

**Panel Submission**

**Yarra Planning Scheme Amendment C269**

**27 October 2021**

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**THE  
3068  
GROUP**

**The 3068 Group Inc.**

PO Box 118, Clifton Hill 3068

UPDATED SUBMISSION WITH ADDED CAPTION TO DESCRIBE PHOTO LOCATIONS AND A NEW SECTION OF NEW PHOTOS OF LANDMARKS.

Incorporated 26 November 1998, ABN 61 907 325 331

The overall aim of the 3068 Group is to maintain the heritage character, streetscape and amenity of the postcode area of 3068 and the City of Yarra.

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## ***Vision for Yarra***

It is customary to start planning documents with a vision.

### **Vision**

By 2040, Yarra will have twice the population of today, with twice the number of cars. Gardens will be reduced to a few pockets. The parks and streets will be overloaded and the natural environment degraded. Edinburgh Gardens was the first to be fenced and an admission charged. The trees were replaced by astro-turf to cater for the huge crowds. The high rise residential buildings started to fail and no one was responsible to repair them. The 5-star ESD rating was found to be a sham. Energy use skyrocketed. Tree planting by council couldn't keep up with tree loss by private owners converting private open space to higher value assets. Heritage dwellings were degraded by loss of access to light. The failed shopping strips were replaced by 24-hour air conditioned malls with underground parking. The malls were encouraged because they generated jobs. An audit of wildlife found a catastrophic decline.

*But none of this was in the planning scheme - what went wrong?*

### ***A question of balance***

Yarra has more heritage sites than any other municipality in Victoria. It is part of the city's character.

Yarra is also home to an extraordinary diversity of high streets. Some of the biggest and best known as well as smaller neighbourhood commercial centres.

These are where commercial activity has been concentrated for over 100 years.

Their success makes them a target for developers.

Since at least 1999, Yarra has argued that the activity centre model is a very poor fit for Yarra. This is not where development should be concentrated.

Strategic Redevelopment Sites, former industrial sites - that is where the development and new housing should go.

Trouble is, developers prefer the high streets - that's where the action is. Creating a whole precinct in an industrial zone is a lot harder than a shiny new tower in a shopping street.

The Activity Centre concept makes a lot of sense when looking at Melbourne from on high - as a way to address the vast sprawl. Think Shopping town; Box hill Central, Chadstone.

A hierarchy of density, development and activity should be encouraged where none exists.

But the Activity Centre is a solution to a problem that does not fit the historic topography of Yarra. It never did and it never will.

The activity centre is a solution to a problem that does not exist here, because the whole of Yarra is an activity centre.

The Activity Centre is baked into the planning scheme and into the thinking habits of every one in planning. Any questioning of it is heresy.

Yarra has finally given up even arguing against this inappropriate model forced on it by departmental bureaucrats, tribunals and panel decisions.

After years of rejection, Yarra has abandoned arguing against Activity Centres and is instead trying to adapt a poorly fitting model and to ameliorate the damage.

Another planning orthodoxy is to concentrate development near public transport.

The 20 minute city is a great idea for people who live in an outer or even middle suburb - where it might be a 40 minute walk to an infrequent and unreliable bus that might meet a train.

But in Yarra, it's impossible to be more than 20 minutes from public transport and services. And cycling and walking are popular too.

Of course you would direct development towards public transport in a dispersed suburb. But would the French put a 10 storey building on top of Notre Dame because it's close to the station?

This policy targets Yarra's high streets with unnecessary aspirations.

But one size does not fit all. Our high streets are diverse. Yarra is tasked with adapting the activity centre toolkit to streets that have been activity centres for generations?

Council is left with a meagre toolkit to manage this change and is thwarted at every step by the State Planning Department DELWP.

The tool of choice is the DDO. A DDO is a terrible way to manage landscapes, heritage, character and neighbourhoods.

A DDO can only really control heights and setbacks. And usually these controls are preferred heights and setbacks - which are not worth the paper they are written on.

The only tool that actually works is a mandatory height control. But the State Government routinely knocks back mandatory height controls. Most recently for Johnston Street - where DELWP arbitrarily removed a DDO because they couldn't stomach mandatory controls.

But this goes back much further. The Smith Street Urban Design Framework was rejected by a panel. Smith street will never recover.

Discretion means the freedom to decide what should be done in a particular situation.

To quote Ms Brennan's question to Mr Holdsworth "Don't we have to trust the system?"

When we make heights preferred, we are giving discretionary powers to planners to make judgements on our behalf.

We must trust that planners are of sound mind, dispassionate, and have good judgement. They are not unduly influenced by one thing or another and give balanced consideration to all the clauses of the planning scheme.

The problem with that is the structural bias that is built into the planning industry. There is a thumb on the scale.

By this, I mean that planning is biased towards development. It is unconscious bias because it is built into policy, it is built into process, even case law.

Planners and developers talk the same jargon - often in private meetings.

And when planners approve the extra story, the additional demolition, there is no blow-back, no repercussions for their professional development.

The community does not have confidence that discretion will be used wisely. That is why you are hearing loud calls for mandatory controls.

The damage is everywhere.

We have heritage buildings topped by 10 storey buildings.

We have buildings approved above discretionary height limits.

We see heritage policy set aside.

We see our landmarks disappear in a sea of buildings.

We see 100 year old buildings reduced to facades and replaced by buildings that will struggle to last a few decades.

### **Mandatory Controls and Property Value**

We see a speculative boom in the resale of redevelopment sites where each new speculative owner has to extract more amenity than the previous owner to turn a profit.

Mandatory height controls would stop the speculation. The buyer and seller could both arrive at the same yield for a site and agree on the price.

Recently The 3068 Group, with Protect Clifton Hill, went to VCAT about a 10 storey building in a suburb of one and two storey gold-rush era cottages. We argued the heritage consequences, the amenity impacts, and a 3m setback would encroach on important views to the Shot Tower. We may as well have not shown up. VCAT supported the developers all the way. That's what they call balance.

The developers were ecstatic. Within weeks they sold the site for \$50 million. Clifton Hill was sold out. The market knows best. Who knows what will actually be built there.

Mandatory controls would stop this madness.

Land values are not of direct interest to planners, but this is out of control.

Affordability is not reduced by mandatory controls - it is reduced by unaffordable land.

### ***Mandatory Controls***

Mandatory Height Controls have been in place for Neighbourhood Residential Zones for several years now.

These have significantly taken the heat out of residential overdevelopment. While there is still a boom in residential renovations and redevelopments, they are constrained in height, and therefore in yield. The developments are less egregious, they are less likely to try to extract more from the site than the site can sensibly deliver. Overlooking, overshadowing, sunlight are all less affected. Demolition pressures are also reduced as a lower scale development is more likely to work with the significant buildings on site than work around them.

All these benefits flow from mandatory height controls.

In our experience, these controls have led to a significant reduction in objections and appeals for proposals within the NRZs. Council may have specific data on this.

We call for mandatory height and setback controls to be supported in more cases. Particularly Yarra's high streets and Activity Centres of all types.

Mandatory height controls are already in place in Queens Parade. This will reduce pressure on the heritage shopping strips to try to support mid-rise residential development while also servicing an active retail centre.

Preferred controls are almost worthless to the community. Even when attached to performance criteria. We see them being exceeded by proponents, and these excesses are being approved by planners. The performance criteria, like architectural excellence, or sustainability, are not objective - but the excessive height is.

