Planning and Environment Act 1987

Panel Report

Melbourne Planning Scheme

Amendment C198

City North Heritage Review

11 July 2014



Planning Panels Victoria

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Melbourne Planning Scheme Amendment C198

City North Heritage Review



Lucinda Peterson, Chair



Suzanne Barker, Member



Boyce Pizzey OAM, Member

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List of Abbreviations

ANMF	Australian Nursing and Midwifery Federation
BIF	Building Identification Form
CCZ	Capital City Zone
DTPLI	Department of Transport, Planning and Local Infrastructure
FMC	Future Melbourne Committee
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
PN01	Planning Practice Note No 1 'Applying the Heritage Overlay'
SPPF	State Planning Policy Framework
The Act	*Planning and Environment Act 1987*
VPP	Victoria Planning Provisions

Amendment Summary

The Amendment	Melbourne Planning Scheme Amendment C198
Common Name	City North Heritage Review
Subject Site	The Amendment applies to land bounded by: • Grattan Street and Flemington Road to the north; • Swanston Street to the east; • A'Beckett Street to the south; and • Harcourt Street/Courtney Street/Capel Street/William Street to the west
Purpose of Amendment	Implementation of *City North Heritage Review 2013* including introducing new precincts and Heritage Overlays, removing places from the Heritage Overlay, amending local policy and amending the heritage gradings of places in the Incorporated Document '*Heritage Places Inventory*' and introduces a new Incorporated Document 'City North Heritage Review Statements of Significance".
The Proponent	Melbourne City Council
Planning Authority	Melbourne City Council
Authorisation	17 April 2013
Exhibition	26 September to 7 November 2013

Panel Process

The Panel	Lucinda Peterson (Chair), Suzanne Barker and Boyce Pizzey OAM
Directions Hearing	Planning Panels Victoria, 7 April 2014
Panel Hearing	Planning Panels Victoria, 5 – 9 May and Melbourne City Council office, 12 May 2014
Site Inspections	As a group, the Panel made unaccompanied inspections on 2 May and 20 May 2014 and other inspections were undertaken by individual panel members, prior to and following the hearing
Appearances	Refer to Table 1
Submissions	29 – Refer to Appendix A
Date of this Report	11 July 2014

1 Introduction

Melbourne Planning Scheme Amendment C198 (the Amendment) was prepared by the Melbourne City Council (the Council) as the Planning Authority. As exhibited, the Amendment proposes to implement the '*City North Heritage Review January 2013*' (Heritage Review) which includes introducing new Heritage Overlays over precincts and individual places, removing places from the Heritage Overlay and amending the gradings of places in the Incorporated document '*Heritage Places Inventory*'. The Amendment also proposes to include a new Incorporated Document '*City North Heritage Review Statements of Significance'*.

The Amendment applies to land in the North and West Melbourne, Carlton and Melbourne areas.

The Amendment was prepared at the request of the Melbourne City Council (the proponent) and was authorised by the Department of Transport, Planning and Local Infrastructure (DTPLI) under delegation from the Minister for Planning, on 17 April 2013.

The Amendment was placed on public exhibition from 26 September to 7 November 2013 with 29 submissions received as follows:

- Botex Pty Ltd – 90-104 Berkeley Street, Carlton
- Phil Rounsevell – existing Queen Victoria Market Precinct and 5-23 Anthony Street, Melbourne
- HWL Ebsworth for Lort Smith Animal Hospital – 24-36 Villiers Street and 38 Villiers Street, West Melbourne (proposed Villiers Street Precinct)
- Canjo Pty Ltd – 73-75 Peel Street, West Melbourne (existing North and West Melbourne Precinct)
- Owners Corporation Management – 50 Franklin Street, Melbourne
- PDG – 278-284 Queensberry Street and 618-632 Elizabeth Street, Melbourne (proposed Elizabeth Street North (Boulevard) Precinct)
- Ray Cowling – 32-34 and 38 Capel Street, West Melbourne and 65-67 and 77-79 Peel Street, West Melbourne (existing North and West Melbourne Precinct)
- Royal Historical Society of Victoria Inc. – 51-61 Leicester Street, Carlton and other Interwar era sites
- ET Hanna Nominees Pty Ltd – 51-61 Leicester Street, Carlton
- Best Hooper Solicitors for Melbourne Business School – 183-195 Bouverie Street, 168-172 Leicester Street, and 152-162 Pelham Street, Carlton (proposed Little Pelham Street Precinct)
- Urbis for MIT Australia Pty Ltd – 386-412 William Street, Melbourne
- John Price – existing Queen Victoria Market Precinct
- Chery McKinna – existing Queen Victoria Market Precinct
- Cathy Lowy – existing Queen Victoria Market Precinct
- Miriam Faine – existing Queen Victoria Market Precinct
- Best Hooper Solicitors – 586-608 Elizabeth Street, Melbourne (proposed Elizabeth Street North (Boulevard) Precinct)

- University of Melbourne – 623-645 Swanston Street, Carlton (proposed Lincoln Square South Precinct), 182-210 Berkeley Street, Carlton (proposed Ramsay Surgical Precinct), 197-199 Berkeley Street and 213-221 Berkeley Street, Carlton
- ERM for Piccolo Developments – 205-217 Peel Street, North Melbourne (existing North and West Melbourne Precinct)
- Fulcrum for Kilbane Pty Ltd - 221 Pelham Street, Carlton
- Bob Jane T-Mart – 683-699 Elizabeth Street, Melbourne (proposed Elizabeth Street North (Boulevard) Precinct)
- Robert Munro – 93-151 Therry Street, Melbourne (existing Queen Victoria Market Precinct)
- Toyota Motor Corporation – 611-681 Elizabeth Street, Melbourne (proposed Elizabeth Street North (Boulevard) Precinct)
- Diabetes Australia – 570 Elizabeth Street, Melbourne (proposed Elizabeth Street North (Boulevard) Precinct)
- Melbourne Heritage Action – various sites and existing Queen Victoria Market Precinct
- National Trust of Australia (Victoria) – existing Queen Victoria Market Precinct, 50 Franklin Street, Melbourne and other issues
- Waipara Pty Ltd and Rayburn Pty Ltd – 215-223 Franklin Street, 225-227 Franklin Street and 186-190 A'Beckett Street, Melbourne
- Song Bowden Planning – 106-110 Peel Street, West Melbourne (existing North and West Melbourne Precinct)
- Clement-Stone Town Planners – 61-63 Flemington Road, North Melbourne (existing North and West Melbourne Precinct)
- Urbis for Australian Nursing and Midwifery Federation – 529-541 Elizabeth Street, Melbourne (proposed Elizabeth Street North (Boulevard) Precinct)

At its meeting of 11 February 2014, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 17 February 2014 and comprised Lucinda Peterson (Chair), Suzanne Barker and Boyce Pizzey.

A Directions Hearing was held in relation to the Amendment on 7 April 2014. At the Directions Hearing the following declarations were made by Panel members: Ms Peterson was previously employed by the City of Melbourne as an employee in 2002 and then as a contractor until 2005. She has had no professional contact with the City of Melbourne since 2005 and has had no involvement in the City North Heritage Review project. Ms Barker recently sat as a Panel member for Amendment C196 to the Melbourne Planning Scheme. This Amendment proposed to implement the City North Structure Plan. No objections were raised at the Directions Hearing in relation to this matter. All members have declared that they have no conflict of interest in the matter of the Amendment.

Following the Directions Hearing, the Panel as a group undertook a series of inspections of the precincts and individual buildings subject to submissions, including on 2 May 2014 and following the hearing on 20 May 2014 and individual members have made a number of additional inspections.

The Panel then met in the hearing room of Planning Panels Victoria on 5 to 9 May and at the Melbourne City Council offices on 12 May 2014 to hear submissions in respect of the Amendment. Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Melbourne City Council	Mr Peter O'Farrell of Counsel and instructed by Ms Robyn Hellman and Ms Naomi Keung of Melbourne City Council, who called the following expert witnesses: - Anthony Hemmingway and Roger Beeston, Heritage, RBA Architects
The University of Melbourne	Mr Ian Pitt SC of the firm Best Hooper Solicitors who called the following expert witnesses: - Peter Lovell, Heritage, Lovell Chen - Bryce Raworth, Heritage, Bryce Raworth Pty Ltd - Catherine Heggen, Urban Design and Town Planning, Message Consultants
Melbourne Business School	Mr Ian Pitt SC of the firm Best Hooper Solicitors who called the following expert witness: - Peter Lovell, Heritage, Lovell Chen
National Trust of Australia (Victoria)	Ms Emily Piper who called the following expert witness: - Simon Reeves, Heritage, Built Heritage Pty Ltd
Owners Corporation Managements Pty Ltd	Ms Amanda Ring of the firm SJB Planning who called the following expert witness: - Peter Lovell, Heritage, Lovell Chen
PDG Corporation	Ms Amanda Ring of the firm SJB Planning who called the following expert witness: - Peter Lovell, Heritage, Lovell Chen
MIT Australia Pty Ltd	Ms Emily Porter of Counsel instructed by Mr Saul Siritzky of Urbis, who called the following expert witness: - Bryce Raworth, Heritage, Bryce Raworth Pty Ltd
Toyota Motor Corporation of Australia Ltd	Mr Paul Chiappi of Counsel instructed by Ms Sophie Marjanac of Clayton Utz, who called the following expert witness: - Peter Lovell, Heritage, Lovell Chen
Robert Munro and Jas A Munro	Assisted by Mr Myles Munro
Kilbane Pty Ltd	Mr John Cicero of Best Hooper Solicitors instructed by Mr Simon Martin of Fulcrum, who called evidence from the following expert witness: - Bryce Raworth, Heritage, Bryce Raworth Pty Ltd

DLF Finance Pty Ltd, Highlass Investments Pty Ltd, Project Parking Pty Ltd; Worth's Pty Ltd	Mr John Cicero of Best Hooper Solicitors, who called evidence from the following expert witness: - Peter Lovell, Heritage, Lovell Chen
John Price	
Cathy Lowy	
Australian Nursing and Midwifery Federation	Mr Ian Pitt SC of Best Hooper Solicitors who called evidence from the following expert witness: - Bryce Raworth, Heritage, Bryce Raworth Pty Ltd
Animal Welfare League of Victoria	Mr David Vorchheimer of HWL Ebsworth Lawyers who called the following expert witness: - Bryce Raworth, Heritage, Bryce Raworth Pty Ltd
Lou Baggio	Ms Jessie Mitchell-Bryant of Song Bowden Planning Pty Ltd

2 The proposal

2.1 Background to the Amendment

The '*City North Structure Plan 2012*' (the Structure Plan), prepared by the Melbourne City Council, included a strategy to integrate the heritage of City North with the development potential of the precinct. The Structure Plan included an action to undertake a review of the existing Heritage Overlay and gradings of buildings to ensure that the heritage qualities of City North are identified and protected.

Meredith Gould Architects were engaged to undertake a preliminary heritage review of the City North area to determine any heritage issues and their findings were outlined in the report '*Heritage Assessment – City North Structure Plan Area'*, April 2011. In this report several deficiencies in the existing Heritage Overlay and the Incorporated Document '*Heritage Places Inventory – July 2008'* were identified including lack of Statements of Significance for existing places within the Heritage Overlay and the need to review graded sites from earlier studies, which had not yet been protected.

Following the completion of this work RBA Architects prepared the '*City North Heritage Review 2013*' (the Heritage Review). The Heritage Review builds on heritage studies that were undertaken during the mid-1980s which formed the basis of heritage protection in the municipality, including:

- *Carlton, North Carlton and Princes Hill Conservation Study 1985*
- *Central Activities District Conservation Study 1985*
- *North and West Melbourne, 1985 and 1993*

Additional heritage studies were also previously undertaken including the *City of Melbourne Heritage Review 1999/2000* (Allom Lovell and Associates) and *City of Melbourne Heritage Precincts Project 2004* (Meredith Gould Architects). Neither of these studies are referenced in the Planning Scheme.

The purpose of the Heritage Review was to:

- Review the heritage protection of properties currently listed in the Schedule to the Heritage Overlay.
- Reassess sites that had been previously graded or identified as being of potential significance, but not included in the Heritage Overlay in order to determine whether they should be afforded heritage protection.
- Determine whether there were other sites of heritage significance that had not previously been identified.

The Study Brief required the following tasks to be undertaken:

- Inspect, research and review the listed properties and make recommendations for protection under the Heritage Overlay. When undertaking field work should there be a building of potential significance that is not on the list such a building should, with the agreement of the Project Manager, be included within the Study.
- Make recommendations as to whether the property should be included in an existing Heritage Overlay precinct or a new precinct and/or if it is significant in its own right and provide a statement of significance accordingly.

The Heritage Review recommended applying the Heritage Overlay to additional places and precincts, changing boundaries to some existing precincts and updating information in the Schedule to the Heritage Overlay. In addition, a number of places were also recommended to be removed as they have been demolished, altered beyond recognition or absorbed in another heritage precinct.

Upon the adoption of the Heritage Review, Council resolved that seven places originally identified should not be included within the Heritage Overlay as some places were already permitted to be demolished under the Section 25B Building Act process or the properties were included in the City (Hoddle Grid) Amendment C186.

2.2 The Amendment

The Amendment seeks to implement the findings of the Heritage Review by making the following changes to the Schedule to the Heritage Overlay and associated maps:

(i) Precincts

The Amendment removes the Heritage Overlay from parts of the following precincts:

- Carlton Precinct (HO1)
- North and West Melbourne Precinct (HO3)
- Queen Victoria Market Precinct (HO7)

The Amendment applies the Heritage Overlay over five new precincts including:

- Elizabeth Street North (Boulevard) Precinct
- Former Ramsay Surgical Precinct
- Little Pelham Street Precinct
- Lincoln Square South Precinct
- Villiers Street Precinct

(ii) Individual places

The Amendment proposes to include 50 individual places within the Schedule to the Heritage Overlay and removes a number of individual heritage places and either includes them within the new heritage precincts or removes them entirely from the Planning Scheme.

All new heritage places listed in the Schedule to the Heritage Overlay have external paint controls.

(iii) Local Policy

With regard to policy, the Amendment proposes to:

- Amend the policy at Clause 22.04 '*Heritage Places within the Capital City Zone*' and Clause 22.05 '*Heritage Places outside the Capital City Zone*' so that the Heritage Review is considered when making decisions relating to any of places and precincts which are subject of the Amendment;
- Amend Clause 22.04 to includes a new Statement of Significance for the Elizabeth Street (CBD) Precinct; and

- Amend Clause 22.04 to replace the existing Statement of Significance for the Queen Victoria Market Precinct with a new Statement of Significance and removes the "*Key Attributes*" section.

(iv) Incorporated documents

With regard to Incorporated Documents, the Amendment proposes to:

- Include in the Schedule to Clause 81.01 as an incorporated document, the '*City North Heritage Review 2013: Statements of Significance*', so that these statements are considered when making decisions relating to individually significant buildings and to the five new precincts.
- Replace the 'Heritage Places Inventory July 2008' with a new '*Heritage Places Inventory*' to include the gradings derived by the Heritage Review.
- Update the Schedule to Clause 81.01 to include the updated '*Heritage Places Inventory*'

2.3 The subject site and surrounds

The Amendment applies to land bounded by:

- Grattan Street and Flemington Road to the north
- Swanston Street to the east
- A'Beckett Street to the south, and
- Harcourt Street/Courtney Street/Capel Street/William Street to the west

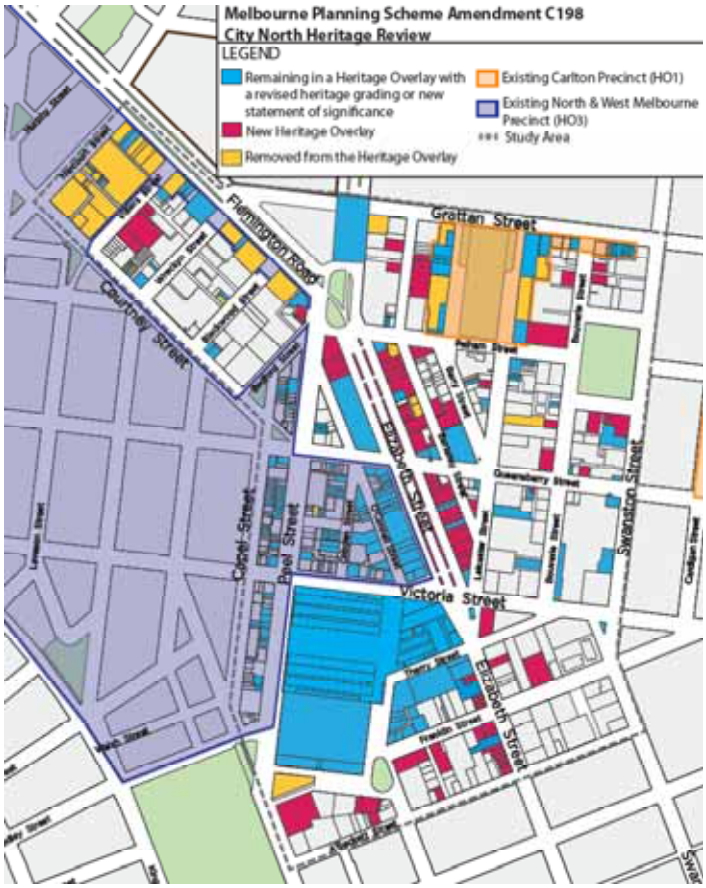


Figure 1 City North Heritage Review Map (Source City of Melbourne)

2.4 Issues dealt with in this report

The key issues raised in the submissions are briefly summarised as follows:

- Contribution of light industrial land use and motor vehicle sales and repairs in the thematic history of Melbourne, Carlton, North and West Melbourne
- Approach to gradings
- Extent of comparative analysis
- The importance of intactness and integrity in determining significance
- Consideration of interwar and post war places by previous studies
- Composition of precincts
- Strategic and policy tension with Amendment C196
- Adequacy of Clauses 22.04 and 22.05
- Social and economic impacts of including places in the Heritage Overlay
- Adequacy of the assessment of significance of precincts, places within precincts and individual places.

The Panel has considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites.

This report deals with the issues under the following headings:

- Strategic planning context
- General issues
- The proposed precincts
- The existing precincts
- Individual buildings with submissions supported by Panel appearances
- Individual buildings with written submissions.

3 Strategic planning context

Council provided a response to the Strategic Assessment Guidelines, derived from the Explanatory Report.

The Panel has reviewed the policy context of the Amendment and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

3.1 Policy framework

3.1.1 State Planning Policy Framework

The Amendment is supported by Clause 15.03 '*Heritage*' in the SPPF by ensuring the conservation of places that have historical significance.

The Panel notes the following relevant strategies:

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

3.1.2 Plan Melbourne

The Amendment is supported by *Plan Melbourne*. Direction 4.7 of *Plan Melbourne* seeks to respect our heritage as we build for the future. Initiative 4.7.1 - *value heritage when managing growth and change* is of further note.

3.1.3 Local Planning Policy Framework

The Amendment is supported by Clause 21.06 *Built Environment and Heritage*. This clause notes the importance of Melbourne's heritage:

> *Melbourne's character is defined by its distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial.*

Clause 21.06-2 relates to heritage, and has the following objective and strategies:

- *Objective 1 - To conserve and enhance places and precincts of identified cultural heritage significance.*
- *Strategy 1.1 - Conserve, protect and enhance the fabric of identified heritage places and precincts.*
- *Strategy 1.2 - Support the restoration of heritage buildings and places.*
- *Strategy 1.3 - Maintain the visual prominence of heritage buildings and landmarks.*
- *Strategy 1.4 - In heritage precincts protect heritage buildings, subdivision patterns, boulevards and public open space.*
- *Strategy 1.5 - Protect the significant landscape and cultural heritage features of the City's parks, gardens, waterways and other open spaces.*
- *Strategy 1.6 - Within heritage precincts and from adjoining areas protect buildings, streetscapes and precincts of cultural heritage significance from the visual intrusion of new built form.*
- *Strategy 1.7 - Protect the scale and visual prominence of important heritage buildings, landmarks and heritage places, including the Shrine of Remembrance and the World Heritage Listed Royal Exhibition Building and Carlton Gardens.*
- *Strategy 1.8 - Maintain cultural heritage character as a key distinctive feature of the City and ensure new development does not damage this character.*

The Panel notes the relevance of Clause 21.14 *Proposed Urban Renewal Areas* which nominates the City North area as a proposed urban renewal area and foreshadows the insertion of the *City North Structure Plan 2012* into the Melbourne Planning Scheme. This is discussed in more detail in Section 4.3.

3.1.4 Zones

A number of different zones apply to the City North area. The following map shows the location of the three different zones:

- Capital City Zone Schedule 1
- Mixed Use Zone
- General Residential Zone Schedule 1 (GRZ1) (previously Residential 1 Zone and noted as R1Z on the following map).

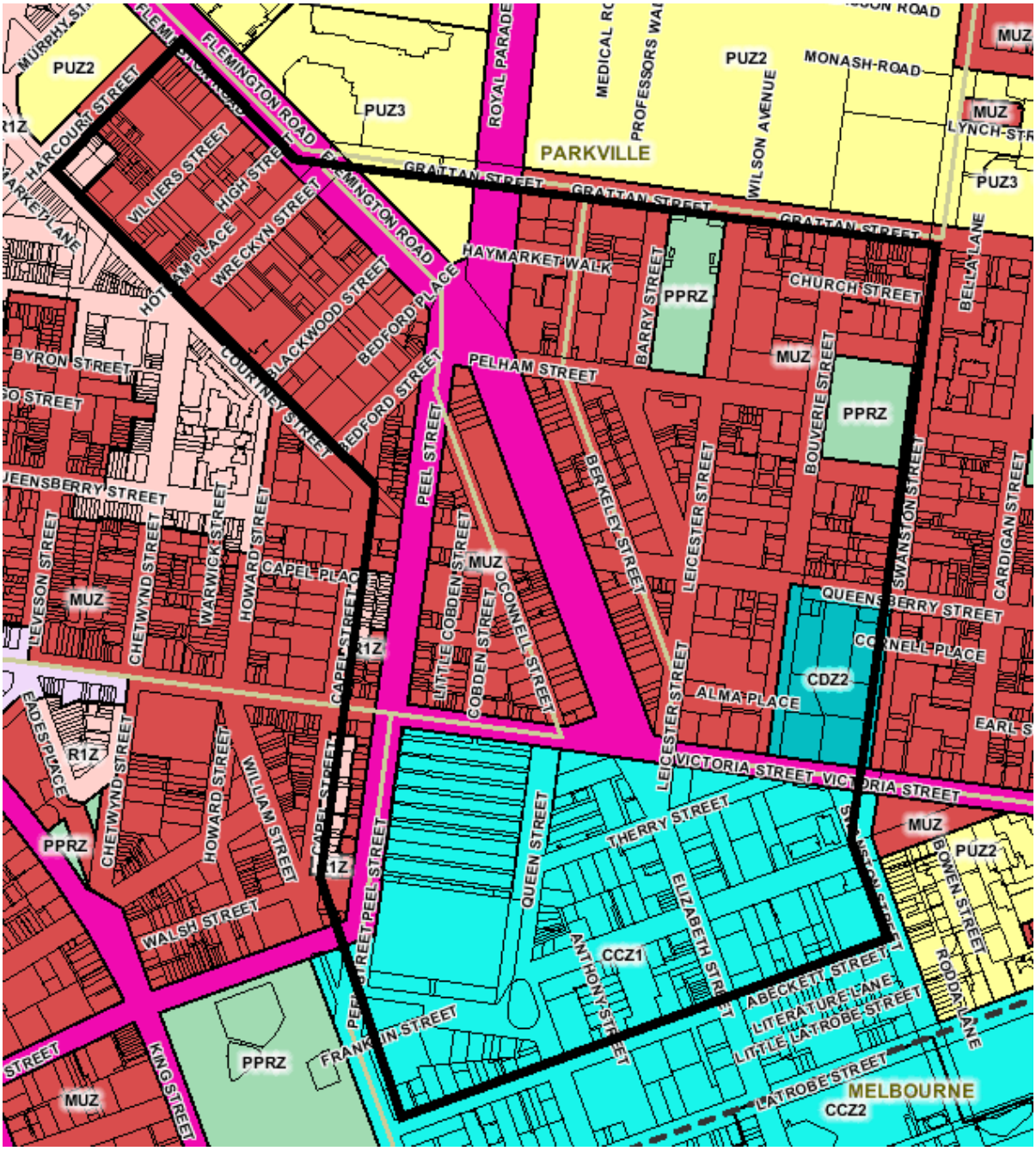


Figure 2 Zoning Map for City North Heritage Review Area

It is noted that Amendment C196 proposed to rezone the bulk of the land within the City North area to Capital City Zone Schedule 5 (CCZ5). The Panel notes that of these three zones, the CCZ is the only zone which contains provisions in relation to demolition. The CCZ head clause explicitly seeks approval for demolition of buildings where they are specified in the schedule. However neither CCZ1 nor CCZ5 (proposed for City North) contain this control.

3.1.5 Overlays

Clause 43.01 *Heritage Overlay* has the following purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The Heritage Overlay triggers the need for a planning permit for demolition, alterations and subdivision.

The Amendment seeks to make a number of changes to the Schedule to the Heritage Overlay and the Heritage Overlay Maps.

3.2 Ministerial Directions and Practice Notes

Council's Explanatory Report states that the Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes, and complies with Ministerial Direction No 9 – Metropolitan Strategy. Direction 5.4 – *Protect heritage places and values* is specifically mentioned.

3.2.1 Planning Practice Note – Applying the Heritage Overlay (PN01), revised September 2012

The Planning Practice Note '*Applying the Heritage Overlay, Revised September 2012*', provides guidance regarding the criteria to be used when assessing places for consideration of the Heritage Overlay in local planning schemes.

The Practice Note requires that the heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place must include a Statement of Significance that clearly establishes the importance of the place and addresses specific heritage criteria. The Practice Notes lists criteria A to H, which have been generally adopted by heritage jurisdictions throughout Australia and should be used in preparing a heritage study. The Practice Note does state however that the adoption of the criteria in the Practice Note does not diminish previous heritage assessment work undertaken before 2012 which have used older versions of criteria.

In terms of threshold and gradings, the Practice Note advises that thresholds to be applied should be either of 'State significance' and 'Local significance'. 'Local significance' includes those places that are important to a particular community or locality. The Practice Note specifically advises that letter gradings (A, B and C for example) should not be used.

The Practice Note advises that in order to apply a threshold, some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those that have previously been included in a heritage register or Heritage Overlays. Places identified to be of potential State significance should undergo limited analysis on a broader (State-wide) comparative basis.

3.3 Other strategies

The *City of Melbourne Heritage Strategy 2013* and *Thematic History – A History of the City of Melbourne's Urban Environment 2012* are not reference documents in the Planning Scheme, however they do provide a broad context for the Panel for this Amendment.

3.3.1 The City of Melbourne Heritage Strategy 2013

The City of Melbourne prepared the Heritage Strategy 2013, which provides a context to the Council's priorities with regard to the strategic protection and management of heritage within the municipality.

Under the theme "Knowing", the Strategy states "*A recent internal review of various existing heritage studies in the city has identified some gaps in industrial heritage in relation to post second World War places….*"[1]

Under the theme "Protecting", the Strategy states "*The MSS Growth Area Framework Plan defines the areas of high growth and development as the Hoddle Grid and three urban renewal areas of Southbank, City North and Arden Macaulay. Reviewing these areas to identify and protect heritage is the highest priority.*"[2]

In addition, the Strategy identifies that the heritage policy outside the Capital City Zone (Clause 22.05) needs to be reviewed to update the heritage grading system and strengthen controls with better decision making guidelines. Actions include:

- Action 2.2 - Progressively undertake a review of heritage in high growth areas.
- Action 2.8 - Review and update Melbourne Planning Scheme local policies Clause 22.04 *Heritage Places within the Capital City Zone* and Clause 22.05 *Heritage Places outside the Capital City Zone*.
- Action 2.10 - Undertake a review of the City of Melbourne's heritage places grading system and update in accordance with the Practice Note *Applying the Heritage Overlay, September 2012*.

3.3.2 Thematic History – A History of the City of Melbourne's Urban Environment, 2012, Context

A thematic environmental history was undertaken in 2011 and adopted by Council in 2012. It is not included as a reference document in the planning however it provides the Panel with an overview of the main themes recently identified. As described in its Preface (page 5):

[1] City of Melbourne Heritage Strategy 2013, Page 12
[2] City of Melbourne Heritage Strategy 2013, Page 13

> *The role of the Thematic History is not to provide a comprehensive account of the social and economic history of the municipality. It is intended to be a concise document that takes a broad brush approach, setting out the key themes that have influenced the historical development of a municipality and helping to explain how and why the built and human-influenced environments of that municipality looks as they do today. A thematic environmental history is an essential part in a municipal heritage study, helping ensure that the places that reflect and represent the historical development of the municipality are recognised.*

The Panel has identified the following themes in the document which are particularly applicable to the Amendment:

Theme 5.5 'Building a manufacturing industry'

> *As Melbourne developed through the 19th century, so did her manufacturing industry. Flinders Lane became an important area for clothing manufacturers, while Chinese cabinet makers were concentrated at the east end of town. Food-processing plants were established in North and West Melbourne. Factories tended to be small and specialised. Large factories, built in the later 19th century and early 20th century tended to be built outside the City of Melbourne, where land was more easily obtainable.*
>
> *After being the centre of manufacturing in Australia in the 1920s, Melbourne's importance in this regard began to decline. In the post war period many city factories and warehouses were left empty or converted for other uses. The industrial area of Southbank has been virtually obliterated by the new developments of the late 1990s.*

Theme 9.3 'Working in the post war city'

> *The number of factories operating in central Melbourne had declined by the middle of the 20th century. Flinders Lane remained an important wholesale area for fashion and textiles into the second part of the 20th century, but clothing manufacturing declined. The north-west area of the city, for example along Elizabeth Street and in Dudley Street, remained areas of light industrial and mechanical workshops. There was small-scale manufacturing north and west of Lonsdale Street. Increasingly, the large tertiary institutions, including RMIT and the University of Melbourne, have employed large numbers of people. These institutions have both consolidated large areas of land within the city, incorporating several existing and new buildings.*

The document advises that no thematic environmental history can ever be considered complete. As more research is undertaken, evidence is uncovered through heritage studies, as community stories are told and as social perspectives change, new aspects of a locality's history will inevitably emerge.

