

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

IN THE MATTER OF AMENDMENT C271 TO THE MELBOURNE PLANNING
SCHEME

BETWEEN:

MELBOURNE CITY COUNCIL PLANNING AUTHORITY

AND

VARIOUS SUBMITTERS

AFFECTED LAND: VARIOUS SITES WITHIN THE AREA BOUNDED BY
LATROBE STREET, ELIZABETH STREET, LITTLE COLLINS STREET AND
QUEEN STREET, MELBOURNE

PART A SUBMISSIONS OF THE PLANNING AUTHORITY

OVERVIEW

1. The City of Melbourne (**Council**) is the Planning Authority for Amendment C271 (**Amendment**) to the Melbourne Planning Scheme (**Scheme**). These submissions are made in accordance with the Panel's Directions dated 22 June 2018.
2. In addition to these Part A submissions, Council will:
 1. on the first day of the hearing:
 - (i) table a brief Part B submission by way of opening; and
 - (ii) provide an overview of the Amendment in a presentation by Sarah Porritt;
 2. call evidence from the following witness:

- (i) Anita Brady of Lovell Chen Architects & Heritage Consultants
(heritage);

3. This Part A submission provides an overview of:
1. the nature of the Amendment
 2. the background to the Amendment
 3. chronology of events
 4. strategic context and assessment
 5. summary of the submission and the issues raised

NATURE OF THE AMENDMENT

4. Amendment C271 is an important part of the City of Melbourne's overall program to protect heritage. The Amendment builds on a previous City of Melbourne heritage study, *Heritage Precincts Project 2006*¹ by Meredith Gould (which was not ultimately adopted), which identified all of Guildford and Hardware Lanes as warranting heritage protection.
5. The Amendment applies the new heritage grading system, being introduced to the Melbourne Planning Scheme through [*Amendment C258 Heritage Policies Review and heritage gradings conversion*](#). The new heritage grading system will be explained later in this submission.
6. The Amendment affects various sites within the area bounded by LaTrobe Street, Elizabeth Street, Little Collins Street and Queen Street, Melbourne, as described in [the explanatory report](#) to the amendment and as depicted in Figures 1 to 4.

¹ [Heritage Precincts Project 2006, Meredith Gould](#)

MELBOURNE PLANNING SCHEME

Latrobe
Queen
Little Lonsdale
Lonsdale
Elizabeth
Guildford
Flanigan
McLean
Sutherland
Zevenboom
Treape
Finlay

HO1204
HO1205
HO1204
HO1205
HO1205

0 50
metres

LEGEND
HO Heritage Overlay (Precinct)

Part of Planning Scheme Map 8HO1

AMENDMENT C271

Planning Mapping Services | Planning Information Services | Planning | **VICTORIA** State Government | Environment, Land, Water and Planning

Figure 2: Amendment C271 Planning Scheme Map



MELBOURNE PLANNING SCHEME

LEGEND

HO Heritage Overlay

Part of Planning Scheme Map 8HO2

AMENDMENT C271

Planning Mapping Services |
Planning Information Services |
Planning |

VICTORIA
State Government

Environment,
Land, Water
and Planning

Figure 4: Amendment C271 Planning Scheme Map



What the Amendment does

7. The Amendment:

1. Alters the policy at Clause 22.04 (Heritage Places within the Capital City Zone Policy) so that the Study is considered when making decisions relating to any of the places and precincts which are the subject of this Amendment.
2. Amends the Schedule to Clause 43.01 (Heritage Overlay) to include two (2) new Heritage Overlay Precincts, seven (7) new individual Heritage Overlays, extend the boundary of two (2) existing Heritage Overlays, fixes a mapping error so that the correct site is mapped and changes the description of some existing places.

3. Inserts two (2) new incorporated documents titled, “Guildford and Hardware Laneways Heritage Study 2017: Statements of Significance [approval date]” and “Guildford and Hardware Laneways Heritage Study 2017: Heritage Inventory [approval date]”, into the Schedule to Clause 81.01 (Incorporated Documents), so that the individual building classification of Significant, Contributory or Non-Contributory and the Statements of Significance are considered when making decisions relating to any of the places which are the subject of this Amendment.
4. Amends Planning Scheme Maps 8HO1 and 8HO2 to reflect the changes described above.

