

Planning and Environment Act 1987

Panel Report

Melbourne Planning Scheme Amendment C305
Southbank heritage

4 September 2020

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Melbourne Planning Scheme Amendment C305

Southbank heritage

4 September 2020



Con Tsotsoros, Chair



Lucinda Peterson, Member

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Council	Melbourne City Council
Heritage Study	<i>Southbank and Fishermans Bend Heritage Review, 16 June 2017</i>
MHA	Melbourne Heritage Action
National Trust	National Trust of Australia (Victoria)
Planning Scheme	Melbourne Planning Scheme
Pro-invest	Pro-invest Australian Hospitality Opportunity (ST) Pty Ltd
PPV	Planning Panels Victoria
Run All International	Run All International Pty Ltd and Hengmao Australia
the University	University of Melbourne
WW2	World War 2

Overview

Amendment summary		
The Amendment	Melbourne Planning Scheme Amendment C305	
Common name	Southbank heritage	
Brief description	Proposes to implement the recommendations of the Southbank and Fishermans Bend Heritage Review 2017 by, among other changes, applying the Heritage Overlay to properties in Southbank and South Wharf	
Planning Authority	Melbourne City Council	
Authorisation	12 February 2018	
Exhibition	28 June to 29 July 2018	
Submissions	<ol style="list-style-type: none"> 1. Rohan Storey 2. Environment Protection Authority 3. National Trust of Australia (Victoria) 4. Southbank Residents Association 5. Pro-invest 6. Photography Studies College (Melbourne) 7. Collins McPherson Australia Pty Ltd 8. Central Equity 9. Central Equity 10. Salvo Property Group 11. GFM Investment 12. Central Equity 13. Calgem 14. Clause 1 15. Run All International Pty Ltd and Hengmao Australia 16. Sheng Le Group 17. Eurasia Pacific Pty Ltd 18. Creative Victoria 19. University of Melbourne 20. Powdervale Pty Ltd 21. Development Victoria 22. HY Clarendon Development 23. Carol Tobin 24. Stefan Ingallina 25. Clive Tillman 26. Patrick Kilby 27. Megan Hill 28. Alison Weaver 29. Pamela Smith 30. Tony Morris 31. Georgia Goring 32. Duncan McPherson 33. Rebecca Jepson 34. Monika Roleff 35. Anthony Mancuso 36. Hans Lukiman 37. Paul Gallant 38. Carey Dell 39. Tom Smallman 40. Martin Turnbull 41. Adrienne Davies 42. Christopher Lamb 43. Peter Enright 44. Peter Mondy 45. Crown Resorts and Schiavello 46. Crown Resorts 47. Port of Melbourne 48. Bega Foods 49. Melbourne Heritage Action 	

Panel process	
The Panel	Con Tsotsoros (Chair), Lucinda Peterson
Directions Hearings	Planning Panels Victoria, 26 June 2019 By video conference, 15 April and 13 June 2020
Panel Hearing	By video conference, 13, 14, 16, 17, 21, 22, 23 and 24 July 2020
Site inspections	Unaccompanied, 9 July 2020
Parties to the Hearing	<ul style="list-style-type: none"> - Melbourne City Council represented by Sarah Porritt of Counsel, called expert evidence on heritage from Gary Vines of Biosis - Collins McPherson Australia Pty Ltd represented by Nicola Collingwood of Counsel instructed by Sarah Kovatch of BSP Lawyers - Crown Resorts Ltd represented by Jeremy Gobbo QC and Jordan Wright of Counsel, instructed by Jane Hall of Ashurst, called expert evidence on: <ul style="list-style-type: none"> - heritage from Peter Lovell of Lovell Chen - planning from Stuart McGurn of Urbis - structural engineering from Phil Gardiner of WSP - engineering (flooding) from Andrew McCowan of Water Technology - Development Victoria represented by Briana Eastaugh of Maddocks - Euroasia (Pacific) Pty Ltd represented by Clem Newton-Brown of Whitemark Property and Planning - National Trust of Australia (Victoria) represented by Felicity Watson - Powdervale Pty Ltd represented by David Passarella of Mills Oakley, called expert evidence on heritage from Peter Lovell of Lovell Chen - Sheng Le Group represented by David Passarella of Mills Oakley, called expert evidence on heritage from Peter Barrett of Peter Andrew Barrett - University of Melbourne represented by Paul Connor QC and Roshan Chaile of Counsel instructed by Sally Macindoe of Norton Rose Fulbright, called expert evidence on heritage from Bryce Raworth of Bryce Raworth Pty Ltd
Citation	Melbourne PSA C305 [2020] PPV
Date of this Report	4 September 2020

Executive summary

Southbank was once mostly a swamp which flooded regularly. A scattered number of small timber cottages built in the 1860s grew to over a thousand homes and some industry confined within a small area, many of which were located in little streets and back lanes. This resulted in the emergence of facilities such as a bank, post office, school and hotels. The area's physical and social structure had deteriorated in the early twentieth century and many of the homes made way for many larger scale industrial, government and defence buildings.

Today, Southbank forms part of Melbourne's expanded central city area. It accommodates high-density development and some of Australia's tallest buildings. Some indicators of Southbank's original residential area and examples of its subsequent industrial and warehouse buildings remain scattered throughout.

The City of Melbourne Thematic History identifies relevant historic themes, including 'Building a manufacturing industry'. Regarding Southbank, it states:

The industrial area of Southbank has been virtually obliterated by the new developments of the 1990s.

The City of Melbourne Heritage Strategy 2013 sets out a 15-year plan to protect its heritage buildings, places and objects. It identifies Southbank as a high-growth and urban renewal area that should have its heritage reviewed between 2014 and 2016.

Council engaged consultants to conduct the Southbank heritage review in 2016 which concluded with the *Southbank and Fishermans Bend Heritage Review*, 16 June 2017 (Heritage Study).

Melbourne Planning Scheme Amendment C305 (the Amendment) seeks to implement recommendations from the Heritage Study. The Amendment proposes to:

- apply the Heritage Overlay to 20 individual places, one precinct and two thematic groups
- delete the Heritage Overlay from 11 places
- amend the Heritage Overlay for 17 existing places
- make associated changes.

The Amendment was exhibited from 28 June to 29 July 2018 and received 48 submissions.

Key issues raised in submissions included the justification for applying the Heritage Overlay to individual properties or the City Road Industrial and Warehouse Precinct, the appropriateness of applying heritage provisions to an area identified for urban renewal and growth, whether properties should be categorised as contributory or non-contributory to the Precinct, the extent to which the Heritage Overlay Map should apply, and whether 242-246 Sturt Street should be listed as a precinct.

Since exhibition, Council proposed further changes to the Amendment. This includes removing properties from the City Road Industrial and Warehouse Precinct along the south side of City Road, east of Southbank Boulevard; north of City Road, west of Kingsway except for several properties along City Road; south of City Road, west of Kingsway; and along the east side of Queens Bridge Street, north of Kingsway. This change was in response to the many buildings that had been demolished since the Heritage Study was prepared.

Strategic justification

The Heritage Study approach and methodology are generally appropriate to support the Amendment. The Amendment is consistent with, and supported by, the relevant sections of the Planning Policy Framework and is well founded and strategically justified. It is also consistent with the relevant Ministerial Directions and Practice Notes.

Applying the Heritage Overlay to properties with local heritage significance will not restrict Southbank from achieving planning policies seeking urban renewal. To a large extent, it already has.

The net community benefit of achieving objectives in the Act and heritage policies in the Planning Scheme (by protecting Southbank properties with local heritage significance for present and future generations) outweighs any individual private to some individual property owners.

The Amendment will deliver the net community benefit and sustainable development required by Clause 71.02-3, and should proceed subject to addressing the more specific issues raised in submissions.

General issues

Heritage places should be categorised consistent with guidance in Planning Practice Note 1. Each place's category will determine which policies in either Clause 22.04 or 22.05 are applicable. These policies, as introduced through Amendment C258, should not influence how heritage is categorised.

The Heritage Study should be referenced in the Planning Scheme but should exclude any reference to specific properties in Fishermans Bend and any associated statements of significance. The Southbank Statements of Significance should exclude content about Fishermans Bend before it is incorporated into the Planning Scheme through the Clause 81.01 Schedule.

Potential land contamination is not relevant when considering the heritage significance because the Amendment does not propose to introduce or intensify sensitive land uses. This matter does not form part of the scope of the Amendment.

City Road Industrial and Warehouse Precinct

The City Road Industrial and Warehouse Precinct does not meet the threshold of local heritage significance to justify the Heritage Overlay.

The area referred to as the City Road Industrial and Warehouse Precinct may have been a cohesive heritage precinct a while ago, however such a precinct no longer exists. All that remains are scattered fragments, many of which have lost their context and ability to be read as three dimensional buildings. For example, many of the City Road properties have either just the façade remaining, insufficient upper level setback compared to the height of the tower above, or both. Since the 1990s, Southbank has transformed into an area with densely located towers, including some of Australia's tallest buildings. The area presents more like a tall city with some older buildings scattered throughout.

The Panel acknowledges that Council has significantly reduced the size of the precinct area after buildings continued to be demolished and developed since the Heritage Study. However,

this has not made the area sufficiently cohesive enough to present as a heritage precinct which justifies the Heritage Overlay.

The former industrial buildings scattered throughout Southbank may have been more appropriate as a candidate for a serial listing than a heritage precinct.

The Heritage Overlay applies to the most significant buildings in this area and the Panel does not recommend any changes in that respect.

The pocket park on the corner of City Road and Queens Bridge Street should be assessed, through a separate process, to determine whether it meets the local heritage threshold as an individual place, based on criterion C.

Thematic groups

It is appropriate and justified to apply the Heritage Overlay (HO1215) to properties referred to as the Substations Electrical Substations thematic group. This includes 33 Hancock Street.

The Heritage Overlay (HO1216) should also be applied to properties referred to as the Bluestone Pitched Laneways Group except for part of SM549 south of 11-13 Hancock Street. That section of laneway is no longer sufficiently intact.

113 Sturt Street

The original industrial internal features of the building should be considered for internal controls through a separate process.

The HO390 heritage citation should be updated to include references to the contribution of the Playbox Theatre to the site's history.

107-127 (part), 129, 131 and 133 Queens Bridge Street

The Heritage Overlay (HO1200) should apply all of the property.

The HO1200 statement of significance should be amended to include additional description of the context of the tower as a landmark.

49-99 Sturt Street

It is appropriate and justified to apply the Heritage Overlay (HO1201) as an individual place. The site is on a single property title and is not a heritage precinct.

The heritage fabric would be better managed through an improved statement of significance that clearly documents the contribution of all elements within the place.

Additional planning permit exceptions in the Incorporated Document are warranted and would not compromise the site's heritage fabric or setting.

Vault sculpture

The HO1225 statement of significance should be amended to include further information about the artist and association with Vault.

1-7 Queens Bridge Street

It is appropriate and justified to apply the Heritage Overlay (HO1228) to the Queens Bridge Hotel building at 1-7 Queens Bridge Street. The building has a moderate to high degree of integrity in its upper floors fronting Queens Bridge Street and much of the ground floor façade

retains a fair to good degree of integrity. The boarding up of entrances does not diminish or undermine the understanding of the site.

The building achieves historical and aesthetic significance.

The degree to which heritage, development and flooding issues can be resolved is through the planning permit process.

107-127 Queens Bridge Street

The Robur Tea House complex at part 107-127 Queens Bridge Street meets the threshold of local significance and warrants inclusion within an individual Heritage Overlay.

The heritage citation should be amended to include a more accurate history and description of the building.

The Heritage Overlay Schedule should include the address as *“part 107-127 Queens Bridge Street”*.

Other individual places

It is appropriate and justified to apply the Heritage Overlay to:

- the reconstructed section of the James Moore's Timber Yards and Sawmills complex street façade at 155 City Road (HO366)
- 272 City Road (HO374)
- the remaining part of the building at 71-75 City Road (HO1220)
- 127-129 Kavanagh Street/63 Kings Way.

There is insufficient strategic justification to apply the Heritage Overlay:

- 35-41 City Road (HO1202)
- 63 and 65 City Road (HO1203)
- 67-69 City Road (HO1219)
- 93-103 Clarendon Street (HO1222)
- 242-246 Stuart Street (HO1230).

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Melbourne Planning Scheme Amendment C305 be adopted as exhibited subject to the following:

- 1. Delete the Heritage Overlay (HO1214) from all properties proposed to be included in the City Road Industrial and Warehouse Precinct.**
- 2. Delete the Heritage Overlay from:**
 - b) the part of SM549 south of 11-13 Hancock Street for HO1216 (Bluestone pitched laneways group)**
 - c) 35-41 City Road (HO1202)**
 - d) 63-65 City Road (HO1203)**
 - e) 67-69 City Road (HO1219)**
 - f) 93-103 Clarendon Street (HO1222)**
 - g) 242-246 Sturt Street (HO1230).**
- 3. Amend the Heritage Overlay Schedule to:**
 - a) include the property address 155 City Road for HO366 (James Moore's Timber Yards and Sawmills complex street façade).**

- b) include in the description of the heritage place *“part 107-127 Queens Bridge Street”* as the address of the property in HO1229 (107-127 (part) Queens Bridge Street, Southbank.
4. Amend the Heritage Overlay Map for:
 - a) HO1220 (71-75 City Road) to apply 13 metres from the front of the building.
 - b) HO1201 (45-99 Stuart Street) to delete the land and buildings to the north of Building 877 (1937 garage façade and modern rear addition) and 874 (1930s workshop) as shown in Figure 5 of this report.
5. Amend the Southbank and Fishermans Bend Heritage Review to delete any reference to specific properties in Fishermans Bend and any associated statement of significance.
6. Amend Southbank Statements of Significance to delete pages 4 to 10.
7. Amend the *Former PMG garage, stores & workshops, part 45-99 Sturt Street Southbank (19 December 2017) Incorporated Document* to:
 - a) change under the purpose of the Incorporated Document the words *“The incorporated plan is prepared for the purposes of ~~Clause 43.01-2~~ Clause 43.01-3 of the Scheme to exempt certain development from the requirement for a permit under the provision of Clause 43.01 of the Scheme.”*
 - b) include a list of elements that contribute to the complex:
 - Building 874 (1930 & 1937-1940 workshops) – contributory element
 - Building 875 (Building workshop) – contributory element
 - Building 876 part (1937-1940 workshop, Sturt Street) – contributory element
 - Building 876 part (1973 amenities unit) – non-contributory element
 - Building 877 (1937 garage Façade) – contributory element
 - Building 877 (1937 garage modern addition) – non-contributory element
 - c) add the following permit exemptions:
 - a solar energy facility attached to a building that primarily services the land on which it is situated if the services are not visible from a street (other than a lane) or public park
 - construct or display a directional sign or small building identification sign
 - landscaping and public realm works and
 - a temporary fence.
8. Amend the heritage citation in the *Southbank and Fishermans Bend Heritage Review* for:
 - a) HO1216 (Bluestone pitched laneways group) to remove the part of SM549 south of 11-13 Hancock Street
 - b) HO390 (former Castlemaine Brewery Company malt house, corner Grant and Dodds Streets) to add information about the Playbox Theatre and its association with the site.
 - c) HO1200 (former Castlemaine Brewery complex, part 107-127, 129, 131 and 133 Queens Bridge Street) to provide additional description of the context of the tower as a landmark with the following *“being a prominent landmark in the*

area, a tower designed in the round, able to be seen for some distance from all the surrounding streets”.

- d) HO1201 (49-99 Sturt Street) to clearly describe the site as a complex and the buildings within the complex, including their level of contribution to the complex.
- e) HO1225 (Vault sculpture, corner Grant and Dodds Streets) to provide additional information about the sculptor and Vault’s significance in association with Robertson-Swann as an important historical figure (Criterion H).
- f) HO1229 (Part 107-127 Queens Bridge Road) to include an accurate history of the replacement of the original 1880s building and the construction of its replacement in the early 1900s.

1 Introduction

1.1 The Amendment

The Amendment proposes to implement the recommendations of the *Southbank and Fishermans Bend Heritage Review*, 16 June 2017 (Heritage Study) by, among other changes, applying the Heritage Overlay to properties in Southbank and South Wharf. Specifically, the Amendment proposes to:

- apply the Heritage Overlay to the precinct, group listings and individual places shown in Table 1
- amend the existing heritage precinct and individual places shown in Table 2
- delete the Heritage Overlay from properties shown in Table 3.

Table 1 New precinct and places

Precinct	I	Category	Criteria	HO Ref	Sub No
City Road Industrial and Warehouse Precinct					
Properties:			A, E	HO1214	3
1-13 Balston Street	I	C			2
35-41 City Road	I	C			5
43-47 City Road		C			5
49-55, 57-61, 77-79, 81-83, 157-165, 167-169, 241-243, 268-270, 274, 284-290, 292-294, 322-332, 344 and 346-356 City Road		NC			-
63-65 City Road	I	C			2, 6, 7
67-69 City Road	I	C			6, 7
71-75 City Road	I	C			8
133-139, 207-229, 235-239, 269-283, and 296-306 City Road	I	C			-
141-155 City Road	I	C			9
171-193 City Road	I	C			2
245-251 City Road		C			10
256-258 and 260-270 City Road		NC			11
272 City Road	I	C			12
276-282 City Road	I	C			2
334-342 City Road		C			13
56 - 58 Clarendon Street		C			22
60-62 and 64-68 Clarendon Street		NC			22
93-103 Clarendon Street	I	C			46
105-107 and 127-135 Clarendon Street		NC			-
67 - 69 Clarke Street	I	C			14
58 and 71-75 Clarke Street, and 17 Cook Street		NC			-
11-13 Hancock Street		C			14
15-17 Hancock Street		NC			14
33 ^{ES} and 35-37 Hancock Street		C			10
132-136 Kavanagh Street and 40 Kings Way		NC			-
63-83 Kings Way	I	C			15
1-5 Moray Street		NC			-
7 Moray Street ^{ES}		C			-

9-15, 18-24, 21-29 and 31-49 Moray Street	NC	-
26-40 Moray Street	C	-
42-48 Moray Street	NC	10, 14
87-89 Queens Bridge Street	C	16
91-93 Queens Bridge Street	NC	16
107-127 Queens Bridge Street	I C	16
129-131 Queens Bridge Street	I C	-
133 Queens Bridge Street	I C	17
135 Queens Bridge Street	C	17
1 Riverside Quay and 68-82 Southbank Boulevard	I C	-
Group listings		
Electricity substation thematic group comprising: 99A Sturt Street; 79 Fawkner Street; 33 Hancock Street ^{CR} (also contributory to City Road Industrial and Warehouse Precinct); 7 Moray Street ^{CR} (also contributory to City Road Industrial and Warehouse Precinct); 175 Sturt Street	A	HO1215 10
Bluestone pitched laneways group comprising ten bluestone laneways	A, E	HO1216 3, 14
Individual places		
20 City Road	A, G	HO1218 3
35-41 City Road	A, E	HO1202 5
63-65 City Road	A, E	HO1203 6, 7
67-69 City Road	A, E	HO1219 6, 7
71-75 City Road	A, E	HO1220 8
93-103 Clarendon Street	A, E	HO1222 46
67-69 Clarke Street	A, E	HO1223 14
49-61 Coventry Street and 50 Dorcas Street	A, G	HO1224
Kings Way Bridge, Kings Way	A, F, G	HO1227
63 Kings Way	A, E	HO1226 15
Vault sculpture, corner Grant Street and Dodds Street	A, E	HO1225 1, 3
1-7 Queens Bridge Street	A, E	HO1228 45
107-127 (part) Queens Bridge Street	A, E	HO1229 1, 16
107 - 127 (part), 129-131 and 133 Queens Bridge Street	A, E, F, G	HO1200 1, 16, 17
Spencer Street Bridge, Spencer Street and Clarendon Street	A, E, F	HO1221 -
45-99 Sturt Street	A, E	HO1201 19
242-246 Sturt Street	A, G	HO1230 20

NOTES: HO Ref: Heritage Overlay Planning Scheme Map reference number
 I: also individually significant C: Contributory NC: Non-contributory
 ES: also contributes to the Electricity Substation thematic group
 CR: also contributes to the City Road Industrial and Warehouse Precinct

Table 2 Amended precinct and places

Precinct	Criteria	HO Ref	Sub No
South Melbourne Precinct			
St Kilda Road and Wadley Street	NA	HO5	-
Individual places			
135 and 151 City Road, 68-82 Southbank Boulevard	A, E	HO366	9
171-193, 195-205 City Road, 100 and 118 Kavanagh Street, 1 Balston Street	A, E	HO368	-
235-239 City Road	A, E, G	HO370	-
269-283 City Road	A, E, G	HO371	-
272 City Road	A, E	HO374	12
276-282 City Road	A, E	HO375	-
300 City Road	A, E	HO376	
113 Sturt Street	A, E, G	HO390	1, 2, 18

Table 3 Properties where Heritage Overlay is proposed to be deleted

Property	HO Ref	Reason
157-165 City Road	HO367	Demolished
109-117 Clarendon Street	HO377	Demolished
Clarendon Street Bridge	HO378	Demolished
46-48 Haig Street	HO380	Demolished
93 Kavanagh Street	HO381	Demolished
40-46 Kavanagh Street	HO384	Demolished
234-254 St Kilda Road	HO387	Duplicate listing
23-31 Sturt Street	HO388	Demolished
43 Sturt Street	HO389	Replaced with new listing
102-118 Sturt Street	HO391	Demolished
20 Convention Centre Place	HO913	Demolished
Lorimer Street /Todd Road	HO934	Building no longer exists

1.2 Background

2016	Council engaged consultants to conduct a heritage review for Southbank and Fishermans Bend
2017	The Southbank Heritage Study was completed
21 February 2017	Council resolved to request from the Minister for Planning: <ul style="list-style-type: none"> - the Heritage Overlay be applied on the interim basis to 107-117, 129-131 and 133 Queens Bridge Street), 45-99 Sturt Street, 63-65 City Road and 35-41 City Road through Amendment C276 - that Amendment C280 be authorised to permanently apply the Heritage Overlay to those properties
30 May 2017	Minister for Planning authorised Amendment C280
19 September 2017	Council later combined Amendment C280 with Amendment C305
8 February 2018	The Heritage Overlay was applied on an interim basis to: three buildings at 107-127 (part of site), 129-131 and 133 Queens Bridge Street; and 45-99 Sturt Street. [Amendment C276]
12 February 2018	Minister for Planning authorised Amendment C305 subject to conditions
24 May 2018	Amendment C305 exhibition commenced
29 July 2018	Amendment C305 exhibition ended
18 October 2018	The Heritage Overlay was applied on an interim basis until 1 April 2019 to: City Road Industrial and Warehouse Precinct; Electricity Substations group listing; Bluestone Laneways group listing; 20 City Road, 93 - 103 Clarendon Street, 67 - 69 Clarke Street; 49 - 61 Coventry Street (part); 107 - 127 Queens Bridge Street (part); and 242 - 246 Sturt Street [Amendment C304]
31 January 2019	The Heritage Overlay expiry date for properties subject to Amendments C276 and C304 was extended to 31 January 2020 [Amendment C348melb]
May 2019	Melbourne PSA C258 [2019] PPV was issued to Council
26 June 2019	At Council's request, the Hearing was deferred to early 2020
18 September 2019	At Council's request, the Hearing was deferred to early April 2020
22 January 2020	The Heritage Overlay expiry date for properties subject to Amendments C276 and C304 was extended to 22 January 2021 [Amendment C367melb]
15 April 2020	The Hearing was deferred after University of Melbourne and Council raised procedural issues
10 July 2020	Planning Scheme heritage policies were revised [Amendment C258]
17 June 2020	Hearing by video conference was confirmed to commence 13 July 2020

Source: Council Part A submission

1.3 Procedural issues

(i) First Council request to defer the Hearing

At the first Directions Hearing on 26 June 2019, Council sought additional time to conduct further notice to property owners in Fishermans Bend. It requested the Panel to defer the Hearing to the week of 10 February 2020 and to hold a second Directions Hearing on 13 November 2019. All attending parties agreed.

Panel response

The Panel agreed to Council's request.

(ii) Second Council request to defer the Hearing

On 18 September 2019, Council requested the second Directions Hearing be held in the week of 13 April 2020 and the Hearing in the week of 11 May 2020. The Panel provided parties with an opportunity to respond.

Panel response

The Panel agreed to Council's request.

(iii) Novel Coronavirus 2019 (COVID-19) pandemic

On 16 March 2019, the Panel informed parties that the COVID-19 pandemic may affect the ability for the Hearing to be held in person. Following government physical distancing restrictions, the Panel advised parties on 6 April 2020 that it proposed to conduct the second Directions Hearing by video conference and that it was likely the Hearing would be in the same format.

(iv) Requests to defer the Hearing until it can be held in person

At the second Directions Hearing on 15 April 2020, Council and University of Melbourne requested that the Hearing be further deferred so that it can be conducted in person. Council was concerned that conducting the Hearing by video:

- may not comply with the *Planning and Environment Act 1987* which states that a panel "*must conduct its hearings in public*"
- would not enable more than one person in the room so that council officers can give instructions to its representative.

The University was concerned that its staff would not be able to effectively give instructions to its representative, given their focus on COVID-19 related issues. The University referred to the *Open Courts Act 2013*, which it considered was relevant to planning panel procedures.

