

PLANNING PANELS VICTORIA

AMENDMENT C258

MELBOURNE PLANNING SCHEME

SUBMITTER:

STANLEY STREET HOLDINGS PTY LTD
(SUBMITTER NO. 99)

210-212 STANLEY STREET, WEST
MELBOURNE

SHAUN DRISCOLL AND MARGARET
BRADSHAW (SUBMITTER NO. 43)

159-163 RODEN STREET, WEST MELBOURNE

DOMENICO PATTI AND MARIA PATTI
(SUBMITTER NO. 46)

322 WALSH STREET, SOUTH YARRA

COUNCIL:

MELBOURNE CITY COUNCIL

PROPOSAL:

PLANNING SCHEME AMENDMENT

COMMENCING:

10:00AM ON MONDAY 27 AUGUST 2018

**SUBMISSIONS ON BEHALF OF STANLEY STREET HOLDINGS PTY LTD
(SUBMITTER #99), SHAUN DRISCOLL AND MARGARET BRADSHAW (SUBMITTER
NO. 43), AND DOMENICO PATTI AND MARIA PATTI (SUBMITTER NO. 46)**



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INTRODUCTION

1. These submissions are made on behalf of:
 - Stanley Street Holdings Pty Ltd of 210-212 Stanley Street West Melbourne;
 - Shaun Driscoll and Margaret Bradshaw of 159 Roden Street, West Melbourne;
and
 - Domenico Patti and Maria Patti of 322 Walsh Street, South Yarra.
2. In addition to these submissions, these Submitters rely upon the expert heritage evidence on Bryce Raworth.
3. The following submissions are made in relation to the proposed methodology in respect to the translation of heritage values, and detail of proposed Clause 22.05, including commentary in respect to the expert evidence of Mr Brady and Mr Helms, and addresses the individual properties of my clients, and the evidence of Mr Butler and Mr Raworth. These issues are dealt with in turn below.
4. In summary, my clients' criticism of the Amendment is that it largely assumes existing gradings easily translate into the new categories of significant, contributing and non-contributing. How can this be so when places are not rigorously assessed and up to date. This is exactly what Council intended to do in its 2013 "Heritage Strategy" (page 9) but has failed to do in C258 in all cases.

Proposed Clause 22.05

5. My clients agree there should only be a single heritage policy.
6. It is submitted the tracked changes version of Clause 22.05 showing Sophie Jordon's tracked changes, which accompanied her expert evidence, with further changes reflected in her expert evidence to the Panel attached to the email from Colin Charman to the Panel of 21 August 2018 at 6:24pm, is preferable to the exhibited version of Clause 22.05 (copy **attached** for ease of reference). This said, I comment as follows:
 - a) The proposed amendment to the second dot point of the demolition policy at Clause 22.05-7 is appropriate: "Full demolition of significant or contributory buildings will not generally be permitted". As exhibited, demolition would only be

support in exceptional circumstances as a matter of policy. However, she should not have reinstated it as the last dot point.

A test of exceptional circumstances raises the bar too high, and would be inconsistent with the requirement for integrated decision making identified in *Boroondara City Council v 1045 Burke Road Pty Ltd & Ors* [2015] VSCA 27. This decision is authority for the proposition that integrated decision making requires “acceptable outcomes” (per pre-VC148, Clause 10.04 VPP Planning Schemes). It is submitted an acceptable outcome is not an exceptional circumstance “necessarily” from case to case. Nor, is a “net community benefit” necessarily an exceptional circumstance.

It is submitted the recent VCAT decision of *Icon Co. (Jessmine Avenue) Land Pty Ltd v Stonnington CC* (Red Dot) [2018] VCAT 1134, is consistent with this decision. These decisions are discussed at paragraphs 225-228 of the Council's Part B submissions.

I note the final dot point within Clause 22.05-7 contemplates “exceptional circumstances” for full or partial demolition. Those circumstances should be elaborated upon as in the other Planning Schemes.

My clients agree with Council that there is no need for the heritage policy to specify whether “*a decision maker is required to consider whether demolition is in the public interest, or is justified in relation to the development proposed*” (paragraph 228) because “*these considerations are already relevant by virtue of the Planning and Environment Act, the VPP Planning Schemes and the case law*”. It is submitted this is to be understood by way of Sophie Jordan's second dot point at Clause 22.05-7. It is appropriate to delete the words “*would only be permitted in exceptional circumstances*”.

- b) The sixth dot point policy under the “demolition” clause states that it is policy that “*the poor structural condition of a significant or contributory building will not be considered justification for permitting demolition*”. It is submitted this policy position is not realistic and inconsistent with heritage policy in other municipalities. Within the Port Phillip Planning Scheme, it is policy to allow consideration of the structural integrity of a heritage building as justification for demolition (see page 4 of 7 of Clause 22.04 **provided**).

This is appropriate because the financial impost of restoration of structurally unsound buildings is a practical fetter against reviving such structures. If it is not commercially viable to repair a heritage structure, or if its condition is such that demolition is the only viable solution for a site, and it is not allowed to be demolished, it will fall into further disrepair. Perhaps this is a type of "exceptional circumstance" Council had in mind in proposing the second dot point referred to above. It is submitted the "structural integrity" of the building should be considered justification for permitted demolition.

I note that at Clause 22.02-5.1 of the Yarra Planning Scheme, there is recognition that the poor condition of a heritage place may be a ground justifying demolition:

"The poor condition of heritage place should not in itself be a reason for permitting demolition".