If preferred controls were applied more regularly, and were only exceeded in exceptional circumstances - say a hospital or aged care facility, then they would have more credibility.

The planning system as a whole loses credibility when preferred controls are ignored. And that is not a good trend.

### ***Sustainable Development Goals***

Supporting high levels of migration to one of the world's most carbon intensive cities is not sustainable.

We still see buildings created with climate destroying cement; without insulation; without shade from summer sun; without solar access in winter; without double glazing; without windows to bedrooms or any natural ventilation; without solar hot water or power; without high efficiency electric appliances.

No one has the guts to stand up to the development lobby and set down minimum standards. No one did in 2001 when it was obvious that minimum standards should have been set. In 2021 it is almost too late.

When 2050 arrives, most people in Yarra will be living in buildings that have already been built or are being built now. We have to get this right.

Aspirations to world's best practice are great. But the best practitioners don't need inspiration. The nuts and bolts of a planning policy is to set the minimum standards to take the argument out of it. If the planning scheme demands double glazed windows, then the junior clerk in the development firm will just order them. Better than risk your job doing a cost benefit analysis for the boss.

### ***Local Heritage Policy***

#### *Heritage Policy 15.03-1*

The policy should start with objectives such as:

To retain and conserve all individually significant and contributory heritage places.

To conserve heritage places in accordance with the Australia ICOMOS *Burra Charter*.

To retain and reveal views and vistas to heritage places and streetscapes.

To ensure new development is respectful of the assessed significance of heritage places.

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Objectives are required here because the state policy objective does not adequately deal with local heritage places and areas.

The policy should be about conservation and this should drive the document. Conservation policies should come before Reconstruction, New Development and Demolition.

Strategies should be introduced to promote excellence in conservation practice by:

Ensuring that conservation is guided by the statement of significance for the place.

Encouraging retention of the three-dimensional form and fabric of a building.

Where appropriate, encouraging the adaptive reuse of heritage places, while ensuring that it is consistent with the principles of good conservation practice.

The policy should include provisions to manage the height of fences.

The policy should refer to a “Guidelines for Conservation and Development of Heritage Places”. This could be incorporated into the planning scheme as a reference document. The diagrams and examples should be retained in the guide.

The analysis of recent developments in industrial heritage sites by GJM provides a useful template for studying cases, apriasing what worked and what didn’t and deriving principles from the result. This approach should be extended to residential heritage developments to see where the policy is failing. It is important to analyse what worked and didn’t work in the existing policy before changing it.

All clauses should be numbered to make it easier to reference.

Yarra urgently needs policies and guidelines for electric vehicles and solar panels on heritage sites. Rooftop solar is already common and encouraged. Guidelines and examples for what works and doesn’t work in a heritage context are urgently required. There are significant trade offs? For example when the angle of solar panels diverges from the roof plane to maximise solar gain, or when the panels interrupt the main view of the building.

Existing houses in Yarra’s heritage zones are less likely to have a garage or driveway than the rest of Melbourne. How will electric vehicles parked on the street be accommodated? Extension leads are not a great option.

### ***Heritage Guidelines***

Firstly, it is important to say that The 3068 Group supports the changes to heritage policy recommended to this panel by the Yarra Residents Coalition.

### **Trusses**

Mr Gard’ner, when asked, didn’t think we needed to include trusses as a contributory element. He didn’t think there were any in Yarra. He may be right. There might not be any left.

In 2017, The former Star Lyric Theatre on Johnston St was demolished, lawfully. Prof Miles Lewis commented on the trusses and compared them to the Eiffel Tower. It was a beautiful space. The artist Rone held an exhibition there just before the bulldozers arrived. Now it’s yet another supermarket that isn’t particularly needed. But imagine the opportunities for adaptive reuse - if only heritage policy was upheld it could have been a sports hall or a market or a space to create art.





Interior, 239-247 Johnston Street, Fitzroy (Former Lyric Theatre, demolished)  
Rone Empty Exhibition Photo by Russell Charter

Intact Warren trusses span, height, pressed metal ceiling, wall stencilling, memorabilia - gone.





View across Johnston St to 239-247 Johnston Street, Fitzroy During demolition. (Former Lyric Theatre, Now Aldi)

Now we are fighting for the formal Austral Theatre, also on Johnston Street. It has a wonderful interior that is not protected. Very few interiors are. The rear wall of the theatre faces Sackville Street. It should be treasured. It's not architecturally special, but it lends character to Collingwood. We have grave fears this will soon be replaced by another bland characterless edifice



View of Rear, 300 Johnston Street, Collingwood (Former Lyric Theatre) taken for 140 Sackville St looking south. Recommended for demolition by Yarra Council.

We are also fighting to save the Royal Hotel, the doyenne of Clifton Hill. Its three heritage stories command the Spensley St corner location.



View of Royal Hotel 35-41 Spensley St, from corner of Spensley St and Liley St, Clifton Hill. All the fabric in view except for the facade has been recommended for demolition by Yarra Planning.

Council is assessing an application that so blatantly ignores the heritage policy you would think it would be rejected out of hand. If approved, this will be the worst example of facadism proposed in Yarra since the Smith Street Woolworths debacle of the 1970s. The building will be gutted and replaced with different floor plates.

On the contrary, neither the officer nor council's heritage advisor can find anything wrong with it. We objected to demolition of the roof and the original outdoor urinals - both are visible from the street. The report didn't even bother to respond to our concerns. This is common, as objections just get reduced to one word summaries like height, heritage, parking.

A very passionate, articulate, professional and creative group of people assembled in Fitzroy North to respond to the Piedmontes corporate takeover of the village. They articulated the awful outcomes so clearly - yet in the VCAT report, their presence was barely noted. Their voices were not heard. No concessions were made.

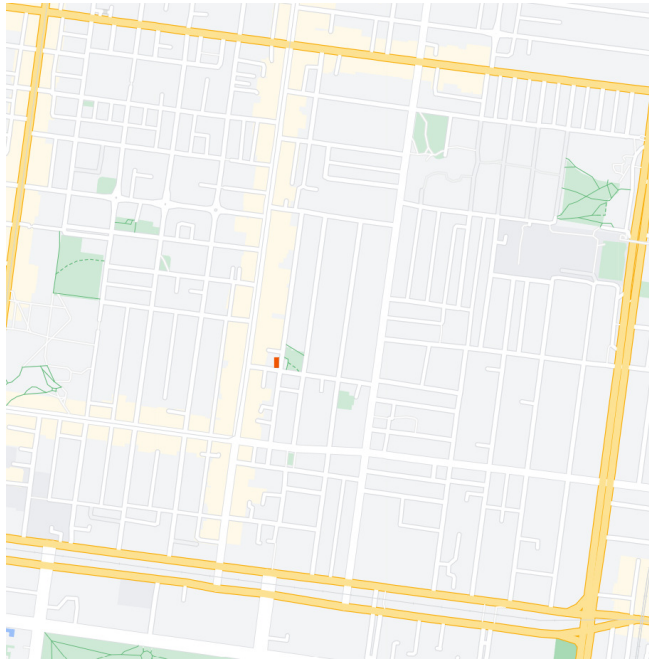
It feels like the Yarra planning department has taken on VCAT's hostility to heritage and objectors. The hostility on show when VCAT approved the St Crispin's redevelopment on Johnston St. It's a serious issue that undermines confidence in the planning scheme.

