

INDEPENDENT PLANNING PANEL
APPOINTED BY THE MINISTER FOR PLANNING
PLANNING PANELS VICTORIA

IN THE MATTER of Amendment C387 to the Melbourne Planning Scheme

BETWEEN:

MELBOURNE CITY COUNCIL

Planning Authority

-and-

VARIOUS SUBMITTERS

AFFECTED LAND: 137 individual places and 5 precincts within the suburb of Melbourne

PART A SUBMISSION OF THE PLANNING AUTHORITY

I. OVERVIEW

1. Melbourne City Council (**Council**) is the Planning Authority for Amendment C387 (**Amendment**) to the Melbourne Planning Scheme (**Scheme**). This Part A submission is made in accordance with the Panel's Directions dated 11 June 2021.
2. In addition to this Part A submission and its Part B and C submissions, Council relies upon the evidence of:
 - (a) Jim Gard'ner (heritage);
 - (b) Simon Reeves (postwar heritage).
3. This Part A submission sets out:
 - (a) the nature of the Amendment;
 - (b) background to the Amendment including previous heritage reviews and the *Hoddle Grid Heritage Review*, July 2020 (**Review**);
 - (c) the methodology, steps and timing for the Review;
 - (d) a chronology of events, including initiatives for community engagement;

- (e) the strategic context and assessment of the Amendment;
- (f) issues identified in submissions;
- (g) changes to the Amendment suggested by Council in response to submissions shown in a summary table¹ (to be identified as 'Day 1 Hearing version').

II. THE NATURE OF THE AMENDMENT

4. The Amendment is an important step in Council's overall program to protect heritage in its municipality, and a priority action to meet its specific commitment to protect heritage in the Hoddle Grid, one of the municipality's designated growth areas.²
5. Heritage is central to Melbourne's identity and distinctiveness and gives the City a competitive advantage over other capital cities as a place to live, work and visit.
6. Melbourne is renowned for its Victorian gold rush heritage, as well as its Edwardian and interwar buildings which show its transformation from colonial settlement to manufacturing and retailing powerhouse. Melbourne also has a significant legacy of postwar buildings which are the optimistic expression of the City's recovery from wartime restrictions, its prosperity and expansion as a corporate centre and its identity as a progressive international city embracing modernist architecture and construction techniques.
7. Incorporating extensive consultation, research, fieldwork and assessment, the Review was prepared over three years. Initiated by Context and peer reviewed and contributed to by GJM Heritage, the Review ultimately recommended heritage protection for 137 individual places and 5 precincts, as well as changes to 4 existing individual heritage places.
8. The Amendment is required to provide permanent controls for the heritage places in the Review study area to ensure that their values are recognised and protected. Heritage protection is not an absolute prohibition on development and the introduction of heritage controls will ensure that permit applications prompt a

¹ See Appendix B

² Heritage Strategy 2013, page 18.

consideration of heritage as part of the assessment process, noting that development can often be enabled through permit conditions.

9. The Amendment implements the findings of the Review by:
 - (a) applying the Heritage Overlay to 133 individual places³
 - (b) revising the boundary of 4 existing individual Heritage Overlays
 - (c) applying the Heritage Overlay to 5 precincts (of which one is the extension of an existing precinct)
 - (d) amending an interim precinct Heritage Overlay by changing the Heritage Overlay number
 - (e) introducing separate Statements of Significance for each place and precinct.
10. In detail, the Amendment makes the following changes on a permanent basis:
 - (a) amends the policy at Clause 22.04 (Heritage Places within the Capital City Zone) to:
 - (i) change the policy reference from “Hoddle Grid Heritage Review June 2018” to “Hoddle Grid Heritage Review, July 2020”,
 - (ii) amend the Statement of Significance references at Part B, and
 - (iii) add the following policy references at Part A:
 - (1) “Hoddle Grid Heritage Review July 2020”
 - (2) “Guildford and Hardware Laneways Heritage Study 2017, Lovell Chen (Updated October 2018)”
 - (b) amends the Schedule to Clause 43.01 (Heritage Overlay) to introduce 133 individual Heritage Overlays⁴ and 5 Heritage Overlay precincts⁵

³ Four of the places recommended for inclusion by the Review have been demolished and are not included in the Amendment.

⁴ The lists of pre-war and postwar places are found in the Review, volume 1, Appendices A1 (excluding numbers 41, 42, 44 and 61 which have been demolished).

⁵ The list of precincts is found in the Review, volume 1, Appendix A2. One of the five precincts is the Little Lonsdale Street, which is an extension of the existing Little Lon precinct.

- (c) amends the Schedule to Clause 43.01 (Heritage Overlay) to amend 4 existing individual Heritage Overlays to revise their boundaries⁶
- (d) amends the Schedule to Clause 43.01 (Heritage Overlay) to provide separate Statements of Significance for each place and precinct
- (e) amends the Schedule to Clause 43.01 (Heritage Overlay) to amend HO1297 (Little Lonsdale Street Precinct) by renaming it HO984 (Little Lonsdale Street Precinct)
- (f) amends the Schedule to Clause 43.01 (Heritage Overlay) by changing the date of the incorporated document titled Heritage Precincts Statements of Significance February 2020 by adding the date it was amended to July 2020
- (g) amends Planning Scheme Maps 8HO, 8HO1 and 8HO2 to reflect the changes described above
- (h) amends the Schedule to Clause 72.04 (Incorporated Documents) by:
 - (i) introducing separate Statements of Significance on a permanent basis for
 - 133 individual Heritage Overlays
 - 4 amended existing individual Heritage Overlays
 - 5 precinct Heritage Overlays
 - (ii) amending the title of the Heritage Precincts Statements of Significance February 2020 by adding the date it was amended to July 2020
- (i) amends the incorporated document titled Guildford and Hardware Laneways Heritage Study May 2017: Statements of Significance, November 2018 (Amended April 2020) by changing the category of 2-6 and 8-14 Rankins Lane within the Guildford and Hardware Laneways Precinct and 341-345 Elizabeth Street within the Elizabeth Street West Precinct from contributory to significant

⁶ The changes to HO1005, 1052, 1041 and 737 are described in Review, volume 1, Table 5, pages 17-18.

- (j) amends the incorporated document titled Guildford and Hardware Laneways Heritage Study May 2017: Heritage Inventory, November 2018 (Amended April 2020) by changing the category of 2-6 and 8-14 Rankins Lane, and 341-345 Elizabeth Street from contributory to significant
 - (k) amends the existing incorporated document titled Heritage Places Inventory 2020 Part A by adding or amending all places to be included in Heritage Overlays in this Amendment
 - (l) amends the incorporated document titled Heritage Precincts Statements of Significance February 2020 by deleting the 'Little Lon Precinct' Statement of Significance
 - (m) amends the Incorporated Documents titled Guildford and Hardware Laneways Heritage Study May 2017: Statements of Significance, November 2018 (Amended April 2020), Guildford and Hardware Laneways Heritage Study May 2017: Heritage Inventory, November 2018 (Amended April 2020), Heritage Places Inventory February 2020 Part A and the Heritage Precincts Statements of Significance February 2020 by changing the date they were amended to July 2020.
11. The five precinct Heritage Overlays and four revised existing individual Heritage Overlays are shown in Map 1 and the 133 individual Heritage Overlays are shown Map 2 in Appendix A.

III. BACKGROUND TO AMENDMENT C387

12. Council has been engaged in extensive and pioneering heritage planning practices since the 1970s. More than 30 studies have been undertaken to document the municipality's heritage since the first heritage controls were introduced into planning schemes in Victoria.
13. By the mid-1980s, Council had assessed heritage across the residential areas of the municipality. Urban Conservations Studies were prepared and translated into planning controls during that time and continue to be revisited.
14. In 1985, the first CBD study was completed. Further studies were undertaken over the following three decades, and are summarized in Section IV below.
15. In 2013, Council released its Heritage Strategy, setting out a plan to protect heritage in the municipality over the following 15 years. The Strategy articulates Council's role in understanding the value of heritage, identifying places to be conserved and sustaining heritage through protection.⁷ The Strategy references Council's Thematic History – A History of the City of Melbourne's Urban Environment 2012 and summarises its 15 themes.⁸ Two of the four strands of the Heritage Strategy involve "Knowing the City's heritage" and "Protecting the City's heritage". Under the Knowing strand, the Strategy identifies as an action to "investigate, identify, assess and document gaps in the record of places of cultural heritage significance". Under the Protection strand, the Strategy includes the following:

Goal

To protect and value all heritage places and put in place policies to support decision making around heritage conservation.

...

Rationale

...Protecting heritage requires a proactive approach, combining legal protection with clear guidance where change is proposed. Recognition and protection of heritage through the Planning Scheme should mean that proposals for change actively respond to heritage requirements.

⁷ Heritage Strategy 2013, page 6.

⁸ Heritage Strategy 2013, pages 12-13.

The MSS Growth Area Framework Plan defines the areas of high growth and development as the Hoddle Grid and three urban renewal areas of Southbank, City North and Arden Macaulay.

Reviewing these high change areas to identify and protect heritage is the highest priority. ...

Actions

2.2 progressively undertaken a review of heritage in the high growth and urban renewal areas and in the mixed use areas of the city.⁹

(emphasis added)

16. The Appendix to the Strategy lists Action 2.2 (above) as the first of the “first priority actions” and identifies current work to include the Central City Heritage Review.¹⁰ The second priority actions include to “develop statements of significance drawing from themes identified in the Thematic History: a History of the City of Melbourne’s Urban Environment 2012 for all heritage precincts, individually significant buildings and places across the municipality”.¹¹

IV. PREVIOUS HERITAGE REVIEWS FOR CENTRAL MELBOURNE

17. Council has progressively reviewed heritage protection for places in the Hoddle Grid through studies in 1985, 1993, 2002 and 2011. Previous reviews for the Hoddle Grid include:
- (a) Central Activities District Conservation Study, 1985 (Graeme Butler)
 - (b) Central City Heritage Study Review, 1993 (Philip Goad, Miles Lewis, Alan Mayne, Bryce Raworth, Jeff Turnbull)
 - (c) Review of Heritage Overlay listings in the CBD, 2002 (Bryce Raworth)
 - (d) Central City Heritage Review, 2011 (Graeme Butler)
18. The Central Activities District Conservation Study was undertaken in 1985 (**1985 Study**) by Graeme Butler. The study area focused on the Hoddle Grid and the wedge immediately to the north of the Hoddle Grid bounded by La Trobe, Spencer,

⁹ Heritage Strategy 2013, page 18.

