

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

IN THE MATTER of Amendment C396 to the Melbourne Planning Scheme

BETWEEN:

**MELBOURNE CITY COUNCIL**

Planning Authority

-and-

**VARIOUS SUBMITTERS**

**AFFECTED LAND:** 369 properties and three infrastructure assets in the suburbs of Carlton, Carlton North, East Melbourne, Kensington, Melbourne, North Melbourne, Parkville, South Yarra, and West Melbourne

**PART B SUBMISSION OF THE PLANNING AUTHORITY**

**I. OVERVIEW**

1. Melbourne City Council (**Council**) is the Planning Authority for Amendment C396 (**Amendment**) to the Melbourne Planning Scheme (**Scheme**). This Part B submission is made in accordance with the Panel's Directions dated 21 October 2021 and is to be read in conjunction with the Part A submission circulated on 5 November 2021 and the expert evidence called from Ms Brady.
2. In accordance Direction 12 of the Panel<sup>1</sup>, this Part B submission deals with:
  - a) Council's response to submissions and evidence; and
  - b) Council's final position on the Amendment, including any further changes.

**II. THE AMENDMENT**

3. As detailed within the Part A submission, the Amendment is in the nature of a companion amendment to Amendment C258 which was gazetted on 10 July 2020.

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<sup>1</sup> Council notes the Panel's direction 12(a) provides that the Part B submission must include '*list other items, i.e. key items to be addressed*'. Council has confirmed with Planning Panels Victoria that this text was included in the directions in error, and accordingly this submission will only respond to Direction 12(b) and (c).

4. Amendment C258 was a key step in Council's heritage program, detailed within Council's *Heritage Strategy 2013*. Amendment C258 comprised:
  - a) conversion of Council's letter grading system to Significant, Contributory and Non-Contributory;
  - b) review of Council's local heritage policies;
  - c) preparation and incorporation of statements of significance for Melbourne's six largest precincts; and
  - d) implementation of the *West Melbourne Heritage Review 2016* (which included an assessment of all buildings in West Melbourne to determine whether they have heritage value and if so whether they are Significant, Contributory or Non-contributory).
5. While Amendment C258 converted the grading of almost 7,000 heritage buildings to the new category system, 346 properties (some containing multiple heritage buildings) and three infrastructure assets were identified as requiring further assessment prior to their conversion.
6. The properties requiring further assessment fell into three categories:
  - a) C graded buildings in Heritage Overlay precincts in City North (approximately 125 buildings);
  - b) D graded buildings in individual Heritage Overlays (approximately 38 buildings);
  - c) buildings (and three infrastructure assets) which were inadvertently omitted or in relation to which there was an error in the entry in the exhibited Amendment C258 Heritage Places Inventory<sup>2</sup> (approximately 241 buildings).

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<sup>2</sup> This Part B submission refers to various versions of the Heritage Places Inventory, defined here for clarity:

- The Heritage Places Inventory that was in the Scheme prior to the gazettal of Amendment C258 (the **pre-C258 Inventory**). The pre-C258 Inventory, titled *Heritage Places Inventory, March 2018* was introduced through Amendment C324, gazetted 24 May 2018. Buildings are graded using the A to D grading system, including a very small number of E and F graded buildings.
- The draft *Heritage Places Inventory 2016* that was first exhibited in Amendment C258 (the **first exhibited C258 Inventory**). Buildings are categorised in it using the contemporary Significant, Contributory, Non-contributory category system.
- The draft *Heritage Places Inventory 2017* (the **re-exhibited C258 Inventory**, also referred to as the **exhibited Amendment C258 Heritage Places Inventory** in Council's Part A submission) which was corrected for re-exhibition in November 2017. Buildings are categorised in it using the contemporary Significant, Contributory, Non-contributory category system.

### III. ACCURACY OF THE INVENTORY

7. Considerable work has been undertaken to test and confirm the level of accuracy of the Inventory as part of this Amendment and Amendment C258. All submissions to Amendment C258 were investigated to confirm the omitted and incorrectly converted properties; the properties were removed from Amendment C258 and included in this Amendment.
8. It is important to recognise that, as a companion amendment to Amendment C258, the correction of errors or omissions through this Amendment is limited to errors or omissions in the conversion of gradings in the re-exhibited Amendment C258 Heritage Places Inventory.<sup>3</sup> Council now has a high level of confidence in the accuracy of the totality of the Inventory that will be incorporated into the Scheme following this Amendment. However, to the extent that there remain historic errors or omissions within the Inventory, the Schedule or the maps it is not within the scope of this Amendment to undertake a correction of those errors or omissions.
9. The number of errors that are the subject of correction through this Amendment is in reality relatively small. From approximately 7,000 properties that were the subject of conversion, only 241 require correction.
10. Any remaining errors and omissions in the proposed post C396 Inventory are errors that are contained in the pre-C258 Inventory and may date back to the 1985 conservation studies. HO81 5-21 Pelham St, Carlton identified by Submitters 8 and 17 is a good example. While HO81 is included in the Heritage Overlay Schedule and is mapped correctly, there were no corresponding entries for these properties within the pre-C258 Inventory. This anomaly is being addressed in the forthcoming amendment to implement the Carlton Heritage Review, 2021.

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- The gazetted C258 Heritage Places Inventory (the **gazetted C258 Inventory**), comprising both the Heritage Places Inventory Part A (properties converted to the new category system) and the Heritage Places Inventory Part B (properties that remained graded pursuant to the letter grading system, pending further review in Amendment C396).
  - The exhibited C396 Heritage Places Inventory (the **exhibited C396 Inventory**).
  - The inventory that will be incorporated into the Scheme should this Amendment be approved (the **proposed post-C396 Inventory**).

<sup>3</sup> For example, if a building was omitted from the pre-C258 Inventory, neither Amendment C258 nor this Amendment propose to introduce the building to the Inventory. Equally, if there is a non-alignment between the Inventory, the Schedule and the mapping, it will not be captured by the Amendment unless there was an error in the conversion of the grading in the re-exhibited C258 Inventory.

11. Any remaining errors in the Inventory following this Amendment will be corrected when the property in question is assessed pursuant to a comprehensive suburb-wide heritage review<sup>4</sup> or pursuant to the Heritage Data Project, referred to in Council's Part A submission, or through a future correction amendment.<sup>5</sup>
12. For all errors identified during the Amendment C258 process, Council investigated these errors and applied the Amendment C258 conversion methodology, either directly converting the property or referring it to Lovell Chen for desktop analysis.
13. As detailed within Council's Part A submission, all A and B buildings, C graded buildings in Parkville and D graded buildings in East Melbourne and Jolimont, South Yarra and Parkville were the subject of direct conversion pursuant to the Amendment C258 conversion methodology. The properties that were identified as requiring further assessment in the form of desktop analysis were:
  - a) C graded buildings in East Melbourne and Jolimont, South Yarra, Kensington, North and West Melbourne, Carlton and the Capital City Zone; and
  - b) D graded buildings in Kensington, North and West Melbourne, Carlton and the Capital City Zone.
14. As detailed within Council's Part A submission, as part of this Amendment C graded buildings in Heritage Overlay precincts in City North were the subject of desktop review pursuant to the Amendment C258 conversion methodology. These buildings are in North and West Melbourne, Carlton and the Capital City Zone.
15. Further, this Amendment includes a conventional heritage review of D graded buildings in individual Heritage Overlays.

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<sup>4</sup> Council's comprehensive program of existing and future heritage studies and reviews is detailed within the Part A submission, at Appendix C.

<sup>5</sup> For example, various errors identified in submission 8 will be dealt with through a future correction amendment as they are not within the study area of the Carlton Heritage Review.

## IV. DESKTOP ANALYSIS

16. The Lovell Chen *Methodology Report – City of Melbourne Heritage Gradings Review* (October 2015) provides the following description of the desktop analysis that was undertaken to facilitate the recategorisation of properties identified as warranting such assessment:

### **2.0 Methodology & approach**

*The Heritage Gradings Review was largely a desk-top based study, with some additional historical research. Field work was also undertaken as required. All these tasks led to the review and updating of gradings, where warranted. The final task involved updating the excel spreadsheet provided by Council.*

### **2.1 Desktop research**

*The Heritage Gradings Review largely relied on existing information in relation to heritage properties and places in precincts. The review utilised the following databases/ sources and existing heritage studies:*

- *Melbourne's i-heritage database (reproduces information contained in individual Building Identification Forms, which in turn are taken from the earlier heritage studies, plus recent property images)*
- *Heritage Victoria's HERMES database (reproduces the individual Building Identification Forms, extracts/ citations from the Notable Buildings study, and images from the 1980s)*
- *Central City Heritage Study Review 1993*
- *Melbourne Heritage Places Inventory 2008*

*Comparing the 1980s (HERMES) and more recent photographs (i-Heritage database) was helpful in that it shed light on the historical gradings. For instance, a building may have been given a lower grading in the 1980s/ 1990s, based on modifications or a poor state of intactness. In some cases, these properties have been restored, and accordingly warranted a revised grading.*

*Nearmap was also utilised for current and archived aerial images. Streetview, as available in Google Maps, was additionally used for current and archived images of properties from streets.*

### **2.2 Historical research**

*In terms of historical research, primary and secondary sources utilised included the following:*

- *Sands & McDougall directories (various dates)*
- *MMBW detail and 160:1 plans, State Library of Victoria*
- *State Library of Victoria's picture collection*
- *National Library of Australia's Trove website, including pictures and digitised newspapers*
- *City of Melbourne rate books, held at Public Record Office Victoria (digitised in series VPRS 5708/P9)*
- *State Library of Victoria's digitised maps and plans collections, including auction plans and Kearney's 1855 map*
- *City of Melbourne Building Application index, copy held by Lovell Chen*

- *Miles Lewis' Australian Architectural index*, via <http://www.mileslewis.net/australian-architectural.html>
- *Melbourne's Marvellous Modernism: A Comparative Analysis of Post-War Modern Architecture in Melbourne's CBD 1955-1975*, National Trust, September 2014
- *Melbourne Architecture*, Phillip Goad, 2001
- *Encyclopedia of Australian Architecture*, Phillip Goad and Julie Willis, 2012
- *Survey of Post-War Built Heritage in Victoria*, Heritage Alliance, 2 volumes, 2008

### **2.3 Field work**

*Field work was undertaken to a limited extent, where the desktop sources did not provide sufficient information on a property to enable a review. This included where the available visual sources were unclear.*

17. This desktop analysis was not intended to be in the nature of a conventional heritage review of each property, where a building's heritage significance is comprehensively researched and assessed (contemporaneously with all other heritage buildings in the relevant precinct) and more detailed analysis (including but not limited to site visits) is undertaken and documented. Rather, this desktop analysis was undertaken where it was identified that a direct conversion of all buildings within a specific category might result in inappropriate recategorisation having regard to the heritage significance of the building and its location, either within or outside a wider heritage precinct.
18. The desktop analysis undertaken provides a further check and confirmation that a property's proposed categorisation is appropriate.
19. As detailed within the Part A submission, and in Council's submissions to the Amendment C258 panel, both the Amendment C258 conversion methodology and desktop analysis were necessitated by the scale of the gradings conversion project. Were a conventional heritage review undertaken for each property prior to its reclassification, the project simply would have been of a time and financial scale that was prohibitive.
20. Council considers the desktop analysis undertaken by Lovell Chen and Anita Brady Heritage for the Amendment conforms with the level of analysis undertaken as part of Amendment C258, and has been undertaken to an appropriate degree of investigation to confirm the correctness of the recategorisation of each property.

## V. HERITAGE PROPERTIES PREVIOUSLY GRADED E OR F

21. As discussed within Council's Part A submission, a small number of E and F graded buildings remained in the pre-C258 Inventory despite the intended rationalisation of Council's letter grading system from six grading categories (A to F) to four grading categories (A to D) through Amendment C19 in the early 2000s. These E and F graded buildings were subject to the same conversion exercise as all other buildings in pre-C258 Inventory: the conversion methodology for D graded buildings referred to above was applied to the E and F graded buildings.
22. By way of background, Council considers it may be of assistance to the Panel and submitters to explain the history of the Inventory, including how it dealt with buildings which were graded E and F in the early conservation studies.
23. There are many conservation studies and heritage reviews that have been undertaken by Council over the past 40 years or so. The following have been specifically referenced within Council's Part A submission, and this Part B submission:
  - *Parkville Conservation Study*, 1985
  - *East Melbourne and Jolimont Conservation Study*, 1985
  - *North and West Melbourne Conservation Study*, 1985 & 1994
  - *Carlton, North Carlton and Princes Hill Conservation Study*, 1985 & 1994
  - *Flemington and Kensington Conservation Study*, 1985
  - *South Yarra Conservation Study*, 1985
  - *Harbour Railways, Industrial Conservation Study*, 1985
  - *Central Activities District Conservation Study*, 1985
  - *South Melbourne Conservation Study*, 1985 & 1998
  - *City of Melbourne Conservation Schedule* 1991
  - *Central City Heritage Study Review*, 1993
  - *Melbourne New Format Planning Scheme: Report of the Panel and Advisory Committee*, April 1998
  - *Report on the City of Melbourne Planning Scheme Heritage Review*, 2000 (Amendment C15, Amendment C43, Amendment C19 Part 1 and Part 2)
  - *Review of municipal boundary in Kensington and North Melbourne* (November 2007)
  - *Central City (Hoddle Grid) Heritage Review*, 2011 (Amendment C186)
  - *Arden-Macaulay Heritage Review*, 2012 (Amendment C207)
  - *Kensington Heritage Review*, 2013 (Amendment C215)

- *Review Buildings in Kensington: Percy Street Area*, 2013 (Amendment C215)
  - *Heritage Strategy* 2013
  - *City North Heritage Review*, 2013 (Amendment C198)
  - *Bourke Hill Precinct Heritage Review* 2015 (Amendment C240)
  - *City North Heritage Review* 2013 (Amendment C198)
  - *West Melbourne Heritage Review*, 2016 (Amendment C258)
  - *Guildford and Hardware Laneways Heritage Study* 2017 (Amendment C271)
  - *Southbank Heritage Review* 2017, updated November 2020 (Amendment C305)
  - *Hoddle Grid Heritage Review*, July 2020 (Amendment C387 underway)
  - *Fishermans Bend In-Depth Heritage Review* 2021 (Amendment C394 underway)
  - *Carlton Heritage Review* November 2021 (Amendment C405 to be presented to an upcoming Future Melbourne Committee meeting)
  - *North Melbourne Heritage Review* (underway)
  - *South Yarra Heritage Review* (underway)
  - *Parkville Heritage Review* (in the process of being commissioned)
  - *East Melbourne Heritage Review* (planned, subject to budget)
24. Until the West Melbourne, Guildford and Hardware Laneways, Southbank and Fishermans Bend and Hoddle Grid reviews listed above, buildings were graded according to the letter grading system<sup>6</sup>.
25. Historically, building gradings were listed in the *City of Melbourne Conservation Schedule* 1991(the **Conservation Schedule**). The Conservation Schedule identified that individual buildings were graded A to E and included definitions for A to F buildings.
26. See **Appendix A** for an extract from the *City of Melbourne Conservation Schedule*, 1991.
27. The new format planning scheme for Melbourne was introduced in March 1999. Clause 22.05 (Heritage Places outside the Capital City Zone) identified that the grade of every heritage building was identified in the Conservation Schedule. The Council was required to review certain buildings graded D, E and F following the introduction of the new format planning scheme in 1999. **Appendix B** contains a timeline identifying various steps in the review of D, E and F gradings.

