

FORMER SHOP AND RESIDENCE

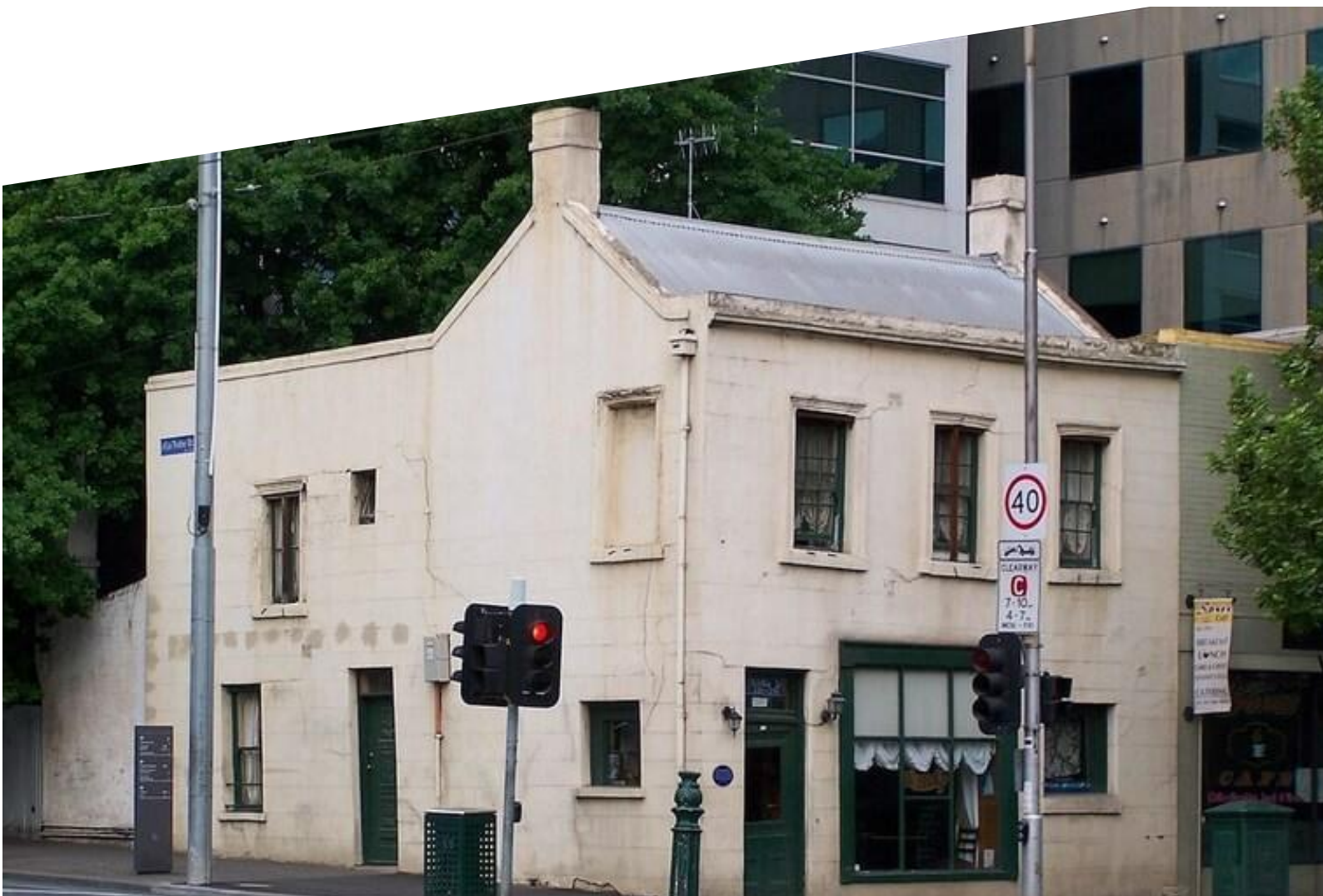
H0465

Proposed external stairs, amenities, services, rear fence and landscaping

328-330 KING STREET, MELBOURNE VIC 3000

HERITAGE ACT 2017 PERMIT APPLICATION HERITAGE IMPACT STATEMENT

2 April 2026



1. Project details

1.1. Heritage Impact Statement for:

Former Shop and Residence. 328-330 King Street Melbourne, Victoria H0465

1.2. This Heritage Impact Stage forms part of a permit application for:

Heritage Act 2017 Permit Application for external stairs, amenities, services, rear fence and landscaping works to the former shop and residence.

