

**From:**  
**To:** [Helpdesk - Strategic Planning](#)  
**Subject:** Submission to Amendment regarding [REDACTED], City of Port Phillip  
**Date:** Monday, 17 February 2020 12:57:10 AM

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Head of City Policy (Strategic Planning)  
City of Port Phillip

Regarding the councils proposed Amendment, to put a heritage listing on [REDACTED]  
[REDACTED], City of Port Phillip.

I, [REDACTED], hereby submit my opposition to this amendment. My understanding in Heritage-listed properties is as follows. Properties that are unique, have either historical importance & cultural value, or have some form of Artistic significance or architecture that is worth preserving, may be worthy of being 'heritage listed' by the state government or city council. A heritage listing puts in place restrictions on the redevelopment of the property, to preserve its current condition for the future.

Properties with no historical importance or cultural value, and no artistic or architecture worth preserving, should not be placed under Heritage listing. Doing so, will merely prevent any substantial renovation & redevelopment of the property. An old & ugly, run down shop, wrongly 'Heritage-listed', will be forced to remain in its dilapidated & neglected state for years & 'generations' to come. Not only will the Heritage- listing have been to no avail, it will cause irreversible damage, as it will determine the fate of this worn-down property, & its surroundings, to remain such, indefinitely.

The property on [REDACTED], clearly has NO historical or cultural importance, and definitely has NO architecture or artistic significance. It is nothing more than an old building, weathered in age, which will probably be in need of a face lift, in the not-to-distant future. Heritage- listing the property will just guarantee its slow dilapidation, which will, in the long term, have an undesired effect on the entire area, turning it into an unwanted location and a 'stain' on our beautiful city.

My objection to the proposed amendment is obviously fortified by a certain depreciation of [REDACTED] property value, if it is wrongly & mistakenly, heritage-listed.

I hereby strongly oppose the proposed amendment, and aspire for its cancellation.

[REDACTED], City of Port Phillip

24 FEBRUARY 2020

Damian Dewar  
E-mail: [strategicplanning@portphillip.vic.gov.au](mailto:strategicplanning@portphillip.vic.gov.au)

Dear Sir/Madam,

**Town Planning Scheme Amendment C186port of the Port Phillip Planning Scheme**  
**Your Reference: Amendment C186port**  
**Our Reference: Case Number 35488560 File 11PD9383**

I refer to your letter received on 10 January 2020. South East Water as the Water Supply and Sewerage Authority has no objection to the proposed amendment C186port of the Port Phillip Planning Scheme.

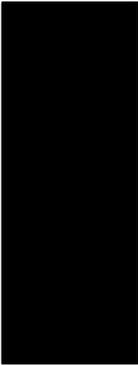
**Please Note: As South East Water has no objection to the Scheme Amendment, we request that both your Council and Planning Panels Victoria do not provide any further correspondence to us regarding the Amendment.**

If you have any enquires please contact

Yours sincerely



Darren Woodward  
**Team Leader Land Development**



28 February 2020

**Submission to Port Phillip Planning Scheme Amendment C186  
[Redacted], South Melbourne**

*Submission via email*

**1 Introduction**

Ratio Consultants act on behalf of [Redacted], the landowner of the property at [Redacted], South Melbourne. This submission is also made on behalf other land owners with land affected by this amendment.

Our client wishes for this submission to be considered pursuant to Section 22 of the *Planning and Environment Act 1987*.

The site at [Redacted] is proposed to be included within a precinct Heritage Overlay Schedule 513 'Montague Commercial Precinct' (HO513) as part of Amendment C186, along with a number of other properties along City Road.

Our client objects to the proposed inclusion of the site permanently within the Heritage Overlay as proposed via Port Phillip Planning Scheme Amendment C186.

**2 Existing and interim controls**

**Context**

No. [Redacted] sits between Montague and Boundary Streets as a part of a mixed commercial strip fronting onto City Road. This property is one of 8 properties in this particular section of City Road that Amendment C186 seeks to apply a heritage overlay to. For 7 of these properties (No's [Redacted]) this is the first time they have been captured in a heritage study or amendment for this precinct.

These sites are all within the Capital City Zone, Schedule 1 (CCZ1) which relate to the Fishermans Bend Urban Renewal Area and reflects a strategic intent for this area to become an extension of Melbourne's Central City.

This commercial strip is covered by several planning overlays including the Design and Development Overlay Schedule 30 (DDO30), an



Environmental Audit Overlay and an Infrastructure Contributions Overlay and – partially – an existing interim Heritage Overlay, Schedule 442.

**Figure 2.1:** Proposed area to be covered by Heritage Overlay, Schedule 513



### Current heritage controls

On 22 January 2020, Port Phillip Amendment C185 applied the interim Heritage Overlay, Schedule 442 (HO442) across the proposed Montague Commercial Precinct (i.e. the area proposed to be covered by HO513).

The area within the interim heritage overlay is shown in **Figure 2.1** below.

Prior to the introduction of the interim Schedule 442, a number of other properties within the proposed Montague Commercial Precinct had already been subject to an interim or permanent heritage controls. This includes a number of properties along City Road on the north eastern side of Montague Street, as well as one site on the south west corner of City Road and Montague Street (shown in blue in **Figure 2.1** below). These properties were either captured through the original HO442 (Albert Park Precinct) or in Amendment C115 (January 2016). The interim heritage overlay has applied to these properties for over four years.

In the January 2020 expansion, interim HO442 was extended south-west of 524-528 City Road and north-west of 157 Montague Street (expansion shown in yellow in **Figure 2.1** below).

**Figure 2.2:** Extent of proposed Montague Commercial Precinct



In the City Road commercial strip extending between Montague and Boundary Streets, the corner site at 524-528 City Road has previously been covered by a permanent Heritage Overlay and has been identified as individually significant. This is the only site within that commercial strip that has been given a permanent control.

**Amendment C186 / Proposed HO513**

Amendment C186 proposes to make interim Heritage Overlay, Schedule 442 permanent (as Heritage Overlay, Schedule 513) across all of the sites to which it currently applies. The proposed extent of HO513 is shown in red in **Figure 2.2** above.

**3 Concerns with proposed HO513**

It is our client's position that there has been a lack of rigour around the inclusion of numerous buildings within the proposed Montague Commercial Precinct.

*Practice Note 1 – Applying the Heritage Overlay (August 2018)* provides guidance on the use of the Heritage Overlay. This practice note says that the *heritage process leading to the identification of the place needs to clearly justify the significance of the place.*

Through various past amendments, numerous sites have been studied and included in either interim or permanent heritage overlays. It is our position that collectively many of these buildings, while old, lack the individual or collective value that warrant application of a permanent heritage overlay across the HO513 precinct as a whole.

This submission specifically draws attention to buildings west of 524-528 City Road which appear to have been 'tacked on' without appropriate consideration or justification. Only since January 2020 has this interim overlay extended west of 524-528 City Road and this is the first amendment to consider these properties as being of heritage significant either individually or collectively.

It is our submission that the proposed properties should not be included in the heritage overlay for the following reasons:

- It is acknowledged that these buildings exhibit characteristics of Federation and Interwar architectural styles. However, neither individually nor collectively do they appear to display features that warrant application of a heritage overlay at all, let alone classification as 'individually significant';
- As they present to the street, many of these dwellings lack original elements reflective of their era of construction and architectural style. This is either due to building deterioration or alteration that has occurred over time (due to the lack of heritage overlay controls that has enabled works to the building);
- It is acknowledged within the heritage report prepared by *RBA Architects and Conservation Consultants* that the ground level shop fronts of a number of properties have been altered, including new window openings, modern materials and removal of original details such as awnings, mouldings and the like;
- Many of the buildings are in poor structural condition, rendering them unsafe for occupation and diminishing their contribution
- The heritage report prepared by *RBA Architects and Conservation Consultants* identifies the subdivisional pattern within this precinct as being relevant to the heritage significance of individual properties and the precinct as a whole. While the proposed properties exhibit a fine grain subdivisional pattern, this is not a characteristic that is unique to the Montague Precinct or South Melbourne and is evident throughout the City of Port Phillip. This in itself is not seen as highly relevant when considering the value of these properties in a heritage sense; and
- Their inclusion in the Heritage Overlay is contrary to the strategic vision for this part of Montague which has been zoned (and a DDO applied) to extend Melbourne's Capital City area.

**Conclusion**

It is important that when applying heritage controls that they are applied in a discerning manner.

The protection of places of negligible heritage value serve to lower the value of heritage to the community.

In our client's submission, [REDACTED] – and other buildings west of 524-528 City Road – do not have architectural or cultural significance to warrant the application of the overlay.

It is submitted that the application of heritage controls to [REDACTED] and adjoining sites is inconsistent with the *Practice Note 1 – Applying the Heritage Overlay (August 2018)*.

Our client will be opposing the application of the heritage overlay to the site at the forthcoming panel hearing.

As part of this process, we reserve the right to make further written submissions. An additional submission will be forthcoming, although likely after the closure of the exhibition period for this amendment.

Should you have any queries in relation to this submission please contact the undersigned on [REDACTED]

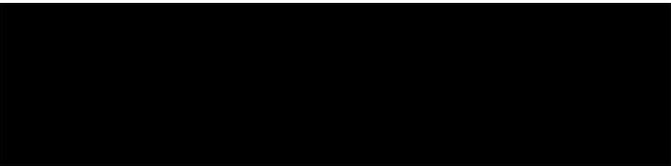
Yours sincerely,

[REDACTED]

[REDACTED]

**Senior Planner:** [REDACTED]





28 February 2020

Head of City Policy  
Port Phillip City Council  
Private Bag 3  
ST KILDA VIC 3182

By email: [strategicplanning@portphillip.vic.gov.au](mailto:strategicplanning@portphillip.vic.gov.au)

Dear Sir/Madam

**PORT PHILIP PLANNING SCHEME AMENDMENT C186PORT  
157-163 MONTAGUE STREET, SOUTH MELBOURNE**

We act for \_\_\_\_\_, owner of the land a \_\_\_\_\_, South Melbourne ('Site') and submitter in respect of Amendment C186Port ('Amendment').

The Amendment proposes to include the Site within the Heritage Overlay (Schedule HO513) – *Montague Commercial Precinct ('HO513')* and to grade the land at \_\_\_\_\_ as 'Contributory' and \_\_\_\_\_ as 'Significant' within the HO513.

Our client has significant concerns in respect of the manner in which the Amendment has been prepared, and **objects** to the imposition of the Amendment in its current form on the following bases:

- i. The analysis underpinning the proposed Amendment lacks justification.
- ii. None of the buildings occupying the Site are of any heritage significance.
- iii. The buildings occupying the Site have been substantially altered and are not intact.
- iv. Imposition of the proposed HO513 does not align or relate to the objectives and strategies outlined in the Local Planning Policy Framework of the Port Phillip Planning Scheme.
- v. The Site, and indeed the Precinct as a whole, fails to meet the requisite HERCON threshold.

Our client is frankly fed up with the relentlessly futile attempts by Council to include the Site within a heritage overlay in circumstances where a previous Panel has already found it is of limited heritage significance, and where Council has unconscionably extended interim controls on three occasions without any proper strategic basis. These matters will be ventilated at the Panel.

We request you keep our office informed of any further details or developments concerning this Amendment, including any Council meeting(s) and the appointment of any Panel.

Please contact the undersigned on \_\_\_\_\_ on \_\_\_\_\_ should you wish to discuss further

Yours faithfully

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[REDACTED]

3<sup>rd</sup> March 2020

City of Port Phillip  
Strategic Planning

99a Carlisle Street  
St Kilda Victoria 3182

Amendment C186port to the Port Phillip Planning Scheme  
Montague Commercial Precinct  
Fishermans Bend  
(Permanent Heritage Controls)

Submission of Objection to Inclusion of Properties within Proposed HO513

Submission prepared on behalf of:

1. No [REDACTED], South Melbourne
2. No [REDACTED] South Melbourne

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## 1. OVERVIEW

This response has been prepared to respectfully object in the strongest of terms to the inclusion of the abutting single level commercial properties located at No's [REDACTED], South Melbourne, within the proposed Amendment C186port – Heritage Overlay 513 (HO513).

I act on behalf of the property owners of No [REDACTED], [REDACTED], and No [REDACTED].

