

**Port Phillip Planning Scheme Amendment C203port
Planning Scheme Review**

Panel Report

Planning and Environment Act 1987

15 July 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Port Phillip Planning Scheme Amendment C203port

Planning Scheme Review

15 July 2022



Michael Ballock, Chair

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Glossary and abbreviations

Audit Report	Port Phillip Planning Scheme Review Audit Report, 23 May 2018
CASBE	Council Alliance for a Sustainable Built Environment
Council	Port Phillip City Council
DDO26	Design and Development Overlay Schedule 26
DELWP	Department of Environment, Land, Water and Planning
ESD	Environmentally Sustainable Development
Heritage Design Guidelines	City of Port Phillip Heritage Design Guidelines, 2021
Heritage Program	City of Port Phillip Heritage Program
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
PE Act	Planning and Environment Act 1987
Planning Scheme Review	Port Phillip Planning Scheme Review
PPF	Planning Policy Framework
RGZ	Residential Growth Zone
Strategic Assessment Report	Update to Local Heritage Policy: Strategic Assessment Report, June 2021
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions
Yarra	City of Yarra

Overview

Amendment summary

The Amendment	Port Phillip Planning Scheme Amendment C203port
Common name	Planning Scheme Review
Brief description	The Amendment proposes to implement the Port Phillip Planning Scheme Review, Audit Report which includes the translation of the Planning Scheme into the new structure introduced by Amendment VC148. The Amendment updates the local policies in the Port Phillip Planning Scheme by replacing the Municipal Strategic Statement at Clause 21 and Local Planning Policies at Clause 22 of the Port Phillip Planning Scheme with a Municipal Planning Strategy, local policies within the Planning Policy Framework, the schedule to the Heritage Overlay, selected particular provisions, and operational provisions.
Subject land	All land in the City of Port Phillip
The Proponent	Port Phillip City Council
Planning Authority	Port Phillip City Council
Authorisation	By letter dated 5 October 2021
Exhibition	11 November to 17 December 2021
Submissions	<ul style="list-style-type: none"> - Patrick Delmastro - Jessica Pitt - Callum Mackay - City of Yarra - Trevor Westmore - Rohan Storey - Department of Environment, Land, Water and Planning (DELWP) - National Trust of Australia (Victoria) (National Trust) - Council Alliance for a Sustainable Built Environment (CASBE)

Panel process

The Panel	Michael Ballock, Chair
Directions Hearing	By video conference, Tuesday 5 April 2022
Panel Hearing	By video conference, Monday 6 June 2022
Site inspection	Not required
Parties to the Hearing	Port Phillip City Council represented by Maria Marshall of Maddocks, called evidence on heritage from Jim Gardner of GJM Heritage Trevor Westmore
Citation	Port Phillip PSA C203port [2022] PPV
Date of this report	15 July 2022

Executive summary

Port Phillip Planning Scheme Amendment C203port (the Amendment) seeks to implement the *Port Phillip Planning Scheme Review Audit Report, 23 May 2018* (the Audit Report), which includes the translation of the Planning Scheme into the new structure introduced by Amendment VC148.

The review of the Planning Scheme included an audit process which resulted in the preparation of the Audit Report.

Key issues raised in submissions included:

- the adequacy of the proposed City of Port Phillip Heritage Design Guidelines, 2021 and the local heritage policy Clause 15.03-1L (Heritage)
- the content of the proposed heritage policy
- the changes to Clause 15.02-1L (Environmentally Sustainable Design) required by authorisation.

The Amendment introduces a number of significant changes to the Planning Scheme, not all of which are policy neutral. The Amendment responds to the recommendations of the Audit Report which provides a sound strategic basis for the review. .

The Panel recommends changes to the exhibited Clause 15.03-1L mostly consistent with the with the evidence of Mr Gard'ner and changes to exhibited Clause 15.02-1L consistent with submissions made to the Panel.

The Panel concludes:

- the Amendment is well founded and strategically justified.
- Subject to further changes the exhibited Clause 15.03-1L is appropriate.
- The amended Heritage Design? Guidelines, provided by Council (Document 11), are appropriate for a Background Document.
- Most of Mr Gard'ner recommended changes to the Schedule to Clause 43.01 are appropriate.
- Mr Gard'ner's recommended changes to the Schedule to Clause 59.15 are appropriate with some modifications.
- The strategies section of proposed Clause 15.03-1L should be amended to adopt the CASBE approach.
- Clause 15.03-1L should be renumbered as proposed by Council.
- The Amendment should not include a standalone rooming house policy.
- The removal of the mandatory provisions of Design and Development Overlay Schedule 26 is not a matter for the Amendment.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Port Phillip Planning Scheme Amendment C203port be adopted as exhibited subject to the following:

- 1. Replace Clause 15.03-1 with the Panel preferred version included in Appendix B of this report.**
- 2. Replace the City of Port Phillip Heritage Design Guidelines, 2021 with the Panel preferred version included in Appendix C of this report.**

3. Review the following elements of the City of Port Phillip Heritage Design Guidelines, included in Appendix C of this report:
 - a) the timber cladding profiles shown in Figure 2.1
 - b) the explanation attached to Photo 2 which should reference the location of the removed verandah
 - c) the use of Photo 12 given that it is also an example of facadism which is not encouraged by the guidelines.

4. Amend the Application requirements in the Schedule to Clause 43.01 by:
 - a) replacing the term 'heritage place' with 'heritage place, building or structure'
 - b) replacing the text in the second dot point from:
 - *For applications that propose part or full demolition of a heritage place:*
 - to:
 - *For applications that propose full or substantial demolition of a heritage building or structure*
 - c) clarifying that the third dot point
 - *For applications to paint a heritage place a schedule, plans and elevations showing the colours and finishes to be used on all surfaces*
 - only applies when external paint controls are triggered
 - d) using a less prescriptive scale than 1:20 in the fifth dot point:
 - *For applications that include restoration or reconstruction of original fabric, plans prepared at a 1:20 scale*
 - e) revising the the sixth dot point by:
 - replacing the text of the fourth sub-dot point from:
 - *For additions, sightline diagrams in accordance with the relevant policy guidelines for additions in Clause 15.03-1L.*with
 - *For additions, a sight-line diagram taken from natural eye-level on the opposite side of the street, directly in front of the subject property'*
 - deleting the fifth sub-dot point:
 - *For new development, a three dimensional building envelope that shows the potential new building volume if all the opportunities and constraints have been considered*
 - clarifying that the sixth sub-dot point:
 - *When located within a precinct, elevations that show the addition or new development in the context of the streetscape*
 - is to apply only for new buildings or additions that will be visible from the public realm.
 - f) clarifying that the eighth dot point is to apply only where external tree controls are triggered.

5. Amend the Schedule to Clause 59.15 by:
 - a) replacing the text in the second Class of application with:

Minor external alteration of a building if the alterations are located to the rear or side of the building and are not visible from the street (other than a lane) or public park'

- b) replacing the text in the third Class of application with:
'Minor external alteration of a roof, if the alterations are not visible from a street (other than a lane) or public park'
 - c) replacing the text in the fifth Class of application with:
'Construct or carry out minor works normal to a dwelling, including vehicle accessways, pedestrian paths or similar'
 - d) replacing the text in the seventh Class of application with:
'Demolition of removal of a non-original or non-heritage sign'.
6. Renumber Clauses 15.01-2L-02 Urban Art to 15.01-2L-03
7. Renumber Clauses 15.02-1L to 15.01-2L-02
8. Replace the text under the heading 'Strategies' in Clause 15.01-2L-02 with the following:
- 'Achieve Best Practice environmentally sustainable development that:**
 - Is relevant to the type and scale of development;
 - Responds to site opportunities and constraints;
 - Utilises a combination of locally available techniques, methodologies and system that have demonstrated to achieve optimum ESD outcomes; and
 - Encompass the full life of the build.'

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the Audit Report, which includes the translation of the Planning Scheme into the new structure introduced by Amendment VC148. The Amendment updates the local policies in the Port Phillip Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) and amends the schedule to the Heritage Overlay, selected particular provisions, and operational provisions, consistent with:

- the Victoria Planning Provisions as a result of Amendment VC148
- the *Ministerial Direction – The Form and Content of Planning Schemes*.

The Amendment makes the following changes to the existing content in Clauses 21 and 22 of Port Phillip Planning Scheme:

- relocates the content of Clause 21 and 22 to the appropriate theme-based clauses in the PPF, MPS and relevant local schedules, with the intended effect of the original clauses remaining unchanged
- implements the *Port Phillip Planning Scheme Audit* (23 May 2018) and the land use and development directions of Council's adopted strategies and documents, including *Act and Adapt – Sustainable Environment Strategy 2018-28*, *Art and Soul – Creative and Prosperous City Strategy 2018-22*; *Don't Waste It! – Waste Management Strategy 2018-28*, *In Our Backyard – Growing Affordable Housing in Port Phillip 2015-25*, and *Move, Connect, Live – Integrated Transport Strategy 2018-28*
- updates the local heritage policy to implement the *Heritage Design Guidelines* (City of Port Phillip, 2021) which address known gaps and issues
- clarifies and improves the style, format, language and/or grammatical form of content in accordance with the *Practitioner's Guide to Victorian Planning Schemes*, including the removal of repetitive content and removal or update of outdated content, with the intended effect of the original clauses remaining unchanged
- updates clause references, department names, legislation names, document references, terminology and statistical data
- deletes or adjusts content that conflicts with State planning policy.

The Amendment introduces eleven new classes of local VicSmart applications and removes obsolete background and incorporated documents.

The Amendment makes other changes to provisions to implement the recommendations of the Audit Report and updates the Port Phillip Planning Scheme.

Specifically, using the following headings, the Amendment proposes to:

Purpose and Vision

- introduce a new MPS at Clause 02 based on content previously contained in Clauses 21 and 22 of the Local Planning Policy Framework (LPPF) and new content from the *City of Port Phillip Council Plan 2017-2027* and other Council adopted documents and strategies.

Planning Policy Framework

- introduce revised local policy content into the PPF at Clauses 11 (Settlement), 12 (Environmental and Landscape values), 13 (Environmental Risks and Amenity), 15 (Built Environment and Heritage), 16 (Housing), 17 (Economic Development), 18 (Transport) and 19 (Infrastructure) based on content previously contained in Clauses 21 and 22 of the LPPF.

Local Planning Policy Framework

- delete Clauses 21.01 (Vision and Approach), 21.02 (Municipal Context and Profile), 21.03 (Ecologically Sustainable Development), 21.04 (Land Use), 21.05 (Built Form), 21.06-1, 21.06-2, 21.06-3, 21.06-4, 21.06-5, 21.06-6, 21.06-7 (Neighbourhoods) and 21.07 (Incorporated Documents) to enable replacement of the MSS with a new MPS (except for Clause 21.06-8 Fishermans Bend Urban Renewal Area, which has not been translated as part of the Amendment)
- delete Clauses 22.01 (Non-residential Uses in the Residential Zones), 22.02 (Backpackers' Lodges), 22.03 (Caretakers' Houses in Industrial and Business Zones), 22.04 (Heritage Policy), 22.05 (Subdivision Policy), 22.06 (Urban Design Policy for Non-residential Development and Multi Unit Residential Development), 22.07 (Gaming), 22.08 (Outdoor Advertising Policy), 22.09 (St Kilda Foreshore Area Policy), 22.10 (No Content), 22.11 (Carlisle Street Major Activity Centre Policy), 22.12 (Stormwater Management (Water Sensitive Urban Design)), 22.13 (Environmental Sustainable Development) and 22.14 (Bay Street Activity Centre Policy) to enable replacement of the Local Planning Policy Framework (except for Clause 22.15 Fishermans Bend Urban Renewal Area Policy, which has not been translated as part of the Amendment) with the new Planning Policy Framework
- amend Clause 21.06 to enable retention of the local policy for Fishermans Bend Urban Renewal Area (which has not been translated as part of the Amendment) currently at Clause 21.06-8.

Overlays

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to include application requirements from content previously contained at Clause 22.04 (Heritage Policy) of the LPPF and reflect the new *City of Port Phillip Heritage Design Guidelines, 2021* (Heritage Design Guidelines).

Particular Provisions

- replace the Schedule to Clause 52.28 (Gaming) with a new schedule that includes content previously contained in the local policy at Clause 21.04 (Land use) and 22.07 (Gaming) of the LPPF and which updates:
 - content to reflect urban renewal area locations, based on the independent panel report for Melbourne Amendment C307melb (now C366melb)
 - content to replace individually listed strip shopping centres with all strip shopping centres within the municipality as prohibited locations for a gaming machine, to ensure applicability regardless of changes to property addresses

- replace the Schedule to Clause 59.15 (Local VicSmart Applications) to include twelve new classes of VicSmart application
- introduce two new Schedules to Clause 59.16 (Information requirements and decision guidelines for local VicSmart applications) to set out information requirements and decision requirements for specific classes of VicSmart applications - applications under a heritage overlay, and applications for licensed premises in the Commercial 1 Zone.

Operational Provisions

- replace the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) with a new schedule that deletes obsolete documents or updates the naming of documents
- replace the Schedule to Clause 72.08 (Background documents) with a new schedule that consolidates and updates all background documents from Clause 21.07 to include all background documents which underpin the MPS and local policies in the PPF. It includes new documents endorsed by Council as well as strategies previously adopted by Council:
 - *Act and Adapt – Sustainable Environment Strategy 2018-28 (City of Port Phillip, 2018)*
 - *Activating Laneways Strategy (City of Port Phillip, July 2011 adopted August 2011)*
 - *Art and Soul - Creative and Prosperous City Strategy 2018-22 (City of Port Phillip, 2018)*
 - *Australian Rainfall and Runoff – Book 9 Runoff in Urban Areas (Commonwealth of Australia, 2019)*
 - *Car Share Policy 2016-2021 (City of Port Phillip, 2018)*
 - *City of Port Phillip Biodiversity Study (Arcadis, May 2020)*
 - *City of Port Phillip Council Plan 2017-2027 (City of Port Phillip, 2017)*
 - *City of Port Phillip Housing Needs Assessment and Allocations Framework (Beverley Kliger & Associates, 2019)*
 - *Compliance Guidelines for Clause 22.12 Stormwater Management (City of Port Phillip, 2017)*
 - *Don't Waste It! - Waste Management Strategy 2018-28 (City of Port Phillip, 2018)*
 - *Getting Our Community Active - Sport and Recreation Strategy 2015-2024 (City of Port Phillip, 2015)*
 - *Greening Port Phillip: An urban forest approach 2010 (City of Port Phillip, 2010)*
 - *Guidelines for Preparing a Waste Management Plan 2019 (City of Port Phillip, 2019)*
 - *Heritage Design Guidelines (City of Port Phillip, 2021)*
 - *In Our Backyard: Growing Affordable Housing in Port Phillip 2015-2025 (City of Port Phillip, 2015)*
 - *Move, Connect, Live Integrated Transport Strategy, 2018 (City of Port Phillip, 2018)*
 - *Port Phillip Design Manual, 2000 (City of Port Phillip, 2000) including:*
 - *Fishermans Bend Estate Guidelines (City of Port Phillip, updated 2021)*
 - *Garden City Estate Guidelines (City of Port Phillip, updated 2021)*
 - *Draft Public Space Strategy 2020 (City of Port Phillip, August 2020)*
 - *Recreational Boating Facilities Framework 2014 (Central Coastal Board, 2014)*
- introduces a new Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives, strategies and controls on the use and development of land in the planning scheme. The schedule consolidates all planning scheme implementation actions from Clause 21

- introduces a new Schedule to Clause 74.02 (Further strategic work) that consolidates all further strategic work actions from Clause 21 and updates content in accordance with the *Port Phillip Planning Scheme Audit Report* (City of Port Phillip, 2018) recommendations and *Foreshore Management Plan* (City of Port Phillip, 2012).

(ii) The subject land

The Amendment applies to all land in the City of Port Phillip.

1.2 Background

(i) The Planning Scheme Review

Council submitted that the purpose of the Amendment is to revise and update local planning policies in the Scheme by implementing the findings of the Audit Report and other key pieces of strategic work.

The Planning Scheme Review was undertaken in accordance with *Planning Practice Note 32 – Review of Planning Schemes*, in order to address Council’s obligations under the Planning and Environment Act 1987 (PE Act) to regularly review its planning scheme. Overall, the Audit Report found that while the policies and controls in the Scheme are sound, reflect best practice planning policy and significant strategic work undertaken by Council in recent years. However, the Audit Report also found that there were some areas in which the Scheme could be improved and updated in order to address changes in policy and demographic, land use and development trends. These include:

- improving overall narrative for consistency, clarity and a more cohesive and holistic spatial vision to guide future development
- strengthening and addressing gaps in policy in order to better direct key outcomes of the SPPF, *Plan Melbourne 2017-2050* and the *Council Plan 2017-2027*.

The Audit Report made 86 recommendations which range from minor corrections to improvements in Council processes and recommendations for further strategic work to reform key policy relating to housing, heritage, neighbourhood character, urban design, employment, transport, sustainability and public open space. Council considered the Audit Report at its meeting of 6 June 2018 and resolved to endorse the Audit Report, submit it to the Minister for Planning and commence a program of updates to implement the recommendations of the Audit Report.

The Amendment proposes to implement 41 of the 86 recommendations from the Audit Report. The remainder of the recommendations are either in progress through Council’s strategic planning work program (28 of the recommendations) or are to be programmed for future years (17 of the recommendations).

(ii) Heritage

In 2018, Council commenced the *City of Port Phillip Heritage Program* (Heritage Program) to address concerns about Council's alignment with the community sentiment about protecting heritage in the municipality and ensuring policy was updated to reflect this approach.

The Heritage Program is a key action identified in Direction 4 of the *Council Plan 2017-2027*. It has resulted in a number of pieces of work being produced, including a systematic and strategic review of a number of heritage overlay precincts within the municipality.

One of the key initial pieces of work undertaken in the Heritage Program was the *Heritage Here and Now* public consultation program undertaken by Council in 2018, which informed the development of the Heritage Design Guidelines.

The Heritage Program also informed the development of a new Thematic Environmental History, which was intended to be introduced as a background document as part of the Amendment. However, the Victorian Aboriginal Heritage Council recently advised Council that they consider that the traditional owners of the land of Port Phillip are represented by the Bunurong Land Council Aboriginal Corporation and Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation. Accordingly, the Thematic Environmental History requires further review and consultation before it can be implemented in the Port Phillip Planning Scheme.

The Heritage Program was undertaken concurrently with the Audit Report which contained the following recommendations specifically relating to local heritage policy:

- *Recommendation 70*: Comprehensively review the heritage policy to strengthen and broaden its scope to respond to a broader range of development types, including commercial and industrial properties
- *Recommendation 71*: Revise the Heritage Local Planning Policy to provide greater guidance for Environmentally Sustainable Development (ESD) facilities on heritage places.

The *Update to Local Heritage Policy: Strategic Assessment Report, June 2021* (Strategic Assessment Report) provided a strategic assessment of the heritage related updates implemented by the Amendment. The Strategic Assessment Report describes the heritage related changes proposed by the Amendment and provides a response to the strategic justification for the Amendment in accordance with *Ministerial Direction 11 – Strategic Assessment of Amendments*. The Strategic Assessment Report is proposed to be included as a background document in the proposed Schedule to Clause 72.08 (Background documents).

1.3 Procedural issues

By email dated Council advised the Panel that the gazettal of Amendment VC216, amongst other things, removed Clause 15.02 (Sustainable development) from the Victoria Planning Provisions (VPP) and all planning schemes. Consequently, Council advised that it would be unable to locate its local policy Clause 15.02-1L (Environmentally Sustainable Development) beneath 15.02, as proposed by the Amendment.

In response, Council proposed to relocate the proposed Clause 15.02-1L beneath 15.01-2S (Building design) and renumber it 15.01-2L-02 (Environmentally Sustainable Development), with Urban art being consequently renumbered to 15.01-2L-03. Council advised that this approach was adopted where the comparable ESD policies in the Hepburn, Hobsons Bay, Moonee Valley and Whittlesea planning schemes were relocated to nest beneath Clause 15.01-2S and consequently renumbered. Council advised that DELWP supported this approach.

1.4 Summary of issues raised in submissions

(i) Planning Authority

The key issues for Council were:

- the adequacy of the Heritage Design Guidelines and the local heritage policy proposed at Clause 15.03-1L (Heritage)

- the content of the proposed heritage policy
- the changes to Clause 15.02-1L required by authorisation.

(ii) Individual submitters or groups of submitters

The key issues by submitters were:

- concern around Council's approach to heritage and assessing planning permit applications under the Heritage Overlay. Submitters requested refinements to the Heritage Design Guidelines and proposed Clause 15.03-1L (Heritage)
- concerns that the proposed ESD policy has been weakened by the removal of references to best practice. Changes to the ESD policy were recommended by submitters
- the removal of exemptions to mandatory height controls in the Design and Development Overlay Schedule 26 (DDO26) relating to the St Kilda Road North Precinct
- the preparation of a stand alone policy for rooming houses and social housing to manage amenity issues and regulate rents charges to tenants.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment and submissions, evidence and other material presented to it during the Hearing. It has reviewed extensive material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Heritage Policy and Guidelines
- Environmentally Sustainable Development
- Other matters.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by implementing the Planning Scheme Review and restructuring and updating local policy content into the MPS, PPF and local schedules. The Amendment is intended to clarify, condense and modernise the Port Phillip Planning Scheme to ensure fair and orderly use and development outcomes and facilitate appropriate development.

By updating the local heritage provisions and documents, the Port Phillip Planning Scheme will continue to conserve and enhance places of significance in accordance with current heritage practices.

By introducing local VicSmart application types into the Port Phillip Planning Scheme, the faster, simpler and more consistent processing of these applications will have economic benefits through the reduction of regulatory and administrative burden for both applicants and the Responsible Authority.

Municipal Planning Strategy

The Amendment introduces a new MPS at Clause 02 of the Port Phillip Planning Scheme based on content previously contained in Clauses 21 and 22 of the LPPF and new content from the City of Port Phillip Council Plan 2017-2027 and other Council adopted documents and strategies.

In particular, the Amendment supports the MPS by translating Council's context, vision and strategic direction into new Clauses 02.01, 02.02, 02.03 and 02.04 as follows:

Table 1 MPS translation

Content	
02.01 Context	Describes the planning schemes policy foundation, based on the municipality's location and regional context, history, assets, strengths, key attributes and influences derived from Council strategies and updated demographic data, previously contained in the LPPF at Clause 21.02 Municipal context and profile
02.02 Vision	Introduces new content which establishes a vision for the municipality to be a vibrant, liveable and sustainable inner-city that the community can be proud of. The vision sets out the spatial response to the <i>Council Plan 2017-27</i> vision
02.03 Strategic directions	Addresses the key land use themes based on the PPF and provides a brief overview and strategic directions for each theme, derived from adopted strategies across Council and based on content previously contained in the LPPF Provides Port Phillip City Council's response to the implementation of <i>Plan Melbourne 2017-2050</i> , and the MPS

Content

02.04 Strategic Framework Plan	Includes new strategic framework plan maps that express the strategic framework for the municipality, based on various existing provisions and documents
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Planning Policy Framework

The Amendment introduces new local planning policies at Clauses 11, 12, 13, 15, 16, 17, 18 and 19 of the PPF. Council submitted that all new local planning policy content has undergone extensive review to ensure it supports and implements the State policies in the PPF.

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Outcomes that are particularly relevant to the Amendment are set out in Table 2.

Table 2 Relevant parts of Plan Melbourne

Outcome	Directions	Policies
1. Melbourne is a productive city that attracts investment, supports innovation and creates jobs	<p>Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment</p> <p>Direction 1.2 - Improve access to jobs across Melbourne and closer to where people live</p>	
2. Melbourne provides housing choice in locations close to jobs and services	Direction 2.1 - Manage the supply of new housing in the right locations to meet population growth and create a sustainable city	<p>Policy 2.1.2 – Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport</p> <p>Policy 2.1.4 – Provide certainty about the scale of growth in the suburbs</p>
	Direction 2.2 – Deliver more housing close to jobs and public transport	Policy 2.2.3 – Support new housing in activity centres and other places that offer good access to jobs, services and public transport
	Direction 2.3 - Increase the supply of social and affordable housing	
	Direction 2.4 - Facilitate decision making	

Outcome	Directions	Policies
	processes for housing in the right locations Direction 2.5 - Provide greater choice and diversity of housing	
4. Melbourne is a distinctive and liveable city with quality design and amenity	Direction 4.3 – Achieve and promise design excellence Direction 4.4 – Respect Melbourne’s heritage as we build for the future	Policy 4.3.1 – Promote urban design excellence in every aspect of the built environment Policy 4.4.1 – Recognise the value of heritage when managing growth and change
5. Melbourne is a city of inclusive, vibrant and healthy neighbourhoods	Direction 5.1 – Create a city of 20-minute neighbourhoods	Policy 5.1.1 – Create mixed use neighbourhoods at varying densities Policy 5.1.2 – Support a network of vibrant neighbourhood activity centres.

2.3 Planning scheme provisions

The Amendment revises local policy and associated local policy content in a form and using content that is consistent with the VPP as updated by Amendment VC148. The bulk of content from the LPPF has been edited and moved to the new MPS at Clause 2 and local planning policies at Clauses 11 to 19.

Where appropriate, local policy content from the LPPF has also been relocated to local schedules. For example, the relevant local policy content relating to gaming (currently at Clause 22.07) has been placed in the Schedule to Clause 52.28 (Gaming) and the relevant local policy content relating to the application of zones, overlays and provisions (currently at Clauses 21.04, 21.05 and 21.06) has been placed in the Schedule to Clause 74.01 (Application of zones, overlays and provisions).

Where local schedules have been amended, the form of the schedule has been modified to accord with the current Ministerial Direction. The Schedule to Clause 43.01 (Heritage Overlay) has been amended to include application requirements from content previously contained at Clause 22.04 (Heritage Policy) of the LPPF. Where new schedules have been introduced, the form of the schedule is consistent with the current Ministerial Direction.

The inclusion of local VicSmart Provisions to capture applications currently processed through Council’s Fast Track service will be a proper use of the VPP.

2.4 Amendment VC148

Amendment C203port adopts the new policy format introduced by Amendment VC148. The Amendment adopts the three-tiered format implemented by VC148 to align and integrate local planning policy with state planning policy to reflect the strategic directions of Council.

2.5 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46: Strategic Assessment Guidelines, August 2018 (PPN46). That discussion is not repeated here.

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes issued under s 7(5) of the PE Act. The proposed ordinance changes have been prepared in accordance with the relevant requirements of the Ministerial Direction.

The Amendment has also been prepared in accordance with other relevant Ministerial directions:

- Ministerial Direction No. 9 – Metropolitan Planning Strategy
- Ministerial Direction No. 11 – Strategic Assessment of Planning Scheme Amendments
- Ministerial Direction No. 14 – Ports Environs
- Ministerial Direction No. 15 – The Planning Scheme Amendment Process.