1.3. Prepared for:

Yan Qiu - Aqua Greenland Pty Ltd

1.4. Prepared by:

Michael Taylor Architecture & Heritage.
Level 6, 443 Little Collins Street Melbourne.

1.5. Date:

2 April 2026

2. Significance of the place or object

2.1. Heritage Listings / Studies

Heritage Act 2017

The site is registered under the Heritage Act 2017. It is included on the Victorian Heritage Register (VHR) as *Shop and Residence* H0465. The registration includes both the exterior and interior of the building. The registration does not include any existing permit exemptions, and a permit or exemption will need to be sought prior to any works.

Melbourne City Council (MCC) Heritage Overlay

The site is also included on the MCC's Schedule to the Heritage Overlay as HO680. The extent of registration matches that of the VHR.

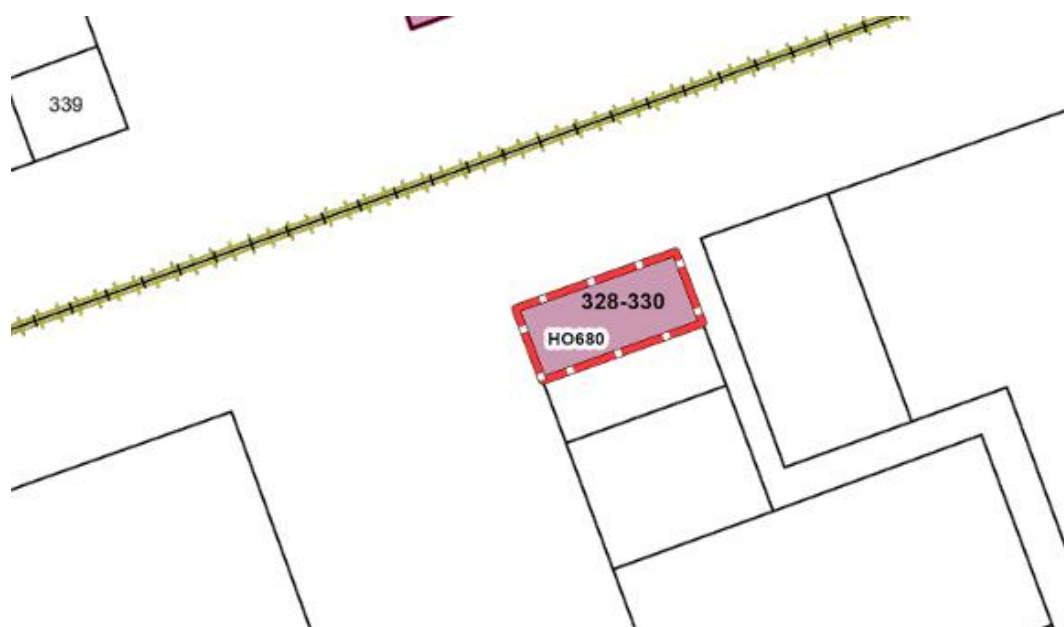


Figure 1 VicPlan map showing HO680

Conservation Management Plan (CMP)

A CMP was issued in prepared in January 2023 by Nadia Gasparetto. The CMP includes Conservation Policies. The policies mainly address the building's structural and material condition. The policies 4.4 *Future Development* and 4.6 *Management* are very concise and seem based on the assumption that the then owners would remain in the building forever. The CMP doesn't consider compliance with non-heritage-related regulations or codes such as Universal Access, stairs, amenities. The CMP also doesn't address economic use of this city building and the services and infrastructure required to use the building commercially.

In the CMP the whole of the brick building is graded *Primary*, the timber annex is graded as *Secondary*.