In the course of preparing this objection submission I have carefully reviewed the currently exhibited documentation and in particular the Proposed Fishermans Bend Heritage Review: Montague Commercial Precinct (2019) Report and also inspected the subject properties and surrounding Montague Commercial Precinct and City Road properties.

This objection response is supported and accompanied by expert heritage advice provided by John Briggs, JB Architects Pty Ltd, heritage advisor – please refer to the accompanying Heritage Report.

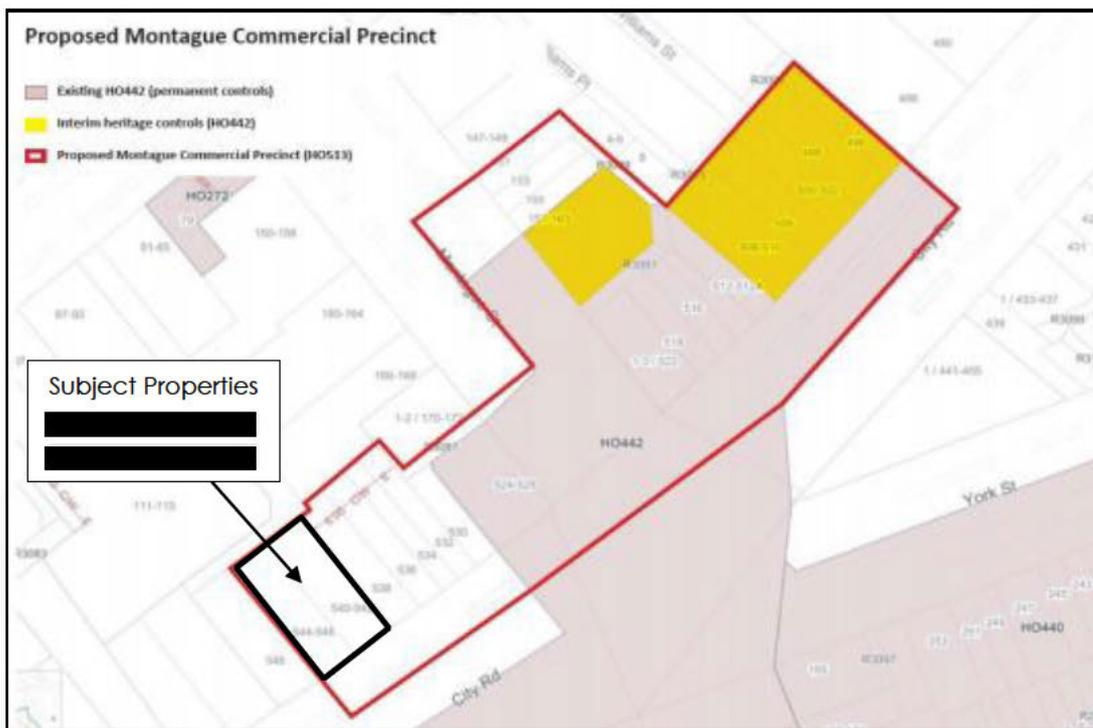


## 2. SUBJECT PROPERTIES

This submission is prepared in support of the objection of the abutting single level commercial properties located at No's [REDACTED], South Melbourne, being included within proposed Amendment C186port – Heritage Overlay 513 (HO513).

It is noted the two subject properties form the [REDACTED] properties located at the [REDACTED] [REDACTED] of proposed Amendment C186port – Heritage Overlay 513 (HO513) affecting the Montague Commercial Precinct, as it extends along City Road.

In this respect, it is accepted the subject single level commercial properties present substantially separate and distinct from a use and built form heritage perspective to the abutting north-eastern row of 6 x two storey attached terrace style commercial-residential buildings extending to Montague Street and also forming part of the proposed extended Montague Commercial Precinct and Amendment C186port – Heritage Overlay 513 (HO513).



The following overview provides a current use and built form review of each of the subject properties.

No [REDACTED], SOUTH MELBOURNE

- single level retail-commercial-warehouse property
- regular shaped property with rear laneway access
- built to all property boundaries
- 10.66m frontage to City Road
- 30.48m depth to rear laneway
- single level glazed, painted and advertised commercial frontage to City Road
- rear corrugated central pitched roof form
- rear and boundary walls constructed of brick
- use as an operating auto related retail premise by Diesel and Machinery
- building comprises a front showroom and sales area, rear offices and warehouse storage

The subject building presents as an unremarkable single level modern retail-commercial-warehouse premises, with fully glazed front windows and doors to City Road located beneath a modern steel paneled advertising awning extending above the footpath and with modern advertising upper parapet.

Original buildings associated with the property have long been demolished and replaced with a boundary to boundary brick warehouse with central pitched corrugated roof form.

The existing warehouse, attached and located to the rear of the City Road shop front, extends to the rear abutting the 3.3m wide laneway with roller door access.

The original building, or what remains, or any perceived original heritage elements have over time been removed and are not visible to or from the City Road frontage or rear laneway and adjacent open carpark.

As noted in particular, the exposed 10.66m wide retail frontage to City Road presents as a modern shop front comprising modern floor-to-ceiling front glazed windows, modern fully glazed doors, extensive corporate advertising depicting the nature of auto related use with internal retail product window displays.

The street frontage is located beneath awning extending over the footpath and over time has been modified and modernized to include metal paneling covering with extensive corporate advertising.

Located above the awning is a modern sheet metal awning small parapet also covered in corporate advertising.

Located behind the retail shopfront presentation to City Road is a relatively modern single level brick warehouse building extending to side and rear property boundaries.

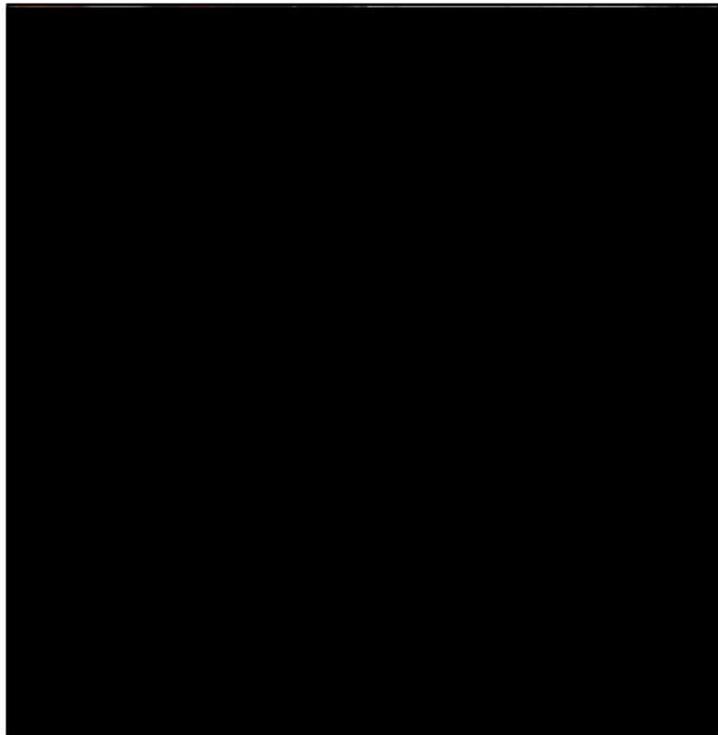
The rear warehouse is set beneath a newer central pitched corrugated roof form, is not visible to or from the City Road frontage and presents as a typical brick with roller door access warehouse to the exposed rear laneway and open car park.

The subject premises is typically retail-commercial-warehouse in built form presentation and use and devoid of any heritage character elements that would warrant its inclusion with a Heritage Overlay.

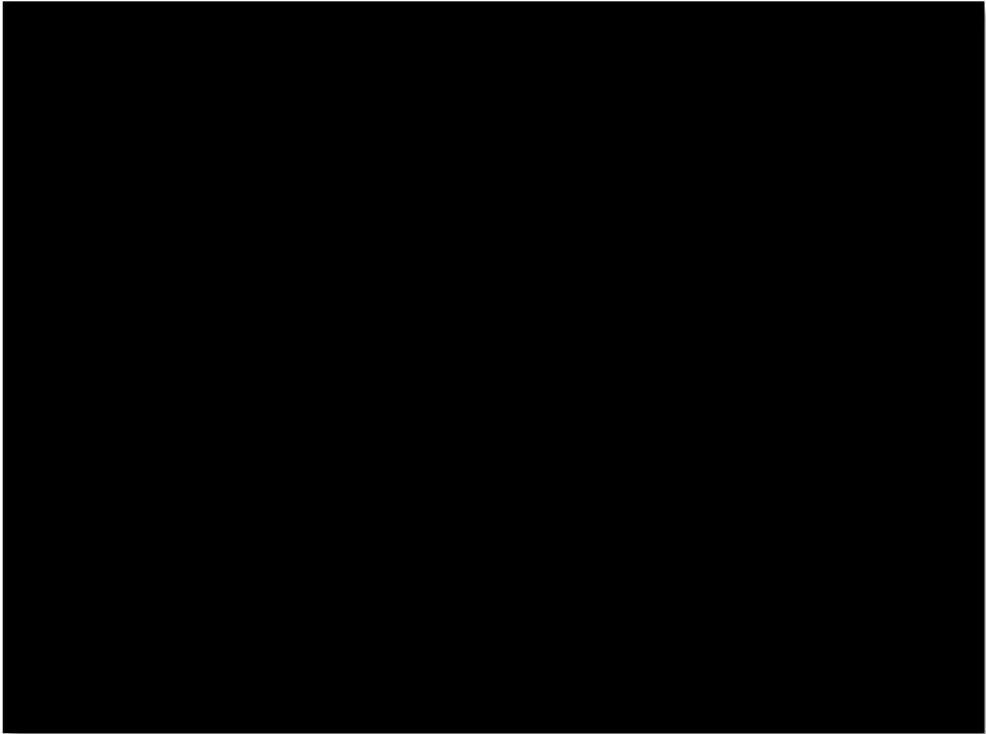
Please also refer to the following photographs.



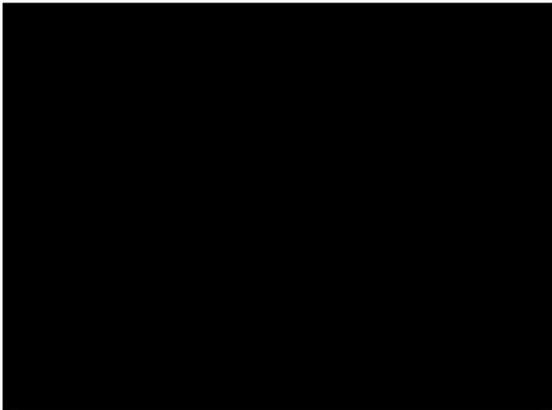
No [redacted] Single Level Retail Frontage



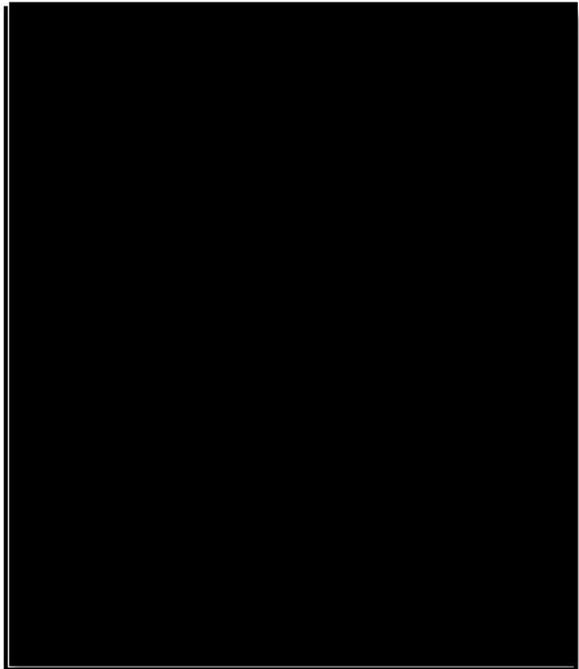
No [redacted] Retail Frontage



No  Rear Laneway Abuttal



Internal Retail Showroom Front



Rear Warehouse

No [REDACTED], SOUTH MELBOURNE

- single level commercial retail property
- 278.58m<sup>2</sup> regular shaped property with rear laneway access
- built to all property boundaries
- 9.14m frontage to City Road
- 30.48m depth to rear laneway
- single level glazed and brick commercial frontage to City Road
- rear and boundary walls constructed of brick
- rear corrugated flat roof form behind single level front brick parapet
- use as an operating commercial-office premise
- building comprises a front commercial showroom reception area and rear offices with amenities
- buildings rear office area includes a modern central glazed atrium accommodating solar access and landscaping

I am advised by the property owner that the following alterations, inter alia, have been undertaken to the subject commercial building since the 1980's:

- Original rear structures (dwellings) were demolished many years ago and replaced and rebuilt with a boundary to boundary commercial warehouse with City Road shop front and rear roller door access.
- Original shop frontage and parapet have been sand-blasted, removing all original exposed fading and peeling paintwork.
- Original upper window lead lights located above the main shop front windows which were timber boarded-up as all were broken, have been removed and replaced with six timber framed glazed upper window panels.
- Original shop front lower tiles, located beneath shop windows and significantly damaged over time, have been removed and replaced with concrete render.
- Original solid timber front doors have been removed and replaced with new commercial timber framed glazed doors.
- Original metal and timber window frames to the shop frontage have been removed and replaced with new timber framed glazed windows.
- Original internal walls and fittings have been significantly altered including dividing walls being removed, remaining brick walls being stripped of plaster and sand blasted, plaster ceiling being removed and replaced with pine lining panel boarding.