Planning Practice Notes

The Amendment also directly addresses the principles set out in *A Practitioner's Guide to Victorian Planning Schemes*. In particular, the Amendment has been drafted to ensure policy content is:

- within the scope of the Planning and Environment Act 1987 and is strategically justified
- clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and ministerial directions issued by the Minister for Planning
- clear and unambiguous.

The Amendment has been prepared in a manner consistent with the following Planning Practice Notes:

- Review of Planning Schemes (PPN32) explains what a planning scheme review is and suggests a process for conducting and reporting the review
- Licensed premises: assessing cumulative impact (PPN61) which explains cumulative impact in relation to licensed premises in the planning system. It provides guidelines that assist a permit applicant when considering and responding to the potential cumulative impact of their proposal and support a council when assessing the cumulative impact of licensed premises as part of a planning permit application. It also provides guidance on preparing and assessing an application under Clause 52.27 of the planning scheme. Council has had regard to PPN61 when preparing the proposed local VicSmart provisions relating to licensed premises
- PPN01 – Applying the Heritage Overlay (PPN01), which provides guidance about the use of the Heritage Overlay and about what properties should be included in it, with reference to 'recognised heritage criteria' for the assessment of heritage values of a heritage place. Of relevance to this Amendment, PPN01 advises "*The schedule allows for application requirements to be specified*".

The Amendment has also been prepared with regard to the following Planning Practice Notes and Planning Advisory Notes:

- PPN13 – Incorporated and Background Documents (PPN13)
- PPN46 – Strategic Assessment Guidelines (PPN46)
- PPN74 – Availability of planning documents (PPN74)

- PPN77 – Pre-setting panel hearing dates (PPN77)
- PPN94 – Land use and transport integration (PPN94)
- Planning Advisory Note 55 – VicSmart Planning Assessment (AN55)
- Planning Advisory Note 71 – Amendment VC148 – Planning Policy Framework (AN71)
- Planning Advisory Note 72 – Amendment VC148 – Victoria Planning Provisions and Planning Schemes (AN72).

3 Strategic justification

3.1 Relevant policies, strategies and studies

Port Phillip Planning Scheme Review Audit Report, 23 May 2018

Council undertook an audit of the Planning Scheme as the first step in carrying out a planning scheme review. The audit of the Planning Scheme was to ensure that it reflects current state and local policy, addresses key planning issues affecting the City and is efficient and effective in carrying out the objectives of planning in Victoria.

The Audit Report concluded that, the policies and controls in Port Phillip Planning Scheme are sound, reflecting best- practice planning policy and significant strategic work undertaken by Council in recent years to manage the development and land use in Port Phillip. In addition, the Scheme has extensive and detailed heritage and built form controls, which work effectively to manage growth and ensure the City retains its valued heritage and neighbourhood character, while accommodating growth.

However, it concluded that there are a number of ways in which the Scheme could be improved and updated to address changes in policy and demographic, land use and development trends. These include improving the overall narrative for consistency, clarity and a more cohesive and holistic spatial vision to guide future growth and development in Port Phillip. There are also policies that could be strengthened and potential gaps that could be addressed to better direct key outcomes of State Planning Policy Framework, Plan Melbourne 2017-50 and the Council Plan 2017-27. These findings are detailed around the following themes:

- Activity centres and employment
- Built form and heritage
- Environment
- Health and wellbeing
- Public spaces
- Housing and growth
- Transport, parking and waste
- Effectiveness and efficiency.

The Audit Report makes 86 recommendations, ranging in nature from relatively minor corrections, improvements to Council processes, to recommending significant further strategic work to reform key policy within the Scheme relating to housing, heritage, neighbourhood character, urban design, employment, transport, sustainability and public open space.

3.2 Submissions

Council informed the Panel that Amendment VC148 was gazetted in July 2018 and made substantial changes to the structure and content of the planning policy framework, as well as other provisions in the Planning Scheme. The Amendment implemented changes to the VPP and planning schemes to clarify, simplify and improve their structure, function and operation, and to remove unnecessary regulation. It submitted that Amendment C203port revises local policy and associated local policy content in a form and using content that is consistent with the VPP as updated by Amendment VC148. The bulk of content from the LPPF has been edited and moved to the new MPS at Clause 2 and local planning policies at Clauses 11 to 19.

Council added that where appropriate, local policy content from the LPPF has also been relocated to local schedules.

Council submitted that where local schedules have been amended, the form of the schedule has been modified to accord with the current Ministerial Direction. The Schedule to Clause 43.01 (Heritage Overlay) has been amended to include application requirements from content previously contained at Clause 22.04 (Heritage Policy) of the LPPF. Where new schedules have been introduced, the form of the schedule is consistent with the current Ministerial Direction. It added that the inclusion of local VicSmart Provisions to capture applications currently processed through Council's Fast Track service will be a proper use of the Victorian Planning Provisions.

Council submitted that the Amendment:

- adopts the new policy format to ensure the better alignment and integration of local planning policy with state planning policy.
- content has been translated in a generally policy neutral manner, in accordance with the principles set out in A Practitioner's Guide to Victorian Planning Schemes, to ensure policy content is:
 - within the scope of the PE Act and is strategically justified
 - clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and Ministerial Directions.
 - drafted to be clear and unambiguous.

Council added that the Amendment does not seek to translate policy contained at Clause 21.06-8 (Neighbourhoods) and Clause 22.15 (Fishermans Bend Urban Renewal Area Policy) that relates to the Fishermans Bend Urban Renewable Area. A separate process of review will be undertaken by the DELWP to ensure consistency with the Melbourne Planning Scheme.

Council submitted that the Amendment is required to implement work produced through the City of Port Phillip Heritage Program into the Port Phillip Planning Scheme, to update the heritage related provisions and documents and address known issues and gaps in Council's heritage framework, which has not undergone review since the Port Phillip Heritage Review and local heritage policy were introduced into the Port Phillip Planning Scheme in 2000 through Amendment C5.

Amendment C203port specifically introduces:

- new heritage design guidelines as a background document to the planning scheme
- updated local heritage policy located at Clause 15.03-1L, which replaces the existing policy at Clause 22.04 and implement the new Heritage Design Guidelines
- updated Fishermans Bend Estate Heritage Design Guidelines and Garden Estate Heritage Design Guidelines as background documents to the planning scheme (forming part of the Port Phillip Design Manual). The updates comprise generally minor changes to align with the new Heritage design guidelines and correct identified errors.

Council provided the following summary of the changes and the translation of the LPPF to the PPF:

Table 3 Structure of the Planning Policy Framework

Clauses	Amendments
11 Settlement	<p>All local policies at Clause 11 are policy neutral.</p> <p>Introduces local policies that define Port Phillip’s hierarchy of activity centres and identifies preferred development outcomes in activity centres, from content previously contained in the LPPF at Clauses 21.04 (Land Use), 21.05 (Built Form), 21.06 (Neighbourhoods), 22.11 (Carlisle Street Major Activity Centre), and 22.14 (Bay Street Activity Centre Policy).</p> <p>Introduces local policies relating to other distinctive local places: St Kilda Foreshore, St Kilda Road South Precinct and the St Kilda Road North Precinct, from content previously contained in the LPPF at Clauses 21.06 (Neighbourhoods) and 22.09 (St Kilda Area Foreshore policy).</p> <p>The local policy for Fishermans Bend has not been translated as part of this Amendment and will remain at Clauses 21.06-8 and 22.15 Fishermans Bend Urban Renewal Area. This will be translated as part of a future amendment, pending resolution of drafting with stakeholders.</p>
12 Environmental and Landscape Values	<p>Introduces a local policy relating to the importance of biodiverse landscapes and the municipality’s coast from content previously contained in the LPPF at Clauses 21.04 (Land Use), 21.05 (Built Form), and 22.09 (St Kilda Area Foreshore policy).</p> <p>This change is mostly policy neutral with minor updates to reflect <i>Port Phillip Greening Strategy 2010</i>, <i>Greening Port Phillip Strategy An Urban Forest Approach</i>, <i>Foreshore Management Plan 2012</i>, <i>City of Port Phillip Biodiversity Study 2020</i>, and <i>Recreational Boating Facilities Framework 2014</i>.</p>
13 Environmental Risks and Amenity	<p>Introduces a local policy relating to maintaining the amenity of existing areas from content previously contained in the LPPF at Clause 21.04 (Land Use), 22.01 (Non-residential Uses in the Residential Zones), 22.02 (Backpackers’ Lodges), 22.03 (Caretakers’ Houses in Industrial and Business Zones), 22.05 (Subdivision Policy), 22.06 (Urban Design Policy for Non-residential Development and Multi Residential Development).</p> <p>This change is mostly policy neutral with minor updates to the content of Clause 13.07-1L-04 (Tourism), entertainment uses and licenced premises to reflect the <i>Council Plan 2017-27</i>.</p> <p>Clause 13.07-1L-03 (Interfaces and amenity) is mostly policy neutral with updated content to manage amenity in mixed use environments in accordance with <i>2018 Planning Scheme Audit</i> recommendations.</p> <p>Clause 13.07-1L-01 (Backpackers’ accommodation) and Clause 13.07-1L-02 (Caretakers’ Houses) is policy neutral.</p>
15 Built Environment and Heritage	<p>Introduces a local policy relating to the form of new development from content previously contained in the LPPF principally at Clauses 21.05 (Built Form), 21.06 (Neighbourhoods), 22.04 (Heritage Policy), 22.05 (Subdivision Policy), 22.06 (Urban Design Policy for Non-residential Development and Multi Residential Development), 22.08 (Outdoor Advertising Policy,) 22.09 (St Kilda Area Foreshore Policy), 22.11 (Carlisle Street Major Activity Centre Policy), 22.13 (Environmentally Sustainable Development) and 22.14 (Bay Street Activity Centre Policy).</p> <p>This change is mostly neutral with minor updates to references to background documents and content in accordance with the <i>2018 Planning Scheme Audit</i> recommendations, the <i>Council Plan 2017-27</i>, <i>Activating Laneways Strategy</i>, <i>Act and</i></p>

Clauses	Amendments
	<p><i>Adapt - Sustainable Environment Strategy, Art and Soul – Creative and Prosperous City Strategy 2018-22</i>, universal accessibility, and placemaking in streets approach; permeability, landscaping and vehicle accessways and delete outdated content.</p> <p>Clauses 15.01-1L-01 (Signs) and 15.01-5L (Neighbourhood Character) which are policy neutral.</p> <p>Clause 15.03-1L (Heritage) contains updated and new content to implement the <i>Port Phillip Heritage Design Guidelines 2021</i>. The content fills gaps and addresses issues. The <i>Heritage Strategic Assessment Report</i> (June 2021) provides further background on the changes to this policy.</p>
16 Housing	<p>Housing Introduces a local policy which defines locations for new housing and promotes diverse and affordable housing from content previously contained in the LPPF at Clauses 21.04 (Land Use), 22.02 (Backpackers' Lodges), and 22.15 (Fishermans Bend Urban Renewal Policy).</p> <p>Updates references to background documents and content (except for 16.01-1L-02 (Location of residential development), which remains policy neutral) based on Council's submission to 'City of Port Phillip Australian Building Codes Board - Accessible Housing Options Paper September 2018' based on Liveable Housing Design Guidelines, <i>In Our Backyard: Growing Affordable Housing in Port Phillip 2015-2025</i>, to give direction on 'well-located' affordable housing and expand on Fishermans Bend best practice policy.</p>
17 Economic Development	<p>Introduces local policies relating to the maintenance and growth of employment in the municipality from content previously contained in the LPPF at Clauses 21.04 (Land Use) and 21.06 (Neighbourhoods).</p> <p>Updates references to background documents and introduces new content to Clause 17.04-2L (Coastal and marine tourism) in accordance with the <i>2018 Planning Scheme Audit</i> recommendations.</p> <p>All other sub-clauses remain policy neutral.</p>
18 Transport	<p>Introduces local policies which promote sustainable transport and address road systems and car parking in new development from content previously contained in the LPPF at Clauses 21.03 (Ecologically Sustainable Development), 21.04 (Land use), 21.05 (Built Form), 21.06 (Neighbourhoods), 22.04 (Heritage Policy), and 22.06 (Urban Design Policy for Non-residential Development and Multi Residential Development).</p> <p>This change is mostly policy neutral with minor updates to refer to updated background documents and content based on <i>Move, Connect, Live: Integrated Transport Strategy (City of Port Phillip August, 2018)</i>, usual practice and Victorian Civil and Administrative Tribunal (VCAT) outcomes relating to height clearance, and introduces new content for active transport infrastructure, electric and cargo bikes, car share, in accordance with the <i>2018 Planning Scheme Audit</i> recommendations and <i>BESS (Built Environment Sustainability Scorecard) bess.net.au</i> (CASBE, 2015).</p> <p>Clause 18.03 (Ports) relating to Port Melbourne and Station Pier environments is policy neutral.</p>
19 Infrastructure	<p>Introduces local policies relating to health and education precincts, open space and water sensitive urban design from content previously contained in the LPPF at Clauses 21.04 (Land Use), 21.05 (Built Form), 21.06 (Neighbourhoods), 22.06 (Urban Design Policy for Non-residential Development and Multi Residential Development), 22.09 (St Kilda Area Foreshore policy), .22.12 (Stormwater management (WSUD)), and 22.13</p>

Clauses	Amendments
	<p>(Environmentally Sustainable Development).</p> <p>This change is mostly policy neutral with minor updates to refer to updated background documents and content to reflect the <i>Council Plan 2017-27</i>, <i>Public Space Strategy Draft V3</i>, <i>City of Port Phillip Biodiversity Study May 2020</i>, <i>Getting Our Community Active - Sport and Recreation Strategy 2015-2024</i>; <i>City of Port Phillip Water Sensitive Urban Design Guidelines 2009</i> and <i>Australian Rainfall and Runoff – Book 9 Runoff in Urban Areas</i>.</p> <p>Introduces new content adapted from Clause 58.06-3 (Waste and recycling objectives) to achieve Council’s <i>Don’t Waste It!</i> and new <i>Waste Management Plan Guidelines</i>, and new content for foreshore development, and multi-functional spaces in accordance with <i>2018 Planning Scheme Audit</i> recommendation.</p> <p>Clause 19.03-2L (Infrastructure design and provision) is policy neutral.</p>

Council submitted:

The strategic basis of the PPF translation is clear. The Victorian Government’s Smart Planning program introduced reforms to the planning system, including a new integrated PPF and MPS structure which was implemented via Amendment VC148 to all Victorian Planning Schemes in July 2018.

The PPF translation is required to ensure that the Scheme complies with the new PPF and MPS format. In accordance with the requirements for the PPF and MPS, the PPF translation will result in the streamlining of local policy.

Council added that the Amendment implements 41 of the Audit Report’s 86 recommendations and a further 28 are being implemented through its strategic planning work program.

Submissions by Trevor Westmore and the National Trust recommended changes to the exhibited Clause 15.03-1L (Heritage Policy) and along with Jessica Pitt and Rohan Storey also recommended changes to the Heritage Design Guidelines.

Submissions by the City of Yarra (Yarra) and CASBE focused on the content of exhibited Clause 15.02-1L and the inclusion of a definition of ‘best practice’ in the policy.

Callum Mackay submitted that the exhibited Clause 16.01-2L (Affordable Housing) should include a stand alone rooming houses policy.

3.3 Discussion

None of the submissions to the Amendment focused on the strategic justification of the Amendment. The submissions made by various parties dealt with the content of the exhibited clauses and in some cases the Guidelines. These matters are dealt with in more detail in the following chapters. Only Council discussed the strategic basis for the Amendment.

The Amendment introduces a number of significant changes to the Port Phillip Planning Scheme, not all of which are policy neutral. The Panel accepts that the Audit Report provides a sound strategic basis for the review of the Port Phillip Planning Scheme and that the Amendment seeks to implement the recommendations of the Audit Report.

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, is consistent with the relevant Ministerial Directions and Practice Notes and implements the objectives of planning in Victoria outlined the PE Act. The Amendment is well founded and strategically justified and the

Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3.4 Conclusion

The Panel concludes:

- Amendment C203port is well founded and strategically justified.

4 Heritage Policy and Guidelines

4.1 The issues

The issues are:

- whether Clause 15.03-1L is appropriate
- whether the Heritage Design Guidelines are appropriate for a background document.

4.2 Relevant policies, strategies and studies

City of Port Phillip Update to local heritage policy - strategic assessment report 2021

This report provides a strategic assessment of the heritage related updates that form part of the Port Phillip Planning Scheme and Audit Report in accordance with the requirements of Ministerial Direction No 11 Strategic Assessment of Amendments.

The report concluded that the Amendment is required to implement changes to heritage provisions and documents in the Planning Scheme to implement work produced through Council's Heritage Program and ensure that Council's approach to managing heritage remains aligned with contemporary practices and Ministerial directions.

The outcomes of the work have reinforced that Council's current approach to managing heritage outcomes was generally sound, albeit narrow, with the result being that the ultimate changes to the controls themselves (the local policy and overlay provisions) take the form of updates to address known and identified gaps and issues, rather than a complete revision.

4.3 Evidence and submissions

Council submitted that the key heritage concerns raised in submissions were around its approach and the assessment planning permit applications under the Heritage Overlay. It added that submitters requested refinements to the Heritage Design Guidelines and proposed Clause 15.03-1L (Heritage) to address these matters.

Council stated that the matters raised in submissions dealt with the following four areas:

- introducing new Heritage Design Guidelines as a background document to the planning scheme, following consultation in 2019
- introducing a new Clause 15.03-1L (Heritage Policy) into the PPF
- updating the Schedule to Clause 43.01 (Heritage Overlay) to include application requirements and updates to reflect the Heritage Design Guidelines
- updating the Fishermans Bend Estate Guidelines and Garden City Estate Guidelines to align with the Heritage Design Guidelines.

Council summarised that the changes proposed by submitters as follows:

- minimise duplication between the heritage policy and Heritage Design Guidelines by moving content to the Heritage Design Guidelines
- amend the documents to support an interpretive approach rather than a contextual approach
- strengthen demolition policies to discourage demolition by neglect and promote the adaptive reuse of heritage buildings

- require that two structural bays be conserved when partially demolishing a commercial or industrial building
- provide further direction around relocation
- support adaptive reuse of buildings
- require the preparation of a heritage impact statement.

Mr Jim Gard'ner of GJM Heritage gave heritage evidence of behalf of Council. He stated that the Amendment appropriately considered and addressed heritage in the exhibited provisions. Nevertheless, he recommended some updates to Clauses 02.02, 15.01-1L-02, 15.01-1L-03 and the Schedules to Clauses 43.01, 59.15 and 59.16.

In Clause 15.03-1L for consistency with the terminology used in Clause 43.011, Mr Gard'ner recommended replacing the words 'protect and conserving' with 'conserving and enhancing'. In addition, he proposed replacing 'respects and enhances places' with 'conserves and enhances places with'. Council supported both of these recommended changes.

Mr Gard'ner recommended that a number of additional changes be made to the exhibited Clause 15.03-1L. He acknowledged that Council had proposed two changes to the Clause. He stated:

it is also my view that a number of the strategies should be amended to improve the operation and application of the policy. Many of the amendments I recommend address matters raised in submissions received in respect of C203port.

He provided his recommended changes which included those in response to submissions, in a marked up version of Clause 15.03-1L in Annexure II of his evidence statement (Document 4). His evidence was that the diagrams contained in Clause 15.03-1L and sightline policy would be more appropriately included in the Heritage Design Guidelines because they demonstrate a number of ways that a policy outcome can be achieved.

Council did not support this recommendation. It submitted that there is a:

... longstanding planning practice to include illustrations and figures in Planning Schemes to assist understanding the provisions.

Council added that the diagrams provide examples on how to achieve the objectives of the Heritage Overlay and is consistent with the Practitioner's Guide to Planning Schemes.

Mr Gard'ner stated that the policy appears to focus on residential built forms and recommended the following be included with respect to commercial and industrial buildings:

Support additions to commercial and industrial buildings that are set back a minimum depth of the primary roof form (commercial) or two structural bays (industrial) to retain original or early fabric including the principal façade/s and roof features, and which:

- respect the scale and massing of the existing heritage building or streetscape; and
- maintain the prominence of the heritage features of the building or streetscape and do not detract from, or overwhelm, the heritage building or streetscape; and
- are visually recessive against the heritage fabric.

Council supported this addition.

Mr Gard'ner considered the test of 'defects cannot be rectified' in the Demolition and relocation policy to be too high and recommended replacing the following exhibited text:

Discourage the complete demolition of any building or feature that contributes to the significance of a heritage place unless the building or feature is structurally unsound and the defects cannot be rectified.

with:

Discourage the complete demolition of any building or feature that contributes to the significance of a heritage place unless the building or feature is structurally unsound and rectification is unreasonable on financial or heritage grounds.

Council did not support this recommendation and submitted that the wording as exhibited was appropriate and requires a proposal to demolish to be appropriately justified. It added that:

the policy directive is to “discourage” complete demolition, not to prevent it, avoid it, or (per the existing policy) “refuse” it.

Mr Gard’ner noted that the Amendment proposed a number of changes to the application requirements in the Schedule to Clause 43.01. His recommendations were:

- The term “heritage place” should be amended, noting that this term would apply to the “Heritage Place” identified in the Schedule to the Heritage Overlay. In some circumstances this is an individual building or structure, but in others it is a heritage precinct. Given that the proposed application requirements include, for example, items required when proposing “full demolition of a heritage place”, these items would not be triggered if the application was to demolish an entire building within a heritage precinct as the whole precinct (the “heritage place”) is not being demolished. It is my view that “heritage place” should be changed to “heritage place, building or structure” throughout as relevant.
- I do not believe that a structural engineering report should be required for part-demolition applications as this would cover even minor demolition works and would be unreasonably onerous for many applicants. It is my view that this requirement should be removed from the second dot point and included under a separate point that is prefaced with: “For applications that propose full or substantial demolition of a heritage building or structure...”
- The third dot point should be amended to qualify that this requirement is only necessary when ‘External paint controls’ are triggered in the Schedule to the Heritage Overlay.
- The fifth dot point should be less prescriptive as a scale of 1:20 might be less appropriate than 1:50, 1:10 or 1:5 depending on the nature of the proposed works to be communicated. Instead, I recommend that this dot point conclude with “... drawings prepared at a scale that clearly shows the proposed details.”
- Under the application requirements “For an addition to a heritage place or new development:”, the sight-line requirement at sub-dot point 4 should be amended to state “For additions, a sight-line diagram taken from natural eye-level on the opposite side of the street, directly in front of the subject property”.
- The fifth sub-dot point under “For an addition to a heritage place or new development:” should be removed as the intent or purpose of this requirement is unclear.
- The sixth sub-dot point under “For an addition to a heritage place or new development:” calls for three-dimensional renders or photomontages for additions to a heritage place or new development. This is considered to be unreasonably onerous for rear additions which are substantially or wholly concealed from public realm views. I therefore recommend that this requirement be qualified to only apply for new buildings or additions that will be visible from the public realm.
- Application requirements for trees (dot point 8) should be qualified such that they are triggered only where “Tree controls” are specified in the Schedule to the Heritage Overlay.
- It is my view that the requirement for a condition or structural assessment of the potential impacts on a monument or memorial from nearby development (dot point 9) may go beyond the relevant considerations under the *Planning and Environment Act 1987*. It is generally a matter for the *Building Act 1993* or a Construction Management Plan to ensure that new construction is conducted in such a way as to ensure adjacent buildings and structures are not structurally compromised.

Council did not support Mr Gard’ner’s last recommendation about the structural assessment of the potential impacts on a monument or memorial.

Mr Gard'ner expressed concern that the following classes of VicSmart applications in Table 2 of the Schedule to Clause 59.15 could result in poor heritage outcomes particularly for highly intact heritage places if the works or alterations were more than minor in scale:

- Externally alter a building if the alterations are located to the rear or side of the building and are not visible from the street (other than a lane) or public park.
- Externally alter a roof, if the alterations are not visible from a street (other than a lane) or public park.
- Construct or carry out works normal to a dwelling, including accessways, pedestrian paths or similar.

Council submitted that its existing Fast Track process dealt with applications that were minor in scale and the proposed VicSmart categories had been designed to capture those applications. It added it had no objection to clarifying this intent by qualifying each of the three categories by describing the alterations or works as minor. Mr Gard'ner, however, thought that minor was too difficult to define. Council added that officers regularly made such assessments under the existing fast track process. It recommended the proposed categories be replaced with the following:

- Minor external alteration of a building if the alterations are located to the rear or side of the building and are not visible from the street (other than a lane) or public park.
- Minor external alteration of a roof, if the alterations are not visible from a street (other than a lane) or public park.
- Construct or carry out minor works normal to a dwelling, including vehicle accessways, pedestrian paths or similar.

Mr Gard'ner's evidence was that the removal of a heritage sign should go through a permit process and not be dependent on it being located on a significant place and recommended replacement of the following exemption:

Demolition of removal of sign, unless the land is identified as a significant heritage place in the incorporated document in the Schedule to Clause 72.04 'City of Port Phillip Heritage Policy Map'.

with:

Demolition of removal of a non-original or non-heritage sign.

In addition, the following class in the Schedule was already exempt under Clause 43.01-1:

Externally alter a roof where the alterations are visible from a street (other than a lane) or public park and are undertaken to the same details, specifications and materials.

Mr Gard'ner stated that the following matters were not considered under the VIC Smart application process and therefore should be removed from the information requirements of the Schedule to Clause 59.16:

- any buildings to be demolished
- elevations of proposed buildings
- size and design of any proposed sign.

With respect to the Heritage Design Guidelines, Mr Gard'ner's evidence was that they serve as a valuable tool to illustrate how the strategies within Clause 15.03-1L can be achieved. He recommended changes to the sections on using the Heritage Design Guidelines and preparing an application which were detailed in Annexure III of his evidence statement (Document 4). He also recommended replacement of the examples provided in Case Study 1 and Photograph 12 with more relevant examples.

Council agreed with replacing the photograph in Case Study 1 with one of the Woolworths Supermarket building at 255 Smith Street, Fitzroy. It did not support changing Photo 12 because

the photograph *“is to demonstrate how additions to masonry buildings should use lightweight materials and simple forms.”* Council did not accept all of the changes recommended by Mr Gard’ner consequently, at the conclusion of the Hearing the Panel directed Council to provide a clean and tracked changes version of Clause 15.03-1L and the Guidelines which contained all the post exhibition changes proposed by Council. These were provided in Documents 9, 10, 11 and 12.

Mr Westmore submitted that with minor changes the heritage policy could be supported but the Heritage Design Guidelines were unfit for purpose and should be removed from the Amendment. Mr Westmore stated that his main concern with the policy was the concept of ‘accurate reconstruction’ as an option to repair or restoration under the demolition section of the policy. However, he agreed that it had been removed from the most recent version of Clause 15.03-1L.

