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Amendment C258 to the Melbourne Planning Scheme
Planning Evidence Statement – 30 July 2018

Prepared for:

City of Melbourne

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01 Introduction

1. I have been requested by the City of Melbourne to prepare a statement of evidence that considers the proposed modifications to Clause 22.04 and 22.05 of the Melbourne Planning Scheme, which forms part of Amendment C258 (the Amendment).

2. I have had no involvement in the preparation of any part of the Amendment or any strategic documentation that has informed the current version of the policies.

3. In preparing this statement I have undertaken the following:

   - Reviewed the exhibited documentation as part of the Amendment including background reports;
   - Reviewed all relevant planning controls and policies contained within the Melbourne Planning Scheme, including *Plan Melbourne 2017-2050*;
   - Reviewed a number of heritage polices of Planning Schemes for inner urban municipalities (Stonnington, Port Phillip, Yarra, Boroondara);
   - Reviewed the written submissions that were lodged during the two exhibition periods;
   - Reviewed a series of Council reports relevant to the Amendment;
   - Reviewed relevant Practice Notes and Ministerial Directions; and
   - Reviewed reference documents to the Melbourne Planning Scheme that are relevant to this Amendment.

4. I note that Mr Graeme Butler and Ms Anita Brady are to present expert heritage evidence, on behalf of the City of Melbourne, specifically examining the amended statements of significance, individual grading of properties across the municipality, the *West Melbourne Heritage Review 2016*, the updated incorporated documents and the proposed new Heritage Overlays across West Melbourne.

5. The following statement provides a summary of my assessment and opinions in relation to the two local policies that are proposed to be modified. Specifically,

my evidence focuses on the following key matters:

- The current strategic framework that guides the consideration of places of cultural and historical significance within the City of Melbourne;
- The changes proposed to Clauses 22.04 and 22.05 and how the revised policies will assist the responsible authority in determining future planning applications affecting heritage places; and
- The integration of the policies with other Clauses within the Melbourne Planning Scheme.

6. For the purposes of this report included in Appendix **A** is a summary of my experience and other relevant particulars.

02 The Amendment

7. The Amendment has been prepared by the Melbourne City Council and proposes to make the following changes to the Melbourne Planning Scheme (MPS):

   - Revises the content of the two local heritage policies, Clause 22.04 (Heritage Places within the Capital City Zone) and Clause 22.05 (Heritage Places Outside the Capital City Zone). Both new policies have permit application requirements and provisions relating to; demolition, alterations, new buildings, additions, restoration and reconstruction, subdivision, vehicle accommodation, and services and ancillaries.

   - Modifies the Schedule to Clause 43.01 Heritage Overlay to introduce 20 new heritage places and revise the descriptions of five existing heritage places, in West Melbourne

   - Replaces an existing incorporated document: '*Heritage Places Inventory June 2016*' which grades heritage places using the A to D heritage grading system 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.

   - Amends the Schedule to Clause 81.01 (Incorporated Documents) to introduce two new incorporated documents:

     - '*Melbourne Planning Scheme Amendment C258: Heritage Precinct Statements of Significance 2017*' which comprises the statements of significance currently included within Clause 22.04 (Heritage Places Within the Capital City Zone) and additional statements of significance for the six largest existing heritage precincts outside the Capital City Zone

     - '*West Melbourne Heritage Review 2016: Statements of Significance'*. The heritage gradings assessed under the 'West Melbourne Heritage Review 2016' are included in the proposed 'Melbourne Planning Scheme, Heritage Places Inventory 2017'

   - Amends planning scheme maps 5HO,7HO and 8HO to introduce 20 new

Heritage Overlays and revise the boundaries of eight existing Heritage Overlays, in West Melbourne.

8. I note that there are no changes proposed to the Municipal Strategic Statement (MSS) or any other policies contained in the MPS.

9. The Amendment was first exhibited from 30 March to 12 May 2017 and then a corrected inventory was re-exhibited from 7 December 2017 to 29 January 2018. A total of 103 submissions were received from both exhibition periods.

10. The outcomes of the exhibition of the Amendment were reported at the Future Melbourne (Planning) Committee of Council on 20 February 2018. In response to the submissions the Committee report included a modified form of the Amendment that was to be presented to the Independent Panel. I have been instructed that the modifications made to the Amendment and reported at this Committee of Council were made to address issues raised by submitters.

11. This evidence statement therefore relies on the modified version of the Amendment dated 20 February 2018 which is referred as the “Panel version”.

03 The Planning Framework Context

12. As the Amendment is focused on the protection and conservation of heritage places across the municipality and a new approach to heritage practice through policy, a translation of the grading system and new areas of the municipality to be covered by a Heritage Overlay, it is appropriate to first examine the existing planning framework that guides heritage.

13. The following summarises the relevant provisions of the MPS which I have taken into account in the preparation of this evidence statement, and which provide guidance on both macro and micro planning issues, and the long-term vision for the heritage places within the City of Melbourne.

3.1 State Planning Policy Framework

14. The State Planning Policy Framework (SPPF) seeks to develop the objectives for planning in Victoria (as set out in the *Planning and Environment Act* 1987) to foster appropriate land use and development planning policies and practices that encompass relevant environmental, social and economic factors.

15. Of particular relevance to the Amendment are the following Clauses which provide guidance to the future development and land use planning anticipated for the municipality:

- Clause 10 – Operation of the State Planning Policy Framework. The objective of this clause is to foster "*appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development*.'
- Clause 11 (Settlement) – This Clause is focused on recognising the needs of Victorians and identifying how planning should appropriately respond to these needs in order to create a healthy and sustainable community.
- Clause 15 (Built Environment and Heritage) – This Clause seeks to ensure that all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites

with significant heritage, architectural, aesthetic, scientific and cultural value. Clause 15.03 provides specific policy guidance relating to the conservation of places of heritage significance.

- Clause 17 (Economic Development) – This Clause seeks to foster and support economic growth and development and recognises tourism as an important sector of the economy. In this regard Clause 17.03 promotes metropolitan Melbourne as a desirable tourist destination. The preservation of places of cultural heritage is seen to form part of the attraction of Melbourne and the Capital City plays a key role in this respect.

16. As can be expected with an Amendment of this scope, a number of the policy objectives to the above clauses provide broad strategic guidance relevant for development across both growth areas and urbanised land, whereas other clauses are of direct relevance to the more detailed consideration of heritage places.

17. *Plan Melbourne (2017-2050)* is of particular relevance to the Amendment. Outcome 4 of this Plan is focused on Melbourne being a distinctive and liveable city with quality design and amenity. The six Directions that provide the policy structure under Outcome 4 seek to address the creation of public spaces, enhancing Melbourne's cultural and sporting sectors, promotion of design excellence, respecting Melbourne's heritage built form, planning for green wedge land, and strengthening community participation in the planning of the city.

18. Direction 4.4 addresses heritage, including Aboriginal Cultural heritage. There is a recognition in this policy direction that we are constantly adding to the built environment and creating a new legacy, however the protection of recognised heritage assets and the role they play in the distinctiveness and liveability of the city is vital.

19. The four policies that form part of Direction 4.4 seek to:

    - *Recognise the value of heritage when managing growth and change;*
    - *Respect and protect Melbourne's Aboriginal cultural heritage.*
    - *Stimulate economic growth through heritage conservation.*

- *Protect Melbourne's heritage through telling its stories.*

3.2 Local Planning Policy Framework

20. The Local Planning Policy Framework (LPPF) includes both the MSS and local policies.

21. The recognition and conservation of heritage places and streetscapes is of paramount importance across the City of Melbourne, including iconic landmarks, boulevards, public open spaces and individual buildings of visual prominence. The MSS therefore provides broad strategic policy direction across a number of clauses to acknowledge and reinforce the role historic built form and places play within the Capital City.

