

INDEPENDENT PLANNING PANEL

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

IN THE MATTER OF ***AMENDMENT C403*** TO THE MELBOURNE PLANNING
SCHEME

NORTH MELBOURNE HERITAGE REVIEW

PART A SUBMISSION OF THE PLANNING AUTHORITY

DATE: 19 APRIL 2023

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PART A SUBMISSION OF THE PLANNING AUTHORITY

I. OVERVIEW

1. Melbourne City Council (**Council**) is the Planning Authority for Amendment C403 (**Amendment**) to the Melbourne Planning Scheme (**Scheme**).
2. Council has prepared and is the proponent of the Amendment.
3. This Part A submission is made in accordance with Direction 5 of the Panel's Directions dated 4 April 2023. Consistent with Direction 5, this Part A submission will:
 - (a) address the background to the Amendment, including a chronology of events;
 - (b) address the strategic context and assessment;
 - (c) provide a brief outline of the heritage study methodology including:
 - a. each phase and how it aligns with advice in Planning Practice Note 1
 - b. the assessment approach to categorising each property as either significant, contributory or non-contributory in a heritage precinct;
 - (d) include discussion of any relevant planning scheme amendments that may impact on the Amendment, including but not limited to Amendments C258, C396, C402, C409.
 - (e) include a copy of the Authorisation of the Amendment, including a summary of the conditions of authorisation and how the conditions have been met.
 - (f) include a table showing submissions that opposed the property category in a precinct for specific properties (in alphabetical order) that shows the submission number, property address, current property category, exhibited category, the submitter's preferred category and Council's position having regard to the submission;
 - (g) identify the issues raised in submissions, presented as: common issues that apply across multiple places or precincts; and precincts and individual places;
 - (h) provide a complete set of proposed changes to the exhibited Amendment, including:

- a. planning scheme maps and provisions, including the reasons for the proposed change (in response to submissions or otherwise)
 - b. how provisions originally intended for Clause 22.05 will be translated into the Planning Scheme, noting that this clause no longer exists.
- (i) include word versions of any updated Amendment documents, with tracked changes, of the following:
 - a. Heritage Overlay Schedule
 - b. Clause 72.04 Schedule (Documents incorporated in this Planning Scheme)
 - c. Relevant section of Heritage Places Inventory March 2022 (Amended July 2022) (Incorporated document)
 - d. North & West Melbourne Precinct (HO3) Statement of Significance
 - e. Flemington Bridge Railway Station Statement of Significance (HO1389), including resolution 1.4 from the Future Melbourne Committee meeting held on 21 February 2023;
- 4. In addition to this Part A submission, at the hearing listed to start on Wednesday 26 April 2023 Council will:
 - (a) call evidence from witness Kate Gray that relates to North Melbourne heritage;
 - (b) present its Part B submission, where Council will present its response to submissions, the expert evidence called and present its final position on the Amendment; and
 - (c) prior to the close of the hearing, present a Part C closing submission.
- 5. It is noted that, consistent with the Directions of the Panel, Council's Part A submission will be taken as read by the Panel at the Hearing.

II. THE NATURE OF THE AMENDMENT

- 6. The Amendment is an important step in Council's overall program to protect heritage in its municipality and meet its specific commitments to review heritage in the municipality and also to address gaps and inconsistencies in the existing controls.¹

¹ Heritage Strategy 2013, page 16.

7. Heritage is central to Melbourne's identity and distinctiveness and gives the City a competitive advantage over other capital cities as a place to live, work and visit.
8. The suburb of North Melbourne was first surveyed in 1852, the area was known by the Kulin name Yern-da-ville. The area has developed over time with a diverse architectural mix of workers cottages, stately homes and social housing as well as educational, religious, commercial and industrial buildings. Its rich and evolving history has created the varied urban landscape we have today.
9. A large portion of North Melbourne is already protected under the North & West Melbourne Heritage Precinct HO3 (**HO3**). Figure 1, below, depicts the HO3 boundary at the time that the North Melbourne Heritage Review (**Review**) was being prepared. Proposed changes to the Heritage Overlay boundaries through the Amendment are shown at Figure 2 on page 9.

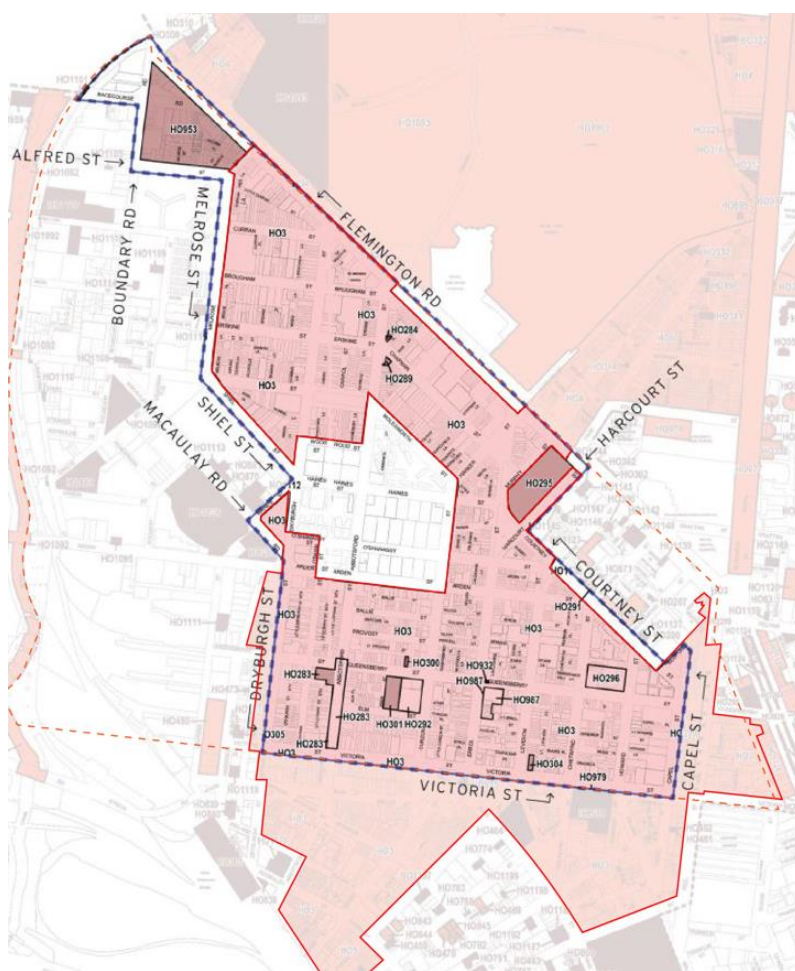


Figure 1: Map of existing Heritage Overlays at the time the Review was being prepared: the study area (outlined in blue), HO3 (outlined in solid red) and the North Melbourne suburb (outlined in dashed red)
Source: *North Melbourne Heritage Review, Lovell Chen, July 2022* (map adapted by Council)

10. Initial heritage studies of North Melbourne commenced in 1984 and identified almost exclusively Victorian and Edwardian era architecture. The Review has studied the integrity of these existing controls in addition to considering interwar and postwar buildings. Together, these reflect the unique, diverse urban character of North Melbourne.
11. The Review commenced in 2019 and was prepared by Lovell Chen Heritage Consultants. The City of Melbourne commissioned Lovell Chen to review the existing precincts and individual heritage places, recommend any places to be added or removed from the schedule to the Heritage Overlay (HO) and develop new citations where required. In addition to identifying additional buildings that require protection, a central aim of the Review was to research and document North Melbourne's rich history and patterns of development.
12. A Thematic Environmental History was developed as part of the Review. It incorporates North Melbourne's historical themes and material gathered through consultation with Traditional Owners. This material was used to document the development and evolution of the study area, and enhance the understanding of the significance of places within the study area.²
13. The Thematic Environmental History explored local historical themes that had been explored in previous studies and identified new themes which have influenced North Melbourne's built form and character including the inter and post war development of North Melbourne.
14. The Review made the following 9 study recommendations³:
 - 14.1 Adopt the citation (including statement of significance) for the North Melbourne Primary School (HO295).
 - 14.2 Adopt the revised North & West Melbourne Precinct HO3 citation and statement of significance⁴ and amend the precinct boundaries.
 - 14.3 Adopt the statements of significance for individual significant places in HO3.⁵

² North Melbourne Heritage Review 2022, (attachment A to the Review).

³ North Melbourne Heritage Review 2022, pages 28 and 29.

⁴ HO3 statement of significance was amendment in accordance with the Minister's condition of authorization.

⁵ Two statements of significance for individual significant buildings in HO3 prepared as part of the Review did not progress to exhibition on the advice of DELWP, refer to paragraphs 67-69 for detail.

