

**From:** [Maree Fewster](#)  
**To:** [Planning.Panels@delwp.vic.gov.au](#); ["info@emhs.org.au"](#); ["butcher42@bigpond.com"](#); ["planningcra@gmail.com"](#); ["melbourneheritageaction@gmail.com"](#); ["koddie@bigpond.com"](#); ["felicity.watson@nattrust.com.au"](#); ["lriordan@tract.net.au"](#); ["frankp@townplanning.com.au"](#); ["info@hothamhistory.org.au"](#); ["lauragoodin@gmail.com"](#); ["lPitt@besthooper.com.au"](#); ["talbcook@tpg.com.au"](#); ["liz.drury@justice.vic.gov.au"](#); ["simon@fulcrumplanning.com.au"](#); ["planning@au.kwm.com"](#); ["gary@goldlaw.com.au"](#); ["jennifermcdonald12@hotmail.com"](#); ["parkvilleassociation@gmail.com"](#); ["dvorchheimer@hwle.com.au"](#); ["kmarkis@hwle.com.au"](#); ["sally.macindoe@nortonrosefulbright.com"](#); ["tamara.brezzi@nortonrosefulbright.com"](#); ["sue@glossopco.com.au"](#); ["Tom@tjfflood.com.au"](#); ["dscally@besthooper.com.au"](#); ["tcincotta@besthooper.com.au"](#)  
**Cc:** [Robyn Hellman](#); [Collin Charman](#)  
**Subject:** RE: 322 Walsh Street, South Yarra | Amendment C258 to the Melbourne Planning Scheme (BH 180880)  
**Date:** Monday, 13 August 2018 2:43:11 PM  
**Attachments:** [COM\\_SERVICE\\_PROD-#10043221-v1-WEST\\_MELBOURNE\\_HERITAGE\\_REVIEW\\_PSA\\_C272\\_-\\_....pdf](#)  
[Melbourne C258 - Authorisation letter \(signed\).PDF](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Dear Madam/Sir,

I am writing in response to your letter dated 9 August 2018 regarding **322 Walsh Street, South Yarra VIC 3141 Amendment C258 to the Melbourne Planning Scheme**.

During the preparation of Amendments C272 and C258, the Department has verbally advised City of Melbourne Officers on numerous occasions that it would not approve any further heritage amendments under the old letter grading system. Accordingly, the Department advised the Council to include the West Melbourne Heritage Review (C272) in Amendment C258 because the Department wanted to ensure that the West Melbourne Heritage Review, and any others after it, were approved under the contemporary gradings system.

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.

Please find attached the authorisation letters for both Amendments C272 and C258.

Please note also that following discussions about the proposed C258 Heritage Inventory with the Department in late 2016, the Department advised that all of the recent heritage reviews which used the contemporary system as well as the letter grading system (City North – C198, Arden Macaulay – C207, Kensington – C215) must be included in the C258 Heritage Inventory. This was because while these recent reviews had already been approved and incorporated into the planning scheme under the existing letter grading system, the contemporary gradings of these reviews had never been formally exhibited. Hence, the Department advised that they should be exhibited as part of Amendment C258.

Yours sincerely,

**Maree Fewster** | Senior Strategic Planner | Planning Policy | Urban Strategy

City of Melbourne | Council House 1, 200 Little Collins Street Melbourne 3000  
T: 03 9658 9072 | E:[maree.fewster@melbourne.vic.gov.au](mailto:maree.fewster@melbourne.vic.gov.au)/[www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)

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*The City of Melbourne respectfully acknowledges the Traditional Owners of the land, the Boon Wurrung and Woiwurrung (Wurundjeri) peoples of the Kulin Nation and pays respect to their Elders,*

*past and present.*

Please consider your environmental responsibility before printing this email.

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**From:** Colin Charman  
**Sent:** Thursday, 9 August 2018 3:10 PM  
**To:** Susan Brennan; Maree Fewster; Robyn Hellman; Carly Robertson; Serena Armstrong  
**Subject:** FW: 322 Walsh Street, South Yarra | Amendment C258 to the Melbourne Planning Scheme (BH 180880)  
**Importance:** High

FYI

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**From:** Emma Hughes [mailto:EHughes@besthooper.com.au]  
**Sent:** Thursday, 9 August 2018 3:08 PM  
**To:** Colin Charman  
**Cc:** 'planning.panels@delwp.vic.gov.au'; Ian Pitt QC; 'info@emhs.org.au'; 'butcher42@bigpond.com'; 'planningcra@gmail.com'; 'melbourneheritageaction@gmail.com'; 'koddie@bigpond.com'; 'felicity.watson@nattrust.com.au'; 'lriordan@tract.net.au'; 'frankp@townplanning.com.au'; 'info@hothamhistory.org.au'; 'lauragoodin@gmail.com'; 'talbcook@tpg.com.au'; 'liz.drury@justice.vic.gov.au'; 'simon@fulcrumplanning.com.au'; Tania Cincotta; 'planning@au.kwm.com'; 'gary@goldlaw.com.au'; 'jennifermcdonald12@hotmail.com'; 'parkvilleassociation@gmail.com'; 'dvorchheimer@hwle.com.au'; 'kmarkis@hwle.com.au'; 'sally.macindoe@nortonrosefulbright.com'; 'tamara.brezzi@nortonrosefulbright.com'; 'sue@glossopco.com.au'; 'Tom@tjfflood.com.au'; Dominic Scally  
**Subject:** 322 Walsh Street, South Yarra | Amendment C258 to the Melbourne Planning Scheme (BH 180880)

Dear Sir/Madam,

On behalf of Dominic Scally, please see correspondence attached.