- c) At Clause 22.05-3, the "grading of heritage places" is explained. My clients have no issue with the gradings proposed. However, my clients have an issue with the methodology of translation of subject properties' current gradings into the new gradings, "significant", "contributory" and "non-contributory".

It is clear from the definitions that a "significant heritage place" is significant in its own right, but that a "contributory place" is of heritage significance for its contribution to something else, namely, a heritage precinct. This is consistent with the interpretation of those terms in the Port Phillip and Melbourne Planning Schemes. My clients' case studies are good examples of how the methodology has failed in the intended translation.

I note the final dot point within Clause 22.05-7 contemplates "exceptional circumstances" for full or partial demolition. Those circumstances should be elaborated upon as in the other Planning Schemes.

- d) It is submitted the new policy highlighted in "yellow" under Clause 22.05-9 is poorly drafted and does not provide helpful guidance for dealing with alterations and additions:

"Additions to a significant or contributory building are concealed in significant streetscapes. In other streetscapes, additions to significant buildings are concealed. For a second storey addition to a single storey building, concealment is often achieved by setting back the addition at least 8m behind the front façade."

The third sentence is an observation in respect to setbacks, but not a policy suggestion that an 8m setback should be required. An 8m setback is meaningless applied on a site by site basis.

Both the City of Port Phillip (pages 2-3 of 7) and Yarra (Clause 22.02-5.7.1) Planning Schemes address setback by reference to site lines, and are performance based. The reference to concealment should be qualified to be “generally concealed” subject to a performance.

There is no justification for full concealment, *per se* particularly for lower graded buildings and streetscapes.

- e) Finally, it is submitted Clause 22.05 should “also” be amended to provide policy support for demolition, alteration and addition where “new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document...(as updated from time to time)” (Yarra Clause 22.05-5.1).

Conversion of Methodology

7. It is submitted the grading conversion methodology is defective in this instance for two reasons.
8. Firstly, “*it is not a heritage review as such*” (paragraph 136 of the Part B submission). This means that it is necessary that the translation be exact. For it not to translate the same value, absent subsequent review, the criticism that the Amendment lacks “rigour” is justified. Lack of “rigour” or strategic basis for a building’s grading is a basis for abandonment of an Amendment in respect to a property.
9. Relevantly, see Part 11 of “Heritage Issues Summary from Panel Reports date issued 2 March 2018 and Bayside C37 and C38 in particular (copy **attached**). See also at paragraph 11.3, in relation to Yarra C157 and C163 at pages 25-29, Panel found that Gaps Studies are legitimate and necessary to address themes not previously studied in detail, and to reconsider other places as required. Paragraph 11.5 in respect to Bayside C37 and C38, Panel noted the degree of rigour required to justify heritage overlay listings “*was a problem where the studies in question were old and already had been used for the basis of previous heritage overlay listings*”.
10. In Stonnington C163, Panel accepted a consultant’s report identified changes in context requiring an updated assessment.

11. Secondly, it is said that an assessment of the heritage significance of all properties was not undertaken because that *"would be of a scale (and cost and timeframe) that is prohibitive"* (Part B paragraph 136). Respectfully, that reason is inadequate. It is inadequate because if the translation is wrong, real people are affected adversely, and of course the heritage significance of a place is no substantiated.
12. Council has not undertaken a current heritage review of the Jolimont and South Yarra Precincts. It is submitted Precincts where assessments of heritage significance of properties have not been undertaken should not be regraded until that task has been undertaken. Panel will recall Ms Brady and Mr Helms were interrogated in respect to this issue in cross-examination.
13. In respect to the North and West Melbourne precincts, Council has done the right thing by engaging Mr Butler, but Mr Raworth's assessment should be preferred in respect to Roden and Stanley Streets.
14. It was Ms Brady's evidence in chief, and in cross-examination by myself and Mr Wren SC in respect to properties that will have an uplift in significance as a consequence of the methodology translation of existing controls to the proposed new gradings (which includes 225 Walsh Street, South Yarra), that they should be the subject of an early review of significance post C258. It is submitted her concession is a matter of significance.
15. In my cross-examination, Ms Brady conceded that there will be a number of properties that have "fallen through the cracks" that should be reviewed. She did not agree that this need happen prior to the gazettal of C258. However, in cross-examination by Mr Wren, she conceded that the "Panel" may recommend the gradings be reviewed prior to gazettal of this Amendment.
16. 322 Walsh Street and 159-163 Roden Street are presently D graded buildings within a Level 3 streetscape. The methodology will require 322 Walsh Street to be graded "significant" because it is a single property "place". It is submitted rigour demands proper scrutiny because of the policy implications for significant places. The only current heritage review of this property is Mr Raworth's.
17. There is a real risk that a statutory Tribunal assessing an application for this site under the Amendment as proposed, would place great weight on the "significant grading", and less weight on the "significance assessment", and "any future work in respect to the assessment". This is because the grading is to be a matter of fact under the overlay

control, not the policy. A statutory planning review of an application to demolish or alter a heritage building would be very reluctant to approve alterations to such a building graded "significant".