Several parties submitted that they had no issue with proceeding with the Hearing by video or with deferring the Hearing to a future date. No party objected to the Hearing being deferred.

Panel response

The Panel agreed to not commence the Hearing in the week of 11 May 2020 and to conduct the Hearing in person unless circumstances changed. The Panel's decision was not in response

to submissions about the Hearing being held by video or in public, or having a client in the same room.

Planning Panels Victoria had already successfully conducted hearings by video conference which involved cross-examination, while affording natural justice and procedural fairness. Like any public hearing, the link to join the video conference was available to any member of the public seeking to observe.

At hearings held in person, clients and their representatives communicate through electronic media including emails so that they do not disrupt proceedings. This is available for hearings by video, and the Panel was open to more regular breaks to enable telephone discussions.

(v) COVID-10 Omnibus (Emergency Measures) Act 2020

The Victorian government introduced the *COVID-10 Omnibus (Emergency Measures) Act 2020* (the Omnibus Act) on 25 April 2020. The Omnibus Act amended sections of the *Planning and Environment Act 1987* to recognise a hearing as being held in public if it is available to be viewed by electronic means, either while the Hearing is being held or as soon as reasonably practicable afterwards.

On 15 May 2020, the Panel advised parties of its intention to conduct the Hearing by video conference from the week of 13 July 2020. A third Directions Hearing was conducted by video on Wednesday 17 June 2020. No party objected to the Hearing proceeding by video.

1.4 The Panel's approach

Council provided a comprehensive overview of properties subject to the Amendment which:

- have had buildings demolished since the Heritage Study was completed
- had planning permits to demolish existing buildings and to develop large scale buildings.

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

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and 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.

Mr Storey nominated properties as candidates for the Heritage Overlay which were not exhibited with the Amendment. The Panel considers these properties to be beyond the scope of the Amendment. It does not comment further on them in this report to avoid prejudicing any further investigation of those sites.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- General issues
- Heritage precinct and thematic groups
- Individual places.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the Act) to:

- conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- balance the present and future interests of all Victorians.

Planning Policy Framework

The Amendment supports the following clauses:

- **15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - 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.
 - Encourage appropriate development that respects places with identified heritage values.
 - 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.
- **17.01-1S** (Diversified economy) which seeks to strengthen and diversify the economy through, among other strategies:

Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.

- **21.05** (Built environment and heritage) which states:

Melbourne's character is defined by its distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial.
- **21.06-2** (Heritage) Objective 1 which seeks to conserve and enhance places and precincts of identified cultural heritage significance.
- **22.04** (Heritage Places within the Capital City Zone) and **22.05** (Heritage Places outside the Capital City Zone) which support the recognition and consideration of heritage.

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050 to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. The following are relevant to the Amendment:

- **Outcome 4:** Melbourne is a distinctive and liveable city with quality design and amenity
 - **Direction 4.4:** Respect Melbourne's heritage as we build for the future
 - **Policy 4.4.1:** Recognise the value of heritage when managing growth and change
 - **Policy 4.4.4:** Protect Melbourne's heritage through telling its stories.

2.3 Planning scheme provisions

The Amendment proposes to apply the Heritage Overlay to properties in Southbank. The Capital City Zone and Design and Development Overlay Schedule 10 apply to many of these properties. A common purpose of the zone and overlays is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zone

The Capital City Zone purposes are:

- To enhance the role of Melbourne's central city as the capital of Victoria and as an area of national and international importance.
- To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.
- To create through good urban design an attractive, pleasurable, safe and stimulating environment.

(ii) Overlays

The Heritage Overlay purposes are:

- 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.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit).

The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

A purpose of the Design and Development Overlay purpose is to identify areas which are affected by specific requirements relating to the design and built form of new development.

2.4 Amendment C258

On 10 July 2020, Amendment C258 changed the Planning Scheme to:

- amend Clause 22.04 (Heritage Places in the Capital City Zone) and Clause 22.05 (Heritage Places outside the Capital City Zone) to introduce:
 - Part A which applies to properties categorised as significant, contributory or non-contributory
 - Part B which applies to properties which retain a A-D grading.

2.5 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)

Planning Practice Note 1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the PPN1 criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the

significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

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

3 Strategic justification

3.1 The issues

The issues are whether the Amendment:

- is supported by, and implements the relevant sections of the Planning Policy Framework and relevant local heritage studies
- is consistent with the relevant Ministerial Directions and Practice Notes
- is generally strategically justified.

3.2 Supporting strategy and studies

(i) City of Melbourne Heritage Strategy 2013

The *City of Melbourne Heritage Strategy 2013* sets out a 15-year plan to protect its heritage buildings, places and objects. It sets out Council's roles and responsibilities, including:

- Understanding the value of our heritage today and for the future.
- Identifying places, buildings, objects and stories to be conserved.
- Sustaining heritage through protection, adaptation, reuse and creative interpretation.

Action 2.2 of the Strategy's prioritised implementation plan is to:

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

It identifies Southbank as one of the areas to be reviewed between 2014 to 2016.

(ii) City of Melbourne Thematic History

The Thematic History identifies relevant historic themes, including 'Building a manufacturing industry'. Within that theme, it refers to the Robur Tea Factory in Southbank (1887-88) as an example of a place of significance.

Regarding Southbank, the Thematic History states:

The industrial area of Southbank has been virtually obliterated by the new developments of the 1990s.

(iii) Southbank Heritage Study

As part of the Heritage Study methodology, the consultants:

- met with Council's project manager and relevant staff
- researched six priority places (including three for the Castlemaine Brewery), which were previously identified by Council
- reviewed existing citations, mapping and background documentation to identify previous heritage assessments and any mapping issues
- developed a database with property information, heritage status and other relevant data
- built the Heritage Study on:
 - previous studies with original research on the environmental, land use, social history and architecture of the study area

- Council's 2012 thematic environmental history to prepare a narrative history as context for future development and heritage protection
- conducted a desktop assessment of Aboriginal heritage in consultation with Aboriginal Victoria
- met with Council's project manager and relevant staff after completing background assessments and gain after conducting preliminary fieldwork
- conducted field assessment to:
 - provide a record of existing buildings, places and features from the public realm
 - test and resolve several discrepancies between existing citations and mapping
- reviewed the City of Melbourne Heritage Places Inventory to check location details, designations, addresses, mapping and content of heritage citations
- recategorised each place from the outdated A to D gradings to Significance heritage places, Contributory heritage places or Non-contributory places.

The Heritage Study sets out:

- an introduction and method
- an overarching statement of significance for Southbank and Fishermans Bend
- how it is relevant to Council's thematic history
- heritage place assessments
- recommendations to:
 - retain the Heritage Overlay to 17 places with corrections to their citations and statements of significance
 - delete the existing Heritage Overlay from 13 individual places
 - delete the Heritage Overlay (HO5) from the South Melbourne Precinct
 - introduce a new City Road Industrial Warehouse Precinct, and a South Wharf Shipping Sheds and Berths Precinct
 - apply the Heritage Overlay to 35 new individual places, including two thematic group listings
 - apply the appended citations and statements of significance
 - nominate the Castlemaine Hotel and South Melbourne Post office archaeological sites for the Victorian Heritage Inventory.

(iv) Discussion

The Amendment is the outcome of sequential actions originating from Council's Heritage Strategy. The Strategy sets out a framework for responding to heritage related State and local planning policies and includes an action seeking a heritage review in Southbank. The Amendment seeks to implement the outcome of that review – Southbank Heritage Study.

The Heritage Study would have benefited from stakeholder engagement, particularly with affected property owners, before exhibiting the Amendment. Stakeholder engagement can result in additional information which supports the Study's research and citations, and less changes to the Amendment after exhibition. However, this does not detract from the Study's comprehensive research and clearly presented findings.

(v) Finding

The Panel finds that the Southbank Heritage Study approach and methodology are generally appropriate to support the Amendment.

3.3 Policy support

(i) The issues

The issues are:

- whether the Amendment is consistent with, and supported by, the Planning Policy Framework
- whether applying the Heritage Overlay to properties with local heritage significance will restrict Southbank from achieving planning policies seeking urban renewal, and if so
- whether the net community benefit of achieving heritage related objectives in the Act and Planning Scheme policies outweigh planning policies seeking urban renewal in Southbank.

(ii) Evidence and submissions

Council submitted that the Amendment is consistent with, or supported by, State and local policies summarised in Chapter 2 of this report. It added that the Amendment meets section 4 of the Act by ensuring that future development proposals consider the heritage significance of properties with the Heritage Overlay.

Council explained that the Amendment would protect identified places in Southbank so that they are not compromised by new development. It would also have the following positive outcomes for the area by:

Environmental

- encouraging reuse, restoration and adaptation of heritage places
- reducing building waste associated with demolishing and constructing new buildings
- conserving embodied energy in existing buildings.

Social

- recognising buildings, streetscapes, and precincts that make the area a distinctive neighbourhood for its local population and visitors
- providing identity for an area, add character, appeal and interest to the city
- protecting this part of Melbourne's history for present and future generations.

Economic

- retaining the urban qualities that make the Southbank area distinctive as an area for locals and visitors
- facilitating decision making and minimising time delays.

There were 22 submitters who supported the Amendment, with many referring to the importance of protecting heritage for future generations.

Crown Resorts called planning evidence from Stuart McGurn of Urbis. He considered that applying the Heritage Overlay to 1-7 Queens Bridge Street and 93 -103 Clarendon Street, Southbank:

- would *"potentially undermine legitimate development opportunities in a major, and well established urban renewal precinct"*
- cannot be adequately justified with the Strategic Assessment Guidelines for Planning Scheme Amendments.

Mr McGurn added that redeveloping 1-7 Queens Bridge Street would enable it to create uses at the ground floor and upper podium floors with a visual link, consistent with Clauses 21.01-3 and 22.01.

Crown Resorts submitted that it has a significant economic impact on Victoria's economy as a key employer and through tourism attraction. Retaining the building at 1-7 Queens Bridge Street would limit community benefits by not enabling the entire site to be redeveloped. It added:

The Amendment does not consider the strategic policy direction for the land, nor approvals to date that have allowed for the total demolition of the site, as part of high density redevelopment proposals. We consider it may prejudice the strategic redevelopment of the site which would be inconsistent with the overarching vision for this part of Southbank.

The 15-17 Hancock Street owner submitted that State and local planning policy for land in the Capital City Zone anticipate significant changes to urban form and density. It explained that this is apparent from the numerous constructed and approved high rise towers in Southbank, many of which exceed 100 metres. The owner referred to the following zone and overlay which apply to the area:

- Capital City Zone Schedule 3 which seeks:

To develop Southbank as an extension to the central city, providing for a mix of commercial and residential land uses that complement the capital city function of the locality.

- Design and Development Overlay Schedule 10 which seeks:

To ensure that development respects and responds to built form outcomes sought for the central city.

The 15-17 Hancock Street owner considered that applying the Heritage Overlay to their property would restrict the ability to meet objectives for Southbank set out in planning policies and provisions.

(iii) Discussion

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

The Amendment proposes to apply the Heritage Overlay to a select number of properties in Southbank. Since exhibiting the Amendment, Council has proposed to no longer pursue the Heritage Overlay to a considerable number of those properties. A significant proportion of Southbank, including properties which have been developed since urban renewal policies for the area were introduced, have no Heritage Overlay.

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

Since relevant policies were introduced for Southbank, it has become a high-density built form environment with some of Australia's tallest buildings. It continues to attract large scale

investment and developments. This is evident through the number of approved planning permits for towers which are either being constructed or proposed to commence construction in the near future.

The Panel considers there is no policy tension between growth and heritage because to date, there has been a heavy weighting towards policies seeking growth. This has accelerated Southbank's transformation into an extension of Melbourne's central city area.

For reasons set out in Chapter 5.1, the Panel considers that much of Southbank's heritage has experienced, and continues to experience, insufficient upper level setbacks from the heritage facades, overly dominant towers, unsympathetic design responses and the cumulative impact of existing, approved and proposed future built form. This imbalance has resulted in a considerable proportion of potential heritage places losing necessary curtilage and context needed to protect the heritage fabric.

This is not surprising because Southbank has evolved to its current scale before new heritage policies were introduced in July 2020 and without the Heritage Overlay on many properties subject to the Amendment.

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

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

The Panel disagrees with submissions that applying the Heritage Overlay would restrict the ability to achieve policies seeking growth in Southbank. It may affect some individual property owners who may otherwise have had additional yield without the Heritage Overlay. However, the net community benefit of achieving heritage related objectives in the Act and policies in the Planning Scheme (by protecting Southbank properties with local heritage significance for present and future generations) outweighs any private economic disbenefit to some individual property owners.

(iv) Findings

The Panel finds:

- The Amendment is consistent with, and supported by, the Planning Policy Framework.
- Applying the Heritage Overlay to properties with local heritage significance will not restrict Southbank from achieving planning policies seeking urban renewal.
- The net community benefit of achieving objectives in the Act and heritage policies in the Planning Scheme (by protecting Southbank properties with local heritage significance for present and future generations) outweighs any individual private to some individual property owners.

3.4 Conclusions

For the reasons set out in the following chapters, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- will deliver net community benefit and sustainable development, as required by Clause 71.02-3
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 General issues

4.1 Heritage categorisation

(i) The issue

The issue is whether heritage policies in Clauses 22.04 and 22.05 introduced into the Planning Scheme through Amendment C258 should influence how heritage is categorised.

(ii) Background

Policy set out in Part A of Clauses 22.04 and 22.05 differs depending on whether the heritage place is categorised as significant, contributory or non-contributory. It defines them as:

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.

Contributory Heritage Place: A contributory heritage place is important for its contribution to a heritage precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the heritage 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 heritage precinct. Contributory places are typically externally intact, but may have visible changes which do not detract from the contribution to the heritage precinct.

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

Applying these definitions, Clauses 22.04 and 22.05 state it is policy that:

- The demolition of a non-contributory place will generally be permitted.
- Full demolition of significant or contributory buildings will not generally be permitted.
- Partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted.

(iii) Evidence and submissions

University of Melbourne owns 45-99 Sturt Street. It submitted that Amendment C305 should be read with policy changes proposed through Amendment C258. It explained:

If Amendment C258 is approved as exhibited, any place affected by a site-specific heritage overlay will be upgraded to a 'significant' grading, regardless of the A, B, C or D grading currently attributed to that place. The introduction of site-specific heritage overlays should therefore only be approved where the place warrants a 'significant' grading. Where a heritage overlay covers a number of buildings, it should do so via precinct overlay so that individual buildings are able to be appropriately graded under the new heritage policy.

(iv) Discussion

Council, the C258 Panel and the Minister for Planning considered that heritage policy introduced into the Planning Scheme through Amendment C258 was an appropriate response to heritage properties. The Panel Hearing process for that Amendment provided an

opportunity to express their views. This includes whether they consider the policies somehow elevate a heritage place to a higher 'grading'.

Amendment C258 introduced more focussed policies for different heritage places. Each place's category will be determined through separate planning scheme amendments.

Amendment C305 is one such amendment. It seeks to apply the Heritage Overlay to properties considered to have sufficient local heritage significance. It does this by categorising them as contributory or non-contributory within a precinct, including them in a thematic group, or as an individual listing. Each property needs to be objectively assessed to determine how they should be categorised. Planning Practice Note 1 provides guidance on assessing potential heritage places and there should be no influence beyond this scope.

Reverse engineering a property's category to achieve a more favourable policy outcome would directly conflict with objectives in the Act and with State policy which seek to protect heritage places for present and future generations.

Chapter 6.5 explores whether 49-99 Sturt Street should be an individual heritage listing or a precinct.

(v) Conclusion

The Panel concludes:

- Heritage places should be categorised consistent with guidance in Planning Practice Note 1.
- Policy introduced through Amendment C258 should not influence how heritage is categorised.

4.2 Fishermans Bend content in an incorporated and background document

(i) The issues

The issues are:

- whether the Heritage Study should be referenced in the Planning Scheme if it includes content about Fishermans Bend
- whether content about Fishermans Bend should be included in any incorporated statement of significance.

(ii) Evidence and submissions

Development Victoria owns the former General Motors Holden site in Port Melbourne comprising 221-245 Salmon Street, 61-65 Cook Street and rear 33-49 Cook Street. These properties are included in an area referred to the Heritage Study. University of Melbourne submitted that it has an interest in the General Motors Holden site.

Development Victoria and University of Melbourne noted that the Amendment proposes to reference the Heritage Study but does not propose to apply the Heritage Overlay to properties beyond Southbank and South Melbourne. They objected to:

- referencing the Heritage Study in the Planning Scheme if it includes content about Fishermans Bend

- incorporating the Southbank and Fishermans Bend Statements of Significance into the Planning Scheme.

Collectively, they submitted:

- it is confusing and inappropriate to include content about Fishermans Bend in the Heritage Study and statement of significance because it has not been considered through the Amendment
- referring to such content would prejudice future planning permit applications
- it is unnecessary and inappropriate to refer to 'Southbank and Fishermans Bend' because no such heritage place exists
- it is fundamentally contrary to Planning Practice Note 1 and the Victoria Planning Provisions to incorporate a statement of significance that refers to land which is not included in the Amendment
- no finding or recommendation in the Heritage Study for Fishermans Bend has been progressed or tested through the Amendment and cannot be given any weight
- consistent with Planning Practice Note 13, a background document is used to understand content in the Planning Scheme and should not include content beyond that scope.

Development Victoria and University of Melbourne requested that the Southbank and Fishermans Bend Southbank Statement of Significance be deleted. Regarding the Heritage Study, they requested that the Fishermans Bend content be removed before the Amendment progresses, or that it not be referenced in the Planning Scheme until the process for considering heritage in Fishermans Bend has been completed.

At the Hearing, Development Victoria confirmed that its issues would be resolved if the relevant statement of significance was deleted and if Fishermans Bend content was deleted before it is referenced in the Planning Scheme through the Amendment.

During cross examination, Mr Vines explained that he was not in a position to rewrite the Heritage Study after Council decided to not pursue areas outside of Southbank through the Amendment. He explained that it is possible to separate the Fishermans Bend and Southbank control from the Heritage Study into two separate documents but that would require considerable effort.

Mr Vines agreed that the incorporated statements of significance did not need to include content about Fishermans Bend.

In its closing submission, Council considered it appropriate to:

- add "*as it applies to places considered in Planning Scheme Amendment C305*" when referencing the Heritage Study in Clauses 22.04 and 22.05 of the Planning Scheme
- remove the overarching Southbank and Fishermans Bend Statement of Significance and other content at pages 4 to 10 of the Southbank Statements of Significance incorporated document.

(iii) Discussion

Background document (Heritage Study)

The Panel considers there is no issue with including Southbank and Fishermans Bend in the Heritage Study. There can be cost, resource and knowledge benefits from such an approach.

However, there are some issues with implementing the one study through separate planning scheme amendments.

A key question is whether the Heritage Study which includes properties yet to be considered through the Amendment should be referenced in the Planning Scheme.

It is common for a heritage study to include properties which were not included in an exhibited planning scheme amendment. Generally, these properties are removed from the heritage study either before exhibition or before an amendment is introduced into the Planning Scheme.

Having regard to Planning Practice Note 13, the Heritage Study, as a background document, should only include content which helps explain further context about Southbank properties subject to the Heritage Overlay and associated Statements of Significance. Including content about Fishermans Bend may result in confusion and unnecessary delays in the planning permit application process.

Of the two suggested approaches presented by Development Victoria and University of Melbourne, the Panel prefers to include the Heritage Study as a background document to the Planning Scheme but without referencing specific properties in Fishermans Bend and any associated statements of significance. The Panel is cognisant that this may take some effort, however the study has well researched and insightful information that would help explain the local heritage significance of the subject properties.

Incorporated document (Statement of Significance)

An incorporated document forms part of the Planning Scheme and has equal statutory weight. While the bar is high for referencing a background document in the Planning Scheme, it is considerably higher for an incorporated document. Including content about Fishermans Bend in the Statement of Significance is not consistent with advice in Planning Practice Note 13 which seeks to incorporate content which is essential to the proper functioning of the Planning Scheme and decision making.

The Panel agrees with Development Victoria, University of Melbourne, Council and Mr Vines that the Southbank Statements of Significance should exclude content about Fishermans Bend, specifically pages 4 to 10, before it is incorporated into the Planning Scheme.

(iv) Conclusion and recommendation

The Panel concludes:

- The Heritage Study should be referenced in the Planning Scheme but should exclude any reference to specific properties in Fishermans Bend and any associated statements of significance.
- The Southbank Statements of Significance should exclude content about Fishermans Bend before it is incorporated into the Planning Scheme through the Clause 81.01 Schedule.

The Panel recommends:

Amend Southbank Statements of Significance to delete pages 4 to 10.

Amend the *Southbank and Fishermans Bend Heritage Review* to delete any reference to specific properties in Fishermans Bend and any associated statements of significance.

4.3 Potentially contaminated land

(i) The issue

The issue is whether potential land contamination is relevant when considering the heritage significance of a property.

(ii) Evidence and submissions

In its submission, the Environment Protection Authority noted that the following Southbank properties subject to the Amendment were potentially contaminated:

- 113 Sturt Street
- 63-65, 171-193, 195-205, 276-282 City Road
- 100 and 118 Kavanagh Street
- 1 Balston Street.

The Authority recommended that Council consider Planning Practice Note 30 (Potentially Contaminated Land) for future planning scheme amendments. It added that future strategic work council investigate applying the Environmental Audit Overlay to potentially contaminated land so that appropriate mitigation measures are undertaken before a sensitive use commences on that land.

Council submitted that the issue of contaminated land was outside the scope of the Amendment.

Ms Vines considered that applying the Heritage Overlay would not necessarily affect the ability to manage contaminated properties. He added:

Contamination has in some cases been used as a reason for not conserving historic places. It is therefore recommended that careful consideration be given to planning applications regarding use and redevelopment to ensure this scenario can be avoided.

Council submitted that the site at 171-193 and 195-205 City Road has been completely redeveloped for high rise buildings with the exception of the two storey brick and concrete facades to City Road. It assumed that any land contamination issues would be dealt with in the planning and construction phases. In any case, the potential contaminated ground would appear to have been removed, apart from what may have entered the façade masonry and foundations.

(iii) Discussion

The Panel commends the Environment Protection Authority for advising Council of properties with potential contamination. Its advice is relevant for any future planning scheme amendment which proposes to rezone potentially contaminated land to a zone which introduces a sensitive land use. However, the Amendment does not propose either of these. The Panel considers that potential land contamination is not relevant when considering heritage significance and therefore agrees with Council that it is beyond the scope of the Amendment.

(iv) Conclusion

The Panel concludes that potential land contamination is not relevant when considering the heritage significance and does not form part of the scope of the Amendment.

5 Heritage precinct and thematic groups

5.1 City Road Industrial and Warehouse Precinct (HO1214)

Exhibited statement of significance



What is significant?

The City Road industrial and warehouse precinct, Southbank comprising the extent of land and significant and contributory buildings. Contributory elements to the precinct include:

- The scale and character of the one to five-storey factory and warehouse buildings constructed in City Road, Queensbridge Street, and surrounding streets between the late nineteenth century and Second World War and the predominant building forms and materials of the precinct.
- The traditional association with mercantile and motoring activities.

How is it significant?

The City Road industrial and warehouse precinct is historically and aesthetically significant to Southbank and the City of Melbourne.

Why is it significant?

The City Road industrial and warehouse precinct is historically significant for its rare surviving industrial and commercial buildings which were once the characteristic building types in the area south of the Yarra River. This area was regarded as the industrial seed bed, supporting commercial activities with essential warehousing and wholesale supplies for Melbourne business.

The variety of industrial and warehouse building forms are distinctive expressions of the important mercantile activity that developed along the south bank of the Yarra River around the turn of the twentieth century and so is representative of the major industrial development that occurred in the Victorian-era and Interwar periods.

The surviving buildings in the precinct are aesthetically significant for the range of late Victorian, Edwardian and Interwar architectural treatments of commercial and industrial premises, which despite being utilitarian, still had a finely resolved presentation to the street. This is evidence of the role that the buildings' appearance had as part of the companies' public face in their marketing and promotion. Styles employed reflect the fashions of the time whether Classically derived, Arts & Craft or Streamlined Moderne, indicating that the functional spaces were seen as contributing to the aesthetic character of the city.

(i) Proposed changes since exhibition

Since exhibiting the Amendment, Council proposed to reduce the extent of the Precinct after considering submissions at a council meeting. It has proposed further reductions since that meeting. Table 4 shows the areas proposed to be removed and properties identified in submissions. 'Response' refers to Council's response at its meeting, 'Further' refers to proposed changes since then, and 'S' refers to the Heritage Overlay either applying, or proposed to be applied, to the property as an individual place.

Council is proposing associated changes to the HO1214 statement of significance and citation.

