

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

IN THE MATTER of Amendment C258 to the Melbourne Planning Scheme

BETWEEN:

MELBOURNE CITY COUNCIL

Planning Authority

-and-

VARIOUS SUBMITTERS

AFFECTED LAND: All land within the Melbourne municipal area affected by a heritage overlay and particular properties in West Melbourne

PART A SUBMISSION OF THE PLANNING AUTHORITY

I. OVERVIEW

1. The City of Melbourne (**Council**) is the Planning Authority for Amendment C258 to the Melbourne Planning Scheme (**Scheme**). This Part A submission is made in accordance with the Panel's Directions dated 13 June 2018.
2. In addition to this Part A submission, Council will on the first three days of the hearing:
 - (a) call evidence from the following witnesses:
 - (i) Anita Brady of Lovell Chen (heritage – gradings conversion, precinct statements of significance and heritage policies);
 - (ii) Graeme Butler of Graeme Butler and Associates (heritage – West Melbourne Heritage Review);
 - (iii) David Helms of David Helms Heritage (heritage – gradings conversion review);

- (iv) Scott Hartley of Rivor Advisory Pty Ltd (auditing – Heritage Inventory);
 - (v) Sophie Jordan of Sophie Jordan Consulting (planning – heritage policies);
 - (b) present a Part B submission.
3. This Part A submission provides an overview of:
- (a) the nature of Amendment C258;
 - (b) the background to Amendment C258 (including a summary of previous heritage reviews and the current heritage program for the City of Melbourne);
 - (c) a chronology of events;
 - (d) the strategic context and assessment of the Amendment C258;
 - (e) the identification of the issues raised in submissions and responses to these issues;
 - (f) the changes to Amendment C258 documentation proposed as a result of the issues raised in submissions;
 - (g) the Minister’s Directions.

II. AMENDMENT C258

4. Amendment C258 is an important step in Council’s overall program to protect heritage in the municipality in that it transitions the City to the Significant, Contributory, Non-contributory grading system and brings the local policies into line with contemporary heritage practice.
5. Amendment C258 implements the Heritage Policies Review which includes review of Council’s local heritage policies, preparation of statements of significance for large precincts and conversion of A-D gradings to the Significant, Contributory, Non-Contributory system; and implements the *West Melbourne Heritage Review 2016* (**West Melbourne Heritage Review**).
6. Amendment C258 proposes to make the following changes to the Scheme:

- (a) Revise the two local heritage policies, *Clause 22.04 (Heritage Places within the Capital City Zone)* and *Clause 22.05 (Heritage Places outside the Capital City Zone)*. The new policies have shifted from their focus on Victorian and Edwardian dwellings and provide sound guidance for the assessment of planning applications affecting a broad range of heritage places. They provide greater clarity and certainty for developers and the community with regard to protecting the heritage value of heritage places. Both new policies have permit application requirements, and provisions relating to demolition, alterations, new buildings, additions, restoration and reconstruction, subdivision, vehicle accommodation, and services and ancillaries.
- (b) Replace the pre-existing incorporated document, *Heritage Places Inventory June 2016*,¹ which grades heritage places using the A to D heritage grading system and streetscapes a level 1, 2 and 3 classification, with a new incorporated document *C258 Heritage Places Inventory 2017 (C258 Heritage Inventory)*, which grades all heritage places within a Heritage Overlay using the Significant, Contributory, Non-contributory grading system and identifies streetscapes as being significant or not (yet to be assessed). The Inventory includes definitions of the terms ‘Significant’, ‘Contributory’ and ‘Non-contributory’.
- (c) Introduce the *Melbourne Planning Scheme Amendment C258: Heritage Precinct Statements of Significance 2017* as a new incorporated document in the Scheme. This document contains the statements of significance currently included within *Clause 22.04 (Heritage Places within the Capital City Zone)* and new statements of significance for the six largest existing heritage precincts outside the Capital City Zone. These provide local heritage context for, and thereby assist in, the assessment of planning permit applications in each area.

¹ When Amendment C258 was exhibited, the *Heritage Places Inventory June 2016* was incorporated into the Scheme. Prescribed Amendment C324 was gazetted on 24 May 2018 and deleted 35 Eastwood Street, Kensington from the Heritage Overlay and from the Heritage Places Inventory June 2016 and incorporated the *Heritage Places Inventory March 2018* into the Scheme. The June 2016 version of the Inventory differs from the March 2018 version only in that 35 Eastwood Street, Kensington is not listed. The gradings in the C258 Heritage Places Inventory 2017 were converted from the June 2016 version and accordingly, 35 Eastwood Street, Kensington was exhibited as Contributory (not in a significant streetscape) in the C258 Heritage Places Inventory 2017. As the property has not been removed from in the Heritage Overlay, consistent with the C258 gradings conversion methodology, 35 Eastwood Street, Kensington, should be removed from the C258 Heritage Places Inventory 2017.

- (d) Implement the recommendations of the West Melbourne Heritage Review by:
 - (i) modifying the Schedule to *Clause 43.01 Heritage Overlay* to introduce 20 new heritage places, and revise the descriptions of five existing heritage places, in West Melbourne;
 - (ii) amending planning scheme maps to reflect these changes;
 - (iii) introducing the *West Melbourne Heritage Review 2016: Statements of Significance* as a new incorporated document.
- 7. Amendment C258 affects all land within the Melbourne municipal area affected by a Heritage Overlay and particular properties in West Melbourne, as described in the Explanatory Report and as depicted in Figure 1 and Figure 2.
- 8. It is important to note that except for West Melbourne, Amendment C258 is not the result of a review of the heritage significance of existing heritage places in the municipality. Rather, it adopts a conversion methodology (to be discussed later in this submission) to convert all of the graded heritage places in the City of Melbourne from the old letter grading system to the contemporary Significant, Contributory, Non-contributory system.

Figure 1: Map of existing Heritage Overlays across the City of Melbourne (areas affected by Amendment C258)

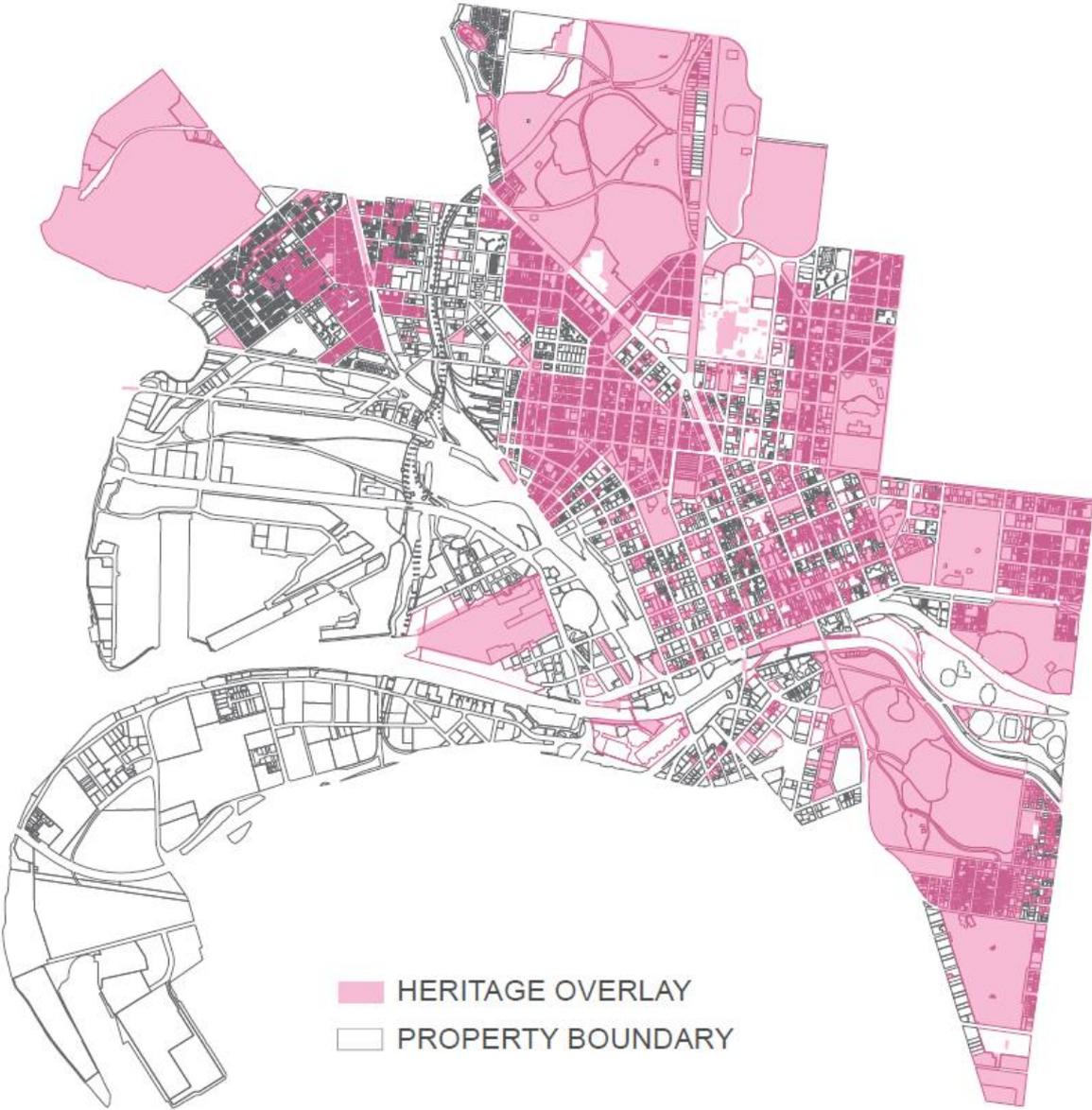


Figure 2: Map of West Melbourne Heritage Review Area



III. HERITAGE REVIEWS IN THE CITY OF MELBOURNE

- 9. More than 30 studies have been undertaken to document heritage in the Council municipal area since the first heritage controls were first introduced into planning schemes in Victoria, and there are currently more than 7,000 properties protected under the Heritage Overlay in the Scheme.
- 10. 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 for the following areas:²
 - (a) Parkville
 - (b) East Melbourne and Jolimont

² Urban Conservation in the City of Melbourne, City of Melbourne, 1985

- (c) Carlton
 - (d) Flemington/Kensington
 - (e) South Yarra
 - (f) Harbour, Railways, Industrial
 - (g) Central Activities District.
11. Council reviewed heritage protection in 2001 and 2002 through Amendment C19 (parts 1 and 2). This involved rationalising the heritage grading system from six categories (A to F) to four categories (A to D) and identifying 42 new heritage buildings (already in precincts). A further 19 heritage places in East Melbourne were introduced in 2003 through Amendment C56.
 12. Council has also progressively reviewed heritage protection for places in the Hoddle Grid through studies in 1985, 1993 and 2002: Central Activities District Conservation Study 1985, Central City Heritage Study Review 1993, Review of Heritage Overlay Listings in the CBD 2002.
 13. A study of the heritage of a section of Little Lonsdale Street was undertaken in 2010 and resulted in the introduction of the Heritage Overlay to a new heritage precinct known as 'Little Lon' through Amendment C165 approved in 2011.
 14. The Central City (Hoddle Grid) Heritage Review was undertaken in 2011 to build on earlier reviews and resulted in heritage protection for a further 87 places through Amendment C186 in 2013.
 15. In 2014, the Department of Environment, Land, Water and Planning (**Department**) undertook a heritage review of the Bourke Hill heritage precinct and amended Heritage Overlays and Design and Development Overlays, statements of significance and gradings to this section of the central city were introduced in 2015 under Amendment C240.

IV. HISTORY OF HERITAGE POLICIES AND PROVISIONS IN THE CITY OF MELBOURNE

16. The proposed changes to the heritage grading system in Amendment C258 are in response to State government and panel recommendations regarding best practice heritage protection and systems, and represent the continuation of an ongoing project to improve the operation of heritage controls within the City of Melbourne municipal area.
17. In 1999, at the time of approval of the new format Scheme, Council identified the need for a review of specific matters relating to the operation of Heritage Overlays within the municipality, including whether a new heritage grading system was needed.
18. Allom Lovell & Associates were commissioned by Council to undertake this review and make appropriate grading recommendations, and, following a period of extensive consultation with community groups and Council's Heritage Advisory Committee, issued a *Report on the City of Melbourne Planning Scheme Heritage Review* in March 2000.
19. In 2000, Planning Scheme Amendment C19 was prepared by Council to implement the recommendations of Allom Lovell & Associates' review and change the Scheme to include new provisions relating to heritage issues. One of the key changes to the Scheme included in Amendment C19 was the rationalisation of Council's letter grading system for heritage places from six grading categories (A to F) to four grading categories (A to D).
20. In May 2001, the panel report for Amendment C19 was issued and supported adoption of Amendment C19 (subject to modifications) and the revised letter grading system. Amendment C19 was subsequently adopted by Council and approved by the Minister for Planning.
21. On 31 December 2001, Amendment C19 was gazetted, establishing the A to D letter grading system for heritage places in the then 'Heritage Places Inventory 2000'. The A to D letter grading system has underpinned all heritage reviews conducted by Council in the intervening period between the gazettal of Amendment C19, and the preparation of Amendment C258.