3.4 Amendment C196 – City North Structure Plan

Amendment C196 proposes to implement the land use and development directions of the *City North Structure Plan 2012* (the Structure Plan) into the Melbourne Planning Scheme. The Structure Plan creates a framework to guide the urban renewal of the City North area, which comprises land consistent with the *City North Heritage Review* area (shown on Figure 2 above). Amendment C196 however, excludes the land bounded by Victoria Street, Swanston Street, A'Beckett Street, William Street, and Peel Street.

The Structure Plan establishes a vision for City North as an extension of the Central City and a hub for the "*Knowledge Precinct*" – an area where education, research and medicine can cluster to cultivate prosperity and creativity. Whilst setting the vision for the area, the Structure Plan explicitly establishes the need to *integrate the area's heritage into urban renewal* as one of its principles.

In addition to rezoning much of the land to CCZ and introducing built form controls through DDO61 (which contemplates increased building heights for the area), the Amendment also seeks to amend Clause 22.04 (which applies to land within the Capital City Zone) to exclude its application to the City North area and amend Clause 22.05 to include it as the relevant policy to guide discretion for permit applications.

The Amendment was placed on public exhibition from 1 November to 15 December 2012. A Panel considered the Amendment in August 2013. Their report was published in October 2013. That report made specific recommendations in relation to Clause 22.05. These recommendations sought to resolve a tension highlighted through submissions between the aspirations of urban renewal and increased height envisioned by DDO61, and Clause 22.05 which seeks to deal with the redevelopment of heritage sites by concealing additions.

The Future Melbourne Committee (FMC) resolved to adopt Amendment C196 for submission to the Minister for Planning for approval, with a number of changes. Of note to Amendment C198, the FMC resolved not to adopt the changes recommended by the Panel for Amendment C196 in relation to Clause 22.05. This Panel continues to have concerns in relation to this position which will be discussed in more detail in Section 4.9 of this report.

At the time of this report, Amendment C196 was not formally approved.

3.5 Strategic assessment

The Panel concludes that the Amendment is generally supported by the relevant sections of the State and Local Planning Policy Framework, and by the City North Structure Plan which includes the integration of heritage values as an important element of the area's renewal.

The merits of the inclusion of particular individual buildings and precincts within the Heritage Overlay are discussed later in this report, as well as the specific policy issue of Clause 22.04 and Clause 22.05 in Chapter 4.

4 General issues

A number of issues were raised by submitters to the Amendment and by the Panel during the Hearing in relation to the adequacy of the *City North Heritage Review 2012* (the Heritage Review) in providing the threshold to justify the application of a Heritage Overlay to sites. Issues included:

- Thematic history and use of themes
- Consideration of Interwar and Post War heritage by previous studies
- Comparative analysis
- Statements of Significance
- Approach to grading
- Intactness and integrity
- Composition of precincts.

In addition, the Amendment raised issues with regard to:

- Social and economic impacts
- Strategic tension /policy tension with C196 and the adequacy of Clause 22.04 and Clause 22.05.

This chapter deals addresses common issues raised in submissions and subsequent chapters consider the merits of each place proposed to be included within the Heritage Overlay.

4.1 Thematic history and use of themes

(i) The issue

Section 4(c) of the *Planning and Environment Act 1987* (the Act) is clear. Conservation is envisaged for buildings or places which are of "*scientific, aesthetic, architectural or historical interest or otherwise of special cultural value*". Similarly, the perspectives of an 'architectural historian', and an 'historian' can be quite different (and describe different aspects of a place's contribution to a community's heritage). Since the preparation of the *Central Activities District Conservation Study* in 1985 there has been a growing appreciation amongst those preparing planning schemes that community heritage is represented by more than an architectural view of a place.

An increasing sophistication in defining heritage is indicated in the development of the Australian Heritage Commission's, and the Victorian Heritage Council's criteria and are listed in Practice Note *Applying the Heritage Overlay (PN01), September 2012*. The criteria emphasise cultural history and social aspects as follows:

- Criterion A - Importance to the course, or pattern, of Victoria's cultural history.
- Criterion B - Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
- Criterion C - Potential to yield information that will contribute to an understanding of Victoria's cultural history.
- Criterion D - Importance in demonstrating the principal characteristics of a class of cultural places and objects.
- Criterion E - Importance in exhibiting particular aesthetic characteristics.

- Criterion F - Importance in demonstrating a high degree of creative or technical achievement at a particular period.
- Criterion G - Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
- Criterion H - Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Over the past ten years, professional experts and Councils preparing amendments have developed contextual documents (generally called 'thematic histories') that describe the major historic themes of the municipality as a basis for identifying representative places or further informing existing research.

The issues for this Amendment are whether:

- A number of Statements of Significance that emphasize historical significance are properly justified.
- Expert witness submissions in respect to architectural history are relevant to considerations of historic or aesthetic significance.
- More generally, historic significance is a useful concept in developing what are, essentially, built form controls.

(ii) Evidence and submissions

During the hearing there was considerable discussion regarding significance of light industrial development with the City North area, and in particular the contribution of the motor sales and servicing industry.

Neither the Council's experts nor those of the submitters considered the use of the Council's 2012 Thematic History as useful. Mr Hemmingway during his evidence noted that industrial development in the 2012 Thematic History was more focussed in the CBD area rather than the North Melbourne and Carlton areas. He observed that references to outlying industrial development in the Thematic History in this area were scant.

The Council's City North Heritage Review (Heritage Review) noted that:

> *… an overview of the development of the relevant parts of the three principal suburbs is provided as a historical context for understanding why certain types of sites might be significant as they reflect key phases/types of development in the respective areas.*

Within the 'Overview of Development' chapter in the Heritage Review, there was a focus on the phases of commercial development within Carlton, Melbourne and North and West Melbourne.

Mr Lovell suggested that the argument for many of the places within the Heritage Review has been on the basis of justification of recognition of industrial development and that this is an area that, although has not been missed in previous studies, was "slightly underdone". Equally he said it is not reasonable to say authors of previous studies were focussed on the 19th century. He said the Context Thematic History did not pick up the theme of industrial uses in any significant way. If it had been then there might be more justification for the

Council's proposals. Mr Lovell considered that the weight is not in the work to date to elevate the themes relied upon in the Review.

Upon questioning by the Panel, Mr Raworth advised some of the thematic issues might have been managed by applying serial or group precinct controls, ie identify a selection of motor showroom or garages demonstrating a theme without encumbering streetscapes of low interest. He went on to clarify "*even if that were considered, the consultants should justify that these themes are important rather than having just happened. In this area the theme is 'peripheral and minor' rather than 'substantive and important'. The theme doesn't substantiate this area as an area of local significance*."

(iii) Discussion and conclusion

The Panel takes the view that historical or social significance can be an important part of the total analysis of a place's significance. For many properties included in this Amendment historical or social significance was identified prominently in a building's or precinct's Statement of Significance.

A building can have historical significance due to its association with a particular person or event. In this case the usual practice has been to investigate whether the building in some way demonstrates something of significance about that person or event. An example might be the studio of an important artist (such as the studio of Roberts, Streeton and others of note at 9 Collins Street) which might demonstrate the social setting in which they worked and the physical layout of their workspace. Mr Lovell submitted that such cases were rare in his experience and a perusal of existing planning schemes bears out his opinion.

Equally however, the Panel takes the view that a building can also have historic or social significance insofar as it demonstrates the historical or social development of the local area. In this case the Panel accepts that a building might not be a good example of architecture but might retain sufficient built fabric evidence of (a) activities that are considered of historical significance, or (b) contribute to a precinct that has historic significance.

Again, the Panel takes the view that the iteration of historical facts – rate book information, town plans, building applications, Millstadt maps, and so on – whilst enormously important in establishing a sound factual base for a place is not, of itself, a justification of historical significance. It agrees with the expert submissions that historic significance is not established by descriptions such as "interwar", "representative of the phase of land consolidation and development…" and the like unless the fundamental historical contribution of the interwar period or of "land consolidation and development" to the local area is also established.

There remains a responsibility on Council to provide rigorous and persuasive evidence in respect to overall thematic merit and specific historical or social analysis of an individual place, be it a building or precinct.

In 2012 the City of Melbourne prepared its Thematic History of the City of Melbourne's Urban Environment. The preface to that report emphasised that the Thematic History was a starting point for analysis:

> *The role of the Thematic Environmental History is not to write a comprehensive account of the social and economic history of the municipality. It is intended to be a concise document that takes a broad brush approach, setting out the key themes that have influenced the historical development of a municipality and helping to explain how and why the built and human-influenced environments of that municipality looks as they do today …*

The report generally follows the historical themes proposed in Heritage Victoria's publication '*Victoria's Framework of Historical Themes*' and deals with fifteen themes including '*Aboriginal Country'*, '*Shaping the Urban Landscape*', '*Building a Commercial City'*, '*Working in the City*' and '*Preserving and celebrating the City's History'*.

Despite this work (and despite the clear guidance given in the Act) the Panel was disappointed to find that neither the Council in preparing its submission, nor their expert witnesses appearing before it, took specific or general direction from the Thematic History. Where historical significance is claimed, it should be rooted firmly in the Thematic History or an alternative history should be presented. This was not always demonstrated to the Panel. To the extent that evidence was not supported by reference to the Thematic History (or a well-argued alternative historical perspective) the Panel gave less weight to arguments for historical significance.

However at first appearance, the Panel accepts that it is clear that the period of development within the interwar era and to a less extent the post war period marked a significant shift in land use within the Study area and tells the story of the influence of the rise of the automobile, a shift in the mode of production and the development of middle ring Melbourne for residential development.

4.2 Consideration of Interwar and Post War heritage by previous studies

(i) The issue

The Heritage Review is the latest of a number of conservation studies undertaken in the area over approximately 30 years, including:

- *Carlton and North Carlton and Princess Hill Conservation Study*, Nigel Lewis and Associates, 1985
- *Central Activities District Conservation Study*, Graeme Butler, 1985
- *North and West Melbourne Conservation Study*, Graeme Butler, 1985 and with additions in 1993
- *City of Melbourne Heritage Review*, Allom Lovell and Associates, 1999/2000
- *City of Melbourne Heritage Precincts Project*, Meredith Gould, 2004.

A recurring issue raised during the hearing was the extent to which previous heritage studies considered interwar sites and whether they sufficiently identified and graded them.

(ii) Evidence and submissions

A number of submissions inferred that exclusion from a particular study deflated the authority of a subsequent re-examination.

Mr Pitt (in his cross examination of Mr Hemmingway regarding the proposed Lincoln Square South Precinct) submitted that nothing new had come to light since the buildings at in this area were last looked at from a heritage perspective. In response, Mr Hemmingway stated his opinion that in the 1980s there was not much interest in assessing the interwar period at all and there is a much greater awareness now and in this context it is natural that there would be those gaps in the previous heritage studies, and noted 214-222 Queensberry Street as an example. This building, according to the grading system, was identified as local yet given a broader analysis, the building is included on the Victorian Heritage Register. Ongoing research increases understanding.

Mr Raworth in his discussion with the Panel explained that it could be perceived that the previous City of Melbourne's heritage studies lacked consideration of interwar heritage when compared with heritage studies of middle ring municipalities where the predominant construction period was during the interwar years. This can create the perception that they have given a greater consideration of the interwar period, compared with the City of Melbourne studies. He considered that the dominant period of development in the City of Melbourne is the Victorian and Edwardian periods and that is why the studies tended to focus on these eras. Despite this the interwar period was considered in those previous studies and there are many places that are included within the existing Heritage Overlay as a result.

The Royal Historical Society of Victoria (submission 8) welcomed the findings of the Heritage Review and the recognition of several Moderne buildings. The submission considered that there is scope for a wider look at this historic part of Melbourne whose boundaries extend beyond the current review area, especially in light of the proposed Victoria Market development and the encroachment of many high density residential apartments into the area.

(iii) Discussion and conclusion

Since the late 1970s and early 1980s when heritage studies were originally prepared, most municipalities across Victoria have undertaken gap studies and heritage reviews which have consistently identified places previously not identified.

The Panel accepts that review and re-examination of previous studies is a useful (and equitable) process which might produce different outcomes for a particular property from one study to the next. This might be due to variations in briefing, different experts' specialisations or changes in community values.

The Panel does not consider that the interwar period is necessarily under-represented in the Melbourne Planning Scheme and that there ought to be some kind of quota of representation of each period. However, it is the nature of heritage conservation that over time a greater degree of appreciation for past waves of development does occur and more austere or humble examples from that period may be identified. The Panel notes that the

last heritage study to take a fresh look at this area occurred over 20 years ago (not including the Allom Lovell Study in North and West Melbourne which was restricted to a review of buildings which had previously been graded) and in the case of Carlton, almost 30 years ago.

The Panel preferred to give weight to submissions based on previous assessments only where they highlighted clear deficiencies in information or improved an understanding of the place's heritage significance.

4.3 Comparative analysis

(i) The issue

Experts and submitters raised the issue of the extent to which comparative analysis was undertaken in the preparation of the Heritage Review. The question was raised whether comparison with buildings or precincts outside the municipal area should be undertaken.

(ii) Evidence and submissions

A number of submissions in respect to individual buildings contended that there were superior examples both inside and outside the municipal area.

Mr Hemmingway in his evidence in chief explained that the study area is complex. The area was large enough to provide a sufficient number of properties for internal comparison. There were a number of sites they recommended to be deleted that did not meet the threshold and also uncovered sites previously not protected. In his opinion there was an appropriate focus on a phase of development that has been under-recognised and was not part of the focus in the 1980s.

He said they were cognisant of the lack of precedent regarding wholesale recognition of this era of development and they had not sought to '*throw a blanket over this area'* but chose the very best. Instead they chose 4-5 '*boutique*' smaller precincts based on the notion that small discrete precincts are becoming a more common way of describing heritage significance.

The Panel asked Mr Hemmingway the extent to which comparative analysis was undertaken. Mr Hemmingway advised, as part of their comparative analysis they looked at a number of places that did not meet the threshold. They also looked at the Council's i-heritage database, were conscious of sites in North Melbourne and looked at examples of good interwar buildings within the area.

(iii) Discussion and conclusion

Although the Panel would concede that comparisons for Grade A places should be analysed in the context of a state-wide overview, it is clear that places of local significance or contributory significance are to be determined in the context of the 'local area'. The Panel has taken this to mean the City of Melbourne local government area.

The Panel was not persuaded that reference to buildings in other municipalities was relevant.

The Panel considers that the comparative analysis – historical, social, architectural and aesthetic - undertaken in the Review was not substantial and that more analysis could have

been useful in determining the relative significance of buildings identified for heritage protection.

4.4 Statements of significance

(i) The issue

Statements of Significance are important as both a concise synthesis of a place's heritage value and of the reasons for that significance. They are a valuable reference point for subsequent conservation decisions. Where Statements of Significance are not rigorously supported by argument they can devalue the authority of the Amendment.

(ii) Evidence and submissions

Some owners submitted that the Statements of Significance did not reflect the actual heritage contribution of the property. In a number of cases submissions implied that places had been 'elevated' to C grading (from a D grade) not for their historic, social or aesthetic significance but rather because there was a desire to include places within the ambit of the proposed controls.

(iii) Discussion and conclusion

The Panel takes the view that the Statement of Significance is a key element in the Amendment.

While the Panel was not necessarily persuaded that 'upgrading' was undertaken without due consideration, it was concerned that the justifications of some Statements of Significance were somewhat shallow – particularly when the place's heritage value was claimed to be 'aesthetic'; and sometimes when the place was identified as 'historic'.

The Panel adopted a 'contribution' model to its consideration of significance. Where a place's contribution, either in its own right or as a representative example, to significant aspects of the municipality's history or aesthetic fabric was not clearly stated the Panel recommended either: amending the Statement; or rejected the recommendation.

The Panel supports the preparation of the Statements of Significance and notes that the information within this work provides a greater context for landowners, applicants and decision makers to have regard for identified aspects of the places when considering changes or interpreting the place in the future. This contemporary approach will provide greater assistance than the existing reliance on the Building Identification Forms developed from the earlier studies. With regard to including the Statements of Significance as an Incorporated Document, the Panel supports their inclusion and considers that this provides a considerably greater understanding to the place instead of relying on a grading in the *Heritage Places Inventory.*

For the purpose of this report, the Panel has based its analysis on the Statements of Significance from the post exhibition version of the Heritage Review.

4.5 Approach to grading

(i) The issue

The City North Heritage Review utilised the grading system outlined in Clause 22.05 (Heritage Places Outside the Capital City Zone) which defines four categories:

Grade A

A buildings are of national or state importance and are irreplaceable parts of Australia's built form heritage. Many will either be already included on, or recommended for inclusion on, the Victorian Heritage Register or on the Register of the National Estate.

Grade B

B buildings are of regional or metropolitan significance, and stand as important milestones in the architectural development of the metropolis. Many will be either already included on, or recommended for inclusion on, the register of the National Estate.

Grade C

C buildings demonstrate the historical or social development of the local area and/or make an important aesthetic or scientific contribution. These buildings comprise a variety of styles and building types. Architecturally they are substantially intact, but where altered, it is reversible. In some instances, buildings of high individual historic, scientific or social significance may have a greater degree of alteration.

Grade D

D buildings are representative of the historical, scientific, architectural or social development of the local area. They are often reasonably intact representatives of particular periods, styles or building tops. In many instances operations will be reversible. They may also be altered examples which stand within a group of a similar period, style or type or a street which retains much of its original character. Where they stand in a row or street, the collective group will provide a setting which reinforces the venue of the individual buildings.

Additionally, streetscapes were to be assessed in the following way:

Level 1

Level 1 streetscapes are collections of building outstanding either because they are a particularly well preserved group from a similar period or because they are highly significant buildings in their own right.

Level 2

Level 2 streetscapes are of significance either because they still retain the predominant character and scale of a similar period or style, or because they contain individually significant buildings.

Level 3

Level 3 streetscapes may contain significant buildings but they will be from diverse periods or styles, and of low individual significance or integrity.

The Amendment seeks to apply an individual grading to buildings which are found within and outside precincts and includes them within the Heritage Place Inventory. For those places outside precincts, the Amendment proposes to apply a Heritage Overlay over buildings of individual heritage significance with a grading of A, B or C and remove the Heritage Overlay from individual buildings graded D. Most places are also assigned a streetscape level grading.

The grading of the building establishes the threshold of the point at which it is recommended that the place is included within the Planning Scheme. However, through the application of policy at Clause 22.05, the grading and streetscape level also determines the extent of change that might be permitted to the building. Of note, the policy at Clause 22.05 defines '*Contributory building*' as *"a 'C' grade building anywhere in the municipality, or a D grade building in a Level 1 or Level 2 streetscape"*.

The majority of submissions objected to the particular grading that individual buildings had been afforded, with much debate concentrating on whether buildings should be graded level C or D.

The issues for the Panel to consider are whether:

- The grading system in Clause 22.05 contradicts the findings in the *City North Heritage Review*. For example, comparing the status of 'contributory buildings' in the Heritage Review and the status of D graded buildings places within Level 3 streetscapes in Clause 22.05.
- As a result of the Study Brief, the findings of the Review have inflated some individual buildings to ensure that they remain in the Heritage Overlay.
- Given the advice of the Planning Practice Note (as described in Chapter 3), whether the Panel should consider the individual sites in the context of significant/contributory or the City of Melbourne grading system.

(ii) Evidence and submissions

The Council's experts advised that their instructions were to use the grading system as it stands; however they noted that a 'conversion system' to accommodate the need to adopt to the standard grading system (included in PN01) "should be kept in mind". In essence this equated:

- A, B, or C with 'significant'
- D with 'contributory'
- Ungraded with 'non-contributory'

Mr Hemmingway in his evidence-in-chief explained that, in accordance with the Study Brief, the study team adopted the principle that only D graded sites within a precinct would be graded. If they were outside the precinct they were regraded A, B or C or would be ungraded. Council directed that any existing individual buildings with a D grade would be removed from the Heritage Overlay. If it was regarded as a C graded building it could stay in the Heritage Overlay.

Upon cross examination, Mr Pitt asked Mr Beeston what would be the consequences of changing a grading to a D outside a precinct. Mr Beeston replied that the consequence would be demolition. However he went on to explain that the principle of the work of the

Heritage Review was to determine the place's heritage value, not determine the policy position.

Mr Beeston confirmed that although he usually undertakes heritage studies using the '*significant*' and '*contributory*' model, he was instructed to use the grading model that the Council has used for the last 30 years. He confirmed that although the Practice Note advises that the letter grading system should not be used, he was confined by the Study Brief and he "*can work with both systems*".

Much of the evidence led on behalf of owners was to the effect that proposed gradings were either totally unjustified or too high. Again it was variously submitted that the Council's experts were encouraged to 'upgrade a place from 'D' to 'C' in order to ensure individual protection in the scheme.

Mr Pitt for the University of Melbourne (submission 17) argued:

> *The shift from D to C grading cannot be seen in a vacuum. What the City of Melbourne is endeavouring to do is to apply a more onerous policy to the regraded buildings because Cluse 22.05 differentiates policy depending on the graded level of buildings.*

Mr Lovell, who presented evidence on behalf of a number of submitters, considered that the Heritage Review was approached from the point of view of elevating gradings. He considered "*there is a sense that the D to C gradings is a recalibration"* and has not provided adequate justification in all cases.

Mr Lovell further considered that the streetscape gradings are "*almost a redundant concept*" especially in relation to single individual places and typically they are more appropriately used in the context of lengths of streets.

The National Trust of Australia (Victoria) (submission 25) encouraged the Council to abandon the A-D grading system and move toward an individually significant/contributory to a precinct model.

In his right of reply, Mr O'Farrell argued that some submitters invited the Panel to take into account redevelopment aspirations, building condition, urban renewal aspirations for the area and other matters as part of the Panel's consideration of social and economic impacts and whether a property should be included in the Heritage Overlay. He submitted that the weightiest matter for the Panel is to consider whether the various properties meet the threshold for inclusion within the Heritage Overlay. As stated by the Advisory Committee in 2007 assessing the heritage provisions:

> *On the basis that the concept of thresholds is an integral component of assessing heritage significance, the Committee concludes that the threshold for inclusion of a place in the Heritage Overly in Planning Schemes should be a positive answer to the question 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?'*

(iii) Panel discussion and views

It has been clear for many years the letter grading system (originally of five grades) has created a degree of uncertainty and confusion in the minds of owners, researchers and tribunals.

In Belvurn Partners & Associates Pty Ltd v Melbourne University et al (VCAT 2005) it was submitted by counsel for the applicant that the gradings were not simply hierarchical and that there is a typological difference between each category. Thus whilst category A does not elucidate any particular type of heritage significance, category B clearly confines its test to *"…milestones in the architectural (our underlining) development of the metropolis*". On the other hand, category C seems to focus more on historical, social, aesthetic or scientific significance. Category D buildings reintroduce the concept of architectural significance, along with historical, scientific, or social issues.

In determining Belvurn the Tribunal held that in that case the gradings should be read as a hierarchy – from most important to least important.

The Panel notes Clause 22.05 states:

> *The individual buildings are graded A to D, the streetscapes from Level 1 to 3, both in descending order of significance.*

The Panel however is of the view that a reasonable reading of the definitions could conclude that the scheme describes a hierarchy ***and*** noticeably different typological criteria for each grade.

Again, instead of a simple criteria of 'heritage significance' (iterating the types of significance noted in s.4.1 (d) of the *Planning and Environment Act 1987*), categories C and D introduce the concept of 'reversibility'. Once again, this adds another dimension to each grading test that only might (and the Panel suggests might not) be helpful in determining significance. The Panel further examines this particular issue below.

A number of panels have drawn attention to the difficulties of the City of Melbourne's grading system. Most recently the Panel for Melbourne Planning Scheme Amendment C186 commented:

> *The Panel does not believe that the grading system used in the 2011 review and imposed by the City is at all useful in 2012. It appears to the panel that continuing an A-E grading system similar to that adopted in the 1980s does not reflect the current approach to heritage conservation in Australia." … [and] …" we have the further concern that the five level grading used in the 2011 review mixes values with gradings.*

It is clear that the grading system is not supported by the Practice Note or by common usage in other planning schemes. Nonetheless the evidence to this Panel was that Council's consultants were required to use it in preference of current practice and their professional preference.

Whilst discussion of the niceties of the grading system may seem somewhat abstract, the Panel found it to be a confounding matter in this Amendment, where many of the Council's Statements of Significance referred particularly to historic, social, or aesthetic interest but

where much of the strength of evidence led by owners was in the area of architectural, rather than historical, analysis. In addition, many of the Statements of Significance referred to a building as '*representative*' whilst affording the building a C grading. This approach contradicts the definitions in the Planning Scheme.

A further demonstration of the counter-productive effect of the Council's grading system is that when considering the grading and streetscape levels and the directions in Clause 22.05, D graded buildings are afforded less protection. In addition D graded buildings in a level 3 streetscape are not considered contributory buildings at all. Much of the Hearing was over whether a particular building in a proposed or existing precinct was a C grade or a D grade.

In the case of a precinct, despite the grading, if a building were to be graded D this would mean that it contributes to the precinct. It is the Panel's view that a precinct consisting entirely of D graded buildings could well be justified as being a precinct and the contributory buildings remain an essential component of the precinct. This is contrary to the aforementioned interpretation of D graded buildings under Clause 22.05.

Many submissions sought to have the grading of their individual building reviewed to a D grade or no grade at all. The policy approach in Clause 22.05 to buildings graded D (even in precincts), clearly affords more opportunity for change and, in particular, demolition. In the case of precincts, it is the Panel's view that Council's grading system facilitates the approach of focussing on individual gradings of buildings rather than focussing on the precinct as a heritage place (the sum of its parts). Perpetuating the grading system in the context of a precinct has the potential to significantly compromise the overall heritage place.

Furthermore, in some cases (discussed in this report) the recommendations of the Heritage Review to protect places graded D3 in precincts did not align with the definition of Contributory building within the Policy, revealing that the Study and the management of the Heritage Places through Clause 22.05 (based on building gradings) are not aligned.

Mr O'Farrell explained that it was principally Council resourcing that had precluded the review and updating of the grading system. However given the history of confusion this Panel takes the view that re-writing the definitions and Clause 22.05 (preferably to ensure consistency with the Practice Note) is long overdue.

Again the Panel refers to the Melbourne C186 Panel who reported:

> *In summary, local protection is what is proposed in this Amendment. The Panel does not believe that applying B or C gradings to places included in the overlay assists in the future management decisions about those places. After all, the proposal is that they are of local importance and aside from that, management decisions should be made on the basis of their statements of significance, not some relative value within the overlay.*

In the context of individual places outside heritage precincts, the Panel accepts the Council's approach to apply the Heritage Overlay to places of individual heritage significance (or buildings graded A, B or C using the Council's model) and removing the Heritage Overlay from individual places identified as D grade (representative). In the case of precincts, the Panel has taken the approach that, while the merits of whether a building is a C or D grade is considered, the more pressing question is whether a Precinct is justified in the first place.

With regard to methodology, the Panel agrees with Mr O'Farrell that the principle consideration in this Amendment is the threshold of significance and whether a Heritage Overlay should be recommended to be applied to a place. However given the integration of the grading system embedded in the Planning Scheme through Clauses 22.04 and 22.05 and the Heritage Places Inventory, the Panel considers it is confined to consider the grading system used by the City of Melbourne.

With regard to the question of whether buildings were 'upgraded' as a result of the Council's direction not to include individual buildings graded 'D' in the Heritage Overlay, the Panel notes that, as part of the study process, over 40 places were reviewed and recommended not to be included within the Heritage Overlay. The Panel does not accept that there was a wholesale approach to 'upgrading' places however it has looked at individual places on their merits to ascertain whether the Heritage Review has satisfactorily established the threshold of significance.

The Panel is encouraged that, beyond this Amendment, Council intends to undertake a review of their grading system and the Panel encourages them to apply the significance/contributory model outlined in PN01.

4.6 Intactness vs integrity

(i) The issue

The Council's grading system makes an important distinction between a place's intactness and the reversibility of alterations. It refers to a place's condition as follows:

- Grade C – "…Architecturally they are substantially intact, but where altered, it is reversible. In some instances, Buildings of high individual historic, scientific or social significance may have a greater degree of alteration …" and
- Grade D – "… They are often reasonably intact representatives of particular periods, styles or building tops. In many instances operations will be reversible…."

A key issue for the Panel was the relevance of establishing a place's significance in the context of the place's intactness or the reversibility of alterations.

(ii) Evidence and submissions

The concepts of 'reversibility' and 'substantially intactness' were raised in a number of submissions. Mr Lovell commented that in the Heritage Review there was no discussion of intactness. He saw this as pivotal for 20th century buildings, and queried "*are we grading it as it could be or as it is?*" He suggested that one cannot anticipate that an owner is going to change back the clock, which goes to the issue of reversibility of change. The C and D gradings address this and in this context, Mr Lovell stated there should have been discussion in the Heritage Review similar to its consideration in the 1999 Allom Lovell study.

Mr Lovell presented a checklist of considerations that he used to assess the reversibility of works to a building. Generally, he viewed 'reversibility' in two ways: difficulty of physically achieving reinstatement; and the likelihood that works would be undertaken by an owner.

In this way, for example, Mr Lovell proposed that removal of external paint to brickwork was in fact more likely to occur than reinstatement of numerous steel frame windows – and was therefore more reversible.

Painting previously unpainted brickwork was a common occurrence in many of the buildings subject to submissions. Mr Lovell in his evidence considered that, where the places contained decorative brickwork that was integral to the design of the building (as is the case in many interwar buildings), the impact of external painting has a significant impact on the intactness of the building and can change the building dramatically. Under cross examination by Mr O'Farrell, referring to the 1999 Allom Lovell Heritage Review, Mr Lovell conceded that over-painting is reversible.

(iii) Discussion and conclusion

Whilst the Panel was assisted by discussion, it took the view that the principal issue remained one of threshold significance. In this context the Panel preferred a consideration that assessed alterations or additions to a building on the basis of their impact on the significance of the place ie their impact on the integrity of the building.

