

## **Presentation to Panel:**

### **Jennifer McDonald Monday morning 13<sup>th</sup> August 2018**

We wish to argue that the Planning Scheme needs to be strengthened in its clauses and processes to better protect Heritage Places.

We would like to take as a case study a Planning Permit with which we are very familiar from initial objection, consultation meeting, presentation to the Future Melbourne Committee and participation in an appeal to VCAT. We have photos of the construction of an underground car park situated in front of a Grade A building on a level 1 streetscape at, GOODREST, 120 Toorak Rd. West, South Yarra.

Photo A is a rendering which we commissioned. Compared with photo B it shows the extent to which the proposed car park, approved in the planning permit, obscures the front elevation of the building. The Planning Scheme under which this was approved says "additions should always be concealed". Here the clause has not been strong enough to prevent this development. The proposed new scheme is more descriptive and says, "should not obscure views of the façade or elevation associated with the front of the building." But would this new clause have prevented the approval of this development?" Will not" would be stronger than "should not".

There is a proposal in the new scheme where onsite car parking may be permitted "where ramps to basement or sub-basement car parking are located to the rear of the property or to a side street where they would not visually disrupt the setting of the significant building or impact on the streetscape character". However, if neither of these options are possible does this clause stop the construction of the carpark as seen in the photograph? I believe it is so important to preserve the "significant" streetscape character and the heritage policy needs to be able to do this.

Heritage Victoria agreed to assess the property for listing on the Victorian Heritage Register. Despite saying that "an underground carpark in front of a mansion of this kind would diminish its heritage status" their priorities did not allow them to move ahead and they said they would rely on the Council to implement its Heritage Overlay.

One important reason for strengthening the clauses in the planning scheme is the difficulty these days for any party to call on the advice of independent Heritage experts. They are dependent on developers and the MCC for their income. They may interpret the planning policies according to pressures to facilitate development.

For example both consultants for this proposal acknowledged an outstanding heritage feature of this site saying "the celebrated frontage to Toorak Rd" ..... "the key heritage components of the site being the key views of the building from the South." . but neither considered the impact of the unattractive large concrete openings and ramp on the views of the building and its heritage status or the question of compliance with the Planning Scheme.

Where strong protections exist for Heritage properties, such as a Conservation Management Plan, too many issues are being relegated to the Permit conditions instead of being dealt with before a permit is issued. For example, the heritage adviser for the City of Melbourne requested a Conservation Management Plan for this "highly significant and complex site", but it was relegated to the conditions of the Permit. Why wasn't it called for during the months while the application was being considered? Suppose it said that a three-meter excavation around the mansion on three sides

may damage the integrity of the main structure or the proposal infringes the planning scheme. What impact would this have had on the granting of the permit?

Similarly, there is a condition in the Permit requiring a qualified arborist to advise whether the 100 years old, 30m high palms can be safely removed, stored off site for about 6 months during construction and replanted on site. And If the arborist says that their survival is threatened and the 3m space into which they are to be replanted will not allow for enough bowl of soil to be retained when lifted. This should have been dealt with before the permit was issued as requested by the National Trust which has the trees listed.

In the case of this application even the required frontal elevation of the carport structure was only required as part of the conditions of the permit. How could a decision be made on the appropriateness of the car park for this most significant site when the frontal elevation on which such a decision would be based was not available?

Recently a representative consultant for MCC, Mr Andrew Clarke, making a submission to VCAT regarding the implementation of a Permit condition said it "should remain a two party process whereby Council is regulator of what is acceptable or not". This appears to be a preferred arrangement between the Council and the developer as it excludes third parties. However, if so many important issues are relegated to the conditions, we believe that concerned residents and conservation bodies should have the same access to reports and other documents relating to the performance of conditions and the right to object in the same way as in the planning application process.

There is one further important issue which I would like to refer to and how it relates to my street in South Yarra. In Leopold Street there are a number of buildings, (see Photo. C) which, have been questionably ungraded in the old scheme and are unlisted in the new scheme. These buildings include, Federation terraces and Interwar unit development. The interwar blocks of units are well preserved and aesthetically interesting. The heritage period style of the street derives from its mix of heritage styles, one and two story Victorian and Federation single and paired cottages and terraces and two story interwar blocks of units. It is an heritage character which is special to the street and its history with the harmonious transition from one period style to the next, each contributing to and reinforcing the heritage quality of the street. There is great concern that these unlisted or non-contributory places will be ripe for the developers and demolition. This would be completely contrary to the objectives of the Heritage Planning Policy. As I have said above these buildings make up some of the essential elements of the heritage character of Leopold Street.

I agree with previous presenters that there is an urgent need for reassessment of the gradings in the heritage zones, or Is there some way an interested party, developer, authority or interested resident could ask for a classification of unlisted buildings to be undertaken before any development proposal was considered?

I would just like to add a comment to a previous submission about demolition. We are concerned about the way in which the first clause under that heading talks about "full demolition of significant or contributing buildings will not normally be permitted." We agree with the previous presenter that it may be inappropriate to talk about demolition in a scheme designed to preserve heritage buildings. Demolition should be seen as only occurring in exceptional circumstances and these clauses relating to demolition policy should be strengthened to reflect that intent.



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