BACKGROUND TO THE AMENDMENT

Heritage Studies in the City of Melbourne

8. The City of Melbourne has been engaged in forward looking heritage planning since the 1980s. 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. There are now more than 7,000 properties protected under the Heritage Overlay in the Melbourne Planning Scheme.
9. By the mid-1980s, the City of Melbourne had comprehensively assessed heritage across residential areas and the central city. Urban Conservation Studies were prepared and progressively translated into planning controls in the Melbourne Metropolitan Planning Scheme, including for the Central Activities District².
10. The City of Melbourne has progressively reviewed heritage protection for places in the Hoddle Grid through studies in 1985, 1993 and 2002. The Central City (Hoddle Grid) Heritage Review³ was undertaken in 2011 to build on these reviews and resulted in further heritage protection for 87 places through Amendment C186 in 2013.
11. The City of Melbourne undertook a strategic review of its heritage program and released its Heritage Strategy in 2013⁴. The Heritage Strategy is a 15 year framework to ensure the continued protection and enhancement of all elements of Melbourne’s heritage.

² Urban Conservation in the City of Melbourne, City of Melbourne, 1985

³ [Central City Heritage Review 2011, Graeme Butler & Associates](#)

⁴ [Heritage Strategy 2013, City of Melbourne](#)

12. The Heritage Strategy 2013, contains 38 actions, including a first priority action described as being to:
- Progressively undertake a review of heritage in the high-growth and urban renewals and in the mixed use areas in the city*
13. The Heritage Strategy 2013 resulted in a program of heritage reviews which is being undertaken by the City of Melbourne:
1. Heritage reviews have recently been completed and translated into planning controls for [Arden Macaulay](#) (2012)⁵, [City North](#) (2013)⁶ and [Kensington](#) (2013)⁷.
 2. Heritage reviews have recently been completed and are the subject of current planning scheme amendments for [West Melbourne](#) (2016)⁸ and [Southbank](#) (2017)⁹.
 3. Heritage reviews are currently underway for Fishermans Bend and the Hoddle Grid and will commence in the 2018-19 financial year for North Melbourne and Carlton.
14. Figure 5 shows areas where heritage reviews have been previously undertaken and areas in which recent and upcoming heritage reviews are being undertaken.

⁵ Amendment C207 Arden Macaulay Heritage Review

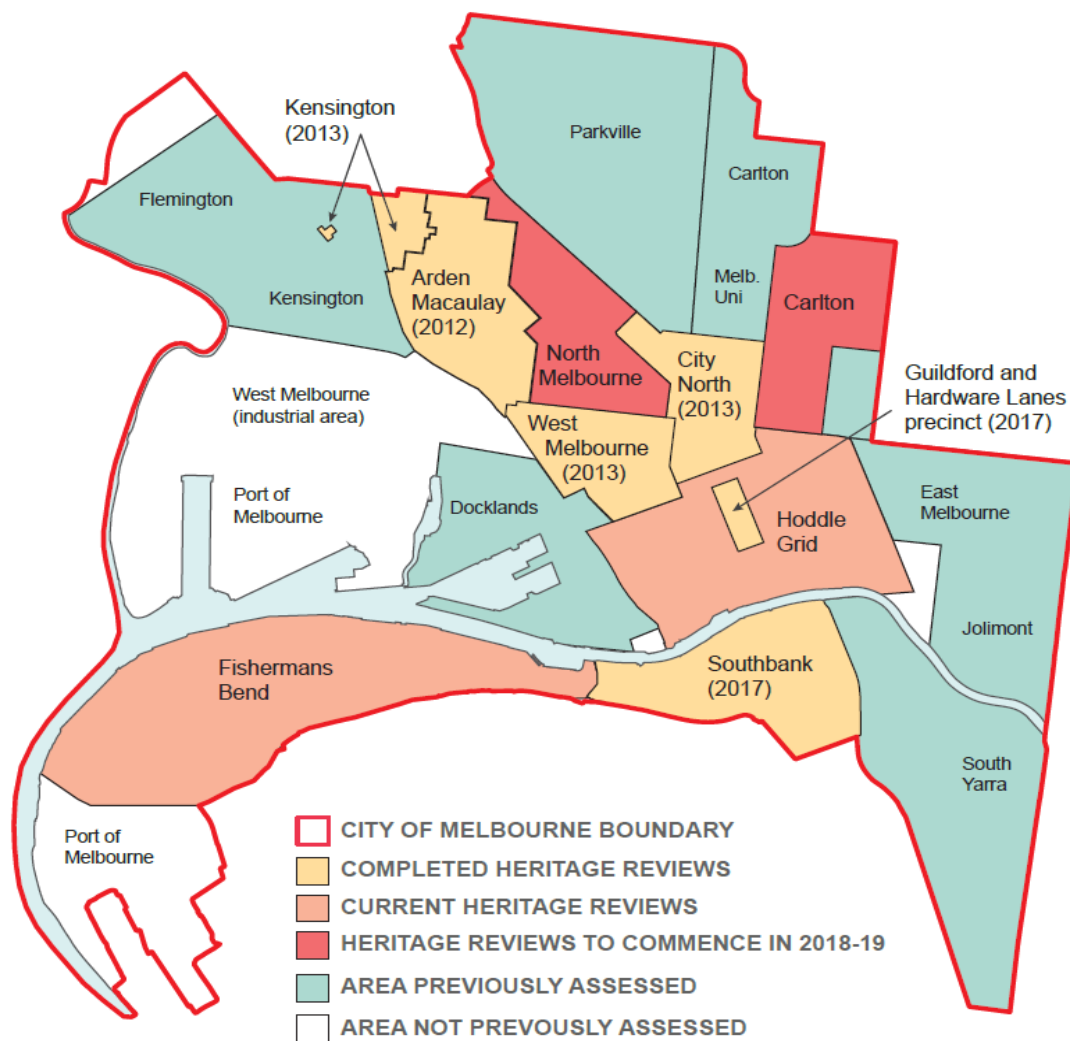
⁶ Amendment C198 City North Heritage Review