He acknowledged the changes to the policy proposed by Mr Gard’ner and added that on the basis that the diagrams and sightline elements were removed from the policy as recommended by Mr Gard’ner, he supported Mr Gard’ner’s version of the clause with some additional changes which he included with his submission to the Hearing (Document 7).

Mr Westmore submitted that the changes to the Guidelines recommended by Mr Gard’ner only partially addressed the issues he had raised. He added:

these deficiencies identify a serious lack of expertise in the preparation of the Guidelines, to the extent that the whole document has little credibility and dubious utility.

He recommended that the Guidelines advice should focus on the process of managing heritage places as outlined in Council’s Heritage Advice Notes and he recommended additional titles for new advice notes. Mr Westmore cited three examples of incorrect in support of his submission on the Heritage Design Guidelines. The first was the example of weatherboard profiles on page 21 of the Heritage Design Guidelines which he said were incorrectly named or irrelevant to the City of Port Phillip. The second was photo 2 which he stated was a better illustration of the original fabric than demolition because it shows the outline of the original verandah. The third was figure 3.5 which Mr Westmore stated showed a building envelope that was unrealistic because it made no allowance for side setbacks and other provisions of Clause 54 that would modify the illustrated form.

Jessica Pitt submitted that the sightline guidelines has failed to prevent an inappropriate addition to an adjoining house.

Rohan Storey supported strengthening of the Guidelines and thought they could benefit from further clarification and detail. In the section dealing with demolition, he recommended that:

Sufficient built form and features should be retained to conserve the significance of the place in all its facets, including extent.

He added that the Heritage Design Guidelines should recommend the retention of at least two structural bays for industrial buildings and that retention of a façade only would not be permitted. He stated that demolition and relocation should only be approved in the *“rarest of cases.”* Mr Storey submitted that photo 12 was inappropriate and should be replaced with a better example.

The National Trust generally supported the Amendment but suggested changes to the Heritage Design Guidelines relating to the *“recognition and conservation of cultural heritage.”* It submitted that the guidelines should deal with demolition by neglect and only contemplate demolition in rare circumstances. Similar to Mr Storey, the National Trust, recommended that the extent of demolition be guided by the statement of significance and the retention of at least two structural bays of an industrial building.

The National Trust proposed a more comprehensive policy with respect to relocation and recommended consideration of the Greater Bendigo Planning Scheme—22.06 Heritage Policy. It also submitted that photo 12 was inappropriate and should be replaced.

Council submitted that it agreed with Mr Gard'ner that demolition by neglect is something more appropriately dealt with by a Local Law and:

any further protection would require careful consideration independently of this Amendment.

Council added that it was appropriate to set a high bar for demolition because the demolition of heritage fabric is generally not acceptable.

Council noted that the conservation strategies of Clause 15.03-1L encouraged like for like replacement which Mr Westmore opposed and Mr Gard'ner recommended be replaced by the words 'or reinstatement'. Council informed the Panel that it did not support either proposal because any replacement would require a permit.

Both Mr Gard'ner and Mr Westmore recommended moving the sightline provisions and associated diagrams from the policy to the Heritage Design Guidelines. Council did not support this change because the policy does not have the force of rules or strict requirement that must be met but are an attempt to guide discretion which has been supported by VCAT.

Council supported the retention of the provision in Clause 43.01 requiring an assessment of any works in proximity to a monument or memorial despite Mr Gard'ner's recommendation to remove the requirement. In its view the requirement is appropriate and should be retained.

With respect to the Heritage Design Guidelines Council submitted that they:

... are strategically sound; they are the product of extensive internal and external consultation and the detailed review of local heritage guidelines in Victoria and internationally.

It added that the Heritage Design Guidelines "*provide background and explanation to the local heritage policy*" and the evidence of Mr Gard'ner supported the inclusion of the Guidelines as a background document.

Council noted the submissions objecting to the use of the Cremorne Street Richmond property in photo 12 but submitted that it should be retained, particularly with the accompanying text because it demonstrates:

how additions to masonry buildings should use lightweight materials and simple forms. The accompanying text provides additional guidance to clarify that the front setback of the addition is less than recommended by the Heritage Design Guidelines.

Council concluded that it accepted other minor amendments proposed by Mr Gard'ner.

4.4 Discussion

The Panel was presented with three alternate tracked changes versions of Clause 15.03-1L - from Council (Document 10), Mr Gard'ner (Document 4) and Mr Westmore (Document 5). The Council and Westmore versions were based on Mr Gard'ner's version from his evidence statement. Mr Westmore submitted that he only proposed minor changes to the policy however, his version contained significant changes to Clause 15.03-1L. Mr Gard'ner's evidence was that a number of his recommended changes were in response to Mr Westmore's submission. The Panel agrees with that assessment.

Council's version of Clause 15.03-1L identified a number of changes where it did not support the recommendation of Mr Gard'ner. Consequently, the Panel has focused on the areas of disagreement between Council and Mr Gard'ner. In its version of Clause 15.03-1L, Council did not support the following changes recommended by Mr Gard'ner:

- under Demolition and relocation:
 - removal of the words 'the defects cannot be rectified'.
- under Conservation:
 - replace 'Encourage accurate like for like replacement of' with 'Encourage accurate replacement or reinstatement of'.
- under Additions:
 - replace the following text:

Support additions that are:

 - Fully or substantially concealed if the associated building is within a heritage streetscape with a consistent scale or is a Significant place.
 - Partially concealed if the associated building is within a heritage streetscape with a diverse scale and is not a Significant place.

with:

- Support additions to residential buildings that are:
 - Set back a minimum depth of two rooms to retain original or early fabric including the principal façade and primary roof form;
 - Respectful of the scale and massing of the heritage place;
 - Visually recessive against the heritage fabric; and
 - Substantially concealed when viewed at natural eye-level from the opposite site of the street.
- under Signage:
 - delete 'as depicted in Figure 1' and Figure 1
- under Sustainability and services
 - delete 'as depicted in Figure 2' and Figure 2
- delete Policy Guidelines.

In the Panel's experience it is somewhat unusual to have this level of disagreement between a Council and its expert. Nevertheless, it does demonstrate a robust and independent consideration of the policy by Mr Gard'ner.

With respect to the inclusion of the words 'the defects cannot be rectified' the Panel agrees with Council that it is a neater approach rather than attempting to list what are valid defects to justify demolition. Given that the intent of the policy is to discourage demolition Council's preferred wording puts the onus on the applicant to demonstrate that there is no other alternative.

Similarly, the Panel agrees with Council that like for like replacement would not require a permit, which was Mr Gard'ner concern about the wording. The Panel agrees with Council that the change is not necessary.

The Panel concurs with Mr Gard'ner's premise that different levels of concealment or visibility should not be based on a building's grading. It also accepts that his concept of a two room setback is consistent with the demolition provisions in the guidelines.

The remaining differences can be collectively considered under the heading of sightlines and related diagrams and policy. Both Mr Gard'ner and Mr Westmore thought the diagrams and supporting text were better located in the Heritage Design Guidelines. Council submitted that the

diagrams and text were originally performance measures had been a helpful guide to VCAT on a number of occasions.

The Panel notes that the same diagrams and text are also found in the Heritage Guidelines. In addition, the Port Phillip Planning Scheme, like many others, currently does not have heritage guidelines as a background document. In this regard the Amendment introduces a new element of heritage guidance. In the Panel's view having the same diagrams in the policy and Guidelines is unnecessary duplication particularly given the different process for changing Clause 15.03-1L and a background document. Council acknowledged the policy guidelines only demonstrate one way in which concealment can be achieved and they are not a rule or strict requirement that must be met. From this perspective the Panel accepts Mr Gard'ner's evidence that the diagrams and text are better placed in the Guidelines.

With respect to the Heritage Design Guidelines the Panel notes that both Council and Mr Gard'ner support the inclusion of the document in the Planning Scheme as a background document and acknowledge its usefulness. The Panel does not agree with Mr Westmore's assessment of their usefulness. However, Mr Westmore's examples illustrate that while useful, the Heritage Design Guidelines are not perfect and would benefit from some further review.

After the Hearing had concluded Council submitted a revised version (Document 11) of the Heritage Design Guidelines which included Mr Gard'ner's amendments as well as a number of other changes. The Panel adopts this version but considers that the following elements should be further reviewed by Council before finalising the Amendment:

- Figure 2.1 Common timber cladding profiles
- the explanation associated with Photo 2 with reference to the removed verandah
- the use of Photo 12 which Mr Gard'ner describes as sub-optimal because it incorporates facadism.

The Panel accepts the evidence of Mr Gard'ner on changes to the application requirements in the Schedule to Clause 43.01, except for the requirement near a memorial or monument. The Panel agrees with Council's addition of minor to the three categories in the Schedule to Clause 59.15 and the remaining changes proposed by Mr Gard'ner. However, the Panel does not support the removal of the fourth Class of application in the Schedule to Clause 59.15 or the changes to the information requirements in the Schedule to Clause 59.16 recommended by Mr Gard'ner.

4.5 Conclusions and recommendations

The Panel concludes:

- Subject to further changes the exhibited Clause 15.03-1L is appropriate.
- The amended Heritage Design Guidelines, provided by Council (Document 11), are appropriate for a Background Document.
- Most of Mr Gard'ner recommended changes to the Schedule to Clause 43.01 are appropriate.
- Mr Gard'ner recommended changes to the Schedule to Clause 59.15 are appropriate with some modifications.

The Panel recommends:

1. **Replace Clause 15.03-1 with the Panel preferred version in Appendix B of this report.**

2. Replace the City of Port Phillip Heritage Design Guidelines, 2021 with the Panel preferred version in Appendix C of this report.
3. Review the following elements of the City of Port Phillip Heritage Design Guidelines, June 2022 as provided in Appendix C of this report:
 - a) the timber cladding profiles shown in Figure 2.1
 - b) the explanation attached to Photo 2 which should reference the location of the removed verandah
 - c) the use of Photo 12 given that it is also an example of facadism which is not encouraged by the guidelines.
4. Amend the Application requirements in the Schedule to Clause 43.01 by:
 - a) replacing the term 'heritage place' with 'heritage place, building or structure'
 - b) replacing the text in the second dot point from:
 - *For applications that propose part or full demolition of a heritage place:*
to:
 - *For applications that propose full or substantial demolition of a heritage building or structure*
 - c) clarifying that the third dot point
 - *For applications to paint a heritage place a schedule, plans and elevations showing the colours and finishes to be used on all surfaces*
only applies when external paint controls are triggered
 - d) using a less prescriptive scale than 1:20 in the fifth dot point:
 - *For applications that include restoration or reconstruction of original fabric, plans prepared at a 1:20 scale*
 - e) revising the sixth dot point by:
 - replacing the text of the fourth sub-dot point from:
 - *For additions, sightline diagrams in accordance with the relevant policy guidelines for additions in Clause 15.03-1L.*
 with
 - *For additions, a sight-line diagram taken from natural eye-level on the opposite side of the street, directly in front of the subject property'*
 - deleting the fifth sub-dot point
 - *For new development, a three dimensional building envelope that shows the potential new building volume if all the opportunities and constraints have been considered*
 - clarifying that the sixth sub-dot point:
 - When located within a precinct, elevations that show the addition or new development in the context of the streetscape
is to apply only for new buildings or additions that will be visible from the public realm.
5. Amend the Schedule to Clause 59.15 by:
 - a) replacing the text in the second Class of application with:

'Minor external alteration of a building if the alterations are located to the rear or side of the building and are not visible from the street (other than a lane) or public park'

- b) replacing the text in the third Class of application with:
‘Minor external alteration of a roof, if the alterations are not visible from a street (other than a lane) or public park’**
- c) replacing the text in the fifth Class of application with:
‘Construct or carry out minor works normal to a dwelling, including vehicle accessways, pedestrian paths or similar’**
- d) replacing the text in the seventh Class of application with:
‘Demolition or removal of a non-original or non-heritage sign’.**

5 Environmentally Sustainable Development Policy

5.1 The issue

The issue is :

- whether the ESD provisions of proposed Clause 15.02-1L are appropriate.

5.2 Submissions

Council informed the Panel that it is a member of the CASBE which it described as *“a collaborative alliance of Victorian councils committed to the creation of a sustainable built environment.”*

Council submitted that CASBE and DELWP had worked together to prepare a draft local ESD policy in the new PPF format however agreement was not reached on all elements, particularly on the inclusion of a definition of best practice.

Council advised that whilst its adopted version of the ESD policy matched the CASBE model the letter of authorisation required Clause 15.02-1L to be consistent with the standard DELWP template. Council submitted, whilst it is bound by the conditions of authorisation, that as a member of CASBE its preference is to ensure its local ESD policy is consistent with the approach taken by CASBE and other councils.

The Yarra submitted that the approach to ESD recommended by the CASBE represented best practice with respect to sustainability within the built environment. Yarra added that it understood that the translation of Clause 23.13 into the new 15.02-1L was policy neutral, however, it was concerned that the removal of the definition of ‘best practice’ would weaken the local policy. Yarra observed that Council is a member of the CASBE and submitted that the exhibited Clause 15.02-1L should be revised to reflect the CASBE version. Yarra outlined its approach to ESD in its amendment C269yara. Yarra added that the publication date for BESS should be removed so it aligns with the reference to other tools in the Policy Guidelines.

CASBE submitted that the concept of best practice is an important element of the local policy because it enables the policy to keep pace with innovation and changing industry standards. It expressed its concern *“that the removal of the definition leaves the term Best Practice open to interpretation.”*

CASBE acknowledged that the new format of the PPF do not allow for a definition of best practice in the body of the policy. It recommended that the Strategies section of the following policy:

Facilitate development that minimises environmental impacts.

Encourage environmentally sustainable development that:

- Is consistent with the type and scale of the development.
- Responds to site opportunities and constraints.
- Adopts best practice through a combination of methods, processes and locally available technology that demonstrably minimise environmental impacts.

be amended to:

Achieve Best Practice environmentally sustainable development that:

- Is relevant to the type and scale of development;
- Responds to site opportunities and constraints;

- Utilises a combination of locally available techniques, methodologies and system that have demonstrated to achieve optimum ESD outcomes; and
- Encompass the full life of the build.

It also recommended the word 'comparable' be replaced by 'equivalent' under the Expiry heading.

5.3 Discussion

Council referred the Panel to the reports for Hobsons Bay C131hbay and Yarra C269yara both of which supported the best practice definition proposed by Council and CASBE. The Panel notes that the CASBE member councils make up a significant proportion of Victorian local governments and that there are 20 Councils with local ESD policies. Port Phillip is one of the 20 councils with the current Clauses 21.03 (Ecologically Sustainable Development) and 22.13 (Environmentally Sustainable Development) in particular.

As stated in the Explanatory Report the purpose of the Amendment is to translate the Planning Scheme into the new structure introduced by Amendment VC 148. The objectives of Clause 22.13-2, in the Panel's view, closely align to the CASBE approach to best practice and in that case Clause 15.02-1L should equally reflect the CASBE approach as a true translation into the new format.

However, the Panel notes that the expiry provisions at Clause 22.13-08 refer to a 'comparable provision'. For this reason the Panel does not support its replacement with 'equivalent'.

In line with Council's advice about Amendment VC226, Clause 15.02-1L should be located beneath 15.01-2S (Building design) and renumbered to 15.01-2L-02 (Environmentally Sustainable Development), with Urban Art being renumbered to 15.01-2L-03.

5.4 Conclusions and recommendations

The Panel concludes:

- The strategies section of proposed Clause 15.03-1L should be amended to adopt the CASBE approach.
- Clause 15.03-1L should be renumbered as proposed by Council.

The Panel recommends:

- 6. Renumber exhibited Clause 15.01-2L-02 Urban Art to 15.01-2L-03**
- 7. Renumber the exhibited Clause 15.02-1L to 15.01-2L-02**
- 8. Replace the text under the heading 'Strategies' in Clause 15.01-2L-02 with the following:**

'Achieve Best Practice environmentally sustainable development that:

- **Is relevant to the type and scale of development;**
- **Responds to site opportunities and constraints;**
- **Utilises a combination of locally available techniques, methodologies and system that have demonstrated to achieve optimum ESD outcomes; and**
- **Encompass the full life of the build.'**

6 Other matters

6.1 The issues

The issues are:

- whether the amendment should include a standalone rooming house policy
- whether the mandatory provisions of Design and Development Overlay Schedule 26 (DDO26) should be removed.

6.2 Submissions

Callum Mackay submitted that Council should develop a standalone policy for rooming houses. He commended Council's affordable housing policy but added that a separate rooming house policy was needed to ensure that the *"that the intensity and scale of developments will not introduce adverse amenity impacts on surrounding areas."*

Patrick Delmastro expressed concerned about exemptions to mandatory height controls in the Design and Development Overlay Schedule 26 (DDO26), given VCAT recently directed that a permit be granted to construct a 75 metre building at 412 St Kilda Road, Melbourne. He submitted that this decision was made despite DDO26 specifying a 65 metre mandatory height for the site. He recommended that exemptions to mandatory heights be removed and that the definition of 'building height' be revised as the *"height of the outer most parapet of the structure"*.

Council submitted that rooming houses are an as of right use in all residential zones subject to meeting the requirements of Clause 52.23 (Rooming house). Given the zones and Clause 52.23 are State policy, Council is not able to prohibit rooming houses in residential zones. It added that the Amendment either gives effect to policies already adopted by Council, implements the Audit Report or translates existing policy to accord with new Victorian Government requirements for planning schemes. Accordingly it was not possible to include a standalone rooming house policy at this point without further strategic work. Council did not propose any changes to the Amendment.

With respect to DDO26, Council advised that the Amendment proposes to delete the incorporated document applying to the land at 414-418 St Kilda Road, Melbourne. It added that the site has been developed in accordance with the incorporated document and is now obsolete. Council submitted that the built form controls applying to the site are contained in DDO26 sub-precinct 4E. The Amendment was not a wholesale review of all local planning policy objectives and controls and does not comprise a review of any zoning or overlay controls that apply to properties, including DDO26. It concluded that the matters raised in the submission are beyond the scope of the Amendment.

6.3 Discussion

The Panel acknowledges the Council's submission and agrees with its conclusion. The development of a rooming house policy is beyond the scope of the Amendment as are any changes sought to the provisions of DDO26.

6.4 Conclusions

The Panel concludes:

- The Amendment should not include a standalone rooming house policy.
- The removal of the mandatory provisions of Design and Development Overlay Schedule 26 is not a matter for the Amendment.

Appendix A Document list

No.	Date	Description	Provided by
1	22/03/2022	Directions Hearing Letter	PPV
2	11/04/2022	Directions and Timetable Letter	PPV
3	23/05.2022	Council Part A submission	Council
4	30/05/2022	Evidence statement of Mr Jim Gard'ner of GJM Heritage	Council
5	30/05/2022	Email from Trevor Westmore questioning the GJM design guidelines comments	Mr T Westmore
6	03/06/2022	Council Part B submissions	Council
7	03/06/2022	Submission by Trevor Westmore	Mr T Westmore
8	03/06/2022	Comments on the City of Port Phillip Heritage Guidelines February 2021	Mr T Westmore
9	14/06/2022	Clause 15.03-1L Heritage Policy clean Council version	Council
10	14/06/2022	Clause 15.03-1L Heritage Policy tracked Council version	Council
11	14/06/2022	Heritage Design Guidelines June 2022 Council preferred version clean	Council
12	14/06/2022	Heritage Design Guidelines June 2022 Council Panel version tracked	Council
13	12/02/2022	Email from Council re Clause 15.02-1L	Council

Appendix B Panel preferred version of the Clause 15.03-1L

15.03-1L

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Proposed C203port

Heritage policy**Policy application**

This policy applies to all land within a Heritage Overlay.

Strategies General

~~Retain~~, Conserve and ~~protect~~ enhance Significant and Contributory buildings as identified in the incorporated document in Schedule to Clause 72.04 'City of Port Phillip Heritage Policy Map'.

Conservation of heritage places and new development are guided by the statement of significance, the urban context and any relevant documentary or physical evidence.

Encourage high quality, contemporary design responses for new development that respects and complements the heritage place by using a contextual approach that:

- Responds to and reinforces the ~~valued characteristics~~ contributory features of the heritage place, including:
 - Building height, scale, massing and form.
 - Roof form and materials.
 - Siting, orientation and setbacks.
 - Fenestration and proportion of solid and void features.
 - Details, colours, materials and finishes.
- ~~Protects and e~~ Conserves and enhances the setting and views of heritage places.

Maintain the integrity and intactness of heritage places.

Conserve and enhance the significant historic character, ~~and~~ intactness and integrity of streetscapes within heritage precincts including:

- The layering and diversity of historic styles and character where this contributes to the significance of the precinct.
- The consistency of historic styles and character where this contributes to the significance of the precinct.

Avoid development that would result in the incremental or complete loss of significance of a heritage place by:

- Demolishing or removing a building or feature identified as Significant or Contributory in the incorporated document in Schedule to Clause 72.04 'City of Port Phillip Heritage Policy Map'.
- Altering, concealing or removing a feature, detail, material or finish that contributes to the significance of the heritage place.
- Distorting or obscuring the significance of the heritage place ~~or detracting from its interpretation and appreciation~~ by copying using historic styles ~~in~~ and detail where these previously did not exist.

Demolition and relocation

Prioritise the conservation, restoration or adaption of a heritage place over demolition.

Discourage the complete demolition of any building or feature that contributes to the significance of a heritage place unless the building or feature is structurally unsound and ~~rectification is unreasonable on financial or heritage grounds~~ the defects cannot be rectified.

Avoid demolition where it would result in the retention of only the façade and/or external walls of a Significant or Contributory building.

Support demolition of part of a Significant or Contributory building or feature if it will not adversely impact upon the significance of the place and any of the following apply:

- It will remove an addition [or accretion](#) that detracts from the significance of the place.
- ~~The part demolition is consistent with site-specific heritage design guidelines listed in an incorporated document in the Schedule to Clause 72.04.~~ [
- It is associated with an accurate replacement, or reconstruction of the place.
- It will allow an historic use to continue.
- It will facilitate a new use that will support the conservation of the building.

Avoid the demolition of a Significant or Contributory building unless new evidence has become available to demonstrate that the building ~~does not possess the level of heritage significance attributed to it in the incorporated document *Port Phillip Heritage Review and City of Port Phillip Heritage Policy Map* is not of heritage significance and does not contribute to the heritage place.~~

Avoid the relocation of a building or feature that contributes to the significance of a heritage place unless [a suitable new location is secured and](#) either:

- The relocation is the only reasonable means of ensuring the continued existence of the building or feature and the option of retaining it in the current location is not feasible.
- The building or feature has a history of relocation and/or is designed for relocation.

Conservation

Prioritise the maintenance and repair, rather than replacement of features, details, materials or finishes that contribute to the significance of heritage places.

Encourage accurate like for like replacement of features, details, materials or finishes that contribute to the significance of heritage places if they are damaged and cannot be repaired [or are missing](#)

Encourage the accurate restoration or reconstruction of heritage places to a known earlier state, particularly publicly visible features such as:

- Verandahs, balconies and awnings.
- Doors and windows.
- Wall materials and details.
- Roof materials and details.
- Shopfronts.
- Chimneys
- Front fences.
- Historic signage.

Support full reconstruction in exceptional circumstances (for example, if a building has been destroyed by fire) when there is sufficient physical or documentary evidence to enable accurate reconstruction, and where any of the following apply:

- The building forms part of a row, terrace or group that have a degree of uniformity that should be maintained [and can be replicated](#).
- The building or feature is an integral part of a related group of buildings or features (~~for example, a church hall adjacent to a church~~).
- The building or feature is a landmark ~~or contributes to an important view or vista~~ [and](#) ~~there is strong community attachment to the building or feature.~~

Encourage the conservation of alterations and additions where they contribute to the

significance of the place.

Conserve original colour schemes ~~and~~ Ensure new colour schemes are appropriate to the architectural style of the building where external paint controls are triggered. ~~and~~

Discourage the painting of originally unpainted surfaces.

For buildings originally used for commercial or industrial purposes, encourage conservation of features such as equipment, machinery or signage that provide evidence of the original use.

Alterations

~~Avoid~~ Discourage alterations to:

- Contributory fabric of t~~The~~ principal façade, roof or any walls or surfaces visible from the public realm including a side street or laneway for Significant and Contributory places
- Any feature, detail, material or finish specified in the statement of significance for Significant places.

Support alterations to visible or contributory fabric of Significant or Contributory places if it will not adversely impact upon the significance of the place and any of the following apply:

- It will allow an historic use to continue.
- It will facilitate a new use that will support the conservation of the building.
- It will improve the environmental performance of the building.

Additions

Support additions to residential buildings that are:

- Set back a minimum depth of two rooms to retain original or early fabric including the principal façade and primary roof form;
- Respectful of the scale and massing of the heritage place;
- Visually recessive against the heritage fabric; and
- ~~Fully or s~~Substantially concealed when viewed at natural eye-level from the opposite site of the street if the associated building is within a heritage streetscape with a consistent scale or is a Significant place.
- ~~Partially concealed if the associated building is within a heritage streetscape with a diverse scale and is not a Significant place.~~

Support additions to commercial and industrial buildings that are set back a minimum depth of the primary roof form (commercial buildings) or two structural bays (industrial buildings) to retain original or early fabric including the principal façade/s and roof features, and which:

- respect the scale and massing of the existing heritage building or streetscape; and
- maintain the prominence of the heritage features of the building or streetscape and do not detract from, or visually dominate, the heritage building or streetscape; and
- are visually recessive against the heritage fabric.

Additions to buildings situated on corner sites (including to a laneway) should respond to the host building and the heritage character of both the primary street and side street or lane.

~~Support alternative approaches to additions if it will not adversely impact upon the significance of the heritage place and any of the following apply:~~

~~it is located in a streetscape where there is diversity of siting, form, massing or scale of existing buildings.~~

- ~~The heritage place is situated on a site where a different built form is encouraged by other provisions in the planning scheme.~~

- ~~The additions are in accordance with site specific heritage design guidelines listed in an incorporated document in the Schedule to Clause 72.04.~~

New buildings

Support new buildings that respect and complement Significant and Contributory buildings in relation to form, scale, massing, siting, details and materiality ~~in a consistent streetscape, or where the setting of the heritage place is intact.~~

~~Support alternative approaches to the design of new buildings when any of the following apply:~~

- ~~It is located in a streetscape where there is diversity of siting, form, massing or scale of existing buildings.~~
- ~~It is located on a site where a different built form is encouraged by other provisions of the planning scheme.~~
- ~~The new building is in accordance with site specific heritage design guidelines listed in an incorporated document in the Schedule to Clause 72.04.~~

Car parking Vehicle access

Discourage vehicle crossovers and driveways at the front of a Significant heritage place or any property within a heritage precinct where vehicle access was not historically provided for.

Avoid changes to existing crossovers that would impact upon the significance or setting of a heritage place.

Encourage vehicle access to be:

- From a rear laneway.
- For a corner property, from the side street to the rear yard of the property only if rear laneway access is not available.

Avoid on-site car parking in locations that would be visible from a street (other than a lane).

