



Supplementary Statement of Evidence and Report to Planning Panel

Melbourne Planning Scheme Amendment C258
City of Melbourne Heritage Review

February 2019

Prepared by

Prepared for

LOVELL CHEN



City of Melbourne

Statement of Qualifications and Experience, and Declaration

Authorship of this report

This supplementary statement of evidence has been prepared by Ms Anita Brady, formerly Principal Heritage of Lovell Chen Pty Ltd, Architects and Heritage Consultants, Level 5, 176 Wellington Parade, East Melbourne; and now a Special Consultant to the practice.

Qualifications and Experience

I hold a Masters of Arts (Public History) from Monash University, and a Bachelor of Arts (Hons) from the University of Melbourne. I have been involved in cultural heritage practice and management for some 30 years in both the public and private sectors. I commenced my career in c.1990 with the (then) Department of Conservation Forests and Lands, working on heritage places on public land, reserves, state forests and in National and State Parks.

This early experience evolved to include heritage appraisals of private and government owned properties, assessments of works and development related impacts on heritage places, and strategic planning and policy development for heritage places. While employed at Heritage Victoria for four years, I was the principal author of the Victorian Heritage Strategy (May 2000), and Secretary to the Heritage Council's Policy and Protocols Committee. I have also published on cultural heritage matters.

I was employed at Lovell Chen (formerly Allom Lovell & Associates) from June 2001 until September 2018; was made Associate Director in 2005 and Principal Heritage in 2017.

During my time at Lovell Chen I was responsible for leading multi-disciplinary teams with expertise in architecture, history, archaeology and planning. I undertook numerous heritage assessments of properties, heritage impacts assessments, authored reports on heritage matters for planning panels, prepared expert witness statements, and gave evidence before planning appeals tribunals. I managed municipal heritage studies, gaps studies and reviews for local Government authorities, including the municipalities of Boroondara, Yarra, Yarra Ranges, Greater Bendigo, Port Phillip and Melbourne.

I was involved in the preparation of numerous conservation management plans, analyses and reports, for very diverse heritage places in Victoria and Australia. These places have included private residences; Department of Defence and Australia Post properties; industrial heritage complexes; World Heritage Listed places such as the Royal Exhibition Building and Carlton Gardens, and convict sites in Tasmania and Western Australia; sports grounds and stadiums; and large landscape areas. I was also responsible for preparation of Incorporated Plans for planning permit exemptions under the Heritage Overlay for the cities of Yarra (2014) and Maribyrnong (2018); and for this recent review of local heritage policies and property gradings for the City of Melbourne.

Supplementary statement to previous statement of evidence

This report is a supplementary statement to my previous 'Statement of Evidence and Report to Planning Panel' (dated July 2018) in relation to Melbourne Planning Scheme Amendment C258.

Instructions

My instructions were included in email correspondence from Maree Fewster, Senior Strategic Planner, City of Melbourne, dated 5 December 2018, confirming that preparation of this supplementary statement and further presentation of evidence to the Panel was required. This followed the C258 Planning Panel 'Directions' of 4 December 2018.

Involvement with the affected properties

The office of Lovell Chen has previously, and separately to this Planning Panel, provided advice to the owners of several properties subject to this hearing, being 17-21 Bennetts Lane, 23 Bennetts Lane and 134-144 Little Lonsdale Street; and 577-583 Little Collins Street. The advice on the Bennetts Lane/Little

Lonsdale Street properties was provided in 2018, while that on the Little Collins Street property was provided in 2015.

I was not involved in the provision of this advice.

Summary of my opinion

It is acknowledged that the revised C258 Clause 22.05 Heritage Policy (3 October 2018 version), in relation to the CCZ, is more detailed and comprehensive than the (prior to C258) current Clause 22.04 Heritage Places Within the Capital City Zone; and that considerably more policy guidance is provided in relation to the development of Heritage Overlay places. However, although the revised heritage policy provides greater direction on important heritage-related issues in the CCZ, including demolition, alterations, additions and new buildings, it will still allow for a variety of development outcomes, and will not put a 'brake' on development.

The policy has been prepared in full awareness of the strategic context of the CCZ; continues to differentiate between the CCZ and outside the CCZ in regards to additions and higher rear parts of new buildings; retains considerable flexibility in how it addresses built form outcomes; and continues to anticipate and provide for development in the CCZ which is of greater intensity than that generally anticipated outside the CCZ.

Declaration

I adopt this supplementary statement and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

A handwritten signature in black ink, appearing to read 'A Brady', with a stylized, cursive script.

Anita Brady

Contents

1.0	Introduction	2
1.1	Focus of the supplementary evidence	2
1.2	Hoddle Grid Heritage Review	2
1.3	Subject properties	3
1.4	Clause 22.05 Heritage Policy (3 October 2018 version)	4
1.5	Tasks undertaken in preparing this supplementary statement of evidence	4
2.0	Issues raised in submissions	4
3.0	Heritage policy implications	7
3.1	Strategic importance of the CCZ	7
3.1.1	Response	8
3.2	Policy flexibility	9
3.2.1	Response	9
3.3	Demolition	11
3.3.1	Response	11
3.4	Additions	12
3.4.1	Response	12
3.5	Re-use and adaptation	15
3.5.1	Response	15
4.0	Concluding comments	16

1.0 Introduction

This supplementary statement of evidence has been prepared for the City of Melbourne in relation to Melbourne Planning Scheme Amendment C258; and as per the C258 Planning Panel 'Directions' of 4 December 2018 regarding acceptance of late submissions and further presentation of evidence.