⁷ Amendment C215 Kensington Heritage Review

⁸ Amendment C258 Heritage Policies Review and West Melbourne Heritage Review

⁹ Amendment C305 Southbank Heritage

Figure 5: Heritage reviews in the City of Melbourne



City of Melbourne Heritage Policies Review and heritage gradings conversion

15. The Heritage Policies Review and heritage gradings conversion have been undertaken in order to provide a modernised heritage protection regime.
16. An action item identified in the Heritage Strategy 2013 was to undertake a review of the City of Melbourne's heritage places grading system. This review has translated the A to D grading system into the Significant / Contributory / Non-Contributory system, in accordance with the Department of Environment, Land, Water and Planning Practice Note [Applying the Heritage Overlay, July 2015](#).
17. Amendment C258 is proposed to replace the existing incorporated document, ['Heritage Places Inventory June 2016'](#) which grades heritage places using the A to D heritage grading system and does not include Central City heritage places, with a new incorporated document, ['Melbourne Planning Scheme, Heritage Places](#)

[Inventory 2017](#) which grades all heritage places within a heritage overlay using the Significant / Contributory / Non-Contributory grading system, including places in the Central City.

18. Amendment C258 has also reviewed the large precinct (that is suburb wide) Statements of Significance and two heritage policies in the Melbourne Planning Scheme.
19. The definitions of Significant, Contributory and Non-Contributory are contained in the form of [Clause 22.04 Heritage Places within the Capital City Zone](#) proposed by Amendment C258 and also in the proposed ‘*Melbourne Planning Scheme, Heritage Places Inventory 2017*’:

1. ‘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 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.

2. ‘Contributory’ heritage place:

A ‘contributory’ heritage place is important for its contribution to a precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the 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 precinct. ‘Contributory’ places are typically externally intact, but may have visible changes which do not detract from the contribution to the precinct.

3. ‘Non-contributory’ (-) place:

A ‘non-contributory’ place does not make a contribution to the heritage significance or historic character of the precinct. Non-contributory either do not appear in this Inventory or are represented with a ‘-’.

20. Amendment C258 was exhibited throughout 2017 and a report on the submissions presented to Council's Future Melbourne Committee (FMC) on [20 February 2018](#). The Panel Hearing for Amendment C258 will commence on 6 August 2018.

Amendment C271

21. The study area was identified as the area bounded by LaTrobe, Elizabeth, Little Collins and Queen Streets (approximately 204 buildings), as shown in Figure 6.

Figure 6: Guildford and Hardware Laneways Study area



22. The study sought to undertake an assessment of the heritage value of all buildings and places in the study area to determine those which warrant heritage protection under the Melbourne Planning Scheme.
23. In February 2016 Lovell Chen was engaged by the City of Melbourne to undertake the heritage assessments of all the buildings in the study area.

24. The [Guildford and Hardware Laneways Heritage Study May 2017](#) (the Study) identified two new heritage precincts and seven new properties of individual significance outside the precinct boundaries. The Study recommended the following:
1. Two new heritage precincts be included in the Schedule to Clause 43.01 - Heritage Overlay of the Melbourne Planning Scheme;
 - (i) Guildford and Hardware Laneways Precinct
 - (ii) Elizabeth Street West Precinct
 2. Seven new individual heritage overlays be included in the Schedule to Clause 43.01 - Heritage Overlay of the Melbourne Planning Scheme;
 - (i) 388-390 Bourke Street, HO1206
 - (ii) 414-416 Bourke Street, HO1207
 - (iii) 337-339 La Trobe Street, HO1208
 - (iv) 358-360 Little Collins Street, HO1210
 - (v) 362-364 Little Collins Street, HO1211
 - (vi) 369-371 (rear) Lonsdale Street, HO1212
 - (vii) 128-146 Queen Street, HO1213
 3. Revise and update the property citations of seven existing places with existing individual Heritage Overlay controls, and update some of the descriptions of the Heritage Place in the Schedule to Clause 43.01 – Heritage Overlay;
 - (i) 421 Bourke Street, HO546
 - (ii) 245-269 Elizabeth Street, HO618
 - (iii) 55-57 Hardware Lane, HO665
 - (iv) 63-77 Hardware Lane, HO667
 - (v) 377-381 Lonsdale Street, HO716
 - (vi) 15-19 McKillop Street, HO724
 - (vii) 18-22 McKillop Street, HO725
 4. Extend the mapping boundary of two existing Heritage Overlays;
 - (i) HO667, ‘*Dynon’s Buildings, 63-67 Hardware Lane*’ is updated to reflect the full extent of HO667 by adding 2 adjoining warehouses in the row at 67-73 and 75-77 Hardware Lane.

