

**Melbourne Planning Scheme Amendment C403melb
North and West Melbourne Heritage**

Panel Report

Planning and Environment Act 1987

26 May 2023

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 to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE 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 PE 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 PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

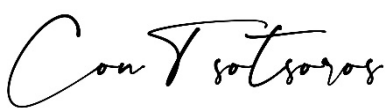
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Melbourne Planning Scheme Amendment C403melb

North and West Melbourne Heritage

26 May 2023



Con Tsotsoros, Chair



John Roney, Member

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Glossary and abbreviations

College	St Aloysius College
Council	Melbourne City Council
Heritage Places Inventory	Melbourne Planning Scheme Incorporated Document, Heritage Places Inventory, March 2022 (Amended July 2022)
Heritage Review	North Melbourne Heritage Review Methodology Report, Lovell Chen and Extent Heritage, July 2022
PE Act	<i>Planning and Environment Act 1987</i>

Overview

Amendment summary

The Amendment	Melbourne Planning Scheme Amendment C403melb
Common name	North and West Melbourne Heritage
Brief description	<p>Implements the recommendations of the North Melbourne Heritage Review 2022 by:</p> <ul style="list-style-type: none"> - applying the Heritage Overlay to four individual places - amending the boundary of the existing North & West Melbourne Precinct (HO3) - deleting the Heritage Overlay from two place (HO284, HO953) - making associated changes to Statements of Significance and other planning scheme provisions
Subject land	Properties in North and West Melbourne shown in Figure 1
Planning Authority	Melbourne City Council
Authorisation	5 May 2022, subject to conditions shown in Chapter 1.1(i)
Exhibition	11 August to 15 September 2022
Submissions	<p>Submissions were received from:</p> <ol style="list-style-type: none"> 1. Jillian Wood-Ingram 2. Matthew Grey 3. John Doyle 4. Darrell J and Silvia Simpson 5. Steven Klimos 6. St Aloysius College 7. Iain McFie 8. Svetlana Karovich 9. Daria Jaeger 10. Rick Clarke 11. Yolanda Chow 12. Hotham History Project 13. Lyms Nominees Pty Ltd 14. PDG 15. Wexhaus 16. Declan O'Shea 17. Eva Ye 18. Madelyn Hay 19. Therese Demediuk 20. Owners of 210-212 Boundary Road and 435-447 Flemington Road 21. Moonee Valley City Council 22. National Trust of Australia (Victoria) 23. Kay Oddie

Panel process

The Panel	Con Tsotsoros (Chair), John Roney
Directions Hearing	Planning Panels Victoria with online video access, 24 March 2023
Panel Hearing	Planning Panels Victoria with online video access, 26 and 27 April and 1 May 2023
Site inspections	Unaccompanied, 13 April 2023 Accompanied, 3 May 2023 (see Chapter 1.4 for details)
Parties to the Hearing	<ul style="list-style-type: none"> - Melbourne City Council represented by Ann-Maree Drakos, Planning Lawyer, with Katherine Smart, who called expert evidence on heritage from Kate Gray of Lovell Chen Pty Ltd - Hotham History Project Inc represented by Mary Kehoe - Owners of 210-212 Boundary Road and 435-447 Flemington Road and St Aloysius College, each represented by Nicola Collingwood of Counsel with Tom Morrison of Planning & Property Partners, instructed by Stephanie Mann of Planning & Property Partners, who called expert evidence on heritage from Bryce Raworth of Bryce Raworth Pty Ltd
Citation	Melbourne PSA C403melb [2023] PPV
Date of this report	26 May 2023

Executive summary

North and West Melbourne's original development was predominantly from the nineteenth century through to the interwar period. A considerable proportion of this area's heritage significance is identified as the North and West Melbourne Precinct through the Heritage Overlay (HO3). The previous comprehensive review of heritage in North and West Melbourne was in 1984.

The City of Melbourne Heritage Strategy 2013 sets out a 15-year plan to protect its heritage buildings, places and objects. It identifies North and West Melbourne as an area to be reviewed between 2016 to 2017. Melbourne City Council (Council) engaged heritage consultants in 2019 to conduct the North and West Melbourne heritage review which concluded in the *North Melbourne Heritage Review Methodology Report*, July 2022 (Heritage Review).

Council prepared Melbourne Planning Scheme Amendment C403melb (the Amendment) which seeks to implement the recommendations of the Heritage Review. This includes:

- applying the Heritage Overlay to four individual places
- amending the North and West Melbourne Precinct (HO3) Statement of Significance
- deleting the Heritage Overlay from certain properties and including some of them in the HO3 Precinct
- amending the Melbourne Planning Scheme Incorporated Document Heritage Places Inventory to categorise and recategorise properties in the HO3 Precinct.

The Amendment was exhibited from 11 August to 15 September 2022 and received 23 submissions. Regarding the HO3 Precinct, key issues raised in submissions related to:

- the approach to applying the Heritage Overlay
- content in the HO3 Statement of Significance
- whether 204-212 Boundary Road and 435-447 Flemington Road contribute sufficiently to the HO3 Precinct to be included
- whether a building at the St Aloysius College contributes to the precinct's significance
- how other properties should be categorised
- including the Shiel Street and Melrose Street road reserves.

There were two submissions which did not support the Heritage Overlay (HO1389) being applied to Flemington Bridge Railway Station in its exhibited form. Several submissions raised general issues relating to building condition, development potential and to whether the Heritage Overlay should require a permit for certain development.

Strategic justification

The Heritage Review has adopted a good practice methodology, consistent with guidance in Planning Practice Note 1. The Heritage Review provides:

- an evidence-based approach to justifying each heritage place and recommendation
- solid strategic support for the Amendment
- a richer understanding of North Melbourne's history through its comprehensively documented Traditional Owner history, particularly after European contact.

The Amendment is well founded, strategically justified and supported by, and implements, the relevant sections of the Planning Policy Framework. It is consistent with the relevant Ministerial

Directions and Practice Notes. The Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in this report.

General issues

Building condition and development potential are not referenced as relevant criteria in Planning Practice Note 1 for assessing the heritage significance of an individual place or a precinct. It would be inappropriate to decide whether to apply the Heritage Overlay on a property based on these issues. These issues may be relevant during the planning permit application process when proposal details are known.

The *Planning and Environment Act 1987* does not enable a planning authority or a panel to recommend changes to State provisions related to heritage permit triggers.

North and West Melbourne Precinct (HO3)

Approach to applying the Heritage Overlay

The Heritage Overlay should be applied to Wes Lofts Office and Ukrainian Catholic Cathedral as individual places, and both places should be removed from the HO3 Precinct. They are individually significant heritage places, and each should:

- have a Statement of Significance that is an Incorporated document relevant to their heritage values
- have a heritage citation with an appropriate comparative analysis
- be identified as significant buildings in the Heritage Places Inventory.

The Statement of Significance for Ukrainian Catholic Cathedral should differentiate the significant, contributory and non-contributory elements on the site.

It is not appropriate for either place to be included in the HO3 Precinct because they do not contribute to its significance. Planning Practice Note 1 does not specifically refer to circumstances where a place in a precinct may be individually significant but is not contributory to the significance of the precinct.

It is appropriate for 480-482 Abbotsford Street to remain in HO284 and not form part of the HO3 Precinct because the property has different requirements specified in the Heritage Overlay Schedule.

Incorporated HO3 Statement of Significance

The post-exhibition version of the HO3 Statement of Significance (North and West Melbourne Precinct):

- is based on the findings of the Heritage Review
- identifies the key attributes and built form characteristics that support the heritage significance of the place
- provides sufficient detail to understand the heritage value of identified significant and contributory places
- has been appropriately formatted.

It is not necessary to prepare separate Statements of Significance for each significant place in the Precinct or to refer to the shops at 1-13 and 63-67 Errol Street in the Statement of Significance.

Eades Place should not be included in the West Melbourne Residential Area.

Further work would be needed to justify the protection of views to specific identified heritage places within the Precinct.

It is appropriate to update the key attributes for the Victoria and Errol Streets Civic and Commercial Area to acknowledge the earlier (1850s) phase of retail development. The legend on the map in the Statement of Significance should be corrected to refer to the 'Victoria and Errol Streets Civic and Commercial Area'.

204-212 Boundary Road and 435-447 Flemington Road

204-212 Boundary Road and 435-447 Flemington Road should be excluded from the HO3 Precinct.

The properties at 204-212 Boundary Road do not contribute to the HO3 Precinct because the buildings are not sufficiently intact to present as Victorian or interwar buildings. Those at 435-447 Flemington Road do not contribute to the HO3 Precinct because the relationship between these properties and the remaining part of the HO3 Precinct is not clearly understood.

31-55 Curran Street (St Aloysius College)

The 1940 school building at St Aloysius College (31-55 Curran Street, North Melbourne) does not contribute to the HO3 Precinct and should be categorised as non-contributory.

Categorising other properties in the HO3 Precinct

Within the North and West Melbourne Precinct (HO3), it is appropriate and justified to categorise:

- 32-34 Erskine Street as a significant property
- 48-50 Ballie Street, 59-63 Chapman Street, 27-35 Leveson Street and 680-684 Queensberry Street as contributory properties
- 10 Canning Street, 38 and 40-42 Curran Street and 8 George Street as non-contributory properties.

The property at:

- 6 Baillie Street should be categorised as non-contributory because it is not sufficiently intact
- 8 Jones Lane should be added to the Heritage Places Inventory and given a building category of significant
- 588 Victoria Street should be added to the Heritage Places Inventory and given a building category of contributory.

Shiel and Melrose Streets

The Shiel and Melrose Streets plantations are generally intact and contribute to the streetscape character of the Precinct. Extending the HO3 Precinct boundaries on Shiel Street and Melrose Street would include two street tree plantations in a manner consistent with the recognition afforded to street plantations in the Statement of Significance.

The Heritage Overlay (HO3) should be applied to the Shiel Street and Melrose Street road reserves between Dryburgh Street and Flemington Road.

Flemington Bridge Railway Station (HO1389)

The entire Flemington Bridge Railway Station, including land in the Cities of Melbourne and Moonee Valley, has sufficient heritage significance to justify the Heritage Overlay. The Heritage Overlay should be:

- supported by a shared heritage citation and Statement of Significance across both Planning Schemes because Flemington Bridge Railway Station is one place
- applied to the entire site, with elements of significance (and non-significance) expressed in the Statement of Significance
- introduced in the Melbourne and Moonee Valley Planning Schemes concurrently through a GC amendment.

The station building, platform and ramps on the southeast side of the station is of heritage significance, however the modern surfacing of the platform and ramps is not significant.

Any Incorporated document that provides permit exemptions for works or design guidelines to assist in the management and redevelopment of the station should be generally consistent in approach for land in the Cities of Melbourne and Moonee Valley.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Melbourne Planning Scheme Amendment C403melb be adopted as exhibited subject to the following:

- Delete the Heritage Overlay (HO3) from:**
 - 135-141 Abbotsford Street, North Melbourne (Former Wes Lofts and Co Office)**
 - 35-37 Canning Street, North Melbourne (Ss Peter and Paul Ukrainian Catholic Cathedral)**
 - 480-482 Abbotsford Street, North Melbourne**
 - 204, 206, 208 and 210-212 Boundary Road and 435-447 Flemington Road, North Melbourne.**
- Delete the Heritage Overlay (HO1389) from the Flemington Bridge Railway Station.**
- Retain 480-482 Abbotsford Street, North Melbourne in the existing Heritage Overlay (HO284).**
- Apply the Heritage Overlay to the following properties as individually listed places:**
 - 135-141 Abbotsford Street, North Melbourne (Former Wes Lofts and Co Office)**
 - 35-37 Canning Street, North Melbourne (Ss Peter and Paul Ukrainian Catholic Cathedral).**
- Apply the Statement of Significance as an Incorporated document in the Heritage Overlay and Clause 72.04 for:**
 - 135-141 Abbotsford Street, North Melbourne (Former Wes Lofts and Co Office)**
 - 35-37 Canning Street, North Melbourne (Ss Peter and Paul Ukrainian Catholic Cathedral).**
- Amend the Statement of Significance for the North and West Melbourne Precinct (HO3) to:**
 - under the heading 'What is significant?', subheading 'Victoria and Errol Streets Civic and Commercial Area', modify the third dot point to state "*Early (from 1850s and 1860s) retail development to Errol and Queensberry Streets.*"**
 - in the legend to Figure 1: Map of HO3 North and West Melbourne Precinct, delete the words "*Errol Street Civic and Commercial Area*" and replace with "*Victoria and Errol Streets Civic and Commercial Area*".**

- 7. Amend the 'North and West Melbourne' geographical area section of the Melbourne Planning Scheme Incorporated Document, Heritage Places Inventory, March 2022 (Amended July 2022) to:**

 - a) delete 206, 208 and 210-212 Boundary Road and 435-437, 443, 445 and 447 Flemington Road**
 - b) delete the '1940 school building' so that it is recategorised to non-contributory**
 - c) recategorise the building category for:**

 - 6 Baillie Street from contributory to non-contributory**
 - 10 Canning Street from significant to non-contributory**
 - 8 George Street from contributory to non-contributory**
 - d) add 6 Jones Place with a building category of significant**
 - e) add 588 Victoria Street with a building category of contributory.**
- 8. Apply the Heritage Overlay (HO3) to the Shiel Street and Melrose Street road reserves between Dryburgh Street and Flemington Road.**

1 Introduction

1.1 The Amendment

(i) Authorisation

The Amendment was authorised subject to revising the HO3 Statement of Significance before exhibition to:

- align with the guidance in Appendix A: *Statement of Significance in the Planning Practice Note 1: Applying the Heritage Overlay*
- follow the appropriate 'track change' format
- focus on the HO3 area in the 'area map' and reduce the extent of other heritage overlay areas shown within the City of Melbourne.

Council made these changes before exhibiting the Amendment.

(ii) Amendment description

The purpose of the Amendment is to implement the recommendations of the North Melbourne Heritage Review July 2022 (Heritage Review). Specifically, the Amendment proposes to:

- apply the Heritage Overlay and introduce new Statements of Significance to the following four individual places:
 - The Albion Hotel, 171-173 Curzon Street, North Melbourne (HO1386)
 - Hotham Gardens, Stage 1, 55-61, 63-69, 71-77, 79-85, 87-93, 95-101 O'Shanassy Street, North Melbourne (HO1387)
 - Harris Plane Tree Avenue, Harris Street (between Errol and Curzon Streets), Plane Tree Way (between Dryburgh and Abbotsford Streets), Part 302-326 Abbotsford Street, Part 50-56, 58-64, 66-72, 74-80, 92-132 O'Shanassy Street and Part 141-157 Curzon Street, North Melbourne (HO1388)
 - Flemington Bridge Railway Station, 211 Boundary Road, North Melbourne (HO1389)
- amend the North and West Melbourne Precinct (HO3) Statement of Significance
- delete the Heritage Overlay from:
 - 480-482 Abbotsford St, North Melbourne (HO284)
 - Racecourse Road/Alfred Street, North Melbourne – remove 13 properties and incorporate 68 properties into the HO3 Precinct (HO953)
- amend the existing incorporated document titled Melbourne Planning Scheme Incorporated Document Heritage Places Inventory, March 2022 to change the document's date and to reflect various changes (building heritage categories, streetscape categories and address corrections) for about 119 properties.

(iii) The subject land

The Amendment applies to land shown in Figure 1.

1.2 Background

Table 1 Chronology of events

Date	Event
2019 – 2020	
2019	Council engaged heritage consultants to conduct the North Melbourne Heritage Review
10 Jul 2020	New heritage category system introduced to the Planning Scheme [Amendment C258]
Jul 2020	North Melbourne Heritage Review completed
2022	
19 and 20 Apr	Council wrote to the Minister for Planning: <ul style="list-style-type: none"> - seeking authorisation to prepare the Amendment - requesting interim heritage provisions for the affected properties through Amendment C402melb
5 May	Minister for Planning authorised Council to prepare the Amendment subject to conditions
7 Jul	Heritage places grading conversion completed in Planning Scheme [Amendment C396]
2 Aug	Minister for Planning authorised Council to exhibit the Amendment after being satisfied conditions had been satisfied
11 to 15 Sep	The Amendment was exhibited and received 23 submissions
6 Sep	Council renotified property owners and tenants in Hotham Gardens with an opportunity to respond within a month
21 Sep	Translated Planning Policy Framework introduced into the Planning Scheme [Amendment 409melb]
6 Oct	Interim heritage provisions applied to properties affected by the Amendment [Amendment C402melb]
11 Nov	After reviewing submissions, Heritage Review consultants recommended proposed changes to heritage categories for certain properties. Council informally notified affected property owners and tenants who did not make a submission and invited them to make a submission
2023	
19 Jan	After further review, the Heritage Review consultants recommended proposed changes to certain properties. Council informally notified affected property owners and tenants who did not make a submission and invited them to make a submission
21 Feb	Council considered submissions at its meeting and resolved to: <ul style="list-style-type: none"> - endorse officer responses to submissions except for the one relating to the Flemington Bridge Railway Station - delete in the 'what is significant' section of the HO1389 Statement of Significance, the words "Access ramps including form and location but excluding modern surfacing" and reduce the extent of the Heritage Overlay (HO1389) mapping to include only the weatherboard station building and the platforms - request the Minister for Planning to appoint a Panel to consider all submissions

1.3 Referencing categories for a property in a heritage precinct

Planning Practice Note 1 (Applying the Heritage Overlay) advises that letter gradings (such as A to D) should not be used. These gradings were phased out because their misleading nature resulted in confusion, debate and unintended consequences such as demolition.

