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*Planning and Environment Act 1987*

**AMENDMENT C19 PART 2  
MELBOURNE PLANNING SCHEME  
HERITAGE REVIEW**

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

**Panel:**

**Ms Kathryn Mitchell, Chair**

**Ms Maggie Baron**

**18 December 2001**

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**Ms Maggie Baron, Member**

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<b>TABLE OF CONTENTS</b>	<b>PAGE NO.</b>
<b>1. INTRODUCTION .....</b>	<b>4</b>
<b>2. THE HERITAGE REVIEW.....</b>	<b>7</b>
<b>3. CONSIDERATION OF ISSUES AND SUBMISSIONS .....</b>	<b>11</b>
3.1 120-122 CAPEL STREET. ....	11
3.2 380 VICTORIA STREET NORTH MELBOURNE .....	12
3.3 PARKVILLE BUILDINGS.....	13
3.4 NORTH AND WEST MELBOURNE ASSOCIATION .....	15
<b>4. PANEL CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>16</b>

## **1. INTRODUCTION**

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A Panel comprising Ms Kathryn Mitchell (Chair) and Ms Maggie Baron was appointed 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 initially met in the offices of Planning Panels Victoria at 80 Collins Street, Melbourne on Tuesday 27 February and Monday 19 March 2001 to hear submissions relating to Amendment C19 to the Melbourne Planning Scheme. During the course of the hearing process it became evident to the Panel and the Planning Authority that there were some issues, particularly with regard to notification that needed additional work. Consequently the Panel prepared a Part 1 report on Amendment C19. It recommended further work be undertaken to complete the consideration of the amendment. This was subsequently undertaken by Council and a second hearing to consider the outstanding matters was held on 13 December 2001.

The Council adopted Amendment C19 generally in accordance with the recommendations of the Panel with the exception that:

- The Panel suggested that the Council prepare and maintain maps to show the relevant streetscape designations and for these maps to be incorporated in the Heritage Inventory 2000. Council submitted at the second hearing that the preparation of streetscape maps is a substantive task and will be progressed separately to ensure that such maps are accurate, useable and readily able to be updated.
- The grading of four buildings in Parkville have been reassessed and these buildings have been included in Amendment C19 (Part 2). Although the Panel did not request that these four buildings form part of Amendment C19 (Part 2), the Council resolved to reassess them in response to a submission.

Council has adopted Amendment C19 (Part 1) and on 2 November 2001 requested approval of that part of the amendment from the Minister for Planning. At the second hearing, Council indicated that approval is imminent.

The outstanding matters requiring attention were detailed in the Report of May 2001 and it is not intended to repeat the details of that report at this time. In summary the key issues to be considered in Amendment C19 (Part 2) regard the regrading and reassessment of 42 buildings. (This report should be read in conjunction with the earlier May 2001 report.)

The 42 buildings effectively fall into five groups as follows:

### **I. Buildings reassessed by Meredith Gould Architects after exhibition of the amendment.**

1. 181 Abbottsford Street North Melbourne

2. 251 Adderley Street North Melbourne
3. 120-122 Capel Street North Melbourne
4. 54 Courtney Street North Melbourne
5. 60-62 Courtney Street North Melbourne
6. 45 Erskine Street North Melbourne
7. 10-12 Harker Street North Melbourne
8. 11 Harker Street North Melbourne
9. 40-42 Lothian Street North Melbourne
10. 52 Provost Street North Melbourne
11. 604-606 Queensberry Street North Melbourne
12. 629 Queensberry Street North Melbourne
13. 40-42 Errol Street North Melbourne
14. 50 Dudley Street North Melbourne
15. 388 Victoria Street North Melbourne
16. 385 Victoria Street North Melbourne

**II. Buildings omitted from the sunset clause review and the subject of review by Allom Lovell & Associates after exhibition of the amendment.**

17. 63 Clowes Street South Yarra
18. 159 Roden Street West Melbourne
19. 163 Roden Street West Melbourne
20. 173-179 Roden Street West Melbourne

**III. A, B and C graded buildings omitted from the heritage overlay in the new format Melbourne Planning Scheme and subsequently included in the Schedule and on the map to the Heritage Overlay.**

21. 56-58 Barry Street Carlton
22. 152 Victoria Parade East Melbourne
23. Bridge over Moonee Ponds Creek at Arden Street Kensington<sup>1</sup>
24. Dynon Road bridge (over Moonee Ponds Creek<sup>2</sup>)
25. 521 Macaulay Road Kensington
26. 182 Collins Street Melbourne
27. 32-38 Russell Street and 145-149 Flinders Lane Melbourne
28. 380 Russell Street Melbourne
29. 390 Russell Street Melbourne
30. 394 Russell Street and 35 Victoria Street Melbourne
31. 279 Adderley Street West Melbourne
32. 118 Ireland Street West Melbourne
33. 357-369 King Street West Melbourne
34. 411-415 King Street West Melbourne

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<sup>1</sup> Due to translation error, this place was originally advertised location Flemington - bridge owned by City of Melbourne hence no requirement to re-notify owner of correction to address.