- (ii) HO1044, '4-6 Goldie Place' (one building) is updated to reflect the full extent of HO1044 by adding the other building in the pair at 8 Goldie Place.
- 5. Fix a mapping error so that the correct site is mapped;
 - (i) HO716, 'Former Edward Keep & Co warehouse, 377-379 Lonsdale Street' is corrected by removing the Heritage Overlay from 373-375 Lonsdale Street and reinstated it to cover 377-379 Lonsdale Street.
- 25. This Amendment is founded upon and seeks to implement the recommendations of the Study by proposing heritage protection for the identified places. The inclusion of these places and precincts into the Heritage Overlay and the incorporation of the gradings and Statements of Significance into the planning scheme is required to recognise and protect the identified places.
- 26. The Study will be discussed in more detail by Anita Brady who will be called to provide expert evidence.

CHRONOLOGY OF EVENTS

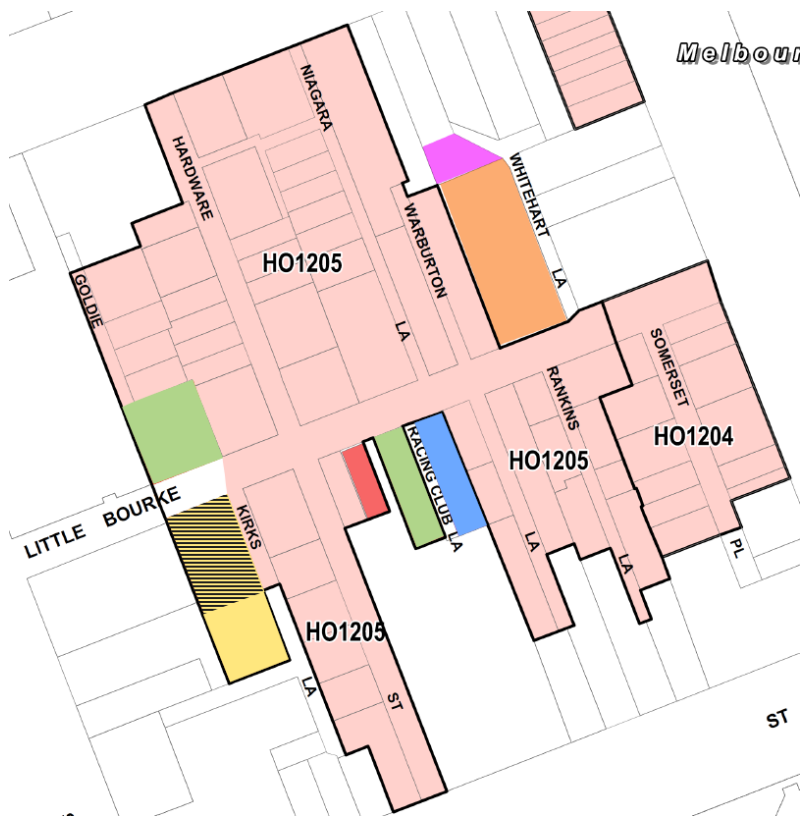
Authorisation

- 27. On [18 April 2017](#), Council's Future Melbourne Committee considered the Study and [resolved](#):
 - 1. *That the Future Melbourne Committee:*
 - 1.1. *Note the Guildford and Hardware Laneways Heritage Study, February 2017;*
 - 1.2. *Requests the Minister for Planning prepare Planning Scheme Amendment C301 pursuant to section 20(4) of the Planning and Environment Act 1987 (the Act) and approve Amendment C301 to introduce interim heritage controls;*
 - 1.3. *Requests management to seek clarification from the consultants on whether proposed Heritage Overlay 1205 should be extended to include all properties north and south of Little Bourke Street between White Hart Lane and Goldie Place with a view to acknowledging the heritage value of Little Bourke Street, and to update proposed Planning Scheme Amendments C271 if so; and*
 - 1.4. *Subject to any updates being made to proposed Planning Scheme Amendments C271 by virtue of paragraph 1.3, seeks authorisation from the*

Minister for Planning under the Act to prepare and exhibit the Planning Scheme Amendment C271 which seeks to introduce permanent heritage controls.