Previous Panels have addressed this issue (including Frankston Amendment C53 and Latrobe Amendment C14). In summary, they have found that *integrity* in respect to a heritage place describes the 'veracity' of the place as an example of the heritage from which it purports to draw its significance. *Intactness* on the other hand relates to the physical 'wholeness' of the place. Depending on the grounds for significance, this can relate to a reference point of original construction or might include progressive accretions or alterations.

For example, a building proposed as important for its special architectural details may be said to *lack* integrity if those features are obliterated. It may be said to have *low* integrity if some of those features are altered. However, in the same case but where significance related to, say, historical associations, the place might retain its integrity despite changes to its fabric (and loss of intactness).

Panels have taken the view that both integrity and intactness can be recovered through appropriate restoration or reconstruction and professional guidelines (such as the Burra Charter of ICOMOS) provide practical ways of achieving conservation. Given the wide variability of owner's needs and enthusiasms, and the evolving appreciation of heritage buildings, the Panel saw the question of predicting whether one or another owner might, or might not, address conservation or re-instatement as a matter better left for the permit decision stage.

4.7 Composition of precincts

(i) The issue

The Heritage Review identified five new precincts and reviewed and recommended changes to three existing precincts.

The issues raised included whether:

- The size of the precinct required the individual buildings to be of greater significance, i.e. the smaller the precinct, the higher the quality of building or higher the grading should be.
- The precinct is intact enough.
- The individual buildings in the precincts warrant a grading.
- The precinct is justified through consideration of themes identified in the Heritage Review.
- Level 3 streetscapes warrant inclusion in the Heritage Overlay.
- Heterogeneity of building styles and eras is justification for cultural significance.

(ii) Evidence and submissions

A number of submissions objected to the identification of particular precincts in the Heritage Review.

Mr Pitt for the Australian Nursing and Midwifery Federation (ANMF) (submission 29) submitted that in the case of the Elizabeth Street North (Boulevard) Precinct "*heterogeneity is not a basis for attributing cultural heritage significance to a streetscape, rather heterogeneity is a proper basis for rejecting an elevated grading of this streetscape*."

Mr Raworth, in his evidence for the ANMF questioned the extent to which post-war architecture can really contribute to streetscapes that were developed during the Victorian, Edwardian and interwar years. He expressed concern that:

> *The idea that buildings that were previously seen to adversely affect the integrity of a precinct first developed in these earlier periods, can now suddenly be used to elevate the significance of such a precinct is an idea I find problematic. Including all the buildings constructed over a period of one hundred years within the proposed heritage control may seem to result in a higher proportion of contributory buildings, but it does not result in a precinct with an appreciably higher integrity or significance in practice. In effect, it elevates what once were considered a mixed streetscape into streetscapes that can be considered highly significant for the very fact of being mixed.*

Mr Raworth continued:

> *The obvious corollary of this is that if streetscapes can be valued for their mixed building stock and uniformity alike, then few streetscapes would stand outside these broad parameters. The threshold at which a heritage precinct might be deemed to exist is broken down, and the result is an indiscriminate, or certainly a less discriminating, approach to urban consideration* (evidence for 529-533 and 535-541 Elizabeth Street, page 20).

The Panel asked Mr Hemmingway whether the intactness of precincts is important and if so what proportion of the precinct should be made up of contributory buildings. Mr Hemmingway advised that two-thirds is the base line to warrant listing. He contended that the Elizabeth Street North (Boulevard) Precinct contains 10-20% of ungraded buildings.

The Panel asked Mr Lovell about the size of the precincts and whether making smaller precincts makes them stronger and more coherent. Mr Lovell submitted that in a practical sense if there is a weak Statement of Significance then the precinct becomes difficult to manage.

Regarding the application of precincts, Mr Raworth in his evidence for the University of Melbourne said the size of the precinct is an issue. For example one individual building does not constitute a precinct and if there are two buildings next to each other, this also does not contribute to a precinct. If the precinct is small and confined it should be made up of places of higher individual significance. In the case of the proposed Lincoln Square South Precinct, he considered that they do not read as a precinct unless you were told.

(iii) Discussion and conclusion

In the main, the Panel supports the selective approach of the authors of the Heritage Review to identify confined precincts. While the City of Melbourne has historically included large precincts, the transition to identify much smaller areas is a different approach.

Where there are a small number of buildings (for example the Ramsay Surgical Precinct) the authors of the Heritage Study have chosen to call it a precinct. In the Heritage Overlay, they could also be referred to as a "group" or "complex". There are examples in the Planning Scheme where there may be a row of terraces or a group of buildings with the same association (sometimes listed as a 'pair' or 'group' rather than a "precinct"). The Panel considers what is important is that the context of the heritage place (be it a precinct, complex or group) should be readily appreciated.

With regard to precinct boundaries, the Panel for Whitehorse C52 discussed this issue as follows:

> *Two competing principles are that a precinct should have a high level of integrity with respect to the basis of its significance, which is usually taken as meaning that there should be a high proportion of buildings of the relevant type/age or whatever. The other principle is that precincts should be defined with sufficient visual logic that their boundaries are readily discernible to the observer. The former criterion can be achieved by excluding non-contributory buildings, but often at the price of creating a very higgledy-piggledy boundary, which has no visual logic and can be impossible to define on the ground by eyesight alone. The latter can lead to a situation where either the precinct contains a high proportion of non-contributory buildings or excludes a high proportion of potentially contributory buildings.*

Where precincts are heterogeneous in their period of development, the Panel considers that this is not a reason in its own right to justify the significance of a precinct (i.e. representing a period of development over time). The precinct should also have a high level of integrity to pass the threshold test. However it does not follow just because buildings within a precinct

are not built in the same period, that this is a reason to reject a case for significance. More importantly, the threshold test should depend on the basis of why the place is considered significant. For example, where there is a long and enduring use, buildings built in different periods can tell the story. The Panel considers however, that in this example, the Statement of Significance must have a strong historic or social significance which is clearly demonstrated in the collection of buildings.

4.8 Social and economic impacts

(i) The issue

An issue that arose during the Hearing through a number of submissions was how social and economic impacts should be considered. Key issues included:

- What, if any, weight should the Panel give to social and economic matters in assessing inclusion of a place in a Heritage Overlay.
- Whether 'economic impact' means an impact on the broad social economy or a personal economic impact (for a particular project or owner).
- Whether the social and economic effects of the strategic directions for the City North area with regard to facilitating greater densities and built form to encourage more intensive health, education and residential land uses will be compromised and undermined by the application of planning controls (through the Heritage Overlay) that discourage demolition and conserve and enhance these places from a heritage perspective.

It was noted that on 28 October 2013 Section 12(2) of the Planning and Environment Act was amended as follows:

> *In preparing a planning scheme or amendment, a planning authority—*
> *(a) must have regard to the Minister's directions; and*
> *(as) must have regard to the Victoria Planning Provisions [6]; and*
> *(abs) in the case of an amendment, must have regard to any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme [7]; and*
> *(b) must take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment [8]; and*
> *(c) must take into account its social effects and economic effects* [Panel emphasis].

(ii) Evidence and submissions

The Council's Explanatory Report for the Amendment stated:

> *The Amendment is not expected to have any economic or environmental impacts. The Amendment will have positive social effects by recognising building fabric that represents the layers of development in the city. Heritage places also add character, appeal and interest to our city. Respect for our cultural heritage involves retaining and managing places that have importance to us a community.*

The inclusion of new places in the Heritage Overlay will ensure the conservation of Melbourne's history for present and future generations.

In Council's right of reply, Mr O'Farrell submitted that "*it is very important not to lose sight of the benefit to our community associated with the recognition of cultural heritage (both built and non-built forms)*". Mr O'Farrell agreed with previous observations of a number of panels that there is a distinction between the long term (the enduring significance of a place identified through heritage studies) and short term matters (personal circumstances, building condition and development potential). He also agreed with the distinction between "community" rather than "individual" economic effects.

Some owners' submissions claimed that the Heritage Overlay would impede an owners' freedom to demolish the building, replace the building or undertake additions, particularly in the context of the provisions for development detailed in the *City North Structure Plan* and facilitated through Amendment C196.

Mr Pitt, for the University of Melbourne (submission 17), submitted that when considering the Strategic Assessment Guidelines the Amendment's effects of further 'protection' in City North should include a consideration of the effect on investment in the immediate and surrounding areas and the likely effect on potential capacity for growth of the immediate and surrounding areas. Mr Pitt argued that the University applies for grants and the Commonwealth determines its priorities for funding, which includes the requirements for approvals to be obtained by key dates. If approvals are not in place then the funding is lost. There is potential for delay when there are two manifestly different policy directions (heritage versus land use and development outcomes pursued under the *City North Structure Plan*).

Mr Pitt raised the issue of plans to establish a new Medical Centre at the City Ford site at 197-199 Berkeley Street and the impact the Heritage Overlay would have on this proposal.

Mr Vorchheimer, on behalf of the Animal Welfare League of Victoria (submission 3) addressed the issue of social and economic impacts. He accepted the approach that consideration of social and economic impacts is at a community wide level. He argued that the City North area has been earmarked to play a significant community role particularly in servicing the education precinct, health precinct and the Haymarket. The provision of wider accommodation options in this area and activated street frontages assists in meeting the clear strategic objectives for this area, objectives which will have a net community benefit. In this context he considered that "*the community benefit of providing development consistent with Council's strategic policies is a persuasive factor*". On the other hand, in his opinion, should the Heritage Overlay be applied as proposed the community benefits are more tenuous especially where the places proposed to be protected do not warrant conservation or enhancement.

It was argued that the broader community's best interests will be better served by ensuring that the strategic planning objectives for this area that have been clearly articulated can be achieved in the most efficient manner.

(iii) Discussion and conclusion

Panels (Ballarat C58, Latrobe C14, Melbourne C207 and others) ruled that the issue of personal economic impacts is not material to this stage of the planning process – a position supported by Practice Notes and numerous VCAT decisions. Although it might be appropriate for the responsible authority to consider all the objectives of the *Planning and Environment Act 1987* - including *'fair, orderly, economic and sustainable use, and development of the land'* (s.4(1)(a)) … and … t*o balance the present and future interests of all Victorians'* (s.4(1)(g)), the questions of personal economic impact have been held to be matters for the next stage of the planning process i.e. at the time a permit application is decided. The Latrobe Amendment C14 Panel said:

> *This approach has the merit of separating two distinct issues – assessment of the significance of the place; and, the question of its conservation, adaption, alteration or demolition. This conforms to proper heritage conservation practice and mirrors the processes of the Victorian Heritage Act 1985. It reflects the desirability of considering long-term matters (if we accept that heritage significance is likely to be somewhat enduring, if not immutable) at one point in time; and shorter-term matters (personal desire, financial considerations and economic circumstances) when they are most relevant.*
>
> *The Panel observed that in the long life of many heritage properties economic uses can raise and fall, sometimes with no impact on owners, sometimes with substantial impact. In many cases threats to continuing economic viability may be mitigated by permit allowances or use changes. In other cases, personal situations change. In some cases demolition may be an appropriate response. In all these situations it would seem highly desirable for all parties that consideration is: (a) based on clear understanding of significance; and (b) at a time when action is real and current, not conjectural.*

If there remained any uncertainty the 2013 amendment to Section 12(2) of the Act has clarified the responsibilities on Councils (and Panels) in respect to 'social and economic' effects. In addition, considering the deliberations of the Panel for Melbourne C207, the Panel takes the view that 'social' and 'economic' refer to community-wide impacts and not personal or internal project related issues.

In considering submissions to the Amendment, the Panel finds that it is not sufficient to demonstrate that there has been a loss of expectations, or anticipated inconveniences. And, it is not sufficient to anticipate rejection of a future permit application. The Panel notes that none of the submissions presented evidence that the Amendment would have a negative social or economic impact on a broad community level.

Considering the Explanatory Report and Council's submission to the Amendment, the Panel considers that the Council has taken into account social (and to a lesser extent) economic effects. In fact the Panel considers that consideration of broad economic effects (stating "*the amendment is not expected to have any economic or environmental impacts*") issue has not been considered by the Council in great depth.

In saying that, the Panel, in its advisory role in consideration of the Amendment refers to the role of the Panel in the Melbourne C207 report with regard to this matter:

> *Accepting that the Act does not specifically require the Panel to consider social and economic effect, we nevertheless take the view that Panels are appointed to assist Councils in this last step in preparing an amendment – that is the identification of an appropriate response to the submissions received during exhibition, in terms of the final content of an amendment and whether an amendment proceeds to approval. The Panel advice would be less helpful if it did not address the full range of relevant matters to be considered by the Council, and may be found wanting if the full range of matters directly and indirectly raised in submissions were not addressed* (page 22).

On the matter of economic and social impacts, within the City North area many places are currently included within the Heritage Overlay. The Amendment seeks to not only include new individual buildings and some precincts within the Heritage Overlay, it also proposes to remove a number of individual places and refines existing precincts. It is also clear that for a number of years Design and Development Overlays have been in place which facilitate considerably taller buildings than those included within the Heritage Overlay. Significant development has been undertaken to date with both the Heritage Overlay and Design and Development Overlay in place. In addition, buildings have been successfully adapted and reused, transforming areas.

Furthermore, it is the Panel's view that in preparing the City North Structure Plan the strategy explicitly establishes the need to *integrate the area's heritage into urban renewal* as one of its principles. In addition, the DDO61 (adopted post Panel) contains the design objective "*To ensure new buildings respect the rich fabric of that area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions*." The Structure Plan contemplates incorporating and working with heritage sites.

The Panel does not consider that intensive development and the expectation to conserve and enhance heritage sites are mutually exclusive. As demonstrated in Melbourne's CBD, heritage sites have accommodated significant change and with clever architectural and urban design, heritage places can add to the rich tapestry or layering of an area. In this context the Panel is not convinced that the application of the Heritage Overlay will have cumulative or widespread implications on the areas identified for renewal in the City North area.

In this context, when considering the social dividend in retaining sites of identified significance and adapting them, the Panel considers that on the whole the broad social and economic impacts of the Amendment will be positive.

That said, the Panel considers that the policy directions of concealed additions and building heights in Clause 22.05 which have been historically applied in a more residential and homogenous built form context (which generally does not apply to the City North area) clearly has an impact on the ability for this area to evolve in the manner envisaged by the City North Structure Plan. Its application, through this Amendment could be construed as having a potentially negative social and economic impact.

4.9 Strategic tension and policy tension with C196 – Adequacy of Clauses 22.04 and 22.05

A key theme which emerged as part of the Panel hearing was the policy tension between the current heritage Amendment C198 and the aspirations for urban renewal for City North as sought by the adopted Amendment C196. The issues were framed in the context of the existing heritage policies in the Melbourne Planning Scheme.

Amendment C196 proposes to amend Clauses 22.04 and 22.05 so that Clause 22.05 would apply to all of the City North area (except for the area noted in the figure below).

The current Amendment under consideration proposes to amend Clause 22.04 – *Heritage Places within the Capital City Zone* and Clause 22.05 *Heritage Places outside the Capital City Zone*, so that the Heritage Review is considered when making decisions in relation to a heritage site. Additional detail is proposed for Clause 22.04 in the form of including a new Elizabeth Street CBD Precinct with a Statement of Significance, and amend the Queen Victoria Market Precinct's Statement of Significance.

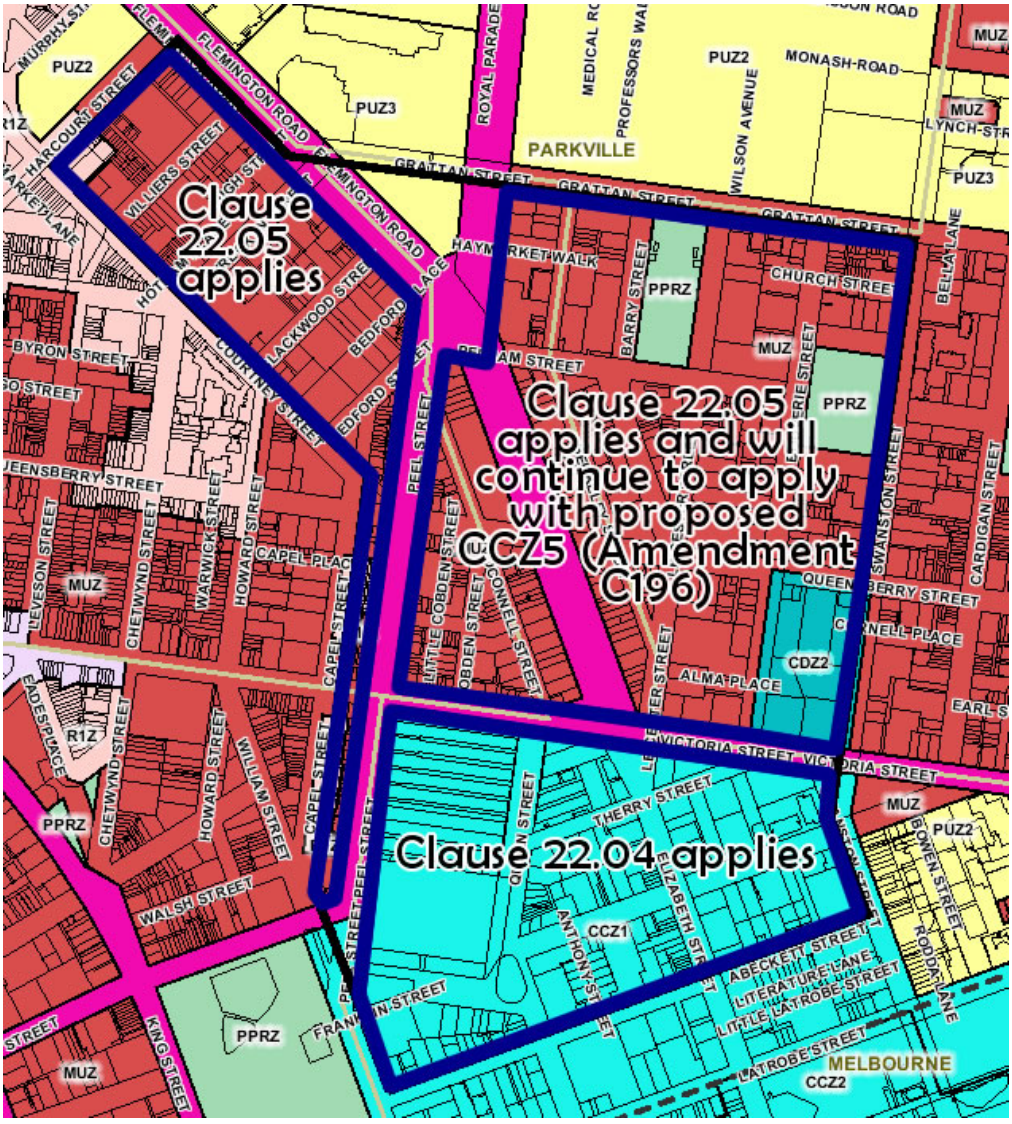


Figure 3 Areas to which Clauses 22.04 and 22.05 apply

(i) The issue

The issue is whether the Amendment appropriately resolves inconsistencies between different provisions in the Melbourne Planning Scheme.

(ii) Evidence and submissions

Mr Pitt referred the Panel to Clause 10.04 of the SPPF 'Integrated Decision making' in that:

> *Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

Mr O'Farrell on behalf of Council stated that Council at its meeting on 29 April 2014 adopted Amendment C196. The Future Melbourne Committee (FMC) adopted management's recommendations in relation to Amendment C196 which did not support the C196 Panel's recommendation in relation to Clause 22.05. He stated that Council had concerns with the recommended changes to the policy. They were specifically concerned that the policy would no longer be appropriate for the low-rise heritage areas within City North. He stated that Council did not want to change the provisions of Clause 22.05 in isolation but rather consider them in detail as part of the policy review.

Mr O'Farrell stated that Council acknowledged Clause 22.05 could be improved and informed the Panel that Council will be undertaking a review of Clauses 22.04 and 22.05 in the coming year. Council anticipated this would progress to a June FMC meeting to seek endorsement for the progression of that project. He submitted that the project would include the issues of: different building typologies; concealment / visibility; and examining the implications of new infrastructure such as solar panels amongst other things.

He submitted:

> *There are many properties with Heritage Overlays within the study area. To 'jump in' prior to the review of clauses 22.04 and 22.05 in the study area carries with it the obvious high risk of unintended consequences. It is submitted that the more prudent approach is to allow for the review of clauses 22.04 and 22.05 in a considered fashion that follows due process and allows for all of the consequences to be fully explored.*

Mr O'Farrell noted that Clause 22.05 currently applies to the majority of the review land. He submitted it is not as though Clause 22.05 is producing unfortunate outcomes. He submitted that the proposed height lift considered by Amendment C196 from the existing 32 metres to 40 metres is not dramatic. He suggested the proposed C196 DDO61 sufficiently provides guidance to balance heritage fabric with new buildings.

When questioned about the appropriateness of having provisions in the Planning Scheme which have contradictory aspirations, Mr O'Farrell stated that decision makers are capable of making sensible decisions and balancing the requirements of the different provisions.

Mr O'Farrell submitted:

> *If Amendment C196 is approved in the Council adopted form before the outcome of the review of clauses 22.04 and 22.05 is implemented, there may be a transition period where decision makers will be called upon, as they always are, to balance policy matters. They are well equipped to do so and do so on a day to day basis.*

A number of submitters expressed concern about the tension between Amendments C196 aspiration for the renewal of City North and the use of Clause 22.05 to deal with heritage issues.

Mr Pitt and Mr Cicero separately advocated on behalf of a number of submitters. They both asserted that the Amendment needs to be considered in its context with the adopted Amendment C196. They highlighted various sections of the Act and Clause 10 of the Planning Scheme which seek to resolve any inconsistency between different provisions of the Planning Scheme.

Mr Cicero noted that:

> *Planning Authorities are required to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

He further submitted that:

> *A decision about the Amendment, which is effectively seeking, inter alia, to vary the application of Clause 22.05 to the properties the subject of these submissions, needs to be seen in the context of the need to integrate the Amendment with the adopted Amendment C196 to achieve net community benefit and sustainable development of the scale and for the purposes identified as to be advanced in City North (C196).*

Mr Cicero stated that it falls to this Amendment to resolve the tension identified between the objectives of C196 for major urban renewal and the aspirations of conservation and protection sought by C198.

Mr Pitt relied on the evidence of Ms Heggen in relation to "*the conflict and inconsistency that would be created between the adopted Amendment C196, its aspirations and the development controls on the one hand and the Amendment on the other hand"*.

Ms Heggen stated that Amendment C198 when examined in isolation would appear unremarkable. However, when considered with Amendment C196 "*the inherent contradictions between the two amendments become apparent"*. She considered that the two Amendments had a fundamental mismatch between aspirations of renewal and the demands of Clause 22.05. She stated:

> *In my view the Am C196 proposal to continue to apply a local heritage policy that is expressly drafted to apply to areas outside the central city where the amendment seeks to extend the Capital City Zone northwards and at the same*

> *time apply DDO61 is ill conceived. The Am C198 exhibited documents do not seek to reconcile or overcome this dilemma.*

Ms Heggen added that the use of Clause 22.05 will thwart the intent of C196 to achieve a midrise precinct. Ms Heggen discussed the specific sections of Clause 22.05 which she thought were particularly problematic. These related to the: concealment of higher rear parts, façade height and setback, and building height.

She stated that the redevelopment of heritage buildings often incorporates heritage fabric into new taller buildings and separates these vertically rather than with a horizontal setback which would be at odds with the policy.

Ms Heggen suggested that Clause 22.05 should be replaced with Clause 22.04:

> *as it applies to that part of City North to be rezoned Capital City Zone – Schedule 5 as well as the Mixed Use and Public Use zones within DDO61A6 pursuant to Am C196 (i.e. around the Haymarket).*

Alternatively, she stated that the recommendations of the Panel for C196 should be incorporated through Amendment C198 as an interim measure until the City of Melbourne conducts it review of the heritage policies.

Ms Ring on behalf of PDG Corporation (submission 6) argued that there is an obvious tension between policies aimed at urban renewal and heritage policies which are, at their core, aimed at limiting demolition of buildings and constraining alterations and additions. This is especially the case in the city and city fringe environment where there is a strong interest and imperatives for redevelopment, and benefits to be gained from consolidation.

Mr Chiappi, on behalf of Toyota, submitted that Clause 22.05 was unsuited to manage development applications in the City North precinct, and that it was not possible for a 15 storey building on the Toyota site not to be visible. He submitted:

> *The issue is not one of balancing competing policy at a permit application stage, it is one of crafting heritage policy that suits its context. Left as it is, the policy will not assist the aim of managing the impact of development on heritage values, but rather frustrate it. The policy does not reflect the aims of the City North Structure Plan.*

He submitted that the Panel should recommend that the Amendment not proceed without a review of heritage policy.

Mr Pitt on a similar line submitted that "*approval of the Amendment on the assertion that the Council will review clauses 22.05 is not a satisfactory response*".

Mr Pitt submitted:

> *The options are to recommend the Amendment be abandoned, that the heritage policy to apply to the Capital City Zone at City North is clause 22.04 (with additional Statement of Significance if necessary) or if clause 22.05 is to apply for it to be amended as proposed by the C196 Panel as an interim measure.*

(iii) Discussion and conclusion

The Panel notes that Amendment C198 forms part of a suite of Amendments which Council is undertaking in relation to their strategic program. The Panel is of the view that the current Amendment must be seen in the context of the adopted Amendment C196.

The Panel agrees with Mr Pitt that it is not satisfactory for Council as Planning Authority to acknowledge on the one hand the issues with Clause 22.05 in the context of City North and assert that these will be dealt with by way of a review of the heritage policies in the coming months. The Panel is also of the view that it is not good practice to propose changes to a Planning Scheme which perpetuate policy conflicts or tensions.

Whilst the Panel acknowledges that Planning Schemes are subject to change, it is also cognisant of the need to ensure a consistency between various provisions. The level of consistency ought to be tested at the Planning Scheme Amendment stage, and ideally Council should have considered its heritage policy and the strategic aims of City North's renewal together.

The Panel to C196 discussed this same issue extensively in their report, and provided a recommendation which Council has chosen not to accept. Council has stated that they are concerned about unintended consequences of amending Clause 22.05 as recommended by the Panel which heard C196. They also submitted that decision makers at the permit stage are quite capable of balancing the competing demands of the various provisions of the Scheme.

The Panel acknowledges that Clause 22.05 currently applies to the bulk of the City North area – in fact in areas where tall buildings exist and where Design and Development Overlay controls which facilitate tall buildings have been in place for some time. Decision makers clearly use the provisions of Clause 22.05 in this built form context, and presumably ignore the requirements for concealment of additions when assessing heritage buildings. The Panel questions the point of having provisions in a policy if they are simply to be ignored because they do not fit the site context. Although this might be a practical approach at the permit stage, it is not good practice when implementing new strategic directions.

The Panel does not accept the argument that the Heritage Overlay should not be applied to certain properties because the objectives of the Overlay, namely '*to conserve and enhance heritage places of natural or cultural significance*', and '*to ensure that development does not adversely affect the significance of heritage places*', will be contrary to achieving other planning objectives in the City North area. There are many examples of where heritage buildings have been retained and have accommodated significant development around them.

However the Panel agrees with Mr Pitt, Mr Cicero and Mr Chiappi that it is up to this Panel to make recommendations to resolve the policy tension. It accepts that Council has concerns in relation to low rise transition areas of City North. The Panel recognises the Mixed Use Zone area in North Melbourne behind the Flemington Road spine as an example. The Panel also finds however, that the heritage management policy Clause 22.05 proposed by C198 in so far as its policy statements on Concealment of Higher Rear Parts (including Details)', Façade Height and Setback (New Buildings)' and 'Buildings Height' clearly

contradict the Design and Development Overlay and therefore recommends that these aspects of the Policy should not apply in the City North area. Alternatively, the Panel agrees that Ms Heggen's suggestion to apply Clause 22.04 to the CCZ area in City North as well as the DDO61A1 – The Haymarket would provide an interim solution until Council has completed the review of its heritage policies. The Panel therefore recommends that the provisions of Clause 22.04, or alternatively Clause 22.05 be amended in this way as an interim position. In addition, following the adoption of the Amendment, the Council prepare a heritage policy for the City North area which reflects the Structure Plan's aim to *integrate the area's heritage into urban renewal* in the City North area.

4.10 Recommendations

The Panel recommends:

1. **With regard to Local Policy:**
   a) **Amend the provisions of Clause 22.04 so that they apply to the C196 adopted CCZ5 land and DDO61A1 as an interim measure until Council implements revised heritage policies: or alternatively.**
   b) **Amend the provisions of Clause 22.05 so that land within the adopted CCZ5 and DDO61A1 are exempt from the policy statements pertaining to 'Concealment of Higher Rear Parts (including Additions)', 'Façade height and Setback (New Buildings)' and 'Building Heights'.**
   c) **Following the adoption of the Amendment, the Council prepare a heritage policy for the City North area which reflects the Structure Plan's aim to *integrate the area's heritage into urban renewal* in the City North area.**

5 The proposed precincts

5.1 Elizabeth Street (North) Boulevard Precinct

(i) The place

The proposed precinct includes the land and all the buildings located on the west and east side of Elizabeth Street, between Victoria Street to the south and Pelham and Peel Streets to the north, including rear elevations to Berkeley or Leicester Street (east) and O'Connell/Peel Street (west).

Within the precinct are a number of buildings already included in individual heritage overlays and some of the North and West Melbourne Precinct, HO3. It includes a number of recently constructed high-rise buildings as well as buildings constructed over the past 120 plus years. Excluded from the proposed precinct are three existing places in the Heritage Overlay on Berkeley Street: HO86, HO20 and HO802 - where redevelopment is proposed or has occurred.