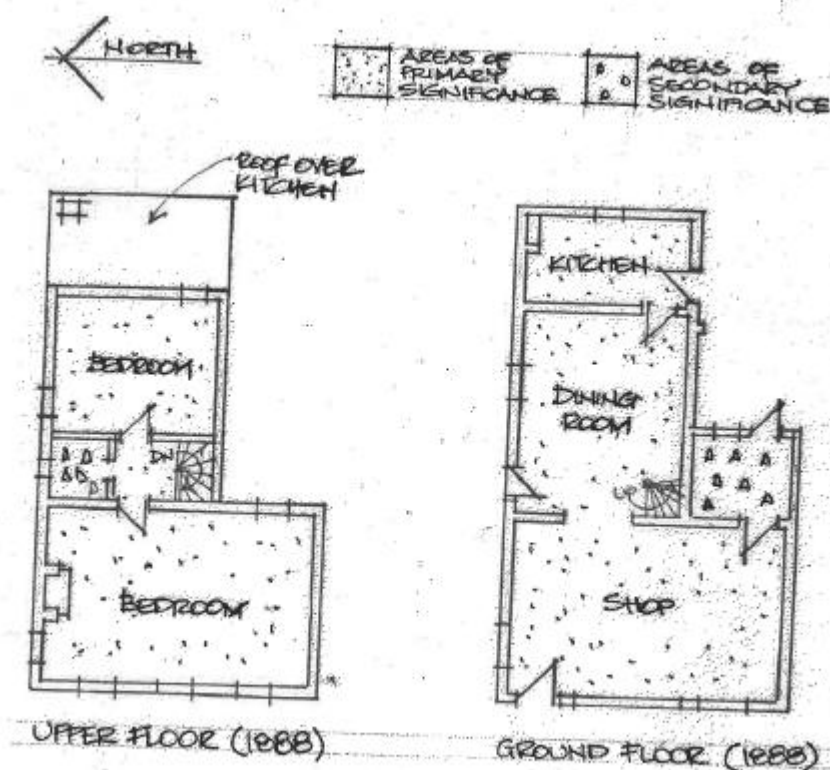


Figure 2 Grading diagram. Extract from CMP Gasparetto 2023, pg. 100

2.2. Cultural heritage significance of the place or object

The former shop and residence are of historical and architectural significance to the State of Victoria. Its VHD citation notes its significance:

The shop and residence at 328-330 King Street are of historical significance as a rare survivor of the pre-gold rush period in Melbourne. The discovery of gold had such a dramatic impact on the development of Melbourne that any building surviving from the pre-gold era, particularly in a relatively intact form, must be seen as having considerable historic importance. As one of the oldest buildings in the CBD, it provides a significant physical link to Melbourne's very early days as a frontier town, illustrating the character of the built fabric of the times.

The shop and residence at 328-330 King Street are of architectural significance as an example of the kind of architectural styles influencing Melbourne's early years. Its Georgian/Regency influences are relatively rare in Victoria, being more common in the early architecture of Sydney and Hobart. As such it demonstrates the development of architectural style in Melbourne, showing how the simple design and construction techniques of the colony's early years were beginning to be influenced by more fashionable architectural influences.¹

¹ VHD Statement of Significance for the Former Shop and Residence

2.3. Existing condition of the place

Location

The site is located on the south-east corner of King and La Trobe Streets. It sits across from Flagstaff Gardens to the north. Along with the immediate south neighbour, it is the only two-storey building on this portion of the street, which is dominated by contemporary multi-level towers. One of which is located immediately behind the site at 497 La Trobe Street.

Current works -Structural Stabilisation 2025-26

The building is currently undergoing structural stabilisation works to address a Heritage Act *Show Cause Order* and MCC Building Order, these works have included reconstruction of sections of brick walls, installation structural steel, renewal of front façade/west footing, installation of new lintels to the west façade windows, new roof cladding and rain water goods, crack repair, render repair, wide spread re-pointing of face brickwork, installation of one new window. .

The works are scheduled for completion in late May 2026.

Exterior

The site contains a two-storey brick shop and dwelling. The building is setback from the street by a paved path and there is an access laneway behind. The rear courtyard is

The building was originally only four rooms, with the upper floor and other outbuildings added later. The former residence and shop are Georgian style with symmetrical first floor windows. The steep gabled roof has brick chimneys on either end and is clad in corrugated iron cladding with a box gutter behind the parapet. Only one visible downpipe on the south-west facade services this gutter.

