

MELBOURNE PLANNING SCHEME

AMENDMENT C258

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Melbourne City Council, which is the planning authority for this amendment.

Land affected by the Amendment

The Amendment applies to all land within the Melbourne municipal area affected by a Heritage Overlay and makes specific changes relating to properties in West Melbourne (refer to Attachment 1 for details).

What the amendment does

The Amendment implements the recommendations of the *'Heritage Policies Review 2016'* and the *'West Melbourne Heritage Review 2016'*.

Specifically, the amendment makes the following changes to the Melbourne Planning Scheme:

- Revises the content of the two local heritage policies, Clause 22.04 (Heritage Places within the Capital City Zone) and Clause 22.05 (Heritage Places Outside the Capital City Zone). Both new policies have permit application requirements, and provisions relating to demolition, alterations, new buildings, additions, restoration and reconstruction, subdivision, vehicle accommodation, and services and ancillaries
- Modifies the Schedule to Clause 43.01 Heritage Overlay to introduce 20 new heritage places and revise the descriptions of five existing heritage places, in West Melbourne
- Replaces an existing incorporated document: *'Heritage Places Inventory June 2016'* which grades heritage places using the A to D heritage grading system with a new incorporated document *'Melbourne Planning Scheme, Heritage Places Inventory 2017'* which grades all heritage places within a heritage overlay using the Significant/Contributory/Non-Contributory grading system
- Amends the Schedule to Clause 81.01 (Incorporated Documents) to introduce two a new incorporated documents:
 - *'Melbourne Planning Scheme Amendment C258: Heritage Precinct Statements of Significance 2017'* which comprises the statements of significance currently included within Clause 22.04 (Heritage Places Within the Capital City Zone) and additional statements of significance for the six largest existing heritage precincts outside the Capital City Zone
 - *'West Melbourne Heritage Review 2016: Statements of Significance'*. The heritage gradings assessed under the *'West Melbourne Heritage Review 2016'* are included in the proposed *'Melbourne Planning Scheme, Heritage Places Inventory 2017'*
- Amends planning scheme maps 5HO,7HO and 8HO to introduce 20 new Heritage Overlays and revise the boundaries of eight existing Heritage Overlays, in West Melbourne.

Strategic assessment of the Amendment

Why is the Amendment required?

Melbourne's heritage is highly valued by the community and it is important that there are clear guidelines for the assessment of applications affecting places in the Heritage Overlay. The Amendment is needed in order to update and improve heritage protection within the City of Melbourne.

In July 2014, Council sought comments from the community on its discussion paper 'Review of the Local Heritage Planning Policies in the Melbourne Planning Scheme.' This work identified the need to update the current heritage policies. A subsequent review of the local heritage policies was undertaken and this amendment now implements the recommendations of that review.

The phasing out of the City of Melbourne's A to D heritage grading system is needed to comply with the Planning Practice Note No.1 "*Applying the Heritage Overlay, September 2012*" and the recommendations of recent Planning Panels.

The new Statements of Significance for the existing large heritage precincts in the Heritage Overlay, will provide local context for, and thereby assist in, the assessment of planning permit applications in these areas.

The '*West Melbourne Heritage Review 2016*' was undertaken to assess the heritage significance of land in the West Melbourne Structure Plan area.

The '*West Melbourne Heritage Review 2016*' included reviewing existing heritage places and identification of some additional places needing heritage protection. This Amendment is needed in order to implement the recommendations of the Review and protect the newly identified heritage places.

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

The amendment implements a number of objectives of planning in Victoria pursuant to Section 4 of the *Planning and Environment Act 1987*, in particular:

- To provide for the fair, orderly, economic and sustainable use and development of land
- 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?

It is expected that the Amendment will have positive environmental, social and economic outcomes for Melbourne. Heritage places enhance the City's appeal as a place in which to live, work, invest and visit.

Environmental Effects

The Amendment will encourage reuse, restoration and adaptation of existing heritage places. Retention of existing places will minimise building waste associated with demolition and the construction of new buildings.

Social Effects

The Amendment aims to protect the City's heritage, which is an integral part of its social fabric. It supports the community expectation that the City's heritage assets will be protected.

The Amendment also identifies places that contribute to an understanding of the social, architectural and economic history of West Melbourne. In this way the Amendment protects the urban qualities that make West Melbourne distinctive as a local neighbourhood for both its local population and visitors to the area.

Economic Effects

Improving protection for the City's heritage places is expected to have positive economic effects by reinforcing the City's identity and its role as a destination for tourists. It is also expected to have further positive economic effects by facilitating decision making and minimising time delays.

Does the Amendment address relevant bushfire risk?

There is no increased risk of bushfires resulting from this Amendment.

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

The Amendment complies and is consistent with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes and also with the requirements of Ministerial Direction 11 on the Strategic Assessment of Planning Scheme Amendments.