22. In 2007, the Victorian Government appointed an Advisory Committee to review heritage provisions in planning schemes. Their report, *The Way Forward for Heritage* noted that current practice had moved away from the letter grading system and that it tended to “*result in the “lower” grade places being dismissed as being of marginal significance*”.
23. In 2012, the Victorian Government released the *Applying the Heritage Overlay Planning Practice Note (Planning Practice Note 1 “Applying the Heritage Overlay”)* which states “*The thresholds to be applied in the assessment of significance shall be ‘State Significance’ and ‘Local Significance’. ‘Local Significance’ includes those places that are important to a particular community or locality. Letter gradings (for example, ‘A’, ‘B’, ‘C’) should not be used.*” (p.2)
24. Following the direction from State government, recent panel reports on heritage amendments to the Scheme have included commentary on the deficiencies of the Council’s grading system and heritage policies.
25. In July 2012, the panel report for Amendment C186 (Central City Hoddle Grid) was issued, and described Council’s reliance upon the A-D grading system as being “*an out dated approach to heritage management*”. The panel in its report recommended a general review of the grading system be undertaken as part of developing a standardised approach to building listings, and identified concerns with multiple gradings for buildings in the City found in multiple documents referenced in Clause 22.04, the retention of which “*compounds the grading uncertainties.*”
26. In response to the State government direction regarding heritage controls, and the recommendations made by planning panels appointed to consider Council’s heritage planning scheme amendments, Council prepared the *Heritage Strategy 2013 (Heritage Strategy)*. The Heritage Strategy sets out a 15-year plan to protect the City’s heritage buildings, places and objects.
27. The Heritage Strategy identifies the following key actions related to the improvement of the heritage protection and systems in the City of Melbourne:
 - (a) Review and update local policies in Clauses 22.04 and 22.05. Consider principles for adaptation, re-use and creative interpretation in the review.

- (b) Develop statements of significance, drawing from themes 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 city.
 - (c) Undertake a review of the Council’s heritage places grading system and update in accordance with Planning Practice Note 1 “Applying the Heritage Overlay”.
28. In January 2014, the panel report for Amendment C207 (Arden-Macaulay) was issued, and recommended, “*that the Council proceed with its review of its heritage gradings system as a priority.*”
29. On 1 July 2014, a discussion paper was endorsed by the Future Melbourne Committee and was released for public consultation, entitled *Review of the Local Heritage Planning Policies in the Melbourne Planning Scheme (2014 Discussion Paper)*. The 2014 Discussion Paper included the following recommendations:
- (a) To provide additional guidance in the local heritage policies in Clauses 22.04 and 22.05.
 - (b) To phase out the current A to D grading system and adopt a new contributory/significant grading system.
 - (c) To work with the community to develop Statements of Significance for the seven heritage precincts outside the Capital City Zone³ that do not currently have them.
30. In early 2015, Council engaged Lovell Chen to implement the recommendations of the 2014 Discussion Paper, to respond to comments received during consultation on the 2014 Discussion Paper and to undertake further stakeholder consultation.
31. The 2014 Discussion Paper and the background work by Lovell Chen informed the Heritage Policies Review which is being implemented by Amendment C258.

³ The seven heritage precincts were HO 1 – Carlton, HO 2 – East Melbourne and Jolimont, HO 3 – North and West Melbourne, HO 4 – Parkville, HO 5 – South Melbourne, HO 6 – South Yarra and HO 9 – Kensington. As HO5 South Melbourne generally covered roads and only one property, a statement was not prepared for this precinct.

32. By May 2015, the panel report for Amendment C240 (Bourke Hill) described the A-D grading system as on “*its last legs*”.

V. THE HERITAGE STRATEGY 2013 AND THE PROGRAM OF HERITAGE REVIEWS

33. The Heritage Strategy also resulted in a program of heritage reviews which have been or are currently being undertaken by Council.
34. In this respect, the following actions are identified in the Heritage Strategy:
- (a) Progressively undertake a review of heritage in the high-growth, urban renewal and mixed use areas in the City.
 - (b) Review the heritage controls in the residential zones of the City, targeting resolution of gaps and inconsistencies in the existing controls.
 - (c) Review the scope of heritage place studies and reviews in the municipality to ensure that all relevant places are included and protected.
35. Accordingly, a series of heritage reviews have been completed, translated into planning controls and included in the Scheme through planning scheme amendments. These include:
- (a) Arden Macaulay Heritage Review 2012 (Amendment C207 – approved 14 July 2016);
 - (b) City North Heritage Review 2013 (Amendment C198 – approved 15 October 2015); and
 - (c) Kensington Heritage Review 2013 (Amendment C215 – approved on 30 July 2015).
36. Heritage reviews which have recently been completed and are the subject of current planning scheme amendments include:
- (a) the West Melbourne Heritage Review 2016 (Amendment C258);
 - (b) Guildford and Hardware Laneways Study 2017 (Amendment C271); and

(c) Southbank and Fishermans Bend Heritage Review 2017 (Amendment C305).

37. Heritage reviews are currently underway for Fishermans Bend and the Hoddle Grid and will commence in the 2018-19 financial year for North Melbourne and Carlton.

38. Figure 3 below shows areas which are the subject of recently completed or forthcoming heritage studies and areas where heritage studies have previously been undertaken.

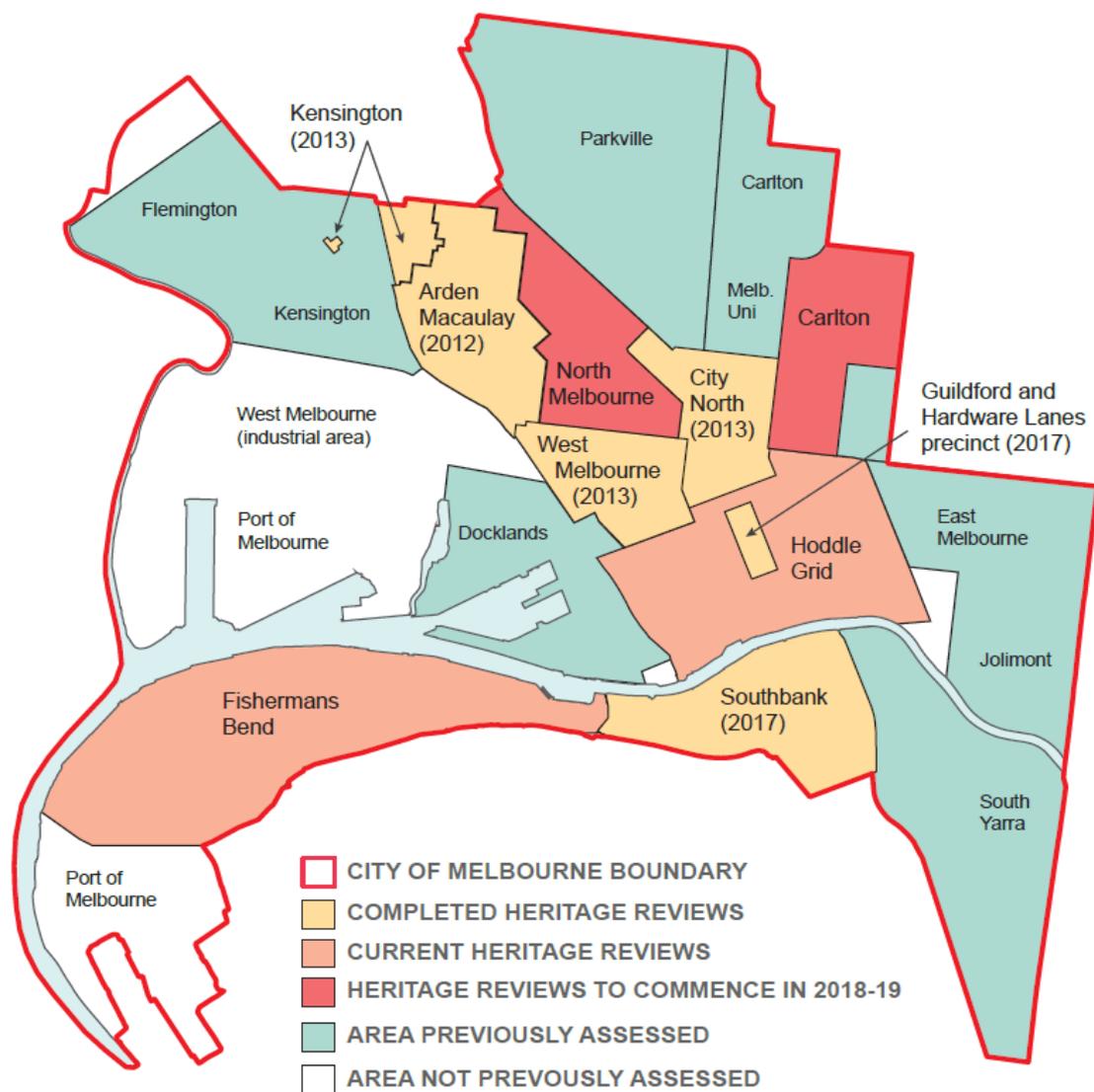


Figure 3: Heritage reviews in the City of Melbourne

VI. BACKGROUND WORK THAT INFORMED AMENDMENT C258

A. HERITAGE POLICIES REVIEW

- 39. Lovell Chen were engaged to conduct the Heritage Policies Review in early 2015 and throughout that year, community consultation and targeted stakeholder consultation were undertaken in conjunction with Lovell Chen and engagement specialist Capire Consulting Group to inform the drafting of the statements of significance and the revised local policies. This consultation included community workshops and heritage walks in each of the six large heritage precincts outside the CCZ, meetings with residents groups and their associated planning and heritage groups, online engagement through Participate Melbourne and meetings with key internal and external stakeholders.
- 40. From mid-December 2015 to mid-February 2016, community engagement was undertaken on the draft new statements of significance and draft new heritage policies. Thirty submissions were received, including from the following associations/organisations: North and West Melbourne Association; Carlton Residents Association; East Melbourne Historical Society; National Trust; Melbourne Heritage Action; Hotham History Project; Parkville Association Inc.; RBA Architects + Conservation Consultants; and Melbourne South Yarra Residents Group.
- 41. A summary of the community consultation involved in the Heritage Policies Review is in Figure 4:

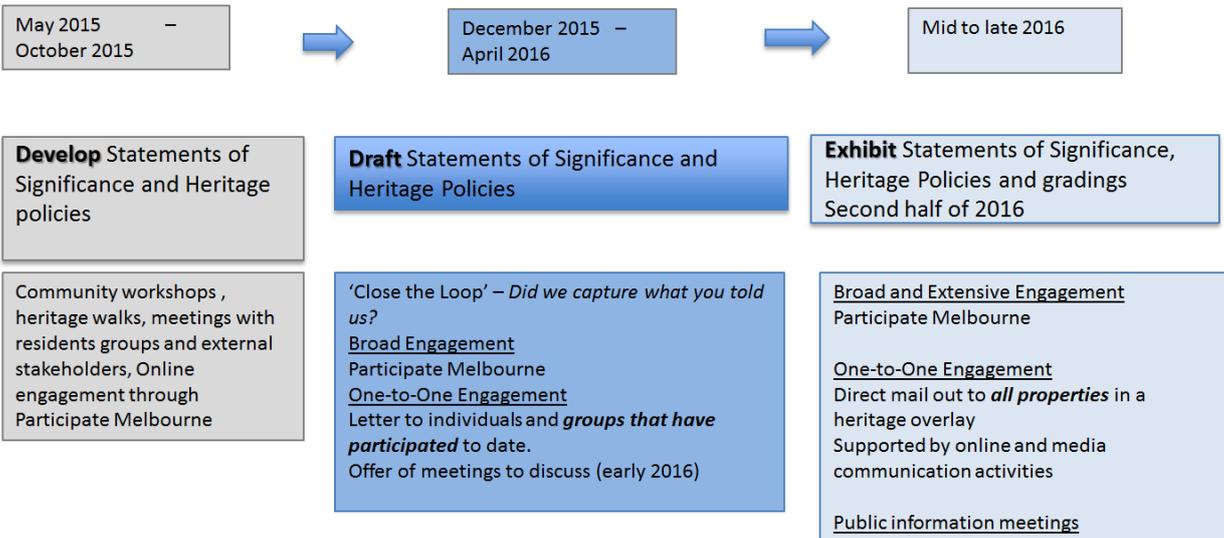


Figure 4 - Slide presented to the Future Melbourne Committee of 5 July 2016

B. PREPARATION OF C258 HERITAGE INVENTORY FOR EXHIBITION

42. As set out in the ‘Methodology Report City of Melbourne Heritage Gradings Review October 2015’, Lovell Chen were provided with gradings from the Council’s ‘i-heritage database’.
43. In May 2015 Lovell Chen requested a “database containing property addresses and gradings (as matched by the i-heritage database) and the relevant Heritage Overlay numbers” for properties within HO precincts. In June 2015 Council provided Lovell Chen with spreadsheets of this information, sourced from the i-heritage database, which excluded properties (that had already been assessed under, or converted to, the contemporary gradings system) in recent heritage reviews from City North (C198), Arden Macaulay (C207), the eastern part of Kensington (C215) and the CBD (C186).
44. Council subsequently became aware of some errors in the ‘i-heritage database’ through enquires made to the development planning team. It was identified that some of the gradings in the i-heritage database were inconsistent with the gradings listed in the Heritage Places Inventory incorporated in the Scheme. It was also identified that some of the i-heritage gradings in the Hoddle Grid and Southbank were inconsistent with those in the source heritage studies for these areas.
45. Council then removed the gradings in the i-heritage database from its website and digitised the gradings from all the relevant heritage studies for Hoddle Grid and Southbank.
46. Council determined the source of the correct data to be:
 - (a) For the area outside the Hoddle Grid and Southbank (the traditional CCZ area), the Heritage Inventory incorporated into the planning scheme.
 - (b) For the area inside the Hoddle Grid and Southbank, the correct source was the ‘derived’ grading. The ‘derived’ grading is the most current of the gradings derived from a listing of all the gradings in this area as documented in the various heritage studies for the central city (endorsed by Council or referenced in the Scheme) including: Central Activities District Conservation Study 1985, Central City Heritage Study Review 1993, Central City (Hoddle Grid) Heritage

Review 2011 (Amendment C186), and Bourke Hill Precinct Heritage Review Amendment C240 2015 (Amendment C240).