Table 4 Properties proposed (since exhibition) to be removed from the City Road Industrial and Warehouse Precinct

Area / property	Response	Further
Along the south side of City Road, east of Southbank Boulevard, including:		
35-41 City Road (Contributory) – Heritage Overlay (HO1202) still proposed <i>Building, except the façade, has been demolished (Permit issued 6 Jun 2017)</i>	✓	S
43-47 City Road (Contributory) <i>Building has been demolished (Permit issued on 6 Jun 2017)</i>	✓	
49-55 and 57-61 City Road (Non-contributory)	✓	
63-65 City Road (Contributory) – Heritage Overlay (HO1203) still proposed <i>Permit issued on 8 Feb 2017 to demolish the entire existing building</i>	✓	S
67-69 City Road (Contributory) – Heritage Overlay (HO1219) still proposed <i>Permit issued on 8 Feb 2017 to demolish the entire existing building</i>	✓	S
71-75 City Road (Contributory) – Heritage Overlay (HO1220) still proposed <i>Permit issued on 12 Mar 2017 to demolish the building except the facade</i>	✓	S
77-79 and 81-83 City Road (Non-contributory)	✓	
Many properties north of City Road, west of Kingsway including:		
256-258 and 260-266 City Road (Non-contributory) <i>Permit issued on 21 Oct 2013 (and amended after) for a multi-level tower</i>	✓	
268-270 City Road (Non-contributory) – <i>Permit issued on 1 Jun 2017 to demolish the building, except the front of the warehouse and workshop</i>	✓	
322-332 City Road (Non-contributory)	✓	
334-342 City Road (Contributory) <i>Permit issued on 19 June 2016 to demolish the building</i>	✓	
344 City Road (Non-contributory) <i>Permit issued on 19 June 2016 to demolish the building</i>	✓	
346-356 City Road (Non-contributory)	✓	
56-58 Clarendon Street (Contributory) <i>Permit issued on 29 June 2018 to demolish the building</i>	✓	
60-62 and 64-68 Clarendon Street (Non-contributory) <i>Permit issued on 29 June 2018 to demolish the building</i>	✓	
South of City Road, west of Kingsway, including:		
67-69 Clarke Street (Contributory) – Heritage Overlay (HO1219) still proposed	✓	S
11-13 Hancock Street (Contributory)	✓	

Area / property	Response	Further
33 Hancock Street (Contributory) – Heritage Overlay (HO1215) still proposed	✓	
35-37 Hancock Street (Contributory)	✓	
42-48 Moray Street (Non-contributory)	✓	
241-243 City Road (Non-contributory)		✓
245-251 City Road (Non-contributory) <i>Building has been demolished (Permit issued on 21 Mar 2014)</i>		✓
Along the east side of Queens Bridge Street, north of Kingsway, including:		
87-89 Queens Bridge Street (Contributory) <i>Permit issued on 9 August 2018 to demolish the building</i>	✓	
91-93 Queens Bridge Street (Non-contributory) <i>Permit issued on 9 August 2018 to demolish the building</i>	✓	

Source: Document 15

(ii) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO1214) to properties referred to as the City Road Industrial and Warehouse Precinct.

(iii) Evidence and submissions

There were submissions which referred to properties where the Amendment proposed to apply the Heritage Overlay twice – the City Road Industrial and Warehouse Precinct and as an individual listing.

Supporting submissions

The National Trust of Australia (Victoria) (National Trust), Melbourne Heritage Action, Southbank Residents Association and 22 residents supported the Precinct and the retention of heritage fabric in Southbank generally.

The National Trust submitted that identifying and protecting the Precinct will become an important tool in preserving the history and character of an area currently facing extreme development pressure. It submitted that, while many industrial and commercial buildings in the Precinct have already been lost or severely altered, particularly through facadism, the Heritage Overlay would ensure that any future permit application is required to consider the history and character of the Precinct more broadly.

Melbourne Heritage Action noted that the Precinct has been reduced in scope a number of times during the Amendment process in response to ongoing demolitions. It submitted that, although elements are somewhat separated, and in part consist of buildings that are now only facades, is still important to apply the Heritage Overlay to the Precinct as a means of capturing what is left of the industrial heart of the area. It added that without a heritage precinct, more buildings will remain unprotected, and only a scattering of individual heritage buildings would remain.

Opposing submissions

The following owners opposed the Heritage Overlay (HO1214) being applied to all or part of their properties:

- Pro-Invest Developments (35-41 City Road and 43-47 City Road)
- Photography Studies College and Collins McPherson Australia Pty Ltd (63-65 City Road and 67-69 City Road)
- Central Equity (71-75 City Road)
- Salvo Property Group (245-251 City Road, 11-13 Hancock Street, 33 Hancock Street and 35-37 Hancock Street)
- Clause 1 and Novatec Design (11-13 Hancock Street, 42-48 Moray Street and 67-69 Clarke Street)
- Calgem (334-342 City Road)
- GFM Investment Management Pty Ltd (256-266 City Road)
- Run All International Pty Ltd and Hengmao Australia (63 Kings Way)
- Sheng Le Group (87-89 Queens Bridge Street, 91-93 Queens Bridge Street, 99 Queens Bridge Street and 107-127 Queens Bridge Street)
- Eurasia (133 Queens Bridge Street)
- HY Clarendon (56-62 Clarendon Street and 64-68 Clarendon Street)
- Crown Resorts (93-103 Clarendon Street).

Submissions were made from property owners who had either commenced development or had received planning permit applications to demolish and develop the land.

35-41, 43-45, 63-65 and 67-69 City Road

Pro-invest Australian Hospitality Opportunity (ST) Pty Ltd and Photography Studies College (Melbourne) submitted that the Precinct is poorly founded justified. They explained that Amendment is seeking to establish a heritage precinct where there are insufficient findings to demonstrate features of significance to the Precinct or to any adjacent significant heritage place. They submitted that the buildings do not contribute to the Precinct, their historic use is not evident when viewed from the public realm, and they have been altered, or permitted to be altered, in a way that has impacted their significance.

Council confirmed that since exhibition, it proposed to no longer include 35-41, 43-45, 63-65 and 67-69 City Road in the Precinct.

245-251 City Road, 11-13 Hancock Street, 33 Hancock Street and 35-37 Hancock Street

Salvo Property Group submitted that these properties should be excluded from the Precinct because planning permits have been issued to demolish existing buildings and develop multi-storey developments.

It submitted that categorising the existing buildings on the three properties as contributory is unjustified because they are from different periods and do not demonstrate any of the characteristics or heritage values identified in the HO1214 statement of significance.

Salvo Property Group considered the buildings' integrity had been diminished because they were partly demolished or had other works carried out. It added that the physical context around each property has been severely compromised by the extent of existing high density, high rise and mixed use development. This has resulted in an illegible area that cannot be readily recognised as a precinct with heritage values.

Salvo Property Group considered the extension of the Precinct southwest of Kings Way and into Moray, Hancock and Clarendon Streets to be ill-conceived and opportunistic. It was submitted that the buildings identified as being of heritage value in this portion of the Precinct

present as a series of individual buildings of highly variable heritage merit in a predominantly non-heritage context, rather than as a cohesive and legible heritage precinct.

Salvo Property Group referred to the findings of Planning Panels for Yarra C173 and Boroondara C177 which found:

A precinct should be able to show a consistency of built form and be able to be precisely described in a statement of significance.

Consistent with the concerns raised by these Panels, Salvo Property Group submitted that the Precinct cannot be understood as a distinguishable, cohesive unit due to the dominance of non-contributory buildings, the lack of a physical relationship between the 'heritage' buildings and the questionable heritage merits of several of the identified heritage buildings.

Council confirmed that since exhibition, it proposed to no longer include 245-251 City Road, 11-13 Hancock Street, 33 Hancock Street and 35-37 Hancock Street in the Precinct.

11-13 Hancock Street, 42-48 Moray Street and 67-69 Clarke Street

Clause 1 submitted that the scale of new buildings in the immediate location have removed the fine-grained industrial nature of the Southbank area, and therefore the heritage significance and context of the place. This includes the approved planning permit to develop a 50 storey tower over the consolidated sites of 42-48 Moray Street and 11-13 Hancock Street.

Clause 1 objected to 67-69 Clarke Street being included in the Precinct but did not object to the Heritage Overlay (HO1223) being applied to the property as an individually significant place.

Council confirmed that since exhibition, it proposed to no longer include 11-13 Hancock Street, 42-48 Moray Street and 67-69 Clarke Street in the Precinct.

256-258 and 260-266 City Road

GFM Investment Management Ltd submitted that their properties are identified as non-contributory and are currently being developed. It considered that including 256-266 City Road in the Precinct misrepresents heritage conditions and will place an unreasonable burden on future works that may otherwise be exempt from requiring planning approval. It added that, given the proposed boundary finishes at the north-eastern and north-western interfaces of their property, altering the Precinct boundary to exclude the properties would be a logical adjustment that maintains a regular boundary footprint and includes buildings in the block which have been categorised as contributory.

Council confirmed that since exhibition, it proposed to no longer include 256-258 City Road and 260-266 City Road in the Precinct.

334-342 City Road

Calgem Pty Ltd considered that its property should not be included in the Precinct because, although it has been categorised contributory, is it an ageing and altered non-descript concrete structure and is subject to a planning permit to demolish and redevelop the site.

Council confirmed that since exhibition, it proposed to no longer include 334-342 City Road in the Precinct.

56-58, 60-62 and 64-68 Clarendon Street

HY Clarendon Development submitted the building extending across the properties at 56-62 Clarendon Street is a single storey garage which makes little contribution to the streetscape and Precinct. It considered the properties to be fragmented from the main precinct area focused along City Road.

HY Clarendon Development explained that the building is to be demolished as part of a redevelopment and 64-68 Clarendon Street is a vacant block, also subject to redevelopment.

Council confirmed that since exhibition, it proposed to no longer include 56-58, 60-62 and 64-68 Clarendon Street in the Precinct.

93-103 Clarendon Street

Crown Resorts objected to the merits of the Precinct and called heritage evidence from Mr Lovell of Lovell Chen.

Mr Lovell considered that historically, the area contained a variety of warehouse building forms, with a breadth of aesthetic styles. The Precinct was challenged by the extent of its fragmentation. Visually, it is not sufficiently cohesive for an observer to readily understand the connection from one place to the next, nor is it one in which the management of any single site will impact on the values of the whole of the place as related to streetscapes, or views or vistas.

Mr Lovell considered the area presents as a gathering of parts which have a broadly related development history, but which do not rely on a connected setting to reinforce their value. Under these circumstances, he felt it presents as a group of places which might be better suited to a serial listing, whereby the focus is on the individual place and less about the reading of the place within a broader heritage setting.

Mr Lovell recommended that 93-103 Clarendon Street be excluded from the Precinct, given its location at the periphery of the Precinct. Melbourne Heritage Action agreed that it should be excluded because it is somewhat separated from the main precinct area.

In his evidence, Mr Vines recommended that the property remain in the Precinct because it has a relationship with Haig Street and Haig Lane and the building stands out on its own in Clarendon Street due to the demolition across the road.

In response to cross-examination by Crown Resorts, Mr Vines explained that it made sense to include 93-103 Clarendon Street in the Precinct when he initially inspected it. He conceded that since then, it no longer made sense to include the property because it had lost its contextual relationship to the Precinct.

In its closing submission, Council accepted Mr Vines' subsequent reflection to exclude 93-103 Clarendon Street from the Precinct.

87-89 and 91-93 Queens Bridge Street

Sheng Le objected to its properties being included in the Precinct because they demonstrate a 'utilitarian design and alteration (which) diminishes (its) aesthetic value'. It submitted that the historical value "*as a representative of former motoring industry theme*" did not justify heritage protection of these sites.

Council confirmed that since exhibition, it proposed to no longer include 87-89 and 91-93 Queens Bridge Street in the Precinct.

107-127 Queens Bridge Street

Sheng Le noted that the Amendment proposes to include 107-127 Queens Bridge Street (Robur Tea House) in the Precinct and apply the Heritage Overlay (HO1229) to it as an individually significant property. It explained the property is subject to an incorporated document which enables a redevelopment, including a 47-storey tower, which retains most of the façade.

Sheng Le objected to:

- the property beyond six metres from the Queens Bridge Street boundary being included in the Precinct
- the individual Heritage Overlay (see Chapter 6.14).

Council maintained that 107-127 Queens Bridge Street should remain in the Precinct, as exhibited.

133 Queens Bridge Street

Eurasia owns 133 Queens Bridge Street (Castlemaine Brewery) which abuts the western boundary of the Robur Tea House. It submitted that including the property in the Precinct is not justified because, while the property has a relationship with Queens Bridge Street, it is visually disconnected from City Road.

Eurasia submitted that it would be more appropriate to confine the Heritage Overlay to the envelope of the bottle store building so that the rear and side sections could be developed without impediments.

Council maintained that 133 Queens Bridge Street should remain in the Precinct, as exhibited.

135 Queens Bridge Street

Eurasia referred to the Council-owned pocket park at 135 Queens Bridge Street immediately west of the Castlemaine Brewery site which is proposed to be included in the Precinct. It submitted that the park:

- should not be included in the Precinct as a contributory place
- is all that is left of the original footprint of the hotel which was demolished to make way for Kings Way.

Eurasia said that there is no value in putting controls on this site from a heritage perspective and there is nothing on this site to assist in understanding the precinct when the hotel was operating. There should be no controls placed on this small parcel which may be an impediment to future activation of much needed open space.

Council maintained that 135 Queens Bridge Street should remain in the Precinct, as exhibited.

Evidence of Mr Vines

Mr Vines considered the Precinct has been assessed to include the remaining fabric representing the nineteenth and early twentieth century industrial character of the area.

Mr Vines agreed with submissions that the area which had originally been designated as a heritage precinct had undergone substantial change, including demolition and development

retaining only facades, which was not best practice. He noted there are still some industrial buildings remaining in the Precinct where the rear structures have been retained and they abut bluestone cobbled lanes and these buildings represent an important theme of use and development in Southbank of late nineteenth century and early twentieth century industrial development. He explained the Precinct is needed to enable an opportunity to influence future development.

Mr Vines conceded that when the Heritage Study was undertaken *"the precinct made sense"*. He acknowledged that the number of approved developments and extent of demolition had altered the Precinct's form and supported it being reduced to the area proposed by Council since exhibition.

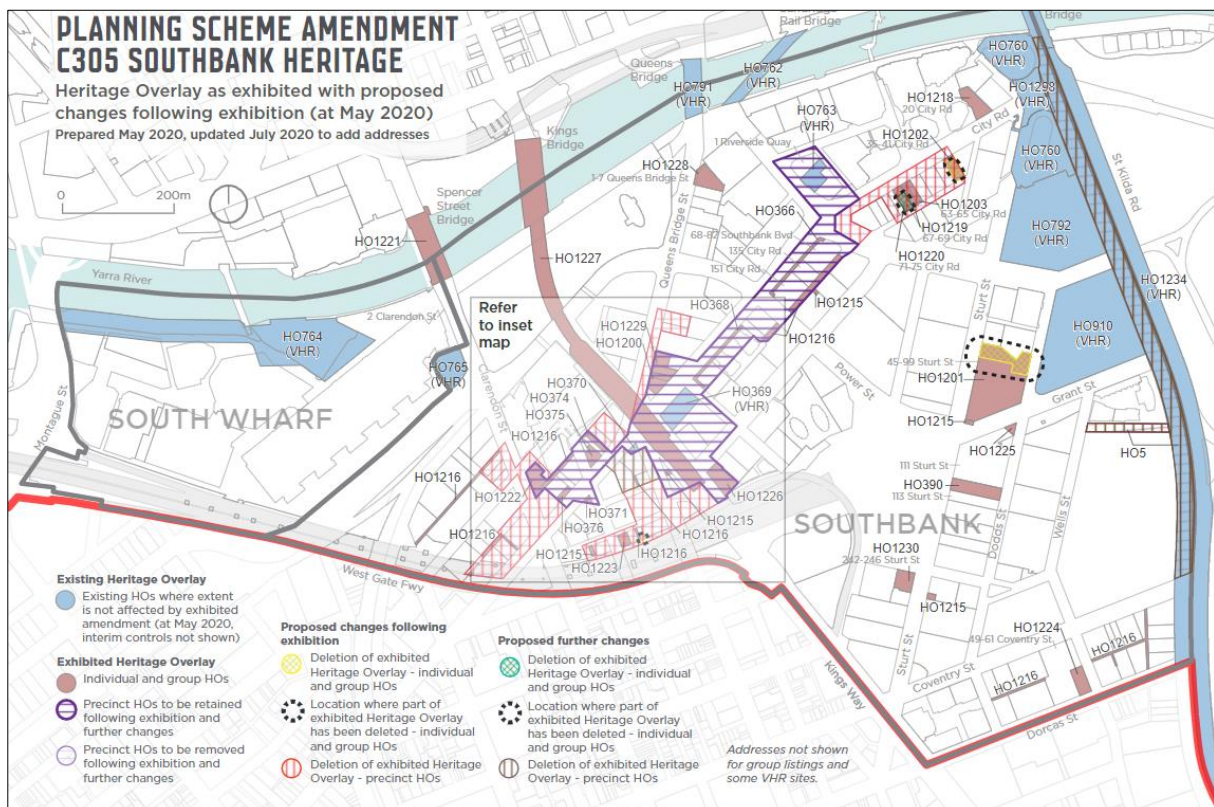
Mr Vines explained that the hotel that was originally associated with the Castlemaine Brewery was located on the area now used as a pocket park at 135 Queens Bridge Street. He considered:

- the park to be significant for its potential subsurface archaeology which would be contributory to the Precinct and to the history of Southbank
- Council's ownership of the park provides greater opportunity to expose and interpret the archaeological material for the public's benefit.

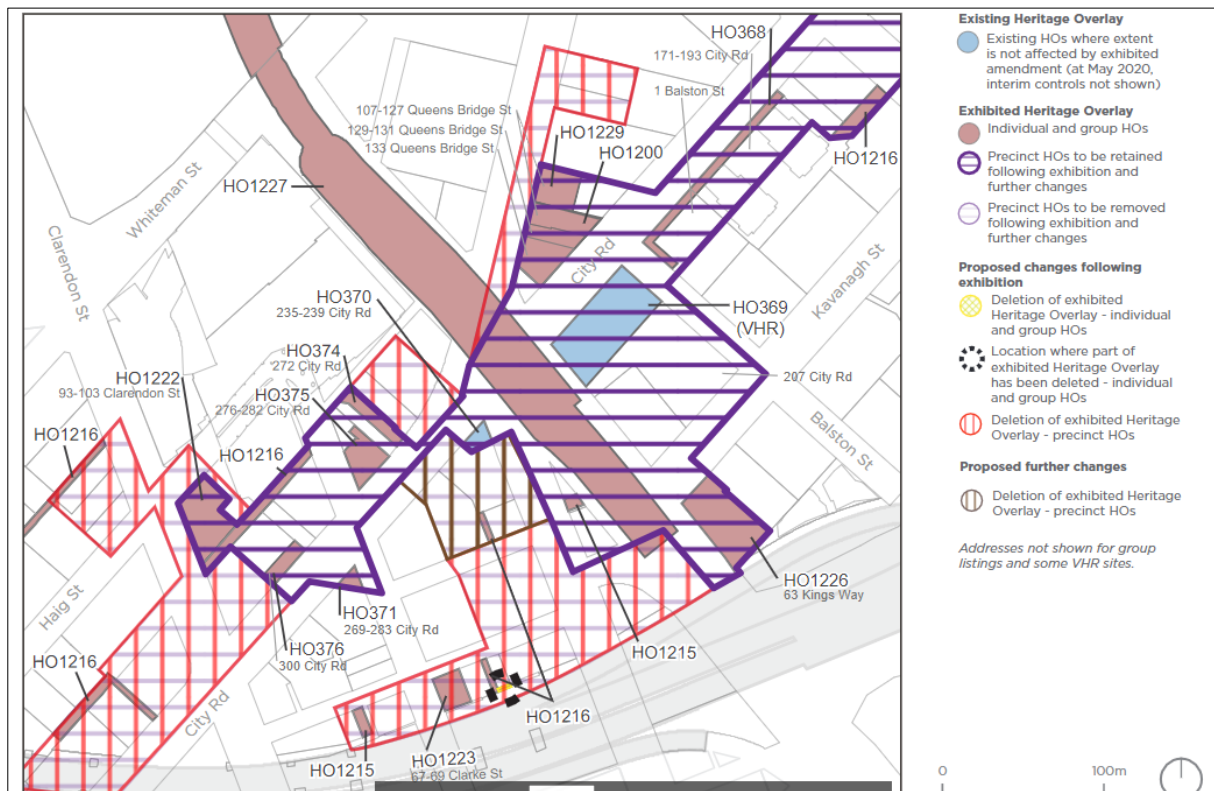
Council submission

Council advised that at its 2 October 2018 meeting after considering submissions, it resolved to reduce the extent of the Heritage Overlay on the Precinct at its northern and southern ends of City Road, remove Hancock Street and some properties from Clarendon Street and Queens Bridge Street. This includes properties shown in Figures 1 and 2.

Figure 1 Council proposed changes to City Road Industrial and Warehouse Precinct since exhibition



Source: Document 61

Figure 2 City Road Industrial and Warehouse Precinct post-exhibition changes inset map

Source: Document 61

Council maintained that the post-exhibition version of the Precinct was appropriate. It submitted the physical nature of the Precinct maintains sufficient cohesion to justify a heritage precinct. Council did not support Mr Lovell's approach to present the heritage area as serial listing. While serial listings were applied to substations and laneways, Council did not consider this was appropriate because the buildings had less commonality to justify using this approach.

(iv) Discussion

The Panel agrees with the National Trust that, based on the history of use and development in Southbank, a heritage precinct that demonstrates an industrial and warehouse theme is a worthy candidate. Given the strong and influential historic theme throughout the Southbank area, a precinct that demonstrates this theme would be clearly justified.

However, the issue for the Panel, as raised in many submissions, is whether the Precinct, in either its exhibited or proposed post-exhibition form:

- has the quality and cohesion to justify the Heritage Overlay on a precinct basis
- demonstrates the historic values that have been identified in the HO1214 statement of significance.

Many properties proposed to be included in the Precinct have planning permits to demolish existing buildings and construct taller built form which have not been acted on. The Panel has considered the merits of the Precinct based on existing conditions and fabric because there is no assurance that all permits will result in their approved development.

The Thematic History acknowledges that *"the industrial area of Southbank has been virtually obliterated by the new developments of the 1990s"* and considers that this is the case when

looking at the composition and integrity of Precinct. Council has significantly reduced the size of the Precinct area after buildings continued to be demolished and developed since the Heritage Study. However, even in its truncated form, the buildings that demonstrate the Precinct's historical values are spread out and interspersed among very large contemporary buildings. In this context, the area defined as the Precinct comprises a series of industrial remnants within a significantly changed contextual setting.

Referring to the Panel for Moonee Valley C164:

a key test for the credibility of a precinct is whether the layperson is able to recognise a particular precinct, that is, that the collection of buildings, its subdivision pattern and elements within the public realm provide a distinct feeling that the place is different to its surroundings. It is also critical that the precinct's 'feel' relates directly back to a clearly defined Statement of Significance and the historical theme that underpins it. There may be some precincts where the history is not obvious without reading the heritage study or local history but the precinct should present as a distinct place.

The area referred to as the 'City Road Industrial and Warehouse Precinct' may have been a cohesive heritage precinct a while ago, however such a precinct no longer exists. All that remains are scattered fragments, many of which have lost their context and ability to be read as three-dimensional buildings. For example, many of the City Road properties have either just the façade remaining, insufficient upper level setback compared to the height of the tower above, or both. Since the 1990s, Southbank has transformed into an area with densely located towers, including some of Australia's tallest buildings. The area presents more like a tall cityscape with some older buildings scattered throughout.

The Panel agrees with Mr Vines that the pocket park at 135 Queens Bridge Street the site may contain archaeological fabric and should be considered as a candidate for further work to investigate these heritage values. This work should be conducted through a separate process to the Amendment.

(v) Conclusions and recommendation

The Panel concludes:

- The City Road Industrial and Warehouse Precinct does not meet the threshold of local heritage significance to justify the Heritage Overlay.
- The pocket park on the corner of City Road and Queens Bridge Street should be assessed, through a separate process, to determine whether it meets the local heritage threshold as an individual place, based on criterion C.

The Panel recommends:

Delete the Heritage Overlay (HO1214) from all properties proposed to be included in the City Road Industrial and Warehouse Precinct.

5.2 Electricity substation thematic group (HO1215)

Exhibited statement of significance



What is significant?

The Southbank Electrical Substations are located at 99A Sturt Street, 79 Fawkner Street, 33 Hancock Street, 7 Moray Street and 175 Sturt Street, Southbank.

Contributory elements include:

- rectangular plans and parapeted forms
- brick finishes with rendered lintels and brick drip moulds
- fittings including rain goods, terracotta vents and timber doors
- wide eaves and gambrel roof forms

How is it significant?

The Southbank electricity substations are significant historically to Southbank and the City of Melbourne.

Why is it significant?

The Southbank electricity substations are historically significant as representative of the provision of reticulated electricity into the Southbank area in the early 20th century as local engineering firms created a much increased demand for electricity and former crown land reserves were sold for new development. The individual substations were generally connected to specific industrial developments in their local area, such as the 99 Sturt Street substation being establishment adjacent to the PMG workshops in the 1920s.

The substations are of aesthetic interest for their utilitarian brick interwar style which was typical of both the period and function.

(i) The issues

The issues are:

- whether it is appropriate and justified to apply the Heritage Overlay (HO1215) to properties referred to as the Substations Electrical Substations thematic group
- whether 33 Hancock Street should be included in the Substations Electrical Substations thematic group.