Last week, while this panel was sitting, VCAT approved a 7 storey building atop an individually significant heritage building in Peel St, right next to the smallest park in Collingwood. Council didn't refuse it, they just removed one floor. VCAT put the floor back. The sold-out users of the park and Peel St will now lose sunlight a bit earlier every day.



6-10 Peel Street Proposal Approved by VCAT. View from Peel St.

As you can see there are not many alternatives nearby. **Sunlight to public parks should be protected in the winter solstice, not just the equinox.** Now! In this amendment.



Where are the Parks in Collingwood! The red square shows the newly approved building. It exceeds the preferred height of a newly introduced DDO. It's next to the newly created Peel Street Park that Yarra council purchased - right in the centre of this very dense urban area.

Peel Street was sold-out so the developer could get an extra floor of lettable space. With the developer contributions Yarra can afford to buy another square metre of land somewhere.

We need to protect access to sunlight from these tiny Collingwood parks. Not just at the equinox, but in winter too. They cost a fortune to buy. The population of new families need the sunlight. They were sold out for another floor of lettable space.

We are here today to give witness to these multiple systemic failures in the planning system in Yarra. Better policy may help. But the failures go much deeper than tweaking the wording of policy.

Every day, more and more locals are witnessing the crisis and joining local groups.

The community fights, but they don't really have a say. The planning tools are set against them. There are just enough good words in the policies to calm nervous citizens and let them believe they have a chance to argue a case and improve things.

But the reality is any policy can be balanced out when the rubber hits the road.

The 3068 Group started out fighting. We fought to save an 1865 house overlooking Darling Gardens, a home for the disadvantaged.

The planning system let us down. The Heritage Council; the Planning Department and the minister all refused to protect this pioneer building.

But we circled the wagons and our community picket kept a vigil for over 400 days and nights to prevent demolition.

The building and garden is still there housing disadvantaged people - But not because of planning policy. Not because the system protected it. But because people said enough and took planning into their own hands.

Now we are fighting on many fronts. But there are more of us now and people are more angry than I have ever experienced in the past 25 years as president of this heritage group.

### ***Conserve and Enhance Heritage?***

How does one enhance heritage? Why has this term crept into our planning scheme?

Mr. Gard'ner argued for 'enhance' to be included in the guidelines objectives because it is included in the objectives of clause 43. But he was at a loss to explain the heritage meaning of enhance - alluding to some British use of the term and the Macquarie dictionary.

Without a definition or further guidance we can only assume practitioners will interpret this word naturally - i.e. to 'intensify, increase, or further improve the quality, value, or extent of'.

This will not lead to good conservation practice.

For 43 years, the Burra charter has not just guided heritage conservation, but defined the terms. Policy integrates conservation processes into all the activities of place management.

The charter uses the word enhance only once: "Interpretation should enhance understanding and engagement, and be culturally appropriate".

**Conservation** means all the processes of looking after a place so as to retain its cultural significance.

*"Conservation may, according to circumstance, include the processes of: retention or reintroduction of a use; retention of associations and meanings; maintenance, preservation, restoration, reconstruction, adaptation and interpretation; and will commonly include a combination of more than one of these. Conservation may also include retention of the contribution that related places and related objects make to the cultural significance of a place."*

Enhancement is not included in these conservation processes.

The Burra charter says *"Conservation requires the retention of an appropriate **setting**. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the cultural significance of the place. **New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.**"*

This paragraph should be included in the heritage guidelines as it is so significant for the users of that document.

### **Heritage Gradings (Heritage Status) and Demolition**

Like mandatory controls, the heritage gradings introduced in 2008 by C43 have taken the heat out of heritage appeals and stopped many demolitions.

Now, most proposals don't rely on an argument that the site is not actually contributory. There is too high a bar to prove this and the chances of success are not high.

Developers do still argue that the contributory nature is reduced; that the significance is less important than the benefits of their proposal; that the extent of change is acceptable.

**We should not open debate on the status of contributory gradings** - to be debated by heritage consultants acting as advocates for their clients. This might suit heritage consultants but would be very expensive; both for council and the community.

**The heritage guidelines already include a clause to allow new evidence to be admitted. But we should be careful about opening up heritage gradings to debate.**

In my experience, there have been very few incorrectly graded sites. There are quite a few I wish had been graded higher, but I accept the expert and the criteria they used. Because they graded so many buildings the consultants were better placed than a lone wolf consultant who might know a subject site, but doesn't have this city-wide context. **Allow new evidence, but not opinions.**

### ***Managing Heritage Assets in the Yarra Planning Scheme***

#### **Address Errors**

The major source of errors I have found in the database are from not recording the address in a standard way. The mapping technology used was pre-digital and these issues can be easily fixed now.

Examples of address errors include:

- Recording the suburb as CARLTON NORTH instead of PRINCES HILL, RICHMOND instead of CREMORNE or BURNLEY.
- Swapping the street numbers and unit number
- Inconsistent Address ranges
- Places with no address
- Incorrect Property Number

These are land management issues, not heritage issues. However the risk of losing contributory properties to demolition due to incorrect filing is significant.

#### **Cadastre**

More significant is that the heritage gradings record only a Property Number. Property Number does not directly map to a title or Property Parcel Identifier. Sometimes the

Property Number can be traced to a title. 61 sites in the database record their property number as '1'.

A heritage grading applies to the site as a whole - unless stated otherwise<sup>1</sup>. **The boundary of the site should not be ambiguous.**

**The heritage database should list the title or land parcel of the graded land.** Yarra would already have this information to produce grading maps for consultants.

Changes to title boundaries can be traced in the standard way with the Torrens system.

### *How has the Database Of Heritage Areas Changed?*

This amendment proposes to change only the cover pages of the heritage database.

The change in name to the Yarra Database of Heritage Places is welcome.

However, **it must retain a reference to the original title, author and heritage studies. The original assessment criteria should not be altered.**

The exhibited documents include the proposed changes to the first two pages of [Appendix 8, Revised September 2019](#).

The September 2019 version was approved by Amendment C191.

Yarra's web site still links to Appendix 8 Revised May 2018 and is out of date "Look up your building in the [incorporated document](#)."

Planning Victoria Links to the incorporated document [Database of Heritage Significant Areas July 2020](#), based on Amendment C245.

[Amendment C245](#) was helpfully called *Heritage Fixups*. It was gazetted Feb 2021, after this amendment was exhibited. Council has made it clear the contents of the C245 version will be inserted, and no doubt the subtitle will be updated from the exhibited document.

This does highlight that change must be carefully managed.

The cover pages would be improved by listing all the adopted amendments that made changes to the database, and a summary of those changes or links to the amendments.

Given the importance that a heritage grading has on the development of a site, changes must be managed rigorously through amendment. And they should be easily traceable.

Changes include adding/deleting sites and overlays, changing their grading, fixing their name or address, subdivisions and consolidations.

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<sup>1</sup> examples of part address: part, under, near, tower, rear, sign, mural, west, hall, northern, GroundFloor, FirstFloor, First Floor.



Yarra's heritage gradings can be mapped to the Heritage Victoria categories. In the Victorian Heritage Database, Heritage Status has the following categories - of which only the bolded values are used at Yarra.