It follows the preparation and submission to the C258 Planning Panel of the earlier statement of evidence (generally referred to below as the 'July 2018 statement'), and refers to or in part reproduces elements of the earlier statement. Some of the content in this supplementary statement also includes, and in part reproduces, elements of the Methodology Report which documents and outlines the approach to the C258 heritage policy review:

- *City of Melbourne Heritage Review: Local Heritage Policies and Precinct Statements of Significance Methodology Report*, Lovell Chen, September 2015 updated May 2016. This was included as Attachment 1 to the July 2018 statement.

1.1 Focus of the supplementary evidence

The focus of this supplementary evidence is on relevant matters raised in the late submissions in relation to the revised Clause 22.05 Heritage Policy (3 October 2018 version, a copy of which is attached to this supplementary statement at Appendix A), including the application of the policy and its implications for potential future development of, and works to, the subject properties. The properties were recommended for heritage controls in the recent City of Melbourne Hoddle Grid Heritage Review.

It is generally the case that a 'high level' response to the submissions is included here, which comments on the general implications of the revised Clause 22.05 Heritage Policy. The response is not a detailed assessment of the policy implications for each individual place.

The supplementary evidence also addresses other relevant new issues/matters/themes identified in the submissions, although again with an emphasis on the revised Clause 22.05 Heritage Policy. Broader Council planning, strategic and procedural matters including Amendment C258 procedural matters, as referred to in some submissions, are not addressed here.

The supplementary evidence also does not comment on or review the heritage assessments and gradings of the subject properties; and nor does it comment on the recommendations of the Hoddle Grid Heritage Review regarding heritage controls.

It is noted that there are current planning permit applications in place for several of the subject properties, however, these applications and the proposed works are also not commented on here.

1.2 Hoddle Grid Heritage Review

The Hoddle Grid Heritage Review was largely undertaken in 2018 for the City of Melbourne. It has been described as follows:

The Review, undertaken by a team of independent expert heritage consultants led by Context, sets a benchmark for cultural heritage assessment including using thematic and spatial analysis to reveal a richer understanding of heritage significance within the Hoddle Grid. It represents best practice, evidence based heritage assessment, drawing on the knowledge of Traditional Owners, peak bodies and heritage advocates to gain a better appreciation of community-held heritage values. The Review identifies outstanding places and precincts vital to the heritage significance of the City of Melbourne that have not been protected before.¹

Documentation from the study is referred to here.

¹ Report of the Future Melbourne Committee, 21 August 2018, p. 1 of 1822.

Council also provided GIS maps which illustrate the locations and boundaries of the subject Hoddle Grid properties, including the extents of the Interim Heritage Overlay controls (introduced upon gazettal of Melbourne Planning Scheme Amendments C326 and C327).

1.3 Subject properties

The following table identifies the properties which are the subject of late submissions. While those indicated with * have withdrawn, the other properties remain submitters wishing to be heard at this Panel hearing. The table also identifies the grading or assessment attributed to the property in the Hoddle Grid Heritage Review. Note that some of the properties comprise more than one building; and some properties are both individually significant and contributory to a heritage precinct.

Table 1 Table of properties

Property address	Property name (where known)	Hoddle Grid grading	Interim HO number
17-21 Bennetts Lane		contributory	HO1297, Little Lonsdale Street Precinct
23 Bennetts Lane		contributory	HO1297, Little Lonsdale Street Precinct
134-144 Little Lonsdale Street		contributory	HO1297, Little Lonsdale Street Precinct
146-148 Little Lonsdale Street		contributory	HO1297, Little Lonsdale Street Precinct
134-136 Flinders Street	Epstein House	significant	HO1274, also contributory to HO1286, Flinders Lane East Precinct
577-583 Little Collins Street		significant	HO1278
31-35 Flinders Lane		contributory	HO1286, Flinders Lane East Precinct
96-98 Flinders Street	Dreman Building	significant	HO1272
243-249 Swanston Street		contributory	HO1288, Swanston Street North Precinct
*263-267 William Street	Metropolitan Hotel	significant	HO1231
*146-158 Bourke Street		significant	HO1244
*139 Little Bourke Street (aka 152-158 Bourke Street)	Patersons Building	significant	HO1266, also contributory to HO507, Little Bourke Street Precinct

1.4 Clause 22.05 Heritage Policy (3 October 2018 version)

It is noted that, as per the direction of the Planning Panel, the heritage policy referred to in this supplementary statement is the revised Clause 22.05 Heritage Policy (3 October 2018 version) which brings together (combines in one policy) the current Clause 22.04 Heritage Places within the Capital City Zone and the current Clause 22.05 Heritage Places outside the Capital City Zone. The revised combined Clause 22.05 is based on the earlier C258 evidence submitted by Ms Sophie Jordan, and includes recommended amendments some of which were identified in my July 2018 statement.

As noted, a copy of the revised Clause 22.05 Heritage Policy (3 October 2018 version) is attached to this supplementary statement at Appendix A, and is referred to below.

1.5 Tasks undertaken in preparing this supplementary statement of evidence

In preparing this supplementary statement of evidence, the following tasks were undertaken (not necessarily in the order outlined below):

- Review of issues raised in the late submissions
- Review of Hoddle Grid Heritage Review documentation relating to the subject properties, including the historical information, descriptions and citations.
- Review/assessment of the revised heritage policy implications for the subject properties.
- Preparation of this supplementary statement of evidence.

2.0 Issues raised in submissions

The following table summarises, paraphrases and quotes the issues raised in the late submissions, with a brief response; the latter generally points to where a more detailed assessment and response is provided below (as relevant).