(ii) Evidence and submissions

Salvo Property Group, which owns 33 Hancock Street, objected to the Heritage Overlay being applied to the former substation. It submitted that the substation is part of 33-51 Hancock Street which is subject to a planning permit issued by Council in 2017 which allows:

Demolition of existing building and development of a multi-storey mixed-use development including dispensation of loading bay dimension requirements and alteration to access to a Road Zone Category 1 in accordance with the endorsed plans.

When explaining reasons for its objection, Salvo Property Group focused solely on the City Road Industrial and Warehouse Precinct, within which this property is also included. It did not address the merits or otherwise of the Electrical substation thematic group (HO1215).

Mr Vines did not make any recommendation for 33 Hancock Street the context of the thematic group because he also considered properties raised by Salvo Property Group in the context of the City Road Industrial and Warehouse Precinct.

In its table of proposed changes¹, Council confirmed:

- it no longer sought to include 33 Hancock Street in the City Road Industrial and Warehouse Precinct (HO1214)
- 33 Hancock Street should continue to be a contributory place in the Electrical substation thematic group (HO1215).

(iii) Discussion

The Electrical substation thematic group is an eclectic mix of building styles which accommodate a utilitarian infrastructure. The Panel considers that the substations included within the group demonstrate the historical and aesthetic values that justify a Heritage Overlay and that the serial listing approach prepared by Council is appropriate and consistent with Planning Practice Note 1.

33 Hancock Street is one of the smaller substations with a more austere and restrained design, however it is highly intact and demonstrates the typology represented in the group. The Panel considers that it is justified to include the property in the serial group of substations.

The Panel considered that the Substations as a group have historical cultural significance and aesthetic significance and that a Heritage Overlay is justified to formally recognise these places.

Furthermore, 33 Hancock Street demonstrates the characteristics of the contributory elements included in the thematic group and should remain.

¹ Document 15 prepared in response to the Panel's Direction issued 16 April 2020

(iv) Conclusion

The Panel concludes:

- It is appropriate and justified to apply the Heritage Overlay (HO1215) to properties referred to as the Substations Electrical Substations thematic group.
- 33 Hancock Street should be included in the Substations Electrical Substations thematic group.

5.3 Bluestone pitched laneways group (HO1216)

Exhibited statement of significance



What is significant?

The Southbank bluestone paved laneways are located at:

- Anthony Lane (SML246)
- Blakeney Place (SML639)
- Fawkner Street Haig Lane, off Catherine Street (Sm0477)
- off City Road (Sm199)
- off Clarendon Street (Sm0337)
- off Hancock St (SN549)
- off Power Street (PL5195)
- Wells Place 14 (SML's 609, 247 & 248).

(note Sm, Sml and Pl are City of Melbourne location designations from their CoMMap system)

How is it significant?

The Southbank bluestone paved laneways are significant historically and aesthetically to Southbank, South Melbourne and the City of Melbourne.

Why is it significant?

The Southbank bluestone paved laneways are of historical significance for their representation of the character of nineteenth and early twentieth century urban design and the historical patterns of use which required rear service access for factories and warehouses, and night cart access for emptying cesspits and toilet pans prior to the construction of the Melbourne sewerage system.

The lanes provide a direct and tangible link to the former industrial and working class residential character of the Southbank area, which has been entirely assumed by modern commercial and high rise residential development.

The lanes are of aesthetic significance as representative of past urban design styles and the use of natural materials in urban street construction, prior to the greater availability of materials such as concrete and asphalt. The lanes retain the distinctive patterns created by hand skills or their makers, and over 100 years of use producing a smoothly worn patina and fine rutting from steel wheeled delivery vehicles.

(i) The issues

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO1216) to properties referred to as the Bluestone Pitched Laneways Group.

(ii) Evidence and submissions

The National Trust supported the Heritage Overlay for the ten bluestone laneways. The Trust supported the cultural heritage assessment which highlights how intangible history and character can be preserved through the protection of tangible built fabric. It agreed with the HO1216 statement of significance submitted that the bluestone laneways should be preserved to retain the suburb's link with its historical architectural character and the actions and activity of past inhabitants. It noted that much of the suburb was subsumed by modern commercial and high rise residential development.

The 15-17 Hancock Street owner opposed the Heritage Overlay being applied to the laneway next to 11-13 Hancock Street, Southbank (SN549). They considered the laneway to be in poor condition and structurally unsound.

The owner considered that the scale of surrounding new and proposed buildings has removed the fine-grained industrial nature of the Southbank area, and compromised the heritage significance and context of the laneway. Surrounding development includes towers adjoining and adjacent to the laneway and an approved planning permit to develop a 50 storey tower on the consolidated sites of 42-48 Moray Street and 11-13 Hancock Street.

The owner was concerned with, what appears to be, inconsistencies in how the laneway (SN549) is depicted in different documents:

- Heritage Study, Table 14 (City Road Precinct) – contributory category
- Heritage Study, Figure 91 (City Road Precinct) – individually significant category, and includes land to the rear (south) of 11-13 Hancock Street as well as to the west
- Heritage Study, p552 map – only the part of the lane SN549 oriented north/south located to the west of 11-13 Hancock Street is included
- Statements of Significance Incorporated Document, p12 – significant category
- Southbank Heritage Inventory Incorporated Document – contributory category.

Mr Vines considered the bluestone lane serial listing identifies a number of physically separated places. They are now rare remnants and provide the last opportunity to preserve any elements of the area's history. He did not consider that the new development surrounding the laneway compromised its heritage significance.

Mr Vines agreed that the laneway needed maintenance, however its condition did not impact on its heritage significance.

Council agreed with the submission that the section of laneway abutting 11-13 Hancock Street, the southern portion) is not intact. Council subsequently proposed to reduce the extent of the Heritage Overlay (HO1216) to remove the part of SN549 south of 11-13 Hancock Street.

(iii) Discussion

The Panel agrees with Mr Vines that the bluestone pitched laneways are an important remnant of Southbank's industrial past and are an easily understood feature which

demonstrates the urban fabric of the nineteenth century. The Panel agrees with the method of assessing and recognising this heritage asset through a serial or thematic group listing which is an option identified in Planning Practice Note 1.

The Panel considers the laneways to be significant as a group of remnant parts and that each of the laneways listed in the HO1216 statement of significance contribute to the significance of the group. It has no concern with Council's proposal to remove a less intact section of the laneway in response to the 11-13 Hancock Street owner's submission.

The Bluestone pitched laneways group is of historical cultural significance and aesthetic significance and the Heritage Overlay (HO1216) is justified to formally recognise this feature.

The Heritage Overlay (HO1216) is justified and should apply to the laneways the small section of laneway identified by Council. Removing this section will not compromise the integrity of the serial listing.

(iv) Conclusion and recommendations

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO1216) to properties referred to as the Bluestone Pitched Laneways Group except for part of SM549 south of 11-13 Hancock Street.

Delete the Heritage Overlay from:

- a) the part of SM549 south of 11-13 Hancock Street for HO1216 (Bluestone pitched laneways group).**

Amend the heritage citation in the Southbank and Fishermans Bend Heritage Review for:

- a) HO1216 (Bluestone pitched laneways group) to remove the part of SM549 south of 11-13 Hancock Street.**

6 Individual places

6.1 135 and 151 City Road, and 68-82 Southbank Boulevard, Southbank (HO366)

Exhibited statement of significance



What is significant?

James Moore's Timber Yards and Sawmills complex street façade and supporting structure at 115-143 City Road, built up for the important timber merchant firm of James Moore in the period 1899-1903 and occupied by the firm into the mid-1930s. Contributory elements include:

- two storey Italian Renaissance revival face brick (overpainted) and rendered façade to City Road and approximately 10m return onto Southbank Boulevard (formerly Ireland St)
- symmetrical City Road façade with minor pedimented bays at both ends of the elevation, and a central large pediment that once contained the name of the company within its tympanum, as the focus of the façade
- stuccoed pilasters defining the bays, with miniature pediments at the intermediate string course
- parapet entablature linking the three pedimented bays, set above the main cornice, once, with cement orbs on the parapet piers.
- stuccoed impost and sill courses as further horizontal elements
- timber framed double-hung sash windows, once had multi-pane glazing
- typically segmental archways at ground level.

Ground level openings have been changed, the brickwork painted over, some joinery renewed but the integrity as a large Edwardian-era commercial facade is relatively good. A replica bay has been added to the west end of the façade, separated by a glass link.

How is it significant?

James Moore's Timber Yards and Sawmills complex street façade is significant.

Why is it significant?

James Moore's Timber Yards and Sawmills complex street façade is significant.

Historically: As a large and relatively well-preserved commercial façade that symbolises the extensive development created by the hardware, timber supplier and saw miller James Moore in the Victorian and Edwardian-eras. Moore was also one of the colony's foremost contractors and served prominently in local government. The façade is also symbolic of a time when this part of South Melbourne, well served by the wharves and railways, was a major industrial centre within the Colony of Victoria.

Aesthetically: A well designed and extensive commercial elevation in the prevailing Italian Renaissance revival manner that was far grander than equivalent timber yards within Victoria at that time. Also contributory to the larger role of City Road as one of the major yards commercial and industrial strips, in this case linking Melbourne with the waterfront of Port Melbourne.

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO366) to the reconstructed section of the James Moore's Timber Yards and Sawmills complex street façade at 155 City Road.

The Amendment proposes to:

- apply a new statement of significance for the James Moore's Timber Yards and Sawmills complex
- extend the mapped extent of the Heritage Overlay (HO366) to include more of the original façade and a section of new façade that replicates the existing façade up to the Sturt Street corner, which was the original extent of the property, as shown in Figure 3.

(ii) Evidence and submissions

Central Equity, which owns 155 City Road, submitted that the Heritage Overlay should not apply to the building façade to the extent proposed by the Amendment. It submitted that the façade is a modern structure built in 2014 and is referred to in the Heritage Study as *'a replica bay has been added to the west end of the façade, separated by a glass link.'* Figure 3 illustrates the extent of the reconstructed building as it relates to the James Moore's Timber Yards and Sawmills complex street façade.

Figure 3 Extent of reconstructed building at 155 City Road and proposed extension of HO366



Source: Future Melbourne Committee Report, 2 October 2018

Mr Vines noted that the replica bay replaces a section of original façade that continued along the City Road frontage and wrapped around the side elevation. He considered the replica to be very close to the original, apart from the surface finish which reveals it is constructed in concrete rather than brick and cement render. He referred to the Heritage Study which recommended that the Heritage Overlay apply to the replica section to ensure that the historical and visual context of the surviving original fabric can be conserved, as well as the fabric itself.

Mr Vines pointed out that there are other examples of reproduction or reconstructed buildings with the Heritage Overlay or in the Victorian Heritage Register. For example, Kirby's Kiosk on St Kilda Pier which was destroyed by fire, but reconstructed, and the replica building continues to be protected through the Heritage Overlay.

Council supported Mr Vines' approach and did not recommend any changes to the Amendment in response to this submission.

(iii) Discussion

The Heritage Overlay (HO366) currently applies to most of the James Moore's Timber Yards and Sawmills complex street façade, except for approximately 30 per cent of the original façade.

The Heritage Overlay applies to a façade which has towers set back behind it. This is an example of facadism that is no longer supported by Council's heritage policy at Clause 22.04. That said, the Panel notes that this is an existing situation and that the changes introduced by the Amendment seek to improve the understanding of the site through the statement of significance, rather than manage a future design response.

Applying the Heritage Overlay to the entire façade enables an appreciation of the full extent of the original façade before it was partially demolished. Although about one quarter of the original façade has been reconstructed, this section contributes to the understanding of the whole heritage place. It has been done in a way that respects the original fabric but the new section is able to be distinguished from the original façade.

The heritage citation clearly documents that the western section of the façade is not original. The Panel considers that including the reconstructed portion of the façade is justified and does not diminish the understanding of the property's overall heritage significance.

The Heritage Overlay Schedule refers to the site at HO366 as 135 and 151 City Road. In light of the proposal to increase the extent of the Heritage Overlay mapping to 155 City Road, the Schedule should also be amended to reference 155 City Road.

(iv) Conclusion and recommendation

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO366) to the reconstructed section of the James Moore's Timber Yards and Sawmills complex street façade at 155 City Road.

The Panel recommends:

Amend the Heritage Overlay Schedule to:

- a) include the property address 155 City Road for HO366 (James Moore's Timber Yards and Sawmills complex street façade).**

6.2 272 City Road, Southbank (HO374)

Exhibited statement of significance



What is significant?

Edward Murphy, old Colonist, ventilator manufacturer and plaster modeller, had this brick warehouse erected in the late 1880s after a long tenure in this part of South Melbourne as a manufacturer. His firm remained there until around World War One after a successful enterprise that gained a number of awards and commissions.

Contributory elements include:

- two storey brick parapeted form
- an arcuated façade of face brick with a cemented detailing
- a cemented trabeated system laid across the façade
- Doric Order and Corinthian Order pilasters
- large arched window openings with prominent cement masks set onto their keystones,
- befitting the trade within
- cemented mouldings including a parapet cornice and string mould at the first floor level
- timber framed double-hung sash windows
- an attic level with Victory garlands adorning the parapet panels
- contribution to the adjacent Victorian-era commercial streetscape, also built up by Murphy.

How is it significant?

Edward Murphy's warehouse is significant historically and aesthetically to South Melbourne and the City of Melbourne.

Why is it significant?

Edward Murphy's warehouse is significant.

Historically as a well-preserved warehouse associated with the plaster modelling and architectural ornament trade which evokes its purpose by the application of cement ornament to the façade also for the long association with the locally prominent pioneering Murphy family that had been linked with industrial development on Southbank since the 1860s; and aesthetically, for the relative sophistication as both an arcuated and trabeated workshop façade and one of the few Victorian-era commercial buildings remaining in Southbank as an indicator of the former key role of the locality in manufacturing and warehousing.

(i) The issues

The issue is whether the Heritage Overlay (HO374) should apply to all of 272 City Road, Southbank.

(ii) Evidence and submissions

Central Equity, which owns 272 City Road, acknowledged that:

- the Heritage Overlay (HO374) currently applies to the building
- the Amendment proposes to retain the Heritage Overlay to the whole building, including an additional splayed section at the rear of the building.

Central Equity submitted that the Heritage Overlay should apply only to the front portion of the building (fronting City Road) because an approved planning permit² and endorsed plans allow a substantial portion of the building to be demolished.

Mr Vines considered that, although a permit has been approved, development approvals are sometimes not acted upon. While the building exists, there is still an opportunity to conserve the remaining cultural values of the place. He considered that the significance of industrial buildings such as 272 City Road lies in both their outward appearance and their overall form. Where a building has been identified as a representative or characteristic warehouse or factory, the form, volumes, internal spaces and overall envelope of the building as well as its structural materials, walls, floors and roof, are all part of the significant elements. Reducing any building to a façade only severely limits the heritage values of the place and the ability of the public to appreciate its whole significance.

Council supported the evidence of Mr Vines.

(iii) Discussion

The building at 272 City Road is highly intact, demonstrates the historic and aesthetic criteria, and is significant in its three-dimensional form. The purpose of the Amendment is to consider whether the Heritage Overlay is justified based on heritage fabric and an assessment of the place's cultural heritage significance.

Irrespective of the approved permit to demolish part of the building, the entire heritage building exists so the Panel has assessed the property accordingly. The Panel considers that the Heritage Overlay should be applied to the entire property, consistent with guidance in Planning Practice Note 1.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO374) to all of 272 City Road, Southbank.

² Permit approved in July 2018

6.3 113 Sturt Street, Southbank (HO390)

Exhibited statement of significance



What is significant?

Built for the important Castlemaine Brewery Company in 1892, this malt house was erected to the design of architect, Richard Buckley Whitaker. At that time the Castlemaine Brewing Company was described as one of the most extensive, most prosperous breweries, existing in Australia.

Successful maltster firms such as Barre Brothers (barley store), then Barrett Bros & Burston & Co Propriety Limited, had a long tenure of the building before it was given by Carlton and United Breweries to the State Government in 1986 and opened as the new home of the Playbox theatre in 1989.

Contributory elements include:

- two and three -storey malt house bi-chrome brick malt house, with bays facing Sturt and Dodds streets, linked by a long central wing
- walls of red brick with contrasting brickwork used for pilasters and horizontal banding at first and second floor levels; window openings at ground level facing onto Sturt Street
- blind arcading on the exterior of the main wings (modified to create window openings to the upper floor level) with small arched
- steeply pitched hip roof Sturt Street wing, clad with corrugated iron, has distinctive ventilation monitors for the former hop storage area in the roof (recreated)
- trabeated side walls with piers and spandrels, infilled with brick
- segmentally arched openings to the side walls, typically fitted with double-hung sash windows or vertically boarded loading doors
- internal elements of cast-iron columns, timber trusses and upper floors.

The façade onto Dodds Street originally had a similar high hipped roof to that existing at Sturt Street, with three large vents extending out from the ridge but this has been removed and a single-storey brick bay added (engineering shop). Brickwork patching has been poorly matched and steel plates with tension rods added to some walls.

The adjoining recent development has provided contemporary counter-point of the malt house in a visually related manner while adding to what is now significant collection of structures and artefacts.

How is it significant?

The Castlemaine Brewery Company malt house is significant socially, historically and aesthetically to Southbank, South Melbourne and the City of Melbourne.

Why is it significant?

The Castlemaine Brewery Company malt house is significant.

Socially and historically as a rare, large and well-preserved part of one of South Melbourne's largest industries, the buildings being integral to the significance in their reflection of the scale and nature of operation of the nationally prominent Castlemaine Brewery and later the home of important live theatre productions since the 1980s as a symbol of expansion of the arts into repurposed significant structures, accompany the rising interest in heritage places and experimental theatre in that period.

Aesthetically, as a picturesque and visually distinctive building form that is evocative of its specialised use and linked in this way to the significant Castlemaine Brewery Tower in Queensbridge Street.

(i) The issues

The issues are:

- whether it is appropriate and justified to apply the Heritage Overlay Schedule internal controls
- whether the HO390 heritage citation should be updated to include references to the contribution of the Playbox Theatre to the site's history.

(ii) Evidence and submissions

Mr Storey supported the Heritage Overlay being applied to the former Castlemaine Brewery Company malthouse building. He noted that, although the statement of significance identified internal elements of cast-iron columns, timber trusses and upper floors as contributory elements, no internal controls were proposed through the Heritage Overlay Schedule.

Mr Storey considered the remaining cast-iron and timber structure to be important as one of the few remaining nineteenth century maltings in Victoria and one of the few relatively intact industrial buildings in the Southbank area, including the internal built structure.

Mr Storey considered that the refurbishment for the Playbox Theatres, as a theatre complex may also be of significance. He clarified some factual details in the statement of significance including:

- the complex opened on 23 February 1990, not in 1989
- the complex was called the Playbox at Malthouse in 1990 before being renamed to the Malthouse in 2003
- the building was donated to the (then) independent Playbox theatre company, not the State Government
- the Playbox relocation to Sturt Street was a bold move, and the beginning of the Southbank Boulevard / Sturt Street 'Arts Precinct'.

Creative Victoria, on behalf of the owner of the site, clarified that it did not object to correcting a mapping error by removing HO390 from 111 Sturt Street and applying it to 113 Sturt Street (Malthouse Theatre).

Mr Vines agreed that an interior control should be applied. He noted that the Heritage Study recommends that internal alteration controls be applied: *"to original timber lining and fittings, and cast iron posts and wrought iron beams internal structures"*. He added that there were items of intact machinery intended to be considered as 'fittings'.

Mr Vines considered the Malthouse to be an important example of a fairly respectful heritage conversion which retains the most significant elements of the place. As the building was constructed for a specific industrial function, the interiors reflect that use. The conversion has

retained much of the internal structural elements, original wall finishes, and some plant and equipment and remnants of brackets and other fittings give some sense of former equipment.

Mr Vines considered that the HO390 heritage citation should be updated with the opening date of the Playbox Theatre included in the citation (with an appropriate citation), and the role of the Playbox Theatre in the site's history and significance.

Council submitted that it did not disagree with the analysis that the internal fabric is significant and acknowledged that it has not been included in the exhibited Amendment. It did not support this change being made through the Amendment because it had not been exhibited with an opportunity to comment.

(iii) Discussion

The Panel agrees with the correction of the Heritage Overlay mapping error.

The Panel inspected the interior of the Malthouse foyer area and noted the historical industrial fabric that has been retained and sympathetically incorporated into the refurbishment and adapted re-use of the former malthouse building.

It is not clear why the Amendment did not implement the recommendation of the Heritage Study to apply internal controls through the Heritage Overlay Schedule. The Panel considers the Malthouse interior to be a good candidate for considering internal controls and agrees with Council that it should occur through a separate planning scheme process. This will enable the necessary notice and opportunity to comment.

The Panel agrees with Mr Storey and Mr Vines that the Playbox Theatre is part of the history of the site and its history should be included in the HO390 heritage citation.

(iv) Conclusions and recommendation

The Panel concludes:

- The correction to the Heritage Overlay mapping error is appropriate.
- The original industrial internal features of the building should be considered for internal controls through a separate process.
- The HO390 heritage citation should be updated to include references to the contribution of the Playbox Theatre to the site's history.

The Panel recommends:

Amend the HO390 heritage citation in the *Southbank and Fishermans Bend Heritage Review* for:

- a) HO390 (former Castlemaine Brewery Company malt house, corner Grant and Dodds Streets) to add information about the Playbox Theatre and its association with the site.**

6.4 107-127 (part), 129, 131 and 133 Queens Bridge Street, Southbank (HO1200)

Exhibited statement of significance



What is significant?

The Castlemaine Brewery complex (bottling stores and brewing tower at 115-127, 129-131 and 133 Queens Bridge Street) is a group of three buildings constructed in 1888 for the Castlemaine Brewery: a central five-storey brew tower and two two-storey bottling store buildings arranged symmetrically around it.

The Castlemaine Brewery Company was established in 1859 by the brothers Edward and Nicholas Fitzgerald. The company's Queens Bridge Road, South Melbourne brewery was commenced on the west side of Queens Bridge Street in 1871, and land opposite was first used for stables. In 1888 the three buildings, assumed to be designed by R. B. Whitaker, were constructed on the site of the former stables, and although intended as a standby in case of fire in the main brewery opposite, the buildings were fully utilized from the beginning. The central building was a traditional brew tower, and the two buildings flanking it were the bottling stores of the complex. In 1890 the brewery was described as 'one of the most extensive as it is also one of the most prosperous breweries at present existing in Australia'. However the company lost money in the early twentieth century when its beer was affected by a bacterial contamination, and the company was in poor financial shape when it became one of the six breweries which amalgamated to form Carlton & United Breweries in 1907. It ceased to operate from that time. The once extensive brewery complex on the west side of the street has been demolished. This former store is now used as offices.

The bottling stores of the former Castlemaine Brewery at 115-127 and 133 Queens Bridge Street are two storey buildings, originally of polychrome brick, with a parapet and a central arched pediment above (now been rendered and painted). The arched windows are divided by brick pilasters. The ground floor openings were altered in the post-World War II period and new arched openings similar to the originals were reinstated in 2003. The former yard at the rear has been built over. Reputedly, the building retains the cast iron columns and riveted beams that support the first floor, as well as the original timber lined ceiling.

The central five-storey brewing tower is constructed of polychrome brickwork surmounted by a Mansard roof with dormer windows and once surmounted by a cast-iron widow's walk balustrade. The timber-lined interior of the top floor is a significant element demonstrating the requirement for dust and vermin proofing of the process areas. The tower's four facades are of red brick with quoins, window heads and string courses, at each floor level, in contrasting cream brick. A decorative arch motif, five stories in height, relieves the front façade. The views to the brew tower are also significant contributory elements, now prominent from Kings Way and in shorter views from Queens Bridge

Street. Formerly, the tower was visible from across the Yarra River as a landmark, once facing another major brewing complex, McCracken's in Little Collins Street West, which has since been largely demolished.

Contributory elements include:

Fabric from c1888-1930 at the bottling stores of the former Castlemaine Brewery at 115-127 and 133 Queens Bridge Street:

- two storey form
- originally polychrome brick main façade and face red brick side and rear walls
- a parapet and a central arched pediment above, (now rendered and painted)
- arched windows divided by brick pilasters.

The ground floor openings were altered in the post-World War II period and new arched openings similar to the originals were reinstated in 2003. The former yard at the rear has been built over. The buildings retain the cast iron columns and riveted beams that support the first floor, as well as the original timber-lined ceiling.

Fabric from c1888-1930 of the central five-storey brewing tower:

- polychrome brickwork external walls
- four facades are of red brick with quoins, window heads and string courses, at each floor level, in contrasting cream brick
- a decorative giant arcade motif, five stories in height, relieves the front façade
- timber lined top floor interior and exposed riveted wrought iron girders on each floor
- remnant machinery including line shafting
- surmounted by a mansard form roof with dormer windows, which was once surmounted by a cast-iron widow's walk balustrade to the roof
- internal cast iron columns and riveted wrought iron girders
- internal exposed brick walls
- internal timber floors.

This is a coherent group of three buildings, each built in polychrome brickwork. The three buildings remain and the central tower is substantially intact including its mansard roof, however the lower buildings have been rendered over, resulting in some loss of coherency over the group. The sandblasting of the brickwork of the central tower has been detrimental to its fabric.

A nearby associated building to the complex is the former Castlemaine Brewery malt house designed by Richard Buckley Whitaker and built in 1892. It was converted to a theatre complex in 1989 with three main buildings of two and three storeys and was refurbished in 2006.

