

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

IN THE MATTER OF AMENDMENT C365 TO THE MELBOURNE PLANNING  
SCHEME

BETWEEN:

MELBOURNE CITY COUNCIL (PLANNING AUTHORITY)

AND

VARIOUS SUBMITTERS

AFFECTED LAND: 372-378 LITTLE BOURKE STREET, MELBOURNE

**PART A SUBMISSIONS OF THE PLANNING AUTHORITY**

**OVERVIEW**

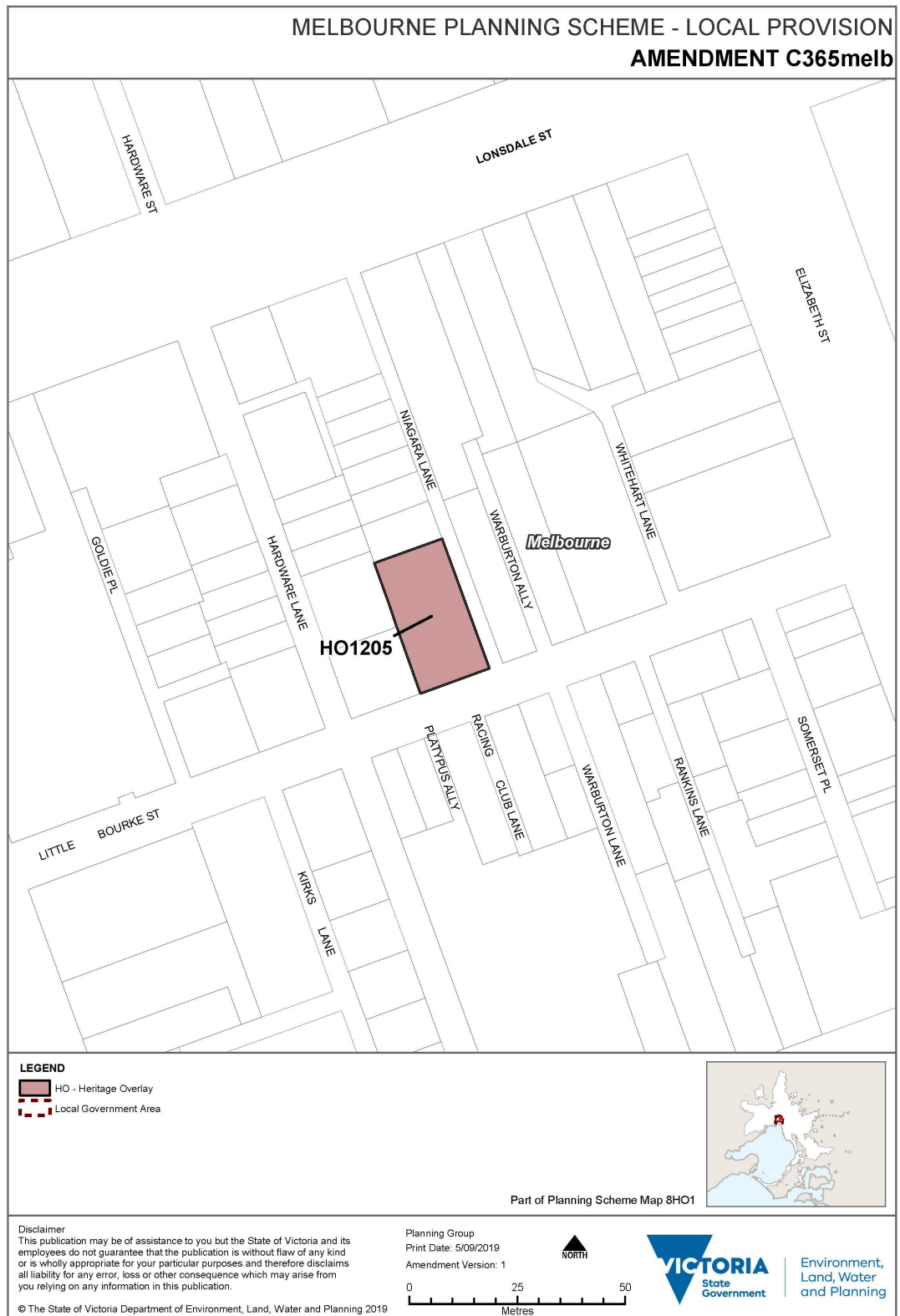
1. The Council for the City of Melbourne (**Council**) is the planning authority for Amendment C365 (**Amendment**) to the Melbourne Planning Scheme (**Scheme**). These submissions are made in accordance with the Panel's Directions dated 21 November 2019.
2. In addition to these Part A submissions, Council will:
  - (a) provide an overview of the Amendment;
  - (b) call evidence from Jim Gard'ner of GJM Heritage Consultants; and
  - (c) give a Part B submission and, if necessary and appropriate, a Part C reply submission.

3. This Part A submission provides an overview of:
  - (a) the nature of the Amendment;
  - (b) the background to the Amendment;
  - (c) chronology of events;
  - (d) strategic context and assessment; and
  - (e) summary of the submission and the issues raised.