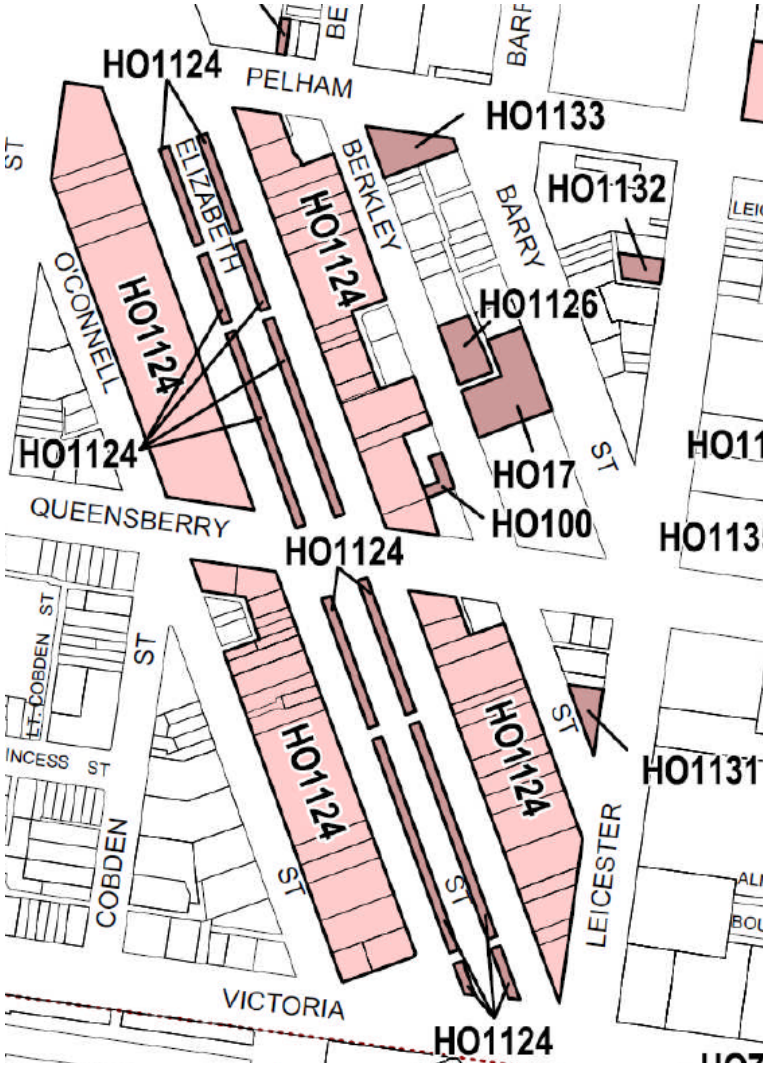


Figure 4 Elizabeth Street (North) Boulevard Precinct - HO1124

What is Significant?

The land and all the buildings located on the west and east side of Elizabeth Street, between Victoria Street to the south and Pelham and Peel Streets to the north, including rear elevations to Berkeley or Leicester Street (east) and O'Connell/Peel Street (west). The raised, central plantations with London Plane Trees are also significant. The fabric from the Victorian, Federation, Interwar and Post-war periods all contributes to the significance of the precinct.

How is it Significant?

The Elizabeth Street precinct is of historic and aesthetic significance to the City of Melbourne.

Why is it Significant?

The Elizabeth Street North (Boulevard) precinct is of historic significance as the carriageway was designed as one of a group of such boulevards defining key entry points to Melbourne. It is the premier road leading to the western and northern parts of the State from the Central Activity District before it bifurcates at the Haymarket roundabout to become Flemington Road (western arm) and Royal Parade (northern arm).

The precinct is also of historic significance as it is because of its representative of the distinct use and development of this part of Melbourne as a supply/light industrial zone, initially developed evolving to cater for farmers and prospectors on their way to the other western and northern parts of the State, especially the gold fields. During the early 20th century, it gradually became an epicentre of the automotive trade in Melbourne, with an array of showrooms, garages, auto engineers, spare parts providers and the like. It was part of a broader zone of such businesses that extended southwards along Elizabeth Street and this trade remained prominent into the second half of the 20th century, and although in recent years it has decreased, the precinct nonetheless retains associations with this trade into the surrounding streets, especially on the Carlton side but a higher proportion of purpose-built places survive in this precinct in close proximity. The car trade remained prominent well into the second half of the 20th century, and although in recent years it has decreased, the precinct nonetheless retains considerable associations with it.

(AHC Criteria A4)

The Elizabeth Street North (Boulevard) precinct is of aesthetic significance for being a wide boulevard setting with carriageways separated by raised plantations of well-established London Plane Trees, which define the extent of the precinct and are part of the important group of planned boulevard that provide such a distinctive character to the central part of Melbourne as a whole.

The precinct is of aesthetic significance for retaining good examples of a diverse range of buildings and architectural styles, from elaborate examples, such as late Victorian banks, to utilitarian garages and factories of the first half of the 20th century. The precinct contains good examples from four key periods (Victorian,

Federation, Interwar and Post-war), however the many Interwar and Post-war period buildings, especially those purpose built for the car trade (showrooms and the like), probably define the precinct more so than buildings of the earlier periods. These later buildings are typically illustrative of the Moderne or Functionalist styles, as was appropriate for the new modernity epitomised by the motor car, the finest example being the former Melford Motors (Harry Norris, 1937) with other good examples at the diagonally opposite corner (nos 594-598 and 600-608).

Although the building stock in the precinct is heterogeneous, there is a general consistency of scale (until recently they were predominantly between one and three storeys). The architectural values become clearer with closer inspection, as in several instances the original detailing is partly obscured (by paint or boarding) and/or where removed from the front, and typically survives more intact to often the rear elevation (to Berkeley and O'Connell Streets) which reveals more intact treatments. The precinct is also defined by landmark fine corner buildings (to seven of the eight corners) which are fine examples from the Victorian or Interwar/Post-war periods. Three notable Victorian examples are the Royal Artillery Hotel (nos 614-616) and two former banks – the Colonial (no. 518) and the Commercial (no. 696-708). The notable corner Interwar buildings are the former National Bank (no. 527) and the former Melford Motors (no. 611).

(AHC Criteria D2 and E1)

(ii) The issue

Creation of the Elizabeth Street (North) Boulevard Precinct is intended to: resolve the heritage status of the precinct and a number of properties; and to rationalise Heritage Overlay control. In particular:

- Removing HO3 – North and West Melbourne Precinct from south-west quadrant and removing the Heritage Overlay from the Toyota site (HO298) and eight other individual sites and applying a new HO1124.
- Including an additional 39 properties within the Heritage Places Inventory as graded buildings.
- Properties subject to submissions on the Elizabeth Street East side include:
    - 568-570 Elizabeth Street as D2 (Diabetes Australia)
    - 582-588 Elizabeth Street as D2 (rear) (Ducati City)
    - 590-592 Elizabeth Street as D2 (Rays 2)
    - 594-598 Elizabeth Street as C2 (Rays 3)
    - 600-608 Elizabeth Street as C2 (Rays 1)
    - 618-630 Elizabeth Street as C2 (Interiors Living)
    - 632 Elizabeth Street as D2.
- Properties subject to submissions on the Elizabeth Street West side include:
    - 529-533 Elizabeth Street as C2 (Autobarn)
    - 535-541 Elizabeth Street as C2
    - 611-699 Elizabeth Street (currently C proposed to be A (part) to ungraded (part)) (Toyota)

- 671-673 Elizabeth Street as D2 (Toyota 2)
- 675-681 Elizabeth Street as D2 (Toyota 3)
- 683-699 Elizabeth Street as ungraded (Bob Jane).

(iii) Evidence and submissions

In respect to the proposed precinct, the Panel was provided with expert evidence from Mr Lovell and Mr Raworth on behalf of a number of submitters. In summary, their evidence was as follows:

- The precinct was not a coherent entity. Buildings do not have shared values; there is no consistent streetscape; and the community will not be able to read and understand the basis for the heritage control.
- The precinct does not have a predominant character of period or style. Moderne buildings do not define the precinct. In Mr Lovell's opinion "*The defining character of this section of Elizabeth Street rests in a predominance of relatively modest commercial buildings dating from the late nineteenth century through the first half of the twentieth century, as interspersed with some larger interwar buildings, some of which were associated with the motor trade."*
- The focus of historic assessment is on light industry particularly the twentieth century automotive trade without comparison elsewhere or explanation of the significance of that trade. The 'epi-centre' of the motor trade was within the Hoddle grid along Elizabeth Street to Little Bourke Street and not here.
- The elements of the precinct are of low individual significance or integrity.
- Rear elevations rarely have the same architectural merit as Elizabeth street facades but there is no clear approach to identifying the differences.
- The boulevard itself is of aesthetic and historical significance and there might be a case for acknowledging the boulevard including the road reserve, medians, plantings, and footpaths.
- Existing overlay controls (particularly to the eastern side) are sufficient to recognize significant buildings.
- Statements of Significance sometimes lack discrimination or require qualification.

In addition, Mr Lovell observed that a consequence of the grading definitions is that D grade buildings in Level 3 streetscapes, a number of which occur in Elizabeth Street, are currently neither 'Outstanding' nor 'Contributory' and to a degree sit in a heritage policy vacuum. Conversely, the proposed increase in grading for many of the buildings in the street will result in the majority being redefined as 'Contributory' and mostly graded C in a level 2 streetscape. The policy implications are significant particularly as related to issues such as renovating, demolition or designing new works.

Particular concern was expressed in respect to the inclusion of the north-west sector of the precinct. In cross-examination of Mr Hemmingway Mr Chiappi suggested that in the north-west quadrant the buildings of heritage merit (from 1936 to 1955) would be less that 40% of the quadrant. Mr Hemmingway agreed that it would be possible to identify the area of the road reserve and medians.

The Panel considered the evidence from submitters in respect to the individual buildings as follows (in summary):

568-570 Elizabeth Street as D2 (Diabetes Australia)

The building is proposed to be graded D2. Council submitted that this building was designed as a factory in 1920 by architect P. Poer and refurbished in the 1930's for use by Talbot & Standard Motors as a garage and showroom.

The owner (submission 23) submitted that 570 Elizabeth Street could not reasonably be considered a building of heritage significance. It did support the inclusion of the streetscape north to the Haymarket particularly for the aesthetic quality of the boulevard and its trees.

582-588 Elizabeth Street as D2 (rear only) (Ducati City)

The rear of the building is proposed to be graded D2 (rear). This building has been regularly altered since the 1920s. Its Elizabeth Street façade was recently altered extensively. The building has had a variety of uses. The rear facade is retained but altered.

Mr Cicero for the owner (submission 16) submitted that:

- The building is without heritage merit
- A Level 3 streetscape better describes the streetscape than Level 2
- The precinct is not of sufficient level of social significance

590-592 Elizabeth Street as D2 (Rear) (Rays 2)

Council submitted that this building was a good example of the Functionalist style with its integrity not reduced by over-painting and changes to openings. Council noted that the rear elevation is largely intact.

Mr Cicero for the owner (submission 16) submitted that:

- A Level 3 streetscape better describes the streetscape than Level 2
- The precinct is not of sufficient level of social significance

Mr Lovell provided a site history and record of alterations from the 1920s. In particular he noted over-painting and re-fenestration. He described the building as "utilitarian".

594-598 Elizabeth Street as C2 (Rays 3)

Mr Cicero for the owner (submission 16) submitted that:

- The building is demonstrative of historical development but does not make an important aesthetic contribution.
- The building is more appropriately graded D
- A Level 3 streetscape better describes the streetscape than Level 2
- The precinct is not of sufficient level of social significance

Mr Lovell submitted a site history and record of alterations from the 1940s. In particular he noted over-painting

600-608 Elizabeth Street as C2 (Rays 1)

Council submitted that this Moderne building was designed by Reid & Pearson. It housed Conns Motors showroom in the 1920's. It is described as largely intact to Elizabeth Street and at the rear laneway.

Mr Cicero for the owner (submission 16) submitted that:

- The building is cohesive with the area in terms of scale and form but does not demonstrate historical development in the local area
- A Level 3 streetscape better describes the streetscape than Level 2
- The precinct is not of sufficient level of social significance

618-630 Elizabeth Street / 278-284 Queensberry Street as C2 (Living Interiors)

Council submitted that this building was a good example of Moderne styling (1938), possibly designed by F Bell. It is a former Repco building.

The owner (submission 6) opposed the proposed Elizabeth Street Heritage Overlay HO1124 (and the inclusion of 618-630 Elizabeth Street) but did not oppose the inclusion of the rear façade at 278-284 Queensberry Street in a specific overlay for that property.

In this case Mr Lovell drew the Panel's attention to the differing criteria for Level 2 ("… retain the predominant character …") and Level 3 ("… from diverse periods or styles and of low significance or integrity". In his view the latter better described the Elizabeth Street streetscape.

In Mr Lovell's opinion 618-630 Elizabeth Street was not sufficiently researched to assess whether it should be considered historically 'demonstrative' or 'representative'. It was his view that the building was substantially intact (behind painting) but not of aesthetic importance.

632 Elizabeth Street as D2

Council submitted that this was a Victorian building, masked by later alterations that contributed to the streetscape and precinct.

This building was not subject to a submission although Mr Lovell, who provided an assessment as part of his evidence on the overall precinct, submitted that this building is so fundamentally altered that it now contributes nothing from a heritage perspective.

529-533 Elizabeth Street (1953) (Autobarn) as C2,

The owner (submission 29) objected to inclusion of this building in the Heritage Overlay. At Hearing Mr Raworth offered his opinion that the building was not distinguished but rather representative of the period. He believed a C grading was inappropriate. Mr Raworth also suggested that a Level 3 streetscape better describes the streetscape than Level 2.

535-541 Elizabeth Street as C2

531-541 is a two storey Victorian building with an Interwar style shopfront. Appearing as an expert for the owner (submission 29) Mr Raworth noted the building's *"intricate and handsome interwar shopfront"* and the visual interest of the red brick and render rear of the building in O'Connell Street. In his opinion the building warranted a C grading. As with 529-533 Elizabeth Street Mr Raworth also suggested that a Level 3 streetscape better describes the streetscape than Level 2.

611-669 Elizabeth Street (currently C proposed to be A)

611-645 is the former Melford Motors building constructed over two phases in 1928 and 1936. It was added to the Victorian Heritage register as VHR-2306 in 2013 and accordingly is included in the Amendment as an A graded building. Mr Chiappi for Toyota Australia Limited (submission 22) appeared at the hearing and confirmed that the owner does not oppose inclusion of this building in the Amendment as an A2 building

[Note: The Panel noted an apparent street numbering discrepancy – 615 vs 611 Elizabeth Street - between the VHR listing and Council records. For this report it conforms to the Melbourne City Council usage]

647-651 Elizabeth Street as D2 (Toyota 2)

647-651 Elizabeth Street is the northern wing of the former Melford Motors building constructed in 1955-57 (and not included in VHR-2306). Mr Lovell confirmed Council's view that it is a building of local historical and architectural significance such that the C grading is warranted.

653-669 Elizabeth Street as ungraded (Toyota 2)

Mr Lovell that the car yard does not warrant a grading as part of this amendment.

671-673 Elizabeth Street as ungraded (Toyota 3)

All parties agreed that this site should remain ungraded.

675-681 Elizabeth Street as ungraded to Elizabeth Street; D2 to O'Connell Street

In Mr Lovell's opinion the building at 675-681 Elizabeth Street is extensively altered on Elizabeth Street frontage and the timber stable doors are an isolated feature on O'Connell Street. On this basis it does not warrant the application of a Heritage Overlay as part of this Amendment.

683-687 / 687-699 Elizabeth Street as ungraded (Bob Jane)

The owner (submission 20) submitted that the properties lacked heritage significance.

Mr Chiappi submitted, with regard to his client's land, that the Heritage Overlay should only apply to the Melford Motors building and its 1955 addition. The remaining part of the land extending north to the Haymarket end of the precinct should not have a Heritage Overlay on it as this land does not contain any heritage features of note.

(iv) Panel discussion and views

The Panel inspected the precinct and individual buildings

The Panel has taken the view that three key questions need to be addressed:

- Having regard to the heritage criteria, whether the precinct meets the threshold of significance to warrant inclusion in the Heritage Overlay.
- The heritage significance of the Elizabeth Street boulevard to the area.
- The individual significance of the proposed buildings.
- The contribution made to the precinct by the proposed buildings.

On the first matter, the Panel has appreciated the submission of historical information that described the progressive uses and development of the precinct and its buildings. Extensive research has produced a rich reserve of base data that can inform future historical analysis and conservation activities. At the same time however the Panel is not entirely satisfied by the enunciation of historical frameworks linking this data to a coherent exposition of Melbourne's history (refer to Chapter 4.1). In particular it notes the opportunities to develop a framework based on the Thematic History and the '*Heritage Assessment – City North Structure Plan Area'*, (Meredith Gould Architects, April 2011) appear to have been missed. Nonetheless, the Panel is satisfied that Elizabeth Street from Victoria Street to the Haymarket intersection is important for its historical associations, including: the physical growth of the city, the changing nature of the social enterprises it encapsulated (including commercial interactions), civic perceptions and planning, and changes in personal lifestyles.

The Panel is not persuaded that an overall uniformity of character or scale is necessary in establishing a place as precinct. On the contrary, much of the value of Elizabeth Street North is that it positively demonstrates the flux of history over many years and the diversity of built form responses to a variety of commercial needs. The Panel also takes the view that the historic associations with a group of buildings associated with certain uses, or periods, can constitute an historical cohesion - albeit in different locations of the precinct.

The Panel accepts the proposition that the motorcar industry was a significant contributor to the interwar and post war character of the precinct and to the emerging nature of the city. It notes Mr Lovell's evidence that by 1930, 22 of 83 businesses in the precinct were related to the car trade; otherwise there was a mix of manufacturers, shops and dealers. Mr Lovell's reference to an *Argus* article from 1937 re-enforced the perception that the automotive industry had a strong presence:

> *"Northern Elizabeth Street, after years of stagnation is now in vigorous expansion. One feature is the growth of businesses associated with transport – motor-cars, motor-cycles and bicycles. It is only fitting that a street which has witnessed the passing of the bullock team, the leviathan coach, the gold escort and the open carriage should join in the development of the motor industry" (Argus. 24 December 1937)*

The Panel also accepts that industry is represented elsewhere in the area and in this Amendment however it takes the view that there is a special focus on the trade's presence in Elizabeth Street that is still demonstrated in its built form.

The Panel has turned its attention to how these historic associations are best recognized in this Heritage Overlay precinct. It has adopted some general approaches to inform its considerations:

- Where possible significant periods of the heritage of the precinct should be identified and included. Ideally this would be grounded in a refined historical argument - preferably linked to themes developed in the Council's thematic histories.
- Buildings would be valued for the strength of their contribution to the precinct – identification with a certain period is insufficient, of itself, to indicate significance.

Expressiveness of the period as an exceptional or representative example is required. Architectural quality is only one possible criterion.

- A 'whole of precinct' view should be adopted and a balance of representation might be looked for. In this case the history of Elizabeth Street stretches back well in to the nineteenth century – again, not all buildings of all periods need be identified; an overall thematic balance of inclusions across the precinct might be useful.
- The heritage of physical delineation – including plantings, medians and the road reserve- of the Boulevard itself can be considered separately from the buildings in the precinct.

The Panel's opinion in respect to the individual buildings is as follows:

568-570 Elizabeth Street as D2 (Diabetes Aust)

Alterations to this building have reduced its aesthetic and architectural significance. However the Panel notes that its association with the car trade and industry in the area between the wars and accepts that it is a representative example at D grade level. The building contributes to the precinct through its design and massing.

582-588 Elizabeth Street as D2 (rear C2) (Ducati City)

The Panel agrees that the Elizabeth Street façade now lacks any relevant aesthetic or architectural quality or interest. Nor does it demonstrate any special historical themes. The Panel further accepts Mr Lovell's evidence that the rear elevation in Berkeley Street is not a 'reasonably intact' representative of development in the area.

The Panel is of the view that the building lacks sufficient significance to be graded and in this context should be ungraded.

590-592 Elizabeth Street as D2 (Rays 2)

The Panel is persuaded by evidence that this building is not of exceptional aesthetic or architectural quality. However the Panel also accepts Mr Hemingway's assessment that it "*retains a form evocative of the late 19th/early 20th century, and so contributes to the precinct*". In addition, the building contributes to the precinct through its design and massing. On the basis that the building represents the historical development of commerce in the precinct the Panel accepts that the proposed D2 grading is appropriate.

594-598 Elizabeth Street as C2 (Rays 3)

The Panel accepts Mr Lovell's assessment that the building is representative of historical development but does not make an important aesthetic contribution. The Panel considers alterations and over-painting not to significantly reduce the integrity of the building. It also notes that the rear façade to a short laneway also remains which enhances its integrity. In addition, the building contributes to the precinct through its design and massing. On balance that Panel takes the view that a D2 grading best described the building.

600-608 Elizabeth Street as C2 (Rays 1)

The Panel finds that the building demonstrates the commercial development of the area over a number of years up to the mid 1930's. It considers the Reid and Pearson (1936) facade a good example of Moderne design notwithstanding over-painting, some

refenestration and changes to openings. With 592 and 594 Elizabeth Street the building is cohesive with the area in terms of scale and form. Later alterations are reversible and do not reduce the buildings integrity significantly. In this context the C2 grading is warranted.

618-630 Elizabeth Street / 278-284 Queensberry Street as C2 (Interiors Living)

The Panel finds the Elizabeth Street facade of 618-630 Elizabeth Street is substantially intact and aesthetically important as an example of Moderne architecture. It notes significant historical associations with the motor trade through Repco. The building also contributes to the precinct through its design and massing. The Panel concurs with Mr Lovell's submission that the inclusion of 278-284 Queensberry as a C2 graded building is appropriate on the basis of its historic and aesthetic significance.

632 Elizabeth Street as D2

The Panel notes extensive alterations to this building that substantially affected its integrity and is not persuaded of its historical or aesthetic significance. Consequently the building is recommended to be ungraded.

529-533 Elizabeth Street as C2 (Autobarn)

The Panel notes the long association with the EA Machin automotive store even prior to this 1953 building. The Panel notes that Elizabeth Street façade has undergone some changes to first floor fenestration, has been over-painted with branded signage, and has the addition of a later canopy. The O'Connell Street elevation remains as built but over-painted. It considers that these alterations do not significantly reduce the integrity of the building. It also notes the rear facade is largely intact. The building also contributes to the precinct through its design and massing.

535-541 Elizabeth Street as C2

The Panel accepts the general consensus that this building warrants a C grading on the basis of its architectural aesthetic importance. The Panel also notes that the property was used for a variety of purposes from the 1870s including use by EA Machin and that company's links to the motor trade. On this basis the Panel considers that the building demonstrated the historical development of the area.

The Panel considers the 1927 addition to the rear as positively contributing to the historical and aesthetic significance of the place. Furthermore, the building also contributes to the precinct through its design and massing.

Elizabeth Street (Toyota) properties as follows

The Panel noted an apparent street numbering discrepancy – 615 vs 611 Elizabeth Street - between VHR listing and Council records. For this report it conforms to the Melbourne City Council usage.

611-645 Elizabeth Street (proposed A) is the former Melford Motors building constructed over two phases in 1928 and 1936. It was added to the Victorian Heritage register as VHR-2306 in 2013 and accordingly is included in the Amendment as an A graded building. The Panel supports this grading.

647-651 Elizabeth Street is the northern wing of the former Melford Motors building constructed in 1955-57 (and not included in VHR-2306). The owner's expert confirmed Council's view that it is a building of local historical and architectural significance such that the C grading is warranted.

653-669 Elizabeth Street as ungraded (Toyota 2)

The car yard is a largely vacant site with a modern car park/at grade car display area. The Panel agrees that this site should remain ungraded.

671-673 Elizabeth Street as ungraded (Toyota 3)

675-681 Elizabeth Street (as ungraded to Elizabeth Street; D2 to O'Connell Street). The building at 675-681 Elizabeth Street is extensively altered on Elizabeth Street frontage and facades on O'Connell Street are remnants isolated from their historical context. On this basis it does not warrant the application of a heritage overlay as part of this amendment.

683-687 / 687-699 Elizabeth Street as ungraded (Bob Jane)

The Panel accepts that the buildings from the northern edge of the 1955 Toyota building to the Haymarket lack heritage significance. The key issue then becomes the question of the contribution of the land to the precinct.

In defining the precinct's boundaries the Panel is satisfied that the boulevard road reserve, planting and footpaths are of heritage value as an important historic and aesthetic feature of Melbourne's development and it recommends retention of these features in the Heritage Overlay. In this context whilst the land at 683-699 Elizabeth Street (in the north-west quadrant of the precinct, north of the 1955 Toyota building while it might be able to represent past events, past uses, demolished buildings, and so on, in the case where this is not identified and explained, it is extraneous to the heritage place. Accordingly the Panel took the view that it should be removed from the Heritage Overlay.

The Panel accepts the level of streetscape recognition proposed by Council - particularly Level 2 grading. It favours the view that a streetscape can represent a context for individually significant buildings that demonstrate a historic sequence of change, or variety of built forms, so long as there is a consistent, significant, historic framework that describes it. In this case the Panel was satisfied that those streetscapes proposed as Level 2 met the criteria *"… of significance either because they still retain the predominant character and scale of a similar period or style, or because they contain individually significant buildings".*

The Panel also notes Mr Lovell's difficulty with the study's treatment of the issue of the dual frontages, which have been addressed with regard to consideration of intactness, and how sites with dual frontages should be addressed by policy. The Panel determined its view based on an assessment of each case – noting: the contribution of rear facades to the integrity of Elizabeth Street properties; the historical or aesthetic interest of the rear building; and the individual contribution of the rear to the heritage of precinct. The Panel considers that while there are parts of Berkeley Street in particular where the physical fabric has been compromised and the streetscape is not strong, these properties have dual frontage and extend from Elizabeth Street through to Berkeley Street. In this context, the Heritage Overlay should apply to both frontages however in preparing a new heritage policy

for the City North area, the Council should address this issue to provide guidance to applicants and decision makers.

(v) Conclusions and recommendations

Based on its assessment the Panel recommends that:

2. For the Elizabeth Street North (Boulevard) Precinct:

a) Apply the Heritage Overlay to the Elizabeth Street North (Boulevard) Precinct subject to the following change:
- **Remove land identified as 653-699 Elizabeth Street, Melbourne.**

b) Include the Heritage Places Inventory as exhibited subject to the following changes:
- **594-598 Elizabeth Street be included as exhibited subject to identification as D2 not C2**
- **582-588 Elizabeth Street be ungraded**
- **632 Elizabeth Street be ungraded**
- **653-669 Elizabeth Street be ungraded**
- **671-673 Elizabeth Street be ungraded**
- **675-681 Elizabeth Street be ungraded**
- **683-687 / 687-699 Elizabeth Street be ungraded**

c) Amend the post exhibition version of the Statement of Significance to include the Panel's recommendations regarding the regrading of properties and include this version in the Incorporated Document "City North Heritage Review Statement of Significance."

5.2 Former Ramsay Surgical Precinct

(i) The place

This is a group (182-210 Berkeley Street, Carlton) of three adjoining late twentieth century brown brick commercial buildings occupying sites previously used as terrace houses, small factories and workshops. In 1963 200-206 Berkeley Street (now known as 202-206 Berkeley Street) was substantially remodelled to include its present façade. In 1969, an application was made to develop 182-200 Berkeley Street with works underway by 1971. 208-210 Berkeley Street was built between 1972 and 1974.

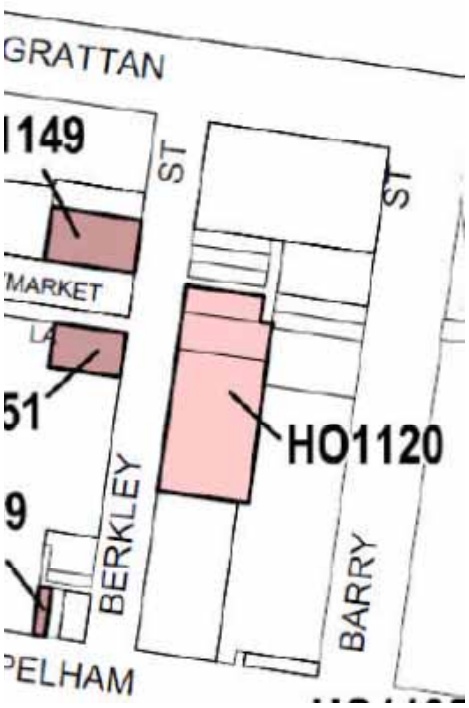


Figure 5 Former Ramsay Surgical Precinct HO1120

The Statement of Significance (in the revised post exhibition citation the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The three adjoining buildings at 182-200, 202-206, and 208-210 Berkeley Street, Carlton.*
>
> *How is it Significant?*
>
> *The former Ramsay Surgical precinct is of historic and aesthetic significance to the City Of Melbourne.*
>
> *Why is it Significant?*
>
> *Mainly constructed between 1969 and 1974, the former Ramsay Surgical precinct is historically significant for representing the final phase of commercial/light industrial change in this part of Carlton when remnant sections of 19th century housing were replaced with medium-scale, commercial buildings, which remained typical of the area until about the turn of the 21st century. It also has associations with the Ramsay Surgical Company, which existed for about 50 years as a major supplier of medical equipment in Melbourne and other parts of Australia (AHC Criterion A4).*
>
> *The former Ramsay Surgical precinct is of aesthetic significance for being a rare instance of three, adjoining c.1970 buildings, being generally influenced by the Brutalist style, as typified by the use of brown brick. Of the group, the largest building (nos 182-200), which was designed by the architect James M. McIldowie, is the most distinctive and typical of the Brutalist style with its uncompromising design, bold massing and machine-like aesthetic. The two adjoining buildings*

also have unusual façade articulation, with elements of note being the screen to nos 202-206 (also designed by McIldowie) and the pilaster-like elements to nos 208-210 (designed by Nicolas Katris) (AHC Criterion E1).

(ii) The issue

At issue is the level of heritage significance of the place and in particular inclusion of the following properties:

- 182-200 Berkeley Street, Carlton as C2
- 202-206 Berkeley Street, Carlton as D2
- 208-210 Berkeley Street, Carlton as D2

(iii) Evidence and submissions

The Amendment's post-exhibition version of the Statement of Significance identified the Former Ramsay Surgical Precinct as *"… historically significant for representing the final phase of change in this part of Carlton when remnant sections of 19th century housing were replaced with medium scale, commercial buildings, which remained typical until the turn of the 21st century …"* and … *"… of aesthetic significance for being a rare instance of three adjoining c.1970 buildings, being generally influenced by the Brutalist style …"* (described by Mr Hemingway as 'brick brutalist').

