

Expert Witness Statement to Panel

Amendment C387 to the
Melbourne Planning Scheme

256-260 King Street, Melbourne

Prepared under instruction from Best Hooper Lawyers
August 2021

Bryce Raworth
Conservation Consultant and Architectural Historian



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1.0 Introduction

1. This statement of evidence has been prepared under instruction from Best Hooper Lawyers on behalf of the owner of the property at 256-260 King Street, Melbourne. It comments on the heritage considerations associated with Amendment C387 to the *Melbourne Planning Scheme*, which proposes to implement the recommendations of the *Hoddle Grid Heritage Review July 2020* and apply the Heritage Overlay to 133 individual places, revise the boundary of four existing individual Heritage Overlays and apply the Heritage Overlay to five precincts including extending one precinct.
2. Amendment C387, as relates to the subject site, proposes to introduce an individual Heritage Overlay control to the property. My instructions are to prepare an expert report considering the heritage significance of the subject property and the appropriateness of the proposed overlay.
3. This statement was prepared with assistance from Fiona Erskine of my office. The views expressed are my own.
4. I note that there is no private or business relationship between myself and the party(s) for whom this report is prepared other than that associated with the preparation of this statement and advice on heritage issues associated with both Amendment C387 and a proposal to redevelop the site.

2.0 Sources of Information

5. An external inspection of the subject property has been undertaken, together with a review of the documentation associated with Amendment C387, including the exhibited *Hoddle Grid Heritage Review* (Context Pty Ltd & GJM Heritage, 2020) and the *Summary of Submissions and Management Responses* (18 May 2021).
6. Reference is also made to the Central Activities District Conservation Study (1985), Central City Heritage Study Review (1993), *Review of Heritage Overlay Listings in the CBD* (2002) and the *Central City Heritage Review* (2011).
7. Other documents referred to include *Guide to Expert Evidence* (April 2019), *Victoria Planning Provisions Practice Note 1: Applying the Heritage Overlay* (August 2018) and *The Victorian Heritage Register Criteria and Threshold Guidelines* (3 December 2020).
8. Sources of historical information are referenced where relevant.

3.0 Author Qualifications

9. A statement of my qualifications and experience with respect to urban conservation issues is appended to this report. Note that I have provided expert witness evidence on similar matters before the VCAT, Panels Victoria, the Heritage Council and the Building Appeals Board on numerous occasions in the past, and have been retained in such matters variously by municipal councils, owners, developers and objectors to planning proposals.

4.0 Declaration

10. I declare that I have made all the inquiries that I believe are desirable and appropriate, and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

A handwritten signature in black ink, appearing to read 'Bryce Raworth', followed by a period.

BRYCE RAWORTH

5.0 Brief History and Description

11. The subject site is located on the east side of King Street in the block situated between Lonsdale Street to the south and Little Lonsdale Street to the north. Gough Alley, a narrow bluestone paved laneway, runs along the southern and eastern site boundaries.
12. The subject building was constructed in 1929 by builder J Wright to a design by architect Eric C Beedham. As described in the building permit documentation, the office building was to function as a 'film exchange' for the Famous Lasky Film Service Ltd.¹
13. It is noted in the citation for the place that the Famous Players-Lasky Corporation was formed in Hollywood in 1916 when Arthur S Friend and Jesse L Lasky merged their motion picture production companies. Paramount was acquired to distribute their films. The company was restructured and renamed numerous times over its history² and the citation notes that from 1933 it was generally referred to by the Paramount name.
14. The citation states that Paramount Film Service (or Paramount Exchange) occupied the building until the 1960s. It continued to be occupied by film distributors until 1990 and was refurbished as office space in 2002.
15. The drawings and specification show that, as built, the two storey building was of brick construction with a flat roof finished in a bituminous covering. This was designed to take the load of two additional storeys, however no such addition ever eventuated. The facade was symmetrical. At ground floor level the central recessed timber framed glazed entry doors featured brass kick plates and were accessed by a flight of white marble steps inlaid with a rubber mat inscribed with the words 'Paramount Pictures'. The entry was flanked by two pairs of steel framed multi-paned windows while the ground floors walls were finished in granite ware faience tiles.
16. The cantilevered awning was supported by steel suspension rods and featured a stamped galvanised metal fascia and stamped steel soffit. Above this, the first floor level was of 'brown special face bricks' that also extended for 4ft to the return wall to Gough Alley. The central bay of three multi paned windows was flanked by narrower multi paned windows above which was a rendered cornice. These end windows were surmounted by decorative pressed cement lunette panels. The stepped parapet featured a central rendered panel upon which the company name was marked in projecting cement lettering. Two flag poles were fixed above the ends of the facade.
17. The side and rear elevations to Gough Alley were of red brick construction. The steel framed windows with concrete lintels were of various sizes and had wired glass panes or steel louvres. A steel roller shutter was located toward the east end of the south elevation.
18. Floor plans show that much of the interior space was taken up by offices. Vaults for film storage were located at the eastern end of the ground floor. The building application file shows that special permission was needed for the construction of a small (approx. 5 x 9 metres) film projection room with less than the required amount of natural lighting. This was used for the testing and display of motion picture films.