¹⁰ Heritage Strategy 2013, page 28.

¹¹ Heritage Strategy 2013, page 29.

Dudley, Peel and Victoria Streets, including the Queen Victoria Market. The purpose of the 1985 Study was to identify all buildings and/or groups of buildings of architectural and historic importance. Buildings were graded A-E and streetscapes were identified as Level 1 or 2 streetscapes. Citations were provided for all 'A-graded' buildings not already on the Historic Buildings Register and for the first 100, alphabetically, of the 'B-graded' buildings. Each graded building was also recorded on a Building Identification Sheet.

19. The Central City Heritage Study Review was undertaken in 1993 by Philip Goad, Miles Lewis, Alan Mayne, Bryce Raworth and Jeff Turnbull (**1993 Review**). The study area for the 1993 Review was extended from the 1985 Study to include the Flagstaff Gardens, Parliamentary precinct, environs of Eastern Hill, and some land between Flinders Street and the Yarra River. All existing building gradings and precinct boundaries were reviewed and new places recommended. Changes to the gradings ascribed in the 1985 Study were made resulting from demolition, detrimental alterations, changes to context and new information. In consultation with Council officers and the steering committee, the 1993 Review adopted an A, B, C grading structure to reduce the pejorative associations often implied by gradings D and E and to simplify the list overall. The 1993 Review also focused on identifying buildings constructed from 1956 to 1974.
20. The Review of Heritage Overlay listings in the CBD (Draft) was undertaken in 2002 by Bryce Raworth (**2002 Review**) and reviewed buildings identified in the 1993 Review that were not protected in a Heritage Overlay. The 2002 Review identified 99 buildings that warranted inclusion in a Heritage Overlay. Seven of these places are proposed for protection in individual Heritage Overlays under this Amendment.
21. A study of the heritage of a section of Little Lonsdale Street was undertaken in 2010 and resulted in the introduction of the Heritage Overlay to a new precinct known as 'Little Lon' approved by Amendment C165 in 2011. Currently this precinct covers five sites in Little Lonsdale Street between Bennetts Lane and Exploration Lane. The precinct is proposed to be extended by this Amendment and renamed the "Little Lonsdale Street Precinct".
22. The Central City (Hoddle Grid) Heritage Review was undertaken in 2011 to build on earlier reviews (**2011 Review**) and resulted in heritage protection for a further 87

places, approved by Amendment C186 Part 1 in 2013. Nine postwar places were included in interim overlays in 2016 under Amendment C186 Part 2; seven of these places are proposed for protection in individual Heritage Overlays under this Amendment.¹²

23. In 2014, the Department of Environment, Land, Water and Planning (**Department**) undertook a heritage review of the Bourke Hill heritage precinct. Amended Heritage Overlays, Design and Development Overlays, Statements of Significance and gradings for this section of the Hoddle Grid were introduced in 2015 by Amendment C240.
24. The Guilford and Hardware Laneways Study was undertaken by Lovell Chen in 2017 for the area bounded by Elizabeth, La Trobe, Queen and Little Collins Streets (**Laneways Study 2017**). This resulted in Amendment C271 in 2019 which introduced two new heritage precincts (“Elizabeth Street West Precinct” and “Guildford and Hardware Lanes Precinct”) and seven new individual overlays and made amendments to existing overlays. Amendment C387 addresses an error in the consultation map for Amendment C271 which showed 341-345 Elizabeth Street as “contributory” whereas it was assessed as “significant” in the Laneways Study. The 2020 Review assessed sites not recommended for protection by the Laneways Study 2017 and Amendment C387 introduces permanent Heritage Overlays to places in this area.

V. OTHER RELEVANT HERITAGE AMENDMENTS

25. In July 2020, Amendment C258 was gazetted. Amendment C258 converted the previous A-D grading system to a significant/contributory/non-contributory category system and revised the previous heritage policies in Clauses 22.04 and 22.05. Amendment C258 converted the gradings of approximately 7,000 heritage places. As a result of commitments made by Council to the Amendment C258 Panel to address methodological issues with some places, there are approximately 400 C- and D-graded buildings which were excluded from Amendment C258. As a consequence of the exclusion of these places, there are presently two parts to the heritage policies in Clauses 22.04 and 22.05 and two Heritage Inventories in the Scheme: Part A of

¹² Of the 9 places identified in C186 Part 2, two were removed from interim Heritage Overlays by Amendment C327 and are not included in the Amendment: 453-455 Elizabeth Street and 463-465 Elizabeth Street.

Clause 22.04 and the Heritage Places Inventory February 2020 Part A deal with the places converted under Amendment C258; Part B of Clause 22.04 and the Heritage Places Inventory February 2020 Part B deal with the places which were excluded from Amendment C258 and remain under the former A-D grading system. In approving Amendment C258, the Minister advised Council that he expected Council to request authorisation to prepare a further amendment to finalise the conversion process.

26. Amendment C396 seeks to finalise the conversion of the outstanding places from Amendment C258 that required further review or were incorrectly converted, including C-graded places in City North, D-graded places in individual Heritage Overlays and places that were not identified or were listed incorrectly in the Amendment C258 Heritage Inventory. Amendment C396 will introduce a consolidated Heritage Places Inventory and a single set of heritage policies in Clauses 22.04 and 22.05. Amendment C396 has been exhibited, submissions have been received and it is scheduled for a panel hearing before the end of 2021.

VI. METHODOLOGY, STEPS AND TIMING OF HODDLE GRID HERITAGE REVIEW 2020

27. Council committed to preparing a Hoddle Grid Heritage Review in its Annual Plan dated 2016-17 in accordance with the action in the Heritage Strategy to review heritage in the high-growth areas in the City, such as the Hoddle Grid.
28. A key objective for the Review was to assess places previously identified in heritage studies that had not been protected in Heritage Overlays. Around one third of places identified in previous reviews that were not protected within Heritage Overlays have already been lost. It is intended that the Review will provide clarity and certainty to property owners, developers and the community about whether previously graded places warrant protection.
29. The study area for the Review (see Figure 1) extends slightly beyond Robert Hoddle's 1837 surveyed grid. The boundary encompasses a section of the Yarra River or Birrarung, recognising that the history of the Hoddle Grid is inextricably linked to the presence of the River and that the grid plan is aligned with its course. In the west, the study area boundary extends to Wurundjeri Way, including the railway and part of the

area that was once Batman's Hill, one of several hills that gave the city its particular landscape. To the north-east it extends to A'Beckett and Victoria Streets to align with the southern boundaries of the City North Heritage Review 2013, the West Melbourne Heritage Review 2016 and the Draft Carlton Heritage Review (presently underway).

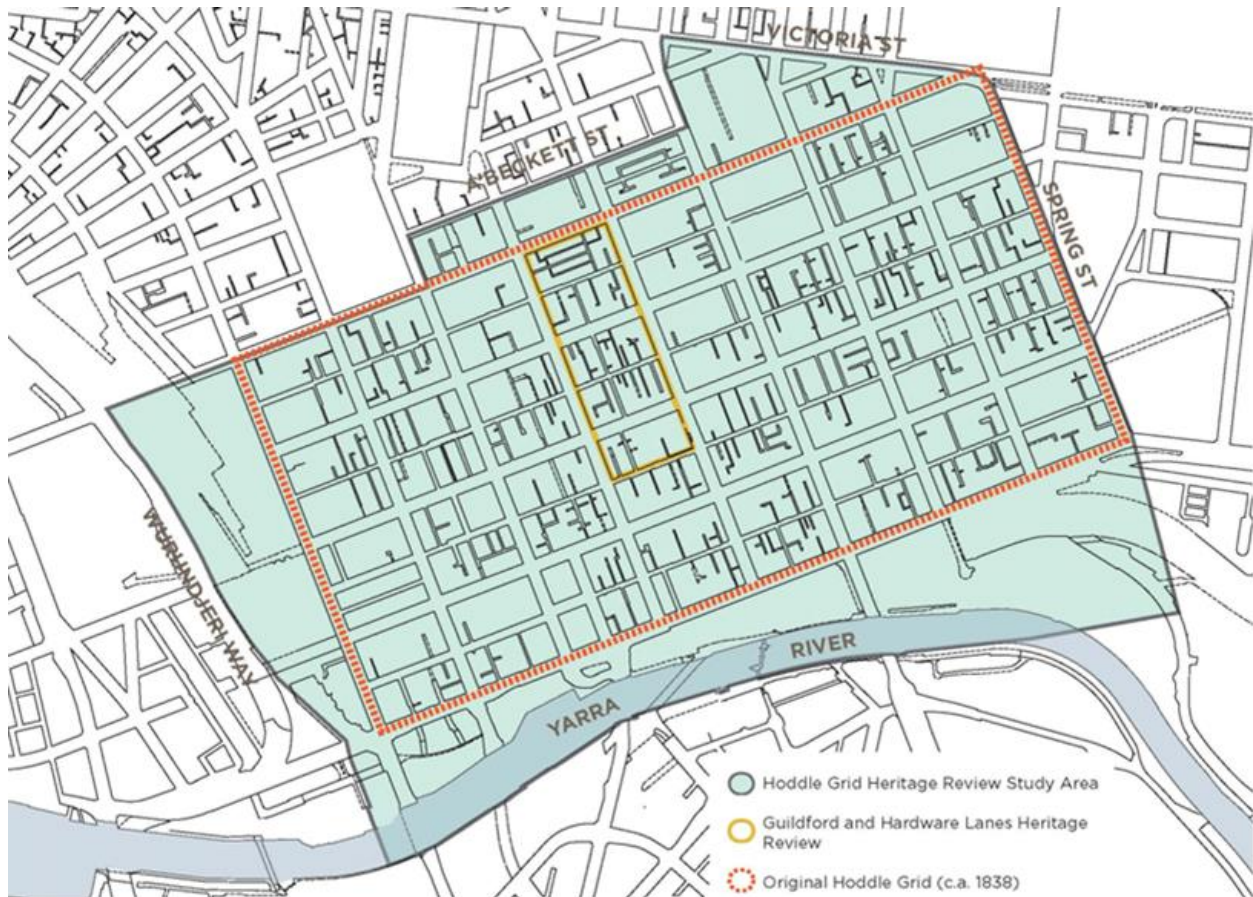


Figure 1 Hoddle Grid Heritage Review Study Area

30. An External Reference Group (**ERG**) was established to enable Council to engage with peak bodies at key stages of the Review. The ERG comprised the National Trust, Property Council of Australia, Australian Institute of Architects, Australian Institute of Landscape Architects, Planning Institute of Australia, Office of the Victorian Government Architect, Heritage Victoria, the Department and Aboriginal Victoria.
31. The list of places for assessment in the Review was derived from four main sources:
 - (a) lists of places prepared by Council drawn from previous heritage studies, in particular the 1993 Review;
 - (b) nomination workshops with:

- (i) the ERG
 - (ii) external heritage advocates
 - (iii) key Council staff;
 - (c) field surveys carried out by Context; and
 - (d) internal review carried out by Council.
32. In all, more than 500 potential places were identified for consideration, including more than 200 from previous heritage studies.¹³
33. The Review was undertaken across three time periods 2016-17(pilot), 2017-18 and 2018-20.
34. The pilot stage of the Review involved the assessment of 29 individual places. These comprised the nine postwar places not progressed under Amendment C186 of which seven were recommended for inclusion in a Heritage Overlay, and 20 places identified for assessment, based on a number of factors including risk of redevelopment and integrity,¹⁴ all of which were recommended for inclusion in a Heritage Overlay.¹⁵ .
35. The 2017-18 work program included an additional 37 individual places and six precincts to achieve a manageable list of places for assessment.¹⁶ The places which were chosen had a strong history, architectural quality or other heritage value, and a high to relatively high integrity.¹⁷
36. The pilot stage and the 2017-18 work program combined to become the Hoddle Grid Heritage Review, June 2018 (**2018 Review**). The 2018 Review recommended protection for 64 individual places and six precincts. Amendments C327 (Interim Controls) and C328 (Permanent Controls) implemented the 2018 Review.

¹³ Review, volume 1, Table 2, page 6.

¹⁴ The criteria for selection in the pilot stage are set out in Review, volume 1, section 2.3.

¹⁵ Review, volume 1, Table 1, page 2.

¹⁶ Ibid.

¹⁷ Review, volume 1, section 2.4.2, page 7.

37. A peer review of the 2018 Review by GJM Heritage commenced after the completion of the 2017-18 work program and the production of the 2018 Review, and input from GJM Heritage continued through the 2018-2020 work program (**GJM Peer Review**). The GJM Peer Review consisted of two key stages: in the first stage, a desk top peer review of the 2018 Review and citations; and in the second stage, a detailed review of all citations, a review of postwar thematic history, identification and assessment of additional postwar buildings, and a review of places not recommended by Context for inclusion. In summary, the following outputs from the project were peer reviewed:
- (a) methodology;
 - (b) postwar thematic history;
 - (c) citations prepared for places and precincts assessed in 2016-18;
 - (d) the list of places and potential precincts to be assessed during 2018-20;
 - (e) citations prepared for places and precincts assessed in 2018-20;
 - (f) the list of places not recommended for assessment in the 2018 Review.
38. The findings of the GJM Peer Review are set out in the Hoddle Grid Heritage Review Peer Review Report by GJM Heritage, dated 29 October 2020 (**Peer Review Report**).¹⁸ The findings from the first stage of the GJM Heritage work are recorded in the Peer Review Report and include the following:¹⁹

The methodology utilised for undertaking the HGHR appears consistent with PPN1 and current heritage practice.

The HGHR appears to provide a justifiable basis for implementing the Heritage Overlay to a number of places (individual buildings and precincts) on a permanent basis and contributes to the objectives and strategies of Clause 15.03-1S – ‘Heritage conservation’ and the objectives of section 4(1)(d) of the Planning and Environment Act 1987. A small number of recommendations and findings in the HGHR are not supported.

...

The HGHR has considered relevant previous heritage studies.

¹⁸ The Peer Review Report was exhibited with the Amendment.

¹⁹ Peer Review Report, page 7.

39. Other findings from the first stage of the GJM Peer Review were:

The Hoddle Grid Post-World War Two Thematic History requires expansion and redrafting to provide a robust thematic context for the postwar places considered within the HGHR.

The comparative analysis of the postwar places is too limited and does not adequately address the concerns of the Panel considering Melbourne Planning Scheme Amendment C186

40. Following the first stage of the GJM Peer Review, the 2018-2020 work program proceeded, with GJM Heritage engaged to review *inter alia* the postwar thematic history, to undertake field work and to assess postwar buildings. The 2018-2020 work program recommended the protection of an additional 74 individual places, including 27 additional individual postwar places,²⁰ and three precincts.²¹

41. The substantive changes recommended by the GJM Peer Review are explained in Table 5 of the Peer Review Report and are summarised in Table 3 of the Review. The changes included:

- (a) deleting the “Little Collins Street Precinct”;
- (b) deleting two individual places:
 - (i) 8-12 Market Street (Former Southern Cross Assurance Building)
 - (ii) 53-57 Queen Street (SDA House);
- (c) correcting and changing categories for select places;
- (d) removing criterion C (research potential) and removing criteria G, E and H from select places;
- (e) expanding existing Heritage Overlays for select places.

42. Chapter 3 of the Review sets out the methodology utilised in making recommendations for the application of the Heritage Overlay, including reference to the City of Melbourne Thematic Environmental History and the Postwar Thematic Environmental History; documentary research; development of the social values

²⁰ GJM Heritage identified and assessed 30 additional postwar places but recommended heritage protection for 27 postwar places.

²¹ Review, volume 1, Table 1, page 2. See section 2.4.3 for criteria used to select the places assessed in the 2018-2020 work program.

checklist; field work; assessment of places by reference to the criteria in Practice Note 1; preparation of statements of significance; application of gradings within precincts, using the definitions in Clause 22.04; application of mapping conventions in accordance with Practice Note 1; and statutory recommendations for the Schedule 1 controls.

43. Following this methodology and with the benefit of the GJM Peer Review, the Review sets out its key findings and recommendations at Chapters 4 and 5 respectively. The Review found that 141 places met the threshold for local significance and were worthy of protection under the Heritage Overlay, comprising:²²

- (a) 82 individual pre-1945 places
- (b) 55 individual postwar places
- (c) 4 revisions to existing individual Heritage Overlays.

44. The Review found that five precincts met the threshold for local significance and were worthy of protection under the Heritage Overlay.
45. The Review also included a social values checklist for Criterion G and a social values analysis for Criterion G;²³ an analysis on benchmarking integrity;²⁴ and a list of 157 places not recommended for inclusion in the Heritage Overlay.²⁵ Additionally, a consolidated list of all places that were recommended for an individual Heritage Overlay or a precinct Heritage Overlay or not recommended for a Heritage Overlay was provided.²⁶

VII. CHRONOLOGY OF EVENTS

A. AMENDMENT C186

46. Amendment C186 proposed 99 new individual Heritage Overlays recommended for protection by the Central City Heritage Review, 2011. Amendment C186 was split by

²² Review, volume 1, chapter 4, section 4.1, pages 17-18 and Appendices A1 and A2, pages 27-35.

²³ Review, volume 1, Appendices A3 and A4, pages 37-75

²⁴ Review, volume 1, Appendix A5, pages 77-79.

²⁵ Review, volume 1, Appendix A6, pages 83-150.

²⁶ Review, Volume 1, Appendix A7, pages 151-178.

the Minister for Planning to include the nine postwar places proposed for protection within Amendment C186 Part 2 in accordance with his recommendation to undertake further strategic work to justify the protection of these places.

47. On 25 July 2013, the Minister for Planning approved the inclusion of 87 places located within the Hoddle Grid in the Heritage Overlay via Amendment C186 Part 1.
48. On 14 April 2016, the Minister for Planning approved interim heritage protection for nine postwar places within the Hoddle Grid via Amendment C186 Part 2. The interim heritage protection has been further extended until 29 May 2022.

B. AMENDMENT C326

49. Amendment C326 was a site-specific Amendment to include 263-267 William Street (Metropolitan Hotel) within an interim Heritage Overlay. On 5 June 2018, the Future Melbourne Committee resolved that it:

8. *requests the Minister for Planning prepare a planning scheme amendment pursuant to Section 20(4) of the Planning and Environment Act 1987 to introduce interim heritage controls applying a heritage overlay to the Metropolitan Hotel site at 263-267 William Street, Melbourne*

50. On 16 August 2018, the Minister for Planning approved interim heritage protection for the Metropolitan Hotel under Amendment C326.
51. Amendment C326 was progressed prior to the other interim heritage controls proposed under Amendment C327 because a planning permit application had been lodged to redevelop the site.

