

MELBOURNE SOUTH YARRA RESIDENTS GROUP INC.

Submission on Melbourne Planning Scheme – Heritage Policy Review

Introduction

There are in our view significant issues still to be addressed, particularly the drafting and application of parts of the policy including definitions, the grading of buildings and streetscapes and the form and relevance of Statements of Significance. At this early stage we have not decided how best to deal with these and nor have we had time.

However, if the new policy does not establish a clear and well-drafted series of steps that can be understood and applied with the maximum degree of certainty, residents and council will continue to spend far too much time and money dealing with disputes.

The Most Common Dispute

If the policy is to genuinely achieve its objective "to conserve and enhance Melbourne's heritage places" the new draft will not succeed.

A good way of demonstrating this is to see what happens when it is applied to perhaps the most common situation where these issues arise, namely, when a new building is to be constructed in a "heritage place" whether as an addition or a complete building.

Demolition under Clause 22.05.5 has similar issues but is largely controlled by the grading of the buildings and until these are brought up to date that protection is diminished or lost.

How will it be dealt with?

This process is governed by clause 22.05-7 "New Buildings".

To determine whether a new building should be approved under Clause 22.05-7 the following issues must be addressed.

1. The new buildings should not detract from the "assessed significance of the heritage place". What does this mean?

"A heritage place has identified heritage value and can include a site, area or space, building or other works, structure, group of buildings, precinct, archaeological site, landscape, garden or tree."

"An individual heritage place is equivalent to a significant heritage place. It may be graded significant within a heritage precinct. It may also have an

individual Heritage Overlay control, and be located within or outside a heritage precinct.”

a) A heritage place in South Yarra cannot be identified from the Statement of Significance because the Statement of Significance is too broad.

b) An individual heritage place cannot be usefully identified because all the draft policy says is that an “individual heritage place” is equivalent to a “significant heritage place” (without any explanation) and the only gradings in the schedule of HO6, called “heritage places”, contain no information about those places.

c) The only guidance we get at the moment is from the grading of any relevant buildings and the significant streetscape classification which is inadequate and (incorrectly) rarely used in South Yarra.

2. The building must be compatible with “identified ‘key attributes’ of the heritage precinct”.

Key attributes are defined as those of the “heritage precinct...identified in the precinct statement of significance.” The South Yarra statement is so broad as to be of no value when identifying the key attributes of heritage areas such as Hope Street, Mason Street or Leopold Street.

3. The building must also be compatible with “precinct characteristics” and again the characteristics of precinct HO6 as described in the Statement of Significance are so broad as to be of little or no value when considering the position of an individual heritage street.
4. It must also be compatible with “Prevailing streetscape height and scale” and the only guidance we get is from the definition of “significant streetscape” which has (incorrectly) almost never been used in South Yarra and ignores the many contributory streetscapes all together.

Did it Succeed?

The answer is No!

When determining these issues no assistance is provided by the statement of significance and the only assistance will be the grading of buildings which is well out of date and the streetscape classification which is now restricted to only those which are classified as significant.

The new policy does not therefore provide a clear and well-drafted series of steps that can be understood and applied to effectively protect heritage places in South Yarra.

Further Action

If the new policy is to effectively establish new procedures to protect heritage properties and places and minimise disputes the following steps must be taken.

- A. The statement of Significance must identify and describe all important heritage places to be of any value.
- B. Building gradings must be updated and all post Victorian and inter-war buildings added.
- C. The transfer from current gradings should not be done as Lovell Chen propose until we know why it has not been done in accordance with the Review of Local Heritage Planning Policies (July 2014).
- D. There must be at least two streetscape classifications (significant and contributory) and streets must be properly classified.
- E. The information in the heritage schedule of HO6 must be brought up-to-date as must the DDO's
- F. Vague and imprecise terms such as "referenced" and "respectful" must be replaced with clear succinct ones and the confusing and complex drafting including definitions must be changed.

In our view in order to protect heritage places and avoid most arguments one simple requirement for all buildings (whether alterations or new) in heritage places would be required.

"In terms of its height, scale and character it must be compatible with its neighbours and the heritage place."

Postpone this Application

Until all of these tasks are addressed, brought together and drafted in a consistent manner there cannot be any effective protection of our heritage.

The application to amend the Melbourne Planning Scheme should not therefore be made until this work is done. Only then will the policy "to conserve and enhance Melbourne's heritage places" succeed and the further downgrading of that protection be stopped.

Melbourne South Yarra Residents Group Inc.
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