

**From:** Jason.Close@delwp.vic.gov.au  
**To:** [emma.appleton@ovga.vic.gov.au](mailto:emma.appleton@ovga.vic.gov.au); [Robyn Hellman](#); [Maree Fewster](#)  
**Cc:** [peita.tapper@delwp.vic.gov.au](mailto:peita.tapper@delwp.vic.gov.au); [alison.glynn@delwp.vic.gov.au](mailto:alison.glynn@delwp.vic.gov.au)  
**Subject:** West Melbourne interim heritage controls  
**Date:** Monday, 20 March 2017 5:26:03 PM  
**Attachments:** [ATT00001.gif](#)  
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Hi everyone

The Minister has just approved interim controls for West Melbourne

The amendment will introduce controls across the places included in council's request except for the following:

- Melbourne Assessment Prison
- 5 sets of trees on council land
- 109-133 Rosslyn St & 83-113 Batman St (places where permits have been issued)
- 488-494 Latrobe St (place where a Notice of Decision to Grant a Permit has been issued)
- 511 King Street (place which has been demolished)

At this stage the gazettal date has yet to be confirmed. Peita may be able to advise you when this is known.

regards

Jason

**Jason Close | Manager | Planning Services**

**Planning | Department of Environment, Land, Water and Planning**

Level 8, 8 Nicholson Street, East Melbourne, Victoria 3002  
T: 03 8392 5526 | M: 0417 569 004 | E: [jason.close@delwp.vic.gov.au](mailto:jason.close@delwp.vic.gov.au)



**MELBOURNE PLANNING SCHEME**  
**AMENDMENT C273**  
**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by the Minister for Planning, which for is the planning authority for this amendment.

This amendment has been made at the request of Melbourne City Council.

**Land affected by the Amendment**

The amendment applies to the following sites in West Melbourne.

- HO1178 - 17-37 Abbotsford Street
- HO1179 –136 Adderley Street
- HO770 (additional place) - 15-21 Boughton Place
- HO1181 - 100-154 Batman Street
- HO1183 - 300 Dudley Street
- HO1187 461-467 King Street
- HO1188 - 469-471 King Street
- HO844 (additional place) - 171 Roden Street
- HO1192 - 101-107 Rosslyn Street
- HO1194 - 298-302 Rosslyn Street
- HO771 (additional properties) - 115, 133-137 Batman Street, 23 Franklin Place, 102 Jeffcott Street and 371 Spencer Street
- HO1196 - 445 Spencer Street
- HO845 (additional place) – 503 Spencer Street
- HO1197 - 541-547 Spencer Street
- HO1198 - part 31-47 rear Stanley Street
- HO1199 - 62-80 Stanley Street
- HO3 (additional place) – 187 Spencer Street

**What the amendment does**

The amendment proposes the following changes on an interim basis (until 1 March 2018):

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to include new heritage places in the Schedule to Clause 43.01
- Amend Planning Scheme Maps 7HO, 8HO to include new heritage places.

**Strategic assessment of the Amendment**

**Why is the Amendment required?**

The *West Melbourne Heritage Review 2016* was undertaken to re-assess the heritage significance of currently protected properties and to identify buildings with heritage significance

not currently protected in the Melbourne Planning Scheme. The review recommended that of new Heritage Overlays should be created.

The amendment is required to ensure those sites identified as having heritage significance, which are not currently protected in the Melbourne Planning Scheme, are protected on an interim basis while a separate amendment to introduce the same controls on a permanent basis is being processed.

There is an exceptional level of development pressure currently being experienced in West Melbourne which has resulted in the loss of heritage buildings. Between 2015-2016 (to July 2016) there were 17 active planning applications (either yet to be decided or at the Victorian Civil Administrative Tribunal), 14 permits approved, nine developments under construction and four completed developments. This is a significant level of change for this relatively small area and this amendment will ensure that the significance of the identified heritage buildings is considered as part of any proposals for redevelopment. It will also ensure that that the community and developers are informed of their significance.

### **How does the Amendment implement the objectives of planning in Victoria?**

By including buildings of historic and aesthetic significance in the Heritage Overlay, the proposed amendment implements the following objective under Section 4 of the *Planning and Environment Act 1987*:

*(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*

### **How does the Amendment address any environmental, social and economic effects?**

The amendment can have positive environment, social and economic outcomes for Melbourne by protecting:

- The significant fabric of buildings and places that have been identified as contributing to an understanding of West Melbourne's history, particularly in terms of local social, architectural and economic history.
- Culturally significant fabric by encouraging the retention and adapted re use of existing building stock.
- The urban qualities that make West Melbourne distinctive as a local neighbourhood for locals and visitors.

### **Does the Amendment address relevant bushfire risk?**

There is no increased risk of bushfires occurring from the changes proposed to the Melbourne Planning Scheme.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

- The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.
- The amendment complies with Ministerial Direction No.9 - Metropolitan Strategy and specifically supports Direction No.5, Policy 5.4 - "Protect heritage places and values".
- The amendment complies with Ministerial Direction No.11 - Strategic Assessment of Amendments.

### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment supports the objective of Clause 15.03 of the State Planning Policy Framework to assist the conservation of places that have historical significance. By including the identified places in the Heritage Overlay, Council will be fulfilling the State objective of identifying, conserving and protecting places of natural or cultural value.

## **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports the objectives and the strategies in Clause 21.06-2 of the Municipal Strategic Statement by conserving places of identified heritage significance. The amendment also supports the objectives of Clause 22.05 (Heritage Places outside the Capital City Zone Policy) of the Local Planning Policy Framework, which seek to conserve, promote and protect places of heritage value throughout the municipality.

