

Melbourne Planning Scheme Amendment C426melb

Statement of evidence by
Natica Schmeder

Prepared for the [City of Melbourne](#)



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Prepared by:

Natica Schmeder, Principal

LANDMARK HERITAGE PTY LTD
PO Box 507
FLEMINGTON VIC 3031

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1. Introduction

1. This statement of expert evidence has been prepared in accordance with the Practice Note 1: Expert Evidence, published by Planning Panels Victoria, in relation to Amendment C426melb to the Melbourne Planning Scheme.

1.1 Qualifications, experience and area of expertise

1.1.1 Qualifications

MSc (Building Conservation); Grad Dip (Architectural Conservation); BA (Architectural & Urban History)

2. I am an architectural historian and buildings conservator with over 20 years' experience in architectural research and assessment, materials conservation, heritage studies, conservation management plans and heritage advice, in Australia, the United States, England and Poland.
3. I am a Full International Member of ICOMOS (International Council on Monuments and Sites), and served on the Australia ICOMOS Executive Committee 2009-12. I was a Member of the Heritage Council of Victoria 2016-22, and Chair of the National Trust Built Environment Committee 2012-17.

1.1.2 Relevant experience

4. I have been Principal of Landmark Heritage Pty Ltd since July 2018, and have carried out a number of heritage studies, assessments and peer reviews of others' work since that time.
5. Previously, I was an Associate at Context from 2005 until June 2018. At Context I worked on dozens of municipal heritage studies and reviews, many of which I led and/or acted as the architectural historian.
6. I have acted as the peer reviewer and expert witness at planning panels for municipal councils for the following studies:
 - City of Yarra C149 – peer review of methodology and a select number of places and precincts recommended for the Heritage Overlay by the 'Review of Heritage Places and Precincts' (G Butler & Assoc., 2012).
 - City of Boroondara C177 – review of the 'Surrey Hills South Residential Precincts Heritage Study (Lovell Chen, 2014) which recommended inclusion in the Heritage Overlay of 10 individual places and three precincts.
 - City of Boroondara C276 – peer review of places and precincts recommended for the Heritage Overlay by the 'Balwyn and Balwyn North Heritage Study (incorporating Deepdene and Greythorn)' (Built Heritage, 2015).
 - City of Maroondah C116 – peer review of all places and precincts recommended for the Heritage Overlay by the 'Jubilee Park: Heritage and neighbourhood character study' (Context Pty Ltd, 2018; NB: While I worked at Context during the preparation of this study, I was not a team member for the study.)
 - City of Moonee Valley C200 – peer review of all contested places and precincts in the 'Moonee Valley 2017 Heritage Study' (Context, 2019).
 - City of Port Phillip C161 – peer review of all contested places and precincts in the 'Port Phillip Heritage Review Update' (David Helms Heritage Planning, 2019).

- Rural City of Horsham – 2022 peer review of all places and precincts recommended for the Heritage Overlay by the ‘Horsham Heritage Study’ (Greive Gillet, 2014). Note that the revised study has not been implemented yet.
 - City of Stonnington C320ston – peer review of all contested places and precinct in the ‘Toorak, Kooyong and Armadale Heritage Review’ (Extent Heritage Pty Ltd, 2022).
7. My area of expertise relevant to this Panel hearing is the assessment of the cultural heritage significance of buildings, structures and precincts in the Melbourne metropolitan area and country Victoria, with reference to current heritage assessment criteria and within the framework of local historical themes.
8. I have been retained by a number of councils to appear as an expert witness on heritage-related matters at Independent Panel Hearings, including: City of Boroondara (Amendments C116, C177, C178, C183, C236, C243, C263 Pt 2, C266, C274, C276, C284, C294, C305, C306, C308, C318, C333, C337 & C353), City of Brimbank (Amendments C125 & C200), Shire of Cardinia (Amendment C161), City of Maroondah (Amendment C116), City of Moonee Valley (Amendments C142, C143, C164 & C200), City of Moreland (Amendment C149), Shire of Mornington Peninsula (Amendment C214), City of Port Phillip (Amendment C161), City of Stonnington (Amendments C233, C238, C248, C249 & C320) and City of Yarra (Amendments C149, C173, C177, C183 & C198), as well as by the National Trust (City of Yarra Amendment C163).

1.2 Instructions

9. This statement of evidence was prepared in accordance with a letter of instruction from the City of Melbourne, dated 25 September 2023. It is appended to this evidence as Appendix A.

1.3 Preparation of this statement

10. This statement has been prepared by myself, Natica Schmeder, of Landmark Heritage Pty Ltd.

1.4 Documents and materials relied upon

11. In preparing this report, I have relied upon the following documents:

- ‘South Yarra Heritage Review’ prepared by GML Heritage, August 2022 as exhibited, primarily Volume 1: Methodology Report and Volume 4: Citations, with reference to Volume 3: Thematic Environmental History.
- ‘South Yarra Conservation Study’, Meredith Gould, 1985.
- PPV reports for City of Melbourne planning scheme amendments, particularly: C387melb, C396melb, C403melb, and C405melb.
- Various other research sources, such as place citations for comparative examples, Sands & MacDougall street directories, historic aerial photographs, and historic building application plans and specifications. Pre-1960 building application records were viewed at the Public Record Office of Victoria, while 1960-onward records held by the City of Melbourne’s archives were viewed at Council House 2 (for 20-22 Fairlie Close and 223-225 Domain Road). Sources used are cited in my responses to the individual submissions.

1.5 Declaration

12. 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.

Signed,

A handwritten signature in dark ink, appearing to read "Natica Schmeder", is written over a light gray rectangular background.

Natica Schmeder

2. Summary of my opinions

13. I have summarised below all statutory and non-statutory changes that, in my expert opinion, should be made to the documentation and/or statutory recommendations in regard to those precincts and individual places that were the subject of submissions.

2.1 Changes to significance status

- *South Yarra Presbyterian Church complex, 603-627 Punt Road* – Provide gradings of those elements of heritage value: the Church, Vestry, Sunday School and Manse are Significant, while the 1925 Caretaker’s Cottage is Contributory.
- *Pasley St & Park Pl Precinct:*
 - ‘Astor’, 641-645 Punt Road – recategorise from Significant to Contributory.
 - 15-17 Pasley Street – recategorise from Contributory to Non-contributory.
- *HO6 South Yarra Precinct:*
 - 72-76 Domain Road – recategorise from Contributory to Significant.
 - 233-235 Domain Road – recategorise from Significant to Contributory.
 - 248-250 Domain Road – recategorise from Contributory to Significant.
 - 80-110 & 81-129 Leopold Street – list as a Significant Streetscape.
 - 39 & 41 Millswyn Street – recategorise from Contributory to Non-contributory.
 - 113 & 115 Millswyn Street – recategorise from Contributory to Significant.
 - 23 & 25 The Righi – recategorise from Contributory to Significant.
 - 322 Walsh Street – recategorise from Contributory to Non-contributory.

2.2 Non-statutory changes to statements of significance

- *Sheridan Close, 485-489 St Kilda Road* - Remove the reference to ‘representative significance’ from “How” in the statement of significance as this aspect is not actually addressed in the “Why” section.
- *South Yarra Presbyterian Church complex, 603-627 Punt Road* - Revise citation and statement of significance to reflect loss of roofs of the 1874 Vestry and the 1884 Sunday School and associated fire damage.
- *Pasley St & Park Pl Precinct:* Correct statement of significance to note that: “Astor” at 641–645 Punt Road, with its Mediterranean-influenced façade, is an example of a **pair of** Victorian residences converted to flats in the 1920s’.

2.3 Non-statutory changes to other parts of citations

- *HO6 Area 4*
 - Correct the address of the 1915 house described on page 675 of Volume 4 to refer to 18 Mona Place (instead of 10-16 Mona Place).
 - Clarify the description of the two post-war blocks of flats at 158W-166W Toorak Road.
- *HO6 Area 5* – Correct the build-date of 8-22 Clowes Street to 1930 (instead of 1927).

2.4 Further work recommended

14. The following recommended statutory changes are based on my field survey during the peer review. As they are not part of the exhibited Amendment C426melb, I acknowledge that these changes are likely to require a separate planning scheme amendment:

- *HO6 Area 2:*
 - 67 Leopold Street – recategorise from Contributory to Non-contributory. This

Victorian single-storey cottage has been largely demolished to build a two-storey dwelling with a contemporary front façade.

- 25-31 St Martins Lane – clarify in the Precinct Category Schedule that the 1921 garage is Contributory, but the c2015 dwelling attached to it at No. 29-31 is Non-contributory.
- *HO6 Area 4: 7 Mona Place* – recategorise from Contributory to Non-contributory. This clinker-brick house was built in the mid-1990s.

3. Peer review methodology

3.1 Preliminary review of submissions

15. I was first engaged in August 2023 by the City of Melbourne to:

- review all exhibited documents related to Amendment C426melb, and
- review the 41 submissions made in relation to this amendment, particularly the objecting ones, and provide a preliminary opinion in response to them.

16. I was later, in September, asked to review four late submissions (Nos. 42-45) as well as late additional material from Submitter 30.

17. In October 2023 I was formally engaged by the City of Melbourne to respond to all submissions raising substantive matters in a statement of expert evidence (this report), and to appear as an expert witness at the Amendment C426melb proceedings.

3.2 Site visits

18. In regard to all groups of submissions reviewed, both the 41 submissions and four late submissions, my first step was to read the GML Heritage citations and the submissions to understand each place/precinct and the issues raised. I also read the methodology report of the study (Volume 1).

19. I made notes on what issues had been raised for specific properties, and visited them over several days in August, and the late submission places in October. In all cases, I viewed the properties in question from the public domain (generally the footpath).

20. In addition, I walked or cycled all streets in the proposed Pasley Street and Park Place Precinct, and in Areas 2-5 of HO6 South Yarra Precinct. For comparative purposes, I made a visit to Area 1 of HO6 to view post-war blocks of flats.

3.3 Responses to submissions

21. In preparing my responses to the submissions, I referred both to GML Heritage's South Yarra Heritage Review (the "SYHR") and a range of other sources to answer key questions as I saw them.

22. These other sources included historic plans and specification held at the Public Record Office of Victoria (PROV) and in the City of Melbourne's archives, historic aerial photographs, historic plans (particularly MMBW plans), historic street directories, land titles, place citations from the HERMES database for comparative examples, and local history and architectural history books and articles.

3.4 Property categories

23. When considering whether proposed heritage categories were appropriate for places in the SYHR, this was in reference to the definitions used by the City of Melbourne, and found in the incorporated document 'Heritage Places Inventory March 2022 (Amended May 2023)':

- 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.

- A **non-contributory place** does not make a contribution to the cultural significance or historic character of the heritage precinct.
- A **significant heritage place** is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A significant heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a significant heritage place can make an important contribution to the precinct.
- **Significant streetscapes** are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are a collection of buildings significant in their own right.

24. In addition, I have applied the definition of the threshold of “local significance” from PPN01 ‘Applying the Heritage Overlay’ (2018):

‘Local Significance’ includes those places that are important to a particular community or locality.

25. With this definition in mind, for the most part I have limited my own comparative analysis to places within South Yarra, particularly that part in the City of Melbourne.

3.5 General issue – intactness and integrity

26. In responding to submissions, I use the terms ‘intactness’ and ‘integrity’ in accordance with the following meanings. They are in keeping, and partially based upon, the definition of integrity developed for the 2022 version of ‘The Victorian Heritage Register Criteria and Threshold Guidelines’ (Heritage Council of Victoria, page 6). While I acknowledge that this document provides thresholding guidance only fully applicable when assessing State significance, in my expert opinion, its definitions of common terms are applicable to all heritage places.

- *Intactness* is concerned with physical fabric, particularly whether a heritage place has retained its original fabric (e.g. building fabric, landscape elements, etc.).
- *Integrity* is a more holistic measure which goes beyond the originality of physical fabric. Instead, it refers to the degree to which the heritage values of the place or object are legible and able to be understood and appreciated. For example, does it include all the elements necessary to express its significance? In some cases, the elements contributing to integrity may be non-original, replacement elements, for example, a reinstated front verandah.

3.6 General issue – issues considered at PS amendment stage

27. My responses to submissions, in chapters 4 and 5, are largely restricted to topics that impact on heritage significance. This means that I do not address issues of property value (or other perceived or actual financial impacts on property owners), maintenance costs, future development plans, or planning permit requirements. This is in keeping

with the principle set by numerous planning panels, that heritage significance is the key consideration when considering whether to apply the Heritage Overlay. It has been expressed in the Ballarat Amendment C58 Panel Report and repeated in the Southern Grampians Amendment C6 Panel Report (p. 20):

Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.

This position was also confirmed in the Planning Panels Advisory Committee report 'Review of Heritage Provisions in Planning Schemes' (2007). In City of Yarra Amendments C156 and C163 the Panel supported the view that impediments to development, costs or impact or property prices do not constitute a reason to exclude a place, providing that the threshold of significance is met. For Greater Geelong Amendment C49 the Panel noted that the effect on property values, which can vary with circumstance, should not be considered when determining whether a place is of heritage significance. Additionally, in Greater Geelong Amendment C71 the Panel upheld the view that the key issue at amendment stage is the heritage significance of a property, and other matters such as competing policy settings or owner hardship should be considered at the planning application stage.

28. While there is a requirement under the Planning and Environment Act 1987 to consider economic and community impacts when applying the Heritage Overlay, as noted in the Cardinia Amendment C242 Panel report:

It is accepted practice in Victoria for consideration of social and economic effects to relate to the broader community rather than private financial effects, particularly in the Planning Scheme amendment process. Where the heritage significance is established, requirements for permits to manage impacts on heritage values is justified. (Executive Summary, n.p.)

This position has been consistently adopted in Panel reports such as Amendments C91, C101, C103 C222 to the Stonnington Planning Scheme, Amendments C129, C149 and C78 to the Moreland Planning Scheme, Amendment C53 to the Frankston Planning Scheme, Amendment C207 to the Melbourne Planning Scheme and *Dustday Investments Pty Ltd v Minister for Planning* [2015] VSC 101.

29. Generally, the condition of places is not a factor when considering whether to apply the Heritage Overlay, as this is properly considered at the planning permit phase. The one exception is where it has major impacts on the intactness of a place. This position has been expressed in panel reports including Melbourne Amendment C207, which stated: 'we do acknowledge that condition may sometimes be relevant in extreme cases of dilapidation where demolition is an inevitable outcome. In such circumstances, the case for demolition would have to be irrefutable' (p.27). Evidence accepted by council to demonstrate such an eventuality is usually a detailed report by a structural engineer with recognised experience in assessing and remediating traditional buildings. No

evidence has been provided by any of the submitters that their building suffers extreme dilapidation making its demolition inevitable.

30. The above principles have been confirmed by recent panel reports for amendments to the Melbourne Heritage Overlay. For example, the C387melb Panel Report of 2021 concluded (page 29):

- *That development opportunity, building alterations and maintenance are not relevant when assessing the heritage significance of an individual place or a precinct.*
- *That property value and financial implications are not relevant when assessing heritage significance or when deciding whether to apply a Heritage Overlay.*

31. And the C403melb Panel Report of 2023 concluded that (page 24):

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.

3.7 General issue – heritage value and protection of post-war places

3.7.1 Previous status of post-war places in HO6 South Yarra Precinct

32. The currently applicable statement of significance for HO6 South Yarra Precinct, adopted as part of Amendment C258melb, seemingly recognises the post-war era as part of the precinct's valued period of development. Pertinent extracts include:

History: The popularity of flat block developments continued into the post-war period ...

Description: Significant and contributory development in the precinct dates from the 1850s to the mid-twentieth century, including the post-World War II period. ... The later blocks, of the 1940s and post-World War II period are stripped of ornamentation, with plain walls and strongly expressed forms. Many of the flat blocks are built close to the street, with limited setbacks. ... Domain Park Towers, on Domain Road, is a noted early high rise apartment development, designed by Robin Boyd and completed in 1962.

What is significant: South Yarra Precinct is predominantly residential, where significant and contributory development dates from the 1850s through to the mid-twentieth century, including the post-World War II period. ... The following are the identified 'key attributes' of the precinct, which support the assessed significance: ... Later development, of the 1940s and after, is generally stripped of ornamentation, with plain walls and limited detailing. ... and flat blocks of two-three storeys, with some taller examples.

Why is it significant: The aesthetic/architectural significance of the South Yarra Precinct derives from Victorian development through to development of the mid-twentieth century and post-World War II period. Residential development includes ... interwar and later flat blocks of which the precinct has many distinguished examples.

33. The heritage categories of the post-war places, and many interwar places as well, did not reflect the C258melb statement of significance. For example, Robin Boyd's Domain

Park flats of 1962, recommended for a site-specific HO and nominated to the Victorian Heritage Register by the SYHR, were not even graded (equivalent to Non-contributory). Nearly all, if not all, of the other post-war flats were also ungraded.

34. In such a circumstance, it clear that a full review of the heritage value of all post-war places in the existing HO6 South Yarra Precinct was required, as it had not yet been done, even though the Am. C258melb review of the precinct's significance recognised their contribution. This explains why such a large number of places within HO6 are proposed to change from ungraded/Non-contributory to Contributory or Significant.
35. As an aside, the previous (C258melb) statement of significance refers to the many "distinguished" examples of interwar and later flats in HO6. This suggests that only locally significant interwar and post-war flats should be recognised as contributing to HO6. In my professional experience, it would be an outdated and unsupported approach to try to deny protection to "typical" places that would otherwise be recognised as Contributory to a heritage precinct. If such places were created during the valued period of the precinct, their place-type (e.g. flats) is recognised as part of the precinct's significance, and they have sufficient intactness or integrity to demonstrate the historic development of the precinct, then they should be categorised as Contributory.

3.7.2 Growing recognition of heritage significance of post-war places

36. Looking back over heritage recognition and then protection in Victoria, we see that the definition of what constitutes "heritage" and what is important enough to protect broadens every generation or so. In the 1950s, the National Trust of Australia (Victoria) sought to save stately Victorian-era mansions, and protection of 19th-century buildings remained paramount until the 1990s. The focus broadened to the Edwardian era in the 1990s, but it was still very difficult in that decade to secure protection for interwar places and precincts, due to pushback from municipal councillors and the wider community. It was, of course, all the more difficult to seek protection for post-war places.
37. The importance of post-war architecture has been increasingly recognised since 2000, with a number of heritage studies commissioned by Heritage Victoria and municipal councils to consider this period and identify individual places and precincts of local (or State) significance. They include:
 - Heritage Alliance, Survey of Post-War Built Heritage in Victoria: Stage 1 (2008)
 - Heritage Alliance, City of Bayside Inter-War & Post War Heritage Review (2008)
 - Built Heritage, Survey of Post-War Built Heritage in Victoria: Stage 2 (2010)
 - Bryce Raworth, Frankston City Post War Modernist Heritage Study: Stage 1 (2012)
 - Built Heritage, City of Boroondara: Balwyn & Balwyn North Heritage Study (2013)
 - Built Heritage, Frankston City Post War Modernist Heritage Study: Stage 2 (2015)
 - Built Heritage, City of Whitehorse Post-1945 Heritage Study (2015)
 - Built Heritage, City of Glen Eira Post-War and 'Hidden Gems' Review (2020)
 - Built Heritage, City of Maroondah Heritage Study Review (2020)
 - Context, City of Melbourne Hoddle Grid Review, Vol. 2B (2020)
 - Context, City of Bayside Mid-Century Modern Heritage Study – Residential Places, Stage 2 (2020)

- GJM Heritage, City of Bayside Post-war Modern Residential Heritage Study (2022)
38. There are also other heritage reviews that have been carried out over recent years that are not specifically focussed on post-war places, but which have assessed them among places of other eras. An example is the recent City of Boroondara Municipal-Wide Heritage Gap Study (eight volumes, 2016-2021).

39. In its *State of Heritage: Local Heritage* report of 2020, Heritage Council of Victoria identified a gap in the protection of worthy post-war places, and urged municipal councils to identify and protect the best ones (pages 26-27):

The most common place-type gaps [in municipal Heritage Overlays] are trees and gardens (37), post-war residential (36) and historic landscapes (31). Post-war residential was the most common place-type gap for metropolitan councils, while trees and gardens were the most common for rural councils. ...

The most common built form gaps are post- and inter-war residences and industrial heritage. Again, this is not surprising, as these types have not traditionally been covered in heritage studies. However, both of these types of heritage are important and will become more so over time, and more guidance should be provided to assist councils to address these type gaps.

40. The Hoddle Grid Heritage Review (Context 2020) is the largest heritage study with a focus on post-war places carried out in the City of Melbourne to date. Volume 2b of that study, titled 'Postwar Thematic Environmental History and postwar places', included the assessment of dozens of office buildings, and a few other typologies, constructed between 1945 and 1975.

