
Planning and Environment Act 1987

**AMENDMENT C19
MELBOURNE PLANNING SCHEME
HERITAGE CONTROLS**

**Report of a Panel
Pursuant to Sections 153 and 155 of the Act**

Panel:

Ms Kathryn Mitchell, Chair

Ms Maggie Baron

May 2001

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APPENDICES

1. Letter from Directions Hearing
2. Exhibited Amendment and Explanatory Report

1. THE PANEL

Ms Kathryn Mitchell (Chair) and Ms Maggie Baron were appointed as a Panel under delegation from the Minister for Planning on 5 December 2000 to hear submissions in respect of Amendment C19 to the Melbourne Planning Scheme. The Panel was initially to meet in the offices of Planning Panels Victoria at 80 Collins Street, Melbourne for a one day hearing, this being Tuesday 27 February. However due to the need for the Planning Authority to provide the Panel with further information an extra hearing day was scheduled for Monday 19 March 2001.

In reaching its conclusions and recommendations, the Panel has read and considered all submissions and a range of other material referred to it in relation to the amendment. This includes written submissions and verbal presentations.

A Directions Hearing in relation to this matter was held on Tuesday 19 December 2000. A number of directions were made about matters relating to the hearing and a copy of the letter that outlined those directions with the timetable for the hearing is attached as Appendix 1.

The Panel has undertaken unaccompanied site visits to the various properties subject to the proposed Heritage Overlay and their general locality as part of its considerations.

During the course of the hearing process it became evident to the Panel and the Planning Authority that there were some issues that needed to be resolved by Council prior to the conclusion of the hearing. Consequently a second hearing day was set on Monday 19 March in order for Council to finalise its submissions. At the request of the Panel, the Council provided it with further information and final recommendations early in April. As a result of this it was determined that the Panel would prepare a report on Amendment C19 as it stood but other matters may need to be resolved in relation to the amendment at a later date, due to the need for further work by Council. As much as possible, the Panel has finalised this report and considered all issues and submissions.

The Panel has considered all written submissions to Amendment C19, and all submissions presented to it at the hearing in reaching its conclusions and recommendations. The Panel is generally satisfied that the City of Melbourne has fulfilled its basic obligations under the *Planning and Environment Act 1987* in processing Amendment C19 and that subject to specific issues and recommendations, no party which made a submission has been denied its right to be heard in respect of the amendment and in having its submission considered. However the Panel is concerned about the way in which parts of the amendment were dealt with and it considers that the Council was under-prepared for the hearing. Many of the recommendations in this report are as a result of process issues where advertising and notifications was not properly complied with and properties were not consistently assessed as part of the heritage identification process.

2. THE AMENDMENT

It is understood by the Panel that at the time of approval of the Melbourne New Format Planning Scheme in 1999, a number of matters were identified which required review, including a review of specific matters within the Heritage Overlay. One of the key purposes of the review was to introduce a new grading classification system and to re-appraise certain buildings currently graded as D, E and F.

Allom Lovell and Associates were commissioned by Council to undertake the review and to make grading recommendations. Building identification forms were prepared which provided an assessment and which recommended a revised grading for each of the buildings reviewed.

Council indicated that extensive consultation occurred with community groups and the Council's Heritage Advisory Committee during the course of this process.

A number of changes were proposed to the relevant local policy as a result of the initial review.

Amendment C19 was subsequently prepared by the City of Melbourne and it proposed to change the Melbourne Planning Scheme to include new provisions relating to heritage issues. The amendment affects land in South Yarra, Southbank, East Melbourne, Jolimont, Carlton, Parkville, West Melbourne, North Melbourne, Kensington and the Central Business District. Specifically, the amendment proposes to:

- Amend the schedule and maps relating to the Heritage Overlay at Clause 43.01 to reflect the recommendations of the City of Melbourne Planning Scheme Heritage Review 2000, to correct inconsistencies and mistakes identified in the current provisions to the Heritage Overlay and include additional individual sites as heritage places.
- Amend the Local Planning Policy "Heritage Places Outside the Capital City Zone" at Clause 22.05 by including recognition of historic, social and cultural significance in the content of the policy. The amended policy also recognised the outcomes of the Heritage Review which included a revised grading system for heritage places.
- Amend the Schedule to the Incorporated Document Schedule at Clause 81 to include the City of Melbourne Heritage Places Inventory 2000. The inventory lists the gradings of buildings and streetscapes outside the Capital City Zone.

This amendment has arisen through a review of the existing heritage provisions of the Melbourne Planning Scheme in response to the inclusion of a sunset clause in the scheme which expires certain heritage provisions on 30 March 2001. The City of Melbourne has proposed to rationalise the heritage building grading system from the current six tiers of A to F to include four grading categories of A to D. Council has also reviewed the gradings of all E and F graded buildings outside the Capital City

Zone, and D graded buildings outside Heritage Precincts, which were formerly known as urban conservation areas.

The amendment proposed to update the Schedule to the Heritage Overlay and amend the local planning policy “Heritage Places Outside the Capital City Zone” to implement the outcomes of the review.

Amendment C19 to the Melbourne Planning Scheme affects land in various localities throughout the City. It is not proposed to list or identify these in detail, however it is useful to quote the policy basis of the heritage areas from the policy Clause 22.05 Heritage Places Outside the Capital City Zone:

The Municipal Strategic Statement identifies that Melbourne has a high-quality, rich and diverse urban environment. Heritage is an extremely significant component of Melbourne’s attractiveness, its character and its distinction, and therefore its appeal as a place to live, work and visit. This policy is the mechanism to conserve and enhance places and areas of architectural or historic significance and Aboriginal archaeological sites and to encourage development which is in harmony with the existing character and appearance of designated heritage places and areas. This policy is consistent with policy document Urban Conservation in the City of Melbourne, which has been in operation since 1985 and has contributed to the character of places of heritage significance.

In its submission to the Panel, the Council indicated that the amendment was not, and was not intended to be a general review of Council’s heritage policies. The Council said that a general review of its local policies (both within and outside the Capital City Zone) is to occur sometime in the future. It further said:

Therefore, whilst there have been some minor consequential changes to the Heritage Places Outside the Capital City Zone policy (clause 22.05), Amendment C19 is not to be taken as Council’s final word on its ongoing application.

The main focus of the review is the grading of E and F graded buildings outside the Capital City Zone and overlay D graded buildings outside Heritage Places.

.....

The Panel generally accepts this position of Council.

A copy of the exhibited amendment is included as Appendix 2 to this report.

3. SUBMISSIONS AND HEARINGS

3.1 Exhibition and Submissions

Amendment C19 to the Melbourne Planning Scheme was placed on exhibition for a period of one month from 15 June 2000 as required by the *Planning and Environment Act 1987*. As part of the exhibition process, public notices were placed in the Melbourne Times, Melbourne Leader, Metro News, The Age and the Government Gazette, and individual notices were sent to all affected owners and occupiers of land in the City of Melbourne (excluding the Capital City Zone). Notices were also sent to the relevant State Government Ministers.

A total of 25 submissions were received in response to the exhibition as follows:

1. Mrs Collins (4 – 6 Moray Street and 342 – 3 City Road)
2. Ms Norma Redpath (7 Holmwood Place, Carlton)
3. Kenneth Opat (13 Errol Street, North Melbourne)
4. Dr Bobbie Lederman (46 George Street, East Melbourne)
5. Department of Infrastructure (80 Collins Street)
6. Ms Norah Killip and Mr John Killip (112 Macaulay Road, North Melbourne)
7. Judy Bourke and Peter Morrissey (14 Pitt Street, Carlton)
8. Mrs Irvine Van-der Vlies (East Melbourne)
9. urbis (Melbourne Girls Grammar School)
10. Ms Annette Jasper (143 Simpson Street, East Melbourne)
11. Minter Ellison (Melbourne Cricket Ground Stadium)
12. Ms Kym Van Der Harst, Buchanan Planning (101 Stanley Street, West Melbourne)
13. Corrs Chambers Westgarth (270 Walsh Street, South Yarra)
14. Mr Ettore Siracusa (5 Moss Place, North Melbourne)
15. Stephan Koenig Planning Pty Ltd (45 – 47 Stawell Street, North Melbourne)
16. Dr Lotte Mulligan, East Melbourne Group (42 and 46 George Street, East Melbourne)
17. National Trust of Australia (180 – 194 Kensington Road, Kensington, and Victoria Barracks, St Kilda Road, Melbourne)
18. Carlton Residents Association (Various properties in Carlton, and the Carlton Movie House)
19. Mrs Sheila Byard, Kensington Association Inc. (Various properties in Henry Street, Bayswater Road, Epsom Road, Kensington Road and the Railway Footbridge in Bellair Street)
20. University of Melbourne (Various buildings and properties)
21. North and West Melbourne Association Inc. (Various buildings, properties and streetscapes)
22. Mr A E M Williams (228 Pelham Street, Carlton)
23. Gattini and Partners Pty Ltd (36 – 58 Macauley Road and 112 – 130 Haines Street, North Melbourne – Stokoe Motors site)
24. SJB Planning (8 – 12 and 14 – 16 Moray Street, South Melbourne)
25. Parkville Assoc. (113 and 140 Park Drive; 3 and 76 Story Street, Parkville)

Council indicated that following the exhibition process and the receipt of submissions, the issues raised by submitters were discussed with resident and community groups and the Heritage Advisory Committee has been kept informed of progress. It also indicated that numerous meetings have been held with interested parties both before and after the exhibition process which has resulted in a very thorough review of the heritage policies.

In the review of the submissions, Council has made a number of initial recommendations about each, and has agreed with, and/or accepted many of the issues raised by submitters. This is particularly the case with submissions 1, 2 (no action required), 3 in part, 4 in part, 6 (no action required), 7 in part, 8 in part, 13, 14 in part, 15 in part, 16 in part, 18 in part, 19 in part, 21, and 22. The submissions and recommendations are generally discussed in the following sections of this report.

3.2 Submissions Made to the Panel

A Panel hearing for the amendment was held on 27 February, with a second day on 19 March 2001 at the offices of Planning Panels Victoria at 80 Collins Street, Melbourne, during which time the following parties were represented and/or heard:

Melbourne City Council (Planning Authority):

Mr John Rantino, Maddock Lonie
& Chisholm
Ms Jill Cairnes, Strategic Planner
Ms Angela Croome, Strategic
Planner
Ms Robyn Riddett, Allom Lovell
and Associates

University of Melbourne:

Ms Fiona Dupre

North and West Melbourne Assoc.:

Ms Angela Williams
Ms Mary Kehoe
Ms Kaye Oddie

Melbourne Girls Grammar School:

Ms Bettina Hocking, urbis

Parkville Association:

Mrs Norah Killip

Individual Submitter:

Mr John Killip

The Panel has considered all written submissions, as well as submissions presented to it during the hearing process. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its own observations from inspections of specific sites and areas. The Panel has identified a number of key issues that need to be addressed and these are included in the following sections of this report.

4. PLANNING CONTEXT

This section of the report sets out the planning context for Amendment C19 to the Melbourne Planning Scheme. It discusses elements of the State Planning Policy Framework (SPPF), Municipal Strategic Statement (MSS) and Local Planning Policy (LPP) that the Panel considers are relevant. It also examines relevant statutory provisions in overlays currently applying to the amendment area.