Fencing

Encourage conservation of fences or gates that contribute to the significance of a heritage place.

Ensure the height, materials, detailing and colours of front fences are appropriate to the architectural style of the heritage place.

Encourage a consistent approach to new fences for heritage places that form part of a related group of buildings such as an attached pair or terrace row or houses, including the reconstruction of historic fences if applicable ~~forming part of a consistent streetscape.~~

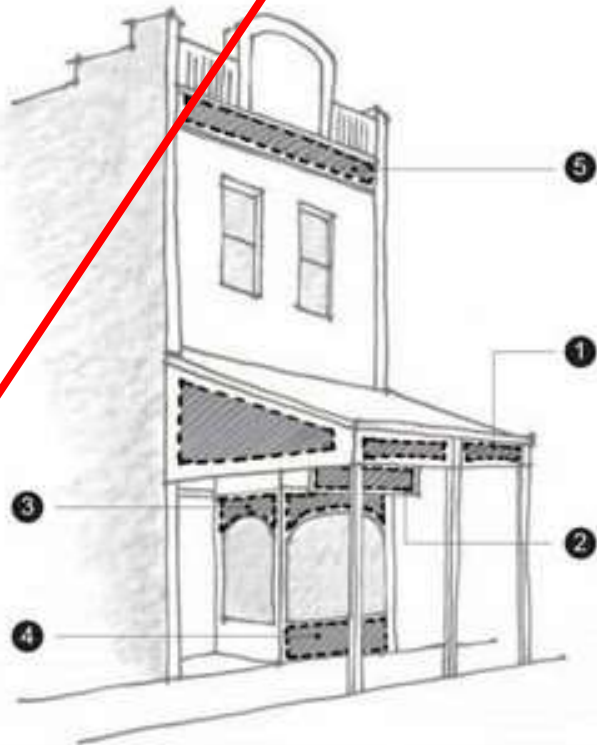
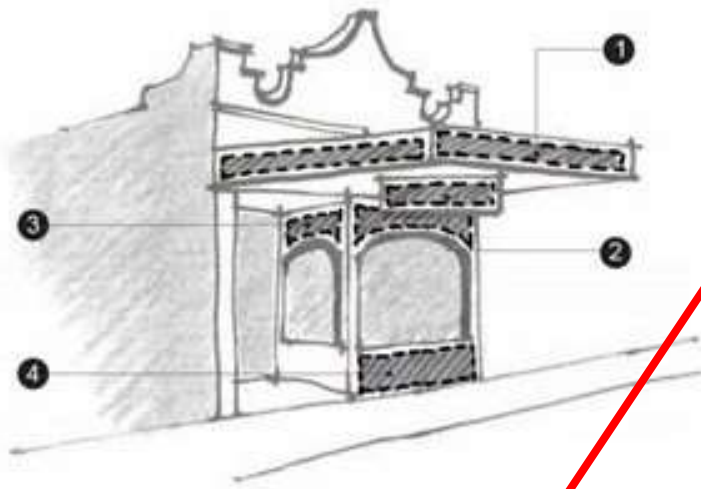
Encourage new fences or gates for Non-contributory places to be in a simple contemporary style that complements the fences historically found in the heritage precinct.

Signage

Encourage the conservation of historic signs.

Encourage signs to be in traditional locations on heritage buildings, ~~as depicted in Figure 1.~~

Figure 1—Traditional locations for signage on heritage buildings



- ① Fascia mounted: retaining space surrounding sign
- ② Below awning: attached to a lightweight frame
- ③ On windows: as a decorative frame feature
- ④ Below windows and flush to facade
- ⑤ Above verandah: below pediment and/or cornice, and retaining within panel area

Avoid signs that would:

- Be visually intrusive or dominant.
- Detract from the setting of a heritage place.
- Alter, damage, conceal or destroy features, details, materials or finishes that contribute to the significance of a heritage place.
- Interfere with views of heritage places.

Avoid the following types of signs [unless consistent with the significance of the place](#):

- Above verandah signs, except as shown in Figure 7.
- Animated, Electronic or Floodlit signs.
- Bunting sign.
- High-wall sign.
- Panel sign.
- Pole sign.
- Promotion or major promotion signs.
- Reflective sign.
- Sky sign.
- Signs attached to street furniture including seating, shelters, phone booths and the like.

Significant trees and gardens

Encourage pruning practices and procedures that reduce the risk of hazard development such as branch failure, disease and infection and premature tree death.

Ensure that development, or changes in immediate environmental conditions, adjacent to a tree [identified in the Schedule to the Heritage Overlay will](#) not have a detrimental impact upon the integrity and condition of the tree.

Where a tree needs to be removed due to poor health or dangerous condition, encourage replacement with the same species or a comparable alternative if the original is no longer suitable.

Encourage conservation, including restoration or reconstruction, of significant garden layouts.

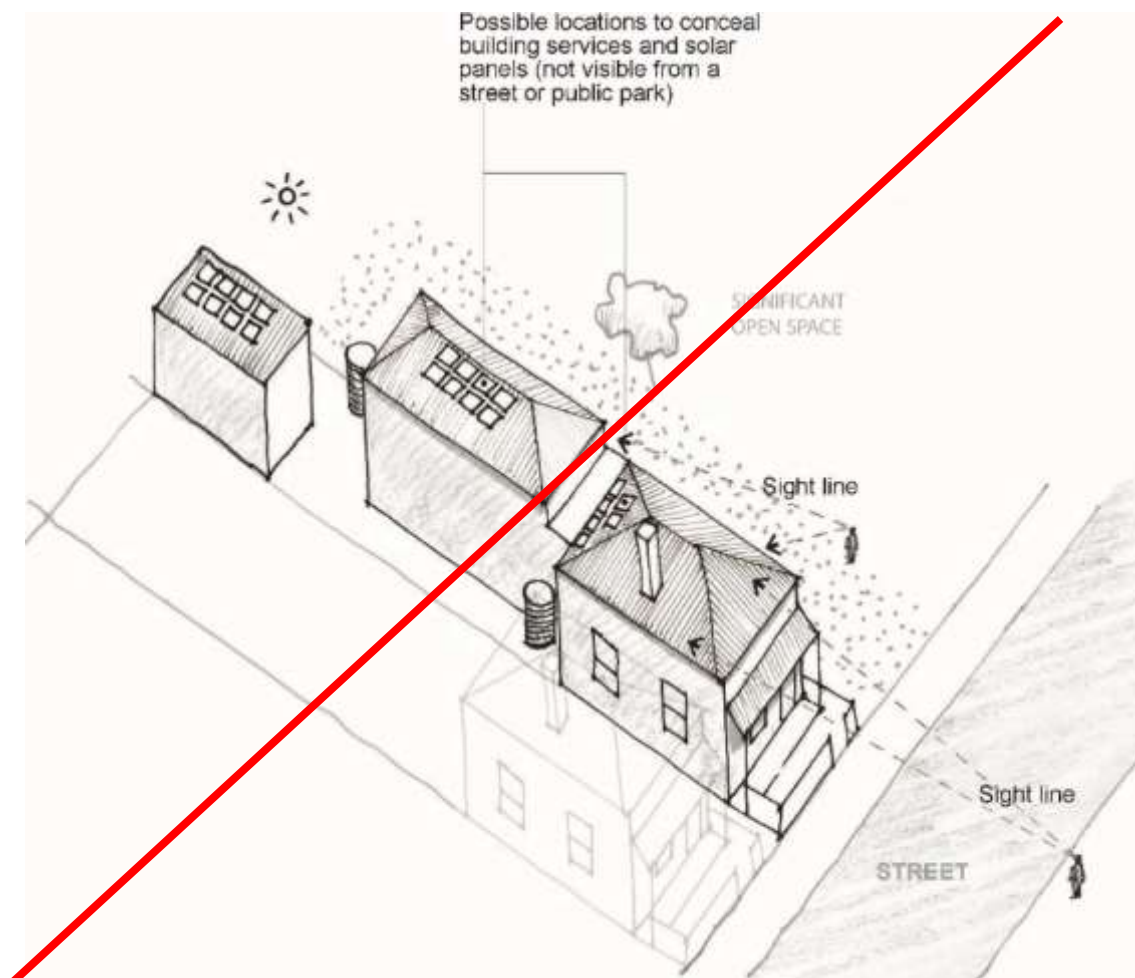
Roof terraces and roof decks

[Encourage roof terrace and roof decks to be sited so that they are concealed when viewed from the street and, when on a corner, from the side street \(excluding a laneway\).](#)

[Ensure that roof terraces and roof decks are set back from chimneys, parapets and other roof features, for example roof lanterns.](#)

Sustainability and services

Encourage building services and equipment associated with a heritage place such as air conditioning units [and piping](#), water heaters and the like to be concealed so they are not visible from a street (other than a lane) or significant public open space ~~as shown in Figure 2.~~

Figure 2 – Possible locations to conceal services and equipment

Provide for the installation of services and equipment that will support environmental sustainability such as solar panels, solar hot water services, water tanks and the like in visible locations when:

- There is no feasible alternative location due to the size or orientation of the lot or building.
- The product is selected, designed and installed in a manner that minimises potential impacts upon the heritage place and its setting.

Subdivision

Encourage the subdivision of land in a heritage precinct to reflect the historic subdivision pattern.

Ensure that subdivision maintains an appropriate setting for a heritage place by including the retention of contributory features associated with a heritage place on a single lot.

Avoid the creation of lots that because of their size, location or layout could result in development that would adversely impact upon the significance or setting of a heritage place.

Public realm and infrastructure

Conserve historic public realm infrastructure.

Ensure that new public realm infrastructure respects and complements the historic character of the heritage place.

Ensure that development in proximity to a memorial or monument will not have a detrimental impact upon its setting, integrity or condition, [or any important views to the memorial or monument](#).

Policy guidelines

Consider as relevant:

Additions

Additions to a residential heritage place should be contained within the following sightlines:

- A 10-degree sightline as shown in Figure 3 if the associated building is within a heritage streetscape with a consistent scale, or is a Significant place.
- An 18-degree sightline as shown in Figure 4 if the associated building is within a heritage streetscape with a diverse scale and is not a Significant place.
- A sightline taken from across the street in a narrow street less than 5 metres (Figure 5) or for the building types shown in Figure 6.

Additions to a commercial heritage place should be contained within a sightline taken from across the street as shown in Figure 7 and Figure 8.

Additions higher than one storey should have the same or greater side setbacks than those of the host building.

Figure 3 – Sightline for an addition to a residential heritage place within a consistent heritage streetscape

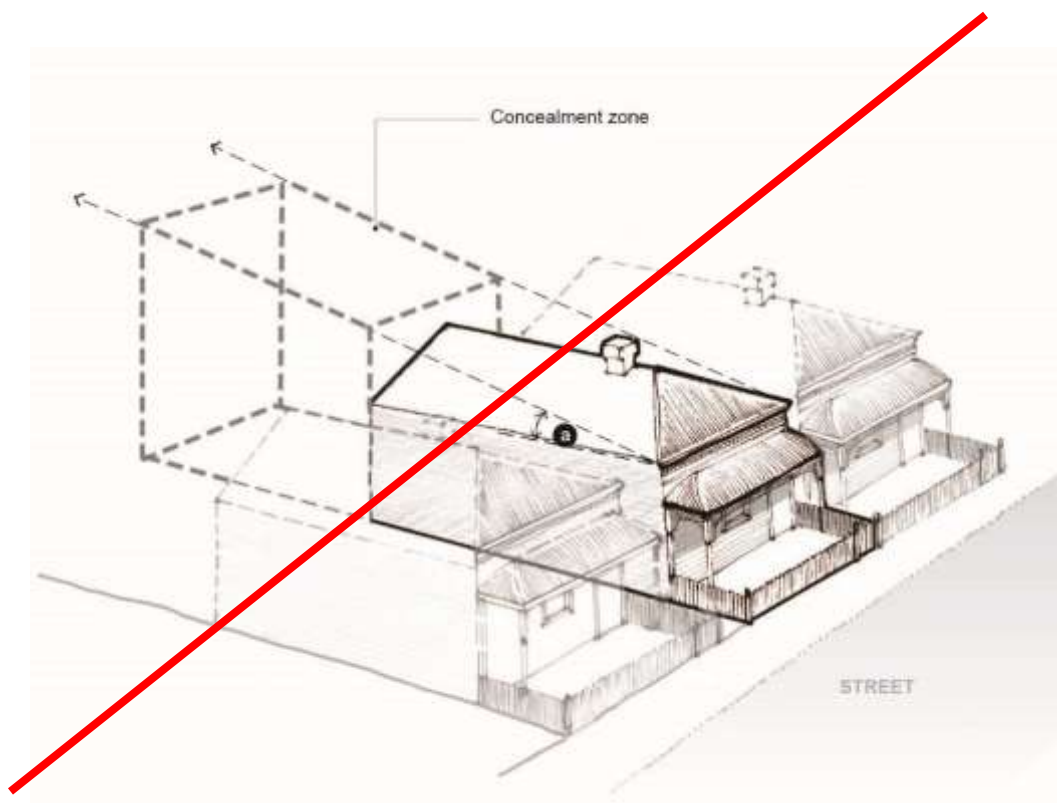
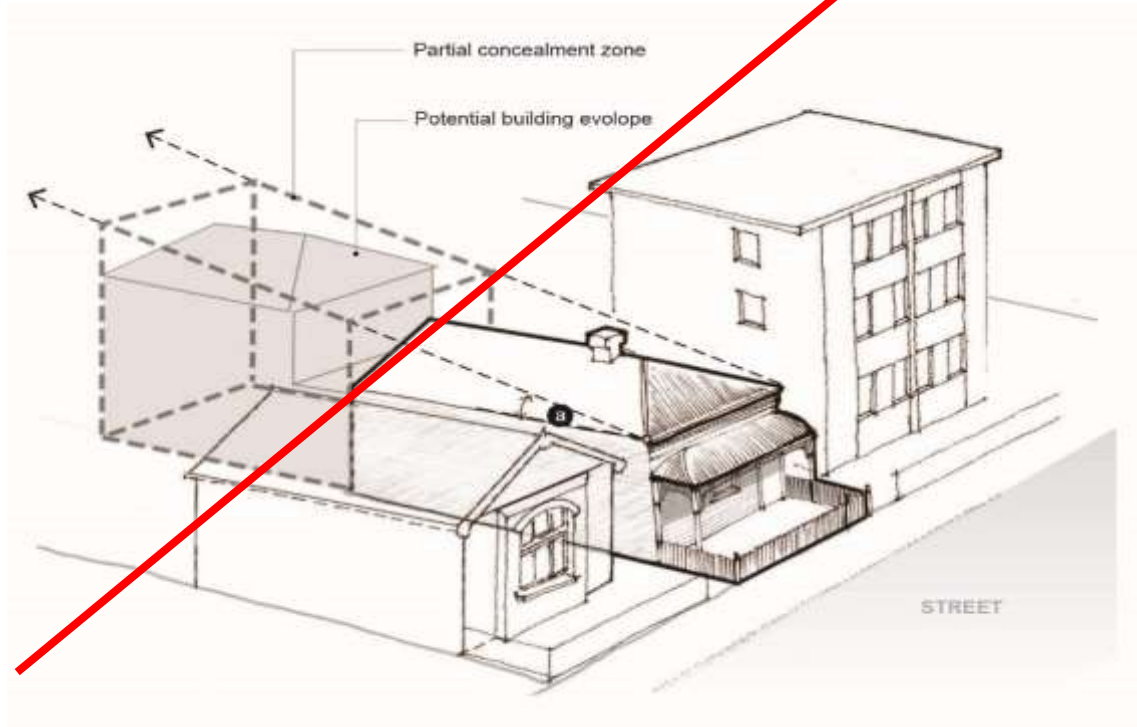


Figure 4 - Sightline for an addition to a residential heritage place within a diverse streetscape



a) The sightline is measured from the top of the gutter line at the corner of the main roof, and not from the projecting front bay, porches or verandahs.

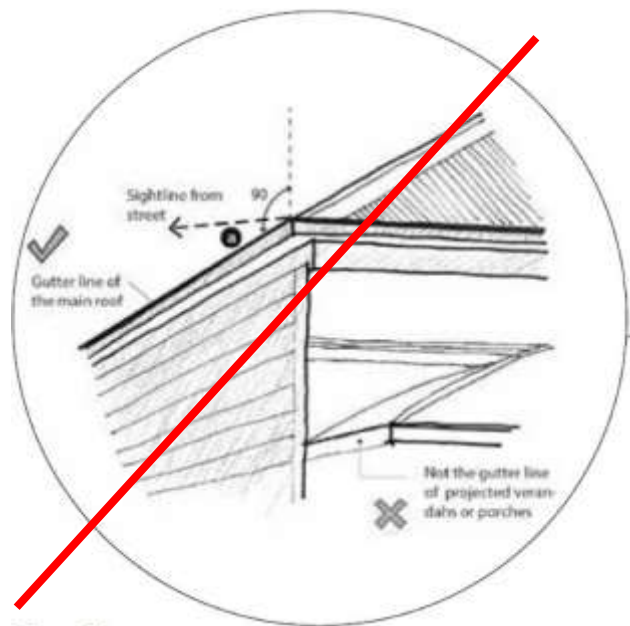


Figure 5 – Sightline for an addition to a residential heritage place in a narrow street

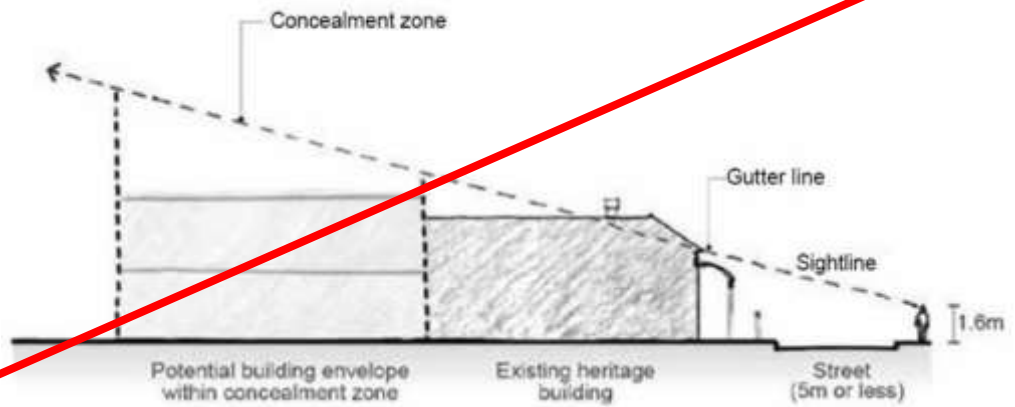


Figure 6 – Sightline for an addition to a residential heritage place with a primary ridge line parallel to the street

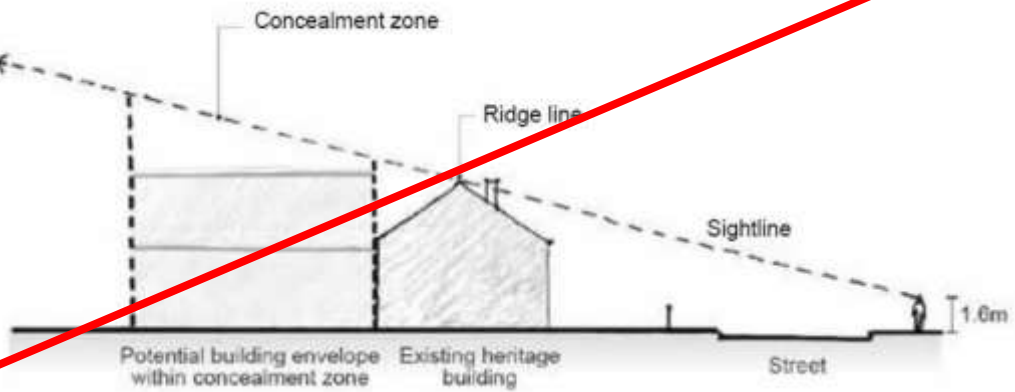


Figure 7 – Sightline for an addition to a commercial heritage place with a solid parapet

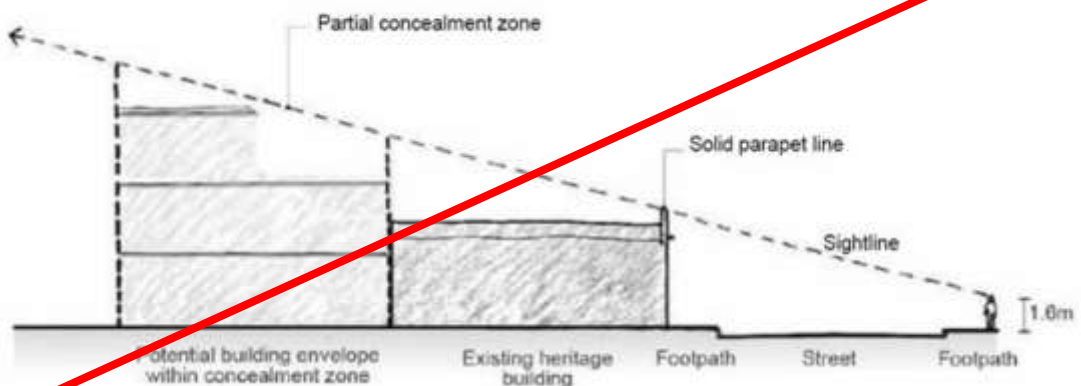
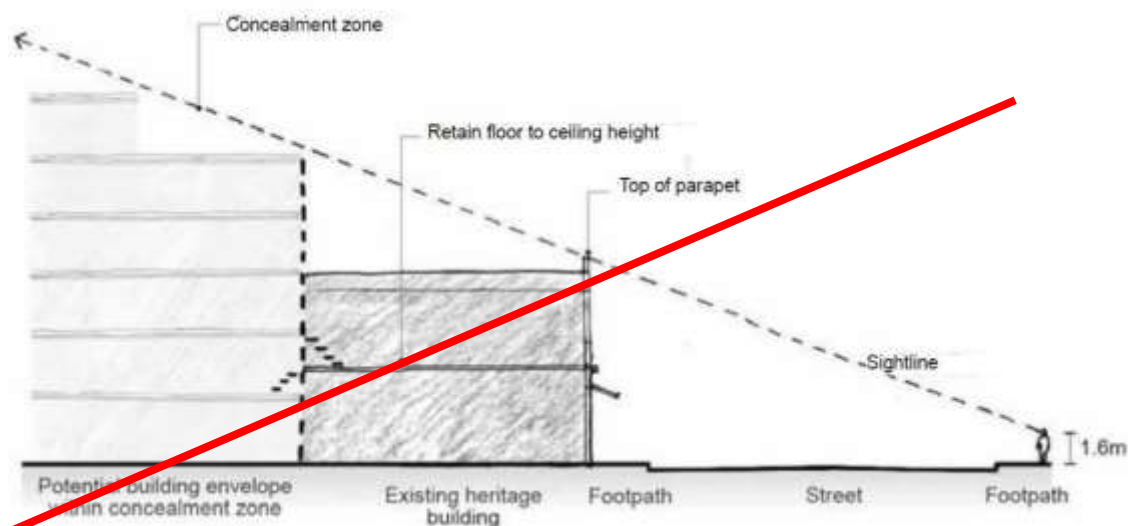


Figure 8 – Sightline for an addition to a two-storey commercial heritage place

Policy documents

Consider as relevant:

- *Fishermans Bend Additional Heritage Place Assessments* (Biosis Pty Ltd, 2015)
- *Fishermans Bend Heritage Study* (Biosis Pty Ltd, 2013)
- *Fishermans Bend Heritage Review: Montague Commercial Precinct* (RBA Architects and Conservation Consultants, October 2019)
- *Heritage Appraisal: 16-20A & 44 Wellington Street, St Kilda* (Lovell Chen, May 2015)
- *Heritage Assessment, 588-590 City Road, South Melbourne* (Context Pty Ltd, May 2017)
- *Heritage Design Guidelines* (City of Port Phillip, 2021)
- *Heritage Kerbs, Channels and Laneways Guidelines* (City of Port Phillip, 2006)
- *Heritage Overlay 6 St Kilda East Precinct Review Final Report* (David Helms Heritage Planning, January 2020)
- *Heritage Review – Wellington Street, St Kilda* (Lovell Chen (Revised) March 2017)
- *Port Phillip Design Manual, 2000* (City of Port Phillip, 2000) including:
 - *Dunstan Estate Guidelines* (City of Port Phillip, 2007)
 - *Fishermans Bend Estate Guidelines* (City of Port Phillip, updated 2021)
 - *Garden City Guidelines* (City of Port Phillip, updated 2021)
- *Port Phillip Heritage Review* (Version 36, December 2021) including:
 - *City of Port Phillip Heritage Policy Map* (City of Port Phillip, 2021)
 - *City of Port Phillip Neighbourhood Character Policy Map* (City of Port Phillip, 2021)
- *Review of Heritage Overlay 1 Port Melbourne – Outcomes and Recommendations* (Lovell Chen, July 2011)
- *Review of Heritage Overlay 1 Port Melbourne – Stage 2 Review – Summary Report* (Lovell Chen, December 2012)
- *Review of Heritage Overlay 1 Port Melbourne – Stage 2 Review – Summary Report* (Lovell Chen, December 2012)
- *Review of Heritage Overlay 3* (Heritage Alliance (2009) & Built Heritage (2010))
- *Tiuna Grove Heritage Assessment* (Barrett, 2019)

Appendix C Panel preferred version of the Heritage Design Guidelines



Heritage Design Guidelines

Revised ~~Feb-2021~~ June 2022



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Introduction

Introduction

Purpose

Heritage places in the City of Port Phillip are highly valued by Council and the community for providing a link to the past and for enriching the present environment.

The purpose of the Guidelines is to provide both Council and property owners or occupiers with clear guidance for decision making in relation to the conservation and the future management and development of heritage places.

The Guidelines follow the philosophy, principles and processes set out in the *Burra Charter, the Australia ICOMOS Charter for Places of Cultural Significance 2013* (Burra Charter).

The aim is not to prevent change, but to ensure that change does not diminish the cultural significance of heritage places over time.

Application

The Guidelines apply to all properties included within the Heritage Overlay in Port Phillip, except for places and areas included on the [Victorian Heritage Register](#). (Please contact Heritage Victoria if your place is included on the Victorian Heritage Register).

All the guidelines apply to Significant or Contributory heritage places, as shown on Council's Heritage Policy Maps.

Some guidelines, including Alterations and additions, New buildings, Car parking, Fencing, Signage, Sustainability and services and Subdivisions, also apply to Non-contributory properties.