C. AMENDMENTS C327 AND C328

52. Amendments C327 (interim controls) and C328 (permanent controls) implemented the findings of the 2018 Review.
53. On 21 August 2018, the Future Melbourne Committee resolved that it:

9.1 *Notes Volumes 1 and 2 of the Hoddle Grid Heritage Review at Attachment 2 and management's recommendations for interim and permanent heritage controls under Planning Scheme Amendments C327 and C328 at Attachment 3.*

- 9.2 *Requests the Minister for Planning prepare Planning Scheme Amendment C327 (Attachment 5) pursuant to section 20(4) of the Planning and Environment Act 1987 to include:*
 - 9.2.1 *all individually significant places (except two places already located in existing precincts and the Metropolitan Hotel which now has interim controls) identified in Volumes 1 and 2 of the Hoddle Grid Heritage Review within interim heritage overlays*
 - 9.2.2 *the precincts identified in Volumes 1 and 2 of the Hoddle Grid Heritage Review (Stage 2) within interim heritage overlays*
 - 9.2.3 *extend the expiry date for seven places already within interim overlays*
- 9.3 *Seeks authorisation from the Minister for Planning under the Planning and Environment Act 1987 to prepare and exhibit Planning Scheme Amendment C328 (Attachment 6) to include all individually significant places and precincts identified in Volumes 1 and 2 of the Hoddle Grid Heritage Review (Stage 2) within permanent heritage overlays.*
- 9.4 *Authorises the Director City Strategy and Place to make any further minor editorial changes to Planning Scheme Amendment C327 and C328 if required.*
- 9.5 *Notes management's intention to report back to the Future Melbourne Committee in Quarter 2 of 2018–19 on the remaining Volumes of the Hoddle Grid Heritage Review, which address Aboriginal history and heritage, pre-contact archaeology, and communications and engagement.*

54. On 4 September 2018, the Department, under delegation from the Minister for Planning, granted authorisation to Council to prepare Amendment C328, subject to the following conditions:

1. *Prior to exhibition, the amendment documents are to be updated to be consistent with the revised Minister's Direction on the form and content of planning schemes, updated on 31 July 2018 as part of Amendment VC148. Specifically, the following changes are required:*
 - a. *update the schedule to Clause 43.01 Heritage Overlay*
 - b. *renumber the schedule to Clause 81.01 to be Clause 72.04*

55. On 18 October 2018, the Minister for Planning approved interim protection for 50 individual places and six precincts, and extended the expiry date of interim controls established under Amendment C186 Part 2 for seven places until 29 May 2020 via Amendment C327. Interim controls were deleted for two places that had interim

controls under Amendment C186 Part 2. The Minister for Planning excluded most places with live permits for substantial development from interim controls.

D. AMENDMENT C383

56. On 19 May 2020, Amendment C383 was approved to extend the expiry date of interim controls introduced by Amendment C327 for a further year until 29 May 2021 along with minor changes.

E. AMENDMENT C386 AND C387

57. Amendments C386 (interim controls) and C387 (permanent controls) implement the findings of the 2020 Review.
58. Amendment C386 proposed to implement the findings of the 2020 Review on an interim basis by:
- (a) applying the Heritage Overlay to 70 new individual places on an interim basis
 - (b) extending the boundary of four existing individual Heritage Overlays on an interim basis
 - (c) deleting 2 interim individual Heritage Overlays and 1 interim precinct Heritage Overlay
 - (d) revising the Statements of Significance for 55 existing interim individual Heritage Overlays and 5 existing interim precinct Heritage Overlays
 - (e) replacing the incorporated document titled Hoddle Grid Heritage Review: Statements of Significance, September 2018 (Amended April 2020) with separate incorporated documents for each Statement of Significance applying to the new and amended Heritage Overlays
 - (f) deleting the incorporated document titled Hoddle Grid Heritage Review: Heritage Inventory, September 2018 (Amended April 2020).
59. Amendment C387 implements the findings of the 2020 Review on a permanent basis by:
- (a) applying the Heritage Overlay to 133 individual places

- (b) revising the boundary of 4 existing individual Heritage Overlays
- (c) applying the Heritage Overlay to 5 precincts including extending 1 precinct
- (d) amending an interim precinct Heritage Overlay by changing the Heritage Overlay number
- (e) introducing separate Statements of Significance for each place and precinct.

60. On 4 August 2020, the Future Melbourne Committee resolved that it:

12.1 Notes the Hoddle Grid Heritage Review (Attachment 2) and selected individual heritage places and precincts (Attachment 3) proposed for interim and permanent heritage controls under Planning Scheme Amendments C386 and C387.

12.2 Requests the Minister for Planning prepare Planning Scheme Amendment C386 (Attachment 6) pursuant to section 20(4) of the Planning and Environment Act 1987 to:

12.2.1 Include all extant individual heritage places without existing interim controls (except places with live planning permits for substantial development) identified in Volumes 1 and 2 of the Hoddle Grid Heritage Review within interim Heritage Overlays.

12.2.2 Provide updated statements of significance and make related changes to amendment documentation for all extant individual heritage places and precincts within existing interim Heritage Overlays identified in Volumes 1 and 2 of the Hoddle Grid Heritage Review.

12.2.3 Delete two existing interim individual Heritage Overlays (8-12 Market Street and 53-57 Queen Street, Melbourne) and one existing interim Heritage Overlay Precinct (Little Collins Street Precinct).

12.3 Seeks authorisation from the Minister for Planning under the Planning and Environment Act 1987 to prepare and exhibit Planning Scheme Amendment C387 (Attachment 7) to:

12.3.1 Include all extant individual heritage places and precincts identified in Volumes 1 and 2 the Hoddle Grid Heritage Review within permanent Heritage Overlays.

12.3.2 Provide updated statements of significance and make related changes to amendment documentation for all extant individual heritage places and precincts within existing interim Heritage Overlays identified in Volumes 1 and 2 of the Hoddle Grid Heritage Review.

12.3.3 Delete two existing interim individual Heritage Overlays (8-12 Market Street and 53-57 Queen Street, Melbourne) and one existing interim Heritage Overlay Precinct (Little Collins Street Precinct).

12.4 Authorises the General Manager Strategy, Planning and Climate Change to make changes to Planning Scheme Amendment C387 (Attachment 6) to take account of the approval of Planning Scheme Amendment C386 should the Minister for Planning approve Amendment C386 prior to exhibition of Amendment C387.

12.5 Authorises the General Manager Strategy, Planning and Climate Change to make any further minor editorial and referencing changes to Planning Scheme Amendment C386 and C387 as required.

61. On 1 October 2020, the Minister for Planning approved interim protection for 68 individual places and revised the boundary for four existing individual Heritage Overlays until 29 May 2022 via Amendment C386. The Minister for Planning did not provide interim protection for two places proposed for individual Heritage Overlays and one place within an extended individual Heritage Overlay because these sites had live permit applications for substantial development.²⁷
62. On 1 October 2020, the Department, under delegation from the Minister for Planning, granted authorisation to Council to prepare Amendment C387, subject to the following condition:

update amendment documentation for C387melb must be revised to reflect the removal of interim heritage overlays via Amendment C386melb and any other associated changes. The amendment documentation, including maps and the Explanatory report, must be updated.

63. The authorisation letter also notes:

The authorisation of C387melb incorporates changes proposed by Amendment C328melb. The council should therefore resolve to abandon C328melb and notify the Minister as required under Section 28 of the Planning and Environment Act 1987.

64. Following receipt of the Department's letter, Council revised the Amendment to comply with the condition of authorisation and prepared the Amendment for public exhibition.

²⁷ The Council chose not to pursue interim heritage protection for places with existing permit (see 12.2.1 extracted in [60] above), but the Minister for Planning excluded heritage protection for places with existing permit applications, including 256-260 King Street, 341-345 Elizabeth Street and 384-386 Bourke Street (part of the Thomas Warbuton site).

65. On 27 October 2020, the Minister for Planning approved Amendment C399 to correct obvious and technical errors in the Schedules to Clauses 43.01 and 72.04 that occurred in the gazettal of Amendment C386.

66. On 20 May 2021, the Minister for Planning approved an extension to the expiry of interim protection for all places and precincts until 29 May 2022 via Amendment C406.

F. COPY OF AMENDMENT C387 PROVIDED TO THE MINISTER FOR PLANNING PRIOR TO EXHIBITION

67. On 12 October 2020, a copy of the Amendment including the amendment documentation and explanatory report, was provided to the Minister for Planning in accordance with Section 17 of the Act.

G. COMMUNITY CONSULTATION PRIOR TO EXHIBITION

68. On 14 August 2020, notice of the outcome of the Future Melbourne Committee meeting of 4 August 2020 was given to owners of places proposed to be included within new interim Heritage Overlays under Amendment C386.

H. EXHIBITION

69. This Amendment was exhibited between 5 November and 17 December 2020. The following documents were exhibited:

- (a) Explanatory report
- (b) Track change version of Clause 22.04, the Schedule to Clause 43.01 and Clause 72.04
- (c) Relevant planning scheme maps
- (d) Instruction sheet
- (e) The Heritage Places Inventory February 2020 Part A (Amended July 2020)
- (f) The Heritage Precincts Statements of Significance February 2020 (Amended July 2020)

- (g) The Guildford and Hardware Laneways Heritage Study 2017: Heritage Inventory November 2018 (Amended July 2020)
- (h) The Guildford and Hardware Laneways Heritage Study 2017: Statements of Significance November 2018 (Amended July 2020)
- (i) The 2020 Review volume 1
- (j) The 2020 Review volume 2a
- (k) The 2020 Review volume 2b
- (l) The Guildford and Hardware Laneways Heritage Study May 2017 (updated October 2018)
- (m) The GJM Peer Review Report (Accompanying document)

70. Public notification of the Amendment included:

- (a) mailing out the statutory notice and a letter with information about the Amendment and the amendment process on 30 October 2020 (around 10,000 letters) to:
 - (i) owners and occupiers of land proposed to be included in a Heritage Overlay;
 - (ii) targeted stakeholders, including:
 - VicTrack
 - VicRoads
 - Melbourne Water
 - Victorian Planning Authority
 - Development Victoria
 - Public Transport Victoria
 - Transport for Victoria

- Victorian Building Authority
- Working Heritage Incorporated
- Office of the Victorian Government Architect
- City of Yarra
- City of Moreland
- City of Port Phillip
- City of Maribyrnong
- Heritage Victoria
- National Trust
- Melbourne Heritage Action
- Royal Historical Society of Victoria; and

(iii) prescribed Ministers under Section 19(1)(c) of the *Act*

- (b) publishing a public notice in *The Age* on 4 November 2020 and Government Gazette on 5 November 2020
- (c) making an electronic copy of the Amendment and supporting information available for public viewing from 2 November 2020 online on the Participate Melbourne website and from 5 November 2020 on the Department's Planning Documents on Exhibition
- (d) posting on social media platforms including LinkedIn, Twitter, Insta Stories, CoM News and CoM e-news channels.
- (e) Melbourne Magazine November 2020 article 'Six free activities for local heritage lovers' outlined the findings of the Review, the Amendment, how to make a submission and the engagement activities.