- **Registered (Victorian Heritage Register?)**
- Included in Heritage Overlay
- **Individually Significant**
- **Contributory**
- **Not Contributory**
- ***Not researched - evaluate later (Unknown?)***
- Recommended for Heritage Register
- Recommended for Overlay Individually Significant
- Recommended for Overlay Contributory
- Recommended for Overlay Not Contributory
- Recommended for Heritage Overlay
- Recommended for Heritage Inventory
- Rec for other form of protection
- Researched - not recommended
- Stage 1 study being evaluated
- Stage 1 Heritage Study Complete
- Stage 2 study being evaluated
- Stage 2 Heritage Study Complete
- Demolished or Removed
- Rec for different PS Overlay

We could assume 'Registered' maps to Yarra's "Victorian Heritage Register"; and 'Unknown' maps to 'Not researched - evaluate later'.

### *Change of Grading Definitions.*

The VHD categories illustrate that there is a process to heritage management.

I use the term grading only because heritage status may be confusing. But the beauty of the 2007 study is that there are no gradings. Only significance is recorded as **individually significant** or **contributory** or both or neither. The only grading is that some places are on the VHD as of state significance, or World Heritage.

Contributory places are not less significant, their significance lies in how they contribute to the heritage overlay. The whole is greater than the sum of parts. This is recognised in the Burra charter. They need equal protection. I often hear "It's only contributory" used by professional planners.

This amendment proposes changes to the definitions of the gradings. This could be problematic.

Changes to the gradings would be best left to guidelines. **The changes to meaning would be helpful in the heritage guidelines policy as definitions.**

The change to the meaning of Individually Significant removes the reference to the criteria used to assess the place in the first place, "Aesthetically, historically, scientifically, and/or socially significant at the Local level". **This is unfortunate, as we are now adopting more rigorous requirements for drafting Statements of Significance to refer to these categories.**

The existing definition allows that some individually significant places are not contributory to their surrounding heritage precinct. They are significant, but not of precinct significance. They may be 'contributory or complementary' in the original definition. They should be 'punched out' of the heritage overlay into their own overlay.

**It is not clear that the existing definitions are problematic. The changes would be best inserted as explanations or elaborations rather than change the definitions.**

<b>Significance</b>	<b>Definition</b>
<b>Unknown</b>	Insufficient data to allow an assessment from the public domain.
<b>Not Contributory</b>	Not contributory to identified cultural value of heritage overlay area as stated in the Statement of Significance.
<b>Contributory</b>	Contributory to identified cultural values of heritage overlay areas as stated in the Statement of Significance.
<b>Individually Significant</b>	Aesthetically, historically, scientifically, and/or socially significant at the Local level and contributory or complementary to the Heritage Overlay Area.
<b>Victorian Heritage Register</b>	On the Victorian Heritage Register (VHR) as aesthetically, historically, scientifically, and/or social significant at the State level and contributory or complementary to the Heritage Overlay Area.

C269 Proposed:

<b>Significance</b>	<b>Definition</b>
<b>Unknown</b>	Insufficient data to allow an assessment from the public domain.
<b>Not Contributory</b>	The place does not contribute to the heritage precinct or building.
<b>Contributory</b>	A place or part of a place that contributes to the heritage significance of a precinct. It could include: a building or group of buildings, a landscape, paving and/or parts of a building such as chimneys, verandahs, wall openings and rooflines.
<b>Individually Significant</b>	The place is a heritage place in its own right. Where an individually significant places is also part of a broader heritage precinct, the individually significant place is also contributory to the broader precinct.
<b>Victorian Heritage Register</b>	On the Victorian Heritage Register (VHR) as aesthetically, historically, scientifically, and/or social significant at the State level and contributory or complementary to the Heritage Overlay Area.

Changing 'Unknown' to "Not Researched - evaluate later" would align with Heritage Victoria categories.

This change does not exclude from consideration further research evidence submitted by an applicant, objector or objector group, expert witness or the authority.

Changing 'Unknown' to a different word makes good practical sense because the dates are also often recorded as 'Unknown'. Making searching difficult. However, it would be better to change the Date from 'unknown' to 'undated' or 'not determined' so as to retain integrity of the original criteria.

**Even better would be to reassess the less than 20 sites with 'unknown' status and remove the category altogether.**

When the heritage study was completed in 2007, around 21,000 sites sites in heritage overlays were assessed and graded.

At the end of 2019, the register contained 21,089 sites with the following counts of each category. Note that the use of uppercase is not consistent.

Count	Category	Total Count
2410	Individually Significant	3,028
612	Individually significant	
6	individually significant	
4553	Not contributory	4,556
3	Not Contributory	
12913	Contributory	12,913
571	Victorian Heritage Register	572
1	Victorian Heritage register	
20	Unknown	20

*(sums to 21089)*

The counts are based on a reading of the PDF that council publishes as part of the Yarra Planning Scheme.

Only 20 sites could not be accurately graded within the scope, time and budget of the study.

They are listed below. Council could confirm if this list is accurate.

The 2007 Heritage Review also published the criteria used to assess and grade sites.

**Changing the definitions of the grading categories is problematic because they need to refer to this criteria.**

**Rather than change the meaning of “Unknown”, it would be better to assess these 20 sites according to the criteria published in the original study.**

Sites with Unknown Heritage Status from C191. Some have been fixed in C245.

Overlay	AddressN	Type	Number	Suburb	PropertyT	PropertyL	HeritageS	EstimatedDate
HO313	Eddy	Court	4	Abbotsfor	Scout Hall	299430	Unknown	1920-1945
HO313	Park	Street	55	Abbotsford		105640	Unknown	1900-1915
HO316	Ramsden	Street	39	Clifton Hill		116980	Unknown	1870-1890
HO316	Reeves	Street	20	Clifton Hill	Prefabrica	354100	Unknown	1940-1950?
HO321	Gold	Street	27-29	Collingwood		285230	Unknown	Unknown
HO326	Amess	Street	294	Carlton N	Shop & re	204495	Unknown	1900-1915?
HO327	Mckean	Street	29	Fitzroy North		244845	Unknown	Unknown
HO327	Miller	Street	131 (part)	Fitzroy North		230630	Unknown	Unknown
HO327	Park	Place	3	Fitzroy North		336330	Unknown	Unknown
HO327	Rushall	Crescent	81/3	Fitzroy Nc	unit	249265	Unknown	Unknown
HO327	Woodhea	Street	32	Fitzroy North		251285	Unknown	Unknown
HO332	Grattan	Place	20	Richmond		183475	Unknown	Unknown
HO332	Lennox	Street	236A	Richmond		179330	Unknown	1900-1915
HO333	Smith	Street	160-162	Collingwo	Treadway	100305	Unknown	Unknown
HO334	Hodgson	Street	7	Fitzroy	Land	355870	Unknown	Unknown
HO334	Hodgson	Street	32	Fitzroy	Land	351470	Unknown	Unknown
HO334	Johnston	Street	239-247	Fitzroy		243475	Unknown	1870-1930?
HO334	Little Geo	Street	25	Fitzroy		1	Unknown	Unknown
HO334	Young	Street	260-262	Fitzroy	Factory/w	268735	Unknown	Unknown
HO334	Young	Street	316	Fitzroy	Factory/w	251535	Unknown	Unknown

### *Open Data*

The recently renamed Database of Heritage Areas is published as a huge PDF document. 496 pages of dense tables.

