

Amendment C426melb
Melbourne Planning Scheme
Statement of evidence

Prepared for Alvin Sariaatmadja

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1 Introduction

1. This statement of evidence has been prepared by David Helms for Mr Alvin Sariaatmadja in relation to Amendment C426melb to the Melbourne Planning Scheme, specifically in relation to 221-223 Domain Road, South Yarra (the subject site).
2. It has been prepared in accordance with written instructions prepared by Taryn Sobel-Beeri of Urbis to:
 - i. *Consider the proposed Amendment and supporting documentation and provide your expert opinion as to whether the Amendment and applicable Statement of Significance adequately supports a change in heritage grading for 221-223 Domain Road from 'Contributory' to 'Significant'.*

1.1 Preparation of this report

3. This statement has been prepared by David Helms, Heritage Consultant, of David Helms Heritage Planning (11 Elm Place, Windsor, 3181).
4. I have prepared this statement of evidence with no assistance from others. The views expressed in this statement are my own.
5. I have no business or other relationship with Mr Alvin Sariaatmadja.
6. I inspected the subject site on 10 October 2023. This included an on-site inspection of the building.

1.2 Qualifications and experience

7. My qualifications and experience are set out in section 4. My specific area of expertise is in the assessment of the post-contact heritage significance of places and in the application of heritage planning controls and policy in planning schemes.
8. I have prepared numerous heritage studies, which have included the identification and assessment of individual heritage places and heritage precincts. I have also undertaken reviews of precincts already included within heritage overlays, which has included reviewing the significance of the places to determine whether they are Contributory to the precinct or of individual significance.
9. I have been retained by various clients to provide expert witness evidence on heritage matters at Independent Panel Hearings (please refer to section 4 for a full list).

1.3 Reports consulted

10. In preparing this statement of evidence, I have consulted the following reports and other information:
 - i. All exhibited Amendment C426melb documentation including the *South Yarra Heritage Review*, September 2022, prepared by GML Heritage, which provides the heritage basis for the amendment.
 - ii. The citation for the subject site contained in the *City of Melbourne Heritage Review*, prepared in 1999 by Allom Lovell & Associates (copy at Attachment 1). I have not viewed a full copy of the Review.
 - iii. The 'Heritage Impact Statement 223 Domain Road, South Yarra' prepared by Urbis for b.e. architecture, 17 November 2022.

- iv. The 'Melbourne Planning Scheme Incorporated Document. Heritage Places Inventory, June 2016' (the 2016 Heritage Inventory). This is the former Inventory of building categories within heritage precincts in the City of Melbourne that was updated and replaced by Amendment C258 to the Melbourne Planning Scheme.
- v. *Planning Practice Note 1: Applying the heritage overlay (PPN1)*.

1.4 Facts, matters and assumptions

11. Section 3 of my statement provides a brief overview of the previous heritage assessments for the subject site.
12. The subject site is currently included within the HO6 South Yarra precinct (hereafter referred to as the 'HO6 precinct') as a Contributory heritage place.
13. Amendment C426melb, amongst other things, proposes to implement the *South Yarra Heritage Review* by:
 - i. Changing the heritage category of the subject site from Contributory to Significant. The subject site would remain within the HO6 precinct. A Significant heritage place is defined as:

Significant. *A significant heritage place is individually important at state or local level, and a heritage place in its own right. It is of historical, aesthetic, scientific, social or spiritual significance to the municipality. A significant heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a significant heritage place can make an important contribution to the precinct.* (cited in Volume 1 of the *South Yarra Heritage Review*)
 - ii. Making the 'Statement of significance: South Yarra Precinct, February 2023' (hereafter referred to as the 'proposed HO6 precinct SoS') an incorporated document in the Melbourne Planning Scheme.
14. Amendment C426melb does not propose to incorporate an individual statement of significance for the subject site.
15. The proposed HO6 precinct SoS is informed and supported by the updated citation for the HO6 precinct, contained in Volume 4 of the *South Yarra Heritage Review*.
16. The table in Appendix B4.1 'Places proposed for changes to building category' of Volume 1 of the *South Yarra Heritage Review* provides the 'rationale' for the proposed change in heritage category for properties throughout the HO6 precinct including the subject site.