18. In these circumstances, I understand this was suggested in evidence by Sophie Jordan in cross-examination by Paul Connor SC.
19. There will be other cases that have fallen through the cracks, but will not be presented to this Panel, because the relevant land owners have not made submissions to this Panel. It is submitted Panel should be very cautious in waving them through without the interrogation involving a site by site heritage review. To require that review before the translation would be a completely orthodox approach; it is the approach that this Amendment has applied in West and North Melbourne, but has not applied in South Yarra or Jolimont.
20. It is submitted Ms Brady effectively agrees, but her assertion that this can happen after the gazettal of this Amendment, but very quickly after, should be rejected for being too late. One must remember her firm is an author of this Amendment process, and for her to make this concession would be a rejection of her firm's endorsement of the approach:

"Council engaged Lovell Chen to recommend a means of undertaking gradings conversion exercise for the properties in the heritage overlay in the City of Melbourne" (Part B, paragraph 141).

"No review was undertaken of individual properties with an individual heritage overlay number, on the basis that such properties are properly regarded as individually significant, having warranted a heritage overlay of their own and thereby demonstrating that a threshold of local significance was achieved for the property in its own right. These properties were directly converted to a grading of significance" (Council's Part B, paragraph 142).

21. The consequence of this conversion exercise is that properties like 322 Walsh Street, a D3 building with its own heritage overlay number, is uplifted to "significant" in the grading methodology. Indeed, 210-212 Stanley Street and 159-163 Roden Street have never been individually significant in any study to date and is a D3 building now and ungraded. 159-163 Roden Street are D3 buildings.
22. This issue is addressed in the evidence of Mr Helms at Parts 3.4 – 3.5.

23. He notes that 322 Walsh Street had an individual HO457 grading and adjoins part of the HO6 South Yarra Precinct. It has a citation including a Statement of Significance "but" it is dated, 1999. The 1999 review maintained a D grading for it. It notes for other individually graded D buildings within the area, HO406, HO409, HO437, HO454, all have citations dated from the 1999 study.
24. Rhetorically, one must ask if the exercise of revisiting the heritage significance of places now is too big a task, why could it not be limited to these individually D and C graded buildings which under the methodology will translate to significant places? That cannot be a hard exercise to undertake and regardless how hard, rigour demands it be done.
25. It is submitted the exercise should be undertaken particularly in circumstances where the HO409 (52-54 Clowes Street, South Yarra), is according to Mr Raworth, a 1998 constructed neoclassical Georgian style dwelling (see Figure 3.1 of Mr Helms' report, and the photographic image of the building in Mr Raworth's evidence at Figure 9 and discussion at paragraph 37). This has not been identified in the Amendment, and Mr Helms' evidence. That a submitter to this Panel identifies this error should raise alarm bells that investigation of the present day significance of such places must be contemporaneously investigated and confirmed before translation into the new heritage definitions.
26. Mr Helms accepts at Part 3.5 that "*D graded places...were usually places of contributory significance as part of a precinct and did not satisfy the threshold for local significance at the time of the original assessment...however, given the time that has elapsed since the last major heritage review in the area under review, it is possible that the significance of some places may have changed*".
27. He said this on the basis that significance may have increased, but for 52-54 Clowes Street, and in turn, the context of 322 Walsh Street, the opposite is true.
28. It is submitted that is particularly so in Walsh Street which according to Mr Raworth has lost heritage fabric, and precinct significance has eroded since 1999.
29. He accepts that "*as part of future work, these interim assessments should be confirmed following a detailed assessment undertaken either on a precinct wide or thematic/typological basis*" (page 20). This submission should be rejected. This assessment must be undertaken "now" for C and D graded individual places, and in particular 322 Walsh Street.
30. Tribunal will recall Mr Helms maintained that a reason this cannot happen "now" is that the DEWLP had directed Council not undertake such reviews pending the resolution of

this Amendment. My firm's correspondence to Council querying this assertion resulted in Council's denial of this instruction (see my email exchange with Council of 9 and 13 August 2018 **provided**):

"The department did not advise the Council that it could not begin or exhibit any more heritage reviews. It did advise that no new reviews would be approved under the letter grading system".

31. Clearly, Panel can recommend the Amendment not proceed in respect to all C and D single site places not assessed in recent years, and leave them out of this process, pending a further Amendment. Panel should not recommend these sites be upgraded to significant simply because they are single site places.
32. I note Mr Helms in his evidence agreed with Ms Brady as to the approach to properties that have not been reviewed. I note the desktop analysis did not include all properties as might be affected in the lower gradings (C and D).
33. It is submitted the Amendment lacks rigour. Just because there are a large number of properties not now being re-assessed does not mean one should not assess them. A desktop assessment is not rigorous. It can lead to unintended consequences. 322 Walsh Street is a case in point.

Evidence in relation to 322 Walsh Street, South Yarra

34. Mr Helms was cross examined by Mr Tweedie in respect to the new gradings. He agreed that a significant place must be significant in its own right for itself. He agreed that a contributory place cannot fit within that category. It must contribute to something else.
35. When we consider Walsh Street as presently a D3 place, it is a lowly graded building that contributes to the significance of something else. Nothing positive has changed within the environs of this property since 1999/2000 when the current citation was given. More so, it and its context has deteriorated. HO409 has been demolished and replaced in recent years). It is difficult to reconcile how it can be said that this place now has an elevated individual significance. Its significance relates to its relationship to other places, not in its own right. Yet, the significant grading proposed in the Amendment requires significance in its own right.
36. My client Domenico Patti is the owner of 322 Walsh Street. He is perplexed by this process in circumstances where he obtained Planning Permit TP98/879 (issued 17 May

1999) allowing the demolition of the existing building on the land, and the development of a three storey six apartment with ancillary semi-basement car parking redevelopment of the site from the City of Melbourne without VCAT review (copy Planning Permit **attached**).