4.1 State Planning Policy Framework

The City of Melbourne is required under the *Planning and Environment Act 1987* to protect significant heritage places within its municipality. At a State level, heritage is dealt with at Clause 15.11 of the State Planning Policy Framework (SPPF), which has as its objective:

To assist the conservation of places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special value important for scientific research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria's image and making a contribution to the economic and cultural growth of the State.

It notes that planning and responsible authorities should identify, conserve and protect places of natural or cultural value from inappropriate development.

4.2 Municipal Strategic Statement

Following on from the state objectives, the Melbourne Municipal Strategic Statement (MSS) at Clause 21 provides a high degree of strategic support for the heritage controls, through various clauses and aims. The Municipal Strategic Statement known as "CityPlan" identifies the important contribution of heritage places to Melbourne. Heritage is regarded as an extremely significant component of the overall attractiveness of Melbourne, as well as being significant to its character and its distinction, and its appeal as a place to live, work and visit. CityPlan seeks an outcome that individual places of heritage significance are conserved and enhanced. Aim 5.2 of the Plan is:

To conserve and enhance Melbourne's architectural heritage and historic character and enliven it by adaptive re-use and innovative promotion.

CityPlan states that Council will:

Ensure conservation and enhancement of individual heritage places or elements which contribute to their significance, and ensure that development does not detract from them.

The further development of heritage policies and identification of heritage places through this amendment is consistent with these broad aims.

4.3 Local Planning Policy

The Melbourne Planning Scheme at Clause 22 contains two key planning policies that deal with heritage places within the municipality. Clause 22.04 deals with Heritage Places within the Capital City Zone and Clause 22.05 deals with Heritage Places outside the Capital City Zone. Both policies have similar objectives relating to conservation and enhancement of heritage places and precincts, impact of new development, and maintenance of Aboriginal cultural heritage values.

Clause 22.05 is relevant to this amendment, which in fact proposes some minor wording changes. The Policy Basis has been outlined earlier in Section 2, and the objectives of the policy as they currently exist in the Planning Scheme are as follows:

- *To conserve all parts of buildings of historic or architectural interest which contribute to the significance, character and appearance of the streetscape and the area.*
- *To ensure that new development, and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful to the architectural or historic character and appearance of the streetscape and area.*
- *To promote the identification, protection and management of Aboriginal cultural heritage values.*

The policy then details a number of matters to be taken into account when considering planning applications for Heritage Places within the Heritage Overlay, these in summary being:

- Performance Standards for Assessing Planning Applications
- Demolition
- Renovating Graded Buildings
- Designing New Buildings and Works or Additions to Existing Buildings
 - Form
 - Facade Pattern and Colours
 - Materials
 - Details
 - Concealment of Higher Rear Parts (Including Additions)
 - Facade Height and Setback (New Buildings)
 - Building Height
 - Archaeological Sites
- Definitions of Words Used in the Performance Standards
 - Concealed
 - Conservation
 - Context
 - Contributory building
 - Enhancement
 - Fabric
 - Outstanding building
 - Preservation
 - Reconstruction
 - Respectful and interpretive

- Restoration
- Significant
- Visible
- Grading of Buildings and Streetscape Levels
 - 'A' Buildings
 - 'B' Buildings
 - 'C' Buildings
 - 'D' Buildings
 - 'E' Buildings
 - 'F' Buildings

- '1' Streetscapes
- '2' Streetscapes
- '3' Streetscapes

A total of ten studies are listed as Policy References, most of which are the conservation studies previously carried out to support the application of Conservation Controls under the former scheme and then carried over to provide the strategic justification for the application of the Heritage Overlay in the New Format Planning Scheme. The Panel notes that “*CityPlan – Municipal Strategic Statement*” is listed as a Policy Reference and it makes the observation that this is an unnecessary inclusion because the MSS is an integral and key component of the Planning Scheme. This reference should be deleted.

Amendment C19 proposes a number of changes to the existing policy provisions at Clause 22.05, which can be described in the following way:

- (i) Recognition of Social Significance
- (ii) Definition of Cultural Significance
- (iii) New Grading for 'C' and 'D' Graded Buildings
- (iv) Inclusion of Streetscape Levels

These additions are further discussed.

(i) Recognition of Social Significance

Council submitted that it wished to recognise through the policy provisions the significance of social value as a determinant of heritage. In this regard the amendment proposes a number of changes to include this recognition, and the Policy Basis, Objectives and Demolition provisions include reference to social significance, interest and character. The Policy for Renovating Graded Buildings proposes the inclusion of a new consideration to remove or alter any fabric:

- *The contribution of the features of the building to its historic or social significance.*

It also includes a new provision for “Designing New Buildings and Works or Additions to Existing Buildings”:

Sites of Historic or Social Significance

An assessment of a planning application should take into account all aspects of the significance of the place. Consideration should be given to the degree to which the existing fabric demonstrates the historic and social significance of the place, and how the proposal will affect this significance. Particular care should be taken in the assessment of cases where the diminished architectural condition of the place is outweighed by its historic or social value.

The Panel supports the intent of these proposed policy provisions and acknowledges that social significance is a very important and meaningful determinant of heritage value.

(ii) Definition of Cultural Significance

The Policy at Clause 22.05 seeks to add a new definition in the section Definition of Words Used in the Performance Standards as follows:

Cultural significance means aesthetic, historic, scientific or social value for past, present and future generations.

The Panel supports this inclusion.

(iii) New Grading for 'C' and 'D' Buildings

The policy proposes that the current grading system be rationalised from the current six tier system of heritage significance levels (namely: A-F), to a four tier system (namely: A-D). Under the rationalisation, buildings currently graded C to F, are being reviewed and classified as either C or D, or being excluded from the Heritage Overlay. The new definitions are discussed further in Section 5 of this report, and in the light of the more detailed discussion about the proposed grading system the Panel supports the gradings to be placed in the Local Policy.

(iv) Inclusion of Streetscape Levels

Likewise there is more detailed discussion about the inclusion of the Level 1, 2 and 3 Streetscapes in Section 5. These streetscape classifications are not new to the City of Melbourne, however they were previously included as part of the local policy. The Panel supports their inclusion in the policy, subject to the discussion outlined further.

(v) Other Policy Changes

There were some submissions made about the form and extent of the policy provisions which generally sought changes to the broad intent of the policy from the following:

- Dr Lederman, 20 George Street East Melbourne
- Mrs Norah Killip and Mr John Killip, Parkville
- Dr Mulligan, East Melbourne

- The Carlton Residents Association

Council indicated that the policy “*Heritage Places Outside the Capital City Zone*” is to be more fully reviewed as part of a separate process. The Panel agrees that the proposed wording for this policy should remain as exhibited and other issues raised about the heritage policy through this Amendment process will be included in the future review.

The Panel supports Council undertaking a more complete review of its heritage policy but in the meantime it makes the following recommendation:

The Heritage Places Outside the Capital City Zone Policy as exhibited be changed so that the descriptions of "A", "B", "C" and "D" graded buildings accord with the descriptions of such buildings in the Report on the City of Melbourne Planning Scheme Heritage Review (June 2000) prepared by Allom Lovell & Associates except that the word "and", where it appears before the word "social" in both C and D graded buildings, be changed to "or".

The Panel further suggests that submissions relating to the heritage policy be considered at the time the future policy review is undertaken and that the submitters be notified directly at that time.

4.4 Heritage Overlays

In support of the State wide heritage provisions, the Heritage Overlay is found at Clause 43.01, which has as its purposes:

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 and 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.

To assist in the application and implementation of the Heritage Overlay, the Department of Infrastructure has released a Practice Note (February 1999) which includes advice on what places should be included in the Heritage Overlay, the recognised heritage criteria, the drafting of the schedule to the overlay and the like. The Practice Note supports the adoption of the Australian Heritage Commission’s eight broad criteria, that is Criterion A to Criterion H, which includes social and cultural significance. The Practice Note makes the point that there is a range of heritage criteria for the assessment of heritage places in Victoria, and that these may be acceptable. It further says:

The most important thing is that the assessment of heritage places has been rigorous and that heritage controls are applied judiciously and with justification.

The Panel generally believes this to be the case for this amendment, although it does highlight that some concerns with the way in which some of the research was conducted and expressed.

State and Local Planning Policy clearly supports the application of the Heritage Overlay.

The Panel is of the view that this amendment is more about a transition of controls from one format to another and it supports in principle what the Council is doing. The City of Melbourne has had a long history of implementation of heritage controls and it was interesting to observe that most submissions to this amendment were not about arguing against the introduction of the Heritage Overlay, but rather that it should be extended to cover more places.

5. APPLICATION AND GRADING ISSUES

There are two key application issues relating to what is being sought through this amendment that need to be discussed in the context of consideration of the main issues. These include the proposed grading system A to D as it relates to the buildings, and the continuation of the Level 1, 2 and 3 streetscapes, through inclusion in the local policy. The methodology used for assessing the heritage significance is also discussed.

5.1 Grading System – Buildings

The amendment proposes to rationalise the heritage building grading system from the current six tiers of A to F to include four levels from A to D. This proposal came about from an earlier review, the purpose of which was to introduce a new grading classification system and to re-appraise the need to grade those buildings currently graded D, E and F in areas outside the Capital City Zone. The proposed revised gradings for buildings are as follows:

- A** Buildings are of national or state importance, and are irreplaceable parts of Australia’s built form heritage. Many will be either already included on or recommended for the Victorian Heritage Register or the Register of the National Estate.
- 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.
- C** Buildings demonstrate the historical and 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.
- D** Buildings are representative of the historical, scientific, architectural and social development of the area. 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 the individual buildings.

Additionally Council indicated that the word “local” was inadvertently omitted from the description of **D** graded buildings in the exhibited amendment, and that the first sentence should read:

*Buildings are representative of the historical, scientific, architectural and social development of the **local** area.*

The North and West Melbourne Association in particular discussed the definition of D graded buildings and its significance to local areas.

The Panel supports the amended **D** graded definition to include the word “local” in describing the area.

5.2 Streetscapes

The Heritage Review also recommended gradings for Streetscapes as follows:

LEVEL 1 STREETSCAPES are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are highly significant buildings in their own right.

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

Council submitted that the system of grading reflected the criteria which is accepted throughout Australian conservation practice.

The Panel supports the inclusion of these streetscape levels in the local policy and would also recommend that Council prepares and maintains up to date copies of maps reflecting the heritage streetscape designations. These maps should be located in the inventory in order to assist both Council and owners in managing places which are not individually significant, but are located within a heritage streetscape area.

5.3 Heritage Significance Assessment Methodology

One aim of the review was to replace the existing City of Melbourne Conservation Schedule 1985 with an updated list of graded buildings and streetscape levels in the re-named Heritage Places Inventory 2000. As mentioned, the six tier grading system was reviewed and replaced with a four tier system, which necessitated the review of E and F graded buildings outside the Capital City Zone, and of D graded buildings outside heritage precincts.

Consequently Ms Robyn Riddett of Allom Lovell and Associates was commissioned to undertake the review. As a result of her work, the Allom Lovell report of April 2000 and the revised Building Identification Forms prepared by Ms Riddett formed the basis of the Amendment and the Heritage Places Inventory 2000.