Table 2 Summary of issues

Property/grading	Issues	Brief response
17-21 Bennetts Lane contributory	<p>Submits that until such time that the heritage grading of the subject property/land is 'properly tested through formal submissions to Amendment C328' [which will introduce a permanent Heritage Overlay control] the C258 heritage policy should not apply to the property.</p> <p>Submits that at no time has the property 'been previously identified as warranting heritage controls'; the application of a 'permanent broad precinct heritage overlay to the Land must be properly tested through a notification period and if necessary via a planning panel'; and the application of the heritage policy 'without the basis for the heritage overlay being tested will result in a poor planning outcome, when balanced against other planning objectives for the Capital City Zone'.</p> <p>Submits that the C258 heritage policy should not be applied until such time as Amendment C328 is resolved.</p>	<p>The issues raised, being mainly procedural matters, sit outside the focus of this evidence. No specific heritage policy issues are identified in the submission.</p>

Property/grading	Issues	Brief response
23 Bennetts Lane contributory	See the above submission for 17-21 Bennetts Lane.	See above.
134-144 Little Lonsdale Street contributory	See the above submission for 17-21 Bennetts Lane.	See above.
146-148 Little Lonsdale Street contributory	See the above submission for 17-21 Bennetts Lane.	See above.
134-136 Flinders Street significant	<p>Submits that the principal concern with Amendment C258 relates to the policy in terms of the setback of upper-floor additions.</p> <p>Specifically, there is concern that the requirement to maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts, moderating the height, and not building over or extending into the air space directly above the front or principal part of the significant or contributory building - may create 'such a significant set-back that the footprint of the building will be unduly marginalized' and will impact on the ability for the additions to be built and to contribute to the supply of residential opportunities in 'an area so rich in public transport and amenity (consistent with Clause 11.02)'.</p> <p>The submission also sought an amendment to the wording of the policy on 'Additions' (Clause 22.05-9) with the use of more moderating language in relation to the setback of additions and building into the airspace above buildings.</p>	<p>The issue of setbacks to upper level and roof-top additions is addressed below at Section 3.4, including that of building over or extending directly into the air space above buildings.</p>
577-583 Little Collins Street significant	<p>Submits that the Amendment would result in an unreasonable impost upon the future development of the property.</p> <p>The owners face 'the prospect of being required to maintain the entirety of existing built form and not be allowed to develop above any retained building notwithstanding other policy encouragement for development of land' within the CCZ.</p> <p>Such a policy outcome 'would seem to be inconsistent with the policy objective of encouraging the reuse of heritage places'.</p> <p>There is nothing in the proposed policy 'which would provide flexibility in respect of a</p>	<p>The issue of the extent of fabric and form of heritage buildings to be retained and/or demolished is addressed below at Section 3.3.</p> <p>The re-use and adaptation of heritage buildings is addressed at Section 3.5.</p> <p>The 'flexibility' of the policy is addressed at Section 3.2.</p>

Property/grading	Issues	Brief response
	proposal which seeks to adaptively reuse an existing significant or contributory place’.	
31-35 Flinders Lane contributory	Submits that the ‘Combined Policy’ (Clause 22.05) is ‘profoundly deficient in supporting strategic and background work’; ‘fails to adequately acknowledge the unique strategic context applicable to land’ within the CCZ; ‘lacks flexibility and would unreasonably constrain the intensity of development’ identified in the CCZ and other key strategic documents; and ‘would unreasonably elevate heritage considerations in respect to integrated decision-making’.	The strategic importance of the CCZ, as recognised in the policy, is addressed at Section 3.1 below; with the ‘flexibility’ of the policy addressed at Section 3.2.
96-98 Flinders Street significant	See the above submission for 31-35 Flinders Lane.	See above.
243-249 Swanston Street contributory	See the above submission for 31-35 Flinders Lane.	See above.
263-267 William Street significant	<p>This submission identifies a number of issues.</p> <p>Submits that the policy would impose significant restrictions on the redevelopment options of the subject land.</p> <p>The policy would not support any development that sits above the retained building.</p> <p>Full demolition of a significant building is unlikely to be supported and partial demolition is also unlikely to be supported.</p> <p>There is the prospect of the entirety of the existing building being required to be retained, with development not allowed above the retained building, notwithstanding other policy encouragement of development of land within the CCZ.</p> <p>This policy outcome would seem to be inconsistent with one of the policy objectives of encouraging the reuse of heritage places. There is nothing in the policy which would provide flexibility in its application in respect of a proposal which seeks to adaptively reuse an existing significant building.</p> <p>Submits that at the very least, there should be an acknowledgement in policy that where a building is being altered, adapted and particularly in circumstances when it</p>	<p>The issue of building over or extending directly into the air space above buildings is addressed below at Section 3.4.</p> <p>The issue of the extent of fabric and form of heritage buildings to be retained and/or demolished is addressed at Section 3.3.</p> <p>The re-use and adaptation of heritage buildings is addressed at Section 3.5.</p> <p>The ‘flexibility’ of the policy is addressed at Section 3.2.</p>

Property/grading	Issues	Brief response
	continues to support a use that is identified as socially significant, site specific development and heritage outcomes should be able to be considered which would depart from the heritage outcomes that would otherwise apply. Unless that flexibility is built into the policy, the policy objective of encouraging adaptive reuse of heritage places becomes illusory.	
146-158 Bourke Street significant	Submits that the policy will adversely impact on the property in relation to the future use and development of the property. The provisions could prohibit the adaptive development of the property. The wording and structure of the policy should be modified to provide a balanced approach to the conservation of heritage places and the viable use of such sites into the future.	The 'flexibility' of the policy is addressed at Section 3.2. The re-use and adaptation of heritage buildings is addressed at Section 3.5.
139 Little Bourke Street (aka 152-158 Bourke Street) significant	See the above submission for 146-158 Bourke Street.	See above.