How to use the Guidelines

[The Guidelines set out preferred approaches and techniques that will support the achievement of the strategies and outcomes sought by the State and local heritage policy in Clause 15.03 of the Port Phillip Planning Scheme \(the 'Heritage Policy'\) for development or subdivision of land subject to Clause 43.01 Heritage Overlay of the Port Phillip Planning Scheme \(the 'Heritage Overlay'\).](#)

- ~~Explain what Council will take into consideration when assessing a planning permit application for development or subdivision of land in accordance with Clause 43.01 Heritage Overlay of the Port Phillip Planning Scheme (the 'Heritage Overlay').~~
- ~~Set out preferred approaches and techniques that will support the achievement of the strategies and outcomes sought by the State and local heritage policy in Clause 15.03 of the Port Phillip Planning Scheme (the 'Heritage Policy').~~

The Guidelines are not exhaustive. Other approaches may be considered, if it can be demonstrated that the outcomes sought by the Heritage Policy and the Heritage Overlay will still be achieved.

In addition to these guidelines, specific guidelines also apply to the part of Port Melbourne included in the HO2 Garden City Estates Heritage Precinct:

- Dunstan Estate Heritage Guidelines
- Fishermans Bend Estate Guidelines
- Garden City Estate Guidelines

Some Significant heritage places also have specific guidelines, which are contained in the heritage citation for the place [or may be in a separate document.](#)

Introduction

Process

To ensure a smooth process Port Phillip City Council strongly encourages property owners and developers to discuss any proposals with Council prior to preparing an application for any new development. The following steps are recommended:

1. Find out planning requirements

Speak to a town planner within the Statutory Planning team about planning permit requirements. They can also advise if there are other planning controls, guidelines or policies that you should consider. For example, Rescode.

The Statutory Planning Team can also advise whether your proposal may be eligible for assessment as either a [Vicsmart](#) or [Fast Track](#) application.

Depending on the proposal, general advice may be provided over the phone 9209 6424 or via email (planhelp@portphillip.vic.gov.au), or in person at the St Kilda Town Hall, 99a Carlisle Street, St Kilda (Monday to Friday, 8.30am – 5pm).

2. Prepare concepts

As an initial step, begin to develop some design concepts. When developing these concepts it is important to understand the significance of your property and its setting (also known as the 'context').

The following section *Design in Context* provides advice in relation to the preferred approach to developing a contextual design response that will complement heritage places by respecting and understanding historic significance and character.

This step is not required for [Vicsmart](#) or [Fast Track](#) applications.

3. Discuss concept early

Depending on the proposal, a pre-application meeting may be useful (For information, please see Council's pre-application advice guide).

In some cases, a meeting or site visit with the Heritage Adviser may be necessary. The need for this will be identified as part of the [pre-application advice](#).

4. Prepare an application

Once an approach has been agreed to, prepare your proposal and an application your detailed plans and submit an application. The application should demonstrate how the proposal has responded to the Heritage Policy, [and the](#) Heritage Overlay ~~and these guidelines~~.

~~If it is proposed to vary any of the guidelines, then the application should explain how the outcomes sought by the Heritage Policy and Heritage Overlay will be achieved.~~

For further information about preparing an application, please see Council's website <https://www.portphillip.vic.gov.au/planning-and-building/get-a-planning-permit> or contact the Statutory Planning Team.

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Design in Context

Design in Context

Contextual Design

Good design in a historic context links the past to the present and projects into the future by demonstrating an understanding and responding to the context of a place¹.

Council encourages a contextual design approach that complements heritage places and their settings by assessing the opportunities and constraints that arise from understanding of historic values and character. The success of new work such as alterations or additions to heritage places or new buildings within heritage precincts will depend upon the sensitivity of the design response. New work should respect the context, strengthen the scale and character of the original, and should not overpower it².

Understanding significance

Contextual design in historic context starts from understanding 'what is significant about a place and why it is significant'. The Statement of Significance, currently in the *Port Phillip Heritage Review*, contains information about the significance of heritage places in Port Phillip. The amount of information depends on the level of significance:

- Significant heritage places [often](#) have an individual citation that explains why the place is significant.
- Contributory heritage places do not have an individual citation. They form part of heritage precincts, which each have a citation that explains the collective significance of these places.

When preparing an application:

- Consider the most recent Statement of Significance if there is more than one Statement of Significance for the heritage place.
- If there is a Statement of Significance at both the individual and precinct level for the heritage place then both should be considered.

Citations prepared prior to 1998 sometimes have limited information, or the place may have changed since the citation was originally prepared. For this reason, it may be necessary to obtain expert heritage advice to review the information contained in the citation.

Managing transitions

An important part of contextual design is managing transitions between old and new. Successful transition between different building styles and forms requires careful consideration of form, details, scale, proportions, siting and the distinctive 'rhythm' created by traditional fine-grain heritage streetscapes.

For additions, the design response should respect important relationships between the buildings, its neighbours and its setting. New buildings should complement the existing built form while leaving its own legacy for the future.

Contemporary design

Contemporary architecture and innovative design is an important part of the contextual approach because well-designed new work can have a positive role in the interpretation of the cultural significance of a place. The layering of different styles is a defining feature of Port Phillip's heritage. Reproducing heritage styles in new work, particularly in a way distorting historic evidence, is not contextual design.

It is a common misunderstanding that contemporary design means a set of stylistic choices completely

¹ Office of the Victorian Government Architect, *Good Design and Heritage*, page 5
² Australia ICOMOS, *Practice Note, Burra Charter Article 22 - New Work*

Design in Context

breaking from the past. What separates a contemporary design approach from that of the modern era is the significance of context when creating new work. Interpretation or interpretive design, for example, is a way of fostering the appreciation of a significant aspect associated with a place by thoughtfully applying present day aesthetics and technology. Simply being different is not interpretive design.



Photo 1: The adaptive re-use of the former Naval Drill Hall (left) and Port Melbourne Post Office (right) for the Albert Park College Environmental Arts Hub included this contemporary insertion linking the two buildings, as well as conservation works to the original buildings. Designed by Six Degrees architects, the complex was the recipient of a City of Port Phillip Design & Development Award in 2018.

Responding to context

To inform your design approach you should prepare a context analysis or a site analysis.

A context analysis considers not only your own site but the broader characteristics of the precinct and streets surrounding it. This is particularly important if your site is in a heritage precinct. However, it may not be required for non-visible alterations or additions at the rear of a dwelling or minor works such as painting. For Significant places that are not within a heritage precinct usually only a site analysis is required, unless the surrounding context is identified as contributing to the significance of the place.

There are three levels of context: precinct, street and your own site. The following explains the key considerations that should be included at each level of your analysis and how this would influence your design. The other contextual considerations applicable to any site, including non-heritage, may not be listed. As always, context differs from site to site. The process of context analysis will help you to identify the other factors that are important for the design outcome.

Design in Context

Precinct

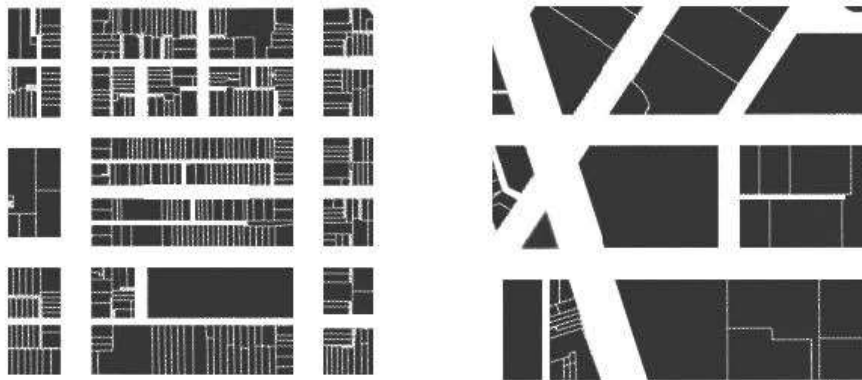
The historic context of the heritage precinct plays a key role in determining the design parameters for additions or new buildings through the characteristics that are not obvious when looking closely around the site. At a precinct level, consider the following:

- **Views and skylines**

At what distance or view point the proposed development will be viewed and experienced? Will the proposed development intrude upon views to landmark buildings or landscape in the precinct? What are the characteristics of the historical skylines found within the precinct and how should the proposed development respond to these?

- **Urban grain**

What are the general size and pattern of the historical land subdivision (also called urban grain) found within the surrounding heritage precincts? Is it regular or irregular? Are there consistent lot sizes?



A comparison of the land subdivision pattern between a historic and modern area in South Melbourne.

The figure on the left is part of a heritage precinct which shows a regular fine grained pattern. The one on the right shows the modern urban blocks in the same map scale.

- **Consistency and diversity**

Is the heritage precinct characterised by a consistency of built form or diversity? What are the key features that contribute to the sense of consistency? Or, if diverse, are there any common features such as materials, fenestration patterns, roof forms or otherwise that are repeatedly found in the area?

Street

The primary focus of this level of context is the site and its immediate surroundings which includes the properties within the surrounding streetscapes. A site that can be seen or accessed from multiple streets or a public realm will be assessed from all publicly visible sides.

Consider the following:

- **Setback and orientation**

Do the buildings front the street directly or are they setback from the street? What are the setbacks from the front and side boundaries and are they consistent within the street?

Design in Context

- **Roof form**

Do they have a parapet, if so, is it low or high? Are roofs visible, if so, are they steep (high) or shallow (low) in pitch?

- **Massing, proportion and rhythm**

What is the general height and width of buildings on the street? Are the building proportions predominantly vertical or horizontal? Is there a regular or an irregular pattern created by elements such as windows and ornamentation? Do the buildings have simple or complex forms following specific rules of order?



A typical symmetrical Victorian two-storey terrace row with distinctive vertical rhythm created by repetitive verandah bays and detailing.

- **Key features**

Does the street feature verandahs or awnings? Are the windows projected out or recessed?

- **Materials and ornamentation**

What are the prevailing materials and ornamentation used on external surfaces?

- **Fences and gardens**

In residential areas, what are the types of fences traditionally found within the area? What is the typical fence height on the street? How much can the front garden be seen from the street (also called visual permeability)? Are there significant trees and garden features?

- **Driveways and garages**

Are they historically found within the area?

Design in Context

- **Main entrances**

Where are the entrances to buildings located? Do they face toward the front or side, or are they situated on a corner?

For **commercial buildings**, such as shops, additional considerations could include shopfronts and entry: Do the buildings have original shopfronts? Are the buildings entered from the front or the side, a central entry or offset? Are they recessed or in line with the building facade?

- **Signage**

Where is signage located? What form of signage is used?

Site

The story of a building can be read through the manner of its construction and the changes that have been made. Knowing how the building was originally constructed and what changes have happened since (and why) can inform future works. A site analysis considers your property and provides a more detailed description of the key historic features. It can identify features that have been removed and could be restored.

Consider the following:

If your building is **Significant or Contributory**:

- What are the important features of your building and landscape and how could an addition respond to these? For example, the roof form, materials, colours and details.
- Have any original features been removed or changed? Is there an opportunity to restore or reconstruct these? For example, it is unlikely that your property has its original paint finish. A heritage consultant can establish what colour it was originally painted by taking paint scrapes and analysing them under a microscope. Sometimes the original paint finish is visible under joinery, or where more recent coats of paint have started to peel away. You can also check for markings which indicate that a wall has been removed (or added), or mouldings removed from walls or verandah posts.
- What is the best way to incorporate sustainability features to ensure they have minimal visual impacts. Could these be integrated into the design of a new addition rather than be added to the original house?

If your building is **Non-contributory**:

- What are the important features of buildings on adjoining or nearby sites and how could a new building or addition respond to these? For example, the scale, sitting (front and side setbacks), roof form, materials, colours and details.
- If you are undertaking alterations, are there any changes that could make your building sit more comfortably within the streetscape. For example, by changing wall or roof colours or materials, shape or proportions of visible windows or changes to front fencing?

For places that have **social significance**, additional considerations could include:

- Are there buildings and features that are highly valued by the community?
- Is the community attachment to the building or feature itself, or associated more with the use of the place?



Guideline 1: Demolition & Relocation

Demolition & Relocation

This section provides guidelines for the complete or part demolition, and for relocation of a heritage place.

Application

These guidelines apply to Significant and Contributory heritage places.

Guidelines basis

Good design will protect existing fabric and understand that heritage significance relates to the building as a three-dimensional form and also carefully considers the impact of demolition upon internal spatial quality and the relationship between the interior and the façade. For this reason, these guidelines strongly discourage full demolition or extensive demolition that leads to 'facadism' where, for example, only the external walls are retained (see Case Study 1).

Good design may include part demolition where, for example, the section to be demolished is of no significance or will remove an inappropriate later addition.

Within a heritage precinct, the loss of a single Contributory building may not seem important when considered in isolation. However, the incremental loss over time of buildings or other features that contribute to the significance of the precinct can lead to detrimental impacts upon the integrity and historic character.

The physical location of a place is part of its cultural significance and relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.

Demolition guidelines

For **Significant places**, the extent of demolition will be guided by the Statement of Significance and decided on a case-by-case basis. The aim should be to conserve all buildings and other features identified as contributing to the significance of the place.

For **Contributory places** within precincts, conservation of the building to the depth of at least the front two rooms is recommended. If the building is located on a corner or if there are other publicly visible features beyond the two-room depth then conservation of more of the building may be required. Contributory features such as trees, outbuildings and front fences should also be retained.



Photo 2. The removal of a c.1950s addition at the front of this house in Blessington Street, St Kilda revealed the original intact Victorian era façade. Outlines of the removed walls and some of the colour schemes, as well as the lower sections of the walls (now covered in vines) were left as evidence of this change.

Demolition & Relocation

Part demolition may be appropriate if, for example, it results in the removal of fabric that is not significant or detracts from the significance of the building (See Photo 2).

If full or extensive demolition is considered appropriate, the following additional information or actions may be required:

- A visual or documentary record of the building prior to demolition commencing.
- An interpretation strategy that may include on-site information or other methods.
- Conserving any objects or fabric associated with the building that may form part of on-site interpretation, or become part of the historic collection of Council or another organization.

Relocation guidelines

The relocation of a heritage place should be planned and supervised by an appropriately qualified person (or persons) to avoid damage and minimise potential heritage impacts. A relocation plan should be prepared that:

- Identifies a suitable new location.
- Identifies a suitable temporary storage location, if the feature cannot be relocated immediately.
- Identifies the method of disassembly and reassembly, if required
- Identifies the method to be used for photographic and documentary record of the building or feature on its current site prior to relocation.
- Identifies how the relocation procedure will be supervised and managed to avoid inadvertent damage to or loss of fabric.

A similar process may be followed if it is proposed to temporarily remove and reinstate a heritage place in the same location.

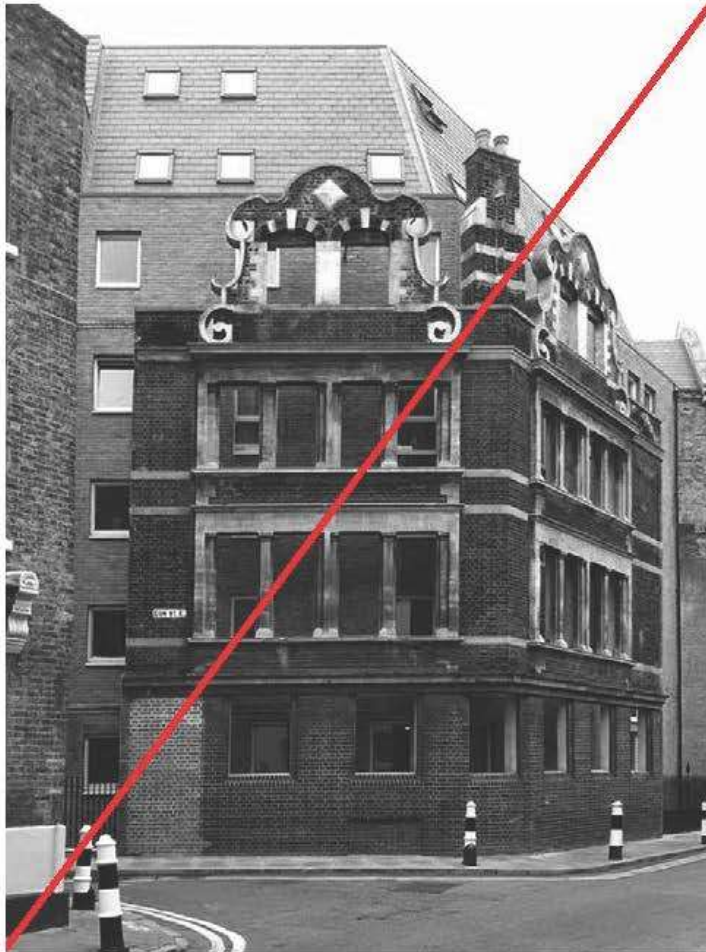
Council may require the payment of a bond or guarantee to ensure the relocation is carried out in accordance with the plan.



Photo 3: The Maskell and McNab Memorial was unveiled on 17 July 1890 in memory of two Port Melbourne residents who were killed in the infamous Windsor rail collision of 11 May 1887. Originally located near the Graham Street Railway Station, it has been relocated on three occasions. It now resides on the foreshore reserve in Beach Street near Princes Street.

Demolition & Relocation

Case Study 1 - Facadism



This building in Spitalfields, London shows the adverse visual impacts of 'facadism' upon the significance and integrity of a building. Not only has the historic building been reduced to just the front wall, but original details such as windows and doors have been removed and there is no visual or physical relationship with the new building behind, which is a completely separate structure. This demonstrates the importance of maintaining buildings as three dimensional objects by retaining original visible fabric beyond the front wall and ensuring that new additions respond to and reinforce aspects such as floor to floor height, depth of space, and building form and layout.

Demolition & Relocation

Case Study 1 - Facadism



This building in Smith Street, Fitzroy shows the adverse visual impacts of 'facadism' upon the significance and integrity of a building. Not only has the historic building been reduced to the front wall only facing Smith Street and a small return section to the side street, but original details such as windows and doors have been removed. The area behind the retained façade has been converted to a car parking area. There is no visual relationship with the original parts of the building and additions. This case study highlights demonstrates the importance of maintaining buildings as three-dimensional objects by retaining original visible fabric beyond the front wall and ensuring that new additions respond to and reinforce aspects such as floor to floor height, depth of space, and building form and layout.



Guideline 2: Conservation

Conservation

This section provides guidelines for the conservation of features, details, materials, and finishes that contribute to the significance of heritage places including:

- Maintenance and preservation.
- Minor repairs.
- Restoration by reinstating original fabric or by the removal of inappropriate additions.
- Reconstruction to a known earlier state using new or introduced material based on historic evidence.

Application

These guidelines apply

- For Significant places, to all features, details, materials, and finishes that contribute to the significance of the place.
- For Contributory places, to all contributory features, details, materials, and finishes that are visible from the public realm.

Guidelines basis

Designers of buildings during the late nineteenth and early twentieth centuries applied a range of decorative styles to buildings, which reflected the use and function of the building as well as the status of the owner. These styles were expressed by a range of external decorations and finishes such as render, mouldings, cast and wrought iron and timber decoration, tiles, glass, tuck-pointing and paint.

Heritage colour schemes were based on the identification of various parts and elements of the building's structure and decoration. They employed a limited range of external colours up to World War Two (1939) and although new colours became available in the Interwar years (1919 to 1939), tradition resulted in the early colours still being commonly used. Traditional schemes were quite colourful given their limited range, but relied mainly of tonal contrasts rather than changes of hue. Brickwork, stone and render were intended to be naturally finished and were not painted.

Many buildings in Port Phillip are notable for the intactness of many of these features (see Photo 4) and for the consistency of decorative approaches that have been used. Conservation of these features is therefore essential to maintaining the significance of the heritage places and precincts in Port Phillip.

Regular maintenance is important to conserve the appearance and significance of external finishes and decoration. However, it is important to understand that, in some cases, a special approach may be required to ensure that finishes or decorations are not inadvertently damaged.

When buildings have been altered, the restoration or reconstruction of contributory features can reveal the heritage values of the place and contribute to an improved understanding about its history and significance.



Photo 4. This block of flats in Wimbledon Avenue retains original finishes including the clinker brickwork, which contrasts with the natural (unpainted) render.

Conservation

Repairs and maintenance guidelines

Repairs and maintenance should match the material, colour, texture, composition and pattern of the original. This is known as 'like for like' replacement. The emphasis should be on small scale repair and maintenance, rather than complete replacement wherever possible.

For example:

- For timber houses, weatherboards should be the same have the same profile (see Figure 2.1) and size (width of profile) as the original.
- Edwardian houses often have unglazed terracotta tiles with a 'Marseilles' profile, and should be replaced with tiles in the same material with an identical profile.

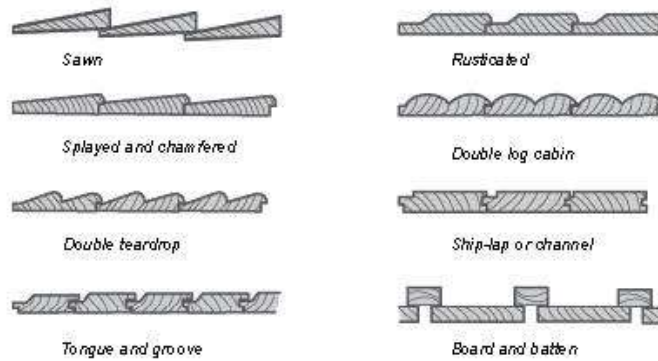


Figure 2.1 Common timber cladding profile

Seek advice from Council's Heritage Advisor about the best techniques to avoid damage when carrying out any conservation works. Avoid techniques such as sandblasting that could damage heritage features, details, materials or finishes.

For techniques such as paint removal or render repair, it may be necessary to carry out tests on a small non-conspicuous area first before proceeding.

Conservation

Restoration and reconstruction guidelines

Restoration means returning the fabric of a heritage place to a known earlier state by removing non-original additions or restoring existing original features without the introduction of new material.

Reconstruction is a similar process to restoration, but differs as it includes the introduction of new materials.

Restoration or reconstruction of missing or altered features should be based on physical or documentary evidence:

- Physical evidence could include remnant fabric within the host building (for example, an original window frame concealed within a wall) or on an adjoining building if it forms part of a group of related buildings (for example, original cast iron frieze on an adjoining terrace house).
- Documentary evidence could include building plans, photographs, newspaper articles and the like. Oral history may also be considered.

If there is not enough evidence for an accurate reconstruction, then a simplified design appropriate for the style of the building should be used.

Avoid the incorrect use of traditional details or materials or adding a feature that never existed. For example, simple timber Victorian cottages usually did not have ornate cast iron verandahs, and some commercial buildings such as hotels and banks never had a verandah or awning (see Photo 5).



Photo 5. The reconstruction of historic verandahs in Clarendon Street did not include buildings such as this former bank that never had a verandah.

Sometimes, later additions can contribute to the significance of a heritage place and should be conserved as a record of the historical layers.

Some examples include:

Conservation

- Interwar shopfronts to Victorian or Edwardian shops (see Photo 6).
- Alterations and additions to mansions or houses that have been converted to flats.
- Alterations and additions to Victorian era hotels as part of upgrades to meet new liquor licensing laws in the early twentieth century.

An exception could be if there are heritage guidelines specifically for the place that recommend returning the place to its original state.



Photo 6. These shopfronts, added during the interwar period, contribute to the historic character of the Victorian era shops in Clarendon Street, South Melbourne.

Colours and finishes

Original colour schemes should be repainted using the same colours.

Where original colour schemes have been lost, authentic colour schemes may be recreated by:

- Undertaking physical analysis such as paint scrapes of key features to determine the original colours used.
- Developing a new scheme based on typical colour schemes for the architectural style and detailing.

Unpainted surfaces should remain unpainted. This includes rendered finishes with original integrated colour.

Carefully remove paint from originally unpainted surfaces such as brickwork and render by an approved method that does not damage the fabric. Council's heritage advisor can provide further advice.

For more information see [Heritage Practice Note 3 Heritage Colour Schemes](#).

Associated objects and machinery

Wherever possible, original objects and features such as historic machinery should be retained in their original place. If this is not possible, then they may be relocated if this is the only means of conserving the object or feature. Interpretation may be required.



Guideline 3: Alterations & Additions

Alterations & Additions

This section provides guidelines for alterations and additions to existing buildings.

Guidelines for new development (that is, an entirely new building) are discussed in the following section.

Application

These guidelines apply to all properties.

Guidelines basis

The heritage places and precincts in Port Phillip illustrate the historic development of the city from the mid-nineteenth century onwards. Some heritage precincts, such as those in Albert Park, Middle Park, Port Melbourne, South Melbourne and parts of Elwood have a more consistent heritage character (see Photo 7), while others, particularly those in St Kilda and parts of Elwood, have a more diverse character, which illustrates successive waves of development (see Photo 8 & 9).



Photo 7. An example of a consistent residential streetscape

This has created streetscapes that are significant for the high degree of intactness and consistency in terms of style, form, scale and sitting such as HO442 Albert Park Residential, as well as those that are highly diverse such as HO5 St Kilda Hill.

The same is true of individual heritage places with some developed in only one period, while the fabric of others show layers of historic development.

Alterations and additions to buildings should be guided by significance, and care must be taken to ensure that they do not have an adverse impact upon the historic character of heritage places and precincts. This includes additions to Non-contributory buildings within heritage precincts.

Alterations & Additions



Photo 8. An example of a diverse streetscape consisting of various Contributory places of different eras



Photo 9. An example of diverse streetscape consisting of Significant and Non-contributory places

Alterations & Additions

General guidelines

Significant and Contributory places

For Significant places, avoid alterations or additions that would alter, conceal or remove contributory features whether or not they are visible from the public realm.

Contributory places

For Contributory places, avoid alterations or additions to the façade or other elevations that are visible from the public realm including a lane if the building is located on a corner. Specifically, avoid alterations or additions that would:

- Replace, alter or remove original features, materials or finishes (for example, replacement of timber windows with aluminium)
- Enclose original verandahs, balconies or porches.
- Create new openings or enlarge existing ones in visible walls.
- Result in new floor plates, walls, columns or structural supports cutting through visible openings.
- Retain only external walls.
- Introduce roof decks, balconies or dormer windows in visible locations.
- Interfere with a view to a building or feature that contributes to the significance of a heritage place.

For both Significant and Contributory places, new work should be distinguishable from old, while being sympathetic with the significant fabric. This can be achieved by:

- Making new material recessed or providing a clear visual break between old and new.
- Using a similar material, but with a different texture, or using a similar, but simplified design.
- Avoiding inappropriate contrasts between old and new fabric.
- Avoiding the use of faux historic detailing.

Non-contributory places

For Non-contributory properties, alterations that change the appearance of the building are permitted.

Height and front setback

The height of the addition and front setback is guided by the degree of concealment encouraged by the Heritage Policy.

In determining the degree of concealment required for new work, the Heritage Policy has regard to:

- The level of significance of the building (Significant, Contributory or Non-contributory) and,
- When the property is located within a heritage precinct, the consistency or diversity of the streetscape.

In determining whether a streetscape is consistent or diverse, consider only the buildings on the same side as the subject building and within the immediate surrounds.