- 14.4 Implement the recommended new HO controls for four (4) new individual heritage places to be covered by the Heritage Overlay (HO) and introduce new Statements of Significance for each place.
- 14.5 Make amendments to existing HOs, including Remove HO953, for partial incorporation in HO3 and Remove HO284, for incorporation in HO3.
- 14.6 Make amendments to the incorporated document *Heritage Places Inventory March 2022* to include recommended gradings changes and remove properties in the current HO953 to be removed from the amended HO3.
- 14.7 Adopt the North Melbourne Thematic Environmental History which will form part of the Review as a background document to the Scheme.
- 14.8 Adopt outcomes of the Traditional Owner engagement by Council engaging in further future work in relation to updating the heritage documentation and exploring interpretation to recognise Traditional Owner associations of the following:
- (i) The Former Benevolent Asylum, in relation to association with significant Boon Wurrung Elder Derrimut and
 - (ii) The course of the pre-colonial creek, Ievers Creek, which could incorporate some of the rich historical material and mapping to interpret the pre-colonial landscape of North Melbourne.
- 14.9 Undertake additional future research to support further Aboriginal input including in relation to the cycles of displacement, return and dispersal of Aboriginal people which has been identified as a significant part of the experience of Aboriginal people in North Melbourne. ⁶
15. The Amendment is required to implement these recommendations (except for Recommendations 8 & 9) and provide permanent controls for the heritage places considered in the Review to ensure that their value is recognised and protected.

⁶ Recommendations 8 and 9 are recommending additional future work as these themes are outside of the scope of this Amendment.

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- AMENDMENT C403 - MAP B**
- EXHIBITED HO3, SURROUNDING HOs, AND CHANGES TO EXISTING HOs**
- North Melbourne Heritage Review Study Area
 - Exhibited North & West Melbourne Precinct (HO3)
 - Existing Individual HOs within the study area
 - Existing Surrounding Heritage Overlay Precincts not Affected by the Amendment
 - Existing Heritage Overlay Proposed to be Deleted or Added, as Exhibited (refer site specific annotations)
 - New Individual HO
 - Proposed Post Exhibition Changes to HO3 (refer site specific annotations)

17. The Amendment, as exhibited, implements the findings of the Review by:
 - (a) Applying individual Heritage Overlays to four (4) places and introducing new Statements of Significance for each place.

- (b) Amending the boundary of the existing North & West Melbourne Precinct Heritage Overlay (HO3).
 - (c) Amending the North & West Melbourne Precinct HO3 Statement of Significance.
 - (d) Deleting Heritage Overlay HO284 and applying HO3, deleting Heritage Overlay HO953 and partially applying HO3.
 - (e) Amending the existing incorporated document titled Heritage Places Inventory March 2022 to change the document's date and to reflect various changes recommended by the Review.
 - (f) Introducing a new Statement of Significance for the North Melbourne Primary School (HO295).
 - (g) Amending Planning Scheme Maps 4HO and 5HO.
 - (h) Adding the *North Melbourne Heritage Review* as a Background document to the Melbourne Planning Scheme.
18. In detail, the exhibited Amendment seeks to make the following changes on a permanent basis:
- (a) Amend the policy at Clause 22.05 (Heritage Places Outside the capital City Zone) to include the North Melbourne Heritage Review 2022 as a policy reference.
 - (b) Amend the Schedule to Clause 43.01 (Heritage Overlay) to:
 - i. Include four (4) new individual Heritage Overlays and Statements of Significance:
 - HO1386 The Albion Hotel, 171-173 Curzon Street, North Melbourne.
 - HO1387 Hotham Gardens, Stage 1, 55-61, 63-69, 71-77, 79-85, 87-93, 95-101 O'Shanassy Street, North Melbourne.
 - HO1388 Harris Plane Tree Avenue, Harris Street (between Errol and Curzon Streets), Plane Tree Way (between Dryburgh and Abbotsford Streets), Part 302-326 Abbotsford Street, Part 50-56, 58-64, 66-72, 74-80, 92-132 O'Shanassy Street and Part 141-157 Curzon Street, North Melbourne.

- HO1389 Flemington Bridge Railway Station, 211 Boundary Road, North Melbourne.
 - ii. Delete two (2) Heritage Overlays:
 - HO953 Racecourse Road/Alfred Street, North Melbourne – 68 properties to be incorporated into HO3 and 13 properties to be removed from the Heritage Overlay.
 - HO284 - 480-482 Abbotsford St, North Melbourne to be added to the expanded HO3.
 - iii. Introduce a new Statement of Significance to existing individual Heritage Overlay HO295 “North Melbourne Primary School No. 1402, 200-214 Errol Street, North Melbourne” and correct the address.
 - iv. Amend the Heritage Precincts Statements of Significance February 2020 by changing the date to July 2022 and removing the North & West Melbourne Precinct Statement of Significance.
 - v. Introduce a revised HO3 North & West Melbourne Precinct Statement of Significance July 2022 incorporated document.
- (c) Amend Planning Scheme Maps 4HO and 5HO to:
- vi. Introduce four (4) new Individual Heritage Overlays and delete two Individual Heritage Overlays: HO953 and HO284.
 - vii. Amend the boundary of HO3 North & West Melbourne Precinct as described below:
 - Expand the existing boundary to the north-west corner of the study area to incorporate 68 properties currently covered by deleted overlay HO953.
 - Introduce one property currently covered by the deleted overlay HO284.
 - Introduce one property not currently covered by a Heritage Overlay at 162-168 Arden Street, North Melbourne.
 - Delete two sections on Flemington Road: between Melrose and Abbotsford Streets and also Harker and Harcourt Streets.
- (d) Amend the Schedule to Clause 72.04 (Incorporated Documents) by:

- viii. Amending the Heritage Precincts Statements of Significance February 2020 by changing the date to July 2022 and removing the North & West Melbourne Precinct Statement of Significance.
 - ix. Introducing a revised HO3 North & West Melbourne Precinct Statement of Significance July 2022.
 - x. Introducing Statements of Significance for five individual places:
 - HO1386 The Albion Hotel, 171-173 Curzon Street, North Melbourne.
 - HO1387 Hotham Gardens, Stage 1, 55-61, 63-69, 71-77, 79-85, 87-93, 95-101 O'Shanassy Street, North Melbourne.
 - HO1388 Harris Street Plane Tree Avenue, Harris Street (between Errol and Curzon Streets), and Plane Tree Way (between Dryburgh and Abbotsford Streets) and Part 302-326 Abbotsford Street, Part 50-56, 58-64, 66-72, 74-80 O'Shanassy Street, Part 141-157 Curzon Street, North Melbourne.
 - HO1389 Flemington Bridge Railway Station, 211 Boundary Road, North Melbourne.
 - HO295 North Melbourne Primary School No. 1402, 200-214 Errol Street, North Melbourne.
 - xi. Amending the existing incorporated document Heritage Places Inventory March 2022 to:
 - Change the date to amended July 2022.
 - Change the heritage building category of approximately 100 properties and add a significant streetscape category to nineteen properties.
 - Correct addressing and other anomalies.
- (e) Amend the Schedule to Clause 72.08 (Background Documents) by adding the North Melbourne Heritage Review July 2022 as a Background Document.

III. BACKGROUND TO THE AMENDMENT

A. CITY OF MELBOURNE HERITAGE STRATEGY 2013

19. In 2013, Council released its Heritage Strategy, setting out a plan to protect heritage in the municipality over the following 15 years. The Strategy articulates Council's role in understanding the value of heritage, identifying places to be conserved and sustaining

heritage through protection.⁷ The Strategy references Council's Thematic History – A History of the City of Melbourne's Urban Environment 2012 and summarises its 15 themes.⁸ Two of the four strands of the Heritage Strategy involve "Knowing the City's heritage" and "Protecting the City's heritage".

20. Under the Knowing strand, the Strategy identifies as an action to "investigate, identify, assess and document gaps in the record of places of cultural heritage significance".
21. Under the Protection strand, the Strategy includes the following:

Goal

To protect and value all heritage places and put in place policies to support decision making around heritage conservation.

...

Actions

2.2 ***progressively undertaken a review of heritage in the high growth and urban renewal areas and in the mixed use areas of the city.***⁹

2.3 ***Review the heritage controls in the residential zones of the city, targeting resolution of gaps and inconsistencies in the existing controls.***

(emphasis added)

22. The Appendix 1 – *Implementation Plan* to the Strategy lists Actions 2.2 and 2.3 (above) consecutively as the first and second of the First Priority Actions"¹⁰. The Second Priority Actions identified in Appendix 1 include to "develop statements of significance drawing from themes identified in the Thematic History: a History of the City of Melbourne's Urban Environment 2012 for all heritage precincts, individually significant buildings and places across the municipality"¹¹.
23. The Heritage Strategy 2013 has resulted in a program of progressive heritage reviews being systematically undertaken by Council.

⁷ Heritage Strategy 2013, page 6.

⁸ *ibid*, pages 12-13.

⁹ *ibid*, page 18.

¹⁰ *ibid*, page 28.

¹¹ Heritage Strategy 2013, page 29.

24. The map in Figure 3 illustrates where heritage reviews have been previously undertaken and areas in which recent and upcoming heritage reviews are progressing.