The key elements of Ms Riddett's methodology were:

- An appraisal of the heritage grading system used by other Councils;
- The determination and application of criteria for grading the buildings;
- An inspection of all E and F graded buildings, and D graded buildings; and
- The allocation of a revised heritage significance grading for each building.

The criteria used were based on those set out in the Australia ICOMOS *Burra Charter* for the Conservation of Places of Cultural Significance.

Where there was dissatisfaction expressed by submitters about Ms Riddett applying a "no grading" to a previously graded building, Council further engaged Ms Meredith Gould to undertake a review of these buildings. Council indicated that the appointment of Ms Gould was not a reflection on the standard of work undertaken by Ms Riddett, but that Council "*sought to obtain the greatest degree of acceptance on behalf of the community*" in respect of this review.

As a result of this, Ms Gould was asked to review 22 specific buildings in the North Melbourne and West Melbourne area, specifically to:

- Conduct a site inspection for each place, and
- Form a recommendation on the heritage significance of each place using the accepted criteria for assessment of cultural significance, as set out in the Australia ICOMOS *Burra Charter* for the Conservation of Places of Cultural Significance, including the allocation of a grading where appropriate.

In addition to the heritage reviews undertaken by Ms Riddett and Ms Gould, Council also approached Mr Bryce Raworth, of Bryce Raworth Conservation Urban Design, to provide a heritage assessment for 22 buildings in East Melbourne.

At the hearing, the Panel questioned the basis of the Building Identification Forms used in the preparation of the C19 Amendment. Mr Rantino responded that he had originally thought it was based on the work of Ms Riddett, but in discussing this matter further with Council, it was apparent that the Building Identification Forms were variously prepared by Ms Riddett, Ms Gould, Mr Raworth and Mr Peterson, another heritage consultant.

More importantly, Mr Rantino informed the Panel that the various heritage consultants might have used different heritage significance criteria and that there were potentially issues of some owners not being adequately notified about the exhibited Amendment C19. It was principally this matter and the necessity for its resolution that led the hearing to be held over until Council could confirm and clarify its position.

When the hearing resumed for Day 2, Mr Rantino was able to provide the following information as it related to the criteria used in the Building Identification Forms and notification to owners:

1. 37 buildings were subject to different criteria and a different grading system. Council intends to remove these buildings from the exhibited Schedule to the Heritage Overlay pending their review by Ms Riddett using the exhibited policy and grading system.
2. 16 buildings that were re-graded involved an upgrade of the exhibited heritage significance level allocated, and as such, the owners did not receive adequate notification of their proposed inclusion in the Schedule to the Heritage Overlay. Council advised that these buildings also should be removed from the exhibited Schedule, pending re-exhibition and notification to the owners.

Council also provided in its the final recommendations, the following explanation relating to the criteria used by the four consultants:

However, the substantive issue in relation to this category of properties is that the consultants that undertook the review applied grading criteria that was different to that applied by Allom Lovell.

In the case of the properties reviewed by Mr Peterson, he applied the current six-tier system of grading. There are three properties in this sub-category. In Mr Raworth's case, he applied a four-tier system of grading (as did Allom Lovell) but the description of the "C" and "D" grading differed marginally from the description of those gradings applied by Allom Lovell. There are 37 buildings in this sub-category.

Therefore, the difficulty in relation to the properties that were the subject of review by Messrs Raworth and Peterson in the context of Amendment C19 is that they would be depicted as having a grading (and in some cases, heritage protection for the first time) as the result of marginally different grading criteria.

It is Council's desire that the properties be deleted from the Amendment. It is Council's intention to undertake a review of those properties at the earliest opportunity (either by having Messrs Raworth and Peterson apply the Allom Lovell criteria or by having Allom Lovell review them) and for them to be the subject of a separate planning scheme amendment.

The Panel expressed some considerable concern about the way in which this issue was brought to light and it became fairly clear that the Council needed to do some further work in relation to the amendment. Many of the technical recommendations included in this report have been made as a result of these issues, which have been derived from the final submissions from Council as prepared by Mr Rantino.

5.4 Panel Conclusions

The Panel supports the Council submission in rationalising the Grading System from a six-tier system to a four-tier system. The Panel believes that four tiers will ensure Council has enough flexibility when denoting the particular level of heritage significance for a place, and that the four-tier system will support their policy objectives.

The Panel further supports the proposed Streetscape levels as described, however recommends that Council prepare and maintain, within the heritage inventory, suitable maps which reflect the particular heritage streetscape accorded to streets within the municipality.

In relation to the methodology employed to undertake the heritage significance assessments for this review, the Panel makes the following observations:

1. It appeared the Council was disorganised in its approach to reviewing these places. Council lacked rigour in their approach to managing and coordinating this work, resulting in a lack of consistency in respect of the assessment criteria applied and a lack of suitable notification.
2. The variation in methodologies employed has resulted in many places individually graded at D, being removed from the exhibited Schedule to the Heritage Overlay pending further assessment and notification.
3. The Panel expresses deep concern about the Council choosing to use different heritage consultants to review one another's work or to undertake different components of the full review. The Panel feels this is not warranted on the basis that Council "*sought to obtain the greatest degree of acceptance on behalf of the community*", but rather that this opens dialogue to suggest that the work of their appointed heritage consultant was not adequate.

The Panel believes that these issues need to be further explored in follow-up work of Council in relation to this amendment, and it has led to much confusion in the consideration of this amendment at the hearing and through the preparation of this report.

6. PARTICULAR PROPERTY/AREA CONSIDERATIONS

This section of the report briefly discusses the submissions received about Amendment C19 and where possible, it uses the Council commentary and summary. The Panel then makes its own commentary and it provides a recommendation for each of the submissions. Some of the submissions warrant very little comment and assessment by the Panel, while others have necessitated more discussion.

6.1 Particular Area and Property Issues

This section of the report discusses the submissions about particular property and area considerations. The Panel found that it supported most of the recommendations of Council in its consideration of specific properties, although it has suggested the inclusion of additional properties to the Heritage Overlay as part of a separate process.

(i) 46 George Street, East Melbourne

Recommendation of Amendment C19:

To become an ungraded building.

Issues Raised by Submitters:

Allom Lovell recommendation incorrectly referred to some elements of the building as being non-original. Further photographic evidence has been submitted.

Council Recommendation:

Allom Lovell have perused the material submitted by Dr Lederman and have undertaken a further close inspection of the site. In light of this the recommendation is to grade the building C. A new data sheet has been prepared.

Panel Response and Recommendation:

The Panel recommends that 46 George Street be included in the Schedule to the Heritage Overlay as a C graded building.

(ii) 14 Pitt Street, Carlton

Recommendation of Amendment C19:

'D' graded

Issues Raised by Submitters:

Condition of the building should be stated as "fair" not "good". Considerable cracking is occurring in interior. The submission does not seek removal of the place from the Schedule to the Heritage Overlay.

Council Recommendation:

Allom Lovell has reassessed the recommendation and believes the removal of the original fence, verandah ornamentation and original roof tiling are typical of the types of alteration that many houses have undergone and which are reversible. These relate to intactness, not condition, which is assessed as fair. Without the benefit of an internal inspection, the assessment of the condition of the building remains as good.

A revised Building Identification Sheet has been prepared by Allom Lovell which notes that some cracking has occurred in the front wall of the dwelling. The submitters are satisfied with this response and have subsequently withdrawn their objection in writing on 26/2/01.

Panel Response and Recommendation:

That 14 Pitt Street remain within the Schedule to the Heritage Overlay as exhibited.

(iii) Melbourne Girls Grammar School

Recommendations of Amendment C19:

63 Clowes Street	Not reviewed.
291 Walsh Street	Retain D grading.
285 Walsh Street	Upgrade to level D - HO 852.
279-281 Walsh Street	Retain a D grading.
Building adjacent to 279 Walsh Street	Retain a D grading

Issues Raised by Submitters:

That 63 Clowes Street should have been reviewed, as it is a D graded building outside a heritage precinct.

That there is insufficient justification for 285 Walsh Street to have its Grading increased from 'F' to 'D'. Furthermore, the Masterplan for the Campus identifies this building to be demolished.

The address for 279-281 Walsh Street is not correct, but should be 281 Walsh Street, South Yarra, and the Masterplan identifies this building to be demolished.

The building adjacent to 279 Walsh Street has an incorrect address and should be described as adjacent to 281 Walsh St. Allom Lovell's description of the building as being 2 storeys and intact is inaccurate, and that the D grading not justified. The Masterplan identifies this building to be demolished.

Council Recommendations:

63 Clowes Street

Allom Lovell have reviewed this site and recommended a C grading be given as the building is of local historical and aesthetic interest and makes a positive contribution to the street. A new Building Identification Form sheet has been prepared.

291 Walsh Street

Amendment C19 does not specifically alter the heritage status of this site.

285 Walsh Street

Allom Lovell have revisited this site and are of the view it is a D graded building. The issue of the demolition of the building is being considered as part of the separate Masterplan Planning Scheme amendment process which attaches guidelines to the removal of the building.

279-281 Walsh Street

Address to be changed in Heritage Overlay schedule to show 281 Walsh Street. The issue of the demolition of the building is being considered as part of the separate Masterplan Planning Scheme amendment process which attaches guidelines to the removal of the building.

Building adjacent to 279 Walsh Street

Address to be changed in Heritage Overlay schedule to show adjacent to 281 Walsh Street. Allom Lovell have reassessed the site and confirmed the building is single storey. The Building Identification Form sheet now reflects this description. However, as the building is of some interest within the context of the “Edwardian” school complex and streetscape the recommendation to retain a D grade remains. The issue of the demolition of the building is being considered as part of the separate Masterplan Planning Scheme amendment process which attaches guidelines to the removal of the building.

Panel Response and Recommendation:

The Panel supports the inclusion of 63 Clowes Street within the Heritage Overlay.

There are no specific issues relating to 291 Walsh Street requiring comment from the Panel.

The review of heritage grading involved the rationalisation of levels from a six, to a four-tier system. Consequently the perceived upgrade of 285 Walsh Street from F to D, is in effect no real change from the previous significance level attributed. Level D buildings are described as:

Buildings are representative of the historical, scientific, architectural and social development of the area. 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 the individual buildings.

The Panel supports the inclusion of 285 Walsh Street within the Schedule to the Heritage Overlay as exhibited.

The Panel supports both No. 281 Walsh Street, and the building (unnumbered)

adjacent to 281 Walsh Street be included within the Schedule to the Heritage Overlay as exhibited, with a correction to the address.

In respect of the considerations to demolish the three buildings at 281, adjacent to 281 and 285 Walsh Street, the Panel believes this matter should be addressed at the time any redevelopments are considered by Council.

(iv) 143 Simpson Street, East Melbourne

Recommendation of Amendment C19:

Bryce Raworth recommended a D grading.

Issues Raised by Submitters:

Number of details in the building identification form are inaccurate.

Council Recommendation:

Bryce Raworth has confirmed, following a further site inspection, that the detail on the Building Identification Form sheet regarding the external finish of the building is incorrect. The Building Identification Form sheet will now reflect the finish as a painted render. However, the grading, integrity and condition assessment remain as recommended. Council also noted however that due to inconsistencies with the assessment criteria, that this building is to be removed from the Schedule to the Heritage Overlay as exhibited, pending further work.