22. Clause 21.06 addresses the Built Environment and Heritage specifically and states that "*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*." Clause 21.06-2 identifies the key policy objective as being "*to conserve and enhance places and precincts of identified cultural heritage significance*" and provides eight strategies to advance this policy position.

23. The MPS also contains a number of local policies that address matters of heritage and the management of heritages places, both directly and indirectly. However, the local policies that are affected by the Amendment are Clause 22.04 – Heritage Places within the Capital City Zone and Clause 22.05 – Heritage Places outside of the Capital City Zone. These two policies provide the framework for decision making relating to development applications that affect land within the Heritage Overlay and can be summarised as follows:

    - Clause 22.04 - Heritage Places within the Capital City Zone focuses on detailing the statements of significance and key attributes for heritage areas within the Capital City Zone and provides no direct guidance on matters relating to demolition, new built form, additions or any works to a heritage place.

    - Clause 22.05 – Heritage Places outside of the Capital City Zone provides

the policy objectives and performance standards for assessing planning applications that include demolition, renovating graded buildings, designing new buildings and works or additions to existing buildings and also provides definitions of key terms and the structure of the grading system for heritage places.

24. The local policy at Clause 22.21 – Heritage Places within the World Heritage Environs Area is not proposed for any modification as part of this Amendment.

3.3 Other Strategic Documents

25. I note there are several reference documents currently contained within the MPS that are relevant to this Amendment, a number of which are proposed to be deleted or updated to address the most recent strategic work undertaken.

04 Analysis of the Amendment

26. The scope of this Amendment is to implement the recommendations of the *Heritage Policies Review* (2016) and the *West Melbourne Heritage Review* 2016. It is an Amendment that applies to all land across the municipality that is contained within a Heritage Overlay as well as introducing the Heritage Overlay to a number of properties throughout West Melbourne not previously affected. It is also an Amendment that translates the alphabetical grading system of all heritage places and significant streetscapes into the contemporary system of non-contributory, contributory and significant.

27. The substantial body of work that has been undertaken by the City of Melbourne, with the assistance of Lovell Chen Pty Ltd, has drawn on strategic work relating to the conservation and protection of heritage places and precincts over the last 5 years, including the *Heritage Strategy* prepared in 2013 which first highlighted the need to undertake a detailed review of the relevant planning provisions relating to heritage.

28. Whilst many elements of this Amendment are inter-related and seek to comprehensively update a number of planning controls that manage heritage within the City, my analysis is focused solely on the proposed modifications to Clause 22.04 and 22.05 and the anticipated operation of these local policies. I have not analysed other elements of the Amendment as they relate to heritage matters outside of my expertise.

29. The following sections of this statement examine the policy history that has led to the current review, consider the key elements of the modified local policies and summarise my recommendations for further refinement.

4.1 Background to the policy review

30. For several decades the City of Melbourne has been committed to the identification of individual heritage places and precincts; and through a range of policies and guidelines has promoted the ongoing conservation and protection these places. This commitment has manifested in the implementation of planning

controls and policy over time to provide guidance to both the users of the planning system and the responsible authority in making appropriate decisions.

31. The key stages in policy implementation within the City of Melbourne, including the introduction of planning controls and guidelines, includes:

    - 1982: The first implementation of heritage controls with an Interim Development Order covering the Central City was introduced.

    - 1983: The Metropolitan Melbourne Planning Scheme was formally amended to incorporate the heritage provisions and conservation studies for various areas within the municipality.

    - 1999: The new format planning scheme for Melbourne was gazetted and two heritage policies formed part of this scheme. These policies were largely based on existing heritage policies that were in the old format scheme. Clause 22.04 was specifically based on the former Capital City Policy, the CBD Urban Conservation Studies and Melbourne Strategy Plan (1985). Clause 22.05 was based on the document '*Urban Conservation in the City of Melbourne*' (1985), City Plan, the Melbourne Residential 1R2 Zone and the Melbourne Strategy Plan 1985.

    - 2010-2018: A series of location specific reviews of heritage buildings and places across the municipality have been implemented via Amendments to the Melbourne Planning Scheme with additional heritage precincts and changes to the heritage overlays.

32. A number of independent Panels that have heard Amendments to the MPS have commented that whilst the City of Melbourne has shown a dedication to documenting and protecting places of historical significance across the municipality, much of this documentation warrants review and update. In particular it has been highlighted through these reports that the approach to policy and subsequent implementation through controls should keep pace with State wide standards.

33. The purpose and scope of the policy review that forms part of the Amendment largely commenced in 2013 with the Heritage Strategy prepared by the City of

Melbourne. This work focused on defining how Council is to protect the city's heritage buildings, places and objects over the next 15 years and defines the role of the City of Melbourne as "..*a leader in its approach to knowing, protecting, integrating and interpreting the city's cultural and natural heritage*".

34. The *Heritage Strategy* identified a number of key actions regarding changes that are required to the MPS and the approach to managing heritage including:

    - *Review the heritage controls in the residential zones of the city, targeting resolution of gaps and inconsistencies in the existing control;*
    - *Review and update Melbourne Planning Scheme local policies (22.04), Heritage Places within the Capital City Zone and (22.05) Heritage Places outside the Capital City Zone.*
    - *Consider principles for adaptation, re-use and creative interpretation in the review;*
    - *Undertake a review of the City of Melbourne's heritage places grading system and update in accordance with the Department of Planning and Community Development's "Applying the Heritage Overlay, September 2012" practice note*

35. In response to these key actions, the City of Melbourne released a paper entitled "*A review of the local heritage planning policies in the Melbourne Planning Scheme*" in July 2014. This document focuses on the necessary modification to the policies themselves as one element of the broader action plan of the *Heritage Strategy* 2013. It examines the history of heritage controls and policies within the City of Melbourne and identifies a need to bring the current local policies at Clause 22.04 and 22.05 of the MPS up to date with current heritage practice.

36. The 2014 paper recommended that the key changes to both policies should consider the following:

Clause 22.04:

- *Include any additional guidance in the Capital City Zone not adequately addressed in the Burra Charter.*
- *Include more guidance for alterations to facades for commercial buildings, signage and restoration of heritage elements.*
- *Include guidelines for the preparation and use of Conservation Management Plans (CMP).*
- *Include a separate incorporated document for the Statements of Significance.*

Clause 22.05:

- *Investigate the Level 1 streetscapes where concealment measures should be addressed in the policy.*
- *Include the full range of building typologies including outbuildings (stables), inter-war, post-war, industrial and commercial buildings.*
- *Include further guidance for corner sites (oblique view lines) and development on laneways.*
- *Review currency of external reference documents and incorporate the relevant ones into the planning scheme*.

37. These recommendations and the action plan outlined in the Heritage Strategy 2013 have provided important guidance for the latest phase of strategic work that was undertaken in 2015 and 2016 in preparation for the current Amendment.

4.2 Key changes proposed to the policy framework

38. The proposed Amendment, and in particular the modifications to Clause 22.04 and Clause 22.05, have to a significant extent focused on resolving perceived policy issues and deficiencies that have come to light since the new format scheme was first introduced. During this time the heritage policies have undergone only incremental changes and certainly no substantive modification or

comprehensive review. Therefore, irrespective of the introduction of any revised grading system for heritage places, it is clear that a holistic review of the local policy framework is warranted, with one of the key objectives being to bring this policy framework into line with the current approach and thinking that has recently been employed across a number of other planning schemes affecting surrounding municipalities.

39. As outlined in section 4.1 of this report, the detailed strategic review of the heritage policies is a key action of the *Heritage Strategy* for Melbourne. This process has included community consultation, as well as drawing on the recommendations of the State government appointed Advisory Committee that reviewed the heritage provisions of the VPPs in 2007, and recommendations of various Panel reports and VCAT decisions that have highlighted the shortcomings of the current heritage policy framework. The guidance provided through *Planning Practice Note 1 – Applying the Heritage Overlay* (2018) has been critical to the changes proposed to the heritage grading scheme in particular, and the phasing out of the current A to D grading as well as the method of recording statements of significance.