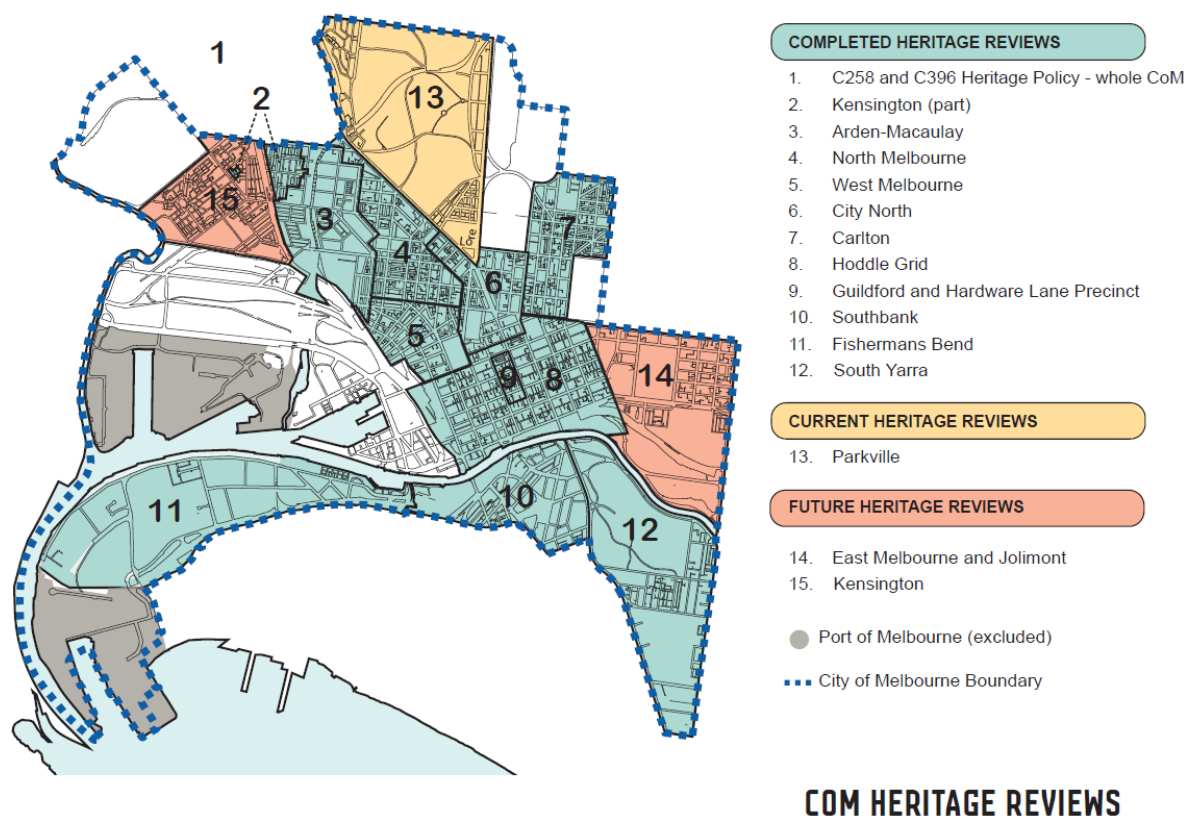


Figure 3: Status of Planned Heritage Reviews since 2012.

B. PREVIOUS HERITAGE REVIEWS

25. Council has been engaged in extensive and pioneering heritage planning practices since the 1970s. More than 30 studies have been completed to document the municipality's heritage since the first heritage controls were introduced into planning schemes in Victoria.
26. By the mid-1980s, Council had assessed heritage across the residential areas of the municipality. Urban Conservations Studies were prepared and translated into planning controls during that time and continue to be revisited.
27. Council has previously reviewed heritage protection for places in North & West Melbourne through the *North and West Melbourne Conservation Study* in 1985 ¹² (**1985 Study**) by Graeme Butler. The 1985 Study comprises:

¹² The North and West Conservation Study is titled 1983 however note that it was updated in 1985 and referenced in the Melbourne Planning Scheme as dated 1985.

- (a) The study area of the *North and West Melbourne Conservation Study* is bound by Flemington Road to the north, Moonee Ponds Creek, Arden Street, Laurens Street and Railway Place to the east, Miller, Curzon and Victoria Street to the South and Elizabeth Street to the East (see Figure 4). The study recorded every building assessed to have historic or architectural significance in the study area in the Schedule of Building Gradings and Streetscape Levels. The Urban Conservation Area for North and West Melbourne was introduced into the old format planning scheme as a result of this study and in 1985 the standard Building Identification Forms were added for every graded building.
- (b) The original *North and West Melbourne Conservation Study Report 1979* (white pages).
- (c) Building Identification Forms for assessed buildings in the Study Area.
- (d) A and B Grade Building Citations in a second volume to the Study.

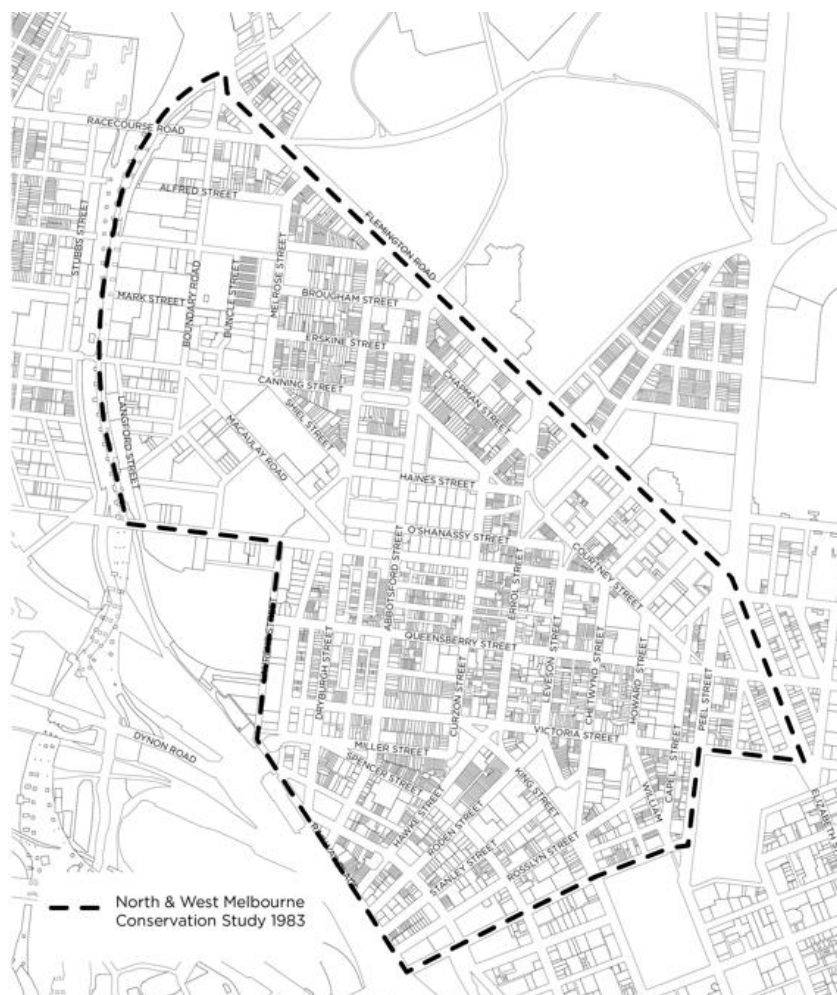


Figure 4: North & West Melbourne Conservation Study 1985 study area, Source, City of Melbourne Compass map.

28. More recently Council has reviewed heritage protection for places in the south-eastern (City North) and western (Arden-Macaulay) areas of North Melbourne. (See Figure 5)
29. The City North Heritage Review prepared by RBA Architects and Conservation Consultants in 2013 included the land within the south eastern area of North Melbourne bounded by Harcourt Street to the north and Courtney and Capel streets to the east. Amendment C198 implemented the City North Heritage Review (2013) and was gazetted on 15 October 2015.
30. The Arden-Macaulay Heritage Review prepared by Graeme Butler in 2012 included land within the western area of North Melbourne, bounded by Racecourse Road, Boundary Road and Alfred Street to the north and Melrose, Shiel, Haines, Dryburgh Streets and Macaulay Road to the west. Amendment C207 implemented the Arden-Macaulay Heritage Review (2012) and was gazetted on 14 July 2016. The City North and Arden-Macaulay heritage studies reviewed the heritage protection of places listed in the Schedule to the Heritage Overlay, reassessed places previously considered but not included in the Schedule to the Heritage Overlay and identified new places for inclusion.