One of the misleading aspects of this approach was reference to the term ‘grading’. It infers there is a heritage hierarchy which does not exist. This was demonstrated at the Hearing where there were references to ‘upgrading’ and ‘downgrading’ properties. A precinct is a single heritage place comprising multiple properties. Each property is a piece of the overall place and is objectively assessed to determine its role and relationship in the precinct. Each property may:

- have buildings with form and features which contribute to the precinct’s significance, with some being significant in their own right, or
- be insufficiently intact to contribute to the precinct but be important in having new development sensitively respond to the surrounding heritage fabric.

Planning Practice Note 1 continues to refer to ‘grades’.

Council’s Heritage Places Inventory assigns a ‘building category’ to each property listing. For the purposes of the report, the Panel has adopted Council’s terminology by referring to the terms significant, contributory or non-contributory as heritage categories rather than grades.

1.4 Accompanied site inspection

In response to a request from St Aloysius College, the Panel agreed to an accompanied site inspection subject to other parties and expert witness having the opportunity to participate. The Panel made further directions¹ to support the process.

The Panel conducted the on-site inspection of the St Aloysius College campus on 3 May 2023, accompanied by Mr Stringfellow of St Aloysius College, Mr Morrison, Ms Smart, Ms Gray and Mr Raworth.

On 5 May 2023, the Panel wrote to parties² to:

- confirm its observations were consistent with information presented at the Hearing
- request that they inform by 8 May 2023 whether they or their expert witness observed anything new
- note it may make directions to enable further comment if any new observations were identified.

No party responded with a new observation.

1.5 The Panel’s approach

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.

¹ Document 18

² Document 21

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 all 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.

This Report deals with the issues under the following headings:

- Planning context
- Strategic issues
- General issues
 - Building condition and development potential
 - Property value and financial implications
- North and West Melbourne Precinct (HO3)
 - Approach to applying the Heritage Overlay
 - Incorporated HO3 Statement of Significance
 - 204-214 Boundary Road and 435-447 Flemington Road
 - 31-55 Curran Street (St Aloysius College)
 - Categorising other properties in the HO3 Precinct
 - Shiel Street and Melrose Street
- Flemington Bridge Railway Station (HO1389).

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix B highlights key imperatives of relevant provisions and policies.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4(1)(d) of the <i>Planning and Environment Act 1987</i> (PE Act)
Municipal Planning Strategy	- Clause 2.03-4 (Built form and heritage)
Planning Policy Framework	- Clauses 15.01-5S (Neighbourhood character), 15.03-1S (Heritage conservation)
Other planning strategies and policies	- Plan Melbourne Outcome 4, Direction 4.4, Policies 4.4.1 and 4.4.4
Planning scheme provisions	- Heritage Overlay
Planning scheme amendments	- Amendment C402melb (Interim heritage provisions for land affected by the Amendment) - Amendment C409melb (introduced translated Planning Policy Framework into the Planning Scheme)
Ministerial directions	- Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 1 (Applying the Heritage Overlay), August 2018

2.2 Heritage approach

(i) 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 North and West Melbourne as areas to be reviewed between 2016 to 2017.

(ii) Heritage Review

In 2019, Council engaged heritage consultants, Lovell Chen and Extent Heritage, to conduct the North Melbourne Heritage Review.

The Heritage Review applied the following methodology:

- Review previous work and studies
- Research

- Engagement – Community and Traditional Owner
- Fieldwork:
 - inspections from the public realm and conducted in blocks, with all streets, ‘little streets’ and public lanes walked
 - Council gradings data and GIS mapping informed the fieldwork, with places and properties checked against current grading data
 - historical and current aerial photographs
 - demolitions and new developments noted and checked against existing information
 - photographs taken, including for reproduction in the place citations
 - changes to Council gradings data recommended after fieldwork and assessments
 - Traditional Owner consultation involved (where possible due to Covid-19 restrictions)
 - a minibus survey of the study area
- Thematic Environmental History prepared
- Assessment:
 - existing and potential new provisions for places in the study area assessed in accordance with Planning Practice Note 1 and the HERCON heritage assessment criteria
 - comparative analysis to identify whether an individual place met the threshold for the Heritage Overlay
 - categorising each property as either significant, contributory, non-contributory based on the Planning Scheme’s adopted definitions
- Recommendations, including incorporating the existing Racecourse Road/Alfred Street precinct (HO953) and 480-482 Abbotsford Street (HO284) into HO3
- Citations prepared in the following format required by Council:
 - Summary
 - Contextual history
 - Brief site history
 - Brief description of the place
 - Comparative analysis to assist with understanding the relative significance of the place
 - Assessment against recognised heritage criteria (HERCON)
 - Statement of significance in the ‘What? How? Why?’ format
 - Grading in the significant, contributory and non-contributory categories
 - Recommendations for statutory heritage controls (in the case of new HO places)
 - Photographs (current and historic) and a map of the place.
- Statements of Significance prepared for 135-141 Abbotsford Street and 35-37 Canning Street
- Assessment of existing significant heritage places which have a complex of buildings:
 - St Aloysius College, 31-55 Curran Street
 - St Michael’s Primary School, 4-18 Brougham Street
 - St Joseph’s College, 367-395 Queensberry Street
- Project meetings and review – between the heritage consultants and Council
- Mapping – generally followed property title boundaries.

This resulted in the North Melbourne Heritage Review Methodology Report, July 2022 which includes:

- Attachment A: North Melbourne Thematic Environmental History
- Attachment B: Citations for existing Heritage Overlay places

- Attachment C: Citations for places recommended for Heritage Overlay controls
- Attachment D: Statements of Significance for places in HO3
- Attachment E: Revised Statement of Significance for North & West Melbourne Precinct HO3
- Attachment F: Recommended changes to Heritage Overlay and property gradings
- Attachment G: 'Complex' places memorandum.

(iii) **Heritage Places Inventory**

The category for each property in a heritage precinct is commonly found in a table, map or a combination of both in the relevant Statement of Significant incorporated into the relevant planning scheme. Melbourne City Council lists property categories for all its precincts into a single document – the Heritage Places Inventory, March 2022. It is incorporated into the Planning Scheme and specifies the following definitions:

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 Significant heritage place 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

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

Individual heritage place

An individual heritage place is equivalent to a significant heritage place. It may be categorised significant within a heritage precinct. It may also have an individual Heritage Overlay control, and be located within or outside a heritage precinct.

2.3 Strategic justification

(i) **Evidence and submissions**

Council submitted the Heritage Review was needed for North and West Melbourne because heritage studies since 1984 have identified almost exclusively Victorian and Edwardian era architecture. Council added that the Amendment is:

- important in its overall program to protect heritage in its municipality and meet specific commitments to review heritage for gaps and inconsistencies
- supported by planning policy objectives set out in the Explanatory Report (summarised in Appendix B of this report).

Council submitted the Heritage Review provided justification for applying the Heritage Overlay and categorising the identified properties. It referred to Planning Practice Note 1 which states the Heritage Overlay should be applied to:

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 also advises:

The heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.

Submissions questioned the appropriateness and justification of the heritage provisions proposed for certain properties, but none sought to abandon the Amendment based on insufficient strategic justification.

One submission considered the Heritage Review:

- should have more definitively explained why a property was categorised as contributory or significant
- includes *“very general, and basically motherhood statements without clear guidelines”* on page 17.

National Trust (Victoria), which represents 40,000 members:

- supported the Amendment as exhibited
- commended the degree of consultation with Traditional Owners and its outcomes
- considered the Heritage Review will *“set a new benchmark for cultural heritage assessment in Victoria”*.

Hotham History Project Inc welcomed the Heritage Review and supported many of its recommendations. Both organisations noted it was the first comprehensive heritage review for North Melbourne in almost 40 years.

(ii) Discussion

Section 4(1)(d) of the PE Act requires planning to conserve and enhance buildings, areas or other places of aesthetic, architectural or historical interest while balancing the present and future interests of all Victorians. Council recognises this need through its Heritage Strategy which specifically sought to review the heritage provisions in North and West Melbourne in the interests of its municipal community.

The Heritage Review has adopted a good practice methodology, consistent with guidance in Planning Practice Note 1. The Heritage Review provides:

- an evidence-based approach to justifying each heritage place and recommendation
- solid strategic support for the Amendment
- a richer understanding of North Melbourne’s history through its comprehensively documented Traditional Owner history, particularly after European contact.

The Amendment is supported by and implements sections of the Planning Policy Framework referenced in Table 2.

(iii) Conclusions

For the reasons set out in this report, 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

- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 General issues

This chapter refers to issues which apply across more than one individual place or precinct. Where a submission raised only general issues, it is not referred to in subsequent chapters.

3.1 Planning Policy Framework translation

Council advised that its translated Planning Policy Framework was introduced into the Planning Scheme on 21 September 2022, after the Amendment was prepared and exhibited. Council submitted:

- the Amendment proposed to reference the Heritage Review through Clause 22.05
- the Heritage Review will now appear in the recently introduced Clause 15.03-1L-02.

The Panel considers this change to be a neutral translation of what was exhibited through the Amendment and has no concern. The Panel makes no recommendation regarding this matter because it is not an unresolved issue raised in a submission.

3.2 Building condition, development potential and permit triggers

(i) The issues

The issues are:

- whether building condition and development potential are relevant when assessing the heritage significance of an individual place or a precinct
- whether a planning permit should be required for certain buildings and works.


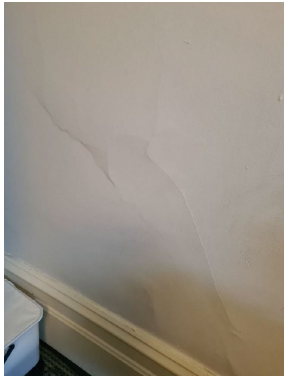


(ii) Evidence and submissions

There were submissions which considered:

- the Heritage Overlay should not be applied because a building was in poor condition or it would restrict the ability to develop the property
- a planning permit should not be required to alter a house if the façade is not altered, and only require a building permit for major works.

The owner of 6 Baillie Street considered the building was poorly constructed and has structural issues which are either difficult or impossible to rectify without demolition or reconstruction. The owner showed photos showing the house about 10 centimetres below street level and cracks in the wall.

Table 3 **6 Baillie Street building level and wall cracks**

House level	Front room west side	Front room east side	Exterior west side
			

The architects engaged to design alterations and an extension to 48 Baillie Street advised that Council has granted a Notice of Decision to grant a permit. Changes enabled by the permit include a changed pitch roof and a 3 storey extension behind the principle front room.

In response, Council submitted that redevelopment opportunity of heritage properties is:

- immaterial during this stage of the planning process
- properly considered during the planning permit application process where a proposal is properly assessed against relevant policy.

Council referred to the following Panel reports:

Southern Grampians PSA C6 [2009] PPV:

The Panel takes the view that there is a two stage planning process in relation to management of heritage places – the objective identification of heritage significance (current stage); and, second, ongoing management of the place having regard to such matters such as the economics of building retention and repair, reasonable current day use requirements etc (consideration of permits for development).

Boroondara PSA C274 Part 1 [2018] PPV:

The application of the Heritage Overlay may restrict the development potential of a property, but this is not a justification for recommending against the application of the Heritage Overlay.

Melbourne PSA C305 [2020] PPV:

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.

Council acknowledged:

- the Heritage Overlay introduces a new layer of provisions for property owners by requiring additional permit triggers
- all properties in the municipality are subject to zone provisions and most are also subject to overlay provisions.

(iii) Discussion

The Panel agrees with Council's submission regarding building condition and development opportunity. The planning scheme amendment stage is to simply identify places of heritage significance and consider whether the Heritage Overlay should be applied, having regard to Planning Practice Note 1.

Building condition is not an issue unless the heritage fabric is unlikely to exist by the time the Amendment is introduced into the Planning Scheme. No submission demonstrated this. The Panel is required to consider each property in its current form, even if there is an approved permit to redevelop the site. There is no assurance an owner will act on the permit and if they do, Council can reassess the property through a future heritage review.

Irrespective, it is not possible to measure the potential impact on development opportunity because aspirations will vary from property to property. For example, the Heritage Overlay will not impact a person seeking to maintain their property in its current form. For someone with development interests, the Heritage Overlay does not prohibit the ability to apply to alter, add to, or demolish a building. It is acknowledged that local policy may influence how a permit application is assessed. Those seeking to add a multi-level addition to the rear of the property again may be largely unaffected if the design responds sensitive to the heritage fabric. All these scenarios are hypothetical at this stage of the process.

The planning permit application process is appropriate for assessing development related issues because it is at this stage when:

- there will be definitive plans to better understand potential impact on heritage fabric
- property owner's intentions are clear, rather than aspirational ideas which may not realise
- the proposal can be formally assessed against Planning Scheme policy and provisions.

Regarding permit triggers, Council cannot propose changes to the head provisions in the Heritage Overlay which require permits for certain buildings and works. Council can only propose changes to the local content of the Planning Scheme. Similarly, section 25 of the PE Act does not enable a Panel to formally recommend changes to a State standard provision. Accordingly, the Panel is unable to recommend removing any heritage related permit triggers.

(iv) Conclusions

The Panel concludes:

- Building condition and development potential are not referenced as relevant criteria in Planning Practice Note 1 for assessing the heritage significance of an individual place or a precinct.
- The *Planning and Environment Act 1987* does not enable a planning authority or a panel to recommend changes to State provisions related to heritage permit triggers.

4 North and West Melbourne Precinct (H03)

Exhibited Statement of significance

What is significant?

North and West Melbourne Precinct was developed from the mid-nineteenth century as part of the extension of Melbourne to its north and west during a period of significant population growth. Significant and contributory development in the precinct dates from the mid nineteenth century through to the interwar period, although Victorian development predominates, particularly from the late nineteenth century. Some places of heritage value may also be outside this date range. The precinct is mainly residential, but with diversity of building form and uses within streets, and several commercial streetscapes. Mature street plantings and rows are also part of the significant development of the precinct.

The following are the identified 'key attributes' of the precinct, which support the assessed significance:

- Typical nineteenth century building characteristics including:
 - Use of face brick and rendered masonry building materials, with timber and bluestone indicating earlier buildings.
 - Hipped roof forms with chimneys and parapets; verandahs which are simply detailed or have more decorative cast iron work; iron palisade fences on stone plinths; and limited or no front and side setbacks.
- Comparatively high number of buildings of the 1850s and 1860s.
- Modest workers' cottages as the common housing type, often in consistent and repetitive terrace rows, with simple forms and detailing.
- Other development including larger Victorian dwellings and two-storey terrace houses; Edwardian and interwar dwellings on the site of the former Benevolent Asylum; and other Edwardian and interwar buildings located throughout the precinct.
- Typically low scale character, of one and two-storeys, with some larger three-storey buildings.
- Streets of consistent scale, or with greater scale diversity and contrasting modest and larger buildings.
- Nineteenth century residential development influenced by the precinct's topography, with more substantial built form located in elevated areas of both suburbs, particularly Hotham Hill and between Spencer and King streets
- Streets which display a diversity of uses including residential, commercial, manufacturing and industrial.
- Nineteenth and twentieth century hotel buildings and shops located on corners and within residential street blocks.
- Secondary or 'little' streets, including named lanes, with workers cottages, warehouses and workshops, occasional stables and small scale early twentieth century commercial and industrial development.
- Building forms with elevated entrances, and building rows which step up or down, following the topography and grade of streetscapes.
- Importance of Errol, Victoria and Queensberry streets, being some of inner Melbourne's most extensive and intact commercial streetscapes.
- Remarkable 1870s-80s civic development at the corner of Errol and Queensberry streets, with the town hall tower being a local landmark.
- Views from lanes to early outbuildings and rears of properties, providing evidence of historical property layouts.
- Undulating topography which has allowed for views and vistas of prominent elements such as the town hall tower and church spires.
- Important role of religion as demonstrated in the large and prominent ecclesiastical buildings and complexes.
- Evidence of change and evolution in the precinct, with streets having buildings from different periods, and early buildings such as former factories and warehouses adapted and converted to new uses.
- Nineteenth century planning and subdivisions as evidenced in:
 - Hierarchy of principal streets and secondary streets and lanes.
 - Regular grid of straight north-south and east-west streets in the centre of the precinct.
 - Contrasting street alignments in the north of the precinct, where streets angle east to meet Flemington Road; and in the south of the precinct, where the CBD streets extend to meet the precinct.
 - Large and irregular street intersections including three or more streets meeting at oblique angles.
 - Lanes which provide access to rears of properties and act as important minor thoroughfares.
- Principal streets characterised by their width and open character, with vistas available along their length;

these are sometimes distinguished by street tree plantings including planes, elms and eucalypts.

- Importance of major roads and thoroughfares which border or traverse the precinct including Flemington Road, once a grand Victorian boulevard that marked the route to the goldfields; and Victoria, Peel and Elizabeth streets.
- Historical street materials including bluestone kerbs and channels, and lanes with original or relayed bluestone pitches and central drains.
- Vehicle accommodation is generally not visible from principal streets, but more common at the rears of properties, with lane access.

