

AMENDMENT C258

MHA PANEL HEARING NOTES

JULY 2018

Background

Current very minimal and vague CCZ guidelines (dating from 1999) have not prevented very poor outcomes in last decade, a big change from 1980s and 90s when for instance facadism was very rarely permitted. Poor outcomes include :

- Facadism; only front wall and maybe some side walls retained, ending up as facades stuck on the base of large new buildings.
- Towers behind retained facades that step forward, sometimes right to the boundary, completely overwhelming the retained heritage building (or facades).
- Buildings with a low 'grading' within heritage precincts subject to complete demolition.
- Large dominating rooftop additions, even as large as the building below

MHA very pleased that the City has prepared new heritage policies

- Strongly supports the proposed adoption of Significant and Contributory (and non-contributory) gradings system.
- Guidelines that relate to these gradings far clearer process.

Consultation Process

- We have only had two meetings regarding the guidelines, not much feedback.
- Should have been a process starting from first principles, eg a review of good and bad outcomes, and then testing the guidelines to see if desired outcomes achieved.
- Instead they started as rewriting of the guidelines for outside the CCZ (formerly just the CBD) – so feel like written for the terraced areas of the City, with a few additions made for the specific CBD context, despite different challenges
- Council has stated that **“policies have worked well in the past”** but we disagree.
- Guidelines could be a lot more specific given the well-known heritage issues in the CBD

But we will work with whats in front of us :

- Main concern is that some still vaguely worded or contradictory, can work as loop holes

Now is the time to make sure intent is clear.

HERITAGE GUIDELINES WITHIN THE CCZ : CLAUSE 22.04

Summary of concerns and suggestions

1. Agree that Within and Outside the CCZ could be combined; alternatively substantially rewritten separating out for different types of buildings, or different sub precincts
2. Clearer definitions needed
3. Should remove superfluous Individual HOs - only found in CCZ
4. Definition of 'places' should be expanded to include eg public art, interiors, viewlines
5. 'Front part' should be expanded to : two bays / 10m, with ability to expand depending on the place, not be so fixed.
6. 'Adaptive reuse' better defined

7. DELETE all the decision guidelines for demolition – too vague and contradictory
8. ‘Reversibility’ is a dangerous concept to include
9. Restoration should be more strongly encouraged
10. Policy for Trees expanded to gardens and landscapes
11. Better define Street Infrastructure
12. Better define historic signage

Discussion

1. One Policy

- Since is a version of policy Outside the CCZ, written with reference to terrace houses and shops eg ‘front fences and outbuildings’, ‘front two rooms’, ‘reconstructing awnings’ – with few differences with Outside Policy, makes sense to combine as Sophie Jordan suggests.
- Uncertain about status of City North, currently subject to Outside policies, with some variation – West Melbourne and Arden Macauley very similar, indeed Southbank and CBD fringes similar too, except that much taller new development allowed. Logical to apply the Within CCZ policies, ie less strict, to these areas ? or just to Hoddle Grid and Southbank ?

2. Confusions between ‘heritage place’ vs ‘building’

- There are ‘heritage places’, ‘individual heritage place’, buildings, precincts and other types of places. ‘heritage place’ is defined as a “*site, area or space, building or other works, structure, group of buildings, precinct, archaeological site, landscape, garden or tree.*” But ‘heritage precinct’ is defined separately, as is ‘individual heritage place’ but not ‘contributory heritage place’, and ‘building’ is often used in the specific policies, even sometimes ‘heritage place or building’. There are a few other policies specific to other types of places eg trees and gardens and street infrastructure, but none for bridges or monuments, even though some of these are also graded. Under Demolition - a non-contributory place will be permitted, but full demolition of significant or contributor building will not. Use should be consistent.