¹ Building Application File 11213, Public Records Office of Victoria.
² <https://www.silentera.com/PSFL/companies/F/famousPlayersLaskyCorp.html>



Figure 1 Architectural drawing of the west elevation to King Street.
Source: Public Records Office of Victoria.

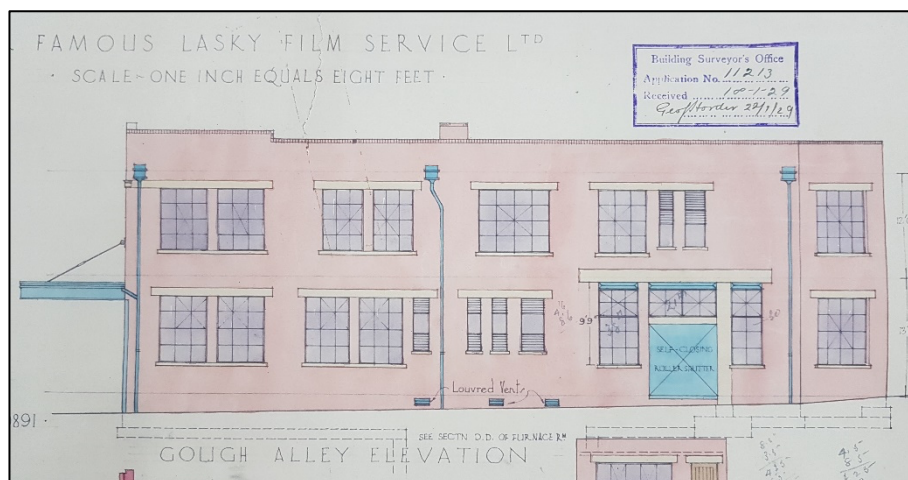


Figure 2 Drawing of the south elevation to Gough Alley.
Source: Public Records Office of Victoria.

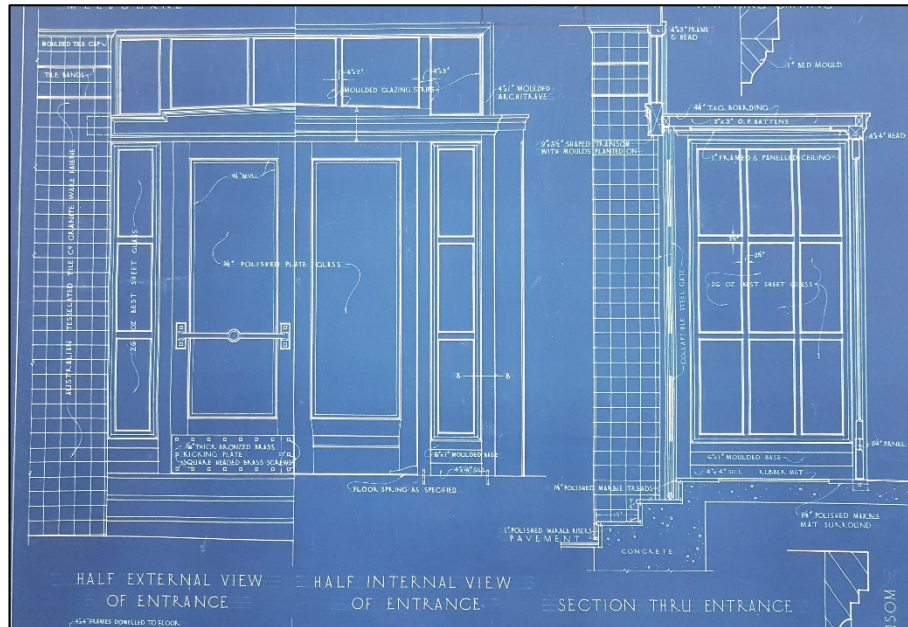


Figure 3 Drawing showing configuration of the entrance.
Source: Public Records Office of Victoria.