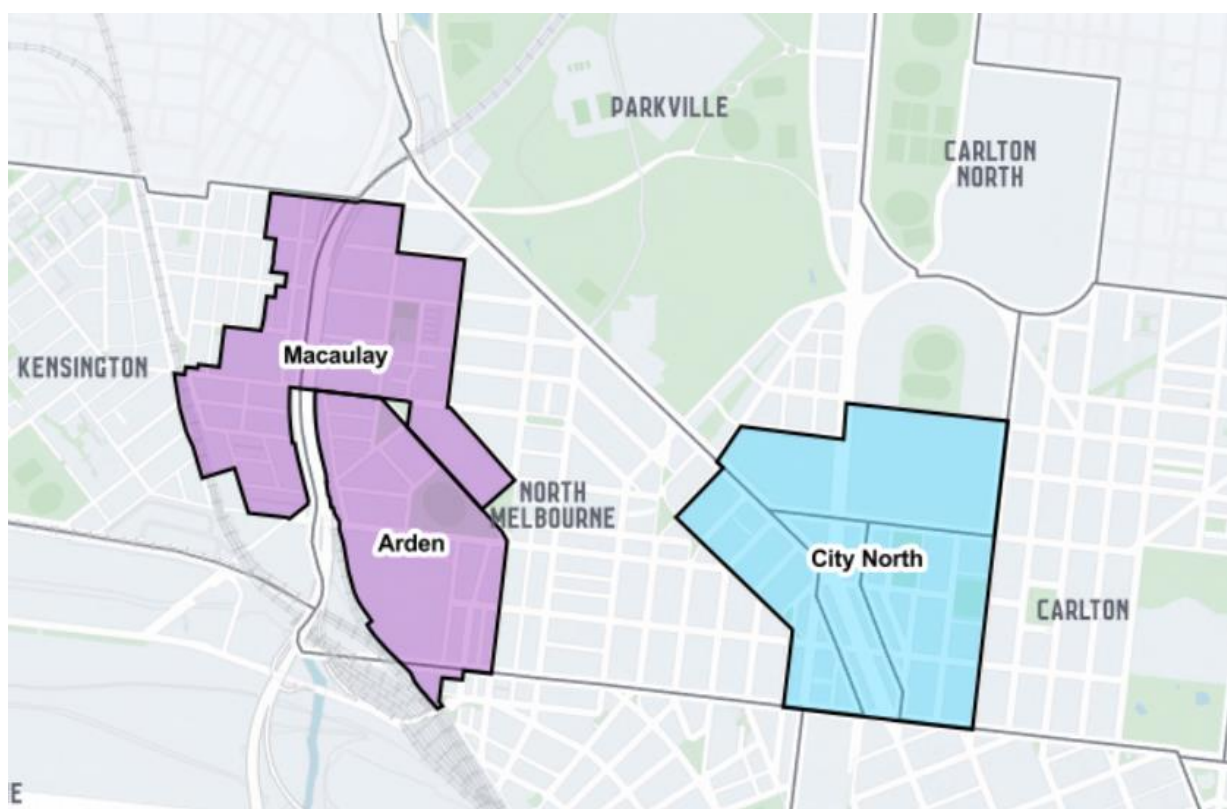


Figure 5: Arden-Macaulay and City North Heritage Review study areas, North Melbourne suburb outlined. Source, City of Melbourne Compass map.

31. Council has also reviewed heritage protection for places within the West Melbourne Structure Plan area which was prepared by Graeme Butler and Associates in 2016. The West Melbourne Heritage Review provided heritage assessments of existing and potential heritage places in the West Melbourne Structure Plan area (see Figure 6). Many of the assessed places had been identified in the North & West Melbourne Conservation Study (1985) and also identified in the Allom Lovell & Associates Report on the City of Melbourne Planning Scheme Heritage Review (2000). Meredith Gould Architect's later review, the Heritage Assessment Arden-Macaulay Structure Plan Area (2010), provided a thematic insight into the West Melbourne area's development. The West Melbourne Heritage Review 2016 prepared Statements of Significance for places proposed to be graded A,B or C and for all proposed precincts and individually significant places. At the request of the Department of Environment, Land, Water and Planning (**DELWP**) the West Melbourne Heritage Review was combined with the Heritage Policies Review into one amendment being C258, discussed below.



Figure 6: West Melbourne Heritage Review, Graeme Butler & Associates 2016, study area outlined in black

C. AMENDMENTS RELEVANT TO AMENDMENT C403

AMENDMENT C258 - CITY OF MELBOURNE HERITAGE POLICIES REVIEW AND HERITAGE GRADINGS CONVERSION

32. On 10 July 2020, Amendment C258 was gazetted.

33. Amendment C258 converted the previous A-D grading system to a significant/contributory/non-contributory category system and revised the previous heritage policies in Clauses 22.04 and 22.05. Amendment C258 converted the gradings of approximately 7,000 heritage buildings.
34. As a result of commitments made by Council to the Amendment C258 Panel to address methodological issues with some places, there were approximately 400 buildings which were excluded from Amendment C258. In approving Amendment C258, the Minister advised Council to request authorisation to prepare a further amendment to finalise the conversion process. This was later progressed through Amendment C396 as described below.
35. Amendment C258 introduced:
- (a) the *Heritage Places Inventory February 2020 Part A* which listed the majority of heritage buildings in the municipality and their corresponding heritage categories.
 - (b) the *Heritage Places Inventory February 2020 Part B* which retained the listings for buildings that had not yet been converted to the new heritage category system.
 - (c) a new Heritage Precinct Statements of Significance incorporated document which comprised the statements of significance included within clause 22.04 (Heritage Places within the Capital City Zone) and also introduced new statements of significance for the six existing large heritage precincts outside the Capital City Zone of Carlton, East Melbourne and Jolimont, North Melbourne and West Melbourne, Parkville, South Yarra and Kensington.
 - (d) updated heritage policies at Clauses 22.04 (Heritage Places in the Capital City Zone) and 22.05 (Heritage Places Outside the Capital City Zone) and retained the previous heritage policies at Part B of these clauses to apply to buildings graded under the old system.
 - (e) applied the Heritage Overlay and incorporate statements of significance to new places in West Melbourne assessed to be of heritage significance in the West Melbourne Heritage Review 2016.

AMENDMENT C396 – HERITAGE GRADING CORRECTIONS

36. On 7 July 2022, Amendment C396 was gazetted.
37. Amendment C396 finalised the conversion of the outstanding places from Amendment C258 that required further review or were incorrectly converted, including C-graded buildings in precincts in City North, D-graded places in individual Heritage Overlays and buildings that were not identified or were listed incorrectly in the Amendment C258 Heritage Places Inventory.
38. Amendment C396 made changes that affected 24 properties within the North Melbourne Heritage Review study area. These properties were intentionally duplicated in Amendment C403 until Amendment C396 was gazetted, this was to make it clear that they had been considered and confirmed in the context of the North Melbourne Heritage Review and to ensure that they were implemented in the event that Amendment C396 did not proceed. The 24 affected properties were included in Amendment C403 documentation which was presented to the Future Melbourne Council (FMC) on 12 April 2022. At that meeting FMC resolved to seek authorisation from the Minister for Amendment C403 and also:
 - (a) *1.5 Authorises the General Manager Strategy, Planning and Climate Change to make any required policy neutral changes to the amendment documentation prior to exhibition, should other amendments that affect the same provisions in the Melbourne Planning Scheme be gazetted prior to the public exhibition of this amendment.*
39. Amendment C396 was gazetted prior to exhibition of Amendment C403 and policy neutral changes were made to reflect the gazettal of C396 and remove the duplication between the amendments.

C409 – PLANNING POLICY FRAMEWORK (PPF) TRANSLATION

40. Amendment C409 was gazetted on 21 September 2022.¹³
41. The Minister for Planning approved Amendment C409 for the PPF Translation under 20(4) of the *Planning and Environment Act 1987*. The Amendment translated the Local Planning Policy Framework content in the planning schemes into the new integrated PPF

¹³ After the Amendment was placed on public exhibition.

and Municipal Planning Strategy (**MPS**), consistent with the structure introduced by Amendment VC148 in July 2018.

42. The manner in which the PPF translation has occurred is outlined at [Attachment 1](#).
43. The only implication for the exhibited Amendment documents is a policy reference to the Review, which was intended for Clause 22.05. As a consequence of Amendment C409, the reference to the Review will now be at Clause 15.03-1L-02.
44. Council notes the new Clause 15.03-1L-03 Heritage (Old categorisation system) now only applies to Punt Road Oval (listed as 'Richmond Cricket Ground & Pavilion'), the removal of this Clause is being progressed through Amendment C405 - Carlton Heritage Review and Punt Road Oval.

AMENDMENT C402 – NORTH MELBOURNE HERITAGE REVIEW - INTERIM CONTROLS

45. Amendment C402 was gazetted on 6 October 2022. This amendment has been approved with a sunset clause of 31 July 2023.
46. On 19 April 2021, Council requested that the Minister for Planning, prepare approve and adopt Amendment C402 under 20(4) of the *Planning and Environment Act 1987*.
47. Amendment C402 implements the Review by providing interim Heritage Overlays for 108 properties while permanent controls are progressed through the Amendment.

D. NORTH MELBOURNE HERITAGE REVIEW 2022 METHODOLOGY

48. Council committed to preparing a North Melbourne Heritage Review in its Council Plan dated 2017 - 2021 in accordance with the actions in the *Heritage Strategy 2013*.¹⁴
49. The Review explains the extensive methodology employed by Lovell Chen¹⁵ and Ms Gray speaks to the approach taken in her expert evidence statement¹⁶.
50. In summary, the methodology comprised:
 - (a) Research;
 - (b) Fieldwork;

¹⁴ Heritage Strategy 2013, Actions 2.2 and 2.3 page 18.

¹⁵ At section 3 of the Review on pp 12-22.

¹⁶ At section 5.5 commencing at page 17.