41. The recommendations of the Hoddle Grid Heritage Review were implemented by Amendment C387melb. The associated Planning Panels Report (10 Nov 2021) considered some of the common issues raised in relation to the protection of post-war places, many of which are echoed in the submissions regarding the SYHR. In its general considerations in regard to the Hoddle Grid Heritage Review, the C387melb Panel noted that:

- ... overtime [sic] there is a greater appreciation or understanding of particular themes and eras. For example, many of the postwar buildings in this Amendment are now over 60 years old and there is a greater level of contemporary understanding of the importance of the postwar era to Melbourne's historical development (page 32)
- ... the loss of many [post-war] buildings means that some are now rarer than they were 20 or 30 years ago and now of greater importance (page 32)
- Buildings within the postwar Modernist period are of an appropriate age to be considered for heritage controls where the thresholds for heritage significance can be met (page 36)
- [1980s heritage studies] provide more of a historical record and context of assessment rather than a true, understanding of significance as it applies in 2021 ... [as] perceptions of history change, and generations add layers into the mix (page 32)

42. The C387melb Panel also commented on the unanimity of all heritage experts appearing at the hearing, even those opposing some recommendations of the amendment, in their recognition of the heritage value of post-war places in general:

The Panel notes that all the experts were of the view that the postwar period was an appropriate one to review, that it was broadly between 1945 and 1975 and that it was not too recent to be considered or for significance to be established if appropriate thresholds were met. (page 36)

3.7.3 Issues in the comparative analysis for post-war places

43. PPN01 'Applying the Heritage Overlay' (2018) directs that:

*To apply a threshold, some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, **including those previously included in a heritage register or overlay.***

44. As discussed in section 3.7.1, there is a lack of post-war places with a current Contributory or Significant status in HO6 South Yarra Precinct, and in South Yarra more broadly. This means that comparative analysis is not as straightforward as it would be for, say, a Victorian house that has many closely comparable places already assessed and assigned a category in the heritage overlay.
45. In such a case, in my expert opinion, a more comprehensive consideration of 'other similar places within the study area' is required. This provides an understanding of the general building stock in the locality, what is typical, and what rises above such typical places due to notable features. In this way a threshold for local significance can be established for the locality. As I understand it, this is how GML Heritage have determined which places should be categorised as Significant. Similarly, I have walked or cycled all of the streets in South Yarra (Melbourne) and photographed and considered groups of like places to consider if they contribute to their precinct and if they rise above the typical and are apparently of individual importance.
46. This approach, where comparative analysis was largely between previously ungraded places under assessment, was supported by the Amendment C387melb Planning Panel (page iv):
- The Panel concludes that in the main, the level of comparative analysis undertaken in the [Hoddle Grid] Heritage Review is appropriate and consistent with that applied in area wide studies and satisfies PPN01. The consideration of other places identified in a study where there are few in the current Heritage Overlay (as is the case with postwar buildings) as part of a comparative analysis is reasonable and also consistent with PPN01.*
47. The Amendment C387melb Planning Panel also noted (page 43):
- In some instances, it is also reasonable to consider comparators outside the Hoddle Grid but still within the City of Melbourne.*
48. The consideration of "outside" comparators, either in another part of a municipality or even outside its borders, becomes necessary when there is too small a pool of useful

comparators in the study area to gauge a place's significance. The recent Amendment C320ston Planning Panel Report (27 Sept 2023) addressed this situation. When the Panel found that the comparative analysis of a post-war house in Stonnington was too limited, with no close comparators identified, they recommended:

In the absence of a municipal-wide assessment of Modernist development, Council should undertake a comprehensive comparative analysis for the site, drawing from examples both within and outside of Stonnington if necessary.
(page 162)

49. In my expert opinion, the high number of post-war flats and other dwellings in South Yarra presents a situation similar to the Hoddle Grid Heritage Review, as there is a wide range of similar places in the study area among which to compare and establish a local threshold. On this basis, I consider the basis on which GML Heritage have categorised places to be sound and in keeping with the approach previously supported by the C387melb Panel.
50. That said, in circumstances where a threshold thus established is questioned, it can be useful to test it in comparison with places both in other parts of the City of Melbourne, and even beyond its borders if no close comparators are found in Melbourne. In my expert opinion, such “outside” comparators should be sought in municipalities that are similar in their development to the study area, if possible. For example, inner suburbs are far more similar in their development to South Yarra than regional towns, thus heritage thresholds are likely to be more closely aligned. The City of Port Phillip, in particular, is useful when seeking “outside” comparators, as it underwent extensive flats development in the interwar and post-war periods, similar to South Yarra.
51. Looking for comparators outside of the City of Melbourne can also be important in understanding the oeuvre of a given designer, particularly if none of their work is already in the Melbourne HO (or at least, nothing identified by name as yet).
52. For these reasons, I have sought comparators both in other parts of the City of Melbourne – particularly in the CBD/Hoddle Grid which was recently the subject of a post-war heritage review – as well as in nearby municipalities such as Stonnington and Port Phillip.

4. Responses to submissions – appearing

53. This chapter contains my responses to submissions made where the submitter or their representative is appearing at the Panel hearing.

54. In my responses, direct quotes or summaries of the points raised by a submitter are provided in *italics*, followed by my response to each heritage-related issue raised.

4.1 HO6 South Yarra Precinct

55. Seven of the properties subject to a submission for which a submitter or their representative will be appearing are in the HO6 South Yarra Precinct. While the SYHR has split HO6 into five sub-areas, each with their own history and description, the areas share a single statement of significance. It is found in Appendix B to this evidence.

4.2 Subs. 4, 19-23 & 34 – 172-182 Walsh Street (HO6 Area 5)



Figure 1. 172-182 Walsh Street. (N Schmeder, 2023)

C426melb statutory recommendations

56. Previous status: 172-182 Walsh Street is ungraded (Non-contributory) in HO6 South Yarra Precinct.

57. Recommendation from the 'South Yarra Heritage Review', dated August 2022: change to Significant in HO6 South Yarra Precinct. The important aspects of this place are set out as follows in the SYHR (Vol. 4, page 716):

'Motstone' at 172–182 Walsh Street, built in 1960 is a highly intact three-storey block of cream brick flats elevated on a [sic] pilotis providing car accommodation underneath. The building is planned in a U shape providing a large central garden court open on its northern side. The building features curtain walls of

glass to the west (Walsh Street) and to the east (Airlie Bank Lane) which are divided into six equal bays with solid spandrel panels and bookended by sheer walls of cream brick. Cantilevered concrete balconies with thin metal balustrades and solid infill panels project forward of the main building line. Entry to the building is via a recessed double height glazed entry foyer off Walsh Street at the northern end of the building and is via a crazy-paving slate path and steps.

Response to submissions

Build date

58. Sub. 4: *My documents show it was built in 1974, whereas the GML report suggests 1960, 14 years difference. Can you please confirm your records?*
59. The 1960 build-date for 'Motstone' in the precinct citation is based on City of Melbourne building permit records. Stylistically, the materials and style are also typical of the early 1960s, and not the mid-1970s. Furthermore, the 1965 Sands & McDougall's Directory of Victoria records "Flats" at 174 & 176, indicating that 'Motstone' had been built by this time.
60. Submission 21 contains historical research, noting that the building originally had a single owner, but was strata tiled in 1974 – hence this date on Submitter 4's documents.

Architectural quality

61. Sub. 20: *I don't believe that 176 Walsh St is a particularly attractive building. The extensive use of concrete and what appears to be fibro-cement panelling/cladding reduces its appeal. ... The actual building is badly designed ... There is a very similar building in Domain Rd, east of Punt Rd. However, even if our building is unique, I don't believe that this is justification for it being made 'Significant'. Should we keep bad things simply because they are unique? ... I'm not sure about the significance of the rock walls. These volcanic rock walls seem to exist everywhere across Melbourne and I wouldn't have thought that they were unique or reflective of the area.*
62. The "very similar building" mentioned by Submission 20 is 'Domain Heights', 259 Domain Road, South Yarra, built in 1959. It is located in the City of Stonnington, just east of Punt Road. It was identified by the 'Stonnington Flats Heritage Study' (Context PL, 2011-2013) as a place of potential individual heritage significance. The draft citation notes the following:

This place was reviewed by Residential Flats in Stonnington Study Stage 2 (Context, 2011) and is recommended for detailed assessment in Stage 3. Domain Heights is a multi-storey block of studio apartments in the post-war International style. The development when originally completed also included the conversion of a Victorian house at the corner of Punt Road. While some alterations have been made (Most significantly, the creation of new apartments on the upper level) the building retains a relatively high degree of external integrity. Of note is the access via stairways and open galleries on the south side. It is of potential significance:

- *As a good example of the post-war Minimum flat type*
- *As an example of the multi-storey flat developments built in the post-war era*

63. As the Stonnington study focussed primarily on interwar flats buildings, 'Domain Heights' has not yet been assessed in full.



Figure 2. 'Domain Heights', 259 Domain Road, South Yarra (City of Stonnington). (Hermes database, 2011)

64. 'Domain Heights' does indeed bear similarities to 'Motstone'. They were built at the same time, both in the International style (a subset of Modernist architecture), with solid cream-brick walls contrasting with wholly or largely glazed curtain walls to the front façade, and an undercroft resting on concrete pillars (piloti) to allow for parking. The undercroft of 'Domain Heights', however, has been infilled with garage doors, reducing the original impression of the building "floating" over it. In comparison, 'Motstone' retains the original open character of its undercroft. In summary, the existence of the similar block of flats, 'Domain Heights', in another part of South Yarra does not call into question the heritage value of 'Motstone'. As it has been identified as a place of potential individual significance, this only supports the Significant category of 'Motstone'.
65. The volcanic rubble edging in the front setback is not the basis for the Significant grade of 'Motstone', instead it is important as a landscaping treatment that was typical in the interwar and early post-war periods, but does not always survive. The retention of an intact setting to this building enhances its heritage significance.
66. Sub. 4: *it is not appropriate for this building [to be in HO] as it is not of high architectural merit*
67. 'Motstone' is a substantial example of an apartment building type that was popular around 1960. It has very high integrity externally, retaining everything from hard

landscaping in the front setback to the original front door handle. Any replacement of cladding elements appears to have been with visually identical elements, retaining a high level of external integrity.

68. As part of my consideration of this group of submissions, and the appropriate heritage category for 'Motstone', I viewed all post-war flats in the SYHR study area, including those considered Significant, Contributory and Non-contributory. I found that GML Heritage had taken a considered and selective approach to the categorisation of these post-war flats. The most basic examples and those visibly altered (for example, façade brickwork covered in render) were categorised as Non-contributory.
69. The post-war flats GML Heritage categorised as Contributory tend to be largely intact, though in some cases window units have been replaced, brick overpainted, or an undercroft enclosed with garage doors. There are several Contributory flats that bear a resemblance to 'Motstone', in the use of cream-brick cladding, or large areas of glazing leading to projecting external balconies. Many of them are what are colloquially termed "six-packs", low-rise walk-ups situated on a single-house block with a narrow front façade. Examples of Contributory flats in HO6 which can be used in a comparative assessment of 'Motstone' are depicted below.



Figure 3. 53-59 Adams Street. (N Schmeder, 2023)



Figure 4. 41 Park Street. (N Schmeder, 2023)



Figure 5. 27-29 Bromby Street. (N Schmeder, 2023)



Figure 6. 37 Hope Street. (N Schmeder, 2023)



Figure 7. 123-131 Millswyn Street, (N Schmeder, 2023)



Figure 8. 51-53 Marne Street. (N Schmeder, 2023)

70. Many of the Contributory comparators, are more traditional architecturally than 'Motstone'. They have large expanses of brick-clad walls, punctuated by window openings, and 41 Park Street and 27-29 Bromby Street have traditional hipped roofs. In comparison, 'Motstone' is a far purer representation of the International style, with its largely glazed curtain wall set between brick wing walls, as well as a flat roof.
71. Looking at other post-war flats categorised by GML Heritage as Significant, there are several useful comparators. They are set out below:

- 209-211 Domain Road of 1950: Designed by architects Bernard Evans & Associates, this is an early example of Modernism – seen in the use of window walls and lightweight balconies to the mostly brick front façade, and the impression of a flat roof created by a parapet. It is transitional in that it retains aspects more typical of earlier eras, such as the hipped roof, dentilated cornice, and large expanses of brick walling.



Figure 9. 209-211 Domain Road. (N Schmeder, 2023)

- 36-38 Marne Street of 1960: Designed by émigré architect Anatol Kagan. Like 'Motstone' it is supported by piloti to create a floating effect, has a flat, Modernist roof, and stone accents. It differs in its use of more extensive brick walls, smaller windows, and recessed balconies.



Figure 10. 36-38 Marne Street. (N Schmeder, 2023)

- 77 Park Street of c1962: Like 'Motstone', this is a full-fledged example of the International style, with full curtain walls set between cream-brick wing walls. Similar lightweight projecting balconies are seen on the north side elevation.



Figure 11. 77 Park Street. (N Schmeder, 2023)

72. 'Motstone' compares well to the Significant post-war flats set out above, and together with 77 Park Street is an excellent example of International style expression. The two complement each other as they were designed with different orientations vis-à-vis the street.
73. I acknowledge, however, that none of the three comparators set out above are currently Significant in the Melbourne Heritage Overlay. In fact, like virtually all other post-war places in HO6, they were left ungraded by Amendment C258melb and previous heritage studies. For this reason, for the purposes of this panel hearing, I have also looked further afield at comparable post-war places in other parts of the City of Melbourne and in nearby municipalities, to test the significance of 'Motstone'.
74. As discussed in section 3.7.2, the most extensive assessment of post-war places in Melbourne is found in the Hoddle Grid Heritage Review (2020). A number of office buildings assessed in that heritage study share features with 'Motstone', and are useful comparators. These similarities are the use of a curtain wall filled with contrasting areas of clear glazing and coloured or solid spandrels, which was first introduced in the CBD in the mid-1950s and was popular until the mid-1960s.
75. This period of early post-war design is discussed in the Thematic History prepared as part of the Hoddle Grid Heritage Review (Context, 2020, Vol. 2b, page 14):
- Amongst the first curtain walled buildings to be constructed in Melbourne was the 13-storey glass-fronted Gilbert Court at 100 Collins Street (J A La Gerche 1954-56), which was built to the height limit of 132 feet (40m), and – perhaps the most influential – the free-standing ICI House, 1 Nicholson Street (Bates Smart & McCutcheon 1955- 58). Located on the outskirts of the Hoddle Grid, ICI House was clad on all four facades with glass curtain walling and exceeded the well-established maximum building height within the Hoddle Grid. Large numbers of similarly designed city commercial buildings followed, often displaying bold horizontal contrast between alternating rows of glazing and coloured spandrels.*
76. Several office buildings of this type were added to the Melbourne Heritage Overlay by Amendment C387melb. They include 276-278 Collins St of 1956-7 (Significant in HO502); 376-378 Bourke St of 1957 (HO1306); 43-51 Queen Street of 1957 (HO1365); 404-406 Collins St of 1958-61 (HO1008); 265-269 Collins St of 1959-60 (Significant in HO502); and HO1344 258-264 Lt Bourke St 1961.
77. 'Motstone's' build-date of 1960 sits within the date-range of these curtain-wall office buildings in the CBD, indicating that it was stylistically up-to-date for its time.
78. While many of the comparators in the CBD are far larger towers than 'Motstone', several are more modest in size and more closely comparable. They include:
- Former Coles and Garrard Building, 376-378 Bourke Street, of 1957-58 – a five-storey commercial building designed by architects Meldrum & Noad, with a front aluminium-framed curtain wall with alternating bands of clear glazing and blue spandrels. Side walls are rendered brick. Ground-floor shopfronts are heavily altered. It is locally significant as a representative example (Criterion D) of a highly intact Post-War Modernist style office building, displaying a modular, industrial Bauhaus-

inspired aesthetic. Its inclusion in the Heritage Overlay was opposed by its owners, but supported by the C387melb planning panel (10 Nov 2021). The panel found that while the 'building is a lower scale representative example of the full-glazed curtain wall building typology ... Criterion D is met' (page 131).



Figure 12. 376-378 Bourke Street, Melbourne (HO1306). (Context, Hoddle Grid Review, Vol. 2b, page 81)

- Another, relatively small, example of this type is the former Atlas Assurance building, 404-406 Collins Street, Melbourne (HO1008) of 1958-61. Designed by H Garnet Alsop & Partners, it is an 11-storey steel framed reinforced concrete office building. The façade was refurbished in 2001. It is of local representative significance as 'as a relatively intact, curtain-walled office building from the postwar period and demonstrating the style embraced by local architects by the late 1950s. In particular it employs a curtain-wall façade that makes the transition from the all-glass wall to the combination of solid spandrels of masonry, coloured glass or enameled metal sheeting of the 1960s. (Criterion D)'. It is also of local aesthetic significance for details such as the use of marble spandrels in the aluminium curtain wall (Criterion

E).



Figure 13. 404-406 Collins Street, Melbourne (HO1008). (Context, Hoddle Grid Review, Vol. 2b, page 495)

79. The inclusion in the Heritage Overlay of two of the late 1950s and early 1960s curtain-walled office buildings (376-378 Bourke Street and 43-51 Queen Street) was opposed by their owners, but supported the Amendment C387melb planning panel. Issues raised by objectors included some similar points raised in relation to 'Motstone' including:

- 376-378 Bourke Street – 'The submission considered that the building's structure and presentation was poor and requires significant upgrading' (page 131). In response, the Panel cited its general discussion that the costs of maintenance, future development and economic impacts should not be considered at the amendment stage (page 29). The C387melb Panel supported its inclusion in the HO.
- 43-51 Queen Street – Designed by Bates, Smart & McCutcheon in 1958. An objecting submission from the Australian Institute of Architects questioned its heritage significance due to alterations to its ground floor and because 'it was an infill building of limited merit' (page 195). In response, the Panel noted its 'high degree of intactness above ground level' and disagreed that it has "limited merit", considering that the building 'is comparable to other identified curtain wall glass examples' (pages 195-6). The C387melb Panel supported its inclusion in the HO.



Figure 14. 43-51 Queen Street, Melbourne (HO1365). (*Context, Hoddle Grid Review, Vol. 2b, page 911*)

80. While these CBD examples share some key features with 'Motstone', they are a different building type at a different scale. For this reason, it is also useful to compare it to other blocks of flats from the same era. To find such examples, I have looked at examples in surrounding municipalities, either already in those heritage overlays or recently assessed as being of individual significance to those municipalities. As discussed in section 3.7.3., this approach is considered useful in the absence of a full-municipality post-war heritage study.
81. As mentioned above, 'Domain Heights in the Stonnington part of South Yarra was identified as a place of potential individual significance, however, a full assessment of this place has not been carried out.
82. An even more closely comparable example are the three-storey 'Rocklea Gardens' flats at 50 Hotham Street, St Kilda East (Port Phillip HO293). They are noted as a 'fine, well preserved and high quality example of apartment design of 1960. Features include the curtain glass walling and projecting balconies to the symmetrical front elevation, the stylish front entrance foyer with elevator and internal access to all apartments, the well maintained landscaping and the preservation of the original colour scheme, particularly the aqua highlights' (Port Phillip Heritage Citation No. 2017). The designer has not been identified. The windows are described as a 'continuous band of timber-framed windows/openings' (RBA Architects, Review of HO7, 2020, Citation 920, page 8). Note that the original colour scheme has since been overpainted.
83. 'Rocklea Gardens' are similar to 'Motstone' in their build-date of 1960, the similar materiality (curtain glass walling), the use of projecting balconies, stylish entrance foyer, and retention of some original hard landscaping. 'Rocklea Gardens' also have similar cream-brick wing walls framing and projecting slightly forward and above the inset

curtain walls. The main design differences between the two are the use of continuous balconies with solid balustrades ('Rocklea Gardens') v. singular, lightweight balconies ('Motstone'), and the position of the entrance as recessed at the centre of the building ('Rocklea Gardens') or as a separate volume to the side ('Motstone'). As such, they are a variation on the same type and are of equivalent design quality.



Figure 15. 'Rocklea Gardens' flats at 50 Hotham Street, St Kilda East (HO293). (N Schmeder, 2023)



Figure 16. A clearer view of 'Rocklea Gardens', sans trees, from an early advertisement. (The Age, 26 May 1962, page 40)

84. Overall, 'Motstone' is slightly more intact than 'Rocklea Gardens'. Both have undergone some window replacement, but the solid balcony balustrades and front face of the wing walls of 'Rocklea Gardens' have been over-rendered, stone edging to the garden beds is c1980s bluestone pitchers, and timber lattices have been added to the balconies (visually intrusive, but reversible).
85. In conclusion, in my expert opinion, comparative analysis, both within and near the City of Melbourne, provides a very strong basis to categorise 'Motstone' as Significant.
86. Sub. 21: *The submitter discusses the drawbacks of "six-pack flats". He also provides historical details from the permit application file at PROV. For instance, the building was taller than normally allowed by zoning at the time, suggesting its construction was not entirely legal.*
'Given there are thousands of six pack flats in inner Melbourne; the architect responsible has not been attached to any historical significance for his craft; the building methods are rudimentary.'
87. While I acknowledge that GML Heritage have listed 'Motstone' amongst so called 'six-pack' flats (Vol. 4, page 715), I am not convinced that it should be categorised as such. Instead, I consider six-packs to be a sub-category of post-war walk-up flats, that are generally constructed to replace a single-family home, and thus are arranged lengthwise along a narrow site often with minimal expression to the front façade. Post-war architecture expert Professor Phillip Goad refers to 'speculative, so-called "six-pack" flats [that proliferated] across the greater Melbourne area'. Goad also cautions against conflating 'well-designed 1960s walk-up flats', such as those by Ernest Fooks, with them ('Nucleus meets the Minimum: Ernest Fooks, the small house and the flat in post-war Melbourne' in *RMIT Design Archives Journal*, Vol. 9, No. 1, 2019, page 56).
88. The submitter has very selectively chosen quotes from his sources. For example, he quotes a conference paper by University of Melbourne academics Catherine Townsend and Professor Alan Pert on the 'multitude of structural impediments' of so-called six-pack flats ("The worst disaster" ever to blight Melbourne's residential landscape. Six-pack flats, rhetoric, and the stigmatisation of an important urban housing typology in post-war Melbourne, Australia.' Conference paper presented at IIAS Research Group Conference, 2020). The full sentence from which this phrase comes is actually positive in nature. It reads: 'Despite the weight of negative rhetoric and multitude of structural impediments the six-pack typology was hugely successful: they still number in the hundreds of thousands' (page 5).
89. Townsend and Pert's conference paper is, in fact, a call for re-evaluation of the so-called six-pack flat and its value. (NB: They defined them as 'brick two to three-storey walk-up flats, often raised on piloti to provide car-parking', built as infill development (page 1)). While acknowledging that the 'meanest of the six-pack type were cramped, with little access to sunlight and open space', their 'investigations show that many six-pack apartments transcend this criticism and the type has provided spacious, light-filled, affordable accommodation' (page 1).