#### **NATURE OF THE AMENDMENT**

4. Amendment C365 proposes heritage protection for the property at 372-378 Little Bourke Street, Melbourne, known as **Chart House**. The Amendment forms part of the City of Melbourne's overall program to protect heritage within the central city.
5. Chart House is located within the Guildford and Hardware Laneways Precinct (**Precinct**) under Schedule 1205 of the Heritage Overlay (**HO1205**), as identified in the *Guildford and Hardware Laneways Heritage Study May 2017* (as amended in May 2019).
6. Heritage protection for the Guildford and Hardware Laneways Precinct was proposed through Amendment C271. The Panel appointed to hear submissions for Amendment C271 recommended that Chart House be included within HO1205 with a non-contributory grading.
7. HO1205 came into effect on 12 August 2019. On the same day Chart House was included within HO1205 and with a contributory, rather than with a non-contributory, grading on an interim basis.
8. Amendment C365 proposes to include Chart House within HO1205 with a contributory grading on a permanent basis.
9. The location of the subject property is described in the explanatory report to the amendment and as depicted in Figure 1.

Figure 1: Amendment C365 Planning Scheme Map: 327-378 Little Bourke Street, Melbourne.



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## **What the Amendment does**

### **10. The Amendment:**

- (a) revises the two incorporated documents for the Guildford and Hardware Laneways Precinct to recognise Chart House as contributory to the Precinct and to reflect their amended completion dates: “Guildford and Hardware Laneways Heritage Study 2017: Statements of Significance (Amended September 2019)” and “Guildford and Hardware Laneways Heritage Study 2017: Heritage Inventory (Amended September 2019)”;
- (b) alters the policy at Clause 22.04 (Heritage Places within the Capital City Zone Policy) so that the revised *Guildford and Hardware Laneways Heritage Study (updated September 2019)* and incorporated documents listed above are considered when making decisions relating to the subject site;
- (c) amends the Schedule to Clause 43.01 (Heritage Overlay) to remove reference to the Heritage Overlay applying to the subject site within HO1205 *Guildford and Hardware Laneways Precinct* as an interim control and revises the title of the incorporated documents listed above throughout the schedule;
- (d) revises the Schedule to Clause 72.04 (Incorporated documents) to reflect the updated incorporated documents for the Precinct; and
- (e) amends map 8HO1 to reflect the changes described above.

## **BACKGROUND TO THE AMENDMENT**

### **Heritage Studies in the City of Melbourne**

- 11. Council has been engaged in forward looking heritage planning since the 1980s. More than 30 studies have been undertaken to document the municipality’s heritage since the first heritage controls were introduced into planning schemes in Victoria. There are now more than 7,000 properties protected under the Heritage Overlay in the Scheme.
- 12. By the mid-1980s, Council had comprehensively assessed heritage across residential areas and the central city. Urban Conservation Studies were prepared



and progressively translated into planning controls in the Melbourne Metropolitan Planning Scheme, including for the Central Activities District<sup>1</sup>.

13. Council has progressively reviewed heritage protection for places in the Hoddle Grid through studies in 1985, 1993 and 2002. The Central City (Hoddle Grid) Heritage Review<sup>2</sup> was undertaken in 2011 to build on these reviews and resulted in further heritage protection for 87 places through Amendment C186 in 2013.
14. Council undertook a strategic review of its heritage program and released its Heritage Strategy in 2013<sup>3</sup>. The Strategy is a 15 year framework to ensure the continued protection and enhancement of all elements of Melbourne's heritage.
15. The Heritage Strategy 2013 contains 38 actions, including the first priority actions described as being to:

*Progressively undertake a review of heritage in the high-growth and urban renewal areas and mixed use areas of the city;*

16. The Heritage Strategy 2013 resulted in a program of heritage reviews which is being undertaken by Council:
  - (a) heritage reviews have recently been completed and translated into planning controls for Arden Macaulay (2012), City North (2013) and Kensington (2013);
  - (b) the Guildford and Hardware Laneways Heritage Study, of which this site is a part, was completed in 2017 and implemented through Amendment C271 in August 2019;
  - (c) heritage reviews have recently been completed and are the subject of current planning scheme amendments for West Melbourne (Amendment C258) and Southbank (Amendment C305); and
  - (d) heritage reviews are currently underway for Fishermans Bend, the Hoddle Grid, North Melbourne and Carlton.