Panel Response and Recommendation:

The Panel recommends that 143 Simpson Street be deleted from the Heritage Overlay, but be further reviewed at a later date.

(v) Melbourne Cricket Ground Stadium

Recommendation of Amendment C19:

The heritage grading of the MCG stadium was not reviewed as part of the amendment.

Issues Raised by Submitters:

Concerned about the inclusion of the criteria relating to “social” significance in the Heritage Policy.

Council Recommendation:

The inclusion of “social” value of heritage places is part of accepted criteria for assessment of cultural significance set out in the Burra Charter. This amendment seeks to include social as well as aesthetic, historic and scientific significance of places and not just architectural significance.

No assessment of social significance of MCG has been made as part of this amendment.

The Melbourne Cricket Club recently nominated the MCG and its associated structures for inclusion in the Victorian Heritage Register. That registration

process and subsequent redevelopment applications will give due consideration to the matters raised by Amendment C19.

Panel Response and Recommendation:

The Panel recognises that social significance is a valid area of heritage significance, and that Council should be commended for integrating this area in its heritage policy.

(vi) 101 Stanley Street, West Melbourne

Recommendation of Amendment C19:

Upgrade to D grading.

Issues Raised by Submitters:

Considers building to have no architectural or historic merit, is in poor structural condition with many original features having been removed some years ago to warrant the change in grading.

Council Recommendation:

Allom Lovell has revisited this site and re-confirm the recommended D grade. It is not obvious what original features have been removed, possibly verandah details and fence. The property is one of a pair – both recommended for D grade.

Panel Response and Recommendation:

The Panel notes that the review and rationalisation of heritage grading system has resulted in a change to the level accorded to some buildings. In most instances this does not reflect an increase in the level of heritage significance assessed, but correlates with the adjustment from a six to a four tier grading system. The Panel supports the inclusion of 101 Stanley Street in the Heritage Overlay as exhibited.

(vii) 270 Walsh Street, South Yarra

Recommendation of Amendment C19:

C graded.

Issues Raised by Submitters:

Submission made at Panel hearing for New Format Melbourne Planning Scheme that building was significantly altered and in a poor state of repair. That Panel report recommended that 270 Walsh St not be included in Heritage Overlay.

Council Recommendation:

Allom Lovell has revisited the site and confirm that alterations to the building have been performed since the original survey and in accordance with Planning Permit TP 98/885. The view of the consultant is that the alterations are not intrusive and that the building still makes a contribution to the Edwardian aspect of the streetscape character. As such the recommendation of grade C remains.

Panel Response and Recommendation:

The Panel supports the inclusion of 270 Walsh Street in the Schedule to the Heritage Overlay as exhibited.

(viii) 5 Moss Place, North Melbourne

Recommendation of Amendment C19:

C graded.

Issues Raised by Submitters:

Considers the proposed grading to the building is unfounded and given proposed works, could not be accurate.

Council Recommendation:

Planning permit TP97/427 to alter and extend the existing building has been given an extension of time of 12 months – commencement of development is now required by 21st January 2001, with completion required within 2 years. Consideration was given to the existing grading of the building when the permit was issued. If the permit expires then the recommended grading of C would be considered with any subsequent planning application applied for.

Panel Response and Recommendation:

The Panel acknowledges that the owner has negotiated a permit to alter and extend the existing building. The Panel further notes however that the heritage significance of the place was taken into consideration at the time that permit was approved.

The Panel believes it is important that the heritage significance of a place be clearly articulated, and documented in a transparent manner to ensure both owners and the Council are aware of these matters when any permit application is assessed.

Consequently the Panel supports the inclusion of 5 Moss Place in the Heritage Overlay as exhibited, regardless of whether the current permit is activated.

(ix) 45 – 47 Stawell Street, North Melbourne

Recommendation of Amendment C19:

N/A

Issues Raised by Submitters:

HO 474 on the Heritage Overlay schedule refers to 49 Stawell Street. Error in the mapping and Schedule and the Heritage Inventory.

Council Recommendation:

HO474 refers to 45-47 Stawell Street North Melbourne. This site is not graded. The Heritage Overlay Schedule and map is to be changed to refer to 49 Stawell Street West Melbourne located south of Victoria St.

Panel Response and Recommendation:

The Panel acknowledges that there has been confusion surrounding the address of the heritage place in respect of both the number, and the suburb. The Panel urges Council to rectify the error in the Schedule. Despite the confusion over the address, the Panel is confident that 49 Stawell Street West Melbourne is of heritage significance and supports its inclusion in the Schedule to the Heritage Overlay.

(x) East Melbourne Group

Recommendations of Amendment C19:

42 George Street	D graded
46 George Street	Un-graded

Issues Raised by Submitters:

Dr Mulligan submitted that the recommendation to regrade 42 George Street was not reflected in the Heritage Inventory, and that 46 George Street should be included in the Schedule to the Heritage Overlay.

Council Recommendation:

Council agrees with the submission, and that 42 George Street should be included in Inventory. Council further notes that the matters raised in respect of 46 George Street are the same as those raised in an earlier submission.

Panel Response and Recommendation:

The Panel supports the inclusion of both 42 and 46 George Street in the Schedule to the Heritage Overlay as exhibited, and recommends that the Heritage Inventory be amended to reflect this.

(xi) Carlton Residents Association

The Carlton Residents Association made submissions about individual properties which are addressed here.

56-58 Pitt Street

Recommendation of Amendment C19:

Ungraded

Issues Raised by Submitters:

That this property is D graded in the Carlton Conservation Study, not E as stated in this review, and that it currently sits within an Heritage Overlay.

Council Recommendation:

Council submits that this property should not have been reviewed as part of this study as it is a D level building within a precinct. Council further recommends that the building retain its D grading and that the report master list and the Heritage Inventory be amended.

Panel Response and Recommendation:

That 56-58 Pitt Street be included in the Heritage Overlay and that the amendments to the report master list and Heritage Inventory be addressed.

131 Station Street, 44 Palmerston Street, 97 Faraday Street, 97 Barkly Street, 70 Neill Street, 163-165 Canning Street, 186-190 Lygon Street and 60 Dorritt Carlton

Recommendation of Amendment C19:

Ungraded

Issues Raised by Submitters:

That the influence of Italian, Greek and Jewish migrants in respect of alterations to Victorian building stock should be recognised.

Council Recommendation:

Council believes that whilst this part of the City's heritage is important, that it would not be appropriate to assess only these properties. The impact of multicultural members of the community should be considered as a broader heritage assessment program.

Panel Response and Recommendation:

The Panel recognises that the influence of many community groups, including the Italian, Greek and Jewish communities form a vital part of the heritage of Victoria. The Panel also acknowledges however that any recommendations to include these places within the Schedule to the Heritage Overlay should be based on a thorough assessment program. The Panel does not support the inclusion of these places in the Heritage Overlay as part of this process but urges Council to include the assessment of building alterations by cultural groups as a future area of study.

Carlton Movie House

Recommendation of Amendment C19:

Retain D grading (located in heritage precinct HO1).

Issues Raised by Submitters:

That this building wasn't reviewed.

Council Recommendation:

Council advised that only D graded buildings outside Heritage Precinct were reviewed and as the Carlton Movie House is in HO1 it was not subject of this study.

Panel Response and Recommendation:

The Panel supports the D grading of this building and recommends that it should remain within the HO1 Heritage Precinct until further study necessitates a review of its heritage status.

(xii) Kensington Association Inc.

The Kensington Association raised several issues in its submission relating to individual properties. These matters are addressed here:

18 Henry Street

Recommendation of Amendment C19:

Not part of review, currently C graded.

Issues Raised by Submitters:

That although the description of the building has been strengthened through the definition change to C graded buildings, that the heritage significance of this building is not adequately reflected.

Council Recommendation:

This building was not subject to review during this amendment.

Panel Response and Recommendation:

That Panel considers that the building should retain its C grading and that the Statement of Significance be reviewed at a future time.

3-7 Bayswater Road, 78-80 Bayswater Road and 82-84 Bayswater Road, 9-11 Epsom Road and 6-8, 10-14, 14A-16, 15-17, 18-20, 33-33A Kensington Road, 53, 55 and 57 Epsom Road Kensington

Recommendation of Amendment C19:

Ungraded

Issues Raised by Submitters:

It is anomalous to give No. 68 Bayswater Road a D grading. The Flemington and Kensington Conservation Study (Butler) noted that these buildings also represent examples of a significant era in Kensington's history, namely 1950's development and that they contribute as a suite to a significant streetscape.

Council Recommendation:

Allom Lovell and Associates reassessed these sites and are of the view that individually they are not of sufficient heritage significance to warrant inclusion in the Heritage Overlay. However they are typical examples of their type, which collectively, and importantly, add up to a substantial pocket of urban development which is clearly demonstrative of the history of the area. The area generally bound by Westbourne, Epsom, Smithfield and Racecourse Roads, Bellair Street, and Macaulay and Kensington Roads; to (approximately) Mercantile Parade are worthy of consideration as a precinct and that this work be undertaken as part of a separate project.

Panel Response and Recommendation:

The Panel found during the site inspections that many of these inter-war duplex houses represent an important part of the development of the local area of Kensington, and as such should be given either individual gradings, or be

protected via a Heritage Precinct.

The Panel recommends that the buildings individually remain ungraded, but that Council undertakes a review with some urgency to assess their suitability to be included in the Schedule to the Heritage Overlay either individually or as a Heritage Precinct. Further, that the Council ensures that any potential redevelopment at these sites be managed in accordance with their heritage values.

Railway footbridge, Bellair Street
Recommendation of Amendment C19:

D graded

Issues Raised by Submitters:

That the D grading insufficiently recognises the “important and unusual” qualities of this heritage structure.

Council Recommendation:

Although superficially altered, the Building Identification Form sheet prepared with the recommendation of an upgrade to D, outlines the important contribution this heritage structure makes on the industrial streetscape of Arden Street. The recommendation of D is considered appropriate.

Panel Response and Recommendation:

The Panel supports the inclusion of the Railway footbridge, Bellair Street in the Schedule to the Heritage Overlay with a D grading.

(xiii) University of Melbourne

The University of Melbourne made submissions in respect of several buildings. The issues ranged from corrections to mapping details, to objections about buildings being listed in the Schedule to the Heritage Overlay as detailed below:

239-241 Bouverie Street
Recommendation of Amendment C19:

D graded (HO805)

Issues Raised by Submitters:

The building is to be demolished as part of the Uni Square development.

Council Recommendation:

The Minister for Planning issued a permit for demolition of this building in March 1999. Council recommends the building be deleted from the Heritage Overlay map (HO805), Schedule and Heritage Inventory.

Panel Response and Recommendation:

The Panel supports the view of Council that this building should be deleted from the Heritage Overlay, Heritage Inventory and Schedule.

43-45 Sturt Street, Southbank

Recommendation of Amendment C19:

The buildings are currently graded C. Amend address from 43 Sturt Street to 43-45 Sturt Street.

Issues Raised by Submitters:

The University of Melbourne submitted that an agreement has been reached between itself and the City of Melbourne to demolish the building, therefore it should be removed from the Schedule to the Heritage Overlay.

Council Recommendation:

Council responded that this building was not specifically part of the heritage review or the amendment and that although the building is currently included in HO389, the scope of its grading is beyond the scope of this amendment. Council however seeks to correct the mapping error.