47. Council then identified the properties where there was a discrepancy between the gradings provided to Lovell Chen and the correct gradings. Based on the above, Lovell Chen estimated that 70 properties would require additional gradings review.
48. In January 2017, Lovell Chen completed the additional gradings review work and provided these spreadsheets to Council.
49. The following steps were involved in the drafting of the C258 Heritage Inventory in preparation for exhibition:
 - (a) The first draft of inventory was that endorsed by Future Melbourne Committee on 5 July 2016. It listed all the properties that had been converted to the 'non-contributory' grading and also under the column titled 'Significant Streetscape' identified each property with a 'yes' or a 'no'.
 - (b) The next step was to comply with the Future Melbourne Committee resolution of 5 July 2016 requiring:
 - (i) *The removal of buildings from the heritage inventory which are in the report described as 'non-contributory', to avoid the possibility of misinterpretation of this undefined term, and*
 - (ii) *The order of buildings in the proposed Heritage Inventory reverting to the same order used currently, that is, buildings on each street in each suburb are grouped into odd and even street numbers.*
 - (c) Following a suggestion from a resident who submitted to the Future Melbourne Committee meeting of 5 July 2016, Council made the following further change to the proposed C258 Heritage Inventory:
 - (i) Rather than showing a 'yes' or 'no' for the significant streetscapes in the inventory, this was changed to show the significant streetscapes as 'significant' and others as '-' to indicate that they have not yet been assessed for significance.

- (d) Following discussions about the proposed C258 Heritage Inventory with the Department in late 2016, the Department advised that all of the recent heritage reviews in which gradings using the contemporary system had been identified (City North – C198, Arden Macaulay – C207, Kensington – C215), needed to be included in the C258 Heritage Inventory. This was because while these reviews had already been approved and incorporated into the planning scheme under the old letter grading system, the contemporary gradings of these reviews had never been exhibited. Hence, the Department advised that they should be exhibited as part of Amendment C258.
- (e) Further the Amendment C258 authorisation letter of 21 December 2016 required all of the heritage places in the West Melbourne Heritage Review to be included in the C258 Heritage Inventory with their assessed gradings under the contemporary system.
50. It became apparent in the drafting process of the C258 Heritage Inventory for exhibition that there were some further discrepancies in the i-heritage data provided to Lovell Chen which had not been previously identified. These further correct gradings were provided to Lovell Chen in March 2017 to perform the gradings conversion. The results of this additional gradings review were incorporated into the C258 Heritage Inventory for exhibition.
51. The proposed C258 Heritage Inventory was updated to include all of these updated gradings and was then exhibited.

C. WEST MELBOURNE HERITAGE REVIEW

52. Council committed to preparing a draft West Melbourne Structure Plan in its Annual Plan 2014-15.
53. While the West Melbourne Structure Plan Project was being scoped, it was identified that a Heritage Review of the West Melbourne Structure Plan area needed to be undertaken to inform the structure plan. Therefore, Council included the following Action, alongside the West Melbourne Action on their 2015-2016 Annual Plan:

Action 2.6.4 is to 'Undertake a planning scheme amendment for the West Melbourne Structure Plan - Heritage Review'.

54. The purpose of the West Melbourne Heritage Review is to determine which buildings and precincts in the study area warrant heritage protection under the Melbourne Planning Scheme. The Review will inform an amendment to the Melbourne Planning Scheme to ensure that properties with heritage significance are protected. It will also inform the preparation of the West Melbourne Structure Plan which will be undertaken in parallel.
55. In 2015 the Council commissioned Graeme Butler & Associates to provide heritage assessments of existing and potential heritage places in the West Melbourne Structure Plan area.
56. The West Melbourne Heritage Review was undertaken to assess the heritage significance of land in the West Melbourne Structure Plan area. The West Melbourne Heritage Review included reviewing existing heritage places and identification of additional places needing heritage protection.
57. Amendment C272 was prepared in order to implement the recommendations of the Review and protect the newly identified heritage places. Although the West Melbourne Heritage Review included both A to D gradings and the Significant/Contributory system, Amendment C272 included only A to D gradings as it was proposed for authorisation prior to the introduction of the Significant/Contributory system.
58. Amendment C273 was introduced to protect these properties on an interim basis while Amendment C272 was progressed.
59. The Department, under delegation from the Minister, authorised Amendment C272 prior to the request for authorisation for Amendment C258. In considering the authorisation for Amendment C258, the Department considered that it was not logical to exhibit one amendment with the A to D system while at the same time Council was considering the introduction of the Significant/Contributory system. It was therefore agreed that Amendment C272 should be included in Amendment C258.

VII. CHRONOLOGY OF EVENTS

A. REQUEST FOR AUTHORISATION TO PREPARE AMENDMENT C272

60. On 17 May 2016, the Future Melbourne Committee resolved⁴ to:

(a) *Request that the Minister for Planning prepare Planning Scheme Amendment C273 pursuant to Section 20(4) of the Planning and Environment Act 1987, and approve the Amendment to introduce interim heritage controls in West Melbourne.*

(b) *Seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C272, which proposed the introduction of permanent heritage controls in the West Melbourne area in accordance with the findings of the West Melbourne Heritage Review 2016.*

61. On 30 May 2016, a request for authorisation to prepare Planning Scheme Amendment C272 was submitted to the Minister for Planning.

62. On 16 June 2016, the Department, under delegation from the Minister for Planning, granted authorisation to Council to prepare Amendment C272, subject to the following condition:

(a) *As the proposed amendment affects Crown land, Native Title Services Victoria should be given notice of the amendment.*

63. The Department's letter of 16 June 2016, which included authorisation to prepare Amendment C272, noted that further consultation between the Department and Council would be required prior to exhibition of Amendment C272, to discuss its relationship with Council's forthcoming Planning Scheme Amendment C258.

B. REQUEST FOR AUTHORISATION TO PREPARE AMENDMENT C258

64. On 5 July 2016, the Future Melbourne Committee resolved⁵ to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C258, which proposed to:

⁴ Confirmed Minutes from Future Melbourne Committee Meeting Number 81 (17 May 2016)

⁵ Confirmed Minutes from Future Melbourne Committee Meeting Number 85 (5 July 2016)

- (a) Replace the current local heritage policies (Clause 22.04 and Clause 22.05) with revised local policies;
 - (b) Insert a new incorporated document *Heritage Inventory 2016*⁶ into the Melbourne Planning Scheme, which included a Significant, Contributory, Non-contributory heritage grading system that had been converted from the old letter grading system in accordance with the recommendations of the *Methodology Report (updated May 2016)*.
 - (c) Insert a new incorporated document *Heritage Precincts Statement of Significance 2016* into the Melbourne Planning Scheme, which included six new statements of significance for the existing large scale heritage precincts outside the Capital City Zone, in addition to the existing statements of significance currently contained within the local heritage policy for the Capital City Zone (Clause 22.04); and
 - (d) Remove the South Melbourne heritage precinct (HO5) from the Schedule to the Heritage Overlay, as it was deemed to affect roads and properties of no heritage value.
65. On 21 December 2016, the Department, under delegation from the Minister for Planning, granted authorisation to Council to prepare Amendment C258, subject to the following conditions:
- (a) *Prior to exhibition of the amendment:*
 - (i) *Modification to the amendment documentation to include the changes proposed to be made by Melbourne Planning Scheme Amendment C272, using the significant/contributory system to identify significance for all properties affected by Amendment C272, as agreed to by council officers. Council is also encouraged to abandon Amendment C272.*
 - (ii) *The local policies be modified to include reference to the Statements of Significance.*

⁶ The *Heritage Inventory 2016* did not include heritage places located within City North, Arden-Macaulay, and parts of Kensington, which had been the subject of their own amendments. The report from management for Agenda Item 6.1, Future Melbourne Committee Meeting Number 85 (5 July 2016) noted that these heritage places would be included in the new inventory should Amendment C258 be approved.

(iii) *The Explanatory Report be updated to address the policy changes proposed for the Capital City Zone (excluding Capital City Zone, Schedule 5), as a result of the changes proposed to Clause 22.04 – Heritage Places within the Capital City Zone.*

(b) *As the proposed amendment affects Crown land, Native Title Services Victoria should be given notice of the amendment.*

66. The Department's letter of 21 December 2016, which included authorisation to prepare Amendment C258, also noted that the changes proposed to the local policies, Clause 22.04 and Clause 22.05, resulted in duplication between the policies, but acknowledged the Department understood that it was Council's wish to exhibit the local policies as two separate documents to ensure that the policy changes were clear.

67. Following receipt of the Department's letter of 21 December 2016, Council proceeded comply with all of the conditions of the authorisation, including incorporating Amendment C272 into Amendment C258, and progressed Amendment C258 (inclusive of the West Melbourne Heritage Review) to public exhibition.

C. COPY OF AMENDMENT PROVIDED TO MINISTER FOR PLANNING PRIOR TO EXHIBITION

68. On 10 March 2017, a copy of Amendment C258, including the amendment documentation and explanatory report, was provided to the Minister for Planning in accordance with Section 17 of the Planning and Environment Act 1987.

D. COMMUNITY CONSULTATION PRIOR TO EXHIBITION

69. Two independently facilitated community information sessions were held prior to the formal exhibition period, on 27 March 2017 at the Angliss Conference Centre, 555 La Trobe Street, Melbourne (approximately 60 attendees), and on 29 March 2017 at the Melbourne Town Hall, 120 Swanston Street, Melbourne (approximately 200 attendees)

70. Invitations to attend these two sessions were mailed out on 21 March 2018 to the owners and occupiers of properties located in the West Melbourne Structure Plan

area, and on 23 March 2018 to the owners of properties affected by site-specific and precinct Heritage Overlays within the Council municipality.

E. EXHIBITION (FIRST ROUND)

71. The Amendment was exhibited between 30 March 2017 and 12 May 2017.
72. Public notification of the Amendment included:
 - (a) Mailing out the statutory notice and a letter with information about Amendment C258 and the amendment process on 29 March 2017 to:
 - (i) Owners of properties included in an existing Heritage Overlay;
 - (ii) Owners and occupiers of properties in West Melbourne Structure Plan area;
 - (iii) Targeted stakeholders; and
 - (iv) Prescribed Ministers under Section 19(1)(c) of the *Planning and Environment Act 1987*.
 - (b) Publishing a public notice in *The Age* and *Government Gazette* on 30 March 2017.
 - (c) Making a printed copy of Amendment C258 and supporting information available for public viewing from 30 March 2017 at the Council Planning Counter on Level 3 of Council House 2, 240 Little Collins Street Melbourne.
 - (d) Messaging on social media platforms.
 - (e) Making an electronic copy of Amendment C258 and supporting information available for public viewing from 30 March 2017 online at the Participate Melbourne website and on Planning Schemes Online.
73. Approximately 50,000 landowners were notified of Amendment C258.
74. One independently facilitated community consultation session was held during the first exhibition period on 22 April 2017. The information session ran between 9.00am and 12.00pm, and included three presentations of Amendment C258

followed by an opportunity for members of the public to ask Council staff questions regarding Amendment C258 and the process for its consideration. Approximately 250 people attended this community information session and more than 100 questions on notice from the session were responded to by Council officers in the following weeks.

75. In response to the first round of exhibition of Amendment C258, Council received 85 submissions, with most raising various issues related to different components of Amendment C258.

F. CORRECTION OF AMENDMENT C258 IN RESPONSE TO SUBMISSIONS RECEIVED DURING FIRST ROUND OF EXHIBITION

76. Of the 85 submissions received during the first round of exhibition, 29 submissions raised a number of potential omissions and anomalies in the exhibited C258 Heritage Inventory.

77. These submissions prompted a thorough analysis of the data underpinning the exhibited C258 Heritage Inventory to determine whether the issues that were raised in these submissions represented real or perceived errors

78. A Heritage Gradings Data Audit (**Audit**) was undertaken to identify and correct all of the errors in the exhibited C258 Heritage Inventory and to identify those properties affected by these corrections who would then be notified of the re-exhibition of the Inventory.

79. A chronology of events of the Audit is as follows:

- (a) It was confirmed that in order to accurately determine all of the discrepancies in the exhibited C258 Heritage Inventory (Dataset 1), it needed to be geocoded so that its data could be accurately compared with both the existing Heritage Inventory June 2016 (Dataset 2) and the i-heritage gradings data (the 'Excel Spreadsheet') provided to Lovell Chen (Dataset 3) which had both been geocoded.

- (b) When Dataset 1 had been geocoded Council completed a cross check between the properties which were in the existing Heritage Inventory June 2016 (**the**

existing Inventory) and the exhibited C258 Heritage Inventory. It was found that there were 555 properties that appeared in the existing Inventory but did not appear in the exhibited C258 Heritage Inventory. However, a small number of omissions were present because many properties were non-contributory in the Amendment C258 gradings conversion and non-contributory properties were not listed in the exhibited C258 Heritage Inventory. In addition the existing Inventory included properties not covered by a Heritage Overlay. The exhibited C258 Heritage Inventory only included properties within a Heritage Overlay.

