

Planning and Environment Act 1987

Panel Report

Maribyrnong Planning Scheme Amendment C147

Heritage Overlay Incorporated Plan

10 December 2018

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Panel Report pursuant to section 25 of the Act

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A handwritten signature in black ink, appearing to read 'Tim Hellsten', is positioned above the name of the signatory.

Tim Hellsten, Chair

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List of Abbreviations

DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
PPF	State Planning Policy Framework
TfV	Transport for Victoria

Overview

Amendment summary

The Amendment	Maribyrnong Planning Scheme Amendment C147
Common name	Heritage Overlay Incorporated Plan
Brief description	Introduce an Incorporated Plan into the Heritage Overlay Schedule at Clause 43.01 to provide exemptions for minor buildings and works
Subject land	Land in the City of Maribyrnong within Heritage Overlay (HO) Precincts HO1 to HO5 and HO7 to HO15
The Proponent	Maribyrnong City Council
Planning Authority	Maribyrnong City Council
Authorisation	12 January 2018
Exhibition	14 June to 20 July 2018
Submissions	Number of submissions: 7 Number of submissions opposed: 2 Number of submissions seeking changes: 4 Submitters are listed in Appendix A

Panel process

The Panel	Tim Hellsten
Directions Hearing	Footscray Town Hall, Hyde Street, Footscray, 2 October 2018
Panel Hearing	Footscray Town Hall, Hyde Street, Footscray, 30 October 2018
Site inspections	Unaccompanied, 2 October 2018
Appearances	Mr David Vorchheimer (HWL Ebsworth Lawyers) representing Council who called the following expert witness: - Ms Anita Brady, Lovell Chen in Heritage Iain Lawrie representing Transport for Victoria
Citation	Maribyrnong Planning Scheme PSA C147 [2018] PPV
Date of this Report	10 December 2018

Executive summary

(i) Summary

Maribyrnong Planning Scheme Amendment C147 (the Amendment) seeks to introduce an Incorporated Plan into the Schedule to the Heritage Overlay of the Maribyrnong Planning Scheme to provide exemptions for minor buildings and works from the need for a planning permit.

The Amendment applies to land within fourteen Heritage Overlay areas generally located in Yarraville, Footscray, Braybrook, Kingsville, Seddon and Maribyrnong.

The purpose of the Amendment is to reduce the number of planning permit applications for minor development and works in these Heritage Overlay areas and provide guidance to land owners and developers. This is to be achieved by introducing an Incorporated Plan which identifies planning permit exemptions for a range of minor buildings and works within the identified Heritage Overlay areas.

Key issues raised in submissions related to:

- extent of the proposed exemptions
- potential for unintended heritage outcomes
- neighbourhood character and amenity impacts.

The Panel has considered all submissions and the heritage evidence provided to it, in its preparation of this Report.

The Panel considers that the proposed Incorporated Plan exemptions provide a balanced approach to recognising and supporting appropriate heritage outcomes and avoiding unintended heritage consequences.

The Incorporated Plan has been developed following a rigorous heritage assessment of current applications, the heritage areas to which they apply, and similar heritage permit exemption tools used in other municipalities. The Incorporated Plan is structured in a manner that provides clear, informative guidance using text and diagrams which will assist with its interpretation and application. Council has accommodated the changes identified by DELWP to assist with minimising any future changes required to align with changes to the Victorian Planning Provisions.

The Panel is satisfied that the concerns raised by the National Trust have been appropriately managed in the proposed Incorporated Plan. The Panel does not support the expansion of the Incorporated Plan to cover individual heritage places or the rail corridor. The Panel considers however, that there is merit in a state-wide approach to works within rail corridors that are included in Heritage Overlay precincts.

The Panel acknowledges Council's efforts in developing the Incorporated Plan, which aside from encouraging good heritage outcomes, will provide a more efficient assessment process and remove the more straight forward applications from the planning system.

The Panel supports the Amendment as exhibited subject to minor machinery changes to the exhibited Incorporated Plan and supporting schedules.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Maribyrnong Planning Scheme Amendment C147 be adopted as exhibited subject to the following:

- 1. Modify the Incorporated Plan as shown in Attachment A to Ms Brady's evidence.**
- 2. Modify the Schedule to Clause 43.01 Heritage Overlay as shown in Attachment 7 to Council's Part A submission.**
- 3. Replace the Schedule to Clause 81.01 with a new Schedule to Clause 72.04 as shown in Attachment 7 to Council's Part A submission.**

1 Introduction

1.1 The Amendment

Amendment C147 to the Maribyrnong Planning Scheme (the Amendment) seeks to:

- reduce the number of planning permit applications for minor development and works in Heritage Overlay areas
- reduce the need for planning permits and provide guidance to land owners and developers in Heritage Overlay areas.

The purpose of the Amendment is to be achieved through the introduction of an Incorporated Plan which identifies planning permit exemptions for a range of minor buildings and works within the identified Heritage Overlay areas.

Specifically, the Amendment, as exhibited proposes to:

- amend the Schedule to the Heritage Overlay (HO), Clause 43.01, to insert an Incorporated Plan titled *“Incorporated Plan under the provisions of Clause 43.01 Heritage Overlay, Planning permit exemptions May 2018”* (Incorporated Plan) to fourteen heritage areas (HO1 to HO5 and HO7 to HO15) in the *“Name of Incorporated Plan under Clause 43.01-3”* column of the Schedule
- amend the Schedule to Clause 81.01 to include the Incorporated Plan in the list of Incorporated Documents.

The Amendment only seeks to apply exemptions in heritage precincts, not individually listed heritage places.

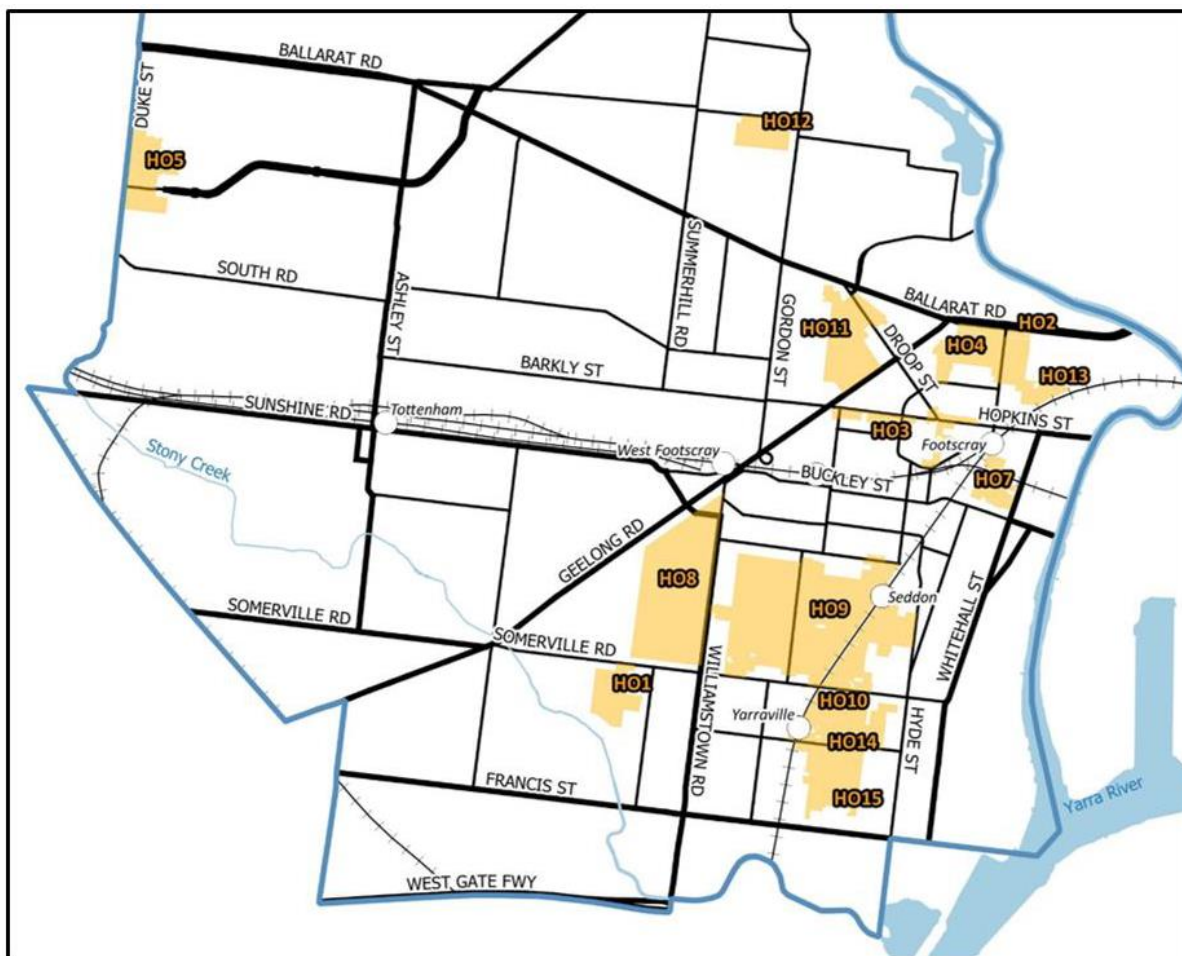
1.2 The subject land

The Amendment applies to land within 14 HO precincts generally located in Yarraville, Footscray, Braybrook, Kingsville, Seddon and Maribyrnong.

The HO precincts affected by the Amendment (as shown in Figure 1) are:

- HO1 Angliss Housing estate heritage area Yarraville.
- HO2 Ballarat Road residential heritage area Footscray.
- HO3 Footscray commercial heritage area Footscray.
- HO4 Footscray residential heritage area Footscray.
- HO5 Munition worker’s housing heritage area Braybrook.
- HO7 Old Footscray Township residential heritage area Footscray.
- HO8 Queensville Estate heritage area Kingsville.
- HO9 Seddon residential and commercial heritage area Seddon, Yarraville.
- HO10 Somerville Road 20th century residential heritage area Yarraville.
- HO11 Upper Footscray residential heritage area Footscray.
- HO12 War service homes heritage area Maribyrnong.
- HO13 William Angliss worker housing estate heritage area Footscray.
- HO14 Yarraville civic and commercial heritage area Yarraville.
- HO15 Yarraville residential heritage area Yarraville.

Figure 1 The subject land



The Amendment and Incorporated Plan does not apply to places:

- included in the Victorian Heritage Register
- identified as 'individually significant' places, properties or buildings in precincts in Clause 22.01 (Cultural Heritage Policy)
- included in the Schedule to the HO as individual places or located in HO precincts which are not identified in Table 1 to the Incorporated Plan.

1.3 Incorporated Plan

The preparation of an Incorporated Plan to reduce heritage planning permit applications was identified as an action in Maribyrnong's *City Council Action Plan* in 2015/2016. Lovell Chen was appointed by Council in June 2016 to review HO generated planning permits and develop a suitable mechanism for managing permit applications.

A draft Incorporated Plan was endorsed by Council in June 2017. Subsequent changes were made to the draft in May 2018 following consideration of DELWP comments and proposed by Amendment VC142.

The Incorporated Plan is supported by a Methodology Report. The Methodology Report includes:

- analysis of heritage planning permit data for a two-year period to determine common application types, location of applications and VicSmart candidate applications
- review of relevant heritage studies and field surveys
- review of other similar mechanisms in other twelve other municipalities.

The Incorporated Plan allows for a range of buildings and works types to be constructed within a HO without the need for a planning permit including:

- minor modifications and alterations
- additions to buildings
- outbuildings
- pergolas and verandahs
- fences and roller doors
- vehicle crossovers and driveways.

Council's Part A submission summarised these types of works:

Minor modifications and alterations – *Minor works (including partial demolition) to rear walls or rear parts of buildings, where works are not visible from a street or side street (other than a lane).*

Additions to buildings – *Single storey additions/extensions to an existing building can be exempt from a planning permit subject to a number of specific guidelines that ensure the protection of the heritage place. The wall heights of the addition must not exceed the single storey eave height of the existing building on site. The side walls of the addition must not protrude past the side walls of the existing building on site. The roof of the addition must be concealed behind the roof of the existing building on site. Partial demolition associated with the rear-wall is also included in this exemption.*

Outbuildings – *The construction of new outbuildings or the extension of existing outbuildings where these are located within the rear setback of the dwelling on site. Height limits apply to these structures to ensure they are generally not visible from the street.*

Fences and roller doors – *Exemptions for the demolition and construction of visible side and rear boundary fences.*

Pergolas and decks – *These structures are proposed to be exempt where they are located within the rear setback of a dwelling. Height limits also apply to these structures to ensure they are generally not visible from the street.*

Vehicle crossovers and driveways – *Crossovers that are appropriately located and designed.*

The Incorporated Plan identifies criteria, explanatory notes and diagrams to provide direction as to whether particular categories of buildings and works are exempt from the need for a planning permit as summarised in Table 1.

Table 1 Summary of Incorporated Plan provisions

Exemption type	Criteria and Explanatory diagrams	Exemption application
Minor modifications and alterations	Yes	All precincts
Additions to buildings	Yes	All precincts other than HO5 and HO11
Outbuildings	Yes	All precincts other than HO5 and HO11
Pergolas and verandahs	Yes	All precincts other than HO5
Fences and roller doors	Yes	All precincts other than HO5. HO5 and HO12 have exemptions where specified styles of fence are constructed
Vehicle crossovers and driveways	Yes	HO1, HO10 and HO12

2 Approach of the Panel and issues

2.1 Preliminary matters

(i) Directions

The Panel's Directions sought further information to be provided by the Council or addressed through its Part A and B submissions including:

- clarification of post authorisation and pre-exhibition amendment changes as identified in the Department of Environment, Land, Water and Planning's (DELWP) correspondence in June 2017
- a simplified title for the Incorporated Plan
- a response to Planning Scheme Amendment VC148 (Amendment VC148) as it relates to transitional provisions and the consequential impacts of the proposed HO changes.

(ii) Authorisation

The Amendment was authorised on 12 January 2018 following earlier drafting advice from DELWP on the draft Incorporated Plan in June 2017. This advice related to language clarity to assist understanding of unintended fabric loss, the structure of exemption provisions and diagram ambiguity and content of explanatory notes.

The authorisation was provided subject to two conditions, that the Incorporated Plan:

... be amended to appropriately address the changes and points of clarification sought in the email to Virginia Howe, Coordinator Strategic Planning, on 7 June 2017

... be updated to reflect and remove duplication with the new Clause 43.01-2 heritage permit exemptions introduced by Amendment VC142 'Smart Planning Phase 1 Reforms'.

The authorisation letter confirmed the draft Incorporated Plan of June 2017 satisfied the first condition.

Council advised that the draft Incorporated Plan was subsequently amended to address VC142. DELWP advised Council on 1 May 2018 confirming that the second condition of authorisation had been satisfied by those edits and that further:

... council should consider redrafting the section covering permit exemptions provided at Clause 34.01 to limit the likelihood of the incorporated plan becoming inconsistent with the VPP when future VC amendments are approved. This can be further discussed and reviewed following exhibition.

The Panel is satisfied that the conditions of authorisation have been addressed. Further proposed changes to the Incorporated Plan proposed by Council are discussed at Chapter 2.2.

(iii) Amendment VC148

Amendment VC148 was gazetted on 31 July 2018. Among other things, it changes the structure of the Schedule to the HO and identification of incorporated documents. The Panel

requested Council to provide a response to VC148 as it relates to transitional provisions and the consequential impacts of the proposed HO changes.

VC148 has resulted in:

- changes to the arrangement of the Schedule to Clause 43.01 and the general provisions of the Heritage Overlay including changes to the Purpose to reflect a new Planning Policy framework, inclusion of VicSmart provisions, statement of significance provisions (with transitional arrangements), heritage design guidelines, application requirements and changes to decision guidelines
- replacement of *Clause 81.01 Schedule to Documents Incorporated in the Planning Scheme* with *Clause 72.04 Schedule to Documents Incorporated in the Planning Scheme*.

The key changes, Amendment implications and Council's proposed responses are summarised in Table 2.

Table 2 Amendment VC148 changes

VC148 provision	Summary of change	Implications and response
Planning Policy Framework	Local Planning Policy Framework to transition over time to new format	This transition is yet to take place for the Maribyrnong Planning Scheme and presents no particular consequence for the Amendment at this point in time. The Incorporated Plan refers to Clause 22.01. Council proposes to remove references to the Clause in the Incorporated Plan.
Heritage Overlay	Schedules restructured to include revised identification of Incorporated Plans and structuring of places in chronological order	Reformatted HO Schedule required to identify revised Incorporated Plan and reorder places. Council proposes a reformatted Schedule to address these changes.
Incorporated documents	Clause 72.04 replaces Clause 81.01	This translation has taken place. New Schedule to be prepared to include the revised Incorporated Plan. Council proposes a revised Schedule to address these changes.

The identified changes to the Amendment required to respond to VC148 have been appropriately acknowledged by Council and proactively addressed in further Amendment documentation changes. The Panel considers that the changes are largely inconsequential as they do not change the intent of the Amendment, the application of the Incorporated Plan and were not matters raised in submissions. The required Amendment changes and any further nuances can be addressed with DELWP post Amendment adoption.

2.2 Amendment changes

In response to VC148, DELWP's authorisation comments and the Panel's Directions, Council has prepared:

- A revised Incorporated Plan which includes:
 - a new title "*Incorporated plan: Permit Exemptions in Heritage Precincts October 2018*"
 - generalised reference to other provisions of the HO or Planning scheme
 - removal of detail on the provisions of Clause 43.01
 - replacing reference to Clause 22.01 policy provisions with a generalised reference to local policy given Local Planning Policies will translate into a new Planning Policy Framework in 2019
 - minor changes including inserting 'and' between exemption provisions to link them
 - a reformatted listing of individually significant buildings.
- A revised Schedule to Clause 43.01 using the amended structure of identifying Incorporated Plans and a reformatted listing of heritage places.
- A new Schedule to Clause 72.04 which lists the revised Incorporated Plan in the Table of Incorporated documents.

The revised Incorporated Plan was included as Attachment A to Ms Brady's evidence.

The revised HO Schedule and Clause 72.04 Schedule were included as Attachment 7 of Council's Part A submission.

2.3 Summary of issues raised in submissions

A total of seven submissions were received to the Amendment, one supporting, four seeking changes and two opposing the Amendment. The issues raised in the submissions of various parties are briefly summarised as follows:

- heritage impacts
- neighbourhood character and amenity impacts
- extent of the proposed exemptions
- potentially contaminated land.

2.4 Matters dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from heritage area visits, and submissions, evidence and other material presented to it during the Hearing.

All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Heritage impacts
- Neighbourhood character and amenity impacts
- Rail corridor

- Extent of exemptions
- Form and content of the Amendment.

2.5 Matters not dealt with in this Report

The EPA's submission (Submission 6) was generally supportive of the Amendment and highlighted potential land contamination risks particularly in areas formerly used for industry or adjacent to land used for industry. It sought to remind "*Council of its obligations to consider Ministerial Direction No.1 and the Practice Note on Potentially Contaminated Land*".

Council submitted that the Amendment does not propose to rezone any land in the municipality and that it had met the requirements of Ministerial Direction No. 1 and the Practice Note and subsequently noted the submission.

The Panel agrees that the EPA submission does not raise matters which are a consequence of the Amendment and supports Council's position that the submission simply be noted.

3 Planning context

3.1 Policy framework

(i) Planning Policy Framework

The Panel considers that the Amendment is supported by the following clauses in the Planning Policy Framework:

- Clause 11.06-4 (Place and identity), by recognising the value of heritage by carefully managing the ongoing processes of growth and change in the urban environment.
- Clause 15.01-2 (Urban design principles), by achieving architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- Clause 15.0-15 (Cultural identity and neighbourhood character), by recognising and protecting cultural identity, neighbourhood character and sense of place.
- Clause 15.03-1 (Heritage conservation), by ensuring conservation of places of heritage significance.

(ii) Local Planning Policy Framework

The Panel considers that the Amendment supports the following local planning objectives:

- Clause 21.06-3 (Heritage) by seeking to protect and conserve Maribyrnong's heritage places.
- Clause 22.01 (Cultural Heritage Policy to the Heritage Overlay) by protecting and conserving the municipalities cultural heritage places and protecting them from adverse impacts.

(iii) Overlays

The provisions of Clause 43.01 Heritage Overlay require a planning permit to subdivide, demolish or remove a building and for specified buildings and works. The HO includes specific provisions for VicSmart applications and the ability to not require a planning permit for anything done in accordance with an incorporated plan identified in the HO schedule. The HO also identifies a range of application classes exempt from the notice provisions of the *Planning and Environment Act 1987*.

(iv) Other provisions

A document can only be an Incorporated Document if it is listed in the Schedule to Clause 72.04 (previously Clause 81.01). The Amendment as exhibited proposes to include the Incorporated Plan into Clause 81.01. As identified in Chapter 2.2 and Chapter 8 this will require a further change to amendment documentation.

3.2 Ministerial Directions and Practice Notes

Ministerial Directions

The Panel considers that the Amendment meets the relevant requirements of:

- Ministerial Direction 9 (Metropolitan Planning Strategy) by respecting Melbourne's heritage in manner which manages the impacts of growth and change
- Ministerial Direction 11 (Strategic Assessment of Amendments) by balancing the protection of the values of heritage places and minimising the need for planning permits for minor buildings and works
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

Planning Practice Notes

The Panel considers that the Amendment is consistent with:

- *Planning Practice Note 1 Applying the Heritage Overlay, August 2018* (PPN01) which identifies the purpose of incorporated plans and how they are applied within the HO schedule.
- *Planning Practice Note 13 Incorporated and Background Documents, September 2018* (PPN13) which identifies the role of incorporated plans as opposed to background documents. A document must be incorporated if it will be used to guide the exercise of discretion by the responsible authority.