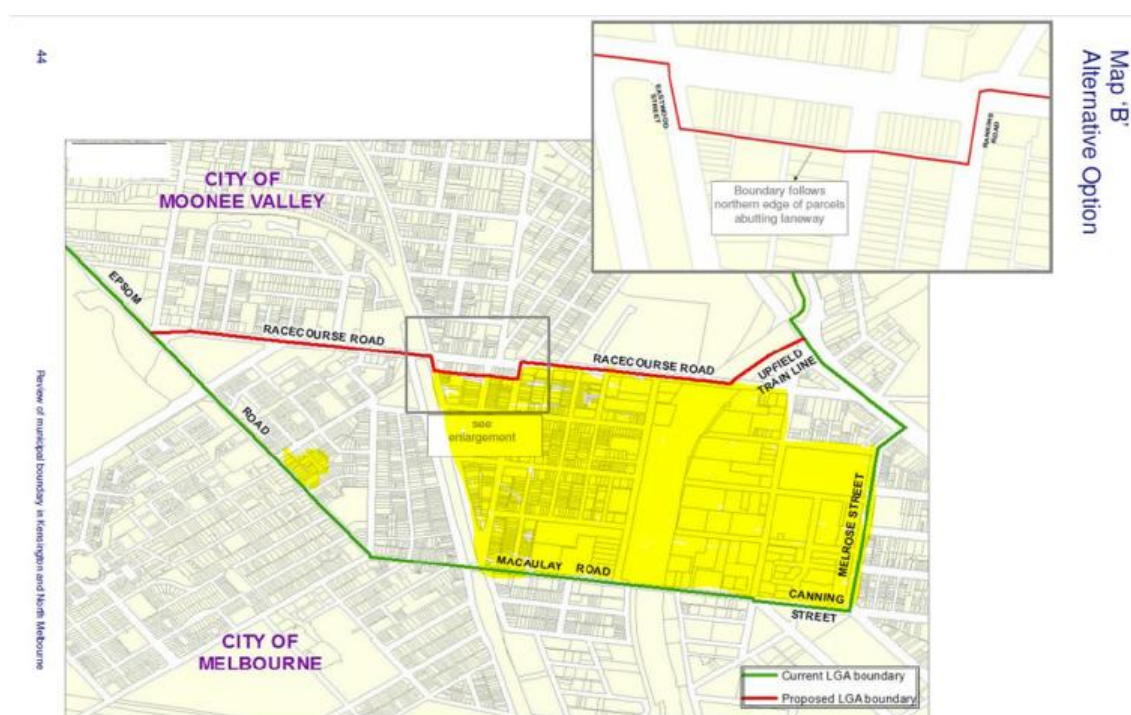
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<sup>6</sup> The *Arden-Macaulay Heritage Review*, 2012 and the *Kensington Heritage Review*, 2013 utilised both the former A-D grading system and the new category system of Significant, Contributory, Non-Contributory.



28. There were eight E and F graded entries in the Heritage Places Inventory March 2002 (C19 Part 2, gazetted 4 July 2002). These entries remained in the Inventory until the gazetted Amendment C258 Inventory. They are the blue shaded entries listed in **Appendix C**. It is not clear why they were retained in the Inventory: it may be these properties were inadvertently overlooked or it may have been an intentional retention, though the reason for such retention is presently unclear.
29. Thirty-three E graded entries were added to the Inventory through Amendment C134 when the City of Melbourne boundary changed on 1 July 2008. The map below from the *Review of municipal boundary in Kensington and North Melbourne*, November 2007 shows this boundary change. The yellow highlight has been added and indicates approximate areas that were subsequently reviewed in the *Arden-Macaulay Heritage Review*, 2012 and the *Kensington Heritage Review*, 2013.

**Figure 1: Map, Review of municipal boundary - Kensington & North Melbourne**



30. Only two of the 33 E graded entries added through Amendment C134 are within the yellow highlighted area and were subsequently reviewed.<sup>7</sup>
31. The table below identifies the number of E and F graded entries after the gazettal of Amendment C19 Part 2, after the gazettal of Amendment C134 and prior to the

<sup>7</sup> These two entries were re-graded as part of Amendment C215 which implemented the *Kensington Heritage Review*, 2013, namely 141 Rankins Road and 143, 145 Rankins Road.

gazettal of Amendment C258. There were 40 E and F graded entries in the pre-C258 Inventory. These are listed in **Appendix C**.<sup>8</sup>

**Table 2: E & F graded properties following Amendment C19, Part 2**

Heritage Places Inventory March 2002 (C19 Part 2)			Heritage Places Inventory July 2008 (C134)		Pre C258 Inventory	
Inventory section	Number of E graded entries	Number of F graded entries	Number of E graded entries	Number of F graded entries	Number of E graded entries	Number of F graded entries
Carlton	2	1	2	1	2	1
East Melbourne & Jolimont						
Flemington & Kensington	1		19 <sup>9</sup>		17	
Melbourne						
North & West Melbourne			15		15	
Parkville			1		1	
Southbank						
South Yarra	2	2	2	2	2	2
<b>Total</b>	<b>5</b>	<b>3</b>	<b>39</b>	<b>3</b>	<b>37</b>	<b>3</b>

## VI. COUNCIL'S RESPONSE TO SUBMISSIONS

<sup>8</sup> One E graded entry in Parkville appears to be an accidental regrading of 140 Park Drive from D to E that occurred through Amendment C56. Amendment C56 was a continuation of Amendment C19 and it applied heritage protection to 19 buildings in East Melbourne.

<sup>9</sup> Two entries in Rankins Road (141 Rankins Road and 143, 145 Rankins Road) were subsequently reviewed and regraded in the Kensington Heritage Review, 2013 / Amendment C215

32. As noted within Council's Part A submission, Council received 18 submissions from 17 parties in response to exhibition of the Amendment. By email dated 15 October 2021 to Council, the University of Melbourne advised that it withdrew its submissions to the Amendment (Submissions 12 and 18). As a consequence of this withdrawal, the Part B submission does not respond to Submissions 12 and 18. Further, Submission 1 is in the nature of a general submission in support of the Amendment, with no reference to any specific properties or proposed alterations to the Amendment.
33. Accordingly, this Part B submission responds to the 15 remaining submissions which either oppose aspects of the Amendment or seek changes to it. A summary table of the buildings identified in submissions has been included at **Appendix D**. This table details:
- (a) the reason why a building was removed from Amendment C258;
  - (b) the existing Heritage Overlay/s that apply;
  - (c) the existing heritage grading or category;
  - (d) the heritage category proposed through the Amendment; and
  - (e) whether the building was directly reclassified, the subject of desktop review or whether the building was subject to a conventional heritage review as a D graded building in an individual Heritage Overlay.
34. Submissions raise the following matters:
- a) concern about the proposed heritage category for specific properties and the impacts of the proposed controls on live planning permits and future development potential, including for:
    - i. C graded properties in City North;<sup>10</sup> and
    - ii. D graded properties in individual heritage overlays;<sup>11</sup>

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<sup>10</sup> Three submissions (8, 9 and 11) raised concerns related to C graded properties in City North precincts. Submission 8 opposes the overall approach of applying the Amendment C258 methodology to convert these properties. Submissions 9 and 11 oppose applying the Significant category to specific buildings.

<sup>11</sup> Submission 14 was received in relation to a D graded property in an individual Heritage Overlay.

- iii. properties that were omitted or incorrectly categorised in the re-exhibited C258 Inventory;
- b) perceived or actual errors in the exhibited C396 Inventory, the Heritage Overlay Schedule and mapping;<sup>12</sup> and
- c) other matters outside the scope of the Amendment.<sup>13</sup>

35. Council's response to these submissions is set out below.

### **Submission 2: 337-347 Elizabeth Street, Melbourne**

36. Submission 2 notes the impact of high-rise development in the Central Business District and requests that buildings at 337-347 Elizabeth Street, Melbourne be preserved in their entirety, not only their façades.

*Figure 2: Aerial of 337-347 Elizabeth Street, Melbourne (CIP/CoMPASS, 27 May 2018)*

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<sup>12</sup> Seven submissions relate to properties that were omitted or incorrectly categorised in the re-exhibited C258 Inventory. Five of these submissions (submissions 5, 7, 10, 13 and 15) do not support the proposed heritage category or change to Heritage Overlay mapping for specific properties. Two submissions (4 and 6) provide suggestions or request changes to specific entries in the Inventory to provide greater clarity. Three submissions (3, 8 and 17) assert that there are further errors in the Inventory or the Heritage Overlay schedule or mapping in addition to those being dealt with in the Amendment.

<sup>13</sup> Four submissions relate to land that is not part of the Amendment (submissions 2, 8, 16 and 17). Submissions 8 and 17 refer to perceived errors and anomalies in the Inventory and the Heritage Overlay schedule and mapping that are outside the scope of the Amendment. Submissions 2 and 16 relate to heritage protection for properties that were the subject of recent heritage reviews. The heritage controls that apply to these properties, or are currently proposed, were implemented through recent planning scheme amendments or are being pursued by current planning scheme amendments. These amendments have been the subject of public exhibition and Panel hearings which have considered the appropriateness of the proposed heritage controls.





*Figure 3: Street view of 337-347 Elizabeth Street, Melbourne (Google Maps)*



37. The Amendment does not include this property, or matters relating to the impact of high-rise development or retention of heritage fabric. It is noted that the heritage

controls that apply to 337-347 Elizabeth Street were recently reviewed as part of the *Guildford and Hardware Laneways Study*, 2017 (Amendment C271) and the *Hoddle Grid Heritage Review*, 2020 (Amendment C387). Policy in relation to partial demolition and facadism is found in Clause 22.04 (Heritage Places in the Capital City Zone).

38. No change is recommended to the Amendment in response to this submission.

### **Submission 3: East Melbourne**

39. Submission 3 is from the East Melbourne Historical Society. The Amendment proposes to convert the heritage gradings for approximately 44 buildings in East Melbourne. Some of these buildings were identified by the East Melbourne Historical Society in submissions to Amendment C258 and were removed from Amendment C258 because they were omitted or incorrectly converted in the re-exhibited C258 Inventory.<sup>14</sup> The ongoing engagement of the East Melbourne Historical Society in relation to the accuracy of the Inventory is acknowledged and appreciated.
40. Submission 3 asserts that the exhibited C396 Inventory is out of date and full of inconsistencies, omissions and misleading addresses, however no specific addresses are referenced. As discussed in the Part A submission, a small number of entries were provided prior to the Future Melbourne Committee Meeting on 16 March 2021 leading to the Amendment being updated prior to exhibition to resolve a historical addressing error.
41. The East Melbourne Historical Society circulated a written submission to the Panel on 10 November 2021. The submission identified two perceived errors in the exhibited C396 Inventory:
- (a) **8 and 10 Vale Street:** The submission identifies that “*there are at least two houses, or a pair of houses, at 8 and 10 Vale Street which were in the original inventory [the pre-C258 Inventory] and which are not in the latest version, in spite of repeated submissions to have them reinstated*”.

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<sup>14</sup> These include buildings on Garden Avenue, buildings within 125-127 George Street, buildings within 214-222 Clarendon Street, and 12 Lansdowne Street.

- (b) **86-88 Jolimont Street:** The submission identifies that it was “*originally graded C, has been deemed non-contributory. This is the only C graded building in East Melbourne to lose its grading, yet seems no less worthy than many others*”.
42. These have been investigated and Council has determined that there is no error in the exhibited C396 Inventory in relation to these properties.
- (a) 8 and 10 Vale Street are not in the Heritage Overlay and therefore it is correct that they should not be listed in the Heritage Places Inventory.
  - (b) 86-88 Jolimont Street was the subject of desktop analysis by Lovell Chen as part of Amendment C258. They assessed the building as Non-contributory, noting that it is very altered. Therefore, it is correct that it is not listed in the Heritage Places Inventory.
43. The submission identifies that “*other than the two examples above the purpose of the amendment has been achieved for the East Melbourne and Jolimont area*”.
44. However, the submission is overall not supportive of the Amendment and raises the following issues:
- (a) the submission identifies a number of buildings (25) that have never been previously graded or assigned a heritage category which the East Melbourne Historical Society argues should be; and
  - (b) some modern buildings which are not heritage buildings have been inadvertently included within the street address listed in the Heritage Places Inventory Part A.<sup>15</sup> The submission raises the concern that this will weaken the value of the Significant or Contributory categories because these modern buildings will allowed to be demolished or altered.
45. In response, Council notes the following:

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<sup>15</sup> For example, 174-188 Hotham Street was listed in pre-C258 Inventory as a C graded building in a Level 1 streetscape. The heritage building within 174-188 Hotham Street was the subject of desktop analysis by Lovell Chen as part of Amendment C258 and assessed as Contributory. 174-188 Hotham Street is now listed in the Heritage Places Inventory Part A in the Scheme as a Significant building with a Significant streetscape. There are two modern buildings within 174-188 Hotham Street in addition to the heritage building.

- (a) Identifying additional heritage buildings is beyond the scope of the Amendment. A heritage review would need to be undertaken to provide the required strategic justification for additional entries in the Heritage Places Inventory.
  - (b) In relation to modern buildings being included in the street address used in the Heritage Places Inventory Part A:
    - (i) Council does not agree that this weakens the value of the Significant or Contributory categories. Planning permit applications for these sites would require historical information to be reviewed and it would be easily identified that the heritage categories do not relate to the modern buildings.
    - (ii) Two of the three examples provided use the same street address as the pre-C258 Inventory and it is noted that this type of anomaly pre-existed the conversion that occurred through Amendment C258.
    - (iii) Amendment C258 undertook a heritage grading conversion exercise in East Melbourne and was not a review of the heritage controls that apply in East Melbourne.
46. Council considers all errors or omissions in East Melbourne related to the re-exhibited C258 Inventory have been appropriately addressed by the Amendment. Council notes a future East Melbourne Heritage Review is planned, subject to budget.
47. No change is recommended to the Amendment in response to this submission.

#### **Submission 4: 112-118 Millswyn Street, South Yarra**

48. The Amendment proposes to convert the heritage gradings for four buildings at the rear of 112-118 Millswyn Street, South Yarra in *HO6 South Yarra Precinct*. These buildings are currently listed in the Heritage Places Inventory Part B within the Scheme as D graded buildings with no streetscape grading applied. They are proposed to be listed in the proposed post-C396 Inventory as Contributory and with no streetscape category applied.
49. Submission 4 is from the Melbourne South Yarra Residents Group. The Amendment proposes to convert the heritage gradings for approximately 32 buildings in South Yarra. Some of these buildings were identified by the Melbourne South Yarra Residents



Group in submissions in relation to Amendment C258 and were removed from Amendment C258 because they were omitted or incorrectly converted in the re-exhibited C258 Inventory.<sup>16</sup> The ongoing engagement of the Melbourne South Yarra Residents Group in relation to the accuracy of the Heritage Places Inventory is acknowledged and appreciated.