Council further submitted that a planning permit for the partial demolition of this building was issued on 18 October 2000, but that the front 37 metres of 43 Sturt Street is to remain.

Council's heritage adviser commented that the buildings are C graded and do not appear to be affected by the development proposal. Further, that given the heritage significance of the remaining building has not been assessed, and does not appear to be specifically affected by the planning permit, that there is no reason to remove them from the Heritage Overlay.

Panel Response and Recommendation:

The Panel believes that Council and the University have had the opportunity to explore issues in respect of the proposed development at 43-45 Sturt Street, and as such that the relevant elements of the building at 43 Sturt Street has been integrated into the development. The Panel further comments, that given there are no other pressing development issues affecting 43-45 Sturt Street, that the remaining buildings retain their D grading.

The Panel therefore recommends that 43-45 Sturt Street be retained in the Heritage Overlay, with a correction to the address.

Agriculture and Forestry Building

Recommendation of Amendment C19:

Retain D grading with alteration to Heritage Overlay number.

Issues Raised by Submitters:

The University objects to entire building being placed in the Heritage Overlay and believes that only the original 1921 section of the existing building be included. The 1955 addition should not be given a heritage ranking.

Council Recommendation:

Council's heritage adviser has assessed the 1921 component of the building as being the most important section, but that without further detailed research, they

are unable to advise on the heritage significance of the later 1955 addition.

Council therefore submits that the entire building should be placed within the Schedule to the Heritage Overlay, and that the Building Identification Sheet be adjusted to reflect this.

Panel Response and Recommendation:

The Panel supports the Council view that the entire building be included within the Heritage Overlay, and that the Building Identification Form articulates that it is the 1921 section for which the building is protected.

Botany Building

Recommendation of Amendment C19:

Delete the northern wing of the Botany Building from the map and schedule.

Issues Raised by Submitters:

That the northern wing of this building should not be included in the Schedule to the Heritage Overlay.

Council Recommendation:

Council believes that the Statement of Significance should detail that the original building fabric is the significant fabric of this building, and that the northern wing should not be included in the Heritage Overlay.

Panel Response and Recommendation:

The Panel supports the view of both Council and the University that the Building Identification Form for this building should clearly describe that it is the original fabric, which is significant, and that the relevant maps should reflect this.

The Panel supports the inclusion of the Botany Building in the Schedule to the Heritage Overlay, and recommends that an amendment to the Building Identification Form be made which reflects that the original building fabric only is of heritage significance.

Richard Berry Building

Recommendation of Amendment C19:

C graded (HO820)

Issues Raised by Submitters:

That the extent of the registration needs to be amended to reflect that a 1970's and other additions are not of heritage significance.

Council Recommendation:

Allom Lovell reassessed the extent of the building to be covered by the Heritage Overlay. The triple storey "Gothic" section and the sympathetic red brick gabled addition to the east are to be included. The glazed porch to the north and other 1907's additions which appear to be overgrown by creepers are not significant. The Building Identification Form has been amended.

Panel Response and Recommendation:

The Panel supports the inclusion of the building within the Heritage Overlay, with appropriate clarifications on the Building Identification Form about which elements are of heritage significance.

University House, Veterinary Precinct fence and Former National Museum (Student Union Building)

Recommendation of Amendment C19:

None of these buildings were part of this review as they are graded B, A and C respectively.

Issues Raised by Submitters:

The University submitted that the extent of the Heritage Overlay area for both the University House and Veterinary Precinct fence be reviewed, and that the Former National Museum Building be either deleted from the Heritage Overlay altogether, or that the extent of the Heritage Overlay for this building also be reviewed.

Council Recommendation:

Council commented that none of these buildings was reviewed as part of this amendment. The Council further noted that a further heritage study of university heritage buildings may be undertaken in conjunction with the University of Melbourne in the future.

Panel Response and Recommendation:

The Panel acknowledges that the three buildings were not reviewed as part of this amendment, therefore no changes to their respective inclusion in the Heritage Overlay have been recommended. The Panel recommends the Heritage Overlay for each of these buildings remain unaltered at this time.

The Panel strongly supports both the University and Council establishing a full review of all University of Melbourne buildings in order to assess and document the heritage significance of buildings within their campus, thus providing a firm framework for future works and (re)-development.

The University submission raised further issues in relation to an additional twelve places which were identified as requiring corrections to building names, addresses and spelling details. Council has indicated, and the Panel fully supports these corrections being addressed as soon as possible.

(xiv) North and West Melbourne Association

Ms Angela Williams, Ms Mary Kehoe and Ms Kaye Oddie appeared on behalf of the North & West Melbourne Association (NWMA). In their submission they raised numerous matters as detailed below:

The Association is in general agreement with the proposed Amendment, but offered advice in respect of corrections or improved descriptions. Of these Council has

agreed to implement the recommended changes or improvements for the following places:

- Discrepancies between the Heritage Inventory 2000, and the Conservation Study for North and West Melbourne (1983, 1993 update)
- Gas Regulator building
- 56-58 Courtney Street
- 48-50 Villiers Street
- 505-511 Spencer Street
- 29 and 49 Stawell Street
- allocation of new Heritage Overlay numbers HO810-819 to be changed to HO864-872
- 36-38 Errol Street

The submission also stated that there were anomalies in respect of the Streetscape designations for graded buildings, in that some had no Streetscape designation, and there were gaps in the documentation. Council responded that the discrepancies in the Streetscape designations have been reviewed and corrected accordingly. The Association also submitted that Council should produce up to date maps of the relevant streetscape designations.

The Association submission further raised objections to the heritage grading afforded to numerous properties. Council responded by commissioning Meredith Gould Architects to provide a second opinion. As a result of this review, the following places were accorded a new heritage significance grading, which correlated with the NWMA view, hence their objection was effectively withdrawn:

- 181 Abbotsford Street
- 251 Adderley Street
- 120-122 Capel Street
- 54 and 60-62 Courtney Street
- 40-42 Errol Street
- 45 Erskine Street
- 10-12 and 11 Harker Street
- 40-42 Lothian Street
- 52 Provost Street
- 604-606 and 629 Queensberry Street
- 385 Victoria Street

As a result of the additional work undertaken by Meredith Gould Architects, the NWMA revised its outstanding objections to just three properties. The Association made a presentation at the hearing in respect of these properties, which are discussed individually below.

In providing support to their submission the NWMA identified the following issues as being of relevance to each of the three buildings:

- (i) Adjoins a similar building which has been afforded the D grading,

- (ii) Together with the adjoining building reinforces the setting for the D graded building,
- (iii) If demolished would leave the adjacent building isolated in the streetscape, and
- (iv) With the adjacent building contributes to the social history of the area.

Further information was provided as follows:

179 Abbotsford Street, North Melbourne

Recommendation of Amendment C19:

No grade

Issues Raised by Submitters:

The NWMA referred to the three Statements of Significance:

Allom Lovell and Associates (reviewing 179-181 Abbotsford Street):

The houses have been substantially altered and do not contribute to the character of the streetscape. The window and front wall of No. 179 have been substantially altered, as have the verandahs on both houses.

Meredith Gould Architects P/L (reviewing 181 Abbotsford Street):

The building illustrates the integration of workers housing and industrial activity. It makes a contribution to the heritage values of North Melbourne, illustrating the established pattern of mixed use. Upgrading to D recommended.

Meredith Gould Architects P/L (reviewing 179 Abbotsford Street)

The window, wall surface and verandah to this house have been substantially altered. Although its adjoining pair has been graded D, the alterations to this simple row house are too great to warrant a D grading.

The NWMA further noted the following:

- 179 and 181 share a gabled roof with no visible parapet between.
- 179 window openings could be reversed, using the information from 181.
- 179 has exposed brickwork, 181 has non-original stucco. It is unclear to the Association as to what the original finish may have been, tuck pointing to brickwork is not in evidence
- neither house appears to have original verandahs or fences

Council Recommendation:

Council has received two assessments for this property, both which suggest it is not of sufficient individual merit to warrant inclusion within the Schedule to the Heritage Overlay. Furthermore, when questioned at the hearing Ms Riddett of Allom Lovell & Associates suggested that the use of a Heritage Precinct might be

more suitable in providing heritage protection for 179 Abbotsford Street.

Panel Response and Recommendation:

The Panel believes that the heritage significance of this place lies somewhere between an individual level D grading and of significant heritage significance to be protected within a Heritage Precinct.

During the site inspection the Panel made the following observations:

- The dwellings are joined by a party wall, and share the same roofline with no visible parapet,
- Alterations to window openings and fences have occurred at both places, however they could reasonably be reversed, and
- 179 appears to have rendered surface removed.

The Panel further found that the buildings are clearly a pair, and that the loss of either building would have significant impacts on the other. Hence, the Panel recommends 179 Abbotsford Street be afforded a heritage protection via either an individual D grading, or through the establishment of a Heritage Precinct overlay. The Panel further suggests that the “paired” nature of these two buildings be described in the Statement of Significance for each building.

The Panel recommends that 179 Abbotsford Street be reviewed as part of the proposed additional assessment work, which will form the second part of this Amendment, and ensure suitable exhibition of the proposed inclusion.

2 Harris Street, North Melbourne

Recommendation of Amendment C19:

No grade

Issues Raised by Submitters:

The NWMA referred to the three Statements of Significance:

Allom Lovell and Associates (reviewing 2 Harris Street):

Substantial alterations have obliterated the original 19th century appearance of this cottage.

Allom Lovell and Associates (reviewing 4 Harris Street):

The house at 4 Harris Street, North Melbourne is of local aesthetic and historical interest. The house is representative of the type of modest housing constructed in North Melbourne during the 19th Century. The house has been recently refurbished and is an important element in the surrounding streetscape.

Meredith Gould Architects P/L (reviewing 2 Harris Street):

This small house sits in a street of mixed date range and had been modified in the mid twentieth century. Whilst it reflects the form of the probably later adjoining house at number 4, the alterations to this unprepossessing house are too great to warrant a D grading.

The NWMA provided MMBW plans, which showed both No. 2 and 4 Harris Street, have small sections of additions, and submitted that:

The significance of Nos 2 and 4 Harris Street represent a phase of development of North Melbourne which deviated from the initial plans for the suburb. The construction of these single fronted cottages on narrow allotments through the 1880's would have contributed to the census figures of 1890 which shows North Melbourne as Victoria's most densely populated area. One cottage in isolation does not represent this important stage in the suburbs growth.

And

While No 2 has lost some of its integrity, its size, materials, location and proximity to No 4 reinforce the historical, architectural and social significance of both cottages in the development of North Melbourne as a working class suburb. The Association would therefore argue that No 2 as well as No 4 Harris Street should be given a D grading.

Council Recommendation:

Council has received two assessments for this property, both which recommend that 2 Harris Street is not of sufficient individual merit to warrant inclusion within the Schedule to the Heritage Overlay.

Additionally, at the hearing Ms Riddett of Allom Lovell & Associates observed that in her opinion, No 4 contributes to the Victorian nature of the streetscape. She spoke in some length about the alterations, and confirmed that the timber cottage was quite rare, due to a Building Act requirement for masonry, not timber, to be used in order to reduce risk of fire.