Other considerations include:

- Whether the site is elevated above the street.
- Whether the roof of the proposed addition has a sympathetic contextual form (for example, a hipped form if the original house has a hipped roof or where this is a characteristic of the area).
- Whether oblique views are limited, for example, by higher buildings on adjoining or nearby sites

Alterations & Additions

- Whether the roof form or height, parapet or any other feature of the existing building will assist in concealing the addition.
- Whether the addition will be seen within the context of taller buildings visible in the background.

Visible additions may be considered when the heritage place is situated on a site or within an area where higher density development is encouraged, or the additions are in accordance with specific development guidelines for the heritage place.

Areas where higher density development is encouraged include some that are within a Design and Development Overlay.

Examples of visible additions are the high-rise buildings constructed behind historic mansions in St Kilda and Queens Roads, and in the adaptive re-use of industrial buildings in South Melbourne and Port Melbourne (see Photo 1).

Residential Additions

The following guidelines are designed specifically for single residential buildings (one dwelling on a lot). Additions to multi-unit buildings (flats or apartments) will be assessed on a case-by-case basis having regard to the significance of the building and the context.

For additions to single middle-block residential buildings:

- Full concealment for a Significant place or in a consistent streetscape (See Photo 7) as encouraged by the Heritage Policy may be achieved by containing the addition within a 10 degree sightline as shown in Figure 3.1 or by using 'across the street' sightlines as shown in Figures 3.2, 3.3 or 3.4.
- Partial concealment in a diverse streetscape within a heritage precinct (See Photo 8 & 9) as encouraged by the Heritage Policy may be achieved by containing the addition within a sightline of up to 18 degrees as shown in Figure 3.5. The significance of the heritage place and the streetscape context will determine the extent of the variation from 10 up to 18 degrees.
- For houses with complex roofs, additional considerations apply, as shown in Figure 3.9.

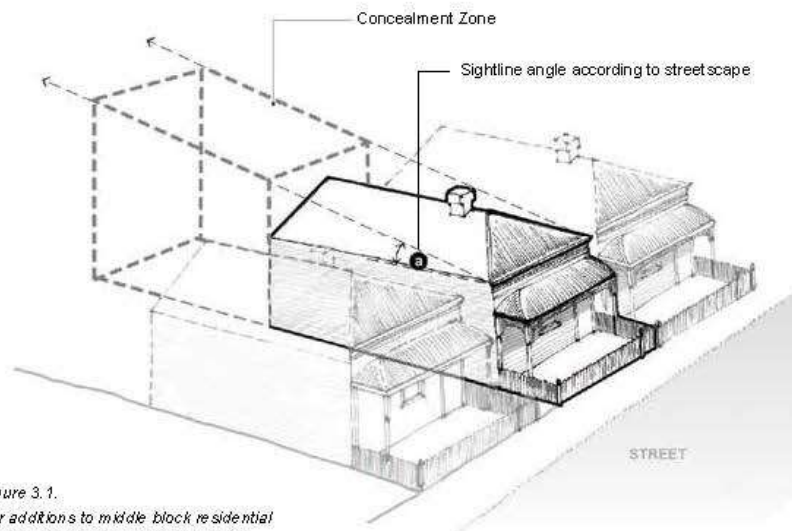


Figure 3.1.
For additions to middle block residential buildings in a consistent streetscape.

Alterations & Additions

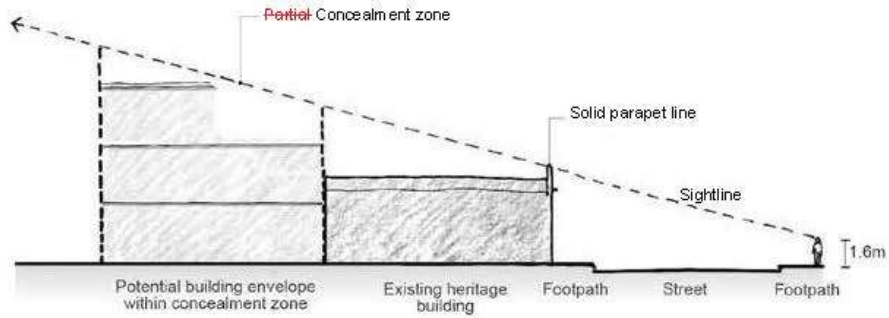


Figure 3.2.
Across the street sightline for single storey residential buildings with a front parapet.

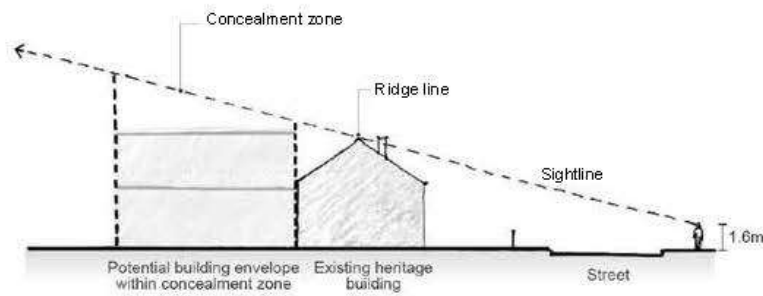


Figure 3.3.
Across the street sightline for houses with a ridge line that is parallel to the street (known as a transverse ridge).

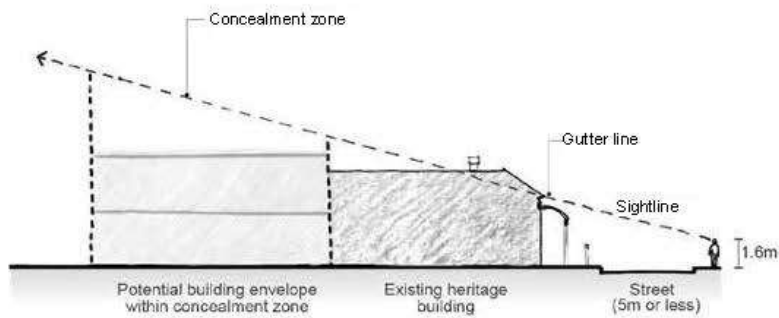


Figure 3.4.
Across the street sightline for residential buildings in narrow streets (5 metres or less in width)

Alterations & Additions

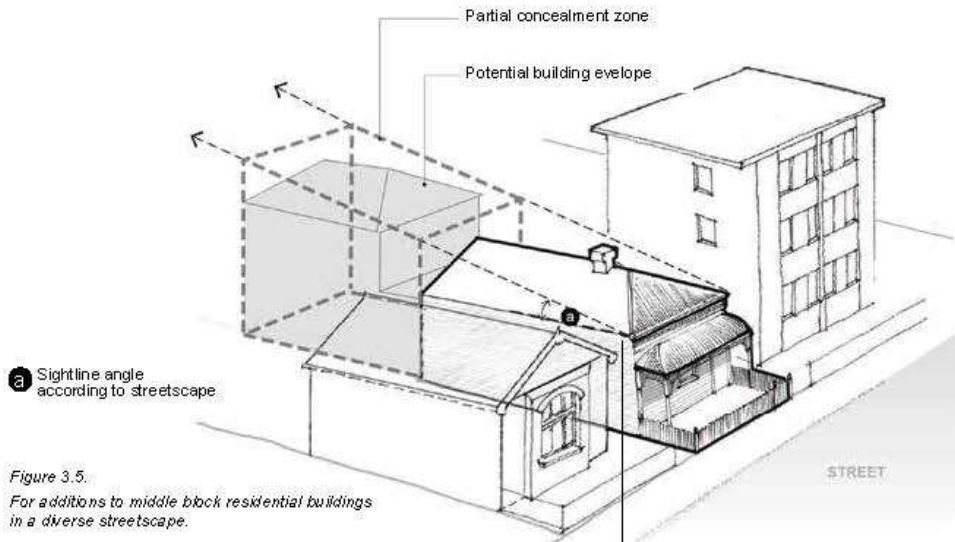


Figure 3.5.
For additions to middle block residential buildings
in a diverse streetscape.

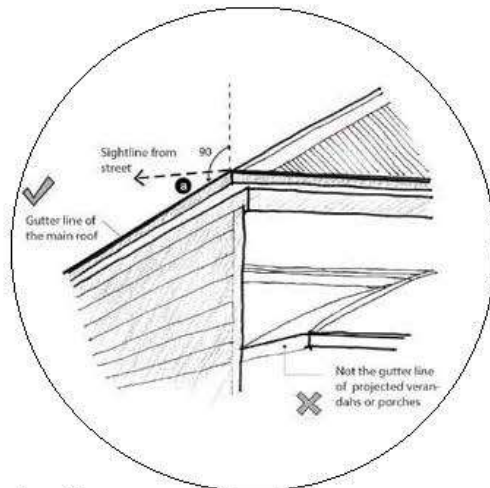


Figure 3.6:
Sightline is measured from the top of the gutter
line at the corner of the main roof, and not from
the projecting front bay, porches or verandahs.

Alterations & Additions

For additions to corner buildings:

Additions on corner sites can be potential viewed from multiple streets or public realms. Because of this, simply assessing it from primary street will not always result in an acceptable outcome and the following additional considerations apply: Additions on corner sites will be visible from the secondary street and will also be visible from the primary street regardless of the sightline that is applied, as shown in Figure 3.7a and Figure 3.7b. Therefore, because of this:

- The design of the addition must also consider and respond to the Contributory places in the secondary street.
- Figure 3.8 and Figure 3.9 illustrate specific design approaches to ensure the addition does not adversely impact upon the host dwelling.
- Apply sightline of between 10 and 18 degrees depending on the consistency or diversity of the primary street frontage.
- Ensure the addition responds sympathetically to the host dwelling and does not visually overwhelm or detract from it, as shown in Figure 3.8, or Figure 3.9 for houses with complex roof forms.
- Where the side streets has a consistent or valued character, ensure the addition also responds to such streetscape including the form, massing, siting, materials of the Contributory places. Examples of corner sites where this applies are shown in the Figure 3.7a.
- In the examples as show in Figure 3.7b, the addition must also respond to the laneway which opens up views to the rear of the addition, and provides visual separation from the adjoining houses.

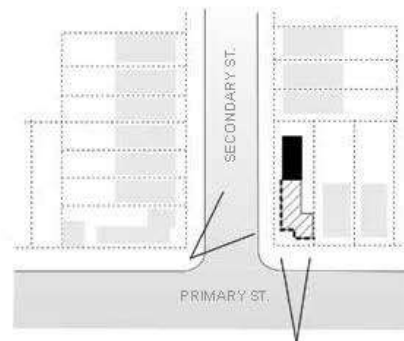


Figure 3.7a

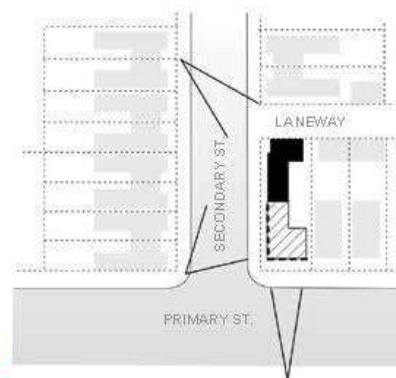
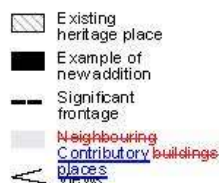
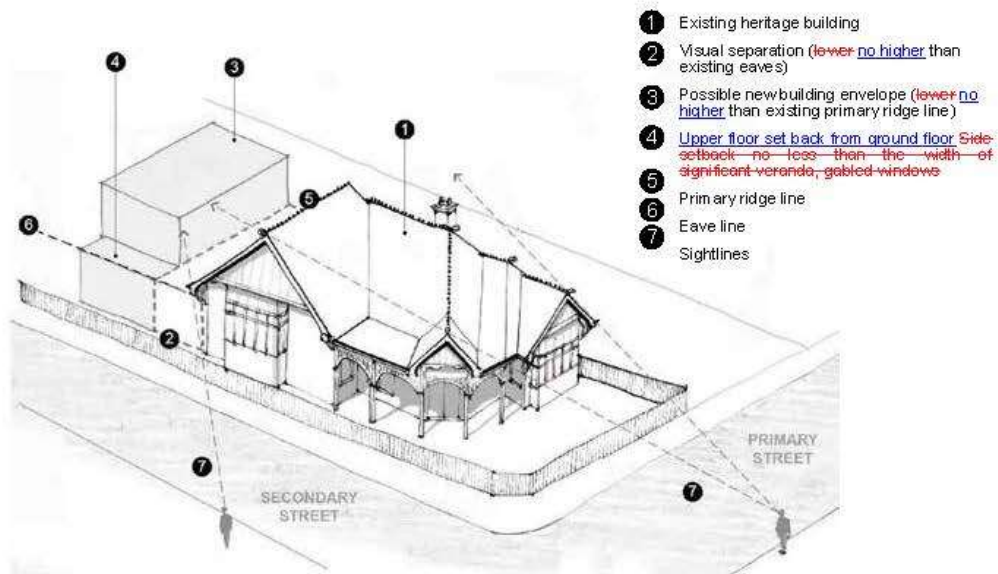
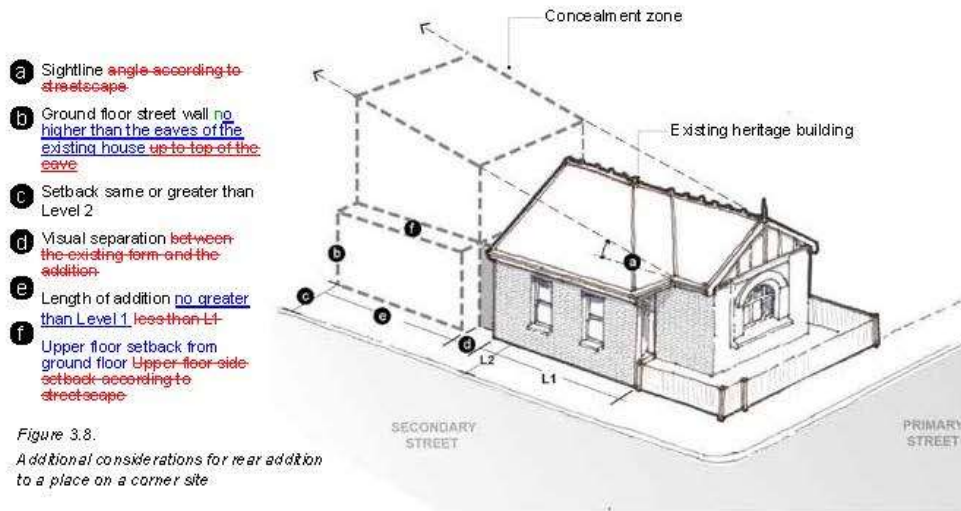


Figure 3.7b



Alterations & Additions



Alterations & Additions

Commercial additions

More specific guidance may be provided through alternate planning controls (such as a Design and Development Overlay). Where this is the case, the following guidelines will not apply.



Photo 9. An example of a consistent commercial streetscape in Clarendon Street, South Melbourne



Photo 10. An example of a diverse commercial streetscape in Bay Street, Port Melbourne

Alterations & Additions

For commercial buildings:

- Full concealment of additions to a Significant place or any building in a consistent streetscape (see Photo 9) as encouraged by the Heritage Policy may be achieved as shown in Figure 3.10 or 3.11.

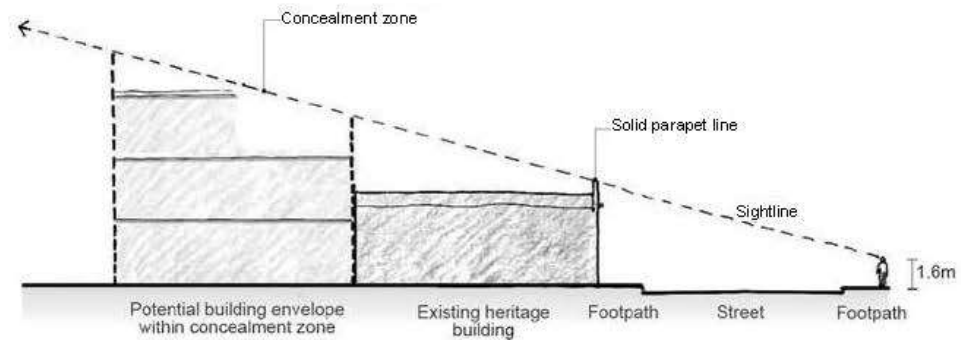


Figure 3.10. Sightline to achieve full concealment behind a Significant building or to any single-storey building in a consistent streetscape.

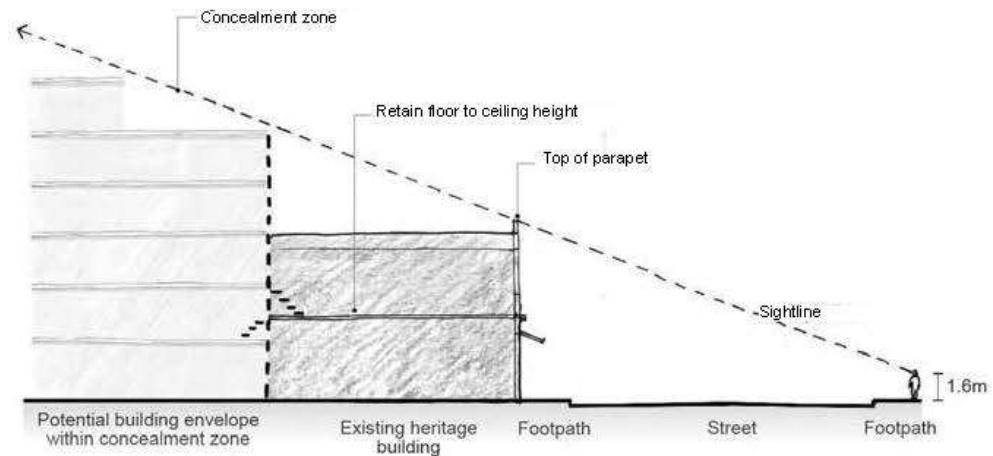


Figure 3.11. Sightline to achieve full concealment to a Significant building or any double-storey building within a consistent streetscape.

Alterations & Additions

- Partial concealment of additions to a single storey Significant or Contributory heritage place in a diverse streetscape (see Photo 10) may be achieved as shown in Figure 3.12.
- Additions to single storey Non-contributory buildings in a diverse streetscape are shown in Figure 3.13.
- Additions to Non-contributory buildings of greater than one storey will be determined on a case by case basis having regard to the streetscape context.

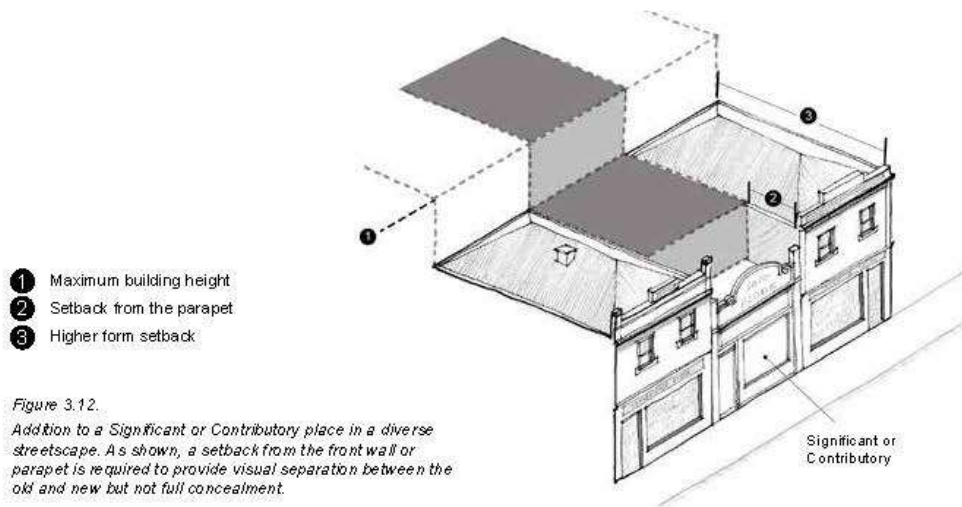


Figure 3.12.
Addition to a Significant or Contributory place in a diverse streetscape. As shown, a setback from the front wall or parapet is required to provide visual separation between the old and new but not full concealment.

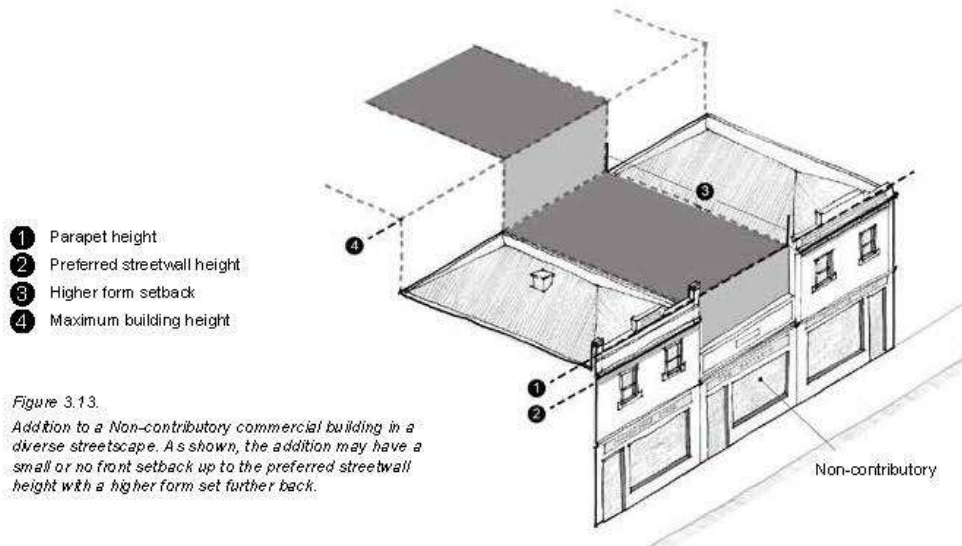


Figure 3.13.
Addition to a Non-contributory commercial building in a diverse streetscape. As shown, the addition may have a small or no front setback up to the preferred streetwall height with a higher form set further back.

Alterations & Additions

Side setbacks

For residential buildings, additions higher than one storey should have the same as or greater side setbacks than those of the original building.

A single storey addition may have a lesser side setback than the original building if:

- It is sited behind the original building at ground floor, or
- If located at the side of the original building, it is no higher than the eaves height and is setback from the façade to minimise visibility from the street. ~~The additional considerations are as~~ shown in Figure 3.14.

For current or former industrial and commercial buildings, the side setbacks should be the same or greater than the original building, unless there are specific guidelines recommending a different approach.

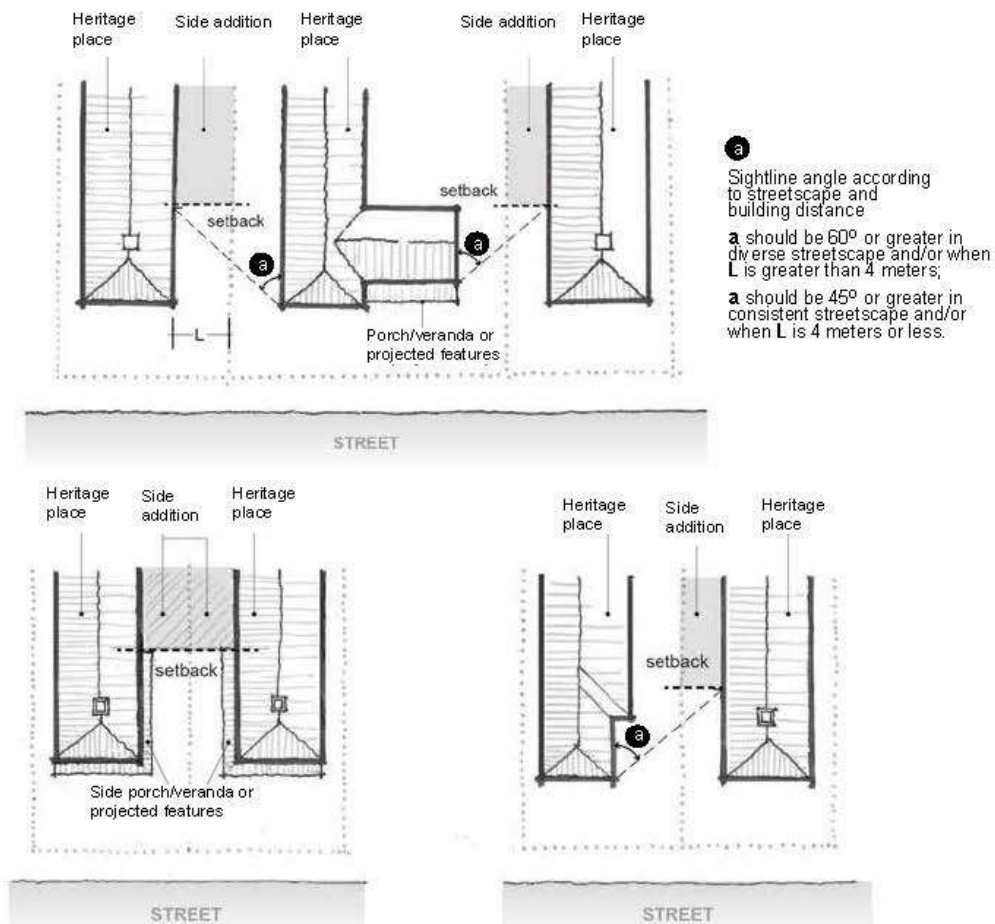


Figure 3.14
Additional considerations for single storey addition located at the side of the original building.

Alterations & Additions

Form, materials and detailing

Residential additions

For residential buildings, where an addition will be visible from the public realm, a contextual design response is encouraged that:

- Has a roof with a form and material that is related to the heritage place (see Cover image).
- Uses colours, materials and finishes that complement the heritage place (see Photo 11).
- Integrates environmental sustainability features or buildings services.
- Avoids openings in walls facing the frontage of the property.



Photo 11. An extension featuring Hello wall by architect Foo-Ling Khoo and graphic artist Rose Nolan. This design elevates a practical solution for privacy by creating "Hello" out of fine brickwork. It also showcases how contemporary design can contribute to the brick tradition of its 19th century heritage neighbours.

Where an addition is concealed using one of the techniques shown in Figures 3.2, 3.3, 3.4 or 3.5 there is more flexibility to create a different identity of its own (See Case Study 2).

Alterations & Additions



Photo 12. Lightweight material and simple details used for an office addition above a Federation era factory of local significance in Cremorne Street, Richmond. While the front setback of this addition is less than recommended by the guide lines, the visual impact is mitigated using lightweight materials and simple form and detailing, which ensures the heritage building remains legible.

Commercial and retail additions

For commercial and retail buildings, where an addition will be visible from the public realm, a contextual design response is encouraged that:

- Has articulation, fenestration and massing that respects the proportions and grain of the heritage place and streetscape. For additions to Victorian and Edwardian buildings or within streetscapes with this character vertical proportions are encouraged.
- Uses colours, materials and finishes that complement the heritage place. Specifically, the use of visually lightweight materials that provide a contrast with the solid masonry façades of heritage places is encouraged (see Photo 12).
- Is simply detailed to avoid competing with the often more elaborate detailing of the heritage building.
- Avoids the use of reflective materials or glazing.