Within the broader HO3 precinct, the following are the key attributes of the following areas:

Hotham Hill Residential Area:

- Elevated location, with generous streets, central medians and centreline plantings.
- Streetscapes demonstrate generally high level of intactness.
- Largely freestanding single and double-storey villas dating from the last decades of the nineteenth century and the first decades of the twentieth century.
- Dwellings range in scale from modest cottages to more substantial villas.
- Terrace rows of various sizes are present throughout.
- Residences with defined setbacks, presenting modest gardens to the street.
- Dwellings are typically of masonry construction in face brick often incorporating complex arrangements of bichrome and polychrome brickwork.
- Other masonry buildings are rendered and incorporate straightforward Italianate detailing such as urns, classical pediments and balustraded parapets.

Benevolent Asylum Estate Area:

- Early twentieth century residential subdivision, with dwellings constructed from the mid-1910s.
- Larger allotments and deeper front setbacks.
- Area noted for uniformity of architectural expression.
- Predominantly single-storey Edwardian villas and interwar bungalows, including freestanding houses and semi-detached pairs.
- Dwellings of face red brick, with prominent gabled roofs.
- Small numbers of other interwar buildings on consolidated allotments, typically in the form of workshops, small factories and flats.

Victoria and Errol streets Civic and Commercial Area:

- Commercial heart of precinct.
- Varied building scales, includes modest allotments to north of Queensberry Street, with larger remises between Victoria and Queensberry Streets.
- Early (from 1860s) retail development to Queensberry Street.
- Two-storey commercial premises of typical form for the Victorian period.
- A number of notable substantial commercial buildings are also present, dating from Victorian and Edwardian periods.
- Residential development at its northern and eastern ends.

West Melbourne Residential Area:

- Substantially intact mid-late nineteenth century residential streetscapes.
- South section is typically two-storey villas and semi-detached pairs with Italianate detailing, with some buildings of architectural distinction.
- North section comprised of late nineteenth century single-storey cottages and semi-detached pairs, with notable groups of two-storey villas and some long terrace rows.

How is it significant?

North and West Melbourne Precinct is of historical, social and aesthetic significance to the City of Melbourne.

Why is it significant?

The North and West Melbourne Precinct is of historical significance, as a predominantly Victorian-era precinct associated with the nineteenth century growth of Melbourne to the north and west of the city and for its ability to demonstrate that period of development. The surviving layout and building stock are important

for their ability to reflect on particular aspects of this history. As early as 1852, streets in the centre of the precinct, and north of Victoria Street, were laid down in a rigorous grid and this pattern remains. Early development of the 1850s and 1860s also reflects local involvement in servicing the goldfields traffic and migration of people from Melbourne to the gold rush centres to the north-west. Hotham Hill, in the north of the precinct, was a notable development from the 1860s, its elevated position attracting grander residential development. West Melbourne also developed its own identity in the nineteenth century, being an early residential suburb with mixed housing types, which was later largely transformed including through the expansion of industry and manufacturing. Major roads and streets which traverse or border the precinct, including Victoria, Peel and Elizabeth streets, and Flemington Road, were historically important early Melbourne thoroughfares and boulevards. Flemington Road in particular was an early route out of Melbourne, its status confirmed in the Roads Act of 1853. **(Criterion A)**

The working-class history of the precinct is particularly significant, and is demonstrated in the characteristically modest dwellings and historically diverse development, including the proximity of houses to commercial, manufacturing and industrial buildings, nineteenth century corner shops and hotels, and churches and schools. The Catholic Church was a particularly prominent local denomination. Residents of the precinct were employed in some of Melbourne's most important nineteenth and early twentieth century industries, located close to the precinct, including markets, abattoirs, railways and the port at Victoria Dock. Residents were also politically active, forming various associations in the nineteenth and early twentieth centuries, and being prominent in the women's suffrage and World War I anti-conscription movements. Welfare and community groups also established a strong presence in the suburb, providing services to the unemployed, women and children. **(Criterion A)**

The North and West Melbourne Precinct is of social significance. Residents value the early character of its streetscapes, its 'walkability', and its notable commercial development and village character centred on Errol, Victoria and Queensberry streets. Proximity to the nearby Queen Victoria Market, Arden Street Oval and the city, is also highly valued. Places such as churches, pubs, schools and other places of gathering are also valued by the community. **(Criterion G)**

The North and West Melbourne Precinct is of aesthetic significance, particularly for the architectural expression of its key buildings and streetscapes, largely for its Victorian-era development including workers' cottages, rows of simply detailed modest dwellings, and two-storey terrace houses. These are complemented by larger Victorian dwellings, Edwardian and interwar development on the site of the former Benevolent Asylum, and commercial and industrial buildings, with the latter often located in residential streets. There is also some variety in building and allotment sizes, and building heights, styles, materials and setbacks. In the Hotham Hill area, residential streets are wide and elevated, and the building stock is comparatively intact, and features generally larger residences. In the precinct's south, development is finer grained. Large brick warehouses, from the late nineteenth and early twentieth century, are located in the east of the precinct near Queen Victoria Market. The precinct also has some of inner Melbourne's most extensive and intact commercial streetscapes, including significant concentrations on Errol, Victoria and Queensberry streets. Errol Street is particularly distinguished by the remarkable 1870s civic development, with the town hall tower an important local landmark. Throughout the precinct, principal streets connect with secondary or 'little' streets, reflecting typical nineteenth century planning. These secondary streets reinforce the 'permeable' character and pedestrian nature of the precinct, enhanced by the network of lanes which are demonstrably of nineteenth century origin and function, and continue to provide access to the rears of properties. The lanes were also historically used to access small scale commercial and industrial operations, concentrated in the secondary streets of the precinct. Aesthetically, the precinct also has an open character, and internal views and vistas, deriving from the long and wide streets and several large and sometimes irregular intersections. Principal streets are also distinguished by street plantings of planes, elms and eucalypts. **(Criterion E)**

4.1 Approach to applying the Heritage Overlay

(i) The issues

The issues are whether the following places should be included in the HO3 Precinct:

- 135-141 Abbotsford Street, North Melbourne (Former Wes Lofts and Co Office)
- 35-37 Canning Street, North Melbourne (Ss Peter and Paul Ukrainian Catholic Cathedral)
- 480-482 Abbotsford Street, North Melbourne.

(ii) Background

The Statement of Significance for the HO3 Precinct is an Incorporated document. The Heritage Review includes citations and Statements of Significance for the Former Wes Lofts and Co Office (Wes Lofts Office) and the Ss Peter and Paul Ukrainian Catholic Cathedral (Ukrainian Cathedral).

The Amendment proposes to include the Wes Lofts Office and the Ukrainian Cathedral in the HO3 Precinct as significant places and include site-specific Statements of Significance for each property in the Heritage Review, which is proposed to be included in the Planning Scheme as a Background document.

Figure 2 HO3 Statements of Significance proposed as background documents in the Planning Scheme

135-141 Abbotsford Street, North Melbourne (Former Wes Lofts And Co Office)



What is significant?

The two-storey concrete and blockwork office and warehouse at 135-141 Abbotsford Street, North Melbourne, by architects Eggleston MacDonald and Secomb in 1971-1972.

Elements that contribute to the significance of the place include (but are not limited to): Concrete facade incorporating cantilevered first floor

- Original full height windows in timber joinery
- Concrete steps and entry sequence, garden bed
- Open parking area
- Blockwork side walls
- 'Wes Lofts' signage

The rear walls are original but make a lesser contribution. The more recent porthole windows are not significant.

How is it significant?

The former Wes Lofts & Co office and warehouse is of representative and aesthetic significance at a local level to the City of Melbourne.

Why is it significant?

The former Wes Lofts & Co office and warehouse is of local significance as a representative, capably-resolved and externally intact example of the Brutalist style as applied to an office and warehouse **(Criterion D)**

Aesthetically, it is notable for the sophisticated arrangement of forms, constructed in glass and off-form concrete, to its facade. Despite its reasonably late construction date, the design broke new ground -

employing the massing and formal characteristics of earlier Brutalist designs to create a sculptural facade treatment. The building has been recognised by Philip Goad as an important example of the work of the notable Melbourne firm of Eggleston MacDonald and Secomb. **(Criterion E)**

35-37 Canning Street, North Melbourne (Ss Peter and Paul Ukrainian Cathedral)



What is significant?

The Ss Peter and Paul Ukrainian Catholic Cathedral, 35-37 Canning Street, North Melbourne is significant.

How is it significant?

The Ss Peter and Paul Ukrainian Catholic Cathedral is of local historical, representative, aesthetic and social significance to the City of Melbourne.

Why is it significant?

The Ss Peter and Paul Ukrainian Catholic Cathedral is of local historical significance as a reflection of the demographic and societal changes of the post-WWII period, including the arrival of Ukrainian migrants (including refugees) under the Displaced Person Scheme and the development of a strong Ukrainian community in inner Melbourne. The building provides evidence of the importance of migrant communities and the diversification of the population of North Melbourne in the second half of the twentieth century. Specifically, the construction of such a substantial and imposing church in 1961 was a demonstration of the strength of the Ukrainian Catholic community by the latter post-war period. **(Criterion A)**

The Ss Peter and Paul Ukrainian Catholic Cathedral is of local representative significance. It is a fine example of what has been termed 'Late twentieth century Immigrant Nostalgic' architecture, evident in its reinterpretation of traditional architectural elements such as domes, vaults, arcades and a highly decorated exterior to produce an innovative and Modern place of worship. **(Criterion D)**

The Ss Peter and Paul Ukrainian Catholic Cathedral is of local aesthetic significance. It was designed by Salvador Camacho Bracero, of the architectural firm Smith & Tracy, a practice which was highly regarded for its ecclesiastical designs. It is among their most successful works and is a local landmark in North Melbourne. **(Criterion E)**

The Cathedral is of social significance as a focus for the Ukrainian Catholic community of Melbourne, which it continues to serve. **(Criterion G)**

Source: Heritage Review Attachment D

The Heritage Overlay (HO284) currently applies to 480-482 Abbotsford Street, North Melbourne. The property forms part of a row of 1891 terraces at 480-500 Abbotsford Street known as Glendalough Terrace. The terraces to the north at 484-500 Abbotsford Street do not form part of HO284 and are in the HO3 Precinct (existing and proposed).

480-482 Abbotsford Street is a significant building in the Heritage Places Inventory. There is no Statement of Significance associated with HO284.

The Amendment proposes to delete HO284 and apply HO3 to the land.

Figure 3 480-482 Abbotsford Street, North Melbourne (corner property)



Source: Document 9

No submissions were made for the Wes Lofts Office, the Ukrainian Cathedral or 480-482 Abbotsford Street. Council and Ms Gray, who provided heritage evidence for Council, responded to issues raised by the Panel regarding the rationale for including these sites in the HO3 Precinct.

(iii) Evidence and submissions

Wes Lofts Office and the Ukrainian Cathedral

Ms Gray noted the Heritage Review provides the basis for separate Statements of Significance for the Wes Lofts Office and the Ukrainian Cathedral:

These statements have been prepared to clarify the values of the two sites, on the basis these are outside the main period of significance for HO3. The precinct is significant for its predominantly nineteenth-century built form with overlays of both the Edwardian and interwar periods. In contrast, the above places were constructed in the late post-WWII period, with the Cathedral constructed in 1962-63, and the late twentieth century, with the Wes Lofts & Co Office constructed in 1971-72.

The statements developed for these two places include historical and descriptive information, and a statement in the 'What? How? Why?' format. The intention is that the statements confirm and clarify their significant grading within the HO3 precinct. These places are not proposed for individual HO controls.³

Ms Gray said the approach adopted in the Heritage Review reflected her interpretation of Planning Practice Note 1, which states:

How are individual buildings, trees or properties of significance located within significant areas treated?

The provisions applying to individual buildings and structures are the same as the provisions applying to areas, so there is no need to separately schedule and map a significant building, feature or property located within a significant area.

The only instance where an individual property within a significant area should be scheduled and mapped is where it is proposed that a different requirement should apply. For example, external painting controls may be justified for an individual building of significance but not over the heritage precinct surrounding the building.

Ms Gray considered:

³ Heritage Review, page 19

... PPN01 does not support individual properties of significance located with precincts being scheduled and mapped separately unless it is proposed that a different requirement should apply under the HO Schedule.

In these two cases, there are no additional schedule requirements identified that would justify a separate HO control and on this basis, the sites are proposed to remain in HO3. Equally, the values are quite different from those of the precinct and for this reason, individual statements of significance were prepared to properly explain their significance.

In response to questions from the Panel, Council advised:

- its preferred approach was for separate Statements of Significance for the Wes Lofts Office and the Ukrainian Catholic Cathedral as Incorporated documents and for these to form part of the Statement of Significance for the HO3 Precinct
- this position has not been advanced in the Amendment because the Department of Transport and Planning does not support this approach.

Council submitted:

The advice as we've understood it, is that there is either one Statement of Significance for the heritage place, or Statements of Significance for all significant heritage properties comprising the heritage place in the one precinct Statement of Significance. It is not understood what the statutory basis is for this position.⁴

Council noted Clause 43.01-5 Statements of Significance provides:

The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148. This does not apply to:

- A heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of Amendment VC148.
- A registered heritage place included in the Victorian Heritage Register established under Part 3 of the *Heritage Act 2017*.
- A heritage place included in the schedule to this overlay on an interim basis.

Council submitted:

- the term 'heritage place' as it appears in Clause 43.01-5 is a reference to the heritage place identified in the Heritage Overlay Schedule, which in this case is the HO3 Precinct
- Clause 43.01-5 does not limit the number of Statements of Significance, it just says "*a statement of significance*"
- it interprets this to mean that it is possible for multiple Statements of Significance for a heritage place to be Incorporated documents in the Planning Scheme.

Council noted Planning Practice Note 1 specifies:

- the documentation for each heritage place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria
- a statement of significance must be incorporated in the planning scheme for each heritage place included in the schedule to the Heritage Overlay after 31 July 2018
- there is no need to separately schedule and map a significant building located in a heritage precinct unless it is proposed that a different requirement apply.

Council submitted that it sought requirements in the Heritage Overlay Schedule for the Wes Lofts Office and the Ukrainian Catholic Cathedral that were the same as the HO3 Precinct. It said:

⁴ Council Part C submission, paragraph 11

This creates a conundrum where properties which may not fully technically 'fit' within the broader precinct cannot have an individual Heritage Overlay and cannot have the additional information necessary for decision makers.⁵

Council submitted two alternative approaches for consideration.

First, it said the Wes Lofts Office and the Ukrainian Cathedral could be 'double listed'. That is, two Heritage Overlay listings could be applied to the sites, including one for the HO3 Precinct and another individual listing for each place. Council acknowledged there were potential issues with 'double listing' heritage places, including the identification and interpretation of two different listings for the same place.

Second, Council said the Heritage Overlay could be applied to the Wes Lofts Office and Ukrainian Catholic Cathedral as individual places and both properties could be removed from the HO3 Precinct. Ms Gray considered this approach would create two 'gaps' in the HO3 Precinct, which presented some uncertainty about how a development proposal for the Wes Lofts Office or Ukrainian Catholic Cathedral would be assessed having regard to the heritage values in the HO3 Precinct.

Ms Gray stated:

- if the Heritage Overlay was applied to the Wes Lofts Office and Ukrainian Catholic Cathedral as individual places (and therefore separate Statements of Significance were Incorporated documents in the Planning Scheme) then some further comparative assessment work should be completed for both places in accordance with Planning Practice Note 1
- this is not likely to be problematic, as there were few comparable places
- it is understood this work was not completed as part of the Heritage Review because the Statements of Significance that have been prepared to date were intended as Background documents.

480-482 Abbotsford Street, North Melbourne

Regarding 480-482 Abbotsford Street, Ms Gray considered:

... the nature of the terrace is consistent with the values of HO3, and there is no difference in the HO schedule for HO284 and HO3 (ie no paint or tree controls are indicated). For consistency, it is recommended that the individual HO be removed and 480-482 Abbotsford Street be incorporated into HO3. This accords with the guidance provided in PPN01, which confirms that individual properties within HO precincts should not be scheduled separately unless there is a variation in the scheduling in the HO.

Council submitted that, on closer inspection, there is a different requirement in the Heritage Overlay Schedule regarding HO284 compared to HO3. In the case of HO284, the Schedule 'turns on' the 'Prohibited uses permitted?' column. This is not the case for HO3.

Council submitted:

- its research during preparation for the Hearing has revealed the rationale for creating HO284 dates to the translation of the City of Melbourne's old format Planning Scheme to the new format Planning Scheme in 1998

⁵ Council Part C submission, paragraph 17

- the Planning Scheme was translated into its current format with a 'Yes' for HO284 in the 'Prohibited uses permitted?' column because of the nature of the use operating from the site
- there is a clear difference between HO284 and HO3 and in the circumstances submitted it was appropriate to retain HO284
- it no longer sought to include this property in the HO3 Precinct.

(iv) Discussion

Wes Lofts Office and the Ukrainian Cathedral

The Panel accepts the Wes Lofts Office and the Ukrainian Catholic Cathedral are individually significant heritage places. The citations and Statements of Significance in the Heritage Review demonstrate the importance of the places, address relevant heritage criteria and justify applying the Heritage Overlay. However, it is not appropriate for either place to be included in the HO3 Precinct because they do not contribute to its significance.

The Wes Lofts Office is a brutalist building constructed in 1971-72 and is not relevant to the Victorian, Edwardian and interwar heritage values expressed in the HO3 Statement of Significance. It is therefore not possible to use the HO3 Statement of Significance to assist the assessment of any proposal for the future development of the Wes Lofts Office building.