90. Whether or not 'Motstone' meets the definition of a six-pack flats building, architectural historians are currently considering each of these buildings on their merits, as GML Heritage have done.
91. As I have set out above, in my expert opinion, a comparative analysis of 'Motstone' considering its merits against other post-war flats in South Yarra and in the City of Port Phillip, as well as with office buildings in the Melbourne CBD, clearly demonstrates that it is Significant for its International style design.
92. As discussed in section 3.7.2, while post-war heritage has not been valued or protected in the past, State bodies Heritage Victoria and the Heritage Council of Victoria have led the way in this space, and many local councils have followed suit with heritage studies either devoted to post-war heritage or including it in broader gap studies.
93. The SYHR has been carried out in keeping with the recommendations of the Heritage Council of Victoria's *State of Heritage Review* (2020) in that it is reconsidering interwar and post-war places, both individual places outside precincts and those within existing HO precincts such as 'Motstone'.
94. Further, in my professional opinion, there is no requirement for the architect (Charles J White) to be well-known to judge that a building is a good example of its type. There are many places in municipal heritage overlays where the designer is unknown or it is known to be a builder's design. In this case, the comparative analysis of 'Motstone' with curtain-walled office buildings in the CBD demonstrates the current architectural trends when White designed these flats. It is his design competence, not the name of the architect, that has contributed to their significance as an example of International style flats.

Building condition and intactness

95. Sub. 4: *it is not appropriate for this building [to be in HO] as it is ... is of very poor integrity /condition.*
96. Sub. 19: *Given the age of the Property, its unsightly appearance, its poor skin integrity ... the Property is of nil historic and architectural character to warrant its reclassification ...*
97. Sub. 21: *Renovations to the exteriors of many flats (particularly west facing) have already occurred (not seen or mentioned in the Statement of Significance) which already affects 'the typical externally intact' façade. It should be noted that part of the windows were deemed dangerous (safety risk to the public) and had been temporarily held in place with metal brackets. Additionally, some of the timber windows have already been replaced with aluminium windows.*
98. Sub. 22: *Buildings of the 1960s era (such as this building) were notoriously poorly designed from the point of view of sustainability. They were built cheaply, and were never meant to last. The thermal properties of this building in particular are quite poor, with its large uninsulated window walls, which means they get very cold in winter. Most flats do not have a northerly aspect, so do not benefit from winter sun. All residents have high heating bills, which means high greenhouse emissions. Improving the heat retention of a building of this design would be very difficult. The replacement of windows with*

aluminium units, as described in submission to you by [Submitter 23] on behalf of other owners of this building, would go some way to improving this (if double glazing were incorporated) ...

99. Sub. 23: *The submitter discusses the need for building upgrades.*

100. As discussed the introduction to Chapter 4, planning panels have consistently supported the view that heritage value is not determined by condition, while acknowledging that there are extreme circumstances where an entire place will be lost due to poor condition. In such cases, there is a very high bar to demonstrate that there is imminent danger of collapse, and no such evidence has been provided in regard to 'Motstone'.

101. In regard to integrity, the replacement of cladding elements and windows to the west elevation of the building appear to have been done with visually identical materials, so there is still a high level of integrity to the original design. In my professional experience, this sort of replacement – particularly with more thermally advanced materials – is considered an important step in preserving post-war buildings while increasing their comfort and efficiency, so long as it is done with care to preserve the original appearance of the building.

Relationship to streetscape

102. Sub. 19: *Given ... the architectural appearances of adjacent and other buildings constituting the streetscape of, and creating its context, in Walsh Street, it is submitted that the Property is of nil historic and architectural character to warrant its reclassification ... the Property's appearance does not enhance and certainly does not complement the streetscape of Walsh Street. Its envelope, height and bulk and its line of sight is very different to that of adjacent and other buildings in Walsh Street.*

103. I agree that Area 5, and much of HO6 overall, has a mixed character. This includes a number of post-war flats (1945-70) and slightly later dwellings scattered around the area, with a concentration between Walsh Street and Punt Road. The location of post-war development in Area 5 is illustrated by a map from the SYHR, below:

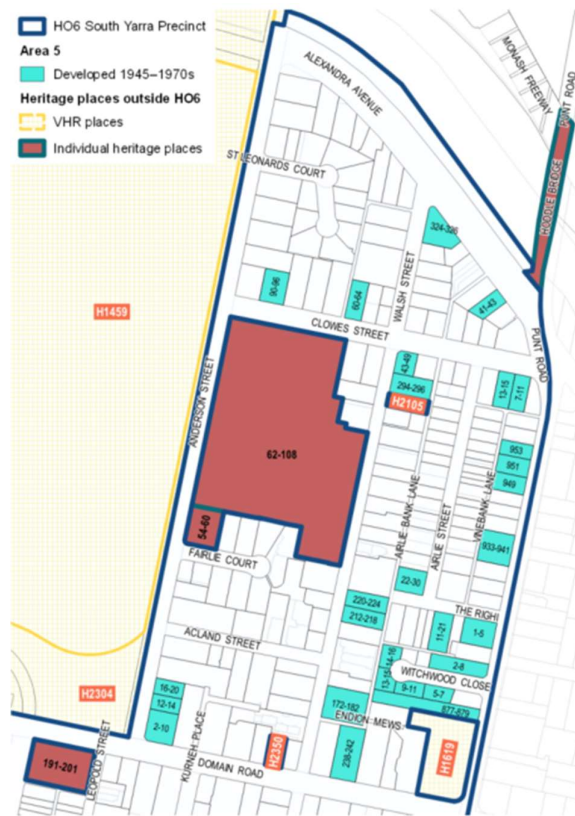


Figure 17. Diagram showing, in blue, the buildings developed 1945-70 in Area 5 of HO6 South Yarra Precinct. (GML Heritage, Vol. 4, page 714)

104. This mixed nature of development is considered a key defining feature of much of South Yarra. As discussed in section 3.7.1, the HO6 South Yarra Precinct statement of significance introduced by Amendment C258melb recognises post-war development as part of the precinct's significance, even if heritage categories were not updated to reflect this at the time.
105. While there are also heritage precincts that focus on only one or two periods of development, in my professional experience, this approach is often not appropriate for areas that feature a wider range of important development.
106. As the post-war period, and post-war flats, are considered to contribute to HO6 South Yarra Precinct both by the C258melb statement of significance and the once revised by GML Heritage for the SYHR, it appropriate to recognise 'Motstone' as contributing to the overall significance of the precinct. This is despite the larger scale introduced by a number of blocks of flats and apartment towers seen in the HO6 area including 'Motstone' and the towers Domain Park of 1962, and Fairlie of 1961.
107. I acknowledge that post-war places are not specifically mentioned in the SYHR for HO6 in the list of "what" is important in Area 5, in fact only the section devoted specifically to Area 1 mentions post-war places. The "what" section does, however, cover 'post-1945 buildings (with varying heights)' throughout the entire precinct. Similarly, in defining "why" HO6 as a whole is significant, there is mention that the 'South Yarra Precinct is distinguished for its array of mixed-era development. This

resulted in the area having a rich combined architectural and streetscape character' (Criterion A). And in regard to aesthetic significance (Criterion E): 'The precinct contains a large number of blocks of residential flats from the interwar and postwar periods.'

108. I note that, even if the HO6 statement of significance were revised to exclude post-war development from contributing to the precinct, 'Motstone' has been assessed as a Significant place. In the words of the City of Melbourne's definition of a 'significant heritage place', it is one that 'is individually important at state or local level, and a heritage place in its own right'. As a place of local (or greater) significance, it would thus warrant protection in a site-specific HO.



Figure 18. Main entrance of 'Motstone'. Note the rubble-stone edging, crazy-paved path and steps, and original door hardware. (N Schmeder, 2023)

109. As I have concluded from my comparative analysis, 'Motstone' is indeed important at the local level for its International style design, reflecting the early post-war introduction of the curtain-wall form contrasted against the expressed heavy structure of the brick wing walls between which it is suspended, for its high level of integrity, and the retention of details such as the original entry door hardware and hard landscaping elements.

Conclusions and recommendations

110. In conclusion:

- 'Motstone' retains a high level of external integrity, of the building and its landscaped setting. Replacement of cladding elements with visually identical ones has preserved its original appearance and integrity.
- Comparative analysis demonstrates that 'Motstone' is one of the most substantial and complete representations of the International style amongst blocks of flats in South Yarra. It also demonstrates the new visual language of curtain-walling, used concurrently on CBD office buildings that are Significant in the Melbourne Heritage

Overlay. Furthermore, it is closely comparable to a 1960 block of flats that is Significant in the Port Phillip Heritage Overlay.

- The multi-era development of South Yarra is appropriately recognised as part of the heritage significance of HO6, so it is appropriate to recognise the contribution of both Contributory and Significant post-war flats to the precinct.
- Post-war development, mainly flats, is also spread over Area 5 of HO6, most examples – including ‘Motstone’ – are concentrated in the section between Walsh Street and Punt Road, so this is clearly part of Area 5’s significant character.

111. On this basis, the Significant category is appropriate for ‘Motstone’, 172-182 Walsh Street.

112. No changes are recommended in response to these submissions.

4.3 Late sub. 45 – 233-235 Domain Road (HO6 Area 4)



Figure 19. 233-235 Domain Road. (N Schmeder, 2023)

C426melb statutory recommendations

113. Previous status: 233-235 Domain Road is Contributory in HO6 South Yarra Precinct.

114. Recommendation from the ‘South Yarra Heritage Review’, dated August 2022: change to Significant in HO6 South Yarra Precinct. The important aspects of this place are set out as follows in the SYHR (Vol. 4, page 672):

‘Elm Tree House’, 233–235 Domain Road built in c1857 for William Macredie and later owned by Harry Emmerton, father of Dame Mabel Brookes. The building has been altered over time but the original form is still legible [sic]. Remnants of what may have been the original gable roofed house with slate roof are visible from Domain Road and Walsh Street and have been engulfed with flat roofed extensions dating from the 1960s. The building is currently occupied by the Istituto Italiano di Cultura (Italian Cultural Institute).

Response to submission

Intactness

115. ... advice from heritage expert Bryce Raworth Pty Ltd that there is no basis for a “Significant” listing given the extensive alterations, particularly in the 1960s, that have been made to the building.
116. Elm Tree House is noted in the GML Heritage citation for HO6 as one of ‘A number of early residences to remain in the precinct’ (page 664), and as the ‘earliest extant house in the precinct’ (page 672), though it is not one of the early houses mentioned by name in the precinct statement of significance (‘Area 4, including ... a number of early houses (such as those at 98–110 Walsh Street and 107–111 and 113–117 Walsh Street and 249 Domain Road and 255 Domain Road) which reinforce the traces of the earliest layer of residential development in this area’). This may be in acknowledgement of the large addition of 1960 that wraps around it, so it is not put forward as a representative example of early development.
117. To understand how much of its original or early built form survives and is legible, I have consulted a number of primary sources, as set out below.
118. In keeping with its c1857 build-date, the subject site was empty on Kearney’s 1855 Plan of Melbourne and its Suburbs (reproduced on page 664 of the SYHR). By 1866, there was a building on this site, shown on Cox’s plan of the area (page 566), but it has an entirely different orientation (running east-west) than today’s building (which runs north-south). As shown below (circled), this suggests that the c1857 building may have been entirely rebuilt or replaced between 1866 and 1896 (compare with the 1896 MMBW plan, further down).



Figure 20. Site of Elm Tree House, at the south-east corner of Domain Road and Walsh Street, in 1866, as shown on Cox’s plan (GML Heritage, Vol. 4, page 566)

119. The rebuilding might correspond to a change in the way the house was addressed between 1880, when William Macredie was recorded in the Sands & MacDougall street directory on Domain Road, and 1885, when the property’s address began to be consistently listed on Walsh Street. Certainly, the building footprint, as shown in the 1896 MMBW Detail Plan (Nos. 899 & 900), indicates it was oriented toward Walsh Street, with a front verandah on this elevation.

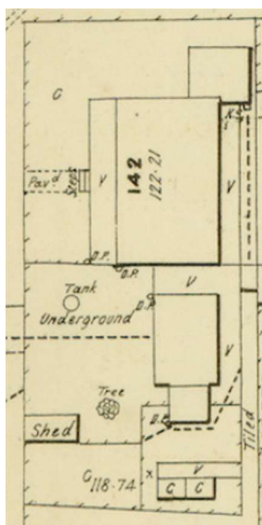


Figure 21. The subject property in 1896, when its address was 142 Walsh Street. Note the front path and front verandah facing Walsh Street. (Detail from MMBW Detail Plan No. 899 & 900 of 1896)

120. While no works are recorded to the house between 1916 and 1959 on the City of Melbourne building card for 233-235 Domain Road, there is a series of works listed to the place under its earlier address, 142 Walsh Street (reproduced below). These include an application dated 21 Aug 1923 for 'Erection of new bay to sitting room'. There were also 'Alts & addns. to building' (at a substantial cost of £2,450) applied for on 16 Jan 1941, and a new fence at the same time, which may be associated with Norman and Mebel Brookeses' first move to Elm Tree House during the war (as discussed below).

EXPENDITURE				VALUE	PARTICULARS
1923	APPLN. NO.	MISC.	T.C. FILE		
Aug 21 1925	5474			£60	Creation of new bay to sitting room
Feb'y 3 1941	7157			£25	Installation of portable garage at dwelling house
Jan'y 16	21783			£2450	Alter + addn to building
Feb'y 24	42580			—	Fence

STREET WALSH ST. SOUTH YARRA NO 142

121. The 1923 'new bay to sitting room' appears to be a projecting gabled bay on the west (front) elevation of the house. It is visible in a c1930s raking aerial photograph:



Figure 22. Raking aerial, looking at Elm Tree House from N-NW, c1930. To projecting gabled bay is at the right, next to the “W”. (Detail of an image held by the Stonnington Historical Society, and reproduced on page 9 of a VCAT report by Bryce Raworth appended to Submission 43)

122. Examining the building from the footpath, I noted that the small, single-storey wing fronting Domain Road had been refurbished with a render finish and c1960 single-pane windows. Set to its south is a two-storey gabled volume with terracotta airbricks which were common in the late 19th century and early 20th century, when they superseded cast-iron airbricks. This suggests the first floor was built or altered after 1857.
123. There is more definitive and detailed documentation of the alterations and extensions made for the Brookeses in 1960. These plans are held by the City of Melbourne, and I viewed them at the council offices. These works were designed by the ‘Office of Guilford Bell’. These plans indicate that:
- A small single-storey addition was made between 1896 and 1960 to the north end of the house, between the single-storey room and the main two-storey volume.
 - The 1960 works included demolition of the western (front) verandah, the projecting gabled bay at the centre of the west (front) façade, the entire west front wall (both of the main part of the house and the southern wings), and the post-1896 north-end addition mentioned in the point above.
 - This leaves the projecting single-storey room at the north-east corner and the two-storey built form behind it as the only part of the pre-1960 elevations that survive; both of these are side elevations.
124. These changes are illustrated on extracts of the 1960 plans, below. The existing external walls to be demolished were shown by dashed lines. For greater clarity, I have highlighted all external walls demolished at this time:

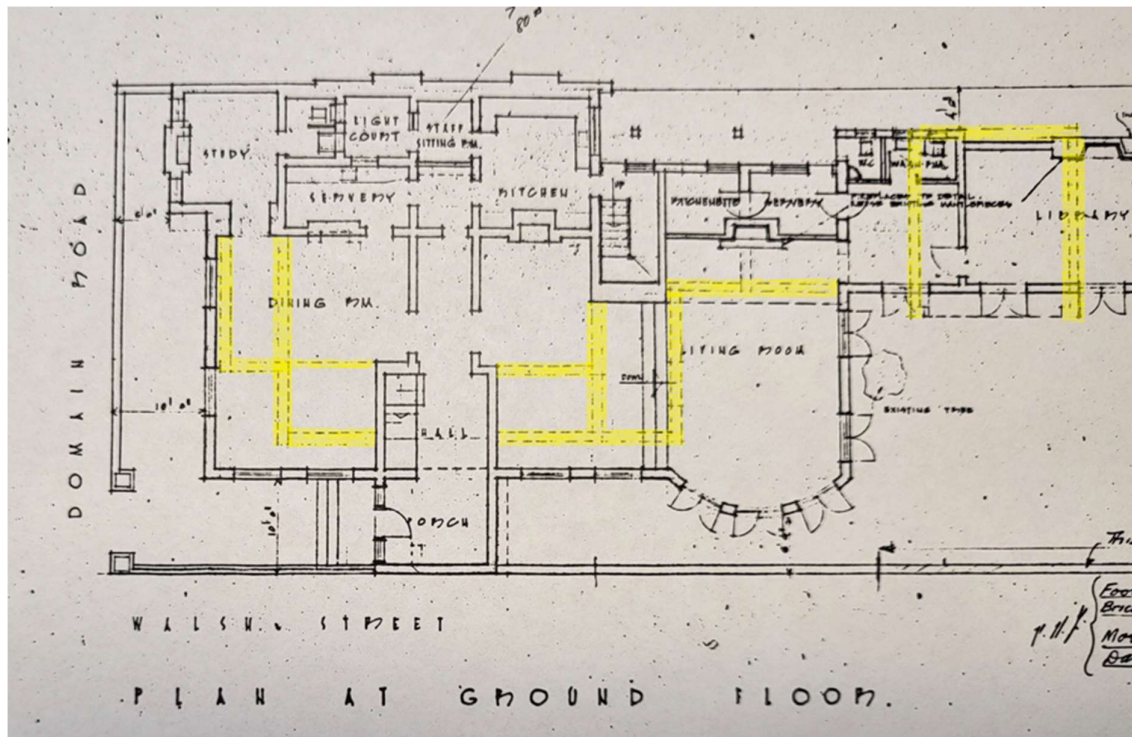


Figure 23. Ground floor plan, with highlighted dashed lines indicating the demolition of the front wall and front verandah, facing west to Walsh Street, the original north wall and the post-1896 addition to it. (Office of Guilford Bell, Building Application No. 34426, 26 Sept 1960)

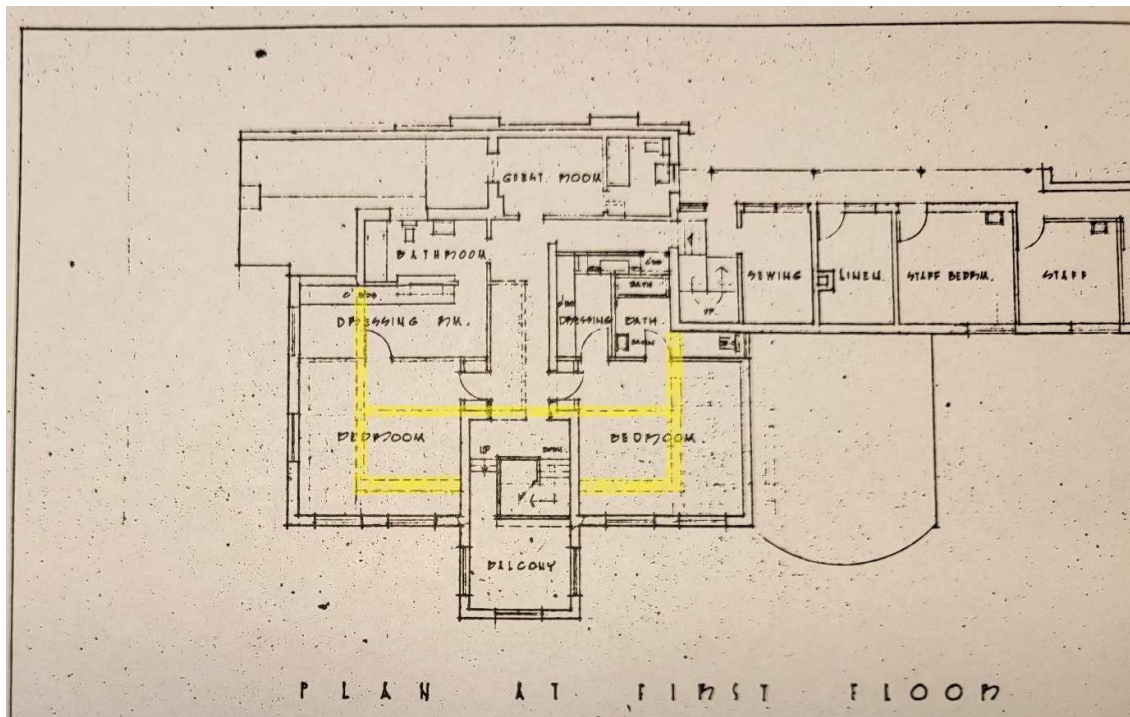


Figure 24. First floor plan, with highlighted dashed lines indicating the demolition of the front wall and front verandah, facing west to Walsh Street. (Office of Guilford Bell, Building Application No. 34426, 26 Sept 1960)



Figure 25. North elevation, showing the new flat-roofed addition which wraps around the Domain Road and Walsh Street two-storey section. The highlighted dashed line shows the projecting gable that was demolished in 1960. Office of Guilford Bell, Building Application No. 34426, 26 Sept 1960)

125. In summary, it appears that the c1857 house was replaced or largely remodelled some time between 1866 and 1896, probably c1880-85, so this place may not contain the remains of the earliest house in the precinct. If it does, then the single-storey volume on Domain Road may be the sole surviving 1857 element. The house that existed in 1896 had a front façade and verandah facing Walsh Street. This entire façade, as well as the projecting gabled bay and more than half of the north elevation facing Domain Road, were demolished in 1960 to allow a flat-roofed addition designed by the Office of Guilford Bell.
126. As the principal façade of the early house was demolished in the 1960 works, in my expert opinion, the place is no longer of local significance in relation to the early built form (without historical or architectural significance in this respect). While not intact, the gabled 19th-century sections of the house are still identifiable as early – in relation to the 1960 addition – and thus illustrate the multi-era development of this place.
127. As the 1960 works were the design of the office of a respected Modernist architect, it is also worth considering if the place is significant because of these alterations.
128. Guilford Bell (1912-92) began private practice in Melbourne in 1952, and designed houses for many wealthy clients. By the mid-1950s he was best known for residences that were ‘bastions of privacy with blank walls to the street, partly for orientation and partly to present a totally anonymous urban face ... Bell houses had plans that involved axes, symmetry and carefully orchestrated sequences of entry, reception and opening of

views onto courtyard gardens' (P Goad, *Encyclopedia of Australian Architecture*, 2012, pp. 77-78).

