Purpose and background

1. The purpose of this report is to present the findings and recommendations of an independent assessment of the heritage significance of the building known as the Celtic Club at 316-322 Queen Street, Melbourne and to make recommendations for planning scheme heritage controls for the building. (See attachment 2, the location plan and attachment 3, the Heritage Assessment.)

2. On 14 September 2010 a planning permit application (TP2010-738) was lodged for partial demolition of the Celtic Club building and development of a 43 storey building for a hotel, restaurant, function centre, restricted recreation facility and 244 dwellings.

3. In response to TP2010-738 the Melbourne Heritage Action Group and the National Trust requested that Council immediately introduce interim planning protection over the building.

Key issues

4. *The Central Activities District Conservation Study, 1985* recommended a B grading and registration of the Celtic Club (formerly West Bourke Club). In October 2010 Council engaged Graeme Butler to review this. He recommended that the building and associated land be protected by a heritage overlay with the grading as reflected in the 1985 study.

5. The introduction of the building into Heritage Overlay HO985 of the Melbourne Planning Scheme will be as follows:

   5.1. Planning Scheme Amendment C176 will introduce interim heritage controls via a Ministerial Amendment without notification; and

   5.2. Planning Scheme Amendment C178, which will seek to introduce permanent controls, will follow the usual planning scheme amendment process. Property owners and the general public will be able to make a submission, to be heard by a panel if one is appointed and to make a representation before Council.

Recommendation from management

6. That the Future Melbourne Committee resolve to:

   6.1. request the Minister for Planning prepare Planning Scheme Amendment C176 as shown in Attachment 4 pursuant to section 20(4) of the *Planning and Environment Act 1987* (“the Act”) and approve the amendment to introduce interim heritage controls over 316-322 Queen Street; and

   6.2. seek authorisation from the Minister for Planning under the Act, to prepare and exhibit Planning Scheme Amendment C178 as shown in Attachment 5, which seeks to introduce permanent heritage controls over 316-322 Queen Street, Melbourne.
SUPPORTING ATTACHMENT

PLANNING SCHEME AMENDMENT C176 TO INCLUDE 316-322 QUEEN STREET IN THE HERITAGE OVERLAY

Legal

Part 3 of the Planning and Environment Act 1987 (“the Act”) sets out the procedure for planning scheme amendments.

Section 8(1)(b) of the Act provides that the Minister may prepare amendments to any provision of a planning scheme.

Section 20(4) of the Act provides that the Minister may exempt himself or herself from the requirements of the Act which govern the normal statutory process for amending a planning scheme:

“...if the Minister considers that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.”

Section 35 of the Act sets out that the Minister may approve an amendment to a planning scheme.

Finance

The costs for preparing Planning Scheme Amendment C176 and Planning Scheme Amendment C178 can be met within the Strategic Planning Branch’s 2010-11 operating budget.

Conflict of interest

No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Environmental sustainability

There is no impact on environmental sustainability.
The City of Melbourne does not warrant the accuracy, currency or completeness of information in this product. Any person using or relying upon such information does so on the basis that the City of Melbourne shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.
Who is the planning authority?

This amendment has been prepared by the Minister for Planning, the responsible authority for this amendment.

The amendment has been prepared at the request of the City of Melbourne.

Land affected by the amendment.

The amendment applies to 316-322 Queen Street, Melbourne.

What the amendment does.

The amendment introduces a new heritage listed property to the Schedule to Clause 43.01 of the Melbourne Planning Scheme on an interim basis. The inclusion into the Heritage Overlay will mean a planning permit will be required for demolition, external alterations, additions and subdivision of the building. The details relating to the nature of the controls are listed in Clause 43.01 of the Scheme.

Strategic assessment of the amendment

Why is the amendment required?

A detailed assessment of the heritage significance of the building at 316-322 Queen Street, Melbourne was undertaken and it found the building to be historically and aesthetically significant to the City of Melbourne. The amendment will provide interim heritage protection to the building.

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

By including the building, which present historic and aesthetic significance and is at threat of demolition, as a new property to the Heritage Overlay on an interim basis, the proposed amendment implements the following objective under Section 4 of the Planning and Environment Act 1987:

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

How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment is not expected to have any adverse economic or environmental impacts. The amendment will have positive social effects by recognising building fabric that represents a particular time of development in the city.
Buildings, landscapes and other places of heritage value provide a link to our past. Heritage places also add character, appeal and interest to our city. Respect for our cultural heritage involves retaining and managing places that have importance to us as community. The inclusion of new places in the heritage overlay will ensure the preservation of Melbourne’s history for present and future generations.

- **Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment complies with Ministerial Direction No.9 – Metropolitan Strategy. The following aspects of the Metropolitan Strategy are relevant to the amendment.

The amendment is consistent with and supports Direction 5, *A great place to be* and seeks to implement Policy 5.4 - *Protect heritage places and values*.