3.0 Heritage policy implications

By way of introductory comment, and before going to the substance and specifics of the issues raised in submissions, it is acknowledged that the revised Clause 22.05 Heritage Policy (3 October 2018 version) in its application to the CCZ, is more detailed and comprehensive than the (prior to C258) current Clause 22.04 Heritage Places Within the Capital City Zone. In terms of the development of Heritage Overlay places, considerably more policy guidance is provided in relation to a range of matters including demolition, alterations, additions and new buildings. But while the revised heritage policy provides greater direction on these important heritage-related issues in the CCZ, it will still allow for a variety of outcomes in relation to these matters. The revised policy also continues to recognise the strategic importance of the CCZ; will allow for development at a greater level of intensity than generally anticipated outside the CCZ; is flexible in its approach to property gradings; and in its consideration of the heritage significance of properties and precincts, including providing for consideration of new information.

In addressing the implications of the revised policy in relation to the above properties, the following refers to and/or in part reproduces elements of the July 2018 C258 statement of evidence; the *City of Melbourne Heritage Review: Local Heritage Policies and Precinct Statements of Significance Methodology Report* (Lovell Chen, 2015/2016, included as Attachment 1 to the July 2018 statement); and the revised Clause 22.05 Heritage Policy (3 October 2018 version, Appendix A to this report). Clause 22.05 also provides definitions for some of the terms used below.

3.1 Strategic importance of the CCZ

One of the criticisms levelled at the revised Clause 22.05 Heritage Policy (3 October 2018 version) is that it lacks recognition of the strategic importance of the CCZ, and in so doing would 'constrain the intensity of development'. The 'strategic basis' of the revised policy is also questioned.

3.1.1 Response

In response to this it is noted that the strategic context of the CCZ is recognised in the policy, with the greater intensity of development which is anticipated in the CCZ taken into consideration. This important distinction of the CCZ is emphasised in the revised Clause 22.05 'Policy Basis':

Within the CCZ, heritage places reflect the significance of 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. Development within the CCZ has, and will continue to be, of a different intensity and result in varied built form outcomes compared for areas outside of the CCZ.

More generally, on the matter of the strategic basis for the revised policy, and the perceived need for a new and more comprehensive heritage policy for the CCZ, the July 2018 statement addressed this in some detail, citing previous Council strategic work which identified issues to do with the 'content, useability and operation' of the current heritage policies (including the CCZ policy); and internal and external community and stakeholder consultation and engagement which identified issues with the policies. In addition, Council sought to bring the policies 'into line with more contemporary heritage policies and the performance standards of other (particularly inner Melbourne) municipalities', recognising also that Clause 22.04 Heritage Places within the Capital City Zone had 'no comparable policy elsewhere in Victoria'.²

The following is a relevant extract from the July 2018 statement, which is repeated here:

While the revised policies sought to provide additional policy guidance where this was seen to be lacking or inadequate, including for Clause 22.05, the identified shortfalls of Clause 22.04 were particularly problematic. This included the CCZ policy's lack of, or inadequate guidance or direction on, demolition, alterations, additions and new buildings. These significant limitations of the policy differentiate it from Clause 22.05.

The limitations are further emphasised through Clause 22.04 being the policy which manages the heritage values and character of the City's most significant and highly valued historic streetscapes and precincts, and individual properties. A more comprehensive and detailed heritage policy for the CCZ was regarded as a high priority.

Accepting this, and in recognition of the strategic importance of the CCZ and the greater intensity of development which is encouraged in the CCZ, more latitude is still provided in Clause 22.04 than in Clause 22.05 in relation to, for example, additions and the higher rear parts of new buildings. The 'Policy Basis' also differs between Clause 22.04 and Clause 22.05, in that the former recognises the CCZ as the 'cultural, administrative and economic centre of the state' which will 'continue to attract business and investment and related development'.³

Notwithstanding that Clauses 22.04 and 22.05 are now combined, the above extract is still correct in that, for the CCZ, the revised Clause 22.05 Heritage Policy continues to differentiate between the CCZ and outside the CCZ in regards to additions and higher rear parts of new buildings. This is commented on further below.

² See July 2018 statement, Section 4, p. 11.

³ See July 2018 statement, Section 4, p. 11.

3.2 Policy flexibility

Another criticism levelled at the revised Clause 22.05 Heritage Policy (3 October 2018 version) is that it 'lacks flexibility and would unreasonably constrain the intensity of development' in the CCZ; and without flexibility being built into the policy, the 'objective of encouraging adaptive reuse of heritage places becomes illusory'. Further, the policy should acknowledge that 'where a building is being altered, adapted and particularly in circumstances when it continues to support a use that is identified as socially significant, site specific development and heritage outcomes should be able to be considered which would depart from the heritage outcomes that would otherwise apply'. The wording and structure of the policy should also be modified 'to provide a balanced approach to the conservation of heritage places and the viable use of such sites into the future'.

3.2.1 Response

The perceived lack of flexibility in the policy is disputed. The policy is not rigid in its application, and makes provision for a range of development outcomes for different heritage places, subject also to their particular significance. It will continue to allow for varied development in the CCZ, including at a level which is of greater intensity than generally anticipated outside the CCZ. This is further explored below.

Property gradings

The policy is flexible in its application in regards to the grading of a heritage building, with significant buildings typically subject to greater constraints than contributory buildings.