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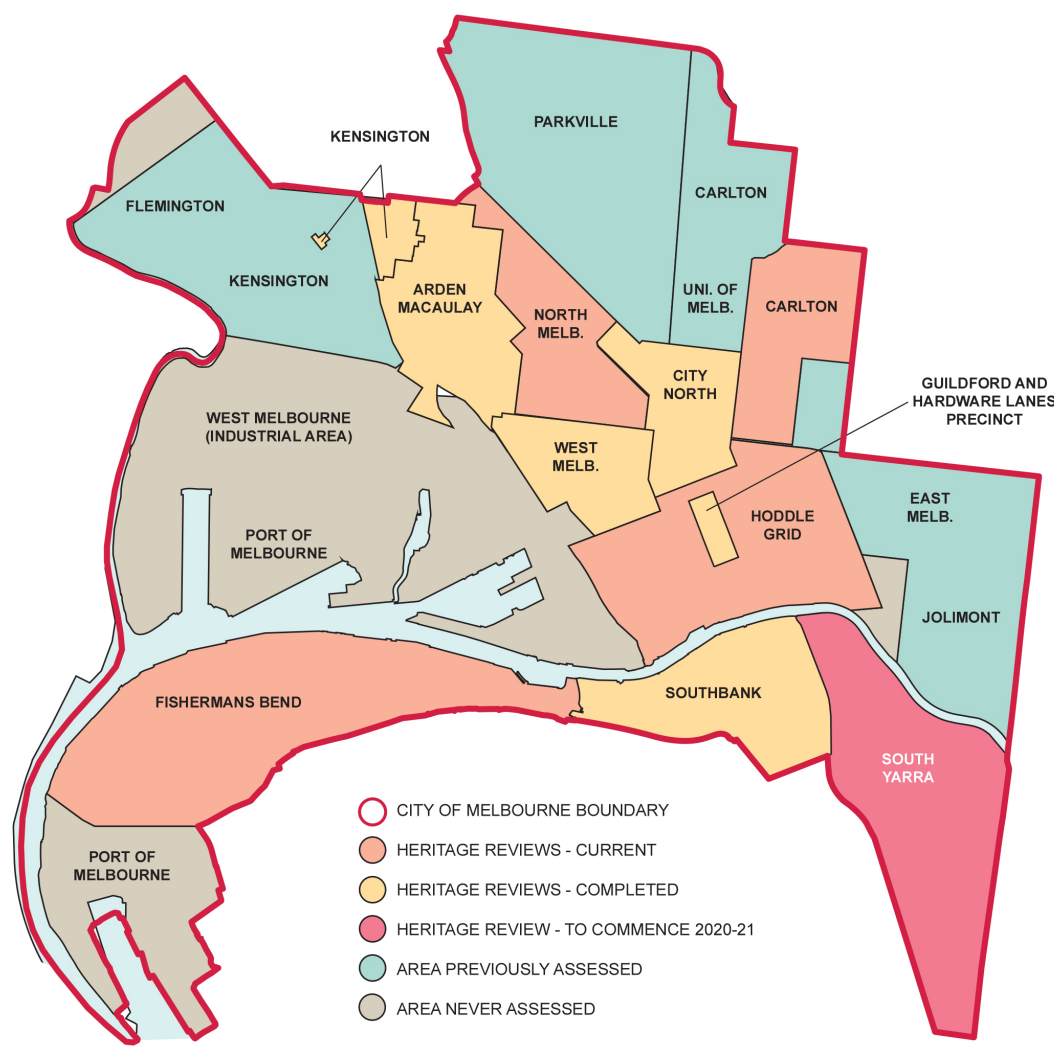
<sup>1</sup> *Urban Conservation in the City of Melbourne*, City of Melbourne, 1985.

<sup>2</sup> *Central City Heritage Review 2011*, Graeme Butler & Associates.

<sup>3</sup> *Heritage Strategy 2013*, City of Melbourne.

17. Figure 2 shows areas where heritage reviews have been previously undertaken and areas in which recent and upcoming heritage reviews are being undertaken.

Figure 2: Heritage reviews in the City of Melbourne



#### **Amendment C258: City of Melbourne Heritage Policies Review and heritage gradings conversion**

18. The Heritage Policies Review and heritage gradings conversion have been undertaken in order to provide a modernised heritage protection regime.
19. An action item identified in the Heritage Strategy 2013 was to undertake a review of the City of Melbourne's heritage places grading system. The outcomes of this review are proposed to be implemented through Amendment C258.
20. Amendment C258 proposes a number of key changes to heritage policy within the City of Melbourne:

- (a) the existing incorporated document, *'Heritage Places Inventory June 2016'* which grades heritage places using the A to D heritage grading system and does not include Central City heritage places, is revised so that the A to D grading system is converted into a significant / contributory / non-contributory grading system and places in the Central City are included; and
  - (b) updating the two Heritage policies in the Scheme and new Statements of Significance for the existing large heritage precincts the Heritage Overlay.
21. The definitions of significant, contributory and non-contributory are contained in the form of *Clause 22.04 Heritage Places within the Capital City Zone* proposed by Amendment C258 and also in the proposed *'Melbourne Planning Scheme, Heritage Places Inventory 2017'*:
- (a) *'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.*
  - (b) *'Contributory' heritage place:*  
  
*A 'contributory' heritage place is important for its contribution to a precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the precinct. A 'contributory' heritage place may be valued by the community; a representative example of a place type, period or style; and/or combines with other visually or stylistically related places to demonstrate the historic development of a precinct. 'Contributory' places are typically externally intact, but may have visible changes which do not detract from the contribution to the precinct.*
  - (c) *'Non-contributory' (-) place:*

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

22. Amendment C258 was exhibited from 12 October-23 November 2018 and a report on the submissions presented to Council's Future Melbourne Committee (**Committee**) on 20 February 2018.
23. The Panel hearing for Amendment C258 was held during August, September and November 2018 and February 2019. The Panel's report, received May 2019, made several key recommendations of relevance to Amendment C365. These included adopting a flat grading system of 'contributory' or 'non-contributory', removing the differentiation between 'contributory' and 'significant' buildings, and amendments to the Heritage Policy at Clause 22.04 and 22.05. A report will be presented to FMC in December 2019, to consider management's recommendations on progressing C258.