40. Collectively the review work has identified that the current policies provide limited guidance in exercising discretion across a number of detailed design matters and in particular the preferred approach to accommodating new built form within established streetscapes. Furthermore, it was found that the overall content and the operation of the policies are out of step with the more contemporary approach to conserving heritage places and the establishment of clear performance standards. This includes the alphabetical grading system and inclusion of statements of significance within the policy framework.

41. The two primary reasons for undertaking a comprehensive review and subsequently implementing an updated heritage policy framework within the MPS are:

    - The City of Melbourne has arguably the most extensive collection of significant buildings and streetscapes that represent every historical period of architecture over the last 170 years. These include a substantial number of buildings that are of State significance and are iconic to the

identity of Melbourne. Conserving and protecting this vast collection of heritage places requires a well resolved and appropriately detailed policy framework;

- Development pressure within the City of Melbourne, including the desire of property owners to undertake substantial modifications, additions and demolition of heritage places continues to grow. This pressure creates an urgent need for improved clarity and guidance to be provided through planning policy, to ensure appropriate protection is afforded to places of historical and cultural significance.

42. Given the density of the municipality, particularly across the Capital City Zoned areas and residential precincts that surround the central city, the extent to which a heritage place is highly visible within a streetscape is also a unique quality of the City. Poorly designed or unsympathetic changes to these buildings can often have a significant visual impact as a result of this dense urban environment and a well resolved policy framework is required to guide these outcomes.

43. Overall, the ongoing conservation and protection of historic places across the City of Melbourne is central to maintaining the City's identity, which only heightens the importance of ensuring the heritage policy contained within the MPS remains "current" and effective in guiding the preferred outcome.

44. An examination of both the existing heritage policies at Clause 22.04 and 22.05 of the MPS and a comparison with the more recently prepared heritage policies of other inner urban municipalities reveals a number of shortcomings, including the overall content, structure, policy objectives and the scope and guidance for decision making across a range of detailed design matters.

45. The task of the most recent policy review work that has led to the Amendment has been to firstly establish a structure that is based on the new grading system and appropriately references the accepted conservation principles, processes and practices of the *Australian ICOMOS Burra Charter*. The next step has been to recognise the local policy objectives and performance criteria (or standards) that have been applied for several decades and determine whether these standards are still appropriate. And the final step has been the identification of

key shortcomings or gaps to the policy framework that have led to inconsistent decisions in the past, and the necessary refinement of the policy to address these issues.

46. Given Clauses 22.04 and 22.05 currently are very different in both structure and content, the modifications to these policies as part of the Amendment vary. The following provides an assessment of each clause separately, considering how the Amendment has sought to modify the framework taking into account the key steps referred to above:

Clause 22.04 – Heritage Places within the Capital City Zone

47. The current form of Clause 22.04 is focused on the statements of significance for each defined heritage precinct across the Capital City Zone. No guidance is provided within the framework of the policy regarding how demolition, alterations and additions, new buildings or any matters of detail such as signage or vehicle access should be addressed or how permit applications that propose any significant change will be considered. This leaves the assessment of applications within a Heritage Overlay severely lacking in guidance and compromises the decisions of the responsible authority and ultimately the outcomes for many permit applications.

48. For a central city environment where there is such a high concentration of individually significant and contributory buildings and open space, I consider there is a critical need for a heritage policy that comprehensively addresses the many aspects of managing historic built form and open spaces so as to enhance the City's heritage.

49. The decision of the City of Melbourne as part of this Amendment has been to move all statements of significance relevant to precincts within the Capital City Zone into the revised Incorporated Document. This is appropriate and in line with the Practice Note regarding *Applying the Heritage Overlay* (July 2015). However, this action the leaves Clause 22.04 effectively vacant.

50. In this regard the modifications to Clause 22.04 proposed by the Amendment are significant. For the first time since the new format planning scheme was gazetted in 1999, the heritage policy affecting the Capital City Zone will have a structure

that specifically seeks to guide development of land within Heritage Overlay areas and expresses the preferred approach to conserving and enhancing heritage places. No longer will the reliance be on outdated reference documents, that sit outside of the MPS, for the necessary guidance.

51. Overall, I consider the structure and content of the proposed Clause 22.04 will provide for clear and effective guidance that will assist both the permit applicant in understanding the expected built form outcomes to heritage places and will also provide the responsible authority the necessary framework for making consistent decisions. The key provisions of this new policy that will achieve these outcomes include:

    - Detailed definitions of key terms and grading of heritage places to avoid ambiguity and to ensure all users of the planning scheme can understand the meaning of key words;
    - Clarity as to the information and evidence required to support and inform a permit application;
    - Detailed objectives and performance criteria for the key built form changes that affect heritage places including demolition, additions, alterations and new buildings;
    - Policy guidance regarding restoration and reconstruction works; and
    - Detailed objectives and performance criteria for matters of detailed design including signage, fencing, vehicle access and subdivision.

52. I note that policy objectives regarding facadism and development into the air rights of heritage places are matters that have not previously been included in the policy framework. These elements of the Amendment seek to directly respond to recent issues that have been experienced within the Capital City Zone and which currently have no policy guidance, resulting in some built form outcomes that the City of Melbourne considers to be undesirable to the heritage significance of the place. As previously stated, I consider it is important that the policy guiding heritage across the Capital City Zone is ‘current’ and in this regard directly

addresses development pressures that have been identified as being problematic by the planning authority to achieve the overall heritage objectives for the city.

53. Having considered the scope of the policy objectives proposed for Clause 22.04 in addressing both the issue of facadism and development across air rights, it is my view that the portion of a heritage building which is considered to be of primary importance is appropriately defined. This provides a clear understanding of what is to be retained or protected in order to achieve a sympathetic and respectful outcome.

Clause 22.05 – Heritage Places outside of the Capital City Zone

54. Unlike for Clause 22.04, the modifications to Clause 22.05 that form this Amendment are focused more on a refinement to the scope and guidance provided to the policy framework. Clause 22.05 does currently provide performance criteria for the assessment of demolition, alterations and additions to built form and the approach to defining key words and the grading system of individual properties and streetscapes.

55. However, the combination of implementing a new grading system for individual buildings together with an examination of the guidance needed to address current development pressures has resulted in the policy naturally undergoing structural change.

56. The key provisions of the modified Clause 22.05 that I consider have successfully provided the necessary policy guidance and performance criteria when compared with the existing policy includes:

- Revised policy basis and objectives which update the key references to the Burra Charter and provide greater clarity as to the overall approach to conservation, preservation and restoration of places across the municipality;

- Expansion of many defined terms and words to avoid ambiguity and to ensure the scope for assessment is understood by all users of the planning system;

- Clarity as to the information and evidence required to support and inform a permit application;

- Greater detail regarding the preferred approach to new buildings, alterations and additions, including clarity around the presentation of built form to a streetscape and the accepted level of change for contributory versus significant heritage places. Given the vast majority of permit applications submitted to the City of Melbourne for heritage places within Heritage Overlays would relate to alterations and additions (largely to modernise historic dwellings), I consider the scope of these modifications to be beneficial to providing clear guidance as to the accepted envelope for development.

- Detailed guidance regarding the consideration of subdivision applications, vehicle access arrangement, fencing, trees and various services and signage. These elements have not previously formed part of Clause 22.05 and, unless appropriately designed, can have a significant impact on a heritage place and/or precinct.

57. It is notable that whilst the language used for many of the provisions within Clause 22.05 has varied from the current policy and the terminology has become more precise, many of the performance standards remain "policy neutral" and will most likely result in the same outcome as the current policy would require. It is however the expression of these performance standards and the expansion of the design outcomes that that are considered to be acceptable and unacceptable that represent the key improvements to the policies, and which I consider represent important modifications rather than a shift in policy more broadly.