71. Public information sessions were held virtually via Zoom on 17 and 25 November 2020.

72. Targeted stakeholder engagement occurred with the University of Melbourne and the East Enders residents' group.
73. A wide range of [engagement tools](#) were employed that attracted a large audience, including:
- (a) a Melbourne Conversations event about postwar architecture held virtually via Zoom on 11 December 2020, which included a panel of pre-eminent experts on modernist architecture. To date this Conversations event has had over 750 views on YouTube.
 - (b) three self-guided walking tours (Flinders Fabrics, Swanston Stores and the Changing Skyline) featuring precincts and buildings proposed for protection. The tours allowed users to tour these heritage places on smartphones and were downloaded around 450 times.
 - (c) two sold-out drawing classes with Laneway Learning that provided details of the Amendment and instructed around 80 people on how to draw an ornate Edwardian building proposed for protection.
 - (d) colouring-in sheets by local artist Lewis Brownlie of some of the heritage buildings proposed for protection.
 - (e) A Wolfgang Sievers online historic photography exhibition entitled 'Lens on Postwar Melbourne'. As a principal figure in Australian modernism, Wolfgang Sievers was commissioned by architectural firms in the 1950s to 1970s to capture many of the postwar building identified for protection.

I. SUBMISSIONS

74. In response to the exhibition of the Amendment, Council received twenty-two submissions in support of the Amendment and 43 submissions in opposition to the Amendment. Matters raised included:
- (a) support for protection of heritage places recognising their value to Melbourne, and concern over previous loss of important heritage buildings

- (b) whether places warrant heritage protection if they were altered from their original construction, graded C-E and/or not identified in previous heritage reviews
- (c) whether heritage protection should be applied to places with live planning permits

J. NOTIFICATION POST EXHIBITION

- 75. On 16 March 2021, Council wrote to selected landowners to advise that the headings to the first and third tables of Attachment 1 to the Explanatory Report for Amendment C387 had been updated for clarity purposes. An updated Attachment 1 together with a tracked changes copy was provided together with an opportunity to make a new or supplementary submission by 19 April 2021.
- 76. Three new submissions were received as arising from provision of the updated Attachment 1 to the Explanatory Report.²⁸

K. CHANGES TO AMENDMENT C387 IN RESPONSE TO SUBMISSIONS

- 77. GJM Heritage were engaged to review all submissions received. For all but three places for which individual Heritage Overlays were recommended and all precincts, GJM Heritage reaffirmed its original assessment. For the three exceptions, the following changes were recommended:
 - (a) revise 106 Little Lonsdale Street from contributory to non-contributory given the significance of the Little Lonsdale Street Precinct does not include buildings constructed in the postwar period
 - (b) reduce extent of individual Heritage Overlay HO1307 to more closely align with the retained Former John Danks & Son building at 393-405 Bourke Street, Melbourne
 - (c) change the Former Universal House Statement of Significance (25 Elizabeth Street, Melbourne) to delete Criterion E (aesthetic significance) given the loss of decorative features and alter assessment of Criterion A (historical significance) to remove emphasis on the Hordern Family.

²⁸ Submissions 61, 63 and 64.

L. POST-EXHIBITION AND APPOINTMENT OF PANEL

78. Council considered the advice of GJM Heritage and independently agreed with their response.

79. On 18 May 2021, the submissions to the Amendment were presented to Future Melbourne Committee together with a summary of submissions and a response to submissions (**Council Response**), and the following recommendation:

7. *That Future Melbourne Committee:*

7.1 *Considers all submissions to Amendment C387 as listed in Attachment 2 and adopts management's position on all those submissions.*

7.2 *Refers all submissions to Amendment C387 as listed in Attachment 2 to an independent Panel appointed by the Minister for Planning for consideration by the Panel.*

7.3 *Notes that the form of the Amendment to be presented to an independent Panel is as exhibited except as set out in Attachment 3 being those parts of the Amendment which include proposed revisions following consideration of all submissions.*

7.4 *Authorises the General Manager Strategy, Planning and Climate Change to make any further minor or necessary changes to Amendment C387.*

80. Due to the number of Councillors declaring conflicts of interest, the quorum for the meeting was lost and it was resolved by delegation to request the Minister for Planning to appoint an independent Panel to hear submissions about the Amendment.

81. On 20 May 2021, Council formally requested that a Panel be appointed to consider the submissions received in response to the Amendment.

82. On 25 May 2021, a late submission (Late Submission 66) was received and was referred to the Panel on 7 June 2021.

83. A combined total of 66 submissions were received for the Amendment, and all submissions have been referred to the Panel.

84. On 26 May 2021, Council received advice from Planning Panels Victoria that the Minister for Planning had appointed a two person Panel to hear and consider

submissions in respect of the Amendment, and expected to hear the matter and deliver its report within the following timeframes:

Directions Hearing: 11 June 2021

Panel Hearings 23 August 2021

85. On 11 June 2021, the Directions Hearing for Amendment C387 was held.
86. On 17 June 2021, the Panel issued written directions, including a distribution list and timetable for the hearing.

VIII. STRATEGIC BASIS FOR AMENDMENT C387

87. The Amendment is consistent with State Planning Policy Framework Objective 15 (Built Environment and Heritage):

15.01-1R (Urban design) – to create a distinctive and liveable city with quality design and amenity

15.03-1S (Heritage conservation) – to ensure the conservation of places of heritage significance.

88. The Amendment is also consistent with local policy provisions of the Scheme.

89. In describing the municipal profile, Clause 21.02-1 of the MSS states

One of the great Victorian-era cities in the world, the City contains many precincts, intact streetscapes and buildings recognised for their cultural heritage significance. While mostly known for its Victorian and Edwardian streetscapes, there are many examples of outstanding interwar, post war and contemporary architecture in the municipality.

90. The vision for Melbourne in Clause 21.03 includes the following in relation to Built Environment and Heritage:

Protecting existing built form character and heritage, in addition to providing an attractive and liveable built environment in parts of the City where development will intensify is essential.

91. Clause 21.06 (Built Form and Heritage) acknowledges the importance of heritage and includes comprehensive strategies for the protection and enhancement of heritage in Melbourne, as follows:

Melbourne's character is defined by its distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial.

92. Strategy 1.1 of Clause 21.06-1 is to:

Protect Melbourne's distinctive physical character and in particular, maintain the importance of:

- *identified places and precincts of heritage significance*
- *the World Heritage Listed Royal Exhibition Building and Carlton Gardens*
- *the Shrine of Remembrance*
- *the Hoddle Grid*
- *the Yarra River Corridor, Victoria Harbour and waterways*
- *the network of parks and gardens*
- *the Hoddle Grid's retail core*
- *the network of lanes and arcades*
- *boulevards*
- *the sense of place and identity in different areas of Melbourne*

93. The Objective and Strategies of Clause 21.06-2 are to:

Conserve and enhance places and precincts of identified cultural heritage significance.

Conserve, protect and enhance the fabric of identified heritage places and precincts.

Support the restoration of heritage buildings and places.

Maintain the visual prominence of heritage buildings and landmarks.

In heritage precincts protect heritage buildings, subdivision patterns, boulevards and public open space.

Protect the significant landscape and cultural heritage features of the City's parks, gardens, waterways and other open spaces.

Within heritage precincts and from adjoining areas protect buildings, streetscapes and precincts of cultural heritage significance from the visual intrusion of new built form both.

Protect the scale and visual prominence of important heritage buildings, landmarks and heritage places, including the Shrine of Remembrance, Parliament House and the World Heritage Listed Royal Exhibition Building and Carlton Gardens.

Maintain cultural heritage character as a key distinctive feature of the City and ensure new development does not damage this character.

94. General policy in the MSS for the Hoddle Grid is found in Clauses 21.04-1.1, 21.08, and 21.12.
95. Clause 22.04 (Heritage Places within the Capital City Zone) of the LPPF applies to places identified as significant, contributory or non-contributory in an incorporated document within the Capital City Zone. The policy basis provides:

Heritage places encompass individual heritage places and heritage precincts.

Within the CCZ, heritage places contribute to the significance of Melbourne as the cultural, administrative, educational and economic centre of the State and its importance both nationally and internationally. These places are fundamental to understanding the depth of its historic character as it developed on and extended from the Hoddle Grid. Their conservation enhances the appeal of the CCZ as a place to live, work, invest and visit.

The management of heritage places in the CCZ faces the challenge of the greater intensity of development in the CCZ relative to other parts of the city and the different built form outcomes which result from this.

This policy provides guidance on conserving and enhancing heritage places and is informed by the conservation principles, processes and practices of the Australia ICOMOS Burra Charter. The Burra Charter encourages the conservation, preservation and restoration of heritage places, and facilitates development which enhances the heritage place and is compatible and in keeping with its cultural heritage values.

96. Amongst the policy objectives are:

To conserve and enhance Melbourne's heritage places.

To retain fabric, which contributes to the significance, character or appearance of heritage places and precincts.

To recognise and conserve the assessed significance of heritage places and streetscapes, as referenced in this policy or incorporated into this planning scheme as the basis for consideration of development and works. Further information may be considered, including in relation to streetscapes, where there is limited information in the existing citation or council documentation.

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

... To ensure new development is consistent with the conservation principles, processes and practices of the Australia ICOMOS Burra Charter. ...

97. Both Clause 22.04 and the Heritage Places Inventory February 2020 Part A define the key terms as follows:

Significant heritage place

A significant heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the Significant heritage place municipality. A significant heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a significant heritage place can make an important contribution to the precinct.

Contributory heritage place

A contributory heritage place is important for its contribution to a heritage precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the heritage precinct. A contributory heritage place may be valued by the community; a representative example of a place type, period or style; and/or combines with other visually or stylistically related places to demonstrate the historic development of a heritage precinct. Contributory places are typically externally intact, but may have visible changes which do not detract from the contribution to the heritage precinct.