Panel Response and Recommendation:

The Panel acknowledges that the dwelling is one of few remaining former “three roomed” cottages built in this area of North Melbourne in the late 19th century. The Panel further noted during the site inspection:

- Property has clearly been altered,
- Building materials, size form and function however are indicative of 19th century modest housing,
- This house is representative of the historical, architectural and social development of the local area, and
- As a pair with No 4 Harris Street, it provides a setting, which reinforces the value of No 2 Harris Street.

The Panel therefore recommends that No 2 Harris Street be afforded a D grading, and be included in the second part of this Amendment, ensuring suitable exhibition of the proposed inclusion in the Schedule to the Heritage Overlay. Further, that the Statement of Significance be adjusted to reflect:

This building demonstrates the historical, architectural and social development of the local area, and as a pair with No 4 Harris Street, it reinforces the values of both

houses as small workers cottages which were once more common in this area.

380-386 Victoria Street

Recommendation of Amendment C19:

No grade

Issues Raised by Submitters:

The NWMA referred to the two Statements of Significance:

Allom Lovell and Associates (reviewing 380-386 Victoria Street):

The aesthetic qualities of this building do not contribute to the character of the surrounding streetscape. The building has little heritage value.

Meredith Gould Architects P/L (reviewing 380-388 Victoria Street):

These buildings are a good example of the industrial component of the mixed use North and West Melbourne Area. The alterations to numbers 380 and 386 diminish their significance.

Each of these buildings makes a contribution to the historic urban form of the North Melbourne area. The extent of alterations to 380 and 386 diminishes their significance and these are not recommended for D Grading. Number 388 is recommended for D grading.”

Council Recommendation:

In the Council submission, both heritage architects recommend that 380-386 not be graded D, however Ms Gould notes together with 388 Victoria Street, they are a good example of the industrial heritage of the area, but that the buildings at 380-386 specifically have been altered significantly.

Ms Riddett was not asked to review No 388 Victoria Street.

Panel Response and Recommendation:

The Panel undertook a site inspection and noted that while the windows and doorways of both buildings at 380-386 have been altered, with the central doorway being moved to the L side of each “shop front”, the Panel believes that these alterations are readily reversible.

The Panel further noted that the three buildings form a group with similar rooflines, common walls, size, form and function. Hence the Panel recommends the buildings at 380-386 be Graded D, and that that they be included in a Schedule to the Heritage Overlay, with a Statement of Significance similar to that of No 388, which reflects:

- These buildings are a good example of the industrial component of the mixed use North and West Melbourne Area,
- Each of these buildings makes a contribution to the historic urban form of the North Melbourne area,

- Although the extent of alterations to 380 and 386 diminishes their significance they remain representative of the architectural and industrial heritage of this local area, and they stand in a group within a similar period, style and type.

Consequently, the buildings will need to be reviewed as part of Part 2 of this Amendment, in order to satisfy the notification requirements for their proposed inclusion in the Schedule to the Heritage Overlay.

Overall Panel Response and Recommendations in relation to issues raised by the NWMA:

That Council adopt the amended descriptions, addresses and streetscape designations as discussed.

That Council map the Streetscape designations and incorporate these in the Schedule to the Heritage Overlay.

The Panel recommends that Council **include** the following places in the Schedule to the Heritage Overlay as a result of the additional work undertaken by Meredith Gould Architects P/L, pending exhibition and notification:

- 181 Abbotsford Street
- 251 Adderley Street
- 120-122 Capel Street
- 54 and 60-62 Courtney Street
- 40-42 Errol Street
- 45 Erskine Street
- 10-12 and 11 Harker Street
- 40-42 Lothian Street
- 52 provost Street
- 604-606 and 629 Queensberry Street
- 385 Victoria Street

The Panel recommends that Council **include** the following places in the Schedule to the Heritage Overlay as a result of the Panel review, pending exhibition and notification:

- 179 Abbotsford Street, North Melbourne
- 2 Harris Street, North Melbourne
- 380-386 Victoria Street, North Melbourne.

The Panel further recommends that Council **not include** the following places in the Schedule to the Heritage Overlay as a result of this review:

- 33-35, and 50 Dudley Street, North Melbourne
- 3-5 and 7-9 Harker Street, North Melbourne

The Panel also recommends that updated streetscape maps be prepared and be included in the Schedule to the Heritage Overlay.

(xv) Parkville Association

This submission related to properties at 3 and 76 Story Street and 119 and 140 Park Drive.

Recommendation of Amendment C19:

Each of these properties was reviewed and assessed as not being of individual heritage significance, therefore to be individually ungraded.

Issues Raised by Submitters:

Mrs Norah Killip appeared on behalf of the Parkville Association and spoke to a written submission. The main issues raised were that the National Trust of Australia recognised South Parkville in 1972 as an historic area, and that the City of Melbourne followed by declaring it an Urban Conservation Zone 1. Furthermore the area of South Parkville represents architecture from 1872-1973, including demonstrated changes which have occurred as the area became gentrified. Mrs Killip stated that it is difficult to defend places from (re) development at the VCAT if they are not individually assessed as having heritage significance.

In relation to the four properties she submitted that the four houses referred to are all able to be sympathetically restored and each house sits in a Level 1 streetscape.

Mrs Killip provided additional information relating to the history of each house and noted that Barry Jones has stated that he considers South Parkville to be worthy of listing on the World Heritage list.

Council Recommendation:

Allom Lovell and Associates were asked to reassess these sites, and have made the following response:

113 Park Drive, Parkville

Based on the further information received in the submission and given the overwhelming 19th century nature of Parkville, Allom Lovell are not of the view that it warrants individual grading either on its aesthetic merit or contributory value. The building is covered by HO4 Parkville Precinct heritage controls.

Council notes however that the correct address for this place is 119 Park Drive, Parkville.

140 Park Drive, Parkville

While it appears there is some evidence of part of an existing Victorian house on the site behind the easternmost section, from the street the facade appears to have been comprehensively altered. The recommendation to have no grade remains unless the building is found to be of greater intactness as a result of an internal inspection. The building, while not recommended for individual

grading, is still covered by HO4 Parkville Precinct.

3 Story Street, Parkville

Whilst there is some evidence of part of an existing Victorian house, the facade appears to have been completely altered. The recommendation to have no grade remains unless the building is found to be of greater intactness as a result of an internal inspection. The building, while not recommended for individual grading, is still covered by HO4 Parkville Precinct.

76 Story Street, Parkville

Whilst the alterations are marginally less severe than the alterations at no. 3 Story Street, but of equal or greater intrusiveness, the recommendation to have no grade remains unless the building is found to be of greater intactness as a result of an internal inspection. The building, while not recommended for individual grading, is still covered by HO4 Parkville Precinct.

Panel Response and Recommendation:

The Panel undertook a site inspection and found:

- The alterations at 3 and 76 Story Street and at 119 Park Drive were significant. It appeared that all that remained of the original form was the set back and general facade heights. Consequently, the Panel believes that protection via HO4 Parkville Precinct is the most suitable level of heritage protection for each of these buildings.
- In respect of 140 Park Drive, the Panel found these units to sit very well within the general area, having a Victoria era building and a 1970's block of flats on each side. Again the Panel recommends that these places retain their protection via the HO4 Parkville Precinct.

6.2 Mapping and Technical Issues

There are a number of technical and mapping issues that need to be further commented on.

(i) 4 – 6 Moray Street and 342 – 343 City Road

Issues Raised by Submitters:

That the property be removed as a heritage place from the Heritage Overlay as it is a mapping error.

Council Recommendation:

Council acknowledges the mapping error and recommends the removal of the property 4-6 Moray St and 243 City Rd from the Heritage Overlay map.

Panel Response and Recommendation:

The Panel supports the correction and removal of 4-6 Moray St and 243 City Rd from the Heritage Overlay.

(ii) 7 Holmwood Place, Carlton

Issues Raised by Submitters:

Property has been demolished.

Council Recommendation:

No Action required. Building has not been demolished. It forms part of the address at 4 Painsdale Place Carlton. This property was not reviewed during this amendment process.

Panel Response and Recommendation:

That the property at 7 Holmwood Place be described as forming part of the property at 4 Painsdale Place, and it be included in the Schedule to the Heritage Overlay.

(iii) 13 Errol Street, North Melbourne

Recommendation of Amendment C19:

Properties at 1-1 Errol Street listed in Inventory as A graded.

Issues Raised by Submitters:

Property at 13 Errol Street deleted from Heritage Overlay as an oversight, it forms part of the block from 1-13 Errol Street.

Council Recommendation:

Property at 13 Errol Street forms part of block in Errol Street from 1-13 and has been deleted from the Schedule by error, and should be included.

Panel Response and Recommendation:

Include the property at 13 Errol Street in the description as forming part of the block from 1-13 Errol Street and included in the Schedule to the Heritage Overlay.

(iv) Department of Infrastructure, 80 Collins Street

A submission was received from the Department of Infrastructure, which indicated that HO813 had been placed on the map twice for two different properties. Council advised that 80 Collins Street is currently included in the HO810-819 and that the numbering for HO813 had been repeated on the exhibited maps and schedule. Council further advises that new Heritage Overlay numbers have been allocated.

(v) Carlton Residents Association

The Carlton Residents Association submitted that there were errors in the Heritage Inventory relating to the grading, street numbers or listing for properties at 276 Cardigan Street, and 238 and 244 Faraday Street.

Council submitted that these details have now been checked and amended to reflect the correct grading and addresses.

(vi) Stokoe Motors Site, North Melbourne

Recommendation of Amendment C19:

The brick wall to the perimeter of the site has been assessed and Council's Heritage Adviser has given a recommendation of C in a level 2 streetscape.

Issues Raised by Submitters:

The submission raised that the schedule and the map to the Heritage Overlay do not specify the extent of the recommended grading which is for the wall only.

Council Recommendation:

Council responded that the Schedule to the Heritage Overlay and the map need to be altered to reflect the extent of the recommended grading relating to the wall only. The Building Identification Form sheet is also to be amended to reflect this correction.

Panel Response and Recommendation:

The Panel supports the corrections to the Building Identification Form, the Schedule to the Heritage Overlay and the map. The Panel further notes however, that when undertaking a site inspection of this property, that it appeared the property only occupied 112-16 Haines Street, and that this needs to be corrected as well.

6.3 Other Issues

(i) Mrs Irvine Van der Vlies, East Melbourne

This submission raised concerns regarding traffic issues only and which had no reference to the Heritage nature of the amendment.

Council advised this was not a relevant objection matter, but that the correspondence has been forwarded to the Traffic Engineering group of the City of Melbourne.

(ii) National Trust of Australia (Victoria)

The National Trust of Australia (Vic) raised issues about buildings C graded at 180 – 195 Kensington Road, Kensington being described are in the Heritage Inventory, but are not listed in the Schedule to the Heritage Overlay.

Council responded that the Flemington and Kensington Conservation Study notes that the significant buildings on the site have been demolished, therefore they should be removed from the Heritage Inventory.

The National Trust of Australia also made a submission in respect of:

- deleting the date reference to the Heritage Inventory if it is to be continuously updated; and

- including the Commonwealth owner Victoria Barracks site in the Heritage Overlay

Council submits that the Heritage Inventory is to be incorporated, and hence it would only be able to be updated through the amendment process, at which time the date would be changed.

Council further submitted that the Victoria Barracks site:

- is protected as it is included on the Register of the National Estate;
- the new Planning Scheme format does not allow Commonwealth owned land to be included in a Heritage Overlay as the Commonwealth is except from State planning laws; and
- the land should be placed on the Schedule to the Heritage Overlay if it changes from Commonwealth ownership.

The Panel recommends that Council remove 180-194 Kensington Road, Kensington from the Heritage Inventory.

The Panel confirms that incorporated documents, including the Heritage Inventory, must be dated. The Panel further notes however that the Heritage Inventory will need to continuously updated as places are added, or deleted from the Schedule to the Heritage Overlay. Hence the incorporated Heritage Inventory will need to be exhibited with modifications, each time a change to the Schedule is exhibited.

In relation to the Victoria Barracks site, the Panel confirms that Commonwealth land is not to be included in the Schedule to the Heritage Overlay, but recommends that this site be reviewed for heritage consideration when it is to be rezoned.

(iii) 228 Pelham Street, Carlton

Recommendation of Amendment C19:

Not reviewed

Issues Raised by Submitters:

The owners of this property are seeking to have heritage provisions removed from 228 Pelham Street, Carlton.

Council Recommendation:

Council submitted that as this property is currently Graded C it did not undergo a review as part of the C19 process, hence the issue of its grading is beyond the scope of this amendment.

Panel Response and Recommendation:

The Panel recommends that this matter be reviewed when either C graded buildings are reviewed, or if additional information detailing why it is not of heritage significance is presented to Council.

(iv) Mr Killip, Parkville

Mr Killip spoke to a tabled paper and raised the following points at the hearing:

1. That the restrictions, which apply to businesses and residents within Heritage Precincts, should also apply to Council.
2. That the Heritage Overlay has no validity unless it ensures the detail of the streetscape is protected.
3. That the concern about the effective de-listing of some buildings in South Parkville is the risk that they will be demolished.
4. That this amendment should recognise an effective ban on demolition in South Parkville, by inclusion of specific wording to that effect.

The Panel acknowledges that some members of the community are concerned about development impacts in their neighbourhood, and see Heritage Overlays as the most appropriate tool to ensure the protection of places of heritage significance.

The Panel acknowledges that heritage places within a Heritage Precinct are afforded protection, but that different issues will be addressed in considering redevelopment proposals for properties that are individually graded, as opposed to those which lie within a Heritage Precinct. Nonetheless, it is the veracity of heritage assessments that make them valid, and hence, individually listing every property will only dilute the heritage protection afforded to such places.

The Panel further notes that the use of heritage assessments and gradings will only remain a viable process if due rigour is applied, and that places which do not reach the relevant heritage significance benchmark can not be “upgraded” just because of the risk of demolition.

7. PANEL CONCLUSIONS

The Panel recognises and accepts that the City of Melbourne has an obligation under the *Planning and Environment Act 1987* to identify places and areas of heritage significance and to afford those areas protection through the provisions of the Melbourne Planning Scheme, usually through the application of the Heritage Overlay. The Panel accepts that the Council has endeavoured to update its schedule to the Heritage Overlay through the rationalisation of gradings for the previously ranked D, E and F buildings and to provide a consistent framework for assessment.

In doing this work, the Council has taken on a huge task and in the opinion of the Panel has done a reasonable job. But much of the work needs further refinement. At the second hearing day on 19 March, the Panel considered it necessary to indicate some of its concerns about the way in which the Council had prepared for this amendment and the subsequent hearing process, and it made the following observations:

- It questioned the way in which the presentation was made to the Panel and the fact the new information seemed to emerge as the hearing proceeded;
- The lack of consistency in the preparation of the building identification documentation;
- The preparedness of the Council at the Panel hearing;
- The lack of rigour and analytical approach of those involved from the Council's perspective.

These discussions led to the Panel indicating that it would be in a position to present an interim report to Council so that outstanding issues could be followed up without holding up the substantive adoption of the amendment.

The conclusions and recommendations of the Panel indicate its support for the amendment as it stands but it also recognises that the Council needs to do further work to complete the amendment process.

8. PANEL RECOMMENDATIONS

The Panel appointed to consider Amendment C19 to the Melbourne Planning Scheme has recommended that it **BE ADOPTED** as exhibited, subject to the following modifications:

That Council adopt the following recommendations as Part 1 of Amendment C19:

1. The Heritage Places Outside the Capital City Zone Policy as exhibited be changed so that the descriptions of "A", "B", "C" and "D" graded buildings accord with the descriptions of such buildings in the Report on the City of Melbourne Planning Scheme Heritage Review (June 2000) prepared by Allom Lovell & Associates except that the word "and", where it appears before the word "social" in both C and D graded buildings, be changed to "or".

The definition of D graded buildings be amended as follows:

*Buildings are representative of the historical, scientific, architectural and social development of the **local** area.*

2. From the List of Heritage Places added to the Heritage Overlay Schedule as exhibited (Appendix 1 to the Explanatory Report), delete the following entries:

HO851	35-41 City Road, Sth Melbourne
HO852	65 City Road, Sth Melbourne
HO853	75 City Road, Sth Melbourne
HO854	1-3 Queensbridge Street, Sth Melbourne
HO855	117 Queensbridge Street, Sth Melbourne
HO856	129 Queensbridge Street, Sth Melbourne
HO857	133 Queensbridge Street, Sth Melbourne
HO859	Spencer Street Bridge, South Melbourne.

3. Replace the schedule to the Heritage Overlay as exhibited with a revised schedule reflecting:

- (a) the deletion of the entries referred to in recommendation number 2 and,
- (b) correction of errors found in the schedule since exhibition.

4. Replace the Heritage Overlay Maps as exhibited with revised Maps reflecting:

- (a) the deletion of the entries referred to in recommendation number 2 and,
- (b) correction of errors found in the maps since exhibition.

5. Replace the Heritage Places Inventory 2000 as exhibited with a revised Inventory reflecting:

(a) 63 Clowes Street, South Yarra;

(b) the deletion of:

- 132-138 Wellington Parade, East Melbourne,
- the 26 sites that were the subject of the East Melbourne Conservation Study Additional Buildings 2000 as follows:

1. 97 Albert Street – Tunbridge Manor
2. Clarendon Street – Freemasons Hospital
3. 32-38 George Street – Bradoc House
4. 37 George Street – Kingscourt
5. 51-53 George Street
6. 54 George Street
7. 55-57 George Street – St Martins
8. 100 George Street – Lisieux House
9. 156 George Street – Canaly
10. 84 Gipps Street, The Haven
11. 104 Gipps Street – Former JJ Clark residence
12. 10 Grey Street
13. 84 Grey Street
14. 129-135 Grey Street – Former JJ Clark residence
15. Grey Street – Mercy Hospital
16. 23 Hotham Street – Beverly Mansions
17. 100 Hotham Street
18. 183 Hotham Street
19. 22 Powlett Street
20. 53 Powlett Street – Regents Gate
21. 56-58 Simpson Street – Liege Apartments
22. 60 Simpson Street
23. 62 Simpson Street – St Joan
24. 143 Simpson Street
25. 98 Vale Street
26. 39 Wellington Parade.

(c) the deletion of entries referred to in recommendation number 2.

(d) deletion of the property at 233 Walsh Street, South Yarra (Melbourne Girls Grammar).

(e) the addition of the following buildings which were reviewed by Meredith Gould Architects following exhibition and which, in the opinion of that firm, were assessed as meeting the criteria for a grading:

181 Abbotsford Street
251 Adderley Street

120-122 Capel Street
54 Courtney Street
50 Dudley Street
60-62 Courtney Street
45 Erskine Street
10-12 Harker Street
11 Harker Street
40-42 Lothian Street
52 Provost Street
604-606 Queensberry Street
629 Queensberry Street
385 Victoria Street
388 Victoria Street
40-42 Errol Street

6. Replace the Building Identification Sheets as exhibited as follows:
 - (a) with respect to the buildings specified in recommendation 5(e), with the Building Identification Sheets prepared by Meredith Gould Architects;
 - (b) with respect to the property at 14 Pitt Street, Carlton, with the revised Building Identification Sheet tabled by Council at the panel hearing;
 - (c) with respect to the Agricultural and Forestry Building at Melbourne University, with the revised Building Identification Sheet tabled by Council at the panel hearing.
7. Add to all the Building Identification Sheets the date the review was undertaken and statement of significance was made.
8. Prepare and maintain maps to show the relevant Streetscape designations and for these maps to be incorporated in Heritage Inventory 2000.
9. That the property at 46 George Street be included in the Schedule to the Heritage Overlay as a C graded building.
10. That the property at 56-58 Pitt Street be included in the Heritage Overlay and that the amendments to the report master list and Heritage Inventory be addressed.
11. That the property at 180-194 Kensington Road, Kensington be deleted from the Heritage Inventory

Furthermore, that Council prepares a separate Part 2 to Amendment C19. This second part does not need to be exhibited in the normal way under the provisions of the *Planning and Environment Act 1987* but the following property owners should be

notified with the view of additional submissions being received. The matters raised through this process can then be reviewed by the Panel at a later date.

The Amendment C19 Part 2 should address all the matters raised in the recommendations above, as well consideration of the three properties in North Melbourne at 179 Abbotsford Street, 2 Harris Street and 380-386 Victoria Street.

Kathryn Mitchell and Maggie Baron
May 2001

APPENDIX 1: LETTER FROM DIRECTIONS HEARING

19 December 2000

Dear As Addressed

**RE: AMENDMENT C19:
 MELBOURNE PLANNING SCHEME**

As a person who indicated that you wished to be heard in relation to the above amendment, and as a result of matters raised at the Directions Hearing held on Tuesday 19 December 2000, the Panel has directed the following:

Direction No. 1 Hearing Arrangements

The Panel Hearing will be held on Monday 26 February and Tuesday 27 February 2001. The hearing will be run in line with traditional Panel procedures with each party presenting its case in full within a designated time period. The hearing will be held in Panel Hearing Room 1, Level 11, Nauru House, 80 Collins Street, Melbourne. A timetable is attached.

Direction No. 2 Exchange of Expert Witness Reports or Statements

Any party, including the Council, who intends to rely on an expert witness report or statement must make available four copies of such reports to the Council office by 4:00pm on Monday 19 February 2001, and two copies of the same reports to the Panel Office. The Melbourne City Council must make copies of these reports available at a public counter and at the hearing for perusal by interested members of the community.

Direction No. 3 Presentation of Witness Reports and Cross Examination

The Panel does not want to have long sessions where submitters and witnesses read their reports verbatim, rather it prefers people to articulate and summarise key issues.

Cross-examination will only be allowed of expert witnesses and must be directed towards established matters of fact or professional opinion. There will be time constraints and the Panel would like parties to use their time efficiently in order that it can best be informed about the substantive issues and facts. If the Panel has concerns about the direction of the cross-examination it will not hesitate to request clarification of where it is going. Cross-examination should not be pursued for its own sake, but only where it would be of genuine assistance to the Panel. Submitters who are not witnesses will not be subject to cross-examination.

Direction No. 4 Strategic Assessment Guidelines

The Council is to fully address the Panel on the Strategic Assessment Guidelines in its submission as discussed.