4.3 Integration with the Local Planning Policy Framework

58. For any Amendment that proposes a significant restructure to an existing local planning policy or introduces a new policy into a planning scheme, it is important to consider what implications there may be with any existing policy. It is essential that there are no contradictory objectives or requirements between local policies or the MSS, but equally it is important that various policies "work together" in a manner that achieves a well resolved design or land use outcome. In effect no policy should be read in isolation but rather it should seamlessly integrate with the broader objectives of the MSS and more detailed requirements through other policies, zones, overlays and particular provisions.

59. It is of particular interest that the Amendment does not propose any changes to the MSS. The over arching policy objectives dealing with heritage have been foundations of planning across the municipality for numerous decades and continue to directly support the Amendment. There is no change in direction as a result of the Amendment and therefore no modification required to the more strategic elements of the MPS. It could in fact be said that the proposed policies at Clause 22.04 and 22.05 will better deliver the policy objectives that already form the basis of the MSS.

60. Currently there are number of local policies within the MPS at Clause 22 that have some influence on the development of land that is within a Heritage Overlay, including graded buildings as well as public open spaces of historical and cultural significance. These include:

- Clause 22.01 – Urban Design within the Capital City Zone
- Clause 22.02 – Sunlight to public spaces
- Clause 22.07 – Advertising signage
- Clause 22.17 – Urban Design outside the Capital City Zone
- Clause 22.21 – Heritage Places within the World Heritage Environs Area
- Clause 22.20 – CBD lanes

61. I have reviewed each of these policies and the guidance provided that might apply to heritage places. In this context I consider that the policy basis and performance standards proposed for Clause 22.04 and 22.05 will complement each of the above mentioned policies, providing additional guidance to matters of design detail.

4.4 Recommendations for modifications to the policies

62. Like any Amendment of this size and application, there are always elements that might benefit from further refinement and there can be some potential outcomes that come to light which were an unintended consequence of the provisions.

Potentially not all of these matters can be resolved as part of the current Amendment and may need further consideration under a separate process.

63. I note that a number of submitters to the Amendment, responding to both exhibition periods, raised questions regarding the structure and wording use throughout the proposed policies. As part of my assessment I have considered these submissions and the modifications made to the Panel Version of the policies that have responded to issues raised by submitters.

64. The following provides a summary of my key recommendations to the policies having reviewed all material available. These recommendations are aimed at ensuring the key objectives can be delivered and to improve, where possible, the guidance provided to the end user of the planning scheme.

65. It is noted that whilst the following four recommendations identify more significant revisions of the policy structure, a tracked changes version of the policy at Appendix B also nominates a number of minor changes to the wording of clauses which have not been summarised below.

Recommendation 1: Two policies condensed into one

66. From a review of the documentation prepared by the City of Melbourne and its consultants regarding the development of the two new local policies, it is evident that maintaining two separate local policies for heritage places within and outside of the Capital City Zone was the starting position. This general view is based on the premise that given the central city is a unique urban environment where density and building height is vastly different to the environment outside of the central city, a separate local policy for each is warranted. This is consistent with the approach taken to urban design in the MPS at present.

67. In a theoretical sense I consider this position has merit, given it is clear there are different built form standards within Capital City Zone when compared to the more established residential precincts and it is a zone that can deliver vastly different outcomes to any other commercial area or activity centre. Undoubtedly the juxtaposition of taller built form adjacent to, or behind, a graded building within the Capital City Zone is more accepted than for land outside of the Capital

City Zone, and this leads to a different approach being necessary in the consideration of alterations and additions to identified heritage places.

68. However, in my view the two policies as drafted do not pose such significant differences to warrant this approach. In fact, in nearly all circumstances the policy objectives and performance criteria drafted are equally as applicable to heritage places within the Capital City Zone as they are outside of this zone. Furthermore, I have been instructed that the City of Melbourne has no strategic plan to refine or modify Clause 22.04 in the future to further any point of difference regarding the assessment of heritage within the Capital City Zone.

69. Therefore, my review has led me to recommend that consideration be given to combining Clause 22.04 and 22.05 into a single local policy that would apply to all land within a Heritage Overlay, irrespective of the zone. Although this recommendation may appear to be a significant change to the Amendment, in reality it requires minimal redrafting. This is largely due to the fact that 13 of the 14 sub clauses addressing policy requirements and objectives are virtually identical between Clause 22.04 and 22.05.

70. Importantly the one key area of difference is the performance standards around concealment of additions to a significant or contributory building. Clause 22.05-6, which applies to all land outside of the Capital City Zone, seeks to deliver a more tempered approach to the level of visibility of the new built form when compared to Clause 22.04. It is clear that this particular policy requirement should accommodate a different approach based on whether the site is within the Capital City Zone or not. However this point of difference can be efficiently addressed with the application of a sub-heading under **Additions** as shown in Appendix B. I note that such an approach is common for many heritage policies that apply to other municipalities where development within an activity centre or commercially zoned area may vary from residential precincts.

71. Appendix B of this report provides a version of how a single heritage policy could present and as can be seen by the tracked changes, requires minimal alteration to allow the two policies to be combined.

Recommendation 2: Use of the word 'Must' versus 'Should'

72. I note that one modification made to both Clause 22.04 and 22.05 in response to initial submissions received to the first exhibition period of the Amendment has been to replace the word "should" with the word "must" throughout the policy objectives and requirements of a non-quantitative nature.

73. From a review of the documentation available regarding this change, it is evident that the purpose has been to strengthen the perceived intent of the policy and ensure any future user of the MPS understands the expected outcome. The use of the word 'should' throughout both Clause 22.04 and 22.05 as first exhibited was, upon reflection, seen to give the impression that the requirements of the policy were only a preferred outcome, but not essential.

74. In line with *Planning Practice Note 8 – Writing a Local Planning Policy* (September 2013) the role of a local planning policy in a planning scheme is to provide guidance around how discretion is likely to be exercised. It can provide policy objectives, criteria performance measures or decision guidelines but these elements cannot impose any mandatory control.

75. In contrast a zone or overlay provision can prescribe a mandatory control and will use the word 'must' to identify this, typically followed by the phrase "a permit can not be granted to vary this requirement'. Any clause under a zone or overlay that uses the word 'should' is understood to be performance based and a permit can be issued to vary the requirement.

76. Whilst I have been instructed that it was not the intention of the City of Melbourne that any policy objective or requirement to either Clause 22.04 or 22.05 be implemented as if it were a mandatory control, I consider the use of the word 'must' could be confusing to many users of the planning system. For this reason, I recommend that a refinement of the wording be considered.

77. Appropriate clarity as to the intent of the responsible authority regarding policy objectives or requirements can, in my view, be articulated with the more accepted phrase of "It is policy to: ..." ahead of any statement of discretion or policy objective. Furthermore, for any performance standard or criteria the words "It is policy to assess proposals against the following: …" is commonly applied.

78. This particular language is consistent with the direction provided by *Planning Practice Note 8 – Writing a Local Planning Policy* and has been implemented across many local policies, including those relating to heritage, over recent times. This approach makes it clear what the intent of the policy is and avoids any confusion that might arise from the use of the word 'must'.

79. Appendix B provides a tracked changes version of the proposed policy to demonstrate how this change to the wording could be implemented.

Recommendation 3: Structure of the demolition provisions

80. The provisions relating to demolition are, in my view, a critical element of any heritage policy in a planning scheme given the act of demolishing a heritage place (in whole or in part) is usually irreversible and will typically result in significant change to a streetscape, and full or partial loss of heritage values. There are instances where full demolition may be appropriate, such as for non contributory built form, and partial demolition is often considered on the basis of which elements of the building are deemed to be important to the heritage place and what is visible from the public domain. Overall the assessment of an application that involves demolition requires careful review of detailed evidence to determine the importance of the fabric to be demolished.