Where an addition is concealed using one of the techniques shown in Figures 3.10 or 3.11 there is more flexibility in design.

Alterations & Additions

Case Study 2 - Contemporary residential addition



Photo 14. Front view of 105 Richardson Street, Albert Park

The contemporary addition to this house is located within the 10 degree sightline and therefore is not visible when standing directly in front but is visible from the side laneway.



Photo 15. Corner view (right) and close up (left) of 105 Richardson Street.

Although the contemporary addition does not have a pitched roof form, the design, siting and curved form ensures that it is a recessive element that reads as separate from the original dwelling and does not overwhelm it. Consistent with the guidelines for corner sites, the addition incorporates a recessed visual break between the original house and the addition, a ground floor wall set on the boundary and below the eaves height of the original wall, setbacks from the side boundary for the upper level, and uses contemporary colours and materials that complement the face brick and slate tiles of the original.



Guideline 4: New buildings

City of Port Phillip [Heritage Design Guidelines](#) [Draft Apr 2020](#) [June 2022](#)

New Buildings

This section provides guidelines for the construction of new buildings within heritage precincts or on a site containing a heritage place.

Application

These guidelines apply to all properties.

Guidelines basis

The heritage places and precincts in Port Phillip illustrate the historic development of the city from the mid-nineteenth century onwards. Some heritage precincts, such as those in Albert Park, Middle Park, Port Melbourne, South Melbourne and parts of Elwood have a more consistent heritage character, while others particularly those in St Kilda and parts of Elwood have a more diverse character, which illustrates successive waves of development.

This has created streetscapes that are significant for the high degree of intactness and consistency in terms of style, form, scale and siting such as HO442 Albert Park Residential, as well as those that are highly diverse streetscapes such as HO5 St Kilda Hill.

The same is true of individual heritage places with some comprised of buildings from only one period, while others show layers of historic development.

New buildings within an historical context should complement the significant heritage character and leave a valuable legacy for the future. They can successfully provide for modern demands ~~within an historic context~~ by respecting and interpreting heritage character without overwhelming it.

General guidelines

In consistent streetscapes, new buildings should closely reflect the following characteristics of Significant and Contributory places:

- Height, form and massing
- Setbacks
- Siting and orientation
- Fenestration and openings
- Details, colours, materials and finishes
- Fence height and form

For commercial and retail buildings, the form, proportions and details of nearby original or early shopfronts and verandahs or awnings should also be considered.

If the streetscape is more diverse then there is more flexibility for an interpretive design that responds to characteristics such as overall massing, proportions, materiality and form.

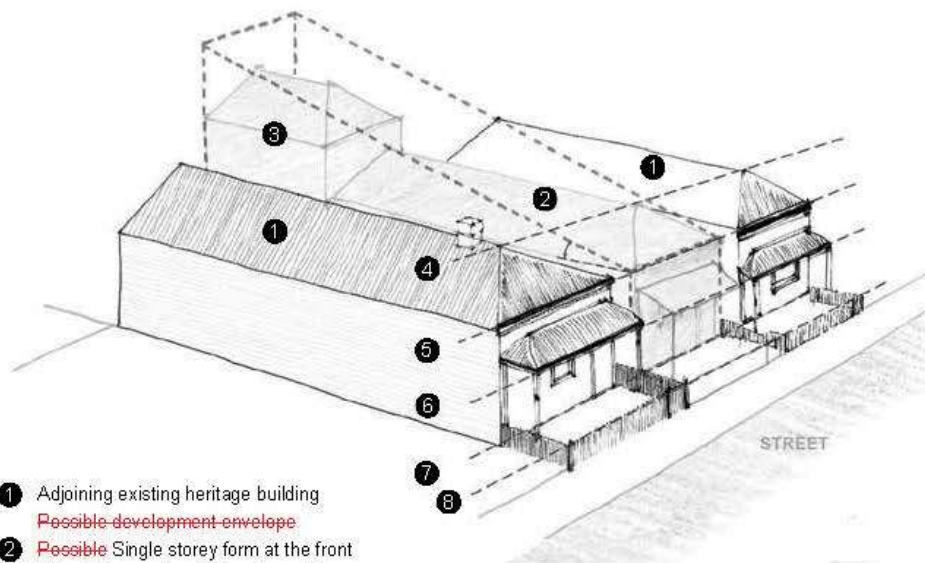
New Buildings

Height, form and massing

Residential infill

As shown in Figure 4.1, in a **consistent streetscape** new buildings should:

- Not exceed the maximum height of buildings on adjoining lots but may incorporate a higher section at the rear, if it is recessive and does not dominate the heritage place.
- Use a contextual approach that respects the following characteristics, as appropriate:
 - > Building proportions
 - > Wall height/gutter line
 - > Roof form and height
 - > Verandah form and height
 - > [Setbacks and siting](#)



- ① Adjoining existing heritage building
Possible development envelope
- ② *Possible* Single storey form at the front
- ③ Potential recessive higher form at the rear
- ④ rear Ridge line
- ⑤ Gutter line
- ⑥ Verandah line
- ⑦ Street setback
- ⑧ Fence line

Figure 4.1.

Key considerations for residential infill development in a consistent streetscape.

New Buildings

In a **diverse streetscape** new buildings should use an interpretive approach. This approach will vary according to the degree of diversity in the streetscape. Two scenarios are shown here as examples:

- In Scenario 1 (Figure 4.2) the streetscape is consistent (single storey detached houses with hipped roofs) except for the one 'atypical' building. In this case, the new building could interpret the form, scale and materiality of the 'typical' buildings.
- In Scenario 2 (Figure 4.3) there is more diversity. In this case, there is scope for a freer interpretative design that may reference the contributory features of neighbouring places but does not closely follow them.
- In both scenarios, the new building should provide a sympathetic transition between the adjoining buildings (also refer to Page 12 *Consistency and diversity* in Responding to Context for further guidance).

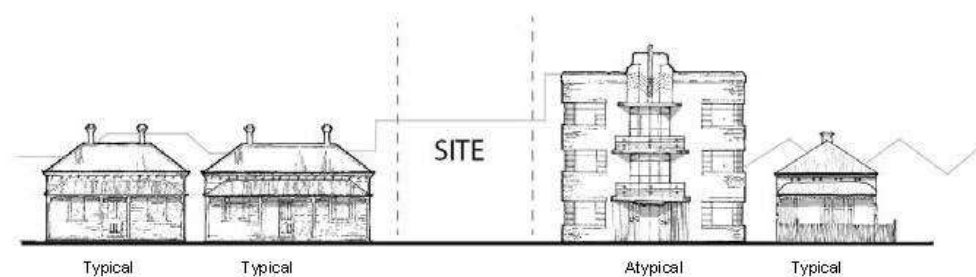


Figure 4.2.

Scenario 1: A site adjacent to an 'atypical' heritage building within an otherwise consistent streetscape

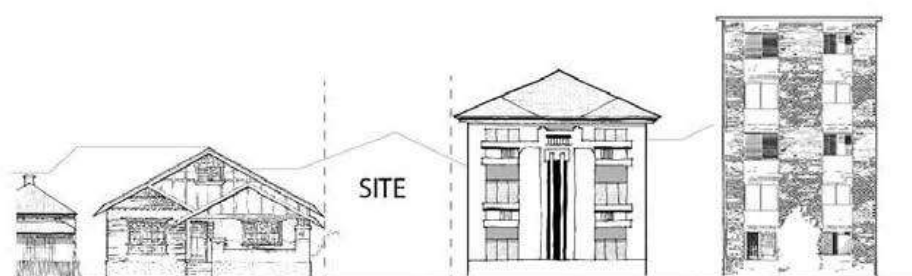


Figure 4.3.

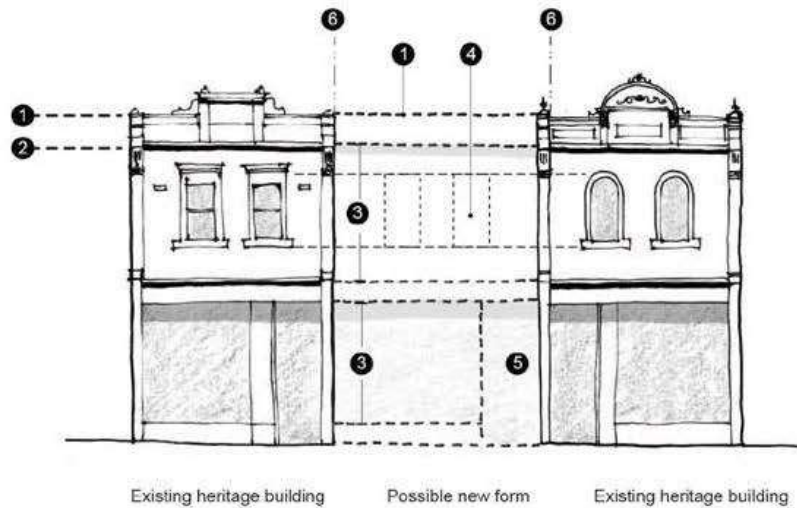
Scenario 2: A site within a streetscape with a variety of building styles, forms, and scale

New Buildings

Commercial and retail infill

As shown in Figure 4.4, in a consistent streetscape new buildings should:

- Not exceed the maximum height of buildings on adjoining lots but may incorporate a higher section at the rear, if it is recessive and does not dominate the heritage place.
- Respect the following characteristics, as appropriate:
 - > Building proportions
 - > Street wall height and parapet height
 - > Roof concealed behind parapet
 - > Entry proportions and framing
 - > Setbacks and siting



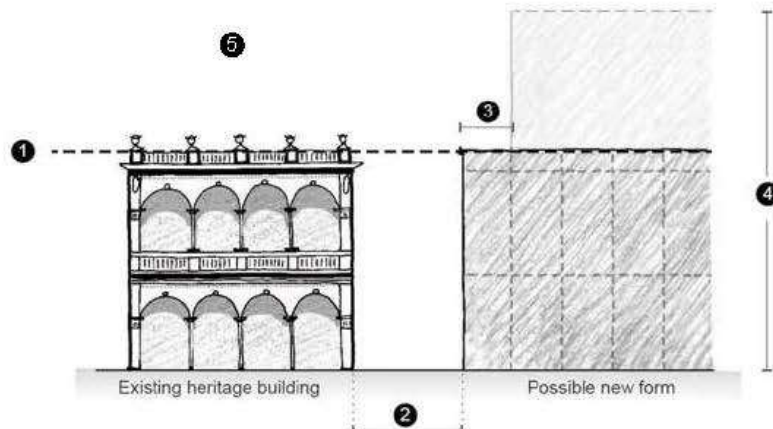
- ① Parapet height
- ② Street wall height
- ③ First and second floor proportions
- ④ Window size, spacing and proportions
- ⑤ Entry proportions and framing
- ⑥ No side setback

Figure 4.4.
Commercial infill in a consistent streetscape

New Buildings

Development on strategic development sites

New buildings on strategic development sites where higher density development is encouraged should respect the scale and setting of the heritage place. Key considerations are shown in Figure 4.5.



- ① Podium height to respond to parapet height
- ② Ensure adequate separation
- ③ Upper floor setback
- ④ Maximum building height
- ⑤ Not extend into the air space above

Figure 4.5.
Key considerations for new development on a site with an existing heritage building

Setbacks

In a consistent streetscape the front and side setbacks should match the setbacks of adjoining buildings.

Where there are heritage places on adjacent sites with differing front setbacks, an average setback may be used as shown in Figure 4.6 except for as shown in Figure 4.7 and 4.8.

New Buildings

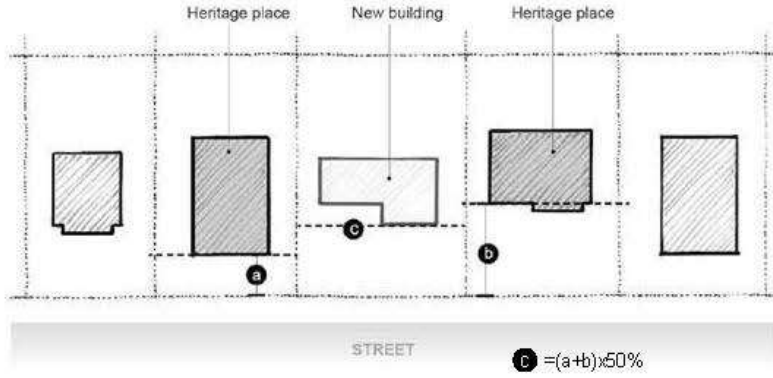


Figure 4.6 Average setback distance between heritage places.

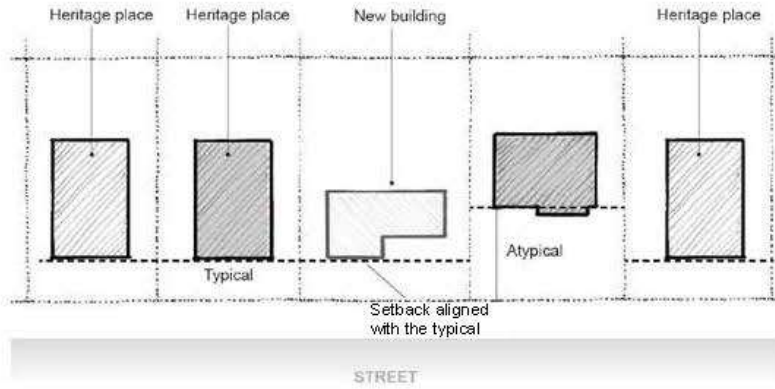


Figure 4.7 Use typical setback if the neighbouring place is different from the typical.

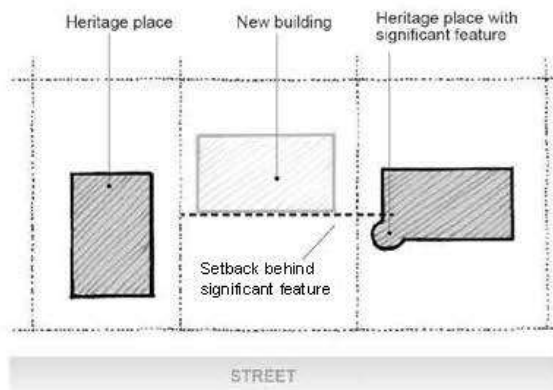


Figure 4.8 Increased setback to maintain view to significant heritage feature such as a corner window or tower.

New Buildings

In commercial areas new buildings should:

- Be constructed to the front boundary and to the side boundaries in line with adjoining buildings.
- Incorporate an angled splay on street corners where these are present on adjacent or opposite corners, as shown in Figure 4.9.

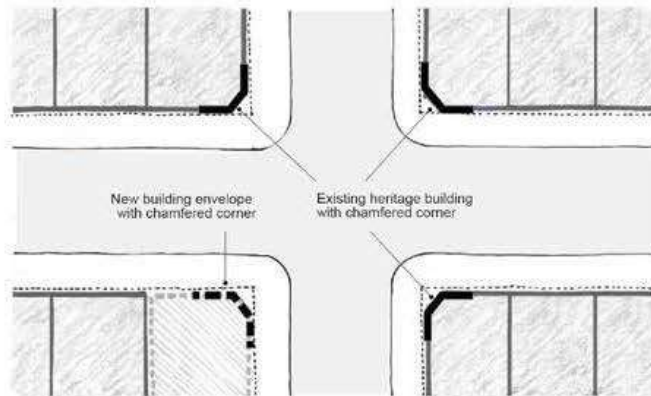


Figure 4.9.

Incorporation of corner splay to a commercial building where this is typical of the area.

Sitting and orientation

In a consistent streetscape, new buildings should have the same sitting and orientation as other buildings that contribute to the significance of the precinct.

For example, if houses are detached with consistent side and front setbacks then this should be adopted.

Fenestration and openings

New windows should respect and respond to the location, size and proportions of traditional windows on buildings that contribute to the significance of the heritage place.

The design should consider the relationship of solid space (walls, solid) to void space (windows, void). In particular:

- A new building should have about the same (i.e. neither more nor less) void space, such as glazing, than surrounding heritage places.
- Avoid large areas of glass, except for ground floor façades of retail or commercial buildings.

Details, colours, materials and finishes

External details, colours, materials and finishes should complement and not simply copy the finishes and detailing found on heritage places.

Avoid:

- Mock or imitation period detailing.
- Bright, reflective or mirrored materials or finishes, or
- Use of many and/or contrasting colours or finishes.

New Buildings

Case Study 3 – Contemporary residential infill

This building interprets the traditional Edwardian brick houses in a contemporary manner. As a new build in the middle of an established heritage setting, the design pays tribute to the brick and gable traditions in the neighbourhood. The success of this design is due to the fine craftsmanship of the stretching brickwork and sculpted façade with deep reveals to the window and entrance providing a contemporary reference to the traditional porches and verandahs of the surrounding houses.

From a distance, the front façade blends into streetscape but the contemporary twist in the brick bonding and facade sculpting immediately reveals itself when viewed close up. This is a good example that demonstrates how contemporary design does not have to look exactly like traditional architecture to be sympathetic to its character.



Photo 16. Ground Floor Facade of Bayside House, Adam Kane Architect



Guideline 5: Car parking

Car Parking

This section provides guidelines for the construction of crossovers, driveways and parking areas and structures including carports and garages.

Application

These guidelines apply to all properties.

Guidelines basis

In the nineteenth century, stables to accommodate horses were usually only associated with mansions and larger villas. They were always located at the rear of the property and accessed via laneways.

Dedicated car parking areas on residential properties began to appear from the 1920s onwards and by the 1930s had become a common feature within streetscapes.



This design for a simple 'small-house garage' was featured in the September 1927 issue of Australian Home Beautiful. It was commissioned by the Editor in response to 'many requests' for a design that could be 'carried out by an amateur of moderate skill' and 'yet be different from the common galvanised iron or weatherboard shed'.

Because of this, features such as crossovers, driveways, parking areas and structures are not found in historic streetscapes dating from prior to the 1920s and introduction of these will result in adverse impacts by reducing the integrity of historic streetscapes and disrupting the traditional visual relationship between houses and the street.

Car Parking

Crossovers and driveways

Avoid widening existing crossovers, particularly when this would require altering a fence and removing tree planting that contributes to significance or setting of the heritage place.

An existing crossover may be relocated if:

- The width of the crossover is not increased.
- It does not require the alteration of a fence or impact upon a tree that contributes to the significance or setting of the heritage place.

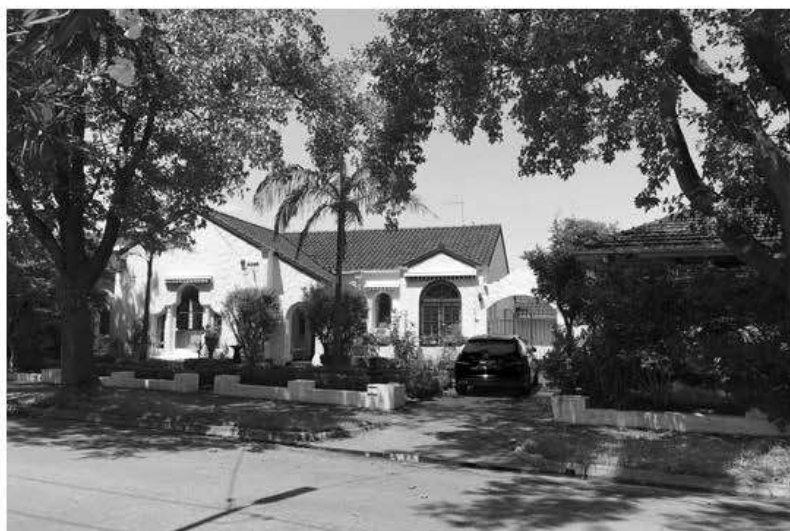


Photo 17. The original driveway and crossover, Los Angeles Court, Ripponlea

While the Heritage Policy discourages new crossovers and driveways at the frontage of properties, they may be considered in streets comprising predominantly interwar houses where crossovers are part of the historic character of the heritage place and the following conditions can be met:

- There is no more than one crossover per property.
- The installation of the crossover and driveway does not require the alteration or removal of a feature that contributes to the significance of the heritage place such as a fence or tree.
- Cars can be parked at the side of the house or within the rear yard, and not within the front setback area, as shown in Figure 5.1.

Car Parking

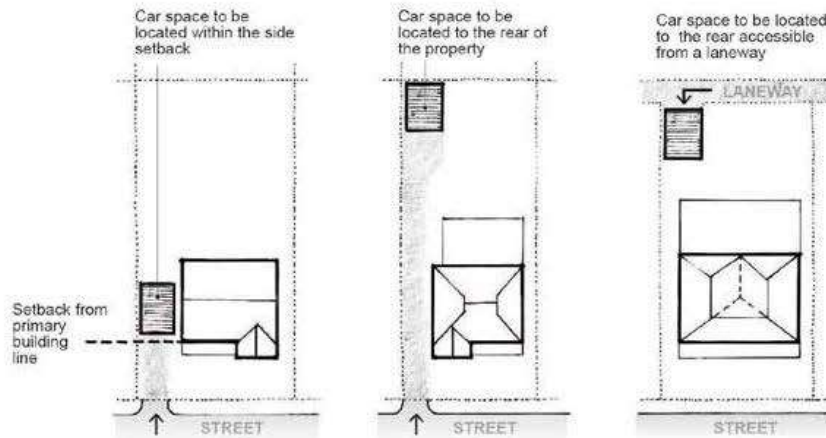


Figure 5.1
Potential locations for garages or carports.

Carports and garages

As shown on Figure 5.1 new carports or garages for Contributory or Non-contributory residential heritage places should be freestanding and may be constructed:

- Within rear yards, or
- Within side setback areas provided there is a minimum setback of 1 metre from the front wall of the dwelling.

Carports or garages should be simply designed and avoid copying the form or detailing of the house.

'Roller style' doors should be avoided and where possible the garage door should be integrated into the front wall of the garage.

Roller style garage doors may be permitted on rear laneways if the roller drum is enclosed and the adjoining lots facing the lane do not contain houses graded Significant or Contributory.



Guideline 6: Fencing

Fencing

This section provides guidelines for the construction of fences.

Application

These guidelines apply to all properties.

Guidelines basis

Front fences and, to a lesser extent, side fences are an integral part of historic streetscapes as they form part of the visual relationship between the private dwelling and the public street. Fences were designed to complement and enhance the setting of houses and fence styles evolved and changed in line with architectural fashions over the years.

Historic fences where they survive are significant both for their contribution to the setting of heritage places and streetscape and should be preserved. New fences should be sympathetic with historic streetscape character.



Photo 18. 'La Mascotte' is a fine example of an interwar house with an original front fence featuring a splayed corner entry framed by an archway.

Poorly designed fences, particularly high solid fences, or fences in inappropriate styles can have a significant impact upon the setting of buildings and streetscapes.

General

The Heritage Policy encourages the conservation of original or early front fences and gates and for new fences to be appropriate to the style of the house.

These guidelines may be varied based on documentary or physical evidence.

Fencing

Front fence styles

For Significant and Contributory places front fences should be appropriate to the style of the house.

As a rule:

- Simple dwellings had simple fences. For example, an ornate cast iron fence is inappropriate for a Victorian timber cottage.
- Timber dwellings typically have timber framed fences with (depending on the style) vertical timber picket or sheet metal infill (for Victorian and Federation/Edwardian dwellings), or vertical timber picket or cyclone or woven wire (Federation/Edwardian and interwar dwellings).
- Masonry dwellings have either timber framed fences or masonry and/or metal styles.

If an original fence or part of one survives or there is an existing reproduction fence in an appropriate style, then that should be used as the model for the new fence.

If no original fences survive, then a fence style appropriate to the building should be chosen and applied consistently if the house forms part of a row or group of related houses (see Photo 19).



Photo 19. The owners of this terrace row in Middle Park cooperated to reinstate a traditional Victorian style front fence.

If the original fence no longer exists on the property, it will probably have been constructed of timber. The more permanent types tend to persist. Therefore, unless there is evidence to the contrary, a new timber fence will usually be most appropriate.

An alternative to a historically correct reproduction front fence is a simplified contemporary fence. For example, if situated in a predominantly Victorian or Edwardian precinct, the fence could be a simple plain timber picket or metal palisade, but stripped of any 'period' detailing. In an interwar precinct a low brick or rendered fence may be appropriate. This type of fence is also appropriate for a Non-contributory property.

Fencing

Ideally fences to matching groups, terraces and attached pairs of common design should be identical. Where one or more of a group or pair has an original fence or, if not, an appropriate new fence, this fence will be taken as the pattern for all new fences in the group or pair. On terraces and pairs, the fence and side boundary posts should be shared and located centrally on the joint boundary.

Front fence heights and locations

The height of new fences should be appropriate for the style of building. As a guide:

- For Victorian and Federation dwellings of single storey, 1200mm to 1350mm.
- For Victorian dwellings where the verandah is on the street boundary, balustrade of 850 – 1000 mm from the verandah deck.
- For Victorian and Federation dwellings of two storeys, 1200mm to 1650mm maximum for posts.
- For Victorian or Federation mansions with extended frontages, higher fences (- 1800mm) may be appropriate.
- For Interwar dwellings, including apartment buildings, 600mm to 1000mm.
- For Mid 20th Century dwellings, zero to 900mm.

If an original fence or part of one survives or there is an existing reproduction fence in an appropriate style, then that should be used as the model for the new fence.

~~If no original fences survive, then a fence style appropriate to the building should be chosen and applied consistently if the house forms part of a row or group of related houses (see Photo 18).~~

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~~Ideally fences to matching groups, terraces and attached pairs of common design should be identical. Where one or more of a group or pair has an original fence or, if not, an appropriate new fence, this fence will be taken as the pattern for all new fences in the group or pair. On terraces and pairs, the fence and side boundary posts should be shared and located centrally on the joint boundary.~~

For Non-contributory properties choose a fence height that is appropriate for the predominant style of Significant or Contributory places within the streetscape.

Front fences should be located on the street boundaries.

More information

For more information, see the following **Heritage Practice Notes** on our website:

1. Fencing in Heritage Overlay areas
 - 1A. Victorian timber front fences
 - 1B. Victorian metal front fences
 - 1C. Federation & Edwardian front fences



Guideline 7: Signage

Signage

This section provides guidelines for signage.

Application

These guidelines apply to all properties.

Guidelines basis

Examples of early or original signage are significant for the ability to illustrate the historic development of commercial and retail centres and provide also provide evidence of historically appropriate designs and location of signs.

It is important to strike a balance between the needs of businesses to have adequate exposure, and the need to ensure that new signage does not become a dominant element that detracts from the historic character of commercial and retail heritage precincts in Port Phillip.



Photo 20. The faded painted signs on this building in South Melbourne provide evidence of its historic use as a corner shop.

Original signage

Original signage should be conserved in accordance with the Conservation guidelines.

This may include the restoration or reconstruction of missing or incomplete historic signage based on physical or documentary evidence.