At the Panel hearing Mr Pitt for the University of Melbourne (submission 17) submitted that the nominated criteria (AHC A4 – "*Importance for association with events, developments or cultural phases which have had a significant role in the human occupation and evolution of the nation, State, region or community*"; and E4 –*"Importance for a community for aesthetic characteristics held in high esteem or otherwise valued by the community*") were not demonstrated. Expert evidence from Mr Peter Lovell (and peer reviewed by Mr Bryce Raworth) suggested that:

- The historical justification that the buildings represented a development theme in Carlton was inaccurate was not warranted.
- The associations with Ramsay Health Care were insufficient reason to warrant inclusion in a Heritage Overlay.
- The association with the Brutalist school was not particularly strong.
- The claim that the group of three was "rare' was unsupported.
- 182-200 Berkeley Street was "the most architecturally accomplished … executed in the Brutalist idiom" and might be appropriately identified in the Schedule to the Heritage Overlay as an individual C-Grade building.
- A comparative analysis has not been undertaken – the buildings present as unremarkable buildings of the time and do not warrant elevation to heritage significance.

Mr Raworth considered that there were many buildings made of brick including Melbourne University's Earth Sciences building, the sports pavilion and the teachers college on the corner of Grattan and Swanston Streets which were comparative examples.

(iv) Discussion

The Panel has inspected the precinct and the buildings in question and examined the comparative examples provided by Mr Raworth.

The Panel is satisfied that although construction was shown to have occurred over at least ten years, the group was a clearly identifiable representation of that stage of development that occurred in the 1960s and 1970s. The Panel is unaware of a similar group in the municipal area but could not determine if it can be described as "rare". In respect to the association with Ramsay Health Care, the Panel is not satisfied that this was of sufficient interest in the development of the municipality to constitute historical significance.

The Panel is satisfied that 182 Berkeley Street, whilst not a front rank example of the school, do have an architectural aesthetic that clearly represented the Brutalist style. The other buildings display less architectural quality and looser Brutalist associations. The Panel takes the view that the scale of Melbourne University's Earth Sciences building, and the teachers college on the corner of Grattan and Swanston Streets, whilst relevant in their Brutalist idiom, are of a different scale and use.

The Panel does not accept that representation of a stage of development, of itself, qualifies a place for heritage significance. It is almost self-evident that every new building can be shown to display a contribution to ongoing development. The Panel takes the view that for a place to be recognized in the Scheme it must be shown to contribute to a historical theme, process or person (of the nature identified in the Heritage Council's criteria) that is demonstrably of significance to the area.

In respect to the justification for historic significance of the precinct the Panel is concerned that a refined thematic argument was somewhat lacking. However, it accepts that the transition of this interface between Carlton and the central city from a principally residential area to one that reflects the commercial growth of the city is a matter of historical significance to the municipality. It also accepts evidence that this group of three buildings were good representative examples and demonstrates the historical changes of the 1960s and 1970s from residential and small-scale enterprises to medium scale commercial buildings.

To the extent that the group represents a coherent and identifiable example of Brutalist architecture the Panel accepts their visual aesthetic significance.

(v) Conclusions and recommendation

The Panel concludes that the precinct and the buildings were of sufficient historical and visual aesthetic significance for inclusion in Heritage Overlay HO1120 as follows:

- 182-200 Berkeley Street, Carlton as C2
- 202-206 Berkeley Street, Carlton as D2
- 208-210 Berkeley Street, Carlton as D2

The Panel recommends that:

3. For the Former Ramsay Surgical Precinct:

a) Apply the Heritage Overlay to the Former Ramsay Surgical Precinct as exhibited.

b) Include the post exhibition version of the Statement of Significance be included in the Incorporated Document "City North Heritage Review Statement of Significance."

5.3 Little Pelham Precinct

(i) The place

The precinct comprises land and predominately interwar factory / warehouse buildings located in Bouverie Street (183-191, 193-195), Leicester Street (168-172 and 174-180) and Pelham Street (150-170).

Note: Street numbering in submissions shows variations – presumably occasioned by successive subdivisions and consolidations. Except where indicated (156-170 Pelham Street), in its conclusions and recommendations the Panel reflects numbering used by Council in preparing schedules to the Amendment.

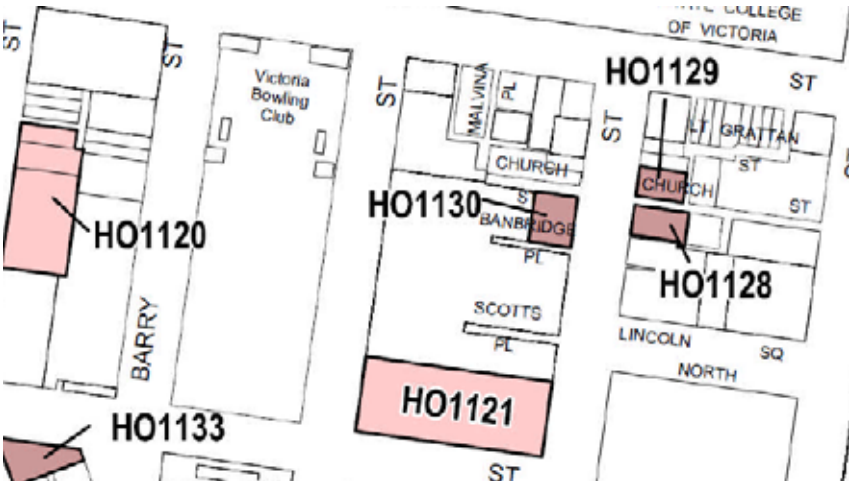


Figure 6 HO1121 LIttle Pelham Street Precinct

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) describes the place as follows:

> *What is Significant?*
>
> *The land and the factory/warehouse buildings located in Bouverie Street (nos 183-191, 193-195), Leicester Street (nos 168-172 and 174-178), and Pelham Street (nos 150-170) all of which back onto Little Pelham Street. Elements of note are the original external treatments such as red face and brown brick combined with areas of cement render and metal-framed, multi-paned windows.*
>
> *How is it Significant?*
>
> *The Little Pelham Street precinct is of historic and representative aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *The Little Pelham Street precinct is of historic significance for being illustrative of the industrial development that occurred in this part of Carlton and adjacent*

parts of Melbourne during the Interwar period and which radically transformed it from a largely residential suburb. At this time, there was extensive replacement of the pre-existing building stock, being mostly 19th century cottages and terrace houses with some small industrial sites, to larger scale factories and warehouses (AHC Criterion A4).

The Little Pelham Street precinct is of representative aesthetic significance as a largely intact and a rare surviving cluster of light industrial buildings from the Interwar and Post-war periods (along with the Lincoln Square South Precinct). Although individual buildings [have] undergone varying degrees of change and some are undistinguished examples, they are evocative of this key development phase, and in particular, Little Pelham Street provides a rare opportunity to experience a streetscape of mid-20th century buildings. Of this group of buildings, the most impressive is the Moderne style, former factory (174-178 Leicester Street) however the original detailing to the rear part of 193-195 Bouverie Street, where it is unpainted along Little Pelham Street is also noteworthy (AHC Criterion D2).

(ii) The issue

At issue is the level of heritage significance of the precinct and inclusion of the following properties:

- 183-189 Bouverie Street - as D2
- 193-195 Bouverie Street - as C2
- 168-172 Leicester Street - as D2
- 156-162 Pelham Street - as D2

(iii) Evidence and submissions

Mr Hemmingway in his evidence considered that this group of buildings is one of two clusters of relatively intact Interwar light industrial buildings in this part of Carlton (along with the nearby Lincoln Square South Precinct). This part of Carlton was radically transformed during the Interwar period and in recent years this phase of development has been increasingly under threat. He stated that this group was assessed as reaching a threshold level for local protection in particular for the more intact vistas along Little Pelham Street, where buildings to the north side remain unpainted.

Mr Pitt, for the Melbourne Business School and the University of Melbourne (submissions 10 and 17), submitted that his clients oppose to the inclusion of 183-189 and 193-195 Bouverie Street, 168-172 Leicester Street, 152-154 and 156-162 Pelham Street in the Little Pelham Street Precinct and the proposed C2 and D2 gradings for the following reasons:

- None of the buildings have a degree of cultural significance to warrant inclusion in a Heritage Overlay.
- The precinct should be removed on the grounds that there is not a sufficient level of intactness or cultural significance or interest.
- The Planning Authority has failed to have any regard to the consequences of the imposition of the proposed Heritage Overlay applying to land in which the Melbourne Business School has an interest.

- Little Pelham Street is now closed and is no longer a public road. Little Pelham Street do not present to the public realm given the road is closed and is, and always has been, secondary to the principal streets in the public domain.
- All of the buildings are modest, undistinguished and ripe for redevelopment for the purposes of the Knowledge Precinct.

In respect to the precinct, it was submitted at the hearing that rather than representing the historical changes of the interwar period the group showed general development from the 1920s to the 1970s. Furthermore there are better and more intact examples of this historical shift already included in the Heritage Overlay.

Additionally all buildings are:

- Relatively modest and considerably altered examples of light industrial development.
- Have little historical significance themselves with no historical association that links them together other than being a group of remnant buildings which illustrate the change of use which occurred during the mid-twentieth century.
- Altered externally impacting the intactness of the buildings, so that they do not reflect their original interwar or post-war design intent.

Mr Lovell provided expert evidence in relation to the precinct and the individual properties. In his assessment he considered:

183-189 Bouverie Street, Carlton has been “extensively altered” in the following manner:

- The 1941 building variously has been remodelled and extended up to 1956
- Metal lettering removed
- Painted and re-fenestrated
- Entries altered
- Not located in a streetscape 'which retains much of its original character' as required by the D grading.

193-195 Bouverie Street, Carlton presents as a representative example of an interwar factory that has undergone changes of a relatively minor nature including:

- (Significant) over-painting
- Some re-fenestration
- Entries altered.

With regard to 168-172 Leicester Street, Carlton, the front portion of the building is currently included in Carlton HO1 (but individually ungraded). It is a former workshop of the 1920s but alterations to all elevations have significantly impacted its early design and understanding of its use.

174-178 Leicester Street, Carlton was constructed in 1940 with subsequent alterations, of a “relatively minor nature”, in 1952 and 1964. The proposed C grading is considered appropriate. Likewise, Council took the absence of any reference in submissions to 174-178 Pelham Street, Carlton to be an acknowledgement by the owner of its heritage value (C grade).

156-162 Pelham Street is a former 1920s warehouse/workshop proposed as a D2 graded building. It was submitted that alterations had significantly reduced its integrity. Alterations include:

- Over-painting
- Re-fenestration
- (Some) brickwork replacement
- Entries altered.

150-154 Pelham Street, Carlton is a vacant allotment.

(iv) Discussion

In relation to the private ownership of Little Pelham Street, the Panel agrees with the view expressed by the Advisory Committee in Document 17 - *Review of Heritage Provisions in Planning Schemes – Advisory Committee Report, August 2007* which state:

> *In describing what they seek to control and achieve the Victoria Planning Provisions and the Heritage Overlay in all planning schemes are silent as to whether it is relevant to the consideration of significance, or impacts upon it, that the place or element is visible or not visible from certain vantage points. The purpose of Clause 43.01 and its decision guidelines simply focus on impacts on the 'significance of the heritage place'. Despite this there is sometimes a focus on this issue.*
>
> *The Committee considers that ultimately the focus of heritage controls should not be on views from particular vantage points per se. Rather, the focus should be on the significance of the place and how the proposed development or works would impact on that significance. The inability to see elements of significance from outside the site does not detract from their significance.*

The Panel inspected the precinct and the buildings. The Panel also examined the comparative examples raised by the owner (157 Pelham Street and the former Myer Warehouse at 1-29 Barry Street).

It also noted the comments of the *Heritage Assessment: City North Structure Plan Area* (Meredith Gould Architects, September 2011):

> *In the mid twentieth century, some residential allotments in Carlton South and allotments south of the Market were redeveloped for non-residential uses in the styles modern for the time. This phase of development is now under-represented in the City of Melbourne. Several examples remain in a cluster west of Lincoln Square.*

The Panel is satisfied that construction of the extant buildings was predominantly 'interwar' and, as a group, an identifiable representation of that stage of factory/warehouse development that occurred in the area between the 1920s and the 1940s.

Once again, the Panel does not accept that representation of a stage of development, of itself, qualifies a place for heritage significance. Page 72 of the Thematic History does make reference to the decline in the number of factories operating in central Melbourne by the middle of the 20th Century with the northwest area retaining areas of light industrial and mechanical workshops. Again, the Panel is concerned that, despite the opportunity to expand on the Thematic History's reference to the area (in the context of '*Working in the City'*) a refined historical analysis was somewhat lacking.

However, the Panel accepts that the businesses of interwar workshops and warehouses do represent a period of historical significance to the municipality. It also accepts evidence that this precinct is a good representative example and demonstrates those interwar changes and the shift to small-scale enterprises.

Although the precinct represents a coherent and identifiable group it is not persuaded of its aesthetic significance.

With the exception of 183-189 Bouverie Street, the Panel considers that whilst some alterations to buildings had reduced their intactness, most were realistically, reversible and did not significantly reduce the integrity of the buildings or precinct. In the case of 183-189 Bouverie Street, the Panel takes the view that the alterations reduce the integrity of the building as a document of interwar development.

(v) Conclusions and recommendation

The Panel concludes that the precinct is of sufficient historical significance for inclusion in Heritage Overlay HO1151. It finds that the precinct lacks sufficient aesthetic significance for inclusion on that basis.

In reaching its conclusion the Panel takes the view that of humble, ordinary or undistinguished architectural resolution can, nonetheless, display important historic or aesthetic (as for example landmarks or social reference points) significance. In this case the buildings involved are not of special architectural interest but rather represent a utilitarian aspect of Melbourne's growth. The following buildings are considered of sufficient historical significance to apply the Heritage Overlay (HO1151):

- 193-195 Bouverie Street, Carlton - as C2
- 168-172 Leicester Street, Carlton - as D2
- 174-180 Leicester Street, Carlton – as C2
- 160 (156) -170 Pelham Street, Carlton - as D2

The Panel concludes that the integrity of 183-189 Bouverie Street as a representative example of interwar development is so reduced that, while its land should be included in the precinct, the building should be ungraded. The Panel also concludes that 183-189 Pelham Street, Carlton and that 150-154 Pelham Street, Carlton should be included to the extent of the land only and be ungraded in the *Heritage Places Inventory*.

Accordingly it is recommended:

4. For the Little Pelham Street Precinct:

a) Apply the Heritage Overlay to the Little Pelham Street Precinct as exhibited.

b) Amend the Heritage Places Inventory as exhibited by removing reference to 183-189 Bouverie Street, Carlton.

c) Amend the post exhibition version of the Statement of Significance to remove reference to aesthetic significance and remove reference to 183-189 Bouverie Street and include in the Incorporated Document "City North Heritage Review Statement of Significance."

5.4 Lincoln Square South Precinct

(i) The place

The Lincoln Square South Precinct is located on the south-west corner of Swanston Street and Lincoln Square South, and comprises six interwar former factory and light industrial buildings. Three of these are owned by the University of Melbourne:

- Lincoln House, 623-629 Swanston Street, Carlton as C2
- Former Chas. Steele & Company, 631-645 Swanston Street, Carlton as D2
- Former International Tobacco Co., 11-13 Lincoln Square South, Carlton as C2

The other three buildings that make up the proposed precinct are as follows:

- Former factory 15-17 Lincoln Square South, Carlton as C2
- Former factory 19-21 Lincoln Square South, Carlton as D2
- Former Allan & Co., piano factory and warehouse 23-31 Lincoln Square South, Carlton as C2

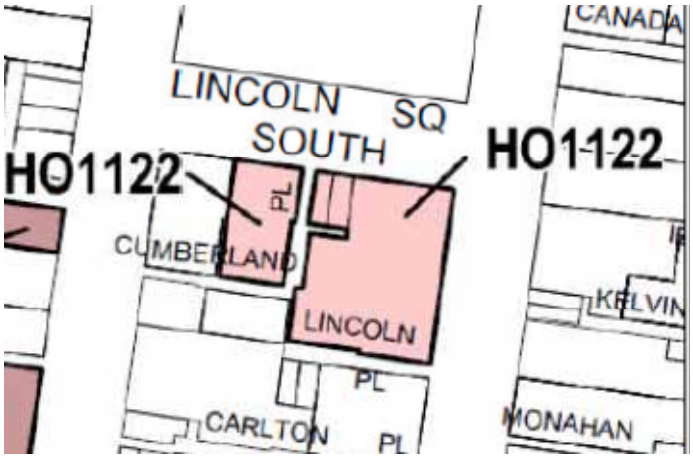


Figure 7 HO1122 Lincoln Square South Precinct

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The land and the six factory/warehouse buildings located at Lincoln Square South and the adjacent part of Swanston Street, four with an address to the former (nos 11-31), and the two with an address to the latter (nos 6235-645). Elements of note are the original external treatments such as face red brick combined with areas of cement render and metal-framed, multi-paned windows.*
>
> *How is it Significant?*
>
> *The Lincoln Square South precinct is of historic and aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *The Lincoln Square South precinct is of historic significance for being illustrative of the industrial development that occurred in this part of Melbourne during the*

Interwar period. At this time, there was extensive replacement of the pre-existing building stock, being mostly 19th century cottages and terrace houses with some industrial sites, to larger scale factories and warehouses (AHC Criteria A4).

The Lincoln Square South precinct is of aesthetic significance as a largely intact group of Interwar and Post-war period buildings, four of which were designed by reputable architects. Although the buildings to Swanston Street have undergone some change, they form a cohesive group by the common approach to façade articulation (regular vertical divisions and red brick, generally contrasting with some areas of render, and nearly all with original format multi-paned windows) and are evocative of this key development phase in the area. In this precinct, the former Allan & Co. piano store (23-31 Lincoln Square South) is a landmark building in the Stripped Classical style. The other buildings are good examples of the Moderne/Functionalist style/s (especially nos 11-13 and 15-17 Lincoln Square South). Lincoln House (6235 Swanston Street), although truncated, has surprisingly remained architecturally coherent in a complementary Art Deco style (AHC Criterion E1).

(ii) The issue

At issue is the level of heritage significance of the precinct and inclusion of the following properties:

- Lincoln House, 623-629 Swanston Street, Carlton – as C2
- Former Chas. Steele & Company, 631-645 Swanston Street, Carlton – as D2
- Former International Tobacco Co., 11-13 Lincoln Square South, Carlton – as D2

(iii) Evidence and submissions

Council's expert Mr Hemmingway noted that this is one of two large interwar clusters to survive. Mr Pitt for the University of Melbourne (submission 17) submitted that the upper levels of the building at 623-629 Swanston Street have been demolished and the building is now a single storey structure. The building located at 631-645 Swanston Street has undergone multiple alterations. The Amendment should be revised so that these properties are excluded from the Lincoln Square South Precinct and do not have the heritage overlay applied.

At the hearing Mr Raworth stated that the precinct did not read as a coherent group to anyone not told of the rationale for the identification of the precinct. Mr Lovell agreed with Council that 11-13 Lincoln Square South (with its C grading), 15-17 Lincoln Square South, 19-21 Lincoln Square South, and 23-31 Lincoln Square South warranted inclusion in the overlay "as a small interwar industrial precinct". However substantial modifications to Lincoln House (623-629 Swanston Street) and 631-645 Swanston Street detract from the precinct.

In respect to 623-629 Swanston Street and 631-645 Swanston Street Mr Lovell considered that for:

- 625-629 Swanston Street, the removal of upper levels in 2003 seriously reduced the heritage significance of the Alder and Lacey building. It was noted that the intact six-storey building was evaluated in the City of Melbourne Heritage Review (Allom Lovell. 2000) and then Graded (only) D3.

- 631-645 Swanston Street, original external treatments including face brick and render finishes and metal framed windows were no longer present.

Mr Hemmingway's evidence was that the properties subject to submission 17 were assessed as being of local significance as they are good and relatively intact examples relating to the key 20th century phase of light industrial development in this area. With regard to 623-625 Swanston Street, this building currently has an individual Heritage Overlay (HO110). Although altered, the remaining original portion is distinctive and is associated with other sites in the Lincoln Square Precinct that were developed by Davies Coop and Co and warrants a C2. He submitted evidence that 631-645 Swanston Street dates from the same period of development as most of the buildings in this precinct. Although altered, as the original panes have been removed and the red faced brick lintels are obscured by the current over-painting, the building retains a form and scale typical of the Interwar period. It is also of interest for being an unusually plain treatment for the period whilst being a large building in a prominent location. He maintained its proposed D2 grading.

(iv) Discussion

The Panel inspected the precinct and the buildings in question.

The Panel agrees that the Lincoln South Square precinct is of historic significance as illustrative of the industrial development that occurred in this part of Melbourne during the Interwar period. The Panel finds that the precinct demonstrates architectural aesthetic significance.

The Panel is not persuaded by Mr Raworth's assertion that, if the rationale for a precinct was not immediately apparent to an observer, this was a useful reason for rejecting its significance. On the contrary, the Panel takes the view that often an observer is rewarded in understanding an important place only upon close inspection and access to background information.

The Panel does however find that the integrity of the building at 623-629 Swanston Street was so reduced by the removal of the upper floors that now it lacks sufficient heritage integrity for inclusion in the Heritage Overlay.

Although the Panel accepts that changes to the building designed by H W & J B Tomkins at 631-645 Swanston Street has reduced its intactness, it considers that the changes are reasonably reversible and the building retains its integrity and contributes to the significance of the precinct.

(v) Conclusions and recommendations

The Panel concludes that the precinct is of sufficient historical significance for inclusion in the Heritage Overlay. It also finds that the precinct had sufficient aesthetic significance for inclusion on that basis.

The following buildings are considered of sufficient significance for inclusion in Heritage Overlay HO1122:

- Former Chas. Steele & Company 631-645 Swanston Street, Carlton – as D2
- Former International Tobacco Co. 11-13 Lincoln Square South, Carlton – as C2

- Former factory 15-17 Lincoln Square South, Carlton – as C2
- Former factory 19-21 Lincoln Square South, Carlton – as D2
- Former Allan & Co., piano factory and warehouse 23-31 Lincoln Square South, Carlton – as C2.

The Panel concludes that the integrity of Lincoln House (623-629 Swanston Street, Carlton) has been was so reduced that it and its land should not be included in the Heritage Overlay.

Accordingly it is recommended:

5. For the Lincoln Square South Precinct:

a) Apply the Heritage Overlay to the Lincoln Square South Precinct subject to the following change:

- **Exclude 623-629 Swanston Street and its land.**

b) Amend the Heritage Places Inventory to remove reference to 623-629 Swanston Street, Carlton.

c) Amend the post exhibition version of the Statement of Significance to remove reference to 623-629 Swanston Street and include this version in the Incorporated Document "City North Heritage Review Statement of Significance."

5.5 Villiers Street Precinct

(i) The place

The Villiers Street Precinct is comprised of factories and warehouses at 14, 38 and 42 Villiers Street, North Melbourne and the land and building at 24 Villiers Street (occupied by the Lort Smith Animal Hospital).

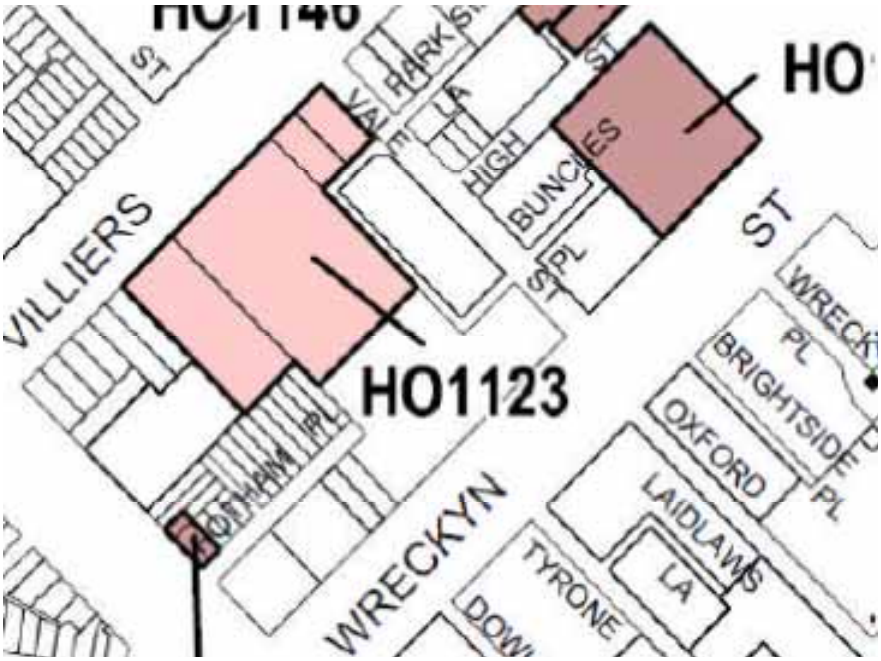


Figure 8 HO1123 Villiers Street Precinct

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The land and the factory/warehouses at 14, 38 and 42 Villiers Street and the land and front building at the Lort Smith site at 24 Villiers Street. Refer to the schedule for details of sites including their individual gradings.*
>
> *How is it Significant?*
>
> *The Villiers Street Precinct is of historic and aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *The Villiers Street Precinct is historically significant as an indicative and relatively intact cluster of the Interwar period redevelopment that occurred in the northern and adjacent parts of the city during the 1920s and 1930s when earlier, predominately residential buildings (either timber or brick) were replaced by larger-scale, brick buildings, typically factory/light industrial. This group however also includes the Lort Smith hospital for animals, one of two such animal facilities established in North Melbourne, and for which the suburb is known (AHC Criterion A4).*
>
> *The Villiers Street Precinct is of representative significance for retaining a largely intact group of Interwar period, non- residential buildings. The buildings have all been painted, generally obscuring the original face brick and rendered detailing. Two of the three factories, although modest architecturally, are predominantly intact and retain their original pattern of openings with steel-framed, multi-paned windows (nos 38+42). For instance, three of the buildings (nos 24, 38 and 42) retain steel-framed, multi-paned windows. Although generally modest architecturally, this group consists of three former factories (nos 14, 38, and 42) and one, still operating animal hospital (the Lort Smith at no. 24). The latter is the most distinctive building of the group is the Lort Smith Hospital (no. 24), with its port-hole windows and ground floor treatment with concrete hood and bank of windows with horizontal glazing bars. It was designed by the noted architect Leighton Irwin with a more domestic character compared to his later, larger hospitals. Although generally modest architecturally, this group consists of three former factories (nos 14, 38, and 42) for instance, three of the buildings (nos 24, 38 and 42) retain steel-framed, multi-paned windows (AHC Criteria D2 and E2).*

(ii) The issue

At issue is the level of historic and aesthetic significance of the precinct and inclusion of whole or part of the following properties:

- 14-22 Villiers Street (1927/28) - as D2
- 24-34 Villiers Street (Lort Smith Animal Hospital)- as C2
- 36-38 Villiers Street - as C2
- 40-42 Villiers Street - as C2

- 34-36 Villiers Street – as C2

(iii) Evidence and submissions

Mr Vorchheimer for the Animal Welfare League of Victoria (submission 3) challenged the inclusion of the Lort Smith Animal Hospital building within the precinct and the inclusion of the whole of the precinct within the Heritage Overlay.

In respect to the Lort Smith site Mr Vorccheimer at the hearing submitted that late 20th century development occupies a large portion of the rear of the site. Mr Hemmingway conceded that three quarters of the building's original footprint had been demolished however he noted that other alterations had been made in a sympathetic manner and most were undertaken under the same architect.

Mr Raworth, provided evidence on behalf of Submitter 3 and noted:

- Construction in 1927/28 and alterations to fenestration and re-arrangement of the façade openings (since 1943) of 14 Villiers Street.
- The design of the Lort Smith Animal hospital in 1935 by Francis Leighton Irwin with a 1959 addition to the original building fronting Villiers Street and demolition of the single storey hospital wing to the rear along the northern boundary.
- Completion of 38 Villiers Street in 1940-41 which remains "largely intact" apart from over-painting and replacement of the timber front entry door.
- Regarding 40-42, the building was designed by architect Robert Sloan and construction between 1926 and 1928 with a first floor addition in 1933. Mr Raworth describes the building as "substantially intact to its c.1933 state" apart from over-painting and replacement of a window for a door on Vale Street.

Mr Raworth believed that the case for the precinct was not strong. He took the view that none of the buildings are of particular interest and that industrial development in the interwar period is already well represented within the North and West Melbourne precinct (HO3) and elsewhere in the City of Melbourne. Further, a number of other examples were proposed for inclusion in this Amendment. He offered other examples for comparison including: 97-107 Berkeley Street; the Repco building, Berkeley Street; 30-32 Courtney Street, North Melbourne; and 27-35 Leveson Street, North Melbourne.

Mr Vorchheimer referred to page 61 of the C196 (*City North Structure Plan*) Panel report which concluded that:

> *The Panel agrees with Ms Heggen's assessment that the Lort Smith Hospital site has the potential to fulfil a number of strategic objectives including facilitating an activity link along Wrecklyn Street to the knowledge cluster, and urban renewal outcomes more generally. The Panel is convinced that the site is large enough to adequately deal with transitional height arrangements to the adjoin DDO32 area in order to mitigate any negative amenity impacts. For this reason the Panel supports the Lort Smith Hospital site being included in Area 2 DDO61.*

Mr Vorchheimer submitted that the Lort Smith land's recognition as a strategic redevelopment site is a relevant consideration in the matter of this Amendment and that the

heritage fabric of the land is not of a level of significance that should stand in the way of urban consolidation and wider planning objectives.