81. Currently the local policy at Clause 22.04 affecting the Capital City Zone (excluding Schedule 5) provides no guidance regarding demolition. Clause 22.05 does however outline the scope for considering demolition but this requires modification due to the change to the grading system.

82. Overall I consider the proposed demolition provisions, as drafted in both Clause 22.04 and 22.05, are significantly more detailed and provide the appropriate level of guidance as to the consideration of these types of application. However, having reviewed various demolition provisions contained within heritage policies of other planning schemes and VCAT decisions that address demolition of a heritage place, some further refinement to this clause is warranted in my view.

83. Appendix B, which features a combined version of the Clause 22.04 / 22.05 policy, has a number of wording changes to ensure the policy around demolition

is unambiguous and a re-ordering of some criteria to create three distinct sections to this clause as follows:

I. A series of policy statements that define the responsible authority's approach to demolition of various elements to a heritage place.

II. Criteria that will form the basis of assessment should an application for demolition be submitted.

III. The expected recording system for a heritage place if demolition is approved.

84. The recommended changes in Appendix B in this regard have not sought to alter the responsible authority's position regarding demolition or the scope under which it will be considered. It has been to ensure that the clause expresses the formal position of the responsible authority in a manner that allows all users of the planning system to understand how this type of application will be approached and considered.

85. In my opinion this refined provision is equally applicable to the Capital City Zone as it is to all other zoned land across the municipality.

Recommendation 4: Definition of concealment and visible

86. The proposed definitions of the terms 'concealment' and 'visible' compared with the existing definitions in Clause 22.05 reveals some points of difference. These terms are principally used in relation to additions to significant heritage buildings and for contributory buildings within a significant streetscape.

87. The key changes to the proposed definition of concealment are:

- Deletion of the reference to the "*street serving the front of the building*" as being the key location or environment within which the addition should not be visible;
- Addition of the reference to a 'public park' being a relevant location within which to view a building and the proposed addition.
- Addition of the reference to a laneway environment.

88. Similarly the key changes to the proposed definition of 'visible' include the deletion of '*the street serving the front of the building'* being the primary viewing environment but also the deletion of a reference to side elevations of a building that might be readily visible from the front street.

89. The result of these changes to the policy could be that an addition to a significant heritage building or a contributory building within a significant streetscape must not be visible from <u>any street</u>, no matter how close or distance from a heritage building that location might be. Under the current provisions of Clause 22.05, an addition to an A and B graded building or to any graded building within a Level 1 streetscape, is to be concealed when viewed from the <u>street serving the front of the building</u>. The scope of this viewing angle is considerably different.

90. In my view the modifications made to the definition of concealment, and also to the definition of visible, could result in unintended consequences as outlined above.

91. Having reviewed the background material regarding the changes to the definitions, there appears to be no evidence to suggest that there was a desire to make a substantive change to scope of concealment in order to specifically broaden the environment within which an addition should not be visible. To this extent I recommend that further refinement of the definitions be undertaken to ensure that an appropriate viewing boundary be set, broadly consistent with that of the existing policy, and ensure it is clear when an addition is considered to be appropriately concealed. This may include reintroduction of the reference to the "street servicing the front of the building" as one of the relevant locations from which an addition should not be visible.

92. However, I note that the addition of the reference to a 'public park' being a relevant viewing location within which any addition to a significant heritage building and / or contributory building within a significant streetscape should be concealed, is a specific and intended change to the policy. Whilst I understand that reasons for this modification, again I consider some refinement to the definitions of concealment and visible are necessary to stipulate the relationship or direct connection between the relevant public park and the heritage building or

streetscape. This will again ensure it is well understand what the important view lines are to consider.

05 Conclusions

93. Having considered the key planning issues relevant to the Amendment and specifically the modifications to Clauses 22.04 and 22.05, I have concluded that:

- There is clear strategic justification for a comprehensive review of the two local policies that seek to manage heritage places across the City of Melbourne. This review is, in part, required to implement the revised grading system for all heritage places and streetscapes and remove references to statements of significance;

- The revised structure of Clause 22.04 and 22.05, including the inclusion of all statements of significance in the Incorporated Document, and establishment of clear policy guidance and performance standards appropriate for both the Capital City Zone and outside of this environment is in line with the relevant Practice Notes for the preparation of local policies and application of the Heritage Overlay;

- The modifications to the objectives and performance standards of the policies will provide greater clarity and guidance for all users of the planning system as to the expected approach to the conservation, protection and restoration of heritage places throughout the City; and

- The additional policy objectives and performance standards relating to detailed design matters have been appropriately drafted and will provide important guidance for a range of permit applications.

94. I am therefore supportive of the Amendment subject to the modifications outlined in Section 4.4 of this report.

Sophie Jordan
Director

Appendices

Appendix A – Summary of expertise

Name and professional and business address

Sophie Millicent Jordan
Director, Sophie Jordan Consulting Pty Ltd
Level 1, 580 Church Street
Richmond VIC 3121

Qualifications and experience:

- Bachelor of Planning and Design (Hons) University of Melbourne, 1996
- 1997 — Town planner, City of Stonnington
- 1998-2001 — Senior planner, City of Melbourne
- 2001-2003 — Senior planner, Hassell
- 2003 – June 2005 — Senior planner, Urbis Pty Ltd
- July 2005 – June 2008 — Associate Director, Urbis Pty Ltd
- July 2008 – Dec 2011 — Director, Urbis Pty Ltd
- January 2012 – present — Director, SJ Consulting Pty Ltd

Area of expertise:

- Residential developments including medium density housing projects through to larger high rise apartment complexes;
- Special needs residential accommodation including student accommodation, retirement villages, nursing homes and social housing projects;
- Large scale commercial projects including office development within inner Melbourne;
- Large scale retail development within metro Melbourne and regional Victoria;
- Preparation of Urban Design Frameworks for regional town centres;
- Public Housing Estate redevelopment and social housing projects
- Gaming applications, including the VCGR approval processes; and
- Heritage applications, including Heritage Victoria approval processes.

Facts, matters and assumptions which the report relies upon:

- Reviewed the exhibited documentation as part of the Amendment including background reports;
- Reviewed all relevant planning controls and policies contained within the Melbourne Planning Scheme, including *Plan Melbourne 2017-2050*;
- Reviewed the written submissions that were lodged during the two exhibition periods;
- Reviewed the Council reports relevant to the Amendment;
- Reviewed relevant Practice Notes and Ministerial Directions; and
- Reviewed reference and incorporated documents to the Melbourne Planning Scheme that are relevant to this Amendment.

Documents taken into account in preparing this report:

Refer to paragraph 3 of the report for a summary of the documents that have been taken into account. The assessment and review outlined in the report has relied on these documents to inform my opinion.

Identity of any person who assisted in the preparation of the report

None

Summary of my opinions

Refer to report and conclusions for a detailed summary of opinions.

Expert Declaration

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Appendix B – Tracked changes version of the policy

22.05 HERITAGE POLICY

--/--/201- Proposed C258 Exhibition

This policy applies to all places within the Heritage Overlay Area.

22.05-1 Policy Basis

--/--/201- Proposed C258 Exhibition

Melbourne's Municipal Strategic Statement identifies heritage as a defining characteristic of the municipality, and a major part of Melbourne's attraction. Heritage places enhance the city's appeal as a place in which to live, work, invest and visit.

Heritage places across the municipality, both within and outside the Capital City Zone (CCZ), encompass individual heritage places and heritage precincts. These places are variously of heritage value for their historic, aesthetic, social, spiritual and scientific significance.

The places include some of metropolitan Melbourne's most significant urban developments. They incorporate dwellings, institutions, industrial, manufacturing and commercial places, road and rail infrastructure, parks, gardens and places of recreation.