How is it significant?

The Castlemaine Brewery complex is significant historically, socially, technically and aesthetically to Southbank and the City of Melbourne.

Why is it significant?

The former Castlemaine Brewery is of significance as a rare, large and substantially intact surviving part of one of South Melbourne's largest industries, and for being an architectural landmark in the area. Despite their altered state, the two storeyed buildings are integral to the significance.

The Castlemaine Brewery complex is significant historically and socially:

- as representative of the boom in Melbourne's brewing history in the late nineteenth century, and in particular as one of South Melbourne's largest industries during a period of substantial growth in the area
- as acknowledged in 1890 as one of 'the most prosperous breweries at present existing in Australia'
- for its connection with the Fitzgerald Brothers and their managing director J. B. Perrins who, from their earliest establishment in Castlemaine, and then South Melbourne, went on to develop breweries in Newcastle, NSW, and Brisbane – eventually becoming one of Australia's major brewing operations, as Castlemaine Perkins.

And aesthetically:

- as part of a wider brewing group that includes the significant Castlemaine Brewery Malt House (113 Sturt Street, Southbank, designed by Richard Buckley Whitaker and built in 1892), also a rare, large architectural landmark in the area
- for the multi-storey brewing tower form which represents an innovation in local brewing technology and greatly enhanced the company's prosperity, even though it is not a rare building form for breweries in Victoria
- as one of three Victorian-era brewing towers in the City of Melbourne (towers associated with the Melbourne Brewery in Stanley Street, West Melbourne and the Victoria Brewery, East Melbourne are not publicly visible)
- as a well preserved example of a nineteenth century brewing complex, including a brew tower and bottling stores, distinguished by its symmetrical composition and prominence in views across the Yarra River from Melbourne's Central Activities District.

The general approach to the conservation of the building should be to retain its appearance as it stood in around the 1930s, including the removal of later accretions and reinstatement of missing fabric if appropriate (refer to Policy 4.2.1 in Conservation Management Plan).

(i) The issues

The issues are:

- whether the Heritage Overlay (HO1200) should apply to all of 107-127 (part), 129, 131 and 133 Queens Bridge Street
- the extent to which the tower is a landmark building and how it should be reflected in the HO1200 statement of significance.

(ii) Evidence and submissions

Mr Storey submitted that it is important to identify the three-dimensional landmark quality of Brewery tower as it is able to be viewed from all sides from many angles. The statement of significance states that it is significant for *"being an architectural landmark in the area"*, however the submission suggested that its landmark contribution could be better expressed in the statement of significance as *"being a prominent landmark in the area, a tower designed in the round, able to be seen for some distance from all the surrounding streets"*.

Eurasia Pacific Pty Ltd (Eurasia) submitted that it understands the heritage values of the building and agrees that the three buildings are worth protecting.

Eurasia explained that, in addition to the heritage buildings fronting Queens Bridge Street, the site contains modern buildings constructed in the early 2000s, backing onto City Road. It submitted that, as they do not have heritage value, the Heritage Overlay (HO1200) should not apply to them. It should apply only to the bottling store and not the entire site. Eurasia submitted that there are many examples in the City of Melbourne where the Heritage Overlay was applied to only part of the property.

Eurasia submitted that Heritage Overlay should also not apply to the wall at the southern and western edge of the site because it is a remnant wall. Although the heritage citation references the wall, it is *"back of house"* and while it can be preserved, it questioned the value of the fabric as it is a short piece of wall that does not add much to the understanding of the brewery.

Regarding its landmark contribution, Eurasia submitted that, in the immediate vicinity, the tower has 180-degree views as its background is not impeded and the main view was from Queens Bridge Street. However, it disagreed that the tower is able to be viewed from a 360-degree context and submitted that applying this standard would 'sterilise' the property.

Eurasia referred to Mr Barrett's evidence for the neighbouring Robur Tea House, where he found the tower only requires a 4 to 5 metre setback to give it 'breathing space'.

Mr Vines agreed that the view 'in the round' is important and the HO1200 statement of significance should be amended to strengthen wording around its landmark status.

Regarding extent of the Heritage Overlay, Mr Vines explained that the original boundary was included, (the cadastral boundary), because it assists in managing permit applications and is a more reliable boundary to administer and interpret.

Mr Vines acknowledged that the modern additions and alterations do not in themselves contribute to the cultural significance of the place, however, the existing scale and form of these buildings in their present state assists in protecting and revealing the cultural heritage of the significant components. He considered that if these areas were to be excluded there would be diminished ability to manage future changes within the excluded parcels of land outside the Heritage Overlay.

Mr Vines considered that the remnant brick wall on City Road assists in demonstrating the former extent of the Castlemaine Brewery complex and the former presence of outbuildings on the site. He considered it to be a contributory element to the significance of the place.

(iii) Discussion

The Panel acknowledges that the place's significance is not in dispute. The issues relate to the extent of the Heritage Overlay, the extent of the landmark contribution of the tower and how this should be expressed in the statement of significance.

The Panel considers that the property comprises a complex of parts, including three buildings, the remnant wall on the south-western edge of the site and space around the tower.

From its site inspections, the Panel observed that the tower has a visual connection with City Road, Kings Way and Queens Bridge Street, and a connection between the state-listed Boyd School on the opposite side of City Road. The existing buildings behind the tower, constructed in 2006, demonstrate a sensitive development response, having regard to mass and scale, despite the fact that no heritage controls applied at the time.

The Panel agrees that the wording in the HO1200 statement of significance for the tower's landmark contribution should be strengthened, as proposed by Mr Storey, as it is part of the aesthetic significance of the place and provides more context.

Although the brick wall on the southern and western edge of the property is not individually important, it contributes to the understanding of the property in terms of its original extent.

The Panel finds that applying the Heritage Overlay to the entire cadastral property is a practical and clear delineation of the control and will enable Council to assess the potential impact of any future development proposal on the heritage fabric.

(iv) Conclusions and recommendation

The Panel concludes that:

- The Heritage Overlay (HO1200) should apply all of 107-127 (part), 129, 131 and 133 Queens Bridge Street.
- The HO1200 statement of significance should be amended to include additional description of the context of the tower as a landmark.

The Panel recommends:

Amend the heritage citation in the *Southbank and Fishermans Bend Heritage Review*:

- a) **HO1200 (former Castlemaine Brewery complex, part 107-127, 129, 131 and 133 Queens Bridge Street) to provide additional description of the context of the tower as a landmark with the following “*being a prominent landmark in the area, a tower designed in the round, able to be seen for some distance from all the surrounding streets*”.**

6.5 45-99 Sturt Street, Southbank (HO1201)

Exhibited statement of significance



What is significant?

The former Postmaster General's Department (PMG) workshops, garage & stores, comprising mostly 1930-40s one and two storey red brick buildings at 45-99 Sturt Street, South Melbourne, bounded by Sturt Street, Dodds Street, Grant Street and the modern Recital Centre to the north.

Contributory elements include fabric from the 1930s-1940s:

- one and two storey form
- modern classical and Moderne styling marking the staged construction in the lead-up to World War Two
- parapeted wings and expressed eaves marking the two styles
- red brick walls with some patterned brickwork
- cemented panels with streamlining and stylised classical motifs
- multi-pane metal framed glazing and joinery some as original and others as empathetic to the original
- regular trabeation in the form of brick piers and spandrels, and fenestration;
- steel framing and timber flooring
- pitched and sawtooth roofing
- proximity to and visual relationship with the former Victoria Police complex and other government sites, marking a public building precinct.

How is it significant?

The former PMG postal workshops are significant historically and aesthetically to South Melbourne and the City of Melbourne.

Why is it significant?

The former PMG postal workshops garage & stores are historically significant as representative of the growth of telecommunications in the lead-up to World War Two and a massive Commonwealth Government building program from the first decade after Federation to create unified communication services across the country. Prior to 1901, postal and telephone services were the responsibility of separate colonial governments but under the Federation of the colonies, the role reverted to the Commonwealth and became a major factor in the unification of the states.

The buildings are of aesthetic significance as well-preserved examples of the application of both the modern classical styles and Moderne style to utilitarian building under the important Commonwealth architects, J S Murdoch and H J Mackennal, respectively, also as complimentary to the similarly styled Victorian Police Mounted Branch.

This place has been assessed in accordance with the processes and guidelines outlined in the Australia ICOMOS Charter for Places of Cultural Heritage Significance ('The Burra Charter') 2013, using the HERCON criteria.

(i) The issues

The issues are:

- whether it is appropriate and justified to apply the Heritage Overlay (HO1201) to 49-99 Sturt Street as an individual place
- whether additional planning permit exceptions in the Incorporated document are warranted.

(ii) Evidence and submissions

The University of Melbourne submitted that, fundamentally, it agreed that the former Postmaster Generals Department workshops, garage & stores at 49-99 Stuart Street have heritage significance. However, it disagreed with how the heritage controls were drafted and proposed to be implemented.

The University submitted that it would be more appropriate for the Heritage Overlay (HO1201) to be a heritage precinct rather than an individual place. It explained that the property is a campus comprising numerous buildings with different construction dates and varying degrees of heritage significance. It submitted that rather than categorising the entire property as 'significant', the heritage precinct approach would enable individual buildings to be categorised in accordance with their differing levels of significance.

The University submitted that Heritage Overlay's curtilage should be revised to exclude the recently demolished Buildings 878 and 877 (part). It considered it appropriate to exclude the former 1973 amenities building (part Building 876) and the remaining element of Building 877 because they are non-contributory and are located at the periphery of campus. The University added that if this recommendation is supported, express references to Building 876 which appear in the Incorporated Document (allowing for its total demolition) should also be deleted.

The University considered the list of works that do not require a planning permit in the proposed Incorporated Document to be insufficiently detailed and incomplete. It sought to expand the list to include:

- a solar energy facility attached to a building that primarily services the land on which it is situated if the services are not visible from a street (other than a lane) or public park
- non-domestic disabled access
- construct or display a sign
- landscaping and public realm works and
- a fence.

At the Hearing, the University submitted that the blanket categorisation of the place as significant is now illogical because the new definition of significant introduced into the Planning Scheme by Amendment C258 is different from the previous definition when the Heritage Study was prepared. It added that the consequence that flows from applying a significant grading in the context of the updated policy at Clause 22.05 (Heritage Places outside the Capital City Zone), especially with regard to changes to buildings categorised as significant would mean that little change could be facilitated on the site.

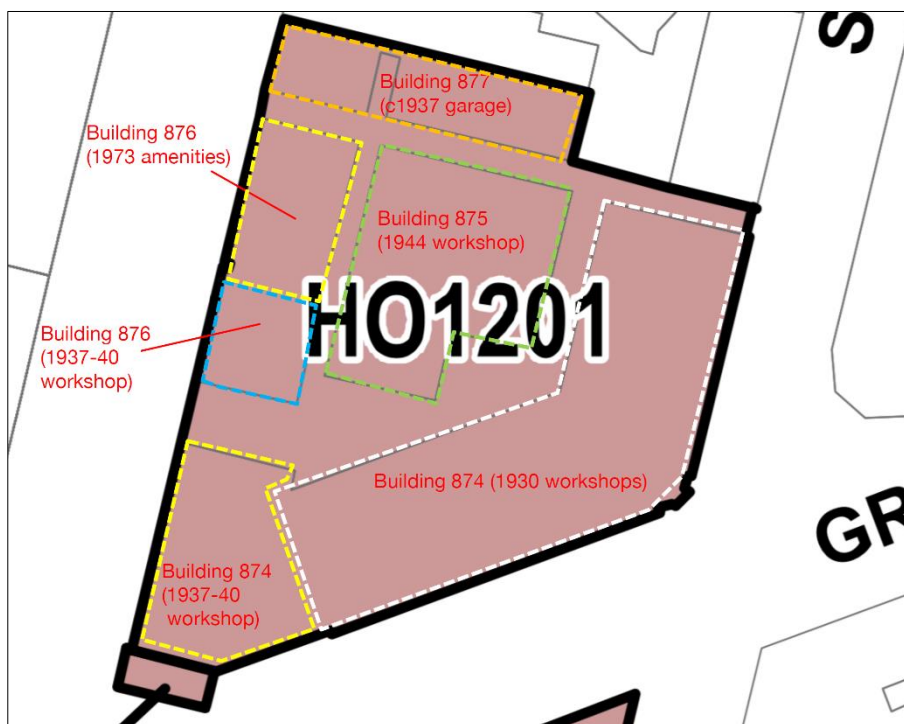
In response to a question from the Panel, the University confirmed that 45-99 Stuart Street was on a single property title³.

The University identified a typographical error in the Incorporated Document that referred to Clause 43.01-2 instead of 43.01-3. The latter Clause correctly refers to the role of incorporated plans as listed in the Heritage Overlay Schedule.

Mr Raworth, providing evidence for the University, supported heritage recognition of the site and considered the Heritage Overlay to be justified. However, he disagreed that the entire site should be categorised significant because this blanket approach fails to recognise the varying levels of significance and intactness of the buildings. He considered the Heritage Study does not adequately recognise that most of the buildings are of diminished intactness and integrity.

Mr Raworth acknowledged the recently introduced heritage policies in Clause 22.05, particularly around demolition. He explained that, given the nexus established between the degree of significance of a place and the extent of demolition to be considered under those policies, it is important that buildings of lower significance and intactness be recognised as such. He recommended that different buildings be categorised individually as contributory and non-contributory.

Figure 4 Proposed Heritage Overlay and location of various University of Melbourne buildings



Source: Document 28

Referring to the above buildings, represented in Figure 4, Mr Raworth considered the following:

- Building 874 – Historically its role was ancillary to the function of the site and should be graded contributory.

³ Document 65a

- Building 875 – Should be contributory however in its altered state it is more of a character building.
- Building 876 – Contributory, however it has been altered in terms of openings along its façade.
- Building 877 – Non-contributory as it is a façade only and there is a strong case for its exclusion.
- In his evidence Mr Raworth put forward alternative ways that the place could be recognised.

Mr Raworth considered that a precinct-based Heritage Overlay should apply to the site so that separately graded buildings could be listed in the inventory. He explained that this would be consistent with the approach taken by Council for other historical industrial sites with multiple buildings, including the former R Lohn & Co. Factory at 391-399 Macaulay Road, Kensington (HO251) where the more elaborately detailed main double-storey interwar Moderne style factory on the site is graded significant and the adjoining single-storey interwar factory with a simpler Moderne style façade is proposed to be graded contributory in the Heritage Inventory. Both buildings were listed in the Heritage Overlay Schedule with a single HO number. Other examples include the Little Pelham Precinct and the former Ramsay Surgical Precinct, and Scotch College, where in the latter example disparate buildings throughout the site share a group listing. Mr Raworth conceded that it is possible to see a group of buildings as a single entity, however the policy settings established by Council through Clause 22.05 demonstrate that there is a clear encouragement to manage heritage fabric by gradings.

Mr Raworth agreed that 49-99 Stuart Street is a place of local significance but disagreed with the Heritage Study that it is a collection of buildings that should be categorised as significant under the definitions of the Planning Scheme. He considered them to be a collection of minor buildings with importance in a group sense.

Mr Raworth agreed that further work would be required if it is to be a heritage precinct.

Regarding the Incorporated document, Mr Raworth considered a more detailed description of the buildings is necessary for the plan to be more useful.

Mr Raworth agreed with most of the permit exemptions proposed by the University except the fencing. He considered that small directional signage would be acceptable. He found non-domestic disabled access to be more challenging and usually this is something that the Council oversees to ensure that the design response is appropriate.

Melbourne Heritage Action (MHA) supported the Heritage Overlay for the site as an individual place. It considered the University's suggestion to apply it as a heritage precinct to be unjustified. MHA submitted that this approach should be used when a site is large and complex and has buildings that are significant, contributory and non-contributory.

MHA submitted that the site comprises two main buildings, built in the same decade, both typical if not outstanding 1930s industrial architecture, built as an important part of the growing telephone system, and greatly expanded as part of the lead up to World War 2 (WW2). It added:

- If the demolished section to the east including the façade of Building 877 is excluded, then the site is also largely externally intact, apart from the opening in Sturt Street.

- The original structure of the two main buildings, as well as most of the sawtooth roofed area of Building 875, are also intact; that is, they have not been reduced to façades.

MHA considered that any future works could be informed through a full Conservation Management Plan, as recommended by the Heritage Study. It submitted that a more accurate statement of significance could easily be prepared before the plan to note, for instance, that the 1973 Amenities building, and the reclad Building 875, are of lesser significance.

Mr Vines considered the site and its fabric demonstrates the important role the site played in telecommunications across Australia and its role in WW2 during the 1940s when the use was expanded and new buildings added to adapt the site to support military production, including the additional workshops encompassing the saw tooth roof. He considered the lightweight sawtooth roof on building 875 to be an important element, reflecting the site's period. Mr Vines was not convinced that the Building 857 workshops had been fully demolished, noting that the frame exists and has been reclad and relined.

Mr Vines stated that, while the site and its elements are not meant to be architecturally significant, it is a place of great historical significance. He was not opposed to a heritage precinct approach, however the approach that Mr Raworth suggested would end up with piecemeal changes and less control over height and setbacks.

Regarding the Incorporated Document, Mr Vines did not express concern regarding the additional exemptions proposed by the University.

Regarding the exemptions listed in the Incorporated Document, Council did not oppose the following additional exemptions:

- Minor works associated with non-domestic disabled access
- Directional signs
- Landscaping and public realm works
- Solar energy infrastructure attached to a building that primarily services the land on which it is situated if the infrastructure is not visible from a street (other than a lane) or public park.

Council confirmed that it proposed to include the Incorporated Document as a plan in accordance with Clause 43.01-3 of the Heritage Overlay. It agreed with the University that there is a typographic error in the Incorporated document that refers to this clause as 43.01-2 and it should be 43.01-3.

Regarding the University's submissions about the meaning of the 'significant heritage place' definition, Council submitted that it is clear from the definition that it is not necessary for a significant heritage place to be 'intact' as it is clearly contemplated that not all places will be. In addition, the use of 'and/or' makes this clearer noting that the inclusion of relevantly notable features is a disjunctive part of the definition from "*may be highly valued by the community*" and "*is typically externally intact*".

Council submitted that all parties accept that a place must also be of historic, aesthetic, scientific, social or spiritual significance to the municipality. It added that, while the interpretation of the definition is a matter of law, it is apparent when Mr Vines gave his evidence that he supported all buildings being categorised as significant even on the assumption that the current definition of significant heritage place is more stringent than the

previous definition set out in the Heritage Study. Council confirmed that the plain words of the recently introduced definition is consistent with Mr Vines' assessment.

Council supported Mr Vines' position that the whole site is worthy of protection. It maintained that the site is best recognised as an individual heritage place.

Council did not oppose a heritage precinct approach that is informed by a conservation management plan. However, it did not support the change through the Amendment because it considered such a change to be an inappropriate transformation from its exhibited form.

Council supported the Heritage Overlay being reduced to its post exhibition version which excludes the modern buildings to the north.

Figure 5 **Extent of the proposed Heritage Overlay (shown in green) at 45-99 Sturt Street**



Extent of proposed Heritage Overlay shown in green – Source: Document 11

(iii) Discussion

The Panel recognises that there are various ways to applying the Heritage Overlay and policy in order to protect and manage heritage places. In weighing up the different options, the Panel has considered the history of the site, its use as a complex, that nature of buildings on the site and its title configuration.

The Panel notes that Mr Vines and Mr Raworth agree that it makes logical sense to manage the heritage fabric together, but have different views about the significance of buildings and to some degree how the heritage significance of the place should be recognised in the Planning Scheme.

The Panel has reviewed the HO1201 heritage citation and the history of the site and its uses. The site has developed over time and buildings have been added. This has been in the context

of the site operating as a whole complex; it has a history as a whole entity. The Panel agrees that the site in its entirety is of local significance and, as a complex, is significant. This does not mean that all of its parts are of equal heritage value or intactness.

This site has undergone various degrees of change throughout its history and the more contemporary changes are, in the most part, sympathetic to the original form of the buildings while clearly modern. Despite the intrusion of the 1973 amenities block on Sturt Street, one can still appreciate and interpret the Sturt Street elevation as a building complex constructed in late 1930s. The retention of the façade at the northern end, within its low and concealed modern addition to the rear does not compromise the overall integrity of the complex as a whole.

The Panel considers that, despite these modern changes, the place as a complex is significant and all of its elements, with the exception of the modern additions and 1970s amenity building, contribute to its significance. The site should be read and understood as one site.

The Panel is concerned that there is an issue with terminology and the language of heritage protection and management, which is somewhat clouding the issue – ‘Significant’ and ‘local significance’, ‘contributory’ and ‘contributes to’. This is demonstrated by the way the heritage experts at the Hearing considered their approach. While Mr Vines considers this is a significant site with contributory elements, while Mr Raworth prefers to deal with the site in terms of individual elements to be nominated as Contributory buildings (as defined under Clause 22.05).

On balance, the Panel considers that the most appropriate way to understand the site and apply a heritage control is to include the site as a complex, such as ‘Post Master General Complex’ and list it as Significant. The statement of significance and Incorporated Plan should identify and clearly define the elements of the site that contribute to significance of the complex and those elements that do not contribute to the significance of the complex, including the buildings in the complex itself. This should provide more context for assessing future permit applications.

The Panel is concerned that the University’s submission about the site’s proposed significant category is being driven by a response to permit policy in Clause 22.05, particularly in terms of demolition. The Panel considers that a more detailed statement of significance and Incorporated Document can facilitate a more nuanced and contextual application of Clause 22.05.

The Panel considers the following exemptions to be appropriate:

- a solar energy facility attached to a building that primarily services the land on which it is situated if the services are not visible from a street (other than a lane) or public park
- construct or display a directional sign or small building identification sign
- landscaping and public realm works and
- temporary a fence.

These planning permit exemptions would not compromise the fabric of the heritage buildings or the site.

(iv) Conclusions and recommendations

The Panel concludes:

- It is appropriate and justified to apply the Heritage Overlay (HO1201) to 49-99 Sturt Street as an individual place.
- The heritage fabric at 49-99 Sturt Street would be better managed through an improved statement of significance that clearly documents the contribution of all elements within the place.
- Additional planning permit exceptions in the Incorporated document are warranted and would not compromise the site's heritage fabric or setting.

The Panel recommends:

Amend the heritage citation in the *Southbank and Fishermans Bend Heritage Review* for:

- a) **HO1201 (49-99 Sturt Street) to clearly describe the site as a complex and the buildings within the complex, including their level of contribution to the complex.**

Amend the *Former PMG garage, stores & workshops, part 45-99 Sturt Street Southbank (19 December 2017)* Incorporated Document to:

- a) **change under purpose of the Incorporated Document the words "*The incorporated plan is prepared for the purposes of ~~Clause 43.01-2~~ Clause 43.01-3 of the Scheme to exempt certain development from the requirement for a permit under the provision of Clause 43.01 of the Scheme.*"**
- b) **include a list of elements that contribute to the complex:**
 - **Building 874 (1930 & 1937-1940 workshops) – contributory element**
 - **Building 875 (Building workshop) – contributory element**
 - **Building 876 part (1937-1940 workshop, Sturt Street) – contributory element**
 - **Building 876 part (1973 amenities unit) – non-contributory element**
 - **Building 877 (1937 garage Façade) – contributory element**
 - **Building 877 (1937 garage modern addition) – non-contributory element**
- c) **add the following permit exemptions:**
 - **a solar energy facility attached to a building that primarily services the land on which it is situated if the services are not visible from a street (other than a lane) or public park**
 - **construct or display a directional sign or small building identification sign**
 - **landscaping and public realm works and**
 - **a temporary fence.**

Amend the Heritage Overlay Map for:

- a) **HO1201 (45-99 Sturt Street) to delete the land and buildings to the north of Building 877 (1937 garage Façade and modern rear addition) and 874 (1930s workshop) as shown in Figure 5 of this report.**

6.6 35-41 City Road, Southbank (HO 1202)

Exhibited statement of significance



What is significant?

G.P. Motors, Pty Ltd. is a mid-twentieth century motor garage built for the owners and operated in the 1930s to early 1950s. The building comprises a brick masonry and iron framed structure, formerly with car ramps to the upper level, and an elaborate Streamlined Moderne façade.

Contributory elements include:

- parapeted two storey form, built to the street alignment with pitched roof behind
- Streamlined Moderne styling, promoting the modern imagery of the firm
- cream face brick upper level façade cladding set against distinctive terracotta faïence on the ground level
- cemented streamlining on the façade, at parapet and storey levels
- multi-pane glazing to upper level
- counter-posing of vertical and dominant horizontal elements, as seen in the stair window ribbing, set under the upper level window hood
- oyster light fittings either side of the door
- faceted terra-cotta door reveals to entry
- transom lights to show windows
- the rear elevation is plain but well-preserved with some changes to openings.

Added panel sign is removable and is not contributory.

How is it significant?

G.P. Motors, Pty Ltd. is significant historically and aesthetically to Southbank and the City of Melbourne.

Why is it significant?

G.P. Motors, Pty Ltd. is significant historically as expressive of the continuing industrial expansion in the Southbank area into the Interwar period, with associated motor trade buildings nearby, such as Brooklands (since demolished) and the Melbourne Towing Service. It is a rare survivor of a representative of the motor trade, for which the Southbank area was once highly characteristic.