50. Submission 4 recommends that the Inventory be updated to individually identify buildings/items within 112-118 Millswyn Street, South Yarra.

*Figure 4: Summary of Submission & Management's Responses, page 4 (extract)*



<sup>16</sup> These include the four buildings within 112-118 Millswyn Street and 2-14 Hope Street (Fawkner Club Hotel, also known as 52-56 Toorak Road West). A number of corrections were also incorporated into the re-Exhibited C258 Inventory in response to submissions from Melbourne South Yarra Residents Group.

Figure 5: Street view of 112-118 Millsnyn Street, South Yarra (Google Maps)



51. This submission is beyond the scope of the Amendment, and has been referred to the South Yarra Heritage Review, which is currently underway. Further, as noted within Council's Part A submission, Council's Heritage Data Project which is also underway will comprehensively consider the approach to addressing within the Inventory and includes spatialising and mapping of the Inventory, such that cross-referencing between the Heritage Overlay map and the Inventory is facilitated.
52. No change is recommended to the Amendment in response to this submission.

#### **Submission 5: 99 Buncle Street, North Melbourne**

53. Amendment C396 proposes to convert the heritage grading for 99 Buncle Street, North Melbourne in *HO953 Racecourse Road/ Alfred Street, North Melbourne*. This building is currently listed in the Heritage Places Inventory Part B under the incorrect address of 103 Buncle Street as an E graded building in a Level 3 streetscape. It is proposed to be listed in the Heritage Places Inventory through the Amendment as Contributory with no streetscape category applied.
54. This submission asserts this property is outside the scope of the Amendment as:



- a) the property was not on any previous heritage register and it is not within the scope of the Amendment to introduce new heritage protection; or (in the alternative)
- b) the property was previously graded E by Graeme Butler on 18 January 1985 which falls outside the scope of the Amendment which only considers properties previously graded A-D.

*Figure 6: Aerial of 99 Buncle Street, North Melbourne (Google Maps)*



*Figure 7: Streetview of 99 Buncle Street, North Melbourne (Google Maps)*



55. 99 Buncle Street, North Melbourne was identified as a heritage building in the *North and West Melbourne Conservation Study, 1985* though it was inadvertently mislabelled as 103 Buncle Street in the study. This is evident within the Building Identification Form associated with the 1985 conservation study in **Appendix E**.
56. The Amendment corrects this historic addressing anomaly and converts 99 Buncle Street to the contemporary heritage category system. Accordingly, the Amendment does not seek to introduce new heritage protection but rather correct an addressing error, which is within the scope of the Amendment.
57. While it is correct that the heritage conversion exercise typically refers to the reclassification of heritage buildings previously graded A-D, as detailed above, a small number of E and F graded buildings remained within the pre C258 Inventory and these properties have been converted to the new category system. It was never the intention of Council that buildings previously graded E and F would simply lose heritage protection as a consequence of Amendment C258, and this is not what has occurred.



58. No change is recommended to the Amendment in response to this submission.

**Submission 6: 15 Bendigo Street, part of 110-114 Errol Street, 56 Chapman Street, part of 163-177 Flemington Road and 502-506 Victoria Street, North Melbourne also known as 2-6 Errol Street**

*Figure 8: Summary of Submission & Management's Responses, page 6 (extract)*

**Subject land**

- 15 Bendigo Street, part of 110-114 Errol Street, North Melbourne, within *HO3 North & West Melbourne Precinct*



Source: CoMPASS, 3 November 2020

- 56 Chapman Street, part of 163-177 Flemington Road, North Melbourne, within *HO3 North & West Melbourne Precinct*



Source: CoMPASS, 3 November 2020

- 502-506 Victoria Street, North Melbourne also known as 2-6 Errol Street, within *HO3 North & West Melbourne Precinct*



Source: CoMPASS, 3 November 2020

59. The Amendment proposes to convert the heritage grading for 15 Bendigo Street, part of 110-114 Errol Street, North Melbourne in *HO3 North & West Melbourne Precinct*. This building is currently listed in the Heritage Places Inventory Part B as a B graded building in a Level 3 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Significant with no streetscape category applied.

60. The Amendment proposes to convert the heritage grading for 56 Chapman Street, part of 163-177 Flemington Road, North Melbourne in *HO3 North & West Melbourne Precinct*. This building is currently listed in the Heritage Places Inventory Part B as a B graded building in a Level 3 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Significant with no streetscape category applied.
61. The Amendment proposes to convert the heritage grading for 502-506 Victoria Street, North Melbourne, also known as 2-6 Errol Street, North Melbourne in *HO3 North & West Melbourne Precinct*. This building is currently listed in the Heritage Places Inventory Part B as 502-506 Victoria Street as a D graded building in a Level 3 streetscape and under an alternate address 2-4 Errol Street as a C graded building in Level 1 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Significant with a Significant streetscape category applied.
62. Submission 6 is from the Hotham History Project. The Amendment proposes to convert the heritage gradings for approximately 76 buildings in North Melbourne. Some of these buildings were identified by the Hotham History Project in submissions in relation to Amendment C258 and were removed from Amendment C258 because they were omitted or incorrectly converted in the re-exhibited C258 Inventory.<sup>17</sup> The ongoing engagement of the Hotham History Group in relation to the accuracy of and improvements to the Heritage Places Inventory is acknowledged and appreciated.
63. Submission 6 recommends that the Inventory be updated so that the three heritage buildings identified are listed with both street addresses.
64. This submission is beyond the scope of this Amendment. The Inventory within the Scheme utilises the official address of each property as contained within Council's GIS database. This may or may not accord with the address a property is commonly known as. Council agrees that it may be beneficial to update the Inventory to add additional address entries for buildings which front different or additional streets to the property address under which they are currently listed. However, Council aims to undertake this task in a considered and systematic way. As discussed within this Part B submission and Council's Part A submission, Council is undertaking a Heritage Data Project, which

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<sup>17</sup> These include 1 Bendigo Street, 15 Bendigo Street (within 110-114 Errol Street), 17 Brougham Street (within 9-21 Brougham Street), 99 Buncle Street, 394-404 Queensberry Street, 56 Stawell Street, 40A and 40B Molesworth Street (previously listed as 1-3 Youngs Lane) and 26 Youngs Lane (previously listed as 2 Youngs Lane).

includes transitioning the Inventory to a map-based system. This project will review and consider how addresses are listed in the Inventory holistically as part of this process.

65. No change is recommended to the Amendment in response to this submission.

**Submission 7: 384-388, 394, 396, 398, 400, 402, 404, 406 and 408 Albert Street, East Melbourne**

66. The Amendment proposes to convert the heritage gradings for 384-388, 394, 396, 398, and 400 Albert Street, East Melbourne in *HO154 Burlington Terrace, 15-27 Lansdowne Street & 384-400 Albert Street, East Melbourne*. Burlington Terrace is on the Victoria Heritage Register, reference H0797. The buildings at 384-400 Albert Street are currently listed in the Heritage Places Inventory Part B as A graded buildings in a Level 1 streetscape. They are proposed to be listed in the proposed post-C396 Inventory as Significant, within a Significant streetscape.
67. The Amendment proposes to convert the heritage grading for 402 Albert Street, East Melbourne in *HO120 402-406 Albert St, East Melbourne*. This building is currently listed in the Heritage Places Inventory Part B as an A graded building in a Level 1 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Significant, within a Significant streetscape.
68. The Amendment does not affect 404 Albert Street, East Melbourne in *HO120 402-406 Albert St, East Melbourne*. It was listed in the pre-C258 Inventory as an A graded building in a Level 1 streetscape. It was converted through Amendment C258 and is currently listed in the Heritage Places Inventory Part A as Significant, within a Significant streetscape.
69. The Amendment proposes to correct a mapping error in relation to 406 Albert Street, East Melbourne. *HO120 402-406 Albert St, East Melbourne* includes 406 Albert Street in the description in the Heritage Overlay schedule but 406 Albert Street is not within the current mapped extent. The Amendment does not propose converting the heritage grading for 406 Albert Street. It was listed in the pre-C258 Inventory as an A graded building in a Level 1 streetscape. It was converted through Amendment C258 and is

currently listed in the Heritage Places Inventory Part A as Significant, within a Significant streetscape.

70. The Amendment does not affect 408 Albert Street, East Melbourne in *HO121 Terrace, 408 Albert St, East Melbourne*. The terrace at 408 Albert Street is on the Victorian Heritage Register, reference H0851. 408 Albert Street was listed in the pre-C258 Inventory as an A graded building in a Level 1 streetscape. It was converted through Amendment C258 and is currently listed in the Heritage Places Inventory Part A as Significant, within a Significant streetscape.
71. Submission 7 raises concerns with conversion of A graded buildings in East Melbourne to Significant (the buildings also have Significant streetscape categories) within the following individual Heritage Overlays:
  - (a) HO154 (Burlington Terrace, 15-27 Lansdowne Street & 384-400 Albert Street, East Melbourne)/Victorian Heritage Register H0797.
  - (b) HO120 (402-406 Albert Street, East Melbourne). This submission also opposes the correction of a historic mapping error by including 406 Albert Street within the mapped extent of HO120 in accordance with the address range within the Schedule to Clause 43.01 (Heritage Overlay).
  - (c) HO121 (Terrace, 408 Albert Street, East Melbourne)/ Victorian Heritage Register H0851.
72. Specifically, Submission 7 asserts that no heritage assessment has been undertaken to support the inclusion of 406 Albert Street in the Heritage Overlay. Its inclusion within HO120 is queried on the basis that the building was constructed as a pair with 408 Albert Street. The submission further queries the justification for applying a Significant category to 402, 404 and 406 Albert Street.



Figure 9: Aerial image of properties (Google Maps)



Figure 10: Summary of Submission & Management's Responses, page 8 (extract)



Source: Google Street View, July 2019

73. 404 Albert Street is not affected by the Amendment. The Amendment seeks to correct an historical mapping error associated with individual HO120 that did not include all addresses referenced in the Schedule to Clause 43.01. The building at 406 Albert Street is not currently within the mapped extent of the Heritage Overlay. Accordingly, the Amendment is seeking to ensure the Schedule and mapping are consistent in relation to an entry in the Inventory which is the subject of conversion through this Amendment. The Amendment is a heritage grading conversion exercise and is not a heritage review and the Amendment C258 conversion methodology has been correctly applied.
74. No change is recommended to the Amendment in response to this submission.

### **Submission 8: Carlton**

75. Submission 8 is from a community member associated with the Carlton Residents' Association. The Amendment proposes to convert the heritage gradings for approximately 62 buildings in Carlton and 26 buildings in Parkville. Some of these buildings were identified by the Carlton Residents' Association and this community member in submissions in relation to Amendment C258 and were removed from Amendment C258 because they were omitted or incorrectly converted in the re-exhibited C258 Inventory.<sup>18</sup> The ongoing engagement of the Carlton Residents' Association and this submitter in relation to the accuracy of the Heritage Places Inventory is acknowledged and appreciated.
76. The Amendment affects 193-195 Bouverie Street and 174-180 Leicester Street which are within 183-195 Bouverie Street, Carlton.
77. The Amendment proposes to convert the heritage gradings for 193-195 Bouverie Street and 174-180 Leicester Street in *HO1121 Little Pelham Street Precinct 183-195 Bouverie Street, (Alternate addresses 168-180 Leicester Street & 150-170 Pelham Street, Carlton)*. These buildings are currently listed in the Heritage Places Inventory Part B as C graded buildings in a Level 2 streetscape. They are proposed to be listed in the proposed post-C396 Inventory as Contributory, with no streetscape categories applied.

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<sup>18</sup> These include 97-105 Rathdowne Street, 107 and 109 Rathdowne Street (within 107-123 Rathdowne Street) and 331-335 Lygon Street in Carlton and 157-175 Royal Parade and 1-31 Leonard Street and 217 Royal Parade (within 197-259 Royal Parade) in Parkville.

78. The Amendment does not affect the other buildings identified within submission 8.<sup>19</sup>
79. Submission 8 asserts there are errors in the Heritage Overlay mapping, Schedule and within the Inventory in Carlton that have not been dealt with through the Amendment.<sup>20</sup> The submission further opposes the application of the Amendment C258 conversion methodology (specifically, desktop analysis) to convert the C graded buildings in the City North precincts and identifies a potential conflict of interest in relation to 183-195 Bouverie Street, Carlton. The submission asserts that Lovell Chen had previously reviewed these buildings as either part of Amendment C258 or as part of the forthcoming Carlton Heritage Review 2021. Further, the submission considers that the conversion methodology for *West Melbourne Heritage Review 2016* upheld through Amendment C258 was essentially the same methodology as for the *City North Heritage Review 2013*.
80. Lovell Chen did *not* review C graded buildings in City North precincts as part of Amendment C258 nor have they been included as part of the forthcoming *Carlton Heritage Review 2021*. Further, the *West Melbourne Heritage Review 2016* was not a grading conversion as each property was individually assessed against the Significant /Contributory categories as part of that review. The Significant /Contributory categories were not directly used for properties in the *City North Heritage Review 2013*.
81. Council's Management Response with regard to Submission 8 provides the following discussion:

### ***Errors***

- *The purpose of Amendment C396 is to convert the heritage gradings for properties removed from Amendment C258. It is not a review of all heritage controls that apply across the municipality. Heritage controls in part of Carlton were subject to a comprehensive review through the City North Heritage Review 2013. Heritage controls in the remaining part of Carlton will be subject to a comprehensive review through the forthcoming Carlton Heritage Review 2021.*
- *Management acknowledges that there may be historic errors in the Heritage Overlay maps and schedule that are not being addressed through Amendment C396. These will be addressed through future planning scheme amendments. For details on the case studies identified in the submission see the end of this section.*

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<sup>19</sup> Submission 8 refers to a building at 625-629 Swanston Street, Carlton which is part of property 1-13 Lincoln Square South. 1-13 Lincoln Square South is affected by the Amendment, however not in relation to the building at 625-629 Swanston Street.

<sup>20</sup> Appendix F of Council's Part A submission identifies how anomalies and errors raised in submission 8 are proposed to be addressed.