Direction No. 5 Right of Reply

A right of reply in the form of concluding comments will be extended to the Council at the conclusion of the hearing.

Please note that these directions must be complied with under the provisions of Sections 159(1) and (2) of the *Planning and Environment Act 1987*.

Should you have any further queries about any of these matters, please do not hesitate to contact the Panel Office on 9655 8744.

Yours faithfully

**KATHRYN MITCHELL
PANEL CHAIR**

TIMETABLE FOR PUBLIC HEARING: VERSION 2

MELBOURNE PLANNING SCHEME: AMENDMENT C19

PANEL:

- MS KATHRYN MITCHELL (CHAIRPERSON)
- MS MAGGIE BARON

DAY	DATE	VENUE
1	Tuesday 27 February 2001	Panel Hearing Room 1, Level 11, 80 Collins Street, Melbourne

DETAILS OF VENUE:

**Panel Hearing Room 1
Level 11
Nauru House
80 Collins Street
Melbourne**

ANY QUERIES REGARDING THIS TIMETABLE SHOULD BE MADE TO:
MISS DIANA MICHETTI **PHONE (03) 9655 8744 FAX (03) 9655 8740**

PLEASE NOTE THAT THIS TIMETABLE MAY BE AMENDED WITHOUT NOTICE.

MELBOURNE PLANNING SCHEME: AMENDMENT C19

TIMETABLE FOR PUBLIC HEARING: VERSION 2

DAY 1

DATE: TUESDAY 27 FEBRUARY 2001

VENUE: Panel Hearing Room 1, Level 11, 80 Collins Street, Melbourne

<u>Time</u>	<u>Name</u>	<u>Time Requested</u>
10:00am – 10:15am	Melbourne Girls Grammar School (urbis)	15 mins
10:15am – 12:15pm	City of Melbourne	2 hours
12:15pm – 12:30pm	University of Melbourne	15 mins
12:30pm – 12:45pm	Mrs Norah Killip	15 mins
12:45pm – 12:50pm	Mr John Killip	5 mins
1:00pm – 2:00pm	LUNCH	
2:00pm – 3:00pm	North and West Melbourne Association Council to provide concluding comments	1 hour

APPENDIX 2: EXHIBITED AMENDMENT C19 – EXPLANATORY REPORTS

Planning and Environment Act 1987

MELBOURNE PLANNING SCHEME AMENDMENT C19

EXPLANATORY REPORT

Who is the Planning Authority?

This amendment has been prepared by the City of Melbourne. The City of Melbourne is the Planning Authority for this amendment.

Land affected by the Amendment:

The amendment affects land in South Yarra, Southbank, East Melbourne, Jolimont, Carlton, Parkville, West Melbourne, North Melbourne, Kensington and the CBD. The amendment relates to the Heritage Overlay provisions of the Melbourne Planning Scheme. It is proposed to include additional heritage places to the Schedule to the Heritage Overlay. The new sites being added for the first time are located in Carlton, East Melbourne, Kensington, Parkville, North Melbourne, South Yarra, West Melbourne, Melbourne, and South Melbourne. It is also proposed to remove some heritage places from the current Schedule to the Heritage Overlay. Places being deleted from the Schedule to the Heritage Overlay are located in West Melbourne, Carlton, South Melbourne, Kensington, South Yarra and North Melbourne.

What the Amendment does:

The amendment to the Heritage Overlay provisions and local planning policies relating to heritage matters has arisen from a review by the City of Melbourne. The review was undertaken in response to the inclusion of a sunset clause in the Melbourne Planning Scheme which expires certain heritage provisions on 30 March 2001.

The City of Melbourne has rationalised the heritage building grading system from the current six tiers (A – F) to include only four grading categories (A – D). The City of Melbourne has also reviewed the gradings of all E and F graded buildings outside the Capital City Zone, and D graded buildings outside Heritage Precincts (formerly known as urban conservation areas).

The amendment will update the Schedule to the Heritage Overlay and amend the local planning policy “Heritage Places Outside the Capital City Zone” to implement the outcomes of the review.

The amendment also incorporates the Heritage Places Inventory 2000, which lists the gradings of all heritage buildings and streetscapes outside the Capital City Zone.
Changes to the Schedule to the Heritage Overlay and associated planning scheme

maps

It is proposed to replace the Schedule to the Heritage Overlay. The modifications to the listing of heritage places in the Schedule to the Heritage Overlay are :

- The inclusion of additional heritage places within the Heritage Overlay for the first time. These are listed in Appendix 1 to the Explanatory report.
- The deletion of a number of heritage places to remove the Heritage Overlay from these sites. These are listed in Appendix 2 to the Explanatory Report.
- The correction of minor errors.

The maps forming part of the amendment show modifications that result from changes to the Schedule to the Heritage Overlay.

Changes to Local Planning Policy “Heritage Places within the Capital City Zone

The local planning policy “Heritage Places within the Capital City Zone” is changed by deleting reference to the City of Melbourne Conservation Schedule 1991 on page 7 of the policy. The City of Melbourne Conservation Schedule 1991 is superseded by the Heritage Places Inventory 2000.

Changes to Local Planning Policy “Heritage Places Outside the Capital City Zone

This part of the amendment proposes to change the local planning policy “Heritage Places Outside the Capital City Zone” at Clause 22.05 of the Scheme. The changes strengthen the recognition of historic and social significance in the content of the policy, and include information on the revised grading system for heritage places and streetscapes. Much of the current policy remains unchanged.

A copy of the local policy “Heritage Places Outside the Capital City Zone” is provided in Appendix 3 to this Explanatory Report. The changes to the policy from this amendment are underlined in the appendix.

Incorporation of the Heritage Places Inventory 2000.

It is proposed to incorporate the document Heritage Places Inventory 2000 into the Melbourne Planning Scheme under Section 6(2)(j) of the Planning and Environment Act. This information supports the local planning policy “Heritage Places Outside the Capital City Zone”. The Inventory provides the grading for each heritage place and streetscape outside the Capital City Zone which is listed in the Schedule to the Heritage Overlay.

Why the Amendment is required?

At the time of approval of the new Melbourne Planning Scheme in 1999 a number of matters were identified which required review, including a review of specific matters within the Heritage Overlay.

The City of Melbourne has rationalised the heritage building grading system from the current six tiers (A – F) to include only four grading categories (A – D). The City of Melbourne has also reviewed the gradings of all E and F graded buildings outside the Capital City Zone, and D graded buildings outside Heritage Precincts (formerly known as urban conservation areas).

The purpose of the review is to introduce a new grading classification system and to re-appraise the need to grade those buildings currently graded D, E and F in the locations specified above.

The revised gradings for buildings are as follows:

- A. Buildings are of national or state importance, and are irreplaceable parts of Australia's built form heritage. Many will be either already included on or recommended for the Victorian Heritage Register or the Register of the National Estate.
- 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.
- C. Buildings demonstrate the historical and 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.
- D. Buildings are representative of the historical, scientific, architectural and social development of the area. 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 the individual buildings.

The gradings for Streetscapes are as follows:

LEVEL 1 STREETSCAPES are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are highly significant buildings in their own right.

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

This system of gradings reflects criteria which are accepted throughout Australian conservation practice.

A consultant study undertaken by Allom Lovell and Associates (Conservation Architects) Report on the City of Melbourne Planning Scheme Heritage Review March 2000, provides information on the review. Building Identification Forms that provide an assessment and recommend a grading are available for each of the heritage places listed in the Schedule to the Heritage Overlay.

There has already been extensive consultation with community groups and Council's Heritage Advisory Committee. The exhibition of this amendment will provide community groups and individual property owners and occupiers with further opportunity for input into the process prior to finalisation of the changes.

Changes that are proposed to the local policy "Heritage Places Outside the Capital City Zone" have been identified as a result of the review. The focus of the policy changes are to include consideration of historic and social significance in the content of the policy, and to include the revised grading system for buildings and streetscapes.

Impact of the Amendment:

Social and Economic Effects

The Amendment is expected to have positive social benefit as it identifies heritage places that are of cultural significance. It will strengthen community recognition of heritage values within the City of Melbourne. There will be no significant economic effects.

Environmental Effects

The Amendment is expected to make a positive contribution to the environment. The inclusion of additional heritage places in the Schedule to the Heritage Overlay and the introduction of a revised grading system for heritage places and streetscapes will assist the conservation of heritage places. The requirements for planning permits included in the Schedule to the Heritage Overlay will assist in controlling future development and works. This will have a positive environmental effect.

Minister's Directions

This amendment is not affected by any Ministerial Direction.

Strategic and Policy Justification of the Amendment:

The City of Melbourne Municipal Strategic Statement MSS known as "City Plan" identifies the important contribution of heritage places to Melbourne. Heritage is an extremely significant component of Melbourne's attractiveness, its character and its distinction, and therefore its appeal as a place to live, work and visit.

City Plan seeks as an outcome that individual places of heritage significance are conserved and enhanced. Aim 5.2 in the Plan is:

“To conserve and enhance Melbourne’s architectural heritage and historic character, and enliven it by adaptive re-use and innovative promotion”

City Plan states that Council will:

“ensure conservation and enhancement of individual heritage places or elements which contribute to their significance, and ensure that development does not detract from them”.

Local policies assist in implementing objectives and strategies in the Municipal Strategic Statement. Local planning policy objectives for “Heritage Places Outside the Capital City Zone“ include:

- *To conserve all parts of buildings of historic or architectural interest which contribute to the significance, character and appearance of the building, streetscape or area.*
- *To ensure that new development, and the construction or external alteration of buildings, makes a positive contribution to the built form and amenity of the area and are respectful to the architectural or historic character and appearance of the streetscape and the area.*

The amendment is consistent with these objectives. The City of Melbourne review has resulted in the identification of those heritage places which are culturally significant according to established grading criteria. The amendment will introduce planning provisions which assist in ensuring new development and works make a positive contribution to the built form and amenity of the area.

The City of Melbourne review has also provided documentation of individual heritage places which substantiates the scientific, aesthetic, architectural, historic or social significance that establishes the importance of the place.

The identification of heritage places using established criteria and the documentation of heritage places are important considerations in the modifications to the listing of heritage places in the Schedule to the Heritage Overlay.

When the new format planning scheme was approved, it was acknowledged that a review of heritage sites would result in changes to the Heritage Overlay provisions of the Planning Scheme.

Supporting Documentation:

Report on the City of Melbourne Planning Scheme Heritage Review
Allom Lovell and Associates Conservation Architects March 2000

Building Identification Forms for each of the heritage places listed in the Schedule to the Heritage Overlay (derived from existing conservation studies and the Allom Lovell and Associates review)

Heritage Places Inventory 2000

Where you may inspect this Amendment:

The amendment is available for public inspection, free of charge, during office hours

at the following places:

**City of Melbourne
6th Floor
Council House
200 Little Collins Street
Melbourne 3000**

**Department of Infrastructure
Customer Service Centre
Upper Plaza
Nauru House
80 Collins Street
MELBOURNE 3000**

Appendices to the Explanatory Report

Appendix 1 Listing of additional heritage places which are being included in the Schedule to the Heritage Overlay.

Appendix 2 Listing of heritage places which are being deleted from the Schedule to the Heritage Overlay.

Appendix 3 Local planning policy “Heritage Places Outside the Capital City Zone” with changes resulting from Am C19 underlined.