129. Bell's 1960 additions to Elm Tree House display a Modernist massing, with flat roofs, but the constraints necessarily involved in extension instead of a new build means that the key design characteristics of his oeuvre are not visible here, such as the blank public-facing public wall or the creation of a courtyard. While Bell's addition contrasts against the gabled form of the earlier house, it is sympathetic in that it retained a visible part of the earlier building, leaving the layers of history on display.
130. In conclusion, while the choice of Modernist architect Guilford Bell to remodel and extend Elm Tree Cottage is indicative of an up-to-date sensibility by the owners and a desire to leave the multiple eras of the house visible, in my expert opinion, these works are not of individual representative or aesthetic significance as a Guilford Bell design. The additions do, however, illustrate the post-war period of development of the HO6 precinct, and contribute to it for this reason.

Social significance

131. Volume 1 provides rationale for the change in heritage category including "Of social value". As the building has, until recently, housed the Italian Cultural Institute, which has a public use, I assume this is source of the potential social significance.
132. GML Heritage does not indicate for how long the Institute has occupied the building, but I assume they acquired it some time after Dame Mabel's death in 1975. Their ownership of the property may have occurred as late as 2012 when the Institute became the owners under the Torrens Title system (Vol 11386/ Fol 696) – prior to this it was recorded under the Old Law system (Application No. 114604E), which I have not investigated. While I agree that it is possible that there is a defined community with a strong and special attachment to this place, there is no discussion or documentation of this possibility in the SYHR. In my expert opinion, it is reasonable in carrying out heritage assessments to assume that there is social significance for places of community use, such as churches and schools, but such un-investigated assumptions should not be the sole basis in demonstrating local significance.
133. With this in mind, I do not consider it appropriate to attribute the Significant category to Elm Tree House solely on the basis of social significance. I also note that this value is not expressed in the statement of significance for HO6.

Associative significance

134. The GML Heritage discussion of the subject house in the Area 2 History section raises information in regard to prominent occupants of and visitors to the house, suggesting potential associative significance (Criterion H):

The Elm Tree House was built for William Macredie. The Macredie family lived at the house until the 1920s, when it passed into the estate of Harry Emmerton, father of Dame Mabel Brookes who lived in the house and entertained US President Lyndon B Johnson there in 1966.

135. William Macredie (1813-1891) is recorded in the *Australian Dictionary of Biography* (M Tipping, 1974), and is recorded as an insurance manager and philanthropist. His

entry notes that in 1858 he 'built Elm Tree House at the corner of Domain Road and Walsh Street' and died there in 1891. There is no indication that he remains a person of such importance that his original creation of Elm Tree House would lend it local significance (under Criterion H).

136. Dame Mabel Brookes, on the other hand, was a far more important owner and sometimes-occupier of Elm Tree House. As noted in by GML Heritage in the SYHR, she grew up nearby in her father, Henry Emmerton's, mansion Raveloe (203 Domain Road). In the 1920s Elm Tree House passed into her father's estate, and thence into Mabel's ownership.
137. Mabel Emmerton married tennis star and company director Norman Brookes in 1911. After World War I, they resided at Kurneh, on the north side of the street from her childhood home (since demolished). During World War II, they temporarily moved to Elm Tree House, donating their mansion for temporary use by the Red Cross. As noted above, they commissioned alterations and additions in 1941 in relation to this move. The Brookeses returned once more to Elm Tree House near the end of their lives, in 1960, after greatly enlarging and altering the house (to designs by the Office of Guilford Bell). By this time, Norman was 82 years old and Mabel was almost 70. Judging from his ADB entry, Norman was well past his productive years, but this was not the case for Mabel. Well known as an author, volunteer and collector of Napoleanana, she continued her productive years while at Elm Tree House, publishing novels and her memoirs, and was appointed to the French Legion of Honour in 1960. She died in 1975, after spending 15 years in the remodelled house. (See *Australian Dictionary of Biography* entries for Sir Norman (WH Frederick, 1979) and Dame Mabel (JR Poynter, 1993))
138. It is also of potential significance that a US president was entertained by Dame Mabel at the remodelled house, both in indicating her social standing and possibly in relation to associations with the US president himself. According to her entry in the *Australian Dictionary of Biography*, 'she entertained an extraordinary range of visitors to Melbourne, frequently at the request of State or Federal governments'.
139. I consider it possible that this place meets the threshold of local significance for its associations with Dame Mabel Brookes, however, the HO6 statement of significance does not call upon Criterion H as part of the precinct's significance. It would require a separate assessment to further interrogate the potential associative significance of Elm Tree House and whether it warrants a site-specific HO to recognise its individual significance for reasons unrelated to the precinct.
140. As it does not meet the threshold of local significance in relation to the precinct's significance, either historical or aesthetic, I conclude that Elm Tree House should not be changed to a Significant category. Its visually apparent multi-stage development does, in my expert opinion, contribute to an understanding of the evolution of South Yarra from the Victorian through the post-war era, and thus this place contributes to its historical significance.

Conclusions and recommendations

141. In conclusion:

- Elm Tree House retains very little or perhaps no built form from the original c1857 structure, as it may have been remodelled or rebuilt c1880-85. The most probable surviving 1850s element is the single-storey volume at the north-east corner of the site, facing Domain Road. On this basis, the place is not of local heritage significance as one of the early houses in South Yarra, and does not satisfy Criterion A to the threshold of local significance. Its retention of some 19th-century built form still contributes to the precinct.
- From at least 1896 the front façade of the house faced Walsh Street (west), and this frontage was demolished in 1960 to allow for the L-shaped addition designed by the Office of Guilford Bell. There is no indication that the surviving 19th-century built-form or the 1960 addition are of aesthetic significance at the local level. It does, however, assist in illustrating the post-war stage of development in HO6, and contributes to this aspect of the precinct's significance.
- The 1960s works are closely associated with Dame Mabel Brookes, who was a notable Victorian, and who continued her social, charitable and writing work while at Elm Tree House. This association may confer local significance on Elm Tree House, but this would have to be assessed in detail to confirm, and would require another amendment to create a site-specific HO recognising that its reason for significance is not related to the HO6 precinct.

142. On this basis, Elm Tree House, 233-235 Domain Road, should remain Contributory to HO6 for its contribution to the historical significance of the precinct, and not be recategorised as Significant.

4.4 Late sub. 42 – 55-59 Marne Street (HO6 Area 3)

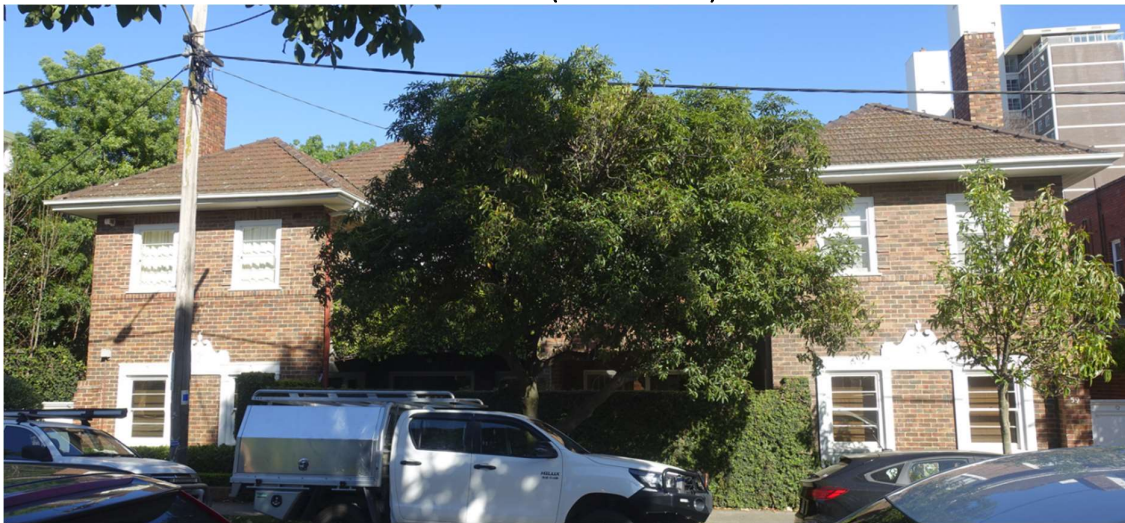


Figure 26. 55-59 Marne Street. (N Schmeder, 2023)

C426melb statutory recommendations

143. Previous status: 55 Marne Street is ungraded (Non-contributory) in HO6 South Yarra Precinct. On the other hand, 57-59 Marne Street is Contributory in HO6 South Yarra Precinct. Together, these two properties form a single building, comprising two semi-detached dwellings.

144. Recommendation from the 'South Yarra Heritage Review', dated August 2022: change 55 Marne Street to Contributory in HO6 South Yarra Precinct (retaining 57-59 Marne Street as Contributory).

Response to submission

Heritage category

145. ... *the sheer number of flats and the high quality of many sets a 'high bar' to achieve the threshold of significance at the local level. In my opinion, I do not believe 55 Marne Street (and its attached pair, 57-59 Marne Street) satisfies the threshold of local significance. ... I agree with the assessment made by GML Heritage that the most appropriate grading for 55 Marne Street is Contributory.*
146. The submitter is correct that Submission 25 from the Melbourne South Yarra Residents Group proposes a change in heritage status – from Contributory to Significant – to 120 properties in HO6 South Yarra Precinct and the Pasley Street and Park Place Precinct that once formed a part of it. These recommendations are based in part on advice from heritage architect Nigel Lewis.
147. Among these places, Submission 25 proposes that the semi-detached dwellings at 55 and 57(-59) Marne Street be changed from Contributory to Significant. As with most places in the submission, specific rationale for the proposed change is not provided. Nor could I find any specific mention of this pair in the document upon which much of Submission 25 is based upon: Nigel Lewis' 'South Yarra Heritage Review: Proposed Heritage Overlay Precincts and Statements of Significance', Dec. 2020, prepared for the Melbourne South Yarra Residents Group.
148. While GML Heritage has agreed in a number of cases that a small number of properties should be changed to Significant, and a few streetscapes also recognised as significant, this is not one of them.
149. [Heritage advice from David Helms] ... *While it was designed by Robert B. Hamilton, it is one of many flats designed by him. ... The association with Hamilton for 55 and 57-59 Marne Street is better expressed at the precinct level under Criterion A as one of several architect-designed interwar flats in Marne Street. ... I agree with the assessment made by GML Heritage that the most appropriate grading for 55 Marne Street is Contributory*
150. I agree with the opinion set out by Mr Helms that this is a relatively modest though intact architectural composition and not one that is close in architectural quality to Significant interwar dwellings in South Yarra or to the most recognisable of RB Hamilton's works.
151. I also agree that a Contributory status for both parts of the pair is appropriate, as Marne Street was primarily developed during the interwar period, so it assists in illustrating this important phase of Area 3 and the HO6 precinct as a whole.

Documentation for Significant places

152. *In his heritage advice memo, dated 29 Aug 2023, heritage consultant David Helms quotes PN01 'Applying the Heritage Overlay' that places can be included in the Heritage Overlay 'provided the significance of the place can be shown to justify the application of*

the overlay' and 'The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.'

153. While Mr Helms does not state it directly in his memo, I assume he is pointing out that no clear case has been made that the subject semi-detached pair is Significant at the local level in relation to the model (Hercon) criteria.
154. I agree that no case has been made for the individual significance of the semi-detached pair, either by Submission 25 or in the GML citation.
155. As a general principle, however, I do not agree that every Significant place in a heritage precinct requires a separate statement of significance. A range of more abbreviated approaches have been developed by heritage consultants and judged to be sufficient by panels. For example, in the eight successive volumes of the Boroondara Municipal-Wide Heritage Gaps Study, carried out from 2016 to 2019 under my direction, mention was made of each Significant place in a heritage precinct in the history and description sections. We also noted in the precinct statement of significance the Significant places (in “What”), and again in “Why” in the text devoted to the criterion they met at a local level. There was no separate comparative analysis or statement of significance for these places. None of the panels reviewing these eight studies found this level of documentation to be insufficient (Boroondara C266, C274, C284, C294, C306, C308, C333 and C337).
156. In the case of the large HO6 South Yarra Precinct, there is a very high number of Significant places within it, so it would result in an even longer statement of significance (than the current five pages) if there was a sentence or more devoted to each Significant place. Instead, GML Heritage has taken a different approach, with a separate paragraph about each Significant places within the text of the citation. These texts are found in the Descriptions of each of the five areas within HO6. Each summarises the key historical facts (e.g. first owner and designer), and describes key features of the place.
157. There is not, however, always an obvious explanation of which Hercon criterion or criteria a Significant place meets at the local level. In some cases, this can be easily inferred from the statement of significance. For example, in Area 3, there is reference both in “What” and “Why” to ‘refined architect-designed blocks of flats’ and ‘Area 3 is distinguished for its collection of a high number of architecturally designed, mostly interwar, luxury blocks of flats and houses’ in relation to Criteria A and E, so this would obviously apply to important examples of interwar flats on Marne Street.
158. In other cases, where GML Heritage has suggested a change to the heritage category of a place, there is rationale for the change recorded in Volume 1. These are from a standard list, referring to things such as ‘high architectural merit’, ‘fine representative example’, ‘high integrity’, and ‘high historical merit’ applied to Significant places. These notes give a sense of what GML Heritage considered the distinguishing characteristics of such places, but are too general to precisely indicate which Hercon criterion(a) a place is thought to meet.

159. GML Heritage's approach is equivalent to or even more detailed than seen in the recent North Melbourne Heritage Review (Lovell Chen, 2022) prepared for the City of Melbourne. It includes a table (as Attachment F) listing proposed heritage category changes in the large HO3 North Melbourne Precinct. For each of these places, brief comments are provided, in some case indicating the type of local significance the place possesses, in others the comments are more general. Several examples are reproduced below:

Address	June 2016 inventory	C258 inventory	Lovell Chen recommended grading	Recommendation reason
Abbotsford Street, 445-447	C	Contributory	Significant	Fieldwork revealed substantially intact building including shopfront.
Brougham Street, 4-18 St Michael's Primary School Original school building	D	Significant	Significant	Part of Catholic St Michael's Primary School site. Catholic education an important historical theme in North Melbourne, with a number of schools established in the late nineteenth century and early twentieth century. Original school building of c. 1918, as designed by Bart Moriarty and comprising the front and rear wings, is significant.

160. The two sample places set out above are not specifically mentioned in the revised HO3 precinct citation nor in the revised statement of significance. The panel report (of 26 May 2023) for the associated Amendment C403melb made only general comments about documentation required to support Contributory or Significant heritage categories. This included:

*Regarding 27-35 Leveson Street [a place proposed to change from Non-contributory to Contributory], 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.***

161. The C403melb Panel also described how they reviewed properties whose heritage category was a point of contention:

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.*

162. The C403melb panel did not recommend that additional documentation be added for Significant places in the HO3 precinct, whether previously Significant or changed to this category by Lovell Chen.
163. The Carlton Heritage Review (Lovell Chen & Extent Heritage, 2021) also included some recategorisation of properties within the existing HO1 Carlton Heritage Precinct. As with the North Melbourne Heritage Review, brief comments were provided (in Attachment F) to justify the changes. Again, there is often no indication of which Hercon criteria that newly Significant places meet at the local level. There are varying levels of information provided, as shown by the examples are set out below:

Address/ Property ID/HO number	Included in Heritage Places Inventory Part A (February 2020, amended May 2021)	Included in Heritage Places Inventory Part B (February 2020)	Recommend -ed grading / HO	Issue	Recommendation reason
56 Drummond Street 102773 HO1	Yes Contributory	No	Significant HO1	Review grading	Two storey terrace residence. Compares with Victorian terrace residences in Carlton which are significant buildings. Significant
92-94, 96 and 98 Drummond Street (92-94 and 96 Drummond street) 510624, 510625, 510626 HO1	Yes (98) Contributory No (92-94, 96)	No	Significant HO1	Address- ing Review grading	Three addresses for one building. All three property addresses should be listed as significant in the Heritage Places Inventory. This is a c. 1884 school hall, constructed as part of the St Andrews Gaelic Church complex, believed to have been to a design by architect Leonard Terry of Terry & Oakden. The 1850s church was demolished in the c. 1930s. Religion and religious places are an important historical theme in Carlton. 92-94 and 96 Drummond Street were included in Amendment C396. These properties had been incorrectly omitted from Amendment C258 and the Heritage Places Inventory. Significant (all)

164. As with the C403melb planning panel, the C405melb Panel reviewing the implementation of the Carlton Heritage Review did not raise any issues in regard to the extent of documentation provided when heritage category changes were recommended.
165. Considering these two previous suburb heritage reviews carried out for the City of Melbourne, the respective panels found acceptable a lower level of documentation for existing and newly Significant places within large precincts than is provided by the SYHR. They did not call for individual statements of significance, nor indication of which Hercon criterion or criteria each Significant place meets.
166. In comparison, the documentation for each Significant place within a heritage precinct in the SYHR is far more substantive than for the two previous suburb reviews. While the addition of a clear indication of which Hercon criterion(a) the place meets at the local level would be of value, in my expert opinion, the current level of documentation provided has been recognised by past planning panels as entirely sufficient.

Conclusions and recommendations

167. In conclusion:
- No evidence has been provided that the semi-detached pair at 55 & 57-59 Marne Street is Significant in the precinct.
 - The semi-detached pair contributes to the interwar development of Marne Street.
168. On this basis, it is confirmed that a Contributory category for 55 and 57-59 Marne Street is appropriate.

4.5 Sub. 40 – 93-103 Park Street (HO6 Area 2)



Figure 27. 93-103 Park Street. (N Schmeder, 2023)

C426melb statutory recommendations

169. Previous status: 93-103 Park Street is Contributory in HO6 South Yarra Precinct.
170. Recommendation from the 'South Yarra Heritage Review', dated August 2022: change to Significant in HO6 South Yarra Precinct. The important aspects of this place are set out as follows in the SYHR (Vol. 4, page 631):

'St Arnaud' at 93–103 Park Street incorporates a 1912 former house and a 1916 guesthouse, combined by 1920. The three-storey [guesthouse] building is distinguished by its symmetrical façade with two street-facing gables either side of a central entrance with oriel windows above. Front section of roof is slate, rear corrugated metal with wings either side of a central court yard. The building has an unusual mix of almost Old English influences combined with Federation period Arts and Crafts style. Rendered unadorned balcony balustrades with small square holes punched in it. Both buildings are simply detailed which is unusual in Federation build date. The building was used as a boarding house until 2016.

Response to submission

171. *It is our view that the proposed Amendment C426 should be modified to retain the current 'Contributory' grading ... The subject site has an extensive planning history, including two VCAT appeals, which has culminated in the approval of a planning permit for the partial demolition of the existing buildings and construction of a high-end apartment complex in its place. Demolition is expected to commence on site shortly ...*
172. As of August 2023, when I visited, the building was fenced off, but no apparent demolition had begun.

173. Considering this complex of two buildings in its current form, in my expert opinion it is appropriate to recognise it as Significant. The 1916 three-storey guesthouse is an imposing element within a streetscape containing many very important early 20th-century flats buildings. Its austere geometry and extensive use of roughcast render provides an excellent representative example of the Arts and Crafts style applied to a large building. It follows in the footsteps of 19 Park Street, to the south, which is a five-storey block of flats built in 1913-14. As noted in the SYHR, the building at 19 Park Street is categorised as Significant primarily due to its status as an unusually tall and early block of flats. Also Arts and Crafts in style, it has rendered walls, a parapeted gable front, and solid-masonry balustrades to the four levels of balconies. The three-storey guesthouse at 93-103 Park Street employs these same basic elements, but in a more restful and varied composition. There are two balcony stacks, visually supported by engaged buttresses at the base, with parapeted gables brought over these stacks, making the gables more visible and more important design feature of the building. The gables frame a narrower entrance bay, enlivened by a two-storey oriel window.