Policy distinctions between significant and contributory buildings are made at Clause 22.05-7 in relation to partial demolition; at Clause 22.05-8 in relation to alterations; and at Clause 22.05-11 in relation to restoration and reconstruction. Distinctions are also made on the visibility of additions, but outside the CCZ (Clause 22.05-9, see also Section 3.4 below). Further distinctions are made in terms of the 'Permit application requirements' at Clause 22.05-5; and recording requirements following full demolition of a significant building at Clause 22.05-7.

Precinct characteristics and attributes

Where a property is located in a heritage precinct, the precinct context and valued heritage character including built form characteristics are also important. While the particular precinct characteristics and attributes place some constraint on development outcomes, they are sufficiently varied between precincts, including CCZ precincts, to allow for differing outcomes. For example, what might be achievable on a given site in the Collins East Precinct (HO504, Collins Street largely between Spring and Swanston streets) or Flinders Gate Precinct (HO505, north side of Flinders Street largely between Russell and Queen streets) where there are buildings of scale including heritage buildings, may not equally be achievable on a given site in the lower-scale sections of the Little Bourke Street Precinct (HO507, Little Bourke Street largely between Exhibition and Swanston streets). These precinct contexts, and their valued attributes, vary considerably.

Guidance on precinct characteristics is provided in the statements of significance and in the 'key attributes' included in the precinct citations; and consideration of these distinctive and different aspects of precinct significance and character is identified throughout Clause 22.05.

For example one of the 'Policy Objectives' (Clause 22.05-4) is:

To retain fabric, which contributes to the significance, character or appearance of heritage places and precincts.

Under 'Alterations' (Clause 22.05-8) it is policy that:

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

For 'Additions' (Clause 22.05-9) it is policy that additions to buildings in a heritage precinct are '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.

And for 'New buildings' (Clause 22.05-10) these 'are to be in keeping with':

'Key attributes' of the heritage precinct such as:

Building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation and fencing.

Prevailing streetscape height and scale.

Assessed significance

The 'assessed significance' of the precinct, and where relevant, of the individual heritage place is also key and remains at the core of the assessment of the appropriateness, or otherwise, of a development proposal. Again, this varies from precinct to precinct and from place to place, but in every instance, the particular significance – be it the heritage values and/or the building form and fabric - should inform the assessment of the proposal, and guide the outcome.

As per the policy definition (Clause 22.05-2):

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.

The 'Policy Basis' (Clause 22.05-1) states:

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

The 'Policy Objectives' (Clause 22.05-4) include:

To recognise and conserve the assessed significance of heritage places and streetscapes, as referenced in this policy or incorporated into this planning scheme 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 [this is separately commented on below].

And:

To ensure new development is respectful of the assessed significance of heritage places.

On 'Demolition' (Clause 22.05-7), 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 significance of the fabric or part of the building, and the degree to which it contributes to the three-dimensional form of the building, regardless of whether it is visible.

The policy on 'Alterations' (Clause 22.05-8) also makes reference to the significance of the fabric or part of the building proposed for alteration. The significance of the heritage place is additionally referred to in the policy on 'New buildings' (Clause 22.05-10), 'Subdivision' (Clause 22.05-12) and 'Signage' (Clause 22.05-18).

New information

As noted, the 'Policy Objectives' (Clause 22.05-4) include reference to 'new information':

...Further information may be considered, including in relation to streetscapes, where there is limited information in the existing citation or Council documentation.

The requirement to consider new information is important. In some instances, new information will enhance an understanding of the nature of the significance of the place, and on that basis better inform what might be achievable – or not - with a proposed development. In other instances, new information may result in a re-assessment or re-appraisal of the significance, with the place recognised to be of lesser significance. New information can also shed light on the significance 'of the fabric or part of the building' which is proposed for alteration or demolition. This level of detail – about the specific significance of all parts of a building – is not always known or articulated in the statement of significance or citation for an individual building, or in the precinct citation.

New information of this nature should be lodged with the permit application, typically included in the Heritage Impacts Statement. The latter is provided for at Clause 22.05-5.

Again, this goes to the flexibility of the policy.

3.3 Demolition

Several submissions raised concerns about the level of demolition which may be permitted under the revised Clause 22.05 Heritage Policy (3 October 2018 version) including (for buildings graded significant) there being the prospect of having 'to maintain the entirety of existing built form'; and there being 'unlikely' support for partial demolition.

3.3.1 Response

It is the case that both significant and contributory buildings are generally required to be retained. In terms of partial demolition, it is also the case that the 'Demolition' policy (Clause 22.05-7) distinguishes between the two property gradings:

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

Note reference to 'not generally be permitted'.

The 'Demolition' policy also states:

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, and the streetscape.
- The significance of the fabric or part of the building, and the degree to which it contributes to the three-dimensional form 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.
- Whether there are any exceptional circumstances.

There is also the 'Policy Objective' (Clause 22.05-4):

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

Other relevant objectives include those which support the retention of fabric 'which contributes to the significance, character or appearance of heritage places and precincts'; provides for consideration of further or new information; and seeks to ensure that new development (which can include demolition) is respectful of the significance of the subject place.

The policy as a whole is therefore relevant and should be taken into consideration. It provides for flexibility and not a pre-determined outcome in relation to demolition, including where partial demolition of a significant building is proposed.

It is additionally the case that no internal controls are proposed for the buildings subject to the submissions, and for the vast majority of properties included in the Melbourne Heritage Overlay. This means that the internal fabric of such buildings can be removed.