- (c) It was determined that Lovell Chen needed to re-review the gradings of 69 properties.
80. The result of the Audit was the identification of a small percentage of omissions (approximately 2%) and errors (approximately 1%) in the exhibited C258 Heritage Inventory.
81. The C258 Heritage Inventory was subsequently updated to correct these omissions and errors, and it was determined necessary to re-exhibit the corrected C258 Heritage Inventory to ensure that all affected property owners and other stakeholders were made aware of any change that may affect them, and to provide them with an opportunity to make a submission in respect of Amendment C258.
82. Management sought authorisation from the Future Melbourne Committee to re-exhibit the corrected C258 Heritage Inventory on 21 November 2017.
83. The proposed corrections to the exhibited C258 Heritage Inventory to address the omissions and errors identified in submissions received during the first round of exhibition were set out in Attachment 2 (p.3 of 230) to management's report presented to the Future Melbourne Committee on 21 November 2017.
84. The report to the Future Melbourne Committee on 21 Nov 2017 stated the following:

...In response to issues raised by submitters regarding the Inventory, an extensive piece of data analysis and validation work has been undertaken. This has identified a small

percentage of omissions (approximately 2%) and errors (approximately 1%) in the exhibited Inventory. Factors contributing to these errors include changes to property addresses, subdivision, consolidation of land parcels over the past 30 years and human error during data entry. The Inventory has now been updated to correct and clearly show these errors and omissions (refer Attachment 2)...

85. On 21 November 2017, the Future Melbourne Committee resolved:⁷

(a) *That the Future Melbourne Committee:*

- (i) *Authorises management to re-exhibit the C258 Heritage Places Inventory 2017 that forms part of Amendment C258, as shown in Attachment 2 of the report from management, subject to the listing in the Inventory of properties by streets being grouped into odds and evens.*
- (ii) *Notes that the full consideration of all C258 submissions (from the re-exhibition of the Inventory and from the initial exhibition), will be reported to Future Melbourne Committee in early 2018.*

G. C258 HERITAGE INVENTORY EXHIBITION (SECOND ROUND)

86. The corrected version of the C258 Heritage Inventory was re-exhibited between 7 December 2017 and 29 January 2018.

87. Public notification of the re-exhibited Amendment C258 included:

- (b) Mailing out a letter with information about Amendment C258, the reason for the re-exhibition of the corrected C258 Heritage Inventory, and the amendment process on 14 November 2017 to:
 - (i) Owners of properties affected by a change in the corrected C258 Heritage Inventory; and
 - (ii) Targeted stakeholders.
- (c) Publishing a public notice in *The Age* and *Government Gazette* on 7 December 2017.

⁷ Confirmed Minutes from Future Melbourne Committee Meeting Number 25 (21 November 2017)

- (d) Making a printed copy of Amendment C258 and supporting information available for public viewing from 14 November 2017 at the Council Planning Counter on Level 3 of Council House 2, 240 Little Collins Street Melbourne.
- (e) Making an electronic copy of Amendment C258 and supporting information available for public viewing from 7 December 2017 online at the Participate Melbourne website and on Planning Schemes Online.

- 88. Extensive informal consultation was undertaken via telephone, email and in-person meetings with affected property owners and other stakeholders.
- 89. In response to the second round of exhibition of Amendment C258, Council received a further 13 submissions.

H. POST-EXHIBITION AND APPOINTMENT OF PANEL

- 90. On 20 February 2018 the Future Melbourne Committee considered the submissions to Amendment C258 and resolved to request that the Minister for Planning appoint an Independent Panel to hear submissions and consider Amendment C258.
- 91. On 9 March 2018, Council requested that the Minister for Planning appoint an independent panel to hear submissions regarding Amendment C258, and notified Planning Panels Victoria of this request.
- 92. On 27 April 2018, Council received advice from Planning Panels Victoria that the Minister for Planning had appointed a three person Panel to hear and consider submissions in respect of Amendment C258, and expected to arrange its hearings and deliver its report within the following timeframes:

<i>Directions Hearing:</i>	<i>Week of 4 June, 2018</i>
<i>Panel Hearings</i>	<i>Week of 6, 13 and 27 August 2018</i>
<i>Report</i>	<i>40 business days from the last day of Hearings</i>
- 93. On 4 June 2018, the Directions Hearing for Amendment C258 was held.
- 94. Five late submissions have been received since the conclusion of the second round of exhibition.

95. A combined total of 103 submissions have therefore been received for Amendment C258, and have been referred to the Panel.

VIII. STRATEGIC BASIS FOR AMENDMENT C258

96. The strategic basis of the heritage policies aspect of Amendment C258 is set out in this section.
97. Melbourne's heritage is highly valued by the community and it is important that there are clear guidelines for the assessment of applications affecting places in the Heritage Overlay.
98. Melbourne's Municipal Strategic Statement, particularly at Clause 21.06, 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.

99. Strategy 1.1 of the Urban Design policy in the MSS is to:

Protect Melbourne's distinctive physical character and in particular, 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.*

100. The Objective and Strategies of the Heritage Policy of the MSS are to:

Conserve and enhance places and precincts of identified cultural heritage significance.

Conserve, protect and enhance the fabric of identified heritage places and precincts.

Support the restoration of heritage buildings and places.

Maintain the visual prominence of heritage buildings and landmarks.

In heritage precincts protect heritage buildings, subdivision patterns, boulevards and public open space.

Protect the significant landscape and cultural heritage features of the City's parks, gardens, waterways and other open spaces.

Within heritage precincts and from adjoining areas protect buildings, streetscapes and precincts of cultural heritage significance from the visual intrusion of new built form both.

Protect the scale and visual prominence of important heritage buildings, landmarks and heritage places, including the Shrine of Remembrance, Parliament House and the World Heritage Listed Royal Exhibition Building and Carlton Gardens.

Maintain cultural heritage character as a key distinctive feature of the City and ensure new development does not damage this character.

101. The Heritage Strategy identified the following key actions related to the improvement of the heritage protection and systems in the City of Melbourne:

- (a) Review and update local policies in Clauses 22.04 and 22.05. Consider principles for adaptation, re-use and creative interpretation in the review.
- (b) Develop statements of significance, drawing from themes 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 city.
- (c) Undertake a review of the Council's heritage places grading system and update in accordance with Planning Practice Note 1 "Applying the Heritage Overlay".

102. The implementation plan of how best to carry out the above actions was developed in consultation with the community, following the 2014 Discussion Paper.

103. Identified as a key action in the Heritage Strategy and the 2014 Discussion Paper was the need to develop statements of significance for all heritage precincts, individually significant buildings and places across the City, drawing from themes in the Thematic

History – A History of the City of Melbourne’s Urban Environment 2012. The Thematic History formed the basis of the development of new statements of significance for the existing large heritage precincts in the Heritage Overlay. These statements of significance will provide local context for, and thereby assist in, the assessment of planning permit applications in these areas. The statements of significance were prepared in accordance with Planning Practice Note 1 “Applying the Heritage Overlay” which states that “the documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria”.

104. The Heritage Strategy and 2014 Discussion Paper also identified the need to review and update local policies in Clauses 22.04 and 22.05 and to consider principles for adaptation, re-use and creative interpretation in the review. Through analysis of Tribunal decisions and targeted consultation, the 2014 Discussion Paper identified some of the following issues with Clauses 22.04 and 22.05 that needed to be addressed in the updated policies:

- (a) The guidance provided in the policies is necessarily very general but does not specifically address heritage in the Capital City context.
- (b) Issues with the ‘content, useability and operation’ of the current heritage policies, which provide guidance in ‘exercising discretion’ in decision-making for heritage places throughout the municipality.
- (c) Properties adjacent to heritage places purchasing air rights from the heritage property;
- (d) The emerging acceptance of new additions being highly visible and not being recessive to the heritage place and in particular rooftop additions which are dominant and highly visible;
- (e) The increasing approval of “facadism” to heritage places in the Central City.
- (f) The lack of guidance to the preferred outcomes and considerations for minor alterations and additions to a heritage place. Guidance for acceptable alterations

to facades (particularly commercial buildings) including new openings, windows, doors and balconies would be useful for buildings within the Capital City Zone.

105. Also identified as a key action in the Heritage Strategy, the phasing out of the Council's A to D heritage grading system is needed to comply with Planning Practice Note 1 "Applying the Heritage Overlay" and the subsequent recommendations of recent planning panels, in order to bring the heritage gradings system in the City of Melbourne into line with contemporary best practice. The Department has indicated that it will not approve any more heritage amendments from Council under the old letter gradings system; accordingly, it is essential that the new gradings system is approved so that Council's comprehensive program of heritage studies and reviews can proceed (See Figure 3 – Map of Heritage Reviews in the City of Melbourne).
106. The Heritage Strategy identified a priority action to "progressively undertake a review of heritage in the high-growth, urban renewal and mixed use areas in the City." West Melbourne is one of the high growth, mixed use areas in the municipality where over the past decade there has been a rapid transition taking place towards higher density residential uses. The unprecedented growth in recent years in West Melbourne was the strategic impetus for both the West Melbourne Structure Plan (finalised in February 2018) and the West Melbourne Heritage Review.

IX. MINISTER'S DIRECTIONS

107. Amendment C258 complies with the requirements of the following Minister's Directions.
108. Amendment C258 complies and is consistent with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes and also with the requirements of Ministerial Direction 11 on the Strategic Assessment of Planning Scheme Amendments.
109. Amendment C258 is also consistent with Ministerial Direction 15 the planning scheme amendment process and Ministerial Direction 9 Metropolitan Strategy, which requires that the amendment support the provisions of Plan Melbourne. The Amendment addresses the following specific directions of Plan Melbourne:

Direction 4.7 – Respect our heritage as we build for the future: the Amendment will encourage new development to be designed and sited to respect the identified significance of heritage places.

X. IDENTIFICATION OF AND RESPONSE TO ISSUES RAISED IN SUBMISSIONS

A. SUMMARY OF SUBMISSIONS

110. A detailed summary of 98 submissions received in response to the first and second rounds of exhibition of Amendment C258 was included in Attachment 3 (p.22 of 250) of management’s report to the Future Melbourne Committee of 20 February 2018, and a response to the issues raised through submissions was included in Attachment 2 (p.5 of 250).
111. The submission received on 11 July 2017 from Tim Retrot was discovered after management’s report to the Future Melbourne Committee had been finalised, and a summary of this submission, including management’s recommendation, was reported to the Future Melbourne Committee in a separate memo on 16 February 2018.
112. Broadly, the issues from the 99 submissions (98 considered in the report of 20 February 2018 and 1 considered in the memo of 16 February 2018) can be summarised as follows:
 - (a) Suggested changes to the heritage policies at Local Planning Policy Clause 22.04 (Heritage Places within the Capital City Zone) and Clause 22.05 (Heritage Places outside the Capital City Zone).
 - (b) Identification of potential anomalies in the proposed heritage inventory.
 - (c) Objections to the converted grading for particular properties and the gradings conversion methodology.
 - (d) Objections to the assessment of particular properties in the West Melbourne Heritage Review.
 - (e) Queries and challenges of some aspects of the large precinct statements of significance.

(f) Other heritage related issues that are outside the scope of Amendment C258.

113. The issues from the 99 submissions received in response to the first and second round of exhibition and Council's response to them, have been grouped under separate sub-headings and addressed in greater detail below.

114. The issues raised in the five late submissions have been addressed separately below.

B. LOCAL HERITAGE POLICIES

115. Submissions raised the following issues and suggested changes in relation to the proposed heritage policies:

(a) Formatting, spelling and clarity of policies.

(b) Clarity of definitions and policy basis (particularly with respect to definitions regarding what is culturally significant).

(c) Onerousness of policies and failure to strike appropriate balance to facilitate modern development.

(d) A lack of strength in the policy language (e.g. use of words such as 'should' instead of 'must'), in addition to the use of ambivalent terms such as 'normally'.

(e) The lack of guidance and direction in the policy in the following specific areas:

(i) Facadism;

(ii) Corner sites;

(iii) Development of non-contributory places;

(iv) Buildings that are unconventional (i.e. the policy should address a greater variety of building typologies);

(v) Heritage streetscapes.

116. Council's response to the issues raised in relation to the proposed heritage policies can be broadly summarised as follows:

- (a) Appropriate changes have been made to the proposed policies to address issues relating to definitions, formatting, spelling and clarity; to strengthen the language about expectations for management of heritage places; and to incorporate guidance and direction to address facadism, corner sites, development of non-contributory places, and a diverse range of building typologies.
- (b) Feedback has been sought from Council development planners in relation to the application of the policies to ensure they operate in a manner that will facilitate the appropriate development of heritage places. Through this feedback it has been determined that the proposed policies strike the right balance between allowing redevelopment and ensuring heritage is protected and respected.
- (c) The proposed guidance and direction in the policy surrounding heritage streetscapes is considered to be clear and does not need to be altered.

C. C258 HERITAGE INVENTORY

- 117. Submissions in relation to the C258 Heritage Inventory raised concerns regarding the potential for omissions and anomalies in the exhibited C258 Heritage Inventory, and requested that this document to be independently reviewed before Amendment C258 was progressed.
- 118. Council's response to this issue broadly outlined the thorough analysis and corrective procedures that were performed throughout the Amendment C258 process, to ensure that appropriate changes have been made to the C258 Heritage Inventory to rectify identified errors and omissions.
- 119. This analysis, and the scope of work undertaken to analyse, identify and correct anomalies, has been addressed in Section VII F of this Part A Submission.

D. GRADINGS CONVERSION METHODOLOGY

- 120. Submissions raised the following issues and suggested changes in relation to the gradings conversion methodology:

- (a) Concerns that heritage places have been left out of the exhibited C258 Heritage Inventory.
- (b) Concerns that the conversion methodology had downgraded or elevated significance and associated protection of specific places.
- (c) Support for the current heritage places and streetscape system (primarily because it allows for more nuance).
- (d) Concerns that the conversion result in general ‘weakening’ of protection for many properties across the municipality.