3. In CCZ remove superfluous Individual HOs

- There are currently many places with individual overlays (not on VHR) within precincts - date from the 1980s ‘Notable buildings’, not the same as ‘Significant’ places - situation exists only in the CBD. The individual overlays should be removed

4. Expand and repeat definition of Heritage Place

22.04-1 Policy Basis and 22.04-18 Definitions

- ‘Places’ are defined in Definitions as including things other than buildings, but useful to repeat in Policy Basis : ie “*...a site, area or space, building or other works, structure, group of buildings, streetscapes, precinct, archaeological site, landscape, garden or tree.*”
- we would also add **historic signage, viewlines, street objects such as monuments, public art and street lamps, street fabric and infrastructure such as bluestone gutters and laneways,**

and bridges. Include interiors ? (relevant for places on the VHR, and soon to be covered at the local level too – Hoddle Grid Review Stage 3, due 2019).

- Could also include **“historic street trees and plantings and retaining structures, bridges, monuments, memorials, drinking fountains, slate footpaths, historic service covers, and the like.” Or words that cover this range of ‘places’.**
- The definitions state that they are places that ‘have been assessed’ but very few places other than buildings and precincts have already been assessed and graded – is this meant to include future assessment ?

5. Expand depth of Front or Principle Part

Very pleased to see :

22.04-2 Policy Objectives

- *To encourage retention of the three dimensional fabric and form of a building and to discourage façadism.*

and

22.04-18 Definitions

- Facadism : very pleased to see facadism defined
- **‘Front or Principle Part’ – very pleased to see that internal structure is included, and that corner and rear elevations are also included.**
- Disagree strongly with Lovell Chen Expert Opinion that "complete with the structure" be deleted, on the basis that there are ‘no internal controls’. Internal controls are for controlling 'interior features' like a grand banking chamber, not the structure of the building per se. We strongly recommend that this phrase stay in place, lest we be faced with facadism, despite the policies against it !
- We feel that “one structural bay ...generally 8-10m depth” does not represent more than a very small part of non-residential buildings, which can be very large area. And may not have ‘structural bays’ in which case is it 10m depth ? or 8 ?
- CBD industrial buildings often have a front office portion, and ‘shop floor’ behind; retaining only 8-10m may not even be all of this office portion, let alone preserve any of the shop floor behind. CBD office buildings may have no clear structural bays or roof forms.
- Prefer **“...the front part is generally considered to be the front section if it has a differentiated use, or two structural bays, or at least 10m depth depending on the layout and significant elements of the building.”**

6. ‘Adaptive reuse’ not desirable in itself

22.04-2 Policy Objectives

- *To encourage the adaptive reuse of heritage places.*

Adaptive reuse is not a positive starting point that should be encouraged – it mostly occurs in CBD when a different use becomes more financially rewarding; this is when heritage controls are most useful.

Suggest :

- ***To ensure any change of use of heritage places retains the significance of the place.***

7. Decision guidelines for demolition vague and contradictory

22.04-5 Demolition

The Polices are all strongly supported
However they are followed up with a list of reasons for allowing demolition !
They repeat the vague or contradictory **existing** decision guidelines.

Ether completely new ones should be drafted, or they should simply be deleted.

“The Responsible Authority will consider :”

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

All buildings will be either Significant or Contributory

Sounds like invitation to re-assess significance.

Unless there is new information / recent changes that means building should not be graded *at all*, this is asking for trouble.

- ***“The character and appearance of the building or works and its contribution to the historic, social and architectural values, character and appearance of the heritage place.”***

“character and contribution to historic values” sounds a lot like significance. With added confusion of ‘works’ – does this mean part of a building, or the proposed works ? If the latter then this is asking for the architectural value of the new work to possibly outweigh somehow retaining the original. (This occurred recently in Crossley Place much to our distress.)

- ***“The significance of the fabric or part of the building, and the degree to which it contributes to the three-dimensional form of the building regardless of whether it is visible.”***

This seems unnecessary, since all Contributory buildings need only be retained to the extent of the ‘front part’, and the whole of Significant buildings. If it is a part that is not the ‘principle or front part’ it would still contribute to the form, but can be demolished anyway. If this is to control minor elements of a Significant building that might be demolished, then the guide is how it may or may not affect significance.

- ***Whether the demolition or removal of any part of the building contributes to the long term conservation of the significant fabric of the building***

This guideline has been in the CBD planning scheme since the early 1980s but makes little sense ie. how does demolition itself contribute to the conservation ? and in practice sets up a terrible formula – that it is acceptable to propose demolition of a large part, but keep the ‘significant fabric’ ie the front part ?, which is therefore conserved for the foreseeable future.