Mr Vorchheimer argued, based on cross examination of Mr Beeston and Mr Hemmingway that:

- *Demolition of the single storey hospital wing at the rear (constituting some 80%+ of the building).*
- *Removal of the original shutters on the front façade.*
- *Filling in of port holes on the front façade.*
- *The addition of a third if the building along the Villiers Street frontage (1959) (north side).*
- *Roofing over the driveway and verandah of the building (south side).*
- *Removal of an animal statue on the south side wall along the Villiers Street frontage.*
- *Painting of the face brickwork of the building.*

In addition:

- *The other buildings (14, 38 and 42 Villiers Street) were considered in order to provide a precinct, rather than on the basis of possessing individual significance in their own right.*
- *The buildings at 14 and 38 Villiers Street are common type warehouse buildings found throughout the municipality and many such buildings have not been included in heritage overlays as part of the Amendment.*
- *The buildings proposed to form part of the precinct have been altered and are not significant individually.*
- *The inclusion of the Villiers Street Precinct Plan is not supported by the Thematic History prepared for Council in 2012.*
- *The Precinct does not possess consistent or uniform scale, form, façade patter, façade treatment or uses, and at its best it is an amalgam of a group of 'D' graded buildings, which in its own right would not justify protection or imposition of a heritage overlay.*
- *No comparative analysis has been included in the Statement of Significance for the buildings sought to be included in the precinct, or for the precinct as a whole.*
- *The extent of the claimed heritage significance of 24 Villiers Street is at best limited to the remnants of the two storey administration building (90 square metres) but 3,500 square metres of the land is proposed to be encumbered.*

In response to submissions, Mr Hemmingway stated that the Interwar period was a major phase of development in this part of North Melbourne however it had not been extensively recognised in Council's earlier heritage studies. The proposal to include the Villiers Street Precinct in the Heritage Overlay will protect a grouping of relatively intact examples of this period of development. He considered that overall the buildings in the precinct are substantially intact with only minor modifications. The alterations do not diminish the heritage significance of the places and elements that have been modified can either be restored or reversed. With regard to the Lort Smith Animal Hospital building, Mr Hemmingway conceded while it might be a lesser example of Leighton Irwin's work than

some of the larger hospital buildings he had been involved in, it is a distinctive design with a domestic scale and character appropriate to its function.

(iv) Discussion

The Panel inspected the precinct and the buildings in question and examined other comparative examples noted by Mr Raworth.

The Panel accepts the Council's submission as it is generally described in the Statement of Significance. It also accepts (with the possible exception of 24 Villiers Street) Mr Raworth's submission that the buildings in the precinct are not of particular architectural interest but rather representative architectural responses to industry of the period. It does, however, observe that Mr Raworth's comparative examples tended to reflect larger, somewhat more prestigious, and architecturally more aesthetic buildings. The Panel does not take the view that any alterations had substantially reduced the integrity of the buildings. The Panel notes a number of interwar workshops, garages and warehouses of similar small scale that can be identified as representative of both transitional use and style. It considers however that the whole building at 38 Villiers Street is, unlike many other examples in the Amendment area, is substantially intact externally. This adds considerable weight to the Panel's evaluation of its heritage significance.

The Panel also accepts Mr Hemingway's opinion that if had not been included in precinct, the Lort Smith building should have been included in its own Heritage Overlay, based on his philosophy that heritage significance lies not only in the 'grand examples' but often in those of less architectural finesse.

The Panel considers the Lort Smith Animal Hospital building significant in demonstrating the social development of urban concerns for animal welfare and pet ownership from the 1920's to the present day. Removing the original hospital wing may have reduced the built-form interest of the place as an operating animal hospital of the time. However the Panel takes the view that the original 1935-36 Leighton Irwin building (with its extension) does demonstrate the urban domestic scale and association with general hospital design chosen by the Animal Welfare League.

For reasons canvassed in Chapter 4.8, the Panel is not persuaded by the evidence for, or relevance of, Mr Raworth's submission that an introduction of heritage controls should be considered in the light of potential impacts on the Lort Smith Animal Hospital "*and the wider community which it serves".*

The Panel accepts Mr Raworth's submission that it was not necessary to include all the land associated with the Lort Smith Hospital to maintain the integrity of that site and the precinct and the rear portion of land should be removed from the precinct. The Panel accepts the submission that no useful evidence in respect to heritage value of the wall at the rear of 24 Villiers Street has been made available.

(v) Conclusions and recommendations

The Panel concludes that the Villiers Street Precinct is a coherent group of sufficient historical and social significance for inclusion in the Heritage Overlay. Accordingly, it recommends:

6. For the Villiers Street Precinct:

a) Apply the Heritage Overlay to the Villiers Street Precinct subject to the following change:

- **Amend the Heritage Overlay Map by realigning the southern boundary of the Heritage Overlay on 24-34 Villiers Street to be in line with the southern boundaries of 36 and 40 Villiers Street and exclude the rear portion of the property.**

b) Include the post exhibition version of the Statement of Significance in the Incorporated Document "City North Heritage Review Statement of Significance."

6 The existing precincts

6.1 North and West Melbourne Precinct

(i) The place

The *City North Heritage Review*, which includes a study boundary aligned with the City North Structure Plan, included land on the northern and eastern edge of the North and West Melbourne Precinct (HO3). This area is characterised by 19th century dwellings and commercial buildings, some interwar development and new development predominantly comprising residential apartments. The Heritage Review did not include, or refer to, a Statement of Significance for this precinct.

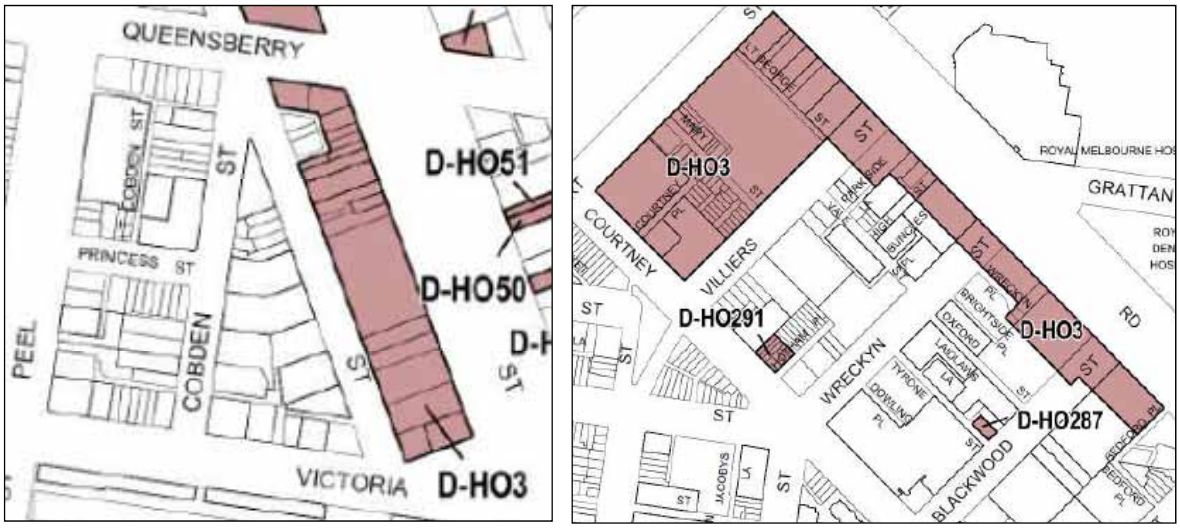


Figure 9 Areas to be deleted from HO3 North and West Melbourne Precinct

(ii) The issue

Parts of HO3 are proposed to be removed from the Heritage Overlay including land between O'Connell and Elizabeth Street (the south western quadrant of the proposed Elizabeth Street North (Boulevard) Precinct, land fronting Flemington Road between Peel Street and Harcourt Street and land between Harcourt and Villiers Streets. The Amendment proposes that nine places be individually listed in the Schedule. No submissions were received with regard to the reduction of the precinct.

The main issue raised by submissions to the Amendment was the grading of individual places within the remaining precinct. These include:

- 73-75 Peel Street – ungraded to D3
- 32-34 Capel Street – to remain B2
- 65-67 Peel Street – D2 to C3
- 77-79 Peel Street – ungraded to D3
- 205-217 Peel Street – ungraded to D3
- 106-110 Peel Street – ungraded to D3

Issues raised include:

- Whether the regradings are justified; and
- What impact the re-gradings have on the significance of the precinct.

The Heritage Review (Volume 4) contained a series of tables which presented lists of places which were regraded, removed from the Heritage Overlay, changed to new Heritage Precincts and some individual places with Statements of Significance. The Heritage Review did not develop a new or revised Statement of Significance for the North and West Melbourne precinct.

(iii) Evidence and submissions

While most grades remained unchanged, in some instances they were altered in the following circumstances:

- Lowered, where unsympathetic changes have occurred.
- Removed because the earlier building had been demolished.
- Raised, due to:
  - The previous E grading is no longer used, so places were either graded D or ungraded;
  - Sites being included on the Victoria Heritage Register and the previous grading was therefore inconsistent with the State significance.
  - Inconsistencies in the earlier gradings and some more modest-scaled buildings (especially Victorian period, single storey houses) being graded D even though they were largely intact and illustrative of a less common type. Many of these have been graded to C.
  - Some Federation and Interwar period buildings are being considered to be better examples than their previous gradings indicated.

32-34 and 38 Capel Street, West Melbourne

Submission 7 requested that the building at 32-34 Capel Street should receive a higher grading than the current B grading and that recent reinstatement of double doors should be included in the notes in the Statement of Significance. In addition the submission requested that notes in the Heritage Review for the building at 38 Capel Street should reflect changes to the fence and tiling of the verandah.

Mr Hemmingway confirmed that they had amended the notes in the Heritage Review accordingly.

65-67 Peel Street, West Melbourne (the Drunken Poet)

Submission 7 submitted that the building at 65-67 Peel Street, West Melbourne should have a higher grading (from D to C) because of "*a more primitive lack of front parapet and the detailed chimney part way down the gable making it a more distinctive shape than its more conventional neighbours to the south and an earlier stage*."

Having considered the submission, Mr Hemmingway provided evidence that he had reconsidered the grading and agreed it should be a C3 given its relatively early construction (c1870) as suggested by it being constructed to the front boundary. As such, it is distinguished from other remaining houses in the precinct.

73-75 Peel Street, West Melbourne

Submission 4 argued that the building should not be graded D as:

- The building is less than fifty years old and has no historical significance.
- It is not in the calibre of any other buildings in the area that are listed as heritage
- It is a similar structure to 81 Peel Street (two doors away).
- On the west side of Peel Street only some of the properties are included in the proposed Amendment and by selecting some of the properties it will not create a uniform heritage appeal.

Mr Hemmingway, providing expert evidence for the Council stated that:

> *This building was previously ungraded and is proposed to be graded D3. When the earlier North Melbourne Heritage Study was undertaken 20 to 30 years ago, there was less awareness/interest in the contribution that mid-20th century buildings made to the precinct, especially commercial buildings opposite the Queen Victoria Market.*
>
> *A focus of the City North Heritage Review was on the contribution that the Interwar, and to a lesser extent Post-war, places make to the development of this part of Melbourne. Similarly some other mid-century building further south (nos 21, 25-27, 49-55) were also graded 'D' when they had previously been ungraded. This section of Peel Street directly opposite the market is largely characterised by a combination of relatively intact Victorian and mid-20th century building stock, the former originally being residential and the latter being commercial.*

79 Peel Street, West Melbourne (The Ausnet House)

Submission 7 suggested that the 1990s building should be recognised within the *Heritage Places Inventory*. It was designed as a 'demonstration house' to show how city living could work at a time when Council was encouraging people to move into the city. It was a design which facilitated multiple living areas and was designed to be sympathetic with the Heritage Overlay.

Mr Hemmingway gave evidence that the 1990s building does not relate to a key phase of development in HO3. Although not unsympathetic externally, it is undistinguished.

106-110 Peel Street, North Melbourne

Submitter 27 opposed the proposed D3 grading on the buildings and questioned whether the buildings exhibit any particular heritage significance or are part of an intact streetscape. The submission considered that, while it may be appropriate that the land be retained in the precinct, it should remain ungraded.

Ms Mitchell-Bryant for Submitter 27 attended the Hearing and referred to the definition of 'Contributory Building' within Clause 22.05 "*Contributory building means a 'C' grade building anywhere in the municipality, or a 'D' grade building in a Level 1 or Level 2 streetscape*." Ms Mitchell-Bryant pointed out that, taking this definition into account, a D3 building is a non-contributory building. In this context, she questioned "*What would be the point of including these buildings with a D3 grading when even the policy would not consider them as contributory?"*

Ms Mitchell-Bryant argued that her client questions whether the existing buildings on his site exhibit any particular heritage significance as individual buildings or indeed as part of a streetscape. The buildings do not represent part of an intact streetscape. She added that protecting buildings such as these with a heritage grading does little to advance the value of the Heritage Overlay.

In response to the submission, the authors of the Heritage Review altered the notes within the Heritage Review to provide an additional description of the buildings at 106 Peel Street and 108 Peel Street. Both buildings are described as "*Victorian, originally a house. Flemish bond, cream brickwork to first floor and filled with a modern shop at the ground floor. In the case of 106 Peel Street, the notes refer to the building being remodelled in the 1920s including a balcony with arched opening, keystone and cornice-like hood. The parapet conceals the roof, whilst at 108 Peel Street the roof remains visible.*"

At the hearing Mr Hemmingway gave evidence that during the preparation of the Heritage Review they realised the pair were early houses, and while one of the houses had a the 1920s façade added, it was from a very early phase.

Mr Hemmingway submitted that in some cases the consultants lowered the streetscape level on Peel Street and increased the gradings.

(iv) Discussion

All of the buildings subject to submissions are currently included within the North and West Melbourne Precinct HO3 and the issue is whether individual buildings should be graded or ungraded.

There are two main difficulties presented by the Panel in relation to this precinct. The first one is the grading system within Clause 22.05 and its relationship with the recommendations of the City North Heritage Review. The second difficulty is the lack of any formal Statement of Significance for this area which presents challenges when considering how individual buildings contribute to the precinct.

On the matter of gradings, the Panel is cognisant of the definitions of C and D buildings as follows and has applied those definitions as the test to consider the matter:

- *"C" buildings demonstrate the historical or social development of the local area and/or make an important aesthetic or scientific contribution. These buildings comprise a variety of styles and building types. Architecturally they are substantially intact, but where altered, it is reversible. In some instances, buildings of high individual historic, scientific or social significance may have a degree of alteration.*
- *"D" buildings are representative of the historical, scientific, architectural or social development of the local areas. They are often reasonably intact representatives of particular periods, styles or building types. In many instances alterations will be reversible. They may also be altered examples which stand within a group of similar period, style or type or a street which retains much of its original character. Where they stand in a row or street, the collective group will provide a setting which reinforces the value of individual buildings.*

Level 3 Streetscapes may contain significant buildings, but they will be from diverse periods or styles, and of low individual significance or integrity.

Under Clause 22.05, in the '*Definitions of Words Used in the Performance Standards*' Contributory building is defined as *"a 'C' grade building anywhere in the municipality, or a 'D' grade building in a Level 1 or Level 2 streetscape".*

On the matter of a Statement of Significance, the difficulty presented by the Panel is that the Planning Scheme does not refer to a Statement of Significance for the North and West Melbourne Heritage Precinct; a Statement of Significance is not included with the North and West Melbourne Conservation Study 1983 or 1993 and the City North Heritage Review, although proposing changes to the North and West Melbourne Precinct, did not develop a new Statement of Significance or revise any existing Statements of Significance. Mr Raworth in his evidence for submission 29 referred to a Statement of Significance that was prepared for proposed Amendment C132 in 2008 which did not progress (and therefore has no status in the Planning Scheme) but does provide some insight into the precinct:

> *Primarily residential, but fringed and overlaid with industry, North and West Melbourne has cultural heritage significance for its representation of nineteenth century development which characterised the north western fringe of the city grid. Partly in and partly out of the 1837 Town Reserve, central city functions have been a consistent influence on development. Particularly important are the early markets, and industries which developed to service them and which boomed after the Gold Rush. The Victoria Market was a key generator for the small scale peripheral industry in the eastern portion of the precinct.*
>
> *Although there are some buildings of individual significance, most contributory elements in North and West Melbourne are typical and sometimes humble examples of their date and style. Grouped together, they illustrate a nineteenth century living and working place. Some buildings from the 1850s and early 1860s survive. Areas of outstanding architectural significance are found in the shopping precinct of Errol and Victoria Streets, focussed on the fine Town Hall. Hotham Hill has a high level of integrity with few intrusions and exhibits residential development over a relatively short time period. Victoria Market has city, State and national significance as a nineteenth century market. It is also significance as a burial ground for the early settlers of Melbourne and for the Aboriginal community.*
>
> *North and West Melbourne is an area of irregular shape. The West Melbourne swamp and Moonee Ponds Creek define the west; and the important boulevards of Flemington Road and its extension as Elizabeth Street, define the north and east. Broad streets provide a distinctive urban form through the oblique relationships between the four street layout patterns. These are generated by the position of the city grid, the magnetic north cadastral layout for the State, and topographical factors. The boulevards, Flemington Road, Elizabeth Street and Peel Street, illustrate La Trobe's intension for Melbourne to have well planned entrances from the hinterland to the city centre.*

Except for the Benevolent Asylum site, the principal period of development contributing to cultural significance is 1837 to 1914. For the Benevolent Asylum site bounded by Elm, Abbotsford, Miller and Curzon Streets that period is 1913 to 1930.

There are a number of properties in the precinct which are currently graded D3 or are proposed to be re-graded to D3. Although the Heritage Review proposes the D3 gradings, the Panel is not convinced that the authors of the study have realised that these gradings (when read in conjunction with the definitions in Clause 22.05) render them non-contributory. In the case of 106-110 Peel Street, the Panel considers that both buildings given their period of construction reflect the Victorian period and contribute to the precinct. In this context, their D grading is justified.

With regard to 65-67 Peel Street, the Panel agrees with the submitter and Mr Hemmingway that this building is an early construction and, having regard to the C grade definition the Panel considers that the building does demonstrate the historical and social development of the local area and is substantially intact and a 'C' grading is warranted.

In the case of 73-75 Peel Street, the Panel inspected 81 Peel Street (referred to in the submission) and notes that this building has had substantial alterations to the point where its integrity from a heritage perspective has been erased. The building at 73-75 retains its original windows at the upper level, openings at the lower level and retains its scale. However the Panel is not satisfied with Mr Hemmingway's explanation that the Heritage Review had more of a focus on interwar and post war buildings which is why this building was identified. The Panel agrees that the building is of interwar construction and at its top level it is largely intact however there is no Statement of Significance which identifies this period in North and West Melbourne. This period of development may very well contribute to the precinct. The Heritage Review has identified a series of individual buildings and the Villiers Street Precinct in West Melbourne. However the case has not been made here that this period of development contributes to the significance of this particular precinct.

The Ausnet House at 79 Peel Street may be a demonstration house and may, subject to further assessment, qualify for an individual Heritage Overlay, however, it does not contribute to the precinct in the sense that it belongs to the principal period of development.

With regard to 106-110 Peel Street, the Panel accepts Mr Mitchell-Bryant's position that the D3 grading, according to the definitions within Clause 22.05 will mean that the building will be non-contributory and therefore there is little point in applying this grading to the property. However, the buildings are currently in a precinct and given a) the definition of a D graded building and b) the buildings' period of construction (and alteration) and degree of intactness, a D3 grading is justified.

(v) Conclusions and recommendations

Having reviewed the north-western part of the precinct which is proposed to be removed from the Heritage Overlay, the Panel accepts the changes proposed to delete parts of the precinct in the Harcourt Street and Flemington Road parts, and replace some individual Heritage Overlay controls given the lack of intactness within this section of the precinct.

The Panel considers that given the lack of integrity along Peel Street (especially toward the southern end from Victoria Street) the Council should review whether the Heritage Overlay is still justified given the proportion of ungraded and D3 graded buildings and the lack of heritage integrity as a result contemporary development along this street.

Having regard to the gradings of individual buildings, the Panel recommends:

- 73-75 Peel Street - remain ungraded as exhibited
- 32-34 Capel Street - remain B2 as exhibited
- 65-67 Peel Street – change from exhibited D2 to C3
- 77-79 Peel Street – remain ungraded as exhibited
- 205-217 Peel Street – change from D3 to ungraded (resolved post exhibition by Council)
- 106-110 Peel Street – ungraded to D3 as exhibited

7. For the North and West Melbourne Precinct:

a) Apply the Heritage Overlay Map as exhibited.

b) Include the Heritage Places Inventory as exhibited subject to the following changes:

- **Include 65-67 Peel Street as a 'C3' grade instead of 'D3'**
- **Remove reference to 73-75 Peel Street**
- **Remove reference to 205-217 Peel Street**

8. Following adoption of the Amendment, Council further review the North and West Melbourne Precinct boundaries, in particular Peel Street, having regard to the definition of "Contributory building" in Clause 22.05.

9. Following adoption of the Amendment and review of the boundaries of the North and West Melbourne Precinct, Council prepare a Statement of Significance for the precinct.

6.2 Queen Victoria Market Precinct

(i) The place

In the Heritage Review, the Statement of Significance has been rewritten as follows:

What is Significant?

The land and all the buildings located on the Queen Victoria Market site and bound by Peel Street (west), Victoria Parade (north), Elizabeth Street (east), as well as Therry and Franklin Streets (south). This includes the meat and dairy halls, substation to Therry Street, all the sheds (A-F and H-M), the shops to Elizabeth Street (nos 507-523) and Victoria Street (nos 65-159) and the stores to Franklin Street (nos 160-196).

In addition, several adjacent and nearby shops:

- *the east side of Elizabeth Street between Therry and Victoria Streets (nos 510-16)*
- *east side of Queen Street between Franklin and Therry Streets (nos 422-460)*
- *the south side of Therry Street between Queen and Elizabeth Streets (nos 937-1541)*
- *two earlier, 19th century warehouses in Franklin Street (nos 126-130 and 132-140).*

How is it Significant?

The Queen Victoria Market precinct is of historic, social and aesthetic significance to the City of Melbourne.

Why is it Significant?

The Queen Victoria Market precinct is of historic and social significance as Melbourne's premier market in operation for over 130 years (since the late 1870s), with origins dating back to 1859. It is the last surviving 19th century market established by the City of Melbourne, and has been an important hub of social life in the city. The Meat Hall, the oldest extant building, was constructed in 1869. It is one of the earliest, purpose-built market complexes in Australia, with its single span roof only the second of its type when erected. The market has evolved throughout its history in line with changing requirements, with several phases of expansion (AHC Criteria A4, B2 and G1).

The Queen Victoria Market precinct is of aesthetic significance as a fine example of a Victorian era market which retains much of its original 19th century fabric intact. Its present configuration is largely that which was established by the end of the Interwar period. Architecturally, there is a mixture of utilitarian buildings – the sheds – and more elaborate brick buildings, with the most exuberant being the 1884 façade of the Meat Hall, by noted architect William Salway. The later but more intact Dairy Produce Hall (1929) features a distinctive Georgian Revival style to the upper part of the façade in combination with Art Deco style to the lower part (canopy, tiling and shop fronts).The groups of shops to Victoria and

Elizabeth Streets are rare examples of such extensive, intact rows of Victorian period commercial buildings, as are the Interwar period shops to Franklin Street (AHC Criteria E1).

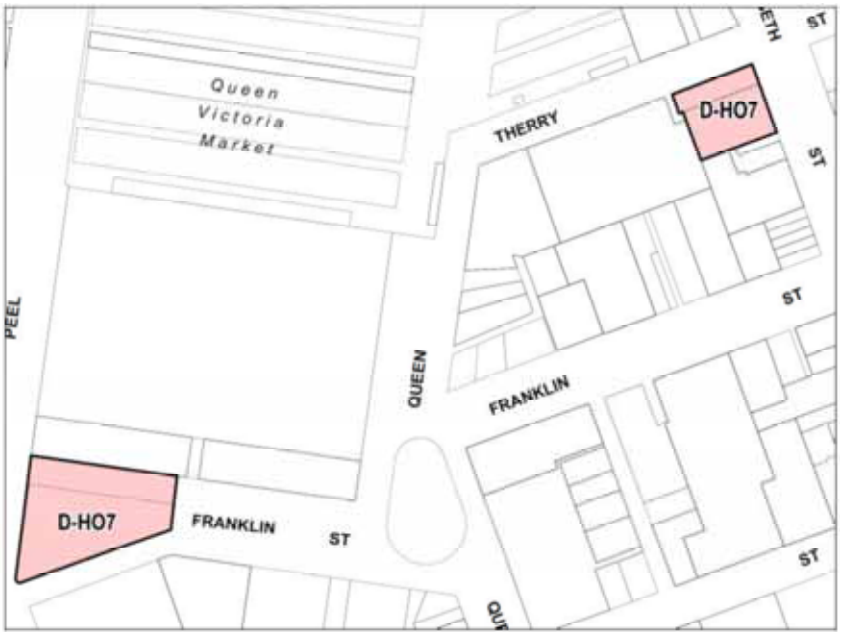


Figure 10 Area to be deleted from HO7 Queen Victoria Market Precinct

(ii) The issue

The Amendment proposes to reduce the extent of the Heritage Overlay by removing the triangular land currently used as the at grade car park at the south western corner of the precinct, as well as the building located on the south western corner of Therry and Elizabeth Streets. In addition, the Amendment proposes to regrade some individual buildings within the precinct and update the Heritage Places Inventory accordingly. The Amendment also proposes to include a revised Statement of Significance within Clause 22.04.

The main issue raised in the Amendment was the grading of individual places within the remaining precinct or request to include places within the precinct, including:

- 5-23 Anthony Street
- 93-141 Therry Street – D3 to C2 and 143-151 Therry Street – regrading from D3 to C2
- 126-130 Franklin Street
- Removal of the triangular piece of land adjacent to the Queen Victoria Market.

Issues raised include:

- Whether the removal of the triangular piece of land is justified and whether its removal diminishes the heritage place.
- Whether the removal of the "key attributes" in Clause 22.04 is justified and would impact on the significance of the heritage place.
- Whether the regradings are justified.
- Whether the regradings affects the significance of the precinct.

(iii) Evidence and submissions

A number of submissions (submissions 2, 12, 13, 14, 15, 24 and 25) objected to the excision of the triangular area on the south western side of the precinct, which is currently used as at grade car park and road reservation. They argued that the extent of Heritage Overlay should not be reduced and that the reasons for the excision was not transparent and not included in the Heritage Review.

Submissions objected to removing the "Key Attributes" in Clause 22.04 regarding the Queen Victoria Market precinct and referred VCAT case P529/2012 which involved a multi storey building and supported the Council's refusal to grant a permit. The submission argued that that the Key Attribute "The visual dominance of the Queen Victoria Market in the surrounding area" was a significant factor in this decision:

> *The determinative matter that guides me is the layered approach of the DDO14 controls…..The maximum heights have been designed to facilitate gradual increases in building height with greater distance from the QVM. The planning framework encourages a moderate transition in height, so the market has a low edge around it that does not impose itself on the market. The tall and dense city is kept somewhat at bay from the classic low form of the market.*

Both Mr Price (submission 12) and Ms Lowy (submission 14) presented at the Hearing and expressed concern over the changes which they considered were not transparent and would lead to less sensitive design outcomes on the site.

In response to submissions, Council's expert witness statement stated that the significance of the triangular car park had been assessed and determined that there is no heritage value in this section of land in relation to the Queen Victoria Market, as it has not been integral to its functioning since the southern section was constructed in 1930. Changes were made to the Precinct's Statement of Significance accordingly, as follows:

> *It would also be possible to remove the triangular piece of land, currently used for car parking, at the south-west corner of the precinct (west end of Franklin Street near the junction with Peel and William Streets) section of land without affecting the overall significance of the market as it has not been integral to its functioning since the southern end was constructed in 1930.*
>
> *It would be preferable however to retain/relocate the palm tree, which is at least 50 years old. There is some heritage value related to the palm tree as it is a mid-20th century vestige of the earlier reserve in this area, however it is not integral to the significance of the Queen Victoria Market as a whole* (City North Heritage Review, Volume 2, page E7).

Under cross examination, Mr Beeston advised that the deletion of the triangular piece of land near the market was not part of their recommendations but was included by the Council.

Mr Hemmingway advised there is no reason to exclude the triangular piece of land however there is also no historical reason to include it. It currently acts as an extended curtilage. The palm tree, probably planted in the 1960s, should be retained and could be moved.

At the Hearing the Council did not address the issue of the removal of the Key Attributes.

Submission 24 supported the Amendment and suggested that additional places be considered in the Precinct including the historic brick building to the rear of 126-130 Franklin Street which could have its own grading or the brick and bluestone rear façade of 126-130 Franklin Street.

The authors of the Heritage Review reviewed 126-130 and 132-140 Franklin Street and determined that the existing D3 grading should be retained and additional information should be included in the property notes in the Heritage Review. There is another parcel of land to the rear with an address of Rear 128-130 Franklin Street, comprising a two storey, red brick warehouse, with a gabled roof. In response to this submission, the Council advised that it proposed to modify the schedule to the Queen Victoria Market Precinct to include a C2 grading for this property and to notify the owner accordingly prior to the Hearing.

Submission 2 recommended that Anthony Street, especially the western site, should be included within the Heritage Overlay. In response the Council submitted that consideration was given to Anthony Street. Although the properties have a consistent character and mostly date to the first half of the 20th century, overall the degree of change had reduced their heritage value and so a precinct was not recommended.

Mr Robert Munro and Mr Myles Munro (submission 21) addressed the Panel regarding the proposed change to the grading of a series of buildings along Therry Street (93-151 Therry Street). Mr Munro took the Panel though the history of the area and he submitted that the buildings are not substantially intact and made the following points:

- 143-151 Therry Street - is currently graded D and is proposed to be graded C. The windows and doors have been heavily modified.
- 452-454 Queen Street – the building was modified in the 1970s. The building was never a garage, although the notes say that it was a garage. The level 2 streetscape is not warranted.
- 126 Franklin Street - supported the building at the front however did not consider the level 2 grading at the rear is justified.

Mr Munro expressed concern at the Hearing that the big danger is rigid controls. If the buildings cannot be altered, the businesses around the Market may become unviable. He expressed concern that the market is deteriorating due to a number of factors.

The Council's expert evidence submitted that no evidence has been provided to undermine the conclusion that the building should be included in the Heritage Overlay. The buildings to the south side of Therry Street are part of a major phase of development during the Interwar period when the market area was considerably enlarged. This group of buildings are largely intact and provide a consistent streetscape.

(iv) Discussion

With regard to the triangular piece of land proposed to be removed from the Heritage Overlay, the Panel notes that the Design and Development Overlay Schedule 14 (DDO14) identifies this site within Area 16 and a non-mandatory maximum 7 metre height provision applies. The "Built Form Outcome" for this area is "*Development maintains the consistency*

of scale and built form of the Historic Queen Victoria Market." Furthermore, the purpose of the Design and Development Overlay Queen Victoria Market Area DDO is:

- *To ensure that any development within the Queen Victoria Market is consistent with its Victorian character and low-scale.*
- *To ensure that development around the Market edges and within close proximity to the Market provides an appropriate scale transition from the low scale Market buildings towards the medium and high rise towers in the Central Business District.*
- *To ensure that any development in close proximity to the Queen Victoria Market is compatible with the scale and character of the Market, surrounding residential developments and adjacent precincts.*

The Panel has reviewed the site and considers, due to the lack of fabric on the site, the Heritage Overlay could be removed from this area. However, the Panel understands the argument that, given the proximity of the at grade car park to the Queen Victoria Market buildings, a curtilage should remain.