The subject building presents as an unremarkable single level modern commercial-office premises, with glazed front windows and doors to City Road beneath a typical exposed brick single level parapet.

Original buildings associated with the property have long been demolished and replaced with a boundary to boundary brick office-warehouse building with flat corrugated roof form.



The existing rear office area extends to the rear abutting the 3.3m wide laneway with roller door access.

With exception to the considerably altered remaining front brick parapet, the original building, or what remains, or any perceived original heritage elements have over time been removed and are not visible to or from the City Road frontage or rear laneway and adjacent open carpark.

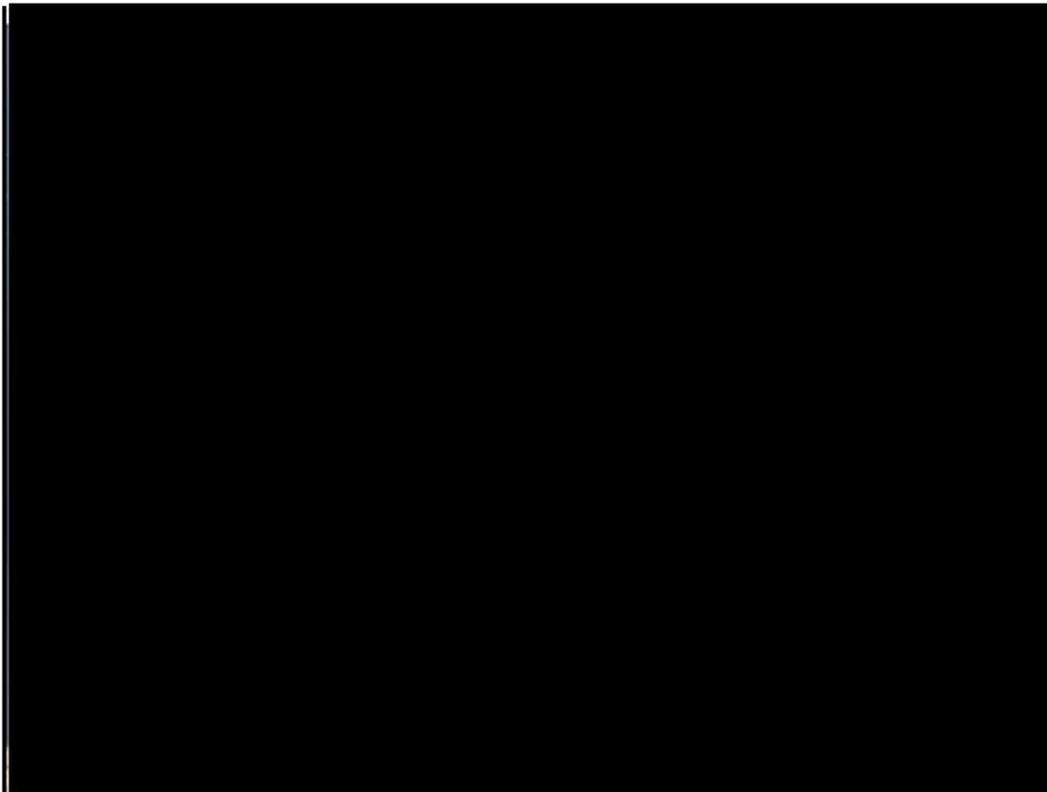
As noted in particular, the exposed 9.14m retail frontage to City Road presents as a modern commercial-office front comprising modern large front timber framed glazed windows, modern fully glazed doors and typically unremarkable exposed brick single level parapet.

Located to the rear of the reception showroom and City Road frontage is a relatively modern single level brick office converted warehouse building extending to side and rear property boundaries and abutting the rear laneway.

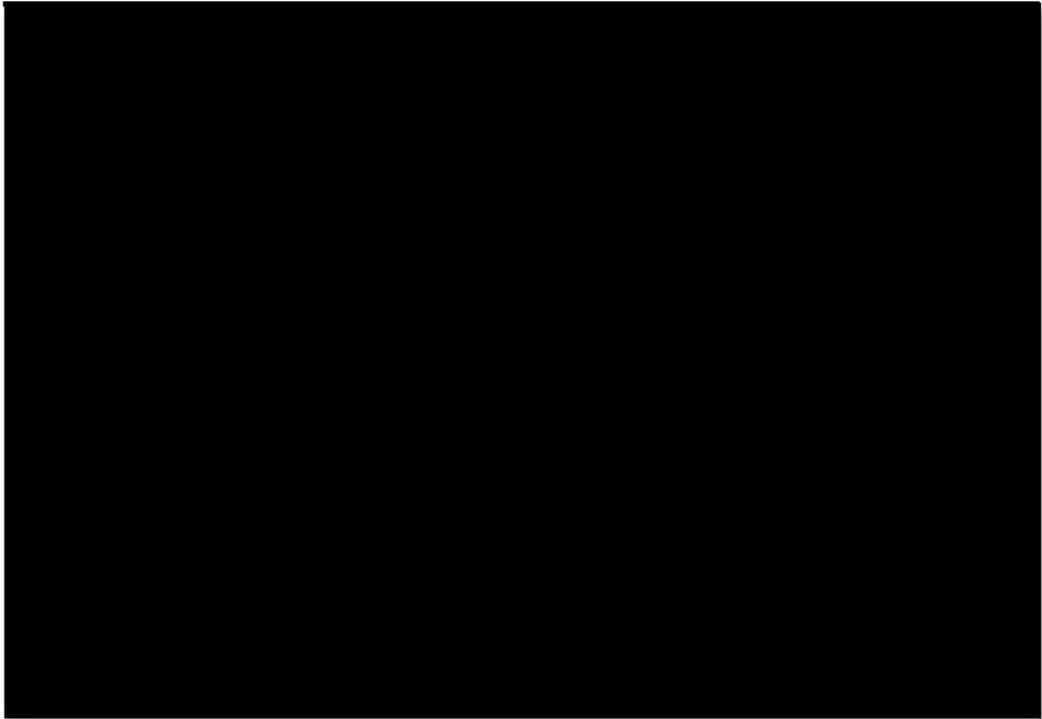
The rear office area is set beneath a newer flat corrugated roof form broken centrally by a modern large glazed atrium providing internal solar access and accommodating landscaping, and is not visible to or from the City Road frontage and presents as a typical brick with roller door access warehouse to the exposed rear laneway and open car park.

The subject premises is typically commercial-office in built form presentation and use and devoid of any heritage character elements that would warrant its inclusion with a Heritage Overlay.

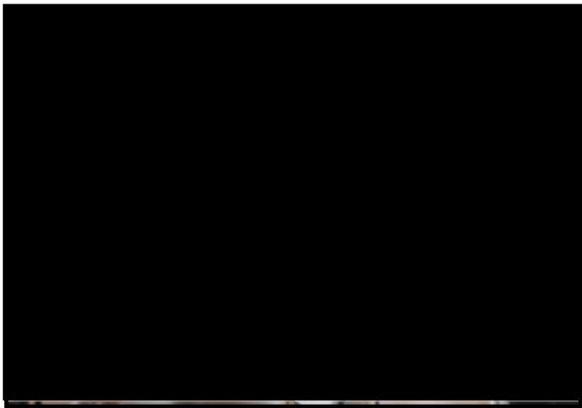
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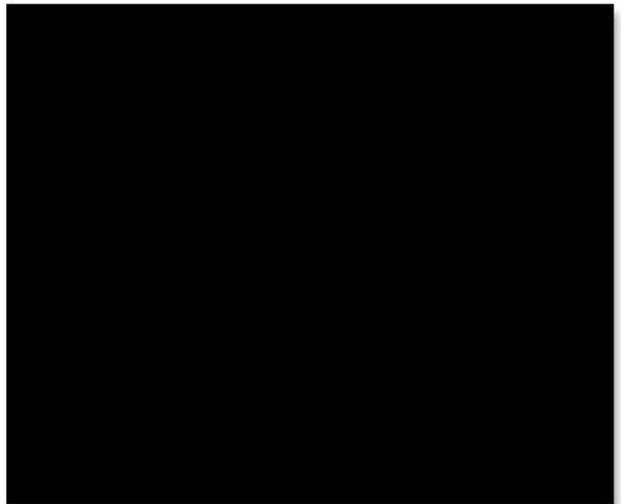
No  Single Level Commercial Frontage



No  Rear Laneway Abuttal



Internal Commercial Showroom Front  
Rear Office Area with Central Atrium





### 3. PROPOSED AMENDMENT C186port HERITAGE OVERLAY 513 (HO513)

This submission is prepared in response to the proposed Amendment C186port which proposes to apply a new permanent Heritage Overlay 513 (HO513) to the 'Montague Commercial Precinct' and include a new HO513 Citation in the Port Phillip Planning Scheme.

The following overview provides an outline of relevant sections of proposed Amendment C186port, particularly in regard to the two properties subject to this objection submission.

#### Land affected by Amendment C186port

*The Amendment applies to land within the 'Montague' Precinct of Fishermans Bend at the following addresses:*

- 496 - 546 City Road, South Melbourne
- 151 - 163 Montague Street, South Melbourne
- Laneways R3087, R3091 and R3093 (behind 524-530, 512-522 and 500-510 City Road, South Melbourne respectively).

Please also refer to the preceding plans shown at Section 2 to this submission.

#### Proposed Amendment C186port

*The Amendment proposes to give statutory effect to the findings of the Fishermans Bend Heritage Review: Montague Commercial Precinct (RBA Architects and Conservation Consultants, 2019) (the Review). Specifically, the Amendment proposes to make the following changes to the Port Phillip Planning Scheme:*

1. Amend the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Map 3HO to:

- Apply Heritage Overlay HO513 (Montague Commercial Precinct) to 496-546 City Road, 151-163 Montague Street, South Melbourne and laneways R3087, R3091 and R3093, behind 524-530, 512-522 and 500-510 City Road, South Melbourne on a permanent basis and list the Statement of Significance.
- Remove 512-512A, 516, 518, 522 and 524-528 City Road, South Melbourne from HO442 as the properties will now be included in HO513.
- Amend the HO442 heritage place name and description to remove references to the Part Montague Precinct.
- Delete interim HO442 (Albert Park Residential Precinct / Part Montague Precinct).

2. Amend the Schedule to Clause 72.04 (Documents incorporated in this scheme) to list the Statement of Significance for the new HO513 Montague Commercial Precinct.

3. Amend the incorporated Port Phillip Heritage Review Volumes 1-6 to:

- Add a new precinct citation for HO513 (Montague Commercial Precinct).
- Amend existing Citation 2371 relating to 506 City Road, South Melbourne.
- Remove Citations 2370 (496-498 City Road, South Melbourne) and 2372 (159-163 Montague Street, South Melbourne) as these places contribute to the significance of the Montague Commercial Precinct, but are not of individual significance.