37. The extant building on the site provides simple cramped “flats” accommodation unsuitable for today’s way of living. The building requires regeneration, and adaption to improve internal daylight, and to provide outdoor terrace areas, and to allow for contemporary motor vehicle access, and garage unit accommodation. His intentions for the site are in limbo pending this Amendment which he has been forced to take part in at great cost.
38. It is his submission, consistent with the evidence of Mr Raworth, that a building graded D in the South Yarra Conservation Study in 1985, being its grading maintained to date, should not be uplifted to a significant place on the basis of Mr Raworth’s review. Under the current policy, a D3 building (if located in a precinct) would not be considered a contributory place in terms of Council’s existing heritage policy (Raworth’s paragraph 23).
39. Because of the proposed Clause 22.05, the revised grading would have significant implications for the assessment of development applications. For example, as exhibited Clause 22.05 which seeks to preserve all original external fabric of significant buildings, and full demolition will not normally be permitted (see discussion at paragraph 23-31 of Mr Raworth’s report).
40. The Methodology Report fails to take into account D3 graded buildings and the absence of considering those buildings in the step from single dwelling graded places to significant places is a flaw in the Amendment (paragraph 35).

West Melbourne properties

41. It is submitted the evidence of Mr Raworth is to be preferred to the evidence of Mr Butler in respect to my clients’ sites.

Stanley Street

42. This site is also presently graded D in a Level 3 streetscape and therefore “ungraded”.
43. It also has an individual citation HO471. By rights, the methodology would require it to have a significant grading for its individual citation, but I note that the witnesses agree

that this is a mapping error which was not picked up in the Amendment, but identified by Mr Raworth. It is submitted the Panel should recommend this error should be corrected (Figure 9 Raworth's report, and I note Council now agrees (Part B)).

44. It is submitted Panel should conclude that this property should be ungraded, given it is highly isolated within HO3, of low significance under existing studies, is a building at the latter end of the relevant period (1907), and sits within a streetscape context of no other proposed graded buildings (see Figure 10 in Mr Raworth's evidence).
45. I note since the assessment, 187 Stanley Street has been demolished (see Figure 8 and 10).
46. I note there is no reference to 20th century industrial buildings within the reasons for the Citation for HO3 (see his paragraph 18). There is scant regard to buildings of this era in what is significant for the HO3. At page 32 of the Description of the HO3 is a reference to large warehouses in the east of the precinct (page 2); this site is not within this area.
47. The "saw tooth" roof form is not a compelling reason to retain the front of this building because it is an unremarkable detail (Part B, paragraph 122) to an unremarkable building. VCAT's determination in P791/2017 is not compelling. More so this amendment is very relevant to my clients' intent to redevelop 210-228 Stanley Street and 205-211 Roden Street for a mid-rise mixed use development.
48. Mr Raworth's evidence, as opposed to Ms Gould's evidence in that case, is more compelling (see paras 49-60).
49. It is submitted Mr Raworth's evidence is to be preferred to Mr Butler's in terms of the condition of the building, and its significance, and I highlight the following:
 - The proposed building upgrade to "contributory" moves it from an ungraded status afforded by the D3 graded under current policy which is not justified (paragraph 21).
 - The building has limited architectural and historical interest; it is an undescriptive factory in a diverse streetscape (paragraph 22).
 - The factory is a simple and unremarkable example which has been altered with the demolition of an original window opening, and the loss of original doors and signage (paragraph 24).

- The association with architect, George Eric Teague is not so remarkable as to warrant the building's uplift in significance. His practice was noted for influential mansion houses. Teague was not important or influential. The building is a very minor and insignificant work of his oeuvre (paragraphs 26-27) (this is not referenced in the H03 Statement of Significance) or 'history'.
50. The Methodology Report assumes all D graded buildings now warrant contributory status. The methodology should have included a review of D graded buildings deemed not to be contributory under the existing policy settings to determine which warranted elevation to contributory status under the new policy settings (paragraph 32-33).
 51. Given the degraded heritage condition of this part of Stanley Street, Panel should recommend reconsideration of the boundaries of the HO3 to exclude the north side of Stanley Street, and the western end of Roden Street (see Figure 10 and paragraph 41).

Roden Street

52. It is noted that the two buildings at 159-163 Roden Street are also D grade buildings in a level 3 streetscape (HO843). Under the Amendment, it was originally proposed to grade them "significant", but after considering the GJM Heritage submission, (11 May 2017) Council proposed to give them an individual contributory grading, but cluster them "as a precinct of two properties", and give the Precinct a "significant" grading. It is submitted this is not justified for the reasons Mr Butler asserts.
53. The primary basis for significance is the association with Mr Hulse and Haddon. Mr Butler's suggestion that a train driver was a significant person of the day, does not warrant retention of two lowly graded cottages to inform that fact. The significance is overstated. Mr Hulse owned and resided in the dwelling at 163 for a year (Raworth and GJM agree). *"It is to be expected that worker in local industries would reside close to their place of employment"* (paragraph 28).
54. A historical association does not necessarily lead to the need for a heritage overlay. That a historical association with an individual, and representation in the building fabric may not be a useful approach at a local level of significance is concluded, but on the facts in the case it is relevant. The Melbourne C186 Panel report at pages 29-30, referred to at paragraph 22.3 of the Heritage Issues Report, is **provided**.
55. I acknowledge that Panel is similarly constituted to C258. Regardless, it is respectfully submitted there is nothing about the fabric of those buildings to reference Hulse and

Haddon. But more so, whether a train driver built or lived in a worker's cottage, is unremarkable.