121. Council’s response to the issues raised in relation to the gradings conversion methodology can be broadly summarised as follows:

- (a) Only heritage places that are within a Heritage Overlay have been included in the exhibited C258 Heritage Inventory. Non-contributory properties within a Heritage Overlay have not been listed.
- (b) The conversion methodology has been developed by Council’s heritage expert, Lovell Chen. Preparation of this methodology involved background research, desktop reviews, field and sampling work to determine the most sound method of converting the gradings of all properties within a Heritage Overlay in the Council.
- (c) The Significant/Contributory grading system is the contemporary, standard heritage grading system that has been utilised across the State for many years. The City of Melbourne is one of the last municipalities to convert to this standard system, and this new system does not weaken protection of heritage places.

E. WEST MELBOURNE HERITAGE REVIEW

122. Submissions raised the following issues in relation to the West Melbourne Heritage Review:

- (a) The level of significance assigned to heritage places in the assessment conducted in the West Melbourne Heritage Review (with some submitters

requesting that their grading be lessened, and others requesting that it be greater).

- (b) The scope of the application of the Heritage Overlay under Amendment C258 and interim Heritage Overlay under Planning Scheme Amendment C273.
- (c) Anomalies between the grading recommendations of the West Melbourne Heritage Review and the gradings included in the exhibited C258 Heritage Inventory.
- (d) Contradiction between the West Melbourne Structure Plan (which proposes increased development within parts of West Melbourne) and the decision to propose more heritage controls over the area.
- (e) Compliance with Planning Practice Note 1 “Applying the Heritage Overlay” as part of the West Melbourne Heritage Review.

123. Council’s response to the issues raised in relation to the West Melbourne Heritage Review can be broadly summarised as follows:

- (a) Graeme Butler and Associates reviewed submissions that challenged the assessment of heritage places in the West Melbourne Heritage Review and the associated Statements of Significance, and recommended changes where deemed appropriate. Changes to the Amendment C258 documentation have been made in accordance with the recommendations of Council’s heritage expert, Graeme Butler and Associates.
- (b) Council requested that the Minister for Planning approve application of a heritage overlay on an interim basis for all 25 sites of assessed heritage significance in the West Melbourne Heritage Review. The Minister for Planning did not provide approval for several of these sites.⁸ Council seeks

⁸ HO1182 Elm ('Ulmus' species.) street trees x2, near 80, 86 Capel Street, West Melbourne; HO1184 Elm ('Ulmus' species.), Hawke and Curzon Street Reserve, 2A Hawke Street, West Melbourne; HO1185 Elms (x6), street trees, near 81–141 Jeffcott Street, West Melbourne; HO1186 Elm, Hawke Street and King Street Reserve, near 446 King Street, West Melbourne; HO1189 Tame and Company factory, 511 King Street, West Melbourne; HO1190 Edward J. and Samuel Spink workshop, also J. B. Watson's stores, later Molloy and Co, hide and skin merchants, 488–494 La Trobe Street, West Melbourne; HO1193 Dixon and Co.

application of the heritage overlay across all of the properties identified in the West Melbourne Heritage Review, including those which were not approved on an interim basis for Amendment C273.

- (c) Appropriate changes have been made to rectify anomalies between the grading recommendations of the West Melbourne Heritage Review and the gradings included in the exhibited C258 Heritage Inventory.
- (d) One objective of the West Melbourne Heritage Review was to inform the West Melbourne Structure Plan. Heritage Overlays do not prohibit development, but require the Responsible Authority to have regard to heritage considerations when assessing development proposals.
- (e) Planning Practice Note 1 “Applying the Heritage Overlay” has directly informed the methodology of the West Melbourne Heritage Review (p.4-6 of 1758).

F. LARGE PRECINCT STATEMENTS OF SIGNIFICANCE

124. Submissions raised the following issues and suggested changes in relation to the large precincts Statements of Significance:

- (a) The accuracy of the information included in the Statements of Significance (e.g. the dates of buildings and events).
- (b) Whether the Statements of Significance should include details about indigenous occupation in the pre-contact period or the social history of areas (e.g. whether diversity of cultures and ethnicity should be recognised).
- (c) Whether sub-areas within precincts should be separate, so that they have their own statement of significance.

cordial factory, later Felton Grimwade and Duerdins Pty. Ltd. Chemical laboratory, factory and store complex, 109–133 Rosslyn Street, West Melbourne; HO1194 Australian Biscuit Company Ltd. stores, 300 Rosslyn Street, West Melbourne; HO1195 Melbourne Remand Centre, later Assessment Prison, 317 Spencer Street, West Melbourne; HO1196 Brown's factory, later Preston Motors Pty.Ltd., 445 Spencer Street, West Melbourne; HO1180 Canary Island pines (x2 'Pinus canariensis'), Howard Street and William Street Reserve.

- (d) Protection of significant views and vistas by adding these to the key attributes in the Statements of Significance.

125. Council's response to the issues raised in relation to the large precincts Statements of Significance can be broadly summarised as follows:

- (a) Lovell Chen reviewed the information in submissions that challenged their assessment of the large precinct Statements of Significance, and recommended changes where deemed appropriate. The recommended changes have been made in the Amendment C258 documentation. For example, the changes include recognition of the pre-European utilisation of the parklands on the north side of the Yarra River by indigenous Australians in the East Melbourne and Jolimont Precinct Statement of Significance. It was not deemed appropriate to incorporate details regarding the social history of areas into the Statements of Significance, noting that these statements are about the precinct as a physical place and are guided by the requirements of Heritage Victoria.
- (b) The identification and creation of new heritage precincts is outside the scope of Amendment C258, but is being considered under current planning scheme amendments (e.g. Amendment C271: Guildford and Hardware Laneways Heritage) and future heritage reviews (e.g. Hoddle Grid Heritage Review).
- (c) The spatial identification or elevation of specific views and vistas is outside the scope of Amendment C258, although it is noted that the precinct Statements of Significance refer to landmarks and the visibility of prominent towers (e.g. North Melbourne Town Hall and church buildings and spires).

G. LATE SUBMISSIONS

126. The following late submissions were received:

- (a) A late submission from Tract Consultants Pty Ltd received 21 June 2018, which raises the following issues:
 - (i) Concerns regarding the translation of the heritage grading of the buildings at 4-6 Princess Street, North Melbourne from 'C2' under the current incorporated Heritage Places Inventory to 'Significant' under the

Amendment C258 Inventory, and the translation methodology employed by Council's heritage consultant, Lovell Chen.

- (ii) A request that the proposed grading of the heritage place at 4-6 Princess Street, North Melbourne under Amendment C258 be changed from 'Significant' to 'Contributory'.
- (b) A late submission from Tom Flood received 1 May 2018, which raises the following issues:
- (i) Concerns regarding the assessed level of heritage significance for the property at 171 Roden Street, West Melbourne and the presence of heritage fabric at this property.
 - (ii) A request that the property at 171 Roden Street, West Melbourne not be afforded heritage protection as part of Amendment C258.
- (c) A late submission from Laura Goodin received on 20 February 2018, which raises the following issue:
- (i) A request that the Council recognise the heritage, artistic, and cultural significance of the bells of St James' Old Cathedral, King Street, West Melbourne to the City of Melbourne and to the State of Victoria, by including a specific description of the bells and belltower and a brief summary of their history in the St. James Old Cathedral's Statement of Significance.
- (d) A late submission from Bernard Baudoin received on Tuesday 21 November 2017, which raises the following issue:
- (i) Objection to 341-353 Dryburgh Street being upgraded from non-contributory to contributory.
- (e) A late submission from the Anglican Diocese of Melbourne received on 19 July 2018, which raises the following issue:
- (i) Objection to the proposed regrading of 28 Batman Street, West Melbourne and the inclusion of the land in any future Heritage Overlays.

127. Council's response to the above late submissions will be addressed in Council's Part B Submission to the Panel.

H. GENERAL SUBMISSIONS, OTHER HERITAGE MATTERS AND -ISSUES OUTSIDE THE SCOPE OF AMENDMENT C258

128. In addition to issues that were raised in submissions that can be classified under the broad themes outlined above, the following miscellaneous issues were raised in submissions:

- (a) Deterioration and neglect of heritage places, seeking a requirement that the owners of these properties be made to restore these buildings.
- (b) Impact of large underground basements on heritage buildings and the ecology of the area.
- (c) Contradiction between heritage overlays and other planning controls, such as design and development overlays, and the need for guidance on which provision is to be prioritised.
- (d) Need for more heritage studies that canvass other areas within the municipality (or the entire municipality).

129. Council's response to the above miscellaneous issues can be broadly summarised as follows:

- (a) The prevention of the deterioration of heritage fabric and buildings is outside the scope of Amendment C258. It is noted that the policies and provisions within the planning scheme only apply when there is an application to develop a property affected by the Heritage Overlay, and are therefore unable to prevent the deterioration of heritage fabric where no development is proposed. However, the proposed policies do include provisions that encourage the restoration and reconstruction of heritage places as part of any development.
- (b) Impacts posed by construction of large underground basements under heritage sites, and the impact this development poses on adjoining buildings is regulated by the Building Act 1993 and is outside the scope of Amendment C258.

- (c) It is not uncommon for one property to have multiple overlays applying to it, such as a heritage overlay, a design and development overlay, an environmental audit overlay and a special building overlay. All of these requirements apply for different reasons and each must be factored into a decision maker's consideration when determining acceptable planning outcomes for a given property. These requirements are not mutually exclusive, and contribute to a layered and nuanced planning system that guides decision makers in the exercise of discretion.
- (d) Amendment C258 does not represent the last heritage focussed planning scheme amendment to be undertaken by Council. Council will continue to progress reviews and assessments of other areas within the municipality as part of its heritage program; Amendment C271 (Guildford and Hardware Laneways Heritage) and Amendment C305 (Southbank Heritage) are two such examples.

XI. CHANGES TO AMENDMENT C258 DOCUMENTATION PROPOSED AS A RESULT OF THE ISSUES RAISED IN SUBMISSIONS

- 130. The proposed changes to Amendment C258 in response to the issues raised in submissions are set out in Attachment 4 (p.139 of 250) of management's report presented to the Future Melbourne Committee on 20 February 2018.
- 131. A summary of the changes to Amendment C258 follows:
 - (a) Changes have been made to the proposed heritage policies under Amendment C258 by altering the definitions, formatting, spelling and clarity; by strengthening language about expectations for management of heritage places; and by incorporating guidance and direction to address facadism, corner sites, development of non-contributory places, and a diverse range of building typologies.
 - (b) Changes have been made to the large precinct Statements of Significance in accordance with the recommendations of Council's expert heritage consultant, Lovell Chen, to improve the accuracy of information regarding the dates of buildings and events, and details of important individuals (amongst other matters). The large precinct Statements of Significance have also been amended

to include details of the presence of pre-European indigenous Australian settlements.

- (c) Changes have been made to the West Melbourne Heritage Review in accordance with the recommendations of Council's expert heritage consultant, Graeme Butler, to improve the accuracy of information regarding the dates of buildings and events, and details of important individuals (amongst other matters). This information has contributed to the readjustment of the assessed level of significance for heritage places in some instances.
- (d) Changes have been made to the C258 Heritage Inventory to rectify errors and omissions that were identified in submissions.

132. On 20 February 2018 the Future Melbourne Committee resolved:⁹

- (a) *That the Future Melbourne Committee:*
 - (i) *Notes management's consideration of the submissions as set out in Attachments 2, 3 and 4 of the report from management.*
 - (ii) *Requests the Minister for Planning to appoint an Independent Panel to consider all the submissions to Amendment C258.*
 - (iii) *Agrees that the form of Amendment C258 to be presented to the Independent Panel will be generally in accordance with Attachment 4 of the report from management, subject to the following changes:*
 - (a) *In proposed policies 22.04-5 and 22.05-5, the sentence "The demolition of a non-contributory place will generally be permitted" be deleted, on the basis that the suggested addition of this text post-exhibition was not strictly necessary, and that the responsible authority when assessing an application under the heritage overlay may be required to consider that a heritage place is 'contributory' or 'significant' despite there being no record in the heritage inventory for whatever reason, and so the new policy should not unduly limit such discretion.*

⁹ Confirmed Minutes from Future Melbourne Committee Meeting Number 28 (20 February 2018)

- (b) *In proposed policy 22.04-7, deletion of the dot point “New additions must not build over or extend into the air space above the front or principal part of a significant or contributory building”.*
- (c) *Any further minor editorial changes authorised by the Acting Director, City Strategy and Place.*

133. All changes arising from 132(a)(iii) are highlighted in the extracts at Appendix A.

Susan Brennan

Carly Robertson

Serena Armstrong

Counsel for the Planning Authority

23 July 2018

**APPENDIX A: CHANGES TO C258 AMENDMENT DOCUMENTS AS A
RESULT OF THE FUTURE MELBOURNE COMMITTEE RESOLUTION OF
20 FEB 2018**

22.04 HERITAGE PLACES WITHIN THE CAPITAL CITY ZONE

-/-/201-
Proposed
C258
Exhibition

This policy applies to places included in the Heritage Overlay within the Capital City Zone, excluding land within Schedule 5 to the Capital City Zone (City North).

22.04-1 Policy Basis

-/-/201-
Proposed
C258
Exhibition

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

The heritage of the Capital City Zone (CCZ) encompasses ~~heritage precincts,~~ individual heritage places ~~both within and outside of~~ and ~~historic streets and lanes.~~ These places ~~date from the mid nineteenth century through to more recent times, and~~ are variously of heritage value for their historic, aesthetic, social, spiritual and scientific significance.

The places reflect the significance of the CCZ as the cultural, administrative and economic centre of the state. The places are fundamental to the depth of historic character of the CCZ, as it developed on, and extended from, the Hoddle Grid.