It took a month of effort with advanced software tools developed by investigative journalists to ingest this PDF file into a database, I need that to generate a [map of any heritage precinct](#) in Yarra.

It should not be so hard. The maps should be published in any case. The maps are provided to consultants when preparing urban design studies. But not the public.

Open data is a principle of Open Government. Yarra should support open data by

- a) **Release the Heritage Database in electronic form** - such as an excel\*(XLS), CSV, or XML file. So that it can be readily read, and analysed by ordinary users. Not just people who can ingest PDF to data.
- b) **Release maps of heritage precincts showing gradings of sites.** These maps should be electronically readable.
- c) **Provide a web service** where users could easily look up the grading, overlay and link to the statement of significance based on an address.
- d) Convert all addresses to **Standard Address Identifiers**

To some extent the Victorian Heritage Database <http://vhd.heritage.vic.gov.au/> provides a searchable database that includes Yarra's heritage register. However it is not always updated or accurate.

This is an excellent improvement on the incorporated document as it is directly searchable by address. However it is neither authoritative nor complete.

If the maps are released, then they should state that the incorporated database is the official record and the maps are a guide. Port Phillip publishes heritage maps with gradings.

Publishing the database allows users to sort and filter it according to their needs and perhaps link it with other data. Whereas a document can only be sorted one way. A database can also be combined with other data. For example, a real-estate site can provide heritage status and context to help buyers make better informed decisions

### *Statements of Significance*

Where are the Statements of Significance to be found?

The answer is - all over the place. Sometimes incorporated, sometimes as part of a study. Some don't exist.

An ordinary user would find it hard to find and they may turn up several versions and not know which Statement of Significance applies.

For example, the Queens Parade Statement of Significance was developed and incorporated in the 2007 Review of Heritage Areas - along with all other heritage overlays. It was recently updated in the Yarra High Streets Document (C231). But how would you know it was there?

While sites of state significance have a Statement of Significance available from the Victorian Heritage Database<sup>2</sup>, some of the City of Yarra's Statements of Significance for Individually Significant are missing and refer only to the precinct's statement.

**Yarra should urgently create a list of Individually Significant sites that do not have a statement of significance and commission these.**

**Yarra should create an index of all Statements of Significance. The index should be formally managed by a formal amendment process.**

The Statement of Significance for each place should have its own change management metadata including Original documents; author; background documents and studies; planning scheme amendment where the statement was introduced or amended.

All statements to be accessible on the web as separate items or in a folio. These should be referenced in the gradings database. This may be in addition to the heritage studies that produce the statements.

### *Change Management*

As previously stated the database or document should include a list of editions, showing in which amendments they were introduced in, the source heritage study and which overlays and properties were amended.

The document can only be changed with an amendment.

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<sup>2</sup> <https://vhd.heritagecouncil.vic.gov.au>

When a site is demolished, or subdivided or consolidated, then either the grading changes or the address changes.

Thousands of new addresses have been created since 2007 that are not listed in the register. Not all of them are not contributory.

For example, Yorkshire Brewtower is listed at an address (88 Wellington St) that no longer exists. It is now engulfed by 161 new apartments, each with a new address.

New buildings are not contributory, but some of the new apartments are in the former brewery and are part of a very significant building. If the old addresses have not been updated and the new addresses are not listed what is the heritage status?

**Yarra should instigate a change management process to ensure subdivisions and consolidations are updated in the database of heritage places.** It could be published in draft form until the next amendment.

### *Standard Address Identifiers*

**The database must be converted to use standard address identifiers.**

For example, 240/1 QUEENS PARADE is actually 1/240 QUEENS PARADE. Standard addresses can be validated automatically by postal address services to ensure the address exists - Yarra already uses this web service to check your address when you book a green waste collection. Standard addresses would also integrate better with Yarra's other spatial data assets.

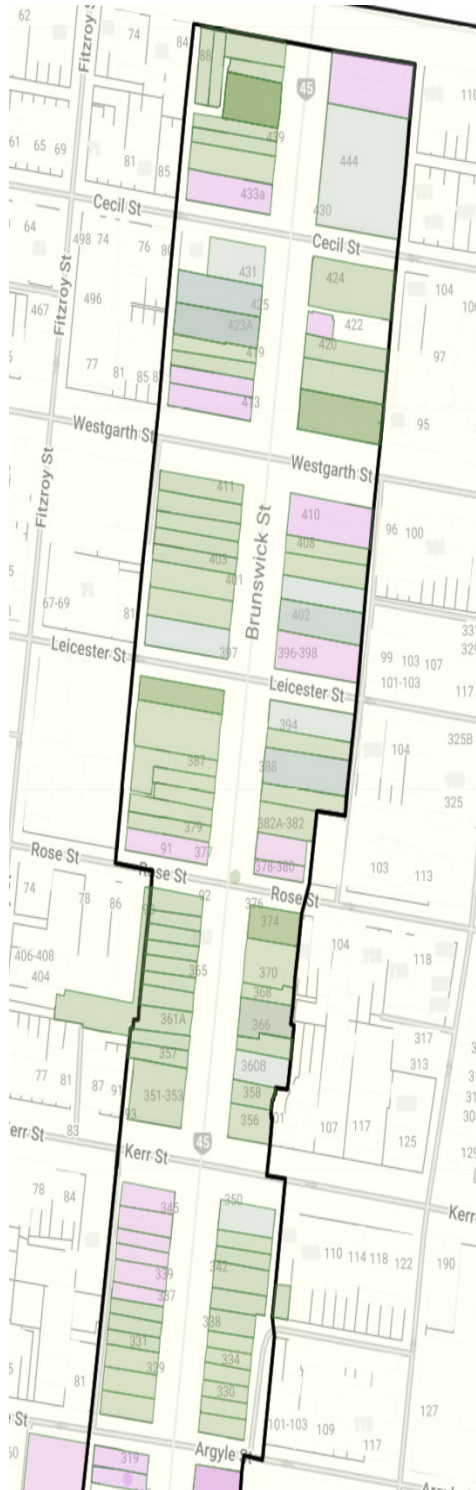
Linking the informal address in the database with a Standard Address is very difficult and one of the reasons it took months to decipher the document.

A standard validated address will highlight when the addresses no longer exist. This may be due to subdivision, consolidation or other changes.

Exceptions for bridges, tunnels, signs, lamp-posts need to be allowed for.

Standard Identifiers can correct misspelt street names (APPERLY should be APPERLEY ST)

### Heritage Overlay Site maps



Heritage Maps provide useful heritage context - especially for understanding the spatial distribution of contributory sites.

For example the panel has heard how Brunswick Street north of Leicester Street has a good level of heritage stock. Maps allow us to see the precinct and make our own judgement.

Maps that show the graded sites within each overlay are used by consultants. For example: Hansen, *Queens Parade built Form Review* Fig 6, page 16.

'Heritage Overlay 'Heritage Grading' data provided by Council in plan form'<sup>3</sup> was available for the study project but is not typically published. They should also be made available to the public.

Only the boundaries of heritage overlays are published as part of the planning scheme, but they only show the outline, not the gradings.

The maps need not be definitive, the database is definitive.