Many original or early signs were painted and have deteriorated over time. In some cases, the action may be to stabilize the sign and prevent further deterioration rather than undertake full restoration.

Signage

New signs

~~Examples of early or original signage are significant for the ability to illustrate the historic development of commercial and retail centres and provide also provide evidence of historically appropriate designs and location of signs.~~

~~It is important to strike a balance between the needs of businesses to have adequate exposure, and the need to ensure that new signage does not become a dominant element that detracts from the historic character of commercial and retail heritage precincts in Port Phillip.~~

Figure 6.1 shows the preferred locations for signage on commercial or retail heritage buildings provided the following conditions are met:

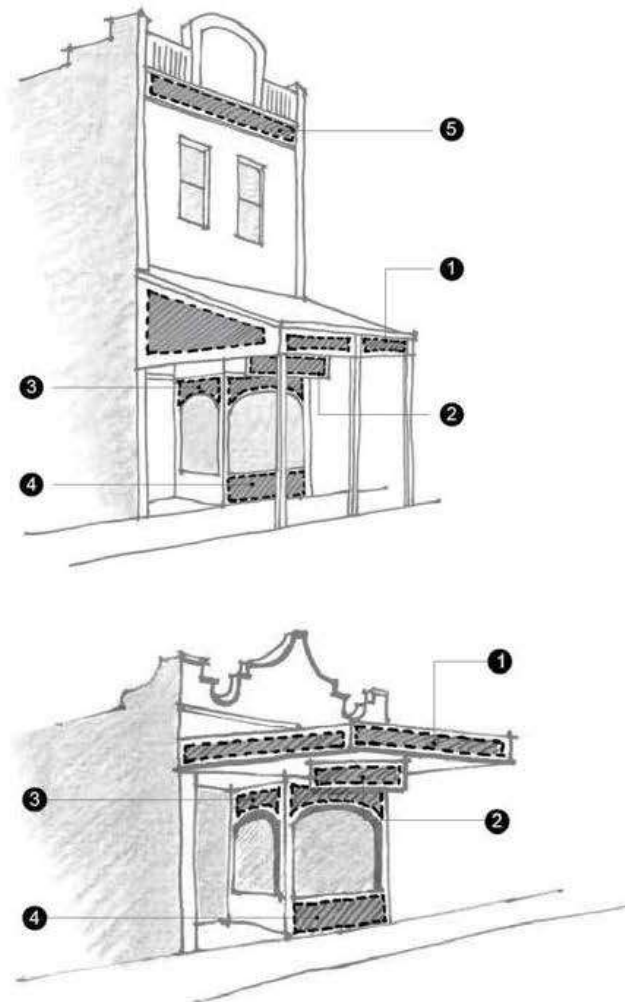
- There should be no more than one above verandah sign per building.
- Above verandah signage should not be floodlit or internally illuminated.
- Floodlit below verandah signage may be permitted only when:
 - > The light source is located so that light is directed onto the sign as much as possible to minimise glare.
 - > Light spillage from the light source is controlled by the use of baffles, shields or reflectors.
- Internally illuminated below verandah signage may be permitted only when the sign is not animated and does not include flashing or running lights.
- Colours, lettering, style and layout of signage respect the character and style of the building.
- External lighting, electrical cables and conduits and any other equipment associated with the signage is concealed from view, unobtrusively located or otherwise treated to minimise visual impacts.

Avoid the following types of signs:

- Above verandah signs, except as shown in Figure 6.1.
- Signs that conceal or obscure architectural features and detailing, windows and door openings, or project above verandah or awning fascias.
- Animated, Electronic or Floodlit signs.
- Bunting sign.
- High-wall sign.
- Panel sign.
- Pole sign.
- Promotion or Major promotion signs.
- Reflective sign.
- Sky sign.
- Advertising signs attached to street furniture including seating, shelters, phone booths and the like.

~~Avoid signs that conceal or obscure architectural features and detailing, windows and door openings, or project above verandah or awning fascias.~~

Signage



- ① Fascia mounted: retaining space surrounding sign
- ② Below awning: attached to a lightweight frame
- ③ On windows: as a decorative frame feature
- ④ Below windows: flush to facade, as a decorative panel feature
- ⑤ Above verandah: below pediment and/or cornice, and retaining within panel area

Figure 6.1
Preferred sign locations on commercial or retail heritage buildings



Guideline 8: Significant Trees & Gardens

City of Port Phillip *Heritage Design Guidelines* *Draft-Apr*
~~2020~~ June 2022

Significant Trees and Gardens

This section provides guidelines for the management and conservation of significant trees and garden layouts on both private and public land.

Application

These guidelines apply to Significant and Contributory places where tree controls apply or that have remnants of early garden layouts.

Guidelines basis

Mature trees make an important contribution to the historic significance and aesthetic character and setting of heritage places. These include trees forming part of private gardens, as well as trees on public land lining streets and within parks and gardens.



Photo 21. The mature street trees lining Dandenong Road make an important contribution to the historical boulevard character.

As well as introduced trees, significant trees in Port Phillip also include remnant indigenous trees such as the Ngargee Tree in Albert Park (which has Aboriginal cultural significance) and eucalypts in Alma Park East.

The aim of these guidelines is to encourage the retention of these trees within their normally expected lifespan and to avoid development that could threaten their on-going viability. They also provide guidance for replacement when required.

While original garden plantings rarely survive on private properties, pathways and driveways, garden border tiles or edging, fencing, walls, ponds and other features sometimes survive as evidence of early garden layouts.

Significant Trees and Gardens

Working next to trees

Any new development in proximity to a significant tree (on the same or a nearby site) should be accompanied by an arborist's report that identifies:

- The recommended separation distance and any other measures to avoid detrimental impacts upon the health and viability of the tree.
- Any remedial pruning required.

Replacing trees

The Heritage Policy encourages 'Like for like' replacement, which means using a tree of the same species.

An alternative species of tree, or no replacement, may be considered when:

- Changes in the site conditions since the tree was first planted mean that the original species is no longer appropriate, or is no longer suitable (for example, due to size, form or proximity to buildings or services).
- The original species is inappropriate given the local climate (or climate change), soils, threat from pest or disease (for example, Elm leaf beetle), or for other reasons.
- The original species is identified as an environmental weed and cannot be appropriately managed when planted.
- Where trees form part of a row, avenue or hedge planting of consistent height, consider whether it would be appropriate to remove adjoining trees to ensure consistency as new trees mature.

Gardens

Conserve original features associated with original or early garden layouts such as pathways and driveways, garden border tiles or edging, fencing, walls and other features.

Encourage planting that is appropriate for the style and period of the house and garden.



Guideline 9: Sustainability and services

Sustainability and Services

This section provides guidelines for the installation of equipment associated with sustainability and building services such as solar panels, water tanks, heating and cooling systems and hot water services.

Application

These guidelines apply to all properties.

Guidelines basis

Council supports the installation of equipment that will improve the environmental sustainability of a building. These guidelines show how this can be achieved without adversely impacting upon heritage significance.

Heritage buildings are capable of adaptation to include new and upgraded sustainable services through a sensitive and considered approach in the choice of **technologies, siting and design** of the sustainable system.

Before adding equipments to a heritage place, consider a set of comprehensive methods that can improve energy performance. For example, most weatherboard houses constructed prior to 1990 are likely to have uninsulated walls, ceilings and floors. Insulating these areas can reduce energy consumption and subsequently the size and running cost of the equipments needing to be installed.

The following guidelines have a particular focus on the roof mounted systems such as solar panels and solar hot water because they have the most potential for adverse impacts due to visible location on buildings.



Photo 22. An example of frameless solar panels on a slate roofed building

Sustainability and Services

Service equipment

Service equipment such as air conditioning, heating or hot water boilers and the like should be concealed from the public realm. They should not be located on, or in front of the front façade of a building or on the roof where they would be visible from a street, including a side street.

Ideally, such units should be situated at ground level and within the side or rear yard area.

See Figure 8.1, which shows potential locations to ensure concealment from the public realm. If this is done then a planning permit is not required (Please contact Council's Statutory Planning team to confirm).

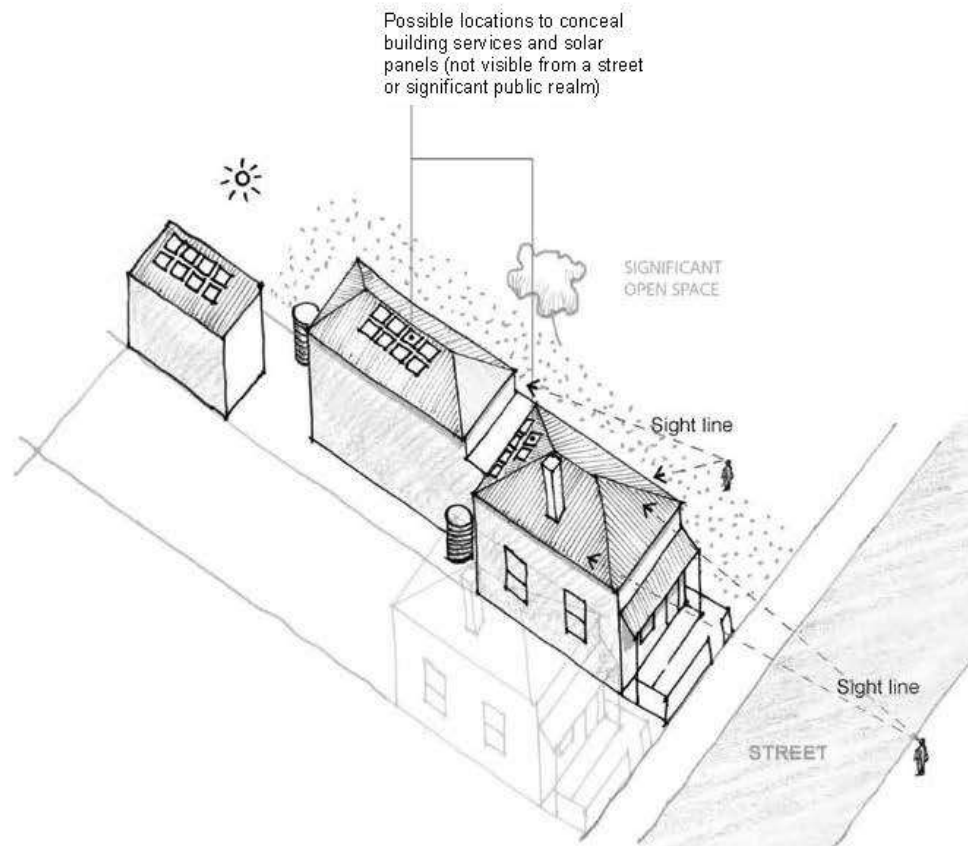


Figure 8.1
Suggested locations to conceal building services,
solar panels and water tanks

Sustainability and Services

Environmental sustainability equipment

Ideally, environmental sustainability equipment such as solar panels and water tanks should be concealed wherever possible. If such equipment is not visible from the public realm (excluding a laneway) then a planning permit is not required. However, if this is not possible alternative visible locations will be considered on a case-by-case basis having regard to the context and the significance of the heritage place.

Figure 8.2 shows three alternative locations for roof-mounted solar systems:

- a. **Preferred locations** include ground mounted within rear or side yards, on non-significant outbuildings or additions, or non-visible sections of roofs on original buildings. These locations will not require a planning permit if they are not visible from the public realm (Please contact Council's Planning Department to confirm).
- b. **Secondary locations** should be used only when the preferred locations are not available or not practical (for example, due to orientation or overshadowing). They include side sections of roofs on original buildings, including on corner sites.
- c. **Visible locations** should only be used when the preferred or secondary locations are not practical. However, visible locations may not be suitable for narrow buildings, Significant places, or any building within an intact or consistent streetscape.

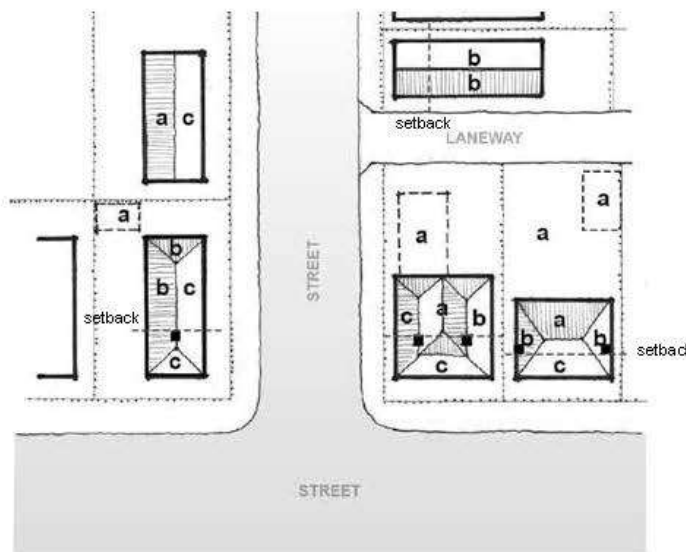


Figure 8.2
Alternative locations for roof-mounted solar systems

For other types of roofs or context not shown in Figure 8.2, the location will be decided on a case by case basis using the same principles. Visible locations may not be suitable for complex roof forms particularly when solar panels will be mounted on multiple small roof planes.

Sustainability and Services

Where roof mounted solar systems are visible they should:

- Be mounted flush against the roof (see Figure 8.3).
- Not project beyond the edge of the roof plane (see Figure 8.4).
- Be setback from the edge of the roof (see Figure 8.3) to ensure that some of the original roof remains visible.
- Be laid in a regular pattern that responds to the form of the house (for example, central location on the roof of a house with a symmetrical façade).
- Be in a colour that blends with the roof.

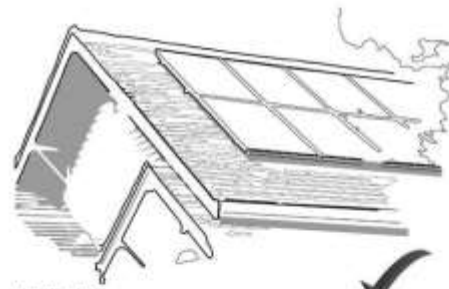


Figure 8.3
Be mounted flush against the roof and setback from the edge

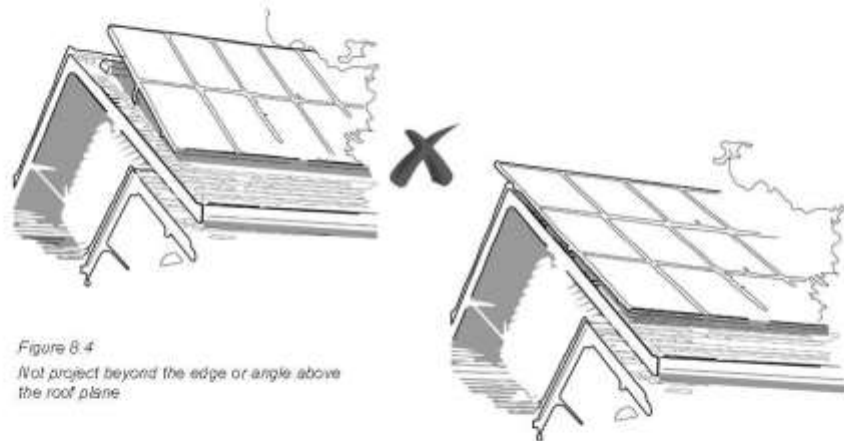


Figure 8.4
Not project beyond the edge or angle above the roof plane



Guideline 10: Subdivision

Subdivision

This section provides guidelines for the subdivision of land.

Application

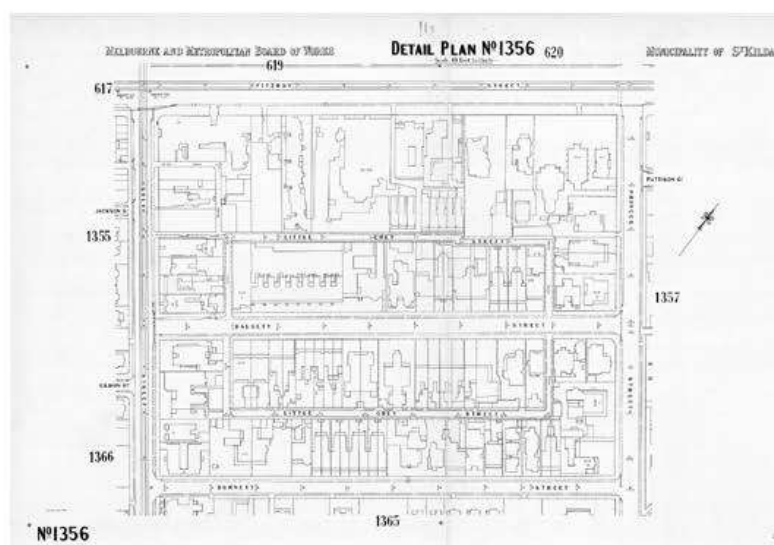
These guidelines apply to Significant and Contributory places within the heritage overlay.

These guidelines do not apply to the subdivision of existing buildings that do not create an additional lot, or the internal subdivision (e.g. strata titling) of existing buildings.

Guidelines basis

The subdivision pattern in much of Port Phillip is typical of late nineteenth century/early twentieth century areas and comprises regularly shaped rectangular lots with consistent dimensions, some with access to rear lanes.

This has created streetscapes that have a consistent 'urban grain', which is reflected in the form and sitting of buildings creating a distinctive streetscape rhythm and character. Many precincts have a regular 'fine-grain' character comprising small consistently shaped allotments situated within a traditional 'grid' street network, while others have more irregular layouts that reflect layers of subdivision and re-development.



This Melbourne & Metropolitan Board of Works plan, dated 1948, shows the subdivision pattern in St Kilda.

It is important to ensure that future subdivision does not disrupt this character and, in addition, does not create the opportunity for inappropriate forms of development. When one large plot or multiple plots are to be developed, Council will assess if the proposed development has been informed by the pattern of the urban grain.

Subdivision

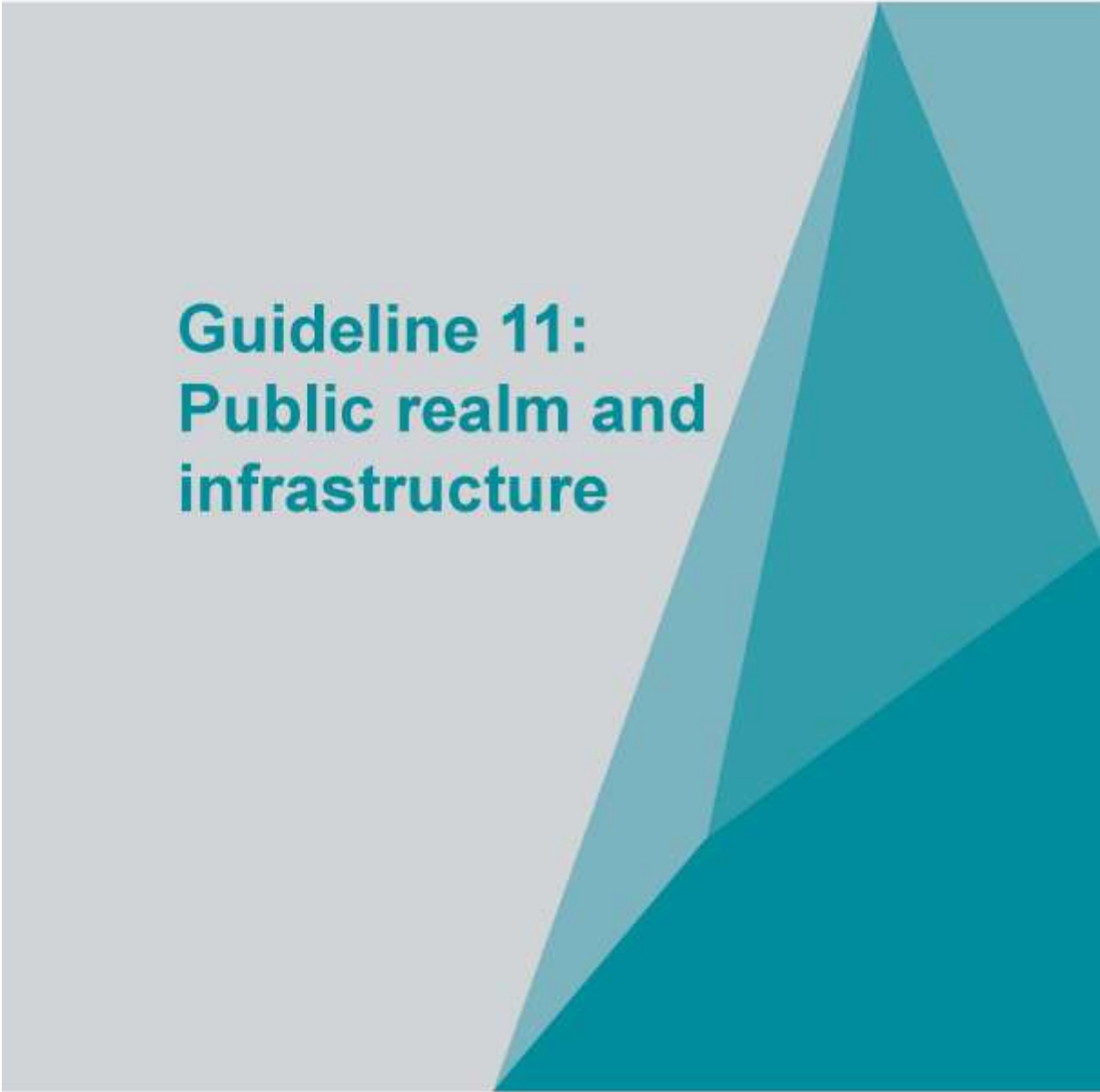
Subdivision guidelines

When large lots are subdivided, ensure lots sizes, proportions and depths are similar to those in the surrounding heritage precinct.

Avoid lots that are larger than or have shapes or proportions that are not found within the heritage precinct.

Avoid creating lots or lot boundaries that would:

- Cut through the middle of buildings, except as part of strata-titling.
- Result in contributory features associated with a heritage place being on separate allotments.
- Result in the loss of views to a heritage place.
- Allow new development between a heritage place and the street frontage.
- Require new buildings to have a lesser front setback than other buildings in the same street.
- Require the creation of a new street crossover to provide access.



Guideline 11: Public realm and infrastructure

City of Port Phillip Heritage Design Guidelines *Draft-Apr*
2020-[June 2022](#)

Public Realm and Infrastructure

This section provides guidelines for the conservation and management of land within the public realm including footpaths, streets and laneways, and features such as memorials, monuments and historic infrastructure associated with utilities (water, gas, electricity, sewerage, drainage).

Application

These guidelines apply to all historic public realm features and infrastructure within the heritage overlay.

Guidelines basis

The public realm (that is, the spaces between private properties including roads, footpaths and laneways) makes an important contribution to the historic character of heritage precincts and the setting of heritage places.



Photo 22. This laneway in St Kilda has been sympathetically re-constructed to retain the traditional blue stone channel and a asphalt surface.

Of key importance is the historic use of bluestone in road construction from the nineteenth until the mid-twentieth centuries for kerbs, channelling and gutters, and laneways. This was often complemented by the use asphalt for footpaths and roads. Historic infrastructure also includes cast iron drainage and sewerage covers and grates, remnant gas lamp poles, electricity substations, horse troughs, and post boxes.

In addition, the public realm contains many important memorials and monuments honouring events and individuals.

It is important that these features are retained, and that missing elements are re-instated where opportunities arise.

Some old infrastructure or street furniture, while being part of the street character, can gradually lose relevance or purpose and become vulnerable to neglect, decay and possibly demolition. Some examples of this are the old post boxes, substations and tram shelters. The best way to save them is to breath new life through the adaptive reuse when renovating the public realm or developing the new infrastructure.

Public Realm and Infrastructure

Public realm and infrastructure guidelines

Avoid demolition or removal of contributory features of public realm including:

- Bluestone pavers as kerb and channel and laneways and footpaths.
- Original or early street furniture, lighting and signage.
- Original or early cast iron drain covers and grates, 'manhole' covers and the like.
- Early post boxes
- Early electricity substations.
- Monuments and memorials.
- Horse troughs.

Ensure that new public realm infrastructure:

- Respects, but does not simply copy the original materials, finishes and details of the historic infrastructure.
- Ensures the original layout, siting, setting or details of the historic infrastructure is retained or remains evident.



Photo 23. The installation of this new kerb outstand and associated pedestrian crossing in Bank Street, South Melbourne uses sympathetic materials and also ensures that the historic alignment and layout of the original kerb and channel remains evident.

Overly relying on the interpretive signage should be avoided.

Avoid the need for complete reconstruction of kerbs, channels and laneways by undertaking regular repair and maintenance.

Reconstruct historic bluestone kerb and channelling only when it is at the end of its useful life.

When full reconstruction is required, this should be carried out in a way that reflects as closely as possible the original appearance.

Public Realm and Infrastructure

Reinstate original bluestone kerb and channel or historic street furniture where this is supported by historic evidence.

Avoid development that would:

- Obstruct views of a memorial or monument.
- Result in the removal of trees or other features that contribute to its setting.
- Require its removal or relocation
- Potentially impact upon its condition or structural integrity (for example, due to construction being carried out in close proximity).

Encourage adaptive re-use of decommissioned infrastructure, where appropriate.

If the historical infrastructure is not capable of adaptive re-use then ensure there is a clear management plan. For example, Council is now responsible for maintaining the historic pre-World War 2 post boxes within the municipality.



Attachment 1: Definitions

Definitions

Burra Charter definitions

Adaptation: modifying a place to suit the existing use or a proposed use.

Associations: the special connections that exist between people and a place.

Conservation: all the processes of looking after a place so as to retain its cultural significance.

Cultural significance: aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Fabric: all the physical material of the place including components, fixtures, contents and objects.

Interpretation: all the way of presenting the cultural significance of a place.

Maintenance: the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.

Place: site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

Preservation: maintaining the fabric of a place in its existing state and retarding deterioration.

Reconstruction: returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.

Restoration: returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Setting: the area around a place, which may include the visual catchment.

Use: means the functions of a place, as well as the activities and practices that may occur at that place.

Significance definitions

Heritage place is a place that has identified heritage value and could include a site, area, building, group of buildings, structure, archaeological site, tree, garden, geological formation, fossil site, habitat or other place of natural or cultural significance and its associated land.

Significant heritage places include buildings and surrounds that are individually important places of either State, regional or local heritage significance and are places that together within an identified area, are part of the significance of a Heritage Overlay. These places are included in a Heritage Overlay either as an area or as an individually listed heritage place and are coloured "red" on the City of Port Phillip Heritage Policy Map.

Contributory heritage places include buildings and surrounds that are representative heritage places of local significance which contribute to the significance of the Heritage Overlay area. They may have been considerably altered but have the potential to be conserved. They are included in a Heritage Overlay and are coloured "green" on the City of Port Phillip Heritage Policy Map.

Non-contributory properties are buildings that are neither significant nor contributory. They are included in a Heritage Overlay and have no colour on the City of Port Phillip Heritage Policy Map.