Non-contributory

A non-contributory place does not make a contribution to the cultural significance or historic character of the heritage precinct

Heritage precinct

A heritage precinct is an area which has been identified as having heritage value. It is identified as such in the Schedule to the Heritage Overlay, and mapped in the Planning Scheme Heritage Overlay Maps. Heritage precinct.

Individual heritage place

An individual heritage place is equivalent to a significant heritage place. It may be categorised significant within a heritage precinct. It may also have an individual Heritage Overlay control, and be located within or outside a heritage precinct.

98. By including the identified places within the Heritage Overlay, the Amendment will ensure that the significance of these heritage places is protected, conserved and enhanced. The Heritage Overlay will require consideration to be given to the significance of the identified heritage place as part of a planning permit application.
99. By providing a category of significant or contributory for each heritage place, the Amendment ensures that a clear management framework is in place for each place under Clause 22.04.

IX. ISSUES IDENTIFIED IN SUBMISSIONS AND RESPONSES TO THESE ISSUES

100. Broadly, the issues from the 66 submissions can be summarised into the following issues or themes:

- (a) insufficient justification for individual Heritage Overlay
- (b) insufficient justification or oppose contributory/significant place in a heritage precinct
- (c) a planning permit has been issued
- (d) impact on development opportunities and other planning controls
- (e) provision of further information
- (f) suggestions for improvements
- (g) other issues outside of the scope of the Amendment.

101. In responding to submissions, Council sought the advice of GJM Heritage which prepared a comment in relation to each of the matters raised. The advice from GJM Heritage was inserted directly into the Council Response in the form of a table, a copy of which was provided to the submitters and Panel on 21 June 2021 at the Panel's direction.

102. The issues raised by the 66 submissions are responded to in summary below.

A. INSUFFICIENT JUSTIFICATION FOR INDIVIDUAL HERITAGE OVERLAY

103. Some submissions raised that changes since the original construction of specific buildings rendered them unworthy of protection, in particular, replacement of ground floor shopfronts and minor changes to upper levels of prewar buildings, and modification of podiums of postwar buildings.

104. Consistent with the advice of GJM Heritage, Council's response to this issue is that these alterations do not diminish the integrity of these buildings or the ability to understand their heritage values. GJM Heritage noted that large-scale changes to ground level shop fronts, and upper level window frames and glazing was a

widespread occurrence within the Hoddle Grid. Additionally, the majority of postwar buildings had been modified at street level.

105. Some submissions raised that buildings that were not identified or had a C to E grading under a previous heritage study did not warrant inclusion in an individual Heritage Overlay.
106. Consistent with the advice of GJM Heritage, Council's response to this issue is that significant time has elapsed since the original studies were undertaken in the 1980s and 1990s and it is to be expected that public and professional recognition of heritage has changed over this time, warranting reconsideration and reassessment of heritage values. Some eras of development are now more highly valued and/or of increased rarity and some places deserve a higher grading based on important historical or social values.

**B. INSUFFICIENT JUSTIFICATION OR OPPOSE
CONTRIBUTORY/SIGNIFICANT PLACE IN A HERITAGE PRECINCT**

107. One submission raises that there is insufficient justification to re-categorise 341-345 Elizabeth Street from "contributory" to "significant", particularly given the adjacent building is "contributory". Consistent with the advice of GJM Heritage, Council's response is that the building exhibits fine detailing and architectural features which elevates its aesthetic significance above the adjacent property; the adjacent property displays typical rather than exceptional characteristics of the period in which it was constructed. Further, the building displays a similar level of intactness and integrity to other buildings of this period that are included in the Heritage Overlay and/or have been assessed as being "significant".
108. This building was categorized as "significant" within the *Guildford and Hardware Laneways Heritage Study 2017* by Lovell Chen. This Study was implemented by Amendment C271. During the Panel for Amendment C271 Council became aware of a discrepancy in the map forming part of the advertising material sent to property owners that showed this property as "contributory" whereas it was identified as "significant" within the Study. The C271 Panel recommended that the property be categorized as "contributory" in accordance with Council's request, which noted that category could be changed as part of a future amendment process. The property is to

be re-categorised to “significant” and included within an individual Heritage Overlay under Amendment C387.

109. Three submissions raised concerns with places categorised either “significant” or “contributory” within the Flinders Lane East Precinct. Consistent with the advice of GJM Heritage, Council’s response to this issue is that each of these buildings contribute to the commercial and manufacturing history of the textile, clothing and related industries that operated in the locality from the 1880s to the 1960s. Further, the site that is to be categorised “significant” is already included in an individual Heritage Overlay.
110. One submission raised concern with multiple places being categorised “contributory” within the Little Lonsdale Precinct, which form a development site. Specifically, the submission argues that the extent of alteration to these buildings renders heritage controls unwarranted. Consistent with the advice of GJM Heritage, Council’s response to this issue is that despite the alterations and additions, the remaining fabric presented to the street/laneway is considered to contribute to the identified historic and industrial architectural values of the Little Lonsdale Precinct.

C. A PLANNING PERMIT HAS BEEN ISSUED

111. Several submissions identify that planning permits have been issued or an application is being processed for development of buildings proposed for inclusion in Heritage Overlays.
112. The Panel has been provided with a list of places for which a planning permit allowing substantial redevelopment, including in some instances full demolition, is extant.
113. Council’s position is that Amendment C387 does not affect live permits for development. Given a permit is required for demolition or part demolition within the Capital City Zone, inclusion of these sites within Heritage Overlays does not affect the extent that these permits may be acted on, unless these permits expire. If a permit is acted upon and results in full demolition, the Heritage Overlay can, if appropriate, be amended via future amendment.

114. In the event that a permit is not acted upon, it is appropriate that any future application for redevelopment of a site with a heritage building on it is assessed by reference to the heritage values of the place.
115. In relation to the property at 130-134 Little Collins Street (submitter 18), Council confirms that the planning permit has not expired and the advice it has received from the permit holder is that demolition is planned for July 2021, although to Council's knowledge, demolition has not yet commenced.

D. IMPACT ON DEVELOPMENT OPPORTUNITIES AND OTHER PLANNING CONTROLS

116. Some submissions raised the impact on development opportunities and existence of other planning controls promoting growth, such as Design and Development Overlays allowing greater height.
117. Council submits that the effect of the Heritage Overlay on future development outcomes is not relevant to establishing whether the building meets the threshold for local significance. While social and economic effects of a planning scheme amendment are relevant, the key consideration in determining whether a place should be included in a Heritage Overlay remains the heritage significance of the property.²⁹ Matters relating to reasonable redevelopment opportunities for a particular property and competing policies pertaining to a specific application for redevelopment are to be considered at the planning permit application stage.

E. PROVISION OF FURTHER INFORMATION

118. Some submissions from interested persons provided further information on the significance of places proposed for inclusion within Heritage Overlays.³⁰ In the Council Response, Council indicated that if relevant supplementary documentary evidence were provided, it would be willing to update to the relevant citations to include the further information.

²⁹ See for example Amendment C207, Melbourne Planning Scheme panel report, section 3.1; *Dustday Investments Pty Ltd v Minister for Planning* [2015] VSC 101.

³⁰ See submission 24 concerning 173-175 Bourke Street, submission 51 from Melbourne Heritage Action concerning multiple places and submission 53 concerning the Flinders Street viaduct.

119. At this stage, no further documentary evidence from these interested persons has been received.

F. SUGGESTIONS FOR IMPROVEMENTS

120. Some submissions made suggestions for improvements to the Review, including:

- (a) covering the period between 1975 and 2000
- (b) assessing interiors
- (c) reviewing existing precincts, including the Elizabeth Street motorcycle precinct
- (d) adding further individual places and precincts.

121. These matters lie outside of the scope of the Review. Future heritage studies that cover the period 1975-2000, interiors and a review of the existing precincts would be the appropriate mechanisms to consider these matters.

G. OTHER ISSUES OUTSIDE THE SCOPE OF THE AMENDMENT

122. In addition to issues that were raised in submissions that can be classified under the broad themes outlined above, the following miscellaneous issues were raised in submissions:

- (a) maintaining view lines to the Flinders Street Viaduct
- (b) financial impact of maintenance.

123. Council responds broadly as follows:

- (a) Design and Development Overlay controls are used very sparingly to protect view lines to places of very high heritage value that were designed to terminate specific vistas (for example, the Shrine of Remembrance and the Royal Exhibition Building). The consideration of additional Design and Development Overlay controls to protect views to heritage places was beyond the scope of the Review.
- (b) the private financial impact of the Heritage Overlay on maintenance costs is rarely relevant to the primary question of whether a building meets the threshold for

local heritage significance. Relevant social and economic effects are generally of a broad community nature rather than those of a personal or private kind.³¹

X. SUGGESTED CHANGES TO AMENDMENT C387 IN RESPONSE TO SUBMISSIONS

124. The proposed changes to the Amendment in response to the issues raised in submissions are set out in Attachment 3 (p. 146 of 283) of management's report presented to the Future Melbourne Committee on 18 May 2021.

125. A summary of the changes to the Amendment C387 is as follows:

- (a) revise 106 Little Lonsdale Street from contributory to non-contributory given the significance of the Little Lonsdale Street Precinct does not include buildings constructed in the postwar period
- (b) reduce extent of individual Heritage Overlay HO1307 to more closely align with the retained Former John Danks & Son building at 393-405 Bourke Street, Melbourne
- (c) change the Former Universal House Statement of Significance (25 Elizabeth Street, Melbourne) to delete Criterion E (aesthetic significance) given the loss of decorative features and alter assessment of Criterion A (historical significance) to remove emphasis on the Hordern Family.

XI. CONCLUSION

126. In summary, the Amendment is underpinned by clear strategic support for heritage protection in the Scheme and by a body of detailed and rigorous work contained in the 2020 Review. This work contains a proper foundation for inclusion of the 133 places and 5 precincts in the Heritage Overlay and for amendments to 4 existing Heritage Overlays. The statutory processes for exhibition as well as receipt and consideration of submissions have been observed.

