the San Marco Social Club at 149-151 Canning St; and Carlton's valued Squares] are ALL sufficiently distinct AND significant to justify INDIVIDUAL Heritage Overlays, or, in the case of the squares, a serial Heritage Overlay listing. In our view, these Heritage Places will never be accorded the attention they deserve if they are relegated to background documents.

Further, the State Government publication ***A-Practitioners-Guide-to-Victorian-Planning-Schemes-V_1.5*** expects Heritage Statements of Significance to be Incorporated Documents:

A document should be incorporated if the document is:

- Essential to the administration or enforcement of the planning scheme, that is, without the document the scheme cannot be properly understood. *The Code of Practice for Timber Production* is an example.
- Necessary to determine the extent of a planning control or whether planning permission is required. *The Code of Practice for Telecommunications Facilities* in Victoria is an example. Without this document, it is not possible to tell whether a permit is required for a telecommunications facility or not.
- A statement of significance under the Heritage Overlay (see Chapter 6.5.8).



The Cardigan House Carpark designation – the Association believes that the designation of this building as a Significant Heritage Place is extremely provocative.

It is impossible, in our view, to reconcile the need for new buildings in heritage areas **to respect their heritage context** with a new building [The Cardigan House Carpark] that is not just NON-CONTRIBUTORY but a building that actually DEGRADES the fine grained heritage context of Dorrit Street Carlton. See extract from current Heritage Policy below.

15.03-1L- Heritage 02

New buildings strategies

Ensure new buildings:

- Are in keeping with 'key attributes' of the heritage precinct as identified in the precinct Statement of Significance.
- Are in keeping with key attributes of the heritage precinct such as:
 - Building height, massing and form.
 - Style and architectural expression.
 - Details.

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- Materials.
- Front and side setbacks.
- Orientation.
- Fencing.
- Prevailing streetscape height and scale.



In the Submission endorsed by the CRA on 21 March 2022, the following observation was recorded: Although this multilevel carpark building was constructed well before key heritage and built form controls were introduced, it is difficult to comprehend how any striking, robust and bold architecture, which is so disrespectful of its immediate heritage context, should now be accorded Heritage Significance. This would set a most unfortunate precedent for any valued heritage environment.

Grading Status of Heritage Places at 94, 96 and 98 Drummond Street Carlton

In the Consultant's October 2021 Memorandum to the City of Melbourne [included in Attachment F: Carlton Heritage Review – Additional Recommendations p 92ff in Part 4 File] the Consultant recommended that these properties should be graded as Significant Heritage Places. Why wasn't this recommendation incorporated in the other exhibited C405 documents, including the Heritage Places Inventory? And why has this entry in Attachment F now been DELETED in the amended version of the Attachment?

The Association is of the view that these properties should be accorded a Significant Heritage Place Grading. Apart from the reasons advanced by the Consultant in October 2021, these Heritage Places have an extensive and rich social history that would also satisfy Heritage Criterion G: Social Significance.

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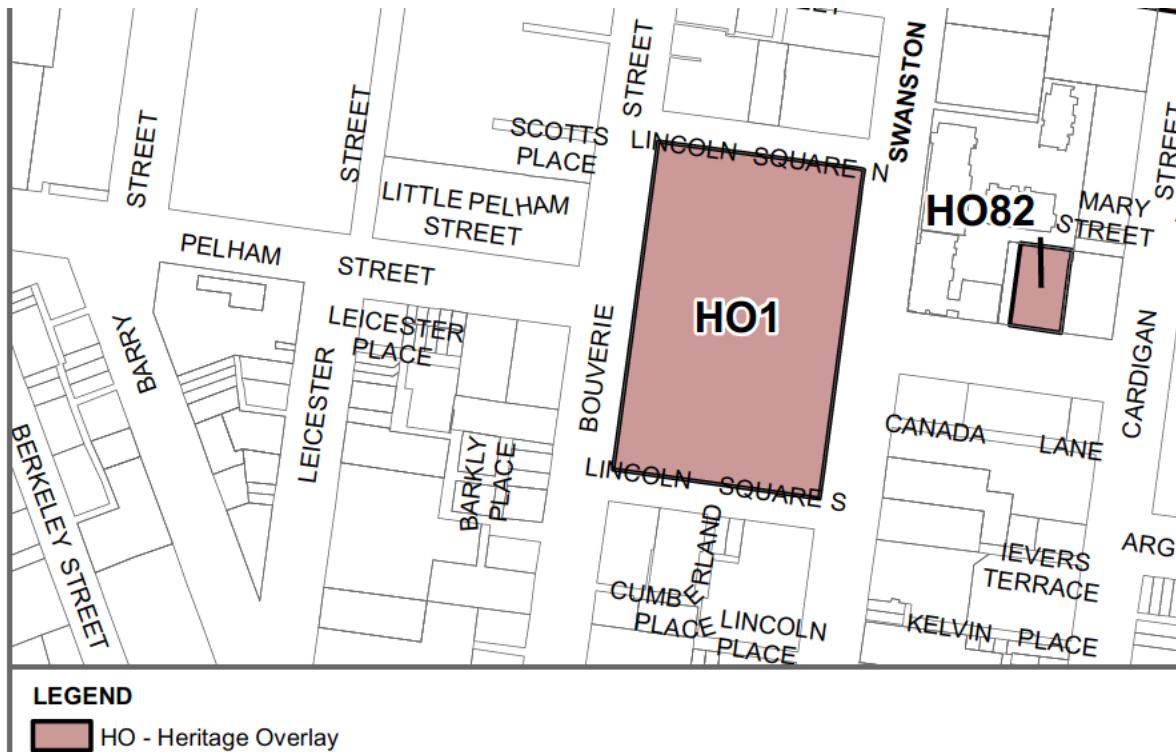
Extract from Attachment F [as Amended]

Address/ Property ID/HO number	Included in Heritage Places Inventory	Recommend -ed grading / HO	Issue	Recommendation reason
<p>92-94, 96 and 98 Drummond Street (92-94 and 96 Drummond street) 510624, 510625, 510626 HO1</p>	<p>Yes (98) Contributory No (92-94, 96)</p>	<p>Significant HO1</p>	<p>Address- ing Review grading</p>	<p>Three addresses for one building. All three property addresses should be listed as significant in the Heritage Places Inventory.</p> <p>This is a c. 1884 school hall, constructed as part of the St Andrews Gaelic Church complex, believed to have been to a design by architect Leonard Terry of Terry & Oakden. The 1850s church was demolished in the c. 1930s. Religion and religious places are an important historical theme in Carlton.</p> <p>92-94 and 96 Drummond Street were included in Amendment C396. These properties had been incorrectly omitted from Amendment C258 and the Heritage Places Inventory.</p> <p>Significant (all)</p>

Carlton Heritage Review C405 Mapping Corrections

Extract from *Carlton Heritage Review C405 Adoption Report 4APR23 FMC1 6.4 (Part 1 of 4)*

illustrating addition of Heritage Overlay for Lincoln Square. Why didn't the Council take the opportunity to correct significant mapping errors on this map at the same time? **These errors were recorded in the Association's C396 submission to the Council dated 24 June 2021, over 18 months ago.**



119-125 Leicester Street Carlton - HO 63

Heritage Overlay is located over the WRONG building, as illustrated in VicPlan Map below



145-147 Bouverie Street Carlton - HO 804

The Heritage Overlay only covers HALF of the Significant Heritage Place, as illustrated below