56. It is submitted there is nothing in the fabric of the building(s) to inform the relationship with Hulse and Haddon. These are merely old lowly graded cottages. That is to say, the historical association with Hulse and Haddon is insufficient to afford significance, and there is no link between the basis of their importance and the characteristics of the building (e.g. see Boroondara C99 at pages 37-40). The difference in this case is that there is **not** "a strong collective memory" of the association of the Hulse's.
57. The other aspect of significance is the integrity of the buildings which are "simply" gable and hip form respectively. E/D gradings were initially attributed to the dwellings in 1983 as "indicative of considerably altered state" (paragraph 29).
58. The properties have further degraded since then (paragraph 32). These are at best marginal candidates for heritage overlay controls and should be removed from the heritage overlay (paragraph 34).
59. The submissions I have made in respect to Clause 22.05 are very relevant to the development aspirations of my clients in respect to this property. I am instructed this was purchased in April 2015 with Council's verbal advice that demolition and redevelopment was possible (see my clients' email to Council of 11.5.17). In that email, my clients refer to an email from MCC's Mark Friedrichsen that states (19.1.15):

".... the heritage advisor indicated that from a heritage perspective there is unlikely to be any significant concern re full demolition."

60. But for this advice, my clients would not have purchased this property.
61. The site represents a significant part of their life's fortune. Their lives are in limbo pending this process. Their concern is so great that they have chosen to take part in this proceeding, knowing that if they did not, the regrading of their site would not be challenged.

CONCLUSION

62. For the abovementioned reasons, it is respectfully submitted:

- 322 Walsh Street, South Yarra should not be graded under the heritage review.
- 210 Stanley Street, West Melbourne should be removed from the HO3 and HO471 citation deleted.
- 159-163 Roden Street should be ungraded and removed from the Amendment.

Date: 27 August 2018

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Dominic Scally, Principal
BEST HOOPER Lawyers for and on behalf of
Stanley Street Holdings Pty Ltd (Submitter No. 99),
Shaun Driscoll and Margaret Bradshaw
(Submitter No. 43), and Domenico Patti
and Maria Patti (Submitter No. 46)

22.05

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HERITAGE POLICY PLACES OUTSIDE THE CAPITAL CITY ZONE

This policy applies to all places within the Heritage Overlay Area excluding the Capital City Zone Schedules 1, 2, 3 and 4 and the Docklands Zone.

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Policy Basis

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, the 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 different varied built form outcomes than compared to areas outside of the CCZ.

This policy provides guidance on conserving and enhancing heritage places outside the CCZ 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.

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Definitions

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

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Term	Definition
	under 'setting'), the immediate landholding, adjoining significant or contributory places, and the surrounding area.
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.
Development	Development includes: <ul style="list-style-type: none"> • 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
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.

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Term	Definition
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.
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.
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.

Term	Definition
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.

22.05-3

~J-/201-
Proposed
C25B
Exhibition

Grading of heritage places

The grading (significant, contributory or non-contributory) of properties 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.

22.05-4

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C25B
Exhibition

Policy Objectives

- 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, which avoids 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.

22.05-5

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Proposed
C258
Exhibition

Permit Application Requirements

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.

22.05-6

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Proposed
C258
Exhibition

Performance Standards for Assessing Planning Applications

~~It is policy to assess heritage aspects of planning applications against the objectives and performance standards set out below—outline the criteria by which heritage aspects of planning applications will be assessed.~~

22.05-7

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C258
Exhibition

Demolition

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 would only be permitted in exceptional circumstances.
- Partial demolition ~~will not generally be permitted~~ 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.

~~The demolition of fences and outbuildings which contribute to the cultural significance of the heritage place is discouraged.~~

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

- 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 that may support warrant the demolition

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.

22.05-8

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Exhibition

Alterations

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 ~~must~~ are be respectful of, and do not detract from the assessed cultural significance of the heritage precinct.

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.

22.05-9

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Proposed
C258
Exhibition

Additions

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

- 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 must are to be respectful of the scale and form of heritage fabric to the lane.

Additions to significant or contributory buildings should are to:

- Be a Are respectful of the building's character and appearance, scale, materials, style and architectural expression.
- d Do n Not visually dominate or visually disrupt the appreciation of the building as it presents to the streetscape(s).
- m 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.
- d Do n Not build over or extend into the air space directly above the front or principal part of the significant or contributory building.
- r 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.
- b Be distinguishable from the original fabric of the building.

The design of additions must are 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 Capital City Zone CCZ (all schedules);

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. 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.

In streetscapes that are not Significant, 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.

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All ground level additions to the side of a building should be set back behind the front or principal part of the building.

All 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.

It is policy that:

- A additions to a significant or contributory building must be concealed in significant streetscapes.

- In other streetscapes, additions to significant buildings must be 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 façade.
- 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.

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22.05-10 New Buildings

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Exhibition

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

New buildings:

- Are to be in keeping with:

- Be respectful of the heritage place and 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.
 - Do not adopt a façade height which is significantly lower than prevailing heights in the streetscape.
 - Are neither be 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. For land within the CCZ, new buildings should be positioned in line with 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.