³¹ Amendment C207, Melbourne Planning Scheme panel report, section 3.1; *Dustday Investments Pty Ltd v Minister for Planning* [2015] VSC 101.

127. In accordance with the directions of the Panel, the Part B submission will address Council's response to submissions to the Amendment, the evidence received and its final position on the Amendment.

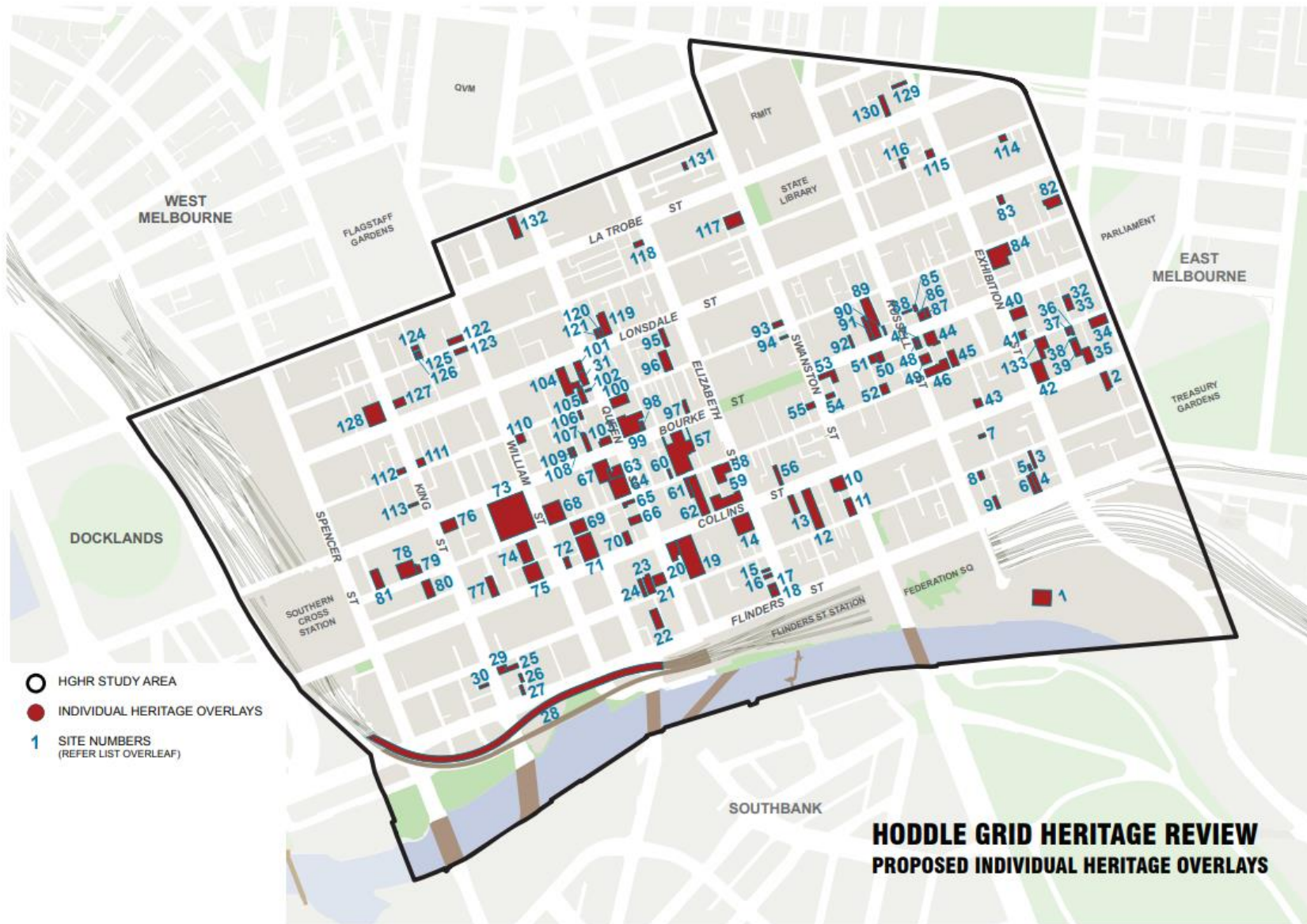
Susan Brennan

Carly Robertson

Counsel for the Planning Authority
Instructed by Melbourne City Council
2 August 2021

Map 1 - Proposed precinct Heritage Overlays and revisions to existing individual Heritage Overlays





Map 2 – Proposed Individual Heritage Overlays (front page)

1	HO1379	Princes Walk, Birrarung Marr (Former Princes Bridge Lecture Room)
2	HO1265	13-15 Collins St (Apartment Building)
3	HO1270	87-89 Flinders La (Swiss Club of Victoria)
4	HO1272	96-98 Flinders St (Dreman Building)
5	HO1267	11-15 Duckboard Pl (Warehouse)
6	HO1273	100-102 Flinders St (Former Sunday School Union of Victoria)
7	HO1248	23-25 George Pde (Former Melbourne City Council Substation)
8	HO1292	137-139 Flinders La (Former Bank of New South Wales)
9	HO1274	134-136 Flinders St (Epstein House)
10	HO1315	221-231 Collins St (Wales Corner)
11	HO1375	45-63 Swanston St (Former State Savings Bank of Victoria)
12	HO1316	251-257 Collins St (Former Commercial Banking Company of Sydney)
13	HO1317	265-269 Collins St (Former Bank of Adelaide Building)
14	HO1319	303-317 Collins St (Former MLC Building IOOF)
15	HO1247	25 Elizabeth St (Former Universal House)
16	HO1246	17-19 Elizabeth St (Excelsior House)
17	HO1328	7-9 Elizabeth St (Shops, café and office)
18	HO1327	1-5 Elizabeth St (Former Hosie's Hotel)
19	HO1322	359-373 Collins St (Former Commonwealth Banking Corporation Building)
20	HO1323	375-383 Collins St (Former Legal & General House)
21	HO1365	43-51 Queen St (Former Union House)
22	HO1249	11-27 Tavistock Pl (Former Melbourne City Council substation)
23	HO1335	376-382 Flinders La (Former Batman Automatic Telephone Exchange)
24	HO1271	384-386 Flinders La (Former Gordon Buildings)
25	HO1268	11 Highlander La (Former Zander's No 2 Store)
26	HO1269	11A Highlander La (Former Warehouse)
27	HO1337	490 Flinders St (Willis' Buildings)
28	HO1336	Flinders Street Railway Viaduct
29	HO1338	26-32 King St (Warehouse)
30	HO1250	25 King St (Former Melbourne Shipping Exchange)
31	HO1372	221-231 Queen St (Former Law Department's Building)
32	HO1364	20 Meyers Pl (The Waiters Restaurant)
33	HO1363	12-18 Meyers Pl (Former Kantay House)
34	HO1262	93-101 Spring St (Treasury Gate)
35	HO1312	18-22 Collins St (Coates Building)
36	HO1276	37 Little Collins St (Shop)
37	HO1277	39-41 Little Collins St (Former Wenley Motor Garage)
38	HO1259	20 Ridgway Pl (Former Ridgway Terrace)
39	HO1285	2-18 Ridgway Pl (Lyceum Club)
40	HO1331	136-144 Exhibition St (Former Australia Pacific House)
41	HO1330	114-122 Exhibition St (Former Morris House)
42	HO1313	56-64 Collins St (Former Reserve Bank of Australia)
43	HO1314	100-104 Collins St (Former Gilbert Court)
44	HO1302	151-163 Bourke St (Former Malcolm Reid & Co Department Store)
45	HO1349	130-134 Little Collins St (Former Methodist Church Centre)
46	HO1374	114-120 Russell St (Former Russell Street Automatic Telephone Exchange and Postal Building)
47	HO1237	171 Bourke St (Shop)
48	HO1238	173-175 Bourke St (Shops)
49	HO1261	124-130 Russell St (Theosophical Society)
50	HO1239	201-207 Bourke St (Shops and residences)

51	HO1240	209-215 Bourke St (Shops and residences)
52	HO1255	188-194 Little Collins St (Shocko House, Formerly Godfrey's Building)
53	HO1305	253-267 Bourke St (Royal Mail House)
54	HO1295	152-156 Swanston St (Former Bank of Australasia)
55	HO1294	149-153 Swanston St (Sanders and Levy Building)
56	HO1318	276-278 Collins St (Former Allans Building)
57	HO1307	393-403 Bourke St (Former John Danks & Son)
58	HO1350	335-349 Little Collins St (Equitable House)
59	HO1320	308-336 Collins St (Former Colonial Mutual Life Assurance Building)
60	HO1352	382 Little Collins St (Former Law Institute)
61	HO1351	377-379 Little Collins St (Collins Gate)
62	HO1321	344-350 Collins St (Former AMP Building)
63	HO1258	131-141 Queen St (Victoria Club Building)
64	HO1068	111-129 Queen St (Former Royal Automobile Club of Victoria)
65	HO1367	103-105 Queen St (Former Ajax House)
66	HO1366	85-91 Queen St (Former National Bank of Australasia Stock Exchange Branch)
67	HO1309	457-471 Bourke St (Former Dalgety House)
68	HO1180	114-128 William St (Former Dillingham Estates House)
69	HO1353	457-469 Little Collins St (Cowan House)
70	HO1008	404-406 Collins St (Former Atlas Assurance building)
71	HO1010	430-442 Collins St (Royal Insurance Group building)
72	HO1324	454-456 Collins St (Former Guardian Building)
73	HO1310	527-555 Bourke St (AMP Tower and St James Building Complex)
74	HO1354	499-503 Little Collins St (Henty House)
75	HO1325	468-478 Collins St (Australia-Netherlands House)
76	HO1311	589-603 Bourke St (Office Building, Allianz Centre)
77	HO1326	516-520 Collins St (Office Building)
78	HO1355	588-600 Little Collins St (Stella Maris Seafarer's Centre)
79	HO1279	582-584 Little Collins St (Commercial building)
80	HO1278	577-583 Little Collins St (Warehouses)
81	HO1280	616-622 Little Collins St (Former Melbourne and Metropolitan Tramways Board Building)
82	HO1263	199-207 Spring St (Park Tower)
83	HO1253	53-57 Lonsdale St (Shops and residences)
84	HO1332	174-192 Exhibition St (Former Bryson Centre)
85	HO1245	1-5 Coverlid Pl (Warehouse)
86	HO1266	Part 152-158 Bourke St (Former Patersons Pty Ltd)
87	HO1244	146-150 Bourke St (Shops, residence and former bank)
88	HO1260	166 Russell St (Shop)
89	HO1002	194-200 Bourke St (Hoyts Mid City Cinemas)
90	HO1303	188 Bourke St (Former Rockman's Showrooms Pty Ltd)
91	HO1304	202-204 Bourke St (Former Sharpe Bros Pty Ltd)
92	HO1243	220 Bourke St (Former Palmer's Emporium)
93	HO1344	258-264 Little Bourke St (Former State Savings Bank)
94	HO1291	215-217 Swanston St (Shop and residence)
95	HO1358	359-363 Lonsdale St (Shops and offices)
96	HO1345	354-360 Little Bourke St (Melbourne House)
97	HO1306	376-378 Bourke St (Former Coles and Garrard Building)
98	HO1308	422 Bourke St (Offices)
99	HO1369	158-172 Queen St (Former Sleigh Buildings)
100	HO1370	184-192 Queen St (The Former Houston Building)