The Victorian Heritage Database<sup>4</sup>, mirrors some of the City of Yarra's data. Statements of Significance for Individually Significant places refer to the precinct's statement unless the site is registered on the Victorian Heritage Register for State Significance. This may be a matter for Heritage Victoria to resolve. The VHD does not provide precinct maps.

### Landmarks and tall Structures

The panel should ask Yarra why no review of the list of landmarks was allowed.

<sup>3</sup> GJM Heritage Report Section 1.3 Methodology, p9

<sup>4</sup> <https://vhd.heritagecouncil.vic.gov.au>



Yarra allowed itself to remove the Olympic sign from the list, having failed to register it as significant. But refused to investigate where it's list was still current.

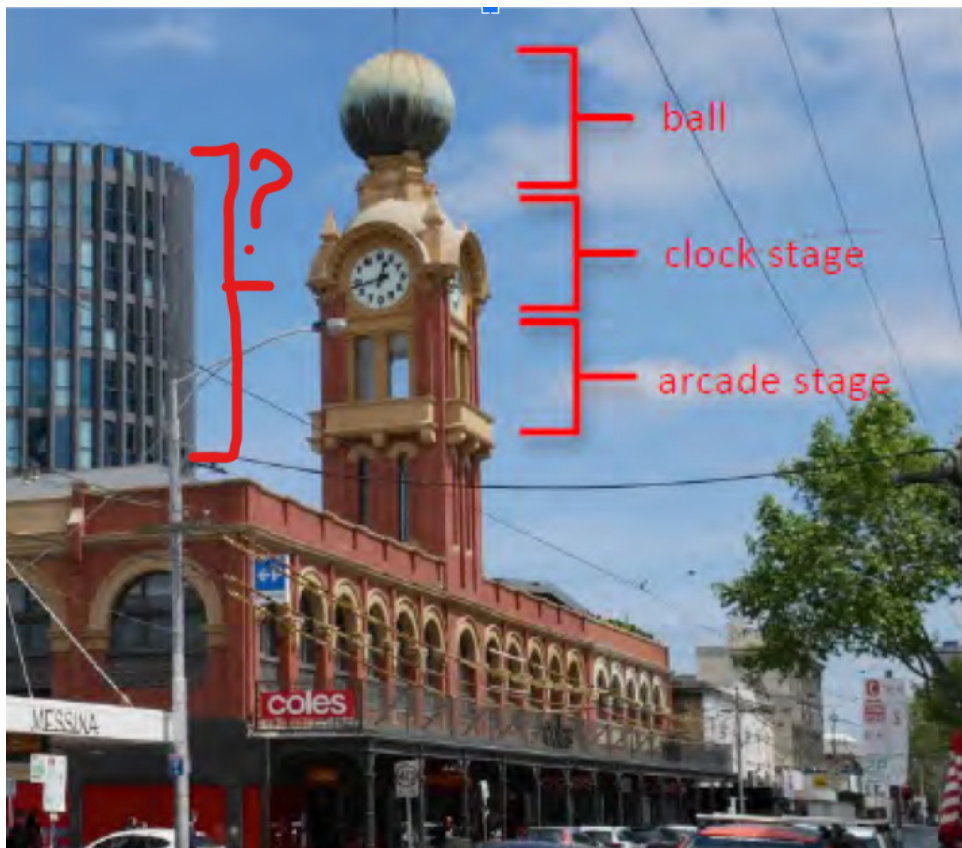
Yarra engaged two consultants to consider the new policy.

Yarra refused to allow both the consultants it engaged to contemplate whether the list was representative. This was specifically barred in their statement of work and in their evidence.

Why?

If the intention of the new landmarks policy was to completely nobble the existing landmarks policy, this is exactly how you would do it. Remove protection from everywhere except a few selected and precisely designated spots.

Silhouetting is where a new building is built behind an important view of a landmark. So the landmark is always seen with the new building behind. Dimmeys clock tower will forever be seen with a new oval structure looming behind it. This is considered a success. It does have a reasonable setback so it could be worse.



View of Dimmeys Clocktower, a registered Landmark, Adapted from GHD evidence to panel.



Dimmeys Clock Tower, Elevated View from across Swan St, intersection with Clifton St.

Below is a recent example of a landmark chimney (not on the landmark list)



A view of the former Yarra Falls Mills Chimney, 8 Trennery Crescent, view from Dights Falls approx - before development.



Former Yarra Falls Mills Chimney, 8 Trenerry Crescent, from Intersection of Turner Street and Trenerry Crescent.

Now silhouetted by new taller development.

Before development, this chimney could be seen from the elevated railway against the backdrop of Yarra Bend Park. Today, the only view of the chimney is with this recent development behind it.

Obviously, this chimney should have been protected by the landmarks policy, it wasn't. This amendment has been carefully crafted to disallow the panel from hearing evidence about the woefully inadequate twenty year old list.

But the lessons of past mistakes need to be raised to guide future policies.

I note Ms Hodyl raised concerns about silhouetting to this panel. I have searched the new policy and cannot find any protection from silhouetting in any clause of the policy. It's a very short one page policy so it should be easy to find.

**The landmarks policy needs a clause to protect development encroaching into the view behind the landmark.**

**It also needs a clause to allow all views to be considered. As does the current policy. If this is not done, the changes should be abandoned.**

While a hierarchy of views may have some benefit, it's purpose in the current amendment is to exclude all non-preferred views from protection.

How can we know whether the consultants have even considered all the other views?

The landmarks and tall structures report does not include new landmarks, nor does it explain the methodology for selecting landmarks or whether the list is sufficient. No doubt the terms of reference for the report excluded such a discussion.

The focus of the report and the new policy is to reduce the ability of the policy from limiting large developments that block views.

When a building is not a landmark, proponents always take pains to highlight this at VCAT as it serves to devalue the building, to demote its significance.

Now they will have new ammunition if the view they seek to block is not one of the consultant's preferred views.

Secondary views, are encouraged to be retained - in the same way maximum heights are preferable.

**When the panel reviews these landmarks, I ask that you consider how comfortable you would be with all the secondary views being blocked. Is this a great outcome?**

Community input into the identification of landmarks and significant views would lead to a more representative list.

## ***The Shot Tower***

The shot tower is extraordinary. Possibly the tallest in the world. No one is too sure. Certainly the most elegant.

How was it built? With scaffolding or just self supporting brick-by-brick?

It has survived more than 100 years, it survived the threatened East-West link smog tower, overpass and tunnel just metres from the base, and even a recent earthquake.

The brick work is intricate for such a tall building. There are two patterned bands of bichromatic bricks.

The windows are spaced at regular intervals that trace the internal spiral staircase, with a bluestone sill below and a yellow arch above. The windows are barred like a dungeon for princesses.

When viewing from a distance, you can use the windows to judge how much of the view is visible.

There are five windows facing Alexandra Parade, but change position slightly, and four more are visible.

The shot tower is not built on a hill - Unlike the Spire of St. John the Baptist, which sits atop Clifton Hill with a nod to Montmartre and perhaps Mont-Saint-Michel.

Alexandra Parade was once known as Reilly's Drain, flowing into Merri Creek. It is low lying land, where toxic industries once polluted the soil and water. Lead shot was one of those industries. The shot tower was a weapons factory. The chimney on top of the tower was for melting lead. Dropping the lead from such a great height produced very good quality spherical 'shot'.

The shot tower is remarkable for such a utilitarian building.

