

Planning and Environment Act 1987

Panel Report

**Melbourne Planning Scheme Amendment C271
Guildford and Hardware Lanes Heritage Study**

6 September 2018

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Panel Report pursuant to section 25 of the Act

Melbourne Planning Scheme Amendment C271

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A blue ink signature of Michael Ballock, written in a cursive style.

Michael Ballock, Chair

A blue ink signature of Ann Keddie, written in a cursive style.

Ann Keddie, Member

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List of Abbreviations

HO	Heritage Overlay
the Inventory	the Guildford and Hardware Lanes Heritage Study May 2017: Heritage Inventory
the Methodology Report	Guildford and Hardware Lanes Heritage Study Methodology Report May 2017
MSS	Municipal Strategic Statement
SPPF	State Planning Policy Framework
the Statements of Significance	Guildford and Hardware Lanes Heritage Study May 2017: Statements of Significance
the Study	Guildford and Hardware Lanes Heritage Study May 2017
VPP	Victoria Planning Provisions

Overview

Amendment summary

The Amendment	Melbourne Planning Scheme Amendment C271
Common name	Guildford and Hardware Lanes Heritage Study
Brief description	The Amendment implements the findings of the Guildford and Hardware Lanes Heritage Study May 2017 by proposing to create new heritage precincts and individual places, amend the building grading and Statement of Significance for some existing Heritage Places and make two map corrections
Subject land	The area bounded by La Trobe Street, Elizabeth Street, Little Collins Street and Queen Street, Melbourne
The Proponent	City of Melbourne
Planning Authority	City of Melbourne
Authorisation	By letter dated 8 August 2017
Exhibition	12 October to 23 November 2017
Submissions	Number of Submissions: 113 Opposed: 13 Refer to Appendix A

Panel process

The Panel	Michael Ballock (Chair), Ann Keddie
Directions Hearing	Planning Panels Victoria 12 June 2018
Panel Hearing	Planning Panels Victoria Location, 25-27 July 2018
Site inspections	Unaccompanied, 6 July and 9 August 2018
Appearances	Refer to Appendix B
Citation	Melbourne PSA C271[2018] PPV
Date of this Report	6 September 2018

Executive summary

(i) Summary

Melbourne Planning Scheme Amendment C271 (the Amendment) seeks to implement the recommendations of the Guildford and Hardware Lanes Heritage Study 2017 (the Study). The Study was undertaken to assess the heritage value of all buildings and places in the study area and builds on previous studies undertaken by Council.

The Study is an outcome of a strategic review Council undertook of its heritage program which culminated in the released its Heritage Strategy in 2013. The Heritage Strategy is a 15-year framework to ensure the continued protection and enhancement of all elements of Melbourne's heritage and contains some 38 actions, one of which was to undertake a heritage review of the Guildford and Hardware Lanes precincts.

Key issues raised in submissions were:

- does the Study provide an appropriate basis for applying the Heritage Overlay?
- are the gradings applied to individual building buildings justified?
- what impact will the Heritage Overlay have on the future development of the site?

The Panel has considered a great deal of information provided to it including the *Guildford and Hardware Lanes Heritage Study 2017: Statements of Significance* (Statements of Significance), the *Guildford and Hardware Lanes Heritage Study 2017: Heritage Inventory* (Inventory) as well as the Study. In addition the evidence of a number of experts dealing with specific buildings has been provided to the Panel.

The Panel concludes:

- the Guildford and Hardware Lanes Study is a suitable basis for the application of the Heritage Overlay to the individual buildings and precincts identified in the study area
- Guildford and Hardware Lanes Heritage Study 2017: Statements of Significance are consistent with PPN01 Applying the Heritage Overlay
- with the exception of two properties, the gradings applied to individual buildings are appropriate
- some corrections are required to be made to the exhibited documents.

(ii) Recommendations

Based on the reasons set out in this report, the Panel recommends that Melbourne Planning Scheme Amendment C271 be adopted as exhibited subject to the following:

1. **During the finalisation of the Amendment, the provisions and schedules of the Amendment be reviewed to ensure they are consistent with the changes to the planning scheme introduced by Amendment VC148.**
2. **Amend the Guildford and Hardware Lanes Heritage Study 2017: Statements of Significance, the Guildford and Hardware Lanes Heritage Study 2017: Heritage Inventory and Guildford and Hardware Lanes Heritage Study May 2017, as appropriate, to reflect the following changes:**

- a) **remove from HO1205 the building at 392-406 Bourke Street but retain the HO1205 over Warburton Lane**
- b) **amend the grading of the building at 372-378 Little Bourke Street from contributory to non-contributory**
- c) **correct the description of the property at 301 Elizabeth Street and identify the bluestone wall as the rear wall of 303 Elizabeth Street**
- d) **amend the map of HO1213 Guildford and Hardware Lanes to match the exhibited map**
- e) **amend the grading of the building at 341-345 Elizabeth Street from significant to contributory**
- f) **correct the date shown on the Statement of Significance for 287-289 Elizabeth Street from 1984 to 1894.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment proposes to implement the findings of the Study by:

- creating new Heritage Places (precincts and individual places)
- amending the building grading and Statement of Significance for some existing Heritage Places
- making two corrections to the mapping of existing Heritage Places in the Heritage Overlay.

In addition, the Amendment proposes to:

- alter the policy at Clause 22.04 (Heritage Places within the Capital City Zone Policy) so that the Study is considered when making decisions relating to any of the places and precincts which are the subject of this Amendment
- amend the Schedule to Clause 43.01 (Heritage Overlay) to include new two Heritage Overlay Precincts, seven new individual Heritage Overlays, extend the boundary of two existing Heritage Overlays, fix a mapping error so that the correct site is mapped and change the description of some existing places
- insert two new incorporated documents titled, *“Guildford and Hardware Lanes Heritage Study 2017: Statements of Significance”* and *“Guildford and Hardware Lanes Heritage Study 2017: Heritage Inventory”*, into the Schedule to Clause 81.01 (Incorporated Documents), so that the individual building classification of significant, contributory or non-contributory and the Statements of Significance are considered when making decisions relating to any of the places which are the subject of the Amendment
- amend Planning Scheme Maps 8HO1 and 8HO2 to reflect the changes described above.

(ii) Purpose of the Amendment

The Study was undertaken to assess the heritage value of all buildings and places in the study area. The work builds on a previous City of Melbourne heritage study, the Heritage Precincts Project by Meredith Gould, which identified all of Guildford and Hardware Lanes as warranting heritage protection. The Meredith Gould study was not adopted by Council.

The Study assessed the heritage significance of all buildings and places in the precinct including currently protected properties and identified two new heritage precincts and eight new individual heritage overlays for protection in the planning scheme.

The Amendment seeks to implement the recommendations of the Study by proposing heritage protection for the identified places. The inclusion of these places and precincts into the Heritage Overlay and the incorporation of the gradings and Statements of Significance into the planning scheme is required to recognise and protect the identified places.

(iii) The subject site

The Amendment applies to land shown in Figure 1 which includes the area bounded by La Trobe Street, Elizabeth Street, Little Collins Street and Queen Street, Melbourne.



Figure 1 The area affected by the Amendment

1.2 Panel process

Melbourne Planning Scheme Amendment C271 was prepared by the Melbourne City Council (Council) as Planning Authority and proponent. As exhibited, the Amendment proposes to add eight new individual heritage places and two new precincts (the proposed Guildford and Hardware Lanes Precinct and the Elizabeth Street West Precinct), as well as altering heritage gradings and changing the description of places in the Heritage Overlay.

The Amendment was authorised by the Department of Environment, Land, Water and Planning on 8 August 2017 and placed on public exhibition between 12 October and 23 November 2017, with 13 opposing submissions received.