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- Where abutting a lane, be ~~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.

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The design of new buildings ~~must~~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. ~~S~~ some of the addition ~~or~~ higher rear part may be visible, provided it does not dominate or reduce the prominence of the building's façade(s) and the streetscape.

22.05-11 Restoration and Reconstruction

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Proposed
C258
Exhibition

~~It is policy to encourage the restoration and / or reconstruction of a heritage place. and that restoration and / or reconstruction to a heritage place~~ Where there is to be based on is evidence of what a building originally looked like;

Any reconstructive or restoration buildings and/or works to buildings and works on 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

E(evidenevidence of what a building used to look like might may include other parts of the building or early photographs and plans).

22.05-12 Subdivision

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C258
Exhibition

It is policy that sSubdivision of a heritage place should:

- 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.

22.05-13 Vehicle Accommodation and Access

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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 criteria standards can be met:

- 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 or 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.

22.05-14 Fences and Gates

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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.

22.04-154 Trees

It is policy that Ensure 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.

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22.05-164 Services and Ancillaries

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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.

22.05-175 Street Fabric and Infrastructure

~I-/201-
Proposed
C258
Exhibition

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

- 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.

22.05-186 Signage

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C258
Exhibition

It is policy that new signage associated with heritage places should meet the following criteria/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.

22.05-19 Reference Documents

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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

22.04 HERITAGE POLICY

24/05/2018
C143

This policy applies to all land within a Heritage Overlay.

22.04-1 Policy Basis

27/06/2011
C62

This policy:

- builds on the SPPF heritage objective in Clause 15.03 to local circumstances;
- builds on the MSS objectives in Clause 21.05-1 relating to local heritage conservation, and
- applies the findings of the Port Phillip Heritage Review, Volumes 1-6.

22.04-2 Objectives

27/06/2011
C62

- To retain and conserve all significant and contributory heritage places.
- To discourage the demolition of significant and contributory heritage places.
- To ensure all new development and redevelopment of significant and contributory places is respectfully and harmoniously integrated with the surrounding character.
- To promote design excellence (in terms of building siting, scale, massing, articulation and materials) which clearly and positively supports the heritage significance of all Heritage Overlay areas.
- To ensure that new development and any publicly visible additions and/or alterations in or to a heritage place maintains the significance of the heritage place and employs a contextual design approach.
- To encourage development, in particular use of materials, that responds to the historic character of laneways and to minimise elements that adversely impact on that character.
- To ensure that reconstruction and repair of significant heritage bluestone kerb and channelling, bluestone laneways and significant concrete kerb and channel is carried out in a way that reflects as closely as possible the original appearance.

22.04-3 Policy

08/12/2011
C72

General

It is policy to:

- Encourage the restoration and reconstruction of heritage places (including the accurate reconstruction of original streetscape elements such as verandahs) in all areas, and in particular, in intact or substantially consistent streetscapes in the South Melbourne, Albert Park, Middle Park and St Kilda West Heritage Overlay areas (HO440, HO441, HO442, HO443, HO444, HO445 or HO446).
- Encourage the removal of alterations and additions that detract from the heritage significance of a heritage place.
- Encourage new development to be respectful of the scale, form, siting and setbacks of nearby significant and contributory buildings.
- Disregard the impact of buildings that are obviously atypical to the character of the streetscape when determining the appropriate mass and scale for new buildings or extensions or upper storey additions.
- Encourage a contextual design approach for additions and/or alterations to a heritage place or for new development. A contextual approach is where the alteration, addition or new development incorporates an interpretive design approach, derived through comprehensive research and analysis. New development should sit comfortably and harmoniously integrate with the site and

within the streetscape and not diminish, detract from or compete with the significance of the heritage place or streetscape character. This approach can include

- Contemporary architecture and innovative design which is an important part of the contextual approach because it adds to the existing diversity and layering of styles through time. This layering is a defining feature in a number of areas and is therefore an important component of Port Phillip's heritage.
- Accurate reproduction architecture may be employed in limited instances where detailed evidence, such as photographic evidence, exists for that alteration, addition or new development. This approach may be more appropriate in the South Melbourne, Albert Park, Middle Park and St Kilda West Heritage Overlay areas (HO440, HO441, HO442, HO443, HO444, HO445 or HO446), but may have limited application elsewhere.

Additions and/or Alterations to Heritage Places

It is policy that:

- Additions and alterations:
 - Do not change the original principal facade(s) or roof.
 - Are distinguishable from the original parts of the heritage place to be conserved, if a contemporary architectural approach is used.
 - Are based on research that can identify the elements, detailing and finishes originally employed.
 - Do not obscure or alter an element that contributes to the significance of the heritage place.
 - Maintain an existing vista or viewlines to the principal facade(s) of a heritage place.
- An upper storey addition is sited and massed behind the principal facade so that it preferably is not visible, particularly in intact or consistent streetscapes (see Performance Measure 1).