### ***PDF planning scheme maps on DELWP's Browse Planning Schemes website***

- *Management agrees that the pdf planning scheme maps on DELWP's Browse Planning Schemes website are potentially misleading to users. This issue has been raised with DELWP who is the author of the maps. It is noted that these issues do not occur in DELWP's online mapping platform, VicPlan.*

### ***C graded buildings in City North precincts***

- *Because of disagreement in the Amendment C258 panel hearing about the validity of the RBA Architects conversion methodology it was agreed at the panel hearing that the appropriate way forward was for Lovell Chen to review these properties using the same methodology they had used in Amendment C258.*
- *Management notes that Lovell Chen has not previously reviewed these buildings as part of Amendment C258 or as part of the forthcoming Carlton Heritage Review 2021. Management also notes that the West Melbourne Heritage Review 2015 was not a grading conversion because each property was individually assessed against the Significant/Contributory categories as part of that review. This was not the case for properties in the City North Heritage Review 2013.*

### ***City North precinct HO1121***

- *In relation to the query why Lovell Chen were engaged to review the C graded buildings within HO1121 given Mr Lovell's previous involvement with this site, management notes that Anita Brady, of Anita Brady Heritage, separately assessed these buildings as an independent consultant in the study team.*

### ***Case studies***

- *The submission identified a number of case studies that are discussed below. Correcting these anomalies is out of scope of Amendment C396.*
- *The anomalies identified in the following case studies will be addressed through the planning scheme amendment to implement the Carlton Heritage Review 2021:*
  - *HO34 245-257 Cardigan St, Carlton: Heritage Overlay mapped extent does not exactly match the address used in the schedule. Management notes that mapping corrections are only included for Heritage Overlays which include properties affected by the grading conversion in Amendment C396.*
  - *Chinese Mission Church, 148-150 Queensberry Street: not covered by a Heritage Overlay or included in the Heritage Places Inventory even though it was listed in the Heritage Places Inventory that was in the Scheme prior to Amendment C258. Management notes that it was not appropriate to include this property in the Amendment C396 Heritage Places Inventory because it is not currently in the Heritage Overlay.*
  - *HO28 71 Cardigan St, Carlton: Heritage Overlay mapping error.*
  - *HO82 96 Pelham St, Carlton: Heritage Overlay mapped extent applies to part of the building only.*
  - *HO811 630 Swanston St, Carlton: demolished building, Heritage Overlay is listed in the schedule, mapped and listed in the Heritage Places Inventory.*
  - *HO81 5-21 Pelham St, Carlton: contains three previously A graded buildings that are not listed in the Heritage Places Inventory even though they were included*

*in the first exhibited Amendment C258 inventory (exhibited in April and May 2017). Management notes that it was not appropriate to include these buildings in the Amendment C396 Heritage Places Inventory given they were not included in the Heritage Places Inventory that was in the Scheme prior to Amendment C258.*

- *16-20 Drummond Place, Carlton (within HO1 Carlton Precinct): not a heritage building but is listed as Contributory in the Heritage Places Inventory.*
- *17-21 Argyle Place South, Carlton (within HO1 Carlton Precinct): the submission asserts that the building category of Contributory in the Heritage Places Inventory should apply to 17 Argyle Place South only.*
- *The anomalies identified in the following case studies should be reviewed through a future correction amendment:*
  - *HO1133 Former E P Printing & Publishing Co. Building 205- 223 Pelham Street, Carlton: omitted from Heritage Overlay schedule.*
  - *HO804 Former Ingram Bros Warehouse 145-147 Bouverie Street, Carlton: Heritage Overlay mapping error.*
  - *HO63 Former Factory & Residence 119-125 Leicester St, Carlton: Heritage Overlay mapping error.*
  - *HO110 625-629 Swanston St, Carlton: have been removed from the Heritage Overlay through Amendment C198 but is listed in the Heritage Overlay schedule.*

#### ***Miscellaneous comments***

- *HO1122 Lincoln Square South Precinct 11-31 Lincoln Square South & 631- 645 Swanston Street, Carlton: the submission asserts that the Heritage Overlay mapping should be updated given that a building within the precinct has been demolished. Management notes that there is no error as the replacement building is included in this precinct as a Non-contributory building.*
- *HO107 Sacred Heart Catholic Church, 169-199 Rathdowne Street, 2-40 Pelham Street & 154-184 Drummond Street, Carlton: the submission asserts that HO107 should be characterised as a precinct Heritage Overlay and that 169-199 Rathdowne Street, which is the primary address used in the schedule, should be included in the Heritage Places Inventory. The submission also notes that this is a VHR place and that the inclusion of heritage categories in the Heritage Places Inventory for just some VHR places is misleading. Management notes that 169-199 Rathdowne Street is listed in the Heritage Places Inventory, but it is in the incorrect order. This should be addressed through a future correction amendment. The manner in which VHR places are listed and mapped in the Heritage Overlay is determined by Heritage Victoria.*

82. Submission 8 also queries why Lovell Chen was retained to review C graded buildings within a City North precinct HO1211 (Little Pelham Street Precinct) when Peter Lovell acted as an expert witness for the property owner at the Amendment C198 Panel.<sup>21</sup> As

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<sup>21</sup> Amendment C198 implemented the City North Heritage Review 2013 by introducing Heritage Overlays and statements of significance to heritage places in City North.

Anita Brady Heritage separately assessed these building as an independent consultant, Council does not consider any conflict of interest has been identified.

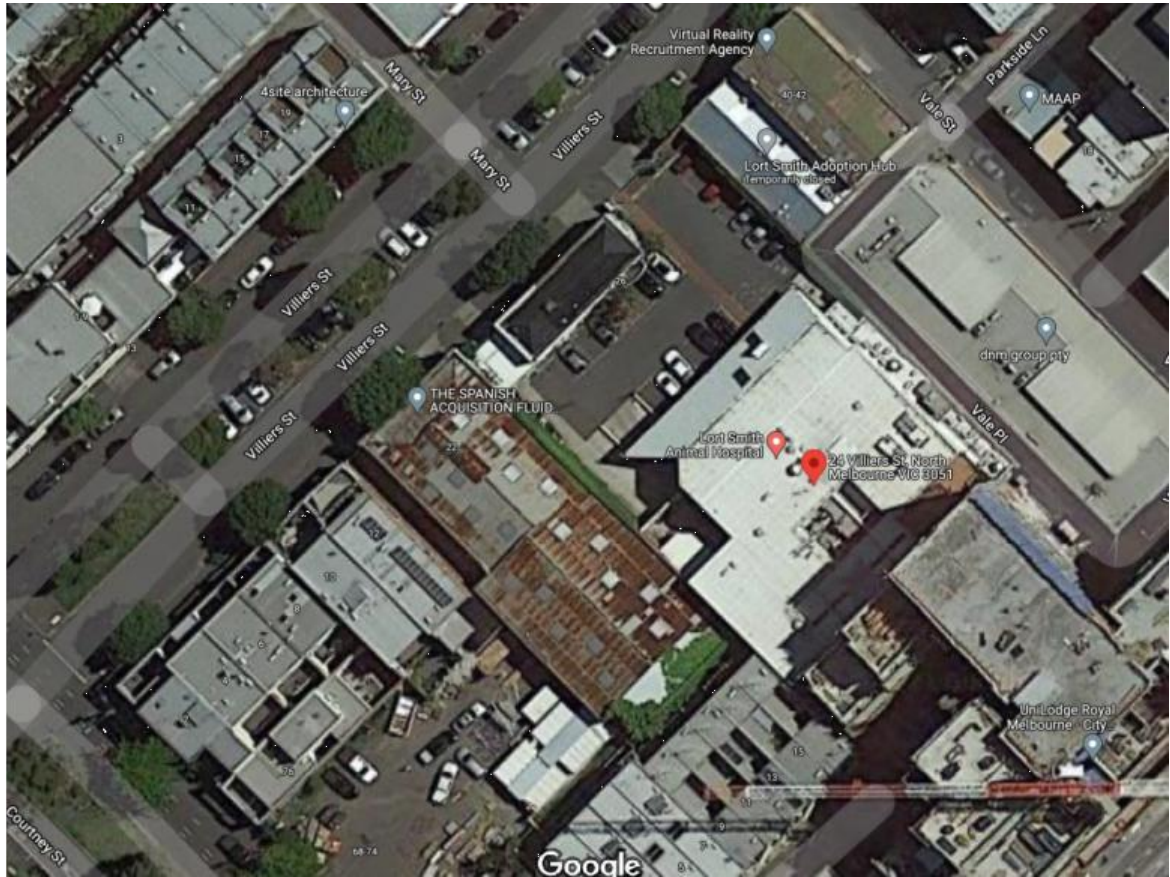
83. Refer to Appendix F to Council's Part A submission which identifies how the anomalies and errors raised in submission 8 are proposed to be addressed.
84. No change is recommended to the Amendment in response to this submission.

**Submission 9: 24-34 Villiers Street & 36-38 Villiers Street, North Melbourne**

85. The Amendment proposes to convert the heritage grading for 24-34 Villiers Street, North Melbourne in *HO1123 Villiers Street Precinct 14-42 Villiers Street, North Melbourne*. This building is currently listed in the Heritage Places Inventory Part B as a C graded building in a Level 2 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Significant, with no streetscape category applied.
86. The Amendment proposes to convert the heritage grading for 36-38 Villiers Street, North Melbourne in *HO1123 Villiers Street Precinct 14-42 Villiers Street, North Melbourne*. This building is currently listed in the Heritage Places Inventory Part B as a C graded building in a Level 2 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Contributory, with no streetscape category applied.
87. Submission 9 opposes the conversion of the C graded property 24-34 Villiers Street to Significant (within a City North Precinct HO1123 Villiers Street Precinct) on the basis that the conversion exercise involved a desktop analysis only, and further that the Amendment C258 Panel's recommendation was to categorise part of 24-34 Villiers Street (Lort Smith Animal Hospital) as Contributory whereas it is proposed as Significant in the Amendment. The submission further raises concerns with the proposed Significant building category on the future redevelopment potential of the site, beyond that approved under existing permit TP-2019-354.



*Figure 11: Aerial 24-38 Villiers Street, North Melbourne (Google Maps)*



*Figure 12: Street view of 24-38 Villiers Street, North Melbourne (Google Maps)*



88. Council provides the following response to this submission:

- a) it is appropriate that the Amendment adopt a consistent conversion methodology as endorsed through Amendment C258;
- b) the C258 Panel recommendation to categorise part of 24-34 Villiers Street within Amendment C258 to Contributory does not reflect the Amendment C258 conversion methodology and instead reflects the C258 Panel's recommendation that all heritage buildings within precincts ought be categorised Contributory. As detailed within Council's Part A submission, this recommendation of the Panel was not adopted or approved by the Minister;
- c) categorising part of 24-34 Villiers Street as Significant will not affect the existing permit on the site; and
- d) the impact on future development outcomes on this site is not relevant to establishing whether the building has been appropriately categorised Significant having regard to the Amendment C258 conversion methodology, or the subsequent work undertaken through this Amendment.



89. No change is recommended to the Amendment in response to this submission.

**Submission 10: 431-439 Punt Road, South Yarra**

90. The Amendment proposes to convert the heritage grading for 431-439 Punt Road, South Yarra in *HO6 South Yarra Precinct*. This building is currently listed in the Heritage Places Inventory Part B under the incorrect address 451 Punt Road as an A graded building in a Level 2 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Significant, with no streetscape category applied.
91. Submission 10 in relation to 431-439 Punt Road, South Yarra considers that the conversion of this A graded former church within HO6 South Yarra Precinct to Significant is inappropriate. The heritage assessment included in the submission concludes that although the church was originally A graded it was re-graded to C after it was converted to an apartment building in 1995, and further suggests that the property ought to be listed as 435 Punt Road as this is the address used in VicPlan.
92. Submission 10 concludes the property should be categorised Contributory as:
- (a) it is a former church which has lost its continuity of use, spatial context, community connection and contemporary social value; and
  - (b) remodelling work that has occurred was substantial, including alterations that are not reversible, or practically reversible.

*Figure 13: Aerial 431-439 Punt Road, South Yarra (Google Maps)*

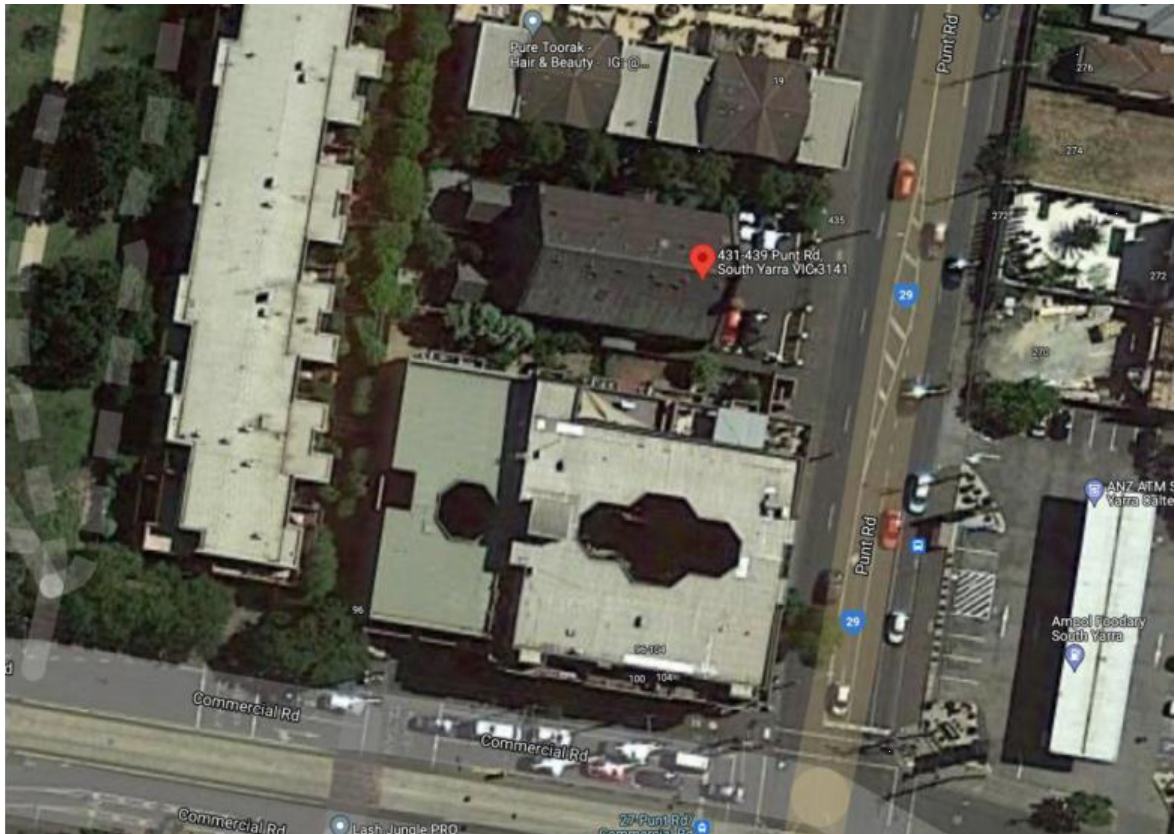


Figure 14: Street view 431-439 Punt Road, South Yarra (Google Maps)



93. 431-439 Punt Road was identified as A graded in the *South Yarra Conservation Study*, 1985 and contrary to Submission 10 was not subsequently re-graded C. The address applied to the site in the 1985 study is 451 Punt Road. This has been confirmed by the Building Identification Form associated with the 1985 study, which includes a photo of the former church; a copy of the Building Identification Form is contained in **Appendix E**. Pursuant to the Amendment C258 methodology, the A grading should have been

directly converted to Significant. However, Lovell Chen was engaged to analyse this property in this Amendment due to the confusion related to the property address. In undertaking this analysis, Lovell Chen assessed the former church as Significant. The excel spreadsheet records,