Aesthetically, it is a good example of the Moderne style as applied to retail imagery to promote a modern industry, motor car retailing and service.

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO1202) to 35-41 City Road.

(ii) Evidence and submissions

Pro-invest Australian Hospitality Opportunity (ST) Pty Ltd (Pro-invest) submitted that the Heritage Overlay (HO1202) should only apply to the façade because this is the only part of the building which remains.

Pro-invest submitted that this approach is consistent with how the Heritage Overlay is applied to properties with only facades. This includes Heritage Overlay (HO366) for the James Moore's Timber Yards and Sawmills complex facade. Pro-invest added that reducing the Heritage Overlay area would:

- maintain the intent of overlay to protect the heritage fabric on site
- ensure that the contemporary development on site is not unreasonably burdened by heritage controls.

At the Hearing, Mr Vines considered that, despite the addition of the tower, the building demonstrated an attractive architectural treatment to the façade, built in the streamlined modern form and in some respects it still reflects the historical context of the place as an industrial/commercial building.

He conceded that the building was initially assessed in its original form (before the tower) and that the original use was now less understood and its new form impinges on the understanding of the significance of the place. He referred to the development as “*not a complete disaster*” and advised that if the Heritage Study was to be undertaken afresh at this point in time, this building may have been passed over.

Council addressed the issue generally by submitting:

The approach taken in this Amendment where appropriate is to include a limited extent of heritage fabric as the land to which the heritage overlay applies. This seeks to protect only so much material as is justified given the effect of past development in order to manage the heritage value of the identified material.

This approach is appropriate where demolition has occurred and there is a recognition that significant developments are likely on sites in this area. Conversely it would be inappropriate not to recognise the extent of heritage value which is represented by the area to which the heritage overlay is proposed to apply. Without this recognition, those parts of buildings which do represent the importance and history of larger buildings which were previously present on sites could be removed or remodelled without consideration of the heritage value which has led to the fabric being included in the heritage overlay. It follows that, it is appropriate that the Amendment includes recognition and protection in this way.

This approach is not to be mistaken for an endorsement of facadism but rather it is a response to an [sic] existing conditions the [sic] represents a proportionate approach to protection.

The policies approved in C258 more clearly discourage facadism than the previous policies applying to heritage in the Scheme. In the context of discussion of development outcomes within the CCZ the Council's submissions to that (C258) Panel clearly acknowledge that “there would continue to be more intense development in the CCZ and this may result in a different form.” The (C258) Panel noted that it agrees with the Council that “just because development will be at a greater intensity, it should not be permitted to compromise the heritage value attributed to a place.

Council supported the Heritage Overlay (HO1202) being applied to the façade only.

(iii) Discussion

The Panel has considered the heritage significance of 35-41 City Road based on its circumstances at the time of the Hearing.

The building's original assessment considered it significant for its former use as a garage. The building was originally used as a garage and, in its three-dimensional form, this provided a context of its previous use.

The Panel notes that, since the Heritage Study was prepared, the entire original building has been demolished, with the exception of the façade, and a new tower has been constructed with its frontage flush with the remaining façade. While the original façade detailing remains, the sense of its original scale has been lost and the façade presents as an interesting moderne design detail competing with contemporary façade elements and a large tower flush above it. The Panel considers that the design outcome for this building has diminished the ability to appreciate what is significant about it: its historical context, its scale and its aesthetic architectural qualities.

Figure 6 35-41 City Road existing conditions



Source: The Panel, 30 July 2020

35-41 City Road is an example of the type of facadism that is discouraged in the policy in Clause 22.04.

One of the key considerations in considering whether to apply the Heritage Overlay is whether the place is sufficiently intact and has integrity. This situation is not one with a historical remnant ruin. It is also unlike the James Moore's Timber Yards and Sawmills complex street façade (HO366) because the Heritage Overlay already applies to that site and the new development has an upper level setback from the façade.

With 35-41 City Road, a new Heritage Overlay is proposed on a recently developed site which has retained the bare minimum of heritage fabric – a wall.

Having regard to the HO1202 statement of significance, the Heritage Overlay would have clearly been justified for the building in its original form because one could have appreciated

its original scale. The Panel agrees that what has been retained is an attractive and well-designed and composed façade, however changes to the site since the original assessment have undermined the integrity of the place to the extent that the Heritage Overlay is no longer appropriate or justified.

The Panel does not agree with Council that it can simply justify the Heritage Overlay on the surviving part of the building which has been substantially demolished part way through the amendment process without properly reassessing whether the heritage values are still evident to warrant the overlay. Having regard to Mr Vines' evidence, the Panel is not convinced that the site retains the same values that were originally identified.

The place should have been re-assessed based on the remaining fabric and new conditions following the new development. The Panel considers that the outcome of the development and the extent of retention of fabric does not make a case for applying the Heritage Overlay to 35-41 City Road as an individual place.

(iv) Conclusion and recommendation

The Panel concludes that it is not appropriate or justified to apply the Heritage Overlay (HO1202) to 35-41 City Road.

The Panel recommends:

Delete the Heritage Overlay from 35-41 City Road (HO1202).

6.7 63-65 City Road (HO1203)

Exhibited statement of significance



What is significant?

Crown Chemical Company warehouse built for George Buckley by c1915 and occupied over a long period by Anderson's Printing and Publishing Co, Pty, Ltd.

Contributory elements include:

- parapeted two-storey form, with pitched roof behind
- face brick and cemented detailing to façade (painted over)
- tall-arched façade fenestration
- Romanesque revival styling typical of Edwardian-era warehouses
- rear elevation red brickwork (partially over-painted) with a timber upper-level vertical board loading door and largely intact timber-framed windows.

A skillion awning and other joinery elements have been added to the City Road facade.

How is it significant?

Anderson's Printing and Publishing Co., Pty., Ltd. is significant historically and aesthetically to Southbank and the City of Melbourne.

Why is it significant?

Anderson's Printing and Publishing Co., Pty., Ltd. warehouse is significant Historically as representative of the major industrial development that occurred along the south bank of the Yarra River from the Victorian-era through to the Interwar periods. Aesthetically, it is significant for the tall-arched fenestration of the façade that exhibits the interest in medieval architectural sources and Arts & Crafts detailing in the Edwardian-era warehouse design.

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO1203) to 63 and 65 City Road, Southbank.

(ii) Evidence and submissions

Council submitted that it had approved the demolition of these buildings through Planning Permit TP-2015-1210 on 8 February 2017.

Collins McPherson Australia Pty Ltd submitted that, while it did not challenge the heritage attributes of the site, full demolition of the existing building was imminent and expected to be completed within a few weeks after the Hearing. It explained that there were no interim heritage controls in place to prevent the demolition and a planning permit is now being enacted upon. It submitted that there is no justification to apply the Heritage Overlay following an approved planning permit to demolish the two heritage buildings to make way for a major development.

At the Hearing, Collins McPherson Australia advised that preparatory works had begun to demolish 63-65 City Road.

Council submitted that this a *“moving feast”* and that, while recognisable fabric remains, the Heritage Overlay should continue to be applied as a basis for the remaining material to be protected.

On 14 August 2020, Collins McPherson Australia informed all parties that demolition was scheduled between 21 to 31 August 2020, subject to COVID-19 associated restrictions.

(iii) Discussion

During the Panel’s second site inspection after the Hearing (30 July 2020), the entire facade was encased in scaffolding.

The Panel notes that there is not an interim control in place and that the planning permit issued for this site approved and anticipated demolition of the building. On balance, the Panel considers that there is a very high probability that the building will be demolished in the short term.

(iv) Conclusion and recommendation

The Panel concludes that it is not appropriate and justified to apply the Heritage Overlay (HO1203) to 63 and 65 City Road, Southbank.

The Panel recommends:

Delete the Heritage Overlay from 63-65 City Road (HO1203).

6.8 67-69 City Road, Southbank (HO1219)

Exhibited statement of significance



What is significant?

Kosky Bros, Pty Ltd furriers, 67-69 City Road Southbank

Contributory elements include:

- parapeted three-storey form, with pitched roof behind
- cement rendered façade (since painted over)
- modelled parapet detail
- recessed side light wells and rows of windows (for lighting the sales and production areas)
- Austere modernist styling typical of interwar-era warehouses
- rear elevation with barred steel frame windows.

How is it significant?

Kosky Bros, Pty Ltd furriers is significant historically and aesthetically to Southbank and the City of Melbourne.

Why is it significant?

Kosky Bros, Pty Ltd furriers is of historical significance as characteristic of the interwar warehouses which typified the architectural style and function of City Road in most of the twentieth century. It was one of a number of fabric and clothing companies in the area (c.f Maurice Artaud next door) with international origins, reflecting the role of European immigrants in the import and rag trades in Melbourne.

It is also significant as an example of early reinforced-concrete construction in a design that recognises the modernity of the material.

The place is also indirectly related to the Petrov affair though Kosky's selling furs to Petrov's wife and other embassy officials and being accused in the Petrov papers of being an MVD spy.

The building is also of historical significance for demonstrating the style of prominent architect Gordon John Sunderland, in one of his rare commercial/industrial commissions.

It is of aesthetic significance as a distinctive modernist treatment of the standard warehouse form, hinting at the Egyptian revival employed by the architect at the Sandringham Masonic Centre.

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO1219) to 67-69 City Road, Southbank.

(ii) Evidence and submissions

Collins McPherson Australia Pty Ltd submitted that the Heritage Overlay (HO1219) should not apply to 67-69 City Road as an individual place. It explained that Council issued Planning Permit TP-2015-1210 on 8 February 2017 which enabled the building to be demolished (along with the neighbouring building at 63-65 City Road).

At the Hearing, Collins McPherson Australia Pty Ltd advised that 67-69 City Road had been demolished to facilitate the development permitted by the planning permit. It considered the Heritage Overlay to be unjustified because the heritage fabric the overlay seeks to protect no longer exists.

Council did not oppose this submission.

(iii) Discussion

The purpose of the Heritage Overlay is to identify and protect heritage values of the place. As the heritage values of the site are demonstrated in the fabric, and this fabric no longer exists, the Panel considers that the individual Heritage Overlay is no longer justified. Given no heritage fabric remains on site because of the demolition of the building, the Heritage Overlay should not be applied to 67-69 City Road.

(iv) Conclusion and recommendation

The Panel concludes that it is not appropriate or justified to apply the Heritage Overlay (HO1219) to 67-69 City Road, Southbank.

The Panel recommends:

Delete the Heritage Overlay from 67-69 City Road (HO1219).

6.9 71-75 City Road, Southbank (HO1220)

Exhibited statement of significance



What is significant?

Maurice Artaud and Co 71-75 City Road Southbank

Contributory elements include:

- parapeted three-storey form, with pitched roof behind
- face brick and cemented detailing to façade (since painted over)
- tall-arched façade fenestration
- Romanesque revival styling typical of Edwardian-era warehouses
- rear elevation red brickwork (part overpainted), a timber upper level vertical boarded loading door and largely intact timber framed windows.

How is it significant?

Maurice Artaud and Co. warehouse is significant historically and aesthetically to Southbank.

Why is it significant?

Maurice Artaud and Co, is significant historically as a representative example of the factory and warehouse buildings that were characteristic of the Southbank area in the late nineteenth and early twentieth century. Artaud was an importer of fancy goods and hat manufacturer, and one of a number of clothing businesses that concentrated in Flinders Lane and inner suburbs of Melbourne as an important part of the city's business prosperity. As such it represents an important phase in the history of Melbourne and Southbank.

The building is of aesthetic significance for its tall, arched fenestration of the facade that signals an interest in medieval architectural sources and arts & crafts detailing during the Edwardian era of warehouse design.

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO1220) on the remaining part of the building at 71-75 City Road, Southbank.

(ii) Evidence and submissions

Central Equity objected to the Heritage Overlay (HO1220) being applied to the entire property. It advised that the Minister for Planning had issued Planning Permit 201535466 on 12 March 2017 and endorsed plans, which allowed for the demolition of a substantial part of the rear of the building. It submitted that the Heritage Overlay should only apply to the facade proposed to be retained.

In its Future Melbourne Committee report, Council considered the Amendment did not impact on the permit which allows for the partial demolition of 71-75 City Road. It considered that heritage protection for this site is being pursued through the Amendment in case the permit is not acted upon. If the permit is acted on, the Heritage Overlay can be amended by changing the Amendment after Hearing or through a future Planning Scheme amendment.

At the Hearing, Mr Vines acknowledged that the rear portion of the building had been demolished in early 2020. He considered the Heritage Overlay should be reduced to include only the surviving walls and sufficient curtilage to ensure their integrity. This would entail the City Road façade, a section of wall about 13 metres long on the east side, and a section about 5 metres on the west side, along with a curtilage of about 3 to 5 metres to ensure structural integrity can be maintained.

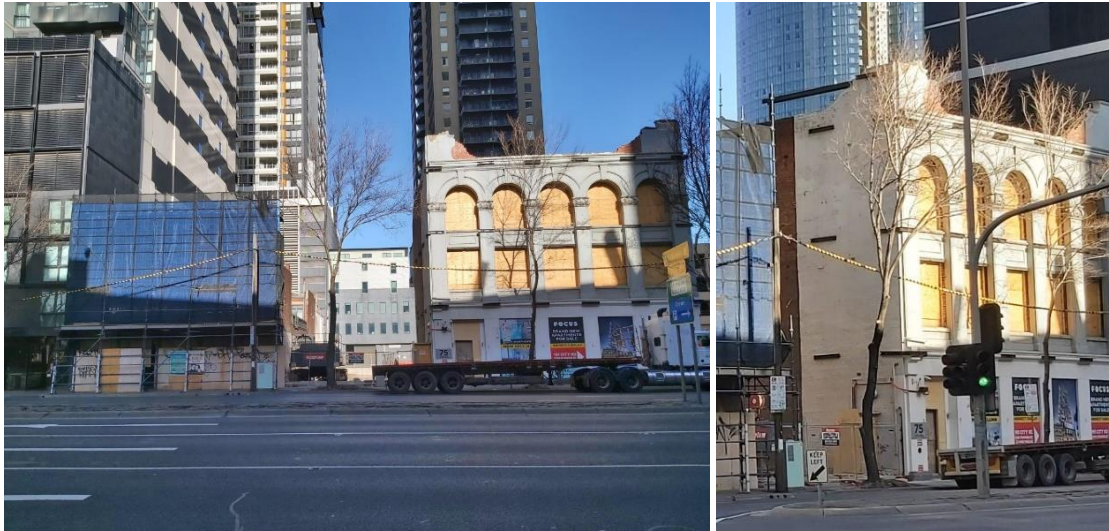
(iii) Discussion

The Panel has included recent photographs in this report (Figure 7) which show existing conditions. As advised at the Hearing, the Panel subsequently inspected the property to understand the condition of the building at the time of the Panel's consideration of the matter.

During its inspections the Panel noted the rear portion of the building has been demolished, and the remaining building's parapet and windows have been removed). The façade and a depth of approximately 13 metres on the east side and 5 metres on the west side of the building remain.

The Panel notes that the property is in the process of being redeveloped. It acknowledges the proposed restoration of the façade (including the window detailing and parapet) and the retention of a substantial portion of the existing building form, as evidenced by the retained building. The remaining parts of the original building can be understood in terms of the façade detail, height and architectural style as assessed by the statement of significance in the Heritage Study.

Figure 7 **71-75 City Road existing conditions**



Source: The Panel, 30 July 2020

The Panel considers that the remaining part of the building is of aesthetic and historical significance and the Heritage Overlay should be applied.

(iv) Conclusion and recommendation

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO1220) on the remaining part of the building at 71-75 City Road, Southbank.

The Panel recommends:

Amend the Heritage Overlay Map for HO1220 (71-75 City Road) to apply 13 metres from the front of the building.

6.10 93-103 Clarendon Street, Southbank (HO1222)

Exhibited statement of significance



What is significant?

Eckersley & sons soda fountain works, 93-103 Clarendon Street Southbank

Contributory elements include:

- parapeted brick and cement rendered Edwardian style facades to Clarendon Street, Haig Street & Haig Lane
- timber and steel framed windows
- deep mouldings and brick decorations
- corrugated iron clad saw tooth roof profile.

How is it significant?

The Eckersley & sons soda fountain works is significant historically and aesthetically to Southbank and the City of Melbourne.

Why is it significant?

The Eckersley & sons soda fountain works is significant historically as one of few remaining relatively intact engineering works in the Southbank area, representing what was once the characteristic building form and use. Eckersley was an unusual manufacturer which reflects the wide range and diversity of industrial activity that developed in Southbank in the early twentieth century. The Eckersley & sons factory is of aesthetic significance for the well resolved utilitarian Edwardian style which was typical of both the period and function.

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO1222) to 93-103 Clarendon Street, Southbank.

(ii) Evidence and submissions

Crown Resorts objected to the Heritage Overlay being applied to their property at 93-103 Clarendon Street.

Crown Resorts called structural engineering evidence from Mr Gardiner of WSP. Mr Gardiner summarised the condition of the building and work that had been undertaken to the building to make it safe. The summary was divided into three categories.

Category 1: The original structure is in adequate condition. The structure is likely to remain adequate for the medium to long term provided general levels of maintenance and inspections are completed:

- Main warehouse sawtooth timber roof trusses and
- Haig Lane two story masonry façade.

Category 2: The original structure is in poor condition, and works are required in the medium to long term to address the integrity of the structure. The proposed works may be achieved without significant intrusion to the building:

- Western store sawtooth timber roof trusses
- Southern store sawtooth timber roof trusses
- Clarendon Street masonry façade
- Majority of Haig Lane masonry façade
- Eastern level 2, external storage yard masonry façade.

Category 3: The original structure is in poor condition, and significant works are required in the short to medium term to address the integrity of the structure. The works are likely to have aesthetic implications, and in some cases retention of the structure is impractical:

- Haig Street masonry façade. Large portions of the wall are required to be demolished and rebuilt, partially with new bricks, to maintain its long-term integrity.
- Haig Lane masonry façade at the corner of Clarendon Street. This façade is significantly damaged, and beyond repair without partial demolition and rebuilding.
- Internal timber column in the southern store. The timber column is significantly damaged and requires repair or replacement in the short term. It is likely that the building's foundations will continue to settle indefinitely, and therefore further movement of the building façade is also likely.

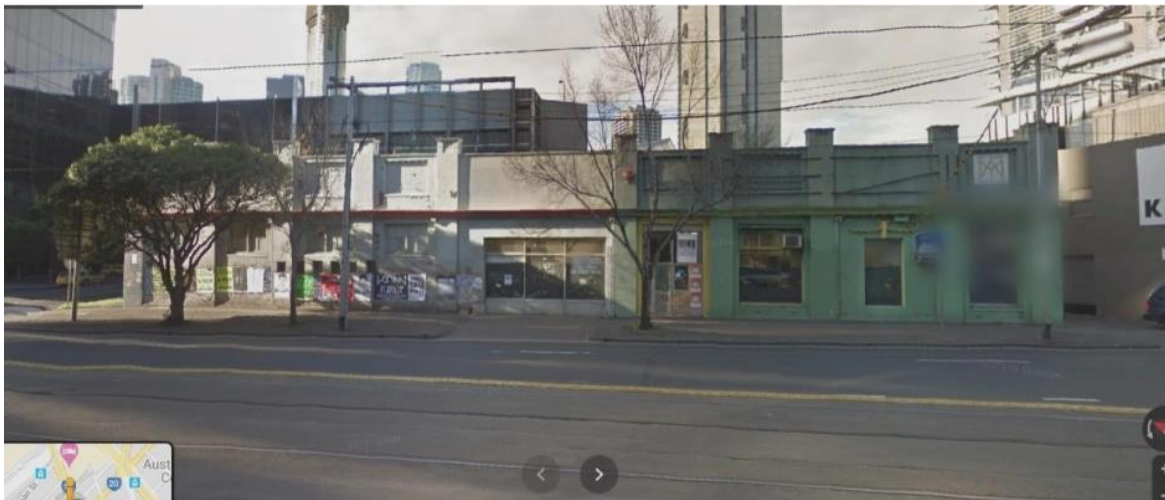
During his evidence it was confirmed that most of the frontage along Clarendon Street is constructed in cladding and the original wall is no longer extant. During cross examination, Mr Gardiner confirmed that the building could be reconstructed and restored.

Mr Lovell confirmed that about two thirds of the Clarendon Street frontage has been demolished and he considered that the building was far from intact and has been significantly altered. The principle façade is a fragment of the original building, the entire east side had been lost and the Haig Street side wall is a later addition. He considered that it is a shell, an industrial structure with a sawtooth roof and incomplete façade. Mr Lovell did not consider that sawtooth roofs were endangered in Melbourne.

Mr Lovell agreed that condition is not an issue for considering whether the place is significant however, he did not consider that the building had sufficient fabric to warrant protection through the Heritage Overlay.

MHA agreed with Mr Lovell's assessment in terms of the intactness of the building. It submitted that the significance of the place is not high; it is the least architecturally pretentious of all the places within the proposed precinct HO1214, but if it were intact, its significance as one of the relatively few surviving industrial places in the area would be sufficient to justify a grading as contributory within a precinct. MHA did not consider whether the place justifies the Heritage Overlay being applied as an individual place.

Figure 8 Clarendon Street frontage in 2014



Source: Melbourne Heritage Action submission (Document 37)

Figure 9 Current frontage of 93-103 Clarendon Street view of north west of site



Source: Mr Lovell's Evidence (Document 22)

Figure 10 Current frontage of 93-103 Clarendon Street view of south west of site

Source: Mr Lovells Evidence (Document 22)

Mr Vines stated:

- the building is an increasingly rare type of building
- the building is the only one which retains its manufacturing area
- the sawtooth roof is evidence of its industrial use
- sawtooth roofs have become increasingly redundant since the 1950s and are becoming critically endangered.

Mr Vines assumed that the original building was behind the façade cladding. Mr Gardiner however confirmed that a substantial extent of the wall along Clarendon Street had been demolished.

Mr Vines considered that the starting point is that the place is identified. While fabric is still there, the issue about condition is not a matter of that determines whether something is significant, but it is an engineering issue. He maintained that if most of the building is still there and the fabric demonstrates its significance, then the Heritage Overlay is justified. Mr Vines considered that because of the loss of industrial places within Southbank, places are elevated because of their rarity. He confirmed however, that he had not assessed the place under criterion B, rarity, because it did not meet that criterion.

(iii) Discussion

The Panel notes that the building is identified as historically significant as one of few remaining relatively intact engineering works in the Southbank area, representing what was once the characteristic building form and use. The Panel agrees with the historical basis of the statement of significance, having regard to the strong historical theme of industry within the Southbank.

The Panel has considered that the assessment of significance, intactness and integrity needs to be made on existing conditions and not the potential for restoration and rebuilding.

The Panel has considered the definition of significance in the Melbourne Planning Scheme:

A significant heritage place is individually important at state or local level, and a heritage place in its own right. It is historic, aesthetic, scientific, social or spiritual significance to the municipality. A significant heritage 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.

The Panel notes that the building has been substantially modified, especially with regard to the cladding along its frontage. While it retains some notable features, including the sawtooth roof, these present as remnants of a once intact building that has been compromised. It may have contributed to a precinct but does not achieve the justification for as individually significant.

(iv) Conclusion and recommendation

The Panel concludes that it is not appropriate or justified to apply the Heritage Overlay (HO1222) to 93-103 Clarendon Street, Southbank.

The Panel recommends:

Delete the Heritage Overlay from 93-103 Clarendon Street (HO1222).

6.11 Vault sculpture, corner Grant and Dodds Streets, Southbank (HO1225)

Exhibited statement of significance



What is significant?

Vault sculpture - currently located within the Malthouse Plaza corner of Dodds and Grant Street Southbank

Contributory elements include:

- painted yellow steel plat folded into abstract geometric forms
- 360 degree views to the sculpture.

How is it significant?

Vault is significant historically and aesthetically to Southbank and the City of Melbourne.

Why is it significant?

Vault is historically significant as the main public art element proposed for the Melbourne City Square, as part of the revitalisation of the central city in the 1970s and 80s. It was intended to demonstrate the progressiveness of the city and act as a focal point for the square, but due to public and media criticism, it became a controversial symbol of conservative backlash resulting in its dismantling and banishment to the much less frequented Batman Park on the Yarra. It is therefore historically significant as an iconic representation of the politicization and responses to public art, and the conflict between conservative and progressive aesthetic and urban planning ideas.

It is of aesthetic significance as a finely finished minimalist abstract sculpture, which has ultimately been accepted and embraced by the art world and general public.

(i) The issues

The issues are:

- whether the modern buildings around Vault should be assessed now and form part of a complex
- whether the statement of significance should be expanded to include more information about the sculptor and their association with Vault as an important historical figure in Melbourne.

(ii) Evidence and submissions

Mr Storey supported the Heritage Overlay (HO1225) being applied to the sculpture Vault. He submitted that, in the future, it could be included within a complex that would include the Malthouse (which is included in this amendment) and the award winning ACCA building as a notable cultural building and the City Link exhaust tower.

The National Trust supported the inclusion of Vault within the Heritage Overlay. While the National Trust Public Art Committee, formed in 2002 is yet to undertake a cultural heritage assessment of the Vault sculpture, it is currently included on a 'watch-list' of significant public works. As such, the National Trust supported Council's initiative for identifying the artwork and for progressing statutory controls.