#### **Amendment C271 –Guildford and Hardware Laneways Heritage Study**

24. The Guildford and Hardware Laneways Study examined the area bounded by La Trobe, Elizabeth, Little Collins and Queen Streets, as shown in Figure 3.

Figure 3: Guildford and Hardware Laneways Study area



25. The study sought to undertake an assessment of the heritage value of all buildings and places in the study area to determine those which warrant heritage protection under the Scheme.
26. In February 2016 Lovell Chen was engaged by Council to undertake the heritage assessments of all the buildings and places in the study area.
27. The *Guildford and Hardware Laneways Heritage Study May 2017 (the Study)* identified two new heritage precincts - Guildford and Hardware Laneways Precinct and Elizabeth Street West Precinct – and seven new properties of individual significance outside the precinct boundaries.
28. As noted, Amendment C271 was proposed to implement the findings of the Study.

## **CHRONOLOGY OF EVENTS**

### ***Guildford and Hardware Laneways Study (2017) and Amendment C271 Panel recommendations for Chart House***

29. The Study graded the property at 372-378 Little Bourke Street as contributory. This grading was applied only to the side wall of the building to Niagara Lane.
30. The grading of the building was contained within the Precinct Property Schedule to the Guildford and Hardware Laneways Precinct Citation. The schedule included a column titled ‘Comment’ for instances *‘where the rear or side of a building contributes to the historic character and significance of a laneway. In some cases, the front of a property has been modified or replaced, and had lost its heritage value, but the historic rear or side component to the laneway is retained. Unless other stated in this column, the front of principal component of the subject property has heritage value.’* The listing for the subject property includes under ‘Comment’ *‘The principal façade is non-contributory with the side contributory to Niagara Lane’.*
31. The Precinct Property Schedule included a description of the building as *‘Six storey interwar factory to Little Bourke Street, with post-war alterations to principal façade’.* It also showed that the previous grading for this property is ‘ungraded’.
32. The Panel appointed to hear submissions for Amendment C271 recommended that Council amend the *Guildford and Hardware Lanes Heritage Study 2017:*

*Statements of Significance, the Guildford and Hardware Lanes Heritage Study 2017: Heritage Inventory* and the *Guildford and Hardware Lanes Heritage Study May 2017* to revise the grading of the building at 372-378 Little Bourke Street from contributory to non-contributory.

33. The amendment was presented to the Committee on 13 November 2018. The Committee resolved to adopt all recommendations of the Panel for Amendment C271, including that Chart House not be listed as contributory.
34. Amendment C271 was submitted to Minister for Planning for approval on 21 December 2018. The Minister for Planning decided to approve Amendment C271, with some changes, in June 2019.

#### **New information about the heritage value of Chart House and Council's response**

35. New information about the heritage value of Chart House was submitted by the Melbourne Heritage Action (**MHA**) group to Council on 24 December 2018. This information was not considered during the course of preparation of the Study, the exhibition of Amendment C271 or at Panel hearing for Amendment C271. The new information comprised the original building plans and specifications which were sourced through an archive search of the Public Records Office of Victoria.
36. The new information was reviewed by Lovell Chen and GJM Heritage Consultants. Both consultants recommended that Chart House be included within HO1205 with a contributory grading over the entire property.
37. On 13 March 2019 Council notified the Department of Environment, Land, Water and Planning (**DELWP**) of the consultants' recommendation and sought advice on the best way to proceed.
38. On 15 March 2019 the DELWP advised Council that the Minister for Planning may consider a request from Council to prepare, adopt and approve an amendment under section 20(4) of the *Planning and Environment Act 1987* to apply an interim heritage control to the entire site with a contributory grading to its entirety. The correspondence also noted that should Council seek a permanent heritage control for the site, the Minister may consider consulting with the land owner under section 20(5) of the Act so that a submission can be made and, if required, an advisory committee appointed to review the submission.

39. By letter dated 23 June 2019 the Minister for Planning advised Council that he had decided, relevantly:
- (a) to approve Amendment C271, with the removal of 327-378 Little Bourke Street from the amendment; and
  - (b) to prepare, adopt and approve Amendment C355 to the Scheme under section 20(4) of the *Planning and Environment Act 1987*, to apply an interim contributory grading to the entirety of 327-378 Little Bourke Street for 12 months, expiring on 30 June 2020.
40. On 9 August, the Manager of State Planning Services at the DELWP contacted a representative of the property owner of 327-328 Little Bourke Street.
41. Amendments C271 and Amendment C355 were gazetted via a special Government Gazette on 12 August 2019 and came into effect on that day.
42. On 21 August 2019 a meeting was held at DELWP's offices between representatives of DELWP, Council and the property owner. At this meeting it was agreed among all parties that Amendment C365 should proceed as expeditiously as possible, including asking the Minister for Planning for a reduced notification period and prompt reference to a Panel hearing.
43. The Committee considered this matter on 17 September 2019. The Committee's resolution was that it:
- (a) *Notes the gazettal of C271 Guildford and Hardware Lane Heritage Study, affording heritage protection to two precincts, including 113 properties, seven individual places and modifications to existing heritage overlays.*
  - (b) *Notes the decision of the Minister for Planning to remove 372-378 Little Bourke Street from Amendment C271 and to add introduce an interim Heritage Overlay identifying the entirety of the property as contributory to the Guildford and Hardware Lane Precinct (HO1205) until 30 June 2020.*
  - (c) *Resolves to seek authorisation from the Minister for Planning for the Council to prepare and exhibit Amendment C365 pursuant to Section 20(2) of the Planning and Environment Act 1987 in order to introduce a permanent Heritage Overlay to the property at 372-378 Little Bourke Street*