Given the existing DDO14 on the site and the purposes of DDO14, the Panel considers the DDO should deliver a sympathetic outcome given its proximity to the Market. However the Panel is concerned that Council has not justified the removal of the Key Attributes from Clause 22.04.

The Panel reviewed the Therry Street buildings and has concluded that the streetscape is consistent, and although there have been some changes to the façade of the 93-151 Therry Street buildings and the Queen Street frontage, the buildings are significant. They are not representative, but rather, a distinctive group contributing to the environs of the Queen Victoria Market and a C grade is warranted.

The Panel supports the inclusion of the two storey red brick warehouse (rear 128-130 Franklin Street) within the Heritage Inventory as a C2 graded building. In saying this, the Panel makes the point that discussions regarding whether buildings and C graded or D graded misses the point that irrespective of whether these buildings are C2 or D2 graded, all of these buildings contribute to this precinct and future development should respond accordingly.

(v) Conclusions and recommendations

The Panel accepts the rationale to remove the triangular piece of land from the Heritage Overlay on the basis of the lack of heritage fabric on this part of the site. The Panel considers that the existing DDO14 that applies to the land is not reliant on the fact that it applies to a heritage area, rather its immediate proximity to key market buildings. The Panel is persuaded that the Heritage Overlay may be removed from this area in the context that the existing DDO14 would remain, ensuring development will be "*consistent with the scale and built form of the Market*" given its immediate proximity to key market buildings.

The Panel does not support the removal of the Key Attributes listed in 22.04 under the Queen Victoria Market. The Council did not provide any justification to remove these aspects of the Heritage Policy and considers that they provide useful directions in determining a design response within and around this significant precinct.

Having regard to the above the Panel recommends:

10. For the Queen Victoria Market Precinct:

a) Apply the Heritage Overlay as exhibited.

b) Include the post exhibition version of the Statement of Significance in the Incorporated Document "City North Heritage Review Statement of Significance."

c) Amend the Queen Victoria Market Precinct Statement of Significance in Clause 22.04 as exhibited with the following change:

- **Retain the Key Attributes for the Queen Victoria Market Precinct.**

7 Individual buildings with submissions supported by Panel appearances

7.1 Former EP Printing and Publishing Company, 205-233 Pelham Street, Carlton (HO1133)

(i) The place

205-223 Pelham Street, Carlton is a two-storey interwar (1925) brick factory bound on three sides by Berkeley, Pelham and Barry Streets.

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The building, particularly the original windows to the ground floor and the entrance canopy.*
>
> *How is it Significant?*
>
> *The former E P Printing & Publishing Company building is of historic and representative aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *Constructed in 1925, the former E P Printing & Publishing Company building is historically significant as it is indicative of the commercial development that occurred in this part of Carlton during the Interwar years, when the earlier, small-scale residences and shops were replaced with larger factories and warehouses (AHC Criterion A4).*
>
> *Designed by the architects Sale & Keage, the former E P Printing & Publishing Company building is of representative aesthetic significance for being a largely intact factory of the mid-1920s, part of the key Interwar phase of development. Although the original red brickwork is currently painted, it retains original detailing such as multi-pained windows (for the large part), an entrance canopy and gable parapets with porthole vents. The way the building addresses its corner location is of interest (AHC Criterion D2).*

(ii) The issue

At issue is the level of heritage significance of the building and inclusion of 205-233 Pelham Street, Carlton with a C3 grading.

(iii) Evidence and submissions

Council informed the Panel that the building replaced earlier shops and cottages when it was constructed and that it has housed a variety of commercial uses since. Works in 1982 converted the building from a factory to a warehouse with further works in 1991. First floor windows have been sympathetically replaced and there are some minor changes to the

ground floor openings. Details to decorative cornices have been replaced with modern materials. The entry canopy has also been sheathed in Colorbond. The building has been over-painted.

At the hearing Mr Raworth provided evidence for the owner (submission 19). In his view the building was not of sufficient significance at a local level to warrant a Heritage Overlay control on the basis that:

- The building is architecturally unexceptional – conservative and stylistically outmoded for its period of construction.
- Elements (multi-pane, steel framed windows, continuous concrete lintels) are commonplace for a 1920s building.
- There are more intact and architecturally distinguished examples in the Melbourne Planning Scheme.
- The building is subject to a building order in relation to external sections of the building along the parapet and above the front door.

Mr Raworth said the building could be described as 'representative' but did not make the 'important' aesthetic contribution required for a C grade. He provided a number of comparative examples for consideration.

The Panel asked Mr Raworth whether he considered the word "representative" was deliberate in the context of the 'D' grade definitions. He considered that the way the consultants had used the term "representative" the Statement of Significance would be reasonable if it was not designed to support a C grade.

On behalf of the owner, John Davey Architect presented a proposed multi-storey development of the site. Mr Raworth suggested that if the current building were to be included in the proposed development plan, only facades would be retained, at the expense of the integrity of the heritage place. He noted the amendments to the *Planning and Environment Act 1987* requiring Council to take account of social and economic effects.

(iv) Discussion

The Panel inspected the building and examined, or was aware of, comparative examples offered in evidence.

The Panel concludes that the alterations to the building are reversible and do not materially affect the integrity of the building. It agrees with Mr Raworth that, in terms of its architectural aesthetic significance the building is best considered in the context of a D grade (ie 'representative'). However, the Panel is persuaded that the businesses of interwar workshops and warehouses represent a period of historical significance to the municipality. It also accepts evidence that this building demonstrates the interwar period and changes that resulted in the replacement of residential buildings with small to medium scale businesses. Taken with the building's aesthetic interest, the Panel has taken the view that it meets the requirement of a C graded building.

The Panel accepts Mr Raworth's submission that recent changes to the Act requires Council consideration of social and economic impacts. However for reasons canvassed in Chapter 4.8 it does not find that the mere conception of a development proposal constitutes evidence of these issues and, to that extent, was not assisted by consideration of the Davey

scheme or Mr Raworth's predictions of the possible impact of a development on the heritage fabric.

(v) Conclusions and recommendation

The Panel concludes that 202-233 Pelham Street Carlton meets the requirements for C grading for its historic significance and inclusion in the Heritage Overlay.

Accordingly it recommends:

11. For the 'Former EP Printing and Publishing Company', 205-233 Pelham Street, Carlton:

a) Apply the Heritage Overlay to the 'Former EP Printing and Publishing Company', 205-233 Pelham Street, Carlton as exhibited.

b) Include the post exhibition version of the Statement of Significance in the Incorporated Document "City North Heritage Review Statement of Significance."

7.2 Former Gladstone Motors Building, 213-221 Berkeley Street, Carlton (HO1149)

(i) The place

213-221 Berkeley Street, Carlton the 'former Gladstone Motors building' was constructed in 1952.

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The extant building and land, in particular the façade.*
>
> *How is it Significant?*
>
> *The former Gladstone Motors building is of historic and aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *The former Gladstone Motors building, built in 1952, is historically significant as it is indicative of the commercial development that was undertaken in this part of Melbourne/Carlton during the early to mid-20th century, especially related to the automotive industry. In this case however, no land consolidation or demolition occurred, as was common elsewhere in the area (AHC Criterion A4).*
>
> *The former Gladstone Motors building is of aesthetic significance for being a good example of the Functionalist style dating to the mid-20th century. Although the façade has been painted and obscures most of the original bi-chrome brickwork and some of the horizontal emphasis, it otherwise is remarkably intact and the original steel-framed windows have been retained (AHC Criterion E12).*

(ii) The issue

At issue is the level of heritage significance of the building and inclusion of 213-221 Berkeley Street, Carlton with a C3 grading.

(iii) Evidence and submissions

Council's Statement of Significance identified the Former Gladstone Motors Building as *"historically significant as it is indicative of the commercial development that was undertaken in this part of Melbourne during the early to mid-20th century especially related to the automotive industry"* …[and] … "*of aesthetic significance for being a good example of the Functionalist style dating to the mid-20th century*".

Under cross examination Mr Hemmingway conceded that the site is not of social significance but of historic significance. He noted the building's intactness and its form and design which can be readily appreciated.

Mr Pitt, for the University of Melbourne (submission 17) submitted that this building (and others identified in Berkeley Street subject to submission 17) are "*utilitarian, functional and unexceptional buildings"* of far less a level of cultural heritage significance that would warrant the imposition of a Heritage Overlay and the real significance of these sites are to enable the Knowledge Precinct to be able to accommodate the level of development anticipated by DDO61. In Mr Lovell's opinion the building was better described as 'Moderne' (not 'Functionalist' as Mr Hemmingway proposed). Furthermore he considered that the building has been modified and over-painted which has diminished the overall presentation of the significance of the building. In his written evidence he stated "*while the buildings (including 197-199 Berkeley Street) may be considered to be contributory within a precinct, in their modified state they do not warrant individual inclusion in the Heritage Overlay*" (page 37).

(iv) Discussion

The Panel inspected the building and examined, or was aware of, comparative examples offered in evidence.

The Panel notes that one significant focus of commerce in the area was the automotive trade and that this building meets the requirements of C grading for its demonstration of the historical development of business serving that trade. Although chronologically the building might not be described as 'Interwar' it does reflect the continuing commercialisation of Carlton.

The Panel takes the view that it makes an important architectural aesthetic contribution by virtue of its interesting and assured composition by the relatively unknown architect, Keith W Kerr.

The Panel agrees with the Mr Hemingway that the building is remarkably intact and does not find that over-painting reduced the integrity of the building.

The Panel was not in a position to decide between expert opinions on whether the building should be termed "Moderne" or "Functionalist". For the purposes of assessment it accepted opinion that the styles 'overlap'.

(v) Conclusion and recommendation

The Panel concludes that the building meets the requirements for C grading for its historic and aesthetic significance and warrants inclusion in the Heritage Overlay.

Accordingly it recommends:

12. For the 'Former Gladstone Motors Building, 213-221 Berkeley Street, Carlton:

a) Apply the Heritage Overlay to the 'Former Gladstone Motors Building', 213-221 Berkeley Street, Carlton as exhibited.

b) Include the post exhibition version of the Statement of Significance in the Incorporated Document "City North Heritage Review Statement of Significance."

7.3 Former Factory, 197-199 Berkeley Street, Melbourne (HO1151)

(i) The place

197-199 Berkeley Street Carlton is a two-storey brick building constructed in 1937.

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The extant building and land, particularly the façade.*
>
> *How is it Significant?*
>
> *The former factory at 197-199 Berkeley Street, Melbourne is of historic and representative aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *Built in 1937, the former factory is of historic significance as it is indicative of the major phase of commercial development that occurred in this area of Melbourne/Carlton during the early and middle part of the 20th century when smaller parcels of land were consolidated and larger factories and warehouses were constructed (AHC Criterion A4).*
>
> *The former factory building is of representative aesthetic significance for being a relatively intact example of a 1930s light industrial building. Although the building has been partly altered (the brickwork has been painted and some changes to the ground floor openings), it generally retains original detailing such as the central fin to the parapet and most of its steel-framed windows (AHC Criterion D2).*

(ii) The issue

At issue is the level of heritage significance of the building and inclusion of:

- 197-199 Berkeley Street, Carlton - with C3 grading.

(iii) Evidence and submissions

The Council submitted that although the original face red brickwork and rendered lintels are obscured by the current over-painting and signage, this can be readily reversed. In addition the pattern of openings remains intact with the exception of some minor alterations. Overall it is a largely intact example from a key development phase (Interwar) in the study area. In giving his evidence at the hearing Mr Hemmingway identified the facade as the key feature and placed no significance on the side wall. He supported restricting the Heritage Overlay to the building only with an appropriate curtilage behind the façade.

Mr Lovell offered the view the citation in the Heritage Review "representative aesthetic" is confusing given the definition of the gradings. The building has undergone a degree of change that is unlikely to be reversed. In his opinion the building should be graded D on the basis that in a precinct it would be contributory. Mr Raworth considered that the building unrepresentative of the period and historically unremarkable. He said the building could best described as reasonably intact.

(iv) Discussion

The panel inspected the building.

The Panel concurs with Mr Lovell's assessment. Although the Panel accepts that the building is an example of 1930's commercial development and the transition to commercial uses in Carlton, it takes the view that in this and other respects the building is, as Mr Raworth suggested "unremarkable". The Panel also notes the major alteration to the eastern façade.

Again it agrees that "representative aesthetic" suggests a D rather than C grading. In any case the Panel is not persuaded of the building's "representative aesthetic" significance.

In this case the difficulty of including a building graded D for a contribution to a non-existent precinct underlines one of the difficulties the Panel faces with the grading system.

(v) Conclusions and recommendation

The Panel concludes that 197-199 Berkeley Street, Carlton lacks sufficient heritage significance for inclusion the Heritage overlay as a C3 graded property. It concludes that this is a case where a building may well be contributory to a precinct but given the building is not proposed for inclusion in a precinct, the Panel finds that it does not meet the requirements of either a C or D grading and therefore recommends:

13. For 'Former Factory' 197-199 Berkeley Street:

- **a) The Heritage Overlay not be applied to the 'Former Factory' 197-199 Berkeley Street, Carlton.**
- **b) Remove the Statement of Significance for the property in the Incorporated Document "City North Heritage Review Statement of Significance."**

7.4 Former TAA building, 46-56 Franklin Street, Melbourne (HO1152)

(i) The place

42-45 Franklin Street, Melbourne (formerly known as the TAA Building) is a 1965 commercial building of 18 storeys.

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The land and former TAA building but excluding the recent podium section.*
>
> *How is it Significant?*
>
> *The former TAA building is of historic and aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *The former TAA building is of historic significance as the headquarters of a formerly prominent Australian airline company and as a landmark building in this part of Melbourne for several decades. It is indicative of the podium/plaza type multi-storey development that occurred in the decades following WWII (AHC Criterion A4).*
>
> *The former TAA building is of aesthetic significance as a fine example of the International style. Designed by the Melbourne based architectural firm of Marcus & Allison Norris, it is set apart from other contemporary examples by the distinctive rhythm of the façade and the gold-coloured spandrel panels suggestive of the glamour of the air travel industry. The articulation of the glazed façades reflects the influence of the famous modernist architect Mies van der Rohe (AHC Criterion E1).*

(ii) The issue

At issue is the level of heritage significance of 46-56 Franklin Street, Melbourne and its inclusion in the HO1152 with a C grading.

(iii) Evidence and submissions

In preparing Council's response to submissions Mr Hemmingway clarified that the design was by architect Harry Norris, not Marcus and Allison Norris, as indicated in the Heritage Review. Mr Hemmingway acknowledged the building had been altered mostly at the base however it largely retains its integrity and remains an "elegant design".

At the hearing, Mr Lovell for the owner submitted that further comparative analysis was necessary to properly establish the significance of this building. Mr Lovell noted that nine buildings from the period were considered for Melbourne Amendment C186 but excluded by the Minister from inclusion. He also drew attention to the alterations to the lower levels on both north and south facades *"… in a manner which considerably diminishes its integrity …"*

Mr Lovell also referred to a detailed and wide ranging analysis of the undertaken by Conrad Hamann. In summary, Dr Hamann concluded: "*50 Franklin Street, if intact, would stand as a building which is of local aesthetic/architectural significance … it is, however a building which has undergone substantial change*" … and … "*The changes are such I do not consider the building can be regarded a substantially intact and accordingly it would warrant a D rather than a C grading*."

Mr Reeves, providing expert evidence for the National Trust of Australia (Victoria) (submission 25), was of the view that the building was an expression of post war corporate success and optimism and:

- a notable example of Norris's post-war work.
- rare evidence of Norris's association with TAA.
- through its sophisticated design, evidence of the expansion of commercial aviation in the later 1960s.
- notable for its use of bronze detailing.

In respect to the impact of the alterations Mr Reeves' evidence was that they had not defaced the building to a point that a Heritage Overlay was no longer appropriate. In particular: the removal of the TAA sign was of no consequence; removal of the canopy and replacement of the original double height window is not "an intrusive alteration"; and alterations to the façade detailing are reversible. He stated that, had the alterations not been undertaken, the building would qualify for a B grading.

Ms Ring representing the building's Owners Corporation Management (submission 5) submitted that the comparative analysis had not been undertaken with respect to this site and drew reference the Minister for Planning's decision to remove comparable mid-century buildings from Amendment C186 on the basis that there was not a rigorous assessment of their significance. She argued that the removal of this group of mid-century office buildings was also based on "*a growing conversation about the appropriateness of heritage controls for buildings of this era*" in the context of potentially locking up future development potential.

(iv) Discussion

The Panel inspected the building and examined, or was aware of, comparative examples offered in evidence.

The issue for the Panel is one of threshold for the C grading.

The Panel accepts that the building does (by virtue of the aesthetic architectural quality, detailed design and landmark quality) demonstrate a particular social development – the commercial optimism and growth of accessible air travel in the post-war era. The Panel takes the view that this was a particularly important historical phase in the growth of Melbourne.

Buildings need to be architecturally *"substantially intact, but where altered … reversible"* for a C grading. Clearly some of the alterations to 42-45 Franklin Street are reasonably reversible (the façade detailing); other changes are unlikely to be reversed (the podium portico and façade). The Panel does accept that these last changes, although reducing the integrity of the building, are to a degree sympathetic and might reasonably have been

allowed in a permit situation. In addition it has considered the definition of C grading that *"buildings of high individual historic, scientific or social significance may have a greater degree of alteration."*

(v) Conclusions and recommendation

The Panel concludes with evidence that given the building's historic and aesthetic significance, and the reversibility of some of the alterations, the Panel concludes that the alterations did not so reduce the integrity of the building as to grade the building D and therefore a C grading is justified.

The Panel recommends:

14. For the 'Former TAA building', 46-56 Franklin Street, Melbourne:

a) The Heritage Overlay be applied to the 'Former TAA building', 46-56 Franklin Street, Melbourne as exhibited.

b) Include the post exhibition version of the Statement of Significance for this property in the Incorporated Document "City North Heritage Review Statement of Significance."

7.5 Former Dominion Can Company, 386-412 William Street, Melbourne (HO1161)

(i) The place

The former Dominion Can Company premises at 386-412 William street, Melbourne is a large factory complex of one to three storeys constructed in stages from the 1920s to 1941.

The Statement of Significance (revised citation in the Heritage Review for the Panel Hearing) describes the place as follows:

> *What is Significant?*
>
> *The building, especially the two story section at the corner of Franklin Street and Williams Street with the original wide openings to both levels.*
>
> *How is it Significant?*
>
> *The former Dominion Can Company building is of historic and aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *The former Dominion Can Company building is historically significance as a particularly large industrial complex in the central business district and for its association with the war effort. It is also representative of the development that occurred in the vicinity during the interwar period as the extant building evolved in four principal phases over about a 20 year period from 1920 to 1941. The main, final stage is part of a limited group of construction works allowed during the early part of WWII (presumably due to its function of manufacturing cans) when permission was typically required for most building projects (AHC Criterion A4).*

> *The former Dominion Can Company building is of aesthetic significance as a good example of a restrained late, Moderne style applied to the building. It was partly designed/remodelled by noted exponents of that style, the architects Oakley & Parkes (through adopting a palette established in an earlier phase), and it incorporates distinctive pilasters dividing the long facades into bays, which had been deployed at the architecturally notable Kodak House, designed a few years prior. The building has landmark qualities as a substantial building occupying a prominent corner (AHC Criterion E2).*

(ii) The Issue

At issue is the level of heritage significance of the former Dominion Can Company premises and its inclusion in the HO1161 with a C3 grading.

(iii) Evidence and submissions

Council's citation in the Heritage Review reads:

> *The former Dominion Can Company building is historically significant as a particularly large industrial complex in the central business district and for its association with the war effort. It is also representative of the development that occurred in the vicinity during the Interwar period … [and] … is of aesthetic significance as a good example of the a restrained late, Moderne style applied to a factory building … designed/partly remodelled by noted exponents of that style, the architects Oakley & Parkes, and it incorporates distinctive pilasters which divide the long facades into bays …"… "The building has landmark qualities as a substantial building occupying a prominent corner."*

For the owner (submission 11) at the hearing Ms Porter noted that in Graeme Butler's studies (1985 and 1993) the building was D "representative" and challenged the change to a C grading. She submitted that the building is of low significance, the site has development potential and in the context of the CBD and redevelopment of the Queen Victoria Market, development opportunities should be paramount and not obstructed by Heritage Overlay controls on buildings of low significance. Ms Porter submitted that should the Panel find that the significance of the building is "borderline" it should err on the side of not recommending the Heritage Overlay given the benefits of developing the site to its full potential.

Mr Hemmingway pointed out humble cottages can be representative. He also said that buildings can become significant through the loss of other examples or more appreciated over time. In this case he submitted that the Interwar period was a strong development phase and not many places were protected.

Under cross examination, Mr Hemmingway conceded that there is no evidence as to what Dominion's cans were used for; no direct link of production to the war effort; and no link to austerity measures. In respect to the links to Oakley and Parkes Mr Hemmingway conceded that evidence only links their association after 1934. It is likely that prior to this an architect was involved, although the exact architect is unknown. Ms Porter suggested that the best evidence is that Oakley and Parkes borrowed the 1938 design and continued it around the

corner. Mr Hemmingway conceded that it would be misleading to apply the façade to Oakley and Parkes at all, although whoever the designer was, the building's features come together as a "pleasing design".

Mr Hemmingway also conceded that the particular purpose of the building was not reflected in the design.

In Mr Raworth's opinion the subject site is only of modest interest at the local level and is not of a sufficient degree of significance to warrant an individual heritage control. He pointed out a number of alterations to the street presentation of the building since 1941, including: over-painting; some refenestration; and removal of company signage. In terms of architectural significance, Mr Raworth considered that the building does not stand out as a notable example of Moderne design in Melbourne, or a key exemplar of the work of Oakley and Parkes, but may reasonably be seen to be "representative". By way of comparison, he took the Panel to: the former McPhersons Building, 546- 655 Collins Street, Mitchell House, corner Elizabeth and Lonsdale Streets, RMIT Building 9, Pregraves Building, 273-279 Little Collins Street, and Oakley and Parkes own Yule House (1932).

(iv) Discussion

The Panel inspected the building and examined, or was aware of, comparative examples offered in evidence.

The Panel first addresses the historic significance of the building.

The definition of the C grade is that a building 'demonstrates' the historical or social development of the area. In this case the property does show the unfolding changes of industrial and commercial development in the city with progressive replacement of small residential and business properties by a major city manufacturer by 1940. Site consolidations, building additions, and the architectural 'regularisation' of the façade indicate the agglomeration into a sizable enterprise. Associations with well-known companies, notably Holden Motor Body Company, Nestles Anglo Swiss Milk Co. and Dominion Can Co., add some (minor) interest.

Although the thematic context for the presence of larger manufacturing enterprise in the municipality was not well explained, the Panel is, on balance, persuaded that the case for historic significance has been established due to the building's demonstration of development of this part of the city from up to the 1940s.

The accelerated focus of re-development in the late 1930s, early 1940s does suggest a war association. However the Panel has determined that wartime associations have not been inadequately documented in terms of fact, impact and contribution to the city's heritage.

The Panel also questions the building's aesthetic significance. It accepts evidence that the extant built form represents an ad hoc response to development over two decades rather than a unified aesthetic conception. The Panel accepts that Oakley and Parkes were notable architects of the day but that their work is much better represented elsewhere, as is the Moderne style. This building cannot be said to have made an important aesthetic contribution. Similarly the building's landmark value, although discernable, cannot be said to be of aesthetic importance.

(v) Conclusions

The Panel concludes that the building is of historical significance but not of aesthetic significance. Accordingly it recommends that:

15. For the 'Former Dominion Can Company', 386-412 William Street, Melbourne:

a) Apply the Heritage Overlay to the 'Former Dominion Can Company', 386-412 William Street, Melbourne as exhibited.

b) Amend the post exhibition version of the Statement of Significance to remove reference to aesthetic significance and remove reference to war associations and include in the Incorporated Document "City North Heritage Review Statement of Significance."

8 Individual buildings with written submissions

8.1 Repco Warehouse, 90-104 Berkeley Street, Carlton (HO1126)

(i) The place

Repco Warehouse 90-104 Berkeley Street, Carlton (1938) is a four storey, Moderne style building.

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The building, in particular the façade featuring unpainted brickwork, steel-framed windows, as well as the painted Repco signage.*
>
> *How is it Significant?*
>
> *The Repco warehouse is of historic and representative aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *Built in 1938, the Repco warehouse is historically significant as it is representative of the phase of land consolidation and development that occurred in this part of Carlton during the first half of the 20th century when there was a major shift from largely residential to mostly commercial land use. Like much of the Interwar development in the area, it has associations with the automotive industry as it was built for Repco , which had other sites nearby during the mid-20th century (278 Queensberry Street and 618-630 Elizabeth Street) and which still operates widely across Australia. It is also has associations with the Repco company which operated from other nearby sites (278 Queensberry Street and 618-630 Elizabeth Street) (AHC Criterion A4).*
>
> *The Repco warehouse is of aesthetic significance as it has landmark value and for being a remarkably intact and fine example of a Moderne style building. Elements of note include the asymmetric composition comprising the cream brick tower and contrasting brown brick sections with steel-framed windows (AHC Criterion E12).*

(ii) The issue

At issue is the level of heritage significance of the former 90-104 Berkeley Street Carlton and its inclusion in the HO1126 with a C2 grading.

(iii) Evidence and submissions

Council's Statement of Significance describes the building as:

> *"… historically significant as it is representative of the phase of land consolidation and development that occurred in this part of Carlton during the first half of the 20th century when there was a major shift from largely residential to mostly commercial land use. Like much of the Interwar development in the area, it has associations with the automotive industry as it was built for Repco, which had other sites nearby during the mid-20th century (278 Queensberry Street and 618-630 Elizabeth Street) and which still operates widely across Australia. … [and] … of aesthetic significance as it has landmark value and for being a remarkably intact and fine example of a Moderne building …"*

The owner (submission 1) objected to the heritage control on the basis of "*substantial adverse imposition on the use of the property*".

The building was constructed for Replacement Parts Pty Ltd the legal precursor of Repco. Repco continued to occupy the site until at least 1962. In 1983, the glass bricks to the cream brick tower-element were replaced with metal-framed types. Mr Hemmingway informed the Panel that this is a prominent building with the same architect as the Myer building. It is very intact, not over-painted and with a design aesthetic that can be easily appreciated. It has associations with the auto trade, supporting showrooms in the area.

(iv) Discussion

The panel accepted the Council's evidence and Statement of Significance.

For reasons canvassed in Chapter 4.8, the Panel does not consider that this is a reason to reject the proposal to include the building within the Heritage Overlay. The Planning system facilitates the opportunity to adapt and reuse heritage places. The Panel considers that the inclusion of the former Repco Warehouse is justified on heritage grounds.

(v) Conclusion and recommendation

The Panel concludes that the building (including the land and signage at the north-west corner of the building) is of historical significance and of aesthetic importance. Accordingly it recommends that:

16. For the 'Repco Warehouse', 90-104 Berkeley Street, Carlton:

- **a) The Heritage Overlay be applied to the 'Repco Warehouse', 90-104 Berkeley Street, Carlton as exhibited.**
- **b) Include the post exhibition version of the Statement of Significance and include in the Incorporated Document "City North Heritage Review Statement of Significance."**

8.2 Former Astral Motor Wheel Works, 51-61 Leicester Street, Carlton (HO1131)

(i) The place

51-61 Leicester Street, Carlton (1934) is a two-story Spanish Mission style commercial premises.

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The building, excluding the existing window frames.*
>
> *How is it Significant?*
>
> *The former Astral Motor Wheel Works is of historic and aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *The former Astral Motor Wheel Works, built in 1934, is historically significant as it is representative of the commercial development that occurred in this part of Carlton during the Interwar years, when many earlier small buildings were demolished and land was consolidated. The building also relates to the motor vehicle trade that was prominent in the adjacent part of Elizabeth Street and which spread onto the adjacent streets including Berkeley and Leicester Streets (AHC Criterion A4).*
>
> *The former Astral Motor Wheel Works is of aesthetic significance for being a relatively rare example of the Spanish Mission style being used for commercial/light industrial buildings. Although partly altered (and the varied surface treatments obscured by paintwork), it is considerably intact and was designed by the architects, Beedham & Wright, to take advantage of the prominent corner location (AHC Criterion E1).*

(ii) The issue

At issue is the level of heritage significance of the former 51-61 Leicester Street Carlton and its inclusion in the HO1131 with a C3 grading.

(iii) Evidence and submissions

The owner (submission 9) objected to the Heritage Overlay being applied to the site on the basis that inclusion would limit flexibility of development. They argued that the triangular configuration of the site and the façade setback requirements rendered the development of the site as problematic. The owner also noted that the façade had been "substantially modified".

In his evidence Mr Hemmingway considered that this is an especially rare example of the Spanish Mission style in an industrial building. He noted that branding has been removed and the painted brickwork hides different coloured brickwork.

In 1934, the existing building was designed by the architects Eric C. Beedham and John W. Wright, who had offices in Little Collins Street, Melbourne. In 1934 Eric Beedham (1895-1947) entered into partnership with John Wright (1892-1962). Another notable building in the City of Melbourne by Beedham is the former Printing Works building at 17-23 Wills Street of 1937 in the Streamlined Moderne.

(iv) Discussion

The Panel accepts that there had been alterations to the façade of the building that has reduced its intactness. However the Panel takes the view that these are reasonably reversible and that the building's overall integrity has been maintained.

The Panel is satisfied that the former Astral Motor Wheel Works is of demonstrative aesthetic importance for its unusual use of the Spanish Mission style in a commercial context and for the capable design of notable Melbourne architects Beedham and Wright.

The Panel accepts that the changes to built form and use in Carlton are notable historic events and that the building also demonstrates the commercial development of this part of Carlton at the time.