Kind regards,

**Emma Hughes** Legal Secretary  
On behalf of **Dominic Scally**, Principal  
Direct Tel: (03) 9691 0241 | **Dominic Scally: (03) 9691 0219**  
Reply to: [dscally@besthooper.com.au](mailto:dscally@besthooper.com.au)  
Address: Level 9 / 451 Little Bourke Street, Melbourne, Victoria, 3000



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Article By **Edward Mahony**



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## Department of Environment, Land, Water & Planning

8 Nicholson Street  
East Melbourne, Victoria 8002  
Po Box 500  
East Melbourne, Victoria 8002  
[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

File: FOL/16/19500

Mr Ben Rimmer  
Chief Executive Officer  
Melbourne City Council

Attention: Ros Rymer  
Urban Planner  
Email address: [rosrym@melbourne.vic.gov.au](mailto:rosrym@melbourne.vic.gov.au)

Dear Mr Rimmer

### PROPOSED MELBOURNE PLANNING SCHEME AMENDMENT C272

I refer to your council's application for authorisation to prepare an amendment to the Melbourne Planning Scheme. The amendment proposes to implement the recommendations of the heritage review by Graeme Butler & Associates titled "*West Melbourne Heritage Review 2016*".

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act), I authorise your council as planning authority to prepare the amendment subject to the following condition:

- As the amendment affects Crown land notice of the amendment must be given to Native title Services Victoria ([www.ntswn.com.au](http://www.ntswn.com.au))

The department notes that Council is currently preparing a planning scheme amendment to review two heritage policies of the Melbourne Planning Scheme: Clause 22.04 - Heritage Places within the Capital City Zone and Clause 22.05 - Heritage Places outside the Capital City Zone. It is understood that a key element of this review is to update the current heritage grading system to meet best practice as encouraged by the Applying the Heritage Overlay 2012 Practice Note. Depending on the timing of this forthcoming amendment and the processing of Amendment C272 it may be necessary to make changes to Amendment C272 to align it with the new grading system. Council is encouraged to contact the department prior to exhibition of Amendment C272 to discuss the relationship between these amendments.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

#### Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
- before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report [Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically to [planning.amendments@delwp.vic.gov.au](mailto:planning.amendments@delwp.vic.gov.au)

If you have any further queries in relation to this matter, please contact Kirsten Webber of Planning Services on 8392 5472.

Yours sincerely



**Jason Close**  
**Manager Planning Services**

16/16/16



## Department of Environment Land, Water and Planning

8 Nicholson Street  
Eat Melbourne, Victoria 3002  
PO Box 500  
East Melbourne, Victoria 3002  
[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

File: FOL/16/30308

Martin Cutter  
Chief Executive Officer (Acting)  
Melbourne City Council

Dear Mr Cutter

### **PROPOSED MELBOURNE PLANNING SCHEME AMENDMENT C258 – A03421**

I refer to your council's application for authorisation to prepare an amendment to the Melbourne Planning Scheme. The amendment proposes to make changes to facilitate the introduction of a revised system for identifying heritage significance (removal of the letter grading system).

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act) I authorise your council as planning authority to prepare the amendment subject to the following conditions:

- Prior to exhibition of the amendment:
  - Modification to the amendment documentation to include the changes proposed to be made by Melbourne Planning Scheme Amendment C272, using the significant/contributory system to identify significance for all properties affected by Amendment C272, as agreed to by council officers. Council is also encouraged to abandon Amendment C272.
  - The local policies be modified to include reference to the Statements of Significance.
  - The Explanatory Report be updated to address the policy changes proposed for the Capital City Zone (excluding Capital City Zone Schedule 5), as a result of the changes proposed to Clause 22.04 - Heritage Places within the Capital City Zone.
- As the proposed amendment affects Crown land, Native Title Services Victoria should be given notice of the amendment.

The changes proposed to the local policies, Clause 22.04 and Clause 22.05, result in duplication between the policies. It is understood that council wish to exhibit the local policies as two separate documents to ensure that the policy changes are clear.

The Government has recently committed to a Smart Planning program which aims to reduce the size and complexity of planning regulation in Victoria, this includes an intention to reduce duplication of provisions. As such, whilst the intention of retaining two local policies for the exhibition period is understood, if the policy content remains duplicated, council is strongly encouraged to consider combining the two policies if/when the amendment is adopted.

The amendment must be submitted to the Minister for approval.

#### **Privacy Statement**

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The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and  
before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report [Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment. Given the complexity and scale of the amendment, the department requests that council provide this information well in advance of the 10 business days.

Please submit the amendment electronically to [planning.amendments@delwp.vic.gov.au](mailto:planning.amendments@delwp.vic.gov.au)

If you have any further queries in relation to this matter, please contact Peita Tapper, Senior Planner of Central Metro on 8683 0998.

Yours sincerely



**Jason Close**  
**Manager, Planning Services**

21/12/16