Catholic churches are referenced generally in the Statement of Significance for the HO3 Precinct in the context of the early development of North Melbourne. The Ukrainian Catholic Cathedral was constructed in 1961 and reflects the demographic and societal changes to North Melbourne after the Second World War. It is referred to as a fine example of 'Late twentieth century Immigrant Nostalgic architecture' which is inconsistent with the heritage characteristics in the HO3 Precinct.

The Panel acknowledges Council has prepared the Amendment with respect to these places in response to advice from the Department of Transport and Planning regarding the interpretation of Planning Practice Note 1. The Panel interprets Planning Practice Note 1 differently.

That said, Planning Practice Note 1 is unclear. For example, it states:

How are heritage precincts and areas treated?

Significant precincts and areas should be identified in the schedule and mapped.

Immediately following this text, it states:

How are individual buildings, trees or properties of significance located within significant areas treated?

The provisions applying to individual buildings and structures are the same as the provisions applying to areas, so there is no need to separately schedule and map a significant building, feature or property located within a significant area.

The only instance where an individual property within a significant area should be scheduled and mapped is where it is proposed that a different requirement should apply. For example, external painting controls may be justified for an individual building of significance but not over the heritage precinct surrounding the building.

It is unclear why Planning Practice Note 1 differentiates between 'significant precincts', 'areas', 'significant areas' and 'heritage precinct'.

The context for the content under '*How are individual buildings, trees or properties of significance located within significant areas treated?*' is also unclear. The guidance is made for instances where an individual place is significant to the heritage values in a precinct. In that context, the Panel accepts it is not necessary for individually significant places in the HO3 Precinct to have their own

Statements of Significance as Incorporated documents. The HO3 Statement of Significance should be sufficient to capture the heritage values of all significant (and contributory) places. It may be appropriate to apply the Heritage Overlay for an individually significant place through a separate listing where the place has different requirements in the Heritage Overlay Schedule (such as paint controls) compared to the HO3 Precinct.

Planning Practice Note 1 does not specifically refer to a circumstance where a place in a precinct such as Wes Lofts Office and the Ukrainian Catholic Cathedral may be individually significant but does not contribute to the significance of the precinct. In the absence of this guidance, Planning Practice Note 1 should not be interpreted as advising that a brutalist building be included in a Victorian and Edwardian Precinct where the HO3 Statement of Significance does not relate to the building's construction era or brutalist typology.

The Panel encourages the Department of Transport and Planning to revise Planning Practice Note 1 to clarify the context and intent of the advice regarding the issues raised above, particularly to circumstances where a place in a Precinct is individually significant but it does not contribute to the heritage values of the precinct.

The Panel is concerned the Amendment will result in a confusing outcome. The Wes Lofts Office and the Ukrainian Church are proposed to be included as significant places in the Heritage Places Inventory and in the incorporated HO3 Statement of Significance. This approach is problematic because:

- the places are not significant to the HO3 Precinct (they do not contribute to the Precinct)
- neither place is relevant to the HO3 Statement of Significance, however, this document will be given significant weight during the permit application assessment because it is an Incorporated document and forms part of the Planning Scheme
- the 'alternative' Statements of Significance for the places (included in the Heritage Review, Attachment D) provide a sound description of the relevant heritage values but are proposed to be included as a Background document, which provides less weight than the Incorporated document.

For these reasons, Wes Lofts Office and Ukrainian Catholic Cathedral should not be included in the HO3 Precinct as exhibited.

The Panel does not support Council's preferred position for separate Statements of Significance for the Wes Lofts Office and the Ukrainian Catholic Cathedral as Incorporated documents and for these to form part of the Statement of Significance for the HO3 Precinct.

It is unclear why Wes Lofts Office and Ukrainian Catholic Cathedral should form part of the HO3 Precinct when they have no relevance to the heritage values of the Precinct. Multiple Statements of Significance in a Precinct should be applied carefully. There is potential to cause confusion between the heritage values expressed in the HO3 Precinct compared to the individual places. This approach is not consistent with the Department of Transport and Planning guidance regarding multiple Statements of Significance in a precinct.

The Panel does not support the 'double listing' (both individual place and in the HO3 Precinct) of the Wes Lofts Office and the Ukrainian Catholic Cathedral.

As outlined above, it would be necessary to include both places as non-contributory buildings in the HO3 Precinct. Having a building which is individually significant without any relevant to the HO3 Precinct would potentially confuse the assessment of planning permit applications for the

development of the sites. This is because there are different policy implications for non-contributory buildings compared to significant buildings, particularly for demolition.

The *Practitioners Guide to Victorian Planning Schemes*:

- sets out key guidance to assist practitioners when preparing planning scheme provisions
- seeks to ensure a provision is clear, unambiguous and effective in achieving the intended outcome.

The double listing of these heritage places will not achieve this outcome.

The Panel considers Council's third option to apply the Heritage Overlay to Wes Lofts Office and Ukrainian Catholic Cathedral as individual places and to remove them from the HO3 Precinct to be the most appropriate approach. This will ensure:

- both places have a Statement of Significance that is an Incorporated document relevant to their heritage values
- they are identified as significant buildings in the Heritage Places Inventory
- the appropriate level of heritage protection for assessing a future planning permit application proposing to develop the sites.

The Planning Scheme has a range of policies to ensure the heritage values of the HO3 Precinct surrounding the Wes Lofts Office and Ukrainian Catholic Cathedral are appropriately considered.

These policies include:

- Clause 15.01-1S (Urban design) where it is a strategy to:
 - require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate
- Clause 15.01-1L-05 (Urban design outside the Capital City Zone) where:
 - it is an objective to:
 - ensure that the scale, siting, massing and bulk of development complements the adjoining and nearby built form, and relates to the prevailing patterns of height and scale of existing development in the surrounding area
 - it is a strategy to:
 - encourage development that responds to the scale of surrounding development both in terms of its overall dimensions and the size of its individual architectural elements
- Clause 15.01-2S (Building design) where it is a strategy to:
 - ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development
 - ensure development responds and contributes to the strategic and cultural context of its location
 - minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment
 - ensure development is designed to protect and enhance valued landmarks, views and vistas
- Clause 15.01-5S (Neighbourhood character) where it is a strategy to:
 - support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character
 - ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
 - ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - pattern of local urban structure and subdivision.
 - underlying natural landscape character and significant vegetation.
 - neighbourhood character values and built form that reflect community identity

- Clause 15.03-1L-02 (Heritage) where it is:
 - a demolition policy guideline to consider:
 - the character and appearance of the proposed building or works and their effect on the historic, social and architectural values of the heritage place and the street.
 - a strategy regarding additions to ensure:
 - ... high quality and respectful contextual design
- Clause 43.01-8 (Heritage Overlay) where there is a decision guideline to consider:
 - whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.

The Panel agrees with Ms Gray and Council the heritage citations for Wes Lofts Office and Ukrainian Catholic Cathedral would benefit from the inclusion of an appropriate comparative analysis before the Amendment is finalised. This will ensure the documentation is consistent with Planning Practice Note 1.

The heritage citation for Ukrainian Catholic Cathedral:

- notes 35-37 Canning Street includes the Cathedral, a double fronted timber residence (387 Dryburgh Street) and a two-storey presbytery and school building (35 Canning Street)
- states that only the Cathedral has a category of significant.

The Statement of Significance for 35-37 Canning Street should differentiate the significant, contributory or non-contributory elements on the site as referenced in the heritage citation.

The Panel's preferred approach to applying the Heritage Overlay to Wes Lofts Office and Ukrainian Catholic Cathedral:

- is generally consistent with the intent of the Amendment and is not transformative
- will improve the clarity and operation of the proposed heritage provisions for these places.

480-482 Abbotsford Street, North Melbourne

The Panel accepts it is appropriate for 480-482 Abbotsford Street to remain in HO284 and not form part of the HO3 Precinct because the property has different requirements specified in the Heritage Overlay Schedule.

This is an example of where it is appropriate to separately schedule a significant heritage place in a heritage precinct, as explained in Planning Practice Note 1.

There is no existing Statement of Significance for 480-482 Abbotsford Street and as HO284 existed before Amendment VC148 was introduced, there is no requirement for a Statement of Significance to be incorporated in the Planning Scheme. Although it would be preferable for a Statement of Significance for the property and for it to be incorporated in the Planning Scheme, as there is no requirement for it the Panel makes no recommendation regarding this matter.

(v) Conclusions and recommendations

The Panel concludes:

- Wes Lofts Office and Ukrainian Catholic Cathedral are individually significant heritage places and should:
 - have a Statement of Significance that is an Incorporated document relevant to their heritage values
 - be identified as significant buildings in the Heritage Places Inventory.

- It is not appropriate for either place to be included in the HO3 Precinct because they do not contribute to its significance.
- Planning Practice Note 1 does not specifically refer to circumstances where a place in a precinct may be individually significant but is not contributory to the significance of the precinct.
- The Heritage Overlay should be applied to Wes Lofts Office and Ukrainian Catholic Cathedral as individual places and both places should be removed from the HO3 Precinct.
- The heritage citations for Wes Lofts Office and Ukrainian Catholic Cathedral should include an appropriate comparative analysis.
- The Statement of Significance for the Ukrainian Catholic Cathedral should differentiate the significant, contributory and non-contributory elements on the site.
- It is appropriate for 480-482 Abbotsford Street to remain in HO284 and not form part of the HO3 Precinct because the property has different requirements specified in the Heritage Overlay Schedule.

The Panel recommends:

Delete the Heritage Overlay (HO3) from:

- a) 135-141 Abbotsford Street, North Melbourne (Former Wes Lofts and Co Office)
- b) 35-37 Canning Street, North Melbourne (Ss Peter and Paul Ukrainian Catholic Cathedral)
- c) 480-482 Abbotsford Street, North Melbourne

Retain 480-482 Abbotsford Street, North Melbourne in the existing Heritage Overlay (HO284).

Apply the Heritage Overlay to the following properties as individually listed places:

- a) 135-141 Abbotsford Street, North Melbourne (Former Wes Lofts and Co Office)
- b) 35-37 Canning Street, North Melbourne (Ss Peter and Paul Ukrainian Catholic Cathedral).

Apply the Statement of Significance as an Incorporated document in the Heritage Overlay and Clause 72.04 for:

- a) 135-141 Abbotsford Street, North Melbourne (Former Wes Lofts and Co Office)
- b) 35-37 Canning Street, North Melbourne (Ss Peter and Paul Ukrainian Catholic Cathedral).

4.2 Incorporated HO3 Statement of Significance

(i) The issues

The issues are:

- whether the content and format of the Statement of Significance is appropriate
- whether there should be separate Statements of Significance for each significant place in the Precinct.

(ii) Background

The existing Statement of Significance for the North and West Melbourne Precinct (HO3) was originally introduced by Amendment C258, which included Statements of Significance for Heritage Overlay precincts outside the Capital City Zone. The Statement of Significance is included in an

Incorporated document in the Planning Scheme (Heritage Precincts Statements of Significance February 2020 (Amended April 2022)).

The Amendment proposes to refine the existing Statement of Significance based on the research and findings in the Heritage Review and include it as a stand-alone Incorporated document.

The main changes to the existing HO3 Statement of Significance include:

- deletion of the historical and descriptive material at the front of the document (but retained within the heritage citation)
- the description of four 'areas' within the Precinct including:
 - Hotham Hill Residential Area
 - Benevolent Asylum Estate Area
 - Victoria and Errol Streets Civic and Commercial Area
 - West Melbourne Residential Area
- the inclusion of dot point 'key attributes' for each of the areas (under 'What is significant?')
- revisions to the description of the values of the Precinct (under 'How is it significant?')
- the addition of a map showing the location of the nominated 'areas'.

No submissions objected to the designation of the four areas within the Precinct.

(iii) Evidence and submissions

Regarding the exhibited HO3 Statement of Significance, the Hotham History Project submitted:

- removing the sections History, Description, Pattern of development, Topography and Parks gardens and street plantings from the current Statement of Significance will mean there is *"no heritage and historical documentation enshrined in the Planning Scheme to use as an argument for why the buildings are important and should be protected"*
- all significant buildings in the Precinct should have separate Statements of Significance
- the two shop rows at 1-13 and 61-67 Errol Street should be specifically mentioned because of their particular importance
- Eades Place should be included in the West Melbourne Residential Area, noting that the street comprises only significant and contributory buildings, and is identified as a significant streetscape
- under 'What is significant?' the 'key attribute' regarding 'undulating topography' (dot point 15) should be modified to include reference to six specific buildings:
 - North Melbourne Town Hall roof and clock tower
 - Former Presbyterian Union Memorial Church Spire
 - Weston Milling silos, Munster Terrace, North Melbourne
 - Ukrainian Catholic Church, Canning Street, North Melbourne
 - St Mary Star of the Sea, Howard Street, West Melbourne
 - St Michael's Catholic Church, Dryburgh Street, North Melbourne
- under the heading 'What is significant?' – 'Victoria and Errol Streets Civic and Commercial Area' modify the date of retail development 'from 1860s' to 'from 1850s' because the shop row at 61-67 Errol Street was established in the mid 1850s.

In response, Ms Gray stated:

- the structure of the proposed Statement of Significance adopts the contemporary standard format required by the Department of Transport and Planning

- the heritage citation and Statement of Significance included at Attachment H to the Heritage Review includes more detailed historical and descriptive material
- the Heritage Review is proposed to be a Background document in the Planning Scheme
- Planning Practice Note 1 does not support significant places in a precinct having separate Heritage Overlay listings (scheduled, mapped and having their own Statements of Significance) unless a different requirement applies in the Heritage Overlay Schedule
- the shop rows in Errol Street are referenced in the Heritage Places Inventory as significant buildings
- the West Melbourne Residential Area comprises mid-late nineteenth century residential buildings in parts of Roden, Hawke, King, Spencer and Miller Streets, West Melbourne
- Eades Place is located to the east of the West Melbourne Residential Area and includes residential buildings on the east side (in the HO3 Precinct) and a former nineteenth century school on its west side (HO464 – Primary School No. 1689), with recent low-rise crisis accommodation development fronting King and Roden Streets
- Eades Place is separated from the West Melbourne Residential Area and including it in the West Melbourne Residential Area is not supported
- the exhibited version of dot point 15 regarding undulating topography is intended to describe a particular characteristic or attribute of HO3 rather than seeking to identify or protect particular views or vistas to specific buildings in or outside the Precinct
- the Presbyterian Union Memorial Church Complex is in the Victorian Heritage Register as H0007 and proposed changes to the place would be assessed by Heritage Victoria under the *Heritage Act 2017*
- the Weston Milling silos site, Munster Terrace, is:
 - located outside the HO3 Precinct and Heritage Review study area
 - currently included in the Heritage Overlay (HO455) – North and West Melbourne Biscuit Making & Flour Milling Precinct.

Ms Gray agreed it would be appropriate to update the key attributes for the Victoria and Errol Streets Civic and Commercial Area to acknowledge an earlier (1850s) phase of development. She said the wording should be revised to state:

Early (from [1850s and](#) 1860s) retail development to [Errol and](#) Queensberry streets.

Ms Gray noted the legend to the map in the HO3 Statement of Significance incorrectly refers to 'Errol Street Civic and Commercial Area'. She said this should be corrected to refer to 'Victoria and Errol streets Civic and Commercial Area', consistent with the same reference in the body of the Statement of Significance.

Council supported the evidence of Ms Gray including her proposed changes to the HO3 Statement of Significance.

(iv) Discussion

The documentation for the HO3 Precinct including the citation and Statement of Significance, provides extensive information to support an understanding of the heritage precinct's significance. The citation includes sections dealing with history, description (including pattern of development and topography), parks, gardens and street plantings, and areas with identifiable built form characteristics. The Statement of Significance provides a summary in the 'what, how, why' format.

The Panel considers the post-exhibition revised HO3 Statement of Significance is appropriate because:

- it is based on the findings of the Heritage Review and improves the clarity of various parts of the document
- its format is acceptable and includes content consistent with Planning Practice Note 1.

It would be unnecessary to prepare a separate Statements of Significance for each significant building or place in the HO3 Precinct. The Panel agrees with Ms Gray that the HO3 Statement of Significance identifies the key attributes and built form characteristics that support the heritage significance of the place and there is sufficient detail to understand the heritage value of identified significant and contributory places.

The HO3 Statement of Significance does not need to identify every significant place in the Precinct. Rather, a select number of places are used as examples of phases of development, architectural styles or historical themes. The fact that a significant heritage place is not specifically identified does not imply it is less significant than other significant places identified in the documentation. All significant and contributory places are identified in the Heritage Places Inventory. Within this context, it is not necessary to include the shops at 1-13 and 61-67 Errol Street in the Statement of Significance.

The Panel agrees with Ms Gray that Eades Place is separate from the West Melbourne Residential Area and it should not be included in this designation in the HO3 Statement of Significance. The significance of Eades Place is not diminished because it is not included in the West Melbourne Residential Area and the properties and streetscape are appropriately categorised in the Heritage Places Inventory.

The exhibited version of the 'key attribute' regarding undulating topography is satisfactory. The description of "*undulating topography which has allowed for views and vistas of prominent elements such as the town hall and church spires*" is general and does not intend to identify or protect particular views or vistas to specific buildings. This wording is consistent with the version in the existing HO3 Statement of Significance. Further work would be needed to justify the protection of specific views to identified places.

It is appropriate to update the key attributes for the Victoria and Errol Streets Civic and Commercial Area to acknowledge the earlier (1850s) phase of development. The wording proposed by Ms Gray is supported.

The Panel supports modifying the legend of the map in the Statement of Significance to refer to the 'Victoria and Errol Streets Civic and Commercial Area'. This will ensure the name of the area is consistent with the term used elsewhere in the HO3 Statement of Significance.