The Amendment is also consistent with Ministerial Direction 15 – the planning scheme amendment process and Ministerial Direction No. 9 Metropolitan Strategy, which requires that the amendment support the provisions of Plan Melbourne. The Amendment addresses the following specific directions of Plan Melbourne:

Direction 4.2 – *Protect Melbourne and its suburbs from inappropriate development*: the Amendment will update existing heritage policies and provide more guidance for development proposed in areas affected by heritage overlays. The updated policies will increase certainty for the community and assist decision making. The Amendment will also protect newly identified heritage places in West Melbourne and ensure that new development does not compromise the values held by the community for that area.

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

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

The Amendment supports the following objectives of the SPPF:

Clause 15 - Built Environment and Heritage

- 15.01-1 Urban design - *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity*
- 15.03-1 Heritage conservation - *To ensure the conservation of places of heritage significance*
- 15.03-2 Aboriginal heritage - *To ensure the protection and conservation of places of aboriginal cultural heritage*

Clause 17 - Economic Development

- 17.03-1 Facilitating tourism - *To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination*
- 17.03-2 Tourism in Metropolitan Melbourne - *To maintain and develop Metropolitan Melbourne as a desirable tourist destination.*

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

This Amendment is consistent with the objectives and strategies outlined in the Local Planning Policy Framework of the Melbourne Planning Scheme.

The importance of the cultural and natural heritage of Melbourne is a consistent theme throughout the Municipal Strategic Statement (MSS). The Amendment supports the objectives and strategies of the following relevant clauses of the MSS by conserving places of identified cultural heritage significance and the protecting the underlying sense of place and identity in different areas of Melbourne:

Clause 21.06-1 Urban design

Clause 21.06-2 Heritage

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

The amendment relies on the appropriate VPP tools to implement policy provisions.

The local policies are the appropriate tool to provide guidance on the assessment of places affected by a Heritage Overlay.

The application of the Heritage Overlay and Schedule is the appropriate planning tool for protecting identified heritage places.

The amendment addresses the requirements of the Planning Practice Note "*Applying the Heritage Overlay, July 2015*". This Practice Note states that the documentation for each heritage place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It also establishes the three-part format to be used for the preparation of statements of significance.

This Amendment proposes inclusion the revision of an existing, and the addition of three new, Incorporated Documents which contain a new statement of significance for six existing large heritage precincts outside the Capital City Zone, existing statements of significance for precincts within the Capital City Zone and statements of significance for the heritage places identified in the West Melbourne Heritage Review 2016. The statements have been prepared in accordance with the relevant Practice Note.

The Practice Note also states that letter gradings (e.g. A to D) should not be used to identify levels of heritage significance. This Amendment proposes to include, in an updated Incorporated Document, the identified level of heritage significance for each heritage place using the recommended 'significant', 'contributory' or 'non-contributory' grading system.

The Schedule to Clause 81.01 is also the proper provision to use for incorporating documents into the planning scheme.

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

The Department of Environment, Land, Water and Planning and The National Trust (Victoria) were consulted during the preparation of the revised heritage policies.

The replacement of the current A to D gradings with the new grading system is in line with the State government's practice note and recommendations contained in recent Planning Panels Victoria reports.

All relevant agencies will be notified as part of the planning scheme amendment formal exhibition process.

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

The Amendment is not likely to have an impact on the requirements of the Transport Integration Act.

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 some additional West Melbourne places within 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 within existing Council resources.

The resource and administration costs will be offset 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.

The Amendment will introduce greater clarity and certainty in the assessment of applications under the provisions of the Heritage Overlay which is expected to reduce the workload of Council staff and facilitate decision-making.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, on the City of Melbourne website www.participate.melbourne.vic.gov.au/AmendmentC258 and during office hours at the following places:

City of Melbourne
Level 3, Council House 2, 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.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **12 May 2016**.

A submission must be written, and either lodged via:

- An online form available at: participate.melbourne.vic.gov.au/AmendmentC258
- Emailed to: planningpolicy@melbourne.vic.gov.au
- or posted to:

Team leader - Planning Policy

City of Melbourne

GPO Box 1603

MELBOURNE VIC 3001

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: To commence in the week of 26 June, 2017
- panel hearing: To commence in the week of 7 August, 2017

Attachment 1

Am C258: West Melbourne sites

The following West Melbourne places are being added/alterd to the Heritage Overlay Schedule as part of Amendment C258 - West Melbourne Heritage Review to the Melbourne Planning Scheme:

#	HO No.	Address and Proposed Action
1	HO1178	17-37 Abbotsford Street, West Melbourne - J.Gadsden Pty. Ltd., New HO (alteration to map and change to clause 43.01s)
2	HO1179	136 Adderley Street, West Melbourne - Corris or Jones house, New HO (alteration to map and change to clause 43.01s)
3	HO770	33-43, 45-47, 55-67 Batman Street; 15-21 Boughton Place; and 34-36, 38 Jeffcott Street, West Melbourne – Inter-war industrial precinct, Existing HO - Revised description/address, revised boundary (inclusion of an additional property) (mapping change & change to clause 43.01s)
4	HO1181	100-154 Batman Street, West Melbourne – Autocar Industries Proprietary Limited Assembling and Motor Body Works, New HO (alteration to map and change to clause 43.01s)
5	HO1182	Near 80, 86 Capel Street, West Melbourne - Elm street trees x2 New HO (alteration to map and change to clause 43.01s)
6	HO1183	300 Dudley Street, West Melbourne - West Melbourne Stadium, later Festival Hall, New HO (alteration to map and change to clause 43.01s)
7	HO1184	Hawke and Curzon Street Reserve, 2A Hawke Street, West Melbourne - Elm tree New HO (alteration to map and change to clause 43.01s)
8	HO1185	Near 81-141 Jeffcott Street, West Melbourne - Elm street trees x 6 New HO (alteration to map and change to clause 43.01s)
9	HO862	13-17 Jeffcott street, West Melbourne Existing HO - Revised boundary, deletion of a property from existing HO (mapping change only, no change to clause 43.01s)
10	HO841	363 King Street, West Melbourne Existing HO – Revised description/ address (clause 43.01s), no change to existing HO boundary
11	HO1186	Near 446 King Street , Hawke Street and King Street Reserve, West Melbourne – Elm tree New HO (alteration to map and change to clause 43.01s)
12	HO1187	461-467 King Street, West Melbourne - Gair Manufacturing Company Pty. Ltd. Bulk Store, New HO (alteration to map and change to clause 43.01s)
13	HO1188	469-471 King Street, West Melbourne – West Melbourne Police Station, later Fibrous Plaster Manufacturers Assoc of Vic New HO (alteration to map and change to clause 43.01s)
14	HO1190	488-494 La Trobe Street, West Melbourne – Edward J. and Samuel Spink workshop, also J. B. Watson's stores, later Molloy and Co – hide and skin merchants New HO (alteration to map and change to clause 43.01s)
15	HO844	171-179 Roden street, West Melbourne -Wigton cottages and palm trees Existing HO - Revised description/ address, revised boundary – inclusion of an additional property (alteration to map and change to clause 43.01s)
16	HO1192	101-107 Rosslyn Street, West Melbourne – Felton Grimwade and Duerdins Pty. Ltd. factory, later Lyell-Owen Pty. Ltd., New HO (alteration to map and change to clause 43.01s)
17	HO1193	109-133 Rosslyn Street, West Melbourne – Dixon and Co. cordial factory, later Felton Grimwade and Duerdins Pty. Ltd. chemical laboratory, factory and store complex New HO (alteration to map and change to clause 43.01s)
18	HO1194	300 Rosslyn Street, West Melbourne - Australian Biscuit Company Ltd. stores, New HO (alteration to map and clause 43.01s)
19	HO1195	317 Spencer Street, West Melbourne - Melbourne Remand Centre, later Assessment Prison, New HO (alteration to map and change to clause 43.01s)

20	HO771	83-113, 115, 135 Batman Street, 23 Franklin Place, 102 Jeffcott Street, 355 and 371 Spencer Street - Sands & McDougall precinct Existing HO - Revised description/ address, revised boundary (inclusion of additional properties) (alteration to map and change to clause 43.01s)
21	HO1196	445 Spencer Street, West Melbourne - Brown's factory, later Preston Motors Pty. Ltd., New HO (alteration to map and change to clause 43.01s)
22	HO781	475 Spencer Street, West Melb – Hotel Spencer Existing HO - Revised boundary (mapping change only, no alteration to clause 43.01s)
23	HO845	503-511 Spencer Street, West Melbourne Existing HO - Revised description/ address, revised boundary (inclusion of an additional property)change to clause 43.01s)
24	HO1197	541-547 Spencer Street, West Melbourne – Associated Taxi Services offices and service station, later Embassy café and service station, New HO (alteration to map and change to clause 43.01s)
25	HO1198	Part, 31-47, rear Stanley Street, West Melbourne – Melbourne Brewery, later Tasmanian Brewery also Burton Brewery, New HO (alteration to map and change to clause 43.01s)
26	HO1199	Part former complex, 62-80 Stanley Street, West Melbourne – Alfred Hasker, later Barrett Bros and Burston and Company Pty. Ltd. Maltsters New HO (alteration to map and change to clause 43.01s)
27	HO470	95-101 Stanley Street, West Melbourne Existing HO - Revised boundary - deletion of land from existing HO (mapping change only, no change required to clause 43.01s)
28	HO1180	Howard Street and William Street Reserve, West Melbourne – Canary Island Pine trees x2 New HO (alteration to map and change to clause 43.01s)
39	HO3	North and West Melbourne Precinct - Existing HO - Revised HO boundaries – inclusion of an additional property (187 Stanley Street) and deletion of several sites (refer to planning schemes maps) (mapping changes only, no alteration to clause 43.01s)