101	HO1373	233-243 Queen St (Former State Savings Bank of Victoria)
102	HO1371	215 Queen St (Shop)
103	HO1368	155-161 Queen St (Former South British Insurance Company Ltd)
104	HO1361	447-453 Lonsdale St (Lonsdale Exchange Building)
105	HO1346	428-432 Little Bourke St (Former Printcraft House)
106	HO1347	441-443 Little Bourke St (Downs House)
107	HO1006	Part 468-470 Bourke St (Former London Assurance House)
108	HO1242	480 Bourke St (Commercial building)
109	HO1241	482-484 Bourke St (Former Victorian Amateur Turf Club)
110	HO1377	178-188 William St (Office Building)
111	HO1341	204-208 King St (Great Western Hotel)
112	HO1340	203-207 King St (Former Factory)
113	HO1339	171-173 King St (Warehouse)
114	HO1357	27-29 Little Lonsdale St (Warehouse)
115	HO1333	287-293 Exhibition St (Former Exhibition Towers)
116	HO1296	120-122 Little Lonsdale St (Residences)
117	HO1376	335-347 Swanston St (Former Manchester Unity Oddfellows Building)
118	HO1329	341-345 Elizabeth St (Former Cassells Tailors Pty Ltd)
119	HO1359	402-408 Lonsdale St (Former AMP Building)
120	HO1360	410-412 Lonsdale St (Warehouse)
121	HO1254	414-416 Lonsdale St (Lauren's House)
122	HO1378	269-275 William St (Nubrick House)
123	HO1231	263-267 William St (Metropolitan Hotel)
124	HO1257	10-14 Park St (Former Melbourne City Council Sub Station)
125	HO1281	470-472 Little Lonsdale St (Shops)
126	HO1282	474 Little Lonsdale St (Residences)
127	HO1342	256-260 King St (Former Paramount House)
128	HO1334	594-610 Lonsdale St (Former Andrew Jack, Dyson & Co Factory)
129	HO1279	353 Exhibition St (Factory)
130	HO1275	30-34 La Trobe St (Former Tum Verein Hall)
131	HO1356	34-36 Little La Trobe St (Warehouse)
132	HO995	183-189 A'Beckett St (Grange Lynne Pty Ltd)
133	HO1348	57-67 Little Collins St (Former Craig, Williamson Pty Ltd complex)

APPENDIX B: SUMMARY TABLE OF PROPOSED REVISIONS TO AMENDMENT C387

Note: Exhibited amendment documents showing proposed revisions are found in [Folder 2](#) of the public files. Proposed revisions post exhibition and additional revisions in response to submissions post exhibition are shown as track changes **highlighted yellow**.

Exhibited Amendment Documents with proposed revisions (if not listed, no proposed revisions)	Summary of proposed revisions post exhibition	Summary of additional proposed revisions in response to submissions post exhibition
Explanatory Report	<ul style="list-style-type: none"> Update reference to HO984 (Little Lonsdale Precinct) to add the word 'Street'. Update references to where the Amendment can be inspected on the DELWP website. Delete the submissions section. Update the headings to Tables 1 and 3 in Attachment 1. Update the 'Name/description' column for the 'Atlas Assurance Building' in Attachment 1 to add the word 'Former'. Update the 'Proposed Change to the Sch. to Cl.43.01' column for 308-336 Collins Street, Melbourne in Attachment 1 to add 'Amend reference' and 'amend name'. 	<ul style="list-style-type: none"> Update the reference to the 'Heritage Places Inventory February 2020 Part A (Amended July 2020)' to change the date it was amended to May 2021. Update the 'Proposed Change to the Sch. to Cl.43.01' column for 25 Elizabeth Street in Attachment 1 to add 'Amend reference'. Update the 'Address' column for 393-403 Bourke Street in Attachment 1 to add the word 'Part'.
Clause 43.01 Schedule to the Heritage Overlay	<ul style="list-style-type: none"> Update the description of HO984 Little Lonsdale Precinct to add the word 'Street'. Update the description of HO1320 Former Colonial Mutual Life Assurance Building and Plaza with 'Childrens Tree' Sculpture to add an apostrophe to the word Children's. Update the 'Former Colonial Mutual Life Assurance Building and Plaza with 'Childrens Tree' Sculpture Statement of Significance, July 2020' to add an 	<ul style="list-style-type: none"> Update the date of 'Little Lonsdale Street Precinct Statement of Significance, July 2020' to May 2021. Update the address of HO1307 Former John Danks & Son, 393-403 Bourke Street, Melbourne to add the word 'Part'. Update the 'Former John Danks & Son Statement of Significance (393-403 Bourke Street, Melbourne), July 2020' to add the word 'Part' to the address and change the date to May 2021.

Exhibited Amendment Documents with proposed revisions (if not listed, no proposed revisions)	Summary of proposed revisions post exhibition	Summary of additional proposed revisions in response to submissions post exhibition
	<p>apostrophe to the word Children's.</p> <ul style="list-style-type: none"> Update the 'Former Cassells Tailors Pty Ltd Statement of Significance (341-345 Elizabeth Street, Melbourne), July 2022' to change the date to 2020. 	<ul style="list-style-type: none"> Update the date of 'Former Universal House Statement of Significance (25 Elizabeth Street, Melbourne), July 2020' to May 2021.
Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme	<ul style="list-style-type: none"> Update the name of the 'Atlas Assurance Building Statement of Significance (404-406 Collins Street, Melbourne), July 2020' to add the word 'Former'. Update the name of the 'Former Cassells Tailors Pty Ltd Statement of Significance (341-345 Elizabeth Street, Melbourne), July 2022' to change the date to 2020. 	<ul style="list-style-type: none"> Update the name of the 'Former John Danks & Son Statement of Significance (393-403 Bourke Street, Melbourne), July 2020' to add the word 'Part' to the address and change the date to May 2021. Update the name of the 'Former Universal House Statement of Significance (25 Elizabeth Street, Melbourne), July 2020' to change the date to May 2021. Update the name of the 'Heritage Places Inventory February 2020 Part A (Amended July 2020)' to change the date to May 2021. Update the name of the 'Little Lonsdale Street Precinct Statement of Significance, July 2020' to change the date to May 2021.
Planning scheme Map – Part of Planning Scheme Map 8HO2 (Melbourne C387melb 008ho2Map08)		<ul style="list-style-type: none"> Reduce the extent of HO1307 Former John Danks & Son, Part 393-403 Bourke Street.
Planning scheme Map – Part of Planning Scheme Map 8HO2 (Melbourne C387melb 009ho2Map08)		<ul style="list-style-type: none"> Delete HO1307 Former John Danks & Son, Part 393-403 Bourke Street.
Heritage Places Inventory February 2020 Part A (Amended July 2020)		<ul style="list-style-type: none"> Update the date it was amended to May 2021.

Exhibited Amendment Documents with proposed revisions (if not listed, no proposed revisions)	Summary of proposed revisions post exhibition	Summary of additional proposed revisions in response to submissions post exhibition
Former John Danks & Son Statement of Significance (393-403 Bourke Street, Melbourne), July 2020		<ul style="list-style-type: none"> • Update the address of 393-403 Bourke Street to add the word 'Part'. • Delete the address 106 Little Lonsdale Street'.
Former Universal House Statement of Significance (25 Elizabeth Street, Melbourne), July 2020		<ul style="list-style-type: none"> • Update the map to reflect the revised extent of HO1307. • Update 'What is significant?', 'How it is significant?' and 'Why it is significant?' to add the word 'Part' to the address. • Update 'Why it is significant?' to change the word 'a' to 'an' and delete the words 'largely intact'. • Update the date to May 2021.
Little Lonsdale Street Precinct Statement of Significance, July 2020		<ul style="list-style-type: none"> • Update 'How it is significant?' to add the word 'and' and delete the words 'and aesthetic'. • Update 'Why it is significant?' to alter the assessment of Criterion A to remove emphasis on the Hordern Family. • Update 'Why it is significant?' to delete the assessment of Criterion E. • Update the date to May 2021. • Update the map to change 106 Little Lonsdale Street to non-contributory. • Update 'What is significant?' to delete 106 Little Lonsdale Street from the list of contributory buildings and to add it to the list of non-contributory buildings. • Update 'Why it is significant?' to delete 106 Little Lonsdale Street from the list of interwar buildings.

Exhibited Amendment Documents with proposed revisions (if not listed, no proposed revisions)	Summary of proposed revisions post exhibition	Summary of additional proposed revisions in response to submissions post exhibition
		<ul style="list-style-type: none"> • Update the date to May 2021.