*to identify the property as contributory to the Guildford and Hardware Lane Precinct (HO1205).*

- (d) *Resolves to request that the Minister for Planning consider exempting Amendment C365 under section 20(2) of the Planning and Environment Act 1987 to provide for limited notice and to truncate the period in which submissions must be made.*
- (e) *Authorises the Director City Strategy and Place to consider submissions and upon considering that an election under section 23(1)(B) is preferred (rather than recommending that the Future Melbourne Committee consider changing the amendment or abandoning the amendment or part of it) that such submissions be referred directly to a Panel appointed under Part 8.*
- (f) *Authorises the Director City Strategy and Place to make any further minor editorial changes to Planning Scheme Amendment C365 if required.*

***Guildford and Hardware Laneways Heritage Study (updated September 2019)***

- 44. In September 2019 the Study was revised by Lovell Chen to provide more information on the contribution of buildings within Little Bourke Street to the Guildford and Hardware Laneways Precinct and to note the contributory value of Chart House to the precinct.
- 45. Specifically, the *Guildford and Hardware Laneways Heritage Study (updated September 2019)* (**Revised Study**) includes the following updated information:
  - (a) New text added to the Guildford and Hardware Laneways Precinct Citation (shown in italics):
    - (i) p. 14: The Victoria Horse Bazaar, which had operated on Bourke Street adjacent to Kirk's Bazaar from the 1860s, also ceased operation in the 1930s and was replaced with a motor garage, and subsequently a multi-level car park. *In a similar vein, in Little Bourke Street, multi-storey warehouses and offices replaced many of the nineteenth century shops and hotels fronting this street through the twentieth century.*



- (ii) p. 23: Hardware House (1926) comprises a six storey building in reinforced concrete. The former hotel (c.1860s) has been substantially altered but retains its original form and sufficient early fabric to help illustrate the evolved nature of this part of the precinct. *Typically, in the precinct, cross streets take the form of conventional Melbourne thoroughfares. However, Little Bourke Street is a narrower street, resulting in more density than is found elsewhere. This is particularly true at corner sites fronting Little Bourke Street where taller built form combines with long sideages to reinforce this character and that of the laneways.*
- (b) Precinct Property Schedule appended to the Precinct Citation has been revised to show the entire building listed as contributory and the description of the building updated to show its use as ‘*factory/warehouse/office with shops to Little Bourke Street*’. Reference to later additions to the front façade and the comment noting the principal façade as non-contributory have been removed.

#### **Authorisation of Amendment C365**

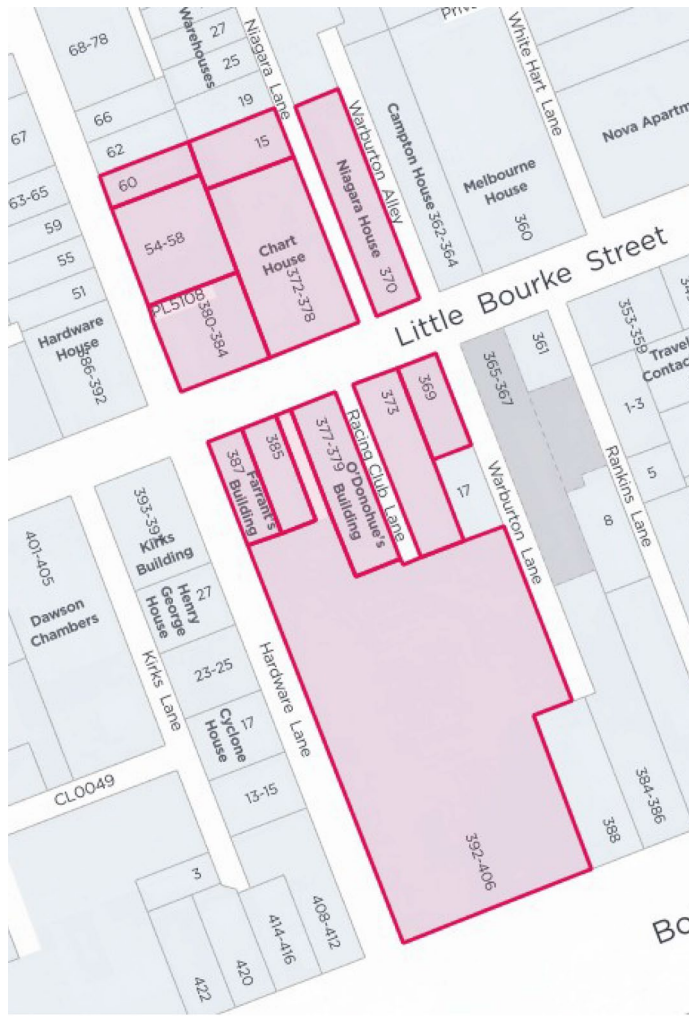
46. On 25 September 2019 the Minister for Planning granted authorisation under delegation to prepare Amendment C365 to include 327-378 Little Bourke Street with the Heritage Overlay (HO1205) on a permanent basis, subject to conditions:
- (a) *Update the amendment documentation including the Explanatory Report prior to exhibition to consistently refer to the Incorporated Documents as:*
    - (i) *Guilford and Hardware Laneways Heritage Study 2017: Heritage Inventory (Amended September 2019); and*
    - (ii) *Guilford and Hardware Laneways Heritage Study 2017: Statements of Significance (Amended September 2019).*
  - (b) *Update the Explanatory Report to refer to amending the Schedule to Clause 43.01 (Heritage Overlay) by updating the titles of the incorporated documents for all other Heritage Overlays within the Guilford and Hardware Laneways Precinct, consistent with the above titles.*

