

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 C (PART 2) SUBMISSION OF THE PLANNING AUTHORITY

I. SPECIFIC PLACES

A. 178-188 WILLIAM STREET

1. The office building at 178-188 William Street, also known as '*Prudential Building*' and '*Douglas Menzies Chambers*' (current name), is identified as Significant within the HGHR and recommended for individual Heritage Overlay HO1377 on the basis of its historical (Criterion A) and representative (Criterion D) significance.
2. The evidence of Mr Raworth was clear that the building is highly intact and retains a very high degree of architectural integrity to the Post-War Modernist style in fabric, form and detail. Mr Raworth properly acknowledged neither the citation, nor his evidence, identified any changes to the built fabric at all – and accordingly these changes ought properly be regarded as very minor in nature and of no consequence to the assessment of significance. It was Mr Raworth's evidence that this building, along with Nubrik House, was the most intact he considered in the HGHR.
3. Mr Raworth's written evidence contained an assessment pursuant to the VHR Guidelines. He did not, in accordance with his evidence for a number of other places under consideration, seek to undertake an assessment pursuant to either the Practice

Note or Clause 22.04. Mr Raworth's attempt to present this assessment for the first time during his evidence-in-chief was, in the Council's submission inappropriate, and ultimately unhelpful.

4. Further, Council considers Mr Raworth's use of additional qualifiers in the assessment of Criterion D had the effect of introducing a higher threshold for assessment of the place than is even considered appropriate at the State level. Mr Raworth's language included consideration of whether the building: displayed characteristics of a higher quality than is typical of postwar modernist office buildings; represented a key evolutionary stage in the design of multi-storey office buildings; whether the building was an influential example; whether it was a remarkable or unusual example of postwar Melbourne commercial architecture; and whether it was exceptional, influential or pivotal.
5. In Council's submission the totality of this language makes plain the effect of Mr Raworth's analysis was not only to set the threshold for Criterion D too high at a local level (and arguably too high at a State level) but was to confuse the proper analysis pursuant to Criterion D with the analysis that might be required if Criterion E were claimed. Mr Raworth's conclusion that the land compared poorly with the Scottish Amicable building – where he extracted the building's citation which included that the building was considered early, innovative and a departure – continued to confuse the issue. Scottish Amicable was found to be of aesthetic significance so the language employed in the assessment by Mr Raworth of 178-188 William Street would likely be appropriate in an assessment of this nature. For an assessment against Criterion D the further 'tests' Mr Raworth sought to employ do not find support in Clause 22.04 or the Practice Note.
6. Mr Raworth's suggestions in response to questions of the Panel that in order to meet Criterion D pursuant to the VHR Guidelines an unusual typology was required must also be noted. There is no reference to an unusual building type being a requirement of Criterion D in any of Clause 22.04, the Practice Note or the VHR Guidelines – or indeed in Mr Raworth's evidence in regard to this site, or any other.

Carly Robertson

Counsel for the Planning Authority

Instructed by Melbourne City Council

17 September 2021