(v) Conclusions and recommendation

The Panel concludes that the building of historical significance and of aesthetic importance. Accordingly it recommends that:

17. For the 'Former Astral Motor Wheel Works', 51-61 Leicester Street, Carlton:

- **a) Apply the Heritage Overlay to the 'Former Astral Motor Wheel Works', 51-61 Leicester Street, Carlton as exhibited.**
- **b) Include the post exhibition version of the Statement of Significance and include in the Incorporated Document "City North Heritage Review Statement of Significance."**

8.3 Holley Building, 61-63 Flemington Road, North Melbourne (HO1141)

(i) The place

61-63 Flemington Road, North Melbourne (1927) is a single storey commercial premises variously used for the motor trade and storage.

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The extant building and original detailing including steel-framed windows and contrasting sections of render and face brickwork to the façade.*
>
> *How is it Significant?*
>
> *The former factory is of historic and representative aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *The former factory is historically significant for being representative of the small-scale industrial development that is characteristic of this part of North Melbourne, due to Flemington Road always having been a major thoroughfare. During the Interwar period, there was some renewal of earlier buildings and subsequently these have been replaced or heavily altered (AHC Criterion A4).*
>
> *The former factory is of representative aesthetic significance for being a remarkably intact Interwar period factory building. Although most of the brickwork has been painted, the original surface treatments remain evident and the steel- framed windows have been retained in the original format, though they are not the original windows (AHC Criterion D2).*

(ii) The issue

At issue is the level of heritage significance of 61-63 Flemington Road, North Melbourne and its inclusion in the HO1141 with a C2 grading.

(iii) Evidence and submissions

Council's Statement of Significance describes the building as:

> *"… historically significant for being representative of the small-scale industrial development that is characteristic of this part of North Melbourne, due to Flemington Road always having been a major thoroughfare …* [and] *… of representative aesthetic significance for being a remarkably intact Interwar period factory building. Although most of the brickwork has been painted, the original surface treatments remain evident and the steel-framed windows have been retained in the original format, though they are not the original windows" …*

Mr Hemmingway advised that this is one of the most intact garages in the area. In his opinion the E grading afforded to the building in the previous study was inappropriate.

The submitter (submission 28) argued that the building is not substantially intact as described in the citation in the Heritage Review. They contended that it is a simple industrial building and is not a substantial contributor to the Heritage Overlay. Furthermore, considering the direction of the Practice Note that the "*identification of the place should be undertaken with rigour*" and "*heritage controls should be applied judiciously and with justification*", the reasons for the inclusion of this property are inconclusive and not justified.

(iv) Discussion

The Panel accepts the Council's submission in respect to the building's historical significance representing the small-scale industrial development of this part of North Melbourne.

The Panel turned its attention to the building's aesthetic significance. Here it is understood that the windows have been replaced, but are consistent with the original nine-paned style with hoppers. Additionally, the original timber doors have been replaced with modern roller doors. The Panel accepted that these changes have not altered the character, or integrity of the place.

The Panel has decided that, although the building could be described as 'substantially intact', it is not outstandingly so. Similarly, the Panel is not persuaded that its aesthetic significance is of the 'importance' called for by a C grading. Finally, the Panel takes the view that the historical argument surrounding North Melbourne industrial growth was somewhat underdeveloped.

(v) Conclusions

The Panel concludes that this building's Statement of Significance has better described the criteria for D grading, not C grading. Based on the Council's direction to exclude D graded buildings not in precincts, the Panel recommends that:

18. For 'Holley Building', 61-63 Flemington Road, North Melbourne:

- **a) The Heritage Overlay not be applied to the 'Holley Building', 61-63 Flemington Road, North Melbourne.**
- **b) Remove the Statement of Significance for the property in the Incorporated Document "City North Heritage Review Statement of Significance."**

8.4 Former A G Way and Co. Factory (1), 215-223 Franklin Street, Melbourne (HO1156)

(i) The place

The former A. G. Way and Co. factory is a three-four storey brick and rendered building at 215-223 Franklin Street, Melbourne built in 1923. The building terminates the view from the Queen Victoria market on the plaza-like area in this part of Queen Street.

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The three storey factory building, in particular the façade.*
>
> *How is it Significant?*
>
> *The former A. G. Way & Co. Factory (1) is of historic and aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *Built in 1923 for A. G. Way & Co. Factory (1), the site is historically significant for being indicative of the development that occurred in this part of Melbourne during the Interwar period, when most of the pre-existing buildings, including many residences, were replaced with more substantial, light industrial buildings. It is significant for its association with A. G. Way & Co., a local firm of metal workers who specialised in dairy equipment, who also developed the adjacent site to the south at 186-190 A'Beckett Street (AHC Criterion A4).*
>
> *The A. G. Way & Co. Factory (1) is of aesthetic significance as a largely intact factory building with a Stripped Classical style façade with – a relatively formal treatment for a utilitarian building type. It was designed by the noteworthy architectural practice of Walter and Richard Butler, who typically did not undertake this type of commission. It also has some minor landmark value as a relatively substantial building in a prominent location terminating the view along the carriageway along Queen Street immediately in front from the Queen Victoria market (AHC Criterion E12).*

(ii) The issue

At issue is the level of heritage significance of 215-223 Franklin Street, Melbourne and its inclusion in the HO1156 with a C2 grading.

(iii) Evidence and submissions

An objection (submission 26) was received in respect to 215-223 Franklin Street, 225-227 Franklin Street and 186-190 A'Beckett Street (rear of 215-223 Franklin Street) to the effect that:

- The building was of insufficient significance to warrant inclusion.
- The owners did not agree with the substance of the citation in the Heritage Reviews.

- Controls will have an adverse impact on value and potential of the properties.
- "… proposed controls are not appropriate with the current Planning Act".

In its submission in general support of the Amendment the Royal Historical Society of Victoria particularly welcomed inclusion of the A G Way Buildings (1 and 2).

(iv) Discussion

The Panel inspected the building.

The Panel notes some fenestration and opening changes from the original plans.

In respect to potential disadvantage to the owner the Panel refers to its consideration of social and economic matters in Chapter 4.8.

(v) Conclusions and recommendations

The Panel is satisfied that the building is historically significant and architecturally aesthetically of local importance as a well resolved design by a notable architectural firm. Accordingly it recommends:

19. For the 'Former A G Way and Co. Factory (1)', 215-223 Franklin Street, Melbourne:

a) The Heritage Overlay be applied to the 'Former A G Way and Co. Factory (1)', 215-223 Franklin Street, Melbourne as exhibited.

b) Include the post exhibition version of the Statement of Significance for the property in the Incorporated Document "City North Heritage Review Statement of Significance."

8.5 Former A G Way and Co. Factory (2), 186-190 A'Beckett Street, Melbourne (HO1157)

(i) The place

196-190 A'Beckett Street is a three storey, Moderne style (1939) building consisting of two distinct sections: the vertically orientated entrance bay and the remaining horizontally orientated section.

The Statement of Significance (in the revised post exhibition citation in the Heritage Review) described the place as follows:

> *What is Significant?*
>
> *The brick building and land including original detailing.*
>
> *How is it Significant?*
>
> *The former A. G. Way & Co. Factory (2) is of historic and aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *The former A. G. Way & Co. Factory (2) is of historic significance as it is demonstrates the commercial development in this area of the City of Melbourne which occurred during the Interwar period, when smaller houses and shops were replaced with larger, light industrial buildings such as this. It represents an expansion of formed part of the holdings operations of A. G. Way & Co., who manufactured metal goods, especially those relating to the dairy industry, who were well (they had established at the adjacent site to the north, at 215 Franklin Street). The site also has associations with the architects Alder & Lacey, who specialised in Moderne style factory buildings (AHC Criterion A4).*
>
> *The former A. G. Way & Co. Factory (2) is of aesthetic significance as a fine and substantially intact example of the Moderne style. It is distinguished by the boldly contrasting areas of clinker and orange/salmon brickwork to the façade and the tall glass brick window to the entrance bay. The site also has associations with the architects Alder & Lacey, who specialised in Moderne style factory buildings (AHC Criterion E1).*

(ii) The issue

At issue is the level of heritage significance of 186-190 A'Beckett Street, Melbourne and its inclusion in the HO1157 with a C2 grading.

(iii) Evidence and submissions

Mr Hemmingway submitted that the Former A.G. Way Building is one of the most intact and striking interwar buildings in the area. He noted the unpainted brickwork and some alterations to the multi-paned windows.

In its submission in general support of the Amendment the Royal Historical Society of Victoria particularly welcomed inclusion of the A.G. Way Buildings (1 and 2).

An objection to was received in respect to 215-223 Franklin Street and 225-227 Franklin Street (submission 26) to the effect that:

- The building was of insufficient significance to warrant inclusion.
- The owners did not agree with the substance of the citation in the Heritage Reviews.
- Controls will have an adverse impact on value and potential of the properties.
- "… proposed controls are not appropriate with the current Planning Act".

(iv) Discussion

The Panel inspected the building.

The Panel notes some fenestration and opening changes from the original plans. In respect to potential disadvantage to the owner the Panel refers to its consideration of social and economic matters in Chapter 4.8.

(v) Conclusion and recommendation

The Panel is satisfied that the building is historically significant and architecturally aesthetically of local importance as a very good example of Moderne architecture by a notable architectural firm. Accordingly it recommends:

20. For the 'Former A G Way and Co. Factory (2)', 186-190 A'Beckett Street, Melbourne:

a) The Heritage Overlay be applied to the 'Former A G Way and Co. Factory (2)', 186-190 A'Beckett Street, Melbourne as exhibited.

b) Include the post exhibition version of the Statement of Significance for the property in the Incorporated Document "City North Heritage Review Statement of Significance."

8.6 Former TAT Electrical Co. Factory, 225-227 Franklin Street, Melbourne (HO1158)

(i) The place

225-227 Franklin Street is a two storey, Moderne style building constructed in 1936 for use by the TAT Electrical Company.

The Statement of Significance (in the revised citation in the Heritage Review post exhibition) described the place as follows:

> *What is Significant?*
>
> *The two storey factory building, in particular the original façade detailing, including and the original metal-framed windows.*
>
> *How is it Significant?*
>
> *The former T A T Electric Company factory is of historic and representative aesthetic significance to the City of Melbourne.*
>
> *Why is it Significant?*
>
> *Constructed in 1936 for the T A T Electric Company, the former factory is historically significant as it is representative of the development that occurred in this part of Melbourne during the Interwar period. At this stage, when most of the pre- existing buildings, including many residences, were replaced with more substantial, light industrial buildings (AHC Criterion A4).*
>
> *The former T A T Electric Company factory is of representative aesthetic significance as a largely intact and good, albeit modest example of the Moderne style, which was often employed for commercial buildings. Although the original steel-framed windows survive, the original contrasting areas of textured brick and rendered are currently painted over. The design is reflective of the capabilities of the architectural and engineering firm of Alder & Lacey, who were responsible for the design, who specialised in commercial buildings of this ilk (AHC Criterion DE21).*

(ii) The issue

At issue is the level of heritage significance of 225-227 Franklin Street, Melbourne and its inclusion in the HO1158 with a C2 grading.

(iii) Evidence and submissions

In Mr Hemmingway's opinion the design is "well handled" (on a small scale) by the firm of Alder and Lacey.

Submission 26 objected to the application of the Heritage Overlay, as outlined in Section 8.5 above.

(iv) Panel discussion and views

The Panel concurs with Council's submission that the former factory is historically significant as it is representative of the development that occurred in this part of Melbourne during the Interwar period when many residences and other buildings, were replaced with light industrial buildings. The Panel accepts that it is of representative aesthetic significance as a largely intact and good, albeit modest example of the Moderne style, which was often employed for commercial buildings.

In respect to potential disadvantage to the owner the Panel refers to its consideration of social and economic matters in Chapter 4.8.

(v) Conclusions

The Panel is satisfied that the building was historically significant and architecturally aesthetically of local significance as a good example of Moderne architecture by a notable architectural firm. Accordingly it recommends:

21. For the 'Former TAT Electrical Co. Factory, 225-227 Franklin Street', Melbourne:

a) The Heritage Overlay be applied to the 'Former TAT Electrical Co. Factory', 225-227 Franklin Street, Melbourne as exhibited.

b) Include the post exhibition version of the Statement of Significance for the property in the Incorporated Document "City North Heritage Review Statement of Significance."

9 Summary of conclusions and recommendations

9.1 Conclusions

The Amendment proposes to implement the City North Heritage Review which applies the Heritage Overlay over individual buildings and precincts and removes other buildings and parts of precincts from the Heritage Overlay.

The City of Melbourne has had a relatively long history of heritage identification and protection within the Victorian planning system and the Panel acknowledges that this Study builds upon some of the first heritage studies undertaken in Victoria, during the early 1980s. The Panel commends the Council for undertaking the Review in the context of the City North Structure Plan in order to provide a complete base upon which development will proceed. The Panel considers that the most logical approach would have been to undertake the heritage assessments before the preparation of the Structure Plan and, as part of the preparation of the Amendment for both C196 and C198, to reconcile a heritage policy which responds to the strategic direction of the area, rather than relying on Clause 22.05, designed for low scale residential areas outside the Capital City Zone. While the Panel has assessed the merits of each of the properties and precincts subject to submissions based on threshold, it remains critical of the approach of the Council to continue to apply Clause 22.05 when it is clearly at odds with the desired outcomes of the adopted City North Structure Plan in terms of height and built form. The Panel considers that a Heritage Policy should be developed for the City North area which acknowledges how relatively low scale buildings can be adapted, reused and developed having regard to the development strategies of the City North area.

With regard to the grading, the Panel feels somewhat 'hamstrung' by the grading system and the policy in Clause 22.05. Given the status of the grading system in the Planning Scheme, the Panel is obliged to assess the Amendment and the recommendations of the Heritage Review according to that grading system. In the case of Precincts, the Panel is of the view that what really matters is the contribution of the particular building to the group, complex or precinct and not necessarily the significance of the individual building. The approach of grading the individual building and making management decisions according to that grading has the potential to undermine the integrity of the precinct. As with numerous Panels before it, this Panel strongly encourages Council to move toward the "individual significance"/"contributory to the precinct" model consistent PN01.

With regard to themes the Panel considers that there have been periods where the type of use has driven built form and it can be that the heritage value of the place can provide a newer insight and focus for historians and appreciation by the wider community. While historical argument could have been better expressed in the City North heritage Review, it is nonetheless true that for changes of use during the interwar period, the shift in commerce and in part the motor trade are significant historical events within the City of Melbourne.

During the Hearing the Panel was greatly assisted by the evidence of the expert witnesses Mr Beeston, Mr Hemmingway, Mr Lovell and Mr Raworth and appreciates their responses to complex matters that have emerged during consideration of this Amendment.

The Panel supports the Amendment proceeding subject to the recommendations as specified below. The Panel has also recommended further work be undertaken however it does not consider that this work should delay the Amendment proceeding.

9.2 Consolidated recommendations

For the reasons outlined in this report, the Panel recommends that Melbourne Planning Scheme Amendment C198 be adopted subject to the following consolidated recommendations:

1. With regard to Local Policy:

a) Amend the provisions of Clause 22.04 so that they apply to the C196 adopted CCZ5 land and DDO61A1 as an interim position until Council implements revised heritage policies: or alternatively.

b) Amend the provisions of Clause 22.05 so that land within the adopted CCZ5 and DDO61A1 are exempt from the policy statements pertaining to 'Concealment of Higher Rear Parts (including Additions)', 'Façade height and Setback (New Buildings)' and 'Building Heights'.

c) Following the adoption of the Amendment, the Council prepare a heritage policy for the City North area which reflects the Structure Plan's aim to *integrate the area's heritage into urban renewal* in the City North area.

2. For the Elizabeth Street North (Boulevard) Precinct:

a) Apply the Heritage Overlay to the Elizabeth Street North (Boulevard) Precinct subject to the following change:

c) Remove land identified as 653-699 Elizabeth Street, Melbourne.

b) Include the Heritage Places Inventory as exhibited subject to the following changes:

- **594-598 Elizabeth Street be included as exhibited subject to identification as D2 not C2**
- **582-588 Elizabeth Street be ungraded**
- **632 Elizabeth Street be ungraded**
- **653-669 Elizabeth Street be ungraded**
- **671-673 Elizabeth Street be ungraded**
- **675-681 Elizabeth Street be ungraded**
- **683-687 / 687-699 Elizabeth Street be ungraded**

c) Amend the post exhibition version of the Statement of Significance to include the Panel's recommendations regarding the regrading of properties and include this version in the Incorporated Document "City North Heritage Review Statement of Significance."

3. For the Former Ramsay Surgical Precinct:

a) Apply the Heritage Overlay to the Former Ramsay Surgical Precinct as exhibited.

b) Include the post exhibition version of the Statement of Significance be included in the Incorporated Document "City North Heritage Review Statement of Significance."

4. For the Little Pelham Street Precinct:

a) Apply the Heritage Overlay to the Little Pelham Street Precinct as exhibited.

b) Amend the Heritage Places Inventory as exhibited by removing reference to 183-189 Bouverie Street, Carlton.

c) Amend the post exhibition version of the Statement of Significance to remove reference to aesthetic significance and remove reference to 183-189 Bouverie Street and include in the Incorporated Document "City North Heritage Review Statement of Significance."

5. For the Lincoln Square South Precinct:

a) Apply the Heritage Overlay to the Lincoln Square South Precinct subject to the following change:

- **Exclude 623-629 Swanston Street and its land.**

b) Amend the Heritage Places Inventory to remove reference to 623-629 Swanston Street, Carlton.

c) Amend the post exhibition version of the Statement of Significance to remove reference to 623-629 Swanston Street and include this version in the Incorporated Document "City North Heritage Review Statement of Significance."

6. For the Villiers Street Precinct:

a) Apply the Heritage Overlay to the Villiers Street Precinct subject to the following change:

- **Amend the Heritage Overlay Map by realigning the southern boundary of the Heritage Overlay on 24-34 Villiers Street to be in line with the southern boundaries of 36 and 40 Villiers Street and exclude the rear portion of the property.**

b) Include the post exhibition version of the Statement of Significance in the Incorporated Document "City North Heritage Review Statement of Significance."

7. For the North and West Melbourne Precinct:

a) Apply the Heritage Overlay Map as exhibited.

b) Include the Heritage Places Inventory as exhibited subject to the following changes:

- **Include 65-67 Peel Street as a 'C3' grade instead of 'D3'**
- **Remove reference to 73-75 Peel Street**
- **Remove reference to 205-217 Peel Street**

8. Following adoption of the Amendment, Council further review the North and West Melbourne Precinct boundaries, in particular Peel Street, having regard to the definition of "Contributory building" in Clause 22.05.

9. Following adoption of the Amendment and review of the boundaries of the North and West Melbourne Precinct, Council prepare a Statement of Significance for the precinct.

10. For the Queen Victoria Market Precinct:

a) Apply the Heritage Overlay as exhibited.

b) Include the post exhibition version of the Statement of Significance in the Incorporated Document "City North Heritage Review Statement of Significance."

c) Amend the Queen Victoria Market Precinct Statement of Significance in Clause 22.04 as exhibited with the following change:

- **Retain the Key Attributes for the Queen Victoria Market Precinct**

11. For the 'Former EP Printing and Publishing Company', 205-233 Pelham Street, Carlton:

a) Apply the Heritage Overlay to the 'Former EP Printing and Publishing Company', 205-233 Pelham Street, Carlton as exhibited.

b) Include the post exhibition version of the Statement of Significance in the Incorporated Document "City North Heritage Review Statement of Significance."

12. For the 'Former Gladstone Motors Building, 213-221 Berkeley Street, Carlton:

a) Apply the Heritage Overlay to the 'Former Gladstone Motors Building', 213-221 Berkeley Street, Carlton as exhibited.

b) Include the post exhibition version of the Statement of Significance in the Incorporated Document "City North Heritage Review Statement of Significance."

13. For 'Former Factory' 197-199 Berkeley Street:

a) The Heritage Overlay not be applied to the 'Former Factory' 197-199 Berkeley Street, Carlton.

b) Remove the Statement of Significance for the property in the Incorporated Document "City North Heritage Review Statement of Significance."

14. For the 'Former TAA building', 46-56 Franklin Street, Melbourne:

a) The Heritage Overlay be applied to the 'Former TAA building', 46-56 Franklin Street, Melbourne as exhibited.

b) Include the post exhibition version of the Statement of Significance for this property in the Incorporated Document "City North Heritage Review Statement of Significance."

15. For the 'Former Dominion Can Company', 386-412 William Street, Melbourne:

a) Apply the Heritage Overlay to the 'Former Dominion Can Company', 386-412 William Street, Melbourne as exhibited.

b) Amend the post exhibition version of the Statement of Significance to remove reference to aesthetic significance and remove reference to war associations and include in the Incorporated Document "City North Heritage Review Statement of Significance."

16. For the 'Repco Warehouse', 90-104 Berkeley Street, Carlton:

- **a) The Heritage Overlay be applied to the 'Repco Warehouse', 90-104 Berkeley Street, Carlton as exhibited.**
- **b) Include the post exhibition version of the Statement of Significance and include in the Incorporated Document "City North Heritage Review Statement of Significance."**

17. For the 'Former Astral Motor Wheel Works', 51-61 Leicester Street, Carlton:

- **a) Apply the Heritage Overlay to the 'Former Astral Motor Wheel Works', 51-61 Leicester Street, Carlton as exhibited.**
- **b) Include the post exhibition version of the Statement of Significance and include in the Incorporated Document "City North Heritage Review Statement of Significance."**

18. For 'Holley Building', 61-63 Flemington Road, North Melbourne:

- **a) The Heritage Overlay not be applied to the 'Holley Building', 61-63 Flemington Road, North Melbourne.**
- **b) Remove the Statement of Significance for the property in the Incorporated Document "City North Heritage Review Statement of Significance."**

19. For the 'Former A G Way and Co. Factory (1)', 215-223 Franklin Street, Melbourne:

- **a) The Heritage Overlay be applied to the 'Former A G Way and Co. Factory (1)', 215-223 Franklin Street, Melbourne as exhibited.**
- **b) Include the post exhibition version of the Statement of Significance for the property in the Incorporated Document "City North Heritage Review Statement of Significance."**

20. For the 'Former A G Way and Co. Factory (2)', 186-190 A'Beckett Street, Melbourne:

- **a) The Heritage Overlay be applied to the 'Former A G Way and Co. Factory (2)', 186-190 A'Beckett Street, Melbourne as exhibited.**
- **b) Include the post exhibition version of the Statement of Significance for the property in the Incorporated Document "City North Heritage Review Statement of Significance."**

21. For the 'Former TAT Electrical Co. Factory, 225-227 Franklin Street', Melbourne:

- **a) The Heritage Overlay be applied to the 'Former TAT Electrical Co. Factory', 225-227 Franklin Street, Melbourne as exhibited.**
- **b) Include the post exhibition version of the Statement of Significance for the property in the Incorporated Document "City North Heritage Review Statement of Significance."**

Appendix A List of Submitters

No.	Submitter
1	Botex Pty Ltd
2	Phil Rounsevell
3	HWL Ebsworth for Animal Welfare League of Victoria
4	Canjo Pty Ltd
5	Owners Corporation Management
6	PDG
7	Ray Cowling and Peter Crick
8	Royal Historical Society of Victoria Inc.
9	ET Hanna Nominees Pty Ltd
10	Best Hooper Solicitors for Melbourne Business School
11	Urbis for MIT Australia Pty Ltd
12	John Price
13	Chery McKinna
14	Cathy Lowy
15	Miriam Faine
16	Best Hooper Solicitors
17	The University of Melbourne
18	ERM for Piccolo Developments
19	Fulcrum for Kilbane Pty Ltd
20	Bob Jane T-Mart
21	Robert Munro
22	Toyota Motor Corporation Limited
23	Diabetes Australia
24	Melbourne Heritage Action
25	National Trust of Australia (Victoria)
26	Waipara Pty Ltd and Rayburn Pty Ltd
27	Song Bowden Planning
28	Clement-Stone Town Planners for Lou Baggio
29	Urbis for Australian Nursing and Midwifery Federation

Appendix B List of tabled documents

No.	Date	Description	Presented by
1.	05/05/14	Submission on behalf of Planning Authority	Mr O'Farrell
2.	05/05/14	PPT Evidence of RBA Architects - Methodology	Mr O'Farrell
3.	05/05/14	PPT Evidence of RBA Architects - Submissions	Mr O'Farrell
4a.	05/05/14	Council minutes 29 April 2014 in relation of C196	Mr O'Farrell
4b.	05/05/14	Explanatory Report C196 – Appendix to Minutes	Mr O'Farrell
5a.	06/05/14	1941 Letter from Building Surveyor regarding the Dominion Can Company	Mr O'Farrell
5b.	06/05/14	1941 Letter from Commonwealth of Australia re Dominion Can Company	Mr O'Farrell
6.	06/05/14	Document from City of Melbourne Building Surveyor's office 15-1-1941	Mr O'Farrell
7.	06/05/14	City North Heritage Review Map of Recommendations to HO Study Area (2 sheets)	Mr O'Farrell
8a.	07/05/14	PPT for Statement of evidence from Lovell Chen in relation to 197-199 Berkeley Street, 213-221 Berkeley Street, Proposed Former Ramsay Surgical Precinct, Proposed Lincoln Square South Precinct in relation to Submission 17	Mr Pitt
8b.	07/05/14	PPT for Statement of evidence from Lovell Chen in relation to Proposed Little Pelham Street Precinct for Submission 10	Mr Pitt
9.	07/05/14	Survey of Post-war built heritage in Victoria, & p 5 introduction	Mr O'Farrell
10.	07/05/14	PPT for Ms Heggen's evidence on behalf of University of Melbourne Submission 17	Ms Heggen
11.	07/05/14	Melbourne Planning Scheme Clause 22.04 Heritage Places within the Capital City Zone	Mr O'Farrell
12.	07/05/14	VCAT Decision Melbourne City Council v Minister for Planning and Becton Corporation VCAT 1525 (30 October 2003)	Mr O'Farrell
13.	07/05/14	Extract from Advisory Committee report relating to Visibility from public and private realm	Mr O'Farrell
14.	07/05/14	Submission from National Trust of Australia (Victoria)	Ms Piper
15.	07/05/14	Alternative Statement of Significance for Former TAA Building, 42-56 Franklin Street	Mr Reeves

No.	Date	Description	Presented by
16.	08/05/14	Future Melbourne Committee Report for 29 April 2014 in relation to Amendment C196	Mr O'Farrell
17.	08/05/14	Submission from SJB Planning in relation to TAA Building, 50 Franklin Street	Ms Ring
18.	08/05/14	PPT Presentation to evidence for TAA Building	Mr Lovell
19.	08/05/14	Submission from SJB Planning in relation to 618-630 and 632 Elizabeth Street	Ms Ring
20.	08/05/14	PPT Presentation to evidence for 618-630 Elizabeth Street and 632 Elizabeth Street	Mr Lovell
21.	08/05/14	Submission on behalf of MIT Australia Pty Ltd – Submitter No 11	Ms Porter
22.	08/05/14	City of Melbourne Queen Victoria Market Redevelopment Project Community Engagement material	Ms Porter
23.	08/05/14	Submission for Toyota Motor Corporation Australia Ltd	Mr Chiappi
24.	08/05/14	PPT Presentation for 611-681 Elizabeth Street – Toyota site	Mr Chiappi
25.	09/05/14	Submission from Robert I Munro	Mr Munro
26.	09/05/14	Submission from Myles Munro on behalf of Robert Munro	Mr Munro
27.	09/05/14	Photos from 93-141 Therry Street, 143-51 Therry Street / 454-464 Queen Street, 452-454 Queen Street, and rear of 126 Franklin Street	Mr Munro
28.	09/05/14	Submission from Robert Munro to City of Melbourne – City North Structure Plan for lodgement 6 January 2012	Mr Munro
29.	09/05/14	Photo of subject site from 1920s	Mr Munro
30.	09/05/14	Plans for Pelham Apartments – 221 Pelham Street	Mr Cicero
31.	09/05/14	PPT Presentation for 582-590 Elizabeth Street, 592 Elizabeth Street, 594 Elizabeth Street, 600-608 Elizabeth Street	Mr Lovell
32.	09/05/14	Submission from Best Hooper on behalf of DLF Finance Pty Ltd, Highglass Investments Pty Ltd, Protect Parking Pty Ltd, and Worth's Pty Ltd	Mr Cicero
33.	09/05/14	Submission from Best Hooper on behalf of Kilbane Pty Ltd	Mr Cicero
34.	12/05/14	Submission from Dr John Price	Dr Price
35.	12/05/14	Submission from Cathy Lowy	Ms Lowy

No.	Date	Description	Presented by
36.	12/05/14	Submission on behalf of The Australian Nursing and Midwifery Association (Victorian Branch)	Mr Pitt
37.	12/05/14	Submission on behalf of the University of Melbourne	Mr Pitt
38.	12/05/14	Clause 10 Operation of the State Planning Policy Framework	Mr Pitt
39.	12/05/14	VCAT Decision The University of Melbourne v Minister for Planning VCAT 469 22 March 2011	Mr Pitt
40.	12/05/14	Supreme Court of Victoria Decision Boroondara City Council v 1045 Burke Road Pty Ltd VSC 127 27 March 2014	Mr Pitt
41.	12/05/14	Excerpt from Panel Report to Amendment C139 to Moreland Planning Scheme	Mr Pitt
42.	12/05/14	VCAT Decision Lineus May Nominees Pty Ltd v Stonnington CC & Ors VICCAT 825 23 July 1998	Mr Pitt
43.	12/05/14	Submission on behalf of the Melbourne Business School	Mr Pitt
44.	12/05/14	Submission on behalf of the Animal Welfare League of Victoria (Lort Smith Animal Hospital	Mr Vorchheimer
45.	12/05/14	Map of proposed Overlay, Irwin Building and Parcel Boundary of Lort Smith ownership	Mr Vorchheimer
46.	12/05/14	Submission on behalf of Lou Baggio 106-110 Peel Street, North Melbourne	Ms Mitchell-Bryant
47.	12/05/14	Right of Reply submission of the Planning Authority	Mr O'Farrell
48a.	12/05/14	DDO Map for Melbourne Planning Scheme	Mr O'Farrell
48b.	12/05/14	DDO45 Schedule for Melbourne Planning Scheme	Mr O'Farrell