- 
- *List the Fishermans Bend Heritage Review: Montague Commercial Precinct (2019) (RBA Architects and Conservation Consultants, October 2019) as a heritage study that has informed an update to the incorporated document.*

*4. Amend the incorporated City of Port Phillip Heritage Policy Map to: a. Apply 'Significant Heritage Place', 'Contributory Heritage Place' and 'Nil / Non-contributory Place' gradings to properties in HO513 in accordance with Attachment 2.*

*5. Amend the incorporated City of Port Phillip Neighbourhood Character Map to remove the 'Contributory Outside HO' grading applying to 151 Montague Street, South Melbourne as it is now included in HO513.*

*6. Amend Clause 22.04 (Heritage Policy) to list the Fishermans Bend Heritage Review: Montague Commercial Precinct (2019) (RBA Architects and Conservation Consultants, October 2019) as a background document; and*

*7. Make other consequential changes to Clauses 21.07 (Incorporated Documents), Clause 22.04 (Heritage Policy) and the Schedule to Clause 72.04 (Documents incorporated in this scheme) to update the version number and date of the Port Phillip Heritage Review (including the City of Port Phillip Heritage Policy Map and the City of Port Phillip Neighbourhood Character Map).*

## Proposed Amendment C186port Stated Objectives of Planning in Victoria

*The Amendment implements should follow the objectives of planning in Victoria, under Section 4 of the Planning and Environment Act 1987:*

- *4(1)(d) – to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- *4(1)(f) – to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d), and (e);*
- *4(1)(g) – to balance the present and future interests of all Victorians.*

*The Amendment is proposed to be consistent with these objectives by ensuring that the heritage significance of the building is protected, and that heritage matters are considered as part of any planning permit applications for the site.*

## Proposed Amendment C186port and related Environmental, Social and Economic Effects

*The Amendment will have a positive environmental impact through protecting places of historic significance and allowing the reuse and recycling of existing building stock. The Victorian heritage strategy, Victoria's Heritage, strengthening our community (DSE, 2006), details the environmental benefits of conservation in Chapter 2, specifically:*

- *"Heritage policies and programs can help achieve the broader goals of sustainability. Conserving heritage places and giving them new life supports sustainability. Conserving heritage places and giving them new life supports sustainability. It recognizes the*



*embodied energy and life-cycle value of traditional materials, and reduces the waste associated with demolition and new buildings." (p.21)*

*The Amendment will have a positive social effect through the preservation of historically significant places often which reflect social history, for the benefit of current and future generations.*

*The Amendment is not expected to have significant economic effects, although it is likely to impose some additional costs on the owners or developers of the affected properties as a planning permit will be required for most buildings and works. The economic effects of requiring a planning permit may be reduced through the availability of Port Phillip's heritage, urban design and planning officers' free-of charge at any time prior to, during, or following the planning permit application process to assist in the planning permit process.*

*Additionally, many planning applications are minor (such as painting of heritage buildings and minor works applications) and can be processed without advertising or the need for external referrals. This means that they can be dealt with much more quickly than standard planning applications.*

## Proposed Amendment C186port and implementing the Planning Policy Framework and any adopted State policy

*The Amendment supports the following aspects of the Planning Policy Framework:*

*Clause 15.03-1S Heritage Conservation:*

*Objective:*

- *To ensure the conservation of places of heritage significance.*

*Strategies:*

- *Identify, assess and document places of natural or cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources.*
- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of a heritage place.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings where their use has become redundant.*

*The Amendment ensures that the policy directions for heritage conservation can be met through the identification, assessment and protection of heritage places within Port Phillip. The protection of heritage properties will encourage appropriate development and the conservation and restoration of the contributory elements of the heritage places.*



## Proposed Amendment C186port and implementing the Local Planning Policy Framework and the Municipal Strategic Statement

*This Amendment is consistent with the objectives and strategies outlined in the Local Planning Policy Framework of the Port Phillip Planning Scheme, particularly the vision set out at Clause 21.05-1 of the Municipal Strategic Statement and policy to guide the application of discretion at Clause 22.04 (Heritage Policy). More specifically, Clause 21.05-1 seeks the conservation and enhancement of the architectural and cultural heritage of Port Phillip, with policy seeking to:*

- *Protect, conserve and enhance all identified significant and contributory places, including buildings, trees and streetscapes;*
- *Protect the original subdivision patterns within heritage places;*
- *Support the restoration and renovation of heritage buildings and discourage their demolition;*
- *Encourage high quality design that positively contributes to identified heritage values;*
- *Ensure that new development respects and enhances the scale, form and setbacks of nearby heritage buildings;*
- *Encourage urban consolidation only where it can be achieved without affecting heritage significance;*
- *Protect the identified significant heritage features and qualities of Port Phillip's gardens and parks;*
- *Ensure that development in public spaces is consistent with the identified heritage characteristics of Port Phillip's heritage places;*
- *Maintain the visual prominence of historic buildings, local landmarks and icons; and*
- *Conserve, enhance and recover the traditional character of laneways and narrow streets.*



## 4. IMPLICATIONS UPON SUBJECT PROPERTIES

It is noted the Fishermans Bend Heritage Review: Montague Commercial Precinct (2019) Report, prepared by RBA Architects Pty Ltd in support of proposed Amendment C186port, included the following heritage descriptions for the two subject properties:



- *'Probably Interwar (or mid-20th century)*
- *Single storey shop with stepped parapet (partly obscured) characteristic of the Interwar period. Ground floor shopfront has been altered. Rendered though possibly face brick originally.'*

The property is recommended as a Contributory Graded Heritage Building.



- *'Single storey paired shops with wide brick parapet with rendered panels.*
- *A pier divides the façade into two parts. The shopfront is largely intact with timber window frames and doors, and rendered stallboard with vents.'*

The property is recommended as a Significant Graded Heritage Building.

The gradings are defined at Clause 22.04 of the Port Phillip Planning Scheme, as follows:

- 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 in the Port Phillip Heritage Review, Volume 1-6.
- 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, in the Port Phillip Heritage Review, Volume 1-6.

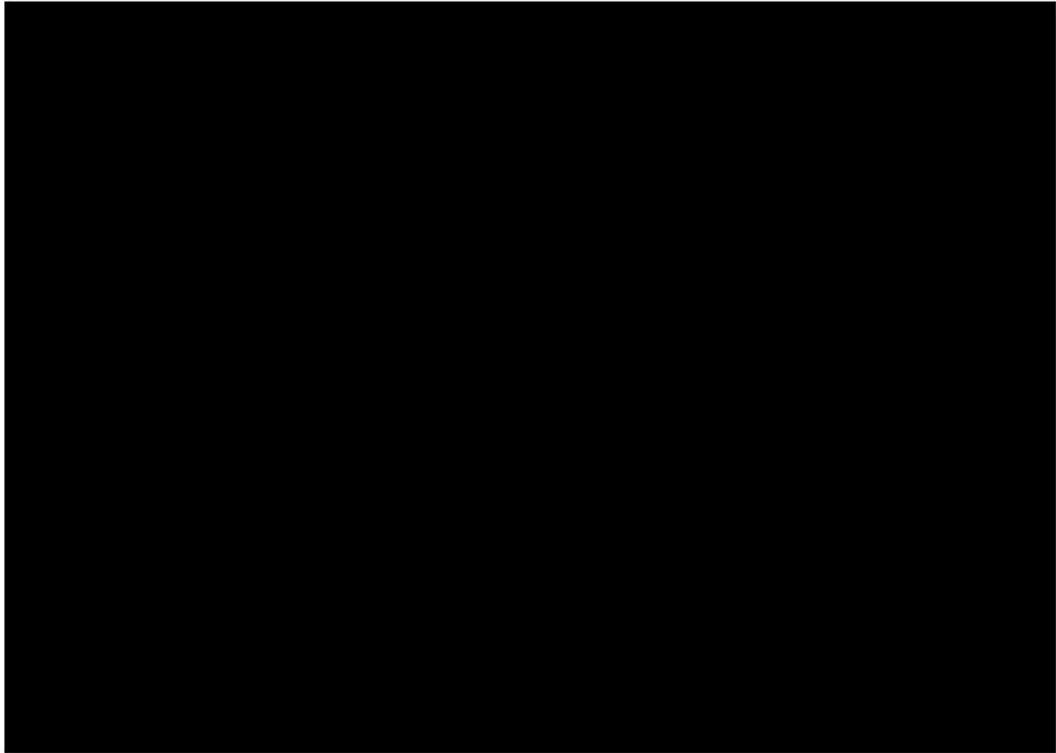
Subject to the above property descriptions, the properties have been deemed suitable for permanent inclusion within proposed Amendment C186port and Heritage Overlay 513 (HO513).

The subject properties are currently affected by the following planning controls:

- Clause 37.04 Capital City Zone Schedule 1 (CCZ1)
- Clause 43.01 Interim Heritage Overlay 442 (HO442)  
- pursuant to proposed Amendment C186port
- Clause 43.02 Design and Development Overlay Schedule 30 (DDO30)
- Clause 45.03 Environmental Audit Overlay (EAO)
- Clause 45.09 Parking Overlay Schedule 1 (PO1)
- Clause 45.11 Infrastructure Contributions Overlay Schedule 1 (ICO1)



Proposed Heritage Overlay 513 (HO513), as shown, will include the subject properties.



Pursuant to inclusion with permanent Heritage Overlay 513 (HO513) the subject properties will also be subject to the heritage planning controls, policies and requirements within the Port Phillip Planning Scheme contained at:

- Clause 22.04                      Heritage Policy
- Clause 43.01                      Heritage Overlay
- Clause 43.01 Schedule        Heritage Overlay

Accordingly, the unremarkable single level retail-commercial-office subject properties are proposed to be subject to the following pertinent heritage planning controls, policies and requirements:

### Heritage Policy

Clause 22.04

#### *Objectives*

Clause 43.01-2

- *To retain and conserve all significant and contributory heritage places.*
- *To discourage the demolition of significant and contributory heritage places.*
- *To ensure all new development and redevelopment of significant and contributory places is respectfully and harmoniously integrated with the surrounding character.*



- To promote design excellence (in terms of building siting, scale, massing, articulation and materials) which clearly and positively supports the heritage significance of all Heritage Overlay areas.
- To ensure that new development and any publicly visible additions and/or alterations in or to a heritage place maintains the significance of the heritage place and employs a contextual design approach.
- To encourage development, in particular use of materials, that responds to the historic character of laneways and to minimize elements that adversely impact on that character.
- To ensure that reconstruction and repair of significant heritage bluestone kerb and channeling, bluestone laneways and significant concrete kerb and channel is carried out in a way that reflects as closely as possible the original appearance.'

## Policy General

Clause 43.01-3

'It is policy to:

- Encourage the restoration and reconstruction of heritage places (including the accurate reconstruction of original streetscape elements such as verandahs) in all areas, and in particular, in intact or substantially consistent streetscapes in the South Melbourne, Albert Park, Middle Park and St Kilda West Heritage Overlay areas (HO440, HO441, HO442, HO443, HO444, HO445 or HO446).
- Encourage the removal of alterations and additions that detract from the heritage significance of a heritage place.
- Encourage new development to be respectful of the scale, form, siting and setbacks of nearby significant and contributory buildings.
- Disregard the impact of buildings that are obviously atypical to the character of the streetscape when determining the appropriate mass and scale for new buildings or extensions or upper storey additions.
- Encourage a contextual design approach for additions and/or alterations to a heritage place or for new development. A contextual approach is where the alteration, addition or new development incorporates an interpretive design approach, derived through comprehensive research and analysis. New development should sit comfortably and harmoniously integrate with the site and within the streetscape and not diminish, detract from or compete with the significance of the heritage place or streetscape character. This approach can include
  - Contemporary architecture and innovative design which is an important part of the contextual approach because it adds to the existing diversity and layering of styles through time. This layering is a defining feature in a number of areas and is therefore an important component of Port Phillip's heritage.
  - Accurate reproduction architecture may be employed in limited instances where detailed evidence, such as photographic evidence, exists for that alteration, addition or new development. This approach may be more appropriate in the South Melbourne, Albert Park, Middle Park and St Kilda West Heritage Overlay areas (HO440, HO441, HO442, HO443, HO444, HO445 or HO446), but may have limited application elsewhere.'

## Additions and/or Alterations to Heritage Places

'It is policy that:

- Additions and alterations:
  - Do not change the original principal facade(s) or roof.



- Are distinguishable from the original parts of the heritage place to be conserved, if a contemporary architectural approach is used.
- Are based on research that can identify the elements, detailing and finishes originally employed.
- Do not obscure or alter an element that contributes to the significance of the heritage place.
- Maintain an existing vista or viewlines to the principal facade(s) of a heritage place.
- An upper storey addition is sited and massed behind the principal facade so that it preferably is not visible, particularly in intact or consistent streetscapes (see Performance Measure 1).'