- (c) Community engagement and consultation;
 - (d) Traditional owner group consultation;
 - (e) Thematic environmental history;
 - (f) Assessment of heritage places (existing and proposed HOs)
 - (g) Comparative analysis and ‘thresholding’ places
 - (h) Documentation of heritage places
 - (i) Mapping and curtilage considerations
 - (j) Review of heritage places in the inventory;
 - (k) Considerations of the grading system and definitions.
51. The study area for the Review (see Figure 1 page 6) includes the majority of the suburb of North Melbourne. It excludes places which are included in the Victorian Heritage Register under the *Heritage Act 2017*¹⁷ and also the Arden-Macaulay and City North heritage review, areas as discussed in paragraphs 28 to 30.
52. The Review considered the following places within the study area:
- (a) with and without existing Heritage Overlays, including Aboriginal heritage and places of shared values;
 - (b) private and public housing; public buildings and infrastructure;
 - (c) commercial, manufacturing, ecclesiastical, educational, artistic, cultural and recreational places; and
 - (d) landscapes including public squares.¹⁸
53. The Review recognised that parts of North Melbourne are experiencing growth and development pressure and it is therefore important to have greater clarity and understanding of the heritage significance and values of the area.
54. The Review considered whether:

¹⁷ Since the completion of the Review, the Actor’s studio house, Rear, 22 Shiel Street, North Melbourne has been added to the VHR (gazetted 18 August 2022). It is noted that no recommendations were made in the Review in relation to this building.

¹⁸ North Melbourne Heritage Review 2022, page 6.

- (a) The existing heritage controls are comprehensive and reflective of contemporary heritage values.
 - (b) There are additional heritage places or precincts.
 - (c) The boundary of the large North & West Melbourne Precinct affected by HO3 is still appropriate, could it be reduced or expanded; or could the precinct be broken up into smaller precincts or sub-precincts; or areas with built-form characteristics identified.
 - (d) There are places with Aboriginal values and associations.¹⁹
55. The Thematic Environmental History (**TEH**) prepared to support the Review addresses the whole of North & West Melbourne. The TEH was developed over the course of the project and was reviewed and updated following completion of the fieldwork and assessments of places, and completion of the community engagement and the engagement with Traditional Owners.
56. Community engagement was conducted at initial stages of the Review and included a range of activities to identify areas of cultural and historical significance for diverse groups of people connected with the area. There were multiple forms of engagement undertaken by Council Officers and/or Lovell Chen and included in-person consultation as well as the City of Melbourne's online portal, Participate Melbourne.
57. The specialist heritage consultants, Extent Heritage undertook a process of consultation with the Traditional Owner groups; Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation, Bunurong Land Council Aboriginal Corporation and Boon Wurrung Foundation. The Traditional Owners were consulted to understand the historical and contemporary experience of Aboriginal people living and working in North Melbourne, with this new information documented in the Thematic Environmental History and throughout the individual place citations in the Review.

¹⁹ North Melbourne Heritage Review 2022, page 6.

E. ALIGNMENT WITH PLANNING PRACTICE NOTE 1: APPLYING THE HERITAGE OVERLAY (**PPN01**)

58. PPN01 was revised in August 2018 (following the gazettal of Amendment VC148) and states:

a statement of significance must be incorporated in the planning scheme for each heritage place included in the schedule to the Heritage Overlay after 31 July 2018; and

if the statement of significance is incorporated in the planning scheme, the name of the statement must be specified in the schedule to the overlay.

59. PPN01 states that the following places should be included in a Heritage Overlay:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

60. PPN01 also provides:

The heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.

61. PPN01 outlines recognised heritage criteria to be used for the assessment of the heritage value of the heritage place being the criteria also known as the HERCON Criteria established in the Victorian Heritage Register Criteria and Threshold Guidelines (2014).

62. The criteria are:

- **Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- **Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- **Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).

- **Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- **Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- **Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- **Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- **Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

63. The assessment of existing and proposed new heritage places was undertaken in accordance with PPN01, as applicable to the revision of HO3 and HO295 (North Melbourne Primary School) as well as the proposed four new places:

- HO1386 The Albion Hotel, 171-173 Curzon Street, North Melbourne.
- HO1387 Hotham Gardens, Stage 1, 55-61, 63-69, 71-77, 79-85, 87-93, 95-101 O'Shanassy Street, North Melbourne.
- HO1388 Harris Plane Tree Avenue, Harris Street (between Errol and Curzon Streets), Plane Tree Way (between Dryburgh and Abbotsford Streets), Part 302-326 Abbotsford Street, Part 50-56, 58-64, 66-72, 74-80, 92-132 O'Shanassy Street and Part 141-157 Curzon Street, North Melbourne.
- HO1389 Flemington Bridge Railway Station, 211 Boundary Road, North Melbourne.

64. PPN01 directs that a statement of significance must be prepared using the format 'What is significant?'; 'How is it significant?' and 'Why is it significant?'. The Review initially prepared the HO3 statement in a citation format, this format is consistent across Council's recent and current heritage reviews. However to achieve authorisation from the Minister to progress the Amendment, the North & West Melbourne Precinct HO3 Statement of Significance was amended as required by DELWP. To comply, some content was removed from the current Statement of Significance, including the

paragraphs pertaining to the headings; History and Description and the Review was also updated to reflect this change. This is further discussed at paragraph 84.

65. The Review prepared two new statements of significance for the following two properties within HO3; the *Wes Lofts & Co Office, 135-141 Abbotsford Street, North Melbourne Statement of Significance* and *Ss Peter and Paul Ukrainian Catholic Cathedral, 35-37 Canning Street, North Melbourne Statement of Significance*.²⁰ Lovell Chen's rationale for this approach is explained in the Review's methodology report:

"These statements have been prepared to clarify the values of the two sites, on the basis these are outside the main period of significance for HO3. The precinct is significant for its predominantly nineteenth-century built form with overlays of both the Edwardian and interwar periods. In contrast, the above places were constructed in the late post-WWII period, with the Cathedral constructed in 1962-63, and the late twentieth century, with the Wes Lofts & Co Office constructed in 1971-72.

*The statements developed for these two places include historical and descriptive information, and a statement in the 'What? How? Why?' format. The intention is that the statements confirm and clarify their significant grading within the HO3 precinct. These places are not proposed for individual HO controls."*²¹

66. DELWP advised Council that statements of significance for individual heritage properties within a precinct are not supported on the following basis:
- (a) all relevant information should be contained in the precinct statement; and
 - (b) if a property within a precinct requires a statement of significance they may have different values and therefore may warrant an individual HO.
67. On the advice from the Department, the two new statements for the properties within HO3 are not proposed to be incorporated through this Amendment.
68. Comparative analysis was a key part of the assessment methodology. It assisted in identifying whether a place met the threshold for an individual HO control.
69. PPN01 requires that to apply a threshold,

²⁰ Ss refers to Saints Peter and Paul.

²¹ The Review, page 19

“some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay. Places identified to be of potential state significance should undergo analysis on a broader (statenwide) comparative basis.”

70. In undertaking the comparative analysis for this study, the methodology report notes that:

*“similar places were referenced to inform an understanding of how the place under review compared, including places within the study area and also more broadly.”*²²

71. In relation to mapping protocol, PPN01 directs that:

“it is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item.”

The Review generally maps the title boundaries of affected land with one exception being for the proposed Harris Street Plane Tree Avenue Heritage Overlay where two sections are located in private property. The approach has been to map only part of the private land as the intention is to not control works to the buildings.

72. It is submitted by Council the Amendment meets the requirements of the PPN01 specifically:

- A recognised criterion has been adopted for the assessment of the heritage values of each place and precinct.
- A statement of significance has been prepared for each place and precinct using the three-part format of ‘What is significant?’, ‘How is it significant?’ and ‘Why is it significant?’
- A threshold of significance has been applied to each of the proposed heritage, building categories, places and precincts.
- A comparative analysis was a key part of the assessment and formed the basis of the Amendment as outlined in detail in the *North Melbourne Heritage Review July 2022*.

²² Heritage Review page 16

F. ASSESSMENT APPROACH OF BUILDING HERITAGE CATEGORIES

73. The Review outlines the assessment methodology employed by Lovell Chen²³ and Ms Gray speaks to the approach taken in her expert evidence statement²⁴.
74. The assessment of building heritage categories included the application of the existing grading system of Significant/Contributory/Non-contributory and their definitions. This grading system has been through an extensive panel process recently adopted as an outcome of Amendment C258 (gazetted on 10 July 2020).
75. The review of building categories within HO3 did not involve a formal comparative assessment, however the process did involve the development of a threshold for each category which included the consideration of other related places, including a consideration of levels of intactness of related places. Within the study area existing categories of buildings were checked and any apparent anomalies identified. Where a change to a category was considered, the relevant issues for assessment included: age, historical and social associations, intactness, design quality and notable features.

IV. AUTHORISATION AND REQUEST FOR INTERIM CONTROLS

76. At its meeting on 12 April 2022, the Future Melbourne Committee resolved:
- *Endorses the North Melbourne Heritage Review March 2022 at Attachment 2 of the report from management.*
 - *Requests that the Minister for Planning prepare and approve Planning Scheme Amendment C402 pursuant to section 20(4) of the Planning and Environment Act 1987.*
 - *Seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C403 (Attachment 5 of the report from management) in accordance with the Planning and Environment Act 1987.*
 - *Authorises the General Manager Strategy, Planning and Climate Change to make any required administrative changes to Planning Scheme Amendment C403 (Attachment 5 of the report from management) in the event that the Minister for Planning approves C402 before exhibition of C403.*

²³ At section 3 of the Review on pp 12-22.