Figure 28. Front façade of the guesthouse, 2016. (RTEdgar.com.au, 2016)



Figure 29. Five-storey Arts and Crafts flats at 19 Park Street of 1913-14. (N Schmeder, 2023)

174. The former guesthouse also has a contextual relationship with the two-storey house of 1912 (the north side of 93-103 Park Street), with both buildings characterised by solid balustrades ornamented with simple pierced decoration, which was characteristic of the Arts and Crafts style. There are further parallels with the use of an 'opera box' curved section of the balustrade to the smaller building, and a two-storey oriel window to the taller one. The materiality of the two is reversed, with red brick walls set behind a rendered balcony to the two-storey house, and a rendered front façade to the three-storey guesthouse with red brick gable ends visible at the shared party wall.

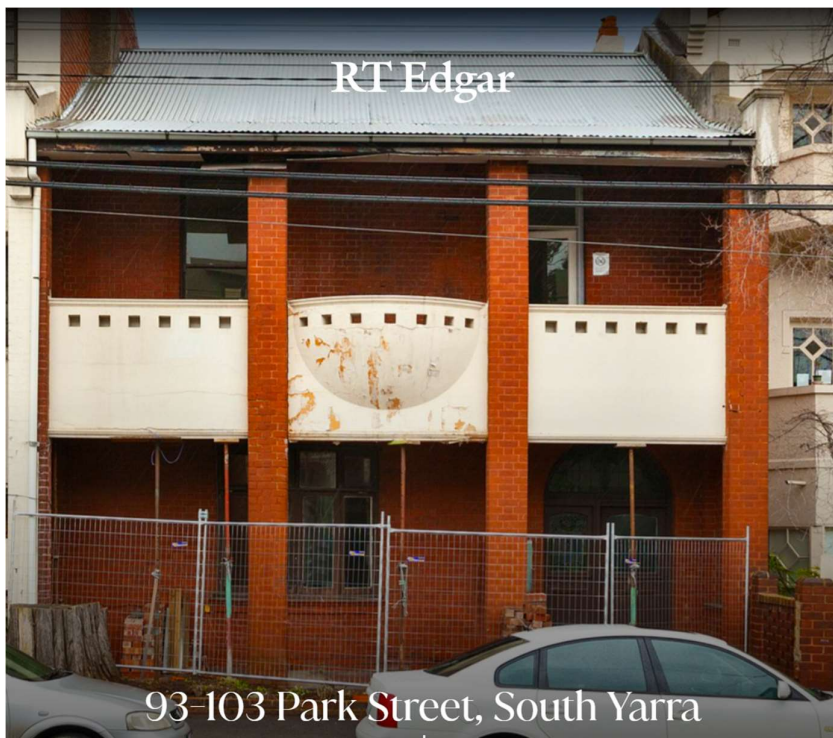


Figure 30. Two-storey house, 2016 (RTedgar.com.au, 2016)

175. While the ground floors of the two buildings are currently behind hoarding, pre-works images from real estate advertisements and Google Maps indicate that, as viewed from Park Street, the two buildings were highly intact externally. The three-storey guesthouse retained original timber windows and French doors to balconies, front entrance door, textured render finish, rendered chimneys, and slate-clad gabled roof. The two-storey house retained tuckpointed brick walls, two-storey tuckpointed brick piers supporting the verandah and first-floor balustrade, original timber front door in an arched opening with leadlight surrounds, a ground-floor bow window with casement windows and highlights, and original double-hung first-floor window.
176. As noted in the submission, there are endorsed plans to partially demolish the two buildings of the complex, and convert them to a single luxury flats development. Based on the endorsed plans for TP-2021-308, dated 08/12/2022, the following elements will be retained following the partial demolition:
- Front facades of the two buildings, including principal building elements discussed above (face brickwork, rendered finish, solid balustrades, oriel windows, parapeted gables, bow window). The chimney on the north side of the guesthouse will also be retained, and the current metal roof cladding of the two-storey house will be removed to reveal the original slate tiles beneath it.

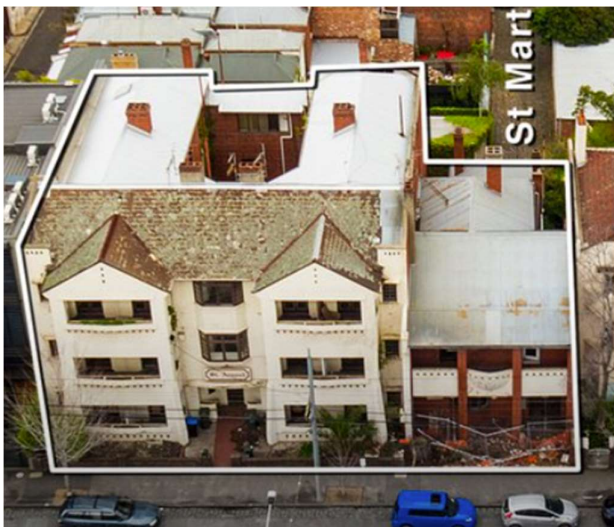


Figure 31. View of front facades, roofs and rear wings of 93-103 Park Street. (RTEdgar.com.au, 2016)

177. All built form behind the front roof ridges will be demolished and replaced with new construction.
178. Specific changes proposed in the endorsed plans to the Park Street presentation of the three-storey guesthouse include:
- Demolition of the current dwarf clinker-brick front fence, and its replacement with a rendered fence copying the building's balustrades.
 - Opening up the front entrance, including removal of the original timber front door, and installing a new glazed door.

- Construction of a roof deck just behind the transverse roof ridge, with the stairwell visible from across Park Street.



Figure 32. East elevation demolition plan for guesthouse, showing demolition of front fence and to front entrance. (detail of TP07, Powell & Glen PL, 5/12/2022)

179. The extent of demolition and change to the front façade of the two-storey house is unclear from the endorsed plans. They show the existing conditions incorrectly, as confirmed by my site visits, and there are inconsistencies to the extent of demolition. These incongruities are:

- The front door is shown with double multi-pane French doors as existing, while the actual existing condition is a single timber door with leadlight surrounds. It is still visible behind the hoarding.
- The first-floor openings are shown as two narrow multi-pane French doors as existing, while the actual existing condition is a single double-hung window (south side) and a glazed single-leaf door (north side). These openings are visible when viewing from the east side of Park Street. It appears that the existing multi-pane French doors from the guesthouse were incorrectly copied to elevations of this building.
- The elevation shows the demolition of about a third of the ground-floor front wall, removing the bow window and associated brick wall around it (TP07). The proposed ground-floor plan, however, shows a change to retain the bow window. It is shown as retained in the proposed elevation (TP14) but with a somewhat incorrect configuration (double hung windows instead of casements windows with highlights). This bow window survives intact (with double-hung windows), and is visible behind the hoarding.



Figure 33. East elevation (demolition) for the two-storey house. (detail of TP07, Powell & Glen PL, 5/12/2022)



Figure 34. Front façade of two-storey house, as existing in 2018. (Google Maps, 2018)



Figure 35. Partial side view of the bow window with casements below highlights. (N Schmeder, 2023)



Figure 36. Front door with glazed panel and leadlight surround in an archway; view partially obscured. (N Schmeder, 2023)

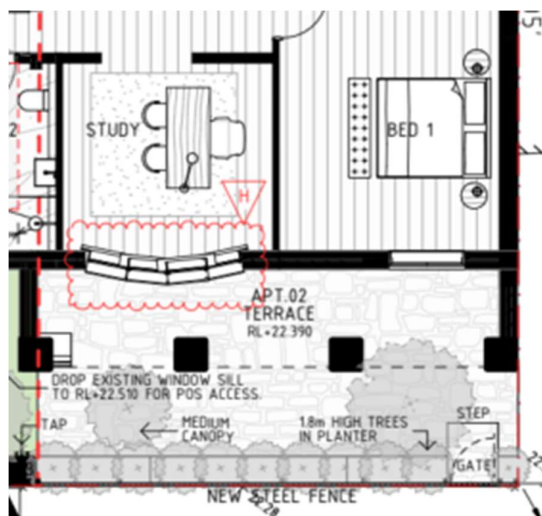


Figure 37. Detail of the ground-floor plan of the two-storey house, showing a change to the design to retain the bow window. Also note that the front door (at right) is incorrectly shown as a window. (TP10, Powell & Glen PL, 5/12/2022)

180. Considering the inconsistencies, I will assume for the purposes of this expert evidence that only the future changes proposed to the two-storey house visible from Park Street are the following:

- Top of the new third floor will be situated just behind the roof ridgeline. A roof deck and associated stairwell will be even higher than this, but set back about 3 metres from the ridgeline. Both elements will be visible from across Park Street.
- Re-exposure of the original slate tiled roof from beneath the current corrugated metal sheets. This, of course, is a positive change.

181. The final proposed appearance of the complex, as seen from Park Street is illustrated in a render on TP27:



Figure 38. Proposed appearance of 93-103 Park Street, post works. (TP27, Powell & Glen PL, 5/12/2022)

182. Note that many planning panels have confirmed the position that it is appropriate to consider the heritage value of places in their current form, disregarding proposed demolition or other change subject to permits that have not yet been acted upon. For example, the panel report for Amendment C403melb in relation to the North Melbourne Heritage Review states: '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' (page 61).
183. Even so, as I expect that the issue will be raised at this panel hearing, I have considered the impact on heritage significance of the proposed and permitted works.
184. While the endorsed plans propose to demolish and replace the rear parts of these two buildings, there will be a minimal amount of change to them as viewed from the public domain. The change to the rear will be concealed to a high degree as both buildings are built to the side boundaries, and both of them are designed solely with one representative façade, which faces Park Street. Part of the north side elevation of the two-storey house is visible, due to the greater setback of its neighbour at Nos. 105-107, and this entire wall will be retained, unaltered. Similarly, the gabled brick north side wall of the three-storey guesthouse is partially visible at the north end (most of the second storey). This element will also be retained in full and continue to be visible from the north-east, as shown in the image below.



Figure 39. The proposed works viewed at 45-degrees from the north, showing the retention of that part of the north walls that are currently visible from the public domain. (TP27, Powell & Glen PL, 5/12/2022)

185. Due to the design of both buildings to have only one principal façade, and the retention of enough original built form so that the original roof forms will still be legible, as well as the visible areas of the side walls, in my expert opinion, if the permitted works

are acted upon both will still retain enough of their building fabric and form to warrant their Significant status.

Conclusions and recommendations

186. In conclusion:

- The two buildings that comprise 'St Arnaud', 93-103 Park Street, are highly externally intact and accomplished examples of the Arts and Crafts style. On this basis, the place warrants a Significant category.
- The works proposed by the endorsed plans will result in very little change to the appearance of the two buildings as viewed from Park Street, retaining their front roofscapes, front facades, and visible north-side elevations. For this reason, they will continue to be Significant if the proposed works are completed in keeping with the endorsed plans.

187. No changes are recommended in response to this submission.

4.6 Sub. 41 – 105-107 Park Street (HO6 Area 2)



Figure 40. 105-107 Park Street. (N Schmeder, 2023)

C426melb statutory recommendations

188. Previous status: 105-107 Park Street is ungraded (Non-contributory) in HO6 South Yarra Precinct.

189. Recommendation from the 'South Yarra Heritage Review', dated August 2022: change to Significant in HO6 South Yarra Precinct. The important aspects of this place are set out as follows in the SYHR (Vol. 4, page 633):

'Kilmeny' at 105–107 Park Street, built in 1923, is a three- storey block of six flats of rendered brick construction. The building has symmetrical façade of two main gables either side of the entrance with projecting smaller gables at the building's edges. The building features canted bays at the ground level with canted balconies above and retains timber framed windows with diamond shaped mullions to upper panes. Extant low brick front wall is also early.

Response to submission

Build date

190. The subject site is currently developed with a three storey 1930s interwar apartment building.
191. The submission refers to 'Kilmeny', at 105-107 Park Street, as a '1930s interwar apartment building', but without providing any evidence for this date. While the 1930s are still within the valued period of development for this precinct, I double-checked the build-date by referring to the City of Melbourne building card (held at PROV, and digitised on Ancestry.com).
192. The building card, shown below, confirms the 1923 build-date set out in the SYHR. An application was made on 26 Feb. 1923 for 'Erection of residential flats' and a (front) fence.

DATE	APPLN. NO.	MISC.	T.C.B. FILE	VALUE	PARTICULARS
Feb 26 1923	4904			£5.600	Erection of residential flats
- 26 1923	4352				Erection of fence
Mar 9 1923	6191			£190	Alts to porch & boundary abean of dwelling house
Oct 13 1923	18831			£47	Erection of boiler house
26-4-56	H 3888				Fence.
4-5-64	A 5364			65	a brick fence
10/5/80	51757			\$10,000	Removal of rear of 118 Flats (107)
24/1/87	63633			\$9,000	Alts to 4 flats (105-107)
1/10/90	68541			10,000	Instalment and external alterations
28/07/92	71180			\$800.00	TO CLASS II UNITS CONTRACT CORPUS (105-107)

193. The Building Card goes on to document two additional fences, in 1956 and in 1964 (the second described as a 'brick fence'). In my expert opinion, these two new fences must have been to the rear, as the materiality and decorative detailing of the current

front fence (on Park Street) clearly dates to the interwar period. The front fence is constructed of clinker bricks with render tops to gate piers. The mild-steel pedestrian gates are of a type that was not available until about 1930 (they are not offered in the 1927 Cyclone fencing catalogue), so it appears that the gates (alone) are not original.



Figure 41. Detail of front fence and gate at 105-107 Park Street. (N Schmeder, 2023)

194. There are no external works recorded to the building in the 1930s, though there were 'Internal and external alterations to Class II units' recorded in 1990 (BA #68541, 1/10/1990, at a cost of \$10,000). I have not viewed the 1990 plans, but I cannot see any likely alterations to the front façade from this time.

Appropriate heritage category

195. *It is our view that the proposed Amendment C426 should be modified to retain the current 'Non-Contributory' grading ... The surrounding parts of Park Street are mixed in character with Victorian and Federation period mansions as well as interwar flats and apartments constructed in the post-war era.*
196. Kilmeny is a highly externally intact interwar apartment building, retaining original elements such as the front fence, diamond-motif glazing to the front doors and windows, bays windows and balconies with decorative profiles, and roughcast rendered walls with exposed brick accents. The diamond-pane glazing is very characteristic of the 1920s. The treatment of the four front gables (two major gables interlayered with two minor gables) is more unusual for this time. They are vergeless gables, that is, they have no eaves, but the edge of the tiled roof is visible above shallow raking brick corbels. While the building can be considered interwar Arts and Crafts in style, the gable treatment foreshadows the Old English mode of the 1930s.
197. Considering the presence of fine architecture from many historic eras, not only Victorian and Federation, but also interwar and post-war, within the HO6 South Yarra Precinct, in my expert opinion, it is entirely appropriate to recognise the contribution of development during these two later periods. The previous approach, which did not grade many interwar and post-war buildings, is reflective of the 1980s – when the first 'South Yarra Conservation Study' was prepared – which focused solely on the earliest eras. While this was a useful first step in conserving our built heritage, in the nearly 40 years that have passed since then, there is near universal recognition of the value of

interwar-era development, and a broad and growing appreciation of post-war architecture as well.

198. Park Street itself exhibits a particularly important contribution from multi-storey flats buildings of the late Federation and interwar periods. This development is focused particularly at the north-west end of the street, where Kilmeny stands.
199. The next consideration is whether Kilmeny should be recognised solely as contributing to the HO6 precinct, or if it indeed warrants recognition as Significant in the precinct (as proposed by the SYHR).
200. In my expert opinion, Kilmeny is Significant, for its design, substantial size and high level of external intactness. It compares very well in these aspects with other 1920s blocks of flats in South Yarra, including:
- ‘Ballynagarde’ Flats of 1920, 146 Domain Street (Significant) – one of the earliest flats in HO6, with Art Nouveau influences:



Figure 42. 146 Domain Street. (N Schmeder, 2023)

- ‘The Greylings’ of 1921, 115-117 Park Street (Significant) – a more restrained composition, designed by architects Peck and Kempter:



Figure 43. 115-117 Park Street. (N Schmeder, 2023)

- ‘Wilton House’ of 1921, 120-122 Park Street (Significant) – it shares the use of solid balcony balustrades as a key decorative feature, but again is a more restrained example than Kilmeny.



Figure 44. 120-122 Park Street. (N Schmeder, 2023)

- ‘Chadwick Mansion’ of 1918, 45 Alexandra Avenue (Contributory) – One of a number of small blocks of flats in South Yarra designed by Howard Lawson, but one of his simpler designs. It is a composition of hipped-roofed pavilions including two projecting balcony masses. The balconies have been infilled with glazing, though the

original doorways appear to survive behind them for all or most front flats.



Figure 45. 45 Alexandra Avenue. (RealEstate.com.au, 2016)

- ‘Marlborough Flats’ of 1928, 1-5 Alexandra Avenue (Contributory) – An austere two-storey block of flats distinguished by its front entry staircase which shows a Spanish Mission influence. Many original windows have been replaced with single panes.



Figure 46. 1-5 Alexandra Avenue. (KayBurton.com.au, 2023)

201. In conclusion, both physical inspection and comparative analysis support a Significant status for Kilmeny.

Conclusions and recommendations

202. In conclusion:

- ‘Kilmeny’, 105-107 Park Street, was built in 1923, and its front brick fence dates from this time, though the mild-steel gates are a later replacement.
- As the interwar period of development is recognised as a valued period of development for HO6, it appropriate to recognise the contribution of interwar flats such as ‘Kilmeny’, and a Non-contributory category would be inappropriate for this place. The contribution of late Federation and interwar flats is particularly pronounced on Park Street.
- Furthermore, comparative analysis demonstrates that it is an important example of a block of interwar flats in South Yarra, and thus Significant in the precinct.

203. No changes are recommended in response to this submission.

4.7 Sub. 29 – 221-223 Domain Road (HO6 Area 3)



Figure 47. 221-223 Domain Road. (N Schmeder, 2023)

C426melb statutory recommendations

204. Previous status: 221-223 Domain Road is Contributory in HO6 South Yarra Precinct.

205. Recommendation from the ‘South Yarra Heritage Review’, dated August 2022: change to Significant in HO6 South Yarra Precinct. The important aspects of this place are set out as follows in the SYHR (Vol. 4, page 654):

221–223 Domain Road was built in 1908 to a design by Klingender and Alsop. This substantial two-storey 23- roomed house, which predates the subdivision of the Maritimo Estate, was built for Emily Payne, Thomas Budds Payne’s daughter.

Featuring rendered walls and a hipped tiled roof with exposed rafter ends, the house displays characteristics of the Arts and Crafts movement and emphasises picturesque massing combined with more traditional detailing found in earlier Italianate houses, such as canted bay windows and vertically proportioned double hung sash windows.

Response to submission

Visibility of house

206. *We note the building is largely concealed from public view due to high front fencing dense vegetation... We submit the heritage grading should remain Contributory ... the subject site is not visible from Domain Road due to the original high, solid front fence in this location.*

207. Note that while the submission states that the high solid front fence is “original”, this is clearly not the case. I have inspected the fence, and based on its height, the presence of expansion joints and the moulding at the top, it is clearly of contemporary construction and design. As the City of Melbourne building card for this property records a new fence in 1983, this is the likely date of the current fence (if it hasn’t been replaced since then). This was under Building Application No. H8547 of 25 Jul 1983, for a ‘2.5m Brick Fence’ at cost of \$7,000.

208. Furthermore, this large, two-storey house is easily visible above the c1983 solid fence, particularly in the winter when the trees in its front garden have lost their foliage.

209. In my expert opinion, the issue of visibility is not one that is integral to the heritage value of a building or other place, particularly when assessing whether it is of individual Significance. There are many mansions, for example, located within extensive grounds that are entirely hidden from public view, but there is no question that they are of high heritage value and should be protected.

Intactness of house

210. *... whilst its original form is relatively intact, it has undergone several alterations and additions.*

211. I agree that the house has undergone changes over time, and is currently undergoing permitted works. To better understand its level of intactness, I consulted the building applications held at the Public Record Office of Victoria. As it was only a requirement to lodge building plans with the City of Melbourne after 1916, the original – 1908 – plans were not available.

212. The first building permit issued after 1916 was Building Application No. 516143, of 4 March 1935, records ‘Alterations & additions to building’, described as “Residential Flats” and named “Feenan”.

213. The existing conditions plans appear to show the original appearance of the mansion, as constructed in 1908. As viewed from Domain Road, the front façade, and the west side elevation of the principal (front) portion of the building is identical to its appearance today.