(v) Conclusions and recommendations

The Panel concludes:

- The post-exhibition version of the HO3 Statement of Significance (North and West Melbourne Precinct):
 - is based on the findings of the Heritage Review
 - identifies the key attributes and built form characteristics that support the heritage significance of the place
 - provides sufficient detail to understand the heritage value of identified significant and contributory places
 - has been appropriately formatted.

- It is not necessary to prepare separate Statements of Significance for each significant place in the Precinct.
- It is not necessary to refer to the shops at 1-13 and 63-67 Errol Street in the Statement of Significance.
- Eades Place should not be included within the West Melbourne Residential Area.
- Further work would be needed to justify the protection of views to specific identified heritage places within the Precinct
- It is appropriate to update the key attributes for the Victoria and Errol Streets Civic and Commercial Area to acknowledge the earlier (1850s) phase of retail development
- The legend on the map in the Statement of Significance should be corrected to refer to the 'Victoria and Errol Streets Civic and Commercial Area'.

The Panel recommends:

Amend the Statement of Significance for the North and West Melbourne Precinct (HO3) to:

- a) under the heading 'What is significant?', subheading 'Victoria and Errol streets Civic and Commercial Area', modify the third dot point to state *"Early (from 1850s and 1860s) retail development to Errol and Queensberry streets."***
- b) in the legend to Figure 1: Map of HO3 North and West Melbourne Precinct, delete the words *"Errol Street Civic and Commercial Area"* and replace with *"Victoria and Errol Streets Civic and Commercial Area"*.**

4.3 204-212 Boundary Road and 435-447 Flemington Road

(i) The issues

The issues are whether 204-212 Boundary Road and 435-447 Flemington Road contribute to the HO3 Precinct and should be included in the precinct.

(ii) Background

The properties at 204-212 Boundary Road and 435-447 Flemington Road, as shown in Table 4, are currently in the HO953 (Racecourse Road/Alfred Street, North Melbourne). The Amendment proposes to delete the precinct and include some of the properties in the HO3 Precinct.

Table 4 204-212 Boundary Road and 435-447 Flemington Road properties**Properties proposed to be included in the HO3 Precinct**

210-212 Boundary Road



208 and 206 Boundary Road



435-437 Flemington Road



439 Flemington Road



443 Flemington Road



445 Flemington Road



447 Flemington Road

Source: Evidence of Ms Gray and Mr Raworth

(iii) Evidence and submissions

Athedim (Vic) Pty Ltd and others (Athedim) own 210-212 Boundary Road and 435-447 Flemington Road, North Melbourne. Athedim objected to the six properties being included in the HO3 Precinct and to the Heritage Overlay being applied. It submitted the buildings on those properties:

- cannot be appreciated, either visually or physically, as part of the HO3 Precinct
- will be perceived even more remote and unrelated to the remaining precinct area after the Commercial 1 Zone land to its south is developed and intensified
- have been modified and their heritage value is not sufficient to apply the Heritage Overlay (HO3)
- do not present as a cohesive or related series of buildings
- make a minor contribution to the precinct.

Athedim considered there is no sound heritage rationale to support its properties being included in the precinct. It called heritage evidence from Mr Raworth of Bryce Raworth Pty Ltd. Mr Raworth stated the buildings at 210-212 Boundary Road and 435-447 Flemington Road:

- do not make a meaningful contribution to the HO3 Precinct's character, appearance and significance
- are physically and visually separated from the HO3 Precinct and any connection with the remaining precinct area is abstract and numerical.

He added, it is appropriate to exclude 210-212 Boundary Road, having regard to:

- the two Victorian era cottages were remodelled as a single residence in 1923
- the interwar facade has been compromised by the removal of the windows, entry door and insertion of large areas of glass bricks in the façade and under the verandah
- the property is no longer intact and its alterations detract from its contribution to the precinct
- it is questionable whether the building meets the threshold of the definition in the Heritage Places Inventory.

Similarly, Mr Raworth considered it appropriate to exclude 204-208 Boundary Road.

Regarding 435-447 Flemington Road, Mr Raworth stated:

- the buildings themselves are not a consistent group and sit in an extremely hostile and aggressive traffic setting and large Flemington/Boundary Road intersection that further detracts their potential to contribute to the broader HO3 Precinct
- the commercial building with no setback at 439 Flemington Road dominates and interrupts the streetscape cohesion of the earlier buildings.

In response to the Athedim submission, Council proposed to:

- exclude the Boundary Road properties from the HO3 Precinct after reviewing alterations to these buildings
- retain the Flemington Road properties in the precinct.

Ms Gray supported Council's proposed post-exhibition changes and recommended that 204, 206, 208 and 210 Boundary Road be excluded from the HO3 Precinct, and the Flemington Road properties be retained.

Ms Gray stated the group of Flemington Road properties:

- comprise mostly contributory properties
- is physically detached from the main part of the HO3 Precinct
- would *"not qualify as a precinct in its own right"*, given its limited extent and the mixed building categories.

Ms Gray considered the Flemington Road properties should be included in the precinct because *"the group still retains a recognisable heritage character (generally as identified in the 1980s study) that is consistent with the identified values of HO3"*.

More specifically, Ms Gray added:

- 443, 445 and 447 Flemington Road are contributory in the existing HO953 Precinct and will retain this category in the HO3 Precinct
- 435-437 Flemington Road:
 - is non-contributory in the existing HO953 Precinct and will be recategorised to contributory in the HO3 Precinct
 - contributes to understanding the HO3 Precinct's interwar development phase (though not a dominant phase) even with its overpainted brickwork
- 441 Flemington Road is non-contributory in the existing HO953 Precinct and will retain this category in the HO3 Precinct
- 443 Flemington Road is a relatively intact typical single-storey Victorian brick residence, even with its overpainted brickwork

- 445 Flemington Road is a modest single-storey nineteenth century brick residence which retains its overall form and characteristics
- 447 Flemington Road:
 - is a single-storey brick residence constructed around 1910-1915 and initially operated as a boarding house (Sands & McDougall directory, 1910 and 1915)
 - is an interesting building which adopts an unusual form with projecting bays at each end with decorative glazing, and the central section set back between them
 - has a relatively intact principal elevation but aerial photos and limited street views indicate extensive change behind.

In response, Council accepted Ms Gray's evidence and submitted:

- the Flemington Road properties should remain in the HO3 Precinct because:
 - their period and type thematically reflects the characteristics and values which make the precinct significant
 - they satisfy the definition of contributory in the Planning Scheme
- the physical context of the Flemington Road properties should not determine whether they are included in the precinct.

The Athedim and Council submissions referred to Public Acquisition Overlay 2 which applies to some of the Flemington Road frontages and most of the Boundary Road properties.

(iv) Discussion

The Panel has considered the heritage significance of the subject properties based on existing buildings rather than what may be possible through Planning Scheme provisions such as Public Acquisition Overlay 2.

When determining whether the Boundary and Flemington Road properties should be included in the HO3 Precinct, Ms Gray and Mr Raworth considered whether the buildings:

- had recognisable heritage value that is consistent with, and will contribute to, the precinct
- can be visually or physically recognised as forming part of the main part of precinct.

The Panel has considered these properties accordingly.

There are elements in the Boundary Road buildings which allow someone to understand that 206 and 208 were constructed during the Victorian era. Numbers 210-212 no longer present as two Victorian residences. All these properties (206-212) are no longer intact because their alterations did not sensitively respond to the original architectural features. The alterations to 210-212 are irreversible. The Boundary Road properties, including the vacant lot at 204, should be excluded from the HO3 Precinct.

Of the five properties along Flemington Road, No 441 is a non-contributory commercial building and the buildings at 435-437, 443, 445 and 447 Flemington Road are intact Victorian and interwar buildings. Any intact building constructed during the Victorian or interwar era in North or West Melbourne is likely to share the same theme as the HO3 Precinct. However, their ability to be contributory properties relies on someone understanding they are part of the HO3 Precinct.

The Panel agrees with both expert witnesses that the Flemington Road properties have no physical or visual connection to the main HO3 Precinct area. The properties are separated from the main area to its south by:

- a 30-metre main road reservation (Racecourse Road) with heavy traffic volumes
- commercial uses with relatively modern buildings set back considerably from the footpath by expansive concreted land, specifically:
 - a manual car wash at the north-east corner of Racecourse and Boundary Roads mainly occupied by vehicles
 - a service station at the north-west corner of Flemington and Boundary Roads with a building at the back of the site, fuel bowsers under a large flat-roofed metal shelter, car parking spaces, and a tall advertising structure at the intersection corner of the site
- relatively modern commercial buildings on large properties along the southern side of Racecourse Road and Flemington Road (to Buncle Street), including a new 9 storey apartment building.

The Flemington Road properties face outward and away from the main HO3 Precinct area and are along an approximately 60-metre-wide road reservation (Flemington Road). The Panel considers the physical and visual disconnect of these four isolated properties removes the ability to perceive them as part of the HO3 Precinct.

The Panel agrees with both expert witnesses that the Flemington Road properties in themselves do not form a precinct. Without a statement of significance for the existing HO953 Precinct, it is unclear what significance this area had to be considered a precinct.

More intensive development in the Commercial 1 Zone area between the Flemington Road properties and the remaining HO3 Precinct area will almost certainly eliminate the ability to view these few properties as part of the precinct. However, this is not relevant because this relationship does not exist now.

(v) Conclusions and recommendations

The Panel concludes:

- 204-212 Boundary Road do not contribute to the HO3 Precinct because the buildings are not sufficiently intact to present as Victorian or interwar buildings.
- 435-447 Flemington Road do not contribute to the HO3 Precinct because the relationship between these properties and the remaining part of the HO3 Precinct is not clearly understood.
- 204-212 Boundary Road and 435-447 Flemington Road should be excluded from the HO3 Precinct.

The Panel recommends:

Delete the Heritage Overlay (HO3) from 204, 206, 208 and 210-212 Boundary Road and 435-447 Flemington Road, North Melbourne.

Amend the 'North and West Melbourne' geographical area section of the Melbourne Planning Scheme Incorporated Document, Heritage Places Inventory, March 2022 (Amended July 2022) to delete 206, 208 and 210-212 Boundary Road and 435-437, 443, 445 and 447 Flemington Road.

4.4 31-55 Curran Street (St Aloysius College)

(i) The issue

The issue is whether the 1940 school building at 31-55 Curran Street (St Aloysius College) shown in Figure 5 contributes to the HO3 Precinct.

(ii) Background

St Aloysius College (College) is located at 31-55 Curran Street, North Melbourne. The entire site is currently categorised as significant in the Heritage Places Inventory. The Amendment proposes to revise the Heritage Places Inventory to:

- retain the original convent (1891), chapel (1925) and high school building (1903) as significant
- recategorise the school building (1940) from significant to contributory
- recategorise all other buildings and structures from significant to non-contributory.

The College site is shown in the red boundary in Figure 4.

Figure 4 St Aloysius College



Source: Document 7 | Notes: Blue star: 1891 original convent; Green star: 1925 chapel; Yellow star: 1903 high school building; Red star: 1940 school building

Figure 5 North elevation of 1940 School Building (facing Curran Street)



Source: Document 7

(iii) Evidence and submissions

The College accepted the proposed categorisation of the significant and non-contributory buildings on the site. It objected to the 1940 school building being categorised as contributory.

Ms Gray explained the College was one of three large or complex significant sites comprising multiple buildings which were reviewed to confirm whether individual buildings on the site should be identified with different categories in the Heritage Places Inventory. She said this process is outlined in the Heritage Review.

Research included a review of maps and plans, historical aerial photography, newspaper searches and City of Melbourne building application index searches, with a focus on confirming phases of development. A memorandum outlining the conclusions of this work was provided to Council and included a table and a simple graphic identifying the heritage grading of individual buildings for each site (Attachment G in the Heritage Review). Additional information is provided in Attachment F in the Heritage Review regarding 'recommended grading changes within HO3' (section 1.1.3).

Regarding the 1940 school building, Ms Gray stated:

- Catholic education is an important historical theme in North Melbourne
- schools and the Catholic Church are identified in the proposed Statement of Significance for the HO3 Precinct and the building is important in contributing to an understanding of this theme in the context of the significance of the Precinct
- the building is of the late interwar period which relates to and complements the earlier buildings at the College, and contributes to the significance of this particular complex as part of HO3
- although simpler in form and detailing when compared with the earlier buildings on the site, it is designed in a way that responds to these buildings, including the pitched slate-clad gable roof and the use of red brick
- the building was built in response to growing enrolments and demand for places and was blessed and opened by the Archbishop of Melbourne, Daniel Mannix on 31 March 1940.

Ms Gray concluded:

... the building is recognisably of the interwar period but relates to the earlier (more highly graded) buildings on the site. It combines with these earlier buildings to demonstrate the historical development of the St Aloysius complex, and in doing so, contributes to an understanding of the theme of Catholic education in North Melbourne. Additionally, the interwar period is an important layer and phase of development in HO3.

In his evidence, Mr Raworth described the 1940 building in detail, noting:

- it is a late interwar double storey brick educational building with hipped and gabled slate roofs and a broadly T- shaped floor plan
- the west (Melrose Street) elevation is understated and plain, with a rhythmic placement of vertically oriented timber sash windows between brick pilasters, and clinker bricks are used at lintels to windows to provide a small embellishment just below the west gable, which has an overhang with a timber-lined soffit
- windows to the north elevation (Curran Street) continue this language although the windows are more generous in size and 'speak' to the building's education typology
- the east wall was originally built to the eastern boundary of the site
- the southern face of the building appears to have been built next to an existing wooden building (which was possibly the Convent toilets and laundry) and has been patched with a rendered finish
- the building permit drawing from 1939 shows that the north-east wing was originally designed as a one storey element, however the materiality, language and window layout and profiles would all suggest that it was either completed during the original construction period or shortly afterwards (noting the 'dog-leg' in the hipped roof visible in the north elevation demonstrates this change)
- the floor plans do not show a sophisticated level of internal planning, with the main entry comprising a hallway, staircase and amenities located at the front gable and accessed from the southern wall, which would explain the slightly unremarkable presentation of the front elevation
- the building has no visible 'façade' and does not face either of the neighbouring streets, but rather turns its back, or side, toward them.

Mr Raworth said the building was designed by Robert A Harper, son of the architect Robert L Harper. The elder Harper designed distinguished religious buildings and died in 1935. Robert A Harper continued running the architectural practice established by his father, but the present building does not have the architectural interest seen in many of his father's buildings.

Mr Raworth considered the building:

- is appreciably later than the earliest elements on the site, and its design and construction is more austere and reflects the influence of modernism or the pending austerity associated with the Second World War
- does not possess the same decorative and architectural qualities that can be seen in the earlier buildings on the site that are proposed to be categorised as significant
- is more directly comparable to the immediately neighbouring 1949 building (to the south of the 1940 school building) which is proposed as non-contributory.

Mr Raworth said the buildings on the site demonstrate different phases of the College's development and many of these buildings are categorised as non-contributory. He said this demonstrated that not all phases of the evolution of the site are equally important. He noted that

the test to be applied was whether the 1940 school building contributed to the heritage significance of the Precinct rather than to the heritage significance of the College site.

Mr Raworth accepted that the building has elements of fabric that suggest the contributory grading is appropriate, including red brick with clinker brick trims to some windows, pitched roof with slate cladding, timber sash windows, decorative crosses and leadlight windows. He said while the building belongs to the interwar period and has characteristics in common with contributory and significant buildings on the site and within the broader Precinct, the building makes only the most limited contribution to either the campus or the broader Precinct. Mr Raworth recommended it be categorised as non-contributory.

The College supported the evidence of Mr Raworth and submitted:

- the Heritage Review lacks appropriate rigour and does not establish an evidentiary basis for categorising the building contributory
- Attachments F and G in the Heritage Review were generic in approach to all the College buildings and focussed on what the category should be rather than why the 1940 school building should be considered as contributory.

The College explained it has prepared a Masterplan which:

- seeks to guide the future expansion of the school to meet growing demands
- has been published on the school website and identifies the construction of a new five storey building (plus basement and rooftop spaces) in the location of the existing at grade car park, with recreational space comprising the 'heart of the school' facilitated by the demolition of the 1940 school building
- retains and repurposes the significant buildings (Convent, Chapel and 1903 high school building).

The College submitted that:

... it is relevant to consider whether a public benefit is derived from attributing to the subject building a contributory grading, given the policy implications of doing so and where the College has made a clear and demonstrable commitment to the preservation of the significant buildings on the school site associated with the implementation of the Masterplan.

Moreover, there is a clear public benefit derived from the capacity of the College to meet the educational needs of the local community. This is distinct from the 'disgruntled developer' scenario which is so often raised in hearings like this. The benefit is not site specific or developer specific – rather it is a public benefit that accrues to the local community by both facilitating the preservation and adaptive reuse of those heritage assets that actually make a meaningful contribution to the heritage precinct, and by facilitating much needed upgrades to school facilities.

The College referred to S12(2)(b) and (c) of the PE Act and decisions including *Dustday Investments Pty Ltd v Minister for Planning* [2015] VSC 101 and the Panel Report for *Campaspe C101* [2016] PPV 3 (11 January 2016). It considered the marginal social benefits to the community of preserving the 1940 school building are offset by adverse social impacts for the community arising from the resultant constraint on the school's expansion as depicted in the Masterplan.