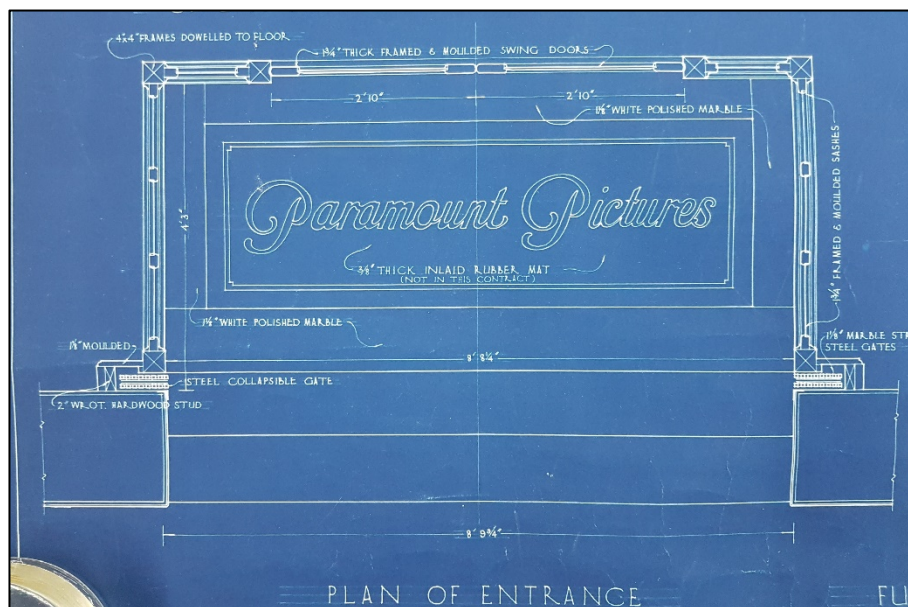


Figure 4 Drawn showing the entrance.
Source: Public Records Office of Victoria.