- **How does the amendment support or implement the State Planning Policy Framework?**

This amendment supports the objective of Clause 15.11 of the SPPF to assist the conservation of places that have historical significance.

- **How does the amendment support or implement the Local Planning Policy Framework?**

This amendment supports the objectives and implements the strategies of Clause 21.05-1 of the LPPF by conserving places and precincts of identified cultural heritage significance.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The Schedule to the Heritage Overlay is the proper VPP tool for the introduction of heritage controls over a precinct identified to be of heritage significance.

- **How does the amendment address the views of any relevant agency?**

The views of relevant agencies can be gained through the amendment process.

- **Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010?**

The Amendment is not likely to have a significant impact on the transport system.

- **Are there any applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010?**

There are no applicable statements of policy principles that apply.

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

The amendment will not result in any significant resource implications for the responsible authority.
The requirements of this overlay apply to both the heritage place and its associated land.

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Heritage Place</th>
<th>External Paint Controls Apply?</th>
<th>Internal Alteration Controls Apply?</th>
<th>Tree Controls Apply?</th>
<th>Outbuildings or fences which are not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 1995?</th>
<th>Prohibited uses may be permitted?</th>
<th>Name of Incorporated Plan under Clause 43.01-2</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO985</td>
<td>Celtic Club, 316-322 Queen Street, Melbourne*</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>-</td>
<td>No</td>
</tr>
</tbody>
</table>

* Interim heritage control
# Amendment C176

## List of changes to the Melbourne Planning Scheme

<table>
<thead>
<tr>
<th>Clause / Map Numbers</th>
<th>Change</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map No. 8H01</td>
<td>Amend Planning Scheme Map No8H01, as shown on the attached map marked “Melbourne Planning Scheme, Amendment C176”</td>
<td>Amends the planning scheme maps to apply the Heritage Overlay to a new building</td>
</tr>
<tr>
<td>Heritage Overlay Schedule</td>
<td>The Schedule to the Heritage Overlay is amended to include a new heritage listed building, identified as HO985 316-322 Queen Street, Melbourne on an interim basis.</td>
<td>Applies the Heritage Overlay to a new heritage building on an interim basis.</td>
</tr>
</tbody>
</table>

## PLANNING SCHEME MAP CHANGES

- **Map No. 8H01**

## OVERLAYS

- **Heritage Overlay Schedule**

## LIST OF AMENDMENTS (Information to accompany amendment)

- **List of Amendments**

  Insert: Amendment number “C176”, In operation from DATE with the brief description, “introduces a new heritage building, 316-322 Queen Street (HO985), to the Schedule to Clause 43.01 of the Melbourne Planning Scheme on an interim basis.”

  Updates list of amendments to the planning scheme
Planning and Environment Act 1987

MELBOURNE PLANNING SCHEME

AMENDMENT C176

The planning authority for this amendment is the Minister for Planning.

The Melbourne Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one attached map sheets:

**Overlay Maps**

1. Planning Scheme Map No. 8HO1 is amended in the manner shown on the attached map marked “Melbourne Planning Scheme, Amendment C176”.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In Overlays – insert the attached entry in the Schedule to Clause 43.01. The details of the changes are as follows:
   - Introduces a new heritage building, HO985, on an interim basis.

End of document
### LIST OF AMENDMENTS

<table>
<thead>
<tr>
<th>Amendment number</th>
<th>In operation from</th>
<th>Brief description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C176</td>
<td>DATE</td>
<td>The amendment introduces a new heritage listed property, 316-322 Queen Street, Melbourne to the Schedule to Clause 43.01 of the Melbourne Planning Scheme on an interim basis.</td>
</tr>
</tbody>
</table>
Who is the planning authority?

This amendment has been prepared by the City of Melbourne, the responsible authority for this amendment.

Land affected by the amendment.

The amendment applies to 316-322 Queen Street, Melbourne.

What the amendment does.

The amendment introduces a new property to the Schedule to Clause 43.01 of the Melbourne Planning Scheme. The inclusion of 316-322 Queen Street, into the Heritage Overlay will mean a planning permit will be required for demolition, external alterations, additions and subdivision of the building. The details relating to the nature of the controls are listed in Clause 43.01 of the Scheme.

Strategic assessment of the amendment

- **Why is the amendment required?**

A detailed assessment of the heritage significance of the building at 316-322 Queen Street, Melbourne was undertaken and found the building to be historically and aesthetically significant to the City of Melbourne. The amendment will provide permanent heritage protection to the building.

- **How does the amendment implement the objectives of planning in Victoria?**

By including a building of historic and aesthetic significance to the City of Melbourne in the Heritage Overlay, the proposed amendment implements the following objective under Section 4 of the Planning and Environment Act 1987:

\[(d) \text{ to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value}\]

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The amendment is not expected to have any adverse economic or environmental impacts. The amendment will have positive social effects by recognising building fabric that represents a particular time of development in the city. Buildings, landscapes and other places of heritage value provide a link to our past. Heritage places also add character, appeal and interest to our
city. Respect for our cultural heritage involves retaining and managing places that have importance to us as community. The inclusion of new places in the heritage overlay will ensure the preservation of Melbourne’s history for present and future generations.

- **Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment complies with Ministerial Direction No.9 – Metropolitan Strategy. The following aspects of the Metropolitan Strategy are relevant to the amendment.

The amendment is consistent with and supports Direction 5, *A great place to be* and seeks to implement Policy 5.4 - *Protect heritage places and values*.

- **How does the amendment support or implement the State Planning Policy Framework?**

This amendment supports the objective of Clause 15.11 of the SPPF to assist the conservation of places that have historical significance.

By including the identified place in the Heritage Overlay, Council will be fulfilling the State objective of identifying, conserving and protecting places of natural or cultural value.

- **How does the amendment support or implement the Local Planning Policy Framework?**

This amendment supports the objectives and implements the strategies of Clause 21.05-1 of the LPPF by conserving places and precincts of identified cultural heritage significance.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The Schedule to the Heritage Overlay is the proper VPP tool for the introduction of heritage controls over a property identified to be of heritage significance.

- **How does the amendment address the views of any relevant agency?**

The views of relevant agencies can be gained through the amendment process.

- **Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010?**

The Amendment is not likely to have a significant impact on the transport system.

- **Are there any applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010?**

There are no applicable statements of policy principles that apply.

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

The amendment will not result in any significant resource implications for the responsible authority.

**Where you may inspect this Amendment**
The amendment is available for public inspection, free of charge, on the City of Melbourne website and during office hours at the following location:

City of Melbourne
Level 3, 240 Little Collins Street
MELBOURNE VIC 3000

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at www.dpcd.vic.gov.au/planning/publicinspection.
## Amendment C178
### List of changes to the Melbourne Planning Scheme

<table>
<thead>
<tr>
<th>Clause / Map Numbers</th>
<th>Change</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PLANNING SCHEME MAP CHANGES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Map No. 8H01</td>
<td>Amend Planning Scheme Map No8H01, as shown on the attached map marked “Melbourne Planning Scheme, Amendment C178”</td>
<td>Amends the planning scheme maps to apply the Heritage Overlay to a new building</td>
</tr>
<tr>
<td><strong>OVERLAYS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heritage Overlay Schedule</td>
<td>The Schedule to the Heritage Overlay is amended to include a new heritage listed building, identified as HO985 316-322 Queen Street, Melbourne. External paint controls will apply but none of the other requirements in the schedule will apply.</td>
<td>Applies the Heritage Overlay to a new heritage building.</td>
</tr>
<tr>
<td><strong>LIST OF AMENDMENTS (Information to accompany amendment)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>List of Amendments</td>
<td>Insert: Amendment number “C178”, In operation from DATE with the brief description, “Introduces a new heritage building, 316-322 Queen Street (HO985), to the Schedule to Clause 43.01 of the Melbourne Planning Scheme.”</td>
<td>Updates list of amendments to the planning scheme</td>
</tr>
</tbody>
</table>
Planning and Environment Act 1987

MELBOURNE PLANNING SCHEME

AMENDMENT C178

The planning authority for this amendment is the Melbourne City Council.

The Melbourne Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one attached map sheets:

Overlay Maps

1. Planning Scheme Map No. 8HO1 is amended in the manner shown on the attached map marked “Melbourne Planning Scheme, Amendment C178”.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In Overlays – insert the attached entry in the Schedule to Clause 43.01. The details of the changes are as follows:
   - Introduces a new heritage building, HO985, on a permanent basis.

End of document
SCHEDULE TO THE HERITAGE OVERLAY

The requirements of this overlay apply to both the heritage place and its associated land.

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Heritage Place</th>
<th>External Paint Controls Apply?</th>
<th>Internal Alteration Controls Apply?</th>
<th>Tree Controls Apply?</th>
<th>Outbuildings or fences which are not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 1995?</th>
<th>Prohibited uses may be permitted?</th>
<th>Name of Incorporated Plan under Clause 43.01-2</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO985</td>
<td>Celtic Club, 316-322 Queen Street, Melbourne</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>-</td>
<td>No</td>
</tr>
</tbody>
</table>
# LIST OF AMENDMENTS

<table>
<thead>
<tr>
<th>Amendment number</th>
<th>In operation from</th>
<th>Brief description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C178</td>
<td>DATE</td>
<td>The amendment introduces a new heritage listed property, 316-322 Queen Street, Melbourne to the Schedule to Clause 43.01 of the Melbourne Planning Scheme on a permanent basis.</td>
</tr>
</tbody>
</table>