In response to Mr Raworth's evidence and the College's submissions, Council submitted:

- the façade's visibility from the streetscape is not critical to the classification of the 1940 school building
- the design and construction at the end of the interwar period is not relevant when it clearly belongs to the interwar period

- it is an interwar building so it should not be associated with the 1949 building to the south
- the 1940 school building stands on its own and is distinguished from both the earliest buildings (the convent, chapel and first school) and from buildings constructed after the Second World War
- the documentation of the rationale for the contributory status of the 1940 school building is not to the extent it could be and there is scope to do better next time
- while more detail regarding the College could have been documented in the Heritage Review, this should not take away from the fact there was a considered assessment including site visits and research which led to the findings the 1940 school building is contributory
- Ms Gray brings a consistent approach to categorising the buildings
- considering economic and social effects during the planning scheme amendment stage in the context of a community use, like an educational facility, is a different proposition to that of a purely private interest
- regarding the Amendment, it is valid to consider:
 - the impact of the Amendment by 'downgrading' the 1940 building from significant to contributory
 - the infant masterplan is yet to be lodged with, or approved by, Council so it cannot constitute evidence of unalterable expansion plans
 - the school is a private, non-government school (and distinguished from a government public school).
- applying the heritage policy for a future permit application is a not a relevant consideration.

(iv) Discussion

The Panel agrees it is appropriate to differentiate multiple buildings that are significant, contributory and non-contributory on a large 'complex' site in the HO3 Precinct constructed over a long time period. This approach provides a more nuanced categorisation of buildings on a site and assists in understanding the heritage values of the place. In this regard, the current categorisation of the whole College as significant in the Heritage Places Inventory is inaccurate because, as the Heritage Review found, only three buildings on the site warrant this category and most of the buildings are non-contributory.

The appropriate test is whether the 1940 school building contributes to the HO3 Precinct. The definition of a contributory place in the Heritage Places Inventory is:

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.

The Panel accepts the 1940 school building has elements of fabric that suggests its contributory status is appropriate, including red brick with clinker brick trims to some windows, pitched roof with slate cladding, timber sash windows, decorative crosses and leadlight windows. Many contributory or significant buildings in the HO3 Precinct have characteristics or materials

comparable to these and the Statement of Significance for the Precinct references similar materials. The Statement of Significance notes:

- significant and contributory development in the precinct dates from the mid nineteenth century through to the interwar period, although Victorian development predominates, particularly from the late nineteenth century. (under 'What is significant?')
- [the] important role of religion as demonstrated in the large and prominent ecclesiastical buildings and complexes (a 'key attribute' of the precinct under 'What is significant?').
- the Catholic Church was a particularly prominent local denomination (Criterion A)
- ... schools and other places of gathering are valued by the community (Criterion G).

It does not refer to churches, schools or interwar development with reference to aesthetic significance (Criterion E).

The College is not in the Hotham Hill Residential Area but it is surrounded by this area on three sides.

Categorising a heritage place as significant or contributory is not a 'tick a box' exercise, or as was put at the Hearing, a matter of playing 'heritage bingo' with the HO3 Statement of Significance.

The Statement:

- is general and does not specify individual schools or churches
- refers to interwar development in a generic sense.

It is insufficient to simply identify a school building as interwar and then conclude it is contributory (or significant) to the Precinct.

The characteristics and context of the building need to be carefully assessed to determine the heritage significance of the place. After such an assessment, the Panel considers the 1940 school building does not meet the threshold for a contributory building to the HO3 Precinct.

Elements of heritage fabric on the building reflect an association with the other earlier buildings on the site more strongly than an association with the HO3 Precinct. In this respect, the building has been designed relatively sympathetically to the earlier buildings. The building may contribute to the understanding of the historical development of the College site (although this has not been assessed in detail), however this is different to considering the building's contribution to the HO3 Precinct. The threshold for a contributory building is higher for the Precinct than for the College site.

The building has been subject to alterations over time, including:

- addition of the first floor at the north-east side of the building as evident in the change to the roof line
- changes to the south elevation
- abuttal to the new building to the west.

The building generally reads as a consistent structure, but the alterations have diminished the clarity of the original building.

The building's siting and design:

- is unusual in the street context
- does not present an obvious front façade and it is set back at a distance from Curran and Melrose Streets
- results in a lack of connection with the streetscape, although views to the building are still possible from the street

- provides only very limited contribution to the understanding of the heritage significance of the HO3 Precinct.

The building is technically within the interwar period, though at the very end, with an austere and 'basic' design. It is not always necessary for a building to have elaborate or ornate design features to achieve heritage significance if the building has a well resolved design. This is not the case for the 1940 school building. The Panel agrees with Mr Raworth that the building is probably more aptly described as representing 'war time architecture' due to its sombre design and focus on functionality over form.

The building was predominantly used by students after the interwar period. This compares to the other significant buildings on the campus which were used by students during the period of significance identified in the HO3 Statement of Significance.

The building is considered part of the second major phase of development at the College, which demonstrates a much more utilitarian and functional design aesthetic compared to the earlier more elaborate and detailed buildings.

The Panel agrees with the College that there is a lack of clear documentation in the Heritage Review to demonstrate the rationale for categorising the building as contributory. This has not assisted the Panel's assessment of the building. Council acknowledged the explanation for the proposed contributory status was *"not to the extent it could be"* and *"there is scope to do better next time"*. The Panel agrees.

The Masterplan is an aspirational school document and is a matter for separate planning approval at the planning permit application stage. The Panel did not rely on it to consider the appropriate category of the building.

It was not necessary for the Panel to consider in detail the social and economic impacts of categorising the building as contributory because, for the reasons set out above, it considers the building should be categorised as non-contributory.

(v) Conclusions and recommendation

The Panel concludes the 1940 school building at St Aloysius College (31-55 Curran Street, North Melbourne) does not contribute to the HO3 Precinct and should be categorised as non-contributory.

The Panel recommends:

Amend the 'North and West Melbourne' geographical area section of the Melbourne Planning Scheme Incorporated Document, Heritage Places Inventory, March 2022 (Amended July 2022) to delete the '1940 school building' so that it is recategorised to non-contributory.

4.5 Categorising other properties in the HO3 Precinct

(i) The issue

The issue is whether in the North and West Melbourne Precinct (HO3), it is appropriate and justified to categorise:

- 32-34 Erskine Street and 8 Jones Lane as significant properties

- 6 and 48-50 Baillie Street, 59-63 Chapman Street, 27-35 Leveson Street and 680-684 Queensberry Street and 588 Victoria Street as contributory properties
- 10 Canning Street, 38 and 40-42 Curran Street and 8 George Street as non-contributory properties.

(ii) Evidence and submissions

6 Baillie Street



The owner of 6 Baillie Street objected to the currently uncategorised property being categorised as contributory. She submitted:

- the façade has undergone substantial renovations which have significantly undermined the property's heritage and character
- restoring the unattractive façade would not enhance its appearance or neighbourhood character
- the dwelling's appearance is not consistent with other cottages in the street which have historical features and details.

Ms Gray stated the overpainted building is:

- an early Victorian single-storey brick dwelling, dating to about 1863 (Hotham rates book)
- described in the rate books of 1870 as brick and of four rooms, owned and occupied by James Flood.

She added:

- the roof and windows appear to have been altered around the 1940s but it can still be understood as an early building in North Melbourne
- the comparatively high number of buildings from the 1850s and 1860s is a key attribute of the revised HO3 Statement of Significance.

Ms Gray recommended the property be categorised as contributory.

48-50 Baillie Street



Wexhaus Architecture opposed 48-50 Baillie Street being categorised as contributory and submitted:

- it has been engaged to design an extension and alternations to the existing building
- Council's Notice of Decision to grant a permit will retain the façade but enable changes which significantly alter the appearance of the property.

Ms Gray stated:

- the building is a single-storey Victorian brick cottage with an unpainted render facade, ornamented parapet with scrolls and central arched nameplate and chimneys
- the front elevation includes a tripartite window, tessellated tiling to the verandah floor, bluestone base and cast iron fence and gate.

Ms Gray recommended the property be categorised as contributory.

10 Canning Street



Hotham History Project and a local resident each submitted that 10 Canning Street was not a heritage place because it is a late twentieth century reproduction of a nineteenth century Victorian terrace. The current building replaced a single-storey Victorian weatherboard cottage.

Ms Gray explained the building was mistaken during fieldwork as dating from Victorian era. It has been confirmed as being of recent origins, though executed in an exact Victorian-style so it should be non-contributory.

Ms Gray recommended the property be recategorised from significant to non-contributory.

59-63 Chapman Street



Lyms Nominees Pty Ltd opposed 59-63 Chapman Street being categorised as contributory. It submitted:

- the building was not previously categorised and should remain so into the future

- it would engage a heritage consultant to provide further information (no further information was provided).

Ms Gray stated the interwar block of flats:

- was constructed in c. 1939-40, with an application made to the City of Melbourne in December 1939
- was not included in the 1940 edition of the Sands & McDougall directory, but was listed as Montreux Flats at 59 Chapman Street in the 1944-5 edition
- can be seen on the 1945 aerial photograph of the area
- contributes to an understanding of that later phase of development. Along with other interwar building stock in the precinct.

She explained the interwar period has been assessed as an important aspect of HO3 and is referenced in the revised HO3 Statement of Significance.

Ms Gray recommended the property be categorised as contributory.

38 and 40-42 Curran Street



Hotham History Project submitted:

- 38 Curran Street presents as a Victorian weatherboard cottage which contributes to the streetscape of single-storey cottages
- the Victorian cottage at 40-42 Curran Street contributes to the streetscape
- these two properties should be assessed through an independent review.

Hotham History Project agreed with an assessment of a 2019 heritage report which it referred to in its submission:

While the existing building is not graded, the hipped roof section complete with front verandah has a footprint which is reflected in the nineteenth century form indicated on the c1895 MMBW Plan. The western section appears to be a twentieth century addition. The eastern section of the existing building appears to have alterations to the front verandah. Notwithstanding the nineteenth century form remains evident and makes a contribution to the streetscape.⁶

Ms Gray stated that 38 Curran Street:

- is a single-storey timber residence with a gable front – a timber building is shown in this location on the 1895 MMBW plan

⁶ Report by Meredith Gould, heritage consultant to the City of Melbourne regarding Planning Application TP-2018-752 to demolish 40-42 Curran Street, 19 March 2019

- has undergone alterations including recladding (most notably to the gable, changing the orientation of the boards), installation of a new tripartite front window and new verandah
- is missing its chimney
- has a new window which, while it is of 'heritage' character, its size is inconsistent with a residence of this size and date
- does not reach the threshold for a contributory building given the extent of change.

She added that 40-42 Curran Street:

- dates from the earliest phase of development in Curran Street (about early 1870s) but it has undergone façade and verandah modifications and an unsympathetic 1950s addition to the west
- does not warrant a contributory category because in combination, these changes have compromised the building.

Ms Gray recommended the property remain categorised as non-contributory.

32-34 Erskine Street



One submitter advised there is a current planning permit to add a second-storey extension to each property which was not considered by the Heritage Review. She questioned the proposal to recategorise the property from contributory to significant and considered the property more appropriately aligned with the definition of contributory.

Ms Gray stated:

- the fieldwork confirmed the dwellings are *“a remarkably intact and well-designed single-storey terrace pair”*
- the residences retain face bichrome brickwork to the main elevation, window and door surrounds and wing/party walls, slate-clad transverse gable roofs, bichrome brick chimneys, bracketed eaves with patterned bichrome brickwork, urns and other moulded detailing, and verandah awnings with cast iron friezes
- the level of intactness and decorative features on otherwise modestly-scaled cottages is noted
- the revised HO3 Statement of Significance refers to key attributes of the precinct as including the use of face brick, chimneys and parapets, decorative cast iron work to verandahs and the typically low scale of built form
- the HO3 citation specifically notes the bichrome and polychrome brickwork of these residences.

Ms Gray recommended the properties be categorised as significant.

8 George Street



One submitter objected to the Amendment recategorising 8 George Street from non-contributory to contributory. He advised the current building replaced the original building which was burnt in 2004. To support his submission, he attached:

- a copy of the building order signed by the Municipal Building Surveyor of Moonee Valley City Council⁷ on 14 April 2004 which acknowledged the fire damage and the dwelling being a danger to life
- a Moonee Valley City Council planning permit dated 20 July 2005, allowing a single-storey dwelling to be constructed
- a certificate of completion dated 16 September 2005
- photos comparing the original and new dwellings.

Ms Gray agreed the current building is a replacement, having reviewed the building identification form from the earlier study which graded the building D. She recommended the property be recategorised to non-contributory.

8 Jones Lane



Hotham History Project submitted that 8 Jones should be categorised as a significant property. It explained the building did not appear in 1895-1905 directories but appears to be a late nineteenth/early twentieth century industrial/factory building in a North Melbourne back lane.

Ms Gray stated:

- a review of background documents, site visit and limited historical research was conducted in response to the submission
- the building, which is currently in HO3 Precinct without a category:

⁷ The property was previously in City of Moonee Valley before the municipality boundary realignment brought it into the City of Melbourne

- is externally relatively intact, and can be understood as a substantial nineteenth century building in its laneway
- was not identified in the Council spreadsheet of property addresses provided as part of the Review so it was not inspected or assessed
- was previously assessed in the 2002 Allom Lovell & Associates review of North and West Melbourne and recommended for a C-grading (it is unclear why this was not applied)
- was a former warehouse / factory (now apartments)
- dates from the 1890s, is shown on MMBW plans of 1895, and is noted in the 1898 rate books
- is a narrow three-storey red face brick factory/warehouse with a skillion roof running between raked parapets and retaining its original chimney
- has banks of double-hung sash windows with bluestone sills at the first and second floor levels
- the two-storey building to the north (oriented east-west) is not significant.
- the HO3 Statement of Significance identifies development in 'little' streets and named lanes as a key attribute, including warehouse and industrial development
- the Heritage Places Inventory should identify the significant category applies only to the three-storey late nineteenth century building.

Ms Gray recommended the property be categorised as significant.

25-27 Leveson Street



PDG objected to their uncategorised property at 25-27 Leveson Street being categorised as contributory. It sought further details regarding the justification for this category. PDG attached an independent heritage assessment which states:

I agree that the building has a modest (contributory) level of heritage value to the HO3 North and West Melbourne Precinct, and I believe this is primarily to be aesthetic value. This aesthetic value is limited to the façade, which is a robust composition, and a well-detailed fine example of the Moderne-style applied to an industrial building, a style popular in the interwar period.

The assessment considered:

- there is little else noteworthy about the building beyond its façade
- the HO3 Statement of Significance does not substantiate the proposed category
- there needs to be clear reasoning for a place of contributory value to this heritage precinct
- the Heritage Review should be revised to note the Leveson Street façade is, 'on bulk', the contributory value of this place.

Ms Gray stated the building:

- contributes to understanding a significant historical theme and interwar period of development in HO3
- was constructed in 1935, and was leased to seed merchants Law, Somner & Company as a factory and warehouse
- is identified in the 1935 Herald article as having been designed and constructed by G Rothwell
- clearly presents as an interwar factory and warehouse which adopts a simple Moderne style in its relatively intact façade
- has evidence of its original industrial use through its large central door opening, multi-paned steel framed windows to its main elevation, and the utilitarian but distinctive brick gable forms expressed along Little Errol Street
- has an important principal façade to Leveson Street but this is not the only aspect of the building that expresses its origins as an interwar factory/warehouse.

Ms Gray recommended the property be categorised as contributory.

680-684 Queensberry Street



The owner of 680-684 Queensberry Street objected to the property being recategorised to contributory and submitted:

- the building has been painted and modified, with awnings attached
- the tree on the footpath is causing issues to the building.

Ms Gray stated the building:

- is a two-storey brick Edwardian corner shop with stable that was constructed in 1913 for Sarah Cordova
- is described in the rate books in 1910 as a wood shop
- appears in the 1915 rate books which describe the property as a brick shop and stable and in the 1915 Sands & McDougall directory which listed Cordova as a greengrocer
- retains its external form and street presentation, though the ground floor level has been altered and the brickwork overpainted (the physical and condition issues raised by the submitter do not alter this assessment)
- has to its east, a double-height brick skillion-roofed former stable, which dates from the same period and appears to have been associated with the greengrocer's operations.

She added the Edwardian buildings and corner shops are identified as part of the key attributes of HO3 in the Revised Statement of Significance for the HO3 Precinct.

Ms Gray recommended the property be categorised as contributory.

588 Victoria Street



Hotham History Project submitted that 588 Victoria Street should be recategorised from non-contributory to contributory. It explained:

- the red brick Edwardian dwelling with its prominent gable roof is typical of the Edwardian house constructed as part of the subdivision and redevelopment of the Benevolent Asylum Estate
- the property was mentioned in its earlier submissions regarding buildings on the Asylum Estate but was not included in the Heritage Review.

Ms Gray stated:

- this red brick residence was constructed around 1920-1925 in the main phase of development of the Benevolent Asylum Estate
- key attributes of the Benevolent Asylum Estate Area in the HO3 Precinct include the uniformity of architectural expression, red face brick dwellings with prominent gable roofs, and predominantly single-storey Edwardian villas and interwar bungalows, including freestanding houses
- the lack of a contributory category was an administrative error.

Ms Gray recommended the property be categorised as contributory.