1.5 Declaration

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



David Helms
October 2023

2 Summary of my opinions

18. It is my opinion that Amendment C426melb does not adequately support the proposed change in heritage category of the subject site from Contributory to Significant. This is because:

- i. The *South Yarra Heritage Review* does not include an assessment of significance that supports the proposed change in heritage category.
- ii. Amendment C426melb does not include a statement of significance (SoS) that justifies the application of a Significant heritage category to the subject site. Specifically:
 - There is no mention of the subject site in the proposed HO6 precinct SoS.
 - There is no individual SoS for the subject site included in the Amendment.

19. Because of this, I respectfully recommend that the heritage category of the subject site, 221-223 Domain Road, South Yarra remain as Contributory.

2.1 South Yarra Heritage Review

20. As defined by the *South Yarra Heritage Review* (using a definition that previously formed part of Clause 22.05 of the Melbourne Planning Scheme) a Significant heritage place is (at least) of local significance to the City of Melbourne:

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

21. The inclusion of a Significant place in the heritage overlay must be justified by a SoS that explains what is significant about the place and how and why it is significant, as directed by PPN1:

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.

22. This can be done:

- i. As an individual SoS for the place.
- ii. As a specific mention within a precinct SoS. This means the subject site would be specifically cited by name and/or address under 'Why is it significant' as making an individual contribution to the historic, representative, aesthetic, social or other values of the precinct.

23. The citation prepared by Allom Lovell & Associates in 1999 for the subject site includes a significance statement and changed the grading from D/E (the original grading applied by the 1984 Heritage Study) to C, which is the equivalent of the present Significant grading. However, despite this:

- i. The grading of the subject site was identified as 'D' in the Heritage Places Inventory from 2001 to c.2020.
- ii. When the conversion of 'letter' gradings (A-E) to the present heritage categories (Significant, Contributory, Non-contributory) was carried out in 2020 by Amendment C258melb, the subject site was assigned a Contributory heritage

category. This grading conversion was based on the 2015 review prepared by Lovell Chen.

24. The relatively recent review by Lovell Chen, which confirmed the Contributory heritage category for the subject site raises doubt about the relevance of the 1999 citation. In my opinion, it should not be relied upon as providing appropriate justification for a change in category from Contributory to Significant.
25. In my opinion, to support the assessment of local significance of the subject site the *South Yarra Heritage Review* should include a full heritage assessment. This assessment would have reviewed the information in the 1999 citation, undertaken further research, inspected the building to determine if there have been any changes, and prepared a comparative analysis against other places.
26. This was not done. Specific references to the subject site in the *South Yarra Heritage Review* are limited to:
 - i. A brief mention in the History (p.647), and a description (p.654) in the updated citation for the HO6 precinct in Volume 4.
 - ii. The entry in the table in Appendix B4.1 'Places proposed for changes to building category' in Volume 1. The preface to Appendix B (p.26) explains:

As the result of this Review, over 450 places in the Review area are recommended for changes to current heritage controls. Places with proposed changes are itemised in the tables in Appendix B, with address, existing category/s, recommended category/s and image. Each place with proposed changes are provided with rationale. Where the reasons provided refer to 'type' or representativeness of a place, it means that the changes are proposed based on a comparative exercise within the respective building typology (considering the age, style, scale and/or use). The types of changes proposed are summarised below. (my emphasis added)
 - iii. The 'rationale' for the change in heritage status of the subject site is 'High architectural merit', 'Fine representative example' and 'High integrity'. As there is no specific reference to a 'type', it appears that no 'comparative exercise' was carried out.
27. The above does not constitute an adequate or comprehensive assessment to justify the proposed change in heritage category. Specifically:
 - i. There is no evidence the building was inspected apart from the very limited view from the public realm (as indicated by the image included within the table entry, which shows only the gates and hedge, but not the house itself).
 - ii. There is no evidence of any detailed comparative analysis of the house in the context of similar houses in the precinct or broader municipality, and/or as a design of Klingender & Alsop.
28. Because of this, the three reasons put forward as justification for the change in heritage category are not supported by evidence and one is inaccurate (As noted in the 1999 citation, the house has been rendered and therefore does not have 'high' integrity).
29. My conclusion, therefore, is the *South Yarra Heritage Review* does not include an assessment of significance that supports the proposed change in heritage category.