It is also remarkable because of its height, its slender form, and the low-rise precinct in which it sits. But now, this once industrial, low-lying, low-rise precinct has aspirations.

The best views of the Shot Tower are from Noone Street, Gold Street, Darling Gardens, Alexandra Parade and Yarra Bend. It no doubt fires the imagination of the inmates of the Gold Street Primary School.



Recent mid-rise development on the corner of Gold Street and South Terrace has disrupted the view of the Shot Tower from the south west corner of Darling Gardens. From this location, only the top third or less is visible above the new built form

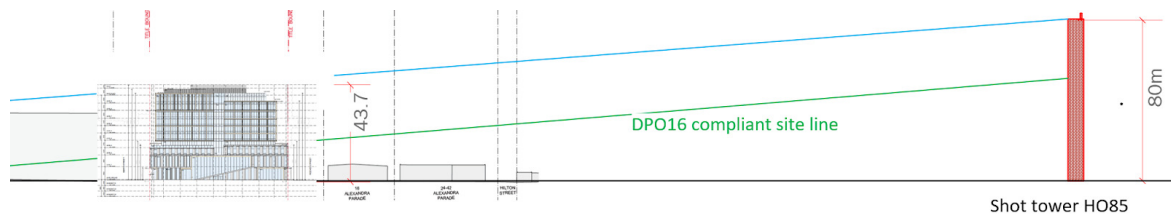
When seen peeking above rooftops, it looks like a chimney. It is diminished. It is not particularly impressive.

**We submit that the panel should direct council to remove the clause in the schedule that restricts protection to views of the top one third of the tower. This is unjustified and cannot be defended. Views of the full length of the tower are significant.**

We doubt this policy will carry much weight with planners.

Recently, VCAT heard a case for a 10 storey building on Alexandra Parade (The Foundry). The tribunal was not in the least disturbed that the building would interrupt the view of the shot tower from the west. Above the 3 storey podium, a 3m setback from Alexandra Parade was deemed sufficient clearance.

The shot tower view will be obstructed but not blocked from Queens Parade and Alexandra Parade. How much space does this primary view need?



ALEXANDRA PARADE CONTEXT ELEVATION  
Based on TP Urban Context Design Report Part 13 4.11  
with TP09.02 from Amended Proposal December 2020 superimposed



For good measure, VCAT exceeded the draft DDO preferred height and even the mandatory height of the Gasworks on the other side of Smith Street. View of Shot Tower from Alexandra Parade between Brunswick St and Queens Parade.

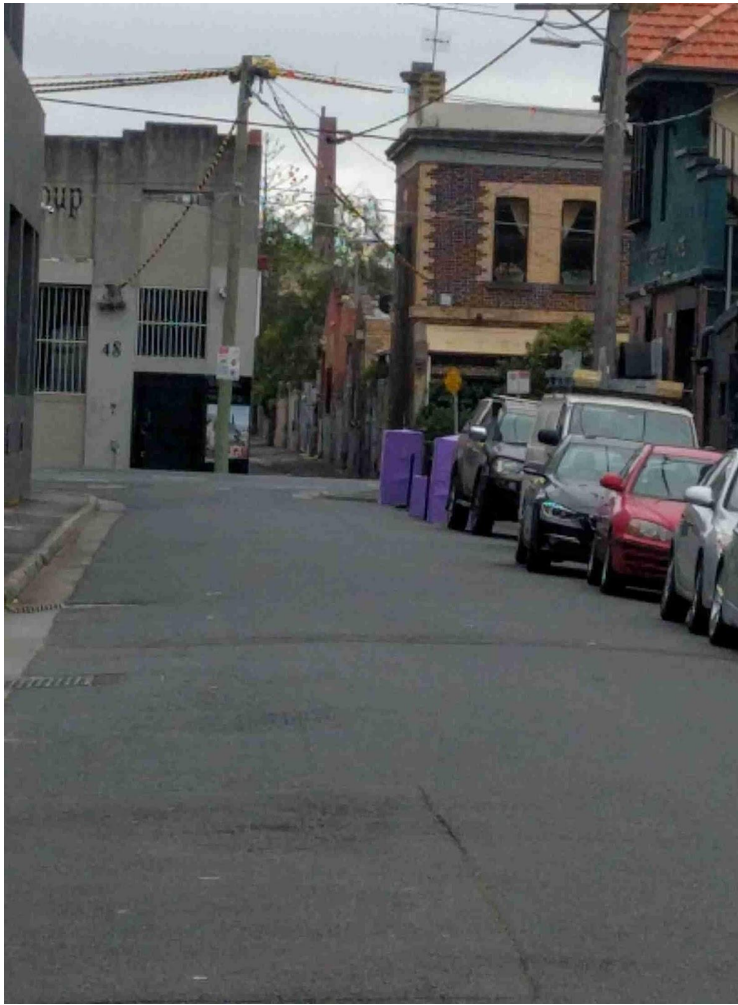
Half the shot tower is visible in this view from Queens Parade over DDO16 (4 storeys in this section).



View of Shot Tower behind 193 Queens Parade, from 416 Queens Parade, Clifton Hill

Is this a primary or secondary view? Something less? Was it left out because it wasn't noticed? C231 didn't consider this view of the Shot Tower when setting a 4 storey mandatory height limit.

Can we defend this view? Very unlikely. Most planners would prioritise the activity centre. But at least you can point to the existing policy that says it should be considered.



Surprising view of more than half of the Shot Tower from Rokeby Street, intersection with Robert St, South of Gipps St, looking north along Rokeby Street. 3 windows visible. This view will no longer be protected as it is not a principal or secondary view



## Studley Park Views

The view of the shot tower from Studley Park was identified by Andrew Ward in the Collingwood Conservation Study.



When asked, Ms. Hodyl did not think you could protect a view from a vantage point outside the city. However, all of the land in this viewshed is in the City of Yarra except for Yarra Bend Park in the foreground - which is not under development pressure. **Yarra can protect this viewshed.**



**(Source Unknown)**

We submit that the panel recommends council to protect this extraordinary view of three landmarks (Abbotsford Convent, the Shot Tower, and St John the Baptist Spire).

## Yorkshire Brew Tower

When I was a child, travelling home in the back seat of the family car, I remember seeing this building from Victoria Parade. Now I know it's called the Yorkshire Brewtower, and that it was once the tallest building in Melbourne.



But I can't see it now.

The absence of the Yorkshire Brewtower from this list contributed to its almost total concealment from the public view.

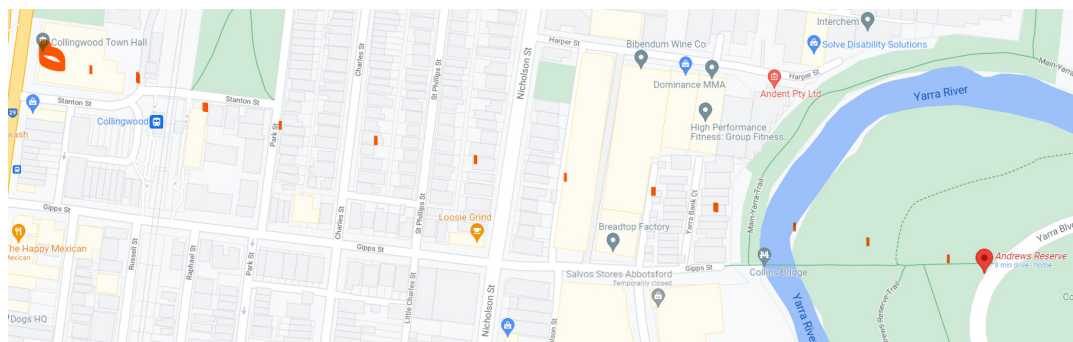
Not from any public road. It was completely built out. A generation of planners approved buildings on all four sides. They were encouraged by Heritage Consultant Lovell Chen. Unless you visit it and look up, it has disappeared.