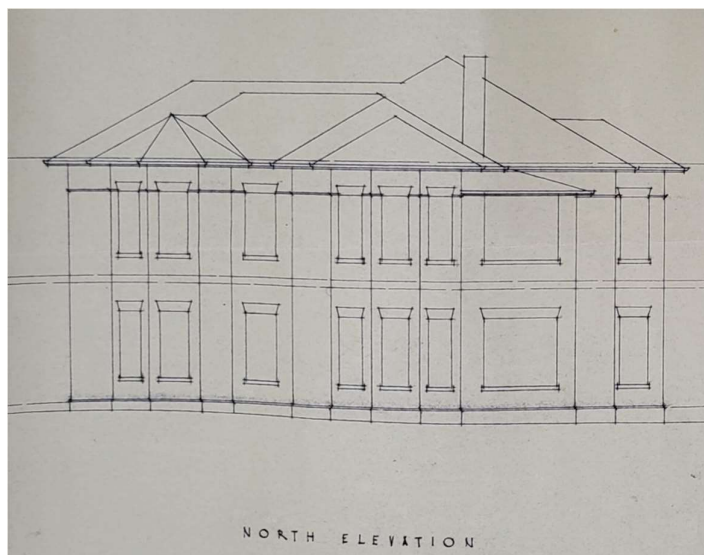


Figure 48. North elevation of 221-223 Domain Road as it existed in 1935 prior to works. (PROV VPRS 11200, No. 16143)

214. The owner at that time was Beatrice Lyle Falkiner (and Leigh Falkiner), and the architect of the alterations was RB [Robert Bell] Hamilton. The Falkiner family was involved in the Kellow-Falkiner car showrooms located on St Kilda Road (in HO6 Area 1, also in the Victorian Heritage Register).
215. Judging from the specifications, the 1935 works were the conversion of the single-family mansion to multiple flats, as was common in the interwar period. The works were largely internal. Externally there was the removal of a chimney and a shallow addition to the rear/south. Also, a flat-roofed garage was built at the rear.
216. External changes at the time were limited to minor alterations and additions to the rear half of the west side elevation, hidden from the street. These areas of change were shown on the plans shaded red (below).

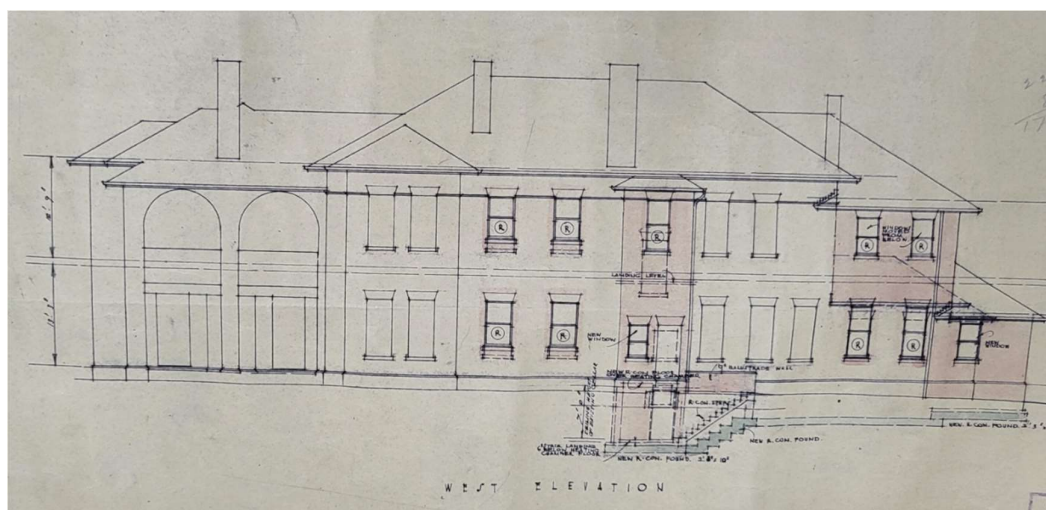


Figure 49. Proposed alterations and additions to the rear of the west side elevation. (PROV VPRS 11200, No. 16143)

217. In summary, the house currently has good intactness to its interwar appearance (and probably to its original 1908 appearance as viewed from Domain Rd). As interwar flats conversion is recognised as a historically important theme to the HO6 precinct, this conversion does not detract from its heritage value.

218. The currently progressing works to this house (Endorsed plans of TP 2022-557) will retain the current appearance of the house as viewed from Domain Road, but the rear wing will be replaced with a new one of the same size but with a flat roof (instead of the current hipped roof). The change to the west side elevation is shown below.



Figure 50. Current conditions of the west elevation. (TP 2022-557, from drawing TP04.2, 27 Apr 2023)

219. Once the current works are completed, the 1908+1935 rear wing will be replaced by the one shown, at right, below. As shown, the front half of the west side elevation will still be identical to its 1935 (and presumably 1908) form. Furthermore, there will be no change to the front (north) façade. Permit conditions, depicted on the endorsed plans, call for the terracotta tile roof to be retained (and repaired as required) and the original timber windows to the front facade to be retained.

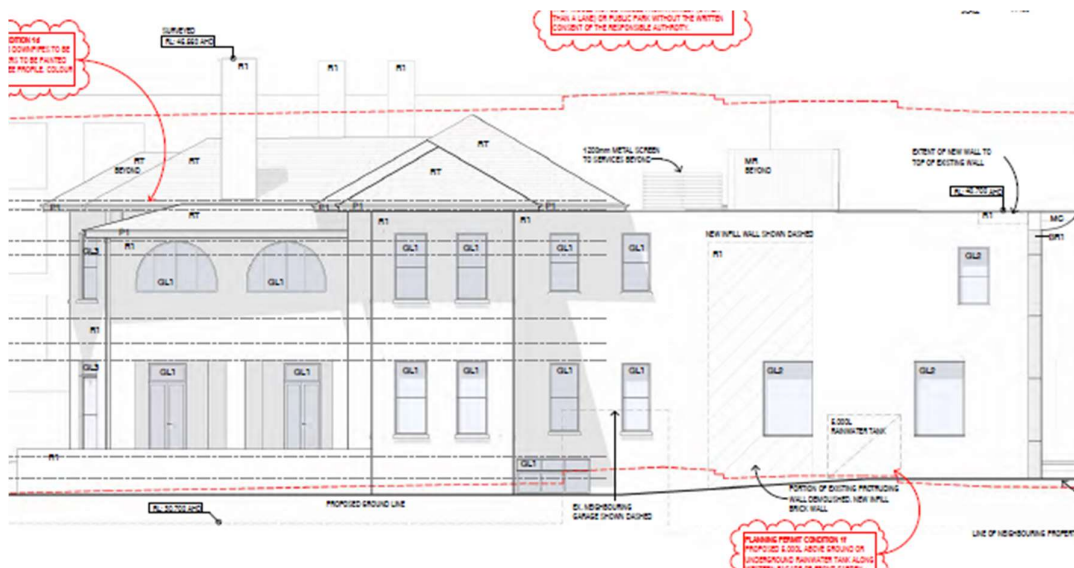


Figure 51. Proposed east elevation. (TP 2022-557, from drawing TP05.1, 27 Apr 2023)

220. While this extent of demolition may not have been supported had the Significant status been in place earlier, the main volume of the house will be retained without external change, and the new addition will not be visible. Note that most of RB Hamilton's 1935 works will be demolished.

Appropriate heritage category

221. *We submit the heritage grading should remain Contributory ... the current heritage grading and heritage controls in the Planning Scheme are sufficient to ensure appropriate heritage outcomes for the property, whilst providing flexibility for the current landowner ... Moreover, we do not believe there have been any changes to the understanding of the heritage place which would warrant the revised heritage grading.*
222. The SYHR has clearly undertaken a full reassessment of the HO6 heritage precinct, with additional research and a wholesale reconsideration of the appropriate heritage categories for places within it. While the interwar and post-war places, most of which were ungraded in the past, were the most frequent subject of recategorization, GML Heritage has given consideration to all properties within HO6. In my expert opinion, this work has resulted in a clear change to the "understanding of the heritage place", with many proposed changes to heritage categories of properties and a greatly expanded history of the precinct and analysis of the five areas that comprise it.
223. One of these five areas, Area 3, encompasses Marne Street and properties immediately to its north and south on Domain Road and Toorak Road, respectively. As detailed in the Area 3 history, Allotment 19, which now contains Marne Street, was first purchased by Thomas B Payne in 1849, and he built his mansion, Maritimo, on the southern third of the allotment with the remainder serving as his garden.
224. Thomas Payne died in 1897, leaving his residence, Maritimo, to his eldest son, John FW Payne. His eldest child, Sarah Emily Frances Payne received a bequest of £100,000 (Ancestry.com; *Argus*, 9 Oct 1897, p.9).
225. As noted in the precinct history, the subject house at 221-223 Domain Road was constructed for this daughter in 1908 to a design by Klingender & Alsop. She is listed, as Miss E.F. Payne, residing in this location in the 1910 Sands & MacDougall street directory. At this time, the Maritimo mansion, just to the south on this same land, was still occupied by John FW Payne, with an address on Toorak Road.
226. The north end of Allotment 19 was subdivided in 1912, with early flats constructed at that end, across from Emily Payne's house. Emily died in 1927 (Ancestry.com), and her brother John died a year later, after which the Maritimo mansion was demolished, at the behest of his will, and the southern half of Marne Street created and developed with more blocks of flats.
227. This leaves Emily Payne's 1908 house the only tangible link between the nearly 80 years the Payne family occupied Allotment 19. On this basis, I consider it to have high historical significance, particularly in relation to Area 3 of HO6 South Yarra Precinct.
228. Even with the loss of its rear wing, in my expert opinion, it will still retain this historical significance.

Conclusions and recommendations

229. In conclusion:

- The front fence at 221-223 Domain Road is recent in date, and the house is visible beyond it. Even if this view is seasonally blocked by trees, this does not impact the integral heritage value of the place.
- The house, as viewed from Domain Road, remains intact to its 1935 appearance, and most likely to its original 1908 appearance as well.
- While the rear wing will be replaced as part of the current works, the three elevations of the front wing will remain intact.
- The house was built prior to the creation of Marne Street (in 1912) and is the only tangible link to the Payne family, who first owned and then subdivided the land that became Marne Street. This gives the place historic significance.

230. On this basis, the Significant category is appropriate for 221-223 Domain Road.

231. No changes are proposed in response to this submission.

4.8 Late sub. 44 – 31-37 Millswyn Street (HO6 Area 2)



Figure 52. 31-37 Millswyn Street. (N Schmeder, 2023)

C426melb statutory recommendations

232. Previous status: 31-37 Millswyn Street is ungraded (Non-contributory) in HO6 South Yarra Precinct.

233. Recommendation from the 'South Yarra Heritage Review', dated August 2022: change to Significant in HO6 South Yarra Precinct. The important aspects of this place are set out as follows in the SYHR (Vol. 4, page 643):

31–37 Millswyn Street, built in 1962 to a design by Michael Feldhagen, is a three-storey block of 12 flats. The front façade of the building is clad in precast concrete panels with a distinctive 'fish scale' pattern, that wraps around the building at ground level with rock faced slim concrete bricks above. The building is further distinguished by an unusual fenestration pattern along its northern elevation with 12 small square openings and floor to ceiling windows elsewhere. The high breeze block front wall appears original.

Response to submission

234. The submission expresses general opposition to change from ungraded (Non-contributory) to Significant. No rationale was provided.

The architect

235. The following biography of architect Michael Feldhagen is from a citation by RBA Architects for a group listing of flats designed by Michael Feldhagen in Balaclava (City of Port Phillip). Prepared as part of the 'Review of Heritage Precinct HO7 Elwood, St Kilda, Balaclava and Ripponlea' 2022), it draws upon a more extensive biography by Simon Reeves of Built Heritage PL:

Michael Richard Ernest Feldhagen was born 23 December 1932 in the Prussian city of Breslau (now Wrocław in western Poland). In the early 1950s, Feldhagen studied architecture at the renowned Universität der Künste Berlin (Berlin University of Arts, formerly in West Berlin), the largest art school in Europe, and after graduation he worked in an architect's office in Berlin. Disturbed by the political instability of the time, Feldhagen and his wife Helga migrated to Australia with their young daughter, arriving in Melbourne on 13 September 1958. (BH)

On the strength of prior experience with the design of high-rise apartment blocks in Berlin, Feldhagen secured a position with the Housing Commission of Victoria, which, at that time, was starting its own regime of multi-storey public housing. By 1960 he had taken a position in the office of fellow European émigré architect Ernest Fooks (1906-1985) who was well established as one of the leading architects to Melbourne's thriving post-war Jewish migrant community. Feldhagen did not attempt to become a registered architect, opting instead to style himself as an 'architectural designer', possibly due to difficulties in having overseas qualifications recognised by the Architects' Registration Board of Victoria. (BH)

By 1963, Feldhagen had established his own practice, initially based in Acland Street, St Kilda, but later moved to Darling Street, South Yarra and later still to Shakespeare Grove, St Kilda. In 1967, he re-configured his business as a public company, M Feldhagen & Associates Pty Ltd. His early output included a number

of small factories, but he soon established a reputation as a designer of large houses. Feldhagen frequently collaborated with fellow European émigré professionals. (BH)

From the late 1960s, when changes to strata title legislation prompted a boom in apartment construction, Feldhagen became one of the leading exponents of the type. In 1970 Feldhagen expanded into building works and formed a second company, M Feldhagen Constructions Pty Ltd. Feldhagen declared bankruptcy in 1975, and his two public companies were subsequently de-listed. Nevertheless, he resumed practice as an architectural designer, with his teenage son as his draftsman and sole employee. The practice continued into the 1980s under the name of Michol Designs. Feldhagen retired to Queensland in the 1990s and died on 21 January 2013, aged 80 years. (BH) (from City of Port Phillip Heritage Review, Citation No. 2245, 2022, page 10)

236. In the thematic history prepared as part of 'Review of Heritage Precinct HO7 Elwood, St Kilda, Balaclava and Ripponlea' (RBA Architects, 2022), there is a discussion of Feldhagen's place within the post-war development of flats in the Port Phillip area, during which the mantle was passed from Australian-born designers like Bernard Evans to émigré architects such as Feldhagen:

*Of the architects designing flats, the Australian-born Bernard Evans remained active in the area (he had been building flats from the 1920s and in 1949 he designed the Georgian Revival style Deansgate, a block of 29 'minimum' flats with a communal restaurant and laundry at 9 Southey Street), however **émigré architects took over the mantle during this period** especially Ernest Fooks (originally Fuchs, Slovakia born and educated in Vienna), **Michael R E Feldhagen** (Polish-born, German trained), and Kurt Popper (Viennese born and trained). The émigré architects designed prolifically for a mostly Eastern European migrant clientele from the expanded Post-war Jewish community in St Kilda, injecting the area with a European-influenced modernism. Often, flats replaced earlier houses for instance, most of Chesterfield at the south-west corner of Dickens and Tennyson streets was demolished with Feldhagen responsible for the flats at 21 Dickens Street and Fooks for no. 21A adjacent. Further along Dickens Street, Popper designed Dickens Park at no.27. (Thematic Context, page 21)*

***The émigré/Jewish architects** – Berman, **Feldhagen**, Fooks, and Popper - were responsible for many of the distinct buildings of this phase. ... **Michael Feldhagen, whose work is typically more varied or elaborate** [designed the following flats]:*

- *21 Dickens Street [Elwood] (1965-66): A relatively late cream brick example with recessed balconies featuring faceted metal panels to the balustrade.*
- *1 Hartpury Avenue [Elwood] (1970): tan brick, concrete screen with parabolic arches.*
- *8 Southey Street [Elwood] (builder J & R Wittenberg, 1964): orange brick with varying geometric pattern to spandrel panels. (Thematic Context, page 42)*

237. The above heritage study, 'Review of Heritage Precinct HO7 Elwood, St Kilda, Balaclava and Ripponlea' (RBA Architects, 2022), identified three more of Feldhagen's

blocks of flats in the study area, at 101 Westbury Street, St Kilda East; 169 Hotham Street, Balaclava; and 247-249 Inkerman Street, Balaclava.

238. Further examples of Feldhagen's work were identified in the 'Glen Eira Post-war and Hidden Gems Heritage Review' (Built Heritage PL, 2020). These include a single-family house at 30 Aroona Road, Caulfield North, which was found to be individually Significant. The 30 Aroona Road citation also discusses other examples of Feldhagen's work, including two blocks of flats:

Although Michael Feldhagen's son has stated that his father was extremely prolific as a designer in the Caulfield area, relatively few examples of his work have yet been conclusively identified there, or anywhere else in what is now the City of Glen Eira. Research to date has located only two other houses confirmed to have been Feldhagen's work: one at 17 Sycamore Street, Caulfield South (1968) and another at 19 Morrice Street, Caulfield (c1970). ...

At the time of writing, the only other confirmed examples of Feldhagen's work in the study area is a two-storey block of flats on a corner site at 34 Elizabeth Street, Elsternwick (1969). With its stepped façade, flat roof with wide fascia, tall window bays and varied expression of projecting and recessing balconies with solid balustrade walls, the building is somewhat evocative of the designer's individual residential commissions, albeit lacking the lively decorative embellishments. Another block of flats by Feldhagen, expressed more conventionally in brown brick with corner balconies, still stands on Dandenong Road. However located on the north side of the street (at No 205), it is just outside the boundaries of the City of Glen Eira. [NB: This block is in the City of Port Phillip.]

239. 30 Aroona Road is a single-family Modernist home of 1963, so it is not directly comparable to the flats at 31-37 Millswyn Street. It does bear some similarities due to its contemporaneous date (1963), in that it features a number of textural and decorative finishes, including rock-faced marble chips to the first floor spandrel, projecting brick courses at the lower level, feature stone cladding and concrete breeze block screens to the side elevations. The statement of significance concludes that it is 'outstanding for its more distinctive and idiosyncratic articulation, which includes a subtle concave curve to the street façade, pairs of angled strut-like supports, corner balconies (rather than a full-width balcony) and an uncommonly varied application of decorative surface treatments' (Built Heritage, 2022). The house is also considered significant for its association with Michael Feldhagen (Criterion H).

240. The significance of 30 Aroona Road was called into question and tested at the Amendment C214glen panel hearing, with the submitters opposing inclusion in the Heritage Overlay because: 'the building's modernist features are not significant enough to warrant protection and found in many houses throughout Caulfield; the architect, Michael Feldhagen, was not registered and is not well known; [and] there are other examples of the architect's houses and apartments in Glen Eira'. The panel concluded that:

The building is an exemplar example of post-WW2 modernist style designed by German-born architect Michael RE Feldhagen. It is one of few houses designed

by Feldhagen, a residential designer which clearly exhibits particular aesthetic characteristics to the post-WW2 modernist style with a cantilevered upper floor, paired struts, and range of decorative finishes to the façade.

The property therefore meets Criteria E and H.

The building has had some alterations, but its street elevation remains intact. ...

30 Aroona Road, Caulfield has sufficient local heritage significance to justify applying the Heritage Overlay (AM C214glen PPV Report, 2 Sept. 2021, page 40)

241. As set out by the biography and discussion of Feldhagen's oeuvre, above, we see that he was trained in Berlin, move to Melbourne in 1968 where he was locally based (in South Yarra for a time), was important for his flat designs, and has had a number of his works in nearby municipalities recently recognised as of local significance.

Comparative analysis

242. As discussed in section 3.7.3, as there is a dearth of post-war flats in the Melbourne Heritage Overlay that would be comparable to 31-37 Millswyn Street, it is helpful to consider places in other municipal HOs, as set out below. This broader examination also aids in our understanding of Feldhagen's oeuvre and his place in Victoria's architectural history.

243. While some of Feldhagen's flat designs were typical of their time, there are other designs that illustrate his architecturally expressive approach which incorporated a variety of materials, textures and bas-relief designs. These contrast with the far more austere approach used by other designers at that time. Feldhagen's distinctive design sensibility is summarised by RBA Architects in their Feldhagen Flats Group Listing:

Feldhagen's output during the early 1960s, which was likely to have been influenced by his training and contemporary architecture in Berlin during the 1950s, has no ready comparison in contemporary flat or residential architecture in the [Port Phillip] municipality as it is more expressive than the output of his contemporaries with a varied material palette (especially the range of concrete/Besser blocks), greater use of expressed concrete, and varied geometric articulation with shadow blocks and breeze blocks, and partly indicative of a Featurist mode. ...

This particular expression is likely to be influenced by his training and contemporary architecture in Berlin during the 1950s. The German architect Hans Sharoun (1893-1972) was much lauded and one of the city's most renowned projects – the Berlin Philharmonie designed 1956, constructed 1960-63 – was underway. The Philharmonie is noted for its dramatic forms and external metal sheeting with geometric patterns. Also likely of influence was Interbau exhibition held in West Berlin in 1957 and promoting the renewal of the war-damaged Hansaviertel area. (Citation No. 2445)

244. This same expressive nature is seen in Feldhagen's highly intact design for 31-37 Millswyn Street. As noted in the GML Heritage precinct citation, the exterior of this block of flats is distinguished by a bas-relief fish-scale pattern on the concrete slabs of the front and side elevations, the decorative use of grouped tiny windows on the north side elevation, and the original masonry front fence that incorporates pierced breeze blocks with a pattern of projecting elements.

245. While Feldhagen's flats mentioned in the 'Glen Eira Post-war and Hidden Gems Heritage Review' (2020), at 34 Elizabeth Street, Elsternwick and 205 Dandenong Road, Windsor, do not share this expressive and decorative approach, there are excellent comparative examples brought to light in the 'Review of Heritage Precinct HO7 Elwood, St Kilda, Balaclava and Ripponlea' (2022).^{*} These include:

- 247 Inkerman Street, Balaclava of 1962 (Significant in Feldhagen Flats Group Listing). This is the most closely comparative example to 31-37 Millswyn Street in the use of bas-relief patterned concrete slabs for the front façade. In this case, they have a hexagonal pattern, and sit above a ground floor of split-face concrete bricks in a dark grey colour. While the front fence has been replaced, there is an open-work breeze block fence to the side elevation, and this same material is used for the stairwell too.