Council response

Since exhibiting the Amendment, Council:

- maintained the exhibited categories for 32-34 Erskine Street, 6 and 48-50 Ballie Street, 59-63 Chapman Street, 38 and 40-42 Curran Street, 27-35 Leveson Street and 680-684 Queensberry Street and 588 Victoria Street
- proposed to recategorise:
 - 10 Canning Street from significant to non-contributory
 - 8 George Street from contributory to non-contributory
 - 8 Jones Lane from non-contributory to significant
 - 588 Victoria Street from non-contributory to contributory.

Council submitted that it informally notified affected property owner occupiers of its proposed changes to the Amendment. It explained the owner occupier of 8 Jones Lane and 588 Victoria Street telephoned Council in response and no submission was received.

(iii) Discussion

The Panel has reviewed each property based on:

- current definitions of a significant, contributory or non-contributory property set out in the Heritage Places Inventory
- a building's existing condition and form, irrespective of development enabled through an approved planning permit
- the category applying to the entire property, consistent with Planning Practice Note 1, unless there are justified reasons to depart from this approach.

It would be inappropriate to assess a property based on potential development enabled through a planning permit, particularly if that permit is not acted on. There is an opportunity to review a property's category after it has been developed. No submission provided exceptional circumstances to depart from applying a category to the entire property.

Having reviewed submissions, evidence and the approach above, the Panel considers the Heritage Review has appropriately categorised:

- 32-34 Erskine Street as significant
- 48-50 Baillie Street, 59-63 Chapman Street, 27-35 Leveson Street and 680-684 Queensberry Street as contributory.

Regarding 27-35 Leveson Street, the Panel agrees it is important to understand how each property has been categorised and this has been achieved through the category definitions used to assess each property. It is not necessary for the HO3 Statement of Significance to provide specific reasons for each property or to identify significant elements of each building in a precinct.

For multiple reasons, the Panel is surprised the heritage assessment for 27-35 Leveson Street considered the aesthetic value was limited to the building's façade. The building's northern elevation:

- appears entirely intact and can be clearly viewed from Levenson Street because of its corner location along Little Errol Street
- as identified by Ms Gray, has distinctive gable forms, steel framed windows in the same style as those on the façade, and a distinctive concrete 'brow' running above the windows, all of which help to understand the building's Moderne style and industrial history
- provides a three-dimensional presentation of an industrial building which makes an important contribution to the HO3 Precinct.

From the eastern side of the street, the building's gabled roof can be viewed rising behind the façade. This is also an important part of the building's presentation to the HO3 Precinct.

The entire building at 27-35 Leveson Street contributes to the HO3 Precinct. The planning permit application process is the appropriate stage to consider whether part of the building should be demolished.

The Panel agrees with Council, Ms Gray and relevant submissions that:

- 10 Canning Street and 8 George Street should be recategorised to non-contributory because they are relatively recent buildings without heritage fabric
- regarding properties omitted from the Heritage Review, 8 Jones Lane should be categorised as significant and 588 Victoria Street as contributory.

Regarding 6 Baillie Street, the Panel agrees with Ms Gray's logic to seek to preserve an example of an early Victorian building even in its altered state. However, the building at this property is not sufficiently intact to be understood as an early Victorian dwelling. An early Victorian era building has simple finishes whereas a late Victorian is generally more ornate with more decorative features. The building at 6 Baillie Street has been stripped of features which would demonstrate this differentiation. While elements such as the windows and verandah posts may be able to be restored, the roof changes are not reversible. The roof was an important element in presenting an intact dwelling. In its altered form, the property does not contribute to the HO3 Precinct.

(iv) Conclusions and recommendations

The Panel concludes that within the North and West Melbourne Precinct (HO3):

- it is appropriate and justified to categorise:
 - 32-34 Erskine Street as a significant property
 - 48-50 Ballie Street, 59-63 Chapman Street, 27-35 Leveson Street and 680-684 Queensberry Street as contributory properties
 - 10 Canning Street, 38 and 40-42 Curran Street and 8 George Street as non-contributory properties
- 6 Baillie Street should be categorised as non-contributory because it is not sufficiently intact
- 8 Jones Lane should be added to the Heritage Places Inventory and given a building category of significant
- 588 Victoria Street should be added to the Heritage Places Inventory and given a building category of contributory.

The Panel recommends:

Amend the 'North and West Melbourne' geographical area section of the Melbourne Planning Scheme Incorporated Document, Heritage Places Inventory, March 2022 (Amended July 2022) to:

- a) **recategorise the building category for:**
 - **6 Baillie Street from contributory to non-contributory**
 - **10 Canning Street from significant to non-contributory**
 - **8 George Street from contributory to non-contributory**
- b) **add 6 Jones Place with a building category of significant**
- c) **add 588 Victoria Street with a building category of contributory.**

4.6 Shiel Street and Melrose Street

(i) The issue

The issue is whether the Shiel Street and Melrose Street road reserves should be included in the HO3 heritage Precinct.

(ii) Evidence and submissions

Ms Oddie submitted the HO3 Precinct excludes the Shiel Street road because the boundary aligns on the north-east side of the road reserve. She requested all the road reserve be included because:

- the northeast (residential) side of Shiel Street has been recognised as part of the North Melbourne heritage area (now HO3) since the 1985 North and West Melbourne Conservation Study, and includes many nineteenth century houses
- the northeast side of the street also includes an intact row of 100 year old London Plane trees and bluestone kerb and channel
- the southwest side of Shiel Street includes a row of Elm trees likely planted as part of the local improvements undertaken by North Melbourne Town Council in the early twentieth century and has bluestone kerb and channel
- the Statement of Significance for the Precinct references street tree plantings and bluestone kerbs and channels.

In response to this submission, Ms Gray agreed the Shiel Street road reserve should be included in the HO3 Precinct. She noted:

- the Plane trees (northeast side) were established in a 1905 planting undertaken by the then North Melbourne Town Council
- the Plane trees were planted around the same time as the 'Harris Street Plane Tree Avenue' (HO1388)
- the Elm trees (southwest side) appear to be of a roughly similar age, but the two sides of the street do not appear to have been planted in the same program
- the HO3 Precinct citation and Statement of Significance identifies street tree plantings for their contribution to the aesthetic value of streets within the Precinct.

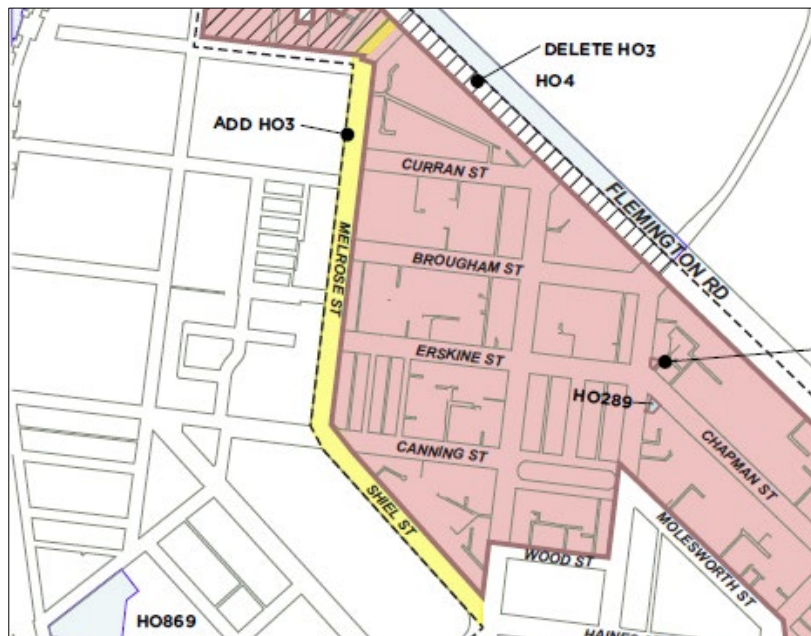
Ms Gray concluded:

The plantings on Shiel Street contribute to the aesthetic quality of the adjoining residential streetscape to the north-east, and in this sense are consistent with the value attributed to street tree plantings in the HO3 statement of significance. It is appropriate to expand the boundaries of the precinct to include Shiel Street to the extent of the street trees on both sides of the roadway. It is not proposed to include the properties on the south-west side of the street within the HO.

At the Hearing, Ms Gray advised that a review of other edge streets in the Precinct resulted in her recommendation to also apply HO3 to the Melrose Street road reserve. She said:

- Melrose Street includes a consistent planting of Plane trees in the central median
- although the trees appear to be younger than the Shiel Street Plane trees, they are visible on a 1931 aerial photograph
- a consistent approach would be to include the width of Melrose Street in the HO3 Precinct.

Council supported the recommendations of Ms Gray and agreed it was appropriate to apply the Heritage Overlay (HO3) to the road reserves of Shiel Street and Melrose Street. Its preferred version of the HO3 Precinct boundary is shown as the yellow area in Figure 6.

Figure 6 Post-exhibition extension to the HO3 Precinct

Source: Document 9 paragraph 89; Proposed extension shown in yellow

(iii) Discussion

The Shiel Street and Melrose Street plantations are generally intact and contribute to the streetscape character of the adjoining residential blocks included within the Precinct. Extending the HO3 Precinct to the western side of Shiel Street and Melrose Street would include two street tree plantations, consistent with the recognition afforded to street plantations in the Statement of Significance.

Under 'What is significant?', the HO3 Statement of Significance includes key attributes such as:

Principal streets characterised by their width and open character, with vistas available along their length; these are sometimes distinguished by street tree plantings including planes, elms and eucalypts.

Historical street materials including bluestone kerbs and channels, and lanes with original or relayed bluestone pitchers and central drains.

Under 'Why is it significant?', it states "*principal streets are also distinguished by street plantings of planes, elms and eucalypts*" demonstrating aesthetic significance (Criterion E).

The land affected by the Precinct extension is owned by Council and its inclusion is consistent with other road reserves in the Precinct where the Heritage Overlay has been applied.

Having regard to these factors, the Panel supports the Heritage Overlay (HO3) being applied to the Shiel Street and Melrose Street road reserves.

The portion of Melrose Street road reserve between Alfred Street and Flemington Road is currently in two separate heritage precincts. The boundary between the two precincts extends down the centre of the road reserve. The southeast part of the road reserve is in the HO3 Precinct and the northwest part is in the HO953 Precinct. The Amendment proposes to delete HO953.

The exhibited Amendment (Map 4HO) did not include the northwest portion of the Melrose Street road reserve between Alfred Street and Flemington Road in the HO3 Precinct. The southeast half of the road reserve remains unchanged in the HO3 Precinct. The Amendment should be revised

so that the Heritage Overlay (HO3) is applied to the northwest portion of the road reserve between Alfred Street and Flemington Road. This is consistent with the version submitted by Council.⁸

In summary, the Panel considers the Heritage Overlay (HO3) should be applied to:

- all of the Shiel Street road reserve between Dryburgh Street and Canning Street
- all of the Melrose Street road reserve between Canning Street and Flemington Road
- the small portion of the Canning Street road reserve linking Shiel Street to Melrose Street.

(iv) Conclusions and recommendation

The Panel concludes:

- The Shiel Street and Melrose Street plantations are generally intact and contribute to the streetscape character of the Precinct
- Extending the HO3 Precinct boundaries on Shiel Street and Melrose Street would include two street tree plantations in a manner consistent with the recognition afforded to street plantations in the Statement of Significance
- HO3 should be applied to the Shiel Street and Melrose Street road reserves between Dryburgh Street and Flemington Road.

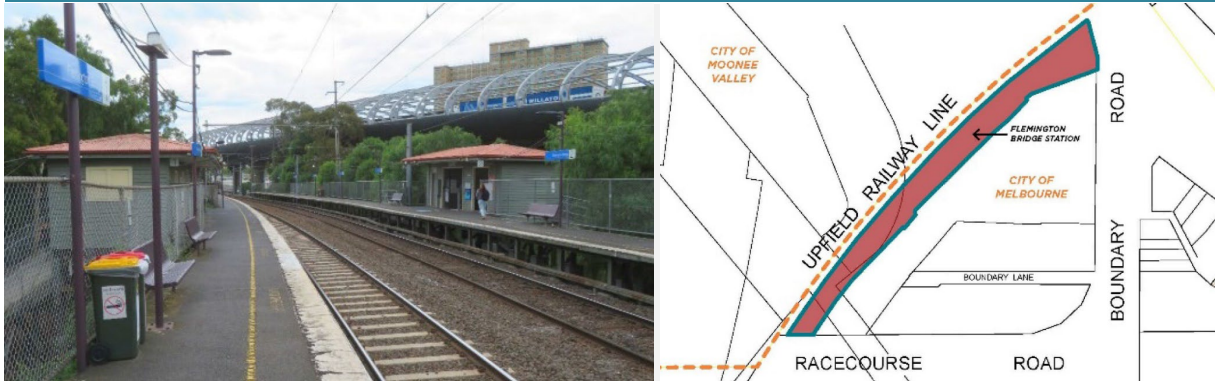
The Panel recommends:

Apply the Heritage Overlay (HO3) to the Shiel Street and Melrose Street road reserves between Dryburgh Street and Flemington Road.

⁸ Part B submission, paragraph 89

5 Flemington Bridge Railway Station (HO1389)

Exhibited Statement of significance



What is significant?

The Flemington Bridge Railway Station, 'up' side, Upfield Railway Line, North Melbourne, constructed in 1944-45.

Elements that contribute to the significance of the place include (but are not limited to):

- 1944-45 weatherboard station building
- Platforms, including original substructure but excluding modern surfacing
- Access ramps

Non-original fabric including the platform fencing, ramp sides (steel and cyclone wire) and platform surface is not significant; nor is the overhead infrastructure or modern station elements such as lighting, seating, signage, barriers, bins.

How is it significant?

The Flemington Bridge Railway Station is of local historical and representative significance to the City of Melbourne.

Why is it significant?

The Flemington Bridge Railway Station is of local historical significance. Although no evidence remains of the original complex, the location of the railway station reflects on the development of the line to Coburg in the 1880s and the importance of Flemington Bridge as a key crossing point of the Moonee Ponds Creek. The location of the station also reflects concerted efforts and agitation by residents of the area in 1883-4 to have a railway station constructed after the line originally opened without a station at Flemington Bridge. The upgrading of the station in the mid-1940s and the inclusion of ramps for the earlier stairs was also in large part a response to community agitation for improved station facilities in this unusual elevated position (**Criterion A**).

The Flemington Bridge Railway Station is of representative significance as an example of a modest timber midtwentieth century railway station. It is unusual in its elevated siting and adopts a form more typical of small rural railway stations. Its simple form, weatherboard construction and platform verandah are broadly demonstrative of the more modest form of timber stations constructed in this period by Victorian Railways (**Criterion D**).

(i) The issues

The issues are:

- whether the station ramps and platforms should be included in the Heritage Overlay (HO1389)
- whether the station's heritage fabric in the City of Melbourne and the City of Moonee Valley should be considered within the context of a co-ordinated Heritage Overlay listing that manages the entire place.

(ii) Background

The Flemington Bridge Railway Station includes land in the City of Melbourne (southeast of the railway lines) and in the City of Moonee Valley (northwest of the railway lines). The Heritage Review assessed the station complex as a whole and concluded it has local historical and representative significance.

The Amendment seeks to apply the Heritage Overlay (HO1389) to the part of the railway station in the City of Melbourne (211 Boundary Road, North Melbourne). It includes a new Statement of Significance and amends the Heritage Places Inventory to include 211 Boundary Road as a significant place.

The Heritage Review recommended the assessment be referred to the City of Moonee Valley for its consideration and potential application of the Heritage Overlay to the northwest part of the station in the Moonee Valley Planning Scheme.

Figure 7 Aerial photograph of Flemington Bridge Railway Station showing proposed extent of HO1389



Source: Heritage Review, Flemington Bridge Railway Station citation

(iii) Evidence and submissions

Moonee Valley City Council (officer level) and Mr Clarke supported the proposal to apply the Heritage Overlay to the Flemington Bridge Railway Station as an individual place but considered only the station buildings were of heritage significance. They did not support the Heritage Overlay on the station platforms and the pedestrian access ramps to the platforms. Both submitted:

- the access ramps are not original to the current railway buildings and are of no heritage importance
- the access ramps and the platforms have been heavily modified over the years to the point that the only evidence to the average passenger that they may even be old is that they are completely unfit for purpose and do not meet modern standards for safety and accessibility
- the station is on a curved section of train line which means when trains stop at the station substantial gaps appear between the platform and train doors causing access issues for users, including people with prams and those with limited mobility
- the existing narrow steep ramps to access both sides of the station are only accessible from Mt Alexander Road and are not compliant with the *Disability Discrimination Act 1982*
- applying the Heritage Overlay to the ramps and platforms may hamper the ability to provide necessary and overdue upgrades to what is a functioning piece of transport infrastructure serving a rapidly growing community
- the heritage citation should clearly identify which elements of the whole station complex are of high integrity and intactness.

The submitters did not request to be heard at the Hearing.

Based on advice from the heritage consultant's review of the submissions, Council officers proposed to revise the HO1389 Statement of Significance:

- under the heading 'What is significant?' to change the third dot point to state:
 - Access ramps [including form and location but excluding modern surfacing](#)
- Under the heading 'Why is it significant?' add the following sentence at the end of the last paragraph:

[The station complex as a whole has undergone some change, including an additional ramp on the Moonee Valley side \('down' side\) and resurfacing to platforms and ramps, but its overall form and arrangement of station buildings, platforms and ramps remain broadly intact and legible.](#)

In response to submissions and the Council officers' recommendations at its 21 February 2023 meeting, Council resolved to:

... delete from the Statement of Significance for Flemington Bridge Railway Station in the 'What is significant' section the words "Access ramps including form and location but excluding modern surfacing", and to reduce the extent of the proposed overlay itself to take in no more than the 1944-45 weatherboard station building and the platforms.