This guideline is no longer necessary since all Contributory buildings need only be retained to the extent of the front portion.

If this guide is retained it will inevitably be applied to Significant buildings as well, contradicting the main policy.

8. ‘Reversibility’ is a dangerous concept to include

22.04-6 Alterations

This guideline set a dangerous precedent without much more explanation

- ***Whether the works can be reversed without loss of fabric which contributes to significance.***

First, how can reversing works lose fabric? Surely the original works might do that?
Second, allowing actions if can be 'reversed' opens a can of worms.
It is a misunderstanding of the Burra Charter which allows for actions that change the appearance or benefit conservation if they are clearly reversible; they are meant to be and appear temporary ie adding a new floor over a decayed one, storing valuable items away from weather or vadales

In normal planning situations, this concept has been used to replace original doors with new sliding doors, or original shopfronts with larger ones.

They are 'Reversible' but almost anything can be reversed by reconstructing lost elements. If it involves elements removed that might be put back later, there is no guarantee this will ever happen or that the removed elements will still exist.

Perhaps "**whether the works can easily be reversed using original elements**" would be more to the point, or delete.

9. Restoration should be more strongly encouraged

22.04-9 Restoration and Reconstruction

Agree with Sophie Jordan evidence that this policy is confusing.

We note that too often simple restoration actions like the removal of paint or the reconstruction of small details do not occur, despite extensive works.

Agree strongly with her suggested first policy :

- **It is policy to encourage the restoration and / or reconstruction of a heritage place.**

We note that the next point ending: '...should not preclude such processes at a future date.' is both contradictory (as it follows on from an encouragement to restore), and could be used as an excuse to not restore; this should be deleted.

10. Policy for Trees expanded to gardens and landscapes

22.04-XX Trees

Very pleased to see a guideline for trees.

Should be extended to include **Trees, Gardens and Landscapes ?**

Eg "**Any works to identified gardens or landscapes should conserve and restore built elements, restore planting as far as practicable, and be guided by a CMP or HIS where relevant.**"

11. Better define Street Infrastructure

22.04-15 Street Fabric and Infrastructure

Very pleased to see a policy here, but not completely thought through.

- 'Street fabric and infrastructure' is not defined, except that new works should be designed to avoid "...**bluestone kerbs, channels and gutters, other historic street infrastructure and historic street tree plantings.**"
- As outlined above, should be listed in 'Definitions' as "**bluestone kerbs, channels and gutters and laneways, historic street trees and plantings and retaining structures, bridges,**

monuments, memorials, drinking fountains, slate footpaths, historic service covers, and the like.”

Also good to see that :

For existing significant and contributory street fabric and infrastructure, it is policy that:

- ***restoration, reconstruction and maintenance should be carried out in a way that retains the original fabric, form and appearance.***
- However we note that currently no street fabric is graded except bridges; delete reference to Sig and Contrib ?

13. Better define historic signage

22.04-16 Signage

Very pleased to see that :

- ***Existing signage that is deemed to have heritage value should be retained, and not altered or obscured, including historic painted signage.***

Though why single out painted signage ? and of course it would be historic. Should include buildings names, historic neon, old street signs. Delete ‘including historic painted signage’ or add **“...such as painted signage, buildings names, neon signs and old street signs.”**

Not sure we need this bit.....

New policies supported :

22.04-3 Permit Application Requirements

- The requirement to prepare CMPs and Heritage Impact Statements is strongly supported.

22.04-5 Demolition

Very pleased to see

- ***“Full demolition of significant or contributory building would only be permitted in exceptional circumstances.”***

And that

- ***“The poor condition of a significant or contributory building will not be considered justification for permitting demolition.”***

22.04-7 Additions

Very pleased to see that additions should:

- ***Maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts.***
- ***...must not build over or extend into the air space above the front or principal part of a significant or contributory building.***
- ***Not employ external column/structural supports through the front or principal part of the building.***

Far too many examples of both overly large and dominant rooftop additions, and cantilevering above entire buildings, in recent years

22.04-8 New Buildings

- All these guidelines are strongly supported