Within the CCZ, heritage places reflect the significance of the cultural, administrative and economic centre of the State. The places are fundamental to the depth of historic character of the CCZ as it developed on, and extended from the Hoddle Grid. Development within the CCZ has, and will continue to be, of a different intensity and result in varied built form outcomes compared for areas outside of the CCZ.

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. It encourages the conservation, preservation and restoration of heritage places, and development which enhances the heritage place and is compatible and in keeping with its cultural heritage values. The policy recognises that heritage places are living and working places; and that development should be considered in the context of the heritage policy objectives.

This policy should be read in conjunction with Statements of Significance as incorporated into this Scheme.

22.05-18 Definitions

--/--/201- Proposed C258 Exhibition

Term	Definition
Alteration	An alteration is to modify the fabric of a heritage place, without undertaking building works such as an addition.
Assessed significance	The assessed significance of an individual heritage place or heritage precinct is identified in the relevant statement of significance, as contained in the place citation. This normally identifies what is significant, how it is significant, and why it is significant.
Concealed/partly concealed	Concealed means cannot be seen from a street (other than a lane, unless the lane is classified as significant) or public park. Partly concealed means that some of the addition or higher rear part may be visible provided it does not visually dominate or reduce the prominence of the existing building's façade(s) and the streetscape.
Conservation	Conservation means all the processes of looking after a place to retain its heritage significance. It may include one or more of maintenance, preservation, restoration, reconstruction, adaptation and interpretation.
Context	The context of a heritage place can include; its setting (as defined under 'setting'), the immediate landholding, adjoining significant or contributory places, and the surrounding area.

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Term	Definition
Contextual design	A contextual design for new buildings and additions to existing buildings is one which adopts a design approach, derived through analysis of the subject property and its heritage context. Such an approach requires new development to comfortably and harmoniously integrate with the site and its streetscape character.
Cultural significance	Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
Enhance	Enhance means to improve the presentation and appearance of a heritage place through restoration, reconstruction or removal of unsympathetic or intrusive elements; and through appropriate development.
Fabric	Fabric means all the physical material of the heritage place.
Facadism	The retention of the exterior face/faces of a building without the three-dimensional built form providing for its/their structural support, and, without retention of an understanding of the function of the three-dimensional building form.
Front or principal part of a building	The front or principal part of a building is generally considered to be the front two rooms in depth, complete with the structure and cladding to the roof; or that part of the building associated with the primary roof form, whichever is the greater. For residential buildings this is generally 8 metres in depth. For most non-residential buildings, the front part is generally considered to be one full structural bay in depth complete with the structure and cladding to the roof. This is generally 8 – 10 metres in depth. For corner sites, the front or principal part of a building includes side and rear elevations. For sites with more than one frontage, the front or principal part of a building relates to each frontage.
Heritage place	A heritage place has been assessed to have natural or cultural heritage value and can include a site, area or space, building or other works, structure, group of buildings, precinct, archaeological site, landscape, garden or tree.
Heritage precinct	A heritage precinct is an area which has been identified as having heritage significance. It is identified as such in the Schedule to the Heritage Overlay, and mapped in the Planning Scheme Heritage Overlay Maps.
Individual heritage place	An individual heritage place is equivalent to a significant heritage place. It may be graded significant within a heritage precinct. It may also have an individual Heritage Overlay control, and be located within or outside a heritage precinct.
Key attributes	The key attributes or important characteristics of a heritage precinct are identified in the precinct statement of significance.
Lane	Includes reference to public or private lanes, and ROWs.
Maintenance	Maintenance means the continuous protective care of a place, and its setting, and is distinguished from repair which involves restoration or reconstruction.

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Term	Definition
Massing	Massing means the arrangement of a building's bulk and its articulation into parts.
Preservation	Preservation is maintaining the fabric of a place in its existing state and retarding deterioration.
Reconstruction	Reconstruction means returning a place to a known earlier state, and is distinguished from restoration by the introduction of new material.
Respectful and interpretive	When used in relation to design, respectful and interpretive refers to design that honestly admits its modernity while relating to the historic or architecturally significant character of its context. Respectful means a modern design approach to new buildings, additions and alterations to buildings, in which historic building size and form are adopted; and, proportions and details are referenced but not directly copied, and sympathetic colours and materials are used. Interpretive means a looser and simplified modern interpretation of historic building form, details and materials.
Restoration	Restoration means returning a place to a known earlier state by removing accretions or later additions, or by reassembling existing elements. It is distinguished from reconstruction through not introducing new material.
Services and ancillaries	Services and ancillaries include, but are not limited to, satellite dishes, shade canopies and sails, solar panels, water storage tanks, disabled access ramps and handrails, air conditioners, cooling or heating systems and hot water services.
Setting	Setting means the immediate and extended environment of a heritage place that is part of or contributes to its significance.
Streetscape	A streetscape is a collection of buildings along a street frontage. When referred to in relation to a precinct, a streetscape typically contains a majority of buildings which are graded significant or contributory.
Significant streetscape (as referred to in this policy)	Significant streetscapes are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are a collection of buildings significant in their own right.
Visible	Visible means anything that can be seen from a street (other than a lane, unless the lane is classified as significant) or public park.

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22.05-17 Grading of heritage places

--/--/201- Proposed C258 Exhibition

The grading (significant, contributory or non-contributory) of properties outside the Capital City Zone is identified in the incorporated document *Heritage Places Inventory 2017*' - Significant Streetscapes are also identified in this incorporated document.

'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.

'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' place:

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

22.05-2 Policy Objectives

--/--/201- Proposed C258 Exhibition

- 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 respectful of the character and appearance of heritage places.
- To encourage high quality contextual design for new development, whichavoids replication of historic forms and details.
- To encourage retention of the three dimensional fabric and form of a building and to discourage façadism.
- To encourage the adaptive reuse of heritage places.
- To ensure new development is consistent with the conservation principles, processes and practices of the Australia ICOMOS Burra Charter.
- To enhance the presentation and appearance of heritage places through restoration and, where evidence exists, reconstruction of original or contributory fabric.
- To protect significant views and vistas to heritage places.
- To promote the protection of Aboriginal cultural heritage.

22.05-3 Permit Application Requirements

--/--/201- Proposed C258 Exhibition

The following, where relevant, may be required to be lodged with a permit application.

- Where major or consequential development is proposed to significant heritage places, the responsible authority may require preparation of a Conservation Management Plan (CMP), which is accordance with the Heritage Council of Victoria's 'Conservation Management Plans: Managing Heritage Places A Guide 2010'.
- The responsible authority may require preparation of a Heritage Impact Statement (HIS). which is in accordance with Heritage Victoria's 'Guidelines for preparing Heritage Impact Statements'. In a heritage precinct, the HIS should address impacts on adjoining significant or contributory buildings and the immediate heritage context, in addition to impacts on the subject place.

- Where works are associated with significant vegetation (as listed in the Schedule to the Heritage Overlay or vegetation of assessed significance), an arboricultural report should be prepared. The report should, where relevant, address landscape significance, arboricultural condition, impacts on the vegetation and impacts on the assessed significance of the heritage precinct.
- For development in heritage precincts, the responsible authority may require sight lines, and heights of existing and adjoining buildings, streetscape elevations, photos and 3D model, as necessary to determine the impact of the proposed works.
- A comprehensive explanation as to how the proposed development achieves the policy objectives.

22.05-4 Performance Standards for Assessing Planning Applications

--/--/201- Proposed C258 Exhibition

It is policy to assess of planning applications against the objectives and performance standards set out below.