28. On 26 April 2017 a request was sent to the Minister for Planning to approve Amendment C301, which seeks interim heritage controls over all proposed heritage overlays in the study area.
29. Between the 17 May and 26 June 2017 the additional work requested by the Future Melbourne Committee in resolution 1.3 was completed by Lovell Chen. Lovell Chen recommended the following changes to the Guildford and Hardware Laneways Precinct (HO1205):
 1. the properties at addresses 377-379 Little Bourke Street (one building) and 394-400 Little Bourke Street (two buildings at one address), together with the adjoining section of Goldie Lane, be included in HO1205 as Contributory buildings.
 2. the property at 401-405 Little Bourke Street, which was originally proposed to have a new individual heritage overlay, be included in the HO1205 as a Significant building and the extent of the site included in the Heritage Overlay extended.
 3. the property at 383 Little Bourke Street be included in HO1205 as a Non-contributory building.
 4. Lovell Chen did not consider Melbourne House at 360 Little Bourke Street to be of Contributory heritage value to HO1205 or of individual heritage significance and warranting an individual heritage overlay, and did not recommend its inclusion in the Heritage Overlay.
30. Council management agreed with the recommended changes proposed by Lovell Chen. The Study and Amendment documents were updated to reflect these changes as shown in Figure 7.

Figure 7: Changes to the Guildford and Hardware Laneways Precinct (HO1205) following the 18 April 2017 Future Melbourne Committee and before Authorisation



Legend

- Existing proposed Heritage Precinct HO1205
- Added to HO1205 as Contributory places
- Added to HO1205 as a Significant place (Hatched area originally proposed for an individual Heritage Overlay)
- Added to HO1205 as a Non-Contributory place
- Not to be added to the Heritage Overlay
- Existing proposed individual Heritage Overlay HO1212
- Existing individual HO1053

31. In accordance with the Future Melbourne Committee resolution of 18 April 2017, a request for authorisation to prepare and exhibit Amendment C271 was lodged with the Minister for Planning on 25 July 2017.
32. In August 2017 the property owners of places affected by the post-FMC resolution changes were notified.
33. On [8 August 2017](#) the Minister for Planning granted authorisation subject to the following conditions:

As per the letter requesting further information for amendment C301, I suggest you address the following matters prior to exhibition:

1. *Correction of the mapping of 361-365 Little Lonsdale Street on Amendment map 8HO to reflect the description in the table for HO1204 on p10 of the Guildford and Hardware Laneways Heritage Study 2017: Statement so significance which states 'the property as it addresses Little Lonsdale Street is located outside the proposed precinct. Only the rear (VHR-listed) part of the property addressing Heape Court is included in the precinct...'*
2. *Address the following error in the Incorporated Document Guildford and Hardware Laneways Heritage Study 2017: Statements of Significance:*
 - (i) *25-31 Niagara Lane and 29 Sutherland Street are missing from the table for HO1205.*
 - (ii) *Where Elizabeth Street abuts the proposed HO1204, the Heritage Overlay should apply to western half the width of Elizabeth Street. Existing precinct HO509 and HO502 already apply to the eastern half of Elizabeth Street.*
 - (iii) *HO1204 and HO1205 – it is preferable that within the precinct boundaries, individually significant, contributory and non-contributory buildings are mapped as well as described in the table. This would clarify address ambiguities and assist the reader.*
34. While the letter referred to in paragraph 33 requested that changes be made, the suggested changes had in fact already been made and were reflected in the response to further information letter for Amendment C301 which was sent on 30 June 2017 prior to lodging the request for authorisation on 25 July 2017.
35. The approval documents for Amendment C301 contained in Tab 1 of the Orange folder represent the corrected documents for Amendment C301, submitted in response to the further information letter.

Exhibition of the Amendment

36. The Amendment was exhibited between 12 October 2017 and 23 November 2017.
37. Public notification of the Amendment included:
 1. notice of the Amendment and a map highlighting the changes proposed by the Amendment mailed on 6 October 2017 to property owners and

occupiers affected by the Amendment as shown in Figure 8, stakeholders and prescribed Ministers;

2. a notice in *The Age* on 11 October 2017 and the *Government Gazette* on 12 October 2017; and
3. information available on the [Participate Melbourne webpage](#) including the draft amendment documentation.

Figure 8 – Owners and occupiers directly notified of exhibition



38. The Amendment and supporting information were available at the City of Melbourne Planning Counter (Council House 2) and on the [Department of Environment, Land, Water and Planning website](#).
39. A public meeting was held that was open to anyone who wished to attend. The meeting, held on 25 October 2017 at the Melbourne Town Hall from 6 to 7pm, was an information session where the Amendment was explained and questions about the Amendment and process answered.
40. In response to the exhibition of the Amendment, the Planning Authority received 108 submissions. A summary of the submissions is set out in a separate section of the Part A submission.