The facade is cement rendered with ruled stone margins. The ground floor King Street frontage has been altered to contain a large non-centred shop front window.



Figure 3 , back yard c. 2024

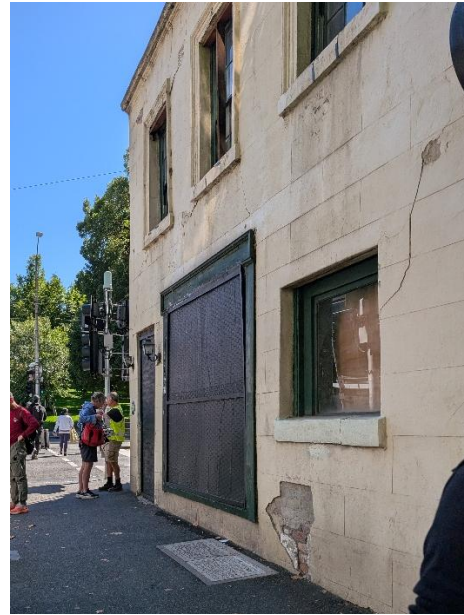


Figure 4, West façade c 2024

Interior

The ground floor contained two small kitchens and a large front room.

The upper floor contains a large front bedroom and dressing room/study. The ceilings are timber lined between the staircase and rear study/dressing room. The removed bathroom appeared c1960/70s. Access to this floor is via a very steep timber circular staircase. One fireplace with exposed brick surround remains on the wall of the bedroom.

2.4. Current use of the place

The former shop and residence is not currently in use and is undergoing structural stabilisation works. It was previously used as a cafe on ground level with residence on the first level.

3. Proposal

3.1. The proposed works

Demolition

- Re-level/lower Room 4 roof.
- W14 - Remove existing window frames, partial sill and brick wall under.
- Demolition of Colorbond fence and gate.

Additions

- New external stairs and landing with accessibility compliance.
- New ambulant toilet in Room 4.
- New external door converted from W14.
- New landscape, paving and stormwater works.
- New palisade fence.

A complete drawing set issued by MTA&H dated 4/3/2026 is attached to explain the full scope of works.

3.2. Options considered

- 1) Accessible Stairs
 - a. Internal
 - Layout of compliant stairs has been tested to Room 1 and Room 2.
 - Findings -This arrangement was found to have high detriment high to the internal fabric and appearance of the two main rooms. It also has high impact on the useable/lettable floor area in this small building.
 - b. Alternative configuration
 - L-shaped and U-shaped stairs configuration have been applied, and access compliance was not satisfied.
 - c. Room 4 demolition
 - Room 4 was proposed to be removed to reduced first floor landing area.
 - Findings -Removal of this structure was part of a pre-app referral to HV. HV advised that retention was preferred
- 2) Compliant Amenities
 - a. Room 3
 - Conversion of original kitchen to fit required amenities.
 - Findings- loss of functional/lettable floor space in this small building. Room 3's size and location lend itself toward a back of house food prep and storage area.

Above options have been considered for the location of new stairs, amenities and the treatment of accessibility requirements.

The location of the new stairs and amenities was preferred with minimal impact and openings to the existing building. This option was seen as preferable and reasonable from a heritage perspective as it limits physical alterations to the existing fabric and retains the integrity of all internal rooms. The adaptation of the first floor window W14 to use as a door as an adaptation with considerable precedence at other VHR sites. The Pre-app referral response to build a new door adjacent to it is impractical and there isn't internal wall space to fit a door, a vertical structural tie has been installed to the inside face of the wall in this location. A further consideration is that this building needs to retain as much solid wall as it can. The west facade's structural defects have partially been caused by solid wall attrition at ground level where was less than 30% of the supporting wall retained.

