



MELBOURNE SOUTH YARRA RESIDENTS GROUP INC.

Established by the residents of South Yarra in 1969

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16 May 2016

Heritage Policy Review

Dear Robyn

Thank you for meeting with Paul McSweeney and me last week to give us an opportunity to explain our concerns about the proposed draft policy. Enclosed is a further copy of the submission by the Melbourne South Yarra Residents Group Inc dated 3 March 2016 which explains most of those concerns.

While it remains our view that the scope of the current review is far too narrow to establish a policy that will provide adequate protection for our remaining heritage areas, I limit this letter to the key issues for South Yarra raised during our discussion.

Statements of Significance

Statements of Significance are integral to the operation of the heritage policy. The draft Statement of Significance for South Yarra does not provide the information necessary to identify “heritage places”, “key attributes” or “precinct characteristics” except in the broadest of terms. The operation of much of the policy depends upon an adequate Statement of Significance. The HO6 precinct or its schedules do not provide that information.

The important heritage precincts in South Yarra are in particular:

- Marne Street
- Airlie Street
- Leopold Street
- Park Street
- Mason Street
- Millswyn Street
- Hope Street
- Pasley Street
- Toorak Road West.

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Apart from Marne Street the others are either not mentioned in the Statement of Significance at all or the references are so general as to provide no basis for determining whether it is a “heritage place” or what its “key attributes” or “precinct characteristics” are.

Streetscapes

Streetscapes are particularly significant because they classify and grade “collections of buildings” which assists in identifying heritage places or precincts that ought to be protected.

Streetscapes have been an important element when determining “precinct characteristics” and to remove altogether Streetscapes Two and Three leaving only significant streetscapes removes and weakens the heritage protection currently available.

The VCAT decision in Gunn demonstrates the importance of graded streetscapes. We dispute Lovell Chens view that retaining classifications Two and Three diminishes their importance.

It means that apart from Marne and Park Streets none of the other important heritage streets in South Yarra are protected by any streetscape classification and that must be remedied by re-instating Streetscapes Two and Three.

While it might be the intention of State Government to remove streetscape classifications altogether that may be years away and in the meantime this current protection must be retained. This is essential particularly in the absence of an adequate Statement of Significance.

Building Gradings

You informed us during the meeting that your classification of “contributory” means it is of “local significance” and that “non-contributory” means that it is of no local significance. We have also been informed that all current gradings A and B are now classed as significant , but C and D classified as contributory but that can’t be readily understood and checked without the published table being amended to include the current gradings. Nor is it possible to understand when other issues have been brought to bear in order to achieve the declared translations.

If, therefore, what has been done is to be understood this additional information must be included in this inventory for consideration by the residents before it goes to the Panel.

Conclusion

Accordingly, in order for there to be any meaningful conversation between Council and residents of South Yarra the following additional steps are essential before the Panel process commences.

1. The Statement of Significance for South Yarra must be amended by adding at the very least brief descriptions of the significance of each of the streets/sub-precincts we have identified.
2. Streetscape classifications One, Two and Three must be re-instated in order to maintain at least the current level of protection and that should be done notwithstanding the possibility that streetscapes may at some future time be removed. We must retain that protection in the meantime.
3. The heritage inventory must be amended by adding the current building gradings, an explanation when the translation has been done in some other way and the reinstated streetscapes.

Your suggestion at the meeting that these matters can be dealt with by the Panel is unacceptable as it excludes relevant information we are entitled to see and prematurely precludes further consultation with residents.

Yours sincerely,

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Enclosure:

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 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.
3/3/2016