

INDEPENDENT PLANNING PANEL
APPOINTED BY THE MINISTER FOR PLANNING
PLANNING PANELS VICTORIA

IN THE MATTER of Amendment C387 to the Melbourne Planning Scheme

BETWEEN:

MELBOURNE CITY COUNCIL

Planning Authority

-and-

VARIOUS SUBMITTERS

AFFECTED LAND: 137 individual places and 5 precincts within the suburb of Melbourne

PART B SUBMISSION OF THE PLANNING AUTHORITY

I. OVERVIEW

1. Melbourne City Council (**Council**) is the Planning Authority for Amendment C387 (**Amendment**) to the Melbourne Planning Scheme (**Scheme**). This Part B submission is made in accordance with the Panel's Directions dated 17 June 2021 and is to be read in conjunction with the Part A submission circulated on 2 August 2021 and the expert evidence called from the following witnesses:
 - (a) Jim Gardner (heritage);
 - (b) Simon Reeves (postwar heritage).
2. This Part B submission addresses key aspects of the Amendment, responds to issues arising from the various submissions made in response to exhibition and the evidence tabled in the hearing and sets out Council's final position on the Amendment.
3. As noted in Council's Part A submission the Amendment implements the findings of the Hoddle Grid Heritage Review 2020 (**HGHR**) by:
 - (a) applying the Heritage Overlay to 133 individual places;
 - (b) revising the boundary of 4 existing individual Heritage Overlays;

- (c) applying the Heritage Overlay to 5 precincts (of which one is the extension of an existing precinct);
- (d) amending an interim precinct Heritage Overlay by changing the Heritage Overlay number; and
- (e) introducing separate Statements of Significance for all places and precincts.

II. THRESHOLD FOR LOCAL SIGNIFICANCE

4. At the outset and in light of the evidence filed with the Panel on behalf of a number of submitters, Council considers it to be important to address the appropriate threshold to apply for a place to be identified as being of local heritage significance that warrants inclusion within the Heritage Overlay.
5. In addressing the threshold, it is important to identify and acknowledge the difference between criteria by which a threshold may be established, and the threshold itself. Every single site contained within the HGHR must meet the relevant threshold of local significance prior to its inclusion within the Heritage Overlay. This does not mean that every site must meet all criteria.
6. It is important to approach the question of whether the threshold for local significance is met by giving appropriate weight to the guidance contained in each of the policy contained within Clause 22.04 of the Scheme, Planning Practice Note 1 – Applying the Heritage Overlay (August 2018) (**PPN1**) and the *Victorian Heritage Register Criteria and Threshold Guidelines* (**VHR Guidelines**).
7. Clause 22.04 of the Scheme *Heritage Places in the Capital City Zone* defines a ‘Significant heritage place’ as:

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.

8. Accordingly, pursuant to Clause 22.04 a Significant heritage place:
 - a) is individually important at state or local level;

- b) is a heritage place in its own right;
 - c) must satisfy at least one of the criterion of significance to the municipality, meaning that the place is of historical, aesthetic, scientific, social or spiritual significance to the municipality (that is, while more than one of these criteria may be satisfied, only one must be satisfied);
 - d) may be highly valued by the community (or may not be valued by the community);
 - e) is typically (but not always or necessarily) externally intact; and/or
 - f) has notable features associated with the place type, use, period, method of construction, siting or setting.
9. Planning Practice Notes published by the Department of Environment, Land, Water and Planning provide advice about the operation of the Victorian Planning Provisions, planning schemes and planning processes. Accordingly, PPN1 is intended as a guideline to assist in the interpretation of heritage policy within planning schemes.
10. PPN1 provides the following description of the recognised heritage criteria:

*The following recognised heritage criteria **shall be used** for the assessment of the heritage value of the heritage place. These model criteria have been broadly adopted by heritage jurisdictions across Australia and should be used for all new heritage assessment work.*

Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).

Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).

Criterion C: Potential to yield information that will contribute to understanding our cultural or natural history (research potential).

Criterion D: Importance in demonstrating the **principal characteristics of a class** of cultural or natural places or environments (representativeness).

Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).

Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

(emphasis added)

The adoption of the above criteria does not diminish heritage assessment work undertaken before 2012 using older versions of criteria.

*The thresholds to be applied in the assessment of significance shall be ‘State Significance’ and ‘Local Significance’. **‘Local Significance’ includes those places that are important to a particular community or locality.** Letter gradings (for example, “A”, “B”, “C”) should not be used.* (emphasis added)

*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.** Places identified to be of potential state significance should undergo analysis on a broader (statewide) comparative basis.* (emphasis added)

11. PPN1 distinguishes between the criteria and the threshold for local significance, noting that the criteria themselves incorporate *importance* or *strong or special association*. PPN1 then identifies the threshold for Local Significance to include places that are *important* to a particular community or locality. In this regard, it reinforces the primary definition of ‘individual heritage place’ in clause 22.04, namely a place that is ‘individually important’ at the local level.
12. It needs to be understood that while the HGHR identified that the method by which the original list of potential heritage places was refined included consideration of whether a place was “...identified as either particularly early, rare or fine examples, or having exceptionally strong historic or other heritage values...”,¹ this was a prioritising tool for the preliminary consideration of a building for the pilot stage of the HGHR; being particularly early, rare or fine or having exceptional strong values is not properly described as a necessary precondition for all buildings recommended for inclusion within the Heritage Overlay by the HGHR.
13. To the extent that a number of submissions and experts seek to rely upon the VHR Guidelines, it must be borne in mind that the VHR Guidelines explicitly state their purpose is to outline the key considerations in determining state level cultural heritage significance for places or objects that could be included in the Victorian Heritage Register (the **VHR**). Accordingly, their use and application in the process of assessing

¹ Hoddle Grid Heritage Review, *Volume 1: Built & Urban Heritage - Methodology* (Context, July 2020), 7.

places of local significance needs to be approached with caution and with appropriate adjustment.

14. In this regard it is worthy of note that the Heritage Council of Victoria report *State of Heritage Review – Local Heritage 2020*, records the importance of preparing local threshold guidelines, similar to those for State heritage, as an immediate priority,² the plain inference being that the VHR Guidelines are not an appropriate substitution when seeking to assess local significance.
15. A number of planning panels have addressed the use of the VHR Guidelines, with regard to both criteria and threshold, in the assessment of local significance.
16. In Nillumbik C100 (PSA) [2015] PPV 25 (27 March 2015), the Panel considered the appropriateness of the inclusion of a 1950s church in Hurstbridge in an individual Heritage Overlay. Experts called by both the Council and the property owner utilised the VHR Guidelines in their assessment.
17. Panel Member Martin referenced the use of the VHR Guidelines in relation to Criteria A, D and G. In relation to Criterion A:

Regarding Ms Westbrooke’s statements against the tests in the criteria and threshold guidelines, the Panel does not consider that the fact that the building was constructed in the 1950s constitutes a ‘clear association’ with the new wave of settlement and new community formation at that time. In particular, no connection seems to exist between the church and the artists and environmental builders who arrived in this period. While the property is indeed a substantially intact, modest church building that demonstrates the key features of its 1950s construction period, the date of its building seems to owe more to necessity than to the new wave of settlement occurring in the area.

For these reasons, the Panel prefers the evidence of Ms Brady that the building is of historical interest for its association with the local Church of Christ congregation, but that this does not amount to local heritage significance against the criterion for historical significance.

The Panel finds that Criterion A is not satisfied at the level of local heritage significance.³

18. Member Martin’s discussion of Criterion D:

A key issue to be determined in assessing the former church against Criterion D is how to define the ‘class’ of places that it is said to represent. As discussed above, the criteria and threshold guidelines define ‘class’ as a sub-category of a broad place type. The guidelines go on to say that:

A class is generally defined by a specific purpose or use, era, design characteristic, construction technique, materials used or some other recognisable quality. The class should be readily discernible as a sub-category of a broad place type and should not be narrowed by multiple qualifiers.

² Heritage Council of Victoria report *State of Heritage Review – Local Heritage 2020*, 53.

³ Nillumbik C100 (PSA) [2015] PPV 25 (27 March 2015), 18.

...

The criteria and thresholds guidelines suggest that the basic test for satisfying Criterion D is that the place is one of a class of places that has a clear association with an event, phase etc. that is important in the history of the relevant area, and that the principal characteristics of the class are evident in the physical fabric of the place. So far, the former church could be said to pass the basic test. However, the guidelines go on to imply the need to be selective, rather than including all examples of a class. They require that the place should be a notable example of the class in the relevant area and expand on 'notable' by suggesting it should be a fine example (higher quality or greater historical relevance), a highly intact example, or an influential example that was copied elsewhere.⁴

19. And Criterion G:

The criteria and threshold guidelines require not only that there is a direct association between a place and a particular community or cultural group, but also that this association is strong or special. Evidence of such an association may be through long term use of or engagement with the place or the enduring ceremonial, ritual, commemorative, spiritual or celebratory use of the place. A community or cultural group, in this context, is defined as a sizable group of persons who share a common and long-standing interest or identity.

In addition, the place should represent a particularly strong example of the association between it and the community by reason of its relationship to important historical events in the relevant area and/or its ability to interpret experiences to the broader community.

The exclusion guidelines for Criterion G include where the attachment to the place is a short-term response to an event at, or a proposed change to, the place and where the community is unable to demonstrate a strong and enduring cultural association with the place. They also exclude places that were an important point of interaction for past communities, but where that attachment no longer exists.⁵

20. The Nillumbik panel represents the most extensive use of the VHR Guidelines, where subsequent panels have been more qualified in their reliance on them.
21. In Glen Eira C182glen (PSA) [2019] PPV 36 (14 June 2019) the Panel discussed the proper application of the VHR Guidelines to the assessment of the ABC TV studios in Elsternwick both generally, and in relation to Criterion G:

The Victorian Heritage Register Criteria and Threshold Guidelines, 6 December 2018 (VHR Guidelines) provide a guide to determining whether a place is of a state level of cultural heritage significance and should be included on the Victorian Heritage Register. The guide includes a three stepped approach based on the HERCON criteria. Step 1 includes a basic test for satisfying the criterion, with Step 2 a test of whether the criterion can be satisfied at the state level. Step 3 includes a list of exclusions that would disqualify a place from satisfying the criterion at a state level.

*The Guidelines have not been relied on by the Panel as they relate to determining sites of state significance and this Amendment is focused on applying a local level heritage control. **They do however, provide useful guidance to understanding the HERCON***

⁴ ibid, 24.

⁵ ibid, 28.

criterion, what is meant by intactness, integrity and aesthetic characteristics.

...

Submissions and evidence to the Panel identified that the ABC community comprised staff and actors associated with the production of programs at Gordon Street and members of the broader community who attended live programs such as Countdown or were part of the Friends of the ABC. The Panel accepts that PPN01 and the VHR Guidelines could be used to distinguish these groups as part of a 'community'. The Panel considers that this community would have a nostalgic connection with the site. However, with its closure, there is limited opportunity for an ongoing association or connection of that community with the site.

...Some guidance about the types of places that may satisfy Criterion G is included in the VHR Guidelines. In addition to places of public entertainment, the Guidelines refer to places associated with recent significant events or places with special meaning for particular communities.⁶

22. In Moreland C174 (PSA) [2019] PPV 37 (20 June 2019), the Panel recorded Mr Raworth's evidence which cited the VHR Guidelines, but the Panel did not itself adopt the VHR Guidelines in its analysis:

Mr Raworth undertook an extensive comparative analysis of cottages in the broader Brunswick area, that is, spreading east and west from Sydney Road and just north of Albion Street. The examples comprised 22 photographs of buildings, some of which were already identified individually, in precincts or not at all. He discussed a small number of other examples either on the Victorian Heritage Register, and therefore of State significance, or referred to in the Amendment and not yet determined to be significant. The examples ranged in date from the mid-1850s through to about 1890. He used these examples to explore the relative rarity of surviving brick cottages in Brunswick, concluding that there were probably few built in the first place. Quoting Heritage Victoria's Criteria and Threshold guidelines for identifying places of state significance, he also highlighted the danger of using qualifiers to subdivide a class into smaller and smaller groups, creating a false sense of rarity.⁷

23. In Boroondara C318boro (PSA) [2020] PPV 42 (10 June 2020) the Panel noted the potentially problematic application of Criterion B to an Italianate house in Balwyn:

The Heritage Council's Victorian Heritage Register Criteria and Threshold Guidelines provides practical guidance about assessing Criterion B which is not found in Planning Practice Note 1. The Heritage Council guidelines are intended for assessing places of potential state significance so applying them at a local scale may result in a distorted outcome.⁸

24. In Mornington Peninsula C262morn Part 2 (PSA)[2021] PPV 19 (6 April 2021) the Panel agreed with the observation of the Boroondara C318boro panel that application of the VHR Guidelines could lead to a distorted outcome. The C262morn panel was

⁶ Glen Eira C182glen (PSA) [2019] PPV 36 (14 June 2019), pages 14-15, 29.

⁷ Moreland C174 (PSA) [2019] PPV 37 (20 June 2019), 42.

⁸ Boroondara C318boro (PSA) [2020] PPV 42 (10 June 2020), 24.

prepared to use the VHR Guidelines to assist in applying the criteria in assessing significance but not to form the basis of an assessment:

The Panel acknowledges that the VHR guidelines are designed for the assessment of places of state significance. The Panel agrees with the Boroondara C318 Panel that applying them as the basis for the assessment of local significance could lead to a distorted outcome. However, that does not mean they should not be used to assist in assessing significance.

The Panel notes that all planning schemes have a section that contains state policy that is meant to inform local policy. The Panel views the VHR guidelines in much the same light where they can help inform the significant elements in a local assessment. Consequently, the Panel accepts that the VHR guidelines can assist but should be used with caution and should not form the basis of an assessment as Boroondara C318 and Glen Eira C182 concluded.

In addition, the Panel takes the view the PPN01 is not as bereft of guidance as some of the submissions have suggested. Each of the criteria description commences with what, in the Panel's view, is a description of the threshold to be reached for local significance. These thresholds include importance, strong or special association. As is discussed in the following chapters, these threshold words in PPN01 provide this Panel with an appropriate basis for evaluating the significance of a place with respect to the HERCON criteria.

(iv) Conclusion

The Panel concludes:

- that it is appropriate to use the Victorian Heritage Register Criteria and Threshold Guidelines 2020 (VHR guidelines) as a guide to the application of the HERCON criteria in assessing local significance.⁹*

25. Accordingly, while a number of panels have noted that the VHR Guidelines may provide assistance in assessing significance, they also refer to risks such as distortion if considering the VHR Guidelines. There is no mandatory requirement to use the VHR Guidelines and if they are used, they should be used with caution and they should not be used as the basis for evaluating significance.
26. The Department of Environment, Land, Water and Planning (**DELWP**) provides educative materials about 'Local heritage protection' on its website. The Department explicitly sets out that PPN1 helps local Councils use and apply the Heritage Overlay and makes no such claim in respect of the VHR Guidelines.

⁹ Mornington Peninsula C262morn Part 2 (PSA)[2021] PPV 19 (6 April 2021), 29.

Local Councils are responsible for protecting places with local heritage significance. Section 4 of the [Planning and Environment Act 1987](#) obliges Councils to use their planning schemes to conserve and enhance buildings, areas or other places of local heritage significance.

Most local heritage places are identified through a heritage study, prepared by a heritage consultant. Usually the community and local historical societies are invited to nominate places of potential heritage significance. These places are then assessed to determine whether they are of local heritage significance.

Completed heritage studies can often be found in local libraries or at the office of your local Council. You can also inspect copies at the [Victorian Government Library Service](#).

27. It is appropriate to consider how the VHR Guidelines deal with a number of the heritage criteria in greater detail.

Criterion A

28. PPN1 provides *Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance)*. The VHR Guidelines provide *Criterion A: Importance to the course or pattern of Victoria's cultural history*.
29. Step 2 of the of the basic test for achieving State level significance is that the place allows the event or phase of historical importance to be understood '*better than most other places or objects in Victoria with substantially the same association*'. Neither local policy nor PPN1 seeks that a place of local significance be 'better than most' to warrant inclusion within the Heritage Overlay.
30. Rather PPN1 requires comparative assessment by reference to:
 - (a) other similar places (not better or worse places)
 - (b) within the study area (not outside it),
 - (c) including those previously included (but not excluding those not presently included).

Criterion D

31. Criterion D of PPN1 is *Importance in demonstrating the principal characteristic of a class of cultural or natural places or environments (representativeness)*.
32. The expert evidence filed on behalf of a number of submitters articulate a number of different 'tests' by which the threshold for Criterion D may be established. These 'tests'

include whether the place is exceptional, outstanding, remarkable or a landmark. Council submits that these standards are too high as a threshold for local significance.

33. Qualified use of Reference Tool D for Step 2 in the VHR Guidelines may be of assistance. They require that a place be a ‘notable example’ of the class in Victoria and proceed to define a notable example as follows:

- ***A fine example*** – *the place/object displays a large number or range of characteristics that is typical of the class; the place/object displays characteristics that are of a higher quality or historical relevance than are typical of places/objects in the class; or the place/object displays the principal characteristics of the class in a way that allows the class to be easily understood/appreciated.*
- ***A highly intact example*** - *the place/object displays characteristics of the class that remain mostly unchanged from the historically important period of development or use of the place/object;*
- ***An influential example*** – *the place/object contains physical characteristics of design, technology or materials that were copied in subsequent places/objects of the class (direct physical influence), or other places/objects were created, altered or used in response to the characteristics of this place/object.*
- ***A pivotal example*** – *the place/object encapsulates a key evolutionary stage in the development of the class.*

34. The following points should be noted about Reference Tool D: first, not all of these definitions have to be satisfied; second, not all of the qualities in the description of a ‘fine example’ have to be met; third, it is necessary to appreciate that these are expectations for a place of State significance and any use at the local level has to be adjusted; finally, the definitions should not be used as a checklist which must be satisfied but as a useful guide to understanding and analysis.
35. From the language of PPN1 it is necessary that a place considered for inclusion for representatives is “important” in demonstrating the principal characteristics of a class; hence not all examples which demonstrate the principal characteristics of a class will satisfy the standard for inclusion. Council accepts that ‘representativeness’ requires consideration of how well resolved or ‘good’ or ‘fine’ the place is, how intact it is and whether it is more than merely standard or generic. However it is unhelpful to add qualifiers and thresholds to the assessment of local significance that are not contained within policy, or within the PPN1, particularly when these qualifiers serve to set the standard for local significance artificially high.

36. In this regard, it is also important that the breadth of the class for the purpose of consideration of Criterion D is appropriately set. If the class is set too broadly, the relevant threshold for inclusion within that class may be artificially high as the place may have a number of comparators with a high level of significance. If the class is too narrow the limited number of comparators, in and of itself, may set the threshold artificially low as there are very few places that offer appropriate comparison.

Comparative analysis

37. A number of experts appearing before the Panel have taken issue with the comparative analysis undertaken in the HGHR. In this regard, it is important to consider the level of comparative analysis engaged in by the HGHR.
38. This level of analysis includes:
- a) the analysis contained within the Thematic History (including specific mention of places which are examples of particular themes and subthemes), in the contextual history within the place citations and in the comparative analysis with photographs and commentary within the place citations for each of the 137 individual places proposed for inclusion within the Heritage Overlay;
 - b) the merit of this analysis is demonstrated and supplemented by the analysis of places excluded from consideration within Volume 1, Appendix 6 of the HGHR. At page 83, Appendix 6 notes it seeks to identify places that were not progressed and why, with reasons including that the place was substantially altered, of low integrity, of low architectural quality, was comparable to Contributory rather than Significant places, that there were better and earlier examples represented in the Heritage Overlay, or had been demolished;
39. Council considers this level of analysis to be more than sufficient and at least equivalent to the level of analysis typically employed in heritage studies which have successfully supported an assessment of local significance and that an appropriate range of places and level of analysis have been included within the Review. Undertaking the analysis within the study area is consistent with PPN1.
40. While it is certainly the case that buildings proposed for inclusion on the Heritage Overlay have yet to be tested in respect of establishing their own local significance, this

is the first comprehensive heritage assessment of a new historical period (the postwar period). Accordingly, the number of local comparators already within the Heritage Overlay is limited simply because the work has yet to be undertaken. Although some postwar buildings are included in the Heritage Overlay, these are either because they are on the VHR or because they are within existing precincts (such as Gilbert Court at 100 Collins Street or the Allans Building at 276-278 Collins Street); in the case of the postwar buildings within precincts, these places are of significance but the precinct statements of significance do not relate to the postwar period. Hence, the utility of comparison with existing postwar buildings in a permanent Heritage Overlay is limited. In these circumstances, if it were regarded as inappropriate to ever utilise comparators which had yet to attain inclusion within the Heritage Overlay, new studies would always fail to achieve the bar set. Equally, relying on a single example such as the Scottish Amicable building at 126-146 Queen Street included in the Heritage Overlay but now demolished is inadequate to establish a threshold by way of comparative analysis.

41. Utilising properties located on the Victorian Heritage Register as a comparator is not inappropriate provided it is always understood that these buildings meet a higher threshold and will necessarily be of a higher calibre. This higher threshold and higher calibre is reflected in the fewer properties listed on the VHR. Proportionally, there are in the order of ten times more individually Significant places located in Heritage Overlays than on the VHR.

Intactness and integrity

42. With regard to intactness and integrity, a definition contained within the VHR Guidelines provides:

Intactness: refers to the degree to which a place or object retains its significant fabric.

Note: Intactness should not be confused with condition – a place may be highly intact but the fabric may be in a very fragile condition.

Integrity: refers to the degree to which the heritage values of the place or object are still evident and can be understood and appreciated (for example, the degree to which the original design or use of a place or object can still be discerned). If considerable change to a place or object has occurred (through encroaching development, changes to the fabric, physical deterioration of the fabric etc) the significant values may not be readily identifiable and the place or object may have low-level integrity.

43. Similar principles in the context of local significance are conveyed by the discussion about intactness and integrity contained within Latrobe C14 (PSA) [2010] PPV 53 (19 May 2010):

The question of intactness is frequently discussed in heritage debates – both as a positive (e.g. ‘a very intact example’) or a negative (e.g. ‘no longer intact’). Equally frequently, the term integrity is applied as a synonym for intactness. For the purposes of this consideration, the Panel proposes the view that intactness and integrity refer to different heritage characteristics.

Intactness relates to the wholeness of (or lack of alteration to) the place. Depending on the grounds for significance, this can relate to a reference point of original construction or may include original construction with progressive accretions or alterations.

Integrity in respect to a heritage place is a descriptor of the veracity of the place as a meaningful document of the heritage from which it purports to draw its significance. For example a place proposed as important on account of its special architectural details may be said to lack integrity if those features are destroyed or obliterated. It may be said to have low integrity if some of those features are altered. In the same case but where significance related to, say, an historical association, the place may retain its integrity despite the changes to fabric (Structural integrity is a slightly different matter. It usually describes the basic structural sufficiency of a building).

Based on this approach it is clear that whilst some heritage places may have low intactness they may still have high integrity – the Parthenon ruins may be a good example. On the other hand, a reduction in intactness may threaten a place’s integrity to such a degree that it loses its significance.¹⁰

44. Intactness relates to the degree to which a place retains significant fabric, and integrity refers to the degree to which the heritage values of a place can be understood and appreciated. Accordingly, intactness and integrity are factors that are appropriately considered in the context of the overarching task of assessing significance. In and of themselves they do not answer the question of whether a place is Significant and appropriately included within the Heritage Overlay.
45. It can be seen that the greater level of intactness, the greater level of integrity; but it can also be seen that diminished intactness does not necessarily result in a loss of integrity, depending on the extent to which the heritage values of a place can still be understood and appreciated; this in turn may be influenced by the nature of those heritage values and the extent to which they rely on highly intact fabric. In this regard, intactness is likely to be more important in the case of criterion D than criterion A for example.

¹⁰ Latrobe C14 (PSA) [2010] PPV 53 (19 May 2010), 16-17.

46. To judge the necessary level of intactness and integrity for places of a particular class or in a particular setting, an understanding of the intactness and integrity of comparable places included or proposed to be included in the Heritage Overlay is required. In the case of the Hoddle Grid, this understanding was developed by comparing the level of intactness and integrity of other places within the area which were included in the Heritage Overlay. To assist in this exercise, the authors of the Review undertook an extensive ‘benchmarking’ analysis of the integrity of heritage places documented in Appendix 5 of Volume 1 of the HGHR. The approach recognised the relationship between intactness and integrity in stating “determining legibility in terms of the values for which a place is significant is a different question to ‘what is the level of alteration?’ However, the level of alteration still forms part of the consideration of integrity”.
47. The benchmarking analysis identified three different building morphologies and their common attributes; in relation to each morphology, indicators were identified for a three tier scale at, above or below benchmark integrity. Appendix 4 rightly recognises that “there will also be exceptions that don’t fall neatly into this approach or where there are additional attributes that may elevate a place to meet a threshold”.
48. With regard to ground floor alterations specifically, the HGHR Volume 1 at page 77 notes:

Generally, the city centre has a high degree of alteration to ground floors. There will be very few places with intact shopfronts or entries. The extent will vary considerably but often it is the presence of other changes that will be more important.

Q. Is the ground floor alteration also combined with other alterations to the exterior?
49. Accordingly, intactness and integrity were not confined to a consideration of intactness and integrity at ground level. To the contrary, in the context of the Hoddle Grid, if a place is assessed as being intact at ground level, this would serve to enhance its significance because its level of intactness and integrity would be an unusual feature of the place.
50. The degree of alteration at ground level is not a reflection of lesser heritage values in the Hoddle Grid generally, or a deficiency of the HGHR, but a direct consequence of the important role of the CBD as a centre of commerce. The ground levels of buildings are altered to reflect commercial and retail uses on the street as they change over time. The Council relies upon the evidence of Mr Gard’ner that the majority of places

considered by the HGHR had undergone some level of change, particularly a high degree of change at street level, reflecting the commercial imperatives of the central city to maximise floor area, as compared with other inner urban areas (he referred to Camberwell and Richmond as examples) where the commercial pressures differ.

51. Properly considered, if ground level alteration were regarded as a bar to inclusion within the Heritage Overlay, very few sites within the Hoddle Grid would be regarded as sufficiently intact to warrant a Heritage Overlay, let alone a registration at State level. In this regard it is worth noting specific buildings on the VHR and other local buildings of high value that are altered at ground level, yet clearly have been considered as being of sufficient integrity to warrant heritage recognition: see Attachment 1.
52. With regard to the level of intactness and integrity of places proposed for inclusion within the Heritage Overlay, the CBD context of those places, and the level of intactness of CBD places already included within the Heritage Overlay must be kept in mind.

III. PREVIOUS STUDIES

53. At the outset Council considers it important to address the reliance a number of submissions and experts have sought to place on the grading afforded to a place – or lack thereof – in previous heritage studies.
54. Council relies on and agrees with the evidence of Mr Gard'ner that:

The HGHR is the most comprehensive heritage review of the Hoddle Grid since the 1990s, with the majority of current Heritage Overlays within the Hoddle Grid arising from heritage studies undertaken in the 1980s and 1990s. Given the timeframe that has elapsed since then – now more than 20 years – it is reasonable to expect that public and professional recognition of heritage has changed over this time, particularly when coupled with losses of heritage fabric over this period. As such, previous assessments of heritage values may warrant reconsideration.¹¹

55. This evidence accords with observations in the Methodology Report – City of Melbourne Heritage Gradings Review (October 2015) undertaken by Lovell Chen and considered as part of Amendment C258:

The majority of current gradings were attributed during heritage studies undertaken in the 1980s and 1990s. Given the timeframe which has elapsed, it is reasonable to assume that some gradings are out of date...Instances where this could occur include where the intactness

¹¹ Gard'ner, [62].

and appearance of a place or property has changed. It could also occur where the assessment of heritage value warrants reconsideration. For example, heritage places of the interwar and post-war period are now generally more highly valued in heritage terms than they typically were in the 1980s. Early properties, such as those from the 1850s-1870s are also increasingly more highly valued due to recognition of their rarity. Intact terrace rows, even rows of very modest workers cottages, are another heritage place type more highly valued due to maintaining their original external form with little visible change. Other examples of places deserving of a higher level grading include those with important histories, or places with recognised social values.

56. The panel for Moreland C174 made an even stronger observation about previous heritage studies:

Whether a property was identified or not in a previous study is irrelevant to whether a place has sufficient local significance to justify the Heritage Overlay

57. As noted by Mr Gard'ner, the passage of time since earlier studies is of particular relevance to the assessment of postwar places, as few have been identified by previous studies in comparison with nineteenth and earlier twentieth century buildings. Plainly, heritage reviews that were completed in the 1980s and 1990s were too early to appropriately and effectively identify heritage values of postwar places. Given the passage of time, it is warranted that these places are now comprehensively assessed.
58. Further, there are a number of factors that may alter the consideration of heritage places such that reconsideration is warranted.
59. As noted by Mr Gard'ner, professional recognition of heritage places may change over time due, inter alia, to the fact that places in the same class may be lost or so altered that remaining places in comparison are subsequently regarded as of greater value. It also must be kept in mind that previous studies utilised different classification systems – now widely recognised as not in accordance with best practice – with different definitions that guided the consideration of significance. Accordingly, the findings of these studies ought be approached with caution as they are plainly not directly comparable with the HGHR in terms of their findings and ultimate conclusions.
60. Council submits that the reconsideration of the places within the HGHR is warranted and has been undertaken in accordance with best heritage practice.

A. NOTABLE BUILDINGS

61. Under the old format planning scheme which predated the VPP system introduced in 1999, a permit was required for demolition of a building: clause 214. Demolition of a building listed as a 'notable building' under the old format planning scheme was

prohibited: clause 214. A list of notable buildings was included in clause 218. Accordingly, very strong protection was afforded to buildings which received the 'notable building' designation. At the time the new format scheme was introduced, notable buildings were converted to Heritage Overlays, which do not prohibit demolition.

62. Accordingly, in understanding the approach of previous studies to designation as a notable building, the level of protection afforded to such buildings needs to be understood. For example, the Central City Heritage Study Review of 1993 includes a column in the list of buildings that should be classified as notable (N). The 1993 Study on page 13 states:

The review of gradings necessarily concluded with an attempt to ensure that all historic buildings and building eligible for nomination as historic building are now graded A, and all notable buildings or proposed notable buildings are graded B. The remaining graded buildings were graded C.

63. Page 16 states:

*The **Planning Scheme's list of Notable Buildings** is composed of 303 buildings. Most of these are graded A or B within MCC's system, but many were graded C or D by the 1985 Study. While the vast majority might be considered legitimate buildings or individual significance, it also seems that a number a listed primarily because of their contribution to important streetscapes. This contention is supported by the inadequate nature of their notable building citations, which are factual and descriptive rather than critical and analytical and which thus do not provide any clear statement of the basis of their significance. Given that these same buildings are often located within Heritage precincts and thus protected in terms of their streetscape contribution, it may at some stage be appropriate to review the list of Notable buildings with a view to their removal. In the interim, it has been seen as appropriate to accept their status as Notable buildings should elevate them to a B grade building.*

On the other hand, there remain a number of A and B graded buildings which might considered worthy of addition to the Notable Buildings. Some of these are already registered historic buildings.

64. Page 17 states:

As discussed above, it is clear that there are a number of buildings graded A and B within the CAD which are prima facie deserving of listing within the Planning Scheme as notable buildings. At the end of this chapter can be found a list of buildings which the consultant team has singled out for attention as a first cut of buildings for nomination to notable status. This list is not exhaustive, and has been kept to this length by budgetary considerations and a desire to maintain an appropriate level of documentation for each site. Note that a number of these buildings are already registered historic buildings, and their exclusion from the list of notable buildings therefore seems anomalous. The individual two page Building Identification Forms for each of these sites are attached to this report as Appendix C.

65. Page 46 includes a ‘Schedule of Proposed Notable Buildings’ including the following buildings proposed for individual Heritage Overlays in this Amendment:

- a) Grange Lynne – 183-187 A’Beckett Street;
- b) AMP Tower & St James Building – 527-555 Bourke Street;
- c) Coates Building – 18-22 Collins Street;
- d) Gilbert Court – 100-104 Collins Street;
- e) Royal Insurance Building – 430 Collins Street; and
- f) Former Post Office – 114-120 Russell Street.

66. The 1993 Review contains a much longer list of buildings of identified heritage value which were given a grading.

67. The 2002 study states:

The brief for this study established a strong link between this project and the recommendations of the 1993 Central City Heritage Study Review, and made it clear that the primary objective was to identify, and thus protect, buildings that were prima facie Notable in the sense of the old planning scheme. The 1993 review encouraged the notion that Notable buildings should be buildings of high individual significance, and in particular buildings of state significance. Further to this, it is noted that the range in individual significance of the Notable buildings under the old planning scheme was quite extensive, from A grade buildings to D grade buildings.

68. In Council’s submission, a notable building as defined in the 1993 Review meets a threshold of significance which is higher than the threshold of significance for Heritage Overlay protection.

B. POSTWAR BUILDINGS

69. Specifically in relation to post-war buildings, the 1993 Study provides at page 11:

It would be a meaningless exercise to merely list and grade all post-war building as either exceptional or representative examples of a type or style. An attempt has been made to distinguish between those post-war buildings which are of real significance, either because of their quality or because they acted as landmarks of style or construction, and those which followed in their path. The buildings which fall into the former category have been graded, while those belonging the latter group have been omitted from the list.

70. Page 21 of the 1993 *Central City Heritage Study Review: Final Report* includes a ‘Revised Schedule of Buildings’ which includes the following buildings proposed for individual Heritage Overlays in this Amendment:

- a) 194-200 Bourke Street (C graded);
- b) 253-267 Bourke Street (C graded);
- c) 376-378 Bourke Street (C graded);
- d) 468-470 Bourke Street (B graded);
- e) 527-555 Bourke Street (A graded);
- f) 13-15 Collins Street (C graded);
- g) 18-22 Collins Street (A graded);
- h) 56-64 Collins Street (C graded);
- i) 100-104 Collins Street (A graded);
- j) 265-269 Collins Street (C graded);
- k) 276-278 Collins Street (C graded);
- l) 308-336 Collins Street (C graded);
- m) 404-406 Collins Street (C graded);
- n) 430-442 Collins Street (B graded);
- o) 454-456 Collins Street (C graded);
- p) 1-5 Elizabeth Street (B graded);
- q) 258-264 Little Bourke Street (addressed as 231-235 Swanston Street C graded);
- r) 414-416 Lonsdale Street (C graded);
- s) 43-51 Queen Street (C graded);
- t) 103-105 Queen Street (C graded);
- u) 111-129 Queen Street (C graded);
- v) 155-161 Queen Street (C graded);
- w) 158-172 Queen Street (both buildings C graded);
- x) 221-231 Queen Street (C graded);
- y) 114-120 Russell Street (B graded); and
- z) 114-128 William Street (C graded).

71. Accordingly, it needs to be understood that a postwar graded place (including a C-graded place) listed in the 1993 Study was regarded by the authors as an exceptional example of a type or style, of real significance, because of its quality or because it was a landmark. Buildings which were representative examples of postwar buildings were omitted from the list altogether.
72. The HGHR does not require a building to be exceptional or a landmark to meet the threshold for inclusion in the Heritage Overlay. Rather, it includes “good” or “fine” representative examples, a group which were expressly omitted from the 1993 Review. In this regard, it captures a wider range of buildings which are not exceptional or

landmark but are still in the language of criterion D important in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

IV. SOCIAL AND ECONOMIC IMPACTS

73. Section 12(2)(e) of the *Planning and Environment Act 1987* requires that a planning authority, in preparing a planning scheme amendment must take into account its social effects and economic effects. Accordingly, while submitters to the Panel have not raised social or economic impact in either their submissions or evidence, it is an important consideration for Council in preparing the Amendment.
74. The manner in which social and economic effects are properly considered in the context of heritage protection has been addressed by the Supreme Court and reports of Planning Panels Victoria.
75. In *Dustday Investments Pty Ltd v Minister for Planning* [2015] VSC 101, the Supreme Court considered the obligation to consider social and economic impacts in the context of a planning scheme amendment to include a site in the Arden Macaulay urban renewal area within a Heritage Overlay.
76. Garde J found:
 - [99] *Dustday's ground alleged the panel failed to lawfully consider social and economic effects, because it failed to consider a key matter (the condition of the building and likelihood that the building would or could be adapted for reuse if it were included in the HO) arising from the subject matter and thereby acted unreasonably.*
 - [100] *Senior Counsel for the council highlighted the key findings of the panel where it had regard to the condition of the building. The panel was not persuaded that the nature of the decision-making framework, including the limitations applying to decisions on permits was such that condition should normally be taken into account at the listing stage. This was a response by the panel to the argument by Dustday that if the appeal by Boroondara City Council to the Supreme Court concerning the proposed demolition of the heritage building at 1045 Burke Road, Camberwell were successful, there would be no opportunity for integrated decision-making at the permit stage which balances all relevant planning considerations, and therefore the balancing process must be done at the amendment stage. In the event, the appeal failed, and the Court of Appeal confirmed that integrated decision making and the balancing of considerations were to be applied at the permit stage.*
 - [101] *Where planning authorities are directed to consider conservation or heritage matters, or social and economic effects, consideration must inevitably be given as to the stage in the planning process that has been reached, and the nature of the consideration that is to be given to these matters or effects at that stage. The nature and level of information available at the rezoning or amendment stage will often be significantly less than that available at the permit stage. ...*

- [102] *Given the stages in the planning process, consideration will often need to be given by panels as to the strategic nature of the assessment to be undertaken at the amendment stage as against the more detailed evaluation undertaken at the permit application stage. Where, as here, no use or development plans are available at the amendment stage, the consideration of conservation and heritage matters by a panel is inevitably more circumscribed than that which is possible at the later stage. Assessment of costs associated with restoration and adaptive reuse of a heritage building in poor condition is crucially informed by an understanding of the overall scheme of development, including the nature of the proposed use, and the likely costs and returns. The economics underlying restoration and redevelopment will often be a pivotal component of decision-making concerning buildings with heritage significance.*
- [104] *When a panel considers that the information before it is inadequate, insufficient, or incomplete as to a subject matter, and that the same subject matter is better or more comprehensively or more fairly addressed at the later permit application stage of the planning process, this does not mean that the panel is failing to take the subject matter into account at all. The reverse is the case namely that the subject matter is being taken into account, and that as a result of being taken into account, it (sic) considered to be better or more comprehensively or more fairly addressed and decided at the later stage.*
- [105] *Far from failing to consider the condition and conversion of the building, the panel gave comprehensive consideration to these matters. ... the position of the panel that there should be serious justification and persuasive evidence before a building with heritage significance is permitted to be demolished at the amendment stage is an opinion that is entirely open to the panel to adopt, as was its recommendation to the planning authority and the Minister.*
- [106] *When the panel in its report enquired whether the social and economic effects advanced by Dustday were 'relevant' to the panel did not mean that social and economic effects were not being considered at all, or had no place in its deliberations, because it is apparent from the panel's reasons as a whole that they were addressed at length. Rather it meant that in its opinion the social and economic effects contended for by Dustday were not entitled to any or any significant weight, or were greatly outweighed by the consideration of heritage... Far from failing to take into account social and economic effects, here the evaluation and discussion of social and economic effects by the panel is extensive.*

77. The principles from this decision have since been applied in a number of panel reports.

78. In Moonee Valley C200moon (PSA)[2021] PPV 7 (16 February 2021), the amendment sought to apply the Heritage Overlay to 60 individual heritage places, nine extended heritage precincts, 18 new heritage precincts and one serial listing. A number of submitters sought to raise building condition and economic impact as a relevant consideration in assessing heritage significance.

79. The C200moon panel report records:

Council submitted that costs incurred by individuals as a result of the Heritage Overlay of a personal nature are not relevant at the planning scheme amendment stage. The only relevant consideration is the heritage significance of a heritage place in accordance with the heritage criteria set out in PPN01.

*Council cited the decision of the Victorian Supreme Court in *Dustday Investments Pty Ltd v Minister for Planning*. It referred to subsequent panel reports that have agreed the amendment stage is to objectively identify heritage places; the planning permit stage considers the economics of retaining and repairing a building.*

Council submitted that financial impacts may be considered if they translate into public social and economic effects of a planning scheme amendment, as required by the Act. But it said the social and economic issues raised by submitters are not community wide social or economic impacts.

At the Panel's request Council outlined previous panel decisions that considered whether a heritage amendment would have broader economic and social effects. In summary the panels ruled:

- there was no evidence that the Heritage Overlay would have demographic impacts such as forcing families to leave the area or wholesale (sic) property devaluation*
- property value is made up of complicated and interrelated factors*
- social and economic impacts are difficult to quantify and often intangible without analysis and evidence.*

Council submitted there was no evidence to support the claim that a Heritage Overlay would have a detrimental impact on property values.

Council submitted that landowner requests for changes to land tax valuation, compensation and an exemption from permit application fees are not relevant considerations for the Panel.

Council said it does not have any grants or funding programs for owners of heritage properties and none are planned. The statutory planning department offers advice to owners of land subject to the Heritage Overlay.

(iii) Discussion

The Panel acknowledges submitters' concerns about private financial impacts of the Heritage Overlay and that those concerns have caused them distress. But Planning Practice Note 1 and judicial authority cited by Council make it clear that the key issue for the Panel is the heritage significance of the properties. Private financial issues of a personal or property specific nature are not relevant at the planning amendment stage.

The requirement under the Act for planning authorities to consider social and economic impacts of planning scheme amendments is limited to community wide impacts. No submitter provided information about wider social or economic impacts of the Heritage Overlay even though it applies to a wide area, as shown by the Municipal Heritage Overlay map. The Panel therefore has no basis to assess those impacts.¹²

80. In Boroondara C308boro (PSA) [2020] PPV 83 (18 November 2020) the panel found:

The Panel was not presented with any evidence which demonstrated an individual or community economic effect of the application of the Heritage Overlay. Most of the submissions that raised economic effects had based the conclusion that any restriction on a property would devalue it. These impacts were not quantified or tested and consequently the Panel is unable to form a view as to whether there is an effect, or the severity of that effect.

In addition, the Panel agrees with the view expressed by other panels that, with respect to section 12(2)(c) of the Act, the economic effects considered as part of an Amendment should be of a broader or community nature and not individual circumstances. The Panel acknowledges that the Amendment should deal with the significance of the place or precinct and whether it is suitable for

¹² Moonee Valley C200moon (PSA)[2021] PPV 7 (16 February 2021), 16-18.

inclusion in the Heritage Overlay. A permit application is the appropriate stage for the consideration of individual issues concerning the conservation, alteration, adaption or demolition of the place, including the economic implications for the individual concerned.

The Panel notes that the Explanatory Report for the Amendment states that Council has considered economic effects and concluded that the “Amendment is not expected to have any adverse environmental or economic effects”.

Conclusion(iv)

The Panel concludes that the property value and financial implications are not relevant when assessing heritage significance or when deciding whether to apply a Heritage Overlay.¹³

81. In Melbourne C305 (PSA) [2020] PPV 68 (4 September 2020), the panel considered the introduction of the Heritage Overlay to 20 individual places, one precinct and two thematic groups in Southbank within the Capital City zone. In response to evidence that the Heritage Overlay would potentially undermine legitimate development opportunities in a major and well-established urban renewal precinct and a submission that the amendment might prejudice the strategic redevelopment of a site inconsistent with the overarching vision for part of Southbank, the panel said:

At first glance, there appears to be a tension between planning policies seeking urban renewal and growth in Southbank and those seeking to protect heritage of local significance for present and future generations.

...

Urban renewal policies for Southbank seek to achieve outcomes at a locality scale. Such policies should therefore be considered at that scale. It would be inappropriate to measure the success of these policies on an individual property basis. Not every property is equal, and the extent of additional development depends on many factors including planning policy, other planning provisions including overlays, airspace regulations, and each property’s context.

The Amendment seeks to apply the Heritage Overlay to properties with identified heritage significance. Planning Practice Note 1 provides commonly accepted guidance on how to identify such properties as candidates for the Heritage Overlay. The Practice Note’s guiding methodology does not refer to disregarding properties with identified heritage significance in an area with policies seeking growth. If that was true, there would be no Heritage Overlay in Melbourne’s central city area.

Not applying the Heritage Overlay in favour of urban growth would contradict relevant objectives of the Act and planning policies. The Heritage Overlay should be applied to justified properties so that Council can assess whether the scale and nature of future development will negatively impact the existing heritage fabric. This conversation is relevant during the planning permit application when proposal details are known.

The Panel disagrees with submissions that applying the Heritage Overlay would restrict the ability to achieve policies seeking growth in Southbank. It may affect some individual property owners

¹³ Boroondara C308boro (PSA) [2020] PPV 83 (18 November 2020), 9-10.

who may otherwise have had additional yield without the Heritage Overlay. However, the net community benefit of achieving heritage related objectives in the Act and policies in the Planning Scheme (by protecting Southbank properties with local heritage significance for present and future generations) outweighs any private economic disbenefit to some individual property owners.¹⁴

82. In Council's submission, previous panel reports are consistent in their view that when considering economic impact, the relevant consideration is impact of a broad community nature. Further, consideration of this impact does not mean the Heritage Overlay ought not be applied in areas where growth and urban consolidation is sought. Rather, the benefit to the community in protecting heritage assets for present and future generations outweighs private economic impacts that may be experienced by an individual property owners.

V. EXTANT PLANNING PERMITS

83. A number of submissions received in relation to the Amendment considered that due to the fact that the site had the benefit of an existing planning permit, which authorised either total or partial demolition of heritage fabric, the Amendment was automatically unnecessary or inappropriate.
84. The Council does not agree and considers sites which have existing planning permits ought properly have their heritage values and the appropriateness of their inclusion within the Heritage Overlay assessed on the basis that existing planning permits may not be acted upon. In that circumstance, it is appropriate that any future approval be considered in light of the heritage values present, in the event the site is afforded heritage protection. If an existing planning permit is acted upon, the Heritage Overlay may be removed or amended via a subsequent amendment.
85. The Council considers this approach is consistent with the approach and direction provided by a number of previous planning panels.
86. In Melbourne C186 (PSA) [2012] PPV 79 (11 July 2012) the panel made the following comments about existing planning permits:

It is again our view that it is appropriate, in the context of considering the Amendment and whether Heritage Overlays should be applied, to consider only the heritage significance of the buildings. We do not believe that it is appropriate to consider the permits and applications -

¹⁴ Pages 21-22.

*principally for the reason that the permits may never be acted upon (and the applications not granted), and thus the consequences for the integrity of the building remain uncertain.*¹⁵

87. In Melbourne C215 (PSA) [2014] PPV 121 (3 September 2014) the panel considered the Kensington Heritage Review:

*The Panel does not consider that the issue of a demolition permit is reason to exclude the property from the Heritage Overlay area. The application of the Heritage Overlay should be based on heritage significance.*¹⁶

88. In Melbourne C240 (PSA)[2015] PPV 37 (4 May 2015), the panel considering Bourke Hill said:

*In relation to this issue, the Panel agrees with the Minister's submission that '...consideration of this amendment ought consider the most appropriate control on the basis that the proposed development may or may not be completed as approved.'*¹⁷

89. In Melbourne C305 (PSA) [2020] PPV 68 (4 September 2020), the panel considering the Heritage Overlay in Southbank found:

*The Panel has assessed each property based on existing heritage fabric irrespective of whether they have a permit. There may be permits which are never acted on so it would be incorrect to assume that the heritage fabric will no longer exist simply because there is a permit. Council should reassess these properties if the permits are acted on in the future.*¹⁸

VI. ASSESSMENT OF INDIVIDUAL PROPERTIES

90. The methodology, approach and timing of the HGHR is extensively detailed within Council's Part A submission at paragraphs 27-45, including the extent of the study area, the process by which places for assessment were derived, the HGHR 2018, GJM Peer Review and the totality of the work underpinning the recommendations of the HGHR.
91. Accordingly, this Part B submission does not address these matters further, but rather identifies and addresses each of the sites for which submissions were received in the context of:

- a) the findings of the HGHR;
- b) the management response of Council as contained within Attachment 2 – *Summary of Submissions and Management Responses* to the Report to the Future Melbourne Committee of 18 May 2021 (the **Management Response**);

¹⁵ Melbourne C186 (PSA) [2012] PPV 79 (11 July 2012),38.

¹⁶ Melbourne C215 (PSA) [2014] PPV 121 (3 September 2014), 20.

¹⁷ Melbourne C240 (PSA)[2015] PPV 37 (4 May 2015), 105.

¹⁸ Melbourne C305 (PSA) [2020] PPV 68 (4 September 2020),12.

- c) the evidence filed on behalf of Council and submitters; and
 - d) Council's final position in relation to the inclusion of the property within the Heritage Overlay.
92. Council notes the Panel did not require Mr Gard'ner or Mr Reeves to give oral evidence in relation to any sites other than those in relation to which a submitter was appearing at the hearing. Council continues to rely on the totality of the evidence of Mr Gard'ner although it was not considered necessary by the Panel for his oral evidence about other sites to be received.

VII. PRECINCTS, PRE-1945 PLACES, REVISIONS TO EXISTING INDIVIDUAL HERITAGE OVERLAYS

93. Submissions were received in respect of 6 precincts, 18 pre-1945 places and 1 revision to an existing individual heritage overlay.
- A. 354-360 LITTLE BOURKE STREET
94. 354-360 Little Bourke Street, known as '*Melbourne House*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1345 on the basis of its historical (Criterion A) and representative (Criterion D) significance.
95. The individual place citation for the site is located within the HGHR Volume 2a: *Built & Urban Heritage – Precincts, pre-1945 places, revisions to existing individual Heritage Overlay* (July 2020) (**HGHR Volume 2a**) at pages 893-911.

Submission 1

96. Submission 1 opposes the inclusion of the Site within the Heritage Overlay due to the site's previous lack of recognition in heritage studies and on the basis that a Heritage Overlay would be inconsistent with the re-development approved by the live planning permit on the site and would unreasonably impede future buildings and works.

Management Response

97. The Management Response, at pages 3-5, provides that Council agrees with the assessment of GJM Heritage that:

- a) the site was assessed as part of the HGHR in the context of a large study area which allowed a comprehensive review of places within the Hoddle Grid in contrast to the Guildford and Hardware Laneways Heritage Study;
 - b) despite alterations which are a common intervention in the City of Melbourne, the restrained architectural expression of the building remains legible; and
 - c) the Amendment does not affect the permit on the site, heritage protection is being pursued in the event the permit is not acted upon and if the permit is acted upon the Heritage Overlay can be removed via a future amendment.
98. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

99. Planning Permit TP-2018-527 was granted on 6 December 2018 for complete demolition of built fabric on the site and construction of a multi-storey tower. Planning Application TP-2020-804 was lodged on 21 December 2020 for part demolition and construction of a multi-storey tower above the existing building and is likely to be determined soon.

Evidence of Mr Gard'ner

100. The evidence of Mr Gard'ner at pages 26-27 is that the site is locally Significant as a relatively intact example of the first wave of tall buildings constructed between World War One and World War Two (Criterion A); as a purpose-built building for the motorcycle and bicycle business AG Healing & Co (Criterion A); and as a relatively intact, competent and representative example of the interwar Chicagoesque style and reinforced concrete structural frame technology, which allowed greater heights, larger windows and more open floor areas (Criterion D).
101. The changes made to the building, including the replacement of the ground floor shop front and glazing is a common intervention within the City of Melbourne and despite these alterations the restrained architectural expression of the building remains legible to the original design. The comparative analysis confirms the building retains a similar

level of intactness and integrity to other buildings of this period already included within the Heritage Overlay or assessed as part of the HGHR.

Position of the Council

102. The Council submits the identification of the place as Significant in the Amendment is appropriate.

B. 106 LITTLE LONSDALE STREET

103. 106 Little Lonsdale Street was proposed to be included as ‘Contributory’ to the Little Lonsdale Street Precinct as part of the extension of HO984, the Little Lon Precinct. The Little Lonsdale Street Precinct is identified as Significant within the HGHR on the basis of its historical (Criterion A), representative (Criterion D), aesthetic (Criterion E) and associative (Criterion H) significance.

104. The Little Lonsdale Street precinct has an interim precinct Heritage Overlay.

105. The citation for the precinct is located within the HGHR Volume 2a at pages 53-74.

Submission 2

106. Submission 2 seeks that the site be listed as ‘non-contributory’ to the Little Lonsdale Street Precinct due to the construction date of the building being 1954 or later. Accordingly, the building on the site is not properly classified as ‘interwar’ and does not contribute to the values of the precinct.

Management Response

107. The Management Response, at pages 6-7, provides that Council agrees with the assessment of GJM Heritage that:

- a) the information in the submission demonstrates the building was constructed in 1954, while the Statement of Significance for the Little Lonsdale Street Precinct articulates the period of significance as being from the 1840s to 1936; and
- b) it is appropriate that the site be revised from ‘contributory’ to ‘non-contributory’ within the precinct.

Permit/permit application

108. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

109. The evidence of Mr Gard'ner at pages 28-29 is that the Little Lonsdale Street Precinct is locally Significant as a working-class residential precinct, its association with phases of migration and as a vibrant and complex community that evolved from the 1840s (Criterion A); for its evidence of at least three phases of development from the 1870s to the 1940s (Criterion D); for the combination of low-scale two to three storey buildings both on Little Lonsdale Street and within the laneway network (Criterion E); and for its association with King O'Malley (Criterion H).
110. As the building on the site was constructed in 1954 the site does not contribute to the values of the precinct and its classification should be revised from 'contributory' to 'non-contributory'.

Position of the Council

111. The Council agrees that the site should be classified as Non-Contributory.

C. 470-472 LITTLE LONSDALE STREET

112. The shops at 470-472 Little Lonsdale Street are identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1281 on the basis of their historical (Criterion A) and representative (Criterion D) significance.
113. The individual place citation for the site is located within the HGHR Volume 2a at pages 1171-1183.
114. This site has an interim individual Heritage Overlay.

Submission 9

115. Submission 9 opposes the inclusion of the site in the Heritage Overlay due to its grading under previous studies and alterations to the built form that have diminished the heritage integrity to the point that the site does not make a heritage contribution and ought properly be graded Non-Contributory.

Management Response

116. The Management Response, at pages 15-17, provides that Council agrees with the assessment of GJM Heritage that:

- a) the re-assessment of the site is consistent with the approach to gradings under previous studies adopted by Lovell Chen in the Heritage Gradings Review and the site warrants an individual heritage overlay;
- b) alterations are generally limited and reversible and accordingly have not diminished the ability to understand and appreciate the place; and
- c) the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance and impact on individual owners is not relevant in determining heritage significance.

117. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

118. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

119. The evidence of Mr Gard'ner at pages 29-31 is that the place is locally Significant as a common building typology demonstrating integrated uses of both retailing and housing (Criterion A) and as a fine example of a mid-Victorian residential and commercial building (Criterion D).

120. Further, large scale modification to ground level shop fronts is widespread within the Hoddle Grid and the alteration to the site is commensurate with other individual heritage places included within the Heritage Overlay. Alterations to the upper level are limited and easily reversible and do not detract from the ability to understand and appreciate the place as an example of a Victorian shop and residence. Changes to the interior have no impact on the appearance and character of the building as viewed from the public realm and do not diminish the significance of the place as internal controls are not proposed.

Position of the Council

121. The Council submits the identification of the place as Significant in the Amendment is appropriate.

D. 341-345 ELIZABETH STREET

122. 341-345 Elizabeth Street, known as the *‘Former Cassells Tailors Pty Ltd’* is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1204 on the basis of its historical (Criterion A) and representative (Criterion D) significance.
123. The individual place citation for the site is located within the HGHR Volume 2a at pages 477-493.

Submission 11 & 64

124. Submission 11 objects to the inclusion of the site within the Heritage Overlay on the basis that the Amendment does not provide for the fair, orderly, economic and sustainable use and development of land; the Amendment does not provide sufficient evidence to substantiate the heritage significance of the site; the Amendment does not align with the objectives of planning in Victoria; and there is no strategic or heritage basis to ‘uplift’ the heritage classification of the site which was previously graded ‘C’. The submission also asserts that there is insufficient justification to re-categorise the site from Contributory to Significant, particularly given the adjacent building is Contributory.
125. Submission 64 states the inclusion of the site within the Heritage Overlay is unnecessary due to the planning permit that has been issued and that the site should be removed from the Amendment.

Management Response

126. The Management Response, at pages 21-22 and 139, provides that Council agrees with the assessment of GJM Heritage that:
- a) the assessment of the site was undertaken in accordance with PPN1;

- b) the significance of the building is adequately demonstrated in the exhibited heritage citation and statement of significance;
- c) the building exhibits fine detailing and architectural features that elevate its aesthetic significance above the adjacent property and the building displays a similar level of intactness and integrity to other buildings of this period;
- d) the heritage policy at Clause 22.04 of the Scheme does not apply equally to Significant and Contributory buildings; and
- e) the Amendment does not affect the Planning Permit TP-2020-463 as heritage protection is sought on the basis that the permit is not acted upon, and if it is acted upon the Heritage Overlay can be removed if appropriate.

127. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

128. Planning Permit TP-2020-463 was granted on 26 February 2021 for part demolition and construction of a multi-storey tower.

Evidence of Mr Gard'ner

129. The evidence of Mr Gard'ner at pages 31-32 is that the site is locally Significant for the evidence it provides of the 1920s boom period in manufacturing (Criterion A) and as a modestly scaled, but highly intact early example of the interwar Chicagoesque style that characterised the early phase of this new wave of development (Criterion D). To the extent the submission claims there is insufficient justification to recategorise the site from Contributory to Significant given the Contributory classification of the adjacent building, Mr Gard'ner opines that the building on the site exhibits fine detailing and architectural features which elevate its aesthetic significance and observes that it displays a similar level of intactness and integrity to other buildings of this period that are included within the Heritage Overlay or have been assessed as part of the Amendment.

Position of the Council

130. This building was categorised as Significant within the *Guildford and Hardware Laneways Heritage Study 2017* by Lovell Chen. This Study was implemented by Amendment C271. During the Panel for Amendment C271 Council became aware of a discrepancy in the map forming part of the advertising material sent to property owners that showed this property as Contributory whereas it was identified as Significant within the Study. In accordance with Council's request, the C271 Panel recommended that the property be categorised as Contributory, noting that the category could be changed as part of a future amendment process. The property is to be re-categorised to Significant and included within an individual Heritage Overlay under this Amendment.
131. The Council submits the identification of the place as Significant as identified in the Amendment is appropriate.

E. 256-260 KING STREET

132. 256-260 King Street, known as the '*Former Paramount House*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1253 on the basis of its historical (Criterion A) significance and possession of uncommon, rare or endangered aspects of our cultural or natural history (Criterion B).
133. The individual place citation for the site is located within the HGHR Volume 2a at pages 803-816.

Submission 12

134. Submission 12, on behalf of the landowner of the site, objects to the inclusion of the site within the Heritage Overlay on the basis that the Amendment does not provide for the economic and sustainable development of the site, does not provide sufficient evidence to demonstrate heritage significance and overstates cultural heritage significance, and that the built form is only moderately intact and unremarkable in its architectural expression being a standard example of an interwar commercial building. The submission notes the low grading of the site in previous heritage studies.

Management Response

135. The Management Response, at pages 23-24, provides that Council agrees with the assessment of GJM Heritage that:

- a) the assessment of the site was undertaken in accordance with PPN1 and meets the threshold for the application of an individual heritage overlay being Significant at a local level of its historical association and rarity – it is not of aesthetic significance;
- b) the place is intact to its principal upper level façade and modification to the ground level façade is common in the Hoddle Grid and commensurate with other places included in the Heritage Overlay; and
- c) the place has a clear association with Melbourne’s film industry and is Significant as a rare surviving example of a purpose-built interwar commercial building associated with the film industry.

136. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

137. The site does not have any relevant live permits.

Evidence of Mr Gard’ner

138. The evidence of Mr Gard’ner at pages 33-34 is that the site is locally Significant for its historical associations and rarity, particularly 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 cultural through film from the interwar period (Criterion A) and as a rare surviving example of a purpose-built interwar commercial building associated with the film industry (Criterion B).
139. The place is intact to its principal upper-level façade and the degree of alteration at ground level is consistent with modification of other places included within the Heritage Overlay. The place is not of aesthetic or architectural significance.

Evidence of Mr Raworth and Mr Trethowan

140. Council submits the conclusions of Mr Raworth should not be accepted by the Panel because:
- a) he overstates the impact of the changes to the building in terms of its overall intactness;

- b) he downplays the association between the building and movie distribution and small scale viewing in the built fabric and in historical sources; and
- c) he has given insufficient weight to the functions of the building with regard to distribution and viewing as only a peripheral aspect of the public enjoyment of cinema in the twentieth century;
- d) in considering the comparative analysis lacking, he has failed to accord sufficient weight to the difficulty in undertaking the task for places identified as meeting Criterion B (rarity).

141. The conclusions of Mr Trethowan ought not be accepted on the basis that:

- a) he overstates the impact of the changes to the building in terms of its overall intactness;
- b) he has considered the effect of internal alterations which is irrelevant where internal controls are not proposed;
- c) he has overstated the weight to be given to the physical condition and structural integrity of the place;
- d) he has placed inappropriate weight on architectural and aesthetic values in circumstances where the HGHR does not ascribe significance on the basis of those values, beyond noting the architectural expression is illustrative of the building's historical purpose;
- e) in considering the comparative analysis lacking, he has failed to accord sufficient weight to the difficulty in undertaking the task for places identified as meeting Criterion B (rarity); and
- f) he has given insufficient weight to the functions of the building with regard to distribution and viewing as only a peripheral aspect of the public enjoyment of cinema in the twentieth century.

Position of the Council

142. The Council submits the identification of the place as Significant in the Amendment is appropriate.

F. 53-57 LONSDALE STREET

143. Shops and residences at 53-57 Lonsdale Street are identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1253 on the basis of their historical (Criterion A), representative (Criterion D) and associative (Criterion H) significance.
144. The individual place citation for the site is located within the HGHR Volume 2a at pages 1198-1210.
145. This site has an interim individual Heritage Overlay.

Submission 13

146. Submission 13 objects to the inclusion of the site within the heritage overlay on the basis that the significance of the building had not been adequately demonstrated, the periodic use of the building as a restaurant is insufficient to demonstrate a ‘flourishing Italian café society’, the building is a rudimentary example of the work of the architects rather than one for which they were known or recognised and the design is described by Council as ‘modest’ in contrast to the purpose of the review which is to identify *‘particularly early, rare or fine examples, or having exceptionally strong historic or other heritage values’*.

Management Response

147. The Management Response, at pages 25-26, provides that Council agrees with the assessment of GJM Heritage that:
- a) the assessment of the site was undertaken in accordance with PPN1 and meets the threshold for the application of an individual heritage overlay;
 - b) the site has a clear association with the Italian ‘culinary traditions’ and Italian restaurateur families predating the postwar boom of Italian restaurant culture in other location within Melbourne, such as Lygon Street; and
 - c) the site is a modest example of the work of the architects however the Statement of Significance does not assert significance on this basis, but rather as a *‘fine example of a small-scaled shop and residence’*.

148. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

149. The site does not have any relevant live permits.

Evidence of Mr Gard'ner

150. The evidence of Mr Gard'ner at pages 34-35 is that the long-term use and occupation of the site as Italian restaurants demonstrates a clear association with Italian 'culinary traditions' and Italian restaurateur families. Further, the site is a recognised example of the work of architects Crough and Wilson under Criterion D, however the property is not asserted to be Significant for this association (Criterion H), but rather as a *'fine example of a small-scaled shop and residence'* (Criterion D).

Evidence of Ms White

151. The evidence of Ms White considers the site is an altered, but typical and representative example of a small 1880s shop/dwelling group; she recognises and accepts the historical and representative significance of the site.
152. Council accepts Ms White's evidence that the Statement of Significance should be amended to identify the date of construction as 1881, and further does not object to Ms White's alternate wording to the assessment against criteria within Criterion A noting both Ms White's version and the version within the HGHR both accurately articulate historical significance.
153. With regard to Ms White's conclusions that the Statement of Significance requires amendment such that the 'What is significant?' section is simplified and the 'How is it significant?' section is clarified and reworded, Council considers the assessment methodology and format of the Statement of Significance is appropriate and in accordance with the intent of PPN1.
154. The Council submits the Panel should not accept the conclusion of Ms White that references to associational significance (Criterion H) ought be deleted due to, inter alia, overlap with Criterion A. This association is evident and is appropriately recognised in the Statement of Significance.

Position of the Council

155. The Council submits the identification of the place as Significant and inclusion in the Heritage Overlay is appropriate and accepts the proposed alterations to the Statement of Significance as accepted by Mr Gard'ner to be appropriate. Where Mr Gard'ner and Ms White's views differ, Council considers Mr Gard'ner views ought be accepted.

G. 25 ELIZABETH STREET

156. 25 Elizabeth Street, known as '*Former Universal House*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1247 on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.
157. The individual place citation for the site is located within the HGHR Volume 2a at pages 461-473.
158. This site has an interim individual Heritage Overlay.

Submission 16

159. Submission 16 objects to the inclusion of the site within the Heritage Overlay on the basis that its significance has not been adequately demonstrated, its architectural significance overstated and its significance as part of a group has not been adequately analysed or demonstrated. Further the submission considers the building is not historically Significant, is merely 'typical' or 'demonstrative' where the purpose of the Review was to identify '*particularly early, rare or fine examples, or having exceptionally strong or other historic values*'.

Management Response

160. The Management Response, at pages 29-31, provides that Council agrees with the assessment of GJM Heritage that:
- a) the assessment of the site was undertaken in accordance with PPN1 and meets the threshold for the application of an individual heritage overlay;
 - b) the site's historical connection with Melbourne's retail development is clearly demonstrated through its association with the retailing boom of the 1880s;

- c) the Statement of Significance places undue emphasis on the Horden family rather than the role of the building in reflecting the wider historical association with retail growth in this part of the Hoddle Grid;
 - d) the loss of decorative features reduces the intactness of the original design intent of the façade to the point that it does not meet the threshold for aesthetic significance (Criterion E); and
 - e) each of the three buildings designed by architect William Salway satisfy the threshold for individual significance in their own right.
161. Accordingly, in response to the submission received, Criterion E was recommended to be removed from the Statement of Significance and Criterion A altered to remove undue emphasis on the Horden Family rather than the role of building in reflecting retail growth in the Hoddle Grid.

Permit/permit application

162. Former Universal House does not have any relevant live permits.

Evidence of Mr Gard'ner

163. The evidence of Mr Gard'ner at pages 36-38 is that Universal House's historical connection with Melbourne's retail development is clearly demonstrated through its association with the retailing boom of the 1880s, though the Statement of Significance ought be altered to clarify the expression of the building's historical significance. The loss of decorative features reduces the intactness of the original design intent such that the site does not meet the threshold for Criterion E. The three buildings in the group designed by William Salway each satisfy the threshold for individual significance.

Evidence of Mr Statham

164. The Council submits that the Panel should not accept the conclusions of Mr Statham because:
- a) he has set the bar for the extent of historical research and analysis of building fabric beyond the standard established by PPN1 and the expectations of planning panels considering heritage amendments;

- b) his conclusions regarding the deficiencies in comparative analysis are not readily applicable to pre-1945 buildings where the comparative analysis relies on places already included on the Heritage Overlay as a threshold for local significance, and accordingly is of limited relevance to the site;
- c) his claim that there has been no distillation of places selected within the HGHR fails to have regard to the content of Volume 1 of the HGHR which clearly details the refinement of places through the process;
- d) his assertion that aspects are ‘of local interest only’ fails to have regard to the nature of the HGHR as a local heritage study, as opposed to an assessment of State or National significance;
- e) his identification of errors in previous heritage studies is not relevant to the assessment of significance within the HGHR;
- f) he has overstated the impact of alterations on the intactness and integrity of the building as a whole;
- g) his research and analysis of the Horden family does not establish why Criterion A is not met, noting Criterion H (associative significance) is not claimed;
- h) to the extent he claims the building is not legible as an example of the work of the architect William Salway, Criterion H (associative significance), is not claimed. Further, the design of the building is uncontested historical fact, and his design of three adjacent buildings (all Significant in their own right) is agreed by Mr Statham as unusual and is appropriately referenced within Criterion A;
- i) he has effectively set the threshold for establishing significance pursuant to Criterion D higher than that adopted by Lovell Chen in previous heritage studies; and
- j) he overstates the impact of alterations on the intactness and integrity of the building as a whole.

Position of the Council

165. The Council submits the identification of the place as Significant and inclusion in the Heritage Overlay, subject to the changes already recommended to better reflect the

connection between the site and the Horden family under Criterion A and to delete Criterion E, is appropriate.

H. 577-583 LITTLE COLLINS STREET

166. The warehouses at 577-583 Little Collins Street are identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1278 on the basis of their historical (Criterion A) and representative (Criterion D) significance.
167. The individual place citation for the site is located within the HGHR Volume 2a at pages 1065-1078.
168. This site has an interim individual Heritage Overlay.

Submission 19

169. Submission 19 on behalf of the owner of the site objects to the inclusion of the site within the Heritage Overlay on the basis that: the Amendment does not provide for the fair, orderly, economic and sustainable use and development of land; the Amendment does not provide sufficient evidence to substantiate the heritage significance of the site; the Amendment does not align with the objectives of planning in Victoria; a planning permit had been granted which allows for part demolition which renders the Amendment redundant, inefficient and futile; the significance of the built form is neither aesthetic nor architectural; and the site does not meet the threshold for individual significance.

Management Response

170. The Management Response, at pages 35-36, provides that Council agrees with the assessment of GJM Heritage that:
 - a) the citation and Statement of Significance have been undertaken in accordance with PPN1 and it is considered there is sufficient justification to warrant the application of the Heritage Overlay;
 - b) the site is considered to be of historic and representative, not aesthetic, significance, further there are no internal alteration controls proposed; and

- c) the Amendment does not affect the live permit on the site as heritage protection is pursued in the event the permit is not acted upon; if acted upon the Heritage Overlay can be removed if appropriate.

171. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

172. Planning Permit TP-2018-1163 was granted on 29 May 2020 for part demolition and construction of a multi-storey tower.

A copy of Planning Permit TP-2018-1163, the relevant plans and the delegate report are located within Folder 10, documents 109-112 within the public online document store.

Evidence of Mr Gard'ner

173. The evidence of Mr Gard'ner at pages 38-39 is that the site is locally Significant for its association with manufacturing and warehousing in the City of Melbourne and as a flour mill complex known as City Flour Mills constructed for Russell and Gillespie in 1875 (Criterion A); and as a representative example of brick and render warehouse buildings constructed in the Victorian period in the City of Melbourne (Criterion D). The buildings on the site are considered to be of historic and representative (not aesthetic) significance and no significance is ascribed to interiors.

Position of the Council

174. The Council submits the identification of the place as Significant and inclusion in the Heritage Overlay is appropriate.

I. 57-67 LITTLE COLLINS STREET

175. 57-67 Little Collins Street, known as the *'Former Craig Williamson Pty Ltd complex'* is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1348 on the basis of its historical (Criterion A) and representative (Criterion D) significance.

176. The individual place citation for the site is located within the HGHR Volume 2a at pages 973-990.

177. This site has an interim individual Heritage Overlay.

Submission 25

178. Submission 26 objects to the inclusion of the site within the Heritage Overlay on the basis that the HGHR has not established the site meets the threshold for either Criterion A nor Criterion D and considers the comparative analysis inadequate and questionable.

Management Response

179. The Management Response, at pages 50-52, provides that Council agrees with the assessment of GJM Heritage that:

- a) the assessment of the site was undertaken in accordance with PPN1 and through comparative analysis such that the citation and Statement of Significance for the place provide sufficient justification for the implementation of a Heritage Overlay;
- b) the assessment against Criteria A does not rely solely upon the association with Craig Williamson Pty Ltd but includes the evolution of manufacturing in this part of Melbourne and the fact that the building housed the Mayser or 'atomic clock'; and
- c) the architectural expression of the building is clearly representative of a commercial building of the type and despite the level of alteration, the historic form, rhythm and architectural detailing remains clearly legible.

180. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

181. This Site does not have any relevant live permits.

Evidence of Mr Gard'ner

182. The evidence of Mr Gard'ner at pages 39-41 is that the site is locally Significant: for its clear association with the growth in manufacturing and with the Commonwealth Postmaster-General's Department from 1932-88, and as the site of the Mayser or 'atomic clock' (Criterion A); and as a representative example of an interwar industrial building which maintains its rhythm, scale and form from the 1925 period (Criterion D).
183. Despite alteration, the level of integrity of the building is such that its historic form, rhythm and architectural detailing are clearly legible. While comparative examples are generally larger scale structures, the site remains a largely intact representative example of factory/warehouse buildings of the early twentieth century.

Evidence of Ms Riddett

184. The Council submits the Panel should not accept the conclusions of Ms Riddett because:
- a) she overstates the impact of ground level alterations on the intactness and integrity of the building as a whole;
 - b) she has given insufficient weight to the well documented and longstanding historical associations of the site;
 - c) her criticisms in relation to the consideration of Criterion A, that there is no physical evidence of activities on the site, are equally applicable to almost any warehouse, factory or office building form considered for inclusion within the Heritage Overlay;
 - d) her assertion that 'there is nothing rare about this site' is immaterial as the HGHR has not concluded the threshold for Criterion B (rarity) is met;
 - e) she does not consider the architectural values of the building appropriately examined and encompassed within Criterion D; and
 - f) she sets the threshold for significance at the local level too high.

Position of the Council

185. The Council submits the identification of the place as Significant in the Amendment is appropriate.

J. 26-32 KING STREET

186. The warehouse at 26-32 King Street is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1338 on the basis of its historical (Criterion A) and representative (Criterion D) significance.

187. The individual place citation for the site is located within the HGHR Volume 2a at pages 733-750.

188. This site has an interim individual Heritage Overlay.

Submission 26

189. Submission 26 on behalf of the owners of the site objects to the inclusion of the site within the Heritage Overlay on the basis that the threshold for inclusion is too low having regard to the number of properties proposed for inclusion, the citation does not provide a convincing basis for inclusion, lack of original fabric and the fact that the site is unremarkable as it does not stand out from other candidates for heritage protection. The submission also raises the impact of the proposed Heritage Overlay on future development outcomes.

Management Response

190. The Management Response, at pages 53-55, provides that Council agrees with the assessment of GJM Heritage that:

- a) the assessment of the site was undertaken in accordance with PPN1 and through comparative analysis such that the citation and Statement of Significance for the place provide sufficient justification for the implementation of a Heritage Overlay;
- b) the site is of historical significance as a surviving example of a substantial warehouse associated with the shipping and merchant trades in the late nineteenth and early twentieth centuries;

- c) the place is illustrative of the historical development of this part of the city and has a clear association with warehousing, shipping and merchandising industries;
- d) the building has not been identified as aesthetically Significant, but rather is of representative significance and the internal alterations have no impact on character, presentation or appearance; and
- e) the impact upon future development outcomes is not relevant to the assessment of threshold significance.

191. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

192. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

193. The evidence of Mr Gard'ner at pages 41-42 is that the place is of local significance as surviving evidence of warehousing in this part of the City of Melbourne (Criterion A) and as a substantially intact example of the wave of warehouse development in the western port area of Melbourne during the late Edwardian and early interwar period that replaced the low scale masonry warehouses of the nineteenth century, with the King Street façade being an intact and representative example of the Chicagoesque style (Criterion D).

194. The building is an intact example of a substantial warehouse that compares favourably with other examples within the City of Melbourne that are included within the Heritage Overlay, with both the 1911 built form and scale and the 1923 decorative features contributing to the significance of the place.

Position of the Council

195. The Council submits the identification of the place as Significant in the Amendment is appropriate.

K. 410-412 LONSDALE STREET

196. The warehouse at 410-412 Lonsdale Street is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1360 on the basis of its historical (Criterion A) and representative (Criterion D) significance.
197. The individual place citation for the site is located within the HGHR Volume 2a at pages 1233-1247.
198. This site has an interim individual Heritage Overlay.

Submission 28

199. Submission 28 considers the Amendment requires further examination and justification having regard to previous heritage studies which have identified the building as less noteworthy; the methodology used to convert letter gradings to the current classification system; and 'untested' examples utilised in the comparative analysis. The submission also raises the impact of the proposed Heritage Overlay on future development outcomes.

Management Response

200. The Management Response, at pages 58-60, provides that Council agrees with the assessment of GJM Heritage that:
 - a) the assessment of the site was undertaken in accordance with PPN1 and through comparative analysis such that the citation and Statement of Significance for the place provides sufficient justification for the implementation of a Heritage Overlay;
 - b) the HGHR has been undertaken as a rigorous and comprehensive assessment of places within the study area and is consistent with the approach to previously graded buildings adopted by Lovell Chen in the Heritage Gradings Review; and
 - c) the effect of the proposed Heritage Overlay on development outcomes for the site or adjoining sites is not relevant to establishing whether a building meets the threshold for local significance.

201. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

202. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

203. The evidence of Mr Gard'ner at pages 43-44 is that the place is of local significance for its association with development that proliferated in this part of the city from the 1880s to the 1920s (Criterion A); and as a highly intact example of the wave of development in central Melbourne during the early interwar period that replaced low scale masonry building dating from the late nineteenth and early twentieth century (Criterion D).

Position of the Council

204. The Council submits the identification of the place as Significant in the Amendment is appropriate.

L. 75-77 FLINDERS LANE

205. 75-77 Flinders Lane, known as the '*Alley Building*' is currently subject to a site-specific Heritage Overlay (HO1026) and is proposed to be transferred from an individual Heritage Overlay to Significant within the Flinders Lane East Precinct as part of the HGHR. The Flinders Lane East Precinct is identified as Significant within the HGHR on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.

206. The citation for the precinct is located within the HGHR Volume 2a at pages 29-52.

207. The Flinders Lane East Precinct has an interim precinct Heritage Overlay.

Submission 30

208. Submission 30's submission to the Amendment is that "*the building should be categorised as not Significant and not Significant Contributory (sic) to the Precinct*".

Management Response

209. The Management Response, at pages 64-65, provides that Council agrees with the assessment of GJM Heritage that:

- a) the Flinders Lane East Precinct represents the commercial and manufacturing history of the textile, clothing and related industries from the 1880s to the 1960s;
- b) the building is an interwar warehouse that has had a long and enduring association with the clothing trade in this part of the city and makes an important historical and architectural contribution to the precinct, accordingly the transfer from an individual Heritage Overlay to Significant within the precinct is appropriate and reflects the building's contribution to the precinct; and
- c) the building address should be included in the citation history under the *Interwar development* sub-heading.

210. Accordingly, in response to this submission the citation is recommended to be updated to include '77-75 *Flinders Lane*' under the *Interwar development* sub-heading.

Permit/permit application

211. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

212. The evidence of Mr Gard'ner at pages 44-45 is that the Flinders Lane East Precinct is of local significance for its association with manufacturing and warehousing principally for the clothing and textile businesses between the 1850s and the 1930s (Criterion A); for its low-rise built form and street pattern that represents the pre-modern city (Criterion D); and for its views down Oliver, Malthouse and Higsons Lanes and its streetscape of small lot buildings up to six storeys in height and built to property boundaries (Criterion E).

213. The site is currently subject to site specific Heritage Overlay HO1026. The existing Statement of Significance for HO1026 notes the building is an interwar warehouse with a long and enduring association with the clothing trade. Mr Gard'ner concludes the

place makes an important historical and architectural contribution to the precinct such that there is substantial justification for its inclusion.

Position of the Council

214. The Council submits the identification of the place as Significant in the Amendment is appropriate.

M. 594-610 LONSDALE STREET

215. 594-610 Lonsdale Street, known as '*Former Andrew, Jack, Dyson & Co Factory*' (referenced within Submission 32 as 600 Lonsdale Street) is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1334 on the basis of its historical (Criterion A) and representative (Criterion D) significance.

216. The individual postwar place citation for the site is located within the HGHR Volume 2a at pages 1249-1267.

Submission 32

217. Submission 32 objects to the imposition of a heritage overlay on the basis that any heritage significance of the building has been impacted by alterations and as a result of strata titles on the site. Further the submission considers the heritage citation for the site does not adequately consider how these factors have impacted heritage significance. Submission 32 also asserts that the imposition of a heritage overlay fails to have proper regard to the totality of planning policy for the site and the existing planning permit.

Management Response

218. The Management Response, at pages 68-69, provides that Council agrees with the assessment of GJM Heritage that:

- a) the building retains a high degree of integrity in fabric, form and detail;
- b) the Amendment does not affect the existing planning permit and in the event the permit is not acted upon heritage protection for the site is appropriate; and

- c) the effect of the proposed Heritage Overlay on provisions encouraging growth is not relevant to establishing whether the building meets the threshold for local significance.

219. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

220. Ministerial Planning Permit (TMPR-2019-20/PA1900615) was granted on 4 June 2020 which allows full demolition of the existing building and construction of a 42 level mixed use building.

221. A copy of Planning Permit TMPR-2019-20/PA1900615, the Council report and plans, and the DELWP officer report is contained within Folder 10, documents 113-115 of the public online document store.

Evidence of Mr Gard'ner

222. The evidence of Mr Gard'ner at pages 45-46, is that the place is assessed as being locally significant for the evidence it provides of the rise of manufacturing in the city from the 1920s, of the long-term industry and warehouse concentration in this part of the city, and of the many printing and linotype companies established from the interwar period (Criterion A) and as a relatively intact example of the wave of development in central Melbourne during the early interwar period (Criterion D). The building retains a high degree of integrity in fabric, form and detail and while the building has undergone alteration, these do not diminish the ability to understand and appreciate the place.

Position of the Council

223. The Council submits the identification of the place as Significant in the Amendment is appropriate.

N. 107-109 FLINDERS LANE

224. The factory and warehouse at 107-109 Flinders Lane is proposed to be included as Contributory within the Flinders Lane East Precinct as part of the HGHR. The Flinders Lane East Precinct is identified as Significant within the HGHR on the basis

of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.

225. The individual place citation for the precinct is located within the HGHR Volume 2a at pages 29-52.

226. The Flinders Lane East Precinct has an interim precinct Heritage Overlay.

Submission 38

227. Submission 38 on behalf of the registered proprietor of the site considers that the Heritage Overlay should not be applied to the site as the building is not of aesthetic significance or architectural value, does not enhance the intimate scale of ACDC Lane and does not represent a historical association with manufacturing and warehousing.

Management Response

228. The Management Response, at pages 75-76, provides that Council agrees with the assessment of GJM Heritage that:

- a) the building has a direct association with the manufacturing and textile industries that characterise the Flinders Lane East Precinct and reflects important elements of the precinct's significance;
- b) the place is not aesthetically significant in its own right but its architectural form and detailing contributes to the overall values of the heritage precinct; and
- c) the scale of the building abutting ACDC Lane provides a sense of enclosure and contributes to the intimacy of the laneway.

229. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

230. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

231. The evidence of Mr Gard'ner at pages 46-47 is that the Flinders Lane East Precinct is of local significance for its association with manufacturing and warehousing principally for the clothing and textile businesses between the 1850s and the 1930s (Criterion A); for its low-rise built form and street pattern that represents the pre-modern city (Criterion D); and for its views down Oliver, Malthouse and Higsons Lanes and its streetscape of small lot buildings up to six storeys in height and built to property boundaries (Criterion E).
232. The proposed Contributory classification for the site is appropriate having regard to the direct association of the built form with the manufacturing and textile industries.

Position of the Council

233. The Council submits the identification of the place as Significant is appropriate.

O. 393-403 BOURKE STREET

234. 393-403 Bourke Street, known as the '*Former John Danks & Son*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1307 on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.
235. The individual place citation for the site is located within the HGHR Volume 2a at pages 313-334.

Submission 40

236. Submission 40 objects to the inclusion of the site within the Heritage Overlay as the level of significance ascribed to the site is obstructive; and the current planning permit, reaching its final stages of construction, makes the introduction of the Heritage Overlay untimely and unnecessary. The submission notes that, should the Amendment proceed, the extent of the citation should be reduced to only apply to the 399 Bourke Street façade.

Management Response

237. The Management Response, at pages 78-79, provides that Council agrees with the assessment of GJM Heritage that:

- a) the heritage values of the site are now limited to the ornate six storey façade and its return elevations;
- b) it is appropriate to reduce the mapped extent of the proposed Heritage Overlay to align with the principal heritage form; and
- c) the Amendment does not affect the planning permit as heritage protection is sought for the remaining heritage values of the Bourke Street façade which has been retained, remains largely intact and warrants heritage protection.

238. Accordingly, the recommendations contained within the Management Response included that the extent of HO1307 be reduced to align with the retained heritage fabric, and that consequential changes be made within the Amendment documentation to consistently reflect the change.

Permit/permit application

239. Planning permit TPM-2012-28/2012/005554 was granted on 13 May 2013 for part demolition and construction of a multi-storey development. Development in accordance with this permit is nearing completion.

Evidence of Mr Gard'ner

240. The evidence of Mr Gard'ner at pages 48-49 is that the site is of local significance: for its long association with and use for hardware retail (Criterion A); as a largely intact example of the first wave of early twentieth-century mid-rise warehouse building development in central Melbourne (Criterion D); and for its well-executed use of eclectic Art Nouveau and earlier Victorian details (Criterion E).

241. The heritage values of the site are limited to the ornate six-storey façade and its return elevations given the construction of a 30-storey tower since the initial survey undertaken for the HGHR. It is therefore appropriate to reduce the mapped extent of the proposed Heritage Overlay to more closely align with the principal heritage form of the building.

Position of the Council

242. The Council submits the identification of the place as Significant in the Amendment is appropriate, subject to the reduction of the mapped extent of the Heritage Overlay.

P. 188 BOURKE STREET

243. 188 Bourke Street, known as the '*Former Rockman's Showrooms Pty Ltd*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1303 on the basis of its historical (Criterion A) and representative (Criterion D) significance.

244. The individual place citation for the site is located within the HGHR Volume 2a at pages 229-245.

245. This site has an interim individual Heritage Overlay.

Submission 50

246. Submission 50 objects to the inclusion of the site within the Heritage Overlay on the basis of considerable alteration that has occurred since construction, the fact that the building is largely screened from the public realm due to the narrowness of the allotment and surrounding built form, and concern with regard to future development proposals.

Management Response

247. The Management Response, at pages 99-100, provides that Council agrees with the assessment of GJM Heritage that:

- a) alterations at ground level and to the first floor windows, common within the Hoddle Grid, do not diminish the ability to understand and appreciate the place as an example of an interwar retail building within the municipality; and
- b) the impact of a Heritage Overlay on future development aspirations has been discussed by numerous Planning Panels and the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance.

248. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

249. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

250. The evidence of Mr Gard'ner at pages 49-50 is that the site is of local significance for: the evidence it provides of an important phase in Melbourne's retail history being the rise in popularity of the chain store retailers from the 1920s in the central city (Criterion A); and as a finely detailed, modestly scaled example of a Jazz Moderne commercial building in central Melbourne (Criterion D).

251. The alterations to the built form do not diminish the ability to understand and appreciate the place as an example of an interwar retail building within the City of Melbourne.

Position of the Council

252. The Council submits the identification of the place as Significant in the Amendment is appropriate.

Q. 204-208 KING STREET

253. 204-208 King Street, known as '*Former Great Western Hotel*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1341 on the basis of its historical (Criterion A), representative (Criterion D) and social (Criterion G) significance.

254. The individual postwar place citation for the site is located within the HGHR Volume 2a at pages 783-799.

Submission 52

255. Submission 52 opposes the inclusion of the site within the Heritage Overlay on the basis of the previous lack of heritage significance attributed to the site and existing planning approvals.

Management Response

256. The Management Response, at pages 109-110, provides that Council agrees with the assessment of GJM Heritage that:

- a) the HGHR is the most comprehensive review of heritage buildings within the Hoddle Grid since the 1990s. Accordingly it is reasonable that public and professional recognition of heritage has changed over time and heritage values warrant reconsideration; and
- b) heritage protection is pursued in the event Planning Permit TP-2020-33 is not acted on; in the event the permit is acted upon the Heritage Overlay may be removed if appropriate.

257. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

258. The site has the benefit of two existing approved multi-storey developments. Planning Permit TP-2016-1105 granted on 4 August 2017 allows partial demolition of the existing building and construction of a 26 storey mixed use tower. Planning Permit TP-2020-33 granted on 31 July 2020 allows for partial demolition of existing buildings and construction of a multi-storey mixed use building.

259. A copy of Planning Permit TP-2016-1105 and Planning Permit TP-2020-33 along with the endorsed plans and delegate report for this permit is located within Folder 10, documents 123-126 of the public online document store.

Evidence of Mr Gard'ner

260. The evidence of Mr Gard'ner at pages 50-51 is that the site is locally significant as a substantial early-Victorian purpose-built hotel in Melbourne (Criterion A), as a largely intact example of a substantial early Victorian hotel building on a prominent corner site (Criterion D) and for its long connections with the city, serving as a social meeting place for more than 150 years (Criterion G).

261. Mr Gard'ner considers the reassessment of the site is appropriate due to the time elapsed since previous heritage studies were undertaken, with particular regard to the

fact the site is one of only a small number of early-Victorian purpose-built hotels that remain in central Melbourne.

Position of the Council

262. The Council submits the identification of the place as Significant in the Amendment is appropriate.

R. 134-144 LITTLE LONSDALE STREET & 17-23 BENNETT'S LANE

263. 134-144 Little Lonsdale Street and 17-23 Bennetts Lane are proposed to be included as Contributory to the Little Lonsdale Street Precinct as part of the extension of HO984, the Little Lon Precinct. The Little Lonsdale Precinct is identified as Significant within the HGHR on the basis of its historical (Criterion A), representative (Criterion D), aesthetic (Criterion E) and associative (Criterion H) significance.

264. The individual place citation for the precinct is located within the HGHR Volume 2a at pages 53-74.

265. The Little Lonsdale Street Precinct has an interim precinct Heritage Overlay.

Submission 54

266. Submission 54 objects to the inclusion of the site within the Heritage Overlay on the basis of the existing approval and the extent of alteration already evident.

Management Response

267. The Management Response, at pages 113-114, provides that Council agrees with the assessment of GJM Heritage that:

- a) notwithstanding the site has been subject to previous alteration, the remaining fabric as presented to the street/laneway contributes to the identified historic and industrial architectural values of the precinct; and
- b) the Amendment does not affect Planning Permit TP-2018-1112 as heritage protection is pursued in the event the permit is not acted upon. If the permit is acted upon the Heritage Overlay can be removed, if appropriate.

268. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

269. Planning Permit TP-2018-1112 was granted on 13 September 2019 for part demolition and construction of a multi-storey tower.
270. A copy of Planning Permit TP-2018-1112, endorsed plans, delegate report, Order of the Victorian Civil and Administrative Tribunal, amended permit and amended delegate report are located within Folder 10, documents 127-132.

Evidence of Mr Gard'ner

271. The evidence of Mr Gard'ner at pages 51-52 provides that, while subject to previous alteration including the addition of new built form, the remaining fabric as presented to the street/laneway contributes to the identified historic and industrial architectural values of the precinct.

Position of the Council

272. The Council submits the identification of the place as Significant in the Amendment is appropriate.

S. 114-122 EXHIBITION STREET

273. 114-122 Exhibition Street, known as '*Former Morris House*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1330 on the basis of its historical (Criterion A) and representative (Criterion D) significance.
274. The individual place citation for Morris House is located within the HGHR Volume 2a at pages 514-515.
275. This site has an interim individual Heritage Overlay.

Submission 55

276. Submission 55, on behalf of the owner of the site, disputes its heritage significance, and says that the Statement of Significance is inadequate to justify the imposition of permanent heritage controls. Further, the submission states the site does not satisfy

Criteria A or D, is not historically significance (as evidenced by the application of two out of nine criteria), has not been previously recognised as a historically significant building and has been the subject of alterations that affect heritage significance.

Management Response

277. The Management Response, at pages 115-117, provides that Council agrees with the assessment of GJM Heritage that:

- a) the assessment of the site was undertaken in accordance with PPN1 and meets the threshold for the application of an individual heritage overlay. Further it is only necessary for a heritage place to satisfy one of the heritage criteria within PPN1 to warrant inclusion within the Heritage Overlay;
- b) the site is of local historical significance (Criterion A) for its association with the Charity Organisation Society, the Victorian Society for the Prevention of Cruelty to Children, including a long association with the child welfare movement, and the Australian-American Association; and
- c) the site is of representative significance (Criterion D) as a largely intact example of an Interwar Classical Revival building and the alterations undertaken (largely reversible in nature) do not undermine the legibility of the building's architectural form.

278. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

279. The site does not have any relevant live permits.

Evidence of Mr Gard'ner

280. The evidence of Mr Gard'ner¹⁹ is that Morris House is of local historical significance (Criterion A) for its association with the Charity Organisation Society, the Victorian Society for the Prevention of Cruelty to Children and the Australian-American Association. Morris House is also of representative significance (Criterion D) as a

¹⁹ Gard'ner, at pages 52-55.

largely intact example of an Interwar Classical Revival building. To the extent the building has been altered, the alterations do not undermine the legibility of the building's architectural form and detailing and are largely reversible.

Evidence of Mr Raworth

281. Council submits that the conclusions of Mr Raworth should not be accepted by the Panel because:

- a) he overstates the impact of the changes to the building in terms of its overall intactness;
- b) his use of the 'better than most' test for State level significance in relation to Criterion A sets the bar for satisfaction of the criterion too high;
- c) his criticisms in relation to the consideration of Criterion A, that the legibility of the specific historic function of the building is not evident in its fabric, are equally applicable to almost any warehouse, factory or office building form considered for inclusion within the Heritage Overlay;
- d) he does not give sufficient weight to documentary evidence in establishing historical importance; and
- e) his utilisation of comparators on the Victorian Heritage Register and references to the building not being an 'influential' or 'pivotal' example, serve to set the threshold for significance at the local level too high.

Position of the Council

282. The Council submits the identification of the place as Significant and inclusion in the Heritage Overlay are appropriate.

T. 2-6 RANKINS LANE

283. 2-6 Rankins Lane is proposed to be included within the Heritage Overlay as Contributory to the '*Former Thomas Warburton Pty Ltd complex*' as part of the extension of HO1052. The Former Thomas Warburton Pty Ltd complex is identified as Significant within the HGHR on the basis of its historical (Criterion A) and representative (Criterion D) significance.

284. The individual place citation for the precinct is located within the HGHR Volume 2a at pages 1591-1619.

285. The Former Thomas Warburton Pty Ltd complex has an interim revision to the existing Heritage Overlay.

Submission 57

286. Submission 57 objects to the inclusion of the site within the Heritage Overlay due to, inter alia, increased insurance and maintenance costs.

Management Response

287. The Management Response, at pages 123-125, provides that Council agrees with the assessment of GJM Heritage that:

a) the impact of a Heritage Overlay on operational and management costs has been the subject of discussion of numerous Planning Panels and the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance; and

b) the imposition of a levy on new buildings to fund maintenance for heritage buildings or reducing government fees payable on heritage buildings is beyond the scope of this Amendment.

288. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

289. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

290. The evidence of Mr Gard'ner at pages 55-56 is that the Former Thomas Warburton Pty Ltd complex is locally significant: for providing important tangible evidence of the evolution of a prominent business in this area of central Melbourne (Criterion A); as a representative example of a building complex associated with manufacturing and wholesaling (Criterion D); and as a collection of substantially intact buildings that

provide tangible evidence of an important pattern of development in central Melbourne (Criterion D).

Position of the Council

291. The Council submits the identification of the place as Significant in the Amendment is appropriate.

U. ELIZABETH STREET MOTORCYCLE PRECINCT

292. This submission sought heritage recognition for the Elizabeth Street motorcycle precinct in Melbourne and recognition of the motorcycle-related historical and social values of such a precinct. The only place within the Amendment affected by the submission is 341-345 Elizabeth Street which is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1204 on the basis of its historical (Criterion A) and representative (Criterion D) significance.

Submission 59

293. Submission 59 seeks heritage recognition for the Elizabeth Street motorcycle precinct in Melbourne.

Management Response

294. The Management Response, at pages 131-132, provides that Council agrees with the assessment of GJM Heritage that:

- a) The submission asserts a number of social and historical values associated with the ‘motorcycle precinct’ that could be considered as part of any future review of the existing Statements of Significance for HO1125 (Elizabeth Street (CBD) Precinct) and HO1204 (Elizabeth Street West Precinct).

295. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Evidence of Mr Gard’ner

296. The evidence of Mr Gard'ner at page 56 is that the asserted social and historical values could be considered as part of any future review of the existing Statements of Significance for HO1125 and HO1204.

Position of the Council

297. The Council does not support any alteration of the Amendment in response to the submission.

V. 91-93 FLINDERS LANE

298. 91-93 Flinders Lane is proposed to be included as Contributory within the Flinders Lane East Precinct as part of the HGHR. The Flinders Lane East Precinct is identified as Significant within the HGHR on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.

299. The individual place citation for the precinct is located within the HGHR Volume 2a at pages 29-52.

300. The Flinders Lane East Precinct has an interim precinct Heritage Overlay.

Submission 60

301. Submission 60 seeks that the site be categorised as Non-Contributory to the Precinct.

Management Response

302. The Management Response, at pages 133-134, provides that Council agrees with the assessment of GJM Heritage that the proposed Contributory classification for the site is appropriate as the building has a direct association with the manufacturing and textile industries that characterise the Flinders Lane East Precinct and while the built fabric has been subject to alteration it retains sufficient form and detail to understand its original historical purpose and contribute to the overall values of the precinct.
303. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

304. The site does not have any relevant live permits.

Evidence of Mr Gard'ner

305. The evidence of Mr Gard'ner at page 57 is that the Flinders Lane East Precinct is of local significance for its association with manufacturing and warehousing principally for the clothing and textile businesses between the 1850s and the 1930s (Criterion A); for its low-rise built form and street pattern that represents the pre-modern city (Criterion D); and for its views down Oliver, Malthouse and Higsons Lanes and its streetscape of small lot buildings up to six storeys in height and built to property boundaries (Criterion E).
306. The site has a direct association with the manufacturing and textile industries that characterise the precinct and, while subject to alteration, the built form retains sufficient form and detail to understand its original historical purpose and contributes to the overall values of the precinct.

Position of the Council

307. The Council submits the identification of the place as Significant in the Amendment is appropriate.

W. 3 KIRKS LANE

308. 3 Kirks Lane, forming part of the '*Former Gothic Chambers warehouse*' at 418-420 Bourke Street is proposed to be include within existing Heritage Overlay HO1005 within the HGHR. The Former Gothic Chambers and warehouse is identified as Significant on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.
309. The individual place citation for the site is located within the HGHR Volume 2a at pages 1551-1570.
310. The Former Gothic Chambers and warehouse has an interim revision to the existing individual Heritage Overlay.

Submission 62

311. Submission 62 seeks clarification as to how the site was nominated for assessment by the HGHR and references the ‘*contradictory approach*’ to the site by previous heritage reviews.

Management Response

312. The Management Response, at pages 136-137, provides that Council agrees with the assessment of GJM Heritage that:
- a) the approach adopted for the identification and assessment of places in the HGHR is set out in the ‘Methodology’ in Volume 1 and unlike the process established under the *Heritage Act 2017* for state-significant places there is no formal ‘nomination’ process for places considered for inclusion; and
 - b) the HGHR is the most comprehensive review of heritage buildings in the Hoddle Grid since the 1990s and given the passage of time it is reasonable to expect the assessment of heritage values warrant reconsideration.

313. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

314. This site does not have any relevant live permits.

Evidence of Mr Gard’ner

315. The evidence of Mr Gard’ner at pages 58-59 is that the site (together with 418-420 Bourke Street) is of local significance: for its association with a key phase in Melbourne’s development when an increasing number of investors constructed architect-designed multi-storey factory and warehouse premises in the city to house the growing manufacturing and retail industry (Criterion A); as a highly intact example of a pair of warehouses built in the late Victorian period (Criterion D); and for its use of Venetian Gothic Revival style elements, which were unusual for a small-scale warehouse (Criterion E).

Position of the Council

316. The Council submits the identification of the place as Significant in the Amendment is appropriate.

X. 124-130 RUSSELL STREET

317. 124-130 Russell Street, known as the '*Melbourne Theosophical Society (former Russell House)*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1261 on the basis of its historical (Criterion A), representative (Criterion D), aesthetic (Criterion E) and social (Criterion G) significance.

318. The individual place citation for the site is located within the HGHR Volume 2a at pages 1391-1408.

Submission 63

319. Submission 63 states the introduction of the Heritage Overlay is unnecessary having regard to the existing planning permit on the site which authorises the complete demolition of all built form.

Management Response

320. The Management Response, at page 138, provides that Council agrees with the assessment of GJM Heritage that the Amendment does not affect Planning Permit TP-2020-9. The Heritage Overlay affords heritage protection for the site in the event the permit is not acted upon. If acted upon, the Heritage Overlay can be removed, if appropriate.

321. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

322. Planning Permit TP-2018-52 was granted on 16 August 2018 for full demolition and construction of a multi-storey tower. Planning Permit TP-2020-9 was granted on 18 September 2020 for full demolition and construction of a multi-storey tower.

Evidence of Mr Gard'ner

323. The evidence of Mr Gard'ner at pages 59-60 is that the site is of local significance: for its demonstration of car sales in the early years of motoring in Victoria and for its association with the Melbourne Theosophical Society (Criterion A); as a commercial building designed in the interwar classical style (Criterion D); for its relatively intact façade (Criterion E); and for its long-standing associations with the Melbourne Theosophical Society (Criterion G).

Position of the Council

324. The Council submits the identification of the place as Significant in the Amendment is appropriate.

Y. 490 FLINDERS STREET

325. 490 Flinders Street, known as the '*Willis' Buildings*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1337 on the basis of its historical (Criterion A) and representative (Criterion D) significance.
326. The individual place citation for the site is located within the HGHR Volume 2a at pages 653-669.

Submission 65

327. Submission 65 objects to the inclusion of the site within the Heritage Overlay on the basis that the existing planning permit authorises demolition and will provide public realm benefits, and due to the modest and unremarkable nature of the built form.

Management Response

328. The Management Response, at pages 140-141, provides that Council agrees with the assessment of GJM Heritage that:
- a) the assessment of the site was undertaken in accordance with PPN1 and meets the threshold for the application of an individual Heritage Overlay;
 - b) the public realm benefit of regularising the title boundaries is not relevant to whether the building meets the threshold for local significance; and

- c) the Amendment does not affect the Planning Permit TP-2018-519. The Heritage Overlay affords protection for the site in the event the permit is not acted upon. If acted upon, the Heritage Overlay can be removed, if appropriate.

329. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

330. Planning Permit TP-2018-519 was granted on 18 January 2019 for full demolition and construction of a multi-storey tower.

331. A copy of Planning Permit TP-2018-519, the endorsed plans and delegate report are located within Folder 10, documents 133-135, of the online public document store.

Evidence of Mr Gard'ner

332. The evidence of Mr Gard'ner at pages 60-61 is that the site is of local significance: for the evidence the building provides of the need for and provision of daily retail points with associated residences in a part of the city that, during the mid-Victorian period, thrived with port-related activities (Criterion A); and as a largely intact two-storey shops and residences constructed in the pre-boom period in 1869-70 in the Victorian Italianate style (Criterion D).

333. Further, the building does not need to be 'remarkable' to warrant inclusion in the Heritage Overlay.

Position of the Council

334. The Council submits the identification of the place as Significant in the Amendment is appropriate.

VIII. POSTWAR PLACES (1945-1975)

335. The postwar places proposed for inclusion in the Heritage Overlay are supported by the Postwar Thematic Environment History (**Postwar Thematic History**).

336. Submissions were received in respect of 20 postwar places (1945-1975).

A. 303-317 COLLINS STREET

337. 303-317 Collins Street, known as ‘*Former MLC Building*’, ‘*Royal Bank Plaza*’ and ‘*TOOF Centre*’ (current name) is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1319 on the basis of its historical (Criterion A) and representative (Criterion D) significance.
338. The individual postwar place citation for the site is located within the HGHR Volume 2b: *Postwar Thematic Environmental History and postwar places* (July 2020) at pages 369-390 (**HGHR Volume 2b**).
339. This site has an interim individual Heritage Overlay.

Submission 10

340. Submission 10 considers the site does not warrant inclusion in the Heritage Overlay on the basis of modifications to the built form since construction, typical materials and detailing that are not properly considered innovative, and lack of connection to the postwar building boom given the 1973 date of completion. The submission also notes the lack of identification of heritage significance in previous heritage studies.

Management Response

341. The Management Response at pages 18-20 provides that Council agrees with the assessment of GJM Heritage that:
- a) the alterations to the built form do not diminish the architectural integrity of the place or the ability to understand and appreciate the place as a fine example of a Post-War Modernist style commercial building;
 - b) the end date of 1975 chosen for the HGHR is consistent with the timeframe for the postwar period identified in other prominent heritage studies and surveys of the period. Accordingly the building is properly included; and
 - c) the HGHR provides sufficient justification to substantiate the significance of the place.
342. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

343. The site does not have any relevant live permits.

Evidence of Mr Gard'ner & Mr Reeves

344. The evidence of Mr Gard'ner at pages 67-68 is that the place is locally significant for its clear association with the postwar building boom (Criterion A) and as a fine and highly intact representative example of a Post-War Modernist commercial building (Criterion D). Further, the place is appropriately included within the defined period of the HGHR and alterations to the forecourt of the building do not diminish its architectural integrity or ability to understand and appreciate the place as a fine example of a postwar commercial building.
345. The evidence of Mr Reeves at pages 27-28 is that the building meets the threshold for an individual Heritage Overlay. Mr Reeves considers the Statement of Significance could be further improved by ascribing historical significance for the building's associations with MLC and by acknowledging the building's distinctive quadrant-shaped plan form by applying Criterion E.

Evidence of Mr Raworth

346. The Council submits that the Panel should not accept the conclusions of Mr Raworth because:
- (a) he was applied the VHR Guidelines in an inappropriate fashion;
 - (b) he has inappropriately excluded as relevant comparators the other postwar office buildings proposed for inclusion in the Heritage Overlay;
 - (c) he has given insufficient weight to the unusual and distinctive curved form of the building;
 - (d) he has given too much weight to the alterations at ground level in assessing the intactness of the building as a whole.
347. The Council notes that the evidence of Mr Trethowan would appear to support inclusion of this building in the Heritage Overlay.

Position of the Council

348. The Council submits the identification of the place as Significant in the Amendment is appropriate. It does not propose to include Criterion E in the Statement of Significance.

B. 457-471 BOURKE STREET

349. 457-471 Bourke Street, known as '*Former Dalgety House*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1326 on the basis of its historical (Criterion A) and representative (Criterion D) significance.

350. The individual postwar place citation for the site is located within the HGHR Volume 2b at pages 99-122.

351. This site has an interim individual Heritage Overlay.

Submission 14

352. Submission 14 opposes the inclusion of the site within the Heritage Overlay and notes its intention to provide a more detailed submission following the receipt of heritage advice. No further submission was provided.

Management Response

353. The Management Response at page 27 notes the indication a detailed submission was still to be provided and accordingly no changes were recommended in response to the submission received.

Permit/permit application

354. This site does not have any relevant live permits.

Evidence of Mr Gard'ner & Mr Reeves

355. The evidence of Mr Gard'ner at page 69 is that the place is locally significant as a place with a clear association with the postwar building boom which transformed central Melbourne into a modern high-rise city (Criterion A) and as a fine and highly intact representative example of a Post-War Modernist commercial building (Criterion D).

356. The evidence of Mr Reeves at pages 28-29 concurs that the place meets the threshold for an individual Heritage Overlay. Mr Reeves also expresses the view that the citation ascribes significance on a generic basis and should draw specific attention to important associations with Dalgety & Company, as well as ascribing significance to the fact that the building is rare as one of only two buildings designed by Peddle Thorp & Walker in Melbourne.

Evidence of Mr Trethowan

357. The Council submits that the Panel should not accept the conclusions of Mr Trethowan because:

- (a) he has taken a quantitative approach to the threshold of significance and it is not possible to reconcile his arithmetic with other evidence by him;
- (b) he erroneously suggests that criterion A alone is insufficient to justify introduction of the Heritage Overlay;
- (c) he has set the bar for satisfaction of criterion A too high, having regard to the expectations of PPN1;
- (d) he has overstated the impact of ground level alterations on the intactness and integrity of the building as a whole;
- (e) the use of a threshold of “outstanding/landmark” as indicated in his Appendix C is too high.

Position of the Council

358. The Council submits the identification of the place as Significant in the Amendment is appropriate.

C. 516-520 COLLINS STREET

359. The office building at 516-520 Collins Street is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1326 on the basis of its historical (Criterion A) and representative (Criterion D) significance.

360. The individual postwar place citation for the site is located within the HGHR Volume 2b at pages 587-602.
361. This site has an interim individual Heritage Overlay.

Submission 18

362. Submission 18 opposes the inclusion of the site within the Heritage Overlay on the basis that the scope of the HGHR is too broad and has failed to provide a detailed analysis of the significance of buildings in the postwar modernist office group; the site is not an early, rare or fine example because the building was constructed in the mid-1970s at a time new design trends were emerging; suggestions that the design is 'representative' underplay the experimentation attributable to the class of buildings; the building is not the work of a notable architect; and the building is not properly considered to have exceptionally strong heritage values.
363. Further, submitter 18 says the citation has been prepared without reference to Planning Permit TP-2019-1057 (issued 4 February 2019) which allows demolition, construction of a new ground floor extension and frontage to Collins Street.

Management Response

364. The Management Response at pages 33-34 provides that Council agrees with the assessment of GJM Heritage that:
- a) the Postwar Thematic History undertaken as part of the HGHR clearly established the historical importance of postwar development in the Hoddle Grid and provides a robust basis for the assessment of the heritage significance of this place type;
 - b) the assessment of the site was undertaken in accordance with PPN1 and meets the threshold for the application of an individual heritage overlay;
 - c) the site is significant for its clear association with the postwar building boom and as a fine and highly representative example of a Post-War Modernist commercial building; and

- d) TP-2019-1057 is not affected by the Amendment. In the event the permit is not acted upon heritage protection of the building is appropriate and the further alterations approved under the permit do not alter the findings of the HGHR.

365. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

366. Permit TP-2018-1057 granted on 30 November 2018 for part demolition to extend the ground floor into the front plaza and new entrance. Works authorised by the permit are currently under construction.

367. A copy of Planning Permit TP-2018-1057, endorsed plans, delegate report and delegate report on the amended permit are found within Folder 10, documents 105-108 of the public online document store.

Evidence of Mr Gard'ner & Mr Reeves

368. The evidence of Mr Gard'ner at pages 70-71 is that comprehensive comparative analysis was undertaken to substantiate the significance of the place which is adequately demonstrated in the exhibited heritage citation and Statement of Significance. The site is significant for its clear association with the postwar building boom and as a fine and highly intact representative example of a Post-War Modernist commercial building. The Amendment does not affect TP-2018-1057.

369. The evidence of Mr Reeves at page 29 is that the building does not meet the threshold for an individual Heritage Overlay, emphasising that it is the only building proposed for inclusion in the Heritage Overlay within the HGHR for which an architect cannot be identified. Further, Mr Reeves considers the building does not possess architectural or aesthetic merit and is one of only three in the subset of 55 postwar buildings that did not generate prior acknowledgement.

Evidence of Ms Gray and Mr Trethowan

370. The Council submits that the conclusion of Ms Gray should not be accepted by the Panel because:

- (a) she appears unduly influenced by the absence of previous grading of the building;

- (b) she has not provided a persuasive reason to narrow the class of buildings for the purposes of Criterion D from “Modernist office buildings in the Hoddle Grid between 1945 and 1975”;
- (c) she has placed too much weight on the alterations at ground level in diminishing the overall intactness of the building;
- (d) she has not given sufficient recognition to the design quality of the building, notwithstanding the absence of a known architect;
- (e) her critique of the comparative analysis is unfair in light of Appendix 6, the Thematic History, citation and Statement of Significance read as a whole.

371. The Council submits that the Panel should not accept the conclusions of Mr Trethowan because:

- (a) he has taken a quantitative approach to the threshold of significance and it is not possible to reconcile his arithmetic with other evidence by him;
- (b) he erroneously suggests that criterion A alone is insufficient to justify introduction of the Heritage Overlay;
- (c) he has set the bar for satisfaction of criterion A too high, having regard to the expectations of PPN1;
- (d) he has overstated the impact of ground level alterations on the intactness and integrity of the building as a whole;
- (e) the use of a threshold of “outstanding/landmark” as indicated in his Appendix C is too high;
- (f) the identification of three “better” examples does not of itself disqualify a place for reaching the threshold for local significance warranting protection under the Heritage Overlay.

Position of the Council

372. Council acknowledges the evidence of Mr Reeves and his view that this building does not meet the threshold for inclusion in the Heritage Overlay. However, Council

maintains its position that identification of the place as Significant in the HGHR and the Amendment is appropriate in accordance with the evidence of Mr Gard'ner. In the circumstances, Council requests the Panel gives particular attention to the suitability of inclusion of this place in the Heritage Overlay.

D. 111-129 QUEEN STREET

373. 111-129 Queen Street, known as '*Former Royal Automobile Club of Victoria*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1068 on the basis of its historical (Criterion A), representative (Criterion D), aesthetic (Criterion E), social (Criterion G) and associative (Criterion H) significance.
374. The individual place citation for the site is located within the HGHR Volume 2b at pages 975-997.
375. This site has an interim individual Heritage Overlay.

Submission 20

376. Submission 20 opposes the introduction of site specific heritage controls on the basis that: the proposed significance of the site is not appropriately supported; there is no assessment that justifies the Significant classification; the current buildings do not contribute to the precinct; the citation is vague and simplistic; the Amendment does not provide clarity with regard to important fabric; the HGHR fails to properly assess historical drawings to ascertain change that has occurred over time; the comparative analysis is lacking in detail; and the narrative in the citation is overstated and unsupported by fact.

Management Response

377. The Management Response at pages 37-38 provides that Council agrees with the assessment of GJM Heritage that:
- a) the assessment of the site was undertaken in accordance with PPN1 and meets the threshold for the application of an individual heritage overlay and provides sufficient justification to demonstrate the place is of historic, aesthetic, representative and social significance;

- b) the *'great deal of change to the fabric of the building'*, the *'items that either need correction, further discussion and/or clarification'* and the narrative that is alleged to be overstated are not detailed in the submission and accordingly cannot be the subject of a detailed response;
- c) the Contextual History in the citation provides a detailed analysis of high-rise development in the Hoddle Grid in the 1950s and 1960s and is a strong basis for the comparative analysis. Examples included are appropriate and demonstrate that the site is of local significance and the application of an individual Heritage Overlay is justified; and
- d) the majority of buildings occupied or associated with clubs in the City of Melbourne generally predate the building on the site and are not relevant comparators, the notable exception being the Lyceum Club at 2-18 Ridgeway Place which has been assessed as part of the HGHR.

378. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

379. This site does not have any relevant live permits.

Evidence of Mr Gard'ner & Mr Reeves

380. The evidence of Mr Gard'ner at pages 71-72 is that the site is of local significance: as the headquarters of the large and influential RACV (Criterion A); as a fine example of a recreational club in the city centre (Criterion D); for its composition, of which the three-storey transparent cantilevered podium is a feature (Criterion E); for its strong and long-standing association with the RACV Club members, staff and board (Criterion G); and as the headquarters of the State's premier road lobbyist, as a major tourism promoter, and as a private club (Criterion H).

381. Further, Mr Gard'ner considers the Contextual History in the citation provides a strong basis for comparative analysis. He opines that the main alterations to the exterior of the building have occurred at the ground floor level and have had only a minor impact upon on character, appearance and presentation.

382. The evidence of Mr Reeves at page 30 considers that the building meets the threshold for an individual Heritage Overlay as '*a fine example of a recreational club in the city centre*', with the Statement of Significance providing a sound basis that the building reaches the threshold of local significance. Mr Reeves further agrees the building is an important example of the work of architects Bates, Smart & McCutcheon and notes the building received extensive coverage in the daily press at the time of its design and construction and in journals subsequently.

Evidence of Mr Barrett

383. Mr Barrett accepts that the building should be included in the Heritage Overlay and makes suggestions to correct or improve the Statement of Significance. Council submits that his conclusion that Criterion H is not satisfied should not be accepted because he appears to erroneously exclude the RACV as a membership organisation as a group of persons which has played an important role in Melbourne's history.

Position of the Council

384. The Council submits the identification of the place as Significant in the Amendment is appropriate, accepts Mr Gardner's changes to the Statement of Significance following review of Mr Barrett's evidence and has agreed further changes to the citation and Statement of Significance with Submitter 20.

E. 269-275 WILLIAM STREET

385. 269-275 William Street, known as '*Nubrik House*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1378 on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.

386. The individual postwar place citation for Nubrik House is located within the HGHR Volume 2b at pages 1275-1296.

387. This site has an interim individual Heritage Overlay.

Submission 22

388. Submission 22 on behalf of the owners' corporation of the site objects to the inclusion of the site in a Heritage Overlay on the basis that the site does not portray sufficient qualities to warrant heritage protection with regard to the criteria identified. The submission further notes that while the built form is relatively intact above ground floor, the significance of the building has been overstated due to, inter alia, the building not being one of Buchan, Laird and Buchan's more accomplished works and not being of 'loadbearing brick construction' as identified within the National Trust's *Melbourne's Marvellous Modernism – A comparative Analysis of Post-War Modern Architecture in Melbourne's CBD 1955-1975* (September 2014) (**Melbourne's Marvellous Modernism**)²⁰.

Management Response

389. The Management Response at pages 43-46 provides that Council agrees with the assessment of GJM Heritage that:
- a) the assessment of the site was undertaken in accordance with PPN1 and meets the threshold for the application of an individual Heritage Overlay;
 - b) the Postwar Thematic History undertaken as part of the HGHR and provided within the place citation established the historical importance of postwar development in the Hoddle Grid and provides a robust basis for the assessment of the heritage significance of this place type;
 - c) the building is a highly intact representative example of a Postwar Modernist commercial building (Criterion D) with a distinctive architectural expression that utilised the company's brick products in the design of its façade (Criterion E);
 - d) the building has not been identified as significant on the basis of its association or connection with its architects (Criterion H);
 - e) the HGHR is the most comprehensive review of heritage buildings in Melbourne since the 1990s, accordingly public and professional recognition of heritage has changed over this time and assessment of heritage values, particularly postwar places, warrant reconsideration; and

²⁰ *Melbourne's Marvellous Modernism – A comparative Analysis of Post-War Modern Architecture in Melbourne's CBD 1955-1975* (September 2014), pages 38 and 52.

- f) the review provides sufficient justification to substantiate the significance of the place and the building warrants the application of an individual Heritage Overlay.

390. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

391. This site does not have any relevant live permits.

Evidence of Mr Gard'ner & Mr Reeves

392. The evidence of Mr Gard'ner²¹ is that Nubrik House is of historical significance (Criterion A) for its association with the postwar building boom; of representative significance (Criterion D) as a highly intact representative example of a Post-War Modernist commercial building; and of aesthetic significance (Criterion E) as a building with a distinctive architectural expression that utilised bricks to promote the material.
393. The evidence of Mr Reeves²² is that Nubrik House meets the threshold for an individual Heritage Overlay as a structural brick building with no direct comparator within the Hoddle Grid, and few elsewhere, such that technical significance should be acknowledged in the Statement of Significance under Criterion F for “*a high degree of creative technical achievement at a particular period*”. Further, the building is a notable example of Buchan, Laird & Buchan’s work.

Evidence of Mr Raworth

394. The evidence of Mr Raworth in relation to Nubrik House should not be accepted by the Panel because:
- (a) he inappropriately curtails the relevant postwar period;
 - (b) he appears to wrongly apply the considerations in Reference Tool D from the VHR Guidelines as a checklist, all of which must be satisfied;

²¹ Gard'ner at pages 74-76.

²² Reeves, at pages 31-33.

- (c) he does not place sufficient weight on the use of brick in the building by the company which commissioned and occupied the building to showcase the aesthetic and structural properties of brick;
- (d) he unreasonably diminishes the relevance for comparative purposes of the other postwar office buildings proposed for inclusion in the Heritage Overlay;
- (e) he has inappropriately applied the VHR Guidelines for Criterion E and in requiring contemporaneous architectural appreciation and acclaim, set the standard for Criterion E too high in the context of places of local significance.

Position of the Council

395. As far as the use of the brick in the structure and design of the building is concerned, while there is obviously debate about whether the building should properly be described as a structural brick building, Council does not rely on Criterion F but instead on the distinctive use of brick in the external form of the building to promote the company product. The Council submits the identification of the place as Significant and inclusion in the Heritage Overlay in the Amendment are appropriate.

F. 335-349 LITTLE COLLINS STREET

396. 335-349 Little Collins Street, known as '*Equitable House*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1315 on the basis of its historical (Criterion A) and representative (Criterion D) significance.

397. The individual postwar place citation for the site is located within the HGHR Volume 2b at pages 771-801.

398. This site has an interim individual Heritage Overlay.

Submission 23

399. Submission 23 objects to the inclusion of the site within the Heritage Overlay on the basis that the significance of the site has not been adequately demonstrated, the scope of the HGHR has resulted in the extent of heritage protection being disproportionate to the value of the buildings included and the HGHR doesn't provide any criteria for which '*early, rare or fine*' can be assessed.

Management Response

400. The Management Response at page 47 provides that Council agrees with the assessment of GJM Heritage that:

- a) the assessment of the site was undertaken in accordance with PPN1 and the place has been assessed against the criteria as set out in the Practice Note; and
- b) the significance of the building is adequately demonstrated in the exhibited heritage citation and Statement of Significance.

401. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

402. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

403. The evidence of Mr Gard'ner at pages 77-78 is that the site is of local significance: for the evidence it provides of two waves of retail and office development in Melbourne in the 1920s and post World War Two (Criterion A); as a relatively intact (as it fronts Little Collins Street) example of interwar commercial development in central Melbourne, in the Inter-War Commercial Palazzo style (Criterion D); as a largely intact (as it fronts Elizabeth Street) example of postwar commercial development in central Melbourne (Criterion D).

Position of the Council

404. The Council submits the identification of the place as Significant in the Amendment is appropriate.

G. 414-416 LONSDALE STREET

405. 414-416 Lonsdale Street, known as '*Laurens House*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1254 on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.

406. The individual place citation for the site is located within the HGHR Volume 2b at pages 867-883.

407. This site has an interim individual Heritage Overlay.

Submission 28

408. Submission 28 considers the Amendment requires further examination and justification with regard to: the fact that previous heritage studies have identified the building as less noteworthy; the methodology used to convert letter gradings to the current classification system; ‘untested’ examples utilised in the comparative analysis.

Management Response

409. The Management Response, at pages 58-60, provides that Council agrees with the assessment of GJM Heritage that:

- a) the assessment of the site was undertaken in accordance with PPN1 and through comparative analysis such that the citation and Statement of Significance for the place provides sufficient justification for the implementation of a Heritage Overlay;
- b) the HGHR has been undertaken as a rigorous and comprehensive assessment of places within the study area and is consistent with the approach adopted by Lovell Chen in the Heritage Gradings Review;
- c) as only a piece-meal evaluation of postwar buildings has previously occurred, few buildings from the early postwar period are currently included in the Heritage Overlay of the Melbourne Planning Scheme and therefore the majority of comparative examples remains ‘untested’. The examples provided are appropriate and demonstrate the site is of local significance and the application of the Heritage Overlay is justified; and
- d) the effect of the proposed Heritage Overlay on development outcomes for the site or adjoining sites is not relevant to establishing whether a building meets the threshold for local significance.

410. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

411. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

412. The evidence of Mr Gard'ner at pages 78-79 is that the site is of local significance: for its demonstration of the surge in office development at the time, which reflected not only the adoption of modern architecture, but also widespread economic and political change (Criterion A); as a representative example of an early curtain-walled office building of the early postwar era of the 1950s-1960s (Criterion D); and as a distinctively modernist building with visual interest derived from the arrangement of building elements across the asymmetrical façade, retaining a high level of integrity (Criterion E).

Position of the Council

413. The Council submits the identification of the place as Significant in the Amendment is appropriate.

H. 221-231 COLLINS STREET

414. 221-213 Collins Street, known as '*Wales Corner*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1315 on the basis of its historical (Criterion A) and representative (Criterion D) significance.

415. The individual place citation for the site is located within the HGHR Volume 2b at pages 283-305.

416. This site has an interim individual Heritage Overlay.

Submission 31

417. Submission 31 objects to the inclusion of the site within the Heritage Overlay on the basis that: the significance of the site has not been adequately demonstrated; the Amendment is contrary to PPN1 which does not support the application of a Heritage

Overlay to an individual building within a precinct; the scope of the HGHR has resulted in a disproportionate number of properties being protected; and the Amendment doesn't provide criteria by which '*early, rare or fine*' can be assessed.

Management Response

418. The Management Response at pages 66-67 provides that Council agrees with the assessment of GJM Heritage that:

- a) the assessment of the site was undertaken in accordance with PPN1 and the place has been assessed against the criteria as set out in the Practice Note; and
- b) the historic and representative significance of the building is adequately demonstrated in the exhibited heritage citation and Statement of Significance which shows the building is a '*fine and highly intact representative example of a Post-War Modernist commercial building*'; and
- c) while 221-231 Collins Street is located within the mapped extent of HO502 (The Block Precinct) it does not demonstrate any of the key attributes of the precinct and falls outside the precinct's period of significance. Accordingly it is appropriate to apply an individual Heritage Overlay to recognise the individual heritage values of the building.

419. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

420. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

421. The evidence of Mr Gardner at pages 80-81 is that the site is of local significance: as a place with a clear association with the postwar building boom which transformed central Melbourne into a modern high-rise city (Criterion A); and as a fine and highly intact representative example of a Post-War Modernist commercial building (Criterion D).

Position of the Council

422. The Council submits the identification of the place as Significant in the Amendment is appropriate.

I. 158-172 QUEEN STREET

423. 158-164 & 166-172 Queen Street, known as '*Former Sleigh Buildings (HC Sleigh Building & Former Sleigh Corner)*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1369 on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.

424. The individual place citation for the site is located within the HGHR Volume 2b at pages 1023-1057.

425. This site has an interim individual Heritage Overlay.

Submission 41

426. Submission 41 considers the site does not meet the threshold for any of the criteria identified due to the fact that the historic context of the building is incidental and not reflected in the built form. The submission notes Criterion E references only 158-164 Queen Street and as such is incorrectly applied to 166-172 Queen Street. Further, there have been changes to the built fabric of the building, such as removal of tiles on the façade, that impact heritage significance.

Management Response

427. The Management Response at pages 80-81 provides that Council agrees with the assessment of GJM Heritage that:

- a) the assessment of the site was undertaken in accordance with PPN1 and the place has been assessed against the criteria as set out in the Practice Note; and
- b) the historic, representative and aesthetic²³ significance of the building is adequately demonstrated in the exhibited heritage citation and Statement of Significance and the assessment of the places provides sufficient justification for the application of the Heritage Overlay;

²³ Aesthetic significance is only ascribed to 158-164 Queen Street.

- c) 158-164 and 166-172 Queen Street have been assessed as a pair and together warrant inclusion within an individual Heritage Overlay as clearly demonstrating the *'postwar development and rapid growth of corporate architecture of the 1950s and 1960s'* and are also visually linked through the rear wall of the plaza to Sleigh Corner and the original Tom Bass 'Transportation' sculpture which assists in understanding and appreciating the relationship between the buildings; and
- d) 166-172 Queen Street remains sufficiently intact to its original form, scale and configuration.

428. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

429. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

430. The evidence of Mr Gard'ner is that the buildings in this place are of local significance: as a part of the postwar development and rapid growth of corporate architecture of the 1950s and 1960s (Criterion A); and as illustrations of the rapid development of the Post-War Modernist style over a decade from the mid-1950s to the mid-1960s and the enthusiasm with which large corporations embraced the style to reflect their rapid growth and status (Criterion A).

431. Further, 158-164 Queen Street demonstrates later developments in the Post-War Modernist style (Criterion D) and is aesthetically significant as a refined and substantial example of later development in curtain wall design, enhanced by the retention of the original Tom Bass sculpture (Criterion E). 166-172 Queen Street is notable as the first postwar city office block to be constructed in Melbourne for a private company and is further significant as a very early example of a curtain-walled office building (Criterion A) and is one of the earlier developments of the Post-War Modernist style that prevailed prior to the 1960s abolition of the 40 metre height control (Criterion D).

Position of the Council

432. The Council submits the identification of the place as Significant in the Amendment is appropriate.

J. 376-378 BOURKE STREET

433. 376-378 Bourke Street, known as '*Former Coles & Gerrard Building*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1306 on the basis of its representative (Criterion D) and associative (Criterion H) significance.

434. The individual place citation for the site is located within the HGHR Volume 2b at pages 81-97.

435. This site has an interim individual Heritage Overlay.

Submission 44

436. Submission 44 objects to the property being included within the Heritage Overlay on the basis that the building's structure, presentation and operation is poor and dated and the Heritage Overlay will limit development opportunities.

Management Response

437. The Management Response at pages 86-87 provides that Council agrees with the assessment of GJM Heritage that:

- a) the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance; and
- b) the exhibited citation and Statement of Significance appropriately articulate the reasons the property warrants inclusion in the Heritage Overlay.

438. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

439. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

440. The evidence of Mr Gard'ner at pages 83-84 is that the site is of local significance: as a highly intact example of Post-War Modernist style offices utilised for commercial development in central Melbourne during the late 1950s and early 1960s (Criterion A); for the reflection of growth and progress in 1950s and 1960s Melbourne of locally established companies (Criterion D); and for its long-term association with Victorian optometrists and spectacle makers, Coles & Garrard (Criterion H).

Position of the Council

441. The Council submits the identification of the place as Significant in the Amendment is appropriate.

K. 56-64 COLLINS STREET

442. 56-64 Collins Street, known as '*Former Reserve Bank of Australia*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1313 on the basis of its historical (Criterion A) and representative (Criterion D) significance.
443. The individual postwar place citation for the site is located within the HGHR Volume 2b at pages 235-257.

Submission 45

444. Submission 45 opposes the inclusion of the site with the Heritage Overlay on the basis of the previous lack of heritage significance attributed to the site in previous heritage studies and Ministerial Planning Permit PA1900656 authorising the partial demolition of 52 Collins Street and full demolition of 56-64 Collins Street and redevelopment of the site with a commercial office building.

Management Response

445. The Management Response provides that Council agrees with the assessment of GJM Heritage that:
- a) the HGHR is the most comprehensive review of heritage buildings in the Hoddle Grid since the 1990s and it is accordingly reasonable that heritage values warrant reconsideration, with particular regard to the postwar places;

- b) the site is one of a number of postwar places that have been assessed as part of this comprehensive review and provides sufficient justification to substantiate the significance of the place;
- c) despite modification, the appearance and presentation of the building remains sufficiently intact to warrant inclusion in the Heritage Overlay;
- d) while the site is located within the mapped extent of HO504 (Collins East Precinct) it does not demonstrate any of the key attributes of the precinct and falls outside the period of significance. Accordingly it is appropriate to recognise the individual heritage values of the place; and
- e) heritage protection is sought for the Site in the event Planning Permit PA1900656 is not acted upon; and in the event the permit is acted upon the Heritage Overlay may be removed, if appropriate.

446. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

- 447. Planning Permit TPMR-2019-25/PA1900656 was granted on 17 March 2020 for full demolition of the building and construction of a multi-storey tower with no retention of the existing built form.
- 448. A copy of Planning Permit TPMR-2019-25/PA1900656, the Future Melbourne Committee report and the DELWP officer report are contained within Folder 10, documents 116-118 of the public online document store.

Evidence of Mr Gard'ner & Mr Reeves

- 449. The evidence of Mr Gard'ner at pages 84-85 is that the site has been assessed as being locally significant as a place with a clear association with the postwar building boom which transformed Melbourne into a modern high-rise city (Criterion A) and as a fine and highly intact representative example of a Post-War Modernist office building (Criterion D). Despite exterior modification, the overall character, appearance and presentation of the building remains sufficient intact to warrant inclusion in the Heritage Overlay. Consideration of individual significance is appropriate as, while the

site is located within the mapped extent of HO504, it does not demonstrate the key attributes of this precinct as identified in the Statement of Significance and falls outside the period of significance (mid 1800s to 1940).

450. The evidence of Mr Reeves at page 34 confirms that the site meets the threshold for an individual Heritage Overlay. Mr Reeves considers improvements could be made to the Statement of Significance by ascribing historical significance on a more specific basis including the involvement of architect Brian Bannatyne Lewis through possibly Criteria A, B or H.

Evidence of Mr Raworth

451. Council submits that the conclusions of Mr Raworth should not be accepted by the Panel because:
- (a) he has given insufficient weight to the unique historical association of the building with the Reserve Bank;
 - (b) he appears to have misapplied the benchmarking integrity table from the HGHR;
 - (c) he overstates the impact of the changes to the building on its overall intactness;
 - (d) he does not provide a full account of the C-grading of postwar places in the 1993 study;
 - (e) he sets the threshold for significance at the local level too high;
 - (f) he inappropriately downplays as relevant comparators the other postwar office buildings proposed for inclusion in the Heritage Overlay.

Position of the Council

452. The Council submits the identification of the place as Significant in the Amendment is appropriate.

L. 308-336 COLLINS STREET

453. 308-336 Collins Street, known as '*Former Colonial Mutual Life Assurance Building & Plaza*' with '*Children's Tree*' sculpture is identified as Significant within the HGHR and

recommended for individual Heritage Overlay HO1313 on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.

454. The individual postwar place citation for the site is located within the HGHR Volume 2b at pages 393-416.

455. This site has an interim individual Heritage Overlay.

Submission 46

456. Submission 46 opposes the application of the Heritage Overlay on the basis that the building does not possess the requisite heritage value for inclusion; it is of diminished integrity and intactness; demonstration of postwar development is general only; the building does not display architectural merit that is of a higher quality than typical postwar modernist office buildings; it is not a striking or remarkable example of the architects' work; and there is not visual or thematic relationship between the building and the Children's Tree sculpture (which is a suitable candidate for relocation as approved by Planning Permit TP-2016-1004).

Management Response

457. The Management Response at pages 91-93 provides that Council agrees with the assessment of GJM Heritage that:

- a) the site is of local historical, representative and aesthetic significance and alterations do not diminish the ability to understand and appreciate the place as a fine example of a Post-Modernist office;
- b) there is a clear link between the sculpture and the plaza as it was commissioned specifically to sit within this space and accordingly formed part of the original design concept for the building;
- c) the significance of the place is not based solely on its association with the architects; and
- d) heritage protection for the site is pursued in the event that TP-2016-1004 is not acted upon; if the permit is acted upon the Heritage Overlay may be amended if appropriate.

458. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

459. Planning Permit TP-2016-1004 was granted on 10 February 2017 for part demolition and extension into the plaza on Elizabeth Street. It does not alter the remainder of the building. This permit expired on 10 February 2021.
460. A copy of Planning Permit TP-2016-1004, the plans, the Delegate Report and the Extension of Time Refusal Letter are located within Folder 10, documents 119-122 of the public online document store.

Evidence of Mr Gard'ner & Mr Reeves

461. The evidence of Mr Gard'ner at pages 86-88 is that the place is locally significant as part of postwar development and the rapid growth of corporate architecture of the 1950s-1970s (Criterion A); as an example of a postwar office site that provided a publically accessible plaza – one of the key aspects of postwar corporate buildings in Melbourne (Criteria A); as representative of postwar development in the central city that retains its original form, scale and characteristic stylistic details that reflect the era and original design (Criterion D); and the sculpture set within its original plaza setting is of aesthetic significance as integral parts of the original design of the building (Criterion E). Further, the building's significance is not solely based on its association or connection with architects Stephenson & Turner, but as one building that forms part of their extensive body of work.
462. The evidence of Mr Reeves at page 35 confirms that the building meets the threshold for an individual Heritage Overlay, but considers the comparative analysis could be improved by citing examples that have been demolished, making plain the few surviving comparators. Mr Reeves provides further evidence reinforcing the connection between the sculpture and the building.

Evidence of Mr Raworth and Mr Edwards

463. The conclusions of Mr Raworth should not be accepted by the Panel because:

- (a) he has overstated the impact of the recladding on the integrity of the place as a whole;
- (b) he has downplayed the role of the plaza and sculpture in reinforcing the integrity of the place and its significance overall;
- (c) he appears to wrongly apply the considerations in Reference Tool D from the VHR Guidelines as a checklist, all of which must be satisfied; and
- (d) he has not given sufficient weight to the recognition the place has received in key publications concerned with modernist architecture.

464. Mr Edwards' evidence acknowledges the very good condition of the sculpture, the success and distinction of the sculptor as a member of the postwar modernist movement, the public appreciation and appreciation of the sculpture and the "commendable option" of retaining the sculpture on the site. However, he has approached the significance of the sculpture in isolation; and his evidence underplays the links between the sculpture and the building in the plaza of which it sits, including that the sculpture and its theme were specifically commissioned by CML for the plaza space.

Position of the Council

465. The Council submits the identification of the place as Significant in the Amendment is appropriate.

M. 588-600 LITTLE COLLINS STREET

466. 588-600 Collins Street, known as '*Stella Maris Seafarer's Centre*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1355 on the basis of its historical (Criterion A) significance and its strong or special association with a particular community or cultural group (Criterion G).

467. The individual postwar place citation for the site is located within the HGHR Volume 2b at pages 827-843.

468. This site has an interim individual Heritage Overlay.

Submission 47

469. Submission 47 objected to the inclusion of the site within the Heritage Overlay on the basis that the listing is properly regarded as contrary to PPN1, the site does not meet the threshold for a site specific Heritage Overlay; the listing is contrary to the purpose and objectives of the Act; and the Statement of Significance focuses on use and occupation which is not tangibly evident in the built form such that the Heritage Overlay is not the appropriate tool to recognise or protect values.

Management Response

470. The Management Response at pages 94-95 provides that Council agrees with the assessment of GJM Heritage that:

- a) the site has a clear and direct association with the Stella Maris community, which is particularly strong due to the ongoing and close relationship between the physical place, the Stella Maris community and the provision of services – this relationship is clearly represented in the building fabric;
- b) there is no provision within PPN1 that requires a place to be of a minimum age before it can be assessed or included within the Heritage Overlay;
- c) the assessment of heritage values is warranted due to the length of time that has elapsed since previous studies were undertaken, which is particularly relevant to the assessment of postwar places; and
- d) the HGHR provides sufficient justification to substantiate the significance of the place.

471. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

472. The site does not have any relevant live permits.

Evidence of Mr Gard'ner & Mr Reeves

473. The evidence of Mr Gard'ner at pages 88-89 is that the place is of local significance for the tangible evidence it provides of the history of Melbourne as a trading port and the concerns for the religious, moral and social welfare of people in the shipping trade

(Criterion A); for its association with St Augustine's Church (Criterion A); and its strong association with the Catholic community of staff and volunteers that offer a dedicated mission to seafarers (Criterion G). The site has a clear and direct association with the Stella Maris community that is clearly represented in the building fabric.

474. The evidence of Mr Reeves at page 36 considers the building meets the threshold for an individual Heritage Overlay. He considers the comparative analysis provides an excellent framework of similar post-WW2 club premises in the Hoddle Grid. Mr Reeves considers this would benefit from reference to the buildings that share associations with maritime activity.

Evidence of Mr Raworth

475. The Panel should not accept the conclusions of Mr Raworth in relation to the place because:
- a) his comparison with places on the VHR has not made proper allowance for the different threshold between State and local significance;
 - b) his expectation that the fabric of a place should communicate its specific purpose through specific design or functional features does not accord with longstanding heritage practice;
 - c) he has also overlooked the role of documentary resources in establishing Criteria A and G;
 - d) he has failed to give weight to the high level of intactness of the building;
 - e) his test that a place be "particularly influential" is not found in PPN1 or the VHR Guidelines;
 - f) his unwillingness to accept a period of two generations for social significance does not accord with current heritage practice;
 - g) he undervalues the importance of the welfare of seamen and maritime workers as a notable activity in the south western corner of the Hoddle Grid; and
 - h) his comparison with the YWCA building in Elizabeth St would justify a Significant classification, as is proposed for the YWCA building by Amendment C396.

Position of the Council

476. The Council submits the identification of the place as Significant in the Amendment is appropriate.

N. 93-101 SPRING STREET

477. 93-101 Spring Street, known as '*Treasury Gate*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1262 on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.

478. The individual place citation for the site is located within the HGHR Volume 2b at pages 1171-1187.

479. This site has an interim individual Heritage Overlay.

Submission 48

480. Submission 48 references a number of works that are in the process of being completed on the site (referred to as 99 Spring Street) and are designed to be undertaken in the future. The submission seeks to understand how those works will be able to be completed in light of the Amendment.

Management Response

481. The Management Response at pages 96-97 provides that Council agrees with the assessment of GJM Heritage that:

- a) gold coloured spandrel panels have recently been applied to limited sections of the secondary façades of the building. Notwithstanding these alterations the place remains sufficiently intact to its original form and detailing such that it warrants inclusion within the Heritage Overlay; and
- b) the impact of a Heritage Overlay upon future development aspirations has been the subject of numerous Planning Panels and has been regarded as a matter for the planning permit process.

482. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

483. This site does not have any relevant live permits.

Evidence of Mr Gard'ner

484. The evidence of Mr Gard'ner at pages 90-91 is that the site is of local significance: as one of the first wave of high-rise residential apartments constructed in the Melbourne CBD from the late 1960s, and before the introduction of Victorian government policy in 1971 that directed growth of Melbourne's housing supply to specific locations (Criterion A); as a notable example of a new building typology that emerged in the late 1960s and early 1970s, the modern high-rise residential apartment building (Criterion D); and for its demonstration of modernism in mixed-use apartment design (Criterion E).

Position of the Council

485. The Council submits the identification of the place as Significant in the Amendment is appropriate.

O. 430-442 COLLINS STREET

486. 430-442 Collins Street, known as the '*Royal Insurance Group Building*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1010 on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.

487. The individual postwar place citation for the site is located within the HGHR Volume 2b at pages 513-533.

488. This site has an interim individual Heritage Overlay.

Submission 56

489. Submission 56 objected to the inclusion of the site within the Heritage Overlay on the basis that heritage controls would encumber development of the property and on the basis that the building has been modified and does not possess the heritage attributes ascribed.

Management Response

490. The Management Response at pages 119-122 provides that Council agrees with the assessment of GJM Heritage that:

- a) the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance. Impact on individual landowners is not relevant;
- b) the assessment was undertaken in accordance with PPN1 and provides sufficient justification for the application of an individual Heritage Overlay;
- c) given the time that has elapsed since previous heritage studies have been completed, it is appropriate that heritage values are reconsidered, with particular regard to the assessment of postwar places.

491. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

492. This site does not have any relevant live permits.

Evidence of Mr Gard'ner & Mr Reeves

493. The evidence of Mr Gard'ner at pages 91-93 is that the site is of local heritage significance for its association with the rapid growth of high-rise office buildings in the 1960s-mid 1970s postwar period (Criterion A); as a fine, intact and representative example of a modern office tower (Criterion D); and for its attributes that include black granite pre-glazed concrete panels that are expressed in the façade, its podium level of tall glazing carried on columns and its mezzanine level (Criterion E).

494. The evidence of Mr Reeves considers the building meets the threshold for an individual Heritage Overlay and notes the building's receipt of the Victorian Architectural Metal in 1967, its consistently high gradings in four previous Hoddle Grid heritage reviews and its classification by the National Trust of Australia (Victoria) as a building of state significance. Mr Reeves further considers it would be appropriate for aspects of the

building's form and detailing to be noted in the Statement of Significance under Criterion F for '*creative and technical achievement*'.

Position of the Council

495. The Council submits the identification of the place as Significant in the Amendment is appropriate.

P. 457-469 LITTLE COLLINS STREET

496. 457-469 Little Collins Street, known as the '*Cowan House*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1010 on the basis of its historical (Criterion A), representative (Criterion D) and aesthetic (Criterion E) significance.

497. The individual place citation for the site is located within the HGHR Volume 2b at pages 803-826.

498. This site has an interim individual Heritage Overlay.

Submission 56

499. Submission 56 objected to the inclusion of the site within the Heritage Overlay on the basis that the heritage controls would encumber development of the property and on the basis that the building had not been previously identified in heritage studies.

Management Response

500. The Management Response at pages 119-122 provides that Council agrees with the assessment of GJM Heritage that:

- a) the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance. Impact on individual landowners is not relevant;
- b) the assessment was undertaken in accordance with PPN1 and provides sufficient justification for the application of an individual Heritage Overlay; and

- c) given the time that has elapsed since previous heritage studies have been completed, it is appropriate that heritage values are reconsidered, with particular regard to the assessment of postwar places.

501. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

502. This site does not have any relevant live permits.

Evidence of Mr Gard'ner & Mr Reeves

503. The evidence of Mr Gard'ner at pages 91-93 is that the site is of local significance for the evidence it provides of postwar development and rapid growth in Melbourne of corporate architecture of the 1950s-70s (Criterion A); as a highly intact example of postwar commercial development in central Melbourne in the Post-War Modernist style (Criterion D); and as a highly intact example of later postwar development in curtain wall design during the 1960s (Criterion E).
504. The evidence of Mr Reeves at pages 37-38 concludes that the building meets the threshold for an individual Heritage Overlay and further considers the comparative analysis satisfactory, though it notes the analysis does not draw on comparators on island sites with exposed street façades to all elevations and does not ascribe technical significance to the early use of reinforced concrete waffle slab floors through Criterion F.

Evidence of Mr Trethowan

505. The evidence of Mr Trethowan ought not be accepted on the basis that:
- a) he has taken a quantitative approach to the threshold of significance and it is not possible to reconcile his arithmetic with other evidence by him;
 - b) he baselessly suggests that criterion A cannot be met because the building is not located on a main street;
 - c) he has set the bar for satisfaction of criterion A too high, having regard to the expectations of PPN1;

- d) he has overstated the impact of ground level alterations on the intactness and integrity of the building as a whole;
- e) the use of a threshold of “outstanding/landmark” as indicated in his Appendix C is too high; and
- f) his comparison with places on the VHR fails to acknowledge the different threshold between state and local significance.

Position of the Council

506. The Council submits the identification of the place as Significant in the Amendment is appropriate.

Q. 527-555 BOURKE STREET

507. 527-555 Bourke, known as the ‘*AMP Tower & St James Building Complex*’ is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1010 on the basis of its historical (Criterion A), rarity (Criterion B), representative (Criterion D) and aesthetic (Criterion E) significance.

508. The individual place citation for the site is located within the HGHR Volume 2b at pages 141-173.

509. This site has an interim individual Heritage Overlay.

Submission 56

510. Submission 56 objected to the inclusion of the site within the Heritage Overlay on the basis that the heritage controls would encumber development of the property and on the basis that the building was not previously identified to be of heritage value and has been subsequently altered.

Management Response

511. The Management Response at pages 119-122 provides that Council agrees with the assessment of GJM Heritage that:

- a) the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance. Impact on individual landowners is not relevant;
- b) the assessment was undertaken in accordance with PPN1 and provides sufficient justification for the application of an individual Heritage Overlay;
- c) given the time that has elapsed since previous heritage studies have been completed, it is appropriate that heritage values are reconsidered, with particular regard to the assessment of postwar places.

512. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

513. This site does not have any relevant live permits.

Evidence of Mr Gard'ner & Mr Reeves

514. The evidence of Mr Gardner at pages 91-93 is that the site is of local heritage significance due to its clear association with the postwar building boom which transformed central Melbourne into a modern high-rise city (Criterion A); as a fine and intact representative example of a Post-War Modernist commercial building (Criterion D); and as a well-considered and carefully detailed example of a designed urban space in the Melbourne CBD that was widely discussed and illustrated in contemporary architectural journals and now presents as a well-designed and rare urban space (Criterion B & E).

515. The evidence of Mr Reeves at pages 38-39 concludes that the building meets the threshold for an individual Heritage Overlay and notes it has been acknowledged since the early 1980s and was classified by the National Trust of Australia (Victoria) as a building of national significance in 1993. Mr Reeves notes the Statement of Significance could draw more explicit attention to the historical significance of the building and should ascribe more importance to direct American antecedents which had an impact on the design of multi-storey building in the Hoddle Grid.

Evidence of Mr Biles

516. Mr Biles' evidence is noted but it does not address the heritage significance of the place, its high grading in earlier studies and its contemporaneous appreciation in many publications. It is noted that it appears both Mr Raworth and Mr Trethowan regard this place as suitable for heritage protection.

Position of the Council

517. The Council submits the identification of the place as Significant in the Amendment is appropriate.

R. 130-134 LITTLE COLLINS STREET

518. 130-134 Little Collins Street, known as '*Former Methodist Church Centre (also known as Uniting Church Centre*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1329 on the basis of its historical (Criterion A) and representative (Criterion D) significance.

519. The individual place citation for the site is located within the HGHR Volume 2b at pages 747-769.

Submission 61

520. Submission 61 considers that the introduction of the Heritage Overlay to the site (referred to as 130 Collins Street) is unnecessary due to the existing planning permit on the site and anticipated demolition of the building in July 2021.

Management Response

521. The Management Response at page 135 provides that Council agrees with the assessment of GJM Heritage that the Amendment does not affect Planning Permit TP-2017-826 as heritage protection is being pursued for the site in the event that the permit is not acted upon. If the permit is acted upon the Heritage Overlay can be removed via a future amendment, if appropriate.
522. Accordingly, no changes were recommended to the Amendment in response to the submission received.

Permit/permit application

523. Planning Permit TP-2017-826 was granted on 18 December 2018 for full demolition and construction of a multi-storey tower.

Evidence of Mr Gard'ner

524. The evidence of Mr Gard'ner at pages 93-94 is that the site is of local significance as a place with a clear association with the postwar building boom which transformed Melbourne into a modern high-rise city (Criterion A); and as a fine and highly intact representative example of a Post-War Modernist office building (Criterion D).

Position of the Council

525. Council confirms Planning Permit TP-2017-826 has not expired and while the advice it has received from the permit holder is that demolition is planned for July 2021, it is the Council's understanding that demolition has not yet commenced.
526. The Council submits the identification of the place as Significant in the Amendment is appropriate.

S. 103-105 QUEEN STREET

527. 103-105 Queen Street, known as '*Former Ajax House*' is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1367 on the basis of its historical (Criterion A) and representative (Criterion D) significance.
528. The individual place citation for the site is located within the HGHR Volume 2b at pages 955-973.
529. This site has an interim individual Heritage Overlay.

Submission 66

530. Submission 66 objects to the application of a Heritage Overlay to the site on a permanent basis.

Management Response

531. Submission 66 was a late submission and accordingly was not addressed within the Management Response.

Permit/permit application

532. This site does not have any relevant live permits.

Evidence of Mr Gard'ner & Mr Reeves

533. The evidence of Mr Gard'ner at pages 94-95 is that the site is of local significance as part of the postwar development and rapid growth of corporate architecture in central Melbourne of the 1950s-1970s that reflected the expansion of large national and international companies opting for construction and naming rights of new city office buildings as a form of promotion and fund investment (Criterion A); as a reflection of the growth of insurance and assurance companies in Victoria during the 1950s-70s, cementing Melbourne's pre-eminent role in the state for financial institutions (Criterion A); and as an example of early postwar commercial development in central Melbourne (Criterion D).
534. The evidence of Mr Reeves at page 39 concludes that the building meets the threshold for an individual Heritage Overlay, the comparative analysis within the citation is satisfactory and the Statement of Significance places appropriate emphasis on the site as a representative example of early postwar commercial development '*designed to convey a modern and progressive aesthetic*'.

Position of the Council

535. The Council submits the identification of the place as Significant in the Amendment is appropriate.

IX. CONCLUSION

536. The Council submits the Amendment has strategic justification and respectfully requests that the Panel recommend adoption of the Amendment.
537. Changes to the HGHR citations, the Statements of Significance and the Inventory recommended by Mr Gard'ner are accepted by Council as follows:
- a) **106 Little Lonsdale (Submission 2):** Mr Gard'ner agrees that due to the construction date of the buildings, which does not accord with the period of significance for the Little Lonsdale Street Precinct, the building ought be reclassified from Contributory to Non-Contributory.

- b) **53-57 Lonsdale Street (Submission 13):** Mr Gard'ner considers the Statement of Significance ought be amended to include further information provided by Ms White with regard to the construction date, and suggested changes to the Statement of Significance, as identified within Mr Gard'ner's evidence in reply.
- c) **25 Elizabeth Street – *Former Universal House* (Submission 16):** Mr Gard'ner considers the Statement of Significance should be amended to remove Criterion E (aesthetic significance) and amend Criterion A to provide a more balanced description of associations and better reflect the connection between the building and the Horden family.
- d) **111-129 Queen Street – *Former Royal Automobile Club of Victoria* (Submission 20):** Mr Gard'ner accepts the proposed corrections and clarifications proposed by Mr Barrett as detailed within the evidence in reply of Mr Gard'ner. A copy of the agreed revised citation and Statement of Significance for this property has been provided to the Panel.
- e) **335-349 Collins Street – *Equitable House* (Submission 23):** Mr Gard'ner considers the name of the architect of the building Meldrum & Partners ought be included within the Statement of Significance.
- f) **173-175 Bourke Street (Submission 24):** Mr Gard'ner agrees with Mr Barrett that the Statement of Significance for the place should be amended to include reference to the long-term use of the building by Stanford & Co, with Mr Gard'ner's proposed wording contained within his evidence in reply.
- g) **393-403 Bourke Street - *Former John Dank & Sons* (Submission 40):** Mr Gard'ner agrees that the mapped extent of the Heritage Overlay should be reduced to align with remaining heritage fabric, following recent works.
- h) **56-64 Collins Street – *Former Reserve Bank* (Submission 45):** Mr Gard'ner agrees that the Statement of Significance should be amended to acknowledge the over cladding of marble columns at upper levels.
- i) **577-583 Little Collins Street (Submission 19):** Mr Gard'ner agrees that the citation and Statement of Significance as it relates to 581-583 should be amended to correct its date of construction and remove references to its use as part of the flour mill complex.

538. The Council will address further issues which arise over the course of the Panel hearing in its reply in the form of a Part C submission.

Susan Brennan

Carly Robertson

Counsel for the Planning Authority

Instructed by Melbourne City Council

26 August 2021

ATTACHMENT 1 – EXAMPLES OF GROUND FLOOR ALTERATIONS TO PRE-WAR HERITAGE BUILDINGS IN THE STUDY AREA

C387 – EXAMPLES OF GROUND FLOOR ALTERATIONS TO PRE-WAR HERITAGE BUILDINGS IN THE STUDY AREA

1. Leviathan Stores, 271-281 Bourke Street

Heritage Overlay: HO541 271-281 Bourke Street, Melbourne
HO509 Post Office Precinct
Victorian Heritage Register: NA
Building category: Significant



CoMPASS, August 2014



CoMPASS, August 2014



CoMPASS, August 2002

C387 – EXAMPLES OF GROUND FLOOR ALTERATIONS TO PRE-WAR HERITAGE BUILDINGS IN THE STUDY AREA

2. Buckley and Nunn Building, 294-312 Bourke Street

Heritage Overlay: HO980 David Jones Store (Former Buckley & Nunn) 294-312 Bourke Street and 285-295 Little Bourke Street, Melbourne
HO509 Post Office Precinct

Victorian Heritage Register: H2153

Building category: Significant



CoMPASS, July 2010



CoMPASS, December 2003



CoMPASS, August 2002



CoMPASS, August 2002



CoMPASS, November 2016

C387 – EXAMPLES OF GROUND FLOOR ALTERATIONS TO PRE-WAR HERITAGE BUILDINGS IN THE STUDY AREA

3. Former Public Bootery, 323-325 Bourke Street

Heritage Overlay: HO509 Post Office Precinct
Victorian Heritage Register: NA
Building category: Significant



www.storeofmelbourne.org, October 2018



Google Street View, July 2018

C387 – EXAMPLES OF GROUND FLOOR ALTERATIONS TO PRE-WAR HERITAGE BUILDINGS IN THE STUDY AREA

4. London Stores, 341-357 Bourke Street

Heritage Overlay: HO545 349-357 Bourke Street, Melbourne
HO509 Post Office Precinct
Victorian Heritage Register: NA
Building category: Significant



CoMPASS, September 2016



CoMPASS, September 2010



Google Street View, July 2018

C387 – EXAMPLES OF GROUND FLOOR ALTERATIONS TO PRE-WAR HERITAGE BUILDINGS IN THE STUDY AREA

5. Former Fourth Victoria Building, 241-245 Collins Street

Heritage Overlay: HO591 Former Fourth Victoria Building, 241- 245 Collins Street, Melbourne
HO502 The Block Precinct
Victorian Heritage Register: H1542
Building category: Significant



Google Street View, July 2019



CoMPASS, March 2003



Google Street View, November 2020

C387 – EXAMPLES OF GROUND FLOOR ALTERATIONS TO PRE-WAR HERITAGE BUILDINGS IN THE STUDY AREA

6. Former City of Melbourne Chambers, 112-118 Elizabeth Street

Heritage Overlay: HO617 Melbourne City Building, 112-118 Elizabeth Street, Melbourne
HO502 The Block Precinct
Victorian Heritage Register: H0437
Building category: Significant



CoMPASS, July 2010



CoMPASS, August 2002

C387 – EXAMPLES OF GROUND FLOOR ALTERATIONS TO PRE-WAR HERITAGE BUILDINGS IN THE STUDY AREA

7. Curtin House, 248-258 Swanston Street

Heritage Overlay: HO507 Little Bourke Street Precinct
Victorian Heritage Register: NA
Building category: Significant



Google Street View, July 2019



Google Street View, July 2019



CoMPASS, August 2002



CoMPASS, August 2002



CoMPASS, August 2002

C387 – EXAMPLES OF GROUND FLOOR ALTERATIONS TO PRE-WAR HERITAGE BUILDINGS IN THE STUDY AREA

8. Campton House, 362-364 Little Bourke Street

Heritage Overlay: HO1051 362-364 Little Bourke Street & HO1205 Guildford & Hardware Laneways
Precinct
Victorian Heritage Register: NA
Building category: Significant



CoMPASS, November 2018



Compass, December 2012