3.4 Additions

The issue of additions to the tops of buildings, of the setback to additions, and of building over or extending directly above buildings into the air space, was raised in submissions. The concern is that the requirement to maintain the prominence of the subject building by setting back the addition behind the front or principal part of the building, and from other visible parts, and not building over or extending into the air space directly above the front or principal part of the building, would significantly constrain the footprint of additions and the space available for such works. Such a constraint would be in conflict with Council's 'other policy encouragement for development of land' within the CCZ.

3.4.1 Response

In response to these concerns, it is acknowledged that the new policy is more prescriptive than the existing Clause 22.04 in relation to the placement or siting and setbacks of additions. However, additions, including visible additions, are still allowed for, albeit the revised policy considerations are aimed at lessening the impacts of additions on heritage buildings, streetscapes and precincts.

Further comments are provided below.

Concealment of additions and higher rear parts of new buildings

The CCZ is not constrained by the policy relating to the 'concealment of additions', which applies outside the CCZ (Clause 22.05-9). This policy applies outside the CCZ to additions to significant buildings, and to additions to significant and contributory buildings in 'significant streetscapes'. The policy outside the CCZ also applies to the partial concealment of additions to contributory buildings, and to ground level additions to the side of a building.

Concealment of higher rear parts of a new building is also applicable only outside the CCZ. Outside the CCZ, in significant streetscapes, higher rear parts of a new building should be concealed; and in other streetscapes, partly concealed.

The consequence for the CCZ is that greater visibility of additions and higher rear parts is allowed for.

Other policy considerations

The policy at Clause 22.05-9 also goes to additions in a heritage precinct, being '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 significant and contributory buildings.

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

Additions to significant or contributory buildings:

- are respectful of the building's character and appearance, scale, materials, style and architectural expression.
- do not visually dominate or visually disrupt the appreciation of the building as it presents to the streetscape(s).
- maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts and moderating height [this reference to 'moderating height' is commented on below].
- do not build over or extend into the air space directly 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 is also to:

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

The above policy considerations address the design, form, scale and setbacks of additions. The emphasis is on additions being respectful, and not visually dominating or visually disrupting the presentation of the subject building. Maintaining the 'prominence of the building' is also important and is where the 'setting back' of the addition is key. The policy specifies that the addition be sited behind the front or principal part of the building, and from other visible parts and that height is moderated [again, see comments below].

Clause 22.05 includes the following definition of the '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, with 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 or 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, where these are of identified heritage value.

For sites with more than one frontage, the front or principal part of a building can include each frontage, where these are of identified heritage value.

Other aspects of the policy which relate to this issue, go to the matter of airspace above buildings:

- Do not build over or extend into the air space directly above the front or principal part of the significant or contributory building.

To the matter of retaining roof form:

- Retain significant roof form within the setback from the building façade together with any chimneys or similar roof elements of original fabric.

And to the matter of not obscuring views of façades and elevations:

- Not obscure views of façades or elevations associated with the front or principal part of the building.

In responding to the above, it is apparent that the revised Clause 22.05 supports clear and evident setbacks to rooftop additions and to new levels constructed above buildings in the CCZ; and that generally within these setbacks 'significant' fabric is to be retained. Depending on the building, the setback to the addition from the front of the building would be the front two rooms in depth, with roof, or the primary roof form (whichever is the greater); or one full structural bay or generally 8-10 metres in depth. Setbacks from side and rear (or dual frontage) elevations are also identified, but only where these elevations are of heritage value.

On the latter point, in many instances in the CCZ, it is only the front of the building – effectively the streetscape façade – which is visible, and it is from this visible façade that the setback is required. The rear elevation may be visible to a lane, but the policy defines 'visible' as 'anything that can be seen from a street (other than a lane, unless the lane is classified as significant) or public park'. The rear elevation may also be of identified heritage value – as is the case for many buildings included in the Guildford and Hardware Laneways Heritage Precinct (as per Amendment C271) – but that is not always the case. Side elevations to corner buildings are also relevant, but again the setback hinges on the heritage value or otherwise of this elevation.

In terms of building over or extending into the 'air space' above buildings, this will continue to be allowed but subject to the specified setbacks. It is building 'directly above the front or principal part' of the building which is not countenanced by the policy.

The addition may also be tall, but the height and scale should be 'respectful' of that of the subject building and the precinct characteristics in terms of building height.

The intended outcome of these greater prescriptions on additions is that the subject heritage building will retain more of its existing presentation, and more of a sense of depth to the rear of the façade or the 'front or principal part' of the building. The building will also remain prominent to the street, and will not be seen to be overwhelmed by an addition which sits at a minimal distance behind the façade or parapet. Concealment of additions is not required, but a more sensitive placement is required in relation to the subject building.

Taking all of this into consideration, the policy on 'Additions' will result in an improved outcome for heritage in the CCZ; and will lessen the impact of additions on heritage buildings, and where relevant, the heritage streetscapes and precincts. The revised policy also directly supports the 'Policy Objectives' (Clause 22.05-4) of encouraging new development to be 'respectful of the character and appearance of heritage places'; encouraging retention of the 'three dimensional fabric and form of a building'; and discouraging 'façadism'.

Moderating height

As noted above, Clause 22.05-9 'Additions' makes reference to 'moderating height' as follows (italics added):

Additions to significant or contributory buildings:

- maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts *and moderating height*

In preparing this evidence with regard to the revised policy, it is my view that the 'sense' of this policy reference to 'moderating height' is difficult to interpret and could be more clearly expressed. To 'moderate' something is to abate or lessen its impact, and on that basis the reference is included in the policy relating to maintaining the prominence of the building.