This policy provides guidance on conserving and enhancing the heritage places of the CCZ and is informed by the conservation principles, processes and practices of the Australia ICOMOS Burra Charter. ~~—~~It encourages the conservation, preservation and restoration of heritage places, and development which enhances the heritage place and is compatible and in keeping with ~~the~~ its cultural heritage values. ~~—~~The policy recognises that heritage places are living and working places; and that the CCZ will continue to attract business and investment with related development subject to the heritage policy objectives.

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

22.04-18 Definitions

-/-/201-
Proposed
C258
Exhibition

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

Term	Definition
	surrounding area.
Contextual design	A contextual design for new buildings and additions to existing buildings is one which adopts a an interpretive design approach, derived through analysis of the subject property and its heritage context. Such an approach requires allows new development to comfortably and harmoniously integrate with the site and its streetscape character. The approach can include respectful contemporary architecture.
Cultural significance	Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
Development	Development includes: <ul style="list-style-type: none"> • construction or exterior alteration of a building • demolition or removal of a building or works • construction or carrying out of works • subdivision or consolidation of land, including buildings or airspace • placing or relocation of a building or works on land • construction or putting up for display of signs or hoardings
Enhance	Enhance means to improve the presentation and appearance of a heritage place through restoration, reconstruction or removal of unsympathetic or intrusive elements, and through appropriate development.
Fabric	Fabric means all the physical material of the heritage place.
Facadism	The retention of the exterior face/faces of a building without the three-dimensional built form providing for its/their structural support, and, without retention of an understanding of the function of the three-dimensional building form.
Front or principal part of a building	The front or principal part of a building is generally considered to be the front two rooms in depth, complete with the structure and cladding to the roof ; or that part of the building associated with the primary roof form, whichever is the greater. For residential buildings this is generally 8 metres in depth. For most non-residential buildings, the front part is generally considered to be one full structural bay in depth complete with the structure and cladding to the roof. This is generally 8 – 10 metres in depth, including the roof. For corner sites, the front or principal part of a building includes side and rear elevations. For sites with more than one frontages, the front or principal part of a building relates to each frontage.
Heritage place	A heritage place has been assessed to have natural or cultural identified heritage value and can include a site, area or space, building or other works, structure, group of buildings, streetscapes, precinct,

Term	Definition
	archaeological site, landscape, garden or tree.
Heritage precinct (as referred to in this policy)	A heritage precinct is an area which has been identified as having heritage significance. It is identified as such in the Schedule to the Heritage Overlay, and mapped in the Planning Scheme Heritage Overlay Maps.
Individual heritage place (as referred to in this policy)	An individual heritage place is equivalent to a significant heritage place. It may be graded significant within a heritage precinct. It may also have an individual Heritage Overlay control, and be located within or outside a heritage precinct.
Key attributes	The key attributes or important characteristics of a heritage precinct are identified in the precinct statement of significance.
Lane	Includes reference to public and private lanes, and ROWs.
Maintenance	Maintenance means the continuous protective care of a place, and its setting, and is distinguished from repair which involves restoration or reconstruction.
Massing	Massing means the arrangement of a building's bulk and its articulation into parts.
Preservation	Preservation is maintaining the fabric of a place in its existing state and retarding deterioration.
Reconstruction	Reconstruction means returning a place to a known earlier state, and is distinguished from restoration by the introduction of new material.
Respectful and interpretive	When used in relation to design, respectful and interpretive refers to design that honestly admits its modernity while relating to the historic or architecturally significant character of its context. Respectful means a modern design approach to new buildings, additions and alterations to buildings, in which historic building size, and form are adopted; and , proportions and details are referenced but not directly copied; and sympathetic colours and materials are used. Interpretive means a looser and simplified modern interpretation of historic building form, details and materials.
Restoration	Restoration means returning a place to a known earlier state by removing accretions or later additions, or by reassembling existing elements. It is distinguished from reconstruction through not introducing new material.
Services and ancillaries	Services and ancillaries include, but are not limited to, satellite dishes, shade canopies and sails, solar panels, water storage tanks, disabled access ramps and handrails, air conditioners, cooling or heating systems and hot water services.
Setting	Setting means the immediate and extended environment of a heritage place that is part of or contributes to its significance.
Streetscape	A streetscape is a collection of buildings along a street frontage. When referred to in relation to a precinct, a streetscape typically contains a majority of buildings which are graded significant or contributory.
Significant streetscape (as referred to in	Significant streetscapes are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are a collection of highly significant

Term	Definition
this policy)	buildings <u>significant</u> in their own right.
Use	Use means the functions of a place, including the activities and traditional and customary practices which may occur at the place or are dependent on the place.
Visible	Visible means anything that can be seen from a street (other than a lane, unless the lane is classified as significant) or public park.

22.04-17 Grading of heritage places

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

‘Significant’ heritage place:

A ‘significant’ heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A ‘significant’ heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a ‘significant’ heritage place can make an important contribution to the precinct.

‘Contributory’ heritage place:

A ‘contributory’ heritage place is important for its contribution to a heritage precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the heritage precinct. A ‘contributory’ heritage place may be valued by the community; a representative example of a place type, period or style; and/or combines with other visually or stylistically related places to demonstrate the historic development of a heritage precinct. ‘Contributory’ places are typically externally intact, but may have visible changes which do not detract from the contribution to the heritage precinct.

‘Non-contributory’ place:

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

22.04-2 Policy Objectives

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- To conserve and enhance Melbourne’s heritage places.
- To retain ~~conserve~~ fabric ~~of historic, aesthetic, social, spiritual and scientific heritage value,~~ which contributes to the significance, character or ~~and~~ appearance of heritage places and precincts.
- To recognise and conserve the assessed significance of heritage places and streetscapes, as referenced in this policy or incorporated into this planning scheme adopted by Council, as the basis for consideration of development and works. Further information may be considered, including in relation to streetscapes, where there is limited information in the existing citation or Council documentation.
- To ensure new development is respectful of the assessed significance of heritage places.
- To ensure new development is respectful of the character and appearance of heritage places.

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

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Permit Application Requirements

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

- Where major or consequential development is proposed to significant heritage places, the responsible authority may require preparation of a Conservation Management Plan (CMP), ~~which is accordance with the Heritage Council of Victoria's 'Conservation Management Plans: Managing Heritage Places A Guide 2010'.~~
- ~~For all applications involving significant or contributory heritage places, other than minor works,~~ the responsible authority may require preparation of a Heritage Impact Statement (HIS), ~~which is in accordance with Heritage Victoria's 'Guidelines for preparing Heritage Impact Statements'.~~ In a heritage precinct, the HIS should address impacts on adjoining significant or contributory buildings and the immediate heritage context, in addition to impacts on the subject place.
- Where works are associated with significant vegetation (as listed in the Schedule to the Heritage Overlay or vegetation of assessed significance), an arboricultural report should be prepared. The report should, where relevant, address landscape significance, arboricultural condition, impacts on the vegetation and impacts on the ~~assessed significance of the~~ heritage precinct.
- For development in heritage precincts, the responsible authority may require sight lines, ~~and~~ heights of existing and adjoining buildings, ~~streetscape elevations, photos and 3D model,~~ as necessary, to determine the impact of the proposed works.
- ~~A comprehensive explanation as to how the proposed development achieves the policy objectives~~

Comment [A1]: Editorial Change 5

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Performance Standards for Assessing Planning Applications

The performance standards set out below outline the criteria by which heritage aspects of planning applications will be assessed. ~~Definitions of words used in these performance standards are included at the end of this policy.~~

~~Variation from the performance standards requires a readily understandable reasoned explanation of how the policy objectives are addressed.~~

22.04-5 Demolition

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Full demolition of significant or contributory buildings ~~_will not normally be permitted. would only be permitted in exceptional circumstances.~~

Partial demolition will not ~~generally normally~~ be permitted in the case of significant buildings ~~or and of~~ the front or principal part of contributory buildings.

Retention of the three dimensional form is encouraged; facadism is discouraged.

The poor condition of a significant or contributory building ~~is will not be considered in itself~~ justification for permitting demolition.

A demolition permit should not be granted until the proposed replacement building or works have been approved.

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

The demolition of front fences and outbuildings which contribute to the cultural significance of the heritage place, is discouraged. will not normally be permitted.

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

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

22.04-6 Alterations

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

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

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

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

- The assessed cultural significance of the building and heritage place.
- The degree to which the works would detract from the significance, character and appearance of the building, and heritage place.
- Its structural condition.

Comment [A2]: Editorial Change 6

- The character and appearance of the proposed replacement materials.
- ~~Whether The degree to which~~ the works can be reversed without ~~an unacceptable~~ loss of ~~fabric which contributes to~~ significance.

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

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

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

Comment [A3]: Editorial Change 6

22.04-7

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Additions

Additions to buildings in a heritage precinct ~~must should~~ be respectful of and in keeping with:

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

~~Additions should not build over or extend into the air space above the front or principal part of a significant or contributory building.~~

Comment [A4]: 20 Feb 2018 FMC resolution 1.3.2.

Where abutting a lane, additions ~~must should~~ be respectful of the scale and form of ~~heritage fabric historic and~~ development to the lane.

Additions to significant or contributory buildings should:

- Be respectful of the building's character and appearance, scale, materials, style and architectural expression.
- Not ~~visually~~ dominate or visually disrupt the appreciation of the building as it presents to the streetscape(s).
- Maintain the ~~prominence perception of the three dimensional form and depth of~~ the building by setting back the addition behind the front or principal part of the building, and from ~~other~~ visible ~~parts secondary elevation(s) .~~
- Retain significant roof form within the setback from the building façade together with any chimneys or similar roof elements of original fabric.
- Not obscure views of façades or elevations associated with the front or principal part of the building.
- Be distinguishable from the original fabric of the building.
- Not employ external column/structural supports through the front or principal part of the building.

The design of additions ~~must should~~:

- Adopt high quality and respectful contextual design.
- Avoid ~~a~~ direct reproduction of ~~the form of historic fabric elements.~~

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

22.04-8 New Buildings

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New buildings ~~must should be respectful of~~-not detract from the assessed cultural heritage significance of the heritage place and streetscape.

Comment [A5]: Editorial Change 6

New buildings- ~~must~~should:

- Be respectful of the heritage place and in keeping with:
 - ~~Identified K~~'key attributes' of the heritage precinct, such as:
 - ~~Precinct characteristics including~~ Building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation and fencing.
 - Prevailing streetscape height and scale.
- Not obscure views from the street(s) and public parks of the front or principal part of adjoining significant or contributory ~~heritage place or buildings~~.
- Not visually dominate or visually disrupt the appreciation of the heritage place by:
 - maintaining a façade height which is consistent with that of adjoining significant or contributory buildings, whichever is the lesser, and
 - setting back higher rear building components.
- Not adopt a façade height which is significantly lower than prevailing heights in the streetscape.
- Be positioned in line with the prevailing building line in the streetscape.
- Not build over or extend into the air space above the front or principal part of an adjoining significant or contributory building.
- Where abutting a lane, be respectful of the scale and form of historic fabric elements of heritage places abutting the lane.

The design of new buildings ~~must~~should:

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

22.04-9 Restoration and Reconstruction

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Exhibition

Where there is evidence of what a building originally looked like, buildings and works ~~renovation of on~~ any part of a significant building, or any visible part of a contributory building, should form part of an authentic restoration or reconstruction process, or should not preclude such a process at a future date (evidence of what a building used to look like might include other parts of the building or early photographs and plans).

22.04-10 Subdivision

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Subdivision of a heritage place should:

- Reflect the pattern of development in the streetscape or precinct, whichever is most relevant to the place.

- ~~Ensure that Maintain an appropriate settings to the and contexts for significant and contributory to heritage buildings and places are maintained including the retention or any original garden areas, large trees and other features which contribute to the significance of the heritage place, the significant or contributory building.~~
- ~~Not provide for future development which will visually disrupt the setting and impact on the presentation of the significant or contributory building~~
- ~~Provide for three dimensional building envelopes for future built form to each lot proposed.~~

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

~~22.04-12~~ ~~22.04-11~~ **Relocation**

~~A proposal to relocate a significant or contributory building or structure may be permitted where the existing location of the heritage place is not part of its significance.~~

~~22.04-12~~ **Vehicle Accommodation and Access**

~~22.04-12~~
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The introduction of on-site car parking, garages and carports, and vehicle crossovers is discouraged and should may only be permitted where:

- ~~The On grade car parking is located to the rear of the property, and or to the side setback, where this is an established streetscape characteristic, and.~~
- ~~The new vehicle crossover is no wider than three metres, and crossovers are common elements of the streetscape.~~
- For a significant or contributory building, the new garage or carport is placed behind the principal or front part of the main building line (excluding verandahs, porches, bay windows or similar projecting features), and:
 - it will be visually recessive;
 - ~~the height is below that of the main roof form of the building;~~
 - it will not conceal an original contributory element of the building (other than a plain side wall); and
 - the form, details and materials are respectful of the building, but do not replicate details of the building.
- Where this is an established characteristic of the streetscape or precinct, ramps to basement or sub-basement car parking are located to the rear of the property, or to a side street or side lane boundary, where they would not visually disrupt the setting of the significant or contributory building, or impact on the streetscape character.

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~~22.04-13~~ **Fences and Gates**

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New or replacement fences or gates to the front or principal part of a significant or contributory building may be permitted where:

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

New fences and gates should also:

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

22.04-XX Trees

Ensure buildings and works respect trees with assessed significance (noted in the schedule to this the heritage overlay) by siting proposed new development at a distance that ensures the ongoing health of the tree.

Comment [A6]: Editorial change 1.

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

22.04-14 Services and Ancillaries

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

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

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

22.04-15 Street Fabric and Infrastructure

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Exhibition

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

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

For existing significant and contributory street fabric and infrastructure, it is policy that:
 ▪ restoration, reconstruction and maintenance- should be carried out in a way that retains the original fabric, form and appearance.