The submission requested that more information be provided in the heritage citation on the history of the sculptor Ron Robertson-Swann and the manufacture of the work.

Mr Vines considered that the history of the sculptor is well known and documented elsewhere, but the role of the statement of significance in communicating this aspect of the place's significance can be valuable. He considered that it is appropriate to amend the statement of significance to include a brief history of the sculptor, and to include its significance in association with Robertson-Swann as an important historical figure (Criterion H).

(iii) Discussion

The Panel notes the support for applying the Heritage Overlay to the Vault sculpture.

The Panel is unable to consider additional properties beyond the scope of the Amendment such as the ACCA building or the City Link exhaust towners. It notes that the Heritage Study includes these buildings in a list of further work to be undertaken at a future time. The Panel considers that these modern buildings should be assessed in the future to determine their cultural heritage significance.

Regarding the statement of significance, the Panel supports the inclusion of additional information in the statement of significance for Vault to further understand the background of the artist and the artist's association with the sculpture under criterion H. Although the Panel has not been provided with wording associated with criterion H, it accepts that there is a prima facie case to apply criterion H in this case.

(iv) Conclusion and recommendation

The Panel concludes that the HO1225 statement of significance should be amended to include further information about the artist and association with Vault.

The Panel recommends:

Amend the heritage citation in the *Southbank and Fishermans Bend Heritage Review* for:

- a) HO1225 (Vault sculpture, corner Grant and Dodds Streets) to provide additional information about the sculptor and Vault's significance in association with Robertson-Swann as an important historical figure (Criterion H).**

6.12 63 Kings Way, Southbank (HO1226)

Exhibited statement of significance



What is significant?

Austral Otis engineering works 127-129 Kavanagh Street, Southbank.

Contributory elements include:

- classical masonry façade to Kavanagh Street with return section
- brick and cement render finishes including mouldings
- timber framed windows
- corrugated iron clad timber and steel framed factory buildings, with original cladding to east and south
- steel and concrete modern addition along Kings Way.

How is it significant?

Austral Otis is significant historically and aesthetically to Southbank and the City of Melbourne.

Why is it significant?

Austral Otis is of historical and aesthetic significance as a distinctive and long lived engineering firm which pioneered the development of steam and electric power installations in Melbourne, and was a major contributor to the development of fast electric passenger lifts which facilitated the design and construction of multi-story office buildings in the late nineteenth century. As such it contributed to the Melbourne building boom and economic development in the state.

The corrugated iron clad factory buildings are of historic significance as a very rare survivor of South Melbourne engineering works, which once formed the distinctive building type and use in this area.

The Kavanagh Street office building is of architectural significance as an elaborately resolved Victorian Italianate masonry façade, to a shallow two story office space and backed by characteristic timber and steel framed and corrugated iron double height factory shell. This reflects the dual function of such prominent industrial sites in providing an impressive public face and functional works behind. The office building is also significant as an early example of the work of prominent architect Charles Debro, who went on to design a number of important Melbourne buildings including Stonington, the Prahran Town Hall clock Tower and the Winfield Building.

The corrugated iron clad factory buildings are of historic significance as a very rare survivor of South Melbourne engineering works, which once formed the distinctive Building type: and use in this area.

The place is of aesthetic significance for its well-designed Victorian-era commercial elevation in the prevailing Italian Renaissance revival manner only occasionally used for the higher status engineering firms in Victoria at that time.

(i) The issues

The issues are:

- whether it is appropriate and justified to apply the Heritage Overlay (HO1226) to 127-129 Kavanagh Street/63 Kings Way
- whether the Heritage Overlay should apply to the entire property.

This place is referred to as 63 Kings Way in the Heritage Overlay Schedule and 127-129 Kavanagh Street in the HO1226 statement of significance.

(ii) Evidence and submissions

Run All International Pty Ltd and Hengmao Australia (Run All International) opposed the Heritage Overlay being applied to 63 Kings Way because it considered it to be too restrictive, given the development potential of this urban renewal area.

Run All International explained that Planning permit 2010/024795 applies to its property which initially involved demolishing the whole building. It had made an application to amend the permit under section 72 of the Act which seeks to improve the presentation of the built form of the proposed development and better respond to the historic and contemporary characteristics of the area by retaining and incorporating the façade of the existing building. It considered the precinct Heritage Overlay (HO1214) to be sufficient and the individual Heritage Overlay to be unjustified.

Run All International stated that the existing building is in significant disrepair and unstable internally. It did not challenge the statement of significance or the basis of its assessment.

Mr Vines explained that 63 Kings Way is the former Austral Otis engineering works. He referred to the Heritage Study which considers the building to be of historical and aesthetic significance as a distinctive and long-lived engineering firm which pioneered the development of steam and electric power installations in Melbourne, and was a major contributor to the development of fast electric passenger lifts which facilitated the design and construction of multi-storey office buildings in the late- nineteenth century. He considered that the building strongly reflects its purpose in the surviving fabric as it maintains both the elaborate Italianate architectural façade and utilitarian manufacturing space. This is an extremely rare combination as the vast majority of the industrial and engineering built structures in Southbank (and elsewhere in Victoria) have been demolished, with this process having accelerated dramatically in Southbank in the last 15 years. He maintained that the site is of individual local significance, potentially meeting the threshold of state significance, and potentially meets the threshold for State significance. Mr Vines considered that the condition of the building can be addressed by proper maintenance and repair and the presence of asbestos, which was also of concern to the submitter, does not preclude conservation of the building and would require similar mitigation whether the building was retained or demolished.

Council advised the Panel that an amended permit has been granted for this site which is understood to include the façade of the existing building. They continued to support the individual Heritage Overlay for this site.

(iii) Discussion

The Panel was not provided with any detailed information about the condition of the building and this appears to be a highly intact site that demonstrates the historic and aesthetic criteria set out in the statement of significance and is significant in its three-dimensional form.

The purpose of the Amendment is to consider the merits of the place and whether it is important enough to warrant inclusion in the Heritage Overlay as an individual place based fabric and an assessment of the place's cultural heritage significance.

Despite the approved permit which would facilitate partial demolition, the Panel considers that it is best practice to apply the Heritage Overlay to the entire former Austral Otis engineering works site under an individual Heritage Overlay.

(iv) Conclusions

The Panel concludes:

- It is appropriate and justified to apply the Heritage Overlay (HO1226) to 127-129 Kavanagh Street/63 Kings Way.
- The Heritage Overlay should apply to the entire property.

6.13 1-7 Queens Bridge Street, Southbank (HO1228)

Exhibited statement of significance



What is significant?

The Queens Bridge Hotel 1-3 Queen Street Southbank.

Contributory elements include:

- parapeted three-storey corner form
- stuccoed ornament, in a trabeated form, in a neo-Classical style, terminating on a cornice at the parapet
- stepped parapet, entablature and central flagpole providing a Moderne flavour
- Neo-Egyptian reeded capitals to the pilasters in keeping with the exotic derivation of the stepped parapet
- cantilever street verandah
- glazed tiling in the typical mottled cream with brown stripe pattern, as the dado between
- openings still fitted with their varnished timber doors and concertina wrought-iron security grilles.

The hotel is near original externally.

How is it significant?

The Queens Bridge Hotel is significant historically and aesthetically to Southbank and the City of Melbourne.

Why is it significant?

The Queens Bridge Hotel is of local historical significance for its role in serving the travellers and workers in the Southbank area. Its history is notable for the association with the nearby Queen's Bridge and its precursor, the Falls Bridge after which the hotel was named and then renamed. It is also notable for its associations with the firm of architects, Peck & Kemter.

As a major focus for workers from the South Bank Area as well as travelling salesmen, visiting the districts businesses, it reflects the former historical use of the Southbank Area.

The hotel is aesthetically significant for its stripped classical style and Egyptian motifs, and its prominent corner position giving it a landmark status on one of the main entries from the city into the Southbank area.

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO1228) to 1-7 Queens Bridge Street.

(ii) Evidence and submissions

Crown Resorts relied on flooding, planning and heritage evidence and submitted:

- flooding impacts the hotel building and surrounding area
- flood mitigation work cannot be properly undertaken without substantially impacting on the hotel building, or while the building exists
- the existing building creates significant impediments to properly addressing the flooding problem
- the strategic intent of Southbank and, in particular, the area in and around the hotel, which anticipates substantial change that is inconsistent with the heritage values identified within the heritage study
- the Strategic Assessment Guidelines should consider not just the heritage aspects of the amendment but the other planning strategies which apply to the Southbank area
- the comparatively low-level heritage significance of the hotel compared with the strong degree of strategic direction for urban renewal and substantial change in this area.

Mr McGowan of Water Technology provided evidence that the building is currently subject to flooding from storm tides in the Yarra River, increased levels from a combination of storm tides and Yarra River flood flows and stormwater generated by rainfall over the local catchment. Flooding already impacts the public realm outside the site, as well as the building's basement and it is expected that over time floods will become more frequent and intense, with higher flood levels. He identified the predicted flood levels on the building's western elevation (see Figure 11).

Figure 11 Flood levels shown on the western elevation of Queens Street Hotel

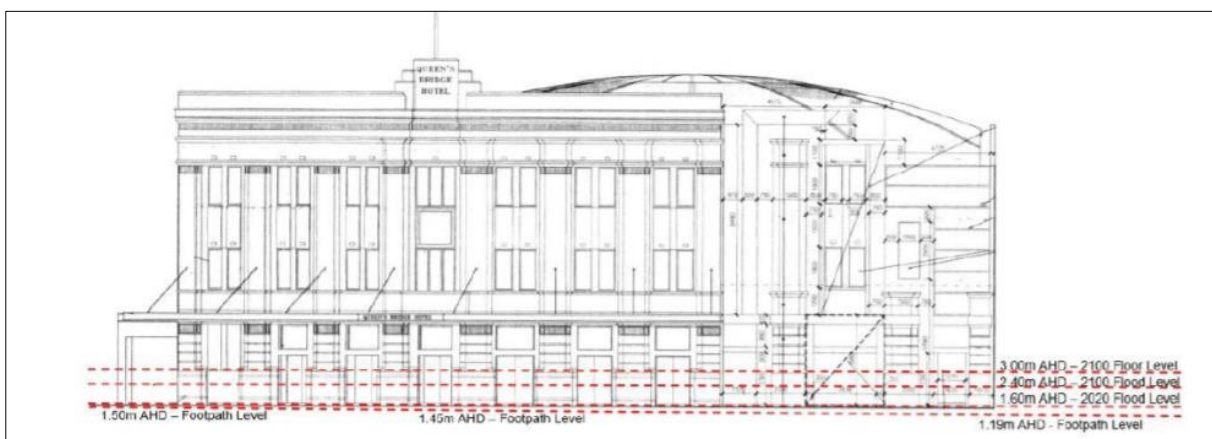


Figure (Source: McGowan evidence)

Mr McGowan referred to Crown's One Queensbridge development which was proposed for the site that included the demolition of the Hotel building and replacement with a new development. He considered this development would help to:

- alleviate the more frequent 'nuisance' flooding of Queens Bridge Street

- improve the safety of pedestrian access along the footpath under current climate conditions.

Mr McGurn provided planning evidence in the context of considering the implications of the application of the Heritage Overlay on the strategic planning objectives for the Crown Resorts' sites (1-7 Queen Street and 93-103 Clarendon Street) and the immediate adjacent areas, having regard to the State and Local Planning Policy and strategic documents, including the Capital City Zone, Design and Development Schedule 10, identification of Southbank as an urban renewal area in Clause 21.13, Southbank Structure Plan 2010 and Plan Melbourne.

Mr McGurn considered that this opportunity was previously recognised by Amendment C310 to the Melbourne Planning Scheme (2 March 2017) which approved redevelopment of the site by through an Incorporated Document at Clauses 81.01 and 52.03. The Incorporated Document, *'One Queensbridge, 1-29 Queens Bridge Street, Southbank (Crown's Queensbridge Hotel Tower), February 2017'* enabled:

- demolition of the existing buildings
- a 90 storey building comprising a fourth Crown Hotel (388 rooms), 708 dwellings, sky bar, viewing tower, destination restaurant, food and beverage offer and additional retail and office space
- elevated pedestrian connection over Queens Bridge Street to the Crown Complex
- extensive public works adjoining Queens Bridge Street, including a square and pedestrian laneway connection.

Mr McGurn explained that the Minister for Planning refused an application to extend the time for commencement in the Incorporated Document. The Document expired on 2 March 2019.

Mr McGurn considered that the Heritage Overlay proposed for the hotel site (and 93-103 Clarendon Street):

- would serve to potentially undermine legitimate development opportunities in a major, and well established urban renewal precinct
- could potentially frustrate the achievement of positive design and architectural outcomes such as provision of active frontages at the ground floor level, creation of contemporary building podiums and the opportunities for improvements to the public realm (particularly in the case of the Queens Bridge Street land)
- cannot be adequately justified with respect to the Strategic Assessment Guidelines for Planning Scheme Amendments.

Mr McGurn highlighted the positive impacts a new development would have, excluding the existing hotel building; including improved access, flood mitigation, urban design and land use mix. He considered there needs to be a rigorous justification of heritage controls, bearing in mind the weight of other significant existing policy designations and achieving balanced planning outcomes.

On its historical significance, Mr Lovell, was critical of the basis of the assessment of historical significance in the Heritage Study. He considered that, while the hotel serviced travellers and workers in the Southbank area is possibly correct, it is not substantiated by any detail and the same statement, as relevant to other locations, could be made about virtually every hotel in Melbourne and beyond. Mr Lovell considered:

To further state that 'As a focus for workers from the Southbank area, as well as travelling salesmen visiting the districts businesses, it reflects the former historical

makeup of the Southbank area', is to make a claim which in the absence of a detailed history, examination or hotel registers and the like presents as supposition.

Mr Lovell was of the view that there is very limited knowledge of the patronage of the place and it is inappropriate to surmise that historical value is related to specific associations in the manner proposed, although he did confirm that travellers were patrons. He considered that the hotel's history *"is common to all such places and does not elevate the place amongst others"*.

On the matter of aesthetic significance, Mr Lovell noted this is associated with the facade design, comprising a stripped Classical style with neo-Egyptian motifs and the prominent siting which gives the building landmark status and it is one of a number of hotels in the stripped classical revival style, located in metropolitan Melbourne and elsewhere throughout Victoria. Mr Lovell explained that:

this style of hotel was a preferred style in the 1920s and also prominent in hotels owned by Carlton and United Breweries. New and reworked hotels of this period typically comprised two to three storeys, rectilinear forms, painted facades often with tiles to the ground floor, a balcony or loggia at first floor level and a parapet with a low-stylised pediment often decorated with detailing of Greek, Roman or classical origin. Cantilevered verandahs or canopies were also a mark of the inter war period and were on occasions applied to new and nineteenth century hotels. Within the hotel typology, as noted in the citation, it is used in the Greyhound Hotel in Richmond and also in the Tankerville Arms Hotel in Fitzroy. It is also evident to a greater or lesser degree in other hotels within Melbourne and the surrounding inner suburbs, ... recognising that some are makeovers of earlier hotel buildings.

Mr Lovell cited numerous hotels as comparisons, including Hotel Spencer 475 Spencer Street, West Melbourne (HO781), Carlton Hotel 193-199 Bourke Street, Melbourne (HO1001) and Batman's Hill Hotel 66 -70 Spencer Street, Melbourne (HO501 precinct).

Regarding its landmark position, and contribution to the aesthetic value of the place, Mr Lovell considered that many hotels are identified for their location and although it has a presence, it was not designed as a landmark building.

Mr Lovell's written evidence:

As noted, the existing building remained largely intact as originally constructed until the 1990s when it was substantially gutted, the rear wing demolished and a new precast concrete panel enclosed space created, with a saucer domed roof. The works appear to have include the incorporation of the adjacent site on Queens Bridge Street into the reworked premises. As compared to its state in 1996- 97 the surviving original fabric is now in large part limited to the external walls to Queens Bridge Street and a short length of the east side return wall. Part of the roof may also be intact.

At the Hearing Mr Lovell considered that the building has been substantially demolished and *"just the façade"* had survived. In this context he considered at best the façade should be included only because everything behind it is modern. He considered that there is no community concern about the loss of these hotels, it is not a hotel of local patronage, no strong community sentiment as the 'corner pub'. He considered that the hotel does not reach threshold for individual significance.

Crown Resort submitted that the casino is a catalyst of enormous economic activity for Victoria. He submitted that when considering the Strategic Assessment Guidelines, heritage is not the only issue that needs to be considered, but the strategic context of the Amendment in a broader context, including policy encouraging significant and intensive development

within the Southbank area, in particular the area around Crown. If there is clear conflict between controls and policy, as outlined in Mr McGurn's evidence, the Panel must balance these issues now and not at the planning permit stage.

Crown Resorts set out the issue in a 'Matrix of Significance', with a low or medium heritage value but a high social and economic policy for development. It submitted that, where there is low significance and little merit to include the place, it is counterproductive to apply the Heritage Overlay and other factors that make the site strategically important should "*knock it out*".

MHA submitted that the hotel building is a typical, externally intact, interwar pub, of the kind that the community expects would be protected by heritage controls, and so should retain an Individual grading.

In his evidence, Mr Vines found that Southbank did not have many hotels. He considered the hotel building to be reasonably intact and maintained, and significant. He explained that the hotel was initially positioned in a landmark position as it was located on the second crossing of the Yarra River on a prominent corner, as well as the primary access into the neighbourhood and it still retains its landmark position. At the Hearing, Mr Vines conceded that he was not claiming that the building is of outstanding architectural style but has a representative style, comparable with the Greyhound Hotel in Richmond.

Council submitted that there has been a hotel on the site since the 1880s, though it was reconstructed in the mid-1920s.

Council did not dispute the flooding issues pertaining to the site and its surrounds. It expected that mitigation works will be undertaken in the public realm over time. Future development, and how it relates to flooding, is speculative at this point in time. Council maintained that the building has landmark status with views to the site across the Yarra River, part of which makes this building important. Council submitted that Mr McGurn's evidence regarding the intersection of policy for development and heritage should be considered at the planning permit stage. It warned about making judgements on submissions about development aspirations without approved plans.

Council rejected the methodology matrix put forward by Crown Resorts. It explained that this approach had not been tested by experts and it was too simplistic to analyse the issues in this manner.

(iii) Discussion

The Panel agrees with Crown Resorts that:

- there needs to be an assessment during the planning scheme amendment stage on how the controls and policy settings in the Planning Scheme might work together to achieve strategic outcomes
- the Strategic Assessment Guidelines call for the entire strategic context of the amendment to be considered, not just the heritage-associated strategic aspects of the Amendment.

However, as discussed earlier in this report, the Panel considers that the matter of heritage does not undermine the overall intent of urban renewal and the expectation of significant redevelopment in this part of Melbourne. As evidenced by local policy at Clause 22.04 (Heritage Places within the Capital City Zone), there is a clear expectation that heritage is part

of the mix of matters that do need to be considered and a combination of intensive development and heritage protection and management is expected. The union of both strategic objectives is evidenced in Melbourne's central city area, including parts of Southbank.

It appears that Council has tried to achieve balance through local policy in Clause 22.04, as updated through Amendment C258. It anticipates managing heritage values in a more intensive development context. There are many examples throughout the central city area where development has been able to occur while managing heritage values. In Southbank, this has been somewhat less successful, with a focus on facadism as the design response. Panel considers that Council has gone into the Amendment 'with its eyes wide open' and, as demonstrated by Clause 22.04, expects to manage both issues.

The issue of flooding is a significant one for this site, and in this part of Melbourne, and the Panel notes the design scenarios that show how this issue may be resolved through the One Queensbridge proposal, that has now expired. That said, the issue of flooding is not new in this part of Melbourne. The Panel was not persuaded by evidence presented at the Hearing that it is impossible to resolve flooding issues while retaining the existing building. The Panel considers this remains a matter that needs to be resolved between Council and affected landowners.

That said, the threshold for applying the Heritage Overlay to an individual place is considerably high so careful consideration is needed.

Criterion A

Regarding criterion A '*Importance to the course or pattern of our cultural or natural history (historical significance)*', the Panel notes Mr Lovell's critique of the assertion that workers attended the Queens Bridge Hotel and that this was not supported by evidence. The Panel notes that both Mr Lovell and Mr Vines agree that the Hotel served travellers. Having considered the statement of significance and the evidence, the Panel considers that the Queens Bridge Hotel satisfies criterion A (historical significance) at the local level. The Panel accepts that every hotel has a history and that historical facts are not a reason that a place has historical significance.

The key issue for determining whether to apply the Heritage Overlay, and consideration of criterion A is, what is this place telling us about the history of Southbank and how it developed? The Panel accepts the analysis in the Heritage Study that the location of the Hotel at the edge of Southbank next to the river and entry point into this part of Melbourne was an important feature of the site, as was its role in serving travellers, which is directly connected to its location. This demonstrates the history and pattern of development of Southbank, as enunciated in the statement of significance. The Panel agrees with Mr Lovell that it appears that the Hotel's role in serving workers has not been substantiated in detail by use of historical documentation, however the Panel considers that, given the location of the Hotel in the context of the industrial and commercial areas of Southbank, that could be a well-founded assertion at the very least. Irrespective, the Panel does not consider that the significance of the Place turns on the issue of whether or not workers were the clientele of the Hotel. Based on the heritage citation, its location at the entry point into Southbank and at the river's edge, near a key crossing and its role servicing travellers demonstrate the development of Southbank and meets the threshold of historical significance.

Criterion E

Regarding criterion E (aesthetic significance), the Panel considers that the Hotel demonstrates the contributory elements identified in the statement of significance and, when compared with other examples, particularly within the City of Melbourne that are included in a Heritage Overlay (in particular Hotel Spencer 475 Spencer Street, West Melbourne (HO781), Carlton Hotel 193-199 Bourke Street, , Melbourne (HO1001), the Queens Bridge Hotel is at least an equal, if not better example.

The Panel has considered Mr Lovell's opinion, during questions at the Hearing, that the building's design on the splayed corner does not contribute to the landmark quality of the site and agrees that the Hotel's 'landmark' presence has been compromised by taller buildings surrounding it and the presence of the bridge blocking the longer view to the site from the north. However, the Panel notes that the composition of the building's frontage is wide and, on the splayed corner, presents almost as a 'double fronted' façade, which is unlike other examples provided (which are corner or single fronted sites). The Panel agrees with Mr Vines that the design on the splayed corner makes an important an aesthetic contribution and at the very least is prominent.

The Panel considers that the Hotel has a moderate to high degree of integrity in its upper floors fronting Queens Bridge Street. Much of the ground floor façade retains a fair to good degree of integrity, and while it is noted that there is some boarding up of entrances, this does not diminish or undermine the understanding of the site.

(iv) Conclusions

The Panel concludes:

- The degree to which heritage, development and flooding issues can be resolved is through the planning permit process.
- It is appropriate and justified to apply the Heritage Overlay (HO1228) to 1-7 Queens Bridge Street.

6.14 107-127 (part) Queens Bridge Street, Southbank (HO1229)

Exhibited statement of significance



What is significant?

Robur Tea Company factory-warehouse 107-127 Queens Bridge Street, Southbank

Contributory elements include:

- multi story form with Romanesque and Classical façade elements
- cement moulding details
- multi-paned glazing
- exposed red brick utilitarian industrial rear and side elevations
- rear loading doors.

How is it significant?

Robur Tea Company factory-warehouse is significant historically and aesthetically to Southbank and the City of Melbourne.

Why is it significant?

Robur Tea Company factory-warehouse is of local historical significance as one of the largest warehouse buildings in the Southbank area comparable with Jones Bond Store and the Clarendon Street Tea house. It represents the important mercantile activity that developed along the south bank of the Yarra River around the turn of the twentieth century and so is representative of the major industrial development that occurred in the Victorian-era and Interwar periods. It is also significant for its association with James Service & co, one of Melbourne's most successful import and trading firms.

The Place is aesthetically significant for its well-developed architectural treatment for the tall-arched fenestration of the façade that exhibits the interest in medieval architectural sources and Arts & Crafts detailing in the Edwardian-era warehouse design.

(i) The issues

The issues are:

- whether it is appropriate and justified to apply the Heritage Overlay (HO1229) to 107-127 (Part) Queens Bridge Street, Southbank
- whether the exhibited heritage citation accurately describes the changes to the building
- whether the Heritage Overlay should apply to the entire property.

(ii) Evidence and submissions

Council confirmed that the actual address is 107-125 Queens Bridge and not 107-127 Queens Bridge.

Sheng Le supported the fabric being retained on the site and did not dispute its heritage value. It objected to the extent of the Heritage Overlay.