<sup>2</sup> Due to translation error, this place was originally advertised as location over Maribyrnong River Flemington - bridge owned by City of Melbourne hence no requirement to re-notify owner of correction to address.

**IV. Buildings requiring further notification as a result of the Panel's recommendations.**

- 35. 179 Abbotsford Street North Melbourne
- 36. 2 Harris Street North Melbourne
- 37. 380-386 Victoria Street North Melbourne

**V. Properties requiring further notification as a result of a Council resolution to re-assess their individual heritage significance after exhibition of the Amendment and after the Panel Hearing.**

- 39. 119 Park Drive Parkville
- 40. 140 Park Drive Parkville
- 41. 3 Storey Street Parkville
- 42. 76 Storey Street Parkville

A Panel hearing to consider the additional work undertaken by the City of Melbourne was held for one day on 13 December 2001 (following a Directions Hearing on 23 November 2001), during which time the following parties were represented and/or heard:

***City of Melbourne (Planning Authority):***

Ms Karen Bayly, Team Leader Local Policy  
Ms Meredith Gould, Heritage Consultant

***Submitters:***

Mrs Norah Killip, Consultant Historian to  
the Parkville Association

Ms Kaye Oddie, North and West Melbourne  
Association (NWMA).

In undertaking this second review, the Panel has considered all written submissions to Amendment C19 (Part 2), and all submissions presented to it at the hearing in reaching its conclusions and recommendations.

The Panel is satisfied that the City of Melbourne has undertaken the appropriate notification as recommended by the Panel in its earlier report.

## **2. THE HERITAGE REVIEW**

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Council outlined the details of the process, submissions and Council position for each of the five groups of buildings which constituted Amendment C19 (Part 2). Council engaged Meredith Gould Architects to provide a second opinion (to Allom Lovell & Assoc.) and more detailed assessment of the heritage significance of the buildings in question.

During the hearing Ms Gould outlined her methodology as follows:

- Received a list of places from the City of Melbourne and did not change the content of the list;
- Reviewed the 1983 heritage study of Graeme Butler;
- Noted the broad Heritage Overlay boundaries for the areas concerned;
- Reviewed the work of Allom Lovell & Associates with particular focus on:
  - Reversibility of alterations, and
  - Compromised integrity of the whole of each building;
- Linked the application of each classification in the methodology to the specific definitions for each grading (mostly concerned with the level D grading); and
- Undertook site visits for each place.

### **I. Buildings reassessed by Meredith Gould Architects after exhibition of the amendment.**

23 buildings were reviewed by Meredith Gould Architects and of these, 16 buildings were recommended to be afforded an individual grading. The 16 buildings have been included in Amendment C19 (Part 2) and notification of the recommendations to apply a grading has been given to the owners and occupiers of these buildings. Each of these buildings was previously graded E under the former 6-tier system.

These buildings are numbered 1-16 in Section 1 of this report.

As a result of re-notification of the recommendation to apply an individual heritage grading to these properties, one submission was received from the owner of 120-122 Capel Street North Melbourne.

Seven buildings which both Allom Lovell and Associates and Meredith Gould Architects recommended not be graded included:

- 179 Abbotsford Street, North Melbourne
- 2 Harris Street, North Melbourne
- 380-386 Victoria Street, North Melbourne
- 33-35 Dudley Street, West Melbourne
- 3-5 Harker Street, North Melbourne
- 7-9 Harker Street, North Melbourne
- 45 O'Shanassy Street, North Melbourne

Of this group, the Panel earlier recommended be the following buildings be afforded an individual grading:

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

Council indicated that it supported these properties being graded D.

Notification of the owners and occupiers regarding the recommendations of the Panel has resulted in the receipt of a submission from the owner of:

- 380 Victoria Street, North Melbourne.

## **II. Buildings omitted from the sunset clause review and the subject of review by Allom Lovell & Associates after exhibition of the amendment.**

Council, in its previous submission to the Panel, highlighted that there were four buildings, which should have formed part of the Heritage Review undertaken by Allom Lovell and Associates, but were not reviewed until after Amendment C19 had been exhibited.