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22.05-5 Demolition

--/--/201- Proposed C258 Exhibition

It is policy that:

- The demolition of a non-contributory place will generally be permitted.
- Full demolition of significant or contributory buildings will not generally be permitted.
- Partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted.
- Retention of the three dimensional form is encouraged; facadism is discouraged.
- The adaptive reuse of a heritage place is encouraged as an alternative to demolition.
- The poor structural or aesthetic condition of a significant or contributory building will not be considered justification for permitting demolition.
- A demolition permit should not be granted until the proposed replacement building or works have been approved.
- The demolition of fences and outbuildings which contribute to the cultural significance of the heritage place is discouraged.

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Before deciding on an application for full or partial demolition, the responsible authority will consider, as appropriate:

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- The assessed significance of the heritage place or building.
- The character and appearance of the building or works and its contribution to the historic, social and architectural values, character and appearance of the heritage place, and the streetscape.
- The significance of the fabric or part of the building, and the degree to which it contributes to the three-dimensional form of the building, regardless of whether it is visible.
- Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of the building.

- Whether the demolition is detrimental to the conservation of the heritage place
- Whether there are any exceptional circumstances.

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Where approval is granted for full demolition of a significant building, a recording program including, but not limited to, archival photographic recording and/or measured drawings may be required prior to demolition, to the satisfaction of the Responsible Authority.

22.05-6 Alterations

--/--/201- Proposed C258 Exhibition

It is policy that:

External fabric which contributes to the cultural significance of the heritage place, on any part of a significant building, and on any visible part of a contributory building, should be preserved.

Alterations to non-contributory buildings and fabric are respectful of, and do not detract from the assessed cultural significance of the heritage precinct.

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Sandblasting of render, masonry or timber surfaces and painting of previously unpainted surfaces will not generally be permitted.

Before deciding on an application to alter the fabric of a significant or contributory building, the responsible authority will consider, as appropriate:

- The assessed cultural significance of the building and heritage place.
- The degree to which the works would detract from the significance, character and appearance of the building and heritage place.
- Its structural condition.
- The character and appearance of the proposed replacement materials.
- Whether the works can be reversed without loss of fabric which contributes to significance.

Removal of paint from originally unpainted masonry or other surfaces is encouraged providing this can be undertaken without damage to the heritage fabric.

The introduction of awnings and verandahs to ground floor façades and shopfronts may be permitted where:

- The works reconstruct an original awning or verandah, based on evidence of the original form, detailing and materials; or
- The awning is an appropriate contextual design response, compatibly placed in relation to the building, and can be removed without loss of fabric which contributes to cultural significance.

22.05-8 Additions

--/--/201- Proposed C258 Exhibition

It is policy that additions to buildings in a heritage precinct are respectful of and in keeping with:

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- Identified 'key attributes' of the heritage precinct.
- Precinct characteristics including building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation.
- Character and appearance of nearby significant and contributory buildings.

Where abutting a lane, additions are to be respectful of the scale and form of heritage fabric to the lane.

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Additions to significant or contributory buildings:

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- are respectful of the building's character and appearance, scale, materials, style and architectural expression.

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- do not visually dominate or visually disrupt the appreciation of the building as it presents to the streetscape(s).
- maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts and moderating height.
- do not build over or extend into the air space directly above the front or principal part of the significant or contributory building.
- retain significant roof form within the setback from the building façade together with any chimneys or similar roof elements of original fabric. Not obscure views of façades or elevations associated with the front or principal part of the building.
- be distinguishable from the original fabric of the building.

The design of additions is to:

- Adopt high quality and respectful contextual design.
- Avoid direct reproduction of the form of historic fabric.
- Adopt an interpretive design approach to other details such as verandahs, fences, and shopfronts.

Concealment of additions outside of the CCZ:

It is policy that:

- Additions to a significant or contributory building are concealed in significant streetscapes.
- In other streetscapes, additions to significant buildings are concealed.
- In other streetscapes, additions to contributory buildings should be partly concealed.

Some of the addition or higher rear part(s) may be visible, provided it does not dominate or reduce the prominence of the building's façade(s) and the streetscape. Typically this is achieved as follows:

- For a second-storey addition to a single storey building, concealment is often achieved by setting back the addition at least 8 metres behind the front facade.
- A ground level addition to the side of a building should be set back behind the front or principal part of the building.

Additions to corner properties may be visible, but should be respectful of the significant or contributory building in terms of scale and placement, and not dominate or diminish the prominence of the building or adjoining contributory or significant building .

22.05-7 New Buildings

--/--/201- Proposed C258 Exhibition

It is policy that new buildings are respectful of and do not detract from the assessed cultural significance of the heritage place.

New buildings:

- Are to be in keeping with:
  - 'Key attributes' of the heritage precinct such as:
  - Building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation and fencing.
  - Prevailing streetscape height and scale.
- Do not obscure views from the street(s) and public parks of the front or principal part of adjoining significant or contributory places or buildings.
- Do not visually dominate or visually disrupt the appreciation of the heritage place by:
  - maintaining a façade height which is consistent with that of adjoining significant or contributory buildings, whichever is the lesser, and
  - setting back higher rear building components.

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- Do not adopt a façade height which is significantly lower than prevailing heights in the streetscape.
- Are neither positioned forward of the façade of adjoining significant or contributory heritage places or buildings, or set back significantly behind the prevailing building line in the streetscape.
- Do not build over or extend into the air space directly above the front or principal part of an adjoining significant or contributory building or place.
- Where abutting a lane, are respectful of the scale and form of historic fabric of heritage places abutting the lane.
- Do not impact adversely on the aboriginal cultural heritage values, as indicated in an archaeologist's report, for any site known to contain aboriginal archaeological relics.

The design of new buildings are to:

- Adopt high quality and respectful contextual design.
- Adopt an interpretive design approach to other details such as verandahs, fences and shopfronts.

Concealment of higher rear parts of a new building outside of the CCZ:

In significant streetscapes, higher rear parts of a new building should be concealed.

In other streetscapes, higher rear parts of a new building should be partly concealed. Some of the higher rear part may be visible, provided it does not dominate or reduce the prominence of the building's façade(s) and the streetscape.

22.05-9 Restoration and Reconstruction

--/--/201- Proposed C258 Exhibition

It is policy to encourage the restoration and / or reconstruction of a heritage place.

Any reconstructive or restoration buildings and/or works to any part of a significant building, or any visible part of a contributory building should form part of an authentic restoration or reconstruction process, or should not preclude such a process at a future date.

Restoration or reconstruction of a building and works is to be based on evidence of what a building originally looked like and may include other parts of the building or early photographs and plans.

22.05-10 Subdivision

--/--/201- Proposed C258 Exhibition

It is policy that subdivision of a heritage place:

- Reflect the pattern of development in the streetscape or precinct, whichever is most relevant to the place.
- Ensure that appropriate setting s and contexts for significant and contributory heritage buildings and places are maintained including the retention or any original garden areas, large trees and other features which contribute to the significance of the heritage place.
- Not provide for future development which will visually disrupt the setting and impact on the presentation of the significant or contributory building.
- Provide for three dimensional building envelopes for future built form to each lot proposed.

Subdivision of airspace above heritage buildings, to provide for future development, is discouraged.

22.05-12 Vehicle Accommodation and Access

--/--/201- Proposed C258 Exhibition

The introduction of on-site car parking, garages and carports, and vehicle crossovers is discouraged and should only be permitted where the following performance standards can be met:

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- The car parking is located to the rear of the property, and this is an established streetscape characteristic.
- For a significant or contributory building, the new garage or carport is placed behind the principal of front part of the building (excluding verandahs, porches, bay windows or similar projecting features), and:
  - it will be visually recessive;
  - it will not conceal an original contributory element of the building (other than a plain side wall); and
  - the form, details and materials are respectful of the building, but do not replicate details of the building.
- Where this is an established characteristic of the streetscape or precinct, ramps to basement or sub-basement car parking are located to the rear of the property, or to a side street or side lane boundary, where they would not visually disrupt the setting of the significant or contributory building, or impact on the streetscape character.