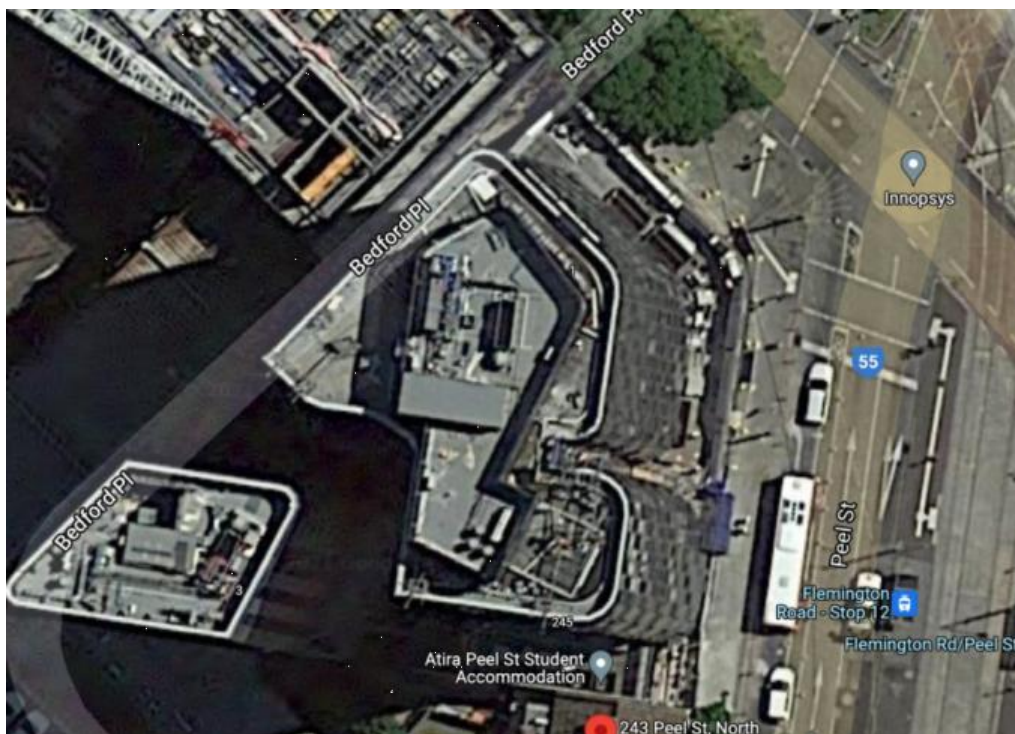
*The church building at the front or east side of this property as present to Punt Road is significant. It was constructed in 1864 of bluestone, with cement dressing, to a design by noted architects Crouch and Wilson. The facade includes twin turrets, where the spires are no longer in evidence, with a central four-light window and open-work gabled parapet. It historically housed a George Fincham organ, which has been removed. The church has been adapted to residential apartments, but still presents with its largely original character and detailing to Punt Road. The weatherboard residence to the rear has been demolished, hence its non-contributory grading.*

94. It should be noted that this property is within the study area for the South Yarra Heritage Review which is currently underway. Council has referred this submission to the heritage consultant who has been engaged to undertake the South Yarra Heritage Review so that it can be further considered when this heritage review is undertaken.
95. It would be inconsistent with the totality of the Inventory to change the entry for 431-439 Punt Road from a street number range to a single street number address. Council's Heritage Data Project will include transitioning the Inventory to a map-based system and will holistically review how addresses are entered in the Inventory.
96. No change is recommended to the Amendment in response to this submission.

#### **Submission 11: 243 Peel Street, North Melbourne**

97. The Amendment proposes to convert the heritage grading for 243 Peel Street, North Melbourne in *HO3 North & West Melbourne Precinct*, a City North precinct. This building is currently listed in the Heritage Places Inventory Part B under the address 241-243 Peel Street as a C graded building in a Level 3 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Significant, with no streetscape category applied.
98. Submission 11 opposes the conversion building on the basis of the perceived impact the recategorisation will have on the redevelopment potential of the site. The submission asserts that the amenity of the property is diminished by both overshadowing from an existing tower development at 1 Flemington Road, North Melbourne and the derelict nature of the adjoining property at 241 Peel Street, North Melbourne.

*Figure 15: Aerial 243 Peel Street, North Melbourne (Google Maps)*



*Figure 16: Street view 243 Peel Street, North Melbourne (Google Maps)*



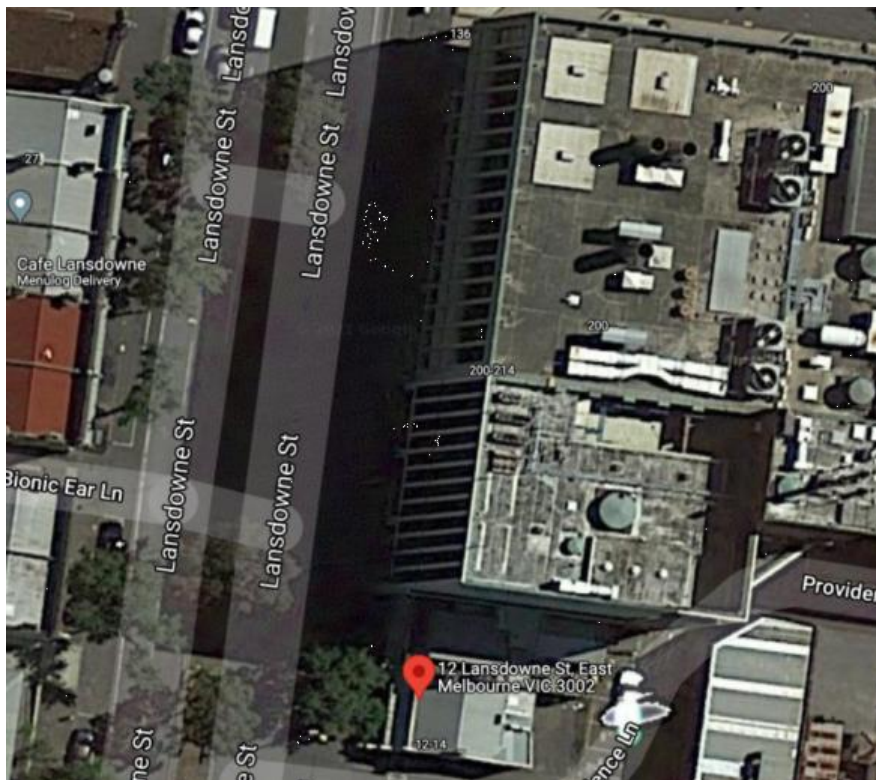
99. The impact on future development outcomes and the amenity impacts from adjoining buildings are not relevant to the task of establishing whether the building has been correctly categorised as Significant pursuant to the Amendment C258 conversion methodology and the further work undertaken for this Amendment.
100. No change is recommended to the Amendment in response to this submission.



### Submission 13: 12 Lansdowne Street, East Melbourne

101. The Amendment proposes to convert the heritage grading for 12 Lansdowne Street, East Melbourne in *HO2 East Melbourne & Jolimont Precinct*. This building is currently listed in the Heritage Places Inventory Part B under the incorrect address 16 Lansdowne Street as a D graded building in a Level 3 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Contributory, with no streetscape category applied.
102. Submission 13 opposes the conversion of this property to Contributory on the basis that the residence does not meet the relevant threshold of heritage significance to justify the categorisation proposed. Further, the owner advises that he did not receive notice of the Amendment and queries whether adequate notice was given to others.

*Figure 17: Aerial 12 Lansdowne Street, East Melbourne (Google Maps)*



*Figure 18: Street view 12 Lansdowne Street, East Melbourne (Google Maps)*



103. As a D-grade building in East Melbourne, the C258 conversion methodology results in a direct conversion to Contributory, without any further desktop analysis.

104. The submitter has called evidence from Mr Raworth.

105. Council considers the evidence of Mr Raworth should not be accepted by the Panel as it is plainly in the nature of a conventional heritage assessment and accordingly does not have regard to either the nature of the Amendment or its scope. So much is plain from Mr Raworth's instructions,<sup>22</sup> where Mr Raworth was asked to consider:

- *What is the cultural heritage significance of 12 and 14 Lansdowne Street?*
- *What contribution do the buildings at 12 and 14 Lansdowne Street make to the significance of the heritage precinct HO2?*
- *If the land at 12 and 14 Lansdowne Street were to be regraded to "contributory" buildings as is proposed under Amendment C396, what level of development is likely to be able to occur under the policy framework should Amendment C396 be approved? In considering your response please assess the extent of demolition which might be possible, as well as the extent of any additions or alterations. Our client has caused plans to be prepared showing some level of development in the event that Amendment C396 is approved. These are provided. Please examine whether these plans fairly represent what might be possible in the scenario, and whether more or less development could occur, and if so where or how.*

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<sup>22</sup> Raworth, page 2.

106. Plainly, none of these questions are relevant to the question of whether the site has been correctly converted to the new category system, or whether it is the subject of an appropriate correction within the scope of this Amendment. Mr Raworth's opinion would appropriately be considered and weighed by a panel considering the appropriateness of the heritage protection and associated heritage categorisation of the site in a conventional heritage review. This Amendment does not seek to undertake that task.
107. The heritage value of the site is properly to be considered during a heritage study for the precinct in which the site is located. To attempt to review its heritage value on an individual basis ignores the importance of reviewing heritage buildings on a comparative basis, including those that are presently ungraded or unprotected.
108. Council's Part C submission for Amendment C258 provides:
- 22. *A piecemeal approach to the protection of heritage places with heritage reviews undertaken on a site-by-site basis without the benefit of comparative analysis, would undoubtedly result in uninformed and inappropriate outcomes. The exercise of revisiting the significance of a heritage place should be the result of comprehensive and holistic analysis that enables complete assessment by typology, era and/or area.*
  - 23. *As detailed within the Part B submission, it is essential to recognise that the gradings conversion is not a heritage review as commonly understood and has not involved an assessment of the significance of all graded properties within the Heritage Overlay. The number of identified heritage properties within the City of Melbourne means that a complete heritage review of the entire City simultaneously combined with a change to the classification system would be of a scale, cost and timeframe that is prohibitive.*
  - 24. *Comprehensive heritage reviews are undertaken in the City on an area-by-area basis, as detailed above.*
  - 25. *Council accepts that it may be the case that, when a comprehensive review is undertaken, properties in an individual Heritage Overlay may be confirmed as Significant, included in a serial listing, or a nearby precinct or removed from the Heritage Overlay. If they do not meet the threshold for individual significance, and a serial listing or precinct inclusion is not appropriate, the only proper course will be removal from the Heritage Overlay. Council is not contemplating a further category of "lesser" significance for low letter graded places; this would simply replicate the current hierarchy of significance but give it a different label; the whole intention behind the reclassification is to shift to a system which identifies why a place is significant not whether it is more important than another place.*
  - 26. *Council's position is that it would be inappropriate to seek to reclassify any individually listed properties as part of the Amendment, in the absence of a complete heritage review. Ad hoc, selective and one-off reclassification based on evidence about a single place would undermine the process of careful evaluation and comparative analysis that is essential to proper substantive identification of heritage significance.*
109. Council equally acknowledges that when a comprehensive review is undertaken of the HO2 precinct, properties may be recategorized as Significant, Contributory or Non-contributory or a case may be made for removal of a building from the Heritage

Overlay altogether by adjusting the precinct boundaries. But that is an exercise for another day.

110. In the case of this building, the residence was inadvertently mislabelled 16 Lansdowne Street in the East Melbourne and Jolimont Study, 1985. Mr Raworth acknowledges this error at [20] of his statement. This is evident in the Building Identification Form associated with the 1985 conservation study in **Appendix E**.
111. Consistent with its ambit and scope, this Amendment seeks to correct the historic addressing anomaly and to convert 12 Lansdowne Street to the contemporary heritage category system. As set out above, using the Amendment C258 conversion methodology, a D grading in East Melbourne is directly converted to Contributory.
112. Further, as set out in the Part A submission, the notice requirements under Section 19 of the Act have been met.
113. No change is recommended to the Amendment in response to this submission.

#### **Submission 14: 1-7 & 9-11 Epsom Road, Kensington**

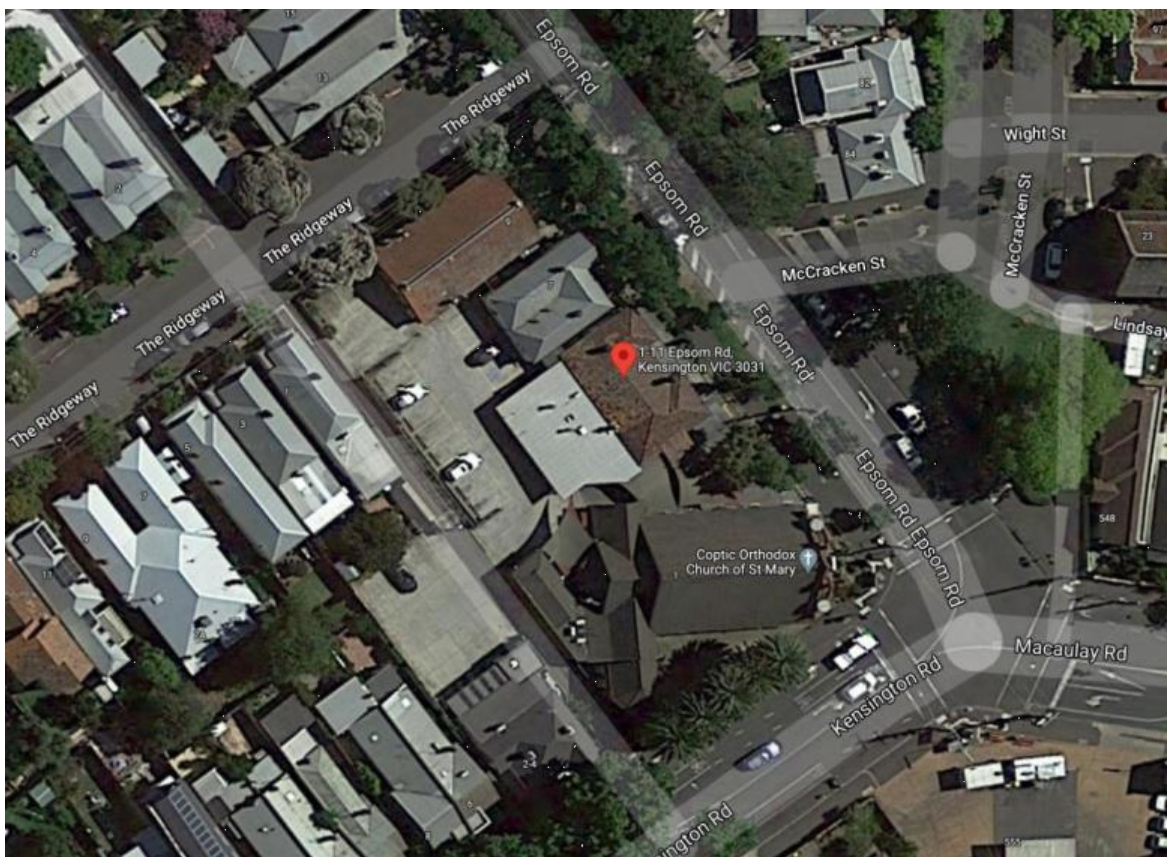
114. The Amendment proposes to convert the heritage gradings for 5 Epsom Road and 7 Epsom Road, both within 1-7 Epsom Road, Kensington. There is a pre-existing mapping error associated with these buildings. *HO223 1-7 Epsom Road, Kensington* includes 5 and 7 Epsom Road in the description in the Heritage Overlay schedule but 5 and 7 Epsom Road are not within or completely within the current mapped extent (part of 5 Epsom Road is within the mapped extent).
115. 5 Epsom Road is currently listed in the Heritage Places Inventory Part B as a D graded building in a Level 3 streetscape. It is not proposed to be listed in the proposed post-C396 Inventory as it is proposed to be converted to Non-contributory.
116. 7 Epsom Road is currently listed in the Heritage Places Inventory Part B as a D graded building in a Level 3 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Contributory and with no streetscape category applied.
117. 1-3 Epsom Road is also within 1-7 Epsom Road and is within the mapped extent of *HO223 1-7 Epsom Road, Kensington*. The Amendment does not propose converting the heritage grading for 1-3 Epsom Road. 1-3 Epsom Road was listed in the pre-C258 Inventory as 1-3 Epsom Road – St Mary Virgin Church Epsom Road as a C graded building in a Level 2 streetscape. It was converted through Amendment C258 and is



currently listed in the Heritage Places Inventory Part A with building category Significant, with no streetscape category applied.

118. The Amendment proposes to remove the existing *HO223 1-7 Epsom Road, Kensington* and to apply *HO9 Kensington Precinct* to the whole property 1-7 Epsom Road.
119. This submission raises concerns with the conversion of two D graded buildings within individual Heritage Overlay HO223 (1-7 Epsom Road), which relates to the St Mary's Coptic Orthodox Church complex in Kensington. Specifically the submission is concerned with the impact of the Amendment on planning permit TP-2015-81/A, which allows for the redevelopment of 1-7 and 9-11 Epsom Road to accommodate modern community and church facilities. This permit involves the demolition of 5, 7 and 9-11 of Epsom Road and the retention of the church at 1-3 Epsom Road.

*Figure 19: Aerial image of 1-11 Epsom Road, Kensington (Google Maps)*



*Figure 20: Street view image of 1-11 Epsom Road, Kensington (Google Maps)*



120. The buildings at 5 and 7 Epsom Road were reviewed and assessed by Lovell Chen as part of the Amendment as they are graded D within an individual Heritage Overlay. Lovell Chen assessed 5 Epsom Road as Non-contributory and 7 Epsom Road as Contributory. Further, Lovell Chen recommended individual HO223 be deleted and the existing HO9 Kensington Precinct be extended to include all of 1-7 Epsom Road.
121. An historic mapping error associated with individual HO223 has also been corrected by the Amendment. Although the Schedule to Clause 43.01 (Heritage Overlay) identifies HO223 as 1-7 Epsom Road, 5 and 7 Epsom Road were excluded from the Heritage Overlay mapping. Because the properties within the scope of the Amendment as a consequence of the D grade buildings review, it is appropriate that the Amendment correct this historical mapping error.
122. The Amendment will not affect the existing permit on the site and the impact of the Amendment on future development outcomes on the site is not relevant to the task of establishing whether the categorisation of these properties has been undertaken in accordance with the Amendment C258 conversion methodology (in this case, a conventional heritage review), or whether the properties should be included within HO9.



123. No change is recommended to the Amendment in response to this submission.

#### **Submission 15: 1 Bendigo Street, North Melbourne**

124. The Amendment proposes to convert the heritage grading for 1 Bendigo Street, North Melbourne in *HO3 North & West Melbourne Precinct*. This building is currently listed in the Heritage Places Inventory Part B as a D graded building in a Level 3 streetscape. It is proposed to be listed in the proposed post-C396 Inventory as Contributory, with no streetscape category applied.

125. Submission 15 opposes the categorisation of the building as Contributory in accordance with the conversion of this D graded building within HO3 North & West Melbourne Precinct.

*Figure 21: Aerial image of 1 Bendigo Street, North Melbourne (Google Maps)*

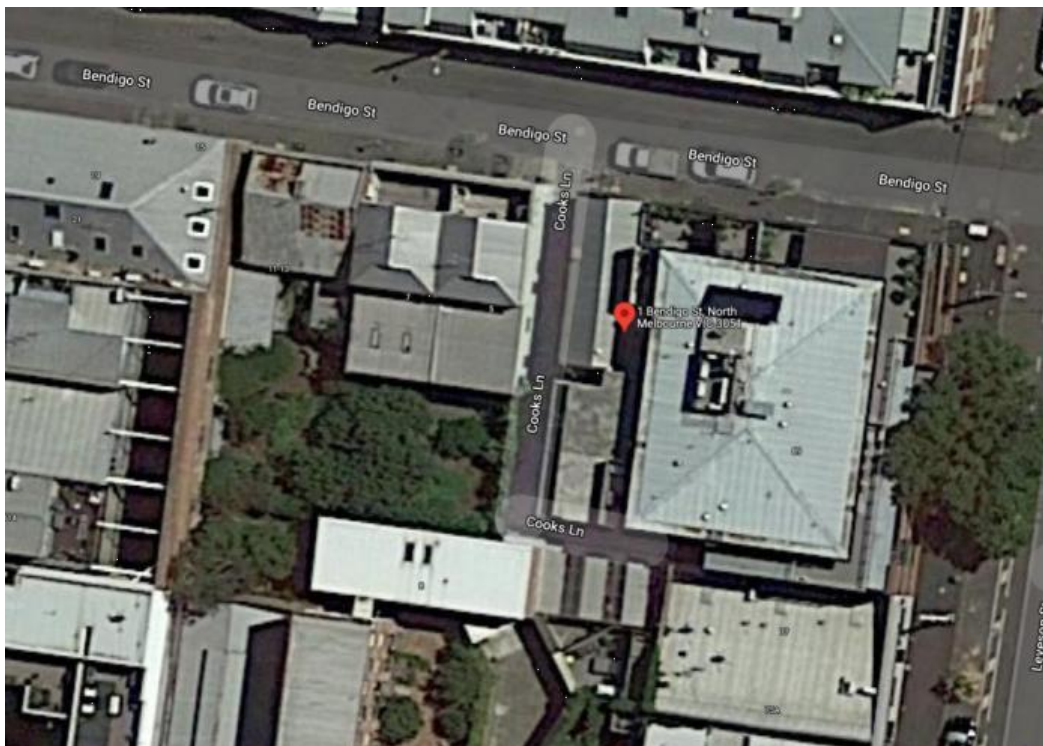


Figure 22: Street view of 1 Bendigo Street, North Melbourne (Google Maps)



126. The D grading of the property was the subject of a desktop analysis by Lovell Chen pursuant to the Amendment C258 conversion methodology. Lovell Chen have assessed the building as Contributory.

127. In her evidence, Ms Brady explains,

*The building is a two-storey, gabled-ended brick former workshop/industrial building, of utilitarian design and simple detailing, which is shown on the late nineteenth century MMBW plan. It is in one of North Melbourne's secondary or 'little' streets, including one which historically included other brick industrial or warehouse buildings. The HO3 precinct is known for its diverse historical commercial, manufacturing and small- and large-scale industrial operations; its numerous examples of adaptation of former manufacturing and industrial buildings to residential and other uses; and its network of smaller streets which accommodate historic warehouses and workshops.<sup>11</sup> The subject building is one such building, and contributory to the precinct.*

128. The statement of significance for HO3 records at pages 31 and 32,

*By the latter decades of the nineteenth century, the precinct was predominantly a working class area, accommodating workers and their families associated with many diverse commercial, manufacturing and small and large scale industrial operations. These were*

*located in, or adjoined the current precinct area. By way of example, a row of terraces at 461 to 483 Queensberry Street, owned by prominent local resident John Stedeford, was occupied in 1890 by carpenters, a waiter, labourer, slipper maker, cab proprietor, tinsmith, broom maker, banker and a boarding house operator. Of the twelve properties in Scotia Street in this period, seven were occupied by labourers, with a bootmaker, joiner, saddler and folder also listed in the municipal rate books. Likewise, residents of the south end of Chetwynd Street included a carrier, engine driver, traveller, barman, lithographer, boilermaker and a blacksmith.*

...

*The precinct is predominantly residential, albeit many streets combine residential and mixed use development where dwellings are seen with commercial, manufacturing and industrial buildings. The precinct varies in terms of its intactness, with streets incorporating both historic and infill development; visible changes and additions to historic buildings; and numerous examples of adaptation of former manufacturing and industrial buildings (such as factories and warehouses) to residential and other uses. In the north-west of the precinct, which has comparatively intact residential streets, there is less commercial, industrial or infill development. Although the principal residential streets in the centre of the precinct are wide, much of the development to these streets is fine grained and modest. There is also variety throughout the precinct in building and allotment sizes, and building heights, styles, materials and setbacks.*

129. Under 'What is Significant?' it refers to

- *Streets which display historic mixed uses including residential, commercial, manufacturing and industrial uses.*
- ...
- *Secondary or 'little' streets, including named lanes, with workers cottages, warehouses and workshops, occasional stables and small scale early twentieth century commercial and industrial development.*

130. In explaining why the precinct is significant, the statement of significance provides:

...

*The working class history of the precinct is particularly significant, demonstrated in the characteristically modest dwellings and historic mixed use development, including the proximity of houses to commercial, manufacturing and industrial buildings, historic corner shops and hotels, and churches and schools.*

...

*The lanes were also historically used to access small scale commercial and industrial operations, concentrated in the secondary streets of the precinct*

131. No change is recommended to the Amendment in response to this submission.

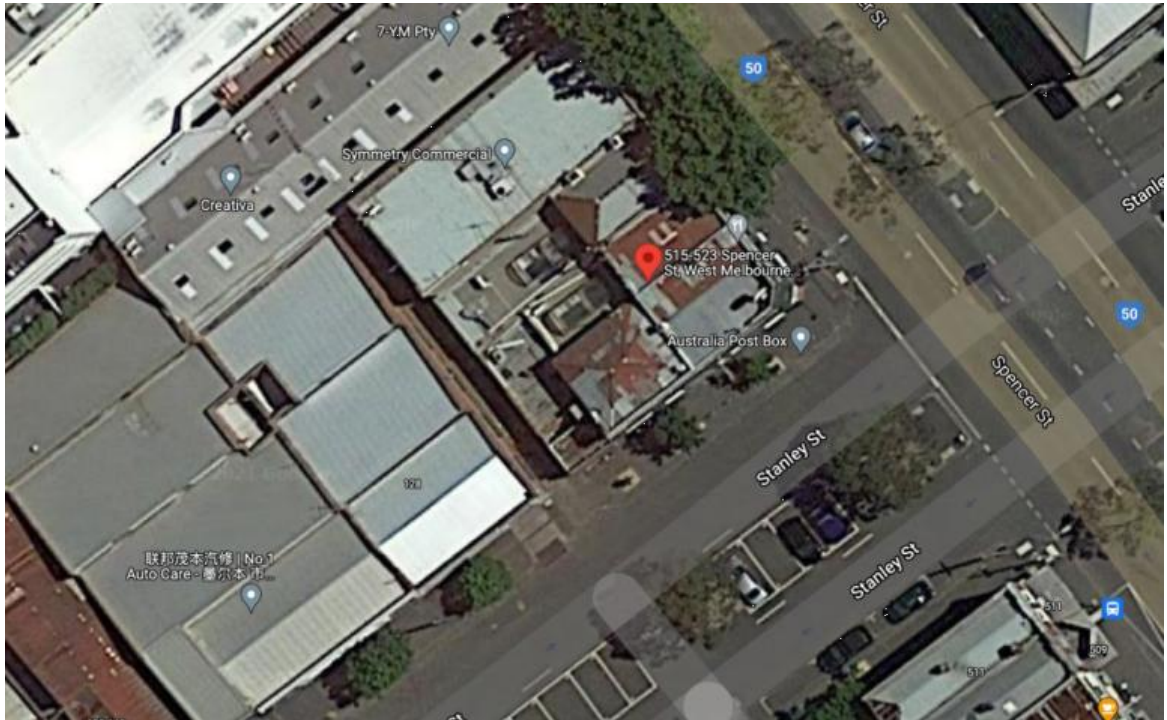
### **Submission 16: 515-523 Spencer Street, West Melbourne**

132. Amendment C396 does not affect 515-523 Spencer Street, West Melbourne.



133. Submission 16 opposes the categorisation of 515-523 Spencer Street, West Melbourne as Significant within the Inventory on the basis of its previous C grading and due to perceived impacts on the future development of the site.

*Figure 23: Aerial of 519 Spencer Street, West Melbourne (Google Maps)*



*Figure 24: Street view of 519 Spencer Street, West Melbourne (Google Maps)*



134. This site, referred to as 519 Spencer Street within the Inventory, was reclassified as Significant as part of Amendment C258. As the site is located within West Melbourne, it was not converted pursuant to the C258 conversion methodology, but was the subject of a conventional heritage assessment. Accordingly, the site is not subject to recategorisation as part of this Amendment and the submission is beyond the scope of the Amendment.

135. No change is recommended to the Amendment in response to this submission.

**Submission 17: 142-150 Drummond Street, 15-31 Pelham Street & 125-139 Rathdowne Street, Carlton**

136. Amendment C396 does not affect 142-150 Drummond Street, 15-31 Pelham Street & 125-139 Rathdowne Street, Carlton.

137. Submission 17 asserts these three properties have been incorrectly omitted from the Inventory. These same buildings are also identified in Submission 8. As explained above, this submission is beyond the scope of the Amendment. Refer to Appendix F to Council's Part A submission which identifies how these anomalies are proposed to be addressed.

138. No change is recommended to the Amendment in response to this submission.

**VII. PROPOSED CHANGES IN RESPONSE TO SUBMISSIONS**

139. As detailed within Council's Part A submission, Council does not recommend changes to the Amendment in response to submissions as the submissions did not identify errors with regard to the application of the C258 conversion methodology or raise additional matters that warrant change.

140. As foreshadowed in its resolution of 7 September 2021 and detailed within Council's Part A submission, Council does recommend the following changes be made to the Amendment:

- a) Update the *Amendment C396 Heritage Category Conversion Review*, March 2021 background document to include the comparative analysis undertaken by Lovell Chen and Anita Brady Heritage. Part of their assessment included a conventional heritage review of previously D graded buildings which were in individual Heritage

Overlays. Between May and July 2021, they documented a comparative analysis of the buildings which they had assessed as Significant to further substantiate their significance. The background document should now be updated to include this information.

- b) Update Planning Scheme Amendment Map 012 to exclude application of HO6 South Yarra Precinct from 52-54 Clowes Street and 313-315 Walsh Street, South Yarra, to correct a drafting error.

## **VIII.CONCLUSION**

141. As noted within the Part B submission for Amendment C258:

*The Council has committed to ensure that all heritage places within the City of Melbourne are identified and managed in a clear and consistent manner which accords with contemporary practice.*

142. This Amendment is the finalisation of the process commenced by Amendment C258 to ensure all heritage buildings within the municipality are categorised in accordance with best practice. The Amendment is underpinned by clear strategic support for heritage protection in the Scheme and Council respectfully requests the Panel recommend adoption of the Amendment.

**Susan Brennan**

**Carly Robertson**

Counsel for the Planning Authority

12 November 2021



# Grading of Buildings and Streetscapes

Within Conservation Study Areas in the City of Melbourne, each building of historic or architectural significance has been graded according to its importance. Streetscapes, that is complete collections of buildings along a street frontage, have also been graded for planning control purposes. The individual buildings are graded A to E, the streetscapes from Level 1 to Level 3, both in descending order of significance.

## 'A' BUILDINGS

'A' buildings are of national or state importance, irreplaceable parts of Australia's built form heritage. Many will be either already included on, or recommended for inclusion on, the Register of Historic Buildings, or the Register of the National Estate.

## 'B' BUILDINGS

'B' buildings are of regional or metropolitan significance, and stand as important milestones in the architectural development of the metropolis. Many will be either already included on, or recommended for inclusion on, the Register of the National Estate.

## 'C' BUILDINGS

'C' buildings make an architectural and historic contribution that is important within the local area. This includes well preserved examples of particular styles of construction, as well as some individually significant buildings that have been altered or defaced.

## 'D' BUILDINGS

'D' buildings are either reasonably intact representatives of particular periods or styles, or they have been substantially altered but stand in a row or street which retains much of its original character.

## 'E' BUILDINGS

'E' buildings have generally been substantially altered, and stand in relative isolation from other buildings of similar periods. Because of this they are not considered to make an essential contribution to the character of the area, although retention and restoration may still be beneficial.

## 'F' BUILDINGS

'F' buildings (not identified in some Conservation Areas) are an additional category relating to social rather than historic or architectural significance. They are valued by the local community either as familiar landmarks or for the use to which they are put, or have been associated with in the past.

## LEVEL 1 STREETSAPES

Level 1 streetscapes have a statewide significance, and define an important collection of buildings, generally from a similar period or representing a similar style. To restore and maintain an authentic appearance, there is comprehensive guidance for colours and materials, and restoration of missing parts of identified buildings may be required when new works are contemplated. Rear additions have to be concealed, and new development must be of a *respectful* design that relates closely to the building forms and styles of nearby significant buildings.

## LEVEL 2 STREETSAPES

Level 2 streetscapes have a regional or local significance because the character and scale of a particular period or style still predominates, even though there may be some gaps, and in some cases the buildings may have a relatively low significance individually. Restoration of missing parts of significant buildings is still required or encouraged when new works are undertaken, but there is only minimal control of colours and advertising. Rear additions may be partly visible, and new developments can *interpret* the building forms and styles of nearby significant buildings in a contemporary manner.

## LEVEL 3 STREETSAPES

Level 3 streetscapes do not exhibit such an important intactness of scale and character, and control is mainly limited to specifying maximum and minimum heights and set-backs for new development and rear additions. Significant individual buildings are still protected from demolition or defacement.

Additions and alterations to the *hidden rear parts of properties* are only subject to height and set-back controls, except where a particularly attractive or well preserved laneway has been identified as a Level 1 or Level 2 streetscape, or where the building itself is graded A or B. In these exceptional cases some design controls will apply.

## Appendix B: Timeline for review of D, E and F graded buildings

143. The following timeline identifies comments from panel reports and extracts from the planning scheme and the *Report on the City of Melbourne Planning Scheme Heritage Review*, 2000 related to the review of D, E and F graded buildings following the introduction of the new format planning scheme.

**Table 1: Extracts related to new format planning scheme review**

April 1998	<p>Comment in the <i>Melbourne New Format Planning Scheme: Report of the Panel and Advisory Committee</i>, April 1998 in relation to reviewing D and E buildings in individual Heritage Overlays. No reference to F graded buildings in report.</p> <p><i>Because of constraints on its time and the amount of work required to do the job properly, except where specific submissions have been made about individual places, the Panel has not recommended any change to the heritage places listed in the Schedule. However, it notes that a number of the conservation studies upon which previous heritage protection has been based are now quite old. Their rigour and accuracy should be reviewed as part of the Council's program for monitoring and review of its planning scheme. Adequate statements of significance should also be prepared for all heritage places. The appropriateness of including D and E graded buildings in the Schedule, where they are outside existing urban conservation areas (and therefore precincts that are included in the Heritage Overlay), should be reviewed also. (page 59).</i></p>
4 March 1999	<p>The first new format planning scheme (gazetted 4 March 1999) included the following sunset clause in Clause 22.05 (Heritage Places Outside the Capital City Zone):</p> <p><i>Heritage Places graded D, E and F as identified in the City of Melbourne Conservation Schedule do not apply after 29 February 2000.</i></p>
2000	<p>The <i>Report on the City of Melbourne Planning Scheme Heritage Review</i>, 2000 identified that:</p> <p><i>The aim of the project was to justify continued heritage protection, if appropriate, for D graded buildings outside Heritage Overlay precincts, and all E and F graded buildings. The geographical scope of this project was limited to areas within the City of Melbourne outside the Capital City Zone. The re-assessment of these buildings was a requirement of the sunset clause attached to the approved new format City of Melbourne Planning Scheme (1999) by the Minister for Planning.</i></p>
18 February 2000	<p>Amendment C15 was gazetted on 18 February 2000. It extended the expiry date for the sunset clause in Clause 22.05 from 29 February 2000 to 30 March 2001 and changed the wording to make reference to only E and F graded buildings:</p> <p><i>Heritage Places graded E and F as identified in the City of Melbourne Conservation Schedule do not apply after 30 March 2001.</i></p>
30 March 2001	<p>Amendment C43 was gazetted on 30 March 2001. It extended the expiry date for the sunset clause in Clause 22.05 from 30 March 2001 to 31 December 2001.</p>



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May  
2001

Amendment C19 Melbourne Planning Scheme Heritage Controls Report of a Panel, May 2001:

([https://stfpbsprodapp01.blob.core.windows.net/amendmentfiles/d3c59ba0-6d70-e811-a858-000d3ad1181d\\_1bc547e9-9ed3-4543-9501-1bfe00ce1f12\\_Melbourne%20C19%20Panel%20Report.pdf](https://stfpbsprodapp01.blob.core.windows.net/amendmentfiles/d3c59ba0-6d70-e811-a858-000d3ad1181d_1bc547e9-9ed3-4543-9501-1bfe00ce1f12_Melbourne%20C19%20Panel%20Report.pdf)):

*It is understood by the Panel that at the time of approval of the Melbourne New Format Planning Scheme in 1999, a number of matters were identified which required review, including a review of specific matters within the Heritage Overlay. One of the key purposes of the review was to introduce a new grading classification system and to re-appraise certain buildings currently graded as D, E and F. (page 5)*

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## Appendix C: E and F graded entries in the pre-C258 Inventory

Inventory section	Street	Number	Building Grading	Streetscape Grading	Comment
1. Carlton	Cochrane Place	6	E	2	In the inventory at the time of C19 Part 2
2. Carlton	Youngs Place	Rear 113 Drummond St	E	3	In the inventory at the time of C19 Part 2
3. Carlton	Swanston Street	CUB Complex (Victoria St Corner)	F	2	In the inventory at the time of C19 Part 2
4. Flemington & Kensington	Arden Street	Railway footbridge, picket fence & retaining wall (see Bellair Street)	E	3	In the inventory at the time of C19 Part 2
5. Flemington & Kensington	Epsom Road	40-42	E	3	Added through C134
6. Flemington & Kensington	Gordon Crescent	14	E	3	Added through C134
7. Flemington & Kensington	Gordon Crescent	18	E	3	Added through C134
8. Flemington & Kensington	McConnell Street	3	E	3	Added through C134
9. Flemington & Kensington	McConnell Street	9, 11, 13	E	3	Added through C134
10. Flemington & Kensington	McConnell Street	67	E	3	Added through C134
11. Flemington & Kensington	McConnell Street	97	E	2	Added through C134
12. Flemington & Kensington	McConnell Street	105-109	E	3	Added through C134
13. Flemington & Kensington	McCracken Street	61	E	3	Added through C134
14. Flemington & Kensington	McCracken Street	65	E	3	Added through C134
15. Flemington & Kensington	McCracken Street	58	E	3	Added through C134
16. Flemington & Kensington	McCracken Street	78	E	3	Added through C134
17. Flemington & Kensington	McCracken Street	80	E	3	Added through C134
18. Flemington & Kensington	McCracken Street	82	E	3	Added through C134
19. Flemington & Kensington	McCracken Street	84	E	3	Added through C134

Inventory section	Street	Number	Building Grading	Streetscape Grading	Comment
20. Flemington & Kensington	McMeikan Street	2	E	3	Added through C134
21. North & West Melbourne	Alfred Street	14-16	E	2	Added through C134
22. North & West Melbourne	Alfred Street	24	E	2	Added through C134
23. North & West Melbourne	Alfred Street	28	E	2	Added through C134
24. North & West Melbourne	Alfred Street	30	E	2	Added through C134
25. North & West Melbourne	Alfred Street	42-44	E	2	Added through C134
26. North & West Melbourne	Alfred Street	48	E	2	Added through C134
27. North & West Melbourne	Boundary Road	206-208	E	3	Added through C134
28. North & West Melbourne	Boundary Road	210	E	3	Added through C134
29. North & West Melbourne	Buncle Street	103	E	3	Added through C134
30. North & West Melbourne	Flemington Road	371-401	E	3	Added through C134
31. North & West Melbourne	Flemington Road	403	E	3	Added through C134
32. North & West Melbourne	Flemington Road	445	E	3	Added through C134
33. North & West Melbourne	Flemington Road	447	E	3	Added through C134
34. North & West Melbourne	Melrose Street	175-183	E	2	Added through C134
35. North & West Melbourne	Melrose Street	185-189	E	2	Added through C134
36. Parkville	Park Drive	140	E	1	Accidental regrading through C56?
37. South Yarra	Alexandra Gardens	Dorchester	E	-	In the inventory at the time of C19 Part 2
38. South Yarra	Alexandra Gardens	Melbourne Rowing Club Boat Shed	E	-	In the inventory at the time of C19 Part 2
39. South Yarra	Domain Road	31	F	1	In the inventory at the time of C19 Part 2
40. South Yarra	St Kilda Road	391	D, F	3	In the inventory at the time of C19 Part 2

## Appendix D: Summary table of properties referred to in submissions

Sub #	Address	Reason building was removed from Amendment C258	Existing Heritage Overlay (as currently mapped as applying to building)	Existing heritage grading / category	Proposed heritage category	Was the building directly converted, desktop reviewed or fully reviewed?
1.	General submission	<i>Not applicable or not provided in table because submission does not relate to specific addresses</i>				
2.	337-347 Elizabeth Street, Melbourne	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
3.	General submission in relation to East Melbourne	<i>Not applicable or not provided in table because submission does not relate to specific addresses</i>				
4.	112-118 Millswyn Street, South Yarra, includes:	<i>Refer to buildings within property listed below</i>				
	• Maples Store, Millswyn Street	Omitted or incorrectly converted	HO6 South Yarra Precinct	Building grading: D Streetscape grading: -	Building category: Contributory Streetscape category: -	Directly converted
	• Maples Shed, Millswyn Street	Omitted or incorrectly converted	HO6 South Yarra Precinct	Building grading: D Streetscape grading: -	Building category: Contributory Streetscape category: -	Directly converted
	• Maples Wall, Millswyn Street (also known as Rear, 44 St Martins Lane)	Omitted or incorrectly converted	HO6 South Yarra Precinct	Building grading: D Streetscape grading: -	Building category: Contributory Streetscape category: -	Directly converted

Sub #	Address	Reason building was removed from Amendment C258	Existing Heritage Overlay (as currently mapped as applying to building)	Existing heritage grading / category		Proposed heritage category		Was the building directly converted, desktop reviewed or fully reviewed?
	• Unit 4, rear 114, Millswyn Street	Omitted or incorrectly converted	HO6 South Yarra Precinct	Building grading: D	Streetscape grading: -	Building category: Contributory	Streetscape category: -	Directly converted
5.	99 Buncle Street, North Melbourne	Omitted or incorrectly converted	HO953 Racecourse Road/Alfred Street, North Melbourne	Building grading: E	Streetscape grading: 3	Building category: Contributory	Streetscape category: -	Desktop reviewed
6.	15 Bendigo Street, part of 110-114 Errol Street, North Melbourne	Omitted or incorrectly converted	HO3 North & West Melbourne Precinct	Building grading: B	Streetscape grading: 3	Building category: Significant	Streetscape category: -	Directly converted
	56 Chapman Street, part of 163-177 Flemington Road, North Melbourne	Omitted or incorrectly converted	HO3 North & West Melbourne Precinct	Building grading: B	Streetscape grading: 3	Building category: Significant	Streetscape category: -	Directly converted
	502-506 Victoria Street, North Melbourne, also known as 2-6 Errol Street	Omitted or incorrectly converted	HO3 North & West Melbourne Precinct	Building grading: D/C	Streetscape grading: 3/1	Building category: Significant	Streetscape category: Significant	Directly converted



Sub #	Address	Reason building was removed from Amendment C258	Existing Heritage Overlay (as currently mapped as applying to building)	Existing heritage grading / category		Proposed heritage category		Was the building directly converted, desktop reviewed or fully reviewed?
7.	384-388 Albert Street, East Melbourne	Omitted or incorrectly converted	HO154 Burlington Terrace, 15-27 Lansdowne Street & 384-400 Albert Street, East Melbourne (Burlington Terrace is on the Victoria Heritage Register, reference H0797)	Building grading:	A	Building category:	Significant	Directly converted
	394 Albert Street, East Melbourne	Omitted or incorrectly converted	HO154 Burlington Terrace, 15-27 Lansdowne Street & 384-400 Albert Street, East Melbourne (Burlington Terrace is on the Victoria Heritage Register, reference H0797)	Streetscape grading:	1	Streetscape category:	Significant	Directly converted

Sub #	Address	Reason building was removed from Amendment C258	Existing Heritage Overlay (as currently mapped as applying to building)	Existing heritage grading / category		Proposed heritage category		Was the building directly converted, desktop reviewed or fully reviewed?
	396 Albert Street, East Melbourne	Omitted or incorrectly converted	HO154 Burlington Terrace, 15-27 Lansdowne Street & 384-400 Albert Street, East Melbourne (Burlington Terrace is on the Victoria Heritage Register, reference H0797)	Building grading:	A	Building category:	Significant	Directly converted
				Streetscape grading:	1	Streetscape category:	Significant	
	398 Albert Street, East Melbourne	Omitted or incorrectly converted	HO154 Burlington Terrace, 15-27 Lansdowne Street & 384-400 Albert Street, East Melbourne (Burlington Terrace is on the Victoria Heritage Register, reference H0797)	Building grading:	A	Building category:	Significant	Directly converted
				Streetscape grading:	1	Streetscape category:	Significant	

Sub #	Address	Reason building was removed from Amendment C258	Existing Heritage Overlay (as currently mapped as applying to building)	Existing heritage grading / category	Proposed heritage category	Was the building directly converted, desktop reviewed or fully reviewed?
	400 Albert Street, East Melbourne	Omitted or incorrectly converted	HO154 Burlington Terrace, 15-27 Lansdowne Street & 384-400 Albert Street, East Melbourne (Burlington Terrace is on the Victoria Heritage Register, reference H0797)	Building grading: A Streetscape grading: 1	Building category: Significant Streetscape category: Significant	Directly converted
	402 Albert Street, East Melbourne	Omitted or incorrectly converted	HO120 402-406 Albert St, East Melbourne	Building grading: A Streetscape grading: 1	Building category: Significant Streetscape category: Significant	Directly converted
	404 Albert Street, East Melbourne	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	406 Albert Street, East Melbourne	Not removed from Amendment C258, part of Amendment C396 to correct mapping error	Not applicable (is included in Heritage Overlay description for HO120 402-406 Albert St, East Melbourne)	Building category: Significant Streetscape category: Significant	<i>Not applicable</i>	<i>Not applicable</i>
	408 Albert Street, East Melbourne	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
8.	17-21 Argyle Place South, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				

Sub #	Address	Reason building was removed from Amendment C258	Existing Heritage Overlay (as currently mapped as applying to building)	Existing heritage grading / category	Proposed heritage category	Was the building directly converted, desktop reviewed or fully reviewed?
	81-87 Barry Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	145-147 Bouverie Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	183-195 Bouverie Street, Carlton, includes:	<i>Refer to buildings within property listed below</i>				
	<ul style="list-style-type: none"> <li>193-195 Bouverie Street</li> </ul>	C in City North precinct	HO1121 Little Pelham Street Precinct 183-195 Bouverie Street, (Alternate addresses 168-180 Leicester Street & 150-170 Pelham Street, Carlton)	Building grading: C Streetscape grading: 2	Building category: Contributory Streetscape category: -	<b>Desktop</b> reviewed
	<ul style="list-style-type: none"> <li>174-180 Leicester Street</li> </ul>	C in City North precinct	HO1121 Little Pelham Street Precinct 183-195 Bouverie Street, (Alternate addresses 168-180 Leicester Street & 150-170 Pelham Street, Carlton)	Building grading: C Streetscape grading: 2	Building category: Contributory Streetscape category: -	<b>Desktop</b> reviewed
	71 Cardigan Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				

Sub #	Address	Reason building was removed from Amendment C258	Existing Heritage Overlay (as currently mapped as applying to building)	Existing heritage grading / category	Proposed heritage category	Was the building directly converted, desktop reviewed or fully reviewed?
	251-257 Cardigan Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	16-20 Drummond Place, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	142-150 Drummond Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	119-125 Leicester Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	15-31 Pelham Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	96-106 Pelham Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	148-150 Queensberry Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	125-139 Rathdowne Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	169-199 Rathdowne Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				
	625-629 Swanston Street, Carlton	<i>Not applicable or not provided in table because address is not part of Amendment C396</i>				







Sub #	Address	Reason building was removed from Amendment C258	Existing Heritage Overlay (as currently mapped as applying to building)	Existing heritage grading / category	Proposed heritage category	Was the building directly converted, desktop reviewed or fully reviewed?
	15-31 Pelham Street, Carlton	Not applicable or not provided in table because address is not part of Amendment C396				
	125-139 Rathdowne Street, Carlton	Not applicable or not provided in table because address is not part of Amendment C396				
18.	Submission withdrawn					

## Appendix E: Conservation Study Extracts

Extract from the *North and West Melbourne Conservation Study*, 1985:

### BUNCLE STREET

103 - E - 3

Extract from the *South Yarra Conservation Study*, 1985 (red annotation added):

### PUNT ROAD

Wesley - - 1	499 - E - 3	657 - E - 2
College (see St.	511 - B - 3	659 - C - 2
Kilda Road)	527 - C - 2	Hall (Christ
Freemasons Hall	533,535 - C - 2	Church Grammar)
- D - 3	539 - C - 2	- C - 1
Freemasons	543 - E - 2	783 - D - 3
Homes ** - A - 3	551 - D - 2	789 - C - 3
Alfred Hospital:	561 - C - 2	915 - D - 3
Nurses Home	579 - C - 2	919 - D - 3
- A - 1	South Yarra	923 - C - 3
Pavilion	Primary School	927 - D - 3
(blg.20) - C - 3	- C - 2	943 - D - 3
Annexe - C - 3	Presbyterian	947 - E - 3
Building 16	Church - B - 2	955 - C - 3
- C - 3	Presbyterian	Hoddle Bridge
Ward 22 - C -	Hall - B - 2	- C -
437 - C - 3	Presbyterian	
451 ** - A - 2	Manse ** - A - 2	
463 - E - 2	639 - C - 2	
469-497 - C - 3	647 - D - 2	
(exc. 485)	649 - C - 2	
485 - E - 3		

\*\* Application to be made for inclusion on the Historic Buildings Register.


Extract from the *East Melbourne and Jolimont Conservation Study*, 1985 (red annotation added):

### LANSDOWNE STREET

14 - C - 3	Tower to Seminary	15-27 Lansdowne
16 - D - 3	** - A - 3	Street ** - A - 3



Building Identification Form associated with the *North and West Melbourne Conservation Study*, 1985:

MELBOURNE CITY COUNCIL				NORTH & WEST MELBOURNE CONS. STUDY BUILDING IDENTIFICATION FORM		GRAEME BUTLER Architect, Arch. Historian, Urban Designer 1983, 1985 * (*see index page)	
BUILDING ADDRESS <i>103 Buncle St. (West side)</i>							
BUILDING TITLE					TYPE Original Use (if not Residence)		
EXISTING DESIGNATION		HBR No		AHC			
GRADING A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input checked="" type="checkbox"/> F <input type="checkbox"/> No							
STREETSCAPE 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/>					CONSERVATION AREA		
SURVEY DATE <i>18.1.85</i>							
NEG FILE <i>39/28-29</i>							
TITLE							
VOL <i>FOL</i>							
STYLE							
PERIOD <input type="checkbox"/> Edwardian <input checked="" type="checkbox"/> Early Victorian ? <input type="checkbox"/> Inter War <input type="checkbox"/> Victorian <input type="checkbox"/> Post War							
CONSTRUCTION DATE							
SOURCE <i>9</i>							
MATERIALS WHERE NOT APPARENT							
NOTABLE FEATURES/SIGNIFICANCE * FEATURE NOT HAVE BEEN ALTERED unpainted concrete refector <input type="checkbox"/> unpainted decorative brickwork <input type="checkbox"/> retains evidence of early colours or finishes <input type="checkbox"/> intact shop front <input type="checkbox"/> post supported shop veranda <input type="checkbox"/> elaborate/high standard detail of concrete rendered surfaces <input type="checkbox"/> fence <input type="checkbox"/> veranda decoration <input type="checkbox"/> veranda roof and structure <input checked="" type="checkbox"/>							
<i>— SITING, ASKED TO STREET &amp; IN A SMALL LANE,</i>							
INTEGRITY Good <input type="checkbox"/> Nos Fair <input checked="" type="checkbox"/> Nos Poor <input type="checkbox"/> Nos				CONDITION Good <input type="checkbox"/> Nos Fair <input checked="" type="checkbox"/> Nos Poor <input type="checkbox"/> Nos			
ALTERATIONS AND RECOMMENDATIONS							
NOS	SYMPATHETIC	RECS	INAPPROPRIATE	RECS	EXTREMELY INAPPROPRIATE	RECS	
	<i>PAINTED NEW</i>	<i>0</i>	<i>PAINTED BRICKS</i>	<i>—</i>	<i>RAM.</i>		
0 = REINSTATE ORIGINAL DESIGN, S = REINSTATE SYMPATHETIC ALTERNATIVE, R = REMOVE, RAM = REMOVE BY APPROVED METHOD							
OTHER COMMENTS							







Building Identification Forms associated with the *South Yarra Conservation Study*, 1985:

MELBOURNE CITY COUNCIL

## SOUTH YARRA CONSERVATION STUDY BUILDING IDENTIFICATION FORM

**BUILDING ADDRESS** 451 Punt Road

**BUILDING TITLE** Uniting Church **TYPE** Store  
Original Use (if not Residence) Church

**EXISTING DESIGNATION** HBR No **AHC** National Trust  
Recorded FN 2499

**GRADING** A ☒ B ☐ C ☐ D ☐ E ☐ F ☐  
No

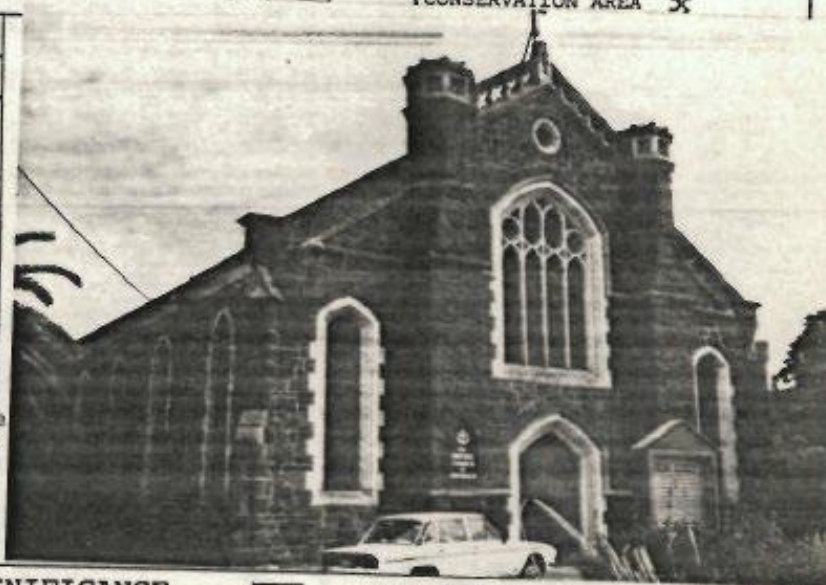
**STREETSCAPE** 1 ☐ 2 ☒ 3 ☐ **CONSERVATION AREA** ☒

**SURVEY DATE** 16.10.1984  
**NEG FILE** 15/12/19  
**TITLE**  
**VOL** FOL

**STYLE** Gothic Revival  
**PERIOD** ☐ Edwardian  
☐ Early Victorian ☐ Inter War  
☒ Victorian ☐ Post War

**CONSTRUCTION DATE**  
c.1864  
**SOURCE** The Wesleyan Chronicle  
1865

**MATERIALS**  
WHERE NOT APPARENT



**NOTABLE FEATURES/SIGNIFICANCE**

\* FEATURES NOT HAVE BEEN ALTERED

☐ Original design ☐ Unaltered decorative background ☐ Original evidence of early materials or finishes ☐ Intact shop front ☐ Good shop front ☐ Unaltered (not and alterations) ☐ Unaltered (not and alterations) ☐ Unaltered (not and alterations) ☐ Unaltered (not and alterations)

A bluestone building with cream brick and render dressings executed to the design of Crouch and Wilson in the Gothic Revival style. It is a simple building of single volume without definition of nave and side aisles shown on the Presbyterian Church 1866 and Christ Church (C of E) to the north in Punt Road. The style is rudimentary

**INTEGRITY** Good ☒ Nos ☐  
Fair ☐ Nos ☐  
Poor ☐ Nos ☐

**CONDITION** Good ☐ Nos (cont'd over)  
Fair ☒ Nos ☐  
Poor ☐ Nos ☐

**ALTERATIONS AND RECOMMENDATIONS**

NOS	SYMPATHETIC	RECS	INAPPROPRIATE	RECS	EXTREMELY INAPPROPRIATE	RECS
			. fence	S		
			. internal furniture removed	NIL		
			. spires removed	O		

O = REINSTATE ORIGINAL DESIGN; S = REINSTATE SYMPATHETIC ALTERNATIVE; R = REMOVE; EAX = REMOVE BY APPROVED METHOD

**OTHER COMMENTS** Notable organ



OTHER COMMENTS



Building Identification Form associated with the *East Melbourne and Jolimont Conservation Study*, 1985:

785

Number 12  
NOT 16

BUILDING ADDRESS ~~16~~ LANSDOWNE ST.  
BUILDING TITLE  
LOCAL GOVERNMENT AREA CITY OF MELBOURNE

DESIGNATION H.B.C. ☐ NATIONAL TRUST ☐ NATIONAL ESTATE ☐  
GRADING A ☐ B ☐ C ☐ D ☒ E ☐

SURVEY DATE  
10.08.83.



TITLE  
VOL FOL

NEG FILE  
83.12

BUILDING TYPE SINGLE STOREY TERRACED DWELLING.

ARCHITECT

BUILDER

ARTISANS/TRADES

TENDERS

DATE OF CONSTRUCTION C1875

ESTIMATE/CONTRACT VALUE

ALTERATIONS/ADDITIONS ENTIRE RE RENDERED. ALL JOINERY ALTERED.  
FRONT FENCE ALTERED CAST IRON REMOVED.

CONDITION/INTEGRITY

IN GOOD CONDITION, SUBSTANTIALLY ALTERED.

OWNERSHIP

ORIGINAL

PRESENT

ADDRESS OF OWNER

BUILDING CITATION THIS IS A SIMPLE SINGLE STOREY TERRACED DWELLING WITH CAST IRON VERANDAH. ALTHOUGH ALTERED AT THE FRONT THE SIDEWALL REVEALS A BLUESTONE BASE WITH SIX PANE SASH WINDOWS INDICATING AN EARLY DATE OF CONSTRUCTION.

RECOMMENDATIONS IT IS RECOMMENDED THAT THE VERANDAH CAST IRON AND SYMPATHETIC GARDEN BE REINSTATED.

## Appendix F: Aerial Images of 431-439 Punt Road, South Yarra

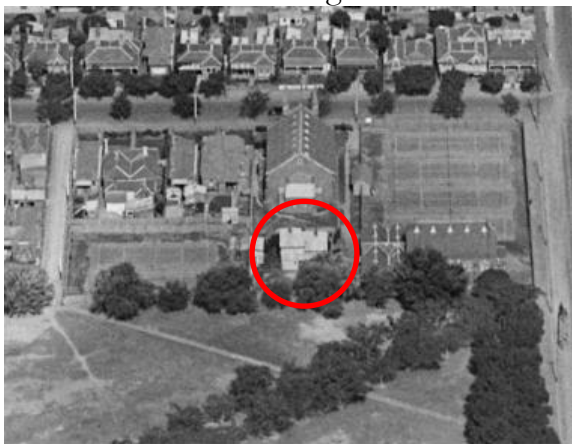
Aerial images that confirm that the timber ashlar-block house to the rear of the church at 431-439 Punt Road, South Yarra has been demolished:

4 April 2021 aerial image:



Source: Aerometrex / CoMPASS

ca. 1925-1940 aerial image:



Source: State Library of Victoria,  
Accession no: H91.160/1587

[http://search.slv.vic.gov.au/permalink/f/1cl35st/SLV\\_VOYAGER1653901](http://search.slv.vic.gov.au/permalink/f/1cl35st/SLV_VOYAGER1653901)

ca 1960-1970 aerial image:



Source: State Library of Victoria, Accession  
no: H2014.1008/7

<http://handle.slv.vic.gov.au/10381/289842>