22.04-16 Signage

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new signage associated with heritage places should:

- Minimise visual clutter.
- Not conceal architectural features or details which contribute to the significance of the heritage place.
- Not damage the fabric of the heritage place.
- Be in keeping with historical signage in terms of size and proportion in relation to the heritage place.
- Be readily removable.

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

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

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

22.04-17 Grading of heritage places

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Exhibition

~~The grading (significant, contributory or non contributory) of properties within the Capital City Zone (CCZ) is identified in the incorporated document *Heritage Inventory 2016*. Significant streetscapes are also identified in the incorporated document. Other streetscapes may also be significant and other information may be considered in determining the significance of a streetscape where limited information is provided in the existing citation or Council documentation.~~

~~‘Significant’ heritage place:~~

~~A ‘significant’ heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A ‘significant’ heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a ‘significant’ heritage place can make an important contribution to the precinct.~~

~~‘Contributory’ heritage place:~~

~~A ‘contributory’ heritage place is important for its contribution to a heritage precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the heritage precinct. A ‘contributory’ heritage place may be valued by the community; a representative example of a place type, period or style; and/or combines with other visually or stylistically related places to demonstrate the historic development of a heritage precinct. ‘Contributory’ places are typically externally intact, but may have visible changes which do not detract from the contribution to the heritage precinct.~~

~~‘Non contributory’ place:~~

~~A ‘non contributory’ place does not make a contribution to the heritage significance or historic character of the heritage precinct.~~

22.04-18 Definitions

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Term	Definition
Alteration	An alteration is to modify the fabric of a heritage place, without undertaking building works such as an addition.
Assessed significance	The assessed significance of an individual heritage place or heritage precinct is identified in the relevant statement of significance, as contained in the place citation. This normally identifies what is significant, how it is significant, and why it is significant.
Concealed/partly concealed	Concealed means not visible from any part of the street serving the front or principal part of the building, as defined under ‘visible’. Partly concealed means that a limited amount of the addition or higher rear part may be visible, provided it does not dominate the appearance of the building’s façade and the streetscape.
Conservation	Conservation means all the processes of looking after a place to retain its heritage significance. It may include one or more of maintenance, preservation, restoration, reconstruction, adaptation and interpretation.
Context	Context means the setting of a heritage place, as defined under

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Term	Definition
	'setting', including the immediate landholding, adjoining significant or contributory places, and the surrounding area.
Contextual design	A contextual design for new buildings and additions to existing buildings is one which adopts an interpretive design approach, derived through analysis of the subject property and its heritage context. Such an approach allows new development to comfortably and harmoniously integrate with the site and its streetscape character. The approach can include respectful contemporary architecture.
Cultural significance	Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
Development	Development includes: <ul style="list-style-type: none"> • construction or exterior alteration of a building • demolition or removal of a building or works • construction or carrying out of works • subdivision or consolidation of land, including buildings or airspace • placing or relocation of a building or works on land • construction or putting up for display of signs or hoardings
Enhance	Enhance means to improve the presentation and appearance of a heritage place through restoration, reconstruction or removal of unsympathetic or intrusive elements.
Fabric	Fabric means all the physical material of the heritage place.
Front or principal part of a building	The front or principal part of a building is generally considered to be the front two rooms, with roof; or that part of the building associated with the primary roof form, whichever is the greater. For most non-residential buildings, the front part is generally considered to be one full structural bay in depth or 8 metres, including the roof.
Heritage place	A heritage place has identified heritage value and can include a site, area or space, building or other works, structure, group of buildings, precinct, archaeological site, landscape, garden or tree.
Heritage precinct (as referred to in this policy)	A heritage precinct is an area which has been identified as having heritage significance. It is identified as such in the Schedule to the Heritage Overlay, and mapped in the Planning Scheme Heritage Overlay Maps.
Individual heritage place (as referred to in this policy)	An individual heritage place is equivalent to a significant heritage place. It may be graded significant within a heritage precinct. It may also have an individual Heritage Overlay control, and be located within or outside a heritage precinct.
Key attributes	The key attributes or important characteristics of a heritage precinct are identified in the precinct statement of significance.
Lane	Includes reference to public or private lanes, and ROWs.
Maintenance	Maintenance means the continuous protective care of a place, and its setting, and is distinguished from repair which involves restoration or reconstruction.

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

22.04-19 Reference Documents

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Central Activities District Conservation Study 1985

Harbour, Railways, Industrial Conservation

South Melbourne Conservation Study 1985

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Central City (Hoddle Grid) Heritage Review 2011

Bourke Hill Precinct Heritage Review Amendment C240 2015

City North Heritage Review, RBA Architects 2013

[C258 Heritage Precincts Statements of Significance 2017](#)

22.05 HERITAGE PLACES OUTSIDE THE CAPITAL CITY ZONE

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

22.05-1 Policy Basis

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

Heritage places outside the Capital City Zone (CCZ) encompass ~~heritage precincts, individual heritage places and within and outside heritage precincts, and historic streets and lanes.~~ These places ~~date from pre-European settlement, to the mid nineteenth century through to more recent times, and~~ are variously of heritage value for their historic, aesthetic, social, spiritual and scientific significance.

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

This policy provides guidance on conserving and enhancing heritage places outside the CCZ ~~and is informed by the conservation principles, processes and practices of the Australia ICOMOS Burra Charter.~~ It encourages the conservation, preservation and restoration of heritage places, and development which enhances the heritage place and is compatible and in keeping with their its cultural heritage values. The policy recognises that heritage places are living and working places; and that development should be considered in the context of the heritage policy objectives.

~~This policy seeks to ensure that heritage buildings are retained in their three dimensional form, not as two dimensional facades.~~

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

22.05-18 Definitions

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

Term	Definition
	landholding, adjoining significant or contributory places, and the surrounding area.
Contextual design	A contextual design for new buildings and additions to existing buildings is one which adopts an interpretive design approach, derived through analysis of the subject property and its heritage context. Such an approach requires <u>allows</u> new development to comfortably and harmoniously integrate with the site and its streetscape character. The approach can include respectful contemporary architecture.
Cultural significance	Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
Development	Development includes: <ul style="list-style-type: none"> • construction or exterior alteration of a building • demolition or removal of a building or works • construction or carrying out of works • subdivision or consolidation of land, including buildings or airspace • placing or relocation of a building or works on land • construction or putting up for display of signs or hoardings
Enhance	Enhance means to improve the presentation and appearance of a heritage place through restoration, reconstruction or removal of unsympathetic or intrusive elements; <u>and through appropriate development.</u>
Fabric	Fabric means all the physical material of the heritage place.
<u>Facadism</u>	<u>The retention of the exterior face/faces of a building without the three-dimensional built form providing for its/their structural support, and, without retention of an understanding of the function of the three-dimensional building form.</u>
Front or principal part of a building	The front or principal part of a building is generally considered to be the front two rooms <u>in depth, complete</u> with <u>the structure and cladding to the roof</u> ; or that part of the building associated with the primary roof form, whichever is the greater. <u>For residential buildings this is generally 8 metres in depth.</u> For most non-residential buildings, the front part is generally considered to be one full structural bay in depth <u>-complete with the structure and cladding to the roof. This is generally 8 – 10 metres in depth, or 8 metres, including the roof.</u> <u>For corner sites, the front or principal part of a building includes side and rear elevations.</u> <u>For sites with more than one frontage, the front or principal part of a building relates to each frontage.</u>
Heritage place	A heritage place has <u>been assessed to have natural or cultural identified</u> heritage value and can include a site, area or space, building or other works, structure, group of buildings, precinct, archaeological site, landscape, garden or tree.
Heritage precinct (as referred to in this policy)	A heritage precinct is an area which has been identified as having heritage significance. It is identified as such in the Schedule to the Heritage Overlay, and mapped in the Planning Scheme Heritage Overlay Maps.

Term	Definition
Individual heritage place (as referred to in this policy)	An individual heritage place is equivalent to a significant heritage place. It may be graded significant within a heritage precinct. It may also have an individual Heritage Overlay control, and be located within or outside a heritage precinct.
Key attributes	The key attributes or important characteristics of a heritage precinct are identified in the precinct statement of significance.
Lane	Includes reference to public or private lanes, and ROWs.
Maintenance	Maintenance means the continuous protective care of a place, and its setting, and is distinguished from repair which involves restoration or reconstruction.
Massing	Massing means the arrangement of a building's bulk and its articulation into parts.
Preservation	Preservation is maintaining the fabric of a place in its existing state and retarding deterioration.
Reconstruction	Reconstruction means returning a place to a known earlier state, and is distinguished from restoration by the introduction of new material.
Respectful and interpretive	When used in relation to design, respectful and interpretive refers to design that honestly admits its modernity while relating to the historic or architecturally significant character of its context. Respectful means a modern design approach to new buildings, additions and alterations to buildings, in which historic building size <u>and form are adopted; and</u> , proportions and details are referenced but not directly copied, and sympathetic colours and materials are used. Interpretive means a looser and simplified modern interpretation of historic building form, details and materials.
Restoration	Restoration means returning a place to a known earlier state by removing accretions or later additions, or by reassembling existing elements. It is distinguished from reconstruction through not introducing new material.
Services and ancillaries	Services and ancillaries include, but are not limited to, satellite dishes, shade canopies and sails, solar panels, water storage tanks, disabled access ramps and handrails, air conditioners, cooling or heating systems and hot water services.
Setting	Setting means the immediate and extended environment of a <u>heritage</u> place that is part of or contributes to its significance.
Streetscape	A streetscape is a collection of buildings along a street frontage. When referred to in relation to a precinct, a streetscape typically contains a majority of buildings which are graded significant or contributory.
Significant streetscape (as referred to in this policy)	Significant streetscapes are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are <u>a collection of highly significant buildings significant</u> in their own right.
Use	Use means the functions of a place, including the activities and traditional and customary practices which may occur at the place or are dependent on the place.
Visible	Visible means anything that can be seen from a street (other than a

Term	Definition
	lane, unless the lane is classified as significant) or public park.

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Grading of heritage places

The grading (significant, contributory or non-contributory) of properties outside the Capital City Zone is identified in the incorporated document *Heritage Places Inventory 2017*. Significant Streetscapes are also identified in this incorporated document. ~~Other streetscapes may also be significant and other information may be considered in determining the significance of a streetscape where limited information is provided in the existing citation or Council documentation.~~

‘Significant’ heritage place:

A ‘significant’ heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A ‘significant’ heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a ‘significant’ heritage place can make an important contribution to the precinct.

‘Contributory’ heritage place:

A ‘contributory’ heritage place is important for its contribution to a heritage precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the heritage precinct. A ‘contributory’ heritage place may be valued by the community; a representative example of a place type, period or style; and/or combines with other visually or stylistically related places to demonstrate the historic development of a heritage precinct. ‘Contributory’ places are typically externally intact, but may have visible changes which do not detract from the contribution to the heritage precinct.

‘Non-contributory’ place:

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

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Policy Objectives

- To conserve and enhance Melbourne’s heritage places.
- To ~~retain~~ ~~conserve~~ fabric of historic, aesthetic, social, spiritual and scientific heritage value, which contributes to the significance, character ~~or~~ ~~and~~ appearance of heritage places ~~and precincts~~.
- To recognise ~~and conserve~~ the assessed significance of heritage places and streetscapes, as ~~referenced in this policy or incorporated into this planning scheme~~ ~~adopted by Council~~, as the basis for consideration of development and works. Further information may be considered, including in relation to streetscapes, where there is limited information in the existing citation or Council documentation.
- To ensure new development is respectful of the assessed significance of heritage places.
- To ensure new development is respectful of the character and appearance of heritage places.
- To encourage high quality contextual design for new development, which ~~and generally~~ avoids replication of historic forms and details.
- To encourage retention of the three dimensional fabric and form of a building and to discourage façadism.
- To encourage the adaptive reuse of heritage places.
- To ensure new development is ~~consistent with~~ ~~informed by~~ the conservation principles, processes and practices of the Australia ICOMOS Burra Charter.

- To enhance the presentation and appearance of heritage places through restoration and, where evidence exists, reconstruction of original or contributory ~~fabricelements~~.
- To protect significant views and vistas to heritage places.
- To promote the protection of Aboriginal cultural heritage.

22.05-3 Permit Application Requirements

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Exhibition

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

- Where major or consequential development is proposed to significant heritage places, the responsible authority may require preparation of a Conservation Management Plan (CMP), which is accordance with the Heritage Council of Victoria's 'Conservation Management Plans: Managing a Heritage Places A Guide 2010'.
- ~~For all applications involving significant or contributory heritage places, other than minor works,~~ The responsible authority may require preparation of a Heritage Impact Statement (HIS), which is in accordance with Heritage Victoria's 'Guidelines for preparing Heritage Impact Statements'. In a heritage precinct, the HIS should address impacts on adjoining significant or contributory buildings and the immediate heritage context, in addition to impacts on the subject place.
- Where works are associated with significant vegetation (as listed in the Schedule to the Heritage Overlay or vegetation of assessed significance), an arboricultural report should be prepared. The report should, where relevant, address landscape significance, arboricultural condition, impacts on the vegetation and impacts on the assessed significance of the heritage precinct.
- For development in heritage precincts, the responsible authority may require sight lines, and heights of existing and adjoining buildings, streetscape elevations, photos and 3D model, as necessary to determine the impact of the proposed works.
- A comprehensive explanation as to how the proposed development achieves the policy objectives.

