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**Date of meeting: \***

Tuesday 7 September 2021

**Agenda item title: \***

Access to council library services for immigration detainees in the municipal community

**Please indicate whether you would like to address the Future Melbourne Committee live via phone or Zoom in support of your submission: \***

Yes

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**Date of meeting: \***

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MPS\_C396 Finalisation of Heritage Places Inventory

**Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting.**

Please see Attachment

**Submissions will not be accepted after 10am.**

**Alternatively you may attach your written submission by uploading your file here:**



[sep21\\_fmcl\\_6.2\\_ewan\\_ogilvy\\_submission\\_re\\_mps\\_c396\\_fin.pdf](#)

713.57 KB · PDF

**Please indicate whether you would like to address the Future Melbourne Committee live via phone or Zoom in support of your submission: \***

No

Ewan Ogilvy

6<sup>th</sup> September 2021

**To** The Lord Mayor and Councillors, City of Melbourne

**Subject** Submission in relation to SEP21 FMC1 Agenda Item  
6.2\_MPS\_C396 Finalisation of Heritage Places Inventory

The response of the City of Melbourne Management to Submission No 8 is extremely disappointing to the Carlton Community. Key concerns include:

#### Failure to address documented errors in the Exhibited Documents

Submission No 8 catalogued many errors in the Exhibited Documents; these included Inventory, Schedule and Mapping errors or some combination of all three. **Many of these errors had been documented [or highlighted] years ago by the Carlton Residents Association [CRA] in Submissions to the Council and in the Association's C258 Panel Hearing.** Apart from reviewing properties removed from Am C258, **the current Amendment was also intended to address other "properties which were inadvertently not included or were incorrect in the exhibited Heritage Places Inventory."**

**How many years does the community have to wait for recorded errors to be addressed? Some examples:**

- The omission of several significant Heritage Places [located in HO81] from the Inventory was recorded by Lovell Chen in a Heritage Impact Statement prepared in August 2013 [EIGHT years ago].
- The incorrect inclusion of Graded Places at 12-20 Drummond Place was highlighted in a CRA Letter to the Council on the 16 November 2017 [nearly FOUR years ago]. These places were demolished years ago.
- The incorrect mapping of the Heritage Place at 96-106 Pelham Street, and the retention of the Heritage Place at 630 Swanston St [in the Inventory, Overlay Map AND Schedule], a building that was demolished years ago cannot be justified. These errors [and many others] were documented in the CRA's C258 Panel Submission of August 2018 [THREE years ago].

The current Amendment has addressed some of the mapping and Inventory errors outside the City North area; these include properties on the University of Melbourne precinct [that have been demolished] and other properties East of Swanston Street including those within HO117 [Heritage Places demolished] and HO57 [a duplicate, and incorrect entry, for the Kathleen Syme and Community Centre]. **If these errors can be corrected in the current Amendment, why not others?**

**Planning Practice Note 1 makes it clear that Heritage Overlay maps "will be the determining factor in any dispute as to whether a control applies". Given this situation, the community should not have to wait years for mapping errors to be corrected.**

#### Inappropriate Application of the Am C258 Methodology to the Review of C Graded Places in the City North Precincts

**Key concerns include the following:**

The expert witness for Lovell Chen [Anita Brady] reported to the Am C258 Planning Panel Hearing that this firm had **already** undertaken a review of the C graded Heritage Places in the City North Precincts. **In this context, how is it appropriate for the Council to retain the SAME Heritage Consultants to apply the SAME methodology again?** The fact that this firm retained Ms Brady, as a Special Consultant to the Practice, to assist in the second review process, is unlikely to remove the potential for a conflict of interest.

In the CRA's Submission to the C258 Panel Hearing the Association provided evidence to the Panel that Graeme Butler & Associates had adopted essentially the SAME grading translation principles in the West Melbourne Heritage Review [2015] as RBA Architects had applied in the City North Heritage Review.

**The only significant difference between the two studies relates to the final output;** for the West Melbourne Heritage Review, the consultant provided [in tabular form] the proposed gradings in BOTH the letter categories and the Contributory/Significant categories. In contrast, RBA Architects [for the City North Heritage Review] was directed by the Council to employ the existing [letter grade] system. [Am C198 Planning Panel Hearing No 2.] However, RBA Architects also explained how these letter grades could be converted to the new system. Further: **“individually significant sites were graded C or higher and sites were only graded D within a precinct (that is, no existing or proposed individual sites were re/graded ‘D’)”**.

Clearly, NEITHER of these consultants adopted [would have adopted] the Am C258 Methodology that included the DEFAULT translation of most of the former C graded Heritage Places [within precinct Overlays] to the new Contributory Grade. The acceptance of this Methodology was [and remains] extremely contentious for two reasons:

- It confused the two distinct meanings of the word “Contributory” as used in the former Local Heritage Policy on the one hand, and as used as a Grading level in the revised Grading system. The Council's lead Barrister [Am C258 Panel Hearing] explained the problem in the following way: *The existing term "contributory" in clause 22.05 is defined exclusively by reference to C, D1 and D2 graded buildings and is not limited to places within precincts. This term only operates in the existing policy in relation to renovation and façade height, but is not otherwise employed to guide demolition, concealment or building height. It is important in this regard not to confuse the new definition of "contributory" which is qualitatively different from the current definition of "contributory",* [emphasis added] and it
- Failed to recognise that hundreds of the former C graded Heritage Places could never be converted to the new Contributory Grade because they occupied Individual Heritage Overlays. [55\_01\_Gradings\_Table\_C\_Graded\_Buildings\_in\_Individual\_HOs]

**Sadly, the adoption of the Am C258 methodology has resulted in an unsustainable conversion outcome: “C” graded Heritage Places that once shared the SAME level of heritage significance, irrespective of where they were physically located, have now [under the new system] “acquired” a different level of Significance depending upon where they are located.**

In my view, these problems must be acknowledged and addressed. Any failure to do so can only result in inconsistent heritage grading outcomes across the municipality.