Figure 53. Front (left) and side (right) elevations of 247 Inkerman Street. (RBA Architects, Citation 2445)

- 169 Hotham Street, Balaclava of 1962 and extended in 1967 (Significant in Feldhagen Flats Group Listing). Similar to 31-37 Millswyn Street, there is a patterned breeze (or Besser) block front fence which forms part of the decorative scheme. The windowless and narrow front façade is given design interest by a central vertical band of more pierced breeze blocks, with solid brick walls to either side with a diaper pattern of projecting vertical bricks.



Figure 54. Front façade of flats at 169 Hotham Street, with front fence visible below. (RBA Architects, Citation 2445)

^{*} This study has been adopted by Port Phillip City Council, and they are awaiting authorisation from the Minister for Planning to implement its recommendations.

- 8 Southey Street, Elwood of 1964 (in HO7, proposed change from Non-contributory to Contributory). As RBA Architects note in the Feldhagen Flats Group Listing citation, ‘the subject buildings have a distinct aesthetic with limited comparison, for soon after the expression he employed began to shift’ to a more standard expression with overhanging flat eaves and plain brick walls. The flats at 8 Southey Street illustrate the transition from Feldhagen’s expressive mode to his later, more typical work. The walls are of an orange brick, embellished by raised horizontal bands at the corners of the narrow Southey-Street elevation, and the window spandrels on both principal elevations are cast-concrete with a repetitive hexagonal bas-relief motif (similar to the one at 31-37 Millswyn St). It does not retain an original front fence.



Figure 55. 8 Southey Street, Elwood. (*RealEstate.com.au*, 2007)

246. Another example of Feldhagen’s later, more standard work is in HO6 South Yarra Precinct. These are the flats at 20W-26W Toorak Road of 1966, which are also recommended by the SYHR to be changed from ungraded (Non-contributory) to Significant. They are described by GML Heritage as ‘a three-storey orange brick block of flats above a pilotis-form carpark and flat roof with solid, slightly projecting fascia’ (Vol. 4, page 317). The brickwork is unembellished, and the only, discrete decorative details are the segmentally arched form of the concrete entranceway, and the delicate curved balcony balustrades of mild steel.



Figure 56. The 1966 flats at 20W-26W Toorak Road, South Yarra. (*N Schmeder*, 2023)

247. In conclusion, the flats at 31-37 Millswyn Street are an excellent example of Michael Feldhagen's expressive period of design in the early 1960s, which executed a decorative sensibility using modern materials (such as Besser blocks and precast concrete panels). Feldhagen's work stands out from the minimalist flat designs of other designers of the period and from Feldhagen's later work.
248. Looking at all other 1960s-70s flats in the South Yarra study area, including those proposed to remain Non-contributory, I noted a number of examples with minor decorative details, but none with the full-fledged expressive approach seen at 31-37 Millswyn Street. Some other flats have patterns of projecting bricks to their front elevations (see 212-218 (1961) and 220-224 (1960) Walsh Street, both Contributory), and the use of patterned cast-concrete panels to the balconies (12-24 Anderson Road, Contributory).
249. One of the closest comparative examples in HO6 is architect Anatol Kagan's flats at 36-38 Marne Street (1960, Significant), which has a stone-rubble clad wall to the undercroft, and a panel of dark grey bricks with a projecting vertical diaper pattern, which contrasts with the remaining cream-brick walls.



Figure 57. 36-38 Marne Street of 1960. (N Schmeder, 2023)

250. Another example in the study area that displays some similar decorative features are the flats at 40-42 Pasley Street, built 1960-61 to a design by Yuncken Freeman Bros. architects (Significant in the Pasley St and Park PI Precinct). The north end wall has a diaper pattern featuring sunken bricks, and the balconies have balustrade sections of pierced breeze blocks.
251. There are not any examples, however, in the study area of the use of bas-relief cast-concrete panels that characterised Feldhagen's early 1960s oeuvre.

252. Looking more broadly within the municipality, to the CBD we learn that: ‘By the mid-1960s, architects were experimenting with a range of solid cladding materials for tower buildings including precast concrete, stone, reconstituted stone, tile and brick, as well as various metals for cladding, screening and detailing’ (Context, Hoddle Grid Heritage Review, Vol. 2b, 2020, page 14).

253. The Hoddle Grid Heritage Review recommended a number of such buildings for the Melbourne HO, but none of them employ bas-relief patterns on their precast concrete elements. The most expressive among these buildings, with a precast concrete grid to its façade, is the former Law Department’s Building at 221-231 Queen Street (HO1372) of 1972. It is of aesthetic significance ‘for its unusual curtain wall detailing, with curved windows and elaborate brass spandrel panels (designed by architects A V Pupedis & Associates) to achieve a much more organic aesthetic’. It is, however, very different in scale, construction and use to the flats on 31-37 Millswyn Street, though they are related in “spirit” with their exploration of the decorative possibilities of concrete, which was unusual in the post-war period.



Figure 58. 221-231 Queen Street, Melbourne. (Context, 2020, Vol. 2b, page 1085)

254. While post-war blocks of flats designed to replace a single detached family home on a long narrow block, such as 31-37 Millswyn Street, have since been disparaged under the term “six packs”, post-war architecture expert Phillip Goad puts this into context. He points out that there has been a dominant tendency to lump together high-quality, architect-designed flats designed in the early post-war period émigré architects with the

poorer copies that followed, and calls for a re-evaluation and appreciation of the best examples:

*Flats such as have never been studied in detail before and have been overlooked by historians, scholars, planners and architects for their contribution to Melbourne's post-war urban morphology. In many respects, the phenomenon of the well-designed 1960s walk-up block of flats suffered in reputation by the parallel proliferation of speculative, so-called 'six-pack' flats across the greater Melbourne area and in many of the same suburbs in which Fooks worked. It was against these 'six packs' that urban planners and thinkers like John Paterson, David Yencken and Graeme Gunn reacted so strongly in their push for the Cluster Title Act as a way of rethinking residential density. In successfully achieving their goal and with fine demonstrations such as the Merchant Builders' Molesworth Street townhouses in Kew (1968), cluster development in Winter Park, Doncaster (1969) and Vermont Park estate in 1976, they and the architecture profession effectively relegated the contributions of Fooks and other émigré architects like Mordechai Benshemesh, **Michael Feldhagen** and Bernard Slawik, also expert in flat design, to the dustbin of history. ('Nucleus meets the Minimum: Ernest Fooks, the small house and the flat in post-war Melbourne' in *RMIT Design Archives Journal*, Vol. 9, No. 1, 2019, pages 56-57)*

255. As discussed above, the flats at 31-37 Millswyn Street are one of the best examples of a respected émigré designer's work, and one of the best examples of his early 1960s expressive work which reflected his architectural education in Berlin, bringing new influences to Australia.

Conclusions and recommendations

256. In conclusion:

- Architect Michael Feldhagen was a German émigré architect who arrived in Melbourne in 1958. His early work, including 31-37 Millswyn Street, is unusual in Victoria, having a greater level of decorative detail and expressiveness than was typical of post-war buildings. From the late 1960s he became a leading exponent of strata titled apartment development.
- The flats at 31-37 Millswyn Street are an excellent example of his distinctive design approach and they are of equivalent or superior in their design and intactness to other examples of his work recently assessed as locally significant in the cities of Port Phillip and Glen Eira.
- Furthermore, the subject flats compare well amongst those in the study area, and on this basis, the Significant category is appropriate for 31-37 Millswyn Street.

257. No changes are recommended in response to this submission.

4.9 Sub. 16 & 24 – Sheridan Close, 485-489 St Kilda Road (individual place)



Figure 59. Sheridan Close, viewed from the south-west. (N Schmeder, 2023)

C426melb statutory recommendations

- 258. Previous status: 485-489 St Kilda Road was not included in the Melbourne HO.
- 259. Recommendation from the 'South Yarra Heritage Review', dated August 2022: it is Significant and should be in a site-specific HO.
- 260. The statement of significance prepared by GML Heritage is found in Appendix B to this evidence.

Response to submission

- 261. The submitters oppose the inclusion of 485-489 St Kilda Road in the Heritage Overlay, as well as opposing the proposed extent of the HO.

Previous assessments

- 262. Sub. 24: *our client is unaware of any previous heritage study having identified Sheridan Close as worthy of heritage protection under the Planning Scheme.*
- 263. While there has not been a previous full heritage assessment, that I am aware of, Sheridan Close has certainly been noted as an important post-war building by experts in this period of design. These include Professor Philip Goad in his book *Melbourne Architecture* of 1999 (2001 ed.) which identifies it as place of note in the city's architectural history, stating:

With its generously glazed and serrated side elevations (to give each flat a view, however narrowly focused, of St Kilda Road), its faux Regency porch of white,

rendered cement columns and its concave brick façade with Georgian proportioned windows, Sheridan Close is a stylistic hybrid. (page 161)

264. Heritage Victoria commissioned a thematic history in 2008, titled 'Survey of Post-War Built Heritage in Victoria' (Heritage Alliance), which singled out Sheridan Close as one of 243 post-war residential buildings of potential heritage significance across the entire state. It was described as:

One of the first large blocks of strata-titled flats to be built in Melbourne, designed by the prolific architect (and one-time Lord Mayor) who largely introduced the typology into Victoria. (Stage 1, Vol. 2, page 104)

265. In my professional experience, heritage reviews and gaps studies are accepted as a good practice because no one heritage study is ever "complete". Every study has a limited budget, so some places may be identified but not assessed in detail, and priority tends to be given to the earliest places (i.e. Victorian) in first heritage studies. This often leaves gaps in protection for more recently built places that may also be of local significance, such as interwar and especially post-war places.
266. As a full assessment has been carried out as part of the SYHR, the key issue to consider in this case is not whether Sheridan Close has been specifically recommended for the Heritage Overlay in the past, but whether the current place citation has adequately documented the local significance of Sheridan Close. In my expert opinion, it has done this in a comprehensive and convincing manner.

Comparative analysis

267. Sub. 24: *The comparative analysis undertaken by the heritage consultant appears to demonstrate that there are few comparators evident within Melbourne. The examples cited provide, at best, a 'loose' association with Sheridan Close.*
268. The comparative analysis in the place citation is valuable in demonstrating just how unusual Sheridan Close is, hence the paucity of direct comparators. This is an elegant and unusual building with obvious landmark qualities.
269. In my professional opinion, the closest comparator identified is Deansgate, 9 Southey Street, Elwood (significant within Port Phillip's HO7) in its post-war date, materiality, Stripped Georgian Revival style and elegant use of a curved wall to the front façade, though it has the typical convex curved bay as compared to unusual concave curve to the entire front façade of Sheridan Close.



Figure 60. Deansgate, another post-war Georgian Revival flats building. (SYHR, vol. 4, p. 318)

270. Within South Yarra (that part that is in the City of Melbourne), I consider the flats at 14-20 Tivoli Place to be another useful comparison. These oatmeal brick flats were constructed in 1957 in a stripped Georgian Revival style, expressed in a pedimented entrance portico, multipaned windows, an elongated octagonal stairwell window, and toothed brick cornice below the eaves.



Figure 61. Flats at 14-20 Tivoli Place, South Yarra. Contributory in HO6. (N Schmeder, 2023)

271. While attractive and externally intact (also retaining a stacked-stone front fence), the Tivoli Place building has massing and details that are far less accomplished than Sheridan Place. It is a good example of a Contributory building of this type, and in comparison, it highlights the superiority of Sheridan Close and the reason that it is Significant to the City of Melbourne.

Criterion A – historical significance

272. Sub. 24: *The reliance on Criterion A – historical significance is questioned. Whilst Sheridan Close might be of general interest associated with the development of flats in Melbourne throughout the course of the 20th century, it is not at a sufficient level of interest to warrant individual listing under proposed HO1413.*

273. As noted in the place history, Sheridan Close was a key example of the Own Your Own flat phenomenon, being both an early example and the largest. As such, in my professional opinion, its recognition as historically significant is appropriate.

Criteria D & G – representative and social significance

274. Sub. 24: *The exhibited statement of significance is silent as to what is significant in respect to Criterion D and how the building is important in demonstrating ‘representativeness’.*

275. I agree that, while Criterion D and representativeness are noted in the “How” section of the statement of significance and the Assessment against Criteria table, there is no explanation in “Why”. Instead, there is a detailed evaluation of Sheridan Close’s physical form and design in relation to its aesthetic significance in relation to Criterion E. As I understand it, GML Heritage have confirmed that mention of Criterion D is an error. In my professional opinion, for such an unusual and sophisticated building as this one, Criterion E is more appropriate to express the significance of its architecture.

276. Sub. 16: *the proposed Statement of Significance overstates the heritage value of “Sheridan Close”, including but not limited to the social value of the site.*

277. There is no indication in the place citation or statement of significance that social significance (Criterion G) has been attributed to Sheridan Close. It has been recommended for the Heritage Overlay for other reasons.

Criterion E – aesthetic significance of building

278. Sub. 16: *the south, east and north wings, courtyard and surrounding setting do not display physical or social heritage value ...*

279. Sub. 24: *The heritage assessment concludes that the existing building satisfies Criterion E in respect to aesthetic significance. In doing so, the assessment focuses and relies heavily on the qualities of the front façade of the building as it presents to St Kilda Road. The existing curved front façade might be regarded as presenting in a pleasant manner to St Kilda Road and as having some architectural interest. The balance of the building, comprising the north, south and east wings, has limited aesthetic quality, is largely functional in form and ‘barrack like’ in presentation. The overall level of aesthetic quality does not support individual heritage listing under Criterion E.*

280. Submitter 24 seems to suggest that it is not sufficient for a building to have a notable front façade to be of aesthetic significance at the local level, suggesting that that “functional” side and rear elevations somehow diminish its significance. There are many, many buildings recognised as aesthetically significant for their front facades. This may be because they were designed with only one representative façade, as was common for many Victorian-era buildings, or it may be due to a tight building allotment where the side (and rear) elevations are hidden and thus left quite utilitarian.
281. This, however, is decidedly not the case for Sheridan Close. While the side elevations lack the traditional Georgian style of the front façade, they are a fine example of Modernist planning that prioritises amenity (sunlight access and privacy) over applied decoration but does so in an elegant manner.
282. In comparison, flats of 1959-60 at 16 Clive Street, Brighton East, were recently added to the Bayside Heritage Overlay (HO842), largely because of the “serrated” plan of the side elevation, similar to those of Sheridan Close. The complex at 16 Clive Street is a far more modest building, in its scale, its front façade, and origins (with no known architect). The statement of significance identifies the stepped or angled side elevation as being of particular note:

*The flats at 16 Clive Street, Brighton East are of aesthetic significance as a well-resolved and carefully detailed example of a small flat complex constructed in the Modernist style. The building is characterised by its **distinctive repetitive angled east elevation**, its decorative balustrading, its integrated landscape setting and its refined detailing. 16 Clive Street, Brighton East demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E) (GJM Heritage, ‘City of Bayside Post-War Modern Residential Heritage Study’, 2021, page 1231)*

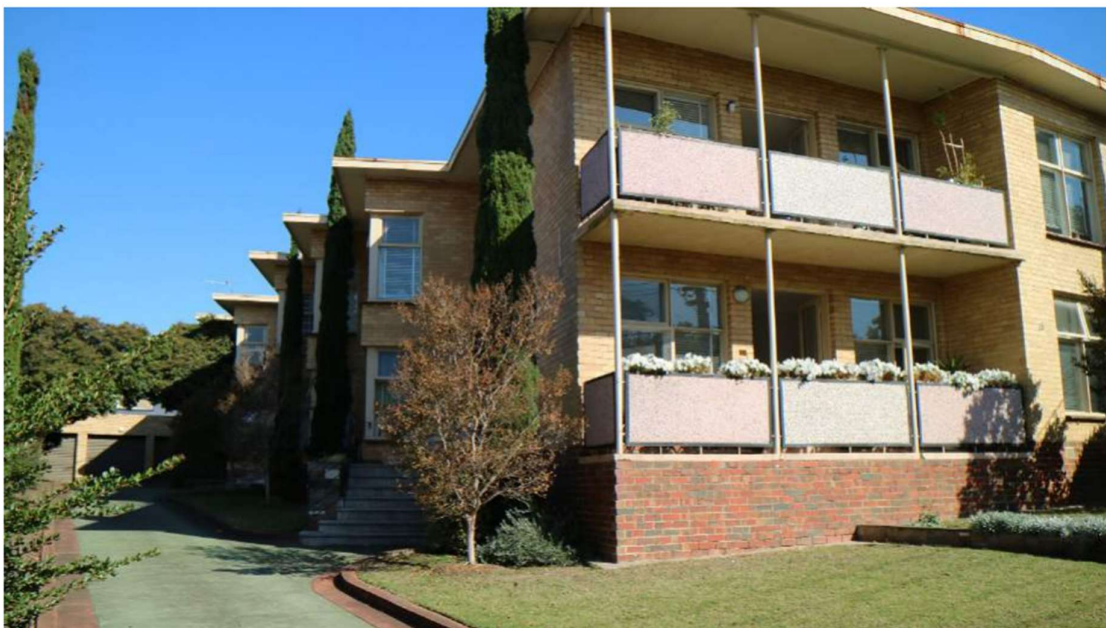


Figure 62. Flats at 16 Clive Street, Brighton East (HO842). (GJM Heritage, 2021)

283. Nor is the rear elevation of Sheridan Close a typical utilitarian, back-of-house side. While simpler than the front façade, it acknowledges its position overlooking Fawkner Park with a continuation of the oatmeal brickwork, and large, steel-framed windows used on the side elevations, including corner windows which had been expressive of modern construction techniques since the late 1930s. In conclusion, this is a building that has been designed “in the round” with due consideration for the appearance of all four elevations.



Figure 63. Rear (east elevation) of Sheridan Close viewed from south-east in Fawkner Park. (N Schmeder, 2023)

284. In my expert opinion, the citation provides a high level of detail supporting the significance of the entire place. The assessment of aesthetic significance focuses both on the curved front façade, but also on its courtyard, and the north and south windows with their serrated footprint and elevation on pillars/pilotis.

Criterion E – aesthetic significance of courtyard

285. Sub. 16: *the proposed Statement of Significance overstates the heritage value of “Sheridan Close”, including but not limited to ... the landscaped setting.*

286. Sub. 24: *The heritage assessment is questioned in respect to its appraisal of the large internal courtyard and associated ‘garden setting’. The assessment describes this space as purposely reflecting the planning model of European piazzas. This is a tenuous analogy which should not be relied upon to justify proposed HO1413, noting that this internal space functions for the most part as a driveway associated with the undercroft car parking.*

287. The place citation has documented in detail the retention of many original elements of hard and soft landscaping in the central courtyard. As shown in the photos of the

place citation, while there is a driveway and parking around the perimeter of the courtyard, the majority of this area is occupied by an oval garden in the centre, defined by volcanic rock edging so typical of the interwar and post-war periods, and featuring lawn, benches and lamp standards.

288. As part of the original design, in my expert opinion, this clearly contributes to the significance of the place as a whole and should be recognised as such, whether or not it was intended to evoke a European piazza. In my professional experience, trees and other garden elements are most frequently recognised for their aesthetic value, so it is appropriate to note them under Criterion E.

Criterion H – associative significance

289. Sub. 24: *The heritage assessment is also questioned in respect to its appraisal of Criterion H, and its associative significance. Again, whilst the association with Bernard & Associates might be of some interest, it is not at a sufficient level of significance to warrant individual listing under proposed HO1413.*

290. Sub. 16: *the proposed Statement of Significance overstates the heritage value of “Sheridan Close”, including... the building (as a whole) being an exemplar architectural piece of Bernard Evans.*

291. In my expert opinion, the comparative analysis provided in the place citation of Bernard Evans’s work in the OYO flats field demonstrates that Sheridan Court was one of his most accomplished designs, warranting recognition under Criterion H. As noted in the citation:

The introduction of the large blocks of strata-titled flats typology to Melbourne (preceding the strata-titled legislation that developed in the late 1960s) is largely attributed to Evans. (page 309)

[Greyfriars, St Kilda] A complex of forty-three flats in two-and three-storey hip-roofed cream brick blocks around a central garden area. The building was erected in 1949–51 as Melbourne’s first flats conceived on a co-operative system for the OYO market, they were designed by entrepreneurial architect Bernard Evans, who was also a director of the company that built them. (page 318)

Sheridan Close is historically significant as an early example of an Own-Your-Own (OYO) flat complex in Melbourne, a forerunner to strata-title legislation which was introduced in 1967. It pioneered a new typology of luxury, purpose-built, high-density living. It was the largest block of OYO flats built in Melbourne when it was completed in 1953. (page 326)

292. As noted in the text above, Evans was a pioneer in the OYO flats innovation, and was the designer of some of the largest and most important examples of this type. As Bernard Evans was demonstrably a very influential person who had an important impact on the built-form (and ownership form) of the Melbourne metropolitan area, and Sheridan Close is a key exemplar of his influential work, in my expert opinion it meets the threshold of local significance under Criterion H.

Extent of HO polygon

293. Sub. 16: *if there is to be heritage protection applied to Sheridan Close, it is submitted that the extent of the proposed heritage overlay should be reduced to protecting the western [front] wing of the building only.*

294. As I have discussed above, Sheridan Close was defined in the round, with a distinctive convex front façade in a stripped Georgian Revival style, side and rear elevations illustrating Modernist design innovations and planning, as well as a landscaped courtyard (with Moderne stair tower) in the centre. All four elevations are well visible from the public domain. In my expert opinion, the citation has demonstrated that the entire building and its courtyard landscaping are of local heritage significance, and thus should be protected as a whole.