22.05-4 Performance Standards for Assessing Planning Applications

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The performance standards set out below outline the criteria by which heritage aspects of planning applications will be assessed. ~~Definitions of words used in these performance standards are included at the end of this policy at 22.05-18.~~

~~Variation from the performance standards requires a readily understandable reasoned explanation of how the policy objectives are addressed.~~

22.05-5 Demolition

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Exhibition

The demolition of a non-contributory place will generally be permitted.

Full demolition of significant or contributory buildings ~~will not would normally only~~ be permitted in exceptional circumstances.

Partial demolition will not generally normally be permitted in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings.

Retention of the three dimensional form is encouraged; facadism is discouraged.

The adaptive reuse of a heritage place is encouraged.

The poor condition of a significant or contributory building ~~willis~~ not be considered in itself justification for permitting demolition.

A demolition permit should not be granted until the proposed replacement building or works have been approved.

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

~~The Demolition of front fences and outbuildings which contribute to the cultural significance of the heritage place is discouraged will not normally be permitted.~~

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

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

22.05-6 Alterations

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Exhibition

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

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

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

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

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

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

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

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

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22.05-8 Additions

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Additions to buildings in a heritage precinct must be respectful of and in keeping with:

- Identified ‘key attributes’ of the heritage precinct.
- Precinct characteristics including building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation.

Comment [MF3]: Editorial Change 6

- Character and appearance of ~~adjoining-nearby~~ significant and contributory buildings.

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

Additions to significant or contributory buildings should:

- Be respectful of the building's character and appearance, scale, materials, style and architectural expression.
- Not visually dominate or visually disrupt the appreciation of the building as it presents to the streetscape(s).
- Maintain the ~~perception-prominence of the three dimensional form and depth~~ of the building by setting back the addition behind the front or principal part of the building, and from ~~other~~ visible ~~secondary elevation(s) and moderating height~~.
- ~~Not build over or extend into the air space above the front or principal part of the significant or contributory building.~~
- ~~Retain~~ significant roof form within the setback from the building façade together with any chimneys or similar roof elements of original fabric.
- Not obscure views of façades or elevations associated with the front or principal part of the building.
- Be distinguishable from the original fabric of the building.

The design of additions must:

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

Concealment of additions:

Additions to a significant or contributory building ~~should~~ must be concealed in significant streetscapes.

In other streetscapes, additions to significant buildings ~~should always~~ must be concealed. ~~In other streetscapes, additions and~~ to contributory buildings should be partly concealed - ~~some of the addition or higher rear part may be visible, provided it does not dominate or reduce the prominence of the building's façade(s) and the streetscape:~~

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

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

22.05-7 New Buildings

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New buildings ~~must be respectful of and should~~ not detract from the assessed ~~cultural~~ **heritage** significance of the heritage place.

New buildings ~~-must~~ **should**:

- Be respectful of the heritage place and in keeping with:
 - ~~Identified~~ 'Key attributes' of the heritage precinct ~~such as:~~
 - ~~Precinct characteristics including~~ Building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation ~~and fencing~~.
 - Prevailing streetscape height and scale.

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- Not obscure views from the street(s) and public parks of the front or principal part of adjoining significant or contributory places or buildings.
- Not visually dominate or visually disrupt the appreciation of the heritage place by:
 - maintaining a façade height which is consistent with that of adjoining significant or contributory buildings, whichever is the lesser, and
 - setting back higher rear building components.
- Not adopt a façade height which is significantly lower than prevailing heights in the streetscape.
- Neither be positioned forward of the façade of adjoining significant or contributory heritage places or buildings, or set back significantly behind the prevailing building line in the streetscape.
- Not build over or extend into the air space above the front or principal part of an adjoining significant or contributory building or place.
- Where abutting a lane, be respectful of the scale and form of historic fabric-elements of heritage places abutting the lane.

The design of new buildings- ~~must~~should:

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

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

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

22.05-9 Restoration and Reconstruction

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Proposed
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Exhibition

Where there is evidence of what a building originally looked like, ~~renovation~~buildings and works on any part of a significant building, or any visible part of a contributory building, should form part of an authentic restoration or reconstruction process, or should not preclude such a process at a future date (evidence of what a building used to look like might include other parts of the building or early photographs and plans).

22.05-10 Subdivision

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Proposed
C258
Exhibition

Subdivision of a heritage place should:

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

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

~~22.05-11~~ Relocation

~~—/—/201-~~
Proposed
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Exhibition

~~A proposal to relocate a significant or contributory building or structure may be permitted where the existing location of the heritage place is not part of its significance.~~

22.05-12 Vehicle Accommodation and Access

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Exhibition

The introduction of on-site car parking, garages and carports, and vehicle crossovers is discouraged and should only may be permitted where:

- The On-grade car parking is located to the rear of the property, and or to the side setback where this is an established streetscape characteristic.
- ~~The new vehicle crossover is no wider than three metres, and crossovers are common elements of the streetscape.~~
- For a significant or contributory building, the new garage or carport is placed behind the principal of front part of the main building ~~line~~ (excluding verandahs, porches, bay windows or similar projecting features), and:
 - it will be visually recessive;
 - ~~the height is below that of the main roof form of the building;~~
 - it will not conceal an original contributory element of the building (other than a plain side wall); and
 - the form, details and materials are respectful of the building, but do not replicate details of the building.
- Where this is an established characteristic of the streetscape or precinct, ramps to basement or sub-basement car parking are located to the rear of the property, or to a side street or side lane boundary, where they would not visually disrupt the setting of the significant or contributory building, or impact on the streetscape character.

22.05-13 Fences and Gates

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Exhibition

New or replacement fences or gates to the front or principal part of a significant or contributory building may be permitted where:

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

New fences and gates should also:

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

22.04-XX Trees

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

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

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22.05-14 Services and Ancillaries

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Exhibition

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

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

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

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

22.05-15 Street Fabric and Infrastructure

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Exhibition

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

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

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

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

22.05-16 Signage

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Exhibition

New signage associated with heritage places should:

- Minimise visual clutter.
- Not conceal architectural features or details which contribute to the significance of the heritage place.
- Not damage the fabric of the heritage place.
- Be in keeping with historical signage in terms of size and proportion in relation to the heritage place.
- Be readily removable.

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

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

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

22.05-19 Reference Documents

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Central Activities District Conservation Study 1985

~~Harbour, Railways, Industrial Conservation~~

South Melbourne Conservation Study 1985

Central City (Hoddle Grid) Heritage Review 2011

Bourke Hill Precinct Heritage Review Amendment C240 2015

City North Heritage Review, RBA Architects 2013

East Melbourne & Jolimont Conservation Study 1985

Parkville Conservation Study 1985

North & West Melbourne Conservation Study 1985, & 1994

Flemington & Kensington Conservation Study 1985

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

South Yarra Conservation Study 1985

South Melbourne Conservation Study 1985 & 1998

Harbour, Railway, Industrial Conservation Study 1985

Kensington Heritage Review, Graeme Butler 2013

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

Comment [MF6]: Editorial change 2

MELBOURNE PLANNING SCHEME

[City North Heritage Review, RBA Architects 2013](#)

[Arden Macaulay Heritage Review, Graeme Butler 2012](#)

West Melbourne Heritage Review 2016



Melbourne Planning Scheme

Incorporated Document

Amendment C258: Heritage Places Inventory 2017

Corrected for re-exhibition, November 2017

**This document is an incorporated document in the Melbourne Planning Scheme pursuant to
Section 6(2)(j) of the Planning and Environment Act 1987**

INCORPORATED DOCUMENT – CLAUSE 81 SCHEDULE

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INTRODUCTION

All buildings contained in the Heritage Overlay of the Melbourne Planning Scheme are graded as 'significant', 'contributory' or 'non-contributory' (represented by a '-') within this document. This document also indicates whether they are located in a significant streetscape.

The property listings are divided into the following geographical areas:

- Carlton;
- East Melbourne and Jolimont;
- Flemington and Kensington;
- Melbourne;
- North and West Melbourne;
- Parkville;
- South Melbourne, Southbank, Docklands & Port Melbourne; and
- South Yarra.

Within each area individual properties are listed alphabetically by street name and numerically.

In addition to this document, further information regarding each of these heritage buildings is recorded on the relevant "Building Identification Form". These Building Identification Forms are available for inspection at Council's Development Planning Department.

The performance standards applied by Council when considering relevant permit applications are dependent on the particular building grading and whether it is in a significant streetscape. These performance standards are set out in the "Heritage Places Within the Capital City Zone" local policy at Clause 22.04 and the "Heritage Places Outside The Capital City Zone" local policy at Clause 22.05 of the Melbourne Planning Scheme.

The building grading and significant streetscape definitions are provided on the following page.

DEFINITIONS

The definitions used for each of the heritage place gradings are 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 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 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.

'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 '-'.

The definition used for a significant streetscape is as follows:

'Significant streetscapes' are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are highly significant buildings in their own right.

Coloured Text Code

The entries shown in blue text were assessed under Amendment C258 – West Melbourne Heritage Review 2016.

The entries shown in red text are corrections to the West Melbourne Heritage Review 2016 data that was exhibited in April-May 2017.

The entries shown in green are those properties that were inadvertently omitted from the exhibited C258 Heritage Places inventory and/or entries with corrected information.

FLEMINGTON AND KENSINGTON			
Street	Number	Building Grading	Significant Streetscape
Eastwood Street	145	Contributory	-
Eastwood Street	147	Contributory	-
Eastwood Street	149	Contributory	-
Eastwood Street	151	Contributory	-
Eastwood Street	153	Contributory	-
Eastwood Street	157	Contributory	-
Eastwood Street	159	Contributory	-
Eastwood Street	161	Contributory	-
Eastwood Street	163	Contributory	-
Eastwood Street	165	Contributory	-
Eastwood Street	167-169	Contributory	-
Elizabeth Street	2-50	Significant	-
Elizabeth Street	31	Contributory	-
Elizabeth Street	33-35	Contributory	-
Elizabeth Street	52-112	Significant	Significant
Epsom Road	32	Contributory	-
Epsom Road	34	Contributory	-
Epsom Road	36	Contributory	-
Epsom Road	38	Contributory	-
Epsom Road	40	Contributory	-
Epsom Road	42-44	Contributory	-
Epsom Road	46	Significant	-
Epsom Road	56	Significant	-
Epsom Road	58	Significant	-
Epsom Road	60	Significant	-
Epsom Road	64	Significant	-
Epsom Road	66	Significant	-
Epsom Road	300	Significant	Significant
Epsom Road	Flemington Racecourse	Significant	Significant
Epsom Road	1-7	Significant	-
Epsom Road	17	Contributory	-
Epsom Road	19	Contributory	-

Comment [A2]: Editorial Change
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NORTH AND WEST MELBOURNE			
Street	Number	Building Grading	Significant Streetscape
	and Co ironmongers warehouse complex, Roden Street Wing)		
Roden Street	164-184, Briscoe and Co ironmongers warehouse complex	Significant	-
Roden Street	1-37 (Primary School No. 1689)	Significant	Significant
Roden Street	159	Contributory Significant	-
Roden Street	163	Contributory Significant	-
<u>Roden Street</u>	<u>159-163, Thomas Hulse House Row Precinct</u>	<u>Significant</u>	<u>-</u>
Roden Street	171	Contributory	-
Roden Street	173-175	Contributory	-
Roden Street	171-179 (Wington Cottages)	Significant	-
Roden Street	177	Contributory	-
Roden Street	179	Contributory	-
Roden Street	197	Significant	-
Roden Street	199	Significant	-
Roden Street	201	Significant	-
Roden Street	203	Contributory	-
Rosslyn Street	22-40	Significant	-
Rosslyn Street	58	Contributory	-
Rosslyn Street	62	Significant	-
Rosslyn Street	64	Significant	-
Rosslyn Street	66	Significant	-
Rosslyn Street	68	Significant	-
Rosslyn Street	70-74	Significant	-
Rosslyn Street	126 (rear 124)	Contributory	-
Rosslyn Street	300	Significant	-
Rosslyn Street	49-51	Significant	-
Rosslyn Street	65	Contributory	-
Rosslyn Street	67	Contributory	-
Rosslyn Street	69	Contributory	-

Comment [A4]: Editorial Change 4

PARKVILLE			
Street	Number	Building Grading	Significant Streetscape
Royal Parade	21-23	Significant	Significant
Royal Parade	25-27	Contributory	Significant
Royal Parade	29-31	Contributory	Significant
Royal Parade	33	Significant	Significant
Royal Parade	35-39	-	Significant
Royal Parade	43-49	Contributory	Significant
Royal Parade	51	Significant	Significant
Royal Parade	53	Significant	Significant
Royal Parade	55	Significant	Significant
Royal Parade	57	Contributory	Significant
Royal Parade	59	Contributory	Significant
Royal Parade	61	Contributory	Significant
Royal Parade	63-65	Contributory	Significant
Royal Parade	67	Contributory	Significant
Royal Parade	69	Contributory	Significant
Royal Parade	71	Significant	Significant
Royal Parade	73	Significant	Significant
Royal Parade	75	Contributory	Significant
Royal Parade	77-83	Contributory	Significant
Royal Parade	87	Contributory	Significant
Royal Parade	89	Significant	Significant
Royal Parade	91	Contributory	Significant
Royal Parade	93-97	Contributory	Significant
Royal Parade	99	Contributory	Significant
Royal Parade	101	Contributory	Significant
Royal Parade	103	Contributory	Significant
Royal Parade	105	Contributory	Significant
Royal Parade	107	Significant	Significant
Royal Parade	113-115	Contributory	Significant
Royal Parade	117	Contributory	Significant
Royal Parade	119	Contributory	Significant
Royal Parade	121-125	Contributory	Significant
Royal Parade	127	Contributory	Significant
Royal Parade	129-133	-	Significant

Comment [A5]: Editorial Change
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