At its meeting of 15 May 2018, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 22 May 2018 and comprised Michael Ballock (Chair) and Ann Keddie.

A Directions Hearing was held in relation to the Amendment on 12 June 2018. Following the Directions Hearing, the Panel undertook an inspection of the subject site and its surrounds.

The Panel met in the offices of Planning Panels Victoria on 25 to 27 July 2018 to hear submissions about the Amendment. Those in attendance at the Panel Hearing are listed in Appendix B.

1.3 Background to the proposal

Council informed the Panel that it has been engaged in forward looking heritage planning since the 1980s. More than 30 studies have been undertaken to document the municipality's heritage since the first heritage controls were introduced into planning schemes in Victoria. There are now more than 7,000 properties protected under the Heritage Overlay in the Melbourne Planning Scheme.

By the mid-1980s, Council had comprehensively assessed heritage across residential areas and the central city. Urban Conservation Studies were prepared and progressively translated into planning controls in the Melbourne Metropolitan Planning Scheme, including for the central city.

Council has progressively reviewed heritage protection for places in the Hoddle Grid through studies in 1985, 1993 and 2002. The *Central City (Hoddle Grid) Heritage Review* was undertaken in 2011 to build on these reviews and resulted in further heritage protection for 87 places through Amendment C186 in 2013.

Council undertook a strategic review of its heritage program and released its Heritage Strategy in 2013. The Heritage Strategy is a 15-year framework to ensure the continued protection and enhancement of all elements of Melbourne's heritage. The Heritage Strategy 2013, contains 38 actions, including a first priority action described as being to:

Progressively undertake a review of heritage in the high-growth and urban renewals and in the mixed use areas in the city

The Heritage Strategy 2013 resulted in a program of heritage reviews which is being undertaken by the Council and includes:

- Heritage reviews have recently been completed and translated into planning controls for:
 - Arden Macaulay (2012)
 - Kensington (2013)
 - City North (2013)
- Heritage reviews have recently been completed and are the subject of current planning scheme amendments for:
 - West Melbourne (2016)
 - Southbank (2017)
 - Guildford and Hardware Lanes (2017)
- Heritage reviews are currently under way or planned for:
 - Fishermans Bend
 - Hoddle Grid
 - North Melbourne
 - Carlton.

1.4 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

- does the Study provide an appropriate basis for applying the Heritage Overlay?
- are the gradings applied to individual building buildings justified?
- what impact will the Heritage Overlay have on the future development of the site?

The Panel considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing.

The Panel made two separate inspections of the proposed heritage area, and observed the buildings proposed for inclusion under the Overlay. It has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning context
- The Guildford and Hardware Lanes Heritage Study
- Individual sites.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

The Amendment was based on the planning scheme as it was at that time. The Panel notes that Amendment VC148 was gazetted on 31 July 2018 and has generated substantial change to the structure and content of policy in the scheme. This assessment was undertaken using the planning scheme as it was before Amendment VC148.

2.1 Policy framework

(i) State Planning Policy Framework

Council submitted that the Amendment is supported by Clause 15.03 (Heritage) and the relevant strategies are to:

- identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme
- provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity
- provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific or social significance or otherwise of special cultural value
- encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations
- retain those elements that contribute to the importance of the heritage place
- encourage the conservation and restoration of contributory elements
- ensure an appropriate setting and context for heritage places is maintained or enhanced
- support adaptive reuse of heritage buildings whose use has become redundant.

Council concluded that, by including the identified places in the Heritage Overlay, the Amendment will be fulfilling the State objective of identifying, conserving and protecting places of assessed significance.

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

- Clause 21.06 – Built Environment and Heritage
The Amendment will contribute to achieving the objectives and strategies identified for the heritage of Melbourne to “conserve and enhance places and precincts of identified cultural heritage significance” (Clause 21.06-2) by identifying and conserving places of heritage significance
- Clause 22.04 – Heritage Places within the Capital City Zone Policy

The Amendment supports the objectives of Clause 22.04 by conserving, promoting and protecting additional places of heritage value within the Capital City Zone in both its current form and as proposed by Amendment C258.

(iii) Other planning strategies or policies used in formulating the Amendment

Plan Melbourne

Outcome 4 of Plan Melbourne strives for Melbourne to be “*a distinctive and livable city with quality design and amenity*”. Plan Melbourne recognises that “*heritage will continue to be one of our greatest strengths*” and sets a Direction to “*Respect Melbourne’s heritage as we build for the future*”. The policies detailing how this Direction will be turned into action include to:

*Recognise the value of heritage when managing growth and change; and
Stimulate economic growth through heritage conservation.*

The Panel accepts the Council’s analysis and acknowledges that the policy context supports the Amendment.

2.2 Planning scheme provisions

(i) Overlays

The Amendment makes proper use of the Victoria Planning Provisions. The Schedule to the Heritage Overlay is the proper Victorian Planning Provision tool for the introduction of heritage controls over a place identified to be of heritage significance.

The Amendment addresses the requirements of the *Planning Practice Note 01 Applying the Heritage Overlay, September 2012*. This Practice Note states that places identified in local heritage studies should be included in the Heritage Overlay if the significance of the place can be established.

The identification of heritage places using established criteria and documentation methods is an important consideration in proposing the inclusion of heritage places in the Schedule to the Heritage Overlay.

The Schedule to Clause 81.01 is also the proper Victorian Planning Provision to use to incorporate documents into the planning scheme.

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction No 11 - Strategic Assessment of Amendments

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

The Form and Content of Planning Schemes (s7(5))

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

Ministerial Direction No.9-Metropolitan Strategy

The Amendment complies with Ministerial Direction No.9-Metropolitan Strategy and specifically supports Direction No.4, Policy 4.4 - “Respect Melbourne’s heritage as we build for the future”.

(ii) Planning Practice Notes

PPN01 – Applying the Heritage Overlay

The Amendment addresses the requirements of the Planning Practice Note 01 *Applying the Heritage Overlay, September 2012*. This Practice Note states that places identified in local heritage studies should be included in the Heritage Overlay if the significance of the place can be established.

The identification of heritage places using established criteria and documentation methods is an important consideration in proposing the inclusion of heritage places in the Schedule to the Heritage Overlay

2.4 Discussion and conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions, discussed in the following chapters.

Amendment VC148 was introduced into the Victoria Planning Provisions and all planning schemes on 31 July 2018. It replaces the State Planning Policy Framework with an integrated Planning Policy Framework, changes clause numbers throughout the planning scheme and makes other changes from the Smart Planning program. The assessment for this report was completed before Amendment VC148 was introduced. Any planning scheme clause numbers referred to in this report reflect clauses which existed before Amendment VC148 was introduced.

Council should review the Amendment against the new planning provisions before progressing it further.

2.5 Recommendation

- 1. During the finalisation of the Amendment, the provisions and schedules of the Amendment be reviewed to ensure they are consistent with the changes to the planning scheme introduced by Amendment VC148.**

3 The Guildford and Hardware Lanes Heritage Study

3.1 The issue

The issue is, whether the Study provides an appropriate basis for applying the heritage area.

3.2 Evidence and submissions

Council submitted that the significance of the city's laneways is identified in the Municipal Strategic Statement and specifically at Clause 21.02-1 which states:

The City's laneways and arcades are one of the most iconic elements of the City's character, its social and cultural life and local economy.

It submitted that the planning scheme includes clear policies relating to the network of laneways as a *valued part of the city's urban form* providing an insight to the evolution of its built form. Council explained that the Amendment:

... builds on work done by Meredith Gould and others and the significant amount of work being done by the City of Melbourne in various heritage projects. The Amendment seeks to protect a number of laneways and other buildings, including those fronting Elizabeth Street and other major city streets where they can be demonstrated to have heritage significance and value.