Panel Appointment

41. A report was prepared by Council management summarising and responding to each submission received during exhibition and recommending the appointment of an independent panel be requested.
42. On [15 May 2018](#) Council's Future Melbourne Committee, considered the report prepared by Council management and **resolved**:
 1. *That the Future Melbourne Committee:*
 - 1.1 *Note management's consideration of the submissions as set out in Attachment 2 of the report from management.*
 - 1.2 *Requests the Minister for Planning appoint an Independent Panel to consider all submissions to Melbourne Planning Scheme C271.*
 - 1.3 *Notes that the recommended form of the Amendment to be presented to the Independent Panel will be in accordance with Attachment 4 of the report from management*
43. All submitters were notified and invited to attend the 15 May 2018 Future Melbourne Committee. The property owner of 283-285 Elizabeth Street, Melbourne, being subject to a change in the Amendment as a result of management's response to submissions, was also notified and invited to make a submission.
44. A Panel to consider the Amendment was appointed pursuant to sections 153 and 155 of the *Planning and Environment Act 1987* under delegation from the Minister for Planning on 23 May 2018.

Late submissions

45. Five late submissions were received between 15 May and the 8 June 2018. These five submissions were referred to the Panel. A summary and response to these submissions has not been presented to Council's Future Melbourne Committee.

STRATEGIC CONTEXT AND ASSESSMENT

Strategic Context - Current Planning Provisions

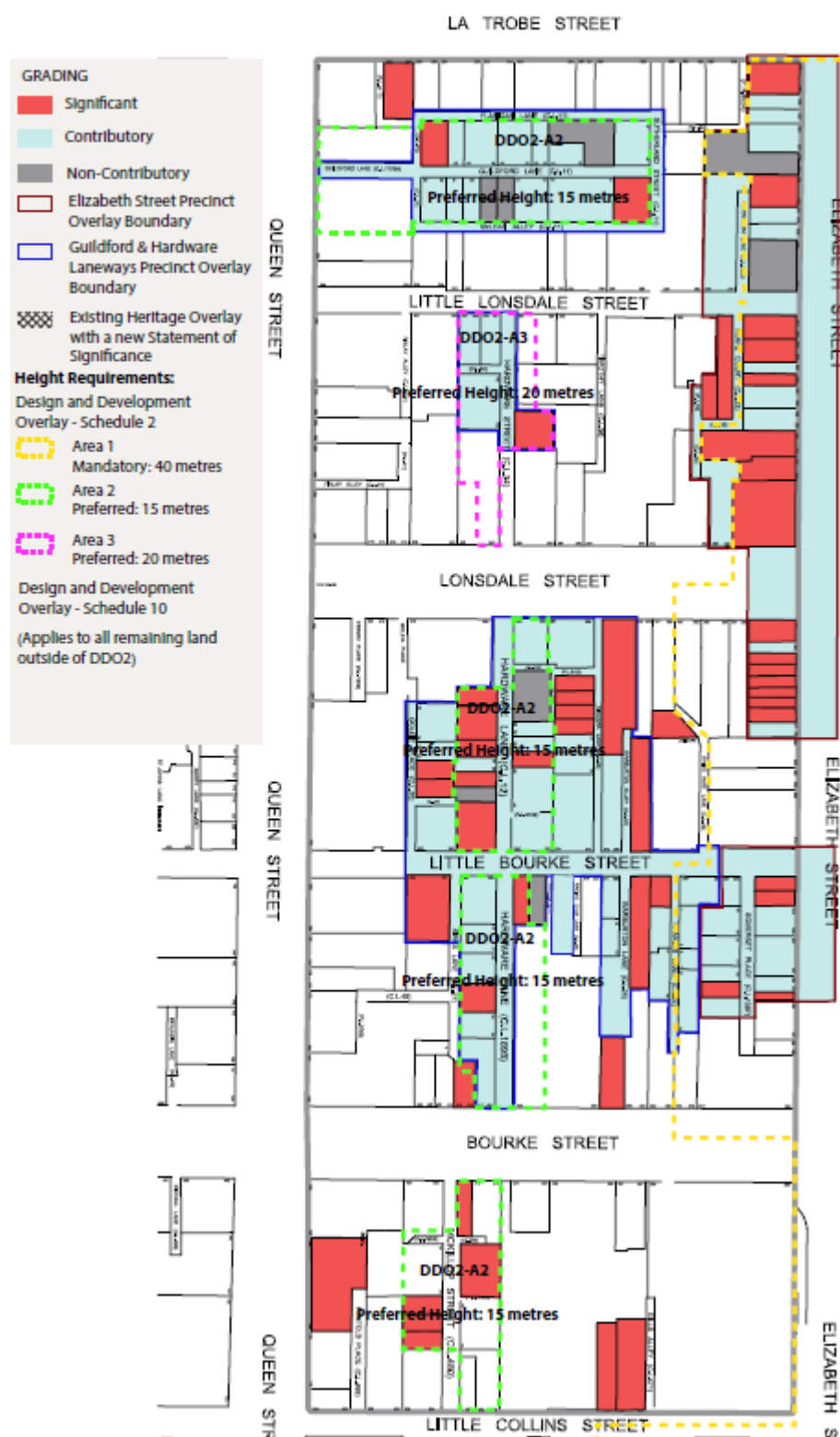
46. The study area is part in the [Capital City Zone Schedule 1 – Outside the Retail Core](#) and part in the [Capital City Zone Schedule 2 – Retail Core](#) as shown in Figure 9.
47. The purpose of the Capital City Zone Schedule 1 – Outside the Retail Core is:
To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.
48. The purpose of the Capital City Zone Schedule 2 – Retail core is:
To provide for the intensification of retail and other complementary commercial, community and entertainment uses within the established retail core.