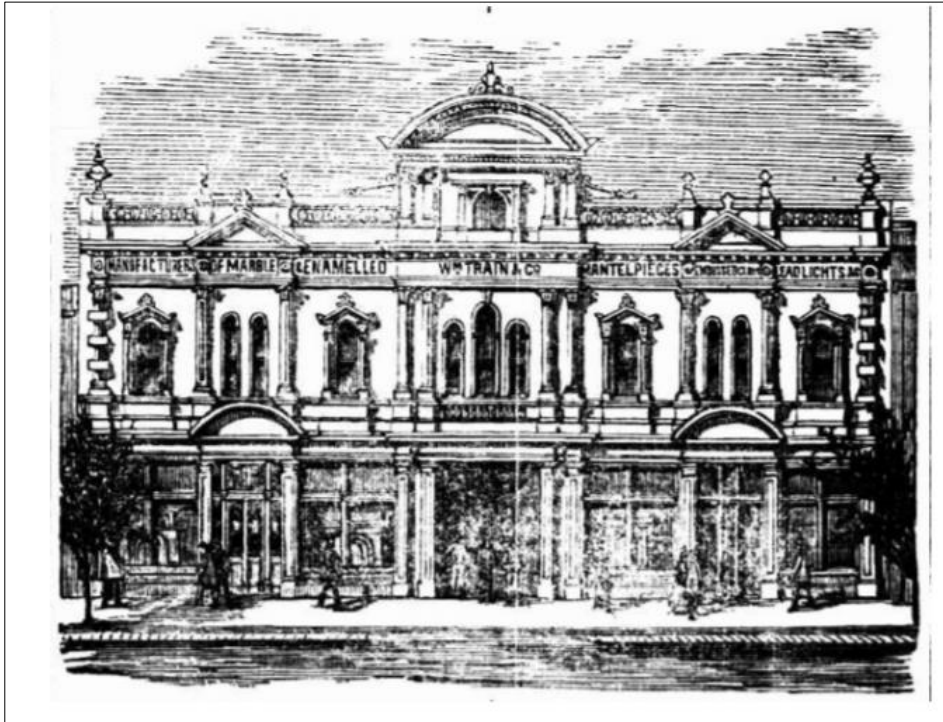
Sheng Le advised that the Tea House site and the Brewery were subject to an approved Incorporated Document, which went through a lengthy consideration and approval by the Minister for Planning. The extent of works includes partial demolition of the tea house (including the rear portion, and top two floors) leaving the 3-storey building comprising the front 6 metres of the building and a tower development to the rear. The Incorporated Document affords the subject land a site-specific exemption from various provisions of the Planning Scheme, including the Heritage Overlay Clause 43.01, and allows for:

Demolition of 87-105 Queens Bridge Street, partial demolition of 107-127 Queens Bridge Street and construction of a multi-level building comprising dwellings, residential hotel, office and retail premises (other than Adult sex bookshop, Department store, Hotel, and Tavern) subject to the conditions of this Incorporated Document and in accordance with plans endorsed under the conditions of this document.

Sheng Le submitted that, although they have received approval through the Incorporated Document to demolish part of the building, they wanted to retain their rights to demolish part of the building without the need for a permit. It was chiefly concerned with the risk of the Heritage Overlay being applied to the whole site as the permission associated with the development is due to expire in August 2023. It maintained that the statement of significance should reference the heritage fabric, which includes three storeys of the façade and the 6-metre setback.

Mr Barrett's written evidence was that the architectural embellishment was removed from the façade when alterations and additions were undertaken to the building, when James Service & Company/Robur occupied the building in the 1890s. These additions removed the symmetry of the original façade, adding an additional level to the northern portion of the façade, and three additional levels to the southern portion (see Figures 12 and 13). The scalloped corner to the side and below the entablature at the south end of the three-storey addition, and the abrupt end of this three-storey addition approximately midway along the façade, indicates it had been intended to extend along the entire width of the elevation. It is not known why the works were never fully completed.

Figure 12 1887 Weekly Times Illustration of 107-127 Queens Bridge Street



Source: Barrett Evidence

Figure 13 107-127 Queens Bridge Hotel as shown in 1907 publication



Source: Document 45

Mr Barrett considered that the overall composition of the façade reads as an awkward arrangement of competing Classical Revival and Romanesque Revival detailing and did not agree with the analysis in the Heritage Study. He added that, in its unfinished condition, the Heritage Study is not correct to say it is a “*well-developed architectural treatment*” with the

tall arched fenestration “demonstrating Medieval (Romanesque Revival?) and Arts & Crafts detailing on an Edwardian (Victorian?) warehouse.”

Mr Barrett found the façade of the Maurice Artaud & Company building of 1911, at 71-75 City Road to be a finer example of a three storey Edwardian-era Romanesque Revival composition. In comparative terms, as a tea warehouse within Southbank, the former warehouse of Robur in Clarendon Street, itself also readapted for this purpose, is a finer example of this type of warehouse of this firm. The Clarendon Street tea house is included on the Victorian Heritage Register as a site of State significance.

Mr Barrett recommended that, as there are two overlays proposed for the site, a precinct and individual overlay, the duplication should be removed. He suggested that proposed heritage controls for this site should have followed the Incorporated Document which identifies which parts of the building are important, including the façade and a six-metre setback. He considered that the contribution of the site to City Road is not strong. He found the Queens Bridge Road façade to be the most important element, while the back does not make a strong contribution.

MHA supported the protection of the building. It submitted that the building was not in its original late nineteenth century form but an entirely new building, constructed after 1907 and was a different style.

Mr Barrett considered that the building has modest aesthetic value and given changes to use, it is not worthy of an individual Heritage Overlay. He did, however, consider that it has contributory value to the Precinct. Mr Barrett recommended that the site-specific Heritage Overlay be removed and that the Precinct Heritage Overlay apply only to the front 6 metres of the building. He considered that two thirds of the upper floor have been removed (see Figure 14) and this has diminished its aesthetic value.

Figure 14 Current condition of 107-127 Queens Bridge Hotel



Source: Barrett Evidence

He did not think that it is an exemplar of its style, and does not demonstrate its use, compared with, for example, the neighbouring brewery. Instead its original use is more associated with

the setting in a previous industrial area. He considered that it is worthy of a “*lower level*” of protection.

Mr Vines explained that the site was not a typical warehouse and although it was initially designed as a distribution centre, it was also designed to have a presentation. He did not agree that the appropriate response is to only keep the façade and considered that the distinctive form of the rear of the building is also expressed and should be included in the Heritage Overlay.

Council supported Mr Vines’ assessment that the overall site makes an important contribution to the significance of the place and the full extent of the site should be included. Council acknowledged that while the Incorporated Document facilitates the demolition of the rear and upper two storeys of the former tea house, in accordance with Mr Vines’ evidence, the upper levels and larger footprint should be recognised within the Heritage Overlay.

Council submitted that while the present permission under the Incorporated Document has resulted from the assessment of a particular form of development as being appropriate (including the identified extent of demolition) that does not mean that the material permitted to be demolished does not have heritage significance. If the permission is not acted upon, Council submitted that it is appropriate that any new consideration should include the heritage value of all the place identified as significant by Mr Vines and wholly supported by Council.

Council submitted that minor amendments should be made to accurately recognise the addresses and descriptions of the land. Council submitted that it is appropriate to include the word ‘(part)’ to clarify, where appropriate, that part of 107-127 Queens Bridge Street that contains Robur Tea Company factory-warehouse.

(iii) Discussion

This site, known as the Robur Tea House, underwent substantial change in its early period of establishment, including a re-build in 1906 and additional storeys, all of which are stylistically different to the original late nineteenth century building. The Panel notes the evidence of Mr Barrett and the MHA submission that provides additional information about the history of the site and its development over time, including the fact that an entirely new building was constructed in place of its original in the early 1900s. The Panel considers that this additional information does not compromise the basis of establishing the significance of the site but adds to the site’s history and should be reflected in the citation to provide a more accurate documentation of its history.

The Panel notes the changes to the window detailing and that is not original, however the remaining elements of the building are highly intact.

The Panel considers that the place clearly reflects the thematic context of 5.3 Developing a large, city-based economy and 5.5 Building a manufacturing industry and meets the threshold of local significance based on both historical and aesthetic values.

Regarding the extent of the Heritage Overlay, the Panel agrees with Sheng Le’s submission that the heritage fabric should be referenced in the statement of significance, however it considers that the statement of significance as exhibited is comprehensive, including multi story form with Romanesque and Classical façade elements, cement moulding details, multi-paned glazing, exposed red brick utilitarian industrial rear and side elevations and rear loading

doors. The Panel does not agree with Sheng Le's submission that only the façade and front 6 metres of the building should be cited in the statement of significance to accord with the Incorporated Plan.

The Panel considers that the rear of the building, as identified in the statement of significance, is a contributory element on the site and assists in understanding the industrial function of the building in its three-dimensional form.

The Panel notes the submission of the owner that the Heritage Overlay should be consistent with the Incorporated Document, and Council's view the Heritage Overlay should apply in the form of what is significant on the site, regardless of the extent of demolition that the Incorporated Document approves. The Panel notes that works have commenced on the site and the buildings are still extant. It considers that, while the buildings survive, the Heritage Overlay should apply to the site as identified as significant within the Heritage Study.

Regarding the address of the property, this is a matter that the Council will need to resolve within its property department and ensure that it is reflected correctly within the planning scheme. In the immediate term, the Panel is satisfied with the description "part 107-127 Queens Bridge Street".

(iv) Conclusions and recommendations

The Panel concludes:

- The Robur Tea House complex at part 107-127 Queens Bridge Street meets the threshold of local significance and warrants inclusion within an individual Heritage Overlay.
- Having regard to submissions and evidence, the heritage citation should be amended to include a more accurate history and description of the building.
- The Heritage Overlay Schedule should include the address as "*part 107-127 Queens Bridge Street*".

The Panel recommends:

Amend the heritage citation in the *Southbank and Fishermans Bend Heritage Review* for:

- a) **HO1229 (Part 107-127 Queens Bridge Road) to include an accurate history of the replacement of the original 1880s building and the construction of its replacement in the early 1900s.**

Amend the Heritage Overlay Schedule to:

- a) **include in the description of the heritage place "*part 107-127 Queens Bridge Street*" as the address of the property in HO1229 (107-127 (part) Queens Bridge Street, Southbank.**

6.15 242-246 Sturt Street, Southbank (HO1230)

Exhibited statement of significance



What is significant?

The Commonwealth Artificial Limb Factory at 242-246 Sturt Street Southbank

Contributory elements include:

- parapeted two-storey form, with pitched roof behind
- articulated brick facades
- steel framed windows.

How is it significant?

The Commonwealth Artificial Limb Factory is significant historically and socially to Southbank and the City of Melbourne.

Why is it significant?

The Commonwealth Artificial Limb Factory is of social and historical significance for its role in providing essential services to returned servicemen from World War II. As an adjunct to the rehabilitation services of the Department of Defence, (as also expressed in the nearby Repatriation Clinic) it also reflects the important and extensive services provided in the South Melbourne area following World War I and expanded following World War II. These confirmed the area around the Shrine and Victoria Barracks as the public centre for defence activities in Melbourne.

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO1230) to 242-246 Stuart Street, Southbank.

(ii) Evidence and submissions

Powdervale Pty Ltd submitted that the site presents as an altered industrial factory building with no architectural or aesthetic quality. It submitted that the Heritage Overlay is proposed to be applied to a site where only half of the original site survives.

Mr Lovell did not challenge the history of the building as described in the Heritage Study. He explained there was a cluster of defence buildings in Southbank area in 1930s and 1940s, however in reality all these buildings have been demolished except the repatriation hospital and Victoria barracks. He said this connection to the history of defence in this area is now a weak proposition. Regarding health buildings, he compared the site with the VD clinic (façade remains) and TB clinic (now demolished), and Queen Victoria hospital site in Melbourne. Having regard to returned soldiers, these buildings would have a greater significance. He considered prosthetics relates to a smaller and more focused group and therefore the argument that this is an important health building to that group does not elevate its importance.

Mr Lovell considered that one of the characteristics of the Heritage Study was that it involved picking up the remnants of an area that was previously more prolific in places that represent the historical themes, including sites of defence-related operations. There needs to be rigour in the process of deciding if the remnants are worthy of listing or whether the Heritage Study is *"scraping the bottom of the barrel"*. He said that, if the Limbs factory was among a group of other defence related buildings that survived, it may have made a greater contribution to understanding this theme. However, in isolation, it does not warrant an individual listing.

Mr Lovell considered that one of the issues of identifying places on purely historical and social values as a basis of significance is that these criteria do not necessarily go to the fabric of the place, other than it is a factory. Furthermore, he considered that there is a disconnect between the list of contributory elements in the statement of significance, and the basis of significance, which has nothing to do with the fabric of the building.

Regarding criterion G, Mr Lovell did not consider that social significance had been established and tested and more robust analysis testing this proposition was required, including the convergence of matters including the existence of a community or cultural group, existence of a strong attachment of a community or cultural group to a place or object and existence of a time depth to that attachment, as a methodology provided through the Heritage Council of Victoria's *'The Victorian Heritage Register Criteria and Threshold Guidelines'*.

He did not think that the aspirational proposition of educating people about the site supports the argument that the place should be listed.

In cross examination Mr Lovell considered that he would be more comfortable with the place being assessed under criteria D and E as a representative interwar factory building, which would be more consistent with the listing of elements in the statement of significance.

In terms of external fabric, Mr Lovell agreed that it is intact enough that the form and function is able to be understood as a non-descript factory. It perhaps would have been more

appropriate to apply D and E, as representative of a factory building, with an interesting history.

MHA submitted that, while this place has modest levels of significance, it is still worthy of an individual Heritage Overlay. They considered that the Sturt Street elevation is largely intact to its 1950s state when the first floor was added (apart from the vehicle entry), the time during which the building was being used for the purpose which is the most significant aspect of the place.

They submitted that the provision of artificial limbs to returned servicemen is an interesting part of the history of services to the armed forces, and it is one that has for a long time been taken over by hospitals rather than by a dedicated service. It is also important to note that the first world war resulted in large numbers of returned servicemen wounded by the loss of a limb, hence the provision of this service at this site beginning in 1918, a service which saw a new wave of wounded servicemen after WW2, and continued serving them into the 1990s. They considered that the loss of this building would remove a minor, but notable, reminder of the effects of war on Victorians.

Mr Vines conceded that unless one had previous knowledge of the history of the building, it is difficult to interpret the history of the building through its fabric.

Mr Vines did not agree that a memorial or plaque would be an appropriate alternative to a Heritage Overlay. He considered the purpose of the Heritage Overlay is to protect the structure, the other issue is about the ability to communicate and interpret the significance of the place.

Mr Vines considered that there is very little remaining built fabric in Southbank which documents how soldiers returned from the war. He said it is true that the building is a small scale factory and could have been used for an array of purposes. He explained this was a place for medical consultation, where limbs were designed and measurements to be stored and then manufactured and understanding the use is important. He did not consider that its exact use needed to be expressed in the fabric. If that was the case, then only extremely unique industrial sites would be included in the Heritage Overlay. He maintained that the building was built in the primary period of significance and its purpose and use directly relates to thematic history of the area which includes military and defence.

Regarding social significance, Mr Vines considered that tens of thousands of people would have been treated or benefited from the factory, including treating patients from the Vietnam War and that it is disingenuous to ignore this group. He conceded that due to the constraints of the preparing the Heritage Study, the research on the extent of social significance was constrained and that over time the social significance may have transferred into historical significance.

Council submitted that Mr Lovell underplayed the significance of the building and that there is ample fabric on the site to manage the heritage values.

Council dismissed submissions that buildings must show some immediate indication of the precise association which has been identified as important in the statement of significance.

Council cited the Panel report for Melbourne C186 [2012] PPV 79 which observed:

We find that the linked building is both historically and aesthetically significant at the local level for its association with the tobacco industry and as a remnant of the industrial/warehouse precinct in this part of the city. We find that the changes which

have been made to the buildings do not detract from an appreciation of their original industrial/warehouse role. We also do not think it is a fair criticism that the fabric does not reveal an association with Snider and Abrahams: warehouse buildings of this kind frequently were not 'labelled' as to the firm occupying them nor did the materials produced or stored inside generally dictate the form of the building - they are a generic type of building.

Such criticisms risk missing the point of understanding the heritage significance of a place particularly where the nature of industrial or warehouse buildings need to be carefully considered, as Mr Vines has done, with their link to the values sought to be protected.

(iii) Discussion

Having regard to the evidence and the Heritage Study, the Panel does not consider that enough evidence was provided that the Commonwealth Artificial Limb Factory is of social significance, that it has a *“Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.”* There was very little analysis in the Heritage Study that established the extent to which the community or a particular group values this particular site. The Panel recognises that establishing social significance requires research and investigation, and at times this may be a time-consuming exercise. However, in this case this criterion is a key basis for identifying the place as significant. In this context, there should be a robust and clear understanding of the degree to which the place is of social significance. The Panel is not convinced that this has been established in this case.

On the matter of historical significance, the Panel notes the historical context of the site and the key theme within Southbank of military and defence services and infrastructure.

The Panel has considered the definition in clause 22.05 *“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.”* There is an expectation within this definition that, if identifying the place individually, it needs to be strongly convincing.

The Panel considers that this theme is more strongly expressed in the remaining repatriation hospital and Victoria barracks, including within the fabric. While the former artificial limbs factory does relate to this theme, it is not expressed in the building or its fabric to any substantial extent to understand this connection or history. The Panel considers that the justification to include the building within the Heritage Overlay is not strong and, in this context, does not consider that it meets the threshold for local significance.

(iv) Conclusion and recommendation

The Panel concludes that it is not appropriate or justified to apply the Heritage Overlay (HO1230) to 242-246 Stuart Street, Southbank.

The Panel recommends:

Delete the Heritage Overlay from 242-246 Sturt Street (HO1230).

Appendix A Document list

No	Date	Description	Provided by
2019			
1	26 Jul	Letter – draft notice	Ms Porritt
2	18 Sep	Letter – City of Melbourne to Panel Chair requesting to defer the Hearing to May 2020	Council
3	1 Oct	Letter – Panel inviting parties to comment on Council's request to defer the Hearing	Panel
4	8 Oct	Letter – Crown Resorts Limited and Schiavello (Vic) Pty Ltd to Planning Panels Victoria	Ms Hall and Ms Seddon, Ashurst
5	10 Oct	email – Council to Planning Panels Victoria	Ms Laing, Council
6a	15 Oct	Letter – Panel notice of the second Directions Hearing (week of 13 April 2020) and Hearing (week of 11 May 2020)	Panel
6b	6 Nov	email - Council to Panel with Letter from the Department of Environment, Land, Water and Planning with extension for the adoption of Amendment C305	Council
7	26 Nov	Letter – Panel inviting parties to the Directions Hearing and to update their request to be heard details	Panel
2020			
8	16 Mar	Letter – Panel advising that COVID-19 may potentially impact the Hearing process	Ms Clark, PPV
9	6 Apr	Letter – Panel advising that the second Directions Hearing will be conducted by video conference	Ms Clark
10	14 Apr	Submission – University of Melbourne's views on procedural matters	Ms Vilagosh, Norton Rose Fulbright Australia
11	15 Apr	Melbourne Planning Scheme Incorporated Document – <i>Former PMG garage, stores & workshops, part 45-99 Sturt Street Southbank</i> , 19 December 2017	Ms Vilagosh
12	16 Apr	Letter – Panel decision on process and further directions	Ms Clark
13	24 Apr	email – Council to Panel - grounds for objection to the Hearing by video conference	Ms Bowler, Council
14	15 May	Letter – Panel inviting parties to the third Directions Hearing	Ms Selvaraj, PPV
15	29 May	Table - Places where Heritage Overlay is proposed to be applied	Council
16	29 May	Map - Heritage Overlay as exhibited with actual details	Council
17	26 Jun	email – Crown Resorts Ltd seeking approved copy of Amendment C258	Mr McLeish, Ashurst

No	Date	Description	Provided by
18	2 Jul	Letter – Collins McPherson Pty Ltd to the Panel advising that it is no longer calling expert evidence	Ms Kovatch, BSP Lawyers
19	3 Jul	Expert evidence – Peter Lovell for Powdervale Pty Ltd	Ms Wilson, Mills Oakley
20	3 Jul	Expert evidence – Peter Barrett for Sheng Le Group	Ms Wilson
21	3 Jul	Expert evidence – Peter Lovell for Crown Resorts (Queens Bridge Street)	Ms Seddon
22	3 Jul	Expert evidence – Peter Lovell for Crown Resorts (Clarendon Street)	Ms Seddon
23	3 Jul	Expert evidence – Stuart McGurn for Crown Resorts	Ms Seddon
24	3 Jul	Expert evidence – Phil Gardiner for Crown Resorts	Ms Seddon
25	3 Jul	Expert evidence – Andrew McCowan for Crown Resorts	Ms Seddon
26	3 Jul	Council Part A submission with the following attachments: <ul style="list-style-type: none"> a. Exhibited Planning Scheme Amendment Maps b. Melbourne Planning Scheme Zone Maps 8 and 11 c. Melbourne Planning Scheme extracts d. Plan Melbourne extracts e. Responsible authority and decisions f. Proposed changes to the exhibited Amendment 	Ms Laing, Council
27	3 Jul	Expert evidence – Gary Vines for Council	Ms Laing
28	3 Jul	Expert evidence – Bryce Raworth for University of Melbourne	Ms Vilagosh
29	13 Jul	Council Part B submission with the following attachments: <ul style="list-style-type: none"> a. Sample of places affected by Amendment C305 b. Sample of development in Melbourne where heritage fabric has been retained c. Amendment C284 Incorporated Document for 87-127 Queens Bridge Street d. Addresses for Robur Tea Factory Company warehouse and Castlemaine Brewery e. Notification letter to stakeholders regarding C305 	Ms Laing
30	13 Jul	Slideshow presentation – supplement to Gary Vines evidence	Ms Laing
31	13 Jul	Post exhibition map (including demolished sites and live permits) prepared by Gary Vines	Ms Laing
32	14 Jul	C308 Urban Design in Central City and Southbank – report to FMC 19 November 2019	Ms Laing
33	14 Jul	Panel report – Melbourne PSA C258 [2019] PPV	Ms Laing, Council
34	14 Jul	Melbourne Design and Development Overlay Schedule 10	Ms Laing
35	15 Jul	Panel report – Moonee Valley PSA C164 [2016] PPV	Ms Selvaraj

No	Date	Description	Provided by
36	15 Jul	Panel report – Boroondara PSA C305boro [2019] PPV	Ms Selvaraj
37	15 Jul	Submission – Melbourne Heritage Action	Ms Laing
38	15 Jul	Submission – University of Melbourne	Ms Vilagosh, Norton Rose
39	15 Jul	Submission – Euroasia (Pacific) Pty Ltd	Mr Newton- Brown
40	16 Jul	Submission – National Trust of Australia (Victoria)	Ms Watson, National Trust
41	16 Jul	National Trust response to Panel questions	Ms Watson
42	16 Jul	Extracts of City North Heritage Review 2013 (updated 2015) Incorporated Document	Ms Vilagosh
43	16 Jul	Submission – Sheng Le Group with the following attachments: a. Map: 87-127 Queens Bridge Street b. Site Context: 87-127 Queens Bridge Street c. Incorporated Document: 87-127 Queens Bridge Street d. Plans: 87-127 Queens Bridge Street	Ms Wilson
44	17 Jul	Map – 107-133 Queens Bridge Street with notations	Ms Porritt
45	17 Jul	Information regarding Robur Tea building, Punch publication, 27 August 1907	Mr Barrett
46	20 Jul	Submission – Development Victoria	Ms Deutscher
47	20 Jul	Submission – Powdervale Pty Ltd	Ms Wilson
48	21 Jul	Gary Vines response to Robur Tea Rooms article, 18 July 2020	Ms Laing
49	21 Jul	Planning Practice Note 46 – Strategic Assessment Guidelines, August 2018	Ms Hall, Ashurst
50	21 Jul	Planning Practice Note 1 – Applying the Heritage Overlay, August 2018	Ms Hall
51	21 Jul	Southbank Structure Plan 2010	Ms Hall
52	21 Jul	Crown Resorts Limited Annual Report 2019	Ms Hall
53	21 Jul	Letter – Crown Resorts Limited to Ashurst regarding project capital spend, 16 July 2020	Ms Hall
54	21 Jul	One Queensbridge proposal prepared for Crown by Architectus	Ms Hall
55	21 Jul	Letters – City of Melbourne Municipal Building Surveyor, Victoria Police, Melbourne Fire Brigade	Ms Hall
56	21 Jul	Photos – Flood event at Queens Bridge Hotel, 24 June 2014	Ms Hall
57	21 Jul	Memo – saw-tooth roofing prepared by Peter Lovell, 20 July 2020	Ms Hall

No	Date	Description	Provided by
58	21 Jul	Photos – Work in progress for 93-103 Clarendon Street, 2013	Ms Hall
59	22 Jul	Submission – Crown Resorts Limited	Ms Hall
60	22 Jul	Submission – Rohan Storey	Mr Storey
61	23 Jul	Map – post exhibition changes with street addresses	Ms Laing
62	23 Jul	email – Municipal Building Surveyor to Schiavello and others	Ms Laing
63	23 Jul	Article – ‘Heritage Victoria’s Maritime Heritage at Risk Program’, Australasian Journal of Maritime Archaeology	Ms Laing
64	23 Jul	Submission – Collins McPherson	Ms Kovatch
65	24 Jul	Supplementary submission – The University of Melbourne with the following attachments: <ul style="list-style-type: none"> a. Certificate of Title for 45-99 Sturt Street b. Map showing extent of land of proposed Heritage Overlay and balance of land c. Plan of Consolidation 	Ms Vilagosh
66	24 Jul	email – Confirmation of typical approval process for Crown developments	Ms Hall
67	24 Jul	Council Part C submission	Ms Laing
68	24 Jul	Dustday Investments Pty Ltd v Minister for Planning [2015] VSC 101	Ms Laing