2.2 Amendment C426melb

30. The proposed HO6 citation SoS does not justify the proposed change in heritage category. To do this, it would need to include specific reference to the subject site as described in paragraph 21 of my evidence. This has not been done and, in fact, the opposite is true.

31. The subject site is within Area 3 of the HO6 precinct, which includes the following specific description under 'What is significant?':

early pattern of subdivision of the land comprising a 9 ½-acre allotment (Crown Allotment 19) sold in 1849. Allotment 19 was the site of a mansion 'Maritimo' until the early twentieth century. The Maritimo Estate was subdivided in 1912–16 into allotments fronting Domain Road and a new street named Marne Street.

a high concentration of refined architect-designed blocks of flats representing the popularity of flat development that continued into the postwar period.

*high quality **interwar** building stock, representative of almost every **interwar** architectural style (including Arts and Crafts, Georgian Revival, Old English, Moderne, Mediterranean and Spanish Mission) and the work of some of Melbourne's most prominent architects practising in the period.*

32. The first two descriptors are not relevant, while the third refers very specifically to interwar architecture. While the house on the subject site does show the influence of the Arts & Crafts style, it was built in 1908 and is firmly within the Federation/Edwardian period. The above description is qualified somewhat in the second paragraph in relation to Criterion A under 'Why is it significant?':

*Area 3 is distinguished for its collection of a high number of architecturally designed, **mostly interwar**, luxury blocks of flats and houses. (emphasis added)*

33. Amendment C426melb does not propose to introduce a new SoS for the subject site, which justifies the change in heritage category. As discussed in section 2.1 of my evidence, I do not consider the significance statement in the 1999 citation provides appropriate justification, and, even if it was, the correct approach would be to create a new SoS in the PPN1 format for incorporation in the planning scheme as part of the amendment.

34. That said, I acknowledge there are many heritage places included in the HO6 precinct (and elsewhere in the City of Melbourne), which rely on an older heritage citation and have a SoS that is not in the PPN1 format and is not incorporated in the planning scheme.

35. The difference, however, is that most of these places are *currently* graded Significant and no change is proposed by Amendment C426melb. It is the proposed change in heritage category of the subject site that triggers the need for the 1999 citation to be reviewed and updated to justify the change, as I have described in section 2.1 of my evidence.

36. My conclusion therefore is Amendment C426melb does not provide appropriate justification to change the heritage category of the subject site from Contributory to Significant.

3 Previous heritage assessments and listings

37. The following provides a brief overview of the heritage assessments and listings of the subject site since 1985:

- i. **1985.** The subject site is assessed as part of the *South Yarra Conservation Study*, prepared by Meredith Gould. This study provided the basis for the application of urban conservation (later heritage overlay) controls including the present HO6 precinct. The subject site is graded 'D' by the study.
- ii. **1999.** The subject site is assessed as part of the *City of Melbourne Heritage Review*, prepared by Allom Lovell & Associates. A citation was prepared (see Attachment 1) and the grading was changed from 'D' (although the citation also refers to 'E') to 'C'.
- iii. **2001.** Amendment C19 to the Melbourne Planning Scheme is gazetted. One of the key changes introduced was the rationalization of the letter grading system from six (A-F) to four (A-D). This formed the basis for the first 'Heritage Places Inventory 2000'.
- iv. **2001-2020.** Despite the 1999 assessment, the subject site is graded 'D' in the Heritage Places Inventory from its inception until 2020.
- v. **2015.** Lovell Chen prepares the *City of Melbourne Heritage Review: Local Heritage Policies and Precinct Statements of Significance*. Revised Statements of Significance for precincts outside the Capital City Zone were prepared, including for the HO6 precinct, and property gradings converted from the 'A to D' grading system to the 'Significant/Contributory/Non-contributory' category system. Recommendations and policy considerations from this review resulted in Amendment C258 (gazetted 2020) and Amendment C396 (gazetted 2022) to the Melbourne Planning Scheme.
- vi. **2020.** In accordance with the recommendations of the Lovell Chen review Amendment C258 converts the grading of the subject site from 'D' to Contributory. The Heritage Places Inventory is updated on this basis.