More explicit language could be considered, as follows:

Additions to significant or contributory buildings:

- maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts, *and by moderating the height of the addition*

As already noted, the height and scale of additions is addressed elsewhere in the policy, mainly with reference to being 'respectful'. While requiring the height of an addition to be 'moderated' is a more 'active' policy, it will be applied in conjunction with the other height and scale considerations. The outcome of the 'moderation' of heights of additions will also depend on the particular situation, with the acceptability of visible additions of scale varying. In a general sense, visibility may be more sensitive in those parts of the CCZ where the heritage streetscape is more intact, the streetscape height is more consistent, and/or the 'skyline' and backdrop behind the subject building is free of visible tall buildings and other visible development. Conversely, a less intact streetscape, with a greater diversity of height, and a more developed 'skyline' behind the subject building may be less sensitive. The presence of other nearby and highly visible tall buildings and additions may also help moderate the impact of a new tall addition.

3.5 Re-use and adaptation

This section addresses the issue of the re-use and adaptation of heritage buildings, with concerns again raised in submissions that the revised Clause 22.05 Heritage Policy (3 October 2018 version), with its increased constraints, 'would seem to be inconsistent with the policy objective of encouraging the reuse of heritage places'; lacks the flexibility to enable owners to 'adaptively reuse an existing significant or contributory place'; and 'will adversely impact' on properties in relation to their 'future use and development' including prohibiting their 'adaptive development'.

3.5.1 Response

In response, it is reiterated that there are no internal controls for the majority of buildings subject to the Heritage Overlay. This is an important consideration in terms of the ability to adaptively re-use heritage buildings and places.

On the policy specifics, one of the 'Policy Objectives (Clause 22.05-4) is:

- To encourage the adaptive reuse of heritage places.

The 'adaptive reuse' of a heritage place is also encouraged in the policy on 'Demolition' (Clause 22.05-7) as an alternative to demolition.

The flexibility of the policy, and the matters required to be taken into consideration, are already commented on above. This is again emphasised here, in terms of the capacity of the policy to consider adaptive re-use options. Additions to buildings – subject to the matters discussed above – also allow for adaptation.

On this basis, it is not agreed that the revised policy is inconsistent with its own objective on adaptive re-use.

4.0 Concluding comments

It is acknowledged that the revised C258 Clause 22.05 Heritage Policy (3 October 2018 version), in relation to the CCZ, is more detailed and comprehensive than the (prior to C258) current Clause 22.04 Heritage Places Within the Capital City Zone; and that considerably more policy guidance is provided in relation to the development of Heritage Overlay places. However, although the revised heritage policy provides greater direction on important heritage-related issues in the CCZ, including demolition, alterations, additions and new buildings, it will still allow for a variety of development outcomes, and will not put a 'brake' on development.

The policy has been prepared in full awareness of the strategic context of the CCZ; continues to differentiate between the CCZ and outside the CCZ in regards to additions and higher rear parts of new buildings; retains considerable flexibility in how it addresses built form outcomes; and continues to anticipate and provide for development in the CCZ which is of greater intensity than that generally anticipated outside the CCZ.

APPENDIX A



22.05

--/201-
Proposed
C258
Exhibition

HERITAGE POLICY

This policy applies to all places within the Heritage Overlay Area.

22.05-1

--/201-
Proposed
C258
Exhibition

Policy Basis

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 across the municipality, both within and outside the Capital City Zone (CCZ), encompass individual heritage places and heritage precincts. These places 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.

Within the CCZ, heritage places reflect the significance of 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. Development within the CCZ has, and will continue to be, of a different intensity and result in varied built form outcomes compared for areas outside of the CCZ.

This policy provides guidance on conserving and enhancing heritage places 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 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 should be read in conjunction with Statements of Significance as incorporated into this Scheme.

22.05-2

--/201-
Proposed
C258
Exhibition

Definitions

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. Partly concealed means that some of the addition or higher rear part may be visible provided it does not visually dominate or reduce the prominence 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 context of a heritage place can include; its setting (as defined under 'setting'), the immediate landholding, adjoining significant

Term	Definition
	or contributory places, and the surrounding area.
Contextual design	A contextual design for new buildings and additions to existing buildings is one which adopts a design approach, derived through analysis of the subject property and its heritage context. Such an approach requires new development to comfortably and harmoniously integrate with the site and its streetscape character.
Cultural significance	Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
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, and, without retention of an understanding of the function of the three-dimensional building form.
Front or principal part of a building	<p>The front or principal part of a building is generally considered to be the front two rooms in depth, with 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.</p> <p>For most non-residential buildings, the front part is generally considered to be one full structural bay or generally 8 – 10 metres in depth, including the roof.</p> <p>For corner sites, the front or principal part of a building includes side and rear elevations, where these are of identified heritage value.</p> <p>For sites with more than one frontage, the front or principal part of a building can include each frontage, where these are of identified heritage value.</p>
Heritage place	A heritage place has been assessed to have natural or cultural 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	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	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 prevailing building size and form inform the design, 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 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 a collection of buildings significant in their own right.
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.

22.05-3

--/201-
Proposed
C258
Exhibition

Grading of heritage places

The grading (significant, contributory or non-contributory) of properties identified in the incorporated document *Heritage Places Inventory 2017* - Significant Streetscapes are also identified in this 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 cultural significance or historic character of the heritage precinct.

22.05-4 Policy Objectives

--/201-
Proposed
C258
Exhibition

- To conserve and enhance Melbourne's heritage places.
- To retain fabric, which contributes to the significance, character or 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 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 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 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.
- To protect significant views and vistas to heritage places.
- To promote the protection of Aboriginal cultural heritage.