²⁴ At section 5.5 commencing at page 17.

- *Authorises the General Manager Strategy, Planning and Climate Change to make any required policy neutral changes to the amendment documentation prior to exhibition, should other amendments that affect the same provisions in the Melbourne Planning Scheme be gazetted prior to the public exhibition of this amendment.*
- *Authorises the General Manager, Strategy, Planning and Climate Change to make any further minor editorial and referencing changes to Planning Scheme Amendments C402 and C403 as required.*

77. On 19 April 2022, Amendment C402 was submitted to the Minister for Planning for approval seeking interim heritage protection.
78. On 20 April 2022, Council sought authorisation to prepare and exhibit Amendment C403.

G. MINISTERIAL AUTHORISATION

79. On 5 May 2022, the Minister for Planning granted authorisation for Amendment C403 under delegation subject to the following conditions:
 - (a) *Prior to exhibition, unless otherwise agreed in writing with Department of Environment, Land, Water and Planning (DELWP), amend the North and West Melbourne Statement of Significance in accordance with the guidance in Appendix A: Statement of Significance in the Planning Practice Note 1: Applying the Heritage Overlay and to follow the appropriate 'track change' format.*
 - (b) *2. Prior to exhibition, unless otherwise agreed in writing with DELWP, amend the proposed 'areas map' in the North and West Melbourne Statement of Significance to focus on the HO3 area and reduce the extent of other heritage overlay areas shown within the wider City of Melbourne.*
80. On 24 May 2022 a revised 'areas map' which accompanied the HO3 North & West Melbourne Statement of Significance was submitted to DELWP in accordance with condition (b).
81. On 24 June 2022 a revised Statement of Significance (HO3) was submitted to DELWP in accordance with condition (a). The changes made to the statement are discussed in paragraph 84 below.
82. On 2 August 2022, DELWP issued an email acknowledging the changes made to the Amendment and confirmed that Amendment C403 was ready to proceed to exhibition.
83. Copies of both items of correspondence are provided in [Attachment 2](#)

H. BACKGROUND INFORMATION RELATING TO AUTHORISATION

CONDITION (a) OF AUTHORISATION

84. The *North & West Melbourne Precinct HO3 Statement of Significance* was amended in accordance with the Minister's conditions of Authorisation. Content was removed from the current Statement of Significance, including the paragraphs pertaining to the headings; History and Description. Council expressed concern to DELWP about the removal of information from the statement, which is an incorporated document being moved to the Review as a background document and the relative statutory weight given to incorporated vs background documents. DELWP advised Council that the headings did not accord with the format required by PPN01 for a statement of significance and required their removal. Council notes that, for comparison, Amendment C405 - Carlton Heritage Review and Punt Road Oval, which had recently received authorisation on 18 February 2022 (prior to Amendment C403 requesting authorisation) did not have the same condition applied, thereby retaining the headings History and Description in its Statement of Significance. The exhibited Carlton Statement of Significance can be seen here: [Carlton Precinct Statement of Significance Nov 2021](#).

ADVICE FROM DELWP PRIOR SUBMITTING THE AMENDMENT FOR AUTHORISATION

85. Currently the *HO3 North & West Melbourne Precinct Statement of Significance* is grouped with a number of other precinct statements into the incorporated document *Heritage Precincts Statements of Significance, February 2020*. The Department advised Council that statements of significance should be listed separately rather than being 'bundled' and accordingly the HO3 statement is proposed to be removed from this document and listed separately in the Schedules to Clauses 43.01 and 72.04 as part of this Amendment.
86. The Review prepared two new statements of significance for the following two properties within HO3; the *Wes Lofts & Co Office, 135-141 Abbotsford Street, North Melbourne Statement of Significance* and *Ss Peter and Paul Ukrainian Catholic Cathedral, 35-37 Canning Street, North Melbourne Statement of Significance*.²⁵

²⁵ Ss refers to Saints Peter and Paul.

87. As discussed in paragraph 65 above, DELWP advised Council that statements of significance for individual heritage properties within a precinct are not supported. Given this the two new statements for the properties within HO3 are not proposed to be incorporated through this Amendment into the Schedules Clause 43.01 and 72.04 and will sit within the Review as background document under the Scheme.

V. EXHIBITION OF THE AMENDMENT

88. The Amendment was exhibited between 11 August and 15 September 2022. The following documents formed part of the exhibited Amendment:

- (a) Notice of Preparation.
- (b) Explanatory Report.
- (c) Instruction sheet.
- (d) Heritage Places Outside the Capital City Zone (Clause 22.05).
- (e) the Schedule to Heritage Overlay (Clause 43.01s).
- (f) the Schedule to Incorporated Documents (Clause 72.04s).
- (g) the Schedule to Background documents (Clause 72.08s).
- (h) Amended Heritage Overlay Maps.
- (i) Amended Heritage Places Inventory February 2020 Part A (Amended November 2021). ²⁶
- (j) Statements of Significance for six places including; five new statements and an amended HO3 North & West Melbourne Precinct Statement. Note that the *Heritage Precincts Statements of Significance, July 2022* is also amended. ²⁷
- (k) North Melbourne Heritage Review (Lovell Chen, July 2022).

89. Public notification of the Amendment included:

²⁶ Being the version of the Inventory that was current at the time of the Amendment's exhibition.

²⁷ The *Heritage Precincts Statement of Significance July 2022* was included in this list as the Amendment proposes to remove HO3 North & West Melbourne Precinct from this document and include the Statement of Significance for this precinct in a separate Incorporated Document, as recommended by DELWP.

- (a) mailing out the statutory notice and a letter with information about the Amendment on 8 August 2022 to:
 - (i) owners and occupiers of land affected by the Amendment;
 - (ii) targeted stakeholders, including:
 - Hotham History Project History Group
 - Moonee Valley Council
 - Melbourne Heritage Action
 - VicTrack
 - VicRoads
 - North & West Melbourne Association Inc. Residents Association
 - National Trust
 - Heritage Victoria
 - Royal Historical Society of Victoria
 - (iii) prescribed Ministers under Section 19(1)(c) of the *Act*
 - (b) publishing a public notice in The Age on 11 August 2022 and Government Gazette on 11 August 2022; and
 - (c) making an electronic copy of the Amendment and supporting information available for public viewing online on the Participate Melbourne website and on the Department's Planning Documents on Exhibition.
90. Public information sessions were held in person at the North Melbourne Library on 18 August and virtually via Zoom on 24 August 2022.
91. Properties in Hotham Gardens were re-notified on 6 September 2022 and provided with an additional calendar month to respond upon discovery of an issue regarding postal addresses not aligning with Council's Geographical Information System (**GIS**) mapping data.

VI. SUBMISSIONS

92. In response to the exhibition of the Amendment, Council received twenty three (23) submissions. They can be broadly summarised as follows:
- (a) Eight submissions supported the Amendment - including general support for the amendment and/or support for the protection of specific properties.
 - (b) Fourteen submissions recommended changes to the grading and or the application of a Heritage Overlay for specific properties.
 - (i) Of these submissions, a submission which also expressed concern that the Review should prepare statements of significance for all buildings that are assessed as significant and also recommended changes to the North & West Melbourne Statement of Significance and Thematic History.
 - (c) A general objection to the heritage category definitions and planning permit triggers.

I. INFORMAL NOTIFICATION

93. All the submissions were considered by Council officers and all submissions proposing changes to the Amendment were considered by Lovell Chen. Following consideration, Lovell Chen recommended a number of changes including changes to building categories, changes to the HO3 boundary and changes to the Statements of Significance for HO3 and 211 Boundary Road, North Melbourne (Flemington Bridge Station HO1389).
94. On 11 November 2022 and 19 January 2023 in response to separate proposed changes to be made to the Review post exhibition, owners and occupiers of properties proposed to have a category change and who had not made a submission, were notified of these proposed changes. No additional submissions were received.

VII. REQUEST FOR PANEL APPOINTMENT

95. On 21 February 2023 the revised Amendment and all submissions were presented to the Future Melbourne Committee and it was resolved:

That the Future Melbourne Committee:

1.1 Considers the submissions received during the exhibition of proposed Melbourne Planning Scheme Amendment C403 - North Melbourne Heritage Review (the Amendment).

1.2 Endorses responses to all submissions, as set out in Attachment 2, subject to resolution 1.4.

1.3 Requests the Minister for Planning appoint a Panel to consider all submissions and refers all submissions to the appointed Panel in accordance with section 23 of the Planning and Environment Act 1987.

1.4 Endorses the revised form of the Amendment to be referred to the Panel, as set out in Attachment 3, but amended to delete from the statement of significance for Flemington Bridge Railway Station in the 'what is significant' section the words "Access ramps including form and location but excluding modern surfacing", and to reduce the extent of the proposed overlay itself to take in no more than the 1944-45 weatherboard station building and the platforms. The revised form of the amendment includes changes in response to submissions and is otherwise in accordance with the exhibited version of the Amendment.

1.5 Authorises the General Manager Strategy, Planning and Climate Change to make any further minor editorial changes to the Amendment.