- (c) *Update the Explanatory Report under the headings “Land affected by the Amendment” and “What the amendment does”, prior to exhibition, to refer to the need to make related amendments to the titles of the Incorporated Documents.*

#### **Exhibition of the Amendment of Amendment C365**

47. On 7 October 2019 Council wrote to the Minister for Planning to request that Amendment C365 be exhibited with a reduced notification time, and without publication in the Victoria Government Gazette and local newspapers. This request was made immediately following agreement with Planning Panels Victoria on pre-set Panel hearing dates. Council made the request in order to expedite the Amendment and Panel hearing process.
48. On 15 October 2019, the Minister for Planning granted Council’s request for reduced notification of Amendment C365 under delegation. The Minister granted exemption from the requirements of sections 19(2) and 19(3) of the *Planning and Environment Act 1987*, pursuant to section 20(2) of the Act.
49. The Amendment was formally exhibited between 24 October 2019 and 7 November 2019. The time for lodging submissions via Council’s website was extended to 11 November 2019. Letters were sent to the owners and occupiers of the subject property, adjoining property owners and occupiers (as shown in Figure 4), prescribed Ministers and MHA.

Figure 4 – Owners and occupiers directly notified of exhibition



50. The Amendment and supporting information were available at the City of Melbourne Planning Counter (Town Hall foyer, Swanston Street) and on the DELWP website. Information was also posted on the City of Melbourne's *Participate Melbourne* website, with links to the DELWP website.
51. In response to the exhibition of the Amendment, the Planning Authority received 21 submissions. A summary of the submissions is set out in a separate section of the Part A submission.

### **Panel Appointment**

52. The Director City Strategy and Place (now known as the General Manager Strategy, Planning and Climate Change) considered submissions and referred them

directly to the Minister for Planning, through Planning Panels Victoria, on 12 November 2019. All submitters were notified of this outcome on the same day.