22.05-5 Permit Application Requirements

--/201-
Proposed
C258
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 in accordance with the Heritage Council of Victoria's 'Conservation Management Plans: Managing Heritage Places A Guide 2010'.
- 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.

22.05-6 Performance Standards for Assessing Planning Applications

--/201-
Proposed
C258
Exhibition

It is policy to assess of planning applications against the objectives and performance standards set out below.

22.05-7 Demolition

--/201-
Proposed
C258
Exhibition

It is policy that:

- The demolition of a non-contributory place will generally be permitted.
- Full demolition of significant or contributory buildings will not generally be permitted.
- Partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted.
- Retention of the three dimensional form is encouraged; facadism is discouraged.
- The adaptive reuse of a heritage place is encouraged as an alternative to demolition.
- The poor structural or aesthetic condition of a significant or contributory building will not be considered justification for permitting demolition.
- A demolition permit should not be granted until the proposed replacement building or works have been approved.
- The demolition of fences and outbuildings which contribute to the cultural significance of the heritage place is discouraged.

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, and the streetscape.
- The significance of the fabric or part of the building, and the degree to which it contributes to the three-dimensional form 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
- Whether there are any exceptional circumstances.

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.

22.05-8

--/201-
Proposed
C258
Exhibition

Alterations

It is policy that:

External fabric which contributes to the cultural 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 are respectful of, and do 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 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.
- The character and appearance of the proposed replacement materials.
- Whether the works can be reversed without 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 loss of fabric which contributes to cultural significance.

22.05-9

--/201-
Proposed
C258
Exhibition

Additions

It is policy that additions to buildings in a heritage precinct are 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 significant and contributory buildings.

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

Additions to significant or contributory buildings:

- are respectful of the building's character and appearance, scale, materials, style and architectural expression.

- do not visually dominate or visually disrupt the appreciation of the building as it presents to the streetscape(s).
- maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts and moderating height.
- do not build over or extend into the air space directly 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 is to:

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

Concealment of additions outside of the CCZ:

It is policy that:

Additions to a Significant or contributory building are concealed in significant streetscapes. In other streetscapes, additions to Significant buildings are concealed. 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.

In streetscapes that are not Significant, additions to contributory buildings should be partly concealed. Some of the addition or higher rear part(s) may be visible, provided it does not dominate or reduce the prominence of the building's façade(s) and the streetscape.

All ground level additions to the side of a building should be set back behind the front or principal part of the building.

All 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 diminish the prominence of the building or adjoining contributory or Significant building.

22.05-10 New Buildings

--/201-
Proposed
C258
Exhibition

It is policy that new buildings are respectful of and do not detract from the assessed cultural significance of the heritage place.

New buildings:

- Are to be in keeping with:
 - 'Key attributes' of the heritage precinct such as:
 - Building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation and fencing.
 - Prevailing streetscape height and scale.
- Do not obscure views from the street(s) and public parks of the front or principal part of adjoining significant or contributory places or buildings.
- Do 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.
- Do not adopt a façade height which is significantly lower than prevailing heights in the streetscape.
- Are neither 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. For land within the CCZ, new buildings should be positioned in line with the prevailing building line in the streetscape.

- Do not build over or extend into the air space directly above the front or principal part of an adjoining significant or contributory building or place.
- Where abutting a lane, are respectful of the scale and form of historic fabric of heritage places abutting the lane.
- Do not impact adversely on the aboriginal cultural heritage values, as indicated in an archaeologist's report, for any site known to contain aboriginal archaeological relics.

The design of new buildings are to:

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

Concealment of higher rear parts of a new building outside of the CCZ:

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 higher rear part may be visible, provided it does not dominate or reduce the prominence of the building's façade(s) and the streetscape.

22.05-11 Restoration and Reconstruction

--/201-
Proposed
C258
Exhibition

It is policy to encourage the restoration and / or reconstruction of a heritage place.

Any reconstructive or restoration buildings and/or works to 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.

Restoration or reconstruction of a building and works is to be based on evidence of what a building originally looked like and may include other parts of the building or early photographs and plans.

22.05-12 Subdivision

--/201-
Proposed
C258
Exhibition

It is policy that subdivision of a heritage place:

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

22.05-13 Vehicle Accommodation and Access

--/201-
Proposed
C258
Exhibition

The introduction of on-site car parking, garages and carports, and vehicle crossovers is discouraged and should only be permitted where the following performance standards can be met:

- The car parking is located to the rear of the property, and this is an established streetscape characteristic.

- For a significant or contributory building, the new garage or carport is placed behind the principal or front part of the building (excluding verandahs, porches, bay windows or similar projecting features), and:
 - it will be visually recessive;
 - 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.
- 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.

22.05-14 Fences and Gates

--/201-
Proposed
C258
Exhibition

It is policy that 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 1.5 metres; and
- be more than 50% transparent.

22.04-15 Trees

It is policy that 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.

22.05-16 Services and Ancillaries

--/201-
Proposed
C258
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.

22.05-17 Street Fabric and Infrastructure

--/201-
Proposed
C258
Exhibition

It is policy that street furniture, including shelters, seats, rubbish bins, bicycle racks, drinking fountains and the like, is 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, 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.

22.05-18 Signage

--/201-
Proposed
C258
Exhibition

It is policy that new signage associated with heritage places meet the following standards:

- 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.
- Address all relevant performance standards of Clause 22.07 – Advertising Signage

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

--/201-
Proposed
C258
Exhibition

Central Activities District Conservation Study 1985

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

Arden Macaulay Heritage Review, Graeme Butler 2012

West Melbourne Heritage Review 2016