Council added that given the number of properties affected and the location in the central city, there had been little opposition to the Amendment. The overwhelming number of submissions received supported the Amendment.

Ms Anita Brady, in giving evidence, informed the Panel that the Study followed a standard methodology as outlined in the *Guildford and Hardware Lanes Heritage Study Methodology Report May 2017* (Methodology Report). Ms Brady explained that the tasks included:

- *A review of existing documentation relating to the study area and places within it, including previous heritage studies/reports and other relevant information.*
- *Fieldwork, including a survey of the entire study area and inspection of each property from the street and side or rear laneways; this also included a survey of spaces (and not just buildings) within the study area.*
- *Historical research into the study area as a whole, plus the streets and lanes of the area, and individual properties as required; this included collation of historical information, maps, plans and photographs.*
- *An assessment of significance, including comparative analysis, reference to the heritage assessment criteria as included in the (then) VPP Practice Note Applying the Heritage Overlay (July 2015), identification of relative levels of significance, and preparation of Statements of Significance in the 'what', 'how' and 'why' format.*
- *Preparation of documentation (heritage citations) for the two identified precincts together with schedules of properties included in the precincts; for*

properties recommended for new individual Heritage Overlay controls; and for select properties with existing individual Heritage Overlay controls.

Ms Brady said that the citations and property schedules identifying the heritage significance or value for each property used the following gradings:

- significant
- contributory
- non-contributory.

The definitions of these gradings were from a separate work undertaken by Lovell Chen in 2015 and 2016. This work was documented in the *Methodology Report for the City of Melbourne Heritage Review: Local Heritage Policies and Precinct Statements of Significance (September 2015)*, and provide the following definitions:

A significant heritage place:

A 'significant' heritage place is individually important at State or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A 'significant' heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a 'significant' heritage place can make an important contribution to the precinct.

A contributory heritage place:

A 'contributory' heritage place is important for its contribution to a precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the precinct. A 'contributory' heritage place may be valued by the community; a representative example of a place type, period or style; and/or combines with other visually or stylistically related places to demonstrate the historic development of a precinct. 'contributory' places are typically externally intact but may have visible changes which do not detract from the contribution to the precinct.

A non-contributory heritage place:

A 'non-contributory' place does not make a contribution to the heritage significance or historic character of the precinct.

Ms Brady's evidence was that the Study identified two new heritage precincts and seven new properties of individual significance outside the precinct boundaries. She concluded that these precincts and individual places should be included in the Schedule to the Heritage Overlay.

The recommended precincts are:

- Guildford and Hardware Lanes Precinct
- Elizabeth Street West Precinct.

The recommended new properties of individual heritage significance are:

- 388-390 Bourke Street

- 414-416 Bourke Street
- 337-339 La Trobe Street
- 358-360 Little Collins Street
- 362-364 Little Collins Street
- 369-371 (rear) Lonsdale Street
- 128-146 Queen Street.

In addition, revised and updated property citations were prepared for the following places with existing individual Heritage Overlay controls:

- HO546 - 421 Bourke Street
- HO618 - 245-269 Elizabeth Street
- HO665 - 55-57 Hardware Lane
- HO667 - 63-77 Hardware Lane
- HO716 - 377-381 Lonsdale Street
- HO724 - 15-19 McKillop Street
- HO725 - 18-22 McKillop Street.

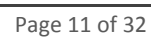
The precincts and new properties proposed for the Heritage Overlay as well as the buildings already in the Overlay to be updated are shown in Figure 2.

Ms Brady explained that, while the Study followed a generally standard methodology, the Guildford and Hardware Lanes Precinct has historical and built form characteristics which differentiate and distinguish it from many other heritage precincts, including commercial, manufacturing and residential precincts. These distinguishing characteristics include the density of the laneways which reflects their historical proliferation and the evolving subdivision of the original large Hoddle Grid city blocks; the land use patterns which have resulted in some laneways having building frontages while others are bounded by the sides or rears of buildings; and the narrow laneway proportions which are often 'canyon' like and formed and characterised by the high bordering building walls with no setbacks.

This distinguishing pattern of development has accordingly resulted in the sides and rears of some buildings being identified as contributory to the historic character and significance of the precinct. This can occur in conjunction with the front or façade of the building being significant or contributory; or it can occur where the front or façade of the building has been changed or replaced and has lost its heritage character and value.

Mr Barrett's evidence was:

The 'Guildford and Hardware Lanes Heritage Study Methodology Report' (May 2017) has revealed a relatively rich and diverse history in this part of central Melbourne, with some of this history expressed to varying degrees in its pre-World War II building stock. Efforts by the City of Melbourne to put in place controls to conserve and enhance this portion of Elizabeth Street, and its neighbouring laneways to the west, are to be encouraged.



3.3 Discussion

The Panel notes that none of the submissions to the Amendment challenged the methodology or process of the Study. As detailed in section 4, submissions opposing the Amendment were focused on individual buildings and whether either inclusion in the Heritage Overlay or the grading that had been applied is appropriate.

The Panel accepts the submission by Council that the City of Melbourne has a long history of documenting and seeking to protect the municipality's heritage. It agrees with the argument that the laneways have historical and built form characteristics that differentiate and distinguish them from many other heritage precincts, which is clearly borne out by the work and research undertaken as part the Study.

The Panel accepts Ms Brady's evidence that the Study adopted a standard methodology and the process detailed in the methodology is thorough, comprehensive and robust. The Statements of Significance are consistent with PPN01 in assessing the criteria in the 'Why is it significant?' section of the Statements.

The Panel accepts that Council has identified and made some corrections to both the Statements of Significance and Inventory as the result of further information that has come to light through the Amendment process. In the Panel's view, these corrections have strengthened and not diminished the work.

3.4 Conclusions

The Panel concludes:

- The Guildford and Hardware Lanes Study is a suitable basis for the application of the Heritage Overlay to the individual buildings and precincts identified in the study area.

4 Individual sites

4.1 The issue

The issue for each of the properties listed in this section, is whether the proposed grading of the buildings is appropriate.

4.2 392-406 Bourke Street

(i) Background

The Amendment proposes that the west wall of the existing carpark, where it abuts Warburton Lane, should be designated as contributory to the Guildford and Hardware Lanes Precinct.

(ii) Evidence and submissions

Ausvest Holdings Pty Ltd (Ausvest), the owner of 392-406 Bourke Street, objected to the designation of the building as contributory in the Guildford and Hardware Lanes Precinct.

The site is nominated as contributory where its wall abuts Warburton Lane. Ms Brady's written evidence was that this component, potentially dating from the mid-1920s to the late interwar period, contributes to the precinct as part of the historic character of a laneway characterised by a collection of Victorian and interwar buildings.

Ausvest disputed this description. The written evidence of Mr Raworth, based on aerial photographs, MMBW and Mahlstedt plans, was that there was no substantive development on the site between 1925 and 1948 and that the steel framed reinforced concrete multistorey carpark currently occupying the site was built after 1958. He stated there is no evidence that the wall to Warburton Lane was a retained frontage of earlier buildings on the site. In addition, the brick and concrete elevation to Warburton Lane displays construction commensurate with a 1958 building and was not a remnant from an earlier period. His opinion was that the contributory grading is unwarranted, that the building should be entirely ungraded and excluded from the proposed Guildford and Hardware Lanes Precinct HO1205.

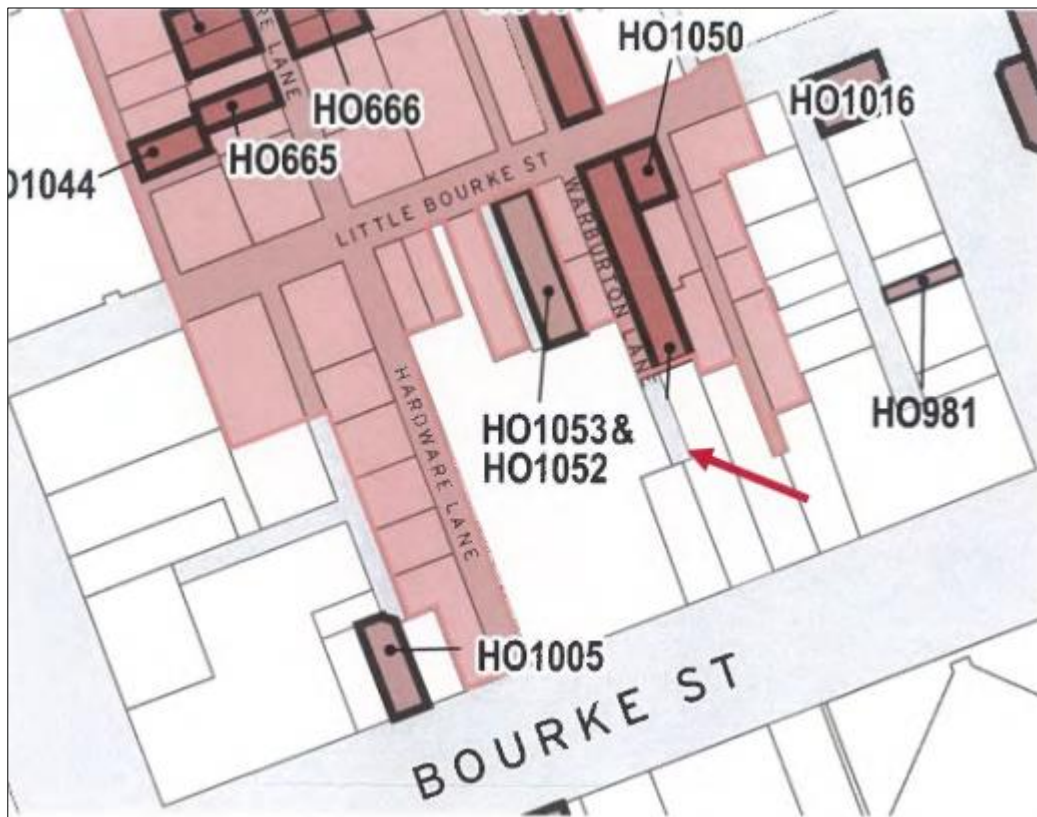
At the Hearing, Council informed the Panel that it accepted Mr Raworth's evidence. In her oral evidence, Ms Brady stated that, on the basis of the research produced by Mr Raworth, she has changed her opinion and agreed that a designation as non-contributory was appropriate. She recommended that the extent of the precinct in Warburton Lane should be reduced to align with the southern wall of HO1052, in order to be consistent with the approach taken in other laneways as shown in Figure 3.

Council recommended the following changes be made to the Amendment:

- *change to the planning scheme maps prepared by DELWP (Figure 3)*
- *remove listing from the Inventory (incorporated document)*
- *removed reference to this property and mapping from the Guildford and Hardware Lanes Statement of Significance (Incorporated document)*

- *remove reference to the place from the Lovell Chen study (Reference document).*

Figure 3 Council recommended changes to HO1052



(iii) Discussion

Mr Raworth's evidence aligned with the Panel's observations made on its site inspections. The evidence suggested that 392-406 Bourke Street is not contributory to the proposed precinct HO1205. It should be designated non-contributory to the precinct.

However, the Panel it is not persuaded that the southernmost portion of Warburton Lane should be excluded from the precinct, given that it shares the identified characteristics of edge condition and materiality with the rest of the laneway. The Panel notes that the inclusion of the whole of the laneway aligns with that proposed for Guildford Lane and the adjacent Rankins Lane.

(iv) Conclusions

The Panel concludes:

- 392-406 Bourke Street should be designated as non-contributory to the precinct and the Amendment documents altered accordingly
- The HO1205 should be removed from the building but not from Warburton Lane.

4.3 283-285 Elizabeth Street

(i) Background

The exhibited Amendment ascribes contributory status to 283-285 Elizabeth Street within the Elizabeth Street West Precinct. Post exhibition, Council proposed a significant status for this property on the basis of further research undertaken by Lovell Chen. A revised statement of significance has been prepared.

(ii) Evidence and submissions

The owner, Inner Metropolis Holdings, submitted that, while it did not dispute that the building was used as an Assembly Hall for social and political gatherings, this social and historic significance was insufficient to elevate its status from contributory to significant. It argued there is no evidence in the building fabric to indicate its past use. Not only was its southern bay demolished when in 1936 - 1937 the Commercial Hotel was rebuilt as part of Mitchell House, it has been significantly altered, both internally and externally on the ground floor.

Ms Brady relied on the statement of significance, which details the Assembly Rooms and concert hall's origin as an addition to Hockin's Commercial Hotel and its use for a variety of gatherings, until it was sold in 1916. In 1936 - 1937, with the redevelopment of the hotel as the Mitchell Building, the component linking to the hotel was demolished. Her evidence was that, despite this and although the ground floor and parapet element have been altered, the remaining three tall arched windows (currently obscured by signage) remain from its time as Assembly Rooms, indicating the volume of the original space.

Mr Barrett's evidence adds to that of Ms Brady, identifying an additional two possibly original windows at the rear of the hall facing Mitchell Lane, but he considered, for a number of reasons, including a fire in 1927 which severely damaged the hall, the remodelling of the building in 1936 and a variety of reconstruction works, it does not achieve the threshold for significant status. While Mr Barrett stated that 283-285 Elizabeth Street contributes to the precinct, his opinion is that the aesthetic and architectural value of the building has been reduced by the changes to its fabric. He added that the physical evidence of its former use as a hall has been removed and the demolition of the Commercial Hotel has diminished the understanding of the hall's association with it. He acknowledged that the early date of construction and remaining built fabric contribute to its significance, but his opinion was that it is insufficient to warrant a significant grading and asserts that this attribution to a building such as this one would serve to diminish the status of the other significant buildings in the precinct. Rather, he stated that this building makes a modest contribution to the relatively cohesive streetscape character of this part of Elizabeth Street.

(iii) Discussion

While the buildings historic significance as an entertainment hall is not disputed, the Panel considers that its significance as a purpose-built gold rush era entertainment venue is no longer clearly demonstrated by the remaining built fabric, apart from the tall arched windows. On the evidence before the Panel and the site inspections it undertook, the Panel considers that both the Elizabeth Street and rear facades, with the original form of the

windows and volume of the former hall discernible, do make a contribution to the precinct and should be recognised as doing so. However, the Panel is not persuaded that sufficient fabric remains or that a convincing case has been made at this stage as to its historic importance to warrant a significant status.

(iv) Conclusions

The Panel concludes:

- 283-285 Elizabeth Street should retain the contributory grading as exhibited
- Council should consider the erection of a commemorative plaque to signify the historic importance of the former Assembly Rooms.

4.4 287-289 Elizabeth Street

(i) Background

The exhibited Amendment proposes to include 287-289 Elizabeth Street within the Elizabeth Street West Precinct and grades this building as significant.

(ii) Evidence and submissions

The owner, Inner Metropolis Holdings, argued that the building has a modest level of integrity and that it contributed to the precinct only in terms of scale and detailing. Mr Barrett's evidence noted that apart from circular iron posts, little remains of the original interior. Changes to the exterior include removal of the anvil (presumed to reference the original owners, John Cooper & Sons, ironmongers) on top of the pediment, in addition to the ground floor changes and removal of the verandah. He asserted that the façade is 'relatively typical of late nineteenth century commercial buildings within Melbourne' and categorises it as representative of commercial development of the period, saying that it is no more important than other buildings within the Elizabeth Street part of the precinct.

Ms Brady's evidence maintained Lovell Chen's assessment of the building's significance, as a building of aesthetic and architectural significance. She supported the view that, above the altered ground floor the building *displays its understated Baroque expression* and represents an early example of a mode more usually associated with commercial use. She noted the rich collection of architectural details and massive pediment incorporated into the Elizabeth Street façade. In the statement of significance, the building is described as an early example of a revival of Baroque architectural expression that emerged in the last decades of the nineteenth century, was suppressed by the 1890s recession and re-emerged after 1900 in buildings like the Melbourne City Baths and Flinders Street Station. The statement also notes the layering of architectural details, scrolls and complex floriated panels.

(iii) Discussion

The Panel agrees with Council's submission that, while no longer intact, the building has 'notable features associated with the place, use, period, method of construction, siting or setting.' It is not persuaded by Mr Barrett's assertion that superior examples of what he says are better described as 'mannerist' style exist nearby, for example the Elizabeth Street entrance to the Block Arcade and the Sung Kung Lee Grocery store in Little Bourke Street. It

is not convinced that the building is more accurately described as representative of commercial development of the period. In the Panel's view, it is unique in the precinct as a flamboyant industrial workshop and showroom. It is still clearly recognisable as the building shown in an 1895 illustration shortly after construction.

(iv) Conclusions

The Panel concludes:

- 287-289 Elizabeth Street should retain a significant grading as exhibited
- the date shown on the Statement of Significance should be corrected from 1984 to 1894.

4.5 372-378 Little Bourke Street and 15-17 Niagara Lane

(i) Background

The exhibited Amendment includes both properties within the Guildford and Hardware Lanes Precinct. It nominates the east walls of both these properties that abut Niagara Lane as contributory to the precinct.

(ii) Evidence and submissions

Melbourne Heritage Action Group sought a review of the grading, submitting that the Little Bourke Street elevation should be graded significant. In response, Council confirmed the original grading of contributory.

Berjaya Developments Pty Ltd, the owner of the properties, opposed the inclusion of 372-378 Little Bourke Street within the precinct and the contributory grading of the east wall of the property. It also disputed the description of the building as a factory and presented documentation in support of the contention that this building was always used as an office. It submitted that the absence of loading dock or service area supports this view. It also disputed Lovell Chen's note in the response to submissions prepared for Council that the wall is contributory because retains earlier fabric, including windows. Berjaya stated that apart from the Little Bourke Street façade and ground floor retail premises, no alterations to the rendered wall facing Niagara Lane have occurred since it was constructed. The original reinforced concrete pier and infill brickwork wall, rendered where it faces Niagara Lane and containing 'stock standard' steel windows, contributes only by the fact it is built hard to the laneway.

Council argued that the building falls within the time frame nominated in the Amendment. It contended the owner understated the contribution made by the wall in reinforcing both the scale the red brick character of the lace. Ms Brady maintained the contributory grading of the east wall and non-contributory grading of the front façade to Little Bourke Street was appropriate. Her evidence was that while the 1940s Little Bourke Street façade was altered in the 1980s, she supported Lovell Chen's contention that the wall to Niagara Lane that retains earlier fabric, including windows, contributes to the laneway.

Ms Riddett considered that the property does not make sufficient contribution to the laneway to warrant either its inclusion in the precinct or its designation as contributory. She recognised the De Lacy Evans warehouses and concluded that there is no connection

between the warehouses and the east wall of 372-378 Little Bourke Street as the 15-17 Niagara Lane building façade comes between the two properties. She acknowledged that the Lovell Chen methodology document highlighted the contribution that the sides and rears of buildings can make to the heritage value and character of laneways. However, in her opinion, the proposed application of the Heritage Overlay to the building solely for the purpose of maintaining the character of its street wall, was unwarranted. Her evidence was that if it is the potential contribution of a street wall's scale and location that is significant, then a replacement wall of similar scale and appropriate design and detailing can achieve this outcome.

(iii) Discussion

Council submitted that Ms Riddett's evidence referred to a planning application that has been lodged for the building. It noted that assessment of any such application should not be undertaken during a hearing considering the merits of the Amendment. The Panel agrees. If the site is included in the precinct, those heritage values identified in the statement of significance will inform the 'balancing exercise' to be undertaken by the decision maker in determining an acceptable outcome.

In relation to the level of significance of the wall itself, the Panel accepts Ms Riddett's view that it shares insufficient of the characteristics of Niagara Lane to achieve contributory status. It is persuaded that the contribution currently made by the wall could equally be achieved by an appropriately designed replacement wall of similar scale in the same location. Notwithstanding this conclusion, it disagrees with the owner's contention that the building should be completely deleted from the Heritage Overlay proposed for the Guildford and Hardware Lane Precinct. The Panel's conclusion is that the building should be made non-contributory to the precinct.

(iv) Conclusions

The Panel concludes:

- 372-378 Little Bourke Street and 15-17 Niagara Lane should remain within the Guildford and Hardware Lane Precinct as exhibited
- 372-378 Little Bourke Street should be graded as non-contributory to the precinct
- 15-17 Niagara Lane should remain as exhibited, contributory to the precinct.

4.6 301 Elizabeth Street

(i) Background

The Amendment proposes to include this building in the Elizabeth Street West Precinct, identifying the building as contributory.

(ii) Evidence and submissions

The owner, S V Hay, accepted that the area as a whole may be worthy of inclusion under a Heritage Overlay, but strongly opposed the contributory grading on the previously ungraded property, stating that both the front and rear facades have been substantially modified. The owner submitted that the exhibited Study was flawed because it identified the rear façade

to Heape Court as “*an early brick three storey wall*” whereas it is two storeys and elsewhere incorrectly described it as having an early bluestone wall to the rear which is in fact the rear wall of 303 Elizabeth Street.

Council acknowledged the errors in documentation. It stated that the 1970s component facing Elizabeth Street is non-contributory, but that the rear of the property nonetheless contributes to the significance of the precinct. Ms Brady’s evidence was that a combination of the warehouse form of the building, the extent of original materials and its location between two significant buildings meant that it met the threshold for contributory designation.

Council submitted this combination is specifically recognised in the definition of a contributory heritage place and that the clearly visible changes to the rear façade did not negate its contribution to the precinct. Its contribution to Heape Court was an example of where the side or rear of a property contributes to the character of a laneway.

Mr Barrett gave evidence for the owner. He noted the retention of Heape Court’s early character of single, double and three storey industrial buildings and warehouses, largely expressed in face red brick and displaying modest levels of change. He stated that this character was complemented by the bluestone laneway. Notwithstanding Heape Court’s historic character, his opinion was that the degree of change that had occurred to the rear of 301 Elizabeth Street rendered it unrecognisable to most people as a former warehouse.

(iii) Discussion

The disagreement between the expert witnesses related to whether the degree of intactness of the rear wall was sufficient to warrant contributory significance to the laneway. Under cross examination, both maintained their positions. Ms Brady identified the original form and fabric, Mr Barrett asserted that those attributes made insufficient contribution to the laneway, pointing out what he said were far more intact rear warehouse walls nearby. Ms Brady also identified the northern return wall visible from Heape Court as original and contributing to the significance of the building.

While recognising the amount of alteration that has occurred to this façade, the Panel is not persuaded that this necessarily renders it non-contributory. The form of the original openings above ground floor, and the original lintels and brickwork are all clearly evident, despite the number of considerable changes that have been made. The Panel’s inspections confirmed the contribution made by the building to the laneway as equal to many of the more intact buildings nearby. The observable visible changes to the fabric of the building do not detract from its contribution to the precinct.

(iv) Conclusions

The Panel concludes:

- the Amendment documents should be amended to provide the correct description of the property and identify the bluestone wall as the rear wall and extant upper portion of the northern wall of 303 Elizabeth Street
- a contributory grading should be applied to the rear wall of 301 Elizabeth Street.

4.7 25-31 Sutherland Street

(i) Background

The Amendment proposes to include this building in the Guildford and Hardware Lanes Precinct Overlay, identifying the building as contributory.

(ii) Evidence and submissions

Ms Tescher, the owner of the property, advised the Panel of the high number of neighbouring low-rise properties within the precinct built within the last 40 years. As a consequence, she submitted that the area cannot be considered as suitable for the Heritage Overlay. She objected to the application of the Heritage Overlay as an unreasonable imposition, creating a further burden on owners already required to obtain planning permits under a Design and Development Overlay.

Ms Brady acknowledged that there was a significant amount of relatively recent building work in the Guildford Lane area, but stated that this underlined the need for a heritage overlay to retain its heritage character. Her evidence was that this externally highly intact building in particular was important because it occupied two corners and thus presented contributory elevations to three frontages. Despite intensive development to the north and south of the precinct, the immediate area retained its historic form and character. She described 25-31 Sutherland Street is an example of an early twentieth century building built at a time of significant change and development in the precinct, when many earlier modest residences and small businesses were replaced.

Council submitted that inclusion in the heritage precinct recognised the heritage value of the site by requiring matters of heritage to be considered, without prescribing the outcome. It does not preclude development. It says that a strength of the Amendment is that it will require heritage to be considered in decision-making about buildings in the precinct.

(iii) Discussion

Its inspection of the precinct confirmed to the Panel the strong contribution made to the Guildford Lane precinct by this building's robust presentation to Guildford and Flanigan Lanes and to Sutherland Street. Its impact is reinforced by the similar contribution made by the adjacent building in Sutherland Street and the two buildings framing the eastern end of Guildford Lane.

(iv) Conclusion

The Panel concludes:

- 25-31 Sutherland Street retain a contributory grading as exhibited.

4.8 Other sites

(i) Background

A number of other sites were the subject of submissions made to the exhibited Amendment. However, no further submissions or additional information was provided in relation to these properties.

(ii) Discussion

32-34 Guildford Lane

KCL Law, on behalf of Nantui Pty Ltd, the owner of 32-34 Guildford Lane, submitted that the building should be excluded from the Heritage Overlay because the Amendment had not *demonstrated an appropriate response* to PPN01. The submission added that Criterion H was undermined by the occupancy of the building by Nilsen Cromie in the 1920s. In addition, the description of the building in the citation was insufficient to satisfy Criterion E. This description described the building as an:

ad hoc combination of materials and details, including the unusual coming together of face stonework and brick walling is another distinguishing feature of the building. The resulting character and architectural expression is evolved, rather than designed, but nevertheless has resulted in a distinctive building in the precinct.

Council submitted that the Study has demonstrated an appropriate response to the recognised heritage criteria set out in Planning Practice Note. Council referred to the City of Melbourne rate books which identified Clements Langford as the owner/occupant of the building at 32-34 Guildford Lane.

Council added that:

Clements Langford was a notable and prolific builder in Melbourne during the late nineteenth and early twentieth century, and the assessment of the association with him as part of the building's significance is appropriate.

Ms Brady, in her evidence, stated:

The building represents a good example of the shift that occurred in Guildford Lane from residential to warehouses/factories/stores in the interwar period.

The chamfered corners to Flanigan Lane are demonstrative of the narrowness of the laneways within the precinct.

Ms Brady advised the Panel that the assessment of the building as being significant and that the application of the Heritage Overlay to this property under Amendment C271 were appropriate.

26-28 Guildford Lane

SJB Planning submitted on behalf of the owner of 26-28 Guildford Lane that the imposition of the Heritage Overlay, on top of the existing Capital City Zone Schedule 1 and Design and Development Overlay Schedule 2 was *unnecessary and excessive*. The submission added that because most of the buildings included in the sub-precinct were deemed to be contributory a better approach would be to only include the significant buildings in the overlay.

The submission stated:

... the buildings on the site, while dating from the early 20th century., are 'contributory' only because of their presence on the site and not for their architectural integrity or quality.

Council's response to the submission was that the built form controls are fundamentally different to the Heritage Overlay and prompt a different set of considerations in the assessment of a development application.

Council submitted that the respective citations set out the heritage values of the Guildford and Hardware Lanes Precinct, which follow standard citation format, including Statements of Significance and was consistent with PPN01.

Ms Brady advised the Panel she supported the assessment of the building at 26-28 Guildford Lane as being contributory and that the application of the Heritage Overlay to this property under the Amendment is appropriate.

17 Somerset Place

Best Hooper, on behalf of the owner of 17 Somerset Place, submitted that the building was an inappropriate inclusion in the Heritage Overlay because it had been sufficiently altered.

Council submitted that the submission was not supported by evidence or analysis.

Ms Brady's evidence was that she:

maintains the assessment of the building as being of individual significance, and the proposed Heritage Overlay control is appropriate.

421 Bourke Street

Diversity Property and Planning, of behalf of the owners of 421 Bourke Street submitted that the 'B' grading of the building was appropriate and supported. However, the owners opposed the change in status of the building to significant. The submission added that there was insufficient evidence to make an assessment and finding against Criterion A. In addition, the tests under Criterion E did not justify the change.

Diversity Property and Planning submitted that there was too much emphasis placed on the tenancy of the building by Kosminsky and that the building had been modified in the 1920s.

Council advised the Panel that the property is currently affected by individual Heritage Overlay HO546. The Amendment proposed a grading of significant for the building, which under the Study is not an upgrade *as most B graded buildings would be 'significant' under the new grading system.*

Ms Brady's evidence was that the:

...historical significance of the building at 421 Bourke Street, Melbourne identified in the updated citation relates to its early (c.1863) construction and commercial use, including its association with Kosminsky (jewellery retailers, established in 1851 by Simon Kosminsky, a Polish immigrant).

Ms Brady's evidence was that the assessment of the building at 421 Bourke Street as being significant and that the existing Heritage Overlay control and proposed grading were appropriate.

140 Queen Street

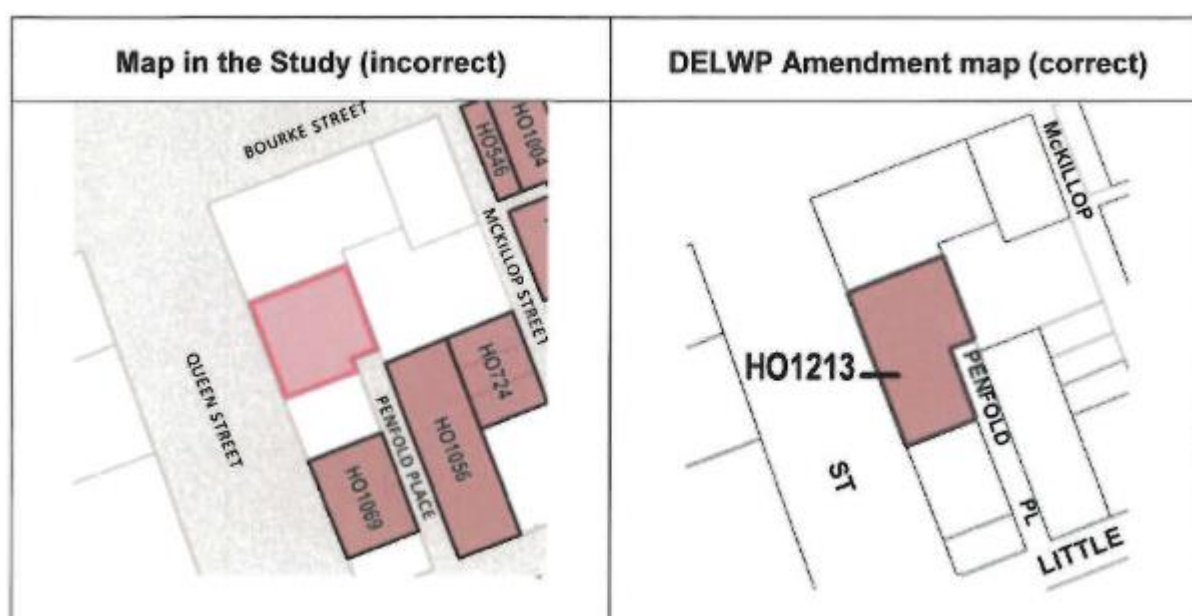
Cbus Property submitted that it purchased the properties at 140 Queen Street, 150 Queen Street and 423 Bourke Street to create a consolidated development site. The project was

based on the demolition of the existing buildings and a redevelopment consistent with DDO10. It submitted that it opposed the proposed application of heritage controls on the *“basis that they will preclude the commercial office project from proceeding.”*

Ms Brady stated that there is *“greater recognition of the heritage significance of post-WWII commercial and office buildings in the CCZ.”* She referenced a number of buildings included in the Victorian Heritage Register, *such as ICI House (1958), Total House (1964), Hoyts Cinema (1966-9), BHP House (1969-72), Eagle House (1970-71) and Shell House (1985-9).* Ms Brady advised the Panel that the Architects of the Scottish Amicable Life Insurance Building at 140 Queen Street, Yuncken Freeman, were also involved in the design of BHP House and Eagle House.

She added Council’s central city Heritage Review (2011) *also identified significant post-WWII buildings in the CCZ* and that Amendment C303 introduced controls over a number of these properties.

Figure 4 140 Queen Street corrected HO1213 map



Council advised the Panel that the map of HO1213 as shown in the property citation was incorrect and that the exhibited map was correct. The difference is shown in Figure 4.

14-20 Goldie Place

Currie & Brown, on behalf of Valor Alliance Pty Ltd, the owners of 14-20 Goldie Place submitted that:

... the application of the Heritage Overlay fails to account for the fact that the site is listed as D graded on a Level 3 Streetscape and in an area that has been significantly altered by the buildings at 200 Queen Street and 83-85 Lonsdale Street.

The submission added that the introduction of the Heritage Overlay would significantly constrain the redevelopment of the site which was contrary to the CCZ1 the DDO10, the

Parking Overlay Precinct 1 and the SPPF which promotes the central city as the pre-eminent commercial, cultural and administrative precinct in the State.

Council submitted that the built form controls identified are fundamentally different to the Heritage Overlay and prompt a different set of considerations in the assessment of a development application.

Council advised that the use of incorporated documents for listing building gradings and documenting Statements of Significance is accepted practice and a highly effective and efficient mechanism for deploying heritage controls across a multitude of heritage assets.

Council acknowledged that the setting of the subject buildings had been altered to the west but the buildings at 14 and 18-20 Goldie Place were interwar and Edwardian, respectively, factory/warehouse pair, which is demonstrative of the values of the broader laneways precinct.

Ms Brady's evidence was:

Although the setting of the subject buildings is altered to the west, the buildings are an Edwardian and interwar factory/warehouse pair which demonstrate the values of the broader laneways precinct. The contributory and significant buildings to the south and east of the subject site also demonstrate these values.

As noted in citation: the form of Goldie Place at its north end (outside the precinct boundary) has been substantially altered as part of recent works at no 200 Queen Street. However, within the precinct block, a small group of buildings survive, as reflective of the early arrangement. These comprise a pair of Victorian warehouses at nos 4-6 and 8 Goldie Place and twentieth century factories and warehouses at nos 10-20 which combine to form an intact remnant of the interwar appearance of the lane.

Ms Brady advised that assessment of the buildings as being contributory, and that the application of the Heritage Overlay to this property under Amendment C271 is appropriate.

329 and 341-345 Elizabeth Street

Council advised that it had become aware of a discrepancy in the map forming part of the advertising material sent to property owners. It informed the Panel that:

- *the property at 329 Elizabeth Street was shown as significant where the Study in fact identifies it as contributory*
- *conversely the property at 341 - 345 Elizabeth Street is shown as contributory whereas the Study clearly identifies it as significant.*

Council proposed ...

that in the first instance the Panel recommend that each is included as contributory in the Amendment on the basis that this is either the correct designation in respect of 329 Elizabeth Street or the designation of which the property owner was arguably notified in respect of 341 – 345 Elizabeth Street. The City of Melbourne will notify the property owners of the situation. If any person objects to the change and the City of Melbourne wishes to alter the

Amendment this, can be the subject of a further amendment process either separately or in conjunction with further heritage amendments being pursued by the City of Melbourne

(iii) Discussion

The Panel has generally adopted Ms Brady's evidence. As discussed in Chapter 3 above, the Panel found that the Study was a sound piece of work and a suitable basis for the application of the Heritage Overlay.

A number of the submissions referred to the loss of development opportunity or the adequacy of existing and appropriate controls affecting properties in the central city. However, the role of the Panel is to assess the basis for the application of the Heritage Overlay and PPN01 provides the basis for that assessment. As observed above, the Statements of Significance for properties proposed for the Heritage Overlay are consistent with PPN01. In the absence of any evidence to the contrary the Panel finds Ms Brady's evidence compelling.

With respect to the properties at 329 and 341-345 Elizabeth Street the Panel accepts the submission of Council to grade both buildings as contributory and notify the owners accordingly. The Panel accepts that this is a reasonable approach to deal with the matter. The Panel also notes the advice from Council after the Hearing confirming that the owners had been contacted.

(iv) Conclusions

The Panel concludes:

- That the Heritage Overlay, as proposed in the Amendment, is appropriately applied to the following properties:
 - 32-34 Guildford Lane
 - 26-28 Guildford Lane
 - 17 Somerset Place
 - 421 Bourke Street
 - 140 Queen Street
 - 14-20 Goldie Place.
- The properties at 329 and 341-345 Elizabeth Street should be graded as contributory and the Inventory, Statements of Significance and the Study be amended accordingly.

4.9 Corrections to the exhibited documents

Council advised the Panel that, in addition to the matters dealt with above, there were minor corrections to the exhibited documents. The documents impacted were:

- Guildford and Hardware Lanes Heritage Study
- Guildford and Hardware Lanes Heritage - Heritage Places Inventory
- Guildford and Hardware Lanes Heritage - Statements of Significance.

At the conclusion of the Hearing, the Panel directed Council to provide corrected versions of these documents by 3 August 2018. The corrected documents were provided to the Panel as

- Document 26 - Guildford and Hardware Lanes Heritage Study (August 2018)
- Document 27 - Guildford and Hardware Lanes Heritage - Heritage Places Inventory Postpanel (August 2018)
- Document 28 - Amendment C271 - Guildford and Hardware Lanes Heritage - Statements of Significance Postpanel (August 2018)
- Document 29 Guildford and Hardware Lanes Heritage - Postpanel HO Map (August 2018).

These documents also contained the Council's recommended changes to the exhibited Amendment. As discussed above, the Panel has adopted all but two of the Council's recommendations. To avoid any potential confusion the Panel has based its recommendations on Documents 26 to 29.

4.10 Recommendations

The Panel makes the following recommendations:

- 2. Amend the Guildford and Hardware Lanes Heritage Study 2017: Statements of Significance, the Guildford and Hardware Lanes Heritage Study 2017: Heritage Inventory and Guildford and Hardware Lanes Heritage Study May 2017, as appropriate, to reflect the following changes:**
 - a) remove from HO1205 the building at 392-406 Bourke Street but retain the HO1205 over Warburton Lane**
 - b) amend the grading of the building at 372-378 Little Bourke Street from contributory to non-contributory**
 - c) correct the description of the property at 301 Elizabeth Street and identify the bluestone wall as the rear wall of 303 Elizabeth Street**
 - d) amend the map of HO1213 Guildford and Hardware Lanes to match the exhibited map**
 - e) amend the grading of the building at 341-345 Elizabeth Street from significant to contributory**
 - f) correct the date shown on the Statement of Significance for 287-289 Elizabeth Street from 1984 to 1894.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Anthony Gaynor
2	Gemma Behrens
3	Claude Loquet
4	Con Kourpanidis
5	Tanya Tescher
6	Colonial Range Pty Ltd
7	Mrs S V Hay
8	Kieran Prescott
9	Amanda Wallace
10	Cheryl Fletcher
11	Alex Delaney
12	Louise Conroy
13	Erin Kitchingman
14	Jett Janetzki
15	Andrew Winter
16	Donna Bishop
17	Anna Hamilton
18	Aine Hamilton
19	Colin Gunther
20	Jack Fellowes
21	Rachel Dean
22	Penny Maroulis
23	France de Petro
24	Jeffrey Norris
25	Ellen Alimantiri
26	Richard Molloy
27	Tony Whittaker
28	Ella Broadbent
29	Daniel Marshall
30	Susan Mooney
31	Patrick Kilby

32	Darren Wright
33	Glenn Walls
34	Carolyn Leslie
35	Lloyd Connolly
36	Max Denton
37	Edite Vidins
38	Timothy Fennell
39	Ella Wilson
40	Liam Phillips-Garde
41	Paul Gallant
42	James Hoyling
43	Jess Naughton
44	Paul Beekman
45	Glen Brewer
46	Alex Lee
47	Paul McGloin
48	Ben Garrett
49	Sharon Ma
50	Rebecca Jepson
51	Stuart Ainsel
52	Rebecca Hyland
53	Rene Spoors
54	Jess McGregor
55	Lynne Huggins
56	Fiona Beckwith
57	Jillian Van
58	Miriam Faine
59	Maria Hansen
60	Justin Croft
61	Michael Raymond
62	Lachlan Campbell
63	Rose Jordan
64	Maryann Augustinus

65	Michael Gavaghan
66	Prue Pittock
67	Fiona Merrick
68	Elizabeth Grasso
69	Simon Mercer
70	Sarah Louise Ricketts
71	Veronica Mansueto
72	Adeline The
73	Tim Haynes
74	Julie Taylor-Bartels
75	Martina Macey
76	Elizabeth De Leonardis
77	Lydia McDonnell
78	Christopher Hicks
79	Rev. Justin McDonnell
80	Betelihem Skehill
81	Lindy Sparrow
82	Valor Alliance Pty Ltd
83	Daria Wray
84	Nanuti Pty Ltd
85	Catherine Block
86	Michael Lomas
87	Anita Atherton
88	Rod Hall
89	Zac Davies
90	Justin Flanagan
91	Rebecca Leslie
92	Carey Dell
93	National Trust
94	Paul Lyons
95	Sylvia Black
96	Michael Shelford
97	Belinda Locke

98	Kim Roberts
99	John Richards
100	Wendy Duncan
101	Matthew Reggars
102	Peter Enright
103	Anne Tyson
104	Julia Carmichael
105	Melbourne Heritage Action
106	Ausvest Holdings Pty Ltd
107	SJB Planning on behalf of the owners of 26-28 Guildford Lane, Melbourne
108	Diverscity Property and Planning for 421 Bourke Street, Melbourne
109	Urbis on behalf of Cbus Property
110	Doig Architecture Pty Ltd on behalf of Berjaya Developments Pty Ltd
111	Tract Consultants on behalf of Ore Album Pty Ltd
112	Melbourne Commercial
113	Inner Metropolis Holdings Pty Ltd

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Melbourne City Council	Ms Sarah Porritt of Counsel instructed by Melbourne City Council Legal Services Branch, who called the following expert witness: - Anita Brady, Heritage, Lovell Chen
Ms Silvia Hay	Mr Simon Martyn of Fulcrum Urban Planning Pty Ltd, who called the following expert witness: - Peter Barrett, Heritage, Peter Andrew Barrett Architectural
Inner Metropolis Holdings Pty Ltd	Mr John Cicero of Best Hooper Lawyers, who called the following expert witness: - Peter Barrett, Heritage, Peter Andrew Barrett Architectural
Berjaya Development Pty Ltd (Mr Nick Sissons of Holding Redlich, who called the following expert witness: - Robyn Riddett, Heritage, Anthemion Consultancies
Ms Tanya Tescher	
Ausvest Holdings Pty Ltd	Represented by Mr Paul Connor and Mr Peter O'Farrell of Counsel, who called the following expert witness: - Bryce Raworth, Heritage, Bryce Raworth Pty Ltd

Appendix C Document list

No.	Date	Description	Tabled by
1	11/07/2018	Council Part A submission	Ms Porritt
2	25/07/2018	Raworth evidence re 392-406 Bourke Street	Mr O'Connor
3	25/07/201	Barlow evidence re 392-406 Bourke Street	Mr O'Connor
4	25/07/201	Brady memo re 392-406 Bourke Street	Ms Porritt
5	25/07/201	Council Part B submission	Ms Porritt
6	25/07/201	Brady evidence	Ms Brady
7	25/07/201	Dustday Investments Pty Ltd V Minister of Planning	Ms Porritt
8	25/07/201	Excerpts Melbourne C186 Panel Report	Ms Porritt
9	26/07/201	Submission on behalf of S V Hay	Mr Martyn
10	26/07/201	Photograph Heape Court	Mr Martyn
11	26/07/201	Excerpt Stonnington C270 Panel Report	Mr Martyn
12	26/07/2018	Barrett evidence re 301 Elizabeth Street	Mr Barrett
13	26/07/2018	Barrett photograph rear 301 Elizabeth Street	Mr Barrett
14	27/07/2018	Submission Inner Metropolis Holdings Pty Ltd	Mr Cicero
15	27/07/2018	Barrett evidence re 283-285 Elizabeth Street	Mr Barrett
16	27/07/2018	Barrett evidence re 287-289 Elizabeth Street	Mr Barrett
17	27/07/2018	Submission on behalf of Berjaya Development Pty Ltd	Mr Sissons
18	27/07/2018	1952-1954 newspaper cuttings	Mr Sissons
19	27/07/2018	1924 Mahlstedt Plan	Mr Sissons
20	27/07/2018	1948 Mahlstedt Plan	Mr Sissons
21	27/07/2018	Aerial photograph	Mr Sissons
22	27/07/2018	Riddett evidence	Ms Riddett
23	27/07/2018	Ms Tescher submission	Ms Tescher
24	27/07/2018	Permits granted in study area	Council
25	27/07/2018	List of proposed changes	Council
26	03/08/2018	Guildford and Hardware Lanes Heritage Study (August 2018)	Council
27	03/08/2018	Guildford and Hardware Lanes Heritage - Heritage Places Inventory Postpanel (August 2018)	Council
28	03/08/2018	Amendment C271 - Guildford and Hardware Lanes Heritage - Statements of Significance Postpanel (August 2018)	Council
29	03/08/2018	Guildford and Hardware Lanes Heritage - Postpanel HO Map (August 2018)	Council