4 David Helms – qualifications & experience

B App Sci (Urban & Regional Planning), Grad Dip (Heritage Planning & Management)

I am a strategic planner with over twenty-five years experience, and now specialise in cultural heritage planning and management. I have worked in a variety of local and state government and private organisations in Melbourne, Sydney and regional Victoria. As a strategic and statutory planner who has also undertaken numerous cultural heritage studies, I combine my knowledge of cultural significance with a clear understanding of how heritage studies may be most effectively translated into practical planning controls, policies and guidelines that are easy to understand and use.

Heritage studies

I have prepared numerous municipal heritage studies and reviews in my own practice or in collaboration with Context Pty Ltd including:

- ▶ Baw Baw Shire: *Baw Baw Shire Heritage Study* (2011).
- ▶ Cardinia Shire: *Cardinia Shire Heritage Review* (2010), *St James Estate Comparative Heritage Study* (2014), *Pakenham Structure Plan Heritage Review* (2018).
- ▶ Casey City: *Casey Heritage Study* (2004).
- ▶ Darebin City: *Darebin Heritage Study* (2010).
- ▶ Hindmarsh Shire Council, *Hindmarsh Heritage Assessment Study* (2023)
- ▶ Latrobe City: *Latrobe City Heritage Study* (2010).
- ▶ Manningham City: *Manningham Heritage Study Review* (2005).
- ▶ Mitchell Shire: *Mitchell Shire Heritage Amendment: Review of heritage precincts* (2012), *Mitchell Shire Stage 2 Heritage Study Review* (2013), *Wandong & Heathcote Junction Heritage Review* (2016), *Mitchell Shire Heritage Anomalies Review* (2018).
- ▶ Moonee Valley City: *Moonee Valley Gap Heritage Study Review* (2009), *Review of HO precincts* (2011), *Moonee Ponds Activity Centre Heritage Assessment* (2011), *Moonee Valley Racecourse Heritage Assessment* (2012), *Moonee Valley Racecourse Conservation Management Plan* (2014), *Heritage Overlay Review* (2014), *Post-war Thematic Precincts heritage Study* (2014), *Moonee Valley Heritage Study* (2015) and the *Moonee Valley Heritage Study* (2018- currently underway).
- ▶ Moreland City: *Moreland Local Heritage Places Review* (2009), *Moreland North of Bell Street Heritage Study* (2010), *Moreland Heritage Study Review* (2017).
- ▶ Mornington Peninsula Shire: *Ranelagh Estate Conservation Management Plan* (2009), *Mornington Peninsula Heritage Review: Area 1 – Mt Eliza, Mornington & Mt Martha* (2011).
- ▶ Murrindindi Shire: *Murrindindi Shire Heritage Study* (2010).
- ▶ Port Phillip City: *Heritage assessment of four places in the City of Port Phillip* (2005), *City of Port Phillip HO6 Precinct Heritage Review* (2016), *Port Phillip Heritage Review Update* (2019).
- ▶ South Gippsland Shire: *South Gippsland Shire Heritage Study* (2002), *South Gippsland Amendment C92 Heritage Citations* (2014).
- ▶ Yarra City: *Review of 17 Precincts* (2014), *Heritage Gap Study*, *Review of Central Richmond* (2014), *Heritage Gap Study: Review of Johnson Street East* (2016).
- ▶ Yarriambiack Shire: *Yarriambiack Shire Heritage Study* (2014).

