

**NOTICE OF REFUSAL TO GRANT A
PERMIT
UNDER SECTION 102(1)(C) OF THE
HERITAGE ACT 2017**

Permit Application No.: P29324

Owner/s: Ms Deb Cailles
Manager, Urban Sustainability
City of Melbourne
GPO Box 1603
MELBOURNE VIC 3001

NAME OF PLACE: FAWKNER PARK

HERITAGE REGISTER NUMBER: H2361

LOCATION OF PLACE: 24-88 COMMERCIAL ROAD SOUTH YARRA

WHAT HAS BEEN REFUSED

Approval to undertake improvement works to the Pasley Street entry zone including the removal of the existing basketball court, the construction of a new sports court further to the west of the existing facility, landscaping works, drainage improvement works, selected tree removals and new tree planting works and the construction of two new pathways providing access to the new sports court facility.

REASONS FOR REFUSAL:

That a permit not be issued as:

- If the application were approved, and the sports court constructed in the proposed location, it would result in an unacceptable detrimental impact on the cultural heritage significance of Fawkner Park.
- The construction of the sports court in this location would result in physical and visual impacts on the landscape character of Fawkner Park as:
 - it represents an incursion of hard surfacing into a part of the park which is currently grassed and eliminates an area of the lawn which remains the majority surface to this sector of the park;
 - the location of the sports court away from its historical location at the perimeter of the park requires a network of new paths that run counter to the overall materiality, alignment and width of the asphalt linear avenues which contribute to the aesthetic significance of Fawkner Park;
 - the scope of works goes beyond the relocation of the existing facility as it will be larger than the existing facility and, in tandem with its additional pathways, will have a larger overall footprint; and
 - its placement adjacent to Avenue G, will alter the presentation of an avenue recorded in the Conservation Analysis of 2002 as being of high heritage significance.
- Refusal of the permit application will prevent the works as proposed from being realised. Heritage Victoria accepts that the continuation of a sports court in Fawkner Park, although constructed in a new form, is a reasonable use. However, the Applicant has not sufficiently demonstrated that an alternative more suitable location for the sports court could not be found.
- While Heritage Victoria is generally supportive of the necessary landscape and drainage improvement works and the associated entrance improvements at Pasley Street proposed, it is understood that these works cannot be extracted from the proposal as whole.

<p>Signature by the Executive Director, Heritage Victoria:</p> 	<p>Date:</p> <p>31-7-19</p>	<p>HERITAGE VICTORIA HERITAGE VICTORIA HERITAGE VICTORIA</p>
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