53. A Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 14 November 2019.

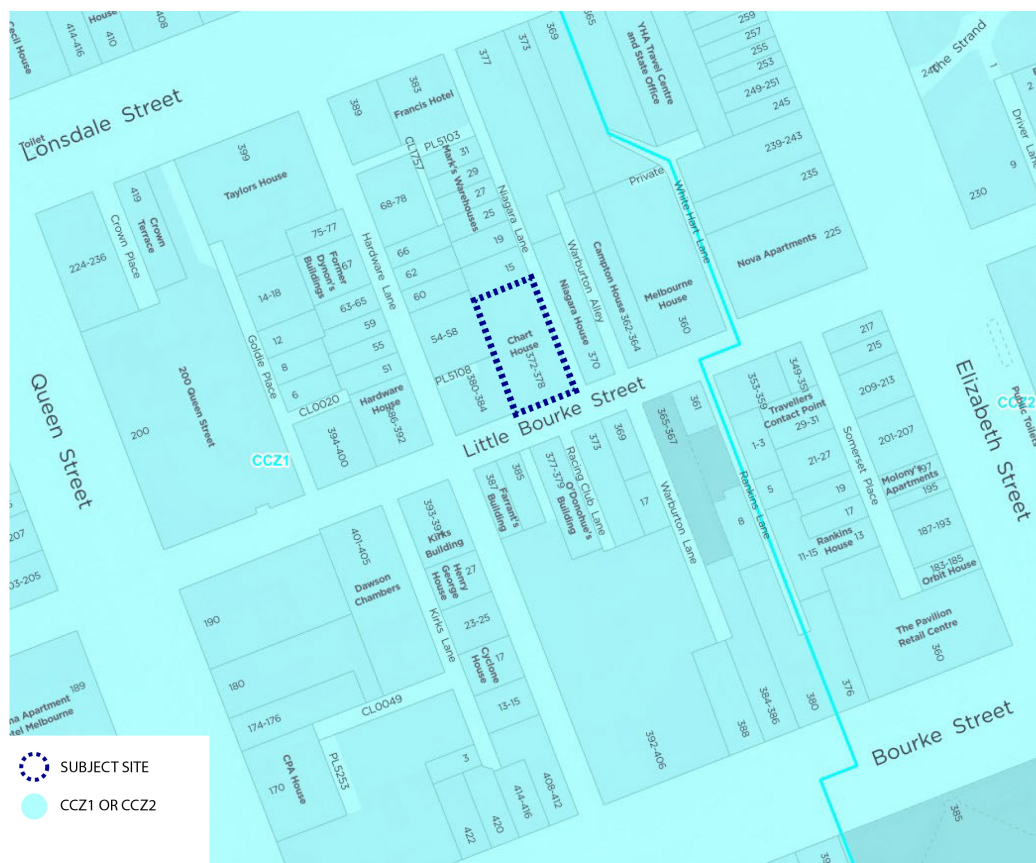
## STRATEGIC CONTEXT AND ASSESSMENT

### Strategic Context - Current Planning Provisions

54. The subject site is zoned Capital City Zone Schedule 1 – Outside the Retail Core (Clause 37.04, Figure 5). The purpose of this zone is:

*To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.*

Figure 6 – Zoning



55. The Heritage Overlay applies to numerous sites surrounding the subject site (refer to Figure 6). This includes HO1205 (Guildford and Hardware Laneways Precinct),

HO1204 (Elizabeth Street West Precinct) and site-specific Heritage Overlays applied to individual buildings.

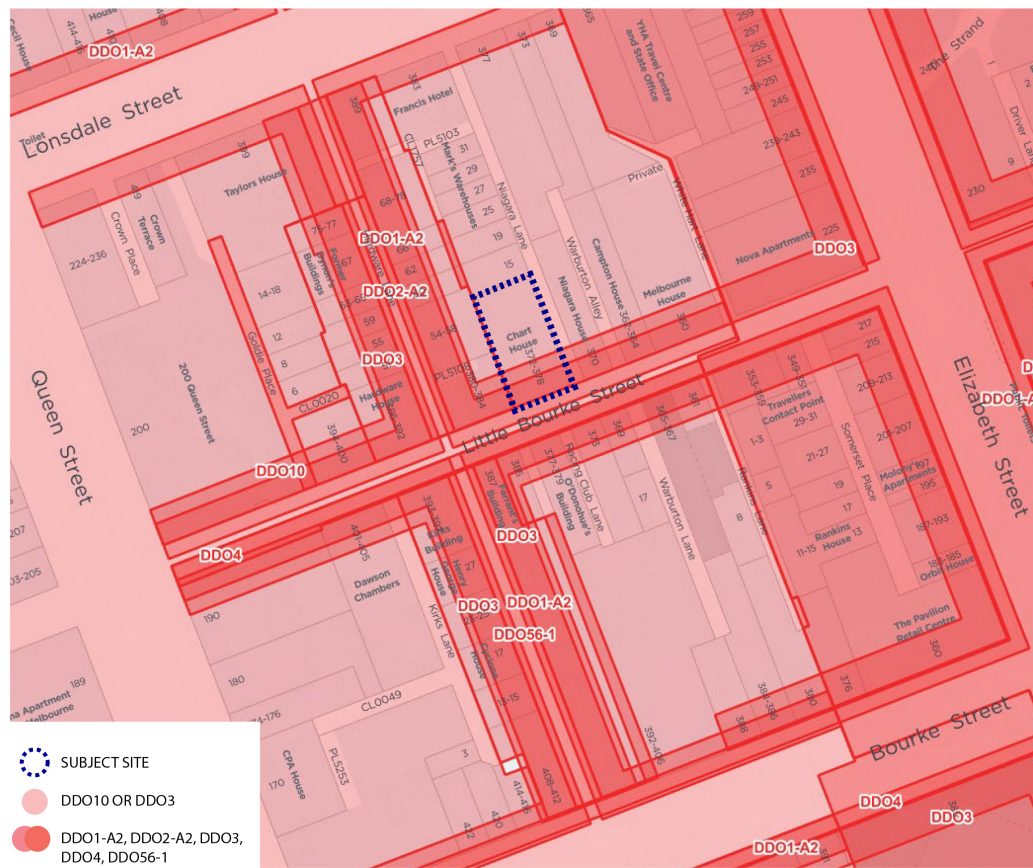
Figure 6 – Heritage Overlays



56. The subject property is also subject to three schedules of the Design and Development Overlays (refer to Figure 7):
- (a) Schedule 10 – General Development Area – Built Form (Clause 43.02-10) which sets out requirements for building heights and setbacks;
  - (b) Schedule 3 – Traffic Conflict Frontage – Capital City Zone (Clause 43.02-3); and
  - (c) Schedule 1 – Active Street Frontages (Clause 43.02-1).