295. Even in the case of heritage places where there is only one representative façade facing the street, in my professional experience, it is standard practice to apply the Heritage Overlay polygon to the entire cadastral block for city and suburban allotments. This is in accordance with the guidance of VPP PN01 ‘Applying the Heritage Overlay’ (2018), which states:

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).

296. For the reasons above – the existence of significant elements across the entire cadastral block and the standard practice to include such cadastral blocks in the HO – in my expert opinion, Sheridan Close should be included as a whole in the Heritage Overlay, along with its entire block of land.

Definition of contributory elements

297. Sub. 24: *the exhibited Statement of Significance for Sheridan Close requires review and amendment to ensure that the heritage control is directed only to the built form elements worthy of protection. This is critical to ensure the heritage control does not unreasonably impede redevelopment opportunities. One example is the use of the phrase, ‘Elements that contribute to the significance of the place include (but are not limited to) the...’ It is inappropriate for the Statement of Significance to be ‘open ended’ as to the identified contributory built form elements.*

298. I agree that the list of contributory elements in *What is significant?* is left open-ended (“but not limited to”). I assume this has been done to ensure that important elements not seen by GML Heritage during their assessment are not unwittingly destroyed during future works. This same phrasing has been used in many statements of significance in heritage studies and assessments such as:

- Hoddle Grid Heritage Review (Context & GJM Heritage, 2020)

- Malvern Heritage Review (GJM Heritage, 2021)
- Macedon Ranges Shire Heritage Study: Woodend, Lancefield, Macedon & Mount Macedon Stage 2 Final Report (GJM Heritage and Frontier Heritage, April 2019)
- City of Yarra, Victoria Parade: Heritage Analysis and Recommendations (GJM Heritage, 2020)
- City of Whitehorse, Heritage Citation: 'Minamere', 42-48 Glenburnie Road, Mitcham (Coleman Architects, June 2019)
- City of Kingston, Heritage assessment for 86 Mentone Parade, Mentone (GML Heritage, 2023)

Conclusion and recommendation

299. In conclusion:

- Sheridan Close has been previously identified by a number of authoritative sources as an important building in Melbourne. Its individual significance has been confirmed by the GML Heritage citation, including the comparative analysis that demonstrates its unusual and accomplished design approach.
- Sheridan Close is of historical significance as it is both an early example of the OYO Flats phenomenon and the largest of them at the time.
- Representative significance has not been demonstrated, and should be removed from statement of significance.
- Sheridan Close has been designed in the round, with articulation to all four facades, particularly the curved front façade and the serrated north and south side elevation, and thus the entire building is of aesthetic significance at the local level.
- The retention of the original hard landscaping in the courtyard contributes to the significance of this place.
- As architect Bernard Evans is particularly recognised for his contribution to the development of the OYO Flats typology (and its later strata title incarnation), and Sheridan Close is a key example of this type, the place is of associative significance as well.
- As there is significant physical fabric across the entire cadastral block at 485-489 St Kilda Road, it is appropriate for the entire property to be covered by the Heritage Overlay.

300. On this basis, it is appropriate to add Sheridan Close, at 485-489 St Kilda Road, as an individual place in the Melbourne Heritage Overlay to its entire cadastral boundaries.

301. Some minor corrections should be made to the statement of significance:

- Replace the address 485-~~491~~ St Kilda Road in several locations to 485-~~489~~ St Kilda Road (the address provided in VicPlan).
- Remove the reference to 'representative significance' from the statement of significance (as this is not actually addressed), and untick it in the Assessment against Criteria table (p. 321).

302. No other changes are recommended in response to these submissions.

5. Responses to submissions – not appearing

303. This chapter contains my responses to the heritage issues raised in written submissions for which the submitter or their representative is not appearing at the panel hearing. It does not include a response to supporting submissions that provide no new information.

304. Submissions regarding individual places are presented first (in order by address), then the serial listing, followed by submissions grouped by precinct.

5.1 Sub. 30 – Former Wesleyan Church, 431-439 (aka 435) Punt Road



Figure 64. 431-439 Punt Road. (N Schmeder, 2023)

C426melb statutory recommendations

305. Previous status: 431-439 Punt Road is currently Significant in HO6 South Yarra Precinct.

306. Recommendation from the 'South Yarra Heritage Review', dated August 2022: confirmation that it is Significant, but remove it from HO6 and protect it in a site-specific HO.

307. The statement of significance prepared by GML Heritage is found in Appendix B to this evidence.

Response to submission

308. The only substantive material provided in this submission is a report prepared by Green Heritage, dated 25 June 2021, in relation to Amendment C396melb in which it was proposed that the current A-grade of the church be converted to a modern Significant status.
309. This 2021 report formed part of a submission to Am. C396melb, so the issues it raised were considered by that panel, though its author did not appear at the hearing to be cross examined.
310. Issues that the C396melb planning panel resolved in its report (dated 21 Dec. 2021) in regard to this place are:
- Street address – while 435 Punt Road is in common use, 431-439 Punt Road is also officially recognised.
NB: I confirmed this on 19 Oct 2023, and VicPlan on mapshare.vic.gov.au lists both 431-439 Punt Road and Units 1-6/435 Punt Road for this property.
 - Past property grading – while Green Heritage claims that the church had a C-grade, and should thus be recognised as Contributory (only) to HO6 South Yarra Precinct, the C396melb Panel stated that ‘The former church building has always been graded A’ and ‘The categorisation of the former church as Significant is consistent with the heritage grading conversion methodology’ (page 26).
 - Intactness – the C396melb Panel inspected the church, stating: ‘The Panel considers the building presents externally as an intact form and while the windows may have been replaced, they remain in their historic form’ (page 23).
 - Future assessment – the C396melb panel agreed that it would be useful for the church to be assessed in detail, as the previous assessment dated to 1985 (in the South Yarra Conservation Study by M Gould), and concluded that ‘The South Yarra Heritage Review should confirm the buildings conservation status’ (page 26).
311. In light of the findings of this C396melb Panel, I will not address the address or previous grading issues, and will touch only briefly on the issue of intactness – the church and its setting. I also note that the panel’s recommendation that a full assessment be carried out for the church was done as part of the SYHR and it confirmed the individually Significant status of the place.

Comparative analysis

312. *[Green Heritage:] It is one of eighteen extant T. J. Crouch designed churches in metropolitan Melbourne and is therefore not a rare example of his work.*
313. First of all, this place has been assessed as having local significance, that is, in relation to South Yarra and the City of Melbourne. To meet the threshold of local significance it does not have to be the only one of its kind in metropolitan Melbourne.
314. Secondly, while there may be “many” churches designed by TJ Crouch in metropolitan Melbourne and Victoria as a whole, there is a limited number of mid Victorian churches (those constructed by 1870), and this is one of them. Furthermore, TJ Crouch was considered a very influential designer, so much so that Miles Lewis, in the book *Victorian Churches*, calls one common style “Crouchian” (1991, page 30). As

buildings by a noted designer of churches, and some of the relatively small number of mid Victorian churches to survive in the State, I consider it entirely appropriate for all of the largely intact examples of Crouch's churches to have statutory protection.

315. Finally, the comparative analysis carried out by GML Heritage in their assessment clearly demonstrates that the former Wesleyan Church is comparable to many other pre-1870 Gothic churches, by a number of architects, that are currently recognised as individually Significant. In my expert opinion, this confirms that the former Church is of individual significance and warrants protection as such in the Heritage Overlay.

Intactness of church complex

316. *With the loss of much of the original reserve and subsidiary buildings, the church has lost its spatial context as the key component of an extensive religious complex.*
317. *The church is visually dominated by modern apartment buildings north and south, in and of itself detracts from a significant grading when the building is viewed as a component of the wider South Yarra Precinct.*
318. Historic images show the church along on the Punt Road frontage, with the associated buildings set to its rear. While they were important for historical reasons, there is no indication they were an aesthetic part of the complex.
319. While I agree that the place as a whole would have a richer and perhaps greater level of significance had it retained its subsidiary buildings, there are many examples of church buildings surviving on their own that are still recognised as individually significant. There are a number of such examples in GML Heritage's comparative analysis.
320. In their assessment, GML Heritage have recognised the change in setting to the former church, with the construction of modern apartment buildings around it, visually separating it from the rest of the precinct (that part that will become the Pasley Street and Park Place Precinct).
321. As a place that has been assessed to be of individual significance, however, this significance is embodied in the place itself and not reliant on its surroundings. In my professional experience, this principle has long been accepted in heritage practice and by planning panels.

Change of use and intactness

322. *The change of use from church to flats and nature of the remodelling would challenge the threshold required for achieving individual significance.*
323. *While facilitating the adaptive re-use of the building, the degree to which these works have impacted the fabric and appearance of the church strongly position the building in a contributory context within a precinct, rather than as individually significant.*
324. *Had the church survived within its original religious complex context in a mostly unaltered state with continuity of use, it would potentially meet the threshold for inclusion on the Victorian Heritage Register. Had it survived unaltered without change of*

use but within an evolved complex with new and altered buildings, it would warrant an individual Heritage Overlay. Had it survived in an altered [state] without change of use, but divorced from its parent complex, it would certainly be considered an individually significant building within HO6. ... When viewed as a component of the South Yarra Precinct, there is a more compelling argument for contributory status rather than significant.

325. I have viewed the 1994 plans to convert the church into residences, and viewed it from the footpath. In my expert opinion, this was a sympathetic conversion, intended to preserve the heritage significance of the church, as change has taken place hidden from public view, at the rear, inside, and with minor changes to the side elevations.

326. While the conversion of the church from its community function to private residences had an impact on its social significance, the light-touch physical conversion has not undermined its architectural (representative) and historical significance at the local level. As a place only needs to meet one Hercon criterion at the local level to warranted inclusion in the Heritage Overlay, the site-specific HO is still appropriate.

Recommendations

327. No changes are recommended in response to this submission.

5.2 Sub. 36 – Presbyterian Church complex, 603-627 Punt Road



Figure 65. Presbyterian Church. (N Schmeder, 2023)

C426melb statutory recommendations

328. Previous status: 431-439 Punt Road is currently Significant in HO6 South Yarra Precinct.

329. Recommendation from the 'South Yarra Heritage Review', dated August 2022: confirmation that it is Significant, but remove it from HO6 and protect it in a site-specific HO.
330. The statement of significance prepared by GML Heritage is found in Appendix B to this evidence.

Response to submission

Recent fire damage

331. *... the Statement of Significance should be updated to accurately reflect the damage the current state of the above-mentioned buildings and the new reality of the site. In particular, it should recognise the fact the roof [of the Sunday School and Vestry] has been destroyed.*
332. I viewed the fire-affected wings at the rear of the church building, viewing from the west (in Fawkner Park) and on the church site (though at a distance, due to a security fence). I confirmed that the 1874 Vestry and the 1884 Sunday School to rear of the church are burnt out, and have entirely lost their roofs (including slates and timber fretwork to the Sunday School). As the walls and chimneys survive, and have been temporarily propped, it appears that reconstruction is possible.
333. I agree that this event and the damage should be reflected in the citation and statement of significance for this place, describing what was lost, and noting 'high integrity, apart from the fire damage'.



Figure 66. Sunday School wing at the rear of the site, looking south-east, showing loss of roof due to fire. (N Schmeder, 2023)

Relative significance of parts of complex

334. ... the relative significance of each of the individual buildings on the site requires further clarification in the heritage citation. For example, the c1925 caretaker's cottage was not only constructed many decades later than the more substantial buildings on the site, but has also been subjected to a greater degree of change. While the current Statement of Significance does note that the rear addition to this building is not significant, the implications of these alterations and additions are not assessed. We are of the opinion that a contributory grading for this building would more accurately reflect its importance to the site which is principally of significance for its Victorian buildings.

335. The 1925 Caretaker's Cottage is recorded in the citation as highly intact (externally), apart from a 1992 addition along its entire rear wall (described as 'The rear addition is concealed behind the main roof form and does not impact the legibility of the building.'). The statement of significance provides more detail: 'More recent alterations and additions, including rear extension to the caretaker's cottage from 1992 and refurbishment from 1992 and 1993, are not significant.' The 1992 and 1993 "refurbishments" are not described; and may be internal. This seems to conflict with discussion in Integrity which states 'The original portion of the 1925 caretaker's cottage ... is also highly intact. The rear addition is concealed behind the main roof form and does not impact the legibility of the building.'

336. In visiting the site, the front façade of the Caretaker's Cottage appeared to be highly intact, retaining its unpainted render finish, pointed windows, porch detailing, and even its original concrete roof tiles. Its design is contextual in relation to the 19th-century bluestone church. It is also clearly an integral part of the overall Presbyterian Church complex, with both historical and architectural ties to it.



Figure 67. Front façade of the Caretaker's Cottage. (N Schmeder, 2023)



Figure 68. Rear addition of 1992 to the rear of the Caretaker's Cottage. (N Schmeder, 2023)

337. In considering whether it would be appropriate to specify sub-categories for the specific buildings on this site, I looked for recent panel decisions on this topic in relation to places in the City of Melbourne.
338. The recent North Melbourne Heritage Review (Lovell Chen, 2022) included additional on-site visits to “complex” sites (i.e. those with multiple buildings, not all visible from the street). One of these was St Aloysius College, in which Lovell Chen categorised key buildings as Significant, but a later school building as Contributory. While the C403melb Panel did not agree that this school building was Contributory (and thought it Non-contributory), they did state (page 50): ‘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 categorization of building on a site and assists in understanding the heritage values of the place.’
339. As there is a Planning Panels-supported precedent to individually categorise elements in a complex site as part of the City of Melbourne’s heritage reviews, I consider it acceptable to do so in this case as well. In my professional experience, it is good practice to provide a more ‘nuanced categorisation’ of the elements of large, complex places, particularly in cases where a number of the elements (e.g. buildings) are Non-contributory. This approach assists in the future management of the place, and gives the owner clarity for future planning. I do not consider the categorisation of such elements as crucial for sites like the South Yarra Presbyterian Church, where all elements contribute to the significance of the place as a whole. Saying that, I consider such a process as comparable to the fine-grained assessment that takes place as part of

conservation management plan when this detailed understanding can help guide the preservation of all heritage values of the place.

340. Considering historical significance of the complex, I agree that its significance is largely related to its 19th-century foundation and built form. The design of the Caretaker's Cottage acknowledges this primacy, in mirroring the colours and forms of the bluestone church.
341. While the Caretaker's Cottage seems to be highly intact (apart from the rear elevation), and its design clearly relates to the Gothic Revival character of the complex, if it stood alone in a heritage precinct, in my expert opinion, its architectural quality would likely to warrant a Contributory categorisation.
342. On this basis, I conclude that the Caretaker's Cottage contributes to the historical and representative significance of the complex, but it is not Significant in an of itself.

Recommendations

343. Revise citation and statement of significance to reflect loss of roofs of the 1874 Vestry and 1884 Sunday School.
344. Define the Caretaker's Cottage as a Contributory element of this places, while the Church, Vestry, Sunday School and Manse are Significant.

5.3 Subs. 6 & 10 – Chevron Hotel, 519-539 St Kilda Road



Figure 69. 519-539 St Kilda Road, Commercial Road frontage. (N Schmeder, 2023)

C426melb statutory recommendations

345. Previous status: 519-539 St Kilda Road was not included in the Melbourne HO.
346. Recommendation from the 'South Yarra Heritage Review', dated August 2022: it is Significant and should be added as a site-specific HO.
347. The statement of significance prepared by GML Heritage is found in Appendix B to this evidence.

Response to submissions

HO polygon extent

348. Sub. 6: *...the current proposal also includes buildings that have been built only in the past decade or two. This includes, for example, the new apartment towers at the rear of The Chevron (539 St Kilda Road) and 555 St Kilda Road. I believe these residential buildings should be excluded from the proposed planning amendment as they are not in keeping with the logic of the heritage overlay changes and would otherwise cause unwanted and unneeded planning issues ...*
349. Sub. 10: *[Amendment C426melb] proposes a new Heritage Overlay (HO1414) to include the part of the former Chevron Hotel at 519–539 St Kilda Road which was built in the 1930's. However, the map showing the overlay area is not confined to the former Chevron Hotel building, but also includes the two much newer Chevron towers built in 2006. I would imagine the new towers have been included by mistake, and would like to request that they be excluded from the proposed Heritage Overlay.*
350. The exhibited HO Map 11 and VicPlan show the new HO1414 polygon as covering the northern triangle of this large allotment, almost completely excluding the modern towers to its south.
351. There is, however, a small part of the three-storey podium of the eastern tower, which is captured within the HO polygon. This area is shaded in green on the aerial, below.

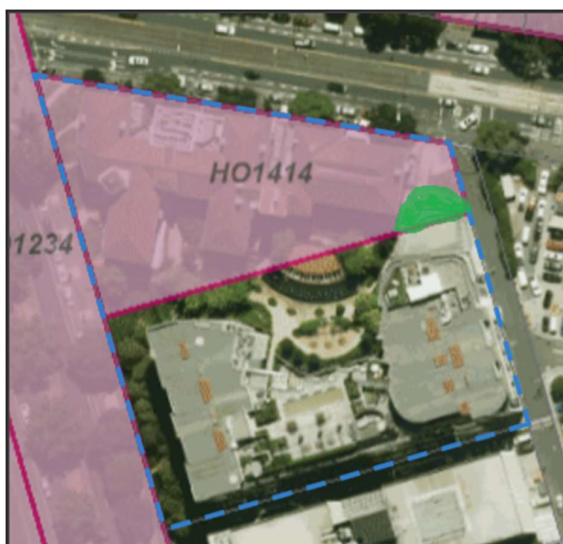


Figure 70. Aerial photograph of 519-539 St Kilda Road, showing the extent of HO1414, with green shading to indicate inclusion of modern building podium in the HO. (VicPlan, 19 Oct 2023)

352. Having visited the site, and viewed the Chevron Hotel from all sides, I support the HO polygon as proposed, because it allows assessment of future planning permits to consider heritage impacts of new development on the east side of the former Hotel. If such future development were to (further) obscure views to this side of the former Hotel, it may have a negative impact on the appreciation of its built form.



Figure 71. View of the Chevron Hotel from the east. Note the three-storey tower podium to the left, which is partially included in the HO polygon. (N Schmeder, 2023)

353. In summary, the HO polygon only includes the minimum of the tower development to the south to ensure that all principal views of the Chevron Hotel can be protected.

Recommendations

354. No changes are recommended in response to this submission.

5.4 Sub. 3 – St Martins Youth Arts Centre Complex serial listing



Figure 72. 1956 (left) and 1982 (right) wings of the theatre building. (N Schmeder, 2023)

C426melb statutory recommendations

355. Previous status: all properties are in HO6 South Yarra Precinct. Their current heritage categories are listed below:

- 24–32 St Martins Lane – ungraded (Non-contributory)
- 40–46 St Martins Lane – ungraded (Non-contributory)
- 20–36 St Martins Place – ungraded (Non-contributory)
- 120–122 Millswyn Street – Contributory

356. Recommendation from the ‘South Yarra Heritage Review’, dated August 2022: remove these properties from HO6 and protect them as a serial listing HO.

357. The statement of significance prepared by GML Heritage is found in Appendix B to this evidence.

Response to submission

Future works and DDA requirements

358. *St Martins and Creative Victoria are concerned about the proposed application of a specific heritage overlay to the St Martins complex and potential negative outcomes of the controls on the viability of the current theatre operations.*

359. *... the heritage controls are likely to significantly constrain alterations and upgrades required to meet several Disability Discrimination Act (DDA) and Building Code Australia (BCA) compliance requirements, which have been identified as non-compliant in the theatre building at 40-46 St Martins Lane.*

360. *Creative Victoria and St Martins are working to address critical DDA and BCA issues; however, without redevelopment, the theatre and the wider complex is unlikely to be able to be fully operational. ...*
361. *St Martins and Creative Victoria are open to working with Council to explore whether changes can be made to the Amendment to strike a balance between recognition of the heritage values of the site to the City and community and the flexibility required, particularly for the 40-46 St Martins Lane theatre building, for future works that will support the operational viability of St Martins Youth Arts Theatre into the future.*
362. No questions related to the heritage value of the theatre or wider complex have been raised by this submission.
363. It is worth noting, however, that the significance of the theatre building is embodied in part in its use, so good heritage practice would support necessary upgrades so that this use could be continued into the future.

Recommendations

364. No statutory changes are recommended in response to this submission.

5.5 Pasley Street & Park Place Precinct

365. The next three submissions are in relation to properties in the Pasley Street & Park Place Precinct. The statement of significance prepared by GML Heritage is found in Appendix B to this evidence.

5.6 Sub. 12 – 15-17 Pasley Street (Pasley St & Park Pl Precinct)



Figure 73. 15-17 Pasley Street. (N Schmeder, 2023)



Figure 74. Detail of front façade. (N Schmeder, 2023)

C426melb statutory recommendations

366. Previous status: 15-17 Pasley Street South is ungraded (Non-contributory) in HO6 South Yarra Precinct.
367. Recommendation from the 'South Yarra Heritage Review', dated August 2022: remove it from HO6, and include it as Contributory in the new Pasley Street & Park Place Precinct.

Response to submission

Intactness

368. *[The Amendment] seeks to regrade the dwelling which currently exists on the Subject Land, in a heritage context, as contributory whereas previously it had a non-contributory grading.*
369. *The building on the Subject Land, despite being in a state of dis-repair, has been extensively altered post-1961 and accordingly, cannot be regarded as being significant. ... The building on the Subject Land was once part of a larger block of four buildings, each constructed in 1928, with the other three having been replaced by modern, two storey residential developments.*
370. The original elevation plan of the house at 15-17 Pasley Street was provided in the submission: