

Proposed redevelopment at
210-212 and 218-228 Stanley Street and
205-211 Roden Street,
WEST MELBOURNE

Statement of Evidence to the VCAT

VCAT Reference P791/2017

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Prepared under instruction from Best Hooper Lawyers

3 August 2017

Proposed redevelopment at
210-212 and 218-228 Stanley Street and
205-211 Roden Street, West Melbourne

Statement to the VCAT

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1.0 Introduction

1. This analysis was prepared under instruction from Best Hooper Lawyers, and relates to the subject site at 210-212 and 218-228 Stanley Street and 205-211 Roden Street, West Melbourne. It concerns the proposal to redevelop the site by demolishing the existing buildings and constructing a six-storey apartment building.
2. By way of background, an application for the proposed development was submitted to the City of Melbourne on 2 September 2016 (Application Number TP-2016-739). On 5 May 2017 the applicant lodged an appeal with the Tribunal against failure to grant a permit within the prescribed time under Section 79 of the *Planning and Environment Act 1987*.
3. The City of Melbourne subsequently resolved that, if Council were in a position to determine the application, it would have refused the application based upon seven reasons. Two of these points relate to heritage considerations and are reproduced as follows:
 1. *The proposal fails to comply with the State and local planning policy frameworks of the Melbourne Planning Scheme with respect of:*
 - (b) Clause 15.03 (Heritage)
 - (d) Clause 21.06 (Built Environment and Heritage)
 2. *The proposal will unreasonably impact the heritage significance of the area through the demolition of a contributory building and failure to integrate the new building with the prevailing heritage character of the precinct.*
4. It is noted that 70 objections were received to the application.
5. I was not party to the application process, but was asked to review the amended scheme in the context of the application for review.
6. This statement was prepared with assistance from Sally Beaton and Martin Turnor of my office. The views expressed are my own.

2.0 Sources of Information

7. The analysis below draws upon relevant documents including the City of Melbourne *i-Heritage Database*, the *Heritage Places Inventory June 2016*, and the relevant sections of the Melbourne Planning Scheme, including Clauses 43.01 and 22.05 Heritage Places Outside the Capital City Zone.
8. Consideration has been given to the documentation associated with the proposed Amendment C258 to the Melbourne Planning Scheme, including the proposed new Clause 22.05 Heritage Places Outside the Capital City Zone and *Heritage Places Inventory 2017*. Also referenced is the *West Melbourne Heritage Review* by Graeme Butler & Associates (February 2016).
9. I have reviewed the Council's Delegate report on the original application (dated 2 June 2017), which included a summary of Council's heritage advisor's comments on the proposal.
10. The statement is to be read in conjunction with the drawings by CHT Architects, along with other documents submitted with respect to the current application for review.

3.0 Author Qualifications

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

4.0 Declaration

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

A handwritten signature in black ink, appearing to read 'BRYCE RAWORTH'.

BRYCE RAWORTH

5.0 Summary of Views

13. My findings and views in relation to these matters can be summarised as follows.

- The subject site contains three buildings, two fronting Stanley Street and one fronting Roden Street, West Melbourne. All three buildings are located within the North and West Melbourne Heritage Overlay Precinct (HO3).
- The amended proposal prepared for the purposes of the present application involves the complete demolition of the three buildings on the site, for the construction of a six storey (plus two basement levels) apartment building.
- According to the *Heritage Places Inventory 2016* all three buildings are currently ungraded. On this basis the complete demolition of all three buildings on the site is supported.
- The *West Melbourne Heritage Review 2017* proposes to upgrade the factory at 210-212 to a D grade building in a Level 3 streetscape. The two other buildings at 218-228 Stanley and 205-211 Roden Street are not proposed to be graded as part of this study. For the purposes of the present heritage policy, a D3 building is a non-contributory building. Its demolition can be supported to that extent.
- Through what is highly likely to be a mapping error, while the building at 210 Stanley Street is ungraded, the Heritage Overlay map shows that the building is subject to an individual Heritage Overlay, HO471. The Schedule to the Heritage Overlay however identifies HO471 as being 138-140 Stanley Street, West Melbourne, which is a property toward the north east of the site, near Spencer Street. In my view the mapping is an error, and seems to have been intended for 138-140 Stanley Street, a building that has been a graded property since the 1980s, as the Schedule suggests. I do not believe that the mapped heritage overlay HO471 should be seen to be indicative of heritage significance associated with 210 Stanley Street.
- The amended plans are a response to concerns expressed by Council and third parties. The key change with regards to heritage considerations is the reduced height, with levels 6 and 7 having been removed.
- The amended proposal responds appropriately to the surrounding context through its medium-rise scale, setbacks, and its contemporary yet interpretative architectural treatment. The setbacks reduce the visibility of the upper levels as seen from Stanley and Roden Street. A step down to a two-storey level along Roden Street at the eastern end provides a transition in scale toward the lower built form (including graded buildings) on neighbouring sites to the east. The four storey streetwall scale to Stanley Street is acceptable given that the immediate neighbours are not graded and the streetscape is diverse in character. The treatment to the elevations references, or interprets, a gridlike façade treatment that commonly characterises older industrial buildings. A relatively neutral and low-key palette of external materials and finishes has been chosen.
- Having regard for these matters, the amended proposal has been prepared with appropriate regard for the objectives and design guidelines of the Heritage Overlay of the planning scheme as set out in *Clause 43.01*, and the associated design guidelines provided within *Clause 22.05*.

6.0 History and Description

14. By the late nineteenth century, the area of West Melbourne around Stanley Street was largely residential in character, the land subdivided into narrow lots containing terrace housing. Through the turn of the century and into the interwar period, many dwellings were demolished for the construction of small factory buildings.
15. The subject site comprises a consolidated group of properties known as 210-212 and 218-228 Stanley Street, and 205-211 Roden Street. The subject site has its street frontages off Stanley Street to the south and Roden Street to the north. The site is located approximately half way between Adderley Street in the east and Railway Place to the west.
16. The property at 210-212 Stanley Street is occupied by a single-storey factory with a brick and render Moderne style façade with a sawtooth roof clad in corrugated iron. The façade appears to remain broadly intact apart from one window opening having been replaced with a door. Building application records for 210 Stanley Street, show ‘erection of workshop’ in October 1935, so much of the external fabric likely dates to the interwar period.
17. The property at 218-228 Stanley Street is occupied by a two storey modern brick and concrete office building that is of no heritage interest. Land between this building and the factory building at 210-212 is occupied by an open air asphalt carpark.
18. To the rear of 210-212 Stanley Street, 205-211 Roden Street comprises a post war single storey red brick factory with two large metal roller doors and a flat roof clad in corrugated iron.
19. In terms of the site’s context, Stanley Street has a mix of residential and industrial buildings. Along Stanley Street, immediately east of the subject site, at 206-208 Stanley Street is a two storey brown brick factory of no heritage interest, and 202 Stanley Street contains a single storey painted brick factory building with a stepped parapet. To the west, 230-250 Stanley Street is an early 20th century former two storey factory building that has been converted into three storey townhouses. Opposite the site, to the south, is a range of single, two and three storey residential and industrial buildings, of mixed heritage interest.
20. Roden Street has a similar context. Adjacent to the east of the site at 203 Roden Street is an altered single storey Victorian terrace house, with three two storey Victorian terraces houses at 197, 199 and 201 Roden Street. The three terrace houses have been altered. To the west at 215-223 Roden Street is a single storey modern rendered factory/office building that is of no heritage interest. Opposite the site, to the north, is a mix of single, two and three storey residential and industrial building, of varying degrees of heritage interest.



Figure 1 The interwar brick factory building at 210-212 Stanley Street, as viewed from the southwest.



Figure 2 218-228 Stanley Street, as viewed from the southeast. The property contains a two storey modern concrete and brick office building of no heritage interest.



Figure 3 205-211 Roden Street, as viewed from the north. The property contains a single storey red brick warehouse, with a flat roof clad in corrugated iron.



Figure 4 Adjacent to the east of 210-212 Stanley Street are brick factory buildings at 206-208 and 202 Stanley Street.



Figure 5 230-250 Stanley Street is a former two storey warehouse that has been converted into three storey townhouses. It presents to the street as two distinct but similar developments, 230-238 and 240-250 Stanley Street.



Figure 6 Along Stanley Street, opposite the subject site, facing east.



Figure 7 Along Stanley Street, opposite the subject site facing west.



Figure 8 Along Roden Street, adjacent to the east of the site, the land at 203 Roden Street contains a single storey terrace dwelling, with three two storey terrace dwellings extending east of that.



Figure 9 215-223 Roden Street contains a single storey modern office/factory building of no heritage interest.

7.0 Significance

21. The *Heritage Places Inventory June 2016* attributes gradings to buildings and streetscapes within the precinct using the following grading system (as defined in Clause 22.05).

'A' Buildings

'A' buildings are of national or state importance, and are irreplaceable parts of Australia's built form heritage. Many will be either already included on, or recommended for inclusion on the Victorian Heritage Register 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. Demonstrate the historical or social development of the local area and /or make an important aesthetic or scientific contribution. These buildings comprise a variety of styles and building types. Architecturally they are substantially intact, but where altered, it is reversible. In some instances, buildings of high individual historic, scientific or social significance may have a greater degree of alteration.

'D' buildings

'D' buildings are representative of the historical, scientific, architectural or social development of the local area. They are often reasonably intact representatives of particular periods, styles or building types. In many instances alterations will be reversible. They may also be altered examples which stand within a group of similar period, style or type or a street which retains much of its original character. Where they stand in a row or street, the collective group will provide a setting which reinforces the value of the individual buildings.

Level 1 Streetscapes

Level 1 streetscapes are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are highly significant buildings in their own right.

Level 2 Streetscapes

Level 2 streetscapes are of significance either because they still retain the predominant character and scale of a similar period or style, or because they contain individually significant buildings.

Level 3 Streetscapes

Level 3 streetscapes may contain significant buildings, but they will be from diverse periods or styles, and of low individual significance or integrity.

22. None of the three properties, 210-212 and 218-228 Stanley Street or 205-211 Roden Street are graded in the *Heritage Places Inventory June 2016*.
23. With regards to context, along Stanley Street, neither of the adjacent buildings to the east or west, 206 or 230-250 Stanley Street are graded. The closest graded building along this portion of Stanley Street is 200, which is graded D3. Along Roden Street, adjacent to the subject site to the east, 203 is graded D3 and 201 is graded C3. None of the buildings adjacent to the west are currently graded.
24. Planning Scheme Amendment C258 includes reference to citations for the buildings on the subject land prepared as part of the *West Melbourne Heritage Review*. The *West Melbourne Heritage Review* proposes to upgrade the factory at 210-212 to a D grade building in a Level 3 streetscape. The two other buildings at 218-228 Stanley and 205-211 Roden Street are not proposed to be graded as part of this study.
25. The proposed *Heritage Places Inventory 2017*, which is also currently under consideration as part of amendment C258, and which bases its recommendations in part upon the findings of the more detailed *West Melbourne Heritage Review*, will use a simpler grading system of 'Significant', 'Contributory' and 'Non-contributory' for buildings, and 'significant' or 'not significant' for streetscapes. It is intended that this simplified system will replace the existing grading system across the municipality as a whole. The building at 210-212 Stanley Street is proposed to be graded as 'Contributory', with a 'not significant' streetscape grading. The other two buildings will remain ungraded.
26. With regards to context, along Stanley Street, the *Heritage Places Inventory 2017* does not propose to upgrade either of the immediately adjacent buildings, however it does propose to upgrade a portion of one building, 240-250 Stanley Street to Significant. As mentioned earlier 230-250 Stanley Street is a former factory building that was converted into three storey townhouses. The portion of the building immediately adjacent to the subject site is not proposed to be upgraded, however the portion further to the west, near to the corner of Railway Parade is proposed to be graded Significant.
27. Along Roden Street *Heritage Places Inventory 2017* proposes to upgrade 201 to Significant and 203 to Contributory (with 203 immediately adjacent to the subject site). None of the buildings located adjacent to the west along Roden Street are proposed to be upgraded.

28. While regard has been had for these proposed revised gradings, for the purposes of this application and heritage impact analysis, existing Council policy has been applied in relation to the existing gradings.

8.0 Heritage Status

Victorian Heritage Register

29. The subject site is not included on the *Victorian Heritage Register*.

National Trust

30. The subject site is not classified by the National Trust.

City of Melbourne

31. The subject properties are included within the large North and West Melbourne Heritage Precinct, identified as HO3 in the Schedule to the Heritage Overlay. External paint controls apply under the provisions of this overlay, but no internal alteration controls or tree controls apply.
32. Through what is highly likely to be a mapping error, while the building at 210 Stanley Street is ungraded, the Heritage Overlay map shows that the building is subject to an individual Heritage Overlay, HO471. The Schedule to the Heritage Overlay however identifies HO471 as being 138-140 Stanley Street, West Melbourne, which is a property toward the north east of the site, near Spencer Street.
33. In my view the mapping is an error, and seems to have been intended for 138-140 Stanley Street, a building that has been a graded property since the 1980s, as the Schedule suggests. I do not believe that the mapped heritage overlay HO471 should be seen to be indicative of heritage significance associated with 210 Stanley Street.
34. This said, the mapped heritage overlay HO471 renders applicable the same heritage policies and controls as are in place under HO3.
35. A datasheet was completed as part of the *North and West Melbourne Conservation Study 1985* for 138-140 Stanley Street, identifying it as a D3 building. Whereas the subject site did not have a datasheet completed.

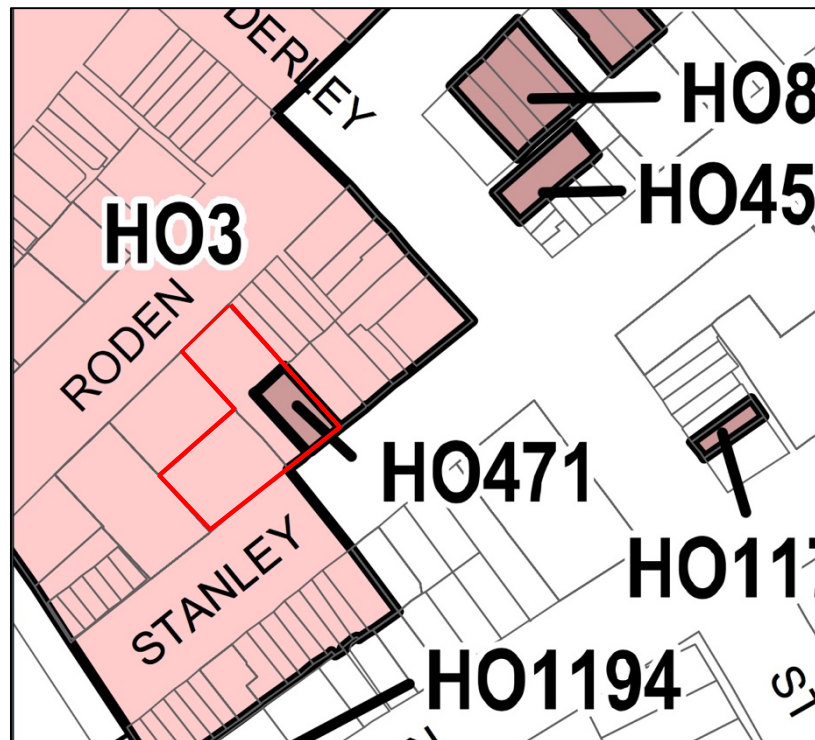


Figure 10 City of Melbourne Heritage Overlay Map highlighting the overall development site, including 210-212 and 218-228 Stanley Street and 205-211 Roden Street. As can be seen 210-212 Stanley Street has been mapped as having an individual Heritage Overlay HO471, however this is believed to be a mapping error.

9.0 Heritage Policy

36. As noted, the properties are subject to a Heritage Overlay, therefore the proposal should be assessed against the provisions of Clause 43.01, the Heritage Overlay. The stated purpose of this overlay is as follows:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

37. Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance, heritage study and any applicable conservation policy.*

- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
 - *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
 - *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
 - *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- [...]

38. Any development proposal will have to be assessed against the City of Melbourne's local heritage policy for Heritage Places Outside the Capital City Zone (Clause 22.05), which provides further guidance as to the forms of development that might be appropriate in Heritage Overlay areas. This includes policy relating to both demolition, and the design of new buildings and works or additions to existing buildings.

Demolition

Demolishing or removing original parts of buildings, as well as complete buildings, will not normally be permitted in the case of 'A' and 'B', the front part of 'C' and many 'D' graded buildings. The front part of a building is generally considered to be the front two rooms in depth.

Before deciding on an application for demolition of a graded building the responsible authority will consider as appropriate:

- *The degree of its significance.*
- *The character and appearance of the building or works and its contribution to the architectural, social or historic character and appearance of the streetscape and the area.*
- *Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of that building.*
- *Whether the demolition or removal is justified for the development of land or the alteration of, or addition to, a building.*

A demolition permit should not be granted until the proposed replacement building or works have been approved. [...]

Designing New Buildings and Works or Additions to Existing Buildings

Form

The external shape of a new building, and of an addition to an existing building, should be respectful in a Level 1 or 2 streetscape, or interpretive in a Level 3 streetscape.

Facade Pattern and Colours

The facade pattern and colours of a new building, and of an addition or alteration to an existing building, should be respectful where visible in a Level 1 streetscape, and interpretive elsewhere.

Materials

The surface materials of a new building, and of an addition or alteration to an existing building, should always be respectful.

Details

The details (including verandahs, ornaments, windows and doors, fences, shopfronts and advertisements) of a new building, and of an addition or alteration to an existing building, should preferably be interpretive, that is, a simplified modern interpretation of the historic form rather than a direct reproduction.

Concealment Of Higher Rear Parts (Including Additions)

Higher rear parts of a new building, and of an addition to an existing graded building, should be concealed in a Level 1 streetscape, and partly concealed in a Level 2 and 3 streetscape. Also, additions to outstanding buildings ('A' and 'B' graded buildings anywhere in the municipality) should always be concealed. In most instances, setting back a second-storey addition to a single-storey building, at least 8 metres behind the front facade will achieve concealment.

These provisions do not apply to land within Schedule 5 to the Capital City Zone (City North).

Facade Height and Setback (New Buildings)

The facade height and position should not dominate an adjoining outstanding building in any streetscape, or an adjoining contributory building in a Level 1 or 2 streetscape. Generally, this means that the building should neither exceed in height, nor be positioned forward of, the specified adjoining building. Conversely, the height of the facade should not be significantly lower than typical heights in the streetscape. The facade should also not be set back significantly behind typical building lines in the streetscape.

These provisions do not apply to land within Schedule 5 to the Capital City Zone (City North).

Building Height

The height of a building should respect the character and scale of adjoining buildings and the streetscape. New buildings or additions within residential areas consisting of predominantly single and two-storey terrace houses should be respectful and interpretive.

Sites of Historic or Social Significance

An assessment of a planning application should take into account all aspects of the significance of the place. Consideration should be given to the degree to which the existing fabric demonstrates the historic and social significance of the place, and how the proposal will affect this significance. Particular care should be taken in the assessment of cases where the diminished architectural condition of the place is outweighed by its historic or social value.

[...]

39. The proposed new Heritage Places Outside the Capital City Zone (Clause 22.05) in *Amendment C258* includes the following guidelines with respect to demolition and additions.

22.05-5 Demolition

Full demolition of significant or contributory buildings will not normally be permitted.

Partial demolition will not normally be permitted in the case of significant buildings or the front or principal part of contributory buildings.

The poor condition of a significant or contributory building is not in itself justification for permitting demolition.

A demolition permit should not be granted until the proposed replacement building or works have been approved.

Where approval is granted for full demolition of a significant building, a recording program including, but not limited to, archival photographic recording and/or measured drawings may be required prior to demolition, to the satisfaction of the Responsible Authority.

Demolition of front fences and outbuildings which contribute to the significance of the heritage place will not normally be permitted.

Before deciding on an application for full or partial demolition, the responsible authority will consider, as appropriate:

- *The assessed significance of the building.*
- *The character and appearance of the building or works and its contribution to the historic, social and architectural values, character and appearance of the heritage place.*

- *The significance of the fabric or part of the building, and the degree to which it contributes to the perception of the three-dimensional form and depth of the building.*
- *Whether the demolition or removal of any part of the building contributes to the longterm conservation of the significant fabric of the building.*

[...]

22.05-7 New Buildings

New buildings should not detract from the assessed significance of the heritage place.

New buildings should:

- *Be respectful of the heritage place and in keeping with:*
 - *Identified 'key attributes' of the heritage precinct.*
 - *Precinct characteristics including building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation.*
 - *Prevailing streetscape height and scale.*
- *Not obscure views of the front or principal part of adjoining significant or contributory buildings.*
- *Not dominate or visually disrupt the appreciation of the heritage place by:*
 - *maintaining a facade height which is consistent with that of adjoining significant or contributory buildings, whichever is the lesser, and*
 - *setting back higher rear building components.*
- *Not adopt a facade height which is significantly lower than prevailing heights in the streetscape.*
- *Neither be positioned forward of adjoining significant or contributory buildings, or set back significantly behind the prevailing building line in the streetscape.*
- *Not build over or extend into the air space above the front or principal part of an adjoining significant or contributory building.*
- *Where abutting a lane, be respectful of the scale and form of historic elements of heritage places abutting the lane.*

The design of new buildings should:

- *Adopt high quality and respectful contextual design.*
- *Adopt an interpretive design approach to other details such as verandahs, fences and shopfronts.*

In significant streetscapes, higher rear parts of a new building should be concealed.

In other streetscapes, higher rear parts of a new building should be partly concealed.

22.05-8 Additions

Additions to buildings in a heritage precinct should be respectful of and in keeping with:

- *Identified 'key attributes' of the heritage precinct.*
- *Precinct characteristics including building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation.*
- *Character and appearance of adjoining significant and contributory buildings.*

Where abutting a lane, additions should be respectful of the scale and form of historic development to the lane.

Additions to significant or contributory buildings should:

- *Be respectful of the building's character and appearance, scale, materials, style and architectural expression.*
- *Maintain the perception of the three-dimensional form and depth of the building by setting back the addition behind the front or principal part of the building, and from visible secondary elevation(s).*
- *Retain significant roof form within the setback from the building facade.*
- *Not obscure views of facades or elevations associated with the front or principal part of the building.*

- *Be distinguishable from the original fabric of the building.*

The design of additions should:

- *Adopt high quality and respectful contextual design.*
- *Avoid a direct reproduction of historic elements.*
- *Adopt an interpretive design approach to other details such as verandahs, fences, and shopfronts.*

Additions to a significant or contributory building should be concealed in significant streetscapes.

In other streetscapes, additions to significant buildings should always be concealed, and to contributory buildings should be partly concealed:

- *For a second-storey addition to a single storey building, concealment is often achieved by setting back the addition at least 8 metres behind the front facade.*
- *A ground level addition to the side of a building should be set back behind the front or principal part of the building.*

Additions to corner properties may be visible, but should be respectful of the significant or contributory building in terms of scale and placement, and not dominate or visually disrupt the appreciation of the building.

40. The site is also located within a Design and Development Overlay (DDO29), which has a preferred maximum building height of 4 storeys. The relevant design objectives and guidelines are reproduced as follows.

1.0 Design Objectives

- *To acknowledge the transitional nature of the area.*
- *To encourage the development of a new built form character and the retention of the mixed use nature of the area.*
- *To acknowledge the potential for higher density development near North Melbourne Railway Station.*

2.0 Buildings and works

An application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieve each of the Design Objectives and Built Form Outcomes of this schedule, and any local planning policy requirements.

In calculating the building height based on storeys, the following floor to floor dimensions should apply:

- *3.5 metres for residential use,*
- *4 metres for non-residential use.*

Buildings or works should not exceed the Maximum Building Height specified in the table to this schedule.

An application to exceed the Maximum Building Height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes of this schedule and any local planning policy requirements.

Building height is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services.

Table to Schedule 29

<i>AREA</i>	<i>MAXIMUM BUILDING HEIGHT</i>	<i>BUILT FORM OUTCOMES</i>
<i>DDO 29</i>	<i>4 Storeys</i>	<i>Higher buildings and a new built form character. Development reflects the higher building forms in the area. Development respects the scale of, and provides a transition to, adjoining lower scale heritage buildings.</i>

10.0 The Proposal

41. The amended development proposal involves the complete demolition of the three existing buildings on the site for the construction of a six storey apartment building, with two basement levels for carparking and storage and a rooftop barbeque area. Pedestrian and vehicle entrances will be along Stanley Street, with a second pedestrian entrance point along Roden Street.
42. Along Stanley Street the first four levels will be constructed to the three boundary edges, with levels four and five to be at a setback of 4.55 metres from 230-250 Stanley Street. Level four will be setback from the street frontage and from 206 Stanley Street by between 2.4 and 5.5 metres, however the balconies will extend to the boundary lines. Level five is set back distances ranging from 3 metres to 5.5 metres from Stanley Street.
43. Along Roden Street, the development will be built to the three site boundaries, with the development to be two stories (with a flat roof) at the interface with 203 Roden Street and four levels against Roden Street. Level four will be at a setback from Roden Street of just over 9 metres, and setback from the residential heritage interface to the east by nearly 9 metres. The balcony for level four will however extend almost all the way to Roden Street. Level five will be setback from Roden Street and the residential interface by 9 metres.
44. Where the proposed development interfaces with the rear of 203 and 215-223 Roden Street and 206 Stanley Street, all six storeys are set back from their neighbours (9 metres from 203 Roden Street and 206 Stanley Street and 4.5 metres from the rear of 215-223 Roden Street).
45. The materiality of the development will be differentiated at various levels along the Stanley and Roden Street facades, with Corten cladding panels to be used on the lower levels, metal cladding panels for the middle portion and precast concrete for levels four and five. Walls along the property interfaces will include precast concrete and wood stamped concrete. Clear glazing will be used for windows throughout, with most balconies to have obscured glass balustrades.
46. From a heritage perspective, the proposed works raise two separate issues – firstly the extent of demolition of existing elements on the site and, secondly, the appropriateness of the design of the new works. These two issues are discussed separately below.

Proposed Demolition

47. The subject site is within a Heritage Overlay precinct, however none of the buildings on the subject site are graded at present and that is the applicable categorisation in relation to present heritage policy.
48. The proposed complete demolition of the currently ungraded buildings on the site is acceptable with regards to heritage considerations, subject to an appropriate development design.
49. In terms of the *West Melbourne Heritage Review*, where 210 Stanley Street is proposed to be graded D3, for the purposes of the present heritage policy, a D3 building is a non-contributory building. Its demolition can be supported to that extent as well.
50. Council's heritage advisor stated that in relation to 210 Stanley Street that the demolition of a contributory piece of heritage fabric will compromise the significance of the precinct and it should be partially retained as an integrated part of the redevelopment, recommending that the building be retained to a depth of 9 metres, including the sawtooth roof form.
51. This advice appears to have been based on the proposed gradings, rather than what is currently applicable. The extent of recommended retention seems unnecessary given the gradings as discussed above.
52. Accepting this, it is again noted that the site is mapped as an individual heritage place, HO471. As stated earlier, it is my opinion that the Heritage Overlay map is in error, and that 210 Stanley Street should only be subject to the broad North and West Melbourne Heritage Overlay Precinct (HO3).
53. This said, the heritage overlay controls are identical whether under HO3 or HO471, and the question of demolition should be assessed having regard to the identified significance of the place, including its current grading. In my view the building is of only the most limited heritage interest, and sits in a streetscape that is of mixed character and low heritage interest.
54. It has been noted that the *Heritage Places Inventory 2017* proposed under Amendment C258 recommends that the building be upgraded to 'Contributory'. This is not the applicable grading at present, and represents a grading 'uplift' from both its present ungraded status and the D3 grading recently nominated by Graeme Butler.
55. While 210 Stanley Street is clearly an example of an interwar factory, it is a simple and unremarkable example. The building does not exhibit any particularly remarkable aspects of design or place history that advocate a strong basis for its retention. Industrial development in the interwar period is well represented in factories within the North and West Melbourne heritage precinct, and when compared to other industrial buildings from the interwar period in Melbourne, 210 Stanley Street does not stand out. It is a modest example of a building type that is already well-represented by a number of more intact and more architecturally distinguished examples. Having regard for this, its ungraded, non-contributory status seems reasonable, and its demolition is considered acceptable.

56. Furthermore, it is not clear in what way any useful heritage related purpose would be satisfied by retention of the extant built form to a depth of nine metres. While this would enable a single sawtooth roof to be retained, it would nonetheless represent a token gesture toward a building of limited interest. The extent of impact upon the development of the land would be substantial relative to any benefit in terms of interpretation or integrity that would be achieved.

Proposed development

57. Key considerations in assessing the heritage impacts of the proposed development are its impact on the significance of the subject site, as well as the general streetscape in which the building is located, and the responsiveness of the design to relevant Council policy.
58. The plans for the purpose of this application have been amended in response to concerns expressed by Council and third parties. The key change with regards to heritage considerations is the reduced height, with levels six and seven having been removed.
59. The visual impact of the amended proposal has been reduced through the deletion of the upper levels and the amended proposal now responds appropriately to the surrounding context through its medium-rise scale, setbacks, and its contemporary yet interpretative architectural treatment. The setbacks reduce the visibility of the upper levels as seen from Stanley and Roden Street. The step down to a two-storey level along Roden Street at the eastern end provides a transition in scale toward the lower built form (including graded buildings) on neighbouring sites to the east. The treatment to the elevations includes a gridlike façade treatment that commonly characterises older industrial buildings and new developments in comparable environments. A relatively neutral and low-key palette of external materials and finishes has been chosen.
60. The amended development is sufficiently responsive to its surrounding context in terms of its setbacks, scale and massing, in keeping with policy recommendations regarding new development in heritage places under Clause 22.05.
61. In relation to the original scheme, Council's Heritage Advisor found that the scale and bulk of the design was entirely inappropriate within HO3 (and DDO29) and that the proposal would not be in keeping with the character and appearance of adjacent buildings, the streetscape and the area; and that the scale and proportion etc. is not compatible with the scale proportions form etc. of identified heritage places surrounding the site. The removal of levels six and seven have assisted in reducing bulk and scale of the development, lessening the visual impact.
62. While the proposed development will be taller than the surrounding built form – the surrounding built form varies and it is an environment that a taller six storey development can be incorporated. The height of the proposal responds to the emerging character of this part of West Melbourne.
63. In the delegate report, Council's heritage advisor refers to Stanley Street and Roden Street as containing dwellings that form level 2 streetscapes. According to the *Heritage Places Inventory 2016*, properties along Stanley Street and Roden Street between Adderley and Railway Place are largely within level 3 streetscapes, with

properties generally graded C or D – which means while several properties along Stanley and Roden between Adderley Street and Railway Place are graded, they are lower graded buildings.

64. Heritage policy in relation to new buildings in a level 3 streetscape states that form and façade patterns should be interpretative, higher levels partially concealed, materiality respectful, façade height to not dominate adjoining contributory buildings, and building height generally should be respectful and interpretative, particularly in residential areas.
65. The subject site is located within a very mixed residential and industrial streetscape. The two to four/five storey street façade responds appropriately to the two storey height of 206 Stanley Street, the three storey height of 230-250 Stanley Street, and the single storey height of 203 Roden Street. The upper levels are also appropriately set back so they are partially concealed, as appropriate in a level 3 streetscape.
66. On Stanley Street the lower levels are articulated in Corten cladding as a response to the red brick materiality of the buildings to the west (in particular) and of other buildings in the street more generally. The levels above at the streetwall are expressed in metal cladding to give them a visually lightweight character relative to the lower two levels. While the facade is higher on Stanley Street than the buildings to either side, neither of these buildings is graded or proposed to be graded. Heritage policy does not specify that infill cannot be taller than adjoining ungraded buildings.
67. In considering the proposed development it must be noted that the site is subject to the requirements of both the Heritage Overlay (HO) and the Design and Development Overlay (DDO). As is often the case, a tension exists between the constraints and the opportunities offered by the HO and the DDO, where the DDO encourages an outcome that is in some aspects differs to the outcomes encouraged by the HO, particularly with regard to the height and visibility of built form. The DDO for the development site is DDO29. The schedule for DDO29 sets out a maximum building height of four storeys. Accepting the difficulties of concealing the upper levels of a 6 storey development, a number of elements of the current proposal seek to respond to the requirements of the Heritage Overlay including the overall form, the facade treatment, materials and setback, as detailed above.
68. While DDO29 seeks that *Development respects the scale of, and provides a transition to, adjoining lower scale heritage buildings*, there are no adjoining lower scale buildings on Stanley Street. As discussed above, the proposal makes a positive gesture to the adjoining lower scale heritage building on Roden Street, and satisfies the DDO built form outcome on that basis.
69. The development will constitute a change to the wider streetscape, however there is a range of precedent approvals for developments involving a mid-rise development within a Heritage Overlay Precinct, particularly in terms of a mixed industrial and residential context such as this. Having regard for policies such as the DDO that encourage development within the immediate environs of the site, and for other approvals recently made, the proposal can be seen to represent a

reasonable balancing of DDO and heritage overlay outcomes in circumstances where change is expected and is already taking place.

11.0 Conclusion

70. The amended proposal for this site has been designed with considered and appropriate regard for the existing heritage building and its identified significance, as well as the range of Council heritage policy (*Clause 43.01*, and the associated design guidelines provided within *Clause 22.05*) and other heritage considerations more generally.
71. The proposed full demolition is reasonable having regard for the limited interest of the place, and the new built form provides a strong but well mannered response that will sit comfortably within the evolving character of this part of West Melbourne.

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CONSERVATION CONSULTANTS
ARCHITECTURAL HISTORIANS

BRYCE RAWORTH
M.A.R.C.H., B.A.(HONS), I.C.C.R.O.M.(ARCH)

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

Since 2004 Raworth has been a member of the Official Establishments Trust, which advises on the conservation and improvement of Admiralty House and Kirribilli House in Sydney and Government House and The Lodge in Canberra. As a member of the former Historic Buildings Council in Victoria, sitting on the Council's permit, planning and community relations committees, Raworth has been involved with the registration and permit processes for many registered historic buildings. In 1996 he was appointed an alternate member of the new Heritage Council, the successor the Historic Buildings Council, and in 1998 was made a full member. At present he provides regular advice to architects and private owners on technical, architectural and planning issues relative to the conservation and adaptation of historic buildings, and is occasionally called upon to provide expert advice before the VCAT. He is currently the conservation consultant for the cities of Kingston and Stonnington.

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

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

BRYCE RAWORTH

STATEMENT OF EXPERIENCE

*Bryce Raworth Pty Ltd
Conservation • Urban Design
19 Victoria Street
St Kilda, VIC. 3182*

BRYCE RAWORTH

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

Attachment 1

Datasheets from *North and West Melbourne Conservation Study 1985*
relating to nearby parts of Stanley Street

138-140 Stanley Street
200 Stanley Street

Datasheet from *Melbourne Heritage Review 1999*
200 Stanley Street

Property Key: 109046 - 138-140 Stanley St

MELBOURNE CITY COUNCIL

**NORTH & WEST MELBOURNE CONS. STUDY
BUILDING IDENTIFICATION FORM**

GRAEME BUTLER
Architect,
Arch. Historian
Urban Designer 1983

BUILDING ADDRESS 138-40 Stanley St

BUILDING TITLE

TYPE

Original Use (if not Residence)

EXISTING DESIGNATION

HBR No

AHC

GRADING

A

B

C

D

E

F

No

STREETSCAPE

1

2

3

CONSERVATION AREA

SURVEY DATE

9/1/85

NEG FILE

2/13

TITLE

VOL

FOL

STYLE

PERIOD

☐ Edwardian

☐ Early Victorian

☐ Inter War

☐ Victorian

☐ Post War

CONSTRUCTION DATE

SOURCE

MATERIALS

WHERE NOT APPARENT



NOTABLE FEATURES/SIGNIFICANCE

* FEATURE MAY HAVE BEEN ALTERED

unpainted
cement
render

☐

unpainted
decorative
brickwork

☐

retains evidence
of early colours
or finishes

☐

fence

☐

verandah
decoration

☐

verandah roof
and structure

☐

intact
shop
front

☐

post
supported
shop verandah

☐

*elaborate/high standard
design of cement
rendered surfaces

☐

INTEGRITY

Good

☒

Nos

Fair

☐

Nos

Poor

☐

Nos

CONDITION

Good

☐

Nos

Fair

☒

Nos

Poor

☐

Nos

ALTERATIONS AND RECOMMENDATIONS

NOS

SYMPATHETIC

RECS

INAPPROPRIATE

RECS

EXTREMELY INAPPROPRIATE

RECS

BRICKS PAINTED

RAM

0 = REINSTATE ORIGINAL DESIGN; S = REINSTATE SYMPATHETIC ALTERNATIVE; R = REMOVE; RAN = REMOVE BY APPROVED METHOD

OTHER COMMENTS

Property Key: 109038 - 200 Stanley St

Melbourne Heritage Review
Building Identification Form 1999

Allom Lovell & Associates
1999

Building	Residence	Grade	D
Address	200 Stanley Street, West Melbourne	Previous Grading	E
Building Type	Residence	Streetscape Grading	3
Period; Date	Victorian; c.1873	Heritage Place	Yes



Survey Date July 1999 (previous survey date 9 January 1985)

Intactness ☐ Good ☒ Fair ☐ Poor **Condition** ☒ Good ☐ Fair ☐ Poor

History

This house, formerly numbered as 98 Stanley Street, first appears in the Sands & McDougall directory in 1874. It was occupied by William Hunt, who remained in residence until 1878. He was succeeded as occupant by Peter Miller, and then by John Sigsworth. From 1881 until 1886, James Bardsley was listed as the occupant. Thomas Campbell lived there from 1887 until at least the turn of the century.

Description

The house at 200 Stanley Street is a single-storey, single-fronted Victorian brick cottage with a transverse gabled roof between parapeted end walls. The skillion-roofed verandah has timber posts and a timber fence, which is not original. The facade has a timber-framed double-hung sash window and a timber-panelled entry door. The brickwork and the roof cladding have been painted. An early bluestone right-of-way exists alongside the house.

Significance

The house at 200 Stanley Street, West Melbourne, is of local historical and aesthetic interest. It is representative of the type of modest workers' housing that proliferated in Melbourne's inner suburbs in the late nineteenth century. Aesthetically, the house, with its adjacent bluestone laneway, is an important element in the streetscape.

Grading Review

Upgraded from E to D. The house is representative of its type, and makes a important contribution to the streetscape. Since the last survey, the house has been painted.