Figure 9: Zoning map – Capital City Zone Schedules 1 and 2



49. Many of the properties proposed for inclusion in the Heritage Overlay as part of this Amendment are also subject to [Design and Development Overlay Schedule 2 – Special Character Areas – Built form \(Hoddle Grid\)](#). Figure 10 shows the height controls in Design and Development Overlay Schedule 2, and the Heritage Overlays proposed in the Amendment.
50. The design objectives of Design and Development Overlay Schedule 2 are:
- To protect sunlight access to key public places and open space areas so as to provide a comfortable, pedestrian-friendly urban environment.*
 - To ensure that the height of new buildings reinforces the built form character of unique areas.*
 - To maintain the visual dominance of prominent landmarks.*
 - To protect the unique built form and public realm amenity.*
51. [Design and Development Overlay Schedule 10 – General Development Area – Built Form](#) applies to all remaining land outside of Design and Development Overlay Schedule 2 as shown on Figure 10.
52. The design objectives of Design and Development Overlay Schedule 10 are:
- To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.*
 - To ensure that development respects and responds to the built form outcomes sought for the Central City.*
 - To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.*
 - To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.*
 - To provide a high level of internal amenity for building occupants.*
 - To ensure the design of public spaces and buildings is of a high quality.*
 - To encourage intensive developments in the Central City to adopt a podium and tower format.*

Figure 10: Design and Development Overlays and Amendment C271 proposed Heritage Overlays



53. Some of the properties proposed for inclusion in the Heritage Overlay as part of this Amendment are also subject to an existing Heritage Overlay control. As shown

in Figure 11, many of the places with an existing Heritage Overlay control have been included in a proposed heritage precinct as part of the Amendment.

54. As described in section 23(c) of this submission, as part of the Amendment it is proposed to revise and update the property citations of seven places with an existing Heritage Overlay control.
55. Those places that were introduced to the Heritage Overlay as part of [Amendment C186 Central City Heritage Review \(2011\)](#) have not required an updated property citation.

Figure 11: Existing Heritage Overlays and Amendment C271 Heritage Overlays



Strategic Assessment

56. The strategic basis for the Amendment is set out in the Explanatory Report to the Amendment.

The Amendment is consistent with Plan Melbourne

57. Outcome 4 of [Plan Melbourne](#) strives for Melbourne to be “a distinctive and liveable city with quality design and amenity”. *Plan Melbourne* recognises that “heritage will continue to be one of our greatest strengths” and sets a Direction to “Respect Melbourne’s heritage as we build for the future”. The Policies detailing how this Direction will be turned into action include to:

Recognise the value of heritage when managing growth and change; and

Stimulate economic growth through heritage conservation. (p11)

58. The Amendment is consistent with this Direction.

The Amendment is consistent with the SPPF

59. As outlined in the [Explanatory Report](#), the Amendment supports the following relevant clauses of the State Planning Policy Framework:

1. [Clause 15.03 –Heritage](#)

Under clause 15.03-1 the relevant Strategies are:

Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.

Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.

Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings whose use has become redundant.

By including the identified places in the Heritage Overlay, the Amendment will be fulfilling the State objective of identifying, conserving and protecting places of assessed significance.

The Amendment is consistent with the LPPF

60. The Amendment is supported by the following relevant clauses of the Local Planning Policy Framework:

Municipal Strategic Statement (MSS)

61. [Clause 21.06 – Built Environment and Heritage](#)

The Amendment will contribute to achieving the objectives and strategies identified for the heritage of Melbourne to “conserve and enhance places and precincts of identified cultural heritage significance” (Clause 21.06-2) by identifying and conserving places of heritage significance.