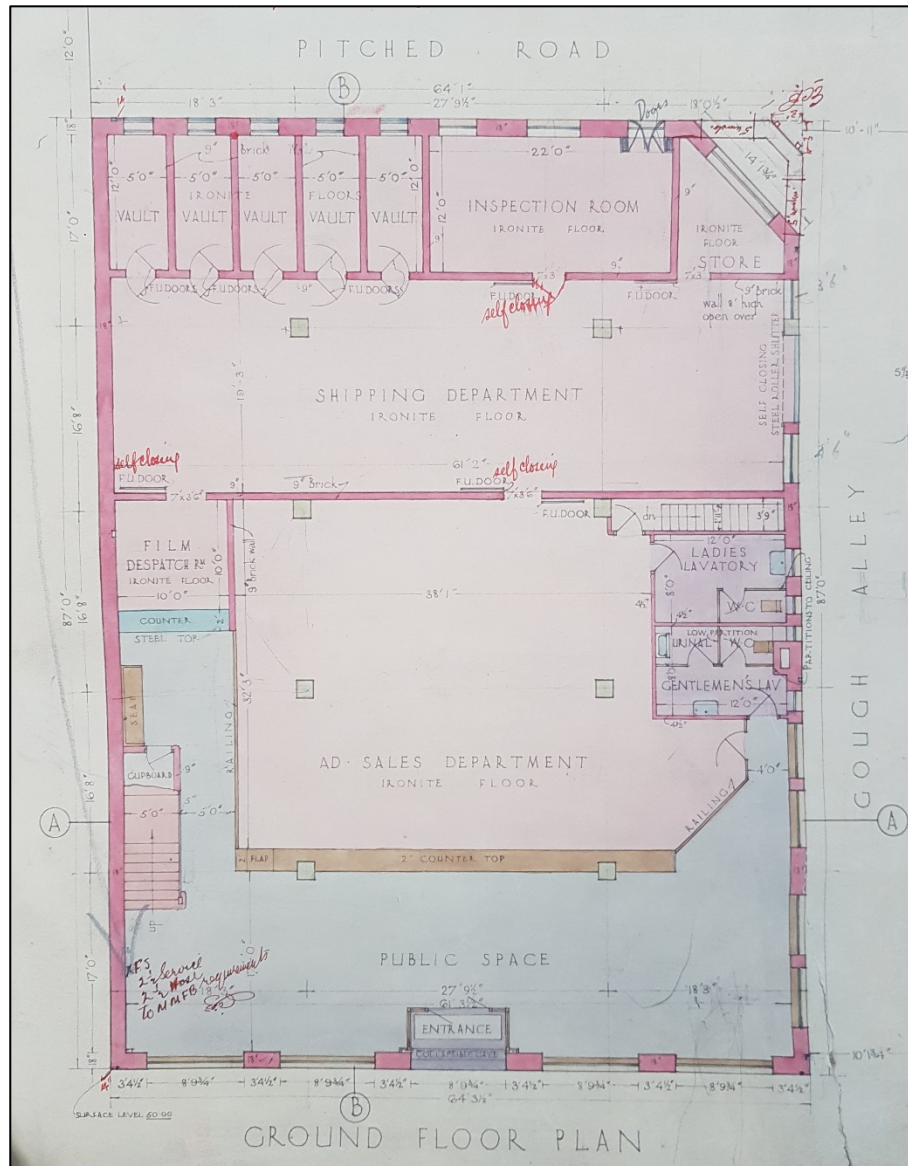


Figure 5 *Ground floor plan.*
Source: Public Records Office of Victoria.

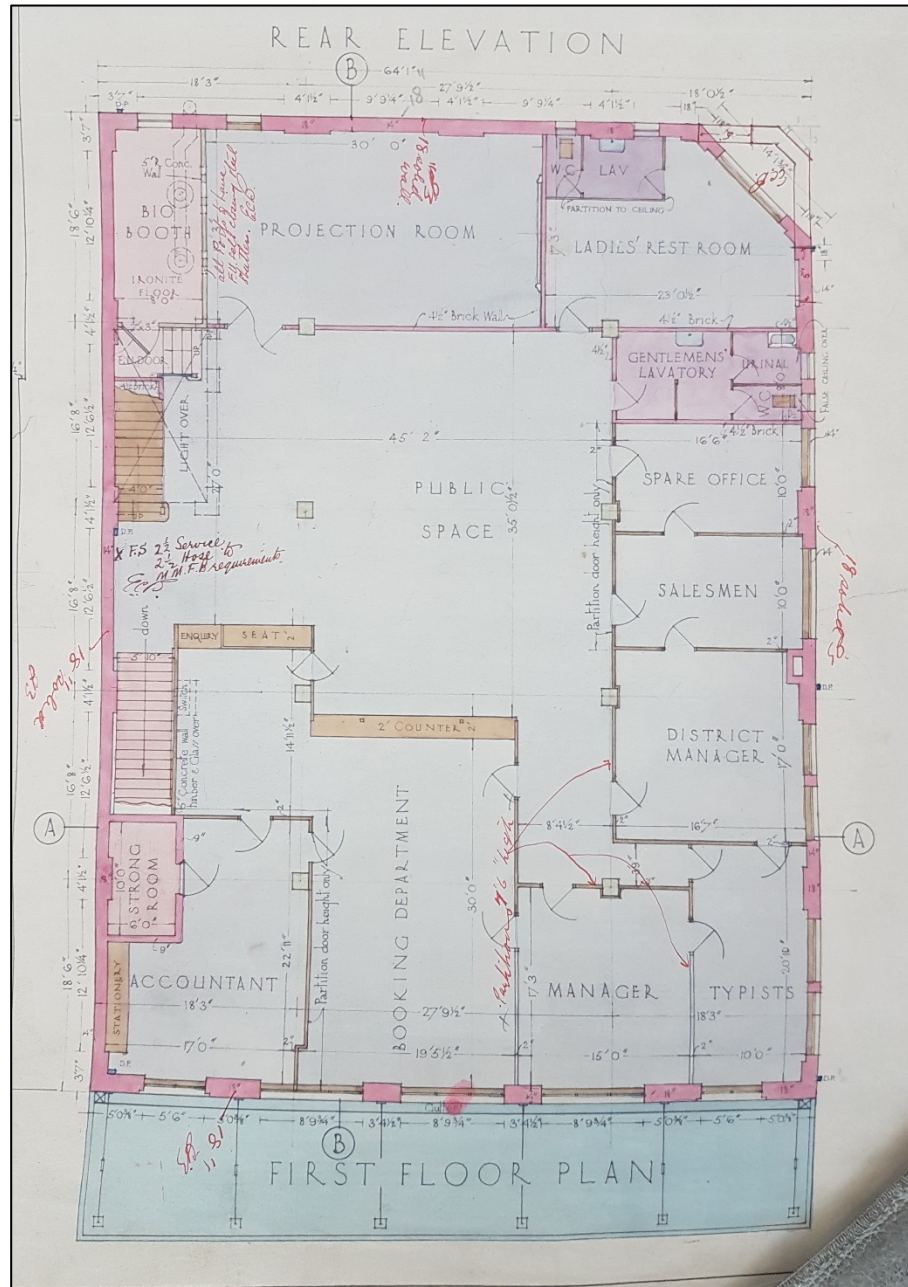


Figure 6 First floor plan.
Source: Public Records Office of Victoria.

19. Various alterations to the building have taken place over the years. The MCC Building Application Index shows that new partitions and windows at ground and first floor were installed in November 1959 at a cost of £2,000, however it is unclear which windows were replaced at this time. In 1973 new roofing was installed at a cost of \$5,500, in 1974 a new office to the first floor cost \$20,000 while in 1975 a new theatrette to the first floor cost \$30,000.³
20. Further alterations include total renewal of the ground floor, with removal of the recessed entry enclosure, doors and stairs, granite faience tiling and windows. The awning has also been replaced and the flag poles removed. The face brick of the first floor level has been smooth rendered, the name of the building removed from the parapet and the whole overpainted. The smooth rendering has been continued around the first bay of the Gough Alley elevation, and the whole overpainted. A metal roller door has replaced several windows.



Figure 7 1982 photograph with the subject building visible at left, prior to the rendering of the face brick to the facade.
Source: copyright Graeme Butler on Flickr.

³

<https://www.ancestry.com.au/search/collections/60672/>



Figure 8 The facade of 256-260 King Street.



Figure 9 The non-original entry and stairs.



Figure 10 The ground floor shopfront and awning have been replaced.



Figure 11 Southern elevation to Gough Alley showing the non-original rendering, overpainting and roller door.

6.0 Heritage Status

21. 256-260 King Street was graded 'D' in the 1985 *Central Activities District Conservation Study* and then graded 'C' in the 1993 *Central City Heritage Study Review*. It is relevant to note that the 1985 study was based upon a five level system (A,B,C,D and E), whereas the 1993 review adopted a three tier system of A, B, and C – with C being the lowest grading.
22. The building was not upgraded or identified as being of individual local significance worthy of a site-specific heritage control in either the 2002 *Review of Heritage Overlay listings in the CBD* or the 2011 *Central City Heritage Review*, two further studies cited in the *Hoddle Grid Heritage Review*.
23. The citation in the *Hoddle Grid Heritage Review* asserts that the subject building is of historical (Criterion A) and rarity (Criterion B) significance at the local level. The statement of significance is reproduced as follows:

What is significant?

The former Paramount House at 256-260 King Street, Melbourne, a two-storey commercial building built in 1929-30 to a design by architect Eric C Beedham.

Elements that contribute to the significance of the place include (but are not limited to):

- *The original building form and scale;*
- *The original painted render (possibly originally unpainted) and face brick walls and pattern of fenestration including cornice, parapet, decorative recessed semicircular arches above and rectangular panels below upper floor windows, painted render lintels and pattern of window openings; and*
- *The original multi-pane steel frame windows.*

Later alterations made to the street level façade are not significant.

How it is significant?

The former Paramount House at 256-260 King Street, Melbourne, is of local historic and rarity significance to the City of Melbourne.

Why it is significant?

The former Paramount House at 256-260 King Street, Melbourne, constructed in 1929 is historically significant for its ability to demonstrate one aspect of Melbourne's social and cultural history related to the provision of entertainment and the transmission of American popular culture through film from the interwar period. Through its association with American film company Lasky Films Ltd (later Paramount Films), the building also demonstrates the increased distribution of American films in Melbourne and Australia at a time when sound was introduced to picture making and film production had increased in America. With this expansion, American film companies established 'exchange' centres for the distribution and marketing of films in countries such as Australia. By the 1970s, the building was occupied by Cinema International Corporate Pty Ltd (later CIC-Fox and United International Pictures), a combined distributing venture for American film studios including Paramount Pictures, Universal Pictures, Metro-Goldwyn-Mayer (MGM), United Artists, 20th Century Fox and Walt Disney Productions.

The building was long associated with the moving picture industry, from its construction in 1929 to 1989. The building at 256-260 King Street, opened by Lasky Films Ltd, and including a small private theatre at which trade showings were given, provides tangible evidence of this component in the film distribution industry. (Criterion A)

The former Paramount Film Service building at 256-260 King Street is significant as a rare surviving example of a purpose-built interwar commercial building associated with the film industry. Constructed in 1929 to act as a headquarters of prominent international film distribution companies, the building originally incorporated offices, film vaults and storage accommodation and a small picture theatre for trade showings. Its exclusive long-term use (from 1930 to 1989) as the core distribution centre is significant, as no other building of its type within Hoddle Grid is known to have such long-term associations. (Criterion B)

7.0 Discussion

24. While the citation for 256-260 King Street contained within the *Hoddle Grid Heritage Review* concludes that the property is locally significant and warrants an individual Heritage Overlay control, I do not agree that the building meets the threshold for individual cultural heritage significance.

25. The citation includes the following comments regarding the integrity of the place:

The former Paramount House at 256-260 King Street is relatively intact with some changes visible to the original or early fabric. The building retains its original scale; principal upper-level façade with decorative panels, cornice and stepped parapet to King Street, fenestrations, pattern of openings and steel framed multipane windows to all elevations. Changes include the rendering of the original face brick walls to its principal façade, the replacement of the original shopfronts, and the over-painting of the side and rear face brick walls. Overall, the building is of moderate/high integrity.

26. While the list of alterations is accurate, it understates the impact that they have had on the presentation of the building. The replacement of the original shopfronts, coupled with the rendering of the original face brick first floor façade, as well as the overpainting of the side and rear face brick walls, has appreciably changed the architectural character of the building, turning it into a bland version of its original presentation. While the citation describes its integrity as moderate/high, it is in reality only moderately intact.

27. The Summary of Submissions and Management Responses included at Attachment 2 to Agenda item 6.4 of the Future Melbourne Committee dated 18 May 2021 notes:

Management agrees with GJM's response that the place is intact to its principal upper level façade, retaining its decorative panels, cornice, fenestrations, patterns of openings and steel-framed multipane windows. The large-scale modification to ground level facades is a widespread occurrence within the Hoddle Grid and the degree of alteration at 256-260 King Street is commensurate with other Individual Heritage Places included in the Heritage Overlay of the Melbourne Planning Scheme.

28. It is acknowledged that modifications to the shopfronts or ground level facades is a common occurrence that does not necessarily preclude the inclusion of a building in the Heritage Overlay. The cumulative effect of the changes at both ground and first floor levels of the facade as well as the visible side elevation to Gough Alley, however, results in a moderate level of intactness such as might be expected to a contributory graded building within a precinct, rather than a building of individual significance.

29. In relation to the assessment against criteria, *The Victorian Heritage Register Criteria and Threshold Guidelines*, although written to assist in the assessment of places of State level significance, provides guidance that can be readily adapted for the local context. In relation to both Criterion A (historical significance) and Criterion B (rarity), the basic test for satisfying these criteria includes that 'The

place/object has a CLEAR ASSOCIATION with an event, phase, period, process, function, movement, custom or way of life in [Melbourne's] cultural history' and that 'The association of the place/object to the event, phase, etc IS EVIDENT in the physical fabric of the place/object and/or in documentary resources or oral history.'

30. The citation identifies the historical theme 'enjoying the city' with sub-theme of 'public recreation' as relevant to the place. While the *Thematic History: A History of the City of Melbourne's Urban Environment* does not mention cinemas in discussing this theme, it is evident that cinema has been an important and enduring element of public recreation in the City of Melbourne. As noted by Catrice, there were 11 cinemas in Melbourne by 1919. The 1920s saw the advent of American style picture palaces, including construction of the Capitol Theatre in Swanston Street (1924), the State Theatre in Flinders Street (1929) and the Regent Theatre in Collins Street (1929).⁴
31. Although there is a clear association between the subject building and cinema, the association of the place with this form of public recreation is not readily apparent in the remaining built fabric. The building does not demonstrate to any appreciable extent its former use as a commercial building associated with film distribution. This use and association may have been demonstrated by internal features associated with the film vaults or the theatrette, however these were presumably removed by 2002 when the building was refurbished for office use. Moreover, no internal controls are proposed in the Schedule to the Heritage Overlay HO1342.
32. The exterior of the building is also mute in terms of any such associations. The rendered panel to the parapet has been altered to remove the name of the building, as has the recessed entry. While the authors of the *Hoddle Grid Heritage Review* have claimed that '*this association is evident in the articulation of the first floor façade with flanking pavilions*'⁵, this facade arrangement is a feature that is common to interwar commercial buildings generally, and not specific to those associated with the cinema or film industry. Within the study area, there are a number of examples of interwar commercial buildings with symmetrical facades articulated by 'pavilions' of this kind. These include the former Morris House constructed in 1924 as offices for the Charity Organisation Society at 114-122 Exhibition Street (Figure 12), as well as the former Russell House constructed in 1923 as a showroom, manufacturing and retail space at 124-130 Russell Street (Figure 13), and Cyclone House, constructed in 1926, at 17-19 Hardware Lane (Figure 14). Such symmetry and articulation was typical of commercial buildings of the interwar period, rather than remarkable or unusual.
33. The test for Criterion A also asks that '*The place/object allows the clear association with the event, phase etc. of historical importance to be UNDERSTOOD BETTER THAN MOST OTHER PLACES OR OBJECTS IN [Melbourne] WITH SUBSTANTIALLY THE SAME ASSOCIATION.*'
34. The cinema as a form of public recreation is clearly better understood by historical cinema buildings themselves, which enable an understanding of this form of entertainment that can be readily appreciated. The function of the office building as a distribution centre and storage place for film is peripheral rather than central to the public enjoyment of cinema in the twentieth century.

⁴ 'Cinemas' <https://www.emelbourne.net.au/biogs/EM00347b.htm>

⁵ Summary of Submissions and Management Responses, Attachment 2 to Agenda item 6.4, Future Melbourne Committee, 18 May 2021.



Figure 12 Both street elevations to 114-122 Exhibition Street were constructed with flanking pavilions, with the Exhibition Street façade being symmetrical.



Figure 13 124-130 Russell Street features a facade that has expressed pavilions to either side.



Figure 14 Cyclone House, 17-19 Hardware Lane. Graded significant in the Guilford and Hardware Laneways Precinct (HO1205).

35. The test for Criterion B in relation to rarity asks that a place be *'one of a small number of places/objects remaining that demonstrates the important event, phase etc'*. There does not appear to have been any serious attempt to research other sites of similar usage in assessing the rarity and importance of this place. The subject building is not a rare place associated with the interwar film industry in the context the numerous cinemas found in the CBD and inner metropolitan area.
36. Furthermore, the exclusion guidelines for Criterion B note that a place is unlikely to satisfy the criterion if *'The claimed rarity is dependent upon numerous qualifiers being strung together.'* The statement of significance claims that the subject property is rare as a *'surviving example of a purpose-built interwar commercial building associated with the film industry'*. The numerous qualifiers in this statement negate any rarity; any building would be considered 'rare' if the class of place to which it is ascribed is heavily qualified. Neither interwar buildings, commercial buildings, places associated with the film industry or purpose-built constructions are rare in the CBD context.
37. Planning Practice Note 1 states *'To apply a threshold, some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay.'*

38. The citation identifies the subject place as '*a modest commercial building, incorporating Art Deco influences to its design with references to classical and regency motifs*' and cites comparative examples accordingly. Of the three comparative examples cited, only one is currently included in the Heritage Overlay, and this (307-311 Elizabeth Street) is significant within a precinct. The other two examples (7-9 Elizabeth Street and 114-122 Exhibition Street) are only recommended as significant in the *Hoddle Grid Heritage Review* ie of a status that has not yet been determined. There is no comparative analysis that analyses the subject building in detail in relation to other buildings of similar typology and period that already have an individual Heritage Overlay.
39. The definition of a 'significant' building as found at Clause 22.04 is as follows:

A significant heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A significant heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a significant heritage place can make an important contribution to the precinct.
40. The proposal to introduce an individual Heritage Overlay to the subject site indicates that the building should accord with this definition. The place does not meet the thresholds for historical significance (Criterion A) or rarity (Criterion B) however, and as such is not '*individually important at...local level*'. The alterations to the building are such that the place is not '*externally intact*', nor has it been identified as having any '*notable features*'. No information has been put forward to suggest that it is highly valued by the community.
41. In conclusion, the building at 256-260 King Street is not of sufficient historical significance to warrant an individual Heritage Overlay control as proposed by Amendment C387 to the *Melbourne Planning Scheme*. It does not meet a threshold of local historical significance or rarity significance in terms of the matters set out in the proposed statement of significance.

Bryce Raworth

CONSERVATION | HERITAGE

BRYCE RAWORTH

M. ARCH., B. A. (HONS), ICCROM (ARCH)

Bryce Raworth has worked with issues relating to heritage and conservation since the mid-1980s, and has specialised in this area since establishing his own consultant practice in 1991. **Bryce Raworth Pty Ltd, Conservation • Heritage**, provides a range of heritage services, including the assessment of the significance of particular sites, preparation of conservation analyses and management plans, design and/or restoration advice for interventions into significant buildings, and detailed advice regarding the resolution of technical problems relating to deteriorating or damaged building fabric.

From 2004-2011 Raworth was a member of the Official Establishments Trust, which advises on the conservation and improvement of Admiralty House and Kirribilli House in Sydney and Government House and The Lodge in Canberra. As a member of the former Historic Buildings Council in Victoria, sitting on the Council's permit, planning and community relations committees, Raworth has been involved with the registration and permit processes for many registered historic buildings. In 1996 he was appointed an alternate member of the new Heritage Council, the successor the Historic Buildings Council, and in 1998 was made a full member.

At present he provides regular advice to architects and private owners on technical, architectural and planning issues relative to the conservation and adaptation of historic buildings, and is occasionally called upon to provide expert advice before the VCAT. He is currently the conservation consultant for the cities of Frankston, Kingston and Stonnington, and is a member of the Advisory Board to the Australian Centre for Architectural History, Urban and Cultural Heritage, University of Melbourne (ACAHUCH).

With respect to historic precincts, the company has provided detailed advice towards the resolution of heritage issues along the Upfield railway line. The company is currently contributing to redevelopment plans for the former Coburg Prisons Complex (comprising Pentridge Prison and the Metropolitan Prison) and the former Albion Explosives Factory, Maribyrnong. In 1993 Bryce Raworth led a consultant team which reviewed the City of Melbourne's conservation data and controls for the CBD, and in 1997 **Bryce Raworth Pty Ltd** revised the former City of South Melbourne Conservation Study with respect to the area within the present City of Melbourne. The firm is currently completing documentation for significant heritage places and areas in the City of Stonnington.

In recent years **Bryce Raworth Pty Ltd** has also provided documentation and advice during construction on the restoration of a number of key registered and heritage overlay buildings, including the Ebenezer Mission church and outbuildings, Antwerp; the former MMTB Building, Bourke Street West, Melbourne; the former Martin & Pleasance Building, 178 Collins Street, Melbourne; the former Uniting Church, Howe Crescent, South Melbourne; Heide I & II, Heide Museum of Modern Art, Bulleen; Melbourne Grammar School, South Yarra; various guard towers and other buildings, Pentridge Prison, Coburg; and Coriule Homestead, Curlewis.

BRYCE RAWORTH

M. ARCH., B. A. (HONS), ICCROM (ARCH)

Professional Status:	Conservation Consultant and Architectural Historian
Current Positions:	Conservation Consultant to the cities of Kingston, Frankston and Stonnington
Organisation Membership:	Australian Institute of Architects VPELA (Victorian Planning and Environmental Law Association)
Professional Experience:	<p>independent practice as conservation consultant and architectural historian from January 1991 (ongoing). Services include: identification and assessment of the significance of sites and complexes; preparation of guidelines regarding the safeguarding of significant sites; provision of technical, design and planning advice to architects, owners and government on issues relating to the conservation of sites of cultural significance; expert witness advice on conservation issues before the VCAT</p> <p>member, Historic Buildings Council (architectural historian's chair) 1993-1996; member, Heritage Council (architect's chair) 1998-2002</p> <p>conservation consultant to the cities of Brighton, Northcote and Sandringham (1989 only), Essendon, Hawthorn and Kew (1989-1994), Melbourne (1992-2009) and Prahran (1992-1994)</p> <p>established the Metropolitan Heritage Advisory Service on behalf of the Ministry for Planning & Environment - this service was offered to the cities of Brighton, Essendon, Hawthorn, Kew, Northcote and Sandringham in 1989-90</p>
Studies:	<p>Certificate of Architectural Conservation, ICCROM (International Centre for the Study of the Preservation and the Restoration of Cultural Property at Rome), 1994</p> <p>Master of Architecture by thesis, University of Melbourne, 1993 (thesis: A Question of Style: Domestic Architecture in Melbourne, 1919-1942)</p> <p>B. Architecture (First Class Honours), University of Melbourne, 1986</p> <p>B. Arts (Second Class Honours, Division A), University of Melbourne, 1986</p>
Committee Membership:	<p>Member of Advisory Board, ACAHUCH (Australian Centre for Architectural History, Urban and Cultural Heritage, University of Melbourne)</p> <p>Twentieth Century Buildings Committee, National Trust of Australia (Victoria), 1990-1994 (Chairman 1992-1993)</p> <p>RAIA Jury, Conservation Category, 1995, 1996, 1998 and 2001 Awards (Chairman 1996 & 1998)</p>
Awarded:	<p>Henry and Rachel Ackman Travelling Scholarship in Architecture, 1987-88</p> <p>JG Knight Award, conservation of Heide 1, Royal Australian Institute of Architects, Victorian Chapter, 2003</p> <p>Lachlan Macquarie Award for heritage (commendation), conservation of Heide 1, Royal Australian Institute of Architects National Award program, 2003</p> <p>Award for Heritage Architecture, conservation of Coriyule Homestead, Australian Institute of Architects, Victorian Chapter, 2015</p> <p>Award for Heritage Architecture, conservation of Coriyule Homestead, Australian Institute of Architects, National Awards, 2015</p> <p>Award for Heritage Architecture, conservation of Coriyule Homestead, Australian Institute of Architects, National Awards, 2015.</p>