96. On 23 February 2023, Council formally requested that a Panel be appointed to consider the submissions received in response to the Amendment.

97. On 1 March 2023, Council received advice from Planning Panels Victoria that the Minister for Planning had appointed a two person Panel to hear and consider submissions in respect of the Amendment on the following dates:

Directions Hearing: 24 March 2023

Panel Hearing: 26 April – 1 May 2023

VIII. CHRONOLOGY OF EVENTS

98. A chronology of events is set out at [Attachment 3](#).

IX. STRATEGIC CONTEXT AND ASSESSMENT

99. A strategic assessment of the Amendment is detailed in the Explanatory Report exhibited with the Amendment.

100. This section sets out the response of the Amendment to the relevant Ministerial directions, State policies, expressed through the MPS and PPF and other relevant provisions of the Scheme.

J. MINISTERIAL DIRECTION

101. Council submits that the Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning & Environment Act 1987*.
102. The proposed ordinance and map changes have been prepared in accordance with the relevant requirements of the 9 April 2017 Ministerial Direction. The statements of significance are proposed as an incorporated document consistent with PPN01.
103. The Amendment is consistent with Minister's Direction 9 – Metropolitan Planning Strategy under Section 12(2) of the *Planning & Environment Act 1987*, by implementing the relevant aspects of Plan Melbourne 2017- 2050 objectives and outcomes at the municipal level. The Amendment is consistent with the key principles and the accompanying directions and policies, in particular:

Outcome 4 - Melbourne is a distinctive and liveable city with quality design and amenity.

104. Ministerial Direction No. 11 seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. Compliance with Ministerial Direction 11 forms part of the Explanatory Report that was prepared for the Amendment. This assessment is adopted for the purpose of Council's submissions. Council submits that the Amendment is consistent with Ministerial Direction 11 – Strategic Assessment of Amendments.

K. PLAN MELBOURNE 2017-2050

105. The Amendment is supported by the principles and outcomes of *Plan Melbourne 2017- 2050: Metropolitan Planning Strategy* (**Plan Melbourne**).
106. Plan Melbourne outlines: principles that underpin a long-term vision for Melbourne; outcomes to drive Melbourne as a competitive, liveable and sustainable city; directions which set out how these outcomes can be achieved; and policies which outline how each outcome will be approached, delivered and achieved.
107. Plan Melbourne comprises nine principles, seven outcomes, 32 directions and 90 policies to deliver on the vision for Melbourne as '*a global city of opportunity and choice*'. The Amendment is supported by the following relevant principles and outcomes:

108. Principle 1, ‘A distinctive Melbourne’, notes:

*Melbourne has an enviable natural environment, important Aboriginal cultural heritage values, a rich inheritance of open space, and landmark buildings and streets created during the population booms of the Gold Rush and post-War period. **To ensure Melbourne remains distinctive, its strengths will be protected and heritage preserved while the next generation of growth is planning to complement existing communities and create attractive new neighbourhoods.***

[Emphasis added]

109. Outcome 4, ‘Melbourne is a distinctive and liveable city with quality design and amenity’, provides:

Melbourne has always been a place defined and designed by its people.

The challenge ahead of this generation is to design a version of the city and state that, while protecting the best aspects of the natural and built environment, supports social and cultural diversity and economic activity and creates a sense of place.

An identifiable sense of place emerges from a unique set of characteristics and quality – visual, cultural, environmental and social. Communities with a high level of attachment to their cities also tend to have a high rate of Gross Domestic Product growth.

110. This outcome is translated through to Direction 4.4, ‘Respect Melbourne’s heritage as we build for the future’, which notes that:

Heritage will continue to be one of Melbourne’s competitive strengths, contributing to its distinctiveness and liveability and attracting visitors, new residents and investors. Heritage is an important component of Victoria’s tourism industry and benefits the economy.

*In time, new development will add to Melbourne’s rich legacy of heritage places. The process of building a new legacy is important, **just as it is vital that current assets are protected.***

Innovative approaches to the creative re-use of heritage places need to be adopted, ensuring good urban design both preserves and renews historic buildings and places.

[Emphasis added]

111. 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) 4.4.2 Respect and protect Melbourne’s Aboriginal cultural heritage.
- (c) 4.4.3 Stimulate economic growth through heritage conservation.
- (d) 4.4.4 Protect Melbourne’s heritage through telling its stories.

112. Policy 4.4.1 seeks to ‘Recognise the value of heritage when managing growth and change’.

It states:

With all three levels of government sharing responsibility for protecting Melbourne's post - settlement cultural heritage, decision-making must be consistent and credible and be based on clear and widely accepted heritage conservation principles and practices.

Realising the community benefit of heritage will require careful management of the ongoing processes of change to the urban environment. Decisions must be based on an appreciation of Melbourne's past as well as an understanding of its future needs.

There will need to be a continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified as likely to be subject to substantial change.

[Emphasis added]

113. The Amendment seeks to advance the outcome, direction and policies as set out at Outcome 4 as it seeks to apply heritage protection to unprotected, culturally significant assets for the benefit of current and future generations. It gives recognition to one of Melbourne's oldest and most cherished neighbourhoods, so that it may be reflected upon and understood by Melburnians for years to come.

L. MUNICIPAL PLANNING STRATEGY (MPS)

114. The Amendment is consistent with the strategic directions of the Scheme. In describing the municipality's heritage profile, Clause 02.03-4 of the Strategic Directions states:

One of the great Victorian-era cities in the world, the City contains many precincts, intact streetscapes and buildings recognised for their cultural heritage significance. While mostly known for its Victorian and Edwardian streetscapes, there are many examples of outstanding interwar, post war and contemporary architecture in the municipality.

115. Clause 02.03-4 (Built Environment and Heritage) acknowledges the importance of heritage and includes comprehensive strategies for the protection and enhancement of heritage in Melbourne, as follows:

Melbourne's character is defined by its distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial.

116. In managing the built environment Clause 02.03-4 requires Council to:

Protect and enhance the City's distinctive physical character and heritage, maintain the importance of:

- *identified places and precincts of heritage significance*

- *the World Heritage Listed Royal Exhibition Building and Carlton Gardens*
- *the Shrine of Remembrance*
- *the Hoddle Grid*
- *the Yarra River Corridor, Victoria Harbour and waterways*
- *the network of parks and gardens the Hoddle Grid's retail core*
- *the network of lanes and arcades boulevards*
- *the sense of place and identity in different areas of Melbourne*

117. In protecting heritage values Clause 02.03-4 requires Council to:

Conserve and enhance places and precincts of identified cultural heritage significance, including views to heritage places.

M. PLANNING POLICY FRAMEWORK (**PPF**)

118. Council submits that the Amendment is consistent with the PPF including:

- (a) Clause 15 (Built Environment and Heritage) which provides that '*planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value*'.
- (b) Clause 15.01-1R (Urban design- Metropolitan Melbourne) which seeks '*to create a distinctive and liveable city with quality design and amenity*'.

119. Clause 15.03-1S (Heritage conservation) which seeks 'to ensure the conservation of places of heritage significance.' Relevant strategies include:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of 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.*

120. Relevant policy guidelines include *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*.

121. Clause 15.03-1L-02 (Heritage) has policy objectives to:

To encourage retention of the three dimensional fabric and form of a building and discourage facadism.

To protect significant views and vistas to heritage places.

122. Clause 15.03-1L-02 (Heritage) also requires that:

This policy should be applied in conjunction with Statements of Significance as incorporated into this scheme.

123. Definitions of key terms are located in the incorporated document, *Heritage Places Inventory March 2022* as follows:

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 Significant heritage place 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

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

Individual heritage place

An individual heritage place is equivalent to a significant heritage place. It may be categorised significant within a heritage precinct. It may also have an individual Heritage Overlay control, and be located within or outside a heritage precinct.

124. By including the identified places within the Heritage Overlay, the Amendment will ensure that the significance of these heritage places is protected, conserved and enhanced. The Heritage Overlay will require consideration to be given to the significance of the identified heritage place as part of a planning permit application.
125. By providing a category of significant or contributory for each heritage place, the Amendment ensures that a clear management framework is in place for each place under Clause 15.03-1L-02.
126. Clause 11.03-6L-10 North Melbourne contains the following relevant policies to:
- *Maintain the predominantly low scale of residential areas and the Mixed Use Zone in North Melbourne.*
 - *Maintain lower scale streetscapes in other parts of North Melbourne and ensure that development is sympathetic to the architecture, scale and heritage character.*
 - *Encourage the re-use of existing warehouse and industrial buildings with efficient recycling potential where these contribute to the traditional mixed use character of the area.*
 - *Reinforce Flemington Road as a key tree lined boulevard entry to the Central City, such as through building setbacks and landscaping.*
 - *Maintain the existing two storey scale in the Errol and Victoria Street shopping precinct consistent with the area's heritage buildings.*
127. The Amendment is consistent with and seeks to implement the PPF.