Local Planning Policies

62. [Clause 22.04 – Heritage Places within the Capital City Zone Policy](#)

The Amendment supports the objectives of Clause 22.04 by conserving, promoting and protecting additional places of heritage value within the Capital City Zone in both its current form and as proposed by Amendment C258.

Related strategic work - ongoing

[Amendment C308 Urban design in the central city Southbank](#)

63. The City of Melbourne has undertaken a review of the current urban design policies in the Melbourne Planning Scheme, which apply to the central city and Southbank.
64. Amendment C308 proposes a new approach to urban design including a new [Design and Development Overlay Schedule 1](#), which consolidates the existing planning scheme provisions and brings them into line with best practice.

65. Amendment C308 also includes the [Central Melbourne Design Guide](#) that will assist the community, developers and planners to understand the requirements within the new Design and Development Overlay Schedule 1. The Central Melbourne Design Guide is a graphic representation of the provisions and aims to make clear the elements, which make up a good quality urban design outcome.
66. This Amendment is currently on exhibition with submissions closing on 10 August 2018.

SUMMARY OF SUBMISSIONS AND THE ISSUES RAISED

67. All the submissions have been referred to this Panel for consideration including the five late submissions received.
68. Figure 12 shows the location of submitters by submitter number, including the late submissions.

Figure 12: Location of submitters by submitter number



Submissions received during exhibition

69. The issues from the 108 submissions received during exhibition can be summarised under the following themes:

1. objections to the assessment of particular properties as warranting heritage protection or to the proposed grading (Contributory / Significant / Non-Contributory);
 2. suggested changes to the Citations or Statement of Significance, such as refining the wording or adding missing historical information;
 3. concern that a Heritage Overlay would limit future redevelopment opportunities;
 4. concern that particular properties in the study area are not proposed to be included in an individual or precinct heritage control.
70. Of these 108 submission received during exhibition they can generally be catergorised as:
1. nine submissions in opposition to the Amendment
 2. one submission being general in nature
 3. four submissions being generally supportive of the Amendment with suggested changes
 4. ninety-nine being supportive of the Amendment.
71. For each submission received during exhibition a detailed summary and response to the issues raised was included at Attachment 2 of the report presented to the Future Melbourne Committee on [15 May 2018](#).
72. The nine submissions in opposition were referred to Lovell Chen for consideration as well as submission number 105, which supported the Amendment but suggested changes.
73. Following consideration of the issues raised in these submissions, the following changes to the Amendment were made:
1. 283-285 Elizabeth Street, has been upgraded from a contributory place in the Elizabeth Street West Precinct, to a significant place in the Elizabeth Street West Precinct. The following changes have been made to the Amendment documents to reflect this change:
 - (i) Update the grading of the place from contributory to significant in the *Guildford and Hardware Laneways Heritage Study 2017: Heritage Inventory* (p162 of the [15 May 2018](#) FMC)
 - (ii) Update the grading of the place from contributory to significant in the 'Elizabeth Street West Precinct Property Schedule' in the

Guildford and Hardware Laneways Heritage Study 2017: Statements of Significance (p173 of the [15 May 2018](#) FMC)

- (iii) Add a new Statement of Significance for the place in the *Guildford and Hardware Laneways Heritage Study 2017: Statements of Significance* (p199 of the [15 May 2018](#) FMC)
- 2. The description of 301 Elizabeth Street has been updated in the ‘Elizabeth Street West Precinct Property Schedule’ in the *Guildford and Hardware Laneways Heritage Study 2017: Statements of Significance* to correctly (p174 of the [15 May 2018](#) FMC)
- 3. The name and description of 315-321 Elizabeth Street has been updated in the ‘Elizabeth Street West Precinct Property Schedule’ in the *Guildford and Hardware Laneways Heritage Study 2017: Statements of Significance* (p174 of the [15 May 2018](#) FMC)
- 4. The Statement of Significance for 307-311 Elizabeth Street has been updated to add information about ‘What is Significant’ in the *Guildford and Hardware Laneways Heritage Study 2017: Statements of Significance* to (p205 of the [15 May 2018](#) FMC)
- 74. The changes described above have also been made to the Guildford and Hardware Laneways Heritage Study May 2017, Lovell Chen (p246 of the 15 May 2018 FMC).

Late submissions

- 75. Five late submissions were received between 15 May and the 8 June 2018. These five submissions were referred to the Panel. A summary and response to these submissions has not been presented to Council’s Future Melbourne Committee.

SARAH PORRITT

Counsel for the City of Melbourne

INSTRUCTED BY Melbourne City Council Legal Services Branch

11 July 2018