The buildings in question are:

- 63 Clowes Street, South Yarra
- 159 Roden Street, West Melbourne
- 163 Roden Street, West Melbourne
- 173-179 Roden Street, West Melbourne

The owners and occupiers of each of these buildings were given notification of the recommendation to apply a grading. This resulted in the receipt of a submission from the owner of:

- 63 Clowes Street, South Yarra.

This property is also affected by Melbourne Planning Scheme Amendment C22 which proposes to incorporate a Master Plan for the Melbourne Girls Grammar School. The issues raised by the submitter have been resolved and the submission has been withdrawn.

A copy of the submission and the letter withdrawing the submission were made available to the Panel.

Melbourne City Council accepts the recommendations of Allom Lovell and Associates in relation to the above listed four buildings and considers that they should be afforded protection under the Heritage Overlay.

**III. A, B and C graded buildings omitted from the Heritage Overlay in the new format Melbourne Planning Scheme and subsequently included in the Schedule and on the map to the Heritage Overlay.**

This includes fourteen buildings/structures which are A, B or C graded which were covered by the Heritage Overlay in the old format Melbourne Planning Scheme, and which were incorrectly omitted from the Heritage Overlay in the new format planning scheme.

The buildings/structures in question are:

- 56-58 Barry Street, Carlton
- 152 Victoria Parade, East Melbourne
- Bridge over Moonee Ponds Creek at Arden St, Kensington
- Dynon Road Bridge (over Moonee Ponds Creek)
- 521 Macaulay Road, Kensington
- 182 Collins Street, Melbourne
- 32-38 Russell Street and 145-149 Flinders Lane, Melbourne
- 380 Russell Street, Melbourne
- 390 Russell Street, Melbourne
- 394 Russell Street and 35 Victoria Street, Melbourne
- 279 Adderley Street, West Melbourne
- 118 Ireland Street, West Melbourne
- 357-369 King Street, West Melbourne
- 411-415 King Street, West Melbourne

These buildings/structures were added to Amendment C19 following exhibition of the amendment on the basis that their omission from the Heritage Overlay was an unintended consequence of the translation in the format of the controls.

The owners and occupiers of these 14 buildings/structures have been notified of the proposal to reinstate the Heritage Overlay over these buildings. No submissions have been received.

**IV. Buildings requiring further notification as a result of the Panel's recommendations.**

In the report of the Panel relating to Amendment C19 (Part 1), the Panel recommended that 3 buildings be afforded a grading where Allom Lovell & Associates recommended that no grading be applied.

The buildings in question are:

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

Meredith Gould Architects reviewed the heritage significance of each of these buildings and also recommended that no grading be applied.

Melbourne City Council accepts the recommendations of the Panel in relation to the above listed 3 buildings and considers that they should be afforded protection under the Heritage Overlay.

Notification of the owners and occupiers regarding the recommendations of the Panel has resulted in the receipt of a submission from the owner of:

- 380 Victoria Street, North Melbourne.

**V. Properties requiring further notification as a result of a Council resolution to re-assess their individual heritage significance after exhibition of the Amendment and after the Panel Hearing.**

There are four buildings, which the Council resolved to reassess and include in Amendment C19 Part 2.

The buildings in question are:

- 119 Park Drive, Parkville
- 140 Park Drive, Parkville
- 3 Story Street, Parkville
- 76 Story Street, Parkville

In the case of all four buildings, Allom Lovell & Associates recommended that no grading be afforded to the buildings.

Meredith Gould Architects reviewed the heritage significance of each of these buildings and recommended that an individual D grading be applied to 140 Park Drive, Parkville, and that the remaining three buildings remain protected via the Parkville Heritage Overlay.

No submissions were received from the owners of these buildings.

### **3. CONSIDERATION OF ISSUES AND SUBMISSIONS**

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At the outset the Panel noted in respect of the methodologies employed by Meredith Gould, that the work was undertaken with a high degree of consistency and thoroughness of approach. The Panel appreciates that it can be difficult to undertake reviews of heritage significance of other experts, and was impressed by her rigorous approach and attention to the application of policy.

#### **3.1 120-122 Capel Street.**

A submission was received from the owner of 120-122 Capel Street North Melbourne. This submitter did not wish to be heard by the Panel, but provided their concerns in writing, which are summarised here:

- The intactness of the property is fair, not good. The property is run down and has no original character left.
- The outside of the building has been altered, including the introduction of a garage door and replacement of the roof.
- The review was unnecessary.