### Performance Measure 1

'Upper storey additions may meet the above policy for siting and massing if the following measures, as appropriate, are achieved:

- They are sited within an "envelope" created by projecting a sight line from 1.6 metres above ground level (this being the eye level of an adult person of average height) to the front parapet or gutter on the main façade and taken from a point where the footpath meets the property line directly opposite the site, where the property has a frontage to a narrow street (5 metres or less) or laneway (illustration 1), or
- They are sited within an "envelope" created by projecting a line of 10 degrees from the height of the base of the front parapet or gutter line on the main façade and extending to the rear of the heritage place (illustration 2 or 3), or
- In exceptional cases where the heritage place is located in a diverse streetscape and the design of the proposed addition is considered to be an appropriate contextual response, they are sited within an "envelope" created by projecting a line of up to 18 degrees from the height of the base of the front parapet or gutter line on the main façade of the heritage place.

Illustration 1

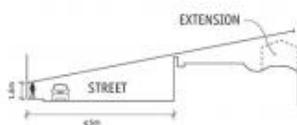


Illustration 2

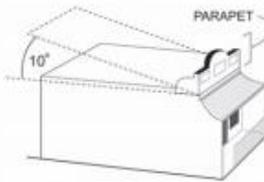
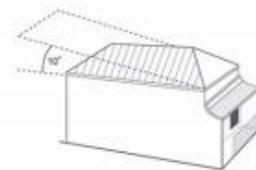


Illustration 3



- If visible from the front (principal) street, the roof of any addition is related to that of the heritage place in terms of form, pitch and materials.
- Where the property is located on a corner site, the upper storey addition is sited and massed so it is visually recessive from the front of the building, so that the scale of the heritage place is the dominant element in the front (principal) streetscape
- In cases where the original heritage place has been altered, the previous alterations and additions are retained and conserved where they help to interpret the history of its development and they contribute to the significance of the heritage place.
- New openings in the principal facade(s) visible from the street are avoided, or if openings are visible, they are proportionally related to those of the heritage place.
- Walls, windows, roofs and fences are complementary to the heritage place in terms of materials, finishes, textures and paint colours and are appropriate to its architectural style.

- 
- *New development achieves environmentally sustainable outcomes, including upgrading existing fabric to reduce operational environmental impact of existing buildings, which is balanced with protecting the heritage significance of the site.'*

## Performance Measure 2

*'Buildings and works may meet the above policy for maintaining and enhancing an existing vista to the principal façade(s) of a heritage place if the following measures, as appropriate, are achieved:*

- *New development, with a significant or contributory heritage place on one adjacent site, has an equivalent frontage setback to the heritage place or a setback configuration that maintains a reasonable vista to the heritage place.*
- *New development, with a significant or contributory heritage place on both adjacent sites with differing setbacks, has a setback no greater than the largest setback and no less than the smaller setback.*
- *New development generally reflects the prevailing streetscape scale and does not dominate the streetscape or public realm (see Performance Measure 3).'*

## Performance Measure 3

*'Buildings and works may meet the above policy for building scale if the following measures, as appropriate, are achieved:*

- *If located in a street which has a consistent building scale and adjacent to a significant or contributory heritage place, the height of the building is no higher than the roof ridgeline of the highest adjacent heritage place when viewed from the street, but may include a higher component to the rear; or*
- *If located in a street with a diverse building scale, and adjacent to a significant or contributory heritage place, the height of the new building is of a scale and mass that respects both the adjacent heritage place and the prevailing scale of the area.*
- *Front and side setbacks reflect those of the adjacent buildings and the streetscape, where this is an important element in the streetscape.*
- *Roofs respond to any predominant roof form characteristic of the streetscape.*
- *Door and window openings are complementary to the prevailing streetscape characteristics. Large expanses of glass or horizontal windows are generally avoided in principal front facades except where this is considered an appropriate design response.*
- *If it is a major development site containing a significant or contributory heritage place that is to be retained, the new development respects the scale and setting of the heritage place whilst responding to the prevailing building scale of the heritage overlay area.*
- *Visible wall elevations of the new building are articulated in a manner that is complementary to the streetscape through the use of different materials, massing and the inclusion of windows and doors where appropriate.*
- *Materials, textures and finishes complement those evident in the streetscape.*
- *Colour schemes complement the appearance and character of the streetscape.*
- *Front fences are appropriate to the architectural style of the building.*
- *For a contextual approach, front fencing interprets the prevailing character of fencing in the immediate environs and in particular responds to prevailing fence height, degree of transparency, form and materials.'*



## Demolition

*'Where a permit is required for demolition of a significant or contributory building, it is policy to:*

- *Refuse the demolition of a significant building unless and only to the extent that:*
  - *the building is structurally unsound;*
  - *the replacement building and/or works displays design excellence which clearly and positively supports the ongoing heritage significance of the area.*
- *Refuse the demolition of a contributory building unless and only to the extent that:*
  - *the building is structurally unsound, and either*
  - *the replacement building and/or works displays design excellence which clearly and positively supports to the ongoing heritage significance of the area, or*
  - *in exceptional circumstances the streetscape is not considered intact or consistent in heritage terms.*
- *Require all applications for demolition of significant or contributory buildings to be accompanied by an application for new development.*
- *Allow the demolition of part of a heritage place if it will not affect the significance of the place and the proposed addition is sympathetic to the scale and form of the place.'*

## Heritage Overlay 5113 (HO513)

### Clause 43.01

*'Purposes*

- *To implement the Municipal Planning Strategy and the Planning Policy Framework. To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*
- *To ensure all new development and redevelopment of significant and contributory places is respectfully and harmoniously'*



## **5. INDEPENDENT HERITAGE ARCHITECT REVIEW AND ADVICE**

As noted, this planning submission is accompanied by a report prepared by independent Heritage Consultant, John Briggs, JB Architects Pty Ltd who has carefully reviewed proposed Amendment C186port, inspected the subject and surrounding properties and provided his expert views in support of objection to the proposed inclusion of No's [REDACTED] within Heritage Overlay 513 (HO513).

Please refer to the accompanying independent Heritage Report.



## 6. OBJECTION TO PROPOSED AMENDMENT C186port HERITAGE OVERLAY 513 (HO513)

The proposed inclusion of No [REDACTED] and No [REDACTED] within proposed Amendment C186port and permanent Heritage Overlay 513 (HO513) is strongly objected to.

### Grounds of Objection

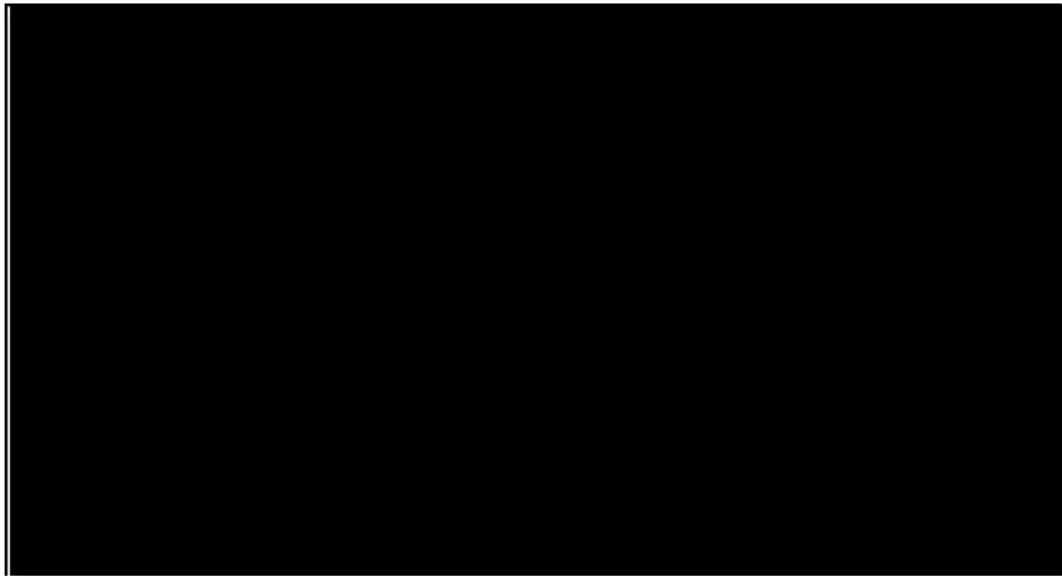
#### 1 Negligible Heritage Value

Neither building presents as a heritage premises nor warrant inclusion within a Heritage Overlay.

As detailed at Section 2 to this submission, each of the subject single level properties have over time been subject to numerous and significant building alterations and additions.

Each of the subject buildings has over time undergone extensive alterations and additions such that any heritage value that may have once been attributed have long been altered or removed.

The result of such alterations and additions is the subject buildings, as clearly shown below, present simply as typical single level modern retail-commercial-office premises devoid of any perceived heritage values.



Alterations and additions to the subject properties include, inter alia:

No [REDACTED]

- removal of original heritage building and structures rear of the City Road frontage
- replacement of original buildings with brick and central pitched corrugated roof warehouse structure extending to all property boundaries



- removal and replacement of original front City Road shopfront windows and window framing with new modern windows and fittings
- removal and replacement of original front timber shopfront door with new modern glazed door
- alterations to original shopfront awning with fitting sheet metal advertising signage paneling
- introduction of new upper parapet, located in front of hidden original stepped upper parapet behind, comprising metal sheet advertising paneling
- numerous internal structural alterations
- presentation and use as a typically modern retail-office-warehouse premises

No 

- removal of original heritage building and structures rear of the City Road frontage
- replacement of original buildings with brick and corrugated flat roof structure warehouse extending to all property boundaries
- removal of original shopfront façade with sandblasting to remove original paintwork and parapet treatment exposing typical exposed brick parapet
- removal of original upper broken window lead lights located above the main shop front windows and replacement with timber framed glazed upper window panels
- removal of original shop front lower tiles located beneath shop windows and significantly damaged over time and replacement with concrete rendering
- removal of original solid timber front doors and replacement with new commercial timber famed glazed doors
- removal of original metal and timber window frames to the shop frontage and replacement with new timber framed glazed windows.
- all original internal walls and fittings have been significantly altered including dividing walls being removed, remaining brick walls being stripped of plaster and sand blasted, plaster ceiling being removed and replaced with pine lining panel boarding.
- presentation and use as a typically modern commercial-office premises

Indeed, the identified alterations and additions to each of the subject properties have been acknowledged by John Briggs, independent Heritage Advisor, as effectively diminishing any heritage value once afforded to the premises.

Please refer to the accompanying independent Heritage Report.

Acknowledging the above, it is accepted the subject properties present negligent scientific, aesthetic, architectural or historical heritage interest or cultural heritage value.

Accordingly, it remains perplexing and completely unfounded how each of the subject properties can therefore be included in the following assessment policy and criteria applying to consideration for inclusion of properties within proposed Amendment C186port:

*'The Amendment implements should follow the objectives of planning in Victoria, under Section 4 of the Planning and Environment Act 1987:*

- *4(1)(d) – to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.'*



*'The Amendment will have a positive social effect through the preservation of historically significant places often which reflect social history, for the benefit of current and future generations.'*

*'Heritage Conservation*

*Objective:*

- *To ensure the conservation of places of heritage significance.*

*Strategies:*

- *Identify, assess and document places of natural or cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of a heritage place.'*

The above assessment criteria simply do not and should not apply to the subject properties as neither property presents or displays built form elements and/or qualities that satisfy such heritage criteria.

In essence, each of the subject properties present as unremarkable typical modern single level retail-commercial-office premises from a heritage perspective, land use perspective, strategic planning perspective, statutory planning perspective and visual and built form perspective.

Acknowledging the above, it remains extremely difficult to understand or accept why the subject properties have been recommended for individual listing as being 'contributory' and 'significant' heritage premises.

This confusion is moreso emphasized when reviewing the relevant heritage description applied to each category:

No 

- *'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.'*

No 

- *'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.'*



From a heritage planning perspective, the subject dwellings simply do not suitably satisfy the applicable descriptions applied to 'contributory' or 'significant' heritage places and for reasons highlighted so not warrant inclusion within Heritage Overlay 513 (HO513).