Figure 7 – Design and Development Overlays



57. The design objectives of Design and Development Overlay Schedule 10 are:

*To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.*

*To ensure that development respects and responds to the built form outcomes sought for the Central City.*

*To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.*

*To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.*

*To provide a high level of internal amenity for building occupants.*

*To ensure the design of public spaces and buildings is of a high quality.*

*To encourage intensive developments in the Central City to adopt a podium and tower format.*

### **Strategic Basis for the Amendment**

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

### **The Amendment is consistent with Plan Melbourne**

59. The amendment is consistent with the Minister's Direction No. 9 – Metropolitan Strategy, pursuant to Section 12 of the Act that requires planning authorities to have regard to the Metropolitan Planning Strategy *Plan Melbourne* in preparing an amendment. Specifically, the Amendment is supported by Direction No. 4.4 - respect Melbourne's heritage as we build for the future. Policies relating to Direction 4.4 relevant to this amendment are as follows:
- (a) 4.4.1 Recognise the value of heritage when managing growth and change;
  - (b) 4.4.3 Stimulate economic growth through heritage conservation; and
  - (c) 4.4.4 Protect Melbourne's heritage through telling its stories.

### **The Amendment is consistent with the Planning Policy Framework**

60. The amendment supports the following objectives of policies at Clause 15 (Built Environment and Heritage) of the Scheme:
- (a) 15.01-1S (Urban design) – to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity; and
  - (b) 15.03-1 (Heritage conservation) – to ensure the conservation of places of heritage significance.
61. Under clause 15.03-1S the relevant Strategies are:

*Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*  
*Provide for the protection of natural heritage sites and man-made resources.*

*Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*

*Encourage appropriate development that respects places with identified heritage values.*

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

*Encourage the conservation and restoration of contributory elements of a heritage place.*

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

*Support adaptive reuse of heritage buildings where their use has become redundant.*

*Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.*

62. By including 372-378 Little Bourke Street within the Heritage Overlay on a permanent basis and with a contributory grading, the Amendment will ensure that the building's contribution to the Heritage Precinct is protected, conserved and enhanced. The Heritage Overlay will require that before any changes are made to the building, consideration is given to the building's contribution to the Heritage Precinct and will thereby encourage potential future development to be designed to respect the building's contribution to the Heritage Precinct.

#### **The Amendment is consistent with the Local Planning Policy Framework**

63. The Local Planning Policy Framework (**LPPF**) contains objectives and strategies that are relevant to the amendment. In particular, the amendment supports the following objectives:
- (a) Clause 21.06-2 (Heritage) of the Municipal Strategic Statement which seeks to conserve and enhance places and precincts of identified cultural heritage significance. The Amendment will contribute to achieving the objectives and strategies identified for the heritage of Melbourne to “conserve and



enhance places and precincts of identified cultural heritage significance” by identifying and conserving places of heritage significance.

- (b) Clause 22.04 (Heritage Places within the Capital City Zone) of the LPPF which seeks to conserve and enhance all heritage places as well as to promote the identification, protection and management of aboriginal cultural heritage values. The Amendment supports the objectives of Clause 22.04 by conserving, promoting and protecting additional places of heritage value within the Capital City Zone in both its current form and as proposed by Amendment C258.

#### **Related strategic work – ongoing**

- 64. Council has undertaken a review of the current urban design policies in the Scheme, which apply to the central city and Southbank.
- 65. Amendment C308 proposes a new approach to urban design including a new Design and Development Overlay Schedule 1, which consolidates the existing planning scheme provisions and brings them into line with best practice.
- 66. Amendment C308 also includes the Central Melbourne Design Guide that will assist the community, developers and planners to understand the requirements within the new Design and Development Overlay Schedule 1. The Central Melbourne Design Guide is a graphic representation of the provisions and aims to make clear the elements, which make up a good quality urban design outcome.
- 67. A Panel heard submissions to Amendment C308 in March 2019. Council has received and is considering the Panel’s report.

#### **SUMMARY OF SUBMISSIONS AND THE ISSUES RAISED**

- 68. A total of 21 submissions were received during exhibition. All submissions have been referred to this Panel for consideration.
- 69. The submissions received can be summarized as follows:
  - (a) 20 submissions in support of the Amendment were received. These submissions were received from MHA, the National Trust and other interested parties, including owners and occupiers within the immediate area. The submissions contend that Chart House is worthy of heritage

protection and note specific architectural features that contribute to the heritage value of the building itself and the wider Guildford and Hardware Laneways Precinct; and

- (b) one objection to the Amendment was received from a representative of the owner of the subject property. This submission states that the process of seeking heritage protection for the subject property after the conclusion of the Amendment C271 Panel hearing and adoption of the Panel's recommendations by the planning authority is unfair to their client. The submission contends that the building should remain listed as non-contributory and the 'new evidence' does nothing to alter the Panel's conclusion and Council's acceptance of this.
70. For each submission received during exhibition a detailed summary and response to the issues raised was prepared by Council and submitted to the Minister for Planning with the request to appoint a Panel.
71. No changes to the Amendment are proposed by the planning authority as a result of the submissions. Specifically, Council relies upon the consultants' advice which considered the new information received from MHA and supported inclusion of the building as contributory to the Precinct under HO1205.

IAN MUNT

28 November 2019

Counsel for Council

INSTRUCTED BY Melbourne City Council Legal Services Branch