My other projects for Context Pty Ltd included heritage assessments and heritage impact analysis for the Regional Fast Rail project (Latrobe and Bendigo lines), the *Royal Exhibition Buildings & Carlton Gardens Conservation Management Plan* (in association with Lovell Chen), and the *Yan Yean Water Supply System Conservation Management Plan* and the *Regional Water Supply Heritage Study*, both for Melbourne Water and Heritage Victoria and *Homeward: the Thematic History of Public Housing in Victoria* for the Department of Human Services.

Summary list of Planning Panel expert witness appearances

I have appeared as expert witness or Council advocate at many planning panel hearings in relation to heritage amendments, mostly recently for the City of Whittlesea (expert witness) for Amendment C241, Yarra City Council (expert witness, Amendment C231 and Amendment C245), Port Phillip City Council (expert witness, Amendment C142), Moreland City Council (expert witness, Amendment C174), Cardinia Shire Council (advocate, Amendment C242), and Melbourne City Council (expert witness, Amendment C258).

My other appearances before planning panels (expert witness except as noted) include Amendment C5 to the Port Phillip Planning Scheme (advocate), Amendments C17 and C34 (Part 2) to the Hobsons Bay Planning Scheme (advocate), Amendment C80 (Part 2) to the Casey Planning Scheme, Amendment C50 to the Greater Shepparton Planning Scheme, Amendment C26 Part 1 to the Wellington Planning Scheme, Amendments C68 and C108 Part A to the Darebin Planning Scheme, Amendment C14 to the Latrobe Planning Scheme, Amendments C117 and C163 to the Stonnington Planning Scheme, Amendments C86 and C90 to the Baw Baw Planning Scheme, Amendments C129 and C134 to the Moreland Planning Scheme, Amendment C77 to the Banyule Planning Scheme, Amendment C56 to the Mitchell Planning Scheme, Amendments C173 and C183 to the Yarra Planning Scheme, and Amendment C109, the Advisory Committee Hearing for Amendments C120 & C124, Amendment C143, Amendment C144 and Amendment C164 to the Moonee Valley Planning Scheme.

Attachment 1 – 1999 heritage citation

Property Key: 102512-221-223 Domain Rd

City of Melbourne Heritage Review
Building Identification Form 1999

Allom Lovell & Associates
1999

Building	Residence	Grade	C
Address	223 Domain Road, South Yarra	Previous Grading	D
Building Type	Residence	Streetscape Grading	3
Period; Date	Edwardian; 1908	Heritage Place	Yes



Survey Date July 1999 (previous survey date 23 July 1984)

Intactness Good Fair Poor **Condition** Good Fair Poor

History

The house at 223 Domain Road, original known as No. 65, was constructed in 1908 to a design by architects Klingender & Alsop. The builders were Spargo & Taylor. The rate book for 1910 shows a 23-room brick house valued at £300, owned and occupied by Emily Payne. By 1936, the house, then rated at £600, was owned by Beatrice Lyle Falkiner and had been divided into four flats. These had been consolidated into two flats by 1956.

Description

The building at 223 Domain Road is a substantial double-storey Edwardian brick mansion. Asymmetrically planned, the house has a hipped terracotta tiled roof penetrated by tall chimneys with terracotta pots. Some of the windows and door joinery has been altered, although some timber-framed double-hung sashes remain. To the ground floor there are French doors with highlights. Alterations have included rendering of the walls.

Significance

The house at 223 Domain Road, South Yarra, is of local historical importance and aesthetic interest. Historically, the house is representative of the substantial mansions which were erected in the area in the late nineteenth and early twentieth centuries, and, as such, demonstrates the desirability of South Yarra as a prestigious residential area by Melbourne's wealthy. Aesthetically, the house is a late example of a mansion which is largely Victorian in form. Although superficially altered, the house makes a considerable contribution to the streetscape. Its association with Melbourne architects Klingender & Alsop is also of note.

Grading Review

Upgraded from E to C. The house is of individual historical importance. Most of the alterations are reversible.