The inclusion and individual building category listings are even more confusing when reviewing the heritage descriptions applied to each premises during assessment for inclusion within proposed Amendment C186port- Heritage Overlay 513 (HO513):



- *'Probably Interwar (or mid-20th century)*
- *Single storey shop with stepped parapet (partly obscured) characteristic of the Interwar period. Ground floor shopfront has been altered. Rendered though possibly face brick originally.'*

The actual age and architectural building style is not/cannot be identified, former stepped parapet is located behind a new modern parapet and the building is typically unremarkable modern retail and does not warrant or justify a 'contributory' heritage place listing.



- *'Single storey paired shops with wide brick parapet with rendered panels.*
- *A pier divides the façade into two parts. The shopfront is largely intact with timber window frames and doors, and rendered stallboard with vents.'*

The actual age and architectural building style has not been identified, the upper parapet has been sand blasted and altered, shopfront windows, framing and doors have all been removed or replaced and the building presents as typically common and unremarkable and does not warrant or justify a 'significant heritage place listing.

In review, the inclusion of No  and No  within proposed Amendment C186port – Heritage Overlay 513 (HO513) subject to and based upon the negligent heritage values and elements of each premises is strongly objected to.

## 2 The subject properties are distinct and separate from the row of adjoining two level heritage properties

Review or proposed Amendment C186port – Heritage Overlay 513 (HO513) indicates the subject properties have been included and form the last two properties located at the lower south-western end of proposed Amendment C186port – Heritage Overlay 513 (HO513) affecting the Montague Commercial Precinct, as it extends along City Road.

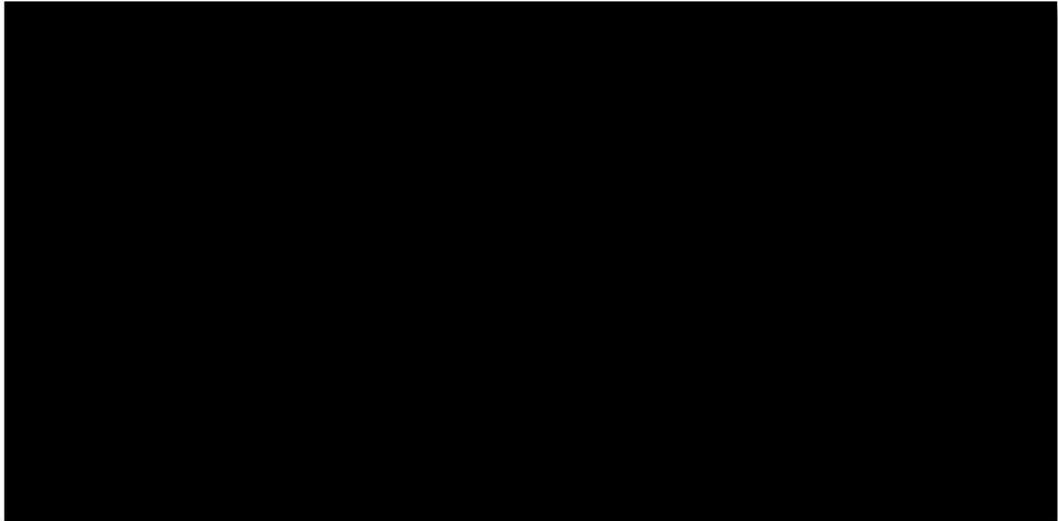
The subject single level properties have been questionably included and attached as part of the adjoining row of properties extending north-east to Montague Street, being No's 



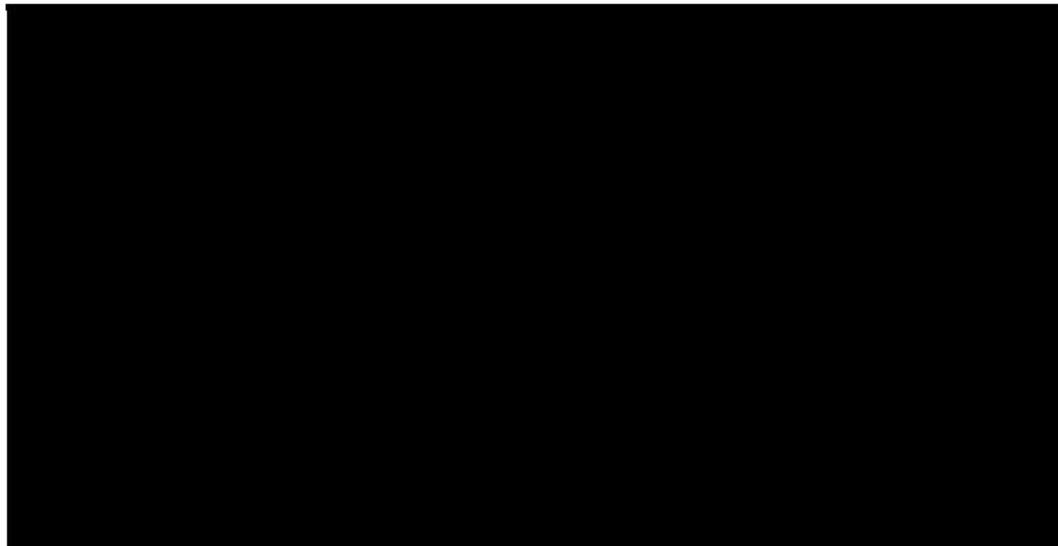


It is noted the adjoining row of six properties extending to Montague Street contain attached two level terrace style buildings constructed during the 19<sup>th</sup> century and accordingly exhibiting heritage value.

It is accepted, however that No [REDACTED], located centrally within the row of terrace style buildings being a narrow single level retail outlet, is somewhat absorbed within the wider two level streetscape and built form presentation afforded to the enveloping two level terrace style buildings, as shown below.



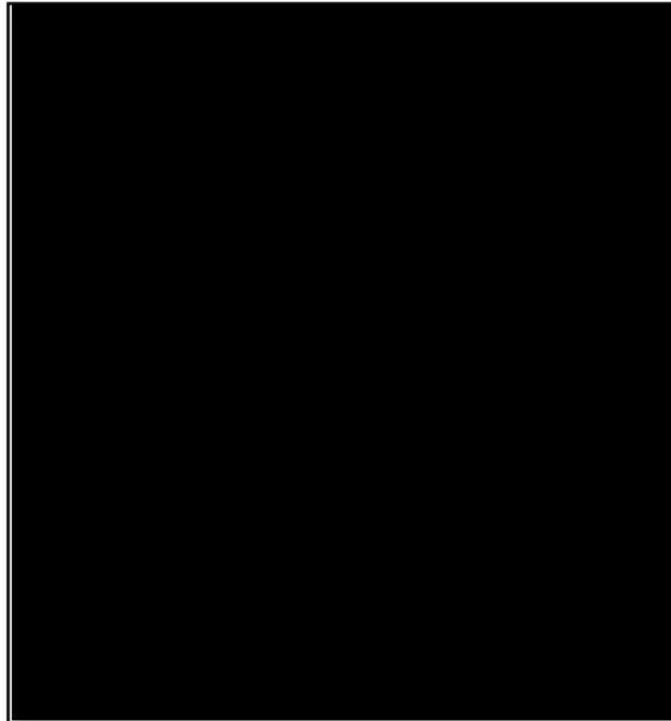
In this respect, it is accepted the subject single level commercial properties present substantially separate and distinct from a use and built form heritage perspective to the abutting north-eastern row of two storey attached terrace style buildings extending to Montague Street, as shown below.



There is indeed a built form clear and exposed dividing boundary wall between the row of two level terrace style buildings and the subject properties which it is accepted provides a suitable visual and built form boundary between places of heritage value and other more



modern retail-commercial-warehouse properties, as shown below.



The identified limited contribution the subject properties offer the City Road streetscape has been acknowledged by John Briggs, JB Architects Pty Ltd, independent Heritage Advisor.

Please refer to accompanying independent Heritage Report.

Taking into consideration the subject properties have been proven to display negligible heritage values and accepting the subject properties appear and present as distinct and separate from the attached row of two storey heritage terrace style buildings, particularly when viewed from City Road, their inclusion within proposed Amendment C186port – Heritage Overlay 513 (HO513) is strongly objected to.

### 3 The subject properties should not be subject to arbitrary heritage controls, policies and requirements

Accepting the subject properties display and are afforded negligible heritage value and do not associate or form part of the row of two level attached heritage properties, particularly from a built form, visual, use or heritage perspective, they accordingly should not be subject to unwarranted, restrictive and arbitrary heritage controls, policies and requirements.

I note with regard to potential environmental, social or economic impacts, proposed Amendment C186port Explanatory Report includes:

*'The Amendment is not expected to have significant economic effects, although it is likely to impose some additional costs on the owners or developers of the affected properties as a planning permit will be required for most buildings and works.*



*The economic effects of requiring a planning permit may be reduced through the availability of Port Phillip's heritage, urban design and planning officers' free-of charge at any time prior to, during, or following the planning permit application process to assist in the planning permit process.'*

I would contend the above is a gross understatement and misrepresentation of the actual impact of inclusion within proposed Amendment C186port – Heritage Overlay 513 (HO513).

The impact upon the subject properties from the unwarranted inclusion within Heritage Overlay 513 (HO513) and with 'contributory' and 'significant' heritage place listings, would indeed be significant and detrimental.

The subject properties will accordingly be unduly subject to the restrictive heritage controls pursuant to the Heritage Policy at Clause 22.04 and proposed Heritage Overlay No513 (HO513) at Clause 43.01 to the Port Phillip Planning Scheme, particularly the Performance Measure requirements and resultant impacts upon alterations, additions and general development of the properties.

In this respect, please refer to the restrictive heritage controls, policies and requirements proposed to be applied to the subject properties at Section 4 'Implications Upon Subject Properties' to this submission.

To infer that the impact upon the properties to be subject to such restrictive planning application and heritage requirements, associated delays and related costs as '*not expected to have significant economic effects*' is simply not true.

Taking into consideration, the inclusion of No [REDACTED] and No [REDACTED] within proposed Amendment C186port – Heritage Overlay 513 (HO513) and accordingly being subject to the restrictive heritage planning controls at Clause 22.04 Heritage Policy and Clause 44.03 Heritage Overlay 513 (HO513), is strongly objected to.

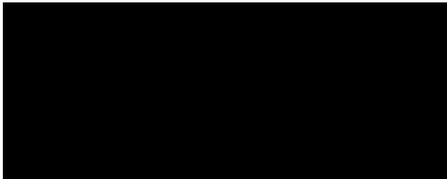
I hope the above satisfactorily addresses and highlights our raised concerns and objection to inclusion of No [REDACTED] and No [REDACTED] South Melbourne, within proposed Amendment C186port – Heritage Overlay 513 (HO513).

Please don't hesitate to contact me with any further queries or should you desire any of the above matters further clarified.

Yours faithfully,

[REDACTED]

Principal

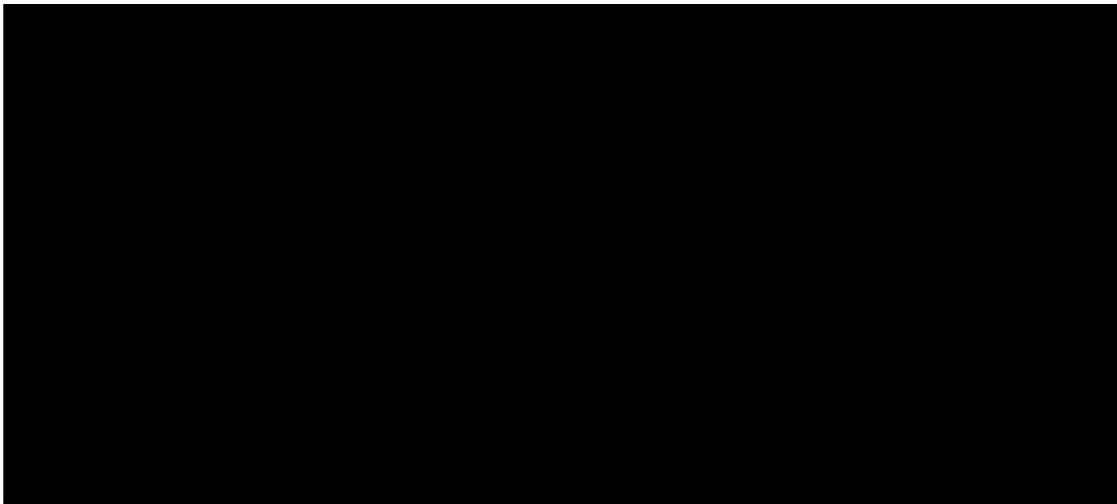


COMMENT – HERITAGE ASSESSMENT

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Place: [REDACTED], South Melbourne  
Date: 3 March 2020  
For: [REDACTED]

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**Introduction**

This submission addresses two shops that Port Phillip Council has proposed for inclusion in the Heritage Overlay as contributory and significant places respectively. The two properties have been included in the interim controls of the Heritage Overlay HO442, the *Montague Commercial Heritage Precinct*. The inclusion of these interwar property's, amongst others, has required amendment of the citation for the precinct.