Ms Meredith Gould appeared as an expert witness for Council during the hearing. In relation to this property Ms Gould advised:

- The building reflects very early period of development in North Melbourne (approximately 1870s).
- The property was once probably a shop with an attached dwelling.
- The roller door is the only significant insertion, and it doesn't greatly change the heritage significance as it is reversible.
- The collective group of adjacent properties reinforces the heritage significance of this building.

The Panel also noted that the property has been previously protected by a level E individual heritage grading. During the substantial review (Amendment C19 Part 1) many buildings were effectively translated from an E to a D grading. Level D buildings are described as follows:

**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 Panel acknowledges the concerns of the owner in respect of the "re-assessing" of places once an original expert opinion has been provided. However the Panel

further notes that the Council has the obligation to ensure a robust analysis of all places being given a heritage assessment. The Panel supports the Council in taking into consideration the additional information provided by the North and West Melbourne Association (NWMA) relating to numerous properties, not just 120-122 Capel Street. During the course of the two hearings, the Panel found the NWMA members to bring professional and well-researched data to the hearing of the Amendment, and notes that it is often the weight of extra primary research which will influence a heritage assessment.

In summary the Panel supports the Council recommendation to include 120-122 Capel Street North Melbourne to the Schedule to the Heritage Overlay.

### **3.2 380 Victoria Street North Melbourne**

The owner of 380 Victoria Street, North Melbourne provided a written submission to the Panel, and did not wish to be heard at the hearing. The owner submitted that the property has been substantially altered and modernised. The owner further expressed concerns about the earlier heritage assessment being reviewed and altered.

Ms Gould was asked her reasons for not recommending the building be given an individual grading and she commented:

- The original joinery was removed;
- The doorway and windows have been re-arranged; and
- When referenced against the 1983 Butler study, that warehouses (and similar) were not recommend for inclusion if they were altered.

Ms Gould noted that the study was nearly twenty years old, and that there has been a significant shift in attitudes relating to the heritage significance of industrial buildings.

Ms Gould also advised that 388 Victoria Street has been recommended for a D grading.

The Panel pressed Ms Gould in respect of the following issues:

- The form of the building;
- The set back from the street and relationship with the comparable building at 388 Victoria Street; and
- The contribution of the collective group of adjacent heritage properties.

Ms Gould responded that the heritage significance of the building is impacted by the issues raised above, and that given the building is located in a Level 3 Streetscape (lowest level), she would not be unhappy if an individual grading at a Level D was afforded to 380 Victoria Street North Melbourne.

Ms Gould also suggested that given the age of the study, which was used as a comparative study for warehouses, Council might consider a review of the heritage significance warehouse buildings in the municipality.

The City of Melbourne has considered the submission, accepts the earlier recommendations of the Panel in relation to the above listed 380 Victoria Street and considers that it should be afforded protection under the Heritage Overlay. The Panel maintains its position in regard to this building.

### **3.3 Parkville Buildings**

There are four buildings which the Council resolved to reassess and include in Amendment C19 Part 2. The buildings in question are:

- 119 Park Drive, Parkville
- 140 Park Drive, Parkville
- 3 Story Street, Parkville
- 76 Story Street, Parkville

In the case of all four buildings Allom Lovell and Associates recommended that no grading be afforded to the buildings.

As a result of the review by Meredith Gould, the building at 140 Park Drive has been recommended for a D grading. During the hearing Ms Gould made the following comments:

- 119 Park Drive lacks significant materials, form and siting which would be required for an individual listing;
- 3 Story Street has had too many alterations to demonstrate its 19<sup>th</sup> century heritage; and
- 76 Story Street similarly has been too greatly altered and all of the building openings (windows, doors etc) have been removed.

Mrs Killip asked whether Meredith Gould inspected the rear of 3 Storey Street, to which Ms Gould advised she had not.

The Panel received a request to be heard from the Parkville Association in respect of all four buildings. Mrs Norah Killip, Consultant Historian to the Parkville Association appeared at the hearing.

Mrs Killip supports the D grading for 140 Park Drive, and Mrs Killip raised several matters relating to the three properties not recommended for individual grading, the key points of which are summarised here:

- 119 Park Drive is consistent in set back and form to adjacent buildings which have an individual grading, and the two unit development reflects another era of the history of Parkville;
- 76 Storey Street is consistent in set back and form to adjacent buildings which

have an individual grading and demonstrates its Victorian history at the rear of the property;

- The degree of alteration to 3 Storey Street is most apparent at the front, but the rear contains a hay loft and stable which demonstrate the association with the former Hay and Horse Markets in this area;
- Ms Gould has been overly concerned with the architectural merit of the places, to the point of not valuing as highly the historical and social significance of the three places; and
- Mrs Killip recommends each of these places be given a D Grading.