N. CLAUSE 43.01 – HERITAGE OVERLAY

128. The purposes of the Heritage Overlay are:
- *To implement the Municipal Planning Strategy and Planning Policy Framework.*
 - *To conserve and enhance heritage places of natural or cultural significance.*
 - *To conserve and enhance those elements which contribute to the significance of heritage places.*
 - *To ensure that development does not adversely affect the significance of heritage places.*
 - *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

129. Clause 43.01-2 sets out the requirements where a heritage place is included in the Victorian Heritage Register stating this is subject to the requirements of the *Heritage Act 2017*.
130. Clause 43.01-5 (Statements of significance) notes the schedule to the Heritage Overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148.
131. Clause 43.01-8 sets out the decision guidelines relevant to a responsible authority's consideration of an application.
132. Council submits the Amendment as proposed is consistent with the operation of clause 43.01.

O. **CLAUSE 71.02 OPERATION OF THE PLANNING POLICY FRAMEWORK**

133. Clause 71.02-1 sets out the purpose of the PPF as follows:

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change. The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

134. The operation of the Planning Policy Framework is outlined at clause 71.02-2.
135. Clause 71.02-3 requires Council as the Planning Authority to take into account the PPF when it prepares an amendment to the Scheme. Council has carefully considered the PPF in the preparation of the Amendment and submits the Amendment appropriately responds to planning policy, as detailed within this Part A submission.

X. **TABLE OF SUBMISSIONS OPPOSING A PROPERTY CATEGORY CHANGE OR HERITAGE OVERLAY**

136. In accordance with Direction 5(c), the table in [Attachment 4](#) identifies the properties where a category change or the Heritage Overlay is proposed to be applied or removed.

XI. ISSUES RAISED IN SUBMISSIONS OPPOSING A PROPERTY CATEGORY OR HERITAGE OVERLAY

137. In responding to the 15 submissions received during exhibition which opposed or made suggestions to change the recommendations of the Review, Council sought the advice of Lovell Chen, who prepared a response to each of the matters raised.
138. This advice informed the detailed officer response to each submission, which was provided in Attachment 2 (Management Recommendations Table) to the Future Melbourne Committee report dated 21 February 2023 (**21 February FMC Report**). Council's response will be expanded upon as relevant in Council's Part B submission.
139. Broadly, the issues from the 15 opposing submissions received can be summarised as follows:
- (a) Five submissions (#5, #11, #15, #13, #14) objecting to a proposed heritage building category change from not listed to contributory for five properties: 680-684 Queensberry Street, 6 Baillie Street, 48-50 Baillie Street, 59-63 Chapman Street and 27-35 Leveson Street, North Melbourne.
 - (b) A submission (#19) objecting to the proposed heritage building category change from contributory to significant for 32-34 Erskine Street, North Melbourne.
 - (c) A submission (#6) objecting to the proposed heritage category of contributory for the 1940 school building within the St Aloysius College.
 - (d) Submissions (#7, #8 and #12) objecting to the proposed heritage building categories for two recently built properties: 8 George Street and 10 Canning Street.
 - (e) Two submissions (#10, #21) supporting the inclusion of Flemington Bridge Railway Station at 211 Boundary Road within an individual Heritage Overlay, subject to the access ramps and platform being excluded from its extent.
 - (f) A supportive submission (#12) requesting changes including; changing the heritage categories of five properties, preparing statements of significance for all significant buildings in the Review and revising the Review including the Thematic Environmental History (typographical errors and clarification) and the North & West Melbourne Precinct Statement of Significance (to reinstate the full citation,

reference specific properties in the statement, change a date and wording in the key attributes section and amend the West Melbourne sub area). The submission also made comment on significant streetscapes, two landmark buildings and protection of bluestone lanes and kerbs.

- (g) A submission (#20) objecting to the inclusion of properties boarded by Boundary Racecourse and Flemington roads within the Heritage Overlay, including the properties at 210-212 Boundary Road and 435 to 447 Flemington Road.
- (h) A submission (#23) requesting the inclusion of the Shiel Street, North Melbourne road reserve within the North and West Melbourne Precinct HO3.
- (i) A submission (#4) objecting to building heritage category definitions and planning permit triggers.

XII. PROPOSED CHANGES IN RESPONSE TO SUBMISSIONS

140. The table in [Attachment 5](#) of this report lists each proposed change to the Amendment in response to submissions and the consequential changes to the planning scheme maps and ordinances.

141. The issues raised in submissions were considered by management and where relevant, referred to Lovell Chen. The following is a summary of the proposed changes:

- (a) Re-categorise 8 Jones Lane, North Melbourne from non-contributory to significant.
- (b) Re-categorise 588 Victoria Street, North Melbourne from non-contributory to contributory.
- (c) Re-categorise 8 George Street, North Melbourne from contributory to non-contributory.
- (d) Remove 204, 206, 208 and 210-212 Boundary Road, North Melbourne from the Heritage Overlay.
- (e) Reinstate 10 Canning Street, North Melbourne to non-contributory.

- (f) Extend the existing Heritage Overlay HO3 boundary to include the road reserves of Shiel and Melrose streets including the intersection at Canning Street, North Melbourne.
 - (g) Amend the exhibited *North & West Melbourne Precinct HO3 Statement of Significance* to change the map, an address and one date correction.
 - (h) Amend the exhibited *Flemington Bridge Railway Station, 211 Boundary Road, North Melbourne Statement of Significance* (HO1389) to ensure changes to fabric are clear and reference to the additional ramp structure (on the City of Moonee Valley side).
142. Council relies on the evidence of Ms Gray regarding the aforementioned proposed re-categorisation of heritage properties and the extension of the HO3 to the aforementioned road reservations.
143. The proposed changes to the Amendment in response to the issues raised in submissions are set out in [Attachment 2 \(page 5 of 209\)](#) of the management's report presented to the 21 February FMC Report and will be expanded upon in Council's Part B submission .
144. The Panel will note the proposed changes in the 21 February FMC Report did not include the FMC resolution changes to 211 Boundary Road, North Melbourne (Flemington Bridge Station). On this, FMC resolved as follows:

*Endorses the revised form of the Amendment to be referred to the Panel, as set out in Attachment 3, but amended to delete from the statement of significance for Flemington Bridge Railway Station in the 'what is significant' section the words "Access ramps including form and location but excluding modern surfacing", **and to reduce the extent of the proposed overlay itself to take in no more than the 1944- 45 weatherboard station building and the platforms.** The revised form of the amendment includes changes in response to submissions and is otherwise in accordance with the exhibited version of the Amendment.*

(Bold emphasis added)

145. The additional change from the FMC resolution will require the following changes which have not yet been shown to the exhibited version of the document:
- (a) The statement of significance's map; and
 - (b) The Planning Scheme Map HO4.

146. The abovementioned mapping changes have not been undertaken at this time as mapping the location of the ramp will require the extent of the curtilage to be carefully considered and shown.

P. WORD VERSIONS WITH TRACKED CHANGES OF UPDATED EXHIBITED AMENDMENT DOCUMENTS AND PLANNING SCHEME MAPS IN RESPONSE TO SUBMISSIONS

147. The table in Attachment 5 identifies that changes are proposed to the following documents in response to submissions:

- (a) Heritage Overlay Schedule to Clause 43.01;
- (b) Schedule to 72.04 (Documents incorporated in this Planning Scheme);
- (c) The relevant section of *Heritage Places Inventory March 2022* (Incorporated Document);
- (d) *HO3 North & West Melbourne Precinct Statement of Significance*
- (e) *Flemington Bridge Railway Station, 211 Boundary Road, North Melbourne Statement of Significance* (HO1389).

148. In accordance with the Panel's Direction 5(g), word versions of these updated documents are provided in [Attachment 6](#) with the exception of the 21 February 2023 FMC changes to the *Flemington Bridge Railway Station, 211 Boundary Road, North Melbourne Statement of Significance* as noted at paragraph 144. Please note that the post exhibition changes are highlighted in yellow in the documents.

149. In addition to the updated word documents the Amendment includes proposed changes to the Melbourne Planning Scheme Map 4HO to reflect the deletion of four properties; 204, 206, 208 and 210-212 Boundary Road, North Melbourne from existing HO953 (proposed HO3) and the expansion of HO3 to include Melrose and Shiel Streets, North Melbourne. As noted at paragraph 146 the mapping change to proposed HO1389 - 211 Boundary Road North, Melbourne has not yet been shown. The Planning Scheme Amendment Map is also provided at Attachment 6.

XIII.CONCLUSION

150. The Amendment is underpinned by clear strategic support for heritage protection in the Scheme and by a body of detailed and rigorous work. The work contains a proper foundation for the changes proposed by the Amendment. The statutory processes for exhibition as well as receipt and consideration of submissions have been properly observed.
151. In accordance with the directions of the Panel, the Part B submission will address Council's response to issues in submissions, expand on specific matters raised by the Panel, provide a response to evidence and provide Council's final position on the Amendment.

Melbourne City Council
19 April 2023

TABLE OF ATTACHMENTS

Attachment Number	Title	OneDrive Link
1	PPF translation	Attachment 1
2	DELWP Letters Regarding Authorisation Exhibited Carlton Precinct HO1 Statement of Significance	Attachment 2
3	Chronology of Events	Attachment 3
4	Table of Submissions opposing and or recommending changes to the Review	Attachment 4
5	Table of Proposed Changes to Amendment C403 in response to submissions	Attachment 5
6	Tracked change word Versions of Updated Amendment Documents	Attachment 6