## **Does the Amendment make proper use of the Victoria Planning Provisions?**

The proposed amendment makes proper use of the Victoria Planning Provisions. The Schedule to the Heritage Overlay is the proper Victorian Planning Provision tool for the introduction of heritage controls over a place identified to be of heritage significance.

The amendment addresses the requirements of the Planning Practice Note *“Applying the Heritage Overlay, September 2012”*. This Practice Note states that places identified in local heritage studies should be included in the Heritage Overlay if the significance of the place can be established. The identification of heritage places using established criteria and documentation methods is an important consideration in proposing the inclusion of heritage places in the Schedule to the Heritage Overlay.

This amendment is consistent with the Planning Practice Note *“Ministerial powers of intervention in planning and heritage matters Nov 2004”*.

## **How does the Amendment address the views of any relevant agency?**

The views of any relevant agencies have not been sought. Council will engage with relevant agencies, affected property owners and relevant principal community groups during the public exhibition phase of the amendment which proposes to apply the controls on a permanent basis.

## **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is unlikely to have an impact on the transport system as defined by Section 3 of the Transport Integration Act 2010.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The inclusion of additional places within the Schedule to the Heritage Overlay may contribute to a minor increase in the number of planning permit applications on an annual basis.

This increase can be accommodated with existing resources. These resource and administrative costs will be off-set by a reduction in the need for individual responses to the possible demolition of significant heritage places which are not currently included within the Schedule to the Heritage Overlay.

## **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Melbourne  
Planning and Building Reception Counter  
Level 3, 240 Little Collins Street  
MELBOURNE VIC 3000

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at: [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

# MELBOURNE PLANNING SCHEME AMENDMENT C258

## Planning permit status for properties not included in Planning Scheme Amendment C273

Date prepared: 9 July 2018

Interim heritage protection was not granted by the Minister for Planning for the following list of properties as part of Planning Scheme Amendment C273:

- 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. 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

There are planning permit applications and permits for six of these properties – the current status and details of these are listed below. This information is from the City of Melbourne's Pathway database, aerial photographs, site visits, and the Department of Environment, Land, Water and Planning's online Planning Permit Application Register.

Address or description	Proposed HO reference	Status
Tame and Company factory, 511 King Street, West Melbourne	HO1189	Heritage building/s demolished between October and December 2016. Consent for demolition granted by the City of Melbourne on 2 August 2016. No pending planning permit application or recently issued planning permit.
Edward J. and Samuel Spink workshop, also J. B. Watson's	HO1190	Confirmed by site visit on 9 July that heritage building is under demolition.

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Address or description	Proposed HO reference	Status
stores, later Molloy and Co, hide and skin merchants, 488–494 La Trobe Street, West Melbourne		<p>Consent for demolition granted by the City of Melbourne on 12 May 2017 with the note that ‘Council is pursuing heritage controls for this site. Therefore this 29a should not be acted on until VCAT has made a determination on Planning Permit TP-2016-483’. (DM 10829482)</p> <p>Planning permit TP-2016-483 issued on 30 August 2017 in accordance with VCAT’s order dated 25 August 2017. The permit allows ‘construction of a multi-storey building comprising ground floor retail premises (excluding hotel, tavern, adult sex bookshop, department store, supermarket and gambling premises), reduction in the car parking requirements in accordance with the endorsed plans’. (DM 11117820)</p>
Dixon and Co. cordial factory, later Felton Grimwade and Duerdins Pty. Ltd. Chemical laboratory, factory and store complex, 109–133 Rosslyn Street, West Melbourne	HO1193	<p>Heritage building/s demolished between January and October 2017.</p> <p>Consent for demolition granted by the City of Melbourne on 13 March 2015. (DM 9056285)</p> <p>Planning permit TP-2015-391 issued on 22 December 2015. The permit allows ‘construction of a 9 storey building to be used for the purposes of dwellings with a food and drink premises (not exceeding 150sqm) on ground level, reduction in the car parking requirements and waiver of the loading and unloading requirements in accordance with the endorsed plans’. (DM 9615088)</p> <p>Amended permit TP-2015-391/B issued 21 June 2018. The permit allows plans to be amended ‘to increase size of south facing balcony at level 8 (dwelling 802) in accordance with the endorsed plans. (DM 11724536)</p>
Australian Biscuit Company Ltd. stores, 300 Rosslyn Street, West Melbourne	HO1194	<p>Confirmed by site visit on 4 July 2018 that building has not been demolished.</p> <p>Most recent permit issued 26 July 2004.</p>
Melbourne Remand Centre, later Assessment Prison, 317 Spencer Street, West Melbourne	HO1195	<p>Confirmed by site visit on 4 July 2018 that building has not been demolished.</p> <p>Planning permit TP-2016-882 issued 4 November 2016. The permit allows ‘alterations and extension to the existing facility in accordance with the endorsed plans’. The recommendation to include 317 Spencer Street as a heritage place from West Melbourne Heritage Review was considered in the assessment of</p>

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Address or description	Proposed HO reference	Status
Brown's factory, later Preston Motors Pty.Ltd., 445 Spencer Street, West Melbourne	HO1196	the planning permit application. (DM 10183024, DM 10178530)  Confirmed by site visit on 4 July 2018 that building has not been demolished.  Planning permit TP-2015-569 issued 11 December 2015. The permit allows 'change of use to motorcycle warehouse, sales and service premises with associated external alterations, installation of internally illuminated business identification signage, a reduction in the standard car parking and loading requirements, to vary the requirements of Clause 52.14 of the Melbourne Planning Scheme and changes to the parking and access arrangement adjacent to a Road Zone Category 1 in accordance with the endorsed plans'. (DM 9596542)