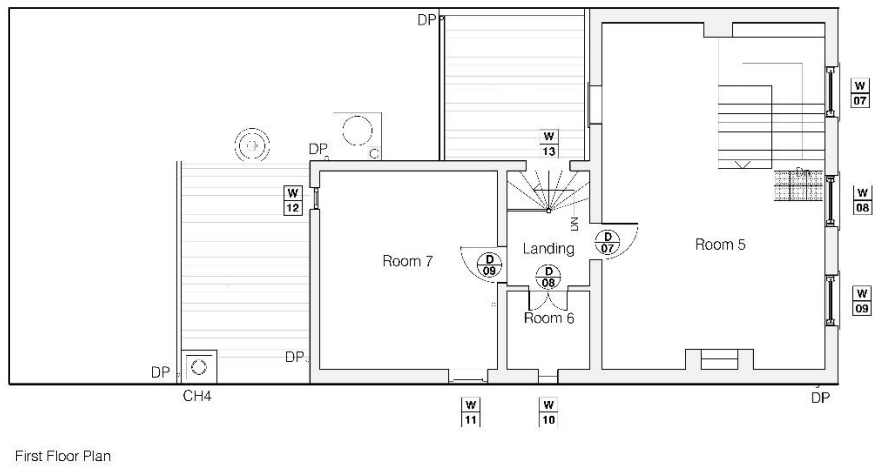
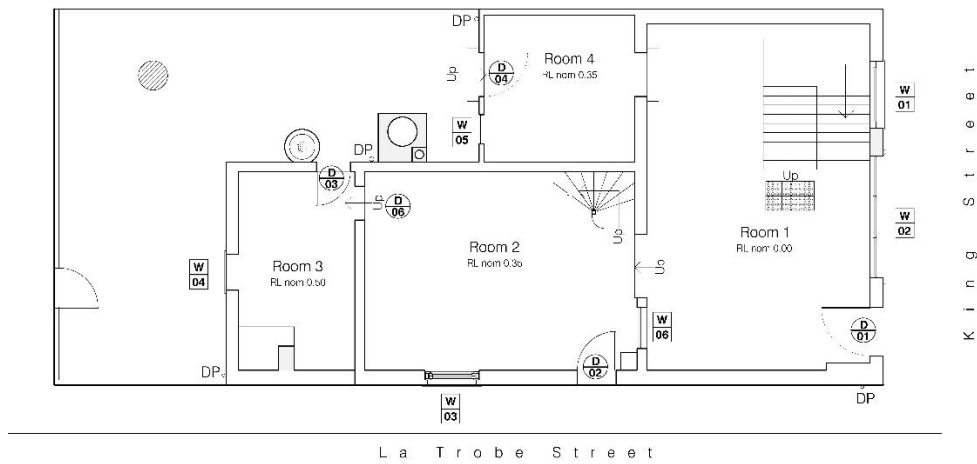
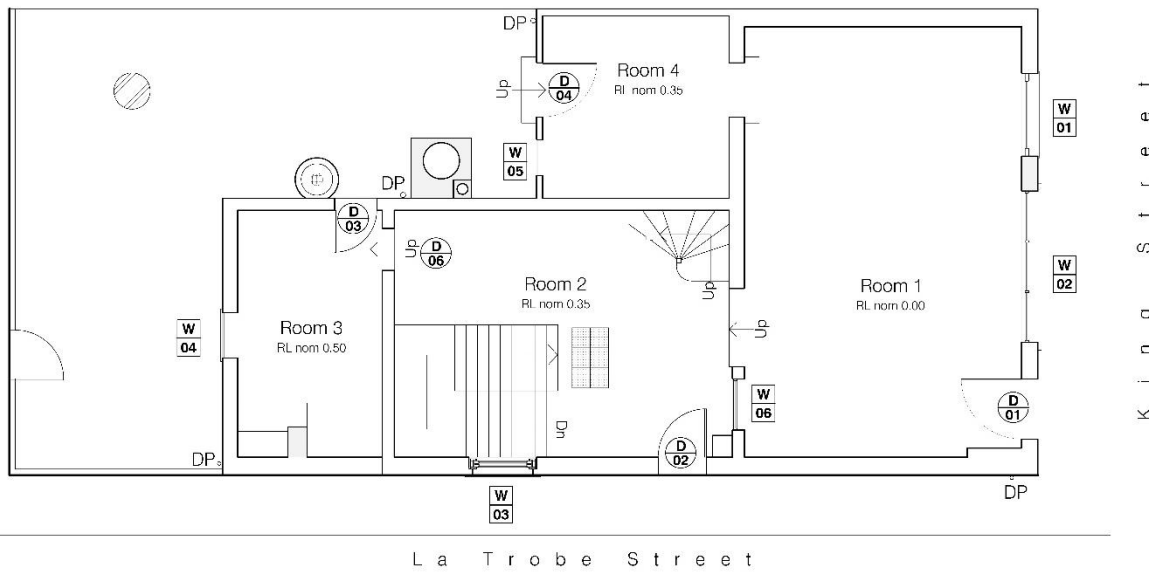
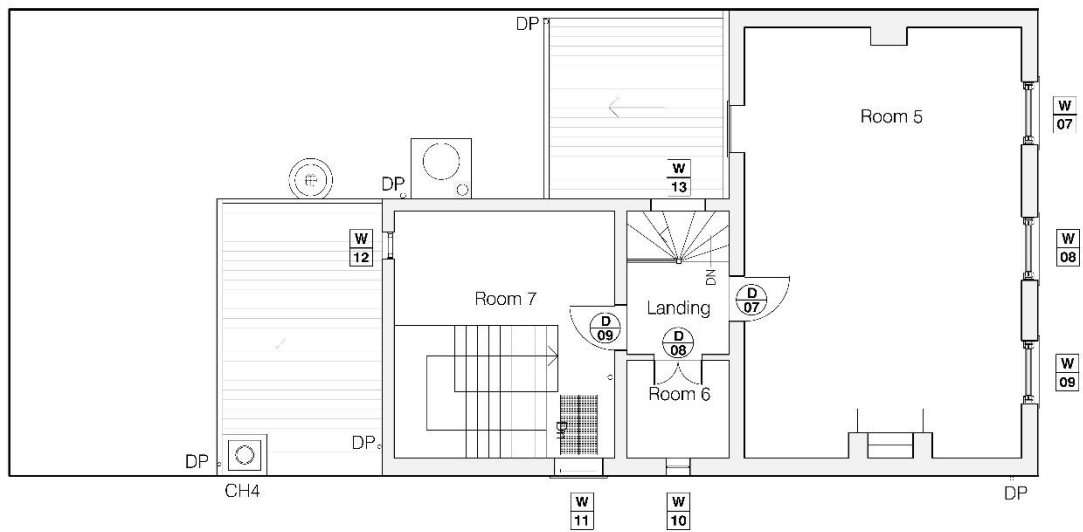