Wellington Street has changed greatly in the last 30 years and will continue to. From two lanes of 60km/hr traffic to one lane of 30km traffic. Many of the changes are positive. New residents bring new life to the city, new shops, new ways of moving. But they will never see this building from a local street. I think that's a failure to protect what's important. The last public view of the tower is about to be blocked by new construction on Langridge St.

## Additional Photos



Collingwood Town Hall Clock Tower, looking directly west from Andrews Reserve (Yarra Bend Park) Most of the view shed is unprotected in the City of Yarra.





St John the Baptist Spire, looking west from Mayors Park over Turnbull St, and DDO16 (Queens Parade, Precinct 4, 4 storeys). This view is not recognised despite being from a public park.



View of Shot Tower, looking south-south-west from a location in Darling Gardens south east corner. This should be a primary view. Not just the corner of Ramsden St.



Shot Tower, Looking North from Gold Street, Collingwood, Corner Mater Street.



Shot Tower, Looking North from further down Gold Street, Collingwood, Corner Easey Street.



Collingwood Town Hall Clock tower, Looking east from Campbell St along McCutcheon Way. The view will be endangered by building above 2 storeys along Hoddle Street





The chimney effect, The Shot Tower seen over former Sambell Lodge from south west of Darling Gardens. Only the top one third is visible above new development.

***For further study***

Yarra has a fine collection of hotels and other buildings with corner octagonal towers that should be registered landmarks.

- The Peel Hotel
- Yorkshire Stingo Hotel
- Former Fitzroy North Post Office
- Abbotsford Convent and the Chapel of the Good Shepherd (Church of the Immaculate Conception)



**The Peel Hotel, Corner Wellington and Peel St, seen from 117 Rockby Street, along Glasshouse Road. Priceless!**

## **Other Feedback on the Amendment**

### ***Strategic Redevelopment Sites***

Re Figure 1. Strategic Development Sites Identified in The Yarra Planning Scheme: and their respective zoning and housing change area

#### ***Market Update, Saturday Age, 16 October, 2021,***

For Sale by Expressions of Interest closing 28 October :  
Site ID 1: 679-818 Nicholson Street, Carlton North, 1586 m2. Vacant possession,  
270 St Georges Road, Fitzroy North,

For Sale by Expressions of Interest closing 3 November :  
31-53 Cremorne Street, Cremorne, 3538m2, Super Site,

For Sale by Expressions of Interest closing 10 November :  
Site ID 22: 33-45 Gibdon Street, Burnley, 100 yo. Burnley Maltings Site,

The land boom is still in full swing.

### ***Mid-Rise***

SUPPLEMENTARY PART B SUBMISSION - YARRA CITY COUNCIL

The term “mid-rise” is not applicable in Yarra, or in the SPF for land in Yarra.  
It is both “ambiguous and mischievous”.

The 3068 Group submits that the panel should recommend it be removed from documents in this amendment.

### ***Activity Centres and Boundaries***

Including Spensley St and Ramsden St as Activity Centres is stretching it and these should be removed.

Mayors Parks should be removed from the Queens Parade Activity Centre

Rathdowne Street has a cadence of residential precincts interspersed with shops generally where there were cable car stops. An Activity Centre designation here will destroy the rhythm or grain of the street’s historic development. It is the wrong tool for this street of universal heritage value.

## C269 Community Nominated Landmarks (From Original Submission to Council)

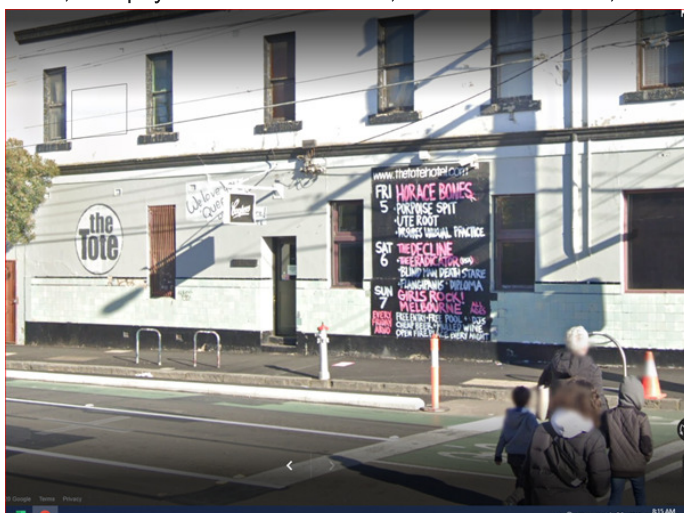
1. Porta Mouldings chimney & the Yarra Hotel,

Porta Mouldings, red brick circular chimney with “PORTA” in white bricks, cast iron ligatures, & brick shelf moulding at flue. C.f. plain red brick circular chimney at former asylum nearby. Partly concealed by 1920s stepped gable front brick building & 1930’s Art Deco two- storey concrete and glass showroom in front. 224-256 Heidelberg Rd, Fairfield VIC 3078

2. Yarra Hotel, 295 Johnston Street, Abbotsford, live music, burgers and seafood in a buzzing, old-world pub built in 1855, plus a leafy beer garden.



3. Tote Hotel, Collingwood, long-running, iconic locale with exposed-brick walls, for punk, metal, and psychedelic rock bands, 67-71 Johnston St, Collingwood.



4. Carrigbush hotel, Plant-based bistro meals plus beer & wine on tap in a brick-lined venue with outdoor seating. 228 Langridge St, Abbotsford.

5. Abbotsford Convent and the Chapel of the Good Shepherd (Church of the Immaculate Conception), designed by Mr Thomas A Kelly, modelled on the mother house of the Good Shepherd Sisters in Angers, France. The building was officially opened on 30 April 1871. It is the second oldest building in the Abbotsford Convent precinct. Among convent chapels, it is distinguished by its age, free standing design and bluestone construction.



6. The Fitzroy Pinnacle. “Former North Fitzroy Post Office, St. Georges Road & Taplin Street. Built in 1888 as commercial and residential it became the North Fitzroy post office in 1908. The tower and ornate facade make it a prominent feature on its corner site”<sup>5</sup> Book-ends Fitzroy North Village with the new Bargoonga Nganjin library. Risk of silhouetting from tall development behind.

*“North Fitzroy Village doesn’t have a landmark building but it is a landmark place” - Terry Montebello, representing City of Yarra, VCAT P923/2020, (Piedemontes)*



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<sup>5</sup> Fitzroy History Society  
[fitzroyhistorysociety.org.au/wp-content/uploads/2017/11/NthFitzroyHistoricWalks2011.pdf](http://fitzroyhistorysociety.org.au/wp-content/uploads/2017/11/NthFitzroyHistoricWalks2011.pdf)