At the Hearing, Council advised the Panel that in addition to the changes recommended at the Council meeting:

- under the heading 'What is significant?', the words "(but are not limited to)" should be deleted because they may cause confusion about the extent of the significant elements
- under the heading 'Why is it significant?' the additional sentence in the last paragraph should be modified (to ensure consistency with the Council resolution) to state:

The station complex as a whole has undergone some change, including an additional ramp on the Moonee Valley side ('down' side) and resurfacing to platforms and ramps, but its overall form and arrangement of station buildings [and](#) platforms ~~and ramps~~ remain broadly intact and legible.

Council advised the mapping of the heritage place in accordance with the Council recommendation posed some challenges to ensure the curtilage of the place was accurately defined.

Ms Gray stated:

- the HO1389 heritage citation acknowledges that a level of physical change has occurred to the platforms and ramps, including re-decking of the ramps in concrete, structural augmentation, resurfacing of the platforms, as well as later handrails and fencing
- it would be possible to include additional detail on the various alterations within the heritage citation
- there has been an additional ramp structure constructed on the Moonee Valley side which should also be referenced in the citation
- the physical alterations are not considered significant enough to justify excluding these elements from the proposed Heritage Overlay on heritage grounds
- the platforms and ramps contribute to an understanding of the distinctive design of the station and retain their original form and siting and much of their fabric
- when considered from a heritage perspective, the Heritage Overlay should be applied to the platforms and ramps
- issues of accessibility, public safety and amenity are acknowledged but are not relevant when considering the heritage significance of the place
- it is not unusual for projects relating to stations upgrades and other infrastructure across the rail network to be delivered to a high standard of functionality and compliance even in cases where a heritage listing is in place
- in many cases, heritage impacts such loss of fabric or introduction of new elements are accepted to meet the requirements of a contemporary public transport system.

Ms Gray said the direct interface between the ramps, platforms and station buildings means it is difficult to map the place without including the ramp structures in the Heritage Overlay and still achieve the intent of Planning Practice Note 1 regarding mapping curtilages (whereby land is included as a setting to the heritage place).

Ms Gray considered that if the ramps were 'mapped out':

- there would be some change to the heritage values when compared to those set out in the HO1389 Statement of Significance
- the station buildings on their elevated structure together with the platforms would still be distinctive and broadly demonstrative of the historical themes and would still reflect many of the values against Criterion A
- the assessment against Criterion D (representativeness) would be largely unaffected.

Ms Gray said an alternative approach may be to retain the exhibited mapping and to address the question of the future upgrade to the ramps (and potentially the platforms) in either the HO1389 Statement of Significance or through a separate Incorporated document.

Ms Gray observed it is not common to address the management of heritage places in a Statement of Significance. She preferred a separate Incorporated document that could, for example, 'turn off' permit triggers in the Heritage Overlay for certain actions such as the modification or

demolition of the ramps in the event this was required for necessary upgrade works. In addition, or alternatively, the Incorporated document could provide general policy advice or guidelines regarding the approach to the upgrade of the station and the management of the ramps in the event they are modified or demolished.

Ms Gray did not support removing the Heritage Overlay from the platforms because:

- this would leave the station buildings isolated with no context
- this would be inconsistent with accepted heritage practice and guidance related to mapping curtilage in Planning Practice Note 1.

Ms Gray noted:

... the listing has been proposed on the basis of the place as a complete entity (both Moonee Valley and Melbourne sides) with the citation referred to Moonee Valley council for its consideration for the application of the HO to the downside. I recognise the listing of the downside may well not proceed.

In the event the place is included in the HO in part or in full, the citation and statement of significance for Flemington Bridge should be reviewed and updated as relevant to the extent of any listing.⁹

In response to a Panel question, Ms Gray said if the Heritage Overlay was not applied to the part of the station in the City of Moonee Valley, then the part in the City of Melbourne would not meet the required local significance threshold for a heritage place.

Council said an alternative to the mapping issues identified by Ms Gray could be to register the station building and the platform as 'significant' places for 211 Boundary Road in the Heritage Places Inventory. It explained this approach would ensure what is significant about the HO1389 place is specified and 'by absenteeism' what is not significant.

In its closing submission, Council:

- acknowledged Ms Gray's evidence that the threshold for local significance is not met if only half the station is to be protected
- advised that the City of Moonee Valley has completed the *Moonee Valley Heritage Study 2023, Volume One – Report and Recommendations, Heritage Alliance, March 2023* (Moonee Valley Heritage Study) and it has recently been made available for public comment.

Council submitted the Moonee Valley Heritage Study:

- recommends the Heritage Overlay be applied in the Moonee Valley Planning Scheme to the Flemington Bridge Railway Station
- includes a proposed Statement of Significance for the Flemington Bridge Railway Station that identifies and attaches significance to the station building and platform on the Moonee Valley side
- proposes an amended *Permit Exemptions Policy – Moonee Valley Railway Heritage Places, Draft March 2023* which forms an Incorporated plan setting out permit exemptions from the provisions under the Heritage Overlay in the Moonee Valley Planning Scheme and seeks to include the Flemington Bridge Railway Station in the list of railway heritage places where permit exemptions apply
- is anticipated to progress through a future planning scheme amendment in 2023.

⁹ Gray evidence statement, paragraphs 224-225

Council added:

While it would be inappropriate to pre-empt the process associated with the Moonee Valley side of the Flemington Bridge Railway Station, the Moonee Valley Heritage Study's recommendation aligns with the Amendment and the Council's preferred position that proposes an individual Heritage Overlay on the Melbourne side with the extent of significance aligning by recognition of the station building and platform (but not the ramps).¹⁰

(iv) Discussion

The Panel accepts the Flemington Bridge Railway Station is of local heritage significance. No party objected to this. The HO1389 heritage citation in the Heritage Review provides extensive analysis and justification to apply the Heritage Overlay to the station.

The fundamental issue is the Amendment proposes to apply the Heritage Overlay to only half of the station complex. The Heritage Review assessed the station complex as a whole and the heritage citation applies to the entire station. The Panel accepts this was an appropriate method of assessment. It is, however, beyond the power of the Amendment to apply the Heritage Overlay over that portion of the station in the City of Moonee Valley.

The City of Moonee Valley appears to be proceeding with its own assessment of the station and may proceed with a separate planning scheme amendment to introduce the Heritage Overlay to the portion of the station in its municipality. The Panel suggests an alternative approach to address the risks involved in having two separate amendments across two Planning Schemes. The risks relate to certainty and consistency.

Regarding certainty, there is no assurance that both amendments will proceed or be approved. It would be inappropriate to apply the Heritage Overlay to only one half of the station. Expert evidence clearly stated the threshold for local significance is not met if only half the station is to be protected.

Regarding consistency, the Statement of Significance should reflect a co-ordinated approach to identifying significant and non-significant elements. Both sides of the station have a building, a platform and ramps. It would be confusing and inconsistent to have these similar elements addressed in different ways, unless specific circumstances justify a different approach. Similarly, the Incorporated document to address the potential future redevelopment of the station should be consistent across both planning schemes.

For these reasons, it is premature to apply the Heritage Overlay (HO1389) in its current form and it should not progress.

A co-ordinated approach is needed. The Panel considers a GC planning scheme amendment that covers the Melbourne and Moonee Valley Planning Schemes concurrently through a single co-ordinated approach to protecting the station's heritage would achieve this. It is cognisant a GC amendment is State government led and would need support from the Department of Transport and Planning.

The Panel encourages the Cities of Melbourne and Moonee Valley and the Department to work collaboratively to prepare the relevant documentation to ensure the appropriate heritage protection for the station. Both Councils have completed extensive research and analysis of the site and this should help to provide a solid foundation for a co-ordinated amendment.

¹⁰ Council Part C submission, paragraph 52

The Panel has considered detailed matters raised in submissions regarding the exhibited Statement of Significance to help guide the preparation of a future amendment for the whole of the station. These comments are made with respect to the documentation and evidence regarding the southeast side of the station. It has not considered what content may be appropriate to the northwest part of the station. A single Statement of Significance for the whole station should be prepared which addresses the heritage values of the overall complex. If necessary, it can also identify any matters that are particular to only one side of the station.

The question is whether the Heritage Overlay should apply to:

- the station building, platform and ramp (as recommended by Ms Gray), or
- the station building and platform (as preferred by Council), or
- just the station building (as preferred by the submitters).

The Panel agrees with Ms Gray that all three elements (station building, platform and ramp) are of heritage significance. There have been some changes to the surfacing of the ramp and platform, however the alignments and substructures have remained in place and are clearly evident. The alterations to the platform and ramp do not diminish the heritage value of these elements to such an extent that they should be excluded from the Heritage Overlay. The ramp and platform contribute to an understanding of the distinctive design of the station.

Any future upgrade of the station should have regard to the heritage values of the place. That does not mean the station building, platform and ramp cannot be altered (or even demolished). The heritage values of the station will need to be balanced against other policies that promote safe and efficient use of public transport, disability access and other policies to achieve net community benefit.

The preparation of an Incorporated document could potentially assist in the future management of the site. This could involve matters such as design guidelines, policy considerations and permit exemptions. The Panel makes no specific recommendations regarding this matter. No draft Incorporated document was presented at the Hearing and it was only discussed in general or conceptual terms for the southeast part of the station. The Panel has not reviewed the draft Incorporated document prepared by the City of Moonee Valley. Any Incorporated document for the south-east part of the station should be generally consistent with the approach for the entire station.

Having concluded the station building, platform and ramp are of heritage significance, the Panel considers the Heritage Overlay should apply to the entire site. Planning Practice Note 1 provides guidance on the mapping of heritage places:

The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item. The land surrounding the heritage item is known as a 'curtilage' and will be shown as a polygon on the Heritage Overlay map. In many cases, particularly in urban areas and townships, the extent of the curtilage will be the whole of the property (for example, a suburban dwelling and its allotment).

However, there will be occasions where the curtilage and the Heritage Overlay polygon should be reduced in size as the land is of no significance. Reducing the curtilage and the polygon will have the potential benefit of lessening the number of planning permits that are required with advantages to both the landowner and the responsible authority. Examples of situations where a reduction in the curtilage and polygon may be appropriate include:

- A homestead on a large farm or pastoral property where it is only the house and/or outbuildings that is important

- A significant tree on an otherwise unimportant property.
- A horse trough, fountain or monument in a road reservation.
- A grandstand or shelter in a large but otherwise unimportant public park.

...

In addition to capturing the elements that are significant, it is almost always necessary to include a curtilage ... to:

- retain the setting or context of the significant building, structure, tree or feature
- regulate development (including subdivision) in proximity to the significant building, tree or feature.

Where possible, uncomplicated and easily recognised boundaries (such as a fence line) leave little room for potential dispute in terms of the land affected by any future Overlay.

The 'mapping out' of non-significant elements should be applied in special circumstances and with caution. If the Panel had concluded the ramp was not of heritage significance it would have still recommended the Heritage Overlay apply to the whole site because the station building and platform need to be retained in an appropriate setting or context and excluding the ramp on the Heritage Overlay map would create a complicated and not easily recognised boundary.

The Statement of Significance can adequately distinguish those elements and features that are of heritage significance and those elements that are not of significance. For example, the exhibited Statement of Significance could be modified to provide clarification as follows:

Elements that contribute to the significance of the place include ~~(but are not limited to):~~

- 1944-45 weatherboard station building
- Platforms, including original substructure but excluding modern surfacing
- Access ramps, including form and location but excluding modern surfacing

Non-original fabric including the platform fencing, ramp sides (steel and cyclone wire) and platform surface is not significant; nor is the overhead infrastructure or modern station elements such as lighting, seating, signage, barriers, bins.

The Panel considers this approach is sufficient and the listing of the elements in the Heritage Places Inventory is not necessary.

(v) Conclusions and recommendation

The Panel concludes:

- The entire Flemington Bridge Railway Station, including land in the Cities of Melbourne and Moonee Valley, has sufficient heritage significance to justify the Heritage Overlay.
- There should be one heritage citation and Statement of Significance because Flemington Bridge Railway Station is one place.
- The Heritage Overlay should be introduced in the Melbourne and Moonee Valley Planning Schemes concurrently through a GC amendment.
- The GC amendment should apply the Heritage Overlay to the entire site and elements of significance (and non-significance) should be expressed in the Statement of Significance.
- The station building, platform and ramps on the southeast side of the station is of heritage significance, however the modern surfacing of the platform and ramps is not significant.
- Any Incorporated document that provides permit exemptions for works or design guidelines to assist in the management and redevelopment of the station should be generally consistent in approach for land in the Cities of Melbourne and Moonee Valley.

The Panel recommends:

Delete the Heritage Overlay (HO1389) from the Flemington Bridge Railway Station.

Appendix A Document list

No	Date	Description	Presented by
2023			
1	2 Mar	Letter – Directions Hearing notice	Planning Panels Victoria (PPV)
2	27 Mar	Panel Directions, Distribution List and Hearing Timetable (Version 1)	PPV
3	4 Apr	Panel Directions, Distribution List and Hearing Timetable (Version 2)	PPV
4	11 Apr	Maps A and B in accordance with Direction 4	Council
5	19 Apr	Expert witness statement – Bryce Raworth (31 Curran Street, North Melbourne)	St Aloysius College
6	19 Apr	Council Part A Submission (including Attachments 1-6)	Council
7	19 Apr	Expert witness statement – Kate Gray	Council
8	19 Apr	Expert witness statement – Bryce Raworth (210-212 Boundary Road and 435-447 Flemington Road, North Melbourne)	Athedim (VIC) Pty Ltd and others (Athedim)
9	23 Apr	Council Part B submission	Council
10	23 Apr	Expert witness presentation – Kate Gray	Council
11	26 Apr	Email – Advising no Statement of Significance for HO284 and HO953	Council
12	26 Apr	Submission – Mercy Education Ltd (St Aloysius College)	Mercy Education Ltd
13	26 Apr	Masterplan – St Aloysius College	Mercy Education Ltd
14	26 Apr	Dustday Investments Pty Ltd v Minister for Planning [2015] VSC 101	Mercy Education Ltd
15	26 Apr	Campaspe C101 [2016] PPV 3 (11 January 2016)	Mercy Education Ltd
16	26 Apr	Submission – Athedim (Vic) Pty Ltd and Others	Athedim
17	27 Apr	Submission – Hotham History Project	Hotham History Project
18	28 Apr	Further directions – accompanied site inspection of 31-55 Curran Street, North Melbourne (Aloysius College)	PPV
19	28 Apr	email – Response to Panel questions and copy of plans for 1949 Building (St Aloysius College)	Mercy Education Ltd and Athedim
20	1 May	Council Part C submission, including attachments showing amended: <ul style="list-style-type: none"> - Heritage Overlay Schedule - Heritage Places Inventory - Statement of Significance for Flemington Bridge Railway Station (HO1389) 	Council

No	Date	Description	Presented by
- Maps regarding HO284 (reinstatement) and HO1389 (extent)			
21	5 May	email – Further Panel directions following accompanied site inspection	PPV

Appendix B Planning context

B: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.

i) 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.

ii) Planning Policy Framework

The Amendment supports:

Clause 2 (Municipal Strategic Strategy)

- 2.03-4 (Built form and heritage) which states:

Built environment

Melbourne's character is defined by its distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, laneways and individually significant heritage buildings. The City's buildings, streets, open spaces and landscape features combine to give the municipality its unique appearance and feeling.

...

In managing the built environment, the Council will:

- Protect and enhance the City's distinctive physical character and heritage, maintain the importance of:
 - identified places and precincts of heritage significance
 - the World Heritage Listed Royal Exhibition Building and Carlton Gardens
 - the Shrine of Remembrance
 - the Hoddle Grid
 - the Yarra River Corridor, Victoria Harbour and waterways
 - the network of parks and gardens the Hoddle Grid's retail core
 - the network of lanes and arcades Boulevards
 - the sense of place and identity in different areas of Melbourne.

...

Heritage

One of the great Victorian-era cities in the world, the City contains many precincts, intact streetscapes and buildings recognised for their cultural heritage significance. While mostly known for its Victorian and Edwardian streetscapes, there are many examples of outstanding interwar, post war and contemporary architecture in the municipality.

...

In protecting heritage values, the Council will:

- Conserve and enhance places of identified cultural heritage significance, including views to heritage places.

Clause 11.03 (Planning for places)

- 11.03-6L-10 (North Melbourne) that includes a heritage strategy which seeks to maintain lower scale streetscapes in parts of North Melbourne and ensure that development is sympathetic to the architecture, scale and heritage character

The explanatory report referred to Clause 21.06-2 which was translated to this clause in September 2022.

Clause 15.01 (Built environment)

- 15.01-1R (Urban design) which seeks to create a distinctive and liveable city with quality design and amenity
- 15.01-5S (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place

Clause 15.03 (Heritage)

- Clause 15.03-1S (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies:
 - 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.
- 15.03-1L-02 (Heritage) which seeks to:
 - encourage retention of the three dimensional fabric and form of a building and discourage facadism
 - protect significant views and vistas to heritage places.

The explanatory report referred to Clause 22.05 which was translated to this clause in September 2022.

B: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.

B:3 Planning scheme provisions

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.

- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

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.

B:4 Ministerial Directions, Planning Practice Notes and guides

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 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 HERCON 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).

Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victorian Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.