Figure 5, 330 King St, internal stair option A (Rooms 1 & 5).



Ground Floor Plan



First Floor Plan

Figure 6, 330 King St, internal stair option B (Rooms 2 & 7).

4. Information to support an assessment against sections 101(2) and 010(3) of the *Heritage Act 2017*.

4.1. Impact of the proposal on the cultural heritage significance of the place or object

4.1.1. Physical impacts

The implementation of new stairs and toilets in Room 4 will require some minor demolition. Minimal heritage fabric is proposed for demolition. The proposed demolition to include a new first floor entry for the stairs is limited to window 14 and localised area of brick wall. Existing lintel and sill ends are proposed to be retained to express footprint of window 14. The existing stairs are retained, they are steep and no aspect complies with Access or Stair Standards. The whole building has also been deemed a Class 6 use (retail, food, provision of goods and services direct to the public).

Room 4 is proposed to be repurposed as amenities consisting of one ambulant toilet, one regular toilet and a basin to satisfy building regulatory compliance. Existing corrugated metal sheet roof will be lowered to suit new stair landing.

The modification of Room 4 interior, which is an area of secondary significance, is not seen to have any major adverse impact on the cultural heritage significance of the former shop and residence as it's an early but non-original addition, it has been recorded by the CMP and by others.

4.1.2. Visual impacts

The proposed amenities staircase is contained only to the exterior of the building, and the lowering of existing roof will have minimal adverse impact on the external appearance of the building. .

The external staircase is contained only in the backyard. The proposed new doorway will have minimal impact on the external appearance of the building. The retained lintel and sill ends will inform of the existing window. The form, material and colour scheme of the new staircase will read as contemporary allowing the existing details of the former shop and residence to stand in contrast.

The rear palisade fence is proposed to provide rear boundary security that allows incidental /passive surveillance into and out of the property. The building has been a long-term site for random break and entering, squatters and graffiti. The palisade arrangement also minimises opportunities for graffiti and advertising posters.