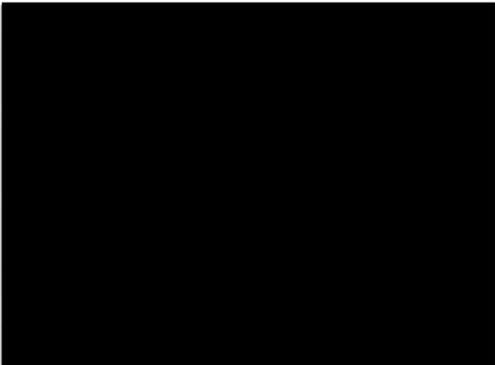
Critically these two buildings that are proposed to be included in the extension to the precinct have no visual or historical connection with the 42 metres of earlier building form that occupies City Road between [REDACTED], with its entirely modern expression and the Montague Street corner.

The building at [REDACTED] is constructed of red brick and has rendered panels to the parapet above each of a pair of shops. Along with the expression of some piers in the parapet the sense of the age of the shops is largely derived from the sandblasted

surface of the bricks resultant for paint removal in the 1980s. The shopfronts whilst timber date only from the 1980s and are without heritage value or refence.

The history of the subject pair of shops is provided in October 2019 heritage review of the precinct by RBA as follows:

During the Interwar period, several single storey shops replaced earlier buildings, including residences, within the precinct demonstrating the transition from residential to commercial and industrial that was occurring throughout Montague at that time. In Montague Street, no. 151, the pair at 153 & 155 and the group of three at 157-161 replaced earlier residences, while on City Road, the pairs at 540-42 and 544-46 replaced earlier shop buildings.

Description	Image
<p>██████████</p> <p>Single storey paired shops with wide brick parapet with rendered panels. A pier divides the façade into two parts. The shopfront is largely intact with timber window frames and doors, and rendered stallboard with vents.</p>	
Description	Image
<p>██████████</p> <p>Probably Interwar (or mid-20th century)</p> <p>Single storey shop with stepped parapet (partly obscured) characteristic of the Interwar period. Ground floor shopfront has been altered. Rendered though possibly face brick originally.</p>	

It is submitted that whilst the interwar existed as period of change, the existence of these two building, which present very utilitarian presence, in this street is unedifying and without evident or demonstrable heritage value. The building at █████ is without any premodern character as it expresses today other than perhaps the stepped parapet that is so hidden by the awning as to be only visible from some 30 metres

away. This is a building that has been changed beyond recognition of its origins as it generally presents to the public realm. It may be advanced that the buildings of similar period on the east side of Montague Street can be appreciated as being a group or row of similar buildings and as collectively establishing a streetscape of prevailing inter-war and heritage presence, at least for some short distance. In City Road however the sand blasted brickwork of [REDACTED] exists in complete isolation from any other similar character let alone heritage character from the same period.

### **Assessment - Guidance**

The assessment of the possible heritage significance of the property is directed by the Planning Practice Note 1, Applying the Heritage Overlay. Places to be included in the Heritage Overlay are expected by PPN1 to have been shown to have significance to justify the application of the overlay.

The wording of the PPN1 includes the need to “clearly justify” the significance, and to provide documentation that “clearly establishes the importance” against the relevant heritage criteria.

As established by the Doug Wade case, heritage significance is the value of a place to the public, some or other identifiable community, past present or future for whom the place is important to their identity – their heritage. Heritage significance should not be defined by special interest groups. To achieve the intent of fair and orderly planning the attribution of heritage significance requires readily understandable reasoned explanation of how, and where, the thresholds for relevant heritage criteria are located. Most critically, so that the reasoning is accessible to understanding and verifiable, this a comparative exercise.

Where properties have evidently been previously assessed and not seen worthy of inclusion, and are now to be added to a Heritage, the onus of explanation should rest firmly on the proponent to provide the demonstration of how the place is important and to whom the place has this heritage importance.

All too often in heritage decision making the exercise is treated as the realm of some special expertise, assertion or assumption rather than being made accessible and understandable on the basis of comparative analysis and explanation.

The application of the Heritage Overlay may impose significant constraints upon the use of the property and upon the cost of, and capacity for development. It is for this reason that the application of the Heritage Overlay should be undertaken with clear

and verifiable demonstration of the value and importance of the properties on the basis of comparative assessment.

### **Gradings**

In the City of Port Phillip buildings have been graded either 'Significant' 'Contributory' or 'Non- Contributory' according to their contribution to the heritage values of the precinct. The gradings are defined at Clause 22.04 of the Port Phillip Planning Scheme, as follows:

**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 in the Port Phillip Heritage Review, Volume 1-6.

**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, in the Port Phillip Heritage Review, Volume 1-6.

### **Comment upon proposed Heritage Overlay Extension**

The pair shops from [REDACTED] present out evident heritage character other than perhaps the sand blasted brick. Neither shop front is original and both are evidently late 20th Century in origin. That the shopfront of [REDACTED] is described as “largely intact” might be understood to suggest that “timber window frames and doors, and rendered stallboard with vents” were thought to be original. That the 1980s shopfronts of [REDACTED] have been mistaken as original, is recorded in the Statement of Significance:

*Statement of Significance What is significant?*

*The Montague Commercial Precinct, comprising 496-546 City Road and 151-163 Montague Street, South Melbourne is significant. This small precinct comprises a group of late nineteenth century and early twentieth century buildings (encompassing the Victorian, Federation and Interwar periods) situated around the intersection of City Road and Montague Street in South Melbourne. The buildings mostly comprise two storey buildings originally constructed as shops and residences, and single storey shops. There is also a former hotel and a house.*

*The two storey Victorian and Federation era former shops and residences are similar in form materials, finishes and detailing. All are of masonry construction and are smooth rendered with upper levels that are often enlivened by cement-rendered ornament. Some retain early or original shopfronts (Nos. 496, 498, 514, 518, 524-28, 544-546 City Road). The Interwar period shops are all single storey and masonry. The*

*former Hotel Nelson is a typical corner hotel with a splayed corner entrance and later Interwar alterations with restrained classical detailing. The only house in the precinct at 506 City Road is a single fronted terrace with a hip roof and a projecting gabled bay in the Queen Anne style with some Victorian detailing.*

*The streets have basalt kerbs and channels and there are nineteenth century pitched basalt lanes with central one-pitcher drain between the Hotel Nelson and 163 Montague Street and at the rear of 153-161 Montague Street and 524-28 City Road.*

*The buildings at 496 & 498 (shops & residences), 506 (house), 512 & 514 (shops & residences), 516 & 518 (shops & residences), 520-522 (former Hotel Nelson), 524-528 (shops & residences), 532 & 534 & 536 & 538 (shops & residences), 544-546 (shops) City Road and 151 (shop), 163 (shop & residence) Montague Street, and the basalt kerb and channel and laneways are Significant to the precinct.*

*The buildings at 540-542 (shop) City Road and 153 & 155 (shops), 157-161 (shops) Montague Street are Contributory to the precinct.*

*The buildings at 500-502, 508-510 and 530 City Road are Non-Contributory.*

*How is it significant?*

*The Montague Commercial Precinct of local historical, aesthetic, representative and social significance to the City of Port Phillip.*

While there is discussion in the above statement of the buildings being “smooth rendered” the building at [REDACTED] is covered with acrylic render that entirely obscures any earlier condition.

Other than as assertion there is no explanation of how these two properties achieve some or other threshold to be considered either contributory or important at the local level either historically or aesthetically.

It would appear that the assessment of individual significance has been based upon the mistaken premise that the timber shopfronts at [REDACTED] date from between the war rather than being late century. If the shopfronts had been intact and original it may well be that they would have imparted individual heritage significance to the property. As this is not the case it is my recommendation that both properties be excluded from the Heritage Overlay.

[REDACTED]  
[REDACTED]  
[REDACTED]

5<sup>th</sup> March 2020

Owner [REDACTED]

South Melbourne

Victoria 3205

Dear Melanie,

Thank you for your effort in your assistance and grace providing me with an extension to allow my submission regarding the matter at hand.

- **Submission to Port Phillip Planning Scheme Amendment C186, Re [REDACTED] South Melbourne**

I am the Sole owner of the main property mentioned in this submission, 538 City Road South Melbourne. I write to you in reference to the proposed planning amendment C186. I have also committed to the joint participation of the recently received collective submission that has been issued by Ratio Consultants, who have been appointed by [REDACTED] of [REDACTED] South Melbourne also acting on my behalf.

As established, I had not received any correspondence or information about the councils plans to include the properties in the Montague Street Business precinct into a Significant Heritage Overlay. My [REDACTED] Mr [REDACTED] was kind enough to reach out and include me in the submission in case the deadline lapsed unaware at that point that you kindly gave me an extension for my submission. Further to the letter from Ratio Consultants, I wanted to also raise my personal concerns about the intent of Councils proposal in this matter.

[REDACTED], I can only provide you with my personal view about the situation. [REDACTED] [REDACTED]. I sincerely apologise for this and hope you understand that this submission is to the best of my ability. I have had several and lengthy discussions with the following representatives who collectively form incredible knowledge and expertise in these matters.

They include:

- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]

[REDACTED] [REDACTED], who was able to help me understand the proposal.

The wonderful people mentioned above have been able to assist me in guiding me and understanding the possible ramifications if the Heritage Overlay if it is approved, their services were rendered Free of charge.

As an individual property owner, I have my concerns about the lack of quality my property will contribute to the councils plans to enforce a Heritage Overlay of Significance. I have struggled every year on year since I purchased the property in 2006 spending hundreds of thousands of dollars in up keeping the property to allow it to be as safe as possible, I faced the risk of bankruptcy twice during these years because I could not get the property tenanted due to its debilitating condition and deterioration the consolation was kept alive in the hope that since the Capital Zoning was issued and included on the property, I would have immediate plans to redevelop the site to a much safer premise. [REDACTED]

It seems contradictive that the recent Fisherman's Bend Planning Scheme almost seems to clash with the proposed Significant Heritage Overlay option. I hope that the council may have the compassion to review their plans and consider the value or lack thereof to exclude my property from the decision if the council decides to proceed enforce the planning change.

I see properties [REDACTED] starting from [REDACTED] to be contemporary and modern looking, including the property to the [REDACTED] South Melbourne which interrupts the string of properties from the corner of Montague Street.

I have attempted to detail this comment through the sample image, (Below), depicting the insignificance of the cluster of properties from [REDACTED]. They have, especially my own property, been architecturally altered in the way of design amendments over the years, they no longer represent much original or consistent features that would generally be evident and apparent for buildings from that Era. They look awful in comparison to the beauty and comprehensive architectural properties adjacent from the corner 526 City Road to 528 City Road, which show significant Heritage features that are still evident and have been visibly apparent throughout the years. Hopefully this photo may also assist in highlighting the poor structural condition of these proposed properties. They show case minimal appeal and vigorous reasoning to consider any preservation.



It is apparent that there has been extensive works performed on the external areas of these buildings that have indirectly diminished any trace of original architectural presence. May I also mention that the internal improvements that I have carried out in the years since I purchased the property at [REDACTED] have been of a modern design, not by choice, I would have loved to preserve any original materials but due to the historic damage caused by flooding on City Road, I have had to gut out the entire bottom floor of the building having to re stump the entire building as my engineer raised concerns about the sinking foundation, since these works were carried out in 2007 the building continues to sink into the side along the lane way which is a thoroughfare for the public?? I fear the unknown of how much longer the structure can hold up. I hope that council also apply due diligence and allow the appointment of a structural engineering expert to inspect the condition of my weary property. Before any firm decisions are made and that I will have the ability to address

and raise any further case study and information that may assist in my claim against the pursual of the Heritage Overlay beyond this submission and without prejudice.