22.05-13 Fences and Gates

--/--/201- Proposed C258 Exhibition

It is policy that new or replacement fences or gates to the front or principal part of a significant or contributory building may be permitted where:

- the works reconstruct an original fence or gate, based on evidence of the original form, detailing and materials; or
- the new fence is an appropriate contextual design response, where the style, details and materials are interpretive and consistent with the architectural period of the heritage place and established streetscape characteristics.

New fences and gates should also:

- not conceal views of the building; and
- be a maximum height of 1.2 to 1.5 metres; and
- be more than 50% transparent.

22.04-14 Trees

It is policy that buildings and works respect trees with assessed cultural significance (noted in the schedule to the Heritage Overlay) by siting proposed new development at a distance that ensures the ongoing health of the tree.

New buildings and works should also comply with the Australian Standard AD 4970-2009 Protection of trees on development sites for vegetation of assessed significance.

22.05-15 Services and Ancillaries

--/--/201- Proposed C258 Exhibition

The installation of services and ancillaries, in particular those that will reduce greenhouse gas emissions or water consumption such as solar panels, solar hot water services or water storage tanks, may be permitted on any visible part of significant or contributory buildings where it can be demonstrated there is no feasible alternative and the services and ancillaries will not detract from the character and appearance of the building or heritage place.

Items affixed to roofs, such as solar panels, should align with the profile of the roof.

Services and ancillaries should be installed in a manner whereby they can be removed without damaging significant fabric.

For new buildings, services and ancillaries should be concealed, integrated or incorporated into the design of the building.

22.05-16 Street Fabric and Infrastructure

--/--/201- Proposed C258 Exhibition

It is policy that street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, is designed and sited to avoid:

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- impacts on views to significant or contributory places and contributory elements; and
- physical impacts on bluestone kerbs, channels and gutters, other historic street infrastructure and historic street tree plantings.

For existing significant and contributory street fabric and infrastructure, it is policy that:

- restoration, reconstruction and maintenance should be carried out in a way that retains the original fabric, form and appearance.

22.05-17 Signage

--/--/201- Proposed C258 Exhibition

It is policy that new signage associated with heritage places meet the following standards:

- Minimise visual clutter.
- Not conceal architectural features or details which contribute to the significance of the heritage place.
- Not damage the fabric of the heritage place.
- Be in keeping with historical signage in terms of size and proportion in relation to the heritage place.
- Be readily removable.
- Address all relevant performance standards of Clause 22.07 – Advertising Signage

Advertising signs may be placed in locations where they were traditionally placed.

The historical use of signage may be justification for new or replacement signage.

Existing signage that is deemed to have heritage value should be retained, and not altered or obscured, including historic painted signage.

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22.05-19 Reference Documents

--/--/201- Proposed C258 Exhibition

Central Activities District Conservation Study 1985

South Melbourne Conservation Study 1985

Central City (Hoddle Grid) Heritage Review 2011

Bourke Hill Precinct Heritage Review Amendment C240 2015

City North Heritage Review, RBA Architects 2013

East Melbourne & Jolimont Conservation Study 1985

Parkville Conservation Study 1985

North & West Melbourne Conservation Study 1985, & 1994

Flemington & Kensington Conservation Study 1985

Carlton, North Carlton and Princes Hill Conservation Study 1994 & 1985

South Yarra Conservation Study 1985

South Melbourne Conservation Study 1985 & 1998

Harbour, Railway, Industrial Conservation Study 1985

Kensington Heritage Review, Graeme Butler 2013

Review of Heritage Buildings in Kensington: Percy Street Area, Graeme Butler 2013

Arden Macaulay Heritage Review, Graeme Butler 2012

West Melbourne Heritage Review 2016

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Development	Development includes: construction or exterior alteration of a building demolition or removal of a building or works construction or carrying out of works subdivision or consolidation of land, including buildings or airspace placing or relocation of a building or works on land construction or putting up for display of signs or hoardings[A1]

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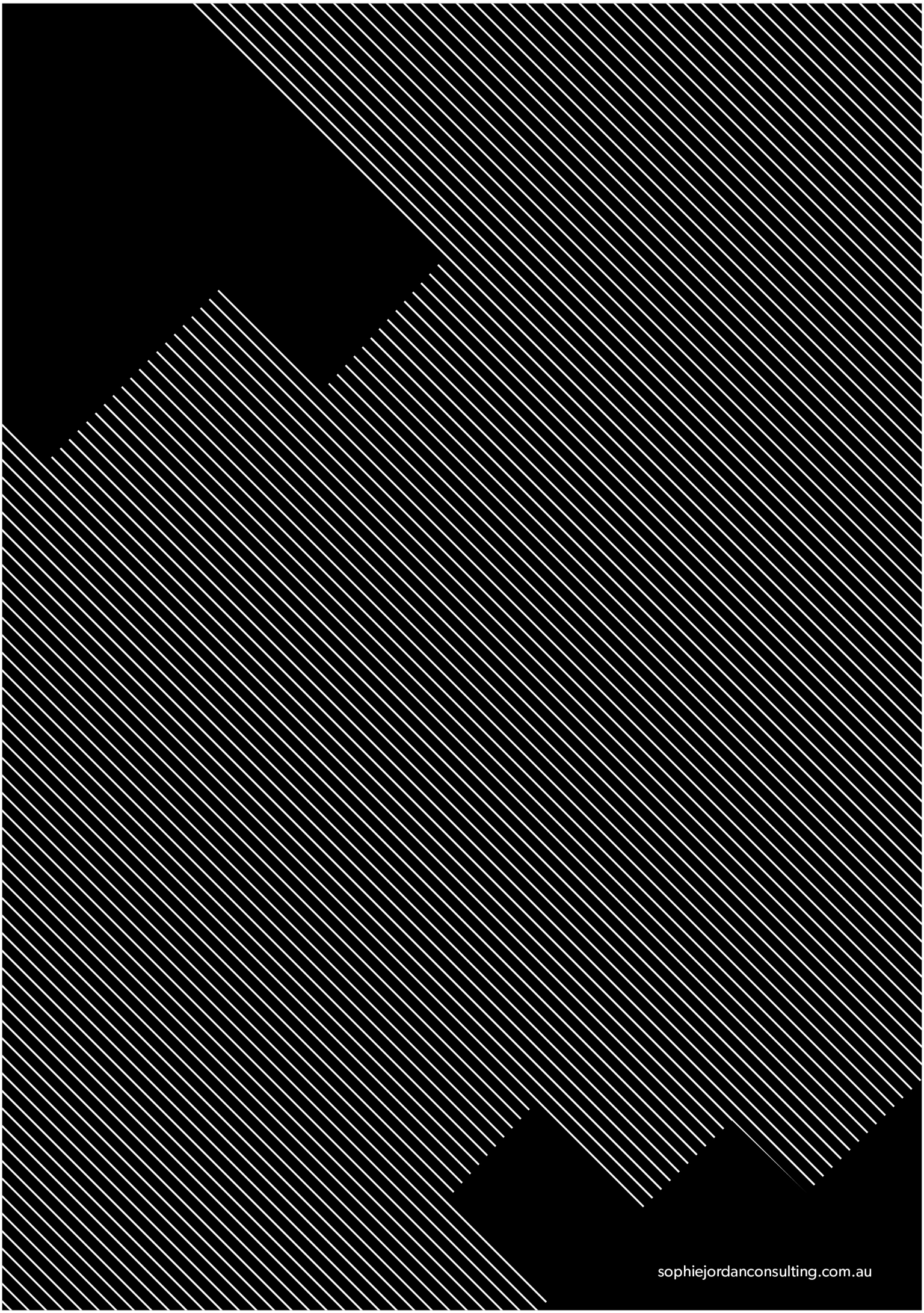
Use	Use means the functions of a place, including the activities and traditional and customary practices which may occur at the place or are dependent on the place.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