Performance Measure 1

Upper storey additions may meet the above policy for siting and massing if the following measures, as appropriate, are achieved:

- They are sited within an "envelope" created by projecting a sight line from 1.6 metres above ground level (this being the eye level of an adult person of average height) to the front parapet or gutter on the main façade and taken from a point where the footpath meets the property line directly opposite the site, where the property has a frontage to a narrow street (5 metres or less) or laneway (illustration 1), or
- They are sited within an "envelope" created by projecting a line of 10 degrees from the height of the base of the front parapet or gutter line on the main façade and extending to the rear of the heritage place (illustration 2 or 3), or
- In exceptional cases where the heritage place is located in a diverse streetscape and the design of the proposed addition is considered to be an appropriate contextual response, they are sited within an "envelope" created by projecting a line of up to 18 degrees from the height of the base of the front parapet or gutter line on the main façade of the heritage place.

Illustration 1

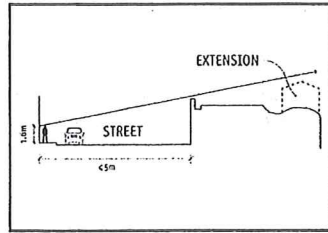


Illustration 2

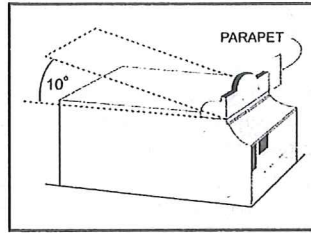
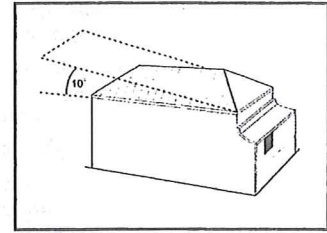


Illustration 3



- If visible from the front (principal) street, the roof of any addition is related to that of the heritage place in terms of form, pitch and materials.
- Where the property is located on a corner site, the upper storey addition is sited and massed so it is visually recessive from the front of the building, so that the scale of the heritage place is the dominant element in the front (principal) streetscape.
- In cases where the original heritage place has been altered, the previous alterations and additions are retained and conserved where they help to interpret the history of its development and they contribute to the significance of the heritage place.
- New openings in the principal facade(s) visible from the street are avoided, or if openings are visible, they are proportionally related to those of the heritage place.
- Walls, windows, roofs and fences are complementary to the heritage place in terms of materials, finishes, textures and paint colours and are appropriate to its architectural style.
- New development achieves environmentally sustainable outcomes, including upgrading existing fabric to reduce operational environmental impact of existing buildings, which is balanced with protecting the heritage significance of the site.

New Development in Heritage Overlay Areas

It is policy that:

- New development maintains and enhances an existing vista to the principal facade(s) of the heritage place, where a new development is adjacent to a heritage place (see Performance Measure 2).

Performance Measure 2

Buildings and works may meet the above policy for maintaining and enhancing an existing vista to the principal facade(s) of a heritage place if the following measures, as appropriate, are achieved:

- New development, with a significant or contributory heritage place on one adjacent site, has an equivalent frontage setback to the heritage place or a setback configuration that maintains a reasonable vista to the heritage place.
 - New development, with a significant or contributory heritage place on both adjacent sites with differing setbacks, has a setback no greater than the largest setback and no less than the smaller setback.
- New development generally reflects the prevailing streetscape scale and does not dominate the streetscape or public realm (see Performance Measure 3).

Performance Measure 3

Buildings and works may meet the above policy for building scale if the following measures, as appropriate, are achieved:

- If located in a street which has a consistent building scale and adjacent to a significant or contributory heritage place, the height of the building is no higher than the roof ridgeline of the highest adjacent heritage place when viewed from the street, but may include a higher component to the rear; or
 - If located in a street with a diverse building scale, and adjacent to a significant or contributory heritage place, the height of the new building is of a scale and mass that respects both the adjacent heritage place and the prevailing scale of the area.
- Front and side setbacks reflect those of the adjacent buildings and the streetscape, where this is an important element in the streetscape.
 - Roofs respond to any predominant roof form characteristic of the streetscape.
 - Door and window openings are complementary to the prevailing streetscape characteristics. Large expanses of glass or horizontal windows are generally avoided in principal front facades except where this is considered an appropriate design response.
 - If it is a major development site containing a significant or contributory heritage place that is to be retained, the new development respects the scale and setting of the heritage place whilst responding to the prevailing building scale of the heritage overlay area.
 - Visible wall elevations of the new building are articulated in a manner that is complementary to the streetscape through the use of different materials, massing and the inclusion of windows and doors where appropriate.
 - Materials, textures and finishes complement those evident in the streetscape.
 - Colour schemes complement the appearance and character of the streetscape.
 - Front fences are appropriate to the architectural style of the building.
 - For a contextual approach, front fencing interprets the prevailing character of fencing in the immediate environs and in particular responds to prevailing fence height, degree of transparency, form and materials.

Demolition

Where a permit is required for demolition of a significant or contributory building, it is policy to:

- Refuse the demolition of a significant building unless and only to the extent that:
 - the building is structurally unsound;
 - the replacement building and/or works displays design excellence which clearly and positively supports the ongoing heritage significance of the area.
- Refuse the demolition of a contributory building unless and only to the extent that:
 - the building is structurally unsound, and either
 - the replacement building and/or works displays design excellence which clearly and positively supports the ongoing heritage significance of the area, or
 - in exceptional circumstances the streetscape is not considered intact or consistent in heritage terms.
- Require all applications for demolition of significant or contributory buildings to be accompanied by an application for new development.
- Allow the demolition of part of a heritage place if it will not affect the significance of the place and the proposed addition is sympathetic to the scale and form of the place.