4.2. Reasons why the proposed works should be supported under s101(2) and s101(3) of the Heritage Act 2017

4.2.1. Reasonable Use s101(2)b

The use of the former shop and residence as retail premises is a compatible use in accordance with the principals of the 2017 *ICOMOS Burra Charter*. As the proposed use incorporates the existing plan of the building retaining most significant features such as walls, windows and doors. And allowing public access to the interior.

Refusal of the application for the proposed amenities and staircase would be a regulatory compliance and OH&S issue within this building which is proposed to be offered as a “warm shell” for a commercial tenant. The existing stairs do not comply with AS 1428.1 Design for Access & Mobility New amenities are also required under the NCC.

4.2.2. Economic use s101(2)b

Refusal of the proposed works to the former shop and residence would limit the ability to re-activate the whole building as a food or retail venue as the upper floor would not be legally accessible. The new staircase and amenities would allow the building to better comply with current codes and standards and will support the building's use as a retail tenancy across two levels.

The venue maintains the historic plan of the building, retaining the remaining original internal walls, windows and doorways. The addition of new staircase and amenities furthers the economic viability of the building under current building standards to allow for Universal Access to all areas of the venue.

The ability of the former shop and residence to generate income as a retail tenancy would positively contribute to the ongoing maintenance and conservation of the significant heritage building.

4.2.3. Impacts on adjacent or heritage places s101(3)

The proposed works are entirely limited to the former shop and residence extent of registration and do not carry any implications for nearby heritage places.

The nearest VHR place is Flagstaff Gardens H2041. The proposed works will not have any visual physical impacts on the gardens, the garden layout or significant trees.

5. Conclusion

5.1 Summary of impacts

- Proposed works include the addition of a new staircase and amenities to provide allowances for Universal Access.
- Demolition of window 14 frames and localised brick wall is required to form a functional level 1 door with the least material impact.
- Works do not affect the building's primary facades.
- New palisade fence provides security passive surveillance to building site.

5.2 Conclusion

- The former shop and residence is listed on the VHR as H0465 and the MCC's Heritage Overlay HO680
- The proposed works will have low to no adverse impact on the cultural heritage significance of the former shop and residence, or any surrounding Heritage places.
- The proposed works are essential to providing the best and a viable economic use for this city site.
- A new compliant internal stair would have high impact on the interior fabric, the spatiality, functional area and appearance of rooms on both level.
- The works are suitable for approval of a permit under the Heritage Act 2017.

6. Recommended conditions and staging

Pending the approval of a *Heritage Act 2017* permit, the following conditions are recommended:

1. The permission granted for this permit shall expire if one of the following circumstances applies: the permitted works have not commenced within two (2) years of the original date of issue of this permit or are not completed within four (4) years of the original date of issue of this permit unless otherwise agreed in writing by the Executive Director, Heritage Victoria.
2. The Executive Director, Heritage Victoria is to be given five working days' notice of the intention to commence the approved works.
3. Prior to the commencement of any of the works approved by this permit a construction ready set of detailed drawings must be submitted for the endorsement of the Executive Director, Heritage Victoria and when endorsed becomes part of the permit.
4. Should further minor changes in accordance with the intent and approach of the endorsed documentation become necessary, correspondence and supporting documentation must be prepared and lodged for assessment by the Executive Director who will advise on the approach to be taken to address these matters.
5. Approved works or activities are to be planned and carried out in a manner which prevents damage to the registered place/object. However, if other previously hidden original or inaccessible details of the object or place are uncovered, any works that may affect such items must immediately cease. The Executive Director, Heritage Victoria must be notified of the details immediately to enable Heritage

Victoria representatives to inspect and record the items, and for discussion to take place on the possible retention of the items, or the issue of a modified approval.

6. All works must cease, and Heritage Victoria must be contacted if historical archaeological artefacts or deposits are discovered during any excavation or subsurface works. Should any munitions or other potentially explosive artefacts be discovered, Victoria Police is to be immediately alerted, and the site is to be immediately cleared of all personnel.
7. The Executive Director, Heritage Victoria must be informed when the approved works have been completed.