The Panel has considered the merits of the submissions from Council, Ms Gould and Mrs Killip and supports the recommendation of Council that 140 Park Drive be included to the schedule to the Heritage Overlay, but that the other three properties remain protected via the Parkville Precinct Heritage Overlay.

The Panel further notes however that Ms Gould be engaged to undertake an inspection of the rear of 3 Storey Street in order to assess the significance of buildings at the rear laneway of this place. Depending on the outcome of further work, it may be necessary to exhibit an intention to include 3 Storey Street within the Heritage Overlay as an individually listed building.

On 17 December 2001, the Panel received notification via email of a site visit undertaken by Ms Gould of 3 Storey Street. In her correspondence Ms Gould noted the following:

- *The stables to the rear has had at least two but probably three layers of alteration.*
- *The yard facing (east) elevation is now substantially altered by addition forward of the original wall. This does not relate to the "repair" which Norah Killip has mentioned.*
- *The lane facing (north) elevation does make a contribution to the precinct and the rear wall of the stables (west) is clearly visible from the Fitzgibbon Street.*
- *Its form contributes to this streetscape.*
- *The historical connection with the Horse Market is of interest and does add to the significance here.*
- *Despite the alterations, it is desirable for the stables structure to remain.*

Ms Gould commented in summary:

*However, I do not believe that a grading need relate to the very much altered house at the front of the property.*

On the basis of this recent assessment the Panel believes that Council should exhibit an intention to include the rear stable structure of 3 Storey Street within the Heritage Overlay.

### **3.4 North and West Melbourne Association**

The North and West Melbourne Association appeared at the hearing in support for the recommend gradings for:

- 120-122 Capel Street, and
- 380 Victoria Street, North Melbourne.

Ms Oddie reminded the Panel that both buildings were previously listed as E graded buildings, and that the City of Melbourne policy (Melbourne Planning Scheme, Clause 22.05 – Heritage Places Outside the Capital City Zone) will be handled primarily in accordance with their Streetscape grading in respect of planning considerations.

## **4. PANEL CONCLUSIONS AND RECOMMENDATIONS**

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The Panel appointed to consider Amendment C19 (Part 2) to the Melbourne Planning Scheme has recommended that it **BE ADOPTED** as further exhibited and that the following buildings be included in the schedule to the Heritage Overlay:

**1. The 16 buildings assessed as level D individually significant buildings:**

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

**2. The three buildings recommended for inclusion in the Heritage Overlay by the Panel in its Part 1 report of May 2001:**

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

**3. The four buildings which should have formed part of the Heritage Review undertaken by Allom Lovell and Associates, but were not reviewed until after Amendment C19 had been exhibited:**

- 63 Clowes Street, South Yarra
- 159 Roden Street, West Melbourne
- 163 Roden Street, West Melbourne
- 173-179 Roden Street, West Melbourne

**4. The 14 buildings/structures which are A, B or C graded which were covered by the Heritage Overlay in the old format Melbourne Planning Scheme and were incorrectly omitted from the Heritage Overlay in the new format planning scheme:**

- 56-58 Barry Street, Carlton
- 152 Victoria Parade, East Melbourne
- Bridge over Moonee Ponds Creek at Arden St, Kensington
- Dynon Road Bridge (over Moonee Ponds Creek)
- 521 Macaulay Road, Kensington
- 182 Collins Street, Melbourne
- 32-38 Russell Street and 145-149 Flinders Lane, Melbourne
- 380 Russell Street, Melbourne
- 390 Russell Street, Melbourne
- 394 Russell Street and 35 Victoria Street, Melbourne
- 279 Adderley Street, West Melbourne
- 118 Ireland Street, West Melbourne
- 357-369 King Street, West Melbourne
- 411-415 King Street, West Melbourne.

**5. The building at 140 Park Drive, Parkville.**

In conclusion the Panel notes that this part of Amendment C19 brings to completion a significant body of review and refinement of the management of heritage places within the City of Melbourne. It further notes that this section of the Amendment has been handled in a methodological and rigorous manner, and as such will provide a firm basis for the future management of these heritage places.

**Kathryn Mitchell  
18 December 2001**

**Maggie Baron**