Car Parking

It is policy to:

- Discourage new vehicle crossovers in the front of a property with a narrow street frontage or in streets with few or no crossovers.
- Encourage new on-site car spaces to be located at the rear of the property or in a side setback area.
- Encourage carports, garages and outbuildings, if visible from the main street frontage, to have wall openings, roof forms and materials that complement the main building and the streetscape.

Laneways, Kerbs and Channels

It is policy that:

- Reconstruction of existing bluestone kerb and channelling occurs only when it is at the end of its useful life.
- Where an upper floor is proposed, it is incorporated into the roof space or stepped back from the laneway to reduce its bulk.
- There is zero setback from the laneway frontage (e.g. buildings / fences are built on the boundary line abutting the laneway).
- External materials are limited to those utilitarian materials common in the early periods of development, typically red face brickwork for walls.

Street Furniture

It is policy that:

- Street furniture, including seats, litter bins, bicycle rails and drinking fountains, are designed and sited to ensure that they are not obtrusive in the streetscape, do not adversely affect the heritage significance of an area, and do not obstruct the views to a heritage place.

22.04-4

Application Requirements

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It is policy to require all applications for development to be accompanied by:

A written report that explains:

- The design approach adopted and the reason why.
- How the proposed building and/or works will clearly and positively support the ongoing significance of the heritage place and promote design excellence.
- In the case of any proposed demolition:
- Why the building is considered to be structurally unsound with supporting information to Council's satisfaction.
- How the replacement building and/or works clearly and positively support the significance of the heritage place.
- In the case of any proposed addition/alteration, how the proposal is respectful to the scale, massing and form of the significant or contributory heritage place.
- In the case of new development, how the proposal will complement existing heritage characteristics and be respectful of and respond to the prevailing scale, form, siting and setbacks of existing significant or contributory heritage places in the vicinity.
- Whether the addition and /or alteration or new development has met the performance measure 1, 2 or 3, where relevant, and in the cases where these performance measures have not been met, how the proposal achieves the relevant policy.

Plans showing the following:

- Fully scaled and dimensioned elevations and floor plans.
- Where facade restoration forms part of the proposal, plans must be prepared at a 1:20 scale.
- Where demolition forms part of the proposal, demolition plans and elevations showing the extent of all buildings, fences, etc to be demolished.
- A three dimensional building envelope that shows the potential new building volume if all the opportunities and constraints have been considered.
- Fully scaled and dimensioned site plan showing existing and proposed circumstances including outbuildings, fences, significant vegetation, car parking, new cross overs, on-site parking space locations and any other noteworthy features.
- A photo montage of the streetscape.
- A streetscape elevation which shows the existing streetscape and how the proposal sits within the streetscape.
- Information which shows the form of the proposal from oblique views from neighbouring streetscapes where any part of the proposal will be visible.
- A landscape plan.

22.04-5 Definitions

27/06/2011
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Heritage place is a place that has identified heritage value and could include a site, area, building, group of buildings, structure, archaeological site, tree, garden, geological formation, fossil site, habitat or other place of natural or cultural significance and its associated land.

Significant heritage places include buildings and surrounds that are individually important places of either State, regional or local heritage significance and are places that together within an identified area, are part of the significance of a Heritage Overlay. These places are included in a Heritage Overlay either as an area or as an individually listed heritage place and are coloured “red” on the City of Port Phillip Heritage Policy Map in the Port Phillip Heritage Review, Volume 1-6.

Contributory heritage places include buildings and surrounds that are representative heritage places of local significance which contribute to the significance of the Heritage Overlay area. They may have been considerably altered but have the potential to be conserved. They are included in a Heritage Overlay and are coloured “green” on the City of Port Phillip Heritage Policy Map, in the Port Phillip Heritage Review, Volume 1-6.

Non-contributory properties are buildings that are neither significant nor contributory. They are included in a Heritage Overlay and have no colour on the City of Port Phillip Heritage Policy Map in the Port Phillip Heritage Review, Volume 1-6. However any new development on these sites may impact on the significance of the Heritage Overlay, and should therefore consider the heritage characteristics of any adjoining heritage place and the streetscape as covered in this policy.

22.04-6 Incorporated Document

24/05/2018
C143

Port Phillip Heritage Review – Volumes 1 – 6 (Version 25, May 2018) (includes the City of Port Phillip Heritage Policy Map and the City of Port Phillip Neighbourhood Character Policy Map).

22.04-7 Reference Documents

07/07/2016
C103

Port Phillip Design Manual, 2000 including:

- Fishermans Bend Guidelines (Updated 2010)
- Garden City Guidelines (Updated 2010)
- Dunstan Estate Guidelines (2007)
- Heritage Kerbs, Channels and Laneways Guideline (2006)

PORT PHILLIP PLANNING SCHEME

Review of Heritage Overlay 3, Heritage Alliance (2009) & Built Heritage (2010).

Review of Heritage Overlay 1 Port Melbourne – Outcomes and Recommendations (Lovell Chen, July 2011)

Review of Heritage Overlay 1 Port Melbourne – Stage 2 Review – Summary Report (Lovell Chen, December 2012)

Fishermans Bend Heritage Study (Biosis Pty Ltd, 2013)

Fishermans Bend additional heritage place assessments (Biosis Pty Ltd, 2015)

Review of Heritage Overlay 1 Port Melbourne – Stage 2 Review – Summary Report (Lovell Chen, December 2012)