Lastly, may Council share some empathy for the hundreds of thousands of dollars spent on repairing and maintaining this debilitating property to have it in its current reasonable condition has cost a small fortune, the consolation was that in the hope that soon I would have the opportunity to re develop the building to a much better design that was more in line with the recently imposed Fisherman's Bend Capital Zoning that was commissioned only a short time ago where I could also recoup some of my investment and leave the legacy to my children. The plan was to design a new property to submit to Council with a significant and refreshing modern. This is what I best understood was the direction that the Council of Port Phillip took when the release of the Capital Zoning was established. This was a clear and concise indication that Council agreed to enable the mentioned properties the ability of a rebirth and re design of architectural splendour similar to many other New developments being carried out in the immediate neighbourhood and surrounds.

I am confident that from a Planning, Structural or Relevance perspective my property [REDACTED] South Melbourne does not meet the usual criteria, nor does it seem deemed consistent with normal candidates to a warrant placement of a Heritage Overlay onto. All the above reasons as to why this property would be considered a value in its form to be added to a Significant Heritage Plan is not apparent. I hope the council agrees with my opinion and the opinions of the other land owners who have already provided their submissions and the view of the professional consultants that have been appointed to project our concerns and beliefs why we should not be included or added to the proposed Significant Heritage Overlay that may affect my property at [REDACTED] South Melbourne.

I again sincerely thank you for your valued time to read this submission. I hope to continue communication with you and the review panel and assist in any way to find the most reasonable solution.

Please feel free to contact me on [REDACTED] .

Kindest Regards

Yours Sincerely

**From:**  
**To:** [Helpdesk - Strategic Planning](#)  
**Subject:** RE: Amendment C186port to the Port Phillip Planning Scheme – Montague Commercial Precinct, Fishermans Bend (Permanent Heritage Controls)  
**Date:** Friday, 6 March 2020 12:10:00 PM  
**Attachments:** [image006.png](#)  
**Importance:** High

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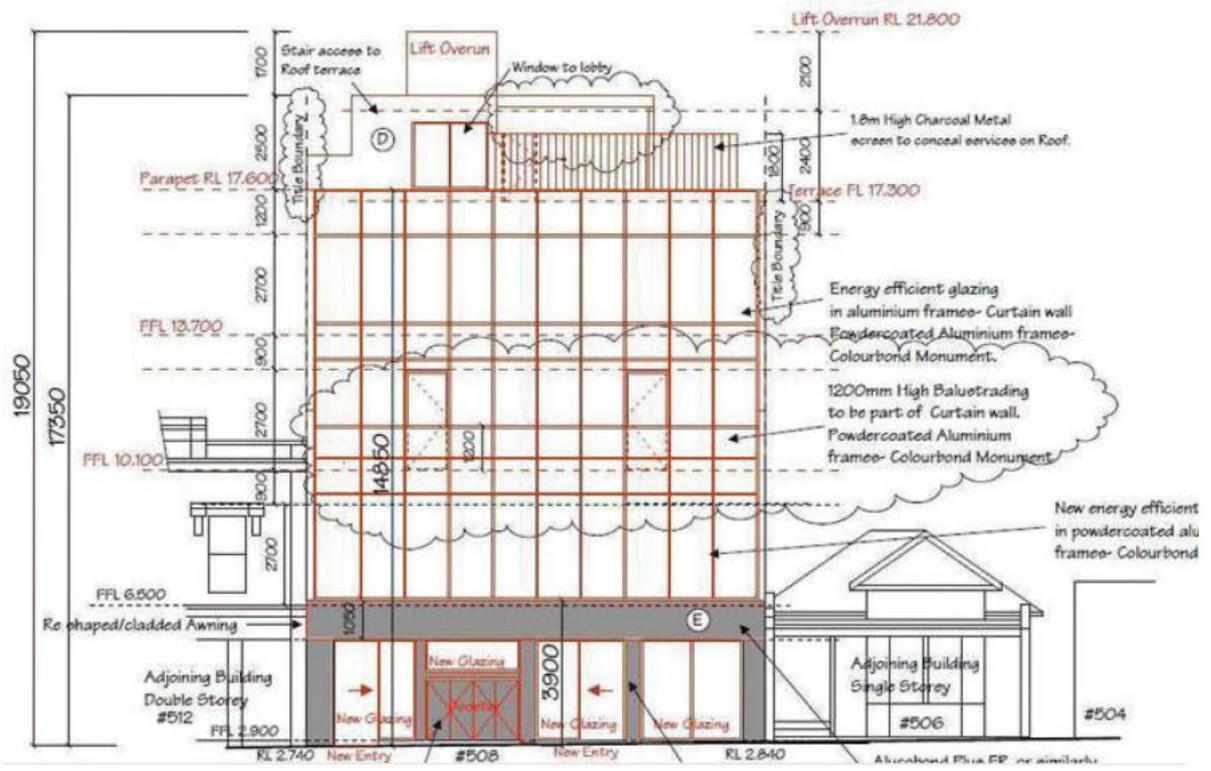
Dear Melanie,

Thank you for your email!

I am still in disagreement with the Heritage Overlay placed on individual properties, particularly when you allow multi-storey developments next to such properties that tower over and cause significant shadowing issues – with all complaints falling on deaf ears. Furthermore, any possible development on [REDACTED], South Melbourne would be limited by this Heritage Overlay, which no doubt has also affected the value of the property and the dismissal of possible buyers.

Kind regards,





Object to inclusion in the new permanent Heritage Overlay 513 [HO513]

Owner:                      Occupier:

Properties:                [REDACTED], SOUTH MELBOURNE 3205

Attention: Manager Strategy and Design, City of Port Phillip

Dear Sir,

We write as owners and occupiers of the said property.

With relation to proposed Heritage Overlay HO513 Plan on buildings [REDACTED] t and [REDACTED] South Melbourne, there is no real heritage appearance in respect of either properties. Whilst the properties may have been built during a period of other buildings in the area, the façade is of simple brick construction of no historical appearance. Modern front aluminum display windows have been installed for many years giving a modern appearance. Older buildings in the area have modern display frontages. Any historian or conservation consultant would look at our buildings and say it is old but of no historical or heritage appearance or consequence.

We acquired the buildings some 9 years ago in anticipation of being able to redevelop the site at a future date. Downgrading the properties into a heritage overlay will significantly reduce the value. If this occurs, we will contest this to the highest level and seek compensation.

Older properties on the area historically over the last 20 years have shown extended periods of vacancy and hard to let. The council should be encouraging redevelopment to suit a modern society and in keeping with current substantial redevelopment in the precinct.

This is a commercial precinct focusing on modern commercial outcomes. Not a residential street focusing on historical residential outcome like you would expect in a residential area and side streets in Albert Park.

We will oppose the inclusion of our properties in any heritage overlay plan to the highest level. We will seek financial reinstatement of loss if the heritage overlay is applied.

This proposal is of significant detriment to our business and future financial outcomes.

Representative and Director of

[REDACTED], South Melbourne

**From:**  
**To:** [Helpdesk - Strategic Planning](#)  
**Cc:** [Peter Smith](#)  
**Subject:** . re : heritage overlay montague precent south melbourne 3205 .  
**Date:** Tuesday, 7 April 2020 9:52:54 AM

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to melanie zberman ,

hello there ,  
my name is

I am [REDACTED] in the city of port phillip ,  
all the way from st kilda to port melbourne , i love the city of port phillip with passion ,  
I am a great believer in preserving all heritage buildings ,  
but there is a but ,  
those buildings you have identified in the montague precent to slap further heritage controls on ,  
from 151 montague street to city road , are all small buildings ,  
if theses buildings don't merge with the neighbour building to construct something  
with a commercial and residential or office twist , they will all sit there vacant ,  
the majority are too small to do anything with ,  
that pocket of montague street and city road all the way to ferrars street is a current mess ,  
vacancys everywhere , its a ghost town , it is ugly , and its been that way for years ,  
City road is the gateway into bay street and port melbourne shopping centre ,  
how sad is that , and how ugly is it on the eye currently ,  
propertys will sit vacant from 1 to 5 years , if they aren't allowed to be developed ,  
how could you have all these little buildings in amongst hi rise developments ,  
they will look silly , they will eventually be used as cheap residential accommodation , it already looks like a  
ghetto ,  
the zoning in that whole montague precent is capital city zone , lets create a capital zone there with offices  
shops and residents ,  
Before you decide to slap heritage overlays to stop the facades from changing or buildings being dropped ,  
please look at the bigger picture , you already have big buildings coming out of the ground now being built ,  
that will dwarf these smaller buildings , which in the future will look silly and out of place being there ,

please walk that whole area with your planners and councillors and landlords ,  
and the people that make these decisions , you have to get it right .

cheers .

**From:**  
**To:** [Helpdesk - Strategic Planning](#)  
**Subject:** Amendment C186  
**Date:** Sunday, 12 April 2020 5:06:52 PM

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Dear Melanie,

Firstly I apologise for my delay in responding back to you in regards to the documentation about the Amendment C186 Port Phillip planning Scheme.

[REDACTED]

I have many concerns to raise about the proposed HO changes concerning my building but also as an investor the overall impact it will have on the Montague precinct.

Firstly, the shop facade of our building has no trait of heritage character apart from this parapet wall which sits behind a street canopy. The shop front and rest of the building was upgraded many years ago. The modern upgrades that were made on the facade & building attributed to the loss of its yesteryear character. If you take a closer look at the shop as it stands today, the modern improvements which were made on the facade and building (prior to my purchase) nullify most of its heritage existence and has completely transformed the building to a modern looking commercial shop.

I do believe in preserving heritage buildings, however in this instance trying to maintain a wall above the shop while the rest of the shop front & building has been completely changed will significantly impact my [investment](#). It will deter future investors in purchasing my building and my neighbours buildings too.

Your proposal of maintaining the parapet wall will not significantly increase the identity of the building nor will it add heritage value to the area and there is no streetscape identity. In trying to implement heritage overlay on a building which has flaws in heritage appeal is unjust to my property and to the neighbourhoods future. I see no value to your proposal in keeping the wall.

**The buildings on either side** of my shop both have no significant heritage character.

The double fronted **shop to the right** is quite an unattractive building and lacks character.

The **building to the left** number [REDACTED] is a huge doubled fronted double story modern office complex with a completely different architectural style and the building to the left of them on the corner ( the old olympia gym) is also lacking in any heritage appeal and is of another era.

We have **conflicting styles** with one another, we have no identity as a streetscape presently. My wall above my single fronted shop with a modern take frontage will not make any difference to the street or neighbourhood as you are suggesting. It will not make an impact on the streetscape character you are trying to achieve.

Looking at the streetscape as a whole apart from the corner double storey building on city road and the recently refurbished Japanese furniture shop, the rest of the **streetscape really lacks character** and the different architectural styles conflict with one another and make the streetscape quite unappealing. Therefore again, trying to retain a small wall amongst this streetscape with mostly no character is foolish.

Most small buildings like mine attract buyers who are keen to buy the adjoining properties and merge the properties to develop an attractive commercial, residential and office building.

**Your proposal will deter developers** from this part of the Montague precinct and in turn will affect the future of this precinct. The **Montague precinct is suffering** and we need to change it.

**Vacancies are increasing** and we are struggling as a neighbourhood in its current condition. This has been happening for years now.

We are in a beautiful part of Melbourne in a wonderful location with proximity to bay, city and access to freeways however we need to improve its current state. By applying these restrictions you **will affect future investments** in the area, deter developers and future residents and businesses.

We need to look at the bigger picture here before you decide on imposing these HO on our buildings. In future, your proposal could end up in a scenario where my small building is dwarfed by other hi rise developments. My building will look out of place and **unattractive to future investors or businesses**.

This uninviting streetscape particular in my pocket has a history of **long term vacancies**. Currently my shop is vacant and has been for 6 months and before that was vacant for 7 months. It's hard enough to rent it out as it is.

If you do not allow for developments to take part in the Montague precinct, it will detrimental to the precinct and in turn attract cheap and nasty rental accommodation style shops, shops with dwellings above will be converted as residential backpacker style so landlords can at least get small return from their buildings or otherwise suffer vacancies and rental losses. My single front shop will always be difficult to rent. Its a capital city zone , we need to create a precinct with life attract, attract mix style businesses and create Melbourne's finest office suites and residential complexes.

Please take into serious considerations the landlords who own property in the area and what this means to us.

Please call me to discuss further, I really have the best interest at heart for this Montague precinct and would love to see it flourish and become one of Melbourne's most exciting hubs.

Your sincerely,