The Panel considers that the Incorporated Plan is the only plausible tool to provide for permit exemptions in the HO.

3.3 Conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes.

The proposed Incorporated Plan provides an appropriate tool for guiding the undertaking of minor works and alterations to buildings within heritage precincts in a considered manner respectful of the values of the heritage precinct. The Incorporated Plan incentivises land owners to undertake changes in a respectful and unobtrusive manner by reducing the need for planning permits. This also assists in managing permit application assessment workloads for Council.

The Panel acknowledges the work undertaken by Council to develop a considered and robust tool.

The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in Chapter 8.

4 Heritage impacts

4.1 The issue

Will the exemptions have unintended heritage outcomes?

4.2 Evidence and submissions

Submission 5 from the Inner West Branch of the National Trust (National Trust) supports the Amendment, noting that relieving “*Council and the community from undue process and 3rd party objection cycle is sensible*”.

The National Trust submission focused on three concerns:

The demolition of rear additions is problematic. Some existing additions are of poor quality, and the proposed exemption ‘presumes the retention of such additions’, or alternatively triggers the planning approval process for their removal;

The typical double fronted Victorian or Federation cottage has an original lean-to at the rear of the main building/roof form. The diagrams do not reflect this. The diagrams do not include the typical skillion. Thus they could imply removal of the lean-to; and

The Amendment is silent on the attachment of a new roof form to the existing. Typically heritage guidelines do not allow for connection of new to existing roofs; that the new should be clearly distinguishable from the original. This should remain the intent.

Council relied on Ms Brady’s evidence in response to the issues raised by the National Trust. In relation to demolition of rear additions her evidence identified that:

... the submission appears to be concerned that the permit exemption for minor modifications and alterations to the rear of buildings, in combination with the permit exemption for additions to buildings, implies or encourages the retention of poor-quality rear structures and poorly designed additions. This will occur where proponents opt for the lesser and easier process of utilising the permit exemption when proposing works to the rear of dwellings; rather than the longer and potentially more expensive process of lodging a permit application and obtaining planning approval to demolish a structure or more fabric at the rear of the building than is allowed for under the exemption.

Ms Brady indicated that the permit exemption was only intended to allow for the minor extent of removal outlined in the Incorporated Plan associated with rear walls or rear elevations that were not visible from the principal frontage street. She said that a permit application and Council assessment would be required if more fabric was to be demolished.

It is not practical or desirable to delineate a larger area for demolition in the graphics included in the Plan, as this may inadvertently result in the loss of visible fabric of heritage value. The exemption also cannot be expected to delineate the extent of a non-original addition (which can vary widely from

house to house). The exemption also should not refer to demolition of a non-original or later addition, as this requires a judgement to be made by the proponent as to what constitutes a non-original or later addition.

On the matter of the permit exemption encouraging the retention of poor-quality additions, Ms Brady indicated that this is not the intended outcome, but that this:

... remains a choice which can be made by the proponent. It is also thought that the costs associated with extending dwellings, coupled with high land values, would render it unlikely that owners would choose to compromise their building design in order to avoid the planning application process.

In response to the National Trust's concerns about the diagrams not reflecting the typical Victorian or Edwardian cottage lean-to Ms Brady considered this unnecessary as the intention was for the graphics to be generic and "avoid more specific conditions which may, or may not, exist with buildings and properties in the precincts".

Ms Brady acknowledged that skillion roofs could be removed and that this was in fact common place, particularly for buildings that were not of a higher order of heritage value. Ms Brady stated that:

Council's heritage policies for the precincts also emphasise the conservation of the streetscape qualities and characteristics of the precincts, as visible from the public realm; and encourage additions to contributory buildings to not detract from the character of the precinct or to overwhelm the contributory building. This in practice or effect reflects an emphasis on retention of the front parts of dwellings, and contemplates demolition and change to the rear. The loss of an original skillion is normally allowed for in this scenario.

In response to the issue relating to the treatment of new roof form attachments, Ms Brady identified that:

The attachment of the new roof to the rear part of the building, as provided for in the exemption, will not be visible from the principal street and will be located below the eaves line of the existing building. On that basis, there will be no visible blending or attachment of the new roof to the main historic roof form.

It is also noted that there is no specific prohibition in the Heritage Overlay considerations against new roofs connecting with existing roofs; this in fact happens on a regular basis. However, where this is to occur in a manner not anticipated through the permit exemption, then it is a design consideration which will remain subject to an assessment as part of a permit application.

It is agreed that new roof forms should be clearly distinguishable from original roofs. Again, with the permit exemption, the interface of the new roof and the old will not be visible from the principal street, thereby addressing this issue. The specified envelope of the addition also does not allow for a high roof form or one which might be visible and lead to confusion as to what is original or not.

Ms Enever (Submission 3) raised concerns that the proposed exemptions will result in poor heritage outcomes, citing the example of 30 Chirnside Street, Kingsville. Her submission also

qualified that any support for the exemptions should be based on clear guidelines for what constitutes a minor change and who would assess that (she suggested a recognised council employed heritage consultant).

Council responded that the Incorporated Plan had been prepared by a qualified heritage expert following an appropriate level of investigation and analysis to ensure the exemptions were *“minor in nature and would result in little or no impact on heritage assets in the municipality.”* Council also pointed to the use of diagrams and illustrations to assist interpretation. Council identified that the while the development at 30 Chirside Street has a planning permit it was currently subject to investigation.

4.3 Discussion and conclusion

The Panel supports the submission of Council and the evidence of Ms Brady that the Incorporated Plan exemptions, explanatory notes and diagrams address the concerns of the National Trust.

The Incorporated Plan has been prepared by an experienced and qualified heritage expert and includes words and images that are clear, unambiguous and easily interpreted by lay persons, Council officers and experts alike.

The Panel considers that the Incorporated Plan and related exemptions are well founded and have been critically examined to ensure there will be no unintended heritage consequences. A significant number of HO triggered permit applications in the municipality will not be exempt under the proposed Incorporated Plan and will still require heritage assessment.

Compared to similar Incorporated Plans in other municipalities, Council’s proposed exemptions are a relatively ‘light touch’, focusing on the more minor applications which it confidently considers will have minimal impact on its heritage precincts. This approach will provide Council with the opportunity to further review, adapt and expand the exemptions over time.

In conclusion, the Panel supports the application of the Incorporated Plan in the manner proposed by Amendment C147 subject to changes to the Incorporated Plan identified in Ms Brady’s evidence and a revised HO schedule, as identified by Council in its Part A submission. These changes are discussed in Chapter 8.

5 Neighbourhood character and amenity impacts

5.1 The issue

Will the extent of exemptions create outcomes that will impact on neighbourhood character and amenity?

5.2 Evidence and submissions

The submission from Ms Brown (Submission 2) identifies concerns associated with exempt building additions impacting on neighbourhood character and amenity including through overdevelopment, overlooking, overshadowing, the loss of rear gardens and trees. Potential environmental impacts identified by Ms Brown include the reduction of permeable land, increasing stormwater runoff and impacts on fauna. A focus of Ms Brown's submission related to the impacts of tall building additions and outbuildings, suggesting that outbuildings, pergolas and verandahs over 2 metres in height should still require a planning permit.

Council submitted that the amenity impacts of an application were not a matter that could be considered under the HO. It said that the HO can only consider the potential impact of buildings and works on the heritage significance of the individual place or precinct.

5.3 Discussion and conclusion

The Panel agrees with Council's response to Ms Brown's submission. While Ms Brown's concerns, particularly in terms of overlooking or overshadowing may present in some cases, this is not a matter that the HO, and by extension the Incorporated Plan, can address. The HO, as identified by Council, is limited to considerations of heritage impact on heritage places.

The consideration of amenity impacts such as overlooking and overshadowing issues is dealt with under other provisions of the Planning Scheme, such as where a zone triggers the need for a permit, or in assessing a multi-dwelling proposal under Clause 55 (the ResCode provisions), or development on a lot less than 300sqm. The assessment of a domestic building permit application is still required to consider certain ResCode provisions.

Other planning tools can be applied by Council where strategically justified, to manage built form or landscape character or significant vegetation if it considers there is a need to protect these character elements.

The focus of exemptions in the Incorporated Plan is for relatively minor alterations which will have limited external site impacts. The taller or boundary to boundary developments referred to by Ms Brown would still require a planning permit in the Heritage Overlay (and may require a permit under other provisions of the Planning Scheme).

The Panel concludes that the Incorporated Plan will have minimal neighbourhood character impacts. Potential amenity impacts are beyond the scope of this Amendment.

6 Rail corridor

6.1 Issues

Should exemptions apply to buildings and works within the rail corridor within HO9 and HO14?

6.2 Evidence and submissions

The submission from Transport for Victoria (TfV) (Submission 7) to the Amendment indicated that the rail corridor in the vicinity of Yarraville Station sits within HO14, one of the HO's where the proposed Incorporated Plan will apply. The submission from TfV supports the overall intent of the Amendment but seeks to extend specific permit exemptions to the rail corridor in HO14. TfV argued that this is necessary to respond, often at short notice, to ad-hoc emergency works, periodic modification, upgrades and replacement or repair of railway infrastructure.

TfV's submission sought to include permit exemptions consistent with similar with Incorporated Plans to Heritage Overlays in other Planning Schemes including Moonee Valley, Boroondara and Darebin. TfV indicated that exemptions in those Planning Schemes include removal of, modifications and repairs to and replacement of overhead power lines, railway tracks, ticket machines, electronic signalling equipment, tree removal and resurfacing of paths. TfV sought the following exemptions to be included in the proposed Incorporated Plan:

- *Removal of, modifications and repairs to and replacement of overhead power lines.*
- *Repairs to and replacement of railway tracks and sleepers including ballast.*
- *Modifications and repairs to and replacement of any electric or electronic signalling equipment.*
- *Removal of, repairs to, installation or replacement of ticket machines, passenger control gates, safety barriers, rubbish bins, seating, bicycle racks and other small items of platform furniture.*
- *Removal, installation, repair or replacement of non-commercial signage, security lighting, fire safety equipment provided it does not involve the removal or erection of a building or other structure.*
- *Resurfacing of existing paths and driveways. Removal, installation or replacement of garden watering, water recycling or drainage systems.*
- *Management of trees in accordance with Australian Standard 4373: Pruning of Amenity Trees.*
- *The construction of, or demolition of buildings and works and tree removal necessary to achieve compliance with the Disability Discrimination Act 1992 and Disability Standards for Accessible Public Transport 2002 provided it is in accordance with a plan for such demolition, buildings or works that has been approved by the responsible authority.*

Ms Brady's evidence indicated that the rail corridor also runs through HO9.

Ms Brady's evidence concluded that to extend the exemptions as requested by TfV would expand the scope of the Amendment beyond that authorised and would require further mapping and description detail. Ms Brady suggests that if there is an acknowledged need for such exemptions they should be progressed via a state-wide process to provide an Incorporated Plan that specifically addresses rail operations in HOs. This position is consistent with Council's submission and acknowledged by TfV.

6.3 Discussion and conclusions

The Panel notes that a number of the specific buildings and works exemptions sought by TfV are exempt from notice and review under the HO including works, repairs and routine maintenance and removal or lopping of a tree. Further, Clause 62.02 sets out exemptions from all permit requirements of the scheme including gardening and works by a public authority involving emergency works, flood damage prevention or alleviation.

Nonetheless, the Panel acknowledges the intent behind TfV's position, but considers that it is not appropriate for the Amendment and the Incorporated Plan to be amended to accommodate it, for the reasons outlined by Council and Ms Brady.

The Panel has reviewed the exemptions applied to Fairfield Station (as proposed by C161 to the Darebin Planning Scheme). From a specific heritage place perspective there is value including minor work permit exemptions, and the Incorporated Plan can be an appropriate mechanism. In the Darebin example however, the exemptions were developed in response to a detailed heritage assessment.

The Panel considers that the use of an Incorporated Plan in a localised way can also have its limitations, leading to inconsistencies in approach between precincts and municipalities.

The Panel considers that the level of certainty sought by TfV is best provided through a state-wide approach initiated by TfV. The Panel encourages TfV to pursue support for such an approach with Heritage Victoria and DELWP. This approach would be consistent with the objectives of the *Transport Integration Act* and *Planning and Environment Act 1987*.

The Panel concludes that:

- The Incorporated Plan should not be amended to include specific exemptions for the rail corridor.
- TfV should consider developing a state-wide and state-led amendment to apply permit exemptions for minor works in rail corridors located within Heritage Overlay precincts.

7 Extent of exemptions

7.1 The issue

Should the exemptions include:

- places of individual significance
- construction of or new dwellings on sites under 300sqm?

7.2 Evidence and submissions

Mr Ng's submission (Submission 4) sought to extend the exemptions to Fabian's Centennial Terrace at 81-99 Buckley Street, Footscray which is identified as being of individual heritage significance (HO194). His submission considered that the place's statement of significance did not seem to suggest that the proposed extensions should not be applied.

Council submitted that the Incorporated Plan only provides for exemptions in heritage precincts and not individual places. Council also distinguished that the exemptions are to be applied to precincts where the areas visible to the street are significant rather than the whole place for individually significant sites.

Ms Schwarcz (Submission 1) resides at a 297sqm property and requires a permit for a range of buildings and works. Ms Schwarcz's submission sought the application of exemptions to the construction of new dwellings or dwelling extensions on lots under 300sqm.

Council submitted that that the HO could not be applied in a way that overrode the existing scheme provisions for lots under 300sqm. It also indicated that the focus of exemptions was for more minor works rather than new dwellings.

7.3 Discussion and conclusion

The Panel agrees with Council's submission that the focus of the proposed Incorporated Plan exemptions is on more minor building alterations and works that are generally not viewed from the street (other than fences and crossovers).

The Panel viewed the existing fourteen Heritage precincts to which the exemptions apply, and considered they showed a strong consistency of form and appearance. The Panel considers that not only are the exemptions sought in the submissions transformative and outside the scope of the Amendment and authorisation, but they would also have more significant impact on individual places and potentially on the heritage character values of the precincts.

8 Form and content of the Amendment

8.1 Incorporated Plan

(i) Methodology and application

Ms Brady provided evidence regarding the development of the Incorporated Plan including analysis of heritage permit applications, assessment for unintended consequences of different exemptions in different heritage areas and an analysis of similar incorporated plans in other municipalities.

The Panel viewed each of the fourteen heritage areas identified in the Maribyrnong Planning Scheme. These were all found to demonstrate strong consistent heritage character elements including narrow side setbacks, low front fences and landscaped front setbacks. Some precincts had more crossovers than those that had access rear laneways. Only one precinct (HO5 Munition worker's housing heritage area Braybrook), presented a markedly different built form to the other areas which in the main comprised timber cottages. HO5 features a consistent brick dwelling form (detached and duplex), with driveways (some shared) and consistent fence form. The Panel agrees that HO5 as well as HO12 (war services home area) which also displays a consistent front fence form), require specifically crafted exemptions relating to fences.

The Panel considers that the methodology applied to the exemptions has been rigorous to avoid unintended consequences, with a number of heritage areas having specific exemptions to recognise particular heritage character or features.

The *Incorporated Plan Methodology Report* summarises the HO permit analysis undertaken by Council over a two-year period from 2014 – 2015. This analysis identified a total of 319 HO permit applications of which 114 were identified as being suitable exemption candidates. The most represented application types were external alterations (17), verandahs and pergolas (14), domestic services (13) and fences (12).

The Panel reviewed twelve incorporated plans used in other municipalities (Baw Baw, Ballarat, Bendigo, Shepparton, Latrobe, Macedon Ranges, Mitchell, Moonee Valley, Mount Alexander, Wellington and Yarra). These examples have used a combination of approaches, some included diagrams, some referenced Clause 43.01, some applied to contributory and non-contributory places, some were area or zone specific and others included a much wider list of exemptions.

The Panel considers that the proposed Incorporated Plan's use of explanatory notes and diagrams is appropriate and useful. The Panel considers that they are clear, readily legible and unambiguous and represent an improvement in content when compared to other incorporated plan examples.

The Panel considers that the range of exemptions proposed is modest. However, this is based on a localised assessment of the more minor application types in the municipality and an opportunity exists to review and expand them in time once they have been bedded in. The Panel acknowledges Council's position that its heritage areas are undergoing change and

renewal and that the benefits of the exemptions will become apparent in time, in terms of the number of proposals not requiring a permit.

PPN01 identifies that an incorporated plan is an appropriate tool for managing permit exemptions and numerous panels have supported their use to support good heritage outcomes and add efficiencies into the planning system.

The Panel supports the inclusion of the Incorporated Plan in the HO Schedule subject to the changes identified by Council and discussed in this Chapter.

(ii) Incorporated Plan changes

As identified in Chapter 2.2, Council proposed a number of changes to the exhibited Incorporated Plan, including a name change, removal of specific clause references and other minor wording changes. This version of the document was submitted as part of Ms Brady's evidence (Attachment A).

The Panel supports these changes as being sensible, logical and minor in nature.

8.2 Heritage schedule

As identified in Chapter 2.2, Council provided a revised HO Schedule in its Part A submission (Attachment 7) to accommodate Amendment VC148 changes and to include the amended Incorporated Plan title.

The Panel supports these changes to the exhibited Amendment. The changes are considered minor machinery changes only, but will assist in DELWP's processing of the Amendment post adoption.

8.3 Clause 72.04

As identified in Chapter 2.2, Council in its Part A submission (Attachment 7) provided a proposed Schedule to Clause 72.04 (Table of documents incorporated in this Scheme) introduced by Amendment VC148 to identify the Incorporated Plan, replacing the exhibited Schedule to Clause 81.01.

The Panel supports these changes to the exhibited Amendment. The changes are considered minor machinery changes only, but will assist in DELWP's processing of the Amendment post adoption.

8.4 Recommendations

The Panel recommends:

- 1. Modify the Incorporated Plan as shown in Attachment A to Ms Brady's evidence.**
- 2. Modify the Schedule to Clause 43.01 Heritage Overlay as shown in Attachment 7 to Council's Part A submission.**
- 3. Replace the Schedule to Clause 81.01 with a new Schedule to Clause 72.04 as shown in Attachment 7 to Council's Part A submission.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Lana Schwarcz
2	Kirsten Brown
3	Margaret Enever
4	Victor Ng
5	Inner West Branch National Trust
6	EPA
7	Transport for Victoria



Statement of Evidence and Report to Planning Panel

Maribyrnong Planning Scheme Amendment C147
Permit Exemptions in Heritage Precincts
Incorporated Plan

October 2018

Prepared by

Prepared for

LOVELL CHEN



City of Maribyrnong

Statement of Qualifications and Experience, and Declaration

Authorship of this report

This statement of evidence has been prepared by Ms Anita Brady, Special Consultant to Lovell Chen Pty Ltd, Architects and Heritage Consultants, of Level 5, 176 Wellington Parade, East Melbourne.

Qualifications and Experience

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

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

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

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

I was involved in the preparation of numerous conservation management plans, analyses and reports, for very diverse heritage places in Victoria and Australia. These places have included private residences; Department of Defence and Australia Post properties; industrial heritage complexes; World Heritage Listed places such as the Royal Exhibition Building and Carlton Gardens, and convict sites in Tasmania and Western Australia; sports grounds and stadiums; and large landscape areas. I was also responsible for preparation of the Yarra Planning Scheme Clause 43.01-2 Incorporated Plan, *Planning Permit Exemptions July 2014*; and for a recent review of local heritage policies for the City of Melbourne.

Instructions

My instructions were included in correspondence from the City of Maribyrnong, specifically a Request for a Quote (RFQ, dated 27 August 2018) to provide expert witness services in relation to Amendment C147.

Involvement leading up to instructions

My involvement in this project, leading up to instructions, commenced in June 2016.

I was assisted in this project by Suzanne Zahra, Senior Associate, of Lovell Chen. The graphics included in the Incorporated Plan were prepared by Brigitte Samwell, also of Lovell Chen.

I was responsible for reviewing all outputs, including the Incorporated Plan and the Methodology Report.

My resignation from Lovell Chen in September 2018 occurred at a time when several projects were ongoing, including this project for the City of Maribyrnong. In agreement with Peter Lovell, Principal and Founding Director of Lovell Chen, I was subsequently engaged as a Special Consultant to the practice. It is in this role that I have prepared this statement of evidence and appear before the Planning Panel.

Summary of my opinion

It is my opinion that the Permit Exemptions in Heritage Precincts Incorporated Plan, as per Amendment C147 and revised and updated here (October 2018) continues to be supported. It is a useful planning tool which allows owners of properties in Maribyrnong's 14 heritage precincts to undertake a range of works without the need to make a permit application. The permit exemptions have been designed to have no heritage impacts, or unintended consequences, and will not detract from or diminish the heritage values and significant heritage characteristics of the subject precincts.

Declaration

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

A handwritten signature in black ink, appearing to read 'A Brady'.

Anita Brady

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1.0 Introduction

This statement of evidence has been prepared for the City of Maribyrnong and addresses Maribyrnong Planning Scheme Amendment C147.

1.1 Amendment C147

The Amendment proposes an Incorporated Plan (a title is suggested here, being 'Permit Exemptions in Heritage Precincts'; also referred to below as the 'Incorporated Plan' or 'Plan') which will provide planning permit exemptions for generally minor works to places located within 14 Heritage Overlay precincts in Maribyrnong. The 14 precincts are identified below at Section 1.5.

The Amendment proposes to:

- Amend the Schedule to the Heritage Overlay, Clause 43.01, to insert an Incorporated Plan to the heritage precincts in the Incorporated Plan column.
- Amend the Schedule to Clause 72.04 to include the Incorporated Plan.

The exhibition period for Amendment C147 was conducted from 14 June to 20 July 2018. Seven submissions were received, and Council prepared a response to the submissions (in table form, titled 'Summary of Key Comments' and referred to below). The latter identifies the submitters and numbers their submissions (A1 to A7); this numbering system is reproduced here.

Post authorisation comments were also received from the Department of Environment, Land, Water and Planning (DELWP).

1.2 Statement of evidence

This statement of evidence makes specific reference to the following components of the Amendment:

- Preparation of the Incorporated Plan (exhibited version dated May 2018).
- Preparation of the Methodology Report which accompanies and explains the work involved in preparing the Incorporated Plan (exhibited version dated May 2018).

Some of the content in this statement includes, and in part reproduces, elements of the May 2018 Methodology Report.

In preparing this statement of evidence, the following tasks have been undertaken:

- Reviewed Council's response to the submissions ('Summary of Key Comments', see Section 3.1 below)
- Reviewed and commented on the submissions lodged with Council following exhibition of the Incorporated Plan (see Section 3.2)
- Reviewed the changes recently introduced to the Victorian Planning Provisions through Amendment VC148, and their implications for the Incorporated Plan (see Section 4.0)
- Reviewed post authorisation comments received from DELWP on the content of the Incorporated Plan (see Section 5.0)
- Prepared a revised and updated Incorporated Plan (October 2018, attached to this statement as Appendix A) which as appropriate responds to and addresses matters identified above (submissions, Amendment V148 and DELWP comments).
- Prepared a revised and updated Methodology Report (October 2018, attached to this statement as Appendix B; note that it excludes the appendices included in the exhibited version of May 2018, as no changes have been made to these) which as appropriate responds to and addresses matters identified above.

Track changes have been used to identify revisions to the Methodology Report and Incorporated Plan.

In preparing this statement, reference has also been made to the recently updated Planning Practice Note 13 'Incorporated and Background Documents'. While the Practice Note post-dates the exhibition of this Amendment, it is noted that the subject Incorporated Plan is consistent with the Practice Note requirements.

1.3 Directions Hearing

A Directions Hearing on the Amendment was held on 2 October 2018, with a Directions Letter following.

It is understood that following the Directions Hearing, several matters/submissions were identified by the Panel as requiring a detailed/comprehensive response in this statement of evidence:

- Submission of National Trust (Victoria) (see Section 3.2.1)
- Submission of Transport for Victoria (see Section 3.2.2)
- The way in which the Incorporated Plan ensures there are no unintended consequences arising from the proposed exemptions (see Section 2.3)

1.4 Chronology of project stages

The following is a high-level summary and chronological overview of the project, identifying Lovell Chen's involvement (tasks and outcomes) in the various stages, up to the exhibition of Amendment C147 and preparation of this statement of evidence.

The various tasks and stages were also largely based on Council's Project Brief for this project.

Date	Task/output
June 2016	Lovell Chen commenced work on the project, after responding to an invitation to quote on the project in April 2016 and being the successful tenderer.
July 2016	Inception meeting with Council, including members of Council's City Strategy Department, Urban Planning and Council's Heritage Advisor.
August-September 2016	Review and analysis of heritage planning permit data.
August-September 2016	Review of other Incorporated Plans and mechanisms for permit exemptions included in other planning schemes.
August-September 2016	Desktop review of Maribyrnong heritage studies and reference documents, including citations for the subject heritage precincts.
September-October 2016	Fieldwork and survey of the heritage precincts.
November 2016	Preparation and submission of (first draft) of Incorporated Plan for Council review and comment.
February 2017	Preparation and submission of (second draft) of Incorporated Plan for Council review and comment.
May 2017	Draft Incorporated Plan reviewed and commented on by the Department of Environment, Land, Water and Planning.
June 2017	Preparation and submission of Incorporated Plan and Methodology Report to Council. This was assumed to be final.
January 2018	Council sought review of the Incorporated Plan and Methodology Report in light of proposed changes to the Planning Scheme through VC142.
March 2018	Updated Incorporated Plan and Methodology Report submitted to Council for review and comment.
May 2018	Completion of the final Incorporated Plan and Methodology Report.
June-July 2018	Exhibition of Amendment C147 (Incorporated Plan and Methodology Report)

August 2018	Request for a Quote from the City of Maribyrnong to provide expert witness services in relation to Amendment C147.
October 2018	Preparation of this statement of evidence.
October 2018	Preparation of revised and updated Incorporated Plan and Methodology Report.

1.5 The 14 precincts

The 14 precincts are as follows:

HO number	Precinct name
HO1	Angliss Housing Estate heritage area Yarraville
HO2	Ballarat Road Residential heritage area Footscray
HO3	Footscray Commercial heritage area Footscray
HO4	Footscray Residential heritage area Footscray
HO5	Munitions worker's housing heritage area Braybrook
HO7	Old Footscray Township residential heritage area Footscray
HO8	Queensville Estate heritage area Kingsville
HO9	Seddon residential and commercial heritage area Seddon, Yarraville
HO10	Somerville Road 20th century residential heritage area Yarraville
HO11	Upper Footscray residential heritage area Footscray
HO12	War Service homes heritage area Maribyrnong
HO13	William Angliss worker housing estate heritage area Footscray
HO14	Yarraville civic and commercial heritage area Yarraville
HO15	Yarraville residential heritage area Yarraville

2.0 Methodology

The methodology adopted in preparing the Incorporated Plan is outlined in some detail in the Methodology Report (May 2018). However, the following is provided by way of further or additional information and explanation.

2.1 To what does the Incorporated Plan apply?

The Incorporated Plan will introduce planning permit exemptions, under the provisions of *Clause 43.01 Heritage Overlay*, for all properties and places located in 14 Heritage Overlay precincts in Maribyrnong.

In applying to these places, the Incorporated Plan does not distinguish between places of heritage value or contributory value to the precincts; and places which are not of heritage value and might be regarded as non-contributory. The identified permit exemptions apply in both – or all - cases.

The Plan is not intended to apply to places:

- included in the Victorian Heritage Register (VHR);
- identified as 'individually significant' places, properties or buildings in Maribyrnong's Heritage Overlay precincts as expressed in the Local Planning Policy;

- included in Maribyrnong’s Schedule to the Heritage Overlay as individual places; or located in precincts or in related groups of buildings with a Heritage Overlay control, other than the subject 14 precincts.

The VHR places, ‘individually significant’ places and the individual Heritage Overlay places are places of a higher order of heritage value – i.e. are more significant - than the places to which the Plan is proposed to apply in the 14 precincts.

The key consideration here is that many, i.e. the most significant, heritage places in Maribyrnong are not subject to the Incorporated Plan, and that these are places where works would normally be subject to a permit application, an assessment of the proposed works and a determination by Council.

2.2 Identifying works suitable for permit exemptions

The following tasks and project stages were undertaken to identify the types of works which were considered most compatible with, or suitable for, the application of a permit exemption.

2.2.1 Planning permit applications and heritage planning data

One of the first tasks undertaken by Lovell Chen was to review and analyse planning permit applications and heritage planning permit data to gain a fuller understanding of the types of works – i.e. minor and less impactful works - which might be suited to a permit exemption. The data under review dated from January 2014 to December 2015; and involved some 319 permit applications. This review excluded planning permit applications for individually significant heritage places.

The review and analysis (or interpretation) of the data identified that the minor applications for lesser or one-off works in heritage precincts were typically for:

- fences
- verandahs/pergolas
- sheds/outbuildings
- signs
- external alterations
- garages/carports
- crossovers
- domestic/commercial services
- swimming pools
- decks
- other miscellaneous minor works

This list formed the starting point of identifying what might be suitable or appropriate permit exemptions in Maribyrnong’s heritage precincts.

A more detailed overview of this stage of the project is included in the Methodology Report at Section 3.1.1. The results/outputs of the review and analysis of heritage planning permit data were included as Appendix A to the Methodology Report.

2.2.2 Other Incorporated Plans and permit exemption mechanisms

The Incorporated Plans and mechanisms for permit exemptions, as employed by other municipalities and included in other planning schemes, were also reviewed. The focus of the review was on their content, clarity, legibility and potential for application in Maribyrnong. The review also identified common themes and approaches to the presentation of the content of the existing Incorporated Plans, which was generally followed and adopted with the Maribyrnong Incorporated Plan.

In terms of the content of the other Plans, the permit exemptions were broadly similar throughout and commonly applied to:

- minor demolition

- construction or alteration of outbuildings
- construction of pergolas or verandahs
- construction of additions/extensions to dwellings
- construction of front and side fences

Typically, the other permit exemptions set out limitations for the exempted works, including nominating heights above ground level for floors; relative heights and setbacks for additions; and heights and locations for fences. Seeking to conceal or limit the visibility of the exempt works from main street frontages and the public realm generally (excluding rear lanes) was largely universal throughout.

Again, a more detailed overview of this stage of the project is included in the Methodology Report at Section 3.1.4. The results of this review were included as Appendix B to the Methodology Report.

2.2.3 *Maribyrnong heritage studies and reference documents*

Informed by the above assessment and analysis, the next stage of the project involved a desktop review of the relevant Maribyrnong heritage studies and related documents, work which was intended to assist in further understanding the appropriateness or otherwise of the generally minor works identified above.

The review included reference documents of the Maribyrnong Planning Scheme, including those cited in the local heritage policy; citations for the subject heritage precincts which contain detailed information and analysis about precinct characteristics, patterns of development, building forms, typical materials and the like; and the policy basis, objectives and individual policy for each of the heritage precincts as included in Clause 22.01 Cultural Heritage Policy. In addition to providing insight into the significant precinct characteristics, the objectives and policy for each precinct, as included in Clause 22.01, also gave clear direction on what is encouraged in precincts and what is not appropriate. The *Munitions Workers' Housing Estate, Braybrook, Heritage Guidelines* (Heritage Alliance, June 2006) were also reviewed in relation to that precinct (HO5).

2.2.4 *Field work and 'ground truthing'*

Following on from the above tasks, field work and field surveys were undertaken in all the precincts, to better understand the documented heritage characteristics and to 'ground truth' the application of potential permit exemptions. This work resulted, over time, in the reduction of the potential exemptions; it also revealed that some exemptions could comfortably and reliably be applied in all or at least most of the precincts, but not in others.

The following section on 'unintentional consequences' also refers to the outcomes of the field work.

2.3 **Unintentional consequences**

As noted, at the Directions Hearing the issue of unintentional consequences was raised.

In response to this, it is firstly noted that the methodology employed in the preparation of the Incorporated Plan was mindful of this potential outcome and sought to avoid such consequences. This was achieved through the following:

- Removing the need or opportunity for owners of properties to make a judgment call or a decision which could have an unintended heritage impact. For example, in applying the permit exemptions to all places in the 14 precincts, and not distinguishing between places with and without heritage value, the judgement as to whether the affected property was of heritage value or not was removed from the decision-making process and was not left to the lay person or non-heritage expert.
- Providing certainty with the permit exemption outcomes.
- Including 'Explanatory notes' with each permit exemption, together with graphics and diagrams, to assist with understanding the exemptions, how and when they are relevant and how they can be applied.

- Making the Incorporated Plan graphics generic but still able to illustrate or encompass specific limits; and not attempting to illustrate a wider range of potential conditions which could lead to erroneous or inappropriate heritage outcomes.

Examples of exemptions which could have unintentional consequences are set out below. The works include fences, crossovers, verandahs and shopfronts, works to the rear of properties, and works involving signage. These examples also highlight the problem of requiring a judgement to be made by the proponent of the works.

The reinstatement or reconstruction of **front boundary fences** in designs which are typical or characteristic of the valued era of the heritage dwelling/streetscape/precinct (era-appropriate front fences) is supported by the heritage policy. However, this does not readily translate to a permit exemption for the construction of such a fence. In a precinct where there are diverse eras or periods represented, or where there is a variety of valued house styles even within a defined historic period, the selection of an appropriate fence is problematic. It requires the owner to decide on the design or style of the fence, where several options may be available, and based on an understanding of the era of the property. This could result in an impactful outcome such as an Edwardian style fence being constructed in front of a Victorian dwelling (in a precinct which combines Edwardian and Victorian development).

However, while accepting this, it was found through the field work and analysis outlined above at Sections 2.2.3 and 2.2.4, that such an exemption could be applied in two precincts, being HO5 Munitions worker's housing heritage area Braybrook and HO12 War Service homes heritage area Maribyrnong. In these precincts, the exact fence design could be specified with confidence as a permit exemption and would give certainty to the exemption outcome. The Maribyrnong heritage policy for HO5 also specifies low wire fences for reinstatement; while the policy basis for HO12 identifies wire fabric front fences as a precinct characteristic. The demolition and construction of timber paling **fences to rear and side property boundaries** is, conversely, not an appropriate exemption in HO5, where the irregularity of some allotments and, unusually, the visibility of some original side fences in the public realm, may result in an inappropriate and impactful outcome.

Another example is **crossovers**. While some precinct policies expressly discourage the introduction of crossovers and car parking access to the front setback of properties, other policies allow for the introduction of a single-width crossover. In relation to the latter, for precincts HO1 Angliss Housing Estate heritage area Yarraville, HO10 Somerville Road 20th century residential heritage area Yarraville, and HO12 War Service homes heritage area Maribyrnong, it was evident that vehicle crossovers and access to the fronts of properties was commonplace in these precincts, and consistent with the historical patterns of development. Accordingly, a permit exemption for the construction of new crossovers was deemed appropriate in these precincts, while not in others.

Verandahs and shopfronts are also encouraged by heritage policy to be reinstated in commercial streetscapes. However, the diversity in Maribyrnong's historic commercial streetscapes, of original verandah styles and designs, and historic shopfront treatments, did not make for appropriate permit exemptions. The introduction of new verandahs and shopfronts, even where believed to be historically accurate or at the very least historically sympathetic, should (and will) remain subject to a permit application and Council assessment.

Works to the rears of dwellings could not be permit exempt in all precincts. For example, properties with irregular allotments (such as HO5 Munitions worker's housing heritage area, and HO11 Upper Footscray residential heritage area) provide less opportunity for the concealment of additions or works to the rear of buildings, or for new outbuildings, and on that basis these precincts could not accommodate these particular exemptions.

Exemptions for **signage** were also considered, and then discounted. While new signage may be an appropriate outcome in commercial areas within the precincts, the diversity of situations in which new signage might be considered appropriate proved a complication. The protection of historic signage was also a factor, and its replacement with new signage could result in the inadvertent loss of something of

heritage value. It was also not appropriate to leave the judgement as to whether existing signage was of heritage value, or not, and therefore deserving of retention, to the lay person.

2.4 Final permit exempt works

The outcome of all the above was to include the following permit exemptions in the exhibited version of the Incorporated Plan:

- Minor modifications and alterations (all precincts)
- Additions to buildings (all precincts, but excluding HO5 and HO11)
- Outbuildings (all precincts, but excluding HO5 and HO11)
- Pergolas and verandahs (all precincts, but excluding HO5)
- Fences and roller doors (all precincts, but excluding HO5 and in part HO12)
- Vehicle crossovers and driveways (HO1, HO10 and HO12)

3.0 Submissions

This section of the statement of evidence addresses the submissions received following exhibition of Amendment C147.

3.1 Council’s response to the submissions

As noted, Council prepared a response to the submissions, in table form, titled ‘Summary of Key Comments’. The response identified the submitters and numbered their submissions from A1 to A7, identified those submissions which sought changes to the Amendment, were against the Amendment, and supported the Amendment. The Council response also addressed the issues and matters raised in the submissions; and explained where the requested changes could not be supported on the grounds of being outside the scope of the Heritage Overlay controls and considerations, or not appropriate in terms of an Incorporated Plan.

The Council responses are generally supported and agreed with.

Submission A5 identified issues which reasonably require further clarification and explanation here; and submission A7 identified issues which are outside the scope of the current Amendment and Incorporated Plan.

More detailed responses to submissions A5 and A7 are included below.

3.2 Submissions following exhibition of the Incorporated Plan

With reference again to Council’s (tabular) response to the submissions, no further comment or review is provided here in relation to submissions A1, A2, A3, A4 and A6.

However, as noted, more detailed comments and response are provided below in relation to submissions A5 and A7. This is structured as follows:

- Summary of submission issues
- Council response as reproduced from the Council table
- Lovell Chen response following

3.2.1 Submission A5 Submission of National Trust (Victoria)

Submission issues	Council response	Lovell Chen response
The demolition of rear additions is problematic. Some existing additions are of poor quality, and the proposed exemption ‘presumes the retention of such additions’, or	The proposed Incorporated Plan proposes permit exemptions for demolition to rear walls, as well as, additions to buildings to allow flexibility for owners	This issue raises a number of concerns which require clarification. In the first instance, the submission appears to be concerned that the permit exemption for minor modifications and

Submission issues	Council response	Lovell Chen response
<p>alternatively triggers the planning approval process for their removal.</p>	<p>to undertake works that will not be visible from the street. These exemptions are limited to set criteria. An illustration is provided in the Plan on where demolition is permitted, which is only to the rear and part side/rear walls. The extent of demolition is labelled and delineated in the diagram.</p>	<p>alterations to the rear of buildings,¹ in combination with the permit exemption for additions to buildings,² implies or encourages the retention of poor-quality rear structures and poorly designed additions. This will occur where proponents opt for the lesser and easier process of utilising the permit exemption when proposing works to the rear of dwellings; rather than the longer and potentially more expensive process of lodging a permit application and obtaining planning approval to demolish a structure or more fabric at the rear of the building than is allowed for under the exemption.</p> <p>On demolition, the permit exemption is only intended to allow for the minor extent of removal outlined in the Incorporated Plan; this is associated with rear walls or rear elevations which are not visible from the principal street to the front of the property. If more fabric is proposed for demolition, such as visible side walls, or a non-original addition, or indeed more of the original part of a building to its rear, then a permit application and Council assessment and approval is required.</p> <p>It is not practical or desirable to delineate a larger area for demolition in the graphics included in the Plan,³ as this may inadvertently result in the loss of visible fabric of heritage value. The exemption also cannot be expected to delineate the extent of a non-original addition (which can vary widely from house to house). The exemption also should not refer to demolition of a non-original or later addition, as this requires a judgement to be made by the proponent as to what constitutes a non-original or later addition. While the removal of more fabric to the rear of dwellings (than shown in the exemption) and/or non-original</p>

1 Permit exemption 2.1, pp. 5-6 of the exhibited Incorporated Plan (May 2018)

2 Permit exemption 2.2, pp. 7-9 of the exhibited Incorporated Plan (May 2018)

3 Figure 1 and Figure 2, pp. 5-6 of the exhibited Incorporated Plan (May 2018)

Submission issues	Council response	Lovell Chen response
		<p>additions would in most instances be approved by Council, a review of the fabric to be removed is still required via a permit process.</p> <p>On the matter of the permit exemption encouraging the retention of poor-quality additions, this is not the intended outcome, however this remains a choice which can be made by the proponent. It is also thought that the costs associated with extending dwellings, coupled with high land values, would render it unlikely that owners would choose to compromise their building design in order to avoid the planning application process.</p>
<p>The typical double fronted Victorian or Federation cottage has an original lean-to at the rear of the main building/roof form. The diagrams do not reflect this. The diagrams do not include the typical skillion. Thus they could imply removal of the lean-to?</p>	<p>In the preparation of the Plan, additional drawings depicting the elevation form of the rear structure were not considered necessary. However the Planning Panel process does provide an opportunity to review the Plan to improve clarity for the reader.</p>	<p>On the matter of the graphics included in the Plan not showing original lean-tos at the rear, this is acknowledged. However, it is not considered necessary. As outlined above, the intention is for the graphics to be generic and to avoid more specific conditions which may, or may not, exist with buildings and properties in the precincts.</p> <p>On the removal of original skillions, it is also acknowledged that this can occur. However, such removal is commonplace with heritage buildings, and more so with buildings which are not of the higher order of heritage value (to which the Plan applies). The demolition of fabric associated with the more significant places in Maribyrnong is not permit exempt, and rightly requires Council approval via a permit application process.</p> <p>Council's heritage policies for the precincts also emphasise the conservation of the streetscape qualities and characteristics of the precincts, as visible from the public realm; and encourage additions to contributory buildings to not detract from the character of the precinct or to overwhelm the contributory building. This in practice or effect reflects an emphasis on retention of the front parts of dwellings, and contemplates demolition and change to the rear. The loss of an original skillion is normally allowed for in this scenario.</p>

Submission issues	Council response	Lovell Chen response
<p>The amendment is silent on the attachment of a new roof form to the existing. Typically heritage guidelines do not allow for connection of new to existing roofs; that the new should be clearly distinguishable from the original. This should remain the intent.</p>	<p>The criteria set for new roof forms will ensure it is clearly distinguishable from original building as the height of new additions, including the roofs, cannot exceed the eave height of the existing dwelling under the proposed Plan.</p>	<p>The attachment of the new roof to the rear part of the building, as provided for in the exemption, will not be visible from the principal street and will be located below the eaves line of the existing building. On that basis, there will be no visible blending or attachment of the new roof to the main historic roof form.</p> <p>It is also noted that there is no specific prohibition in the Heritage Overlay considerations against new roofs connecting with existing roofs; this in fact happens on a regular basis. However, where this is to occur in a manner not anticipated through the permit exemption, then it is a design consideration which is will remain subject to an assessment as part of a permit application.</p> <p>It is agreed that new roof forms should be clearly distinguishable from original roofs. Again, with the permit exemption, the interface of the new roof and the old will not be visible from the principal street, thereby addressing this issue. The specified envelope of the addition also does not allow for a high roof form or one which might be visible and lead to confusion as to what is original or not.</p>

3.2.2 Submission A7 Transport for Victoria.

Submission issues	Council response	Lovell Chen response
<p>The amendment should be expanded to provide exemptions to cover a range of rail operations requirements. Similar exemptions exist for this purpose within incorporated plans to Heritage Overlays in the Moonee Valley, Boroondara, Darebin and other Planning Schemes. These exemptions include removal of, modifications and repairs to and replacement of overhead power lines, railway</p>	<p>The submitter has requested the expansion of the planning permit exemptions to cover a range of rail operations in heritage precincts, this is outside the scope of the Minister for Planning's authorisation.</p> <p>A more effective way of providing exemptions for rail operations in Heritage Overlay areas would be through a state-led and state-wide Planning Scheme Amendment, initiated by Transport for</p>	<p>The changes sought by Transport for Victoria affect two subject heritage precincts, being HO14 Yarraville civic and commercial heritage area Yarraville, and HO9 Seddon residential and commercial heritage area Seddon, Yarraville.</p> <p>Adding further exemptions to the Plan to provide the requested exemptions for rail operations would expand the scope of the Plan and is therefore not feasible under the current delegated authorisation for the Amendment. The proposed exemptions should also be exhibited, and they have not.</p> <p>The affected areas within the precincts would also desirably be mapped and</p>

<p>tracks, ticket machines, electronic signalling equipment, signage, tree removal, resurfacing of paths and works associated with equitable access.</p>	<p>Victoria. Introduction of such changes at this stage in the process in Council's view may represent a substantial change in the Amendment and requires re-exhibition.</p>	<p>described in some detail, with the exemptions being of a very specific nature.</p> <p>Accepting all of this, there is an acknowledged need for these exemptions, but perhaps to be considered and introduced on a state-wide basis.</p> <p>There are numerous historic railway complexes and operating railway reserves and corridors which are subject to the heritage controls in Victoria. Where these are included in the Victorian Heritage Register, there are likely to be exemptions in place under the <i>Heritage Act 2017</i>. For places subject to municipal Heritage Overlays, the introduction of an Incorporated Plan which specifically addresses rail operations is supported.</p>
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4.0 Amendment VC148

As noted, the changes recently introduced to the Victorian Planning Provisions through Amendment VC148 have been reviewed, in terms of the implications for the Incorporated Plan.

The chief implications largely arise out of VC148 removing Clauses 21 and 22 from the Planning Scheme, and consolidating the state, regional and local policy into one planning policy framework. While the implementation of VC148 is in transition, Clause 22.01 Cultural Heritage Policy remains in the Maribyrnong scheme, at least on a temporary basis.

Clause 22.01 was referenced in both the Methodology Report and the Incorporated Plan, where it was cited as the policy in which 'individually significant' places in precincts are identified, as distinct from places which are individually listed in the Schedule to the Heritage Overlay. These are places to which the permit exemptions do not apply, and the identification of these places therefore remains key to the Plan. However, for the Plan to remain current, reference to what will become an obsolete policy is not supported, and a revised new format Maribyrnong policy framework is some time off.

On the basis of the above, it is recommended that specific reference to Clause 22.01 Cultural Heritage Policy be removed from the Incorporated Plan. However, reference to 'individually significant' places in precincts is required to be retained. It is therefore recommended that the following text (or a variation of it) be used in place of the specific policy reference:

Places identified as 'individually significant' places, properties or buildings in Maribyrnong's Heritage Overlay precincts as expressed in the Local Planning Policy.

Specific reference to Clause 22.01 is retained in the Methodology Report, where the report explains the tasks and stages of the project. For instance, Clause 22.01 is referenced in the report in relation to the policy basis for the precincts, the precinct-specific policies and objectives, and as a source of information on the significant characteristics of each precinct. The policy was relevant during the period in which the Plan was prepared, hence reference being retained in the Methodology Report.

The Methodology Report and Incorporated Plan have been updated to reflect the above recommendations (October 2018 versions, attached as Appendix A and B). The attachment to the Incorporated Plan, which lists the individually significant places, has also been replaced with lists in alphabetical street address format.

5.0 DELWP comments

Again as noted, post authorisation comments were received from DELWP in regard to the content of the Incorporated Plan. Chiefly, these comments noted that there is no need to repeat the contents of the existing Clause 43.01 exemptions in the Incorporated Plan. This is especially so given the Victorian Planning Provisions are in a fluid state at the moment, and subject to amendments. The additional detail regarding repairs and maintenance is also not required, and may create an inconsistency if the wording of the Heritage Overlay is changed.

The Methodology Report and Incorporated Plan have been updated to reflect the above recommendations (October 2018 versions, attached as Appendix A and B).

Before moving from this matter, and by way of explanation, the text relating to the Clause 43.01 exemptions, and the detail regarding repairs and maintenance, was originally included in the introductory section to the Plan to assist the lay reader. The intention was not to duplicate Clause 43.01, but to ensure that the full range of exemptions available under the Heritage Overlay were either explained in the Plan (existing Clause 43.01 exemptions) or included in the Plan (additional Clause 43.01 exemptions).

6.0 Concluding comments

It is my opinion that the Permit Exemptions in Heritage Precincts Incorporated Plan, as per Amendment C147 and revised and updated here (October 2018) continues to be supported. It is a useful planning tool which allows owners of properties in Maribyrnong's 14 heritage precincts to undertake a range of works without the need to make a permit application. The permit exemptions have been designed to have no heritage impacts, or unintended consequences, and will not detract from or diminish the heritage values and significant heritage characteristics of the subject precincts.

Appendix A Incorporated Plan October 2018

PERMIT EXEMPTIONS IN
HERITAGE PRECINCTS

INCORPORATED PLAN

UNDER THE PROVISIONS OF CLAUSE 43.01
HERITAGE OVERLAY

Prepared for
City of Maribyrnong

October ~~May~~ 2018

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1.0 Introduction

This [Permit Exemptions in Heritage Precincts](#) Incorporated Plan establishes planning permit exemptions, under the provisions of *Clause 43.01 Heritage Overlay*, for properties in specific heritage precincts included in the City of Maribyrnong Schedule to the Heritage Overlay. The subject heritage precincts are identified at Table 1.

In accordance with *Clause 43.01-3*, no permit is required for permit exempt works identified in this Incorporated Plan.

[People using this document should contact Council to confirm that there are no planning permit requirements triggered under other parts of the Heritage Overlay provisions or Planning Scheme. A building permit may also be required.](#)

1.1 Existing exemptions at Clause 43.01

Under the provisions of *Clause 43.01-3 No Permit Required*, no permit is required under the Heritage Overlay for a limited number of works, as follows:

- To internally alter a church for liturgical purposes if the responsible authority is satisfied that the alterations are required for liturgical purposes.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the *Cemeteries and Crematoria Act 2003*.
- To develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.

Clause 43.01-1 Permit Requirement also identifies a range of works which require a permit if the works/items are visible from a street (other than a lane) or public park. It follows that such works will not trigger the permit requirement if not visible in this way. Included in these are construction, installation and/or introduction of:

- Domestic services normal to a dwelling, such as air conditioners, cooling or heating systems, water meters, access ladders, hot water services and shade sails.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
- Solar energy facilities attached to a building, which primarily service the land on which the building is situated.
- Rainwater tanks.
- Fence.
- Domestic swimming pool or spa and associated mechanical and safety equipment.
- Deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- Non-domestic disabled access, excluding a non-domestic disabled access ramp.
- Electric vehicle charging station.

In addition to the above *Clause 43.01-1* provides for the following works to be undertaken without a permit:

- Repairs and routine maintenance which do not change the appearance of a heritage place, and are undertaken to the same details, specifications and materials as existing.
- Painting of a previously painted surface, other than painted signage or advertisements.

Repairs and maintenance are further defined below at Section 3.0. In practice this exemption incorporates the replacement of doors, windows (other than windows with decorative glazing such as coloured glass or leadlight windows) and fencing; and repairing and patching walls and roof. Regarding

~~the replacement of roofing, this includes roof tiles, rainwater heads, gutters and downpipes, and again in order to be exempt under Clause 43.01 the works must be undertaken to the same details, specifications and materials as the existing (including form, pitch, profile, material, colour and style). If the replacement materials do not match the existing, a sympathetic alternative may be appropriate but would require a permit from Council. Clause 43.01 permit exempt works do not provide for removal of chimneys or other roof elements such as decorative ridge capping, finials, gargoyles and vents.~~

~~Clause 43.01 permit exempt works also apply to the replacement of existing crossovers and driveways to match the existing in terms of form, materials, colour of materials, size, alignment, location and details.~~

~~In Maribyrnong, paint controls do not apply under the Heritage Overlay to the heritage precincts subject to this Incorporated Plan. This means that owners can repaint their properties, where the painting is of a previously painted surface. It does not mean that owners can paint a currently unpainted external surface. The painting of unpainted brick, stone, render or timber walls and details is not permit exempt, unless and except for newly installed and constructed doors, windows, garages, pergolas, carports, decks and fences. Painting or repainting signage, signs or advertisements, anywhere on a heritage place or within a heritage precinct, would require a permit from Council. Similarly, applying render or stucco to a building surface, which is not currently rendered or stuccoed, also requires a Council permit.~~

1.21.1 Places to which the permit exemptions do not apply

This Incorporated Plan does not apply to places:

- Included in the Victorian Heritage Register, which is a statutory register of places of cultural heritage significance to the State of Victoria, subject to the *Victorian Heritage Act 1995*.
- Identified as ‘individually significant’ places, properties or buildings [in Maribyrnong’s Heritage Overlay precincts as expressed in the Local Planning Policy in the statements of significance for precincts, in Maribyrnong’s Heritage Overlay precincts, Clause 22.01 Cultural Heritage Policy.](#) These places are more significant than contributory places in precincts, and have their own statements of significance.
- Included in Maribyrnong’s Schedule to the Heritage Overlay as individual places, or located in Heritage Overlay precincts which are not identified in Table 1 to this Incorporated Plan.

The places identified as ‘individually significant’ in precincts, and those included in the Schedule to the Heritage Overlay as individual places, are listed in the ‘Attachment’ to this Incorporated Plan.

1.31.2 Explanatory notes

The Incorporated Plan permit exemptions provide for generally minor works, with some exceptions, which do not impact on the heritage significance of the subject building or property, or the heritage precinct. To assist with understanding the exemptions, and how and when they are relevant and can be applied, ‘Explanatory notes’ are included below. Definitions of terms used in this Incorporated Plan are also included at Section 3.0.

1.41.3 What is a permit exemption?

A permit exemption allows for specific works to be undertaken without requiring a permit from Maribyrnong Council under the provisions of the Heritage Overlay.

This plan does not provide exemptions for permits under other provisions of the Maribyrnong Planning Scheme, such as zone provisions, other overlays or particular provisions. In some instances, a building permit may be required.

1.51.4 Heritage Overlay precincts and applicable exemptions

The following table identifies the Heritage Overlay precincts which are the subject of this Incorporated Plan.

Table 1: Subject heritage precincts

HO number	Precinct name
HO1	Angliss Housing Estate heritage area Yarraville
HO2	Ballarat Road Residential heritage area Footscray
HO3	Footscray Commercial heritage area Footscray
HO4	Footscray Residential heritage area Footscray
HO5	Munitions worker's housing heritage area Braybrook
HO7	Old Footscray Township residential heritage area Footscray
HO8	Queensville Estate heritage area Kingsville
HO9	Seddon residential and commercial heritage area Seddon, Yarraville
HO10	Somerville Road 20th century residential heritage area Yarraville
HO11	Upper Footscray residential heritage area Footscray
HO12	War Service homes heritage area Maribyrnong
HO13	William Angliss worker housing estate heritage area Footscray
HO14	Yarraville civic and commercial heritage area Yarraville
HO15	Yarraville residential heritage area Yarraville

2.0 Permit Exemptions

Under *Clause 43.01-3* the following works are exempt from the requirement for a planning permit.

2.1 Minor modifications and alterations

Permit exemption

2.1.1 Minor modifications and alterations, including demolition to rear walls or rear parts of buildings at ground floor level are permit exempt where:

- The works are to the rear building walls or rear parts of buildings (not including roofs) as shown in Figure 1 or Figure 2; ~~and~~
- The works are not visible from a street or side street (other than a lane) or public park.

This exemption applies to all the precincts listed in Table 1.

Explanatory notes

In heritage precincts, what is primarily seen from the principal streetscape or main view of a property is important. External modifications and alterations must not change or impact on the principal presentation of a building, hence the exemption applies to the rear, and less visible parts, of a building. Allowing these modifications to the rear of a building will not impact on the important contribution to the street.

The exemption can include alteration and removal of existing building fabric, including walls, windows and doors, where confined to the parts of buildings shown in Figure 1 or Figure 2.

The exemption does not apply to roofs or rear parts of roofs, including the modification, alteration and demolition of roofs. These latter works would require a permit from Council.

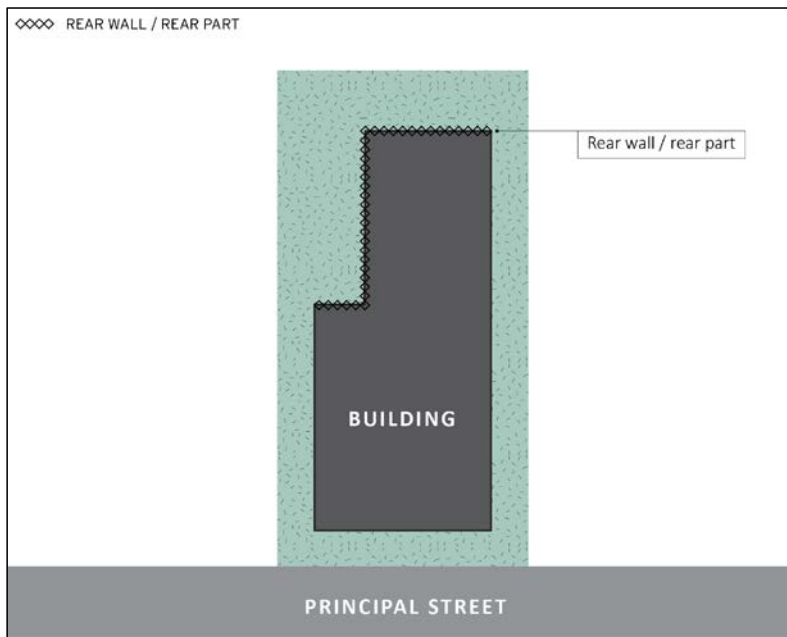


Figure 1 Modifications and alterations, including demolition, are exempt to the rear wall/rear part of building

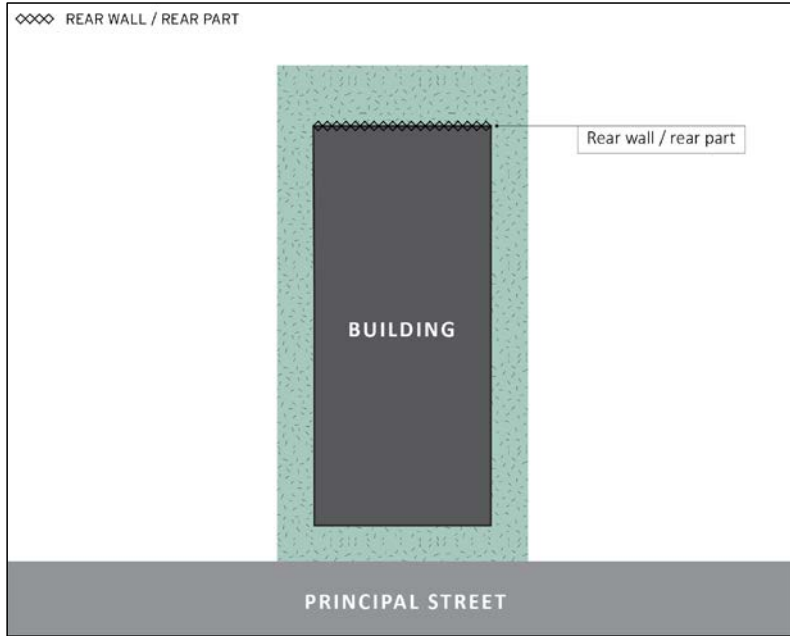


Figure 2 Modifications and alterations, including demolition, are exempt to the rear wall/rear part of building

2.2 Additions to buildings

Permit exemption

2.2.1 Construction of a single-storey addition or extension to an existing building is permit exempt where the addition is attached to the rear of the existing building, and situated within the rear yard area as shown in Figure 3 and:

- The height of the walls of the addition (from natural ground level) does not exceed the eaves height of an existing single-storey building on the property, or the ground floor height of an existing two-storey building on the property (see Figure 4 ~~and~~ Figure 5); ~~and-~~
- The roof of the addition must be sited behind the roof of the existing single-storey dwelling; ~~and-~~
- The addition, including its roof, does not project beyond the side walls/side elevations of the existing building, and has side setbacks which are not less than the existing building; ~~and-~~
- The addition is not to a corner located property, being a property located to street or side-street corners or a property with two street frontages; ~~and-~~
- Demolition associated with the addition is restricted to the rear wall of the existing building, as illustrated in Figure 2, and does not involve roofs or rear parts of roofs of existing buildings.

This exemption applies to the precincts listed in Table 1, with the exception of H05 Munitions worker's housing heritage area Braybrook, and HO11 Upper Footscray residential heritage area Footscray.

Explanatory notes

The precincts to which this exemption does not apply include allotments with irregular boundaries. Such properties provide less opportunity for the sensitive placement of new additions, which is the intent of this exemption.

The exemption does not specify an approach to the design or materials of an addition, including the roof, where it is located within the permitted envelope.

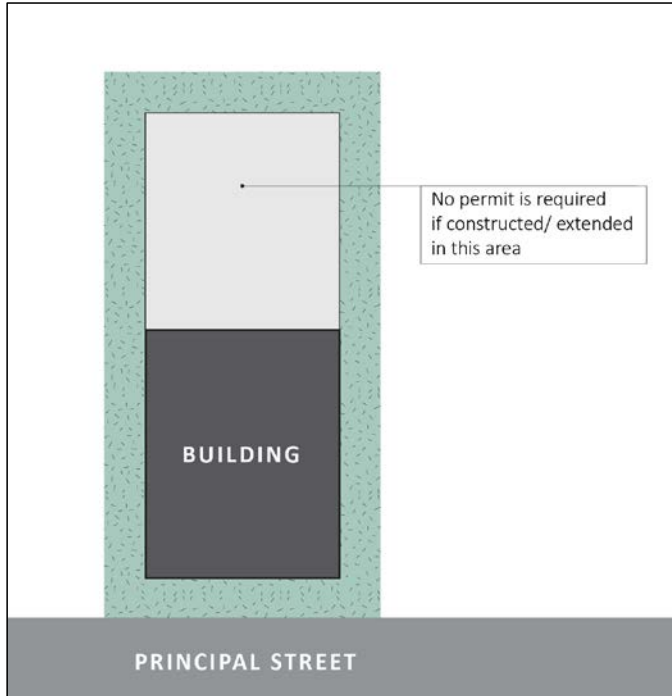


Figure 3 Construction of a single-storey addition or extension to an existing building is exempt if located in this area

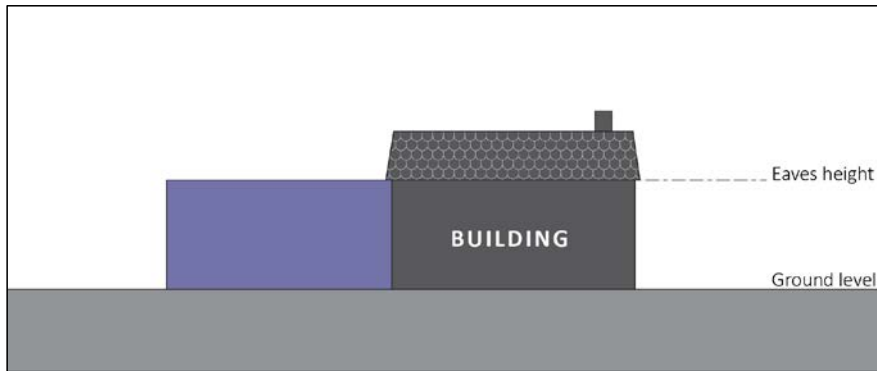


Figure 4 Construction of a single-storey addition or extension to an existing building is exempt if the walls of the addition do not exceed the eave height of the existing single-storey building; (note this graphic does not indicate or specify the form of the roof to the addition)

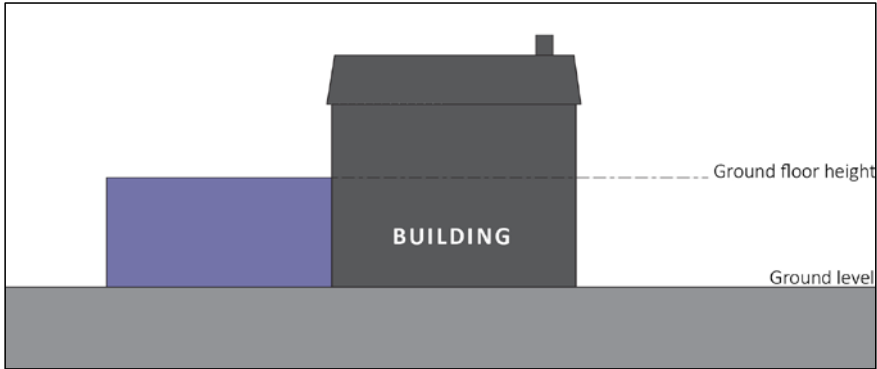


Figure 5 Construction of a single-storey addition or extension to an existing building is exempt if the walls of the addition do not exceed the ground floor height of the existing two-storey building; (note this graphic does not indicate or specify the form of the roof to the addition)

2.3 Outbuildings

Permit exemption

2.3.1 Construction or extension of an outbuilding is permit exempt where:

- The outbuilding is situated within the rear yard area as shown in Figure 6; ~~and-~~
- The height of the outbuilding (from natural ground level) does not exceed three metres (Figure 7); ~~and-~~
- The outbuilding has a gross floor area which does not exceed 10 square metres; ~~and-~~
- The outbuilding is not to a corner located property, being a property located to street or side-street corners or a property with two street frontages; ~~and-~~
- The outbuilding is not attached to the existing building, and must have a minimum one metre setback from the rear of the existing building at the closest point.

This exemption applies to the precincts listed in Table 1, with the exception of HO5 Munitions worker's housing heritage area Braybrook, and HO11 Upper Footscray residential heritage area Footscray.

Explanatory notes

The precincts to which this exemption does not apply include allotments with irregular boundaries. Such properties provide less opportunity for the sensitive placement of new outbuildings, which is the intent of this exemption.

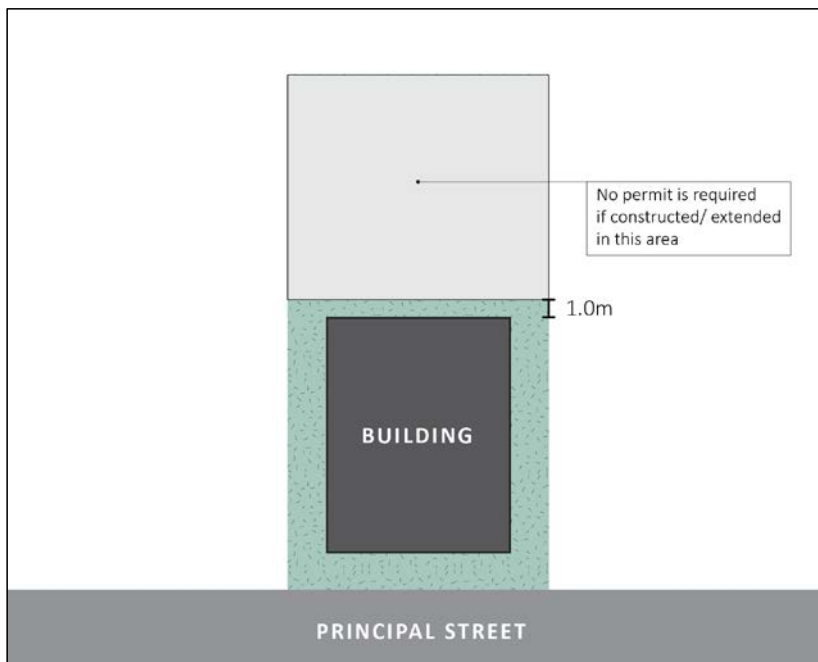


Figure 6 Construction or extension of an outbuilding is exempt if located in this area

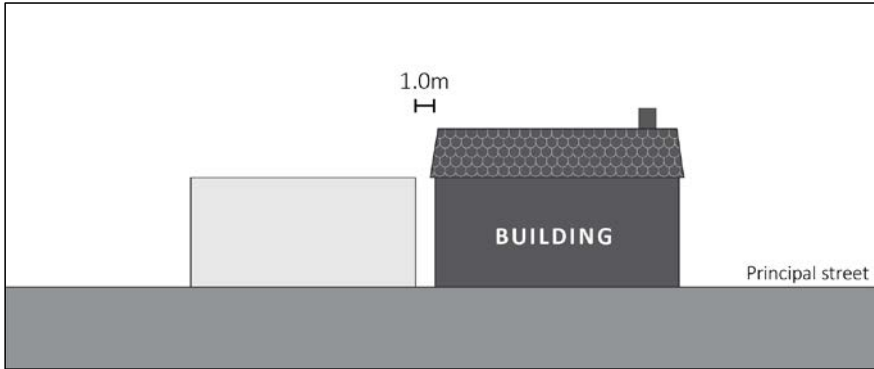


Figure 7 Construction or extension of an outbuilding is exempt if the height of the outbuilding (from natural ground level) does not exceed three metres

2.4 Pergolas and verandahs

Permit exemptions

2.4.1 Construction or extension of an open-sided pergola, verandah or other similar open structure, including those attached to an existing building, is permit exempt where:

- The pergola/verandah is to the rear of an existing building in the area shown in Figure 8; ~~and-~~
- The top of the structure (from ground level) does not exceed three metres; ~~and-~~
- The finished floor level of the structure is no more than 800mm above ground level; ~~and-~~
- The pergola/verandah is not to a corner located property, being a property located to street or side-street corners or a property with two street frontages.

This exemption applies to the precincts listed in Table 1, with the exception of HOS Munitions worker's housing heritage area Braybrook.

Explanatory notes

Any demolition works associated with construction or extension of an open-sided pergola or verandah, involving part of the existing building, must be limited to the rear of the building, as outlined at Section 2.1 above in relation to 'Minor modifications and alterations'.

Construction which involves demolition of outbuildings or other structures which are separate to the main building, is not covered by this exemption.

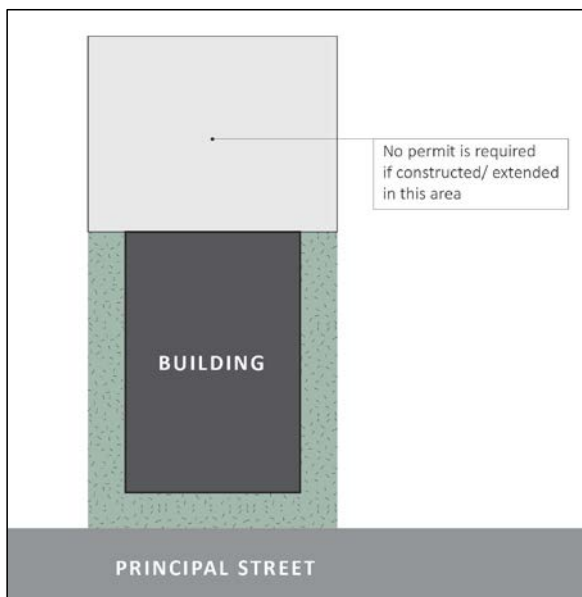


Figure 8 Construction or extension of a pergola or verandah is exempt if located in this area

2.5 Fences and roller doors

Permit exemptions

2.5.1 Demolition and construction of roller doors is permit exempt where:

- The demolition is of an existing roller door located to rear and/or side property boundaries, and not located at the front (principal address) of properties; ~~and-~~
- The construction is of a new roller door to rear and side property boundaries, which replaces an existing roller door and is of the same materials and dimensions, in the same location, and the size of the opening remains unaltered.

2.5.2 Demolition and construction of fences which are visible from a street, is permit exempt where:

- The demolition is of an existing timber paling fence located to rear and/or side property boundaries, and not located at the front (principal address) of properties; ~~and-~~
- The construction is of a new timber paling fence located to the rear and/or side property boundaries, and not located at the front (principal address) of properties, which replaces an existing fence and is of the same material and height, and in the same location; ~~and-~~
- The construction is of a new (and not a replacement) timber paling fence to rear and/or side property boundaries, and is not more than 1.8 metres in height above natural ground level; and for side property boundaries the fence is not within 8 metres of the front property boundary, as per Figure 9; ~~and-~~
- The construction of new fencing which is in the form of lattice or trellis to the tops of existing fences to rear property boundaries.

This exemption applies to the precincts listed in Table 1 with the exception of HO5 Munitions worker's housing heritage area Braybrook.

2.5.3 Construction of new front and return side fences, to the same height, form and materials, is permit exempt where the new fence adopts the height, form and materials of the following recommended original or sympathetic fence styles:

- In the HO5 Munitions worker's housing heritage area Braybrook: very low height steel-framed (post and rail) cyclone wire fencing, with diamond chain mesh and galvanised round posts, to a height of 500mm as per Figure 10. Construction of this fence must not involve demolition of an existing similarly low height brick fence; ~~and-~~
- In the HO12 War Service homes heritage area Maribyrnong: timber-posted woven wire fences to a maximum height of 1.2 metres as per Figure 11 & Figure 12.

This exemption applies to the HO5 Munitions worker's housing heritage area Braybrook; and HO12 War Service homes heritage area Maribyrnong.

Explanatory notes

Replacing existing or constructing new fences to rear and side property boundaries, which are visible from a street, does not apply to fences constructed of materials other than timber palings.

The exemption for construction of new front fences is precinct-specific and is provided to encourage the reconstruction of fences which were historically commonplace in the precinct, and sympathetic to the original style of the dwelling and streetscape character. There is a limited number of precincts in Maribyrnong where this exemption applies, due to a greater diversity of dwelling styles and associated fence styles in the majority of precincts.

In the H05 Munitions worker's housing heritage area Braybrook, existing very low height brick fences must not be replaced with the exempted low height steel-framed cyclone wire fencing, as both brick and steel/cyclone wire fencing are original to the precinct.

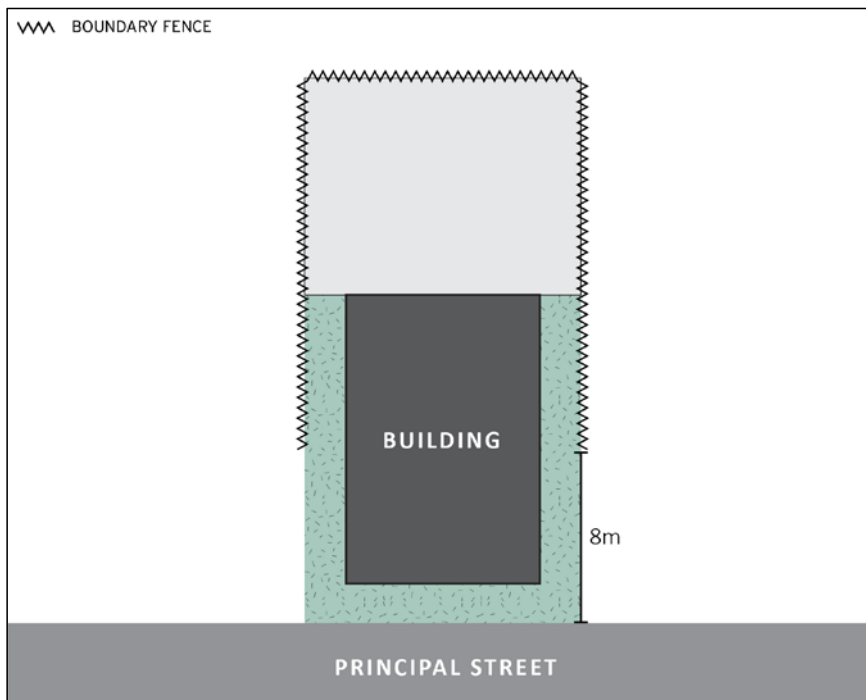


Figure 9 Construction of a new timber paling fence, which is visible from a street, is exempt if located in this area



Figure 10 Original low steel and cyclone wire fence, HO5 Munitions worker's housing heritage area Braybrook



Figure 11 Original timber-posted woven wire fencing, HO12 War Service homes heritage area Maribyrnong



Figure 12 Replacement timber-posted woven wire fencing, HO12 War Service homes heritage area Maribyrnong

2.6 Vehicle crossovers and driveways

Permit exemptions

2.6.1 Introduction of a new vehicle crossover is permit exempt where:

- The crossover is of single width, not exceeding 3 metres wide, is situated to the side of the front property boundary and not in front of the building, and is the only crossover located in the front setback of the property (see Figure 13 & Figure 14); ~~and-~~
- The crossover is constructed of a material to match the surface and colour of the adjoining footpath; see also appropriate 'Materials' below; ~~and-~~
- Construction of the crossover involves remediation and making good any damage to existing bluestone, brick, asphalt or concrete paths, gutters and kerbs.

'Materials'

Appropriate materials for specific precincts are as follows:

- HO1 Angliss Housing Estate heritage area Yarraville, HO10 Somerville Road 20th century residential heritage area Yarraville, and HO12 War Service homes heritage area Maribyrnong: concrete to match that of other crossovers in the precinct.

This exemption applies to HO1 Angliss Housing Estate heritage area Yarraville; HO10 Somerville Road 20th century residential heritage area Yarraville; and HO12 War Service homes heritage area Maribyrnong.

2.6.2 Introduction of a new driveway is permit exempt where:

- The driveway is of single width, not exceeding 3 metres wide, is situated to the side of the property including the side of a dwelling and not in front of the dwelling, and is the only driveway located to the front or side of the property (see Figure 13 & Figure 14).

This exemption applies to HO1 Angliss Housing Estate heritage area Yarraville; HO10 Somerville Road 20th century residential heritage area Yarraville; and HO12 War Service homes heritage area Maribyrnong.

Explanatory notes

Crossovers and off-street car parking are normally encouraged to be located to the rears of properties, or to side property boundaries where accessible. Where this is not feasible, crossovers and driveways may be located to the sides of properties, as entered from the front property boundary, but only where the character of the streetscape and the pattern of precinct development allows this (i.e. where side crossovers and driveways, as entered from the front property boundary, are commonplace). The precincts identified above, where permit exemptions apply for the introduction of new crossovers and driveways, display this pattern of development.

Replacement of crossovers and driveways in a different material, including the substitution of concrete with asphalt or a similar material, and to a different form and detailing which will result in a change of appearance, will require a permit from Council.

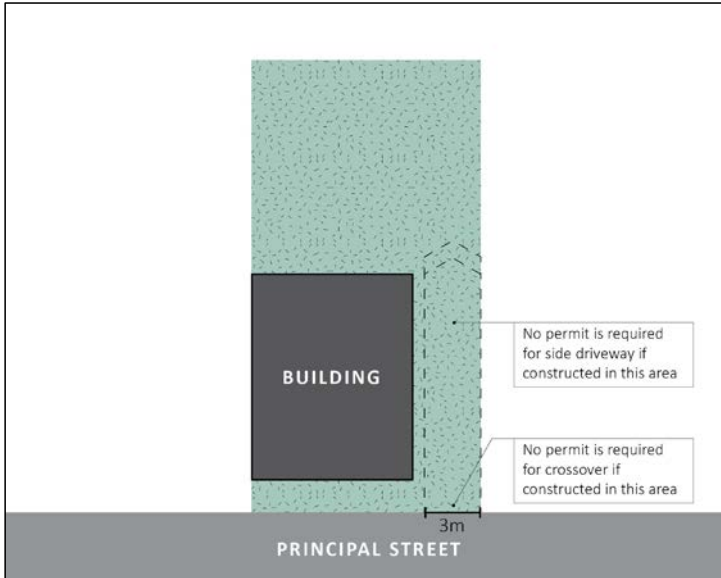


Figure 13 Construction of a new crossover and driveway is permit exempt if constructed in this location.

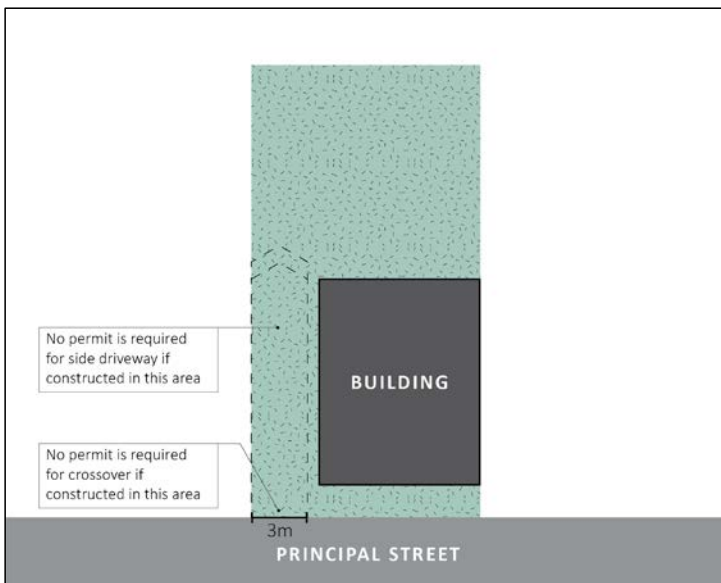


Figure 14 Construction of a new crossover and driveway is permit exempt if constructed in this location.

3.0 Definitions used in this Incorporated Plan

Term	Definition
Alteration	An alteration is to modify the fabric of a heritage place, without undertaking building works such as an addition. It may include a new opening for a window or door.
Eaves	Eaves are at the bottom edge of a roof, and usually project or extend over the side of the building, protecting the wall beneath.
Elevation	Elevation is a particular side, including an external wall, of a building.
Fabric	Fabric means all the physical material of the heritage place including external fixtures.
Façade/principal facade	Facade generally refers to the front or principal elevation and external face of a building, as is typically viewed from the street.
Heritage place	A heritage place has identified heritage value and can include a site, area or space, building or other works, structure, group of buildings, precinct, archaeological site, landscape, garden or tree. A heritage precinct, under the Heritage Overlay, is also known as a heritage place.
Heritage precinct	A heritage precinct is a precinct or geographical area of cultural heritage significance, which contains a collection or high proportion of properties and elements of heritage significance.
Maintenance	Maintenance means the continuous protective care of a place, and its setting, and is distinguished from repair which involves restoration or reconstruction.
Outbuilding	An outbuilding is a structure which is not part of a main building (i.e. is detached from the main building) but which supports the function of the main building. It can be a carport, garage, shed, stand-alone conservatory, stables, cabana, studio or children's cubby house or similar structure.
Repairs and maintenance	Repairs and maintenance works are 'protective care' actions which do not change the appearance of a heritage place, and are undertaken to the same details, specifications and materials. Maintenance involves regular inspection and cleaning of a place. Repair can involve returning or reinstating dislodged or relocated fabric to its original location, e.g. loose roof gutters on a building; or reconstruction, through replacing broken or decayed fabric with matching new fabric.
Setback	The setback is the distance between a building or part of a building and the property boundary. The latter can include the front, side or rear property boundaries. The 'front setback' can also refer to the front garden, and the 'rear setback' the back yard.
Streetscape	A streetscape is a collection of buildings along a street frontage. When referred to in relation to a precinct, a streetscape typically contains a majority of buildings which are of heritage value.
Visible	Visible means anything that can be seen from a street (other than a lane) or public park.

ATTACHMENT: LIST OF INDIVIDUALLY SIGNIFICANT PLACES

Places identified as ‘Individually Significant’ places, properties or buildings in Maribyrnong’s Heritage Overlay precincts as expressed in the Local Planning Policy

<u>Map Reference</u>	<u>Heritage Place</u>	<u>Address</u>
<u>HO9</u>	-	<u>124 Albert Street, Seddon</u>
<u>HO9</u>	-	<u>126 Albert Street, Seddon</u>
<u>HO14</u>	-	<u>37-43 Anderson Street, Yarraville</u>
<u>HO2</u>	<u>Residence</u>	<u>53 Ballarat Road, Footscray</u>
<u>HO2</u>	<u>Residence</u>	<u>75 Ballarat Road, Footscray</u>
<u>HO2</u>	<u>Residence</u>	<u>87 Ballarat Road, Footscray</u>
<u>HO3</u>	<u>Former Royal Hotel</u>	<u>158 Barkly Street, Footscray</u>
<u>HO3</u>	<u>Former Hooper Shops & Residence</u>	<u>199-207 Barkly St, Footscray</u>
<u>HO3</u>	<u>Former Barkly Hotel</u>	<u>231-233 Barkly Street, Footscray</u>
<u>HO9</u>	-	<u>19 Bellairs Street, Seddon</u>
<u>HO11</u>	-	<u>9 Central Avenue, Footscray</u>
<u>HO9</u>	-	<u>23 Charles Street, Seddon</u>
<u>HO9</u>	-	<u>30 Charles Street, Seddon</u>
<u>HO11</u>	<u>Amaryllis, Footscray RSL</u>	<u>48 Geelong Rd, Footscray</u>
<u>HO15</u>	-	<u>1 Goulbourn Street, Yarraville</u>
<u>HO9</u>	-	<u>9 Hobbs Street, Seddon</u>
<u>HO3</u>	-	<u>141-147 Hopkins Street, Footscray</u>
<u>HO1</u>	<u>Tosscas</u>	<u>12 Lincoln Street, Yarraville</u>
<u>HO14</u>	<u>Former Bank</u>	<u>28 Murray Street Yarraville</u>
<u>HO4</u>	-	<u>45 Nicholson Street, Footscray</u>
<u>HO4</u>	-	<u>49 Nicholson Street, Footscray</u>
<u>HO3</u>	-	<u>155-157 Nicholson Street, Footscray</u>

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<u>HO15</u>	-	<u>12 Ovens Street, Yarraville</u>
<u>HO9</u>	<u>Tintagell House</u>	<u>54 Pentland Parade, Seddon</u>
<u>HO14</u>	<u>Former United Free Methodist Church</u>	<u>44 Simpson St, Yarraville</u>
<u>HO9</u>	-	<u>28 Somerville, Yarraville</u>
<u>HO9</u>	<u>Tolquhoun</u>	<u>34 Somerville Road, Yarraville</u>
<u>HO15</u>	<u>Glenara</u>	<u>82 Stephen Street Yarraville</u>

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~~in the statements of significance for Maribyrnong's Heritage Overlay precincts in Maribyrnong's Clause 22.01 Cultural Heritage Policy~~

- ~~• HO1 Tossias, 12 Lincoln Street, Yarraville~~
- ~~• HO2 53 Ballarat Road, Footscray~~
- ~~• HO2 75 Ballarat Road, Footscray~~
- ~~• HO2 87 Ballarat Road, Footscray~~
- ~~• HO3 Former Royal Hotel, 158 Barkly Street, Footscray~~
- ~~• HO3 Former Hooper Shops and Residence, 199-207 Barkly St, Footscray~~
- ~~• HO3 Former Barkly Hotel, 231-233 Barkly Street, Footscray~~
- ~~• HO3 141-147 Hopkins Street, Footscray~~
- ~~• HO3 155-157 Nicholson Street, Footscray~~
- ~~• HO4 45 Nicholson Street, Footscray~~
- ~~• HO4 49 Nicholson Street, Footscray~~
- ~~• HO9 124 Albert Street, Seddon~~
- ~~• HO9 126 Albert Street, Seddon~~
- ~~• HO9 19 Bellairs Street, Seddon~~
- ~~• HO9 23 Charles Street, Seddon~~
- ~~• HO9 30 Charles Street, Seddon~~
- ~~• HO9 9 Hobbs Street, Seddon~~
- ~~• HO9 Tintagell House, 54 Pentland Parade, Seddon~~
- ~~• HO9 28 Somerville, Yarraville~~
- ~~• HO9 Tolquhoun, 34 Somerville Road, Yarraville~~
- ~~• HO11 Amaryllis, Footscray RSL, 48 Geelong Rd, Footscray~~
- ~~• HO11 9 Central Avenue, Footscray~~
- ~~• HO14 37-43 Anderson Street, Yarraville~~
- ~~• HO14 Former bank, 28 Murray Street Yarraville~~
- ~~• HO14 Former United Free Methodist Church, 44 Simpson St, Yarraville~~
- ~~• HO15 Glenara, 82 Stephen Street Yarraville~~
- ~~• HO15 1 Goulbourn Street, Yarraville~~
- ~~• HO15 12 Ovens Street, Yarraville~~

- HO17 F.T. Wimble & Co, 13-21 Annesley Street, Braybrook
- HO20 Footscray Park, 4-68 Ballarat Road, Footscray
- HO21 Pioneer Hotel, 2-4 Ballarat Road, Footscray
- HO87 Our Lady of Perpetual Help Catholic Church, 46-48 Ballarat Road, Maidstone
- HO88 Elm Street Tree Avenue, enr 31-99 and 46-126 Ballarat Rd, Maidstone
- HO89 Warren & Brown Engineering Workshops, 113-115 Ballarat Road, Footscray
- HO90 Kinnears Rope Works, 124-188 Ballarat Road, Footscray
- HO91 Pilkington ACI, 234 Ballarat Road, Braybrook
- HO83 ETA Factory, 254 Ballarat Road, Braybrook
- HO92 Braybrook Hotel, 351 Ballarat Road, Braybrook
- HO22 Shop and residence, 3 Ballarat Street and 11 Murray Street, Yarraville
- HO23 Sun Theatre, 6-12 Ballarat Street, Yarraville
- HO24 Former State Savings Bank, 13 Ballarat Street, Yarraville
- HO25 Yarraville Hotel, 58 Ballarat Street, Yarraville
- HO81 Melbourne Woollen Mills, 2 Banool Avenue, Yarraville
- HO27 Shop (formerly Bank), 184 Barkly Street, Footscray
- HO28 Shop, 234-236 Barkly Street, Footscray
- HO29 Former Barkly Theatre, 277-287 Barkly Street, Footscray
- HO30 Church, 302 Barkly Street, Footscray
- HO190 Green's Buildings, 337-351 Barkly Street, Footscray
- HO93 Drill Hall, 395 Barkly Street, West Footscray
- HO94 Canary Island date palm row and Canary Island Pines, 399-413 Barkly Street, Footscray
- HO95 Washingtonia Palm at Multiple Sclerosis Centre, rear 400-406 Barkly Street, Footscray
- HO96 Nundah, 600 Barkly Street, West Footscray
- HO97 Methodist Church (former), 75A Bayview Road, Yarraville
- HO31 House, 21 Bell Street, Seddon
- HO98 Peppercorn trees, Railway Reserve Near Bellairs Avenue, Albert Street and at 7 Charles Street, Seddon
- HO100 Raleigh Castle (archaeological site), 14 Belvedere Close, Maribyrnong
- HO101 Raleigh Castle (archaeological site), 5/17 Belvedere Close, and 1-18/18 Belvedere Close, Maribyrnong
- HO102 St Augustines Parish Hall and School wing, 1-7 Birmingham Street, Yarraville
- HO103 St. Georges Theatre, UDC Ballroom, 30-34 Birmingham Street, Yarraville
- HO104 Farm Buildings (archaeological site), 44-46 Bloomfield Avenue, Maribyrnong
- HO105 Kurrajong Street Trees, Bloomfield Ave, Maribyrnong

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- HO32 Shop and dwelling: 9 Buckingham St, Footscray
- HO33 Former Technical College building, 1 Buckley St, Footscray (building east of Nicholson Street)
- HO106 Shops and Residences, 4-10 Buckley St, and 215-217 Nicholson St Footscray
- HO107 Rail Bridge over Maribyrnong River & Tunnel Bunbury Street, Footscray
- HO108 Elm and ash street tree avenue Bunbury Street, Footscray
- HO34 House: 24 Buninyong Street, Yarraville
- HO109 Solomon's Ford (Canning Street Ford) Maribyrnong River near Burke Road, Braybrook
- HO110 Peppercorn trees, River Red Gums, Yellow Box (Eucalyptus Melliodora) and Canary Island date palms in the Maribyrnong River Plantation off Chifley Drive, Maribyrnong
- HO153 Dale Stables and Peppercorn trees, 35 Chifley Drive, Maribyrnong
- HO186 Raleigh Mansion (archaeological site) City View Reserve, 11 City View Drive, Maribyrnong
- HO111 James Darling House, 47 Cowper Street, Footscray
- HO112 Washingtonia Palm, 78 Cowper Street, Footscray
- HO113 Klipspringer, 40-54 Cranwell Street, Braybrook
- HO192 Cross Street Electrical Substation Part of the land known as Allotment 9, Section 13 in the Parish of Cut Paw Paw (Cross Street, Footscray).
- HO114 Olympic Tyre & Rubber 56-84 Cross Street, Footscray West
- HO35 The Pebbles 57A Droop Street, Footscray
- HO115 Redcourt, 60 Droop Street, Footscray
- HO116 Footscray Fire Station Complex, 67-71 Droop St, Footscray
- HO117 Johnson Reserve Canary Island date palm rows and oak Essex Street, Maidstone
- HO119 Raleigh Manager's House (archaeological site) 1 & 3 Fabian Court, Maribyrnong
- HO120 Raleigh Castle (archaeological site), 1-8/5 Fabian Court, Maribyrnong
- HO121 Elm street trees, near, 1 Fairlie Street, Seddon
- HO122 Elm street tree near, 34A Fairlie Street, Yarraville
- HO36 House, 37 Fairlie Street, Yarraville
- HO123 Oak Street Tree Avenue Fehon Street, Yarraville
- HO37 Old Yarraville Primary School: 59-61 Francis Street, Yarraville
- HO125 Bradmill, 341-351 Francis Street, Yarraville
- HO126 Stony Creek Rail Bridge, off Francis Street, Yarraville
- HO187 Richardson House, 2 Geelong Road, Footscray
- HO188 Robertson House, 8 Geelong Road, Footscray
- HO191 J.H. Hooper House, 10 Geelong Road, Footscray
- HO207 House 20 Geelong Road, Footscray

- HO38 House 38 Geelong Road, Footscray
- HO26 Footscray Primary School No.253, 100 Geelong Road, Footscray
- HO39 House 184 Geelong Road, Footscray
- HO40 Rising Sun Hotel: 193 Geelong Road, Footscray
- HO127 Southern Can Company 240 Geelong Road, Footscray
- HO128 Graham Campbell Ferrum, 260 Geelong Road, Footscray West
- HO129 Hopkins Odlum, 268 Geelong Road, Footscray West
- HO41 House 357 Geelong Road, Kingsville
- HO42 House 3-5 Gledhill Street, Footscray
- HO131 Ammunition Factory 1 Gordon St and Edgewater Boulevard, Footscray
- HO132 House (The Oaks) and English Oaks at The Oaks, 99 Gordon Street, Footscray
- HO43 House 163 Gordon Street, Footscray
- HO133 Raleigh Manager's House (archaeological site), 2 & 4 Grandview Avenue, Maribyrnong
- HO79 Former Infant Welfare Centre, 95 Hamilton St, Yarraville
- HO135 Former Maribyrnong Migrant Hostel, 61-71 Hampstead Rd, Maidstone
- HO136 Moreton Bay Fig, Footscray Hotel Next to 48 Hopkins St, Footscray
- HO137 Maribyrnong Reserve grandstand off Hortense Street, Maribyrnong
- HO46 Bluestone church: 8 Hyde Street, Footscray
- HO47 Kariwara District Scout Headquarters (Also known as First Footscray Scout Hall), 4 Hyde Street, Footscray
- HO48 Bluestone school and Elm, Irish strawberry, pepper trees at Footscray Primary School 1912-10 & 10A Hyde Street, Footscray
- HO138 Yarraville Gardens (Specimen Trees) 139-147 Hyde Street, Yarraville
- HO139 Canary Island date palm rows, Elm and Moreton Bay fig North Cuming Reserve off Hyde St, Yarraville
- HO140 Moreton Bay fig & Canary Island date palms South Cuming Reserve off Hyde Street, Yarraville
- HO130 Yarraville SEC Terminal Station, 308 Hyde Street, Yarraville
- HO49 Footscray Railway Station Complex Irving and Hyde Streets, Footscray
- HO45 Jack's Magazine (formerly Saltwater River Powder Magazine) off La Scala Avenue, Maribyrnong
- HO51 Rail Bridge over Maribyrnong River, Footscray
- HO50 Saltwater River Crossing Site and Footscray Wharves Precinct Maribyrnong River, Moreland Street, Bunbury Street, Wingfield Street, Napier Street, Hopkins Street and Maribyrnong Street, Footscray
- HO52 Brick school, 27 Mephan Street, Footscray
- HO141 Williamson House, 182 Mitchell St, Maidstone

- ~~HO77 Henderson House, 43-45 Moreland Street, Footscray~~
- ~~HO143 Early Building archaeological site, 76 Moreland Street, Footscray~~
- ~~HO78 Barnett Glass Rubber (also known as Bradmill, McPhersons Jute Works, Bradford Cotton Mills), 91-97 Moreland Street, Footscray, 90-100 Maribyrnong Street, Footscray and 3-5 Parker Street, Footscray~~
- ~~HO145 Mitchell's Bakery Shop and Residence, 98-100 Moreland Street, Footscray~~
- ~~HO53 Hotel, 28 Napier Street, Footscray~~
- ~~HO54 Maribyrnong Town Hall (also known as Footscray Town Hall), 61 Napier Street, Footscray~~
- ~~HO55 Ercildoune, 66 Napier Street, Footscray~~
- ~~HO146 Angliss Stock Bridge, stock route and Cypress trees Newells Paddock, Footscray~~
- ~~HO56 House 15 Newell Street, Footscray~~
- ~~HO147 Railway Bridge (Black Arch) Nicholson Street Rail overpass, Nicholson Street Footscray~~
- ~~HO57 Former warehouse 111 Nicholson Street, Footscray~~
- ~~HO58 Shop 117 Nicholson Street, Footscray~~
- ~~HO59 Shops 134-136 Nicholson Street, Footscray~~
- ~~HO60 Former Mechanics Institute, 209 Nicholson Street, Footscray~~
- ~~HO61 Former warehouse: 232 Nicholson Street, Footscray~~
- ~~HO148 Plane Street tree and Elm Street tree Near 286 and 288 Nicholson Street, Seddon~~
- ~~HO149 Plane Street Tree Near 294 Nicholson Street, Seddon~~
- ~~HO150 Solomon's House (archaeological site) Medway Golf Club, 57 Omar Street, Maidstone~~
- ~~HO151 Central Drawing office (Building 71) Ordnance Reserve, Maribyrnong~~
- ~~HO86 Inspection Headquarters (Building 72) Ordnance Reserve, Maribyrnong~~
- ~~HO62 Brick church: 77a Paisley Street Footscray~~
- ~~HO152 Pacific Carpets, 35-65 Paramount Rd, cnr Indwe St, Tottenham~~
- ~~HO63 Bluestone church hall, 30a Pickett Street, Footscray~~
- ~~HO208 Maribyrnong Tram Substation, 149A and part 149B Raleigh Road, Maribyrnong~~
- ~~HO154 Sugar Gum and pepper trees Sandford Grove Reserve, Sandford Grove, Yarraville~~
- ~~HO65 House and elms, 31 Somerville Road, Yarraville~~
- ~~HO155 Plane Street Tree, Near 34 Somerville Road, Yarraville~~
- ~~HO66 Church, 73 Somerville Road, Yarraville~~
- ~~HO67 House: 222 Somerville Road, Kingsville~~
- ~~HO68 House: 60 Soudan Rd, West Footscray~~
- ~~HO156 Plane Street Trees Near 61, and 42-64 Stephen St, Yarraville.~~
- ~~HO157 Elm & Plane Street Trees Near 80, 82 and 83-93 Stephen St, Yarraville~~
- ~~HO158 Wembly Dairy, 2 Stone Street, Yarraville~~
- ~~HO69 House: 98 Summerhill Road, West Footscray~~

- HO159 Creamota, 19 Sunshine Road, West Footscray
- HO160 Australian Estate Wool Store, 47-61 Sunshine Road, West Footscray
- HO161 Goldsborough Mort Wool Store, 63 Sunshine Road, West Footscray
- HO162 Olex Cables 207 Sunshine Road, Tottenham
- HO163 Wiltshire Files, 213 Sunshine Road, Tottenham
- HO164 Black Arch Bridge off Sunshine Road, Sunshine
- HO80 Residential Building, 3 Tongue Street, Yarraville
- HO64 Pipe Makers Park Complex (also known as Former Melbourne Meat Preserving Co. Buildings), 2 Van Ness Avenue, Maribyrnong
- HO70 Row Houses: 102-106 Victoria Street, Footscray
- HO72 Former Royal Australian Field Artillery Barracks Part of Former Ordinance Factory Wests Road, Ordinance Reserve, and Waterford Avenue, Maribyrnong
- HO167 Warehouse (Archaeological site), 1 Whitehall Street, Footscray
- HO73 Bluestone presbytery, 1c Whitehall Street, Footscray
- HO74 Bluestone church: 1d Whitehall Street, Footscray
- HO169 Early Building (Archaeological site), 22 Whitehall Street, Footscray
- HO170 Early Building (archaeological site), 26 Whitehall Street, Footscray
- HO171 Early Building (archaeological site), 30 Whitehall Street, Footscray
- HO172 Victorian House, 49 Whitehall Street, Footscray
- HO173 Junction Hotel, 56 Whitehall Street, Footscray
- HO174 Early Building (archaeological site), 62-64 Whitehall Street, Footscray
- HO175 Early Building (archaeological site), 65 Whitehall Street, Footscray
- HO176 Kirk House, 67 Whitehall Street Footscray
- HO177 Powder Magazine Footscray, Lot 4/107-109 Whitehall Street, Footscray
- HO178 Mowling's Soap & Candle, 105A, 1-10/107-109, 109A Whitehall St, 21-29 Youell Street, Footscray
- HO180 Dee Cottage, 221B Whitehall Street, Yarraville
- HO182 Murphy's Transport, 248 Whitehall Street Yarraville
- HO75 Colonial Sugar Refinery (CSR) Complex, 265 Whitehall Street, Yarraville
- HO184 Mt. Lyell, 295 Whitehall Street, Yarraville
- HO185 Early Building (Archaeological site), 2 Wingfield Street, Footscray
- HO76 Bluestone church: 9-11 York Street, Yarraville
- HO193 Former Air Raid Precautions Centre, 72 Buckley Street, Footscray
- HO194 Fabian's Centennial Terrace, 81-99 Buckley Street, Footscray
- HO195 Victorian/Edwardian Shop, 92 Cowper Street, Footscray
- HO196 Footscray Hotel, 48 Hopkins Street, Footscray

- HO197 Victorian Shop/Residence, 37 Hyde Street, Footscray
- HO198 Station Hotel, 59 Napier Street, Footscray
- HO199 Masonic hall, 42-44 Leeds Street, Footscray
- HO200 Courthouse Hotel, 166-168 Nicholson Street, Footscray
- HO201 St Joseph's Convent, 3-9 Wingfield Street, Footscray
- HO202 Former Grand Theatre, 10 Paisley Street, Footscray
- HO203 Luke Greenwood House, 16 Parker Street, Footscray
- HO204 Footscray Baptist Church, 60 Paisley Street, Footscray
- HO205 Victoria Hotel, 43 Victoria Street, Footscray

Appendix B Methodology Report 2018

PERMIT EXEMPTIONS IN
HERITAGE PRECINCTS
INCORPORATED PLAN
METHODOLOGY REPORT

Prepared for
City of Maribyrnong

October-May-2018

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1.0 Introduction

This Methodology Report has been prepared for the City of Maribyrnong, and provides an overview of the methodology employed in the preparation of [the Permit Exemptions in Heritage Precincts](#) an Incorporated Plan for properties included in the Heritage Overlay (HO) in the municipality.

The Incorporated Plan is attached to this report.

The Incorporated Plan establishes planning permit exemptions, under the provisions of *Clause 43.01 Heritage Overlay*, for properties in specific heritage precincts (see Table 1 below) included in the City of Maribyrnong Schedule to the Heritage Overlay. In accordance with *Clause 43.01-32*, no permit is required for permit exempt works identified in the Incorporated Plan.

The Incorporated Plan does not apply to places:

- Included in the Victorian Heritage Register, which is a statutory register of places of cultural heritage significance to the State of Victoria, subject to the *Victorian Heritage Act 1995*.
- [Identified as 'individually significant' places, properties or buildings in Maribyrnong's Heritage Overlay precincts as expressed in Local Planning Policy. Identified as 'individually significant' places, properties or buildings in the statements of significance for Maribyrnong's Heritage Overlay precincts. Clause 22.01 Cultural Heritage Policy.](#)—These places are more significant than contributory places in precincts, and have their own statements of significance.
- Included in Maribyrnong's Schedule to the Heritage Overlay as individual places, or located in Heritage Overlay precincts which are not identified in Table 1 to this report.

The places identified as 'individually significant' in precincts, and those included in the Schedule to the Heritage Overlay as individual places, are listed in the 'Attachment' to the Incorporated Plan.

The plan is proposed to be incorporated under *Clause 43.01 Heritage Overlay*, and specified in the Schedule to the Heritage Overlay. The plan is also proposed to be included in the Schedule to *Clause 72.0484 Documents Incorporated in this Planning Scheme*.

Table 1: Subject heritage precincts

HO number	Precinct name
HO1	Angliss Housing Estate heritage area Yarraville
HO2	Ballarat Road residential heritage area Footscray
HO3	Footscray commercial heritage area Footscray
HO4	Footscray residential heritage area Footscray
HO5	Munitions worker's housing heritage area Braybrook
HO7	Old Footscray Township residential heritage area Footscray
HO8	Queensville Estate heritage area Kingsville
HO9	Seddon residential and commercial heritage area Seddon, Yarraville
HO10	Somerville Road 20th century residential heritage area Yarraville
HO11	Upper Footscray residential heritage area Footscray
HO12	War Service homes heritage area Maribyrnong
HO13	William Angliss worker housing estate heritage area Footscray
HO14	Yarraville civic and commercial heritage area Yarraville

HO number	Precinct name
HO15	Yarraville residential heritage area Yarraville

1.1 Project background

The City of Maribyrnong has sought to reduce the ‘triggers’ for a planning permit under the Heritage Overlay, and to reduce the burden of planning application numbers resulting from heritage planning permits. In exploring means of doing this, Council required a review of planning permit applications under the Overlay, to gain a fuller understanding of the types of works which might be suited to a permit exemption (i.e. to not ‘trigger’ a permit), in that they are minor and less impactful. Council also identified that the means for reducing the applications could be an Incorporated Plan or other suitable mechanism.

The development of an Incorporated Plan or other suitable mechanism to reduce heritage planning permit applications was also specified as an action in the Maribyrnong City Council 2015/16 Priority Action Plan. While Council had not reached a predetermined outcome about an Incorporated Plan, and was open to the development of other mechanisms, Lovell Chen’s analysis of planning applications and review of the subject heritage precincts including their significant heritage values and characteristics, and built form character, led to the view that a document which was incorporated into the Planning Scheme was the most effective means of reducing the planning applications. This is explained further below.

The 14 Heritage Overlay precincts listed at Table 1 were identified by Council.

1.2 Stages/tasks in the preparation of the Incorporated Plan

In preparing the Incorporated Plan, the following principal stages/tasks were undertaken. [These tasks](#) ~~They~~ were also based on Council’s Project Brief for this project.

- Inception meeting with Council, including members of Council’s City Strategy Department, Urban Planning and Council’s Heritage Advisor.
- Review and analysis of heritage planning permit data (for the period January 2014-December 2015) to better understand the nature of works applied for, and identify works which could be considered for permit exemptions. This review excluded planning permit applications for individually significant heritage places.
- Desktop review of Maribyrnong heritage studies and reference documents, including citations for the subject heritage precincts which contain detailed information and analysis about precinct characteristics, patterns of development, building forms, typical materials and the like. This included *Clause 22.01 Cultural Heritage Policy* of the Maribyrnong Planning Scheme.
- Fieldwork and survey of the heritage precincts, to better understand the documented heritage characteristics and to ‘ground truth’ the application of potential permit exemptions.
- Review of Incorporated Plans and mechanisms for permit exemptions included in other planning schemes, for content, clarity and applicability to Maribyrnong.
- Presentation of findings of review, analysis and fieldwork to Council, summarising outcomes, and agreeing on a final approach.
- Preparation and submission of draft Incorporated Plans, for Council’s review and comment.
- Preparation of the final Incorporated Plan.
- Preparation of this Methodology Report.

[The results/outputs of the review and analysis of heritage planning permit data can be found at Appendix A. The review of Incorporated Plans and permit exemptions of other municipalities can be found at Appendix B. The Maribyrnong Incorporated Plan is also attached.](#)

1.3 Exhibition

This Methodology Report and the Incorporated Plan were placed on exhibition by Maribyrnong, as per Amendment C147, for the period 14 June to 20 July 2018.

1.4 Amendment VC148

Post the exhibition period, Amendment VC148 introduced changes to the Victorian Planning Provisions. In terms of the implications for the Incorporated Plan, these chiefly related to removing references to the local heritage policy from the Plan, and other generally minor wording changes.

1.5 DELWP review

In addition to the above, the draft Incorporated Plan was reviewed, pre-exhibition, by the Department of Environment, Land, Water and Planning (DELWP). Matters to do with compliance with *Clause 43.01 Heritage Overlay*, particularly the wording of the clause; and with the clarity and formatting of the plan were identified and were addressed in the exhibited ~~final~~ Incorporated Plan.

Subsequently, DELWP provided post-authorisation comments relating to the inclusion of existing Clause 43.01 permit exemptions in the Plan, and detailed text relating to repairs and maintenance. These elements of the Plan were removed from the attached post-exhibition (October 2018) version.

~~The results/outputs of the review and analysis of heritage planning permit data can be found at Appendix A. The review of Incorporated Plans and permit exemptions of other municipalities can be found at Appendix B. The Maribyrnong Incorporated Plan is also attached.~~

2.0 Incorporated Plan

2.1 Content of Incorporated Plan

The 'Introduction' at Section 1 of the Incorporated Plan includes the following:

- ~~Existing exemptions at Clause 43.01 Heritage Overlay~~
- Places to which the (Maribyrnong) permit exemptions do not apply
- Explanatory notes
- What is a permit exemption?
- Heritage Overlay precincts and applicable exemptions

'Explanatory notes' are included with each permit exemption, together with some graphics and diagrams, to assist with understanding the exemptions, and how and when they are relevant and can be applied.

Section 2 of the Incorporated Plan includes the following permit exempt works:

- Minor modifications and alterations
- Additions to buildings
- Outbuildings
- Pergolas and verandahs
- Fences and roller doors
- Vehicle crossovers and driveways

Definitions of terms used in the Incorporated Plan are included at Section 3.0 of the document.

As noted, places identified as 'individually significant' in precincts and included in the Schedule to the Heritage Overlay as individual places, are listed in the 'Attachment' to the Incorporated Plan.

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2.2 Applicability of the Incorporated Plan

The Incorporated Plan applies to all places and properties included in the subject heritage precincts, with the exception of places:

- Included in the Victorian Heritage Register.
- Identified as 'individually significant' places, properties or buildings in Maribyrnong's [Heritage Overlay precincts](#). ~~Clause 22.01 Cultural Heritage Policy.~~
- Included in Maribyrnong's Schedule to the Heritage Overlay as individual places, or located in Heritage Overlay precincts which are not identified in Table 1 to this report.

In applying to the relevant places, the Incorporated Plan does not distinguish between those of heritage value, or contributory value to the precincts; and those which are not of heritage value, and might be regarded as non-contributory. The identified permit exemptions apply in both – or all - cases.

3.0 Principal stages/tasks in preparation of the Incorporated Plan

The following sections of this Methodology Report provide a more detailed overview of the principal or key stages of the work undertaken in preparation of the Incorporated Plan. Comments are also included, to indicate the outcomes of these tasks and how they informed the identification of potential permit exemptions and preparation of the Incorporated Plan.

3.1.1 Review and analysis of heritage planning permit data

As noted, heritage planning permit data for the period January 2014-December 2015, was reviewed and analysed in order to better understand the nature of works applied for, and to assist with identifying works which could be considered appropriate for permit exemptions. The data related to the subject heritage precincts and did not include permit applications for individually significant heritage places.

The planning permit data, as provided by Council, related to 319 permit applications which were allocated into categories that distinguished between larger applications which included multiple works, and minor applications for lesser or one off works. The data also identified outcomes of the applications, such as a failure to determine, lapsed application, refusal, approval under VicSmart and the like.

Appendix A includes an analysis of the data.

The review and analysis (or interpretation) of the data indicated the following:

- Applications typically involve a number of works components: demolition, alterations and additions, new fences and the like. This is reflected in the large number of category E1 and E2 applications within each heritage precinct (these applications typically include extensions/additions to dwellings together with the other works)
- The bulk of permit applications related to the three large heritage precincts: HO8 Queensville Estate Heritage Area, HO9 Seddon Residential and Commercial Heritage Area and HO15 Yarraville Residential Heritage Area. The majority of applications were within HO9.
- The smaller heritage precincts had less applications (relative to their size).
- The commercial precincts of HO3 Footscray commercial heritage area and HO14 Yarraville civic and commercial heritage area also had a relatively small number of applications, although the nature of the applications varied. Of note, only a small number related to signage.
- 26 applications were identified as being assessed under Vic Smart, and were for works such as pool/fence, solar panels, air conditioning, demolition of front fence, demolition of rear verandah, removal of shed/buildings, construction of a shed and construction of a crossover.
- There was duplication in a small number of applications due to these being superseded and issued under another similar category e.g. E1 to E2.

In terms of the number and types of minor applications for lesser or one off works, these are summarised as follows (for all precincts):

- M1 (fences): 12
- M2 (verandahs/pergolas): 14
- M3 (sheds/outbuildings): 5
- M4 (signs): 11
- M5 (external alterations): 17
- M6 (garages/carports): 8
- M7 (crossovers): 8
- M8 (domestic/commercial services): 13
- M9 (other minor applications: e.g. swimming pools): 10
- M0 (decks): 5
- X1 (general miscellaneous): 11

With regard to permit exemptions, analysis of the data indicated that the approvals/assessments under VicSmart, although less than anticipated at 26 out of a total of 319 permit applications, would be candidates for the permit exemptions. Similarly, many of the minor works applications were considered as potentially appropriate for exemptions. The applications involving larger works, including those for extensions/additions to dwellings which incorporated other works, did not lend themselves to exemptions.

Informed by this assessment and analysis, the next key stage of the project involved a review of the relevant heritage studies and related documentation, to identify the important characteristics of the precincts, as documented in the studies. This would assist in further understanding the appropriateness or otherwise of the generally minor works identified above, i.e. would it be appropriate to exempt a new crossover in all precincts?

3.1.2 Desktop review of Maribyrnong heritage studies and reference documents

This stage involved a desktop review of the relevant Maribyrnong heritage studies and related documents, including reference/[background](#) documents cited at *Clause 22.01 Cultural Heritage Policy*; citations for the subject heritage precincts which contain detailed information and analysis about precinct characteristics, patterns of development, building forms, typical materials and the like; and the policy basis, objectives and individual policy for each of the heritage precincts as included in *Clause 22.01 Cultural Heritage Policy*. The *Munitions Workers' Housing Estate, Braybrook, Heritage Guidelines* (Heritage Alliance, June 2006) were also reviewed in relation to HO5.

In addition to providing insight into the significant precinct characteristics, the objectives and policy for each precinct, as included in *Clause 22.01*, also gave clear direction on what is encouraged in precincts and what is not appropriate.

For example, where the policy encouraged reinstatement of specific items, these were considered for potential permit exemptions. The policy for several precincts encourages reinstatement of 'front boundary fences' in 'designs from the era'; or specifies different options for front fence designs. While this approach is supported in a policy context, it does not necessarily readily translate to a permit exemption. Exempting the construction of a fence from 'the era', where there are diverse eras or periods represented in the precinct, or where there is variety in the styles of houses from a particular era, is problematic. It requires the owner to make a decision about the design of the front fence, and to choose an option, with the reinstatement open to interpretation. Such works should not be permit exempt within a heritage precinct, as they could result in an inappropriate outcome such as a Federation style fence in front of a 1930s Bungalow.

On that basis, and in combination with the field survey of precincts (see below) it was determined that there are only two precincts, being HO5 Munitions worker's housing heritage area Braybrook and HO12 War Service homes heritage area Maribyrnong, where the exact fence design could be specified as a permit exemption (see the Incorporated Plan, Section 2.5). The ~~Clause 22.01~~ policy for HO5 also

specifies low wire fences for reinstatement; while the policy basis for HO12 identifies wire fabric front fences as a precinct characteristic.

Some precinct policies expressly discourage the introduction of crossovers and car parking access to the front setback of properties, while other policies allow for the introduction of a single-width crossover. Again, in combination with the field survey of precincts, a permit exemption for the construction of new crossovers was deemed appropriate in some precincts, albeit limited to HO1 Angliss Housing Estate heritage area Yarraville, HO10 Somerville Road 20th century residential heritage area Yarraville, and HO12 War Service homes heritage area Maribyrnong.

Verandahs and shopfronts are also encouraged by policies to be reinstated in commercial streetscapes. However, the diversity of original verandah styles and designs, and historic shopfront treatments, again did not make for appropriate permit exemptions. The introduction of new verandahs and shopfronts, even where believed to be historically accurate or at the very least historically sympathetic, should remain subject to a permit.

3.1.3 *Fieldwork and survey of the heritage precincts*

Following on from the above tasks, field work and field survey was undertaken in all the precincts, to better understand the documented heritage characteristics and to 'ground truth' the application of potential permit exemptions.

This included reviewing the precincts for exemptions involving the construction of new or replacement front fences and vehicle crossovers and access, as outlined above. For the latter, for precincts HO1, HO10 and HO12, it was evident that vehicle crossovers and access to the fronts of properties was commonplace in these precincts, and consistent with the historical patterns of development. This is reflected in the permit exemption.

The field survey also confirmed that some permit exemptions could apply, and were appropriate, across all or at least most of the precincts; while some exemptions, such as those relating to works to the rears of dwellings, may not. For example, properties with irregular allotments (such as HO5 Munitions worker's housing heritage area, and HO11 Upper Footscray residential heritage area) provide less opportunity for the concealment of additions or works to the rears of buildings, or for new outbuildings, and on that basis these precincts could not accommodate these particular exemptions.

The demolition and construction of timber paling fences to rear and side property boundaries is also not an appropriate exemption in HO5, where again the irregularity of some allotments and, unusually, the visible presence of some original side fences, may result in an inappropriate and impactful outcome.

3.1.4 *Review of other Incorporated Plans and mechanisms for permit exemptions*

Preparation of the Incorporated Plan was also informed by a review of similar Incorporated Plans and permit exemptions for heritage precincts and properties in other municipalities. The focus of the review was on their content, legibility and potential for application in Maribyrnong. The review also identified common themes and approaches to the presentation of the content of Incorporated Plans, which is generally followed and adopted with the attached plan.

Table 2 provides a list of the Incorporated Plans and permit exemptions which were reviewed, while Appendix B provides a more detailed overview, for information and comparison.

Table 2 Reviewed Incorporated Plans/permit exemption documents

Municipality	Incorporated Plan/Exemptions
Baw Baw	Heritage Permit Exemptions Incorporated Plan to the Schedule to Heritage Overlay, Clause 43.01, Baw Baw Planning Scheme, July 2012

Ballarat	Ballarat Heritage Precincts Study Part A 2006 – Incorporated Plan, revised June 2014 Ballarat Planning Scheme Heritage Control 2004 - -Incorporated Plan, revised October 2015
Darebin	City of Darebin Heritage Study Incorporated Plan – Permit Exemptions, 2011 Incorporated Document - Preston Residential Heritage Precincts Permit Exemptions, February 2008
Greater Bendigo	Greater Bendigo Heritage Incorporated Plan – Permit Exemptions, August 2015
Greater Shepparton	Greater Shepparton Heritage Incorporated Plan, May 2013
Latrobe	Latrobe City Heritage Overlay – Planning Permit Exemptions & Application Requirements Incorporated Plan, July 2010
Macedon Ranges	Lancefield, Romsey and Woodend Town Centre Heritage Precincts Planning Permit Exemptions, July 2011
Mitchell Shire	Mitchell Shire HO Permit Exemptions Incorporated Plan, 2014
Moonee Valley	Permit exemptions policy –Heritage Overlay Precincts, March 2014 Permit exemptions policy – HO372 Housing Commission of Victoria Ascot Estate, March 2015
Mount Alexander	Former Shire of Newstead Heritage Precinct Exemptions Incorporated Plan, August 2012
Wellington	Sale Residential Heritage Precinct Permit Exemptions, amended September 2015
Yarra	Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014

In summary, Incorporated Plans typically included a list of the applicable precincts/individual places, relevant Heritage Overlay maps, and in several instances incorporating statements of significance or summaries of the statements. Several of the Incorporated Plans include extensive listings of heritage places within precincts in addition to the mapping. Most incorporate definitions of the gradings used in the document.

The greatest variance in the Incorporated Plans is in their legibility and presentation. The majority of plans are largely text-based, with the permit exemption related information listed under the specific exempt works category. The heavy reliance on text based presentation of the exemptions tends to complicate the documents. Further, the incorporation of extensive lists made some documents unwieldy and difficult to navigate. Comparatively few include explanatory diagrams to assist in the interpretation and comprehension of the content. The Yarra Incorporated Plan is the only document to adopt a tabular layout, used for identifying applicability for different property gradings, in addition to explanatory diagrams.

For ease of comprehension, it is considered that simple diagrams improve the reading and understanding of the content of Incorporated Plans, particularly where the content contains relatively complicated concepts. Accordingly, diagrams have been included in the attached plan.

In terms of the content of the documents, the permit exemptions are broadly similar with common exemptions relating to:

- Minor demolition
- Construction or alteration of outbuildings
- Construction of pergolas or verandahs
- Construction of additions/extensions to dwellings
- Construction of front and side fences

Additional categories included permit exemptions for signage, as related to commercial areas (Yarra); tree maintenance (Latrobe, Shepparton, Ballarat, Bendigo); and roadworks (Latrobe).

Typically, the permit exemptions set out limitations for the exempted works, including nominating heights above ground level for floors; relative heights and setbacks for additions; and heights and locations for fences. Seeking to conceal or limit the visibility of the exempt works is also largely universal.

3.1.5 Preparation of the Incorporated Plan

The final stage of the project involved preparation of the attached Incorporated Plan. Several drafts were reviewed by Council prior to finalisation, with comments and feedback received. The latter related to formatting and legibility, content and clarity, with the objective being to ensure that the plan is accessible and understandable.

--/20--
Proposed
C147--

SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

1.0 Application requirements

--/20--
Proposed
C147--

None specified.

2.0 Heritage places

--/20--
Proposed
C147--

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

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1	Angliss Housing estate heritage area Yarraville Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO2	Ballarat Road residential heritage area Footscray Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO3	Footscray commercial heritage area Footscray Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO4	Footscray residential heritage area Footscray Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO5	Munition worker's housing heritage area_Braybrook Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO7	Old Footscray Township residential heritage area_Footscray Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO8	Queensville Estate heritage area Kingsville Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO9	Seddon residential and commercial heritage area Seddon, Yarraville Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO10	Somerville Road 20 th century residential heritage area_Yarraville Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO11	Upper Footscray residential heritage area Footscray Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO12	War service homes heritage area Maribyrnong Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO13	William Angliss worker housing estate heritage area Footscray Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO14	Yarraville civic and commercial heritage area Yarraville Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO15	Yarraville residential heritage area Yarraville Incorporated plan: Permit Exemptions in Heritage Precincts, October 2018	No	No	No	No	No	No	-	No
HO16	United Friendly Societies Dispensary: 42a Albert Street, Footscray	No	No	No	No	No	No	-	-
HO19	Interlocking Railway Crossing Gates Anderson Street (Railway Crossing), Yarraville	-	-	-	-	Yes Ref No H1028	No		-
HO17	F.T. Wimble & Co 13-21 Annesley Street, Braybrook	No	No	No	No	No	No	-	-
HO20	Footscray Park 4-68 Ballarat Road, Footscray	-	-	-	-	Yes Ref No H1220	No		-
HO21	Pioneer Hotel 2-4 Ballarat Road, Footscray	Yes	No	No	No	No	No	-	-
HO87	Our Lady of Perpetual Help Catholic Church 46-48 Ballarat Road, Maidstone	No	Yes	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO88	<p>Elm Street Tree Avenue cnr 31-99 and 46-126 Ballarat Rd, Maidstone</p> <p>The heritage place comprises the 28 Elm trees and the land within the road reserve to the extent of the trees' critical root zone.</p> <p>Incorporated plan: Elm street tree avenue, Ballarat Road, Maidstone: HO88 Incorporated Plan</p>	No	No	Yes	No	No	No	Elm street tree avenue, Ballarat Road, Maidstone: HO 88 Incorporated Plan	-
HO89	Warren & Brown Engineering Workshops 113-115 Ballarat Road, Footscray	No	No	Yes - South Australian Sugar Gums	No	No	No	-	-
HO90	Kinnears Rope Works 124-188 Ballarat Road, Footscray	-	-	-	-	Yes Ref No H2067	No		-
HO91	Pilkington ACI 234 Ballarat Road, Braybrook	No	No	No	No	No	No	-	-
HO83	ETA Factory 254 Ballarat Road, Braybrook	-	-	-	-	Yes Ref No H1916	Yes		-
HO92	Braybrook Hotel 351 Ballarat Road, Braybrook	No	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO22	Shop and residence 3 Ballarat Street and 11 Murray Street, Yarraville	Yes	No	No	No	No	No	-	-
HO23	Sun Theatre 6-12 Ballarat Street, Yarraville	-	-	-	-	Yes Ref No H679	No		-
HO24	Former State Savings Bank 13 Ballarat Street, Yarraville	-	-	-	-	Yes Ref No H723	No		-
HO25	Yarraville Hotel 58 Ballarat Street, Yarraville	Yes	No	No	No	No	No	-	-
HO81	Melbourne Woollen Mills 2 Banool Avenue, Yarraville	No	Yes	No	No	No	No	-	-
HO27	Shop (formerly Bank) 184 Barkly Street, Footscray	No	No	No	No	No	No	-	-
HO28	Shop 234-236 Barkly Street, Footscray	No	No	No	No	No	No	-	-
HO29	Former Barkly Theatre 277-287 Barkly Street, Footscray	-	-	-	-	Yes Ref No H878	No		-
HO30	Church 302 Barkly Street, Footscray	No	No	No	Yes Wrought iron gates	No	No	-	-
HO190	Green's Buildings 337-351 Barkly Street, Footscray	No	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO93	Drill Hall 395 Barkly Street, West Footscray	No	No	No	No	No	Yes	-	-
HO94	Canary Island date palm row and Canary Island Pines 399-413 Barkly Street, Footscray The heritage place comprises the 15 Canary Island date palms and three Canary Island Pine trees and the land beneath the canopy of each tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO95	Washingtonia Palm at Multiple Sclerosis Centre, rear 400-406 Barkly Street, Footscray The heritage place is the Washingtonia Palm tree and the land beneath the canopy of the tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO96	Nundah 600 Barkly Street, West Footscray	No	No	No	Yes Barkly St boundary fence	No	No	-	-
HO97	Methodist Church (former) 75A Bayview Road, Yarraville	No	No	No	No	No	No	-	-
HO31	House 21 Bell Street, Seddon	Yes	No	Yes Elm	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO98	Peppercorn trees, Railway Reserve Near Bellairs Avenue, Albert Street and at 7 Charles Street, Seddon The heritage place comprises the Peppercorn trees and land within the rail reserve and at 7 Charles Street to the extent of the trees' critical root zone. <u>Incorporated plan:</u> Peppercorn tree avenues, railway reserve north of Seddon Station: HO98 Incorporated Plan	No	No	Yes	No	No	No	Peppercorn tree avenues, railway reserve north of Seddon Station: HO 98 Incorporated Plan	-
HO100	Raleigh Castle (archaeological site) 14 Belvedere Close, Maribyrnong <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO101	Raleigh Castle (archaeological site) 5/17 Belvedere Close, and 1-18/18 Belvedere Close, Maribyrnong <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO102	St Augustines Parish Hall and School wing 1-7 Birmingham Street, Yarraville	No	No	No	No	No	No	-	-
HO103	St. Georges Theatre, UDC Ballroom 30 - 34 Birmingham Street, Yarraville	No	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO104	Farm Buildings (archaeological site) 44-46 Bloomfield Avenue, Maribyrnong <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO105	Kurrajong Street Trees Bloomfield Ave, Maribyrnong The heritage place comprises the 25 Kurrajong trees and the land in the road reserve beneath the canopy of each tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO32	Shop and dwelling: 9 Buckingham St, Footscray	Yes	No	No	No	No	No	-	-
HO33	Former Technical College building: 1 Buckley St, Footscray (building east of Nicholson Street)	No	No	No	No	No	No	-	-
HO106	Shops and Residences 4-10 Buckley St, and 215-217 Nicholson St Footscray	No	No	No	No	No	No	-	-
HO107	Rail Bridge over Maribyrnong River & Tunnel Bunbury Street, Footscray	No	No	No	No	No	No	-	-
HO108	Elm and ash street tree avenue Bunbury Street, Footscray The heritage place comprises the Elm	No	No	Yes	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
	and Ash street trees and the land within the road reserve beneath the canopy of each tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.								
HO34	House: 24 Buninyong Street, Yarraville	Yes	No	No	No	No	No	-	-
HO109	Solomon's Ford (Canning Street Ford) Maribyrnong River near Burke Road, Braybrook	No	No	No	No	No	No	-	-
HO110	Peppercorn trees, River Red Gums, Yellow Box (Eucalyptus Melliodora) and Canary Island date palms in the Maribyrnong River Plantation off Chifley Drive, Maribyrnong The heritage place comprises the Canary Island Date Palms, Peppercorns, River Red Gums and Yellow Box trees and the land beneath the canopy of each tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO153	Dale Stables and Peppercorn trees, 35 Chifley Drive, Maribyrnong	No	No	Yes Pepper corn Trees	No	No	Yes	-	-

MARIBYRNONG PLANNING SCHEME

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HO186	Raleigh Mansion (archaeological site) City View Reserve 11 City View Drive, Maribyrnong <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO111	James Darling House 47 Cowper Street, Footscray	No	No	Yes – two Italian cypress	No	No	No	-	-
HO112	Washingtonia Palm 78 Cowper Street, Footscray The heritage place is the Washingtonia Palm tree and the land beneath the canopy of the tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO113	Klipspringer 40-54 Cranwell Street, Braybrook	No	No	No	No	No	No	-	-
HO192	Cross Street Electrical Substation on part of the land known as Allotment 9, Section 13 in the Parish of Cut-Paw-Paw (Cross Street, Footscray).	No	No	No	No	No	No	-	-
HO114	Olympic Tyre & Rubber 56-84 Cross Street, Footscray West	No	Yes – administration building foyer space and front offices, showroom ground floor &	Yes – Cypress at Administration building.	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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			interior of the production bay behind the showroom.						
HO35	The Pebbles 57A Droop Street, Footscray	-	-	-	-	Yes Ref No H1308	No		-
HO115	Redcourt 60 Droop Street, Footscray	No	No	No	Yes Stable	No	No	-	-
HO116	Footscray Fire Station Complex The heritage place comprises the original (circa 1941) component of the fire station complex. 67-71 Droop St, Footscray	No	No	No	No	No	No	-	-
HO117	Johnson Reserve Canary Island date palm rows and oak Essex Street, Maidstone The heritage place comprises the 34 Canary Island date palm trees and one Oak tree and the land beneath the canopy of each tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO119	Raleigh Manager's House (archaeological site) 1 & 3 Fabian Court, Maribyrnong <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO120	Raleigh Castle (archaeological site) 1-8/5 Fabian Court, Maribyrnong <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO121	Elm street trees, near 1 Fairlie Street, Seddon The heritage place comprises the two Elm street trees and the land within the road reserve beneath the canopy of each tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO122	Elm street tree near, 34A Fairlie Street, Yarraville The heritage place is the Elm street tree and the land within the road reserve beneath the canopy of the tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO36	House: 37 Fairlie Street, Yarraville	No	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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HO123	Oak Street Tree avenue Fehon Street, Yarraville The heritage place comprises the 35 Oak trees and the land within the road reserve beneath the canopy of each tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO37	Old Yarraville Primary School: 59-61 Francis Street, Yarraville	No	No	No	No	No	No	-	-
HO125	Bradmill 341-351 Francis Street, Yarraville <u>Incorporated plan:</u> Bradmill Site, 341-351 Francis Street, Yarraville: HO125 Incorporated Plan.	No	No	No	No	No	No	Bradmill Site, 341-351 Francis Street, Yarraville: HO 125 Incorporated Plan.	-
HO126	Stony Creek Rail Bridge, off Francis Street, Yarraville	No	No	No	No	No	No	-	-
HO187	Richardson House 2 Geelong Road, Footscray	No	No	No	No	No	No	-	-
HO188	Robertson House 8 Geelong Road, Footscray	No	No	No	No	No	No	-	-
HO191	J H Hooper House 10 Geelong Road, Footscray	No	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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HO207	House 20 Geelong Road, Footscray	No	No	No	No	No	No	-	-
HO38	House 38 Geelong Road, Footscray	Yes	No	Yes Camphor Laurel	Yes Geelong Road boundary fence	No	No	-	-
HO26	Footscray Primary School No.253 100 Geelong Road, Footscray	-	-	-	-	Yes Ref No H1713	No		-
HO39	House 184 Geelong Road, Footscray	Yes	No	No	No	No	No	-	-
HO40	Rising Sun Hotel: 193 Geelong Road, Footscray	Yes	No	No	No	No	No	-	-
HO127	Southern Can Company 240 Geelong Road, Footscray	No	No	No	No	No	No	-	-
HO128	Graham Campbell Ferrum 260 Geelong Road, Footscray West Incorporated plan: Graham Campbell Ferrum, 260 Geelong Road, West Footscray: HO128 Incorporated Plan	No	No	No	No	No	No	Graham Campbell Ferrum, 260 Geelong Road, West Footscray: HO128 Incorporated Plan	-
HO129	Hopkins Odium 268 Geelong Road, Footscray West	No	No	No	No	No	No	-	-
HO41	House 357 Geelong Road, Kingsville	No	No	No	No	No	No	-	-
HO42	House:	Yes	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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	3-5 Gledhill Street, Footscray								
HO131	Ammunition Factory The heritage place comprises the former administration and amenities buildings of the Australian Defence Industries. 1 Gordon St and Edgewater Boulevard, Footscray	No	No	No	No	No	No	-	-
HO132	House (The Oaks) and English Oaks at The Oaks 99 Gordon Street, Footscray The heritage place comprises the brick Victorian villa, the two Oak trees and the land beneath the canopy of each tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	No
HO43	House 163 Gordon Street, Footscray	No	No	No	No	No	No	-	-
HO133	Raleigh Manager's House (archaeological site) 2 & 4 Grandview Avenue, Maribyrnong Incorporated plan: Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO79	Former Infant Welfare Centre 95 Hamilton St, Yarraville	No	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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HO135	Former Maribyrnong Migrant Hostel 61-71 Hampstead Rd, Maidstone	-	-	-	-	Yes Ref No H2190	No		-
HO136	Moreton Bay Fig, Footscray Hotel Next to 48 Hopkins St, Footscray The heritage place is the Moreton Bay Fig tree and the land beneath the canopy of the tree for a distance of one metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO137	Maribyrnong Reserve grandstand off Hortense Street, Maribyrnong	No	No	No	No	No	No	-	-
HO46	Bluestone church: 8 Hyde Street, Footscray	No	No	No	No	No	No	-	-
HO47	Kariwara District Scout Headquarters (Also known as First Footscray Scout Hall) 4 Hyde Street, Footscray	-	-	-	-	Yes Ref No H1343	No		-
HO48	Bluestone school and Elm, Irish strawberry, pepper trees at Footscray Primary School 1912: 10 & 10A Hyde Street, Footscray The heritage place comprises the bluestone school building and the Elm, Irish Strawberry and Pepper trees south of the red brick Junior School, and the land beneath the canopy of each tree for a distance of 1 metre	No	No	Yes	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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	beyond the drip line, root zone or canopy perimeter, whichever is the greater.								
HO138	Yarraville Gardens (Specimen Trees) 139-147 Hyde Street, Yarraville	No	No	Yes	No	No	No	-	-
HO139	Canary Island date palm rows, Elm and Moreton Bay fig in north Cuming Reserve off Hyde St , Yarraville The heritage place comprises 18 Canary Island date palms, a Moreton Bay Fig and an Elm tree and the land beneath the canopy of each tree for a distance of 1 metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO140	Moreton Bay fig & Canary Island date palms in south Cuming Reserve off Hyde Street, Yarraville The heritage place comprises two Canary Island date palms and a Moreton Bay Fig and the land beneath the canopy of each tree for a distance of 1 metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO130	Yarraville SEC Terminal Station 308 Hyde Street, Yarraville <u>Incorporated plan:</u> <u>Yarraville Terminal Station, 308 Hyde Street, Yarraville: HO 130 Incorporated</u>	No	Yes –Switch gear control panels and original crane	No	No	No	No	<u>Yarraville Terminal Station, 308 Hyde Street, Yarraville: HO 130 Incorporated Plan</u>	-

MARIBYRNONG PLANNING SCHEME

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	Plan								
HO49	Footscray Railway Station Complex Irving and Hyde Streets, Footscray	-	-	-	-	Yes Ref No H1563	No		-
HO45	Jack's Magazine (formerly Saltwater River Powder Magazine): off La Scala Avenue, Maribyrnong	-	-	-	-	Yes Ref No H1154	Yes		-
HO51	Rail Bridge over Maribyrnong River, Footscray	-	-	-	-	Yes Ref No H1213	No		-
HO50	Saltwater River Crossing Site and Footscray Wharves Precinct: Maribyrnong River, Moreland Street, Bunbury Street, Wingfield Street, Napier Street, Hopkins Street and Maribyrnong Street, Footscray	-	-	-	-	Yes Ref No H1397	No		-
HO52	Brick school: 27 Mephan Street, Footscray	Yes	No	No	No	No	No	-	-
HO141	Williamson House 182 Mitchell St, Maidstone	No	No	No	No	No	No	-	-
HO77	Henderson House 43-45 Moreland Street, Footscray	-	-	-	-	Yes Ref No H183	No		-

MARIBYRNONG PLANNING SCHEME

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HO143	Early Building archaeological site 76 Moreland Street, Footscray Incorporated plan: Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO78	Barnett Glass Rubber (also known as Bradmill, McPhersons Jute Works, Bradford Cotton Mills) 91-97 Moreland Street, Footscray, 90-100 Maribyrnong Street, Footscray and 3-5 Parker Street, Footscray	Yes	No	No	No	No	No	-	-
HO145	Mitchell's Bakery Shop and Residence 98-100 Moreland Street, Footscray Incorporated plan: Archaeological Management Plan	No	No	No	Yes – front fence	No	No	Archaeological Management Plan	-
HO53	Hotel: 28 Napier Street, Footscray Incorporated plan: Archaeological Management Plan	Yes	No	No	No	No	No	Archaeological Management Plan	-
HO54	Maribyrnong Town Hall (also known as Footscray Town Hall) 61 Napier Street, Footscray	-	-	-	-	Yes Ref No H1218	No		-
HO55	Ercildoune 66 Napier Street, Footscray	-	-	-	-	Yes Ref No H494	No		-
HO146	Angliss Stock Bridge, stock route and	No	No	Yes-	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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	Cypress trees Newells Paddock, Footscray The heritage place comprises the bridge and abutments, the stock route and the Cypress row and the land beneath the canopy of each tree for a distance of 1 metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.			Cypress row					
HO56	House: 15 Newell Street, Footscray	Yes	No	No	No	No	No	-	-
HO147	Railway Bridge (Black Arch) Nicholson Street Rail overpass, Nicholson Street Footscray	No	No	No	No	No	No	-	-
HO57	Former warehouse: 111 Nicholson Street, Footscray	Yes	No	No	No	No	No	-	-
HO58	Shop: 117 Nicholson Street, Footscray	Yes	No	No	No	No	No	-	-
HO59	Shops 134-136 Nicholson Street, Footscray	Yes	No	No	No	No	No	-	-
HO60	Former Mechanics Institute: 209 Nicholson Street, Footscray	Yes	No	No	No	No	No	-	-
HO61	Former warehouse: 232 Nicholson Street, Footscray	Yes	No	No	No	No	No	-	-
HO148	Plane Street tree and Elm Street tree Near 286 and 288 Nicholson Street, Seddon	No	No	Yes	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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	The heritage place comprises a Plane and an Elm tree and the land within the road reserve beneath the canopy of each tree for a distance of 1 metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.								
HO149	Plane Street Tree Near 294 Nicholson Street, Seddon The heritage place is the Plane tree and the land within the road reserve beneath the canopy of each tree for a distance of 1 metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO150	Solomon's House (archaeological site) Medway Golf Club 57 Omar Street, Maidstone <u>Incorporated plan:</u> <u>Archaeological Management Plan</u>	No	No	No	No	No	No	<u>Archaeological Management Plan</u>	-
HO151	Central Drawing office (Building 71) Ordnance Reserve, Maribyrnong	No	No	No	No	No	No	-	-
HO86	Inspection Headquarters (Building 72) Ordnance Reserve, Maribyrnong	No	No	No	No	No	No	-	-
HO62	Brick church: 77a Paisley Street Footscray	No	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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HO152	Pacific Carpets 35-65 Paramount Rd, cnr Indwe St, Tottenham	No	No	No	No	No	No	-	-
HO63	Bluestone church hall: 30a Pickett Street, Footscray	No	No	No	No	No	No	-	-
HO208	Maribyrnong Tram Substation 149A and part 149B Raleigh Road, Maribyrnong	-	-	-	-	Yes Ref No H2321	Yes		No
HO154	Sugar Gum and pepper trees Sandford Grove Reserve Sandford Grove, Yarraville The heritage place comprises three Pepper trees and one Sugar Gum in the reserve and three Pepper trees as street trees adjacent to the reserve, and the land beneath the canopy of each tree for a distance of 1 metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO65	House and elms: 31 Somerville Road, Yarraville	No	No	Yes Elms	No	No	No	-	-
HO155	Plane Street Tree, Near 34 Somerville Road, Yarraville The heritage place comprises a Plane tree and the land within the road reserve beneath the canopy of the tree for a distance of 1 metre beyond the drip line, root zone or canopy	No	No	Yes	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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	perimeter, whichever is the greater.								
HO66	Church: 73 Somerville Road, Yarraville	No	No	No	No	No	No	-	-
HO67	House: 222 Somerville Road, Kingsville	No	No	No	No	No	No	-	-
HO68	House: 60 Soudan Rd, West Footscray	No	No	No	No	No	No	-	-
HO156	Plane Street Trees Near 61, and 42- 64 Stephen St, Yarraville The heritage place comprises 6 Plane trees and the land within the road reserve beneath the canopy of each tree for a distance of 1 metre beyond the drip line, root zone or canopy perimeter, whichever is the greater.	No	No	Yes	No	No	No	-	-
HO157	Elm & Plane Street Trees Near 80, 82 and 83-93 Stephen St, Yarraville The heritage place comprises a Plane and five Elm trees and the land within the road reserve beneath the canopy of each tree for a distance of 1 metre beyond the drip line, root zone or canopy perimeter, whichever is the greater	No	No	Yes	No	No	No	-	-
HO158	Wemby Dairy 2 Stone Street, Yarraville	No	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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HO69	House: 98 Summerhill Road, West Footscray	No	No	No	No	No	No	-	-
HO159	Creamota 19 Sunshine Road, West Footscray	No	No	No	No	No	No	-	-
HO160	Australian Estate Wool Store 47-61 Sunshine Road, West Footscray	No	No	No	No	No	No	-	-
HO161	Goldsborough Mort Wool Store 63 Sunshine Road, West Footscray	No	No	No	No	No	No	-	-
HO162	Olex Cables 207 Sunshine Road, Tottenham	No	No	No	No	No	No	-	-
HO163	Wiltshire Files 213 Sunshine Road, Tottenham	No	No	Yes – Cypress row, Pinus Radiata row	No	No	No	-	-
HO164	Black Arch Bridge off Sunshine Road, Sunshine	No	No	No	No	No	No	-	-
HO80	Residential Building 3 Tongue Street, Yarraville	Yes	No	No	No	No	No	-	-
HO64	Pipe Makers Park Complex (also known as Former Melbourne Meat Preserving Co. Buildings), 2 Van Ness Avenue, Maribyrnong	-	-	-	-	Yes Ref No H1503	No		-
HO70	Row Houses: 102-106 Victoria Street, Footscray	No	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

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HO72	Former Royal Australian Field Artillery Barracks Part of Former Ordnance Factory Wests Road, Ordnance Reserve, and Waterford Avenue, Maribyrnong	-	-	-	-	Yes Ref No H1098	No		-
HO167	Warehouse (Archaeological site) 1 Whitehall Street, Footscray <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO73	Bluestone presbytery: 1c Whitehall Street, Footscray <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO74	Bluestone church: 1d Whitehall Street, Footscray <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO169	Early Building (Archaeological site) 22 Whitehall Street, Footscray <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO170	Early Building (archaeological site) 26 Whitehall Street, Footscray <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-

MARIBYRNONG PLANNING SCHEME

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HO171	Early Building (archaeological site) 30 Whitehall Street, Footscray <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO172	Victorian House 49 Whitehall Street, Footscray <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO173	Junction Hotel 56 Whitehall Street, Footscray <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO174	Early Building (archaeological site) 62-64 Whitehall Street, Footscray <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO175	Early Building (archaeological site) 65 Whitehall Street, Footscray <u>Incorporated plan:</u> Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-
HO176	Kirk House 67 Whitehall Street Footscray	No	No	No	No	No	No	-	-

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO177	Powder Magazine Footscray Lot 4/107-109 Whitehall Street, Footscray	No	No	No	No	No	No	-	-
HO178	Mowling's Soap & Candle 105A, 1-10/107-109, 109A Whitehall St, 21-29 Youell Street, Footscray	No	No	No	No	No	No	-	-
HO180	Dee Cottage 221B Whitehall Street, Yarraville	No	No	No	No	No	No	-	-
HO182	Murphy's Transport 248 Whitehall Street Yarraville	No	No	No	No	No	No	-	-
HO75	Colonial Sugar Refinery (CSR) Complex 265 Whitehall Street, Yarraville	-	-	-	-	Yes Ref No H1311	No		-
HO184	Mt. Lyell 295 Whitehall Street, Yarraville Incorporated plan: Former Mt Lyell Site, 295 Whitehall Street, Yarraville: HO184 Incorporated Plan	No	No	No	No	No	No	Former Mt Lyell Site, 295 Whitehall Street, Yarraville: HO184 Incorporated Plan	-
HO185	Early Building (Archaeological site) 2 Wingfield Street, Footscray Incorporated plan: Archaeological Management Plan	No	No	No	No	No	No	Archaeological Management Plan	-

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO76	Bluestone church: 9-11 York Street, Yarraville	No	No	No	Yes adjacent hall	No	No	-	-
HO193	Former Air Raid Precautions Centre 72 Buckley Street, Footscray	No	Yes – internal layout and Bunded Room	No	No	No	No	-	-
HO194	Fabian's Centennial Terrace 81-99 Buckley Street, Footscray	No	No	No	No	No	No	-	-
HO195	Victorian/Edwardian Shop 92 Cowper Street, Footscray	Yes – over painting of heritage advertising signs	No	No	No	No	No	-	-
HO196	Footscray Hotel 48 Hopkins Street, Footscray	No	No	No	No	No	No	-	-
HO197	Victorian Shop/Residence 37 Hyde Street, Footscray	No	No	No	No	No	No	-	-
HO198	Station Hotel 59 Napier Street, Footscray	No	No	No	No	No	No	-	-
HO199	Masonic hall 42-44 Leeds Street, Footscray	No	No	No	No	No	No	-	-
HO200	Courthouse Hotel 166-168 Nicholson Street, Footscray	No	No	No	No	No	No	-	-
HO201	St Joseph's Convent 3-9 Wingfield Street, Footscray	No	No	No	Yes – front fence	No	Yes	-	-

MARIBYRNONG PLANNING SCHEME

PS Map Ref	Heritage Place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO202	Former Grand Theatre 10 Paisley Street, Footscray	No	No	No	No	No	No	-	-
HO203	Luke Greenwood House 16 Parker Street, Footscray	No	Yes – ceiling, fireplace and timber work in main front reception room	No	No	No	No	-	-
HO204	Footscray Baptist Church 60 Paisley Street, Footscray	No	Yes – organ, ecclesiastical fittings, floors	No	No	No	No	-	-
HO205	Victoria Hotel 43 Victoria Street, Footscray	No	No	No	No	No	No	-	-

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C147**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0 Incorporated documents**--/20--
C147

Name of document	Introduced by:
170 & 180 Ashley Street, Maidstone	C99
23 Frederick Street, Yarraville	C55
Bradmill Site, 341-351 Francis Street, Yarraville: HO 125 Incorporated Plan	C31
Business Identification Signage, 72-74 Napier Street, Footscray, September 2013	C127
DCP2 Maribyrnong, North Maidstone and North Footscray Community Infrastructure Development Contribution Plan, adopted by Council on 24 August 1998 (amended October 2011)	C97
DCP6 Maribyrnong City (south of Ballarat Road) Community Infrastructure Development Contribution Plan adopted by Council on 24 January 2000 (amended October 2011)	C97
Elm street tree avenue, Ballarat Road Maidstone: HO88 Incorporated Plan	C31
Footscray Station Precinct Development Plan (2004)	C51
Former Mt Lyell site, 295 Whitehall Street, Yarraville: HO184 Incorporated Plan	C31
Graham Campbell Ferrum, 260 Geelong Road, West Footscray: HO128 Incorporated Plan	C31
Historical Archaeological Management Plan, 2006 (amended 2013).	C125
Incorporated plan: Permit Exemptions in Heritage Precincts October 2018	C147
Lower Maribyrnong Concept Plan 1984 approved by the State Government on 17 December 1986	NPS1
M1 Redevelopment Project, October 2006	C61
Melbourne Metro Rail Project Incorporated Document, May 2017	GC67
Peppercorn tree avenues, railway reserve north of Seddon Station: HO98 Incorporated Plan	C31
Regional Rail Link Project Section 1 Incorporated Document, March 2015	GC26
Riverside Physical Framework Plan No 1, 10 November 1992	NPS1
Riverside Physical Framework Plan No 2, 10 November 1992	NPS1
West Gate Tunnel Project Incorporated Document, December 2017	GC93
Whitten Oval Redevelopment Victoria University, July 2008	C75
Whitten Oval Redevelopment, October 2007	C68
Yarraville Terminal Station, 308 Hyde Street, Yarraville: HO 130 Incorporated Plan	C31